RECENT MEDICO-LEGAL CASES.

[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.]

An Appeal by Mrs. Cathcart.

Cathcart v. *Jacobs and another.*

This was an appeal by the plaintiff, Mrs. Mary Cathcart, and the committee of her estate, who had been made a party to these proceedings since the trial of the action, from an order of Mr. Justice Day, whereby he entered judgment in favour of the defendants on the claim and judgment for them also on their counter-claim for £2387 10s.—Mr. Montague Lush, K.C., and Mr. Morton Smith appeared for the plaintiffs; Mr. Minton Senhouse and Mr. Emery for the defendants.

Mr. Morton Smith, in stating the facts to the court, said this action was a good sample of Mrs. Cathcart's litigation. The action came on just before the Long Vacation of 1900, and he believed the lady was represented by counsel during the two days when it was then argued. After the Vacation it again came into the list, and Mrs. Cathcart conducted her case in person—or, perhaps it would be more correct to say, she was not represented by counsel, as she was constantly away from the court. The action was brought by the plaintiff claiming to have three agreements signed by her in 1898 cancelled, on the ground that the defendants had obtained one of them by misrepresentation, and that her signatures to the other two were forgeries.

The Master of the Rolls.—What did the learned judge find as to the alleged forgeries?

Mr. Morton Smith.—That the signatures were not forgeries. Continuing, the learned counsel said the defendants were Mr. Julius Jacobs and his son, Mr. Morris Jacobs, who were described as financial agents in the city. They denied the allegations in the claim, and counter-claimed for £12,000 as the commission due to them under the documents the subject of the action. Mrs. Cathcart's case was that in 1898 her mother, a Mrs. Unwin, having recently died, she asked the defendants to try to find out what property her mother died possessed of, representing to them that she did not know anything about her mother's affairs. The defendants, in consideration of 15 per cent. on all the money they might discover that the lady had died possessed of, undertook, on the contract note being signed, to make the necessary investigations. As a matter of fact, the lady's estate was all known to her bankers, and the getting together of the information was a very simple affair. The lady died possessed of many thousands, and the commission on her property was out of all proportion to the labour expended; but at the trial the defendants offered to accept a *quantum meruit*, and the judge acted on that offer. As a defence to this part of the counter-claim Mrs. Cathcart said the property discovered was already standing in her name, and was not property that passed to her on her mother's death at all, but the learned judge ruled otherwise. The second document was to the effect that in the event of the defendants letting certain lands of hers in Worcestershire, on building leases, at a ground rent of £50 a year, and a premium of £1500, the money over and above that premium was to be retained by the defendants for their trouble. The third document purported to be an agreement to sell to the defendants, in consideration of the sum of £1500, a ninety-nine years' lease of the "Horse and Groom" public-house at Hayley, and some other property, subject to a rental of £55 a year, the defendants to retain all they got for this property over and above the £1500 for their trouble. The learned counsel submitted that the defendants knew perfectly well that Mrs. Cathcart was not able to manage her affairs, and had taken unfair advantage of this fact to get her to enter into contracts which were so to her disadvantage that the courts could not allow them to stand. He asked for a new trial. The real issue—the insanity of the plaintiff—was not before the court when the action was heard.

Mr. Montague Lush, K.C., having been heard on the same side, Mr. Minton Senhouse, for the defendants, said there was no evidence on which this court

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could set aside the judgment entered for the defendants. Everything they had done was done aboveboard and was regular. The commission the lady was willing to pay was in writing. The defendants had incurred substantial out-of-pocket expenses, and if a new trial was ordered on the ground that the lady was insane when she entered into these agreements the defendants should have their expenses paid and their costs. The only ground on which the court could order a new trial—namely, the incapacity of the plaintiff to contract—was not before the court when the action was tried. The lady had failed in the action, and the defendants had won on their counter-claim. He submitted, as the defendants had acted *bonâ fide* in the matter, a new trial could only be ordered if the plaintiff placed the defendants in the same position as the parties were as regarded money matters before the trial was commenced.

Mr. Emery followed, and at the close of his argument the Master of the Rolls said the point the court had to decide was whether Mrs. Cathcart was in a position at the time of the trial to conduct her own case and instruct counsel properly. The facts spoke for themselves, and showed that by the lady's conduct the real issue was not tried when the action was heard. As to the merits of the case he would say nothing; but the judgment entered for the defendants for £2387 could not stand, and there must be a new trial; the costs of the first trial and of this appeal to be left to the discretion of the judge who re-heard the action.

The Lords Justices concurred.—Court of Appeal, before the Master of the Rolls and Lords Justices Mathew and Cozens-Hardy.—*Standard*, July 19th, 1902.

In re *Isaiah Meechan, who assaulted Dr. Anderson at Westgreen Asylum, Dundee.*

Before Sheriff Campbell Smith and a jury at Dundee yesterday, Isaiah Meechan, at present an inmate of the institution, was charged with having, on 24th June, on the terrace at Westgreen Asylum, assaulted Dr. William Lockhart Gibson Anderson by beating him on the face with his hand, and by stabbing him with a knife on the left side.

Mr. Lawrence Melville, solicitor, who appeared on behalf of Meechan, submitted a special defence, in which he stated that accused denied the charge, and pled that at the time the crime was said to have been committed he was and still is insane.

Dr. Anderson, examined by Mr. Melville, stated that he was Junior Assistant Medical Officer at Westgreen Asylum, having held that post since March, 1901. Meechan came to Westgreen as an ordinary pauper lunatic in April last, and had been there ever since. His condition had not improved. Meechan imagined that Westgreen Asylum belonged to him, and that he was tormented by various people who spoke to him by means of a telephone. Dr. Anderson, he believed, was one of his tormentors.

Mr. Lawrence Melville.—Did he mention any other body?

Witness.—Yes, he thought Sheriff Campbell Smith and myself were working an infernal machine against him. Meechan refused to take his food, and witness was preparing to administer it compulsorily when accused volunteered to partake of it. On several occasions Isaiah had used violence towards the doctor. He had refused to go to exercise on the terrace, and he had had to be carried out by the attendants. He first attacked the doctor about the middle of May. One of the attendants warned witness, and he watched accused carefully. On 24th June, while witness was on the terrace, Meechan suddenly rushed at him, and struck him on the right cheek, while almost simultaneously he dealt him a blow on the left side of the body. Dr. Anderson did not pay particular attention to the latter, but on looking under his waistcoat he saw a small patch of blood. He then examined his side, and found a wound from one third to half an inch in length between the seventh and eighth ribs. One of the attendants closed with Meechan, and a knife was found in his possession. The witness had no doubt that Meechan was insane and dangerous.

William Mitchell, head attendant at the asylum, corroborated as to the assault. He recovered the knife, which he found had been brought into the house by some relations of another patient.

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Dr. Rorie, Medical Superintendent, Westgreen Asylum, stated that Meechan had been quite insane ever since he came into the institution. He was suffering from delusions that people were working an infernal machine upon him. He appeared to improve a little, and the doctor was hopeful that the delusions were leaving him, but unfortunately they returned. He had examined accused on several occasions, including that day, and he was still suffering from these delusions.

The Procurator Fiscal.—He is not a fit subject for an ordinary lunatic asylum?

Dr. Rorie.—No, he is exceptionally dangerous, and not at all suitable for treatment in an ordinary asylum.

In answer to the Sheriff, accused said he had got witnesses in Lochee and the asylum attendants. He wished them to be examined against these doctors. He must get justice as well as other people.

The Sheriff.—Did I torment you as well as the doctors?

Meechan.—I never mentioned your name to them.

The Sheriff said he had no doubt that Meechan was not a fit subject to be at large, and the best thing for him and for others was that he should be taken care of. He would grant the ordinary interlocutor.

Meechan, as he was leaving the dock, exclaimed, I am entitled to get protection as well as other people.

His Lordship.—You will get protection.

Meechan was then ordered to be confined in Perth Penitentiary during His Majesty's pleasure.—*Dundee Advertiser*, August 8th, 1902.

REVISION OF THE RULES.

The following communication has been sent by the Honorary General Secretary to the Divisional Secretaries:

DEAR SIR,—The Rules of the Medico-Psychological Association being out of print, it has been thought desirable before a reprint is issued to consider any suggestions which might be made for the better working of the Society, and a committee—Drs. Carlyle Johnstone, Mercier, Hayes Newington, Conolly Norman, Urquhart, Weatherly, and the Honorary General Secretary—was appointed at the last Annual Meeting in Liverpool to report upon the Rules to the next Annual Meeting. It was also referred to the various Divisions to consider the Rules at their next Autumn Meetings, and I write to request that you will kindly bring the matter forward for consideration, and that you will also kindly let me know what suggestions—if any—may be made by your Division, so that I can report to the Rules Committee.

The following is a record of action taken by the Council and Annual Meeting in regard to the Rules:

May 23rd, 1901.—A committee, consisting of Drs. Whitcombe, Mercier, Weatherly, Newington, and the Secretary, was appointed to consider the printing of the new Rules, and to report to the next Council.

July 25th, 1901 (*Annual Meeting in Cork*).—It was resolved, on the motion of Dr. Hayes Newington, seconded by Dr. Urquhart—"That it be further remitted to the Rules Committee to report to the Council showing what rules have been passed by the Association since last printing, what rules have been passed by the Council, and what suggestions they would submit for the better working of the Association."

July 24th, 1902 (*Annual Meeting in Liverpool*).—The following was proposed by Dr. Whitcombe, and seconded by Dr. Morrison:—"That a committee be appointed to consider and revise the Rules, to add such amendments as have been made from time to time, and to report to the next Annual Meeting." This was rejected, and the following amendment to this motion, proposed by Dr. Urquhart, seconded by Dr. Conolly Norman, was carried as a substantive motion, viz.:—"That the Rules Committee appointed by the Council be thanked for their report, but that it be not adopted. That this meeting do appoint a Committee to con-

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