every other case the law required a guilty intention to be proved or inferred; yet, in this instance, if a person acted with the utmost kindness, and showed the strongest desire to benefit his patient, if death, notwithstanding his exertions, unhappily ensued, he still might be amenable, to the charge of manslaughter. The learned counsel then proceeded to express an opinion that the jury ought to dismiss entirely from their minds all consideration of the merits of the hydropathic system; he considered it had nothing to do with the case. It might be a very good system, and possess all the advantages claimed for it by its supporters, or it might be, as was represented by others, a delusion and an imposture; but the only question for the jury was, whether, under all the circumstances of this case, they could come to a conclusion that Dr. Ellis, in his treatment of the deceased, had acted with such criminal rashness and want of caution as would justify them in finding him guilty of the crime of manslaughter. He then proceeded to comment upon the facts, and said it appeared perfectly clear that the deceased had gone to the doctor's establishment of his own accord, and that the doctor was ignorant of his suffering from anything but rheumatism. The treatment at first was most successful; for, inasmuch as it appeared from the deceased's own admission that when he first went there he was "prostrate with pain, helpless as a child, and unable to walk," it was shown that in a day or two he was entirely free from pain, and able to walk in the garden with a little assistance. Was not this calculated to induce Dr. Ellis to persevere in his treatment? And if, unhappily, by so doing, he had aggravated another mortal disorder, of the existence of which he had no idea, surely it would be too much to say that he had thereby subjected himself to the charge of manslaughter. The learned counsel then proceeded to comment at some length upon the medical testimony, and observed, that he thought it would have been but fair to Dr. Ellis if he had been allowed an opportunity of being personally present at the post-mortem examination, or of having some one there on his behalf. He likewise called the attention of the jury to the fact, that it was admitted, although some diseases of the brain might have occasioned the congested state of the lungs, yet that organ was not examined; and, for all the jury knew to the contrary, it might, if the examination had taken place, have entirely accounted for the appearances which presented themselves on the body of the deceased. The learned counsel concluded a very eloquent and able address by calling upon the jury to acquit the prisoner, and not to destroy for ever his prospects in life by finding him guilty of so serious a charge upon such slight testimony.

Lord Chief Justice Tindal then summed up, and the jury, without any deliberation, returned a verdict of Not Guilty.

The defendant was immediately discharged from custody. —*Times.*

CASE OF MAL-PRACTICE.

To the Editor of the Boston Medical and Surgical Journal.

Dear Sir,—A case of mal-practice has just been before our Superior Court, which is not without interest to the profession. Dr. J. S. Oatman, of this city, a reputable physician, attended a carman, æt. 64, for a comminuted fracture of the femur near the condyles. The patient being an aged man, and suffering under depraved health at the time, had also an erysipelatous affection of the limb of some months' standing, accompanied with œdema of the injured leg. The inflammation and swelling which supervened immediately after the accident, precluded any very accurate diagnosis, and the morbid condition of the patient, and especially of the limb, forbid any considerable pressure, either by bandages or the application of extension. The posture found to give the patient most comfort was that of semi-flexion, and the double inclined plane was adopted, the apparatus of Palmer and Roe being preferred, upon which the limb was placed, and suitably secured. At the proper time, the usual attention was paid to the careful adjustment of the fragments of the bone, and all the extension and counter-extension which was admissable, seems to have been duly made. On the 30th day the fracture was found firmly united by Dr. Chessman, who examined it, and the limb being measured, was found shortened two or two and a half inches.

At this juncture, a young physician in the neighbourhood called in to see the patient, without the knowledge of the attending surgeons, and with the consent of the patient, invited Drs. Parker and Wood to visit him, both of whom gave it as their opinion that no surgical treatment was called for, or would be admissable. A son of the patient soon after called upon Dr. Oatman, and significantly intimated a proposition to settle with him for a quid pro quo, as the only alternative to a suit for mal-practice; the shortening of the limb being now made a ground of complaint, unskilfulness and neglect being alleged, &c. The doctor, not relishing such ingratitude in lieu of his fee for faithful services, was not very patient under it, resenting it as an outrage, and acted accordingly. After six months had passed, the suit was brought, and the testimony of Drs. Mott, Parker, Wood, Reese, Post, Chessman, &c., was so conclusive and unanimous, that the Plaintiff's counsel would have submitted patiently to a non-suit, but the jury acquitted the defendant, so that his triumph was complete.

Enclosed you will find a newspaper report of the testimony, should your limits allow its use.

Medicus.

New York, June 22, 1846.

On the trial the Counsel of the Plaintiff, as instructed, attempted to show that the fracture had been badly managed; that the apparatus used was not the best; that there was not sufficient extension and counter-extension used to prevent the shortening of the limb, and that there had been thus a want of attention and skill on the part of the doctor, by reason of which he was left a cripple. But his case was overthrown by his own witnesses, Dr. James R. Wood and Dr. Parker, both of whom examined the limb after some thirty days, and agreed that it had been a bad case of crushed bone, in which the shortening of the limb was unavoidable, under any amount of skill; and the latter gave it as his judgment that the patient was exceedingly well off to have recovered from such an accident with both his life and limb, and with no other disaster than a short leg.

But, though Dr. Oatman might here have rested his case, and submitted it to the Jury on the prosecutor's own testimony, yet his Counsel deemed it due to his professional character to proceed to show, by witnesses well known for their surgical skill and experience, that he was blameless in this case and its results.

Dr. Valentine Mott, a surgeon of forty years' experience, testified that more or less shortening of the limb is uniformly the result after fractured thigh, even in the most favorable circumstances; but that the age of this patient, the bad character of the fracture, the erysipelatous state of the limb, and all the circumstances, were averse to a favorable result, and likely to increase the extent of the shortening.

Dr. David M. Reese is a physician and surgeon of twenty-five years' practice, and testified that from the nature of the injury as described by the witnesses, there could be no doubt that it was an oblique and comminuted fracture, which is always unfavorable, and renders a shortening of the limb inevitable. In such a fracture there is always injury of the soft parts, which complicates the case by increasing the risk of inflammation and swelling, and renders it liable to be followed by irritative fever and other constitutional disturbance.