

By a Juror—We changed the temperature of the water frequently, according to the Doctor's orders. I never took the cold water without the hot.

Mr. Charles Waterworth, examined—I reside in Bengal place, New Kent-road, and am a surgeon. I have known the deceased, Mr. Dresser, for six or seven years. During that period his general state of health has been good. I attended him for rheumatism four years ago, occasionally in the stomach. I last attended him for jaundice and stomach derangement in March last, which arose from impediment to a natural flow of bile into the bowels. There was not disease of the liver. I have not seen him since the middle of April, when I attended the *post mortem* examination of the deceased's body. There was nothing to account for death but the congested state of the lungs and the heart. Mr. Hicks was present with me, and we both agreed at the time as to the cause of death.

The Coroner here handed the paper, purporting to be the cause of death, to the witness, which Dr. Ellis had given to the deceased's cousin, and asked if he had read it?

Witness—Yes, I have.

The Coroner—Does that statement agree with what was ascertained on a *post mortem* examination?

Witness—Not in any one point.

The Coroner again read the paper in question, and called the attention of the witness to various symptoms the deceased was stated therein to have exhibited by Dr. Ellis, the whole of which he contradicted from his own observation of deceased.

Evidence resumed—From reading this paper I have no doubt the deceased was treated for disease of the liver and its consequences. Deceased was a man of very feeble power as regarded the action of the heart. I don't think there could have been any reason for treating him for diseased liver. The only judgment I can form of what disease deceased was labouring under from that report is difficulty of breathing. Had the liver of the deceased been diseased as described, nothing could more rapidly have destroyed his life than the hydropathic system. The placing him in baths would peril the life of a patient labouring under disease of the liver, particularly with suppuration, by lowering the power of the system.

By the Coroner—I attribute the congestion of the lungs and heart of deceased to the external application of cold.

By Mr. Prendergast—A depression of animal powers—depression of the action of the heart, may cause congestion of lungs and heart, but not to this extent. The liver was not congested, although Mr. Hicks thought so; but I can say I hardly ever saw a more healthy liver in my life. It is a falsehood for any one to say that this investigation has been induced by me. I never suggested to the widow to have her husband's body opened.

Mr. Prendergast here proceeded to cross-examine the witness, and Mr. Waterworth loudly complained against the course of proceeding.

The Coroner interfered, and remarked, that as Mr. Prendergast was attending in behalf of a person whose position might be affected by the inquiry, it would, perhaps, be necessary to answer all the questions put by that gentleman.

Mr. Waterworth was then cross-examined at great length, as to conversations he had with Mrs. Dresser, since death, and as to the *post mortem* examination.

Mr. Prendergast again commenced calling out to him—"Come, Mr. Medical man, do you mean to answer that?"

Mr. Waterworth again appealed to the coroner for protection.

The Coroner—I cannot, Mr. Prendergast, allow you to insult a respectable gentleman, under examination in this court, by using such terms as—"Come, Mr. Medical man;" do behave as a gentleman, Sir.

Mr. Prendergast (with great warmth)—Oh, you say that to me, do you?

The Coroner—Yes, and if there is a repetition of the conduct, I shall have you removed from the court. I am always willing to give every license to professional men to discharge their onerous duties before me as coroner, but I again say if there is a repetition of such conduct as yours, Mr. Prendergast, I must order your removal. (This declaration of the coroner was received with a loud burst of approbation from all present, which was with some difficulty silenced.)

Cross-examination continued—I think any baths in deceased's case, whether hot, or cold, or tepid, to have been injurious. I think that warm water at 85 would, improperly used, produce

congestion. It would depend upon how long it was applied. I think it must be the opinion of every well-educated medical man, that tepid water improperly applied would produce congestion.

The Coroner said, as far as he was concerned, all the witnesses had been examined; if, however, Mr. Prendergast chose to call any on behalf of Dr. Ellis, he was quite at liberty to do so.

Mr. Prendergast said he did not know if it was necessary to call any one, but he claimed his right to address the jury, as there was a serious charge against Dr. Ellis, which might affect him criminally, and he wished to show the law as it affected medical men, who were not responsible for the death of a patient under them when they were striving to do him good.

The Coroner said that was the argument adduced in the case of St. John Long, and the judges overruled it.

After a long discussion between the coroner and the learned council, the former decided not to hear any address, as it was irregular.

Mr. Prendergast then desired to offer evidence as to Dr. Ellis's competency.

The Coroner said he would hear any one called to prove that Dr. Ellis was a really qualified practitioner in the eye of the law.

Mr. Prendergast said it mattered not whether Dr. Ellis belonged to a certain College of Surgeons or not, he could practice legally without that. The learned counsel not calling any witness on this point.

The Coroner proceeded to sum up the case to the Jury. He observed, that in the case of Mr. St. John Long, which had been previously alluded to, the judges had laid down the law in a very clear and perspicuous manner, as did also the Lord Chief Justice, who was then Attorney-General, and conducted the prosecution. That learned authority argued, as in the case of St. John Long, that although there might be no malice as forethought, if he proved the defendant had applied himself to the treatment of a case of which he knew nothing as to its proper treatment, and that he administered a liquid or medicine of the constitution of which he had no knowledge, he was clearly guilty of manslaughter. The judges in the same case laid it down that, whether a man was a legally qualified practitioner or not, went for nothing. The question was, whether the treatment adopted was a rash and reckless treatment, and which had resulted in the death of the patient, or whether it was such treatment as might, under any other circumstances, have ended in fatal results. Now, in the present instance, they had no evidence that Dr. Ellis was not a duly qualified practitioner, and, therefore, the sole question for the Jury to consider was whether, in the present case, he had acted towards the patient in a *bona fide* manner, or had acted in his treatment with a gross degree of recklessness or rashness and incaution, and thus caused death to ensue. If the Jury viewed the case as one of *bona fide* treatment, then they were bound to acquit Dr. Ellis of all blame; but if, on the contrary, they considered he had acted with rashness, then their verdict would be one of manslaughter.

About half-past 6 o'clock, the Jury retired to consider their verdict, and after about 20 minutes' absence came into court, when

The Foreman said the Jury were of opinion "that Mr. R. Dresser had lost his life by the improper treatment he received in the hydropathic establishment at Sudbrooke park."

The Coroner—Do you say from gross rashness, or from causes over which there was no control? You must either state that, or that it was in consequence of the rash treatment he received there. I must get the Jury to retire again and amend their verdict.

The Jury again retired for about a quarter of an hour, and on their return

The Foreman said—We have unanimously agreed "that Mr. Dresser's death resulted from the rash treatment he received under Dr. Ellis's care. We are unanimous in a verdict of manslaughter against Dr. Ellis."

The Coroner then bound over Dr. Ellis in the sum of £500, and two of his friends, Mr. John Cassell, of St. John's Villas, St. John's Wood, and Mr. David Cote, in the sum of £250 each, as his securities that the Doctor should appear and take his trial at the next session of the Central Criminal Court on the charge of manslaughter.

Mr. Prendergast having thanked the Coroner for the way in which he had conducted the inquiry, the proceedings terminated.—*Cork Constitution.*