

**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.]

*Re* WILLIAM HENRY KING: AN INQUISITION IN LUNACY.

THIS inquiry, which lasted five days, and for the report of which I am indebted to Dr. Percy Smith, exhibits several features of interest.

The subject of the inquiry, a wealthy gentleman, some 63 years of age, had been epileptic from the age of six. His weakness of mind was recognised by his father, by whom a settlement of the property of the respondent was procured to be made. In 1881 the respondent married, and during the whole of his married life his income, amounting to between £3,000 to £4,000 a year, was administered by his wife, he being allowed for his own use only £1 per week. During his married life he never drew a cheque or even wrote a letter. In June, 1907, the wife died, and the wife of the respondent's brother, the only relative then available, made arrangements that the defendant should be cared for by two attendants, to one of whom the respondent took a dislike, complaining of ill-treatment by him, but there was no evidence to justify this complaint. The complaint was made, however, and seems to have reached the ears of some neighbours—members, in common with the respondent, of the Society of Friends, who considered it their duty to interfere and to protect the respondent from a danger which was wholly imaginary, and existed in their minds alone, of being sent to an asylum. Without any communication with the relatives or with the trustees of the respondent, these two well-meaning but misguided gentlemen, Messrs. Harold Jackson and Mason, visited the defendant, accompanied by a solicitor named Tilly of their own choosing, and by Dr. Roberts, the ordinary medical attendant of the respondent, and Dr. Harrison. The medical men made a certificate that the respondent was capable of managing his

own affairs and that he fully understood the document which he had that day signed. The document was in effect a power appointing Messrs. Jackson and Tilly as his attorneys, and authorising them in the first instance to turn the two attendants out of the house, and, beyond this, to manage his affairs generally and conduct litigation on his behalf. Under this power of attorney, the gentleman, Mr. Davies, who had for many years managed the respondent's affairs and who, with three others, had signed all his cheques, was served with notice that henceforward respondent would sign all cheques himself, and demands were made on Mr. Davies to give up all keys, accounts, shares, and vouchers, and a policeman was stationed outside the house to see that respondent was not "molested." The half-brother of the respondent meantime returned from America and went to see respondent, but access was denied him. Many acts of insanity—some of them of dangerous violence on the part of the respondent—were proved by different witnesses. Among other things it was proved that he consulted his wife on her deathbed as to the choice of her successor, and had spoken about marrying one or other of his servants.

Dr. Percy Smith had examined the respondent, who did not understand the nature or object of the inquisition, but thought it had reference to the way his brother had treated him. When asked if he had signed the power of attorney, the respondent replied, "I have no question to put." He was unable to do sums in multiplication and addition that were set to him. Summarising, Dr. Percy Smith considered the respondent weak-minded, and suffering from loss of memory of important events, from unreasoning hostility to his friends, from inability to grasp business matters, from delusions, and that he had a childish reliance on his attendant. He was not capable of managing himself or his affairs.

Dr. Bedford Pierce had found the respondent had a fair knowledge of how his money was obtained, and made some shrewd comments with respect to his investments. Respondent made, however, a number of misstatements, contradicted himself, and denied that he had signed the power of attorney. Witness, as a result of his interview, considered respondent decidedly enfeebled in mind, but not sufficiently so to be incapable of managing himself or his affairs. But having

heard the evidence in court, he admitted that he had modified this conclusion, and now considered him not able to manage his own affairs.

The case for the defence was then taken, and as is customary, plenty of witnesses were produced to testify that they had not observed anything unusual about the conduct of the respondent. Among others, the witness-box was occupied by Mr. Tilly, the solicitor who prepared the power of attorney, and his brother. During the evidence of one of the brothers a dramatic incident occurred. An anonymous telegram was received by the cross-examining counsel, prompting counsel to inquire about a will. The hint was followed up, and admissions were drawn from the witness that during the administration of the respondent's affairs by the self-appointed committee, and during the term of office of the attendant Wade, whom the committee had appointed to take care of the respondent, respondent had made a will. The will was called for, and after some demur was produced in court, and a very remarkable document it proved to be. The draft of the will was prepared by Wade, the attendant, who at that time had been for three months attending on the respondent. Under the will the executors to his previous wills were displaced, and in lieu of them the members of the self-appointed committee were associated with the attendant Wade as executors, and the will gave to each executor a legacy of £1,000. Further, Mr. H. Jackson, Dr. Roberts, Mr. Mason, and Mr. Tilly, the members of the committee, were to have each a second £1,000, while the attendant Wade was left a quantity of furniture, and the house and grounds were to be sold, and to go, with the residue of the estate, after providing legacies for charitable objects, to the trustees for their own use. Counsel for the respondent submitted that a more sensible or proper will could not have been made.

Out of a jury of nineteen, one was found who considered that the respondent was of sound mind, and capable of managing himself and his affairs. The other eighteen found a verdict that he was of unsound mind, so as to be incapable of managing his affairs, but was capable of managing himself and not dangerous to others.

It should be stated that, apart from Wade and Tilly, the members of the managing committee seem to have known

nothing at all about the will until it was mentioned in Court. They seem to have acted perfectly *bond fide*, under the impression that the respondent was being ill-used and neglected by his family, and that the bruises that he had received by falls in his epileptic fits were due to the violence of his attendants. They acted perfectly *bond fide*, but they acted hastily, injudiciously, on *ex parte*, untrustworthy, and untested evidence, and without regard to the interests or feelings of the relatives and natural protectors of the respondent. Under the circumstances, they must consider themselves fortunate in merely having their imprudence exposed in Court, without having to bear any of the costs of an unsuccessful action at law.

---

### Occasional Notes.

---

#### *Special Education in Mental Diseases.*

The Medico-Psychological Association has for years past made attempts to advance the education of medical men in mental diseases. The extension of lectureships and the compulsory study of this subject as a part of the medical curriculum have been greatly promoted by these efforts. The attempt to give special education to those entering asylum service by means of a special examination and certificate, although successful to a certain point, has fallen far short of the usefulness that was anticipated, and the time has now arrived when consideration might well be given to the best method of improving or extending the teaching and examination of medical men intending to devote themselves to this special branch of medicine.

That the certificate of the Medico-Psychological Association has failed to attract a large number of candidates is due mainly to the fact that it was based on a very limited amount of experience and study of mental diseases. The holder of this certificate, in applying for an asylum post, was not so superior in qualification as to ensure his selection, and since the compulsory study of mental diseases has been established, the relative value of the certificate has been still further reduced.