

first man in West Hampstead to enrol as a special constable. He went to France in 1915 under the Red Cross Society, and in 1916 became a temporary lieutenant in the R.A.M.C.; he was promoted captain, and in 1917 was invalided home. Dr. Beedham was a man greatly beloved by all who had the privilege of working with him. For fifteen years he was vicar's warden at Emmanuel Church, West Hampstead, and for six years had been chairman of the Medical Board of the Church Missionary Society. He will be much missed by a large circle of friends.

We regret to announce the death, on September 26th, of Dr. JOHN WILLIAM ENSOR. Dr. Ensor was educated at Epsom College and Guy's, and qualified in 1899. Soon afterwards he started practice in Birmingham. Ensor moved to the new district of Golder's Green in 1911, and saw Hendon develop from a rural village to a borough of over 100,000 inhabitants. In practice he was extremely successful, and on his retirement in March of this year, owing to ill-health, he received a remarkable demonstration of affection from his patients, who presented him with an illuminated address and a motor car to mark their appreciation of his services. After twenty-two years' membership of the British Medical Association he was made chairman of the Hendon Division in 1931. For many years he served on the medical staff of the King Edward Memorial Hospital, Hendon. His colleagues have a very deep and real sense of sorrow at his loss. He is survived by his wife and two children.

## Universities and Colleges

### UNIVERSITY OF LONDON

#### Lectures

A course of three lectures, entitled "Forty Years of Gynaecological Endocrinology," will be given by Professor Ludwig Fraenkel, late director of the Women's Clinic in the University of Breslau, at University College Hospital Medical School, on October 31st and November 2nd and 5th, at 5.30 p.m.

The Heath Clark Lectures, on "Malaria in Europe," will be given by Dr. L. W. Hackett, assistant director of the International Health Division of the Rockefeller Foundation, at the London School of Hygiene and Tropical Medicine, on December 3rd, 4th, 5th, 6th, and 7th, at 5 p.m.

A course of three lectures, on "Newer Aspects of Gastritis and its Consequences," will be given by Professor Knud Faber of the University of Copenhagen, at Guy's Hospital Medical School, on November 6th, 8th, and 9th, at 5 p.m. At the first lecture the chair will be taken by Dr. Arthur F. Hurst.

A course of three lectures, on "Some Chemical Problems related to Pharmacology," will be given by Professor G. Barger, D.Sc., F.R.S., of the University of Edinburgh, at the London (Royal Free Hospital) School of Medicine for Women, on November 1st, 2nd, and 9th, at 5.30 p.m.

A course of three lectures, on "Physiological Equilibrium," will be given by Professor L. J. Henderson of the Fatigue Laboratory, Harvard University, at University College, on October 16th, 17th, and 18th, at 5 p.m.

A lecture on "Inflammation of the Maxillary Antrum and other Accessory Sinuses (Some Clinical Manifestations of its Pathology)" will be given by Mr. Herbert Tilley, at the Royal Society of Medicine, on Thursday, November 1st, at 5 p.m.

A public lecture on "Hippocrates and the Hippocratic Tradition in Modern Medicine," by Dr. A. P. Cawadias, will be given at King's College, Strand, W.C., on Friday, October 19th, at 5.30 p.m.

### UNIVERSITY OF LEEDS

The following candidates have been approved at the examinations indicated:

FINAL M.B., CH.B. (Part I): T. K. Cooke, F. A. Crosfill, M. A. Kader, C. V. Light, O. Scarborough, F. A. Shackleton, Helene E. Sykes, J. D. F. Thornton, H. L. L. Wilson. (Part II): F. B. Coates, G. M. Davies, R. S. Illingworth, B. Jackson, K. I. Johnstone, G. J. Kearney, E. Lodge, L. Rabinovitch, J. T. Rhodes, H. R. Rollin, L. A. Westwood. (Part III): K. I. Johnstone (second-class honours), F. B. Coates, G. M. Davies, R. S. Illingworth, B. Jackson, G. J. Kearney, E. Lodge, J. T. Rhodes, L. A. Westwood, W. Zemsky.

DIPLOMA IN PSYCHOLOGICAL MEDICINE.—A. J. Bain, H. Burt, J. M. Frew.

D.P.H.—J. Fielding, G. P. Holderness, J. Q. Mountain.

## Medico-Legal

### BUSINESS RELATIONS BETWEEN DOCTORS\*

#### VARIATION OF THE PARTNERSHIP AGREEMENT

The Partnership Act, 1890 (Section 19), lays down that the mutual rights and duties of partners, whether they are set out in an agreement or left to be defined by the Act, may be varied by the consent of all the partners. This consent need not be given expressly, but may be inferred from a course of dealing. The partners may, in fact, be quite unaware that they have consented to a variation, but if they have behaved as though they had consented, then the variation is binding on them. The court inquires in each case what the actual *de facto* rights and duties were, not how they appeared on paper.

The most usual form of variation to come before the courts is a failure to take the accounts at the intervals specified in the articles. The written agreement often lays down that the accounts shall be taken and signed yearly or half-yearly, and that if a partner dies a final account shall be taken as at the date of his death. When the accounts have not been taken as they should have been the court tries to do justice to the representatives of the deceased.

For instance, in *Simmons v. Leonard* (1844) the articles provided that an account should be taken every year. A partner died, and in the dissolution proceedings it appeared that the partners had never settled an account at all. The court ordered a general account to be taken down to the death of the deceased partner.

In *Pettyt v. Janeson* (1819) the accounts were to be taken every Lady Day. For the first few years they were so taken, but the settlements became irregular, and when a partner died in February, 1813, the last account was found to have been settled on November 5th, 1811. The court held that, as both parties had considered this a binding settlement, the next one ought to have been taken on November 5th, 1812, and awarded the deceased partner's estate a share of the profits up to that date.

Articles sometimes also provide for a periodical valuation, and disputes have arisen because the partners have not exactly carried out the provisions of the clause which governs it.

In *Coventry v. Barclay* (1863) an annual account and valuation had to be "made and fully finished" between the partners, and was binding on them when it was finished and signed by all. A partner died two months after the valuation had been taken; he had not been present, nor had he signed or expressly approved it, but it had been taken in the usual way, and there was nothing to show that he would probably not have accepted it. His executors claimed that it was an arbitrary valuation and he had not accepted it; they asked for a new valuation. Lord Westbury, Lord Chancellor, said that whether the method of taking the valuation agreed with the articles or not, yet, as it had always been followed without deviation or objection, it was valid and binding on the partners. If it was not the method prescribed in the articles, then it was evidence of a new agreement between the partners. The deceased partner had accepted and agreed to this valuation; it had been fully finished and settled between the partners, and if the deceased had not signed it he should have done so. As equity assumes that a thing is done when it ought to have been done, the deceased had, for the purposes of equity, signed the valuation, and it was as binding on him and his representatives as if he had.

It is not necessary for the partners to persist for a long time in a course of conduct inconsistent with the articles; it is only necessary that they shall all have clearly intended to supersede them. The court will not, however, assume that the articles have been varied merely because a provision has been waived once or for a short time only. Sometimes the partners seem to have observed a set of conditions not laid down in the articles but stricter than the existing provisions—such as taking a daily account in the management of the Covent Garden Opera House

\* The first of these articles, by a legal correspondent, appeared on June 9th, 1934 (p. 1053), the second on June 23rd (p. 1145), the third on July 7th (p. 42), the fourth on July 21st (p. 141), and the fifth on September 22nd (p. 574).

State, and Cape Colony, including the relief of Kimberley, the actions of Paardeberg, Poplar Grove, Karee Siding, Zand River, Johannesburg, Pretoria, Diamond Hill, Wittebergen, and Colesberg, receiving the Queen's medal with six clasps. In the war of 1914-18 he served as an A.D.M.S., was mentioned in dispatches in the *London Gazette* of October 19th, 1916, and received the C.M.G. in 1916 and the C.S.I. on September 9th, 1919. He was staff surgeon to Lord Kitchener, Commander-in-Chief in India, in 1903-7, and honorary surgeon to the Viceroy in 1912-17. In 1889 he married Zaidee, daughter of Frank White, Esq. She survives him, with one son, Lieut. Commander H. R. Tate, R.N., and one daughter, Mrs. Charles Jennings of Avisford, Arundel.

Lieut.-Colonel James Farquharson MacLaren, Bengal Medical Service (ret.), died suddenly at Allahabad on August 5th, aged 79. He was born on October 22nd, 1854, the son of the late Dr. MacLaren of Blairgowrie, and was educated at Edinburgh, where he graduated M.B., C.M. in 1877. Entering the I.M.S. as surgeon on April 2nd, 1881, he became lieutenant-colonel after twenty years' service, and retired on June 24th, 1911. He served in the Sudan campaign of 1885, in the Red Sea column, was present at the actions of Hashin and Tamai, and received the Egyptian medal, with a clasp, and the Khedive's bronze star. The rest of his service was spent in civil employ in the North-West, now the United Provinces, where he was for many years civil surgeon of Allahabad. After his retirement he remained there as surgeon to an Indian rajah. Some years ago he acquired the estate of Dalnabree, Kirkmichael, Blairgowrie.

Lieut.-Colonel Winthrop Benjamin Browning, C.I.E., Madras Medical Service (ret.), died at Exmouth on September 15th, aged 79. He was born on July 6th, 1855, the son of the late Benjamin Winthrop Browning of Baginbown, County Limerick, was educated at the City of Dublin Hospital, and took the L.R.C.S.I. and L.R.C.P. in 1879. Entering the I.M.S. on March 31st, 1880, he became lieutenant-colonel after twenty years' service, and retired on May 17th, 1910. After a couple of years' military duty the rest of his service was spent in civil employ in the Madras Presidency, almost entirely in the Madras General Hospital and Medical College. There he held the posts successively of professor of medical jurisprudence, assistant physician, second surgeon, and finally first surgeon and professor of surgery, and latterly also principal of Madras Medical College. He served as surgeon to three Governors of Madras in succession—Lord Wenlock, Sir Arthur Lawley, and Lord Amthill. He received the C.I.E. on December 31st, 1898. After retirement he settled at Fermoy, County Cork. In 1887 he married Annie Georgina, daughter of Colonel Kenlis-Fergus Stevenson, and had three sons.

Lieut.-Colonel Samuel Esmond Prall, Bombay Medical Service (ret.), died at Hythe on September 15th, aged 72. He was born on April 19th, 1862, the son of Dr. Samuel Prall of West Malling, was educated at Guy's Hospital, and took the M.R.C.S. in 1885, the L.R.C.P.Lond. in 1886, and the M.B., with honours, and the B.S.Lond. in 1887. Entering the I.M.S. as surgeon on September 29th, 1888, he became lieutenant-colonel after twenty years' service, and retired on March 26th, 1921. He served in the war of 1914-18, and was mentioned in dispatches in the *London Gazette* of March 7th, 1918.

Lieut.-Colonel Evelyn Charles Hepper, Indian Medical Service (ret.), died at Beaumont, Guernsey, on September 16th, aged 57. He was born on December 10th, 1876, was educated at Bart's, and took the M.R.C.S., L.R.C.P.Lond. in 1900. Entering the I.M.S. as lieutenant on June 27th, 1901, he became lieutenant-colonel on December 27th, 1920, and retired on September 1st, 1931. He served in the Zaka Khel campaign on the North-West Frontier of India in 1908, receiving the frontier medal with a clasp. In 1913 he got civil employ in the United Provinces, but in the following year was recalled to military duty to serve in the war of 1914-18. After the war he rejoined the United Provinces, and served there until his retirement.

Dr. Arthur Batoum Zorab, late I.M.S., died at Southampton on September 1st, aged 54. He was born on April 18th, 1880, the son of the late Lieut.-Colonel J. M. Zorab, I.M.S., was educated at Guy's, and took the M.B., B.S.Lond. and the M.R.C.S., L.R.C.P.Lond. in 1906. After serving as chief clinical assistant in the ophthalmic department at Guy's, he entered the I.M.S. as lieutenant on July 27th, 1907, but resigned two years later, on September 26th, 1909, and settled at Southampton, where he practised as an ophthalmic surgeon. He was honorary surgeon to the Free Eye Hospital, Southampton, and honorary ophthalmic surgeon to the Royal Hants County Hospital at Winchester.

## Medical News

Four lectures on the rheumatic diseases will be delivered by Dr. J. Alison Glover at Gresham College, Basinghall Street, E.C., on October 9th, 10th, 11th, and 12th at 6 p.m. Admission free.

Dame Janet Campbell has been invited by the Canadian Council on Child and Family Welfare, with the approval of the Dominion Government, to visit Canada during October and November in the interest of maternity and child welfare, and she sails for Quebec to-day, Saturday, October 6th.

A meeting of the Section of Therapeutics and Pharmacology of the Royal Society of Medicine will be held on Tuesday, October 9th, at 5 p.m., when Professor J. H. Burn will deliver his presidential address on "The Control of the Blood Pressure." On October 12th, at 8.30 p.m., Mr. Ransom Pickard will give his presidential address before the Section of Ophthalmology, on "The Causation of Herpes Ophthalmicus."

A meeting of the Paddington Medical Society will be held at the Great Western Royal Hotel, Paddington, W., on Tuesday, October 9th, at 9 p.m., when Professor F. Langmead will deliver an address on "The Significance of High Blood Pressure."

The Harben Lectures will be delivered in the Lecture Hall of the Royal Institute of Public Health, 23, Queen Square, W.C., at 4 p.m. on October 8th, 9th, and 10th by Dr. W. J. Tulloch, professor of bacteriology, University of St. Andrews, on "The Diagnosis of Small-pox and the Investigation of Vaccinia by Laboratory Methods." No tickets of admission are required.

The opening meeting of the Illuminating Engineering Society will be held at the Lighting Service Bureau, 2, Savoy Hill, Strand, W.C., at 6 p.m. on Tuesday, October 9th. After the presidential address by Mr. H. Hepworth Thompson, a report on progress in illuminating engineering, prepared by the Technical Committee, will be presented, and various exhibits shown.

Two special lectures on "The Operative Treatment of Facial Palsy" (illustrated by cinema films) will be delivered at the Royal College of Surgeons of England, Lincoln's Inn Fields, W.C., on Wednesday and Thursday, October 10th and 11th, at 5 p.m., by Dr. Arthur Baldwin Duel, F.A.C.S., senior surgeon-director of the Manhattan Eye, Ear, and Throat Hospital, New York.

The fifth winter post-graduate session at the Hampstead General and North-West London Hospital, Haverstock Hill, N.W.3, will open on Wednesday, October 17th, at 3 p.m., with an address by Sir Henry Brackenbury on "Patient and Doctor." Lectures will be given on Wednesday from October 24th to December 12th, at 4 p.m.

The annual meeting of the Société Française d'Orthopédie will be held at the Paris Faculty of Medicine on October 12th, when the following questions will be discussed: the funnel-shaped thorax, introduced by Dr. Garnier of Paris, and treatment of spastic paralysis, introduced by Drs. Roudel of Marseilles and Delchef of Brussels.

The Fellowship of Medicine (1, Wimpole Street, W.) announces that lecture-demonstrations will be given at 11, Chandos Street, W., at 2.30 p.m. on October 9th and 16th. Courses of instruction include a week-end course on diseases of the heart and lungs at the Royal Chest Hospital, occupying the whole of October 13th and 14th; medicine and surgery, at the Metropolitan General Hospital, from October 8th to 20th, 10.30 a.m. to 6.30 p.m.; cardiology at the National Hospital for Diseases of the Heart, October 8th to 20th, occupying the whole of each day; ophthalmology at the Royal Westminster Ophthalmic Hospital, October 15th to November 3rd, every afternoon; gynaecology at the Chelsea Hospital for Women, October 22nd to November 3rd; neurology at the West End Hospital for Nervous Diseases, October 29th to November 3rd; and two week-end courses, one on clinical surgery at the Royal Albert Dock Hospital, October 20th and 21st, and the second on chest diseases

at the Hospital for Consumption, Brompton, October 27th and 28th. These courses are open only to members and associates of the Fellowship.

The People's League of Health has arranged the following lectures in connexion with the Borough of Southwark's health week: October 8th, "The Laws of Health," Dr. Leslie J. Harris; October 9th, "Eyes," Mr. A. F. MacCallan; October 10th, "Does it matter what we Eat?" Professor V. H. Mottram; October 11th, "Teeth—How They Come and Why They Go," Mr. Francis V. Macguire; October 12th, "Preventable Disease in the Home," Sir Bruce Bruce-Porter; October 13th, "Every Man His Own Doctor," Dr. Harry Campbell. The meetings will be held at the lecture hall, Manor Place Baths, S.E.17, at 8 p.m.

University College Hospital Medical School has arranged a programme of post-graduate demonstrations for the benefit of old students on Thursday and Friday, October 11th and 12th, from 10 a.m. to 4 p.m. At 4.15 p.m. on October 12th the annual general meeting of the Old Students' Club will be held in the Medical School, under the chairmanship of the president, Surgeon Vice-Admiral Sir Arthur Gaskell. At 7.30 p.m. the same day the annual dinner (12s. 6d. exclusive of wines) will be held in the library of the Medical School. The annual dinner of the University College Hospital Medical Women's Association will be held at the Piccadilly Hotel on Friday, October 12th, at 7.45 p.m., preceded by the annual general meeting at 7.15.

The National Hospital, Queen Square, W.C., has arranged a post-graduate course from Monday, October 8th, to Friday, December 7th. The course will include out-patient clinics each week-day, except Saturday, at 2 p.m., lectures and clinical demonstrations each week-day, except Saturday, at 3.30 p.m.; demonstrations on the pathology of the nervous system, on Wednesdays and Thursdays at 12 noon, on the anatomy of the nervous system, on Mondays at 12 noon, and on methods of clinical examination, on Thursdays at 5 p.m. The fee for the course is £10 10s.; for those who hold perpetual tickets, and for clinical clerks, £8 8s.

At a sessional meeting of the Royal Sanitary Institute at Sunderland on Friday, October 12th, a discussion on "Vermin and Slum Clearance" will be opened by Dr. A. S. Hebblethwaite, medical officer of health for Sunderland; and a discussion on "Anaemias and Preventive Medicine" will be introduced by Dr. H. A. Cookson. Mr. W. T. Creswell, K.C., will preside over the meeting, which begins at 5 p.m., in the Town Hall.

The third congress of the Latin Medical Press will be held in Paris under the presidency of Professor G. Etienne of Nancy, from October 17th to the 21st, when the following papers, among others, will be read by French, Belgian, Spanish, Portuguese, and Rumanian representatives: the relations of the medical press with pharmaceutical advertisements; the scientific and moral responsibility of the Latin medical press; and the technique and presentation of a medical journal. Further information can be had from the general secretary, Dr. L. M. Pierra, L'Hérmitage, Luxeuil, Haute Saône, France.

The fortieth Italian Congress of Internal Medicine will be held at Rome under the presidency of Professor Cesare Frugoni from October 17th to 20th, when the following papers will be read: "Meteorism," by Professors N. Pende and M. Bufano; "Vaccine and Non-specific Treatment of Infectious Diseases," by Professors A. Ferrata and G. Boeri; "Bronchiectasis" (in conjunction with the Italian Society of Surgery), by Professors A. Omodei Zorini, R. Alessandri, F. Lassagna, and A. Vallebona; and "Pleurisy in the Army," by Major R. D'Alessandro. Further information can be obtained from the general secretary, Professor Arnaldo Pozzi, R. Clinica Medica, Rome.

A committee consisting of ophthalmologists and otorhino-laryngologists has been formed at Marseilles to commemorate the first operation performed under local cocaine anaesthesia in October, 1884. The ceremony will take place on October 27th. Further information can be obtained from Dr. Roche, Marseilles.

## Letters, Notes, and Answers

All communications in regard to editorial business should be addressed to **The EDITOR, British Medical Journal, B.M.A. House, Tavistock Square, W.C.1.**

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## QUERIES AND ANSWERS

### Catarrhal Jaundice following T.A.B. Inoculation

Dr. ARTHUR D. SPENCE (London, E.C.1) writes: It would be interesting to know whether others have had the experience described below. I have given many hundreds of anti-typhoid inoculations, but have not had catarrhal jaundice occur before, though in the course of typhoid fever in the East we sometimes saw varying degrees of jaundice. A young assistant in a merchant firm in Bangkok had the usual 0.5 c.cm. first T.A.B. inoculation preparatory to his return to the East, on Thursday, August 9th. On Saturday night he had a severe rigor and vomiting, and later a temperature of 102° F. Next day he developed a typical catarrhal jaundice, with occasional vomiting. He later became deeply jaundiced and the itching of the skin was very marked. The jaundice ran a usual course, but I did not care to give him his second dose, and he left for the East on August 23rd. The vaccine was prepared at the Lister Institute of Preventive Medicine.

### Treatment of Disseminated Sclerosis

"M.D., D.P.H." writes from Essex: Campolon has, I understand, been used with some success in subacute degeneration of the cord in cases of pernicious anaemia. I should be pleased to hear if any of your readers has tried this preparation in disseminated sclerosis and with what result. If success can be attained in the former case, why not in the latter?

### Nail-biting

"M. P." writes from Cornwall: A man who was a persistent nail-biter in his boyhood and for long spells in later years found the habit impossible to control had gall-stones removed when over 50 and now for ten years has had no tendency whatever to resume the practice. I suggest that in many if not in all cases there is a centre of irritation which should be sought and treated. As the gall-bladder would appear to be the likeliest site for the irritation it may one day be accepted that nail-biting is a symptom of gall-stones!

### Income Tax

#### Purchase of Additional Practice

"G.P." purchased the goodwill of a practice from "X," a retiring practitioner, the consideration being the payment to "X" of half the fees received from his patients for the following two years. The inspector of taxes insists on treating "G.P." as having commenced a new practice as from the date of the amalgamation. Is this legally correct?

\*\* Yes. The practice must be regarded as a new one, and "G.P." is assessable on his (presumably) increased profits as from the date of amalgamation of the practices. He cannot exclude the cash received and handed on to "X" because that represents the capital amount he is