

A letter to Sir Henry Halford, bart. : touching some points of the evidence, and observations of counsel, on a commission of lunacy on Edward Davies / by G. Man Burrows.

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Halford, Henry, 1766-1844.

Publication/Creation

London : Printed for T. and G. Underwood, 1830 (London : J. Moyes.)

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A

LETTER

TO

SIR HENRY HALFORD, BART. K.C.H.

PRESIDENT OF THE ROYAL COLLEGE OF PHYSICIANS,

&c. &c. &c.



LONDON:

J. MOYES, TOOK'S COURT, CHANCERY LANE.

L E T T E R

TO

SIR HENRY HALFORD, BART. K.C.H.

PRESIDENT OF THE ROYAL COLLEGE OF PHYSICIANS,

&c. &c. &c.

TOUCHING

SOME POINTS OF THE EVIDENCE, AND OBSERVATIONS OF
COUNSEL, ON A COMMISSION OF LUNACY

ON

MR. EDWARD DAVIES.

BY

G. MAN BURROWS, M.D.

LONDON :

PRINTED FOR T. AND G. UNDERWOOD,
32, FLEET STREET.

M.DCCC XXX.

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TO

SIR HENRY HALFORD, BART., K.C.H.

PRESIDENT OF THE ROYAL COLLEGE OF PHYSICIANS,

&c. &c. &c.

DEAR SIR,

To you, as the President of that learned body upon which, by your talents and high acquirements, you reflect so much honour, and as the head of the medical profession, I take the liberty of thus publicly addressing myself.

It cannot have escaped your notice, Sir, that my name and conduct have, throughout the case of Mr. Edward Davies, an alleged lunatic, been much animadverted on; and that in a way painful indeed to any one who, like myself, values character above all other worldly considerations.

Secure in the consciousness of having discharged every duty, medical and social, in a professional career of six-and-thirty years, with credit and success, I am suddenly and unexpectedly awakened to the knowledge of my error, in supposing that these were pretensions sufficient to exempt me from the suspicion of doing intentional wrong.

However, not suspicion only, but serious accusations, in the progress of this case, have been made against me, which, were it not due to myself, it is due to the profession of which I have the honour to be a member, to refute. I therefore feel myself bound to shew that I have derogated nothing from its character, nor departed from that straightforward line which has hitherto marked my whole life, and obtained the regard of a large circle of private friends, and the confidence and support of my medical brethren.

In the work on Insanity, which I had the honour, Sir, of dedicating to you,* in commenting on medical evidence, I have observed, that, “supported by the integrity of his intentions, and the consciousness that his judgment of a case is founded on mature examination and reflection, a medical man should candidly state his opinions. He is not, like an advocate, bound to support a cause contrary to his conviction. There is nothing to fear while actuated only by honourable motives. It is when there is a deviation from those principles that he has to dread what he deserves—exposure and disgrace.”

It is singular that I should be the first, perhaps, to experience, that there is more to dread in being honest on such occasions than I predicated.

Having from the first visit taken a very decided view of the nature of Mr. Davies' case, I acted upon it, and gave my testimony in accordance with it. Yet I have been made to feel, that integrity of purpose is not proof against malevolence and misrepresentation.

Intending offence to no one, and anxious only to perform my professional duty, it were superfluous to say, that I felt surprise at the manifestation of a hostile spirit, which has, from the beginning of this case, never ceased endeavouring to malign me.

The persecution I have endured from this source can only be credited by those who have felt an interest in me, and read the daily papers; or have had an opportunity of seeing the other proofs of it in my hands. During a course of six months, traducement has never ceased. *Ex-parte* police and law reports, false and exaggerated statements, public and anonymous communications, inculcating my motives and conduct, have been circulated through innumerable channels with a regularity which proves it to be the effect of a system. The object could not be misunderstood: and the nearer the opening of the commission *de lunatico inquirendo* on Mr. Davies, the more frequent and pointed were these attacks. The only cause I can assign for them is,

* Commentaries on the Causes, Forms, Symptoms, and Treatment, Moral and Medical, of Insanity. 1828.

the dread lest my evidence, if unimpeached, should have a preponderating influence on the verdict.

I might have treated this proceeding with contempt, and without apprehension, had I not this proof that it had made an impression I could never have anticipated: About two months after the first newspaper report (August 15th) of Mr. Davies' case, in which although my name was not mentioned, and the falsities it contained were corrected in the same journal on the following day, yet I received a summons to appear before the Metropolitan Commissioners in Lunacy, to answer queries, as it expressed, "*with regard to the case of Mr. Davies, noticed in the newspaper.*" If such were the effect of an *ex-parte* police report on a body composed of gentlemen of rank and education, clothed, too, with a judicial character, is it to be wondered at if the community were misled and prejudiced?

Indeed, such was the bitterness of the party against me, that during the inquiry I was assailed by numerous anonymous letters, and as soon as the verdict was delivered, my very life was threatened. These did not cease for many weeks afterwards.*

In this excited state of public opinion the commission opened.

Although in Mr. Brougham's cross-examination of me the influence of the same party feeling was obvious, yet I was by no means prepared for the attack made upon me in the speech of that talented advocate. I answered every question put to me freely and honestly. Nevertheless, Mr. Brougham persisted in the charges implied in his previous examination of me. Well knowing that, however confidently asserted, these charges were easily refuted, I waited patiently the reply of Sir Charles Wetherell. Unfortunately, the sudden and unexpected termination of the inquiry precluded him from embracing an opportunity of fully meeting them as he could have done; and the few observations which he did make in

* Out of more than forty of these letters I select, as a specimen, the following, sent the day after the verdict:

"Dr. Burrows is cautioned to take care of himself. His consummate villany will be expiated by BLOOD only."—*Dated Dec. 28.*

my justification, in the course of his reply, were singularly, and, I fear, purposely, omitted in the printed reports of it.

Thus disappointed in obtaining a contradiction of these allegations, through the same channels by which they had been circulated, my first impulse was to make an immediate reply to them myself. But maturer reflection induced me to be silent till the effervescence of popular prejudice had in some degree subsided. That period I hope is now arrived when I may put them to the test of scrutiny ; and in the exposure of their fallacy look for my vindication.

Had those who have been so ready to condemn me, taken the trouble to compare these charges with what was really deposed to by myself and other witnesses, then this appeal would have been a work of supererogation.

I shall separately state the five principal charges which Mr. Brougham made when commenting on my evidence, and offer in refutation such observations as each suggests.

I. That I betrayed more the feeling of a partisan than an impartial witness attending to give unbiassed evidence ; for I was always desiring to go on my own way, without interruption.

Observations.—On all commissions which I have ever attended, the commissioners have rather encouraged the medical witness to narrate his observations on the alleged lunatic, as being the best and shortest way of obtaining his evidence ; and afterwards the court and counsel have examined and cross-examined him. I wished to pursue this course ; but Sir Charles Wetherell, perhaps from an imperfect knowledge of the order of the facts I had to state, was, by putting questions relating to those subsequent, interrupting me, to the omission of important, intervening facts. I therefore begged permission to proceed in my own course : and, in so doing, I merely followed that adopted by all the other medical witnesses.

II. *That I was mainly instrumental in sending Mr. Davies to my house at Clapham.*

Extract from the Minutes of Evidence :*—

Dr. BURROWS examined by Sir CHARLES WETHERELL.

Q. On the 19th of August Mr. Davies was removed to Clapham Retreat?—A. Yes.

Q. Under the certificate of Mr. Lawrence and Dr. Blundell?—A. Yes.

Q. Did you recommend his removal yourself from the lodgings (in Portland Terrace)?—A. I beg it to be distinctly understood that I did not; nor did I interpose in it in any way. I knew he was going there, (Clapham Retreat), but did not recommend it: it is quite contrary to my practice so to do.†

Q. You did not recommend his removal to the Retreat?—A. No; I did not, most distinctly.

Cross-examined by Mr. BROUGHAM.

Q. He (Mr. D.) went there (to his house at Crouch Hill) under the care of two of your men?—A. Yes, he did.

Q. And he afterwards went to Portland Terrace without your having any thing to do with his removal?—A. Yes.

Q. And he came to your house at Clapham without your giving directions for that purpose?—A. Yes.

Q. You were aware he was to come?—A. Yes; I was aware on the preceding evening that he was to be there the following day.

Observations.—I ceased to attend on Mr. Davies from the 4th of August, the day he was taken from the Furnival's Inn Coffee House to his own house at Crouch Hill. On the 5th he was visited there by four medical men. Afterwards he continued under the care of Mr. Lawrence and a Mr.

* All the extracts from my evidence or from Mr. Brougham's speech are taken from the short-hand writer's notes (Mr. Gurney's).

† I affirm, that in no case did I ever recommend a patient to my own asylum in preference to another. Nay, in the last *seven* years only *eight* have been sent there upon whom I had been previously attending.—G. M. B.

Hands. I was not afterwards consulted, nor received any directions respecting him till the 16th of August, when I received a note from Mrs. Bywater, (Mr. Davies's mother), requesting me to meet Mr. Lawrence the following day at Portland Terrace, to consult on the medical plan of treatment to be pursued for the cure of Mr. Davies. Accordingly, Mr. Lawrence and I met at these lodgings on the 17th and 18th, as deposed to in our evidence. We could not obtain interviews with him.

We there received such intelligence as induced us to believe a forcible attempt would be made on the 19th to remove Mr. Davies from that place; and this information we separately communicated to his family.

A communication from Mrs. Bywater was made to me the evening of the 18th, that Mr. Lawrence had recommended, and induced her to consent to Mr. Davies' going to my asylum, as the best and securest place he could be placed in.

I freely acknowledge that I concurred in Mr. Lawrence's opinion, that, under the peculiar circumstance of a threatened forced removal of our patient, an asylum was the safest place for him. But as Mr. Lawrence had never hinted such a proceeding to me, I went the following morning, the 19th, at half-past eight, to meet him at Mr. D.'s lodgings. I there ascertained that this was his actual advice. The certificate of insanity being legally signed by the two above-named medical gentlemen, and the order by Mrs. Bywater, I gave it to the keeper, and immediately quitted the house, leaving the hackney-chariot in which I came there to convey Mr. Davies to Clapham.

On my return home, through the Regent's Park, Mr. Lawrence overtook me, and informed me, that he had fully explained to Mr. Davies where he was going, and that he had promised to go quietly, provided his servant might accompany him. This Mr. Lawrence said he had acceded to; and I learnt that he went away without any force being used, and without the slightest personal control.

I the more readily acquiesced in this step, because I considered it merely a temporary measure; for I had been given to understand that a petition for a commission of lunacy was either presented, or about to be so, having myself made an

affidavit in the case on the preceding 10th of the month, when no opposition to it, I believe, was anticipated; and because I was assured of his continued derangement, as *eight* medical men, had, since I saw Mr. Davies, visited him, and unanimously declared him to be insane. These gentlemen were Drs. P. M. Latham, Frampton, Davies, Cobb, and T. Blundell, and Messrs. Lawrence, English, and Hands of Hornsey; with not one of whom, except the last, had I, before they formed their own opinions, the slightest communication.

I must repeat, that nothing but the supposed urgent necessity for the removal of Mr. Davies to an asylum would have induced me to consent to it. Without some such strong motive as his personal safety, I might not only have been fairly suspected of having "the leaning of a bias of interest," but I also might justly have been accused of gross tergiversation; for I have publicly advanced it to be a maxim in the moral treatment of the insane,—a maxim which I will assert, without fear of contradiction, I have never departed from,—that "a patient in a recent state of insanity, (and this appeared to be Mr. D.'s state), should not in the first instance be sent to an asylum, unless the nature of the case, or the circumstances of the party, admit of no alternative."*

III. *That I acknowledged I knew a day or two before the 19th that Mr. Davies was going to Clapham Retreat.*

Observations.—So far from acknowledging that I knew of Mr. Davies' removal to Clapham *a day or two before*, I have sworn, as already shewn, that I did not know of it till the preceding evening. As the proprietor of the asylum, it was of course requisite to mention such intention to me, and have my permission, before he was carried there.

This allegation requires, therefore, no other notice.

* Comment. on Insanity, p. 698.

IV. *That I put my name to a certificate which was to consign a fellow-citizen to a MAD-HOUSE, under the restraint of keepers, though for ten days before I had had no opportunity of knowing whether he was sane or unsound.*

Dr. BURROWS cross-examined by Mr. BROUGHAM.

Q. Did you not give a written order to two of your men to authorise their taking him (Mr. Davies) on the 4th of August?—A. I sent a *note* with my men on the morning of the 4th of August, to shew to the master of the Furnival's Inn Coffee House, that they were the persons authorised by me and his family to take him to his own house at Hornsey.*

Q. Stating that he was insane?—A. The motive you must assign of course.

Q. Had you seen him for ten days before?—A. I have just sworn that I saw him on the 31st of July.

Q. Not that you saw him?—A. Yes, I have sworn it.

Q. In Philpot Lane?—A. Yes.

* The following is a copy of the instructions I received from Mr. Davies' brother-in-law, Mr. Pugh; and my note in consequence, which accompanied the keepers:—

“Clapham Retreat, Monday evening, 9 o'clock, Aug. 3.

“Dear Sir,—On my return into the city after I saw you this evening, I found Mrs. Bywater had been to the Furnival's Inn Coffee House, but her son would not see her. He remains there to-night, expecting to see Mr. Forbes, (the solicitor), to-morrow morning about eight o'clock. This being the case, I have, at the request of his mother, come over here, and have made arrangements with Mr. Pollard for your men to be at the Furnival's Inn Coffee House at a quarter past eight o'clock to-morrow morning; and, by presenting a note as from Mr. Forbes, from whom Mr. Davies expects to hear, their purpose will be accomplished. Mr. Pollard will direct his men to be with you in Montague Street at half-past seven o'clock to-morrow morning; and I will inform Mr. Lawrence of this arrangement, as his visit to Oakfield (Crouch Hill) will be unnecessary.

“I am, dear Sir, your most obedient servant,

“CORN. PUGH.

“Dr. BURROWS, 10, Montague Street.”

“10, Montague Street, August 4, 1829.

“The bearers are two of my attendants, authorised by the family of Mr. Edward Davies, who is insane, and also by me, to take charge of him, and convey him to his house at Hornsey.

“G. M. BURROWS, M.D.”

Observations.—This allegation and the evidence must be considered under two heads: 1st, Did I sign a certificate of insanity to consign Mr. Davies to a *mad-house*? 2d, Had I sufficient grounds for concluding Mr. Davies to have continued insane from the 25th July to the 4th of August?

1st, It was deposed, on the oaths of Dr. Blundell and Mr. Lawrence, that the certificate of insanity which consigned Mr. Davies to a mad-house was signed by *them*, and not by *me*. Is perjury imputed to these witnesses?

Mr. Brougham chooses to characterise as a certificate of insanity the note I was directed to write to the master of the Furnival's Inn Coffee House, to shew that the bearers were the persons appointed to remove Mr. Davies, and without which he would not have been surrendered to the keepers; and my explanation in it, that he was to be conveyed to his *own* house at Hornsey, he misstates as consigning him to a *mad-house*! Can any two documents differ more either in form or import?

It is quite a misconception to suppose, that a medical certificate of insanity is required when a lunatic is placed *by his relations* under restraint in his own house, or is removed *by their orders* from his home to another abode, or from any place where he may have taken refuge, to his own house. Nor has it ever been the practice, nor is it understood by the profession to be required by law, to give a certificate of insanity with a patient in any such case. But if it be intended to remove a lunatic to a private house or lodgings, and to be there kept under the *exclusive charge and maintenance* of any one not a relative or committee, or to send him to an asylum or licensed house; in either of these cases a regular order must be signed by some responsible relation or friend, and, after a separate examination of the patient by two medical practitioners, a form of certificate of insanity, prescribed by the Act of Parliament, must be signed by each of them. This constitutes a regular certificate, and must be transmitted with the patient.

It frequently happens, in removing a lunatic from one place to another, that he is very violent, or endeavours, by making artful appeals to those near him, to attract their attention, and raise a feeling to rescue him. In such a case,

the populace are almost always sure to side with the lunatic, and sometimes liberate him. This interference of course occasions difficulty, and often puts the persons having charge of him in considerable danger. When the patient is going to an asylum or licensed house, the production of the regular certificate generally proves a passport, and stops further interruption. But when the case requires no certificate, if the attendants, whether relations or keepers, are interrogated, and have no document to shew that they have an insane person in charge, they would not only be interrupted, but commonly be defeated in their object. In those cases of removal where a certificate is not understood to be necessary, I, in common with other medical gentlemen, upon a principle of precaution, have been in the habit of sending by the keeper a note, addressed to some one in the house where the lunatic is, specifying that the bearer is the person confided in to take the care of, or to remove him. This was the tenor and object of the note that I sent, on the 4th of August, with my keepers, to take the care of Mr. Davies. The utility of it was proved in this very instance; for the coach was stopped as he was being conducted from Furnival's Inn Coffee House to his own house, and he was prevented being released by the production of it.

Had a certificate been required, either by law or custom, to remove Mr. Davies home, it was clearly quite as easy for me to have written it as the note which I gave the keepers; and I must have been an idiot indeed not to have preferred the legal course, when it was equally simple, and so much more safe.

2d. Mr. Brougham alleges, that what occurred on my visit to Mr. Davies, on the 31st of July, was not sufficient to warrant my concluding he was insane on the 4th of August. I will detail, therefore, some of the collateral evidence I received to that effect between the 25th of July and 4th of August.

When I saw Mr. D. on the 25th, I informed him I should not visit him again before the 30th or 31st, as I was going into the country. Finding no message, on my return, to discontinue my attendance, which any rational person, who so intended, would have sent, I, of course, paid him a visit. The violence and conduct which I witnessed on my being

announced to him on the 31st, were striking proofs to me that he was not restored to sanity.

On the 28th of July the following letter was sent me :—

“36, Grosvenor Street, Tuesday, July 28, 1829.

“MY DEAR DOCTOR,

“A Mr. Davies called upon me this morning, whom I never saw before. He told me you had attended him. Have you seen him lately? Are his friends quite aware of his condition? Is it quite safe for him to be at large? He prayed me to visit him to-morrow at Crouch Hill. For the sake of quieting his distress, I promised that I would do so. But I shall do nothing until I hear from you.

“Yours, my dear Sir, very faithfully,

“P. M. LATHAM.

“DR. BURROWS.”

Dr. Latham's letter, which was made an exhibit to my affidavit, was produced in court; but Mr. Davies' counsel would not permit it to be read, nor suffer me to explain on what information I had concluded that Mr. Davies was as insane on the 4th of August as on the 25th of July.

Besides this letter, I had in the interim received various particulars of his insanity. I was also informed on the evening of the 3d of August of the extraordinary scene which took place at Messrs. Hankeys' in the morning, and of his having fled for refuge, and placing himself under the protection of the mistress of the Furnival's Inn Coffee House, a perfect stranger to him.

Surely here were irrefragable proofs of the continuance of the malady.

Nevertheless his legal advisers contended that all this was inadmissible according to the rules of evidence. It might be so; but if admitted, would it not have justified the removing of him to his own house?

As far as regards my having signed a certificate of Mr. Davies' insanity, it is unnecessary for me to dwell; for none was signed, nor ever contemplated by me.

Mr. Brougham, commenting further on my evidence, asked,—“Will Dr. Burrows, or any man living, take upon himself to tell me, that in ten days a man may not be cured?

that in ten days a man may not become as sound as ever man was ?”

These questions, doubtless, as they were intended, made a considerable impression on the court. Had it been admissible, however, I would promptly and confidently have replied, that, agreeably to my general experience, and with the knowledge I possessed of the nature of Mr. Davies' case, and the state of mind I found him in on the 25th of July, when I passed more than an hour with him, it was quite impossible, without a miracle, that he could have been cured and sane on the 4th of August.

There was indisputable evidence that his mind had been disturbed for months, and of a gradual and visible change in his ideas, manners, and habits. His malady appeared to be progressive to the time I first saw him, the 7th of July; and as he had never, even after he consulted me, submitted to regular medical treatment, and continued exposed to the full influence of all the exciting causes of his disorder, so rapid a recovery could not occur. In sudden paroxysms of mania, recovery is possible, though not common, in so short a period as ten days; but in Mr. Davies' case, I affirm that such a result was impossible.

V. That my evidence was given under the direct bias of interest; for if Mr. Davies was found of sound mind, I should lose all the profits from retaining him in my asylum.

Observations.—I confess I was more surprised at this charge than any other; because Mr. Davies' solicitor, Mr. Hobler, was well acquainted with the repeated efforts I had made, long before the commission issued, to have his client removed from Clapham Retreat; and, therefore, I conceived that his counsel were equally apprised of that fact; and, being so, that they could never institute a charge against me so easily to be refuted. Nevertheless, the charge was made by Mr. Brougham with all his accustomed impressiveness; and, unfortunately for me, the counsel for the commission found no opportunity of repelling it. This, therefore, it behoves me to do.

I have before said, that I consented to Mr. Davies being sent to Clapham Retreat, as a temporary measure, and for his greater security; that I was aware a petition was prepared, if not already presented, to the Lord Chancellor, for a commission; and as I knew, also, that eight medical men, besides myself, had then testified to the insanity of Mr. Davies, I consequently anticipated that the question of his sanity or insanity would very soon be legally inquired into, and determined. Owing, however, to circumstances which I could not foresee or alter, the Lord Chancellor did not grant the commission till the 3d of November, ten weeks after Mr. Davies came to Clapham; and then he suggested that Mr. Davies should be removed from the asylum. I immediately communicated this intimation to my patient, and the same day called on his mother, to urge the necessity for her instant compliance with the Chancellor's suggestion. The opening of the commission was fixed for the 2d of December, but finally was postponed till the 14th of December.

Again and again I begged that Mr. Davies should quit my house; and upon these applications much discussion took place between his family and Mr. Jones, the solicitor for, and Mr. Hobler, the solicitor against, the commission. But they could not agree in what other way Mr. Davies should be disposed of. At length, when the day for commencing the inquiry was fixed, Mr. Davies himself declared he would not remove from Clapham Retreat, except force were used, unless he might be permitted to go, free from all control, to his house at Crouch Hill. His determination was approved by Mr. Hobler, and a strong appeal was made to me by both parties to suffer Mr. Davies to remain; and at length I gave a reluctant permission to his staying there till the inquiry was finished.

This statement will appear so extraordinary to those who are ready to believe any thing to my disparagement, and that I have had no other feeling but the bias of self-interest in Mr. Davies' case, that I shall subjoin certain letters which will place the fact beyond a doubt, omitting only some irrelevant passages and names. (Appendix, No. 1 to No. 7.)

Viewing, retrospectively, the case of Mr. Davies, and my whole conduct in regard to it, I see no self-accusing act. On

the contrary, I maintain that I have not, in any instance, departed from the line which the strictest principles justify.

No blame can attach respecting the medical treatment of him ; for, in truth, there was no opportunity of exercising any. During the month which Mr. Lawrence and I attended him, previous to the 4th of August, when he was taken to Crouch Hill, he was never under the least control. His mother would not permit it. Consequently, he adopted or rejected our prescriptions as he pleased. Between the 4th of August and the 26th of December, when the jury pronounced him of sound mind, no prudent physician, under such conflicting circumstances, would have ventured to be responsible for the medical charge of him.

Whether I was right or wrong in my judgment of Mr. Davies' state of mind, is not here the question. Those most competent to judge coincided with me. None, however, who supported the same opinion need vindication. The event has fully falsified the verdict. It appears that Mr. Davies has never since that verdict was pronounced evinced "a sound mind," nor been "capable of managing himself and his affairs." And, as the climax of this extraordinary case, he now acknowledges that he was, and still is, insane, and justifies those who have affirmed it ; and has voluntarily placed himself under the care of two of the physicians who, on the inquiry, gave the strongest testimony of his existing insanity !

May this result teach those inexperienced in the subtleties of intellectual disorders to be less confident in their judgment ! May it prove both an example and a warning to future juries on commissions of lunacy ! Finally, may it originate some measure to protect British jurisprudence from a similar reproach !

I think, Sir, I must have satisfied the most sceptical, that, from some cause or other, a hostile party feeling in Mr. Davies' case has been particularly pointed against me.

Still, there are other, and more striking, proofs of it to be adduced.

In the report of Mr. Brougham's speech in "The Times"

of the 21st of December last, there appeared a sentence which I have reason to think that gentleman never uttered. This has made a deeper impression to my disadvantage than any thing else that has been said, and therefore especially demands my notice. In addressing the court, Mr. Brougham is made to say : “ *He (Dr. Burrows) told you that, not having seen Mr. Davies for ten days, he nevertheless dared to sign the certificate.*”

Serious as the consequences of this extraordinary interpolation have proved to me, yet they are short of what I should have deserved, had I done what is here said, and had I had the effrontery afterwards to acknowledge it to a British jury.

Some weeks elapsed before I could learn whether Mr. Brougham actually spoke this sentence. Having ascertained that he said no such thing, I was far from imputing to the Editor of so respectable a Journal a knowledge of so aggravated a circumstance. But I felt anxious to prevent the repetition of such calumny ; and for this purpose I addressed the letter to the editor of “ *The Times,*” which will be found in the Appendix (No. 8). It met with no reply. Hence the reader will draw his own inferences.

Before the impression left on the public mind by these events had abated, it was my misfortune to be compelled to give evidence in the Court of King’s Bench respecting the state of mind of another individual. This is the cause to which I have also referred in the same letter, as another instance of uncandid dealing with me.

Influenced by the same bad spirit, in commenting on the evidence in this trial, another journalist writes, that he “ *rejoices in another defeat sustained by the mad doctors from the verdict of a jury,*” declaring, that “ *we can never sufficiently thank Dr. Burrows for bringing himself, his fraternity, and the system, fairly before the public ; for they (the mad doctors) are always ready to swear that any man they may have once seen must, of course, be mad.*”

Now, if this writer had understood the nature of the evidence required from Dr. Monro and me on this trial, he would have spared himself this remark. The present unsoundness of the individual’s mind was not in dispute. He had been found of unsound mind by a jury two years before.

The question was, whether he was competent to understand the nature of a certain deed, which he had executed a year previous to his being found unsound. Evidence was produced as to his state of mind when he executed that deed ; and all that was required of Dr. Monro and me was, to say whether, upon the evidence which we had heard given in court, we thought him competent at the time to understand the transaction. The correctness of the opinion we gave of course depended on the correctness of the witnesses' evidence who had been previously examined, and not on our personal examination and knowledge of the patient. The "mad doctors" had no *system* to support, nor the slightest personal interest in the verdict, which way soever it might be.

Kind and partial friends say, "O ! do not mind these attacks of the press ; they will produce only a temporary effect." But have I not reason for alarm when I am feeling their effects, and see these attacks renewed whenever my name appears connected with the duties of my profession ?

What avails an unspotted reputation, if the overwhelming power of the public press is arrayed against it ? Can any man, be his rank or character what it may, withstand an engine so terrible ?

It is but three years since, that owing to the circulation of a report through the newspapers, which confounded my establishment for insane persons with another, that I sustained a loss of more than 2,000*l.* before the mistake was corrected ; and nothing could more clearly prove the effect produced by such means, than the fact, that as soon as I published, through the same channels, an explanation of the mistake, the evil consequences flowing from it as rapidly ceased as they had followed.

It has been truly said, that "the character of a medical man, like a woman's reputation, once tainted, is never wholly recovered ; and a talented and honourable practitioner may be ruined by mere forensic wantonness."*

This is applicable to all medical men. But how much more so to the physician who exclusively devotes his attention to the treatment of mental derangement ? Others

* Medical Gazette, January 16, 1830.

form intimate professional friendships and attachments with their patients and their connexions, which often continue through life. It is difficult to impair confidence once so given. But no sooner does a case of insanity cease, whether successfully or unsuccessfully, than the patient and his relatives endeavour to obliterate it from their memories; and even if the physician through whose instrumentality recovery has been accomplished, be not soon forgotten, at least all further correspondence with him is usually avoided. The tie once severed is never renewed, except on a similar occasion.

Hence, then, it is plain, how much more essential the favourable opinion of the public is for the well-doing of the one physician than of the other.

However injurious the consequences of the very grave charges I have discussed,—charges which involve both my moral and professional character,—have proved to me, I am moved by no feeling of resentment against the learned counsel who has been the chief instrument in inflicting them. I cannot think it possible, that a member of one liberal profession would make, in mere “forensic wantonness,” accusations against a member of another profession which, from his intimate knowledge of public feeling on all subjects relative to the insane, he must be convinced were calculated to excite a powerful prejudice against him. I verily believe that Mr. Brougham did not exceed his instructions; for I can conceive in what spirit they were drawn up. I would rather in charity suppose he believed these instructions to be true. This might justify the course of cross-examination he pursued. But, if all the charges implied in the questions he put were denied or disproved on the oath of respectable witnesses, was it his duty, was it candid, was it even humane, to embody those charges in his speech, and urge them against me as if proven?

Mr. Brougham indulged in one sweeping accusation, which, for the honour and credit of my professional brethren, I must seize this opportunity of saying is unfounded. He observed, that “Gentlemen in my profession are very apt to yield to the strong representations of friends, and sign certificates of insanity to consign a man to an asylum, without personal examination.” That restraint may have been ad-

vised to be imposed on a person represented to be insane, without his having been seen by the physician advising it, is not unlikely ; but of signing a certificate to send an individual to an asylum, without seeing him, I know no example.

There is no malady to which humanity is liable, where the judgment and moral treatment of it must be guided so much by representation or description as insanity ; and for these plain reasons : first, because there can, in some cases, be little, and in most, no dependance on the patient's own account of himself ; and, second, because the real state of his case can rarely be properly described to the physician by his friends or attendants in his presence. Hence the necessity of the very important remedies, control, and personal restraint, is generally judged of, as well as directed, as often on representation as on observation.

Doubtless you are aware, Sir, that physicians are often consulted upon a case by a relation, or perhaps by a country practitioner little conversant with the treatment of the insane, by letter. Symptoms, perhaps, are described indicative of great or threatened violence, a desire to wander and elude observation, or, more often, of a propensity to suicide. A conviction, probably, is entertained, that control or restraint is absolutely necessary ; but, from ignorance how to act, or timidity, it is declined, till sanctioned by the written opinion of an experienced physician ; and he is frequently requested, if he think the patient requires it, to send a person properly qualified to take the care of the case. Now, in so advising, he clearly participates in the act of placing a person under control, upon representation, without personal examination of him. But, if it were illegal, and physicians were prevented from advising personal restraint upon such information, might not the consequences be more mischievous than by following such advice ? Would not the safety of the patient be oftener hazarded, overt acts of madness be infinitely multiplied, and society be exposed in a much greater degree to all the horrors of self-destruction—nay, of homicide ?

In reference to this inquiry, it has been a universal remark, that the medical witnesses were treated by the counsel with unwonted disrespect. There might be some of them who merited less regard than might be wished by every one

who honours the profession. But I think they deserved a more delicate consideration than they met with.* And I have felt much pleasure in finding a concurrent opinion from a quarter which must be deemed impartial. Thus, an Edinburgh journalist, condemning the conduct of the London press in Mr. Davies' case, in a very sensible article, justly observes, that "by the obloquy thus thrown upon a whole class of the profession, by the bitterness of spirit under which the London journals have been writing, they help to prevent men of high talent, honourable principle, and extensive acquirements, from devoting themselves to a department of medical science in which these qualities would be of the highest value. They do harm, also, by throwing difficulties in the way of obtaining conscientious testimony on similar occasions."†

Advocates ought to consider that medical are almost always compulsory witnesses, and are required to give testimony on cases of insanity,—a disease with which they often avow their knowledge is limited. The public too should recollect, that even when their testimony is clear, consistent, and satisfactory, it is generally rendered obscure, and often produces an unfavourable impression, on account of the manner of reporting it in the newspapers. The entire evidence is never published, and the parts of it which are selected are very injudiciously abbreviated. Upon questions involving the

* One most respectable physician was exposed to much animadversion, because he said, that one reason for his believing Mr. Davies to be still insane was, that he would not admit that he had been so. Now it is known to every one in the habit of attending the insane, that such an acknowledgement on the part of the patient is a very favourable prognostic of convalescence. The worthy Doctor, doubtless, meant to have said, that persistence in denying ever having been insane, was one among other proofs that the patient was not restored to his senses.

Another respectable physician was ridiculed, because he used the expression "delusion of manner," in reference to Mr. Davies. The Doctor deposed, that Mr. Davies went on his knees to him, when the former paid the latter a visit. Others swore to the same habit in Mr. Davies. Now surely it was "delusion of manner" to approach a physician in a method which properly belongs to the *Deity* only. The expression strikes me as being peculiarly appropriate.

† The Scotsman, Feb. 6, 1830.

powers of the mind, unless the whole evidence be given, or the selection be made by those who have a competent knowledge of the subject, erroneous views and conclusions must follow. For instance, my own evidence in Mr. Davies' case, which occupied the court three hours, and filled one hundred and thirty folio pages of Mr. Gurney's fair copy of the trial, is compressed into about a column and a half of "The Times." How is it possible to judge correctly of the evidence of any witness, when it is so mangled and curtailed? To this cause may be ascribed much of the impression prevailing to the prejudice of many of the witnesses who were examined; for who can doubt that this is not only injurious to the sense and consistency of a medical witness's evidence, but consequently also to his competency. Besides, it has this attendant evil, it leaves to any reporter, having a bias, the power of giving a colouring to which side soever he favours. So, likewise, in the speeches of opposing counsel, the reporter may, by suppressing one thing and retaining another, and without inventing any thing, give nearly what complexion he pleases to a cause.

It is not merely on account of the persecution I have suffered in regard to Mr. Davies, or because I am prejudiced in any other case, that I feel mortification and apprehension.

Perhaps I had the vanity to think it would be remembered, that I had shewn a zeal in the study and practice of this branch of the healing art, that entitled me to be distinguished from those who had continued to tread the routine course of by-gone years, and that this would have insured me more liberal treatment.

Pretending to no superiority of knowledge of intellectual disorders, or success in treating them, yet I will yield to no British physician for industry and personal exertions, and, I may add, pecuniary sacrifices in the pursuit of that knowledge which was essential to improvement. The results of those labours have been long before the public, and they have sustained with credit the test of criticism.

Scorning concealment of all kinds, I have courted inspection both as to the economy of my asylum and treatment of its inmates; and have anticipated what the public have always desired, viz. the publication of the returns of lunatics

admitted into a private licensed house; and have, as clearly as my ability admitted, published also the means employed for their recovery.

By a reference to the printed minutes of evidence taken before a Select Committee of the House of Peers, in 1828, an abstract from the register of Clapham Retreat will be seen, in which is exhibited the proportion of cures to the admissions.

In the present year, the Lord Chancellor addressed a circular, through his secretary, Mr. Lowdham, to all the proprietors of licensed houses, requiring certain returns. Agreeably to that order, I returned the two tables in the Appendix. The first table contains the proportion of cures from the opening of my establishment to December 31, 1829; the second, the duration of the disease. These are accompanied by a letter of explanation (App. No. 9) to his lordship.

The tables are appended because I consider them to be public documents; and because, by comparing the returns with similar ones, it will be seen whether I have discharged this portion of my professional duty properly, and as might be expected.

Even with all the vindictive feeling displayed in the instructions to Mr. Davies' counsel, it was candidly acknowledged by them that there was no imputation on Clapham Retreat. Indeed, during his residence in it, no similar establishment perhaps ever underwent such an ordeal. For, between the 3d of November and the 26th of December, he received above two hundred and fifty visitors, most of whom came with a notion that he was not insane, and therefore looking with a jealous eye, and a disposition ready to cavil at all they saw there.

You, Sir, and those who mark the signs of the times, cannot fail to notice the extraordinary interest the public take in every thing that pertains to the insane; and that it amounts to a degree of morbid sensitiveness which blinds all judgment. Every body sets up for a competent judge: nay, it is common, now, to reason upon insanity, and criticise the conduct of those who profess its medical treatment, as if there were nothing peculiar in the malady; as if every case were characterised by as much uniformity as

the most simple disease, and as if the physician had no more difficulty in treating it.

Does experience justify this view of insanity? On the contrary, is there any malady which presents itself in such various forms, or that requires sometimes more tact to detect, and always to manage?

Insanity is generally deprecated as one of the greatest afflictions of humanity, and the cure of it is thought to require no ordinary degree of study, experience, and patience. Yet, paradoxical as it may appear, that public which affects so strong an interest on the subject, and is always lamenting the uncertainty attending its cure, embraces every opportunity of heaping odium on those members of the profession who have the courage and philanthropy to devote themselves to its treatment, and the care of those so afflicted.

Is insanity a visitation of Providence, like many other diseases, or is it a malady self-inflicted, like some others, by our own vices?

Why, let me inquire, should those who profess to cure a visitation of Providence be exposed to obloquy and an ill name, while those who profess to cure a visitation the consequence of our own offences, command unalloyed respect?

If mental maladies are less understood than others, if the management of the insane still requires amelioration,—is it the way to attain these desirable objects to discountenance men of talent, education, and rank in their profession, from undertaking that duty?

Will not the course the public now so inconsistently pursue effectually deter such men from making this department of the profession their peculiar study?

What a revolution! While a British public heap with obloquy those medical practitioners who devote themselves to the improvement of the means of cure, and amelioration of the condition of the insane, and leave them no discretion in applying those means,—France, Germany, Italy, and all the most civilised parts of Europe, nay, even Russia, vie with each other in encouraging them, and are yielding them all the protection necessary to give full effect to their studies and experience.

An opinion is said to obtain, and that in a high legal

quarter, that the treatment of insanity ought not to be exclusively confined to certain physicians, but be made more an object of general study and practice. I shall not presume to interrogate the grounds of this opinion: experience will be the best test of its soundness. But I will just explain a material impediment to general physicians acquiring such a degree of practical knowledge in cases of insanity, as to render their judgment more to be relied upon than that of the physician who practises only in that line.

So long as insanity is considered a stigma on a family, so long the treatment of it will constitute a distinct branch of the healing art. And whenever a physician is known to be much consulted in cases of insanity, he will soon obtain the character of being a "*mad doctor!*" and when once so distinguished, such is the universal prejudice, that all other practice will certainly leave him. A physician may choose which course he prefers, but he will never be eminent if he attempt to unite them.

It has been objected to physicians who practise in insanity exclusively, that their profession partakes too much of a trade, because they are proprietors of houses for the reception of lunatics: hence it is supposed proceeds some portion of the odium attached to them. What strange perversity is there in this argument! Legislators, philanthropists, and those who some fifteen years ago evinced the deepest interest in the welfare of the insane, imputed many of the existing abuses in these establishments to their being in the hands of lay-proprietors, and were therefore most anxious that they should be superintended by medical men. The same feeling was manifested in framing the late Act of Parliament; and it is a judicious provision in it, that if a licensed house be not superintended by a medical practitioner, it shall at least be regularly visited by one.

The Solicitor-General, in arguing Mr. Davies' case before the Lord Chancellor, has thrown out a new idea. He is reported to have said, that "an asylum is not a place for a physician to keep: he ought not to keep it."

Perhaps the learned solicitor, like many other persons, is not aware, that when a physician adopts the treatment of insanity as his department, he must sacrifice consultation in

any other disease. And insanity being comparatively a rare malady, were no other source of income than his fees for visits open to him, how is he to support the same rank in society as the general physician, or make proper provision for his family? The aggregate of all the fees received in a year for visits to insane patients by the physicians confining themselves to that line of practice, I doubt, would not amount to the reputed annual fees of a Halford, a Baillie, a Warren, &c.

Hence it follows, that, unless they have other pecuniary means, physicians of this class become proprietors of asylums as the only legitimate source of producing an income equal to the general physician in fair practice.

However, there is another, and, as far as the public is concerned, a more satisfactory reason, why physicians should be connected with these establishments. Without such opportunities as private asylums afford, where are they to acquire experience? Lunatic hospitals are rarely accessible to the student; and then, unless he become a resident, are comparatively of little utility to him. A well-conducted private asylum is a real school of instruction. Here every case may be individually and minutely studied; and here a careful observer will derive the most correct views of insanity in all its stages and varieties. It is a fair field for acquiring practical knowledge, as well as for the exercise of a physician's judgment and skill.

Surely, physicians of this class are placed in a position most singular and perplexing. While the public clamour that the nature of insanity is little known, its treatment susceptible of greater improvement, and that the condition of the insane still requires further amelioration, they censure, without discrimination, all who, in relation to a lunatic, whether by blood or other connexion, or by profession, take an active part in his case. Nevertheless, if the advice and co-operation of the physician be not sought, the public still clamour. Yet one alleges, that he does not sufficiently regard the interests of humanity; a second, that he is careless of the rights and personal liberty of his fellow-citizens; a third, that he fancies every man he looks at is mad; and a fourth, that he is a common nuisance! If, unhappily, in the

course of his practice, his presence of mind, which is frequently put in requisition, and to severe tests, fail him, and he commit the slightest error in judgment, he becomes the object of general reprobation, and he probably suffers more than the general physician, by whose negligence or ignorance a human life itself is endangered.

It is quite evident, that while so much popular prejudice exists, no case of insanity, nor any evidence in support of an allegation of lunacy, can receive a cool and dispassionate consideration by the public. Medical men, therefore, before they visit a lunatic, or give an opinion on his case, or sign a certificate of insanity, must well reflect, and choose whether they will thus commit a fair name and reputation. Without having the slightest personal interest in the case, or other remuneration than in an ordinary disease, they now, by the example of Mr. Davies' case, learn that they expose themselves to the hazard of being examined as witnesses. How they may be treated in that capacity, I need not characterise.

For this state of things, I fear, Sir, there is no remedy but a total change in public opinion. Would those who are so ready to blame but take the trouble first to inform themselves, a light might then fall where darkness now prevails, and confidence supersede indiscriminate censure.

I remain, dear Sir,

With great regard and respect,

Your faithful, obedient servant,

G. MAN BURROWS.

10, *Montague Street, Russell Square,*
March, 1830.

course of the patient, his presence of mind, which is frequently put in requisition, and to severe tests, fall him, and he commit the slightest error in judgment, he becomes the object of general reprobation, and he probably suffers more than the general physician, by whose negligence or ignorance a human life is endangered. It is quite evident that while so much popular prejudice exists, no case of insanity, nor any evidence in support of an allegation of insanity, can receive a cool and dispassionate consideration by the public. Medical men, therefore, before they state a patient or give an opinion on his case, or sign a certificate of insanity, must well reflect, and choose whether they will thus commit a few names and reputation. Without leaving the slightest personal interest in the case, or other consideration than in an ordinary disease, they now, by the example of Mr. Davies' case, learn that they expose themselves to the hazard of being examined as witnesses. How they may be treated in that capacity, I need not characterize. For this state of things, I fear, Sir, there is no remedy but a total change in public opinion. Would those who are so ready to blame but take the trouble first to inform themselves, a light might shed on those darkness now prevail, and confidence supersede indiscriminate censure.

I remain, dear Sir,
With great regard and respect,
Your faithful obedient servant,

O. MAX BURROWS.

10, Montague Street, West Wallington, Kent, 1850.

APPENDIX.

No. I.

30, Walbrook, Nov. 7, 1829.

SIR,

BEFORE Mr. Davies can leave the house where he now is, for any other place, he must be consulted. As I have not at present the opportunity of seeing him, I can give no other reply to your letter.

I am, Sir, your obedient servant,

FRANCIS HOBLER.

R. O. JONES, *Esq.*, Solicitor,
Southampton Buildings.

No. II.

(Extract.)

30, Walbrook, Nov. 9, 1829.

SIR,

I have had a little time to consider the letter you addressed to Mr. Pollard, (Dr. Burrows' superintendent), on the subject of Mr. Davies' removal from Clapham, and of which letter you sent me a copy.

He is more pleasantly situated both in regard to healthiness of situation, as well as personal comfort, than he could be in so confined a place as Burton Crescent.

You may, therefore, be so good as to inform your clients, that Mr. Davies will not remove from where he now is to any other place than his own house at Crouch Hill, which in point of health yields to none other.

As to convenience for the inquiry, if Mr. Davies is to be put to the expense of the inquiry, he must have his own comfort consulted.

I am, Sir, your obedient servant,

FRANCIS HOBLER.

P.S. Mr. Hobler has, in addition to what I have expressed to Mr. Pollard, written this by my direction.

EDWARD DAVIES.

Mr. R. O. JONES.

No. III.

10, *Montague Street*, Nov. 8, 1829.

DEAR SIR,

When I was at Clapham Retreat yesterday, Mr. Davies informed me, that he preferred being where he is to any lodgings which can be proposed, unless in such situation his liberty were allowed; and he mentioned that this was also the advice of Mr. Hobler.

Before I went into his room, Mr. Pollard informed me that medicines had been secretly transmitted to Mr. Davies, which he was in the habit of taking; and that he had heard from a Mr. — they had been conveyed to him by Mr. Hobler.

Of course such a flagrant impropriety, and abuse of a solicitor's privilege of visiting a client under such circumstances, determined me instantly to question Mr. Davies upon the truth.

He admitted having had medicines sent him; but would not tell by whom prescribed or conveyed to him; neither would he give them up to me. I therefore ordered his drawers and closets to be searched: a phial and a box also, with pills in each, were found, which I took away with me.

I made use of every friendly entreaty to induce Mr. Davies to inform me how he procured them. I told him, that if he had complained of being ill, and would not permit me to prescribe for him, that his mother at all times was ready to send a medical attendant of his own naming; and I endeavoured to shew him that responsibility rested upon me even for his life, which might be endangered by his taking medicines procured by persons ignorant of his health and constitution.

I am, dear Sir, your obedient servant,

G. M. BURROWS.

R. O. JONES, *Esq.*No. 24, *Southampton Buildings*.

No. IV.

10, *Montague Street*, Nov. 15, 1829.

DEAR SIR,

Having learnt from you that the commission on Mr. Edward Davies cannot be opened before the 2d of December, and having perused Mr. Hobler's letter of explanation, as he calls it, to Mr.

Lowdham, I feel it impossible to take the farther responsibility attending the charge of Mr. Davies in my establishment. Mr. Davies, as his family well know, was never sent there by my advice: it resulted from necessity, after Mr. Hobler refused to give place to Mr. Lawrence and me when we called to visit Mr. Davies, in Portland Terrace, and his threat of applying to the civil power to remove him from those lodgings. When he went to Clapham, it was expected a commission would very soon issue. That measure has been deferred from time to time, till near three months have elapsed. Now that it has been granted, and no restriction can properly be placed on Mr. D.'s intercourse, I find my house is no longer my own, being open to the visits of I know not whom. This is quite inconsistent with the duty I owe to my other patients, as well as to myself; and although Mr. Davies has made his choice, and prefers staying where he is rather than go to lodgings, which is a proof very agreeable to me of the kind treatment he has always received; yet neither that, nor any pecuniary compensation, can reconcile me to the risk the character of my establishment is exposed to, from the visits of so many who think Mr. D. sane, and are therefore disposed to put the worst construction on every thing that passes. I was the first to communicate to Mr. Davies the hint the Lord Chancellor had given of the propriety of his removing from Clapham Retreat as soon as possible; and I proceeded the same morning to Philpot Lane, where I met many members of his family, and advised the immediate adoption of the Chancellor's suggestion. I sincerely wish that it had been adopted, then the events of the last ten days would have been spared me. Mr. Davies told me, he objected to Burton Crescent, because he could not there take exercise as he did at Clapham. But other lodgings may be found, airy, and private, and equally convenient for visiting him. I will therefore thank you to communicate my resolution to Mrs. Bywater, and to Mr. Hobler, if you think proper; and when his removal is assented to, I will call on Mrs. Bywater, and hope to satisfy her that my advice is best for all parties.

I am, dear Sir, your obedient servant,

G. M. BURROWS.

R. O. JONES, *Esq.*

No. V.

10, *Montague Street*, Nov. 25, 1829.

DEAR SIR,

As the time is now so short to the inquiry, and there is so much difficulty in removing Mr. Davies, and as he is so averse to going any where else but Crouch Hill, I consent to his staying at Clapham Retreat.

This you will be so good as to communicate to Mr. Hobler, as I shall to Mr. D. himself to-day.

I am, dear Sir, your obedient servant,

G. M. BURROWS.

R. O. JONES, *Esq.*

Note.—When this was written, I thought the inquiry would commence the 2d of December.

G. M. B.

No. VI.

10, *Montague Street*, Nov. 27, 1829.

DEAR SIR,

The information conveyed in your note of this evening, that the commission on Mr. E. Davies will not be opened till the 14th, instead of the 2d of December, occasions me deep regret.

I must remind Mrs. Bywater and you, that I only gave my consent on Wednesday last to Mr. Davies' continuance in Clapham Retreat, upon the belief that the inquiry would take place in a week. Now that it is postponed near a fortnight beyond the 2d, I must repeat my desire, that he be forthwith removed from that asylum.

I thank Mrs. Bywater, and Mr. and Mrs. Pugh, and their relations, for the confidence they repose in my superintendent's care of Mr. E. Davies; and nothing would induce me to have him removed elsewhere but the conduct of his solicitor.

Had I known on Wednesday what has been pointed out to me this morning, I would never have acquiesced in the wishes of Mr. E. Davies and Mr. Hobler, for the former to remain where he is, even for a day.

What I have to complain of, is a most shameful letter, published, with Mr. Hobler's name subscribed, in the "Observer" of last Sunday. I conceive it to be not only a gross attack upon my character, but also an attempt to pervert the course of justice in Mr. E. Davies' case, which he (Mr. H.) knows is just on the eve of judicial inquiry.

I really think I ought to make a personal complaint to the Chancellor, but I am unwilling to intrude more upon him. Nevertheless, I hope that counsel will so far interfere as to protect the cause of public justice, in the character of a material witness, from being so injured.

I am dear Sir, your obliged servant,

G. M. BURROWS.

R. O. JONES, *Esq.*

P. S. I have written to Mrs. Bywater, to tell her that Mr. E. Davies must be removed.

No. VII.

10, *Montague Street*, December 24, 1829.

DEAR SIR,

In consequence of the gross accusations made against me yesterday, by Mr. Brougham, to taint my evidence, and shew that I had an interested bias, I think it due to impartial justice, and to my own reputation, that Mr. E. Davies should be removed from Clapham Retreat immediately. I must therefore thank you to inform Mrs. Bywater that her son shall be given up to the charge of whomsoever is appointed for that purpose. I hope the removal may be effected by to-morrow.

I shall attend this morning in court, at its opening, and state thus much to the commissioners.

I am, dear Sir, your obedient servant,

G. M. BURROWS.

R. O. JONES, *Esq.*

No. VIII.

10, Montague Street, February 3, 1830.

SIR,

Upon reading in "The Times," of the 24th of December, the report of Mr. Brougham's remarks on my evidence in the case of Mr. E. Davies, I felt a conviction that it was incorrect, and in a way very much to my prejudice. I have since pointed out to others who were in the court when Mr. Brougham spoke, what I conceived to be errors, and they confirm my opinion. I also compared your report with those made by the "Morning Chronicle," "Herald," &c. I have only just now procured Mr. Gurney's notes, and perused them; but in none of these reports do I find the particular passage to which I object in "The Times,"—it is this: "He (Dr. Burrows) told you that, not having seen Mr. Davies for ten days, he, nevertheless, dared to sign the certificate!"

I am fully aware that Mr. Brougham asserted that I had signed a certificate of Mr. D.'s insanity, although I had not seen him for ten days. But I denied both these allegations, on my oath, in his cross-examination of me; and their falsehood was proved by other witnesses, and by evidence in Mr. Brougham's possession; but which he and his brother counsel would not suffer to be produced in court.

True or false, however, I know I have no ground for complaint if what an advocate says be faithfully copied into a report. But of what I think I have just cause for complaint is, that your reporter, in the passage quoted, has converted an assertion of the advocate into an acknowledgment made by me of the truth of that assertion.

The public in general are apt to receive the assertions of counsel in pleading, for truths; and there are few who recollect the exact evidence I gave; consequently, your version of Mr. Brougham's observation passes current as my confession of its accuracy.

Again, a little farther on, there is another very material inaccuracy in your report of Mr. B.'s remarks, which is important. The passage in "The Times" runs thus: "But you must not, and I cannot forget, that when I asked him if he had ever certified without having seen the supposed lunatic, he *refused* to answer the question." Mr. Brougham's words were,—"*He declined* answering that, not being, certainly, compelled to give an answer; and he was told by the commissioners that he need not answer it, and he *declined* to do so."

Launceston, see after