

maritzburg during the Boer War. He had practised medicine in that town ever since. His bent was surgical, and for the past twenty-eight years he had been honorary surgeon to Grey's Hospital. He was loved and respected by his colleagues, by the nursing staff, and by his patients. His gentle and conservative manner and his keen dislike of anything savouring in the least of publicity served to stamp him as a practitioner of the finest type.

He had been a member of the British Medical Association for many years, and had served on the council of the Natal Inland Branch since its inception. In 1933 he was president of the Branch, and had previously served as the elected member of the Branch on the Federal Council of the Medical Association of South Africa. He was unanimously elected as the representative of the Branch for the Centenary Meeting of the Association held in London in 1932. He married a daughter of the late Mr. Dumas of Mount Edgecombe, Natal. Mrs. Oddin-Taylor survives him, together with two children, a son and a daughter.

Dr. JAMES CARDWELL GARDNER of Amersham, who died on March 25th at the age of 70, had been from his early youth prominent in athletic sports. Born in Cheshire of a Lancashire family he was educated at Rugby, where he won his first trophy at the age of 11, and later on the Public Schools shooting championship. Going up to Cambridge, he distinguished himself in rowing at Emmanuel, stroking the victorious Cambridge crews of 1888 and 1889, and again in 1890, when Oxford won. He stroked the winning crew for the Stewards' Cup at Henley in 1891 and 1894, as well as various Leander and Thames crews. He won the Colquhouns in 1886, the Diamonds in 1887, and the Wingfield Sculls in 1890. With Mr. S. D. Muttlebury he won the C.U.B.C. pairs and the silver goblets in 1889. Proceeding to St. George's Hospital he joined the Rugby team, and played also for the United Hospitals and the Midland Counties. He won many boxing prizes as a member of the Belsize and Thames Boxing Clubs. After graduating M.B., B.Ch. Camb. in 1894, he held the posts of house-physician and house-surgeon at St. George's Hospital, thence going to Amersham, where he soon built up a large general practice. He was for a time medical officer of health of the Amersham rural district, and soon became a distinguished figure in the social and public life of the country around. Twenty years ago he was made a justice of the peace for Buckinghamshire, and later was chairman of the local bench of magistrates. His versatility at sports continued to develop, notwithstanding his heavy professional and civic obligations ; he played Association football, and captained the Amersham cricket team until he was 60. He was an original member of the Harewood Downs Golf Club, and his house contained numerous golf, swimming, tennis, fives, and cycle-racing trophies. A fine horseman, he was for some years secretary of the Old Berkeley Hunt, while latterly his favourite recreation was shooting. For one who was a keen and devoted general practitioner such an athletic record must be very hard to equal. Dr. Gardner joined the British Medical Association in 1895, and was a Fellow of the Society of Medical Officers of Health.

The following well-known foreign medical men have recently died : Dr. POIRIER of Antwerp, president of the Belgian Dermatological Society ; Professor ACHILLE DE FABI, an eminent surgeon of Rome ; Dr. ERWIN LIEK of Berlin, aged 57, author of a work translated into English under the title of *The Doctor's Mission* ; Dr. BERNARD SPATZ, for forty-two years editor of the *Münchener medizinische Wochenschrift* ; Dr. SOWINSKI, professor of dermatology at Warsaw ; Dr. MIHAEL BUTOLANU, professor of operative surgery at Jassy, president of the Rumanian Society of Surgery ; and Professor WILHELM KATTWINKEL of Partenkirchen, author of numerous works on sleeping sickness.

## Medico-Legal

### DAMAGES AWARDED AGAINST AN OSTEOPATH

In the King's Bench Division, before Mr. Justice Talbot and a jury, on March 13th and succeeding days, an action was heard in which Sheila M. R. Smith (suing through her father) and Mrs. Kathleen Smith, her mother, of Hampstead Road, N.W., sought to recover damages from Captain Gerald Lowry, a blind osteopath and masseur, of Upper Berkeley Street, W., for personal injuries suffered by the infant plaintiff and consequential loss by her mother due to negligence in treatment.

Mr. E. C. Kingsbury, in opening the plaintiff's case, said that Sheila, now aged 15, was a normal child, but at 5 years of age had rheumatic fever, and about four years later complained of pains in the leg, which were attributed to rheumatism. In August, 1931, Captain Lowry was consulted, and stated that the girl was suffering from dislocation of the left hip and twisted intestine, and, it was alleged, negligently and violently so twisted her left leg as to fracture the neck of the femur, with consequent permanent restriction of the left hip.

Mrs. Smith stated that Captain Lowry ridiculed the idea that the child had rheumatism. While he was manipulating the child, who was under an anaesthetic, gave a scream, and a cracking was heard, which caused Captain Lowry to remark, "That was a funny sound." Afterwards the child was in great pain, but Captain Lowry assured her that this was due to tautness of the muscles after the operation. Next day, however, he sent a radiographer and a surgeon, and the latter declared that the child had a double fracture, and she was taken to King's College Hospital, and eventually to the Royal Waterloo Hospital, the whole treatment taking about a year. The witness denied that the child had to be carried into Captain Lowry's consulting room. Evidence was also given by the father, who said that before she saw Captain Lowry his daughter walked like any other child, and by Sheila Smith, who said that when Captain Lowry was ready to begin his treatment she was able to climb on the operating table by herself. Then, under the anaesthetic, something happened, she felt a pain in her back, and heard herself scream. A nurse employed by Captain Lowry at the material time said that during the manipulation a sound like cracking was heard, and she said, "I think you had better stop."

Mr. Noel Dudley Buxton, orthopaedic surgeon to King's College Hospital, said that the x-ray photographs taken after the manipulation showed a fracture of the neck of the left thigh. The girl was given treatment and placed in a plaster-of-Paris splint for three months. In cross-examination, Mr. Buxton was shown an x-ray photograph of the hips stated to have been taken a year before Captain Lowry's treatment ; he said this revealed a displacement of the neck of the right hip-bone, and therefore the condition of that hip, for which he did a corrective operation in 1932, seven months after Captain Lowry's manipulation, could not have been caused by that manipulation. He agreed that a manipulation which would cause no injury to a normal child might fracture the thigh of a child suffering from displacement. If an x-ray photograph had been taken before the treatment it would have disclosed the dangers of manipulation to a man who knew his work.

Mr. G. O. Slade, for the defence, said that Captain Lowry would not allow him to call the anaesthetist whom he had employed, because an anaesthetist assisting an unqualified osteopath rendered himself liable to proceedings in the General Medical Council. Dr. Hazel Chodak Gregory, in evidence, said that the child was under her care in the Royal Free Hospital a year before the manipulation, when a waddling gait was very noticeable. She had her x-rayed, and came to the conclusion that she was suffering from displacement of the neck of the thigh-bone on both sides. Dr. Claude Gouldesborough, radiologist, said an x-ray photograph taken in 1930 showed a definite, though very early, displacement of the neck of the thigh-bone. Captain Lowry, in evidence, said that since he lost his sight in the war his sense of touch had developed wonderfully. He was the first blind man to qualify as a masseur from St. Dunstan's. He had practised osteopathy since 1925. On beginning the manipulation of

this child he discovered that it was not a case for manipulation, but for a surgeon, and told the mother so. Nothing occurred during the operation which led him to think that anything untoward had happened, and he denied some of the statements made by the mother. The child cried after the examination, but did not scream. It was untrue that he was perturbed about the case, though he sent a radiographer next day and also asked his wife to call and assist.

The jury returned a verdict in favour of Sheila Smith, to whom they awarded £1,500 damages for personal injuries, and judgement was entered to that effect. On the claim by Mrs. Smith for consequential financial loss judgement was entered for Captain Lowry, and a counter-claim by Captain Lowry for £7 10s., the balance of his fee of ten guineas, was dismissed.

#### A WARNING TO HOSPITALS

On March 21st, before Mr. Justice Horridge, a laundrymaid obtained £695 damages and costs against the West Ham Corporation for injuries to her hand caused at Goodmayes Mental Hospital by a calender machine, which she alleged was insecurely fenced. The corporation gave notice of appeal, and the case is therefore still *sub judice*, but certain aspects of it are not affected by the possibility of review.

Calender machines are installed in practically every mental hospital laundry—and for that matter in the laundries of nearly every institution of any size. Their function is to wring and iron clothes by the same process. A series of moving tapes feeds the wet clothes on to a steam-heated plate about  $3\frac{1}{2}$  in. in width, which curves downward away from the operator and guides the clothes in between two steam-heated rollers. The approach to the hot plate is guarded, to satisfy the Factory and Workshops Acts, by a swinging guard or screen; this is hinged along the top, and hangs down to within about half an inch of the moving tapes, extending across the whole width of the machine. Folded clothes will pass under it, but it is designed to prevent the workers' hands from entering with the clothes, and it is connected to the machinery in such a way that a movement of about three-quarters of an inch towards the rollers will stop the machine. In the present case the laundrymaid sustained her injuries in spite of the guard. According to the evidence, she noticed that a nightgown which she was feeding into the machine had one of its sleeves turned inside out. She thrust her hand into the sleeve in order to reverse it, but the cuff was already caught by the rollers; as they drew in the sleeve the stuff tightened round her hand and she could not release it. The guard seems to have stopped the machine according to plan, but nevertheless the girl's hand was drawn on to the hot plate—heated to a temperature well above boiling-point—and held there for about ten minutes until someone thought of cutting the sleeve of the nightgown. Her little finger was broken—possibly in the rollers—and she was badly burnt; an extensive amputation was necessary, and she suffered from residual infection of the bone. The reason for the failure of the safety mechanism appears to have been that the guard, instead of descending perpendicularly, curved inwards about two inches. Mr. F. A. Thomas, a consulting engineer, who gave evidence for the plaintiff, said that this was a usual practice. Moreover, even after the guard had worked the trip mechanism, the rollers were able to travel another inch and a quarter, owing to a certain amount of lag almost inseparable from the working of the brake mechanism.

The judge pointed out that in considering whether machinery is dangerous the contingency of carelessness on the part of the workman, and the frequency with which that contingency is likely to arise, must be taken into consideration. The hot plate, therefore, he considered, was not securely fenced against the danger which ought to be apprehended of workers getting their hands entangled in garments and burnt. He did not think that the laundrymaid had been negligent herself; she had never been told that if she folded the garments in a certain way her hand might be drawn in and injured, and her action in trying to reverse the sleeve was a natural one. The striking lesson to be drawn from the case seems to be that the makers and users of these machines have always regarded the rollers as the dangerous part, and not the fixed hot plate, which in the present case was the cause of the injury. Mr. Justice Horridge suggested

that the remedy was to put the guard forward to the extent of at least two inches or more, so that in no circumstances could the worker's hand, even with a doubled-up garment, be drawn on to the hot plate. Mr. Thomas said that he had known a great many similar accidents. Those responsible for institutions would be well advised to turn their attention towards this potential source of liability.

#### Universities and Colleges

##### UNIVERSITY OF LONDON

###### CANCER HOSPITAL (FREE)

The following candidates have been approved at the examination indicated:

ACADEMIC POST-GRADUATE DIPLOMA IN MEDICAL RADIOLOGY.—  
Part I: F. M. Abeyes, P. A. Flood, D. Hugo, E. G. Lynch, M. Mani, S. Nowell, T. C. Wasson.

##### VICTORIA UNIVERSITY OF MANCHESTER

Stella H. Brown, M.B., Ch.B., has been approved at the examination for the Diploma in Psychological Medicine (Part I).

##### UNIVERSITY OF LEEDS

The following candidates have been approved at the examinations indicated:

FINAL M.B., Ch.B.—Part I: G. N. Blackburn, Olive M. Callow, J. C. Coates, Joan M. Coward, W. Davidson, W. G. France, M. Headlam, W. Hobson, K. K. Hussain, R. L. Lamming, D. M. Leiberman, D. J. McCandlish, S. Mattison, W. S. A. Oakes, R. Petticrew, G. Quayle, S. H. Samuel, Winnie Shaw, C. E. Stuart, C. W. Ward. Part II: Mary Barracough, T. M. Boyle, Julia M. Brown, D. F. Cameron, G. A. Collinson, W. G. L. Flather, Irene Haslegrave, E. H. Kitching, E. F. Lai, H. T. Levi, A. E. Penn, F. Reid, H. Silman, H. E. Steward, C. C. N. Vass. Part III: \*E. H. Kitching, †G. A. Collinson, Mary Barracough, T. M. Boyle, Julia M. Brown, D. F. Cameron, W. G. L. Flather, Irene Haslegrave, E. F. Lai, H. T. Levi, A. E. Penn, L. Rabinovitch, F. Reid, H. R. Rollin, H. Silman, H. E. Steward, D. Thackray, C. C. N. Vass.

\*First-class honours. †Second-class honours.

The following awards have been made. Infirmary Scholarship and Littlewood Prize: C. Pickard. Hardwick Prize: Divided between J. F. Goodall and E. H. Kitching. McGill Prize: F. R. R. Martin. Scattergood Prize and Edward Ward Memorial Prize: E. H. Kitching.

##### UNIVERSITY OF LIVERPOOL

At an honorary graduation ceremony next month the degree of LL.D. will be conferred upon Mr. Charles Thurstan Holland, Ch.M., F.R.C.S., formerly lecturer on radiology in the University; and Professor Arthur Harden, D.Sc., F.R.S., late head of the Biochemical Department of the Lister Institute.

##### UNIVERSITY OF DUBLIN

###### TRINITY COLLEGE

The following candidates have been approved at the examinations indicated:

FINAL MEDICAL EXAMINATION.—Part I (Materia Medica and Therapeutics, Pathology, and Bacteriology): W. Hayes, B. P. P. Berney, G. C. Blackham, G. L. Daly, G. C. Retz, R. L. Bustard, W. J. G. Warwick, H. S. Boyce, F. Keane, J. G. Cunningham, T. S. Agnew, W. S. McBride. Part II: M.B.: J. N. P. Moore, M. Marmelstein, P. Citron, J. T. Wellwood, J. R. Shapiro, J. J. Talbot, L. Fridjhon. Under old regulations: H. G. Ellerker, B.Ch.: D. S. Quill, J. Sorett, T. A. Cunningham, A. F. J. Delany, C. M. T. Adamson, D. J. Bradley, R. I. Shier, Charlotte F. Pike, H. M. Glover, B.A.O.: B. E. O'Brien (passed on high marks), J. A. Hamilton, G. J. Dixon, G. H. B. Roberts, A. F. H. Keating, H. J. Anderson, S. B. Sachs, B. Lapedus, J. C. Roux, D. J. Hayes, H. B. Sutton, F. T. P. Bergin, D. H. T. Duggan, N. G. Farrell, B. M. O'Sullivan, H. M. Glover, W. Charney, E. Cowan. Diploma in Gynaecology and Obstetrics: T. K. Ghosh, A. K. Acharya.

D.P.H.—Part I: G. A. Miller, D. B. Bradshaw, J. K. Lavery, R. L. G. Proctor, T. J. O'Sullivan, P. G. Daly.

##### BRITISH COLLEGE OF OBSTETRICIANS AND GYNAECOLOGISTS

The following have been awarded the Diploma of the College:

A. K. Acharya, Annie F. Allport, W. N. Brown, Helen R. Buck, Dora Davies, Muriel H. Deem, S. K. Hutton, C. N. Jeffries, Mary K. Lawlor, Barbara H. Mitchell, J. Morrissey, E. B. Murrell, J. L. Parker, Helen I. Robertson, Isabella Taylor, S. W. Wright.

but if they were to limit their charges to seven guineas they would have to raise the fees of the lower-charged beds, because the ten-guinea beds naturally covered to a large extent the charges made for the beds of lower cost. Viscount HAILSHAM said that Lord Luke had made out a case for the desirability of having some beds available for that class of persons who were willing to make some payment towards the necessary expenses of receiving treatment, but were unable to pay the fees of a nursing home. The Government had considered the point made by Lord Sanderson, and had reached the view that it was right to provide pay-bed accommodation, but that safeguards should be insisted on to ensure two things: that the property and funds of a hospital settled on it for the benefit of the sick poor were protected and prevented from being diverted for any other purpose; and, secondly, that the accommodation which would otherwise be available in the hospital should not be restricted, and that there should be no risk of preventing poor people from having the amount of accommodation which would otherwise be available for them. While the Government would support the second reading of the Bill, it would feel it its duty to move amendments proposing specific safeguards with regard to the funds and property of the hospitals and dealing with other matters. He did not agree with Lord Sanderson's preference for a municipal rather than a voluntary system.

The Bill was read a second time.

#### Diphtheria Immunization

Mr. GROVES, on April 2nd, asked the Minister of Health, with regard to the Medical Research Council's Special Report No. 195 (pages 72 and 83), by whose permission and with whose approval Case 2/29 had received six injections of toxoid and six further injections of floccules and numerous Schick tests in sixteen months; and whether, if permission was given to the officials in charge to administer diphtheria prophylactics, the permission was intended to cover such a procedure. Sir B. EYRES-MONSELL said that permission to administer prophylactics was in all cases obtained from the boys' parents or guardians. As the report showed, Case 2/29 was a most difficult and lengthy one, but it was, of course, necessary to continue injections until immunity from diphtheria had been produced.

On March 18th Mr. GROVES asked the Minister of Health, in reference to page 77 of the report, whether the Schick testing and blood testing of six boys at Greenwich Hospital School suffering from diphtheria, who were Schick-tested and bled during their illness, took the usual seven to fourteen days before the Schick test could be determined; and what curative measures were taken. Sir B. EYRES-MONSELL, who replied, said that in these cases no record was made of exact times taken, but in the majority of cases the result could be determined in twenty-four hours. The boys were treated with the greatest care and attention, with rest in bed and local application to the throat, and they were all practically well in three days. These tests, which have been in general use throughout the world for many years, and the practical value of which might be accepted, could not properly be called experimental, as was suggested in the question.

On April 2nd Mr. GROVES also asked the Minister of Health whether any charge was made for the antitoxin estimations at the Greenwich Hospital School by outside commercial institutions; and whether, as this institution had a financial interest in diphtheria immunization, it was still proposed to entrust such investigations to it. Sir B. EYRES-MONSELL said that no charge was made for the antitoxin estimations, which were carried out gratuitously by eminent bacteriologists. At present no further estimations were contemplated.

*Births in Scotland.*—On March 27th Sir GODFREY COLLINS told Mr. Leonard that the detailed examination of the data collected in connexion with the inquiry into the circumstances attending births in Scotland had now been completed, and the report would shortly be submitted to the Scientific Advisory Committee. He hoped that it would be possible to publish the report in about two months' time, after the committee had had an opportunity of considering it.

## Medical News

The House of the British Medical Association, including the Library, will be closed for the Easter holiday from 6 p.m. on Thursday, April 18th, until 9 a.m. on Tuesday, April 23rd.

The 115th annual general meeting of the Hunterian Society will be held at Simpson's Restaurant, Cheapside, on Monday, April 8th, at 8.30 p.m., after dinner at 7.15. At the conclusion of formal business Lieut.-Colonel R. H. Elliot will give a short talk on snakes and their bites, illustrated by lantern slides and a film. Non-medical guests, including ladies, may be invited.

A meeting of the Southern Branch of the Association of Certifying Factory Surgeons (Incorporated) will be held at B.M.A. House, Tavistock Square, W.C., on Friday, April 12th, at 3.30 p.m., when Dr. S. A. Henry will read a paper on "Industrial Medicine." A cordial invitation to attend is extended to all factory surgeons.

Discussions on "Administration of the Housing Act, 1930," to be opened by Mr. Colin Campbell, and on "The Hospital Services," to be opened by Dr. D. C. Lamont, medical officer of health, Burnley, are included in the programme of the sessional meeting of the Royal Sanitary Institute at Burnley, on April 12th and 13th.

An intensive course in laryngology, rhinology, and otology will be held at the Central London Throat, Nose and Ear Hospital, Gray's Inn Road, W.C.1, from April 29th to May 25th. The course, which is especially suitable for D.L.O. students, will include an anatomy and physiology, and operative surgery classes, a practical course in peroral endoscopy, and a course in pathology and bacteriology. Particulars of fees, etc., may be had from the secretary.

The Fellowship of Medicine (1, Wimpole Street, W.) announces that a course in proctology will be given at St. Mark's Hospital from April 8th to 13th, occupying the whole of each day. A course in psychological medicine will be given at Maudeley Hospital from April 23rd to May 31st. Other forthcoming courses include: dermatology, at St. John's Hospital, April 29th to June 1st; medicine, surgery, and gynaecology, at Royal Waterloo Hospital, April 29th to May 11th; thoracic surgery, at Brompton Hospital, May 13th to 18th; week-end courses in cardiology, at Victoria Park Hospital, May 4th and 5th; chest diseases, at Brompton Hospital, May 11th and 12th. A panel of clinical teachers is available.

The fourth International Hospital Congress will be held in Rome from May 5th to 18th. It will be preceded by visits to the hospitals of Milan, Genoa, and Florence, and followed by excursions to Naples, Sicily, and Tripolitania.

The first Congress of the History of Greek Medicine, organized by the Hellenic Society of the History of Medicine, will be held at Athens from May 8th to 11th.

The forty-eighth Congress of the Société Française d'Ophthalmodiologie will be held in Paris from May 13th to 18th, when the chief subjects for discussion will be capsulo-lenticular extraction of cataract, introduced by Dr. de Saint-Martin of Toulouse, and treatment of detachment of the retina. Further information can be obtained from Dr. René Onfray, 6, Avenue de la Motte-Picquet, Paris VIIe.

The Minister of Health, Sir E. Hilton Young, will open the new house of the British Dental Association at 13, Hill Street, Berkeley Square, W., on Friday, April 12th, at 3 p.m.

The *Yorkshire Post* announces that gifts of £50,000 and £23,000 in 2½ per cent. Consols have been made by an anonymous donor to the Sheffield Royal Infirmary, and that a new theatre block is to be built in commemoration of the King's Silver Jubilee.

The vital statistics of European officials in East Africa in 1933 have been published in the usual form by the Crown Agents for the Colonies, 4, Millbank, S.W.1 (price 6d).