

ARTICLE III.

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**MEDICAL JURISPRUDENCE.**

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OF BOSTON, FELLOW OF THE SOCIETY.

READ AT THE ANNUAL MEETING,

MAY 28, 1851.

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MR. PRESIDENT AND GENTLEMEN OF THE SOCIETY,

FOR more than seventy years, the anniversary of your institution has been celebrated. Each succeeding season, its Fellows have met together to renew their acquaintances or to strengthen their friendships; to dwell upon the varied scenes of their professional life; to sympathize in each other's sorrows, and rejoice in each other's success; to renew their devotion§ to the great interests of this Society; to sustain its honor and increase its reputation, by withholding its privileges from those who have abused them, and redoubling their efforts to maintain the spirit of its laws.

It has been customary upon these occasions to devote a single hour in listening to a discourse from some one of your number. Upon me your Committee have conferred the honor of preparing the address for the present time. Could I have consulted my own feelings, I should respectfully, and at the same time

most decidedly, have declined the appointment; but, considering it imperative upon us all, when called upon by our brethren to perform a professional duty, to answer to that call, I should have been a recreant to my principles, and ungrateful to many, from whom, for a quarter of a century, I have received uninterrupted friendship, had I refused.

A sense of duty alone has brought me here. May I not in advance claim your indulgence?

It is not a little surprising, that, while so much attention is being paid to the great subject of medical education among us, that branch of it known by the name of Medical Jurisprudence is scarcely referred to.

With all the other departments of the profession, the young man, presenting himself for his final examination, may be sufficiently well acquainted, to satisfy the Faculty before whom he appears, that he is competent to commence the responsibilities of his career. But upon the subject to which I have referred, in some of our schools he is *not examined*: not a question is asked him. He may have listened to a few general lectures during his pupilage; but he has pursued no methodical course of instruction, — he has studied no accurate, reliable author, — he has had no recitations upon the subject; without which, in this as in all other branches, lectures are of comparatively very little value. And it is only when he is summoned to give his testimony in a Court of Justice, that the young physician finds himself forming his opinion, and searching for authorities to support

it; or perhaps, I might with more propriety say, collecting published facts upon which he may found an opinion.

The rapidly increasing amount of crime, caused in a great measure by the vast hordes of ignorant and abandoned foreign paupers who are daily swarming to our shores, is constantly rendering this subject of additional importance; while the enormity of the age, which has lately taken place in our midst, and which, now that its perpetrator has left the earth he contaminated, we think of with increased astonishment, and can scarcely realize that it has not been a horrid dream, has awakened a deeper sense of its value as a branch of professional study.

I feel you will need no apology for its being selected as the subject to which I would now invite your attention, connected as it is in a greater or less degree with chemistry, healthy and morbid anatomy, therapeutics, midwifery, practical medicine; and associating, as it does, more intimately than either of these branches alone, the profession with the community.

I have not the presumption to suppose, that I can elucidate any disputed point; that I can strengthen any established principle, or throw any additional light upon my theme. I have no such aim, — no such desire. I would present to your notice a most interesting, most important, and much-neglected study. I would point out its claims to a higher rank than it now holds in your system of education. I would endeavor to show, that it should be as thoroughly

studied by, and a knowledge of it as rigidly demanded of, the student about to terminate his usual course of tuition, as any other branch of the profession. I would urge its importance upon all.

Medical jurisprudence has been defined that "science by which medicine and its collateral branches are rendered subservient to the elucidation of various civil and criminal cases during judicial inquiry."\* Or, still more comprehensively, as that "science by which medicine and its collateral branches are made subservient to the construction, elucidation, and administration of the laws, and to the preservation of the public health."† Thus extensive are its objects, — thus important to every medical man is an acquaintance with his subject.

A physician is liable at any moment to be called into a Court of Justice to give his evidence as a witness, or his opinion as a professional man; and, when summoned, he must obey: the laws of the land require it. The Revised Statutes of Massachusetts expressly state, that, "if any person, duly summoned and obliged to attend as a witness, shall fail so to do, without any reasonable excuse, he shall be liable to the aggrieved party for all damages occasioned by such failure, to be recovered in an action on the case. Such failure to attend as a witness in any Court of Record shall also be considered a contempt of the Court, and may be punished by a fine not exceeding twenty dollars. The Court, in such case, may issue a warrant to bring such witness before them, to answer for the contempt,

\* Ryan, p. 5.

† Paris and Fonblanque, p. 11.

and also to testify as a witness in the cause in which he was summoned.”

Thus imperative is the summons. That it must be complied with, I will state a case in point. Years since, it is said that one of the most distinguished members of our profession was interrupted by an officer, who presented a subpoena, summoning him to attend Court as a witness. The gentleman somewhat abruptly refused to comply, and at the same moment closed the door against him. The officer at once reported the case to the Judge, who, happening to be intimately acquainted with the medical gentleman, immediately wrote him a polite note, regretting the circumstances which required his attendance, but at the same time reminding him, that, if he did not appear, he should be obliged to proceed as if a contempt of Court had been intended. It is unnecessary for me to add, that the witness presented himself.

Irksome as are many of the duties required of us as physicians, great as are our responsibilities, there are none which are not assumed more readily, which are not performed more cheerfully, than that which compels us to give our testimony before a legal tribunal. So great is the unwillingness of many medical men to be made thus conspicuous, that it is not an uncommon thing for them to refuse to attend a post-mortem examination, however much they may have been interested in the case, if there is the slightest probability that a judicial investigation will follow. In a case of suspected poisoning, I have known five physicians refuse to be present at the examination of the

body, when requested by the family physician, although each was ignorant that any one save himself had been applied to; nor could either of them, upon any consideration, be persuaded to do so, until satisfied that the case would not be carried before the Grand Jury.

But why is a physician so unwilling to give his testimony? Why should he dread to state under oath the simple facts with which he may be cognizant? — to tell the truth, the whole truth, and nothing but the truth?

If his character would be acknowledged as a sufficient voucher for the truth of his statements, the conscientious physician would fear no tribunal, — would shrink from no scrutiny. He would feel called upon as a man and a Christian to give his evidence, in all cases, freely and fully. But how different sometimes is a legal investigation!

After having in the most unreserved manner stated all the circumstances with which he may be acquainted, the medical witness is subject to have his whole testimony reviewed, ridiculed, doubted. Often asked questions which cannot be answered, and which frequently have no bearing upon the subject at issue, cross-questioned in such a manner by a subtle advocate as to make his replies appear inconsistent with his previous statements, the physician is compelled to stand in the witness-box, to have his feelings wounded by insolent interrogatories and unkind insinuations, long after every end of justice has been answered by his testimony.

Or, should he be so fortunate as to pass the ordeal I have referred to without being annoyed, the counsel conducting the opposite side of the case not unfrequently, in the summing-up of the evidence and in his argument, by intimating his doubts of the credibility or the competency of the medical witness, inflicts a lasting injury upon his professional character. More even than this, — I have known a distinguished member of the bar, while addressing a jury, indirectly to impeach the veracity of a Fellow of this Society, who had been a practitioner for nearly twenty years, and whose honor among the members of the profession, by whom he is best known, is inviolable. That hour has long since passed; but the wound then inflicted will never heal.

But, even in those cases where nothing of an unpleasant nature occurs, the position of a witness is far from being an enviable one. Dr. Smith, in his "Analysis of Medical Evidence," distinctly states: "I fear not to assert, that the instances in which medical witnesses have come down from any judicial examination of importance, without suffering more or less injury, have not been many; that those in which credit has been actually gained have been fewer still; and that I know of no instance in which it can be satisfactorily shown that an individual reputation has been thereby established."

Is it surprising, then, that a physician should be so unwilling to appear as a witness?

By the community generally, our services are looked upon as belonging to them in such cases. They consider they have a right to them. Knowing that we

are neither required to act upon juries, nor to take part in military affairs, they feel that for these privileges we are expected to owe an obligation. I confess I feel upon this subject very much as the clear and vigorous writer I have above referred to. "For my own part," he says, "I have no delicacy as to the expression of my persuasion, that the power which assigns us over to the public prosecutor, whenever he may please to want us, from a notion that he has a right to the unrequited exercise of our best energies; and that under circumstances the most repugnant to our feelings as men, the most perplexing to our resources, the most hazardous to our reputation, and often the most dangerous (in various ways) to our personal safety, — that the power is oppressive." And again: "The medical practitioner, if weighed in the same scales as other men, owes not a particle of service to the State or to the public, on the score of concession yielded to him in return, or implied by any courtesies with which his individual citizenship may have hitherto been taken for granted to be endorsed. The exceptions in question were granted, not to us, or clearly not for our benefit, but by the public to themselves; — which public has been in the habit of reaping the advantage, while we have paid the cost. Our ancient legislators have merely done a plain and very simple duty in not preventing us, by some preposterous law, from being at all times ready to attend the calls of sickness and contingencies to which our fellow-citizens are at all times exposed. The case is the same among savages, at least among



such as have any notion of healing bodily ailments, and even among some who are greater aliens to the sympathies of human nature than savages; for a respect to medical men has generally been manifested on the part of pirates and banditti."

When thus compelled to testify, the physician has the consolatory reflection, that he may be the means, perhaps the most important means, of fulfilling the ends of justice, — of removing suspicions, which may have existed, respecting an innocent individual, — of bringing to condign punishment the guilty.

In giving his evidence, the physician should be exceedingly careful what he utters, — should strive to be laconic, clear, explicit. Haslam, in his "Medical Jurisprudence as it relates to Insanity," says, "The important duty which the medical practitioner has to perform, when he delivers his testimony before a court of justice, should be clearly defined, conscientiously felt, and thoroughly understood; his opinions ought to be conveyed in a perspicuous manner."

Fonblanque gives the following judicious suggestion: "We recommend the witness to steer a middle course, first answering patiently, distinctly, and tersely, the questions put by the counsel on both sides, the court, and the jury; and if none of these elicit the whole truth, and any material point remains to be disclosed, the presiding judge will always admit and gratefully receive the additions and explanations which may be necessary to the ends of justice."

Although a physician is called by the party, in any given case, whose cause it is supposed his evidence

will advance, he should use every effort to prevent his feelings from becoming so interested as to control his judgment, or warp his opinion. He is to state the facts, at all events, as he knows them: to tell the truth. He is not to ask himself the question, who is to suffer or who is to be benefited by his testimony. Enough for him to feel that he has taken a solemn oath, and that he is bound to observe it. Regardless of what may be for his temporary benefit, — regardless of the claims of even his dearest friends, he is not to allow himself the slightest hesitation or equivocation. He is to be fearless and true. He is to withhold nothing, unless it has a tendency to criminate himself. In a trial for murder in a duel, which took place at the Old Bailey Sessions in June, 1821, Justice Bailey said to Mr. Pettigrew, a surgeon, "I think it necessary to give you this caution: if you think the evidence which you are about to give, likely to expose you to a criminal prosecution, you are not bound to give it."

The most painful duty a medical man is called upon to perform in a court of law, if the ends of justice absolutely require it, is to divulge the secrets of his patients, reposed in him in the course of professional confidence. However great may be the struggle within him, — however willing and ready he may feel to make almost any sacrifice, save that of his integrity, to keep for ever locked in his bosom what was sacredly deposited there, the laws of his country are paramount to all other bonds.

In the celebrated trial of the Duchess of Kingston before the House of Peers, this liability of the physi-

cian to disclose what may have been entrusted to him by his patient was clearly demonstrated by Lord Mansfield. Mr. Cæsar Hawkins, a medical witness in the case, delaying to answer the interrogatories put to him, Lord Mansfield thus addressed him: "I suppose Mr. Hawkins means to demur to the question, upon the ground that it came to his knowledge some way from his being employed as a surgeon for one or both parties; and I take it for granted, if Mr. Hawkins understands that it is your Lordships' opinion that he has no privileges, on that account, to excuse himself from giving the answer, that then, under the authority of your Lordships' judgment, he will submit to answer it: therefore, to save your Lordships the trouble of an adjournment, if no Lord differs in opinion, but thinks that a surgeon has no privilege to avoid giving evidence in a court of justice, but bound by the law of the land to give it; if any of your Lordships think he has such a privilege, it will be a matter to be debated elsewhere; but, if all your Lordships acquiesce, Mr. Hawkins will understand that it is your judgment and opinion that a surgeon has no privilege, where it is a material question, in a civil or criminal cause, to know whether parties were married or whether a child was born, to say that his introduction to the parties was in the course of his profession, and that in that way he came to the knowledge of it. I take it for granted, that, if Mr. Hawkins understands that, it is a satisfaction to him, and a clear justification to the world. If a surgeon was voluntarily to reveal these secrets, to be sure he would be guilty of a breach of honor and

of great indiscretion ; but to give that information in a court of justice, which, by the law of the land, he is bound to do, will never be imputed to him as any indiscretion whatever."

Thus there is no appeal. Those facts must be stated which are necessary to further the ends of justice. The greatest caution should be used, however, to prevent any thing being made public, that can be suppressed, which can wound the feelings or injure the reputation of a patient. Even the members of the bar look with pity and contempt upon the medical witness who voluntarily exposes any professional confidence. Nothing is more important to the physician than to "keep his own counsel." The repository of many facts, obtained under peculiar circumstances, a knowledge of which by others would produce much unavoidable misery, he should most religiously preserve what has been entrusted to him.

I could point out to you individuals in our profession, in whose presence men feel compelled to select their words before using them,—to whom they are afraid to speak freely ; well knowing that their silence cannot be relied upon. It is unnecessary to say how much the usefulness of such persons is diminished ; how pitiful is their position ; how little sympathy is felt for any retribution which may befall them.

In the year 1832, Delpech, Professor of Clinical Surgery to the Faculty of Montpellier, surgeon-in-chief to the principal hospital, and member of numerous learned societies throughout Europe, was shot dead by a patient whose confidence he had abused. The

deed was, of course, looked upon with horror; and, had not the murderer instantly killed himself after the perpetration of the crime, upon the scaffold he would undoubtedly have paid the forfeit of his guilt. Still there was a deep, settled conviction in the minds of many, that there had been a most aggravating, most unjustifiable breach of confidence; and the press, while it freely yielded to the distinguished surgeon all the honor which his skill and attainments had acquired, did not withhold its decided condemnation of the circumstances which led to his untimely end.

Enough, I think, has been said to prove, that, if the physician would retain his self-respect, — if he would preserve the esteem or confidence of his patients, or of any portion of the community, he should allow no earthly considerations to bribe him, — no earthly power, save the laws of the land, to compel him to betray his trust.

Considered only in the point of view I have just glanced at, the liability of the physician to be called upon at any moment as a witness, medical jurisprudence has strong claims upon his attention. But when, in addition to this, he remembers that he, and he alone, in any suspected case, is looked upon as competent to suggest the means of ascertaining the kind and amount of poison supposed to have been taken, — as familiar with the proper remedies to be employed, — as able to detect the characteristic lesions, — to determine the question as to the character of the death, and how it was produced; whether by organic disease, or by hanging, drowning, or deleterious gases;

whether by murder or suicide; or, to settle a point of even more importance than these to a broken-hearted parent, whether the chastity of an idolized child had been violated, and a family made irretrievably desolate, — when he is reminded of these truths, he cannot but deeply feel his responsibility.

Not a year passes by without cases of poisoning or suspected poisoning taking place in different parts of New England, — I might perhaps say Massachusetts; and how seldom it is that the subject is definitely decided by the physician who has charge of the case; that the contents of the alimentary canal are analyzed, and the variety of the poison is made out by the post-mortem appearances! Those of you who reside in our metropolis are well aware, that it is not an uncommon circumstance for several of the scientific members of the profession to receive portions of the viscera for examination, of persons who have died under suspicious circumstances.

Although increased action may be known by physicians generally to follow the administration of most poisonous substances, there are many who do not appear to understand that different appearances are produced by the same agent, in the same organ, at different periods of time after it has been administered; and that every degree of excitement, from simple irritation to extensive ecchymosis or ulceration, may be produced by different substances, — the degree of action being dependent upon their greater or less acrimony; and that these appearances are uniform and characteristic.

I trust no one who hears me will misunderstand me, — will suppose that I would undervalue the judgment or qualifications of the great majority of medical men throughout our State. I *know* that they compare most favorably, not only with physicians of the cities, but with the members of the profession in any other portion of the Union. I mean merely to imply that with the department of study we are now considering, many are not familiar.

How little understood, among many of the well-educated and intelligent in our community, is the treatment for the restoration of the drowned! How many lives must have been sacrificed by the barbarous custom of suspending the asphixied by the feet, or rudely rolling them upon barrels with the head dependent, for the purpose of freeing the lungs of the water with which they were supposed to be filled! — a custom which within a few years has fallen under my immediate observation.

How many, apparently dead, have been restored to their afflicted friends by means of long-continued, scientific efforts; by having their bodies carefully dried, and exposed to a moderate temperature, — their heads and shoulders elevated, — their lungs artificially inflated; by the exhibition of external and internal stimulants, and judicious venesection!

How many have thus been resuscitated, after all human means seemed unavailing, — long after the by-standers have ceased their efforts, and none, save the almost frantic parent or child, have in silent prayer continued their exertions! Numerous cases

might be cited to show that life has been recalled after a body has been immersed for a very long period. These instances should cheer the desponding, and encourage them to labor while there seems the slightest possibility of restoration. Allow me to illustrate this remark with a single example, which was published during the last year in the "Northern Lancet and Gazette of Legal Medicine." It was communicated by Charles McNeil, Esq., of Charlotte, Vt., and is the touching story of a grateful father. "One of my sons, nine or ten years of age, was on Sunday afternoon, in August, 1830, found to be missing. On inquiry, I ascertained that he had last been seen playing on a boat lying at the wharf. The day was calm, and the waters of Lake Champlain still and unruffled by a ripple; but, knowing that he had been on the boat, his brother was sent to search for him, but he returned without any tidings. Once more he returned to the boat, and, looking carefully in every direction, discovered him lying on the bottom of the lake in eight feet of water, where he must have lain half an hour, if not longer, when he was brought to the surface. I received the body: it was rigid and cold, as also were the limbs; a bluish cast was spread over the countenance; the deep solicitude of a father discovered no signs of life — no heat; the heart was stilled, and the lungs quiescent. No more would I have anticipated the presence of life, if he had been submerged for several years; and had I not, some days previous to the accident, providentially read in an old paper an article by Dr. Buchanan, of Phila-



delphia, on the subject of restoring suspended animation after submersion, we should have consigned the body to the grave, as it was recovered from the lake. The body being placed on a bed, some of the neighbors were directed to rub it briskly with flannel cloths, — an order which they obeyed with great reluctance, from the thought of performing this office on a corpse; and I will admit that I somewhat entertained the same opinion. Still, I would fain hope, and urged on my friends the continuance of their exertions; the friction was persevered in; warm flannel sheets were applied in rapid succession. This treatment was continued for thirty or forty minutes, when we were gratified by hearing a feeble murmur in the throat, followed soon after by a slight quivering of the lips. The case, however, was enveloped in doubt and obscurity for a long time, as the recovery was extremely slow.”

The above remarks might, with equal propriety, be applied to the subject of hanging. Many judicious general practitioners entertain the most vague and unsatisfactory notions regarding its phenomena. They not only are unacquainted with the several appearances produced in individual cases of suspension, but they really are not aware how death is produced; and, cerebral apoplexy not unfrequently being considered the cause, copious depletion employed, instead of artificial respiration, checks the vital current for ever.

The physician should also devote a portion of his time and his thoughts to that branch of our subject entitled Medical Police, “embracing the consideration of the policy and efficiency of legal enactments for

the purpose of preserving the general health and physical welfare of the community." \*

Much has been accomplished within a few years in this department in Massachusetts: much still remains to be done by the individual or united efforts of the Fellows of this Society.

Allow me cursorily to notice several important changes which have been produced, within a short period, by a more enlightened public opinion than had previously existed, and then to touch upon one or two points where reform is required.

Most of us can remember when smallpox was looked upon with infinitely more dread than at present. Hospitals for the reception of the afflicted, isolated from the residences of the citizens, had, for a great length of time, been established in our metropolis; and, in later years, all who were so unfortunate as to suffer from this disease,—the most delicate female as well as the stoutest day-laborer,—were compelled by law to be carried to an island several miles from the city, regardless of the seasons and of exposure. So great has been the excitement, that, since I have been in the practice of my profession, public streets have been rendered impassable, and red flags have been suspended from the windows of the infected houses, to warn the community of their imminent danger. By a judicious regulation of the city government, imperatively requiring that every child, previous to its admission into a primary school, which is entered at four years of age, should be vaccinated, a reformation

\* Paris and Fonblanque, i. 1.

has been produced which can scarcely be realized. Cases of smallpox are yearly occurring, and must ever be expected to occur in a large commercial metropolis, where there is constantly a great influx of strangers, not merely from different parts of this country, but also from all parts of the world. Still, as, by the salutary regulation I have referred to, the majority of the residents are protected, the cases are comparatively few. So slight is the excitement felt, so little the alarm, that the hospital formerly established at the island is abolished; the sick are allowed to remain at their homes,—surrounded by their friends,—to be treated by the physicians of their choice. I speak of this disease as it occurs in the city only. I am aware that in some parts of New England, and even in our own State, the greatest dread of this destroyer still exists; that, in such places, those who may have been exposed to its contagion are avoided as the pestilence itself; that the sick are most shamefully neglected by their nearest relatives, and left to suffer, if not to die, alone; that their dwellings are sometimes razed to the ground, or destroyed by fire. But these instances occur only in small villages, where the disease is but little known,—where it appears so seldom that no precautions are observed to prevent its recurrence.

Another most important change which is being produced among us relates to the burial of the dead. From the foundation of our cities, it has been the custom of the inhabitants to bury their dead in their very midst; and not unfrequently have the burial-

places been so crowded with graves, that former remains have been removed to give place to the recently deceased, or the decomposed bodies of thousands have furnished soil for the burial of other thousands. Besides, interments have been permitted by the local authorities beneath the places of worship.

Now, in the neighborhood of several of our cities and larger towns, are situated beautiful, quiet cemeteries, — removed from the noise and tumult of the world, — where the bereaved friend may visit and weep in solitude, and feel the happier and the better.

I am aware that the ostensible reasons offered for such changes have been, in some instances, the difficulty of procuring sites for burial-grounds within the city, on account of the great value of the land, and not from the fear of any detriment which could by any possibility happen to the community from the interments.

Whatever may have been the motives which have accomplished the object, the result is admirable. Various opinions have existed as to the subject of sickness ever being thus produced, — as to whether the decomposition of animal matter can ever be a cause of disease. The discussion of this subject is foreign to my present purpose; nor would I adduce the numerous instances which have been elsewhere collected, to show that sickness and death have followed exposure to the putrid gases arising from the decomposition of the human body. Whoever has paid the slightest attention to this subject can point to

numerous instances where the most offensive effluvia have been known to arise from burial-grounds. To such as have not investigated this matter, I would present a single example,—and that occurring at no greater distance from us than in the city of New York,—to show that health must at times be impaired from this cause.

In the year 1822, during the prevalence of yellow fever, numerous citizens residing in the vicinity of Trinity Church burying-ground testified, that “the stench was sometimes so powerful as to oblige many of them to shut the doors and windows of their stores and dwellings, to keep out the disagreeable and sickening smell.”\*

If instances can be cited of the danger to be feared during the decomposition of bodies in graves, it may readily be imagined what might take place under similar circumstances in confined places like churches. One example will prove to you what has happened from such interments. “Render, in his ‘Tour in Germany,’ relates that one week after the interment of a corpulent female in July, within the chancel of a church, such an intolerable fetor was extricated, as to sicken sixty out of one hundred and eighty communicants who had attended the service of the church for the purpose of receiving the Holy Eucharist, many of whom died in the most violent agonies. Suspicion was alive to inquiry for the cause of this sudden and unexpected disease, and consequent deaths. Many persons were arrested for having, as was alleged,

\* Remarks on the Dangers and Duties of Sepulture, p. 54.

communicated to the consecrated elements some deleterious ingredients. By further examination, the mischief was attributed to a dead and putrefying body. Four men were employed to open the grave and coffin. Two of them dropped down and expired on the spot; the other two were only saved by exertion of the best medical talents. It is beyond the power of words, says Rander, to express the horrid sight of this corpse. When the coffin was opened, the whole was an entire mass of putrefaction; and it was clearly demonstrated, that the effluvia which had issued from the body had caused the pestilential infection, which a week before had been attributed to poison.' " \*

It is true that fevers may not be produced by the decomposition of animal matter; but, as has been well said by another, — "If it be admitted, as it is, that these poisonous gases destroy life, it is altogether immaterial to the victim, his friends, and the public, whether the fatal disease assume the form of fever or any other form, or whether it be ataxic, without any regular form at all." If such results have been produced by certain causes, they may again be produced; and therefore it is wrong that burials should occur in a crowded city, either in its churches or in enclosures, in the midst of its inhabitants.

But in no respect has an improvement in medical police been more strikingly shown than in the treatment of the insane.

Years ago, I frequently visited the city poor-house, to see the lunatics and idiots confined there, — not

\* Op. cit.

because I received any pleasure from witnessing their wretchedness, nor with the expectation of improving their condition, but with the curiosity which is not unfrequently felt to learn their oftentimes eventful history, to sympathize and to pity. I have seen the peaceful, inoffensive idiot, who never exhibited a ray of reason, caged like a wild beast, and gazed at like one through the iron bars which confined him. I have seen the maniac chained in his dark and solitary dungeon, — entirely shut out from the world, to be removed only at his burial, — and have turned away sick at heart.

Thank God, the bereft of reason are no longer treated like brutes. An enlightened philanthropy pervades the land; our sister States are vying with each other and with us to improve the condition of our unfortunate fellow-creatures. Hospitals, under the superintendence of well-educated, warm-hearted men, supplied with every comfort, freed from every possible restraint, save such as may be absolutely necessary, are being established wherever they may be required. Schools even are in operation to attempt the rekindling of the flickering embers, — to regenerate the unmanned. Ay! kindness and love are ameliorating what was only aggravated by unfeelingness and cruelty.

Although these great changes have been produced respecting the smallpox, the burial of the dead, and the treatment of the insane, much yet remains to be done to perfect our system of medical police.

In the year 1781, several of the most distinguished

physicians of the State associated themselves together, and obtained an act of incorporation from the Legislature, under the name of the "Massachusetts Medical Society." By their charter, they are expected "from time to time to prescribe such a course of medical and surgical instruction and such qualifications as they shall judge requisite for candidates for the practice of physic and surgery, and shall cause the same to be annually published." This course is pursued; and well-educated young men yearly present themselves to the proper officers to be examined, and, proving themselves to be competent, are allowed to become members of the Society. But we look in vain in the chapter "concerning the practice of physic and surgery," in the State's laws, for a restraint upon irregular practitioners, — for a prohibition, that none save well-educated men, and such as have shown their capability by undergoing a thorough examination at the proper tribunal, shall be allowed to act the part of a physician or surgeon. And the young physician, a member of the Massachusetts Medical Society, who has been able by the most strenuous efforts, — by great self-denial, — oftentimes by embarrassing himself for years, in a pecuniary point of view, to reach the goal for which he had so long and so ardently striven, finds, upon entering the threshold of his profession, that he is surrounded by ignorant, uneducated, unprincipled men, who have no hesitation in publicly proclaiming that they can cure all diseases; and that, too, without resorting to any of those remedies against which they know many persons have an insurmounta-



ble objection, — men who deluge the community with hand-bills and certificates of the most remarkable success, prepared for the occasion, or testified to by bribed or irresponsible persons.

In no respect is our medical police more inefficient than in this. The evil I speak of has become a public nuisance, and as such it should be treated. A great portion of every community are exceedingly credulous, — believing most fully whatever may be stated, which, to an enlightened mind, savors of impossibility. The more ridiculous and improbable the accounts, the more readily do they attract attention; and the greater the audacity of the narrator, the more certain, for a period, is he of succeeding.

I have known a delicate female, wasted with phthisis, and requiring all the sympathy and attention of her most devoted friends, persuaded to place herself under the care of one of those wretches who blasphemously warrant a cure, and subjected to the most active treatment that could be devised. A few days only were required to free her of her misery.

I have seen a strong day-laborer, treated for inflammation of the bowels with the most stimulating drinks, crying in his agony for cold water, and supplied with potations of rum and cayenne, and compelled, in his intervals of repose from the most acute suffering, constantly to repeat the dose.

A few years since, a villain, who was said to have graduated from a Southern State prison, practised in our metropolis with immense success. Mercury and venesection, in his hands, controlled all diseases. The

former in spoonful doses, and the latter to the utmost limit of the patient's strength, were employed indiscriminately. To use his own words, openly expressed and as openly boasted of, "he had drawn barrels of blood." Gross as were his proceedings, — numerous as were the victims of his malpractice, there he remained, outraging the community, until the relatives of a patient he had imposed upon and ruined made a public exposition of the case.

But why should I adduce individual instances to prove my position, when, with others equally striking, most of you are undoubtedly familiar? Besides, the physician, as such merely, can do but little in this hoped-for reform. However anxious he may be to do his duty as a good citizen, to exhibit the villany which exists on the one hand, and the unavoidable misery consequent upon it on the other, but few can appreciate his motives, or will give him credit for disinterestedness; and he is literally compelled not only to see the grossest impositions inflicted upon his fellow-men, but to feel also that any interference on his part is the surest means of increasing them. It should be the duty, therefore, of those whose education and condition in life enable them to observe and comprehend the existing evil, to endeavor to remedy it. The better part of the community should act in unison upon this subject, and then the object could be accomplished.

It is as important that the man who dispenses a remedy should be honest and competent as he who prescribes it, — that the apothecary should be educated

as well as the physician. The physician or surgeon in our larger towns, having examined any given case of disease, proposes such a course of treatment as his judgment suggests, and relies entirely upon the apothecary to combine the remedies he has prescribed. It is self-evident, that, if the prescription is not accurately prepared, the benefits hoped for from its administration cannot follow ; and, if articles not prescribed are substituted for such as were advised, mischief must ensue, either by the production of a result different from what would otherwise have taken place, or by their causing a useless, if not fatal delay.

Many of our apothecaries are well educated, — perfectly acquainted with their profession, — practical chemists, — honest men. Many of them are not sufficiently educated to bear the immense responsibilities they assume. It is not uncommon for a boy with a very trifling elementary education, who has not the slightest scientific attainments or even taste, to enter the shop of an apothecary as an apprentice ; and, after having remained there a series of years, during which period he has never heard a lecture on chemistry or pharmacy, nor received any instruction save what he has elicited from older apprentices, to open his own store as an apothecary and chemist. Such a state of things ought not to exist. The better class of apothecaries should unite, and produce a reformation, for their own honor and the common good. We look forward to the time when the College of Pharmacy, established during the last year, will exert a most salutary influence, — when practical lectures will be given to

such as are devoting themselves to the subject we are considering, and when every individual shall be compelled to prove his capability by a thorough examination, previous to being acknowledged an educated, competent apothecary.

I cannot refrain from referring to another point, while dwelling upon this portion of my subject. The fact is notorious, that for many years the adulteration of medicines has been practised throughout the country to a greater or less extent. To such a degree was the importation of inferior drugs carried on, that, by a law of Congress, inspectors have been chosen for several of the larger cities, whose duty it is to examine all medicinal articles that are imported; and a favorable change has already been produced. But that great impositions are still practised at home, is clearly shown in the able "Report on Adulterated Drugs, Medicines, &c.," presented at the meeting of the "American Medical Association," holden at Cincinnati a year since. No one can peruse that report without being surprised at the great number of articles which are adulterated, and the extent to which many of them are deteriorated for sale; and these, too, among such as are most universally administered.

No one could have believed, unless he had been told by gentlemen of unimpeachable veracity who had thoroughly investigated the subject, that, in our most common remedies, the greatest frauds are practised, — that ipecacuanha in powder "frequently consists of only ten or fifteen per cent of genuine ipecacuanha, mixed with liquorice or sarsaparilla. Sometimes the

powder of one of these, mostly the sarsaparilla, with tartrate of antimony and potassa, without a particle of ipecacuanha, is sold under that name." "Rhubarb in powder is greatly adulterated: either the mouldy and spoiled pieces in good lots are picked out for the purpose, or the English is ground with small portions of the better quality, or else alone, and colored with turmeric to give it the proper hue." "Castor oil is occasionally adulterated with lard oil." "Iodine is very commonly adulterated with plumbago, charcoal, and oxide of manganese." "Blue-pill, in some instances, scarcely contains any mercury at all; its place being supplied by various foreign matters, as plumbago, animal charcoal," &c. Incredible as it may appear, such impositions do exist.

In the report referred to, from which I have cited the above instances, we are told by gentlemen of the Committee, members of this Society, that, in an analysis made in Boston by a competent chemist, at the request of some of the physicians, of Turkey rhubarb, bitartrate of potassa, yellow cinchona, and ipecacuanha, "the rhubarb was one half, the cinchona one eighth, of its proper strength; the bitartrate of potassa contained ten parts of foreign matter, and the ipecacuanha was half the strength it should have been." In justice to the honest apothecaries among us, I should add the following, as one of the results arrived at by the Committee who prepared that report, "that in the large cities, particularly in the Atlantic States, bad drugs are, as a very general rule, dispensed only by inferior apothecaries."

We have a State-law to regulate this matter. In the "Revised Statutes of Massachusetts," the chapter entitled, "Of Offences to the Public Health," contains the following section: "If any person shall fraudulently adulterate, for the purpose of sale, any drug or medicine, in such a manner as to render the same injurious to health, he shall be punished by imprisonment in the county jail not more than one year, or by a fine not exceeding five hundred dollars; and such adulterated drugs and medicine shall be forfeited and destroyed."

If this Society will act, — pursue the proper investigations, — make the proper complaints, these abuses will soon be unknown.

No law can be pointed at, however, in those Statutes, which prohibits the sale of the most deadly poisons, in any desired quantity, to irresponsible persons. The inevitable result of this defect in our medical police is seen in the suicides and murders which are yearly taking place.

Who of us who have been engaged in the practice of our profession for a series of years have not heard of young men stricken down by dissipation, taking at last the draught which causes the deep, heavy, irrecoverable sleep; or of the father, degraded by vice, arousing for a time to a sense of his infamy, and hoping to conceal his ruin from his family, voluntarily prostrated upon his death-bed?

Who have not been compelled to know, in the course of their professional career, repeated instances of health being destroyed, — of life being forfeited,

by the betrayed and forsaken outcast, who, from her desire for life having ceased with the loss of her virtue, has been driven to seek in the deadly drug, oblivion?

Who is not familiar with deaths of husbands and mothers by the administration of arsenic by wives and daughters? And who does not know, that the articles procured for the purposes above referred to, have in almost every instance been traced to the apothecary's, where they were readily obtained?

So severe has been the French system of police, that Paris and Fonblanque state, that, while their work was passing through the press, an apothecary of Verdun was fined three thousand francs for selling sulphuric acid to a woman who had poisoned herself with it. No one can deny that the subject I have just alluded to is an evil of magnitude, and one that can be corrected. I trust that this Society will no longer look on in silence: their duty to the community demands that they should seek for legislative aid, — that laws should be enacted and enforced.

At the risk of wearying your patience, I would ask your attention for a moment longer to a subject which I feel ought not upon this occasion to be entirely unnoticed. Cases are continually occurring which require the investigation of a coroner.

A person, who had previously been supposed to enjoy good health, suddenly dies. The friends are in great distress. Unable to account for the decease, their suspicions are awakened that the death may have been an unnatural one, — that life may have been destroyed by man. In order to settle this matter

conclusively, — to prevent any obloquy from being attached to the memory of the departed, or even the shadow of a suspicion from resting upon any known enemy of the deceased, a coroner is applied to. The question for him to decide is, What caused the death? Was it produced by a visitation of God? Did the person before him die by his own hand? or did he fall by the hands of another? And who is the officer supposed to be competent to decide this question? — to determine whether cerebral or pulmonary apoplexy, lobular emphysema, or asphyxia, has extinguished the spark? to say which of the numerous 'poisons has been swallowed, or whether murder has been committed? Who is expected to decide upon so important, — so intricate a question?

Listen to the authority of the coroner, as granted him by the laws of the State: "Coroners shall take inquests upon the view of the dead bodies of such persons only as shall be supposed to have come to their death by violence," &c. And again, "When any coroner shall take an inquest upon the view of the dead body of a stranger, or, being called for that purpose, shall not think it necessary, on view of such body, that any inquest should be taken, he shall cause the body to be decently buried," &c., &c.

Or, in other words, the coroner, in any given case, may or may not hold an inquest as he sees fit: if "he shall not think it necessary, on view of such body, that any inquest should be taken," he is not required to do so, whatever may be the circumstances in the case, but is commanded to bury the body without its being done.



To whom (those unacquainted with the facts would ask), save the medical man, could such duties be entrusted? who, save he who has obtained a thorough medical education, a perfect knowledge of healthy and morbid anatomy, and a long experience of the effects produced upon the system by the various medicines which are generally employed, could be expected to disentangle the skein? And yet medical men are not coroners.

Absurd as it may seem, the men who are appointed to settle the expediency of having an inquest or not to examine a dead body, — to select the jury to constitute the inquest, — to designate the professional man, should one be supposed by him necessary to perform the post-mortem, are individuals entirely unacquainted with medical science, and who on this account at least, if for no other, cannot be competent to determine the questions entrusted to them. I refrain from noticing this subject further: feeling it my duty to touch upon it in connection with the topics previously treated of, I could not pass it by, without expressing the hope that the day is not far distant when our coroners shall be well-educated physicians.

I have thus, gentlemen, in the most desultory manner, occupied my allotted hour; and can only hope, that, however unsatisfactorily my task may have been accomplished, no one of you will consider the time as having been entirely misspent.