

say: "I never believed the slanderous expressions imputed to you. It was upon conviction that I gave my verdict as a juror; and I should have held out for a verdict for the defendant, were I not apprehensive, from the judge's charge, that the plaintiff's lawyer would have advised a new trial, which would have occasioned fresh troubles. The judge's charge was the most one-sided address I have ever heard from the bench to a jury. He is a clever man; but I question whether he is fit for the bench. It is not every man that can administer justice without leaning to the right or to the left. Equity is a science for which every mind is not adapted. The hopeless and helpless state of the woman made a deep impression on the court and jury. There was an internal evidence in her statement which made me doubt her veracity, and that she swore to a tissue of falsehoods. I showed my brother jurors that no reliance was to be placed on her evidence, as all the witnesses had contradicted her on matters of fact. I asked those who were for heavy damages whether they would hang a man on the evidence of such a witness, so contradicted by credible witnesses. They declared they would not; to which I replied, 'Then why should you rob him?' This turned the scale, and caused a new train of thought; and it was then left to me to name the verdict and the damages, which were assessed at one farthing. The refusal of the two judges, in consultation, to certify for costs, ought to convince both parties that justice was done."

I regret to add that medical men were found willing to support the plaintiff's case (from some of whom better things might have been expected); but either from dislike of being subjected to cross-examination, or shame of being mixed up in so disgraceful an affair, they did not appear.

Entirely agreeing with the late Dr. Blackall that homœopathy is the greatest insult ever offered to the human understanding, I have steadfastly declined all acquaintance with men who, having failed in the profession for which they were educated, have joined the ranks of quacks.

On my relating this case to the late Sir Benj. Brodie, he remarked that, if surgeons were to be subjected to actions in such cases, scarcely a week passed in which he did not render himself liable.

My defence against this iniquitous action cost me one hundred pounds.

I am, etc.,  
JONATHAN TOOGOGD.

Bridgwater, April 1863.

#### DR. MAYNE AND DR. FOWLER: REPORT OF THE REFEREES.

SIR,—Having been appointed referees in the questions in dispute between Dr. Mayne and Dr. Fowler as to their works published under the title *Medical Vocabulary*, we beg to forward a copy of our decision, and would feel obliged if you would insert it in an early number of the *BRITISH MEDICAL JOURNAL*.

We are, etc., THOS. B. PEACOCK.  
A. MEADOWS.

#### Report.

1. Dr. Mayne states that Dr. Fowler first announced his *Medical Vocabulary* about two months after the publication of the *Expository Lexicon*, which, he says, appeared on the 17th of September, 1860; thus fixing the announcement of Dr. Fowler's work as having been first made about the 17th of November, 1860. He also states that its publication did not take place till the 5th of January, 1861; or four months after the appearance of the *Expository Lexicon*.

In answer to this, Dr. Fowler has proved to our satisfaction that his *Medical Vocabulary* was first announced on the 27th of October, 1860; was advertised

as "now ready" on the 17th of November, and as "just published" on the 24th of November, and was actually distributed on or before the 27th and 28th of that month; this being two months after the publication of the concluding part of the *Expository Lexicon*. Dr. Fowler has also shown that his work was commenced in 1858; that the whole of his manuscript was in the hands of the printers at the end of June or beginning of July 1860; that the first revise was despatched to him on the 20th of August, and the last on the 7th of November, of the same year.

Dr. Mayne rejoins, that the tenth or last part of the *Expository Lexicon* being entirely an appendix, the work was in effect completed by the publication of the ninth part, which appeared in November 1859, just twelve months before the appearance of Dr. Fowler's work.

It thus appears that Dr. Mayne's statement on the above points was not entirely correct; but the difference is of little importance, for Dr. Mayne's *Lexicon* having appeared in parts commencing in 1853, it was quite possible for Dr. Fowler to have made an improper use of the earlier portions of the work in the compilation of his own.

2. Dr. Mayne charges Dr. Fowler with having appropriated "the idea, the very title of his original *Medical Vocabulary* of 1836."

It appears to us that the compilation of Dr. Fowler's work and its title were suggested by Dr. Mayne's earlier work. In making this statement, we do not in the slightest degree doubt the correctness of the assertion of Dr. Fowler, that he had never seen the original *Medical Vocabulary* of Dr. Mayne.

But Dr. Fowler states that the proposition to compile the *Vocabulary* proceeded from Mr. Renshaw; and Mr. Renshaw was evidently acquainted with the original work, and expresses the opinion that such a publication "was a necessity of the day". That this is the correct statement of the origin of the work, is tacitly admitted by Dr. Fowler in the pleas which he advances for the employment of the title by himself; viz., that Dr. Mayne's work was published anonymously, and that it had been long out of print.

Dr. Mayne says that he announced himself as the author of the original *Medical Vocabulary* in the prospectus of the *Expository Lexicon*. This, he previously stated, appeared in 1852; but he has proved to us that the announcement was first made in 1851.

Dr. Mayne also states that he had long been collecting materials for the publication of a second edition of the *Vocabulary*, but that he did not commence the arrangements for the printing, etc., of the work till about March 1861, or two months after the period at which he had previously asserted that Dr. Fowler's work was published, and nearly four months after the appearance of the work, as shown by Dr. Fowler. It does not appear that Dr. Mayne announced his intention of publishing a second edition of the *Medical Vocabulary* at any previous period.

3. Dr. Mayne charges Dr. Fowler with having appropriated "the plans, peculiar arrangements, style, and general aspect of his *Medical Vocabulary* of 1860."

On this point we have failed to see the similarity which is contended for by Dr. Mayne. There appears to us no greater resemblance between the two works than is quite compatible with the supposition of their independent authorship.

4. Dr. Mayne has furnished us with a list of certain words which appear either in the original *Medical Vocabulary* of 1836, or in the *Expository Lexicon*, and which he regards as showing that an unfair use has been made of such words by Dr. Fowler in the compilation of his *Medical Vocabulary*.

This charge he bases upon the assertion that the words referred to had either not appeared in any me-

dical dictionaries published prior to the works of Dr. Mayne, or that the derivations given, the character of the definitions, or the spelling and mode of insertion of the words, were too closely similar in the several works to be ascribed to accidental circumstances. These words we have very carefully gone over, and we do not find the assertions of Dr. Mayne to be substantiated. We have ascertained that many of the words were inserted in dictionaries published prior to either of Dr. Mayne's works, and with similar derivations and definitions; that others are contained in treatises to which Dr. Fowler had access equally with Dr. Mayne; while yet others, though new, have come to be of such common employment in medical works, that they would almost necessarily be inserted in any modern medical dictionary or vocabulary.

In conclusion, we are of opinion—

1. That the title of Dr. Fowler's work was derived from the original *Medical Vocabulary* of Dr. Mayne; and we do not consider that the anonymous publication of the original work, the long period which had elapsed since its first appearance, or the circumstance that no second edition had been announced prior to the publication of Dr. Fowler's *Vocabulary*, justify the appropriation, so long as the copyright of the original work existed.

2. On the other hand, we do not find anything in Dr. Fowler's work which leads us to suppose that he has copied in his *Medical Vocabulary* the plan of the work first published by Dr. Mayne; nor have we found such similarity in Dr. Fowler's *Medical Vocabulary* to Dr. Mayne's *Expository Lexicon* as would indicate that Dr. Fowler had availed himself of the use of that work in the preparation of his own. We are, therefore, of opinion that the charge of plagiarism against Dr. Fowler, implied, if not directly expressed, by Dr. Mayne in the preface to the second edition of his *Medical Vocabulary*, has not in any degree been substantiated.

(Signed) THOS. B. PEACOCK.  
A. MEADOWS.

London, March 26th, 1863.

#### LACRYMAL OBSTRUCTION.

LETTER FROM E. C. HULME, ESQ.

SIR,—I am very glad to find, from a perusal of an article in your last number (April 4th, 1863), by Mr. Walton, that he has introduced into his private practice, with a great amount of success, a plan of treatment for the remedying of lacrymal obstructions which I submitted to the profession in the *Medical Times and Gazette* of May 21st, 1859. The plan of treatment which Mr. Walton describes is essentially the same; and, although I have not seen Mr. Walton perform the operation, the description he gives of the use of the silver wires of various diameters tallies completely with the method which I adopt myself. Those interested in this subject might refer to the two papers of the above dates. As an improvement upon my plan (in order that the cut end of the wire, which hung about a quarter of an inch over the cheek, might not irritate), the Messrs. Weiss nearly three years ago made for me some styles of soft metal, with a capped head to them, and a narrowing round its neck where it bends over the edge of the lid. I have had these made of various diameters; and the full-sized one I have found useful to introduce, and for the patient to wear when the obstruction has been of such a nature that force has been absolutely necessary to obtain a passage.

My adoption of the virgin silver wires, as I have acknowledged, was but a modification of Mr. Bowman's "bent styles" described in the *Ophthalmic Hospital Reports*, vol. i, p. 19; and the only advantage I claimed was a more rapid dilatation than the passing of probes, with a saving of time to the patient, and an absence of

irritation to the eye of the patient, by the shorter angle being bent over the cheek.

An extended experience of the treatment of these complaints for the last few years has convinced me of the great advantages obtainable from the early slitting up of the canaliculus when the first symptoms of obstruction manifest themselves. I believe that abscess of the sac and other consequent complications are very much rarer than they used to be, in consequence of free vent being given to the accumulated secretions of the sac; and the treatment I always myself adopt in threatening suppuration is to open the sac through the canaliculus at once. The free opening, and the few drops of blood which escape, almost invariably afford relief, and prevent the skin from giving way in front of the sac. There are, however, some cases in which obstructions are of a very obstinate character, and must be overcome; for such, I know no better plan than the one I have now long advocated, and it gives me some satisfaction to find it is followed out by Mr. Walton.

I am, etc., E. C. HULME.

19, Gower Street, April 6th, 1863.

#### MEDICAL PROVIDENT ASSOCIATION.

LETTER FROM ROBERT B. CARTER, ESQ.

SIR,—I beg leave to inform you that, in consequence of the various letters that have appeared in the medical journals on the subject of Health Assurance, a meeting of medical practitioners was held at Cheltenham, on the 31st ultimo, for the purpose of taking the matter into consideration.

The meeting was held at the house of W. Dalton, Esq., F.R.C.S., under the presidency of Dr. Abercrombie, F.R.C.P. It was convened by circulars, signed by the above gentlemen, as well as by Dr. Colledge, Mr. Ramsay, Dr. Eves, Dr. Rooke, and myself.

I will not attempt to give any thing like a *verbatim* report of the remarks of the various speakers; but will only say that the meeting regarded the question under a threefold aspect; wishing to ascertain, first, whether a provident association, for the purpose of giving its members an income during sickness, would be generally acceptable and useful to the profession? Secondly, what would be its proper scope and aim? Lastly, what would be the cost of maintaining it in operation? It was the opinion of the meeting that the first two questions must be satisfactorily answered by the profession, as a necessary preliminary to the solution of the third by an actuary.

It was therefore moved by Dr. Eves, seconded by Mr. Dalton, and carried unanimously:—

"That the proposition for the formation of a Medical Provident Association is one entitled to the best consideration of the profession."

It was moved by Dr. Hobson, seconded by Dr. Philson, and carried unanimously:—

"That the editors of the medical journals be requested kindly to give publicity to the following questions; and that individual practitioners be requested to reply to them:—

"1. Do you think such an institution desirable for the profession generally?

"2. Should you be inclined to become a subscriber?

"3. What has been, in weeks, your own annual average of sickness, sufficiently severe to disable you from practice?"

Having intimated to the meeting that I was prepared to receive and arrange the answers to these questions, I was requested to undertake the task. I hope that all gentlemen who feel interest in the matter will favour me with early communication; and, in a fortnight from the publication of this paper, I purpose to commence an analysis of the letters I receive. If the scheme should