

Legal Matters.

DOWLING v. DODS.

THIS was an action brought by Miss Agnes Dowling, stated to be a certificated nurse, against Mr. Louis Ferdinand Dods, a medical practitioner residing at 246, Marylebone Road. In November, 1898, the defendant wrote a letter to the relieving officer of the Paddington district stating that the plaintiff, to the best of his belief, was of unsound mind, that she had hallucinations, and had sent several threatening letters to various people, some of whom went in terror of their lives. Further, that she stated that she was bewitched and hypnotised. That she had lately passed an examination as dispenser at the Apothecaries Hall, and was seeking a situation as such, and that, in her then state of mind, she might be a great danger to the community.

This was the libel complained of.

FOR THE PLAINTIFF.

Mr. Stewart Bevan stated that the plaintiff, who was a nurse, eked out her income by writing, and took special interest in such subjects as hypnotism, psychology, and telepathy. In 1896 she entered, as a nurse, the Society of the Holy Cross, Ladbroke Grove, a Roman Catholic Society presided over by a Miss Ashby, known as Sister Clare. Subsequently, the relations between the plaintiff and Miss Ashby became somewhat strained, and in 1897 she entered a school of pharmacy, conducted by a Mr. Farrer, with the view of becoming a qualified dispenser. As Mr. Farrer made no efforts to procure her an appointment, she went to his house and spoke strongly to him on the subject. Mr. Farrer and the defendant appeared to have made enquiries concerning the plaintiff at the Society of the Holy Cross and elsewhere, with the result that the certificate complained of was written.

In the course of her evidence, the plaintiff, who has also brought actions against Mr. Farrer and Miss Ashby, stated that Miss Ashby tried to influence her by occult means, and one day, when her thoughts were objectionable to this lady, her "thought-body," following the plaintiff in the street, threw her down. She subsequently wrote to Miss Ashby, in a letter dated November 19th, 1898, "You tried to take my soul from me with your diabolical practices," and again, "but I have the blood of saints, martyrs and kings in me which you, or they, have not; therefore, the holy influences round me are too strong for you or for them."

FOR THE DEFENDANT.

Mr. Dickens, Q.C., urged there was privilege for the letter, and that there was no malice on Dr. Dods' part, or any evidence whatever that

he had acted in other than a *bona fide* manner.

THE JUDGE'S SUMMARY.

Mr. Justice Darling said it was his duty to rule that the communication of Dr. Dods to the relieving officer was privileged, but a person had no right to make use of a privileged occasion to do something dishonestly, and the circumstances under which the notification was given was proper matter for consideration by the jury. They must, however, disabuse their minds that this was a certificate of lunacy. It was merely an information to the relieving officer on which the matter might be investigated. The letters from the plaintiff to Miss Ashby showed that the former believed that this lady has influence over her by occult and unholy means, and was in league with the devil. Less than 200 years ago witches had been hanged on charges very like those now levelled at Miss Ashby. He was not going to ask the jury if the plaintiff was bewitched, but he was going to ask if the contents of her letter were not the result of hallucinations; and if so, if a person suffering from hallucinations was fit to hold a dispensing certificate.

His Lordship then put the following

QUESTIONS TO THE JURY:

- (1) Did defendant write without malice, and in the honest belief that what he said was true?
- (2) In what he said to Mrs. Connolly and Miss Ashby, was the defendant making inquiries in good faith and without malice, and in order that he might write to the relieving officer?
- (3) Were the words written to the relieving officer true?
- (4) In what he did, did the defendant act in good faith, and with reasonable care, and in order to bring the plaintiff's condition of mind to the knowledge of the officer?

THE VERDICT.

The jury found the defendant did not write the letter in the honest belief that what he said was true. That the passage that the plaintiff was of unsound mind was untrue. That she did have hallucinations, but that the people who complained were not afraid of her, and that she was not in such a state of mind that, as a dispenser, she would be a danger to the community. That the defendant did not write the letter in good faith, and with reasonable care, to bring the plaintiff's condition of mind to the relieving officer, and they assessed the damages at £100. Judgment was therefore entered for the plaintiff with damages £100 and costs.

AN APPEAL.

We learn that the defendant has obtained leave to appeal, on the ground that the verdict was not in accordance with the evidence.

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