

secondly, that the request for help did not state the nature of the illness, thus precluding advice by proxy; thirdly, that there was nothing in the grant to say that the plaintiff's advice should be medical rather than otherwise. Cavendish, taking the first two criticisms together, pointed out that 'the prior could not have conveyed the nature of the illness, for this is so privy a matter that it depends entirely upon inspection of urine;<sup>31</sup> this he could not have known how to do, and so could not have notified you'.

On the third point Cavendish instanced the lawyer, to whom any grant *pro consilio suo habendo* was assumed to be for legal services unless otherwise specified; a physician should be treated accordingly. Finchden, interjecting, seized on this parallel; it had been ruled, he said, that under such terms a lawyer was not obliged to travel. Moreover a lawyer could not give advice if his client failed to provide details of the case, and the physician who was not informed of the nature of his patient's complaint was in an equivalent situation. But Cavendish denied that the situations were comparable; 'Illness is so privy that only a physician can diagnose; the physician is bound to counsel and aid his patient; since the patient himself cannot diagnose in order to notify the physician, nor, because of the illness, travel to him, the physician has to travel to the patient.'

Thorpe showed interest in hypothetical questions, when such a plaintiff had other specialist qualifications (*science*), such as surgery or law, or none at all; these were answered briefly by counsel, who argued that no one could be expected to give aid and counsel beyond his competence, and the nature of the services depended on the nature of the grant. It was this last which Thorpe found most perplexing, in the absence of express conditions in the deed, and the case was adjourned. In the following term the prior or his attorney was unable to appear, and after another adjournment the case was discussed again in Michaelmas term; the salient points were reiterated, with Finchden changing his sympathies somewhat: 'If a lawyer were in a situation where it was shown to be necessary, he would be obliged to travel in his client's interests;<sup>32</sup> all the more so, then, in the present case'.

There was nonetheless a further year of adjournments before the judges delivered their verdict in favour of the prior. No doubt the chief legal difficulty was the imprecision of the contract, but it was clearly not unreasonable for a physician, and his learned counsel, to disclaim the necessity of attending the patient.

<sup>31</sup> 'Inspection of urine' was the regular description of Master Marck's services to Norwich Cathedral Priory c.1430 (Talbot and Hammond, *op. cit.*, 209).

<sup>32</sup> In one version of this term's report (Hale MS. 189) Cavendish states that the lawyer is not obliged to travel *sil ne[st] pur le Roy*, 'unless it is for the King'; but this is probably a misreading for *soit pur la ley*, 'if it is for [service in] the law', which is the version found elsewhere.

J. B. POST

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## SOCIETY FOR THE SOCIAL HISTORY OF MEDICINE

ANNUAL CONFERENCE, 1972

The Annual Conference of the Society will be held at the University of Leicester from the evening of Friday 14 July to lunchtime on Sunday 16 July. The theme of the conference will be 'The Social History of Medicine in Victorian Times'. The speakers will

*News, Notes and Queries*

include Prof. J. A. Banks (Victorian Studies Centre and Department of Sociology, University of Leicester), Prof. W. R. Lee (Department of Occupational Health, University of Manchester), Prof. P. A. W. Collins (Victorian Studies Centre and Department of English, Leicester), Dr. T. Blount (Department of English, University of Southampton), Mr. E. Gaskell (Librarian, Wellcome Institute of the History of Medicine), Mr. S. W. F. Holloway (Department of Sociology, Leicester) and Mr. M. J. Elliott (Charles Keene College, Leicester). The conference will be an open one, and non-members of the Society will be welcome. Participants may attend as residents or non-residents.

Further details may be obtained from Miss K. L. Oglesby, M.A., Department of Adult Education, The University, Leicester LE1 7RH.

INTERNATIONAL SYMPOSIUM

On Saturday 9 September 1972 the Society will hold an all-day symposium on 'International Health Cooperation' at the Wellcome Institute of the History of Medicine, London, at which the Society's president, George Rosen, Professor of the History of Medicine and Epidemiology and Public Health at Yale University will deliver his presidential address. Contributions to the programme in the form of short papers dealing with particular aspects of the general theme are invited. The title and a short abstract of the paper should be sent to the Secretary at 183 Euston Road, London, N.W.1.

The Society extends an invitation to all participants at the International Congress of the History of Medicine who are interested in the social history of medicine to attend. It would be helpful if those intending to do so would notify the Secretary of the Society beforehand.

JOHN FREIND, 1675—1728

William Munk in a foot-note to the biography of Henry Plumptre in his *Roll of the Royal College of Physicians of London* (vol. 2. London, 1878, p. 25) quotes Rouse's *Memoirs of the life and writings of Dr. Friend (sic)*. 8vo. Lon., 1731, p. 84. Any information leading to the identification or location of a copy of this printed book or part of a book or manuscript would be appreciated, since it has not been traced in any bibliography, library catalogue or other reference book and does not appear in the bibliography of eighteenth-century literature being built up at the National Central Library.

Please reply direct to Mr. L. M. Payne, Librarian, Royal College of Physicians, 11 St. Andrew's Place, London NW1 4LE.