unreasonable to make me responsible for that consultation as it is singular to make a professional interview of the kind the subject of public comment.—I am, etc.,

EDWARD BERDOE, M.R.C.S., L.R.C.P.Edin.

London, N.E., May 16th.

MEDICAL DEFENCE UNION.

SIR,—A paragraph on page 8 in the annual report of the Medical Defence Union referring to the fact that members of the Union and of the British Medical Association who are *elected upon the General Medical Council* have to resign their membership of the Association and of the Union has been misinterpreted by a few into the incorrect meaning that membership of the Union is incompatible with membership of the Association. I need hardly point out that this latter reading is not accurate. I regret that the paragraph should have been in any way ambiguous. We have to our great satisfaction many thousands of members of the British Medical Association on our register of members and nothing would please our council more than to find that the membership of each was commutual.—I am, etc.,

A. G. BATEMAN,
General Secretary.

London, W.C., May 16th.

PUBLIC AUTHORITIES AND POLLUTED WATER.

SIR,—The article entitled "Public Authorities and Polluted Water" which appeared in the BRITISH MEDICAL JOURNAL of May 9th was discussed at the last meeting of the Malvern Medical Society, which consists of all the medical men practising in the Malverns, and the opinion was unanimously expressed that it was calculated to convey the impression that the water which caused the trouble was part of the town supply. That is not so.

The town water is and always has been above suspicion, and there was an abundance available at the time from which the plaintiff could have obtained all he required.

It is due to Malvern that this should be made perfectly clear, and I am requested to ask you to be good enough to insert this letter in the next issue with a view to correcting any misapprehensions that may be existing in the public mind.—I am, etc.,

JOHN J. COWAN.
Honorary Secretary, Malvern Medical Society.

Malvern, May 19th.

*** No one who read the articles at p. 1132 and p. 1147 of the BRITISH MEDICAL JOURNAL of May 9th with the slightest attention could, we think, have fallen into this error.

Medico-Legal.

ANALYSES AND ADVERTISEMENTS.

ABOUT two years and a half ago Mr. E. F. Harrison, B.Sc., and a Fellow of the Institute of Chemistry, made an analysis of dried currants, and in conjunction with his then partner gave a certificate in the following terms:

We have analysed the above-named sample, and we find the composition of the currants to be as follows:

Grape sugar	73.00	per cent.
Proteids (albuminous substances)	1.77	,,
Amido compounds (nitrogenous substances not proteid calculated as asparagin)	0.04	,,
Tartaric acid	1.36	,,
Citric acid	0.16	,,
Malic acid	0.19	,,
Cellulose and woody tissue	0.89	,,
Water	20.30	,,
Mineral matter	1.68	,,

No opinion was expressed as to the food value of currants, and no comparison was made with any other article of diet; and Mr. Harrison was naturally much astonished when a few months ago his attention was called to an advertisement under the heading of "Currants" in a popular book then enjoying a large sale, in which the following statement was made:

Mr. E. F. Harrison says: "Currants contain 52 per cent. more nutriment than lean beef."

It is, of course, impossible to state with scientific accuracy that currants contain any percentage more nutriment than lean beef, for the grape sugar of currants and the proteid of lean beef are two substances of entirely different nature and food value, and cannot properly be the subject of any such comparison. Mr. Harrison, therefore, rightly considered the advertisement, apart from the fact that it attributed to him words which he had never used, to involve serious reflection upon his scientific knowledge and professional competence. Further, had he given for publication any such statement, he would have contravened the regulation of the Institute of Chemistry which declares it to be discreditable to the profession of analytical and consulting chemist to issue or allow to be issued certificates of purity or superiority concerning advertised commodities, such certificates being either not based upon the results of an analysis, or containing exaggerated, irrelevant, or merely laudatory expressions, designed to serve the purposes of a trade puff. Legal proceedings were consequently instituted, and Mr. Harrison has now received an ample apology from the parties concerned, who admit that he never made any such statement as was imputed to him by the advertisement, and that the analysis he had made did not warrant or justify the conclusion imputed to him, and expressing their regret that their agents had imputed the statement. They also paid reasonable damages, and the legal proceedings have been brought to an end. The incident is one of considerable interest to members of the medical profession, who will congratulate Mr. Harrison upon so promptly taking steps to put a stop to the unwarrantable attribution to him of a statement which he never made.

THE LAW CONCERNING CREMATION.

AT Edgware Petty Sessions on May 6th an undertaker appeared to answer two summonses accusing him (1) of unlawfully and knowingly procuring the burning of the body of a stillborn child; and (2) of contravening the regulations made by the Secretary of State by causing and procuring the cremation of the body of a stillborn child otherwise than on the written authority of the medical referee acting on behalf of the London Cremation Company, Limited. The facts of the case as disclosed in the opening statement of the counsel who prosecuted on behalf of the Home Office, and as admitted or stated by witnesses, were as follows. After pointing out that the Home Office had drawn up a number of regulations designed to prevent any possibility of a crime remaining undiscovered owing to cremation being permitted, counsel said that the defendant must be assumed to be aware of these regulations, not only because they had been in force six years, but because he himself had already been instrumental in the conduction of four cremations. Of the two bodies cremated in the present case one was that of the wife of a medical man and the other that of her child. The former fell ill of measles, complicated by bronchitis, when in the eighth month of pregnancy, and was attended by several doctors. On the day of her death the deceased's husband, with the consent of her brother, likewise a medical man, delivered his wife instrumentally in order to relieve the dyspnoea from which she was suffering. The child was born dead, and the patient also died on the same evening, but would have died, the husband considered, earlier but for the relief afforded by her premature delivery. The defendant was then sent for, and when informed that it was desired that the lady's body should be cremated he produced the necessary forms to be filled up. He was informed that the deceased had given birth to a stillborn child, and he then stated that the child could not be placed in the same coffin with the mother, and did, in fact, later, bring to the house a second coffin for the reception of the body of the child. The father, however, expressed a wish that both bodies should be placed in one coffin. The defendant superintended the preparation of the bodies, and placed both of them in one shell, and afterwards took part in the removal to Golder's Green, where the bodies underwent cremation. Meanwhile the forms which have to be filled up under the regulations were sent to the London Cremation Company. These included a certificate of death, which was filled up by a medical friend of the husband, a confirmatory certificate signed by another medical friend, a certificate from the registrar of deaths, and an application for the performance of cremation signed by the husband himself. These documents appearing to be in order were placed before Mr. Herring, the medical referee under the regulations, who, finding no reason to object, gave authority for the cremation. On March 10th, after a service in the chapel, the remains were placed in the incinerating chamber, and when, after the space of about half an hour, the sides of the coffin fell away, the superintendent saw the body of a child lying at the feet of the adult corpse. As the necessary warrants referred to one body only, the officer duly reported the facts to the secretary of the London Cremation Company, who at once communicated with the Home Office, from which it received its licence.

The prosecuting counsel in the course of his opening speech made some observations on the death certificate supplied. There appeared, he said, to be a want of frankness in the way it was made out. In the certificate by a medical man which must be given before any person shall be cremated it was, he said, in the highest degree desirable that all the circumstances should be set out in regard to a death. As the

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deceased was suffering from two diseases—measles and bronchitis—it was clear that her death was accelerated by the birth of a child, whereas the certificate made no reference whatever to that contributing cause of death. He explained further that for sentimental reasons it had been decided to deal with the undertaker who had aided and abetted an illegal act as a principal (a course made possible by the Summary Jurisdiction Act) instead of the bereaved husband.

The husband, when giving evidence, said that when the defendant brought the coffin for the child he thought it better that the child should be placed in the same shell as its mother. The defendant raised no objection. He himself knew nothing about the regulations, nor had he any intention to deceive the company, or anything to do with drawing up or signing the certificates. He might possibly have drawn special attention to the child, but for the impression that but for sentimental reasons he could have buried the child's body in the garden, as he believed was done in some parts (this the prosecuting counsel informed him was illegal).

The Secretary to the Cremation Company stated that no notice had been given him that the shell contained the body of a stillborn child, and Mr. Herring gave evidence to the same effect. If the question of the cremation of two bodies in one shell had been raised the Medical Referee would have taken advice on the matter before giving his authority, but there was no reason why, subject to two proper certificates, the two bodies should not have been cremated together.

The defence admitted the statements which have been set out, but argued that the defendant was not required to do anything but carry out his instructions, and therefore could not be held responsible.

The Court held that the responsibility of the defendant had been proved, and said that to mark the importance of the regulations being carried out literally and properly the defendant must be fined £10 and £5 5s. costs.

DEATHS UNDER ANAESTHETICS IN LONDON HOSPITALS.

DR. WALDO, Coroner for the City of London and Southwark, has recently held two more inquests on the bodies of persons dying during or after the administration of chloroform in hospitals. In the first, a middle-aged woman, it appeared that the death was not directly due to the anaesthetic, but had been caused by the rupture of an abscess in the lung during the operation, the pus passing down into the lung and suffocating the patient. In the second case, a boy, aged 4 years, died from convulsions 33 hours after the administration of a drachm of chloroform. The coroner drew the attention of the jury to the fact that many of the licensing bodies in the United Kingdom did not require evidence of instruction in anaesthetics from students before admitting them to examination. The same coroner held inquests in other cases which show the need of a refrigeratory apparatus being provided in mortuaries and the necessity for legislation to include certain drugs, such as potassium chromate, in the list of poisons.

PREVIOUS ILLNESSES OF APPLICANTS FOR LIFE ASSURANCE.

A RECENT case confirms the belief that courts are disposed to deal leniently with insurers who are inaccurate. In the case in question an application by a woman for a policy of life insurance contained the following questions: "Have you had any illness or infirmity?" and "If you have had any illness or infirmity, have you fully recovered from it?" Her answer was, "Had none." It appeared that ten years before the policy was issued the assured had a miscarriage and part of the fetus had to be removed by instrumental means. In these circumstances the company disputed its liability upon the ground that the answer was untrue. Although the company was held liable on other grounds, the judge who tried the case expressed the opinion that the miscarriage was not an illness or infirmity, and that therefore the answer was not untrue. This decision is in accord with many older cases, which appear to establish the proposition that the court will not readily avoid a policy on the ground that the assured has answered a purely medical question untruthfully. So where a policy contained a warranty that the assured "has not been affected nor subject to gout, vertigo, fits, etc.," such warranty was held not to be broken by the fact of the assured having had an epileptic fit in consequence of an accident. The court held that in order to vacate such a policy, it must be shown that the constitution of the assured was naturally liable to fits, or by accident or otherwise had become so liable.

Again, where a man who was filling up an application form made the assertion that he had never been afflicted with gout, the fact that he had had a slight attack of suppressed gout, and had not disclosed it, was held not to vitiate a claim put forward on his death. In spite of these old cases, it seems that a misstatement of fact, however innocent, is sufficient to justify a company in refusing a claim. In a case which was noted some years ago in the JOURNAL,* an applicant was asked: "Have you ever met with an accident?" To this he replied, "No." Whereas in truth he had had a fall only a month before, and had actually made a claim against an accident insurance company in respect of the injury so sustained. The Court of Appeal held that this was sufficient to vitiate the policy, although the jury had found that "the injury received was not of sufficient importance to need mentioning," and that "the answer was in substance true."

In a still more recent case, which was decided on May 18th last, it appeared that a lady insured her life in 1902. The following question appeared in the proposal form: "Have you at any time had brain fever or any other disease of the brain?" To this she replied in the negative, and obtained an insurance upon her life to the amount of £3,030. In March, 1906, she was found dead with the remains of a bottle of poison at her side, denoting suicide. The company resisted a claim by her executors on the ground that the deceased had concealed the fact that prior to 1895 she had a severe attack of influenza which was followed by acute mania. After spending some time in a doctor's "home" she subsequently recovered. Not knowing the malady from which she had suffered, she innocently answered the insurance company's question.

The jury found that the deceased, at the time of answering the questions, neither knew nor concealed the fact that she had suffered from mental derangement, but they further said that "she had foolishly, though not fraudulently," concealed the fact that she had consulted a doctor in 1894 about nervous breakdown.

The Lord Chief Justice, upon these facts, gave judgement for the company, but said that, as no fraud had been proved, the premiums must be returned.

* Jewsbury v. British Natural Premium Life Assurance Association, March 4th, 1905, p. 492.

"MEDICAL SPECIALIST" SENTENCED.

BERTRAM MORTIMER, aged 50, describing himself as a medical specialist, was found guilty at the Clerkenwell Sessions on May 14th of having stolen a gladstone bag containing property value £12 from the cloak-room at Victoria Station; the bag had by mistake been issued to Mortimer, who retained it. The police record of the accused showed, according to the report in the *Daily Telegraph*, that he had undergone imprisonment on several occasions for various offences, the last in 1897, when he was sentenced to fifteen months' hard labour. Since his release he had been travelling about the country calling himself Professor Sylvester, medical specialist, and represented that he had discovered a wonderful gold-dust cure. All the cure consisted of apparently was to receive the fees, no remedy being supplied. It was also stated that the Medical Defence Union had for some time past received inquiries about him from all over the country. The police official read the following circular issued by the accused:

"A revelation to sufferers. To heal the sick. To cure the diseased. To restore the suffering to health. The great American doctor, Professor Sylvester (M.D., D.Sc. Boston, Mass., U.S.A.). This eminent American expert has opened a practice for the benefit of the sick and the suffering, and is equipped with every modern appliance for the diagnosing of every disease, and to give every one the opportunity of benefiting from his marvellous advice and skill, he will give consultation and advice absolutely free. The astounding skill and ability of this medical man has restored thousands to health and strength who have been pronounced incurable. Countless numbers have been saved from early graves, and hundreds are rejoicing who have been told their cases were hopeless. See this marvellous expert and be convinced. No quackery, no patent medicines. This eminently-qualified medical specialist is at your service—absolutely free."

It was also stated that Mortimer had been brought up under a Home Office order, he being under committal for trial at Swansea and Exeter for obtaining money under false pretences. Mr. Robert Wallace, in ordering Mortimer fifteen months' imprisonment in the second division, said he would assume that the sentence would put an end to the other proceedings at Swansea.

EX-ASSISTANT STARTING IN OPPOSITION.

ALPHA.—A., a qualified assistant, takes an engagement with B for the winter months. At the termination of the engagement, A., who has signed no bond, wishes to start in practice in the same place. Can B. restrain him, or recover damages for injury to his practice?

*** As no bond was signed by A. he is under no agreement not to practise. B. has no legal remedy.

LIABILITY FOR FEES.

NOVICE asks advice in the following cases: (1) A gentleman's son, who is of age, asked him to see his father's groom, who was in a carriage accident, and sustained a compound fracture of the leg. After rendering first aid, "Novice" sent the patient to hospital. His account was sent to the first individual, but no notice has been taken. Who is liable for the charges? (2) He received an urgent message to attend a single woman in her confinement, and on arrival was met by the girl's mother, who promised to pay his fee in the presence of her husband, using the words, "We will pay," the husband saying nothing. The daughter has since got

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married, and none of the parties will pay. What is the remedy?

*** (1) The person asking our correspondent to attend is legally responsible, and can be sued in the county court. (2) The father of the patient is liable, being bound by his wife's pledge, given in his presence without repudiation.

Medico-Ethical.

The advice given in this column for the assistance of members is based on medico-ethical principles generally recognized by the profession, but must not be taken as representing direct findings of the Central Ethical Committee.

MEDICAL ADVERTISING IN INDIA.

L. M., writing from Bombay, asks: Can any Fellow of any college in the United Kingdom advertise in the daily or weekly papers? (2) Can he open a dispensary and can he dispense his own prescriptions? (3) Can a tracing of an organ like an ear or an eye be placed on a signboard, if he be practising in a town where 70 per cent. of the population cannot read or write?

*** (1) The by-laws of the Royal College of Physicians of London and of the Royal Colleges of Physicians and Surgeons of Ireland contain express prohibition of advertising in the lay press, and we believe all corporations would regard such action as derogatory, and would take disciplinary measures against any Fellow who practised it. (2) Most of the Royal Colleges have regulations expressly forbidding their Fellows and Members to keep an open shop; we are not sure whether such a dispensary as our correspondent contemplates would come under this description. (3) It seems not unreasonable that under such special circumstances some addition to the ordinary name-plate should be permitted, but the matter is one upon which local medical opinion should be consulted.

ADVERTISING A SPECIALITY.

GLAUCUS writes with reference to the answer under this heading which appeared in the JOURNAL of May 2nd, p. 1080, to say that in the city in which he resides the members of the staffs of the eye hospitals use in the telephone directory the designation "ophthalmic surgeon," and he proceeds in a somewhat rhetorical manner to argue that this is an infinitely more "eloquent advertisement" than placing the speciality upon a doorplate.

*** We do not care to follow our correspondent in attempting to estimate the comparative advertising value of the telephone directory and the doorplate, but when the use of the telephone became general twenty years ago there were no precedents to guide us. At the present time the example of the ophthalmic surgeons in the city mentioned is not being followed; in other large centres where specialists reside the telephone directory merely gives the names and addresses of practitioners, followed by "Physician," "Surgeon," or "Medical Practitioner," or the initials of their qualifications.

MEDICAL SECRECY.

W. G. S.—The circumstances related resemble those of Kitson *v.* Playfair, which were fully reported in this JOURNAL in 1896 (vol. i, pp. 815, 882). No doubt the lady's conduct has provoked her medical attendant, and it was natural for him to apply for payment of his account to her husband. We think, however, he acted wrongly, although perhaps some excuse might be pleaded for his action, and he has thereby put himself into a difficult position. He would not be justified in revealing any information he acquired as the lady's medical attendant, but, if summoned as a witness, he must answer such questions as the judge may direct or run the risk of being committed for contempt of court.

ROYAL NAVY AND ARMY MEDICAL SERVICES.

THE TERRITORIAL FORCE.

THE following Field Ambulances have been reported as having attested at least 30 per cent. of the establishment authorized, and have been recognized as units by the Army Council: 3rd Home Counties (Surrey), 1st North Midland (Derby), 1st South Midland Mounted Brigade (Buckingham), 1st South Midland (Warwick), 2nd South Midland (Warwick), 3rd South Midland (Gloucester), South Wales Mounted Brigade (Hereford), Welsh Border Mounted Brigade (Chester), 3rd Northumberland (East Riding of Yorkshire).

PUBLIC HEALTH AND POOR-LAW MEDICAL SERVICES.

REPORTS OF MEDICAL OFFICERS OF HEALTH.

Seaham Harbour Urban District.—The population was 11,750, the birth-rate per 1,000 41.6, the death-rate 20.0, and the infantile mortality-rate per 1,000 was 141. Dr. Dillon points with satisfaction to the absence of typhoid fever from the town, where the disease has been almost endemic during past years. The abolition of the insanitary privy-middens, of which as many as 676 have been removed during the past six years, no doubt accounts in great measure for this decline in the incidence of the disease. It is not stated in the report whether waterclosets, and of what type, have been substituted for the privies. The council would be well advised to take some steps to lessen the number of deaths of young children, either by the appointment of women health visitors, or in some other way.

Brighouse.—The recently-issued annual report of Dr. Martin, M.O.H. for Brighouse, shows the death-rate of 13.7 to have been the lowest in the history of the borough. The birth-rate is also, unfortunately, very low, being only 18.94 per 1,000. Infantile mortality is also lower than for several years past, and is nearly as satisfactory as the Hudderfield rate, although Dr. Martin regrets the fact that he has been unable to secure any voluntary health visitors as he hoped a few months since. Generally, the borough is reaping the benefits accruing from a large expenditure during recent years on sewage works, sewage treatment, and other sanitary improvements.

PRIVATE LUNATIC PATIENT SENT TO COUNTY ASYLUM.

A., a general practitioner, was sent for to a patient of his own, said to be in an excited condition. A. replied he could not go that night, but sent up his groom with medicine to see how the patient was. Next morning A. found the patient excited, restless, but not as he thought insane; as the family did not wish the patient removed, A. prescribed. On going to the house next day he found that the relieving officer had been there, had sent the parish doctor, on whose certificate the patient had been removed to the county asylum. A. was never consulted in the matter, nor called upon by the parish doctor.

*** In this case the usual course seems to have been followed. When a private patient with no means available for private treatment becomes insane, the case drifts into the hands of the relieving officer or one of the parochial officials, and it then passes out of the hands of those who have previously had medical charge. If the relieving officer thinks fit to give a medical order for the Poor-law medical officer to attend the case and advise upon it the latter is then *bound to act* in accordance with the regulations of the Local Government Board under which he holds office. Such cases are of common occurrence, and we believe in these it is not usual for the parochial medical officer to communicate in any way with the previous medical attendant, though of course if they should happen to meet it would be common courtesy to mention the subject. To write specially about it or to seek an interview in order to discuss with him the merits of the case could hardly be considered requisite, and it would be too much to expect a hard-worked Poor-law surgeon to spend time in a useless process from which no good could possibly result. Apart from the question thus far considered, it is well for A. to bear in mind that though he himself was the first practitioner to be summoned to attend the case, he did *not* attend that day nor did he send any *qualified* substitute. Under such circumstances he ran a risk for which he ought to have been prepared to take the consequences. Many a good patient has been lost under somewhat similar circumstances.

THE German School Hygiene Association will hold its ninth annual meeting this year on June 8th, 9th, and 10th. The subjects proposed for discussion are the hygiene of high schools for girls, including private schools (to be introduced by Dr. Wehrmann, Director of the Municipal High School for Girls at Krefeld, and Dr. Alice Profé, physician to the seminary for teachers at Berlin); and the advantages and disadvantages of boarding schools (to be introduced by Professor Boesser of the Royal Cadet Corps, Karlsruhe; Dr. Friedrich Schneeberg, director of a seminary for teachers, and Dr. Erler, of Meissen). Among the other subjects to be discussed are the higher education from a hygienic point of view, the care of the teeth and schools, and mouth breathing in school children.

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