

MEDICO-LEGAL.

HONOURABLY ACQUITTED.

THE acquittal of Dr. Hall Hains, who, with a woman named Espelby, was indicted last week at the Old Bailey for conspiring to use an instrument with intent to procure a miscarriage, was the only verdict which a right-minded jury could find. The evidence upon which the magistrate committed the defendants, and upon which the grand jury returned a true Bill, as soon as it was exposed to the search light of Sir Edward Clarke's cross-examination, was shown to be not worthy of credence, and there being no corroboration was rejected both by judge and jury. Sir Edward Clarke, after the verdict of "Not guilty" was given, stated to the Court that Dr. Hains occupied in the district in which he practised a position of the highest honour and regard. If there had been left in the minds of the jury the slightest doubt in the matter, he would have called representatives of all the religious bodies in the neighbourhood in which Dr. Hains practised to prove the highly honourable character which he had always borne, and the affection which the poor in the neighbourhood entertained for him. Not only were these representatives in Court ready and willing to speak for Dr. Hains, but his own profession was well represented, and Mr. Turner was present watching the case as counsel for the Medical Defence Union in his (Dr. Hains's) interest.

We congratulate Dr. Hains upon his honourable acquittal, and sympathise with him upon the terrible ordeal through which he has passed. Sir Edward Clarke rightly made a strong protest upon the manner in which the police had acted in this case. Dr. Hains was arrested in his own house, where patients were waiting to see him. He was not permitted to make arrangements for the conduct of his practice that day, and was locked up the night in the cells, although bail to any amount could have been easily procured. All these indignities were brought upon Dr. Hains by means of the sworn information of two witnesses for the prosecution, and these witnesses had only to appear at the Central Criminal Court to be shown to be unworthy of belief. The judge said that he could not attach reliance to the evidence. We confess we cannot see the advantage of a preliminary investigation by a police magistrate if members of the profession are to be committed for trial upon evidence of such a character that it breaks to pieces as soon as it is tested in a higher court. It would avoid delay and expense if cases similar to the one in question were to be committed at once on the warrant, as it is quite clear that the inquiry before the magistrate is only an additional trouble and expense if the worthless character of such evidence as detailed above cannot be exposed in a police-court. The cost to Dr. Hains for his defence must have been great, and unfortunately it appears he was not a member of the Medical Defence Union, although, as we have stated above, that Society was represented in court, and watched the proceedings both there and in the inquiry before the magistrate, considering the case to be one of great importance to the medical profession.

UNQUALIFIED MIDWIVES.

A CASE, illustrative of the necessity of some form of legislative control over women who undertake the duties and responsibilities of midwives without possessing suitable skill and knowledge, was heard at the Hammersmith Coroner's Court last week. From the evidence as reported in the *West London Advertiser*, it appeared that the deceased infant was born prematurely, but only survived its birth one day. No medical advice was sought until after the death had taken place. The midwife, who was cautioned by the coroner, stated that she had no special knowledge beyond the fact that she herself was a married woman. The child she did not expect to live long, as it was very small at birth, but the rapid decease was unexpected, or she would have employed a doctor. The medical evidence was to the effect that if a medical man had been called in the child's life might possibly have been saved. The coroner (Mr. Luxmore Drew) mentioned that the same midwife had been censured by a jury last year for not calling in a doctor. If the doctor could have said that the death of the child was accelerated by the neglect on the part of the midwife, a charge of manslaughter would undoubtedly have been preferred against her. It was a great pity that midwives should be allowed to practise without proper training. The jury returned a verdict of "Death from natural causes," and added a strong expression of opinion that any practice by untrained or unqualified midwives should be prohibited by law.

RECOVERY OF CHARGES.

M.D.—In reply to our correspondent's question we gather that B. requested our correspondent to attend the son of A. at his (B.'s) expense, and, this being so, the account should be sent in to B., who could be sued in default of payment. We assume that B.'s promise (if verbal) was not in the nature of a guarantee—for example, "If A. does not pay you I will," as if so this might be void, not being in writing. It would be well for our correspondent to lay all the facts before his solicitor before actually taking legal proceedings.

MEDICAL WITNESSES' FEES IN CRIMINAL CASES.

MEMBER B.M.A. writes that he was summoned by the police to give evidence in a Court of Quarter Sessions, and gave such evidence in two perfectly distinct cases, but that the Clerk of the Peace only paid him £1 1s. fee for his evidence in the first case, and refused to pay him anything for his evidence in the second case, because he gave evidence in both cases on the same day and at the same court. Our correspondent desires to know whether he is not entitled to a separate fee of one guinea for each case.

* * * The fees payable to witnesses in criminal cases are fixed by the scale (which is still in force) issued by the Home Secretary in 1858, and slightly varied in 1863. It is prescribed by this scale that the fees payable to the members of the professions of law or medicine for attending to give evidence at courts of assize or general sessions of the peace shall not exceed one guinea for each day they shall necessarily attend

court; and, this being so, we doubt if our correspondent would be entitled to more than one guinea, although he gave evidence in two distinct cases, assuming, of course, that he only attended the court for one day. The inadequacy of the fees allowed to medical witnesses in criminal cases has often been commented on in the columns of the *BRITISH MEDICAL JOURNAL*.

UNQUALIFIED MEDICAL PRACTICE.

WELSHMAN.—Referring to our correspondent's communication as to the alleged unqualified medical practice of a chemist, we would recommend him to submit a statement of the facts to the Clerk to the Society of Apothecaries, Blackfriars, London. The Society of Apothecaries are empowered, under their Act, to take legal proceedings in cases of unqualified medical practice, and we have no doubt that in the case to which reference is made, such proceedings would be taken if evidence sufficient to support an action should be forthcoming.

MEDICAL NEWS.

At a meeting of the Toronto City Council, held on November 1st, it was resolved to petition Her Majesty to permit her Jubilee gifts to be exhibited in Toronto and other cities in Canada at small charges for admission, the net proceeds, after defraying expenses, to be equally divided between the Prince of Wales's Hospital Fund and the funds of the hospitals of the city in which the presents are exhibited.

The November dinner of the Aberdeen University Club of London will be held at the Holborn Restaurant on November 17th at 7 P.M. The chair will be taken by Dr. Robert Burnet. Members wishing to attend are requested to communicate with the Honorary Secretaries, Mr. J. G. Laing, 2, Brick Court, Temple, E.C., and Dr. James Galloway, 54, Harley Street, W.

MUCH sympathy will be felt with Sir George Duffey, President of the Royal College of Physicians of Ireland, who has just received news regarding the death of his elder son, Lieutenant George Duffey, at Jamaica. The intelligence reached Dublin only last week, although the death occurred on October 13th. The deceased young officer had given excellent promise as a soldier, and he was adjutant of his regiment when he succumbed to an attack of yellow fever.

LORD CALTHORPE opened on October 28th the Fleet Cottage Hospital, the foundation stone of which was laid by Lady Calthorpe on December 31st last. The accommodation of the hospital is entirely provided on one floor. It consists of two wards, one for males and the other for females, an operating room, apartments for the nurses, and the usual offices. The male wards, which will accommodate three patients, contains a Gorham bed presented by Dr. Lauder Brunton, who has been appointed consulting physician to the institution.

WE are requested to state that a course of demonstrations in invalid and convalescent cookery will be given during the winter months at the offices of the Royal British Nurses Association, 17, Old Cavendish Street, W. The demonstrations will be given on Tuesday afternoons at 2.30, commencing on November 9th, and will be of two hours' duration. Although arranged especially for the benefit of nurses, the course is open to the public. A syllabus and further details can be obtained from the offices of the Association, 17, Old Cavendish Street, London, W.

IRISH MEDICAL SCHOOLS' AND GRADUATES' ASSOCIATION.—Field-Marshal Lord Roberts was the chief guest at the autumn dinner of the Irish Medical Schools' and Graduates' Association, held in London on November 2nd. "The Health of Lord Roberts" was given by Sir William Mac Cormac, Bart., in a graceful speech, in which he referred to many of the most striking episodes of Lord Roberts's Indian career. Lord Roberts, in reply, expressed the pleasure which he experienced in meeting so many fellow-countrymen and countrywomen who belonged to or were intimately associated with a profession to which every soldier was deeply indebted. The toast of "The Services" was given by Sir Walter Foster, M.P., and acknowledged by Admiral Kinahan and Sir George Robertson, M.D., K.C.S.I. The toast of "The Association" was given by Dr. A. E. Sansom, and acknowledged by the President, Professor Alexander Macalister, of Cambridge,