

**CHARGE OF MANSLAUGHTER  
AGAINST A  
PERSON PRACTISING AS A SURGEON.**

THE following report has been taken from *The Times* newspaper of Wednesday last. We really hope that the facts of this (as now represented) most extraordinary case will be sent to us by a medical correspondent residing on the spot.

NORFOLK CIRCUIT,

CAMBRIDGE, MONDAY, JULY 22.

(Before Mr. Justice WILLIAMS.)

John Garland, aged sixty-five, was indicted for feloniously killing Mary, the wife of John Dent.

Mr. PRENDERGAST conducted the prosecution, Mr. O'MALLEY the defence.

The deceased was the wife of a man living at Littleport, in the Isle of Ely, and the prisoner has for upwards of thirty years practised as a surgeon in that town. On the 22nd of May last the deceased had, by imprudently lifting or dragging a heavy sack of flour, brought on symptoms of a miscarriage, and the prisoner was sent for to attend her. He arrived as soon as possible, and proceeded to administer the treatment he thought necessary, in the course of which he removed a portion of the intestines—(the *intestines*?!!—ED. L.)—of his patient, which had probably been displaced by the exertion which had brought on the illness which rendered it necessary to send for him. She was in great pain, and another medical man was sent for, on whose arrival it was found necessary wholly to remove the displaced portion of the intestines. She continued to get worse, and notwithstanding the judicious treatment of two or three eminent surgeons who were called in, she died at the end of seventeen days. The surgeons who attended the post-mortem examination of the body were of opinion that she died from the effects of the prisoner's treatment, and that he had shown gross ignorance in that treatment.

Mr. Justice WILLIAMS, in summing up the evidence, stated that the law, as applicable to this case, was very clear; and applying that law to the circumstances as they had been proved, the jury would say whether or not the prisoner was guilty of the crime of manslaughter. Every person, whether he be a regularly licensed medical man or not, who professes to deal with the life or health of his fellow creatures, is bound to bring to the case with which he deals a competent degree of skill; and he is also bound to treat his patient with care and attention. If he shows gross ignorance, culpable rashness, or criminal inattention in the treatment of his patient, and death ensues in consequence, he is guilty of the crime of manslaughter. He may have no evil intention, he may, indeed, bring to the case the most earnest desire to effect the cure of his patient; but still, if he is guilty of criminal misconduct, arising either from gross negligence, or ignorance, or unjustifiable inattention, he is criminally responsible. One or other of these it was necessary for the prosecutor to make out, in order to constitute that criminal misconduct which renders a man responsible if death occurs. The learned judge read the evidence *verbatim* to the jury, and desired them to consider whether, in the treatment of his patient, as proved by Mrs. Banyard, the prisoner had shown a gross and culpable want of knowledge, care, or attention, and that her death was caused thereby; if they were of opinion that he had, he was guilty of the crime with which he was charged; if otherwise, he was entitled to an acquittal.

The jury, after some deliberation, found the prisoner *Guilty*.

The learned JUDGE, in sentencing the prisoner, who was deeply affected at his position, observed, that he should be sorry if the proceedings in this case should tend to place medical men in any danger, or induce them to abstain from the fair application of their talents in the exercise of the arduous and anxious duties of their profession. They were not to expect a favourable result in every case; medical science could never attain that.

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The consequences of this trial would seriously affect the prisoner's interests through life ; and looking to that circumstance, the absence of everything like ill-will towards his patient, and his advanced age, when a long imprisonment must be attended by the most prejudicial effects, the Court was induced to pass on him the mitigated sentence, that he be imprisoned for one calendar month.