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T A S M A N I A.

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J O H N   A N D R E W S.

COMPLAINT OF IMPROPER TREATMENT OF HIS SON IN THE  
LAUNCESTON HOSPITAL.

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Laid upon the Table by the Colonial Treasurer, and ordered by the House to be  
printed, August 13, 1868.



*Cradoc Hill, Franklin, 8th April, 1868.*

SIR,

THE enclosed extract from the *Launceston Examiner*, of the 2nd August, 1867, refers to an accident which befel my son, David Andrews. Eight months have now passed since that sad accident occurred, and it was only on last Tuesday the injured limb was amputated in the Colonial Hospital, Hobart Town, to which establishment my son was removed from Launceston some weeks previously. The occasion of my addressing you on such a subject is this:—My son's leg was set, or manipulated, by Dr. Miller when the case was first brought to Hospital; but my son informs me, and from enquiries I have made through others I firmly believe that which he states to be true, that, from the time Dr. Miller first attended him up to the time that he (Dr. Miller) ceased to be Medical Superintendent, he never once examined my son's broken limb to ascertain whether the bones were knit or not, and it was not until Dr. Turnley took charge it was discovered, and when too late to save the limb, that no union of the fractured bones had taken place; so that for three months he lay under Dr. Miller's charge without even an attempt being made to discover the effects of his own skill as a Surgeon. When being forwarded to the Hobart Town Hospital, the splints were taken off the limb by one of the Hospital Officials, under the plea that they belonged to the Hospital,—and only for Dr. Spong, who had just arrived in Launceston from Franklin, and who knew my son, he would have been compelled to travel on the top of the coach 120 miles without any support to his fractured thigh.

I need not tell you, Sir, that the loss to myself and his mother of the services of such a son is a sore affliction to us; but we feel that loss infinitely aggravated by our firm conviction that it is entirely owing to the gross neglect of Dr. Miller, who, we presume, was paid by the public for giving his attendance at the Launceston Hospital.

I am advised to bring this case before the Supreme Court in an action for damages, but this I cannot do for want of means; and for this reason I lay the facts as herein detailed before the Executive, so that Dr. Miller may be called upon to explain his conduct in this matter. Unless Dr. Miller's explanation is satisfactory, and I do not know how it can, I shall certainly bring this cruel case prominently before the public, for it will show clearly how poor patients have been hitherto treated in Launceston Hospital.

JOHN ANDREWS.

*The Hon. the Colonial Secretary.*

(EXTRACT enclosed.)

A LAD named David Andrews, 17 years of age, was admitted to the Hospital on Sunday, suffering from a fracture of the *femur*. On Friday morning he was engaged in cutting down a tree in the forest in or about Scott's New Country. The tree, instead of falling in the direction anticipated, curiously slipped off the stump and struck the unfortunate lad, inflicting the injury above stated. On Saturday morning a party of seven men, mates of the lad, started for Launceston, distant 40 miles from the scene of the accident, carrying the boy on a stretcher improvised for the occasion. They did not arrive at the hospital until Sunday evening, at seven o'clock. The ground over which these good-hearted men had to travel was of the roughest description. The broken limb has been set, and the boy is progressing as favourably as could be expected.

*Colonial Secretary's Office, 18th April, 1868.*

SIR,

I HAVE the honor to enclose copy of a letter received the 14th instant from Mr. John Andrews.

As it contains a most serious charge against you, both as a Medical man, and, at the time referred to, as an Officer of the Government in charge of an important Institution, I have to request that you will favour me with your explanation of the circumstances detailed by the writer which have led to the impression upon his mind that his son was neglected while under your charge.

I have the honor, &c.

(Signed) B. T. SOLLY.

J. L. MILLER, *Esq.*, *Launceston.*

*Colonial Secretary's Office, 18th April, 1868.*

SIR,

I HAVE the honor to forward a letter received on the 14th instant containing serious charges against Dr. Miller ; and in one portion, which I have marked, against the present Hospital Authorities, respecting the intended removal of the splints from the Boy's leg upon his being sent to Hobart Town.

Dr. Miller has been furnished with a copy of the letter, and requested to furnish his explanation ; and I have now to request that you will cause an enquiry to be made into the circumstances attending the proposed removal of the splints from the fractured leg of the Boy, " under the plea that they belonged to the Hospital," upon the eve of his commencing a journey of 120 miles.

I have, &c.,

*For the Colonial Secretary,*  
(Signed) B. T. SOLLY.

*The Chairman, Board of Management,  
General Hospital, Launceston.*

*Launceston, 20th April, 1868.*

SIR,

I AM favoured with your letter of the 18th instant, and a copy of a letter from John Andrews, containing serious charges against Dr. Miller, and an allegation as to the state in which his son was forwarded to Hobart Town.

At the request of Dr. Miller I examined the Surgeon Superintendent of the Hospital, and several of the staff, whose declarations I forward herewith, also a letter from Dr. Miller explanatory of his own conduct.

I send you Dr. Turnley's note to explain how the circumstances with reference to the Patient David Andrews occurred. These documents will fully prove that there are no grounds for the charges brought against Dr. Miller and the present Hospital Authorities.

It has been my custom, at frequent and uncertain intervals, to visit the Hospital, and to question the Patients, and I never heard any complaint of neglect. I have also spoken to them after their discharge, and they have invariably praised the skill and care of the Surgeon.

These qualities on the part of Dr. Miller have secured to him a large and leading practice on his retirement from the Hospital.

I remain, &c.,

(Signed) ISAAC SHERWIN,  
*Chairman of Board of Managers, General Hospital.*

*To the Honorable the Colonial Secretary,  
Hobart Town.*

*Launceston, 20th April, 1868.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 18th instant, enclosing copy of a communication from Mr. John Andrews, bringing a charge against me of "gross neglect" in the treatment of the fractured thigh of his son David Andrews while under my care in the Launceston Hospital.

I was somewhat inclined not to offer any explanation of this matter, but to request you to inform Mr. Andrews that he might bring an "action for damages," or take any other steps he chose, under peril of the consequences of his so doing. But on further consideration I felt it was due to the Government to show that the confidence so long reposed in me had not been misplaced ; and that ignorance of such matters, parental affection, and, probably, bad advice, must be considered as extenuating somewhat the action of Mr. Andrews.

That the Government might be in full possession of all the facts, and have ample evidence before it, I requested the Chairman of the Board of Management to meet me at the Hospital this afternoon to investigate the case ; and it is his intention to address you on the subject, when he will forward the declarations taken before him as a Magistrate by Dr. Turnley and others in support of my statements.

It is not true that Andrews was under my care for three months. I had him in charge only two months. Nor is it quite correct that I was not aware that union of the fracture had not taken place. When I placed the limb in starch bandages, about a week before the close of my Hospital appointment, I felt that union to the extent I expected had not occurred, and had he remained longer under my treatment I would, doubtless, soon have learned more.

Such is always the history of these cases. The Surgeon reduces the fracture, places the limb in the proper position, keeps up the general health of his Patient, and leaves the rest to Nature, only seeing that the limb remains in the position in which he placed it by the occasional readjustment (if necessary) of the splints and bandages. It is only after the lapse of time, when the limb should be getting firm and strong, that the Surgeon occasionally finds his hopes disappointed.

And such was the history of the case under consideration. Great numbers of fractures had been treated by me during the twelve years I was in charge of the Launceston Hospital, but no case of non-union (save one, which was discovered as above instanced, and successfully treated) had ever occurred in the establishment; and that Andrews's fracture should have a different result I never for a moment anticipated, the treatment, care, and attention it received having been in no way less than that I bestowed on others. But, had it been possible for me to have known from the beginning that union was not taking place, I could have done no more than I did. To have interfered by any operative procedure till Nature had had ample time and opportunity of doing her work, would have been mischievous and meddling, and laid me open to deserved censure.

It is well known to the profession, and will be found recorded in every surgical text book, that non-union of fractures will occur, from inexplicable causes, under the treatment of the ablest Surgeons, and in spite of everything that can be done by them during a period of many months; and to attempt to impute blame to me for the result in the case of Andrews is both unjust and absurd.

My successor at the Hospital, in order to promote union, thought proper to revert to my original treatment of the case by the long splints, to give Nature every chance,—which failing, he had discussed with me the desirability of an operation, not for the removal of the limb, but to effect union of the broken bone. He informs me that not the slightest necessity for amputation existed when the lad left the Launceston Hospital, and we are of course unaware of what circumstances have led to its being carried out in Hobart Town.

In conclusion, I respectfully request that you will inform Mr. Andrews that, should he after this explanation attempt, in pursuance of his threat, to make public anything injurious to my professional reputation, I will pursue him to the utmost extremity that the Law will permit.

I have the honor to be,  
Sir,

Your obedient Servant,  
J. L. MILLER.

*The Honorable the Colonial Secretary, Hobart Town.*

#### LAUNCESTON GENERAL HOSPITAL.

*History of Case of DAVID ANDREWS, aged 17, admitted August 4, 1867. (Copied from Medical Register.)*

<i>Date.</i>	<i>Fracture of Femur (right side).</i>	<i>Treatment.</i>	<i>Class of Diet.</i>	<i>Extra Allowance (daily).</i>
Aug. 4.	This lad met with the accident at Scott's New Country while cutting down a tree. The tree fell in an unexpected direction and caused the above injury. There is also a very extensive wound in the groin on same side, about ten inches long. This was caused by the edge of an axe against which he fell. Seven of his fellow-workers brought him into town, a distance of forty miles, in a slung hammock. The journey was over very rough country, and occupied two days. The accident occurred at 11 A.M. on Friday, and he did not reach here till 7 P.M. to-day (Sunday). Owing to the careful transit, and the constant application of cold water, the mischief caused by the journey was much less than might have been expected.	R. Liq. Opii. Sed. M. xl. Sp. Æth. S. Co. ʒj. Vini Rubri ʒij. s.s.	Spoon.	Milk, 1 pint; Beef Tea, do.; Bread, 1lb.; Porter, half a bottle.

<i>Date.</i>	<i>Fracture of Femur (right side).</i>	<i>Treatment.</i>	<i>Class of Diet.</i>	<i>Extra Allowance (daily.)</i>
Aug. 5.	The limb was put up in long splint to-day, counter-extension from above being obtained by a band of jean fitted by laceholes to the opposite thigh, (its upper third), as the large wound precluded the use of the perineal strap. The fracture is in the middle third of femur.	Repetatur haustum, & Pil. Calomelan. & Colocy. No. ij. nocte Pulv. Seidlitz. i. mane. Limb set as described.		
6.	Passed an excellent night, and seems easy.	Rep. Pil. & Pulv. ut heri Rep. Haust. ut antea.		(Aug. 7.) Increase Porter to 1 bottle per diem.
9.	Keeps up well, and does not complain of any pain.			
16.	Still the same.		(Aug. 29) Full.	
28.	Altered and tightened bandages; leg of good length, position good.	Tightened bandages.		
Sept. 7.	Is easy; leg in good position.			
12.	The wound in groin has nearly healed.			
24.	Removed splint, and put limb up in starch bandage; length and position good.	Starch bandages put on.		
30.	Is up during the day.			
Oct. 3.	The wound has opened a little, and discharges slightly. To go back to bed for a few days.			
18.	Wound nearly healed, to be touched daily with Cupri Sulph.	App. vulneri Cupri Sulpha-tem.		
28.	The starch bandages being loose were to-day removed for renewal. It was found that <i>no union</i> had taken place, and the ends of the bone were not in opposition. Long splint resumed; but in all probability an operation will be necessary to give the bone a chance of union.	Long splint resumed.		
Nov. 30.	The limb is still kept in the long splint. The bone is in good line, and there appears to be some attempt at union.			
Dec. 8.	There is to-day an erysipelatous blush on the leg below the knee.	Collodion. ℥j. Ol. Ricini. ʒij.: apply to erysipelatous surface.		
11.	Blush much fainter.			
16.	Erysipelatous blush has disappeared. Union has probably begun. The ends of the bone are in good line.	Removed bandages and splint, as the cicatrix is giving way. Extension made with a 7lb. weight attached to ancle by a hank of worsted sliding over pulley at end of bed. Counter-extension made by strap attached to upper part of bed.		
Mar. 9.	No union has taken place, and an operation will be necessary. He wishes to be near his parents who live at the Huon, and to be visited in hospital by them. He has therefore determined on getting admission into Hospital at Hobart Town to be operated on. Discharged.	(Jan. 7, 1868.) Thigh splints put on firmly. To be up.		

A true Copy,

GEORGE TURNLEY.

21st April, 1868.

*Launceston General Hospital, 21st April, 1868.*

DEAR SIR,

THE assertion of David Andrews that the splints were removed from his leg before he left the Hospital is incorrect. He left the Hospital with the splints on.

Mr. M'Queen (the Dispenser) informed him that they were to be returned, and Andrews stated that he could procure some in Launceston, which would save him the trouble of sending from Hobart Town those belonging to this Hospital.

I remain,

Dear Sir,

Yours truly,

GEORGE TURNLEY.

*The Hon. I. SHERWIN, Esq., Chairman Board of Management.*

ISLAND OF } I, GEORGE WASHINGTON TURNLEY, of Launceston, in the said Island, do  
VAN DIEMEN'S LAND } hereby solemnly and sincerely declare that I have read the Correspondence  
(TO WIT.) } in the case of David Andrews, and the history of the case as recorded in  
the Hospital Register; that the young man Andrews was under Dr. Miller's care for two months, and that the treatment of the case was correct and complete, and nothing further towards union of the bone could have been done. I submit copies of the history of the case, and the diet with extras which he received. He remained under my care from the beginning of October till the 9th of March, when he left of his own accord, and contrary to my opinion of what was advisable. When he left this Hospital there existed no necessity whatever for amputation of the limb. Non-union of fracture will occur sometimes, notwithstanding all that can be done by the Surgeon in charge, and has often occurred in the hands of the most eminent men; all which matters I conscientiously believe to be true. And I make this declaration under the provisions of the Act of this Island, intituled "An Act for the Abolition of extra-judicial and unnecessary Oaths."

GEORGE TURNLEY.

Taken before me this 20th day of April, 1868.

ISAAC SHERWIN, J.P.

*Chairman Board of Management General Hospital, Launceston.*

ISLAND OF } I, JOSEPH KEMP, of Launceston, in the said Island, do hereby solemnly and  
VAN DIEMEN'S LAND } sincerely declare that I am, and have been for upwards of four years, House  
(TO WIT.) } Steward of the Launceston General Hospital, and have been during all that  
period in the habit of accompanying the Surgeon Superintendent round the wards of the establishment. Very many cases of fracture have been treated in hospital during the time I have been connected with it, and among the rest the case of David Andrews admitted in August last. I saw no difference whatever in Dr. Miller's treatment of David Andrews from that of other patients who have suffered from similar accidents. He received every attention from Dr. Miller. No case of non-union of fracture has ever before occurred in the hospital while I have been connected with it; all which matters I conscientiously believe to be true. And I make this declaration under the provisions of the Act of this Island, intituled "An Act for the Abolition of extra-judicial and unnecessary Oaths."

JOSEPH KEMP.

Taken before me this 20th day of April, 1868.

ISAAC SHERWIN, J.P.,

*Chairman Board of Management, General Hospital, Launceston.*

ISLAND OF } I, ARCHIBALD JOHN M'QUEEN, of Launceston, in the said Island, do hereby  
VAN DIEMEN'S LAND } solemnly and sincerely declare that I am the Dispenser attached to the  
(TO WIT.) } Launceston General Hospital, and was so while David Andrews was under  
treatment in that institution. It was part of my duty to keep the historical register, and the copy of the register which accompanies this declaration is a true and correct copy. David Andrews had received an unusual and peculiar injury, requiring peculiar treatment as regarded the necessary counter extension in keeping the fracture in proper position; otherwise, he was treated as all other cases of fractured thigh are treated. He received every attention from Dr. Miller who saw him every day, and frequently examined the injured limb and readjusted the bandages; all which matters I conscientiously believe to be true. And I make this declaration under the provisions of the Act of this Island, intituled "An Act for the Abolition of extra-judicial and unnecessary Oaths."

ARCHIBALD JNO. M'QUEEN.

Taken before me this 20th day of April, 1868.

ISAAC SHERWIN, J.P.,

*Chairman Board of Management, General Hospital, Launceston.*

ISLAND OF } I, GEORGE ANDERSON, of Launceston, in the said Island, do hereby solemnly  
 VAN DIEMEN'S LAND } and sincerely declare that I am, and have been for nearly three years, a  
 (TO WIT). } Wardsman at the Launceston General Hospital. Several cases of fracture  
 of the thigh and many other fractures have been under my care during that time. David Andrews,  
 admitted in August last, was under my care. His case received from Dr. Miller just the same care  
 and attention that all other cases of fracture did, and no other case of a fracture not uniting has  
 ever occurred while I have been at the Hospital; all which matters I conscientiously believe to be  
 true. And I make this declaration under the provisions of the Act of this Island, intituled "An  
 Act for the Abolition of extra-judicial and unnecessary Oaths."

GEORGE ANDERSON.

Taken before me this 20th day of April, 1868.

ISAAC SHERWIN, J.P.,  
*Chairman Board of Management, General Hospital, Launceston.*

ISLAND OF } I, THOMAS INNOCENT, of Launceston, in the said Island, do hereby solemnly  
 VAN DIEMEN'S LAND } and sincerely declare that I have been an inmate of the Launceston General  
 (TO WIT). } Hospital for the last seventeen months. I was very often in the ward  
 occupied by David Andrews. I frequently remonstrated with him as to his conduct in not giving  
 his broken limb fair play. He was always larking with any of the other patients who would lark  
 with him, sitting up in bed as far as the splints and other appliances would let him, throwing pillows  
 at other patients and similar games. I saw him do as I say when the Wardsman was absent, and  
 other patients have seen the same; all which matters I conscientiously believe to be true. And I  
 make this declaration under the provisions of the Act of this Island, intituled "An Act for the  
 Abolition of extra-judicial and unnecessary Oaths."

THOS. B. INNOCENT.

Taken before me this 20th day of April, 1868.

ISAAC SHERWIN, J.P.,  
*Chairman Board of Management, General Hospital, Launceston.*

*Colonial Secretary's Office, 5th May, 1868.*

SIR,

I AM directed to acknowledge the receipt of your letter of the 8th ultimo, preferring serious charges against Dr. Miller, late Surgeon Superintendent of the General Hospital, Launceston, for neglect in the treatment of your son while a Patient under his care, and also of most heartless conduct on the part of the Hospital authorities upon the occasion of his removal to the Hospital, Hobart Town.

Your complaint has been thoroughly investigated, and a full report furnished through the Chairman of the Board of Management of the General Hospital, Launceston.

The evidence taken distinctly proves that your son received at the hands of Dr. Miller that care and attention he has ever been proverbial for bestowing upon those placed under his professional charge, and that he is in no way answerable for the sad termination of the case, resulting as it did in the loss of your son's leg. With regard to the statement respecting the removal of the splints when your son was about to travel by coach to Hobart Town, Dr. Turnley has addressed a letter to the Chairman of the Board of which I annex a copy.

Should you at any time desire when in town to peruse the documents connected with your complaint, and the enquiry which has resulted, you can see them by calling at the Colonial Secretary's Office.

I am, Sir,

Your obedient Servant,

B. T. SOLLY.

Mr. JOHN ANDREWS.