

Revealing the Profile of Confrontation: The Bonesetter, the Coroner and the Lord Chief Justice

Bryan Rhodes

Lancaster, Lancashire, UK. Email: *mrbrhodes1@gmail.com*

Abstract

Bonesetters are some of the least studied and documented of all British healthcare practitioners. This historical neglect of British bonesetters has been described as being related to the absence of a clear profile of confrontation with orthodox medicine. Historians have identified a small number of well-established provincial bonesetting families, including the Thomas family of Anglesey. This article focusses on the life and career of Evan Thomas, a member of that family, who practised as a bonesetter in Liverpool between 1830 and 1866. By examining Thomas's Liverpool period, particularly his court cases and the events surrounding them, this article reveals the pattern of confrontation he experienced with certain members of the medical profession. It also demonstrates how collaborative working with other medical practitioners, including three of his sons, provided him with a level of protection in court.

By 1860, local public opinion considered that Thomas was being persecuted by the medical profession. Ultimately, it was the confrontation with a medically qualified coroner, Henry Churton, that resulted in Evan Thomas taking legal action himself. This court case, heard in the High Court before the Lord Chief Justice and hitherto overlooked by medical historians, represents the final stage of Thomas's conflict with the medical profession and established a precedent still quoted by legal authorities on coronial law. By analysing Evan Thomas's experiences within the context of medical reform and the *Lancet's* anti-quackery and medical coroner campaigns, a greater understanding of the challenges faced by bonesetters with a metropolitan practice can be achieved.

Keywords

Evan Thomas, Bonesetter, Liverpool, Coroner, Court, *Lancet*

Introduction

The bonesetter, of all quacks, was the one who did most damage to the reputation of the profession.¹

The first British publication about British bonesetting was Robert Turner's *The Compleat Bone-setter*, published in London in 1656 during the interregnum.² When bonesetter G Matthews Bennett (1844-1913) published a historical review of the state of bonesetting in 1884 he was unable to identify any publications written by bonesetters in the intervening centuries.³ Bennett, who described himself as a 'Specialist for all kinds of Dislocated Joints, Fractures, Sprains etc.' argued that bonesetters were 'skillful manipulators'. The dearth of primary source information can be attributed to a number of contributory factors, including that the majority of bonesetters practised in rural settings where there was less competition from established qualified practitioners, together with their desire to keep technical knowledge within the family.

A small number of British families, mostly with origins in farming or farriery, became successful as bonesetters in the eighteenth century. Their bonesetting skills were passed from father to sons and also to daughters. Of prior research by historians, Le Vay lists just six established provincial British bonesetter families and Cooter seven.^{4 5} Combining these lists produces nine well established British bonesetter families. Cooter states that the historical neglect of bonesetting relates to the absence of a 'clear profile of confrontation with orthodox medicine'. However, wherever a bonesetter worked in close proximity to qualified medical practitioners the risk of conflict increased.

The landmark survey of provincial surgeons and apothecaries undertaken in 1806 by Edward Harrison (1766-1838) provides an indication of the relative scarcity of bonesetters practising in British towns or cities in the early nineteenth century compared to other varieties of irregular or quack practitioner.⁶ Although not aimed specifically at identifying bonesetters, the survey responses that mentioned them usually listed one or two, Newcastle being an exception with 'very numerous'. The survey response from Liverpool listed none but stated: 'there are some cases in which farriers practice on the human frame'.⁷

¹ Anon. Editorial. *Lancet*. 1871; 97(2483): 452.

² Turner R. *The compleat bone-setter: wherein the method of curing broken bones, and strains, and dislocated joynts, together with ruptures, commonly called broken bellies, is fully demonstrated*. London: Lamb; 1656. Attributed to an earlier work by Friar Thomas Moulton.

³ Bennett GM. *The Art of the Bonesetter, A Testimony and a Vindication*. London: T. Murby; 1884.

⁴ Le Vay D. *The History of Orthopaedics: An Account of the Study and Practice of Orthopaedics from the Earliest Times to the Modern Era*. Carnforth: Parthenon; 1990. p.73.

⁵ Cooter R. Bones of Contention? Orthodox Medicine and the Mystery of the Bone-setter's Craft. In: Bynum WF, Porter R (eds). *Medical Fringe and Medical Orthodoxy 1750-1850*. London: Croom Helm; 1987. p.170. See footnote 10.

⁶ Harrison E. Multiple letters responding to Harrison's survey about the Present State of the Practice of Physic. *Medical and Chirurgical Review*. 1806; 13: i-xxiv & xxxiii-liii. See also: Loudon I. 'The vile race of quacks with which this country is infested'. In Bynum, Porter R (eds). *Medical Fringe and Medical Orthodoxy*, 1987 (Note 5). p.106-128.

⁷ Harrison. Multiple letters, 1806 (Note 6). Newcastle letter: No. XXIV; Liverpool letter: No. XXV.

Harrison's survey also revealed how some regular practitioners accused bonesetters of misdiagnosing injuries in order that they could claim a fee for treatment and that some bonesetters supplemented their income from bonesetting by selling items such as frog's feet. The failure of Harrison's plans for reform and the weakness of the Apothecaries Act of 1815 in respect to controlling irregular practice, combined with increasing competition, fuelled a resentment amongst the rank and file of the medical profession that, in turn, inspired the reforming campaigns of the *Lancet*, first published in October 1823, and its founding editor Thomas Wakley (1795-1862). Wakley's campaigns included the creation of a cohort of medically qualified coroners and an anti-quackery campaign aimed at both improving patient safety and restricting irregular practice.⁸

The late eighteenth century and the first half of the nineteenth century have been described by medical historians such as Irving Loudon as: 'the period of medical reform'. Loudon demonstrated how this period was marked by increasing frustration among those qualified practitioners who aimed to improve medical education, regulation and professional status, particularly for general practitioners.⁹ The same period has been termed 'The Age of Improvement' because of the opportunities and wealth created by rapid developments in industrial and transport networks in British cities.¹⁰ A small number of rural bonesetters, including Evan Thomas (1804-84), were prepared to leave their rural areas and move into the inner cities, territory already well supplied with qualified practitioners. Although such bonesetters could claim to have specialist skills passed down over generations, financially successful metropolitan bonesetters would inevitably attract the scrutiny of medical practitioners. This article aims to provide a comprehensive account of Evan Thomas's metropolitan experience, particularly his relationship with the medical profession.

The rise of Evan Thomas, Liverpool bonesetter

Evan Thomas (Figure 1) was the third child and first son of Richard and Margaret Evans of Cilmaenan farm, Llanfaethlu in the north-west of Anglesey.¹¹ Thomas's paternal grandfather, also Evan Thomas (died 1814), had been discovered in mysterious circumstances as a child in a shipwrecked boat, with his younger brother, at Cemaes bay in the 1740s. A recent DNA study of descendants has indicated an origin from eastern Europe.¹² The surviving boy was adopted by a local family and named Evan Thomas. It was this Evan Thomas who demonstrated a natural ability for treating injured limbs and subsequently established one of the nine leading British bonesetter families: the Thomas family of Anglesey.

⁸ Sprigge SS. *The Life and Times of Thomas Wakley*. London: Longmans Green and Co; 1899.

⁹ Loudon I. Medical Practitioners 1750-1850 and the period of medical reform in Britain. In: Wear A (ed). *Medicine in Society: Historical Essays*. Cambridge: Cambridge University Press; 1992. p.219-248.

¹⁰ Briggs A. *The Age of Improvement* London: Longmans; 1969.

¹¹ Unpublished family tree produced by John and Susan Moncrieff. Thomas family archive. Liverpool Medical Institute (LMI). HOT1.

¹² Rowlands J. *Anglesey Bone Setters: geographical origins by DNA sequencing*. Kindle Edition: The Anglesey Bone Setters DNA Project; 2015.

Evan Thomas, the principal subject of this article, was just ten years old when his namesake grandfather died. Thomas's father Richard and several aunts and uncles practised as bonesetters in Anglesey. Thomas himself had two brothers and four sisters who survived into adulthood and all of them developed some form of bonesetting practice. Two of the sisters emigrated to America and one of these, Ann Hughes, continued to practise as a bonesetter in Waukesha, Wisconsin. Little is known of Thomas's childhood or schooling in rural Anglesey but it is evident that, during his teenage years, he assisted his father in his bonesetting practice.¹³

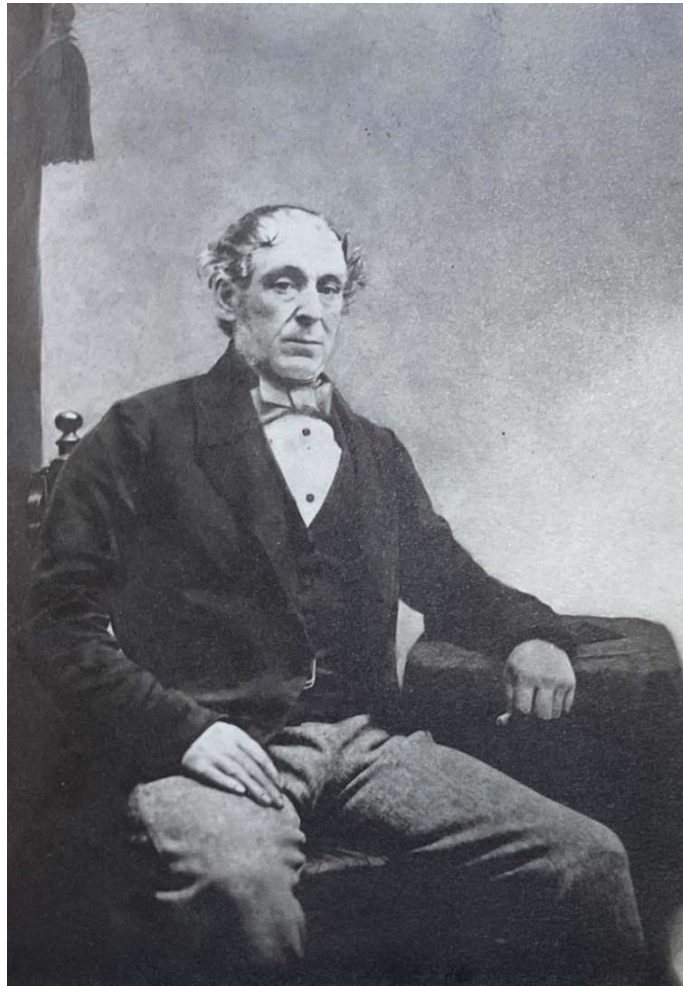


Figure 1. Photograph of Evan Thomas, undated. LMI Archive. Ref: HOT1. Reproduced by kind permission of the Liverpool Medical Institute.

Thomas's first language was Welsh and whatever prompted him to travel to Liverpool in 1830, in his mid-twenties, has not been established. However, he discovered a booming city energised by new transport links: the Leeds and Liverpool canal had reached central Liverpool in 1816, steamships were being built in the shipyards of

¹³ Watson F. *Hugh Owen Thomas: A Personal Study* Oxford: Oxford University Press; 1934. p.9-19.

Birkenhead and Liverpool docks from the 1820s onwards and the first intercity railway line, from Manchester to Liverpool, was opened in September 1830. In addition, there was a sizeable Welsh-speaking community that worshipped regularly at the Welsh Chapel on Great Crosshall Street. Evan soon found work in the docks and foundries of the city but his plans for the future relied on a return to bonesetting, this time in the industrial heartland of Liverpool.¹⁴

Thomas married Jane Ellis Owen (1812-49), from Bodedern, Anglesey in 1833, and they settled into married life and, for Evan, a busy bonesetter practice on Great Crosshall Street. Jane was soon pregnant with their first son, Hugh Owen Thomas (1834–91), who was destined to become an important figure in the birth of modern orthopaedic surgery. Great Crosshall Street, featuring the Welsh Chapel at one end and close to both the industrial zone and the city centre, proved to be an ideal location. There were already one or two surgeon-apothecaries with surgeries located on the street.¹⁵ Evan Thomas's bonesetting practice never left Great Crosshall Street throughout his years in Liverpool.¹⁶ He took his father's advice by printing a business card that simply stated:

EVAN THOMAS BONESETTER,
No. 3, Great Crosshall St., (Third Door from the Chapel), LIVERPOOL

Although Thomas was secretive about his methods, his character and the general pattern of his early practice can be outlined from correspondence he maintained with his father, reports in local newspapers and other sources. He ran three clinics a day, working from 9am to 9pm, with breaks of one to two hours between. He specialised in trauma cases such as fractures and dislocations. The majority of patients were treated with manipulation and splintage. Compound, or open, fractures would be managed with dressings, poultices and sometimes liniments. Patients were expected to pay in advance, in earlier years five shillings and in later years ten shillings, before treatment would be provided. Manipulation of fractures and reduction of dislocations would be carried out in a treatment area using a rapid technique and with a music box to distract the patient.¹⁷ For difficult cases, such as late-presenting dislocations, he used assistants and pulleys to help achieve a satisfactory reduction.¹⁸ Generally described as dour and methodical, he was the antithesis of the archetypal fast-talking, nostrum- and panacea-selling quack.¹⁹

The opening of the new Northern Hospital on Leeds Street in 1834, just five minutes walk from Great Crosshall Street and established specifically for traumatic injuries, appears to have had no significant impact on Evan Thomas's busy practice.²⁰ An early

¹⁴ Le Vay D. *The Life of Hugh Owen Thomas* Edinburgh and London: E. & S. Livingstone; 1956. p.6.

¹⁵ See: *Gore's Liverpool Directory*. In 1825, two surgeons, and 1832, one surgeon.

¹⁶ *Gore's Liverpool Directory*, published every two or three years, shows the location of Evan Thomas, bonesetter, at No.3 in 1835, No.47 in 1837, No.86 in 1839, still at No.86 in 1851 then No.82 in 1859, No.82 and No.80 in 1860 and 1862, and No.82 in 1864.

¹⁷ Hywel Jones W. *The Bonesetter of Crosshall Street*. Script for play 1951. LMI Archive. HOT 5/15.

¹⁸ Le Vay. *The Life*, 1956 (Note 14). p.9.

¹⁹ Le Vay. *The Life*, 1956 (Note 14). p.9.

²⁰ Bickerton TH. *A Medical History of Liverpool from the Earliest Days to the Year 1920*. London: Murray; 1936.

indication of Thomas's growing reputation occurred in 1837. A man, seriously injured falling from a treetop, was carried to Evan Thomas rather than the nearby hospital.²¹

In 1847 Jane delivered their eighth and final child, also named Jane Ellis. They had recently purchased a property for their family home in Seacombe, Wirral and Jane Ellis was baptised in Wallasey.²² For Evan this move meant a short walk to the Mersey ferry terminal at Seacombe each morning and a slightly longer walk from the Liverpool dock terminal to his busy practice, now at 86, Great Crosshall Street each morning and evening. The mid-1840s marks the peak of Thomas's personal and professional happiness. However, dark clouds were on the horizon. At a national level, Thomas Wakley had started a renewed anti-Quackery campaign in the correspondence pages of the *Lancet* in 1838 to support efforts by the Provincial Medical and Surgical Association aimed at suppressing unqualified practitioners.²³ Locally, the first indication of a more hostile environment for Evan Thomas came in the following year when a young surgeon and two associates visited him late one evening when he was still living at 86, Great Crosshall Street. The surgeon feigned an ankle injury and subsequently mocked Thomas's treatment, using the nom-de-plume Scrutator, in a local newspaper.²⁴ An enraged Thomas penned a draft response to the editor of the *Liverpool Albion* but this remained unpublished.²⁵

In 1844 a new building was constructed to house an enlarged Northern Hospital. An anonymous letter, signed by 'Unknown', appeared in the *Liverpool Albion* newspaper, addressed to the Governors and Trustees of the hospital, suggesting that the talented Evan Thomas should be given charge of 'one or two wards' in the new hospital for managing trauma cases.²⁶ This provoked a vitriolic response addressed to the Editor from one of Liverpool's young surgeons, writing as 'Tenaculum', which included the following paragraph about Thomas:

I am particularly desirous to get an insight of his mode. I've not been here long and, though tolerably well recommended, few are the doors that I have darkened professionally. I had some thoughts of leaving my plate on the door and going abroad for a few years to acquire still more professional acumen: but why should I, when I see that a man of the class of Mr. Evan Thomas, who walks in gaiters and nailed shoes and dwells in Great Crosshall St., walks out and treads on the heels of Messrs. A, B, and so forth, who ride in carriages and domicile in Rodney St.? ²⁷

²¹ Anon. Singular Accident. *Liverpool Standard and General Commercial Advertiser*. 22 Aug 1837. p.6-7.

²² Moncrieff J, Moncrieff S. The missing daughter of Evan Thomas, the Bonesetter of Great Crosshall Street. Unpublished undated document. LMI Archive. HOT 5/22. Jane Ellis Thomas was born on 26 March 1847 and died on 7 May 1847.

²³ Anon. Suppression of Quackery. *Lancet*. 1838; 30(780): 704.

²⁴ Anon. Letter re. Bone-setters [signed Scrutator]. *Liverpool Mercury*. 18 Oct 1839. p.3.

²⁵ Unpublished undated handwritten letter entitled 'A surgical visit from a surgical man' addressed to the editor of the *Liverpool Albion* signed by Evan Thomas. LMI Archive. HOT5/1. In Letter book of E. Thomas and H.O. Thomas.

²⁶ Anon. Letter to the Editor [signed Unknown]. *Liverpool Albion*. 12 Feb 1844. p.2.

²⁷ Anon. Letter to the Editor [signed Tenaculum]. *Liverpool Albion*. 26 Feb 1844. p.2.

It was also in this decade that Thomas first became aware of rumours of his demise to which he responded through newspaper advertisements (Figure 2).

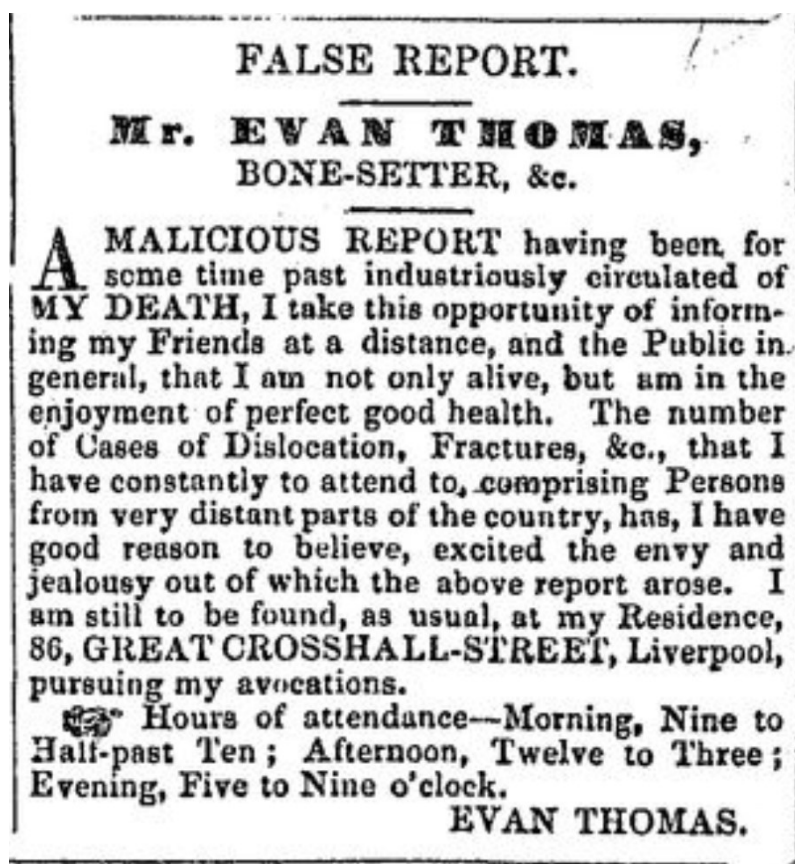


Figure 2. Thomas E. Advertisement. *North Wales Chronicle*. 17 Aug 1847. Front page.

Although he remained in good health, personal tragedy struck Thomas's family. In May 1847 the youngest daughter, Jane Ellis, just six weeks old, died at Seacombe. Then, in 1849, his beloved wife Jane died, leaving Thomas the single parent to five sons and two daughters.

Thomas Wakley and the campaign for medical coroners

In 1830, the same year that Evan Thomas moved to Liverpool, Thomas Wakley chose to become a candidate in the election of county coroner for West Middlesex.

Since 1827, he had been using the pages of the *Lancet* to encourage medical practitioners to become coroners, emphasising their suitability for the role, downplaying the amount of legal expertise required and advertising vacancies for coroners.²⁸ Editing the *Lancet*, already a successful publication, took up much of his time but he understood the importance and powers of coroners, specialist judges that he described as 'the people's

²⁸ Anon. Editorial. *Lancet*. 1827; 9(220): 267-269.

judge'. In the hustings Wakley and his supporters used campaign slogans that emphasised his commitment to medical reform and an 'open court' approach to transparency.²⁹

If Wakley had any doubts about the importance of the coroner's court in exposing and publicising the malpractice of unorthodox practitioners these were surely dispelled by the trial at the Old Bailey of John St John Long (1798-1834) for the murder of Catherine Cashin, in which Wakley was directly involved. Long had moved to London in 1822 and worked initially as a portrait painter. In 1826 he claimed to have discovered a cure for consumption and established consulting rooms in Harley Street. His unorthodox treatment involved the inhalation of vapours and scouring the chest with a secret liniment, designed to create a shallow ulceration of the skin as a counter-irritant. Catherine Cashin, aged 24, had been under his care and had died despite a late intervention from surgeon Sir Benjamin Brodie (1783-1862). The Cashin family approached Wakley directly and he agreed to represent them in the coroner's court. During the trial, in October 1830, Wakley's medical expertise and exposure of the ignorance of witnesses supporting Long helped to convince the coroner's jury and Long was found guilty of manslaughter.³⁰

Although he narrowly lost the 1830 election, Wakley continued to campaign for reform of the coronial system after being elected as MP for Finsbury in 1835. In March 1836 he proposed the Medical Witnesses Remuneration Bill to compensate medical witnesses for their costs incurred in giving evidence at a coroner's inquest, explaining that the coroner's court was the only court in which the people had elected their own judge and detailing how medical evidence was important in exposing dangerous 'quack medicines'.³¹ The Bill was passed in August 1836 and Wakley succeeded at his second attempt to become a county coroner in 1839, when he was elected as coroner for East Middlesex.³² In both the 1830 and the 1839 elections he had faced a rival candidate who was a lawyer, so by the end of the decade he had no doubt about the lack of suitability of lawyers compared to medically qualified men, views reflected on frequent occasions in the editorial pages of the *Lancet*.

The Municipal Corporations Act 1835, part of the Whigs' reform legislation, created a new category of coroners: borough coroners, to be appointed by each of the new or reformed boroughs. In Liverpool, Wakley's encouragement led to two of the four candidates for the new appointment being medically qualified. However, the successful candidate was a lawyer with some medical training, Mr Philip Finch Curry (died 1867). Curry was a well established Liverpool lawyer but his father was a naval surgeon and he had started medical training, including studying medical jurisprudence, before becoming a lawyer.³³

²⁹ Sprigge. *The Life and Times*, 1899 (Note 8). p.353-368.

³⁰ Hempel S. John St John Long: quackery and manslaughter. *Lancet*. 2014; 383(9928): 1540-41.

³¹ Remuneration to Medical Men at Inquests. *Hansard* (UK Parliament). Vol. 31. Debated on 1 Mar 1836.

³² Sprigge. *The Life and Times*, 1899 (Note 8). p.353-368.

³³ Glasgow GHH. Three Liverpool doctors and their coronial ambitions: A historical perspective to the medico-legal conflicts surrounding the elections of 1836, 1867 and 1891. *Transactions of the Historic Society of Lancashire and Cheshire*. 2005; 63: 63-91.

Another medical practitioner inspired to apply for the role of coroner was Henry Churton (1813–80). Although born and raised in Cheshire, as a teenager Churton had been apprenticed to William Gaitskell (1763-1833), inaugural President of the Metropolitan Society of General Practitioners, in Rotherhithe and claimed to have performed the post-mortem examination of the first London case of Asiatic cholera in 1831 while still a teenager.³⁴ After qualifying MRCS LSA in 1837 he became surgeon to the recently formed Great Boughton Poor Law Union. In 1841 he entered the election to become coroner for West Cheshire, pitting himself against John W Massey (1804-89), who had been serving as deputy coroner and was the nephew of the previous incumbent. In a tight contest Churton emerged the winner, defeating Massey by 1,515 to 1,345 votes. The editor of *the Lancet* was positively jubilant at Churton's success:

The profession (not that perhaps of the law, but certainly that of medicine) will learn with the highest gratification that another advance has been made in the question of medical coroners, by the election of Mr. Henry Churton, surgeon, of Chester as coroner for the southern division of the county of Chester ... These facts speak volumes for the competence of Mr. Churton, the discretion with which he employed his claims and resources and the intelligence of the electors. The examples are admirable and must be followed as vacancies occur until attorneys and all other non-medical candidates for a medical office become ashamed to press the demands of ignorance upon an enlightened public ... We cordially congratulate both Mr. Churton and the county on their victory. There must even be many members of the profession of the law who, abandoning prejudices and undue feelings of self-interest would rejoice at the new advantage gained to that important institution, the Coroner's Court, by this election.³⁵

Churton and Wakley became two of the small but growing number of medically qualified coroners who were prepared to challenge medical malpractice from within the coroner's court.

Confrontation, malpractice and the coroner's court

In late 1849, a few months after the death of his wife, Evan Thomas had to defend himself from accusations of malpractice in the first of a series of court cases. By now a wealthy and successful bonesetter, patients often consulted him for a second opinion when they were already under the care of a qualified practitioner. This first example was an inquest in the coroner's court into the death of John Doran, before coroner Philip F Curry. Doran sustained a severe chest injury falling twenty feet into the hold of a ship at the Waterloo dock. A surgeon, Mr Kelly, saw him soon after the injury and applied a plaster to his chest. Another surgeon, Mr Richard Hutchinson, was consulted a few hours later and concurred with the treatment but the next morning added an oral ammonia and

³⁴ Anon. The Death of Mr. Henry Churton [Obituary]. *The Cheshire Observer*. 18 Dec 1897. p.6.

³⁵ Anon. Editorial. *Lancet*. 1841; 37(957): 478-479.

chloric ether mixture as stimulant. Hutchinson returned to see Doran in the afternoon after Evan Thomas had also been consulted. Thomas had removed the plaster and applied twelve leeches to Doran's chest but he died soon afterwards. Hutchinson considered that Thomas's treatment had accelerated death and further testified that bleeding was 'decidedly improper, nothing could be worse'.

Curry adjourned the inquest on the first day, ordered a post-mortem and informed Evan Thomas that it would be in his interest to have a representative present at the post-mortem in view of the allegations of malpractice. The post-mortem was performed by Mr Hutchinson, assisted by Mr Kelly and Mr Nottingham. Thomas paid for two witnesses to attend, including Dr William Trench (1810-77). Hutchinson stated that the autopsy findings, which included two fractures of the sternum and multiple rib fractures, had not changed his opinion regarding Thomas's treatment. Dr Trench's evidence, when the inquest resumed, was important: he stated that removing the plaster and applying leeches would not have caused Doran's death and that the finding of lung congestion was an indication for bleeding. Thomas's legal representative, John Godfrey, called several witnesses who testified to Thomas's skill in treating cases with which 'professional surgeons' had not succeeded. Coroner Curry said he was aware that some Liverpool surgeons would welcome Thomas being prosecuted for manslaughter. After a short deliberation, the jury returned a verdict of accidental death.³⁶

This case had a significant impact on Dr Trench. Thomas's barrister had been able to call upon many supportive witnesses, including a former mayor of Liverpool, but the most important had been Dr Trench. For Trench there was a backlash from the medical profession which resulted in him being described as a traitor and being ostracised at a meeting in the Liverpool Medical Institute. Trench responded by printing an eight-page letter addressed to the chair of the meeting, Sir Arnold Knight (1789-1871).³⁷ In this Trench stated that: 'some maintained that any defence of a bonesetter was wrong ... I plead that there is a claim upon a man of honour greater than that of professional formality, it is the claim of justice'. However, the episode did not have a long-lasting impact on Trench's career as he was elected to the post of Medical Officer of Health for Liverpool in 1863.³⁸

In early 1854, a case involving alleged medical malpractice by Evan Thomas was heard at the civil Court of Passage, Liverpool in early 1854. This was the only occasion on which a patient took direct legal action against Evan Thomas and the only malpractice case not to involve a coroner. Daniel Crowley sued Evan Thomas for loss of a limb.³⁹ Crowley claimed that he first experienced leg pain when walking. He consulted Dr Thorburn who ordered rest, fomentations and leeches. Two days later Thorburn considered the leg much improved. However, the pain remaining severe, Crowley's friends persuaded him to consult Evan Thomas. Thomas applied splints and bandages and advised cold water applications, charging his usual fee of five shillings. The pain

³⁶ Anon. Inquests, Charge against a Bonesetter. *Liverpool Mercury*. 11 Dec 1849. p.4.

³⁷ Trench W. A letter to Arnold Knight MD. On a late inquest. Liverpool Mail Office. 1850. LMI Archive. HOT5/1. Copy interpolated in Letter book of E. Thomas and H.O. Thomas.

³⁸ Bickerton TH. *A Medical History of Liverpool from the Earliest Days to the Year 1920*. London: Murray; 1936.

³⁹ Anon. Court of Passage: Claim for Compensation for Loss of a Limb. *Liverpool Mercury*. 10 Feb 1854. p.9-10.

improved but the leg started to feel numb and two days later the foot turned purple. Crowley consulted Thomas again: he loosened the bandages and ordered hot bran lotions, leaving instructions that he should be consulted again if the leg worsened. Crowley sent for Thomas again but Dr Robert Roose (died 1868) arrived instead. Thomas had developed a close working relationship with Roose, a qualified medical practitioner, and it was evidence from Roose that was crucial for Thomas's defence.

Robert Roose was born at Amlwch, Anglesey, one of sixteen children of Jonathon Roose (1731-1813), a member of the team that discovered large copper deposits in north Anglesey and subsequently manager of Parry copper mine.⁴⁰ After qualifying with LSA in 1825 and MRCS in 1827, Robert spent a short period working in Liverpool in the 1830s close to where Evan Thomas lived.⁴¹ After working for many years as a GP, also Medical Officer of Health for Bangor and Beaumaris in the 1840s, he appears to have returned to Liverpool in 1853, living at 7, Great Crosshall Street and establishing a close working relationship with Evan Thomas.⁴²

A report in the *Northern Daily Times* indicated that Thomas frequently called on Dr Roose in such circumstances.⁴³ Roose was alarmed by the appearance of Crowley's leg and applied 'hot bricks'. Mr Hakes and Mr Bickersteth, surgeons, were consulted. The leg could not be saved and was amputated. In the witness box, at the Court of Passage, Thorburn, Hakes and Bickersteth blamed Thomas's tight bandages for the mortification of the leg. In his evidence, Roose stated that he agreed with Thomas's treatment but that he and Mr Hakes had agreed that the cause of mortification had been ischaemia due to vascular injury. Serjeant Wilkins, Thomas's barrister, suggested that the injury had not been caused in the manner the plaintiff stated and castigated the medical practitioners for their inconsistency. Describing their statements giving evidence against Evan Thomas, Wilkins stated:

The medical profession will not leave him alone. Mr. Thomas does not profess to be a pathologist or a physiologist he merely professes to be a bonesetter. He has rectified cases after the medical men have failed. He has performed cures. And if his opponents and he were weighed in the balance of truth and justice I know who would touch the beam, carriage and all, if we had fair play.⁴⁴

Evan Thomas was successful in his defence of the malpractice claim: the jury found in his favour.

The editor of the *Lancet* had recently highlighted the case of a surgeon called Housley who had been found guilty of malpractice and ordered to pay £250 in damages for his treatment of a child with a complicated fracture that resulted in amputation.⁴⁵ In

⁴⁰ See: Grwp Tanddaearol PARYS Underground Group. www.parysmountain.co.uk (accessed 13 Nov 2025).

⁴¹ *Gore's Liverpool Directory*, 1832, Robert Roose, surgeon, listed at 7, Leeds St.

⁴² *Gore's Liverpool Directory*, 1857; Anon. Court of Passage, 1854 (Note 39).

⁴³ Anon. Court of Passage Special Jury Case, Report of Crowley vs. Thomas. *Northern Daily Times*. 9 Feb 1854. p.3.

⁴⁴ Anon. Court of Passage: Report of Crowley vs. Thomas. *Liverpool Mercury*. 10 Feb 1854. p.10.

⁴⁵ Anon. Editorial. *Lancet*. 1854; 63(1592): 254.

a further Editorial, following the successful defence in Crowley vs. Thomas, the two cases were compared:

Contrast the verdict of the jury in the case of Mr. Housley, an educated, experienced and intelligent surgeon and the verdict in the case of one Evan Thomas, a clown who has forsaken the plough to take up the trade of a bonesetter! The educated surgeon is condemned to pay extortionate damages in compensation for an injury not traced or traceable to any fault of his; the bone-setter is borne harmless from the consequences of his presumption and neglect.⁴⁶

As a consequence of this case, in March 1854, a group of local people set up a subscription fund for a testimonial dinner for Evan Thomas. At the dinner, Thomas was presented with an illuminated address on vellum, a gold watch, a service of plate, and a portrait by Philip Westcott (Figure 3).⁴⁷



Figure 3. Portrait of Evan Thomas by Philip Westcott. Dated 1854. Reproduced by kind permission of the Robert Jones and Agnes Hunt Orthopaedic Hospital NHS Foundation Trust.

⁴⁶ Anon. Editorial. *Lancet*. 1854; 63(1591): 193.

⁴⁷ Anon. Presentation of a Testimonial to Mr. Evan Thomas, Bone-setter. *Liverpool Mercury*. 25 Aug 1854. p.8; Anon. Presentation of a Testimonial to Mr. Evan Thomas, Bone-setter, Liverpool. *North Wales Chronicle*. 2 Sep 1854. p.8.

Although Robert Roose provided important assistance to Evan Thomas with complex patients from 1853, Thomas was already looking to the future and encouraged his sons to gain medical qualifications, perhaps expecting that they would also support his practice. His two oldest sons, Hugh Owen Thomas, mentioned above, and Richard Thomas (1836-75), travelled to Edinburgh in 1854 to start their studies and eventually all five of his sons gained sufficient qualifications to be entered on the General Medical Council's new medical register, initiated in 1858.⁴⁸

The third case that raised issues of malpractice, in December 1857, was in the coroner's court, again presided over by Philip Curry. This case was especially sensitive because the allegations that came to light in the proceedings came from a qualified surgeon, Alfred Whittle, who had recently started a practice nearby at 81, Great Crosshall Street.⁴⁹ The inquest was into the death of a cooper, Peter Davis, who had died from 'lock-jaw' after a crushing injury to two fingers sustained when a heavy cask fell onto his hand at work. He had initial treatment at the Northern Hospital but a week later consulted Evan Thomas, who applied a poultice and the following day redressed the hand, applying bandages, ointment and a splint. Davis went daily to see Thomas but started to complain of a painful jaw. Thomas thought this was due to cold. The next day Davis's jaw was more painful and stiff so he consulted a druggist called Mr Costine, who diagnosed quinsy and dispensed medicine. The next day his symptoms worsened and Mr Whittle was consulted. Whittle diagnosed tetanus and Davis died two days later.

On the first day of the inquest, Whittle testified that Davis had had lacerations on his hand and the green ointment, used by Evan Thomas, was highly improper and injurious, generating the tetanus, and without it 'the outcome would, in all probability, have been different'. Curry adjourned the inquest so that he could hear from Evan Thomas. The following day Thomas attended with his two oldest sons, Hugh Owen and Richard, a surgeon called Robert Lodge and a solicitor. Thomas explained that his two sons were now qualified doctors, practising alongside him, and had both been present at the initial consultation.⁵⁰ Richard Thomas stated that he had 'ordered' the ointment, adding copper sulphate to his father's usual mixture of palm oil, olive oil and some resin, resulting in the green colour of the ointment at Whittle's consultation. Lodge stated that Thomas's treatment had been correct. In his summing up Coroner Curry stated that he had heard Evan Thomas described as a quack doctor but, in his opinion, Thomas was 'in his line as a bonesetter, one of the cleverest men we had in Liverpool'. The jury's verdict was accidental death and Whittle was criticised for his comments at the inquest.^{51 52}

⁴⁸ Watson. *Hugh Owen Thomas*, 1934 (Note 13). p.28.

⁴⁹ See: *Gore's Liverpool Directory*, 1857.

⁵⁰ Examination records at the Royal College of Surgeons show H.O. Thomas and R. Thomas passed the MRCS Examination on 3 Apr 1857 and 24 Jul 1857, respectively.

⁵¹ See handwritten report: Special Report of a Case of alleged Lockjaw from improper treatment, in the Coroner's Court, Liverpool. 3 & 4 Dec 1857. LMI Archive. HOT5/1. Interpolated in Letter book of E. Thomas and H.O. Thomas.

⁵² Anon. Coroner's Court – Death from Lock-jaw. *Liverpool Daily Post*. 4 Dec 1857. p.8.

The manslaughter trial and the medical coroner

The fourth and final case that raised issues of malpractice had the most far-reaching consequences for Evan Thomas and was the only legal process he was involved in that led to a manslaughter trial. In 1858 Thomas was working with his two qualified sons, Hugh Owen and Richard, but the latter moved to Menai Bridge in 1859, remaining in north Wales after marriage.⁵³ ⁵⁴ In 1860 Evan Thomas, now the owner of 80 and 82, Great Crosshall Street, continued to enjoy a close working relationship with his son, Hugh Owen, who lived and worked at No.80, while Evan worked at No.82.⁵⁵ They usually saw patients together but around 8pm each evening Evan would leave to catch the ferry back to Seacombe and Hugh Owen would see late-presenting patients himself.

The events leading to the manslaughter trial took place in early October 1860. Patrick and Ann Timlin lived in Birkenhead and had already lost several children to childhood diseases when their eight-year-old son Francis complained of a painful right knee and dizziness. As he remained unwell the following day, a Friday, his parents called the parish doctor Dr Lambert. Lambert examined the boy, ordered a poultice and prescribed wine and good food, subsequently testifying that he had diagnosed early abscess formation. He planned to return on Monday. However, on Saturday Francis was feeling worse and friends of the family recommended Evan Thomas. Patrick took Francis on the ferry and they arrived at Great Crosshall Street just before 8pm. Evan and Hugh Owen were both still working. Patrick was asked to pay ten shillings in advance, but he only had five shillings. Evan Thomas refused to see the child without full payment but a passerby, who knew Patrick, donated the remaining five shillings. Hugh Owen and Evan diagnosed an injury to the physis of the distal femur. Evan manipulated the leg and applied splints and linen bandages. Patrick returned two days later stating that the child was worse and now had abdominal pain. Hugh Owen wrote a prescription, later prepared by a Birkenhead chemist, but Francis could not swallow it. Lambert visited again but Francis died the following morning.

Dr Lambert refused to issue a death certificate and the coroner, Henry Churton, organised an inquest in Birkenhead which opened on 9 October.⁵⁶ The *Liverpool Daily Post* reported on the first day of the inquest, and explained that the inquest had been adjourned pending an autopsy report and the request that Evan Thomas should attend on resumption.⁵⁷ Thomas read this report and immediately drafted a letter to the editor of the newspaper which was published on 15 October. He commented:

I remember the case. The child was brought to me by his parent, who stated that he had fallen in the street. There were no external marks of injury ... It was nevertheless my opinion, and still is, that the bone had been injured or separated at the epiphysis. This diagnosis may be right or wrong. It had no influence on my treatment, for I saw before me a greater danger in the active inflammation then present. I applied the water dressing to soothe this inflammation and over

⁵³ Anon. Inquest at Menai Bridge. *North Wales Chronicle*. 28 May 1859. p.4.

⁵⁴ 1861 Census records. Dr. Richard and Margaret Thomas living in Bangor, N. Wales.

⁵⁵ See: *Gore's Liverpool Directory*, 1860.

⁵⁶ Anon. Bone-setting at Birkenhead. *Liverpool Mercury*. 11 Oct 1860. p.3.

⁵⁷ Anon. Extraordinary inquest at Birkenhead. *Liverpool Daily Post*. 12 Oct 1860. p.8.

the water dressing I applied slight splints to prevent motion, and ensure rest to the limb. I have for thirty years, sir, met all these imputations and accusations of malpraxis by the simple testimony of the many thousands who have derived benefit from my experience and attention; but I might ask whether the most celebrated surgeons have not made mistakes in diagnosis, and why the faculty here so readily raise a cry of triumph upon a supposed error of mine, as if infallibility belonged to either the surgeon or bonesetter. I also may mention that I had the co-operation of my son, who is a member of the Royal College of Surgeons, London, and he coincides with me in the view I have given of this case. I have the honour to remain your servant, EVAN THOMAS.⁵⁸

In contrast to the 1849 inquest, Evan Thomas was not informed about the Timlin post-mortem by Coroner Churton. Performed by Mr Lambert in the presence of four other qualified practitioners, the post-mortem revealed an abscess on the outer aspect of the distal femur but no fracture. Pus was found in other locations, including the pericardium, and Lambert decided that pressure from the bandages had promoted pyaemia, causing death.

The inquest resumed on 16 October. Churton read Lambert's autopsy report and questioned him further on his views about Thomas's bandages. The jury deliberated and returned a verdict of manslaughter against Evan Thomas. Churton issued a warrant for Thomas's arrest pending further investigations by the Birkenhead magistrates.⁵⁹ Thomas was arrested, held in Birkenhead police cells overnight, then released on bail the following day. An investigation by the magistrates started a week later. Here Lambert repeated his autopsy findings and opinion, supported by three doctors who had witnessed the autopsy. Thomas's barrister was able to call on five qualified practitioners, including his brother-in-law Dr Owen Roberts and Mr Lodge, who both concluded that Thomas's treatment had not caused pyaemia. Hugh Owen Thomas also gave evidence to that effect. Hugh Owen stated that he had examined the child first, evidence that was disputed by Patrick Timlin. The conflicting opinions and evidence resulted in the magistrates concluding that Evan Thomas should stand trial for manslaughter at Chester Assizes⁶⁰

During the inquest coroner Churton had made a statement that:

There was a remark made by one of the jurymen at the inquest to which I fully concur. Namely that Evan Thomas had certainly swindled the poor father out of a sum of money by pretending that the child's leg was fractured; and it seems the child underwent the mockery of a reduction of the fracture for which the father was charged 10 shillings.⁶¹

Thomas was angry about this slur and instructed his lawyers to write to Churton demanding a public apology, which they did on 9 November. Churton replied

⁵⁸ Thomas E. Extraordinary inquest at Birkenhead [Letter to the Editor]. *Liverpool Daily Post*. 15 Oct 1860. p.3.

⁵⁹ Anon. Extraordinary Inquest at Birkenhead, Verdict of Manslaughter against Evan Thomas. *Liverpool Daily Post*. 16 Oct 1860. p.7.

⁶⁰ Anon. Charge of Manslaughter against Mr. Evan Thomas. *Liverpool Daily Post*. 25 Oct 1860. p.3.

⁶¹ Anon. The Bone-setting case at Birkenhead. *Liverpool Mercury*. 12 Oct 1860. p.6.

immediately, refusing to apologise and stating that he would shortly appoint solicitors to act on his behalf.⁶²

In the lead-up to the manslaughter trial some unscrupulous events occurred. An anonymous letter was published in the *Lancet* blaming Thomas for causing the death of Francis Timlin and criticising the qualified practitioners who had given evidence in his support.⁶³ Two weeks later the journal published a retraction.⁶⁴ Then, just the day before the trial, a handbill stating that Evan Thomas had been found guilty of manslaughter, and repeating Coroner Churton's comments about him swindling Patrick Timlin, was circulated in Liverpool and Chester.

The trial took place at Chester Assizes court on 8 December and took seven hours. Before the judge, Sir Colin Blackburn (1813-96), Thomas's defence was led by Serjeant-at-law John Humphreys Parry, who was of Welsh descent and one of England's leading barristers. Many medical practitioners from Liverpool and Birkenhead attended. Blackburn explained to the jury at the start of the trial that whether Evan Thomas was qualified or not was irrelevant but they had to decide 'if there was such a want of care and skill as amounts to culpable negligence'. Hugh Owen repeated his evidence from the magistrates' court that he had examined the child first, had diagnosed a fracture and seen his father apply loose bandages. He had not seen his father manipulate the child's leg. Several surgeons gave evidence stating that the bandages did not cause pyaemia. Dr Owen Roberts supported Evan Thomas's treatment and blamed the ferry journey for causing pyaemia. Mr John Cooper, senior surgeon at the Liverpool Infirmary, gave evidence supporting Evan Thomas and stated that it was accepted practice in French hospitals to apply compression bandages to an abscess. Parry read a section from a French medical textbook, translated in court, confirming such practice. Amongst several witnesses testifying to Thomas's expertise were a former mayor of Chester. After the judge's summing up the jury took just three minutes to announce 'Not guilty'. After the verdict Parry showed the defamatory handbill that had been circulated the day before the trial to the judge.⁶⁵

Aftermath: persecution and the High Court

Less than two days after the manslaughter trial Evan Thomas was back at work at Great Crosshall Street with his sons. On his first return home from work, local supporters had arranged for a band of musicians to welcome him off the Seacombe ferry, playing Handel's 'See the Conquering Hero Comes!', and for a carriage to take him and his sons the short distance home, lining the route with cheering well-wishers.⁶⁶ Local newspapers printed reports of the trial and soon suggested that Evan Thomas was being persecuted.⁶⁷ The *Liverpool Mercury* declared:

⁶² Anon. Court of the Queen's Bench. *Chester Courant*. 14 May 1862. p.6.

⁶³ Anon. Bone-setting at Liverpool [Letter to the Editor, signed Veritas]. *Lancet*. 1860; 76(1940): 444-445.

⁶⁴ Anon. Apology and retraction. *Lancet*. 1860; 76(1942): 497.

⁶⁵ Anon. The Charge of Manslaughter against Mr Evan Thomas. *Wrexham Weekly Advertiser*. 15 Dec 1860. p.3.

⁶⁶ Anon. The Bone-setting case at Birkenhead. *Liverpool Mercury*. 12 Oct 1860. p.3

⁶⁷ Anon. The Evan Thomas Persecution. *Chester Record*. 15 Dec 1860. p.8.

The verdict of 'not guilty' was hailed in a crowded court with tremendous applause and the result will give unqualified satisfaction to many thousands in all parts of the country who have benefited from the great skill and extensive practical experience of Mr. Thomas. As this is not the first time that some of the members of the medical profession have endeavoured to make Mr. Thomas amenable to the law, he is considered by a large portion of the public to be a persecuted man, and of course the present prosecution is only calculated to make the well known bonesetter still more popular.⁶⁸

There were also unwelcome consequences, starting with correspondence from Mr Cooper, the defence witness. Cooper's letter to Evan Thomas has not survived but his subsequent letter to Hugh Owen Thomas in January 1861 has:

Dear Sir,

Being convinced of your father's innocence of the crime of manslaughter for which he was arraigned, I zealously set to work to do all I could as a witness in his defence and made the case my constant study in all its bearings, at the same time well aware that as the head of the surgical profession in Liverpool and from my age and position as consulting surgeon to the Infirmary, by doing so I should bring upon myself the hatred of most of my juniors that were in the habit of consulting me - and what I anticipated in this respect has been realized. On Saturday last I was attacked by some of my colleagues, one of whom said: "Mr. Cooper I'm astonished that you the oldest member of the profession in Liverpool and occupying the highest position amongst us should have given your aid in exculpation of the bone-setter Evan Thomas." My reply was that I thought I had only acted justly and rightly but, sir, I know that I shall be a pecuniary sufferer, which your father - a comparatively rich man - ought not to allow and I feel highly indignant that he made no reply to my letter on this subject. As you justly said when I mentioned the subject of remuneration: 'Mr. Cooper you shall lose nothing by your efforts in our case and we well know that your advocacy will be of greater service than that of any of our employed barristers'. I certainly expected from this that my fee would be a handsome one, amounting to at least the one I named to your father. You, Sir, are a regularly educated professional man and will readily enter into and sympathise with my feelings on this subject. But I am old enough to know where money is in question, how quickly sympathies are lulled. Now, although your father's pocket may have suffered temporarily from this trial I know he will ultimately be the gainer, for it has for the rest of his life firmly established his reputation. Mr. Thomas, as a gentleman I expect from you some reply. I'm sure that we shall meet as good and sincere friends.

Yours faithfully, John Cooper.⁶⁹

⁶⁸ Anon. Chester Assizes Saturday December 8th. The Charge of Manslaughter against Mr Evan Thomas. *Liverpool Mercury*. 10 Dec 1860. p.3.

⁶⁹ Watson. *Hugh Owen Thomas*, 1934 (Note 13). p.47.

No record exists of how Hugh Owen Thomas responded to this letter but it must have put him in a difficult position as he was still working closely with his father. The same month the *Lancet*, having published a lengthy report of the manslaughter trial in December, reported that ‘it appeared ... that Mr. Evan Thomas was fully acquitted. It would seem, however, that Mr. Thomas has not yet had enough of publicity, as a communication from his solicitor intimates to us that another trial ... is being contemplated’.⁷⁰ Indeed, Evan Thomas, having not received the public apology from Coroner Churton he had demanded, soon decided to proceed with legal action of his own.

There is evidence that Hugh Owen Thomas became estranged from his father in 1862. He left Great Crosshall Street and moved his home and consulting rooms to Hardy Street, a little over a mile away.^{71 72} Previous authors have speculated about the reasons for the estrangement but this author believes that the combination of the manslaughter trial, the Cooper letters and Evan Thomas’s decision to take legal action against Henry Churton, a member of the medical profession, were probably the decisive factors.⁷³

Evan Thomas sues the coroner: The Lord Chief Justice and the High Court

With no apology forthcoming from Henry Churton, Evan Thomas decided to sue Churton for slander. The hearing took place in May 1862, presided over by the Lord Chief Justice of the Queen’s bench, Sir Alexander Cockburn (1802-80), sitting with three other judges, including Sir Colin Blackburn. This author has found no evidence that Evan Thomas attended but he claimed £500 in damages.⁷⁴

Sir Alexander (Figure 4) had been appointed Chief Justice of the Queen’s bench in 1859 and prior to this appointment, as an ambitious barrister, had gained a reputation for selecting landmark legal cases. Perhaps best known for his defence of Daniel M’Naghten (or McNaughton), he also defended Lord Palmerston in the Don Pacifico case and, as attorney general, was the lead prosecution counsel in the controversial trial of Dr William Palmer.^{75 76}

⁷⁰ Anon. Editorial. *Lancet*. 1861; 12 Jan 1861. p.42.

⁷¹ See: Electoral Register Entry 12353 for 1862/3 (taken Oct 1862). Thomas Hugh Owen. Houses in succession: 80 Gt. Crosshall St. and 24 Hardy St.

⁷² See: undated critical letter from H.O. Thomas, 2, Hardy St. to E. Thomas. LMI Archive. HOT5/1. Interpolated in Letter book of E. Thomas and H.O. Thomas.

⁷³ See Le Vay. *The Life*, 1956 (Note 14). p.13; also Watson. *Hugh Owen Thomas*, 1934 (Note 13). p.49.

⁷⁴ *Thomas v Churton* (1862) 2 Best and Smith 475, Court Report May 6 1862.

⁷⁵ Lobban M. Cockburn, Sir Alexander James Edmund, twelfth baronet, judge (23 Sep 2004). *Oxford Dictionary of National Biography*.

⁷⁶ For Cockburn and the William Palmer trial see: Burney I. *Poison, Detection and the Victorian Imagination*. Manchester: Manchester University Press; 2012. p.116-151.



Figure 4. Portrait of Sir Alexander Cockburn, Lord Chief Justice by George Watts. Dated 1875. Reproduced by permission of the Master and Fellows of Trinity Hall, Cambridge.

Thomas vs. Churton represented a rare occasion in which a coroner was called to account for words said at an inquest. It was an established common law principle that judges could not be sued for statements made during court proceedings. Churton's counsel argued that:

The words complained of were used by the defendant in the discharge of his official duty as coroner. Now the coroner's court is a Court of Record, and consequently words spoken by the coroner in the discharge of his official duty are privileged as having been spoken by a Judge of such a Court.

The judges considered previous decisions and whether there were any circumstances in which a coroner could be sued while undertaking his duties in court. Thomas's lawyer tried to argue that the coroner's court was not a Court of Record but Justice Compton disagreed stating:

The coroner's court is a Court of Record of very high authority; so much so, that the Lord Chief Justice of this Court is the supreme coroner of England. Suppose the Lord Chief Justice were to hold an inquest in any county of England, would he be liable to an action for using the words here stated? No, because his rights as Lord Chief Justice would accompany him while holding the inquest.

Churton's comments about Evan Thomas were examined in detail but the judges ruled in favour of the defendant and Thomas's claim failed.⁷⁷

For Churton this result would have given him the satisfaction of establishing that medically qualified coroners, such as himself, could not be sued for comments made during an inquest. For Evan Thomas, this case represented an expensive example of hubris. *Jervis on Coroners*, the leading textbook on coronial law, confirms that *Thomas v Churton* established that coroners have the same protection as any other judge and cannot be sued for defamation for statements made by them during an inquest.^{78 79}

By late 1862, Richard and Hugh Owen Thomas had both moved out of Great Crosshall Street, and Evan Thomas's third son, Evan Jr (1838-1921) was not yet on the Medical Register. However, Robert Roose, who had also moved away to Everton, just over a mile away, appears to have continued to support Evan Thomas in selected cases, possibly the more complicated ones or those that had already received treatment from a qualified practitioner.⁸⁰ Evan Thomas Jr passed his MRCS examination in May 1863 and was added to the Medical Register the following month, subsequently establishing his own practice next door to his father at 80 Great Crosshall Street.⁸¹ The Liverpool bonesetter could continue to rely on qualified medical practitioners for support.

Rumours, remarriage and retirement

Evan Thomas had been purchasing farms and land in Anglesey since as early as 1850. In 1861 he bought a piece of common land from the Crown estate at Tywyn-y-Llyn close to Anglesey's south coast. This purchase, and Thomas's decision to build a house on the land, annoyed local people who were accustomed to using the land for various purposes. In early 1863, Thomas took legal action against several trespassers.⁸² Then, in October that year, an angry mob of locals attacked his half-built house, causing extensive damage. Thomas again took legal action and twelve people were found guilty of riotous conduct and 'forcible entry'.⁸³

Back in Liverpool, rumours were circulating again, this time suggesting Evan Thomas had retired. He used newspaper adverts to remind the public he was still a full-time Liverpool bonesetter.⁸⁴ He appeared once more in the Liverpool courts in 1864, on

⁷⁷ See: *Thomas v Churton*, 1862 (Note 74).

⁷⁸ Matthews P (ed). *Jervis on Coroners*. Fifteenth Edition. London: Sweet and Maxwell; 2024; Personal communication: N. Rheinberg.

⁷⁹ See also: Polden P. *The Oxford History of the Laws of England, Vol. XI: 1812-1914 English Legal System*. Oxford: Oxford University Press; 2010. Inquests: The Conduct of the Inquest p.950. See note 157.

⁸⁰ Anon. Liverpool Assizes, Alleged Malpractice by a Surgeon at Birkenhead, Pryce and wife v. Boween. *Cheshire Observer*. 24 Dec 1864. p.7. See evidence given by Evan Thomas Sr and Evan Thomas Jr.

⁸¹ Personal communication: Georgina Thompson.

⁸² Anon. Report from Llanfaelog, Anglesey. *Caernarvon and Denbigh Herald*. 24 Jan 1863. p.5.

⁸³ Anon. Malicious Destruction of Property Belonging to Mr. Evan Thomas. *Liverpool Mercury*. 11 Apr 1864. p.6.

⁸⁴ Advertisement. *Liverpool Mail*. 29 Apr 1865. p.1.

this occasion as a witness; a qualified surgeon was on trial for alleged malpractice.⁸⁵ It was only after his remarriage in 1866 that Thomas did retire to Anglesey, accompanied by his second wife Elizabeth. Initially the newly-weds lived in some style, renting a large mansion at Plas Llynnon before moving to Bryn Eglwys farmhouse in 1871, just over two miles from his childhood home.^{86 87}

By a strange twist of fate, Evan Thomas came face to face with Sir Alexander Cockburn in another trial at the summer assizes in Beaumaris in July 1870. The Lord Chief Justice was pleased to tell the jury that there was very little business to attend to that day, just two cases, one involving the theft of two cows and the second a case of alleged trespass by a farmer across a piece of land. Evan Thomas had purchased a farm called Tan'rallt, including this piece of land, in north-west Anglesey in 1850 and Evan and the tenant farmer were the plaintiffs. This court case was only notable because Evan Thomas decided that he would give his evidence in Welsh and the Lord Chief Justice described the case, in his summing up, as 'the most lamentable piece of litigation he had seen'. The jury decided in favour of the defendants.⁸⁸

Discussion

A detailed analysis of Evan Thomas's Liverpool years reveals a pattern of repeated episodes of conflict with members of the medical profession, beginning in 1839. This culminated in him being questioned and called to account in a variety of legal settings, between 1849 and 1860, in which qualified practitioners accused him of malpractice. A common theme involved the readiness with which patients or their relatives sought a second opinion from Evan Thomas when they were already under the care of a qualified practitioner. When a poor outcome then transpired, the qualified practitioner was quick to blame Thomas's treatment. Perhaps more surprising is the way that Thomas was able to defend himself by developing collaborative working practices with supportive medical practitioners including compatriot Robert Roose and three of his own sons. The full details of Thomas's collaboration with Roose are yet to be elucidated but it involved Evan Thomas's son, Evan junior, working as Roose's assistant and Roose making himself available to see any patients that Evan Thomas was particularly concerned about.⁸⁹

Compared with the way that legally qualified coroner Philip F Curry had handled earlier allegations against Thomas in 1849 and 1857, in the case of 1860 Thomas and his lawyers considered that he had been unfairly treated when medically qualified coroner Henry Churton failed to notify him of the post-mortem. When local newspapers published Churton's comments about Thomas being a swindler, Thomas viewed this as further evidence of persecution by a member of the medical profession. Ironically, the

⁸⁵ Anon. Liverpool Assizes, 1864 (Note 80).

⁸⁶ Anon. Marriage celebration Llandausant. *Liverpool Daily Post*. 24 Mar 1866. p.5.

⁸⁷ See: Will and four Codicils of Evan Thomas Dated July 1884; Personal communication: Gill Fitzpatrick.

⁸⁸ Anon. Anglesey Summer Assizes, Nisi Prius Court, Jones vs. Bulkeley. *Caernarvon and Denbigh Herald*. 6 Aug 1870. p.3.

⁸⁹ Anon. Liverpool Assizes, 1864 (Note 80). See evidence given by Evan Thomas Jr.

High Court case that followed Thomas's legal action against Churton resulted in a precedent which continues to protect coroners from legal action for defamation today. Despite the legal importance of this case, and Evan Thomas's involvement, it has been overlooked by historians.⁹⁰

As historian Roger Cooter has suggested, it is difficult to identify a straightforward relationship between bonesetters and orthodox practitioners.⁹¹ However, examining Thomas's Liverpool experience suggests that whenever a patient consulted a qualified practitioner and a bonesetter in quick succession there was an increased risk of conflict. Thomas's Liverpool career was long and financially successful and relatively well-documented. Other examples of British bonesetters that established a metropolitan practice are: Sally Mapp (1706-37), Richard Hutton (died 1871), Robert H Hutton (1840-87), G Matthews Bennett (1844-1913) and Edmund Taylor (1773-1853), although Mapp's weekly London clinic at the Grecian Coffee House lasted for less than two years.⁹² ⁹³ Of these, only Taylor, the so-called 'Oldfield Lane Doctor', suffered prosecution for alleged malpractice, being found guilty of negligence in the management of a compound fracture in 1826.⁹⁴

Renewed interest in bonesetting was sparked the year after Evan Thomas retired with a publication by surgeon James Paget (1814-99) entitled 'On Cases that Bonesetters Cure'.⁹⁵ In 1871 the *Lancet* itself published a series of articles on bonesetting, written by Wharton Hood (died 1916) about Richard H Hutton's practice, declaring that 'Wharton Hood has really called attention to a neglected corner of the domain of surgery'.⁹⁶ Surgeon Samuel Prall responded with a letter describing two cases where death had followed a misdiagnosis and manipulation of joint disease by Hutton.⁹⁷ Multiple publications then appeared in the early 1880s, including G Matthews Bennett's book, published in 1884 and featuring two of Evan Thomas's successful cases.⁹⁸

In Liverpool, Evan Thomas's retirement marked the end of unqualified bonesetting in the city. However, two of his qualified sons, Hugh Owen and Evan Jr, continued to practise there in separate locations, Evan Jr remaining on Great Crosshall Street until he retired. Although describing himself as 'surgeon and bonesetter' in the 1860s, Hugh Owen had distanced himself from bonesetting by the time of his father's death in 1884,

⁹⁰ For example: Hamilton RG. Inaugural Chairman's Address: Charges of Malpractice brought against Evan Thomas. *Proceedings of the Liverpool Philomathic Society*. 1961-65; 98: 61-64.

⁹¹ Cooter. *Bones of Contention?* 1987 (Note 5). p.158-173.

⁹² Boase G, Bevan M. Hutton, Robert Howard (1840–1887), bone-setter (23 Sep 2004). *Oxford Dictionary of National Biography*.

⁹³ Corley T. Mapp [née Wallin], Sarah (bap. 1706, d. 1737), bone-setter (21 May 2009). *Oxford Dictionary of National Biography*.

⁹⁴ West JL. *The Taylors of Lancashire: Bonesetters and Doctors 1750-1850*. Worsley: H. Duffy; 1977. See Appendix C: 'Meacher v. Taylor'.

⁹⁵ Paget J. Clinical Lecture on Cases that Bone-setters Cure. *British Medical Journal*. 1867; 1(314): 1-4. Lecture delivered at St Barts.

⁹⁶ Hood W. On the So-called "Bone-setting", its Nature and Results. *Lancet*. 1871; 97(2480): 336-338, 97(2481): 372-374, 79(2483): 441-443 & 79(2485): 499-501.

⁹⁷ Prall S. Bone-setting [Letter]. *Lancet*. 1871; 97(2487): 593.

⁹⁸ Bennett GM. *The Art of the Bone-setter; A Testimony and a Vindication*. London: T. Murby; 1884. p.35-40.

stating in relation to Paget's comments about how bonesetters treated joint disease that: 'nothing is to be found that can be added to our present knowledge' and 'I never met with the slightest evidence that any of them had any knowledge of the subject or method of treatment which was not entirely wrong'.^{99 100}



Figure 5. Photograph of Hugh Owen Thomas treating a patient with Robert Jones, assisting (holding left arm). Date unknown. Reproduced by kind permission of the Liverpool Medical Institute. Ref: HOT5.

Although bonesetting survived in Great Britain well into the twentieth century, it gradually disappeared as modern hospital-based trauma services and radiology developed. No individual contributed more to achieving this transition than Hugh Owen Thomas's nephew, Robert Jones (1857-1933), shown in Figure 5, who was consulting surgeon to the Manchester Ship Canal construction project, the co-author of the first article to demonstrate the surgical use of radiographs in the *Lancet* in 1896, and subsequently the first consultant surgeon to specialise in trauma and orthopaedics in Liverpool.^{101 102}

⁹⁹ See: *Gore's Liverpool Directory*, 1864. H.O. Thomas listed as 'surgeon and bonesetter'.

¹⁰⁰ Thomas HO. *Principles of the Treatment of Diseased Joints*. London: H.K. Lewis; 1883. p.64.

¹⁰¹ Jones R, Lodge O. The Discovery of a Bullet lost in the Wrist by Means of Roentgen Rays. *Lancet*. 1896; 147(3782): 476-477.

¹⁰² Watson F. *The Life of Sir Robert Jones*. London: Hodder and Stoughton; 1934.

Biographical details

Bryan Rhodes FRCS(Orth) DHMSA is a retired consultant orthopaedic surgeon and honorary lecturer at Lancaster University. His orthopaedic training took place in Liverpool, where he was taught the Thomas test for hip deformity and learned how to apply the Thomas knee splint. He is a Member of the Faculty of History of Medicine and Pharmacy of the Society of Apothecaries and was appointed as an Apothecaries' Lecturer to Lancaster University in 2021. He is the current Chairman of the Lancaster Health and Medical Museum Collection, a charitable organisation dedicated to preserving Lancaster's medical heritage. He is the Vice-President and President Elect of the British Society for the History of Medicine

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