

The CHAIRMAN, after the toast of "The Queen," gave the toast of "The Navy and the Army." Sir A. CHRISTISON replied.

Dr. SIBBALD proposed the toast of "The Learned Professions." He need not say so much about the clergy, because the medical profession was always glad to recognise the cordial way in which they were met by the Church. With regard to the law, the branch of the medical profession they were connected with very often criticised the legal view of insanity, and he believed that the members of the legal profession criticised the medical view. He was in the happy position of thinking that a great deal could be said in favour of the medical view, and that he thought the lawyers were very often wrong. If, however, there were not those differences of opinion, the lawyers, he believed, would be the first to complain.

The Rev. Mr. FLEMING, in reply, said he did not think that any of the learned professions could look with more constant interest upon that class of subjects with which the Medico-Psychological Society was concerned than the profession to which he had the honour to belong, and which was always standing, he might say from day to day, in constant contemplation of that mysterious borderland where mind and body seem to mingle. He thought it was one mark of the disappearance of narrowness and bigotry of mind that now they would no longer meet with the clerical bigot who would say that it was a heresy to suppose that mental trouble of any kind could be accounted for by partly physical causes, and he thought, on the other hand, the medical bigot had disappeared who would maintain that it was ridiculous and superstitious to imagine that no cause but a partly physical one could account for the painful phenomena which came under his notice. He thought more and more was due to the professions that they might be mutually helpful to each other.

Sheriff JAMESON, in reply for the law, spoke of the sense which lunatics had of right and wrong and the knowledge and fear of punishment, and said he had always great doubts about letting criminals off on the score of lunacy unless he was very clear about the matter. The protection of society, he always held, should be the first consideration in dealing with cases of lunacy.

Professor CHIENE, in reply, regretted that the surgeons had not been able to help psychologists as much as they wished. He knew there was no branch of the profession which could raise so much enthusiasm for humanity as the branch to which they belonged.

Dr. YELLOWLEES proposed the health of Dr. Sibbald, and paid a tribute to his services on the Scottish Lunacy Board, from which he was about to retire. Dr. SIBBALD thanked them for the honour they had done him, and having stated the ideal which he had set before him when he was appointed commissioner, he said he felt a great hiatus lay between that ideal of the functions and his own performances. If by any ill-considered words or acts he had appeared to have been unkindly or really giving pain unnecessarily to any one he very deeply regretted it. He was very much obliged to them for all their kindness in the past.

Dr. A. E. MACDONALD gave the toast of the Association. Dr. URQUHART briefly replied.

Dr. McDOWALL proposed "Kindred Associations," and Dr. BELL replied in a happy manner.

Dr. SPENCE proposed the toast of "The Medical Institutions of Scotland," and Sir WILLIAM TURNER replied.

Dr. TURNBULL proposed the toast of "The Guests," to which Dr. YOUNG replied, and the company thereafter separated with the expression, "Floreat res medica."

#### 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.]

*Crichton and Another v. Ferguson and Others.*

A complicated probate case, in which the will was opposed on the usual grounds. The judge charged the jury that they had not to try the question whether the testatrix was sane or insane; they had to consider the will, and to say whether the testatrix had mind enough to understand it, and whether she did understand it. They must not break the will unless they thought either that she had not sufficiency of mind to make it, or that she was weak and was led into making it by other people. It will be seen that the terms of the charge are much narrower than is customary in the English courts. Nothing is said as to the capacity of the testatrix to appreciate the several claims upon her bounty of those whom she excluded and those whom she included among the beneficiaries under her will. All that is left to the jury is whether she "understood" the will. The jury found for the pursuers and against the will.—Court of Sessions (the Lord President).—*Scotsman*, July 23rd, 1898.

*Bristol Royal Infirmary v. Arlett.*

The testator was a man admittedly of great eccentricity, but exceedingly shrewd and competent in business matters. In June, 1887, he went to live with his sister, and in the following September instructed his solicitor to make a will in her favour. In May of the following year there was some "tremendous disturbance" in the home, which ended in the testator being taken to the police station and charged with attempting to murder his nephew. Shortly afterwards he instructed his solicitor that he wished to leave all his property to the plaintiffs. In May, 1891, he executed, despite the opposition of his solicitor, a will in this sense, and took the precaution of depositing the will at Somerset House for safe custody. He died in May, 1897. The jury found against the will.—Probate Division, May 18th, 1898.—*Times*, May 19th.

*Reed and Another v. The Solicitor to the Treasury and Others.*

Probate case involving the validity of the will of a person who admittedly suffered from delusions at the time of execution of the will. The solicitor who took instructions for the will had been informed of the condition of testatrix, and tested her sanity as well as he could. The judge charged that it was quite clear that in this case the delusions had in no way affected the making of the dispositions in the will, which, moreover, seemed a most sensible and reasonable will, and which he pronounced for.—Probate Division (the Right Hon. the President).—*Times*, July 14th, 1898.

The solicitor who took instructions for the will knew that the testatrix suffered from delusions, and tested her sanity as well as he could. It does not appear—and the omission strikes us as lacking in reasonable precaution—that any expert in lunacy was employed to ascertain the disposing power of the testatrix. Fortunately, if strangely, no ill result followed.

*Barker v. Barker and Dearsley.*

The testator had lived with his wife "in perfect peace and amity" for thirty-two years until 1894. In 1870, 1878, and 1894 he executed wills entirely in her favour. In 1893 he had a fall, and his mind became affected, so that he had to be detained in Wandsworth Asylum. In November, 1894, he was released at his wife's request, and thereafter his mind was greatly affected. He talked about "conspiracies" and of having his revenge, and complained that his wife and other people were whispering about him; became addicted to the use of foul and disgusting language towards his wife, and had various delusions that he was wanted by the police, &c. In June, 1896, he made another will, under which his wife took only a life interest.

The judge told the jury that a testator must have a proper appreciation of the property that he possessed, and of the claims of those whom he ought to remember. With regard to delusions, to be material they must be such as would affect the