

**The blow, or, An inquiry into the causes of the late Mr. Clarke's death : supposed to have been killed at Brentford. Humbly inscribed to the public.**

**Contributors**

Ingram, Dale, 1710-1793.

**Publication/Creation**

London : Printed for Messrs. Richardson and Urquhart ..., 1769.

**Persistent URL**

<https://wellcomecollection.org/works/z3wqcghp>

**License and attribution**

This work has been identified as being free of known restrictions under copyright law, including all related and neighbouring rights and is being made available under the Creative Commons, Public Domain Mark.

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



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





Supp. 59567/B

INGRAM, DALE

(Foot etc.)





1079

DB210 R 259

RPX XY 815

1st one  
signed

$\frac{1}{2}$  way  
through







Inquiry into the Cause of Mr Clarke's  
Death  
A Counter appeal in answer to  
Mr Foot's appeal to the public on the  
Death of Mr Clarke







THE  
B L O W;  
OR, AN  
INQUIRY  
INTO THE  
CAUSES  
OF THE LATE  
Mr. CLARKE's Death;

Supposed to have been killed at

B R E N T F O R D.

HUMBLY INSCRIBED

TO THE PUBLIC.

---

L O N D O N :

Printed for Messrs. RICHARDSON and URQUHART,  
N<sup>o</sup> 46, in Paternoster-Row, and at their Shop  
under the Royal-Exchange, MDCCLXIX.



## E R R A T A.

PAGE 4, line 18, for impartally, read impartially—p. 7, 13, dele or; p. 7, l. 15, dele or—p. 14, l. 16, for scalp r. pericranium; l. 19, for etheir, r. either—p. 29, l. 6, for scalp, r. pericranium—p. 33, l. 6, dele or—p. 37, l. 8, for pericraneum, r. pericranium—p. 38, l. 10, for spat, r. extravasation—p. 46, l. 11, dele a—p. 47, l. 5, for destrac tions, r. distractions.—

---

---

TO THE  
P U B L I C.

ON account of the inflammatory disputes in the papers, and places of public resort, as well as among friends in private families, whether the wound Mr. Clarke received at Brentford, was the *mediate* or *immediate cause* of his death; to prevent, if possible, the progress of these altercations, to satisfy the reasonable enquirer, and remove aspersions that have been cast on the late committee of surgeons as well as on Mr. Foot and myself. This narrative supported by the evidence of facts, is with all deference and tenderness submitted to general consideration, with hopes that in the



#### 4 AN INQUIRY *into the* CAUSES

judgment of the impartial discerning public, a plain detail of circumstances undisguised by any fallacious representation may contribute to compose those animosities, and determine the point in question.

To crimes of murder, when clearly proved, no royal favour should be ever extended; but in disputable cases humanity demands compassion, and when evidence does not come up to certainty of guilt, innocence groaning in chains should be instantly unfettered.

There are many reasons, besides my duty to my king and country, that have obliged me in this case to take up the pen. God forbid that the justice of our laws should not be impartially administered: that the guilty should not suffer the punish-



*Of the late Mr. CLARKE's Death.* 5

punishment due to their crimes, or the innocent not be honourably acquitted. Amongst these is a regard to my own character, and a desire to vindicate it from the most malignant abuses that without any provocation have been cast upon me ; not without threats of taking away my livelihood, together with my good name, and of injuring me in my profession of a surgeon. This storm of malice hath been raised against me on occasion of a paragraph, which about the second of March was inserted in the Ledger, to the following purport :

“ The late enquiry made by the master,  
“ wardens, &c. of surgeons ; whether  
“ the blow Mr. Clarke received at Brent-  
“ ford was the cause of his death, arose  
“ at first by accident, viz. A surgeon, not  
“ far from Temple Bar, who has long  
“ been revered for his great abilities, hav-



“ ing an appointment at St. Paul’s coffee-  
 “ house, accidentally took up the sessions  
 “ paper,—after pausing some time, he  
 “ called to the master, and observed to  
 “ him, that, by the surgeon’s account  
 “ narrated therein, it appeared absurd to  
 “ think that the prisoners killed Clarke.  
 “ Mr. F--r--m--r, a surgeon, coming up,  
 “ he was told the same ; next day coun-  
 “ cellor J—s of the temple, on a visit to  
 “ Mr. I—g—m, surgeon, the discourse  
 “ turned on this subject and the improba-  
 “ bility of the convicts being guilty,  
 “ which by anatomical descriptions were  
 “ made so evident to the councillor, that  
 “ he acquainted some of the judges with  
 “ the sentiments of Mr. I—g—m, and  
 “ told his name : with this the E— of  
 “ R—d was made acquainted, and then  
 “ it was thought necessary to have a com-  
 “ mittee of surgeons on the subject or  
 “ cause of his death.”

My



My reasons for so thinking at the coffee-house and at that time shall be delivered and explained hereafter, and submitted to every person.

But first, in order that gentlemen not conversant in chirurgical operations, may form a distinct knowledge of the consequences of wounds, I presume it may be pertinent to consider them under four general heads :

First, Some wounds induce immediate death, as those of the heart, capital vessels, or arteries, &c.

Secondly, Wounds tho' not mortal, become so in time, either by neglect, or obstinacy, or carelessness, and sometimes by unskilful applications.

Thirdly, Wounds in themselves apparently mortal, by the surgeon's skill are



prevented, and life saved ; as in fractures of the head, in some gun-shot wounds, divisions of arteries in the fore arm, leg, and the like parts.

Fourthly, Contusions on the head, with or without a wound, at first may produce no bad symptoms, yet in process of time, that life is lost by neglect, which by care might have been saved.

Before I examine the deposition of Mr. Foot, it seems requisite to produce the deceased's aunt's account of this affair (Mrs. Talbot, who lives at the White Hart in Welbeck-Street) with that of others in the neighbourhood, who communicated the same to the author and a gentleman voluntarily, tho' strangers to them,

Mr. Clarke not coming home to dinner on Thursday the 8th of December, the day of the election at Brentford, she (his  
aunt)



aunt) was very uneasy. A neighbour staid with her that evening, but about ten o'clock she also was uneasy and went home, conjecturing he was gone to Brentford, and that some mischief had possibly befallen him.

The next morning she went to Mrs. Talbot's, and found her in the bar dressing Clarke's head with Fryer's balsam. They both say the wound was like the scratch of a pin, and no larger. The neighbour told Clarke, that it would be well to get somebody to look at it, for she thought it in a bad part of his head (the top). To this Clarke said, it was only a scratch, and that she had a mind to frighten his aunt.

Some time after his head was dressed he went out to his master, Mr. H——n, an attorney in Lincolns-inn Fields—also on

Satur-



Saturday he was at his master's all day, and at night came home, and made no complaints.—On Sunday Mrs. Talbot left him very well, went to church, and received the sacrament.—On her return she found her nephew very ill, and vomiting with a fever: on her asking Clarke what ailed him, he replied, ‘the eggs I eat were very bad and stale, they made me sick and vomit.’ (He was very fond of eggs, and frequently eat them for supper).

Growing worse, his aunt would have him go to bed; he answered, No; and said, he would take care of the bar, if his aunt would go to church again.

Early in the evening he went to bed very ill, was blooded soon after. His vomiting, which was twice or three times, ceased on casting up some of the eggs.

On



On Monday morning, and not before, Mr. Starling, apothecary in Princess-Street, Hanover-Square, was sent for. His aunt and friends told him, that Clarke had puked twice or three times, on the Sunday about noon, and once in the evening ; that he had been bled ; and also that his head had been broken at Brentford.

Mr. Starling looking upon vomiting in a broken head as a bad symptom, and I think without then seeing the wound, desired a surgeon might be sent for to examine it. At first neither Clarke or his aunt did readily agree, thinking there was no occasion ; but Mr. Starling pressing the necessity, the day following, being Tuesday, Mr. Bromfield visited Clark, he ordered a clyster and an oily opening mixture ; but did not examine the wound, his hair being platted by the balsam.



In the afternoon of the same day, Mr. Bromfield sent his son to let him know, that his hair should be cut off, and his head shaved before he could see the wound, and then he would examine it. Mr. Clarke told his aunt that there was no occasion, and entreated it might not be done, and further, that he would do or take any thing, except having his hair cut off; in a word, it was agreed not to cut off his hair.

On Wednesday morning between two and three Mr. Clarke died, and about six Mr. Bromfield was acquainted with his death, to prevent his visiting him.

Mr. Starling further says, that from the time he saw him to his death he did not vomit; that he took his case to be a violent inflammatory fever, and I think his oath before the coroner was, that he could  
not



not say that the wound was the cause of Clarke's death.—This assertion possibly was a reason why Mr. Starling was not subpœned to attend the trial at the Old Bailey.

Mr. H——, his master was subpœned, and attended the sessions from about nine in the morning till the trial was over at night, but was not called on to give evidence.—Very likely Mr. H—— might have told the court, that Clarke coming to his business on Friday morning, and being asked how he came to absent himself the day before, and go to Brentford, denied his being there, and on being told he had his head broke at Brentford, denied that likewise, and said he had a small scratch on his head, which he got at or near the turnpike at Hyde-park corner, in seeing the people go to Brentford.



On Saturday Clarke was at his master's all day and until the evening; he was chiefly employed in sorting papers on the floor, a business almost too much for a common head-ach, much more so for a violent broken head.

And now I proceed with due respect, to take a view of Mr. Foot's deposition concerning the wound of which Clarke is said to have died, as it stands in the sessions paper, page 83. viz.

“ He found the hair of his head full of sand———a contused wound on the crown of his head; he examined it with his probe, raised the scalp four inches round, and found the scalp much inflamed——then removed the pericranium to examine the scull, to know whether there was either fracture or fissure, and to be more circumspect, he raised the scalp on  
the



the opposite side, \* to see whether there was a contra fracture or contra fissure, but

---

\* Which is the opposite side to a wound on the crown of the head?

A contra fracture can never happen, unless the sutures which join the bones of the head are obliterated, and the six proper bones which form the case or box to contain the brain, are united and become one.

I am inclined to believe, that if a contra fracture was ever met with, it must in general be produced by a stroke given on one side of the head, and the person's instantly falling on the opposite side, against any hard or blunt body, as the edge of a wall, table, and the like, by which two blows are received as it were in almost the same space of time.

As to a contra fissure it never can happen unless under the above described circumstances.

N. B. The election at Brentford was Thursday the 8th of December, 1768, Clarke died on Wednesday, between two and three in the morning of the 14th, Mr. Foot never visited Clarke till the day after his death, the 15th.

As



finding neither he raised the scalp round the whole head, and then could not discover either fracture or fissure in or about the head."

As these searches were not sufficient to trace the cause of death nor give satisfaction to the jury, he proceeded to examine the inside of the scull and brain, by opening the head in the usual way ; then examined the dura-mater or the first covering under the scull, afterwards the first covering of the brain, and then the brain itself. In these operations he discovered the duramater inflamed ; found extravasated blood under it, and the interior or first covering of the brain in a great state of inflammation, the vessels quite swelled with blood, also one part of the covering of the brain ruptured. From these several appearances he concludes, *that to the best of his opinion, the wound Mr. Clarke received*



*received on his head was the cause of his death.*

These examinations of the head and its internal contents were necessary, and for his time spent therein, as well as trouble, thanks are due to Mr. Foot. But if Clarke's thorax and abdomen had been as curiously examined into, the obligation would have been more; for then we might have known how much the stomach, bowels, lungs, &c. were distempered; however this oversight cannot now be remedied, if the causes of the fever could therein have been discovered. If from the above account no certain reasons can be assigned for murder (tho' Mr. Foot has said that to the best of his opinion the wound was the cause of his death) I must presume to give my opinion, that censure ought not to be cast on him in any wise, since in the prognostics of distempers, the



ablest physicians and men of long experience have been sometimes mistaken : besides wounds in the head are very fallacious, and have different appearances after death ; having suffered and been altered by the agonies of death itself.

If we advert to matters in the law, even there we shall find that decrees of the ablest chancellors have often been justly reversed ; and in physical consultations, doctors of different opinions are frequently to be met with. If therefore this surgeon's opinion was too precipitate, or mistaken, in either of these cases he certainly deserves forgiveness ; and his haste is greatly overbalanced by his humanity, in voluntarily applying to the secretary of state on behalf of M<sup>r</sup> Quirk and Balfe, and declaring it was his opinion, that if Mr. Clarke had had care taken of him at the



*Of the late Mr. CLARKE's Death.* 19

the first, that the said wounds would not have proved mortal.

But to proceed, let us probe the particulars of Clarke's case with all the tenderness possible.

First, If the blow was the cause of the several appearances before mentioned, I should apprehend the case was a small concussion of the brain. If this had been the real case, surely either immediately, soon after, or before death, we should have been acquainted with some one or more of the usual and customary symptoms in such misfortunes—that some one or more do succeed concussions is evident, because as soon as an extravasation happens, the course of the blood will be interrupted or suspended for some moments, and from this interruption in the circulation, some symptoms like the following



take place, viz. inability of one leg or arm or both—dizziness, sleepiness, impaired sight, ravings, bleeding at the nose or ears, and more especially vomitings, a symptom almost always ensuing immediately after concussion with extravasation.

The continuance and return of any one or more of these symptoms will be in proportion to either a slight or violent concussion and extravasation.

In a slight one, the circulation will be suspended but for a little time; but in a violent one, for about a minute, and as the circulation becomes impeded, so will be the return of the symptoms.

First, as to any inability and palsy, or the like, no one ever attempted to say that Mr. Clarke was affected by them; but on the contrary we find from the evidence



dence of both the Beales, that after he had drank some wine at the Three Pigeons on the day of the election, he had wine again at the Rev. Mr. Horne's, and then Richard Beale swears, first, that he saw Clarke down only upon his hands near the ground—that Clarke recovered himself and came to him and others at the Three Pigeons—at this time he did not know that he had got a broken head, until he saw the blood upon his arm or cloaths—Hence Clarke, Richard and William Beales went again to the Rev. Mr. Horne's, but did not stay long, on account of a report spread, that a mob was coming to pull down Mr. Horne's house.—On which they went into the churchyard, climbed over a wall, ran into some part of Brentford town, and thence walked to Isleworth—at this place they drank *something*,\* but don't mention how much;

---

\* Neither quantity or quality mentioned.



however Clarke had some of his hair cut off, and his broken head or wound wash'd with rum.—From hence they travelled to Richmond, Kew, and Turnham-green, where they drank a quartern of brandy, thence proceeded to Great Marybone-Street, where Clarke's head was washed with tincture of myrrh—After supping on pork, of which he eat but little, Clarke walked to the Queen's Head at Marybone ; and tho' these expeditions were on foot, yet we don't find that in all this time he ever was attacked with any of the symptoms before described, but on the contrary, after having walked from Brentford and round about, at least a dozen miles, he anew entered on a party of pleasure to the Queen's Head at Marybone, and from thence back again very late at night to his aunt's at the White-Hart, Welbeck-Street. From this account, delivered on oath, it appears that

Clarke



Clarke in the whole walked more than twenty miles that day. Who can conceive that his wound was dismal or mortal, especially when we add to these transactions, his attending his master the next day, which is near two miles from Welbeck-Street, also the day following; fatigues rather too much for a sickly constitution.

His master H--m--b--t--n having asked him about the wound on his head, Clarke told him it was only a little scratch, and that he got it near Hyde-park turnpike, where he was to view the people going to the Brentford election. This account is repeated to remove and refute the vulgar report, long since falsely spread, that Clarke was so ill as to keep his bed from the time he came home at his aunt's, to the time of his death.



As these facts are chiefly upon oath, we are inclined to think he had no paralytic disorder, nor one symptom of a concussion of the brain or extravasation.

Let us now examine into every particular which Mr. Foot advanced at the Old Bailey—Mr. Foot declares to us that his head had neither fracture or fissure—and it seems that the bones were found and in a natural state, because he has not so much as hinted at a depression, separation of the inner table from the outward, or that the ossous cells, containing an oily fluid, called the Diploe were broken or thrown into confusion; hence we may say, death had not his residence in these mansions.

Mr. Foot found, "*the hair of his head full of sand,*

I can-



I cannot apprehend that this sand was the cause of his death—nor reconcile the manner how sand came to fill the hair of his head, with other circumstances hereafter to be mentioned.

We have seen from Mr. Richard Beale's oath, that some of his hair was cut off at Isleworth, where his wound was washed with rum by Mr. William Beale and him.—and on his arrival in London, at Mr. William Beale's lodgings,\* it was washed with tincture of myrrh by William Beale or his servants. But this is not all; for the next day, and the day after if not on Sunday, his good aunt dressed this wound with Friar's balsam. Here it is necessary to let you know, that Mr. Richard Beale is a barber, has a shop and part of a little house in Little Welbeck-Street, he is by his

---

\* Mr. William Beale is a man of a handsome fortune in a landed estate.



business conversant in dressing hair, therefore it might be suggested that after he was so careful to cut off some hair, he would have cleared the wound of straw, gravel, dirt or sand, if any quantity had been there ; or we will say, in not doing such necessary offices, it was a great oversight in him and the several people who washed his wound.—Besides his aunt is a very neat cleanly elderly person, and every thing appears about her very decent. She loved her nephew greatly, was very tender of him, and careful even of his cloaths : hence will any one suspect that a relation so circumspect in the pains she took to dress the wound, would suffer a load of sand to remain in his hair at least five successive days ? Is such uncleanness likely ? And when we are told that Clarke himself was rather a spruce young man, who will imagine that he would attend his master and his business two days



days without having once combed out his hair? if it was only to tie it up behind, as was usually done with a ribband,

Upon my honour I declare, that I do in my conscience believe, what Mr. Foot hath given upon his oath, that the sand was in Mr. Clarke's hair, when he saw him after his death. But you will excuse me in not believing that the sand was in his hair at Brentford, and continued there five days afterward. Let any one consider that the 8th of December was not a season remarkable for dust or sand, especially at the time of an election, where people are travelling to and fro from the hustings to the three pidgeons, *the very spot where Clarke's head was broken*—how then, or in what manner the improbability of these circumstances can be reconciled with perspicuity, I would leave to the sagacity of others.

Some



Some may perhaps think he was not sober † when he left his company late on Thursday night at Marybone, and might fall down about the new buildings, where commonly heaps of sand are to be found. Let us for argument's sake suppose so ; but then either his aunt, or her friend, must have seen this sand in the hair, on Friday or Saturday when the wound was dressed ; for such a quantity could not have escaped the knowledge of at least six people, who had seen and examined his head. Add

---

† This is only a surmise from the evidence on oath—as William Beale fell asleep, and Richard Beale did not know when Mr. Clarke left them.—The fatigue of the journey, and too much liquor possibly were the causes, since sometimes we know a small quantity will affect us after great fatigues, and at other times a treble quantity will not discompose us. I was told, in the presence of his aunt, that this very sober man never was seen so drunk as some are, but to be sure he had lately seen Clarke several times in liquor, or fuddled.



to this what has been said before, that Beale swore that he saw Clarke only upon his hands. But to forbear saying more—

Mr. Foot farther affirms, “*that he found the scalp much inflamed.*”

Slight wounds when either neglected, or washed with rum and tincture of myrrh, or Fryer's balsam, always most certainly become inflamed; as for instance, common wounds in the hand and fingers, by neglect, become painful; but when they are washed with spirituous liquors their lips become constringed, digestion retarded, and suppuration prevented, as all this sort of application is highly improper for curative intentions.\*

---

\* Put your finger, though not scratched, into a glass of rum, brandy, or tincture of myrrh for  
In



In regard to this wound on the head, so much talked of in all public places, permit me to say that it was looked on as no more than a small common broken head, and as such, his kind aunt once or twice dress'd it with Fryer's balsam; and, since his death, hath declared that the wound was not worse or larger than a scratch of a pin—This is confirmed by Mrs. H—r—y and every one of the neighbours, as well as many who frequent the tap-room as well as Messrs. Beales.

This circumstance I thought necessary to be observed, because Mr. Foot did not tell the court, either the size, length, breadth, &c. of the wound, and also as

---

a few minutes, and then you'll find the spirits wrinkle the skin in folds, notwithstanding the skin of the finger, by use, is harder than in most parts, excepting the feet.

it



it was indisputably so, and looked on as only a slight affair, by all as well as by Richard Beale; for he says he never saw Mr. Clarke from the time he went from Marybone on the Thursday night, till after he was dead.

This Richard Beale says he was an intimate acquaintance of Mr. Clarke's, had known him about two years, lives from him about the distance of one hundred yards, and in sight of each other, when one stands at the corner of the Street, and the other at Mrs. Talbot's door.—I would say, if any reader, on a party with intimate friends, had been violently beat, is it not natural to think a near neighbour and companion would have enquired after him either the next day or some one in the fix, if he thought his friend had been much hurt.

But



But to proceed. There are some circumstances in Mr. Foot's evidence, which not only at first warped me from his opinion, but even now; for I cannot find one circumstance in his sessions narrative to induce me to alter my opinion, founded on the structure of the human frame—Therefore I shall retain the same thought as I entertained on first sight at St. Paul's coffee-house, where I could not forbear speaking of it to the master of the house and afterwards to Mr. Farmer a surgeon, and this was about the latter end of January—To support such reasons I now, with regard, tender to the faculty in general, and to every gentleman, my sentiments.

“ I found (Foot) upon the crown of  
 “ his head was a contused wound; I raised  
 “ the scalp round the wound, and  
 “ exa-



“ examined it with my probe; and found  
“ *the scalp*, about four inches round the pe-  
“ ricranium, the immediate covering of  
“ the scull, was *much inflamed*. After re-  
“ moving the pericranium I examined the  
“ scull itself; I found no fissure or frac-  
“ ture, &c.

First, As the supposed death was from an external injury, the external part of the head which received the blow, was the place first to be applied to for finding the cause.—Now as the bones were found to be all sound, the scull is out of dispute.

Secondly, He, after opening the head, found under the dura-mater extravasated blood, &c.

If extravasated blood, under the dura-mater, had been from the blow, Clarke would have been disabled from walking

C

even



even so far as the three pidgeons, nay the usual bad symptoms of this extravasation would have happened in a moment : or

Thirdly, If the extravasation found under the inward membrane and the brain was from the blow, instant death would have been the consequence.

Fourthly, As to “ the interior covering  
“ of the brain in a great state of inflam-  
“ mation, the vessels quite swelled with  
“ blood ; and one part of it ruptured, the  
“ rest of the brain in a healthy state.”—  
These are very readily accounted for, since most anatomists who have examined bodies from the several hospitals, that have died in a few days of inflammatory fevers, know from repeated experience, that the inner membranes of the head or brain are almost always found in such a state of inflammation, and their vessels distended  
with



with blood ; nay often an extravasation from the membrane, and the like appearances are very common from the agonies of death, more especially in those who have died of ardent fevers.—What are deliriums ? but the effects of an inflammation on the membranes or meninges of the brain.

Pardon me in thinking, when I reflect on the circumstances of the day, that Mr. Clarke, as a sober man, sickly, and often ailing, as appears by Mr. Starling's books, drank rather too much : suppose now a person in a healthy state should drink his glass too freely over night, the consequences too often have been first violent head-achs, sickness at stomach, heat in the skin, reachings and vomiting. In such a case, the wine is not in the head, yet its inner membranes are inflamed, which are the secondary cause of the symptoms ; but



the primary cause is from the spirituous liquor attacking the nervous coat of the stomach, and hence by consent the membranes in the head become inflamed. Now please to observe, that all these symptoms go off as soon as the stomach is relieved by diluting liquors. Is it not a common sight to see men puke after drinking rather too much.

These were my first thoughts which inclined me to apprehend that Mr. Foot's conclusion, that the wound was the cause of Clarke's death was not evident. After I was attacked on this subject, I called in a little anatomical knowledge of the parts to explode my opinion or support it; this informed me, that the pericranium covers the external bones of the head, adheres very closely to them (temples excepted) and furnishes the duramater with some filaments (through the  
futures



futures) by which they are connected with each other ; also that the dura-mater, which lines the internal surface of the head is closely connected to the inward bones, and has its adhesions very strong and firm to them, that it is a double membrane, full of branches of arteries and veins, as well as the pericranium—hence I put to myself the following question :

Suppose, by a blow, the dura-mater was detached from the inside of the bones—as Mr. Foot has told the Surgeons ; I might safely say, its vessels must be broken : in this case where would the extravasation be found ? why truly, not under the dura-mater, but between it and the bones—and not as Mr. Foot has said, under the dura-mater only ; if he had said in both, I think, I should have agreed with him, because I have seen it often, but for the extravasation to be under and not



above, \* I am afraid is a mistake.—  
 This I thought was satisfactory. But  
 when another consideration appeared,  
 which was, that if the inflammation and  
 extravasation proceeded from the blow,  
 some little matter or corruption would  
 have been found in or about the inside of  
 the head, after near six days ; not a drop  
 of matter in the wound of the scalp, nor  
 spat blood, no not a word of any—for I  
 thought obstructions produced inflamma-  
 tion, and inflammation suppuration or  
 maturation ; in a word, the readers must  
 judge whether I am right, as I leave all  
 I have said entirely to them.

Some weeks after I heard that Mr.  
 Clarke, on the Sunday, was seized with a  
 vomiting (one of the usual symptoms of

---

\* See Ingram's Practical Cases, on wounds, frac-  
 tures, &c. on the head.



a concussion of the brain.) My little judgment will endeavour to demonstrate to you, that this vomiting plainly puts out of dispute that opinion, that Clarke's inflammation, &c. on the membranes, were from the blow.

Whenever vomiting succeeds either a fracture, fissure, depression, concussion, or extravasation, though ever so slight, there is not one medicine can check, stop, or prevent them, for they will at times return, because they are symptoms from the cause; and till the cause, that is the membranes and brain are relieved, vomitings at times will attend.—Here then stands Mr. Clarke's case: the third day he had three or four vomitings; these without the aid of medicine, disappeared totally in about two hours, and never returned to the time of his death, for they ceased as



soon as the stomach had unloaded itself of the bad or stale egges.†

I believe the whole college of physicians, the master, wardens, &c. of apothecaries, as well as the corporation of surgeons in England, and in all cities in Europe, will assert, that vomitings are common symptoms on the first onset of inflammatory fevers and foul stomachs--and why? because nature wants to disburthen herself. Do not physicians always prescribe a vomit, even only on reachings to puke, in the beginning of fevers—

To conclude, from what has been advanced you are to consider whether you can discover any substantial reasons for believing that either the blow or its

---

† In a concussion the vomits are bilious.



effects were the cause of Mr. Clarke's death ; and to assist you either to assent to, or dissent from, your Sovereign's and His Council's opinion, as well as the opinion of the ablest surgeons, permit me, by way of summary, to lay the heads of what has been said before you in one view.

First, It seems that from the day he received the blow to the time of his death, neither Mr. Foot, or any one has so much as hinted at one symptom of a concussion of the brain, except that one I have mentioned, viz. vomiting on Sunday, which ceased, without any medical assistance, the same day.

Secondly, Instead of stupor, inability in any of his limbs, &c. he walked a dozen miles after his head was cut.

Thirdly,



Thirdly, He had neither fracture, fissure, or depression of the bone in his head, as Mr. Foot could find, nor separation of the inward table from the outward.

Fourthly, The wound only a common broken head.

Fifthly, Mr. Clarke, his aunt, and others said the wound was not larger than a scratch of a pin.

Sixthly, Mr. Clarke told his master it was no more than a scratch.

Seventhly, No extravasation between the bones and dura-mater.

Eighthly, What effect did the blow produce to convince us that it killed him?

Ninthly



Ninthly, From the circumstances advanced, might not his death arise from a surfeit, producing a violent inflammatory fever? and this surfeit, from travelling at least twenty miles on the Thursday, without sufficient food; instead thereof drinking wine, porter, rum, brandy, and these repeated almost all day long till late in the evening, setting up, &c. it is not unlikely that such causes before now have happened, and persons in the prime of youth have by this means lost their lives, nay I think it not improbable but some of my readers may recollect such cases. I have heard of people over walking themselves, drinking too much, and dying as it were suddenly of inflammatory fevers, in a few days, which our ancestors and parents commonly called and now say is a surfeit.

Having



Having thus stated, and brought into one view, without the least misrepresentation of facts, the several circumstances I have been able to collect, relating to the death of Mr. Clarke ; I appeal to the tribunal of the public. Their sentence, after due attention to the evidence resulting from the combination of the different circumstances, will confirm, I presume, the opinion which the committee of Surgeons hath already given. If by this means the contentions with which this matter hath been agitated should be happily appeased, I hope I shall have discharged the duty of an honest man, in bringing any testimony to truth, and in undeceiving the public, to whom these considerations are with due deference submitted

by their humble servant, &c.

*Dale Ingram*

P O S T.

*Surgeon to  
Christ Hospital*

*Abingdon  
Street*



## POSTSCRIPT.

Before these sheets could be printed off Mr. Foot's Appeal to the Public appeared, with an account of his depositions in the trial, and answers to the questions put to him by the committee of surgeons. In the trial "the pericranium was inflamed;" before the surgeons "it \* was almost separated from the cranium for about two inches in circumference under the wound—it was not attached, as is usually found in healthy subjects, but separated from the cranium.

---

\* Can the attachments of the pericranium, with its vessels, be broken from the skull without an extravasation? Blood-vessels when ruptured spill their contents, if so, one would think either blood or matter on the skull must have escaped a man of science.

" The



“ The extravasated blood was between  
 “ the dura mater and pia mater, opposite  
 “ to or under the wound. The dura  
 “ mater was greatly inflamed, there was  
 “ a general inflammation of that mem-  
 “ brane—it was detached from the cra-  
 “ nium for a considerable space round,  
 “ immediately over the extravasation, and  
 “ about half an ounce of extravasated  
 “ blood, as near as I could guess.”

It must certainly strike a surprize in  
 some to find this account so widely differ  
 from † what was deposed in open court ;  
 also as it stands in his own account of the  
 trial ; but as he has made an apology  
 (page 27) in regard to his blooming ge-  
 nius I will not criticize on any part, lest,  
 before the fruit of knowledge is set, it  
 should be blasted.

---

† Separation and non-attachment are added to in-  
 flammation.



In tendernefs and compaffion I will admit every article to be exactly true; but then I think no man would be fo rafh as even to prefume, that the blow could caufe fuch like deftractions in the head, and the man live near fix days after without one bad fymptom.—Nay, if you will take his vomiting as one fign, remember that three whole days were over before one vomit appeared.

In order to weed away and grub up the luxurioufnefs of falfe imaginations as well as manure the promifing fruitful medical plants with which this nation is remarkably enriched; as layers I now fet down a few of thofe aphorifms which formerly I planted in my chirurgical and anatomical lectures, in hopes they may hereafter prove profitable.

*Apho-*



*Aphorisms on the Effects of Blows and Wounds on the Head.*

I. The pericranium cannot loose its attachments to the bone, without the scull is either *depressed, fractured, or fissured*; or when it does adhere we may be certain there is neither.

II. The dura mater is never separated from the inside of the head by a blow, without one of the three accidents above-mentioned.

III. Whenever the dura mater, either by depression, fissure or fracture looses its adhesions, there will be, from its blood vessels broken, an extravasation between the bone and it.

IV. In a separation of the dura mater, the extravasation cannot be under it without being above.



v. A dram of extravasated blood on the meninges of the brain is sufficient instantly to produce, either a palsy, ravings, or apoplexy—but half an ounce, or less, death in a moment.

*Contused Wounds.*

vi. Wounds in the scalp by puncture, (though as small as a scratch of a pin) made by the point of a sword, penknife, nail in a bludgeon, &c. penetrating either the pericranium, or the aponeuroses of the frontal or occipital muscles, will produce extension, inflammation, or erisipelatous swellings, by which they are known, even when the eye cannot discover the wounded part, by reason of its smallness.

vii. Contused wounds, not injuring the pericranium at first, may by consent, in a few days, affect it. This is known by the subsequent symptoms, which will

D

be



be an inflation or tumefaction on the scalp, bloating or puffing up of the face, and if not remedied in a few days, some symptoms like those of a concussion of the brain succeed.

The curative intention for these two cases is by enlarging the wound and promoting suppuration.

VIII. A violent blow on the head with a large bludgeon, not beating the head to the ground, nor against any hard body; most frequently causes a fracture or fissure with but a small concussion.

IX. When a blow is given with such violence as to knock the person down, and his head hits the ground, if the scull does not break by the impulse, the consequence will be a concussion, in degree to the opposition—and, tho' but slight, loss of sense,



fense, lethargy, &c. always attend in like proportion.

x. If the head strikes itself against any hard immoveable body, as by a fall from a high place, off a horse, against a pillar, corner of a wall, &c. a concussion and extravasation follows, and most commonly death.

The same in leaping out of a machine whilst in action; an instance of which motion in a relation of my own jumping out of a chaise, going down Box-Hill, who died on the spot, without the appearance of a wound or blow—In such like cases the brain being pressed forward against the solid body, is reacted upon by that body, and undergoes two contrary motions at the same instant of time.—

II. In these two last aphorisms, we see it is rather a misfortune that the scull has

D 2

strength



strength sufficient to resist the force given, for whenever it yields to the impulse, the concussion is but small, in comparison to what happens by resistance ; because the whole stress of the violence is transmitted to the brain and its membranes,

XII. A concussion of the brain seldom or never is attended with extravasation, unless when reaction follows the blow.

XIII. A concussion with a fracture is not so dangerous as with a fissure, because the extravasation will be less considerable.

XIV. A concussion and extravasation happening at the same instant of time from a blow, is almost instantly followed with terrible symptoms, such as loss of sense, palsy, sleepiness, stupor, vomiting if not instant death—but this last is particular to the part where the extravasation happens.—

XV.



xv. There is a great distinction to be made in concussions of the brain, since some happen without, others with extravasation — and some, with or without fracture or fissure.

xvi. Of extravasations much is to be considered: for from the part where the extravasation happens, either mediate or immediate death, violent symptoms, or slight appearances follow, from which true prognostics are to be formed, whether the extravasation is in general, or only in one part.

xvii. A blow not sufficient to beat a person down, but cause an instantaneous extravasation, in this case the subject will drop down as dead, not by the blow, but from its effects, the *extravasation*.

xviii. Ex-



xviii Extravasations from a blow, as a bludgeon, &c. are most commonly found under the scull, or between it and the dura mater—in this case a lethargy, or some other symptom, will continue till the extravasation is removed.

xix. Extravasations on the brain happen in different parts, which cannot be known but by either the symptoms or consequences, as in number xvi.

xx. There cannot be an extravasation without loss of sense, or some bad symptom the moment it happens; because the blood spilt on the brain will produce a strangulation or obstruction in the circulation.

xxi. Wounds on the head with extravasations are very fallacious, and why?

Because



*Of the late Mr. CLARKE's Death.* 55

Because the extravasation may be between the scull, and the dura mater, or under it, both at the same time, also under the pia mater or the several foldings of the dura and pia mater as well as in several other, parts of the brain, but these never happen but with symptoms at the very instant the blow is inflicted. So much for the emolument of young students in surgery.

As to disputes, if any are between Messrs. Ranby, Bromfield, and others with Mr. Foot, they in no wise regard this enquiry, therefore I am silent, as they may have room to vindicate themselves; since truth, whenever it is tossed and rolled about from place to place with derision, will sooner or later, find a firm centre, immoveable as a rock, to rest on.

Much



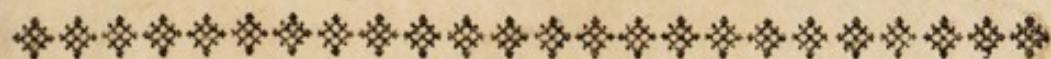
Much more might be advanced, but it may suffice, to observe that every one of these aphorisms may be absolutely wrong, if a person after receiving a blow, and at the same time meets, not only with a concussion, but a large extravasation on the brain, can live three days without having one single symptom either instantly or a few hours after the blow is given.

To recite cases in support of what has been said before I think unnecessary, as it would be taking up much more of your time.

F I N I S.







A

COUNTER-APPEAL;

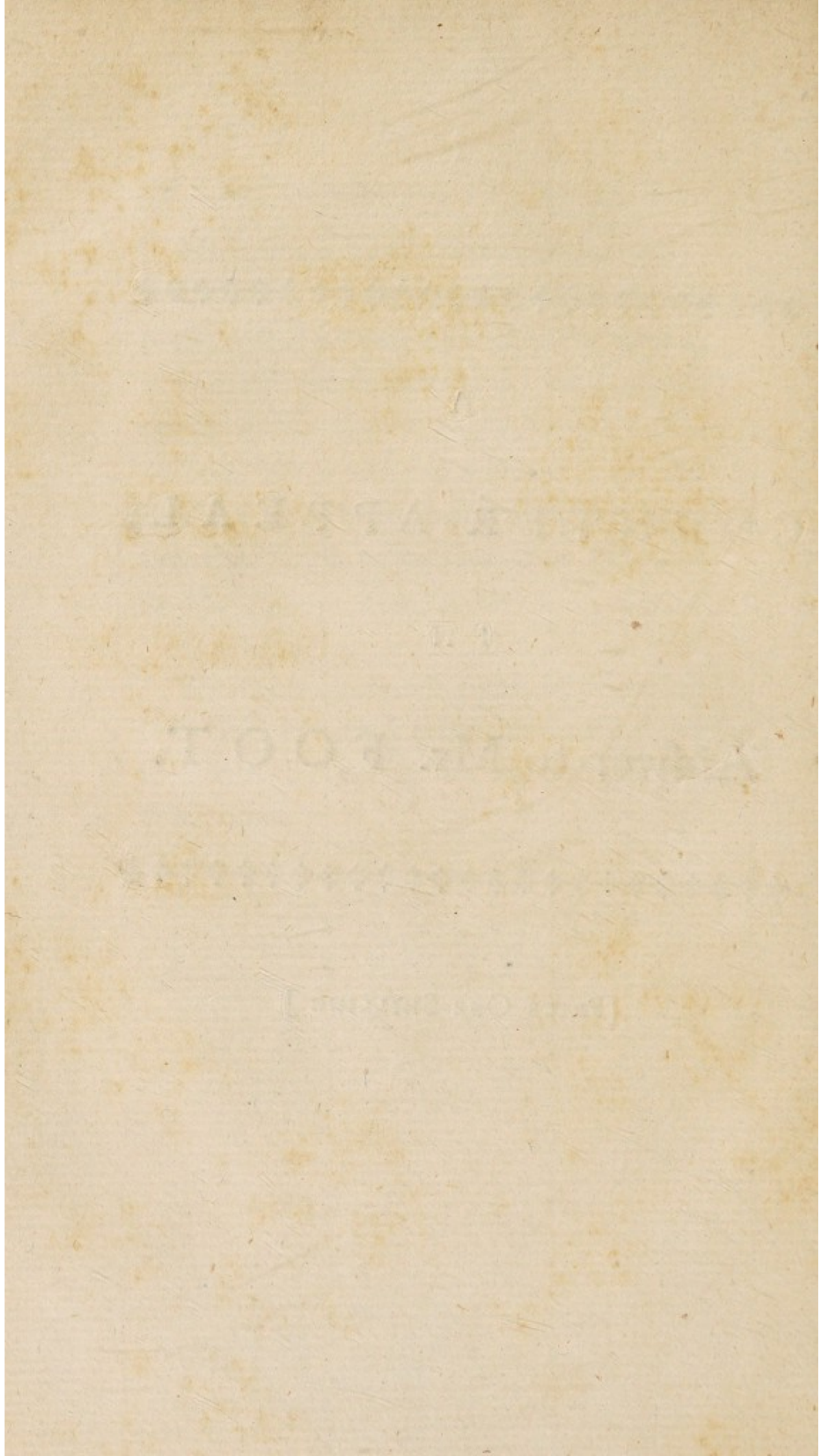
I N

Answer to Mr. F O O T.



[PRICE ONE SHILLING.]







A  
COUNTER-APPEAL  
TO THE  
PUBLIC,

Touching the DEATH of  
GEORGE CLARKE;

IN ANSWER TO  
Mr. FOOT.

---

L O N D O N:  
Printed for J. COOKE, in Paternoster-Row.  
MDCC LXIX.



COUNTY OF MIDDLESEX

IN THE

PUBLIC

RECORDS

GEORGE CLARKE

IN ANSWER TO

MR. F. O. T.

LONDON:

Printed by J. G. & Co. in Strand

1841



A

## C O U N T E R - A P P E A L.

“ **O** F T E N as appeals on private grievances are laid before the public, it is feldom that they are brought to that tribunal with propriety. One of the cafes in which they are leaft exceptionable, is, when the party appears as defendant. If public outrage be added to perfonal injuftice, the impartial reader will receive with benignity, from the friends of the injured perfon, a claim to their candour, if fupported by argument, and offered with decency. It might even be ju-  
 B ftifiable,



stiffable, with regard to the accuser, to retort railing with invective ; but the latter method not only disgraces a good cause, but would imply a defect of capacity in the judges, as if their sentence were to be extorted by clamour."

Mr. Foot complains of ill-treatment, and the writer of his appeal (for Mr. Foot will hardly say that he penned it himself, tho' he has signed it,) is not very tender, but on the contrary is very severe on Mr. Bromfield.—But who has ill-treated Mr. Foot ? When was it ? Has Mr. Bromfield done it ?—That does not appear—then why so severe on Mr. Bromfield ? he was only *one* of the examining surgeons. Does Mr. Foot envy him his extensive practice ? Does he seek to wound his reputation ? Or does he want to be made surgeon in the room of Mr. Bromfield,  
to



to the most amiable and virtuous princess on earth, I mean her Royal-highness the Princess Dowager of Wales?

Mr. Foot would seem to insinuate, that the court of examining surgeons is an infringement of the liberties of the people, by controuling the verdict of three juries. May be so, tho' I very much doubt its being any infringement; yet I would rather undergo the inconveniencies of such infringement, if it be one, than an innocent man should lose his life. But how is it an infringement? Is it in its institution? —Had the examining surgeons confirmed Mr. Foot's opinion, he would not have called theirs an infringement of the constitution. And yet if it is so in one case, it is equally so in the other. But they differed from Mr. Foot; and so because he cannot, or does not chuse,



to contend with them scientifically, he would inflame the minds of the people, by artfully endeavouring to represent the meeting of the examining surgeons, as a breach of the constitution.

What was the case respecting admiral Byng? The court martial, to whom the trial of his offence was committed, condemned him, "because, (as they said,) they were under a necessity of doing so, by reason of the letter of the law." And again they said, in their letter to the king, "that for the sake of their consciences, as well as in justice to the prisoner, they most earnestly recommended him to his majesty for mercy." All further enquiry into the case was precluded by the court martial being under an oath of secrecy. But it was offered to release them from their oath of secrecy, "in order to disclose



disclose the grounds on which they passed sentence of death on the admiral." Was not this in effect controuling the verdict of the admiral's jurors ; at least, was it not rendering it subordinate to a subsequent determination ? Nay, was it not doing more, was it not superseding an oath also ?—Yet this was never by any party, (and parties ran as high then as they do now) called an infringement of the constitution.—Why ?—because it was obviously an attempt to assist the constitution, in promoting the most full enquiry, for the impartial execution of justice.

How often do we hear of motions in Westminster-hall for *new trials* ; what are all these but controuling the verdicts of juries : and what is the plea for these new trials ; just the same as that



that for the examining surgeons : because there had been some defects in the former trial ; that there was new matter, or new evidence, since discovered, which had it been produced on the first trial, might have induced the jury to find a contrary verdict. To supply this defect was manifestly the view of convening the surgeons at Surgeons-hall ; and who so proper to supply it, as surgeons ; all men of eminence, and of acknowledged skill in their profession.

There seems to have been great caution in the ministry. They do not advise a precipitate exertion of the royal prerogative to pardon : but they appoint an enquiry, whether the convict prisoners were objects worthy of it. And it was not till after such enquiry



enquiry was made, that the royal mercy was extended them.

If I were disposed to compliment the present ministry, I could do it to a very great degree: but I am not. The fact is of such a nature and complexion, that it will support itself.

Did not Mr. —, accompanied by another friend to the prosecution, apply that very night that the men were convicted, or at farthest the next day, for a pardon of them? Is it not plain from this circumstance, which is a very material one; that Mr. who was certainly in the secret, had great doubts concerning the conviction? Such an application coming from a known friend to the prosecution, might well encourage a minister to think of advising a pardon. Yet here the administration do not chuse to rest their opinion ;



opinion ; they only advise a respite, till an enquiry is made. What is properly the question before the ministry ? Clearly this, Whether such application ought to be complied with ? But this was not the only application for a pardon ; that of the Hon. B. W. and Sir W. M. was more respectable, two gentlemen of character, and in firm opposition to the present ministry. Yet it was not till after this second attempt had been made, that the administration thought fit to convene the surgeons. When such repeated applications came from the other side, administration may be fairly justified in directing an enquiry into the merits of the case.

Mr. Foot has to thank his own friends, I mean the friends of his cause, or at least a part of them, for the imputation, which he says has been  
 been



been thrown on his character; and Mr. Bromfield has to thank the same friends, who, by their applications for a pardon, occasioned the surgeons enquiry, for the unprovoked and unmerited abuse of Mr. Foot's scribe.

The examining surgeons report their opinion; and upon that report the convicts are pardoned, agreeable to the solicitations which had been made for that purpose.—Is any thing that Mr. Foot has asserted, more than matter of *opinion*? He is of *opinion*, that Clarke died of the blow he received. The examining surgeons, who are at least as respectable as Mr. Foot, and as eminent in their profession, are of a different *opinion*, that had proper care been taken of Clark, he might still have been alive. The whole is a difference of *opinion*. It is



no new thing to see the most eminent of men differ in opinion. The learned judges have done it upon the bench; the most able ministers have done it in the cabinet. But in these cases, as well as in that between the examining surgeons and Mr. Foot; those who are to judge of this difference of opinion, who are to determine upon it, and who are to take some measure consequence of it, are always guided by the authority of the *most respectable side*. And can there be any doubt which side an impartial man would take in this case? Whether he would yield to the *single* opinion of Mr. Foot? or the *united* opinion of Messrs. Cowell, Bromfield, Crane, Ranby, Hawkins, Middleton, Fullager, Younge, and Pott?

I do



I do not find even in Mr. Foot's account of his examination at surgeons-hall, the least expression drop from any of the surgeons, to the injury of Mr. Foot. Yet Mr. Foot is greatly enraged with the conduct of these surgeons—because they differed from him.

One of those gentlemen has exculpated himself from the foul aspersions which had been repeatedly cast upon him, in the public papers. And it would have become Mr. Foot, since he is so very angry with Mr. Bromfield, to have taken some notice of that gentleman's vindication of himself, which appeared in the papers several days before Mr. Foot's appeal. Mr. Foot should have answered it, as it contains a flat contradiction to one of the many falsehoods which have

C 2

been



been industriously circulated by Mr. Foot's admirers; and a very material fact, sufficient for a surgeon of his reputation and skill, to form an opinion upon. Until Mr. Foot does answer this paper, the dispassionate part of the world will incline to Mr. Bromfield.—Mr. Bromfield's vindication, together with the paper which gave rise to it, I shall here transcribe.

*To*



*To the Court of Examiners of the Surgeons  
Company.*

Mr. Benjamin Cowell.

William Bromfield, Esq; Surgeon to her  
Royal Highness the Princess Dowager of  
Wales.

Mr. Stafford Crane.

John Ranby, Esq; Serjeant Surgeon to  
his Majesty.

Cæsar Hawkins, Esq; ditto.

David Middleton, Esq; ditto.

Mr. Christopher Fullager.

Mr. Robert Younge.

Mr. Percival Pott.

\* Mr. Robert Adair, Surgeon to the  
Third Regiment of Foot Guards.

GENTLEMEN,

**D**OES not Mr. Foot depose upon oath,  
in the trial of Balf and M'Quirk, for  
the murder of Mr. Clark,—That his *dura*  
*mater* was inflamed, blood extravasated be-  
tween that membrane and the *pia mater*,

• This Gentleman was not present, and in another List,  
Mr. Gregory is put instead of Mr. Adair.

the



the *pia mater* not only inflamed, but ruptured also : and that the wound received on his head was the cause of his death ?

If false—Has not Mr. Foot been guilty of the grossest ignorance, or the foulest perjury ?—But from whence these infamous imputations ?—Do they not arise from your joint opinion, that the facts he relates are false, and that Clark's death was not occasioned by the Wound received upon his head ?

If, by the ignorant or perjured deposition of Mr. Foot, two innocent men were found guilty of the murder of Mr. Clark, a court of Justice not only troubled with a long and tedious trial, but deceived at the same time by his evidence ; what does he merit less than M'Quirk, whose life has been almost miraculously preserved, by the new and happy medium of the Court of Examiners ?

But if, on the other hand, a murderer has escaped justice, is let loose on the public, and the clemency abused, in consequence of your opinion that this wound of Clark's  
was



was not mortal, or the cause of his death, what do you not deserve ?

Let me ask, whether (if there be in nature a possible mortal wound) an extravasation of blood between the *dura* and *pia mater*, and a rupture of the *pia mater* itself, does not come under that denomination ? Is not this definition established by writers of the best credit, by constant practice and observation, and by innumerable evidences in judicial anatomy ? What is the result ; but that this wound of Clark's was absolutely mortal *per se* ? Nor does this rest upon a simple affirmation, which might well enough and effectually enough be contrasted with your simple opinions ; but is founded on a basis of truth and reality, which the Court of Examiners can neither subvert nor destroy.

It is allowed, that some wounds, mortal in themselves, are some times, though but seldom, cured by the art of surgery. It appears from the Gazette, that William Bromfield, Esq; Surgeon to her Royal Highness the Princess Dowager of Wales, attended Clark from the first. Mortal  
Blows,



Blows, and wounds of the head, do not always speedily discover their fatal effects ; they therefore require the utmost attention, as well as the utmost skill, preventive and curative.—Let me ask then, How did Mr. Bromfield attend, and what did he do for this man whilst under his care ?—Was he frequently and plentifully bled ?—If a strict regard was paid to symptoms (had he no symptoms ?) why was not the trepan applied ?—the only means by which a chance of life could be given ? But may it not be shrewdly suspected, that Mr. B——d's many engagements deprived him of that advantage ? But suppose an omission in life, why did he not inspect the head of his deceased patient ? Did not duty to his God, King, and Country, demand this ; that he might have been qualified, to give evidence in a matter of such importance as Murder ? How then could he pretend, several weeks afterward, to take the lead, and direct the opinions of the Court of Examiners, in an affair wherein they were still less able to form a true idea than himself ? If the Court of Examiners cannot set the part  
they



they have acted in a better light than it now appears to the world, will they not expose themselves to the censure of all mankind?

An answer to these queries and allegations are expected, and demanded, by every honest man in the kingdom.

I am, GENTLEMEN,

As far as Truth and justice shall appear,  
more or less,

your most obedient, humble servant,

CHIRURGICUS.

To the PRINTER.

*Conduit-street, March 18, 1769.*

I was this day shewn a letter in your paper, signed Chirurgicus, on which I shall make no further comments, but to disabuse *the public*, in respect to one *allegation* relative to *myself*. It is said, as a quotation from the Gazette, that “ I attended Clark from the first.” Nothing can be falser than this assertion, as I never saw Clark till Tuesday, about noon, the 13th of December 1768, the sixth day, as I was told, from the blow being given. I then direct-

D

ed



ed such things as I thought proper for his immediate relief, and sent my son in the afternoon to know the effect of the medicines, who told me the clyster *only* had been given. The next morning, Wednesday the 14th, notice was sent me that the man died in the night.

These facts being known, the absurdity of the subsequent queries, contained in the letter, must be too obvious to stand in need of any reply.

I hope, for the future, your correspondents, as well as yourself, will be better informed of facts before you attempt to traduce my character; which, I flatter myself, has hitherto been, and will remain unimpeached, for want of integrity, in my profession.

W. BROMFIELD.



Besides Mr. Bromfield's Answer to Chirurgicus, there appeared in a few days after the following, which deserves some notice here.

‘ Does not Mr. Foot, says this writer,  
 ‘ depose upon oath, that Mr. Clark’s dura  
 ‘ mater was inflamed, blood extravasated  
 ‘ between that membrane and the pia ma-  
 ‘ ter, the pia mater not only inflamed but  
 ‘ ruptured also ?’

He does not. That part of Mr. Foot’s deposition, to which the letter-writer refers, is vague and indefinite, his judgment, with respect to the cause of Mr. Clark’s death is explicit and decisive.

That the public may not be deceived by unfair representations, it is necessary to observe, that at the time of Mr. Clark’s illness, a fever prevailed, attended with symptoms similar to those under which he laboured. In this fever, which is often fatal, the same morbid appearances are found after death, which the letter-writer supposes Mr. Foot to have described.



When this is explained, and when it is considered that Mr. Clark did not complain for some days after he received the blow, that he was then seized with the usual symptoms of a malignant fever, and that the appearances which Mr. Foot describes, if this evidence has any meaning, are exactly such as might have been occasioned by that disease, it will be difficult to persuade the unprejudiced part of mankind, that that blow which Mr. Clark received was absolutely the cause of his death.

Many cases occur, where it is impossible to decide positively concerning the cause of death ; and in every doubtful case, clemency ought to prevail, since it is better that a guilty person should escape by a favourable representation of the case, than that an innocent person should unjustly be condemned to death.

The letter-writer's questions concerning the consequences of Mr. Clark's wound, are founded on an imaginary representation, not on Mr. Foot's evidence, and therefore can have no weight.



I will now proceed to take some notice of what were the *real* causes of Mr. Clarke's death.

He might formerly, for it does not appear to the contrary, have been a sober, but was he not lately, an idle dissipated young man? He went to Brentford, though no freeholder. A riot happened; and he received a stroke, or a blow, from some unknown person. It does not appear to this day, that Macquirk ever struck him, or that they even knew each other. Yet, notwithstanding this blow, he walked afterwards to Isleworth, to Richmond, to Turnham-Green, and to London; drank rum and brandy at most of these places: and that he attended his ordinary business, without any material inconvenience, for some days. He was  
at



at length seized with a fever, the symptoms of which were highly inflammatory, and he died.

After his death, Mr. Foot, who had never seen him during his illness, was called in. Mr. Foot himself says, that he found no fracture: but the vessels of the brain were in general inflamed, a quantity of blood was found between the membranes, and the pia mater was ruptured. It was therefore his opinion, that Mr. Clarke's death was caused by the blow.

Upon this evidence the two men (Balfe and Macquirk) who were at Brentford on that day, were condemned for the murder of Clarke.

Then came the applications for a pardon, which have been already mentioned.—Some of the moderate men in opposition, are said to have  
reasoned



reasoned thus, on this affair; “ whatever may be the construction of the law, ’tis certain that the convicts did not intend to murder any person; and therefore their case strongly pleads the exertion of that part of the royal prerogative so wisely ordained to temper judgment with mercy. In them there was no premeditated malice, nor even momentary intention to kill any person.—It is very common for persons who have been drinking at elections to die, though they have not received a blow, but in such a habit of body a very slight wound may prove fatal; and it is very probable, that if the unhappy man had been properly taken care of, he might have recovered.”

In consequence of the doubts which were thus suggested, the affair was  
ordered



ordered to be enquired into by ten eminent surgeons. It appeared to them, from the evidence produced, that Mr. Clarke's principal complaint had been a fever highly inflammatory, but unattended with any symptoms indicating pressure upon the brain. An extravasation of fluid blood in the brain from a blow will always produce some symptom of pressure. In fevers, when the inflammation runs exceedingly high, the vessels of the brain may be preternaturally distended; a rupture of some of them may and frequently does happen; and all the appearances seen by Mr. Foot may be produced from such a cause. It was their opinion, therefore, that the wound which was received by Mr. Clark was not the cause of his death.

And



And I am of opinion, that had Mr. Foot attended or enquired carefully into what happened before death, and had he reflected only that there was a possibility of such appearances being produced by a fever, he would not have been quite so positive in his decision. I shall readily allow him to be a good surgeon, and will grant him all the merit of large experience acquired both while a Mate in Germany, and while a pupil at the Middlesex Hospital; but I must likewise think, that some respect is due to ten of the principal surgeons in London, whose opinion was formed on a careful comparison of the symptoms previous to death with the appearances on dissection; and I am perfectly convinced, that those who gave evidence with respect to the first, are men

E of



of such integrity, that what they declared on so solemn an occasion, they would not swerve from at the bar of a court of justice. Mr. Foot's account of the case enabled the Examiners to judge as well as if they had been present; and his opinion, that the man might have recovered had proper care been taken of him, justifies their decision; neither indeed does it throw any reflection upon him, provided he is satisfied that it was not incumbent on him to make any enquiry about the state of the patient before death; and if his mind was perfectly at ease after giving such a positive opinion without the least qualification at the same bar, where the lives of two of his fellow-creatures were supposed to depend upon it.

This



This does not in the least arraign the justice at the Old Bailey : their verdict was founded in a great measure on what Mr. Foot said ; but other evidence appearing before the Examiners, gave very good reason for the opinion they subscribed to on that occasion. 'To suppose, that any of these gentlemen were under undue influence, in an affair of so much consequence, is too malicious to admit of a serious confutation. Such insinuations can proceed from the malevolence of faction only ; and though some men, to answer their diabolical purposes, may endeavour to enforce them on the credulous and deluded multitude, yet the good, the sensible, and unprejudiced, will reject the idea with horror. It is no difficult matter to assign the motive of this war-



war-hoop, this death-song against poor Balfe and Macquirk. If they are pardoned, administration is to be abused for remitting the guilt of blood. If they are executed, the very persons who so eagerly demanded their lives will exclaim, and with very good reason, against those pusillanimous ministers, who sacrificed the proper objects of royal mercy to a factious and inhuman clamour.

The case of Balfe and Macquirk was therefore like a two-edged sword, it would cut either way.—But administration wisely resolved not to advise an extension of the royal clemency, till it should be made manifest, even by the faculty themselves, that the convicts were deserving of a pardon. But this prudence,



dence, which was not intended to give offence to any, has brought down the vengeance of Mr. Foot ; and he has dealt about him in a most unmerciful manner.

If Mr. Foot had confined his appeal to only such matters as were within his profession, as a surgeon, had made it purely a surgical performance ; it might have had some weight with the ignorant part of the public ; who are not always able to investigate intricate truths. But having introduced the affair of St. George's-fields, and an abundance of other political matter, all foreign to his subject, or at least to what ought to have the only subject of his appeal ; he has thoroughly convinced the world, (notwithstanding the

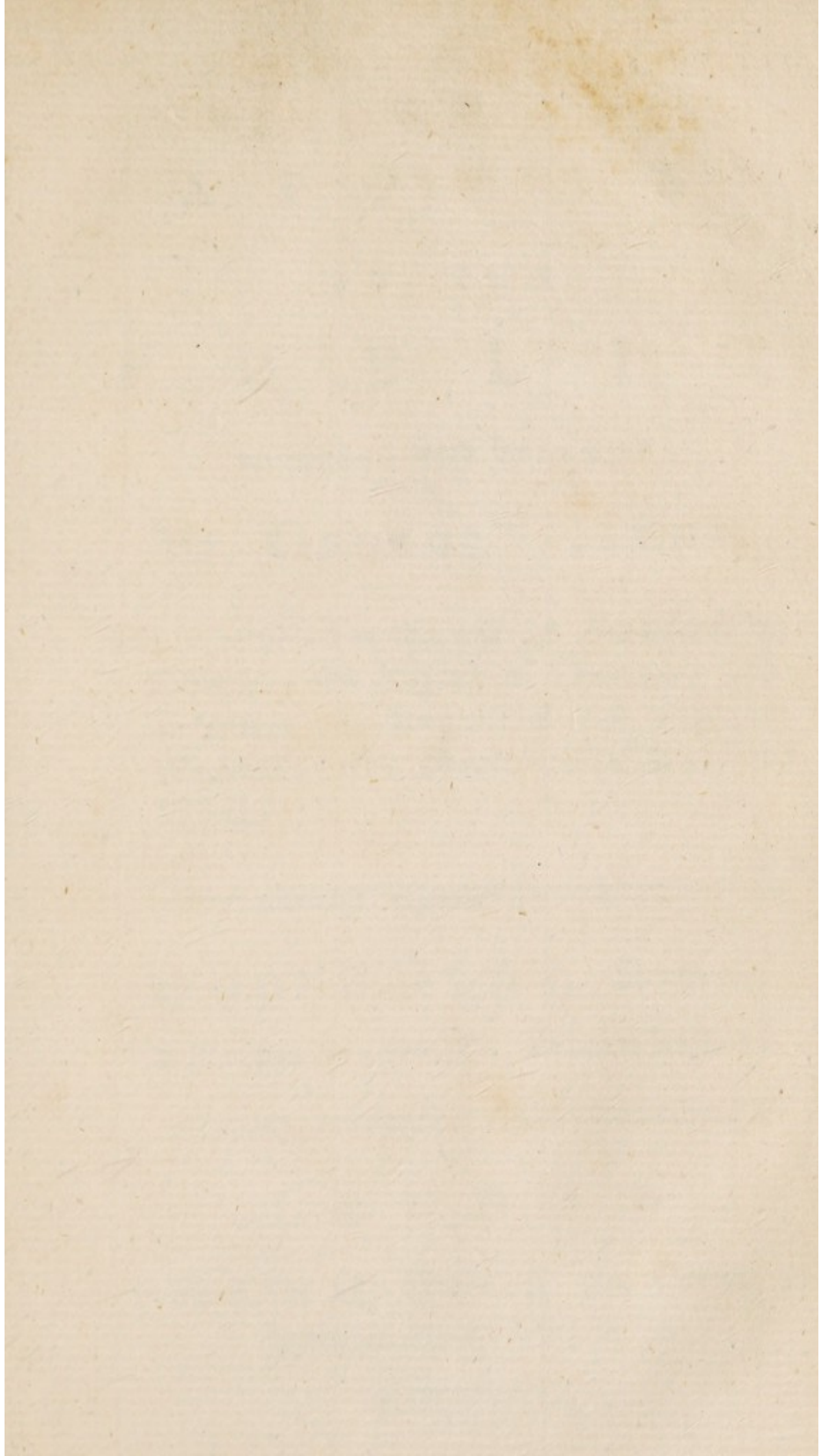


the assertion he sets out with, that he is unconnected with, and disclaims all party) that he is as warm a friend to a certain faction, and as zealously attached to the cause, as the most ambitious leader in it.

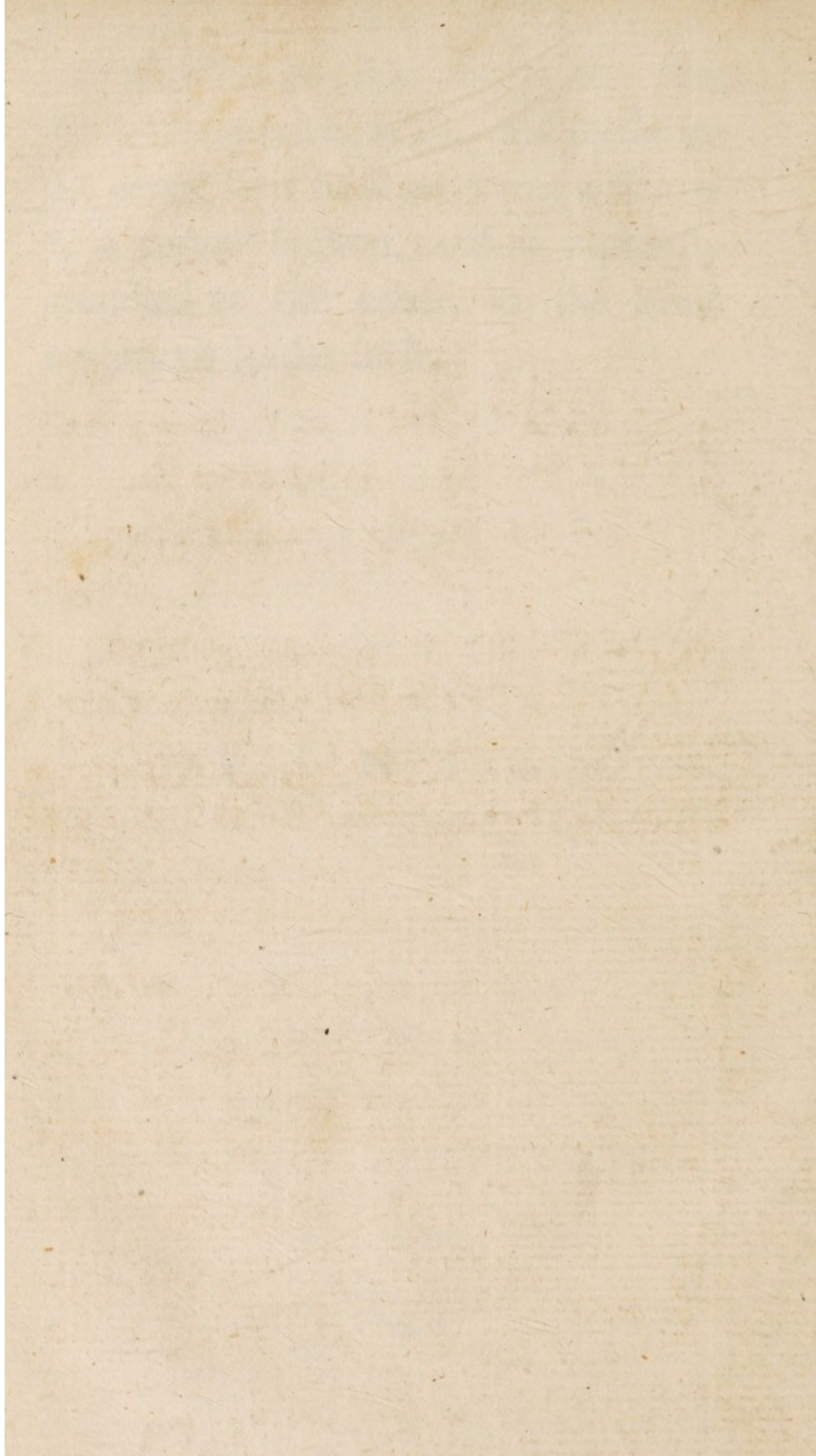
F I N I S.













A N  
A P P E A L  
T O T H E  
P U B L I C,

TOUCHING THE DEATH OF

Mr. GEORGE CLARKE,

Who received a BLOW at *Brentford* on  
Thursday the *Eighth* of December last,  
OF WHICH he languished and DIED on  
Wednesday the *Fourteenth* of the same  
Month.

---

By JOHN FOOT, SURGEON,  
Of HOLLES-STREET, CAVENDISH-SQUARE.

---

L O N D O N:

Printed for R. DAVIS, the Corner of  
*Sackville-Street, Piccadilly.*

M. DCC. LXIX.



THE  
PUBLISHED  
TO THE  
PUBLISHED  
TOWARDS THE DEATH OF

Mr. GEORGE CLARK  
Who received a blow at Brierford on  
Thursday the 11th of December 1811,  
or was he imprisoned and died on  
Wednesday the 14th of the same  
Month.

---

BY JOHN FOOT, Surgeon,  
OF HOLLES STREET, CAVENDISH SQUARE.

---

L O N D O N:  
Printed for M. DAVIS, the Corner of  
St. Martin's Lane, and  
M. DCC. LXXI.



---

*From the* LONDON GAZETTE.

*St. James's, March 11.*

**H**IS Majesty has been graciously pleased to extend his Royal Mercy to Edward M'Quirk, found guilty of the Murder of George Clarke, as appears by the Royal Warrant to the tenor following.

GEORGE R.

**W**HEREAS a doubt has arisen in our Royal Breast concerning the evidence of the death of George Clark, from the representations of William Bromfield, Esq; surgeon, and Solomon Starling, apothecary; *both* of whom, as has been represented to us, *attended* the deceased before his death, and expressed their opinions that he did not die of the blow he received at Brentford: And whereas it appears to us, that *neither* of the said Persons were produced as *witnesses upon the trial*, though the said Solomon Starling had been examined before the coroner, and the *only* person called to prove that the death of the said George Clarke was occasioned by the said blow, was John Foot, surgeon, *who never saw the deceased till after his death*; we thought fit thereupon to refer the said representations, together with the report of the Recorder, of our city of London, of the evi-



dence given by Richard and William Beale, and the said John Foot, on the trial of Edward Quirk, otherwise called Edward Kirk, otherwise called Edward M'Quirk, for the murder of the said Clark, to the Master, Wardens, and the rest of the Court of Examiners of the Surgeons Company, *commanding them likewise to take such further examination of the said persons so representing, and of said John Foot, as they might think necessary, together with the premises abovementioned, to form and report to us their opinion, " Whether " it did or did not appear to them, that the " said George Clarke died in consequence of " the blow he received in the riot at Brentford, on the 8th of December last."* And the said Court of Examiners of the Surgeons Company having thereupon reported to us their opinion, " That it did not appear to " them that he *did*;" we have thought proper to extend our Royal Mercy to him the said Edward Quirk, otherwise Edward Kirk, otherwise called Edward M'Quirk, and to grant him our free pardon for the murder of the said George Clark, of which he has been found guilty: Our will and pleasure therefore is, That he the said Edward Quirk, otherwise called Edward Kirk, otherwise called Edward M'Quirk, be inserted, for the said murder, in our first and next general pardon that shall come out for the poor convicts of Newgate, *without any condition*



*condition whatsoever* ; and that in the mean time you take *bail* for his appearance, in order to plead our said pardon. And for so doing this shall be your warrant. Given at our Court at St. James's, the 10th Day of March, 1769, in the ninth Year of our Reign.

By His Majesty's Command,

ROCHFORD.

To our trusty and well-beloved James Eyre, Esq; Recorder of our City of London, the Sheriffs of our said City and County of Middlesex, and all others whom it may concern.

An





A N  
A P P E A L  
T O T H E  
P U B L I C.

I DID not apprehend that the discharge of my duty in the regular exercise of my profession would ever make it necessary for me to appeal to the public. Much less could I suppose, that the same person who refused to attend the coroners jury on their inquisition into the death of Mr. Clarke, would be the *principal* in an attack on my character for having obeyed their summons.

However I acquit Mr. Bromfield intirely of any malicious intention personally against me. I believe the *same motives* would have made him act the same part against his brother or his dearest friend.

But



But I think it would be a little hard if in the shock of contending parties, the reputation of an indifferent man who is connected with and attached to neither, should be destroyed, to answer the purposes of one of them. Surgeons of any eminence were before sufficiently reluctant to attend on these occasions. The coroner's jury, the grand jury, and the petit jury at the Old Bailey were accompanied with disagreeable circumstances enough to make any one wish to decline such sort of attendance. I am afraid surgeons will hereafter be more than reluctant, since the establishment of this new court of judicature, the court of examining surgeons, which is convened by a secretary of state evidently to answer a particular purpose: whose members are not upon oath themselves, nor receive any evidence upon oath; who *without inspection* of the body are to declare their *opinion* of another man's *opinion*, founded on *inspection* of the body, and three times delivered upon oath.

If their determination so obtained and so given can *justly* controul the verdict of *three* several juries, strengthened by the unanimous approbation of the learned judges, what conclusion must the public draw? not a very favourable one I believe either to juries, judges, or surgeon.

I say juries and judges, for it is impossible that the imputation should light only on the surgeon.



The verdict is not founded on his evidence alone, but on a number of concurring circumstances; and the education of every scholar, of every gentleman, will not permit us to suppose the *learned* judges in particular so totally ignorant of the human frame as not to be able themselves to form some judgment of the surgeon's report. But there is nothing intricate or difficult in the case before us. Every man of common sense in this kingdom is a competent judge of this question.

It was proved that the deceased Mr. Clarke was in perfect health on Thursday the 8th of December, and till the very moment of receiving the blow; from that time he languished and continued daily to grow worse till Wednesday the 14th, when he died. He was himself sensible that the blow would be the cause of his death; and repeatedly declared it. He lived only five days and fourteen hours after receiving the blow.

However, since some Persons seem very desirous to believe that the deceased Mr. Clarke died of a nervous fever, or a putrid fever, or a drunken fever, or of any other fever or disorder, or of any thing but the blow; and since many reproachful insinuations have been thrown out against me and my evidence, I will lay the whole before the public, as well to convince them that I have never retracted my opinion, as to inform them on what it was founded. At the same  
time



time I declare, that I do not mean by this Appeal, to debar myself from any remedy to which I may be entitled by Law, either against the Court of Examining Surgeons, or the Secretary of State, for the injury done to my reputation.

On Thursday the 15th of December, 1768, I was called in by the Coroner's Jury to examine the dead body of Mr. George Clarke, at the White-Hart, Welbeck-street, Cavendish-Square. Mr. Walker, Surgeon, had likewise been sent for, but, *fortunately for him*, was not at home. I attended, and enquired who had taken care of the deceased in his illness? I was answered that he had been visited by Mr. Starling, Apothecary, and by Mr. Bromfield, Surgeon. Mr. Starling had already given his evidence. I desired Mr. Bromfield might be present. I was informed he had been sent for twice, and had refused to come, because he *apprehended* it might be an *Old Bailey business*, and for the same reason would not permit any of his assistants to come. At the coroner's request I went up stairs into the room where the body lay, expressed my desire that Mr. Underwood, a Surgeon, (who had been sent for by Mrs. Talbot, the aunt of the deceased) would be present, waited some time for him, and was informed that he was gone away. I then proceeded to examine the body, in the

B

presence



presence of the jury, assisted by Mr. Bearcroft, a Surgeon in his Majesty's service, who had formerly lived with me for his improvement, and was at this time accidentally in Town.

I examined the body very carefully all over, it was not discoloured in any part, nor had any appearance of hurt or disorder of any kind, except a contused wound on the top of the head, by the side of the sagittal suture upon the right parietal bone; the scalp was elevated for a considerable space round the wound, the pericranium which naturally adheres firmly to the bone, was much inflamed, and separated from the scull. After clearing this part I searched for a fissure or fracture, but found neither; I then raised the whole of the scalp and pericranium, and as fractures are not always to be found under the part where there are marks of external violence, I continued my examination, and sought for what has been called a contra fissure or fracture: I met with neither. I then proceeded to saw the bone circularly, beginning at the forehead; after carefully raising the upper part of the scull, I found the dura mater (which is the external membrane of the brain) greatly inflamed, particularly under the part where the blow was given, and here detached from the bone, to which in a sound state it is closely connected. Upon removing this membrane, I saw a quantity



quantity of extravasated coagulated blood between it and the pia mater. The pia mater, or interior covering of the brain, was itself inflamed, and some of its vessels ruptured on the right hemisphere of the brain. From these appearances I was led to enquire into the symptoms that attended the deceased during his illness. I was informed by the several deponents, before the coroner and jury, That at first the deceased complained of pain in the wounded part of his head, this increased, and was succeeded by faintness, stupidity, chilliness, sickness, vomitings, fever, delirium, and convulsions, to his death. He was not free from some one of these complaints from the time of his receiving the blow till he expired. At the same time I was told, that Mr. Bromfield was called in only on the day that Clarke died, when he ordered his head to be shaved; but did not even examine the wound. Mr. Bromfield saw him no more, for he died the same night.

The coroner then proceeded to take the depositions, of which the following is a copy :

MIDDLESEX. *Marybone, Dec. 15, 1768.*  
*White-Hart, Welbeck-street,*  
*touching the Death of George*  
*Clark, then and there lying*  
*dead.*

SOLOMON STARLING, of Princes-Street, near Hanover-Square, Apothecary, saith, last Monday he was called in to attend the



deceased, that he went and found the deceased in a violent fever in bed ; that he applied proper remedies ; that he attended him the next day, and found him not better, and desired further advice, upon which Mr. Bromfield the Surgeon was sent for; but the witness was not present when he came, but administered the remedies Mr. Bromfield advised, and attended the deceased the evening of the same day, but found him no better ; says the deceased's brain was affected, for he found an absence of mind and frequent flutterings, which a violent fever will cause ; that he called the next morning, and was informed the deceased was dead of the fever, but what was the cause of the fever he cannot say.

#### SOLOMON STARLING.

WILLIAM BEALE, of Marybone, says, That on the 8th of December Inst. he was at the election at Brentford, and the deceased stood next to him close to the rail at the Hustings ; that about half after two a mob arose and a riot ensued, and the witness received a blow on the left wrist and another on the head, by a short stick or bludgeon ; that the deceased stood next to him, but the witness being afraid of being killed, made the best of his way out of the croud, and did not see the deceased struck, but in a very short time after, about a minute, the deceased came to the witness in the yard of the Three Pigeons, all of a gore blood from the head  
and



and neck ; that then they went together to the Rev. Mr. Horne's, at Brentford, and with Richard Beale, went through the yard of his house into the Church-Yard, and got over the wall to save themselves, being afraid of their lives, and from thence went to Isleworth, the deceased being still bleeding ; that when they got to Isleworth the deceased pulled off his hat and stock, and the witness lent him his handkerchief to hide the blood which came from a wound near the top of the head, the witness then bathed the deceased's head and wound, and likewise his own hand, with some rum, and then set out for home ; that in coming home the deceased complained of his being faint ; that they called at a public-house on Turnham-Green, and with Richard Beale, had a quartern of brandy together, and from thence came directly to Marybone, where the deceased's head was drest, and that they all three went to the Queen's-Head at Marybone ; that the deceased, at Mr. Horne's, informed the witness and Richard Beale, that he had been knocked down with a short stick or bludgeon, by some ruffian whom he knew not, which he has frequently repeated ; that he saw him *on Friday* last and he was *very bad*, and *on the Saturday worse*, when he was blooded, *nor* did he appear *better on the Sunday*, but *on Monday* in the evening he was in body *worse*, and all in a sweat ; that on the Sun-  
day



day the deceased declared to the witness that he was sorry he had been at Brentford, for he was of opinion the blow would be his death; that the witness, also Richard Beale, and the deceased, were all very sober; hath known the deceased about three years last past, and never knew him subject to drink, and was well in health before he was at the Hustings.

### WILLIAM BEALE.

RICHARD BEALE, of Marybone, Peruke-maker, saith, That he was at Brentford on the 8th of December, with William Beale and others, where he went with the deceased to the Hustings between two and three o'clock, when a mob and riot ensued; that he did not see the deceased knocked down, but saw him down, or was down with his hands towards the ground; that after they met at the Three Pigeons yard, from thence they went to Parson Horne's, and went thro' the yard of his house into the Church Yard, and went over a wall, being afraid of their lives; that from thence went to Isleworth, the deceased being still bleeding; that William Beale lent the deceased a handkerchief to hide the blood which came from a wound from the top of the head, which was then bathed with rum by Mr. William Beale; that in coming home he complained of his head and being faint, and at Turnham-  
Green



Green they had a quartern of brandy ; that after they came to Marybone to Mr. William Beale's, where the deceased's head was drest, and they then went to the Queen's-Head at Marybone, where the deceased said he had received a blow at Brentford, which greatly pained him, but that he knew not from whom; that there was a great mob and riot at Brentford, and that they were glad to get away to save their lives ; that he hath not seen the deceased since alive ; that he hath known the deceased about three years, and never knew him subject to drink, and was well in health before he was at the huffings.

RICHARD BEALE.

HENRY FRANCIS, of Marybone, Coal Merchant, saith, that on the 8th of December, he was not at the election at Brentford, but in the evening of the same day he was at the Queen's - Head, at Marybone, in company with the deceased, the two Beales, and others where the deceased complained he had been very ill used at Brentford, and had been knocked down there with a stick or bludgeon, and then pulled off his hat which was bloody, also a white rag in the hat and the handkerchief about his neck, and the shirt and coat were very bloody ; that the witness had the curiosity to take a candle and examine the wound on the top of the deceased's head, when the head appeared much swollen, and the



the hair clotted with the blood ; that he sat next him, that the deceased often said his head was very bad, and that he must go home, and wished he was in bed.

HENRY FRANCIS.

THOMAS CROSBY, of Marybone, Coachman to Mrs. Hustler, saith, that about five o'clock on Monday in the evening he saw the deceased in bed ill ; that he staid with him about an hour and an half, in which time he appeared sometimes sensible and sometimes upon the flighty order ; says the deceased said nothing to him otherwise than Tom or Thomas, when he was sensible, when he was insensible he would mutter out Brentford election and I shall die to night ; that during the time he was insensible he twitched at the sheets and pulled one of them out, and would have flung it away. That he sat up with him all night on Monday night last during which time he was insensible.

THOMAS CROSBY.

*All Severally taken, &c.*

*E. Umfreville, Coroner.*

*Saint Mary-le-bone, Welbeck-  
Street, December 15, 1768,*

These are to certify that I have examined the body of Mr. George Clarke, and found a wound on the upper part of the head with the scalp much bruised ; on opening the head  
there



there appeared a quantity of extravasated blood under the dura mater, and the vessels of the pia mater and brain were turgid with blood and ruptured; from these appearances (I do verily believe to the best of my judgment) that his death was owing to the afore-said wound.

JOHN FOOT, Surgeon.

*Sworn, &c.*

Willful Murder by some Person or Persons unknown.

It is proper here to mention, that after the deposition, Mr. Starling being asked by some of the jury what he thought was the cause of the fever, answered, "most certainly *the blow*." I have been an Apothecary of the Hall near forty years, and would be very cautious what I say, but there is no doubt *the BLOW was the CAUSE of the fever*.

On Wednesday, January 11, 1769, A bill of indictment was found by the Grand Jury at Hicks's-Hall, against Balfe and Mac Quirk, for the murder of Mr. George Clarke.

On the Saturday following, January 14, the trial came on at the Old Bailey.

The following is that part of the evidence which relates to the cause of Clarke's death, as taken from the Sessions Paper.



*Richard Beal Sworn.*

*Examined by Serjeant Leigh.*

*Counsel.* Are you a voter for Middlesex?

*R. Beal.* No.

*Counsel.* Did you know George Clarke?

*R. Beal.* Very well.

*Counsel.* Did you go with him to Brentford?

*R. Beal.* No.

*Counsel.* Did you see him there?

*R. Beal.* Yes.

*Counsel.* Where was he when you saw him?

*R. Beal.* I and Mr. William Beal were upon the Hustings, and Mr. William Beal, who is my cousin, saw Mr. Clarke, and brought him up to me.

*Counsel.* Is Mr. William Beal a freeholder?

*R. Beal.* Yes.

*Counsel.* What time was this

*R. Beal.* About half an hour after one o'clock.

*Counsel.* What part of the Hustings were you, William Beal, and the deceased at?

*R. Beal.* At the hither part, the lowest side near the corner.

*Counsel.* Is that the side where the door was, or the opposite side.

*R. Beal.* The door went in at one end, I believe

*Counsel.* Was it on the left or right?

*R. Beal.* The left.

*Counsel.* When you was there first, at half an hour after one, was there any riot, or was the place quiet?

*R. Beal.* Very quiet at that time.

*Counsel.* How long did you stay there, before you perceived any riot?

*R. Beal.*



*R. Beal.* When Mr. Tomlin and Mr. Clarke came up, they asked William Beal and me, if we had any thing to drink; they told me they had not drank since the morning, which was at the Three Pigeons. Then he asked us if we would go down as far as Mr. Horne's: this was about half an hour after one. We went there.

*Counsel.* Did you return?

*R. Beal.* We had, I believe, two glasses of wine there, I cannot be sure to a glass, it might be two, or less.

*Counsel.* Did you return to the Hustings from Mr. Horne's?

*R. Beal.* When we came to Mr. Horne's there was Mr. Wilden, Mr. Whitwell, and two other freeholders. Mr. Wilden said to Mr. William Beal, if all was quiet, he would go up and give his vote. Mr. Beal said it was very quiet, and he thought he might go up very safe.

*Counsel.* Was Mr. Wilden an infirm man?

*R. Beal.* A very elderly man.

*Counsel.* What time was this?

*R. Beal.* About two o'clock, or a little better.

*Counsel.* Did the deceased Mr. George Clarke go up?

*R. Beal.* He went with me.

*Counsel.* Did he go to the Hustings then?

*R. Beal.* Yes.

*Counsel.* To what part?

*R. Beal.* To where we went before.

*Counsel.* Did you get admission to the Hustings?

*R. Beal.* Yes; Mr. Whitwell had polled.

*Counsel.* Now tell the court what you observed of this riot.

*R. Beal.*



*R. Beal.* Just as Mr. Wilden had done giving his vote, they came round both sides of the Hustings, and through the Hustings.

*Counsel.* Which side the Hustings did they come up to first; that where you were standing, or the other?

*R. Beal.* That I cannot say; they came on both sides, and through.

*Counsel.* Did you see the mob commit any acts of violence?

*R. Beal.* I cannot say that I saw one struck. I saw some down, but did not see any blows given. We were then going away from the Hustings; Mr. Clarke was on one side, Mr. Wilden and I on the other. We were got three or four yards from the Hustings, going down to the Three Pigeons. I did not see the blow given; but going down the Three Pigeons Yard, Mr. Clarke overtook us, after he had received the blow. I had not missed him. At first I saw him almost down upon his hands near the ground a little below the Hustings.

*Counsel.* Did he appear falling or stooping?

*R. Beal.* I was frightened very much. There was a riot at that time. Mr. Clarke recovered himself as well as he could, and came down to us. We were then at the gate-way, going down to the Three Pigeons.

*Counsel.* What distance was you from him, when you saw him near the ground?

*R. Beal.* I might be an hundred yards distance. (I will not be positive.) When he came up to us, we were not quite at the Three-Pigeons, I happened to see the blood. It ran down the right side of his head, upon his coat. He wore his own hair. It was tied behind. The blood  
came



came from the upper part of his head, rather on the right side. He said he did not know that his head was broke, till he saw the blood running down from under his hat down his arm.

*Counsel.* Did you make any application in order to relieve him?

*R. Beal.* I asked him if he knew who struck him. He said it was some great fellow, but who he did not know. We went away to Parson Horne's house again.

*Counsel.* When you came to Mr. Horne's house did you examine this man's head?

*R. Beal.* The people said the mob were coming to Parson Horne's house, to pull the house down. We made through the house into the church-yard, where Mr. William Beale lent him a handkerchief, and wiped off the blood with it in the church-yard.

*Counsel.* From thence where did you go?

*R. Beal.* We went through the church-yard, and over a wall, and up into Brentford. He pulled his own stock off, which was vastly bloody, and put Mr. Beale's handkerchief over his neck. We got over the wall into Brentford Town, and from thence to Isleworth. We went into some public-house there, and had something to drink, and got a glass of rum there, and cut some of his hair off, and Mr. William Beal bathed the wound with a little rum. He seemed to be in tolerable good spirits. From thence we went to the river, and over to Richmond, (we were all on foot) and from Richmond to Kew, and over Kew-Bridge; thence to Turnham-Green. Then Mr. Clarke complained that he was faint, and that his head pained him a good deal. He said he should be glad to have something to drink.

We



We went into a house and had a quartern of brandy. Then we came on for London, and came to Mr. William Beal's lodgings, in Gr at Marybone-street. There some of his people, and the landlord, bathed Mr. Clarke's head with a little tincture of myrrh. We had a supper dressed there. Mr. Clarke ate very little. Then we went to Marybone, to the Queen's-Head there. We had a pot of beer. Mr. Clarke drank once, and Mr. William Beal once. Mr. William Beal fell asleep, being tired, walking in boots. Mr. Clarke, in about half an hour went away, without saying any thing. I did not see any more of him till he was dead; then I saw him at his aunt's, in Wellbank-street, the day after he was dead. He died there.

*Counsel.* When did he die?

*Beal.* He died the 14th of December, at the house of Mr. Talbot, the White-Hart, in Wellbank-Street.

*Counsel.* Was he in liquor, or sober, at the time he received the wound.

*Beal.* He was sober: he was a very sober man.

*Counsel.* What age was he?

*Beal.* He was twenty-two years of age.

*Counsel.* How was he as to health at that time?

*Beal.* He was a very healthy man. I knew him three years. I never knew him ailing.

*Counsel.* What time of the day was it that he received the hurt?

*Beal.* It might be between two and three o'clock when he went out.

Mr.



*Mr. William Beal sworn.*

*Examined by Mr. Impey.*

*W. Beal.* I am a freeholder in the county of Middlesex. I believe I set out from Westminster between eight and nine in the morning : I believe I got to Brentford by ten. Mr. Clarke the deceased, came to the Hustings to me about half an hour after one ; from thence we went to Mr. Horne's, and had a glass of wine or two each.

*Counsel.* Was that all you drank ?

*W. Beal.* I believe we had no more. Mr. Wilden, Richard Beal, and Mr. Martin, were there. They asked me, if I had given my vote ? I said I had. They asked me if every thing was safe ? I said there was no riot then. Some of them asked me, if I would go along with them ? I said I would. George Clarke and Richard Beal, went with me. We went together to the Hustings, while Mr. Wilden, and two or three others, I will not be sure whether two or three, were giving their votes. I believe they might have done, but cannot be sure. A mob came from the opposite part, and began at the corner next to the Three Pigeons Yard, and then came round, clearing the people away before them. Mr. Clarke seemed to be afraid : I said, Do not be afraid, for I hope there will be no hurt. I turned myself round, and saw them draw their bludgeons from under their great coats. I had a stick in my hand ; I put it over my head, and put my left hand upon my head ; they beat my stick down, and struck me over the left hand, which swelled my hand. I received another blow on the side of my head ; then I ran into the yard belonging to the Three Pigeons. I had



had not been there above a minute or two, before Mr. George Clarke came to me all in a gore of blood. It issued from the right side, or rather backwarder, of his head, near the top, and ran down his cloaths. From thence we went to the reverend Mr. Horne's.

*Counsel.* Who went with you?

*W. Beal.* Richard Beal, Mr. George Clarke, Mr. Wilden, and Mr. Whitwell, a gardener. The people at the door said, the mob were coming to pull the house down. We went out at the back door, into the church-yard, and from thence we turned to the right hand, and got over the wall, and then we went to Isleworth. We stopped at a public-house, and Richard Beal took some of the hair from the wound that Mr. Clarke had received, and I bathed it with some rum. After that I bathed my own left hand with some rum: then we set out to go home. We first went over the water to Richmond, then over Kew-bridge, then to Turnham-Green. Mr. Clarke said he seemed to be faint, then we had some brandy.

*Counsel.* How much brandy?

*W. Beal.* A quartern. Then we went to my lodgings in Great Marybone Street, and had some pork. Mr. Clarke eat but very little.

*Counsel.* Did he drink any thing?

*W. Beal.* He drank a little quantity of rum, I believe. We went from thence to the Queen's Head at Marybone, and called for a pot of beer. There I went to sleep, and did not know when Mr. Clarke went away.

*Counsel.* Did you see him after this?

*W. Beal.* I did; I saw him on the Friday. The election was on the 8th, and I saw him the  
next



next day. I asked him how he did? he said he was very indifferent.

*Counsel.* Did you see him after that Friday?

*W. Beal.* I saw him on the Saturday; he had been let blood on the Saturday, I asked him how he was? he said he was no better. I saw him again on the Sunday; I asked him how he did then? he said he wished he had never been at Brentford. I said, Why? he said, the blow he received there, he believed would be his death.

*Counsel.* Did you ask him if he knew the person that gave him the blow?

*W. Beal.* I did. He said it was a ruffian or great fellow that gave him the blow, but he did not know the man.

*Counsel.* Did you see him after the Sunday?

*W. Beal.* I saw him on the Monday evening. He was then very bad in bed. I thought he was not fit to be talked to. When I was coming away, he put his hand out of bed, and said, Mr. Beal, will you shake hands with me? I said I would. I did, and parted, and never saw him after.

*Counsel.* Was he sober at the time he received the blow?

*W. Beal.* He was as sober as I am this minute; he was as sober and honest a young man, as ever I saw; he was a young man that I never heard a bad word come out of his mouth to my knowledge.

*Counsel.* How was he for health before this?

*W. Beal.* He was in as good health when at Brentford, as I am at this time.

*Mr. John Foot sworn.*

*Examined by Mr. Adair.*

*Mr. Foot.* I am a surgeon.

D

*Counsel.*



*Counsel.* Do you remember being called in, upon any occasion, to see the body of George Clarke?

*Foot.* I was called in on Thursday the 15th of December, at a public-house in Wellbank-Street, by the coroner, to examine a wound on the head of the body of George Clarke.

*Counsel.* Did you examine the wound?

*Foot.* I did. The hair on his head was full of sand. I found upon the crown of the head was a contused wound; I raised the scalp round the wound, and examined it with my probe; and found the scalp elevated about four inches round. The pericranium, the immediate covering of the skull, was much inflamed. After removing the pericranium, I examined the skull itself; I found no fissure, nor fracture. I then raised the scalp opposite to the wound the contrary side, in order to discover, if I could, what we call a contra-fracture or fissure. I found neither. I then raised the scalp round the whole of the head, and found none at all. I then opened the head the usual way. I found under the dura mater, which is the first covering that lies under the skull, a quantity of extravasated blood, and the dura mater itself was much inflamed. I then examined the first covering of the brain. The interior covering I found to be in a great state of inflammation, and the vessels quite swelled with blood; and that one part of it was ruptured, but the rest of the brain was in a healthy state.

*Counsel.* Do you, from any or all of the appearances, apprehend what occasioned his death?

*Foot.* To the best of my opinion, the wound he received on his head, was the cause of his death.



If it should be asked why my evidence at the Old - Bailey was not fuller, and more technical ; I answer that I was speaking to a jury, and thought it my duty to be intelligible rather than scientific. I answer that the judges and the jury were thoroughly satisfied that Clarke died of the blow. I answer, that this point was admitted even by the prisoners' own numerous, ingenious and *industrious* counsel ; who, on application made to them, declined to ask me any farther questions.

On Friday, February 3, Mr. Bromfield sent a message to my house, that he desired to see me in Conduit-Street, I immediately waited on him. He asked me the particulars respecting the appearances I found in the head of the deceased Mr. Clarke, I minutely informed him. After which he said that he supposed he was lost for want of care, adding that he supposed the apothecary had committed an error with Mr. Clarke in treating a *concussion of the brain* as if it had been a nervous fever. I replied that it might be so. I acquainted him how much I had wished that he had been present at the time of opening the head ; and told him that I was informed that he supposed it would be attended with many inconveniences ; as it might subject him to be subpoena'd on the trial ; which he acknowledged. We proceeded to talk of the particular circumstances attending



attending the riot at Brentford. Mr. Bromfield exculpated Sir William Beauchamp Proctor; and said that a party of men hired by Serjeant Glynn, with Sir William Beauchamp Proctor's labels in their hats, making a regular attack on the hustings, and crying Proctor for ever, was a piece of great generalship in the Serjeant; I replied that I could not think so, because Serjeant Davy in the Sheriff's room had told me, during the trial, that he should bring the clearest proof in the world that Mr. Glynn had hired them; and as he produced no proof whatever of that sort, I concluded he could not, and that it was not so.

On the 15th of February, Mr. Bromfield met me at Mr. Clare's, in Oxford-Road about two o'clock in the afternoon, and desired I would go with him to meet Messrs. Ranby and Middleton, at Mr. Hawkins's in Pall-Mall; who wanted to talk with me relative to the deceased Mr. Clarke. I answered him that I was sorry he had not given me previous notice of the meeting, that I had a patient to see and would dispatch that engagement as soon as possible, and wait on them. I went to Mr. Hawkins's, and found there Messrs. Ranby, Middleton, and Bromfield; Mr. Ranby said that Mr. Starling, an apothecary, had signed a paper that the deceased died of a fever; I answered it was not material to me what he had signed.

Mr.



Mr. Ranby asked me if I had not declared it as my opinion to Mr. Bromfield that in case the deceased had had early care taken of him, attended with large evacuations by bleeding, opening medicines, &c. &c. that there might have been a probability of his recovering. I told him that I had. Mr. Ranby said if I would specify these sentiments in writing it would be an act of real humanity, that it would be laid before his Majesty, and might be of great service to the two malefactors. I accordingly drew up the following and signed it.

## C O P Y.

I JOHN FOOT, Surgeon, of Holles-Street, Cavendish-Square, declare that it is my opinion, that in case proper and early care (accompanied by necessary evacuations) had been taken of the deceased Mr. George Clarke, whose head I examined on Thursday December the 15th, 1768. That in all probability he would have recovered.

Of these sentiments I acquainted the aunt at her house previous to the trial.

*Holles-Street,*

JOHN FOOT,

*Feb. 15, 1769.*

The above is a true copy of the paper delivered by Mr. Foot to us.

*Witness*

M. RANBY,

D. MIDDLETON,

W. BROMFIELD.

Mr.



Mr. Ranby then returned me many thanks, declared it was a humane generous act, and that it did not invalidate in the least my former testimony. Mr. Ranby invited me to dine with him, which I declined.

After I had left these gentlemen, it struck me that there was something very extraordinary in all this. I could as little comprehend their earnestness as their compliments.

It began to make me uneasy lest there should be some thing more in it than I was aware of. I therefore went the same afternoon to Mr. Ranby at Chelsea, and told him my uneasiness and apprehension, lest any improper use should be made of what I had written. I told him that as I disclaimed all party, and had no connections with either, I should be very sorry even to appear to be influenced. Mr. Ranby assured me on his honour that no improper use should be made of the paper; that it should be seen only by the Duke of Grafton and Lord Rochford, and that he should esteem me for what I had done as long as he lived. Mr. Bromfield, whom I found at Mr. Ranby's at Chelsea, promised me the same; and told me that he would introduce me to Lord Rochford the next day, that I might have the same assurances from his Lordship.

About three days afterwards Mr. Bromfield sent to me, and I went with him to  
Lord



Lord Rochford's. His Lordship was at dinner. I did not see Lord Rochford, but Mr. Bromfield told me, that his Lordship sent his compliments to me by him, with assurances, that no use should be made of the paper, but what Messieurs Bromfield and Ranby had before engaged. He added that his words were—I might be very easy, I should come into no scrape.

Very soon after a Report was industriously spread, that I had altered my opinion, and had signed a paper which contradicted my former evidence. It was likewise rumoured, that the court of Examiners of the Surgeons Company were to meet, by the Secretary of State's order, to give their judgment concerning the death of Clarke, and my evidence and abilities in my profession.

In consequence of this report I waited on Mr. Bromfield on Saturday the 25th of February, and told him, I had reason to suppose that a very disingenuous Use had been made of the paper I signed. He said we ought not to credit reports, and that no such thing had been done. I desired to know whether I might credit another report, of the meeting of examining surgeons, at their Theatre in the Old-Bailey, on the Monday following? He said it was very true, and shewed me the summons he had received from the Secretary of State. He said he must apply to Lord Rochford for the paper I had written, in order



der to lay it before the court of Examining Surgeons. I answered him it was unnecessary, as I would wait on the court myself, that they might examine me, if he would please to inform me at what hour they met. Which he did.

The next day, Sunday, the 26th of February, I waited on Mr. Ranby, and desired he would give me a copy of the paper I had signed, which he agreed to do; he said he had read over my deposition at the Old-Bailey, very attentively; and would take the liberty of a friend (begging I would not take it amiss) of making a few observations on it. He said I examined for the contra-fracture or fissure. He added it was a received opinion, and had been handed down to us from the earliest writers and assented to by the moderns; but gave it as his opinion, that it never had been, was, or would be found; and asked me if I had seen it, to which I answered, I had not. Yet, could not forbear what I had the greatest authority to justify my search after. Mr. Ranby made use of the same arguments, with every author who has written on this subject, and who has denied the possibility of a contra fissure or fracture; such as that the sutures were wisely contrived to prevent the fracture exceeding the bounds of the future, &c. Tho' this remark of Mr. Ranby is very foreign to the death of Mr. Clarke, I would beg leave to refer



refer him to the very ingenious and extensive Practitioner Mr. Sharp; and to Mr. Adair of Argyle-Street, who is second to none in his profession: They both assert the contrary. And I will venture to say, I have now a patient, Mr. Stephenson, who has a contra fracture. He proceeded to talk of the extravasation between the dura and pia mater, and said, that had there been such an appearance he could not have survived it four days. I should be glad to know if Mr. Ranby can presume to ascertain the exact period of any man's life after such an accident? He desired to know if I had not wounded the dura mater with my saw; I answered, that had it happened it could not affect the extravasation, as the half of the cranium was sawed off, beginning at the forehead, and the extravasation was immediately under the wound on the scalp; and the blood was *coagulated*.

At Mr. Ranby's I found Mr. Murphy, one of the counsel for the prisoners, who, in conversation told me, that the reason why the counsel asked me no more questions upon the trial was, because the case was too clear, and besides they did not know but something worse might come out.

The next day, Monday, February the 27th about one o'clock, I went to Surgeons-Hall, and sent in my name with my compliments. I was shewn into a room; after waiting about an hour and an half, I was



called in. I will give what passed to the best of my recollection. The secretary read over my evidence as given at the Old-Bailey ; I was desired to be attentive to it, and to say if I objected to any thing in it. It was a copy from the Recorder's minutes and a more just account than that in the Sessions Paper.

I then was interrogated,

*Q. Mr. Pott.* On what part of the head was the wound ?

*A.* On the crown of the head.

*Q.* What do you mean by the crown of the head ?

*A.* On the right parietal bone, by the sagittal future.

*Q.* In what manner did you take off the scalp ?

*A.* By a circular incision.

*Q.* In what state was the pericranium ?

*A.* Much inflamed, it was almost separated from the cranium for about two inches in circumference under the wound.

*Q. Mr. Younge.* Was it intirely separated ?

*A.* It was not attached, as is usually found in healthy subjects, but separated from the cranium.

*Q. Mr. Potts.* What do you mean by examining the opposite part ?

*A.* The os occipitis.

*Q. Mr. Cowell.* How did you proceed in opening the head ?

*A.* After raising the scalp and pericranium, I proceeded to open the head,

*Q. At*



Q. At what part did you begin to saw the cranium?

A. I began at the os frontis and sawed round the head.

Q. *Mr. Bromfield.* Where was the extravasated blood?

A. Between the dura and pia mater opposite to or under the wound.

Q. *Mr. Pott.* I would ask you two questions as a man of experience and an artist. In what state was the dura mater?

A. It was greatly inflamed.

Q. What the whole of the dura mater?

A. There was a general inflammation of that membrane.

Q. Did it adhere to the cranium?

A. It was detached from the cranium for a considerable space round, immediately over the extravasation.

Q. *Mr. Hawkins.* What quantity of extravasated blood do you suppose there was?

A. As near as I can guess, above half an ounce.

Q. *Mr. Ranby.* The extravasation, you say, was under the falx?

A. The extravasation was to the right of the falx of the dura mater; I have endeavoured and will endeavour to speak in as clear a manner as I can. I would be properly understood in what I mean by *extravasated* blood. I mean, according to the general acceptation of the word, *clotted* blood. Because if we refine on the word from its derivation from *extra* and *vas*, it simply means any blood escaping from a vessel.

Q. *Mr. Ranby.* I told Mr. Foot yesterday when we had some general conversation on the



affair, that when there was extravasated blood on the pia mater, the patient would not survive more than four days.

*A.* I do not imagine that any one can ascertain whether the extravasation happened immediately after the blow; or whether it was in consequence of the inflammation and rupture of vessels caused by the blow: Nor do I suppose that any one can determine how long a person might possibly live under either of those circumstances.

*Q.* You say the pia mater was inflamed and ruptured. Where was the rupture?

*A.* At the anterior part of the right hemisphere of the brain.

After this examination I was desired to read over the copy of the paper I had given to Messrs. Ranby and Bromfield, which I did; and Messrs. Ranby, Middleton, and Bromfield witnessed and signed it. They then returned me thanks for my voluntary attendance, and I withdrew.

On the Eleventh of March came out His Majesty's Proclamation, which I have prefixed to this appeal.

To



TO THE PUBLIC AT LARGE I shall now beg leave to make a few observations.

1. The separation of the pericranium and dura mater from the scull, and the inflammation of the membranes and surface of the brain, and the extravasated blood found between the dura and pia mater, convinced me that the blow the young man had received, was the cause of his death; though there was no appearance of suppuration, which probably would have happened had he lived longer.

2. It is no uncommon circumstance in injuries done to the head, for the patient to remain tolerably well for several days, and afterwards to be seized with symptoms of an oppressed brain, which too frequently proves fatal; and on examining the heads of such people after death, we commonly find either extravasated blood, or the dura and pia mater, and the brain itself inflamed; or a suppuration; according to the nature of the injury, and the length of time the patient lived after the accident.

3. We have undoubted authority for numberless instances where concussions of the brain from external violence have proved fatal, though upon inspecting the head no marks of violence have been found. The scalp has appeared sound; the bone in a healthy



healthy state ; the meninges of the brain unhurt ; and even the brain itself, to appearance, undisturbed. If in such a case where there were not appearances to justify my determination, and where mens lives were at stake, I had freely given an opinion, I then might justly have been blamed, and too well have merited the censure passed on me. But Mr. Clarke's was a very different case. There was every appearance to justify my opinion. And though Mr. Bromfield and Mr. Starling may, *when not upon their oaths*, chuse to attribute his death to a fever, I believe it will be readily allowed, that no person ever died without a fever, after having received a blow upon the head which caused an inflammation of the membranes with an oppression of the brain. That the deceased had such inflammation and consequent fever is unquestionable ; and it may as well be advanced that he died of a vomiting, or of any other concomitant symptom which had its source from the same cause—the Blow.

The coroner's jury, I am sure, will do me the justice to say, that I took the utmost pains to shew and explain to them, all the appearances in the head which I have mentioned : Indeed they were so well satisfied with me at the time, that they unanimously gave me their particular thanks for my behaviour.

To



To them I must likewise appeal, for the declaration of Mr. Starling, where he says, “ he *thought* the BLOW was certainly the *cause* of the fever.

Of THE SECRETARY OF STATE I should be glad to be informed, whether his rank or his *office* can give him a right to injure with impunity, the character of an unoffending individual; and whether he imagines that any *title* he may give to a performance, or any *name* he may prefix to it, can sanctify wilful detraction, or make a libel less a libel.

*Though it is not in the Sessions Paper*, I shall not easily forget the answer of Mr. Justice Gould to Mr. Recorder of London, who on the trial of Mac Quirk, WHISPERED an objection to some Part of the evidence being taken, for fear it should affect Sir W. B. Proctor. Mr. Gould answered him ALOUD, that if Mr. Recorder had any objection to make, he must make it ALOUD; That for his own part he was for hearing all the evidence, whoever might be affected by it; for, added he, nobly, “ *we are all equally the subjects of the same gracious King—We are all equally protected by the same wholesome laws.*”

If this is true (as I most sincerely believe the worthy Judge wishes it to be) there must then surely be an equal remedy for him that is libelled, whether it be done by a popular



pular writer or a state secretary, in the Gazetteer or the Gazette.

I should be glad to be informed, whether the *Secretary of State* knows, that by our laws not *one* single *Surgeon* can be admitted in a jury on a trial for murder; and whether it was for that reason, and to shew his reverence to the laws of his country, that he chose a jury of *Surgeons only*, to over-rule the determination of three common legal juries.

I should be glad to be informed by what strange means the faculty have so ingratiated themselves lately with the *Secretary of State*, that they are not only the sole persons appointed and deemed competent to sit as *judges* and *jury*, but they are likewise thought the only persons fit to be examined as *evidence*; for the *command* to the *Surgeons* was to examine only Mr. Bromfield, *Surgeon*, Mr. Foot, *Surgeon*, and Mr. Starling, *Apothecary*.

I should be glad to be informed whether the *Secretary's* face will not glow whilst he reads this *Appeal*; and re-considers the measures he has taken to destroy me and my evidence, and overthrow my testimony. Ten men who never saw the body, were to examine whom?—Mr. Bromfield, who will not dare to say he can give *any* evidence about it. And Mr. Starling, who in his deposition taken before the coroner, has sworn and signed, that “*what was the CAUSE of the fever he cannot say.*” What then was he called to

SAY



SAY before the examining Surgeons? What he THOUGHT? When he was on his oath before the coroner he THOUGHT that “*certainly the BLOW was the CAUSE of the fever.*”

I should be glad to be informed by the *Secretary of State*, whether any measures have been taken to invalidate the testimony of the other witnesses also on the trial, who swore to the activity of Mac Quirk in the riot; particularly that of Mr. Clay, the *High-Constable*? Whether it has appeared by any *symptoms* or *surgeons*, that the High Constable’s disabled arm was not hurt by Mac Quirk’s bludgeon, but disordered by some sudden cramp. And I am particularly curious to know, whether such an attack on a *High-Constable*, at an *Election*, ever before entitled a Murderer to a FREE pardon, without any condition whatsoever; and that too anticipated by BAIL, that he might have the singular and decent triumph of leaving behind him in Newgate, the gallant gentleman, who, at the apparent risque of his life, had brought the offender to justice.

The *Secretary of State* has improperly said, that “*the ONLY person called to prove that the death of the said George Clarke was occasioned by the blow, was John Foot, Surgeon.*”—What was the evidence of the two Beales?

It is given as a reason for what has been done, that “*neither Mr. Bromfield nor Mr. Starling were produced as witnesses upon the trial.*” I will inform the *Secretary of State*



that Mr. Bromfield had *no evidence* to give; and Mr. Starling was examined before the coroner's jury, who not only heard nothing from him to *prevent* their bringing in their verdict *Wilful Murder*; but on the contrary were led to it by his attestation that "*he thought the BLOW was the CAUSE of the fever.*" I should be glad to know if the *secretary of state* has any reason to suppose his evidence would, or ought to have had a different effect on the Jury at the Old-Bailey.

It is mentioned as an invalidation of my testimony, that I "*never saw the deceased till after his death.*" I should wish the *Secretary of State* would consult all former trials for murder; he will find that it seldom happens otherwise; in the present case it could not be avoided, for Mr. Bromfield the Surgeon, who attended him before his death, (if indeed Mr. Bromfield will call his single visit, without examining the patient, *attending* him) declined coming either to the coroner's jury, the grand jury, or the Old-Bailey. I should wish the Secretary to consider the nature of my evidence; it reported only the appearances of the head which I opened. Were *they* changed because I had not "*seen the deceased till after his death?*" Or could Mr. Bromfield and Mr. Starling have given a better account of these appearances who never examined the head at all, dead or alive?

Had this ingenious objection been discovered sooner, what a number of executions  
would



would have been prevented ! And how easily may a murderer now escape, only by taking care to give so decisive a blow, that no Surgeon may see the murdered person “ *till after his death.*”

Had the *Secretary at War* known the force of this argument when Maclean was tried for the murder of Allen in St. George's Fields, it would have prevented a great deal of trouble, and done no dishonour to our *judicial proceedings* ; for it would not then have been necessary to have procured a number of common soldiers to swear that they *heard* another soldier say, that *he* killed Allen by *accident*, in order to set aside *four* positive evidence to the *manner* and *premeditation* of the shooting, and *two* positive evidence to the *person* of Maclean who shot. Maclean might have been still *more honourably* acquitted, for there was but *one* Surgeon produced to prove that Allen died of the shot, and he too “ *never saw the deceased till after his death* ”

I beg leave humbly to intreat the *Secretary of State* to give to the public “ *the report of the Recorder of the City of London of the evidence given by Richard and William Beale,*” which is *insinuated* to be another reason for convening the *examining surgeons*. I wish to have that *report* made public, that we may be all in the same situation ; and that the character of every man who was an evidence on the side of the prosecution may suffer together.

The



THE COURT OF EXAMINERS OF THE SURGEONS' COMPANY, consists of the following gentlemen,—Messrs. Cowell, Ranby, Middleton, Cæsar Hawkins, Crane, Pott, Gregory, Fullager, Robert Young, and Bromfield.

Of the sentiments of these gentlemen we hitherto know nothing but from the proclamation: and that only tells us—“IT DID NOT *appear to them* THAT HE DID.”—

Unless the *Secretary of State* shall swear to it, I will not believe that this *ambiguous, oracular* sentence was the whole answer they returned. I am well assured that there are amongst them those whose *truth* and *honour* would incline them to *speak plain*.

Of them I request, the public expects, and their own characters demand to give a full and clear account of the share they had in this strange transaction.

It will then be known whether ANY THING and WHAT *did appear to them*: for at present it is left quite in the dark. I will however mention some few things which I think must appear pretty plain to them.

The whole of this proceeding must *appear* to them very extraordinary. It must *appear* to them that tho' they were “*commanded to take examination,*” and might chuse to obey such *command*, they had however no authority to *command* or to subpoena others to attend.



tend. It must *appear* to them that I attended *voluntarily*, unsolicited, and even *without notice*, it not seeming to have been the wish of Mr. Bromfield that I should attend, both from his forbearing to give me such notice, and from his telling me that “ he must apply to Lord Rochford for the paper I had written, in order to lay it before the court of Examining Surgeons.” I think it must *appear* to them, that I am not capable of having mis-reported the appearances of the head, either thro’ ignorance or wickedness. It must *appear* to them, that my conclusion is justified by their own experience, and by every chirurgical author on this subject, both ancient and modern ; particularly by one of their own body, Mr. Pott, in his *Observations on the nature and consequences of those injuries to which the head is liable from external violence*. It must *appear* to them, that my character and reputation were intended by Mr. Bromfield, to be made a sacrifice to the safety of the person or persons who hired Mac Quirk and the other rioters at Brentford.

OF MR. BROMFIELD I would ask, since “ *the doubt arose in the Royal Breast from his representation,*” Whether any doubt about the cause of Clarke’s death has yet arisen in *his own mind* ? When Mr. Bromfield undertook



dertook the care of Clarke, did he suppose himself called in as a *Physician* or as a *Surgeon*? This question is more particularly pertinent, because it does not appear that he discharged the duty of either: certainly not of the *surgeon*; for he did not even look at the wound: in direct opposition to the father of physic, whose axiom it is—*Nullum vulnus capitis contemnendum*.

Mr. Bromfield said he would not come himself nor send any of his people to examine the dead body; but endeavoured to persuade Mrs. Talbot, the aunt, to have him buried *without Examination, or the coroner's inquisition*; and he gave this advice, *he said*, out of friendship to *her*, because it would be *very expensive* to her otherwise: Will Mr. Bromfield please to explain this conduct and his earnestness to *conceal the cause* of Clarke's death?

When Mrs. Talbot could not be dissuaded from calling in the coroner, why did not Mr. Bromfield attend his inquisition? Why did he suppose it would be *expensive* to the aunt? Why did he think it would be an *Old-Bailey business*?

When Balse and Mac Quirk were tried for the murder, Why did he not appear as an evidence at the Old-Bailey?

What does Mr. Bromfield suppose to have been the cause of Clarke's death? Will he even now declare, *on his oath*, his "*opinion*  
that



*that Clarke did not die of the Blow he received at Brentford ?*" Will he give his reasons for such an opinion ?

When did Mr. Bromfield first think that the blow was not the cause of his death ? When did he first make this representation to his Majesty ? Balse and Mac Quirk were not tried till January 14, a full month after Clarke's death. They were IMMEDIATELY respited. It was on the 3d of February, full seven weeks after Clarke's death, that Mr. Bromfield first talked to me of it ; and he had no doubt at that time ; For he then said, he supposed the Apothecary to have committed an error, in treating a CONCUSSION OF THE BRAIN like a nervous fever.

Why were Mr. Bromfield and Mr. Ranby so earnest to get that paper of me ? Why did they think it would be useful to the prisoners ? Why was it carried to the Duke of Grafton and Lord Rochford ? If Clarke did not die of the blow, how did it even distantly affect the prisoners whether proper care had or had not been taken of him ? It has been industriously reported, that this paper contradicted my former evidence ; the public will now have seen, that on the contrary it confirms it, however insidiously and artfully it was procured from me ; for it says, that Clarke might probably have recovered if " PROPER and EARLY care had been taken" Of What ? "*of the head I examined.*" It attributes



tributes therefore his death to the *concussion of the brain*.

It was not my duty or my office to represent to Mr. Bromfield, or to the Secretary of State, that the want of proper care being taken of a Man, either thro' the poverty, the ignorance, the folly, or the neglect of him that is wounded, will not, and ought not to acquit the murderer; especially where death so quickly ensues; where the success of that care is uncertain; and where the weapon used to give the blow was *deadly*. This consideration belongs to those who are tied by oath and by office to administer *equal* justice to the people; into whose hands the power of reward and punishment is intrusted, not partially to gratify their own inclination, their pride, or their resentment; but *justly* and *conscienciously* to apply them as restraints from bad, and encouragements to good actions.

For my own part as a *private individual*, without the mean solicitation and compliments of Messrs. Bromfield and Ranby, and without the use of such names as *Grafton* and *Rochford*, I should always have been ready to declare any *truth* that might be useful to save the life of a fellow creature, tho' guilty; but farther I dare not go. And I believe every indifferent man of my profession will allow that when I said "*in all probability he would have recovered,*" MY HUMANITY carried me as far as PERICLES' FRIENDSHIP—

*usque*



—*usque ad aras*. Mr. Bromfield must forgive me if I leave him there.

Will Mr. Bromfield declare faithfully *upon oath* his true motive for this conduct? Will he tell us *all* the steps he took through the whole, and *all* the persons with whom he conferred on this affair?

The employment Mr. Bromfield holds under his Majesty,—the Queen,—and the Princess Dowager of Wales, do not give him the privilege of a peer to declare upon his *honour*, nor the more honourable exemption of a quaker, to be *believed* on his *affirmation*. On the contrary, they make it still more necessary that he should so far place himself on a level with me, as to answer the questions I have put to him—ON OATH; that so *his opinion* and *his evidence* may come to the public with the same sanction with which *mine* has been given.

OF Mr. STARLING I would ask, If he thought Mr. Clarke's only or primary disorder was a *fever*, Why he called in a *Surgeon* rather than a *Physician*? I desire to know how Mr. Starling treated Clarke's case the very short time he attended him? If he does not know the difference between dying WITH a fever, and OF a fever? If Mr. Starling changed his mind after having SWORN that he could not SAY what was the CAUSE



of the fever ; but THOUGHT the BLOW was certainly the CAUSE of the fever ; I would ask the reasons for such change ? If he has *not* changed his opinion, how could he sign a paper declaring that Clarke died of a fever ? Did he ever sign such a paper ? What are the whole contents of the paper so signed by him ? *When* did he sign it ? At whose request ? When, and for what purpose did he make to his Majesty the representation mentioned in the proclamation ? By what means, and at whose Solicitation did he convey his opinion to his Majesty ?

Will he now give *upon oath* his opinion that Clarke “ *did not die of the blow he received at Brentford,*” in direct contradiction to his two former declarations *upon oath* ? Will he at the same time give his reasons for that opinion ? Why did not Mr. Starling give evidence at the Old Bailey ?

As Mr. Starling’s opinion *when given upon Oath*, agreed so perfectly with mine, I must desire him once more to answer these questions *upon oath* ; tho’ it is said he has differed with himself and me since that time, perhaps when he comes upon his oath again, we may again agree.



I have now done asking questions, and if the subject of this appeal related only to myself, I should not expect either notice or answer. The character of an individual however flagrantly injured, is not of consequence enough to attract the attention, or interest the passions of the public.

The loose tile or mortar which the wind blows down from a house is neither heard nor regarded by the busy or heedless tenants within. But a *repetition* of MURDER *encouraged* and *rewarded*. An open *avowal* of the violation of the dearest and most important rights of the subject. The withdrawing the protection of the laws; and instead of DEFENCE for which alone they were ordained, making them only serve the purpose of OFFENCE, which alone they were intended to prevent.

The reducing a free people to the most abject and melancholy state of slavery, that of living under laws which whilst they punish do not protect.

This would be such a manifest breach of every tie and contract, such a fundamental destruction and dissolution of the whole political building, as could not fail to be both heard and felt by every inhabitant of that unfortunate country, where such a calamity should happen.

Holles-Street, Cavendish-Square, March, 27, 1769.

JOHN FOOT.



I have not time to say more, and I  
must therefore conclude only to say  
that I am, Sir, your obedient servant  
and friend.

The justice of the cause which the wind  
blows down from a point is neither heard  
nor regarded by the body of orthodoxes  
whom these writings of mine concern.  
They are not read, nor upon account of  
the violation of the laws and moral imper-  
atives of the subject. The withdrawal  
from the protection of the laws; and instead  
of justice for which alone they were or-  
dained, making them only give the impulse  
of action, which alone they were intended  
to prevent.

The reducing a free people to the most  
degraded and degrading state of slavery, the  
of living under laws which will they pre-  
fer to not protect.

This would be such a manifest breach of  
every tie and contract, such a fundamental  
violation and dissolution of the whole  
political building, as could not fail to be both  
fatal and felt by every inhabitant of that  
unfortunate country, where such a calamity  
should happen.

JOHN FOOT.  
1799.



