OCCASIONAL NOTES OF THE QUARTER.

Case of Gilbert Scott.

The past quarter has been rich in medico-legal interest. There have been at least three trials of importance in which insanity has played the chief part. The case of Weldon *v.* Winslow must for the present wait till the judges have considered the necessity of granting a new trial.

In the case of Torriano it was found that the testatrix was of unsound mind, and the case merits a short and separate notice, which we shall supply later.

In the case of Gilbert Scott several most serious points require special consideration.

In the first place the trial was an extension of the power of the Court of Chancery in a new direction. Hitherto the Masters have been the sole judges in inquiries of this nature, and they have done their work satisfactorily; but we believe that they would at once own that it is better to have a judge more used, from daily experience, to modes of procedure, and to the receiving of evidence in the most difficult and the strenuously opposed cases.

The case of Scott was the very first in which the question of sanity was tried before a judge and a special jury, and we are quite inclined to think that the result was eminently satisfactory.

The majority of professional and lay papers united in thinking that the history of the case justified the finding of the jury, though it must be added that by a strange chance, two leading journals had extraordinarily weak articles throwing doubts on the unanimous verdict of the jury. The weakness of these articles gave evidence of such ignorance of the subject as allows us to ignore them.

That Mr. Scott should have retained his special abilities is not astonishing to those who are intimate with insanity. Many a dangerous lunatic is brilliant in general conversation, and is trustworthy as a witness, common or expert. Fortunately the judge fully understood this, and pointed out that to manage one's self and one's affairs meant more than being able to do one's professional work; he pointed out the necessity to society of a man's being able to appreciate his duties to his family and to his relations.

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In the conduct of this trial, as usual, there was some conflict of medical evidence.

In some cases there is necessarily honest difference of opinion as to the necessity of shutting a man up in an asylum, and, as the law stands, a physician often feels himself awkwardly placed; for, though he may believe a certain man to be insane, he may think him able to manage his affairs, yet in giving his opinion he has, like the jury, to give a double finding, "of unsound mind, and unfit to manage himself and his affairs."

If the physician-witness has such difficulties, we think he should let them be known, and should not give an opinion which he believes to be untrue, even for the good of the patient.

We do not suppose the time is near when the experts on both sides will meet and arrange what they are to say; this might be best for the so-called honour of the profession; but English common-sense and hard-headedness would oppose this summary way of disposing of difficulty.

The history of the case was simple, and, when read connectedly, leaves no doubt on the unbiassed mind. A man of great culture and refinement, a man who was looked upon as a model of good breeding and tender feeling, one who was very fond of home and domestic life, and who esteemed himself fortunate in his home relationships, in a short time became exactly the reverse.

There was no special shock, and the family history is not sufficiently known to allow one to make reference to it. Among the earlier causes of the disorder, or, as some will have it, among the earlier symptoms, was alcoholic intemperance.

Those who knew him best say the drinking began after the earlier symptoms, such as restlessness and irritability, showed themselves.

For some time early in the summer of 1883 Mr. Scott gave way to habits of intemperance.

He took considerable quantities of light wines, and at times indulged in spirits; later he took anything which came in his way, and became more restless than ever.

He developed ideas of persecution (partly due, it may be, to alcoholism), he believed there were conspiracies against him, and after appealing to the police and to the Home Secretary, he was prepared to take the law into his own hands; he roamed about at night, and was searching for conspirators, and was possessed by the idea that he was drugged.

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His menacing attitude, and his unrestrained conduct generally, induced his friends to take further advice, and he was sent into Bethlem Hospital as a temporary measure, so that time might be gained and opportunity given to decide on the nature of his case and the probable future.

The general feeling of those who then saw him was that the restless excitement, the sleeplessness, the desire for drink and sexual excess, all pointed to general paralysis of the insane. While in Bethlem he was extravagant in his actions and in his talk, his dress was fantastic, and he generally wore bunches of flowers or leaves in his button-hole. He did not understand his position, and said his companions in the ward were all sane. He was remarkably affable, and talked in a very free way about sexual matters, so as to disgust some of his companions.

At this time he was not only able to do the ordinary mechanical part of his professional work, but he showed power of originality in design quite equal to that of his ordinary work.

He escaped ingeniously from Bethlem, and after returning to his low haunts and evil companions for a time, he escaped to France, where he was possessed by the idea that he was pursued by detectives and was drugged. He returned to England, and threatened to injure two people, including one of his old friends, a barrister. He was examined by Dr. Maudsley and Dr. Savage, and on their certificates he was sent to a private asylum. The certificates testified to the state of mind of Mr. Scott being one of restlessness with suspicion. Both physicians believed that he was concealing as much as possible his ideas, from the excess of suspicion which ruled his actions.

Once more Mr. Scott escaped to France, and after many adventures returned to England, and for a time superintended the building of one of his large churches. He behaved in very strange ways, and consorted with strange companions.

He was ejected from places of public resort in consequence of his behaviour, and he was considered by some to be dangerous. He was said also to have retained his ideas about the police conspiracy, and also about the drugging.

He met a Frenchwoman whom he had known in a brothel, and went about with her. He introduced her to his wife, and to other persons of social distinction, and saw nothing wrong in so doing. Even at this time he made at least one

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suspicious night journey, and returned with the excuse that he had not had money to go where he wanted.

The above were the facts as stated by those pressing for the inquisition; and the only difference that arose was whether they could be explained away naturally, or whether they had existed as symptoms of insanity, which had been recovered from, or whether they were only the symptoms of alcoholism.

Special private inquiries were held, at which representatives for each side were present, as well as a physician representing the Court of Chancery, who acted as moderator of the Court or guardian of the patient. These inquiries seemed to have confirmed the opinion of the physicians on both sides in their own faiths, and formed the ground for severe cross-examination. It is noteworthy that, though both parties were acting *bonâ-fide*, they differed strangely as to the facts or statements in one or two particulars, and in any future inquiry it would be well to have a shorthand reporter to take notes of the investigation.

At the inquiry the witnesses were excluded, so that it was not followed by those medically interested in person. The medical witnesses on both sides were examined, and the majority who had sufficient opportunities of seeing the patient, and who had special knowledge of insanity, were convinced that Mr. Scott was of unsound mind, and unfit to manage his affairs.

On the other side, medical evidence was given from the point of view that the mental excitement was merely the temporary result of alcoholism.

Other evidence, such as that of men connected with Mr. Scott only in business, was shown to be worthless. The judge summed up excellently, concisely, and strongly, pointing out that a man may be able to do professional work and yet not able to be treated as sane.

It was shown how the patient had passed from a condition of self-control to one of loss of control, and that disease was the cause.

It is necessary once more to insist on the importance of recognising that drink may produce insanity, and that it is not of much importance what the cause of insanity is, if it can be shown that the patient is not responsible for his actions in consequence of mental disorder.

All having experience of insanity and of alcoholism will

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be ready to admit that many of the symptoms of the insanity were such as might fairly be attributed to alcohol. Suspicion, ideas of conspiracies, and fear of poison and drugging are common in insanity due to drink, to morphia, and to other active agents which affect directly the nervous tissues.

Similar ideas may arise from other causes however. But the point is this, that Mr. Scott was undoubtedly insane when taken to Bethlem Hospital, although he had been drinking. He was then suspicious and dangerous, and the witnesses on his side failed to convince the jury that he had recovered from his insanity at the time of the inquisition.

The attack of insanity was related to alcoholic excess, but in what way?

We do not think it is possible in many cases to say, from the symptoms, whether a person took to drink because he was insane, or whether he became insane from drink. Alcoholism will produce similar symptoms in both cases.

The history of the attack and the change in the habits of the individual must decide which was the first symptom of disorder.

This *cause célèbre* ended by the jury finding an unanimous verdict of insanity and inability, but, in the meantime, Mr. Scott had crossed to the Continent, where he is now living. He is still superintending his works in England, and has written to the leading daily journal a characteristic letter defending his sanity. He says that in France he is sane, as is certified by French doctors; in England he is insane, at what point does the change take place?

We expect to hear that an appeal is to be made for a new trial on the ground of some legal informality; we trust that this will not succeed, as the terrible and ruinous cost of such a proceeding seriously affects the patient's future.

Dramatic Copyright.

A case of considerable importance with regard to the law of dramatic copyright, has recently been decided by the Court of Appeal. Everyone who is concerned in the management of asylums has taken part in, or has authorised performances which, whether dramatic or musical, probably could not have taken place as a public entertainment without infringing copyright; and in the

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