

it, and so, by making public their demands my inquirers may benefit.

It is needless to record statistics in speaking of this every-day evil whereby our tympani are assailed, and which by becoming inured deceive us into believing there is no particular harm done. Even though statistics were brought forth, what objections might arise to the statement: "noises create a disturbance of the nervous elements to the degree that they are vouched a place in the category of causations of disease." Therefore, it is the object of this paper to reason from pure observation, and attempt a clear analysis for the judgment of the profession, as to whether the above statement is worthy of consideration, and embody in its entirety a question answerable by that same honorable body. Then let us lay down for consideration some instances in our experience: certain mental records which have sunken into the fertile lands of our memory, making their impressions accordingly. To begin, shall we admit that when a healthy condition of the nerves exists, the greater amount of nervous shock we bear with impunity, but by frequent repetitions the less able are we to withstand the resulting jar.

We have acquired from nations now fallen into decay and almost, if not entirely, obliterated, an intuitive knowledge of many of our present customs, not to mention the suggestions and realizations of innumerable arts, inventions and sciences, so useful to mankind. These customs we adapt unwittingly, as new wants present. Relative to this instinctive tact of man, should we go further—beyond the human—is it not observed in a few peculiarities, that even the lower animals lend their aid in suggesting means to us? Call to mind the quail when disturbed in its foraging: by the suddenness of flight, by the noise of its wings in rapid vibration, it will disconcert the disturbers. If the enemy is startled the birds escape; some of us in our maiden attempts afield may have been vividly reminded of this, if we forgot to use our fowling-piece before the game was beyond gunshot. Prior to long-distance warfare, a pretty successful scheme (shall I call it bluff) was in vogue among the Chinese, which upon the superstitious children of ignorance, played a prominent part in enhancing China's length and breadth. These people calculate upon fright as a means of conquest, thereby saving the lives of friends and foes alike, at the same time gaining the end in view. A bloated, elaborately painted wind-dragon, then may account for Chinese supremacy and their populous empire. The tiger roars, so it is said by some, with his leap upon the exquisitely high-strung fawn, thus gaining a moment's hesitation, and before the prey is in motion his talons grip its tender flesh.

For no rhyme or reason, in these modern days, with every new invention there accompanies a new noise, so to speak. The snorting, bellowing locomotive engine replaces the musical post-chaise; the screeching, whistling steamer has supplanted the galley and the sailing craft, teeming with romance. And with the explosive fire-arm comes an innovation upon the bow and arrow. The ancients may not have been so cleanly, but they certainly were less noisy. I was told when at Gibraltar that during target practice and drill with the great guns, the loss in frangible property amounts to not a little sum; and I may instance a dozen other experiences wherein noise—and not a woman—was at the bottom of misfortune. I once

knew an octogenarian farmer, who, when asked why he did not take a lantern in traveling over lonely roads at night, replied that he carried a pistol, which would give him light if needs be in case of attack; he evidently did not wish to attract attention to himself unless waylaid, and then he had light and sound stowed away ever ready. In certain land-locked harbors I have heard the inhabitants complaining of tugs and other noisy boats blowing off their whistles, especially those known as calliopes. The would-be waggishness, or to-what-purpose desire of these tug captains, deserves a compensation suited to the perpetrator. Have not the cartoonists discovered the tired and irritated visitor from the provinces, racking his brains in the uproarious city, unable to collect his faculties; and has the father, nightshirted and capped, marching the colicky infant in the small hours of the night, escaped this artist's humorous vein? Little mirth it would be if the tables were turned, were it possible to do so. All these things call to light the necessity for a scientific investigation of the question of useless noise.

In a few cities it has been proposed passing an ordinance against the ringing of church bells—this may to some disturb the "day of rest"—but why not include in this an ordinance for week days: the shouting of street hawkers, the clanging of other varieties of bells, the steam whistle of the factory, and last but not least, our young vender of the daily press, with his shrill tenor announcing the never-ceasing "extra!" How much better is the silent signal, both in war and in peace; take the popular foot-ball game and we find that the teams under better control are those who have mastered the silent signals of command. One reason the modern war vessel is so deadly, may be said to be because it is absolutely as accurate as a floating battery can be; and is not the cause of this accuracy due in great measure to the silent commands sent from the conning-tower by the captain to each of his subordinates, shut off from him and each other by walls of steel? When an order is indicated upon a dial manipulated by electric transmission one receives the same in a tranquil state of mind; but if the order is shouted at him by one, two, three or more in rapid succession (as of yore), then there is excuse for confusion in carrying out commands. In this treatise a good deal is left to the imagination, and my theme, I must admit, is undeveloped; so I beg much leniency for my awkward manner of launching it forth on a scientific basis, and ask those interested most to consider it as merely an advance guard for a subject worthy better forces.

MORAL INSANITY IN INEBRIETY.

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The term "moral insanity" is applied to a class of symptoms about which much difference of opinion exists. Formerly this was a veritable battle-ground between metaphysicians and alienists, but latterly this has subsided, and the questions now in dispute are differentiations and exact meanings of terms. I shall limit my study of the subject to certain well-marked symptoms which, taken alone or associated with other symptoms, appear to have the same signifi-

cance. Moral insanity is marked by a low sense of right and wrong, and by conduct which does not recognize the rights of others, or duty and obligation to any one. The ethical sense and consciousness of the relation to others, of truthfulness, of honesty, of respect for the good and true, for law, or for the opinions of others, is enfeebled or wanting altogether. Such cases may not exhibit marked intellectual weakness and may appear to have average judgment and discrimination in the conduct of affairs; yet have no moral sense of obligation to do right and to be truthful and honest to others. Such men are intriguing, deceitful, dishonest, taking advantage of every opportunity to gratify their most selfish desires irrespective of all consequences to others. The higher levels of cerebral development, which are the altruistic sentiments, the capacity to recognize and adjust conduct to the general good of all, are wanting. What is called character motive, purpose in life, or the morale of the man, his relations to others, are all the last formed elements of brain growth. Insanity, which is confined to these psychic centers, is well established. Without doubt other parts of the brain are affected, but they do not appear, except from a careful study. I think it also well established that sudden changes of character are always due to changes in the organic activities of the brain centers. It is asserted, and defended with many good reasons, that consciousness is an element of the brain which recognizes the higher relations of right and wrong, of duty, and all the higher psychic claims of justice and truthfulness and the relation to our fellow-man. The higher this development the stronger the man, and its absence or feebleness approaches imbecility. The general term "character and morale" describes this best. A veritable insanity in which this part of the brain was the most seriously affected has been described over a century ago. All the authorities recognize it but attach widely differing importance to its meaning.

Cases like the following are not uncommon, and probably illustrate this condition more clearly than by theories: A. B., a physician of average ability, culture and good character, with an excellent reputation for honesty and sobriety, began gradually to be untruthful, intriguing and dishonest. He made out double bills and denied payment even when his signature on receipts was shown. He exaggerated his business, drove his children away from home, was cruel to his wife and tyrannical to every one under his care. This increased and was not associated with any apparent intellectual changes. He was not passionate or emotional, but cool, and gave no explanation for his conduct. He became involved in forgery and assault, and died before the trial from some heart failure. This was moral insanity in which the physical basis was not recognized.

In inebriety these symptoms of moral defects and insanity are common, no matter what the conditions and standing of the person may be. It seems to follow the poisoning from alcohol inevitably, and in some cases very markedly. Two classes appear very prominently, one with heredity and the other apparently acquired. Wherever there is a marked history of heredity, of alcoholic parents, or of neurotic degenerate ancestors, a feeble or deficient consciousness of right and wrong is found. Alcohol used continuously retards growth, diminishes vitality, and prevents development. Drinking parents have deficient vitality and are unable to transmit to the next generation full

normal vigor. The last and highest formed element of brain power—consciousness—is the first to suffer from alcohol. Hence drinking parents can not have children with full normal consciousness. This faculty will be wanting or very feebly developed. This is the rule to which the exceptions are rare. This defect may be associated with much intelligence and intellectual capacity and power to cover it up.

A man prominent in the political world is in private life devoid of all sense of justice, of right and wrong, and duty to others. He is untruthful and dishonest, and when his own interests are in conflict, will sacrifice any person or principle to gain his ends. He is of unsound intellect, yet able to pose behind a mask of honesty often acting honestly and talking of duty, but always from the most selfish motives. He is married, has a position in society, but keeps mistresses, and is open to every suggestion that promises his personal and selfish gratification. His parents were wine-dealers and drinkers, both of them waiting on customers over the bar. Only one child grew to manhood, and entered politics as a trade. He is temperate, but a moral paralytic, or a moral maniac with capacity to conceal this condition. A man who became one of the great swindlers and forgers of the day, but who was able to keep out of prison by intrigue and cunning, came from drinking parentage. To his associates he is known as without any sense of duty and obligation to any one and is a literal Bedouin.

That these conditions are due to inheritance is apparent from the following: A boy with excessive drinking parents was taken in infancy and educated in the most careful way. All the higher faculties were cultivated to an unusual degree, and he entered the church as a brilliant clergyman. He was found to be untruthful in regard to himself, suspicious of others in matters of personal reputation, and grasping even up to the border of theft on many matters. The collections in the church had to be kept out of sight and always suffered if they passed through his hands. He became involved in spreading scandal, and seemed oblivious of the danger of such conduct, and broke up the church by his irregularities. For ten years, until his death, he was in continual trouble with every church he was associated with. Here the evidence was clear that he had inherited defective consciousness, which no training or surroundings could overcome.

In cases where inebriety has been acquired by accident, contagion, surroundings and conditions of living, these moral insanities vary widely and are not so general, but are confined to particular things. In one case excessive untruthfulness and dishonesty in all business relations was associated with sympathetic tenderness to all his associates. In another, intense suspicion and doubt of the honesty of others was associated with excessive desire to be truthful. Another was excessively immoral, seeking opportunities for sexual intercourse at all times, was hysterically religious and anxious for the conversion of the world. Another was intriguing, secretive, treacherous and uncertain in his talk and conduct, and yet lived a moral, upright life. These are almost infinite in variety and manifestation, and all show profound changes in the moral faculties. The more common forms are illustrated in this case: A. B., a business man of good reputation and standing in the community, began to drink after a protracted illness from typhoid fever. Two years later he was an inebriate.

His mind continued bright and clear, but his character had changed. He was deceitful, suspicious and slanderous. He thought his sons and clerks were robbing him and that his wife was in league with them. He had his books examined by an expert and was in doubt when they were found correct. He told falsehoods about his business and family, and grew more and more egotistical about his mental capacity to reason and decide on all matters. He was harsh and tyrannical to his wife at times, lost all pride of character in the community and sense of duty to others. He was exacting to have anything done for his own interests, and oblivious of others and their feelings and tastes. As a patient, he was intensely selfish and grasping, even up to theft; was fawning and obsequious, promising everything and doing the opposite. He imagined evil of every one and told malicious stories without any foundation, then denied them. He was always reporting others as doing wrong, and supposed every one to have only the basest motives. He stopped drinking, but thought all others drank and concealed it. This man left the asylum and is yet sober after some years, but is morally insane.

In a general summary of the common symptoms following the use of alcohol, untruthfulness, or a low respect for their word, is most prominent. A man who previously took pride in the correctness of his promises and statements, will become indifferent, promise anything, make any statements, whether true or false. A man previously honest and trustworthy will be found doing dishonest things, cheating persons, taking advantage in little matters, and failing to act fairly in the interest of others. Then follows suspicion of motives and conduct, doubting the honesty and purity of persons. This deepens into delusions of intrigue and deception of others, extreme pessimism and doubt of everything, or a state of mind which may be called "combative erythrasia" follows, in which the distrust of others is pleasing. This is manifest in malicious criticism and scandal, pointing out faults and magnifying them, apparently enjoying the knowledge of the dishonesty and malice of others and the irritation which follows from the publicity which they give to it. Sexual conduct is without restraint; the ties of family and duty become less and less; intense personal selfishness to gratify every impulse at all expense follows. The taste for gambling and speculation becomes a morbid impulse, often to retrieve their waning fortunes. Recklessness in the use of money, throwing it away without motive or purpose; or extreme parsimony to hoard it, and grasping selfishness, equally unseasonable, are common. As in other insanities, exaltation of the *ego* follows, and intense confidence in themselves and their power of reasoning and ability to do anything possible is present.

Many persons who exhibit all these symptoms appear to be but little changed in other respects. They carry on business, seemingly make plans and execute them, and appear to casual observers the same. These insanities seem to concentrate into particular lines or ranges of thought. Consciousness of truthfulness may be almost entirely absent, and in other respects appear the same. Moral recognition of the higher truths of faith and trust are gone, yet he may act sensibly and be a church member. In one case an inebriate lawyer doubted the honesty of every one and thought no one was pure or had good motives,

and yet he acted on what seemed the opposite. It was surroundings alone that held him; the restraints of society covered up an insanity which only needed a favorable opportunity to break out. In another case, a teacher who had drank many years, became a secret thief, purloining everything which he fancied, and when likely to be detected, restoring it in some mysterious way. He appeared and talked honestly and yet when not observed took advantage of every opportunity to appropriate anything that came in his way. A number of cases of inebriates have been reported where this kleptomaniac impulse took on certain peculiar forms. Thus one man when drinking stole bibles, another jewelry, and when discovered gave it up freely. One man stole washtubs. A woman inebriate always took aprons and towels; another man stole soap, and so on. The most unusual and unreasonable things were taken, concealed, and given up freely without any sense of the nature of the acts. One class of inebriates exhibit this insanity in malicious slander, another in extreme suspicion, another in vindictiveness to resent real or imaginary evils, another in immorality and impurity of act and thought. Many of the chronic cases exhibit all these phases in one. The oft-repeated expression that "inebriety is criminality" is true in a general sense, when criminality is understood as a course of conduct in which duty, right and obligation to each other are ignored. The inebriate has physically defective senses; he is not able to adjust himself to the outside world correctly, because his knowledge of their relations is imperfect. His power of reasoning is also deranged, because the impressions from without are faulty and the integrity of the normal action of the nervous system is impaired. The coarser lesions are well recognized and can be traced in all cases. Beyond this, conduct indicates the higher moral defects and changes. Psychological changes, as loss of pride, of character, of honor, respect for the truth, of duty to others, low motives or no motives, extreme pessimism, are the first and common changes which lead up to criminal acts. The paralyzing action of alcohol is first seen on the moral brain of consciousness; in the dullness and defective workings of the higher functional activities. The changes observed when a man is under the influence of spirits, is vaguely called the removal of the restraint of reason, and dominance of the animal impulses—the brute triumphing over the real man. In reality it is palsy of the consciousness, a cutting off of some part of the higher brain, and consequent confusion of the lower brain and its workings. Impressions and their meaning are confused and obscure; the higher relation of events and conditions of life are unrecognized. It is asserted that 3 per cent. of all persons born are without normal consciousness of right and wrong and their relations to others. They have retarded brain development. The part of the brain which constitutes the moral control or consciousness of the higher duties is wanting or undeveloped. Such persons are defectives, and insane in the general meaning of that word, and like demented, are incapable of normal healthy adjustment to the relations of life. When an apparently normal state of this brain function has existed and then a great abnormality follows in thought, word and conduct, disease is present. Comparison of the conduct and character of inebriates before alcohol is used and after they become habitués, brings out some startling facts that are unrecognized.

From the lowest type of a demented inebriate on one side to the moderate drinker at meals and the fashionable clubman, there is a distinct relation and chain of cause and effect. The clear moral insanity of the one is traceable to the other without any sharp dividing lines. The moderate drinker and clubman who proves to be the defaulter, or who is involved in conduct that is criminal, or who becomes a principal in crime, is suffering from disease differing only in degree from the degenerate inebriate tramp. Moral insanity is a very prominent phase of all inebriety. Its absence in any given case is always an exception to the rule. A man with a high moral development, after he becomes an inebriate may retain the form and externals of his previous character. He may be more emphatic in his display of some qualities, such as religion, truthfulness and duty, and yet in other matters be oblivious of all obligation and duty. One such man, who prayed for inebriates and lectured on temperance, carried on an intrigue and sold his influence to the highest bidder. Another man acted as an agent for the sale of stolen goods, and at the same time carried on a great reform revival; and another was engaged in gold mine swindles, while lecturing every night for temperance. The moral insanity was called hypocrisy and in a legal phrase was malicious, criminal and vicious. In reality it was degeneration and disease, the breaking down of one part of the brain while the others remained apparently clear. In our Civil War a noted general was drunk to excess at times; previously he was noted for his hearty frankness and honesty, but was found unreliable, intriguing and failed when needed most. He showed petty weaknesses and untruthfulness, with malice that was unknown before in his character. He finally died a moral wreck after the war was over, having become almost criminal in his thoughts and acts. A clergyman became a secret inebriate and later became involved in a low intrigue and was turned out of the pulpit. He was insane, his consciousness became palsied and for a time he taught ethical truth automatically. The possibility of one part of the brain being affected and the rest doing normal work, and this condition being concealed, is a reality which every experience confirms. The very close relation of one part of the brain with the other makes it impossible for health and disease to exist together, and yet moral insanity may be present and be concealed from general observation. A study of conduct will reveal it and a comparison with previous conduct will show its growth and development. The inebriate who has lost pride of character and sense of duty and obligation, truthfulness and honor, may seem to be the same in many ways for a long time, but sooner or later this moral diseased condition will spread and his whole organism show degeneration. I shall conclude this brief study with the records of two cases which have occupied public attention and been the topic of bitter discussion.

Case 1.—John Blank. Father was a strolling actor of irregular character and an inebriate. He married a woman of average ability from a good family. The father died before John was born and two years later his mother married again. John was brought up with great care and tenderness. His later education was of the best character. He was a leader of his class as a scholar and an athlete. To his mother and intimates he displayed an intense selfishness, putting his interests and desires above all others, and had no consideration of the pain and distress of others. He was cruel in his conduct to any one who was in his way to the achievement of any purpose or desire. He finally became a lawyer and was thoroughly unscrupulous in

money matters. Although not miserly or avaricious, as a politician he was without honor or pride of character and would stoop to anything to accomplish his purpose. He married a rich woman and soon after swindled his father-in-law and possessed himself of a large property. Then he drank and began to live a fast life, had a mistress, attended horse races. Wherever he went he swindled and falsified and was feared by every one who had any dealings with him. He went into stock gambling and was swindled and swindled others. To his wife and children he was cruel and violent in his conduct. After a period of excessive use of spirits, he killed his wife and made no effort to conceal it, or run away. On the trial his schemes for deception and fraud were revealed to the astonishment of every one. Truthfulness, honor, duty, and all the qualities which go to make character were absent. He was convicted, but the sentence was commuted to a life imprisonment. In this case moral idiocy was inherited. The higher part of the brain was undeveloped and beyond the reach of culture and education. Without culture he would have early sunk to a low tramp criminal and burglar, and been a pauper degenerate, dying early. With culture he became a higher grade of criminal, and yet he was unable to appreciate ethical truth or moral relations. He was insane from birth; alcohol intensified and developed this condition. The insanity was of the higher ethical brain, and concealed except to those who knew him intimately.

Case 2.—The second case came from a good family and was normal in all his relations to others. Was truthful, honest, and seemed generous and very kind. After a severe attack of typhoid fever, in which he was given large quantities of spirits, he began to use alcohol daily. His father died and left him in charge of a large business interest. His character changed. His regard for his word was lost. He was suspicious of his mother and brothers, and took money out of the business and concealed it. He left his home for a hotel, and when drinking excessively, wrote violent scandalous letters to his family and employes. He associated with low women, but treated them harshly, refused to give them money, and was constantly in trouble. No public exposure disturbed him. He was frequently in court for petty swindles and refused to pay unless forced to. His business declined and was finally taken out of his hands, and he became a low blackmailer and beggar, drinking at all times and places. He was examined for lunacy and decided to be sane. No symptoms of insanity were found, nothing but wilfulness and vicious cunning, was the opinion of Philadelphia experts. Finally he was convicted as an accessory to murder and incendiarism, and sent to prison for life. This was clearly moral insanity acquired. His family and early history showed no trace of defective consciousness or moral weakness. His parents were temperate, moral people, church members above all suspicion. In his early life he attended church and Sunday school, and was a lovable, attractive character. He began his business career with his father, and seemed in every way most honorable and honest. He displayed excellent judgment and was intrusted with large business interests which he faithfully executed. During the illness from typhoid his father died, and on his recovery he was put in charge of the business. A total change of character which followed his recovery might have been due to the spirits given, or the injury of some local center from the fever. At all events, the use of alcohol intensified and fixed this condition. In both of these a great deal of mental vigor and superficial sanity was associated with this low moral brain force. The experts could find no impairment of his reasoning and memory, and concluded his conduct was simply vicious.

In the first case immoralities and dishonesties of conduct were judged from the same point of view. To these experts, failures to observe the relations of right and wrong, duty and obligation, had no physical basis, and were mere psychic temporary lapses. The use of alcohol was accountable for this and as this could be stopped any moment, it was a condition which the person could control at will. Fortunately such views are but the survival of theories of long ago. The central point I wish to emphasize is that moral insanity follows all use of alcohol, and is present in all inebriates to a greater or less degree. This condition is inherited and acquired, and exists to a far greater extent than would be supposed. There are many excellent men who use spirits not to a great excess, who are sufferers from disease. The constant beer and spirit drinker will be found to present the

most numerous examples. This field of study will furnish defects and degenerations, which follow the same uniform laws as other more apparent lesions.

SOME MEDICO-LEGAL ASPECTS OF SENILE DEMENTIA.

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Perhaps the most marked feature in the relations of Law and Medicine which has become prominent within the last twenty-five years, is the tendency to "break wills," or contest them upon the ground of mental unsoundness; said mental unsoundness being usually attributed to the advanced age of the testator which the medical expert—being compelled to give a name—denominates "Senile Dementia."

It is not likely there are more old persons making wills, or that senile dementia is on the increase, and our query is: Why has litigation on this ground become more frequent than it was a half century ago? As our laws pertaining to wills have not changed, and as the disease—so-called senile dementia—has not changed, why is that about nine in ten wills made by wealthy persons are subject to litigation, and the wealth earned by the testator, which was as much his own as his watch or his jack-knife, is diverted from the channel indicated in his last request, into the pockets of the attorneys, primarily, and, occasionally—some of it—to the account of his unworthy and remote relations?

From careful observation extending over thirty-six years, I am of the opinion that the change referred to is largely due to a degeneration in the character of the Bar, and a decided weakness in the character of the Bench; attorneys who instigate litigation, and ignorant judges who sum up the evidence without knowledge and deliver weak opinions. Then, we have another cause: Our form of government; our system of education; and lack of that religious and moral training which teaches filial respect, gratitude and love for parents and benefactors.

Still another reason for breaking wills is the inadequacy of the statutory laws in most, if not all, of our States, to protect the wishes of the testator, and that the question of mental unsoundness is submitted to a jury of men totally ignorant of the whole subject of mental phenomena either in health or disease; and their knowledge of the case presented to them can only be gained through the tortured and tortuous examination and cross-examination of most ignorant men, women and children who are called as witnesses; and then, to complicate the matter, there are the lawyers for the prosecution and defense, who have gained a hurried something of senile dementia from some text-book—usually written by one not a professional alienist—and have a shallow knowledge of "will-making power" gleaned from theoretical essays, or works on medical jurisprudence written by a lawyer. All these causes are in constant action, and combined, produce those astonishing and unjust verdicts of "mental unsoundness" which are so commonly returned by juries in "will cases," and which are so encouraging to all the relations of a testator to the third and fourth generation. Then there is the judge—the thirteenth jurymen—ready to estimate

the value of the evidence, and also to give opinions and rulings. And yet, for a judge to translate, so to speak, the evidence in a case of insanity of any form, would require a knowledge of anatomy and physiology from the moment of conception to the period when the will was made, or the crime committed.

So much for the legal side of my subject, for the medical side cuts but a small figure. There are two kinds of medical experts. The first and largest class are professional experts. I mean those who will take a fee and appear before the jury for either the prosecution or defence—whichever will pay the most—as expert witnesses, in cases involving the most intricate knowledge of the chemistry of poisons, in surgery of all kinds, obstetrics, mental and nervous diseases. And there are experts well qualified, who are honest, but who are hoodwinked by the attorneys on either side to consent to a condition presented to them in a hypothetical case. Now, unfortunately, attorneys are not sworn to tell "the truth, the whole truth, and nothing but the truth," and the expert is employed according to his expressed opinion. The methods employed may be strictly legal in form, but the introduction of witnesses of fact, and of medical witnesses who are not alienists by profession, and of expert witnesses, almost forbids an appreciation of the truth as to the testamentary ability of the testator. No matter how great their ability, their value to the jury as a means of determining the mental condition of the testator is absolutely nothing more than the confusion of tongues in Babel.

The expert witness is not allowed to form an opinion from the evidence given by the witnesses, and thus explain to the judge and jury the value of the symptoms for or against the testator's mental soundness; but the expert witness must listen to a hypothetical case, yea, not one hypothetical case, but two, and from these hypothetical cases he must form and give a direct opinion as to the testator's mental condition. Now when we consider the fact that the attorneys are but playing a game of hazard, as much as a professional gambler does in a game of "draw poker," we can see how absolutely valueless the expert testimony may be made. The experts for the prosecution and those for the defense are pitted against each other as cocks in a cock-main—an expert acid and an expert alkali neutralizing each other.

I give as an example of legal logic, and how the medical expert is handled and compelled to swear falsely, the following: After the direct examination by the prosecution the expert is handed over to the defense. After again answering various unimportant questions as to former history, etc., the defense begins: "You have sworn that the animal in question that ate the cabbage was a rabbit. Now we wish you to listen to a hypothetical case: 'An animal was found eating the grocer's cabbage; this animal was of white skin with black spots; its hind quarters are slightly higher than its fore quarters; in movement it either runs, walks, or leaps; it has two eyes, and two ears, rather long, slightly pendent. It is predatory in its habits and a ruminative animal; it devours clover, grass, cabbage, etc.' Now, Doctor, with these facts as presented in our hypothetical case, is not this animal a goat? Answer my question." "Well, it might be either" answers the expert. Then the defense howls, appeals to the judge in a heated little speech for the benefit of the jury, and shows that the witness is either stubborn, or so ignorant that he does not know