

*The Rights of the Ex-Service Man and Woman*<sup>11</sup> is primarily a handbook for the use of those in need of information for practical purposes. As such it may be recommended; it is comprehensive in scope, accurate in detail, and adequately indexed. Mr. SHERREN has, however, adopted the historical form, and in doing so has given his work a more general interest, as it affords a concise review of the genesis and evolution of a sense of social responsibility unique in history, and its practical issue in the development of an extraordinarily complete system of administrative machinery. The preface, by Mr. C. A. McCurdy, M.P., serves to focus attention on the main features of that development.

The eighth edition of Professor JOSEPH'S textbook of venereal diseases<sup>12</sup> gives a good account of current German practice in the symptomatology, diagnosis, and treatment of syphilis, soft sore and gonorrhoea. It is a practical work, not too long, but rather badly illustrated. If anyone in this country thinks of ordering it he should ascertain beforehand what he will be asked to pay.

**Erratum.**—We regret that, through a clerical error, it was stated in a footnote to our review of Emerson's *Clinical Diagnosis* last week (p. 18), that the publishers of this work are William Heinemann (Medical Books), Ltd., whereas the publishers in fact are J. B. Lippincott Company, Philadelphia and London.

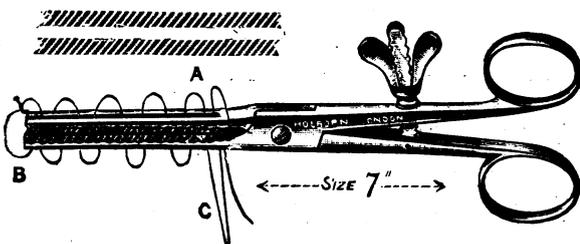
<sup>11</sup> *The Rights of the Ex-Service Man and Woman*. By W. Sherren. With an introduction by the Right Hon. C. A. McCurdy, K.C., M.P. London: L. J. Gooding. 1921. (Demy 8vo, pp. 111. 6d.)

<sup>12</sup> *Lehrbuch der Geschlechtskrankheiten; für Aerzte und Studierende*. By M. Joseph. Eighth edition. Leipzig: G. Thieme. 1921. (Sup. roy. 8vo, pp. 217; 54 figures, 1 plate. M.54; bound, M.68.)

## MEDICAL AND SURGICAL APPLIANCES.

*Instrument for the Treatment of Haemorrhoids by Suture.*

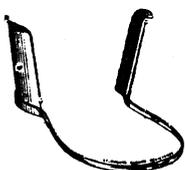
DR. JAMES MACMUNN (London, E.C.) writes: To cause a wound to heal by first intention rather than by the slow method of granulation (ligature method) is sure y more surgical, and it is chiefly to ensure quick union and to guard against sepsis that I wish to bring the present method for the treatment of haemorrhoids by suture into notice. The forceps illustrated is a modification of Ricard's phimosi forceps, but the slot is much smaller, allowing only the passage of a small domestic needle. It is also open at the end. A is an enlarged section showing how the tissues are com-



pressed above and below the slot for suture. The forceps is clamped on the pile in the gut axis and the pile lifted well into the blades by a pile forceps before clamping. The pile is then cut off and the suture, anointed with bipp, is used as shown in the lower part of the illustration; B embraces the pile supplying artery. Very little sustaining power is required by the suture to keep the tissues together; they are pressed into apposition and bipp is rubbed over the part. The instrument is made for me from my model by the Holborn Surgical Instrument Company.

*A Self-Retaining Vaginal Retractor.*

MR. B. K. TENISON COLLINS (Cardiff) writes: This retractor has been designed to dispense with side retractors held by assistants. It can be used by itself or in conjunction with an Auvarud speculum.



When in position with the spring above, the blades lie parallel and do not squeeze out. It is quite out of the way of the operator, and gives a good view of the cervix and vaginal fornices. It protects the vaginal walls, is cheap to make, easy to clean, has no loose pieces, sharp angles or points, and takes up little room in the instrument bag. I have used it now for some time, and find it very useful. It has been made

for me by Mr. Staniforth, of Cardiff, to whom I wish to express my thanks.

THE new number of the *Journal of Obstetrics and Gynaecology of the British Empire* is a double number—autumn and winter, 1921 (Manchester: Sherratt and Hughes, 24s. net). It is almost wholly devoted to a series of papers on Caesarean section. We hope to refer to the issue at length on some future occasion.

## PROFESSIONAL SECRECY AND MEDICAL EVIDENCE.

BY

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THE ruling, first given by Lord Mansfield at the trial of the Duchess of Kingston for bigamy in 1776, and at later dates repeated by other judges, that a medical man has no privilege to avoid giving evidence on the ground that his knowledge was gained in the practice of his profession, has ever since been accepted by the medical profession as the law on this subject. The issue, however, by the Ministry of Health of the Public Health (Venereal Diseases) Regulations in 1916 has led to some questioning of the hitherto recognized ruling. These regulations were made under the powers conferred on the Local Government Board by the Public Health Acts of 1875 and 1896, and the Public Health (Prevention and Treatment of Disease) Act of 1913, which authorize the Board to make, alter, and revoke regulations with a view to the treatment of persons suffering from cholera or any other infectious disease, and to make regulations for the provision of medical aid and for guarding against the spread of the disease. Article 22 of the Venereal Diseases Regulations runs as follows:

"All information obtained in regard to any person treated under a scheme approved in pursuance of this article shall be regarded as confidential."

The suggestion that this regulation affected the law relating to professional secrecy in the witness box was first made in the case of *Garner v. Garner* in January, 1920. This was an undefended divorce case in which the petitioner desired to call evidence that she had suffered from venereal disease. She had been treated under a Venereal Diseases Scheme, and before giving evidence the medical witness called the attention of the judge to the obligation of secrecy which was imposed upon him. Mr. Justice McCardie said that in a court of justice there were even higher considerations than those which prevailed with regard to the position of medical men, and he ruled that the witness must answer the questions put to him.

The point again arose in the Divorce Court in a case heard before Mr. Justice Horridge in June, 1921. The medical witness in this case stated that he and other medical men had undertaken duties at the clinic on the distinct understanding that professional secrecy as to what happened there would be observed, and referred to Article II (2) of the Public Health (V.D.) Regulations quoted above. The judge replied that the Ministry had no powers which affected the jurisdiction of the courts, and required the witness to give evidence.

The question was fully discussed at the Annual Representative Meeting of the British Medical Association, and on July 15th, 1921, the following resolution was passed:

"That the Association use all its power to support a member of the British Medical Association who refuses to divulge without the patient's consent information obtained in the exercise of his professional duties, except where it is already provided by Act of Parliament that he must do so."

Lord Dawson gave notice to call attention, in the House of Lords on July 27th, "to recent rulings as to the privilege of medical men with regard to evidence in courts of justice, and to move that the matter be referred to a Select Committee of the two Houses of Parliament." At the request of the Government, he agreed at the last moment to postpone the motion. At the time of writing, the notice of motion still remains on the Order paper of the House of Lords, but no opportunity of moving has occurred.

It may be stated at once that there is no doubt that the rulings given by Mr. Justice McCardie and Mr. Justice Horridge are sound law, and that the regulations issued by the Ministry of Health do not override or modify the law of evidence. This is in conformity with the general principle that when in an Act of Parliament the details of any procedure are left to be settled by regulations made by an administrative authority, it is implied that these regulations must be in conformity with the principles laid down in the Act or in other Acts, or established at Common Law. In so far as any regulations made by the administering authority infringe the law, they are *ultra vires* and of no effect. In the actual instance there is no reason to suppose that those who framed Article II (2) of the Regulations did intend that