

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

1939 - 1940 - 1941

THE PROCEEDINGS OF THE
MEDICO-LEGAL SOCIETY
OF VICTORIA

DURING THE YEARS
1939 - 1940 - 1941

EDITED BY

JOHN V. BARRY
BARRISTER-AT-LAW

AND

R. J. WRIGHT-SMITH, M.D., B.S.

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ERRATA

Page v: *Past Presidents*, line 3, read after Dr. Mark Gardner (1934-1935) Mr. Wilfred Fullagar, K.C. (1935-1936).

horpe.

Eric Cooper.

A. E. Coates.

Page viii: "Fullagar, W. K., Esq." should read "Fullagar, W. K., Esq., K.C."

ar, K.C., Messrs.

, Drs. Mollison,

and John Adey.

Page viii: "Ham, Wilbur, Esq." should read "Ham, Wilbur, Esq., K.C."

Page 245: Line 16, "grandfather of Spencer the poet" should read "grandfather of Cowper the poet."

Lowe.

Page 249: Line 19, "latter's" should read "former's."

our Judge A. W.

horpe.

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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.

6a. Members who have occupied the position of President shall on retirement from that position continue to hold office during membership as Past Presidents of the Society and in virtue of that office shall be members of the Committee.

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 clauses 6 and 6a, who shall be ex officio members thereof. Three members of the Committee shall constitute a quorum.

8. The officers referred to in clause 6 and the Committee members referred to in clause 7 shall be elected at each Annual 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 may 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.

FOREWORD

This volume of Proceedings is the fourth published by the Medico-Legal Society of Victoria. It contains addresses delivered to the members of the Society during the years 1939 to 1940, and two addresses delivered during the year 1941 up to the date of publication. Our decision to include these two addresses was influenced largely by the desire to bring the published Proceedings up to date in case altered conditions render it temporarily impracticable to adhere to the plan of publishing the Proceedings at two-yearly intervals.

The Society is firmly established and it is our earnest hope that it will maintain its existence. In the Foreword to the first volume, the editors observed that "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." That observation has even greater application in these troubled times. It is a trite saying that we are in a transitional period, a period of great and far-reaching changes, in which there will be unprecedented demands upon the wisdom and experience of the Australian community. Our professions have much valuable experience to contribute to the common fund, and the Society can assist both the legal and medical professions in the making of their contributions. The direction of some of the changes may now be discerned, and it is plain that the adjustment of those changes within the framework of the Rule of Law as the principle dominant in the community should be the first concern of citizens. Without the Rule of Law and the maintenance of the free, critical, enquiring spirit which is guaranteed by the Rule of Law as we have known it to operate, the institutions and traditions which the genius of the British peoples has given to mankind will wither and die and the darkness of ignorance and intolerance will spread across the face of

the earth. Both our professions are rich in knowledge and traditions, and it is essential for the progress of the Australian people and the preservation and development of the democratic way of life that those traditions and that knowledge should be readily available. The existence of this Society supplies the means to enable that to be done.

On behalf of members we offer congratulations to our Past President, the Right Honourable Sir John Greig Latham, P.C., G.C.M.G., Chief Justice of the High Court of Australia, on his appointment as Australian Minister to Japan, and to the Honourable Sir Frederic William Eggleston (whose paper, *Trial and Error, a Study of Litigation as a Means of Achieving Social Purposes*, appears in this volume) on his appointment as Australian Minister to China.

The addresses which are included in this volume need no commendation from us. As members of the Society, however we take pride in offering them as valuable and informed contributions to the solution of the problems they discuss.

JOHN V. BARRY
R. J. WRIGHT-SMITH } Honorary Editors.

Melbourne,
September, 1941.

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