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BROWN ANIMAL SANATORY
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"Publicity is the Soul of Justice."

MAN'S INJUSTICE TO ANIMALS.

THE BROWN
ANIMAL SANATORY
INSTITUTION.

Animals are degraded into the class of things. Their interests are neglected by Jurists. Slaves have been emancipated, but the Animal Creation are Slaves still. The day may come when the rest of the Animal Creation may acquire those rights which are withholden from them by the hand of Tyranny.—BENTHAM.

THIRD EDITION,
With Additions.

PICKERING & CHATTO,
66, HAYMARKET, ST. JAMES'S, LONDON, S.W.

1888.

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“Publicity is the Soul of Justice.”

Man's Injustice to Animals.

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“Publicity is the Soul of Justice.”

MAN'S INJUSTICE TOWARDS ANIMALS.

THE BROWN ANIMAL SANATORY INSTITUTION.

TO THE SUBSCRIBERS OF THE
SOCIETY FOR THE ABOLITION OF VIVISECTION;
AND THE
FRIENDS OF ANIMALS.

SINCE making our Appeal in April and May 1886 for assistance to enable the Society to meet the requirements of the Attorney-General and bring before the High Court of Justice the question of the late Mr. Thomas Brown's Will by which £20,000 was bequeathed to lessen the sufferings of Animals and Birds useful to Man,—and the barbarous practices carried on with those very Funds at The Brown Institution in the Wandsworth Road,—much correspondence has taken place with the Society's Legal Advisers,—The Provost and Senior Fellows of Trinity College, Dublin,—The Royal Society for the Prevention of Cruelty to Animals,—The Attorney-General,—and various Individuals.

From that honourable and distinguished Seat of Learning, Trinity College, Dublin, our Society received encouragement and support,—as will be seen by the Letter from the Senior Proctor which is annexed to the Memorial to the Attorney-General. And we will here remark that Trinity College some time ago appointed and sent a Deputation that prevented the Charity Commissioners (in the House of Lords) from applying the Brown Legacy to a Veterinary College,—and disapproves altogether of “The Brown Sanatory Institution” as now and formerly conducted.

In glaring contrast to the action of Trinity College, Dublin, is the behaviour of the Royal Society for the Prevention of Cruelty to Animals, London. It has given neither moral nor material assistance whatever to the strenuous and persevering efforts of our Association to Abolish Vivisection, and to obtain a Legal Interpretation of the provisions of Mr. Thomas Brown's Will. Its conduct has, on this pregnant and important question, been too consistent with its antecedents in regard to the atrocious barbarities and cruelties perpetrated on Animals by Physiologists.*

In the present Publication will be found copy of the Will of the late Mr. Thomas Brown; copies of the Opinions of our Counsel; copy of our Memorial to the Attorney-General and his Reply; also copies of the principal portion of Correspondence with the University of London; the Charity Commissioners; Trinity College, Dublin; the Royal Society for the Prevention of Cruelty to Animals; the Solicitor to the Attorney-General; and our Legal Advisers. This copious information will enable the Legal Profession and the Public to form a correct judgment on this important matter and decide whether the question involved of the intentions of Mr. Thomas Brown towards the Animals, as evidenced in the provisions of his Will, ought not to be argued by Counsel, and submitted to the mature consideration and decision of the High Court of Justice. The *Right of Appeal* should be free as air. No single individual, be his position what it may, ought to have the power to stifle it. We submit that the Attorney-General ought not to strangle a very important question. Neither the Senate of the University of London, nor the Charity Commissioners are competent to decide the question of the Testator's intentions to be gathered from his Will,—and their evident bias with the existence of personal interest altogether disqualify both those bodies from pronouncing what on calm and judicial consideration the real intentions of the Testator must be held to be.

The Society for the Abolition of Vivisection will be happy to receive from any quarter suggestions as to the practicability of any means for carrying this momentous matter farther.

GEORGE R. JESSE,
Honorary Secretary,
Society for the Abolition of Vivisection.

* See Appendix. Pages 93 to 114.

*Extracted from the Principal Registry of the
Probate, Divorce, and Admiralty Division
of the High Court of Justice.*

IN THE PREROGATIVE COURT OF CANTERBURY.

THIS IS THE LAST WILL AND TESTAMENT OF THOMAS BROWN, Master of Arts and Bachelor of Laws. I THOMAS BROWN, formerly residing in Harcourt Street, Dublin, and afterwards of Rosey Park Hill, of the Grange, County of Dublin, being at the time of sound mind and memory, and from a consideration of the uncertainty of human life, more particularly impressed on me as to myself on account of what I have experienced and endured, deeming it to be proper and expedient for me to state such disposition respecting property belonging to me as I would choose to have effect after my death, do now therefore make this my last Will and Testament, hereby revoking all other Wills or Codicils by me at any time heretofore made or published. In the first place to guard as much as in me lies against waste of property through misrepresentation or mistake I desire to mention that according to my belief and conviction no one has at the date hereof any just pecuniary claim on me or my effects, that I am not in the habit of running into debt, and that I do not contemplate or anticipate my doing so in any manner hereafter further than as may be required by current occasion or as may happen to be forced upon me through treatment of me by or on the part of some creditor. Secondly, that I would wish to be interred in some retired churchyard remote from any large town, or that my remains after having been soldered up in a leaden coffin be dropped into the sea at a distance of at least half a mile from land. And I further desire to here premise that I much regret my being led by circumstances, chiefly the smallness of my property with reference to its objects, from on this occasion taking regular and affectionate notice of my brother Richard Brown, and my sister Anne Jackson Brown, but I at the same time consider that they are both amply provided for, and that any particular trouble about my posthumous affairs might be unpleasant to either of them. I name and appoint as to be executors of this my last Will and Testament, Joshua Nunn, of Dawson Street, Dublin, gentleman, solicitor, Alexander Cathrew, of the Office of Registering Judgments, Four Courts, Dublin, gentleman, Blackhall Joseph Yarrow, of Churchside, Kensington, London, gentleman, and Dr. Richard Wellesley Rothman, Registrar of the University of

London. And I Will and Bequeath the sum of £250 sterling, British currency, free of any deduction to each of these gentlemen, this bequest of £250 sterling British currency being to each of these gentlemen respectively only on consideration of his duly acting in the execution of this my last Will and Testament. I hereby authorise and empower my acting executors or executor to allot and have paid out of the property belonging to me at the time of my decease any sum not exceeding £100 sterling British currency to any hotel keeper or lodging-house keeper in whose house I may happen to die, as a compensation over and above any sum fairly and legally claimable on my account by bill in behalf of such lodging-house or hotel-keeper for any kindness to or trouble with me under the circumstances of my final illness and death, provided that my acting executors or executor shall be of opinion and shall choose that any such extra payment should be made to such lodging-house keeper or hotel keeper. I desire and direct that the discharge of my funeral expenses and of any just debts appearing against me or my effects shall be primarily attended to, and that there shall be applied to these two last mentioned purposes and so far as sufficient therefor any money and the produce of any security in its intrinsic nature directly convertible into money (in the way for instance of Debenture or Treasury Bill) that I possibly may have with me at the time of my decease, and that there shall be appropriated also to said two purposes the produce by sale of any articles whether books, prints, natural history specimens, coins, trinkets, or travelling conveniences belonging to me at the time of my decease, and whether at that period in my immediate possession or being in charge with some one else and not in the possession or charge of my brother Richard Brown or my sister Anne Jackson Brown, both of whom I hereby exonerate from being accountable in any such case, and that to my acting executors or executor may appear adapted for being sold. And I direct that any inconsiderable things whether papers or other articles that may be belonging to me at the time of my decease, and that to my acting executors or executor shall seem not proper for being sold or kept, shall be duly destroyed. And I further direct that any surplus, if any surplus shall remain from the sources just designated after defraying my funeral expenses and discharging any just debts appearing against my effects as of my contracting, shall be added to the produce (that may be) of $3\frac{1}{4}$ per cent. Government Stock standing in my name in the books of Ireland and shall be therewith applied towards defraying expenses and payments duly incidental to the proving of and administering

to this my last Will and Testament, for which expenses and payments in the discharging of my funeral expenses and of any debts appearing just against my effects and in the way of probate and legacy duties, legacy or legacies to and rightfull expenses of executor or executors as such, besides any requisite payment of witnesses and any present to lodging-house keeper or hotel keeper as aforesaid I particularly allot my Irish $3\frac{1}{4}$ per cent. Government Stock so far as same may with the produce of any other sources as above designated and any money that may at the time of my decease be due to me at some private Bank or elsewhere, be adequate and also requisite actually towards said purposes, and whether said Government Stock remain in the books of the Bank of Ireland or be moved by me to those of the Bank of England, and whether or not the principal thereof be in either case increased by me or my authority and with all interest that may be due thereon at the time of proving this my last Will and Testament. And whereas there is standing in my name in the books of the Bank of England a sum of £20,000 and upwards of 3 per cent. Consolidated Government Annuities, now I Will and Bequeath to the Chancellor, Vice-Chancellor and Fellows of the University of London and their successors in said University the said Stock in 3 per cent. Consolidated Annuities and all residue of personal property not consisting of lands, houses or other real estate and belonging to me at the time of my decease and available after defraying the charges and payments duly required for the proving of this my last Will and Testament and administering thereto, agreeably with the dispositions hereinbefore contained, expressed and declared, for the founding, establishing and upholding an Institution for investigating, studying and without charge beyond immediate expenses endeavouring to cure maladies, distempers and injuries any Quadrupeds or Birds useful to man may be found subject to, for and towards which purpose of founding, establishing and upholding such Animal Sanatory Institution within a mile of either Westminster, Southwark or Dublin as may at the time for making a decision as to locality by the Chancellor, Vice-Chancellor and Fellows for the time being of the University of London as the governing majority thereof be then thought most consistent and expedient, I Will and Bequeath exclusively all such rest, residue and remainder of personal property belonging to me at the time of my decease and not consisting of lands, houses or other real estate. And I Will and direct that all available interest to accrue on said residue shall be let to accumulate and remain along with all the principal of such residue in the English 3 per cent. Consolidated Government

Annuities for any length of time lawful for such increase not exceeding the term of 15 years from the time of my death and shall be all principal and interest, then or afterwards applied solely to the object of founding, establishing and upholding the Animal Sanatory Institution as aforesaid. I further Will and direct that dominion over the property of and for the Animal Sanatory Institution to be thus founded shall become vested in the Chancellor, Vice-Chancellor and Fellows for the time being of the University of London, and that the governing majority of these authorities for the time being of said University on their duly declaring their acceptance of the trusts of this my Will shall after being vested with such dominion appoint and have some person connected with said University of London and responsible with security for receiving the half yearly dividends and applying them respectively for to make addition to the principal. And I Will and direct that such duly appointed receiver shall be entitled to retain to himself the sum of £10 sterling British currency out of each succeeding half yearly dividend, on and after his producing to the governing majority for the time being of the Senate of said University of London vouchers or proofs of his having duly appropriated the preceding half yearly dividend in making addition to the principal and without further deduction than for the regular charge of brokerage and for his own fee as aforesaid. And I Will and direct that any such appointed receiver may and shall in case of neglect or violation of trust be removed, and as in all cases of vacancy of such receivership a successor be appointed by the Chancellor, Vice-Chancellor and Fellows of the University of London for the time being or the governing majority thereof. I Will and desire that previous to the Animal Sanatory Institution as aforesaid being opened for the reception of animals and cure of their ailments, a Superintendent or Professor of the Institution and its business shall be appointed by the Chancellor, Vice-Chancellor and Fellows for the time being of the University of London or the governing majority thereof, and that such or any subsequent Professor or Superintendent shall be removeable by the like authority for neglect or violation of duty, and that as in every other case of a vacancy occurring in the office of Professor or Superintendent of said Animal Sanatory Institution a successor for such office shall be appointed by the Chancellor, Vice-Chancellor and Fellows for the time being of the University of London or the governing majority thereof. And I Will and direct that the Professor or Superintendent of the said Animal Sanatory Institution shall have a residence adjacent thereto besides a salary, and that he shall annually

give on the business of the said Institution at least five lectures in English, and free to the public at some place to be appointed by the governing majority of the Senate of the said University of London. And I further desire that kindness to the animals committed to his charge shall be a general principle of the Institution to be founded as aforesaid. And I also Will and desire that the Chancellor, Vice-Chancellor and Fellows for the time being of the University of London or the governing majority thereof may at any time if they shall choose appoint a Committee of their own body or of medical men for to control the number and cases of diseased or injured animals to be taken charge of, and to decide about the purchase of diseased animals or their carcasses for the promotion of science, as well as for to determine about any contingency not hereinbefore provided for relative to said Animal Sanatory Institution. And I Will and direct that any such controlling Committee if appointed shall be so only from year to year, and that as to any of the rules, orders or regulations of such Committee there may be privilege of appeal to the Chancellor, Vice-Chancellor and Fellows of the University of London; and also that in case of such controlling Committee not being re-appointed, all such controlling powers shall remain wholly vested in the Chancellor, Vice-Chancellor and Fellows for the time being of the University of London or the majority thereof. And I further Will and direct that my acting executor or executors shall apply to the Court of Chancery in England for to appoint a fit and responsible person to receive the dividends accruing on the principal as aforesaid, and to, under similar allowances, apply them for to make additions to the principal in case that the Chancellor, Vice-Chancellor and Fellows for the time being of the University of London shall refuse or omit for the space of twelve months after my decease to duly appoint a person to act as receiver and agent for said purposes agreeably to the directions and provisions hereinbefore on this head expressed and declared. And in case that the Chancellor, Vice-Chancellor and Fellows of said University of London or the governing majority of the Senate thereof for the time being shall decline to accept and act under the trust as aforesaid, or shall eventually omit to have such Animal Sanatory Institution founded and established within the space of 19 years from the time of my death, or in case that the said Animal Sanatory Institution shall anyhow not continue to be conducted *bonâ fide* for said agreeably to the conditions aforesaid, then and in such case a Will, devise and bequeath the whole of the property or properties by Me hereinbefore bequeathed and designated therefor to the

Provost, Fellows and Scholars of the University of Dublin for the time being for the exclusive purpose of founding and maintaining in the said University of Dublin Professorships of any three or more of these languages, videlicet: Welsh, Slavonic, Russian, Persian, Chinese, Coptic, and Sanscrit, that the Provost and Senior Fellows for the time being of the said University of Dublin shall choose to establish therein my name and shall obtain a statute therefor comprising some condition of efficiency. And I desire that such Professors shall be elected by the Provost and Senior Fellows of the University of Dublin for the time being, and be under the control of the government of said University shall have. And I also Will and desire that the Provost and Senior Fellows at any time of said University shall have power and authority to alter arrangement as to such Professorships in so far as to, under same conditions as aforesaid, therefor substitute Professorship or Professorships of one or more said languages or different than as previously selected and appointed, provided and on condition that any such alteration and substitution shall be with the consent of the Provost and at least two-thirds of the Senior Fellows for the time being assembled at a Board and concurring in such resolution, and also with the concurrence of the then visitors of the said University of Dublin. And whereas different Professorships have from time to time been founded in the University of Dublin—some in particular of late years—including one for the Irish language. And whereas I could not be certain but that the authorities of the said University might be intending or be otherwise led to further establish Professorships therein. Now in the event of the right to my conditional bequest as aforesaid lapsing to the University of Dublin, and in case that the then authorities thereof shall, during the space of twelve months after the right of said University thereto shall accrue, neglect to assert that right, or shall not continue to uphold such right under and according to the provisions, restrictions and conditions hereinbefore appointed and declared with relation thereto, then and in such case I Will and Bequeath all property, funds and moneys included in said conditional bequest to the University of Dublin, unto the Chancellor, Vice-Chancellor and Fellows of the University of London, in trust for the providing and maintaining of three or more Professorships severally or conjointly in such College or Colleges affiliated or that shall be affiliated with said University of London as the Chancellor, Vice-Chancellor and Fellows for the time being, or the governing majority of the individuals composing for the time being the Senate of the said University of London

shall see occasion to prefer, and shall deem expedient to select and determine on. And I Will and direct that the Chancellor, Vice-Chancellor and Fellows for the time being of said University of London shall have the right to choose and determine about the general subjects and natures of such Professorships respectively, and that they shall as soon as convenient and agreeable to their corporate constitution, forms and rules then duly appoint individuals to such Professorships respectively, and shall in like manner fill up vacancies occurring therein by death, resignation or removal, for neglect or violation of duty or propriety, such selection of College or Colleges, and such appointments being to be with the concurrence of such College or Colleges respectively, and such Professorships being to be in my name, and the holders thereof being besides the receiving and instructing of private pupils to give annually on their respective subjects lectures free to the public. And such Professorships being further as to all matters not herein arranged and prescribed to be subject to the regulation and control of their so selected College or Colleges respectively, with the acquiescence of the Chancellor, Vice-Chancellor and Fellows for the time being of said University of London or the majority thereof agreeably to their corporate constitution. In testimony whereof I have hereunto and unto two copies thereof respectively subscribed my name this 14th day of December A.D. 1846. THOS. BROWN. Signed, published and declared by the Testator Thomas Brown as and for his last Will and Testament in the presence of us, who at his request, in his presence and in the presence of each other have subscribed our names as witnesses hereto, the word "general" being interlined between the eighth and ninth lines of the third page.—B. L. NUNN, 6 Dawson Street, F.R.C.S.I. JOHN H. NUNN, 6 Dawson Street.

I having on the 14th day of December 1846 declared and signed a last Will and Testament wherein I named Alexander Cathrew, gentleman, as one of those whom I wished to act in fulfilment of the provisions thereof, I now supposing that the so acting would probably be inconvenient or disagreeable to him, accordingly revoke or annul said nomination of Alexander Cathrew, gentleman, as to be executor of my last Will and Testament, and in his stead I nominate and appoint as to be one of my executors Joshua Nunn, junior, of Dawson Street, in the City of Dublin, gentleman. And I Will and Bequeath unto him Joshua Nunn, junior, the sum of £250 sterling British currency, free of any deduction or condition, and only on condition of his acting in the due fulfilment of the provisions of my said last Will and Testament, and of this and

any other Codicil annexed by me thereunto. And whereas some inaccuracies occurred in the transcribing of the name and local designation of another of the gentlemen nominated and appointed by me as to be executors of my said last Will and Testament, I take this opportunity for to state that the name and real designation of the gentleman named third in order as to be executor of my last Will and Testament as aforesaid are Blackall Joseph Yarrow, gentleman, now or lately of Churchside, Kennington, County of Surrey. Thus I nominate and appoint for and as to be executors of my last Will and Testament Joshua Nunn, gentleman, and solicitor of Dawson Street, Dublin, Blackall Joseph Yarrow, gentleman, now or lately of Churchside, Kennington, County of Surrey, Doctor Richard Wellesley Rothman, Registrar of the University of London, and Joshua Nunn, junior, of Dawson Street, in the City of Dublin, gentleman, ratifying and confirming unto each of these gentlemen the said legacy of £250 sterling, being to each of them respectively only on condition of acting as executor in the fulfilment of my testamentary dispositions. I Will and direct that any articles such as books, coins, natural history or antiquity specimens and ornaments, or conveniences which may be belonging to me at the time of my decease, may as soon as convenient after my decease be publicly advertised as to be sold in some considerable or corporate town in England, and that they shall be sold there accordingly. And I hereby ratify all and every other the trusts and bequests by my said Will created and bequeathed and not hereby altered or revoked. And I declare this to be a Codicil to my said Will. In witness whereof I have hereunto and to two copies hereof respectively signed my name this 17th day of September A.D. 1851.—THOS. BROWN. Signed and declared by the Testator as and for a Codicil to his last Will and Testament, in the presence of us, who in his presence at his request and in the presence of each other have subscribed our names as witnesses hereto, the word “transcribing” on the 17th line of the first page being written on an erasure.—JOHN H. NUNN, THOS. B. MANBY.

Proved at London with a Codicil 13th July 1854, before the Judge, by the oaths of Joshua Nunn, Blackall Joseph Yarrow, and Richard Wellesley Rothman, Doctor of Medicine, the executors named in the Will, and Joshua Nunn the younger, named in the said Codicil, to whom Administration was granted, they having been first sworn to wit—the said Joshua Nunn and Joshua Nunn the younger by Commission, and the said Blackall Joseph Yarrow and Richard Wellesley Rothman before the Worshipful Frederic Thomas Pratt, Doctor of Laws and Surrogate duly to administer.

OPINION OF
MR. E. CHESTER JONES.

I HAVE perused the accompanying office copy Will of THOMAS BROWN, whereby a Bequest is made to the Chancellor, Vice-Chancellor, and Fellows of the UNIVERSITY OF LONDON, for the founding and upholding an Institution "for investigating, studying, and without charge, beyond immediate expenses, endeavouring to cure" maladies and injuries to which Quadrupeds and Birds useful to man may be subject.

As regards animals not belonging to the Institution, but sent thither by the public for treatment, it is clear that the Officers of the Institution can have no right to deal with them as subjects for Vivisection. The question of Vivisection therefore arises only with regard to animals to be used for the purposes of investigating and studying the maladies and injuries above referred to; the provision made by the Will for the purchase of which will be presently mentioned.

The Testator, after directing the appointment of a Superintendent or Professor of the Institution, expresses his desire that "*kindness to the animals committed to his charge shall be a general principle of the Institution*"; and then empowers the Governing Body of the London University, or a Committee to be appointed by them, "to decide about the purchase of *diseased animals or their carcasses* for the *promotion of science*." But nothing is said by him as to animals in sound health, the Testator speaking only of "diseased animals or their carcasses."

Since, therefore, under the terms of the Will, science is to be promoted, not by means of sound animals, but by means of diseased animals or their carcasses, it would seem from the Testator excluding sound animals, which perhaps are oftenest used in Vivisection, and coupling together diseased animals and their carcasses, the latter of which cannot be so used, that the practice of Vivisection was not in his contemplation, and that he had no intention of authorising it; and, had it been otherwise, it is only reasonable to suppose that he would have included animals in sound health, and used in his Will language either authorising the practice, or showing his approval of it.

It is observable, moreover, that at the date of the Will (1846), the practice of Vivisection was comparatively unknown to the public, and it was the less likely, therefore, to have been in the mind of the Testator, whose meaning doubtless was, that diseased animals should

be purchased for the purposes of experimental medical treatment, and dead carcases for the purposes of investigation by dissection.

And the authority given by the Will for the purchase of carcases which can only be used for dissection, may be considered as excluding, by implication, the purchase of living animals for that purpose. Nor would the purchase of carcases be necessary if, under the terms of the Will, living animals could be acquired and used. Upon the whole, and particularly having regard to the Testator's express desire that kindness to the animals committed to the charge of the Superintendent should be a general principle of the Institution, I am of opinion that Vivisection and painful surgical experiments upon animals, whether diseased or sound, are not within the intention of the Testator or the scope and meaning of his Will; and that the buildings, funds, and appliances of the Institution cannot properly be used or made available for such purposes.

If there be reason to suppose that Vivisection is now practised in the Institution, I think the better course will be, first, to apply by petition to the Chancellor, Vice-Chancellor, and Fellows of the University of London, praying their mediation for the purpose of suppressing the practice; and, should this fail, then to make an application to the Charity Commissioners for England and Wales, seeking the exercise by them of their powers for the like purpose.

But should neither of these modes be effectual, the only course will be to bring the matter, if practicable, before the Chancery Division of the High Court, with a view to a judicial interpretation being put upon the Will, and the objectionable practice restrained by injunction. Having regard to the terms of the Will as to the locality of the Institution, it may be well perhaps to ascertain the fact that it is situate within a mile of either Westminster or Southwark.

E. CHESTER JONES.

Lincoln's Inn, *November* 14, 1882.

CORRESPONDENCE

BETWEEN THE

SOCIETY ABOLITION VIVISECTION

AND THE

UNIVERSITY OF LONDON.

HENBURY, MACCLESFIELD, CHESHIRE.

SOCIETY FOR THE ABOLITION OF VIVISECTION.

5th December, 1882.

To

THE CHANCELLOR, VICE-CHANCELLOR, AND FELLOWS OF
THE UNIVERSITY OF LONDON.

GENTLEMEN,—In consequence of information that animals are dissected alive, have diseases created upon them, and are otherwise cruelly treated at the Animal Sanatory Institution, in the Wandsworth Road, commonly called “The Brown Institution,” we obtained copy of the Will of the late Mr. Thomas Brown, who bequeathed £20,000 for founding the said Institution, and have taken counsels’ opinion thereon. Such opinion confirms our own view that the above-mentioned practices are much opposed to the intention of the Testator aforesaid, who expressly desired in his Will that kindness to the animals should be a general principle of the Institution.

We beg leave to forward herewith, for your perusal, the opinion of counsel, and we petition you to intervene for the purpose of suppressing the aforesaid practices in “The Brown Institution.”

I remain, Gentlemen,

Your obedient Servant,

GEORGE R. JESSE,

Honorary Secretary.

[Enclosure.]

UNIVERSITY OF LONDON.

BURLINGTON GARDENS, W.

6th December, 1882.

SIR,—I beg to acknowledge the receipt of your letter of the 5th inst., in reference to the management of the “Brown Animal Sanatory Institution,” together with the enclosed copy of counsels’ opinion, and I will place the same before the Senate in due course.

I am, Sir,

Your obedient Servant,

ARTHUR MILMAN.

GEORGE R. JESSE, Esq.,

Hon. Sec.

HENBURY, MACCLESFIELD, CHESHIRE.
 SOCIETY FOR THE ABOLITION OF VIVISECTION.

20th December, 1882.

SIR,—Your acknowledgment, dated the 6th inst., duly arrived. We shall feel obliged by your kindly informing us as to when we may expect a reply from the Senate of The University of London relative to The Animal Sanatory Institution, in the Wandsworth Road, commonly called “The Brown Institution.”

I remain, Sir,

Your obedient Servant,

GEORGE R. JESSE,

Honorary Secretary.

ARTHUR MILMAN, Esq., M.A.,
 Registrar, University of London,
 Burlington Gardens, W.

UNIVERSITY OF LONDON.

BURLINGTON GARDENS, W.

21st February, 1882.*

SIR,—Your letter of the 5th inst. was submitted to the Senate yesterday, and was referred by the Senate to the consideration of the Committee of the Senate, under whose superintendence “The Brown Institution” is more particularly placed. The Committee will, no doubt, make such inquiries as may be necessary in the matter, and will report the result of these inquiries to the Senate at its next meeting, which will be held in February.

I am, Sir,

Your obedient Servant,

ARTHUR MILMAN.

G. R. JESSE, Esq.

* NOTE.—Mr. Arthur Milman dated his letter “21st February,” but it was written on the 21st December, and his envelope bears the postmark of that date.

HENBURY, MACCLESFIELD, CHESHIRE.

SOCIETY FOR THE ABOLITION OF VIVISECTION.

1st March, 1883.

SIR,—Your letter of the 21st December duly arrived, and as you therein stated that the result of inquiries as to “The Brown Institution” would be reported to the Senate of the University of London in February, we have waited till the expiration of that month for an answer to our communication of the 5th December.

I remain, Sir,

Your obedient Servant,

GEORGE R. JESSE,

Honorary Secretary.

ARTHUR MILMAN, Esq., M.A.,
Registrar, University of London,
Burlington Gardens, W.

UNIVERSITY OF LONDON.

BURLINGTON GARDENS, W.

3rd March, 1883.

SIR,—In reply to your letter of the 1st inst., I beg to inform you that owing, as I understand, to the absence of the Professor-Superintendent of the Brown Institution upon the Continent, the Committee were unable to complete their Report in time for presentation to the Senate at its last Meeting. It will, however, I have no doubt, be laid before the Senate at its next Meeting on the 28th inst., and will place before them the results of the inquiries which they directed to be made.

I am, Sir,

Your obedient Servant,

ARTHUR MILMAN.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE.

SOCIETY FOR THE ABOLITION OF VIVISECTION.

3rd April, 1883.

SIR,—We duly received your letter of the 3rd ult., informing us as to the Senate's next Meeting on the 28th ult.; but not having heard from you since, as we expected, we request a reply to our communication to the authorities of the University of London addressed to them on the 5th December last (with our Counsels' opinion) relative to the treatment of animals at "The Brown Institution."

I remain, Sir,

Your obedient Servant,

GEORGE R. JESSE,

Honorary Secretary.

ARTHUR MILMAN, Esq., M.A.,
Registrar, University of London,
Burlington Gardens, W.

UNIVERSITY OF LONDON.

BURLINGTON GARDENS, W.

4th April, 1883.

SIR,—In reply to your letter of yesterday, I beg to inform you that on the 28th ult. the Senate, having disposed of such formal business as could not be deferred, adjourned as a mark of respect to the memory of their late Vice-Chancellor, Sir George Jessel. The next Meeting of the Senate for the transaction of business will be held on the 18th inst., and I expect then to receive instructions as to the reply to be made to your communication of December 5th.

I am, Sir,

Your obedient Servant,

ARTHUR MILMAN.

G. R. JESSE, Esq.

UNIVERSITY OF LONDON.

BURLINGTON GARDENS, W.

19th April, 1883.

SIR,—I am directed to inform you that the Committee of the “Brown Animals Sanatory Institution” have, at the request of the Senate, made careful inquiry into the question raised by your letter of December 5th, 1882, and have reported to the Senate that there is nothing in the practice of the Institution inconsistent with the directions of Mr. Brown’s Will or with the principles of humanity. Adopting this Report, the Senate are of opinion that there is no ground on which they can properly interfere with the existing arrangements under which the work of the Institution is carried on. I am authorised to forward for your perusal a copy of the Report.

I am, Sir,

Your obedient Servant,

ARTHUR MILMAN.

GEORGE R. JESSE, Esq.

UNIVERSITY OF LONDON.

COMMITTEE

OF THE

BROWN ANIMAL SANATORY INSTITUTION.

*Report upon the Reference from the Senate contained in Minute
361, Meeting of December 20th, 1882.*

Having carefully considered the Letter of Mr. Jesse, referred to them by the Senate, and having inquired into the facts of the case, the Committee report as follows :—

According to the view we have from the first taken of the Trusts of Mr. Brown's Will, they comprise two separate objects :

- (1) The "investigation and study of the diseases of animals* useful to man," for the advancement of science in relation to such diseases; that is, by a better knowledge of their nature, to discover surer means for their prevention and cure.
- (2) The "endeavouring to cure" the diseases of animals committed to the charge of the Professor-Superintendent for hospital treatment; in which endeavour, kindness to the animals so committed is to be the general principle of the Institution.

This interpretation of the two-fold object of the Trust was fully confirmed by the Opinion of Mr. (afterwards Vice-Chancellor) Charles Hall, to whom the Senate in 1873 referred the question then raised by some of its members, whether the artificial Induction of Disease, for the purpose of Scientific Investigation, is a legitimate part of the work of the Institution.

Assuming, then, the justice of this view, we are of opinion that the Experiments performed in the Institution during the period over which we thought it sufficient to extend our inquiry† are strictly within the terms of the Trust.

These Experiments may be divided into two classes.

The first class, to which alone the term Vivisection (the charge conveyed in Mr. Jesse's Letter) could in any sense be applied, consists of a series of Experiments performed by the Professor-Superintendent upon the smaller quadrupeds (dogs, cats, rabbits, guinea-pigs) for the purpose of ascertaining, by the artificial induction of specific pathological conditions, the nature and best mode of treatment of certain cardiac and renal diseases depending on those conditions, to which the

*See Note A, page 122.

† See Note B page 122.

larger quadrupeds useful to man, especially horses and cattle, are extremely subject.

The total number of Experiments (performed between October, 1881, and February, 1883) was 42. In every instance the animal operated upon was previously made insensible to the pain of the operation by chloroform, with or without some additional anæsthetic, and such insensibility was kept up until the death of the animal. In no case could the operation be described as cruel, since the animal felt no pain.*

We think it well to mention that the animals experimented on were not diseased, and were not purchased out of the funds of "The Brown Institution;" their sole connection with it being that the experiments were conducted within the walls of that Institution† by the Professor-Superintendent, under the License which he holds.

The other class of Experiments referred to in the Letter consists of two series of Experiments performed at the expense and request, in one case of the Earl of Pembroke, in the other, of the Royal Agricultural Society.

The first series consisted in the inoculation of several dogs and one or two cats with the Distemper, with the view of ascertaining whether a mild form of this disease would not preserve the animal from a subsequent attack in a severer form. The effect of the inoculation was to produce slight febrile symptoms, from which, as a rule, the animal soon recovered.

The second series consisted in the inoculation of sheep with Anthrax, with a like view. The results were precisely similar to those obtained in the case of the Distemper. None of the Inoculation Experiments ought to be described as cruel;‡ and they were highly important in the interests of science, and with a view to the prevention of disease.

We are of opinion that the Experiments were properly and humanely performed; and that there is no ground whatever for the interference of the Senate with a view to prevent similar operations in future.

* See Note C, page 122.

† See Note D, page 122.

‡ See Note E, page 122.

THE ANIMAL HOSPITAL.

FOUNDED BY

THOMAS BROWN.

CORRESPONDENCE

BETWEEN THE

SOCIETY ABOLITION VIVISECTION

AND THE

CHARITY COMMISSIONERS.

LONDON :

PICKERING & CO., 66, HAYMARKET, S.W.

1883.

CORRESPONDENCE
 BETWEEN THE
 SOCIETY ABOLITION VIVISECTION
 AND THE
 CHARITY COMMISSIONERS.

HENBURY, MACCLESFIELD, CHESHIRE.

SOCIETY FOR THE ABOLITION OF VIVISECTION.

15 *May*, 1883.

To the Honble.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES.

GENTLEMEN,—Having received information some time since that the practice of Vivisection was carried on at the Institution in the Wandsworth Road known as the “BROWN ANIMAL SANATORY INSTITUTION,” this Society obtained a copy of the Will of its Founder, Thomas Brown (who bequeathed to the Chancellor, Vice-Chancellor, and Fellows of the University of London, the sum of £20,000 for founding and upholding the Institution), and took Counsel’s Opinion thereon. A copy of such Opinion was in December last forwarded by the Society to the Chancellor, Vice-Chancellor, and Fellows of the University of London; with a Petition that they would intervene for the purpose of suppressing the practice referred to.

In the month of April last the Society received a Letter from the Registrar of the University, with a Copy of the Report of the Committee of the Senate under whose superintendence the “BROWN INSTITUTION” is more particularly placed. Copies of Counsel’s Opinion and of the Letter and Report in question accompany this Communication.

It appears to this Society that for the reasons stated in the Opinion of Counsel the Experiments referred to in the Report are clearly not within the intention of the Founder or the scope and meaning of his Will; and that, as a question of principle, the use or employment, to any (even the slightest) extent, for the purposes of such Experiments, of the Buildings or Appliances of the Institution, or of the services of its Officers or Servants, amounts, in fact, to an appropriation of the Funds of the Institution to purposes not within the contemplation of its founder. The Report, therefore, is not satisfactory to this Society, and the Society humbly, but with a deep sense of its responsibility, entreats your Honourable Board to exercise in your discretion, all such

powers as may be vested in you, and to use all your influence for the suppression of the Practice above referred to in the Institution in Question.

I am, Gentlemen,

Your obedient Servant,

GEORGE R. JESSE,

Honorary Secretary.

[*Enclosure.*]

COUNSEL'S OPINION.

I HAVE perused the accompanying office copy Will of THOMAS BROWN, whereby a Bequest is made to the Chancellor, Vice-Chancellor, and Fellows of the UNIVERSITY OF LONDON, for the founding and upholding an Institution "for investigating, studying, and without charge, beyond immediate expenses, endeavouring to cure" maladies and injuries to which Quadrupeds and Birds useful to man may be subject.

As regards animals not belonging to the Institution, but sent thither by the public for treatment, it is clear that the Officers of the Institution can have no right to deal with them as subjects for Vivisection. The question of Vivisection therefore arises only with regard to animals to be used for the purposes of investigating and studying the maladies and injuries above referred to; the provision made by the Will for the purchase of which will be presently mentioned.

The Testator, after directing the appointment of a Superintendent or Professor of the Institution, expresses his desire that "*kindness to the animals committed to his charge shall be a general principle of the Institution;*" and then empowers the Governing Body of the London University, or a Committee to be appointed by them, "to decide about the purchase of *diseased animals or their carcasses* for the *promotion of science.*" But nothing is said by him as to animals in sound health the Testator speaking only of "*diseased animals or their carcasses.*"

Since, therefore, under the terms of the Will, science is to be promoted, not by means of sound animals, but by means of diseased animals or their carcasses, it would seem from the Testator excluding sound animals, which perhaps are oftenest used in Vivisection, and coupling together diseased animals and their carcasses, the latter of which cannot be so used, that the practice of Vivisection was not in his contemplation, and that he had no intention of authorising it; and, had it been otherwise, it is only reasonable to suppose that he would have included animals in sound health, and used in his Will language either authorising the practice, or showing his approval of it.

It is observable, moreover, that at the date of the Will (1846), the practice of Vivisection was comparatively unknown to the public, and it was the less likely, therefore, to have been in the mind of the

Testator ; whose meaning doubtless was, that diseased animals should be purchased for the purposes of experimental medical treatment, and dead carcasses for the purposes of investigation by dissection.

And the authority given by the Will for the purchase of carcasses which can only be used for dissection, may be considered as excluding, by implication, the purchase of living animals for that purpose. Nor would the purchase of carcasses be necessary if, under the terms of the Will, living animals could be acquired and used. Upon the whole, and particularly having regard to the Testator's express desire that kindness to the animals committed to the charge of the Superintendent should be a general principle of the Institution, I am of opinion that Vivisection and painful surgical experiments upon animals, whether diseased or sound, are not within the intention of the Testator or the scope and meaning of his Will ; and that the buildings, funds, and appliances of the Institution cannot properly be used or made available for such purposes.

If there be reason to suppose that Vivisection is now practised in the Institution, I think the better course will be, first, to apply by petition to the Chancellor, Vice-Chancellor, and Fellows of the University of London, praying their mediation for the purpose of suppressing the practice ; and, should this fail, then to make an application to the Charity Commissioners for England and Wales, seeking the exercise by them of their powers for the like purpose.

But should neither of these modes be effectual, the only course will be to bring the matter, if practicable, before the Chancery Division of the High Court, with a view to a judicial interpretation being put upon the Will, and the objectionable practice restrained by injunction. Having regard to the terms of the Will as to the locality of the Institution, it may be well perhaps to ascertain the fact that it is situate within a mile of either Westminster or Southwark.

E. CHESTER JONES.

Lincoln's Inn, *November* 14, 1882.

HENBURY, MACCLESFIELD, CHESHIRE.

SOCIETY FOR THE ABOLITION OF VIVISECTION.

5th December, 1882.

To

THE CHANCELLOR, VICE-CHANCELLOR, AND FELLOWS OF
THE UNIVERSITY OF LONDON.

GENTLEMEN,—In consequence of information that animals are dissected alive, have diseases created upon them, and are otherwise cruelly treated at the Animal Sanatory Institution, in the Wandsworth Road, commonly called "The Brown Institution," we obtained copy of the Will of the late Mr. Thomas Brown who bequeathed £20,000 for

founding the said Institution, and have taken counsel's opinion thereon. Such opinion confirms our own view that the above-mentioned practices are much opposed to the intentions of the Testator aforesaid, who expressly desired in his Will that kindness to the animals should be a general principle of the Institution.

We beg leave to forward herewith, for your perusal, the opinion of counsel, and we petition you to intervene for the purpose of suppressing the aforesaid practices in "The Brown Institution."

I remain, Gentlemen,
Your obedient Servant,

GEORGE R. JESSE,

Honorary Secretary.

[*Enclosure.*]

UNIVERSITY OF LONDON.

BURLINGTON GARDENS, W.

19th April, 1883.

SIR,—I am directed to inform you that the Committee of the "Brown Animals Sanatory Institution" have, at the request of the Senate, made careful inquiry into the question raised by your letter of December 5th, 1882, and have reported to the Senate that there is nothing in the practice of the Institution inconsistent with the directions of Mr. Brown's Will or with the principles of humanity. Adopting this Report, the Senate are of opinion that there is no ground on which they can properly interfere with the existing arrangements under which the work of the Institution is carried on. I am authorised to forward for your perusal a copy of the Report.

I am, Sir,

Your obedient Servant,

ARTHUR MILMAN.

GEORGE R. JESSE, Esq.

UNIVERSITY OF LONDON.

COMMITTEE

OF THE

BROWN ANIMAL SANATORY INSTITUTION.

Report upon the Reference from the Senate contained in Minute 361, Meeting of December 20th, 1882.

Having carefully considered the Letter of Mr. Jesse, referred to them by the Senate, and having inquired into the facts of the case, the Committee report as follows:—

According to the view we have from the first taken of the Trusts of Mr. Brown's Will, they comprise two separate objects :

- (1) The "investigation and study of the diseases of animals useful to man," for the advancement of science in relation to such diseases ; that is, by a better knowledge of their nature, to discover surer means for their prevention and cure.
- (2) The "endeavouring to cure" the diseases of animals committed to the charge of the Professor-Superintendent for hospital treatment ; in which endeavour, kindness to the animals so committed is to be the general principle of the Institution.

This interpretation of the two-fold object of the Trust was fully confirmed by the opinion of Mr. (afterwards Vice-Chancellor) Charles Hall, to whom the Senate in 1873 referred the question then raised by some of its members, whether the artificial induction of Disease, for the purpose of Scientific Investigation, is a legitimate part of the work of the Institution.

Assuming, then, the justice of this view, we are of opinion that the Experiments performed in the Institution during the period over which we thought it sufficient to extend our inquiry are strictly within the terms of the Trust.

These Experiments may be divided into two classes.

The first class, to which alone the term Vivisection (the charge conveyed in Mr. Jesse's letter) could in any sense be applied, consists of a series of Experiments performed by the Professor-Superintendent upon the smaller quadrupeds (dogs, cats, rabbits, guinea-pigs) for the purpose of ascertaining, by the artificial induction of specific pathological conditions, the nature and best mode of treatment of certain cardiac and renal diseases depending on those conditions, to which the larger quadrupeds useful to man, especially horses and cattle, are extremely subject.

The total number of Experiments (performed between October, 1881, and February, 1883) was 42. In every instance the animal operated upon was previously made insensible to the pain of the operation by chloroform, with or without some additional anæsthetic, and such insensibility was kept up until the death of the animal. In no case could the operation be described as cruel, since the animal felt no pain.

We think it well to mention that the animals experimented on were not diseased, and were not purchased out of the funds of "The Brown Institution ;" their sole connection with it being that the experiments were conducted within the walls of that Institution by the Professor-Superintendent, under the license which he holds.

The other class of Experiments referred to in the letter consists of two series of Experiments performed at the expense and request, in one case of the Earl of Pembroke, in the other of the Royal Agricultural Society.

The first series consisted in the inoculation of several dogs and one or two cats with the Distemper, with the view of ascertaining whether a mild form of this disease would not preserve the animal from a

subsequent attack in a severer form. The effect of the inoculation was to produce slight febrile symptoms, from which, as a rule, the animal soon recovered.

The second series consisted in the inoculation of sheep with Anthrax, with a like view. The results were precisely similar to those obtained in the case of the Distemper. None of the Inoculation Experiments ought to be described as cruel; and they were highly important in the interests of science, and with a view to the prevention of disease.

We are of opinion that the Experiments were properly and humanely performed; and that there is no ground whatever for the interference of the Senate with a view to prevent similar operations in future.

CHARITY COMMISSION,

WHITEHALL, S.W.,

18th May, 1883.

‘CHARITABLE TRUSTS ACTS.’

BROWN ANIMAL SANITARY INSTITUTION.

SIR,—I have to acknowledge the receipt of your letter of the 15th instant, and its enclosure, which will receive attention in due course.

I am, Sir,

Your obedient Servant,

HENRY M. VANE,

Secretary.

G. R. JESSE, Esq.

CHARITY COMMISSION,

WHITEHALL, S.W.,

31 May, 1883.

‘CHARITABLE TRUSTS ACTS.’

UNIVERSITY OF LONDON.

THOMAS BROWN'S CHARITY.

SIR,—The Commissioners will, if you so desire it, cause a copy of your letter of the 15th inst. to be forwarded to the Trustees for their observations.

I am, Sir,

Your obedient Servant,

HEN. M. VANE,

Secretary.

GEORGE R. JESSE, Esq.,
Henbury,
Macclesfield.

HENBURY, MACCLESFIELD, CHESHIRE.

SOCIETY FOR THE ABOLITION OF VIVISECTION.

11th June, 1883.

‘CHARITABLE TRUSTS ACTS.’

UNIVERSITY OF LONDON.

THOMAS BROWN’S CHARITY.

To

THE HONOURABLE THE CHARITY COMMISSIONERS OF ENGLAND AND
WALES.

GENTLEMEN,—In reply to your letter of the 31st ult., we beg leave to say that the matter is in the hands of the Commissioners, and our Society does not desire in any way to dictate the course they should pursue. We only trust they will take such steps as in their opinion will best carry out the object of the Society. For such purpose the Commissioners are at liberty to use the letter of the 15th ult., and any documents which have been forwarded by the Society.

I am, Gentlemen,

Your obedient Servant,

GEORGE R. JESSE,

Honorary Secretary.

CHARITY COMMISSION,

WHITEHALL, S.W.,

12th June, 1883.

CHARITABLE TRUSTS ACTS.’

UNIVERSITY OF LONDON.

THOMAS BROWN’S CHARITY.

SIR,—I have to acknowledge the receipt of your letter of the 11th instant, which will receive attention in due course.

I am, Sir,

Your obedient Servant,

HENRY M. VANE,

Secretary.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE.
SOCIETY FOR THE ABOLITION OF VIVISECTION.

22nd September, 1883.

‘CHARITABLE TRUSTS ACTS.’

UNIVERSITY OF LONDON.

THOMAS BROWN’S CHARITY.

To

THE HONOURABLE THE CHARITY COMMISSIONERS OF ENGLAND AND
WALES.

GENTLEMEN,—We duly received your acknowledgment of the 12th
June. No communication from you has arrived since that date.

I am, Gentlemen,

Your obedient Servant,

GEORGE R. JESSE,

Honorary Secretary.

CHARITY COMMISSION,

WHITEHALL, S.W.,

25th September, 1883.

‘CHARITABLE TRUSTS ACTS.’

UNIVERSITY OF LONDON.

THOMAS BROWN’S CHARITY.

SIR,—Adverting to your letter of the 22nd instant, I am to inform
you, that, shortly before the recess, a communication was received from
the Senate of the University of London on the subject of your letter of
the 15th May last, but not in time to enable the matter to be then
brought before the Board.

An early opportunity will be taken of bringing the matter under
the consideration of the Commissioners as soon as the sittings of the
Board shall have been resumed.

I am, Sir,

Your obedient Servant,

HENRY M. VANE,

Secretary.

GEORGE R. JESSE, Esq.,
Henbury,
Macclesfield.

CHARITY COMMISSION,

WHITEHALL, S.W.,

30th November, 1883.

'CHARITABLE TRUSTS ACTS.'

BATTERSEA.

BROWN ANIMAL SANATORY INSTITUTION.

SIR,—Your communication of the 15th of May last having been considered, I am directed to state that, assuming that the animals, which were the subjects of the experiments complained of in the correspondence referred to by you were not among those committed to the charge* of the Professor-Superintendent, there would not appear to be any sufficient ground for the intervention of the Commissioners in the matter.

I am, Sir,

Your obedient Servant,

HENRY M. VANE,

Secretary.

GEORGE R. JESSE, Esq.,
Henbury,
Macclesfield.

* See Note F, page 122.

OPINION OF
MR. MONTAGUE COOKSON, Q.C.

1. The view taken by the Charity Commissioners appears to be that the testator's expressed desire that "*kindness to the animals*" committed to the charge of the Professor-Superintendent is to be "*a general principle of the Institution*" applies only to certain animals operated on within its walls, and not to others; e.g. that it applies to animals sent there by their owners to be treated for disease with a view to cure, or purchased out of the funds of the Institution with a view to the promotion of science, and not to animals operated upon in the manner described in the latter part of the Report. I cannot concur in this construction of the Will. I think that the desire so expressed applies to ALL animals dealt with at the Institution, from whatever source they come, and that each of them must be taken to have been committed to the charge of the Superintendent, for whose appointment the testator has made careful provision. The real question is, whether what takes place there does, or does not, fall within the testator's intentions to be gathered from his Will. The Will does not, in terms, contemplate the treatment, by inoculation or otherwise, of animals not diseased; but, having regard to its date, this is not, in my opinion, conclusive, and provided the operations lead to no worse results than those stated in the Report, I cannot think that they are outside what the testator has permitted. In other words, I think that the investigation and study of the diseases of animals, apart from their immediate cure, must be taken to have been one of the testator's objects, and that such investigation may, within limits incapable of exact definition, be conducted according to the scientific methods for the time being in use, subject to such restriction as the law may impose. It is stated in the Report that both the series of experiments which are attended with pain are conducted with the view of preserving the animal from a subsequent attack in a severer form, and this does not appear to me to be inconsistent with the general principle which the testator has laid down. I think, therefore, that, assuming, as I do, that the Report fully discloses the practice of the Institution, this question must, under existing circumstances, be answered in the affirmative.

2. If any different practice were to be adopted, the Charity Commissioners would no doubt reconsider their opinion on the new facts being brought before them; and, if they should decline to interfere, the Society may apply to the Attorney-General to commence an action in the nature of an information in order to take the opinion of the Court and obtain an injunction.

MONTAGUE COOKSON,
Lincoln's Inn,
8 Sept. 1884.

THE BROWN ANIMAL SANATORY INSTITUTION.

CASE.

A MR. THOMAS BROWN BY HIS WILL dated 14 December 1846 (Copy of which accompanies) bequeathed a considerable sum to the Chancellor Vice Chancellor and Fellows of the University of London to found an Institution “*for investigating studying and without charge beyond immediate expenses endeavouring to cure maladies distempers and injuries any quadrupeds or birds useful to man might be found subject to.*” Various directions respecting the Government and carrying out of the Institution will be found in the Will.

The Institution founded in pursuance of the Will is situated in Wandsworth Road and known as “THE BROWN ANIMAL SANATORY INSTITUTION.” Several years ago it came to the knowledge of the Society for the Abolition of Vivisection that vivisection was practiced there.

The Society thereupon took an opinion from Mr. E. Chester Jones as to the legality of such practice and the means which might be adopted by the Society to suppress it. (The Opinion appears on pages 4 & 5 of the enclosed printed Correspondence.)

Acting upon this opinion the Society has as will be seen by the printed Correspondence, petitioned first the Chancellor Vice Chancellor and Fellows of the London University and afterwards the Charity Commissioners to suppress the practice of vivisection in the Institution, and in both instances unsuccessfully.

Counsel is requested to peruse the Will and Correspondence sent herewith and to advise the Society for the Abolition of Vivisection.

1st. Generally, whether the practice of vivisection at the Institution can be held to be within the Founder’s intention, and in particular whether such an application of the Buildings and appliances of the Institution and of the services of its officers and servants as is admitted in the Report (page 7 of printed Correspondence) for the experiments there referred to can be justified.

2ndly. What means the Society can adopt to bring about the suppression of the practice of vivisection and painful experiments at the Institution.

THE BROWN ANIMAL SANATORY INSTITUTION.

To the Subscribers of the
SOCIETY ABOLITION VIVISECTION,
and the
FRIENDS OF ANIMALS.

CONTINUED exertion has been maintained to bring before the High Court of Justice the question of the late Mr. Thomas Brown's Will by which £20,000 was humanely bequeathed to lessen the sufferings of Animals useful to Man: And the barbarous practices carried on with those very Funds at The Brown Institution in the Wandsworth Road. Since taking a Legal opinion and applying to the University of London in 1882; and Petitioning the Charity Commissioners in 1883; we consulted eminent Counsel—Mr. Montague Cookson, Q.C. His opinion (like the one previously obtained from Mr. E. Chester Jones) proving favourable to our object, we again brought the matter before the Charity Commissioners, and have now had Statement drawn up and submitted to the Attorney-General for his Fiat. Herewith is Correspondence thereon from our Solicitor, Mr. Pemberton. From it you will learn the Attorney-General requires a Guarantee for the Costs before he will peruse the Papers we have lodged with him, and those Costs probably would not be less than £500. We have also been advised that as the Case will, as a matter of course, be fought to the death by our opponents—the most expensive Counsel employed against us, and the most eminent Doctors be called to make the Jury believe, if possible, that no cruelties or sufferings are inflicted on the Animals—the Trial may last several days, and our Costs (as you will see by the Correspondence), if unsuccessful, amount to £2,000. Under these circumstances, and as the present Funds of the Society are not equal to meeting such requirements, it is necessary to appeal to the Supporters of the Society, and all real Friends to Animals, for Funds to carry on the war. The object is one of the very highest importance to the Cause. The Brown Institution, most grossly perverted, in our matured opinion, from the intentions of the benevolent Founder, has become the Head Quarters of the Physiologists. They

style it "The Brown." The first Hospital founded to solace and mitigate the sufferings of Animals useful to Man has thus been converted into a Hell for torturing and rendering them miserable. Numbers of Physiologists practice Vivisection in privacy and secrecy within its Walls. Among them is one who admitted before the Royal Commission on Vivisection, that "he had no regard at all to the sufferings of the Animals," and only "used Anæsthetics for *convenience*' sake." The accompanying Paper irrefutably demonstrates the principles and practices of Physiologists. To invoke the Law, and thereby expel them by Injunction from the Hospital founded by the charitable bequest of Mr. Thomas Brown, who expressly enjoined by his Will that kindness to the Animals shall be a general principle of the Institution, is an enterprise well worthy of the humane, one of no slight moment, for it must, if successful, deal a blow to Vivisection, which, resounding throughout the Kingdom, and even beyond its shores, will prove of incalculable advantage to the Animal World. The Subscribers of The Society Abolition Vivisection, and all persons who believe that Justice extends to the Brute Creation, and consequently that nothing justifies delivering Innocent and Defenceless Creatures of our God into the hands of a Tormentor, are earnestly requested to respond liberally and promptly to this appeal; also, to solicit their Friends, and do all in their power to enable this important matter to be brought to issue before the Court of Chancery. If the Fiat of the Attorney-General cannot be obtained, all Donations will, if so desired by the Donors, be returned to them.

An early response is requested, as the Statement of Claim is now in the hands of the Attorney-General.

GEORGE R. JESSE,

Honorary Secretary,

Society Abolition Vivisection.

Henbury, near Macclesfield, Cheshire.

April 1886.

THE BROWN ANIMAL SANATORY INSTITUTION.

44 LINCOLN'S INN FIELDS, LONDON, W.C.,
19th March, 1886.

BROWN'S CHARITY.

DEAR SIR,—We have now lodged the Papers with the Attorney-General, but before he will peruse them he requires a guarantee from us that you are in a position to pay all the costs of the litigation in the event of its proving unsuccessful. Probably the costs, in that event, would not be less than **£500.** * * * *

I am, dear Sir,

Yours faithfully,

C. S. PEMBERTON.

G. R. Jesse, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,
25th March, 1886.

SOCIETY FOR THE ABOLITION OF VIVISECTION.

DEAR SIR,—I am obliged by your counsel of the 19th inst., and will act upon it.

If the Five Hundred Pounds is sufficient Guarantee for the Attorney General, the Society will give that engagement. * *

Believe me, dear Sir,

Yours sincerely,

GEORGE R. JESSE,

Hony. Secty.

C. S. Pemberton, Esq.,
44 Lincoln's Inn Fields,
W.C. London.

44 LINCOLN'S INN FIELDS, LONDON, W.C.,
27th March, 1886.

BROWN INSTITUTION.

DEAR SIR,—The assurance we have to give to the Attorney-General, and for which we have to pledge our professional position, is that you are in a position to pay *any* costs that may be incurred, and we are bound, therefore, to satisfy ourselves that, assuming the costs reached, say, **£2,000**, you would be in a position to defray them. *

* * * *

I am, dear Sir,

Yours faithfully,

C. S. PEMBERTON.

G. R. Jesse, Esq.

THE BROWN ANIMAL SANATORY INSTITUTION.

THE PRINCIPLES AND PRACTICES OF PHYSIOLOGISTS.

“ Out of thine own mouth will I judge thee.”—LUKE.

THE practices carried on by Physiologists under the term “ Experimenting upon living Animals ” cannot be imagined, much less realised and understood, by persons who have not studied the writings of the Physiologists—been eye-witnesses of their secret proceedings in the privacy of their Laboratories—or received information from the Experimenters themselves. But a perusal of the admissions and statements made by some of those Experimenters are conclusive and irrefragable evidence, and will bring home to the mind the intensity of the misery and agony which they inflict upon their victims. The Principle upon which the Experimenters upon living Animals act is this, that “ the remotest prospect of a discovery useful to human beings will justify the infliction on all other creatures of the most excruciating pain.” One of the advocates of these practices has publicly asserted that animals must, like rocks, water, and plants, be broken up and put in the crucible, analysed, dissected alive, and that the question of the Animal being sensitive makes no difference.

The Regius Professor of Medicine in the University of Oxford stated before the Royal Commission on Vivisection :—“ There has come to be a pursuit of knowledge in this direction, just as you pursue knowledge of metals with the ordinary apparatus of a Chemical Laboratory. So many persons have got to deal with these wonderful and beautiful organisms just as they deal with physical bodies that have no feeling and no consciousness.”

A Physiologist who practices Vivisection at the Brown Animal Sanatory Institution, admitted before the above-mentioned Commission that he “ disregarded entirely the question of the suffering of the Animal in performing a painful experiment.” He also asserted “ that a Physiologist has a right to do as he likes with the Animal,” and “ it was only because the Dog might howl, or get into contortions, that he would use Anæsthetics at all.” “ I never ” (said this Physiologist) “ use Anæsthetics where it is not necessary for convenience.” “ As an investigator . . . he held as entirely indifferent the sufferings of the Animal which was subjected to investigation.”

The late Sir William Fergusson, Serjeant Surgeon to the Queen, publicly denounced these barbarities, and said that "these experiments are done very frequently in a most reckless manner," "in a manner that, if it were known to the public at large, would call for interference on their part," "and would bring the reputation of certain scientific men far below what it should be."

The statements made by a Superintendent of the Brown Animal Sanatory Institution, relative to his own practices at the Institution on Animals, would have been consistent with the language of Mr. Brown's Will had the testator expressed a desire that "*Barbarities* to the Animals shall be a general Principle of the Institution." But Mr. Brown said the very reverse—namely, that "*Kindness* to the Animals" "shall be a general Principle of the Institution." The distinction attempted to be drawn between the Animals *brought* for cure and those *bought* for study of disease is ridiculous. On such a quibble the same Dog might be taken to the Institution for cure, and must be treated with kindness, and on another occasion be bought from the Dog-stealer* and cut up alive. The Principles which are considered to be a just guide of conduct towards Patients at other Hospitals ought to regulate the treatment of Patients at the Brown Hospital.

It was admitted by another Superintendent of the Institution that the Animals kept there for the purpose of painful investigation were more numerous than the Animals kept for the purpose of cure, and he gave it as his opinion that, under some circumstances, any amount of torture might justifiably be inflicted on an Animal.

The Brown Animal Sanatory Institution was founded expressly and entirely for the welfare and benefit of Animals—for Animals alone, not for Men. Nevertheless, excessive misery, suffering and death are barbarously inflicted upon them, and not for the benefit of Animals, but for the supposed advantage of Men! If this is not totally contrary to the terms and spirit of the Will, what can be?

Could there be a Being more mentally deformed and unnatural than a Man, who, from kindness of heart and sense of justice, founded and endowed a *Hospital for Animals useful to Man* in order to alleviate their sufferings, and at the same time willed that those *Animals useful to Man* should be mangled, mutilated, tortured to death, and subjected to lengthened misery? The supposition is monstrous. Nevertheless, the Physiologists wish the world to believe such a Being was Mr. Thomas Brown!

April 1886.

* See Note G, page 122.

THE BROWN ANIMAL SANATORY INSTITUTION IN THE
WANDSWORTH ROAD, LONDON.

I contribute this Donation to the Fund for obtaining a Judicial Interpretation of the Will of the late Mr. Thomas Brown.

NAME.	RESIDENCE.	DONATION. £ s. d.

*Remittances by Crossed Cheques, or Postal Orders to GEORGE R. JESSE, Esq., Honorary Secretary,
Society Abolition Vivisection, Henbury, near Macclesfield, Cheshire.*

April, 1886.

THE ANIMAL HOSPITAL.

FOUNDED BY

THOMAS BROWN.

“The Time will come, when Humanity will extend its mantle over everything which breathes. We have begun by attending to the condition of Slaves; we shall finish by softening that of all the Animals which assist our labours or supply our wants.”

PICKERING & CHATTO,
66, HAYMARKET, ST. JAMES'S, LONDON, S.W.

“*Publicity is the Soul of Justice.*”—BENTHAM.

[From “*The Standard*” of 30th December, 1886.]

THE BROWN ANIMAL SANATORY INSTITUTION, in the Wandsworth Road.

The late Mr. Thomas Brown humanely bequeathed £20,000 “for the founding, establishing, and upholding an Institution for investigating, studying, and, without charge beyond immediate expenses, endeavouring to cure maladies, distempers, and injuries any Quadrupeds or Birds useful to Man may be found subject to.” . . . “And” (continues Mr. Thomas Brown in his Will) “I will and direct that the Professor or Superintendent of the said Animal Sanatory Institution shall have a Residence adjacent thereto, besides a Salary.” “AND I FURTHER DESIRE THAT KINDNESS TO THE ANIMALS COMMITTED TO HIS CHARGE SHALL BE A GENERAL PRINCIPLE OF THE INSTITUTION TO BE FOUNDED AS AFORESAID.”

In “*The Lancet*” of December 18 and 25, 1886, are abstracts of Lectures delivered by the Superintendent of the Brown Animal Sanatory Institution, from which are extracted the following passages relative to “Experiments” performed on Dogs, Cats, Monkeys, Sheep, and Pigs, and also on one “Donkey.” “Recent Experimental Research” is given in detail by the Superintendent, though he admits that “*the results of Experimental Science had been somewhat ridiculed by Clinical Physicians.*” The removal of one lobe of the thyroid gland—the public is informed—may be carried out in Dogs and the Animal kept alive for a great number of days. In one case in which the Superintendent had “operated,” the Animal was killed after a lapse of 160 days from the operation. “An adult Fox-terrier, from whom one lobe of the thyroid gland was removed, was submitted to Experimental excitation of the Cerebral hemispheres after the expiration of a period of 271 days. An adult black-and-tan Dog was similarly the subject of an Experiment 109 days after removal of one lobe of the thyroid; also a Bonnet Monkey 84 days after a similar operation. The motor centres of each of these Animals were exposed under precisely similar conditions.”

(*To be continued.*)

GEORGE R. JESSE, Honorary Secretary,
Society Abolition Vivisection.

Henbury, Macclesfield, Cheshire, December 28, 1886.

THE BROWN ANIMAL SANATORY INSTITUTION, in the Wandsworth Road.

[Continued from “*The Standard*” of 30th December, 1886.]

“And I further desire that KINDNESS TO THE ANIMALS committed to his* charge shall be a general principle of the Institution.”—[Extracted from the Will of the late Thomas Brown.]

* The Professor or Superintendent.

[From *The Lancet* of 18th December, 1886.]

“In order to place on an Experimental basis the subject of innervation of the gland, Mr. Horsley* had performed two Experiments on Dogs. In each Dog an inch of the recurrent laryngeal nerve was excised on one side. One Dog was kept alive nine and the other eleven months.” . . . “Mr. Horsley considered that we must await the result of further investigation before coming to any conclusion concerning the influence of the sympathetic nerve-supply.” . . . “One Experiment was made on a Donkey. The thyroid gland was excised in August, 1885, and the Animal died in 205 days, or about seven months. The chief symptoms for two months were emaciation and weakness, the mental hebetude, if any, was difficult to gauge,” “the animal became so weak as to be unable to stand.” “Two Experiments had been made in Sheep.” . . . “In two Pigs the removal of the thyroid was followed by characteristic symptoms of tremors, leucocytosis, and anæmia with subnormal temperature.” . . . “In Monkeys the symptoms supervened fairly rapidly after removal of the gland, especially in cold weather and in young Animals. In Cats also the symptoms soon became evident, and this was even more marked in the cases of young adult Dogs.” . . . “The whole subject, however, required further investigation.”

GEORGE R. JESSE, Honorary Secretary,
Society Abolition Vivisection.

Henbury, near Macclesfield, Cheshire, 3 January, 1887.

* The Professor or Superintendent.

THE BROWN ANIMAL SANATORY INSTITUTION, in the Wandsworth Road.

[Continued from “*The Standard*” of 6th January, 1887.]

“And I further desire that KINDNESS to the ANIMALS committed to his* charge shall be a general principle of the Institution.”—[Extracted from the Will of the late Thomas Brown.]

“*The Lancet*” of December 25, 1886, states as follows in its abstract of “Recent Experimental Research,” detailed by Mr. Victor Horsley, the Professor Superintendent of the Institution aforesaid. “The views of others as to the convulsive centre of the bulb alone, must be set aside. Ferrier believes that movements may be evoked by stimulation of the corpus striatum, but Mr. Horsley has been unable to corroborate this.”

“Given” (says the Professor Superintendent) “a convulsion in the Rabbit or Guinea-pig composed of tonic cord clonic spasms, what is the locality of the motor disturbance?”

“The next series of observations were those in which the convulsions were elicited by reflex irritation.” . . . “It was important to know, as Mr. Horsley had definitely determined, that there was no need in Brown-Sequard’s methods that the wounds should suppurate or even inflame much.” Here succeeds a description of the “Phe-

* The Professor or Superintendent.

nomena" extorted from Guinea-pigs, namely, "fits"—"tonic spasms"*—"lateral tonic spasms"—"followed by complete pleurosthotenos"†—"spreading movements of the toes from tonic spasm in the limbs"—"loss of consciousness"—"the animal falling over on its back, then rapid clonic‡ spasm of the whole four limbs, with genuine opisthotonos§ and opening of the mouth, so that the head and trunk was in a tonic, and the belly and limbs in a clonic state." "The matter was still under investigation. Mr. Horsley considered that there was nothing in the results of the Experimental Researches that necessitated the hypothesis of a special co-ordinating convulsive centre."

GEORGE R. JESSE, Honorary Secretary,
Society Abolition Vivisection.

Henbury, near Macclesfield, Cheshire, January 13, 1887.

* Rigid contraction of muscles without relaxation.

† Stretched from one side.

‡ Spasms, alternate in contractions and relaxations.

§ Stretching convulsions backwards.

THE BROWN ANIMAL SANATORY INSTITUTION, in the Wandsworth Road.

[Continued from "*The Standard*" of 15th January, 1887.]

"And I further desire that KINDNESS to the ANIMALS committed to his* charge shall be a general principle of the Institution."—[Extracted from the Will of the late Thomas Brown.]

[From "*The Lancet*" of 25th December, 1886.]

"Mr. Horsley* had observed that there was a great difference between different Monkeys and different parts of the motor cortex in respect of the facility with which convulsions could be evoked." . . . "If a Monkey were lowered in health as the result of diarrhœa, a convulsion was more easily elicited than in the same animal when well." . . . "Absinthe and alcohol injected into the venous circulation might spontaneously originate convulsions of cortical type."†

"Mr. Horsley next gave an account of Experiments made by him which seemed to prove the same conclusion. In the first group of Experiments the corpus callosum was completely divided. In the first Dog, the division, &c." . . . "In the second Dog, there was, besides division, &c." . . . "In the third Dog the division, &c." . . . "In a Monkey the corpus callosum, anterior commissure, median commissure, and fornix were all completely divided, with the result that cortical stimulation caused epilepsy only in the opposite limbs."

GEORGE R. JESSE, Honorary Secretary,
Society Abolition Vivisection.

Henbury, near Macclesfield, Cheshire, 20th January, 1887.

* The Professor or Superintendent.

† Does this statement, made by the Professor Superintendent, indicate a repetition of the Alcohol and Absinthe "Experiments" made on Dogs at Norwich by Dr. Magnan and others, which "Experiments" formed the subject of a prosecution at Petty Sessions in 1874? Sir William Fergusson, Serjeant Surgeon to the Queen, asserted of those "Experiments" that they "*could not have been of the very smallest possible use.*" The President of the Royal College of Surgeons of Ireland, and Dr. Haughton, Professor of Physiology, Trinity College, Dublin, also protested against those "Experiments." See Note H, page 123.

THE BROWN ANIMAL SANATORY INSTITUTION, in the Wandsworth Road.

[Continued from "*The Standard*" of 22nd January, 1887.]

"And I further desire that KINDNESS TO THE ANIMALS committed to his* charge shall be a general principle of the Institution."—Extracted from the Will of the late Thomas Brown.

[From "*The Lancet*" of 25th December, 1886.]

Mr. Horsley* continues as follows, in accounting for the employment of his time at the Brown Animal Sanatory Institution:—"In the Second group of Experiments the motor centres were excised, and the electrical stimulation practised on both hemispheres. In a Monkey, the right motor centres were freely excised, with consequent left hemiplegia. Excitation of either hemisphere produced generally epilepsy, provided a very strong current were used." . . . "In the Third class of Experiments means were taken to depress the activity of the cortex of the brain on one side. A Monkey was trephined on the right side, and the wound allowed to become septic, with consequent meningitis; and at the end of two days the left limbs were found to be paralysed, but not completely. Excitation of the right hemisphere produced generalised epilepsy, but almost absolutely right-sided," &c. . . . "In the Fourth class of Experiments an artificial tumour was produced in the sub-cortical region, and therefore damaging the fibres of the corona radiata. An injection was made of thin plaster of Paris by means of a syringe plunged through a part of the motor cortex. This was done in a Monkey on the left side of the brain. Excitation of this left hemisphere caused no effect on the right limbs of the body, but evoked powerful epilepsy, which affected both eyelids and eyes, but only the left side of the face, trunk, and left limbs."

GEORGE R. JESSE, Honorary Secretary,
Society Abolition Vivisection.

Henbury, near Macclesfield, Cheshire, January 27, 1887.

* The Professor or Superintendent.

THE BROWN ANIMAL SANATORY INSTITUTION, in the Wandsworth Road.

[Continued from "*The Standard*" of the 29th January, 1887.]

"And I further desire that KINDNESS TO THE ANIMALS committed to his* charge shall be a general principle of the Institution."—[Extracted from the Will of the late Thomas Brown.]

The Lectures delivered by Mr. Victor Horsley* at the University of London, and quoted in "*The Lancet*" of December 18th and 25th, 1886, will, to some extent, let the Public comprehend in what manner the intentions of the late Mr. Thomas Brown, that, "Kindness to the Animals committed to his (The Professor Superintendent's) charge shall be a general principle of the Institution,"—are realised, understood, and carried out in the Hospital which he founded and endowed.

* The Professor or Superintendent.

Cutting out a lobe of the thyroid gland,—exposing the motor centres,—excising the recurrent laryngeal nerve,—trephining,—electrical stimulation on both hemispheres,—allowing a wound to become septic,—producing an artificial tumour,—injecting plaster of Paris through the motor cortex on the side of the brain, etc., of Animals in the Brown Animal Sanatory Institution would seem to be “A GENERAL PRINCIPLE OF THE INSTITUTION,” but, a mistaken view of “KINDNESS TO THE ANIMALS.” The “Donkey” (sic) who was 205 days in dying and for two months exhibited emaciation and weakness until he fell;—the Guinea-Pigs who displayed “Phenomena” such as “genuine opisthotonos”;—also the mutilated Dogs “kept alive,”—Monkeys, Sheep, etc., etc., etc., do not appear to have had their lot much ameliorated in the Hospital founded through the humanity and sense of justice of the late Mr. Thomas Brown.

GEORGE R. JESSE, Honorary Secretary,
Society Abolition Vivisection.

Henbury, near Macclesfield, Cheshire, February 3rd, 1887.

THE BROWN ANIMAL SANATORY INSTITUTION, in the Wandsworth Road.

[Continued from “*The Standard*” of 5th February, 1887.]

“And I further desire that KINDNESS TO THE ANIMALS committed to his* charge shall be a general principle of the Institution.”—Extracted from the Will of the late Thomas Brown.

At one of the operating Lectures in Paris, “An eminent Surgeon, after having performed upon an unfortunate Rabbit, threw the moaning and screaming Animal upon the floor, and, instead of putting it out of its misery, addressed it in a tone of banter,—‘Taisez-vous, ma chère.’”

Magendie remarked to his class, on the Dogs whose evil stars brought them acquainted with the interior of his Physiological Slaughter-house—“Vous savez, Messieurs, que les Chiens ne s’amusent pas ici.”

A Physiologist at the Brown Animal Sanatory Institution admitted that he “disregarded entirely the question of the suffering of the Animal in performing a painful experiment.” “It was only because the dog might howl, or get into contortions, that he would use Anæsthetics at all.”

A former Superintendent of the Institution did not deny that the Animals kept there for the purpose of painful investigation were more numerous than the Animals kept for the purpose of cure; and he gave it as his opinion that any amount of torture might justifiably be inflicted on an Animal.

A Professor gave public Lectures, in which he sought to amuse his audience by a description of the grim behaviour of the victims of his Experiments. This person carried on Vivisection of a private nature, for his own purposes, within the walls of the Institution.

* The Professor or Superintendent.

The Brown Animal Sanatory Institution was founded expressly for the welfare of Animals,—nevertheless, excessive misery, lengthened suffering, and slow death are inflicted upon numbers of them. The first Hospital established in England to mitigate the miseries of Animals useful to Man has been turned into a HELL.*

GEORGE R. JESSE, Honorary Secretary,
Society Abolition Vivisection.

Henbury, near Macclesfield, Cheshire, 10th February, 1887.

“Humanity to Animals is a Duty reposing on the same foundations as the claims of Man to Humanity.”

BENTHAM.

This Publication, and many others on the subject, may be purchased on application to the HONORARY SECRETARY and TREASURER, and PICKERING & CHATTO, 66 Haymarket, London, S.W., at the rate of: one-page pamphlet, 2s. per 100; two-page, 3s. per 100; four-page, 4s. per 100; six-page, 5s. per 100; eight-page, 6s. per 100; twelve-page, 10s. per 100.

Also, “THE UNABRIDGED EVIDENCE GIVEN BY THE SOCIETY FOR THE ABOLITION OF VIVISECTION,” before THE ROYAL COMMISSION, on the 1st and 6th November, and 20th December, 1875, by George R. Jesse. Crown 8vo., 156 pages. Price 2s. 6d. cloth.

Likewise, Pamphlets Refuting the Report of the Royal Commissioners: Controversies between the Society for the Abolition of Vivisection and leading Physiologists,—On Harvey, Asellius & Bell,—John Hunter and Aneurism,—Erichsen and Asphyxia,—Ovariectomy, Charles Clay, M.D., and T. Spencer Wells, F.R.C.S.,—Nitrite of Amyl and T. Lauder Brunton, M.D.,—Jones and the Ligature of Arteries,—Experiments in Snake Poisoning,—Experiments on Patients in Hospitals and Asylums,—Cerebral Localization and Brain Surgery,—The Brown Animal Sanatory Institution,—Rabies and Pasteur,—The Queen’s Jubilee, and Burning Scorpions alive,—Hydrophobia, Pasteur, Mesmer, Lord Doneraile, and Dr. Caudy,—&c., &c., &c.

‘La Nature semble nous avoir préparé elle-même des moyens de suppléer à cette impossibilité de faire certaines expériences sur les corps vivants.’—CUVIER.

* See Note I, page 123.

CORRESPONDENCE WITH THE SOLICITORS
OF THE SOCIETY ABOLITION VIVISEC-
TION,—TRINITY COLLEGE, DUBLIN,—THE
ROYAL SOCIETY FOR THE PREVENTION
OF CRUELTY TO ANIMALS,—AND THE
ATTORNEY-GENERAL.

HENBURY, MACCLESFIELD, CHESHIRE,
July 22, 1885.

DEAR SIR,—Mr. Henry I. Hood informs us that you are willing to take up the following matter which we are desirous to place in your hands.

We wish to make application to the Attorney-General for leave to commence an action, in order to obtain the opinion of the Chancery Court, and a judicial interpretation of the Will of the late Thomas Brown, with view to an Injunction to stop the practice of painfully experimenting upon Animals at the Brown Animal Sanatory Institution in the Wandsworth Road.

Herewith is copy of the Will, printed Opinion of Mr. Chester Jones, Correspondence with the University of London, and the Charity Commissioners. Also, Report from the Committee of the Brown Animal Sanatory Institution,—and Opinion of Mr. Montague Cookson, Q.C.

I remain, yours truly,

GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, London.

44 LINCOLN'S INN FIELDS, W.C.,
London, *July 23, 1885.*

DEAR SIR,—I have to thank you for your letter of yesterday's date, and for placing your case in our hands. It will give me great pleasure to undertake it, and it shall have my best attention.

Are you likely to be coming to town? If so, perhaps you will kindly favour me with a visit that we may talk the matter over.

Have you any evidence of the facts beyond the report of the Committee of the Brown Institution in 1882?

I am, dear Sir, yours faithfully,

C. S. PEMBERTON.

GEORGE R. JESSE, Esq.,
Henbury, Macclesfield, Cheshire.

HENBURY, MACCLESFIELD, CHESHIRE,
July 25, 1885.

DEAR SIR, —I am in receipt of your kind reply of the 23rd instant, and am sorry, that circumstances interfere with my going up to Town at present. Before long I hope to have the pleasure and advantage of discussing the matter with you as you propose.

Direct evidence of the practices now carried on within the walls of the Brown Institution is difficult to arrive at. Admission has been refused. Two of its Officials admitted before the Royal Commission on Vivisection in 1875, that "*no regard at all*" was paid to the sufferings of the Animals; and, that more Animals were kept in the establishment for the purpose of painful Experiment than were there for cure. The Medical Journals, and the Reports of the Professor-Superintendents, contain some details. The Institution seems to have become head-quarters for the Physiological fraternity. The accompanying printed Report for 1884-5 from Inspectors under "The Cruelty to Animals Act,"—39 & 40 Vict. c. 77—states that Seven Doctors and Surgeons (or thereabouts,) were Licensed during that time to experiment on Living Animals at the Brown Institution, in the Wandsworth Road,

I remain, dear Sir, yours truly,
GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, W.C.,
London, July 28, 1885.

DEAR SIR,—Has your attention been directed to Section 17 of the Charitable Trusts Act 1853, and if so may I ask whether the Charity Commissioners have been formally requested to give their authority for the commencement of proceedings in respect of the Brown Institution? If not, it seems to me that our first step is to apply to them for that authority, putting before them the fact that a bonâ fide legal question has arisen on the construction of the Founder's Will, upon which it is desired to obtain the opinion of the Court.

I see that in 1883, when you were in correspondence with the Commissioners, your object was to get them to interfere to put a stop to vivisection at the Brown Institution, but this the Commissioners declined to do on, as I venture to think, very insufficient grounds. They appear to have drawn a distinction between the animals at the Institution, which were committed to the charge of the Professor-Superintendent, and therefore entitled to be treated with kindness, and the other animals also at the Institution, but not committed to the care of the Superintendent, and therefore, in their view, not entitled to kind treatment.

This distinction appears to me to be a very strange construction to put upon the words of the Will, from the whole tenor of which any reader can see that the testator meant kindness, and nothing but kindness to all the animals for whose benefit he was founding the

Institution. At any rate, the question is one to be decided by a Court of Law, and the Charity Commissioners would, I think, if it were put to them, themselves admit that they are not a proper body to adjudicate upon the construction of a Will. If so, they ought not to refuse their authority to proceedings being commenced in the Courts of Law, and I propose, if you see no objection, to make the necessary application to them, explaining precisely my object for doing so, and that I am not asking for a re-consideration of their decision arrived at in 1883.

Perhaps you will kindly let me hear your views on the subject.

I am, dear Sir, yours faithfully,

C. S. PEMBERTON.

G. R. JESSE, Esq.,
Henbury, Macclesfield, Cheshire.

HENBURY, MACCLESFIELD, CHESHIRE,
July 30, 1885.

DEAR SIR,—I have not read Section 17 of the Charitable Trusts Act, 1853, nor have the Charity Commissioners been formally requested to give their authority for the commencement of proceedings in respect of the Brown Institution, but in May 1884 I saw two of the Commissioners (or their representatives) to endeavour to obtain information as to what more we could do. They stated application might be made to the Attorney-General.

I fully coincide with your opinion that the Commissioners should be formally requested to give authority for the commencement of proceedings.

If it should be urged against us that the Licensed Physiologists are inspected by the Government Inspector, who reports there is no cruelty practised or appreciable suffering inflicted, we are prepared to prove the so-termed Inspection is nominal,—in plain language, an utter sham.

Believe me, dear Sir, yours sincerely,

GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, W.C.,
London, *August 7, 1885.*

DEAR SIR,—I enclose you a copy of a letter I have to-day written to the Charity Commissioners. Probably it will be some time before we have a reply from them, but you shall be duly informed when we do.

I am, dear Sir, yours faithfully,

C. S. PEMBERTON.

G. R. JESSE, Esq.
Henbury, Macclesfield, Cheshire.

44 LINCOLN'S INN FIELDS, W.C.,
London, August 7, 1885.

GENTLEMEN,—It will doubtless be within your recollection that some communications passed in 1883 between your Secretary and the Honorary Secretary to the Society for the Abolition of Vivisection in reference to the Brown Institution in the Wandsworth Road.

The object of the Society was to induce your Board to suppress Vivisection at the Brown Institution, but the Board did not think there was sufficient ground for their intervention, "assuming" (as stated in the Secretary's letter of the 30th November, 1883) "that the animals which were the subjects of the experiments complained of were not amongst those committed to the charge of the Professor-Superintendent" of the Institution.

The opinion of Mr. Montague Cookson, Q.C., has since been taken on the correspondence, and he advises as follows:—

"The view taken by the Charity Commissioners appears to be that the testator's expressed desire that kindness to animals 'committed to the charge of the Professor-Superintendent is to be a general principle of the Institution' applies only to certain animals operated on within its walls, and not to others, *e.g.*, that it applies to animals sent there by their owners to be treated for disease with a view to cure, or purchased out of the funds of the Institution, with a view to the promotion of science, and not to animals operated upon in the manner described in the latter part of the report. I cannot concur in this construction of the Will. I think that the desire so expressed applies to *all* animals dealt with at the Institution from whatever source they come, and that each of them must be taken to have been committed to the charge of the Superintendent, for whose appointment the testator has made careful provision."

Having regard to this opinion, our clients beg respectfully to apply under Section 17 of the Charitable Trusts Act, 1853, for permission to take the opinion of the Court upon the construction of the Founder's Will.

They regard the question as one which can only be decided authoritatively by a Court of Law, and as a doubt *bonâ fide* exists as to the interpretation of the Will, they trust that the Commissioners will not refuse their permission to its being set at rest.

Awaiting the favour of your reply,

We are, Gentlemen, your obedient servants,
LEE & PEMBERTONS.

The Honourable
THE CHARITY COMMISSIONERS.

HENBURY, MACCLESFIELD, CHESHIRE,
August 10, 1885.

DEAR SIR,—I have the pleasure to acknowledge receipt of your letter of the 7th instant, and copy of letter to the Charity Commissioners.

Concerning evidence of the facts,—as to which you inquired of me on

the 23rd ult.—perhaps it may be as well to say, that, Mr. Victor Horsley, “Brown Professor of Pathology to the University of London,” delivered “Brown Lectures” at the University in December 1884, which are quoted in the British Medical Journals of 17th and 31st January last. These Lectures refer to operations performed on Monkeys—(excision of the Thyroid Gland). The Animals died “usually about 5 or 7 weeks after the operation.” One of them “lived 55 days.” From the description given by the Brown Professor-Superintendent of “the phenomena” which followed his mutilations of the Monkeys until the Animals were released by death, the “Experiments” would have been consistent with the language of Mr. Brown’s Will had the Testator expressed a desire that “barbarity to the Animals shall be a General Principle of the Institution.”

In the Report for 1884 from Inspectors under “The Cruelty to Animals Act,” 39 and 40 Vict. c. 77, which I forwarded to you, the name of E. E. Klein, M.D., appears as Licensed, and Certificated, to perform Experiments at the Brown Institution. It is probable he is the Emanuel Klein, M.D., who, in 1875, when he was Assistant Professor there, admitted before the Royal Commission on Vivisection that he had “no regard at all” to the sufferings of the Animals,—said: “*I never use anæsthetics where it is not necessary for convenience.*”—“*I myself . . . have no time really with regard to what the animal will feel.*” And when asked the question: “You say that a Physiologist has a right to do as he likes with the animal?” answered,—“*Yes.*”

We can produce more evidence of the kind.

I am, dear Sir, yours sincerely,
GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
44 Lincoln’s Inn Fields, W.C., London.

44 LINCOLN’S INN FIELDS, W.C.,
London, August 11, 1885.

DEAR SIR,—I am obliged to you for your letter of yesterday’s date. The evidence to which you refer will be very useful when we come before the Court, but, as you are aware, we must in the first instance obtain the consent either of the Charity Commissioners or of the Attorney-General to take proceedings.

I have to-day received a formal acknowledgment from the Commissioners of my letter of the 7th inst., but probably it will be some weeks before we have their reply. If they decline to give permission for an application to the Court, we shall have to put the case before the Attorney-General, and perhaps it may be useful then to furnish some evidence of the facts. If so, I dare say you may be able to oblige me with an interview to discuss the matter.

Yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

CHARITY COMMISSION, WHITEHALL, S.W.,
November 16, 1885.

CHARITABLE TRUSTS ACTS. SURREY: BATTERSEA.
THOMAS BROWN'S CHARITY.

GENTLEMEN,—I have to acknowledge the receipt of your letter of the 6th instant, and to state that your letter of the 7th August has now been submitted to the Board on the resumption of their sittings. In reply to that letter I am directed to state that the Commissioners see no reason to vary the opinion as expressed in my letter of the 30th November, 1883, to Mr. George R. Jesse, the Honorary Secretary of the Society for the Abolition of Vivisection, to which you refer in your letter under reply.

The Board are unable to concur in the opinion that the mere fact of the presence of an animal within the walls of the Institution* must bring it within the terms of the trust created by the founder, and in these circumstances they must decline to sanction any proceedings in the matter for which their authority is sought under the 17th Section of the Charitable Trusts Acts, 1853 (16 and 17 Vict., cap. 137).

I am, Gentlemen, your obedient servant,
(Signed) HENRY M. VANE, Secretary.

Messrs. LEE & PEMBERTONS, Solicitors,
44 Lincoln's Inn Fields, W.C.

44 LINCOLN'S INN FIELDS, W.C.,
London, November 20, 1885,

BROWN'S CHARITY.

DEAR SIR,—Enclosed we send you a copy of a letter we have received from the Secretary to the Charity Commissioners in reply to ours of the 7th August last, of which we sent you a copy at the time.

We regret to see that the Commissioners are not disposed to adopt our view, and to allow a competent legal tribunal to decide upon the question which arises under the Founder's Will. It is, of course, impossible that we can accept their decision as conclusive on the subject, and we propose, therefore, if you approve, to apply now to the Attorney-General for his permission to apply formally to the Court of Chancery to administer the Trusts of the Will. This was the course suggested in the first instance, but we thought it best, as you will recollect, to endeavour to obtain the object in view in concurrence, if possible, with the Commissioners instead of in opposition to them, and we therefore applied for their consent to legal proceedings, which, if given, would have obviated the necessity for a Fiat from the Attorney-General.

We can only regret that our endeavours have been unsuccessful, and that no other course is now left us but an adverse application.

We are, dear Sir, yours faithfully,
LEE & PEMBERTONS.

G. R. JESSE, Esq.

* See Note J, page 123.

HENBURY, MACCLESFIELD, CHESHIRE,
November 21, 1885.

DEAR SIR,—I thank you for your letter of yesterday's date (with inclosure), also for that of 11th August. We are sorry that the Charity Commissioners will not facilitate an application to the Court of Law for a Judicial decision as to the meaning of the late Thomas Brown's Will. The objection they raise appears to us frivolous, and we beg you will now apply to the Attorney-General for his permission to apply to the Court of Chancery.

Should you require more evidence as to the facts than is contained in my letter of the 10th August, kindly inform me.

I am, dear Sir, yours sincerely,
GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, W.C.,
London, November 23, 1885.

BROWN'S CHARITY.

DEAR SIR,—I am obliged by your letter of the 21st inst., and will at once apply to the Attorney-General for his Fiat.

I shall be glad to have any further evidence of the facts with which you are able to supply me.

I am, dear Sir, yours faithfully,
C. S. PEMBERTON,

G. R. JESSE, Esq.

44 LINCOLN'S INN FIELDS, W.C.,
London, December 10, 1885.

BROWN TRUST.

DEAR SIR,—Enclosed we beg to send for your perusal the form of writ and statement of claim which are required to be submitted to the Attorney-General for his Fiat, and a short statement of facts which we propose should accompany them.

We shall be much obliged if you will kindly give us the benefit of your observations upon them, and make any additions or alterations you think necessary.

We are, dear Sir, yours faithfully,
LEE & PEMBERTONS.

G. R. JESSE, Esq.

44 LINCOLN'S INN FIELDS, W.C.,
London, *January 6, 1886.*

BROWN TRUST.

DEAR SIR,—May we ask whether you have been able to go through the papers which we sent you on the 10th ult.? If so, we shall be glad to have them back at your convenience, with any observations with which you may be good enough to favour us.

We are, dear Sir, yours faithfully,
LEE & PEMBERTONS.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,
January 7, 1886.

DEAR SIR,—I duly received your letter and enclosures of the 10th ult., which you mention in your favour of yesterday's date, and purposed writing to you thereon, but circumstances have interfered with my wishes. I went through the Papers, and desire to make additions to them. Perhaps I may be able to do so in the course of a week or fortnight.

I remain, dear Sir, yours sincerely,
GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

HENBURY, MACCLESFIELD, CHESHIRE,
January 22, 1886.

DEAR SIR,—You have, probably, received my acknowledgment dated the 7th inst.

Herewith I forward additional matter to be incorporated in our application to the Attorney-General. Immediately the document is drawn up, kindly let me peruse it. Will it advantage our object to send to the Attorney-General copies of the opinions of Mr. Chester Jones and Mr. Montague Cookson?

I should like to have an interview with you to discuss the matter, but circumstances have intervened, and my health renders Town not a safe place at this season.

I remain, dear Sir, yours sincerely,
GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

P.S.—Enclosed are the three Papers you sent me on 10th December last. A few alterations and additions have been made.

HENBURY, MACCLESFIELD, CHESHIRE,
February 9, 1886.

DEAR SIR,—Pray kindly inform me as to when I may expect the Papers with additional matter relative to the Brown Institution which were forwarded to you on the 22nd ult.

Believe me, dear Sir, yours sincerely,
GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, LONDON,
February 10, 1886.

DEAR SIR,—Please forgive the delay, which has been due to pressure of business. I will try and let you have the amended Statement in the course of to-morrow or the next day.

Yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,
February 24, 1886.

DEAR SIR,—I duly received your kind reply of the 10th inst., but the amended Statement therein mentioned has not reached me.

Believe me, dear Sir, yours sincerely,
GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, LONDON,
February 26, 1886.

BROWN TRUST.

DEAR SIR,—I regret to have to apologise again for the delay in returning you the papers.

I now send them for your perusal, as settled by our mutual friend Mr. Hood, with your memorandum before him.

I thought it better to submit the question how far the memorandum should be incorporated in his judgment, and you will observe that he has seen well only to incorporate a portion of it. He considers that many of the arguments, which might with advantage be employed at the trial, would probably not advance our cause at the present stage, and that we shall have a better chance of obtaining the Attorney-General's Fiat if we confined ourselves to a bare technical statement of the case of the kind to which a lawyer is accustomed and appreciates.

You will doubtless perceive the practical wisdom of this suggestion, which rests upon a knowledge of the way in which lawyers look at these

matters, and if you are able to approve the papers as they now stand, and will kindly return them, they shall be at once put before the Attorney-General for his consideration.

I am, dear Sir, yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,
March 4, 1886.

DEAR SIR,—I will, of course, be guided by your and Mr. Hood's suggestion, contained in your Letter of the 26th ult., that only a portion of the memorandum shall be incorporated in the statement for the Attorney-General. All the Documents (4) you forwarded, are returned herewith. Kindly acknowledge their safe arrival.

I remain, dear Sir, yours sincerely,
GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, LONDON,
March 5, 1886.

BROWN'S CHARITY.

DEAR SIR,—I am obliged by your letter of yesterday's date, returning draft endorsement of writ, statement of claim, statement for the Attorney-General, and memorandum, which accompanied my letter to you of the 26th ult. They will at once be put before the Attorney-General, and I trust that we may be fortunate enough to obtain his Fiat.

Yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

44 LINCOLN'S INN FIELDS, LONDON,
March 19, 1886.

BROWN'S CHARITY.

DEAR SIR,—We have now lodged the papers with the Attorney-General, but before he will peruse them he requires a guarantee from us that you are in a position to pay all the costs of the litigation in the event of its proving unsuccessful. Probably the costs in that event would not be less than £500. Will you kindly by references or otherwise enable us to give the guarantee required?

It has been suggested also that as your action is taken as Honorary Secretary to the Anti-Vivisection Society, it would be as well that you should be provided with a resolution of the Society authorizing you to take the proceedings, and indemnifying you against the costs of them. Unless there is some reason to the contrary, I should recommend you to act on this suggestion, and if you will then send me a copy of the resolution, I will forward it to the Attorney-General.

I am, dear Sir, yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,
 March 25, 1886.

DEAR SIR,—I am obliged by your counsel of the 19th inst., and will act upon it. If the Five Hundred Pounds is sufficient Guarantee for the Attorney-General, the Society will give that engagement. The other side, if we get them into Court, may involve us in all the expense they possibly can. The Society is not Registered. Would you advise its being so to protect myself as Hon. Secretary?

Believe me, dear Sir, your sincerely,
 GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
 44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, W.C.,
 London, March 27, 1886.

BROWN INSTITUTION.

DEAR SIR,—I am afraid it would not help us for the Society to be registered, and indeed I am not quite sure that it could be. Supposing it were the difficulty would arise again, as the Attorney-General would not be satisfied with the limited liability of the Company, but would require personal undertakings from yourself, and the directors, which would leave you exposed to the same risk as at present. That risk is that the costs against the Society in the event of our failure might amount to considerably more than £500. No doubt that sum would be sufficient for an ordinary action, but the present is an exceptional one. The case will as a matter of course be fought to the death. The most expensive counsel will be employed, and the most eminent doctors will be called to make the jury believe, if possible, that no pain is inflicted on the animals. It is most difficult, therefore, to put limits to the expense which might be incurred, and, I am afraid it is possible that a bill of £1,500 or even £2,000 might be run up if the case lasted, as it might, for several days.

The assurance we have to give to the Attorney-General, and for which we have to pledge our professional position, is that you are in a position to pay *any* costs that may be incurred, and we are bound therefore to satisfy ourselves that, assuming the costs reached say £2,000, you would be in a position to defray them, either from the resources of the Society or your own. Can you put us in the position of being able to do this, either by a reference to your Bankers or otherwise?

For your own protection you ought, I think, if the case goes on, to take an indemnity from some of the principal members of the Society, so that you might not run any serious risk of having to pay out of your own pocket.

I am sorry to have to put you to so much trouble before it is certain whether the action will go on at all, but you will perceive that the requirements of the Attorney-General must be complied with, and that I have no alternative in the matter.

I am, dear Sir, yours faithfully,
 C. S. PEMBERTON.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,
March 29, 1886.

DEAR SIR,—I have the pleasure to acknowledge receipt of your favour of the 27th inst. The subject of it shall be brought before the Subscribers of the Society, and I will inform you of the result as soon as their replies reach me.

I remain, dear Sir, yours sincerely,
 GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
 44 Lincoln's Inn Fields, W.C., London.

HENBURY, MACCLESFIELD, CHESHIRE,
August 20, 1886.

DEAR SIR,—There is difficulty as to raising so much as £2,000. Can anything be done with the *present* Attorney-General? Possibly, his requirements may not be so excessive as those of his predecessor. Perhaps he may be willing to *read the Papers* without any Guarantee, or, at least, with the one we have offered.

I remain, dear Sir, yours sincerely,
 GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
 44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, LONDON,
August 24, 1886.

DEAR SIR,—I should have replied before to your letter of the 20th, instant, but for a temporary absence from business.

What sum can be raised? Possibly it might be deemed sufficient although less than £2,000. In any case we shall not get much attention just now. The Long Vacation has commenced, and continues till November. No Attorney-General will I fear look at the Papers till then.

Yours faithfully,
 C. S. PEMBERTON.

G. R. JESSE, Esq.,
 Henbury, Macclesfield, Cheshire.

HENBURY, MACCLESFIELD, CHESHIRE,
August 31, 1886.

DEAR SIR,—At this time I cannot state what sum beyond the £500 we can devote to the Brown Institution matter.

There seems some reluctance as to advancing money in consequence of so large a requirement by the Attorney-General as £2,000 *before he will even peruse the Papers lodged with him*. Undoubtedly the justest claim by a poor suitor might thus be arbitrarily silenced.

Begging you will strongly urge the point when the fit time arrives,
 I remain, dear Sir, yours sincerely,

GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
 44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, LONDON,
September 1, 1886.

BROWN'S CHARITY.

DEAR SIR,—Just a line to acknowledge the receipt of your letter of yesterday's date, and to say that I will do my best with the Attorney-General as soon as he is get-at-able.

Yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,
November 15, 1886.

DEAR SIR,—I duly received your letter of the 1st Sept. Kindly inform me when our case will come before the Attorney-General.

I remain, dear Sir, yours sincerely,
GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, LONDON,
November 16, 1886.

BROWN'S CHARITY.

DEAR SIR,—I am sorry to have to confess that, although the vacation has now been over some days, I have not taken up your case again. I have not forgotten it, but other pressing business has intervened.

Your note comes opportunely to remind me of my neglect, and I shall do my best to go through the Papers again to-morrow, and will then write you what is best to be done.

Yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

44 LINCOLN'S INN FIELDS, W.C.,
London, November 18, 1886.

SIR,—In March last we left at your Official Chambers the papers in reference to an action which our Client Mr. G. R. Jesse, the Secretary to the Society for the Abolition of Vivisection, is desirous of commencing against the University of London, with a view to your giving a Certificate authorizing the proceedings under Sec. 18 of The Charitable Trusts Act, 1853.

We were informed that before you could peruse the papers an undertaking would be required from us that our Clients were in a position to defray the expenses of the action.

We communicated with them on the subject, and we are now enabled

to give an undertaking to the extent of £500, which certainly ought to cover the defendant's costs of trial in the Court of First Instance. May we ask whether an undertaking limited to £500 would be accepted sufficient?

We are, Sir, your obedient servants,
LEE & PEMBERTONS.

The ATTORNEY-GENERAL.

LAW OFFICERS' DEPARTMENT, ROYAL COURTS OF JUSTICE,
November 20, 1886.

RE PROPOSED ACTION BY THE SOCIETY FOR THE ABOLITION OF
VIVISECTION AGAINST THE UNIVERSITY OF LONDON.

GENTLEMEN,—In reply to your letter of the 18th instant with reference to the above matter, I am desired by the Attorney-General to inform you that a Certificate limited in amount cannot be accepted, and that the Certificate must be in the usual form, viz., that the Relators (or Petitioners) are competent to answer all the costs of the proposed action.

I am, Gentlemen, your obedient servant,
JAMES ABBS.

Messrs. LEE & PEMBERTONS.

44 LINCOLN'S INN FIELDS, LONDON,
November 22, 1886.

BROWN'S CHARITY.

DEAR SIR,—Enclosed I send you copy letter which I addressed to the Attorney-General, and his reply. As you will see he will not accept the Certificate except in the usual form, which is practically a guarantee by the Solicitors to pay all the costs of the proposed action whatever they might come to. No doubt £500 seems a large sum for the costs of one side for a single trial, and were the case an ordinary one, I should have no hesitation in giving the Certificate, as I should feel no doubt that the sum in hand would be sufficient. The present however is, as I pointed out in a previous letter, an exceptional case, and the costs might amount to a sum far in excess of an ordinary estimate. I confess therefore that I should feel a difficulty in giving the Certificate, unless you could tell me that in the event of the costs exceeding £500, some means would be found of making up the deficiency.

I am anxious not to convey a wrong impression to your mind. The costs might be covered by £500. Most probably they would be, but there is the chance that they might exceed that sum, if the other side made it a part of their tactics to increase the expense as much as possible, and I cannot therefore leave that contingency out of account.

Perhaps you will kindly let me hear whether you can make any further suggestions to meet the difficulty, and enable me to give the Certificate in the form required. Until this is done I am afraid there is no chance of our getting the Attorney-General even so much as to untie the red tape with which the papers are now entwined.

I am, dear Sir, yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

22 SACKVILLE STREET, PICCADILLY, LONDON, W.
November 23, 1886.

RE BROWN'S CHARITY.

DEAR SIRS,—As requested by your letter of the 18th inst. I now have the pleasure to forward you the papers received herein, and shall be obliged by your returning my undertaking.

The matter has been fully considered by the Committee of the Royal Society for the Prevention of Cruelty to Animals, of which Committee two members are Barristers, and they are of opinion there is no escape from the comprehensive words of the "Brown" bequest which may be made to mean something* more than an Infirmary for Animals. Under such circumstances, my Clients have come to the conclusion that they cannot subscribe anything towards the fund for litigating the question at issue.

Regretting this, and asking you to kindly acknowledge receipt of the papers,

I am, dear Sirs, yours truly,

A. LESLIE.

MESSRS. LEE & PEMBERTONS,
Solicitors, 44 Lincoln's Inn Fields, W.C.

44 LINCOLN'S INN FIELDS, W.C.,
London, November 24, 1886.

BROWN'S CHARITY.

DEAR SIR,—Some months ago I had a visit from Mr. Leslie, the Solicitor to the Society for the Prevention of Cruelty to Animals, who asked me to give him some particulars of the proposed action in regard to the Brown Institution, as he thought that possibly his Society might be inclined to subscribe towards the cost of the litigation. I went into the matter very fully with him, and handed him a copy of the Will, and the Statement of Claim, and the accompanying Statement submitted to the Attorney-General together with copies of two numbers of the British Medical Journal, in which the experiments on live animals at the Institution are reported. Hearing nothing from Mr. Leslie, I wrote him again a few days ago, asking what decision he had arrived at, and I enclose you a letter I have received from him to-day, from which I am sorry to see that the Society have decided that the case is not one which they can take up. They seem to base this opinion upon the views of two Barristers who are on the Committee, and who appear to have expressed an informal and an unofficial opinion to that effect. People usually consider that an opinion by which no fee is earned is worth just what is paid for it, but it is I am afraid useless to argue the question with the Society, as no doubt they will be guided by the advice they have received. This leaves us with only our own resources at command, and unless you can see your way to enable me to extend the undertaking required by the Attorney-General beyond the £500 to which it is now limited and which would be insufficient, I am afraid any further proceedings must drop.

I am, dear Sir, yours faithfully,

C. S. PEMBERTON.

G. R. JESSE, Esq.

* Note K, page 123.

44 LINCOLN'S INN FIELDS, W.C.,
London, *November 24, 1886.*

BROWN'S CHARITY.

DEAR SIR,—We are in receipt of your letter of yesterday's date, and regret the decision at which your Clients have arrived. It is not for us to set our opinion against that of two members of the higher branch of the profession, although the opinion they expressed was we presume unofficial. But we ourselves feel no doubt that the way in which the Brown Institution is now being used for Vivisection purposes is contrary to the letter as well as to the spirit of the Founder's Will, and we are confirmed in this by the opinion given by our Counsel who prepared the Statement submitted to the Attorney-General.

As requested we beg to acknowledge the return of the various papers lent to you, and which were handed us by your Clerk this morning.

We are, dear Sir, yours faithfully,
LEE & PEMBERTONS.

A. LESLIE, Esq.

ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,
105 JERMYN STREET, ST. JAMES'S, LONDON, S.W.

December 10, 1886.

BROWN'S CHARITY.

DEAR SIRS,—A copy of your letter to Mr. Leslie on the above matter was read to the Council of this Society on Tuesday last, in which you were good enough to state that you have obtained, and hold the opinion of Counsel to the effect that the "Brown Institution is now being used for Vivisection purposes, contrary to the letter as well as to the spirit of the Founder's Will."

The Council take the deepest possible interest in this subject, and they therefore desire me to ask you whether you will favour them with copy of Counsel's opinion, which shall be regarded as private and confidential if you please, in order that they may renew their consideration of the subject from his point of view.

Yours faithfully,
JNO. COLAM, Secretary.

Messrs. LEE & PEMBERTONS.

44 LINCOLN'S INN FIELDS, LONDON,
December 11, 1886.

DEAR SIRS,—I enclose copy of a letter received from the Secretary of the Society for the Prevention of Cruelty to Animals, and a copy of my letter to which he refers. We have never had a formal written opinion from Mr. Hood although he has settled the papers, and has frequently, in conversation, expressed the opinion I mentioned in my letter.

I propose now to ask him for a written opinion, which I will forward to the Secretary. If you can at the same time put any pressure upon the Society, I think the time has come to do so.

Yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,

December 13, 1886.

DEAR SIR,—I duly received your Letters of 22nd and 24th ult. Illness prevented an earlier reply. I have also your Letter of 11th inst.

We could advance our Guarantee to *One Thousand Pounds*,—beyond that amount our liabilities in other matters do not allow us to go.

(1.) Pray inform us whether, supposing we obtain the Fiat of the Attorney-General we are bound to go to trial?

(2.) Also,—supposing we go to trial, whether we can withdraw from the action at any time we please?

We much desire to obtain the perusal by the Attorney-General of our Statement,—even if the business goes no farther.

I observe in your Letter to the Attorney-General I am styled “Secretary.” On all future occasions I beg you will kindly give my true position, namely, *Honorary Secretary*.

Already having the opinions of Mr. Chester Jones, and Mr. Montague Cookson, Q.C., we do not think it necessary to take any more opinions.

As to the Royal Society for the Prevention of Cruelty to Animals, please to send it the enclosed printed opinion of Mr. Chester Jones,—but, we do not wish you to correspond or communicate any more with it, or its Solicitor. No co-operation can be expected from a Society which asserted before the Royal Commission on Vivisection that, “*It did not know that it knew of a single case of wanton Cruelty.*” Our own experience also as to Antecedents of that Society, has been of a nature to create a strong conviction that, unhappily, no assistance is likely to be obtained from it in this matter of the Brown Institution.

I remain, dear Sir, yours sincerely,

GEORGE R. JESSE, *Honorary Secretary*.

C. S. PEMBERTON, Esq.,

44 Lincoln’s Inn Fields, W.C., London.

44 LINCOLN’S INN FIELDS, LONDON,

December 14, 1886.

BROWN’S CHARITY.

DEAR SIR,—In reply to your letter of yesterday’s date I beg to say:

1. That if we obtain the Fiat of the Attorney-General, we shall be under no obligation to proceed to trial.

2. That if we commence proceedings we can stop them at any point we like, on paying the costs of the other side up to that point. Previous to trial the costs would be comparatively light, as the fees to the Counsel and witnesses would not have been incurred.

3. Your guarantee for £1,000 would be quite sufficient for me, and I shall have no hesitation now in giving the undertaking required by the Attorney-General. Shall I proceed to do so?

4. I much regret that you were improperly described in the letter to the Attorney-General. I will take care that you are correctly described as *Honorary Secretary* in future.

5. I observe with regret what you say regarding the Society for the Prevention of Cruelty to Animals. As a matter of courtesy, I must reply to their letter, but I will try and keep out of further correspondence with them.

Yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,
December 16, 1886.

DEAR SIR,—I have received your reply of the 14th instant. Please to apply forthwith to the Attorney-General for his Fiat.

Believe me, dear Sir, yours sincerely,
GEORGE R. JESSE, Honorary Secretary.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

HENBURY, MACCLESFIELD, CHESHIRE,
January 3, 1887.

DEAR SIR,—Doubtless you have received my reply of the 16th ult. When are you likely to be informed of the Attorney-General's decision as to the Fiat?

"The Lancet" of 18th and 25th ult. contains abstracts of Lectures delivered by Mr. Victor Horsley of "The Brown Institution." They describe practices which inflicted very lengthened sufferings and death on Monkeys and Dogs, Sheep and Pigs, Cats, and one "Donkey." These barbarities were inflicted, not for the benefit of Animals.

I remain, dear Sir, yours sincerely,
GEORGE R. JESSE, Honorary Secretary.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

21 GREAT GEORGE STREET, WESTMINSTER, S.W.,
January 4, 1887.

ATTORNEY-GENERAL V. UNIVERSITY OF LONDON.

DEAR SIRS,—The application for the Attorney-General's Fiat to this proposed Action has been referred to me for the usual Report.

Under the 17th Sect. of the Charitable Trusts Act 1853, the authority of the Charity Commissioners is necessary for the commencement of the contemplated proceeding, and the Commissioners having it appears refused to grant their Certificate for the purpose the Attorney-General has no power to allow the use of his name as you have asked. The saving contained in the 18th Sect. of the Act extends only to proceedings instituted

and prosecuted by the Attorney-General ex-officio, and does not include a Relator's Suit.

The application being wrong in point of form you may perhaps prefer to withdraw it. I therefore defer reporting upon the papers until I hear from you.

I am, dear Sirs, yours truly,
JOHN M. CLABON.

MESSRS. LEE & PEMBERTONS.

44 LINCOLN'S INN FIELDS, LONDON,
January 5, 1887.

BROWN'S CHARITY.

DEAR SIR,—The enclosed letter from the Solicitor to the Attorney-General will put you in possession of the last move made in this matter.

I am sorry to say that our Counsel considers that the objection he takes is well founded, and that the papers must be somewhat altered in point of form in order to comply with the terms of the Charity Trusts Act. I have written to the Solicitor asking him to return them to me with this object, and they shall be amended and again put forward with as little delay as possible.

I ought perhaps to explain that the papers are now drawn for the action to be instituted by you with the sanction of the Attorney-General. It is held that this is inadmissible, and that the action must be by the Attorney-General himself in his official capacity against the Charity Commissioners. I am afraid that, though the distinction appears only technical, it will make it even more difficult than before to engage the assistance of the Attorney-General, as it would bring him into more direct conflict with the Charity Commissioners, between whom and himself, as both holding high official positions, there is probably no little fellow feeling.

I am, dear Sir, yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,
January 7, 1887.

DEAR SIR,—Your letter of 5th inst. has arrived here,—but, the one from the Solicitor to the Attorney-General which you mention, was not enclosed in it. Kindly forward the document.

You do not mention my Letter of the 3rd inst. Have you received it?

As soon as you have altered the Papers in order to comply with the Charity Trusts Act, please to let me see them before they are sent to the Attorney-General.

I remain, dear Sir, yours sincerely,
GEORGE R. JESSE, Honorary Secretary.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, LONDON,
January 8, 1887.

BROWN'S CHARITY.

DEAR SIR,—I regret that in my letter of the 5th I omitted to acknowledge yours of the 3rd, and also to enclose the letter from the Solicitor to the Attorney-General, which I now beg to hand you.

I have to-day obtained back the papers from the Attorney-General and will at once instruct Mr. Hood to redraft them. When he has done so, I will forward them to you for perusal before sending them again to the Attorney-General.

I am, dear Sir, yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,
January 29, 1887.

DEAR SIR,—I duly received your Letter of the 8th inst., also Mr. Clabon's enclosed therein, which is returned herewith according to your request.

The Papers which were to be redrafted, and forwarded for my perusal previous to being sent to the Attorney-General,—when shall I receive them?

Believe me, dear Sir, yours sincerely,
GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, LONDON,
February 5, 1887.

BROWN'S CHARITY.

DEAR SIR,—I must apologise for not having replied before to your note. I sent it on to our Counsel, and deferred replying hoping to receive the papers back from him. As I have not done so, I write a line to say that the case shall not be lost sight of, and that as soon as I can obtain the papers from Counsel they shall be sent on to you.

I am, dear Sir, yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,
February 7, 1887.

DEAR SIR,—Your reply of 5th inst. reached me this day. I do not desire to *hurry business*,—but, "The Night cometh when no man can work." I trust no time will be lost.

To your judgment as to the most judicious manner of drawing up our

Statement of Claim, so as to obtain the Attorney General's Fiat, of course I entirely defer. At the same time would suggest the advisability of placing before him all the facts demonstrating the flagrant misapplication and perversion of the Funds bequeathed by the late Mr. Thomas Brown, viz., by barbarities perpetrated on great numbers of Animals,—perpetrated too, in many instances, not for the benefit of Animals. Also by the convenience made of the Building, for private pecuniary gain, and private personal objects having nothing whatever to do with the provisions of Mr. Brown's Will.

I remain, dear Sir, yours sincerely,
 GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
 44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, LONDON,
February 14, 1887.

BROWN'S CHARITY.

DEAR SIR,—We now have the pleasure of enclosing you the revised Memorial and Statement of Claim to be submitted to the Attorney-General. The alterations that have been made are merely formal, and the Memorial and Statement of Claim are in substance the same as the papers you have already seen. The alteration of form consists in making the Attorney-General Plaintiff in person instead of making you plaintiff with his sanction. The change may seem to you trivial, but it is necessary it appears to bring the papers into accord with the Act, and it carries with it I presume some slight addition of responsibility on the part of the Attorney-General, and will therefore make it somewhat more difficult for us to obtain his permission to proceed. When you have been through the papers I shall be glad to have them back at your convenience, and we shall then at last I hope succeed in obtaining the Attorney-General's opinion.

I am, dear Sir, yours faithfully,
 C. S. PEMBERTON.

G. R. JESSE, Esq.

44 LINCOLN'S INN FIELDS, LONDON,
March 3, 1887.

BROWN'S CHARITY.

DEAR SIR,—Forgive our reminding you that we have not yet received back the papers we sent you on the 14th ult., and that until we do we can make no further progress with our application to the Attorney-General.

We are, dear Sir, yours faithfully,
 LEE & PEMBERTONS.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,
March 4, 1887.

DEAR SIR,—I am unaware whether you duly received my Letter of the 7th ult. Your communications of the 14th ult. and 3rd inst. have arrived here. At present I am unable to give attention to the Memorial to the Attorney-General. It is not altogether drafted in a manner which coincides with our views, and will require some alteration and addition.

Believe me, dear Sir, yours sincerely,
 GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
 44 Lincoln's Inn Fields, W.C., London.

HENBURY, MACCLESFIELD, CHESHIRE,
March 18, 1887.

DEAR SIR,—Be so kind as to draft and send me a letter for the Provost and Governing Authorities of the University of Dublin, informing them of our application to the Attorney-General, in consequence of the funds of the Brown Animal Sanatory Institution not being administered in conformance to the provisions of Mr. Thomas Brown's Will, and inviting their co-operation in the application, on the ground that the bequest of Mr. Thomas Brown is devised and bequeathed to the University of Dublin, in case the Animal Sanatory Institution shall anyhow not continue to be conducted bonâ fide according to the conditions of Mr. Thomas Brown's Will.

Believe me, dear Sir, yours sincerely,
 GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
 44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, LONDON,
March 19, 1887.

BROWN'S CHARITY.

DEAR SIR,—I enclose a draft letter which I hope will meet your views. If it is not quite what is wanted, I shall be happy to alter it in any way you may kindly indicate.

Yours faithfully,
 C. S. PEMBERTON.

G. R. JESSE, Esq.

HENBURY, MACCLESFIELD, CHESHIRE,
March 22, 1887.

DEAR SIR,—Enclosed is your draft letter to the Authorities of Dubin University. It had better be sent to them in the name of your Firm. kindly make a fair copy, adopting the alterations and omissions, and post if forthwith to the Provost, Fellows, and Scholars.

I remain, dear Sir, yours sincerely,
 GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
 44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, W.C.,
London, *March 23, 1887.*

BROWN'S CHARITY.

DEAR SIR,—I have forwarded a copy of the letter altered by you to the Provost, Fellows, and Scholars of Dublin University. I will report again as soon as I have their reply.

Yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

44 LINCOLN'S INN FIELDS, W.C.,
London, *March 23, 1887.*

GENTLEMEN,—On behalf of the Society for the Abolition of Vivisection we beg to call your attention to the following facts, and to invite your co-operation in the proceedings it is proposed to institute to restrain the University of London from continuing to spend the funds of the Brown Animal Sanatory Institution in the practice of Vivisection.

1. Thomas Brown, late of the Grange, in the County of Dublin, made his Will dated the 14th of December 1846, and thereby bequeathed to the Chancellor, Vice-Chancellor, and Fellows of the University of London, and their successors, £20,000 Consols and all the residue of his personal property, for the founding, establishing and upholding an Institution for investigating, studying, and without charge, beyond immediate expenses, endeavouring to cure maladies, distempers, and injuries, any Quadrupeds or Birds useful to Man, might be found subject to. The Institution was to be known as the Animal Sanatory Institution, and to be situate within a mile of either Westminster, Southwark, or Dublin.

2. The Testator further desired that kindness to the animals committed to his (the Superintendent's) charge should be a general principle of the Institution, and directed that in case the University of London should decline to accept and act under the trust aforesaid, or in case the said Institution should anyhow not continue to be conducted bonâ fide agreeably to the conditions aforesaid, then and in such case the whole of the property bequeathed and designated therefor should pass to the Provost, Fellows, and Scholars of the University of Dublin for the time being, for the purposes in the said Will mentioned.

3. The University of London accepted the above bequest, and have employed part of the trust funds in the erection or purchase of the Brown Animal Sanatory Institution in the Wandsworth Road, Surrey, for the purposes of the said trust, but the Superintendent, Mr. Victor Horsley, with the knowledge and sanction of the University of London, is in the habit of using the Institution for the purpose of performing painful experiments upon living animals, which inflict excessive suffering upon them.

4. Many experiments have been performed, not for the purpose of investigating maladies to which animals are subject, but for the purpose

of physiological and pathological research, but the salary of the Superintendent is paid, and the building appliances and equipment of the Institution are kept up and maintained out of the income of the trust estate.

5. As the object for which the testator bequeathed the trust funds is evidently being grossly abused, and a breach of trust being committed, it is proposed to apply to the Court for an Injunction to restrain the University of London from using the Brown Animal Sanatory Institution, or any other buildings and premises purchased or maintained with funds belonging to the trust, for the purposes of painfully experimenting upon Animals.

6. The expense of the proceedings in the event of failure would be great, and before they can be instituted, an undertaking to pay the costs of the other side in the event of their succeeding must be given to the Attorney-General. Probably £2,000 would not more than pay the whole costs of the litigation.

As the matter is one of great importance to the University of Dublin, inasmuch as they will be interested in the funds in the event of the proposed proceedings being successful, the Society feels that it ought to lay the facts before you, and invite your assistance and co-operation in the matter.

We have the honour to be, Gentlemen, your obedient servants,
LEE & PEMBERTONS.

To the PROVOST, FELLOWS, and SCHOLARS
of the University of Dublin.

44 LINCOLN'S INN FIELDS, LONDON,
April 7, 1887.

BROWN'S CHARITY.

DEAR SIR,—I enclose a letter received this morning from the Senior Proctor of Dublin University. I am glad to see that we shall have the advantage of his assistance in the discussion of our letter at the next meeting of the Collegiate Authorities. I am afraid, however, the £100 will not go far towards the costs of the litigation.

I will of course report to you as soon as I have their official reply.

Yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

SENIOR PROCTORS' OFFICE, TRINITY COLLEGE, DUBLIN,
April 23, 1887.

SIR,—I laid your letter of the 23rd March before the Provost and Senior Fellows of Trinity College this day, when the following Resolution was passed:—

“That the Provost and Senior Fellows of Trinity College, Dublin (taking into consideration the interests of the College under the Will of the late Mr. Thomas Brown, of the Grange, County of Dublin), do subscribe a sum of One Hundred Pounds towards a Guarantee Fund for

indemnifying the Society for the Abolition of Vivisection against Costs incurred in their attempt to obtain an Injunction to restrain the University of London from using the Brown Animal Sanatory Institution or any other buildings and premises, purchased or maintained with funds belonging to the Trust for the purpose of painfully experimenting upon Animals."

Yours faithfully,
SAMUEL HAUGHTON.

LEE & PEMBERTONS.

P. S.—My address is Rev. Samuel Haughton, M.D., Trinity College, Dublin.

44 LINCOLN'S INN FIELDS, LONDON,
April 25, 1887.

BROWN'S CHARITY.

DEAR SIR,—Enclosed I beg to send you copy of a letter which I have received to-day from the Senior Proctor of Trinity College, Dublin, from which you will see that the Provost and Senior Fellows have voted £100 towards the costs of the litigation with regard to the Sanatory Institution. This will I fear not go very far towards the sum required, but it is perhaps as much as we could have expected.

Awaiting your further instructions in the matter,

I am, dear Sir, yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

44 LINCOLN'S INN FIELDS, W.C.,
April 25, 1887.

BROWN'S CHARITY.

DEAR SIR,—We beg to acknowledge the receipt of your letter of the 23rd inst. informing us of the Resolution passed by the Provost and Senior Fellows of Trinity College, Dublin, on the subject of our letter of the 23rd March last.

May we ask you to be so kind as to convey to the Provost and Senior Fellows our Clients' best thanks for the assistance which they have kindly promised, towards the object which our Clients have in view?

We are, dear Sir, yours faithfully,
LEE & PEMBERTONS.

The Rev. SAMUEL HAUGHTON, M.D.,
Trinity College, Dublin.

44 LINCOLN'S INN FIELDS, LONDON,
May 11, 1887.

BROWN'S CHARITY.

DEAR SIR,—I beg to enclose a detailed bill as requested.
I did not forward a copy of the reply, contained in your letter of the

29th ult. to the Trinity College, Dublin, as I had already replied to them in similar terms immediately on receipt of their letter.

I enclose a copy of my letter in case you should care to see it.

I remain, dear Sir, yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.

44 LINCOLN'S INN FIELDS, LONDON,
June 15, 1887.

BROWN'S CHARITY.

DEAR SIR,—I duly received your letter of the 10th instant with the Memorial to the Attorney-General as amended by you. The Memorial has been delivered to the Attorney-General without alteration as you directed, together with a copy of Mr. Brown's Will, the four numbers of the "Lancet" referred to in paragraph 13 and the other necessary documents. We are informed that we may probably be informed of the Attorney-General's decision during the first week of July, and as soon as we do so, we will of course communicate with you.

I am much obliged to you for calling my attention to the misdirection of the letter addressed to you. We will be especially careful in future that it shall not occur again.

I remain, dear Sir, yours faithfully,
C. S. PEMBERTON.

G. R. JESSE, Esq.,
Henbury, Macclesfield, Cheshire.

21 GREAT GEORGE STREET,
June 23, 1887.

S. P. REG. 431 ATTORNEY-GENERAL V. UNIVERSITY OF LONDON.

DEAR SIRS,—This is the first case in which the Attorney-General has been asked to take proceedings where there is no Relator, and the Charity Commissioners have declined to certify the Case to him. Where the Attorney-General takes proceedings in his own name without a Relator, he acts by his own Solicitor, and the Treasury pays any Costs which are not recovered from the Charity or the parties. Do you wish that this course should be followed, or do you wish that the Secretary of the Anti-Vivisection Society should alone be liable for costs not recovered, and that you should act for the Attorney General?

I remain, dear Sir, yours faithfully,
(Signed) JOHN M. CLABON.

Messrs. LEE & PEMBERTONS.

HENBURY, MACCLESFIELD, CHESHIRE,
July 4, 1887.

DEAR SIR,—You have, probably, received my Letter of the 30th ult. acknowledging receipt of yours of the 24th, and Copy of Mr. John M. Clabon's to you of the 23rd.

The Society adopts the course mentioned by Mr. Clabon in the aforesaid Letter, namely, that the proceedings be conducted by the Attorney-General's own Solicitor and the Treasury pay any Costs.

Kindly keep us early advised of the proceedings, so that we shall have time to make suggestions in regard to the Case.

Please to acknowledge receipt of this, and say when the Case is likely to come on.

I remain, dear Sir, yours sincerely,
 GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
 44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, LONDON,
 July 5, 1887.

BROWN'S CHARITY.

DEAR SIR,—I beg to acknowledge the receipt of your letter of yesterday's date, and I will inform the Attorney-General's Solicitor that the Society would wish the proceedings in future conducted by him at the expense of the Treasury.

I am afraid it is not likely he will allow us to influence the course of proceedings in future, but I will do my best to arrange for you to be consulted from time to time as you wish. Neither can I say when the case will probably be heard, as that would depend very much upon the degree of energy with which it is prosecuted by the Attorney-General's Solicitor.

In any case an interval of several months will probably elapse, and if the Case is not pushed it may be much longer.

I am, dear Sir, yours faithfully,
 C. S. PEMBERTON.

GEO. R. JESSE, Esq.

ROYAL COURTS OF JUSTICE.

LAW OFFICERS' DEPARTMENT, ROYAL COURTS OF JUSTICE,
 August 20, 1887.

ATTORNEY-GENERAL V. THE UNIVERSITY OF LONDON, AND
 RE BROWN ANIMAL SANATORY INSTITUTION.

GENTLEMEN,—I am directed by the Attorney-General to inform you that he has given the Memorial and papers in this matter his careful consideration, and upon the facts before him he declines to allow the name of the Attorney-General to be used as plaintiff in the proposed action against The University of London, &c.

I am, Gentlemen, your obedient servant,
 JAS. ABBS, Official Clerk.

Messrs. LEE & PEMBERTONS,
 44 Lincoln's Inn Fields.

44 LINCOLN'S INN FIELDS, LONDON,
August 23, 1887.

BROWN INSTITUTE.

DEAR SIR,—We are sorry to say that the Attorney-General declines to sanction the proceedings against the University of London. We enclose you a letter we have received from his Clerk this morning conveying his decision.

Nothing more can, we fear, be done.

Yours faithfully,

LEE & PEMBERTONS.

G. R. JESSE, Esq.,
Hill View, Farncombe, Godalming.

HENBURY, MACCLESFIELD, CHESHIRE,
August 24, 1887.

THE BROWN ANIMAL SANATORY INSTITUTION.

DEAR SIR,—I have your Letter of 23rd inst. and its enclosure, which enclosure is returned herewith. Can the question be carried any farther, through the next Attorney-General, the Judges, the House of Lords, *or in any way whatever?*

Please to give this question your best consideration, and inform me of the result.

I remain, dear Sir, yours sincerely,

GEORGE R. JESSE, Hon. Sec.

C. S. PEMBERTON, Esq.,
44 Lincoln's Inn Fields, W.C., London.

44 LINCOLN'S INN FIELDS, LONDON,
August 26, 1887.

THE BROWN ANIMAL SANATORY INSTITUTION.

DEAR SIR,—I am sorry to say that it is not possible to take any further steps in this matter. The Law is absolutely clear that no proceedings can be taken in the Courts of Law in regard to a charity, without either the consent of the Charity Commissioners or that of the Attorney-General. Here they have both refused their consent and you are therefore shut out from the Courts altogether. It is undoubtedly a very hard case, but such is the Law, and this being so, any attempt on our part even to issue a writ would simply be met by a flat refusal.

If you would like my opinion on the subject to be checked by the opinion of Counsel, I shall of course be most happy to submit the facts to any member of the Bar, that you may feel perfectly certain on the point.

I remain, dear Sir, yours faithfully,

C. S. PEMBERTON.

G. R. JESSE, Esq.

In the High Court of Justice.

CHANCERY DIVISION.

MR. JUSTICE

Fos. 23.

IN THE MATTER OF THE TRUSTS OF THE WILL OF THOMAS BROWN formerly of Grange in the County of Dublin deceased so far as the same relate to the Establishment and Maintenance of the Animal Sanitary Institution mentioned in the said Will.

BETWEEN HER MAJESTY'S ATTORNEY-GENERAL, Plaintiff;

AND

THE CHANCELLOR, VICE-CHANCELLOR
AND FELLOWS OF THE UNIVERSITY OF
LONDON AND VICTOR HORSLEY - Defendants.

Statement of Claim.

Delivered the day of 1887, by Messrs. LEE
and PEMBERTONS, of 44, Lincoln's Inn Fields, in the County of
Middlesex, Plaintiff's Solicitors.

1. THOMAS BROWN late of The Grange in the County of Dublin in Ireland deceased made his Will dated the 14th of December 1846 and thereby after reciting that there was standing in his name in the books of the Bank of England a sum of **£20,000** Three per Cent. Consolidated Government Annuities the Testator bequeathed to the Defendants and their successors The Chancellor Vice-Chancellor and Fellows of the University of London (who are hereinafter for brevity called "The University of London") the said Stock and all the residue of his personal property for the founding establishing and upholding an Institution for investigating studying and without charge beyond immediate expenses endeavouring to cure maladies distempers and injuries any quadrupeds or birds useful to man might be found subject to for and towards which purpose of founding establishing and upholding such Animal Sanitary Institution within a mile of either Westminster, Southwark or Dublin as might at the time for making a decision as to locality by the Defendants the University of London or the governing

majority thereof be then thought most convenient and expedient. And after providing for the investment and accumulation of the said residue during a period of 15 years after the Testator's death and other directions not material to be stated the Testator willed and desired that previous to the Animal Sanitary Institution as aforesaid being open for the reception of animals and cure of their ailments a superintendent or professor of the Institution and its business should be appointed by the Defendants the University of London and that such or any subsequent professor or superintendent should be removable by the like authority for neglect or violation of duty and that as in every other case of a vacancy occurring in the office of professor or superintendent of the said Institution a successor should be appointed by the Defendants the University of London. And the Testator directed that the professor or superintendent of the said Institution should have a residence adjacent thereto besides a salary and that he should annually give on the business of the said Institution at least five lectures in English and free to the public at some place to be appointed by the governing majority of the Senate of the Defendants the University of London. And the Testator further desired that kindness to the animals committed to his charge should be a general principle of the Institution. And he also willed and desired that the Defendants the University of London might at any time appoint a committee of their own body or of medical men to control the number and cases of diseased or injured animals to be taken charge of and to decide about the purchase of diseased animals or their carcasses for the promotion of science as well as for to determine about any contingency not thereinbefore provided for relative to the said Institution. And the Testator directed that any such controlling committee if appointed should be so only from year to year and that as to any of the rules orders or regulations of such committee there might be privilege of appeal to the Defendants the University of London and also that in case of such controlling committee not being reappointed all such controlling powers should remain wholly vested in the Defendants the University of London. And the Testator directed that in case the Defendants should decline to accept and act under the trust as aforesaid or should eventually omit to have such Institution founded and established within the space of 19 years from the time of his death or in case the said Institution should anyhow not continue to be conducted *bonâ fide* agreeably to the conditions aforesaid then and in such case the Testator willed devised and bequeathed the whole of the property or properties by him thereinbefore

bequeathed and designated therefor to the Provost Fellows and Scholars of the University of Dublin for the time being for the purposes in the said Will mentioned.

2. The said Testator made a Codicil to his said Will dated the 17th of September 1851 which is immaterial for the present purpose and died shortly afterwards and his said Will and Codicil were proved in London on the 13th of July 1854.

3. The Defendants the University of London accepted the bequest made to them upon the trusts aforesaid and have employed part of the funds so bequeathed to them in the erection or purchase of certain buildings and premises known as The Brown Animal Sanitary Institution situate in the Wandsworth Road in the County of Surrey for the purposes of the said trust.

4. The Defendant Victor Horsley has been duly appointed professor or superintendent of the said Institution and he is now in occupation of and has control over the said buildings and premises and the said Defendant is duly licensed according to law for the performance of experiments by vivisection upon living animals.

5. Her Majesty's Attorney-General shows and suggests to the Court that the Defendant Victor Horsley as such professor or superintendent as aforesaid and his predecessors in the said professorship with the knowledge and sanction of the other Defendants have been and that the Defendant Victor Horsley still is in the habit of using the said buildings and premises and permitting them to be used for certain purposes and in particular for the purpose of performing certain experiments by vivisection upon living animals of the kinds specified referred to and others not referred to in the Testator's Will and otherwise contrary and for purposes alien to the true intent of the said Testator's Will and the terms of the said bequest and of the trust thereby created and that divers of such experiments have been and are in the habit of being performed without the employment of anæsthetics and that in divers others of such experiments although anæsthetics have been employed the animals being the subjects of such experiments have not been and are not usually killed before recovery from anæsthesia and that lectures have been delivered by the Defendant Victor Horsley as such professor as aforesaid and by his predecessors in the said professorship which purported to be delivered in accordance with the conditions prescribed by the said Will of the said Testator but that the objects of such lectures have been alien to the purposes contemplated by the said Will and that such lectures have not been made free to the public as prescribed by the said Will.

6. Many of the said experiments have been and are in the habit of being performed not for the purpose of investigating maladies to which animals specified as aforesaid are subject but for the purposes of ordinary physiological and pathological research.

7. The salary of the said professor or superintendent is paid and the buildings appliances and equipment of the said Institution re kept up and maintained wholly or in part out of the income f the said trust estate.

The Plaintiff claims :—

- 1.—An Injunction to restrain the Defendants from using or permitting to be used the said building and premises known as The Brown Animal Sanitary Institution or any other buildings and premises purchased or maintained with funds belonging to the said trust and from applying any part of the funds subject to the said trust for any purpose contrary to or not contemplated by or consistent with the said trust and in particular from using the said buildings or permitting the same to be used and from applying any part of the said funds for the purpose of making or performing any investigations or experiments by means of vivisection or any other experiments upon any animal of any of the kinds referred to or upon any other animals not referred to by the said Will of the said Thomas Brown or in the alternative from using the said buildings or permitting them to be used and from applying any part of the said funds for the purpose of making or performing any investigation or experiments by means of vivisection of any animal in any way inconsistent with or contrary to the tenour of the said Testator's Will.
 - 2.—Costs.
 - 3.—Further or other relief.
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Memorial

To the HONOURABLE SIR RICHARD WEBSTER,
Knight, Her Majesty's Attorney-General.

The humble Memorial of

GEORGE RICHARD JESSE,

of Henbury, near Macclesfield, Cheshire,

SHEWETH AS FOLLOWS:—

1. THOMAS BROWN, late of The Grange, in the County of Dublin, in Ireland, deceased, made his Will dated the 14th of December 1846, and thereby, after reciting that there was standing in his name in the books of the Bank of England a sum of £20,000 Three per Cent. Consolidated Government Annuities, the Testator bequeathed to the Chancellor, Vice-Chancellor, and Fellows of the University of London (hereinafter called "the University of London") the said Stock and all the residue of his personal property for the founding, establishing, and upholding an Institution for investigating, studying, and without charge beyond immediate expenses endeavouring to cure maladies, distempers, and injuries any Quadrupeds or Birds useful to man might be found subject to, for and towards which purpose of founding, establishing, and upholding such Animal Sanatory Institution within a mile of either Westminster, Southwark, or Dublin, as might at the time for making a decision as to locality by the University of London or the governing majority thereof be then thought most convenient and expedient. And after providing for the investment and accumulation of the said residue during a period of 15 years after the Testator's death,

and other directions not material to be stated, the Testator willed and desired that previous to the Animal Sanatory Institution as aforesaid being opened for the reception of Animals and cure of their ailments a Superintendent or Professor of the Institution and its business should be appointed by the University of London, and that such or any subsequent Professor or Superintendent should be removeable by the like authority for neglect or violation of duty, and that, as in every other case of a vacancy occurring in the Office of Professor or Superintendent of the said Institution, a successor should be appointed by the University of London. And the Testator directed that the Professor or Superintendent of the said Institution should have a residence adjacent thereto besides a salary, and that he should annually give on the business of the said Institution at least five lectures in English, and free to the Public, at some place to be appointed by the governing majority of the Senate of the University of London. And the Testator further desired that kindness to the Animals committed to his charge should be a general principle of the Institution. And he also willed and desired that the University of London might at any time appoint a Committee of their own body or of Medical Men to control the number and cases of diseased or injured Animals to be taken charge of and to decide about the purchase of diseased Animals or their carcasses for the promotion of Science, as well as for to determine about any contingency not thereinbefore provided for relative to the said Animal Sanatory Institution; and the Testator directed that any such controlling Committee, if appointed, should be so only from year to year; and that, as to any of the rules, orders, or regulations of such Committee, there might be privilege of appeal to the University of London; and also that in case of such controlling Committee not being re-appointed, all such controlling powers should remain wholly vested in the University of London. And the Testator directed that in case the University of London should decline to accept and act under the trust as aforesaid, or should eventually omit to have such Institution founded and established within the space of 19 years from the time of his death, or in case the said Institution should anyhow not continue to be conducted *bonâ fide* agreeably to the conditions aforesaid, then and in such case the Testator willed, devised, and bequeathed the whole of the property or properties by him thereinbefore bequeathed and designated therefor to the Provost, Fellows, and Scholars of the University of Dublin for the time being for the purposes in the said Will mentioned.

2. The said Testator made a Codicil to his said Will, dated 17th of September, 1851, which is immaterial for the present purpose, and died shortly afterwards, and his said Will and Codicil were proved in London on the 13th of July, 1854.

3. The University of London accepted the bequest made to them upon the trusts aforesaid, and have employed part of the funds so bequeathed to them in the erection or purchase of certain buildings and premises known as The Brown Animal Sanatory Institution, situate in the Wandsworth Road, in the County of Surrey, for the purposes of the said trust.

4. Victor Horsley, of No. 80 Park Street, Grosvenor Square, in the County of Middlesex, has been duly appointed Professor or Superintendent of the said Institution, and he is now in occupation of, and has control over, the said buildings and premises.

5. The said Victor Horsley as such Professor or Superintendent as aforesaid, and his predecessors in the said Professorship, with the knowledge and sanction of the University of London, have been, and the said Victor Horsley still is, in the habit of using the said buildings and premises, and permitting them to be used, for certain purposes, and in particular for the purpose of performing certain vivisections, mutilations, and painful experiments upon living Animals of the kinds specified, referred to, and others not referred to in the Testator's Will, and otherwise contrary and for purposes alien to the true intent of the said Testator's Will, and the terms of the said bequest, and of the trust thereby created. And that lectures have been delivered by the said Victor Horsley as such Professor as aforesaid, and by his predecessors in the said Professorship, which purported to be delivered in accordance with the conditions prescribed by the said Will of the said Testator, but that the objects of such lectures have been alien to the purposes contemplated by the said Will, and that such lectures have not been made free to the public, as prescribed by the said Will.

6. Many of the said Experiments have been and are in the habit of being performed not for the purpose of investigating maladies to which Animals specified as aforesaid are subject, but for the purposes of ordinary physiological and pathological research.

7. The salary of the said Professor or Superintendent is paid, and the building appliances and equipment of the said Institution are kept up and maintained wholly or in part out of the income of the said trust estate.

8. One of the Professors at the Brown Animal Sanatory

Institution stated in his evidence given before the Royal Commission to enquire into the practice of Vivisection in the year 1875 that he “disregarded entirely the question of the suffering of the Animal in performing a painful experiment.” He also asserted that “a Physiologist has a right to do as he likes with the Animal,” and “it was only because the dog might howl or get into contortions that he would use anæsthetics at all.” He also said “I never use anæsthetics where it is not necessary for convenience,” and that “as an investigator” “he held as entirely indifferent the sufferings of the animal which was subjected to investigation.”

9. It was admitted by a Superintendent of the Brown Institution that the Animals kept there for the purpose of painful investigation were more numerous than the Animals kept for the purpose of cure, and he gave it as his opinion that any amount of torture might justifiably be inflicted on an Animal.

10. A Professor gave public lectures in London, and sought to amuse his audience by a description of the grim behaviour of the victims of his Experiments. This person carried on Vivisection of a private nature for his own purposes within the walls of the Brown Institution.

11. Your Memorialist submits that there is good ground for argument, that upon the true construction of the Testator’s Will, Experiments on living Animals are not within the scope of the Will.

12. Your Memorialist believes it to be a matter of notoriety that the Brown Institution is one of the most active Physiological Laboratories in England. Many Physiologists practise Vivisection within its walls, and he submits that such user is subversive of the Testator’s intentions, and constitutes a breach of the trusts of his Will.

13. By way of illustration of the grounds on which your Memorialist desires to proceed, he puts forward two copies of “The British Medical Journal,” dated respectively the 17th and 31st of January, 1885, and three copies of “The Lancet” of January 2nd and 18th and 25th December, 1886, which purport to contain reports of Lectures delivered at the University of London by the said Victor Horsley, who is there described as “The Brown Professor of Pathology to the University,” from whose preliminary remarks it is evident that the objects of the lectures and of the experiments illustrative thereof, and preparatory thereto, is alien to the Testator’s intentions under any reasonable construction of his Will, although the Lecturer describes his Lectures as being prescribed by the conditions of the said Will.

Among the Experiments which the Lecturer describes are Experiments on living dogs and monkeys, in which the thyroid gland has been excised for the purpose of investigating the causes of cretinism and goitre in the human subject. Your Memorialist believes that those Lectures were not free to the Public as prescribed by the said Will, for the Lecturer announced that the fifth of the series would be delivered at the Institution, from which the public is excluded.

14. Assuming the report adopted by the University of London, and printed with the correspondence which passed between your Memorialist and the Charity Commissioners, and to which your Memorialist craves leave to refer, to have been correct at the time of its issue, it will be seen that your Memorialist's present contentions go considerably beyond the points dealt with in the said Report.

15. Your Memorialist believes that there is a *primâ* case, which, in the interest of the public, ought to be tried.

16. Your Memorialist was desirous of instituting an action in Her Majesty's High Court of Justice with a view of testing the legality of the aforesaid acts and proceedings on the part of the University of London and the Professor Superintendent of the Brown Animal Sanatory Institution, and with that design he applied to the Charity Commissioners to authorise him to commence such proceedings, but the said Commissioners refused to assent thereto, upon the ground that the Animals which were the subject of the Experiments complained of in the correspondence referred to by the Relator were not among those committed to the charge of the Professor Superintendent.

17. In answer to this plea your Memorialist urges that the distinction attempted to be drawn between the Animals brought for cure and those bought for study of disease is untenable.

18. The view taken by the Charity Commissioners appears to be that the Testator's expressed desire that "kindness to the animals" committed to the charge of the Professor Superintendent is to be "a general principle of the Institution, applies only to certain animals operated on within its walls, and not to others; *e.g.*, that it applies to Animals sent there by their owners to be treated for disease with a view to cure, or purchased out of the Funds of the Institution with a view to the promotion of Science, and not to Animals operated upon.

19. Your Memorialist cannot concur in this construction of the Will. He thinks that the desire so expressed applies to

ALL Animals dealt with at the Institution, from whatever source they come and that each of them must be taken to have been committed to the charge of the Superintendent, for whose appointment the Testator has made careful provision. The real question is, whether what takes place there does or does not fall within the Testator's intentions to be gathered from his Will.

20. As regards Animals not belonging to the Institution but sent thither by the Public for treatment, it is clear that the Officers of the Institution can have no right to deal with them as subjects for Vivisection. The question of Vivisection therefore arises only with regard to Animals to be used for the purposes of investigating and studying the maladies and injuries above referred to, the provision made by the Will for the purchase of which will be presently mentioned.

21. The Testator after directing the appointment of a Superintendent or Professor of the Institution, expresses his desire that "kindness to the Animals committed to his charge shall be a general principle of the Institution," and then empowers the governing body of the London University or a Committee to be appointed by them "to decide about the purchase of diseased animals or their carcasses for the promotion of Science." But nothing is said by him as to Animals in sound health, the Testator speaking only of "diseased Animals or their carcasses."

22. Since therefore under the terms of the Will Science is to be promoted not by means of sound Animals but by means of diseased Animals or their carcasses, it would seem from the Testator excluding sound Animals, which perhaps are oftenest used in Vivisection, and coupling together diseased Animals and their carcasses, the latter of which cannot be so used, that the practice of Vivisection was not in contemplation and that he had no intention of authorising it; and had it been otherwise, it is only reasonable to suppose that he would have included Animals in sound health and used in his Will language either authorising the practice or showing his approval of it.

23. It is observable moreover that at the date of the Will (1846) the practice of Vivisection was comparatively unknown to the public, and it was the less likely therefore to have been in the mind of the Testator, whose meaning doubtless was that diseased Animals should be purchased for the purposes of experimental medical treatment, and dead carcasses for the purpose of investigation by dissection.

24. And the authority given by the Will for the purchase of carcasses, which can only be used for dissection may be considered as excluding by implication the purchase of living Animals for that purpose. Nor would the purchase of carcasses be necessary if, under the terms of the Will, living Animals could be acquired and used. Upon the whole, and particularly having regard to the Testator's express desire that kindness to the Animals committed to the charge of the Superintendent should be a general principle of the Institution, your Memorialist is of opinion that Vivisection and painful experiments upon Animals, whether diseased or sound, are not within the intention of the Testator or the scope and meaning of his Will, and that the buildings, funds and appliances of the Institution, and the services of its officers and servants, cannot properly be used or made available for such purposes.

25. The Brown Animal Sanatory Institution was founded expressly and entirely for the welfare and benefit of Animals—for Animals alone, not for Men. Nevertheless, excessive misery, suffering and death are inflicted upon many of them, and not for the benefit of Animals, but for the supposed advantage of Men! If this is not totally contrary to the terms and spirit of the Will, what can be? For there is nothing whatever in Mr. Brown's Will that suggests anything that is not for the benefit of Animals.

26. The provision made by the Testator for "the purchase of diseased *Animals* or their *carcasses* for the promotion of Science" plainly indicates that the object of the Testator was the promotion of the study of the diseases of *Animals* with a view to their cure.*

27. The accompanying five numbers of "The British Medical Journal" and "The Lancet" contain evidence as to the nature of some of the Experiments to which Animals are subjected in the Brown Institution. For example,—cutting out a lobe of the thyroid gland,—exposing the motor centres,—trephining the skull,—electrical stimulation on both hemispheres,—producing an artificial tumour,—injecting plaster of Paris through the motor cortex on the side of the brain,—etc. The thyroid gland was excised in a "Donkey." The animal was 205 days in dying,—during two months exhibited emaciation and weakness, and became unable to stand. Mutilated dogs were "kept alive." Monkeys, Sheep, Pigs, Cats, and Guinea-pigs were likewise subjected to mutilation and lengthened suffering. Monkeys survived for from five to eight weeks after being mutilated.

28. Your Memorialist is advised that by reason of Sections 7 and 8 of the Charitable Trusts Act 16 and 17 Victoria, Chapter

* See Note L, page 123.

137, Proceedings cannot after such refusal be taken by the Attorney-General *Ex relatione* but must be taken *Ex Officio*.

Your Memorialist therefore humbly prays that the Attorney-General will see fit to institute proceedings with a view of testing the legality of the aforesaid acts and proceedings on the part of the University of London and the Professor Superintendent of the Brown Animal Sanatory Institution upon being sufficiently indemnified against costs by your Memorialist.

And your Memorialist will ever pray &c.

GEORGE RICHARD JESSE,
Honorary Secretary,
Society Abolition Vivisection.

P.S.—This Memorial has the support of the Provost and Senior Fellows of Trinity College, Dublin, as the following Letter from the Rev. Samuel Haughton, M.D., Senior Proctor of that University, will show :—

SENIOR PROCTOR'S OFFICE,
TRINITY COLLEGE, DUBLIN,
23rd April, 1887.

SIR,—

I laid your Letter of the 23rd March before the Provost and Senior Fellows of Trinity College, this day, when the following Resolution was passed :

“That the Provost and Senior Fellows of Trinity College, Dublin, (taking into consideration the interest of the College under the Will of the late Mr. Thomas Brown, of The Grange, County of Dublin) do subscribe a sum of One Hundred Pounds towards a Guarantee Fund for indemnifying the Society for the Abolition of Vivisection against Costs incurred in their attempt to obtain an Injunction to restrain the University of London from using the Brown Animal Sanatory Institution or any other buildings and premises, purchased or maintained with funds belonging to the Trust, for the purpose of painfully experimenting upon Animals.’

Yours faithfully,
SAMUEL HAUGHTON.

C. S. PEMBERTON, Esq.,
Messrs. LEE & PEMBERTONS.



APPENDIX.

THE Royal Society for the Prevention of Cruelty to Animals, London, does not appear to consider as *Cruelty* the excessive misery and sufferings inflicted upon Animals by Physiologists, but, while ostentatiously straining at a Gnat, with well-fed complacency swallows a Camel! This rich, and fashionable Royal Society has conducted itself in respect to the prostituted Charity,—the Hell for Animals in the Wandsworth Road, with the like policy which unhappily characterised it before the Royal Commission on Vivisection,—when, time-serving and pandering to power, it deliberately stated that “*It did not know that it knew of a single case of wanton Cruelty.*” (!!!) And halted not even there, but threatened to *prosecute at Law* the Society for the Abolition of Vivisection if it republished a letter by the late William Howitt severely commenting upon the climax of inconsistency of the Royal Society for the Prevention of Cruelty to Animals in advocating the perpetuation and Legalisation of Vivisection. The republication of the letter in “*The Morning Post*” was the instant defiance and reply; but the Royal Society for the Prevention of Cruelty to Animals thought it prudent not to attempt to carry out its unseemly threat, and had the ineffable meanness to assail the Society for the Abolition of Vivisection in “*The Animal World*,” and refuse admission to a reply. Even here however, it did not cease its deplorable descent on a time-serving and degrading path. At a recent Annual Meeting of the Royal Society for the Prevention of Cruelty to Animals, a Dignitary of the Church of England,—a Bishop,—a Minister of CHRIST, rose and advocated the Vivisection of Animals,—the “*mangling the living Dog*,”—and his speech, which wound up with the words “*God’s blessing on our efforts*,” was received with “*Cheers*.” (!!!) Received, not with silence or disapproval,—not with cries of Shame, but with “*Cheers*” from the assembled “*Friends*” of Animals, not one, not even one of whom indignantly rose and uttered one single word of protest!† After this,—after such a manifestation as this; does not the Royal Society for the Prevention of Cruelty to Animals merit, so far as the barbarous and unchristian practice of Vivisection is concerned, the title of the Royal Society for the *Propagation* of Cruelty to Animals?

Had the Royal Society for the Prevention of Cruelty to Animals

† *Fact. See Sixty-first Annual Report of the Royal Society for the Prevention of Cruelty to Animals. July 1885. Page 93.*

honestly and heartily supported the Society for the Abolition of Vivisection with its influence and wealth,—had its numerous and noble patrons and subscribers put their shoulder earnestly to the wheel to assist the strenuous endeavour to obtain a Judicial Interpretation of the Will of the late Mr. Thomas Brown,—more good might have been achieved for the future welfare of Animals than the Royal Society for the Prevention of Cruelty to Animals can ever itself bring about by its present policy in a century of years. But this affluent, fashionable, and time-serving Society, straining at the Gnat but swallowing the Camel, elects to prosecute the ignorant Costermonger, and yet spare the educated Physiologist for deeds incalculably more barbarous,—deeds which that Costermonger would shudder to look upon. Its callous conduct likewise as to the unnatural Muzzling of the Canine Race, and inhuman and brutal massacre of those most faithful and noble Creatures in the Streets of the Metropolis before the eyes of women and children is much opposed physically and morally to the Prevention of Cruelty. A distinguished author wrote of a certain person connected with the Royal Society for the Prevention of Cruelty to Animals,—“I have long known him,—and known him as a precious time-server.” In truth the Royal Society for the Prevention of Cruelty to Animals may now consistently inscribe over its portal,—

“Be wary, watch the time, and always serve it.”

And over the Laboratory of the Brown Animal Sanatory Institution should be engraved,—

“Abandon Hope, all ye who enter here.”

THE ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,

VERSUS

THE SOCIETY FOR THE ABOLITION OF VIVISECTION.

*“ I DO NOT KNOW THAT I KNOW OF A SINGLE CASE OF WANTON CRUELTY.” Page 78.**

*“ For instance, in some of Brown Séquard’s Experiments, where Animals were kept for Weeks in suffering.” Page 78.**

*“ But you think that Experiments are performed which are in their nature beyond any legitimate province of Science,” &c. ?—“ That is the opinion of our Society.” Page 78.**

*“ You have said that a Professor gave Public Lectures in which he sought to amuse his audience by a description of the grim behaviour of the Victims of his Experiments ?”—“ Yes.” Page 82.**

The foregoing passages are literal extracts from the statements made by the Royal Society for the Prevention of Cruelty to Animals, before the Royal Commission on Vivisection. The British Public can judge from them what the conduct of that Society was on that important and momentous Question, and whether, or not, it was faithful and true to its position and its clients. Would any sensible and candid mind have conceived it possible that in the opinion of the Royal Society for the Prevention of Cruelty to Animals, it is not “ WANTON CRUELTY ” to keep Animals for Weeks in suffering ;—to torture them for purposes beyond any legitimate object ;—and to amuse an audience by a description of the behaviour of the Victims ? The language used before the Royal Commission on Vivisection by the Royal Society for the Prevention of Cruelty to Animals was of a

** See.—Minutes of Evidence taken before The Royal Commission on Vivisection. Presented to both Houses of Parliament by Command of Her Majesty.*

London: Printed by Eyre and Spottiswoode, for Her Majesty’s Stationery Office. 1876. Price Four Shillings and Four Pence.

character to inflict great injury on the cause of Animals. It has been brought forward by the Commissioners;—Members of the House of Commons;—and Vivisectors to *justify* the torturing of Animals for Scientific purposes.

A LETTER AS TO VIVISECTION ADDRESSED ON THE 17TH APRIL 1876, (AND PUBLISHED) BY “THE BIRMINGHAM SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,” TO “THE ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,”—CONTAINS THESE WORDS.

“Yours has been a needless and ungenerous interference—suggestive of the half course, or so to speak, humouring policy adopted by those who might have been expected to be our leaders in such an effort, and whose immense income would have justified liberal help to struggling associations. . . . It ill becomes . . . a Society for the Prevention of Cruelty to Animals, to publicly mock earnest efforts at a critical period, and, as it were, kick the beam, lest the balance should turn on the side of humanity.”

The disapprobation expressed by “The Birmingham Society for the Prevention of Cruelty to Animals,” relative to the conduct of the Jermyn Street Society as to Vivisection, was also strongly felt by other Societies.

HOUSE OF LORDS, TUESDAY, JULY 15, 1879.

ABOLITION OF VIVISECTION BILL.

Lord ABERDARE, in opposing the Bill, said there were cruelties inflicted in the name of science fifty times more cruel than those connected with Vivisection which the law did not touch and had not attempted to deal with.

“*The Times*,” Wednesday, July 16, 1879.

Lord ABERDARE opposed the Bill because it would have the effect of preventing vaccination, an operation that was performed not for the purpose of alleviating pain but preventing future disease. *The Society for the Prevention of Cruelty to Animals, of which he had the honour to be president, had never advocated the total abolition of Vivisection.**

“*The Morning Advertiser*,” Wednesday, July 16, 1879.

Lord ABERDARE, *as President of the Society for the Prevention of Cruelty to Animals, said that that society had never entered*

* *The former President of “The Royal Society for the Prevention of Cruelty to Animals.”—the Earl of Harrowby,—was reported at a Public Meeting several years*

into the campaign against Vivisection, though they had done all they could to prevent unnecessary cruelty to animals. He could not support the Bill, which was so loosely drawn that it would really, if carried, prevent the practice of vaccination. He agreed that the existing Act was defective, and he should be glad to render any assistance in reforming the law in connection with cruelty to animals. *He believed that little unnecessary cruelty was inflicted in the course of Vivisection in this country,** and most of the instances of cruelty that were quoted came from abroad. (Hear, hear.)

“*The Daily Chronicle*,” Wednesday, July 16, 1879.

ADDRESS TO THE DEPARTMENT OF ANATOMY AND PHYSIOLOGY.

THE BRITISH ASSOCIATION.

SHEFFIELD, AUGUST, 1879.

Dr. PYE-SMITH. “All honour to the Society which seeks to prevent Cruelty to Animals. . . . If it can point to any abuse in one of our Laboratories we will hasten to correct it. *This Society has honourably declared that they knew of none.*”

“*The Times*,” Tuesday, August 26, 1879.

“*The Animal World*,” November 1, 1879.

NEWS FROM BRANCHES OF R.S.P.C.A.

CHESHIRE, NORTH.—(Supplied with an Officer by the R.S.P.C.A.)

“The President and members of the Branch Committee have at various times been asked to take part in the agitation for the total abolition of Vivisection. As they represent every shade of opinion on the subject, it is felt that no official action could express the views of the whole Branch, and the Committee wish it to be distinctly understood

since as saying that these Practices unless put down “will eat like a canker upon the vitals of our morals.”

Lord Harrowby has resigned the Presidency of the Society;—and these Practices, so far from being put down, are now Legalised and Martin's Act mutilated. “*The Royal Society for the Prevention of Cruelty to Animals*” even passed a Resolution thanking Her Majesty's Government for “*The Cruelty to Animals Bill*,” which Licensed Vivisectors, placed them under the protection of the Law, and Animals utterly at their mercy.

* *The Evidence given before the Royal Commission on Vivisection is much opposed to this “belief.” Let the humane portion of the Public contrast these utterances of Lord Aberdare with those of former Presidents of the Royal Society for the Prevention of Cruelty to Animals,—the noble Earls of Carnarvon and Harrowby. See Page 109.*

that on this point they hold an entirely *neutral* position. *Should the parent society, however, again ask for an expression of opinion from its Branches they will not shrink from taking their share of the responsibility. The Committee feel strongly that any ill-advised action on this subject may seriously damage the cause they have at heart. The agitation respecting Vivisection, however much it MAY at one time have been needed, NOW threatens to become MOST HARMFUL to the whole question of the prevention of cruelty to Animals.*"

To the Editor of "The Standard," 24 Oct., 1879.

Sir,—As you have opened your columns for a discussion on School Board management, allow me—as a manager of many years' standing of a voluntary school—to state one or two facts which have come under my observation. In a large Board school in the north of London *the head mistress, an ardent physiologist, formed a class of Girls for the study of Animal Physiology,** and it was a most painful sight to see a number of little girls elbowing each other to get as near as they could to the table where the teacher was dissecting and lecturing on a rabbit. What the effect of this brutalising exhibition might be I do not pretend to guess, but I know that the ratepayers' money is taken to teach the "three R's," and not comparative anatomy. Again, a fortnight ago, I counted forty-three children of school age at three o'clock in the afternoon playing in a short street—four of them were *dragging a dead cat by a string down the gutter*—under the shadow of a great Board school, the centre of the operations of an active and energetic visitor, while there were over fifty vacant places in a voluntary school close by.

I am, Sir, your obedient servant,
AN OLD SCHOOL MANAGER.

October 22.

Advertisement in the "Morning Post" on August 9, 12, 14, 16, and 19: in "The Times" on August 18 and 28: and in "The Standard" on August 15, 22, and 29, 1879.

ROYAL SOCIETY for the PREVENTION of CRUELTY to ANIMALS.—To the Members.—Though numerous supporters of the Society regard Vivisection and inducing disease on animals as dire cruelty to the animals and demoralising to the human race, nevertheless no petition by the Society has yet, it is believed, been presented

* *Query.*—Were any of these Girls "juvenile essayists"? By no means unlikely. Writing a clever, or a stupid, Essay, is no proof of a merciful mind. It was said of a most pathetic Author that he preferred whining over a dead Ass to relieving a live Mother. Some of the composers of Religious Tracts are amongst the most worldly-minded people in existence.

to Parliament for the abolition of these barbarous and unphilosophical practices. The inference, perforce, drawn by the Public and the Legislature from this conduct on the part of the great Society for the Prevention of Cruelty is pernicious, and pregnant with danger for the future to the cause of humanity.

All members of the Society desirous of bearing part in the following petition are requested to communicate with

GEORGE R. JESSE, Esq.,
Hon. Secretary and Treasurer Society Total Abolition and
Utter Suppression of Vivisection, Henbury, near Maccles-
field, Cheshire.

ROYAL SOCIETY for the PREVENTION of CRUELTY to ANIMALS.—HUMBLE PETITION AGAINST VIVISECTION.—Sheweth that the undersigned members of the Royal Society for the Prevention of Cruelty to Animals, being of opinion that the practice of Vivisection—that is, dissecting animals alive or subjecting live animals to painful experiments for (so called) scientific purposes—is cruel, demoralising, and misleading, hereby earnestly entreat that a law be passed to totally abolish and suppress the said practice. And your petitioners will ever pray.

“*The Saturday Review*,” November 29, 1879.

The yearning for a higher education which can only be satisfied by sharing it with the gilded youth of Oxford is not quite the same as that of the “Princess” who “would make it death For any male thing but to peep at us.” The Oxford she-students at present, we believe, attend separate lectures, but it may be doubted how long that invidious distinction will be maintained; at Cambridge they mingle with “male things” in some lectures at all events, including those of the *Physiological Laboratory*, which are pleasantly illustrated by *Experiments in Vivisection*.

“*The Standard*,” Monday, June 4, 5, and 7. 1880.

TO the MERCIFUL.—The MORAL INFLUENCE of VIVISECTION.—An instance of the moral influence of the practice of Experimenting upon Living Animals occurs in a pamphlet sold by Partridge and Co., and which forms part of “*The Earlham Temperance Series*.” The pamphlet states in regard to the effects of alcohol:—“To prove this, give, say, a pound of beef to each of two healthy hungry dogs, and immediately oblige one of them to drink some spirits. About an hour afterwards give an emetic to each dog, and make them turn out their beef for inspection.” This pious publication (in which the Bible is very frequently quoted) directs its readers to subject Dogs to the above treatment.

It is believed that the Editor of "THE EARLHAM TEMPERANCE SERIES" is a Member of THE COMMITTEE of "The Royal Society for the Prevention of Cruelty to Animals." Mr. Ruskin happily describes a certain Sort of Literature as,—“little Sausage books made of chopped up Bible.” The pamphlet alluded to dilutes the Sausage with Alcohol.

“ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,
INSTITUTION BUILDING,
105, JERMYN STREET, ST. JAMES’S,
LONDON, S.W. 30 *Mch.* 1875.

“DEAR ———

. . . I cannot carry out your wishes with regard to Mr. Jesse’s advertisement which has already done much mischief to the cause you have at heart, because of its indefiniteness and inaccuracy. Vivisection is frequently done without torture which Mr. Jesse lost sight of in writing his definition of that term. No one except a Vegetarian can consistently join Mr. Jesse’s Association. . . .

I am, dear ———

Yours faithfully,

JNO. COLAM, Secretary.”

In striking contrast to the foregoing malevolent and depreciatory epistle, and the unfounded assertions of “The Animal World,” is the following Letter from the Turin Society for the Protection of Animals, which expresses sentiments of a very different nature towards the Society for the Abolition of Vivisection and bears gratifying testimony to its consistent policy and strenuous efforts in the Cause of Animals.



LETTER FROM THE TURIN SOCIETY
FOR THE PROTECTION OF
ANIMALS.

TORINO, 10 *Août* 1879.

OFFICE DE LA SOCIET ,

RUE DELLA ROCCA, 49.

MONSIEUR,

Le Pr sident et les Membres de la Direction de cette Societ  me chargent de vous pr senter leurs plus vifs remerciements pour *l'Evidence given before Royal Commission, &c.* ainsi que pour les *feuilles volantes* que vous avez eu la bont  de nous envoyer en Juillet dernier,

L'Evidence que j'ai annoté, et resumé en Italien, est un ouvrage du plus haut intérêt, et sera un des plus précieux documents de notre Bibliothèque.

Nous vous prions de nous excuser d'avoir tant tardé à vous exprimer notre reconnaissance mais nous voulions vous offrir en même tems le XVI fascicule de notes qui était en voie de publication et a paru seulement ces jours derniers. Nous ajoutons quelques écrits de notre Président, pour vous prouver de quelle manière nous envisageons cette question. Nous sommes absolument opposés à cette horrible pratique tandis que la plupart des Sociétés Protectrices se bornent à vouloir l'enfermer entre certaines limites, ce qui est absurde, car *l'admettre c'est l'autoriser*. J'ai marqué sur une feuille volante les differents endroits page et alinéa où il est question de Vivisection.

Je vous expédie en même tems le temoignage du Docteur Riboli notre Président, c'est tout à la fois un Savant, et un Opérateur d'une réputation incontestée, bien que jamais il n'ait fait des expériences sur des animaux vivants; prouvant par lui même l'inutilité de cette pratique de cannibales.

Dieu vous recompensera sinon en cette vie àu moins dans une autre pour tout le zèle que vous déployez en faveur des animaux opprimés, et les gens de cœur vous en bénissent dès à présent. Veuillez Monsieur me croire

Votre très obete ser^{te}

D^a. BIANDRATE-MORELLI,

Membre de la Dir^{on} et Secrétaire
de la S. P. A. de Turin.

A Monsieur GEORGES R. JESSE

Secrétaire Hono^{re} de la Soc^{'é} pour l'abolition
absolue de la Vivisection,
Henbury, Cheshire.

“ 34, CONDUIT STREET, REGENT STREET,
LONDON. *April 1, 1876.*

“ SIR,

I have been consulted by my client Mr. John Colam Secretary to the Royal Society for the Prevention of Cruelty to Animals and Editor of the *Animal World* with reference to a leaflet Nod. 19 signed by William Howitt dated from Rome on the 29th Decr. last and which has been widely circulated by you and your Agents. My client has also placed in my hands the correspondence which has passed between you and him on the subject. I have carefully perused and considered the Article in the *Animal World* referred to by Mr. Howitt but fail to find that the Society of which Mr. Colam is Secretary advocated in the *Animal World* the perpetuation of Vivisection in the sense imputed by Mr. Howitt.

As the leaflet in question is likely to mislead and to prejudice my

client in his position and to give rise to false impressions I must request you to discontinue circulating such leaflet failing which I shall be reluctantly compelled to take such course as I may be advised in the interest of my client.

I am, Sir,
Your most obedient servant,
A. LESLIE.

“GEORGE R. JESSE, Esq.,
Henbury,
Macclesfield,
Cheshire.”

The above hostile communication from “The Royal Society for the Prevention of Cruelty to Animals” threatening Legal Proceedings if we republished Mr. Howitt’s Letter, failed in its unseemly attempt to silence us. We treated it with the open contempt it so justly merited,—Republished and Advertised the Letter “No 19,” and sent the Executive of the “R.S.P.C. Animals” a copy of a Newspaper containing it. The Executive of the Society thought better than to attempt to put its unworthy menace into execution. It took the pitiful revenge of speaking disrespectfully of us in its own organ, *and had the cowardice to refuse admission to our answer.* What cannot a Committee abase itself to?

FROM THE “MORNING POST” OF MONDAY,
APRIL 10, 1876.

No. 19.

VIVISECTION.

A PROTEST BY WILLIAM HOWITT AGAINST VIVISECTION OF ANIMALS; IN EVERY SHAPE, AND UNDER ANY CIRCUMSTANCES.

To GEORGE R. JESSE, Esq. (*Honorary Secretary of the Society for the Abolition of Vivisection*).

DEAR SIR,—In addressing to you my sentiments on the odious subject of Vivisection, I was intending to call attention to the mass of conclusive evidence adduced against the practice. I see, however, with pleasure that you have recently done that yourself in a printed paper addressed to the supporters and friends of the Society for the Abolition of Vivisection. Little more would seem, therefore, requisite to me to

do than to add my voice to those of so many both professional and unprofessional persons of far higher pretensions, in condemnation of this horrible practice, and in bidding God-speed to a Society which aims at its utter extinction. Yet such evidence cannot be too much, or often, brought under the eyes of the public. When we hear physicists or surgeons nowadays asserting that discoveries useful to man have been, or may be made by means of vivisectioning animals, it must be of infinite service to oppose to their dicta the authority of such men as Sir Charles Bell, who declared as to Anatomy and Physiology, that "*experiments (Vivisections) have never been the means of discovery; and a survey of what has been attempted of late years in physiology will prove, that the opening of living animals has done more to perpetuate error than to confirm the just views taken from the study of anatomy and natural motions.*"

With a mass of evidence from the highest surgical authorities of the utter uselessness of these terrible sufferings, to inflict them under any circumstances, or any official sanction, is base, cowardly, and brutal. Such perpetrations are nothing less than devilish, and most disgraceful to any people which tolerates them. The numerous authorities of the highest grade, whose dicta, or whose conflicting experiments, confirm the verdict of their uselessness, and their desolating influence on the moral character of those who practise them, call on us to put an absolute end to them. There can be no compromise on the subject in any sound or humane mind. *Delenda est Carthago!*

Could there possibly be any compromise, it could only be in reference to human subjects. Longet says, "No Vivisections can be beneficial to man except they are made on man!" But with all the zealous assertions of Vivisectioners, of their object in such awful atrocities being the good of humanity, where is the magnanimous Vivisectioner who would submit his sensitive frame to the knife, the forceps, the red-hot iron which he applies with such diabolical indifference, and often with long and oft-repeated savagery, to his bound and helpless victim? As, therefore, it is declared by high professional authority that nothing but human Vivisection can throw light on the human organism, and as we are sure not to have offered us any human martyr of science,—away with the whole useless and detestable system of universal Vivisection under any regulations, sanctions, or circumstances whatever. *Delenda est Vivisectio!*

On these grounds I subscribe absolutely to the principle of the Society for the Abolition of Vivisection, a system of tortures worse than those of the infamous Inquisition, and the details of which the stoutest stoic cannot read but as a stern and terrible duty. Yet the Society which issued the Prize Essay of Mr. Fleming, with strange inconsistency, in an article in the *Animal World* for December, advocates the perpetuation of this most odious barbarity, which, by its own publication, is proved to be not only horrible but useless, full of confusion, and degrading to the operator. True, it would perpetuate the abomination under legal regulations, licensed performers, and anæsthetics. But who shall guarantee the observance of these conditions, seeing the rabid

passion of Vivisectors for these cruelties; their anxiety for the secrecy of their horrible practices, and their habit of severing the vocal nerves of their victims to render their cries impossible? Professor Schiff, at Florence, when he had horrified the surrounding neighbourhood of his school of Vivisection by the shrieks and groans of his victims, stoutly asserted that he only operated under the effect of anæsthetics! But he now cuts the vocal nerves of his victims, and they *die in silence!*

The abomination admits of no tampering with. It must be rooted out utterly, and with the sternest penalties of the law; and England can never pause in its demand for this till it is accomplished by the rigour of statute, and the infamy of indignant public opinion.

Yours faithfully,

WILLIAM HOWITT.

ROME, Dec. 29th, 1875.

THE ROYAL SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS, AND WILLIAM HOWITT.

TO GEORGE R. JESSE, Esq. (*Honorary Secretary of the Society for the Abolition of Vivisection*).

DEAR SIR,—I observe in *THE ANIMAL WORLD* for March just come to hand, page 34, the following note addressed to you by the secretary of the R.S.P.C.A.:—"Dear Sir,—A leaflet (No. 19), issued by your society, has been placed in my hands. It contains a letter written to you by William Howitt, dated Rome, Dec. 29th, 1875, and contains the following reference to this society:—"Vivisection, a system of tortures, worse than those of the infamous Inquisition, and the details of which the stoutest stoic cannot read but as a stern and terrible duty. Yet the society which issued the prize essay of Mr. Fleming, with strange inconsistency, in an article in *THE ANIMAL WORLD* for December, advocates the perpetuation of this most odious barbarity," etc.

"I am desired to ask you, in the most serious manner, to refer me to the passage printed in *THE ANIMAL WORLD*, of December, which justifies your publication of Mr. Howitt's extraordinary statement.

"I need not add that the article in *THE ANIMAL WORLD*, instead of advocating 'a system of tortures,' earnestly and emphatically advocates the utter extinction of *all* torture."

If the secretary of the R.S.P.C.A. had quoted my reference to the society's article ungarbled and in its entirety, it would have fully answered the secretary's question itself, and would have appeared anything but "an extraordinary statement." After the words "odious

barbarity," my remarks continue—"which, by its own publication, is proved to be not only horrible but useless, full of confusion, and degrading to the operator. True, it would perpetuate the abomination under legal regulations, licensed performers, and anæsthetics. But who shall guarantee the observance of these conditions, seeing the rabid passion of Vivisectors for these cruelties; their anxiety for the secrecy of their horrible practices, and their habit of severing the vocal nerves of their victims to render their cries impossible?"

The passages which I consider fully to warrant my statement are those which conclude a leading article of *THE ANIMAL WORLD*, of December, page 180, being part of their proposed provision in an Act of Parliament on this question, namely: "No person shall perform, or cause to be performed, or take part in performing any Vivisection upon any animal, without having first subjected such animal to the influence of an anæsthetic, so as to render it wholly insensible to pain.

"A justice of the peace, on information on oath that there is reasonable ground to believe that Vivisections are performed at *any place not registered*, or by *any person not licensed*, in pursuance of this act, may issue his warrant to enter and search such place," etc.

Here, then, we have the society's open avowal of its readiness to admit Vivisection under the conditions I named as admitted by it, "legal regulations, licensed performers, and anæsthetics."

If the society imagines that by any such enactment it advocates "the entire abolition of all tortures," it lamentably deceives itself. To say nothing of the clumsy machinery for detecting, convicting, and punishing Vivisectors, namely, on suspicion of illegal Vivisection, going to a magistrate, procuring a warrant, and then proceeding to the suspected place and getting an entry, during all which time horrors on horrors might be perpetrated, it is not the *unlicensed*, but the *licensed* operators who, under the ægis of an Act of Parliament, and the delusion of anæsthetics, are to be dreaded.

I stated my convictions, and I re-state them, that if Vivisection be sanctioned by Act of Parliament, all regulations for the prevention of its practice without anæsthetics, and in all its savagery, will prove unavailing. I gave and re-give my reasons for this conviction, namely, "the rabid passion of Vivisectors for these cruelties; their anxiety for the secrecy of their horrible practices; and their habit of severing the vocal organs of their victims to render impossible their cries."

Mr. Newton Crosland, in a letter published in the *Hour* of February 28th, asserts that it is notorious that the unfortunate animals are anæsthetized only until they are bound and gagged, and then are operated on in full and conscious agony. Abundant proofs of this fact are, I believe, ready to hand, and so long as Vivisection shall be practised under sanction of an Act of Parliament—if ever—as proposed by the Society for P.C.A., so long will these detestable orgies of diabolism continue. Who shall, in fact, with the necessary promptitude, discover the secret dens of fanatic operators; dens even in registered buildings cleverly contrived, shrouded in profound concealment, and sentinelled

by adroit scouts, where victims whose throats are for ever silenced, are suffering the torments of the damned under the outspread wings of an equivocal law?

Supposing that such licensed but slippery operators were suspected, and the officers of the law presented themselves at the door, what would immediately take place? The wretched animals would be instantly treated to chloroform, and the bland operators would smilingly accost the emissaries of justice with: "See! we are proceeding strictly according to statute—under the influence of anæsthetics."

So long as there was a legal cover for these hideous outrages on God's helpless creatures, there would be evasions of the law, and any attempt to detect the offence would be, for the most part, vain. You must make Vivisection penal under any circumstances, and you then can discover, convict, and punish it. The base and dastardly Vivisectors could at once apply chloroform on the appearance of police, but they could not easily remove the victim, and obliterate all traces of their butcherly doings. They must have no cloak, no refuge, no dubious ally in the law; it must be their open-faced, undisguised, implacable foe and extinguisher. My proposition is simply this: *If Vivisection is useless, it is devilish.* But the Royal Society for Prevention of Cruelty to Animals is the very body, by its Fleming Prize Essay, which has stamped it as useless, *ergo*—its attempt to perpetuate it through an Act of Parliament, and pretence of anæsthetics is a gross inconsistency. It has proved its uselessness by the high authority of Sir Charles Bell, who declared "Confusion was one of the monsters of science, and the most salient result of Vivisection." It has proved it even by the assertion of John Hunter, that wholesale mangler of animals, "that he found clinical observation and *post mortem* examination the most secure means of arriving at perfection in the surgical art." It has proved it by collecting into the same prize essay the testimony of the greatest physiological authorities, ancient and modern, foreign and British, to the confused and contradictory results of Vivisection. It has arrayed in this list the names of Aristotle, Galen, Slatter, Zinn, Serres, Flourens, Longet, Roland, Colin, Brunn, Sequard, Bouillaud, Gratiolet, Blanville, Magendie, Bichat, Legallois, Duprés, Brodie, Hertwig, Coleman, Bonnet, etc., etc., etc. And after thus voluminously demonstrating its uselessness, and worse than uselessness, it implores for it the sanction of the law. If this be not the climax of inconsistency, what is?

Yours faithfully,
WILLIAM HOWITT.

Rome, March 14th, 1876.

The above reply has not been allowed to appear in "*The Animal World*" A copy of it was forwarded (on 25th March) to the Earl of Harrowby, President of the "Royal Society for the Prevention of Cruelty to Animals," but he disclaimed responsibility—stating "'*The Animal World*' was published under the guidance of a Sub-Committee," and he had "referred the letter to them for their consideration."

“Their consideration,” appears to have terminated in a belligerent decision, as a letter has since been received by Mr. George R. Jesse from the Solicitor of the “Royal Society for the Prevention of Cruelty to Animals,” **THREATENING LEGAL PROCEEDINGS IN REGARD TO THE PUBLICATION OF MR. WILLIAM HOWITT’S FIRST LETTER!**

A Copy of Lord Harrowby’s response is given below.

“LONDON,
March 28, 1876.

“SIR,

The “Animal World” is published under the guidance of a Sub-Committee of the Society for Preventing Cruelty to Animals and I have referred your letter to them for their consideration.

I am, Sir,

Your obedient servant,

G. R. JESSE, Esq.”

HARROWBY.

‘*The Animal World*’ forwarded to Lord Harrowby was the Number of that Journal for the 1st March 1876, and contained these words.—“We beg the Society for the Abolition of Vivisection and all its friends to cease publishing their Handbill No. 19, which is not only *totally false in its allegations*, as anyone may see who will turn to our article on Vivisection published in last December Number, but is *mischievous to the general common object*.”

According to the President’s letter this untruthful language was “published under the guidance of a Sub-Committee of the Society for Preventing Cruelty to Animals”!

In 1873 in two numbers of—“*The Animal World,—A Monthly Advocate of HUMANITY*,”—designed “especially for the Young,” mention was made of some of the “Experiments” of Flourens and Spallanzani:

Boring or scooping out the Eyes of living Bats: Plucking feathers from the wings of a live Bird: Starving Moles to death.

Not a word of condemnation, it is believed, accompanied the details of these atrocities in the pages of this “*Advocate of HUMANITY*.” Remonstrance was slighted,—and by the Journal which takes for its motto,—

“He prayeth well, who loveth well
Both Man, and Bird, and Beast,”

and professes to Educate, in mercy and kindness to the Brute Creation!

Fine Education for Children are the "*Experiments*" of Spallanzani! John Abernethy, the famous Surgeon, in his Lectures to *his* Pupils, stigmatized Spallanzani as a "filthy-minded fellow," . . . "one of those who have tortured and destroyed Animals in vain." Even that Desperado of the High Seas, Trelawney, regarded the deeds of Spallanzani with horror and abhorrence,—the sentiments of true manhood. See "*Adventures of a Younger Son.*" London: Bentley, New Burlington Street. 1846. Pages, 239, 240, 241, 248. Well may many ponder on the past and present, and future, of "The Royal Society for the Prevention of Cruelty to Animals." What would Martin, Erskine, Gompertz, and Coleridge utter from their indignant hearts, could they rise from their honoured graves, and witness the time-serving policy of the now fashionable and wealthy Society,—which prosecutes the ignorant Costermonger, and spares the educated Physiologist for deeds incalculably more pernicious,—deeds which that Costermonger might shudder to look upon, In the Lists of Convictions published by this powerful and long-established Society do instances occur of Vivisectors brought to Justice? John Brown is prosecuted for over-loading his horse or belabouring his ass by the very people who countenance the atrocities of educated Physiologists, and the cruelties practised for amusement on wild Animals.

But, these good people do not expect to gain either advantage or pleasure from the doings of John Brown,—while on the other hand they hope (vainly hope,) to be saved from the natural penalties of their own luxury, follies, selfishness, and vices by the cold-blooded and inhuman barbarities of the Vivisectors.

THE ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.

"*The Daily Chronicle*," Thursday, November 24th, 1881.

CRUELTY TO ANIMALS.

To the Editor of "The Daily Chronicle."

SIR,—You express regret that persons guilty of cruelty to animals cannot be imprisoned without the option of fine. You will be glad to know that this is the case, and that several magistrates have acted on this special clause.

The late Lewis Gompertz spent his life in the interests of the dumb creation, and in connection with the Rev. Arthur Broome and Richard Martin succeeded in forming the Society for the Prevention of Cruelty to Animals, and when gentlemen(!) were introduced on the executive of

that Institution who were favourable to horse-racing, vivisection, &c., he, with his colleagues, seceded and formed the *Animals' Friend Society*, to which we are indebted for the abolition of bull-baiting and similar brutal pastimes, the exposure of the horrors of the pits, the dissecting room, and the slaughter-house. My father, acting in conjunction with these pioneers of humanity, spent the best part of his life in bringing to light the mysteries of these dens of brutality, and in many instances causing justice to be dealt out to the miscreants. Trusting that the time has arrived when diabolical acts practised on the dumb and defenceless animal under the plea of science and in the interests of the animal MAN will no longer be tolerated,

I am, Sir, yours faithfully,

T. H. YEWEN.

11, Holland Terrace, Harrow Road, Leytonstone, Nov. 21.

NOTE.—We commend the above letter from Mr. Yewen to the attention of the Public, the President, Executive, and Subscribers of the Royal Society for the Prevention of Cruelty to Animals.

THE EARL OF CARNARVON ON VIVISECTION.

The Earl of Carnarvon, President of the Society for the Prevention of Cruelty to Animals, merits the eulogy of every friend of humanity, for having at the Annual Meeting, 1837, brought the subject before the public in an eloquent address, worthy of that Presidency which he held. After expressing a just detestation of the practice of dissecting living Animals, he asked, "What will you say of that man who keeps a dog, not for hours, but for days under the torture of the dissecting knife, until the spectator, grown callous to suffering, becomes as savage as the operator himself? What will you say to him who could calmly for days prolong atrocities and sufferings, which no Christian eye can witness without horror, no Christian lip describe but in the most unmeasured language of indignation? I will state still further. What will a Christian audience say, when they hear that the revolting fact was perpetrated and recorded in the City of Edinburgh? That an iron was heated, and then forced into the brain of the unfortunate Animal, which with fiendish skill was kept alive for the space of sixteen days. (*Cries of shame.*) By whom was this atrocity perpetrated? By men who pride themselves on their science and their civilization, but who, in fact, are more benighted in point of civilisation and Christianity than the benighted savages of Scythia. Will you be able to restrain your indignation then, when you are calmly told that it is better to leave such matters to the '*discretion*' of individuals? In other cases, the

law of outraged morals steps in to protect and avenge ; but against these cases, offensive to the light, outraging decency, repugnant to generous sympathy and to the Christian faith, the law deals not its thunders. The young and inexperienced, who are attracted to these charnel-houses, where horrors not to be described are permitted under the name of science, must in time have all feelings of compassion for suffering entirely obliterated."

"In England societies have been formed for the protection of the brute creation, and the improved feelings of a more religious age have compelled the Legislature to pass enactments restraining some of the monstrous cruelties which formerly prevailed. Much indeed has been done, but much remains to do. The pulpit should impress on the public, and parents on the youthful mind, a just abhorrence of this most unmanly vice. Many of the Dissenters have warmly co-operated with the better portion of the public press in this sacred cause, but have the Ministers of the Established Church performed their part with equal zeal? Have that excellent body of men promoted, in this respect, with sufficient diligence, the will of Him who, in His merciful regard for every creature which His goodness has endowed with life; commanded that the ox should not be muzzled when it trod the corn, that the dam should not be taken with the young, that the ass should not be yoked together with the ox, that the kid should not be seethed in its mother's milk, and that the knife should be sharpened before the sacrifice was slain?*

"Exhibitions have, indeed, within the last few years, taken place in England, which, except at Paris, have hardly a parallel in iniquity. These exhibitions have, indeed, upon more than one occasion, drawn down the execration of the British public; but yet it is a fact replete with shame and sorrow to a religious people, that the 'hellish Majendie,' as he is termed by an eloquent writer, should have been permitted to soil this country by his bloody sacrifices, to pander to the worst passions of human nature, and first to vitiate and then attract the minds of our British youth by the excessive horrors he deliberately submitted to their view; atrocities which he weekly perpetrates at Paris, not for the advancement of general science, but to illustrate positions indisputably established, or perhaps to augment the amount of his own receipts at the expense of every virtuous feeling. Who can peruse the published statement of experiments made recently by one of his disciples, without feeling disgust and grief that such acts could have been lauded by a writer of this Country, and that such a statement should have been addressed to an English public? I will not harrow up the feelings of my readers by dwelling upon the enormities recorded in that publication; I will not dilate upon dogs kept in a state of torture for sixteen consecutive

* See Note M, page 124.

days, with burning irons forced into their heads, and all that long tissue of detestable villanies, as those experiments are justly termed by the Editor of the 'Literary Gazette,' who, under the influence of an honest indignation, exclaims that the authors and abettors of such crimes should be excluded from the pale of society."

"We declare before Heaven (writes the Editor) that we think the barbarian who could, during a whole week, thus inflict unendurable torments upon an animal, and calmly count its writhings and agonies, deserves to be put out of the pale of society as a monster. Hamlet says, 'Hang up philosophy'; we say 'Hang up philosophers who dare commit such outrages as these.'"

"I will add nothing in addition to these admirable comments; but will only appeal to the public of Great Britain, and especially to that valuable portion of it the clergy of the country, whether it can be right to slumber any longer over practices so corrupting to the young mind, so destructive of every virtuous feeling, so utterly abhorrent to a God of mercy. Are not they, and all who humbly strive to hold the 'bond of peace,' bound by every tie of duty to their Maker and their fellow-men to spare no exertions in rooting out these demoralizing offences from the land? I appeal to the members of the medical profession, for whom no man has a higher respect, whether as Christians, and even as gentlemen, it has not become incumbent upon them to deny all participation in these and similar atrocities; to banish such offenders from the pale of their society; and to rescue an honourable profession from the stigma which such iniquities, if not disavowed, must fix upon it?"

Behold! ye Friends of Animals, the wise, merciful, out-spoken, and manly sentiments of the noble Earl of Carnarvon, once President of the Royal Society for the Prevention of Cruelty to Animals. Behold! and compare them with the utterances of Lord Aberdare and those of the Prelate of Carlisle! It is, says John Ruskin, "a very dark sign respecting us that we look with so much indifference upon dishonesty and cruelty in the pursuit of wealth." And to the real lovers of the Church of England it is a dark, ominous and painful sign the indifference, and more than indifference, with which so many of its Prelates and Clergy regard Cruelty to Animals. To crucify a Dog to a table and dissect him alive, or, the perpetration of any barbarities however atrocious and utterly repugnant to the religion of Christ, are winked at, passed by, or countenanced by them if it appears possible that the sinful and tyrannical human race has the shadow of a chance of avoiding thereby the Natural Penalties of its vices. Can the Bench of Bishops of recent days look back and contemplate with repose of mind the conduct of its order in respect to the labours of those real Reformers and Champions of Humanity, the humane Erskine,—noble Romilly,—and heroic Clarkson,—(not to mention other men,) relative to Cruelty,—the Criminal Law,—and the Slave Trade?

Some years ago, the EARL OF HARROWBY, at that time President of the Royal Society for the Prevention of Cruelty to Animals, expressed himself at its Annual Meeting, in these words as to Vivisection.

“Perhaps the most important subject we have to deal with at present is the question *how far* pain should be inflicted upon Animals in pursuit of the objects of Science.” * * * * * “There can be no doubt that its effects are dangerous in hardening the human heart. (*Cheers.*)” * * * * * “Let us hope that men of Science will look more closely and jealously into the question of the infliction of pain upon Living Animals; and that we shall find the plea of Science less vaguely employed to cover *atrocities which are shocking to contemplate.*”

Dr. BENJAMIN W. RICHARDSON, “a distinguished Physiologist,” addressed the Meeting, and said that “he should contend that under proper regulations, and for particular purposes, Experiments on Animals were necessary.” * * * * * “He was most happy to find the feelings of the Society so entirely in accord with his own and with those of other Physiologists.” * * * * * “Dr. Richardson contended Experiment was demanded, viz. :—in what is called the synthesis of disease, *i.e.*, in endeavouring to induce in Animals fatal and incurable diseases, for the object of determining with absolute precision the cause of the same diseases in Man.*

“Further he urged, that it is occasionally justifiable, in the discovery or first trials of a Surgical operation, to make preliminary trials on inferior Animals† while they are under a narcotic.”

Dr. FRASER “contended that many Experiments made in the name of Science were unjustifiable, and were condemned by the first Physiologists of the day. (*Cheers.*)”

Dr. BRADFORD “asserted that these Experiments, of which so much had been said, had introduced more miseries into Society than they had done good. (*Cheers.*) It was a vile and infernal doctrine advocated by some few wild and enthusiastic men, who gloss its horrors over, by saying Vivisections are necessary for the good of Science. (*Loud Applause.*)”

THE COMMITTEE of the Royal Society for the Prevention of Cruelty to Animals officially committed itself in the year 1863 to the following statements.

“It has been discovered that Vivisections occur frequently in the Medical Schools and Hospitals of this Country, and particularly in the Metropolis.” * * * * * “We have been reminded of the fact (and by Frenchmen too), which we must not lose sight of, that our own

* *Untenable assertion, but which, even if correct, cannot justify the torture of Animals.*

† *Nonsense. Refer to the opinion of Sir William Fergusson, Bart., Serjeant-Surgeon to the Queen.*

countrymen are not free from the charge of Cruelty to Animals by the practice of Vivisections for Physiological and other Scientific purposes.”
 * * * * * “Experiments, which (even defenders admit) inflict tortures upon docile and defenceless creatures, that *make the heart sicken to think of.*”

“Is it true that almost daily AN ENGLISH ‘MAGENDIE is laying bare the roots of a poor Dog’s vertebral nerves?’ Can we show that our Medical Students do not ‘steal Dogs and entice Cats into their lodgings and repeat upon them the experiments they have witnessed the day before? AS THIS SOCIETY HAS TRUSTWORTHY INFORMATION ON THESE MATTERS, &c.” * * * * *
 “Vivisections are practised in certain Metropolitan Medical Schools.
 * * * * * PROOF IS IN THE HANDWRITING OF THE OFFICIALS.”

“AN ENGLISH MAGENDIE openly proclaims in the Lecture-Room, and through the Press, that he is in the habit of repeating his cruel tortures. ‘I have made this Experiment upon Animals belonging to more than twenty Species.’ * * * * * Unblushing statement of one of the most eminent Vivisectors in this country, whose printed researches * * * * * are startling enough to fire the most phlegmatic Philosopher with indignation !”

The foregoing Statements,—made upon official authority,—were uttered and published in the year 1863 by the Executive of the Royal Society for the Prevention of Cruelty to Animals, and Donations from generous and humane persons were then given to the Society, in twelve months, to the amount of over One Hundred and Fifty Pounds “*For the Special Purpose of Suppressing Vivisection.*” Nevertheless, though in possession of great pecuniary resources, and a large staff of Constables, Inspectors, Clerks, Secretaries, &c., no real energy is displayed, no Vivisectors are convicted, but a time-serving, plausible, or fainéant course of conduct follows, during many long years, the foregoing admissions of the existence of “*atrocities which are shocking to contemplate*” and “*make the heart sicken to think of.*” How was this money expended? Why was it received? How did this seemingly glaring change in policy come about? How is this gross inconsistency explained? How is it that the Royal Society for the Prevention of Cruelty to Animals *thanked* Government for *mutilating* Martin’s Act, The Magna Charta of Animal Rights,—and *Legalising* Vivisection of Domestic Animals? How is it that in the very face and front of the above and other statements publicly made by it on Official, Documentary, and Trustworthy testimony as to dire cruelties being perpetrated systematically in the Metropolis of England, The Royal Society for the Prevention of Cruelty asserted before The Royal Commission on Vivisection that “IT DID NOT KNOW THAT IT KNEW OF A SINGLE CASE OF WANTON CRUELTY”?

THE MEMORIAL OF THE SOCIETY FOR THE ABOLITION OF VIVISECTION, founded on the provisions of the late Mr. Thomas Brown's Will and the opinions of able and experienced Counsel, is believed to be unanswerable either in Common Sense or Law, but the prejudice,—the prejudice and selfishness of the time are opposed to Justice on the question of the Rights of Animals versus Science, or what in this generation passes for Science, but which no more merits the name of Science in regard to the sufferings and tortures perpetrated upon Animals than the sufferings and tortures of Martyrs, both Catholic and Protestant, Jew and Moslem, by Bigots and Politicians, merited the name of Religion. Prejudice, policy, bigotry, and the law of former ages inflicted torture and death on conscientious, brave, and noble men and women;—even chained them to the Stake and subjected them to a shameful and horrible death by Fire. And, Society, on either side, (such is prejudice and fanaticism in the human mind,) Society looked on at these atrocious cruelties and thought them laudable. *So now in regard to the Torture of Animals.*

“Oh Man! Tyrannic Lord! How long, how long
Shall prostrate Nature groan beneath your rage,
Awaiting renovation?”

SOCIETY FOR THE ABOLITION OF VIVISECTION.

This Society (the first of the kind), obtained the appointment of the Royal Commission, and gave Evidence on three days before it. The Society was established in February 1875, and has a Council and Legal Constitution.

GEORGE R. JESSE, Esq., *Honorary Secretary and Treasurer.*

The object of the Society is a Law for the Total suppression of Vivisection or putting animals to death by torture under any "Scientific" pretext whatever. To call on the Legislature for less would be to admit the principle (and thereby perpetuate the enormity) that man is justified in selfishly inflicting agony on the innocent.

Opponents of the Slave Trade agitated not for restriction but abolition. The wrongs perpetrated by man on animals are even more dire than those inflicted by him on his own species. The Abolition of Slavery was an act of high Christian philanthropy. It is no less noble or less Christian to stop the sufferings of other helpless creatures of our God.

The hideous cruelty of dissecting living animals, or inflicting on them, though innocent and defenceless, multitudinous deaths of excruciating and protracted agony, has secretly grown up in this Nation—a Nation which for ages past has been nobly distinguished by the courageous and unsanguinary character of its people.

This moral ulcer has spread widely, and (whether it be or not a dreadful form of insanity), become dangerous and demoralising to Society—a blot on Civilisation—a stigma on Christianity. The public has little idea what the horrors of Vivisection are; its crimes in studied, ingenious, refined, and appalling torture, in wantonness, uselessness, and wickedness cannot be surpassed in the annals of the World. It therefore calls for extirpation by the Legislature, cruelty being not only the worst of vices in itself, but the most retributive to mankind, more especially when perpetrated by the refined and educated.

THE NATION IS APPEALED TO FOR AID.

FORM OF BEQUEST.

To those Persons who wish to become Benefactors by Will to the Society Abolition Vivisection, the following form is respectfully suggested :—

*“ I give and bequeath the sum of
 “ to be paid out of such part of my personal estate as can be lawfully
 “ applied for that purpose unto the Treasurer for the time being of a
 “ Society called or known by the name of THE SOCIETY FOR THE ABOLI-
 “ TION OF VIVISECTION, to be at the disposal of the Council for the time
 “ being of the said Society.”*

CAUTION.

N.B.—It is of great importance to describe most fully and accurately the Society, namely, “THE SOCIETY FOR THE ABOLITION OF VIVISECTION,” and, as the Society which gave Evidence on three days before the Royal Commission on Vivisection in 1875.

ADDITIONS TO THE THIRD EDITION.

“UNIVERSITY OF LONDON. ANNUAL REPORT TO THE COMMITTEE OF THE BROWN INSTITUTION FOR THE YEAR 1887: BY THE PROFESSOR-SUPERINTENDENT.”

Since “*The Brown Animal Sanatory Institution*” Pamphlet was published by the Society for the Abolition of Vivisection the Professor-Superintendent of the former for the University of London has issued his Annual Report for the year 1887, and it has been reviewed in a congenial and cognate spirit by the Editors of “*The Lancet*” in their issue of that journal dated April 7, 1888. These gentlemen assert that “Those who are sceptical regarding the work done at the Brown Institution should read the Report for 1887 compiled by the Professor-Superintendent, Mr. Victor Horsley.”

We have read it,—and, from page 4 extract the following passage.

“*The essentials of success in modern surgery, would, of course, be at our disposal, if the Public gave to us those funds which are collected by so-called “Anti-Vivisectionists,” and spent in wanton and mendacious abuse of the Institution and its work.*”

We do not *characterise* that language, but we *answer* it by deliberately stating, that, out of their own mouths have we judged the University of London and their Professor-Superintendent of the Brown Animal Sanatory Institution, and if they think themselves wronged by any statements we have considered it our duty to write and publish they can appeal to the Courts of Justice for redress. In those Courts we are ready to meet them face to face and substantiate every assertion we have made. Should they fail to appeal,—should they shrink from accepting this challenge after having committed themselves to the language they have used, we will leave the sensible, candid, and honourable portion of the Public to estimate the value to be attached to their words,—and moreover to decide whether their silence does not argue that the Brown Animal Sanatory Institution is perverted from the intentions of the benevolent Founder, and practices carried on under its roof and within its walls contrary to the true intent of the Testator’s Will, the terms of his bequest, and the trust thereby created.

The last Annual Report to the University of London by their Professor-Superintendent of the Brown Animal Sanatory Institution, contains additional evidence,—if any is needed,—that the funds,

buildings, premises, and appliances of the Institution are used for purposes alien to the true intent of the Testator's Will, the scope and meaning of his Bequest and of the Trust thereby created.†

It appears from the Report that although during the year 1887 some *Thirteen* Physiologists and Pathologists have been experimenting within the buildings and premises of the Brown Animal Sanatory Institution ‡ there has been only *One* Veterinary Surgeon to attend to the maladies, distempers, and injuries of the Animals; and it is also admitted that there is a "high mortality" in the operations upon them,—“no room or ward” for them,—“no operating tables,”—and “none save impromptu means for dealing with post-operation surgical emergencies.” These admissions are made in the above-mentioned Report. Former Reports also prove that the Animal Sanatory Institution is not conducted *bonâ fide* agreeably to the conditions of Mr. Thomas Brown's Will. On the contrary, that its Funds are perverted and in great measure used not for the humane reception of Animals, cure of their diseases, and injuries, and alleviation of their sufferings, but, for objects much opposed to the tenor of the Will,—namely, to inflict upon very many of them excessive and protracted misery, and anguish,—and deaths too barbarous to be justifiably inflicted even upon the most atrocious of human tyrants and basest of human miscreants. Under these circumstances, and conditions, and the admissions made in The Reports by the Professor-Superintendent himself, the Property bequeathed by Mr. Thomas Brown should now, according to the terms of the Will pass from the University of London to the University of Dublin.

No unbiassed and common-sense mind can doubt the Testator's intentions as gathered from his Will. Mr. Thomas Brown frequently describes the Institution he benevolently founded as “*The Animal Sanatory Institution*,”—and desires that “kindness to the Animals” “shall be a general principle of the Institution.” Consequently it is palpable that he founded the Institution for Animals and Animals only; and, that they were to be treated with kindness. But, the Institution is to a great extent used for the convenience of Physiologists and personal aims of Men,—while the Animals are, in a multitude of cases, not treated with “kindness,” but with *barbarity*, and cruel sufferings and lingering deaths perpetrated upon them. By the terms of the Will the Superintendent for the University of London has a Residence and a Salary, and is to behave with kindness to the Animals, but he gives much of his time and employment, uses the Buildings, and permits other persons to use them for purposes totally opposed to the conditions prescribed in the Will.

Now, we submit that though legal sophistry and subtlety can in many cases twist words any way, there can be to unbiassed and common-sense minds no doubt as to the intentions of Mr. Thomas Brown, and that those intentions are and have been widely departed from by the University of London.

If “The Animal Sanatory Institution” had been founded by Mr.

† ‡ See NOTE N, page 124.

Brown during his life, and when making a sudden and unexpected visit to the Hospital he had discovered his Superintendent scalpel in hand bending over the Torture Trough absorbed in "mangling the living Dog,"—bound and muzzled,—or, in Vivisecting *any* poor suffering creature under the Roof of the Building, many persons must be of opinion that, if a choleric man, Mr. Brown would have promptly (and most justly) made such an energetic exertion of physical force on the person of his Superintendent as would have rapidly ejected the Scientific gentleman out of the precincts of the Hospital within whose walls and under whose roof "kindness to the Animals committed to his charge" was to be "a general Principle."

REFORMS.

Reforms are Plants of tardy growth. They come into the world and appear before the eyes of men as a little Germ:—which is, at first, and perhaps for long, despised, rejected, derided, hated, trampled on, cast out into the highways; ——— but it survives, it endures, it takes root, and the Plant, though often hacked at and abused, extends its roots and fibres; ——— at last rises high and strong, throws out boughs; buds, blossoms, bears fruit, becomes a Tree. "Safe in its strength and founded on the Rock." The Birds of the air find shelter in its branches, and the Beasts of the field rest secure under its shade. It may not be the fate of all to see the day, but the day will come when the survivors, or their followers in the war, shall sheathe their swords in a firm and honourable peace, and Man be the PROTECTOR, not the TYRANT, of his weaker fellow-creatures.

Truly has it been said that experience always demonstrates that improvements of any kind are slow, and invariably met by opposition. Striking examples of this are exhibited by the history of the frightful treatment of Lunatics. These unhappy beings were, even in the Metropolis of England, often naked, chained to the walls, exhibited for money* like wild beasts to the idle crowd, while their brutal keepers aggravated the rage of the violent, encouraged the propensities of the filthy, and starved the voracious idiot that they might appear more striking objects of wonder to the callous spectators. Evidence given before Parliamentary Committees in 1815 proved facts almost too horrible for belief. Neglect, filth, starvation, darkness, profligacy, barbarity, torment, murder, were the secrets of those prisons. Every artifice of cruelty was perpetrated upon those who were already the most forlorn and unhappy of mankind. A proposition met with general approbation at THE ROYAL SOCIETY to make the first experiment of the transfusion of blood in this country upon some mad person in Bedlam.

* NOTE.—A Penny was the price of admission,—afterwards raised to Two Pence, and Six Pence.

The upholders of this most atrocious and diabolical system strenuously, fiercely, and obstinately opposed REFORM. Medical Officers offered direct opposition, and brought forward every kind of unfair evidence. Obloquy was heaped on the persevering Friends of the Insane. The "Total Abolition of Restraint" was characterised as a vulgar delusion. The House of Lords again and again threw out Bills for ameliorating the condition of the Insane. Time, however, brought Victory to the Humane. All the appliances and instruments of Cruelty have disappeared. Chains, manacles, muzzles, leg-locks, the lash, starvation, darkness and straw, the whirling-chair, and every other means of misery and torture are horrors of the past. All honour to Pinel, Tuke, and other defenders of the oppressed. Horrible abuses have been swept away. Abuses which had converted well-intentioned charities into "Hells upon Earth,"—as the Brown Institution, in great measure, now is.

REFORM of the Laws of England was also an arduous work. The illustrious Bentham, long, laboriously, and unweariedly undermined the foundations of our Criminal Code. The noble Romilly, earnestly, perseveringly, and energetically toiled in vain to repeal the sanguinary Criminal Laws. Bills introduced into Parliament by Romilly were thrown out by small majorities in the Commons and large majorities in the Lords, Eldon and Ellenborough using reasons which, at the present day, cannot be perused without astonishment. Yet, such was then the state of "The Bloody Book of Law read in the bitter letter," that a Statute punished with Death the crime of stealing privately in a Shop goods the value of Five Shillings; and to the amount of Forty Shillings in a Dwelling-House. More, considerably more, than 200 offences of various degrees of moral guilt were punishable with Death. Fowell Buxton said in the House of Commons in 1821:—"Kill your Father, or a Rabbit in a Warren, the penalty by Law is the same!" Nevertheless, all Reform was obstinately opposed. Bentham, was first looked upon as a sort of harmless fool,—by and bye as a dangerous madman. He was assailed from all sides during nearly sixty years of his self-sacrificing life with all sorts of weapons, from the supercilious contempt of the dignified man-of-office down to the scurrility of the small wits.

Romilly's noble soul died in the battle for Reform. Harass, wear and tear, hope deferred, and the selfishness of men tended to bring his generous, useful life to a melancholy end.

"Mourn for the Brave!"



ADDRESS TO THE FRIENDS OF ANIMALS.

“Exult not, and Despond not,”—says the Koran. The foregoing notices of the obstacles, difficulties, and delays encountered and endured by men of indomitable spirit in effecting great Reforms in the horrible treatment of the Insane; and, in the Sanguinary Criminal Laws of England must tend to encourage the Friends of Animals to steadily persevere in their humane efforts to effect THE ABOLITION OF VIVISECTION,—that moral ulcer demoralising to Society,—a blot on Civilisation,—a Stigma on Christianity,—and one of the most base and dastardly crimes that ever degraded a polluted World.

Among the many forms of worship at Athens, was an Altar which stood alone, conspicuous, and honoured beyond all others. Suppliants thronged around it, but no image, or dogma was there. It was dedicated to PITY, and was Venerated as the first great assertion among Mankind of the supreme sanctity of Mercy.

When an attempt was made to introduce the Gladiatorial Games, —those spectacles of blood,—into Athens, the Philosopher Demonax appealed successfully to the better feelings of the people by exclaiming,—“You must first overthrow the Altar of Pity.”

Plutarch, condemned the combats of wild Beasts on the ground that we should have a bond of sympathy with all sentient beings, and that the sight of blood and of suffering is necessarily and essentially depraving.* The noble sentiments of this most Christian-like Heathen may well be commended to the attention of the scientific Inquisitors of The University of London † at The Brown Animal Sanatory Institution.

(May, 1888.)

* See Lecky's "History of European Morals."

† See Note O, page 124.

NOTES.

NOTE A, TO PAGE 22.

Many experiments have been performed NOT for the "*investigation and study of the diseases of Animals,*" but, for the purpose of Physiological and Pathological Research.

NOTE B, TO PAGE 22.

Observe the wary limitation as to "the period."

NOTE C, TO PAGE 23.

Compare with this statement the ruthless admissions made by Mr. J. Burdon-Sanderson, M.D., F.R.S., and Mr. Emanuel Klein, M.D., before The Royal Commission on Vivisection, which are quoted at pages 42 and 43 of this Pamphlet.

NOTE D, TO PAGE 23.

Practices and Experiments never intended by the Testator or according to the meaning of his Will cannot properly be carried on within the walls of the Institution he founded, or, by the Superintendent, whose Salary is paid with the Testator's money.

NOTE E, TO PAGE 23.

Compare with these "Experiments" those deliberately inflicted with the Sanction of the University of London by the Professor-Superintendent upon Dogs, Cats, Monkeys, Sheep, etc., etc., quoted at pages 47 to 51 of this Pamphlet. Were the latter not "*Cruel*"? Were *they* for the "*investigation and study of the diseases of Animals*"?

NOTE F, TO PAGE 35.

Can this statement be reasonably considered otherwise than as an evasion of the points in question? A shift from the futile grounds of justification alleged by The University of London. See pages 22 and 23.

NOTE G, TO PAGE 43.

Mr. J. Burdon-Sanderson, M.D., F.R.S., who formerly was Superintendent of The Brown Animal Sanatory Institution under the direction of The University of London, was interrogated before The Royal Commission on Vivisection as to how he obtained the supply of Animals kept "*in Store*" for Experimental purposes. He answered,—"*I have no precise knowledge as*

to the methods which are used.”——“I cannot tell you where they (The Dogs and Cats) come from.”

See Page 148 of “Minutes of Evidence taken before The Royal Commission on Vivisection. Presented to both Houses of Parliament by Command of Her Majesty. London: Printed by Eyre & Spottiswoode, for Her Majesty’s Stationery Office. 1876. Price Four Shillings and Four Pence.”

NOTE H, TO PAGE 49.

Because Men get drunk,—“Make Beasts of themselves,”—Oh! abuse of Language,—upon Alcohol and Absinthe, is this a justification in the eye of GOD for torturing his innocent, defenceless Creatures? And what can the Utilitarian Atheist say in defence of it? The Editors of *The Lancet*, in their issue of April 28, 1888 (page 846), assert as “the greatest danger of the present day,—the Physical Degeneration of the Nation.” Can “Vivisection” arrest either the Moral or the Physical Degeneration of the Nation? We trow not.

NOTE I, TO PAGE 52.

“Glorious gifts and foundations are like sacrifices without salt; and but the painted sepulchres of alms, which soon will putrify and corrupt inwardly.”

FRANCIS BACON.

NOTE J, TO PAGE 58.

“*The mere fact*”! Facts are stubborn things. “The walls of the Institution” are built with the Testator’s money. The Superintendent is paid with the Testator’s money. The Testator’s money provides him with a Residence. He is the Testator’s Servant. In spite of this we are as good as told by the Charity Commissioners that the Trust created by the Testator may be violated, and anything,—no matter what, or how barbarous, be done “within the walls of the Institution,”—and that the paid Superintendent may pass his time, time hired by his employer, in whatever way he pleases,—and inflict any amount of misery and agony upon the unfortunate Creatures got within “the walls of the Institution,”—the Institution, where, according to the words of the Founder, “Kindness to the Animals” was to be “a general Principle.”

NOTE K, TO PAGE 67.

A Quibble.

NOTE L, TO PAGE 91.

The object of the Testator is likewise plainly indicated by his frequently describing and designating in his Will, the Institution as “The *Animal Sanatory Institution*.” The University of London is not empowered to purchase any but *diseased* Animals or their *Carcasses*. Can any man credit for one instant that the Dogs, Cats, Monkeys, Sheep, Guinea-Pigs, etc., and the “Donkey,” obtained for Mr. Victor Horsley’s “Experiments” were diseased or dead? See pages 47 to 52.

NOTE M, TO PAGE 110.

Justice and Mercy towards the Brute Creation were urged by the Mosaic Law with a solemnity unparalleled in any other Code. It was on these conditions that the Hebrews were to expect Divine Mercy towards themselves. Unhappily, the Prelate of Carlisle and many other members of his sacred calling appear oblivious, or worse than oblivious, of the Spirit of the Bible. The principle expressed by the injunctions as to giving rest to the Domestic Animals,—not muzzling the labouring Ox,—and sparing the mother Bird, such Ministers of the Established Church seem to regard as what, in these days of selfishness and sordidness is stigmatized by the callous as “*sentiment.*” Their Religion is a Religion without Mercy! Do *they*, like their Divine Master, eternally beckon to the unfortunate to come and to take shelter under them? No. They fraternize with the Vivisectors, the Animal Manglers, the Barbarous Experimenters, the pitiless Inquisitors, who, as they euphemistically term it,—“*Interrogate*” the Creatures of their God,

With “many an hideous engine grim,
For wrenching joint, and crushing limb,
By artist form’d, who deem’d it shame
And Sin to give their work a name.”

NOTE N, TO PAGE 118.

The Annual Report of The University of London states that “during 1887, Mr. Ballance and Dr. Hadden have performed a certain number of these Experiments”—“on the Motor Area of the Cortex of *Monkeys* by Stimulation and Ablation.” Dr. Mott “commenced a Series of Experiments,” also “performed upon *Monkeys.*” He made an opening “into the Spinal Canal below the first lumbar vertebra,” and destroyed some of “the roots of the Cauda Equina.” In most cases the unfortunate Creatures survived from one to two months. &c., &c., &c. Comment is needless.

NOTE O, TO PAGE 121.

Nevertheless, the Authorities of the University of London have not all bowed the knee to Baal. The late Professor Augustus De Morgan, who combined with the attainments of a Mathematician those of a Philosopher, Logician, and Psychologist, was of opinion that “no imaginary end could justify means which were opposed to a positive law of humanity.” When some Physiological atrocities had been described to him by a Surgeon, Professor De Morgan said,—“Don’t talk of it. They will learn nothing by it. It’s all of a piece. There is no God in their Philosophy.’”

