

After a few copies of Dr. Warren's Letter to Judge Parker had been sold, Mr. Lowell, the Plaintiff called on the publisher to say, that having seen the publication, he did not consider his case fairly represented; as the Deposition first given by JOSIAH COFFIN was not printed in the work, but one given by said Coffin twenty-six months after which varies in a very essential manner; and as an act of justice to Mr. Lowell, Dr. Warren has consented to have this printed and annexed to the work.

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JOSIAH COFFIN'S FIRST DEPOSITION.

I JOSIAH COFFIN, do give evidence, testify and declare, That being at Lubec, in September 1821, was at work on a House of Jabez Mowry, near the road, saw Mr. Charles Lowell when he fell from a Horse and was much wounded by the horse falling upon him; that I helped carry him to his house, and was present when Dr. K. came in, heard Mr. Lowell request some person to call Dr. K. before we had got him to his house. Mr. Lowell was placed on the bed and Dr. K. said that his Hip was out or dislocated. Dr. K. said that he thought that he could set it, or that there would be no difficulty in setting it, but that it would be a hard job for him to bear. Dr. K. then commenced the operation by placing Mr. Lowell on his back, and called upon several men that were present to assist him; and after operating a short time, perhaps fifteen minutes, then said that the joint was in and called upon several present to take hold of his leg, and see that if they did not think it was in, and they generally, or all, expressed their opinion that they thought the bone was in, but I thought not, myself; and at the door told Mr. Lowell's brother, that I thought that the bone was not in, any more than when he was carried into the house, and recommended

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the sending for Dr. I. and Mr. Lowell's brother and Mr. Stearns both expressed a wish that I should express my opinion before Mr. Lowell and Dr. K. and all present, and which I did, and Dr. K. again asked me to examine the leg, and said it must be in its place (or something like that,) and I did, and expressed my opinion from the position of the leg that the bone could not be in its place, the leg standing out in an unnatural position from the body, and could not be moved inward, without appearing to give him very great pain, but was moved outward, without appearing to increase the pain. That there was no purchase used for the extension of the limb, but several men with their hands, and the Dr. placed a ball of cloth between the legs of the patient. When the Dr. first said the leg was set, I had not heard any snapping or grating of the bones. I do not recollect whether Dr. K. bled the *patient*, either before or after the operation. I should think in about two hours or a little more, Dr. I. came over and I went with him to Mr. Lowell's,—the patient appeared to be in considerable pain, Dr. I. proceeded to examine Mr. Lowell's hip and shook his head; he stopped a spell and walked across the room, asked Dr. K. to take hold of the limb and he would be convinced.—Dr. K. then said I did think that the bone was set, but now think that I had been mistaken. Dr. I. asked Dr. K. to go into the other room, and they did go; after they came in, Dr. I. said Mr. Lowell we must hurt you again, as what has been done has done no good, (or words to that effect.) Mr. Lowell answered, that you must do what you think right, and I must bear it. Dr. I. said that he thought the socket of the hip bone was fractured. The Dr. then requested the bye-standers to leave the room; after some time Mr. Lowell's brother asked me to go in, that more help was wanted, that I went in, a large cloth was placed round the patient's leg above the knee, and one or two men had hold of the cloth and I was asked to take hold of the leg below the knee: that a sheet was passed between the legs and over the shoulder of the well side, with men hold of the sheet at the shoulder, and Dr. I. took hold of the *Hip and thigh*, and asked us to pull and extend the leg which we did—after which Dr. I. took hold of the leg and moved it in different directions, asked Mr. Lowell if it did not feel natural to what it had done, and Mr. Lowell said that it did. Dr. I. and Dr. K. then both said that the hip was well set, or set correctly—(before I left Mr. Lowell's, I heard Mr. Lowell say something to Dr. I. respecting coming over, that Mr. Lowell said he did not value the expense, and I think Dr. I. said that I will come over tomorrow.)—that Dr. K. was handy and could be in every hour, or something to that effect, and asked Dr. K. if he

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had certain medicine. At this operation by Dr. I. and Dr. K. there was no ball of cloth or fulcrum placed between the legs. Something like a fortnight after, I was to see Mr. Lowell with Dr. I. *Mr. Lowell told Dr. I. that he had been in extreme pain, and that he feared that the bone was not in its place.* (Mr. Lowell said that he had a struggle by pain, and did not know but that might have been the cause of getting it out, if it had been in, and was confident that it was not in its place, that *Dr. I. replied that the bone's being fractured would cause pain, and that it would be sometime before he would be free from pain; but that the bone was in its place, and that there was no doubt but that he would be as well as ever again.*) *Mr. Lowell then shew Dr. I. that there was a hollow place at the out side of the hip joint. The Dr. replied, that when he had gathered strength so as to bear the weight of his body, that the hollow place would fill up. Mr. Lowell stood up at the Doctor's request, and supported himself by my shoulder and the bed-post. The Dr. then took hold of his leg and swung it and said that he did not see any thing out of the way, but that it was correct. And further the deponent saith not.*

JOSIAH COFFIN.
Opened and filed in Court, Sept term, 1822.
J. HARRIS, Clerk.

Washington, ss.



On the twenty-seventh day of March, in the year of our Lord one thousand eight hundred and twenty-two, the aforesaid deponent was examined, and cautioned, and sworn, agreeable to law, to the deposition aforesaid, by him subscribed, taken at the request of CHARLES LOWELL, of Lubec, in the County aforesaid, Trader, and to be used in an action of trespass on the case now pending between him and K. of Lubec, aforesaid, Physician, and I. of Eastport, in said County, Physician, before the Circuit Court of Common Pleas, next to be holden at Machias, in said County, on the first Tuesday of September next, and the adverse party was not present, Dr. K. was notified. The said Deponent living more than thirty miles from the place of trial, is the cause of taking this deposition.

DANIEL PEASE, Justice of the Peace.

