

towards evening by the passage of a small quantity of fæces by the wound.

Two days later an enema was given and subsequently the lower bowel began to act naturally, the amount of fæces escaping from the wound becoming less and less. This ceased a few days ago, and the wound is now almost healed without the presence of a fistula. The bowels act naturally, and the patient takes her food in a very satisfactory way. Her general health (and temper) are in fact much better than they were before the operation.

The case may be of interest as showing the complete way in which recovery may take place under unfavourable conditions.

With regard to the treatment, I must ask my surgical readers to be gently critical. Insane patients give one little help towards an accurate diagnosis, and their symptoms are very often anomalous, or, at any rate, usual symptoms are not seldom absent. Moreover, as in this case, the patients are often restless after an operation and difficult to control.

I publish this case, which has been previously reported in the *St. Bartholomew's Hospital Journal*, with the kind permission of Dr. Middlemass, Medical Superintendent.

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.]

REX *v.* CHETWYND.

A case in which considerable public interest centred came before Mr. Justice Scrutton, at the Derbyshire Assizes on Saturday, when George Rowland Chetwynd, æt. 25, engineer, was charged with the theft of a motor-car, of the value of £250, the property of Dr. T. A. Barron, at Spondon, on July 5th, 1912.

Mr. Drysdale Woodcock prosecuted, and Mr. Hugo Young, K.C., with Mr. H. Maddocks (instructed by Messrs. Moody & Woolley), defended.

Before defendant was called upon to plead, his Lordship inquired of the defending counsel: Is he fit to plead?

Mr. Hugo Young: Oh, yes.

His Lordship: I thought there was some doubt as to his sanity?

Mr. Hugo Young: No.

The Prosecution.

Mr. Woodcock, outlining his case, said that on the night of June 29th, or early the following morning, there was stolen from a garage in Church Street, Spondon, a 12 h.p. "Sezare" car, which belonged to Dr. Barron, of Spondon. The number of the car was LD 8997. The car had been put away in the garage about eight o'clock on Saturday night, the garage door secured, and the yard door leading to the garage also locked. On the Sunday morning, about 9.30, the garage was visited, and it was found that the garage door had been forced open, and the car, with lamps, rugs, etc., missing. A resident near by had stated that he heard the car leaving the garage about 1 a.m. About 7.30 on the Sunday morning the car was at Ashbourne, and a witness named James Cundy would say that defendant was driving the car, and asked him for some petrol, as he wanted petrol, but could not pay for it. Cundy would not supply him upon this condition, and recommended defendant to another place, as the latter said he did not wish to go to a big place. Ultimately he obtained the petrol from a chemist in Ashbourne, named Mr. Reckless, and not until the petrol was being poured into the tank of the car did he say that he had not money for it, and the chemist took the number of the car, which was then D 899, part of the plate having been cut away. Defendant told Reckless that he was going back from Tamworth, and having regard to the subsequent movements of the car, it was obvious that he had no intention of returning that way. The car appeared to have broken down at Mayfield about 10.45 that morning, and was repaired by a man named Travers. Defendant spoke to Travers the whole time about the car, just in the way the owner of the car would talk. At night, on the same day, defendant and car arrived at the Pied Bull, Chester, and defendant engaged a room, and was standing a man drinks in the bar when the landlord remarked that he had seen him previously, and asked him whether he was in a position to pay for the room and drinks. The man said "No," and the landlord, unwilling to do business on these terms, requested him to remove the car and get out of the house. A lamp was left behind by way of security for the drinks. Later, the same night, defendant came across a man named Roland, of the Chester and North Wales Garage, and from whom he inquired if there could be a sale for the car, and he was told that he would have to leave it for five or six weeks before a purchaser could be found. He gave Roland the name of Wilson, of Northwich, and he left Roland to believe that he was going on to Northwich. On July 1st he was found at Ellesmere, in Shropshire, and there obtained petrol from a man named Hughes, obtaining the petrol by a perfect tissue of falsehoods. He gave the name of F. A. Wilson, of Chester, declared that he was in the Government service, had received a wire calling him from Chester to Shrewsbury, and left so hurriedly that he had forgotten to take money, and under these circumstances Mr. Hughes gave him credit. At Chapel, Bangor, four miles from Aberystwyth, defendant and the car were found by the roadside, and he was met by the Chief Constable of Cardiganshire and Inspector Edwards, of the Cardiganshire Constabulary. The Chief Constable questioned him about the ownership

of the car, and Chetwynd said, "It is mine." When the Chief Constable said he had reason to believe that it was a stolen car, Chetwynd said he would prove it. The man was taken to Aberystwyth, and was placed in the lock-up. About 10 p.m. he was found lying on the floor, having apparently fallen from his bed. He was picked up by an officer, and, said counsel, adopted this *role*, "Good God! What am I doing here?" He drew his hand across his forehead, and appeared to be completely ignorant of all the events that had led up to his being there. On the following morning he was taken into custody. Chetwynd, after the fall in the cell, pleaded an extraordinary lapse of memory, having forgotten everything that had previously happened. However, he said to Detective-Inspector Davis, of the Derbyshire Constabulary, "I admit everything." When before the magistrates, however, he said, "I know nothing at all from the day I left camp (he having been in the Territorials)—which was on the 1st of June, until I was awakened by the Inspector at Aberystwyth. During that time I remember nothing that I was doing. My memory is a complete blank." What was the saddest aspect of this story was that defendant had been for some years on terms of the closest intimacy and friendship with the owner of the car and had frequently been a visitor to the doctor's house, and also knew the garage well. The defence of insanity would probably be raised in the course of the case, but he submitted that the case was a very common, ordinary case of motor-car stealing, the only aspect of a peculiar character being that whereas the ordinary thief did not steal from his friend, they had here a man, undoubtedly educated and who should have been above conduct of this sort, stealing this car from a man who had admitted him to the closest and most intimate friendship.

Jos. Clewes, of Park Road, Spondon, chauffeur to Dr. Barron, spoke to leaving the car secure in the garage on the night of June 29th and missing it the following morning.

Dr. Barron said he first made the acquaintance of Chetwynd about four years ago and accused had been on terms of perfect intimacy with him.

In reply to Mr. Hugo Young, the doctor said that Chetwynd was aware where the keys of both the garage and petrol store were kept, and could easily have obtained them. He agreed with the learned counsel when the latter said that Chetwynd was a sergeant in the Royal Bucks. Hussars Territorial Forces and devoted a good deal of energy and time to the work. Mr. Young also put it to witness that Chetwynd was a member of the Metropolitan Sergeants Tactical Association, had written a book on drill for boy scouts, and had also been a lecturer on military subjects. After the discovery of defendant and the car, Dr. Barron said that he went over to Aberystwyth and spoke to two gentlemen who had found Chetwynd and the car by the side of the road, and he came to a conclusion which led him to ask the magistrates to permit him to withdraw the prosecution. The magistrates consented, subject to the papers being placed before the Public Prosecutor, who had returned it to court. He admitted to Mr. Woodcock that he appeared very unwillingly.

Jas. Cundy, stableman, of the Green Man Hotel, Ashbourne, said he was asked for petrol by Chetwynd, but he commented, "Although

he spoke like a gentleman it was not my business to let him have it if he did not pay for it." (Laughter.) Cross-examined, he said that Chetwynd appeared rather "fluttered."

Arthur Henry Reckless, Church Street, Ashbourne, chemist, said he supplied the accused with petrol, and the petrol was being poured into the tank when Chetwynd said: "I am sorry I shall not be able to pay for it. You will be all right. I will call as I come back." He took the number of the car, D 899.

Chas. Travers, mechanical engineer, of Mayfield Mills, said he saw the car when it had broken down and helped to rectify it. Chetwynd talked rationally and asked witness if he could save his life, so witness gave him a cigarette. (Laughter.)

Ernest Petty, landlord of the Pied Bull, Chester, said upon Chetwynd's arrival he asked him if he could pay his bill and the man said "No," and that his luggage had been stolen. Witness told him that he did not believe him, and asked if he was in the habit of doing this. He ordered Chetwynd to leave, and the man left a motor lamp as security for payment for drinks.

Jos. Roland, employed at the Chester and North Wales garage, said he supplied Chetwynd with petrol and Chetwynd spoke to him about the sale of the car.

John Robinson Hughes, Ellsmore, Shropshire, motor engineer, said that Chetwynd told him the story of being in Government service in order to obtain petrol on credit.

Inspector Edwards, of Aberystwyth, described the discovery of Chetwynd with the car by the roadside. Chetwynd appeared quite rational. After removing him to the lock-up, he found him on the floor of the cell. Witness assisted him up, and Chetwynd suddenly declared: "Where am I?" Chetwynd professed ignorance of the cause of him being there, and complained of pains across his forehead. He could feel a small lump, which he believed was caused by the fall. Chetwynd had 7½*d.* and a pawn-ticket upon him when arrested.

Cross-examined, the officer said that he was not aware that Chetwynd had slept in his car overnight at the spot where he was found the following afternoon.

Detective-Inspector Davis said that when Chetwynd said "I admit everything," he appeared to understand what he was saying. Whilst being escorted to Derby accused said that he could not remember anything about the motor-car. Witness told him that he did not believe him. The officer declared, "I said don't you remember being at Chester and staying at the King's Head and paying the landlord with a worthless cheque. He said 'No,' and asked if it was so."

The Defence.

Mr. Hugo Young, for the defence, said that there was no dispute that the man took the car, altered the identification plate, incurred debts, but what he would lay before them was that the man was not what they would call insane—he was perfectly rational now—but he was in a state which was well known to medical men, and was called by many names, one of which was automatism. He would call two doctors of eminence

who would say that everything that had happened, and which in an ordinary case would be evidence of guilt, was consistent with that state. It was not a defence set up by lawyers, but by Chetwynd immediately after his recovery from the fall at the police station. It was not a state of insanity strictly, but a temporary state of irresponsibility which made him unable to be guilty of the intent which was necessary in an act of larceny.

Robert Webb, a motor tourist, spoke to finding Chetwynd and the car by the roadside at night, and he towed the car towards Aberystwyth, but four miles from that place Chetwynd refused to go further, and witness left him for the night, but reported the affair at a garage in the town. He thought Chetwynd's behaviour was very strange.

Maxwell Wood, proprietor of a garage at Aberystwyth, said he went out to Chetwynd, and having read of the stolen car, brought the police on the scene. He was also of opinion that Chetwynd did not appear "all there."

Chetwynd went into the witness-box. He said that his age was 27. He remembered seeing his comrades from camp depart on June 1st at Buckingham Station, but what became of himself afterwards until July 2nd, when he found himself in the hands of the police, he could not say.

Mr. Woodcock (cross-examining): Have you any knowledge now?—None at all.

Had you any debts which you could not pay?—Yes. I could have paid them with help.

With your own resources, without help, could you have met your liabilities at that time?—Well, if you mean help from my parents, I could.

Without help from your parents or anybody else, could you in any way have met your liabilities?—No.

Were you at that time in desperate need of money?—Not at that time.

Counsel further questioned him with regard to his secretarial connection with a territorial club, to which Chetwynd admitted that his father might have paid from £75 to £100 on his behalf, but he could not say when.

His Lordship: Dr. Jekyll was never tried for his impersonation of Mr. Hyde. Perhaps you can say what his defence would have been? (Laughter.)

Mr. Woodcock: He only had one alias.

Dr. Parry Jones said after careful examination of the man and his story he had come to the conclusion that the man did not know what he had been doing. There were many recorded cases of a similar character.

His Lordship said he remembered reading of a case of a girl in America who was bad for two years and good for two years, and so on. His Lordship asked if it was possible for Chetwynd to have known what he was doing at the time but to forget afterwards, and the doctor replied that the man's actions were consistent with automatism, mental stupor, or double consciousness.

His Lordship: The question is whether the body which was walking

about between June 1st and July 1st knew what it was doing. If it did, the unfortunate owner of that body would get punished even if he did not remember afterwards.

His Lordship remarked that his personal idea was that Dr. Jekyll would hang for the murder which Mr. Hyde did, although Dr. Jekyll did not know what Mr. Hyde was doing.

Dr. Parry Jones: He would not know that he was doing wrong.

His Lordship: Why should he cut the identification plates if he didn't know that he had done something wrong?—He was conscious that he had done something which he ought not to have done.

Dr. Hyslop, of London, who occupies an eminent position in the profession, said that during the past twenty years there had been a vast accumulation of cases where people acted automatically and lost their memory. The condition could be described as being midway between ordinary somnambulism and a form of epilepsy, in which condition the person affected performed mentally and physically complicated actions. When they returned to the normal condition of fully awakened consciousness they had absolutely no memory of anything which had transpired during the automatic state. Persons in this state had even adopted different names and committed various offences, which in the normal state the individual would have been the very first to condemn. This abnormal condition continued for weeks and even months, and in the majority of cases the persons affected emerged quite suddenly from the abnormal state, and, although every known test had been applied, doctors had been unable to elucidate that the persons affected had any knowledge or consciousness of any events during the abnormal condition.

His Lordship commented upon the case of the bad girl he had previously mentioned, and the doctor said the usual rule was for the bad personality to remember about the good personality, but the good personality remembered nothing about the bad.

His Lordship: Would you describe the good person as sane?—Yes.

Is the bad person insane?—No.

The doctor added that he did not think the question of insanity came in any more than in the case of a person dreaming.

He was in agreement with Dr. Parry Jones that this was a case of mental automatism.

His Lordship: Did he know the nature of the acts he was doing on the 29th and 30th of June?

The doctor said that that personality which he had described might have known, but the fully awakened personality did not know. In other words, the abnormal and irresponsible self probably knew, but the responsible and normal self did not know.

When the abnormal personality took away the car and altered the motor plates did it know it was doing wrong?—I think the abnormal personality might have known something about it, but not the full personality. He said that he had known a person during the abnormal condition to preach a sermon in a church!

His Lordship: With great benefit to the hearers?—Great. (Laughter.)

Mr. Woodcock : Would you stake your reputation on the assertion that when he took the car he did not know the difference between right or wrong?—I am prepared to stake my reputation that at the time he took the car he was not fully aware of the relationship of all the circumstances to his fully wide-awake self, the full and complete individual.

Do you say the man who took the car on that night was clearly, in your opinion, incapable of distinguishing between right and wrong?—I am clearly of opinion that the man who took the car was not the man, but only a part of the conscious individual.

Mr. Woodcock said the only point at issue was the one of insanity. They had there one of those miserable cases where a man of some birth and education, led into temptation, fell to a lower level than a common thief. That was one of the most dangerous pleas that could for a moment be countenanced by a jury. There would be an end to justice if in bringing thieves to book they allowed such a plea to influence their judgment without from the very depths of their consciences they were satisfied that this was one of the astonishing cases in which a man lapsed into a stupor in which he was unconscious of having done anything wrong and had entirely forgotten about it.

His Lordship said that in the dock sat a body, in that body was a brain which in some mysterious way controlled and regulated the body, and to which was attached a power of determining action and power of judging whether that action was right or wrong. That body, brain, and judgment bore the label Chetwynd. The prosecution said that that body, brain, and judgment took away Dr. Barron's motor-car with the intention of depriving him permanently of possession of the car. The answer to that was that part of the body and brain may have taken away the motor-car, but the whole of it did not do so; the responsible part was asleep and woke up on July 2nd. The responsible part never knew anything about or intended the act, and they, therefore, could not punish the whole for the act of an inferior part.

He (his Lordship) was suspicious all through that if, instead of a well-dressed body in the dock charged with stealing a motor-car, there had been a man in rough corduroy who had broken a window and stolen jewellery, and put in a plea that the responsible part of him was asleep, the judge and jury probably would have thought very little of the defence the poor body put forward. They must be very careful that they were not making a law for the rich that they would not make for the poor. On the other side possibly some of them walked in their sleep or knew someone who did. If such a person while asleep hit another person under the impression that he was a burglar there would be a defence. In the present case it was claimed that the body was in a long period of sleep-walking. So far as he (his Lordship) knew that was the first case in England in which it was suggested of a person that he had a double consciousness. Unless they made the case analogous to sleep-walking he did not see how they could avoid convicting prisoner. It was a dangerous thing to have double personalities going about England taking motor-cars, altering plates, and not paying bills at the hotels.

He asked the jury to say if prisoner on June 29th took away the motor-car with intent permanently to deprive Dr. Barron of it, and, secondly, if they thought he did intend to deprive the doctor of the car,

was he suffering from a disease of the mind which prevented him from knowing the nature and quality of the act.

After forty minutes' deliberation the jury returned an answer of "Yes" to the first question and "No" to the second.

Before sentence was passed Mr. Maddocks called Dr. Barron, Dr. Luce and the Rev. A. L. Browne (Vicar of Spondon).

Dr. Barron stated he had known Chetwynd intimately for some time, and he testified to his good character.

Dr. Luce (senior surgeon at the Derbyshire Royal Infirmary) said Chetwynd had been a personal friend, and he had always found him of excellent character.

The Rev. A. L. Browne said he had known Chetwynd for the past five years. He was a man straightforward in character and straightforward in all his dealings, and was always anxious to do all he could for others.

Mr. Maddocks, referring to the deficiency in the Territorial accounts, said everything had been cleared up before the present case. Chetwynd was an only son. He had been engaged to a young lady, but the engagement was broken off on May 28th, and on June 1st Chetwynd wrote to his parents. In this letter he stated that everything had gone wrong, and he was almost off his head. The letter was written on the 1st, and he then went away, apparently to Liverpool and afterwards to Chester. It was quite evident that he was at that time greatly upset, and hardly knew what he was doing. He had suffered punishment by standing in the dock, and by the fact that he had been found guilty by the jury. Dr. Barron asked that he should be dealt with with the utmost leniency, and Mr. Maddocks added that he hoped that his Lordship would allow him to make a fresh start in life.

In sentencing Chetwynd, his Lordship said he had not only been found guilty of stealing the motor-car, but also of covering up the theft by a series of lies. He had taken into account all that his counsel had said. He passed a sentence of four months' imprisonment in the second division.

The only elements in the demeanour of the prisoner that afforded the slightest colour to the plea of abnormal personality advanced in the defence were the facts that the prisoner broke open the garage when he might perhaps have opened it with the key, and the state in which Inspector Edwards found him when in prison. As to the first, there are twenty conceivable reasons why a man in the position of the prisoner, if he was determined to steal the car, should have preferred to break open the door rather than unlock it. Obviously, if he had unlocked it, the facts that it was unlocked, and that he knew where the key was kept, would have pointed directly to him as the thief. As to his being found on the floor of his cell and asking, "Where am I?" this is quite consistent with the very common practice of prisoners in pretending they remember

nothing about the crime with which they are charged ; and it is, to say the least, very unusual in cases of double, or rather, alternate, personality. It is true that in such cases the end of one phase or personality and the beginning of the other are sometimes marked by an epileptic fit ; but there was no evidence of epilepsy in this case, and no attempt on the part of counsel is reported to elicit from Inspector Edwards any evidence consistent with the prisoner's having had a fit, except that he was lying on the floor, and that there was a small lump on his forehead. There is no evidence that he was dazed or confused ; no evidence of bitten tongue or of flushed face ; no passage of urine or fæces ; no disarrangement of clothes ; no evidence of previous epilepsy ; nothing, in short, that could not have been faked. Moreover, there is much evidence that is quite inconsistent with the double personality hypothesis. The prisoner himself dates his period of unconsciousness from June 1st to July 2nd, and it is important to observe that the car was stolen on June 29th, and that not until June 30th or July 1st did he call himself Wilson. From June 1st to June 29th, during part of which time he seems to have been staying with Dr. Barron, the owner of the stolen car, no change of disposition was noticed in him, and he went by and answered to the name of George Chetwynd. It is not unusual for a person to assume, with an altered personality, a new name ; but there is no case on record in which a person has gone by his own name during one part of a new phase, and by another during another part of the same phase ; still less is there a case on record in which the new name was not assumed until after the commission of a crime. Inspector Davis deposed that Chetwynd, while in custody, said " I admit everything," and it seems that he said this after he had been found by Inspector Edwards on the floor, and therefore after he had resumed his own proper and normal personality, in which, on his own showing, he remembered nothing whatever about the crime or the events of the previous month ! Subsequently he told Davis that he could not remember anything about the motor-car, and Davis said he did not believe him. I don't know whether it was within the scope of Davis's official duties to make this remark, but I must confess to a good deal of sympathy with him. Reviewing the whole of the evidence, it is as certain as anything can be in this world of uncertainties that Chetwynd

was Chetwynd throughout the whole transaction ; and that the defence of double personality was, as far as he is concerned, utterly unjustifiable.

It is a pity that the very interesting question of responsibility in a case of double, or, as it should be called, alternate personality, should have been tried for the first time in a case where such a plea was so obviously inapplicable. I have often discussed, both with psychologists and with lawyers, the ethics of such cases, and the justice and expediency of punishing A for a crime committed by him when he was not A, but B. With respect to the case under notice, a letter appeared in the *Times* from Mr. Compton-Rickett, protesting with a good deal of indignation against the summing-up and judgment of Mr. Justice Scrutton. For my part, I agree with every word of it. To me there seems an easy way out of the difficulty. Double personality is a misnomer for these cases. They are cases, not of double, but of alternate personality. The man is not two men at once : he is first one man, and then another. Now, if A commits a crime when he is not A, but is the alternative personality, B, it may be fairly argued that it is unjust to try A for a crime of which he was unconscious, and which, as he now is, did not commit. But it would be easy to put A back, and to postpone his trial until B should reappear, *as, sooner or later, he is certain to do*, and then to try him. If he were condemned to death as B, A might reappear before the sentence was carried out ; but we should only have to wait for the reappearance of B, and then hang him, as he would richly deserve. If B did not come upon the scene again, it might be taken for certain that he never existed, but was invented by A, as he was by Chetwynd, and there would then be no harm in hanging A.

For the full report in the *Derby Daily Express* of November 4th I am indebted to Dr. Legge.
