

**The Royal Commission of Vivisection / evidence by the Honble. Stephen Coleridge.**

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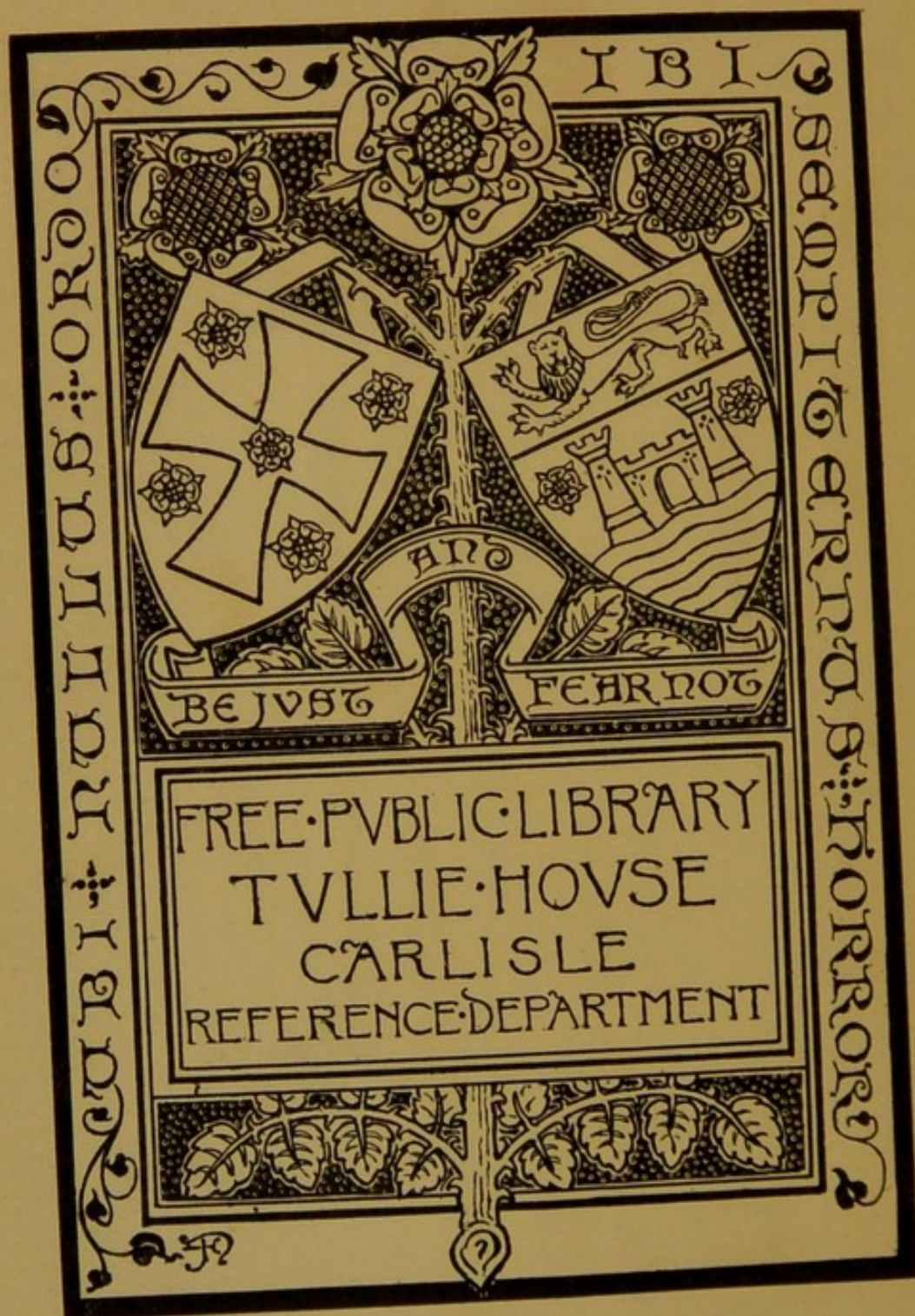


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**THE  
ROYAL COMMISSION  
ON VIVISECTION**

Evidence by the  
**HON<sup>BLE.</sup> STEPHEN COLERIDGE**



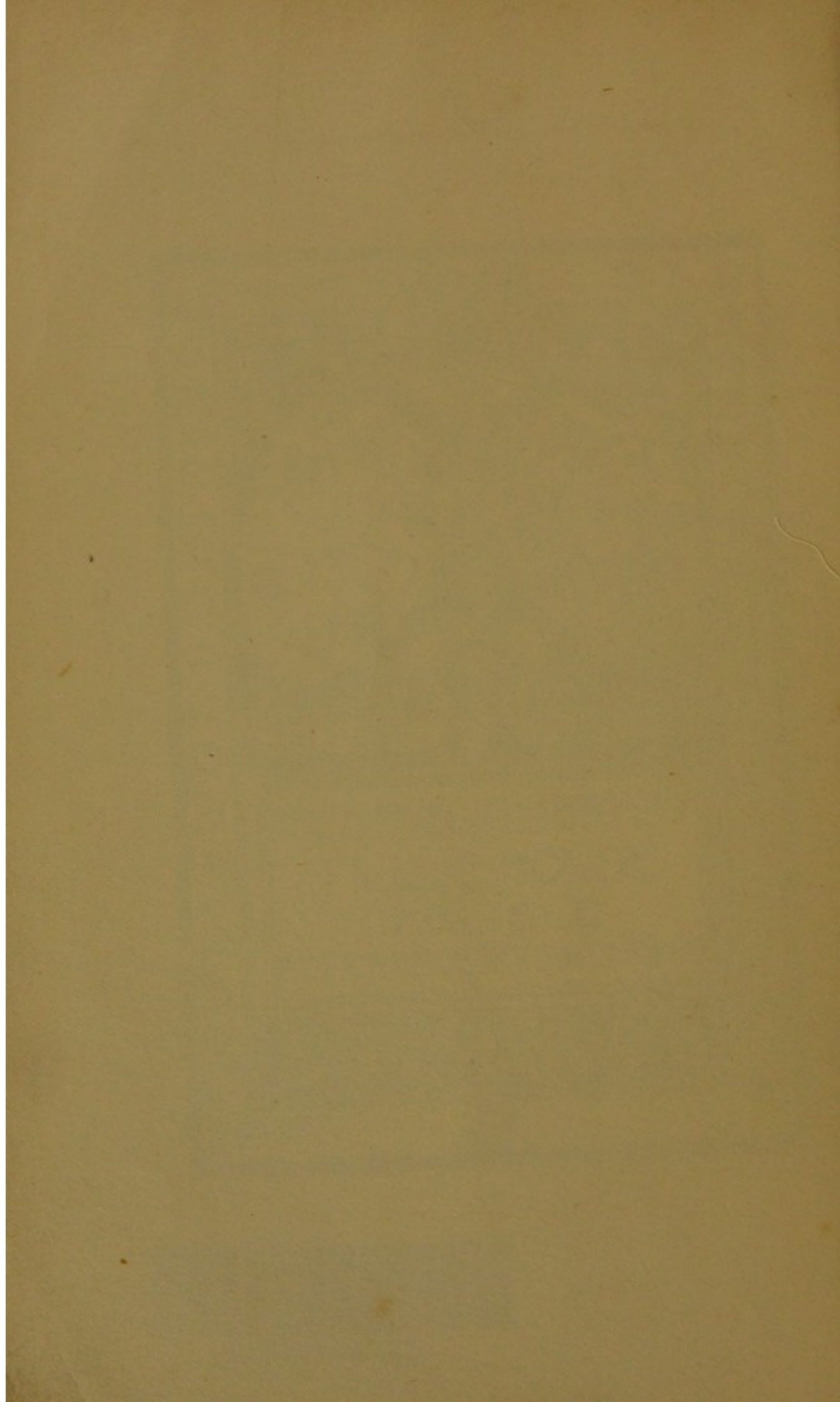


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EVIDENCE BY  
THE HONBLE. STEPHEN COLERIDGE



LONDON  
THE NATIONAL ANTI-VIVISECTION SOCIETY

1907





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# MINUTES OF EVIDENCE TAKEN BEFORE THE ROYAL COM- MISSION ON VIVISECTION

TWENTY-THIRD DAY.

*Wednesday, 19th June, 1907.*

PRESENT:

The Right Hon. The Viscount SELBY (*Chairman*).

Colonel the Right Hon. A. M.  
LOCKWOOD, C.V.O., M.P.

Sir W. S. CHURCH, Bart., K.C.B.,  
M.D.

Sir W. J. COLLINS, M.P., M.D.,  
F.R.C.S.

Sir J. McFADYEAN, M.B.

Sir M. D. CHALMERS, K.C.B., C.S.I.

Mr. A. J. RAM, K.C.

Mr. W. H. GASKELL, M.D., F.R.S.

Mr. J. TOMKINSON, M.P.

Mr. G. WILSON, LL.D., M.D.

Captain C. BIGHAM, C.M.G. (*Secretary*).

The Hon. STEPHEN COLERIDGE, called in ; and  
Examined.

10251. (*Chairman*.) You are Secretary of the  
National Anti-Vivisection Society, I believe?—

No ; I am Honorary Secretary ; Mr. Stewart  
is the Secretary.

10252. How long have you held that position?—

I have been Honorary Secretary for ten years—  
since 1897.

10253. You have been good enough to send us  
a short note of the subjects on which you desire



to give evidence. There is only one point that I wish to call your attention to—that is, your reference to the ethical question. I only want to say as regards that that we have had a great deal of evidence upon that question, to which we attach due importance, I hope, and that we have become pretty well possessed of the opinions and views which are held upon it. We are anxious to have the views of your Society upon it, too ; but I hope that in consideration of the great amount of evidence we have heard, you will put that part of your case as briefly as possible ?—

I have prepared a very short statement, which I think I might as well read, because it will at any rate, afford the Commissioners material for cross-examining me upon it.

10254. Let me ask you first about your Society, so as to have it on the notes. When was it founded ?—

About 1875 or 1876 ; just before the passing of the Act.

10255. And it is a very large Society ?—

Yes, by far the largest in the world.

10256. I daresay you can tell us how many members there are ?—

I have got the figures here. To illustrate its increasing importance, I give the income for each five years since 1887 : £8,651 for the first five years ; £15,712 for the next ; £26,352 for the next ; and £36,097 for the last five years, showing a large increase.

Mr. Coleridge subsequently wrote to say that this sum included the " Coleridge Defence Fund."



10257. Does membership involve a subscription?—

Yes. We have a great number of honorary members, whom we have elected, and a very large number of our branches have very large numbers of members each; but some only subscribe a shilling, and such small subscriptions so that it is impossible for us to ascertain the names of everybody.—

10258. You have not a fixed subscription?—

Yes, for headquarters—10s.

10259. And I may take it, I suppose, that while the evidence is your evidence, it will represent generally the opinions of your society?—

Yes; whenever I wish to dissociate myself in any way and give a personal note to my evidence, I should say that I was not in agreement. But generally, I am in agreement with my society.

10260. I think now you had better give us your statement, and you will allow me, if I think you are getting off that line at all, to interrupt you?—

Yes. I assume that it is not exactly like a court of justice. I have put down, so that there should be no question about the claim of my society really to represent the anti-vivisectionists, the force and strength of the other societies, and, without desiring in any way to set up an odious comparison, I think it is proper that I should say that the income of the London Anti-Vivisection Society, which is next in importance to the



National, amounts to about a quarter, and that the income of the British Union amounts to about one-eighth of that of my society.

There is the Manchester Society for the Protection of Animals from Vivisection, with an office at 9, Albert Square, Manchester, and an annual income from donations and subscriptions of £205 3s. 8d.

There is the Parliamentary Association for the Abolition of Vivisection, with an office at Parliament Mansions, Victoria Street, London, and an annual income from donations and subscriptions of £174 9s. 6d. I think you have had four witnesses from that society.

There is the Bristol and West of England Anti-Vivisection Society, with an office at Bank Chambers, Clifton, Bristol, with an annual income from donations and subscriptions of £164 10s. 9d.

There is the Friends' Anti-Vivisection Association, with no official address, and an annual income of £118 5s. 5d.

There is an Electoral Anti-Vivisection League, with an address at 92, Ladbroke Grove, W., and an income of £83 6s. 4d.

There is the Society for the Abolition of Vivisection, founded by the late Mr. Jesse, who left it some money on condition that it never associated itself with any other Anti-Vivisection Society. This exclusive association has an income from donations and subscriptions of £60 9s. 6d. a year. It also enjoys the interest from Mr.



Jesse's bequest. I have ascertained that there are 79 members of that society.

Then there is the Scottish Society for the Suppression of Vivisection. I have asked for their last year's report, but up to date I have not received it. That is another very old Association, but the membership is not nearly so large as is the membership of the Scottish branch of my own society.

There is a World's League of Opponents of Vivisection, which addressed its letters from 32, Sackville Street, which, according to the published report, has 63 members, with a total yearly, subscriptions and donations, of £56 os. 1*d.*

There is a Church Anti-Vivisection League, with no official address in its yearly report, and an income of £54 4*s.*

There is the Bolton Anti-Vivisection Society, with no official address, and an annual income from donations and subscriptions of £39 1*s.*

There is a Society for United Prayer for the Prevention of Cruelty to Animals, especially with regard to the practice of vivisection; it appears to have no office; its income is £33 16*s.* 11*d.*

There is the Pioneer Anti-Vivisection Society, with no official address, and an annual income of £6 17*s.* 6*d.*

This exhausts the Anti-Vivisection Associations as far as I am aware, and I think leaves no doubt of the justice of the claim of my Society to represent the cause of anti-vivisection in this

The Secretary of the Church Anti-Vivisection League subsequently wrote saying that the League had an official address and an income of £60 15*s.* 2*d.*

The Secretary of the Society for United Prayer for the Prevention of Cruelty to Animals subsequently wrote to say that the Society had an official address and an income of £89 os. 8½*d.*



country. I cannot give you the exact membership of our own Society. The Birmingham Branch is very large, but they subscribe, some of them, only a penny or twopence, or sixpence.

The first striking achievement of my Society, with which I had the honour to be associated, was the prevention of a public meeting held at the Mansion House in 1889, the object of which was to start a fund to erect a Pasteur Institute in England. We prevented that public meeting taking place, and the result was that no Pasteur Institute was set up. England to-day is, I believe, one of the few European countries of importance that is spared a Pasteur Institute, and in England there is no rabies.

Another remarkable achievement of my Society has been the long agitation against the diversion of Hospital Funds in London to Medical Schools, which are places registered for vivisection under the Act of 1876. We conducted that agitation with such persistence that King Edward's Hospital Fund were at last obliged to appoint a Committee, composed of Sir Edward Fry, the Bishop of Stepney, and Lord Welby, to inquire into the charges we had publicly formulated. That Committee, after hearing evidence from all parties, made a report which confirmed the statements we had published. It was stated that where money was paid over to schools out of hospital funds, the schools remained "debtors to the hospitals in respect of these pecuniary contributions made to them,"



and recommended that in future the funds of hospitals and schools should be kept entirely distinct.

10261. That is the particular statement that they confirm?—

Yes, that is so. In spite of this remarkable report, however, no school has repaid a penny of the money diverted to it from the hospital; and in some cases the deliberate diversions of money subscribed for the sick poor to schools registered for vivisection continues, with the knowledge of and without any effective protest from King Edward's Hospital Fund, which thereby contemptuously disregards the recommendations of the distinguished Committee appointed by itself.

I present to this Commission a publication, for which I take the entire responsibility, briefly called my *Guide to the Charitable*, which sets out the financial diversions of hospitals to schools up to the present date (that is for purposes of cross-examination).

In the last few years we have conducted public controversies in the *Fortnightly*, *National*, and *Contemporary* Reviews, and many other periodicals; we have held mass meetings in the largest halls in London; we have founded thriving and earnest branches all over the three Kingdoms. We have conducted a Parliamentary campaign in favour of the Bill I have drafted, and have kept the question of vivisection so prominently before the public that it has been found necessary to appoint this Royal Commission to inquire into it.



We claim to represent the consensus of opinion of almost all the greatest names that have adorned the history of England in the field of thought. In *Cymbeline* the Queen suggests to Cornelius, her doctor, a process of investigation similar to the modern inoculator's experiments under Certificate A. He says :—

“I will try the forces  
Of these thy compounds on such creatures as  
We count not worth the hanging (but none human).  
To try the vigour of them, and apply  
Allayments to their act; and by them gather  
Their several virtues and effects.”

Upon which Cornelius, in a spirit far different from the modern vivisector, replies :—

“Your Highness  
Shall from this practice but make hard your heart:  
Besides, the seeing these effects will be  
Both noisome and infectious.”

From which passage we may claim the greatest name in England and the world for our cause. And it may be interesting to the Commissioners to know that my attention was first called to this striking passage by my late friend, Sir Henry Irving, himself an ardent anti-vivisectionist.

Andrew Marvel, in a striking passage, says :—

“Heaven's King  
Keeps register of everything,  
And nothing may we use in vain;  
E'en beasts must be in justice slain.”

Dr. Johnson dismissed the vivisector with one



crushing sentence :—" What is alleged in defence of these hateful practices everyone knows, but the truth is that by knives, fire, and poisons, knowledge is not always sought, and is very seldom attained. I know not that by living dissections any discovery has been made by which a single malady is more easily cured. And if the knowledge of physiology has been somewhat increased, he surely buys knowledge dear who learns the use of the lacteals at the expense of his own humanity. It is time that a universal resentment should arise against those horrid operations, which tend to harden the heart and make the physician more dreadful than the gout or the stone."

10262. Where is that from ?—

I can find it you ; it is a fine passage, I think. And the cause of anti-vivisection counts, and has counted, among its supporters, living and dead, Cardinal Manning, Lord Tennyson, Robert Browning, John Ruskin, Thomas Carlyle, James Anthony Froude, Freeman, the historian, the great Lord Shaftesbury, who was the first president of the society, and filled that office till he died, George Meredith, member of the Order of Merit, General Booth, the Lord Chancellor, Mr. John Morley, member of the Order of Merit, Cardinal Gibbons, James Martineau, Spurgeon, Lord Brampton, Wagner, Leslie Stephen, Sir Edwin Arnold, Mark Twain, Tolstoy, Victor Hugo, Dean Stanley, and a host of distinguished men and women in every walk of life whose opinions upon



a matter of conduct cannot be disregarded, and Her late Majesty Queen Victoria, who was in favour of the total abolition of vivisection.

As the humble spokesman of this constellation of great writers, I feel the extreme inadequacy of my powers fitly to give voice to their solemn condemnation of painful experiments on animals as a practice repugnant to the promptings of humanity and degrading to mankind, but I desire to be permitted to say that, inasmuch as four generations of my family before me have earnestly supported this humane cause, my own convictions have come down to me as a consecrated inheritance.

My society desires to see vivisection totally abolished by law, but it will strive for and accept any measures that have for their object the amelioration of the condition of vivisected animals. We are guided in our policy inside Parliament and without by the consideration that we are the faithful representatives of the hapless creatures in the laboratories who cannot speak for themselves. We base our objections to vivisection as sanctioned and protected by the Act of 1876 on the plainest moral ground. We hold and invite the Commissioners to maintain that the right of man to take animal life involves the duty of taking it with as little accompanying pain as possible. We are prepared to show that under the existing law there is no limit to the agony that may legally be inflicted upon animals, and we abominate a statute that authorises gross inhumanity. We



say that to keep an animal alive and torture it is a wicked act, that no profession of lofty motives will ever make that wicked act right ; if this were not so, it might be right to rob a bank with the professed intention of devoting the stolen money to the services of the poor. The whole question of man's rights over and duties towards the helpless animals given into his dominion by the Ruler of the Universe, is a moral question, and has nothing to do with science. And if all the benefits so boldly claimed as having been conferred upon physiology by this practice were in deed and truth so received, the issue would remain solely a matter of conduct upon which the least scientific of us has as much a right to be heard as the most expert vivisector ; and we maintain that if there be any cruelty inseparable from this particular science every thoughtful man who takes a wide view of human well-being must conclude that it is far better for us all to do without physiology than to be without pity.

I have carefully read the evidence of Mr. Byrne on behalf of the Home Office, and as it stands it has, in my opinion, justified to the fullest extent the expressed and published conviction of my society, that the whole truth about the administration of the Act of 1876 by the Home Office could never be elucidated without cross-examination by counsel properly instructed. We should have preferred to substantiate the charges which it is our duty to make against those officials out of the mouth of Mr. Byrne, their representative ; but as that



is now apparently impossible, I shall endeavour, on behalf of my society, to prove the indictment we have drawn by unimpeachable evidence.

(1) I am here to charge the Home Office officials with repudiating the most important duty deputed to them by Parliament, *videlicet*, that of protecting animals from unjustifiable suffering.

(2) I am here to charge the Home Office officials with having constituted themselves the injudicial defenders of the vivisectors from criticism by my society in the past, and in their evidence tendered before this Commission.

(3) I am here to charge the Home Office officials with having appointed inspectors who have displayed such bias that they have thought it their duty not to make detective efforts to protect animals from illegal treatment.

(4) I am here to charge the Home Office officials with having made entirely disingenuous statements in their official utterances, and with having constituted themselves the mere spokesmen of the vivisectors.

(5) I am here to charge the Home Office officials with accepting the suggestion made to them by some nameless adviser that to starve animals for days is not cruel when they must know perfectly well that if any one of them starved their own horses (if they have any), the nearest policeman could successfully prosecute them for cruelty to animals under Martin's Act.

(6) I am here to charge the Home Office



officials with suppressing in the Annual Parliamentary Return the names of those who take upon themselves the very grave responsibility of signing the certificates exempting licensees wholly or in part from the obligation to employ anæsthesia in their vivisections, although in the Report of the former Royal Commission we find this clear direction : “ We recommend that his (the Home Secretary’s) advisers be from time to time elected and nominated by himself. Their names should be made known to the profession and the public.”

(7) I am here to charge the Home Office officials with shielding the names of such licensees as they know to have broken the law, although the former Report contains these words :—“ Abuse of the power conferred by the licence must, of course, render the holder liable to its withdrawal, but this will involve great disgrace,” a phrase that clearly indicates that the framers of that Report contemplated the publication of offenders’ names, for no great disgrace can appertain to a secret remonstrance or a secret withdrawal of a licence.

(8) I am here to charge the Home Office officials with preparing for the Home Secretary evasive and insufficient replies in the House of Commons to plain questions on the administration of the Act, and with making evasive and insufficient replies themselves in official correspondence with my Society, and with leaving perfectly proper questions unanswered altogether.

(9) I am here to charge the Home Office



officials with putting forward annually a Parliamentary Return in which it is asserted, on the official authority of the Government Department, that not a single experiment in thousands inflicted upon animals in Great Britain with its permission can be specified as entailing any pain at all, when all the while this plausible assertion is based upon no better evidence than the bare assertion of the vivisectors themselves, who are not to be expected to report themselves cruel men.

(10) I am here to charge the Home Office officials with placing a certain vivisector year after year beyond the reach of the safeguards erected by the Act to protect animals from illegal treatment by licensees, by giving him permission to vivisect in private places, thereby placing him beyond the possibility of legal inspection; because by Clause 10 of the Act of 1876 the inspector has no right of entry into, or inspection of, any unregistered place.

10263. What is the name of that particular person?—

Victor Horsley. (11) I am here to charge the inspectors certainly, and the Home Office officials apparently, with having made no inquiries, public or private, into the vital question of the character for humanity of the licensees to whom they have delivered over the animals to be vivisected. Although those officials must be aware that the Report of the Royal Commission in 1876 contained this pregnant warning: "It is not to be doubted



that inhumanity may be found in persons of very high position as physiologists," and although the Act of 1876 placed upon the Home Secretary the tremendous responsibility of personally protecting animals from that undoubted inhumanity.

(12) I am here to charge the Home Office officials with having placed themselves in improper private confidential relations with a private society composed of supporters of vivisection entitled to no more consideration than the National Society composed of opponents of vivisection.

10264. (*Sir Mackenzie Chalmers.*) Would you mention that Society's name?—

It has been called in the House of Commons the Society for the Propagation of Scientific Research ; its real title is the Society for the Advancement of Medicine by Research.

These manifold charges, which I am prepared fully to substantiate before leaving this Commission, justify, in the opinion of my Society, the imputation, which we do not fear to make, that the Act which was intended by Parliament to constitute the Home Secretary the guardian of the vivisected creatures, has been so administered that this solemn responsibility has not been impartially fulfilled. So safeguarded are the vivisectors from the possibility of anybody but themselves knowing what happens in the laboratories, that the opportunity of raising the impenetrable veil that covers their doings can never occur but through their own initiative. Through the hasty



temerity of Mr. Bayliss, who brought an action against me, we did for once ascertain from the evidence of that vivisector and his friends the history of the life and death of one at least of the victims of the laboratory. Their evidence proved that under the present law a deep incision can be made into the body of a live dog, and it can be deprived, by the tying up of a duct in its inside, of the proper use of one of its internal organs ; it can then be sewn up again and put in a cage, and left in that cage from December to February to see what the result would be of that operation upon it. In February it can be taken out of the cage and a fresh incision can be made into its body to see whether what has been done to it produces inflammation or not. The wound can then be closed up again with a pair of steel forceps. Then with the steel forceps closing up this wound, the living dog can be handed over to a second vivisector, who proceeds to fasten it down tight on to a board and to open its neck with another deep incision, exposing the gland ; he can then fix little pipes on to the end of the arteries, he can put a tube into its windpipe, and attach electrodes to its cut-out nerves. The dog in that condition can be tied down on that board for about an hour, and then handed over by this second vivisector to a third operator, who finally puts an end to the miserable dog's life by plunging a knife into its heart.

Now the anæsthetics during these prolonged



and fearful mutilations can legally be applied by an automatic pump in another room, connected to the dog under the floor by a tube, and this pump, on which alone the insensibility of the dog depends, can be left in the sole charge of a laboratory boy. The vivisectors say that this automatic pump is sufficient to maintain the unconsciousness of the dog throughout the whole operation; but, inasmuch as the dog cannot tell us whether it is unconscious or not, and as no analogy can be set up with human anæsthesia, because no surgeon in his senses would attempt to anæsthetise a man or a woman with an automatic pump in another room under the management of a laboratory boy, I maintain that we may reasonably refuse to accept the opinion of these vivisectors that such means are efficient to maintain total unconsciousness.

Further, we have a perfect right to hold the opinion—and we do hold it—that the sufferings of the dog between these vivisections when it was in that cage were very grievous.

To procure this priceless information from the vivisectors themselves in the witness-box cost altogether about £5,000; but in my opinion this revelation of what vivisection really is in this country under the present administration of the law was well worth the expenditure.

As to the assertions of the vivisectors who have come before you that they individually have never inflicted pain in their experiments,



I am not here to ask you to believe them or to disbelieve them ; but I assert that the present law, as administered, cannot possibly protect animals from the extremest torture at the hands of any licensed vivisector who happens not to be humane. The comfortable hypothesis of the Home Office appears to be that a person who applies for a licence and receives certificates is necessarily humane. To that hypothesis we distinctly demur. Neither the dignitaries of the physiological circles nor the vivisectors who are banded together in the private society for the advancement of their practices, nor the inspectors appointed by the Home Secretary, testify to the personal character or humanity of the applicant for licences and certificates. They aver nothing but the applicant's scientific fitness. Scientific fitness is no guarantee of humanity, nor is the habit of cutting into living animals necessarily the concomitant of a tender heart.

Therefore we assert that the present law and the present administration of it do not protect animals from the worst conceivable fate. We represent a growing volume of indignation against such a law and such an administration of it. There have been members of my society so moved by the hideous possibilities of the laboratories as to be hardly restrained from violence.

The sufferings of dumb creatures appeal with overwhelming force to an ever-increasing pro-



portion of our countrymen and countrywomen, and, as I believe, to those who are the truest judges of right conduct. I am reluctant to make a personal attack upon any vivisector ; I have come here on behalf of my society to denounce a system and a practice rather than to expose individual barbarities. But I may perhaps be permitted to say that the permission recently given to a vivisector to drown, resuscitate, and drown again dogs without any anæsthetics, which has been already alluded to here, has been regarded by my society with particular detestation.

10265. (*Colonel Lockwood.*) That is Schäfer you mean ? —

Yes, Schäfer.

I know not how many thousand upon thousands of men, women and children have been saved from drowning the world over by dogs since they became attached to mankind as their faithful friend. Not long ago I read of a dog that had saved ten lives from drowning, and perished in a gallant but unsuccessful attempt to save an eleventh. It seems to many of us an act that is degrading to humanity to reward all this splendid devotion by taking dogs and subjecting them to these horrid experiments, and it seems to me inexplicable that any man could be found to do such dreadful business.

The physiologists tell us that they can learn more from the dog than from any other animal.



To that proposition we oppose no contradiction. From the dog we can learn courage, constancy, loyalty, steadfastness, faith, love; but it is not these qualities that interest the vivisector; it is the weight of its spleen or the pressure of its blood that elicits his curiosity, and he digs into its living body in his horrid quest.

I desire to bring before the Commissioners the sixteen experiments performed by Dr. Crile in Sir Victor Horsley's laboratory, in one of which the foot of a dog was deliberately crushed "under incomplete anæsthesia." Apart altogether from the question of pain, this series of experiments, involving the most repulsive operations, in which every conceivable outrage is perpetrated upon bodies of the victims, have filled decent people who have faced their perusal with disgust and horror. I am here to say on behalf of my society that if physiology cannot be pursued without such loathsome practices it is high time it were abandoned. We are confident that we are expressing the feelings and sentiments of the vast majority of Englishmen when we assert that the mere power so to treat living creatures does not involve the justification of such treatment as a matter of conduct. The knowledge of what will happen to a dog when its feet are crushed in pincers and boiling water is poured into its inside seems to me, as a layman, as remote from any practical service to humanity as is the discovery of a variable star or the five hundred and sixty-



eighth asteroid. But, looking through a telescope and tearing a living dog to pieces are very different human actions, and this fundamental difference must ever place physiology as now pursued in a degraded position altogether distinct from that of the noble sciences.

Physical pain is perhaps not the worst evil that can afflict mankind. To us, "with such large discourse looking before and after," bodily pangs are less insufferable than remorse, ruin, jealousy, or a broken heart. But with animals this is not so; to them physical pain is the worst of all evils. They have no armour of the mind wherewith to summon to their aid an intellectual fortitude. They can look up to no martyr's crown, they cannot bring their miseries to the feet of a pitiful God. Therefore it is that our sympathies are so deeply moved by the spectacle of animal suffering, therefore it is that we say that to pursue knowledge through the agony of animals is an act only possible to a man whose heart is dead.

If it could be proved that anybody's life had been prolonged by these practices our answer is that if the vivisectors could make us all live to be a hundred it would be a miserable exchange for an extinction of pity in the human heart. It is comparatively unimportant how long we live; what matters is, how we live.

There is one more pathetic concomitant of vivisection which is totally ignored by the



physiologists, but which I desire to enforce upon the attention of the Commissioners. Grievous and terrible as are, we believe, the physical sufferings now permitted by law to be inflicted upon dumb animals, this is not all for which the physiologists and the Act of 1876 are responsible. The knowledge that horrible mutilations may be daily and hourly executed upon the bodies of living creatures with no adequate security for their insensibility, makes very many humane people profoundly miserable, it rises day and night between them and their peace of mind, it haunts their lives waking and asleep, it deprives them of joy in this world which otherwise might be theirs. I am here to ask that this mental anguish, so immense in its aggregation, should not be regarded as of no account by this Commission.

In all my reading of the writings of the vivisectors descriptive of the most appalling experiments, I have never met with a single expression of regret that such treatment of helpless creatures was a painful necessity, or a single word of sympathy with the miserable victims in their laboratories, and I am here to tell the Commissioners that the 300 odd vivisectors in the kingdom are responsible for a rising and widespread feeling of bitterness against the whole medical profession, with which in the public eye they are confused. This in the future may be not the least price the physicians of the country will find they



have to pay for their supine acquiescence in vivisection as it is now allowed by law. The Commission by recommending Parliament to afford a real protection to vivisected animals have it in their power to check the spread of a deep and abiding enmity to a whole profession, which will be as deplorable as it will be inevitable if the law remains as it is.

It will be observed that my Society has been forced to the conclusion that, by placing the interests of the animals in the hands of the Home Secretary, the framers of the Act of 1876, unwittingly, no doubt, made a fatal mistake. The Home Secretary has practically delegated much of his responsibility to the Home Office officials, who have in their turn delegated their responsibility largely to a private association of vivisectors called into existence for the very purpose of representing their own interests as opposed to the interests of the animals as represented by my society. And a state of things has thereby been created and maintained for years which we invite all impartial people to condemn as little short of a public scandal.

What might have happened had a Home Secretary come into office who held the opinion that to inflict any amount of suffering was justifiable if it were claimed that science might be advanced thereby, must be as obvious as deplorable, unless the solemn aspiration with which the Royal Commission of 1876 closed their



Report is to be regarded as having been entertained in vain. "We trust," they said, "that your Majesty's Government and Parliament of this kingdom will recognise the claim of the lower animals to be treated with humane consideration." Under the present law what has happened in the past and what legally might happen in future fill those I represent with indignation and alarm; and we earnestly invite this Commission to consider with care and to recommend to Parliament the Bill which I have drawn, and which I now present to it.

And now before I proceed to advance from these general statements to the production of the evidence for their support, it is my duty on behalf of my society to enter very respectfully my protest against the exclusion of the press from this Commission, and the exclusion of counsel to represent our society. The ultimate publication of these proceedings will not contain much that the public may rightly claim to know, and of which the presence of the Press would have kept them informed. But my society have deemed it nevertheless to be their duty to direct me to bring their case before the Commission, and, of course, what I myself may say here is not said confidentially, but is intended to be entirely and with as little delay as possible public.

10266. (*Chairman.*) What are the matters of fact that you are proposing to deal with?—

I now propose to deal with these charges which



I bring against the Home Office seriatim. The first charge that I bring against the Home Office is that of repudiating the most important duty deputed to them by Parliament, viz. that of protecting animals from unjustifiable suffering. The Report of the Royal Commission of 1876 recommended that "Experiments upon living animals, whether for original research or demonstration, should be placed under the control of the Secretary of State." It further says: "The holders of licences should be bound by conditions, and breach of the conditions should entail liability to forfeiture of the licence." Now this is what I am emphasising: "The object of the conditions should be to ensure that suffering should never be inflicted in any case in which it could be avoided, and should be reduced to a minimum where it could not be altogether avoided." What I have to say about that is this: I maintain that when you are reading the old Act of 1876, it is essential to read it in conjunction with the recommendations made by the Commissioners who reported in 1876, and upon whose Report that Act was passed; and, therefore, I say that the Act of Parliament clearly laid upon the Home Secretary the duty of seeing that suffering should not be inflicted if it could possibly be avoided, and in fact placed the whole question of pain in his hands.

10267. (*Sir Mackenzie Chalmers.*) Would you give us the actual words you rely upon? —



Yes—"the object of the conditions should be"  
 10268. No—the words of the Act, please;  
 what are the words of the Act?—

I am reading from the Report of 1876.

10269. The Report was afterwards followed  
 by the Act?—

That is what I have said. I have said that,  
 in my opinion, and I hope in the opinion of the  
 Commissioners, the Act of Parliament must be read  
 in conjunction with the Report upon which it was  
 founded, and that where distinct recommendations  
 are made in the Report it is the duty of the Home  
 Office to carry out those recommendations within  
 the four corners of the Act.

10270. (*Chairman.*) You could not quite say  
 that; I think no lawyer could say that that was  
 his duty under the Statute. It may be an in-  
 dependent duty!—

An independent duty, yes. If you look at the  
 Statute, as no doubt you have, the Statute begins  
 by calling itself "An Act to amend the law  
 relating to cruelty to animals," it therefore is a  
 law entirely dealing with the question of pain.  
 The whole Act is to place the regulations pro-  
 tecting animals from unjustifiable suffering in  
 the hands of the Home Secretary and his officials.  
 I mean, of course, that the Home Secretary  
 personally, I presume, delegates it to his officials.  
 Therefore I say that if the Act is read as the  
 result of that Royal Commission, it must be taken  
 that the duty is placed upon the Home Secretary



to protect animals from unjustifiable suffering. Now, having as I consider established that, I refer you to Question 129, where Colonel Lockwood asks Mr. Byrne: "What expert opinion guides the Secretary of State for the Home Department in deciding as to the painfulness of an operation"; and the answer is: "The Secretary of State has not to decide whether an operation is painful or not." Therefore I say that the Home Secretary repudiates, in the words of Mr. Byrne, who, I presume, represents him, the duty which, in my opinion, was placed upon him under the Act.

10271. (*Sir Mackenzie Chalmers.*) Would you read the context there? The question was a question of statistics there.

(*After referring to the evidence.*) It is a perfectly fresh question where Colonel Lockwood begins; it has no relation whatever to the question before it.

(*Chairman.*) It appears to be so.

(*Sir Mackenzie Chalmers.*) But it was on the discussion of the new form of Returns—it arose out of that.

10272. (*Chairman.*) Will you continue, please?—Further down I find, at No. 163, that Sir William Collins asked Mr. Byrne—this is again on the question of pain—"Is that regarded as a painful procedure?" Sir William asked at Question No. 162 in regard to inoculation; and Mr. Byrne replied: "It is not a painful procedure,



but it is considered a painful experiment." Then he is asked: "And is so classed?" and his answer is: "There is no classification of experiments in the last Report into painful and not painful; but it is regarded as undoubtedly painful by the Home Office." So that on one page the Home Office repudiate all responsibility about pain, and on the next page they say that they do regard a certain class of experiments as painful. Therefore it is quite clear that they do not altogether speak consistently upon this matter.

Then the next question is: "Do I rightly understand that there was formerly a classification into painful and painless?" and the answer is: "Yes; if you will be so good as to look at the end of my memorandum relating to the Annual Return under the Act, you will find that at various stages attempts, mostly unsuccessful, were made to divide the experiments returned into those painful and those painless. That has now been given up, and the last Return does not even profess to do so." So that the Home Office have absolutely abandoned all attempt, so far as I can see, to take upon themselves the duty which I maintain is theirs. Perhaps now, while I am on Certificate A, I might say a word or two about Certificate A. I notice—and this is very interesting, I have made a great study of this—that before 1888, when Mr. Busk was the Inspector, in all the Annual Reports (and I have read them all very carefully through), there is



no allusion of any kind to any conditions being attached to Certificate A. Down to 1888 I know Mr. Busk was Inspector, and there was no allusion anywhere in the Reports, as I have said, to any conditions being attached to Certificate A. And therefore it is a fair deduction that down to 1888, under Certificate A, any amount of torture might have been inflicted, because it relieves the operator altogether of the necessity of using anæsthetics in his operations.

10273. I do not quite follow why you say that ?—

Certificate A represents Sub-proviso 2 :—“ Experiments may be performed without anæsthetics on such certificate being given as in this Act mentioned, that insensibility cannot be produced without necessarily frustrating the object of such experiments.” Each year there is a Report and letterpress, and in the letterpress of late years there have been allusions to conditions which have been always attached to Certificate A before it was issued. Before 1888 there is no evidence from the letterpress and Reports, that any such condition was ever attached to it before it was issued ; and therefore, I say, that down to 1888 there seems no doubt that under the administration of the Home Office permission was given to inflict any amount of torture upon animals, because experimenters were permitted to perform experiments without anæsthetics simply ; all they had to do was to say that insensibility could not



be produced without frustrating the object of the experiment; so that, if the experiment was to find out the result of pain, for instance, it obviously would not have been of any use if the animal did not feel the pain. I am only bringing this forward to show that under the present law any amount of torture not only may be, but I am afraid has been inflicted.

10274. (*Sir Mackenzie Chalmers.*) Now, let us go to since 1888?—

I am going on to since 1888. In 1888 Mr. Erichsen became Inspector, and in his report for 1888 we find these words: "The 'inoculation condition' introduced last year, by which it was rendered imperative on the part of the experimenter to destroy the animal under anæsthetics, provided pain had been developed as the result of the conditions to which the inoculation gave rise, has been in all cases enforced." I regard that as a very proper and humane proviso that should be added to Certificate A, and it clearly apparently was added to Certificate A in 1887; in the Report of 1888 we find it. In the Report of 1889 we have an announcement to the same effect—namely, that as soon as pain is developed under inoculation the animal is to be destroyed. In 1890 I find a grave alteration was slipped into this Report. In this Report we find the "inoculation condition" is thus defined: "This condition renders it imperative on the operator to destroy the animal under an anæsthetic if



severe pain has been induced, so soon as the result of the experiment has been obtained." That is a very different condition, you see. That lets in any amount of pain, provided the experimenter is of opinion that the result of his experiment has not been obtained; whereas, before that, there is nothing about the result of the experiment having been obtained. "If pain ensued, animal destroyed," was a further condition down to 1890. Therefore we see in 1890 this slips in, this permission of pain. In 1891 the words are: "The animal shall be killed if pain result." That appears to be a reversion again to the more humane conditions. And practically no allusion is made to the matter again under Dr. Poore's *régime*.

10275. (*Colonel Lockwood*.) Dr. Poore succeeded to Erichsen?—

Dr. Poore succeeded to Erichsen in 1892. The last of Erichsen's Reports says: "The animal shall be killed if pain result." It seems that Erichsen reverted to his more humane condition before he retired, or died—whichever it was, I forget. Then comes in Dr. Poore, and Dr. Poore never says a word about it. He maintains the mystery of silence as to the conditions under which Certificate A is issued, and in 1900 he retires. Then in 1901 Mr. Thane takes office; and this is what he says in his first Report: "In the event of pain ensuing, the animal to be killed 'as soon as the main result of the experiment has been attained.'" That obviously



is, in my opinion, an inhumane condition. It lets in, so far as I can see, any amount of pain under Certificate A. The vivisector has only to form the opinion that the result of his experiment has not been obtained, and the animal can be subjected to as much pain as he thinks fit to inflict upon it. That is all I have to say on Charge 1.

My next charge is that I charge the Home Office officials with having constituted themselves the injudicial defenders of the vivisectors from criticism by my Society in the past, and in their evidence tendered before this Commission. I wish to draw the attention of the Commission to Dr. Crile's book on "Surgical Shock."

10276. (*Sir Mackenzie Chalmers.*) There is one preliminary point I should like to ask you. On what do you base the distinction that you draw between the Home Office and the Home Secretary—between the officials and the Home Secretary?—

I draw it on this ground. I suppose you are aware, like everybody else, that the answers prepared for the Home Secretary are prepared in the Office; I have common sense enough to know that, and I presume that the Office is therefore responsible for the answers given by the Home Secretary; that is all. I make no distinction, except that I do not attribute them to the Home Secretary himself.

10277. You do not surely regard the Home Secretary in answering to Parliament as a mere



mouthpiece—a sort of telephone from the Office?—

It is a matter of degree.

10278. (*Chairman.*) That is what you do regard him as, I understand?—

The answers, I have not the slightest doubt, are prepared for him in the Office.

10279. They are prepared and drafted in the Office, no doubt, but the Home Secretary is responsible; and not only is he responsible, but, I think, not infrequently he suggests that they should be different?—

It is not for me to draw a distinction; I am not inside the Home Office.

10280. (*Sir Mackenzie Chalmers.*) Constitutionally the Office does not exist; there is only the service of the Home Secretary, but practically, of course, everything has to be prepared for the Home Secretary, and he may or may not, according to his individuality, exercise his right?—

That is too technical a point for me; that is for the Home Secretary and his officials to settle between them. I am quite aware that all the charges which I am now bringing have nothing to do with Sir Mackenzie Chalmers, because he was not there; and further, the Home Secretaries are gone too. There stand the permanent officials.

10281. (*Chairman.*) You put the blame on the permanent officials?—

Certainly.

10282. (*Dr. Wilson.*) On the Department?—



Yes, I regard the Department as my adversaries in this matter.

10283. (*Chairman.*) I think my expression was more accurate, because the Home Secretary is one of the Department; he is the head of it?—

Yes.

10284. (*Sir Mackenzie Chalmers.*) I only wanted to know the reason for it?—

That is it. I refer now to this book on “Surgical Shock,” and somebody had better verify my quotations. Would you like it, my Lord?

(*Chairman.*) As this is relating to the Home Secretary, perhaps Sir Mackenzie had better have it before him, and I will listen.

(*Sir Mackenzie Chalmers.*) I have never seen it. (*The book was handed to Sir Mackenzie Chalmers.*)

(*Witness.*) If you look at Experiment CXXXIII.—I do not know the exact page—you will see the description.

10285. Let us see who Mr. Crile is?—

He is an American who came over here and had a licence given him from the Home Office to perform certain experiments, and he did them in Sir Victor Horsley’s laboratory. The first 16 were done in England, and I will not allude to the others, except that just in passing I must allude to two which were not done in England; and I will tell you why. I want to show that the personal taste of Dr. Crile does not prevent him from torturing animals. In experiment



CXXXIII. we find these words (I am just going beyond England for the moment); he says: "Experiment lasted two and a half hours. Flame was applied to the dog's paw, and we are told, in the control experiments, as well as in this, the dog was not under full anæsthesia. In the former the animal struggled on application of the flame."

10286. That was an American experiment?—  
I think so; it was not done in England, anyhow.

10287. And he put as the anæsthetics chloroform and ether?—

I do not care what they were; they were not full.

10288. (*Chairman.*) You only read that experiment to show that Dr. Crile is capable of performing what you consider a cruel operation?—

Yes; and there is one other experiment, No. CXXVII., just before that one, "The animal did not take the anæsthetic well, and a part of the experiment was made under incomplete anæsthesia, the anus and rectum of this dog were then 'dilated.'" These quotations I merely read to show that the personal taste of Dr. Crile does not prevent him from inflicting torment, in my opinion. Now I come to what was done in Sir Victor Horsley's laboratory. I will go by steps. On page 17, Dr. Crile states: "In the first 16 experiments which were carried out in the University College, London," so and so.

10289. You now, I understand, are going to



read descriptions given by Dr. Crile of operations carried out by himself in Sir Victor Horsley's laboratory?

Yes, that is how he describes them himself in his own book. On page 23, Experiment V, performed on May 8th, 1895, is thus described:—"Healthy male fox-terrier, three years old. Central pressure in femoral. Preliminary section of the inferior branches of the right stellate ganglion, by dissection between the scapula and the spinal column, resecting two ribs. Under incomplete anæsthesia, crushing of foot caused a very sharp rise, followed by an equally sharp decline of pressure. This was repeated several times."

Here we have Dr. Crile's own description of crushing the animal's foot under what he himself calls "incomplete anæsthesia." That was done by Dr. Crile under a simple licence, which provided that the animal must be under complete anæsthesia during the whole experiment, and be killed before it recovers consciousness. I want to point out that in Dr. Poore's Report these 16 experiments were not described as painful, and therefore we must assume that the Home Office regarded them as painless, or chronicled them as painless. Over Dr. Poore's signature are these words:—"In experiments performed under licence alone, the animal suffers no pain, because complete anæsthesia is maintained from before the commencement of the experiment until the animal is killed." Therefore the Home



Office Inspector, in his own Report, states for the public delectation that animals when vivisected under licence alone are always under complete anæsthesia.

10290. Are the words "incomplete anæsthesia" in the account which Dr. Crile gives of his own experiment, the account which has been given in by him to the Home Office?—

Whether it was sent in to the Home Office or not I do not know.

10291. It makes a difference when you are bringing a charge against the Home Office?—

I laid the book before the Home Office afterwards.

10292. It makes a difference whether Dr. Poore was informed that it was done under "incomplete anæsthesia." We are informed in this book by Dr. Crile that it was so; but I presume that Dr. Poore's Report would be founded upon the Report sent in to him by Dr. Crile?—

We have it in evidence—I have read it—I cannot at the moment refer to it, but I am sure I can find it—that it is an instruction to all vivisectors to send to the Home Office any pamphlets or publications detailing and accounting for the experiments which they are licensed to perform; and, therefore, I assume that if Dr. Crile did his duty and fulfilled the conditions upon which his licence was given to him, he must have sent that book to the Home Office.



10293. We do not know that it was printed at the time?—

Anyhow, I sent it to the Home Office later on.

10294. I mean, that we do not know whether at the time it was before Dr. Poore?—

That is a matter for the Home Office to answer. I do not know; I cannot tell.

10295. (*Sir Mackenzie Chalmers.*) It is an American book, and curiously enough it does not seem to have any date. It seems to have been an essay which was awarded the Cartwright prize for 1897?—

Yes.

10296. That is two years afterwards?—

Yes.

10297. (*Chairman.*) That book itself could not have been submitted to the Home Office at the time. However, when we examine the Home Office Reports, we shall see what there was?—

I am coming on to that in a moment. I then drew the attention of the Home Office to these experiments which were done in Sir Victor Horsley's laboratory.

10298. When you say "then," will you tell us when that was?—

I wrote to the Home Office on May 18th, 1899.

10299. (*Sir Mackenzie Chalmers.*) That is four years afterwards?—

It may have been.

10300. From 1895 to 1899?—

Yes, that is right. I do not have these books



sent to me, you see. Somebody at last sends me a thing, and I at once act when I see it. Then the Home Office asked me to lend them the book—that happened next; so I lent them the book; and their answer was that on receiving my letter, “The Secretary of State caused investigation to be made into these experiments, and the information he has received from competent persons, who either witnessed most of the experiments, or have read the account of them, is to the effect that in no instance had the animals experimented upon been subject to pain.”

10301. (*Chairman.*) You told us that you wrote to the Home Office calling attention to this. Was your letter calling attention to Dr. Crile’s book generally, or was it calling attention to the statement that this particular dog was under incomplete anæsthesia?—

I drew their attention to the experiments which Dr. Crile had done in Sir Victor Horsley’s laboratory, and I drew their attention to their own statement in their corresponding statement for the same year alluding to complete anæsthesia, and pointed out the discrepancy. I say that these investigations which the Home Office made can, so far as I can see, have had no other nature than inquiry from the persons responsible, and, therefore, on their defence. It is quite incredible to suppose that inquiries as to whether a dog was put to torture in a particular laboratory of the persons who are responsible for what goes on in



that laboratory, will result in anything but a distinct assurance that no pain was inflicted. Human nature being what it is, you cannot expect anything else. I say that those investigations can have had no other nature than inquiry from the person whose conduct is impugned—whether he did it or not; and I say that to make such an inquiry as that, and then write back to me and give me the result of those inquiries as settling the matter, is, in my opinion, simply defending the vivisectors from criticism, and nothing else. They went on and said: “The use of the term ‘incomplete anæsthesia’ has probably given rise to the misunderstanding. With regard to this,” the Home Secretary says, through the hand of Mr. Cunynghame, “the Secretary of State is advised that there are various degrees of anæsthesia. In ‘complete anæsthesia’ the narcosis is very profound, and the ‘reflex movements,’ that is the involuntary movements in response to an external stimulus, are suppressed. One of the last of these reflex movements to disappear is the blinking of the eyelids when the surface of the eyeball is touched, thence called the ‘corneal’ or ‘conjunctival reflex.’ But short of this is the condition termed by Dr. Crile ‘incomplete anæsthesia,’ in which the creature is quite insensible to pain, although the corneal and other reflexes can be obtained.” Now “it is quite usual for even severe operations to be performed on man in this state of ‘incomplete



anæsthesia.' ” That is the statement of the Home Office presumably advised by—well, I do not know whether it was Dr. Poore, I suppose it was ; they do not tell me by whom they were advised, and of course I cannot tell.

10302. On what ground do you assume that it was Dr. Poore ?—

I would assume that Dr. Poore is their adviser, and in the next charge I shall proceed to show that Dr. Poore was a man of very strong bias, wholly incapable, unless through very serious and strenuous effort, of forming an unprejudiced opinion on such a matter as this.

10303. I am afraid that we find a great many of those people on both sides ?—

No doubt, my Lord, but not, I should hope, in an official position. I am not in an official position. I admit all sorts of prejudices.

10304. I would not go so far as to say wholly incapable of forming an opinion ; you might say considerably prejudiced ?—

Well, considerably prejudiced—biassed I will say. Having received that letter, of course I had to consider what was my position. Here was the Home Office ready to tell us, on the advice of some nameless adviser who no doubt took the responsibility upon himself, that it was “ quite usual for severe operations to be performed on man in this state of incomplete anæsthesia,” that is, before the corneal reflexes were abolished. Well, I thought that I would test that, and



I took the liberty of writing a letter to a certain number of the most important and eminent surgeons of the day, informing them that I had been told on very high authority that "surgeons now frequently perform severe operations on man under incomplete anæsthesia, that is, before the corneal reflexes are abolished." Those are the words of my letter to the surgeons. I put it perfectly fairly, exactly as the Home Office put it to me. The replies were very remarkable.

*(After some deliberation.)*

10305. (*Chairman.*) As some of the Commissioners wish the letters to be read, will you please read them?—

In the first place, I ought to read my letter to the surgeons. It was as follows: "Dear Sir,—A statement has recently been made to me in writing by a very respectable authority that surgeons now frequently perform severe operations on man under incomplete anæsthesia, that is, before the corneal reflexes are abolished. I know of no way of answering this statement but by obtaining definite information from persons like yourself, whose large experience renders their authority on such a matter conclusive. I should, therefore, really be very much obliged to you if you would be so good as to enable me clearly to assert on your authority that, provided complete anæsthesia can be given with safety to a



patient, and provided the nature of the operation itself does not render it dangerous to the patient's life, complete anæsthesia is always administered in *severe* surgical operations. You may possibly be aware that I am one of those who on humanitarian grounds oppose the vivisection of animals as practised in this country, but I hesitate to believe that patients in hospitals are treated with inhumanity. I hope you will pardon this intrusion upon you, which arises from the prominent position you occupy in your profession. —Believe me to remain, very faithfully yours, (Signed) Stephen Coleridge."

I will now read some of the answers that I received. I ought to say that I am not going to pick out those which favoured me at all. I will give you the whole. There were only two of an adverse view who associated themselves with the Home Office view, and those two replies were from licensed vivisectors who were unconnected with any hospital.

The first is from Dr. Bond, F.R.C.S., senior surgeon and lecturer at the Westminster Hospital. He says: "I think you have been very much misinformed, and it would be very interesting to me to know the very high authority on which your information is based. Hundreds of operations are performed yearly at Westminster Hospital, and never to my knowledge is the operation commenced under incomplete anæsthesia." I informed Dr. Bond afterwards that the informa-



tion reached me in a letter from the Home Office.

Dr. Edmund Owen, F.R.C.S., Member of the Council of the Royal College of Surgeons, senior surgeon at St. Mary's Hospital, and senior surgeon at the Hospital for Children in Great Ormond Street, says: "Certainly, in my experience complete anæsthesia is *always* secured in severe surgical operations."

10306. (*Mr. Tomkinson.*) Are those the whole of the letters?—

No.

10307. Did the first letter not refer to the question of the eye?—

No; they answered my letter. I defined incomplete anæsthesia in my letter, "that is, before the corneal reflexes are abolished."

10308. There is no allusion to that in the reply?—

No, they have taken my definition and used the words "incomplete anæsthesia."

Dr. Timothy Holmes, F.R.C.S., Vice-President of the Royal College of Surgeons, and treasurer and consulting surgeon at St. George's Hospital, says: "I differ entirely from your informant who says that it is quite usual for even severe operations to be performed on man in a state of incomplete anæsthesia. . . . Never did I hear of performing serious operations with incomplete anæsthesia, and if you know anything of operative practice you would know that it would be as



embarrassing to the operator as painful to the patient. . . . If you accept this statement as true you are quite at liberty to make use of it to your informant ; or if your informant will, in his own name, repeat his statement in any respectable paper, I will in my own name repeat the above."

Dr. Jonathan Hutchinson, F.R.C.S., late President of the Royal College of Surgeons, consulting surgeon at the London Hospital, and consulting surgeon at the Royal London Ophthalmic Hospital, says : " I have not the least doubt that when complete anæsthesia is considered safe, and on the patient's part desirable, it is always secured."

Dr. G. May, consulting surgeon at the Royal Berkshire Hospital, says : " I have been attached to the Royal Berks Hospital about forty-five years, and have never known a case of operation where anæsthesia was not complete. This is done not only to spare pain, but because it is thought to be less dangerous."

Dr. T. J. Walker, M.R.C.S., who has been for a very long time senior surgeon at the Peterborough Infirmary, says : " Taking my authority for what it is worth, you may assert on my authority that, provided complete anæsthesia can be given with safety to a patient, and provided the nature of the operation itself does not render it dangerous to the patient's life, complete anæsthesia is always administered in severe surgical operations."

And this last one is most interesting. Dr. Thomas Bryant, F.R.C.S., Surgeon Extraordinary



to Her Majesty the Queen, consulting surgeon at Guy's Hospital, and late examining surgeon at the University of Cambridge, says: "I have received your circular and read it with surprise, as you clearly have been hoaxed." I replied to that letter that the august quarter from which the information emanated seemed to me to preclude such an hypothesis.

I had two replies from two licensed vivisectors, one from Professor Horsley, to the effect that he was out of the country, and the other from Professor Schäfer, that the Home Secretary's advisers are quite correct, and that incomplete anæsthesia "is consistent with complete unconsciousness." As I say, Sir Victor Horsley did not answer, but Professor Schäfer at that time was not, and, so far as I know, still is not in any way connected with a hospital.

10309. You said that there were two who differed?—

I thought that there were. I see one did not answer; it is my mistake.

10310. (*Dr. Gaskell.*) Did you say that Professor Schäfer said that the Home Office statement was correct?—

Yes, in reply to that letter, although I gave no indication that it was the Home Office at all; he deduced, no doubt, that it was the Home Office.

10311. You had not told him that it was the Home Office?—

No.



10312. (*Chairman.*) Are those the whole of the letters?—

Yes, except one which I left out.

10313. I did not mean were they all the letters, but have you read the whole of each letter?—

I believe so; but I can get the originals. I am not sure. I did not read one from Dr. Herbert Snow, surgeon at the Cancer Hospital, who says, "You must have been misinformed so far as my knowledge goes upon the point at issue," as he has been a witness here.

10314. (*Colonel Lockwood.*) Those are not *précis* of the letters; they are the entire letters?—

So far as I know. I placed all the replies before the Home Secretary in a letter to the Home Office, and I received no further reply from them. I remain of the opinion that those collected opinions of those great men outweigh the anonymous advice received by the Home Office. I will not say that Dr. Poore, but whoever it was, I think he misinformed them; and at any rate, I maintain that with those letters before them the Home Office ought to have recognised that they were of great weight. But they never answered me in any way, and, so far as I know, Dr. Crile was never censured.

10315. (*Sir Mackenzie Chalmers.*) Do you know when Dr. Crile returned to America?—

No. I will not be quite certain, but I think that even subsequently to those experiments, and subsequently to the receipt of all those letters



from me by the Home Office, Sir Victor Horsley, in whose laboratory the crushing of that dog's foot under incomplete anæsthesia took place, still received permission from the Home Office to vivisect where he liked, and not in any registered place.

10316. (*Chairman.*) Was Dr. Crile at that time on a visit to England?—

So far as I know.

10317. He never took up his abode here to practise?—

No, he went back to America, and he has issued another book since in America.

Now the next point I will take up on this same charge is in relation to a question asked by Mr. Weir of the Home Secretary.

10318. (*Colonel Lockwood.*) You mean the present Member for Ross and Cromarty?—

Yes, I think he is. “I beg to ask the Secretary of State for the Home Department if he will state the number of persons in England, Scotland, Ireland and Wales respectively, licensed to practise vivisection, and how many of them hold certificates to dispense with anæsthetics.” Sir Matthew White Ridley replied, “The number of persons licensed at the present time in England is 145; in Scotland, 52; in Wales, one. The number holding the certificate dispensing with anæsthetics is, in England, 86; in Scotland, 30; in Wales, none. The only figures in my possession as regards Ireland are those for 1895. In that year the



number of licensees was six, of whom one held a certificate dispensing with anæsthetics." Now comes the point ; this is a voluntary statement on the top of the answer : " In giving the honourable Member these figures, I may remind him that the certificate in question is never given for operations involving serious pain, but only for such operations as inoculations or hypodermic injections." That answer, I am going to assume, was prepared for Sir Matthew White Ridley in the Home Office, and I say that that answer might be intended for the public to believe, and undoubtedly had the effect, and would have the effect of persuading the public that in all cases of certificates exempting the licensee from the use of anæsthetics, such certificates are only issued for such operations as inoculations or hypodermic injections, when all the while there is Certificate B being issued ; and I say that such an answer as that is not a fair answer. That statement of Sir Matthew White Ridley's, I maintain, is quite unfair. It really only refers to Certificate A, and Certificate A plus E, and omits all reference to experiments under Certificate B. But the question does not omit reference to Certificate B. The question is : " How many of them hold certificates to dispense with anæsthetics ? " I say Certificate B dispenses with anæsthetics.

10319. (*Sir Mackenzie Chalmers.*) No ?—

Certainly Certificate B dispenses with anæsthetics immediately after the initial operation is over ; and



under Certificate B the moment the initial operation is over (the opening of the animal and fixing the electrodes to the ends of the nerves and tubes down the veins), there is nothing in the law and nothing in the certificate to prevent the animal remaining disembowelled on the table for hours while observations are made upon its blood-pressure and various things, while stimulations of electricity are passing through it. Under the present law there is nothing to prevent it, and I say that that is what horrifies the public ; and that is carefully hidden in this answer.

10320. (*Chairman.*) I have not been able to follow you, not having the question and answer before me, but do you say that looking at the question the answer is distinctly a misstatement, or is it something which a person who did not know the Act might misapprehend ?—

That is it.

10321. That is a very different thing, of course. A person who asks a question in the House of Commons is generally supposed to know with reference to what he is asking it, and he can understand the answer ?—

Perhaps I have made a mistake. The question, in my opinion, involves Certificate B ; the question certainly involves “ How many of them hold certificates to dispense with anæsthetics.” Certificate B is a certificate dispensing with anæsthetics.

10322. (*Sir William Church.*) No ?—

I beg your pardon ; it is so worked in practice,



and it is so chronicled every year in the report under certificates dispensing with anæsthetics.

10323. (*Sir Mackenzie Chalmers.*) The animal is allowed to recover. May I just call your attention to the words of Certificate B ; it is on page 7. Have you got a copy ?—

I have not got the certificate here at the moment, but I know it by heart.

10324. It authorises a person “ To perform on living animals certain experiments described below, such animals being, during the whole of the initial operation of such experiments, under the influence of some anæsthetic of sufficient power to prevent their feeling pain ” ?—

Yes, during the whole of the initial operation of such experiment, the experiment consisting of first opening the dog, and then chronicling what may happen to the blood-pressure and other things, during hours, perhaps, of subsequent experiments.

10325. (*Dr. Gaskell.*) No ; that is all the initial experiment ?—

No, I beg your pardon.

10326. (*Chairman.*) I do not think this comes to much, really, as a charge against the Home Office ; because it is admitted that the answer to the question is one which, technically to a person who understood it, is a correct answer, but one which might lead a person who was not familiar with the Act to misapprehension. It is really putting too much upon the Home Secretary to



suppose that he is to make his answer with reference to a person who does not study the Act?—

The question is a very clear one. The question asked by Mr. Weir was how many of these gentlemen hold certificates to dispense with anæsthetics, and the Home Secretary gives only those who have Certificate A. He suppresses apparently those who have Certificate B, because he adds the rider: "In giving the honourable member these figures I may remind him that the certificate in question"—that must mean only Certificate A—"is never given for operations involving serious pain, but only for such operations as inoculations or hypodermic injections." I say that that is a disingenuous answer.

10327. To me, hearing you read it, it seems rather a forced construction to put upon it. I think that the unbiassed person, whom we have not yet been able to find, would say that it was rather a forced construction to put upon it?—

The question involves all certificates dispensing with anæsthetics.

10328. (*Sir William Collins.*) Are the words "Certificate A" mentioned in the question?—

No; the words are: "Certificates to dispense with anæsthetics." I say that Certificate B dispenses with anæsthetics, and therefore it should have been included in the answer.

10329. Did you say that you were going to refer to some return indicating that Certificate B



is classed with those certificates dispensing with anæsthetics ?—

Certainly. There is in the last Report : “ Certificates held by each licensee dispensing with the obligation to kill the animal before recovering from anæsthesia ” ; that is coupled with Certificate E E, and is called “ Permitting experiments on dogs, cats, etc., ” “ Dispensing with the obligation to kill the animal before recovering from the anæsthesia.”

10330. \* (*Chairman.*) It is not expressed there that Certificate B is to dispense with anæsthesia. It really seems to me a small point, I confess. You must have some more important things to come to ?—

Very well, my Lord ; I pass from that, then. I next come to the case of the *Chemist and Druggist*, of December 14th, 1901, in which there is an account of an address delivered by Professor Sherrington to a number of chemists and druggists, when the professor is reported to have called upon Dr. Grünbaum to demonstrate the action of the snake antitoxin upon some rabbits. The Report then goes on : “ The first was inoculated with cobra venom, the second with anti-venom, and the third with the cobra venom and anti-venom. The first died in about thirty minutes, completely paralysed by the venom of the snake. The second, although it had also been subsequently inoculated with cobra

\* Refer to my reference to this next day.



venom, lived, and was full of life. The third, which had subsequently been inoculated with the anti-venom, also lived, and exhibited a considerable amount of liveliness."

10331. (*Colonel Lockwood.*) Where was this ?—  
I think in Liverpool.

10332. (*Sir Mackenzie Chalmers.*) What was the date of it ?—

It was published in the *Chemist and Druggist* of December 14th, 1901. The points that I raise here on this are these :—First of all, I say that Dr. Grünbaum here broke the law. He broke it first, according to this account, by demonstrating at a lecture without Certificate C ; that is the first breach of the law that he made—he had no Certificate C, and he was called upon by Professor Sherrington to demonstrate the action of the snake antitoxin upon some rabbits, and he proceeded, according to the account, to do so. Secondly, he appears to me to have broken the law by performing an experiment merely to demonstrate what was already known with this Certificate A ; he has Certificate A, but it was to demonstrate something that was already known.

10333. (*Chairman.*) It would not be against the law on his part if it was certified to be a proper case for experiment, would it ?—

Yes.

10334. With Certificate A ?—

Yes.

10335. Even although it was passed by the



President of the College of Physicians or Surgeons ?—

Yes, Certificate A does not permit you to get outside the Act. If you are to demonstrate something that is already known you cannot do it. Section 3, Sub-section (1) of the Act provides that the experiments must be performed “With a view to the advancement by new discovery of physiological knowledge or knowledge which will be useful for saving or prolonging life or alleviating suffering.”—

10336-7. (*Sir Mackenzie Chalmers.*) Generally ?—

No, it is a question of commas ; there are no commas at all. (*After a pause.*) I say “A new discovery.” Then there ought to be a comma : “Of physiological knowledge or knowledge which will be useful to them for saving or prolonging life.” It must all be a new discovery.

10338. (*Dr. Gaskell.*) No ?—

Certainly.

10339. (*Chairman.*) A new discovery of knowledge, do you mean ?—

Yes, it must either be a new discovery of physiological knowledge, or other kind of knowledge which will be useful to them for saving life, or alleviating suffering. It must be for a new discovery of one of those two forms of knowledge.

10340. Surely the terms are that the experiment must be performed “with a view to the advancement” (leaving out some words for the moment) “of knowledge” ?—



No ; it is the new discovery that is the point of the whole section, surely.

10341. The advancement by a new discovery of physiological knowledge ?—

But the new discovery is the whole point, I think.

10342. Yes, but the new discovery is “ The advancement of physiological knowledge, or of knowledge ” ?—

Yes, I think you must take it so ; because if you look over the page there is a certificate exempting the holder of it from this particular.

10343. But what I rather meant was. Supposing that a description of what is proposed to be done is sent in, and a licence is asked for, it would not be necessary in that case, if he was licensed generally ; he could do the experiment under the general licence, if he had it under Section 1 ?—

No, not without anæsthetics.

10344. No, with anæsthetics ?—

There was not any anæsthetic in this case ; there is no suggestion of it.

10345. But Sub-section (1) is the sub-section which deals with the performance of an experiment which must be done under anæsthetics ?—

No.

10346. Then the other Sub-sections create an exception ?—

No, you begin at Section 3, Sub-section (1) ; you have not got to the question of anæsthetics



at all then. It is the beginning of the Act ; it begins at the very beginning ; it says that you must not do these things except for the purpose of new discovery, that is by Sub-section (1)—nothing else. You must not go on doing the same thing over and over again. That is what it is for. It has nothing to do with anæsthetics at all. The question of anæsthetics comes over the page.

10347. (*Sir William Collins.*) Is your point that, apart from certificates altogether, this was a case in which either a licence could not have been granted for such a purpose, or if a licence had been granted he was transgressing it ?—

Yes ; if a licence was ever held at the time I am prepared to show that Dr. Grünbaum broke the law in what he did.

10348. (*Chairman.*) Sub-section (4) is material, is it not, "Experiments may be performed not directly to the advancement by new discovery of physiological knowledge, or of knowledge which will be useful for saving or prolonging life or alleviating suffering, but for the purpose of testing a particular former discovery" ?—

Yes, that is so. He had not got that certificate either.

10349. (*Sir William Collins.*) Is that Certificate D ?—

Yes ; he had not got that either. Therefore he was absolutely outside the law, and had no business to do it. He first broke the law, I



say, by demonstrating at a lecture without Certificate C. This was really a lecture where there were a large number of persons present—chemists collected there to hear the lecture, and he was invited by Professor Sherrington to do this particular thing which he had no right whatever to do, and he performed the experiment merely to demonstrate what was already known with Certificate A ; therefore he violated the section which I have just read, Section 3, Sub-section (1). And, further, I contend that it is highly probable that by performing an experiment before the general public he violated Section 6 ; because I see no reason why a collection of chemists should be regarded as anything else than the general public. Section 6 says : “ Any exhibition to the general public, whether admitted on payment of money or gratuitously, of experiments on living animals calculated to give pain shall be illegal.” I do not see why a collection of chemists who go to a place should be regarded as anything else but the public. Therefore I maintain that under several headings Professor Grünbaum was entirely outside the Act of Parliament. I drew the attention of the Home Office to these various performances of Dr. Grünbaum, and they replied that it would have attention—that is the first thing. I drew their attention to it on December 17th, 1901 ; I waited till February 20th, 1902, and had no reply. I asked them then if they would kindly give the matter their attention, and then



they wrote back to say, "I am directed by the Secretary of State to inform you that he has caused careful inquiry to be made into the matter. The experiments were performed under a Certificate A, the authorities who granted the certificate being, no doubt, of opinion that such experiments tended to the advancement, by new discovery, of physiological knowledge, or of knowledge which would be useful for saving or prolonging life or alleviating suffering."

10350. (*Colonel Lockwood.*) That is Sub-section (4)?—

Yes, that is it, Sub-section (4) of the proviso. That is practically indicating that the authorities who granted the certificate granted him Certificate D. But he had not got that.

10351. (*Chairman.*) Would you read the words again. That is the same Sub-section (1), is it not?—

No, I am on Sub-section (4), which would take him out of Sub-section (1).

10352. What was it you were reading?—

I was reading from the letter of the Home Office to me.

10353. What does the letter of the Home Office say?—

The letter of the Home Office says: "The experiments were performed under a Certificate A"—not D—"the authorities who granted the certificate being, no doubt, of opinion that such experiments tended " to the advancement, by new



discovery, of physiological knowledge, or of knowledge which would be useful for saving or prolonging life or alleviating suffering."

10354. Those are the words of Sub-section (1)?—  
Sub-section 4.

10355. They are the exact words that I have in my hand of Sub-section (1)?—

Your Lordship is quite right—Sub-section (1).  
"Dr. Grünbaum states that the report of the proceedings is somewhat misleading, in that the experiments were not performed until after Professor Sherrington had finished his address, and that they were not in illustration of a lecture. He has, however, conveyed an assurance to the Secretary of State that such experiments in similar circumstances will not be repeated." In my opinion, and I think in the opinion of any fair person, it is quite clear that the Home Office asked Dr. Grünbaum what his account of this was, and Dr. Grünbaum said that the newspaper was all wrong, that this perfectly impartial person I suppose had called upon Professor Grünbaum to demonstrate the action of snake poison, and he demonstrated it to nobody at all—they had all gone apparently. But it is quite clear that the reporter was there.

10356. (*Dr. Gaskell.*) May I ask, were these experiments done in a physiological laboratory?—

No doubt it was in a registered place; I am not saying that it was not. I do not suggest that it was not.



10357. Was Dr. Grünbaum working at snake poison at the time?—

I do not know; I suppose he was. That I know nothing about.

10358. After the lecture was over he went on with his experiment, and some of the chemists came and looked on?—

You are putting that to me?

10359. That is the suggestion of Dr. Grünbaum, I mean?—

No, I do not think that is quite so. “Dr. Grünbaum states that the report of the proceedings is somewhat misleading, in that the experiments were not performed until after Professor Sherrington had finished his address.” The *Chemist and Druggist* does not say that. The *Chemist and Druggist* says that when Professor Sherrington had finished his address he called upon Dr. Grünbaum. Dr. Grünbaum states “that they were not in illustration of a lecture.”

10360. That is all I meant to convey?—

Dr. Grünbaum considered that he was going on with work which he was doing before, and the chemists and druggists saw it.

10361. (*Sir John McFadyean.*) Have we any information as to the precise object of Professor Sherrington’s address?—

It is headed “A Physiological Experiment in relation to Pharmacology.”

10362. (*Chairman.*) That would not be on snake remedies?—



I am not a scientific man, my Lord. Would you like to look at it ?

10363. (*Sir John McFadyean.*) Therefore, if Professor Sherrington was lecturing on an entirely different subject, Dr. Grünbaum's demonstration could hardly be part of the lecture. Would you mind letting me look at it ?—

Certainly. (*Handing a newspaper to Sir John McFadyean.*) You see the newspaper reporter asserts practically that Dr. Grünbaum demonstrated this to the chemists and druggists assembled, and to himself too. He describes what he saw. It took 30 minutes ; the wretched animal died in 30 minutes completely paralysed by the venom of the snake. That is his description of what he saw. I maintain that he was one of the public, and Dr. Grünbaum broke Section 6 of the Act.

10364. (*Sir Mackenzie Chalmers.*) Just on that point do you say that if one single member of the public is present at an experiment, that breaks the Act ?—

Yes, one genuine member of the public.

10365. For instance, if you or I went in ?—

Certainly I should consider myself one of the public.

10366. If any one of the public went in ?—

I have been invited to go into laboratories, but I do not propose to assist physiologists to break Section 6.

10367. That is your view of the law ?—



Certainly. I do not set up to be a very great lawyer, but Section 6 seems to me to be quite clear. If I may go in, I presume that anybody may go in—a cabman off the next rank, or anybody.

10368. (*Chairman.*) You have given us the complaint made, and the answer of the Home Office?—

Yes.

10369. And nothing more happened?—

No. I think Dr. Grünbaum got his licence again.

10370. (*Sir John McFadyean.*) Professor Sherrington does appear to have referred to snake poison in his lecture?—

Dr. Grünbaum still has a licence. That is the complaint I have to make upon that. I will just rehearse it again. I maintain that he broke the law by demonstrating at a lecture without Certificate C, by performing an experiment merely to demonstrate what was already known by Certificate A, and by performing an experiment before the general public in contravention of Section 6. I maintain that those breaches of the law took place, and that the Home Office associated itself with his defence.

Now, the next case I want to draw attention to is that of Messrs. Dixon and Brodie, in the *Journal of Physiology*, volume xxix., No. 2.

10371. (*Sir Mackenzie Chalmers.*) Will you give us the date?—



The *Journal of Physiology* is very badly dated, but I give the page. It is page 144. I think at the very beginning they give you the date ; but those volumes are a collection of papers. On page 144 these two vivisectors make the following statement : “ In studying these reflexes we have found it of the utmost importance to avoid the use of chloroform or ether as the anæsthetic. The experiments must, therefore, either be performed upon unanæsthetised animals, upon animals anæsthetised with morphia, or upon decerebrate animals. Our experiments were usually conducted under one of the two latter conditions, but in a few instances were repeated upon animals lightly anæsthetised with chloroform.” We say that this kind of light anæsthetisation—when we are told that to be of any use, if the animals have not morphia or are not decerebrated, they must be unanæsthetised—awakes in us the profoundest distrust.

10372. Could you let me look at that paper ?—

Certainly (*handing the volume to Sir Mackenzie Chalmers*).

10373. (*Chairman*). Was complaint made of it to the Home Office ?—

Yes, I made complaint. This was defended by the Home Office, so far as I can make out, on the bare assurance of the authors of the paper ; they speak of “ The authors of the paper.”

10374. (*Sir Mackenzie Chalmers*.) The paper itself does not refer to any specific operation or any specific operation on any specific animal ?—



I daresay it does not. I am dealing with the particular passage which I have quoted.

10375. (*Chairman.*) On some animals lightly anæsthetised?—

“Upon animals lightly anæsthetised with chloroform.” It was a long time before I got an answer to that complaint either. I wrote on March 30th, 1903, to the Home Office, and I did not get a reply till July 9th; they then answered me, and this is what they say. “Adverting to your previous letter, I am to point out that on page 102 of the volume referred to it is explicitly stated that, except in the case of animals killed by pithing, all were anæsthetised. On page 144 it is said that in a few instances the animals were lightly anæsthetised with chloroform. The authors of the paper explain what is denoted by the term ‘light anæsthesia,’ viz.: that the animals were anæsthetic”—that is the word; “*i.e.*, they could not feel pain, but that the anæsthesia was not carried so far as to abolish all reflexes. The inquiry which has been made confirms that none of the experiments described in this paper were performed on unanæsthetised animals”—I did not say that they were.—“Under these circumstances there is no reason for thinking that the provisions of the Act, viz., that the animals must, during the whole of the experiment, be under the influence of some anæsthetic of sufficient power to prevent the animal feeling pain, was not complied with.” So that the Home Office defends



an experiment upon an animal of which the authors say that these particular experiments must be performed either upon unanæsthetised animals, or upon animals anæsthetised with morphia, or upon decerebrate animals, and they allude to experiments not under the last two conditions, the experimenters themselves saying that they must be unanæsthetised to be of value. They cover up the unanæsthetisation, in my opinion, by speaking of them as "lightly anæsthetised with chloroform"; because if they were anæsthetised properly with chloroform, according to their own description, the experiments would be valueless.

10376. We have had doctors giving their account of what they understand by the expressions "lightly anæsthetised" and "completely anæsthetised"; but it is a medical question, is it not? Supposing that the Home Secretary, who is not himself a skilled physiologist, is informed that "lightly anæsthetised" is an expression which is consistent with the animal not feeling pain, would not the Act then have been complied with?—

That entirely depends.

10377. I mean, as regards the charge against the Home Office. I am not considering whether Messrs. Dixon and Brodie's experiments were lawful?—

The answer that I should make to that question is, that it depends upon where the Home Secretary



goes for his information. If he goes to the Association for the Advancement of Medicine by Research, which is composed of vivisectors, I should say that the information is not sufficient.

10378. Then would you go so far as to say that the Home Secretary must go to somebody who holds anti-vivisection opinions?—

Certainly not. Let him go to Mr. Sewell—to some person who is always operating on dogs for their benefit; let him go to some well-known thoroughly skilled dog doctor.

10379. You exclude the whole medical profession from that—the ordinary M.D.'s?—

So far as I know the ordinary M.D.'s, they are not vivisectors, therefore their opinion as to what is proper anæsthetising for a dog would not have the same weight with me, and ought not, I presume, to have the same weight with the Home Secretary, as the expression of such a man as Mr. Sewell.

10380. Assuming that the Home Secretary went to a person who was a skilled physiologist, and he gave him that explanation, you say that he ought to appeal to a veterinary surgeon?—

I think so. I think he should go to an impartial person, and I do not think, looking at it from the point of view of the Home Office, that a licensed vivisector is an impartial person on this question. And on this occasion you must remember to whom the appeal was made—to the authors of the paper. What answer could the Home Secretary expect to get from the authors of the paper, what-



ever they said in the paper, except that the animal did not feel anything? He never could have expected the authors of the paper to write back and say "we tortured these animals."

10381. Supposing that the Home Secretary had advisers who advised him that "light anæsthesia" is an expression which may cover, in the minds of medical men, absence from pain—I do not know how it is—but supposing he had been so advised, would you say that he was to blame for saying that he found that the law had not been broken?—

My answer would be this: that supposing in the former case he had consulted Sir Victor Horsley and Professor Schäfer, he would have got the answer which I have read, that, of course, the experiment was completely painless. But if he had consulted Dr. Boyd, if he had consulted Mr. Jonathan Hutchinson, if he had consulted the great surgeons whom I consulted, he would have got the answer that I did, that such a thing was not anæsthetic, and that the corneal reflexes should be abolished before the operation is begun. My complaint against the Home Office is that they go to the vivisectors themselves for advice as to what is painful, and that they have done so always.

I shall come on by and bye to the provisions of my Bill, of course. I now come to another case. In Volume XXVI. of the *Journal of Physiology*. On page xxxviii. of the Proceedings of the Phy-



siological Society of March 16th, 1901, you will find that Mr. J. Herbert Parsons, in a report of his experiments on dilatation of the pupil from cerebral stimulation, makes the following statement:—"The following are some of the results obtained: (1) Dilatation of the pupil, like other effects of cortical stimulation, is best obtained with slight anæsthesia.

10382. (*Sir Mackenzie Chalmers.*) Is that a general abstract statement, or is he describing certain specific experiments which he made?—

At this distance of time I cannot say; you have it there.

10383. (*Chairman.*) What is your complaint about it; did you complain to the Home Office?—

Yes, I complained that they allow this slight anæsthesia, and the Home Secretary referred me to page 368 of that volume, where I should find it stated that "the animals in question were completely anæsthetised and insensible to pain throughout the experiments." That, I presume, is a general statement with which vivisectors very frequently now begin a statement of all their experiments, and then when you come to detail you find these words, "slightly anæsthetised." They cannot both be true. Therefore all that the Home Office did when I pointed out that this man himself said that he did these experiments under slight anæsthesia was to point out that he himself, the same man, says somewhere else that the animals were completely anæsthetised.



10384. The whole question in this case, as in the last, seems to be whether slight anæsthesia means sufficient anæsthesia to prevent pain, or whether it means something less than that?—

Yes.

10385. (*Colonel Lockwood.*) This same paper which you quote says, "The animals in question were completely anæsthetised and insensible to pain throughout the whole experiments"?—

That is a general statement of the whole lot.

10386. (*Chairman.*) That is the statement, of course, of the physiologists there at work—I know you do not admit the statement—that though light anæsthesia it was complete anæsthesia in the sense of no pain being felt?—

The word "*ἀναισθητος*" means "without feeling, insensible." You must either be sensible or insensible. I decline to accept "slightly anæsthetised."

10387. We cannot press the derivation so far?—

What does anæsthetised mean? It means without feeling. You cannot be slightly without feeling. You either feel pain or you do not.

10388. A drug which will produce anæsthesia means a drug which will produce that state of things, but whether a drug will produce that anæsthesia to a different extent, slight, incomplete, complete, and yet there may in each case be absence of pain on the part of the animal, I am not able to say. The term "light anæsthesia" seems to be used by physiologists, at any rate, as



being an expression which does cover absence of pain ?—

If I may say so, I regard such expressions in the mouths of physiologists as expressions for the purpose of putting them inside the Act of Parliament.

10389. The Act of Parliament says nothing about slight anæsthesia at all ?—

It does not.

10390. It says that the animals must be under anæsthetics ?—

Yes.

10391. And there must be no pain ?—

Yes.

10392. The Act is complied with whether you put the word “ slight ” in or anything else if there is sufficient anæsthetic to prevent pain ?—

Yes.

10393. It comes back to what I said, whether in the mouth of those who used the term, assuming them to be speaking honestly, which you do not admit, the words “ slight anæsthesia ” cover absence of pain ; they say that it does ?—

My point is that when they say that it does they say it to cover themselves from the Act of Parliament.

10394. The whole question is whether it is true ?—

We regard it with profound distrust, and we believe that if a properly authorised inspector were present he would see that the anæsthesia was complete.



10395. It would no doubt facilitate our inquiry if we were to adopt your view that we should believe nothing that is said by physiologists, and that those who speak on the other side are to be believed?—

I do not take that line.

10396. That is rather what you suggest?—

No, I say that when a person's own conduct with regard to the Act of Parliament is impugned, it does seem to me somewhat inadequate to go straight to him, the person impugned, and to take, without any question, his explanation of what he did.

10397. It was only with reference to an expression that you used just now that I said that. You assumed that it was said by physiologists in order to cover up a breach of the law, or you used some such expression as that?—

A man is accused of a breach of this Act of Parliament.

10398. Not until after he has used the words?—

After he has used the words he is accused of a breach of the Act of Parliament; he is asked by the Home Office to account for himself. What could he do to put himself inside the Act of Parliament but say that the words that he used, whatever they were, were sufficient for the Act of Parliament? You could get it down to an infinitesimal amount of anæsthesia, and you would find that they would maintain, if they were asked themselves, that it was sufficient.



10399. (*Sir Mackenzie Chalmers.*) These are the gentlemen who themselves saw the experiments, and conducted them ; who else could say whether the animal suffered or not ?—

Quite so. There should be an inspector there. That is my answer.

10400. (*Dr. Gaskell.*) Have you ever seen such an experiment ?—

No ; as I have said already, I do not propose to assist any vivisector to break Section 6 of the Act.

10401. (*Chairman.*) I see in Gould's *Medical Dictionary* "anæsthesia, the condition of total or partial insensibility, particularly to touch" ?—

What is the date of that book ? It is since the Act, I should think.

10402. It is 1900 ?—

Exactly, that is since the Act !—Who is the author of it ?

10403. I suppose Gould's *Dictionary* of the day would be since 1876 ?—

But the definition of anæsthesia is brought up to date to fit the Act.

10404. You said the word anæsthesia in its medical sense ?—

No ; I said in its English sense.

10405. No, in its Greek sense ?—

Yes, its Greek sense.

10406. But in its medical sense apparently there are some who contend that it means something less than that ?—



Yes.

10407. The dictionary is, I see, by Dr. George M. Gould, and it is published in London by H. K. Lewis, 136, Gower Street, 1900.

10408. (*Sir William Collins.*) It includes partial insensibility within the meaning of anæsthesia?—

That is very important. Then I may take it that light anæsthesia as taken from that book does mean sensitiveness to pain, if that definition is to be taken.

10409. (*Chairman.*) Not from the book which I quoted from just now. This is of course the same gentleman who wrote the account, who said that at the time of the operation the animals were completely insensible to pain?—

Now we are getting off the dictionary on to the views of the person.

10410. Of course I merely quoted the dictionary, but it does not govern it at all; it was not very material, but it was *apropos* of what you were saying about the true translation of the Greek word.

(*Sir Mackenzie Chalmers.*) May I read the next definition of anæsthetic? It is rather curious: "Anæsthetic, without feeling, insensible to touch or pain; a substance that produces insensibility to touch or to pain; diminished muscular action, and other phenomena. Anæsthetics may be general, local, partial, and complete."

10411. (*Chairman.*) That is not so material.



I thought perhaps the gentlemen when they were writing their account had present to their minds the definition?—

My contention is very simple. My contention is that slight anæsthesia means a condition not insensible to pain.

10412. And you complain of the Home Office not having treated that as an offence after its being brought to their notice?—

I say that throughout the Home Office have constituted themselves the defenders of the vivisectors from criticism, instead of being the impartial judges.

I go on to the next charge now. I charge the Home Office officials with having appointed inspectors who have displayed such bias that they have thought it their duty not to make detective efforts to protect animals from illegal treatment.

That, I think, is almost admitted, but as I am on it I should like to go on to show the bias of other persons besides Dr. Poore. That charge is based upon an answer of Sir James Russell's to Question 530: "When I took office he" (that is Dr. Poore) "wrote to me to tell me that I was to visit registered places about three times a year, but he expressly said that I was not expected to act as a detective," that is to say he was to have more consideration for the vivisectors than for the animals. That is what it amounts to in my opinion. He was further asked at Question 532:



"Have you been instructed to make surprise visits," and his answer was "Never."

10413. Yes ; I remember the evidence ?—

Dr. Busk, who was Inspector from 1876 to 1886, alluded to the agitation conducted by my Society as "a senseless and mischievous agitation." That is not a wholly impartial description of us, I should think. Then Dr. Poore resigned, or, anyhow, left the Home Office. He ceased to be Inspector in 1899 some time after the correspondence which I had over Dr. Crile, and he signalised his departure from office by making an oration called the Harveian oration, delivered at the Royal College of Physicians in London by him, and it was reported in the *British Medical Journal* of October 21st, 1899, which is in the room. In that he says : "So with regard to another burning question there be those who apparently hold the view that a guinea-pig is of more value than many babies" (I do not know whether he is alluding to me ; I never valued a guinea-pig above a baby) ; "and that operations on the lower animals, no matter how carefully they be done, if done for the purpose of research, diagnosis, or relief, and not with the object of making mutton tender, pigs fat, or horses quiet, are to be denounced as atrocities. With such as these it is useless to argue. But seeing that many honoured members of our profession have themselves been vivisected by the envenomed tongues and sharp



pens of a few noisy people, it may be well to point out that no conviction for cruelty or breach of law has ever been obtained." For a very excellent reason, that is that the Home Office themselves, who were responsible for Dr. Poore being Inspector, would have to advise the Home Secretary to give assent in writing to a prosecution. It is not very likely that with Dr. Poore there we should have got assent in writing, "and that hearsay and the misinterpretation of physiological writings are not evidence, at least on this side of the Channel."

10414. Is that so, that the Home Secretary cannot issue a prosecution without the consent in writing of Dr. Poore?—

No; I say that the Home Office themselves are responsible for Dr. Poore being Inspector, and he would have to advise the Home Secretary to give assent in writing to a prosecution.

10415. What you said was that it is easily explicable, because the Home Secretary could not issue a prosecution?—

I did not mean that. What I mean is that we cannot issue a prosecution without the written consent of the Home Secretary, who would go for advice to Dr. Poore.

10416. You did put it so that the Home Secretary could not issue it without the consent in writing of Dr. Poore?—

I did not mean to say that.\*

\* No, and I never did say it in fact.—S.C.



10417. You mean that the Home Secretary must issue a prosecution, and that he would not issue it without consulting Dr. Poore?—

We cannot begin a prosecution without the written consent of the Home Secretary, and the Home Secretary would certainly not give us that consent without asking Dr. Poore, and that is the man who says that we value guinea-pigs above babies, and so on. He went on to say: "The money collected by these strange apostles of mercy is not spent in the law courts, where initial cross-examination would be possible, but in attempts to institute a sort of medical excommunication, and in efforts to dam the stream of charity by sophistical utterances such as Tennyson pronounced to be ever the blackest of lies. Meanwhile it behoves the medical profession to bear a wary eye lest fanatics should seek to impose immoral tests upon applicants for hospital appointments, tests, be it remembered, which would have excluded Harvey from the service of St. Bartholomew's. No hospital governor who coquets with tests of this kind can possibly command the respect of our college, nor can we admit that such an attitude towards research can do anything but harm to the cause of the suffering poor. In this country we have always wisely recognised the uses of opposition. The stability of our political organisation has been largely due to the fact that the party in power is subjected to the ruthless criticism of the opposition, 'the toad



ugly and venomous, which wears yet a precious jewel in its head.' So it has been in medicine, where scientific advance has been checked not only by the criticism of the learned, but occasionally by the clamour of the prejudiced and ignorant." With regard to that ebullition of Dr. Poore's, which he made immediately after leaving the Home Office as Inspector, the moment he was free of his trammels, it seems to me that a man who made that speech must have exercised the most strenuous efforts to preserve his unbiassed attitude of mind towards anybody who criticised vivisectors. The Royal Commission on Vivisection in 1876, on p. 21, said: "The inspectors must be persons of such character and position as to command the confidence of the public no less than that of men of science." I say that Dr. Poore, who made such a speech as that, could not command the respect of the public. I admit that he did not make it until he left the Home Office, but it is obvious that that attitude of mind could not have arisen in a day, and it is probable that he indulged in that sort of expletives when he was inspector. I think, therefore, that the Home Office ought not to have retained him and that he was quite an improper person to deal fairly between the poor animals and the vivisectors.

*(After a short adjournment.)*

10418. (*Chairman.*) Will you proceed with your next statement?—



I come now to the extreme difficulty of finding out how these certificates are signed, and how long they are effective. I find from information from the Home Office that so far as I can make out, Dr. Poore himself signed certificates exempting their holders from using anæsthetics, and was supposed to inspect the same persons whose certificates he had signed. I venture to think that if these certificates are to be signed at all, and given to these vivisectors exempting them from the use of anæsthetics, it is highly unfortunate that the person who signs them should be the inspector himself.

10419. (*Sir Mackenzie Chalmers.*) In what capacity did Dr. Poore sign them?—

Dr. Poore signed certificates before he was made Inspector, but those very certificates remained in force for some years after he was Inspector, and were effective. I venture to say that it would have been more proper if those gentlemen had applied to somebody else to sign their certificates when Dr. Poore became Inspector.

10420. (*Chairman.*) They have to be signed every year, have they not?—

That, my Lord, is a question which I have found it impossible to ascertain. The Home Secretary in his place in Parliament said on July 24th, 1899, in the House of Commons: "All certificates expire on December 31st of the year in which they are granted."

10421. The certificate—not the licence?—



Yes. I was speaking of certificates. Under that you would imagine, of course, that in the year when Dr. Poore was appointed Inspector, at any rate at the conclusion of that year, any certificate signed by him would have expired, and that therefore in the ensuing years the gentlemen who held his certificates would have had to go elsewhere to get fresh ones, but I found that some years after that, it was the fact that certificates were still being used, and held by persons who still held certificates signed by Dr. Poore. I therefore wrote to the Home Office and asked them about it. I stated that in the Yearly Report for 1899 "Dr. Thomas Stevenson is stated to have received a certificate signed by 'the Professor of Medical Jurisprudence University College, London.' Both the *Medical Directory* and Whitaker's *Almanack* for the current year give the name of Dr. G. V. Poore as the holder of this Professorship."

10422. Dr. Poore was appointed Inspector in 1891?—

Yes, he had been Inspector ever since 1891, and here in 1899 was a certificate still held, signed by a person called the Professor of Medical Jurisprudence, University College, London, when both the *Medical Directory* and Whitaker's *Almanack* for the current year, 1899, gave the name of Dr. G. V. Poore as the holder of that Professorship. I therefore drew the attention of the Home Office to it, and after some correspondence, I received



the following reply : " I am directed by the Secretary of State to point out that his answer "—that is to the question in the House of Commons to which I have referred—" was that the Inspector whilst holding the office of Inspector under the Act, had not signed certificates. The certificate to which you refer was signed by Dr. Poore, before he held the office of Inspector." So that it amounts to this, that although we are told that all certificates expire on December 31st in each year in which they are granted, in 1899 there was a certificate signed by Dr. Poore, according to the Home Office, before he was Inspector, which must be before 1891, still in force.

10423. Running for eight years?—

Apparently so, though the certificates are supposed to expire on December 31st in each year.

10424. (*Sir Mackenzie Chalmers.*) Is that all the letter?—

I was going on. " I am to explain that it is necessary for Dr. Stevenson to hold this certificate in order that he may carry out his professional and official duties in connection with the investigation of poisoning, and it is not limited in time, but is kept in force from year to year by the annual renewal of Dr. Stevenson's licence." So that apparently, although we are told that these certificates expire every year, we are told on the other hand that they are kept alive every year.



10425. Dr. Stevenson is the Home Office analyst in poison cases?—

I do not know who he is; I will accept your statement.

10426. (*Colonel Lockwood.*) He is the man who gives evidence on trials?—

Very likely. Therefore we are told in the House of Commons by the Home Secretary that all certificates expire on December 31st of the year in which they are granted, whereas in the letter to me I am told that they are kept alive from year to year.

10427. (*Chairman.*) Not “they”?—

Kept in force from year to year.

10428. What I understand the Home Secretary to say is that there is an exception made in that case, and possibly in some others, where a person is holding a particular official position and is only doing official work. That is what I should gather from his answer. I should not gather that there is no rule at all that an ordinary certificate expires on December 31st?—

You must make what deduction you like. I do not make any deduction except that it is a very confused statement. The two statements, one on the floor of the House of Commons, and the other from the Office at Whitehall, seem to be contradictory.

10429. It certainly seems to that extent that it would have been more accurate, according to his second answer, if the Home Secretary had



said, "With the exception of certain officers all certificates expire on December 31st."

10430. (*Sir Mackenzie Chalmers.*) You did not get a further question asked in the House to explain it?—

I do not know at this moment. I may have or I may not. I will proceed with this letter—there is a little more said: "It is the practice of this Department to make licences annual, terminating on December 31st in each year; and all certificates, whether exhausted or not, cease to operate on that day, because no person can perform a prohibited experiment without a licence. But on the renewal of his licence the holder of a certificate which is not exhausted nor disallowed, may proceed with his investigation, as he is not required by the Act to obtain a fresh certificate every year." That, I maintain, is a flat contradiction—"he is not required by the Act to obtain any fresh certificate every year," and in the House of Commons—"All certificates expire on December 31st of the year in which they are granted." The two statements are wholly contradictory and irreconcilable. I admit that the fact that Dr. Poore's certificates were kept alive for years after he was Inspector is not exact evidence of his having displayed bias; it is more evidence of the carelessness of the Home Office in not seeing that a man did not hold the two offices and inspect the men who held his own certificates. Before I pass from that I will just



rehearse my charge. My charge is that the Home Office have appointed inspectors who have displayed such bias that they have thought it their duty not to make detective efforts to protect animals from illegal treatment.

10431. (*Chairman.*) Then what is your next charge against the Home Office?—

My next charge is that I charge the Home Office officials with having made entirely disingenuous statements in their official utterances, and with having constituted themselves the mere spokesmen of the vivisectors.

On page 4 of the Parliamentary Report for the year 1904 the Inspector, speaking of one class of experiments, says: "All performed under licence alone and under Certificate C, 1,102 in number, are unattended by pain." I think that is a most improper statement for a Parliamentary Paper, which goes broadcast all over the world, and is taken to be an assertion of fact on the authority of a great officer of the State. As he cannot pretend that he or his assistant was present at the vast majority of these experiments, this statement can be of no more weight than the uncorroborated assertions of the vivisectors themselves, upon which alone it must be founded, and I therefore assert that it would be more becoming for the Inspector to say that these 1,102 experiments were stated by those who performed them to be unattended by pain. That is a



proper statement for him to make. If he was an unbiassed official, why should he adopt and endorse the statement of the vivisectors that all these experiments were unattended by pain?

It is a remarkable commentary on the sweeping declaration of the entire painlessness of experiments done under licence alone, that on page 77 of the very same Report four vivisectors in Ireland appear to have admitted that pain accompanied their experiments so conducted.

10432. (*Sir Mackenzie Chalmers.*) Ireland, of course, is not under the Home Office?—

No; but are the animals in Ireland more sensitive to pain, or is the Inspector more truthful? If you will pardon my asking the question, I did not mean to put it in the form of a question. That seems, at any rate, a question that should properly have been put to Mr. Thane when he was here. Further down, on page 4, the Inspector commits himself to the following assertion in respect to experiments done under Certificate B, allowing the animals to survive their operations. I have the quotations here if any one likes to verify them: "Experiments involving the removal of important organs, and even parts of the brain, are performed without causing pain to the animals." If this refers only to the operative procedures under Certificate B it is disingenuous, because we admit, at any rate, that if the law is followed under the operative procedures the anæsthesia ought to be complete.



10433. (*Chairman.*) Is that the Report for 1904? —

It is issued in 1905 for the year 1904. I do not know whether the Inspector expects people who have operations performed on themselves to believe that animals do not suffer as they themselves have suffered after recovering consciousness. I do not know whether that statement is deliberately framed so as to relate in fact only to the period of unconsciousness, while it is intended to convey to the reader the idea that the whole experiment is without pain.

10434. These are all cases of recovery afterwards? —

Yes, this is Certificate B.

10435. Would you mind reading the Inspector's statement again? —

"Experiments involving the removal of important organs, and even parts of the brain, are performed without causing pain to the animals."

10436. "And——" would you go on? —

I have not got it.

10437. (*Sir Mackenzie Chalmers.*) "And after the section of a part of the nervous system these degenerative changes are painless" ? —

That may be so.

10438. (*Chairman.*) That completes the sentence? —

Yes. He does not even commit himself to saying that that is always done. In either case, I characterise this as an *ex parte* defence of



vivisection and the vivisectors, and I think it is altogether unbecoming in a Government Inspector.

On page 5 the Inspector writes a paragraph on inoculation experiments done under Certificate A, the plain object of which is to suggest to the public that no acute suffering occurs in such experiments. This is what he says: "The substance administered may give rise to poisoning or set up a condition of disease, either of which may lead to a fatal termination. To administer to an animal such a poison as diphtheria toxin, for example, or to induce such a disease as tuberculosis, although it may not be accompanied by acute suffering, is held to be a proceeding 'calculated to give pain,' and therefore experiments of the kind referred to come within the scope of the Act 39 and 40 Vict., c. 77."

I call that a disingenuous statement. The Inspector cannot be unaware of the fact that terrible suffering accompanies death by tetanus, induced by inoculation under Certificate A, that very many of the 8,292 inoculations done on behalf of the Cancer Research Fund (I will not use the word Imperial myself in connection with such a thing) entail considerable and prolonged suffering. The animals were given diseases, and they must have entailed considerable and prolonged suffering, and that many of the 29,705 inoculations inflicted lingering and painful disease on the animals used. He must be aware of that. If he



really is unaware of these facts, he could have learnt them with a little investigation. If he is aware of them, the paragraph is clearly disingenuous.

10439. Just read the paragraph again—the part that you say is disingenuous?—

“The substance administered may give rise to poisoning or set up a condition or disease, either of which may lead to a fatal termination. To administer to an animal such a poison as diphtheria toxin, for example, or to induce such a disease as tuberculosis, although it may not be accompanied by acute suffering, is held to be a proceeding ‘calculated to give pain,’ and therefore experiments of the kind referred to come within the scope of the Act 39 and 40 Vict., c. 77.” I call that a disingenuous statement; that is covering up from the public eye, in a public Report, the fact that a great deal of very severe suffering is caused under Certificate A.

10440. You mean that it suggests that nothing worse, at any rate, can happen in those cases?—

Yes, for example, he carefully takes the diphtheria antitoxin and tuberculosis as two cases which are very likely not accompanied by severe suffering, but he must be perfectly well aware that experiments are conducted in tetanus and other things which do cause very grievous suffering, and he ought to say so. He has admitted it further on in the evidence, but this was written before a Royal Commission was going to sit. In



either case, whether he is really unaware of the fact that serious suffering follows Certificate A in many cases, or whether the paragraph is disingenuous if he is aware of it—in either case I ask whether an individual who is either ignorant of even elementary knowledge of the conditions of many diseases, or who writes disingenuously in a Government Report, is a proper person to be Inspector under the Act.

On p. 6 the Inspector says that he and his colleagues found the vivisectors “desirous of acting in every way in accordance with the letter and spirit of the Act.” What in the world did the man expect? He need not assure the public that the vivisectors do not break the law when he makes one of his rare visits to the laboratory. The anterior portions of the Report sufficiently indicated the Inspector’s own appreciation of the letter and spirit of the Act. And it would indeed be remarkable if the vivisectors found any fault with it.

At the head of Table IV. (I am now coming to what the Department says, not the Inspector), and repeated on several pages, the Department makes the following statement:—“N.B.—In experiments performed under licence alone, or under Certificate C, the animal suffers no pain, because it is kept under the influence of an anæsthetic from before the beginning of the experiment until it is killed.” Now, I say that the Home Office themselves who issued that statement can have



no authority for it but the assertion of the vivisectors. They have admitted that their Inspectors are not present at any part of the vast majority of such vivisections, and if the intention of the Act was, and is, that the Home Office officials are to constitute themselves the endorsers of the uncorroborated statements of the vivisectors no Inspectors would be needed or provided by the Act. The Home Office officials themselves simply assume and assert publicly in this statement on no authority but that of the vivisectors themselves that they never infringe the provisions of the Act, and they thereby set themselves in open antagonism to the law, I maintain which, by providing inspection, informs the Home Secretary that he is not to be satisfied by the uncorroborated assertions of the vivisectors. I venture, therefore, to assert that this "N.B." which I have quoted is a biased *ex parte* assertion entirely unbecoming in a Government Report.

10440A. What is the evidence that you suggest the Home Office ought to get? Of course, they ought to have the account for what it is worth of those who actually perform the experiments?—

I say that the proper heading would have been not to assert that when those experiments were performed the animal suffered no pain, but that the vivisectors informed them that in those experiments the animals suffered no pain. Then the public could take that assertion for what it is worth.



10441. Apparently their adviser, Dr. Poore, or whoever it was at that time, advised them that it was so?—

Dr. Poore was no more there than you or I.

10442. So far as his evidence goes, he is the Inspector?—

Yes, he is the Inspector.

10443. And so far as the value of it goes it was in the same direction apparently?—

Whether a man be an Inspector or a policeman, or anything else, he cannot know what happens in places where he is not.

10444. Neither can the Home Secretary?—

That is my objection.

10445. He does get the evidence of the people who were on the spot?—

He gets the evidence of the vivisectors themselves.

10446. They were the people on the spot?—

I should not have the least objection to their putting a heading "N.B.—In experiments performed under licence alone or under Certificate C, if the law is properly observed, the animal suffers no pain," or "The vivisectors inform us that the animals suffered no pain," but they say "The animals suffered no pain." They were not there. They have no right to say that, and that goes to the public as an authoritative statement.

10447. (*Sir Mackenzie Chalmers.*) They see a certain number of experiments, and that is a sample, is it not?—



They saw one entire experiment in one year, I think—one physiological experiment throughout.

10448. I think they saw a good many?—

I have an answer on that very point in the House of Commons.

10449. I want that point cleared up?—

It is a vanishing point; what they see is absolutely a vanishing point. I do not blame them for that; they cannot be there unless the law makes it necessary. I will come back to that. I know I have got it. It is something very small, you may take it from me, and I can prove it.

I want to draw attention to Question 206 on page 10 of the Minutes. This case was put to Mr. Byrne:—"To give an example, the other day an experimenter wished to have an experiment without anæsthetics in this case. He wished to feed kittens on cow's milk instead of cat's, and a certificate was granted that the experiment might be performed without anæsthetics," and the answer was "Such an application would be granted by the Home Office." My comment upon that is, is feeding a cat with ordinary cow's milk an experiment calculated to give pain? I regard that simply, if I may say so, as flouting those who hold the views that I do. That question and answer seem to me to be a sort of ebullition of a spirit of raillery. No anti-vivisector that I ever heard of would suggest that giving a kitten cow's milk was an act calculated to cause it pain and the necessity of going to the Home Office to



license such a thing. It is an attempt to pour ridicule upon the whole of those who with me wish to stop grievous pain to animals. You do not suppose that I, or any of those whom I represent, would support anything so absurd as that.

10450. On that point the experimenter would have been liable to prosecution if he had not a licence?—

Why?

10451. Because it is an experiment, and it is an experiment which may cause disease in the animal?—

How could the experiment of giving cow's milk to a kitten cause pain? There is nothing in the Act to prevent your trying which of two dogs will first find a bun under a sofa.

10452. It is a feeding experiment, and the licensee applied to the Home Office for a licence, because the result of changing the food in that way might have been to cause disease, and he wanted to find that out?—

I pass from that.

10453. It was considered, and the licence was granted?—

I do not deny it.

10454. (*Chairman.*) I do not say that it is likely to do it, and it sounds to me very unnecessary, but supposing that the kitten had died from the change of diet, I suppose a complaint might have been made?—



My Lord, those whom I represent are not that sort of people. I protest against that being given as serious evidence—that is all.

Then at Question 231 (this is very important, I think) Mr. Byrne was asked, "Has any application to be allowed to prosecute a licensed person ever been made and refused?" "No," says Mr. Byrne, "no application has ever been made and refused. An offer to give the Secretary of State's consent was once made." We all see what that is meant to convey, that we have no case, and cannot go to the Court. My answer is, of course, that we cannot make an application. How am I, or any one of the public, to obtain evidence of breaches of the law in cases which are not public? We can get no evidence of what goes on in laboratories except from the printed and published admissions of those who do the acts, and a man who has done an illegal thing is not likely to publish it abroad. They sometimes do, but if they do it is generally six months afterwards, so that I think this innuendo here, that we have made no complaints because there are no breaches of the law, is a very improper one on the part of the Home Office. I should like them to explain to us how we are to prosecute, however badly the Act is carried out!

The next question that I want to refer to is Question 248, "Is there no red tape there?" and the answer is, "No, it is a necessity under the Act; the Secretary of State is bound to act in



that way. It is curious that of the 60 contraventions, quite a substantial number were contraventions indicating a keen desire on the part of the operator to provide greater security for the animal not suffering than the Act allows him to take." The suggestion there of Mr. Byrne is that the Act of Parliament forces a sort of cruelty apparently upon the vivisectors; that if they were to follow the Act they would have to be cruel. "If he has a certificate, for instance, authorising him to carry out a certain investigation" (this is the instance he gives, you see) "without anæsthetics, and he, in an individual case, thinking the anæsthetic will do no harm, applies it to save the animal pain, then he has committed a breach of the Act. The Secretary of State cannot help that at present under the existing law." I venture to submit to Sir Mackenzie Chalmers and the Commission that this is not so. He could do the experiment under licence alone, which does not compel him to kill the animal unless it is in pain after the anæsthetic has passed off, or it has been seriously injured. And therefore the whole of that answer, I think, is most unhappy and unfortunate.

10455. (*Sir Mackenzie Chalmers.*) That refers to Certificate A, does it not?—

Certificate A permits him to omit anæsthesia; it does not forbid him to operate under his licence alone.

10456. He wants the animal to recover?—



So it may under his licence alone.

10457. No ?—

Yes, pardon me.

10458. Take the case of an inoculation experiment—that is what we are really thinking of ?—

That is quite right. What Mr. Byrne here says, is that if he has Certificate A he is precluded from using anæsthetics while he injects whatever it is that he injects. I say that is not so ; he can inject whatever it is he injects under his licence alone ; because it says that the animal must, during the whole of the experiment, be under the influence of some anæsthetic sufficiently powerful to prevent its feeling pain ; and then it says that the animal must, if the pain is likely to continue after the effect of the anæsthetic has ceased, or if any serious injury has been inflicted upon the animal, be killed before it recovers. But in an inoculation of this kind neither has any serious injury been inflicted upon it nor is pain likely to continue after the effect of the anæsthetic has passed off. Therefore there is nothing whatever in the Act to prevent a man using his licence for an inoculation experiment.

10459. (*Chairman.*) Is not this rather on the question of the amendment of the Act, which I understand you are going to deal with afterwards. This is hardly a charge against the Home Office. There seems to be a point which you do not agree with as to the meaning of the Act ?—

The point I am taking is that in his evidence,



Mr Byrne would have the public believe that the Act of Parliament forces upon him a necessity for inflicting pain. That is what I object to.

10460. I do not see that?—

He says, "It is curious that of the 60 contraventions quite a substantial number were contraventions indicating a keen desire on the part of the operator to provide greater security for the animal not suffering than the Act allows him to take."—

I say that is not so.

10461. Giving anæsthetics when the Act did not really compel him to do it?—

No, giving anæsthetics when the Act says that he must not, is what Mr. Byrne says. I say that the Act does not say that he must not; I say that the Act does not put that compulsion upon him.

10462. I cannot see how that is a charge against the Home Office?—

10463. (*Dr. Gaskell.*) The contravention of the Act was, that they did not take out Certificate B as well; that is what the charge says?—

I am speaking of the licence alone.

10464. (*Sir Mackenzie Chalmers.*) But you could not use the licence alone for inoculating an animal for the purpose of producing disease. If you aim at producing a disease, say cancer, under that you require Certificate A; the licence would not do it?—

Why not?



10465. Because you are going to produce a serious lesion in the animal by producing cancer ?—

Not if the original operation is painless, a mere prick of a needle.

10466. You require Certificate A for that ?—

If you do not administer anæsthetics ; but you may administer anæsthetics, surely.

10467. But you are bound to kill the animal before it recovers ?—

No.

10468. (*Chairman.*) Is not this a thing to be discussed, if discussed at all, on the question of amendment of the Act. If the Act is not clear about it you think it should be made clear. I do not see how you can found a charge against the Home Office for taking a particular view of the Act which, after all, is not an inhuman view ?—

My objection to it is that, as it seemed to me, Mr. Byrne's evidence was rather conceived in a spirit of raillery against us.

10469. No, I remember his giving evidence upon that point ?—

Then I pass from that.

Now in Hansard of May 30th, 1902, there is an important statement by Mr. Ritchie—it must have been part of a speech : “ With regard to vivisection, time did not admit of fully discussing the subject. As to the argument that animals suffered intense pain after recovering from the anæsthetic, he could assure the House that that



was very easily overstated, because life was destroyed before return of consciousness in all cases, except those where special certificates authorising the keeping alive of the animal were granted. It might become necessary to appoint additional inspectors, but it would be absolutely impossible to ensure that an inspector should be present at all operations, for that would require an army of inspectors. No certificate was given except under the greatest precautions, and even where such certificates were granted, the animals had to be killed immediately the object of the experiment was attained." I wish the Commissioners to fully appreciate those words: "Immediately the object of the experiment was attained." "Before the certificate was issued the Home Secretary had to be convinced that every precaution would be taken that the operation would be conducted by a properly-trained person for an adequate scientific object. All possible means were taken to avoid causing animals unnecessary pain, the inspectors were most humane men, and so, generally, were the operators. He did not know that there had been any convictions under the Act."

I must take those words: "And so generally were the operators," to be an admission by the Home Secretary that not in all cases were the operators humane men.

10470. I should think that was rather a forced construction of a Minister speaking in the House,



I daresay he put in the word "generally" thinking, "I am not going to commit myself to the statement that there is no such thing as a hard-hearted operator" ?—

I just draw the attention of the Commission to that, that is all. I pass from that. And as regards the words "The animals had to be killed immediately the object of the experiment was attained." I have had considerable correspondence with the Home Office about the proceedings of Professor Starling with the brown dog, over which I had to pay damages in the Law Courts. I may point out that whatever Professor Starling did to the dog was not within the purview of the Law Courts on that occasion. The action was brought by Mr. Bayliss solely, and everything that happened before the dog reached Mr. Bayliss's hands was outside the purview of that action. But I have to point out (and I have pointed it out to the Home Office) that I have asked the Home Office repeatedly to tell me under what licence and certificate the first two operations by Professor Starling upon the brown dog were done. I have been wholly unable to get an answer from the Home Office to that very plain, simple question. I wish the Commission fully to understand the point. My point is this. Professor Starling, if he had Certificate B, performed two operations upon that dog, one in December, a long interval of time between, and then another operation in February, to ascertain whether inflammation



had been set up in the intestinal, or, at all events, the internal parts of that dog, by the first operation. If he did that second operation under his Certificate B, it was his duty, according to the Home Secretary's own words and according to the Act of Parliament, to kill that animal "immediately the object of the experiment was attained." When he had opened that dog a second time, he had by that opening fulfilled the object of his experiment, which was to ascertain, in his own words in the witness-box, whether the condition of inflammation had been set up by the previous operation. Instead of immediately killing that dog, he handed it over to Mr. Bayliss, and left the building himself, and Mr. Bayliss performed a further major operation upon that dog, which took an hour. My contention is (and I have placed it before the Home Office with all the seriousness that I can) that in that case it was Professor Starling's duty to kill that dog the moment he had performed his second operation upon it, and that this handing of the dog round from one vivisector to another is utterly illegal and ought certainly to have been stopped by the Home Office if they knew of it. If they did not know of it, the evidence in the action brought against me apprised them of it. From the moment that that evidence was before the public, they knew that Professor Starling, instead of killing that dog, handed it over to Mr. Bayliss. My contention is that there never was a



case more clear of a breach of the Act. And if they say that the second operation performed by Professor Starling was not done under Certificate B, but done under his licence alone, then it was also his duty immediately to kill it on recovery from the anæsthesia. He had no business to leave it to anybody else. So that whatever view they have of it, Professor Starling must, in my opinion, have broken the law.

10471. You have read Professor Starling's account of it, have you not?—

I heard his account given in his sworn evidence in the witness-box.

10472. And also his account before us?—

Yes, I believe he was examined.

10473. (*Sir Mackenzie Chalmers.*) Do you accept his account?—

I do not know at the moment that I remember it. I am going much more upon the evidence given in the Law Courts and the subsequent action of the Home Office. The Home Office, at any rate in the long interval between that action against me and this Commission, did not know what Professor Starling was going to say to the Commission, and they did know what he said in the Law Courts, and upon what he said in the Law Courts they ought to have acted, in my opinion.

10474. (*Chairman.*) I am not sure whether I remember rightly myself—I have not referred to the evidence, and it was some time ago—but was



it not a fact that the dog was under anæsthesia at the time that it was handed over to Dr. Bayliss?—

That was a matter of dispute. There was sworn evidence on both sides. But I am not dealing with the question of anæsthesia; I am dealing with the question of Professor Starling's duty to destroy that dog.

10475. I am not myself arguing the question whether it was a breach of the law or not; I am only trying to get at what the explanation was; I am not saying what the worth of his explanation was, but I understood his explanation to be that the animal was under anæsthetics; and instead of that dog being killed under anæsthetics, and a new dog being obtained and put under anæsthetics and operated upon by Mr. Bayliss, he allowed this dog to be operated upon. It had to be destroyed, and he thought that as it had to be destroyed without coming out of the anæsthesia, it was saving, as it were, another dog for Dr. Bayliss to make his experiment on that same dog. Whether that was a breach of the Act I am not saying—I dare say it was, but that was the explanation that he gave.

10476. (*Colonel Lockwood.*) Did not Mr. Akers Douglas give me the same answer about that very question in the House of Commons?—

Yes, I think he did. My point is that the animal under Certificate B had a right to be killed the moment Professor Starling had performed that second operation:

10477. (*Chairman.*) I quite see the point?—



Professor Starling handed it over to somebody else ; he did not even stay to see whether the animal remained under anæsthesia. It is his duty to see ; it is not his business to hand it over to anybody else. To pass dogs round from hand to hand and nobody is responsible : to wash his hands of it and give it to somebody else is not, in my opinion, the way in which this Act should be carried out. I also wish to point out that if it had not been for this action the veil would not have been lifted in this case ; we should not have known that the animal was handed from one vivisector to another, and passed round with wounds clamped up in its side with iron pincers. And this may happen constantly. The inspectors have told me that they knew nothing about the case until the action was brought. I have been told by the Home Office that they knew nothing about it.

Now I come to the latter part of this charge, which is, that the Home Office have constituted themselves the mere spokesmen of the vivisectors. The position of mere spokesmen of the vivisectors has never been so openly exposed as in their own Reports. In the Report issued for 1879, when Mr. Busk was the Inspector, this is what he said : " The number of experiments performed, and according to the returns I have received from each licensee, was about 481." First of all he says " about," which is a very



ingenuous remark to make ; he does not know the number of experiments, and even the " about " is simply based upon the returns which he has received from each licensee, so that one licensee may have performed a thousand experiments, and there is nothing to prevent his reporting it as one, two, five or six. It is a very remarkable thing that year after year a large number of licensees take the trouble to take out licences and certificates, and, according to their own account, never use them. I do not assert anything, but it is a matter of comment. If a man takes out a licence to drive a cab, you generally assume that he drives a cab ; and if a man takes out a licence or certificate to enable him to vivisect animals without anæsthetics, it is somewhat strange if he does not use it. And he takes considerable trouble to get them, if they are to be renewed every year, according to one statement of the Home Secretary.

In the report for 1880 I find these words—still Mr. Busk : " In none of the other experiments under these certificates, as I am assured by the experimenters, was any appreciable suffering inflicted." That is the statement put forward, and that is a perfectly right and proper statement to put forward. He says : " As I am informed by the experimenters." If the Home Office always confined themselves to saying in their Reports that they were only assured by the experimenters that this and that did not happen



it would be more fair to the public. But still, as I have said, they remain simply here the spokesmen of the vivisectors—that is all. In 1883 he says: “I have been assured by all the experimenters, that in this class of cases no appreciable pain was manifested.” There again he is nothing but the spokesman of the experimenters. Then in 1883, further on, he says: “In none of these experiments, as I am informed by the experimenters, was any appreciable pain inflicted.” In 1884: “No appreciable suffering would be caused if the provisions of the Act were faithfully carried out, which I have every reason to believe was done.” Well, down to the word “carried out” that is a very proper statement. “Which I have every reason to believe was done,” is a statement that we will take for what it is worth. He was not there, and I do not see how he can say. He may have every reason to believe. I suppose that is a harmless statement; it does not carry much weight. This is the next Report, still 1884: “From the returns I have received from the various operators, it would appear that no pain was inflicted in these cases except in about fourteen or fifteen instances, in which disease was produced, but which was very trifling.” There again he is merely their conduit pipe. Then the Report for 1885: “No appreciable suffering would be caused if the provisions of the Act are faithfully carried out, as there is not the least reason to doubt they were.”



10478. You are not objecting to any of these statements that you have read?—

I am only saying that throughout their Reports, and on all occasions, the Home Office constitute themselves the mere spokesmen of the vivisectors. They incorporate in their Reports just exactly what the vivisectors tell them. I say, and say it frankly, that in these Reports they say the vivisectors tell us they do not inflict any pain.

10479. That is rather a different thing from being mere spokesmen?—

It comes to that. They do not criticise.

10480. When we speak of a man being the mere spokesman of somebody else, we mean that he is put forward to present that person's views in his interest. This is merely saying, "I have merely to report information I have received, and this is the information I have received"?—

I do not mean to convey any more than that, except that in their Reports, owing to their being wholly unable under the present Act to be present at vivisections that take place, they constitute themselves merely the spokesmen.

10481. We quite understand now what you mean by the word "spokesman." But we had better come to something about which you do complain of the Home Office?—

I do not want to carry it any further than that.

Now, in the *British Medical Journal* of June 18th, 1898, Dr. Cecil Shaw, at page 1582,



says: "My own work has consisted of two proceedings—first, the pathological examination of eyes removed on account of injury; and, secondly, an experimental research to determine what changes, if any, follow prolonged irritation of one eye, both with and without traumatism." He subsequently continues the narrative as follows: "In the experimental research my aim was to discover"—I am emphasising the "my," because he subsequently said that he never did any of these things himself; he says, "My own work," and he goes on subsequently, "My aim, was to discover whether prolonged irritation, external or internal, of a rabbit's eye would produce any visible organic changes in the ciliary region, either in the irritated eye or in the other. In the first experiment the eye was cocainized, and a wound was made in the ciliary region, without antiseptic precautions and the cornea irritated with powdered jequirity seeds for varying periods up to six months. The jequirity causes purulent conjunctivis" (I do not understand all these words) "and abundant cocci were present in the pus, but though in some cases the ciliary region was again wounded while the eye was bathed in pus, no iritis was caused. In one case there was an extensive ulcer of the cornea, which ultimately healed without perforating. The non-irritated eyes were examined at intervals with the ophthalmoscope, but no departure from the normal appearance of the disc was seen in any



case. Internal irritation was then tried, small shot being inserted into the eye again without antiseptic precautions. In fact, soiled instruments were purposely used, to reproduce as far as possible the kind of wound which is most often found to cause sympathetic ophthalmia. When the incision was made in the sclerotic a few millimetres above the corneal margin, a little vitreous escaped on the shot being put in, but the wound healed rapidly, and in a few days no sign of it, or of external irritation, could be seen. When the wound was made in the ciliary region, more external irritation was seen. In one case the wound opened after several days, the shot was expelled, and all signs of irritation disappeared. In another, the shot was similarly expelled, but after some weeks, and irritation is still present at the end of five months, as shown by injection in the neighbourhood of the wound, but no signs of iritis are to be seen, either in the traumatised eye or in the other. This rabbit I have kept alive to observe how long the irritation lasts, and whether it will yet lead to any changes in the iris or ciliary body. After periods varying from three to four months, the rabbits were killed."

10482. Where was that performed?—

In Dublin, I think.

10483. (*Dr. Wilson.*) In Belfast, I think.—

10484. (*Chairman.*) In the United Kingdom, at any rate?—

Yes;



10485. (*Sir Mackenzie Chalmers.*) That had nothing to do with the Home Office?—

I have not said so yet.

10486. You were dealing, I thought, with your charges against the Home Office?—

I identify——

10487. The Irish Office with the Home Office?—

Oh, yes.

10488. Not for all purposes, I hope?—

I look at this from the point of view of the animals, not of the officials.

10489. I understand?—

On inquiry I found that the alleged author of these experiments had never held a licence under the Act, much less the certificate which would have been necessary for such experiments as those above described. It looked, therefore, very much as if there had been a breach of the law. Special inquiries were made on the subject, and the society's solicitor went to Belfast to continue those inquiries on the spot. It was found impossible, however, to fix the exact date of the experiments, which was necessary as a preliminary to bringing the matter before any court. That shows the difficulty we have about bringing law actions. The inquiries were, nevertheless, persisted in for some time, but unfortunately the proceedings of vivisectors under the present law are carried on in such secrecy that it was found impossible to obtain the necessary evidence from any independent source. As a last but not very hopeful



resource it was determined to lay the facts before the Irish Government. The correspondence which followed shows what happened.

10490. (*Chairman.*) When was this?—

This was in 1898. I got a letter from J. B. Dougherty, dated from the Chief Secretary's Office, Dublin, and he encloses the correspondence, and here is the correspondence. It is a letter from Dr. Shaw to his very good friend Dr. Lorrain Smith, who had a licence, and a letter from Dr. Lorrain Smith to his very good friend Dr. Shaw, who had not. The letter from Dr. Lorrain Smith, who had a licence to his friend Dr. Shaw who had not, is as follows; both of them are dated the same day; they must have met in the street and exchanged them, I daresay:

"Sir,—On receiving your note of yesterday's date, I referred the matter to Dr. Shaw, and I beg to enclose his reply. I regret that his paper is so worded as to be possibly misleading in regard to the vivisection experiments on inflammation of the eye which I allowed him to use. These experiments are performed by me" (this is the man with the licence) "in investigating the process of inflammation, and for them I hold the necessary certificate. I may further state that I reported the experiments in question to the Chief Secretary at the end of 1897 amongst other similar experiments on the purpose of inflammation. The experiments in which I as director of the laboratory aided Dr. Shaw were not on living animals."



Now Dr. Shaw writes to his friend Dr. Lorrain Smith :

"Dear Dr. Lorrain Smith,—I regret that any ambiguity in expression in my paper on sympathetic inflammation in the eye should have given rise to a misunderstanding. Your aid and advice were given in the whole course of the research, which included many bacteriological and other experiments, besides those involving vivisection. These latter, very few in number, were, I understand, part of the series of your own experiments on inflammation, of which you allowed me to make use. I had no responsibility beyond taking notes, and undertaking subsequent histological examination of the tissues.—Very sincerely yours, Cecil E. Shaw."

So that Mr. Cecil Shaw, who in the papers said "my own work consisted of this, that, and the other," and "in the experimental research my aim was to discover"; and "this rabbit I have kept alive to observe," and so forth, when asked by the authority to explain how he did this says: "Oh, it was not I; it was my friend Mr. Lorrain Smith. I am sorry if there is any ambiguity of expression in my papers." I can see no ambiguity of expression. It is, "this rabbit I have kept alive," not "my friend Mr. Lorrain Smith."

10491. Is it now your suggestion that those two gentlemen were saying what is not true, and that Dr. Cecil Shaw did these experiments?—

That is my suggestion. He said so himself in



the paper which he published, and I prefer his statement written by himself before he was hauled over the coals to his refusal to say so afterwards.

10492. (*Mr. Ram.*) By the statement he made himself, do you mean what you have just read to us?—

Yes, in his paper. “My own work consisted of two proceedings,” and “in the experimental research my aim was to discover.”

10493. I did not know whether there was anything else. I was not sure whether you alluded to that or any other paper?—

No, I have nothing else to go upon but that paper.

10494. (*Chairman.*) Do you really think that that ambiguity ——?—

I see none.

10495. Well, what appears to you to be an incorrect statement but to other persons apparently an ambiguity?—

When you say other persons, the person who called it ambiguous is Mr. Cecil Shaw himself.

10496. When I heard the explanation it is quite capable, to my mind, of being an ambiguous expression. If there had not been any other evidence I should have thought he was speaking of his own work. I should not have known that there was another operator; but I can quite understand if there was another operator how Dr. Shaw should have written that; and that being so it seemed to me that we require rather



more evidence, if we are asked to say that these two gentlemen have concocted a lie, than a mere suggestion that those words are a distinct and express admission by Dr. Cecil Shaw that it was his hand that operated and not Dr. Lorrain Smith's ?—

Very well, then, I will supply you with that extra evidence that you want. New light was thrown upon what I consider the somewhat discreditable proceedings in the *British Medical Journal* of July 22nd last, on page 220, of which you will read in the report of the Scientific Grants Committee for the past year the following : “ Shaw C.E., M.A., M.D., 14, College Square, East, Belfast. —For a research on sympathetic ophthalmia, necessitating the purchase of monkeys and dogs and apparatus, £12.” I call that corroborative evidence that he, Dr. Cecil Shaw, is the person who did those experiments, because he was given money to do them, and to purchase monkeys, dogs, and apparatus for the purpose.

10497. I understand your point about it ?—

And, further down—I have not quite finished yet—the editor of the *British Medical Journal* himself does not attempt to conceal the truth as I hold it about Dr. Cecil Shaw, because he says on page 224 : “ Dr. Cecil Shaw has, owing to circumstances, had to abandon for the present the research for which he received the grant.” Putting all that evidence together, I maintain that that is sufficient evidence for reasonable people that Dr.



Cecil Shaw did those experiments himself, and that when the Home Office, represented by the Irish Office over there——

10498. (*Sir Mackenzie Chalmers.*) Oh, no, no, the Irish Office does not represent the Home Office?—

Whatever it is—whatever is the Home Office over there in Ireland——

10499. (*Chairman.*) Supposing that Dr. Cecil Shaw had undertaken a research of this kind, and thought it was one that would yield useful results, supposing he had not got a licence, and got his friend, who had a licence and a laboratory, to do the manual work that was necessary, would not everything then be consistent? Would not this passage about the grant and everything else all be consistent?—

No, I venture to think not. I think if a man gets a grant to do a thing himself——

10500. It does not say himself; it says his research. It does not say that his hand is to be the hand to operate upon those rabbits?—

But he says himself, "My own work."

10501. We have gone through all that, and I have said what the effect is upon my mind?—

I must beg leave to say that the effect on my mind is very different—that is all.

10502. So I understand.—

10503. (*Mr. Ram.*) Your charge here is the illegality of any operation of this sort being performed by this particular man?—



My charge is a little more than that. My charge is that when a person performs what is, in my opinion, a totally illegal act, and a knowledge of that fact is brought by me to the officials who are his superior officers, instead of listening to me and saying to this man: "You have no business to do this," they always adopt his explanation, and throw it back at me, and say that is the explanation.

10504. (*Chairman.*) What they did was, they accepted the statement of Dr. Cecil Shaw and Dr. Lorrain Smith?—

Yes, at once. They had not at that moment, of course, before them the statement about the grant to Dr. Shaw himself for doing the very thing, because I had not got it to lay before them at that moment; otherwise it possibly might have led to a little difference. The answer of the Home Office was this: "With reference to previous correspondence relative to alleged violations of the Act 39 and 40 Victoria, chapter 77, by Dr. Cecil Shaw, of Belfast, I am directed by the Chief Secretary to transmit to you the accompanying copies of letters from Dr. Lorrain Smith and Dr. Shaw" (those are the two I have read). "I am to add that, having regard to the contents of these letters the Irish Government cannot carry the matter further." My complaint is that they immediately accept what I call the absurd explanation of these two vivisectors.

10505. (*Sir John McFadyean.*) Might we ask



what it is suggested that the authority ought to have done under the circumstances?—

They ought to have prosecuted Dr. Shaw for performing a very cruel experiment upon these rabbits without any licence at all.

10506. (*Chairman.*) The specific evidence against him would have been that statement, "My own work"?—

They could get evidence that I, as an outsider, could not. They could have got the laboratory attendants and everybody in connection with that laboratory, and got to the bottom of it; instead of which they accept immediately, without any further talk, these two, as I call them, ridiculous letters of these two gentlemen.

10507. (*Dr. Gaskell.*) Is not the case of Ferrier and Yeo a very parallel case?—

Yes.

10508. Was not that brought by you to the Law Courts?—

It was before my time. I think it was brought by the Royal Society for the Prevention of Cruelty to Animals. I can find out all about it for you.\*

10509. Did not the Law Courts say that the evidence was distinctly that although Ferrier used the word "I," and spoke of them as his experiments, and got the money for the very purpose, the experiment was really done by Yeo?—

I dare say.

10510. It was a parallel case?—

\* Reference to next day's evidence.



I do not know.

10511. (*Mr. Ram.*) Was that before a jury?—

I think it was before the magistrate; I do not think there was a jury upon it at all.

10512. (*Colonel Lockwood.*) Is that the end of your charges against the Home Office?—

Oh, dear me, no.

10513. (*Sir Mackenzie Chalmers.*) We have been divagating to the Irish Office, and now we are coming back to the Home Office?—

I did not really recognise much distinction. The general effect, I only wanted to say, of Dr. Cecil Shaw's case, in my mind, and I hope in the mind of yourself and others, is that,—I do not say the Home Office in this case—the Irish Office did on that occasion certainly constitute themselves practically the representatives of the vivisectors—the spokesmen of the vivisectors.

10514. (*Chairman.*) Then what is your next charge?—

I am here to charge the Home Office officials with having accepted the suggestion made to them by some nameless adviser, that to starve animals for days is not cruel, when they must perfectly well know that if any one of them starved their own horses (if they have any) the nearest policeman could successfully prosecute them for cruelty to animals under Martin's Act.

That is the next charge I make. It is based upon this evidence. The *Journal of Physiology*,



volume xix., page 193, contains an account of great cruelty inflicted on animals by Dr. Noel Paton. On page 193 he tells us he starved a kitten for 56½ hours ; on page 194 he tells us that he starved two pigeons for 96 hours ; on page 199 we read : " Experiment 38. Three young rabbits of a brood, procured on June 7th, and starved to June 9th." I asked the Home Office whether the certificate under which these cruelties were perpetrated was Certificate A, and I asked what were the names of the professors who signed that certificate ; and I further asked whether, in the opinion of the Home Secretary, starving animals for days together is correctly described as a " trivial operation," because Certificate A, we have been told, is only issued for trivial operations. The answer was that they had communicated with Dr. Noel Paton, and that they had ascertained from that gentleman that the experiments were not performed under any certificate specified in the Act.

10515. Did Dr. Noel Paton say what the object of the experiment was ?—

I do not know what his object was. I take no more interest in the object than the poor kittens did.

10516. (*Sir Mackenzie Chalmers.*) You got the information from the *Journal of Physiology* ?—

Yes.

10517. Did not it state any object ?—

I dare say it did. I take no interest in the object.



10518. (*Colonel Lockwood.*) *On the Relationship of the Liver to Fat*, by Noel Paton ?—

Yes ; I am not a doctor ; I take no interest in the relation of the liver to fat ; I do take an interest in pain inflicted on animals. It is perfectly indifferent to me what his object was.

10519. (*Chairman.*) You are aware that we are also discussing the question of breaches of the Act ?—

Yes, but the Act does not say what the intention was.

10520. But it says “ With a view ” ?—

Yes, that I do not know.

10521. (*Mr. Ram.*) You said that you asked the Home Office three questions. What was the answer to the first ?—

The answer was that the gentleman said that the experiments were not performed under any certificate.

10522. Then the second one ?—

The second one falls with it ; it was to ask who the people were who signed the certificate. That falls with it. The third was whether starving animals was considered a trivial operation.

10523. Was there any answer to that ?—

The Home Office Secretary does not commit himself to that ; he would not answer it. I will give you the whole letter : “ Sir,—With reference to your letter of the 9th ultimo, I am directed by the Secretary of State to acquaint you that he has made inquiry as to the experiments to



which you refer as having been performed by Dr. Noel Paton, an account of which is contained in the *Journal of Physiology* of 1895-6. He has ascertained from that gentleman that they were not performed under any certificate specified in the Act 39 and 40 Vict., cap. 77." That is the whole letter. They will not tell me whether they consider it a painful operation or not.

10524. (*Sir Mackenzie Chalmers.*) If the experiments were cruel they would come under the general law of cruelty to animals?—

No, not if they are experiments.

10525. Why not? Surely if a man has no licence it comes under the general law of cruelty to animals?—

Yes, of course, if he is not licensed.

10526. Here he had no licence, apparently?—

I did not say that; I said he had no certificate. I think he had a licence. I did not make that point. I assumed, of course, that he was a licensee, and I feel sure that he was. If he was a licensee and was doing painful experiments, I say he comes under the Act. I think he is a licensee. If he is not, I should have been sure to ask the Home Secretary how it was that he did these experiments without a licence.

10527. (*Mr. Ram.*) Unless he had a licence there was no good in going to the Home Secretary?—

Exactly; I feel sure that he had. I feel sure that I should have asked that.



10528. (*Sir Mackenzie Chalmers.*) Dr. Gaskell thinks he had a licence?—

I deduce it from my letter. The point is, here is a licensee who does a peculiarly, in my opinion, painful experiment. If he does it under his licence alone, he is bound to see that the animal during the whole of the experiment is under the influence of an anæsthetic sufficiently powerful to prevent its feeling pain. You cannot keep an animal for 56 hours, I presume, under chloroform?

10529. If he does it outside his licence altogether he comes under the general law of cruelty to animals, surely?—

I hardly think so.

10530. He did not purport to do it under his licence at all?—

Until he informs you that he considers the experiment outside his licence the natural assumption is that it is inside his licence. It is an experiment that comes under the Act, and the Act deals with experiments on animals. He does not make the defence that he is doing anything else; it is not like a carter driving a horse with collar sores; it is an experiment. If this does not come under the Act, nothing does.

I next asked the Home Office the following questions: “(1) Were the kittens that he starved for 56½ hours, the two pigeons that he starved for 96 hours, and the three young rabbits starved from the 7th to the 9th of June kept under the influence of anæsthesia during those hours and days



mentioned respectively, and if so, what was the anæsthetic employed? (2) If these animals were not so kept under the influence of anæsthesia, and, consequently, if the law was broken, was a prosecution instituted by the Home Secretary against Dr. Paton; and if not, what course, if any, was adopted by the Home Secretary to punish Dr. Paton for breaking the law, and to secure his future obedience to it? (3) Whether Dr. Paton holds a licence and certificates at the present time, and if so, who signed his certificates and his recommendation for a licence?"

I did ask the question, you see, in that letter. (*After referring.*) Yes, here he is; he is a licensee, and he had a licence at that time. The answer was:

"Sir,—With reference to your further letter of the 5th inst., regarding certain experiments described in Volume XIX. of the *Journal of Physiology*, I am directed by the Secretary of State to say that he is informed that Dr. Noel Paton, after careful consideration, did not deem these experiments to be within the scope of the Act 39 and 40 Vict., c. 77. The Secretary of State is clearly of opinion that experiments involving starvation to an extent calculated to cause pain would be within the Act; but the inquiries he has made point to the conclusion that the extent and degree of pain which animals suffer from deprivation of food are a matter of considerable doubt. In any case, Sir Matthew Ridley does not propose to



institute proceedings in respect of experiments which were conducted so long ago as 1895-6 and not brought to his notice at the time. Dr. Paton holds under the Act a licence and certificates, particulars of which will be found in the Annual Return of Experiments upon Living Animals for the year 1899."

My reply was :

"Sir,—With reference to your letter of July 30th, 1900, in which you inform me that in Dr. Noel Paton's opinion his experiments were not within the scope of the Act 39 and 40 Vict. c. 77, what I desire respectfully to inquire is, not what Dr. Noel Paton's opinions may be of his own experiments, but whether, in the opinion of the Home Secretary, the starving of animals, described by Dr. Paton, were experiments upon living animals within the meaning of the Act." I cannot get an answer.

(*Mr. Ram.*) I thought he had answered that.

10531. (*Colonel Lockwood.*) He evaded it rather?—

Yes, and he goes on evading it :

"Sir,—With reference to your letter of the 27th ultimo, inquiring whether the Secretary of State considers the starving of animals described by Dr. Paton were 'experiments' within the meaning of the Act 39 and 40 Vict., cap. 77, I am directed by Sir Matthew Ridley to inform you that, for the reasons given in the letter from this Department of the 30th ult., he decided not to



cause proceedings to be taken against Dr. Paton. He therefore deems it unnecessary to express an opinion in the case of Dr. Paton whether or no his contention was correct, and whether or no what he did was an experiment upon living animals, such as to come within the provisions of the Vivisection Act."

10532. (*Mr. Ram.*) Would you read the first letter of the Secretary of State again in answer to your first letter on the subject?—

"Sir,—With reference to your letter of the 9th ultimo, I am directed by the Secretary of State to acquaint you that he has made inquiry as to the experiments to which you refer as having been performed by Dr. Noel Paton, an account of which is contained in the *Journal of Physiology* of 1895-6. He has ascertained from that gentleman that they were not performed under any certificate specified in the Act."

10533. Yes?—

That is all, except "Your obedient servant, Henry Cunynghame."

10534. I thought there was some sentence that you read before that the Home Secretary was of opinion that these things did come within the Act?—

No, that is the only letter. He rehearses what the other man said. Perhaps you are thinking of this: "I am directed by the Secretary of State to say that he is informed that Dr. Noel Paton, after careful consideration, did not deem these



experiments to be within the scope of the Act.”  
 “The Secretary of State is clearly of opinion that experiments involving starvation to an extent calculated to cause pain would be within the Act.”

10535. There is a distinct answer. I thought he had given one?—

Yes, but he did not tell me whether these were such experiments.

10536. That is a direct answer to the question you asked?—

No; I wanted to know what these experiments were. I do not want a general statement that there may be starvation, no doubt.

10537. Surely the general contains the particular?—

No; he says: “Starvation to an extent calculated to cause pain would come under the Act.” That is obvious. I did not want him to tell me that. I wanted to know whether he considered that Dr. Noel Paton’s experiments were experiments painful under the Act; and he would not tell me.

10538. He could not tell you that unless he knew what the feelings of the animals were?—

I think if you starved a horse for 96 hours he would soon know. I think under the ordinary law there are a very large number of convictions every year through the Royal Society for the Prevention of Cruelty to Animals for the very offence of starving animals. I also want to point



out this—there is another point which arises out of this: “In any case Sir Matthew Ridley does not propose to institute proceedings in respect of experiments which were conducted so long ago as 1895–6, and not brought to his notice at the time.” The *Journal of Physiology* is a publication that certainly must be within the purview of the Inspector of the Home Office. It is the journal of the vivisectors; and to say that a paper in it was not brought to the Home Secretary’s notice at the time, one of two things must have happened; either Dr. Noel Paton did not fulfil the instructions that we are told are given to all vivisectors under the Act, to forward to the Home Office papers that they publish describing any experiments that they perform—

10539. (*Sir John McFadyean.*) That they perform under the Act. His contention was that it was not under the Act?—

But I think you will find that these experiments of Dr. Noel Paton are in a volume that must have gone to the Home Office—the *Journal of Physiology*.

10540. (*Chairman.*) But if it was in 1895 how could the Home Secretary prosecute. It would be too late to prosecute summarily five years afterwards?—

I am going to say that the *Journal of Physiology* ought to have reached him as soon as it was published.

10541. But taking his letter in 1900, he was



quite right, was he not, in saying that it was too late to prosecute?—

Very likely. What I am upon is this: It is almost the invariable rule that vivisectors, so far as I can see, never publish an account of their doings until a good six months after those doings have been completed, so as to escape any possible prosecution under the Act. The Act prevents any prosecution six months after the event, and we can only find out what happens in laboratories at second hand, either from the publications of the vivisectionists, or from the Annual Report of the Home Office, which itself is generally only published three or four weeks before the expiration of the six months.

10542. I only asked the question, because from the Home Secretary's letter there might appear to be a discretion with him as to whether he should prosecute; but in fact the period for prosecution was up?—

That is not the point. The point is that Dr. Noel Paton's assurance that he did it outside the Act is immediately accepted by the Home Office. It seems to me that a perfectly impartial person at the Home Office would have said, "These are painful experiments, they are done by a man outside the Act; he has done them outside the Act, and we will withdraw his licence from him or inflict some kind of censure upon him."

Now I turn to Question 89 in the evidence of Mr. Byrne. I just want to show that this ought



to have got to their notice—I think it ought, at any rate: “Now as to the records and reports of experiments which under statute a licensee is obliged to make, have you any observations to make as to the way in which that is complied with? Is that enforced by the Home Office?” and his answer is: “Decidedly it is enforced by the Home Office.” Then the next question is: “Do you find that such records and reports are sent in regularly by the licensees?” and then it goes on. I take all this evidence down to Question 94 practically to amount to an obligation placed upon vivisectors to send in any publications they make of their experiments. I think Dr. Noel Paton ought to have sent it in.

10543. (*Sir Mackenzie Chalmers.*) There is no obligation to send it in within a very short time. They ought to send it in soon?—

I do not know what your regulations are, of course. You see, every day's delay puts a man further and further out of the possibility of prosecution under the Summary Jurisdiction Act.

10544. (*Mr. Ram.*) You are going to deal later on with the alteration of the present law which your Society purposes?—

Yes.

10545. It may come up then, perhaps?—

Yes.

10546. (*Chairman.*) Have you arrived now at any convenient stopping point in your evidence?—



I will just finish this one charge, if I may.

10547. If you please?—

Here is the answer to Question 95, which I think is important: "It is partly that and it is partly from the fact that if the supervision by the Home Office of an investigation going on in the country is to be anything like complete it will involve the examination of all the published investigations—investigations as to which anything is published," and so forth. That, I think, shows that this thing ought to have been sent in. And here, again, from Question 97 onwards: "The papers sent to the Home Office are usually not mere descriptions of experiments, but relations by a doctor of the steps of an important investigation which he is carrying out, or the progress he has hitherto made," and so forth.

10548. Does not this relate rather to the question of amending the Act, as Mr. Ram says, rather than any charge?—

Perhaps. The effect of the evidence from Question 95 down to 102 comes to this. I think the evidence amounts to an admission on the part of Mr. Byrne that the Home Office have no means whatever of finding out if and what suffering is inflicted upon animals. That is what it comes to. The Home Office cannot judge. Look at Question No. 101: "Why not? (A.) Because the report (which I call a record and report) sent to the Home Office is a mere list of the experiments which he has performed under various headings "



(that is the thing he makes his report upon). "It is in no way a description of the experiments." So that by the official things sent in to them they cannot judge what suffering is involved at all. And, broadly, my contention there is that the Act is so administered as to put the considerations of science above those of humanity ; whereas the intention of the Act was to put humanity first.

10549. Does that conclude your specific charges against the Home Office ?—

No, that has got down as far as Charge 5, and there are seven more.

10550. Might I suggest that you might look over those seven and see whether you cannot shorten them, because there are some of these five that I think were matters too small to have much effect upon one's mind, and if you look through your seven other charges you will probably find that you can shorten it ?—

Very well ; I do not want to be too long.

## TWENTY-FOURTH DAY

*Wednesday, June 26th, 1907*

The Hon. STEPHEN COLERIDGE recalled ; and further Examined.

10551. (*Chairman.*) You are going to continue your charges against the Home Office ?—



Yes, my Lord. I have taken the opportunity, in deference to your Lordship's request, and I have endeavoured to shorten the material which I have to present to you for the remaining charges as much as I can. I have maintained the general order, but I have reduced it a good deal, so that it will not take very long. Just before I begin on them I should like to allude to one or two things which occurred on the last occasion. Your Lordship asked me first of all where the quotation from Dr. Johnson came from. I have looked it up, and I find it comes from the *Idler*, No. 17, and there is another piece of the sentence before it which I should like to read; I had forgotten it, but I think it is very much *ad rem*. He says: "The *Idlers* that sport only with inanimate nature may claim some indulgence; if they are useless, they are still innocent; but there are others, whom I know not how to mention without more emotion than my love of quiet willingly admits. Among the inferior professors of medical knowledge is a race of wretches whose lives are only varied by varieties of cruelty; whose favourite amusement is to nail dogs to tables and open them alive; to try how long life may be continued in various degrees of mutilation, or with the excision or laceration of the vital parts; to examine whether burning irons are felt more acutely by the bone or tendon; and whether the more lasting agonies are produced by poison forced into the mouth, or injected into the veins. It is



not without reluctance that I offend the sensibility of the tender mind with images like these. If such cruelties were not practised it were to be desired that they should not be conceived ; but, since they are published every day with ostentation, let me be allowed once to mention them, since I mention them with abhorrence. *Mead* has invidiously remarked of *Woodward* that he gathered shells and stones, and would pass for a philosopher. With pretensions much less reasonable the anatomical novice tears out the living bowels of an animal and styles himself physician, prepares himself by familiar cruelty for that profession which he is to exercise upon the tender and the helpless, upon feeble bodies and broken minds, and by which he has opportunities to extend his arts and torture, and continue those experiments upon infancy and age, which he has hitherto tried upon cats and dogs." Then it goes on with what I read before.

10552. That leaves no doubt about Dr. Johnson's views in his day ?—

Yes, I thought you would like it. He is a man of very high character. Of course, that has all to do with vivisection without anæsthetics. I wish to say now that I have brought here the letters from the eminent surgeons whom I quoted, and I find on looking at them that I quoted in full all the short ones, and that I did not quote altogether in full the longer ones ; but I have them all here, and I will read



them to the Commission if they like to hear them all.

10553. It seems a pity to read them all over again ; if you will read the omitted passages that will be enough ?

I will read those of which I only published part. What I was reading from, I may say, was printed matter. I was reading from a reprint of my letter to the Home Office, which I found only embodied part of them. I did not know whether it did or not until I got them.

10554. I observe that it was indicated in the print that there were parts left out ?—

Yes ; I gave the shorthand writer what I had been reading from, and he put in the dots, no doubt.

10555. Perhaps you had better leave it if you have not got it handy. You will be asked some questions about it afterwards in cross-examination ?—

Very well. Then there was a mention of the Ferrier-Yeo case, and its similarity to the Cecil Shaw case, which was mentioned by Dr. Gaskell. I have looked it up, and I find that the similarity is very slight. I accepted Dr Gaskell's suggestion that it was a parallel case ; I said "yes," but I find I was wrong. I have taken the opportunity, since the last meeting, to refresh my memory by reading a report of the trial of Professor Ferrier—it is reported in the *British Medical Journal* of November 19th, 1881, pages 836 to 842, which



I have here if anybody likes to look at it. I find that the two cases rest on by no means the same footing.

10556. I do not think this is really material. It was an incidental observation really. Whether it is parallel or not is not very material?—

Only the innuendo conveyed is of importance to me. I do not mean to use the word innuendo in any offensive way, but the suggestion conveyed was that inasmuch as the Ferrier-Yeo case was a hopeless failure, and ended in the acquittal of the defendants, therefore it was a parallel case, and therefore if an action had been brought against Mr. Shaw a similar result would have ensued—that was the suggestion made to me.

10557. It does not seem to me to be material in this case. Whether the Home Office ought to have prosecuted in Dr. Shaw's case or not must be really independent of what happened a good many years before in the case against another surgeon, even if it were a parallel case. One does not mean when saying that a case is parallel to say that it is a *facsimile*. The Home Office must form their own judgment on the Shaw case, and they do not defend themselves on the ground that it was a decision in another case which hindered them from taking action?—

I do not know what they did. If Dr. Gaskell will say that that was not his suggestion——

10558. I do not think it was meant in that way in the least?—



It is very short ; I only just want to point out the difference between the two cases. I wish to correct my own statement. I accepted Dr. Gaskell's suggestion to me that it was a parallel case. I find that it was not. It was before my time.

10559. It was only a suggestion ; it was not an assertion that he had examined the case and found it to be parallel ?—

(*Dr. Gaskell.*) Not in the least.

(*Witness.*) I like to be quite accurate. If I accept a suggestion and find I am wrong I like to correct it. The Ferrier-Yeo case was a private prosecution brought by my Society, but before my time, and showed very clearly the difficulties under which a prosecution by a private society labours. My answer to Sir John McFadyean was that the Government officials should have prosecuted. The other difference is, that in the case of Professor Ferrier the charge rested entirely upon a newspaper report, a portion of which was dictated from memory by Dr. Roy, who subsequently stated in the witness box that the report was inaccurate. Professor Shaw, on the other hand, was the author of the paper, in which he described his own work : " My own work has consisted of," he said. " In the experimental research my aim was to discover. . . . This rabbit I have kept alive. . . ," and he never suggested that the *British Medical Journal* had inaccurately printed his own paper. Therefore



on those grounds I say the two cases were quite dissimilar.

There is another point that I could not find at the moment, viz. the question and answer in the House on June 26th, 1903, which deals with the number of experiments actually witnessed by the Inspectors during the whole year. I have got it now, and should just like to read it :—

“ Dr. Shipman (Northampton): To ask the Secretary of State for the Home Department how many experiments on animals under licence alone, and under Certificate B respectively, have been witnessed by an Inspector at any time during the experiment, and during the whole duration of the experiment.”

10560. (*Sir Mackenzie Chalmers.*) What year was that ?—

June 26th, 1903. The answer, by Mr. Secretary Akers Douglas, was :

“ During 1902 eleven experiments under licence alone were witnessed by the Inspector, and one under Certificate B. In the case of one (under licence) the whole experiment was witnessed ; and with regard to the others the Inspector usually remained a considerable time, and on some occasions made more than one visit during the progress of the experiment. In the case of the one under Certificate B the Inspector also visited the animal next day. Inasmuch as the Inspector habitually visits without notice he cannot be sure of arriving at the beginning of an



experiment so as to be able to see the whole of it, nor even of finding any experiment in progress. It may be added that the Inspector at his visits always sees any animals on which experiments may have been made, and carefully notes their condition."

I want to say as regards this Certificate B, as I am on it, that down from November, 1892, to October, 1899, the words of the certificate as issued by the Home Office were :

"Such animals being during the whole of the experiments under the influence of some anæsthetic of sufficient power to prevent their feeling pain." It is "during the whole of the experiment" down to 1899. In October, 1899, the words were changed to these :

"Such animals being, during the whole of the initial operation of such experiments, under the influence of some anæsthetic of sufficient power to prevent their feeling pain."

I became aware of this very vital change in the wording of the certificate, which seemed to me, and still seems, to admit of a great deal more pain being inflicted upon animals than the certificate in its former form ; and I, therefore, wrote and asked the Home Secretary this question :

"Whether conditions are invariably added to this certificate" (that is, Certificate B) "enforcing the employment of anæsthetics ensuring insensibility to pain from the commencement of the first operation until the conclusion of all manipulations



of the animal, and until the last wound is closed aseptically ? ”

That was my question. The object of that question is obvious. There are experiments, as I presume you are all aware, in which the animal is opened and various operations of an initial kind are done to it, after which it may be kept for hours in a condition of disembowelment during the period when observation of its condition takes place. What I wanted to know was whether during that period of observation the animal was lying disembowelled without any anæsthetic, under this certificate ; therefore I asked that question, because after all the manipulation of the animal, if it was kept under anæsthetics during all that period of observation and until the last wound was closed again aseptically, it seemed to me that the certificate did preclude a great deal of torture which it otherwise would not. The answer is most illuminating. The answer was :

“ Whenever the experiment would involve a series of cutting operations (which is very infrequent), conditions are added to the licence enforcing the employment of anæsthetics ensuring insensibility to pain during all operative procedures.”

That is the answer ; and that answer to that plain question leaves me under the conviction, which I am sure the Commissioners ought to share, that that certificate admits of a very large amount of extreme pain and awful suffering,



because under that certificate the animal may be kept disembowelled alive without anæsthetics as long as actual cutting operations are not being performed upon it.

10561. (*Chairman.*) Do you propose to show us any case in which that has happened?—

My Lord, I am dealing with the law.

10562. I know?—

I am not on laboratories.

10563. You are a little too combative, I think?—

I do not wish to be so.

10564. I merely asked the question in order to ascertain exactly how you apply that proposition, because you spoke of keeping the animal under anæsthetics first, while it continued lying on the table with its bowels open, and then in another place you added the words “until the wound has been aseptically closed,” which is a long time afterwards, and possibly includes a time in which the suffering would be comparatively small. Those are two very different propositions. I wanted to know whether you were going to illustrate it by any particular case, because I quite see the force of it if it is not too widely applied?—

I have not got the volume here now, I am afraid; I thought I brought it.

10565. I daresay you will come to some other point when you can give an illustration?—

Then I pass away from that for the moment.



I wish to say a word now on the feeding of kittens with cow's milk, which was brought up on the last occasion. I daresay you will remember that my objection to that question was that in my opinion it was conceived in a spirit of raillery against those whom I represent. I perfectly unexpectedly found myself face to face with the suggestion here that the object of that experiment was to create disease in the animal by giving it diseased milk. I am right, am I not ?

10566. (*Sir Mackenzie Chalmers.*) No. The point is that the man who wanted to perform the experiment wrote up to know whether it was necessary to take out a licence or not, because the object of his experiment was to try the effect of substituting the milk of another animal for mother's milk. He did not know what the effect would be, whether the mere substitution of different milk for the mother's milk would produce disease or not ?—

Whether weaning a kitten would do so ! All kittens are weaned, surely, from their mother's and given cow's milk.

10567. I think they are generally suckled by their mother ?—

But there comes a time when they are weaned, like children are given the bottle.

10568. This was at an early stage, to see what the effect of substituting other milk for cat's milk would be after the very earliest stage, and he was advised, at any rate, that it might produce dele-



terious effects on the kitten, and it would be safer for him to have a licence, just the same as with those fish-feeding experiments. As you know, a licence is required in cases where fish are kept in a pool where there is effluent sewage, where if the water becomes contaminated the fish get ill and die. A licence has been granted for that, as you know.

10569. (*Chairman.*) I did not consider that the question was asked in a spirit of raillery. The case had really come before the Home Office, on which they had to advise?—

My point only is that as no suggestion of disease was made on both the former occasions when this cat was alluded to, I naturally was unaware that that was the object of his experiment. If the object of the experiment very likely included suffering to the kittens, it was, of course, a very proper case for having a certificate, and there is nothing more to be said about it.

10570. (*Sir Mackenzie Chalmers.*) There is just, perhaps, one point that I might clear up here. The witnesses for the anti-vivisection societies have taken up two lines. One line is this: that they object to experiments causing pain. Another line taken up has been that we have no right to exploit an animal, whether it causes pain or not, for the purpose of advancing human knowledge. Both those lines have been taken up before us?—

I see. Of course, I cannot be responsible for other anti-vivisection societies.



10571. And this point, of course, was in my mind when I asked the question—that a great many experiments licensed by the Home Office, which appear as experiments, are absolutely painless in their results?—

Then I pass from that.

There was a question asked me by Sir William Collins: “Are the words of Certificate A mentioned in the question?” referring to a question asked in the House of Commons—that is, whether Certificate B was mentioned as among the certificates dispensing with anæsthetics. I said “Yes, they were.” I could not find it at the moment, I have got it now. Here it is:

“Table I. List of licensees who performed experiments under their licence upon animals. Experiments on cats and dogs without anæsthetics, E always coupled with A or B.”

I say that that is a general statement by the Home Office that Certificate B is for an experiment without anæsthetics.

10572. (*Sir William Collins.*) That is rather an answer to question 10328. Is it your suggestion that cases under Certificate B were classed among those dispensing with anæsthetics?—

Yes, I have found it. They were classed under Experiments dispensing with anæsthetics up to 1897, at any rate. I have it here in the Table for 1897.

10573. (*Chairman.*) You have gone through the first five charges, and you said that there were



seven, which I suggested might possibly be shortened?—

Yes. I go on with my Charge VI. In this charge I charge the Home Office officials with having suppressed in the annual Parliamentary Return the names of those who take upon themselves the very grave responsibility of signing the certificates exempting licensees wholly or in part from the obligation to employ anæsthesia in their vivisections, although in the report of the former Royal Commission we find this clear direction: “We recommend that his (the Home Secretary’s) advisers should be from time to time elected and nominated by himself; their names should be made known to the profession and the public.” Now, my Lord, the Act of 1876 having provided that licences and certificates exempting licensees from the use of anæsthetics must be signed by persons holding certain official positions, if the Parliamentary Reports were drawn up in an open, straightforward manner they should give the names of these persons, so that anyone could ascertain who was responsible for exempting each individual vivisector from the obligation to use anæsthetics in his experiments, but it is quite impossible to discover from the report who assumes this very grave responsibility.

10574. What are the precise words of the Section as to what is to be reported?—

Section 11: “Application for a licence under this Act.”



10575. That names the persons who are entitled to give a certificate?—

Yes.

10576. But is there anything about the reporting in the Statute; or is that only in the Order?—

No, it is all “may,” I think, all the way through; it is not “must.”

10577. (*Sir Mackenzie Chalmers.*) “An application for a licence and certificate under this Act must be signed by one or more of the following persons”—that is to say, the President of the Royal College of Surgeons, and others?—

Yes, but what his Lordship asked me was whether it must be put in the report.

10578 (*Chairman*). You are complaining that in the report they do not report those facts?—

Yes, that they do not give us the names of the persons who signed the certificates.

10579. Is that based upon what they ought to do for the convenience of the public, or upon what they ought to do if they are to obey the words of the Order?—

It is what they ought to do if, as I say, there was no desire on the part of the Home Office to be partial or to screen the vivisectors from criticism.

10580. You do not put it upon any express words, but you put it upon the general duty which arises from the Order?—

I also all through my evidence wish to rely very largely upon the recommendations made by the last Royal Commission, which sat before the pass-



ing of the present Act, and I say that the Report clearly contemplated the publication of the names of those who take upon themselves this grave responsibility. I pointed out this strange concealment of their names to several of those who may be assumed to be the persons concerned, and I asked them whether it was their desire that their individual names should thus be hidden under the cloak of an official title. Some of them, I think, have been manly enough to tell me that so far as they are concerned they have no objection whatever to the publication of their names ; and others have told me that they consider it an insult to suggest that they wish to hide their names—which may or may not indicate that they would not object to their names being published. But whether any of them object or not, I am here to protest against the suppression of their names by the Home Office officials in a public document purporting to inform the public who sign these dreadful certificates.

By the system of concealing their names under the description of their official positions, the Home Office officials themselves seem unable to know who the individuals really are who sign these certificates. In the Parliamentary report, dated June 8th, 1899, I find Professor Schäfer's certificate (I take Professor Schäfer because he has been here) is stated to have been signed by the "Professor of Physiology, University College, London." That is the cloak under which the



name is concealed. According to the Medical Directory for 1899, in that same year, the Professor of Physiology of University College was Professor Schäfer himself. The Home Secretary, therefore, was asked, by my request, in Parliament, "Whether the Home Office authorises or allows certificates to be signed by the operator himself on his own behalf?" and the reply was that such a thing "Would be directly contrary to the proviso in Section 11 of the Act." That answer is in Hansard of June 24th, 1899; I have it here if anybody wants to see it. I therefore wrote both to the Home Office and to Professor Schäfer himself to elucidate the truth, inquiring who the person was who is described in the Parliamentary report as "the Professor of Physiology, University College, London." The Home Office said (I have got the letter here) that this signatory was Sir John Burdon-Sanderson, who had resigned the Professorship of Physiology at University College, London, many years before. Professor Schäfer said—this is what he said to me—"I have not signed any certificates on my own behalf. The certificates I hold are signed by Lord Lister and Professor Halliburton only."

10581. (*Sir Mackenzie Chalmers*). Is it licence or certificate?—

"I have not signed any certificates on my own behalf" (he says). "The certificates I hold are signed by Lord Lister and Professor Halliburton only."



10582. Professor Burdon-Sanderson, I imagine, signed the licence?—

I do not know. I am talking about certificates now.

10583. (*Chairman.*) Was the answer of the Home Office an answer about certificates or a licence. You said that the Home Office referred to Sir John Burdon-Sanderson?—

“Whether the Home Office authorises or allows certificates to be signed by the operator himself on his own behalf”—that was the question. I framed the question, so I know what it was.

10584. And the answer was what?—

The answer was that it would be directly contrary to the Act if he did it. I then proceed, as I say, to ask Professor Schäfer himself, and he said that he did not do it. He said, “The certificates I hold are signed by Lord Lister and Professor Halliburton only,” whereas the Home Office said it was signed by Sir John Burdon-Sanderson.

10585. That is what I wanted to know. What does the Home Office say was signed by Sir John Burdon-Sanderson? What is the word they use in their letter?—

We will get the letter.

10586. (*Sir Mackenzie Chalmers.*) May I read the letter, which your assistant has been kind enough to hand to me? “With reference to your communication of the 15th ultimo, enclosing a copy of Mr. Coleridge’s letter of December 14th



last (which the Secretary of State regrets has not received a reply), I am instructed to say that in no case is an applicant for a licence under the Act 39 and 40 Vict., cap. 77, allowed to sign his own certificates, and Professor Schäfer has not done so. His licence was originally given on the recommendation of Dr. Burdon-Sanderson, by whom the certificate was signed, and who was at the time Professor of Physiology at University College, London, which post Professor Schäfer now holds. I am to add that the laboratories of the Mason University College, Birmingham, are not registered for the performance of experiments under the Act." That is neither here nor there?—

I say that there is no inaccuracy in my statement which I make here. The Home Office said that Sir John Burdon-Sanderson signed the certificate.

10587. (*Chairman*). Signed the licence?

Signed the licence and the certificate. I am not on the licence.

10588. I quite understand that; that is the reason I asked the question?—

10589. (*Dr. Gaskell*.) But not that certificate?—  
Yes.

10590. He signed the certificate at the time he signed the licence—that is years before?—

But we have been already told that certificates expire every twelve months.

10591. (*Sir Mackenzie Chalmers*). Perhaps it would be convenient once for all to state the



practice. The practice is this: The licence has to be renewed every year, as you know. At the end of the year it comes up for consideration. It is originally signed by the people mentioned in the Act?—

Is that so? They only recommend for a licence.

10592. Yes, they recommend for a licence. It does not go back to them. Every year the licence has to be renewed before February 25th. If the licence is not renewed the certificates fall with it. If the licence is renewed the certificates are also considered, and if they are not exhausted, that is to say, if the number of animals and experiments authorised by the certificate have not been exhausted, then it comes up for consideration whether that certificate should or should not be continued; it does not go back to the original people who gave the certificate, but comes up before the Home Office inspector at the Home Office for continuation. A licence, of course, may be renewed and the certificates not continued, or fresh certificates may be obtained?—

10593. The certificate necessarily falls if the licence falls; but they may or may not be continued if they are not exhausted?—

But all that does not explain how it comes about that Professor Schäfer thinks the certificate was signed by one person, and the Home Office thinks that it was signed by another.

10594. (*Chairman*). It is confusing, I agree, as



appears from the different letters ; but what I gather is that Sir John Burdon-Sanderson at the beginning recommended the licence and also recommended the certificate ?—

Signed the certificate.

10595. And also signed the certificate ?—

Yes.

10596. And that being started is referred to as being his signing the certificate in that letter ?—

Yes.

10597. But that subsequently the persons who are responsible for Professor Schäfer's certificate at the time in question are Lord Lister and Professor Halliburton. That is what I should gather from it.

10598. (*Dr. Gaskell.*) Might I just ask what the date was when Sir John Burdon-Sanderson signed that licence and certificate ?—

I have not got it. You must ask the Home Office. That is my point, that nobody can tell.

10599. All I meant was that if Sir John Burdon-Sanderson signed a certificate for a certain experiment it is very unlikely indeed that Professor Schäfer could be doing that same experiment many years after. He would probably have to get a new certificate ?—

The point, if I may say so, that I am making is my desire, and the public desire, the humane public, to know who signs certificates authorising vivisectors to do without anæsthetics, and when we come down to any particular case we find it



almost impossible to find who that person is who takes that grave responsibility, and the confusion is accentuated by the Home Office saying that it is one person and the vivisector himself saying that it is another. That is my point. In this case there is no mistake about it. The Home Office said it was one person who vouched for Professor Schäfer's certificate in a particular year, and Professor Schäfer says it was two other gentlemen. This, therefore, I say, is a most informing example of the results arising from the use made by the Home Office officials in the Parliamentary Return of titular professorships as cloaks to hide the identity of the vivisectors who sign each other's certificates. Professor Schäfer's certificate is stated in the Report of 1899 to have been signed by "the Professor of Physiology, University College, London." The *Medical Directory* for that year told us that this person is Professor Schäfer himself. The Home Office assert that the person is Sir John Burdon-Sanderson, and Professor Schäfer says the person is not himself but Professor Halliburton. The task of reconciling these statements is quite beyond me. I say that the impossibility of tracing the identity of the persons responsible for signing certificates has been rendered absolute by the statement of the Home Secretary in the House, that all certificates expire on December 31st. I understand now that they do not. My position about that is very clear. I say that here are these persons who sign these



certificates. Many of them have told me themselves that they have no objection to their names being published. I have protested again and again to the Home Office against their names being concealed in this manner, and I protest again here against their names being thus concealed. If they have nothing to be ashamed of why are not their names published? It is a very grave responsibility that they take upon themselves in giving their brother vivisectors leave to vivisect without anæsthetics.

10600. (*Chairman.*) You attack these gentlemen very strongly?—

I am not attacking these gentlemen; I am attacking the Home Office.

10601. You said, why do they wish their names to be kept out just now?—

I do not say that they do. I did not mean that. I say, Why are their names kept out? Some, I say, have been manly enough to say that they do not wish to have their names kept back.

10602. I thought what you read certainly was a charge that these gentlemen themselves were extremely anxious to cloak up?—

No, on the contrary, I have read what I wrote.

10603. I mean what you read just now?—

I give in detail what they said to me in answer to my letter. Some said that they had no objection; others said it would be an insult to suggest that they wish to hide their names. Nevertheless,



their names are hidden for them by the Home Office, and against that I protest.

I pass on to the next charge. I am here to charge the Home Office officials with shielding the names of such licensees as they know to have broken the law, although the former report contains these words:— "Abuse of the power conferred by the licence must, of course, render the holder liable to its withdrawal, but this will involve great disgrace"—a phrase, in my opinion, which clearly indicates that the framers of that report contemplated the publication of offenders' names, for no great disgrace can possibly appertain to a secret remonstrance or a secret withdrawal of a licence.

Under Section 11 of the Act 39 and 40 Vict. c. 77, a person who performs experiments calculated to give pain without a licence in contravention of the Act is "guilty of an offence against this Act," and shall be liable to a penalty not exceeding £50 for a first offence, and for a second to a penalty not exceeding £100, or to imprisonment not exceeding three months. Anybody who commits an offence against any other Act of Parliament which creates a criminal offence, and who confesses himself guilty of the offence, would in the ordinary course be brought before the Courts and subjected to sentence. The Home Office officials, however, have never instituted proceedings against any vivisector for committing admitted offences against the Act, not even in a



case described by themselves as a "case of deliberate violation of the Act after warning."

10604. (*Colonel Lockwood.*) What was that case?—

That you will find at Question 38. I do not know to this day what the case was; the case has never been revealed to us, not even before the Commissioners. Mr. Byrne said: "This power has been exercised on four occasions," and at the end of that answer you will see: "He had been previously warned as to the necessity for certificates B and E E in such cases. It was considered by the Secretary of State to be a case of deliberate violation of the Act after warning, and his licence was revoked." That was all it amounted to.

10605. (*Sir Mackenzie Chalmers.*) Would you just give the facts first. A licensee who did not hold certificates B and E E performed the operation of gastric fistula on a cat under anæsthetics, the animal being allowed to recover. That was the case?—

Yes, a breach of the Act—a clear breach of the law.

10606. And his licence was revoked?—

Yes, his licence was revoked. But that fact—the fact of his licence being revoked, and the licensee's name, were never mentioned even in the annual report. And, further, instead of prosecuting and punishing him, he was quickly reinstated as before, this very man, though we still do not know his name.



10607. (*Chairman.*) And you say that his name ought to have been mentioned in the report?—

Certainly.

10608. And he ought to have been prosecuted?—

Certainly.

10609. (*Colonel Lockwood.*) There is a footnote, you see, to that evidence?—

He was not only not prosecuted, he was reinstated; after just a decent interval of a month or two he was put back where he was, as if nothing had happened. Mr. Byrne subsequently wrote that "A few months later the gentleman in question was allowed a fresh licence and Certificate A for inoculations, after special inquiry, on his representation that the revocation of this licence had stopped a very valuable investigation." We are not told what the "very valuable investigation" was. To this day the public cannot discover the name of that offender. Proceeding a little further, I tried to see if I could get it from the Home Office by writing to them. In the House of Commons, I may say—this is in Hansard of June 26th, 1903, page 629—the Secretary of State said: "Wherever the conditions of the licence were violated the severest notice was taken of it, and, if necessary, the licence was revoked." I wrote and asked "what were the instances of violation of the conditions of the licence to which you alluded in your speech above quoted of which the severest notice was taken?" I wanted to know who they were. The reply was: "The Secretary of State does not think that



any useful purpose would be served by the publication of the names of these experimenters." I just wrote that letter to test it, to see whether they would continue to shelter the names of the peccant vivisectors, and they did.

10610. (*Sir Mackenzie Chalmers.*) There is one preliminary point that I should like to clear up. If you write to the Home Office it is only a matter of courtesy that they answer you?—

Yes. I do not complain of any lack of courtesy on any occasion from the Home Office.

10611. The only place in which the Home Secretary is answerable is in Parliament?—

Yes.

10612. As a matter of courtesy, they answer your letters, but if the Home Office undertook to give explanations to every one of the 35,000,000 people in England who write to them about any of their business it would be a little more than they could do?—

But without undue egotism I may say that I do not regard myself as writing to the Home Office on any of these occasions in my own individual capacity. I have never written to them in any other capacity than as honorary secretary of a great and important society. I quite admit that in my own individual capacity I would have no claim.

10613. I do not know of any difference between a great and important society and any single individual who asks a question?—

I only say for myself that I should not write



except as the representative of what I consider more important persons than myself.

10614. (*Chairman.*) Does that conclude that charge?—

Yes.

I come now to my eighth charge. I am here to charge the Home Office officials with preparing for the Home Secretary evasive and insufficient replies in the House of Commons to plain questions on the administration of the Act, and with making evasive and insufficient replies themselves in official correspondence with my Society, and with leaving perfectly proper questions unanswered altogether. I accept Sir Mackenzie Chalmers' dictum that they are not obliged to answer any question at all, of course; but at the same time I think that on a question of the administration of the Act they would naturally answer reasonable questions, and I think they generally do.

10615. (*Sir Mackenzie Chalmers.*) You can take it for granted that they will always make inquiry. They would not necessarily tell you the result of that inquiry?—

That is rather my complaint. Mr. Paulton, on July 24th, 1899, asked "Whether Dr. Poore, while holding the office of Inspector, had signed certificates in his capacity of Professor of Medical Jurisprudence, University College, London"; the answer of Sir Matthew White-Ridley was "The answer is in the negative." I am assuming, of



course, that these answers are prepared by the permanent officials. Colonel Lockwood asked: "Does Professor Poore sign the certificates?" to which Sir Matthew White-Ridley replied: "I am informed that it is not the case that he does so." Then Mr. Paulton asked: "Then how is it that the statement appears in the Report of the Inspector? Will the right honourable gentleman further inquire as to its accuracy?" and Sir Matthew White-Ridley replied: "Yes. I was only aware five minutes ago that the Report seemed to indicate this, and, of course, I have not had time to inquire." Now, the certificates signed by Dr. Poore were still in force while he was Inspector, and the official who prepared Sir Matthew White-Ridley's answer must have known it; they must have known that these certificates signed by Dr. Poore were in force at the time the question was asked.

10616. (*Chairman.*) Would you read the question again?—

The question is "Whether Dr. Poore, while holding the office of Inspector, had signed certificates in his capacity of Professor of Medical Jurisprudence, University College, London"; and the answer is in the negative. I quite agree that it is perfectly accurate, but I venture to say that it is extremely evasive. The Home Office officials knew perfectly well that these certificates had been signed by Dr. Poore before he was Inspector, but in my opinion it was a strange thing that they



should not have added to the answer : " Yes, they were signed by Dr. Poore, but not while he held the office of Inspector."

10617. (*Sir John McFadyean.*) Might I ask why that question was not put in a form which would have made evasion impossible ? Why was not the question, whether the certificate which was signed by Dr. Poore before he took office was still in force ?—

Because we did not know it. According to the documents before us, it appeared that he had signed certificates while he was Inspector, because we had at that time the statement of the Home Office that certificates expired on December 31st. Until this explanation of Sir Mackenzie we had always believed that that was so. Therefore it seemed impossible that Dr. Poore had not signed them while he was Inspector, because there was his name on them, and apparently he was the person. It transpired that he had signed them many years before, and instead of expiring on December 31st, they have been kept alive nominally, Sir Mackenzie Chalmers now tells us.

10618. (*Chairman.*) You say that the replies of the Home Office are evasive. What had the Home Office to conceal in that case ? What were they evading ? It seems to have been perfectly regular ?—

No, they did not tell the public the truth.

10619. Evasive, you say, and, apparently, from the way you put it, wilfully evasive answers ?—



Yes, wilfully evasive.

10620. Therefore they were going to evade something?—

Yes.

10621. What was it they were trying to evade, because if they had said all that you say they should have said, nothing could have been said against them?—

Yes, I think the public would have been very much surprised and indignant at discovering that a vivisector held a certificate exempting him from the use of anæsthetics, signed by the very man who was to inspect him to see what was done.

10622. No, signed by a man before he was Inspector at all?—

But still responsible. The certificate was alive.

10623. The certificate being there, it was alive by virtue of the Act of Parliament?—

Yes, quite so, and in my opinion a very improper thing.

10624. You may amend the Act, but I cannot see what the Home Office have got to evade?—

The Home Office have themselves said that the person who is Inspector ought not, under the Act, to sign certificates.

10625. And Dr. Poore did not do that?—

But the certificate was kept in force after he was Inspector.

10626. That is a totally different thing?—

No, I do not see it. I think he was a most improper signatory.



10627. When you say that you do not see that it is a different thing you startle me ?—

I do not. If it is kept alive every year, it is the same thing as his signing it every year again. That is my opinion, and I think it ought to be the opinion of everybody.

10628. (*Sir John McFadyean.*) The Government have not admitted your view of the question, have they ?—

What view ?

10629. The view you have just been putting forward, that it is improper to allow a certificate to continue because it was signed by the Inspector before he took office ?—

The Government have said that it is not proper for a man to sign his own certificate.

10630. That is not the question. They have not admitted your view ?—

Oh, dear, no.

10631. Therefore it hardly seems fair to charge them with evasion ; because the charge of evasion seems to imply that your view was necessarily the right one ?—

I say my view is the view that the general public would take ; I am quite convinced of that. That is my charge, and I am quite convinced that the general public would take the view that it is very improper for the Inspector to sign the certificates of the very vivisectors he had to inspect. I am quite convinced of that, and I should have thought the Commission would have been so, too.



10632. (*Chairman.*) Your conviction does not necessarily govern ours?—

No, my Lord. I invite you to share it; I can do no more.

10633. (*Sir Mackenzie Chalmers.*) Mr. Coleridge's point, as I understand it, is this: that when a gentleman who has signed certificates or signed recommendations for a licence becomes an Inspector, all licences and certificates signed by him ought, *ipso facto*, to expire?—

You have incorporated the licences into it. I have not said anything about the licence. I am entirely upon the question of certificates exempting men from using anæsthetics. With that alteration I accept that statement as my view.

10634. (*Sir William Collins.*) Is your point that Dr. Poore, as a matter of fact, was inspecting work that was being done as the result of certificates given under his own hand?—

That is my point, and I think that is very improper.

Then, this is not a very important matter, but I should just like to allude to it. I called the attention of the Home Office to Clause 9 of the Act, which provides the machinery whereby results may be collected and subsequently incorporated in the yearly report; and I said that my committee hoped "that the public may, in the next report, be told what results in the way of benefit to mankind and the healing art have been achieved by all the torture that is continually



being inflicted upon animals in the ever-increasing laboratories of this country ? ” I asked that very plain question. We are always being told that such wonderful results are being achieved by vivisection, and I asked the Home Office whether, under Clause 9, they would not let the public into the secret and let us have some of the results published in the report.

10635. (*Chairman.*) When was that ?—

That I wrote on December 8th, 1898. The answer was that it would have attention, but nothing further ever happened ; the results have never been published in any report. It is not a very important matter, but in passing I should just like to point it out.

Now, on July 15th, 1904, in Hansard I find Dr. Shipman asked the Secretary of State for the Home Department “whether he can state in how many cases the licensed vivisector himself has been the only authority present at the operation whose duty it is to see that anæsthetics of sufficient power to prevent the animal feeling pain are administered ? ”

The answer by Mr. Secretary Akers Douglas was : “I have no information enabling me to answer this question.”

Surely the Home Office know at how many experiments the Inspector had been present, and, consequently, at how many the vivisector himself was, obviously, the only authority alluded to in this question ; and therefore I think



that that is beyond all question an inadequate answer.

On July 22nd, 1904, Dr. Shipman again asked the Secretary of State for the Home Department "How many dogs were vivisected in University College during the year 1903"—a very plain question. The answer is: "As I informed the honourable Member on May 4th last, I have no material from which I can answer this question." No material! Therefore if he does not know how many dogs are vivisected in a particular laboratory, he must know nothing at all about what goes on there. The first thing he must know, if he knows anything about it, is the number of dogs vivisected there. It is no doubt a perfectly true reply, but it seems to me that he was in a position to get, and ought to have got the information before replying. He could have found out by inquiring. I presume they keep records there—they ought to do so—of how many dogs they use.

10636. (*Sir Mackenzie Chalmers.*) There would be no return under the licence, would there? As long as the animal is put under anæsthesia and killed before it recovers from the anæsthesia, it would come in under the licence. There is nothing in the licence to limit the number of animals that can be experimented on in that way?—

That I do not know. You issue the licences. I have no idea what powers are given to the vivisectors.



10637. That is the Act itself?—

I do not know.

10638. (*Mr. Tomkinson.*) Did that question apply to the number of dogs vivisected during that year?—

During 1903, the year before. I asked for the year before. Now, on July 15th, 1904, Dr. Shipman asked the Secretary of State for the Home Department “How many experiments under the Act 39 and 40 Vict., cap. 77, have been performed at each place on the register during 1903, and whether he can ascertain how many separate experiments were performed on the same animal during the same period.” Here, again, the answer is that there is no material upon which he can give any information. Of course, if he had answered this question he would have known about the brown dog having several wounds in it; but he did not. We know that he did not know anything about that brown dog. I maintain that he ought to have known. I think the Home Office ought to know what happens to every dog that is vivisected. If they have not the machinery at their own command to know, they ought long ago to have asked Parliament to give them that machinery in my opinion, if they care at all to protect the animals from unfair treatment.

Then I asked this—and I must say I do think this is a case of evasion: On October 6th, 1904, I wrote, “I desire very respectfully to inquire whether you yourself, or whether your predecessors



in the office of Secretary of State have required from the licensees under the Act any guarantees of their humanity, and if so, what is and has been the nature of these guarantees ? ”

The reply was : “ I am directed by the Secretary of State to say that he has no doubt that you are acquainted with the duties imposed upon him ” (that is, the Home Secretary) “ by the Vivisection Act, and that he has every reason to believe that these duties are duly and faithfully performed by the Home Office.”

I think that letter is interesting, because it answers a great deal of what Sir Mackenzie Chalmers said about the devolution, and what I wish to say about the devolution of responsibility. Here, over the signature of Henry Cunynghame, we have a statement of the duties that are imposed upon the Home Secretary by the Vivisection Act, and that they are duly and faithfully performed, not by him, but by the Home Office. So that there in that letter the Home Office duly takes upon itself the responsibility for fulfilling the duties put upon the Home Secretary by this Act.

10639. (*Sir Mackenzie Chalmers.*) Does Mr. Coleridge expect the Home Secretary to perform the functions of Inspector ?—

Of course not. That is what I say. That is my contention. That the Home Office officials are the real persons against whom I bring my indictment. I call that a clear evasion. Because, of course, I know the duties imposed upon him, and



I know perfectly well that the Act does not impose the duty in its provisions, but the whole tenour of the Act does, in my opinion.

I then wrote : " A large discretion was left by that Act in the hands of the Home Secretary personally, a discretion which I take leave to believe was intended by Parliament so to be exercised as to provide guarantees of the personal humanity of each individual licensee. The question that I, therefore, desire most respectfully to put to you is : do you require of each vivisector a guarantee of his personal humanity before granting him a licence or passing his certificates ? I put this question " (I say) " as representing a very large number of serious persons to whom your answer is of grave importance in view of future legislation in the matter."

I was then drafting my Bill. Again I received a second evasion. " I have laid before the Secretary of State your further letter of the 27th ultimo, and he directed me to inform you in reply . . . that if any instance of inhumanity on the part of a licensee is brought to his notice, he will be prepared to act promptly in the matter."

That is the answer which I say is an evasion. I replied : " I have received the letter of November 12th, written by your direction, informing me that if any instance of inhumanity on the part of a licensee is brought to your notice you will act promptly in the matter. In view, however, of the fact that you have yourself stated that



during 1902 only one experiment upon a living animal out of a total of 14,906 was witnessed throughout by either of your Inspectors, the contingency of which you now speak may be regarded as remote. But I beg leave to point out that I did not ask whether you would act promptly in that remote contingency, and I fear I have failed to make my inquiry intelligible. I will, therefore, very respectfully repeat it as plainly as I can." I then repeat the question: "Do you require of each person licensed under the Act 39 & 40 Vict. c. 77 any guarantee of his personal humanity before granting him a licence or passing his certificates?"—a very plain question. And at last the Home Secretary, or rather the Home Office, takes refuge in silence. "I am directed by the Secretary of State to say that he has nothing to add to his previous letter." They will not answer the question—a masterly silence. I suggest that if he did require the guarantees of vivisectors of their humanity he would have said so, and certainly would not have evaded the question and refused to answer it. I therefore must come to the conclusion that he does not require such guarantees; but though he does not require them he does not like to admit it in a letter that may be published. Therefore I say that in my opinion the Home Office evince more solicitude for the vivisectors and for the Home Office than for the animals under their charge.

I will not go into this story of the brown dog



and Certificate B, except to say (I do not want to go into it all again) that in my opinion, as the two operations performed by Dr. Starling upon that brown dog were admittedly done under Certificate B, and as the words of the certificate tell him that he is to destroy the dog immediately the object of the experiment has been obtained—and it was obtained by the second operation—I think he did an illegal act in handing it over to Mr. Bayliss. It was his business to see it killed, and in my opinion the Act gives the animal a vested right to be destroyed painlessly as soon as the object has been attained of the experiment under Certificate B.

10640. (*Chairman.*) Does that conclude that charge?—

Yes.

I pass to Charge IX., which is a very simple one; it is self-evident from the yearly Returns. I am here to charge the Home Office officials with putting forward annually a Parliamentary Return in which it is asserted, on the official authority of the Government Department, that not a single experiment in thousands inflicted on animals in Great Britain with its permission can be specified as entailing any pain at all, when all the while this plausible assertion is based upon no better evidence than the bare assertion of the vivisectors themselves, who are not expected to report themselves as cruel men.



10641. (*Sir Mackenzie Chalmers.*) The form of the Report has been altered since then?—

Yes, down to a certain date the form of the return was “Return showing number of experiments performed on living animals during the year 1903 under licences granted under the Act 39 & 40 Vict. cap. 77, distinguishing painless from painful experiments.” If this paper is supposed to distinguish between painful and painless experiments and you can find inside it no single experiment specified as painful, that is a statement to the public that there are none painful.

10642. When was that form abandoned?—

Quite recently, I think.

10643. (*Mr. Tomkinson.*) That is an annual return?—

Yes.

10644. It has not to be moved for?—

I think somebody asks for it. Colonel Lockwood would know that.

10645. (*Colonel Lockwood.*) I think it is laid before the House in the ordinary course; nobody asks for it.

(*Chairman.*) It is laid on the table by the Department?

(*Sir Mackenzie Chalmers.*) Yes.

(*Witness.*) There generally is a question asked, because I suppose somebody wants to know.

(*Colonel Lockwood.*) Yes, somebody is keen about it.



(*Sir Mackenzie Chalmers.*) It is only a question about the date.

(*Witness.*) Charge X. is the next one. I charge the Home Office officials with placing a certain vivisector year after year beyond the reach of the safeguard erected by the Act to protect animals from illegal treatment by licensees, by giving him permission to vivisect in private places, thereby placing him beyond the possibility of legal inspection, because Clause 10 of the Act of 1876 gives the Inspector no right of entry into or inspection of any unregistered place. I am alluding here to Sir Victor Horsley, and there is no denying it.

Mr. Byrne, in answer to Question No. 73, says: "There were a few cases in which, on account of scientific eminence, or the high position of certain licensees, they were allowed to perform their experiments in unregistered places." High position! High position, the former Royal Commission informed us, was no guarantee of humanity. They said that persons in very high positions it could not be denied had shown gross inhumanity. Having discovered myself that Sir Victor Horsley could perform experiments where he liked, I wrote to the Home Secretary on July 25th, 1905, and I said: "On page 27 there is a note" (I was then alluding to the yearly report) "which runs thus: 'Sir Victor Horsley could also perform experiments at such places as might be necessary



for the purpose of his experiments.' You (the Home Secretary) have, therefore, authorised this vivisector to perform his experiments anywhere he likes, and have thereby placed him beyond the possibility of legal inspection, for in Clause 10 of the Act the Inspectors' right to inspect at all is limited to registered places. May I ask whether you have not in this case deprived the animals vivisected by Sir V. Horsley of every safeguard provided by the Act, and whether by so doing you have not shown yourself unmindful of the sacred interests of those pitiful creatures committed to your charge by the law, who are the living victims of experiments? Whatever be your answer to these questions, I take leave to enter my solemn protest, in the name of many thousands of thoughtful and humane people, against this safeguarding of a vivisector from all inspection. The law constitutes you the protector of vivisected animals, and you have made yourself the guardian of the vivisector!" That protest I sent to the Home Office on July 24th, 1905, and no notice whatever was taken of it.

10646. (*Chairman.*) You sent it to the Home Secretary?—

I sent it straight to the Home Secretary.

10647. That was Mr. Akers Douglas?—

Yes, I think it was some new Home Secretary I addressed, because I hoped to get more from the new Home Secretary than the last. I expect it was soon after a reappointment. In spite of



that protest of mine, which is very plain and clear, Sir Victor Horsley's permission to vivisect where he likes remained.

10648. Was it a specific permission given to him in writing, or was it a licence or certificate of any kind. How was it done?—

I do not know. That is a question Sir Mackenzie must answer. It is simply a note at the foot of the return. He has had it for years, I believe. I had not noticed it.

10649. I understand that it was probably endorsed on his licence?—

I really do not know.

10650. (*Sir Mackenzie Chalmers.*) You do not know as a fact whether he made use of it or not. He asked for it for a special purpose?—

I do not know. I am not attacking Sir Victor Horsley. I am attacking the Home Office for giving him permission. Whether he uses it or not is a matter of indifference to me on this charge. I am charging the Home Office with permitting this gentleman to vivisect outside the Act and beyond the reach of inspection.

10651. (*Sir John McFadyean.*) Is it your charge that under no circumstances should it be permitted to be done?—

Certainly. No vivisector should be placed beyond the reach of inspection, because the whole Act of 1876 definitely in its provisions implies that every vivisector is to be inspected, otherwise it would not have provided inspectors. And if



vivisectors are to be inspected, why is one to be given *carte blanche* ?

10652. But might the vivisector not signify his entire readiness to be inspected in an unregistered place ? Would that make any difference to your position ?—

It certainly would. You clearly understand that I am not making any attack upon Sir Victor Horsley.

10653. (*Chairman.*) Is there any special power in the Act given to the Home Office to permit this ?—

Yes, no doubt it is legal ; it is all “ may ” in the Act. I do not think there is anything compulsory.

10654. For cases done on farms, for instance ?—

Yes, I am not suggesting that it is outside the Act at all. But what is illuminating is, that though this leave was given to Sir Victor Horsley for many years, and was maintained for many years, and was maintained in spite of my protest in July, 1905, I find that it was withdrawn on February 13th, 1906, just a month before the announcement of the Royal Commission in the newspapers, just at the time when we may assume that the Home Office were perfectly well aware that there was going to be a Royal Commission ; and it is a very remarkable thing that contemporaneously with the knowledge in the Home Office that there would be a Royal Commission, this leave was withdrawn from Sir Victor Horsley to vivisect where he liked and beyond the reach of inspection.

10655. (*Sir John McFadyean.*) But have they withdrawn all similar leave to other vivisectors ?—



I should think probably not. There are some, I think, who have to do with inspecting grouse on a moor. I should have no objection to that.

10656. It was a question of the motive which inspired the Government—your reason for attributing this motive to the Government. If they had been in such a fright, would they not have withdrawn the whole of these permissions?—

No, I should think not. If it be so—you are putting it into my mouth (I do not know whether they have or have not withdrawn them all)—if they have not withdrawn the others and have withdrawn the one to Sir Victor Horsley, the assumption is that the one to Sir Victor Horsley is less defensible than the others, in the public eye. That is the conclusion I should come to. That finishes Charge X.

Now I have dealt with Charge XI. under another heading, but I wish to enforce this charge : that although the officials of the Home Office must be aware that the Report of the Royal Commission in 1876 contained this pregnant warning on page xvii. : “It is not to be doubted that inhumanity may be found in persons of very high position as physiologists.” They apparently have made no inquiries, public or private, into the vital question of the character for humanity of the licensees to whom they have delivered over the animals to be vivisected, and that although the Act of 1876 placed upon the Home Secretary the



tremendous responsibility of personally protecting animals from inhumanity. I have already cited this correspondence as showing the evasive replies given by the Home Office to proper questions. I now cite it to show that we must conclude that as a fact no guarantees of humanity are required by the Home Office. I think it is quite clear that that is so, and in addition to the Home Office correspondence, which ends with a frank refusal to continue the correspondence without giving me that information, we have the following question put to Mr. Thane at Question No. 400 : "Do you inquire at all into his"—that is, the experimenter's—"reputation for humanity or the reverse or anything of that kind?" To which he replied: "No, I do not inquire about humanity."

On the point of the question of the humanity of vivisectors, I wish to draw the attention of the Commission to the evidence given before the former Royal Commission by Dr. Klein.

10657. (*Chairman.*) Have you finished your charges against the Home Office?—

No, it is part of this charge—I cover it under this charge. There is one more charge after this, and only one more. It begins at Question 3538 : "(Q.) What is your own practice with regard to the use of anæsthetics in experiments that are otherwise painful? (A.) Except for teaching purposes, for demonstration, I never use anæsthetics where it is not necessary for convenience. If I



demonstrate, I use anæsthetics. If I do experiments for my inquiries in pathological research, except for convenience' sake, as, for instance, on dogs and cats, I do not use them. On frogs and the lower animals I never use them. (Q.) When you say that you only use them for convenience' sake, do you mean that you have no regard at all to the sufferings of the animals? (A.) No regard at all. (Q.) You are prepared to establish that as a principle which you approve? (A.) I think that with regard to an experimenter, a man who conducts special research, and performs an experiment, he has no time, so to speak, for thinking what will the animal feel or suffer. His only purpose is to perform the experiment, to learn as much from it as possible, and to do it as quickly as possible. (Q.) Then for your own purposes you disregard entirely the question of the suffering of the animal in performing a painful experiment? (A.) I do. (Q.) Why do you regard it, then, when it is for a demonstration? (A.) Because I know that there is a great deal of feeling against it in this country, and when it is not necessary, one should not perhaps act against the opinion or the belief of certain individuals of the auditorium. One must take regard of the feelings and opinions of those people before whom one does the experiment. (Q.) Then am I wrong in attributing to you that you separate yourself entirely from the feeling which you observe to prevail in this country in regard to



humanity to animals ? (A.) I separate myself as an investigator from myself as a teacher. (Q.) But in regard to your proceedings as an investigator, you are prepared to acknowledge that you hold as entirely indifferent the sufferings of the animal which is subjected to your investigation ?

(A.) Yes." Now, further down, at Question 3641, you find this : "(Q.) When you take hold of an animal for this purpose, what is done with it ; do you bind it up while you are making this injection ? (A.) If it is a large vigorous animal, as a dog, we do bind it and fasten it. A cat we generally must chloroform. (Q.) Why do you not chloroform a dog ? (A.) We chloroform a cat because we are afraid of being scratched. (Q.) Why not a dog ? (A.) If it is a small dog there is no fear of being bitten by the dog." That is the evidence which was laid before the former Royal Commission by Dr. Klein. It was laid before the Commission on a certain Thursday, October 28th, 1875. On October 30th of the same year, three days later, Professor Huxley, who was a member of that Commission, wrote to the great Darwin, and this is what he wrote——

10658. What is this on ? Are we to have the Commission of 1876 brought up ?—

I am going to bring it right up to date. Dr. Klein has a licence at this moment.

10659. That may be ; but we are on the question whether the law requires amending ?—

This is a charge against the Home Office of



continuing a licence to a man whose inhumanity is patent.

10660. Then let us deal with that?—

I want to show what Professor Huxley thought of this man.

10661. What Professor Huxley thought of Dr. Klein cannot matter?—

But he was on the Commission.

10662. That may be. It is thirty years ago, and the law has been entirely altered since. The law now prevents these things. By all means state that Dr. Klein has a certificate still, and that you think that is an improper thing, as I understand; but we really cannot go through the whole of this?—

It is not very long; it is a very short letter from Professor Huxley.

10663. The evidence runs very long. I think at any rate there is more recent matter and more material matter which takes up so much time that I think we can dispense with the history of what happened before this Act, which is, of course, the Act we are discussing?—

My Lord, I maintain very respectfully that it is very much *ad rem* what a Commissioner thought of Dr. Klein at the last Commission, in consideration of the fact that Dr. Klein has for years had a licence and certificate from the Home Office, and has one now, on the point that they are perfectly regardless of the humanity of the vivisectors, and take no interest in it.



10664. You have read Dr. Klein's own statement. I object to time being taken up by having cited to us what this, that, or the other person, whether a member of the Commission or not, thought of what Dr. Klein said. We have Dr. Klein's evidence, and the only point that is material, so far as I understand, is that you complain of Dr. Klein having a certificate?—

Well, my Lord, I think this has been already dealt with before this Commission.

10665. Yes, and that is another reason why we should not go into it ; we have had this read to us before?—

It is a very short letter, my Lord.

10666. (*Mr. Tomkinson.*) I suppose that Dr. Klein has not a certificate to experiment in his own laboratory, like Sir Victor Horsley?—

No, I believe his certificate is for the Brown Institution. I think there has been a point made before this Commission that Dr. Klein altered his evidence.

10667. (*Chairman.*) That may be?—

Then I think it is material, my Lord.

10668. But the alteration of the evidence was before the other Commission?—

Yes, but you have had it dealt with here.

10669. You have cited what he said about his practice. If you wish to qualify that in any way or to increase the force of it by a statement which he himself made subsequently, by all means do it?—



You see, my Lord, the point has been made here that Dr. Klein altered his evidence, and it is on that ground that I wish to lay this letter before the Commission, as showing what Professor Huxley, one of the Commissioners at the time, thought of that evidence.

10670. But that Commission is not this Commission, and there is no end to that sort of evidence of what other people thought about Dr. Klein. We have Dr. Klein's statement, which you say stamps him as being an inhuman vivisector, and you say that he ought not to have had a licence given him?—

I say that he ought not to have one now.

10671. But when it comes to citing other people's opinions to prove that Dr. Klein was an inhuman person, there is no end to it?—

Well, my Lord, I submit that I am entitled to read this letter. I request to be allowed to read it. If I am refused I pass on.

10672. I think we ought not to have it. It is admitting a great deal of matter which is not relevant?—

Then I pass from it.

10673. You say that Dr. Klein has had a certificate which he ought not to have had?—

He has it now, so far as I know. He had it in the last yearly report, and he has had it ever since 1884, I think. Then I wish to show, if I may, by citing a short passage out of an article by C. S. Myers, who is a man of great distinction at



Gonville and Caius College, Cambridge, a first-class man in both parts of the Natural Science Tripos, and the author of various articles in scientific journals, that the opinion of Dr. Klein, in which he said that he had no regard for the feelings of animals, did not expire in the year 1876, but is held by persons of distinction to this day. I do not know whether I may read it for that purpose. It is an article from a man of great scientific eminence, who writes quite recently to say that he endorses Professor Klein's opinion.

10674. I cannot see how that is relevant ?—

Very well. This is only to bring it up to date, so that it shall not be said that it is thirty years old. It is an article up to date endorsing those views that the sufferings of animals are of no account.

10675. There are a number of people over Europe, as we know, who hold those views ?—

He is an Englishman and a Professor at Cambridge at the present day.

I come to my last charge. I am here to charge the Home Office officials with having placed themselves in improper private confidential relations with a private society composed of supporters of vivisection entitled to no more consideration than the National Society composed of opponents of vivisection. Mr. Byrne was asked at Question 27 : " The Association for the Advancement of Medicine by Research is a body consisting of a great number of eminent surgeons,



I suppose ? ” and he replies, “ Yes, I believe it includes, nominally, at any rate, a large number of gentlemen of great distinction in this matter of investigation ”—I suppose by investigation he means vivisection—“ but no doubt the Commission will ascertain its precise composition from the body itself.”

Then we have had the assurance on several occasions, and we had it from Mr. Akers Douglas in 1903, that : “ No licence or certificate was granted except on the recommendation of an eminent medical man, such as the President of the College of Physicians or the President of the College of Surgeons, or without reference to the Society for the Propagation of Scientific Research ” ; that is what he called it, it is a better name for it, almost, I think, than its real one.

Then we have Mr. Byrne, who tells us that it is a purely voluntary organisation. He is asked at Question No. 171 : “ It has no statutory recognition ? (A.) That is so. (Q.) Can you tell us the name of its president or officers ? (A.) Not at the present moment. (Q.) In every case, does the Home Office receive advice in regard to applicants for licences and certificates from that Association ? (A.) Yes.” So that it is a voluntary organisation of the promoters of vivisection, and it is consulted by the Home Office on the competence of vivisectors ; and I do not know why, as we are also a voluntary organisation, we



should not be consulted as to their humanity. But we are not.

Desiring to find out, when I saw this evidence, what this Association really was, I could not find its address anywhere. I wrote in the air, and posted my letter "To the Secretary of the Association for the Advancement of Medicine by Research, London." The Post Office always find anybody, and they found him, I suppose. The letter I wrote was as follows: "Dear Sir,—In view of the enquiry now being made by the Royal Commission, I shall be much obliged if you will let me have a list of the members of your Association and the last yearly report, if you have one."

10676. (*Colonel Lockwood.*) When did you write that?—

On December 24th, 1906, as soon as I saw this evidence. This evidence was given in October, and in December I wrote and asked for their last yearly report. I got a reply from the Association for the Advancement of Medicine by Research from 135, Harley Street, W., on December 29th, 1906, and it is in this form: "In reply to the Hon. Stephen Coleridge's letter of December 24th, the honorary secretary of the Association for the Advancement of Medicine by Research writes to say that he is unable to comply with the request contained in the letter." You see this gentleman did not even sign his name. I could not even tell who he was, but I looked up 135, Harley Street,



in the *Directory*, and it was the house, I found, of Mr. Charles Edward Beevor, who, I presume, therefore—I deduced—is the honorary secretary of the Association for the Advancement of Medicine by Research. But he gave me no information—he would not give me the yearly report or tell me who anybody was.

10677. (*Chairman.*) He is a doctor, I suppose?—

I do not know. I suppose he is. I therefore prosecuted my further researches to find out what this Association was. I looked up old files of the *British Medical Journal*, and I found in the number for April 1st, 1882, on page 476, that Sir William Jenner, at a meeting, concluded by proposing the following resolution: “That, with the view of bringing the legitimate influence of the medical profession more effectively to bear on the promotion of those exact researches in physiology, pathology, and therapeutics, which are essential to sound progress in the healing art, an association be formed, to be called ‘The Association for the Advancement of Medicine by Research.’” Mr. Spottiswoode, then president of the Royal Society, moved also, at that same meeting apparently, “That the Association consist of representative members of the medical profession, and of other persons desirous of promoting the above objects.” That is how it was formed. Then I find that on April 8th, 1882, a few days later, Mr. Hallows, writing in the *British Medical Journal*, on page 157,



alludes to "The formation of a society to resist the opponents of scientific research," which, he says, "will be most welcome to the members of the British Medical Association." Therefore, he calls it a Society to Resist the Opponents of Scientific Research—that means us, I suppose, which is a misnomer, because we do not object to scientific research at all. Then in the *British Medical Journal* of April 22nd, on page 599, which is a fortnight later (I am doing this seriatim), I find a letter from the treasurer, who happened to be a Mr. Samuel Wilkes.

10678. What is this on?—

I am showing you what the Association is, to which every application for a licence is referred.

10679. Could you not come to something which does show us what the Association is? All this history has very little to do with what the Society is now. This is the same Society that advises the Home Office?—

Yes, this is the Society.

10680. But all this history of how you came to know what it is is immaterial?—

I am only telling you what it is.

10681. I think you are telling us a great deal more than that?—

This is a letter from a member of the provisional committee of it when it was first started, which contains these words, "The working physiologists"—that, of course, means the vivisectors—"of the three kingdoms have expressly stated that



they do not desire (at least for the present) to attempt to abolish the Act, of which we are all ashamed, but to secure its being harmlessly administered. To speak with authority to public opinion, and to bring effectual pressure upon officials, needs other means than those which are suited to the arena of controversy."

10682. This is from a gentleman who is a member of the Association?—

He is a member of the committee.

10683. In a letter written to the papers?—

Yes; and he says that the object of this Association is to bring effectual pressure to bear upon officials—meaning the Home Office. Then the first report of the Council, dated April 29th, 1882, says that the first duty of the Association is "to promote those exact researches in physiology, pathology, and therapeutics, which are essential to sound progress in the art of healing, and to remove any hindrances which obstruct these researches." Sub-committees were appointed "to report (1) on the present hindrances to research due to the working of the Vivisection Act; (2) to report on the best ways in which exact researches in medical science (*i.e.* vivisection) can be encouraged"; and on May 13th we find a £500 prize offered for an essay on "The usefulness of vivisection as a method of scientific research, the conditions to be approved by the Association."

10684. Is not this rather beating the air? We



all know that this Association is one that was formed for the advancement of research by vivisection, amongst other methods, and is very strongly in favour of it?—

Yes.

10685. There is no doubt about that?—

But I do not think that the Commissioners knew before that one of its objects was “to bring effectual pressure to bear upon officials.”

10686. No, I am not aware of that. Is that a resolution?—

That is what one of the provisional committee writes to the public press to say is one of their objects—“to bring effectual pressure to bear upon officials.”

10687. In a large Society, what one person who is a member of it writes to the press is not its best interpreter?—

No, but further on you will see in the evidence that has been given before you that any licensed vivisector, on payment of 10s., may become a member of it, so that I think I am right in saying that this Association is an Association formed for bringing pressure to bear upon the officials of the Home Office, in order, if possible, to have the Act “harmlessly administered.”

10688. Is there a resolution of the Society, or is there any printed rule of the Society saying that that is one of their objects?—

My Lord, I have written to them in vain to get it, and I am thrown back upon this.



10689. I do not say that it is your fault that you cannot produce that rule if it exists, but certainly if that is the suggestion we shall have somebody from the Society (we have had one witness), and we will ask the question from him to ascertain it. But I think it is really taking up time unnecessarily to try and convince us that these gentlemen are all strongly in favour of vivisection—quite as strongly as you are against it?—

Very well, if that be accepted, and that their object is to bring pressure to bear upon the Home Office——

10690. I do not accept that. I understand that somebody has written to the Press to say that that is his view.

(*Sir Mackenzie Chalmers.*) The pressure has not yet been felt.

(*Witness.*) Pardon me, I cannot accept that, if I may say so. I wish to point out, in answer to that *obiter dictum*, that it is a fact proved before the Commission that the applications for licences are laid before this Association for the promotion of vivisection before they come to the Inspectors. Therefore the Inspectors receive these applications under prejudice as they have already been before this Association of Vivisectors, before they reach the Inspector, who has to report upon them, and therefore it is put upon the Inspector.

10691. (*Chairman.*) I believe that is so; there is no dispute about that, is there?—

Very well, my Lord, I think that answers Sir



Mackenzie when he says that no pressure is brought to bear. I call that most distinctly pressure brought to bear upon the Inspector.

Having finished my charges, I wish just to say in conclusion that I hope I have shown the Commission that the Home Office have repudiated the duty of protecting animals from unjustifiable suffering; that they have constituted themselves the consistent injudicial defenders of the vivisectors, protecting them from the punishment which it is their duty themselves to see inflicted upon them; that they have appointed biased Inspectors; that they have given licences to men who have shamelessly and publicly proclaimed their personal inhumanity! that they have improperly allowed themselves, in our opinion, to be guided for years by a private society of vivisectors, formed for the very purpose of bringing pressure to bear upon them, if I may say so, to neglect that which they should do for the protection of animals; and I invite this Commission to acknowledge that I have laid before them ample evidence to show that the Home Office officials have for 30 years betrayed the solemn trust placed upon them by Parliament.

10692. The next point is the ethical ground upon which your Society objects to vivisection. I hope that you will place that before us very shortly, we have had it at extreme length already?—



Perhaps the simplest way would be to submit myself to cross-examination on that statement.

10693. You say in a sentence that you think what is done is cruel?—

Yes, I think that we have a right to kill animals, and that the duty is laid upon us in killing them to do so with as little accompanying pain as possible.

10694. Then you have in the course of your evidence already dealt with some of the statements made by previous witnesses. I do not know whether you have finished that part of your case?—

I have some more statements of witnesses to deal with, but perhaps I had better keep that. I will do exactly what you like. I have the materials to go on with, but I will subject myself now to cross-examination on these charges or do anything you wish.

10695. You do at the end of your *précis* refer to certain alterations of the law?—

Yes, I have my Bill.

10696. I think we had better deal with that, that is very much more practical, of course, than anything else?—

I think perhaps it would simplify the discussion before the Commission if I were shortly to give you the alterations in the law which this Bill really would carry out.

10697. If you please?—

I put them under 11 headings. The first alteration would be (1) the animal during the experiment



to be under an anæsthetic of the nature of a respirable drug or gas.

10698. With regard to the present Act, is this draft which you have put before us by way of amendment to the Act, taking the Act as it is, and amending it?—

Yes.

10699. It is not entirely a new Act repealing the present Act?—

No, it is an amending Act. The second heading is (2) the animal to be killed before recovering from the anæsthetic. That is really re-instating the Act without Certificate B. The third, and this is really the important thing, is (3) the Inspector to be present throughout each experiment—each physiological experiment, of course, I mean; I do not mean experiments in the nature of inoculation. Provided that in the case of an “experiment not calculated to give pain from the act or operation by means of which the experiment is initiated.” (By that I mean an inoculation experiment.) These three provisions shall not apply, but in lieu thereof (1) directly the animal feels pain it must be placed and kept under an anæsthetic, as above mentioned, or killed. (2) The Inspector shall frequently make surprise visits to all places where such experiments are taking place. The idea here is that the Inspector shall be present at all serious physiological operation experiments, but he is not necessarily present at inoculation experiments, which may, of course,



last for weeks or months ; but his duty will be to go at frequent intervals and inspect the condition of the animals which have been inoculated, and if they are in serious pain it will be his duty to order them to be killed.

10700. I thought you said that these three heads that you have given were none of them to apply to what you call inoculation experiments ?—

That is so, but in lieu of them there is this further direction that the Inspector is often to make visits, and have them killed if they are in severe suffering. Then the next condition is (4) the total abolition of the use of curare, and after that the next one is (5) no application of matter to the eye of an animal for the purpose of observation through the conjunctival membrane. (6) Abolition of certificates, and experiments depending thereon, of course.

10701. This is all confined, I presume, to experiments for the purpose of acquiring knowledge ?—

Yes. The rest of the Act stands.

10702. (*Sir Mackenzie Chalmers.*) You have dealt with lectures upon another point. You would prohibit all lecture experiments ?—

Yes, I am coming to that.

10703. (*Chairman.*) By providing that no application should be permitted to the eye, you did not mean that no oculist was to apply any application ?—

No, I mean for the purposes of experiment.



Then (7) Licences to be granted only for one experiment or for one series of not more than six connected and consecutive experiments and must specify the time and place at which such experiments are to be performed and the nature of such experiments. (8) The licensee must make within seven days of completion of experiment a detailed chronological report in writing to the Secretary of State of the description, course, and result of the experiment, and is liable to penalties of £20 and £50 for first and subsequent failures to comply with these requirements.

10704. Within how many days ?—

Within seven days. Of course, I should have no objection to that period being lengthened, if it is found impracticable. I must put in some number of days. The next one is (9) That three copies of every licence granted by, and three copies of every report made to the Secretary of State shall be deposited respectively in the Library of the House of Lords, the Library of the House of Commons, and such other place accessible to the public as the Secretary of State may determine. (10) In the appointment of Inspectors and licensees special regard is to be paid to the applicant's reputation for humanity, and (11) prosecutions may be instituted at any time within two years of the offence without the assent of the Secretary of State, the prosecutor, however, being bound to deposit the sum of fifty pounds as security for costs.



10705. (*Colonel Lockwood.*) To prevent any vexatious indictment?—

Yes. Those are broadly the main provisions of the Bill.

10706. (*Chairman.*) Under No. 6, Abolition of certificates and experiments depending thereon, you mean the abolition of all certificates?—

I meant Certificate B really. Certificate A remains.

10707. Do I correctly understand that that is what you put before as the minimum which your Society desires?—

Yes, that is the Bill which I drafted which my Society supports, and which has been before Parliament with some small alterations for several Sessions.

10708. (*Colonel Lockwood.*) Are you able to differentiate at all between the ethical and practical views held by various people in this matter, or do you look upon the two as indivisible?—

I look upon this question solely from the point of view of the animal. I do not deal with and I do not address myself to the question of the utility of the practice of vivisection, if that is what you mean.

10709. What I mean is this. Do you hold the opinion that, if it was proved that certain operations lead to discoveries to alleviate human suffering, you would not object to them; or do you object to them altogether because you believe them to be immoral?—



Not at all. My objection to vivisection begins and is centred in the question of pain. If an animal be placed under complete anæsthesia and destroyed before it recovers consciousness, personally I have no objection to that vivisection at all; and anything that might be discovered thereby would be to the benefit of humanity and welcomed by myself.

10710. We have had, as you know, various witnesses before us who refused to deal with what I call the practical side of the question, and dealt entirely with the ethical side. I will not go so far as to say that you dissociate yourself from them, but that is not the opinion that you hold?—

I ought to say that I am not against the total abolition of vivisection, because in my opinion the total abolition of vivisection would be the most certain way of preventing any possible torture to animals and saving them from all possible pain; but as it is the pain that I object to, if the pain be really and truly eliminated from vivisection I personally have no objection to it.

10711. In the beginning of your remarks you said that you regretted that the Press were not admitted here because much that the public have a right to know (I think that is about it) would not be known by them?—

Yes.

10712. Would you tell me and the Commission exactly what was in your mind when you said that in view of publishing the evidence?—



First of all I should have liked to have heard the debate which was conducted among the Commissioners on the question of the introduction of the Press and the permission of myself and of others to be represented by counsel. I think that would have been very illuminating to the public.

10713. You mean the preliminary talk of the Commission?—

Certainly. On what ground it was that the Commissioners determined to refuse my application to appear by counsel.

10714. You alluded in the early part of your evidence to Queen Victoria's opinion being against vivisection?—

I have her Majesty's letter here. It was sent to the secretary of the London Society, who kindly let me see it.

10715. (*Chairman.*) Is that from Her late Majesty?—

It is from Sir Henry Ponsonby on her behalf. It is as follows:—“Windsor Castle, May 8th, 1889.—Sir,—I duly laid all the documents forwarded by you before the Queen, who was much interested in the report of 1888. The object of your Society is to effect the total abolition of vivisection, by which, of course, is meant the removal of laws which sanction it. It would be impossible for the Queen to take any part in petitioning Parliament or herself to pass new laws, and therefore, while heartily sympathising with your efforts, Her Majesty is compelled to decline



the office of patron.—I am, Sir, your obedient servant, HENRY PONSONBY. The Secretary, the London Anti-vivisection Society, 32, Sackville Street, Piccadilly, W.”

10716. (*Colonel Lockwood.*) In the beginning of your evidence you alluded to the gross inhumanity of the medical profession, I think?—

No, I never said that.

10717. I wanted to make quite sure. I made a note at the time, being very much struck by it?—

I know what you are thinking of. I was very careful of what I said.

10718. Here I have it at Question 10262. “We are prepared to show that under the existing law there is no limit to the agony that may legally be inflicted upon animals, and we abominate a Statute that authorises gross inhumanity” ?—

Yes.

10719. Could you elucidate that a little for my information?—

Yes; that is a plain statement of fact; under the present Act there is no limit. If a man has Certificate A, there is no limit to the agony he can inflict. I do not say that it does happen. I say that under the present law it can happen. I am not saying for a moment that at the present time provisions are not added to that Certificate which may prevent it under the law. But the Home Secretary might be a vivisector.

10720. When we were talking about Dr. Bayliss's operations not having been performed under



an anæsthetic, would not the animal have cried out if it had not been under an anæsthetic ?—

I never said that. What I said was that “ The anæsthetics during these prolonged and fearful mutilations can legally be applied by an automatic pump in another room.”

10721. Would it not have been the case that if the pump had not acted properly and the dog was not insensible, there would have been some evidence of pain on its part ?—

Yes, I have no doubt, but then there was evidence that it did struggle, and the vivisector said it was St. Vitus’s dance. They admitted the struggle, but said it was St. Vitus’s dance. I do not know what they call it, but it was St. Vitus’s dance.

10722. (*Mr. Wilson.*) Chorea ?—

Yes, chorea.

10723. (*Colonel Lockwood.*) At Question 10,264 you go into the question of fact, that the Inspectors appointed by the Home Secretary have no testimonial as to their humanity ?—

I do not think I said the Inspectors, did I ?

10724. “ Nor the inspectors appointed by the Home Secretary, testify to the personal character or humanity of the applicant ” ?—

Yes, of the other people. I said nothing about themselves.

10725. Yes, it is the applicants. How are you going to meet that in your Bill ?—

I say that in the appointment of Inspectors



special regard is to be paid to the applicants' reputation for humanity. I say that certainly men like Dr. Klein would not get a licence under my Bill. His reputation is the other way.

10726. I mean how could you possibly arrive at getting a humane character for anybody excepting from an interested party?—

I think it might be done.

10727. It seems to me very difficult?—

I think inquiries might be instituted about a man's personal character, his character for humanity.

10728. You think by your Bill you could work it?—

I do specify it. I say "a certificate recommending that the application be granted on account of the applicant's reputation for humanity which must be signed by two or more of the following persons. That is to say, a Justice of the Peace, a minister of any religious denomination in the United Kingdom." That is as near as you can get.

10729. That you think would be sufficient safeguard?—

Yes.

10730. And guide to humanity?—

As much as one can expect.

10731. And you think that would ease the public mind as to the humanity of the person who got a licence?—

Yes, always provided that the Inspector was



present at every vivisection. That is what I look upon as really comforting the public mind.

10732-3. The presence of the Inspector invariably?—

The presence of the Inspector invariably at serious cutting operations.

10734. In answer to Question 10265 you say, "It will be observed that my Society has been forced to the conclusion that, by placing the interests of the animals in the hands of the Home Secretary the framers of the Act of 1876, unwittingly, no doubt, made a fatal mistake. The Home Secretary has practically delegated much of his responsibility to the Home Office officials, who have, in their turn, delegated their responsibility," and so on?—

Yes.

10735. You will acknowledge, I suppose, that the Home Secretary himself, beyond being, of course, the authorised responsible minister for these things, must delegate his work to somebody?—

Yes.

10736. To whom would you delegate it?—

I say that under the safeguards of my Bill, if it is passed, first of all any person may prosecute without leave of the Home Secretary, provided he is a serious person, and puts up £50 to cover the costs. That, in my opinion, takes the protection of the animals very largely out of the sole care of the Home Office, and allows such a society as



mine, or any serious society to do what they can to safeguard animals in the event of any breach of the law. But at present, I say it deliberately, I have no reason to suppose that any illegal act in the way of torturing an animal or anything of that kind has ever taken place hitherto in the presence of a Government inspector. I therefore rely (I am not a fanatic) upon the presence of a Government inspector to protect the animal from illegal treatment.

10737. Do not you think that if this power was placed in the hands of practically anybody to prosecute, it would lead to a certain amount of carelessness on the part of the real official of the Home Office, the Home Secretary, because he would say, "Well, after all, anybody in the street, or in a society can take up this matter; I need not be extra careful on the subject?"—

I do not think that. I think we can go by the analogy, for instance, of the children's society, of which I sit on the Council. In practice it is the society that institutes prosecutions; but therefore because the society institutes prosecutions I do not think (I have never observed) that it makes the police any more remiss in their readiness to assist or carry out the law.

10738. In answer to a previous question you said that you were not against experiments, provided they were not cruel to the animals?—

That is so; as long as there is no torture of animals I do not object to it.



10739. And you do not dispute the fact that there have been discoveries made by these experiments which have been of use to human beings?—

That is a question for experts.

10740. You would not like to express an opinion?—

No, neither one way nor the other. What is my opinion against the aggregate opinion of the scientific men of this Commission? I do not set it up for a moment. Perhaps I might add, to elucidate that position of mine, that with regard to the results of vivisection, I see no objection to human beings benefiting by the results, provided that those results are not continually produced by fresh infliction of pain, and serious pain.

10741. You have probably read over Professor Starling's evidence?—

Yes, I have read it through.

10742. You will have noticed, of course, that, as he would be expected to do, he traverses the various statements made by Mrs. Cook and various other people who hold anti-vivisection views. Have you any remarks to make upon the statements which he makes as traversing those statements?—

No.

10743. In one part I remember he said, "That is absolutely false." For instance, he said of one of the witness's statement at Question 3672, which refers to some of Mrs. Cook's statements about



cruelty to animals, "these scalped animals with mutilated nerves were allowed to live and then they were again anæsthetised. This is entirely false." Of course, I had read this statement of Mrs. Cook's before, and I confess to having been considerably horrified; but then, when I come to a skilled witness who says "This is absolutely false," it leaves rather an unpleasant impression upon my mind that I have been misled. Have you formed any opinion about it?—

I have formed the opinion that as neither Mrs. Cook nor Professor Starling was present when these experiments were performed, they are both equally at liberty to form their own conclusions from what they have read.

10744. But you see Mrs. Cook's account was published to the public, and this evidence, of course, is published to the public, but the public will not necessarily hear of it?—

I should like to go back, if I am to be asked this, to see what this was. I do not know what Mrs. Cook was talking about at the moment.

10745. If you would just look over it?—

I do not know what it is. If this quotation, "for three or four weeks these scalped animals with mutilated nerves were allowed to live," is a fact, it sounds rather horrifying. That is a question of fact. I do not know what Mrs. Cook is quoting from. I would rather she dealt with it herself.

10746. If you would just look over it?—I do



not wish to ask you questions about which you have no personal knowledge?—

No, I have no knowledge of it.

10747. (*Colonel Lockwood.*) Professor Starling says at Question 3772, that his view of experiments on living animals is "That science is advanced by experiment; that physiology is a science of living things, and that physiology will therefore be advanced by experiments on living things." Would you give me your answer to that?—

I presume that, other things not being considered, physiology would be advanced and might be advanced at any rate by experiments on living animals, but whether physiology thus discovered is of any service to mankind is another question.

10748. (*Chairman.*) That is a point upon which I understand you do not wish to express an opinion?—

That is so.

10749. (*Sir William Collins.*) I do not know that I have many questions to ask you in reference to your statement in regard to the Home Office. Do I correctly understand that your Society approves of the draft Bill, which you have laid before the Commission?—

Yes.

10750. Then their legislative project is rather in the direction of amending than repealing the existing Act?—

Yes.

10751. And though you might perhaps as a



counsel of perfection desire abolition, I think your Society and you would be content with this amending Bill ?—

We think that to bring in a Bill for the total abolition of all vivisection in the present condition of public opinion would be a waste of time, and that meanwhile we think much good might be done by such a Bill as this to protect animals more than they are protected at present. And we should like to see how this Bill works if it is passed, if it ever becomes law.

10752. From a hasty perusal of your Bill, I do not see any provision in it for certificates such as those obtained under the present Act ?—

We leave Certificate A alone, but not Certificate B. Certificate B is practically abolished in the sense that you must not allow the animal to recover. You may vivisect it as long as it is kept under anæsthetics and destroyed before it recovers consciousness, under my Bill.

10753. Do you make any distinction as to what animals should be used under your Bill ?—

No.

10754. Provided that the conditions of your Bill are carried out, you do not object to the use of dogs, cats, and monkeys ?—

I do not want to make any distinction between vertebrate animals.

10755. Have you formed any opinion as to the number of Inspectors who would be required if your Bill became law ?—



Yes, if the Bill became law my hope would be that, instead of persons now vivisecting all over the country, when they had a serious object which would be recognised by the Home Office as a serious object, it would be worth their while to come to some central place, there to perform the series of operations under the eye of the Inspector which they wished to do; and I should look to a large reduction in the number of registered places, thereby saving the time and the travelling of the Inspectors. I see no reason for a very large increase in the number of Inspectors, provided that their whole time is occupied in inspecting, and provided that the places where they inspect are not far distant from one another.

10756. Is there anything in the Bill which limits the number of registered places?—

No.

10757. I do not think you told me the number of Inspectors that you contemplate?—

No. I leave that to the exigencies of the case. At present the two Inspectors do not give their entire time, and inasmuch as they are not required to be present at every vivisection, they spend a good deal of their time in travelling about and seeing nothing, whereas under my Bill their services would never be wasted; wherever they were there would be a vivisection going on for them to inspect, so that an enormous saving of time would be made under my Bill.



10758. You set a good deal of store on inspection ?—

Yes, I do, absolutely. Inspection is the whole thing in my Bill. In my view the present Act contemplates the necessity of inspection, but does not provide that it shall be efficient.

10759. On the ethical ground I understand that you direct yourself against the infliction of suffering, but you do not object to the utilisation of animals for scientific purposes, provided that it is painlessly conducted ?—

Quite so.

10760. Is it in your opinion immoral to use knowledge which has been obtained as the result of painful experiments on animals ?—

No, no more than it would be illegal or immoral for me to enjoy the results of a fortune accumulated in the slave trade by my great-grandfather. I need hardly say that he did not accumulate any such fortune, but if he had I should feel myself perfectly justified in enjoying that fortune. Although I should condemn the slave trade, and should certainly condemn its continuance now, or its resuscitation in any shape or form, I do not think it would necessarily morally preclude me from enjoying the results of the fortune. Nor do I think if any valuable invention has been discovered by painful vivisection of animals we are thereby precluded from using it.

10761. I understand that you do not contest the position that useful knowledge has



been acquired by painful experiments upon animals?—

That I neither admit nor deny, not being an expert.

10762. I do not know whether you are contemplating giving further evidence or whether you have dealt with that heading in your evidence with regard to statements by previous witnesses, dealing with the value of vivisection, both in physiology and in therapeutics?—

I rather reserved myself for cross-examination upon that. Of course, though I assert nothing as to the usefulness of vivisection, as an ordinary layman it is open to me (as a layman) to criticise, if I can, any statement that is brought forward asserting great benefits to mankind in the way of lowering the death-rate from any particular disease. If the vivisectors were to claim that they had lowered the death-rate from any particular disease, that is a statement that, as a layman, I am as qualified to criticise as the greatest expert; and therefore in any case of that kind I should certainly not preclude myself, but simply for what it is worth I should examine the death-rates at Somerset House and think myself not precluded, though I am not an expert, from bringing them before the public.

10763. There are many previous witnesses who have called our attention, for instance, to the value of antitoxin as a mode of treatment for diphtheria, indicating that it has been discovered as the result



of experiments on living animals, and that the serum is now obtained by a process involving the use of living animals. Have you any remark to make upon that evidence?—

I have looked into the death rate from diphtheria before and after the introduction of antitoxin.

*(After a short adjournment.)*

10764. (*Sir William Collins.*) I think I was asking you whether you desired to say anything with regard to the claims which have been made by previous witnesses, as to the beneficial effects upon the diphtheria mortality arising from discoveries due to vivisection?—

I have made a table here from the death rates per 1,000,000 persons living, and I think the fairest and best way to do it is to group it in quinquennial periods so as to avoid the slight inequalities of various years. I begin with 1876, and I come down to 1905. In the first quinquennial period, from 1876 to 1880, the average mortality per 1,000,000 persons living from diphtheria was 121; in the next quinquennial period it was 156; in the next 170; and in the next 253. That quinquennial period reaches down to the year 1895, and the *Encyclopædia Britannica* tells us that the antitoxin treatment began in the latter part of 1894; so that it falls just at the end of that quinquennial period. In the two quinquennial periods subsequent to the introduction of antitoxin, in the first



the death rate is 272, and in the second it is 204. That comes down to 1905. So that both the averages, taking the last two quinquennial periods covering ten years since the introduction of the antitoxin, are considerably higher than in the period from 1876; higher than the three periods during which the antitoxin was not used. I do not set any great store by that, except that there is the fact, when they claim to have cured this disease by this particular remedy, that the death per 1,000,000 persons living, appears to have gone up.

10765. May I revert once again to your draft Bill, and may I ask you how you deal with cases under that Bill, should it become law, in which animals have been inoculated with various morbid products with a view to ascertain the pathological effect?—

Under my Bill, if an animal is inoculated with a substance that creates a painful disease in it, it will be the duty of the Inspector to go and see that animal frequently, and if it be in a severe condition of suffering it will be his duty to order it to be killed painlessly.

10766. Of course in some cases, I suppose the painful symptoms might be expected to supervene somewhat rapidly after an inoculation?—

As to that I presume that as the Inspector will probably be a man of some experience in these matters, and as he will know what the inoculation is from information sent in by the vivisector, he



will know whether the painful period is likely to supervene early or late ; therefore it will be within his power to protect that animal from unnecessary suffering.

10767. Do you think, under the provisions of your Bill, and with the inspection it provides, vivisection could be carried on without inflicting suffering upon animals ?—

I should hope so, yes. That is my hope.

10768. (*Sir Mackenzie Chalmers.*) I think you told us that you have never seen an experiment yourself ?—

No.

10769. And you never wish to see one ?—

No.

10770. And you have not any intention of seeing one ?—

No.

10771. Have you ever seen any animal after an experiment in a physiological laboratory ?—

No, I am wholly unacquainted with the thing from personal knowledge.

10772. Your knowledge is derived from reading ?—

Absolutely, and from what I have been told.

10773. Have you had communications with licensees, and discussed the question with them ?—

I know licensees ; I have met them and talked to them.

10774. Do you accept their statements ?—

That is rather a large question.



10775. I will not press it?—

It depends upon the man.

10776. I take it that your position is, that it is not what has been called the exploitation of animals that you object to, but the infliction of pain?—

Yes, broadly that is it.

10777. Does the question of the amount of pain enter into your consideration?—

Yes.

10778. Let us take one or two instances. You know that at present we are losing a million lives a year in India from plague?—

I did not know that.

10779. And at home and in India certain experiments have been carried on to test the mode of transmission of plague—experiments on rats and guinea-pigs?—

Yes.

10780. Do you think that these are justifiable, or not?—

It depends entirely upon the amount of pain involved.

10781. The amount of pain involved in these experiments is to inoculate an animal with plague, which sometimes is a painful and sometimes not a very painful disease. Do you think it is justifiable?—

Under my Bill it would be the duty of the Inspector to have that animal destroyed as soon as it manifested signs of severe suffering.



10782. You would not prohibit the experiments?—

No, they would be permissible under my Bill.

10783. Take the case of the cancer research which is now going on. You agree that if any further information as to the nature or causation of cancer can be obtained, it is most essential?—

Yes, but they have been some years at their researches now, and they have placed an almost inconceivable number of animals under test and under experimentation, and so far they have had no result whatever for the benefit of mankind; if the death rate per million persons living is to be any test at all.

10784. Do you think those experiments and the continuation of those experiments unjustifiable?—

I should think it is about time that some period should be put to the numbers and the quantity of suffering that is inflicted for that purpose.

10785. Do you think that the induction of cancer in mice, which are chiefly used, is a painful experiment?—

That is a matter for experts. If it be painful, I say it should be dropped as soon as the animal shows signs of severe suffering; it should be destroyed. There are cancers I believe in the human family which are not painful and some that are. I presume it is probable that it is the same with animals. I do not know.

10786. Then take the case of vaccination. The calf from which the vaccine is prepared suffers no



doubt a considerable amount of inconvenience, if not severe pain. Do you think that is justifiable or not?—

I am an anti-vaccinator on the ground of the liberty of the subject quite apart from any other question.

10787. I am not dealing with compulsory vaccination?—

I thought you meant that.

10788. I am dealing with vaccination which people are at liberty to adopt or not. We must have vaccine if people are to be voluntarily vaccinated?—

Yes.

10789. Would that come outside your Bill or not?—

That would not come under the purview of my Bill. That is a trade product, you may call it. It is not experimentation for the purpose of scientific research; and my Bill only covers experimentation for the purposes of research.

10790. Any improvement in vaccine I suppose would be a matter of experiment?—

Yes. Vaccine has been going some time. I presume it is a well-known product, is it not?

10791. Then to take the antitoxin for diphtheria: you were going to say something about that. Do you object to the preparation of antitoxin for diphtheria?—

That I presume is also a trade product. It would not come under the purview of my Bill.



10792. I am not quite sure, but has not the antitoxin to be standardised by means of fresh experiments ?—

I do not know. I thought it was like vaccine, a thing that is now ascertained and is produced like a trade product. I thought you could buy it by the bottle.

10793. A good many experiments, as you know, are authorised for the purpose of standardising some of these preparations which cannot be standardised by chemical means ?—

If the Home Office issue licences for the purpose merely of what you may call standardising, that is not an experiment, nor a new discovery ; I consider that in issuing that licence under the present law there is no question of a new discovery there ; therefore, I think such a licence is absolutely outside the Act, and ought not to be granted.

10794. If we are not justified in causing pain to animals for the purpose of alleviating human suffering and the advancement of knowledge, are we justified in killing and maiming animals in sport ?—

I am not a sportsman myself ; personally, I have never shot a bird.

10795. I was not accusing you of being a sportsman ; I was asking you whether, if the law deals with one, it ought not to deal with the other ?—

It does not seem to me to come within the



purview of my Bill, but I am ready to give my own opinion, if it is of any interest.

10796. I want to know the view that your Society takes on this question?—

My Society has no opinion on that matter ; it is simply a Society for the prevention of vivisection, an anti-vivisection society. It has nothing to do with anything else. I should be absolutely going outside my rights and committing a breach of trust as regards its many subscribers if I devoted any of its funds for agitation against anything else.

10797. But may we have your private opinion ; you are a very important member of your Society, and I should like to have your private opinion?—

My private opinion is that you have no right to inflict unnecessary pain on animals in killing them, and therefore if any sport inflicted unnecessary pain on animals in killing them, I object to it myself personally. I should not do it myself. I do not bring any accusations against others who do, but I should object to it myself, and, so far do I object to it that I have done my best strenuously to support the Spurious Sports Bill now before the House of Commons.

10798. Take, for instance, rabbit shooting. No doubt a rabbit can be killed in a painless way, but in a good day's rabbit shooting a good many rabbits get away maimed, and die in their holes?—

I never went out for a day's rabbit shooting, and I do not know.



10799. I was wondering whether it is a consistent attitude that you take up?—

My consistency is perfect, because I do not shoot. I have never even hooked a fish. Nobody can say anything against my consistency. I can speak for myself; you asked me only to speak for myself.

10800. Is it a consistent attitude for your Society to take up, only to deal with one form of pain to animals, leaving probably infinitely worse forms of unnecessary pain untouched?—

There is the Royal Society for the Prevention of Cruelty to Animals, whose purview is the whole cruelty performed in the world in all forms to animals of all sorts. My Society has taken up one particular form of cruelty to animals, and devoted themselves to it alone, because in their opinion the Royal Society for the Prevention of Cruelty to Animals has neglected it.

10801. You specialise?—

Yes, and we think we can do it better than the Royal Society for the Prevention of Cruelty to Animals, even if they did do it, because we have devoted our entire attention to it.

10802. Colonel Lockwood called your attention to your evidence. Your Society publishes detailed accounts, does it not?—

What of?

10803. Of its income and expenditure?—

Oh, dear, yes.

10804. Do you know whether the other societies



that you referred to published detailed accounts or not?—

I think I have most of them here. I asked them all to send me their annual reports. I think they are here, if you like to see them.

10805. (*Dr. Wilson.*) You gave the annual incomes?—

Yes; there they are, such as I have got (*handing in the same*).

10806. (*Sir Mackenzie Chalmers.*) I was not quite sure of the object of your statement in comparing the income of your Society with that of others?—

My object was purely egotistical, to persuade the Commission, if I could, that mine was the most important Society in the anti-vivisection world, and to claim greater attention for my evidence than for that of small obscure societies which have hardly any address and no income.

10807. The point which occurred to me is this: What we have to judge of is not the income of the Society, but the validity of your arguments?—

Yes, quite so. I hope mine have been more valid than those proposed by other societies.

10808. The smallest society might send a very important witness?—

Yes; but every other society except mine, so far as I know, confines its attention solely to advocating the total abolition of any vivisection whatever, and they all differ from my Society, and somewhat acrimoniously on occasion, because



we do not confine ourselves to that utopian policy, but are anxious and ready to advocate anything we can for the amelioration of the condition of vivisected animals. And I think it is a very valid argument in favour of our policy that the vast majority of anti-vivisectionists of England support us, and not them. That is why I brought those figures before the Commission.

10809. It will be convenient perhaps on that point to take some of the points in your Bill. Taking Section, Sub-section (3) ?—

I must apologise for the language “prior to.” I do not like it ; but that is prepared by a draftsman.

10810. “The animal must, prior to the commencement, and thenceforth during the whole course of the experiment, be under the influence of a general anæsthetic of the nature of a respirable drug or gas, such as chloroform or ether, or alcohol, chloroform, and ether combined, or sufficient power to prevent the animal feeling pain.” That would abolish the present Certificate B, would it not ?—

Yes.

10811. Because an experiment under Certificate B consists first of the operative procedure, and then allowing the animal to recover from the anæsthesia ?—

Yes.

10812. That you would prohibit altogether ?—  
That is my desire.

10813. The effect of that would be to prohibit



Professor Starling's work on the digestive juices ?—

If you say so, I accept your statement.

10814. What he told us was that in what he considered important work on the digestive juices, the animal was put under chloroform, was operated upon, and a drainage tube was put in, and after the animal recovered at stated intervals the digestive juice was drawn off. Those experiments would be absolutely prohibited ?—

It takes a long time to do that, does it ?

10815. Weeks perhaps ?—

Then certainly I would prohibit it.

10816. Although he said that the animal was suffering really no appreciable pain ?—

I do not feel myself bound to take his statement on that point.

10817. The practical result of your Sub-section (3) would be to reproduce the existing licence and abolish Certificate B ?—

Yes. Certificate A I retain to a certain extent. Certificate B would be abolished.

10818. In fact, you draw no distinction between an experiment and an initial operation ?—

No, I think not. Our view, of course, is that it is under Certificate B that the animal has the greatest risk of suffering under the present law.

10819. Then by Sub-section (5) you would prohibit all demonstration experiments ?—

Yes, I should, on another ground besides on the ground of the animal, though I do not particularly



object to it on the ground of the animal—that is to say, the animal is under complete anæsthesia, and destroyed before recovering consciousness. I think, on the whole, those conditions are more likely to be carried out in the presence of a lot of people than in the solitude of a laboratory. But I do think, from the evidence before this Commission, and from the evidence brought before us, that it does not tend to edification. I do not think it is right that young people should witness these things if they can be prevented. I do not think it is good for or tends to the edification of youth to witness these operations upon animals.

10820. Do you draw any distinction between witnessing operations of that kind on an animal and an ordinary surgical operation?—

Yes, I draw a very large and grave distinction. In my opinion, when students go into the theatre of a hospital, what they are witnessing there is a beneficent operation undertaken with gravity by the surgeon for the benefit of the patient who lies there, and a totally different atmosphere of feeling must be present generally from that which obtains in a laboratory, where the simple thing is to find out whether the spleen does this and the blood pressure does that, and has no relation to the benefit of the animal of any sort.

10821. In fact, you disagree with the surgeons who have been here and given evidence on this question?—



I decline to put myself up against anybody else. That is my opinion, and the reason I hold it. It is a reason which I hold with a great number of the persons whom I represent.

10822. Experiments should not be performed, you say, for the purpose of obtaining manipulative skill. That is the existing law?—

Yes, I think it is.

10823. “The substance known as curare shall not be used or administered for the purpose of or during the experiment” ?—

Yes.

10824. Curare, if used now, can only be used, you know, when a general anæsthetic is given?—

It cannot be used, of course, under the present Act as an anæsthetic.

10825. We have been told that for certain investigations curare is essential; but you say that those investigations must stop?—

My objection, of course, to curare is one which you must appreciate; that the most careful inspector cannot tell, if the animal has curare in a certain quantity injected into it, from any manifestations on the part of the animal when the real anæsthesia passes off. That is the sole reason I object to it. It is for the protection of the animal. It is impossible to protect an animal from the extremest torture if curare is permitted to be used at all.

10826. That is to say, the animal would make no manifestation; but it is quite possible to keep



up the anæsthetic certainly and surely while the animal is under curare ?—

No, not certainly and surely. No one can tell whether an animal is suffering if it is under curare, except by manifestations which it makes itself of sensation.

10827. Not by knowing the amount of anæsthetic that is given ?—

You cannot know the amount of anæsthetic that is given from a bottle in another room. There may be a mistake, and every animal differs from every other animal. One animal will take more anæsthetic than another, and I should have thought that you yourself would have recognised the extreme difficulty in protecting an animal from pain if it has had curare as well as another anæsthetic. I feel sure that you must.

10828. I cannot give evidence but I put to you this question. If a person who is skilled in giving anæsthetics gives the anæsthetic properly, surely there is no danger then ?—

What does the most skilled anæsthetist in the world do when he is administering anæsthesia to a patient ? He does not merely watch a bottle and see how much he administers ; he watches the patient for signs of life, and sensation, and it is by the signs of life and sensation in the patient that he is guided. I am sure that any anæsthetist would tell you that.

10829. Is not that for another purpose ? Is not he afraid of the patient dying ?—



Very likely, but he is also afraid of the patient suffering, I hope.

10830. Perhaps some medical witness will deal with that. Coming to your Bill again—this refers to Certificate A: “Directly the animal begins to feel pain it must be placed, and thenceforth while it suffers or is likely to suffer, must be kept under the influence of a general anæsthetic of the nature of a respirable drug or gas such as chloroform or ether, or alcohol, chloroform, and ether combined, of sufficient power to prevent the animal feeling pain” ?—

Yes.

10831. “Or if the animal is not so placed and kept under the influence of such anæsthetic as aforesaid, it must be forthwith killed” ?—

Yes, it practically comes to its being killed.

10832. That would prevent experiments which have the effect of producing any painful disease where it may be necessary for the experiment to let the disease run a certain course ?—

Of course, if it is a painful disease, yes.

10833. For instance, plague ?—

Yes, if it is a painful disease. I believe there are some forms of cancer, as I say, which are not painful—that people have it and suddenly die, never knowing that they had it. I have a cousin who died of it and never knew it.

10834. It would be rather difficult with an animal, would it not, to tell whether cancer is



painful or not. Animals show very little sign of pain in case of chronic diseases ?—

I did not know that ; I should have thought that they did. That is for the inspector to decide. If he says that an animal is not suffering at all, I am ready to take his word for it.

10835. You would stop any experiment ?—

Take such a thing as tetanus—that is what my eye is upon. If you inject tetanus into an animal it gets dreadful sufferings. I think that such an animal should either be placed under anæsthetics when it begins to manifest severe signs of suffering, or be killed.

10836. It struck me that your clause goes a great deal further than the actual cases you had in view ?—

I hope it will stop all severe suffering. That is the object of my Bill, and that is the object of those whom I represent, to stop suffering if we can—a laudable object, I should have thought.

10837. This will stop not only acute suffering but any suffering ?—

You cannot have a measure of pain. There is no such thing as pain-gauge after all. I have made it as wide as I can because I want to protect animals as much as I can. You see why I have done it—to protect animals as much as possible.

10838. Not being concerned, of course, with scientific results ?—

In no way whatever. If science can be advanced contemporaneously with painless vivi-



section I am glad to hear it ; but I do not see why science should be advanced through suffering any more than any art. You would not allow any art to be advanced by suffering, or any other pursuit of any kind. You would not allow astronomy to be advanced by suffering. Why should you allow physiology to be advanced by suffering ?

10839. I only wanted to get your view. There is no question of proportion. If any suffering is caused you would stop even what skilled people say is a most useful investigation ?—

I am not an unreasonable man. When I say suffering I mean real severe suffering.

10840. Would discomfort incidental to certain diseases come within your definition ?—

If the discomfort amounts to what is really serious, so that the animal is utterly wretched, I say that the animal ought to be killed.

10841. I think your clause goes beyond that ?—

I consider that the poor dog at Khartoum in that picture reduced to a hideous condition of emaciation, is cruelty. I think that animal ought to have been destroyed.

10842. I have not seen it ?—

There was a photograph of it, and therefore it must be true—at least I suppose so.

10843. Your third clause says : “ There shall not be applied to the eye of an animal by way of experiment any matter or substance for the purpose of absorption through the conjunctival



membrane." That would prevent, of course, the injection of cocaine ?—

It is not meant for that, of course.

10844. I am only taking the words ?—

I have seen books and pictures of wretched creatures' eyes in a hideous condition, and no doubt you have vivisectors who do use the eye, I believe, as the place for cultivating these dreadful germs, which produce a terrific state of suffering.

10845. I do not know whether your object was to prevent cocaine being used as an anæsthetic ?—

No, that is not the object of the clause ; it is to protect the eye from being used as the nursing ground for bacteria.

10846. (*Chairman.*) You do not say there "any matter or substance likely to cause pain" ; you say "any matter or substance" ?—

I daresay that is an error on my part ; that is my intention.

10847. (*Sir Mackenzie Chalmers.*) I see what you mean. Then in Clause 8 you mention the persons who are to sign these certificates ?—

That is the old Act.

10848. Have you put in any obligation there that the names of the persons should be disclosed ?—

No, but I will, now you mention it. I think that is most important. I quite agree with that.

10849. Under the existing law there is no such obligation ?—

I am not quite certain about that. I think the name certainly must be on the certificate.



10850. Yes, on the certificate?—

That is all the clause says here. There is no obligation for you to publish a yearly report at all in the Home Office, so far as I know.

10851. Would it not be rather inconvenient for these people, who may be continually shifting and taking each other's place, to require their names to be published?—

No, I think that anybody who signs a certificate ought not to be ashamed of having his name published in your report. Nobody looks at it except humanitarians.

10852. What is the object of having the names published?—

I think that a man would think twice, or even perhaps three times, before he signed such a serious matter as a certificate exempting a man from using anæsthetics, if he knew that his name would be known to everybody as having done it. That would not preclude him, if he thought that the applicant was a proper person for a certificate; but I think it would make him a great deal more careful if he knew that his name would be published. I do not think that anybody would have been found year after year to sign a certificate for Dr. Klein if he knew that his name would be published for the world to see.

10853. On that, Dr. Klein has done nearly the whole of his work for the Local Government Board, has he not?—



I do not know. If you say so I accept the statement.

10854. And under the instructions of the medical officer for the time being of the Local Government Board ?—

I suppose he is not the only person who could do that work.

10855. You are asking me a question that I cannot answer ?—

I think that some one else would have been better than a man who had proclaimed himself in public as inhumane, as he has.

10856. Are you aware that at the time when he gave that evidence he was, at least he said he was, somewhat imperfectly acquainted with English ?—

Yes.

10857. And that he asked to correct his evidence ?—

I know that, and I know also that the Royal Commission declined absolutely to have anything to do with his corrections.

10858. They published both his evidence and the corrections ?—

Yes. If you like to have this out I will give it you. Anything more condemnatory of his whole conduct cannot be conceived, in my opinion, than the whole thing. I have it here. Here it is, Dr. Klein's letter to the Secretary :

“ Dear Sir,—I return you my evidence corrected. I may mention to you that when under *vivâ voce*



examination, the fact of my being a foreigner made me often not able to appreciate all the purport of the questions which were asked of me, and that therefore my answers were not always such as I would have desired to give if I had quite understood the questions. In revising the evidence I have endeavoured to remove the effect of any such misapprehensions.—I am, etc., E. KLEIN."

Mr. Baker, the Secretary, replied :

"Sir,—I beg to acknowledge the receipt of your letter of the 16th instant, together with the proof of your evidence, and to reply that, as your corrections appear to me to have exceeded the latitude usually allowed to witnesses, I must lay it before the Commission, and take their directions as to the course I am to pursue. I am, etc., NATH. BAKER (Secretary). P.S.—I must ask you to return me the proof I originally sent you, which you damaged, for, as I told you when I sent you the duplicate, I am answerable for all the copies that are supplied to me."

Then Mr. Baker writes again : "In my letter of the 12th inst., in which I forwarded you a second proof, I told you that I must have the original proof back. On the 17th instant I asked you to return it to me. I regret that I must now formally request you to return it to me at once."

Dr. Klein now replies :

"Dear Sir,—I am very sorry to have given you so much annoyance, as it appears from your



letter. As I have stated on the occasion of my asking for a second proof of my evidence, the first proof has been accidentally damaged so much that it was quite useless. I therefore destroyed it, and am not in a position, consequently, to comply with your request. I beg again to apologise if I should have put you to any inconvenience.—Believe me, etc., E. KLEIN.”

To which he gets this answer :

“ Sir,—Your letter of November 16th has been considered by the Commission, with the proposed alterations of your evidence. These appear to the Commission to be so much at variance with the letter and the spirit of the answers you gave at your examination, that the substitution cannot be permitted. The Commissioners direct me to say that they observe with regret that, after my letter of November 12th, you should have destroyed the proof I originally sent you, and requested you to return. If you desire it, the Commissioners will include in the appendix your letter and the proposed alterations, with the correspondence which has passed with reference thereto.”

And they did it. In these circumstances, as I have been asked to produce that correspondence, I once more ask to be allowed to read Professor Huxley's letter to Mr. Darwin.

(*Chairman.*) I do not think that reading what you have now read makes any difference on the question of Professor Huxley's letter.



(*Witness.*) I only ask to read it, and it is refused.

10859. (*Sir Mackenzie Chalmers.*) We have not had Dr. Klein's corrections. I do not know what he wished to say?—

He watered it all down of course, but I should have thought that as the Commission declined to receive them it would not be material. But you can have them.

10860. (*Chairman.*) I do not understand from these letters that the Commission declined to receive his corrections; they said that they would publish them as his statement of what he wished his evidence to be altered to?—

Yes, but they declined to accept them.

10861. No, they declined to strike out the evidence?—

They declined to accept his corrections.

10862. As corrections?—

Yes.

10863. They published both the evidence and the corrections?—

Yes.

10864. (*Sir Mackenzie Chalmers.*) They published both and left the public to judge?—

Yes. The Secretary said of the corrections: "These appear to the Commission to be so much at variance with the letter and the spirit of the answers you gave at your examination, that the substitution cannot be permitted."

10865. (*Chairman.*) The substitution?—



Yes.

10866. (*Sir Mackenzie Chalmers.*) At any rate Dr. Klein himself wished to withdraw a good deal of his evidence?—

No doubt he did.

10867. And, rightly or wrongly, he put it on the ground that he was a foreigner, and not very conversant with English at the time?—

That is all quite true.

10868. Do you know whether it is a fact that he had done any operations except inoculations?—

When?

10869. At the time when he gave his evidence?—

I do not know in the least. How could anybody know.

10870. Was he not examined on it?—

That must be a fact that no one can know.

10871. At any rate, since the Act, do you know whether he has done anything under his licence for the Local Government Board except inoculations?—

I have not the slightest idea what he has done. He has the run of the laboratory at the Brown Institute, and as the Inspector is not there, I do not suppose that anybody knows what he has done. He has a licence.

10872. (*Chairman.*) Do you say that he is in the habit of conducting experiments at the Brown Institution?—



I say that he is licensed to perform experiments there. I think he is still licensed.

10873. (*Sir William Church.*) But Lord Selby meant, would you please say when he ceased his connection with the Brown Institution?—

That I will look out ; I do not know ; I am only speaking from my own memory ; but it is easily looked up.

10874. (*Chairman.*) I do not know anything about him myself. Sir William Church tells me that it is a good many years ago, possibly 20 ; he does not know how long exactly, since Dr. Klein ceased to have any connection with the Brown Institution?—

I do not think that is so. Here you are—" 1904. E. Klein, Brown Institution, Wandsworth Road, London."

10875. (*Sir William Church.*) That was when he was acting under the Local Government Board?—

I can only say that he is licensed to perform experiments at the Brown Institution. There is nothing in this Report about the Local Government Board ; I can only go by what is published by the Home Office.

10876. I beg your pardon if I misunderstood you ; I understood you to say that he was connected with the Brown Institution itself?—

No.

10877. He was performing certain experiments there, but they were being done for the Government?—



I do not know what they were done for. My sole statement is that Dr. Klein is licensed to perform experiments at the Brown Institution ; that is all I know, that is all I state, and all that I ever meant to state.

10878. (*Sir Mackenzie Chalmers.*) You do not think it is very material what experiments he is authorised to perform ?—

I think it is very material what experiments he is authorised to perform. I may say in passing that I do not find his name in any medical directory. I suppose he is a foreigner, because he does not seem to have taken any degree in England. I am told he is a Fellow of the Royal Society. I did not know whether I was right to call him Dr. or Mr., that is all.

10879. Turning to your evidence in answer to Question 10262, Colonel Lockwood referred you to the sentence in which you say that you are “prepared to show that under the existing law there is no limit to the agony that may legally be inflicted upon animals,” and that you “abominate a statute that authorises gross inhumanity ” ?—

Yes.

10880. You know that the Council of the Royal Society has given evidence here by their President, who, on their behalf, pressed upon this Commission that the existing law and practice should be maintained ?—

You mean Lord Rayleigh ?



10881. Yes. Do you charge him with inhumanity?—

That does not arise out of my statement.

10882. I am asking you now?—

I thought you were appending it to my statement.

10883. No, I ask you the question. The Royal Society support a statute which you say has this effect. Do you charge them with inhumanity?—

Let me see what Lord Rayleigh did say. Will you tell me what it is you refer to, and I will look it up? I have the very greatest respect for Lord Rayleigh.

10884. You will find it in the second volume of our evidence, on page 53: "So much has already been gained from the application of experiments on animals, both for the progress of physiology and for the alleviation of human suffering, and so much more may be confidently expected in the future, that the President and Council trust that nothing will be done that would hamper the legitimate employment of the method"?—

What has that got to do with my statement that the present law admits of any amount of torture? I do not want to be hypercritical. You seem to raise it on that statement of mine. I say it is not *ad rem*. Of course, if Lord Rayleigh says that a great deal has been gained from the application of experiments on animals, that is his opinion, and you are right to give it the



greatest weight here, of course. I am not here to deny that.

10885. You are here to suggest an alteration in the existing law, which the Royal Society deprecate?—

In any alteration of the existing law I trust that nothing will be done to hamper the legitimate employment of the method. Nor does my Bill do so. The legitimate employment of the method is not hampered by my Bill, but I consider that torturing animals is an illegitimate method—and I should hope that everybody would agree with me.

10886. (*Chairman.*) Do you say that the Royal Society suggest any alteration in the existing law?—

No.

10887. That is all Sir Mackenzie Chalmers asked? \*—

I do not say that they do. They have not seen my Bill; they have not had my Bill before them; they do not know what the suggestions are; they do not say anything about the law as a matter of fact; they simply say that they trust that nothing will be done that would hamper the legitimate employment of the method. There is no word about the law there or any alteration of the law. I find nothing of the sort to support that suggestion. On the contrary, in the very next sentence they say, "While precautions should undoubtedly be taken against improper use of

\* The Chairman was mistaken, see Q. 10880 s.c.



experiments on living animals, it is not the province of the Society to suggest what safeguards should be adopted." As to that I suggest the safeguards which should be adopted to carry out Lord Rayleigh's intentions.

10888. (*Sir Mackenzie Chalmers.*) Then they go on: "It is, however, the bounden duty of the President and Council to urge that those safeguards should be so framed as not unnecessarily to interfere with that advancement of knowledge to promote which the Society exists" ?—

I entirely endorse that.

10889. "Such restrictions would not only cripple or arrest the growth in this country of an important branch of biological science, but in so doing would reduce the efficiency of both physician and surgeon to mitigate or cure disease" ?—

I endorse every word of that. I entirely agree with Lord Rayleigh, but I maintain—and I expect that he would agree with me—that if the sole hamperings that I suggest are to prevent animals being tortured, provided that science is left free, those hamperings should be applied at once. I do not imagine that he would be so inhumane as not to agree to that, and if you ask me whether Lord Rayleigh is humane or not, I see nothing in this statement to suggest that he is not as humane as myself.

10890. Coming to the Royal College of Physicians, you have read Sir Douglas Powell's evidence, I suppose ?—



I have read it through.

10891. Is there any point that you wish to criticise on that?—

Really I do not know that I have anything.

10892. I thought you said that there were various points in the evidence which you wished to criticise?—

Yes, I have a list of them. I have got them in one packet here. I am ready to deal with them at any moment, if I am invited to do so. (*After referring to notes.*) Yes, I think I have something with regard to Sir Douglas Powell. At Question 5,606 he was asked: "You do not believe that any cruelty, as we should understand it, is practised?" To which he replied: "I should say emphatically that it is not." Then "Have you ever seen any experiment in which the animal was allowed to recover from the operation without being killed?" (A.) "Not in recent times, not since the Act, certainly." I say that any statement, therefore, on the part of Sir Douglas Powell as to whether cruelty takes place under this Act is wholly out of court. He cannot speak of what happens when he is not there any more than I can; and I can, with equal emphasis, assure the Commission that cruelty is practised on equally good grounds. We were neither of us there.

10893. Are you aware that he said that he always considered carefully before granting a certificate as President of the College?—

Yes, I daresay. If you say so, I accept it. He



only considers the physiological fitness and the scientific eminence of the applicant ; he does not pretend, nor does anybody, so far as I have seen throughout the evidence, that he takes into consideration the humanity of the applicant.

10894. Would it not be rather an impossible task to get evidence of humanity or inhumanity ?—

I should think not ; at any rate, the effort might be made.

10895. I have heard of certificates of honesty, but I have never heard of certificates of humanity ; I do not know on what evidence any such certificate would be founded ?—

I have suggested in the Bill how it should be done.

10896. You have suggested two clergymen or two justices ?—

No, one justice of the peace and one minister of any religious denomination.

10897. How could they know whether a man is humane or not ; how can any one know ?—

I presume that a man has friends who know something about him.

10898. (*Chairman.*) Is it essential in your Bill that he should have a minister of religion to speak for him ?—

The certificate must be signed by “Two or more of the following persons.” Two justices of the peace will do perfectly well without any minister of religion.

10899. (*Sir Mackenzie Chalmers.*) You draw



in your evidence a distinction between the Home Secretary and the Home Office ?—

You have done so yourself in one of your letters to me, which I read this morning.

10900. The Home Secretary speaks for his Office, of course ?—

Yes. I draw the distinction which everybody, I suppose, with common sense, would draw, that the Home Secretary himself as the head of the Office passes away with the Government, and the permanent officials who are there always must of necessity take into their care such an Act as this, and I have no doubt that they do so.

10901. You know that the permanent officials are nearly as fleeting as the Home Secretary ?—

Oh, no.

10902. You will find it is so ?—

I hope not.

10903. For instance, in this way. Vivisection is in one branch of the Office ?—

Yes.

10904. A man is continually transferred from one branch to another, as a man gets promotion from one branch to another. The only permanent person is the Under-Secretary, for the time that he is there ?—

Oh, yes.

10905. Anyhow, what I want to come to is this. Many of the cases that you have referred to must necessarily have come before the Home Secretary



himself. He has to answer the questions in Parliament ?—

Yes, but I assume, and I have no doubt it is the fact, that those answers are almost invariably prepared for him by the permanent officials of the Office ; he does not write them of his own initiative. If you are prepared to tell me that he does——

10906. I cannot give evidence, but I can put the question in this way. The draft is prepared for the Home Secretary, of course, of the answer to be given in Parliament ; that draft he considers himself, alters himself, asks for further information himself, as he wishes and pleases ?—

No doubt.

10907. And he ultimately is the person responsible ?—

Yes ; that is a technical matter, which I must leave to you and your chief. It is for you to say who is responsible. I bring my indictment against the Home Secretary—and his Office, if you prefer it ; only I think myself, and I have always thought, that it is the Home Office officials who really are the persons who frame these answers. The Home Secretary cannot be a master of all the details of an office of that kind.

10908. Certainly not ?—

Naturally.

10909. But if you take the people who have been Home Secretaries since the Act of 1876, the whole series of them—Lord Cross, Sir William



Harcourt, Sir Matthew White-Ridley, Mr. Akers Douglas, Mr. Asquith, Mr. Gladstone—do you really think that they have not exercised independent control?—

I am afraid I must answer that question very likely in some cases in the affirmative. I think it was under Sir William Harcourt that the habit grew up of consulting this Association of Vivisectors before a certificate was granted.

10910. That was instituted by Sir William Harcourt himself?—

Yes. I daresay in big questions of policy of that sort the Home Secretary is the person whose word is taken, but in all matters of detail and all questions of routine, it is not so.

10911. Do you think that with all the attention that has been drawn to these matters in Parliament, each Home Secretary has not considered and laid down his own line?—

No, I think they are immensely influenced by the officers behind them. I think it would be extremely difficult for the Home Secretary to take an entirely new line inside the four corners of the Vivisection Act against the settled habit, if I may say it, of the permanent officials, because settled habit it has been, as I have shown, I think. I think it is almost incredible that the same settled habits should be manifested under so many different heads, unless it were that the permanent officials were almost supreme in that matter.



10912. Have not the permanent officials, as I asked you before, altered almost as fast as the Home Secretary?—

I have had a great number of letters signed by the same person, I know, through many years.

10913. You object to Sir William Harcourt's proceedings in making a reference to the Society for the advancement of Medicine by Research?—

Most decidedly.

10914. Each licence and certificate goes to them. Are you aware what happens when they come back? Are you aware that certificates are continually altered and modified, and sometimes refused?—

My point is that, so far no evidence has been offered here before this Commission to show that the Home Secretary has ever gone contrary to this association till the Commission was sitting.

10915. And, of course, there is no evidence, equally, that he has followed those recommendations?—

The next thing I want to ask you about is this. You referred to Dr. Schäfer's drowning experiments. You are aware that his object was to verify the researches of a particular method of restoring the drowned?—

I am not aware of it. I accept your statement. The object does not concern me.

10915A. It was a research carried out by him, I think, for the Royal Chirurgical Society, who



wished to know what method ought to be recommended, there being four or five different methods of resuscitating the drowned. That, you will allow, is an important matter, as to what is the best method of restoring drowned persons?—

Oh, dear, yes.

10916. Are you aware that Professor Schäfer performed 36 experiments?—

I am not in the least aware of that. I will accept your statement.

10917. Thirty-four of those were under anæsthetics?—

You say so.

10918. Does that affect your opinion of his experiments. You say that his experiments were regarded with particular detestation?—

I did not say that. I said your permission to him was regarded with particular detestation.

10919. Does it make any difference in your opinion that 34 of those were under anæsthetics?—

It may be that Professor Schäfer was much more humane than the Home Office. The Home Office may have given him permission to do things which he did not do. My complaint is that the Home Office permitted him to do them, and they gave him a certificate that he might do them. I do not know whether he did them or not. My complaint is that he was permitted to do them.

10920. Thirty-four of those experiments were licensed under anæsthetics. He then applied



(will you take it from me,) for eight experiments without anæsthetics?—

You say so ; I know nothing about it.

10921. But he only performed two—will you take that from me? He considered those experiments unnecessary to control the conditions under which the anæsthetic experiments were performed?—

The *gravamen* of my charge is that the Home Office gave Professor Schäfer leave to drown and re-drown the same dog without anæsthetics. That is the *gravamen* of my charge. What he did is not known to me nor to anybody but himself.

10922. Will you take from me what he did and what he wanted to do : that the two animals that were not under anæsthetics were not revived but were simply drowned straight away?—

What is your question?

10923. Will you accept his version of what actually happened : that the two animals which were not put under anæsthetics were drowned, and not allowed to recover?—

You challenge me to make a charge of cruelty against Professor Schäfer. That is not my intention. I do not know Professor Schäfer.

10924. I am asking you about the actual experiments which were performed under the permission of the Home Office?—

If your statement is correct it only proves to me that Professor Schäfer was more humane than



those who gave him permission. You gave him permission to do something far more cruel than he actually did, if your statement is correct.

10925. There was a question asked about it in the House ?—

Yes, there was ; that is what I am basing my answer upon.

10926. Will you read the question and answer ?—

I am afraid I have not got it here at the moment. (*The question was postponed.*) You do not traverse that statement of mine, that permission was given by the Home Office to drown and re-drown dogs.

10927. To test the means of resuscitation ?—

There was nothing in the certificate to prevent his drowning and re-drowning the same dog. I had that question asked in the House (I am sorry I cannot find it you now) and the answer was that Professor Schäfer had informed the Home Secretary that he had not done so.

10928. I do not think the certificate would ordinarily be in those terms. However, we can get the original certificate ?—

Yes. I am perfectly convinced that the permission given him was to drown and resuscitate dogs without anæsthesia.

(*Chairman.*) It must depend upon the document.

10929. (*Sir Mackenzie Chalmers.*) Anyhow, whether that is so or not, for the purpose of saving



innumerable human lives, would not that, in your opinion, be justifiable?—

I have not heard that one single person has been resuscitated in the country by these experiments yet. I have read the account, and so far as I can see the sole thing was that you must put the person on his face so that the gravitation might act on the tongue and it would come out of the mouth; whereas the other way it would fall back and choke him.

10930. (*Chairman.*) That is not a full explanation of what he stated?—

I read the account.

10931. I remember that he said more than that. One particular thing that he impressed was that a single person could do it with very few movements, whereas if you carry it out with the present methods it requires two persons if you are really to do it effectively, and it is a much longer process to set about.

10932. (*Dr. Gaskell.*) And the amount of air exchange was greater, and that any unskilled person can do it. You can describe by a photograph the exact method, whereas you can only teach the Sylvester method by means of a skilled teacher?—

I can produce the question and answer in the case, of course. I have not seen the certificate. We can get it to-morrow.

10933. (*Sir Mackenzie Chalmers.*) You think, anyhow, that even with the prospect of saving



innumerable human lives such an experiment, if performed, was not justifiable?—

My position is a very clear one on that. I say that the loftiest motive professed by persons who inflict pain and suffering upon animals does not justify their inflicting pain on animals. If so, as I said before in my opening statement, you might steal to devote the money to good purposes. An act is either right or wrong, and it is quite apart from the motive of those who perform that act.

10934. Do you object to drowning dogs as a means to getting rid of superfluous dogs?—

I prefer the lethal chamber at Battersea.

10935. But if a dog is drowned right out it suffers no more if it is drowned in the course of an experiment?—

I have always been told that the proper way to kill a dog is to shoot it—that that is the most merciful way, and I presume it is the way in which most people do it.

10936. In Edinburgh, at all events, when Professor Schäfer performed his experiments, and until recently, the mode of getting rid of superfluous dogs was by drowning, was it not?—

I do not know. You know it is the resuscitating the dog and then drowning it again which was what I said was the *gravamen*.

10937. That as a matter of fact we were told was not done except under anæsthesia?—

That may be.

10938. Now, then, we come to some experiments,



which certainly read as very horrible experiments, by Dr. Crile. You know nothing about those experiments except from Dr. Crile's own published report ?—

That is so.

10939. Would you accept his own explanation ?—

Certainly not ; of course not. I read his book, and see what he says, and I accept that ; but subsequent explanations when he is called upon to explain himself by the Home Office, if he was, I certainly do not accept.

10940. He was called upon, and perhaps I may read his explanation as given by himself ?—

I do not accept it for a moment.

10941. Whether you accept it or not, perhaps you will kindly listen to what he says ?—

Certainly.

10942. Dr. Poore wrote to him. The first letter miscarried, because he was in some out-of-the-way part of America. Then Dr. Poore wrote again, and he replied.

(*Chairman.*) What is the date ?

10943. (*Sir Mackenzie Chalmers.*) There is no date of the year here. “ Dear Doctor,—Replying to your favour of June 19th ” (we can get the date from the previous letter) “ I beg to say that in the entire series of experiments no animal suffered pain. The reference to the corneal reflex was correctly made, but the animal was not conscious. In the remark to Protocol XVI.,



page 31, 'At one time the anæsthetic was overlooked,' simply meant that the animal had recovered far enough from the state of surgical anæsthesia to exhibit a corneal reflex, and begin a slight voluntary movement. By surgical anæsthesia I mean the administration of the anæsthetic to the same degree of anæsthesia as in the human subject in the performance of surgical operations. I wish to emphasise that in no instance did any animal suffer pain. In nearly every experiment I had a special anæsthetizer. As I am engaged in an active surgical practice, and have been for years, I feel myself quite competent to state that the animals I have subjected to vivisection have not suffered any more than the patients upon whom I have performed operations. And the latter, I know, have not suffered at all. The experiments were all performed as nearly as possible under the same conditions as operations on patients. I shall at once send a book to the Secretary of State. The delay in my reply was due to my being abroad—just returning yesterday. Thanking you for writing me, and if there is anything more that I can do, please let me know. Very respectfully yours, GEORGE W. CRILE.—  
To G. V. Poore, M.D., 32, Wimpole Street, London" ?—

It is rather strange that he quotes that one statement that "the anæsthetic was overlooked" in the letter, and then goes on to say "The animal was coming out of anæsthesia, and the corneal



reflex appeared." He did not read his own experiment, because the next words in the experiment are "The dog became profoundly under its influence," which, of course, meant that the dog had got too much, not too little, "causing a very great fall in blood pressure of 40 millimetres in 85 seconds." So that in the book the overlooking was that it got too much, and in the letter the overlooking is that it got too little. You can look at the book for yourself. The first thing he says in his letter defending himself shows that he is not accurate. So that he answered you without looking at his own book.

10944. Possibly?—

In such a hurry was he to defend himself, in my opinion. There was no allegation against him in that experiment about anæsthesia, because it was there stated that the animal became profoundly under its influence.

10945. His letter refers to the whole experiment?—

No, he quotes that particular one in that letter. That is the very one he picks out.

10946. "I wish to emphasise that in no instance did any animal suffer any pain." That refers to the whole?—

Yes, quite so.

10947. Are you aware that Sir Victor Horsley saw a good many of these experiments?—

I do not know, I am sure.

10948. Are you aware that he was of opinion



that no pain was caused to the animal? We shall have his evidence—he is coming here?—

No doubt he will say that.

10949. Are you aware that Dr. Goodbody also saw these experiments?—

No, my whole position is that the Inspector should be there. If the Inspector had been there I should have been prepared to take the Inspector's word that these animals suffered nothing. The Inspector was not there, and I decline to accept the bare statement of the performer, particularly when this man himself, in his letter of excuse, clearly shows that he is not accurate.

10950. You accept his statement in the first instance, and you will not accept it in the second?

I will not accept Dr. Crile's statement at all.

10951. Will you accept Sir Victor Horsley's statement as a spectator?—

Certainly not. I do not accept a person's account of his conduct in an experiment when his conduct is impugned, for one moment. I say that there should have been an inspector there. Parliament in its wisdom did not trust these men. If it had it would not have told you to appoint an inspector there to watch them. As the Inspector was not there I say I do not trust them. Parliament did not trust them; why should I? Parliament was not satisfied with their uncorroborated word as to what happened in their laboratories. Why should I be?

10952. We may have inspection, but still we



may ask a person of character, when he saw the experiment, what his opinion of it was. You will not accept that?—

Certainly not, because I think that all these experimenters have the greatest contempt for the Act of Parliament. They would deny a breach of this Act just as I should deny a breach of the Motor-Car Act. I drive a motor-car, and when I go beyond the speed limit and a policeman asks me, I say, "No, I am not going beyond the speed limit." Nothing would keep me from going beyond the speed limit except the presence of a policeman in the car; and nothing will keep an experimenter within the four corners of the Act except an inspector in the laboratory.

10953. Surely if you were asked about the speed limit, and gave your word that you had not exceeded it, you would not expect to be disbelieved?—

No, I do not say so. I said last year that of course I did, and I exceed it every time.

10954. (*Chairman.*) You are apparently not very ethical about motor-cars. If you apply your principles as regards motoring to the physiologists, you have very little to say against them?—

What I have to say is that they regard the Vivisection Act of 1876 with the same contempt that I regard the Motor-Car Act as regards the speed limit. Every motorist who has a motor-car, of course, breaks the Act.

10955. What you said was that if you were



going more than 20 miles an hour, and were stopped for it, you said that you were going less than 20 miles an hour ?—

No ; on the contrary, I was asked, and frankly answered that I was going beyond 20 miles an hour. I did not mean that. I always frankly admit it. When I am summoned, and get to the law court, I always admit it.

10956. Then you must not be quite so hard on a physiologist as to say that men are not to be believed on their oath ?—

I did not mean that ; I meant that they regard the Act in the same sense as we motorists regard the Motor-Car Act. We do not treat it with very great respect as regards the speed limit.

10957. (*Sir William Church.*) Some of us ?—  
Some of us.

10958. (*Mr. Ram.*) You think that these people will tell a lie about this because they have a contempt for the Act ?—

I did not say that.

10959. That is what I gathered. You despise the Motor-Car Act, which says that you may not go more than 20 miles an hour. Therefore on the face of your evidence you would not mind saying what was untrue with regard to it. You say that these men have a contempt for the Act, and therefore they say what is untrue ?—

No, I say that they will break the Act with the same facility as I break the Motor-Car Act, for the same sense of any lack of morality about it.



10960. If one of these physiologists says, "I performed an operation, and I say the animal did not suffer," is that any reason why they should not be believed?—

I do not think it is unprejudiced evidence. What do you expect them to answer? What would you expect Dr. Crile to say—"I, of course, torture the animals"?—

10961. (*Sir John MacFadyean.*) The same as you do when you are asked about the speed limit?—

The difference there is very great. Nobody regards anybody a pin the worse for exceeding the speed limit. Nobody, so far as I know or ever heard of, would hold it up against anybody as a moral fault to exceed the speed limit, but merely a technical breach of the Act; but I think that the public would certainly regard it as a moral offence if Dr. Crile were to admit that he tortured these animals.

10962. (*Sir Mackenzie Chalmers.*) We shall have Sir Victor Horsley's evidence, for what it is worth, as you say?—

Yes.

10963. Do you suggest that the Home Office could have made any further inquiries than they did from persons who were present and from Dr. Crile himself?

I do not say that. I say that the present Act of Parliament is most defective, because they cannot get at present any information except from



the person whose conduct is impugned. Therefore I consider that all the evidence that they get must necessarily be prejudiced. That is why I want the Inspector to be there always.

10964. But you agree, do you not, that the Home Office have to carry out an Act of Parliament as they find it, whether they like it or whether they do not ?—

Yes, I suppose that is so.

10965. Some Acts they may like, and some Acts they may not like, but they equally have to administer them according to the words of the Act ?—

Yes.

10966. And you know that as a matter of legal construction, not even expressions used in Parliament can be referred to, to gather the intention of an Act. You cannot refer to the debate in Parliament as throwing any light on the meaning of words used in an Act ?—

Is that so ?

10967. It has been laid down pretty often ?—

I suppose that is so.

10968. Still less can you refer to the Report of a Commission, which may or may not have had anything to do with the foundation of the Act ?—

No, certainly there is a difference between a speech made in the House for or against an Act and the report of a Royal Commission upon which an Act of Parliament is based ; at least I should have thought so.

10969. You have a Royal Commission, and then



the Minister who prepares the Bill takes or does not take its recommendations, and in construing the Act you only have to look at the words of the Act itself which is the final expression of the Legislature?—

I think that extraneous considerations are allowed. For instance, I have here Maxwell's "Interpretation of Statute," the fourth edition, page 30, "The liberal construction of an Act of Parliament has, in general, but *prima facie* preference. To arrive at the real meaning it is always necessary to get an exact conception of the aim, scope and object of the whole Act; to consider, according to Lord Coke (Haydon's Case, 3 rep. 7b; 10 rep. 73a):—(1.) What was the law before the Act was passed. (2.) What was the mischief or defect for which the law had not provided. (3) What remedy Parliament has appointed. (4.) The reason of the remedy. According to another authority (*per* Lord Justice Turner, in *Hawkins v. Gathercole*, 6, De G. M. G 1) the true meaning is to be found, not merely from the words of the Act, but from the cause and necessity of its being made, which are to be ascertained not only from a comparison of its several parts, but also from extraneous circumstances." Therefore I think you may call the Report of a Royal Commission an extraneous circumstance which ought to be taken into consideration.

10970. (*Chairman.*) You may think that is good enough for us poor Commissioners, but in a



Court of Law I think you would find some difficulty in making that assertion ?—

It is Lord Justice Turner.

10971. He never said that you can interpret a statute by the Report of a Commission ?—

No, he does not say so, and I do not say so. He says that extraneous circumstances may be taken into account.

10972. (*Sir Mackenzie Chalmers.*) Is not that when the language of the Act is ambiguous, and not when the meaning of the Act is clear ?—

“ We have therefore to consider not merely the words of this Act of Parliament, but the intent of the Legislature, to be collected from the cause and necessity of the Act being made, from a comparison of its several parts and from foreign (meaning extraneous) circumstances so far as they can justly be considered to throw light upon the subject.” Those are Lord Justice Turner’s exact words. I think that the Royal Commission does throw light upon the subject, so far as I can see. It is not very important.

10973. Further on you draw a distinction between the Home Secretary and his Department, which you have already mentioned. Of course, you agree that the Department is under this difficulty : that it never can reply. No officer of the Department who is attacked can ever reply ?—

I do not attack any individual in the Office, of course, and I have never done so. I have never done such a thing at all.



10974. I am not referring to the present time ; I am rather referring to your objection to Dr. Poore. When Dr. Poore ceased to be Inspector, he made a speech of which you disapprove ?—

Yes.

10975. At the time when he was Inspector you and your Society had attacked him, had you not, as Inspector. You had raised various points about his inspection and his administration of the Act ?—

Very likely, about his reports.

10976. Then when he became a free man he retaliated ?—

I do not think that is so.

10977. You do not accept that way of putting it ?—

I think that his making that speech, so soon after he was relieved from the trammels of office, showed that he must have had a bias while under the trammels of office ; and besides, I fail to see why criticism by my Society upon the Inspector should produce any personal animosity of that kind, or why it should find expression in such violent language.

10978. As a matter of fact, what he was doing was hitting back when he was a free man, was it not ?—

I wonder if he was ever criticised by the vivisectors.

10979. Then after Dr. Crile's experiment, I think you wrote some letters to various surgeons ?—

I did.



10980. How many did you write altogether, do you know? We have got answers, I think, from seven?—

I wrote to a great number. The vast majority did not answer me at all. I know that many more did not answer me than did. I really forget how many.

10981. Seven are all the answers that you got, I understand?—

One from Sir Victor Horsley's secretary to say that he was away, and one from Professor Schäfer, and the rest from surgeons.

10982. You wrote a good many?—

Yes.

10983. And you got answers from seven?—

I wrote to many more than seven, certainly.

10984. Then there was some subsequent correspondence from some of them, was there not—Mr. Timothy Holmes and Mr. Owen?—

I dare say there was.

10985. That subsequent correspondence we have not had?—

I will get it.

10986. For instance, in the *Times* of March 15th, 1902, from Dr. Owen?—

Yes, there was one letter to the *Times*, I remember now.

10987. Shall I read it?—

If you read his letter, I hope you will read my reply, if you have it.

10988. Yes. I have your reply, too. This is



from the *Times* of March 15th, 1902: "Anti-Vivisection Methods.—To the Editor of the *Times*.—Sir,—When Mr. Stephen Coleridge asked me some time ago if it was true that at St. Mary's Hospital operations were performed on patients under incomplete anæsthesia, I at once sent him a reply in the negative. For, knowing his methods, I was afraid lest he was dressing up some horrible bogey, wherewith to shock a generous but emotional public, at the time when we were raising money to finish our much-needed Clarence wing. And, standing as it did, my reply was perfectly correct. But when I find Mr. Coleridge using it in support of his attack upon men of science, who, in a humane and lawful manner, are doing a necessary piece of distasteful work, of which Mr. Coleridge and I, and his and mine, and the whole community, may reap incalculable benefit, I must beg you to allow me to qualify it. For closing a cleft in a child's palate, and in certain grave operations on the tongue and throat, to have the patient in complete anæsthesia would be to invite disaster. But why should it be necessary to spread out these hideous things before the public gaze?—I am, yours truly, EDMUND OWEN."

To which you reply on March 17th, 1902: "Sir,—With regard to Mr. Edmund Owen's letter in the *Times* of to-day, I asked him a plain question, and he gave me a plain answer. Now he says he wants to qualify that answer, and in qualifying it he states that he made it originally in the form



he did for fear I should stop subscriptions to some ward they were building at St. Mary's Hospital! Mr. Owen's qualification of his original statement is that incomplete anæsthesia is employed in certain operations on the tongue and throat. The experiment of Dr. Crile I cited, and which took place under incomplete anæsthesia in Mr. Victor Horsley's laboratory, consisted in repeatedly crushing a fox-terrier's paw. Mr. Victor Horsley and his friends are not likely to succeed in this controversy if they continue to enter the arena without previously consulting each other as to what they shall say.—Your obedient servant (Signed), STEPHEN COLERIDGE."

Then you also had a correspondence with Mr. Timothy Holmes?—

If you have got it there, by all means, if you will, read my reply.

10989. This is from the *Times* of March 17th, 1902: "Anti-Vivisection Methods.—To the Editor of the *Times*.—Sir,—I see in a letter from the Hon. S. Coleridge in your paper to-day that he quotes from one which I wrote to him some years since. Mr. Coleridge is a complete stranger to me; but he has sometimes written to me about hospital matters, and the sentence which he quotes was in reply to a letter in which he seemed to be labouring under the strange delusion that hospital surgeons (for what purpose I know not, but I supposed him to fancy that it was for purposes of experiment) were in the habit of performing



operations while their patients were still conscious of pain. Now, I was a hospital surgeon for more than a quarter of a century, and have performed hundreds and witnessed thousands of operations. I never heard of a case in which the patient was operated upon while conscious of pain, nor can I conceive why the surgeon should so act, and so I told Mr. Coleridge. I have, as I say, no knowledge of this gentleman, and have no right to speculate on his motives for the attitude he assumes towards our hospitals, but it seems to me a mistaken and a mischievous one. The researches carried on in our hospitals (miscalled 'experiments' by persons of Mr. Coleridge's views) have resulted in an immense saving of human life and human suffering, and anything that withdraws from our hospitals the public confidence and support appears to me a crime against humanity.—I am, Sir, yours faithfully, TIMOTHY HOLMES." I am afraid I have not got your reply with me.

10990. (*Chairman.*) Perhaps if we adjourn now you will be able to bring it next time?—

Yes.

10991. (*Sir Mackenzie Chalmers.*) And will you bring any of these letters that you have got which we have not had?—

Yes.



TWENTY-FIFTH DAY.

*Wednesday, July 3rd, 1907.*

The Hon. STEPHEN COLERIDGE recalled ; and further Examined.

(*Chairman.*) I think when we finished the other day you had been asked about some correspondence between Mr. Timothy Holmes and yourself ?—

Yes.

10992. And you said you would probably be able to bring some letters to-day ?—

Yes, I have them all here.

10993. (*Sir Mackenzie Chalmers.*) I think I had read the letter of Mr. Timothy Holmes dated March 17th, 1902 ?—

Perhaps you would like me to give you the results of my investigation at my office as to this correspondence. I have a very large number of letters. I have the whole correspondence here now ; every letter that has passed between me and all these people. I have looked through all my books and letter books, so far as I can, and I have here a list of the eminent surgeons to whom I wrote, so far as I can make out :—E. Owen, T. Holmes, E. Nettleship, T. Bryant, T. W. Nunn, T. Bond, Professor Schäfer, Wm. Allingham, Jonathan Hutchinson, Lord Lister, Sir H. Thompson, Mansell Moullen, Sir Victor Horsley, T. H. Openshaw, J. A. Kingdon, Noble Smith,



Herbert Snow, M. F. Rees, G. D. Pidcock, J. May, T. J. Walker, G. W. Gosling, T. Walker, T. R. Jessop, J. A. Dearden, and S. F. Barber. I wrote to those myself. Of those, Nettleship, Nunn, Allingham, Moullen, Victor Horsley, Kingdon, Noble Smith, Rees, Pidcock, Gosling and T. Walker made me no reply. T. Holmes' reply was marked "private." I also find that I asked Lady Grove to write for me to Sir Frederick Treves, because she happened to know him; and I asked Lord Harborton to write to Walter Tyrrell, because he knew him; and I have the replies forwarded to me from those two gentlemen. I have all the replies now.

10994. All I was concerned with was, that some of the people you wrote to afterwards protested, rightly or wrongly, against the use you had made of their letters?—

I do not think that is quite the way to put it. I have the correspondence here.

10995. I read Mr. Timothy Holmes' letter of March 17th, 1902. Is there any reply to that that you wish to put in. I propose afterwards to read a letter of March 27th?—

That I think is marked "private."

10996. I am only referring to a letter in the *Times*?—

That cannot be marked "private."

10997. That is all I am concerned with. Do you wish to put in any reply to that letter of March 17th?—



Yes, I do. I wish to read my reply :—" To the Editor of the *Times*.—Sir,—Mr. Timothy Holmes is entirely inaccurate in stating that my letter to him suggested that hospital surgeons operated on their patients under incomplete anæsthesia, and I ask him either to withdraw this inaccurate statement or to publish my letter, which will disprove it. Although a very august authority had informed me that hospital patients were operated upon under incomplete anæsthesia—*i.e.* before the corneal reflexes were abolished—I did not believe it, and wrote to Mr. Timothy Holmes, hoping that he would authorise me to deny it, which he did." The rest of the letter is on quite another subject ; I do not know whether you want it introduced. That is all I say about Mr. Timothy Holmes.

10998. (*Chairman.*) You are speaking about vivisection, but not about this case ?—

It is on quite another subject. I am ready to go into it. I am answering two letters, you see, in my letter, at the same time.

10999. (*Sir Mackenzie Chalmers.*) Then a third letter came from Mr. Timothy Holmes ?—

Yes, on March 21st he writes to the *Times* : " Sir,—I enclose a copy of the letter of Mr. S. Coleridge which he asks me to publish, and will leave your readers to judge whether I was inaccurate in saying that it suggests that hospital surgeons operate on their patients under incomplete anæsthesia " ; and then he enclosed my letter



to him, which is as follows: "Dear Sir,—I have been recently informed on very high authority that surgeons now frequently perform severe operations on man under 'incomplete anæsthesia,' that is, while the eyelid still blinks when the eyeball is touched. As you may possibly be aware, I vehemently believe that animals are tortured in laboratories attached to our great hospitals, but I hesitate to accept this information charging our medical men with conveying the inhumanity of the laboratory into the hospital wards and operating theatre. I should be much obliged to you if you would tell me whether your experience leads you to endorse or deny this statement.—Very faithfully yours, Stephen Coleridge." My comment on that letter is that my letter in no way suggests for a moment that I believe it; on the contrary, I say that I do not.

11000. Then Mr. Timothy Holmes writes the following letter in the *Times* of March 27th, 1902: "Sir,—I judge by your leading article to-day that you think you have given sufficient space already to this topic; but I hope you will find room for these few lines in reply (final as I hope) to Mr. S. Coleridge"—

I have not seen that; but I am quite ready to hear it.

11001. "Mr. Coleridge (see his letter, March 20th) charged me with being entirely inaccurate in stating that his letter—a copy of which you published on March 21st—suggested that



hospital surgeons operated on their patients under incomplete anæsthesia. As a matter of fact, what I had said (see my letter of March 17th) was that he appeared to have laboured 'under the strange delusion that hospital surgeons were in the habit of performing operations while their patients were still conscious of pain.' And if this was not the meaning of his letter, what could it mean? It is quite true that he says he hesitates to accept the information given him on very high authority to this effect; but as he also says that he 'vehemently believes' that animals are tortured in laboratories attached to our great hospitals and talks of 'our medical men conveying the inhumanity of the laboratory into the hospital wards and operating theatre,' it is clear that he did believe it. Else why write to me—a perfect stranger—and, as it now turns out, to many others equally strangers to him, to settle a question that any surgeon of his acquaintance could have answered at once? It is quite evident that he confounds 'incomplete anæsthesia' with sensibility to pain, and that he had discovered the mare's nest which I alluded to. However, quite enough has been said about Mr. Coleridge and his opinions. I fully agree with the writer of your leader, that it is easy to attach too much importance to them; and, as far as the progress of physiology and medical science is concerned, I daresay they are negligible quantities. But at the present time our hospitals are seriously hampered



for funds, and the misrepresentations of the anti-vivisectionists tend to frustrate our efforts to secure what is wanted. Only the other day a gentleman thus replied to the appeal from St. George's Hospital, which you, Sir, have so kindly supported: 'It would be impossible for me to give to any hospital of which I know that part of its income is used, not for the relief of the poor, but for a purpose which I consider immoral and detestable—the vivisection of animals.' I answered this gentleman," and so on?—

I think if that letter is read and considered by this Commission, I am entitled to defend my entire conduct as regards the diversion of hospital funds to schools licensed for vivisection.

11002. (*Chairman.*) I do not see any object in going into it while we are talking about Mr. Timothy Holmes, unless you consider that you are attacked in any way?

I am quite prepared to defend every action I have taken.

11003. (*Sir Mackenzie Chalmers.*) I only read it for the purpose of showing that Mr. Timothy Holmes protested against the use made of his letters?—

My answer to that, of course, is that I did not answer that letter; it did not need an answer. It is self-evident that he is wrong. I had never in my letters suggested anything of the kind that he said I did. On the contrary, I said in my letter distinctly the opposite, and asked him to confirm my opposite view.



11004. At any rate, he differed in effect as to that?—

There can be no difference as to what English means. My letter meant one thing; he said it meant another.

11005. (*Chairman.*) I cannot accept that general proposition, I am afraid, upon a subject in which lawyers find great difference?—

I fall back on Bishop Butler, who said “Words mean what they do mean, and not other things.”

11006. He did not solve the question what they do mean?—

No.

11007. (*Sir Mackenzie Chalmers.*) Probably you make an exception to your rule in favour of Acts of Parliament?—

Well, that is rather sweeping.

11008. Then you read part of the Home Office letter to us last time. As the foundation of your letter to these surgeons, you read part of the Home Office letter of September 2nd, 1899. I would rather have the whole letter on the notes?—

My letter to the Home Office, do you mean?

11009. No; a letter from the Home Office to you. I would rather have the whole letter on the notes?—

Certainly.

11010. You read a portion of it?—

Did I? What is the date of it?

11011. Whitehall, September 2nd, 1899. It is in reference to Dr. Crile; you read a portion of it.



Mr. Cunynghame wrote to you—"Sir,—With reference to the sixteen experiments which were performed in this country by Dr. Crile, and to which you call the attention of the Secretary of State in your letter of May 18th last, I am instructed to say that before these experiments were sanctioned the Secretary of State was advised that they would be wholly free from pain, and that their object was to study the phenomena of shock after surgical operations in spite of anæsthesia. Their object, therefore, would have been frustrated if the animals had been allowed to suffer pain. On receiving your letter, the Secretary of State caused investigations to be made into these experiments, and the information he has received from competent persons, who either witnessed most of the experiments or have read the account of them, is to the effect that in no instance had the animals experimented upon been subject to pain. At the same time he caused inquiry to be made of Dr. Crile, from whom the strongest assurance has been received that 'in the entire series of experiments no animal suffered pain.' The use of the term 'incomplete anæsthesia' has probably given rise to the misunderstanding. With regard to this, the Secretary of State is advised that there are various degrees of anæsthesia. In 'complete anæsthesia' the narcosis is very profound, and the 'reflex movements,' that is, the involuntary movements in response to an external stimulus, are suppressed.



One of the last of these reflex movements to disappear is the blinking of the eyelids when the surface of the eyeball is touched, thence called the 'corneal' or 'conjunctival reflex.' But short of this is the condition termed by Dr. Crile 'incomplete anæsthesia,' in which the creature is quite insensible to pain, although the corneal and other reflexes can still be obtained. It is quite usual for even severe operations to be performed on man in this state of 'incomplete anæsthesia.' " (I read every word of this so far.) "Indeed in many cases complete anæsthesia could not be induced without great danger to life during the operation. But absolute freedom from pain exists, and the patients are wholly unconscious in this 'incomplete anæsthesia.' Under these circumstances the Secretary of State can find no reason to think that any offence has been committed against Section 3, Sub-section (3) of the Act, which requires that the animal during the whole of the experiment shall be under the influence of some anæsthetic of sufficient power to prevent its feeling pain. I am, at the same time, to return the copy of Dr. Crile's work, and to thank you for having temporarily placed it at the disposal of the Secretary of State.—I am, Sir, your obedient servant, (Signed) Henry Cunynghame." I read the whole of that letter last time.

11012. Did you? I thought you only read an extract from it?—

No, I read the whole of it, so far as I am aware.



I had better read on now the whole of the correspondence, I think. To that a reply was sent from my office on September 16th, 1899. This is written by myself.

11013. I never found the last part of that letter. I thought you stopped at the word "obtained" ?—

I may have done so ; I do not think so.

11014. (*Dr. Gaskell.*) It is at No. 10301 ?—

The whole point is that last sentence on which I base my letter to the surgeons.

11015. (*Chairman.*) It is no good reading more letters about a matter which has been already passed ?—

(*After referring.*) I think you are right. I seem to have left out the important item of it.

11016. (*Sir Mackenzie Chalmers.*) You extracted the part referring to these medical men ?—

Yes, no doubt.

11017. Looking at it now, do not you think you would have saved correspondence with these men if you had set out rather more fully the Home Office letter ?—

I gave them the actual words : " It is quite usual for even severe operations to be performed on man in this state of ' incomplete anæsthesia ' " ; and I gave the definition that you give me, namely, that the corneal reflexes were abolished.

11018. (*Chairman.*) What is the passage that was omitted in the letter that was sent to these gentlemen ?—

I shortened it a little, that is all.



11019. (*Sir Mackenzie Chalmers.*) You shortened it by leaving out "Indeed in many cases complete anæsthesia could not be induced without great danger to life during the operation, but absolute freedom from pain exists, and the patients are wholly unconscious in this incomplete anæsthesia." Those are the words which we should like to have seen in your letter to the surgeons?—

I quite admit that. That is what you were told by your advisers. I was not in the least inclined to place that advice before these surgeons. I wanted their independent view; I did not want their replies to be biassed by this advice from the Home Office. I placed the case naturally before them without any bias.

11020. You took a passage away from its context, and rather, perhaps unintentionally, altered the meaning of it?—

No, I do not think so. That is only your advisers. It is a complete statement: "It is quite usual for even severe operations to be performed on man in this state of incomplete anæsthesia." That is the question I want to know, whether it was true or false according to the advice of these great surgeons.

11021. That sentence is very materially affected by its context in the reply to you, is it not? It is the introduction to what follows afterwards?—

I think the only context which has any weight with it is "What is incomplete anæsthesia," and I used your advisers' definition of it, namely,



“before the corneal reflexes are abolished.” That is the only qualification necessary for getting an independent answer.

11022. I am not quite sure that I agree. The correspondence speaks for itself, I think, now?—

Yes, I quite agree. I should like to go on with it.

11023. (*Chairman.*) With what?—

With this correspondence; I do not want it stopped in the middle.

11024. (*Sir Mackenzie Chalmers.*) You quoted the letter, and all I wanted was the whole of it.

11025. (*Chairman.*) We may be going to inflict upon ourselves a great deal of correspondence that is not very material. We have had the letter that you wrote to the surgeons, and we have had their answers. You are now being asked questions as to whether certain of these gentlemen either had not the proper material before them or gave answers which contained passages which modified your view of their answers. That correspondence bearing on those points?—

This is the correspondence between myself and the Home Office that I am alluding to at the moment. It is a letter that I wrote in answer to that to the Home Office. I do not press it.

11026. I do not know what it is?—

I do not know either; I have not read it.

11027. The correspondence between you and the Home Office may be material. At the same



time, I hope you will not read anything that is merely controversial correspondence?—

It is on this question of incomplete anæsthesia, which is the whole point of this dispute between myself and the Home Office.

11028. But in the letter which has just been read they state the view of their advisers. The Home Secretary himself does not profess to know anything if he is not advised. We have your view about it?—

This next letter shows what the views of those advisers are out of your own report, in which they define incomplete anæsthesia and complete anæsthesia themselves; and I thought it was *ad rem*:

“Sir, I showed your letter of September 2nd to Mr. Coleridge yesterday at his country house, where he, unfortunately, is laid up, and he desires me to point out that the distinction you now draw between ‘complete’ and ‘incomplete’ anæsthesia cannot possibly be unknown to Dr. Poore, the Government Inspector. Yet that official makes the following statement in his last report: ‘In experiments performed under the licence alone, or under Certificate C, the animal suffers no pain, because complete anæsthesia is maintained from before the commencement of the experiment until the animal is killed.’ Mr. Coleridge therefore instructs me respectfully to inquire what is now the rule of the Home Office. Is incomplete anæsthesia permissible under licence alone, as you state in your letter under reply, or is only com-



plete anæsthesia permissible under licence alone, as Dr. Poore states in his report? The other matters contained in your letter will have Mr. Coleridge's attention when he is better."

11029. I do not understand that Dr. Poore in that letter was drawing any contrast between complete and incomplete anæsthesia?—

Yes, he says so most distinctly. He uses the words "complete anæsthesia," and defines it.

11030. How does he define it?—

He says "The animal suffers no pain, because complete anæsthesia is maintained from before the commencement."

11031. That means that complete anæsthesia does produce it, but he was not contrasting complete with incomplete there. That was not the point he was on?—

No.

11032. Supposing he had used the words "The animal was in a state of complete insensibility to pain; that probably would have been expressing what he meant there. If you asked him to define the difference between complete and incomplete anæsthesia, and asked him whether the animals were always under complete anæsthesia in the strict sense of the word, or sometimes under complete anæsthesia without suffering pain, he might have given a different answer?—

I think I am entitled, when a Government Inspector who is their adviser uses the phrase "complete anæsthesia" as being his way of



defining a condition without pain, to deduce that when he uses the term "incomplete anæsthesia" he is defining a condition not without pain.

11033. He does not use it as a definition, I think. He says that complete anæsthesia includes a state of being without pain?—

I do not think he says that.

11034. That is what it comes to. I do not think he is using it as a definition. We seem to be on very minute points with these verbal criticisms?—

Very well, my lord.

11035. (*Sir Mackenzie Chalmers.*) I think I asked you whether you were aware that Dr. Crile's experiments were most of them seen by Dr. Goodbody?—

You told me so. I was not aware of it before.

11036. Did you see a letter from Dr. Goodbody in the *Times* of March 13th, 1902, who was present at the experiments, and gave his account of them?—

No, I did not—not that I remember. I have something to say about Dr. Crile before I pass away from him.

11037. By all means say it?—

I understand that one member of the Commission has a letter from other people, and has received evidence from other people who were present, all affirming that no pain was inflicted on the animals on this occasion. All I wish to point out to the Commission is this: There is



no doubt that Dr. Crile in his own book admits that when he applied flame to the dog's paw, as he said, "The animal struggled on the application of the flame." That is a very definite statement by him.

11038. Was that one of the English experiments?—

No, I quite admit that it was not an English experiment, so far as I know. It is not one of the first sixteen.

11039. (*Chairman.*) Then it is not one of those experiments about which you complained to the Home Office?—

No; but I am only pointing out this, and I think it is *ad rem* in this way, to show that Dr. Crile is a person who does not hesitate to inflict what in my opinion is torture upon animals. He applied flame to the dog's foot, and the dog struggled on the application of that flame. I call that torture. There you have it under the man's own hand, the moment he gets out of England, that he does a thing which is undoubtedly torture of a most gross kind on an animal. I say, under those circumstances, the whole book being before the Home Office, when they received that letter of excuse they ought to have taken into consideration what he did out of England.

11040. Had they got the book before them?—

Yes, I placed that very experiment before the Home Office myself, and drew attention to the expression "flame was applied to the dog's paw."



11041. (*Sir Mackenzie Chalmers.*) When you called the attention of the Home Office to it, it was some time afterwards, and Dr. Crile had long left England?—

Yes.

11042. What do you suggest that the Home Office could have done?—

But my letter to you was before you consulted Dr. Crile as to what he had done; therefore, when you received his excuses you knew that he was a man who did torture animals, and his excuses, according to your own showing last time, were wholly incorrect, because he made a statement in the letter which you produced that was wholly false, showing that his evidence is not to be relied upon—first, because he was a man who did torture animals; and, secondly, because he was a man who, in his letter of excuse, was not a man incapable of making false statements.

11043. I should agree with you if Dr. Crile's evidence had not been confirmed by independent witnesses whom we have every reason to respect—Sir Victor Horsley and Dr. Goodbody?—

I only wanted just to get that out.

11044. Then I called your attention to Dr. Noel Paton's experiments on fasting, and perhaps it would only be fair if I read his own explanation in a letter written to Sir James Russell in response to a question as to how and why he performed these fasting experiments: "Dear Sir James Russell,—I suppose the experiments referred to



by Mr. Thane in his letter of the 14th inst. are those published in *The Journal of Physiology*, vol. xix., p. 192, *et seq.* (1895-96)." That is what you quoted from?—

Well, Sir Mackenzie, if these letters are to be put in against me, I ought to have had them before I came here. It is very difficult for me to conduct my case from my point of view if things are thrown at me without my knowledge. This is a private letter, apparently, from Dr. Noel Paton to the Home Office. How can I deal with it without having it before me?

11045. (*Chairman.*) It is quite unusual for witnesses to be furnished with all the letters to be put to them. You must do the best you can, and we shall do the best we can?—

It is very difficult for me, is it not?

11046. (*Sir Mackenzie Chalmers.*) "The experiments there described are upon the influence of fasting on the fats of the liver. I have always been most reluctant to inflict suffering upon animals, and before performing these experiments I gave them most careful consideration. I had already in 1888 studied the progress of a fast of thirty days undertaken by a Frenchman, Jacques, the results of which are published in the proceedings of the Royal Society of Edinburgh in 1889. I found that Jacques throughout his fast suffered no pain or distress—except for a curious attack of gout in the middle of the period."



11047. (*Mr. Tomkinson.*) He had water to drink, I suppose.

11048. (*Sir Mackenzie Chalmers.*) Yes, certainly he had. "I had also read the accounts given by Professor Luciani of a similar feat undertaken by an Italian, Succi (Das Hungern), and the descriptions of the fasts of Dr. Tanner in America and of Cetti in Berlin. In none of these did the abstinence from food, though extending over prolonged periods, cause inconvenience or suffering. Further, it is well known that many warm-blooded animals undergo prolonged fasts voluntarily and without suffering. Among mammals the male fur seal, I am informed, remains on shore in the breeding season, sometimes for one hundred days without eating. Among cold-blooded animals very prolonged fasts are undergone without suffering or impairment of function—*e.g.* in the salmon, in fresh water. Food is simply required as a source of energy, and so long as the animal body is not depleted of its stored material there is no necessity of a supply of food from without. From these considerations it seemed evident that the experiments I proposed to perform were not in any sense painful, especially as the animals were kept warm and supplied with water throughout the period. I therefore did not think that they could be brought under the Act, and I did not apply for a certificate. Indeed I do not know what certificate would have covered them. For the purpose of my



experiments more prolonged fasts were desirable, but my repugnance to inflicting even possible discomfort upon animals prevented my extending the period beyond the limit of four days. No one has a greater love of the lower animals than I have, and all through my physiological career I have never willingly inflicted pain.—I am, yours very truly, (Sd.) D. Noel Paton.” That is his explanation, whether you accept it or not?—

I understand the case to be that Dr. Noel Paton said that he did not consider that these experiments were within the four corners of the Act at all, and the Home Office accepted that explanation. My answer is that if any one of the Commissioners starved his horse for four days he would be summoned, and properly so, by the Royal Society for the Prevention of Cruelty to Animals, and probably convicted and fined. The law of the land would call it cruel, and any magistrate in the country would call it cruel.

Before you pass on there are two or three things which were left open when I went away last time, and I should like to deal with those if I might. You put to me, for instance, at Question 10914 a question on the Association for the Advancement of Medicine by Research.

11049. Yes?—

“Each licence and certificate goes to them. Are you aware what happens when they come back? Are you aware that certificates are con-



tinually altered, and modified, and sometimes refused ? ” and I say, “ My point is that so far no evidence has been offered here before this Commission to show that the Home Secretary has ever gone contrary to this Association till the Commission was sitting.” Then Sir William Collins, at Question 3873, asked Mr. Starling : “ Do you know whether the Home Secretary ever acts contrary to the advice of the Association ? ” and Mr. Starling says : “ He has done so lately, I understand ” ; and it continues : “ (Q.) In how many cases ?—(A.) He has in two cases lately refused to allow certificates. (Q.) During the present year ?—(A.) During the last three weeks.” That is what I based my assertion upon. I based it upon that evidence (I could not find it at the moment) ; and it is upon that evidence that I said my point was that no evidence had been offered “ before this Commission to show that the Home Secretary has ever gone contrary to this Association till this Commission was sitting.” The three weeks was within the period of the sitting of the Commission.

I also want to point out before I leave this that Professor Schäfer himself, I see, in his evidence at Question 10172 admits that the confidential reference to this Association in his own words is “ clearly outside the four corners of the Act,” though he states very naturally that he does not object to it himself.

The next point is that there was a question



and answer about Professor Schäfer drowning and redrowning dogs, which I could not find at the moment. I have found it and have it here ; it is in *Hansard* of June 29th, 1903. You will find the allusion to this under Question 10925, etc., down to No. 10928. It is as follows : "Colonel Lockwood : To ask the Secretary of State for the Home Department whether the certificate given to Professor Schäfer, in accordance with the provisions of the Act 39 & 40 Vict., c. 77, permits him partially to drown and then resuscitate the same dog without any anæsthetics more than once ; and if so, how many times ; or permits him partially to drown and then resuscitate the same dog without any anæsthetics only once ; and if so, how many dogs has he permission so partially to drown and resuscitate." That is the question. Then Mr. Secretary Akers-Douglas answered thus : "The certificates obtained by Professor Schäfer for the purpose of testing the best means of effecting resuscitation in cases of apparent drowning are limited to ten experiments. It is not stated whether the experiments shall be on ten separate dogs, or whether the same dog will be used for more than one experiment ; but I have ascertained that Professor Schäfer does not propose to submerge any unanæsthetised animal more than once." That is the question and answer I had in my mind when I said that the Home Office had permitted the drowning and redrowning of the same dog, but



that I had heard with pleasure that Professor Schäfer said he had not done what he had been permitted to do.

11050. There was another question and answer on the same subject. Mr. Perks asked a question on the general question of Professor Schäfer's drowning experiments. Have you got that?—

I am very pleased to hear it. I do not remember it.

11051. "Mr. Perks: To ask the Secretary of State for the Home Department whether, as reported at a recent meeting of the Committee of the Royal Medical and Chirurgical Society, Professor Schäfer has obtained permission to conduct experiments on dogs without anæsthetics for the purpose of investigating the phenomena of death from drowning; is he aware that these experiments have hitherto been conducted under chloroform; and will he take steps to prevent the infliction of cruelty which the experiments authorised involved"?—

Was this after the other one?

11052. No, this was before June 15th, 1903?—  
About a fortnight before.

11053. And Mr. Akers-Douglas in reply said: "Professor Schäfer has obtained the certificates required by the Act to enable him to perform certain experiments on dogs for the purpose of investigating, not the phenomena of death from drowning, but the best means of effecting resuscitation in cases of apparent drowning. The



experiments will be performed on behalf of the Royal Medical and Chirurgical Society of London, who have appointed a committee to consider this question. I am aware that Professor Schäfer has performed experiments on the effect of immersion on anæsthetised dogs, but I am informed of that the use of anæsthetics frustrated the object of the experiments. In view of the great importance of the subject in connection with the saving of human life, and of the strong recommendations received in support of the experiments, I have not felt justified in disallowing the certificates"—

The next point I want to point out is this. I could not find the number, Volume XV., of the *Journal of Physiology*. At Question 10564, Lord Selby asked: "You spoke of keeping the animal under anæsthetics first while it continued lying on the table," and so forth. "And then, in another place, you added the words 'until the wound has been aseptically closed.'" I say, "I have not got the volume here now, I am afraid." I have got it now. This is an experiment by G. N. Stewart: "Experiment 2. Bitch, 3,708 grams. 50 mg. curare subcutaneously. Artificial respiration. Exposed right internal jugular vein, right carotid artery and right vago-sympathetic nerve, below thyroid gland—carefully separated right vagus from sympathetic for some distance. Cannula in left external jugular vein." There is no specific mention of anything in the way



of anæsthetics, but 50 milligrammes of curare subcutaneously injected. This experiment is described as beginning at 2.2 in the afternoon, and it goes on till 8.14, and the point I want to make is this. There are curious notes all along down the side ; I should like the Commissioners to look at this. It has been going on since 2 o'clock, and at 6.31 there is a note at the side "Curare action passing off ; twitching of muscles." It does not say anything more was done to the animal to stop those twitchings or to allay pain, which I presume was beginning to be severe, or was severe all the time, for all we know ; but at 6.53 "injected 25 mg. curare into blood"—no doubt to keep the animal still.

11054. (*Colonel Lockwood.*) Where was this experiment ?—

I do not know where it was. It was done by G. N. Stewart, a licensed vivisector. He wrote several accounts of these experiments, and the difficulty is that he puts at the heading of this paper, which contains a great number of them, "From Physiological Laboratories, Cambridge and Strasburg." As he does not say which were done at Cambridge, in England, and which were done at Strasburg, if we convict him of cruelty—I do not say we do, but supposing he is convicted of cruelty in any one of these experiments—it is very easy to say that the pea at that time was under the Strasburg thimble, and not under the Cambridge one.



11055. (*Dr. Gaskell.*) If you look at the end of that paper, I think you will see a statement by Dr. Stewart on that subject?—

Yes. “The above paper is based upon experiments made by the author while holding the George Henry Lewes Studentship in the Physiological Institute at Strasburg. The results were embodied in a report to the Government Grant Committee of the Royal Society, dated March 22nd, 1892. The paper formed part of a thesis sent in for the Goodsir Memorial Prize in the University of Edinburgh, April 30th, 1892, of which an abstract was read before the Physiological Society, June 25th, 1892.” He says it again. “The experiments in the above paper were made,” and so on. “In all the experiments performed in the Physiological Laboratory at Cambridge, and in most of those done in the Physiological Institute at Strasburg, the animals were anæsthetised with chloral, morphia, urethan, chloroform, or ether. When curare was given, it was generally in addition to one of these anæsthetics”—generally, not always.

11056. And in all the experiments in Cambridge the animal was anæsthetised?—

No. “In all the experiments performed in the Physiological Laboratory at Cambridge, and in most of those done in the Physiological Institute at Strasburg, the animals were anæsthetised.” What with? “Chloral, morphia, urethan, chloroform, or ether. When curare was given” (this



holds with all of them, I presume) "it was generally in addition to one of these anæsthetics."

11057. (*Chairman.*) But if that statement is taken as a whole, it means that it was never administered without anæsthetics at Cambridge?—

I quite admit that it is impossible to prove that any one of these experiments was not done at the Physiological Laboratory at Strasburg, but my point is that anybody who reads the account of this experiment through would think—I do not set up to be a physiologist, but it seems to me, and I have been advised (just as much as the Home Office has been advised)—that this is a most dreadful experiment. There are two points that I want to make on this experiment. My chief point is that, even if this were done (as it was admittedly done somewhere) at Cambridge, this could be done under Certificate B with perfect legality. That is one point which I wish to raise, because Certificate B permits animals to recover from anæsthesia so soon as the initial operation of the experiment has been performed. The initial operation here is carefully described, and after that there is no further operation upon the animal, so far as I can see by the notes at the side, from 2.2 to 8.14. We do not know whether the animal died, or what happened.

11058. (*Colonel Lockwood.*) I want to know whether curare was administered, according to the paper, alone, or in conjunction with anæsthetics?—



According to this specific statement, there is no mention of any other anæsthetic, but there is this general statement, which seems to cover them all, in a sense. I admit it is a covering statement.

11059. (*Chairman.*) The statement is that if it was done at Cambridge it was done with an anæsthetic?—

No, I say it need not have been so.

11060. Unless you say he is not speaking the truth; because he says expressly that in every case anæsthetics were used at Cambridge?—

Yes, no doubt it was for the preliminary operation—the initial operation.

11061. Therefore, if he says that in some of the whole mass of cases curare was administered, then that means that in all the Cambridge cases, wherever curare was administered, it was after the anæsthetic; because he says that in every case at Cambridge there was an anæsthetic?—

If he says that an anæsthetic was used in all the experiments at Cambridge, I am not prepared to deny it. But I say that if he had Certificate B, as I presume he had, he was only bound to use anæsthetics during the initial operation.

11062. That is not the point. I was speaking of Colonel Lockwood's point. He wanted to know whether curare was used without an anæsthetic. I say that if curare was used at Cambridge, the statement is that an anæsthetic was used with it?—



No, not necessarily during the period of observation.

11063. I am speaking of one operation, which is all he is speaking of. I do not know whether he says anything about using one or other anæsthetic during the period of observation?—

That is the point.

11064. (*Dr. Gaskell.*) Were not these experiments done under licence? There is no Certificate B, so far as I know?—

I do not know.

11065. (*Chairman.*) You seem to me to be making too much of this, and trying to get more out of his statement than it will bear?—

No, my Lord; I am upon this: that Certificate B, as now issued by the Home Office, permits of any amount of torture, and I cite this as an instance.

11066. I was on what Colonel Lockwood put to you, and you answered it by giving an answer which seemed to me to relate to another matter?—

To resume, what I mean is this, that this experiment was done either at Strasburg or Cambridge; if done at Cambridge, if he had Certificate B, it is perfectly illegal.

11067. (*Sir Mackenzie Chalmers.*) But had he Certificate B?—

I will look and see.

11068. (*Mr. Tomkinson.*) Is your contention that if the word had been “invariably” instead of “generally” that would have covered it?—



No, because when he said that he used anæsthetics that is perfectly true as regards his statement, because he would use it for the initial operation if he had Certificate B.

11069. But he says that when curare was administered it was generally in addition to an anæsthetic. If the word "invariably" had been used, it would have satisfied you that curare was never used without an anæsthetic?—

During the initial operation only.

11070. (*Chairman.*) You are losing sight of the other part of what he says—that anæsthetics were always used at Cambridge. If this was done at Strasburg, that is another matter; he may have used curare without anæsthetics. But if it was done at Cambridge, it was an operation under the Act, and there must have been anæsthetics?—

I am not citing it for that point. I cite it as an illustration of my contention that under Certificate B any amount of torture can be inflicted on animals in England under the present law.

11071. That is not immaterial at all, but it is not the question in point?—

That is what I brought it up for.

(*Dr. Gaskell.*) That is a question which we shall come to afterwards.

(*Witness.*) My next point is this. Since I was here I have placed my Bill once more before my committee, and I have incorporated the various little alterations that were suggested. For in-



stance, I have incorporated in Clause 3, about inserting matters into the eye, these words: "There shall not be applied to the eye of an animal by way of experiment any matter or substance." Then I put the words "calculated to give pain," which brings it up to and makes it more what I meant it to mean. Then also, in deference to something that was said, that in Clause 6 the names of the gentlemen who signed the certificates would not necessarily by law be published, I have inserted, after the words "Secretary of State," in the third line, "and three copies of each of the two certificates hereinafter mentioned made in support of the application for the said licence if so granted"; and also in line 31, after the word "reports," "and certificates" should be deposited. That incorporates what Sir Mackenzie pointed out to me was an omission in the Bill. I laid it before my committee with those alterations on Monday, and they passed it with their entire approval.

Then there was an allusion to the picture of a dog at Khartoum. Sir Mackenzie said he had not seen it; that is at Question 10842, so I have brought it here (*producing the same*).

11072. (*Sir John McFadyean.*) It was not done in England?—

No, at Khartoum, under English Government.

11073. (*Sir Mackenzie Chalmers.*) The dog suffering from sleeping sickness?—



Yes.

11074. (*Mr. Tomkinson.*) But that is put in as typical of the effects of inoculation, and as a case which may occur equally well in England?—

Yes.

11075. (*Sir John McFadyean.*) Might I ask whether that picture is exhibited in order to convince the Commissioners that the dog must have suffered pain? Do you wish us to accept that as evidence that the dog must have suffered pain?—

I should not care to have any dog that belonged to me reduced to that condition.

11076. That is not the question?—

I should say that it was a condition of suffering, certainly. To the ordinary lay eye it is; it may not be so. To the ordinary lay eye it looks like a dog in a condition of suffering. I think that a man in England who reduced his dog to that condition outside his laboratory would be prosecuted by the Royal Society for the Prevention of Cruelty to Animals successfully, if the dog was seen in court.

11077. But, I suppose, as a layman, you would admit that there are absolutely painless diseases which reduce dogs to such a state of emaciation as that?—

That is a question for an expert. I do not know. I daresay there are, if you say so.

11078. I ask whether you suggest the contrary?—

I should myself say, as a layman, that evidence might be brought before the court that it was



a perfectly painless condition, by experts. That would be for the judge and jury to decide.

11079. (*Dr. Gaskell.*) Is not that the characteristic of sleeping sickness—emaciation without pain?—

That I do not know.

11080. (*Sir John McFadyean.*) So that it does not, as it stands, prove that this animal suffered?—

I do not say it does.

11081. It is a perfectly reasonable supposition that this dog suffered no pain, in spite of the emaciation?—

It seems always the supposition that any animal vivisected for anything suffers no pain. It is a supposition, I suppose, that can be accepted for purposes of argument.

11082. (*Sir Mackenzie Chalmers.*) With reference to your statements about Sir Victor Horsley, are you aware that he applied to the Home Office to be allowed to perform certain experiments with regard to disease caused by *filaria sanguine hominis*?—

How could I possibly be aware of that?

11083. Which only arise at night-time; and he asked therefore, to be allowed to experiment outside laboratory hours?—

You put that in the form of a question to me, but you know perfectly well that I know nothing about it.

11084. You complain of the permission being



given, and I was asking if you knew the reason why it was given. You do not know?—

Of course I do not.

11085. (*Sir William Collins.*) Have these applications and the permission given thereon been published in any official return?—

No, none.

11086. (*Sir Mackenzie Chalmers.*) You know the fact, but you do not know the circumstances which lead to it?—

I am perfectly indifferent, and so are those whom I represent, as to what reasons may be assigned on which Sir Victor Horsley asked to be permitted to be placed outside the provisions of the Act. My complaint is that Sir Victor Horsley was given permission to vivisect in a place outside the region of inspection, and therefore outside the Act altogether, which contemplates that every place should be inspected.

11087. Are you aware that Mr. Asquith attached a condition to that leave that Sir Victor Horsley should report to the Inspector on each occasion when he performed any experiment at any but a registered place?—

No, I am not aware of it.

11088. If you are not aware of it, why complain?—

I have stated my complaint, and will state it again. It is immaterial to us, or to anybody whom I represent, for what purpose Sir Victor Horsley was placed outside the purview of the Act.



Our contention is that no vivisector should be placed outside the possibility of inspection, and that the Act of Parliament did not contemplate anything of the kind, and did not intend it to be so.

11089. (*Chairman.*) Do you say that it is contrary to the Act?—

We say that there is no reason in the world why Sir Victor Horsley should be placed by the Home Office outside the possibility of inspection. In the case of persons allowed to place grouse on a moor for the convenience of experiments, that is a different thing.

11090. This was not a case of that kind?—

No, I understand that it was not.

(*Sir Mackenzie Chalmers.*) This was an inoculation experiment.

11091. (*Sir William Collins.*) Are the endorsements or conditions of a licence published in the official returns?—

Never; the Act is administered, if I may say so, in the strictest secrecy.

11092. (*Sir Mackenzie Chalmers.*) Then you raise a point as to Professor Schäfer's certificates. I can only put it to you for the purpose of clearing it up. You applied to the Home Office to know by whom Professor Schäfer's licence was signed?—

Yes.

11093. I do not know that it is very material. May I put it to you in this way: That his application for a licence was signed by Sir Joseph



Hooker and Sir John Burdon Sanderson, as you said ?—

That is a new name ; I never heard of Hooker.\*

11094. And Burdon Sanderson ?—

The Home Office said that Sir John Burdon Sanderson signed his certificate.

11095. That is so ?—

That is my statement.

11096. Then his lecture certificate, Certificate C, was signed by the same people. Then he afterwards held various certificates from various people for special researches ?—

My contention was that it was impossible for the public to ascertain by any means published by the Home Office who signed these certificates. When we tried to investigate it the Home Office seemed confused, and could not tell us. The Home Office said one thing, and Professor Schäfer said another. The two statements are contradictory.

11097. They are not contradictory. One referred to Certificate B and the other to Certificate C ?—

There is a fourth man in now—Hooker. I never heard of him before.\*

11098. You objected to Sir William Harcourt asking the advice of the Society for the Advancement of Medicine by Research ?—

I do not put it upon Sir William Harcourt. It was done in his time.

\* Of course I meant I never heard of Hooker in connection with the signing of certificates. I knew Sir Joseph Hooker personally, and corresponded with him when he was at Kew Gardens.—S.C.



11099. At any rate you objected to it ?—

Yes.

11100. I want to ask you this : Do you think it would be better if, say, a committee of the Council of the Royal College of Physicians was substituted for that society ?—

That is a very large question. I am not the adviser of the Home Office.

11101. I am asking you ?—

I am making the complaint. If you ask me to say at a moment's notice I decline to give an opinion.

11102. I ask you whether, in your opinion, it would give a greater sense of security to you and your society ?—

The sole reason why all those who sign certificates sign them, so far as I understand it, is as testimonial to the scientific fitness of the applicant. Their scientific fitness is of no interest whatever to myself or my Society. Our interest is in the animals and their fate ; and it is a matter of perfect indifference to us whether these gentlemen have scientific fitness or not.

11103. But the Society for the Advancement of Medicine by Research do not sign certificates ; they are merely consulted. I am asking you whether you would have more confidence, for instance, in a committee of the Royal College of Physicians or a committee of the Royal Society of Medicine, if they were consulted in lieu of the Society for the Advancement of Medicine by Research ?—



I should have much more confidence if any body was consulted upon which there were no licensed vivisectors sitting. This society that you do consult is a society composed very largely of licensed vivisectors.

11104. (*Chairman.*) Then you would not approve of the Royal College of Physicians?—

Not if the persons sitting on that committee to give that advice were licensed vivisectors.

11105. (*Sir Mackenzie Chalmers.*) But if you had a committee of the Royal College of Physicians who were not licensed vivisectors?—

I should certainly regard it with greater respect. I think they would very likely take into consideration the humanity of the applicant. But even then they are not asked that. I have never had any evidence before me that the Home Office ever ask the persons to whom they refer what the humanity of the applicant may be.

11106. It is not the Home Office that grants certificates. The certificates are granted first, and the only question is whether the Home Office shall disallow them?—

Yes; you can veto them.

11107. However, that suggestion does not approve itself to you?—

I do not say that.

11108. Is there any body with expert knowledge that you can suggest in preference to the Society for the Advancement of Medicine by Research?—

I should say that any body is fitter than the



Society for the Propagation of Vivisection, which is really a better term for them.

11109. (*Colonel Lockwood.*) You have got no definite body in your mind at the present minute?

No, I am not interested in the scientific side of the matter. These men only testify to the scientific fitness of the person. If you ask me who are the right persons to ask as to the humanity of the applicants, I think that a committee of the National Anti-Vivisection Society would be a very proper body. It is just as public a body as this private association is, and just as able to give proper consideration to the humanity of the applicants as that other body is to consider their scientific fitness.

11110. (*Sir Mackenzie Chalmers.*) You raised the point, and it is a material point, about prosecutions under the Act. At present, as you know, all summary prosecutions are limited by six months?—

Yes, by the Summary Jurisdiction Act.

11111. You suggest a longer period?—

I suggest it, because, as you are aware, at present the yearly report, which is one of our sources of information, seldom comes out till about three or four weeks before that six months has elapsed; so that there is no possibility that a prosecution can be based upon that report, even if it revealed any breaches of the law. And, again, this short six months precludes us from taking advantage, as a rule, of any publications of the vivisectors, if by a slip they let out that they have broken



the law, because they do not, as a rule, publish them until six months after the experiments.

11112. But it would, of course, be applying a special law to vivisectors which is not applied to the rest of the community ; it would be an exception to the general law ?—

I do not see why. There is a definite reason that I give you, which, I think, is a reasonable one, and I think any body ought to see is a reasonable one. I do not imagine that even the Home Office want to place vivisectors beyond the possibility for indictment for an offence under this Act.

11113. Certainly not ?—

I am not sure that putting them under the Summary Jurisdiction Act is not an exception in their favour.

11114. They are not put under it. It applies universally, does it not ?—

I do not know.

11115. As regards the prosecution of licensees, you do not think it is the duty of the Home Secretary first to give leave to prosecute, and then himself prosecute ?—

I think the provisions of my Bill are more desirable.

11116. But under the existing law you would hardly contend that the Home Secretary should give himself leave to prosecute, and then himself prosecute ?—

I think he should prosecute in cases where the law is broken.



11117. When he has given the licence?—  
Yes.

11118. Inasmuch as under the Act the prosecution requires his leave, do you think that the Act contemplated that he should give himself leave and then prosecute?—

I should have thought it was possible for the Home Office to move in prosecutions. I should have thought that they could direct a prosecution against the man. I should be surprised if they cannot.

11119. Under that Act, wherever the Home Secretary has to give leave, do you think the Act contemplates that he should himself prosecute?—

Why not? I see no reason against it.

11120. That he should simply say, "I hereby authorise you, Herbert Gladstone, to prosecute," and then proceed to prosecute?—

That is mere formality.

11121. I will take your answer upon that?—

It would not be a formality which would frighten me if I were Home Secretary.

11122. You are aware that the Home Office has no legal department whatever?—

I daresay.

11123. In how many cases have your Society asked for leave to prosecute? Are you aware of any case?—

Not since I have been there, of course, because there was no possibility to get material for prosecution under the present law.



11124. You have not applied ?—

Naturally ; how could we get the material to prosecute ?

11125. There is only one small point I want to ask you about as to Dr. Grünbaum's experiment. Do you know that he was experimenting at that time under his certificates with antivenin ?—

How could I know that ? That is your evidence. It is not a question to me.

11126. I am asking you whether you do know it ?—

Of course I do not.

11127. Was not all that happened this : that after a lecture in his own laboratory he went on with an experiment he was conducting, in the presence of certain chemists ?—

That may be your version of it. I was not there. That is not the account which was published in the papers.

11128. And, apart from any technicality, what is your objection to these chemists seeing the experiment ?—

My personal objection, you mean ?

11129. You make it a ground of complaint ?—

I am here in an official capacity.

11130. I say (identifying you with your Society), is it not better, if experiments are performed, that they should not be performed wholly in secret ?—

Unfortunately, when I complain of that (because at present we are under the Act 39 and 40 Victoria,



cap. 17), and I say that an illegal act was done under that Act, the Home Office take no notice of it. The Home Office cannot defend themselves by asking me whether, in my opinion, the law is wrong or right.

11131. I say, apart from technicality (I am quite prepared to deal with the technicality), you allege a substantial breach of the law?—

Certainly.

11132. You said that it was illegal that these experiments should be seen by skilled persons—chemists. They are not the general public?—

They are not physiologists, I think.

11133. They are persons who would sell anti-venin if antivenin came into use?—

My point is that an illegal act was committed, and the Home Office condoned it. That is my point.

11134. That is a matter of dispute, of course?—

Yes. I only say that that is my point, for what it is worth.

11135. Then you complained of some experiments performed in Ireland. You know that the Irish Office and the Home Office have no connection?—

I know that they are all under the Act.

11136. Under the Act—yes?—

I suppose there is no connection under the Act. There is no connection in that sense.

11137. There is no connection whatever. There-



fore, you do not hold the Home Office responsible for what is done under the Irish Government?—

I am very glad to acquit you, Sir Mackenzie, of Professor Shaw. When I brought that forward, I was not bringing it forward as an attack on the Home Office.

III38. I only asked because, as you would say, unfortunately, from your point of view, both the Home Office and the Irish Office take the same unfortunate view of their duties under the Act?—

In that case they certainly did take the same unfortunate view. I think in that case, as a matter of fact, the six months' limit prevented the Home Office from doing anything. I do not think the Home Office knew about these experiments until we drew their attention to them.

III39. The Irish Office, if you please?—

Yes. At that time the six months was out, and I do not think they could have done anything with the best will in the world. I think they said so in their letter to me. I am only judging by memory now.

III40. (*Mr. Ram.*) With regard to your attitude generally, as I understand, your attitude and that of your Society is one of regulating the practice of vivisection as much as you possibly can?—

Yes.

III41. That, of course, is a view that we can appreciate and sympathise with much more than some other views which you have given us. With regard to that, your Bill, which I will deal with in



a moment, proposes certain alterations of the existing law with that view ?—

Yes, with that view.

III42. With regard to the past, the present Act is 30 years old, and the law has been administered under that Act for that length of time ?

Yes.

III43. Your Society is older even than that ?—

About contemporaneous ; two months before, I think.

III44. And your Society, no doubt, during the whole of that time has been composed of persons active and anxious in every possible way to repress any cruelty or stop any illegality ?—

Certainly.

III45. Under the Act the powers granted to private persons to put the law in operation are found in Section 13, under which a person may apply to a Justice of the Peace if he believes that any act has been performed by an unlicensed person in any place not registered under the Act. Has any application ever been [made under] Section 13, under which a person may apply to a justice for such warrant to examine any premises under that section ?—

Not that I am aware of.

III46. Has an application ever been made under Section 21 to the Secretary of State to allow a prosecution against a licensed person who has been doing an experiment for any reason other than that allowed by the Act ?—



Not since I have been honorary secretary, certainly.

III47. Is that because you have never had any case which, in your opinion, would justify such a request being made?—

Oh, no, it is because under the way in which the Act is administered, and within the four corners of the Act, it is impossible for us to find out what happens inside the laboratories.

III48. Let me sever the two things for a moment, under the Act and under the administration; I am coming to the administration shortly. Under the Act you say that you have never been able to ascertain any instance which would have warranted any one on your behalf making an application for a prosecution?—

I do not think I have ever known of any instance, which I thought was a breach of the law, which was published until after six months.

III49. Therefore there has never been any such application made?—

No.

III50. With regard to publication being made six months afterwards, you have given us a list of five or six different cases in which there has been, in your opinion, a breach of the Act, and as to which you have found fault with the action of the Home Office; those are the cases that you gave us in your evidence the time before last. You will recognise them by name. There is Crile's case, Grünbaum's case, Starling and



Bayliss' case, Cecil Shaw's case, Noel Paton's case, and Dixon and Brodie's case ?—

Yes.

11151. Those are the cases which you gave ?—

Yes.

11152. With regard to those cases, you believe that there has been some contravention of the Act ?—

I should like to look at each case. The *gravamen* of my attack is that in each case when I have complained to the Home Office of actions done which seem to me to be inhumane, the Home Office have accepted the *ipse dixit* of the person whose conduct was impugned. It may not necessarily have been a breach of the Act.

11153. I think in each of those cases you did allege that there had been a breach of the Act, and you called the attention of the Home Office to it ?—

If you would give me them one by one, I can answer you.

11154. Crile's case was the case in which you said that there was an operation performed under incomplete anæsthesia ?—

Yes.

11155. That would have been a breach of the Act ?—

In that case pain was inflicted under the licence.

11156. Yes ?—

I should say that that was a breach of the Act.

11157. In Grünbaum's case, he performed an experiment, as you allege, before the public ?—



Yes.

III58. In Starling and Bayliss' case we do not doubt that there was an allegation of illegality?—

Yes.

III59. And that was established largely—I mean the allegation?—

I ought to distinguish now. My assertion is now that Professor Starling broke the Act by not killing the “brown dog” before he gave it over to Mr. Bayliss. That has never been before the court.

III60. I quite gather that. In Dr. Cecil Shaw's case it was an alleged breach of the law; that is “my work”?—

Yes.

III61. Then Dr. Noel Paton's was the case of fasting experiments?—

Yes. There is a little distinction in the case of Professor Noel Paton. Professor Noel Paton asserted that these experiments were outside the Act.

III62. Quite so?—

That is not a breach of the Act. His defence was that they were outside the Act, and I represented that they should be within the Act.

III63. And Dixon and Brodie's case was a case of incomplete anæsthesia?—

Light anæsthesia.

III64. Those are the cases that you brought before us?—

Yes.



III65. Were those all the cases that you reported to the Home Office as having been, in your opinion, contraventions of the Act?—

I could not say that.

III66. At all events, they are all that you have brought before this Commission?—

Yes.

III67. In all or in any of those cases, do you allege that any suffering was caused to the animal by reason of the alleged breach of the Act?—

Yes.

III68. In which case?—

In Dr. Crile's case, for instance, certainly.

III69. Dr. Crile's was a case of incomplete anæsthesia?—

Yes.

III70. You are aware that in that case, whether the animal suffered pain turns upon whether the anæsthesia was or was not complete to the extent of removing all such pain?—

Yes.

III71. And if, as Dr. Crile asserted, and as the bystanders seem to have asserted, the animal was insensible to any feeling of pain, then there would be no pain caused by a breach of the Act?—

If they were accurate.

III72. With regard to any other cases, do you allege suffering being caused by an alleged breach of the Act?—

Most decidedly to the case in Ireland—shoving



shot into a rabbit's eye and watching it for six months.

III73. The Irish case I have purposely avoided ; I was dealing with the cases reported by you to the Home Office ?—

In Dr. Noel's Paton's case, of course, I assert that to starve an animal for four days is a painful thing.

III74. Eliminating the case of Dr. Noel Paton for a moment, as to starvation, are there any other cases in which the alleged breach of the Act involves suffering to the animals ?—

You want to know which of those cases are both illegal and painful ?

III75. Yes ?—

If you will rehearse them again, I should like to have them separately. I have answered as to Crile and Noel Paton.

III76. And as to Grünbaum ?—

Yes, Grünbaum's experiments certainly were painful.

III77. In what way were they painful ?—

He describes the rabbit after 30 minutes dying in convulsions of snake poison.

III78. In that case the animals were being legally operated upon under the Act, save in so far as the operation was public ?—

Yes, but you ask me whether they were painful, and I say that they were.

III79. What I put to you was whether the illegality increased the pain ?—



No, not the illegality.

11180. Then I think it comes to this, that except in the case of Dr. Noel Paton starving animals, the illegality did not cause pain to the animals—did not cause any increase of pain?—

You mean, if you accept the defences?

11181. Yes?—

That is so, if you accept the defences.

11182. May I take it that in all the years during which your Society has been investigating these matters, those are really all the cases as to which you have brought before the Home Office allegations of impropriety or contravention of the Act?—

I am not prepared to say that. I have brought forward a few of them. I do not think I could say that I have brought them all.

11183. Would you let us have any others which you consider important. I take it that even if these are not all, you brought before this Commission those which you regard as the most serious?—

I have got instances, which, to my lay mind, seem to involve a great deal of suffering, but not illegality.

11184. I am pointing out that these are the only matters which you have brought to the notice of the Home Office as being illegal?—

Possibly. I am not prepared to say that off-hand. I have only brought a few of the cases.



11185. But you have brought, no doubt, the cases which seem to you the most important. You have not given us the worst of your cases.

11186. (*Chairman.*) Was it your intention, in going through them, to bring before us all the cases in which there was illegality?—

I am constantly corresponding with the Home Office, I am sorry to say.

11187. If you say that it was not your intention, that is an answer?—

I am not prepared to say that these are the only cases in which I complained of illegality.

11188. That was not the question. Are there others in which you complained of illegality?—

I think very likely.

11189. Do you know of any others?—

I have a very bad memory. I cannot say off-hand. Sir Mackenzie Chalmers would be able to say.

(*Sir Mackenzie Chalmers.*) I quite agree that you did write about others; but these are like the strawberries—the best at the top.

11190. (*Mr. Ram.*) We can only deal with those that you have put before us. Every one of these matters was, in your opinion, and in the absence of explanation, a technical breach of the Act?—

Yes.

11191. With regard to the case of the chemists, your allegation there is that there was an illegality, because the experiment was performed before an



Association of Chemists, which constituted the public ?—

Yes.

III92. You have been asked whether you had ever witnessed an experiment yourself, and you said, No, that you would not assist the physiological experimenters in breaking the law ?—

That is so.

III93. Do you think it would be an advisable thing, in the interests of humanity, if some such person as yourself, say, who takes an interest in humanity, did witness some of these experiments from time to time ?—

Most certainly.

III94. Have you been precluded from doing that in the past by the Act ?—

Yes.

III94A. You think that it would have been a breach of the Act ?—

Yes.

III95. Let me refer you to the part of the Act which deals with that matter. It is Section 6, the words are : “ Any exhibition to the general public, whether admitted on payment of money or gratuitously, of experiments on living animals calculated to give pain shall be illegal.” Do you think that when you are finding fault with an experimenter, if he said to you “ Come and see what I do,” which I understand is what you have been asked—— ?—

I have been asked.



11196. In your opinion would it be a breach of the Act if you, as one of the public, went to see it?—

Yes. I have always thought so.

11197. You do not arrogate to yourself that you are the general public?—

I am one of the public.

11198. (*Chairman.*) The question is, whether it would be a breach of the Act on the part of the operator if he allowed it?—

Yes.

11199. (*Mr. Ram.*) But you said that you would not assist him in that breach?—

Yes, I feel that I should be assisting him in that breach.

11200. I can understand it, but I cannot agree with it. May I put it to you in this way, that if you had gone you might have done infinite good from the point of view of humanity?—

I do not think that any animal would be subjected to torture in my presence by any vivisector. That is why I want the Inspector always present. My presence would have the same effect, I think, as the presence of a Government Inspector.

11201. At any rate, you would have known much more about what was done in these experiments if you had been present?—

Yes.

11202. But I understand that that was your reason, and the only one?—



If I was present they would know that I was present.

11203. May I ask whether, had it not been for this section of the Act you would have gone?—

I do not think that I should have served any general purpose by going, unless I had a right to go when I liked. To go by invitation would mean nothing. Of course, I should see no infliction of pain on an animal, being a more or less well-known anti-vivisectionist.

11204. You would have learned a great deal of the circumstances under which experiments took place?—

No doubt.

11205. Your evidence, which I have gone very carefully through, is something like, I may say nine-tenths of it, an indictment, and a long and acrid indictment, not of the Act but of the administration of the Act by the Home Office?—

And of the Act also.

11206. I leave one-tenth to the Act?—

Yes.

11207. There is an indictment with twelve different counts against the administration of the Act by the Home Office?—

Yes.

11208. In your Bill you also propose that licences should be granted by the Home Office and the inspectors appointed by the Home Office and so forth?—

Yes, I leave some of the Act of 1876 alone.



11209. But I think you leave all of it, so far as that goes. You safeguard it when they are appointed, but you leave their appointment to the Secretary of State?—

Yes.

11210. The same Secretary of State whom time after time, man after man, you have distrusted so much in the past?—

First of all in my Bill the certificates would not be merely as to the scientific fitness of the applicants, but also as to their humanity.

11211. I am coming to that afterwards?—

And secondly, of course, the mass of operations will be performed in the presence of the Government Inspector.

11212. I am coming to that also. In the meantime the appointment and administration must, as you put it in your own Bill, be under the Home Secretary?—

Yes.

11213. Now with regard to the certificate of humanity which you ask for in the eighth clause of your Bill, do you really attach importance to that?—

Yes, very great importance; always provided that the names of those who sign the certificates are published.

11214. You will exclude, I suppose, any person who avowedly did not love animals?—

Oh dear me, no, I only want a person not to be unmerciful.



11215. I want, if I can, to get at something tangible. You want a certificate of a Justice of the Peace, or a Minister of Religion, for instance, that a person is humane?—

Yes, that he is a person who would not torture an animal.

11216. There are a great many Justices of the Peace and Ministers of Religion. Should you really attach importance to two Ministers of Religion or two Justices of the Peace having signed a paper to say that they believed that the applicant was a humane person who would not torture an animal?—

I should if their names were published, so that they were publicly made responsible.

11217. You suggested, I think, in answer to one question put to you by Sir Mackenzie Chalmers, that your own Society would be a useful body to give those certificates of humanity?—

I did not say that; you are putting that into my mouth.

11218. If it was said *per incuriam*?—

I should have put it in my Bill if I had thought it proper.

11219. Do you suggest that it would be a good thing?—

I think that my Society is quite as fitted to advise on humanity as that other society is to advise on scientific fitness.

11220. Do you know and can you name any experimenter whom you would consider humane?—



Yes, I believe there are some vivisectors who are quite humane ; and if it was my duty to find out who were humane, I should do my very best to ascertain it.

11221. And the statements of such men as that you would take as being accurate statements when they were asked what they meant ?—

Yes, if I was satisfied that they are humane.

11222. Then may I take it that you regard untrustworthiness and, to a certain extent, un-  
veracity and inhumanity as being almost identical ?—

I do not quite say that. I say that if a man is inhumane and is then asked questions by the Home Office or by any authority as to what he has done, if he has been inhumane it is contrary to human nature for him to admit it. No man would in that case. If a man is inhumane he is driven, if he is asked what he has done, into a certain amount of inaccuracy no doubt.

11223. I do not quite follow that. Sometimes even dishonest prisoners plead guilty ?—

No doubt.

11224. (*Chairman.*) The certificate is not to be that the Justice of the Peace knows that he is humane, but knows that he has a reputation for humanity ?—

Yes.

11225. (*Mr. Ram.*) How does a man get a reputation for humanity ?—

That is as near as I can get it.



11226. I am only anxious to know how much importance you really attach to that?—

I attach very large importance to the fact that these persons who, by signing, more or less undertake in the public eye that these men are humane men, should have their names published so that everybody should know who they are. It is a responsibility which a man will not lightly take upon himself unless he is quite sure.

11227. There are two or three detached questions which I want to put to you with regard to your evidence. In answer to Question 10517, you said that you take no interest in the object with which any experiment is made?—

That is broadly my attitude.

11228. You said it once or twice; you used those words?—

Officially I mean to say that my Society is interested absolutely from the point of view of the animal.

11229. But you do recognise, because I see that you put it in your Bill, very wisely, I think, in Clause 2, Sub-section (1), that “the experiment must be performed with a view to the advancement by new discovery of physiological knowledge or of knowledge which will be useful for saving or prolonging life or alleviating suffering?”—

That is in the old Act. I leave that.

11230. But you recognise there and you per-



petuate, of course, naturally, that these experiments must have a humane object in view?—

What I meant was—I may have been misunderstood—that when there is a question of severe pain, my Society does not recognise any justification of that pain by any lofty motive being asserted.

11231. I am glad you have answered the question, and I am glad to have that explanation. I want you now to look at your Bill, please, on two or three points. You say in Clause 2, Subsection (4), “The animal must be killed while it is so under the influence of such general anæsthetic as aforesaid, and before it recovers therefrom sufficiently to feel pain.” Is it your object to preclude all operations which, while painful in the inception, and therefore necessarily requiring an anæsthetic to be administered while they are being performed, are of such a nature that the result cannot be ascertained unless the animal be allowed to recover?—

Yes.

11232. Then you wholly obliterate Certificate B and all cases under it?—

That is our desire.

11233. That is your object?—

Yes, we believe that under Certificate B most severe pain is inflicted.

11234. You do contemplate, and under your Bill you allow, the perpetuation of experiments not calculated to give pain at the initial stage?—

Yes, those inoculations.



11235. But which may produce pain afterwards as the result of the inoculation?—

Yes.

11236. Supposing that an animal has an operation performed upon it under anæsthetics, and is allowed to recover, and is treated, as we have been told here, as carefully with antiseptics, and generally treated as a human creature would be, so that there cannot be anything like severe suffering, do you think it is more objectionable to keep the animal alive under those circumstances than to allow the animal to live for a certain time, at any rate, while suffering from the effects of inoculation?—

Under my Bill the moment the animal displays any sign of severe pain it is to be destroyed.

11237. I am coming to that in a moment. I quite see that that is your point. If the animal operated upon under anæsthetics and allowed to recover, making recovery under antiseptic treatment, was plainly not suffering severe pain, would you have any objection to allowing it to live?—

It all depends upon the statement that the animal is not suffering.

11238. It does?—

We are not prepared to accept absolutely the statement that all operations, however severe, leave no suffering behind.

11239. There has been no such statement made before this Commission or anything like it. The statements made before the Commission have been that in many of these cases, although the



operation was painful, and therefore demanded anæsthetics in the performance of it, there was no subsequent suffering at all. But you say that you are not prepared to accept that statement?—

I am not prepared to accept it.

11240. But under your Bill you provide that the Inspector should often see such animals, in the last sub-section of Clause 2, and that the animal is to be killed if suffering?—

Yes.

11241. My object is to see how far your Bill would help us. Would it not be sufficient, in your opinion, to allow such operations as I am now indicating, the animal recovering, if the Inspector who saw the animal repeatedly satisfied himself that it was not suffering, or, if it did suffer, caused it to be killed?—

I think that is outside.

11242. You see, my anxiety is this: You have said yourself repeatedly, and that is what has made your evidence, I think, on many points valuable, that you do not want to stop research?—

That is so. We are quite misunderstood if anybody thinks that we want to stop science. We wish to promote science.

11243. You would wish, therefore, to make such provisions as, while safeguarding the animal, will secure the continuance of research?—

Yes.

11244. I may take it, then, that you agree with me that if the Inspector sees the animals and



certifies that they are not suffering, or causes them to be killed if they do show signs of severe suffering, there might be operations under what we call Certificate B for short which still might be permitted?—

Yes, with this proviso. We are now talking of Certificate B, and under the present law my contention is that long before that period to which you now allude when the animal is healed——

11245. Not healed?—

Is healing; and long before that under Certificate B, as now worded, atrocious suffering, in our opinion, can be inflicted upon it.

11246. At the moment I am on this point, whether you can suggest such a modification or, in your view, such an addition to Certificate B as will grant its existence in future, although perhaps modified in the way that you yourself wish?—

If Certificate B could be so framed as to preclude such experiments as I have instanced of Mr. Stewart's—I am not agreeing for a moment with the description of Mr. Stewart's operation—it might be that the animal was under curare, for I do not know how many hours, and nothing else. It is such experiments as those that I am aiming at destroying in this Bill.

(*Dr. Gaskell.*) Those operations are under a licence, not under Certificate B.

11247. (*Mr. Ram.*) That does not touch the point in one sense, but I want to follow this point. If you obliterate Certificate B altogether you do



prevent an enormous number of investigations, the results of which cannot be ascertained, unless the animal is allowed to live for some time ?—

Yes, it must be so.

11248. And those operations, so far as this Commission has been instructed, seem to be the bulk of the operations which in the past have thrown most light upon the different humane objects which it has been desired to carry out. You accept that ?—

I accept that you have been told so.

11249. Then what I am anxious to get you to assist me in, if I can, is some such alteration or modification in Certificate B, as in your opinion might make it safe to allow it to continue safeguarded, rather than put a stop to all the investigations which at present can take place only under Certificate B ?—

Of course we are very suspicious of Certificate B, and it is very difficult for me, as representing my Society to say ; I should only agree to its being continued provided that the animal after the operation is as much safeguarded as it would be under inoculation.

11250. That is the very point I wanted to bring out. Now with regard to inspectors, you, I suppose, realise that you are asking one of two things, either for an army of inspectors or for a very great diminution in the number of experiments that will take place ?—



Not so, necessarily. At present the Inspector, as I have said, wanders about on the chance of seeing anything, and wastes an enormous amount of time in that way. If every experiment had to be performed before an inspector he would never waste a minute; he would go from one place to another and witness experiments, and all his time would be occupied in actually seeing experiments, instead of wandering about the country seeing nothing as now.

11251. At all events I gather that there should be an inspector present at every physiological experiment?—

Yes, but there are not so very many. If you leave out the inoculations the number is not very large.

11252. (*Chairman.*) Upon that point would it satisfy you if, instead of the operator being forbidden to perform an experiment unless the Inspector was there, a notice was given always beforehand that an operation would be performed at such and such a laboratory of such and such a kind; because there might be some purely insignificant operation which the Inspector need not attend? At any rate, there would always be knowledge on the part of the Inspector that it was going to be done at a particular time, and the operator might expect to see him coming in at any minute, but at the same time he might not be there in every case. For him to be there in every case would seem to me a tremendous interference?—



We view it from the point of view of the animal. We feel that the animal is entitled to the presence of the Inspector when it is subjected to a severe operation, whatever it may be.

11253. A notice would not meet your view?—  
No.

11254. (*Dr. Gaskell.*) Do you mean that you would not allow more than one experiment to be made in a laboratory at the same time. There are often three or four experiments going on?—

Do you mean in one room?

11255. No, in one laboratory?—  
Certainly not.

11256. You would not allow that?—

No, I think that the Inspector should be present at every severe physiological experiment on an animal. He might go from one room to another.

11257. (*Chairman.*) You do not say severe in your Bill?—

I mean any physiological experiment.

11258. You do not mean to include every inoculation?—

No.

11259. Or every operation for which a licence was necessary?—

No, a licence is necessary for inoculations.

11260. You mean any operations for which anæsthetics are necessary?—

Any operations for which anæsthetics are necessary, certainly, because the presence of an anæsthetic means suffering, and therefore whenever



there is suffering or the chance of suffering our opinion is that the Inspector should be present.

11261. (*Mr. Ram.*) While we are on the question of suffering I think you want some modification of your Bill at the bottom of page 2. In the last two lines you provide that the animal may be allowed to recover, although inoculated, and you say, "Directly the animal begins to feel pain it must be placed, and thenceforth while it suffers or is likely to suffer must be kept under the influence of a general anæsthetic of the nature of a respirable drug or gas, such as chloroform, or ether, or alcohol, chloroform and ether combined, of sufficient power to prevent the animal feeling pain; or, if the animal is not placed and kept under the influence of such anæsthetic as aforesaid, it must be forthwith killed" ?—

Yes.

11262. But in your evidence I observe that you say, and you have said just now, severe pain; you mean, I take it, appreciable pain ?—

I am not unreasonable. There is no pain-gauge that I know of.

11263. You have said repeatedly, and said reasonably enough, in your evidence, for instance, in answer to Question 10765: "It will be the duty of the Inspector to go and see that animal frequently, and if it be in a severe condition of suffering it will be his duty to order it to be killed painlessly" ?—

Yes.



11264. You must therefore in your Bill modify that ?—

Where the suffering is really trifling, of course, I do not want to interfere.

11265. But you see we are or may be advising legislation here, and I want to see whether you can assist us in any way ?—

May I say serious pain ?

11266. You would be willing to insert “ serious pain ” in line 36 at the bottom of page 2 of your Bill ?—

Yes.

11267. You have put it so clearly in your evidence in reply to Question 1078 : “ It depends entirely upon the amount of pain involved,” and in the next answer, “ Under my Bill it would be the duty of the Inspector to have that animal destroyed as soon as it manifested signs of severe suffering ” ?—

Yes.

11268. That is what several Inspectors who have come before us here have said in answer to myself and others, that as soon as they saw any signs of appreciable suffering they would cause the animal to be destroyed. With regard to Clause 3 of your Bill—I remember the experiment which you told us of about the eye—do you think it is necessary to have a clause dealing with the eye expressly ?—

There is a very large feeling among the humane that is a necessary clause in the Bill, because the



eye is so frequently used, I believe, for the purpose of breeding bacteria and such things. That is the ground upon which we put it ; and the eye is a very sensitive organ.

11269. Is it suggested that now in England matters which cause pain are inserted into the eye of anæsthetised animals ?—

I think so. I have seen pictures of diseased eyes.

11270. Would it meet your view to say that no operation of any sort shall be performed on the eye, save when the animal is under anæsthetics ?—

That would be so already. The eye is not put outside the Act. If an operation is performed on the eye it is as much under the Act as if it is performed anywhere else.

11271. I wanted to see whether you still think it necessary to except the eye from any experiment at all ?—

From inoculations we think that they should be eliminated altogether. Our view is that inoculations in the eye must always be painful—we may be wrong.

11272. Under Clause 4, Sub-section (2), you provide that every licence shall specify the time and place at which the experiment or series of experiments is or are to be performed. Is that with the object of letting the Inspector know ?—

Yes, and the public and everybody else ; to lift up the veil of secrecy from these things.

11273. We have heard something about the



veil of secrecy ; but why on earth should the public know when an operation takes place ?—

Because this is part of the thing that is put up ; this is part of the notice. It is the licensee who is to say when he is going to do it.

11274. I ask why ?—

In order that the Inspector may know.

11275. Then you eliminate the public ?—

Yes ; I was not looking at it. “ Every licence granted hereunder shall specify the time and place at which the experiment or series of experiments is or are to be performed.” That is in order that the Inspector may know for certain when it is going to be performed. I was thinking, and no doubt you were, of the putting up of the notice somewhere.

11276. I was. One other question on the Bill, and, I think, only one. You propose in Clause 9 that proceedings may be taken at any time within two years ?—

Yes.

11277. And yet you propose that a report shall be sent in forthwith ?—

Yes.

11278. If a report is sent in forthwith, how can it be necessary to have so long a time as two years within which to take proceedings ?—

I put both those conditions in, so as to get the longest possible time.

11279. May I point out that the object of shortening the time, as you know, in all these



Acts is to preclude a charge being made against a person, when perhaps the circumstances are forgotten, or the evidence is lost, or some person is dead?—

I thought that would be met by the provision that the prosecutor shall put down the sum of £50.

11280. Would that affect your Society, with its large income?—

We should be the last persons to bring an action.

11281. (*Chairman.*) This is a question of instituting a prosecution?—

Yes.

11282. (*Mr. Ram.*) Seriously now, supposing you got your way in having a report sent in forthwith, as to which we should want a definition, I think, but, say, within fourteen days, would you want so long a time as two years?—

Perhaps that report might have omissions which might be supplied in a subsequent publication by the vivisector.

11283. You would have five and a half months, then?—

That would depend upon when the vivisector published it. In the report sent to the Home Office, it is conceivable that the vivisector might leave out something accidentally or intentionally, and might subsequently fill it in in a publication like the *Journal of Physiology*.

11284. Would it be sufficient to say that any



proceedings must be taken within six months of publication, or giving information of that which was impugned ?—

Yes, I would accept that at once. All we want is that we may have the possibility of doing it.

11285. What I want to get rid of is the oppressiveness of these proceedings hanging over for two years ?—

I accept that at once.

11286. There is one matter I should like to have your view upon, because you are aware that statements have been made which have been investigated before us in the *Shambles of Science* ?—

I have read the book some time ago.

11287. I wanted to ask you about that experiment on a marmot ?—

I cannot tax my memory with that.

11288. Then I do not think I will go into it at all ?—

I am not connected with that book in any way.

11289. There is one other point in your Bill. In Sub-section (6) of Clause 2 you say, “The experiment shall not be performed for the purpose of attaining manual skill” ?—

Yes, that is the old Act ; I retain that.

11290. A good deal has been said about it ; do you see any objection if it is limited to animals which are wholly under anæsthetics, and must die under anæsthetics ?—



It is hardly for me to suggest to the Commissioners to enlarge the Act.

11291. But you know so much about it, that I wanted to know your view. Have you considered that point?—

Yes, I have. Personally, I am afraid that if this provision was taken out, it would immediately be taken to be a permission to students at once to set about vivisection for the purpose of getting manual skill.

11292. By a licence?—

Yes, getting a licence for this very thing.

11293. Students?—

Yes. Certainly they would if this clause was eliminated; there is nothing to prevent their applying for a licence for that very purpose, to get manual skill.

11294. You do not suggest that taking these words out would give them permission?—

No, I say that they would apply for licences, and would get them from the Home Office. I believe that they get them now.

11295. There is one other matter only that I want to put to you. Several witnesses have been asked, but I do not think that you have, and I put the question to you, does your Society take any action at all, or any interest, in what has been termed a farmyard operation—namely, castration, and so forth, of animals?—

My Society does not. It is a Society simply for the purpose of combating vivisection.



11296. Has your Society, or have you as an individual, any views as to the thousands of operations in every county in England, which must, I think, every day cause more pain than all the operations in all the laboratories?—

No, my Society has no such view, of course. It is purely an Anti-Vivisection Society. If I were to use its funds for the purpose of advocating a crusade against any other suggested form of cruelty, I should be committing a breach of trust.

11297. Your Society, then, not only concerns itself with vivisection alone, but solely concerns itself with vivisection which is scientific?—

With vivisection under the Act.

11298. Of course, all these operations are vivisection in the crudest and cruellest form?—

If so, they come under the purview of the Royal Society for the Prevention of Cruelty to Animals. That is our view. That is the proper society to deal with any such cases.

11299. At any rate, your Society does not concern itself with that matter?—

It is outside our Society.

11300. I think you have been careful to abstain from going into any of what are called the ethical considerations?—

No, the whole of my evidence has been in that direction. I stated that I threw myself open to cross-examination.

11301. (*Chairman.*) I invited Mr. Coleridge at the beginning to express his views shortly on



that point, as we have had it fully before us, and he agreed to that. He stated shortly that he was opposed to vivisection on ethical grounds.

(*Witness.*) Yes, in my opening statement.

(*Mr. Ram.*) Perhaps I misread what the noble Chairman put to you ; but, at any rate, I will not go into it with you, your evidence having been of another sort.

(*After a short adjournment.*)

11302. (*Sir John McFadyean.*) I am afraid that after a remark that fell from you in answer to a previous question, you may rather resent the suggestion that you ever use any language that is ambiguous ; but it seemed to me that you did in your evidence make use of two or three words that are capable of more than one interpretation. One of them is the word "torture." I submit to you that the word "torture" is employed in two senses. In the first place, it is employed to denote very severe pain, and in the second place it is employed in describing operations and acts where the main object of the operation or act is to cause severe pain. I want to ask you in which of these senses you use the word "torture." For instance, to-day you said that in your opinion animals are tortured in laboratories attached to large hospitals. Do you mean simply that in vivisection operations conducted in these laboratories severe pain is occasioned to animals ?—

That is what I mean.



11303. That is all ?—

That is all.

11304. You did not mean at all to imply that it was the main purpose of the operation to inflict pain ?—

I was not thinking of the purpose. I am looking at it entirely from the point of view of the animal.

11305. I am asking you now because it is a very important distinction ; that is to say, whether you merely make the charge that severe pain is occasioned to animals ?—

That is all.

11306. You do not mean that it is a deliberate design on the part of the operator to cause severe pain ?—

No ; it is incidental to the investigation.

11307. Still, you admit that the word “ torture ” is used in both senses ?—

It may be used in many senses. That is not my intention at all.

11308. Then you make use of the word “ cruelty ” ?—

Yes.

11309. I do not know whether you admit that that is in any degree ambiguous ?—

I will define cruelty in the way I use the word.

11310. Will you tell the Commission what your definition is ?—

When I say “ cruelty,” I mean the infliction of



severe pain upon an animal, not for its own good. It is very difficult to define these words.

11311. It is not quite the definition that I expected?—

That is what I mean.

11312. I thought you would probably say that all unnecessary pain comes under the head of cruelty?—

No; that would imply that I judged what was necessary and what was not necessary for the purposes of experiment, of which I know nothing.

11313. But your definition does involve your judging the question, because you come to the conclusion that it is cruelty in all cases in which pain is inflicted, if it is not for the animal's good?—

Yes.

11314. I am quite content with that definition. You will, I suppose, admit that the Act now in operation, the Act 39 & 40 Victoria, was not meant to prohibit painful experiments on animals, but merely to place certain restrictions on such experiments?—

The Act as it left Parliament.

11315. That was the purpose of the Act?—

Yes, it permits pain.

11316. It legalises pain?—

It legalises pain; that is my objection to it.

11317. Your suggested amendment of this Act is intended to prevent the infliction of serious pain?—

That is so.



11318. Or even serious discomfort?—

Utter wretchedness.

11319. In connection with experiments on animals?—

Yes.

11320. You wish to make it illegal to cause serious discomfort to the animal, even although, in the opinion of persons well qualified to judge, the experiment might extend man's knowledge of preventing or curing disease or alleviating suffering?—

I am not prepared to accept or admit, not being an expert, the claims put forward by the vivisectors as to those benefits.

11321. That I did not put to you. I asked you to assume that?—

That there is benefit, do you mean?

11322. To assume that man's knowledge may be increased thereby?—

That is a different question.

11323. Knowledge is power?—

But the Act itself divides between the two, you remember; it says for benefit or for knowledge. There are two objects in the Act.

11324. Is it, or is it not, the purpose of your amendments to prevent the infliction of serious pain or even serious discomfort?—

Serious pain.

11325. You admit that?—

Yes.

11326. And you desire to have the infliction



of serious pain or serious discomfort made illegal, even although, in the opinion of persons well qualified to judge, by carrying out experiments involving such pain, man's power of preventing or curing disease or alleviating suffering might be extended?—

The evidence laid before the Commission has been almost unanimous in declaring that vivisection and experiments performed do not include pain.

11327. But I assure you that that has not been the invariable character of the evidence that we have had here, and I think it is within our own knowledge, as Commissioners, that some experiments involve pain at the outset. I have asked you to agree to the statement that the Act legalises pain?—

Yes.

11328-9. Therefore, there is no reason why those who are licensees should not admit that they do cause pain. But I put it in another way. You do not admit that the fact that useful knowledge might be extended by inflicting pain on animals, with regard to the cure and preventing of disease, is any justification whatever for causing pain to animals?—

No. I say that we have no right to inflict severe pain upon animals.

11330. I perfectly understand your position. My next point is this. You are, I suppose, quite well aware that no such restrictions as you propose



to impose upon experiments performed on animals for the purpose of extending human knowledge are placed on man's dealings with animals for other purposes, although these involve severe pain and suffering?—

I am not prepared to admit that.

11331. I shall have no trouble in getting you to admit it?—

Very well.

11332. Will you take it from me that it is perfectly legal, and a common operation, to take a male animal, tie it to a table, or otherwise secure it for the safety of the operator, and while it is in complete consciousness cut out its testicles? As a layman, do you feel able to express an opinion as to whether that is a painful operation or not?—

I have no doubt that it is painful.

11333. Have you any doubt as to its being an exceedingly common operation?—

I have no doubt it is quite common.

11334. I suppose you are also aware that it is not regarded as an illegal operation?—

I do not know that there has ever been a test case on that. I think it is cruelty to animals generally.

11335. Then I will put it to you in this way. Would you encourage the creation of a society, such as your own, having for its main object to bring about legislation to prevent the castration of male animals?—



I do not say that.

11336. But you admit that it is cruel?—

Yes.

11337. Would you, then, be in favour of an agitation which would compel the use of an anæsthetic pushed to complete anæsthesia on every farm animal that is castrated?—

Yes, if it was practicable, certainly.

11338. Then, take your own words, what is the meaning of “practicable”? Does it take into consideration the profit of farmers?—

I am not thinking of that for a moment. I am thinking of it purely from the point of view of the animal and cruelty.

11339. Quite irrespective of the fact whether you would render farming operations, so far as relates to the breeding of male sheep, for instance, entirely unprofitable?—

I do not accept that suggestion for a moment.

11340. It is not a suggestion; it is a question?—

You suggest that it would make it unprofitable.

I do not accept the suggestion.

11341. I ask you to assume that it would?—

I will assume it, for the sake of argument.

What next?

11342. You would still insist upon every male animal that had to be castrated being put under anæsthetics?

Certainly, but I do not accept the premise, you know.

11343. I did not ask you to accept the premise.



But what I asked you to assent to was that at the present time such restrictions as you seek to impose in your Bill are not imposed on men in other dealings with animals which involve great pain ?—

I may, in passing, say that so far as I know there is no Act of Parliament that makes it cruel, or would in any way support a prosecution for the circumcision of Jews, which is, I suppose, a painful operation, but it is done in very extreme youth, and it is quickly over, and it is done, I presume, for some purpose that the Jews support. It is somewhat similar to that, I think.

11344. Will you forgive me for suggesting that one might, at any rate, contend that it is done for the benefit of the individual Jew operated upon ?—

Yes. Whether it is so or not I am not prepared to say.

11345. You would not seriously put that forward with regard to castration of lambs and pigs ?—

The castration of lambs and pigs I presume is inflicted for their benefit ; they would not be permitted to live unless it was done to them.

11346. Do you suggest the same with regard to horses ?—

Yes.

11347. Are you not aware that in some countries a very large proportion of the working horses are uncastrated ?—



If that be so, and there is no reason against it, I am in favour of their not being castrated here. But I have always understood that they would be dangerous in the streets.

11348. I think it is unquestionable that they are more dangerous, but not to the point of being unworkable?—

Then we should have to do without them, I suppose.

11349. You would be in favour of a society which would agitate for the suppression of the castration of horses?—

I did not say that. I never said it.

11350. But I think you must say so in order to be perfectly logical?—

No, I say that it should be painlessly done.

11351. I will give you another example of man's dealings with animals in which severe pain is caused, and up to now, so far as I know, no restriction has been placed on these operations. Take, for instance, the trapping of rats and rabbits. I suppose you will admit that these are operations which cause pain which, without exaggeration, might be described as torture to the trapped animal?—

That depends upon the sort of trap, does it not?

11352. I am speaking of the common rabbit trap. I only know the humane trap by name. I am well aware that the common trap is an exceedingly painful trap, which very often breaks



the leg, and the animal may be in a state of torture for many hours ?—

I abominate that.

11353. It is not a case of your individual opinion ?—

I thought that was what you asked.

11354. I mention all that in order to lead up to this. It is not the individual feelings and actions of witnesses that have to be justified ?—

Are you asking me as representing my Society ?

11355. No. You want this Commission, I take it, to approve of your Bill ?—

I do.

11356. Nothing would please you more than that we should recommend Parliament to pass it ?—

I should be still better pleased if you abolished vivisection altogether. I am afraid you will not do that.

11357. I am looking forward to the possibility of your Bill being recommended in Parliament, and I have foreseen that in Parliament these facts that I have just been bringing under your notice might be raised. I thought perhaps that you would help the Commission to find some clearly defined simple principle on which they could recommend Parliament to thus discriminate between painful experiments for the extension of useful knowledge, and the infliction of pain which is incidental to operations which are inspired by some other motives. So far we have



not got that assistance from previous witnesses, except that some have said that no operation of a painful character on the lower animals is justified unless it is for the individual animal's good?—

I would answer you in this way. I am not in Parliament unfortunately, but if I were in Parliament I should meet arguments of that nature, that you ought not to pass this Bill until some other cruelty was disposed of or dealt with, that you would never do anything in this world if you tolerated evil in one place until you stopped evil in another. If you must not stop a man beating his wife in Stepney until you have stopped another man jumping on his wife in Upper Tooting you would never do any good at all. You must take things in detail. You cannot put down all cruelty at once. The object of my Society is to deal with one branch of cruelty which we think very severe and which might be stopped with advantage to the community. It is no answer to us to say that there are other cruelties in the world. Of course there are. And in due course of time I should hope to see some of them mitigated.

11358. Would I be wrong in interpreting that answer as a confession that you find it impossible to state such a principle?—

Not at all. The broad principle that I go upon is to put down all cruelty when I find it.

11359. I ask you if you could assist the Commission to find a principle on which they could



ask Parliament to discriminate between painful experiments intended to extend man's knowledge and the infliction of pain in painful operations which are inspired by some other motives? I ask you if you can give us a simple principle?—

No, I cannot put down a broad principle of that sort.

11360. Then I am afraid it is rather hopeless to ask Parliament to do so?—

Not at all. I do not think persons in Parliament will be influenced by the argument that you are not to stop one cruelty until all cruelties are stopped.

11361. Would I be misjudging your reply if I took it to mean that as soon as you had disposed of this particular form of cruelty you would approve of going on to prevent the castration of animals except under the influence of anæsthetics, and that you would put down field sports, which, as you, I think, must admit, involve a great deal of infliction of pain?—

Are you asking me now my own private views or the views of my Society?

11362. I will take both?—

The views of my Society have nothing whatever to do with those other things.

11363. But, if you will pardon me, in a sense you have a great deal to do with them. You come here to advise us to take a particular course of action, and I think you will admit that we ought to be able to give a reason for advising



Parliament to discriminate between pain which is inflicted in the course of operations intended to extend man's knowledge and pain inflicted in the course of operations inspired by any other motive whatever. Your Society ought, if it, I was going to say, presumes to advise us in the matter, to be able to help us in this case?—

Our position is this, you see. These other cruelties that you justify have no Act of Parliament legalising them ; they are open at the present moment so far to prosecution. It might not be successful, because public opinion may not have got up to the point at which such prosecution would be successful. But there is nothing on the Statute-book legalising these inflictions of pain that you are speaking of now.

11364. Would you be content to put what we call vivisection on the same footing exactly as these other operations?—

No, because vivisection, in my opinion, under the present law certainly can be far greater cruelty than any of the cruelties you mention, because in the case of castration it is an operation that is done in a very few seconds, I presume ; I do not suppose it takes a very long time, and some vivisections, at any rate, are very prolonged.

11365. I confess I am rather surprised that you should suggest that there are greater possibilities of cruelty in the one than in the other, because there are no legal restrictions whatever on the one?—



Yes.

11366. You really, I take it, would not assert that the people who perform these operations on farm animals are on the average more humane than the licensed vivisectors?—

In the very nature of things all the farmer wants to do is to get rid of the animal's testicles as quickly as he can. It must be a very short operation. With regard to the man in the laboratory, his object may entail a very long operation; the thing must take twenty to thirty minutes even to prepare the animal and the various vivisection arrangements and appliances.

11367. Are you taking into account that most of the seriously painful experiments at present performed for the extension of knowledge have to be done under anæsthetics?—

Not under the Act as it stands, necessarily. I say that the present law admits of any amount of torture. That is my objection to it.

11368. What I want to know is whether you contend that under the existing law a great deal of exceedingly severe pain is caused to animals?—

I say it can be.

11369. That was not my question?—

I dare say it is.

11369A. Do you say that it is?—

I am not there. I will neither admit nor deny what goes on in laboratories. I am not there. All I know of what goes on in laboratories is what vivisectors choose of their own will to



publish. That is all we know and can know of what goes on in laboratories.

11370. At any rate, you are not able to help the Commission by giving us any simple principle on which we could discriminate between painful experiments for the extension of useful knowledge and the infliction of pain which is incidental to operations which are inspired by some other motive ?—

I do not think any simple principle would discriminate.

11371. I quite agree with you. To pass to another point, the Act 39 and 40 Victoria legalises experiments for teaching purposes, and your amendment would make instruction in that way illegal ?—

Yes.

11372. In answer to a question put to you last week I think you grounded your objection to experiments for the purpose of teaching on their being unedifying and bad ?—

Yes.

11373. Assuming that such experiments are painlessly conducted before medical students, will you tell us in what respect you think they are bad and unedifying ?—

You see you always put upon me an assumption that I do not grant.

11374. What is the assumption ?—

That there is no pain being inflicted upon the animals.



11375. I will allow the operation to be safeguarded by your own restriction that there is to be an inspector there the whole time. Will you tell the Commission then in what respect the operation would be unedifying and bad?—

Because I think that vivisection of an animal not for its own good, merely for demonstrating some well-known principle of physiology, must be naturally approached by all the spectators in a perfectly different spirit from an operation upon a human being done for that human being's benefit. To me that is a perfectly self-evident proposition.

11376. But that should not be compared with operations on human beings. It ought to be compared with other legal painful operations on the lower animals. Is it less noble to use an animal in an absolutely painless fashion to demonstrate facts of physiology to a class than it is to kill an animal for food?—

I thought the comparison was—certainly it was in my evidence—between a vivisection experiment in a laboratory and an operation in the theatre of a hospital.

11377. I never mentioned anything about that?—

In my evidence that was the comparison put to me.

11378. You will forgive me if I am wrong, but so far as I could make out the only objection you have expressed to allowing painless vivisectional



experiments to be performed for teaching purposes was that they were unedifying?—

Yes.

11379. I invite you to explain in what respect they are unedifying?—

I am influenced very largely by the opinions of others upon the matter.

11380. By unedifying, do you mean that they are of no purpose, and are useless for the purpose of teaching?—

I did not mean that. I meant by unedifying——

11381. Demoralising?—

Yes, rather that. I did not use so strong a word. I used the word “unedifying” because I did not want to use such a strong word.

11382. I am sorry to repeat the question. Supposing the word to be used in its mildest legitimate sense, I want to know how it comes about that the operations are demoralising when the whole of the operations are painless and are known to be painless by the spectators?—

I shelter myself under the opinion of others. The Inspector from Ireland gave that as his mature opinion after many years being Inspector. I do not know whether he used the word “unedifying.”

11383. I can assure you that he did not say they were unedifying. He expressed doubts whether they were of any real value, and he expressed a doubt as to whether they were always under complete anæsthetics. But I am



going to have the experiment safeguarded by your Inspector. We were not able to put that to him.

11384. May I put it to you in this way. Do you see any reasons to modify your Bill by legalising operations for purposes of instruction when the Inspector is present and is assured that the animal is throughout the whole course of the proceedings completely anæsthetised. I may remind you that in answer to a question last time you said that you would place confidence in the opinion of the Inspector?—

Yes. I am quite prepared to admit that at present I have no reason to suppose that any torture has ever been inflicted on an animal in the presence of the Inspector. That is why I am ready to trust the Inspector to see that it does not take place in future.

11385. Since the main purpose of your Bill is to prevent cruelty to animals (I mean you are not engaged in any religious crusade), why, if you were assured that these operations might be conducted without pain, should you expressly make them illegal in your Bill?—

I may say that there is a very large feeling among the public whom I represent, that vivisection experiments—it may be only sentiment—are something peculiarly distasteful. For instance, there are many persons among them, and those whom I not the least respect, who would say that deliberately to place a dog under



perfectly complete anæsthesia to throw it from the top of a high tower to see what happened to it when it hit the pavement was a brutal thing and ought not to be done even under anæsthetics.

11386. Such a thing I may say would never be done for teaching purposes?—

You say that. I only say that there is a feeling among a large mass of people that they do not like an animal to be treated in that manner merely for the purpose of inquiry.

11387. But in this inquiry we are endeavouring to get at the moral or other justification for people's feelings one way and another; that is rather what I was inquiring after?—

I think it is a respectable feeling on the part of people who would protest against a dog being put under complete anæsthesia and thrown from the top of a tower to see how many bones were broken or in what condition its interior parts were.

11388. That would be an experiment?—

Yes.

11389. That would not be conducted at demonstrations?—

The students might be all invited to come and see the demonstration conducted. It is very unedifying to a spectator, in my opinion, although the animal is under complete anæsthesia.

11390. I perfectly agree with you; but might not that be safeguarded in wording your Bill.—

It would be very difficult,



11391. Would not the Home Office be apprised of the nature of the experiment that was to be done for teaching purposes?—

In my opinion many of the experiments detailed by Dr. Crile, even if they were under complete anæsthesia, are repulsive to every decent person who reads them.

11392. Were those done for teaching purposes?—

They might be.

11393. But they were not?—

They might be.

11394. That is not the point?—

Certainly they might be.

11395. They might be. But even supposing they had been absolutely painless, you are taking objection to Crile's experiment because you are not satisfied that the animal was completely unconscious?—

Yes, altogether. I assure you I represent—I am not speaking for myself now—a very large number of people who, if every single experiment in Crile's book were granted to be completely under anæsthesia, would still say that such experiments were brutalising—to pour boiling water, for instance, into a dog's inside to see what would happen. There are very many people who, rightly or wrongly, think it is not the way in which dogs ought to be treated by human beings. They are the friends of man, and it is not the way to treat them; and for anybody to



witness such a thing must be a brutalising spectacle and cannot be edifying. That is my answer to you about edification. And you yourself agree with me, because you say that you agree about the tower. You say it is a repulsive thing to do.

11396. For instruction purposes. My attention has been called to the fact that Sir Thornley Stoker did express the opinion (in answer to Question 761) that certain demonstrations would be of a demoralising character to young men and women who witnessed their performance, and that they seemed to him to be an offence against humanity. So that to that extent you are supported?—

I thought he said some such thing.

11396A. Some doubt has been expressed as to whether the infliction of pain on animals for what might be called trade purposes comes within the purview of the existing Act. Do you think it desirable that it should?—

That is really a question for lawyers. You mean whether it should be in my Bill. It would not be desirable, in my opinion.

11397. Yes, I understand that your intention was to leave such cases outside the Bill; but I wondered why you discriminate between operations that are identical in every respect except the motive?—

I have taken the present Act of Parliament and endeavoured to amend it. I have not drafted a new Bill altogether to deal with cruelty to



animals. I find the Act as it is, and I have not changed it in that respect.

11398. Will you forgive me for saying that though in a sense it is an amendment, in another sense it is an absolutely new Bill ; because you admit that the present Act legalises pain ?—

Yes.

11399. You want to make pain illegal ?—

Yes, I do.

11400. And in leaving out painful experiments incidental to trade purposes you are discriminating ?—

No, they are not experiments.

11401. That is only begging the question. I submit that you call the thing when it is done for the extension of knowledge an experiment, and when it is done for trade purposes not an experiment ; and if you like to put the question in that way, why do you discriminate between experiments which after all are identical experiments in every respect except motive ?—

The difference, I think, is fundamental. I am dealing in this Bill wholly with vivisection as practised in laboratories for the purpose of either learning, or instruction, or whatever it may be. These trade products, as they call them, whether they be cruel or not, differ in no way from any other ordinary cruelty to animals in the streets by mankind, and ought to be dealt with in that manner. They have ceased to be anything but trade products. If in the production of any



material there is cruelty involved, that is a matter for the Royal Society for the Prevention of Cruelty to Animals ; it has gone out of the purview of experiments. I am dealing solely with vivisection here. I am not going on a crusade against all experiments now ; it is not my opportunity, and I did not come for that. I am not even on the committee of the Royal Society for the Prevention of Cruelty to Animals.

11402. So that it is a mere matter of convenience ?—

Not at all. If I was on the committee of the Royal Society for the Prevention of Cruelty to Animals, I should try and galvanise them into greater activity against many cruelties.

11403. You mean that you would try to prevent painful operations for such a purpose as the manufacture of serum ?—

I should if I could possibly do so.

11404. Can you assist us with a definition of what is an experiment ? I noticed that you were inclined to classify the operations connected with the standardising of sera as outside the Act ?—

That is a question for the lawyers. It is outside the Act, I presume.

11405. Why ?—

I do not know ; I am not here as a lawyer.

11406. Do you think they ought to be outside the Act ?—

I do not know whether they are or not. I am not here to give a legal opinion.



11407. You have already given one ?—

I believe that some of the standardising experiments have been placed inside the Act. Sir Mackenzie Chalmers can tell you that.

11408. You are aware, I suppose, that a good many materials, such as milk, are tested by animal experiments as to the presence of bacteria and so on ?—

I was not aware of it ; I will take your word.

11409. Have you never heard that medical authorities have been endeavouring to control that ?—

Yes, I have heard of it.

11410. Do you think that that is covered by the Act, that it comes within the Act ?—

If it is not painful I have no objection to it.

11411. But supposing it is as painful as other things which you say would be done for trade production and are outside the Act, what is your opinion ?—

If it is a painful experiment I object to it ; of course, I am not here to give an expert legal opinion whether certain things come within the present Act or not—certainly in the presence of Sir Mackenzie Chalmers I would not venture to do so.

11412. I thought it was permissible to ascertain your intentions. It would fall to others, of course, to interpret your Bill if it became an Act ?—

Yes.

11413. Then in Clause 4 of your Bill, page 3,



Sub-section (1), you say that no licence is to be granted to perform more than one experiment, or one series of not more than six consecutive experiments; and in the next paragraph, that the licence is to specify the time and place at which the experiment or series of experiments is or are to be performed. Can you tell me what is the object of that? It is not, is it, to make experimentation difficult?—

Oh, no.

11414. What is the object?—

The idea I had in framing that was to prevent a man getting leave to experiment from the beginning of the year to the end on as many animals as he likes, without any reference to the Home Office again.

11415. Surely you might find the happy mean somewhere between a licence for each experiment and a licence extending over a year. I put it to you that there are medical officers of health, and, I believe, veterinary officers also, who daily have to deal with infective matters, or matters suspected of being infective and dangerous, and in their case it would be quite impossible to carry out experiments under an Act framed like your Bill?—

What you are describing sounds to me as if it was outside the Act altogether.

11416. No, you have just admitted a minute ago that the testing of milk, for instance, ought to be considered as inside the Act?—



I do not give an opinion of that kind. I said nothing of the sort. I should not say so before Sir Mackenzie Chalmers. I will not give an opinion upon it at all.

11417. But nobody has ever suggested the contrary. It is within the Act?—

I do not accept your statement that it is within the Act. I do not know what the case is. I want a specific case before I admit anything tangible.

11418. I will give you a simple case. Veterinary inspectors in the employ of the London County Council have to make periodical visits to cows within the metropolitan area, and when they come across a cow whose udder appears to them to present indications of its being tuberculous, but they are not absolutely sure, then they take a sample of the milk, which is taken to a bacteriological laboratory, and there and then injected into guineapigs; and that is done pretty frequently. There are many similar operations where the thing is coming in daily, and has to be dealt with at the time it arrives. I suggest that the provisions of your Bill would make that sort of work practically impossible. Was that your intention?—

I am not quite clear that it is legal, as it is under Section 3, Sub-section (1) of the Act. "The experiment must be performed with a view to the advancement by new discovery of physiological knowledge or of knowledge which will be



useful for saving or prolonging life or alleviating suffering."

11419. (*Sir Mackenzie Chalmers.*) Sub-section (4) is the material one. All these, I think, come under Sub-section (4)?—

Yes, but you never issue that certificate; you have not for years. That is just my complaint. I quite agree with you, that if these experiments are to be performed they ought to be under Certificate D, which has not been issued for years.

11420. (*Sir John McFadyean.*) After all, you are expressing legal opinion?—

I am on that point most distinctly. I have quite a clear opinion upon it. I accept Sir Mackenzie Chalmers' view.

11421. It was that that I had in my mind when I asked you to define an experiment. I put it to you that when a sample of milk, taken in the circumstances I have mentioned, comes before a bacteriologist, he wants to extend his knowledge with regard to it, and the only means of extending his knowledge is his experiment which he performs upon the guineapig?—

You are putting that upon me. I do not admit it.

11422. Will you admit that his object is to extend his knowledge?—

Yes, but not that that is the only way to extend his knowledge.

11423. That is not the material point, if you



will forgive me for saying so. It is the extension of knowledge by new discovery?—

Yes.

11424. Surely he must extend his knowledge by a new discovery with regard to this particular sample of milk?—

Well, I will accept that.

11425. Lastly, in answer to Question 10952, you said that all these experimenters have the greatest contempt for the Act of Parliament. You may read the rest of it if you like?—

No, I do not in the least wish to do so. Yes, I see that is my one little slip, I remember.

11426. Will you forgive me for saying that it seemed to me a very hasty generalisation? Would you desire to qualify it?—

Perhaps the whole answer was a slip ; part of it was, I remember.

11427. I did not want to go into that?—

It is rather sweeping, I admit.

11428. It is too sweeping?—

It is too sweeping, I admit.

11429. Will you go so far as to say that not more than a small minority have a contempt for the Act?—

No, I think a good many have a contempt for the Act. They have called it “an Act of which we are all ashamed,” as I have quoted once already.

11430. You ask the Commission to believe that the majority of licensees hold the Act in contempt?—



I think they do.

11431. Have you any evidence of that ?—

I read out one letter, at any rate, in which it was alluded to in public as “an Act of which we are all ashamed.”

11432. You do not possess any evidence probably in that direction that you have withheld from the Commission ?—

No, except that I have heard it in various ways myself.

11433. (*Chairman.*) You said just now that you knew all that you know, and all that you can know, from what is published, and that you cannot see these things yourself ?—

Yes, that is with regard to bringing prosecutions.

11434. But these experiments are attended by a great number of students, are they not ?—

Not the research experiments.

11435. But the other ones are ?—

Most of those under Certificate C, yes.

11436. (*Sir Mackenzie Chalmers.*) Under licence ?—

Yes, demonstrations under Certificate C.

11437. (*Chairman.*) And the research operations are witnessed by skilled men, I suppose ?—

You mean brother-vivisectors ?

11438. Yes ?—

Yes.

11439. Does it occur to you that if anything took place at demonstrations which was cruel and negligent—I do not say that you would hear of



every case, but amongst the students there would be some who would resent it ?—

No doubt.

11440. And who would make complaint ?—

No, I think very likely not. I should think that the general feeling in the profession would be much too strong for them. I do not think that a student would risk his future by making complaints against the demonstrator.

11441. You have heard no complaints, at all events ?—

Yes, I have, and indeed you have had them before you.

11442. From students ?—

Yes ; you have had Miss Lind-af-Hageby.

11443. But she was a student simply for the purpose of fitting herself to inquire—to follow this matter up, as she told us. I was speaking of ordinary students who are being educated for the profession ?—

I should like on this to show you the kind of evidence that is constantly brought before me. I have had letters from students myself—of course, I do not give their names away.

11444. Have you made complaints upon them to the Home Office ?—

No, I have never done anything at all with them naturally ; I cannot do anything. I should very much like to say on this question, that in this very last week I have received a letter signed by five or six undergraduates in an Oxford College,



directly opposite the laboratory at Oxford, in which they complain of hearing the most dreadful howls of agony from dogs in that laboratory. Here it is, I now bring it forward to show you the kind of evidence that is brought before me constantly.

11445. These were not persons present in the laboratory?—

No ; but they lived opposite, and heard screams of what they say are the vivisected animals.

11446. If dogs are kept there, they may have been the screams of animals under operation ; but really on this subject we have so many people who bring very strong feelings to bear that I should like something more if I am to be satisfied that these were under operations?—

I am only showing the sort of evidence that comes before me. I did the obvious thing that a gentleman ought to do. I wrote at once to the head of the laboratory, told him the information that I had received, and asked for his explanation ; and he gives the lie to the six gentlemen at once. All I can say is that in a Court of Justice the six witnesses would go against the one.

11447. (*Sir John McFadyean.*) They could only prove that the dogs howled?—

Yes, that they heard the howls. But the answer is that there are no dogs there at all ; there are only puppies.

11448. And you can always tell the difference between a howl of pain and any other howl?—



Yes, that is what these young men say—that they know dogs well enough.

11449. (*Mr. Tomkinson.*) May I ask, would it be a very awkward thing for a student to give evidence against the demonstrator?—

These young people are not medical students. They do not mind their names being given at all.

11450. I am speaking of students who have witnessed demonstrations, and have complained to you about them; would they not be marked men if they came forward?—

Very much so.

11451. Might it not interfere with their profession hereafter?—

I have not the slightest doubt of it.

11452. They would be looked upon as disloyal to their profession?—

Certainly. If the Commission like to have this letter, it is very interesting.

11453. (*Chairman.*) It does not touch upon our inquiry, apparently?—

It touches upon it in this way: the extreme difficulty from our point of view of instituting any proceedings or taking any possible means of protecting animals.

*(After some deliberation.)*

11454. (*Chairman.*) A member of the Commission would like to hear the letter?—

“Keble College, Oxford, June 12th, 1907.—



To the Honble. Stephen Coleridge,—Sir,—I (an undergraduate member of Keble College, Oxford), knowing how keenly you feel about the practice of vivisection, wish to draw your attention to the following facts with reference to this practice. My rooms are exactly opposite the University Museum. Every day, almost without exception, I hear the piercing yells of a dog in agony. There can be no doubt that it is a dog in agony and not simply one in confinement. I have ascertained as a fact that vivisection is carried on in the museum from an official to whom I spoke on the subject when I went over on Sunday last in the morning (June 9th) after hearing these same yells. Being a keeper of dogs myself, I am in a position to know the difference between a dog in agony and one in confinement, and that it is not the latter I am perfectly confident. It is always the same, and I am convinced that it is something more than merely the beating of some dog, because that would not happen every day, whereas students' scientific classes constantly take place. I wish something could be done to put a stop to these devilish practices condoned in the name of science. To one who is a lover of animals it is perfectly excruciating to have to listen to a dumb animal being put to the torture, as I hear it every day, by those scientists who, being apparently devoid of all feelings of humanity, don't care what pain they inflict to gain their object. I should be so glad if you can suggest anything to



be done. I should have thought at least they were bound to do these things in places where every sound could not be heard outside. Putting aside the fact of the inhuman cruelty which this practice necessitates, it is, to speak mildly, a public nuisance. Please use my name or letters as much as you wish.—I am, Sir, yours faithfully, HAROLD S. SHARPE.” And then: “We, the undersigned, desire to state that we have also heard these yells, and wish to corroborate all Mr. Sharpe has said.—ARTHUR H. M. PEAT, CYRIL A. BONSER, ALFRED C. C. HARNEY EVANS, GEOFFREY HEALD, BASIL W. TRUMAN.”

I at once addressed a letter “To the licensees for the performance of experiments upon living animals, The University Museum, Oxford,” dated June 14th: “Gentlemen,—I have received from a correspondent, whose credibility I have no reason to doubt, an account of cries of dogs or of a dog in agony that emanate from the buildings of the Museum at Oxford. A portion of the buildings in question being a place registered (under the Act 39 and 40 Vict., c. 77) for the performance of experiments upon living animals, and you, gentlemen, being under the same Act licensed to perform such experiments in that portion of the buildings, I beg leave to inquire whether these cries come from your laboratories, and, if so, whether you feel disposed to offer any explanation of these most distressing sounds.—Your obedient servant, STEPHEN COLERIDGE.”



Then I got this letter from Mr. Francis Gotch :  
 "Physiological Laboratory, Oxford, June 16th, 1907.—Sir,—In answer to your letter of the 14th inst., I beg to state that no vivisection experiments on dogs have been carried out in this laboratory during the present year. Four puppies were born and kept in the adjoining yard, and the shrill yelps of these animals when at play were presumably the sounds heard by your correspondent. This might have been ascertained by making appropriate inquiry.—Yours faithfully, FRANCIS GOTCH."

I sent this letter with my compliments to these young gentlemen, and this is the answer that they sent back to me : "Dear Sir,—I am sorry I have been away and only just returned and found your letter. Professor Gotch is a liar." These young gentlemen write like young men. "A man in Keble who is in for anatomy told Mr. Heald (one of those who signed my paper) that they did cut up rabbits, and that lately they had cut up a small dog, and this had been yelling for a week. It is perfectly absurd to say that the yells I hear are anything else than dogs, or possibly some other animal in agony. The idea of puppies is ridiculous. I have heard the puppies yelp very frequently, and I have also heard a dog scream, and I would swear to it anywhere. Mrs. Herford, writing to me to-day, says : 'It is distressing to pass the Museum for the yells one frequently hears.' Would two people be such fools as to mistake a painful yell for a puppy's



yelp? It shows that Mr. Gotch is a liar, because one dog has been cut up this term. The man who told my friend (Heald) this said they did cut up rabbits. That is sufficient. Mr. Gotch says I might have ascertained the truth by making appropriate inquiries. I asked an official, as you know, and he said vivisection was practised. I would maintain, in spite of Mr. Gotch's statements, that animals have been cut up this term. If a man is devil enough to be a vivisector he can easily reconcile his conscience to a lie or two, especially when Mr. Coleridge writes to him, for he knows matters might be made hot for him." (This is very youthful.) "I am unable to get more facts than these: (1) One dog for certain has been vivisected this term; (2) also rabbits; (3) the cries I hear are *not* puppies'.—Yours sincerely, HAROLD S. SHARPE." That is the sort of thing that is constantly coming before me, and that is the result that I get.

11455. It seems to me that the letter is about as reasonable as if Mr. Gotch were to answer it by saying: "No such thing has happened as you say, and as to your saying you heard it, all anti-vivisectors are liars, and I do not believe them." It does not carry it much further?—

I do not think that is quite it, my Lord. We cannot carry it further. Here are six young gentlemen who write to me with no motive whatever but the motive of humanity. I admit that the language is the language of boys.



11456. (*Dr. Gaskell.*) What is the date that Mr. Gotch gave when he asserted that no animals had been experimented upon?—

“No vivisection experiments on dogs have been carried out in this laboratory during the present year.” The date is June 16th, 1907.

11457. “This term” meant distinctly during the time that Mr. Gotch was there and must have known?—

It must have meant that. They give Mr. Gotch the lie.

11458. (*Chairman.*) It is possible that Mr. Gotch may be a witness here?—

The difficulty is that under the present Act there is no Inspector, and nobody knows what happens. You get these opinions outside and inside, and who can judge?

11459. (*Sir John McFadyean.*) After all, the only direct evidence produced in that correspondence is that the cries that they heard are interpreted as cries of pain?—

Yes; but these young fellows say that they know the difference between cries, and that they were the cries, at any rate, of dogs.

11460. (*Dr. Gaskell.*) Was there any definite date given when that small dog was cut up?—

“Because one dog has been cut up this term”—it is “this term.”

11461. (*Sir John McFadyean.*) That is not direct evidence?—

No.



11462. (*Mr. Tomkinson.*) Does he not say that he called at the door, and an official admitted it ?—

“ I asked an official, as you know, and he said vivisection was practised.” That is his statement.

11463. (*Dr. Gaskell.*) He does not even say whether that dog that was cut up was alive or dead ?—

He does not. The context rather indicates that it was alive.

11464. You do get them for dissection dead ?—

Yes ; but the suggestion in the context here is that the dog was alive.

11465. That is the suggestion, certainly ?—

Yes.

11466. (*Sir Mackenzie Chalmers.*) Did you send that second letter to Mr. Gotch, and did you get a further reply ?—

No, I left the matter there.

11467. There is a contradiction of fact ?—

Yes, a flat contradiction. It was no use carrying it any further.

11468. (*Dr. Gaskell.*) I do not quite understand your position with regard to Certificate B. I should like to have a little more explanation about it. I understand that you are desirous to abolish it in your Bill altogether, because you look upon it as entailing a greater amount of torture than anything else ?—

I think that more pain is inflicted under the present law under that certificate.

11469. Certificate B, of course you know, is for



the purpose of either cutting out some organ or cutting some nerves and keeping the animal alive afterwards ; that is the kind of operation ?—

Yes, doing some serious operation and allowing the animal to recover ; that may be one of the objects.

11470. That is the object ?—

No, not the object ; it is one of the objects of Certificate B.

11471. I understood you to assert, in answer to Question 10319, that Certificate B dispenses with anæsthetics immediately after the initial operation is over ?—

Yes, the new wording does do that ever since 1899.

11472. That is your main point about torture ?

Yes.

11473. Do I rightly understand that it is the initial operation that you think torture may be inflicted in especially ?—

No, you have mistaken me. My point is that under Certificate B, as now worded, anæsthesia must be applied during the initial operation of opening the animal and fixing the electrodes to different nerves, or whatever it may be. Then I say that under Certificate B the animal can be kept in that condition on the board, and allowed to recover its consciousness, and the animal can be kept there disembowelled, or whatever it may be, as long as the operator chooses, without any anæsthesia to allay its sufferings.



11474. That is your interpretation of the word "initial" ?—

That is what the certificate means.

11475. Pardon me ; I think not. That is your interpretation of the initial operation ?—

Yes.

11476. If such certificate were worded differently, you would have no objection to it. Supposing, instead of being worded as it is here, " Being during the whole of the initial operation of such experiment under the influence of some anæsthetic," and so on, it was worded, " During the whole of the operative procedures in connection with such experiment," would that meet your difficulty ?—

No ; because my objection is that, after the operative procedures are over, during the period merely of observation of the animal, it may be lying in dreadful pain without anæsthesia.

11477. That is still part of the operative procedure ?—

No ; looking at a board and watching the blood pressure is not an operative procedure.

11478. Stimulating the nerves is operative ?—

No, you need not touch the dog. To operate is to touch, certainly.

11479. Then we will have any form you like. There is no question whatever that that initial operation is included under Certificate B, and is intended to include the whole procedure while the animal is under anæsthesia ?—



You say that.

11480. That is so?—

I will not admit it for a moment. Why were the words “During the initial operation of such experiment” put in? It used to run “During the whole of the experiment.”

11481. The whole point of Certificate B is that the animal should have recovered from the initial operation; is not that so?—

The initial operation, yes, of such experiment.

11482. And the initial operation means the cutting of the nerves or the removal of the organ, or what not?—

Yes.

11483. And then after that till the animal is sewn up—the whole thing?—

Not necessarily at all. It may be for hours on the board in that condition before it is sewn up.

11484. How can it be so?—

There are such experiments.

11485. Would you mind showing me a single experiment of that sort under Certificate B?—

I say that such can be done.

11486. Will you show me one that has been done under Certificate B? I have never seen or heard of such a case?—

I say that the words of the certificate admit of it.

11487. Are you aware that in order to make the thing quite clear, in every Certificate B of late years (I know it in the case of Mr. Ritchie in 1902, and I know it in the case of Mr. Akers Douglas in



1904) there is always this inserted: "All operative procedures in connection with any experiments, except experiments under Certificate B, plus EE, to be carried out under an anæsthetic of sufficient power to prevent the animal from feeling pain"?—

I quite admit that during the operative procedure—that is, using the knife.

11488. No?—

I think it is obvious.

11489. Surely everything up to the stitching up is an operative procedure?—

No, my contention is—I may be right or wrong——

11490. I think you are absolutely wrong?—

That is on the knees of the gods.

11491. No, it is a fact?—

Here are the words of the certificate—this is the old certificate I am going to read you: "Such animals being during the whole of such experiment under the influence of some anæsthesia of sufficient power to prevent their feeling pain"; then the animal is allowed to recover under that.

11492. During the whole of what?—

During the whole of such experiment; that was the wording of the certificate before October, 1899.

11493. Does that not confuse the term "experiment"? The experiment is not simply the operative experiment to begin with; it is the whole thing?—

My point is that in 1899 the words were put in, "During the whole of the initial operation of such



experiment." My contention—I may be right or wrong—is that the whole experiment may consist of first opening the animal and fixing electrodes to its cut nerves, or putting tubes down its arteries, and then it may be left on the board in that condition, fixed tight, so that it cannot move, and in that condition it may be allowed under this certificate to recover consciousness, and lie there bound at the will of the operator. I say that is part of the experiment, and it is not an operative procedure.

11494. But it is not Certificate B at all?—

Yes, it is.

11494A. Certificate B is always for the purpose of keeping the animal alive afterwards; and for that purpose you would certainly not begin by putting tubes in a cut-up animal in that sort of way?—

I asked the very question of the Home Office, and I got a reply which confirmed my view of it.

11495. I should like to hear that reply?—

I read it last time. Here it is. I asked, "Whether conditions are invariably added to this certificate" (that is Certificate B), "enforcing the employment of anæsthetics ensuring insensibility to pain from the commencement of the first operation until the conclusion of all manipulations of the animal, and until the last wound is closed aseptically." That is a very plain question, which obviously is directed to the very point on which you and I are at issue.



11496. Quite so. What is the answer?—

The answer is: “Whenever the experiments would involve a series of cutting operations (which is very infrequent), conditions are added to the licence enforcing the employment of anæsthetics ensuring insensibility to pain during all operative proceedings.” I maintain that that question and answer leave my contention untouched; that the animal may be opened and operated upon, and then left upon the board as long as no fresh cutting operation is performed (they absolutely say “cutting” here) without anæsthetics, under the conditions of that certificate.

11497. I should have thought that any commonsense person would understand that “all operative procedures” meant the operations right up to the time that the last stitch was put in?—

That is the question that I asked.

11498. That answer implies it?—

The question is: “From the commencement of the first operation until the conclusion of all manipulations of the animal and until the last wound is closed aseptically.” I asked whether the anæsthesia really covered the whole of that period—the initial operation, the period of observation, and the final sewing up—and I did not get a reply which supports your view.

11499. Have you ever asked any one who has operated under Certificate B?—

I asked the Home Office the plain question what



the certificate means. I give them the opportunity of giving me an answer, and they give me an answer which satisfies me that your contention is wrong.

11500. But that answer is distinctly in accordance with my contention?—

I think not.

11501. Most emphatically?—

I do not agree with you; “during all operative procedures”—that is all.

11502. The operative procedure I should have thought, certainly, so far as my knowledge goes, as recognised by all persons in laboratories, does include the whole of that initial thing?—

The animal may be opened, as I have said, and be prepared. What is there in the wording of this answer to prevent that animal being allowed to recover, and lie on the board for hours before they begin to sew it up?

11503. The words “operative procedure”?—

There is no operative procedure. The animal is lying there, and nothing is done to it; it is not being touched; it is only being looked at. To look at an animal is not an operative procedure. I say the animal might be only looked at for an hour or two, or three hours, in that condition without any anæsthesia, under that certificate.

11504. You cannot give me an instance, I presume?—

I am not a vivisector; I do not go into laboratories. I am only on the law.



11505. Have you examined the various Certificates B, which have been issued, to see the nature of the experiments?—

They are not sent round to my office to be examined.

11506. Can you not get them?—

No, I cannot. I have asked for them, and have met with a flat refusal. I have been given a courteous reply, but they will not submit them to me.

11507. You know that it is stated on the certificate that the man must describe the nature of the operation and his object in performing the experiment?—

I daresay.

11508. Then it goes on to say, “All operations in connection with the experiment to be carried out under anæsthesia of sufficient power to prevent the animal feeling pain.” My contention is undoubtedly that that does include the whole thing. You say that in your opinion it might be used, but you can give me no evidence that it has even been used in the way you indicate?—

I did not come here to give evidence of what I have seen in laboratories. I have never been in one.

11509. You suggest that?—

I say so.

11510. To my mind it is a most extraordinary suggestion. I never heard of such a suggestion before?—



I daresay not.

11511. It is impossible for me to conceive how it can come into your head?—

Here is the law.

11512. No, the operative procedure takes in the whole of it. Then, apart from that, I presume that that is your main objection to Certificate B?—

That is a very considerable one.

11513. Then that part of the objection would go if it was shown to your satisfaction that such an occurrence as you indicate has never taken place?—

You could not possibly inform me that such an occurrence has not taken place. You are not in the laboratories any more than I am. It may be your opinion that such things do not take place, and it may be my opinion that they do; neither of us has a right to say that it has or has not occurred.

11514. Do you not understand that the very kind of experiment that you are putting down is an experiment that would be conducted under licence alone?—

No, I do not say that for a moment.

11515. You do not understand it?—

Yes, I do perfectly. I understand it too well.

11516. Then, I presume that you also consider that under Certificate B there is pain or considerable liability to pain afterwards?—



What do you mean by "afterwards" ?

11517. I mean to say after the whole thing ?—

What is your interpretation of "the whole thing" ?

11518. After the operative procedure is finished with, and after the animal is kept in the laboratory ?—

When it is sewn up ?

11519. Yes ?—

My answer to that is that I should think there may or may not be pain. In some cases there might not be pain, and in some cases there might be. I suffered considerably after I had an operation upon myself, I know.

11520. Are you aware that it is the custom now to add to that Certificate B these words : "The animals experimented upon under Certificate B, plus EE, must be treated with strict antiseptic precautions, and if these fail, and pain results, the animal must be killed under anæsthetics ?"—

I hear you say so.

11521. That is usually put on the certificate ?—

I accept your statement. I do not see these certificates. Sir Mackenzie Chalmers ought to answer that question, not I.

11522. Is it not the fact that in consequence of asepsis, as used in hospitals, a very large number at all events of the operations are followed by painless results ?—

The suggestion was made, I think, by Mr.



Starling that the surgical wards of hospitals are a kind of merry place for everybody, laughing and joking. I have asked several people, and I have not had that extreme view of the happiness of surgical wards confirmed. I do not deny what you say. I daresay that under asepsis very many operations may heal without very much pain. I imagine that others will be painful.

11523. In answer to Question 10839, you said that by pain you meant real severe suffering?—

Yes.

11524. Not small discomfort?—

No, serious pain was the term I used, which I have agreed to add to the Clause in my Bill.

11525. And you also said, in answer to Question 10834, that you were willing to accept the Inspector's verdict as to whether an animal is in pain or not?—

Yes.

11526. Of course you know that one of the main duties of the Inspector when he comes to a laboratory is to examine all the animals which have been subjected to an operation under Certificate B?—

I do not know what the instructions given to him are. The only definite instruction that I recollect having been given here in evidence is that he is not to consider himself a detective. I do not know of any other definite instruction which has been given to him, so far as I can gather from the evidence.



11527. We have had it from the Inspectors themselves that they invariably examine these animals?—

If they say so, I have no reason to doubt it.

11528. Consequently they do see all the cases of animals which have been operated upon under Certificate B?—

No, I am not prepared to admit that, for very good reasons. I have brought information before the Home Office that an Inspector had been to a registered place, and had not seen a very considerable number of horses which were in great suffering in another part of the building; and he was not taken to see them. I have that evidence with me, for what it is worth. I submitted it to the Home Office at an interview. Therefore I am not prepared to admit that the Inspector always sees every animal in the building.

11529. The Inspectors told us that they do go, at all events, to all the places in the building where they can find animals?—

They might have found these horses, but they did not. They go where they are taken by the vivisectors.

11530. At any rate we have had evidence from Professor Thane and Sir James Russell, that again and again—in fact, in all cases when they have examined these animals—they have found that they were not suffering pain?—

But that evidence of mine is before the Commission.



11531. So that I do not see why you are willing to retain Certificate A, and are determined by your Bill to abolish Certificate B. Is there not much less suffering, from the evidence of these Inspectors, under Certificate B, than there is under Certificate A?—

If that is the evidence of the Inspectors, I am not prepared to combat it; but what I have pointed out, and what I think I have made perfectly clear, is, that my objection to Certificate B mainly is as to the conditions that are inflicted upon animals when there is no Inspector there.

11532. After the initial operation?—

Yes, that is my point; that is my chief objection to Certificate B.

11533. We may have more evidence upon the question, no doubt, but so far at present as the evidence goes I have no reason to suppose that such an operation as you suggest has ever been made under Certificate B. I wish you could produce some evidence that it has been, because it is new to me entirely?—

You must remember, when you put up the evidence of the Inspectors against anything that I have said, that I have already asserted my opinion, and I think I have supported it by a large amount of evidence, that the Inspectors are not unbiassed.

11534. Still, you have asserted definitely here that you are willing to accept the Inspectors' verdict?—



The verdict of future Inspectors. I would certainly not have accepted the opinion of Dr. Poore on the question of the humanity of vivisectors.

11535. I thought you said just now that the future Inspectors were still to be appointed by the Home Secretary?—

Yes, but there is that consideration about their humanity under my Bill.

11536. (*Chairman.*) No; it is the humanity of the operators that you get a certificate for, not the humanity of the Inspectors?—

I think I have provided for the Inspectors too. It is in the proviso to Clause 7: "Provided always that in the appointment or assignment of such Inspectors by the Secretary of State, special regard shall be paid to the applicant's reputation for humanity."

11537. That is not a certificate, but "special regard"?—

Yes.

11538. (*Dr. Gaskell.*) Would you consider that Certificate B might be retained if it applied only to animals which were operated upon under strict aseptic conditions? Do you consider that aseptic conditions before operation make a great difference with respect to the after-question of pain to the animal?—

That is a matter for experts. If the experts say so I am ready to accept, certainly, that asepsis does make a difference.



11539. What I am thinking of is this : I can understand your objection to experiments like those of Dr. Cecil Shaw, where septic material was put into the eye—that is, undoubtedly, I should think, a painful experiment ; but in the case of a large majority of these experiments under Certificate B the Home Office directly insist on their being done aseptically for the purpose of preventing pain. Would you not allow Certificate B to exist if you were sure that that was always done ?—

My objection to Certificate B is that in its present form it permits something very much worse than that. You see what I am after.

11540. May I ask you, will you describe Certificate B in such terms as to avoid that initial operative difficulty of yours ?—

It is not in my province to be a draftsman ; I have not done it ; but I think it might be drafted in such a way as to preclude that possibility. I think it might be done with a little care.

11541. And if it was so drafted, would your contention still be that Certificate B ought to be abolished ? If it was drafted so that the operative procedure, as I understand it, was really put in plain English so that you could understand it, would you still object to Certificate B ?—

That is the same question that Mr. Ram put to me, I think.

11542. I want to make it quite clear, because I want to understand why you make such a dead



set against Certificate B, when, so far as I can judge from what we have been told in evidence already, there is very little pain involved under it.

(*Sir John McFadyean.*) Mr. Coleridge has already said that he would put the animals under the same conditions as they are under Certificate A, because then he would be assured that they were anæsthetised throughout the whole of the operative procedure.

11543. (*Dr. Gaskell.*) What I put to you is this: What the vivisectors generally consider—you would say that you do not accept it—is that Certificate B implies exactly the same thing as occurs in every operation in a hospital?—

I cannot agree to that.

11544. It is just like a surgical operation under anæsthesia, the animal recovering just as the patient does in a hospital?—

I cannot admit that.

11545. (*Chairman.*) I think we all know what Mr. Coleridge's view is upon that point. (*To the Witness.*) As I understand, it is that you say that after that animal has been allowed to come out of the anæsthesia there is an interval, sometimes long, sometimes short, in which it suffers great pain?—

That is my objection to Certificate B.

11546. (*Sir Mackenzie Chalmers.*) Whether that happens or not the certificate allows it, that is your point?—



Yes, that is my point.

11547. (*Chairman.*) How far Certificate B does cover that is a question that we can settle for ourselves. It is either a question of the construction of a document or it is a question of fact as to whether the animals suffer pain?—

Yes.

11548. (*Dr. Gaskell.*) In speaking about slight anæsthesia you stated in answer to Question 10387, "You cannot be slightly without feeling. You either feel pain or you do not" ?—

I have taken the word in its proper sense.

11549. Do you mean to say that you cannot be conscious and yet not feel pain?—

"ἀναισθητος" means "unconsciousness."

11550. But can you be conscious without feeling pain?—

I never have been myself.

11551. Is it not the case often in battle?—

I am not a soldier.

11552. When worked up to a state of excitement, is it not the case that people do not feel the pain of wounds when they are cut?—

I believe it is a well-known fact that when you are shot you do not feel the pain at once because of the shock to the nerves all round.

11553. Is it not the case in hypnotism that you can still be conscious and not feel pain?—

I have not been hypnotised. I do not know about that.

11554. Do you also know that in lunatic



asylums patients burn themselves and the sun burns them, but they do not feel pain?—

I really do not know what lunatics feel; I have no experience of lunacy, I am glad to say.

11555. But you have told us distinctly that slight anæsthesia means that the animal feels pain?—

I do not know that they have lunatic animals in laboratories. The parallel of lunacy does not seem to me to come in.

11556. I mean to say that in all these cases it is possible for consciousness to exist and yet pain to go?—

That is your assertion. If you ask me to affirm it or to agree to it, I do not.

11557. You know, of course, I presume, that the corneal reflex is only one of many reflexes?—

I am not a physiologist. I decline to discuss physiology with you or anybody.

11558. But you distinctly assert that unless the corneal reflex is abolished the animal feels pain?—

I took that from the correspondence before me.

11559. No; all the correspondence before you said was that if the corneal reflex is abolished the animal is under deep anæsthesia.

11560. (*Chairman.*) I think everybody agrees that the corneal reflex is one of the last to disappear?—

Yes, I agree to that.

11561. (*Dr. Gaskell.*) Will you not agree, then,



that pain may disappear before the corneal reflex is abolished?—

That is another thing.

11562. Just a question about Dixon and Brodie's case of light anæsthesia. I understood you to say, in answer to Question 10375, that the animal was under torture?—

I say that I regard that experiment with profound distrust. I should like to have had the Inspector there.

11563. Do you not know that at these experiments a registering apparatus was being used?—

I do not know in the least. I was not there.

11564. But do you not understand that if an animal is in pain it would show signs of that pain?—

Not if it had curare. I do not know whether it had in this case.

11565. It was not a question of curare?—

I do not know.

11566. And if the animal was in real pain do you think that the curves could have been registered by the apparatus in the way that they were?—

There is a mention of curare (on page 144 of the *Journal of Physiology*, Volume XXIX.): "In no instance have we obtained any effect by exciting the central end of the sciatic in a curarised animal" (I did not see that before), "but the experiments are not numerous." So that he did use curare.



11567. Not with the slight anæsthesia?—

You do not know that.

11568. That is not the point. You were talking of slight anæsthesia?—

Yes, and you asked me if the animal would not show signs of pain. I say, not if it was curarised.

11569. I want to know whether you do not consider when a delicate registering apparatus is going on in the animal, which moves perfectly smoothly and gets real good curves, even although the operator says the animal is under slight anæsthesia, that does not show that the animal was not feeling pain?—

Not necessarily. I have an answer to that, of Sir Victor Horsley, in the case against me on that very point that an animal can be held tight when it does not move. “(*Mr. Rufus Isaacs.*) Would it be possible to perform the experiment or the demonstration which we know took place, if the dog had been conscious?” (*Sir Victor Horsley.*) “No, absolutely impossible unless the dog had been fixed up with all manner of apparatus, to absolutely fix every bone. You can fix an animal with apparatus of *that* sort” (*pointing to the operating-board*). That is the answer to that—“you can so fix an animal on that board”—and he pointed to it—they had it in Court.

11570. (*Mr. Tomkinson.*) Would your Society if it could obtain all that it wished, go for total abolition of vivisection?—



We should willingly and delightedly accept total abolition if we thought that it was within the range of practical politics ; but we do not think that it is within the range of practical politics in the present state of public feeling ; therefore rather than leave animals to their present fate we wish to get what we can for them.

11571. You are aware that some other societies look coldly on that attitude ?—

All the other societies, I believe, are against my own Society for taking that view.

11572. Your main point, I think, is that the present inspection is extremely imperfect—that it is practically non-existent ? —

Yes, from the animal's point of view.

11573. And that when there are cases of supposed or stated cruelty or evasions of the Act, which are brought to the notice of your Society, or complaints are made from any other quarter, the whole of the evidence of refutation has to come from the parties who would be incriminated ?—

That is so ; either incriminated as first principals or as aiding and abetting—witnessing without protest.

11574. And you think that permission of some of the public, at all events to pay surprise visits, would be very desirable ?—

Yes, certainly, if it could be obtained.

11575. The use of curare you wish to prohibit altogether ?—

Absolutely.



11576. And morphia you do not accept as a perfect anæsthetic by itself?—

No.

11577. (*Sir Mackenzie Chalmers.*) Or urethane?—

No, nothing but a respirable gas. Those things take some time, at any rate, to act. If you give a poisonous dose of morphia to an animal, it cannot be said to be anæsthetised, I presume, for a considerable time.

11578. (*Mr. Gaskell.*) Do you say that morphia does not take away pain?—

I did not say so. I am ready to accept expert evidence that a poisonous dose of morphia is a complete anæsthetic near the period of death.

11579. That is on the question of consciousness. I am simply on the question of pain. Is not morphia the one drug that is used for removing pain?—

I never heard of anybody having a leg cut off under morphia alone; therefore I do not accept it as a general anæsthetic. If it were so, the triumph with which the discovery of anæsthesia was hailed would not have been justified, if morphia was a complete anæsthetic; because it was discovered many years before the discovery of chloroform.

11580. I should have thought it would be admitted, according to the evidence that we have had, that large doses of morphia undoubtedly remove pain entirely?—



I do not accept that.

11581. (*Mr. Tomkinson.*) A great many questions have been asked, both of you and other witnesses, with regard to other forms of cruelty to animals which we know do exist, and I think that your position is perfectly consistent as a non-sportsman. We must all agree that there are such cases of cruelty, especially in the trapping of animals, which to my mind is the most cruel of all, and also in regard even to the slaughter of animals for food. Animals which are troublesome or violent or very noisy, such as oxen or pigs, are supposed to be stunned before being killed, for instance?—

No doubt there are cruelties in slaughter-houses which ought to be put down.

11582. But in the case of what are called farm-yard operations, castration and the like, with regard to what Sir John McFadyean put to you, do you know of any case in which an animal is strapped to a board?

No, I do not.

11583. So far as my experience goes, that operation is only performed as an absolute necessity to enable animals to live?—

That is my impression.

11584. Neither bulls nor horses could be allowed to continue entire, on account of the danger that it would be?—

That is my belief.

11585. And with regard to pigs, are you aware



that the operation is an instantaneous one, and apparently in small animals, such as lambs, so little painful that its after-effects are not noticed at all by the animals?—

So I should imagine. I have not seen them.

11586. Therefore it is not a question only of convenience, but a question of even allowing these animals to have their lives, certainly in the case of horses and bulls?—

They would otherwise have to be destroyed, I suppose.

11587. Undue importance has been attached to that, in my opinion. Did you read a statement in an antivivisection pamphlet about the supposed baking of rabbits?—

It did not issue from my Society.

11588. Have you read Sir Lauder Brunton's explanation of that before this Commission?—

Yes, about its not being hotter than a Turkish bath.

11589. Was that explanation satisfactory to your Society?—

I have not gone into that.

11590. You know the statement was that so far from there being any cruelty or any baking or any excessive temperature, it was merely a warm bottle and cotton wool in order to prevent the temperature of the patient falling below a certain point?—

I am not prepared to give an opinion upon that one way or the other. I have not studied it.



11591. (*Sir Mackenzie Chalmers.*) I think you said that your Society were not responsible for that pamphlet?—

I do not think so. I do not think it is any publication of my Society.

11592. (*Mr. Tomkinson.*) Do you know anything of the offender against the law—I think you said his name was refused—who was deprived of his licence?—

No, I do not know who he was to-day.

11593. But you said that he was reinstated afterwards?—

Yes.

11594. Then as to starving animals, we have been told on a previous day that starvation does not entail pain. It is a rather novel idea, I think, when we remember all the stories we have heard of the experiences of people who have been starved after shipwreck and on other occasions?—

Ugolino, for instance.

11595. (*Dr. Wilson.*) And starvation is awarded as a punishment.

I never thought of that. It is awarded as a punishment in prisons—or it was certainly at one time.

11596. (*Mr. Tomkinson.*) It is rather a startling statement to an ordinary person?—

Yes.

11597. (*Dr. Wilson.*) Although you do not pretend to give an expert opinion, I take it for granted that your Society has from the outset amassed a large amount of literature



on this subject of experimentation on living animals?—

Yes.

11598. And your Society also publishes a journal called *The Zoophilist*?—

Yes.

11599. So that with regard to the usefulness of these experiments and their justifiableness, the editor of that journal is constantly scrutinising all the literature and reports which come to you?—

Yes.

11600. May I ask whether the editor is coming to give evidence?—

With a view to shortening the proceedings, I think I have represented pretty well all that my Society has to say. If the Commission desire to see him I have consulted with Dr. Berdoe, and he says he does not want to come unless you want him. I have also consulted my committee, and they say that if you would like to have him they will put him forward, but that he would more or less cover the same ground that I have done.

11601. (*Sir Mackenzie Chalmers.*) Is Dr. Hadwen connected with your Society?—

No, we have nothing to do with him at all.

11602. You do not wish to answer for him?—

Oh, dear, no.

11603. (*Dr. Wilson.*) You have already been asked many questions concerning the various



clauses in your Bill which you have drafted and which has been approved by your Society. I suppose you will admit that the element of pain so long as these experiments are allowed can never be eliminated?—

I suppose not in inoculation experiments altogether.

11604. Nor in experiments under Certificate B?—

Not with Certificate B altogether, certainly.

11605. It has been admitted before this Commission that in a good many of those inoculation experiments pain, of course, cannot be avoided?—

That is so.

11606. And also in a few experiments under Certificate B pain cannot be avoided?—

No.

11607. The question of credibility has been so often raised. Supposing you were assured, as several witnesses have assured this Commission, that no matter how prolonged and severe these experiments may be that are carried out, and no matter under what anæsthetic or narcotic they are carried out, they are absolutely without pain, would you accept that statement?—

Certainly not.

11608. Would you accept it as a statement of opinion, then?—

Yes.

11609. But you would doubt it as a statement of fact?—



Yes, I do not think I could accept it. It is not the opinion, probably of the animal.

11610. Supposing that experiments are still permitted to be carried on before classes, and that all experiments were required to be carried out under anæsthesia, would it give greater satisfaction to your Society if every experimenter were required, in forwarding his reports of experiments, to fill up a form of certificate in respect to them to the effect that to the best of his endeavour and belief the experiments had been carried out painlessly?—

Oh, no.

11611. That would afford you no satisfaction?—

Certainly not.

11612. Still, after all, no matter what amount of inspection you may have, you must put some reliance surely upon the *bona fides* of the experimenter?—

Of the Inspector, certainly.

11613. No, of the experimenter?—

I quite admit, as I have already said, I am perfectly ready to admit, that there may be many licensed vivisectors as humane as myself. The object of the Act of Parliament is to enforce that humanity upon others who are not so humane; and that is the object of my Bill, to enforce that humanity upon those who have not got it.

11614. You think there is always a great risk of their becoming so keen in research that they may become callous towards the infliction of pain?—



Yes, certainly.

11615. You have raised a strong objection to the Association for the Advancement of Medicine by Research having been selected by the Home Office as their advisers ?—

Yes.

11616. Whether that society has turned out to be biassed in favour of vivisection or not, can you not conceive that the Home Office or the Secretary of State at the time was influenced entirely by a desire to have the Act carried out more strictly and with the greatest possible care ?—

The evidence of Mr. Byrne, I think it was, is that the Home Office had no knowledge of the constitution of this society. It did not know who its president was, and, so far as I could make out, he knew very little about it.

11617. But when it was originally started I think it embraced many eminent men, such as Lord Lister and the late Sir William Jenner, whose names have been mentioned in connection with it. However, that is immaterial. Would you be satisfied if instead of that society, a statutory body such as the General Medical Council were made responsible ?—

I have already answered that question, by saying that I should not object to a body which had no licensed vivisectors upon it. I think that they should not report upon themselves.

11618. The General Medical Council consists,



of course, of some of the most eminent men and teachers in the profession, and that body is entrusted with the registration of all qualified medical men, with the standard of education of medical students, and also with the power of removing from the register any medical man who misconducts himself in any way. Would you be satisfied with a body such as that?—

If there were no licensed vivisectors upon it, yes.

11619. That body is responsible for the education of the medical profession, so that the onus then would be thrown upon the profession instead of upon the Home Office for granting licences?—

My desire is to separate licensed vivisectors from the medical profession. I do not include them in any way in my mind with the medical profession. In my mind the medical profession, as a rule, are not vivisectors.

11620. But, after all, is not the consensus of leading medical opinion of the day in favour of experimentation on animals?—

I expect it is—the expressed opinion. What the unexpressed opinion may be, I do not know.

11621. Then it is a question between the public really and the profession, is it not?—

No, I do not say that for a moment. I said the expressed opinion of the profession. There are numbers of medical men who agree with me who do not like to say so out of *esprit de corps*.

11622. I need not press that point?—



But my Bill does not abolish vivisection.

11623. No, you only wish to protect animals as much as possible?—

Yes.

11624. (*Chairman.*) Is there anything further you wish to say?—

There is one point I should like to mention. I want to read a letter from the Duke of Portland, who is chairman of the Dogs' Home at Battersea, with regard to a suggestion which was put to Mr. Starling by, I think, Sir Mackenzie Chalmers, about using the Dogs' Home as a sort of source of supply of dogs for vivisection.

11625. (*Sir Mackenzie Chalmers.*) It was suggested by one of the witnesses?—

Yes, I think it was Professor Starling. You asked the question, and he thought it would be a good thing. I accordingly wrote to the Duke of Portland, as Chairman of the Home, to know whether he would approve of such a use being made of his Dogs' Home.

11626. He objects on behalf of the Home, of course?—

Yes. He says: "Dear Mr. Stephen Coleridge,—Many thanks for your letter. I think Mr. Starling's suggestion is not only horrible but absurd, and it is one which, both as President of the Lost Dogs' Home and as a private individual, I should feel bound to resist as strongly as I possibly could. I say the suggestion is absurd because I am convinced it would never be accepted by



the majority of the subscribers to the Home, and I have no doubt if persisted in it would mean the closing of the institution and the loss to the public of much useful work at present undertaken and carried out by voluntary subscription. I am sending your letter and my reply to the Secretary of the Lost Dogs' Home, and, personally, I shall be glad to know that you have opposed Mr. Starling's suggestion, and I am, yours sincerely, (Signed) PORTLAND."

11627. (*Chairman.*) Is that all you wish to say?—

Before I go, my Lord, I should like to say this one word in parting. I have to thank the Commissioners very cordially for their kindness in listening to me so long, and I wish just to say this one thing. As regards the courtesy with which Sir Mackenzie Chalmers has treated me, I shall always feel very grateful, and personally nothing but pleasure, in having been able to bring accusations against the Home Office face to face with the Chief of the Department. But having said that, I wish to emphasise, if I may, that I cannot help feeling rather forcibly that after I have left this room Sir Mackenzie Chalmers remains in the position of judge upon the indictment which I have felt it my duty to bring forward; and I therefore feel that the situation is a peculiar one—it is not one of my making at all; but I do think it ought to be remembered as a fact that after I have withdrawn Sir Mackenzie



Chalmers remains as the judge upon the very points which I have brought as an accusation against the Home Office of which he is the head.

11628. Whom he has to advise?—

Well, to advise. But I feel sure that in the circumstances, having had the great pleasure of being cross-examined by Sir Mackenzie, he will meet that difficulty in a spirit to which nobody could have, and certainly I have, no objection.

11629. I think I should say that yours is not an extraordinary position. Upon every Commission relating to an Act of Parliament there is some member representing the administering department. It is quite usual. It is only that this happens to be a case in which feelings are moved more than they are, perhaps, in regard to motor-cars or London traffic?—

It puts me somewhat at a disadvantage.



# INDEX OF THE EVIDENCE OF THE HON. STEPHEN COLERIDGE BEFORE THE ROYAL COMMISSION ON VIVISECTION

*June 19th and 26th and July 3rd, 1907*

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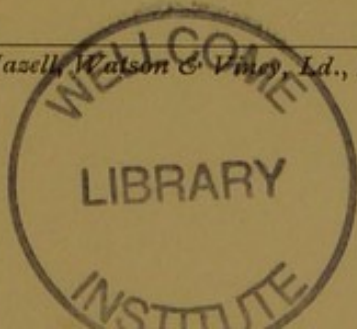
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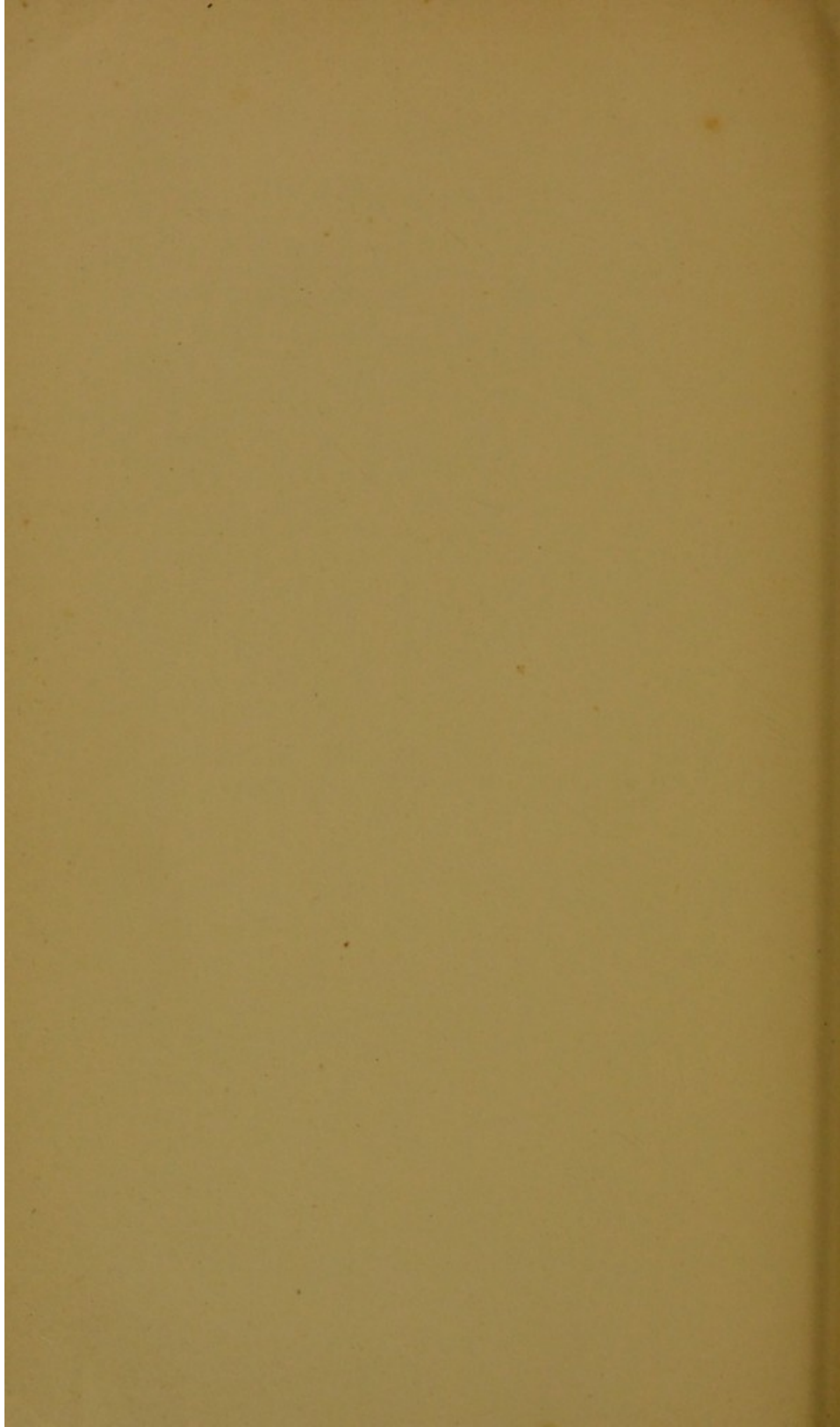




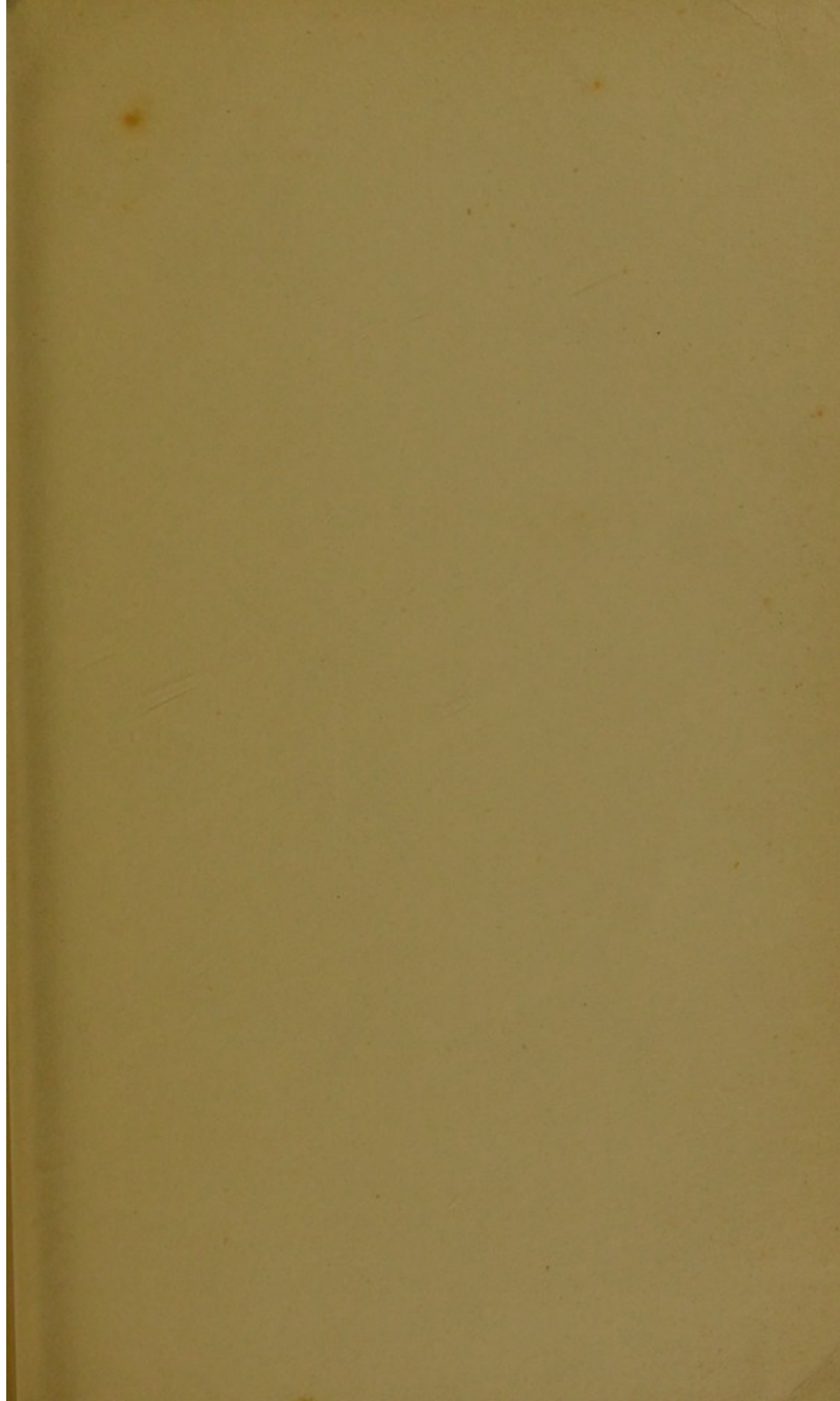


m















[COPY.]\*

4, MARLBOROUGH PLACE,  
*Oct. 30, 1875.*

MY DEAR DARWIN,

. . . The inclosed tells its own story. I have done my best to prevent your being bothered, but for various reasons which will occur to you I did not like to appear too obstructive, and I was asked to write to you. The strong feeling of my colleagues (and my own I must say also) is that we ought to have your opinions in our minutes. At the same time there is a no less strong desire to trouble you as little as possible, and under the circumstances to cause you any risk of injury to health.

What with occupation of time, worry, and vexation, this horrid Commission is playing the deuce with me. I have felt it my duty to act as Counsel for Science, and was well satisfied with the way things were going. But on Thursday when I was absent at the Council of the Royal Society — was examined, and if what I hear is a correct account of the evidence he gave I may as well throw up my brief.

I am told that he openly professed the most entire indifference to animal suffering, and said he only gave anæsthetics to keep animals quiet!

I declare to you I did not believe the man lived who was such an unmitigated cynical brute as to profess and act upon such principles, and I would willingly agree to any law which would send him to the treadmill.

The impression his evidence made on Cardwell and Forster is profound, and I am powerless (even if I had the desire, which I have not) to combat it. He has done more mischief than all the fanatics put together.

I am utterly disgusted with the whole business.

Ever yours,

T. H. HUXLEY.

\* This is the letter which Mr. Stephen Coleridge continually requested to be allowed to read to the Commissioners (see Q. 10657, 10658, 10659, 10660, 10661, 10662, 10663, 10664, 10665, 10666, 10667, 10668, 10669, 10670, 10671, 10672, 10858), but which Lord Selby insisted on excluding.











