

**THE PROCEEDINGS OF THE
MEDICO-LEGAL SOCIETY
OF VICTORIA**

1937 - 1938

THE PROCEEDINGS OF THE
MEDICO-LEGAL SOCIETY
OF VICTORIA

DURING THE YEARS

1937 - 1938

EDITED BY

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BARRISTER-AT-LAW

AND

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Page 111, line 3, should read: "would impose a liability upon the hospital"	57
Page 111, lines 17 and 18, should read: "a liability in one person you necessarily exclude the liability in another person, which is not necessarily so"	
Page 112, line 20, should read: "conceive that those whose duty it is to supervise"	74
Page 204, second last and last lines, should read: "a man's organism, some spot has developed that has affected his organism, and to the ordinary legal mind,"	114
Page 234, lines 31, 32 and 33, should read: "is that the statutory provision in England in the Infant Life Preservation Act 1929 really expressed the common law of the matter. When you are dealing with the word unlawfully." etc.	151
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THE MEDICO-LEGAL SOCIETY OF VICTORIA.

CONSTITUTION

1. The Society shall be called the Medico-Legal Society of Victoria.

2. The object of the Society shall be the promotion of medico-legal knowledge in all its aspects.

3. The Society shall consist of legally-qualified members of the medical and of the legal professions, and such other persons as may be elected to membership in the manner hereinafter prescribed for the election of members to the Society.

4. There shall be a roll of members of the Society to be kept by the Secretaries who shall enter therein the name of each member other than a foundation member upon his election. The foundation members shall be such persons as shall at the Inaugural Meeting have subscribed, or have intimated their desire to subscribe, their name to such roll.

5. Candidates shall be elected to membership by the Committee. Each candidate shall be proposed by one member and seconded by another.

OFFICERS

6. There shall be a President, two Vice-Presidents, a Treasurer and two Secretaries.

7. The business and activities of the Society shall be managed by a Committee of not more than ten members in addition to the officers referred to in clause 6, who shall be ex officio members thereof. Three members of the Committee shall constitute a quorum.

8. The aforesaid officers shall be elected at the first General Meeting of the Society, and shall hold office for one year, when they shall be eligible for re-election. Any casual vacancy occurring in their numbers can be filled by the Committee, but any person so chosen shall hold office only for the unexpired portion of the tenure of the person vacating such office.

MEETINGS

9. There shall be general meetings of the Society at intervals of approximately three months on such dates as the Committee shall decide.

10. When requested by fifteen members, the Secretaries shall convene a Special General Meeting of which not less than seven days' notice shall be given, specifying the object of such meeting.

11. No rule shall be made, altered, or rescinded except by a majority of those present at a Special or General Meeting of the Society.

SUBSCRIPTIONS

12. The annual subscription shall be one guinea payable on the 1st day of June.

13. The Committee may terminate the membership of any member whose subscription is twelve months in arrears, and may reinstate any such member who shall pay such arrears.

14. The Treasurer shall present to the Society annually a Balance Sheet and Statement of Affairs.

GENERAL

15. The Attorney General and the Chief Secretary of the State of Victoria for the time being shall be honorary members of the Society.

16. The Committee shall have the power to elect the President or any other member of any Society or body having objects similar to or allied with the object of the Society or any other person whose membership, in the opinion of the Committee, would assist to the attainment of the object of the Society to be an associate honorary member of the Society.

17. Speeches during discussions at Meetings of the Society shall be limited to five minutes unless the Chairman, at the request of the majority of members present, extends that time.

OFFICE-BEARERS
OF THE
MEDICO-LEGAL SOCIETY OF VICTORIA

1937-1938

President:

The Rt. Hon. Sir John Latham, P.C., G.C.M.G.

Vice-Presidents:

The Hon. Mr. Justice Lowe, Dr. F. Kingsley Norris

Committee:

Messrs. Wilbur Ham, K.C., W. K. Fullagar, K.C., E. G. Coppel, W. O. Burt, Drs. Mollison, Mark Gardner, A. E. Coates, R. Ellery, John Adey

Honorary Treasurer:

Dr. Guy Springthorpe

Honorary Secretaries:

Mr. J. V. Barry, Dr. Eric Cooper

Honorary Auditor:

Mr. J. B. Tait

Honorary Editors:

Mr. J. V. Barry, Dr. A. E. Coates

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FOREWORD

We are pleased to present to Members of the Medico-Legal Society of Victoria the third volume of the Proceedings of the Society. This volume contains the addresses delivered to members during the years 1937-1938.

The Constitution of the Society has been altered in some respects, and accordingly we have felt it desirable to incorporate in this volume the Constitution as it now stands.

In accordance with a resolution passed at the 1938 Annual Meeting, the Society will offer a prize for the best essay on a subject of medico-legal interest. The conditions of the prize are as follows:—

1. The prize shall be of twenty-five pounds and shall be open for competition in the year 1940 and thereafter in each alternate year.
2. The prize shall be open to undergraduates taking the legal or medical course at the University of Melbourne, and articled law clerks, and to legally qualified medical or legal practitioners resident in Victoria of not more than three years' standing.
3. Each essay submitted shall be upon a subject of medico-legal interest which shall be selected by the candidate.
4. An essay in collaboration between a medical and a legal candidate may be submitted and in the event of such an essay being awarded the prize, the prize shall be divided between the authors.
5. All essays submitted shall become the property of the Medico-Legal Society of Victoria, which may, at the discretion of the Committee, publish any of them in the Proceedings of the Society or otherwise deal with them as the Committee may think fit.
6. The Committee of the Medico-Legal Society of Victoria shall appoint examiners and the award will be made on their recommendation in the month of June of alternate years.

7. The closing date for entries shall be 30th April in the year in which the prize is to be awarded.
8. The prize shall not be awarded if either the Examiners or the Committee of the Society think that the standard of the essay or essays submitted is not sufficiently high to justify the award of the prize.

The Society has been fortunate in having the Right Hon. Sir John Greig Latham, P.C., G.C.M.G., Chief Justice of the High Court of Australia, as its President during the years 1937-38, 1938-39. Sir John Latham's interest in the Society has shown itself in many ways and, despite the many calls upon his time, he has added distinction to the Society's meetings by presiding over them during his period of office, except when the sittings of his Court in other States have rendered it impossible for him to be present.

Sir John Latham retires from the office of President in July, 1939, the end of the Society's year, and in accordance with custom, the occupant of that office for the year 1939-1940 will be a member of the medical profession, Dr. F. Kingsley Norris. Dr. Kingsley Norris was the first medical Secretary of the Society, and has always been indefatigable in his efforts on the Society's behalf.

We desire also to record the Society's appreciation of the consistent interest which Mr. Justice Lowe, of the Supreme Court of Victoria, has taken in its affairs. His address on "Civil Liability Arising Out of Hospital Treatment" is published in this volume and is a most valuable contribution to the Society's proceedings.

We trust that members will find in the contents of this volume, and in their recollections of the Society's meetings, ample proof that the Society is accomplishing the ends which it was established to serve.

JOHN V. BARRY }
A. E. COATES } Editors.

Melbourne, July, 1939.