

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

1931 - 1932

1932 - 1933

THE PROCEEDINGS OF THE MEDICO-LEGAL SOCIETY OF VICTORIA

DURING THE YEARS

1931 - 1932

1932 - 1933

EDITED BY

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BARRISTER-AT-LAW

AND

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OFFICE-BEARERS
OF THE
MEDICO-LEGAL SOCIETY OF VICTORIA

1931-1932

President:

Mr. Justice McArthur

Vice-Presidents:

Dr. C. H. Mollison, Mr. Wilbur Ham, K.C.

Committee:

Messrs. Eugene Gorman, K.C., W. K. Fullagar, L. R. Stillman, J. P. Rhoden, W. O. Burt, Drs. Mark Gardner, A. E. Coates, John Dale, R. S. Ellery, Ernest Jones

Hon. Treasurer:

Dr. Guy Springthorpe

Hon. Secretaries:

Mr. W. M. Irvine, Dr. F. Kingsley Norris

1932-1933

President:

Dr. C. H. Mollison

Vice-Presidents:

Mr. Wilbur Ham, K.C., Dr. Mark Gardner

Committee:

Messrs. Eugene Gorman, K.C., W. K. Fullagar, L. R. Stillman, J. P. Rhoden, W. O. Burt, Drs. A. E. Coates, John Dale, R. S. Ellery, W. Ernest Jones

Hon. Treasurer:

Dr. Guy Springthorpe

Hon. Secretaries:

Mr. W. M. Irvine, Dr. F. Kingsley Norris

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 names 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 ten members in addition to the officers referred to in clause 6, who shall be ex officio members thereof. Five 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.

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.

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.

FOREWORD

Both Law and Medicine can claim to be, in the broadest sense, sciences. Each profession is concerned with the acquisition of knowledge, and the application of that knowledge to the affairs of mankind.

In the life of the community there must arise many problems which may be approached from both the legal and the medical standpoints, and, in the nature of things, an approach that is restricted to one or the other standpoint must be incomplete. That legal and medical men should be able to meet and discuss such problems, and thereby come to a fuller realization of their nature, and be assisted towards their solution, is obviously desirable. Both professions exist to serve the community, and anything which enables their members to discharge that public service more intelligently and efficiently is for the public good.

In an address delivered when he was President of the Melbourne Medical Society, Dr. Mark Gardner suggested the formation of a society which would furnish a common meeting ground for the two professions, and promote discussion and understanding of problems of mutual interest. This suggestion met with general approval and accordingly this Society was founded in 1931. It was modelled upon the British Medico-Legal Society and, to a large extent the procedure of that Society has been followed. In 1932 the Victorian Society became affiliated with the British Society and Lord Riddell was elected an honorary member.

This brief review of its beginnings would not be complete without some reference to the Society's first President, Mr. Justice McArthur. It was to his appreciation of the importance of co-operation and mutual understanding between the professions that the foundation of the Society was in no small measure due. His retirement, owing to ill-health, from the Victorian Supreme Court Bench in March, 1934, was a matter for sincere regret by the members of both professions.

This volume contains addresses delivered during the years 1931-32 and 1932-33, and discussions upon the questions raised by those addresses. It is believed that a perusal of its contents will show that the aims of the founders of the Society have been realized, to some extent at least, and that much good and the removal of some misunderstandings have come from the Society's proceedings.

The Editors offer their apologies for the delay which has attended the publication of these proceedings. That delay was unavoidable, and has been due to a number of causes, among which may be included the labour involved in the preparation and launching of a first volume. They confess that they have exercised the editorial rights of excision and compression in dealing with the discussions, but they believe that no injustice has thereby been done to any speaker, and that all discussion of value has been preserved.

They desire to express their thanks to Mr. Justice Owen Dixon, of the High Court of Australia, for permission to publish that portion of his charge to the jury in the case of *R. v. Porter*, which is printed as an appendix to Dr. Ellery's address on "The Plea of Insanity." It is thought that the authoritative exposition of the criminal law of insanity that is contained in that charge materially adds to the value of this volume.

Their thanks are also due to those members who have assisted in the preparation of this volume by revising their contributions to the Society's proceedings.

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

Melbourne, March, 1935.

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