

Discussion.

Dr. McDOWALL, after thanking Dr. Ray for his paper, said that it was curious that the same subject had been treated by Dr. Fletcher Beach at the meeting of the South-Eastern Division over which he (the President) had recently presided. He could not call to mind that he had ever met with similar cases to those recorded by Dr. Ray, though he had frequently met with moral insanity in children, of which he quoted instances.

Dr. BAKER (York) thought such cases should not be sent to public asylums if any other provision could be made for them.

OCCASIONAL NOTES OF THE QUARTER.*The Darenth Scandal and Scapegoat.*

The members of our Association must have read with amazement of the dismissal of a medical officer by the Metropolitan Asylums Board on a report by a special committee, which gave no adequate reasons for thus ruining the career and blasting the prospects of a medical man who had served them for sixteen years, with such honour and ability that he had been promoted to the post of Acting Superintendent.

The facts of the case are as follows:—A female patient in the Darenth Imbecile Asylum was reported in July last by the Acting Superintendent (Acting Superintendent under the Asylums Board means Superintendent's work with Assistant Medical Officer's pay) to the chairman of the committee as being *enceinte*. The patient made a charge against a lay official (since dismissed for another offence). Counsel was consulted by the committee in regard to the possibility of prosecution, and a communication was made to the Commissioners in Lunacy. The patient died in November from exhaustion after childbirth. It should be noted that the patient became pregnant at a date prior to the appointment of the Acting Superintendent.

The special committee appointed to investigate the case reports that the Acting Superintendent (and his assistant) "spared no pains and neglected no attention to the patient during her confinement;" but they make a leading count in their indictment against him that "he committed an error of judgment in undertaking the delivery of the woman."

The other counts of the indictment are—that no entry was made in the case book that the woman was *enceinte*; but, considering that the chairman, the committee, the Commis-

sioners in Lunacy, and a learned counsel must have spent much time, talk, and voluminous correspondence over the case, it seems absurd to complain that no entry was made in the case book. The only entry that could have been made would after all have amounted only to a diagnosis. This charge is too trivial to demand consideration.

The other charges, if they can be so called, are, firstly, that there was no post-mortem examination; but these are by no means the rule in this institution, and the cause of death was quite obvious: and, secondly, that no special report was made to the coroner; but no reason is given why such a special report was deemed necessary. Both these indictments are as trifling as the preceding.

The error of judgment, therefore, remains as the only possible reason within the scope of the inquiry on which the recommendation of the special committee could be based. In regard to this, asylum superintendents would unanimously agree that if the medical officer, backed by the aid of his assistant and the resources of an asylum, had declined to undertake a responsibility which is often delegated to an unskilled midwife in the poorest homes, he would indeed have committed an error of judgment, but that by accepting it he did not. Deliveries are not infrequent in asylums; they are invariably attended by the medical staff, and usually by the junior members of the staff. Such a delivery took place a few months prior to this occurrence in an asylum under this very Board. The only conclusion, therefore, that can possibly be formed is, that this committee was utterly wrong in the only real charge which it makes against its victim, and that the other trivial matters were merely brought in to give some colour to their finding.

The clear inference, from the facts, is that the medical officer has been made a scapegoat. The dismissal under such circumstances of a medical officer of sixteen years' standing, constitutes, we may safely affirm, a scandal of much greater magnitude than the one which it was intended to gloss over.

The immediate result of this will be that the Asylums Board will find some difficulty in obtaining professional men, of character and standing, willing to risk their reputations to the tender mercies of a body so deficient in all sense of justice or right feeling, and that the doubly unfortunate imbeciles will suffer from the lowered standard of medical care.

A more remote contingency is the possibility of such a dismissal being made a precedent for similar action in regard

to other asylum superintendents. The Metropolitan Asylums Board is fortunately unique in its composition, and it is to be hoped in its principles; but it nevertheless behoves all exposed to such a danger, however improbable, to exert themselves in a way that may be deterrent to the perpetration of similar injustice by other bodies.

A board has been said to have no body to be kicked, or soul to be damned. The first part of this proposition is true, sometimes even regrettably true, but the second part is not so accurate. It is, indeed, very much the exception to find a board or committee utterly lost to the recognition of truth and justice. The board in question, however, appears to have no other moral sense than to dread the demon of the daily press, whom it worships by these propitiatory sacrifices of individual victims; and this victim is by no means the first it has immolated.

This profession and the medical press have a clear duty before them, to omit no effort that shall tend to convert this board to the recognition of a higher tribunal than that of the daily penny-a-liner, and to endeavour to gain some redress for the sufferer, who is both a member of our Speciality and of our Association.

Criminal Law Reform.

Various problems in criminal law reform seem likely to receive in the present session a legislative solution. At last the evidence of prisoners may be made legally admissible. The merits and the demerits of this change have been threshed out with unprecedented completeness, so far as the annals of modern legal controversy are concerned. The balance is, we think, on the side of the Bill. But very great precautions will have to be taken by the judges against improper forensic comments on the fact that a prisoner stands on his legal rights, and declines to go into the witness-box. In time such a refusal will no more prejudice a defendant than a reservation of his defence in magisterial proceedings does now. But at first the new procedure will want careful watching. A Court of Appeal Bill has less—but still some—chance of passing. The present arbitrary manner in which the question whether a point of law arising in a criminal trial is to reach the Court for Crown Cases Reserved is decided is utterly indefensible. Perhaps if such a tribunal is established we shall at length get the rules in *Macnaughton's case* revised.