attendant does not require to be a householder to be on the register of voters. If the superintendent of the asylum does not reside in the institution itself, then every attendant who has a room to himself is entitled to a vote.

Owing to the recent change in the post of Secretary for Scotland, and to the delay which has been experienced in procuring returns from certain asylums, the committee have made no direct representation to Mr. Graham Murray, but they propose that a deputation of the Scottish Division of the Medico-Psychological Association should now approach the Secretary for Scotland.

Signed: A. R. URQUHART,
J. CARLYLE JOHNSTONE,
LEWIS. C. BRUCE.

Dr. CARLYLE JOHNSTONE moved the adoption of the report, and Dr. Easterbrook seconded.

The motion was carried unanimously.

With regard to the proposed deputation to place the pension claims of workers in Scottish district and parochial asylums before the Secretary for Scotland, Dr. OSWALD moved, and Dr. YELLOWLEES seconded—"That the Committee have the power, in case of accident, to settle who is to speak, but that Dr. Clouston be asked to introduce the deputation, and that Dr. Urquhart be asked to make any further remarks if necessary; and if further remarks are required, that Dr. Carlyle Johnstone be asked, and failing him, Dr. Bruce, to make those remarks."

The motion was carried unanimously.

ELECTION OF MEMBER.

Sidney John Cullum, M.B., Ch.B.(Univ. Dublin), Assistant Physician, District Asylum, Inverness (proposed by Drs. Keay, Easterbrook, and Bruce), was elected an Ordinary Member of the Association.

Dr. BRUCE read a paper by Dr. CLOUSTON on "The Prodromata of the Psychoses," which was discussed by Drs. Hayes Newington, Yellowlees, Hyslop, Urquhart, Marr, and Bruce.

Dr. BRUCE read clinical notes (1) on a Case of Acute Mania bearing upon the effect of Acute Intercurrent Disease as it affects the Mental State; (2) on the Experimental Use of Antiserums in Acute Insanity; which were discussed by Drs. Hayes Newington and Ford Robertson. (These papers will appear in the next number of the JOURNAL.)

A vote of thanks to Dr. Hayes Newington for his conduct in the chair terminated the meeting.

The members afterwards dined together in the Palace Hotel.

RECENT MEDICO-LEGAL CASES.

REPORTED BY DR. MERCIER.

[The Editors request that members will oblige by sending full newspaper reports of all cases of interest as published by the local press at the time of the assizes.]

Hutchinson v. *Walsh and another.*

Plaintiff sued Dr. Walsh, his brother-in-law, and Dr. Meehan for damages for assault and wrongful imprisonment. There was a further plea that the defendants by false representations had induced the father of the plaintiff to make a will less favourable to the plaintiff than he otherwise would have done, but this was abandoned.

On the 28th February, 1901, Dr. Walsh, believing that plaintiff exhibited signs of dangerous maniacal excitement, tied him up with harness reins, and sent for Dr. Meehan, the second defendant, to examine the patient. The plaintiff's father meanwhile consulted Father Kavanagh, who recommended that the lad should

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be sent to the Home of St. John of God, at Stillorgan, and offered to take him there. Dr. Meehan, being told this by the father, did not examine the plaintiff, but on the hearsay he wrote a document which was variously called "an opinion" and "a certificate," but which was not a certificate in the form required by law in a case of insanity. It stated, *inter alia*, that the plaintiff was "a fit case at present to be placed under restraint." With this document the plaintiff was taken to the Home of St. John of God, an institution apparently of the nature of a registered hospital for the insane, situated at Stillorgan. It is administered, and apparently owned by a religious body, the Brothers of St. John of God, who are, we believe, chiefly Frenchmen, but who must be assumed to know the law of the country in which they are resident, since they have been established in it for some twenty years at least.

This law provides that, for the admission of a patient into such an institution as the Home of St. John of God, the following documents are necessary:

1. An order by a relative or connection of the patient.

2. A medical certificate in a certain prescribed form signed by two medical practitioners.

Or in cases of urgency the signature of a single practitioner is sufficient, provided that a second is added within fourteen days of the first.

Now young Hutchinson arrived at the House of St. John of God unprovided with a proper certificate. The "opinion" of Dr. Meehan was not in the prescribed form required by the law, and Dr. Meehan stated in the witness-box that he knew the prescribed form, and knew that his "opinion" did not conform with it, but he did not know that the Home of St. John of God was a lunatic asylum. He had not examined or seen the patient before giving the "opinion." Under these circumstances what were the Reverend Brothers to do? They had this young gentleman delivered at their House, but they had no legal authority to detain him, and copies of the documents on which he was detained must by law be sent to the Lunacy Inspectors, who occupy the position held in England and Scotland by the Lunacy Commissioners. Their course was clear. A certificate was necessary: they had no certificate. So a certificate was made purporting to be a copy of Dr. Meehan's, but it was made in the prescribed form, so that it might pass muster at the Castle. This certificate, being in proper form, was accepted by the Inspectors.

The certificate was, it was stated, made by Brother Finbar, one of the community. The evidence of Dr. O'Connell, the Medical Officer, is peculiar. Asked if he did not know that it was his duty to transmit a true copy of Dr. Meehan's paper, he said that it was not, for that he was not the medical superintendent but the resident physician, and had nothing to do with the returns. Asked how long this practice had been going on, he answered, "I do not know; I have seen it a few times." Subsequently he admitted that certificates were often made up in this way. The letters that were written about the patient while in the asylum were burnt; he could not tell when they were burnt, but it might have been this year. He did not think that he had heard that there would be litigation when he burnt the letters.

In summing up, the Lord Chief Baron said that there was no doubt that the plaintiff was illegally imprisoned, and that he was kept in St. John of God's at a time when, according to the evidence, he was sane; and that he was so kept without the course being pursued which by law would have authorised his detention. This wrongful imprisonment was the act of those who represented St. John of God's, and was not the act of any other person in point of law. He felt bound to say that Dr. Meehan, who knew the lunacy laws, had violated these laws in the certificate which he furnished for the purpose of having the unfortunate plaintiff subjected to restraint or supervision, which was probably the same thing. Dr. Meehan did not examine the plaintiff, but without examination gave a general statement of his opinion, a thing no medical man ought to be persuaded to give, even if it was, to use Dr. Meehan's own language, "going as far as I could." The jury found, by the judge's direction, for both the defendants.

We understand that since this trial an action has been entered for a new trial.

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Christie and others v. *Simpson and others.*

An action to set aside the testamentary disposition of the late John Christie, who died August 19th, 1902, aged 78, leaving large property and two wills, dated respectively 30th December, 1897, and 12th December, 1901. The plaintiffs, daughters and only surviving children of the testator, sought to set aside the wills on the ground that the testator was not at the time of executing them of sound disposing mind.

The testator was a very wealthy man, and made many wills. In the earliest will, of 1874, he divided his whole property among his wife and children. In the next, of 1887, he left his large landed estates in the same way, and made provision for his grandchildren; and as to the rest of the estate, one half was distributed in the same way, while the rest went to establish and maintain an orphanage. In 1887 (it does not appear whether before or after the will of that year was made) he had a very severe illness, after which his temper, his disposition, and his habits of life completely altered, and he became subject to definite delusions of suspicion, imagining that his daughters spied upon him. By his will of 1890 he cut down the provision to his wife and children to £300 a year each (he was then living at the rate of £20,000 a year, and could well afford it), and everything else went to the orphanage. In his will of 1893 the £300 is increased to £400 each to the wife and children, but otherwise the will is unchanged. In 1897 and 1901 the £400 is reduced again to £300, and the residue as before.

The illness from which the testator suffered in 1887 was pernicious anæmia, and it was very severe. It lasted for eight months, and for forty-eight hours he was comatose, and was only kept alive by artificial respiration. After this illness, as has been said, his temper, disposition, and habits of life completely altered, and he exhibited definite signs of mental alienation. Previously he had lived the life of a hospitable and cultured country gentleman; he was fond of society, devoted to his wife and children, proud of his estate and of his fine collections of pictures, china, and old silver, to which he was constantly adding. After his illness he shunned society and lived in seclusion. He became secretive, and instead of, as formerly, taking his wife and children freely into his confidence, he would start off on journeys without giving them notice; he kept everything under lock and key; he complained, without a shadow of justification, that his daughters were spying upon him, were his enemies, were combined against him, etc. He became for the first time liable to fits of ungovernable temper, and he became extremely penurious, being under the delusion that his lands were lost, although his actual income was between £23,000 and £25,000.

In 1893 he had a recurrence of his illness. In this year his wife died, and he received the news with indifference amounting to callousness, and refused to pay for her coffin. About this time he secretly established his home for orphans, keeping all knowledge of it sedulously from his family. He engaged a matron for this home, and at the third interview that he had with her he proposed marriage to her. The most remarkable freak that he exhibited was with regard to his splendid collections. He had a large strong-room built in the orphanage, and to this he removed secretly and by degrees his collections of gold and silver plate, his rare and expensive china, and so forth, until in his country seat there were no spoons or forks left to use. And much of the plate which he thus removed and gave to the orphanage was family plate in which he had a life interest only. He removed this in a bag from his country to his town house, and then again secretly from his town house to the orphanage. Some of these assertions were traversed by the defence, but practically they were established.

In the event the jury were not called upon to deliver a verdict, the case being settled upon terms, amongst which the restoration to the daughters of the testator of all the furniture, pictures, china, silver curios, etc., was included. It may therefore be concluded that the unsoundness of the testator's mind was practically admitted, although the last will was allowed to stand.

The case is unique in respect that the admitted unsoundness of mind which the testator exhibited was the sequence, and it cannot be doubted the consequence, of the attack of pernicious anæmia from which he suffered. Much was made on the side of the defence of the fact that in ordinary business relations the mind of the

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testator was acute, capacious, and successful at the time when he was said to be of unsound and non-disposing mind. The readers of this JOURNAL do not need to be reminded that the soundness of mind in business matters may co-exist with unsoundness of mind in the family relations. That question was settled once for all by the Gilbert Scott case, and is no longer in doubt, even in a court of law.

YOUGHAL AGAIN.

The Auxiliary Asylum at Youghal has already occupied some of the attention of our readers. From the *Cork Examiner* of December 9th we learn that it was the cause of a lively debate at the Cork Asylum Committee Meeting on the day before. The question at issue was the appointment of a visiting physician to the Youghal Auxiliary. There was a little long-range firing between bishops of various denominations as to the "arrangement" by which the Auxiliary is reserved for Roman Catholics only; but the worst "shindy" that arose was over an advertisement. It appears that by an obvious error the advertisement for a Visiting Physician said that that officer was to have a salary of £100 a year "with emoluments," instead of "without emoluments," which was what the Committee had ordered. Attention was called to this, and threats of sworn inquiries and charges of misrepresentation and cooking public documents were forthwith hurled about with that desire to subordinate business to mere exasperation, that lack of dignity and responsibility, which make the stranger doubt whether even the cleverest Irishmen are capable of taking themselves quite seriously. Browbeating innocent and hard-worked officials is a form of sport so safe and so easy that it can have little to commend it save the mere fact that it may produce pain. It can hardly add to the consequence of any one in Ireland at present. When the scrimmage was over Dr. Michael Twomey was appointed Visiting Physician to the Youghal Auxiliary Asylum. The proceedings recall Byron's account of how King George III got into heaven:

"And when the tumult dwindled to a calm
I left him practising the hundredth Psalm."

By-the-bye, at the same meeting the arrangements for a resident chaplain were made. This gentleman is to have the same salary as the physician, namely, £100 a year, but with emoluments, including an edifice known as "the doctor's house," we presume originally intended for a resident physician.

NOTICES BY THE REGISTRAR.

EXAMINATION FOR THE NURSING CERTIFICATE.

The following is a list of successful candidates at the examination in November, 1903:

Cumberland and Westmorland.—Male: John Cumming. Female: Maude Alice Wilkinson.

Derby County.—Male: William James Webb.

Durham County.—Females: Louisa Stanley, Florence Walmsley, Rosina V. E. Chambers, Edith Mary Dent, Lily Simpson, Amy Beardmore.

Essex County.—Females: Mabel Elizabeth Fish, Florence Julia Spinks, Lydia M. Stainer, Agnes Smith, May Dorcas Chicken, Alice Marion Nelson.

Bexley.—Males: George Taylor, George Joseph Richards Phillips, John Hennessey. Females: Daisy Eliza Newell, Eliza Beckham, Kate Walkling, Jane Agnes Doyle, Lucy Annie Lowe, Alice Kaye, Martha Kennedy, Elsie Webb, Hilda Lilian Giles.

Salop County.—Male: Henry Wakefield Evans. Female: Margaret Hamilton.

Somerset and Bath.—Males: Henry Snow, Jacob Benjamin Robbins, Albert E.

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