

## Medico-Legal

### TEMPORARY MENTAL TREATMENT AND DIVORCE

The draftsmen of "Herbert's Act," which so radically altered the law of divorce, could not be expected to foresee all its practical implications. Divorce for insanity was a complete innovation, and on the whole the Act has worked well. One of the most striking gaps in it is, however, the absence of any mention of the "temporary" mental patient. The Act provides that a spouse may have a divorce if he/she can prove that the other party to the marriage is incurably insane and has been continuously under care and treatment for five years before the date of the petition. The patient is deemed to be "under care and treatment" in certain specific circumstances and no others: the words are satisfied if he/she is "detained in pursuance of any order or inquisition under the Lunacy and Mental Treatment Acts, 1890-1930," or under the statutes relating to mental patients in the fighting Services, or as a criminal lunatic. The words are also satisfied if, immediately after a period of such detention, the spouse becomes a voluntary patient and remains so for the rest of the five years, or again comes under detention. The object of this provision is obviously to avoid placing the voluntary status, created by the Mental Treatment Act, 1930, at a disadvantage by making it in any degree a bar to a divorce. Herbert's Act, however, does not say what happens if the patient has during the five years been a temporary patient under Sect. 5 of the 1930 Act.

#### A Case in Point

The question came before the President this summer<sup>1</sup> when a husband petitioned for a divorce and showed that his wife had been received into a mental hospital for temporary treatment in September, 1933; after the first statutory period of six months her treatment was duly extended for another three months by "directions" of the Board of Control—that is the word used in Sect. 5 of the 1930 Act. At the end of May, 1934, she was discharged relieved, and entered another mental hospital as a voluntary patient. She was still there at the date of the petition, and admittedly incurable. Voluntary treatment only counts for divorce if it follows a period of detention "in pursuance of any order." Was her temporary treatment detention of this kind? The President said that a "direction" is indistinguishable from an "order," and therefore her detention was in pursuance of an order under the 1930 Act. But she had had her temporary treatment extended; he declined to express an opinion on whether, if she had gone straight from her initial period of temporary treatment into voluntary treatment, the result would have been the same. When a temporary patient is received for treatment there is neither order nor direction, only an application and two medical certificates. The law may therefore conceivably be that the original period, unlike the extended period, is not "detention in pursuance of any order." That would be a ridiculous situation, and this point badly needs clearing up in an amending Act.

#### Desertion and Volition

In another divorce action<sup>2</sup> the question was whether temporary treatment interrupts a period of desertion. Herbert's Act makes desertion for three years a ground for divorce. By settled law, desertion must be wilful, intentional; and in a divorce appeal<sup>3</sup> heard two years ago the Master of the Rolls held that if a deserting spouse is certified under the Lunacy Act, that is irrefutable evidence that he/she could no longer entertain the intention to desert, and the period of desertion was interrupted until the reception order was cancelled by discharge. (This is the only legal situation in which a certified patient is held to be irresponsible merely by reason of the certificate—an anomaly with no basis in reason.) A wife deserted her husband in 1937. Just two years later she was received into a mental hospital as a

temporary patient. A week afterwards she became a voluntary patient, and a month after that she was discharged. Mr. Justice Henn Collins was satisfied that she had deserted her husband for the required three years before the date of the petition, if the period of temporary treatment did not in law annul her *animus deserendi*—the wilful element in the desertion. At first sight there appeared to be a strong argument against the petitioner. To qualify for temporary treatment a patient must be incapable of expressing himself as willing or unwilling to receive such treatment—must, in the medical phrase, lose volition. If the wife had no volition concerning her treatment, she might conceivably have been inferred to have none concerning her desertion of her husband. The learned judge, however, declined to infer that in matters other than that of her treatment she had no will, and was incapable of forming an opinion or having an intention. Moreover, as she was not under certificate he felt himself entitled to consider medical evidence of her state of mind, and this testimony satisfied him that during the whole period of her treatment she was capable of forming an opinion that she did not want to go back to her husband. He added, referring to the decision in *Williams v. Williams*, that, untutored by higher authority, he should have said that once a spouse deserted the other, the desertion continued until the deserter did something positive to put an end to it, and that if any question arose, the burden of proving the end of desertion should fall upon the offending spouse, and should not be lifted merely because that spouse happened to become insane. In the light of the judgment of the Court of Appeal, however, he knew better, and he had only described his unenlightened state in order to say how indebted he was to the judges who had corrected him. On grounds of psychiatry and common sense, his former error seems far preferable to the enlightened view laid down by the Court of Appeal.

## Universities and Colleges

### UNIVERSITY OF LONDON

At a meeting of the Senate, held on October 29, the following resolution was unanimously adopted: "That the cordial thanks of the Senate be conveyed to Mr. H. L. Eason for his services to the University during his tenure of the office of Principal and, prior to that, as Vice-Chancellor, as Chairman of the Academic Council, the Finance Committee, and the Library Committee, together with an expression of their best wishes for his happiness in retirement." Mr. Eason retired from the office of Principal on September 30.

### UNIVERSITY OF GLASGOW

At a graduation ceremony on October 18 the following medical degrees were conferred:

M.D.—C. H. Wilkie, †H. C. McLaren.  
 M.B., Ch.B.—\*J. S. Frew, †T. A. Berry, †N. C. Scott, †J. Gilchrist, †W. A. MacIure, †W. Barr, †A. W. McLeod, †W. B. Newton, †Agnes D. D. Murray, †J. Renwick, F. O. Adewole, A. B. Aiton, W. A. M. Akiyemi, J. M. Alexander, W. H. N. Angus, R. Auld, A. C. Barry, S. G. A. Bartlett, C. K. Boal, A. Bowman, R. D. C. Brackenridge, O. M. Brewster, C. H. Brown, Johanna J. S. Brunton, W. Burnett, W. F. Caldwell, Janet A. Christie, T. Cochrane, H. B. Cowan, G. McN. Cubie, J. T. Cunningham, P. N. Cunningham, T. McM. Curran, C. C. Cuthbert, Jean W. Cuthbert, J. K. M. Deas, W. A. Dewar, T. M. Donald, W. A. J. Donald, P. A. Duke, R. I. S. Dunn, R. L. Ewing, C. S. Farquharson, H. Ferguson, J. Frame, Marion K. Gilmour, B. Guyer, J. A. V. Hamilton, J. M. Hamilton, A. R. Harbinson, J. Hemphill, Ruth L. Henderson, A. T. Hendry, M. J. Hood, J. Isaacs, J. Jacobs, Eileen I. Jamieson, J. S. Jeffrey, G. Johnston, D. M. Kissen, N. McE. Lamont, W. H. Lang, W. R. C. Lang, I. Lumsden, Mary C. Lynas, R. McAndrew, W. F. McClemont, A. F. McCoubrey, W. M. McDermid, A. MacDonald, J. McGlone, R. McIlwraith, Mary K. McKelvie, A. MacKinnon, H. A. MacLachlan, A. G. MacLeod, D. J. MacLeod, J. A. Macleod, N. F. MacLeod, J. C. Meek, I. G. Meiklejohn, E. Millar, Kathleen M. Miller, W. L. Milligan, R. D. Muckart, J. Murphy, J. Newton, G. W. Park, W. A. Parker, J. B. Pettigrew, R. E. Potts, A. R. Rennie, T. R. A. Richmond, D. Robertson, N. Sher, D. W. Short, A. M. Smeaton, A. B. C. Smith, J. F. Smith, F. M. Steel, Janet I. Stewart, Sylvia J. Strachan, T. Symington, A. C. Tait, G. R. Thomson, J. M. Urquhart, A. R. G. Watson, J. C. Wood, F. W. C. Yardumian, W. H. Yellowlees, Maida B. Young, M. J. Young, Violet B. Young.

\* With honours. † With commendation. ‡ In absentia.

James Shearer Frew gained (a) the Brunton Memorial Prize as the most distinguished graduate in medicine of the year

<sup>1</sup> Benson v. Benson (1941), 2 All E.R., 335.

<sup>2</sup> Monckton v. Monckton (1941), 2 All E.R., 133.

<sup>3</sup> Williams v. Williams (1939), P. 365.

1941; (b) the West of Scotland R.A.M.C. Memorial Prize as the candidate with the highest aggregate marks in surgery, medicine, and midwifery in the Final M.B., Ch.B. examinations held during 1941; (c) the Macewen Medal in Surgery as the candidate who obtained the highest aggregate marks in surgery in the Final M.B., Ch.B. examinations held during 1941; and (d) the Stockman Medal as the candidate who obtained the highest aggregate marks in the professional examinations in *materia medica* and therapeutics and medicine (written, oral, and clinical), excluding paediatrics, in 1941.

The John W. Weir Prize was awarded to William Alastair Maclure as the candidate who obtained the highest aggregate marks in midwifery and diseases of women in the final degree examinations in medicine held in 1941.

#### ROYAL COLLEGE OF PHYSICIANS OF LONDON

At a quarterly comitia of the Royal College of Physicians of London, held on October 30, with Sir Charles Wilson, President, in the chair, Sir Wilson Jameson, Dr. J. C. Spence, and Dr. W. A. Daley were elected Councillors. The following were re-elected representatives of the College: Sir Adolphe Abrahams on the committee of management of the Conjoint Board; Sir Comyns Berkeley on the council of the Central Midwives Board; Dr. John Hay on the court of governors of Liverpool University; and Sir Stanley Woodwork on the Central Council for District Nursing. Dr. C. Elgood was elected a member of the Library Committee.

The President announced that he had invited Sir Wilson Jameson to give the Harveian Oration and Surgeon Captain Macdonald Critchley to give the Bradshaw Lecture, both in 1942; that the College had awarded Linacre Scholarships at the King's School, Canterbury, to T. Stapleton and D. M. D. Evans; and that the Jenks Scholarship had been awarded to T. R. L. Finnegan, late of Epsom College.

The following, having satisfied the Censors' Board, were elected Members:

Margaret D. Baber, M.D.Lond., W. W. Brigden, M.B.Camb., H. A. Burt, M.B.Camb., D. L. Caldwell, M.B.Camb., G. W. M. Findlay, M.D.Ed., G. M. FitzGerald, M.B., G. Flavell, F.R.C.S., G. S. Graveson, M.B., Ursula James, M.B.Lond., J. Marks, M.D.Lond., T. Parkinson, M.D.Lond., F. T. G. Prunty, M.B.Camb., I. B. Sneddon, M.B., Surg. Lieut. R.N.V.R.

#### Licences

Licences to practise were conferred upon the following 159 candidates (including twenty-one women) who have passed the final examination of the Conjoint Board and have complied with the necessary by-laws:

H. Anderson, R. H. Andrews, I. J. Anrep, C. D. Baker, H. Barrada, E. Barry-Smith, A. W. Bauer, P. Baxter, H. Beck, M. Bednar, C. J. A. Bell, J. A. R. Bickford, Margaret A. Billinghurst, D. A. Blacketer-Simmonds, J. Borrowdale, D. S. Boyle, S. V. Brookes, Jean L. Broughton, R. J. D. Browne, C. J. Bruhn, J. D. Bruzaud, Olive N. Bywaters, D. A. K. Carnegie, D. W. F. Charlton, W. H. Chase, J. P. Childs, N. F. Clarke, B. U. Coffey, H. I. Coombs, R. A. Craig, A. F. Crick, M. C. Cross, F.-X. Darné, R. G. Dewhurst, L. W. D. Drabble, F. M. P. Eckstein, J. R. Ellis, Shifra Ernst, A. T. G. Evans, A. J. Evans, E. J. S. Evans, J. W. G. Evans, J. H. W. Fagan, T. N. Fison, J. M. Fitton, A. W. H. Foxell, Beryl M. Givan, E. C. E. Golden, Gertrude Goldscheider, J. G. Gooldhart, A. J. R. Gotfried, J. D. C. Gowans, K. G. Green, B. P. Griffin, H. J. Hagger, C. L. Hall, Doris N. Hall, Constance M. Hallett, J. H. G. Halliday, Penelope K. Hammick, B. E. F. Hammond, P. A. S. Hargrove, C. Harris, R. J. Harvey, T. Haw, Ursula M. Hickman, A. W. Hind, S. J. Hinds, W. K. G. H. L. Hoffmann, A. E. Howarth, D. R. Hughes, Isabella C. F. Hungerford, M. Icht, E. B. Jarrett, R. Jenkins, C. H. Jones, D. G. Jones, K. C. D. Jones, S. Jung, F. L. King-Lewis, F. M. Lancaster, R. Leigh, K. H. Lim, Wai Kwan Lim, J. Lomas, J. D. B. Longley, Helen C. Longmore, M. Lustigman, O. Lustmann, P. M. McAllen, H. McColl, G. Machanik, L. R. McLaren, T. M. M. McLean, H. L. McMullen, G. MacVicar, Mary B. Maish, Betty M. Margetts, G. Mariani, H. E. S. Marshall, S. M. Ma'tuk, C. H. Merry, J. E. Moore, J. E. E. Morgan, P. J. L. Mumford, J. W. Nelson, R. J. Newman, G. D. R. Patten, Jean W. Paul, A. Pearce, B. O. Pepper, R. K. Phillips, W. A. Porter, Elvira Power, T. M. Pritchard, J. P. Quillian, J. F. P. Quinton, R. J. W. Rees, Edith Rhodes, J. W. F. Richardson, H. A. Ripman, J. T. Robinson, W. G. Roper, I. Rosen, C. F. Ross, R. K. Ross, H. Rotenstein, D. T. Rowlands, D. K. Sambrook, W. Schiller, G. C. Schwizer, H. P. Scurlock, C. F. Scurr, A. G. Seaman, J. P. Sharp, A. L. H. Smith, B. J. Smith, A. J. M. Stevenson, M. Szinay, J. H. Tasker, H. D. Teare, D. I. Thomas, R. D. St. G. Tucker, K. O. A. Vickery, D. G. Vulliamy, E. Vure, G. H. Waddington, Glens J. Wade, Vera B. Walker, G. G. Wallis, D. P. Walther, C. W. Walton, G. N. Weber, Joan M. Whiteman, D. Williams, E. J. Williams, M. H. C. Williams, D. H. Wright, E. J. Young-Thompson.

#### Diplomas

Diplomas in Child Health were conferred, conjointly with the Royal College of Surgeons of England, upon the eleven candidates whose names were printed in the report of the meeting of the Royal College of Surgeons of England in the *Journal* of October 25 (p. 597). Diplomas in Public Health were conferred, jointly with the Royal College of Surgeons of England, on L. C. Lodha, I. G. Norman, and M. A. G. Ward.

#### ROYAL COLLEGE OF OBSTETRICIANS AND GYNAECOLOGISTS

At a quarterly meeting of the council, held on October 25, with the President, Prof. W. Fletcher Shaw, in the chair, changes in the regulations for the Membership, to take effect in January, 1943, were approved.

The following were admitted to the Membership of the College:

G. Boyd, Glasgow, E. Gledhill, Batley, R. MacI. Millen, London, Constance E. Peaker, Leeds, Kathleen M. Robinson, London, Katherine C. Rogers, London, R. X. Sands, London, Violet E. A. Sykes, London, G. Wynne-Williams, London.

The following have satisfied the examiners for the Diploma of the College:

Elizabeth C. W. Barker, London, Constance L. Beynon, Brighton, L. A. Cruttenden, Ripley, Dorothy Cunningham, Preston, R. C. Dennis, R.A.F.V.R., A. A. Fyffe, London, R. P. Gammie, Bishop's Stortford, Jean L. Hallum, Birmingham, L. W. Hefferman, Swansea, G. Hollingsworth, Maclesfield, Hilda E. McNamara, Canada, P. S. Norris, Pembury, Jean F. Thompson, Leeds, H. B. Watson, Birmingham, Eva M. M. Willett, Southampton, H. G. Wolskel, London.

Following the meeting the William Blair-Bell Memorial Lecture was given by Mr. W. C. W. Nixon on "Diet in Pregnancy."

#### CONJOINT BOARD IN SCOTLAND

The following candidates, having passed the final examinations, have been admitted L.R.C.P.Ed., L.R.C.S.Ed., L.R.F.P.&S.G.:

C. E. V. P. Amerasinghe, B. Beck, G. C. Cope, T. V. Darke, T. Dean, A. M. A. El Far, Y. Faraony, R. Friedman, A. R. Gemmell, M. F. El Giziri, D. F. P. Gordon, D. Granet, B. Greenberg, J. H. Haldane, Margaret M. Hanretty, N. Hornstein, Dorothy L. D. Johnston, G. Johnstone, H. E. Klein, R. I. Kynaston, Henrietta Lennon, J. K. Lotinga, B. H. Lunine, H. Macpherson, O. P. Markandy, H. J. F. Mitchell, E. K. Neidich, J. O'Hara, V. Poonoosamy, E. H. Reinsberg, C. B. Robinson, J. Schneiderman, R. Smith, T. Tuller.

The following graduates of recognized foreign universities were also admitted licentiates: S. Riterband, Else Wolfsohn.

## The Services

#### CASUALTIES IN THE MEDICAL SERVICES

##### ROYAL NAVY

The name of Temporary Surgeon Lieut. ROBERT TAYLOR, R.N.V.R., is included as "Missing, Presumed Killed" in an Admiralty Casualty List published on October 25. He was educated at the University of Glasgow, where he graduated M.B., Ch.B. in 1940. He joined the British Medical Association soon after qualification.

##### ROYAL ARMY MEDICAL CORPS

##### Prisoner of War

War Substantive Captain John Burrowes Sherman.

#### DEATHS IN THE SERVICES

Major ARTHUR BRODIE HAMILTON BRIDGES, O.B.E., R.A.M.C. (ret.), died at Cheltenham on October 22, after an operation, aged 54. He was born on November 2, 1886, received his medical education at St. Thomas's Hospital, and took the M.R.C.S., L.R.C.P. in 1912. Entering the R.A.M.C. as lieutenant, from the Special Reserve, in 1913, he became captain in 1915, and retired as major in 1933. While on the Reserve of Officers he was employed for a time in London, and was recently residing at Kilmington, Devon. He served during the war of 1914-18, was mentioned in dispatches in 1916, and received the O.B.E.