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Allen (I. J.)

ADDRESS

INTRODUCTORY

TO THE LECTURES ON
MEDICAL JURISPRUDENCE,

BEFORE THE MEDICAL CLASS

OF THE

WILLOUGHBY UNIVERSITY,

January, 1846.

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BY ISAAC J. ALLEN, Esq. & M. D.
Professor of Medical Jurisprudence.

WILLOUGHBY, OHIO:

PUBLISHED BY THE MEDICAL CLASS.

1846.

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TO THE LECTURES ON

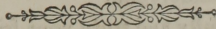
MEDICAL JURISPRUDENCE

WILLIAM HARRISON

LONDON

1848

CORRESPONDENCE.



Willoughby University, Jan. 12, 1846.

DEAR SIR:

The Medical Class, gratified with the highly interesting and instructive manner you have introduced a branch of medical education, often regarded not only by the student, but by the Physician, as of minor importance—anxious that an impression so erroneous and unprofessional, may no longer be fostered; and believing your address eminently calculated to awaken merited attention and study, earnestly solicit, through us, their committee, a copy of the same for publication.

We of the committee cheerfully coincide with the wishes of the class, hoping their request will meet your approbation.

Respectfully yours,

| | |
|-----------------|--------------|
| J. M. BRICELAND | } Committee. |
| D. G. CLARK, | |
| THOMAS M. COOK, | |
| E. P. FASSETT, | |
| O. I. BISSELL, | |
| W. VINCENT. | } |

To ISAAC J. ALLEN, Esq., }
Prof. of Medical Jurisprudence. }

Willoughby University, Jan. 13, 1846.

GENTLEMEN:

In compliance with the flattering request contained in your note of yesterday, I herewith place at your disposal a copy of the Address Introductory to the Lectures on Medical Jurisprudence. And if, as you suggest, it may serve in any way to attract the attention of Physicians and students to this department of their profession it will afford me the most

lively gratification; and from this hope more than from any estimate I may have formed of the merits of the address itself, I am induced to submit it for publication.

Please present me kindly to the students of the class whom you represent, and accept for yourselves gentlemen, the assurance of my high consideration.

Most respectfully and truly your friend,

ISAAC J. ALLEN.

TO MESSRS BRIGELAND, CLARK, COOK, }
 FASSETT, BISSELL, AND VINCENT, } *Committee.*

ADDRESS.



UNIVERSAL assent is accorded to the proposition, that all men are bound to aid the administration of justice, and to render their assistance in the maintenance of the laws; and that there are social duties and civil obligations resting upon every member of the community, is readily admitted: Yet, why such duties are demanded, and by what authority such obligations are imposed, and what reasons exist, binding all men to the support of civil government, are not generally considered, even when the truth of the proposition is admitted. It is conceded too, that the Medical Profession sustains an intimate and interesting relationship to the jurisprudence of all civilized governments; yet the reason why that affinity should exist—why, in proceedings for the administration of justice, the law should reasonably demand the aid and compel the council of the Physician, seems to remain overlooked or disregarded, until examination is made to demonstrate the elements forming the basis upon which human society, or in other words, the civil state is founded.

In commencing the study of the jurisprudence of your profession, gentlemen, it may not therefore, be uninteresting, as it surely will not be unprofitable, to examine briefly into the nature of the principles that lie at the base of human society—to consider the rudiments that constitute the foundation of all human government

Surrounded, as we are, by the blessings of ample and well-defined civil and constitutional rights, secured to us by an elaborately wrought system of government, we are apt to be unmindful of the rude elements—the chaotic mass—nay, the original *void* whence all human government has originated. Both reason and revelation inform us, that the association of the individuals of our race into communities, constituting human society, (by which, I here mean, the social compact,) had its begin-

ning in the earliest periods of the history of man. Of this association or social compact, government is not the cause, but is the consequence. And although we can conceive of no period in the history of our race, when human society did not exist in some organized or recognized form, we are, nevertheless, certain that periods have been, when all human society was necessarily rude, even to barbarism; and government being the consequence of the formation of society, of course partook of, and shadowed forth the condition and characteristics of the particular society that called it into existence, or at different periods modified its form. Hence it is, that by examining the features of the government adopted and supported by any part of our race, at any period of time, we may readily infer the grade and prevailing characteristics of their social condition. By this medium, we are enabled to follow the progression and advancement of our race from their simple original, through the nomadic and aggressive states, on upward, until we arrive at the most elaborate systems of government, wrought from the most abstruse principles of political science, and designed for, and adapted to, the most refined and complex state of human society.

In the works of learned writers upon government and law, much discussion is found in relation to what kind of government is best adapted to the nature and wants of man: some advocating the purely patriarchal—some the monarchical—others the democratic—and others again, the aristocratic and the mixed. But as the association and strength of individuals cannot be united and combined without a conjunction of their wills, therefore it is better to say, as Montesquieu maintains, that the government most conformable to nature, is that which best agrees with the condition and disposition of the people in whose favor it is established. The correctness of this view is apparent, when it is considered that the different kinds of governments are the results of different conditions of society, rather than the cause of such conditions. For in all the recorded changes of government, it will be discovered that the social condition of the people seeking a change, has itself been modified, or radically revolutionized before such governmental change is sought or desired. The correctness of this view is likewise apparent, when

we consider that it is the conjunction and agreement of the wills of individuals that constitutes any government, or what is called the *civil state*.

Some writers upon general Anthropology, consider war to be the natural state of man; and that men, therefore, originally united in the social compact, only for the purpose of providing themselves with the more efficient means of aggression and defence; and, that government was primarily devised as but the means of waging war by masses, instead of by individuals—in a word, that the social compact is but a warlike league between individuals, based upon mutual terms of the offensive and defensive. But is it not obvious that such a view of the natural state of man, attributes to mankind, before the establishment of society, what can happen but in consequence of this establishment, which alone furnishes the motives for hostile attack and self defence? Man in a state of nature, would have the faculty of knowing before he had really acquired any knowledge. It is, therefore, plain that his first ideas would not be of a speculative or metaphysical nature; he would be subservient to the proverbially, “first law of nature,” self preservation; and hence would think of the preservation of his being, before he would investigate its original: man would consequently feel nothing in himself, at first, but impotency and weakness. His fears and apprehensions would indeed be excessive; and this appears from several instances, were there any necessity of proving it, of lone Savages found in forests, trembling at the motion of a leaf, and flying from every shadow. In this state, every individual, instead of being sensible of his equality, (which indeed could only be learned by comparison in society,) would fancy himself inferior. There would, therefore, be no danger of their attacking one another; and peace instead of war, would be the first and universal law of nature. But as soon as mankind enter into a state of society, they lose the sense of their individual weakness; strict and perfect equality ceases, and is lost; and then commences oppression and resistance, constituting the state of war. Prompted by the same primary law of self preservation, man would, moreover, soon find that he must provide for his physical wants, and to do this, must secure himself and his possessions from the fear of violence.

Hence, we conclude that the only true and natural foundations of human society, are the wants and the fears of individuals. Yet it cannot be believed, as some theoretical writers conjecture, that there ever was a time when there was no such thing as society, either civil or natural, and that from the impulse of reason and through a sense of their weakness and wants, the individuals of our race assembled together in a large plain, and there in solemn convocation, entered into the original social compact, instituted their government, and chose their governor. Though society had not its formal beginning and methodical institution from any convention of individuals actuated by their wants and fears, yet it is the *sense* of their weakness and imperfections that keeps mankind together; that demonstrates the necessity of their union; that, therefore, is the solid and natural foundation, as well as the cement of civil society. And, what is meant by the original contract of society, which, though perhaps it has in no instance ever been formally expressed at the first institution of a state or government, in nature and in reason, must nevertheless be always implied, is this, that the whole should protect all its parts, and that every part should pay obedience to the will of the whole; or, in other words, that the community should guard the rights of each individual member; and that, in return for, or in consideration of this protection, each individual should submit to the laws of the community, without which submission of all, it were impossible that protection should be extended to any. And this state of things existing as the necessary result upon the formation of society, constitutes what is denominated *government*, and which is itself necessary to preserve and keep in order the society thus formed.

Upon the institution of government, legislation necessarily follows; for where there is government, there must exist the relation of the governor and the governed. Unless some superior be constituted, whose commands and decisions all the members are bound to obey, they would still remain as in a state of nature, without any judge or tribunal upon earth, to define their several rights or defend their several wrongs. It matters not as to the principle, by what name it is known—whether king, council, or congress—but sovereignty, or supremacy must exist some-

where in every government; and the right of making and enforcing laws, is the natural, necessary, and inherent right of every sovereignty, wherever that sovereignty be lodged, or by whatever name it be known.

From the foregoing considerations, it may be seen, gentlemen, why it is that every member of society is bound by his implied contract with that society, founded upon the mutual consideration of protection on the one hand, and obedience on the other, to sustain the government and laws under which that protection is enjoyed. In the performance of the duties and fulfilment of the obligations resting upon all the individuals of society, that society is unitedly interested. To this end, every individual is, among other things, bound by both law and duty, to aid the legally constituted judicial tribunals in their administration of justice, thereby to facilitate the investigation of causes of vital consequence to the whole community, involving questions of right and wrong—of innocence and crime.

In the proper adjustment and decision of all such questions, those tribunals must of necessity, be guided by the evidence adduced before them. Hence it is the duty of the citizen to tender his knowledge, if any he have, in the form of legal testimony, whenever called upon for that purpose. In this particular, the Physician is bound in common with all others, to yield his aid in support of the laws, for the discernment of truth, and the detection of crime: considered in this capacity, like all others, he is required only to relate facts and circumstances from his own personal knowledge and ordinary observation.

But there is another, quite different, and more important position assigned to the Physician under the administration of our system of jurisprudence: for, to the common obligation resting upon him as a member of civil society, a new and peculiar responsibility is superadded, by reason of his professional skill and scientific attainments, whereby he is rendered, in a two fold measure, the guardian and conservator of the rights and interests of civil society. When, before the judicial tribunals, questions arise, requiring for their elucidation deep professional research and accurate scientific knowledge—when legal truth has withdrawn behind the veil that may be lifted only by the privileged

hand of science—then the Physician is summoned to the aid of the law in a very different capacity from that of the common witness: upon him justice then leans as her guide to direct her steps through the intricacies of scientific truths, behind which outrage and crime may lurk in fancied security, or within which innocence and virtue may be found enshrined.

So numerous and important have been the questions for the solution of which the judicial tribunals have turned to your profession for aid and assistance, and so apposite and beneficial has that assistance been found to be in the furtherance of justice, that the intimate relationship of your profession in many of its departments, to the common law, has been fully and gladly acknowledged. So essential have the scientific principles and facts of your profession become to the enlightened administration of justice in very many instances, and similar ones are perpetually occurring, that those principles and facts have been collated and systematized by learned men of both professions: Thereby are pointed out the connecting links between Law and Medicine. Thereby is shown wherein the science of Medicine and its collateral branches, are made subservient to the elucidation of truth in judicial investigations, and thereby we are taught in what manner, and to what extent the evidence derivable from the scientific principles of your profession, may become applicable to our system of laws; and this constitutes what is denominated the science of **MEDICAL JURISPRUDENCE**.

It is the remark of Sir William Blackstone, that “the sciences are of a social disposition, and flourish best in the neighborhood of each other.” This apothegm is especially true of the science of Medical Jurisprudence: for through the medium thereof; every great discovery in the sciences appertaining to the medical profession, has cast its light and influence upon our legislation. The notable and brilliant discovery of the circulation of the blood by Harvey, gave a new and resplendent light to physiological reasonings, which was broadly and brightly reflected upon judicial decisions and legislative enactments. Thereby the crime of infanticide for instance, the proof of which before that (in cases where there appeared no organic lesion,) had always been obscure, difficult, and at best uncertain, thereafter be-

came, in all ordinary cases, as susceptible of determination, as were the most usual medico-legal questions. Also the more recent and perhaps not less important discoveries relating to the arrangement, division, and respective functions of the nervous system, united with the expositions of the mental constitution as connected with the cerebral organization, have done much to enlighten the Legal Profession upon the all-important questions of insanity; and thereby have obtained exemption for an unfortunate class of persons, who, formerly were punished with imprisonment or even death, more on account of their misfortunes than their crimes: and at the same time, those discoveries in physiology, have enabled the professional witness to strip the flimsy veil of pretended madness from the real criminal, however cunningly employed as a covering for dark deeds and revolting crimes. Faithful to the social nature of the sciences, we find that the researches and experiments in Medical Jurisprudence, have revealed many of the most highly prized discoveries appertaining to practical medicine, and have unlocked a vast store house of knowledge to the prescribing physician. For if we advert to the department of Toxicology, one of its minor branches, we shall find that it has wonderfully contributed to the explanation of the specific actions of medical remedies and therapeutic agents. It is to this that your profession is indebted for much of your knowledge of the actions of different kinds of poisons, and the *rationale* of their antidotes; and your profession may thank the Toxicologist for his aid in excluding a very host of popular remedies, many of them useless, or positively injurious, serving only to encumber the *Materia Medica* of your profession, and operating only to the disappointment and mortification of the practitioner who ventured to employ them. To the Toxicologist, you furthermore stand indebted for the important discovery of the injurious effects of substances formerly used as antidotes, many of which only increased the noxious and virulent actions of the poisons themselves. Thus it was by experiments in Toxicology, that were discovered the virtues of Albumen as an antidote for Corrosive Sublimate, and the Acetate of Copper; of Cinchona for Tartrate of Antimony; of the Alkaline Sulphates for the Acetate of Lead; of Ammonia and

Chlorine for the deadly Prussic Acid; of Magnesia and Carbonate of Lime for the Oxalic and Mineral Acids; and of Acetic Acid and Oil for the Mineral Alkalies. The therapeutic action of the newly discovered Alkalies, as Strychnine, Brucine, Morphine, &c. was learned from the Toxicological experiments of Serturner, Pelletier and Caventou. During the present century, the science of medicine has progressed with strides wonderfully rapid, and in that time, some of the most important discoveries have been made in Physiology, by the investigation of the action of poisons on animals, for toxicological purposes; and the known effects of poisons thus demonstrated, have led to many of the present received views of various phenomena of life, especially of the functions of respiration and absorption. Those views and conclusions tend materially to elucidate and explain the action of contagion, infection, and malaria, upon the human organization, and are therefore, in the highest degree, useful and important. The published results of the elaborate experiments of Brodie, Wilson, Philip, Orfila, Barry, Magendie, Christison, Addison, Morgan, and others, lead the physician as well as the jurist to the most important practical conclusions. Though many other instances manifesting the social characteristics of the sciences, might be adduced, yet sufficient are here exhibited to show that the sententious remark of the learned jurist, as to their flourishing best in the neighborhood of each other, was wise and well founded.

Though human nature and the constituents of mind, by which we become cognizant of scientific truths, are now the same substantially as in all time past, yet the revolutions of the principles, and the transformations of the characteristics of the natural sciences appertaining directly or indirectly to your profession, as shown by examination thereof at different periods, must remain a cause of both curiosity and wonder through all time to come. That the speculative sciences should frequently change their costume, and assume different phases, in different ages and among different nations, is not so much a matter of surprise; but why the systems of Natural Science, being founded upon the same facts, and deduced from the same natural phenomena, should be found at one period so paradoxical, and antagonistic

to the same system at another, forms a problem apparently unsusceptible of any rational solution. Yet this is but one of the wonderful revolutions in human affairs, wrought by the lapse of ages. It has indeed passed into an aphorism among men, that all things appertaining to the doings of mankind, are modified, changed and revolutionized by the plastic hand of time. And though we are hourly marking the doings and undings of this alternately destroying and renovating agent, among the purposes and pursuits of man, yet in no other department of human affairs, are its secret and silent, yet powerful influences more evident, and its changing and transforming agencies more apparent, than are the revolutions it has wrought upon the general physiogomy of the sciences, and all the ostensible characteristics of the scientific world. The first thought given to this subject, uncorrected by reflection upon the condition and circumstances of the past, might induce us to conceive that the seemingly ever-enduring monuments of science, would be exempt from the variability stamped upon all things else; and though sensible that at the base of pyramid and column, in the heart of statue and tablet, the corroding tooth of time has long been gnawing "greedily unseen," yet that the apparently everlasting landmarks, guiding man along the course pursued by the scientific world, would remain unchanged and forever unchangeable. But it is not so; upon the attainments of human science, as upon all things else beneath the Eternal Throne of the great I AM, are written CHANGE—MUTABILITY—PROGRESSION—or, DECAY!

This melancholy truth, nevertheless, constitutes another of the most prominent, and I may add, most interesting features of the Natural Sciences, which is, their *Progressive Character*; therein exhibiting this sublime truth, that there is no point fixed, beyond which they cannot extend—no line drawn, across which they may not pass—that no mortal power exists that dare say "thus far shalt thou go, and no farther." Scientific perfectibility has not only ever mocked the proudest attainments of the most gifted minds, but likewise scorns to be circumscribed even by the broad boundaries of the human imagination. When

the amazing endowments and profound wisdom of NEWTON, that prodigy of Nature, and ornament of Science, who

“————— with awful wing pursued
The Comet through his long elliptic curve,
As round innumerable worlds it wound its way—”

when even his wonderful learning and almost superhuman attainments in science had transported him to a height where almost “Angels bashful looked,” he found heights above still more sublime—when he had arrived at what seemed to others as the *Ultima Thule* of scientific knowledge, he found that other continents, sublime in their vastness; and other islands, beautiful in their verdure, lay outstretched before him through all the limitless ocean of elemental science. And hence it is, that, in the sublimity of their boundless extent—in the majesty of their might over human affairs—in their restless, ever-changing beauty—in their towering, ever-growing magnificence, the sciences of Nature are like the boundless, the mighty, restless, heaving ocean, that emblem of Omnipotence—that type of Eternity—the earthly image of the power, magnificence, and sublimity of JEHOVAH!

While the overthrow of the sublime and beautiful achievements of Art, and the desolation of the grand productions of Genius by the resistless and revolutionizing hand of time, excite emotions of sadness and regret; yet, though theories may be transformed and modified by successive ages, they can not extinguish nor obliterate the elements and sources of the Natural Sciences; nor can they change their progressive tendency; for instead of consuming, each new century in passing, to their former accumulations, only adds other wealth—instead of lavishing, only brings new accessions.

And this progression must ever continue, so long as the visible creation exists as the transcript of the science of the Divine Mind—must ever endure, so long as Nature remains

“————— A solemn institute
Of Laws Eternal, whose unaltered page
No time can change—————”

It is likewise well to consider in this connexion that the circumstances incident to civil government, relating to the prosecution of scientific study, have been essentially changed by the general advancement of civil society. In times long gone—

and, that they are gone, the world may well be thankful—the natural sciences were proscribed among men as mischievous in their tendency—diabolical in their purposes, and altogether unholy in their associations. The student was discarded from all honorable companionship; and his scientific pursuits, the public regarded with suspicion, dread and holy abhorrence. But, as I have said, those times are long gone by—and, as we may hope, forever—and scientific pursuits now luxuriate in the noon-tide rays of popular favor and governmental protection. Under this new dispensation, it is not, therefore, surprising that the intellectual world has risen from its long and dreamy slumber, and that its limitless energies have urged on the car of science with a velocity hitherto unparalleled; and that its tendency is still rapidly onward and triumphantly upward.

But, gentlemen, it must be remembered by you, who have congregated here to offer up the enthusiastic oblations of your eager and aspiring minds upon the glowing altars of scientific truth, that while you enjoy those ample privileges now afforded to you in common with the scientific world—while you revel in the luxuriant gardens of science, at liberty to roam through every inviting avenue—to pluck every tempting flower—where no speckled serpents hiss, and wherein there grows no forbidden fruit—it must be remembered, I repeat, that responsibilities are thereby incurred and obligations imposed upon you, from which you can not, as worthy citizens, escape; and which obligations you, as honorable men, will neither abjure nor strive to avoid. For, with the changes of the condition and the progression of the sciences, the views and social condition of mankind have proceeded *pari passu*; and society which once proscribed, discarded, and condemned the scientific as persons useless, unworthy, and dangerous, and even “cast their names out as evil,” now claims their services for the protection of private rights and the public good; and even levies onerous, yet honorable, contributions upon their attainments as an important medium for the conservation of the deepest and most sacred interests of civil society.

The time was, also, when civil and personal rights were defined only by the barbarous and unrighteous legislation of the

spear, the sabre and sword ; and were secured and maintained only by the unhallowed prowess of the military tyrant. But the 'still small voice' of advancing civilization has whispered better things to man. Justice has drawn her powerful sword against the blood-stained spear of Might ; and questions involving civil rights—the adjustment of which in former times would have raised the flame of civil strife, and caused commotion and blood-shed, are now quietly submitted to the adjudication of the tribunal of the Law, where Justice and Mercy equally preside ; where *right*, though advocated by the weakness of infancy, is, nevertheless omnipotent in force—and where *wrong*, though defended by the power of a giant, is, nevertheless as feeble and powerless as the dead.

Among the many ingenious and beautiful allegorical representations contained in the curious and wonderful Mythology of the Ancients, none is more ingenious and beautiful, than that Justice, though *never deaf*, is *forever blind!*—thus signifying, that while beauty, pomp, and pageantry can never swerve her mind by any fascinations afforded through the sense of vision ; yet, that the feeblest prayer, lisped in the faintest accents, falls upon her ear with the utmost distinctness ; and every whisper of evidence is treasured with the most scrupulous exactness, in the scales held in her impartial hand. And for the same reason, one of the sages of the law has said, that Justice has no power of vision, except through the *lantern of testimony*—that rights and wrongs are to her known only through the evidence. To the end, therefore, that Justice may be enlightened by medical testimony—that rights and wrongs may be determined by professional evidence, and that thereby the civil and natural rights of all men, living under the guardianship of government and law, may be protected and preserved, society and the judicial tribunals of our country have established their claims upon the attainments of the members of your profession, by reason of their peculiar and superior scientific knowledge. And, inasmuch as the property, the reputation, personal liberty, and frequently the lives of our fellow-citizens are involved in the solution of questions determinable by medical evidence alone, society and the law have demanded, that those

skilled in the knowledge peculiar to the understanding of such questions, shall appear before the legal tribunals, where such questions are adjudicated; and there, under the solemnities of an oath, disclose facts, demonstrate conclusions, explain phenomena, declare the principles, and expound the causes and effects originating in, and confined to abstruse points of science, for the aid and enlightenment of court and jury. And when acting in this public capacity, the Physician should always consider that he is called upon to perform a duty of the utmost conceivable importance to the vital interests of civil society, which, by his implied contract therewith, as a component member, he is bound to sustain and defend--a duty in which all men, as members of that society, are unitedly and directly interested: for thereby virtue and innocence are to be protected--injustice and injury to be exposed--fraud and crime to be revealed--the persecuted to be shielded and vindicated--the guilty to be detected and punished.

While in the performance of this important duty, the medical man is regarded with an interest the most intense and absorbing; for when he appears to bear testimony before the legal tribunals, upon his *dictum*, in very many cases, depend "all that is hoped, and all that is feared by man;" friends, reputation, fortune, liberty and life, hang upon his professional opinion. The golden scales of inflexible Justice may hang quivering in doubt with the uncertain preponderance of testimony; and tearful-eyed Mercy is beseeching to acquit the accused, when the Physician comes forward to throw the weight of science into the scales. At this fearful moment, anxiety is agony; the future and the past, in the prisoner's life, are all concentrated in this present momentous instant. A single word from the man of science, is either to blot out and extinguish the last gleam of hope that was left to cheer his earthly existence, and to lock him up in the chilling, cheerless chambers of despair; or it is to dispel the threatening and portentous cloud of calumny that hung brooding over him, and at once sheds upon his soul the gladdening beams of vindicated innocence and honor. Placed in this solemn position, with an oath witnessed by man and registered in Heaven, resting on his soul, the Physician then becomes the *oracle* of science.

tific truth, solemnly sworn to expound its doctrines truly. He is regarded, in one case, as the learned champion, come to deliver the feeble and oppressed from unmerited persecution—as the “angel and minister of grace” sent to defend the innocent from public ignominy and popular indignation—as the commanding genius appearing to cut asunder the victim’s bonds, and bid him go free. But, in another case, he is looked upon as one come with the volume of science in hand, to pronounce therefrom, the revelation of secret fraud or violent injustice; to stand up as the expounder of fearful outrage and horrid crime; dreaded and feared as the High Priest of Nature, with whom, in her inscrutable laboratory, he is ever familiar; where truth is extorted by evidence, that no crime nor cunning can conceal, no force nor influence misguide, no artifice nor importunity mislead, no bribery or subornation corrupt. In the one case, the pent up, yet heart-bursting supplications of injured innocence and suffering, virtue are raised to him, that he may boldly declare the whole truth of science aright; that he may properly and truly interpret the silent, yet significant language of nature, and thereby prove their salvation from unmerited ignominy and hopeless ruin; while, in the other case, at his approach as a witness, the criminal shudders at his impending fate, and with freezing horror and dread dismay, he hears the voice of science, as it falls upon the ever attentive ear of Justice, proclaiming his secret and long hidden guilt.

With this brief exhibition of the importance and solemnity of the responsibilities under which the Physician is placed in this particular capacity, a moments reflection on your part, gentlemen, must convince you, that to him who purposes to pursue the medical profession, a thorough course of study upon such subjects as qualify him to discharge those important duties which he owes to civil society, is in every case requisite and necessary; for, though the Physician may be skillful and successful at the bed side—though professional fame and pecuniary emoluments may flow in upon him—though the benediction of the widow and the orphan are showered upon his head—nay, even though the world should “rise up and call him blessed,” yet unless he is likewise prepared to perform the public duties devolving upon him by reason of his *legal* relations to civil society, he cannot in

truth and in fact, be considered and denominated an *accomplished Physician*. And perchance, when called upon in some unguarded hour, (as you are all liable to be) to appear before a court and jury, there to expound the principles, facts and doctrines of his own profession, he may unwittingly become the unworthy means of rescuing the guilty from just condemnation and a righteous retribution, and thus, himself, be guilty of letting loose a beast of prey upon that society by which he had ever been fostered and protected; or, what is infinitely worse and more revolting and abhorrent to the just and generous dictates of humanity, he may cruelly drive the barbed shaft of disgrace, for imputed crime, through the quivering heart of injured innocence; or, he may stamp the black and burning seal of infamy, upon the blushing cheek of virgin purity. In that important position, with the prying curiosity of the Bar, the stern scrutiny of the Bench, and the anxious attention of the jury and the bystanders fixed upon him and his testimony, he may, with heedless indiscretion, inflict a fatal wound upon his own professional reputation, and cast reproach upon the profession of which he was before considered an ornament and an honor.

Deeply impressed with the necessity, not to say *expediency*, of such a course of study to the accomplished Physician, the distinguished and liberal minded gentlemen, in whose hands, as Trustees, the management and control of this Institution have been confided, in their laudable purpose of affording the students thereof every possible facility for attaining a sound and thorough professional education, have, within the last two years, erected herein a separate and distinct professorship of Medical Jurisprudence: to that Chair, they have honored me with the appointment. And I beg leave at this time, gentlemen, to assure you, that if a mind glowing with enthusiastic admiration of the sciences, in the study of which you are now engaged, and a heart ever alive, as I trust, to the kind sympathies that should always exist between the preceptor and the pupil; I say, if a mind thus imbued, and a heart thus attuned, can avail aught for your personal happiness and professional advancement, you may, and I beg that in all cases and in every emergency, you will in me command their devotion to your interests and im-

provement. I too have passed through the same pupilage that you are now passing. I therefore may be allowed to say, that I clearly comprehend the peculiarities of your present position—that I fully appreciate your aspirations for future professional fame—that I am familiar with your hopes, your desires, and your anticipations of future professional life; and I cordially admire the elevated and praiseworthy origin from which they spring; and you will please accept the assurance that I entertain the most earnest wish and hope, that your present honorable anticipations may be crowned with ample and complete fruition.

Circumstances and choice, originating in my own peculiar tastes, have led me into the active practice of another profession, equally vast in its elementary principles, equally venerable for its hoary antiquity, and, in its duties and responsibilities, no less arduous than your own. In the business of that profession, I have of course become familiar with the scenes and circumstances usually attendant upon our courts and judicial tribunals; and in the course of my practice at the Bar, it has been my lot, to a considerable extent, either as counsel engaged, or otherwise, to become cognizant of the testimony of numerous medical witnesses: and in many, perhaps in a majority of those examined before a jury within my observation, I have been proud of the scientific attainments by them displayed, and gratified as a lawyer, to find them fully competent for the duties of the delicate and important position in which they were placed before court and jury. But unhappily, in some instances, and by far too many, I have been pained for the honor of your profession, to hear men, who, while upon the witness stand, were addressed by the honorable appellation of DOCTOR, make statements as to scientific facts, and pronounce their professional opinions upon given hypothesis, that should cause the merest tyro in medical learning, to blush for very shame; and who thus, as you will readily conceive have rendered themselves a but for the shafts of legal ridicule, as well by the Bench as by the Bar. That such egregious, lamentable and *dangerous* ignorance of the topics embraced in the jurisprudence of your profession, may never be exhibited by any of those who may bear from this Institution the *insignia* of her honors, my most strenuous efforts shall

be directed, and my most zealous endeavors applied, so long as I have the honor to teach from this Chair: and to the accomplishment of this end, I confidently trust and believe that I shall be cheerfully met in those endeavors, by corresponding efforts on the part of the gentlemen composing the present Medical Class.

And before concluding, gentlemen, I beg leave to recall to your minds, and I would fain there leave those sentiments vividly impressed, that through the medium of this science, your duties to civil society, to the commonwealth, (aside from your strictly professional duties to the sick,) are made known and expounded. And in order to animate your minds to give due attention and application to the subjects that it will fall within the province of this Chair to teach, I again desire you to consider the magnitude and extent of the services you will thereby be enabled to render individuals, and the public: fraud and violence may be detected and punished; unmerited infamy and ignominious death may be prevented; unjust and oppressive demands upon the services of your fellow citizens may be obviated; conjugal harmony and domestic happiness may be restored; the widow and the orphan may be saved from the unrelenting hand of oppression, and from pecuniary ruin; virgin purity and injured innocence may be vindicated, by your testimony in courts of justice. And, gentlemen, besides all this, you owe it to the honor of your own honorable profession, and especially is it due to the security of your own professional fame, that you make yourselves familiar with the principles and facts that constitute the science of Medical Jurisprudence, in order that you may not suffer under the intolerable incubus which some of the unfortunate members of your profession have placed upon themselves, when their professional testimony has been publicly censured by the Bench—ridiculed by the Bar—derided by the auditory, and has entailed obloquy and shame upon the unfortunate witness himself. While this, not unmerited, fate awaits the ignorant and vain practitioner in almost every instance, the sound, sincere and scientific Physician will always receive courtesy from the Bench, respect from the Bar, profound attention from the jury, and, I may add, the public and undisguised admiration and approval of the public. An eminent

Judge, now presiding in the courts of Ohio, in conversation on the subject, said to me, that in every case over which hung doubt, difficulty and perplexity, resolvable by professional evidence, the approach of a scientific and discreet Physician, seemed to him like the presence of a friend come to aid him in his perplexity. But, said he, (using his own emphatic parlance,) I cannot tolerate the *ba'derdash* of the empty-headed and conceited *scamps* of the profession, who, by their senseless *rodomontade*, only render "confusion worse confounded." As a matter of personal consideration, then, this science is worthy of your diligent and faithful attention. In illustration of its influence upon your professional reputation, the following, reported in the books, is a case in point. Two men, alone in a house, quarrelled; a scuffle ensued, and one was killed; the quarrel and scuffle were heard, but not seen. The survivor was arrested on a charge of murder. On the trial the quarrel and scuffle were proven; as also that there had been deep and lasting enmity entertained by the prisoner against the deceased--and these were mainly the circumstances proven by the common witnesses in the case. The body of the deceased was judicially examined by six physicians, who were witnesses professionally; and they found only a wound upon the back part of the head. The whole question in the case, viz: what was the cause of this wound, and what were its effects, was of course submitted entirely to the decision of the professional witnesses--on their *opinion* the fate of the prisoner hung. For if the wound was caused by a fall or other mishap in the struggle, it was either a case of justifiable homicide, or at most a manslaughter, punished by imprisonment; but if intentionally inflicted by an instrument or otherwise, it was a murder, punished by death. All the physicians agreed that the wound was the cause of death--and five of them swore that it might have been produced by a fall; the other one considered this, from the nature of the wound, to have been impossible. From a careful and scientific examination of the head of the deceased, he became satisfied, and accordingly swore that the wound was produced by some pointed instrument capable of piercing the integuments of the cranium. The floor was then

searched for a nail, or something, upon which he might have fallen to cause the wound, but nothing of the kind was found. Upon the preponderating testimony of the five against the one, the doubts prevailed in favor of the prisoner, and he was acquitted. He subsequently confessed that he had assailed the deceased, and that in the struggle he snatched up the *snuffers*, the sharp point of which he struck with all his force on the head of his antagonist: it pierced the cranium, and penetrated deep into the brain, causing instant death. This trial, on account of the professional testimony, excited great attention; and the report of the case adds, that the presiding judge had been struck and favorably impressed with the clearness of mind, the patient, cautious, and skillful investigations of the one medical witness: the judge often spoke of it among his friends, and the gratifying consequence was, that this medical witness soon found himself in a full practice, and in the confidence of the best educated and influential families in his neighborhood.

Therefore, bear this in mind, gentlemen, that the publicity with which your learning and scientific attainments are made known in the crowded courts; the warm commendations that your well founded and clearly expressed opinions will receive from the Bench, and the sufficiency of your scientific reasonings for the solution of the intricate questions raised and agitated by the Bar, may do more to establish and perpetuate an eminent professional reputation for previously undistinguished merit, than even years of private professional toil could have wrought. And on the other hand, let it not be forgotten, that the same public scrutiny, if it there detect weakness, vanity, fallacy or ignorance, will be in no wise careful to preserve the secret of your professional infirmities; and thereby, the reputation which it had perhaps consumed years of professional labor to attain, may in some unlucky moment, and in this unlucky manner, be at once, entirely, and forever overthrown.

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Therefore, bear this in mind, gentlemen, that the public
 with which your learning and abilities are connected are
 those in the crowded court; the warm observations that
 you will be made and shortly expressed opinions will come
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