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THE LONDON MEDICAL REGISTRATION ASSOCIATION.

PROSECUTION FOR ILLEGALLY ASSUMING THE TITLE OF SURGEON. INTERVIEW WITH THE MEDICAL COUNCIL.

WE copy from *The Times* of the 4th and 6th instant the following account of the latest prosecution undertaken by the London Medical Registration Association, for the purpose of carrying out the provisions of the recent Medical Act:—

BOW-STREET.—*Mr. Henry Scott*, of 17, Adam-street, Adelphi, appeared, on Wednesday, the 3rd inst., to answer a summons, issued at the instance of Dr. Ladd, the honorary secretary to the Medical Registration Association, charging him, under the Medical Registration Act, with representing himself to be a properly qualified medical practitioner, whereas he was not registered under the provisions of that Act.

Mr. Bowen May appeared to prosecute on behalf of the Association; Mr. Mayhew for the defence.

Mr. BOWEN MAY, in opening the case, was about to enter into an account of the prisoner's antecedents, when

Mr. MAYHEW objected. These matters had no connexion with the present case, and the allusion to them only showed the feeling which actuated the prosecution.

Mr. BOWEN MAY disclaimed any feeling apart from the desire to carry out the Act of Parliament in the interest of the public at large and of the medical profession. But as he intended to ask the magistrate to inflict the full penalty, he wished not only to show that Mr. Scott was not a surgeon, but also to inform the magistrate what he really was.

Mr. JARDINE said, that in the event of a conviction it might be proper to consider such matters in determining the amount of punishment. But at present the question was whether Mr. Scott had committed an offence under this Act, and the circumstances alluded to could have nothing to do with that portion of the case.

Mr. BOWEN MAY then called

Dr. THEODORE E. LADD, honorary secretary to the Association, who produced a printed copy of the Medical Register.

Mr. MAYHEW objected to the admission of a printed book as evidence; they should have the original Register.

Mr. BOWEN MAY said, that by the 27th section of the Act the printed copy was evidence.

Mr. JARDINE decided on receiving it.

Dr. LADD continued—The Register does not contain the name of the defendant. The Register is made up to the 1st of July, and is the only one yet printed. I have been to defendant's place of business in Adam-street, Adelphi. On the right side of the door-post were two bells, with metal plates, on one of which was inscribed "surgeon's," and on the other "house." On the door is a brass plate with "Mr. Scott" on it, and on the inner door is painted "Dr. Scott."

Cross-examined—I am a Doctor of Medicine, a M.R.C.S., a Licentiate of the Apothecaries' Company, and a Licentiate in Midwifery. I am hon. secretary to the Association, but receive no emolument whatever from the Association, and no benefit from these proceedings.

MARY ANNE SANDERS, dressmaker, St. Mary's-street, Lambeth, deposed that on the 27th of July she called on the defendant to consult him. He said that he was Mr. Scott, the surgeon, whose advertisement she had seen. He said his fee

was one guinea. She said she thought that it was a good deal. He said it was not like going to a chemist and druggist. She said she should never think of going to a chemist and druggist. Ultimately she paid the fee, and he gave her a bottle of medicine, but, after consulting a friend, she resolved not to take the medicine.

Cross-examined—Did not know Dr. Ladd except by living in the neighbourhood. Was not sent by him or by anyone to Mr. Scott's, but went in consequence of seeing his advertisements.

Several advertisements were put in and admitted, in one of which Mr. Scott said he had been in practice twenty-three years.

Mr. MAYHEW submitted that there was no case. The evidence of Miss Sanders related to what occurred on the 27th of July, whereas the Register produced was only made up to the 1st of July.

Mr. BOWEN MAY said that if defendant had registered after the copy was printed the onus of proving that fact rested on the defendant.

Mr. JARDINE was against this view; and, on Mr. Bowen May pressing the point, his Worship declared such an interpretation of the Act to be absurd.

Mr. BOWEN MAY then called some further witnesses, with a view to show that the defendant was in practice before the 1st of July.

Mr. JARDINE said the case was still imperfect as to the specific charge in the summons.

Mr. BOWEN MAY would call Dr. Hawkins, the Registrar, to prove that Mr. Scott was not registered up to this day; and, for that purpose, he must ask his Worship to adjourn the case.

Mr. MAYHEW objected; but ultimately his Worship adjourned the case until the 5th inst.

Mr. MAYHEW hoped the magistrate would use his authority to prevent the publication of any report of the case.

Mr. JARDINE said he had no power to interfere with the Press.

On Friday, the 5th inst., at the adjourned sitting,

Mr. BOWEN MAY, on the part of the Association, stated that he was prepared to produce the chief clerk to the Registrar, who would prove that the name of the defendant was not even up to the present time registered. Before doing so, however, he wished once more, with all submission, to press on his Worship's attention the point he had raised on the last occasion. He contended that the production of the printed Register was sufficient, and he relied on the words of the 27th clause—"And the absence of the name of any person from such copy shall be evidence, until the contrary be made to appear, that such person is not registered," &c. He contended, therefore, that if Mr. Scott was registered subsequently to the 1st of July, the *onus probandi* rested upon him. He had taken the opinion of Mr. Creasy, who agreed in his view of the case, and said the evidence was sufficient. If his Worship's view were right, they would never be able to carry out the Act of Parliament, for in every case the attendance of the Registrar would be required, and he could not be ubiquitous.

Mr. JARDINE.—It is not a matter of law, but a matter of common sense. You charge Mr. Scott with an offence alleged to be committed on the 27th of July, and the essence of that offence is that he was not on the Register. And you attempt to make out that charge by showing that he was not on the Register on the 1st of July. In a criminal proceeding like this, you cannot cast the *onus probandi* on the defendant. It is for you to prove your case.

Mr. BOWEN MAY.—Then I will call the clerk.

Mr. JOHN CROSSE ROOPE, clerk to the Council of Medical Education and Registration, deposed that it was his duty to register applications for registration. He had examined the Register, and found that since the 1st of July there had been no application by the defendant.

Mr. MAYHEW.—Must not we have it here?

The Witness.—A certificate of registration is given, and if a surgeon has been registered since the book was published, he is bound to produce it.

Mr. MAYHEW.—I presume the Register is in writing? (No answer.) How is it made?

The Witness.—According to the Act of Parliament.

Mr. MAYHEW.—I suppose it is in writing. You must produce it. Now, where is this Register?

The Witness.—There is the Register (pointing to a printed copy in the hand of Mr. Bowen May).

Mr. MAYHEW.—That was printed on the 1st of July. To what date is it made up?

The Witness.—Up to the 1st of May.

Mr. MAYHEW.—Where is the Register up to the present date?

The Witness.—There is none since the 1st of July. The applications are filed, and certificates are given. At the end of the year the Register is made up and published.

Mr. JARDINE.—How can a man be registered, and receive a certificate that his name is on the Register, when there is no Register in existence?

Mr. BOWEN MAY.—If the defendant has a certificate, it is easy for him to produce it.

Mr. JARDINE.—It is a criminal charge, and it is for you to prove it. I cannot call on the defendant to say one word till you have done so. Men of business who keep a register keep a document like that printed book, but in manuscript, and the very day after printing it they would again have something in manuscript, where the entries would be made from day to day as they occurred. If they have not done that they have not acted regularly.

Mr. BOWEN MAY said that dockets or loose leaves were kept and filed. These could be produced.

Mr. MAYHEW.—The Act says the original Register or a printed copy must be produced. That cannot be if there is no Register.

Mr. BOWEN MAY said the Council would make a Register. They would do anything to comply with the law.

Mr. JARDINE could not bring Mr. Scott there a third time. He had no right to assume anything against Mr. Scott, who was entitled to the same fair play as any other person brought before him.

Mr. BOWEN MAY said the Act would become a dead letter.

Mr. JARDINE said the Act was quite right. It was an excellent Act, and well calculated to meet a very great evil, that unqualified persons were enabled to practise as medical men. But it had not been properly carried out by the Council. The Act was a new one, and they were not lawyers. As long as they did not keep a Register the Act would be inoperative, not from any defect in it, but from not being properly carried out. The summons must be dismissed.

Immediately after the above decision was given, an extraordinary meeting of the Committee of the Association was held, the members of which subsequently repaired to the office of the Registrar, in Soho-square, in order to test the accuracy of Mr. Roope's evidence as to the non-existence of a Register. To the astonishment of all, it was found that Mr. Roope's statements had been entirely correct, and that no Register actually existed.

The Committee next proceeded to the College of Surgeons, where the Medical Council was assembled, and there made application by letter for a deputation to wait upon the Council relative to the decision of Mr. Jardine. After this the Committee went to the House of Commons, and had interviews with several members of Parliament, to urge them to make such inquiries in the House as would lead to the production of a document that should be universally held valid in courts of law on actions being undertaken similar to the one above reported. The decision of Mr. Jardine was on the same night brought under the notice of the House of Commons by Sir Edward Croghan and Mr. Brady, and an equal interest was taken in the subject by Lord Fermoy, Mr. E. James, Mr. Hennessey, Mr. Digby Seymour, Colonel Dunne, Mr. Adam Black, and Mr. Maguire. The next application was made to the Home Secretary to receive a deputation from the Committee of the Association.

On Thursday, the 4th instant—the day previous,—in conformity with a vote passed at a general committee meeting of the Association, Dr. Ladd had written to the Medical Council to request that a time might be named for a deputation to be received by the Council, in order to point out to the latter numerous inaccuracies in the printed copy of the Register. In reply to the second application, a letter was received by Dr. Ladd late on Saturday evening, appointing twelve o'clock on Monday, August 8th, as the time for an interview; and it was then determined by the Committee of the Association, many members of which were hastily convened, that all the subjects demanding inquiry and discussion should be brought under attention on the same occasion.

Accordingly, on Monday last, at twelve o'clock, the Committee waited upon the Medical Council, at the Royal College of Surgeons. There were present on the part of the Council—Dr. Alexander Wood (in the chair), Dr. Bond, Dr. Apjohn, Dr. Corrigan, Dr. Watson (Glasgow), Dr. Embleton, Dr. A. Smith, Mr. Nussey, and the Registrar. The deputation from the Com-

mittee of the Association consisted of Mr. Lavies, vice-president; Mr. Bottomley, treasurer; Dr. Ladd, honorary secretary; Drs. O'Connor, Kirby, and Routh; Messrs. Sutherin, Dansey, C. Clark, and the Assistant-Secretary.

Dr. O'CONNOR introduced the deputation, and stated the objects of the Association as being to assist the Registrar under the Act, which had always been eagerly done by the Association in affording information so as to ensure correctness of the Register; to prevent illegal practice; and to watch the working of the Act. In pursuing the second of these aims, it had been their duty to bring under the notice of the magistrates at different police courts several cases of illegal practice, and they had done this successfully in all but the last instance, to which, indeed, one of the main subjects for consideration referred. The Association desired to know if it were in contemplation by the Council, in consequence of the decision of Mr. Jardine in the case of Scott, to move the proceedings into a higher court? The prosecution had failed in consequence of there having been no Register kept of qualified practitioners since the 1st of May. Such conduct was a contravention of the Medical Act, for which the Council was responsible.

In reply to an inquiry from the Chairman whether the present interview was intended to be confined to matters on which one was sought by the application of Thursday previous,

Dr. O'CONNOR explained that the first application—namely, on Thursday—was made for an opportunity to point out to the Council many defects in the Register as existing; the second appeal for an interview, made on Friday, related to the case of Scott, but that the Association hoped that both subjects would be now considered. Dr. O'Connor instanced numerous examples of errors in the Register.

The CHAIRMAN said that the Association and the profession must be well aware of the difficulties which had had to be surmounted in the production of the first Register; and he asked that a list of the errors already discovered by the Association might be laid before the Council, promising that they should be amended in the next Register. The Council, he said, had had their attention drawn to the case of Scott immediately on a report of its termination appearing in the newspapers, and that in order to obviate in future any such objections as were made on that occasion, they had already caused copies of the Register to be interleaved (which were shown to the deputation) for the insertion of fresh names as they became registered from day to day, so that a perfect Register to the current time might be always producible. They had also referred the case of Scott to their legal advisers for counsel's opinion as to ulterior proceedings which might be found necessary. The Chairman added, that the Medical Council were sensible of the great advantages which had accrued from the exertions of the London Medical Registration Association, and hoped that the latter would go on with its labours.

Dr. KIRBY spoke of the imperfections which existed in the mode that had been pursued in registering practitioners; and he gave a brief history of the remonstrances that had been made by the Association on this head in the course of last winter, the recommendation of "forms" by them calculated to prove the *identity* of persons applying to be registered, and the protest which the Association had thought necessary to forward to Sir B. Brodie, the President of the Council. He urged that the mode that had been in force was that which applied to exceptional, and not general applications to register. By the 15th section of the Act, it was necessary to prove the lawful possession of diplomas or licences; and, by the 16th section, provision was made to carry out the proofs of identity and lawful possession. Dr. Kirby also expressed the general feeling of the profession that the expense of the Register was much too great. It is a document, he said, which every practitioner would find it necessary to be possessed of, and 7s. 6d. was a large sum to pay annually in addition to his registration fee.

The Deputation learned with much satisfaction, in answer to these observations, that the Council, acting on a fresh estimate, had already reduced the price of the Register to 4s. per copy; and they were informed that to compensate for the additional payments that had been made, the purchasers of the copies already sold would each be supplied with a copy of the next Register without charge.

The CHAIRMAN reminded the deputation that every case in which registration had been effected could be re-opened if fraud were suspected; and it would be competent to the Association or any individual to lodge an appeal with the Council for examination into any particular case, which appeal would be sure to receive attention. At the present time, registration had been cancelled in certain instances, and a similar proceed-

ing in some other cases was now under consideration by the Council. There is at present a person in prison in Scotland, the particulars of whose case will shortly be made public.

Dr. KIRBY remarked that it was easier and better to prevent persons not legally qualified from getting on the Register, than to strike out their names after they had become inserted. He also hoped that a perfect Register would at once be obtained for production in courts of law when necessary, or practitioners might, as in the late case at Bow-street, again be thrown out of court.

Dr. LADD remarked that the case referred to had been upset by its having been proved on oath that there was, in fact, no Register in existence that could properly be so called.

Both speakers were answered that an order had already passed the Medical Council for a manuscript Register to be duly prepared forthwith.

Mr. C. CLARK earnestly urged the necessity of securing proof of identity before the registration of applicants, and he instanced that there was another practitioner with exactly the same name as his own, and that in similar cases there was no complete security that one person could not make use of the credentials of another.

The CHAIRMAN instanced, in reply, the mode of registration which had been pursued in Scotland, where a declaration of identity had uniformly been made before a clergyman or a magistrate. The plan as detailed by him met with the unanimous approbation of the deputation, who considered that the same system might with much advantage be extended to England and Wales.

Dr. O'CONNOR called the attention of the Council to the case of John Burton, prosecuted by the Association at Gloucester, at a charge of £56. His name had improperly obtained admission on the Register, from which it was afterwards expunged; but the Medical Council had refused to undertake the prosecution, and it had devolved upon the London Medical Registration Association to do so, at the above considerable cost. He (Dr. O'Connor) wished to be informed if the Medical Council would now bear a portion of the expense which had been thrown upon the Association in that case. He further asked if it were intended to obtain powers in the Medical Acts Amendment Bill of Mr. Whiteside now passing through Parliament, which would enable prosecutions in similar cases to be carried on in the name of the Attorney-General.

He was answered that there is no public prosecutor in England, and that in this country an impression existed that prosecutions should rest with individuals who were aggrieved.

Mr. BOTTOMLEY called the attention of the Chairman to the case of a person named Organ, whose name is on the Register, though he has no qualification.

The CHAIRMAN said the case would occupy their attention the following day. Mr. Teale was in possession of all the facts relating to it, and it would be fully gone into.

After some further conversation, the general result arrived at appeared to be, that the attention of the Council had been devoted to the consideration of the various points mentioned in consequence of the representations made to them by letters from the Committee of the Association since the middle of last week. In the case of Scott especially, the Council, it appeared, had already consulted their solicitor, and would speedily make a report, to appear on their minutes. The Association were invited to put their views and suggestions in writing, and forward the same to the Council, by whom they would be considered with every attention.

The CHAIRMAN warmly complimented the Association on the zeal and energy which had been displayed by its members; and the feeling appeared to prevail on both sides that great advantage would arise from the interview.

THE LONDON MEDICAL REGISTRATION ASSOCIATION V. HENRY SCOTT, OF ADAM-STREET.

[NOTE FROM J. BOWEN MAY, ESQ.]

To the Editor of THE LANCET.

SIR,—I see by your journal of last week that you purpose reporting these proceedings in the next LANCET. Having been professionally engaged in the prosecution, and taking a lively interest in the medical profession and its success, perhaps you will allow me to endeavour to undeceive many of the public who, from reading the judgment of the magistrate, imagine that the new Medical Act is now *hors de combat*.

No one has a higher opinion of the learning of Mr. Jardine than myself; but I do not hesitate to state that the conviction of Nunn, the "surgeon-dentist," by Mr. Secker (the magistrate)

was correct, and that my clients, the prosecutors in this case, will be able to secure other convictions of non-qualified men, and therefore that this decision will not stand. Dr. Ladd, the persevering honorary secretary, notwithstanding this decision is pursuing his purifying course.

I have written to the Medical Council to suggest that it would be well for that body to try the question, as their Register has been impugned, whereby this case temporarily broke down, and I have no doubt they will do what is necessary to put beyond any doubt the legality of the Medical Register.

I remain, Sir, yours, &c.,

Russell-square, August 9th, 1859.

J. BOWEN MAY.

THE STATE OF THE THAMES:

MEANS SUGGESTED FOR ITS IMPROVEMENT.

To the Editor of THE LANCET.

SIR,—I have been engaged in the practice of medicine upwards of half a century, and the result of my experience is, that the *prevention* of disease is much more easily as well as effectually accomplished than the *cure*; and I believe this observation will be found equally as applicable to the diseased state of the Thames as to the diseased state of the human body. The idea of physicking or deodorizing the immense mass of filth which has been deposited and accumulated upon its banks, or is held in solution by its waters, appears to me, to speak of it in the mildest terms, perfectly illusory: not only is it deceptive and worse than useless, but it is also very expensive. All the deodorizing materials which could be manufactured in the United Kingdom in one week would be insufficient to purify its waters for twenty-four hours: the following day would find them as foul and offensive as before the experiment was made.

It appears to me that the only rational mode of proceeding would be to remove, wherever practicable, the present accumulations, and to prevent any future additions by cutting off *all* the sources whence they are derived. This last-named object could, I conceive, be readily effected, and that at a much less cost than by any measures that have hitherto been proposed, by the erection of, at the mouth of each large ditch or sewer, a semi-circular tank or wall. Take the mouth of Fleet ditch for an example. This opening, I would suggest, should be surrounded by a semi-circular wall, of sufficient height to prevent the tidal waters from flowing into it, and of sufficient strength and capacity to contain all the refuse that might be poured into it every twenty-four hours. This wall should be domed over, leaving an opening large enough to introduce and erect upon it a properly-constructed pump. The contents of the cistern might then be drawn or pumped up, and conducted into lighters or barges arranged for their reception. The lighters could carry it up or down the river, and either dispose of it to the agriculturist in its liquid state, or it might be deposited in properly-selected localities at a safe and convenient distance from London for deodorization. In this way, it would be made to constitute a mine of wealth, far exceeding in value all the guano which is imported annually into this kingdom at an enormous price.

Were this plan adopted, it would in a few years repay all the outlay, and afterwards become a source of immense profit, and thus would a great national evil be converted into a great national good.

There are collateral adjuncts to this plan which would be found eminently useful. For instance, every owner of an offensive manufactory upon the banks of the Thames might be compelled by an Act of Parliament to erect reservoirs for the reception of the pernicious or deadly refuse, similar to that suggested by me for the Fleet ditch, instead of being allowed to pour it into the bosom of the river.

It does not appear to me that it has been sufficiently borne in mind, that the water of the Thames is *half polluted before* it reaches London. The number of populous towns, villages, and villas which are situate upon its banks will account for this, and unless the inhabitants of these towns &c. are compelled to adopt prophylactic measures, all attempts at purification in London itself must prove abortive.

I trust that you will accept my apology for having called your attention to my opinions upon a subject of such vast importance; but I have thought much upon it, and, like every loyal Englishman, I am anxious "to do the State some service."

I have the honour to remain, Sir,

Yours very respectfully,

J. BEDINGFIELD, M.D. Heidelberg,

Medical Officer to the Stowmarket Board of Health.

Longville House, Suffolk, Aug. 1859.