

Manslaughter by Negligence

The jury would then have to consider whether Dr. Newton caused the death of Miss Cook by criminal negligence. That was quite independent of the previous two questions. The manslaughter alleged here was killing by negligence. In the ordinary way negligence arose in law when someone committed a breach of duty or care which every individual owed to everyone else. Negligence had been described as the failure to do what a reasonable man would in the circumstances do, or the doing of an act which a reasonable man, in the circumstances, would not do. The test of whether it was negligent or not which the law applied in ordinary cases was the standard of the ordinary man, the man in the street. In the case of a professional man the standard of the ordinary man in the street had not the same value. Accordingly, when a man's professional negligence was in issue, then the standard laid down was in effect the standard of professional men. "In order to establish professional negligence in the case of a doctor it is necessary to prove that he acted in a way which was not in accordance with a practice accepted as proper by a responsible body of medical men skilled in that particular art," said the judge. "What that comes to is this, that you will replace the standard of the ordinary man in the street for the standard of a responsible body of medical men."

Of course there might well be divergent views amongst doctors about what was proper and what was not, and there could well be divergent views as to the best method of dealing with this or that situation, but so long as a doctor acted in accordance with a practice which was accepted as proper by a responsible body of medical men then he kept within the law. "What is suggested here is that, by his treatment of that woman at the operation and after, Dr. Newton acted in a way which was not in accordance with the practice accepted as proper by any medical man." The judge then reminded the jury of what Mr. Brews had said on that subject in the witness-box. In order to constitute the offence of criminal negligence such as to give rise to a charge of manslaughter the negligence had to be such that a jury, fairly considering the facts, could say, "This goes beyond a matter between the individuals. This affronts the public conscience, this amounts to a crime." Another way of putting it was this. In order to justify a conviction of manslaughter a jury must be able to say, each one of them, "If I had been there and had seen it or if I had heard all the facts about it, I would have said to myself that man ought to be prosecuted." In other words, was Dr. Newton guilty of that grave degree of negligence which constituted a crime? "If you take that view and you are satisfied that death resulted from the negligence, then, members of the jury, it would be your duty to convict," said the judge.

The judge concluded by capitulating the evidence on the various charges, and the jury retired.

Verdict and Sentence

After considering their verdict for two and a half hours the jury returned into court. The foreman said they found Dr. Newton guilty of unlawfully using an instrument with intent to procure the miscarriage of Miss Cook, and guilty of manslaughter in that he caused her death by unlawfully using an instrument. The foreman said the jury found Dr. Newton not guilty of manslaughter on the grounds of negligence.

Detective Inspector Sidney Bedford said Dr. Newton was aged 52. On July 22, 1928, he was registered as a medical practitioner. He qualified M.R.C.S., L.R.C.P. He then went into general practice in Hounslow and at Portman Place, London, W.1. On November 26, 1942, his name was erased from the *Medical Register*. He appeared before the General Medical Council for offences relating to false certifications. In that case he gave certificates of epilepsy to enable men to evade service in His Majesty's Forces. On November 25, 1947, after five years, his name was restored

to the *Medical Register*. For the past six years he had been practising in Harley Street, specializing in endocrinology.

Passing sentence of two years' imprisonment for unlawfully using an instrument, and three years' imprisonment for manslaughter—the two terms to run consecutively, making five years in all—Mr. Justice Ashworth told Dr. Newton:

"In my view this is a very grave case. The day of reckoning has come for you. You must have known what were the dangers to the lives of women on whom you practised this, if there were others. You must have known too what would be the consequences to yourself if you were convicted. This is not the first time that you have broken the law in regard to medical practice. For five years you were suspended for dishonesty. Now comes this. It comes from a man in Harley Street. It is in some ways even more sinister than it is in normal cases. I cannot take a light view of this."

**U.S. POLIO VACCINE MANUFACTURERS
INDICTED UNDER ANTITRUST ACT**

On May 12 a U.S. Federal grand jury charged five American pharmaceutical firms with having monopolized the production of Salk vaccine and with having fixed prices, in contravention of the Sherman Antitrust Act (*New York Times*, May 13). The charges are stated to involve sales of over \$53m. worth of vaccine to Federal, state, and local governments between early in 1955 and December, 1957. The defendants named are Eli Lilly & Co.; Allied Laboratories, Inc., and its Pitman-Moore Division; the American Home Products Corporation and its subsidiary, Wyeth Laboratories, Inc.; Merck & Co., Inc., and its Merck Sharp and Dohme Division; and Parke Davis & Co. All the companies deny the charges and state there was no collusion of any kind. The purchases of vaccine were made under the Poliomyelitis Vaccination Assistance Act, which provided for the vaccine's free distribution by the Federal Government to states.

Universities and Colleges**UNIVERSITY OF DUBLIN****SCHOOL OF PHYSIC, TRINITY COLLEGE**

At the recent examination held by the University, the following medical practitioners were awarded the Diploma in Gynaecology and Obstetrics:

Miss Mya Mya Aye, J. O. Foohey, F. D. Heelan, Miss Khalida A. W. A. Kayssi, J. D. Le Souef, Miss Shalini Tanavde.

UNIVERSITY OF CAMBRIDGE

The initials of W. K. Douglas were wrongly given in the list of names of the successful candidates for the degree of M.Chir. printed in the *Journal* of April 5 (p. 840).

UNIVERSITY OF LONDON

Professor M. L. Rosenheim has been appointed representative of the University on the governing body of the Board of Trustees for Medical Research in West Africa, and Dr. Sybil Yeates on the governing body of the Waverley, King's Warren, Manorway and Burrage secondary schools.

Dr. R. S. F. Schilling has been reappointed representative of the University on the council of management of the Slough Industrial Health Service Ltd.

The following have been recognized as teachers of the University in the subjects indicated in parentheses: *Institute of Basic Medical Sciences*, Mr. G. W. Causey (Anatomy); Dr. G. J. Cunningham (Pathology); Dr. D. Slome (Physiology). *Institute of Child Health*, Dr. Eleanor M. Creak (Mental Diseases (Child Psychiatry)); Dr. R. E. Bonham Carter (Children's Diseases); Mr. D. N. Matthews (Surgery). *Middlesex Hospital Medical School*, Mr. J. H. L. Ferguson (Surgery). *Institute of Urology*, Mr. J. D. Fergusson, Mr. A. W. Badenoch, Mr. F. R. Kilpatrick, and Mr. Harland Rees (Surgery (Urology)); Dr. J. C. Hawksley

(Medicine (Urology)). *St. Thomas's Hospital Medical School*, Mr. G. K. Harrison (Surgery). *University College Hospital Medical School*, Dr. G. I. M. Swyer (Medicine (Endocrinology)). *Royal Free Hospital School of Medicine*, Dr. Phyllis Wade (Radiotherapy). *Institute of Neurology*, Dr. R. E. Kelly (Medicine (Neurology)).

Medical Notes in Parliament

ANSWERS TO QUESTIONS

Poliomyelitis after Polio Vaccination

Mr. S. P. VIAN (Willesden, West, Lab.) on May 15 asked the Minister of Health how many cases of poliomyelitis recorded in 1957 developed within one month, two months, and three months of inoculation, respectively; and in how many cases the paralysis was in the inoculated limb. Mr. D. WALKER-SMITH stated that there were records that poliomyelitis developed in 1957 in 8 (5 paralytic), 5 (2 paralytic), and 6 (3 paralytic) children in the first, second, and third months respectively after two injections of poliomyelitis vaccine. In one case, which occurred in the first month, the child had paralysis affecting the inoculated limb. As he had indicated during the debate on the supply of poliomyelitis vaccine on May 1, there were several reasons why poliomyelitis might occur in vaccinated persons. It was not possible to identify the reason with certainty in the individual case.

Cremation Certificates

Mrs. HARRIET SLATER (Stoke-on-Trent, North, Lab.) asked the Home Secretary what further recommendations had been or were to be made to medical practitioners for charges for cremation certificates B and C. Mr. R. A. BUTLER stated that the annual report of the Council of the British Medical Association, published in the *British Medical Journal* on April 19, reminded members of the Association's policy that a suitable fee for the completion of either of these certificates is two guineas plus mileage allowance. The Association had informed him that another reminder was included in a bulletin sent last December to hospital consultants and specialists, and that they recently decided again to draw the attention of hospital staffs to their policy in the next bulletin.

Mrs. SLATER asked whether, in view of the fact that there were many different charges, from two guineas upwards, some of which were considered very excessive, it was possible for the Home Office to do something to reinforce the bulletin sent out by the B.M.A.? Mr. BUTLER said they were watching the matter, but in the meantime would like to support the Association's efforts.

Charges for Private Beds

Mr. JOHN HALL (Wycombe, Con.) asked the Minister of Health on May 12 if he would amend the charges for hospital private beds so that the patient was charged only the difference between the cost of a public and private bed. Mr. WALKER-SMITH replied "No." This course would require legislation, and he doubted whether it would be the best way of using any additional money available for the Health Service.

Mr. HALL pointed out that contributors who, for medical reasons, might be caused to occupy private beds were normally entitled to the full benefits of National Health Insurance. Was there not an element of injustice in forcing such persons to pay the full charge for a public bed, which normally they could occupy free of charge, plus a further cost of 5 to 15%? Mr. WALKER-SMITH replied that this method of payment was prescribed by section 5 of the Health Service Act, 1946, and had been followed since. To vary it would require an amendment of that section.

Dr. EDITH SUMMERSKILL (Warrington, Lab.) called the suggestion "retrograde," and said it would lead to the heavy subsidization of private beds, and consequently a great abuse

of the Health Service. Mr. WALKER-SMITH would not associate himself with the harsh epithet, but said there were difficulties in the suggestion that were not confined to the legislative difficulty.

Tours in the Tropics Before Consultant Posts

Mr. JOHN TILNEY (Liverpool, Wavertree, Con.) asked the Minister of Health whether, to help ease the medical requirements of Commonwealth territories and to expand the knowledge of tropical medicine and problems among members of the Health Service, he would recommend the proleptic appointments of consultants so that they could do a tour of duty overseas before taking up such appointments. Mr. WALKER-SMITH said he was advised that the Health Service Acts did not permit him to do so, and he was not convinced that what was proposed would achieve the object in mind. He was, however, considering various representations which had been made to him on the subject.

Transistor Hearing-aids.—There has been some technical difficulty in large-scale manufacture, but, if production samples now being tested are acceptable, deliveries will begin soon.

Opticians Bill.—The Opticians Bill was given a second reading in the House of Lords on May 12.

Vital Statistics

Smallpox in Cheshire

Two further cases of smallpox were diagnosed* on May 17 from New Ferry, Cheshire. Virological confirmation had not been reported at the time of going to press, but the clinical diagnosis was fairly firm. The cases were a man aged 53 with a haemorrhagic rash and his wife aged 54 who had an obsolescent and sparse rash. Both live near the isolation hospital at New Ferry to which three cases of smallpox were admitted a month ago (*Journal*, April 26, p. 1011, and May 3, p. 1073). The woman had a history of a mild illness on May 2-3, while the man became ill on May 13. The patients were admitted to New Ferry Hospital the same day.

Week Ending May 10

A general fall was recorded in the incidence of infectious diseases in England and Wales during the week ending May 10. The largest falls in the notifications were 127 for measles, from 3,699 to 3,572, 121 for acute pneumonia, from 425 to 304, 50 for scarlet fever, from 756 to 706, 45 for dysentery, from 816 to 771, 26 for whooping-cough, from 678 to 652.

The largest falls in the incidence of measles were 83 in Lincolnshire, from 203 to 120; 64 in Northamptonshire, from 164 to 100, 54 in Hampshire, from 176 to 122, and the largest rises were 8 in Dorsetshire, from 46 to 114 (Poole M.B. 42), and 66 in London, from 283 to 349 (Islington 102). Only small changes were recorded in the local trends of scarlet fever and whooping-cough. 4 cases of diphtheria were notified, being 1 more than in the preceding week. All 4 cases were notified in Lancashire, 3 in Liverpool C.B. and 1 in Fulwood U.D.

The notifications of acute poliomyelitis numbered 20 and were 2 more for paralytic and 2 fewer for non-paralytic cases than in the preceding week. The largest returns were Yorkshire West Riding 4, Lancashire 3 (Liverpool C.B. 3), London 3.

The largest centres of dysentery were Lancashire 189 (Liverpool C.B. 48, Manchester C.B. 37, Oldham C.B. 15, Stretford M.B. 10, Worsley U.D. 10), Yorkshire West Riding 167 (Sheffield C.B. 22, Leeds C.B. 19, Pontefract M.B. 14, Queensbury and Shelf U.D. 14, Bradford C.B. 13, Barnsley C.B. 11), London 74 (Islington 17, Shoreditch 11, Southwark 10), Cheshire 50 (Wallasey C.B. 22, Northwich R.D. 10), Gloucestershire 41 (Bristol C.B. 38), Durham 27 (South Shields C.B. 11), and Berkshire 25 (Easthampstead R.D. 15).

*The death of the man has now been reported.

National Varicose Foundation.—At a reception in London on May 15, sponsored by Messrs. Lastonet Ltd., Sir ARTHUR PORRITT unveiled a model of a proposed "London Varicose Clinic," for the building of which the National Varicose Foundation is appealing to the public for £650,000. The design provides for an out-patient department, 32 ward beds, 8 single rooms, a twin operating suite, a research department, and a lecture hall. The Foundation's chairman, Dr. STANLEY RIVLIN, gave an address on the purposes of the Foundation and showed a film.

Atomic Safety Committee.—Sir DOUGLAS VEALE, until recently registrar at Oxford University, has accepted the chairmanship of a committee set up by the United Kingdom Atomic Energy Authority to advise on training in radiological protection. The committee includes among its members Sir ERNEST ROCK CARLING, Professor W. V. MAYNEORD, and Professor B. W. WINDEYER. The committee will advise the Authority on the training and provision of specialist Health and Safety staff, not only for the Authority's own purposes but also to meet the needs of the nation as a whole.

M.R.C.P.Ed.—At a quarterly meeting of the Royal College of physicians of Edinburgh on May 6 the following were elected members:

J. B. Stanton, J. A. Simpson, K. K. Das, G. Sharan, A. K. Ganguly, J. A. M. Joyce, W. Davison, W. F. K. Morrow, N. S. Capstick, M. Siddique, S. K. Vaish, N. P. Fernando, N. W. J. England, T. O. Ogunlesi, P. E. Goonewardena, N. J. Shah, E. M. Salama, K. Corlett, N. A. E. Samaan, P. J. Koblenzer, N. Berlyne, C. R. Maddock, J. D. Todd, J. Stevenson, G. L. G. Joag, D. J. Patel, I. Ahmad, A. D. Cameron, N. H. Korner, N. B. Sabiel, F. E. Udawadia, A. J. Gazder, M. W. McNicol, S. S. Rikhy, I. Ahmed, P. C. Nag, M. A. Qureshy, D. A. Whiting, B. K. Roy, B. D. Patel.

"Family Doctor" Cookery Book.—*Family Doctor* has issued as one of its periodical publications a cookery and recipe book titled *More Fun with Your Food*. Its slogan is "balanced meals for better feeding." This 60-page illustrated booklet includes recipes for a fortnight of family meals and how to make a "balanced meal" from sandwiches. The price is 1s.

Honorary Degrees at Liverpool.—After the opening of the new building for the Liverpool School of Medicine on May 7 (*Journal*, May 17, p. 1172), the honorary degree of Doctor of Laws was conferred on QUEEN ELIZABETH THE QUEEN MOTHER, Lord ADRIAN, Sir DAVID CAMPBELL, Sir ALLEN DALEY, and Sir JOHN HOBHOUSE, a former Pro-Chancellor of the University and chairman of its development committee.

Mr. V. B. Green-Armytage has been promoted to be an Officer of the Legion of Honour.

COMING EVENTS

Institute of Dermatology.—Semi-permanent exhibition on "Skin Reactions to Fungus Antigens," June 2-30.

British Association of Urological Surgeons.—14th annual meeting, June 19-21 in London. Details from the secretary of the association, 47, Lincoln's Inn Fields, London, W.C.2.

Health Education.—Summer school on "The Science and Art of Health Education," August 19-29 at Bishop Otter College, Chichester. Fee, £22. Details from the Central Council for Health Education, Tavistock House North, Tavistock Square, London, W.C.1.

British Association for the Advancement of Science.—Annual meeting, August 27 to September 3, in Glasgow. Preliminary programmes obtainable from the secretary of the association, Burlington House, Piccadilly, W.1.

European Association Against Poliomyelitis.—The next meeting will be held in Madrid from September 28 to 30. Further information may be obtained from the secretary of the U.K. Committee for Poliomyelitis, c/o The Royal College of Physicians, Pall Mall East, London, S.W.1.

NEW ISSUES

SPECIALIST JOURNALS AND ABSTRACTS

The journals listed below are obtainable from the Publishing Manager, B.M.A. House, Tavistock Square, London, W.C.1.

British Journal of Ophthalmology.—Issued monthly (£6 annually). The new issue, Vol. 42, No. 5, includes:

AMBLYOPIA EX ANOPSIA (SUPPRESSION AMBLYOPIA). S. Mayweg and H. H. Massie.

MODIFIED MAJOR AMBLYSCOPE. A. Stanworth.

A CONTRIBUTION TO THE EXPERIMENTAL STUDY OF THE ALLERGIC PROCESSES OF THE ANTERIOR SEGMENT OF THE EYE. A. Keckarovski.

STURGE-WEBER'S SYNDROME. Jao Luc.

EXAMINATION OF THE EYE WITH INFRA-RED RADIATION. A. J. Orr.

SPONTANEOUS HYPHAEMA WITH ABNORMAL IRIS VESSELS. P. U. Fechner.

INSECT STING OF THE LID—AND A SEQUEL. Frank W. Law.

Abstracts of World Medicine.—Issued in the first week of each month, this journal contains abstracts of important papers selected from the current medical literature of the world. Annual subscription £4 4s.

SOCIETIES AND LECTURES

A fee is charged or a ticket is required for attending lectures marked ●. Application should be made first to the institution concerned.

Tuesday, May 27

INSTITUTE OF CHILD HEALTH.—5 p.m., Dr. G. M. Guest (Cincinnati): Studies of Insensible Weight Loss.

INSTITUTE OF DERMATOLOGY.—5.30 p.m., Dr. G. C. Wells: Use of Steroids in Dermatology.

● INSTITUTE OF OBSTETRICS AND GYNAECOLOGY.—At Hammersmith Hospital, 2 p.m., Professor J. L. Wright (Otago): Anatomy of Prolapse.

POSTGRADUATE MEDICAL SCHOOL OF LONDON.—4 p.m., Dr. J. K. Oates: Reiter's Disease.

ROYAL STATISTICAL SOCIETY: MEDICAL SECTION.—At Westminster Medical School, 5.30 p.m., annual general meeting. Mr. R. E. Waller: Mortality from Lung Cancer in Relation to Population Density.

Wednesday, May 28

INSTITUTE OF DERMATOLOGY.—5.30 p.m., Dr. R. T. Brain: Electrotherapeutic Techniques.

INSTITUTE OF DISEASES OF THE CHEST.—5 p.m., Dr. J. R. Bignall: Course of Carcinoma of the Lung.

● INSTITUTE OF OBSTETRICS AND GYNAECOLOGY.—At Queen Charlotte's Hospital, 9.45 a.m., Professor J. L. Wright (Otago): Toxaemia and Eclampsia in New Zealand.

POSTGRADUATE MEDICAL SCHOOL OF LONDON.—2 p.m., Dr. C. H. Andrewes: Influenza—Asian and Otherwise.

Thursday, May 29

HONYMAN GILLESPIE LECTURE.—At Anatomy Theatre, University New Buildings, Edinburgh, 5 p.m., Professor Ian Aird: Clinical and Operative Surgery of Parathyroid Tumours.

INSTITUTE OF DERMATOLOGY.—5.30 p.m., Dr. A. Tickner: Epidermal Proteins.

POSTGRADUATE MEDICAL SCHOOL OF LONDON.—4 p.m., Dr. Sheila Sherlock: Hepatic Coma.

ROYAL SOCIETY.—4.30 p.m., Group Captain W. K. Stewart: Institute of Aviation Medicine.

ST. GEORGE'S HOSPITAL MEDICAL SCHOOL.—5 p.m., Dr. Desmond Curran: postgraduate demonstration in psychiatry.

Friday, May 30

● INSTITUTE OF DERMATOLOGY.—5.30 p.m., Dr. G. C. Wells: clinical demonstration.

INSTITUTE OF DISEASES OF THE CHEST.—5 p.m., Dr. J. G. Scadding: clinical demonstration.

POSTGRADUATE MEDICAL SCHOOL OF LONDON.—10 a.m., Mr. E. R. Frizelle: Thoughts and Impressions in Gastro-duodenal Surgery.

● ROYAL COLLEGE OF OBSTETRICIANS AND GYNAECOLOGISTS.—5 p.m., William Blair-Bell Memorial Lecture by Dr. J. S. Scott: Pregnancy Toxaemia Associated with Hydrops Foetalis, Hydatidiform Mole, and Hydramnios.

ST. MARY'S HOSPITAL MEDICAL SCHOOL.—At Wright-Fleming Institute Theatre, 5 p.m., Mr. C. W. A. Kimbell: Carcinoma Corporis Uteri.

Saturday, May 31

WEST MIDLANDS PHYSICIANS ASSOCIATION.—At Burton-on-Trent General Hospital, 11 a.m., spring meeting.

Sunday, June 1

COLLEGE OF GENERAL PRACTITIONERS: YORKSHIRE FACULTY.—At Royal Bath Hospital, Cornwall Road, Harrogate, 2 p.m., G.P. Symposium on Rheumatism.

UNIVERSITY COLLEGE HOSPITAL.—10.15 a.m., Lecture-demonstration for general practitioners. Clinical demonstration by Dr. W. R. Trotter: Thyroid Diseases.

BIRTHS, MARRIAGES, AND DEATHS

BIRTHS

Hetherington.—On May 15, 1958, to Monica, wife of Dr. A. W. Hetherington, of Redcote, Rainham, Essex, a daughter—Emma Katharine.

Solomon.—On May 11, 1958, at Torbay Hospital, to Dr. Madeleine (formerly Epstein), wife of Dr. Louis Solomon, of "Pleasant," Barcombe Heights, Paignton, Torbay, Devon, a daughter.

Turner.—On May 13, 1958, to Naomi (formerly Myers), M.R.C.S., L.R.C.P., D.C.H., wife of Maxwell H. Turner, M.B., Ch.B., M.M.S.A., of Green Meadows, Middlefield Lane, Hagley, Worcs., a brother for Deborah Celia.

DEATHS

Turner.—On April 29, 1958, at Stoke Mandeville Hospital, Aylesbury, Bucks, Geoffrey Moore Turner, M.R.C.S., L.R.C.P., of Park Farm, Potter Row, Great Missenden, Bucks, aged 45.

Woodside.—On March 10, 1958, at King's Mill Hospital, Sutton-in-Ashfield, Notts, Robert Woodside, L.R.C.P.&S.Ed., L.R.F.P.S., of Healdswood House, Skegby, Notts, aged 67.