

seeing the extraordinary condition of the horse in the possession of the plaintiff, affected with exostosis of the worst description on the knee joints of the fore legs and hock joints of the hind legs, that on some occasion anterior to the time of sale, that horse had from over work or some other cause, been attacked with inflammation of the lungs or pleura, (*poumon ou pleure*) probably of a very mild or sub-acute character; that metastasis had taken place to those joints, and knowing the extraordinary disposition of the bones of the horse to throw out bony deposits, (*exostoses*) under inflammation, and particularly in those joints, I came to the conclusion that the horse was really and truly affected by 'courbature,' in the first instance, by the inflammation or obstruction of the natural action of the lungs or pleura, as the cause; and in the second place, by the want of the free use of his legs, as the effect.

"I therefore proceed to answer the interrogations of this honorable Court, *seriatim* :—

"1. The horse when I examined him had neither '*battement ni alteration dans les flancs*,'—but notwithstanding the absence of such signs I am of opinion that the horse was affected with the disease known by the old writers and in the law as '*courbature*,' though the metastasis to the legs prevented the above mentioned signs from being visible at the time of examination. The definition, diagnostics, grounds and authorities are cited in the preliminary part of this supplementary report.

"2. In my edition of Blaine, I find no such passage as that quoted. In the recent English editions of Blaine much matter is omitted that was in his former ones, (vide introduction to the fourth edition,) but I have always understood '*pousse*' to mean '*broken-wind*,' to use the English term; it may, however, mean asthma, or chronic pneumonia, which would be equivalent to the term '*thick-wind*.' Mons. Huzard's description of '*la pousse*,' completely answers to that of '*broken-wind*.'

"3. I believe the malady of the joints of the legs to have been a secondary affection, for the reasons stated in the preliminary portion of this my supplementary report.

"4. This question is also answered

in the preliminary part of the report; but I affirm that many diseases which appear to be local may often be traced to primary causes originating elsewhere. I used the term '*courbature*,' in this sense, '*cheval courbattu, c'est à dire, qu'il n'a pas le mouvement des jambes bien libre*,' the effect; and '*obstructions dans les intestins ou dans les poumons*,' the cause; and should then have entered into the present detailed statement had I thought it necessary. I used the word, as I believe modern science bears me out, having regard to the assumed ancient signification at the same time.

"5. This question is already answered by the whole tenor of this report."

Judgment was given for the plaintiff, in accordance with this opinion.

My reason for requesting the publication of this case is to draw attention to the absurd state of the law, which persists in retaining a barbarous nomenclature, invented and obtaining in Courts of Law long before scientific Veterinary medicine had a beginning. *Courbature*, as defined by legal writers, is an impossible disease—there is no such thing—and it follows, that since one of the three redhibitory vices known to the law, glanders, (*la morve*) is not known in this country, no man can obtain redress from the knave who imposes on him an unsound animal unless he can prove it to have been affected at the time of sale with broken wind, or with '*la courbature*,' an impossible disease, in the sense in which the law books define it.\* Too much space has already been occupied, or much more might be said to demonstrate the absurdity and injustice of such a law.—The remedy is obvious,—a short statute defining the most prominent of those maladies and defects which really constitute unsoundness, an act which shall

\* Because there is no disease known to modern science, in which lameness is primarily caused by and connected with obstructions in the intestines and lungs.