The bastilles of England : or, the lunacy laws at work. Vol. 1.

THE BASTILLES OF ENGLAND

LOUISA LOWE

J. A. Caldecott

1883

Long Sanford

THE BASTILLES OF ENGLAND.

THE BASTILLES OF ENGLAND;

OR,

THE LUNACY LAWS AT WORK.

Is it just that a person should be subjected (as I was) to the degradation infection & the fearful mental torture of a Madhouse without having been put on his defence, & without being able to see the charges on which he is imprisoned until after he has been discharged?

BY

LOUISA LOWE,

LATE HON. SECRETARY OF THE LUNACY LAW REFORM ASSOCIATION.

When Eurybiades raised his staff as if he would strike him, Themistokles said, "Strike, but hear me."—PLUTARCH.

As malt is made in a malthouse, so are men made mad in madhouses! Is this a mere jingle of words, or how much sad truth is there in it?

VOL I.

Question - What is the chief thing needful as remedy?

Answer - More publicity, truthfulness & straightforward-ness in the Lunacy system (of healment) & more super-vision over, & less implicit trust in the Lunacy Doctors —

LONDON:

CROOKENDEN AND CO., 29 FITZROY SQUARE.

1883.

John A. Caldecott

Address
Long Lawford
Rugby

ten months a "Legal Lunatic" by English law, but not by Scotch law

So I pray & mean to prove. J.A.C

Dedication.

TO THE

RIGHT HONOURABLE WILLIAM EWART GLADSTONE,

PRIME MINISTER OF GREAT BRITAIN,

THESE RECORDS OF THE WRONGS WROUGHT UNDER SHELTER

OF THE LUNACY LAWS

ARE RESPECTFULLY INSCRIBED BY

THE AUTHORESS.

TO THE READER.

HE who reveals the secrets of a prison-house must have been in it. Even so, gentle reader, is it with lunatic asylums; therefore, to tell thee that I KNOW whereof I affirm in this little book, and am prepared to PROVE every statement made therein, is to tell thee that I have dwelt in asylums for lunatics. Whether as matron, keeper, or patient, I leave to thy discrimination. Peradventure, if thou gentle reader, art one of Britain's bees, who makest thine own and thy neighbour's honey, instead of only consuming and dispersing what others have made, thou wilt deem it a sign of unsoundness that so little is said in this volume of thy class. Believe it not, or that I, thy less industrious sister, am not keenly alive to the injustices, the oppressions, and the cruelties practised on "pauper lunatics." Only to give that name of disparagement on the advent of insanity to a thitherto self-supporting man, who has perhaps for years, through brain toil or hand toil, paid hard-won rates for the asylum's maintenance, appears to me a cruel and unjust insult. To rob him, as he too often is robbed, of the fruits of his skilled labour in the asylum, I deem a legalised iniquity; to maltreat him, even unto death, as John Coates, in Durham, and many another has been maltreated, a crime of deepest dye. But all these wrongs proceed from other causes than those in private asylums, and will best be treated of in a second volume, which, if life be spared, I purpose devoting wholly to the exposure of public asylums and their evils.

Meanwhile, I remain, in hopes of thy perusal,

Thy faithful sister,

LOUISA LOWE.

UPOTTERY VICARAGE, NEAR HONITON.

CONTENTS.

THE BASTILLES OF ENGLAND.

CHAPTER I.

THE WAY IN.

"One taking up another as a lunatic must, in order to justify himself, show that he was a dangerous lunatic."—JUSTICE WIGHTMAN.

FEW analogies can be more striking than those between our English houses licensed for lunatics, and the Bastilles of pre-revolutionised France, between the English medical certificates of lunacy with their concomitant "order" of incarceration, and the French *lettre de cachet*. In each case the individual is "deported and incarcerated" at the will of another private individual, by means of documents, of which he is allowed no cognizance, and which, as experience shows, are procurable by all who can pay for them; and in both cases the individual is equally secluded from the world, deprived of all civil rights, and left absolutely, in all respects, at the mercy of his incarcerators, without other check than occasional official supervision. And further, this sequestration of his person, this moral death, comes upon him with the swiftness and suddenness of a lightning flash, it may be in his country house, or amid the most important avocations of his daily life, thus entailing financial loss, possibly commercial ruin on himself and his children.* That this system is indefensible in theory,

* It were easy to adduce by the score, cases in proof that this is no exaggerated statement. Very lately a clergyman, Mr. B., younger brother to a wealthy country squire, married beneath himself in rank, and to the annoyance of his family. One day when entering his carriage with his wife for a drive, he was set upon by a posse of keepers, and carried off to an asylum, under the "order" of his eldest brother, contrary to the wishes of his wife, who was

few will deny. How it works in practice, it is the object of the following pages to show.

Early in the Parliamentary Session of 1877, a Select Committee of the House of Commons was appointed "To enquire into the operations of the Lunacy Law, so far as regards the security afforded by it against violations of personal liberty." Before that committee a very great number of witnesses, official and other, were heard, and an enormous mass of statements and opinions on every subject connected with lunacy law administration and the treatment of lunatics was collected and published in a Blue Book of 582 pages. Nothing that came before the committee can properly be considered as absolutely proved, since none of the witnesses were sworn or subjected to a counsel's cross-examination; and it has since been alleged that many mendacious statements as to particular cases were made; still, a vast quantity of valuable information was elicited, and many of the witnesses were men, not only above all suspicion of intentional untruth, but whose position and acquirements entitled them to very great consideration. Foremost among these, for the purposes of this chapter, stands Dr. Mortimer Granville, who was employed by the *Lancet* newspaper to visit and report on the asylums in Middlesex, Surrey, and the Metropolis, and had also been engaged in the study of lunacy for twenty years. His opinion was most decidedly expressed, that under the present law the liberty of the subject is not sufficiently protected; and he further stated, that "one third of those he found in asylums might be out of them, with advantage to themselves and to the public, for that their powers of self-control were equal to those of average persons of their class outside asylums, and that they ought to be self-supporting." Dr. Lockhart Robertson, one of the Lord Chancellor's visitors, gave similar testimony concerning private patients; and even in many cases chancery patients were said

powerless to prevent it, and is now not allowed to see him. A Mr. Harrison, a young solicitor's clerk, was also set upon in the same way, but succeeded in getting before a magistrate, and ultimately frustrated his would-be incarcerator, though at great pecuniary loss. His case was thoroughly exposed at the time in the "South London Press." Similar cases continually occur.

to be subjected to far longer and greater restraint than is necessary or just.* Supposing the same proportion of practically sane persons to be in all other asylums, as Dr. Mortimer Granville found in London, Middlesex, and Surrey, and Dr. Lockhart Robertson's calculation of wrongfully detained private patients throughout the country, to be correct, we have an aggregate of more than 20,000 persons in England and Wales not only deprived, without cause, of all civil rights; but subjected to the most abject personal slavery on false allegagations of lunacy; in fact, condemned, and perhaps for life, to a doom often worse than a felon's without trial, or even knowing whereof they are accused.

That such a state of things should be allowed to continue is surely a disgrace to our civilisation and boasted Christianity. The cause thereof may be probably explained by the old proverb, "Out of sight, out of mind"; the victims to the lunacy system silently sink below the surface of society; they disappear one by one, and are forgotten. The late Government, however, did show some perception of the unsatisfactory condition of the lunacy laws. Their reform was once promised in the Queen's Speech; but change of Government, and the enormous pressure of public business during recent sessions, seem to have consigned the subject to the limbo of oblivion. In hopes of drawing it thence, the present writer has resolved to "say that which she does know, and testify to that she has seen," of abuses and mal-administration. In doing so, she must not only incur much personal risk, but clash with many prejudices, and shock the conventional tendency to belief in official purity. As regards the personal risk, it is readily incurred in the sacred cause of humanity; whatever the results to herself, she feels that the disclosures about to be made in these pages, can hardly fail to set lunacy law reformers on the right track, viz., the substitution of individual responsibility for corporate and irresponsible action in dealing with lunatics for the rest she can only beg her readers to suspend their judgment till they have read the book.

* Min. of Sel. Com. Lunacy Laws, 1877. Qs. 1046 and 8904, 5.

Much ignorance appears still to prevail among the general public as to the exact provisions of the lunacy laws in the matter of personal liberty. These differ somewhat in the case of private, pauper, and chancery patients. By the first are meant all persons paid for from private sources. This class only will be dealt with here. It numbers nearly 8000 persons in England and Wales.

The following is

AN EPITOME OF ENGLISH LUNACY LAW CONCERNING PRIVATE PATIENTS.

1. Any registered medical practitioner in actual practice may give a certificate of lunacy.

2. Any person whatever who can obtain two such certificates against an individual may order that individual's incarceration and detention in any asylum, or licensed house for detention of lunatics, or in any unlicensed place he pleases, provided that not more than one patient is there received.

3. No private person can release or discharge a patient except the one who signed the order for his incarceration; nor can the patient be removed for change of air, or the benefit of his health, without the written permission of the same person. The commissioners may, if they think fit, discharge a patient on recovery from an asylum or licensed house, but they cannot discharge "a single patient"—that is, one in an unlicensed house where no other is received. No one can do that except the signatory of the order or the Lord Chancellor, upon the report of the commissioners.

4. No claims of relationship or affection give right of access to a certified patient.

5. As a matter of fact, no patient under restraint can write to any person not approved of by the incarcerator, except to the lunacy commissioners. The law enjoins that every letter written by a private patient shall either be at once sent to the addressee, or endorsed by the superintendent, and laid before the commissioners or visitors at their next visit. A penalty, not exceeding £20, is attached to each infraction of this statute, but it can only be enforced by the lunacy commissioners, who, by the testimony of their own secretary, are

shown never to prosecute for misdealing with letters.* By more than one superintendent has it been frankly avowed that a regular practice is to transmit all letters written by a private patient to his incarcerator, unless he or she ordain otherwise. No pretence is made of considering the statutory enactments as binding in this matter.

6. No penalty is attached to the indefinite detention of a patient after recovery.

7. Neither the patient himself, nor any one else on his behalf, except the signer of the order, may know the contents of the certificates, or even the general grounds of the incarceration till after the patient's release, when he or she is entitled to a copy both of order and certificates from the lunacy commissioners.

8. Although the law declares all false statements in medical reports to constitute "misdemeanours," all such reports are held by the lunacy commissioners to be confidential communications, and unless some action at law compels their production as evidence, neither during confinement, nor after release, can a patient learn whether the reports sent in concerning him are true or false.

9. No criminal prosecution for breaches of the lunacy laws can be instituted by any private person.

10. A private patient may be incarcerated on one medical certificate, if circumstances make it inconvenient to get two, provided that within three days of his incarceration two fresh medical certificates of lunacy are obtained. He may also be incarcerated on the medical certificate of the parish doctor, and a joint order from the parish parson and overseer, or from a magistrate, whatever his social and pecuniary position may be, provided he be therein described as a pauper. It is specially enacted in 25 and 26 Vict. cxl. sec. 26, that the order and certificate required by law for the detention of a patient as a pauper shall extend to authorise his detention, although

* The writer once heard Dr. Christie, of the Indian Asylum at Ealing, rebuke an assistant-matron, for posting a letter from a patient to the LUNACY COMMISSIONERS. On being reminded that the law required that all such letters should be sent unopened, he exclaimed, "Oh, we do not care for the law."

it may afterwards appear that he is entitled to be classified as a private patient.*

It is clear from the above epitome that the facilities for wrong-doing under the present lunacy laws are simply infinite. It is nonsense to speak of the medical certificate as a safeguard, so long as the first registered medical practitioner one comes across—however young, inexperienced, or needy—is as competent in law to give a certificate of lunacy, as the highest authority on psychology in the land. With many it is the fashion to put their doctor on a pedestal and do him honour, as an African does to his medicine-man; but I hold the medical profession to be neither better nor worse than others; and that it is at least as easy, if wanted, to find a fool or a knave, or a combination of both, among the doctors as among lawyers, parsons, or stockbrokers.

Considering how enormous is the power which medical registration gives a man over the liberties of his fellows, it would be interesting to learn which of the three so-called learned professions has produced the most criminals. We know, at least, that in the medical, there has been no dearth of them, nor can we reasonably doubt that, among the twenty thousand registered medical practitioners in England and Wales, even now—potentially, at least—there are Palmers, Pritchards, Websters, and Lamsons, and others ready again to do as one did not long since, and answer advertisements for assistants in crime. To each of those murderers while they lived, the law confided absolute power to certify lunacy—to each now living, *ejusdem generis*, is the same power entrusted. Knowing this, can any one doubt that a medical certificate of lunacy will be ever obtainable by all able to pay for it, who desire safely and silently to remove an enemy from their path?

To obviate such danger, it has been suggested that the certificate of lunacy should be only given by medical specialists of high character and reputation, licensed for that purpose. But though this would prevent villainy, it would certainly not diminish wrongful incarcerations. In fact, the Earl of

* See Fry's Lunacy Acts and Min. of Evidence Sel. Com. 1877.

Shaftesbury, chairman of the lunacy commissioners, who, so long as he took active part in their work, was the best possible authority on all questions connected with lunacy, has expressed himself most strongly against such a provision, both at the select committee of 1859 and that of 1877. On the last occasion, he mentioned one excellent man, a friend of his own, who gave him a list of the forms of insanity he had discovered; they were forty in number, and carrying out this man's principles would have, his lordship said, "resulted in shutting up nine-tenths of the people of England." He added, "You may depend upon this, if ever you have special doctors, they will shut up people by the score." And, in fact, nothing is more notorious than that in all trials-at-law turning upon the evidence of medical experts, the amount of such evidence producible on either side is rather a test of the depth of each litigant's purse than of the abstract soundness of his case. That "the wish is ofttimes father to the thought," is a truism which nowhere receives more striking illustration than in those lunacy trials, where antagonistic counsel elicit from alienists of equal reputation and learning diametrically opposite opinions concerning the same individual, and the significancy of the same actions.

Shall we therefore conclude that all these learned witnesses, or one half of them are rogues—men who, for the sake of their fees, deliberately commit perjury, and obstruct the course of justice? Rather should most be deemed honest crotchet-mongers, each with his peculiar fad on the subject of lunacy, which an ingenious barrister has found out and used in the interest of his own client. But if this be admitted, and these medical experts be considered as a class to be not one whit below the average English gentleman in truthfulness and probity, the conclusion becomes inevitable, that they and their compeers are wholly unfit to be trusted with the meting out to their fellow-men so awful a doom as deprivation of liberty on the ground of lunacy. For that such deprivation is an awful doom, one that society is only justified in inflicting for its own security, *and then only so far* as that security requires, no thoughtful person will deny. But the thoughtful are few, and the thoughtless are many, and so the very same public

who, when from time to time a stray case crops up, where one or two individuals, through a miscarriage of justice, have wrongfully endured a felon's doom, nobly clamour for redress and compensation to them—take no heed, when they hear that thousands of their fellow-men and women are needlessly, under false allegations of lunacy, enduring a doom in some respects worse than the felon's! For the criminal, at least, has protection from arbitrary ill usage. Let him conform to the rules of his prison, and no warder dare lift a hand against him, or add one jot or tittle to the legal sentence. The duration of his captivity is also known to him; he may count the days, weeks, or years that separate him from freedom. But to him who has committed no crime, but is incarcerated as a precaution against his doing unintentional mischief, or because two doctors deem his opinions irrational, or because, worst of all, he is a stone of stumbling and rock of offence to some rival in life's race, to him there is no protection, for him is no hope save in death. His limbs, and even his life, are at the mercy of his keepers, his liberty at that of his incarcerator. Despite all the care taken to prevent publicity, harrowing tales of ill usage to patients do from time to time ooze out through coroner's inquests, and even through the Blue Books; but who ever heard of the assaulting-keeper being adequately punished?

The more severe the doom to which the certified lunatic is consigned, the greater should be the care taken that he be not so certified needlessly. And to secure this there is nothing required but a practical recognition of the common law of England as laid down by the judges, that only when a man is dangerous to himself or others, and because he is so may he be legitimately deprived of liberty. This doctrine was most emphatically laid down by the court of Queen's Bench in 1859, in the case of "Fletcher *v.* Fletcher," and was reaffirmed by the same court in 1879, in "Noel *v.* Williams." Yet are these decisions continually disregarded by the doctors.* So

* In a correspondence that appeared in the *Echo* in March, '75, Dr. L. S. F. Winslow, in reply to a correspondent who urged these judicial decisions, absolutely denied their validity, and, in the name of his brethren, wrote, "We are not bound by the ruling of a judge." If that be so, God help poor England!

arrogantly defiant of the judges are even the lunacy commissioners in this matter, that their secretary, Mr. Chas. Spencer Perceval, told the select committee of 1877 that "the first object in incarcerating a man is his own good." Whereas it is clearly his duty whenever a patient is stated on the order not to be dangerous to himself or others, to report him to the commissioners as improperly detained. Possibly in some cases evil might arise from such a step, but no evil from liberating a few who it would really be advisable to detain, can equal that of the assumption by irresponsible executive officers, such as are the lunacy commissioners, of a right to modify the law. That it needs modification is the opinion of many, and that a *mezzo termine* between incarceration and unfettered liberty of action in all things, is for the interest both of society and individuals of impaired intellect or uncontrollable emotions, may be reasonably argued. Meanwhile, it is unquestionably for the judges, and for them *alone*, to declare the law, for Parliament to amend it where defective, and for the lunacy commissioners to obey it as it stands.

This great point being conceded, that coercible lunacy should be determined by acts alone, the substitution of judicial for medical examination follows as a matter of course. None but a legally trained mind, or, at any rate, a person with legal procedure at command, can safely decide as to matters of fact. Any sensible man conversant with the world can rightly judge whether a certain course of action or certain isolated deeds are sane or insane; but unless he have the power to call witnesses, to examine them on oath, to subject them to rigid cross-examination, how is he to ascertain that the alleged course of action, or isolated deeds, have really been committed as alleged? Take, for instance, the following cases which have occurred at various times, and so show that the cause is a persistent one: In the minutes of evidence before the select committee on lunacy law, 1860, p. 7, we find reported the case of a lady, Mrs. A., who was certified a lunatic and incarcerated, because she, "being the widow of Lieut. A., imagines herself to be the wife of Mr. B., is entitled to assume his name, and is entitled to his property; she imagines that she will be able to take

possession of the estate of Mr. B., and becomes exceedingly excited when reasoned with upon the subject." That, the witness (G. Bolden, Esq.) declared to be "the sole statement in the certificate. A similar certificate was given by another medical man in almost the same words." After ten weeks' incarceration it was discovered there was no delusion; this lady having been living in Scotland with the man whose name she had taken, and being his lawful wife according to the Scotch law. Another similar case occurred recently. The widow of a Major-General in the Indian army was by some tricks, which it is not easy to clearly unravel, got into an asylum at Salisbury by the people with whom she was lodging, and who, it seems, had some of her property in custody. She was certified as a pauper, and as such received and treated. In vain she protested that she was a gentlewoman, the widow of Major-General B——, had very considerable property in India, and a good deal of valuable furniture and other things in Salisbury which she was being despoiled of. All these statements were said to be "delusions." As a pauper she had been received, and as such she would have been kept to the end of the chapter, had not a brother officer of her late husband's chanced to see her when visiting another patient, recognised her, and told the true state of the case. This occasioned her being shifted into a private patient's ward, but not restored to liberty. They made her a chancery lunatic, and I have myself seen the written opinion of a doctor present at the trial, not only that she was sane, but that her condemnation as insane was due to the deafness of the aged Master in Lunacy who tried her, whereby she failed in making him take in the facts of her history. By a jury she would doubtless have been acquitted, but the law only allows a patient seven days after notice in which to apply for one, and unfortunately no one had told her this, so that she let slip her opportunity. Ultimately she regained her freedom, but after, to my knowledge, being most villainously treated in various localities, and having had her property greatly injured and reduced. The committee of her person was, I believe, one of the chancery officials. It is clear that in both these cases judicial procedure would have prevented incarceration.

Again, in the case of Miss Julia Wood, the Shaker lady, who was incarcerated ostensibly for religious delusions in 1875, the superior safety of judicial over medical examination was strongly shown. Miss Wood's religious tenets were exactly those of her community, only, probably, far less "advanced" and unintelligible than those of its "mother" and seeress, Mrs. Girling. At the time of the community's ejection from Forest Lodge in the bitter spring of 1875, the parish authorities were rather troubled by these poor starving people refusing to disperse, and preferring to encumber the ditches and roadsides at the imminent peril of causing coroners' inquests and parish funerals. So Bumbledom conceived the not altogether stupid notion of dispersing the swarm by capture of its Queen, and haled Mother Girling before a magistrate, that he might sign the "order" for her incarceration as a lunatic, which the parochial registered medical practitioner had already certified her to be. But the worthy magistrate, unspectacled by alienist's acumen, saw only in Mother Girling what indeed she is, an uncommonly canny, shrewd woman of business, who in the intervals of work likes to highfalute of that which "no fellow can understand," and so dismissed her back to her own people in peace. Surely on that day, Blessed were the poor! Julia Wood was not of them; she had property and a loving clerical relative to see that it was not wasted. No time was to be lost, for she had advanced money for the purchase of a Shakers' home, and the deed of gift was ready for signature; so this kindly relative wrote an order for her incarceration and gave it to a doctor, who took with him a colleague and *quant. suff.* of keepers, and started off in a carriage to the Shaker colony, and hunted from village to village and cottage to cottage, till in one they found a calm and serene lady, answering to the name of Julia Wood, attired *(horribile dictu)* in a bloomer costume, and conversing or reading with the inmates. Hereupon one registered medical practitioner gazed at her for awhile and then retired to the carriage, and on the steps thereof wrote a certificate that the said Julia Wood was a lunatic, while his brother practitioner took his fill of looking. After which he, too, certified the same, and then both these worthy

Sangrados dashed in together, seized their victim by the head and feet and carried her off to the carriage, "her grey hair streaming in the wind, and she calling on the representatives of the press to bear witness to her countrymen of the violence done to her."* Shame, shame on those countrymen that among them was not one true-hearted man, not one worthy son of Tyler, to fell those debasers of science to the ground.

Seven years have elapsed, and this gentle lady is still a captive, resigned, it is said, and seeking solace in ministering to the afflicted ones around her, hopeless of release on earth, and looking forward to that day of death that shall free her from her hard kinsman's power. Of her sanity at the time of her incarceration there can be no question, nor of her harmless gentle character theretofore. One, whose name were I authorised to publish it here, would carry conviction to every mind, thus wrote of her at the time:—

"We are very much shocked at the capture of Miss Wood, and the treacherous use made of ——'s name in effecting it, and we shall be very glad if you through your society are able to prove her sanity, and give her release. I believe her to be perfectly sane, and certainly harmless. The day that we visited the Shakers, our conversation was chiefly with Mrs. Girling; Miss Wood, however, was in the room all the time. She has a fine intelligent countenance, and the little that she said was quite reasonable, and her manner calm and very pleasing. No one is safe if relations may, when they differ from you and disapprove of your way of living, carry you off by force, and shut you up as a lunatic."

It may be remembered that some stir was made in the House of Commons at the time, and after a few days the Home Secretary announced that he had just received from the lunacy commissioners the gratifying intelligence of Miss Wood's discharge. Alas! that discharge was but the cruel mockery so often practised. On account of some informality in the document so hastily prepared, Miss Julia Wood was technically "discharged," escorted beyond the asylum boundary, there met by two of the ubiquitous registered medical practitioners, recertified, and instantly reincarcerated. It is only necessary to add that the society alluded to in the above letter,

* See *Times* and other dailies of that period.

"The Lunacy Law Reform Association," of which I was then honorary secretary, applied again and again to the lunacy commissioners for leave to send down an eminent London physician and a lawyer at their own expense to visit Miss Wood, and were on each occasion peremptorily refused. The madness-monger who had her in charge at the time was, I believe, Dr. Lush, late M.P. for Salisbury. She is now understood to be at Ashwood House, Kingswinford, near Dudley.

The lunacy commissioners hold the medical certificate to be, of all forms observed in incarcerating alleged lunatics, the most efficient as a safeguard; if this be so, enough has been said to show that bad indeed and utterly inadequate is the best. Still it is as well, perhaps, to give a few more cases capable, like Miss Wood's, of investigation.

There now resides in London, or did a few months ago, an old lady, one who has reached that time of life when the last speaker generally proves the weightiest. She has considerable property at her own disposal. The heirs-expectant are two nephews and a niece. The elder nephew is a retired Colonel Le Champion. His sister bears another name, and is Miss M. For some two or three years she had been residing in a boarding-house in Harley Street, where she was much respected, and considered a woman of exceptional intelligence and business habits. The sequel shall be told by a "Statement" written at the time by Captain Lister, of the Royal Navy, one of her co-boarders:—

"On Saturday, March 20th, at 10 P.M., two women knocked at 42 Harley Street, and having effected an entrance, enquired for Miss P. (the lady of the house). On being told she was out, they asked for Miss M., who had already retired to her bedroom: without more ado they followed the housemaid upstairs, and forced their way into Miss M.'s room, though requested by the servant to wait on the landing. They presented Miss M. with a letter, telling her she must without delay accompany them to Northumberland House, Stoke Newington. Miss M. refused to leave the house until Miss P.'s return, and desired the servant to inform the ladies in the drawing-room of what was taking place. The two women then tried to prevent the servant leaving the room; but shaking them off, she came downstairs and told the ladies, who at once repaired to Miss M.'s room, into which, with considerable difficulty, they forced an entrance, in

spite of the resistance of the two women who tried to prevent any communication with Miss M.

"The women had dragged Miss M. out of her bed. The ladies then demanded of the women by what authority they were acting? One of them produced a folded paper, but would on no account let the contents be seen. The ladies then went for a policeman, No. 104 D., who declared it was "all right" without looking at, much less examining the paper. The ladies not being satisfied with his off-hand manner, sent for another, who was serjeant No. 23 D. This man did look at the paper, said it was "all right," and warned them not to interfere further. Whilst these scenes were going on upstairs, Colonel Le Champion (Miss M.'s brother) walked into the house without asking permission from any one, and kept ascending and descending the stairs, and not wishing to be seen by his sister, coolly walked into a private room belonging to one of the guests. After a terrible scene, lasting more than an hour and a-half, Miss M. was literally dragged downstairs by her arms and legs, and forced into a cab. Her clothing consisted of only a petticoat, loose jacket, and one shoe, the other being left upstairs. She had no bonnet, nor was any kind of wraps taken for her."

Such is the initiatory curative treatment allotted by our sapient medical faculty to the mind that they judge off its balance; such the brutal outrages which continually desecrate English homes, and will continue to do so while the present system endures.

Colonel Le Champion having now got his sister safe under lock and key in Northumberland House, kept her there for eight weeks, and then presented the following draft of a letter to himself for her to copy and sign under pain of continued incarceration:—

"Finsbury Park, N.W.,
"*May 9th, 1880.*

"My Dear Henry,—As I believe I am now able to take care of myself, will you ask the Commissioners in Lunacy to sanction my being let out on parole and under certificate. I promise faithfully to live quietly within my income wherever you wish, and I give the Commissioners and you my word of honour that I will faithfully attend to the instructions given me by you and by the medical adviser you have chosen, both on matters of business of all kinds and for the recovery of my health. Also, that I shall do nothing without your sanction or that of the Commissioners, and if I do not attend to these promises, then I pledge my honour that I will voluntarily return and obey the instructions of the Commissioners as to my further disposal.

"To Colonel Le Champion."

It is almost needless to say that this poor defenceless lady, being utterly in the hands of her brother and the unscrupulous owner of Northumberland House, worn out by much hard usage, and naturally concluding from the constant reference to them that the lunacy commissioners were in corrupt collusion with her enemies, accepted the terms offered, and left the asylum, just as an unarmed traveller would yield to the "stand and deliver" of the armed burglar or highwayman. She signed and left the asylum, but not for liberty, since the lunacy commissioners, in the interests of Colonel Le Champion (who, as will be seen, required despotic sway over his sister for some time longer), actually sanctioned his keeping her under certificates for three months more, while living apparently at large. The use made of this concession by Colonel Le Champion was to so harass his sister by constant threats of re-incarceration if in anything she opposed his wishes, or visited the aunt over whom he was himself trying to establish absolute control for the purpose of getting her will altered, that poor Miss M. for long scarcely dared sleep three nights in the same place, and was kept in such a continual state of agitation and alarm, that her not then becoming insane is to her friends a subject of equal congratulation and surprise. At last, harassed beyond endurance, she wrote to the commissioners pointing out the utterly lawless use that Colonel Le Champion was making of the certificates, enclosing some of his letters in support of her assertion, and asking for discharge from them. The answer received was as follows:—

"Office of Commissioners in Lunacy,
"19, Whitehall Place, S.W.,
"*June 21st, 1880.*

"Madam,—I have to acknowledge the receipt of your letter of the 17th inst. I am directed by the Commissioners to point out to you that your absence for three months from Northumberland House, to which they readily gave their consent, was for the purpose of testing your powers of self-control out of an asylum, as you were not considered sufficiently well to be discharged absolutely. They trust that no necessity for replacing you in Northumberland House may arise.

"Your discharge will follow as a matter of course, if at the end of three months no such necessity has arisen; and meanwhile, if advised to do so, *your brother can discharge you at any time.*—I am, Madam, your obedient servant, Charles Spencer Perceval."

The above is a very fair specimen of the *protection* afforded by the lunacy commissioners to the public. With a full knowledge of the circumstances under which Miss M. was captured, and of her perfect power of controlling herself and her affairs to the satisfaction of all that she lived with, up to the moment of her being dragged out of her bed by the keepers, they connived at her detention in Northumberland House, and with the most irrefragable proof that their licence of absence under certificate had been desired, and was being used solely for unlawful coercion, they coolly refer her to her coercer for relief! Possibly, however, the commissioners knew nothing about it, and the above letter was evolved by Mr. Charles Spencer Perceval from his inner genius, quickened by enthusiasm for Colonel Le Champion's pecuniary advantage. In this case those greatest safeguards, "the medical certificates," were given by two doctors at Bath who casually saw Miss M. when she was visiting there a few days before her capture.

Another striking instance of the proneness of medical practitioners to see insanity where common-sense sees none, is afforded by the following extract from *The Thanet Guardian*, of August 28th, 1880:—

"BOROUGH POLICE COURT.

"FRIDAY—Present: The ex-Mayor (Mr. R. Wood), and Messrs. T. H. "Keble, J. Crawford, and Jonas Levy.

"*Alleged Assault on a Lunatic.*

"Ann Winter was summoned for assaulting and beating Beatrice Keating.—Mr. Armstrong appeared for the complainant, and Mr. Foord-Kelcey for the defender.—It appears that the complainant is a niece of the Right Hon. Sir H. Keating, and that, for some time past, she has been in the care of Dr. H. Gristock Trend, of 104 Petherton Road, Highbury New Park, having been certified as a lunatic. Ten or twelve days since Mrs. and Miss Trend and Miss Keating came down to Margate, and took apartments at the Queen's Arms. On Tuesday, the 17th inst., Mrs. Trend intimated to Miss Keating her determination to return to London, and to take her with her. This arrangement, however, the young lady objected to, firmly refusing to leave Margate, and Dr. Trend was communicated with. He sent the defendant Winter down for her, and the result was that when she entered the room in which the complainant was seated she (the complainant) exhibited great antipathy towards her and a strong determination not to be removed from the house by her. The de-

fendant then caught hold of her wrists, and subsequently forced her on to a sofa; and this was the assault complained of.—The defence was that Winter did not use unnecessary force in discharging her duty; and the magistrates taking this view, dismissed the case, but hoped the Lunacy Commissioners, would thoroughly investigate it. —At the close of the case, the complainant became very excited, and refused to return to Dr. Trend's custody; but, ultimately, her solicitor succeeded in inducing her to do so. During the progress of the case, she was perfectly calm and collected, and appeared to take an intelligent interest in the proceedings."

Although the magistrates could not avoid dismissing this case on the ground specified, both they and the Margate public were deeply impressed with the gross cruelty and injustice of Miss Keating's incarceration, and in consequence of the lunacy commissioners not interfering for her protection, the mayor, on the requisition of the principal inhabitants of Margate and its vicinity, called a public meeting in the Town Hall on the 19th of October following. It was there unanimously resolved that a deputation from the town should wait on Sir William Harcourt to present the subjoined memorial :—

"The respectful memorial of the Burgesses of Margate, in their Town Hall assembled, on the 19th day of October, 1880, with the representatives of the Lunacy Law Reform Association and others, sheweth—That on the 7th day of August, 1880, a young lady, named Beatrice Keating, was brought down to the Queen's Arms Hotel, in this town, by a physician named Henry Gristock Trend, of 104 Petherton Road, Highbury New Park, and there detained as a lunatic for thirteen days or thereabouts. That F. A. Lilley and A. M. Lilley, host and hostess of the said Queen's Arms Hotel, had during this period full and constant opportunities of observing the conduct and conversation of the said Beatrice Keating, and have made a statutory declaration hereto appended that such conduct and conversation were uniformly rational and becoming. That William Sheerman, excise officer at Margate, having had ample opportunities of conversing with the said Beatrice Keating, has made a similar statutory declaration of her sanity, which declaration is also hereto appended. Wherefore your memorialists respectfully pray you to advise Her Majesty to appoint a Royal Commission to inquire into the case of the said Beatrice Keating, in order to ascertain whether, at the time of her detention at the Queen's Arms, she was or was not such a dangerous lunatic as, by the Common Law of England, can alone be rightly deprived of liberty; and if not such a lunatic, why her detention was not hindered by the Lunacy Commissioners, with a view to ascertaining whether these gentlemen possess or can obtain such accurate and unbiased information of what passes in places of

detention for the insane, and of the mental condition of each patient therein, as can alone enable them effectually to prevent wrongful incarceration of the same, or unduly prolonged detention of those who have once been insane. And your memorialists will ever pray. Signed—Samuel Pointon, Mayor."

The mayor in consequence solicited of Sir William Harcourt an audience for the deputation, which was unhappily refused. The circumstances of the case were very exceptional, perhaps unique. The justiciary of the town had been compelled, by legal technicalities, to commit what they felt to be a most cruel injustice in substance, and sought the Home Secretary's direct interference to remedy the consequence of their own unwilling sentence. Under these circumstances it was, perhaps, not unreasonably expected that Sir William Harcourt would have granted a hearing, and his refusal to do so occasioned much disappointment. The following are the statutory declarations as to Miss Keating's sanity, made by the host and hostess of the hotel that she resided in during her whole stay at Margate, and by one, previously a perfect stranger, who was won to befriend her at considerable inconvenience to himself, solely by the obvious sanity and exceptional calmness of her demeanour in most trying circumstances :—

"We, the undersigned, Frederick Adolphus Lilley and Annette Mary Lilley his wife, host and hostess of the 'Queen's Arms Hotel,' Margate, hereby declare that on the 7th day of August, 1880, Dr. H. Gristock Trend, of 104 Petherton Road, Highbury New Park, came to our house accompanied by his wife, and adult daughter, a son about 12 years of age, and Miss Beatrice Keating, and that the ladies remained with us continuously till the 20th day of August. That during that period we constantly saw and conversed with the said Beatrice Keating, as did other members of our household, that Dr. H. Gristock Trend told us that the said Beatrice Keating was a person of unsound mind, and under certificates of lunacy, but that, nevertheless, we never perceived in her the smallest sign of insanity, but always found her perfectly rational, gentle, and lady-like, till the nurse, Ann Winter, came to force her back to London under Dr. Trend's orders, that she then became much agitated, and expressed extreme aversion to remaining under restraint, but still showed no signs of insanity.

"Frederick Adolphus Lilley.
"Annette Mary Lilley.

"Declared before me at Margate, 8th day of September, 1880.
"Robert Wood, J.P., Borough of Margate."

"I, William Sheerman, Inland Revenue Officer at Margate, Isle of Thanet, hereby declare that on the 18th day of August, 1880, I was in the Police Superintendent's Office, at Margate, when a Miss Beatrice Keating came, accompanied by a Police Constable, for the purpose of taking out a summons for an assault against one Ann Winter; that I conversed with the said Beatrice Keating, and found her perfectly calm, rational, and coherent, and that she being destitute of money, I took out the summons for her, that she expressed the utmost repugnance to remaining in the custody of Dr. H. Gristock Trend, of 104 Petherton Road, Highbury New Park, and the greatest dread of the said Ann Winter, wherefore at the suggestion of a Mr. Armstrong, Solicitor, I took the said Beatrice Keating home to my wife at 6 Ethelbert Terrace, and that she remained in our care for about nine hours, during which time I conversed much with her, and had the fullest opportunities of judging of her mental condition, and that I found her throughout our intercourse perfectly sane and coherent in conversation, and in demeanour, most gentle, modest, and lady-like. I further declare that at the hearing of the case before the Magistrates, she gave her evidence in a most straightforward manner which was commended by the Court.

"Wm. Sheerman."

"Declared before me at Margate, 2nd day of September, 1880.

"Thos. H. Keble, J.P., Borough of Margate."

It is not, of course, denied that Miss Beatrice Keating may have been mad when she was first incarcerated in Dr. Gristock Trend's house, since of that outsiders can know nothing; and if she is not mad now, driven so by despair and suffering, her mind must be a well-balanced one indeed; but that she was perfectly recovered, if she ever had been insane, and wholly unfit for further detention when at Margate, there is not the slightest doubt, nor that her re-incarceration after forcible abduction thence, was a crime against both humanity and the common law of the land. The ex-judge, Sir Henry Keating, her uncle, was asked, but asked in vain, to interfere on her behalf.

No sooner was the select committee on lunacy law of 1877 appointed, than cases and complaints poured in upon us from all parts of the country. The greatest discrimination was of course required in selecting those that we should wish, if opportunity offered, to have investigated. Those so selected were few in number, for we felt that the deficiencies of the

present system would be better seen by going *thoroughly* into two or three typical cases, than in taking, as it were, a bird's-eye view of a great number, which, after all, would rather leave a vague impression on the mind of something wrong, than accurately indicate where the weak point lay. The select committee were, however, themselves overwhelmed with applications from ex-patients and others, for a hearing. Perhaps, also, there was a little distrust of an association so rashly unconventional as to employ and believe in a woman secretary. At any rate, we were not invited to bring forward, our cases. The following is one, a searching inquiry into which, it appeared to us, would have been appropriate. It was sent us by Mr. M. Allen, a solicitor, then of Abergavenny, and a member of the family to which it relates.

Sir Samuel Fludyer, Bart., formerly of 27 Great Cumberland Place, died in a lunatic asylum at Ticehurst, on the 12th of March, 1876, having been placed there on the 30th of Sept. 1839, under certificates from Drs. Munro and Sutherland, and on the order of his brother-in-law, Mr. Cobbett Derby, Junr., of Brighton; but it does not appear that his sanity had ever been tested by a commission of lunacy. These particulars appear in papers obtained from the office of the Clerk of the Peace for Sussex, wherein it is further stated that he had been in confinement in two other places, at No. 3 Abbey Place, St. John's Wood, and Upper Clapton; but at what periods, the papers do not show.

Sir Samuel Fludyer was the only son of Sir Samuel Budenell Fludyer, Bart.; his mother and Mr. Allen's grandmother were half sisters. His nearest relatives, at the time of his death, were two sisters; one of them married, November 13th, 1828, Mr. Cobbett Derby, who signed the order for incarceration; the other married a Mr. Brownlow Warren in 1841, and was left a widow. Early in life, Mr. Allen knew the late Baronet's parents, but was unacquainted with himself, then a boy at Eton. He, however, considered that, previously to being put into confinement, Sir Samuel Fludyer was deemed a sane man. His father had, by his will, appointed him his sole heir and residuary legatee, and in the year 1822 had con-

curred with him in effecting a very important re-settlement of the family estates. In that re-settlement the father had inserted a proviso, enabling his son, in the event of *his dying without issue*, to charge the estates, which would then go over with the title to the male relations on his father's side, with £80,000 in favour of "*any person or persons, and for any purposes*," that the baronet might think fit.

Sir Samuel Budenell Fludyer, Bart., lived many years after this, but never altered the appointment of his son as sole executor. He died in 1833, and the late baronet proved his will.

In October, 1834, Mr. Allen was practising in London as a solicitor, and received a friendly call from Sir Samuel Fludyer, during which he saw nothing in his conversation or behaviour that induced him to think Sir Samuel other than a person of intelligence and perfect sanity. A few days afterwards, Mr. Allen returned the visit, but was informed Sir Samuel was not at home, and he never saw or heard from him again. In the spring of 1835, Mr. Allen was informed by a mutual relation, "that there had been a serious misunderstanding between Sir Samuel and his sisters, and that his conduct had rendered it necessary for them to have him placed in confinement as a person of unsound mind." At that time Mr. Allen knew nothing of the father's will, the re-settlement of the estates, etc. In the year 1859, it became necessary to serve Sir Samuel Fludyer with a parliamentary notice of a mere formal character, and his agent was asked for his address in order that he might be *personally* served as required by the rules of Parliament; but all information as to his abode was refused.

In March, 1876, appeared in the newspapers the following advertisement:—

"March 12—Sir Samuel Fludyer, Bart.—aged 76."

Mr. Allen still feeling extremely uneasy as to that case, exerted himself to the utmost to obtain information concerning it, and after some time ascertained that the death had occurred at Ticehurst, the cause being registered "as disease of the brain and decay of nature." Subsequently he obtained copies of all

the papers, including copies of the medical certificates from which, and an inspection of wills at Somerset House he furnishes most of the particulars here given. The medical certificates make no allusion to any previous knowledge of the deceased or any explanation of the grounds on which the doctors' opinion of him was found, but only it seems, after a *single* visit, they certified that "he was of unsound mind, and a proper person to be confined." Mr. Allen's consideration of the papers leads him to the conclusion, that Sir Samuel's previous detentions at Abbey Place and at Upper Clapton must have chiefly, if not wholly, filled up the interval between his visit to Mr. Allen's office in October, 1834, and his removal to Ticehurst in 1839. Yet in June, 1876, the newspapers contained the following paragraph :—

"WILLS AND BEQUESTS.—The will, dated August 10th, 1836, of Sir Samuel Fludyer, of 27 Great Cumberland Place, and of Ticehurst, Sussex, who died on the 12th March last, was *proved* on the 9th ult. by Mrs. Caroline Louisa Derby, the sister of the deceased, the personal estate being sworn under £250,000. The testator charges certain property in settlement, under the powers vested in him, with the payment of £10,000 each to his two sisters, Miss Maria Fludyer and Mrs. Derby, but does not appoint any residuary legatee, and in consequence the property is divisible among his next of kin according to the statute for the distribution of the property of intestates."

To say that the above will was *proved* is a technical error; for it contains no appointment of executors, and, as a will, is a perfect blank, and leaves all the personal property to be divided between the two sisters.

It would, however, have the effect that, being designated a last will and testament, it would afford a ground for contending that it would be a revocation of all previous testamentary papers, if any such were in existence.

This remarkable story shall now be concluded in Mr. Allen's own words without further condensation :—

"The result of the matter is, that the personal property, in addition to the £20,000 appointed, has devolved upon the two sisters as next of kin. And as their brother was kept in confinement during the best period of his life and died a bachelor, the real estates have, for want of a lineal descendant of his own, passed to the present possessor of the title freed from the £80,000, except as to the money appointed."

"Considering it under the circumstances a matter of the greatest importance to ascertain, if I could, the precise periods during which Sir Samuel was confined at Abbey Place and Upper Clapton, I for that purpose addressed a letter to the Clerk of the Peace for Middlesex; but he could give me no information on the subject, and referred me to the Lunacy Commissioners. I then applied to them, but with no better success. Having been unable to carry my investigations any farther, I would observe, in conclusion, that if Sir Samuel Fludyer, when he executed the will of August, 1836, was master of his own actions, and of sufficient capacity to comprehend the appointment he was then making, and the full effect of his omitting to do anything further as to the disposition of his large fortune, it seems remarkable, to say the least of it, that in a period of only three years afterwards he should so completely have lost his intellect as to require his confinement as a confirmed lunatic for the remainder of his life.

"On the other hand, if by the discovery of the dates of his detention at Abbey Place and at Upper Clapton, it should appear that when he signed this will of August, 1836, he was then actually under restraint, the conclusion to be drawn from such a circumstance would be manifest without further comment."

Almost simultaneously with the above case from Mr. Allen, we received a letter from a Gloucestershire county magistrate in reference to Mr. Thomas Preston, barrister-at-law, then a patient in Barnwood Asylum, near Gloucester. This magistrate stated that he was in the very frequent habit of meeting this Mr. Preston at the Athenæum, where he had entered into conversation with him, and failed to discover the slightest symptom of insanity. After this he had cultivated his acquaintance more and more, and become increasingly convinced of the injustice of his detention, adding, "On my honour I believe him to be perfectly sane." Now, it happened that we had been cognisant of this case for some years. Subsequently to a public meeting in London I had received the following letter:—

"Ticehurst Asylum, Sussex,
"*25th August, 1873.*

"Madame,—I see by the *Standard* you are taking an interest in us so-called lunatics; perhaps you may know some one who can help me.

"The Court of Chancery has appointed my younger brother my sole committee; he is hostile to me, our interests are opposed, and he will not allow me to use my own money to apply to the Court. There is an accumulation admitted by Dr. R. of £2,000. Dr. Robertson offered me last January to go into private hands (with a view of getting my liberty again in July), and now their Secretary writes refus-

ing me. The Lunacy Commissioners—Messrs. Forster and Cleaton—long ago recommended my case. I cannot get at the Chancellor personally. I do not believe my letters reach him, or he could not refuse my requests for *common fairness.* They have done wrong, and they will not help me in consequence. To see me, leave must be got at 45 Lincoln's-Inn-Fields from the Lord Chancellor's visitors by any solicitor who would help me: I am afraid no one else can. Is it not shameful that such a thing should occur in England? Mr. Campbell, L.C., said it was not etiquette to interfere; and the magistrates, as they cannot release, hardly take the trouble to listen to my requests to them to direct their clerk, who receives county pay, to write for me.—Yours still in hope.

"WILLIAM THOMAS PRESTON, Barrister-at-Law.

"*P.S.*—You may publish this letter if you like."

There being certainly no *primâ facie* evidence of insanity in the foregoing letter, application was made to the visitors by a well-known barrister, a member of our society, for leave to visit Mr. Preston. He was somewhat curtly refused, and given to understand that his interference was uncalled for. Nothing could therefore be done. I ascertained that Mr. Preston's statements were true, that his brother, Captain Preston, was really his committee, and lived at Gargrave Hall, the family seat, near Flaxby, in Yorkshire; but how far the interests of the younger brother would suffer, if at all, from the liberation of the elder, could not of course be ascertained by outsiders. Captain Preston was again and again asked for leave of access for an independent physician and lawyer to his brother, and as often refused it. Meanwhile, the Rev. L. Thomas, a clergyman who had been placed in confinement in consequence of an injury to his head from a fall, and detained for many years after complete recovery, had managed to regain his liberty, and was most desirous to obtain the same blessed boon for Mr. Preston, to whose sanity he bore strong testimony.* When

* Richard Minchin, of No. 5 St. Mary's Road, Surbiton, Surrey, deposed that he went to live at Dr. Newington's, Ticehurst Asylum, 11th of October, 1869, left on the 26th of May, 1875; found Mr. Thomas Preston, barrister-at-law, a patient in the asylum; was in the habit of seeing him daily, and often walked with him, and otherwise attended on him in the absence of the special attendant; never saw any sign of insanity whatever, unless irritation and loss of temper on seeing his brother, who signed the order, and is now his sole committee, can be so called. Mr. Preston used to associate freely with the other

Mr. Preston himself heard of the select committee, he urgently prayed to be had up before it, but the madness-mongering interest was too strongly represented, and brought to bear on the committee, and the session of 1877 closed without Mr. Preston being heard. Inopportunely for the public interest perhaps, he died before Parliament met again in 1878. That there had originally been just cause for Mr. Preston's deprivation of liberty, may be assumed from the fact of his having been found a lunatic some twenty years before by inquisition, though juries and masters in lunacy even may sometimes err, but all the independent evidence goes to show that he had recovered for years before his death, and that the Chancellor's visitors were misled by false reports of his condition. Dr. Lockhart Robertson, one of these visitors, described him to me, "as a most dangerous lunatic," and specified, "He cannot be trusted in the road with a woman"—a statement forthwith communicated to the Gloucestershire J.P. interested in his behalf. This gentleman replied, that he could not see how it could be true, inasmuch as the attendants in the Athenæum, where Mr. Preston spent so much of his time, were all young women, to whom he always behaved in a gentlemanly and proper manner; also, that Mr. Preston was in the habit of walking into Gloucester, and about the place—"attended," indeed, but by a man frequently out of sight. His irritation against his brother, Captain Preston, was very great; and his complaints of insufficient clothing, etc., bitter; but this seems hardly to be wondered at under the circumstances. For, setting aside sanity or insanity, the question must present itself very forcibly in this case, and still more strongly in Sir Samuel Fludyer's—How came these gentlemen to be in asylums at all? Granted that they needed surveillance, and even restraint at

---

gentlemen patients, and also played billiards with them. Richard Minchin has seen him converse with ladies when accidentally meeting them; never saw anything unusual in his conduct, or found anything objectionable in his conversation. Mr. Thomas was also a patient during the whole time of Minchin's residence, and found him always the same. He also knows of other persons at Ticehurst perfectly quiet and harmless.—(Signed) Richard Minchin, April 20th, 1877.

times, why should they not have had it in their own houses, with all the comforts and luxuries becoming their social position? Were not Sir Samuel Fludyer's £250,000 personalty, in addition to his landed revenues, sufficient to have made Aylston Hall and his town-house, safe and suitable residences for him? and ought not Mr. Preston's far smaller, but yet fair income have been devoted to his use outside an asylum if he preferred it? It was shown before the select committee that Mr. Preston's private and independent income was £800 per annum, yet he was not apparently allowed the pocket-money of a schoolboy. And this seems the usual treatment of rich men under certificates of lunacy. Whatever of their income is not swallowed up by the madness-mongers is left to accumulate for the heirs, instead of contributing to the owner's pleasures in life. A digression on the hardship of this would, however, be out of place in this chapter, mainly devoted to showing the insufficiency of existing safeguards against wrongful incarceration under allegations of lunacy. Of course, I do not here take into account the right-mindedness and family affection which would no doubt frequently prevent all attempts to incarcerate sane relatives, and secure endeavours to get them well treated if insane. With these we have here nothing to do. Laws are not made for the good, but for the evil. The enactment of any law recognises, *ipso facto*, the existence of proneness in mankind to the crimes and errors against which it is aimed. There is, therefore, no just cause of offence to any in my treating of this matter on the assumption that legal safeguards are indispensable to security from wrongful incarceration and maltreatment in lunatic asylums.

The cases of the Rev. L. Thomas and Mr. Preston afford good examples of what is deemed by the medical profession and the lunacy commissioners adequate causes for depriving men of intelligence, education, and position of every social enjoyment, and subjecting them to that deprivation of personal liberty which even a Chancellor's visitor — Dr. Lockhart Robertson—describes as "abject misery even under the most favourable circumstances." The evidence was before the select committee of 1877, the witness was Dr. Newington,

proprietor of Ticehurst, and late custodian of both these gentlemen. It is almost superfluous to say that he, being in a manner on the defensive before the select committee both for himself and his trade, would naturally bring forward the strongest proofs of insanity that he could. Against the Rev. L. Thomas it was stated that he was dyspeptic, and desired "various kinds of food. First he had a little bit of one, then of another. Sometimes he would have half a dozen, and he would take one, and then begin another, and then take them all over again; *so that he was quite insane about his food.*" He was also said to be "very irritable, untruthful, vacillating, and quarrelsome." And again, "very difficult about his food." Also that he preferred having his head at the foot of his bed, and so would move his pillow there and sleep in that position, and that he tied his flannel shirt peculiarly. This is literally ALL that Dr. Newington relied on to show that Mr. Thomas was "of unsound mind," and rightly still subjected to an incarceration which had lasted nigh fourteen years.

Against Mr. Preston the charges were that "he was very careless indeed about his clothes, and when they got into holes always mended them himself;" that "he mended them with string in a most extraordinary way," and that he heard voices."*

Concerning the charges against Mr. Thomas, it is sufficient to remark, that outside the madness-mongering interest, there is not probably one reasonable and reasoning person to be found who would see the smallest necessary connection between the whole category of accusations and insanity, even supposing all of them to be true; but having disinterred them from the Blue Book, it is clearly incumbent on me to remind the reader that not the slightest evidence was adduced in support of any one of them. And here I cannot but add, that gross injustice was done to all patients whose cases were gone into by the select committee of 1877. In no single instance was any refutation of the charges made by superintendents and licensees allowed, nor were these gentlemen required to

* Min. of Evid. Sel. Com., 1877, Q. 8189 et sq.

substantiate one of their allegations. The old time-honoured device of "throwing mud wholesale, sure that some will stick," seems to have been the course in favour with them, and unhappily not discouraged by the Committee, the most assiduous attendant at which was the then great madhouse owner, Dr. Lush, M.P. for Salisbury, whose establishment my case-book shows to have been by no means less given to detention of the sane than many others. Further on, however, Dr. Newington let in a side-light on Mr. Thomas's detention which is instructive. He says, "When I found that he was sufficiently well, I proposed to his family that he should be released, *and they were dreadfully frightened because they thought that he would go home and commit all sorts of depredations about the property.*" * This Dr. Newington reports, and this was clearly the key to the whole detention after Mr. Thomas's recovery from the fall which he acknowledged to have incapacitated him for self-government for two or three years.

One of the accusations against him in this connection was that he, being possessed of a good private fortune, wrote to his bishop from the asylum resigning a living, the duties of which he could not perform!

Of the charges against Mr. Preston there is but one deserving attention, and on that I must beg my readers to pause awhile. To say that a man is insane and unfit to be at large, because he mends his own clothes even with string, would be subject of mirth had not the consequences been so horrible. The accusation of "hearing voices" is of a different class, and whether true or false in this particular case, is one continually made against individuals of sane conduct, and is asserted by the medical profession to be "incontestable evidence of insanity." Now, a very little consideration will show that to make the hearing of voices from sources other than human (which is, I conclude, what is here meant), or belief in any other so-called supernatural phenomena, a proof or even presumption of insanity, is illogical and inconsistent with the law of England. There is a BOOK, as to the origin and value of

* Min. of Evid. Sel. Com., 1877, Q. 8210.

which men differ, but which, nevertheless, the law of the land asserts to be without spot or blemish, absolute in its truth, in its every word inspired by the Spirit or written by the finger of the MOST HIGH GOD. This is the doctrine of our law courts. So sacred, so spotlessly true does the law of England hold this book to be, that false testimony, entailing *per se*, no sort of penalty, becomes the gateway of penal servitude in this life, and, so far as the judge can inflict them, of everlasting burnings in the life to come, if the utterer's lips have, before speaking the lie, but kissed the holy volume. By an unrepealed statute, any "person having made profession of the Christian religion who shall, by writing or other means, deny the Holy Scriptures to be of Divine authority shall, upon the first offence, be rendered incapable to hold any office or place of trust; and for the second, be rendered incapable of bringing any action, of being any guardian, executor, legatee, or purchaser of lands, and shall suffer three years' imprisonment without bail." He is also indictable at common law;* and so lately as November 14, 1822, in a prosecution by the Attorney-General for a blasphemous libel, Judge Best said:—

"It is not necessary for me to say whether it is libellous to argue from the Scriptures against the divinity of Christ, this is not what the defendant professes to do. He argues against the divinity of Christ by denying the truth of the Scriptures. A work containing such arguments published maliciously (which in this case the jury have found) is by the common law a libel, and the legislature has never altered this law, *nor can it ever do so while the Christian religion is considered to be the basis of that law.*" †

In the State prosecution of Carlile, three years before, for publication of Paine's "Age of Reason," the judges all agreed that to deny the authenticity of Scripture was blasphemy, an offence at common law as well as by the statute, and that "neither Churchmen nor Dissenters wished to protect those who disbelieved the Holy Scriptures. On the contrary, all agreed that as the system of morals which regulated their conduct was based on these Scriptures, none were to be trusted with offices who showed that they were under no religious

* IX. and X. Wm. III., c. 32.

† Rex *v.* Waddington (Barnewell Creswell, pp. 26-29).

responsibility;" and they further laid down that "this act is not confined to those who libel religion, *but extends to those who, in the most private intercourse, by advised conversation admit they disbelieve the Scriptures.* Both the common law and the statute are necessary; the first to guard the morals of the people, the second for the immediate protection of the government." And to show that they were in earnest, the defendant was sentenced to pay a fine of £1500, to be imprisoned for three years, and to find sureties for good behaviour for the rest of his life. *

In the prosecution of Williams for a similar offence, the Hon. Thomas Erskine told the court, "It is a belief in Scripture alone that could qualify you to accept the oath you have taken or bind you to the discharge of its obligations"—a sentiment which the court fully endorsed by sentencing the defendant (an exceedingly poor man) to one year's imprisonment with hard labour, and £1000 security for good behaviour for the rest of his life. †

The above extracts from Law Reports sufficiently establish the fact that, in theory at least, unqualified reception of the Bible as the pure Word of God is essential to the legal exercise of the rights of British citizenship. He who denies, or even doubts, and expresses that doubt "in the most private conversation," is by law disfranchised of all except the right to live. Nor can it be said that these statutes are obsolete, and that the law has practically become a dead letter; for at this very time an important English constituency is but half represented, and a duly elected member of the House of Commons is out in the cold virtually for non-recognition of the authority of the Holy Scriptures, since outside divine revelation we neither have nor can have any *knowledge* of Deity, and consequently all that concerns HIM becomes mere matter of opinion, divergence of which from that of the majority it would be irrational to punish with deprivation of civil rights.

It must therefore be admitted that the law of the land still

* Barnett's Alderson Reports, pp. 161-171.

† "Howell's State Trials," vol. xxvi., p. 656.

maintains the absolute authenticity of the Bible, and requires all British subjects to do the same under liabilities to heavy penalties. To those acquainted with the Book (and who is not ?) it is well nigh superfluous to say that it literally teems with accounts of extra-human voices made audible to man, and even of sustained dialogues between men and spirits of various degree rising up to the Almighty himself. We are, as English citizens, bound to admit that not only this extra-human vocal intercourse took place continually from the very beginning of the world—at any rate till the death of the Apostle John—but that men were accustomed to mix quite familiarly with denizens of other worlds, receiving them into their houses, and hospitably entertaining them much as we do honoured guests. On the other hand, it is at least as certain that men of science generally—and perhaps the medical profession more especially—reject all these phenomena as impossible, and hold a belief in them with reference to the past to be foolish credulity, with reference to the present to be insanity. Out of the 20,000 registered medical practitioners of England and Wales, it might safely be affirmed that not one-twentieth could be found who would not declare an allegation of having held personal intercourse with a spirit conclusive proof of fraud or of insanity—adequate ground for "detention under care and treatment," either in a jail or a madhouse. How, then, can a legislature which requires the admission of such intercourse during many thousand years of the world's history, which makes belief in it the very corner-stone and pillar of the State, declared, as we have seen, by the judges indispensable to its safety, and which admits into its ranks on equal terms the members of the Roman Catholic Church, which has in all ages down to our own day asserted the continuity of such intercourse; how can that legislature with either justice or humanity, place the power of certifying lunacy and decreeing the hideous doom of madhouse entombment in the hands of a profession who, almost without exception, see insanity in the State-enforced creed of spiritual intercourse ? For it has never been contended that the potentialities of human nature have undergone such change that

converse with spirits is less possible or less consonant to reason now, than through the ages in which the common law of England guarantees its existence.

In the case of Mr. Preston the audition of voices was the only serious allegation made against him by his former custodian, Dr. Newington. Once he varied the expression to "he was under the influence of voices," but as he did not specify any action performed under this influence it may be assumed that nothing irrational or reprehensible was so done, and that the *gravamen* of the charge was simply claiming to hear voices inaudible to Dr. Newington himself.

At a time when the votaries of occult phenomena both of sight and hearing are fast multiplying in every portion of the British dominions, the aspect of the question brought so prominently forward by this late sad case assumes tremendous importance; for it is to be feared that hundreds, if not thousands, within them are incarcerated as lunatics for no other cause than a living practical faith in the national Church, the national Bible, and their legitimate outcomes. Thus is every British subject placed in this dilemma. If he does not believe that God Almighty and angels innumerable walked about the earth freely conversing and consorting with mankind in general, and the Jews in particular, for some five thousand years or thereabouts—if he "even in the most private conversation expresses disbelief" of a dead prophet's having come to life and talked with John in Patmos, he breaks the law of the land, and is liable to prosecution from any man or society of men who may choose to set the law in motion against him; if he believes in exactly similar occurrences among Europeans of his own generation, he is liable to incarceration as a lunatic at the will of any individual who wants to shelve him. And to increase the public danger and intensify the anomaly of the situation, the Lord Chancellors appoint, to prevent the abuse of the registered medical practitioners' powers in stamping out faith in the UNSEEN, lunacy commissioners of atheistic proclivities who ridicule the Book—reverence for which their Lordships, as heads of the Justiciary of England, are bound to enforce, and who declare that all who believe in it are mad.

Both these points were proved at the hearing of an application in Queen's Bench against the Lunacy Commissioners not many years ago. It was then deposed on oath that the Bible had been disparaged by them; for that, on one specified occasion, when the plaintiff and ex-patient told the Commissioners that in judging her they must bear in mind that she had "ever considered approach to God the main end of life," one of them answered, "Yes, *believed the Bible and all that sort of thing*," which, if it is not the contumelious speaking of the Scriptures condemned by the Act, must at any rate be very near it. And in the same affidavit it is further declared, that on another occasion the Commissioners judicially declared, "All Spiritualists are mad."*

Mr. Justice (now Lord) Blackburn also on the hearing of this case remarked in court to counsel, that a belief in the phenomenon now so generally known as passive writing "looked very like insanity"; while, had an application been made to him next day to deprive children of a mother's care because of her disbelief in the authenticity of the book which records the identical phenomenon as occurring to David and his countrymen, he must needs have granted it.

Such are the anomalies of English law, such the dangers to which personal liberty is exposed thereby. It is of no use boasting of religious liberty and freedom of speech in England so long as that liberty may be curbed by a notoriously materialistic profession for their own advantage. And our judges are so hampered by statutes that they must, if so called upon, in defiance of humanity and common sense, inflict the most grievous penalties for departure from reputed orthodox belief.

So chaotic a state of law is surely a disgrace to any legislature, as well as a monstrous cruelty to its subjects. The people

* So broad a negation of Spiritualism is obviously tantamount to a profession of Atheism, since the very foundation of all religion must be belief in extra human intelligence cognizable by man through its operations. That this was the creed so obnoxious to Mr. Wilkes as to elicit the impious assertion in the text, can be proved by reference to various works on the subject since published by the alleged lunatic interlocutrix on this occasion.—(See "A 19th Century Adaptation of Old Inventions to the Repression of New Thoughts," pp. 13-17.)

of England have a right to demand that the LAW should give forth no uncertain sound, nor force us to steer our own course as best we may between the incongruities of State theories and State practice on the one side, with the iconoclasm of medical atheism on the other. Let us at least know where we stand. If belief in the Bible as the authoritative word of the Most High God is still to be enforcible on the nation under legal penalties as we have seen that it is now, let that great Book at least be a shield from molestation in all opinions and practices consonant thereto, and let it be made highly penal for medical men or lunacy commissioners to adjudge coercibly insane any views or any actions sanctioned by Scripture.

So far is this from being the case now, that among the few detentions cited in this chapter, two at least, Miss Julia Wood's and Mr. Preston's, are, as far as appears, instances of the contrary. The late Serjeant Parry being consulted with reference to the incarceration of an avowed spiritualist on the sole ground of religious belief, declared his conviction that such interference with opinion or religious belief was utterly illegal, and "would subject the parties exercising it to severe punishment"; but of what avail is that liability in face of the enormous difficulties private persons meet with in prosecuting licensees and lunacy officials?

It is a somewhat remarkable circumstance, that while of late years the opponents of incarceration by medical certificate have greatly increased both in numbers and earnestness, a very strong argument against them has, as far as I am aware, escaped attention. It is this: That while two medical certificates can establish a man's lunacy for the purpose of incarceration, no amount of medical certificates can legally establish his sanity for the purpose of protection or liberation. There is surely something anomalous in giving to judges (and what are doctors in this connection but judges and juries combined) power to condemn but not to acquit, to inflict punishment but not to remit it. Yet this is what we find in the lunacy system. Supposing the doctor first applied to for a certificate sees no cause to grant it, and is even convinced that the application is a fraudulent one, he will, if he is an honest man, refuse to cer-

tify insanity; but he cannot give the alleged lunatic a valid certificate of sanity which shall act as a safe-conduct even for a day, and prevent, if anyone nefariously desire his suppression, his being made to run the gauntlet of registered medical practitioners till two are found who will certify him "to be of unsound mind and fit to be detained under care and treatment." That finding such would be only a matter of time is certain.* Far be it from me to impugn the high honour, the incorruptible integrity of the medical profession as a body, or to filch one inch from that lofty pedestal whereon it has pleased the British public to elevate its medicine men, still the individual has yet to be found whose plans or whose pleasures have been seriously frustrated through inability to get his doctor to certify him in need of leisure.

The fact is, all questions have various aspects, and that made prominent by golden sheen is apt to eclipse the others. So well is this understood, that in no commercial transactions any more than in government departments are any doctors trusted, except those in the pay of the managers. No better illustratration can be found of the strong distrust of medical certificates *as such* entertained by the authorities than is afforded by the case of the Rev. H. J. Dodwell, who, it will be remembered, fired a pistol in the vicinity of Sir George Jessel, and was consequently tried, found insane, and sent to Broadmoor criminal lunatic asylum. Some time previously he was visited and the following report issued:—

THE CASE OF THE REV. H. J. DODWELL.

COPY OF THE REPORT SENT TO THE HOME SECRETARY ON MARCH 23, 1878.

I have, on two separate occasions, in consultation with Dr. Gibson

* If this medical autocracy is to continue, it ought surely to be let tell both ways so that it might be competent to any one to procure for himself a certificate of sanity to date. By this means those who now live in ceaseless terror might obtain peace and safety through a diurnal visit from their registered medical practitioner, whose certificate would go as a matter of course to their solicitor. To many the expense would be a consideration, but then it is mainly the rich who do live in such terror; besides, when the practice was once well rooted, no doubt certificate dispensaries and proper applications of the co-operative principle would bring these clean brain bills within reach of the masses.

and Dr. Winn, had lengthy interviews with the Rev. Mr. Dodwell now in Newgate.

Alleged Grievances.

1. He described in detail his alleged grievances—his dismissal from the Brighton Industrial Schools, inability to obtain a re-hearing of his case, and the treatment he received from the governors of a school in Devonshire to which he had been appointed master.

Actions in Courts of Law.

2. He gave a very lucid description of the course of action pursued by him in courts of justice and its result, of his endeavouring to obtain what he considered to be his rights, and his failure in every instance to obtain a proper hearing.

Acutely conscious of his Grievances.

3. He gave an accurate description of the various petitions he had presented. He appears acutely conscious that he possesses a grievance for which he can obtain no redress. He believes, in consequence, that his family and himself have been brought to the brink of ruin.

Inability to earn a Livelihood.

4. He informed me that, having failed in obtaining a re-hearing of his case he had made fruitless attempts to obtain clerical duty. He had applied for such to an agency, but without success. He had also endeavoured to get pupils, but in this he had also failed.

Proof of Non-Murderous Intent.

5. The act for which he is now in Newgate had been premeditated for the last six months. As a proof of this, he read me an extract from a letter written by him to the Lord Chancellor, in which he stated that it was his intention to break the law in order to obtain a hearing. His first idea was to fire off a pistol in Vice-Chancellor Malins' Court; but he found by so doing he would simply be committed for contempt of court, and the purpose he had in view would remain unaccomplished. He was anxious to impress on me that he never had the intention of committing murder. To prevent or rebut a charge of so serious a character, he purchased a pistol and not a revolver, as he only intended to fire once. He also informed me that, a few weeks previous to his attempt, he read of a man who was injured by the discharge of a pistol containing blank cartridge. This accident would have been avoided, had not the pistol been close to the injured man. To avoid any possible injury being incurred by the Master of the Rolls, he (the prisoner) stood at what he considered to be a safe distance from his Lordship before discharging his pistol.

State of his Affairs one Month previous to Assault.

6. A month previous to the assault he met a friend in the Strand. At the time he considered that he was suffering from gross injustice,

and having failed in obtaining clerical employment, had only a few shillings in the world with which to support a wife and four children. On this occasion, he exclaimed, "I will not go to the workhouse, except through the gate of the dock; and if, by so doing, my case is placed before the reflecting people of England and I sink—I must sink." He is a man apparently of determined purpose, and this seems to have been his character through life. I have carefully inquired into the history of his antecedents, and can detect no evidence of hereditary disease.

Opinion of Case.

7. During the whole of my conversation with him he was calm and collected; there were no symptoms indicative of a morbid impulse. He appeared to be a man driven to desperation and ruin by circumstances. He did not labour under any delusions. He declared that he had only acted unlawfully with a view to securing the attention of his countrymen to the subject of his alleged wrongs. He gave, clearly and distinctly, an account of his previous history. His memory seemed to be excellent. His conversation, manner, and general demeanour were most rational in every respect; and I was unable to detect any symptoms indicative of mental disorder. I am of opinion, from a careful and anxious consideration of the case, that he is of sound mind, and there is nothing to justify his detention as a criminal lunatic.

(Signed) L. S. Forbes Winslow,
M.B. Camb., M.R.C.P. Lond., D.C.L. Oxon., L.L.M. Camb., &c.
Lecturer on Mental Diseases, Charing Cross Hospital.

23 Cavendish Square, March 23, 1878.

During a long interview with the Rev. H. J. Dodwell on Thursday the 20th March, and another on the 21st, I could not discover the slightest indication of insanity. He was neither excited nor depressed, and his manner throughout both visits was calm and self-possessed. His conversation was perfectly coherent, without any inconsequence of words or thoughts. There was not a trace of a delusion, and his memory was never at fault. In all he said, he gave unmistakable proof of his being a man of great ability and learning, and having feelings keenly sensitive to the least doubt thrown on his honour or truthfulness. His general health was good, and he stated that he never had any serious attack of illness, and that there was no hereditary taint of insanity in his family. He gave a clear and logical account of the motives and circumstances which led him to commit a breach of the peace.

He stated that six years ago he held the appointment of chaplain to the Industrial Schools at Brighton. From this office he was dismissed, in consequence of his having complained of the conduct of some of the officials, thereby giving offence to some members of the Board of Guardians. He demanded a full and fair inquiry into all

the circumstances of the case; and, although he was supported by seven clergymen and other members of the Board, his reasonable request was not granted, nor could he get any redress for the grievous wrong and ruinous loss he had sustained. Since that time he has made repeated efforts to get justice done him in vain. He says that if he can only get his character cleared he would be satisfied. Fifteen months ago he applied to the Court of Chancery, but was told by Vice-Chancellor Malins that he had no jurisdiction in the matter. On asking him what induced him to fire a blank cartridge at the Master of the Rolls, he said it was from no vindictive feeling or murderous intention, but with the hope that it might be the means of bringing his case before the public, being driven to it by extreme poverty; and that if he must go to the workhouse, he preferred that it should be through the criminal dock; that he did not fire from sudden impulse; he had for months previously contemplated doing something to force himself on the attention of the public, having on his mind the example of the officer who struck the Duke of Cambridge in order to get himself heard.

Mr. Gibson, the Surgeon of Newgate, informed me that during his imprisonment his conduct had been most exemplary, his manner and habits perfectly rational, and he has never complained of the prison diet.

From a careful consideration of all these facts, I have come to the conclusion that the Rev. H. J. Dodwell is not insane.

J. M. Winn, M.D., M.R.C.P.,
Member of the Medico-Psychological Society, &c.

This report was forwarded to Sir William Harcourt, who declined to be guided by it, and subsequently sent a medical man of his own selection, who gave an opposite opinion, on which Mr. Dodwell's detention has been prolonged. In bringing forward this case there is no intention to call in question the justice or humanity of the Home Secretary's decision, for which doubtless he had adequate grounds, but merely to illustrate the extreme danger to personal liberty, and hardship to the public of having the decision of coercible insanity left in medical hands at all. Curiously enough, Dr. L. S. Forbes Winslow and Dr. Winn are the physicians who we shall presently find employed by Sir Henry de Bathe to certify his neighbour's wife a lunatic. But for a purely fortuitous circumstance she would have been shut up, probably for the term of her natural life, in some madhouse jail, and the law would have deemed the certificates of Drs. Winslow and Winn

that she was of "unsound mind" quite sufficient justification of the deed. Why then does not Sir William Harcourt consider certificates *from the same men* that the Rev. H. J. Dodwell is of sound mind justification for releasing that most misguided and unfortunate gentleman? Simply because he knows, and gives practical effect to his knowlege, that medical men see as a rule what they are sent and paid to see, and probably also holds with the Earl of Shaftesbury in his working days, that "the mere judgment of the fact whether a man is in a state of unsound mind, and incapable of managing his own affairs and going about the world, requires no professional knowledge, and that a sensible layman, conversant with the world and with mankind, can give not only as good an opinion but a better opinion than all the medical men put together."* *Pro formâ* the Home Secretary sent a registered medical practitioner to see Mr. Dodwell; the opinion that really guides him is doubtless his own and that of the judge who tried the case. Had these been in favour of liberating Mr. Dodwell not one, but fifty doctors would have been found to confirm the Home Secretary's view.

It having been thus shown that the medical certificate affords no safeguard whatever against the incarceration of the sane, let us seek one elsewhere. Shall it be in "the order" which must be signed by a third person to give effect to the certificates, and may, as we have already seen, be signed by any person whatever? Absolutely no qualification in the signatory is required, except that he or she should have once seen the patient within seven days of sending him to the asylum. No word need have passed; the interview may have consisted of a casual meeting in the street, or a view of the patient from an upstair window or the top of the Monument, for absolutely ALL that the Act requires of the signer is to state the locality where, and the date at which, he last saw the patient. It is true that the signatory of an order for the detention of a patient not dangerous to himself or others incurs a certain responsibility; for the patient *if* he escapes,

* Rep. Sel. Com. on Lunatics, 1859. Q. 192.

and *if* he has money enough at command, and *if* there are no family or commercial reasons that would make publicity injurious to him, may possibly bring a common law action against the incarcerator and recover damages. But what if a man of straw, a footman or a groom, has been put forward as signatory by the real mover in the matter? His signature would be just as valid at the bottom of an "order" as it would be valueless at the bottom of a cheque. One of the features of the lunacy system brought most prominently forward by the select committee of 1877 is this, that no kind of relationship or acquaintance or equality of social rank need exist between the patient and the signatory of the "order" that consigns him to an asylum. It further transpired that to the commissioners' own knowledge servants had thus disposed of their employers, and the late Mr. Aspland, J.P. for Cheshire, gave an instance where the same thing had been done by a tradesman with regard to a rival in the same business. Other witnesses adduced similar instances, and it was proved before the committee that Mr. J. L. Plumbridge, a city merchant, was, some nine years ago, when in full management of his affairs, caught up, incarcerated in Dr. L. S. Forbes Winslow's asylum, and made a chancery lunatic, to his most grievous loss. Happily he escaped in time to rehabilitate his business, which he has successfully carried on ever since. It is a curious feature of this case that Dr. Lockhart Robertson, the Chancellor's visitor, saw Mr. Plumbridge some weeks after his escape, and told the committee that "he was then insane," although he prudently hedged by adding that he was on the mend, and had probably become sane by that present time.

A few years ago a married man of good fortune and position fancied taking a turn at bachelor life, and migrated into fashionable chambers, making over to his wife the use of his town house and a very fair proportion of his income. The arrangement was a perfectly amicable one, and so continued for some two or three years, during which it is understood the parties never met. Then a change came over the spirit of this eccentric Benedict's dream; he would fain sell his house and retrench his expenditure. The lady, however,

happened to like the house and would by no means consent to cancel the agreement made concerning it. Who but a lunatic would thus oppose a husband's will? At any rate, so said Benedict, and forthwith secured for his afflicted mate permanent quarters in a suburban madhouse. The next step was to get the requisite documents, and not wishing for further trouble in the matter, he begged a trusty friend, Sir Henry de Bathe, of Woodend, near Chichester, and various other domains, to see about it, which Sir Henry blandly undertook to do.

Having been a visitor at the house when the husband and wife lived there together, Sir Henry was able to call on the lady without exciting any suspicion in her mind. After a short friendly chat he took his leave and sent the two registered medical practitioners Winslow and Winn to certify her a lunatic. These gentlemen, by aid of assumed names and false pretences, also gained admittance, and by representing themselves as laymen come on a mission of charity, to enlist her sympathies for cases of destitution, succeeded in drawing the lady into conversation, and then departed, having obtained a kind promise from her to consider the matter. Next arrived a carriage with three keepers, two women and a man, to tear this lady from her home, and cast her into the lunatic's den, already selected by her husband and kept by the mother of one of these medical impostors. Happily for the "patient," when the keepers arrived she had with her a visitor who knew that the certificates gave no right of trespass on private premises although the holders continually act as if they did. The keepers were consequently ejected, and before they could obtain the husband's authorisation to re-enter, the lady was got away, and so escaped a doom which might but too probably have in a very short time proved fatal to her life or her reason. It is, indeed, one of the most appalling features of this facility for sending people to asylums, that the sane cannot safely associate with the insane for even a brief period. That high authority on all such questions, Dr. Mortimer Granville, holds that such association "would almost certainly upset the mind" of a sane person, and that in the

case of the nervous and excitable, twenty-four or thirty-six hours in an asylum would suffice to produce insanity.*

It is only just to Sir Henry de Bathe to add that there do not appear the slightest grounds for imputing to him in this, or in another case in which he took similar action against a young and lovely woman, any malicious motives or vicious desires. He seems to have been simply actuated by that spirit of *camaraderie* and mutual loyalty in the chase instinctive to most men when woman is the quarry. But what if it had been otherwise, and what if Sir Henry de Bathe had desired to gain possession of this or any other young and attractive woman for his own ends, to isolate her from her natural protectors, and have her where he could urge a love-suit in the character of her champion and deliverer? It would have been just as easy for him or any other man able to pay for his whistle, to incarcerate a wife without as with her husband's consent; and once in the asylum, be it remembered, *the patient is absolutely inaccessible to any private person except the signatory of the order or his delegates.* But the patient, unless the lunacy acts have formed part of her educational curriculum, will not know this, nor will she know on whose order she is incarcerated, but will naturally attribute the wrong to her husband or her kindred, and be yet further embittered towards them by their apparent silence and neglect. For no letter from the outside world can reach a patient in a private asylum, nor can any go forth from him contrary to the incarcerator's instructions. On the enormous advantage an unscrupulous lover might take of this position, it is not necessary to expatiate. There is no doubt that in all countries the lunatic asylum has been often resorted to by parents and guardians as a hindrance to marriages that they disapproved of. Possibly hereafter, in England, at least, the young may utilise the same institution in coming together. Chloe might endure a few hours' captivity to become her Damon's own.

It is necessary to an adequate reform of the lunacy system for the public to realise that to such occurrences as I have suggested there is really no material obstacle whatever. The

* Min. of Evid. Sel. Com. Lunacy Law, 1877. Q. 8856-8860.

purely accidental frustration of Sir Henry de Bathe's plans proves it. Had the keepers arrived a few minutes sooner, or had not conscience made such cowards of them that they were intimidated by a lady stranger's remonstrance, the capture must have been effected. True, a trespass would have been committed in doing it, but what then? Only the owner of the house could have prosecuted, and he, they might have known, would not. The unexpectedness of the incident made them hesitate, hesitation proved their loss, and the salvation of their coveted prize.

In the case just considered, the husband being the instigator, Sir Henry de Bathe ordered the lady's incarceration under her own name, and thus, had the same been carried out, and the lunacy commissioners thought fit (for no obligation lay on them in the matter), they might have informed the patient's friends as to what had become of her and her whereabouts; but it is clear that whenever a really secret suppression is desired, nothing more is necessary than to give a false name in the order and certificate. The patient would then be untraceable by any but her incarcerator, who might represent himself as her father, brother, or any relative he pleased. Of course, any contrary assertions as to her own individuality made by the patient would be set down as "delusions." Few weeks pass that the papers do not record one or more "mysterious disappearances." Who shall say how many of these are simply engulphments in the madhouse oubliette?

Some years ago the wife of a well-known publisher in Shoe Lane disappeared from her social circle, and shortly afterwards there spread the tidings of her death, which were followed at no very distant interval with the announcement in the public papers of her husband's re-marriage with a lady novelist well-known to fame. The vanished wife, however, was only dead to all that makes life worth having, and was ultimately rescued by her own kindred. She ended her days peacefully among them many years afterwards, on the 5th of September, 1874. In this case the lunacy certificate was obviously resorted to as the only available substitute for divorce.

Another somewhat similar case in a lower rank of life was

that of Mrs. Catherine Linnett, housekeeper to the Masters in Lunacy, late at 45 Lincoln's Inn Fields. Finding herself ailing one morning, her husband asked Dr. Bucknill, one of the medical visitors, to prescribe for her, which he did. Unfortunately, being ignorant of her constitution he gave her morphia, which, instead of soothing her pains, excited her brain, and she became incoherent and delirious. Hereupon her husband called in two registered medical practitioners of the lower order, one keeping a shop in Clare Market. Even these objected at first to certifying, but Mr. Linnett overcame their scruples, and Mrs. Linnett was removed to Bethlehem. After some months, her husband consented to her return home, where she has led ever since a life of usefulness and perfect sanity, as she had done previously to Dr. Bucknill's unfortunate mistake. At the time of the select committee of 1877, Dr. Bucknill manifested to me great anxiety that Mrs. Linnett's case should not be brought forward, and of course his wishes in the matter prevailed. That they did so was most unfortunate for the public, since, while no one could have attributed to Dr. Bucknill anything worse than an error of judgment, which he doubtless himself deplored, the production of Mrs. Linnett's documents of incarceration would have most strikingly exposed the extreme laxity and slovenliness with which the clerical work of the lunacy board is carried on, or at any rate was during the time that Mr. Palmer Phillips was secretary. In the statement appended to the "order" under which a patient is sent to an asylum are two very important questions—"Whether first attack?" and "When and where under previous treatment?"—the object of which evidently is to enable the lunacy commissioners to verify any allegations that there may be of previous insanity, as well as to guard against improper custody in unlicensed houses. The extreme importance of definite and unequivocal answers to these two questions is obvious, since, on the assumption that the supervision of the commissioners is not a mere sham, their action would be greatly influenced by them. The grounds of detention which might seem very questionably adequate in the case of a first attack, might legitimately be accepted in the case of

a second or third, supposing the genuineness of those attacks to be fully proved. Therefore, both their date and their locality are required by law to be given with precision, and an order which does not give them is *ipso facto*, invalid, and illegalises the detention, since it is enacted that to receive a patient without the information required in the form shall constitute "misdemeanour." Whether or not a jury would deem such vagueness equal to total omission, it is quite clear that the spirit and intention of the law were evaded, and that that document should have, at the very least, been sent back for amendment, and Mr. Linnett required to specify the precise locality in which, and the time at which, he had his wife "under treatment." It would then have been found that this said "treatment" at Richmond was for recovery of strength after a confinement; that she was there in lodgings for two or three weeks, with all her children, managing her own affairs, and without any sort of restraint or "care" in the sense intended in the form. The above facts have been given in deposition by a domestic servant who lived with Mrs. Linnett continuously from 1845 to 1866, and her uninterrupted sanity has also been attested by a lady friend who stated in 1877,—

"I have known her personally for sixteen years, and can safely say that during the whole of that time I never saw any signs of insanity. To the best of my recollection I saw her only a few days before she was taken to Bethlehem. For seven months we were not allowed to see her, but when I did visit her, I found her the same in mind I had always done, remembering even dates, but her health much injured. She was looking very thin, and suffering from rheumatics."

This evidence, borne out as it is by that of other friends must be admitted as perfectly conclusive that Mrs. Linnett's cruel and prolonged incarceration, for such it was, resulted solely from Dr. Bucknill's unfortunate and illtimed administration of a drug unsuitable to his patient's constitution, and while aquitting him of all improper collusion with the husband, who for some cause seems to have been anxious to shelve his wife, one cannot but feel how much nobler a part he would have acted in 1877 if instead of stifling this case he had him-

self brought it before the select committee as an illustration of the necessity for a radical change in the processes of asylum incarceration. His conduct in the matter affords fresh proof of how the lunacy officials hang together, and are ready to conceal any and everything, by exposure whereof the lunacy trade would be endangered.

It is naturally more frequent for women in general and wives in particular to be "put away," as it is called, without due cause, than for men. Impecuniosity and dread of *esclandre* will, it is well known, generally debar the former if by accident they regain liberty from seeking to get redress, while in the case of married women the marriage disabilities have hitherto effectually stopped the way. But the tables are turned sometimes, and the wife or mistress incarcerates the lover or husband. During many years' experience as Honorary Secretary of the Lunacy Law Reform Association several cases of this crime came before me. Where, for instance, the husband discovers or suspects an illicit connection between his wife and her medical man, and is imprudent enough to mention it to either party, he must be a very lucky man, or very indispensable as bread-winner, if he does not quickly find himself in an asylum on his wife's order and her lover's certificate.

In the year 1876 I was asked by a lady, Mrs. S***, to visit her father, Mr. P***, then confined as a lunatic in Grove House, Bow; proprietor—Dr. Byas. I went with her accordingly, and was introduced to a remarkably genial mannered, kind old gentleman, evidently belonging to the Upper Ten. He was slightly paralysed, but quite able to converse rationally on ordinary topics and to enjoy society. For some casual ailment he was that day confined to his bed, which was in a public dormitory containing many more beds. His daughter, Mrs. S***, was naturally most anxious to get him out of the asylum; she had provided him a home in a clergyman's family close to her own residence. A competent medical man had visited Mr. P*** on her behalf, and given it as his opinion that immediate removal was the best thing for him, that an asylum could but be injurious and shorten his life, and that although a complete recovery could not be hoped

for, he might be long maintained in his then condition by care and kindness.

Despite this opinion and Mrs. S.'s unremitting exertions to obtain her father's removal, Mr. P. was kept in the asylum. The trial of hope constantly deferred, and the unsuitability of his surroundings to his station and previous habits, preyed much on his mind; a fresh paralytic seizure supervened, and he shortly died.

The history of this case is singularly illustrative of the worst features in our lunacy system. Mr. P., the brother of a colonial governor, had in early life gone to the colony, and there married the daughter of a native minister. The marriage had been solemnised, as was not unusual in those days, in a private house, and subsequently some doubt arose as to its validity. The young couple disagreed, separated by consent, and Mr. P. returned to England and never saw his wife again. Some years afterwards he married a wealthy widow, both parties believing the first marriage to have been void. But it afterwards appeared that, some question having arisen as to the legality of marriages celebrated as had been Mr. P.'s in the colony, a law was passed in 1862 to remove all doubts, and render these marriages legal, consequently, the colonial lady being alive when Mr. P. married the widow, it followed that the latter was no wife. Within a very brief period of this discovery Mr. P. found himself incarcerated as a lunatic. Mrs. S. was his daughter by the first marriage, and immediately on hearing of her father's calamity, came over to deliver him. But the order had been signed by the second wife, and no other private person had any *locus standi* in the matter. She proved inexorable, avowing with the most cynical frankness the selfishness of her motives. Not the smallest imputation of insane or even improper conduct did she make against Mr. P.; but to her stepdaughter's entreaties for her father's liberation, replied, "Two gentlemen have told me that your father was a married man when he married me, that the ceremony was performed in his own house. *Under these circumstances I am advised not to give my consent to his release. Your father brought this upon himself,* having told Dr. —— he was

not my husband, which Dr. —— named to Mr. T. (her solicitor), who says the fact must be ascertained." And again, Mrs. S. states, "Mrs. P. says before she releases papa she must have it proved about his former marriage, which cannot be done without sending to Africa. It will be fully two months before the thing can be ascertained. But Mrs. P. says, '*As Mr. P. has been so long in the asylum a month or two would not make much difference.*'"

It did, as we have seen, make all the difference between a few probable years of serene happy old age, amid the loving cares of children and grandchildren, and an almost immediate death in a madhouse ward. The general action of the lunacy commissioners with reference to this case will be criticised in a future chapter, when the efficiency of these gentlemen, as protectors of public liberty, is more fully considered; one sentence, however, from their letters to Mrs. S. may be appropriately quoted here: "*The validity or invalidity of the marriage makes no difference on the subject.*" Therefore it is clearly competent to any discarded and revengeful mistress, any scorned and rejected lover, any enemy on any ground, to break up any home by consigning either of its heads to a madhouse, whence the legitimate partner shall be not only powerless to release him or her, but to learn on what pretext of insanity the incarceration has taken place. In nothing are the commissioners more obdurate than in refusing to the nearest kindred of a patient, shut up by a stranger, all cognizance of the contents of the certificates, even when, as in Mrs. S.'s case, and others now before me, such cognizance is sought by a loving and dutiful child. While the law allows the commissioners large discretion in the matter, it does not compel them to give copies of the order and certificates to any but the patient after release.

There is another class of private patients yet more at the mercy of their incarcerators than those we have been considering. These are the single patients—that is, persons put under order and certificate to be boarded and restrained in unlicensed houses, where no other lunatic patients are received, or else kept by some one who receives no profit for keeping

them. In the latter case *there is no general supervision provided by law.* It is needless to say that the possibilities of abuse lying hid herein are infinite. Supposing that any unscrupulous person wishes to prevent a relative to whom he is heir-expectant from marrying, or from spending his money, or altering his will, or performing any other legal act contrary to his interests, all he has to do is to to find two out of the twenty thousand registered medical practitioners who will give certificates of insanity whereby he becomes entitled to imprison him, in his own house or in a house hired by himself anywhere, and for the term of his natural life, without being seen or even heard of by any official, although "it is lawful for the Lord Chancellor or Home Secretary at any time, by an order in writing under his hand, to direct the commissioners in lunacy, or any other person, to visit and examine the lunatic, or supposed lunatic, and report upon the subject,"* and "may also direct an inquiry and report concerning any place in which a lunatic or supposed lunatic is said to be confined; and any one obstructing any person authorised by the Lord Chancellor or Home Secretary in such visitation is to forfeit £20, without prejudice and in addition to any other punishment to which such person would otherwise be liable."† Any one, however, who takes due account of the public apathy toward what does not immediately affect them, and the consequent improbability of such a case, unless marked by notorious cruelty, being reported at all, and if reported, of the facility with which inspectors are misled and hoodwinked as to a person's mental condition, will readily conceive that a fairly ingenious person might carry on for years, or till his death, the sequestration of another. What, for instance, would have prevented Captain Preston or Sir Samuel Fludyer's sisters from doing so, in which case the story of their incarcerated relatives would probably not have figured in these pages. It is obvious, also, that had Sir Henry de Bathe's motives been acquisition of his neighbour's wife, making her a single patient under certificate in his own house, would have been an easy and inexpensive

* VIII. and IX. Vict., c. 100, secs. 112, 113.

† XVI. and XVII. Vict., c. 96, sec. 34.

way of attaining the object. In establishments of a certain size, one more mouth to feed makes little difference. That in none of these cases was the thing done is to the credit of the parties.

As to single patients kept for profit the law is a little more careful. The order and certificates under which they are admitted are to be sent up to Whitehall like those from licensed houses,* together with a statement of the date of reception, the name or designation of the house into which the patient has been received, and the christian and surname of the owner and occupier thereof; and it is competent to the Lord Chancellor or to the Home Secretary to order the same investigations in this case as in that of patients not kept for profit. The unlicensed houses in which single patients kept for profit are received are placed under the superintendence of the lunacy commissioners. These gentlemen have the same *rights* as to visiting in them as in the licensed houses, but not the same obligations; they *may* look after single patients if they like, but are not bound to do so, nor have they power to discharge them if sane; that can only be done by the incarcerator or the Lord Chancellor on the recommendation of the lunacy commissioners. Practically, it may be safely affirmed that an individual incarcerated in an unlicensed house, whether paid for or not, is unreservedly at the mercy of his incarcerator, both as regards his treatment and the duration of his captivity.

Great as are often the sufferings of patients in licensed houses, those of single patients seem greater still, since there is no sort of check on the cruelty or cupidity of their custodians. The description given of their condition by the Earl of Shaftesbury to the select committee of 1859 is perfectly appalling, and he was then of opinion that there were numbers throughout the country of whom nothing was known at all. This is probably not so much the case now, but the following three instances which have come under the writer's personal observation may show what goes on even among educated persons of good position. Mrs. B * * *, the widow of

* Unless in the case of a lunatic so found by inquisition, when the order of his committee is sufficient.

the Major-General, who, after being incarcerated as a pauper patient, was made a chancery patient through the deafness of a venerable master in lunacy, as hereinbefore related, had, in the absence of relatives, a chancery official for her committee. It pleased this gentleman to place her with a violent low class woman in the suburbs, who stinted her of all comforts, and treated her in all respects with the utmost indignity. No maid of all work to a drunken ill-conditioned mistress could be more rated and insulted than was Mrs. B * * *, and without the smallest possibility of redress. All complaints were disregarded by the chancery official. Why he patronised this house I could never ascertain ; possibly the woman was a relative ; but at any rate she was wholly unfit, from station and education, to have authority over a gentlewoman.

Another case was that of a registered medical practitioner's daughter. He was a West End M.D., I believe, and a man of fast life. One of his daughters, an amiable and accomplished girl, but rather weak, had become cognizant of some escapade, and thereby incurred her father's aversion. By the assistance of compliant colleagues, he placed her as a single patient in an unlicensed house, under the control of persons wholly inferior to herself, and where she could not fail greatly to deteriorate both in mind and body. My informant was the mother, to whom the poor girl was passionately attached, and who was herself nearly broken-hearted at being separated from her child. In this case an appeal to the lunacy commissioners proved useless.

One more instance was that of another general officer's wife, who was living at Tunbridge Wells with her children, her husband being absent for a good spell of hunting or amusement of some kind. He returned ostensibly for the purpose of accompanying her to a wedding in town, to which both were engaged. They were to take Brighton on their way. Arrived there, General —— drove his wife to an hotel, where the ubiquitous registered medical practitioners appeared in due course, and interviewed the lady in the manner since so happily dubbed by Lord Coleridge "the Dutch barometer fashion," after which she was jogged on to various houses in

divers localities, and kept there as a single patient, till, after a year or two, her fate was discovered by her own relatives, and her liberty procured through their exertions and the husband's fear of exposure.

In this case also the commissioners were earnestly appealed to, and would do nothing, though it was undoubtedly a case in which the prisoner's immediate liberation should have been obtained through the recommendation of the same to the Lord Chancellor. In the poor young lady's case, barbarous as it was taking her from her mother, her fittest guardian, there yet was the excuse of slight weakness of intellect, but in this case there was not a shadow of excuse. Up to the very hour that she was inveigled from her house this lady had been, by her husband's appointment, in sole charge of her children; and on her restoration to freedom he purchased her abstention from legal proceedings by restoring them to her, with a sufficient income for her and their maintenance. What better proof is needed that the incarceration was simply a brutal lawless outrage for shelving his wife for a time, an outrage which, for some cause or other, the lunacy commissioners permitted to continue! This case was originally brought to my knowledge before the lady's liberation by personal friends of my own nearly related to her, and of the most scrupulous veracity. Afterwards I took down the particulars from the lady's own lips.

Sufficient proof, it may be hoped, has now been adduced to justify the assertion that the English lunacy system is strictly analogous to that of the ancient Bastilles of France, with this difference, however, that the fearful power there centred in but a very few hands, and those the highest in the State, is here confided to a numerous profession, entirely regardless of moral or intellectual worth in the individuals that compose it. The cases here given are, the reader may be assured, carefully authenticated ones, and fair specimens of the abuses outspringing from our lunacy laws. If such abuses are not yet more frequent than they have been proved to be, the cause must be sought in popular ignorance of the laws. There is not one in a hundred of the general population who really knows either

his danger from others, or the facilities for wrong-doing that the laws afford. With many it is still a persistent delusion that both the consent of kindred, and of a magistrate or of a parson at least, are necessary to an incarceration in a lunatic asylum, in addition to the medical certificates, which they say "of course are only given on good grounds." If this chapter in any degree undeceive them on this head, and also shake the fetish trust in official inspection as at present conducted, it will not have been written in vain.

CHAPTER II.

THE WAY OUT.

To frustrate the evil designs of those who, for selfish ends, deport and incarcerate their fellow-men; to correct the mistakes in judgment of those who see insanity in all departures from the beaten track, or who consider it justifiable to use the certificate of lunacy which, as we have seen, is as readily obtainable as any other marketable commodity, in order to coerce a relative for his own good into such conduct as seems best to themselves; to counteract the natural tendency of licensees unnecessarily to detain well-paying patients;* to supervise the many thousands necessarily detained, and to see that all is done which can be done for their restoration to sanity, or for the solace of their afflicted lives—the country has provided commissioners in lunacy, supplemented in some districts by the local unpaid magistracy. For chancery patients—that is, lunatics so found by inquisition, there are special visitors; but as these lunatics form a class apart, they will not be further treated of here.

* Attempts were made before the late select committee of 1877 to show that this tendency does not exist, for that it is not for the interest of licensees unnecessarily to detain patients, and Dr. Henry Maudsley went so far as to say that it is "more beneficial to a licensee in the long run with reference to his pecuniary interests to cure a patient than to detain him;" but this assumes that a man cured of insanity goes about talking of his disease and his doctor's skill, whereas his great anxiety is to conceal both. The reputation of a madhouse-keeper is made or marred by the lunacy commissioners and his professional colleagues. To the former, application is constantly made, either personally or through their published report, to learn the character of licensed houses, while many are guided in their selection by the registered medical practitioners, who certify the lunacy, and with whom recommendation of an asylum may be a mere matter of business and commission, like the recommendation of an ingoing doctor by the outgoing one, whose practice he has purchased. On the other hand, it is well to remember Lord Shaftesbury's words with reference to the undue detention of a well-paying patient—"*I am certain that the temptation is so great that very few people could resist it. I do not believe that any person could, in fact, resist it. I am certain that I could not resist it.*" (See Min. of Evi. Sel. Com. Lunacy Law, 1859; Qu. 504-870.)

The commissioners in lunacy are eleven in number. Six of them receive salaries of £1,500 a-year, and expenses. The other five, of whom one is permanent chairman to the board, are honorary. No doubt when the board was first formed the honorary commissioners were chosen with a view to their working, but it has now become the custom to fill up vacancies among them with such paid commissioners as are incapacitated for their active duties by sickness or old age; thus they are simply ornamental additions to the board, and mischievous, in as far as they mislead the public as to its effective strength. Whether an outgoing salaried commissioner shall receive a pension or not rests with the Lord Chancellor. With his Lordship also rests the nomination of the commissioners without other restriction than that three of the salaried ones must belong to the medical profession, and three to the legal, being barristers of five years' standing and upwards. There is also a secretary to the commissioners, with a salary of £800 a-year, and a chief clerk, with one of £500. They are assisted at present by eight ordinary clerks. The secretary, in course of time, receives a commissionership.

The commissioners are appointed "during good behaviour;" that is practically for life, since there is apparently no way short of an impeachment by Parliament and a State trial of ascertaining whether their conduct is good or bad. In a correspondence between Lord Cairns, when Chancellor, and an expatient, published in some papers a few years ago, his Lordship distinctly affirmed his inability to enquire into allegations against the lunacy commissioners. Their duties and powers as regards supervision of lunatics and government of asylums extends over England and Wales, but they grant licenses only in their "immediate jurisdiction;" that is, in certain specified places in the counties of Surrey, Kent, and Essex, and "every other place (if any) within the distance of seven miles from any part of the cities of London and Westminster, or borough of Southwark." Beyond this jurisdiction houses are licensed by the local magistracy, but in all places the commissioners can close an ill-conducted house by recommending the Lord Chancellor to withdraw the license, a recommendation rarely,

if ever, neglected. No person, either lay or medical, can receive more than one patient for profit without a license. The commissioners within their "immediate jurisdiction" have absolute discretion in the matter, and grant or withhold a license as they think fit. It cannot be granted for more than thirteen months, but may be indefinitely renewed.

The visiting magistrates have the same duties and powers in the provinces as the lunacy commissioners within their "immediate jurisdiction." They, nevertheless, occupy a subordinate position, inasmuch as while the lunacy commissioners are perfectly autocratic in form as in substance, the visiting magistrates, before exercising certain of their legal powers, especially as to licensing new houses, or sanctioning structural alterations in old ones, are bound to send in plans and a report to the commissioners, and await their report in reply, which they must "consider," but need not be guided by. In point of fact, this reference seems more an act of vassalage as to a suzerain than a *bonâ fide* consultation; it has, however, the practical inconveniences of discouraging both magistrates and licensees from devising improvements, and of indefinitely retarding the execution when any are decided on.

On assuming office, each commissioner takes the following oath:—

"I, A. B., do swear that I will discreetly, impartially, and faithfully, execute all the trusts and powers committed unto me, by virtue of an Act of Parliament, passed in the ninth year of her Majesty Queen Victoria, and intituled [here insert the title of the act], and that I will keep secret all such matters as shall come to my knowledge in the execution of my office, except when so required to divulge the same by legal authority, or so far as I shall feel myself called upon to do so for the better execution of the duty imposed on me by the said act. So help me God."

It is to be hoped that certain modern doctrines as to oaths, and their validity, have not yet permeated the Whitehall lunacy office; for the foregoing oath is literally all that lays any obligation on the commissioners to do anything whatever in exchange for their salaries. Vainly will the somewhat thick 8vo volume * containing the lunacy acts be searched for any

* Fry's Lunacy Acts.

injunction to the commissioners. In every circumstance calling for their intervention, the words of the act are, "they may, if they think fit," exercise their statutory powers, so that it is only in connection with and through the oath that to do so "discreetly and faithfully" becomes incumbent upon them. Whether, in the absence of all criticism and check by public opinion, the constraining power of such an oath is an adequate guarantee for the faithful discharge of official duty in these days of scepticism, the reader must determine,

The trusts and powers herein referred to are, briefly stated, as follows:—Carefully to scan the character of every applicant for a license, and see that none but thoroughly good and competent men be put in charge of lunatics; closely to supervise all licensed houses, visiting them at all times without intimation to those in charge, and going by night also, within the immediate jurisdiction, where any irregularity or neglect is suspected; to carefully examine every order and certificate relative to an admission since the last visit, and, where informalities are found, instantly to discharge the patient, if he has been confined more than fourteen days, and prosecute the superintendent for a misdemeanour in admitting him; to see every patient in the house, and hold special intercourse privately with any one that is not obviously insane, and if he or she "appear to he detained without sufficient cause," to make two special visits to that person at a brief interval, and afterwards, if it still seem that the detention is needless, to give the patient discharge; to inquire carefully into the occupation and amusements provided for the patients, and into the payments made on their behalf, and see that they receive a fair equivalent for the same; to examine into their dietary, medical treatment, and the amount of restraint inflicted on them; to visit every room in the house, examine the condition of the drainage, of the beds and other furniture, the sanitation of the premises, the number, character, and salaries of the attendants, pecuniary circumstances of the patients and the administration of their property, so that wherever it shall appear that the property "is not duly protected, or that the income thereof is not duly applied for the patients'

maintenance," they may report thereon to the Lord Chancellor.

In a word, it is their duty to exercise the most minute and jealous supervision over every particular that can directly or indirectly affect the moral or physical well-being of the hapless class whose appointed protectors they are.* A commissioner in lunacy, if an honest and conscientious man, will consider every alleged and restrained lunatic as a client, to protect whom from wrong he is largely paid by the State, and whose interests he is bound to make his *sole* consideration in dealing with licensees and superintendents. The interests of patients and licensees are necessarily antagonistic; consequently, the mental attitude of a lunacy commissioner towards the latter should be one of distrustful watchfulness, and his procedure that of a most courteous, but skilled detective officer. He should remember that the physician who starts a madhouse, *ipso facto*, exchanges his status as a scientific gentleman for that of a licensed victualler to the insane, in which capacity it is surely right to watch him, *at least*, as narrowly as any licensed victualler to the sane.

The foregoing is a summary of what may be called the substantive duties of the salaried and itinerating commissioners towards the lunatics of England and Wales. In addition, they are required each time they visit any asylum or licensed house, to go through a large amount of red-tape routine, inspection of books, etc., all hugely consumptive of time, and therefore calculated to interfere with the due examination of patients and their treatment. Merely to catalogue the commissioners' duties is to show the utter improbability of their being efficiently performed even in the limited area of the "immediate jurisdiction." Their proper discharge over the whole country is simply an impossibility, and it is probable that much of the perfunctoriness and the gross abuses that characterise lunacy law administration, have sprung from, or been aggravated by that impossibility; for it is unquestionable that the very best and most conscientious of servants

* VIII. and IX. Vict. cap. 100, sec. 61, 64, 65, 94; XXV. and XXVI. Vict., cap. 111, sec. 27, 35, 76.

may be made bad by cumulating on them more duties than human nature can adequately discharge. But when every allowance has been made, it will still appear that the commissioners as a body do not act, or even feel themselves bound to act with a single eye to the interests of patients, but allow much weight to those of licensees and others. In fact, the Earl of Shaftesbury, speaking for the Board acknowledged it.*

The paid commissioners at present are Robert Nairne, M.D.; J. D. Cleaton, M.B.; W. Rhys Williams, M.D.; and Chas. Palmer Phillips; Chas. S. Bagot; and Wm. Edw. Frere, Esquires, Barristers-at-law. The honorary commissioners are The Earl of Shaftesbury, K.G., who is also permanent chairman to the Board; F. Barton, Esq.; Hon. D. F. Fortescue; and James Wilkes, Esq. The Secretary is Chas. Spencer Perceval, Esq.; and the Chief Clerk, Mr. Thomas Martin. The office is at 19 Whitehall Place, S.W.; and the office hours are from ten to four, except on Saturdays, when work is struck at three o'clock.

Within their immediate jurisdiction the commissioners are required by law to pay six visits annually. Four of these visits, at not more than four months' interval, they must pay in couples, a barrister and a medical man together. The other two may be paid by a single commissioner of either sort. In addition to these obligatory visits they are empowered to pay as many more as they think fit, to enter the houses at any hour of the day or night, and stay as long as they choose; and the superintendents are bound, under pain of committing a misdemeanour, to show them every portion of the premises and every patient thereon. Outside their immediate jurisdiction the commissioners must pay two double and two single visits every year, to every licensed house, which must in these districts be also visited four times a-year by a committee of three or more justices, elected for that purpose by the justices at the Michaelmas quarter sessions. A medical man is also then elected a visitor. This medical visitor is paid; the justices are not paid, nor allowed to be contractors for the

* Min. of Evid. Sel. Com. Lunacy Law, 1859, Q. 301.

asylums and licensed houses, nor to have a pecuniary interest in them in any way.* They have the same rights as to optional visits with the commissioners, and the superintendents are equally bound in both cases to show every part of the premises and give access to every patient. The oath of secresy and just administration taken by the commissioners and their staff is also taken, "*mutatis mutandis*," by the visiting justices and their employés.† Their powers and duties are mainly identical with those of the commissioners, of whom they may act independently, save in the matters of licensing and structural alterations, in which, as before stated, they must take the commissioners' opinion.‡ They may sue or be sued in the name of the clerk.

However valuable an adjunct to the inspection of commissioners this visitation by justices may appear at first sight, it is to be feared that it is rather mischievous than otherwise as regards prevention of wrongful detention. Divided responsibility is yet more fatal in the affairs of alleged lunatics than in those of the sane and self-protecting; and there is no doubt that the poor patient who, by reason of original sanity or recovery should regain his liberty, often slips between two stools, and being dischargeable both by justices and commissioners is discharged by neither. No doubt the backwardness of the justices to take the initiative in setting free the captives in licensed houses is enhanced by the implication of inferiority to the commissioners contained in the provision of reference to them before exercising authority in minor matters. Men held by the legislature incompetent to judge soundly as to a new drain, kitchen, or bay window, may distrust their own capacity to judge of the fitness for discharge of patients left in custody by commissioners.

The main duty of the secretary to the lunacy commissioners is to examine the copies of orders and certificates, which licensees are bound to send to the office within seven clear days of a patient's admission. Should any informality appear in

* VIII. & IX. Vict. c. 100, sec. 23; and XVI. & XVII. Vict. c. 97, sec. 44.
† VIII. & IX. Vict., c. 100, sec. 17.
‡ XXV. & XXVI. Vict., c. 111, sec. 15.

these documents, it is the secretary's duty to acquaint the commissioners with the same, and their's to proceed in the matter according to law. There is, however, no security that true copies are sent, it not being the commissioners' practice to compare these with the originals when they visit the asylums. Lord Shaftesbury considered that to do so would be impossible, "it would be such heavy work to be carrying about all the copies of the number of admissions into private asylums. Every year there are nearly 2000."* That number is continually increasing, therefore the difficulty of checking the copies by the originals increases also. It is clear, therefore, that the opportunities for fraud in this department alone are very great.

Practically, the first step taken by official visitors to an asylum, is to have a private interview with the superintendent, and get themselves posted up in his views and wishes concerning the various cases to be specially submitted to them; the next is to go over the premises *under his guidance* and see what he chooses to show; another is to look at any letters written by patients and detained by the superintendent that he may think fit to lay before them. The law requires that every private patient's letter, not sent at once to the addressee, should be shown to the commissioners or visitors at their next visit; it does not expressly state what is to be afterwards done with these letters, but it is presumable that the legislature intended that they should be carefully read, and a wise discretion exercised in either destroying or forwarding them to their addresses. No doubt the letter of the law is observed with respect to the letters of undoubtedly insane patients, since the commissioners' secretary told the select committee that there are always a number laid before them; but as the commissioners have never thought fit to punish illegal suppression of letters, or to take any precautions for preventing it, it has become the established practice, unless with exceptionally honourable men, to send all letters written by sane or rational patients to the signatory of the order, while the patient

* Min. of Evid. Sel. Com. Lunatics, 1859, Q. 170.

is shown the act and led to believe that it will be strictly obeyed.

This was, to the writer's own knowledge, the course pursued by Dr. Fox, of Brislington, in the case of a patient whose letters he afterwards confessed to having sent to a third party, having great interest in intercepting them. In this case, where the patient was an exceedingly profitable one, it is probable that Dr. Fox found sufficient inducement to break the law, in the chance of prolonging the detention, through showing this third party that his interests might suffer through the writer's release; but it is easy to see how wide a door to corrupt practices, in this matter alone, is opened to licensees by the commissioners' connivance at infringement of the act concerning the letters of private patients. It never can have been intended that these should be used, as they now undoubtedly are, to embitter family feuds or damage the patient in any way.*

The next point of general interest to be considered is, how the Lord Chancellor, the legal guardian of all lunatics, is kept acquainted with the position of his many thousand wards. This is done by means of an annual report from the lunacy commissioners. Who writes this report does not appear, or who furnishes the data for the same. It is drawn up in the name of the entire board, and signed on its behalf by the chairman, the Earl of Shaftesbury. Now, the signature to a report, if it means anything at all, must at least mean that the signatory has knowledge of its contents, and believes them to be true; and it is not too much to say, that an ordinary man or woman, of average morality, would absolutely decline signing a report under any other conditions. Not so however the chairman of the commissioners; for it transpired from his Lordship's own evidence before the select committee of 1877,† that this signing is with him merely a ministerial act, and that he thus gives attestation to facts of which he has no knowledge whatever. Of what value then is his Lordship's signature either to the Lord Chancellor or to the public? Surely

* XXV. & XXVI. Vict., c. 111, sec. 40.

† Min. of Evidence, Q. 11528-30.

no greater proof of the demoralising effect of autocratic and irresponsible power can be found than its having led a man of such prominent piety, and so justly revered in private life as the Earl of Shaftesbury, to cast conscience and morality to the winds in so important an official act as signing a report on the most helpless and dependent of his brethren. That the truthfulness of the reports under this system is more than questionable may be taken for granted.

And yet, so great are the cruelties and malpractices in asylums, that no person of average intelligence can read even these perfunctory and imperfectly authenticated reports without finding numberless indications of culpable condonation of offences by the lunacy commissioners.

It is somewhat remarkable that the revelation of the Earl of Shaftesbury's utter perfunctoriness in the discharge of his duties as signatory to the annual report, transpired in connection with this most grave offence of misdealing with letters of private patients. In the thirtieth report to the Lord Chancellor, that for 1876, it is stated that "it is very rare that we have occasion to suspect that letters addressed to ourselves have been detained contrary to law, but a few instances have occurred where letters not so addressed have been sent to the person who signed the order for reception, instead of being laid before us or the visitors at our next visit." Now, couple this admission with that made by Mr. Charles Spencer Perceval, the secretary appointed in 1872, that no prosecution for misdealing with letters had taken place in his time, and we have, on the commissioners' own showing, a most damning proof that they are indeed, what they are increasingly believed to be, friends and backers of the madnessmongers, rather than protectors of the patients by enforcement of the lunacy laws. For, as has been already shown, no conceivable infraction of those laws tends more obviously to vindictive or purely selfish detention of recovered patients by their incarcerator, than this of sending to him or her confidential letters addressed to trusted friends, or perchance to a solicitor.

Exactly in proportion to a patient's sense of wrong will be his irritation against the perpetrator of that wrong, and the

caution must indeed be exceptionally great that restrains him from expressing that irritation in addressing those on whom he fully relies. Moreover, if conscious of sanity, he will, as it has been shown to have been done by certain patients, write to his solicitor to take steps for his release, and probably give a list of the witnesses he wishes called to prove his case. That it is contrary to his interests for such letters to be sent to his incarcerator, supposing him hostile, no one will deny; and yet every one who has investigated the subject knows that, as a rule, *such* letters are so disposed of. The commissioners must be gullible indeed if they themselves are of a different opinion; but at any rate, it is unquestionably their duty not to condone the malpractice when brought to their absolute knowledge. And here they not only tell us that they "suspect" the illegal suppression of letters to themselves, but *know* that others have been dealt with contrary to law. Then why did they not prosecute? The act inflicts a penalty "not exceeding £20 in respect of each letter" detained in contravention of the act. What possible inducement, consistent with official purity, could the commissioners have for not inflicting this penalty? But what can be expected from the rank and file of these gentlemen when their senior and permanent chairman, the Earl of Shaftesbury, who has now for more than half a century been a prominent administrator of the lunacy laws, speaks of their infraction with the levity of a schoolboy? Here is his evidence before the select committee of 1877 on this matter. Mr. Dillwyn, M.P. for Swansea, was the examining member, and read to his lordship the passage already quoted from the thirtieth report, on which his lordship says:—

"Q. 11,527. I forget what the date was."

"Q. 11,528. It is the thirtieth report—That is very recent; it is the last report of all. It is possible that there may have been some cases; *they were never brought to my knowledge.* . . . After all it only amounts to a suspicion."

"Q. 11,529. I am quoting from the report—I think the reporters only express a suspicion, and it only amounts after all to the fact that letters addressed to friends have, in a few instances, been forwarded to the person who signed the order."

"Q. 11,530. They say 'very rarely letters have been detained

which have been addressed to the commissioners, but a few instances have occurred where letters not so addressed have been improperly sent?' *I confess I do not recollect any instances ever being brought before me and before the board;* it may have been so, no doubt. Go where you will you will find some men who will not obey the law if they can evade it, but the responsibilities of superintendents are so very serious of (*sic*) withholding letters that I think very few dare to do it."

Considering the Earl of Shaftesbury's rank, official position, and religious profession, it would probably be difficult to find in English annals of evidence a passage more thoroughly discreditable to the witness than this. First, we have the admission that he had never even read the report, correctness whereof he had attested by his signature. Secondly, we have the prevaricating statement that the commissioners' positive assertion that "INSTANCES HAVE OCCURRED" in which private patients' letters had been misdealt with, "only amounts to a suspicion." Thirdly, we have the utter lawlessness of mind and contempt for the legislature expressed in the "after all it *only* amounts to this," that the law of the land has been set at nought; and fourthly, we have the palpably insincere opinion that "the responsibilities of superintendents are so very serious as to withholding letters that few would dare to do it." Where are their responsibilities, and why should they not dare when the lunacy commissioners, the only men who can prosecute them, have never been known to do it? It is utterly impossible that Lord Shaftesbury, in uttering these words, should have believed them to be true, should not have known that the majority of licensed victuallers for the insane do, as a rule, intercept all letters tending to empty their houses, and do it with impunity. Far more to his credit and the vindication of his professed humanity, would it have been had he, humbly acknowledging his past careless perfunctoriness, proceeded to atone for it by exercising the powers vested in the commissioners, or any two of them, to require "any person or persons to appear before them, and testify on oath touching any matter or matters into which the commissioners are empowered to enquire."* Who the guilty superintendents were must

* VIII. and IX. Vict., c. 100, s. 100.

have been clearly known to the exceptionally honest commissioner who confessed his discovery of the offences. The powers entrusted to the commissioners for sifting thoroughly all similar cases are ample. To have exercised these powers in the present instance, admitting as Queen's evidence some at least of the guilty parties, and so throwing light on the nefarious practice in other quarters, might, perhaps, have served the public interest better than prosecuting in every case. But one or other their oath clearly bound them to do, and it were mere mealy-mouthedness not to say that, inasmuch as they did it not, one and all of the commissioners stand convicted of perjury, and have laid themselves open to the gravest charge of corruption. If that charge is groundless, surely it behoves them to show that it is so.

And here, since it has been my painful duty to exposé and animadvert on the Earl of Shaftesbury's more recent neglect of duty, I would carefully guard against being thought insensible to the enormous services he has, in former days, rendered to lunatics. That he has exercised a most beneficial influence on their treatment, and that his earlier connection with the board was a blessing to his country and to humanity, must be patent to all conversant with the work. The evidence alone which he gave before the select committee of 1859, gives him an undying claim to his country's gratitude. That evidence is simply priceless, and will, so long as lunacy law reforms are needed, be the best text-book for its advocates. But then it was the result of Lord Shaftesbury's personal inspection of asylums. He was one of the very first commissioners appointed about fifty years ago, and appears for some twenty or thirty years to have been most active and efficient. After that his Lordship ceased, except occasionally, to visit asylums, and therefore the discrepancies between his evidence in 1859 and that in 1877, are easily accounted for. On the first occasion he spoke from personal knowledge and observation; on the second from mere hearsay. In 1859 his condemnation of the lunacy system was uncompromising. In 1877 he says :—

"I ventured in 1859 to give as full a statement as I could of *the*

state of things that had come under my own observation. I am happy to say that since 1859 nothing has occurred that would lead me to make such observations, and to say that the state of things required revision and superintendence in the way it did before; on the contrary, since 1859 we have been in a state of continued progress and very great improvement."

His lordship proceeds to specify various instances in which this blessed improvement has taken place, and among these the absence of wrongful incarcerations, and too prolonged detentions figure conspicuously. But in an extract from his lordship's evidence of 1859, we find him attributing these, not to any defective legislation or inexperienced supervision, but to the inherent cupidity of human nature. We find him, a man of wealth and undoubted honour, representing the temptation to undue detention as so overwhelming that he is sure it would prove irresistible even to himself.* Did human nature then change on the Earl of Shaftesbury's withdrawal from the personal visitation of asylums? The root of all the evils in private asylums, his lordship tells us again and again, is "the principle of profit," which principle must necessarily have been as potent and lead to the same evils in the year of grace 1877 as in that of 1859. We also find at the latter date his lordship deeply distrustful of the medical profession generally, at least of that portion of it connected with lunacy. After giving one instance where a gentleman suffering from brain fever alone had been certified a lunatic, and horribly maltreated some time before by the attendant assigned him by his medical man, he tells us that such a case would be equally likely to occur again, and gives us a history of the "school of physicians" under which it took place, from a work of Dr. Conolly's which he describes as most "true and graphic." "It is astonishing to witness humane English physicians daily contemplating helpless insane patients, bound hand and foot and neck and waist, in illness, in pain, and in the agonies of death, without one single touch of compassion, or the slightest approach to a feeling of acting cruelly or unwisely." Lord Shaftesbury thinks *that* would not have occurred later, but

* Rep. Sel. Com. Lunatics, 1859, Q. 504.

why? Are the deadening effects of constant familiarity with insanity, the brutalising effects of despotic and irresponsible authority over the limbs and lives of men, not incidents of human nature rather than of time and place? At Brislington House, near Bristol, where the strait waistcoat retains its old prestige, the agonies of those within it afford sport to the unoccupied attendants. It furnishes the domestic raree-show. Again, we are told that in 1859 the physicians who "send patients to houses take a portion of the profit made by keeping them." Is this a practice more unlikely in the nature of things to prevail in 1882? Lord Shaftesbury also found licensees previously to 1859 "anxious to get as many patients as they can, and to keep them as long as they can, and to stint them in medicine, food, and comfort," and maintained that this *must*, to a certain extent, be the case even with the best-intentioned proprietors. He also found that patients paying £1200 a-year had not more than £300 spent on them, and he disposed of the theory that a madness-monger is "actuated by the same ordinary motives which actuate human conduct, viz., to succeed with his patient and so give evidence of his skill," by saying that it might be so, "if rich patients were so plentiful that when one was cured another would come; but as it might be years before the vacancy was filled by another patient of the same stamp," it was not the case. Further on we find his lordship suggesting to the committee a clause for a proposed bill "arising out of communications made to us relative to corrupt agreements between medical men and proprietors of asylums," which clause was to forbid any proprietor of a licensed house from signing certificates of lunacy, "in order to prevent them playing into each other's hands," which, his lordship feared, "prevails in some instances, where a medical man signs a certificate for the purpose of getting an affluent patient into some friend's house, and the friend repays that by signing a certificate for another affluent patient to go into the other's house." Objection is also made to the proposal of district medical inspectors, because, said his lordship, "I am certain that the result in most instances would be this, that the medical inspector in a district would be in connivance

with, or in hostility to, the superintendents of lunatic asylums," whereby of course he means that they would prostitute their powers to their pecuniary interests or selfish ends."* Such being the conclusions concerning the humanity and probity of professional alienists to which Lord Shaftesbury was brought by nearly thirty years of close personal intercourse with them; and his lordship having absolutely nothing to tell us on the other side, except what he may have heard from colleagues, all of whom have a character for perfunctoriness, and two of whom will be shown in a future chapter to have one for corruption as well, it may readily be conceded that the laudatory second-hand evidence of 1877 is more than neutralised by the damnatory first-hand evidence of 1859.

It is clear that the power vested in the commissioners of compelling the attendance of witnesses, and examining them on oath, is one of enormous value, and if judiciously and zealously exercised, would effectually prevent undue detentions. The very heavy expense attached to *De Lunatico Enquirendo* commissions is a serious obstacle in the way of obtaining them for patients of limited means, but as far as ascertaining a person's fitness for liberty is concerned, such a judicial inquiry as the commissioners are empowered to hold would be quite as efficient. Nor would it be difficult to extend those powers to the protection of property of small amount, especially the personal effects and stock-in-trade of middle-class patients, who are often permanently pauperised by the dispersion of their effects. In the cases given in the last chapter, especially those of Miss Julia Wood, Miss M., Miss Beatrice Keating, and Mrs. B., there can be no doubt that the process would have resulted in proving each of those ladies unfit for deprivation of liberty, since in each case numerous witnesses of these patients' sanity would have been forthcoming. The case of Mr. P. was a little less easy to deal with. The act empowers the discharge by the commissioners of every patient who shall seem to them detained "without sufficient cause." Now, neither Mr. P. himself, or his daughter Mrs. S.,

* Report Sel. Com. Lunatics, 1859. Ques. 354, 359, 366, 494, 504, 507, 870, 919, and *Ibid.* 1860, Q. 400.

desired absolute discharge for him from all care and surveillance. He was, by reason of his paralysis and threatened softening of the brain, obviously unequal to taking care of of himself, although not a fit subject for the kind of confinement in Grove House, which he was undergoing, and which in fact accelerated his death, as his daughter's medical adviser prognosticated that it would. Under these circumstances, it seems at least open to doubt whether his condition should have been deemed by the lunacy commissioners "sufficient cause of detention," since they were satisfied with the home provided for him by his daughter, and gave their consent to his removal there, *subject to an application being made to them to that effect, by the pseudo-wife and incarceratrix.* This she resolutely refused to make, and exhibited in all respects, as already shown, the most heartless brutality in the matter. The commissioners took their stand on their interpretation of the act, and continued in masterly inactivity till the patient died from worry and suspense. Without denying that the commissioners rightly interpreted the act, and were unable under it to release Mr. P. from Grove House, it is clear that the same object might have been otherwise attained. There can be little doubt that, with a woman of Mrs. P.'s calibre, a personal request or recommendation from the commissioners would have had great weight, and the intimation that an inquisition might be necessary still more, but it does not appear that even the simpler step of writing her a letter on behalf of this poor old gentleman was ever taken by order of the commissioners, or that they were anything but unconcerned lookers-on while he was being killed by inches. It is incontestable that these officials are morally as responsible for Mr. P.'s death as though by their instructions he had been poisoned.

The *laissez faire* principle had yet more unsatisfactory results in Sir Samuel Fludyer's case, since instead of an old and infirm man, we have one here in the prime of life. Sir Samuel Fludyer's first incarceration took place, as we have seen, in 1835, by sisters, "in consequence of a serious misunderstanderstanding." Up to that time he had never been

taxed with insanity, and had been deemed by his father, who only died in 1833, competent to be his sole executor, in which capacity he proved his will. Late in 1834, we see him calling on Mr. Allen, leaving on that gentleman's mind a favourable impression as to his intelligence and mental powers. "In 1836 he executed a legal document, the practical effect of which is to secure all the personal property to the relatives with whom in 1835 he had had such "serious misunderstandings, as to oblige them to place him in confinement," and by whom he was subsequently placed in Ticehurst Asylum, and there kept for the remainder of his life. The first question of public interest arising out of these facts is, what was the duty of the lunacy commissioners towards this gentleman, and how did they perform it? Possessor of Aylston Hall, in the county of Rutland, and of £250,000 personal property, could they deem his property properly protected when left to irresponsible management, or "the income derived from it duly applied to his benefit," by placing him as a patient in an ordinary asylum? If these questions are answered as I think they must be in the negative, it is clear that the lunacy commissioners failed in their duty in not recommending Sir Samuel Fludyer to the Lord Chancellor for an inquisition, and their motives for not doing so might fairly be a subject of searching inquiry. Many of those who were on the board during Sir Samuel's long captivity in Ticehurst, from 1839 to his release by death, in 1876, have doubtless passed away; but to their noble chairman, happily still among us, all the circumstances must be well known, and it were good for the cause of liberty that he should reveal them.

Again, Sir Samuel Fludyer's detention was for the latter part of his life most anomalous. He was placed in confinement under documents in conformity with 2 and 3 Will. IV., c. 107, which did not fulfil the requirements of 16 and 17 Vict., c. 97, s. 74. By the former act, it was sufficient for a registered medical practitioner merely to state his opinion that a man was insane and fit for detention, without giving any grounds; by the latter, he must state both "facts indicating insanity observed by myself," and "facts indicating insanity

told me by others," giving also the name of his informant, and to receive a patient on certificates that do not fulfil these requirements, is made a misdemeanour. It is true that Sir Samuel, being already incarcerated, did not come technically under the act, though it is at least questionable whether, had he escaped, it would have been legal to readmit him without fresh certificates; but surely it would only have been a "faithful and discreet" exercise of the commissioners' great powers to have made the passing of the act an occasion for revising the cases detained under an obsolete law. Had not Parliament deemed the old forms insufficient guarantees against wrongful detentions, new ones would not have been made. To continue incarcerations, originated under the old forms, was as though sheep-stealers sentenced, when sheep-stealing was a capital felony, had been hanged after it had ceased to be so.

It is not possible for any humane person to go through the records of misery from which this chapter has been compiled unmoved, or to feel other than indignant at the perfunctoriness and callous indifference to the sufferings of the incarcerated on the part of lunacy officials, which those records demonstrate. Nevertheless, it has been my aim, while nought extenuating to set down nought in malice, and in this aim I trust to have succeeded. If disparagement of the commissioners has been strong, be it remembered, it has been the disparagement of authentic narrative, not of opinion. By their own deeds, and by those alone, has it been sought to have them judged. A judgment of them, of their efficiency, or their worthlessness, is indispensable to enable the reader correctly to estimate his chances of deliverance, should it please any man, friend or foe, to deport and incarcerate him as a lunatic; for while THE WAY INTO licensed houses is through certificates from any two of the twenty thousand registered medical practitioners in England and Wales, and the order of some third person; THE WAY OUT of them is only through the counter-order of the same person, the spontaneous and authoritative action of the lunacy commissioners, or *a de lunatico enquirendo* commission on their recommendation or that of some other person, and at the

expense of the patient. Many a maliciously incarcerated man has been ruined by this expedient. The case of Mr. Chance, which came before the committee of 1877, is one in point. Mr. Peter Chance was a letter-cutter at Stourbridge, in Worcestershire. He had an income from property in the place of £143 per annum, a business worth about £4 a-week, and personal property besides. He had unfortunately had disagreements with his wife, and was one day seized in the street, carried off to Worcester county asylum, and there incarcerated as a pauper lunatic on one medical certificate and the order of two justices. The documents appear to have been unstatutory altogether. The two days previous to his incarceration he had spent mainly in the company of Dr. Poncio, of Birmingham, who had been asked to certify him a lunatic, but who, on the contrary, bore strong testimony to his clearness of intellect drollery of character, and perfect fitness to manage his affairs. The lunacy commissioners, finding him thus in the asylum, would not release him, but recommended him for an inquisition for the protection of his property. This was held before a jury and Mr. Barlow, master in lunacy, on the 23rd Nov., 1874. Mr. Chance was found to be of sound mind and capable of managing his affairs. He was set at liberty a few days afterwards, *and had to pay the whole costs of the inquisition on both sides.* They amounted to £600. In addition he found that his letter-cutting business and other property had been so neglected as to reduce him to comparative poverty. The evidence points to disagreements with his wife as the motive of his incarceration,* and that he had never been less sane than when discharged.

Setting aside escape, which, though as in Mr. Plumbridge's and a few other known cases, it sometimes succeeds, is too difficult, and too vindictively punished where the attempt fails to be taken into account, the only ways of deliverance from an English Bastille are these three: discharge by the incarcerator, by the lunacy commissioners, or by an inquisition. This latter is, as Mr. Chance's story shows, a severe punishment on

* Law Reports, 10; Chancery Appeals, 75; and Min. Evid. Sel. Com. Lunacy Law, 1877, Qs. 4904-5082.

the poor patient; still the usual alternative—hopeless captivity, makes it welcome to him; but however he may desire to give the ransom for his liberty, even to the last penny of his fortune, the option rests not with him; an inquisition can only be had on the application of a third party, and that third party is not always obtainable. There is so exaggerated, one might say absurd, a dread of being thought in any way connected with the insane, that even among his well-intentioned friends and relatives an unhappy patient cannot always find one to take the initiative in applying for an inquisition, while it is clear that the commissioners can never be very desirous of that which, if it result in the acquittal of the patient, must of necessity furnish a fresh proof of their own ineptitude, and fresh arguments against the system they administer. For whenever a patient is found by a commission of inquiry to be of sound mind, the question must inevitably arise, Why was he not so found before, and duly discharged by the Commissioners in Lunacy?

CHAPTER III.

QUIS CUSTODIET IPSOS CUSTODES?

In the year 1873, a very intelligent and accomplished American lady, Mrs. Helen Burnard, was sent by her government to this country on a mission in connection with female emigration. Two or three bad cases of alleged wrongful detention in lunatic asylums were then to the fore, and she was led to give much time and pains to investigating them, and the general working of our lunacy system. Her impressions concerning the system, she published in the *New York Sunday Times*, on August 22, 1875. The article, entitled, "The Lunacy System of England," is a long one; from it I extract the following passage:—

> "There can be no doubt that the sane, and especially sane women, are constantly incarcerated. The fact seems to be, that the Commissioners in Lunacy drive a profitable trade with the superintendents and madness-mongers, by allowing them to incarcerate sane persons or detain patients after recovery."

Such is the verdict of one of America's most gifted daughters after an exhaustive inquiry into the administration of our lunacy laws, a verdict that has been again and again re-echoed with more or less distinctness in many of our colonies; a verdict which is daily gaining more and more adherents among ourselves. That Mrs. Burnard's condemnation of the commissioners may be couched in somewhat too sweeping terms; that there may be, and probably are, among them here and there individuals of high integrity may be readily conceded; but it is an inconvenience inseparable from solidarity and corporate action that both praise and blame should be equally participated in by every member of the body. It is perfectly well known that as a matter of fact every lunacy commissioner is not really responsible for every detention, but that the duration and treatment of each case depends on the commissioner, or on the two commissioners visiting together who chance to see it first; that not only is it materially impossible

for six men, in addition to their other multifarious duties, to take personal cognizance of even every doubtful case among some eight thousand private patients scattered all over the country, but that it is absolutely contrary to etiquette for them to attempt it. Were one commissioner ever so convinced of the impropriety of a detention sanctioned by another, the very utmost he would do would be to suggest reconsideration of it to his colleague. Thus each commissioner is in reality absolute while he acts under the ægis of all his colleagues, and having no individual character at stake, need have no care of individual conduct. The virtues of the good, and the vices of the bad blend in a communistic reputation equally shared by all.

It thus becomes apparent that the number of commissioners instead of being a safeguard against wrongful detentions and abuses is the reverse, and that the element of improbability which would absolutely forbid ascribing corruption to six English gentlemen, really acting in concert, or under mutual inspection, is by no means so strong when each can be approached singly, and any illicit dealings he might indulge in would remain absolutely unknown either to his colleagues or the public.

The supposition has of late been put forward in at least one important organ of the daily press that the lunacy commissioners are occasionally shareholders in some of those enormous proprietary madhouses, which are probably started and kept up by companies. This suggestion is, however, evidently groundless, since, however slight the restrictive power of an oath may have become in these latter days, the fact that each commissioner, on assumption of office, swears to have no pecuniary interest in any asylum, would of course invalidate legally his claims to dividends. The profits from detentions, if any, which accrue to the commissioners must therefore necessarily result from individual secret transactions with the ostensible proprietors of asylums, or those incarcerators whose interests have prompted a relative's suppression under plea of lunacy, and to such transactions there exists no objective barrier whatever. On the contrary, the mode of

procedure adopted by the commissioners on visiting an asylum offers every facility for and incentive to them;* while the practice of withholding their names from the patients, and the corporate form of their report to the Lord Chancellor, signed vicariously by the chairman alone, render the chances of detection infinitesimally small.

It is true that the idea of judicial corruption has happily grown so unfamiliar to the English mind, that he who admitted, even in thought, the possibility of a Lord Chancellor to-day being driven by conscience to iterate that piteous confession of his great predecessor, Lord Bacon, and say, "I do plainly and ingenuously confess that I have been guilty of corruption,"† might plausibly be deemed a lunatic. Let us, however, inves-

* As an example of such facility and incentive, I give the following incident:—On one occasion, when "The Lawn," at Hanwell, belonged to Dr. Henry Maudsley, Mr. James Wilkes, and another commissioner (since deceased) arrived there while the proprietor was from home. There was at that time a patient in the establishment whose case had been specially recommended to the attention of the lunacy commissioners by the Lord Chancellor, to whom strong representations of her sanity had been made. On learning that Dr. Maudsley was out, the commissioners went away without seeing the patients, and *made an appointment* to return later in the day when he would be at home. It is utterly impossible to assign any legitimate motive for this procedure. At "The Lawn," as in all metropolitan licensed houses, the licensee is the person in the house who of his own knowledge can tell least about the patients. He mostly goes to his private practice early in the morning, and only returns to a late dinner. The matrons and attendants left in charge are the only competent witnesses in the matter; all these were at home when Mr. Wilkes first called, and there can be no doubt that if, as his duty required, he had intended to ignore Dr. Maudsley's interests, and every other consideration except the merits of the case, and the patient's fitness for liberty, he would have proceeded at once to examine her and the attendants. *Such* examination, it may be safely affirmed, would have resulted in her discharge. In fact, so obviously improper a detention was it, that, as is declared by the patient herself, Mr. Wilkes did, after seeing Dr. Maudsley, intimate to her that she might have her liberty on engaging to take no legal proceedings after her release, or, at any rate, not without the approval of a specified lawyer of his own selection, or Dr. Maudsley's consent. These terms were refused, and the detention was consequently continued. Personally, I have little doubt that the commissioners, or their secretary, give notice to the licensees of coming visits—at any rate, in those houses wherein they are especially interested. More than one incident has come under my own observation tending to prove this.

† Green's "History of the English People," p. 594.

tigate the causes of this blessed change in our judges, and we shall find that they in nowise apply to the lunacy commissioners. It is no calumny on our age to say that it is not an honest one. We have learnt intellectually to apprehend the beauty and uses of probity; we have learnt to condemn, despise, and abhor detected thieves and swindlers; but we have neither learnt to love honesty, nor to practise it for its own sake. That we are not more, but less honest than our forefathers, the ever-multiplying laws against adulterating food, and otherwise defrauding our neighbour, abundantly show. And that this vice of dishonesty is not restricted to one class, but pervades all, may be legitimately inferred from the titled felons, not infrequently doomed to expiate in penal servitude their commercial frauds, and from the disclosures of the yet recent commissions of inquiry into elections, which resulted in the dismissal of twenty-eight justices of the peace for corrupt practices, and the imprisonment of various solicitors, and others of good social position, for the same crime.

Why then are our law courts pure and our judges really deemed above suspicion? It was not ever thus. Very recently the "Law Journal" has issued a series of articles on the subject, giving anything but a flattering picture of our judges even in the early part of the present century. We find that so long as they had no fixed salaries, no assured pensions, and were dependent on Court favour, they so comported themselves, even in the court of King's Bench, as to merit, in Lord Campbell's estimation, the designation of "those four ruffians." Fixing the salaries and pensions of the judges, and making them independent of Court favour, has, of course, done much to elevate their character, but it may well be doubted whether our law courts would even now command public confidence were they not subjected to the searching sunlight of public opinion. The press has probably done more than any other agent to create and maintain judicial integrity. Our law courts are pure, and our judges never suspected, because they act in the broad day light of publicity; because their every word is weighed, their every deed watched by a jealous press and a jealous public; because the mere fact of a secret inter-

view previous to trial between a judge and either a plaintiff or a defendant, such as uniformly occurs between the visiting commissioners and the detaining licensee, would raise a howl of distrust and indignation that would drive him from the judgment-seat.

Far be it from the present writer to intimate, that were these causes suddenly withdrawn corruption in our law courts would be the immediate consequence. Mental habits of long growth outlive the causes that gave them birth. By rendering bribery practically impossible, we have eliminated temptation from the minds of the judges, and enabled both them and the general conscience dispassionately to gauge the full heinousness of an offence which, in the softening light of familiarity, appeared but venial.

But imagine for a moment the circumstances which have discouraged judicial corruption to be reversed. Let it become not only admissible but customary for suitors to have private access to the judges, for trials to be conducted in secret, for judgments to be delivered anonymously as from the whole judicial bench, one or two members of which had alone any cognizance of the case. How long would the British public tolerate such a system? How long would it be before, whether justly or not, charges of venality and corruption would abound? Probably not a week. Yet this is exactly the system which in regard to unhappy and helpless alleged lunatics the British public has silently tolerated since lunacy commissioners were instituted. And it must be remembered that in their case the risk of detection is infinitely less, and the temptation to wrong doing consequently infinitely greater, than it would be in any tribunal dealing with the avowedly sane. There, at least, the dissatisfied suitor might raise his voice in complaint, might tell his own tale to the world with some chance of credence, but how shall the aggrieved patient obtain a hearing? how shall he ever get a chance of speaking at all, if it be the will of his incarcerator and the commissioners that he should not?

Venality has in all ages been the curse of secret tribunals, and never was there one more utterly secret in its proceedings

or more utterly irresponsible than is that of the lunacy commissioners; therefore, while Christian charity forbids their condemnation on inadequate grounds, common prudence and humanity equally forbid the assumption that there is the same improbability of corruption among them as among the law judges and other public servants with individual responsibility and amenability to public opinion. Where men exposed to ceaseless solicitations to wrong doing by those able amply to remunerate them for it without risk to reputation or position, continue unflinchingly upright, they must rank as the heroes of probity. Doubtless, there are many such in England, but the nation has no right to expect an unfailing supply of them for the not very pleasant post of lunacy commissioner, more especially as this is exclusively filled from professions, one of which in bye gone days gave abundant proof of corruptibility, while the other is continually sinking in public estimation. If the Bar under certain circumstances formerly furnished corrupt and ruffianly judges, why should it not, under essentially similar circumstances, now furnish corrupt and ruffianly commissioners? and if medical alienists are, as a class, so utterly untrustworthy as the Earl of Shaftesbury (a well-instructed judge) holds them to be, why should a commissionership, with its boundless opportunities of corrupt practices, turn them into honest men?

However undeniably true in the abstract may be the foregoing remarks, justification for making them in the present connection must rest wholly on their applicability to actual facts. I therefore shall now give a few instances in which I hold that the conduct of the lunacy commissioners is not easily reconcilable with official purity. These instances occurred in two of the best known and most highly lauded licensed houses in England—Brislington House, near Bristol, owner, Dr. Fox; and The Lawn, Hanwell, owner (at that time), Dr. Henry Maudsley.

Both these houses rank high in the commissioners' favour. In their 26th report, p. 40, we read of Brislington:—"A favourable report was given at both visits, the *only* exception being the extravagant and improper dress in which a gentleman of

marked eccentricity of habits is allowed to work in the fields." Now considering that the gentleman in question was a man of fortune, with his own apartments and attendants, and withal, of such herculean frame that it would have been no easy task to clothe him against his will, Dr. Fox's offence in letting him attire himself with perfect decency, though unconventionally, might be deemed venial enough not to deter others from using his house, whereas exposure of the real evils that abounded there might have done so. These were—the most defective sanitation from galleries unventilated, and open closets intermixed with the bedrooms; most imperfect classification of patients, gentle and rational ladies being turned out into the airing courts, without attendants, simultaneously with raving maniacs whose threats of violence and obscene language created both terror and disgust eminently fitted to nullify any benefit resulting from fresh air and exercise. It was also the rule there to "seclude" the patients in a fashion that, to say the least of it, was very injudicious, and calculated to retard recovery. "Seclusion" in asylum parlance means solitary confinement, and is thus defined by the lunacy commissioners — "Any amount of compulsory isolation in the day time whereby a patient is confined in a room, and separated from all associates, should be considered as seclusion, and recorded accordingly;" for, we are told, "The Legislature requires that a record be kept of its duration however short, as well as the reasons for resorting to it." The lunacy commissioners then express their "desire to secure a strict record of every instance where it is resorted to, *and to prevent its being adopted not for medical reasons but motives of economy, and as a substitute for the watchfulness and care of properly qualified attendants.*"* Such were the views on this important matter of the lunacy board in 1859, the 13th year of its existence; the practice pursued at Brislington, in 1870-71, was as follows:—At a somewhat early hour in the evening the patients were marched up to their sleeping cells, and there locked in to remain till breakfast

* 13th Report, p. 67.

time the next morning. The process is thus described by one imprisoned there at the time, and who, after several nights of acute suffering from the mere sense of being locked in without the possibility of obtaining assistance if needed, was allowed to have a servant sleeping in her room:—

"New comers suffered intensely from want of sleep through the quick succession of noises through the night. At nine o'clock the patients were taken to their cells and locked in, with a harsh grating jail-lock that irritated every nerve. Half an hour afterwards this musical operation was performed twice to see if the candle was out, and an hour after that, in some cells, twice more to admit the night-keeper, who might be, and in my case was, a good snorer. It is true that in virtue of being warranted safe and free from vice, I had the option of dispensing with this night-keeper, and so I did, till accidentally discovering that under no possible emergency of danger or illness could assistance or egress be obtained before the morning rounds, I thought it unwise to sleep alone. Very early in the winter mornings, an atrociously loud call bell was rung, whereupon the night-keepers arose, lighted their candles, and prepared for their housework. Of course this necessitated a few more performances of the great lock trick, which was repeated at intervals till breakfast time; however its stridency was then partly drowned by the shrieks, songs, and cries of the neighbouring maniacs, startled into activity by the bell.*"

I leave it to my readers to decide whether the treatment described in the above extract is a promising one for the cure of an overwrought brain or shattered nerves; such as it is, however, in summer it clearly came technically under the head of seclusion for some two or three hours out of every twenty-four. Of such seclusion it is required by law that there should be a record kept for the information of the commissioners, and it would be an interesting matter to ascertain whether it was so kept in the present instance, and if so, how these gentlemen reconcile their anxiety to prevent recourse to seclusion for the sake of economy, with their toleration of it diurnally at Brislington, where the only possible motive for its employment during the early morning hours of summer was increase of Dr. Fox's trade profits. A very few more attendants would have effectually obviated the necessity of of any such labour-saving device. It would be good also to

* "My Outlawry," p. 9.

know what the commissioners think of the "great lock trick," and of the loud call bell to rouse the servants hours before the patients' time of rising, and also of the absence of bells, or other contrivance, for giving an alarm from within a cell in case of illness in the night. Surely such treatment as this is more calculated to aggravate than to cure insanity.

Bad, however, as are the forementioned blots on this model house of which the lunacy commissioners report so highly, there is one more which, if less physically injurious to patients, is yet more revolting to the moral sense where any at all survives, and that is the coercion of lady patients by male keepers. This most objectionable and indecent practice was firmly established at Brislington at the period now referred to. The statement was made before the select committee of 1877, and denied by the licensee, but denial is not disproof, and unfortunately in this case, as in all other similar ones, no opportunity was given to the deponents to *substantiate* any depositions against licensees. Had such opportunity been granted, not only would it have been proved that ladies at Brislington are, in periods of excitement, habitually handed over to the manipulations of men, but that precautions against the grossest scandals and abuses are so imperfect, that if these do not occasionally occur it is highly to the credit of the keepers.

In this same 26th report which ignores all these evils at Brislington, we find the following mention of Laverstock House, licensed for sixty-five patients, or about one half of those that can be taken in at Brislington:—"Grave objections were made at the second visit when it was found to have been the practice to call in the aid of men servants to assist in restraining excited female patients." Now it is clear that the motive for calling in men to coerce ladies is economy. The more it is resorted to the fewer female attendants need be kept, consequently the practice, abominable under all circumstances, is yet more inexcusable in a large and wealthy house than in a smaller one. Brislington is unquestionably one of the wealthiest houses in the kingdom. How is it then that the commissioners do not condemn this practice there? The

obvious answer is, because that wealth enables the licensee to offer golden arguments sufficiently weighty to override the commissioners' objections. The obviousness of this answer is undeniable; if it is not the true one it is for the commissioners themselves to furnish another.

Again, few points are more frequently insisted on in the commissioners' reports than the great influence of attendants on the recovery of patients, and the paramount importance of securing by good pay and liberal treatment a duly qualified staff. The usual salaries of trained female attendants in licensed houses for the middle and upper classes range from £30 a-year for the junior, to £80 or £100 for the head attendants. They are also relieved from all menial work, for which in such houses servants are kept, and they enjoy all the comforts usual to the housekeeper's room in well ordered private families. At The Lawn, a house licensed for six ladies, for whom payments were made ranging from eight guineas a-week, not one single professional attendant was kept. The whole staff consisted of one lady specially attached as companion and overseer to a wealthy patient, who engrossed almost the whole of her time, and three maid-servants who walked out with and otherwise attended on the patients in the intervals of their housework. The head servant was a respectable young woman of about 25 years of age, who had lived some years in the family, and whose wages I was told did not exceed £20; the other two were a *ci-devant* cook picked out of the neighbouring pauper asylum, and a dressmaker's girl out of the village, both at low wages. It will help to form a just view of the social status of these individuals to mention that they were not allowed bedsteads to sleep on, but were required to sleep on the floor in the patients' rooms, a remarkable economic device sufficient of itself to deter high-class attendants from competing for vacancies, and which must of necessity have attracted the attention of the lunacy commissioners in any unexpected visitation of the premises conscientiously performed. Now it is scarcely possible to imagine a case calling more loudly for official interference than this. The Lawn patients were

all ladies of good, and several of them of high family; could anything be more galling to their pride, more depressing to their intellect, than to find themselves subjected to the authority and thrown into the society of persons, some of whom would have been rejected by themselves in happier days even for the lower situations in their own households? What possible ministering to a mind diseased, what diversion of the thoughts from painful introspection, what skilful re-awakening of slumbering powers could there possibly be achieved by a set of uncultivated women such as these? And further, there was a material objection to the arrangement that might have appeared such even to a lunacy commissioner's mind — this cumulation of offices could only be discharged by an amount of method and regularity quite inconsistent, in this capricious climate, with the enjoyment and daily exercise of the patients.

In this establishment it was the boast of the owner that no patient was ever left alone. To describe the degrading and grotesque manœuvres resorted to in order to make realization of this boast square with the paucity of attendants would be unsuitable to these pages; suffice it that they were equally inconsistent with modesty and health. As to the house itself, the term "whited sepulchre" would best describe it as it was then. Bright and fair without, surrounded by sunshine and flowers; within, full of such rottenness and uncleanness that it was a cause of wonder to all sane inhalers of its foul odours, how diphtheria or some other avenger of foul and filthy habits did not break out among the inmates.* It has

* If it be argued that possibly the commissioners might have failed to notice the evils mentioned, it is answered that this excuse cannot apply to the unsanitoriness of The Lawn. To this their attention was specially called in a letter from a patient whose health was suffering most severely in consequence, and who would probably have died had she not been removed shortly afterwards to a healthier house. No notice was taken of the letter, nor any improvement to the drainage introduced. The reader is, however, requested to bear in mind that The Lawn has changed hands since the time referred to. It is now the property of a lady, Miss Dixon, for many years the salaried manageress of another and much larger proprietary madhouse, and of whom it can only be said that unless "the principle of profit" should unhappily vitiate her noble character and most amiable disposition, a better custodian for the mentally afflicted could not be found.

been shown that enquiry into the payments made for patients, and the accommodation given in exchange, is one of the commissioners' duties. Personally, I never knew them discharge it in a single instance, nor have I ever heard from any one of their doing it. At Brislington the food given, though somewhat coarse, was fairly sufficient for the generality of patients. Where exceptional exhaustion or inability to make a hearty meal rendered extra diet necessary, extra charge was made. The only case that I personally came across there was that of a patient who required food before going to bed. She suffered much from broken rest, and the salaried medical attendant (who had no interest in the house) ordered her a sandwich and glass of ale at night. After sufficient time had elapsed to allow of arrangements with the family, these viands were supplied nightly I believe at an extra charge of £20 per annum. The original payment, I was credibly informed, was £200 a-year. Had the family not been in a position to pay the extra £20, this poor lady would pretty certainly not have had her sandwich. I was told of other cases at Brislington where insufficient nourishment was complained of, and I have no doubt justly in this sense, that the dietary though sufficient to maintain healthy life in the sane, did not meet the wear and tear of brain tissue arising from the perpetual excitement to which patients are exposed. Dr. Granville's evidence on the necessity of a more generous diet for the insane than for the sane is very conclusive.* As to the quality of diet, it was about equal to what a London boarding-house would supply with a fair room, for £1 10s. or £1 15s. a-week; there could therefore have been no unfairness on the part of the commissioners in insisting that patients who all paid, I understand, from £4 a-week upwards, should have a sufficiency of it. At The Lawn matters were considerably worse, and there can be no question that such patients as were really insane, and thereby incapacitated from dining with their gaoler or from fighting their own battles, suffered considerably from insufficient food. A dietary

* Min. Evid. Sel. Com. Lunacy Law, 1877. Q. 8861 and 2.

carefully kept for three weeks by an inmate records that meat accidentally tainted by the heat was served up again and again to this unhappy class till consumed. They were also much stinted in coals, though scarcely more so than the sane; in fact all in the house suffered cruelly in cold weather from the economy prescribed in the consumption of firing. Now of this very imperfect and parsimoniously conducted licensed house the only notice in the commissioners' report for that year is as follows:—

"At Lawn House a detached building at a very short distance has been constructed for the reception of four ladies. It has been well furnished, and offers superior accommodation."

The detached building was an old outhouse, not freshly constructed, but adapted for the reception of these ladies, and was about as unsuitable a residence for people of good social position in delicate health as could well be imagined. I happened to be on the spot when it was shown to the commissioners preparatory to their licensing it, and can assert that their inspection of the premises was utterly superficial and perfunctory, a matter got over in a few minutes, scarcely sufficient to run over the building. As to drainage and sanitation, they must have been taken on trust. The accommodation offered by those premises was very superior indeed as regarded interest on outlay, and profits for the licensee by help of the commissioners' approval, but for nothing else.

Thus we find these gentlemen at The Lawn, as at Brislington, suppressing all mention of the grossest evils, and misleading the public into a false estimate of that establishment. For what purpose? It is for themselves to say. Probably similar complicity with wrong prevails wherever sufficient inducement to it can be offered. The testimony against the lunacy commissioners from many quarters is sufficient to bring conviction to any unbiassed mind; still, as my personal observation of their misconduct was limited to these two houses, the reader must seek elsewhere than in these pages for information concerning others. For the same reason I have passed over the subject of personal violence and maltreatment of patients. I never saw any, nor was I ever in a

position where I should be likely to do so. Once and once only at Brislington I saw a very ill tempered and low class attendant strike a lady, but I think it was in retaliation of violence. I heard many reports of brutality, as also of the indecent exposure of lady patients in a semi-nude condition to the male keepers, and I believe these reports to be substantially correct, but I had never any opportunity of verifying them. Of the coercion of clothed ladies by men, however, I have been an ocular witness, and am perfectly certain it was the established, not the exceptional practice. The women keepers also were as a class low, and were allowed to treat the ladies with offensive familiarity. That it might injuriously affect these to be addressed as "my dear," instead of as Mrs., Miss, or Lady so and so, as the case might be, never seems to have occurred to the wise Foxes who ruled the place, and yet to outsiders it is patent that their great aim should have been to maintain and restore self-respect and hope of regaining lost position. These great objects could not be forwarded by the constant infliction of petty humiliations and subjection to insults; yet such was the system pursued in this monster madhouse, not by the managers themselves, who never to my knowledge failed in courtesy to the lady patients, but by their employées, and with their knowledge and tolerance.

That the lunacy commissioners should so ignore the evils of Brislington is the more remarkable, because they are largely exposed in volumes written by the late uncle of their present secretary, from whose lips I have received verbal accounts of the brutal punishments there inflicted by the male attendants.* But this seems a necessary evil attached to the present system, and can only be avoided by requiring a higher class of trained attendants, and more of them. It has been asserted that licensees as a rule object to attendants from other houses, and will have new hands. I know not how far this is true, but at Brislington I was one day respectfully accosted by a man who turned out to have been letter carrier in a neighbouring town

* "Narrative of Treatment Experienced by a Gentleman during Mental Derangement." John Perceval, Esq.

at the time that I and my family resided there. We had lived in his postal district, and he recognised me at once. Having been discharged for some irregularity or incompetency, he applied for a keeper's place at Brislington and got it. What could he know of moral government? and is it not certain that keepers chosen from such a class will be ever prone to subdue unruly patients by physical force? Were the commissioners to devote to scrutiny of attendants, their qualifications and antecedents, a tithe of the time now given to mere redtapeism, it would decidedly be for the patients' good. No very great improvement in this class however seems probable until proper provision is made for the training of attendants, and inducements are held out sufficient to attract into the profession a higher class both of men and women than now enters it.

CHAPTER IV.

"THOU ART THE MAN."

ENOUGH it may be hoped has been adduced in the foregoing chapters to show that the liberty of the public, and the interests of private patients, are less safe under the ægis of the lunacy commissioners than it is the fashion with magistrates * and officials generally to assume. It has been shown that the duties laid on these gentlemen by statute are so multifarious, and at the same time so difficult, that no amount of zeal and intelligence would enable so small a body of men adequately to discharge them; it has been farther shown that zeal and intelligence, if they exist among them at all, are frequently exerted on behalf of the licensees rather than of the patients, and that, in the immediate jurisdiction at least, this most hapless class is left wholly at the mercy of their incarcerators and their jailors. So far however the lunacy commissioners have mainly figured in these pages corporately. It is only their communistic reputation so to speak that has suffered, and

* The amount of confidence placed in the lunacy commissioners by magistrates is simply astounding to any one having had opportunities of gauging their merits. In the terrible case of Miss Beatrice Keating, given in the first chapter, a solicitor's assurance that the case should be inquired into by the lunacy commissioners, quite satisfied the worthy Margate magistrates *for a time;* and in the much more recent case of Mr. Elliott, escaped from Barming-Heath Asylum, this ill-placed confidence was yet more glaringly displayed. Mr. Elliott had been at liberty for many months, and filling posts of trust with credit to himself and to the satisfaction of his employers, when some one set the police on his track as a lunatic at large. By various ingenious devices the Scotland Yard authorities entrapped him into seeing a doctor, got him certified, and took him before the magistrate at Bow Street for committal to Hanwell. A remand for a week was obtained by his friends, and at the final hearing more than twelve persons of education and responsibility testified in his favour; one gentleman even told the court that he was keeping an important post in his house vacant, in the hopes of taking Mr. Elliott back with him to fill it. Yet the committal was made out, the magistrate soothing his own conscience by saying that the lunacy commissioners would see him in due course. He was delivered before long, but not through their interference.

as the constituents of the body are ever subject to change by sickness and death, it may be argued that ere this the corrupt elements may have been removed, and the existing body become all that can be desired.

It is therefore my duty, though a painful one, to show my readers that such is not the case, but that at the present time there are among the commissioners in lunacy two at least, Mr. James Wilkes, and Mr. John D. Cleaton, presumably corrupt on as strong circumstantial evidence as has convicted many a criminal; one, Mr. Palmer Phillips, hopelessly inefficient, unless a Lord Chancellor's sign manual can convert an idle perfunctory secretary into an active conscientious commissioner; and one, Dr. Rhys Williams, utterly unreliable on account of having given maliciously false evidence before the select committee of 1877, evidence which given elsewhere and on oath, might have assuredly brought on him both an action for libel and a prosecution for perjury.

In support of the charges against Messrs. Cleaton and Wilkes I give the following narratives.

In the northern town of Bowden there dwelt some years ago two widowed sisters, one wealthy and very genteel, the other poor, very industrious, and earning a decent livelihood for herself and three children by photography. Lazarus is ever an eyesore to Dives, and in this instance the wealthy sister urged the poor one to break up her home, disperse her children among relatives, and take service at a distance. To this the poor widow objected, whereupon a family conclave decided on her removal to the county asylum at Macclesfield. It is generally considered that greater security against wrongful incarceration exists for the poor than for the rich, inasmuch as the "order" must be officially signed either by a magistrate or the incumbent of the parish, where a magistrate is for any cause difficult of access. In this option lay the poor widow's danger. Magistrates were accessible enough, but it was felt that there would be little chance of getting one to order the incarceration as a pauper lunatic of a person living in charge of her family and supporting them by skilled labour. Consequently, the Rev. F. Wainwright, incumbent of

St. John's, Altringham, was applied to. He, happening to be a great friend and ally of the alleged lunatic's wealthy sister, the person most desirous of shelving her, made no difficulty whatever about signing the order, but at once consigned this self-supporting lady, who had never in her life received any parish assistance, to Macclesfield asylum as a pauper lunatic.* There does not however appear to have been any malice on his part, or any more reprehensible motive than a desire to meet the wishes of an influential and hospitable parishioner. Fortunately perhaps, for the public, this parson was utterly ignorant of lunacy law, and also, as appears from his own evidence, gifted with singular obtuseness of intellect, so that he gave an "order" without the slightest legal validity. This circumstance is apparently too trivial in the eyes of the commissioners to raise any obstacle to a detention; it certainly is a very customary concomitant of incarcerations. In this instance, neither at Whitehall Place, or at the asylum, was any exception to it taken. Mr. Charles Palmer Phillips, then secretary to the commissioners, and now one of that august body, passed the document, and the consignee, Dr. Maury Deas, superintendent of Macclesfield asylum, committed the misdemeanour of detaining this patient without let, hindrance or reproach from the authorities sworn to enforce the lunacy

* This case was gone into before the select committee of 1877, and then made to assume a different complexion as to the merits, but the reader may rely on the absolute correctness of the facts here given. Before the committee the witnesses *in favour* of the patient's sanity when incarcerated were the late Alfred Aspland, Esq., J.P., F.R.C.S., and Mr. M'Lachlan, a well-known Manchester artist, who testified to having had important business intercourse with her two days before her abduction; those against her were the parson who signed the order and those of her family who conspired against her. These were brought up by a solicitor, duly marshalled in by him, and allowed to be present during each other's examination; naturally under the circumstances their evidence coincided remarkably. The poor widow herself, who urgently implored a hearing that she might vindicate her aspersed character, was not suffered by the committee to come before them. Her most monstrous abduction and incarceration reduced her from comfort to penury, by involving the loss of her stock in trade, and no Habron or other victim of judicial error ever had a stronger claim on the country for pecuniary compensation, since but for Mr. Palmer Phillips' criminal negligence, and that of the visiting magistrates, she must have been discharged in time to save her property.

laws. This criminal detention lasted nearly a twelvemonth, and was at length terminated through exceptional circumstances, which have no direct bearing on the characteristic features of the case, and so need not be farther explained. But during detention, this patient had experienced, as she alleged, gross cruelty and maltreatment from the attendants; the magistrates in consequence wished an inquiry to be held, and at their request two commissioners in lunacy, Mr. John D. Cleaton and another (since dead), went down from London to hold one. With the results of the investigation as regards the charges of ill-usage we have nothing to do; the commissioners decided they were unfounded, but since, as we shall presently see, their report on other matters was utterly mendacious, no great dependence can be placed on their verdict in this.

That this Bowden case is one of the greatest public importance is undeniable, and for this reason, that the report drawn up by the commissioners thereon was sent by them to the Manchester papers for publication, signed by those who conducted the examination. That they should have ventured on this step can only be attributed to judicial blindness, or to the foolhardiness begotten of long impunity, since the report contains *at least* two falsehoods. In the first place, the commissioners declare that the patient "*was admitted as a pauper patient under a sufficient order,*" which we have already seen was not the case. Nor is it possible that this misstatement should have been other than an intentional falsehood. That the flaw in the order should have been overlooked by Mr. Phillips was only in accordance with the general conduct of clerical work in his office; that Dr. Maury Deas even should have taken in a patient from the relieving officer without looking at the documents is also possible, but that two commissioners, one of whom was a barrister, being compelled by a special enquiry to read and consider the document, should not have become perfectly aware of its invalidity is utterly incredible. And this was the view taken by the late Alfred Aspland, F.R.C.S., and J.P. for Cheshire, who gave evidence in this case before the select committee. In answer to Sir Trevor Lawrence he said:—

"4739. The order is absolutely illegal and informal."

"4740. I understood you to say that the commissioners' opinion was that it was sufficient? *They said so, but they could not believe it.*"

"4741. Do you mean me to understand that your insinuation is that the commissioners made a statement which they did not believe? Yes."

"4746. I understood you to say that if the legal forms prescribed by law had been observed in Mrs. P.'s case she would not have been confined? She would have been brought up before a magistrate, and my opinion is that, believing her to be sane, *no magistrate would have sent her.*"

"4747. You do not believe that it was because the legal forms were ignored that she was placed in an asylum? *She would not have gone there if the legal forms had been observed.*"

The select committee probably felt that it was not their province virtually to try these two commissioners on the criminal charge of lying in an official report, and so they let the matter drop. But it was generally felt that so tremendous a charge, tremendous as coming from so high a judicial authority, and so temperate and good a man as the late Mr. Aspland should, in the public interest, be thoroughly investigated. For the commissioners themselves not to impugn the statement in a court of law as libellous would, under ordinary circumstances, have been tantamount to a confession of guilt, but since it had been made under privilege of Parliament it was thought just by one who heard it to give them an opportunity of vindication by repeating it under circumstances that should leave them free to act as they chose. The following statement was accordingly published on cards, which were sent by thousands open through the post, care being taken that each of the lunacy commissioners should receive a copy. The name and address of the publisher were appended in full:—

"LUNACY LAW REFORM.

"*Serious Charges by a Magistrate and other against two Commissioners in Lunacy, viz., the Hon. . . . and Mr. John D. Cleaton.*

"As no laws can possibly serve their purpose without honest and efficient administrators, and there is no provision in the 'Lunacy Law Amendment Bill,' now before the House of Commons, for curtailing the enormous powers vested in the lunacy commissioners, or for extending to the public the right of prosecuting for breaches of the lunacy laws, it seems opportune to remind both the public and

the Legislature that charges, *virtually criminal and still unrefuted*, were brought before the late 'Select Committee on Lunacy Law' against the Hon. . . . and Mr. John D. Cleaton, by Alfred Aspland, Esq., F.R.C.S., and County Magistrate for Cheshire, and by the Honorary Secretary of the Lunacy Law Reform Association. At Ques. 4733 and seq. of the Blue Book Mr. Aspland accuses these commissioners of wilful falsehood in stating *after a special enquiry* held in August 1873, that a certain patient's order of incarceration was 'sufficient,' *when it was so glaringly unstatutory as to make a bonâ fide mistake impossible.* At Ques. 5613 and seq. they are charged with falsifying a date in a report. They stated that not till July, 1872, would this same patient's superintendent sanction her going out on probation, whereas he did, *to their knowledge*, 'strongly recommend' it on the 23rd of December, 1871. The Magisterial position of Mr. Aspland *entitles* the public to have these charges judicially investigated, since inexorable logic points out that, *unless they are true*, he himself can scarcely be fit to sit on the bench. In granting the 'select committee on lunacy law,' in 1877, Mr. Cross is reported to have said that the Government did it '*because there were certain apprehensions abroad which it would be well to disprove.*' These charges against the commissioners had then been before the public for three years; the *personal attention* of Lord Cairns and Mr. Cross had been repeatedly called to them; they had been echoed and re-echoed in the Continental and Colonial Press; nevertheless, even when iterated before the select committee, with all the additional weight derivable from Mr. Aspland's official and oral testimony and the protracted passivity of the accused under obloquy so galling to the English gentleman, these charges were simply ignored !!! And this is the more inconsistent with the public interest because, from the constitution of the lunacy board, *it is only by the rarest combination of exceptional circumstances that any misconduct can be brought home to a lunacy commissioner.* The visiting commissioners are, as a rule, unknown by name to the patients, nor are they individually responsible for their reports on asylums, which are signed vicariously by their chairman. In fact these lunacy commissioners, while endowed with the prestige and practical irremoveability of law judges, form such a secret and irresponsible tribunal as has in all ages been prone to corruption. That in the present instance the Hon. . . . * and Mr. John D. Cleaton did issue *a maliciously false report* has been absolutely proved; that certain moneyed persons of good local position escaped social infamy thereby is no less certain; whether any corrupt connection exists between these two facts can only be

Address—

* The name of Mr. Cleaton's colleague on the enquiry is now withdrawn, the gentleman being dead.

known through a judicial enquiry. To this the Government is hereby respectfully challenged; for this the public are hereby urged to agitate. It is credibly computed that of those now held incarcerated under lunacy certificates, one-third, or about 22,000 persons, are so held without necessity. [Rep. Qs. 892, 1047, 8904.] So much for irresponsible inspectors!"

The following is the passage in the evidence before the select committee charging Mr. Cleaton and his colleague with falsification of dates. Mr. Dillwyn was the examiner, the present writer was the witness:—

"5613. Have you ever brought any charges of corruption against the lunacy commission? Never any direct charges; that is, I have never said there was direct evidence."

"5614. You made statements concerning them? I have stated to Lord Chancellor Cairns, and also to Mr. Secretary Cross, that there is strong presumptive evidence; that is, circumstances which it is very difficult to reconcile with purity."

"5615. Do you adhere to those statements? I do."

"5616. You consider them justifiable? Perfectly."

"5617. May I ask you upon what grounds? One circumstance was in Mrs. P.'s (the Bowden) case. There is there a falsification of dates by eight months; that is, Dr. Maury Deas dated his letter recommending Mrs. P.'s probationary release on the 23rd December, 1871. The commissioners, the Hon. . . . and Mr. John D. Cleaton state that not till July, 1872, was Mrs. P. sufficiently recovered in the opinion of the superintendent to justify her being sent out on probation."

Having delivered the above evidence, and feeling it a matter of the gravest public importance that these allegations should be sifted, and the question of Mr. Cleaton's criminality finally set at rest, I a few days afterwards, wrote to the late Right Hon. Stephen Cave, chairman of the committee, soliciting permission in the public interest to produce my evidence. The permission was not granted, and I therefore now take French leave to lay it before the public. The patient was admitted on the 11th of November, 1871, as we have seen on an informal order; on the 23rd of December of the same year Dr. Maury Deas, her superintendent, wrote to one of her family as follows:—

LETTER No. 1.

"I am in receipt of yours of yesterday's date, inquiring for Mrs. P. I think in some respects she is decidedly better; she does not

allude, and has not done so for some time to her former ideas as to being persecuted by her neighbours and so forth. She is, however, very uneasy in her mind, and this uneasiness is increased, I fear, by the constant longing she has to see her children. Her mind is very much, too much bent on religious topics, which is revealed particularly in her letters. I think all her letters have been forwarded, but of late she has not written so many. I enclose you one which, of course, I would not forward. It will show you the bent of her mind. Her anxiety is so great to see her children that I think if her friends could arrange it, it might be well to try the effects of taking her home for two or three days. IT COULD THEN BE SEEN WHETHER SHE HAS IMPROVED SO FAR AS NOT TO REQUIRE FARTHER CONFINEMENT. I RECOMMEND THIS THE MORE STRONGLY AS I AM OF OPINION THAT CONFINEMENT IN AN ASYLUM WILL NOT BENEFIT HER BEYOND A CERTAIN POINT. Her mind is so clear, and she feels her position and the separation from her children so much.—I am, Sir, yours very faithfully,

"P. MAURY DEAS.

"To H. BIDYFORD, Esq."

On the 2nd of January, 1872, Mr. Deas wrote again to another relative as follows:—

LETTER No. 2.

"DEAR SIR,—I take the liberty of writing to you in regard to Mrs. P., at present a patient here. In some respects she is decidedly better than she was, and she does not allude, and has not for some time, to her former delusions as to being persecuted and so forth, and her mind generally is clearer and more collected. Her mind is too much bent on religious subjects, and also she frets terribly to get away and see her children especially. I enclose you two letters written by her, which show how much her mind runs on religion. Her anxiety is so great to see her children, and so prejudicial, that I think if it could be arranged, it might be well to try the effect of taking her home for a few days. IT WOULD THEN BE SEEN IF SHE HAS IMPROVED SO FAR AS NOT TO REQUIRE FARTHER TREATMENT. I RECOMMEND THIS THE MORE STRONGLY AS I AM OF OPINION THAT CONFINEMENT IN AN ASYLUM WILL NOT BENEFIT HER BEYOND A CERTAIN POINT; she feels her position and the separation from her children so acutely. Believe me, dear Sir, yours very truly,

"P. MAURY DEAS.

"To. W. W. HOWARD, Esq.,
"Norfolk Street, Glossop."

In the commissioners' report occurs the following passage:—

"Within the first two months, it appeared that some improvement took place in her mental condition, and the medical superintendent communicated with her relatives with a view to giving her a few days' leave of absence that she might see her children, the separation

from whom she deeply felt. The relatives did not adopt this suggestion. Subsequently she became worse in mind, and more under the influence of delusions. Further, she refused to eat meat or potatoes, in accordance with an insane vow which she had made, and could with difficulty be induced to take sufficient nourishment. According to the evidence of the three medical officers of the asylum, under whose care she came whilst resident there, she was at no time fit for unconditional discharge, *and it was not until the month of July (1872) that she became, in the opinion of the medical superintendent, sufficiently improved to justify him in regarding her as well enough for a month's absence on trial.*" *

Did any public officer—I might say, any English gentleman ever perpetrate a viler *suppressio veri* than this? On the 23rd of December, 1871, and again on the 3rd of January 1872, Dr. Maury Deas recommended that the patient, should be taken home for a few days to see her children, *and ascertain whether she required further detention,* life in the asylum being decidedly injurious to her; and Mr. Cleaton represents this unequivocal recommendation of probationary release as a mere suggestion of two or three days' absence for one specific purpose *only,* that of seeing her children. In proof that this *suppressio veri* was made with perfect knowledge and intention, I have this written assurance from Dr. Maury Deas, dated March 16th, 1878:—"The original copies in my letter-book were produced by me in evidence in the course of the inquiry by the commissioners, in 1873, into the case of Mrs. P." And, further, to show how Dr. Maury Deas himself regarded, and how consequently Mr. Cleaton *must,* from verbal examination of him, have also understood the recommendations of the previous December and January, we have the following letter:—

"August, 12, 1872.

"Dear Sir,—In reply to your note regarding Mrs. P., while I cannot say that she is recovered, I am still of the opinion, *which I expressed in a letter some months ago, that a trial at home, even if for a short time, is very desirable,* and attended, so far as I can see, with no risk. I cannot say that Mrs. P. has made much progress of late. Still, although she is very fanciful, and has religious notions of an extravagant nature, she always behaves with propriety, and on ordinary subjects, converses sensibly and rationally. She feels her

* *Manchester Examiner*, September 8th, 1873.

position here most acutely, and frets terribly at never seeing her children. As to whether she will ever completely recover,* I am very doubtful. I do not think that she will get any better here, and if it is at all practicable to give her a trial outside, I should strongly recommend it. Even if the attempt fails, it would be something definite to go upon for the future, and would probably make her more contented.—Believe me, yours truly,

"P. Maury Deas.

"W. W. Howard, Esq."

On September 18th, that is about five weeks later, another letter relative to the discharge is addressed to Mr. Howard, and concludes with these words:—"I trust the change may answer; but should it unfortunately not, she will only be on trial, and can be brought back at any time within a month."

Shortly after this she went out on probation and did not return. Of the circumstances which really led to her liberation, it is impossible to speak with certainty, she herself believing it to have been in consequence of her success in getting a letter posted to a friend, who then agitated for her release. Dr. Maury Deas denied this to the select committee, and said, "She was released entirely on my urging and recommending her friends that she was fit to be discharged."† This may or may not be correct, for unhappily Dr. Maury Deas, who appears to be in the main an upright man, became somewhat affected with the epidemic of mendacity, which afflicted so many of the other witnesses, and denied having written to Mrs. P.'s relatives more than twice, though, as before shown, he has since confessed to four letters. This inaccuracy, though comparatively unimportant in itself, necessarily shakes trust in his evidence altogether.

There are so many points of vital importance to the liberty of the subject brought into prominence by this case that the difficulty is to make a selection. First, let us observe the commissioners' test of coercible lunacy: a refusal to eat meat or potatoes, and a sickly appetite. Those are literally the *only* facts adduced and relied on by Mr. Cleaton and his colleague

* The recovery was and is so far complete that from the time of liberation to the present day, Mrs. P. has uninterruptedly and wisely managed her family and affairs.

† Q. 7,759.

to establish the substantial justice of this poor lady's detention. Her own touching comment is, "I told them I could eat well enough, if they gave me back my children." And what are the superintendent's allegations? That she held religious views that to him (possibly a materialist as are most of his profession) seemed extravagant, but which views never affected her conduct injuriously; on the contrary, *that* was always characterised by propriety, and her conversation on secular subjects by good sense. I have it on her own testimony, that in the early part of her incarceration much of her time was spent in Dr. Deas's private residence, doing highly skilled needlework for his wife, for which, however, she received no pay. On these occasions, it seems, *Dr. Deas's youngest child was entrusted to her sole care*, and this was continued till it was found that the companionship increased her heartbreaking grief at being severed from her own little ones. Peradventure to a commissioner in lunacy, Rachel weeping inconsolably for her children, would have seemed but a maniac. We have here also a fine illustration of what was said in a former chapter concerning the bitter treachery and heartlessness used in dealing with patients' letters. Dr. Deas sent all those entrusted to him by Mrs. R. to her hostile relatives, instead of to the friends to whom they were addressed, and told the committee that his general practice was to "arrange with the friends [that is the family] of a patient to send all letters under cover to them." *

It does not appear that Dr. Maury Deas's practice herein is absolutely illegal, the legislature having made no special provision concerning the letters of pauper patients, which seems very hard upon them, and also very dangerous to public liberty, since any self-supporting, or even wealthy, person, may be maliciously styled a pauper, as has actually been done in this and other cases, incarcerated as such, and so withdrawn from the operation of the law regarding the letters of private patients. That the lunacy commissioners, to whom are granted the amplest powers for making bye-laws,

* Q. 7,755.

should not ere this have remedied the omission in the act, and made provision for securing to pauper patients the right of communicating with their friends, is only another proof of their indifference to the happiness and safety of asylum inmates.

If, to the free and sound-minded, sympathy and affection are essential to moral and physical well-being, what must it be for the poor asylum captive to feel cut off from both, and wholly given up to those whom, rightly or wrongly, he fears and distrusts? Yet such is often the case with pauper, and *always* with private patients incarcerated for other motives than the necessities of their condition.

It has been the aim of the writer throughout these pages to show that the system of inspection for licensed houses and asylums is radically vicious, and the staff of commisioners ludicrously inadequate to discharging the duties laid upon them by law, while the visiting magistrates who, from their localisation, social position, and lay life, might, and probably would, if unhampered, efficiently discharge these duties, are half stultified by an unmeaning vassalage to the commissioners, and division of responsibility with them.* To say this, is to grant that many, very many, most grievous abuses and cruelties may occur both in asylums and licensed houses without leaving stain on the moral character of any of the visitors. But to say as much of this Bowden case would be, indeed, to outrage all probabilities. Everything here points to a pecuniary transaction of the most discreditable character between Mr. John D. Cleaton and the parties who had so

* The following incident illustrates the inconvenience of this magisterial vassalage to the commissioners. In Chester Asylum a death occurred early in the year, on which the coroner's jury returned a verdict, "Died from erysipelas, caused by sewer gas emanating from the water-closets in the infirmary," and added a rider, that it was "of the utmost importance that there should be an *immediate* inspection of the sewers, and a responsible person provided to see to the flushing." At the annual visit of the commissioners in the following October, four more deaths were found to have occurred from erysipelas, and two from typhoid fever; there had also been severe outbreaks of diarrhœa, all caused by escape of sewer gas. Had the local magistrates been independent in power of ordering structural alterations, and solely responsible, these six lives would have been saved.

lawlessly and brutally incarcerated this most deeply-wronged woman. Fully to estimate the position, it is necessary to take into account the state of public feeling in Manchester and its vicinity at that time.

Mrs. P., though poor in this world's goods, was rich in those qualities which command attention and respect. Her sudden and unexplained disappearance from her home had occasioned no little wonderment in her own circle, and when she reappeared among her neighbours as one raised from the dead, and they learnt her story, great was the indignation expressed. The particulars of her capture and detention were published in the papers, as also the order and certificate under which she had been incarcerated, and the gross informality of these attracted the attention of certain magistrates, who had never seen or previously heard of the patient. From a pure sense of public duty, these gentlemen, and others of the most influential men in Manchester, including the Town Clerk, formed a committee, and applied to the Local Government Board for an inquiry into the conduct of the Altringham relieving officer, who had lawlessly treated in the first place a self-supporting person as a pauper, and then abducted and placed her in the asylum, without even the forms required for a pauper. A long correspondence ensued, the matter was drawn out till the expiry of the official year, and then all inquiry was refused on the ground that the overseer, being now out of office, it was not worth while to reopen the matter. All this had necessarily called public attention still more to the case, and if, when the commissioners held their inquiry, they had reported the truth—namely, that this poor lady had never been in legal custody at all, and that the superintendent had strongly urged her release, on the ground that confinement was injurious to her nine months before those responsible for putting her in, would go through the routine forms necessary to her discharge, it is certain that the Rev. F. Wainwright, incumbent of St. John's, Altringham, and the wealthy instigators he was so prompt to oblige, would have passed what our neighbours call *un mauvais quart d'heure*—in fact, probably bad enough to oblige some to leave the neighbour-

hood, and perhaps subject the reverend cat's-paw to an unpleasant colloquy with his bishop.

Under these circumstances, it was evidently of vital importance to him and his friends to induce the commissioners to suppress the letters, deny the illegality of the order, and report the patient as having been throughout insane. This they did, and as it is one of those cases where no other motive—such as friendship for the family, or animus against the patient—can be rationally supposed, and as it is not the wont of English gentlemen in the social position of Mr. J. D. Cleaton to lie, and to suppress evidence for the fun of the thing, it must necessarily be assumed that he had overwhelming arguments pressed upon him in this instance, which may reasonably be deemed to have been of a golden hue.

That the minds of my readers will revolt from this conclusion is probable—not more so, however, than did mine when it was first forced on me; but let it be remembered that again and again, both from the platform and through the press, has the integrity of the commissioners been assailed, and not one has ventured to rebut imputations, which, unless justified by facts and the obligations of public duty, would be most justly and highly penal. In 1872 a pamphlet appeared, entitled "Gagging in Madhouses by Government Servants," which reflected most severely on the action of the commissioners in the matter of patients' letters; and, in 1874, a correspondence between an ex-patient and Lord Cairns, as Chancellor, took place, wherein Mr. James Wilkes was explicitly charged with taking bribes, and as no English paper cared to publish it, it appeared in *The Continent*, of Geneva, and so was widely read by English visitors there. Lastly, in 1876, after the appearance of the 30th Report, already quoted, it was my official duty to address Lord Shaftesbury as chairman of the commissioners, calling his attention to the admission in the Report, that "instances had occurred" in which letters had been dealt with contrary to law, and pointing out the statute under which it became the sworn duty of the commissioners to enforce the penalties attached to that offence. I also took the same opportunity of reminding his lordship that

there were the very grossest imputations resting on Messrs. Wilkes, Cleaton, and others, which imputations had never been refuted; and, after recapitulating them, and the evidence on which they rested, I ventured to add, "Is it the wont of English gentlemen to sit down tamely under such aspersions as these—aspersions which, as they know, have already found vent through the daily and weekly papers in England, in America, and on the continent of Europe—aspersions which, until judicially disproved, must merge into accusations, ever gaining fresh strength and credence, till the names of James Wilkes and Commissioner in Lunacy, become synonyms for corruption and infamy?" This is six years ago, and who shall say that, to all who have followed the question, those names have not already so become?

Strong as is the external evidence of Mr. Cleaton's dishonesty, that to be drawn from the absence of all effort at self-vindication is stronger still. It must, of course, be admitted as possible, that other and less culpable motives actuated him, such as friendship for, or perhaps consanguinity with Mr. Wainwright or his co-conspirators, and that to save them from opprobrium he sacrificed his own veracity. But surely no such motive could have induced the public sacrifice of his reputation—the tacit acquiescence in a charge of corruption! That charge must therefore be held as proven—proven by the silence of the accused.*

* I was once taken to see the late Mr. George Lamb, looking-glass manufacturer, of 112 and 114 Curtain Road. He had displeased his wife and grown-up sons about the business, which these latter wished to manage, and they had got him into Northumberland House, where I saw him perfectly sane and well-behaved. Some of his own kindred applied for an inquisition, in view of which Drs. Thomas Harrington Tuke and J. Russell Reynolds, made affidavits that he was insane. Mrs. Lamb however knew better, and at the very last moment before the inquisition was to begin, drove down to the asylum and discharged her husband. He wrote to me afterwards the following letter:—

"Dear Madam,—By same post I send you draft copies of particulars; you need not mention my case anonymously—pray use my name, place of business, and everything you know of this affair, as I only court publicity. Mr. Cleaton was the commissioner most frequently there, and a very great friend of Dr. Sabine's; and I need not tell you the system of their investigation. Every preparation is made for them, and, if not previously made, they are invited up

In referring to the correspondence of 1876 with the Earl of Shaftesbury, it has not been thought necessary to insert here his lordship's own letters as they were published in *The Truthseeker*, of December, 1876, and have since been re-issued, in a pamphlet* that is well known to Lord Shaftesbury and all his colleagues. The general tone and spirit of his lordship's replies to me may, however, be gathered from the following remarks with which the reverend editor of *The Truthseeker* prefaced his insertion of the correspondence in his magazine :—

"The following correspondence is noteworthy for two reasons—1st, Because there are special reasons why Mrs. Lowe should be heard on this subject; and 2nd, Because the letters of Lord Shaftesbury almost demonstrate the truth of her allegations. . . . Lord Shaftesbury's 'Go away, poor woman!' is a fearful revelation. Is that the way the commissioners always deal with complaints of cruelty and wrong? My own opinion is, that Lord Shaftesbury's sickly replies are even more damning than Mrs. Lowe's indignant indictment."—*John Page Hopps.*

The case against Mr. James Wilkes, while as conclusive of corruption as that against Mr. Cleaton, is yet a more serious one, inasmuch as it has cast unmerited opprobrium on public servants of much higher grade than his own.

Far down in a secluded western valley, remote both from strife of tongues and clash of intellects, dwelt a family in rural affluence and bucolic repose. Their lives were speeding away in "the daily round the common task" incidental to their station when a dread calamity befell them. The head of the family, who may here be designated as Mr. R., was touched slightly, but alas too surely, by epilepsy. Thenceforth all was

---

stairs to luncheon while it is made for them. They investigate the cases of the patients in from twenty minutes to half-an-hour. They are accompanied by the proprietor, and when he thinks you are saying anything that will not suit his part of the business, he immediately stops you and says, 'That will do, that will do, go on!!'—Hoping that this will be sufficient to show the shocking state of existing affairs with regard to the present lunacy laws,—I beg to remain, dear Madam, yours respectfully,

"JAMES G. LAMB."

Mr. Lamb died of lung disease the following year, his death undoubtedly accelerated by maltreatment in Northumberland House.

* Lunacy Laws and Trade in Lunacy.

changed, domestic sunshine disappeared 'mid dark clouds of gloom and distrust, fancy succeeded fancy in his mind, doubt ripened into suspicion, and suspicion into preposterous certainty of impossible calamities, till the poor harassed brain settled on the delusion that one very near and dear to it was mad. Unable to apprehend the groundlessness of a conviction in support of which no facts could be adduced, Mr. R. had recourse to a registered medical practitioner, and to him confided his distress. Now to this man, who shall be nameless, because *de mortuis nil nisi bonum*, the origin of that distress must, from his previous knowledge of Mr. R. and his family have been patent enough; nevertheless he advised, not the removal of the delusion by suitable treatment, but the removal of its subject, Mr. R.'s wife, by incarceration. Further, he kindly undertook to manage the whole affair, so that his client should have no further trouble in the matter. Accordingly, he secured the co-operation of a colleague* in signing the necessary certificates; both obtained a casual interview with Mrs. R., and a few hours afterwards had her fraudulently inveigled into an asylum.

* The colleague in this case was a certain Thomas Shapter, M.D., of Exeter, renowned in lunacy official annals for ignorance of lunacy diagnosis. Shortly before, the friends of a wealthy, aged, and harmless lunatic, a Miss Phœbe Ewings, had brought her from an asylum and placed her in lodgings with a maid in this doctor's vicinity. Before long her family learnt that she had made him her residuary legatee, he having, under an erroneous belief in her sanity, introduced to her a solicitor and assisted her in making a will. Thereupon an inquisition was procured. It was fully reported in the *Western Times* of August 21st, 1859. The late Mr. Warren, master in lunacy, with the aid of a jury, proceeded to test the lady's sanity. On the part of the petitioner appeared eight medical men, including Dr. T. W. Tuke, Dr. Bucknill, and other noted alienists. On the part of the respondent Dr. Shapter appeared himself and one other medical man. The case was easily settled, the amiable old lady offering Mr. Warren two guineas, and expressing perfect readiness to make him her "residuary legatee also." After an absence from court of ten minutes, the jury returned, and their foreman delivered the following verdict—"The jury find that Phœbe Ewings is not of sound mind so as to be sufficient for the government of herself and her property. I am requested to say this is their unanimous verdict." Surely this verdict, being then recent and presumably in the knowledge of the commissioners, should have prevented implicit reliance on Dr. Shapter's certificate of lunacy.

So far all had gone smoothly; whatever depended on the doctors had been deftly performed, the certificates, if ludicrously trivial in some of their allegations and false in others, were yet statutory in form. Another document was, however, needed to give them validity for the purpose of detention, and that was "the order," to be signed by the person pecuniarily responsible for the patient's maintenance in the asylum. To this order the law attaches immense importance, and justly, for it is the patient's best safeguard, practically the only document on which he can, with any chance of success, base an action after release. The 16 & 17 Vict., c. 67, s. 94, gives the most minute instructions relative to this "order." It is to be drawn up in a form given in Schedule A appended to the act, and must specifically answer certain questions contained therein. To receive a patient without "*such* order" is, by the said act, constituted "a misdemeanour." An attempt had of course been made to obtain a proper order from Mr. R. before sending his wife to the asylum, but the attempt had failed. Either through inability to understand the law or some other unexplained circumstance, he could never be brought to give a valid order, and the patient was received and detained without one, whereby the licensee unquestionably became "a misdemeanant."

Exceptional leniency is, however, shown to misdemeanants of this description. While, by the section above quoted, the mere act of receiving a patient without statutory order and certificates is made criminal, a later section provides that the criminality shall be only provisional for fourteen days, and if within that time the licensee can get the documents "amended" in conformity with the law, and to the satisfaction of the lunacy commissioners, his misdemeanour is thereby condoned; otherwise his criminality becomes absolute. The fourteenth day once past, no possible correction of documents, no sanction of commissioners, nor even that of the Lord Chancellor himself, can legalise a detention not based on statutory documents. The order is of crucial importance; and as if in recognition of this fact, and the paramount importance to public safety of rigid adherence to legal forms in incarcerating alleged lunatics,

Parliament has limited a licensee's or superintendent's responsibility to their observance. No responsibility devolves upon him as to the merits of a detention, at least in its earlier stages, but he has the most entire responsibility as to its forms. *With* a statutory order and proper certificates he may with impunity admit and detain indefinitely a perfectly sane person; *without* them to admit even a raving maniac is criminal.

The discretionary powers conceded to the lunacy commissioners are very wide, wider many think than is consistent with the security of personal liberty; but they do not extend to abrogating or even modifying Acts of Parliament, so that in no case may they waive the slightest formality required by law.

And of this the commissioners are themselves perfectly aware, as appears from their own reports. A Mr. Hall was received some years ago into Munster House Asylum, on two medical certificates, and an order in due form. Three days later he was visited by two of the lunacy commissioners, who made the following entry in the "visitors' book" of the asylum :—

"We had a long and special interview with Mr. Hall, the patient last received. On examining the certificates under which he was admitted, it appeared that one of them, dated 29th of July, was founded on a visit to the patient on the 13th of June, and *is consequently wholly invalid. It follows that the patient can no longer be legally detained.*"

They then report :—

"Mr. Hall was upon this ground forthwith discharged. In other circumstances, the inquiry into his sanity would have been followed up. *As it was, there was no necessity to determine that question.* . . . But it became our duty to consider the propriety of taking legal proceedings against Mr. Elliott for a misdemeanour for having received a patient on such certificate."

In another case where the particular day on which the medical man observed symptoms of insanity was not stated, as the act requires that it should be, the commissioners' write :—

"We had no alternative in these circumstances but to discharge the patient." *

* The act requires a medical certificate, to be based on personal observation, within seven days of giving it. (See "Fry's Lunacy Acts," edit. 1877, pages 71, 2.)

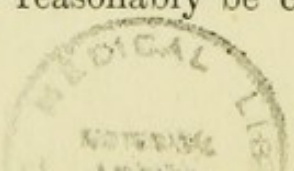
Unhappily, perhaps, for the public, the lunacy commissioners' just displeasure in both these cases was appeased by apologies from the doctors who had informally certified, and the licensees who had criminally received the patients. A prosecution in those cases might have shown licensees in general the expediency of obeying the law of the land, and so prevented subsequent scandals.

The fourteen days allowed by law for amendment of faulty documents had long elapsed when Mr. James Wilkes, then one of the salaried commissioners, paid his first official visit to the asylum, after Mrs. R.'s incarceration therein. It may be doubted whether he had any previous knowledge of the licensee's misdemeanour in receiving her without a proper order, though his ignorance, if it existed, reflects great discredit on Mr. Charles Palmer Phillips, the secretary to the commissioners at that time. The law requires that copies of a patient's order and certificates should be sent up to the lunacy office, in Whitehall Place, within seven days of his or her reception into an asylum, when it becomes the duty of the secretary to examine them. If, therefore, the commissioners were ignorant of the invalidity of Mrs. R.'s order, it is clear that Mr. Charles Palmer Phillips neglected his duty, either in not discovering the flaw, or not reporting it to his employers. It certainly seems singular that a dereliction of duty sufficiently gross to have insured a clerk's dismissal from any respectable bank or warehouse in the kingdom, should have formed no obstacle to Mr. Charles Palmer Phillips's promotion to a commissionership. Unless these appointments are given by mere favour, irrespective of qualifications, it would seem as if the selection in this instance must have been made on a certain principle recognised by game-preservers and detectives, for the sake of getting better work out of Mr. Charles Spencer Perceval, Mr. Phillips's successor in the secretaryship.

Whatever Mr. Charles Wilkes may have been however, whether scient or nescient of the criminality of Mrs. R.'s detention when he reached the asylum, it may fairly be assumed that he soon became fully cognizant thereof. In the

first place, it was his duty to examine her order and certificates, a duty which however cursorily performed, must have shown him their invalidity; and, moreover, the attention of the lunacy board had already been specially directed to the case, so that any negligence in inspection of the documents was both unlikely and inexcusable. That Mrs. R.'s detention was improper, and her sanity unimpaired, the commissioners had already been assured by a near relative of her's, who traversed Europe to tell them so, so soon as she heard of the incarceration—that it was criminal because unstatutory, Mr. Wilkes had ocular proof. To use the commissioner's own words in a similar case, he "had no (legitimate) alternative but to discharge the patient," and any inquiry as to her mental condition was as great an impertinence as had he instituted it when she was sitting at the head of her own table. The only alternative to immediately discharging Mrs. R. was becoming a criminal himself by complicity after the fact in the superintendent's misdemeanour, and this was the course he elected to follow. The risk of exposure which he ran in so doing was small as he was well aware; since even in the improbable event of escape, the marriage disabilities would exclude his victim from the common law courts, and a criminal prosecution against a State servant would be practically impossible to her. Nor would such prosecution have been much easier against the particular licensee who had her in custody; he being a man of great wealth and county influence. In fact, he and many of his kindred had seats on the bench before which a charge of assault or false imprisonment must have been brought in the first instance.

A further inducement to the course Mr. Wilkes adopted he may have found in his knowledge of Mrs. R. being the victim of a *bonâ fide* delusion, and not of unkindness or cupidity. For Mr. R.'s physical and mental condition were most fully explained to him, and Mr. Wilkes, as a medical man, must have known that the peculiar type of monomania developed by him generally proves incurable, and that as no other private person than the signatory of the order can grant a discharge, Mrs. R. might reasonably be considered as wholly



at the mercy of himself and his colleagues, and therefore a prize of quite exceptional value in the lunacy market. That these and similar considerations must have swayed him is manifest, since there was no previous acquaintance between himself and Mrs. R.'s family. It is simply impossible that he should have been actuated by any personal feelings either of friendship or enmity towards any of them, or indeed by any other motive than regard for the pecuniary interests of the licensee.* Whether his own were identified with them, and if so, to what extent, it is of course impossible for any private person indubitably to ascertain. All that can be *proved* extra-judicially is, that on this occasion Mr. James Wilkes broke his official oath by sanctioning a detention without any statutory order, and that he did it with the fullest knowledge and intention. Speaking generally, there is not any doubt that as a rule the pecuniary interests of licensees are matters of tender concern to the commissioners as a body. So long ago as 1859 their noble chairman testified to the fact, and it is certainly not likely that with the withdrawal of his personal supervision matters improved in this respect. The following is his confession to the Committee of the House of Commons:—

"It is extremely difficult to refuse the renewal of a license, because 'to say that no license should be granted would have the effect of reducing many families to absolute beggary.' 'We have in some instances, though very rarely, revoked licenses,' and only for such atrocities as drawing out all a patient's teeth as a punishment," etc. "In many cases you shrug your shoulders and say, 'What a sad place this is, and what a person is at the head of it, but you cannot say to that person, though you have committed no offence, I will reduce you to beggary;' and again, 'The truth must be told, and I must say that, we the commissioners, *have erred upon the side of lenity.*

* The documents sent with Mrs. R. expressly stated that she was not dangerous to herself or others, consequently she was in point of fact by common law entitled to discharge on this score only; but supposing Mr. Wilkes ignorant of this, and honestly of opinion that she was a fit subject for detention, his proper course would have been to discharge her and have her recertified. The only conceivable reason for his not doing so is that he did not know where to lay his hands on two more Shapters to give fraudulent certificates, or did not choose that the expense of bribing them to do it should be incurred.

We have endeavoured year by year to do things by persuasion till I have lost all patience. *We have erred on the side of lenity, and I am very sorry for it.*'" *

When the social position and high character of the witness is considered, the above extracts must be admitted as conclusively proving that the interests of licensees are allowed to militate against those of the patients.

Were any fresh arguments needed against irresponsible authority anonymously exercised they might surely be found in the above passage. What public servants acting individually under the public eye would dare avow subservience to other interests than those of their office? Were a commissariat officer allowing worthless supplies to be foisted on his regiment to plead in excuse tenderness for the contractor's interests, surely the excuse would not be admitted in bar of punishment; and yet this is exactly the avowed practice of the lunacy commissioners towards the insane, and they escape not only unpunished, but unreproved.

Mrs. R. did not continue a full year in her first jail, and with the preparations for her removal to another asylum began that stampede of perfunctoriness and credulous official inter-dependence which ultimately precipitated a not inconsiderable portion of the English justiciary, with a Lord Chancellor at its head, into the misdemeanour of assault or that of false imprisonment.

Before a patient can be transferred from one asylum to another a leave of transfer must be obtained from the commissioners. The granting of this on application seems however a mere matter of course, and it is signed by any two commissioners who may chance to be on duty at the time without any examination of the patient. At least so it was in Mrs. R.'s case, and she was transferred in due course. It needs no argument to show that ordering the compulsory removal of a person *de jure* perfectly free, for the sake of locking her up elsewhere, constitutes an assault, and that thus therefore these two commissioners became misdemeanants. A few months later a second removal was made, and by this

* Min. of Evid. Sel. Com. Lunatics, 1859. Q. 101, 102, and 301.

means or by neglecting, through ignorance of the invalidity of the order, to exercise their statutory obligation of discharging every illegally detained person, five out of the six salaried commissioners became amenable to the criminal law.

At this juncture came into play various unforeseen circumstances, which after a considerable lapse of time, ended in Mrs. R.'s liberation. Eventualities had occurred requiring the exercise of certain trusts vested by settlement in herself. She being under certificate, recourse was had to the Lord Chancellor for the discharge of these trusts, and also for rendering her pin-money available for her maintenance in confinement. Hereupon a *de lunatico enquirendo* commission was ordered as a matter of course, as for a "supposed lunatic," that is a person under lawful restraint, but not found lunatic by inquisition, and thus was England's Chancellor tricked through the ever widening gap in the sacred fence of LAW, and made an unconscious participator in Mr. James Wilkes's crime.

A vigorous protest has been already made in these pages against the doctrine, that public servants are *ex naturâ* incorruptible. In justice to the thousands with none to save them from the hideous doom of unnecessary incarceration for life among maniacs, or from maltreatment during needful confinement, except the lunacy commissioners, that protest is here repeated with special reference to those gentlemen. Readily may it be conceded that much of that "charity which thinketh no evil, and hopeth all things," should be exercised in judging official errors in dealing with alleged lunatics. Not only does the subject of lunacy bristle with inherent difficulties, but the obstacles in the way of an official inspector forming an independent judgment of a patient's condition are far too great to be overcome by any but men of first-class intelligence and power, in the prime of energetic manhood. It must be remembered that, although the licensees and superintendents of asylums are almost invariably medical men, and some of them even men of high professional standing, who might shrink from a base or dishonourable act in their medical capacity; yet from the moment they take to boarding and lodging lunatics, they become mere tradesmen, and are not in that capacity to

be credited with any higher standard of commercial morality than their brethren the licensed victuallers for the sane. It were as reasonable to expect a publican, a butter-factor, or a grocer to give his customers a gratuitous lecture on the adulterating arts, and the best mode of detecting their results, as to expect a madness-monger to disclose all the tricks of his trade. Whatever these tricks may be, on one point the highest testimony that can be had on the subject agrees; they suffice to mislead commissioners and other inspectors as to the true condition of recovered patients. The difficulties of these officials are also further increased by cumulating on them a mass of distracting work, which would be far better performed by architects and sanitary inspectors. There is also undoubtedly among the public an exaggerated dread of the insane or *quasi*-insane, which timid and half-informed men, especially if aged as the commissioners often are, would naturally take into account.

For these reasons, wherever statutory forms have been complied with, it would be simply monstrous to look upon every needlessly prolonged detention, however profitable to the madness-monger, as proof of corrupt collusion in some lunacy commissioner; but where, *as in Mrs. R.'s and the Bowden cases, the statutory forms have not been observed and the documents are on the face of them so glaringly invalid, that no rational person, having once read the Act, could possibly be misled by them*, then it surely is excess of credulity or a most spurious charity to ignore the probability of corruption. Where the law leaves no scope for the exercise of judgment, error of judgment cannot be legimately pleaded.

To return,—whenever an inquisition is ordered, the person to be tried has the option of going before a jury in public, or a master in lunacy in private, and Mrs. R. had at once chosen to be tried by a jury. Much pressure was afterwards put on her to make her rescind this choice, and ask to be tried by a master in the drawing-room of the asylum, but she adhered inflexibly to her determination, to trust her liberty rather to the common sense of laymen than the science of a specialist. Whether on this account or not she never knew, but suddenly, at the

last moment—that is, within a few hours of the time fixed for the inquisition, the commissioners decided to have it suspended, and sent her out "on probation for three months." This they did, but without ceasing from vexatious interference with her independence. She was still a prisoner, though under mitigated restraint, and the proceedings in Chancery having made the consent of the Lords Justices necessary, some two or three of these gentlemen became implicated in this lawless transaction, and unwittingly swelled Mr. Wilkes's squad of august misdemeanants.

At the end of the three months' probation Mrs. R. was discharged by order of the Lords Justices, and re-entered on liberty and the management of her affairs.

The Chancery proceedings for giving her separate estate into other hands on the ground of her lunacy had also been suspended during the probation, and, to the mere lay mind it appeared reasonable that they should now be dropped altogether. Not so did it befall however. Mr. R., the ostensible plaintiff had with lapse of time become increasingly averse to mental effort, and now, with touching confidence akin to blue-eyed childhood's guileless trust, lay passive and pliant in the hands of his solicitors, Messrs. Brundrett, Randall & Govett, of 10 King's Bench Walk, E.C. On this astute and eminent firm Nature, in addition to her more brilliant gifts, had bestowed the frugal mind to which profit missed seems as money lost. The brief had been prepared; and though founded on a libellous lie and rendered by change of circumstances utterly inapplicable to the position, they decided it should be heard. To the Court of Chancery—

> So in they went for loss of time,
> Although it grieved them sore,
> Yet loss of pence full well they knew
> Would trouble them much more.*

The brief was utilized accordingly in one of the vice-chancellors' courts, and with these results. To Mr. R. a formidable bill of solicitors' costs for nothing, since, as might have been

* The above lines will be recognised as an adaptation from Cowper's "History of John Gilpin."

anticipated, the Vice-Chancellor declined to deprive of her property, on the ground of lunacy, a person living at large and free from all control; to Mrs. R, the pain and ignominy of having an ineradicable stigma publicly attached to her hitherto pure and unsullied name, and her descendants branded with the stain of insanity to the latest generation; besides other grievous disadvantages of no public moment.

Whether Messrs. Brundrett Randall & Govett, before drawing up their brief, neglected to examine the documents in virtue of which they described Mrs. R. as having been "duly placed in confinement," taking the legality of the original proceedings on trust, as their superiors had done before them; or whether, having examined them, they failed to detect their worthlessness; or whether they consciously brought into court a false plea, I cannot of course tell; certain it is that this false plea was brought by them, and the Vice-Chancellor's Court made the channel for circulating a libellous lie, to the grievous damage even of their own helpless and over trustful client.

Possibly, if instead of being a feeble, friendless, and aged woman with a limited income, Mrs. R. had been a wealthy and influential person, the law would have granted her at least the redress of rehabilitation. The English maxim, "No wrong without a remedy," applies to the wrongs of the rich and strong, but to no others.

Thus ends a story singularly illustrative of all the worst defects in our lunacy system. To one remedy above all others does it point, and that is the substitution of individual for corporate responsibility. Whatever Mr. Wilkes's motives may have been, it is hardly credible that without the shelter of the mighty anonyme WE in his reports, he would have dared to trample the law under foot. Why should not commissioners in lunacy, like school inspectors, and all other public servants, give in signed reports, and individually bear the responsibility of their own acts? What nation ever tolerated anonymous administration of its general laws? — and yet nowhere would such dangers attend it as in dealing with the lunacy laws.

Another great evil brought prominently forward in this case was the cumbrousness, and inordinate slowness of inquisitions. That on Mrs. R. was ordered in April, but no time for it was fixed till late in the autumn. Thus eight or nine months of intensest misery were inflicted on a perfectly sane and innocent woman, not on account of her own actions or condition, but because the Chancellor's Court was blocked! What would be said of keeping a man eight or nine months in jail on suspicion, only because the magistrates were too busy even to discover that the suspicion did not justify trial at all? Yet this is exactly analogous to what happened in Mrs. R.'s case, and must continually happen in lunacy cases so long as the present ponderous mode of trying them prevails. And what can be said in defence of a system by which one wrong-headed official can, by no extraordinary or studied effort, but in the ordinary routine of business, involve not only his own colleagues, but the very highest judicial officers of a great nation even in technical crime? At this moment there sits among the Lords of Appeal one (Lord Blackburn) so tarred by unconscious participation in Mr. Wilkes's guilt that, were he still sitting in criminal cases, any miscreant arraigned before him might with technical truth say, 'Come thou down, O judge, and stand beside me, for, in the eye of the law, thou art even as I.'

That Lord Blackburn and all the other judges implicated in this extraordinary case meant to do no wrong—nay, that then, as ever, they were most anxious to do right is certain, but no less certain is it that blind ovism has dragged them down technically and unconsciously to the plane of wife-beaters and garrotters.

Take an illustration. Supposing there had been undiscovered invalidating flaws in the indictments of Lamson and Lefroy, would not the judges who hanged those notorious murderers have become murderers themselves? Most assuredly yes. Moral guilt there would have been none (unless indeed it is part of a judge's duty to detect flaws in indictments, a point on which I am ignorant), but actual technical guilt there would have been. No uprightness of heart, no

labouring to deliver just judgment, no unconsciousness of the flaw could alter the fact of their having taken human life otherwise than by judicial right, otherwise than by that law of the land which alone can constitute killing no murder. In this all civilised nations agree. Why should the American Government have punished Mason for attempting Guiteau's life, and paid a hangman for taking it, if form is not of the very essence of law?

That a Lord Chancellor and judges were made misdemeanants by our lunacy system, is surely reason enough for condemning it. If this too true tale, proveable in its minutest particulars, do but hasten its overthrow, the object of its publication will have been achieved.

Mrs. R. is no mythical personage, but a woman still alive. The anonyme here used as a needful protection against idle curiosity would be readily laid aside for any purpose of public utility. Broken in heart and health, ruined for this life through the cruel miscarriage of justice in her case, her only remaining hope is, ere she goes hence, to see such miscarriages rendered impossible for the future. But to this end nothing will suffice short of a radical reconstruction of the entire system of asylum inspection.

The root of all evil is popularly held to lie in the principle of profit in asylums. Abolish licensed houses, say many, and all will go well. I am convinced that this is an error, and that were every licensed house in England closed to-morrow, and the system of inspection left untouched, abuses would soon be almost as rife as they are now.* On the other hand, if inspection were really carried out, as the legislature designed that it should be—did commissioners and visitors "discreetly, faithfully and zealously" exercise *all* their statutory

* Dr. Mortimer Granville's testimony should be deemed conclusive on this point. The one-third patients that he found practically sane and qualified for self-support were all paupers in public asylums. In the case of the rich being consigned to such, what is to prevent those who have a strong pecuniary interest in the detention—*e.g.*, as in the Fludyer and similar cases—from tampering, if not with the superintendents themselves, with the subordinates on whose reports they would necessarily form their judgment in a great degree?

rights, investigating for themselves the mental condition of every patient, his mode of treatment, his pecuniary circumstances and the proportion between his entertainment and the payments made for it—did they inflexibly visit with adequate punishment every, even the slightest infraction of the lunacy laws—in a word, did they make inspection a reality, instead of as now a most hollow sham, the principle of profit might safely be left to die out a natural death, simply by abstention from granting fresh licenses for proprietary houses.

The root of all abuses lies in perfunctoriness and inefficiency of inspection, while these arise from irresponsibility and centralization. To produce an exact counterpart to Mrs. R.'s case, such criminal negligence or corruption as Mr. James Wilkes displayed is of course necessary, but it may be truly predicated that no amount of zeal and conscientiousness will ever enable a central board efficiently to supervise asylums or protect the patients.

Nothing will ever accomplish that except inspectors and inspectresses located in the district allotted to their supervision, and individually responsible for its due administration. The germs of a healthy and efficient system may be clearly seen in the present annual election of visitors among the magistrates in each county, an institution which might easily be moulded to meet all requirements of the case. These however are matters of detail, in dealing with which satisfactorily no difficulty will be found when once the necessity of a radical reconstruction of inspecting procedure is admitted.

Too partial friends over-estimating my literary powers have sometimes urged me to compete with those able novelists who have founded the amenities of fiction on the facts of asylum life. Far be it from me to enter an arena, for success in which nature has withheld the needful qualities. To give a plain unvarnished account of facts, facts as I have seen them or known them to be, is within my competence, and that I have done. If my tale shares the proverbial dulness of statistics, it will I trust also share their recognised value. Not the potentialities for evil of the existing lunacy laws as they appear to the imagination are portrayed in these pages, but

their actualities as they appear to experience. It has been shown that while every British subject holds the priceless boon of liberty, subject to the certificate of any two among twenty thousand registered medical practitioners, and the "order" of any individual however wrongheaded or wrong-hearted who may choose to incarcerate him, his only protection lies in commissioners, some of whom have been proved corrupt, and all of whom prefer the interests of licensees to those of the patients, do their best to screen each other from blame, and to maintain intact that frightful trade which is in reality a slave trade of the very worst description, whereby thousands are placed outside the pale of civil rights and, on the plea of mental unsoundness, left at the mercy of keepers and their masters. That some of these are kind and good no one denies. The same might be said of negro slave owners. The Legrees in both associations are doubtless in the great minority; still they do exist, and against such the lunatic patient has no protection. Let those that doubt this study the reports to the Lord Chancellor alone, and he will find sufficient records of brutal murders by kicks and blows to convince him that to slay or maim an asylum patient is a far easier and cheaper sport than to slay or maim a neighbour's cattle, and far less likely to be punished. All the more needful is it therefore to secure for this helpless and most miserable class honest and efficient protectors. How sadly far from such have been the commissioners, at any rate since Lord Shaftesbury became a mainly ornamental, instead of an active member of the board, has been shown. It is simply awful to think of the amount of misery that may have resulted, nay, may be still resulting from the conduct of such men as Messrs. John D. Cleaton and James Wilkes in the responsible post of lunacy commissioners. In the cases of Mrs. P. of Bowden, and Mrs. R., these two commissioners did not act singly; on each occasion there was a colleague, since dead, who may have shared their guilt. Thus we find that a very few years ago four out of the six salaried commissioners were utterly unworthy to fill any place of trust whatever, and that of those four two are still on the board, one as a salaried, the

other as an honorary commissioner possibly with a pension from the public he so cruelly betrayed. We also find on the same board as commissioner a *ci-devant* secretary, who in that post utterly neglected his duties, allowing unstatutory documents *ad libitum* to pass unchallenged, and an ex-superintendent who, as already stated and as the present writer is in a position to prove, showed himself before the select committee of 1877 to be an absolutely untruthful person. On the most favourable computation, there *can* therefore only be at this moment three reliable salaried commissioners on the board. It is possible, let us hope it is certain, that Dr. Nairne, Mr. Bagot, and Mr. Frere, are honest men, but "what are they among so many?" To them however it will be a satisfaction to feel that if they are indeed free from participation in the guilt of their colleagues, the law has placed at their disposal the means of showing it.

The animadversions that it has been my painful duty to make in these pages on the proved conduct of Lord Shaftesbury in his character as lunacy commissioner, will, I am aware, shock many who are accustomed to look on that nobleman as the embodiment of polysided and successful philanthropy. Let me be permitted to remind these persons that the very fact of his meriting that reputation, as he undoubtedly does in connection with numerous classes, is utterly inconsistent with his efficiency as a lunacy commissioner. Let any one but glance through the short summary of the commissioners' duties already given, and he must at once perceive that were the whole board to devote themselves exclusively to their allotted work, that work could not be thoroughly performed; what must be the result, then, of such prominence in public life, such ceaseless pursuit of other objects, as have formed the Earl of Shaftesbury's happiness, and, in one sense, his glory, for the last quarter of a century? Class upon class of his fellow-subjects may rise up and call him blessed, but the blessing cannot be re-echoed on behalf of those helpless ones specially entrusted by the country to his watchful care. Nor has the evil stopped with him. Other commissioners, with less excuse from conscious mental power and reforming

genius, have followed his example in making the supervision and protection of lunatics quite a secondary matter in their life's work. Let any one take, for instance, the biography of the late John Forster, and what will they find? A man devoted to literature and society, of whom it is incidentally mentioned that, in such a year, he was appointed a commissioner in lunacy, a circumstance which produced no appreciable change in his habits and pursuits, though clearly a faithful discharge of the daily and nocturnal duties of the office would entirely preclude any man from giving much of his time or thoughts to any other subject whatever.

And here we see one very great evil of that appointment "during good behaviour," that is practically for life, which obtains in this matter. So long as there are a mere handful of commissioners resident in London to supervise all the asylums and licensed houses in England and Wales, the most absolute devotion to their work, letting it "fill their thoughts by day and dreams by night," is indispensable to even an approximately fair discharge of their duty; but then no man could long endure such ceaseless dwelling on the insane and their treatment without injury to his own brain. It is perfectly well known that alienist doctors frequently become insane themselves, and that the same result is not unusual in the case of attendants; that in fact it is absolutely necessary to give these last frequent changes and diversions away from the patients. It is also unquestionable that exclusive or very predominant association with the insane leads men to see insanity everywhere. For, after all, sanity and insanity are more matters of degree than aught else; and we see people every day going through life creditably, and managing their affairs, who yet manifest, in a slight degree, the very same symptoms of excited brain or distressed nerves, which, if carried beyond their own cognizance and control, would qualify them for a lunatic asylum. Of this Dr. John Conolly gives a remarkable instance in a poor French nurserymaid, devoted to and beloved by her employers, who cast herself at their feet one day imploring to be dismissed on account of a raging desire to bite and tear the child entrusted to her care. The

impulse was insane, but so long as she recognised the fact, and could control it, she herself could not be called mad,—reason still held the reins.*

In far less extreme cases than this however, it is to be feared that not only madness-mongers having pecuniary or professional interest in the multiplication of cases, but the commissioners themselves would fail to see that the border line had not been passed, and that the sufferer was still among the sane.

As to the theory that such ought to be put forcibly under treatment for their own good, it does not deserve a moment's consideration. It can never be the duty of the State to legislate for the treatment of disease *as such* in its self-regarding aspect. No doubt it is better for a man threatened with inflammation of the lungs to stay in bed than to go out, and it is likewise better for a man with an overwrought brain to give it rest, but in either case to enforce such treatment under legislative sanction would be grievous tyranny. We cannot better conclude this chapter than with John Stuart Mill's noble words: "The only purpose for which power can be rightfully exercised over any member of a civilised community against his will is to prevent harm to others. His own good either physical or moral is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise and right. These are good reasons for remonstrating with him or reasoning with him, not for compelling or visiting him with any evil in case he do otherwise. The only part of the conduct of any one for which he is amenable to society is that which concerns others. Over himself, over his own body and mind, the individual is sovereign." If I am told that this was written of the sane, not of the insane, I answer, who are the sane? What man has ever yet traced the border line that we may know? When a man's eccentricities injure his neighbour, restrain and punish him by incarceration in a curative jail if

* "Man's Power over Himself to Control Insanity."

he is sick, in a punitive one if he is not. And with this view concurs the judgment of the highest court in the realm. "Shall it be said that if two or more men, physicians if you will, say that a man is a lunatic, that shall justify a third person in dealing with him as a lunatic? It were most dangerous to the liberty of the subject for such a doctrine to prevail. To justify restraining a man as a lunatic, you must prove that he is a dangerous lunatic." *

It has been already admitted that some modification of this definition of coercible lunacy may have become desirable; most men must have met persons whose unfettered liberty, though not dangerous to others in a material sense, was yet a decided injury to those dependent on them. Such curtailment of civil rights as should, while not interfering with personal freedom of action, protect the moral rights of others, is easily conceivable, and might be a blessing to the community. But till such modification is introduced, and so long as the only alternative to absolute government of one's-self and one's affairs is slavery to an alienist doctor, either in his public or private jail, the law as it stands should be rigorously enforced, and not only so, but it is imperatively needed that a liberating commission of capable men should visit the asylums and set free those now wrongfully detained therein. The following statement to the select committee of 1877 is suggestive. The Right Hon. Stephen Cave examined; Dr. Lockhart Robertson, the Chancellor's visitor, replied:—

"Q. 924. Is it not the law that no one can be deprived of liberty unless he is dangerous to himself or others? *I believe that has been laid down by the judges, but it certainly is not acted upon in the cases that are kept in asylums.*"

Such an unequivocal statement from so high an authority is surely conclusive as to the inefficiency of both lunacy commissioners and visiting magistrates now as protectors of public liberty, since it is clearly their province to accept the law as laid down by the judges, and at once discharge all harmless persons of unsound or eccentric mind. But to learn that they

* "Fletcher *v.* Fletcher." Queen's Bench. 1857.

are such would of necessity entail a far closer watching and more intimate acquaintance with each case than is possible to any inspector not living in the vicinity, with leisure to become personally and intimately acquainted with all such patients. To meet this necessity alone it is obvious that the key note of administrative reform is decentralization. Second only, if second in importance to this, is individualization of responsibility, by placing each asylum or each group of licensed houses under one only inspector, amenable to no other authority than a lunacy court of appeal in London, presided over by a master in lunacy or other judge, previously wholly unconnected with the cases brought before him. It would be difficult to overrate the beneficial effects that must of necessity follow such changes. It has been before observed, and will probably be generally conceded, that individual responsibility and liability to exposure in consequence, would have probably deterred the lunacy officials incriminated in these pages from their several misdeeds.

Meanwhile, let it be remembered that in taking the unconventional and hazardous course of revealing to the world those misdeeds, I have relied strictly and exclusively on proven facts. Not my voice, but that of their own acts, has branded Messrs. Cleaton, Wilkes, Palmer Phillips, and Rhys-Williams, as faithless and perjured servants. Not my voice, but his own in evidence before select committees of the House of Commons, has shown the Earl of Shaftesbury to have degenerated from the most benevolent, zealous and able of administrators, into a credulous and merely perfunctory honorary commissioner. Had it been possible for Messrs. Wilkes and Cleaton to disprove my alleged facts, to show that the orders on which Mrs. R. and the Bowden artist were incarcerated fulfil the statutory requirements, or that there existed in the condition or circumstances of the patients anything even to palliate their omission, who can doubt that they would long since have vindicated their honour by doing so?

Had the Earl of Shaftesbury not felt that the indulgence shown by some of his colleagues to such licensees as they detected misdealing with the letters of private patients,

pointed irresistibly to corrupt collusion between those colleagues and the guilty licensees, and that further enquiry could only lead to further most ignominous exposure, is it credible that he would so have answered my appeal in 1876 for investigation, as to elicit from the reverend and revered Editor of *The Truthseeker* the comment—"Lord Shaftesbury's sickly replies are in my opinion more damning than Mrs. Lowe's indignant indictments"? Most assuredly not.

Before the select committee of 1877 Lord Shaftesbury deposed that for the last fifty years he had been a commissioner in lunacy, and for more than thirty, that is since 1845, permanent chairman of the board. As such it is true he told the committee that he possessed no superiority over his colleagues beyond the right of presiding at board meetings and giving a casting vote, that his duties in other respects were identical with their's, and that in no sense were they his servants. This is doubtless theoretically true, but can any one doubt that the Earl of Shaftesbury's high rank, great abilities, and half-century connection with the board has made him virtually its master, and that had he really wished for a judicial inquiry into any matter he could have obtained it? Be it remembered that a commissioner requires the co-operation of only one colleague to institute an inquiry with sworn evidence from such witnesses as he may choose to summon, into any matter connected with his department. Every person summoned as a witness by any two commisioners is bound to come, bound to be sworn, and bound to answer their inquiries under a penalty of fifty pounds, so that for a haze of darkness and doubt to hang long over any case is conclusive proof that such commissioners at least as have personal cognizance of it have also cause to dread the light.

Emphatically would I disclaim all intention of placing the Earl of Shaftesbury in this category, or of ascribing to his Lordship sympathy with evil. To have all his colleagues as uncorrupt as himself is doubtless his desire, but there can be no question that since he found Messrs. Wilkes and Cleaton at any rate not to be so, his aim has been to screen them. Like Eli of old he has justly incurred condemnation because

when his juniors made themselves vile he restrained them not.

And now, after telling these dark tales of official guilt far more fully than has ever yet been done, I can in conclusion but say to the Earl of Shaftesbury and his yet unconvicted colleagues among the Lunacy Commissioners, to Lord Blackburn and his fellow condoners of misdemeanour among the Judges, to the solicitors, licensees, physicians, and others exposed in this book—There lies my gage! LET HIM TAKE IT UP WHO DARES.

And to Thee, O great and glorious leader of the Nation, to Thee WILLIAM EWART GLADSTONE do I, an aged woman, feeble in all save the truth and justice of the cause I plead, say—Now in this thy day of God-given power, let the light of thy mighty genius shine on those dark corners of our land, the places of detention for lunatics; pity their miserable and too often oppressed inmates; and to thy many claims on Britain's eternal, grateful, reverential love, add thou that of giving her a Just and Safe Lunacy System.

Liberavi animam meam.

END OF VOL. I.

APPENDIX.

It is a generally received opinion among house-owners that when a dwelling has, by reason of age and dilapidation, become very inconvenient or insecure, it is cheaper and wiser, a great saving of time, money and temper to pull it down and reconstruct, rather than repair it. So methinks will it be found with those obsolete, inconvenient, and heterogeneous statutes forming the lunacy system of Great Britain. To repeal them all and so clear the ground for a far simpler system, equally applicable to the whole empire and to all classes of its inhabitants, would be an easier and safer performance than, by piece-meal legislation, to reconcile their incongruities and guard against their dangers. In the hope that at no distant date this work may be undertaken by Parliament, the following suggestions are put forth to form as it were a quarry, whence perhaps useful stones for the new edifice may be selected.

1. Recognition of two degrees of lunacy. Incapacity for management of affairs to form the first degree; incapacity for management of affairs with irrational actions dangerous to self or others, the second.

2. Only persons found lunatic in the second degree to be deprived of personal liberty.

3. Persons found lunatic in the first degree to lose control as far as needful over others, over their own business capital and estates, and over such portion of their income as may be by due authority decreed.

4. Probationary wards to be provided apart from, and, if possible, unconnected with lunatic asylums or houses licensed for lunatics, for the reception of persons committed by a magistrate on the ground of dangerous mania, prior to their judicial conviction of insanity.*

* A moderate subsidy from Government, to be ultimately defrayed by patients' fees would probably induce the County Hospital in most places to open such a ward. Where this is not obtained, a ward detached from, but near the Workhouse, and under the charge of its medical officer, might be provided. Anything almost is better than prematurely affixing the indelible stigma of a lunatic asylum for what may prove a very temporary attack.

5. The medical certificate of lunacy and private order of incarceration to be wholly abolished.

6. In cases of acute mania with violence, rendering immediate restraint necessary to the personal safety of the patient or those about him, a magistrate may commit the alleged lunatic to a probationary ward on the sworn depositions of the medical man in attendance and two ocular witnesses of the facts relied on to prove the urgency of the case. The magistrate who grants the committal shall provide that the patient undergo such judicial examination as may be ordained for other alleged lunatics, so soon as his condition allows of his doing so.

7. In all other cases the alleged lunatic to have a judicial trial, and if found lunatic, to pass entirely out of the direct control of private persons into that of public officers until released.

8. Gradual extinction of all proprietary madhouses, through elimination of the badly-conducted ones, by strict enforcement of the lunacy laws, and extinction of others by refusal of all new licences except as renewal of existing licences.

9. Amalgamation of the various public medical services, so that asylum superintendents may be chosen from any of them, and triennially appointed, in order to obviate the grave inconveniences that have been found to result from exclusive study of and association with the insane.

10. Substitution for lunacy commissioners resident in London, of inspectresses for female patients and inspectors for males, both to reside in the district under their charge, and be individually responsible for the due discharge of their allotted duties. A competent medical man to be nominated in each district as assessor to the inspector when required by him or her.

11. In all places of detention for lunatics there shall, under ordinary circumstances, be open days at least twice a-week, on which patients shall be entitled to receive such persons as they desire, subject to the superintendent's approval. The names of all visitors shall be inscribed in a register, and also that of the patients they come to see, and whether the interview has taken place, and if not the reason thereof. The presumption shall in all cases be in favour of the patient's right to see his visitors, and if the superintendent prohibit it in any case, he must do so on reasonable grounds, to be inscribed in the register.

12. In all places of detention for lunatics each patient shall be

allowed at least once in every week to write a letter addressed to whomsoever he may desire, and to have that letter posted, "unless the superintendent prohibit the forwarding of such letter by endorsement to that effect under his hand upon the letter," * in which case he shall lay all letters so endorsed before the inspecting authorities at their next visit. Two letter registers shall be kept, designated as No. 1 and No. 2, and appropriately ruled in columns. In register No. 1 shall be entered by the patient himself, or in his presence, the date of any letter given by him to be posted, together with his own name and that of the addressee, after which it shall be submitted to the superintendent, who shall either cause it to be posted in due course or detain it as herein-before provided, but if he so detain it he must enter the cause of the detention in the register. The ultimate disposal of the detained letters shall be decided by the inspecting authorities, who shall inscribe in the register whether the detention appears to them necessary or not, and whether the detained letters are to be destroyed, or kept, or sent. In no case however shall any letter written by a patient be sent to other than the addressee, and whenever a letter is not posted in due course, the writer shall be informed of the fact. In register No. 2 shall be entered similarly *mutatis mutandis* all letters delivered at the asylum for patients. Such letters must be all delivered to the addressees unopened without avoidable delay; unless the superintendent prohibit the delivery by endorsement upon the letter, in which case the letter shall be restored to the postman at his next visit after the endorsement, and the addressee, if in a fit condition, must be informed that such a letter has come for him, and been returned. In all cases where the superintendent prohibits the delivery of a letter to any patient he must enter the cause of that prohibition in the register. Tally registers shall be kept at the post-office by the post-master, and shall be shown by him to the inspecting authorities on demand, or to any person authorised by them in writing to examine them, or to a patient himself or herself after release, in as far as may relate to his or her correspondence, but to no other person. Any person suspecting that the correspondence of a patient has been illegally dealt with, may apply to the inspecting authorities for leave to inspect such portions of the registers as apply to that correspondence, and, on reasonable cause shown, he shall obtain

* As in 25 and 26 Vict. Chap. cxi. s. 40.

it. All dealing with letters to or from patients restrained as lunatics, otherwise than according to law, shall constitute misdemeanour.

13. It shall be competent to the inspecting authorities to grant to any patient permission to write and receive letters without restriction or examination by the superintendent. The letters of such patient shall be entered in the registers, but not otherwise delayed; to open or examine any letter pertaining to such patient shall constitute misdemeanour.

14. Attendance at the usual public services of his religion to be claimable by every patient as a right, unless the superintendent prohibit such attendance for medical or other reasons, or there be no place of worship reasonably accessible. In every case the fact and reason of such prohibition to be entered in the asylum register.

15. Every patient shall, subject to the same restrictions as above, be entitled on open days to see any minister of religion he desires, and if he intimates to the superintendent a desire to see the same in private, either for the reception of the Holy Sacrament or other spiritual ministration, the superintendent shall, as far as circumstances allow, grant him the use of the chapel, if there be one, or of some other private place for a reasonable time.

16. The detention of single patients for profit in unlicensed houses shall be abolished.

17. Every person kept by his friends under certificate not for profit, shall be equally under the authority of the inspecting authorities as persons in asylums and licensed houses, and if the said authorities consider removal to an asylum would benefit the patient, or if the patient himself desire it and they approve, they shall have full power to order such removal.

18. It shall be the duty of all inspecting authorities summarily to discharge any patient they deem capable of managing himself and his affairs.

19. Provision shall be made for the training of attendants and the granting them certificates of efficiency and pensions after adequate lengths of service.

20. The employment of male keepers in the custody and coercion of women shall constitute misdemeanour.

21. All misdemeanours under the lunacy laws to be punished by imprisonment of not less than two days, or more than two years with or without hard labour, and without option of fines.

22. Magistrates to admit allegations of lunacy from any person whatever, irrespective of relationship to the alleged lunatic. Such

allegations to be made with the strictest privacy, and on oath or judicial affirmation. On receiving such allegations the magistrate shall, without needless delay and with all practicable secrecy, obtain an interview with the alleged lunatic; and if there appear to him just and sufficient grounds for a charge of lunacy, he shall cause the judicial inquiry to be held, and shall otherwise proceed as the law may prescribe.

23. Right of appeal in all lunacy cases to a Superior Court in London, to be established, and its exercise made as inexpensive and easy as may be.

Such are a few of the provisions which a long experience in lunatic asylums suggests as desirable. It is needless to say that the present writer has not the pretension of formulating a lunacy code, only of indicating some of the lines on which such a code should run. Some of these may seem harsh, but it is believed that on reflection their expediency will be recognised. This applies to the provision for withdrawing all lunatics from the jurisdiction of their kindred. If we take the Earl of Shaftesbury's observations, during the many years that he *personally* supervised asylums and lunatics, as our guide, we find that, *as a rule*, the Englishman, of the upper classes especially, casts his insane wife, child, or other relative into an asylum, and takes no farther interest in her or him than attaches to dead vermin cast into a ditch.* To the mass of private patients therefore this provision could but be beneficial, while in the few cases where kindness and affection survive the adversity of their object, it could do no harm, and would in practice only prevent ill-judged interference with the superintendent's treatment of the malady. A right of appeal for all concerned, primarily to the inspecting authorities, and thence to a superior central court, would exist. Application to these authorities should be easily open at small cost, not only to the parties immediately concerned but to the public generally. Not till we practically recognise the human brotherhood which as a nation we advertise faith in so loudly, and give to every man and woman a *locus standi* for action on behalf of every alleged lunatic under restraint, will that class be adequately protected. It is for the public to guard its own liberties. Nor is this an extravagant or utopian idea. In the Canton de Vaud not to apprize a magistrate of any

* Rep. Sel. Com. 1859, Q. 226; and 1877, Q. 11,475.

wrongful incarceration that may come to a man's knowledge is a penal offence.

The obvious objection, and one that will assuredly be raised to such a system, is the destruction of privacy. And on this head we can again have no better guide than Lord Shaftesbury in 1859, that is, in the plenitude of his vigour and his personal cognizance of asylums:—

"In the first place, I think we may fairly argue whether privacy is a thing that you ought to consider when you have to deal with the interests of wretched and unprotected lunatics;" and he goes on to show that real privacy does not exist, for "many persons whose families are afflicted with lunacy, think that they are keeping the fact in entire privacy; but it is an error. If there is an insane relative of any family it is invariably known; the world may not know where he is, but no family ever succeeded in suppressing a knowledge of the fact that there was a mad member connected with it."

To these considerations our more advanced humanitarianism of to-day may add that the attempt to conceal the existence in one's family of insanity, or any other hereditary disease, is so profoundly immoral, so utterly opposed to the public good, that no Legislature can respect the desire without violating that sacred law, *salus populi suprema lex.* If therefore privacy, as hitherto pursued, is both unattainable and in the public interest undesirable, it is to be hoped that all attempts at securing it will be given up, and with the renunciation of those attempts will vanish many serious impediments to a good system of lunacy law.

Among the pioneers of lunacy law reform none can be found more able and distinguished for good work than Mr. Charles Reade. It is therefore with much satisfaction I find that in advocating publicity, and exposing the too probable connection between secrecy and corruption, I have but unconsciously followed his distinguished lead:—

"In England, Justice is the daughter of Publicity. In this, as in every other nation, deeds of villainy are done every day in kid gloves; but they can only be done on the sly; here lies our true moral eminence as a nation. Our judges are an honour to Europe not because Nature has cut them out of a different stuff from Italian judges; this is the dream of babies; it is because they sit in courts open to the public, and '*sit next day in the newspapers.*' (We are indebted to Lord Mansfield for this phrase.) Legislators who have not the sense to appreciate the public, and put its sense of justice to a statesmanlike use, have yet an instinctive feeling that it is the great safeguard of the citizen. Bring your understandings to bear on the following sets of propositions in lunacy law. First grand division—Maxims laid down by Shelford.

"A.—The law requires satisfactory evidence of insanity. B.—Insanity in the eye of the law is nothing less than *the prolonged departure without*

an adequate external cause from the state of feeling and modes of thinking usual to the individual when in health. C.—The burthen of proof of insanity lies on those persons asserting its existence. D.—Control over persons represented as insane is not to be assumed without necessity. E.—Of all evidence, that of medical men ought to be given with the greatest care and received with the utmost caution. F.—The medical man's evidence should not merely pronounce the party insane, but give sufficient reasons for thinking so. For this purpose it behoves him to have investigated accurately the collateral circumstances. G.—The imputations of friends or relations are not entitled to *any weight or consideration* in inquiries of this nature, but ought to be dismissed from the minds of the judge and jury, who are bound to form their conclusions from impartial evidence of facts and not be led astray by *any such fertile sources of error and injustice.*"

Mr. Reade then points out how utterly opposed to all the foregoing principles is the usual practice according to which—

"A *relative* has only to buy two doctors, two surgeons, or even two of those 'whose poverty though not their will consents,' and he can clap into a madhouse any rich old fellow that is spending his money absurdly on himself, instead of keeping it like a wise man for his heirs; or he can lock up any eccentric bodily afflicted, troublesome account-sifting young fellow.* In other words, the two classes of people who figure as *suspected witnesses* in one set of clauses, are made judge, jury, and executioner in another set of clauses, one of which by a refinement of injustice, shifts the burden of proof from the accuser to the accused in all open proceedings subsequent to his wrongful imprisonment.

"Now, what is the clue to this apparent contradiction—to this change in the weathercock of legislatorial morality? It is mighty simple. The maxims No. 1 are the principle and practice that govern what are called 'Commissions of Lunacy.' At these the newspaper reporters are present. No. 2 are the practice and principle legalized where no newspaper reporters are present. Light and darkness." †

The above extracts are from republished letters to the daily papers that originally appeared in 1858. Let us see how matters stand now. The following letter is from the *Times* of February 26, 1883:—

THE LUNATIC HARRISON.

(To the Editor of The Times.)

Sir,—May I call attention through *The Times* to a gross infraction of an important provision of the lunacy laws regarding which I, on Friday, asked questions in the House of Commons?

A man named Thomas Harrison on the 30th April last escaped from

* In allusion to young Fletcher for whom Mr. Reade ultimately obtained redress. He had been locked up by an uncle to avoid rendering up accounts. Young Fletcher escaped, and ultimately by Mr. Reade's help brought his case into court. The coming damages were compounded for an annuity of £100 a year, and £50 cash and the costs. The case entitled Fletcher *v.* Fletcher is reported in the *Times* of July 8, 1859. It has since formed the leading case and now governs the subject.

† "Readiana," pp. 116, 117. Chatto & Windus, 1883.

an English lunatic asylum and made his way to Glasgow, in order, as he explained, that his case might be investigated under the more impartial provisions of the Scottish lunacy laws. With this object, on the 3rd of May, Harrison presented himself before Sheriff Balfour, explained how he stood, and asked for an investigation. Sheriff Balfour asked Mr. James Lindsay, solicitor, as agent for the poor, to act on his behalf, and that gentleman, for the purpose of testing the accuracy of his client's statements, put himself in communication with his relations in England and with the officials of the asylum from which he had escaped, and thus informed them of his whereabouts. To re-arrest an escaped lunatic without warrant his arrest must be accomplished within 14 days after his escape, but on the 9th of June a person said to be an attendant from the English asylum arrested Harrison and lodged him in the police cells. Mr. Lindsay being informed of this insisted that his client before being carried off should be brought before the sitting sheriff (Mr. Sheriff Spens), when that Judge referred him to the section of the Act of Parliament on the subject, and intimated to him and also to the police that Harrison's arrest without warrant so many weeks after his escape was quite illegal. Nevertheless on the 15th of the month Harrison was again seized as he was leaving his agent's office in Union Street, Glasgow, and without warrant or examination was forcibly carried off to England. Mr. Lindsay upon this wrote to the medical officer of the asylum on the subject, but received no reply to his letter, and he subsequently addressed a memorial to the Lord Chancellor, which was forwarded by Sheriff Spens, in a letter in which that Judge narrated the facts which I have summarised. In the course of his memorial Mr. Lindsay made one statement which I must quote:—

"During the seven weeks Harrison was in Glasgow," wrote Mr. Lindsay, "he gave intelligent instructions as to his affairs, and the parties with whom he lived and came in contact, although aware of his committal to and escape from a lunatic asylum, failed to discover any act on his part to lead them to believe that he was of unsound mind or incapable of taking the management of his own affairs."

Now, in reply to the question which I addressed to the Home Secretary the Lord Chancellor stated that Harrison's arrest had been effected by the superintendent of the asylum from which he had escaped, and that the visitors stated that he was dangerous to himself and others. This may be so, but if anything would convert a sane man into a lunatic dangerous to himself and others it would that he should be illegally seized in the public street, and carried off and immured in a lunatic asylum, in spite of the nominal protection of the law, in teeth of the decision of the learned Judge, and after he had expressed his willingness to go into a public lunatic asylum in Scotland until his mental condition was satisfactorily tested. If he was a dangerous lunatic the Scotch law provides for his case. The procurator-fiscal should have brought him before the sheriff, and the sheriff should, on evidence, have sent him to an asylum, where he would have been kept till his disease was certified as cured. But, though people are prone to suspect any person who has been in a lunatic asylum as mad, seven weeks' experience—according to Mr. Lindsay—had not led to any suspicion of his client's sanity while in Glasgow. I know nothing about Mr. Harrison. He may be a hopeless and dangerous lunatic at this moment, but there is not a tittle of evidence to show that he was mad when he was abducted from Glasgow. The evidence is all the other way, and the presumption is the other way too, for if the superintendent of the asylum who effected his arrest knew that he was mad, why did he not establish the fact in the way prescribed by law?

Now, according to the Scotch law, assault with intent to carry off a person by force is a crime at common law. It is the duty of the Crown through the public prosecutor to vindicate the law and punish crime. When a sheriff's officer was assaulted in Skye the authorities sent 50 policemen to vindicate the law, though its fullest vindication entailed penalties in the aggregate covered by a £10 note. Why do they not vindicate the law in this case? It appears to me that if ever there was a case in which the public law—the function of which is to protect the community against violence and outrage—stood in need of vindication this is that case, and that to talk of civil remedies, or writs of *habeas corpus*, as affording remedies to a man dispossessed of his property and immured probably for life in a lunatic asylum is simply absurd.—Your obedient servant,

CHARLES CAMERON (M.P. for Glasgow).

80 St. George's Square, S.W., Feb. 24th.

The reader will doubtless agree with Dr. Cameron that the non-prosecution of this outrage on liberty is a scandal, and hold it as a damning proof of guilty apathy, or guilty complicity in the lunacy commissioners, in whom is specially vested the power of prosecuting for breaches of the lunacy laws.

Too much stress can scarcely be laid on the appointment of *inspectresses* for female patients. The rapid growth of medical studies among women affords hope that at no distant period there will be sufficient female doctors to obviate entirely the cruel necessity of placing female lunatics in the charge of men at all; meanwhile, few things would tend more to their comfort, and, in some cases, hasten their cure, than inspection by persons of their own sex, who, *cæteris paribus*, would, in the nature of things, be better able to enter into their feelings, and detect the border-line between sanity and insanity than those of an opposite sex, and consequently, different habit of mind. And, moreover, it surely needs but little reflection to convince all thoughtful persons that there is most unseemly moral cruelty in subjecting woman in her hour of weakness and humiliation to the inspection of man, in forcing her to lay bare to him perhaps the most secret sorrows of her life, possibly the vagaries of a diseased mind, or of morbid and polluted affections. From personal observation, I am convinced that many a sane and pure-minded woman has passed with the commissioners as the reverse, simply through the confusion and pain occasioned by interrogatories, which, coming from an inspectress, would have been calmly and satisfactorily answered. Except as occasional consultants, the less men-doctors have to do with female lunatics the better.

Since the subject of lunacy abuses has again come to the fore, Eng-

land may congratulate herself on the appointment of a Public Prosecutor. In no other department of crime is one so urgently needed as in this. For it is certain that in the enormous majority of instances, crimes, and attempted crimes, by infraction of the lunacy laws, go wholly unpunished. And so long as their punishment depends on private individuals it must be so. In fact, at present, criminal *prosecution* for breaches of the lunacy laws is forbidden to any but State officers. The sufferer himself can only bring a common-law action, for which he has seldom the means, and very often not the inclination. These crimes are essentially domestic, and domestic considerations of various kinds mostly ensure their condonation.

Let us take for instance the following case from the *Daily Telegraph*, of September 19, 1881 :—

"A very extraordinary case of abduction is at present under consideration by the police. The Rev. R. Bruce Kennard, rector of Marnhull, Dorsetshire, was engaged to be married to a Miss Bade, living with her father at Woodford. The marriage was to have taken place on Wednesday, but the day before that, the rev. gentleman was hurried away from the hotel where he was staying, in Woodford, by persons representing themselves as a doctor and two keepers, who gave out that they were taking him to a lunatic asylum. The marriage party assembled at the church on Wednesday, but Mr. Kennard did not appear. Next day, however, he contrived to escape, but it was only by paying a large bribe to his gaoler—the prime mover in the conspiracy being absent—that he was enabled once more to join his friends. The wedding was celebrated on Friday."

Whatever discoveries the police may have made never came before the public. On the following day it was announced that Mr. Kennard, finding a very near relative to be the chief criminal, had decided on condoning the matter. To dwell on the enormous encouragement to crimes of this description given by such condonation is superfluous. In the public interest, it should be impossible. If the aggrieved parties will not or cannot prosecute, then the Public Prosecutor should do so; and if he do not, then it should be competent to any individual to institute a prosecution at his own risk, subject to being repaid his expenses by the Government if a conviction ensue. Thus only can the tendency of officials to lead a quiet life and screen each other be effectually counteracted.

Few points in a reform of the lunacy system will require more skill and care than constituting the inspecting authorities. Whether they should hold office permanently or triennially—whether they should be appointed by the Government, or elected by the municipalities—whether they should be required to devote themselves

exclusively to the superintendence of lunatics, or allowed to carry on simultaneously other professions—all these are questions open to debate, and on which much may be argued from both sides. One thing, however, seems indisputable : inspection, to be efficient, *must be decentralised.* On this point, no one conversant with the working of the present system can entertain any reasonable doubt. The Lunacy Acts themselves lay great stress on the secresy and unexpectedness of visits from the commissioner ; but it is quite clear that in these days no visitation from a central body can be secret or unexpected. So long ago as 1859, Lord Shaftesbury complained of this, and certainly the difficulty has not diminished since. Whether or no the licensees, as has been credibly asserted, keep scouts in London to telegraph the commissioners' movements, certain it is that they never take licensees or superintendents by surprise ; nor do the visiting magistrates either. It is clearly impossible that any body of men should move about, in their own neighbourhoods especially, without attracting attention. Nor is there much use in the occasional visits paid by these gentlemen. Inspection, to be efficient, must be carried out by a capable person resident in the district, living as a private gentleman or lady, provided with a pass-key to every asylum under his or her charge, and able to drop in for a friendly call, or a chat with any doubtful case, without ceremony or announcement. A superintendent and his attendants should never feel secure even for an hour from inspection ; nor should there be even the time for concealment and preparation allowed, which convenient deafness to the first sound of the door-bell might procure.

The proposal for such inspection as this will doubtless be at first sight objected to on the ground of expense. The cost of the commissioners in lunacy and their assistants in Whitehall Place is £17,670, and that of the masters in lunacy and their officers, £16,800 per annum, or a total of £34,470 annually expended in visitation and supervision of lunatics—a sum more than adequate to meet all requirements ; for when all lunatics go through a judicial trial before incarceration, the costly London factory for the creation of Chancery lunatics will become superfluous, and it will probably be found better to let local authorities mostly appoint their committees, and discharge in many cases, other functions now vested in the Court of Chancery ; for certain it is, that the protection to property now extended to the rich only, and after the very costly process of a *de lunatico enquirendo* commission, ought to be extended to all lunatics

who have any property at all, even if it consist only of a few tools and household goods, and this could only be done by vesting control of the lunatic's property in the local authority that consigned him to an asylum.

The proposal to punish all misdemeanours, under the lunacy laws, by imprisonment without option of fine, may seem needlessly severe, but experience shows that it is not so. Most of those misdemeanours, when not the result of absolute brutality and criminal intention, are committed in the pecuniary interests of incarcerators, on whom, of course, the fine ultimately falls, either directly by previous agreement, or indirectly in the higher terms, paid for the incarceration. That those terms will always be made to cover all risks is certain, and when the gain of a detention to its originators is very great—as, for instance, in the Fludyer case—no fine that the Legislature would sanction could be deterrent; while imprisonment, if only for a few hours, would, by casting a stigma on the criminal, seriously and permanently affect his professional, and consequently, his pecuniary status.

The following extracts, from various publications, are given as corroborative of the views expressed in these pages:—

THE LUNACY COMMISSIONERS.

"We know the Commissioners; we know them *intus et in cute;* we know them better than they know themselves. They are of two kinds—one kind I shall depict elsewhere; the rest are small men affected with a common malady, a common-place conscience. These soldiers of Xerxes won't do their duty if they can help it. If they can't they will. With them justice depends on Publicity, and Publicity on you (the gentlemen of the Press), up with the lash."—CHARLES READE *Readiana*, p. 118.

"NOT QUITE MAD ENOUGH FOR AN ASYLUM."

"Under the heading quoted above, *The Lancet*, of July 30, makes one of its oft-repeated attempts to educate the public mind into the belief that there is no legislative goal but medical 'science,' and that all 'duly qualified medical men' are its prophets. The passion of medical men for stepping out of their province—which is simply that of endeavouring to cure disease—and for claiming to be the sole rightful legislators and authorised general inspectors of the community, on the ground that the community may possibly become diseased, is alarming. We use the word advisedly, because the public, partly through ignorance, and partly through indifference to the principles upon which all law should be based, are always too ready to give ear to any claim put forward with sufficient audacity by those whom they believe to be experts in any branch of scientific study. . . . . Emphatically do we decline to allow the most skilful surgeons or physicians in England to legislate for us, or to decide where, when, or for how long a period we are to be submitted to their ministering care, or tyrannical supervision."—SAMUEL BLACKSTONE *Vigilance Association Journal*, August 15, 1882.

The article goes on to state that *The Lancet* is anxious that every magistrate should be compelled to send to an asylum every individual who, in the "opinion" of a medical man, is labouring under a "delusion," and adds—

"It is time that the advocates of personal liberty should take note of the perpetual endeavour of the medical profession to obtain a legal sanction for interference in matters with which, as a profession, they have no concern; should break asunder the net of compulsory legislation which medical men are slowly, but industriously, weaving around us 'for our good,' and note by what strange by-paths they are creeping onwards, under a hundred philanthropical disguises, to surround us with its meshes; silently removing first one, then another, of the ancient landmarks of personal freedom, and secretly but surely striving towards the self-same goal—the endowment by the State of an Orthodox Medical Church—empowered to doom all misbelievers to the tender mercies of the familiars of the holy scientific inquisition, having medical officers of health for its bishops, and sanitary inspectors for its regular clergy, entitled to act as our compulsory father-confessors and family spies over our most intimate private concerns; confessors by whom no saving medical mass shall be said, and from whom no absolution shall be obtained, until St. Esculapius or St. Galen have been propitiated by the offerings of the faithful laid upon the altar in accordance with the consecrated formula of the medical journals in the form of 'a suitable fee.' . . . It is, however, on the cards that the vaulting ambition of pseudo-science may o'erleap itself, and fall on the other side. The hunger of the Romish priests after the indulgence money, led to the Reformation and the vindication of the rights of conscience in things divine, and . . . . it appears to us not improbable that the unsatiable craving of our would-be medical priests after 'suitable fees,' will arouse the *lay* public mind to remind them that even were the keys of the paradise of physical health in their sole keeping, the entrance therein would be purchased too dearly by the renunciation of the right of private judgment and of our civil and personal freedom."

The following testimony to the undue prolongation of detention is, from its official source, most valuable:—

"When a Commissioner of Lunacy, I have frequently removed supposed insane paupers from an asylum, although the M.D. in charge protested against my so doing: and I never regretted letting them free.

"But there will always be *fearful iniquity* in our Lunatic Asylums, until no one can be shut up there, unless *sent by a jury*, after *full* inquiry into the case, nor kept there without equally *full periodical inquiry* into every case in the asylum.

"At present, any two M.D.'s can lock up for life (as I have helped to do), any person in Britain; and, although a Commissioner *may* say, 'Loose him, and let him or her go,' how many Commissioners are there who will take this responsibility, when the M.D. warns them that they will probably soon have to defend their ignorant rashness at a coroner's inquest?

"Commissioners of Lunacy who will incur this risk, merely from pity for a poor stranger, are ill to find, and so the unfortunate so-called lunatic is left entirely to the discretion of *any* medical keeper of an asylum, *for life!*—Yours faithfully,

"J. Mackenzie, M.D.,
F.R.C.P., Edin., and J.P.

"January 4, 1882."

FROM "THE REFEREE," OCTOBER 16TH, 1881.

"I am compelled to admit that the working of the lunacy laws is most unsatisfactory. There is not the slightest doubt that passion and greed are the prime agents in detaining many sane men and women in these prisons for the innocent (lunatic asylums). In some families to squander money is to be mad. . . . Matrimonial relations are also a fruitful cause of the unjust incarceration of wives who are in the way; also of husbands. . . . After a pretty good experience of lunatic asylums, public and private, and after an investigation conducted under exceptionally favourable circumstances, I am forced to the conclusion that 25 per cent. of the inmates are there simply for the convenience of others. Dr. Mortimer Granville told the House 33 per cent., but I should not like to go so far as that."

ALEXANDER E. MILLER, ESQ., Q.C., LL.D., RAILWAY COMMISSIONER.

"My attention was first called to this subject (lunacy law reform) about thirty years ago by the sudden and inexplicable disappearance of a young man with whom I was slightly acquainted—a scholar of Trinity College at the same time as myself. He was known among us as somewhat misanthropic, extremely clever and hard-working, and miserably poor, a combination which would, no doubt, bring out and exaggerate any eccentricity which might be in his character; but no one who knew him entertained the slightest doubt of his perfect sanity. He left college to seek a tutorship in the family of a country gentleman in a Northern county, and shortly afterwards we heard that he had left one evening without notice, and had not since been heard of. Several months afterwards, one of our number happened to visit Swift's hospital with some friends, and amongst the lunatics detained there, he saw and recognised the friend whose mysterious disappearance had caused so much talk among us."

The story goes on to say that the captive's friends forthwith laid their "heads and purses together," and by the advice of Sir Joseph Napier, then at the Bar, a writ of *habeas corpus* was applied for; thereupon the captive was immediately set free, presumably from fear of ultimate exposure, for it has been decided in court that a writ of *habeas corpus* is not available to compel the production of a certificated person, the certificates and order constituting legal custody. In this case, an action for false imprisonment was brought, and heavy damages obtained; "but," adds Mr. Miller, "we were exceptionally fortunate. As a rule no redress can be obtained by those who are lucky enough—and they are in the minority—even to recover their liberty." . . . "The principles on which a good lunacy law should go, are—(1) To secure that no one should be made liable to be treated as a lunatic without the most searching inquiry, conducted in public, and by a competent judicial officer, so far as may be to preclude the possibility of fraud, accident, or mistake. (2) So to provide for the control of lunatics as to interfere as little as may be with the free exercise of their individual liberty."—From a Paper read at Meeting of Social Science Association, July 16th, 1882.

"A BRIEF ACCOUNT OF THE ALARMING INCREASE OF LUNACY,

By Mens Sana."

"By the Report of the Commissioners in Lunacy for 1878, it appears that the number of lunatics shows an alarming increase. On 1st January, 1859, the number of private patients was 4,980, and of pauper lunatics 31,782; in all, 36,762. On 1st January, 1878, the number had increased to 68,538, comprising 7,692 private and 60,846 pauper patients, and whereas in 1859, the proportion of lunatics was 18 to 10,000 of the population, it had risen to 27 in 10,000 in 1878, showing an increase of 50 per cent., and the numbers had increased nearly 32,000 in 19 years. From January 1877, to January 1878, the increase was 1,902. To those who understand the working of the system, this is by no means surprising, and this number will naturally go on increasing so long as the present arrangements are continued. The fact is, it pays everybody concerned in the management of lunatics to increase their numbers. With a private patient, medical men are paid to declare him a lunatic, and medical men are paid to keep him shut up as a lunatic, and it is against their interest, and would involve a loss . . . to cure and release him. With a pauper patient, the medical man receives his fee for certifying him a lunatic, the parish has 4s. a week allowed by Government, and the workhouse officials can get rid of any who give them too much trouble, under pretence that they are lunatics. Thus, both with private and pauper patients there is a direct premium secured by setting down people as lunatics, . . . which accounts for a large proportion of the increase of 50 per cent., and of 33,000 in number which has taken place within the last 17 years. The consequence is, that enormous sums of the public money are continually being spent, entirely unnecessarily, in the erection of costly new asylums, one having been recently built at Banstead, at the cost of about £500,000, and notices such as the following, extracted from the *Daily News* of 15th of October, 1878, are constantly appearing in the newspapers:—

"New County Asylum for Surrey.

"A site has been secured at Coulsdon, and plans have been adopted for the erection of a building thereon, capable of accommodating 1,124 patients, at an estimated cost of £186,000, exclusive of the amount paid for the land."

This is followed by another notice to the same effect:—

"The Sussex County Lunatic Asylum.

"At the Sussex Sessions at Lewes, yesterday, it was resolved to enlarge the County Lunatic Asylum at Hayward's Heath."

The cost of this policy to the country is enormous, and at a meeting of the Guardians of the Poor in Sheffield, it was referred to in the following terms:—"The increase in the number of pauper lunatic patients is alarming, and the cost of each bed, reckoning buildings, attendants, etc., etc., is from 150 to 180 per annum." A large reduction might at once be made in the expenditure, by keeping harmless lunatics in workhouses. On the subject of pauper lunatics, which amount to the enormous number of 60,846, a well-informed writer observes:—"That paupers, old and young, are classed as imbeciles on the most frivolous grounds, and sent to asylums, simply because their infirmities or peculiarities make them a little troublesome to the workhouse officials. The temptation of the common fund has led to the abuse of asylums. As the Board were told

last year, hundreds of old people, merely senile, were sent to the asylums to die;* and the effect has been to crowd the asylums, and to leave the workhouses comparatively empty. Now the danger of such policy appears, not only in the cruelty inflicted upon the poor, but in the fact that, just as pressure is put upon the asylums, the Asylum's Board cry out for more costly buildings. The Commissioners in Lunacy, in their report for 1875, refer to the same subject, as follows:—"We have in previous reports drawn attention to the fact that the County and Borough Asylums were gradually becoming more and more occupied with a large proportion of chronic and harmless patients, who might be adequately provided for in well-organised workhouse wards. The legislation of last year, by which parishes and unions are reimbursed, from moneys granted by Parliament, to the extent of 4s. a week for every pauper lunatic in an asylum or licensed house, will, no doubt, take away the inducement to detain them in workhouses."

FROM "THE STANDARD," OCTOBER 19TH, 1878.

"The Law of Lunacy is a disgrace to the Statute Book and to common sense, and it is only allowed to exist because the public have no idea of its possible application to themselves. Every man conscious of sanity, and not acquainted by experience with the working of the law, supposes that he is perfectly safe. There can be no wilder delusion. It is in the power of any malignant relative, any unfaithful wife, any husband weary of a partner, however faultless, to hire two accomplices, of whom the law requires nothing save that they shall be technically, and by legal qualification, members of the medical profession. Upon the signature of these two hirelings any man may be imprisoned in a private gaol, kept for his own profit by a third accomplice. The last-named has an interest, as large as it may be worth the while of the original criminal to give him, in detaining the prisoner for life. The captive, of course, has at utterly uncertain times, perhaps after months of confinement, a chance of pleading his cause before an official inspector, but the inspector is necessarily biassed against him; and to prove sanity to a biassed judge is hardly possible. The keeper knows, at least, by long practice, how to make a case that shall seem plausible, though without a shadow of foundation. The match is more unequal than that between a practised lawyer and an undefended peasant. If the truth be too strong for him, if the patient is so calm, so cool, so perfectly self-possessed, that not even weeks or months spent amid the humiliation and horrors of an asylum can excite or disturb him, then, knowing that he is in peril, the keeper can deliberately drug his prisoner into imbecility. To these perils any man or woman may be exposed to-morrow, if only he or she has heirs, or enemies, whose interest it is to get him or her out of the way, and to hasten his final departure from the world. Even in the most honourable of professions there are men who can be hired for any service, however infamous; and the law, when it entrusts any two such persons with the power of imprisoning British subjects at will, must expect that such powers will be abused. Against such abuse it provides no security whatever. It is thus, by law, in the power of anyone who can hire two of those persons who disgrace the medical profession,—of anyone, that is, who can afford a few guineas,—to seize and imprison any near relative,

* The rate of mortality among lunatics (in private and pauper asylums) is, in the Report for 1878, shown to be 100 in the 1,000 annually, whereas the rate outside asylums is about 25 in the 1,000. 4,476 died last year, whilst only 4,842 recovered.

whom he or she wishes to put out of the way, and no remedy is given until the captive is hopelessly caged, and caged at the mercy of persons who can as easily use their skill to destroy as to restore the health of the brain. It may be said that remedies exist, that appeal can be made, that the captive can obtain release and compensation. But this is, in the first place, true in theory rather than in practice, and in the next it is no argument to the reproaches which have been constantly brought against the law by those who understand its working. It is utterly contrary to the whole spirit of English legislation that any person should be, even for a day, imprisoned without the warrant of a responsible public authority, however ample the redress that may be obtained for false imprisonment. The rule of our law is not to permit wrong on the ground that redress may at some future period be obtained, but to require from those who interfere with the liberty or rights of any British subject that they should produce a warrant, proceeding from a magistrate commissioned by the Crown, and whose public station is a guarantee for his character. There is no parallel in all the Statute Book, nor yet in common law, to the permission given to private persons to confine *pendente lite* any person upon whose case they are required to pronounce. In this instance alone, that is to say, in the case where the greatest prejudice is created by the mere fact of arrest, where the difficulty of obtaining a fair appeal is the greatest, where compensation can never be adequate, the universal rule of our law is set aside, and the accused is held guilty till he proves himself innocent, while every obstacle is thrown in the way of such proof. What villainy, what mischief, what injury to his family or his property may be done in the meanwhile the law does not take into account. Nor is this all, in this case alone, the one case in which the prisoner is arrested without public authority, is he imprisoned, not under public supervision, but in the hands and at the mercy of a private gaoler, who receives a large avowed fee, and may—probably does—in all dubious cases receive a far larger bribe to detain his captive. Such a combination is hardly to be found in the worst police regulations of the worst despotism. In not one case in fifty is either the instigator, the hireling doctors, or the keeper, brought to the bar of a criminal court. In not one case in a thousand are any of them punished." *

HURTFULNESS OF ASYLUMS, AND FREQUENCY OF NEEDLESS DETENTIONS THEREIN.

"Another element, external to the patients themselves, is calculated to react upon their numbers, *and that is the particular view taken by the examining medical men of what constitutes lunacy.* The proceedings in our courts of law, both in civil and criminal trials, afford striking examples of the diversity of opinions which exist in this respect. . . .

"There is great difficulty in discovering how injuries occur. . . . . The accidents in asylums are very numerous, *and may probably be attributed to collection in asylums.* . . . . Aggregation of lunatics in asylums is

* This is accounted for by the fact, that the proprietor of an asylum is exempted from liability in any case where a sane person is imprisoned, by express clause in the Act of Parliament, which provides that a legal order and two medical certificates shall be sufficient to justify him in receiving and detaining any person to whom they refer.

dangerous and unnatural. Fatal or serious attacks by lunatics *are rare out of asylums, frequent in them.* . . . . We occasionally see patients whose lunacy, we feel convinced, instead of being removed, is confirmed by detention. . . . . We fear there is not unfrequently unnecessary, or even hurtful detention. . . . . We believe that some escaped patients who are taken back to asylums might properly have been left at large, as is corroborated by the history of escaped patients."—(Report of Lunacy Commissioners for Scotland, 1873, pp. 22, 57, 60, 62.)

In further corroboration of the Scotch Commissioners' views, and in proof of their equal applicability to England, may be cited the case of Mr. Henry John Field, of Cheltenham. After eleven years' incarceration in Gloucester Lunatic Asylum, he escaped, came to London, presented himself to Dr. George Fielding Blandford, of 71 Grosvenor Street, and Mr. Charles Hunter, F.R.C.S., and from them received the following certificates:—

"I certify that I have had several interviews with Mr. Henry John Field, and I am of opinion that he is perfectly competent to conduct the business of a silk mercer and draper.

"G. Fielding Blandford, M.D."

"This is to certify that, from the interviews that I have frequently had with Mr. Henry John Field, I consider him quite capable of carrying out the business as a silk mercer and draper, which he has been accustomed to follow, and that he is possessed of considerable ability.

"Charles Hunter,
"Member of Royal College of Surgeons."

Such cases are not uncommon. The following is quite recent. Last summer (1882), Alexander Kay, an artizan, escaped after several months' incarceration as a lunatic. He returned to his family and the exercise of his trade, and in March 1883, some six or seven months afterwards, met with the treatment detailed in the following letter:—

"126 Clapham Road, S.W.,
28th March, 1883.

"On Monday I was arrested as being an escaped lunatic, was taken to King Street Police Station, examined by Dr. Bond, taken to Mount Street Workhouse, detained there twenty hours, examined by Drs. Stanton and Binton, and finally discharged by order of Captain Barnard, one of the magistrates, at 12.30 yesterday. I have earned to-day 7s. 1½d."

The law declares that the validity of an order and certificates shall only last fourteen days after escape. They then become mere waste paper, and it is a monstrous abuse, and a frustration of the legislature's merciful intention that they should be used as a ground for

fresh interference with a man's liberty. To do so is to extend their validity virtually, if indirectly, through life, and to place a man's dearest interests wholly at the arbitrary disposal of the police.

The following correspondence reprinted from a circular, largely distributed at the time of publication, confirms and elucidates a case given in the first chapter of this volume :—

"29 and 30 North Bank, N.W.
Sept. 28th, 1874.

"SIR,—On the 10th instant, I published in the *Times*, *Daily News*, *Standard*, and *Pall Mall Gazette* the following announcement of the death of my sister-in-law, Mrs. Maxwell :—'On the 5th September, at Mountain View, Kimmage Road, Dublin, after a long and severe illness, Mary Anne, wife of John Maxwell, Esq., of Lichfield House, Richmond, Surrey, and of 4 Shoe Lane, Fleet Street, E.C., publisher, aged 48.—R.I.P.'

"This announcement was repeated in the *Times* of the 11th and 15th, and it also appeared in the *Morning Post*, *Daily Telegraph*, the *Weekly Register*, and the *Tablet* on the 12th.

"With this tribute of respect to my relative's memory, the matter, so far as I am concerned, would have ended; but I have discovered, by the merest accident, that though Mr. Maxwell did not dare publicly to deny the truth of my advertisement—which he ought to have done, and undoubtedly would have done had he been able—he has privately distributed the following circular, obviously with the intention of discrediting it altogether :—'Mr. and Mrs. Maxwell present their compliments to —— ———, and beg to disclaim any knowledge of the maliciously-intentioned announcement of a death on the 5th instant.—Lichfield House, Richmond, S.W., Sept. 10, 1874.'

"It is therefore due to the name and memory of Mr. Maxwell's deceased wife, to the feelings of her surviving friends, and to my own character, that some further evidence should be afforded to those whom an attempt has been made to mystify and mislead.

"Mr. Maxwell married Miss Mary Anne Crowley, my wife's sister, and the sister also of the late N. J. Crowley, R.H.A., on the 7th of March, 1848. The marriage was solemnized at Saint Aloysius' Chapel, Somers Town, in the district of St. Pancras, the Rev. J. Holdstock being the officiating clergyman; N. J. Crowley, of 13 Upper Fitzroy Street, and Peter Sarsfield, 11 Grenville Street, Somers Town, the witnesses; and William Henry Matthews, the Registrar. Of the marriage there were seven children, five of whom survive. Some time after the birth of the youngest a separation took place between the parents, and Mrs. Maxwell resided thenceforth with her family in the neighbourhood of Dublin. Later on there appeared a paragraph in some of the newspapers to the effect that Miss Braddon, the novelist, had been married to Mr. Maxwell, the publisher. This statement I publicly contradicted in the journals in which I found it—the *Guardian*, the *Morning Advertiser*, *Public Opinion*, and the Dublin *Freeman's Journal*. It was also contradicted at my instance in the *London Review* and the *Court Journal*, and wherever I have since heard it repeated in private society I have con-contradicted it again.

"Mrs. Maxwell died on the 5th instant, at Mountain View, Kimmage Road, near Dublin. In the entry in the 'Register Book of Deaths' for the district of Rathfarnham, she is described as 'wife of John Maxwell, publisher, 4 Shoe Lane, off Fleet Street, London, E.C.' The informant, 'present at death,' is John Crowley, Mrs. Maxwell's brother, and the Registrar, Henry Croly, M.D., F.R.C.S.I. The news of his wife's death was at once telegraphed to Mr. Maxwell by Mr. Crowley. On the 7th, two days afterwards, Mr. Crowley received three telegrams from Mr. Maxwell, to none of which did he reply. Mr. Maxwell wrote subsequently to have them returned to him; but instead of doing so, Mr. Crowley has sent them to me.

"The first, from Ludgate Circus, was handed in at 10.45 a.m., addressed, 'From John Maxwell, 4 Shoe Lane, Fleet Street, London, to John Crowley, Mountain View, Kimmage Road, Harold's Cross, Dublin.' It runs as follows:—'This moment (half-past ten), received melancholy telegram, delivered after closing Saturday. Maintain courage. Expect money, probably myself, to-morrow morning. Order funeral same as sister's. Register death forthwith. Get certificate. I shall provide for you. Neither advertise nor telegraph anybody.'

"The second, from Ludgate Circus, was handed in at 2.20 p.m., from the same to the same:—'Far from feeling well. Can you manage without me? Five pounds posted; more shall follow as required. Do things quietly; funeral should be strictly private.'

"The third, from Temple Bar, handed in at 3.2 p.m., from the same to the same, runs:—'If you have written your sister,'* telegraph requesting her not to advertise death, as I shall do whatever is necessary.'

"These telegrams, as I have said, bear date of September the 7th. On the 10th, Mr. Maxwell issued his circular above quoted. I leave these facts to the appreciation of all whom it concerns to know them.—I have the honour to be, your obedient servant,

"Richard Brinsley Knowles."

SPIRITUALISM.

In connection with the case of the late Thomas Preston, Esq., the medical and official estimates of Spiritualism were given. The following extracts show how widely different therefrom is the estimate of literary and scientific laymen who, with adequate capacity, have studied the subject. It would also appear from them that popular contempt for the lunacy commissioners, and even for greater than they, when acting in lunacy questions, is not restricted to England, but extends to the antipodes.

THE LEGAL STATUS OF SPIRITUALISM.—BY A BARRISTER.

"In the first rank of modern religious thinkers who unite in harmonious sympathy the rationalism and reverentialism so often severed, John Page Hopps has for many years occupied a prominent position. Gallant service in the cause of free and faithful thought has been done by his pen

---

* Mrs. Knowles.

in manifold fashions, and not the least may be reckoned the publicity which he has given through his journal at various times, during the last two years, to the shameful treatment received by an innocent woman at the hands of irresponsible authority. . . . . Only the form (of persecution) is changed: and the same bigotry of intolerance which filled the cells of the Inquisition, fired the fagots of a thousand martyr piles, and endeavoured to stamp out truth with rack, rod, or dungeon, is among us still, dictating the suppression, if possible, of spiritual phenomena, and the punishment of those who dare to investigate them. . . . . The second coming, foretold by the founder of the Christian creed, is to be choked out by the Church he inaugurated. . . . . Such is the spectacle presented to us in Christian England, nineteen hundred years after its Saviour's teaching, in an era characterised above all others by pretence of liberty, and proclamation of tolerance.

"Mrs. ———, a lady by birth, education, and intelligence, is incarcerated in that most horrible of confinements, a lunatic asylum, because consientiously compelled to admit that she believes in an existence after death, and the possibility of communion with those enjoying it. Retaining her sanity, even under the terrible trials of confinement, agonised appeals for release are met by the scornful incredulity of the Commissioners in Lunacy, assured that any one holding such a doctrine cannot be in the enjoyment of right reason. A judge remarks that the statement of her writing mediumship 'looks very like insanity,' and, in a question of fact, simply outside of, and by no possibility contrary to his experience, feels justified in pronouncing thus absolutely upon the deliberate deductions of a fellow-creature, whose evidence is of the highest attainable kind, since it is personal, immediate, constant, and recurring. At last, on escaping from her prison, ... she writes to Lord Cairns, requesting a public enquiry into the circumstances of her detention; but though she openly charges one servant of the Crown with being bribed, and another with a misdemeanour, ... the Lord Chancellor informs her that 'he has no power to interfere in the matter.' On a second application, asking for information as to who has the power if the chief officer of the State has not, she is told that his lordship cannot take any such course in the matter as she suggests. Thus admitting control, but declining to exercise it, comment is unnecessary. Mrs. ——— then addressed herself to Lord Shaftesbury as the chairman of the Lunacy Commissioners, and now added to her own accusations a number of other charges into which she challenged inquiry, many of them being for the grossest and most indefensible offences. Her indignant indictment is, however, politely waived, and, on its reiteration, she is insulted. . . . . And here for the present the matter ends, but where it may re-open, and whom the abyss of shame and sorrow may next engulph, it is impossible to predict. It only remains for Spiritualists to be upon their guard, and at the first peril of one of their number, to prove, by public exhibition of their numbers and unity, that they are a power in the State not to be condemned unheard, or punished without provocation. . . . . ."—From *Harbinger of Light*, Melbourne.

THE LUNACY SYSTEM AT WORK.

"We write words of truth and soberness when we say that the abuses of lunatic asylums are becoming frightfully too common. We have of late had disgusting revelations of the cruelties practised upon patients; here is a relation of what may be done in the way of creating patients. The lady who wrote the greater part of this painfully interesting pam-

phlet* appears, from the evidence, and from the result of her miserable struggle, to be as sane as any of her captors or judges. The story of her persecution and capture is told with pathetic simplicity; and the history of her detention in the asylums, and of her struggles for liberty, must touch the hardest heart, and enlighten the dullest mind. The victim of all the neglect, folly, and cruelty described in this pamphlet, is an intelligent, well educated, and, as it has now been proved, a particularly sane woman, who believes (what hundreds of thousands of the brightest and best people in the world now believe) that God's angels are near us, and that in certain circumstances, and under certain conditions, they can prove their presence, and give indications of their wishes. The fools or knaves who dealt with her did not manage to drive her mad as they might have done; and she lives to tell the story, which we seriously commend to serious readers. One of the Commissioners in Lunacy, to whom she appealed when in confinement in a madhouse, simply asked her whether she still believed that her hand was guided to write? She replied, 'I do;' and the blockhead said he would remit the question to persons better able to understand 'metaphysics.' In reply to a question whether she could not appeal to a jury, he answered: 'It is very possible, but very undesirable; we always advise ladies under these circumstances to keep quiet.' What an awful amount of wrong this reply of a commissioner suggests; and what a frightful amount of injustice the process may cover! When before Mr. Justice Blackburn, the judge (who evidently knew nothing about the subject) said that the belief in the moving of the hand by a spiritual being looked like insanity. So it does; but, whatever it may indicate to some people, it is simply the fact that millions of the sanest people in England, America, France, and other countries, say that they are perfectly sure that this happens. If we are to shut up in mad-houses all the people who think as this lady thinks, or who say they know what this lady says she knows, we shall require to multiply our asylums a thousandfold, and take away from happy homes some of the happiest children, and some of the best fathers and mothers in the land. We recommend Justice Blackburn and others to simply open their eyes and inform themselves as to the real state of the case on this important subject. In reply to his statement about the apparent insanity involved in the act of sitting to have one's hand moved by a spiritual being, counsel, on behalf of the lady in question, very shrewedly and pertinently said, that if any of the theological beliefs which are so dear to most people were severed from their connection, they would appear grotesque, and even insane to an onlooker. Take the very act of prayer to God. We are used to it, and that makes all the difference; but how would it look to one who had never been present at or taken part in prayer—to see people shut their eyes and talk to some one whom nobody could see—whom no one had ever seen? They would certainly appear insane; and insanity would appear to be still more certain, if the offerers of the prayer told the stranger to prayer that the Being to whom they prayed was engaged, at one and the same moment, in listening to the prayers of millions of people in all parts of the world. It is all a question of habit and use, and we can get used to anything. We have seen people shut their eyes and pray to an unseen Being, until we have lost or missed the sensation that would naturally be excited by the spectacle. Is it not as possible that we might see people hold out their hand to be guided in writing, until we should no longer think it at all grotesque?

* "Quis custodiet ipsos custodes?" No. 1. London.

We are woefully inconsistent; we say it is an insanity to think that a spirit-man can be in one place without being seen, and yet say it is perfectly reasonable to believe that a spirit-God can be in ten thousand places at once without being seen! We say that it is an insanity to believe that a spirit-man can influence the brain, or control the hand of one person, and yet say it is perfectly reasonable to believe that a spirit-God can direct the destinies of every creature in the world! What poor creatures we are! Bundles of contradictions, creatures of habit, and victims of 'use and wont'!

We do not say the Spiritualists' theory is true, but we do say that if doctors, lawyers, commissioners in lunacy, and judges, do not open their eyes to what is going on, they may find themselves making the grossest mistakes, inflicting the most cruel injustice, or even committing the most painful crimes. We repeat, we do not champion the Spiritualists in this matter, except to say this: that people who talk about 'mediumship' in connection with insanity, must be unaware of what is going on, or must be recklessly determined to push an ignorant prejudice to the verge of criminal persecution."—From *The Truthseeker*, September, 1873.

Although there does not seem to prevail on the Continent the same distrust of public officials in lunacy, as is now so happily, because justly, gaining ground in England—although neither from France or Italy do rumours reach us of such misdeeds as stand recorded against our own lunacy commissioners, yet in both these countries, the abuse of lunatic asylums for purposes of private interest or revenge, seems equally rife as with us. At this moment the Parisian press is engrossed with the abduction of Mademoiselle Monasterio, following another yet more lawless. Not long since an American lady in Rome, having excited priestly enmity, quickly found herself an inmate of the Maricornio;* and, but a few years previously, a young Italian heiress was immured as a lunatic in the same city by her guardian, for refusing to marry his son. But, in this latter case, the Italian authorities prosecuted and punished the culprit and his accomplices, even as the French authorities are attempting to do in the Monasterio case. It is in England alone, as far as the present writer has discovered, that the trade in lunacy is fostered by those whom the country pays to put it down. Herein unquestionably lies the main difference between the concomitants of that trade here and abroad. *Here* it flourishes, under official shelter, even as a green bay tree; *there* it is carried on, indeed, but at appreciable risk.

---

* The full facts of this outrage are given under fictitious garb, in a small anonymous volume, entitled "*By the Banks of the Tiber.*" Of this I have been assured by the authoress herself, on whom circumstances impose the withholding her name from the public.

No amount of risk, however, will ever stop it anywhere, or do more than raise the cost of criminal incarcerations, so long as such can be effected through medical certificates and private orders. The Paris correspondent of an Italian journal thus writes in confirmation of this view :—

"PARIS, March 30th (1883).

"It is an ill wind that brings no good. The Monasterio incident, now passing from the police to the assize court, has rendered us the enormous service of calling public attention and the consideration of the Government to the lunacy laws.

"Everywhere efforts are being made to prevent the monstrous abuses that have arisen, especially of late years, out of the law on lunatics of 1838, a law which, it was said would secure the peace both of families and society. That law was at the time a decided improvement. . . . . The legislature strove earnestly to protect the interests of incarcerated lunatics —to regulate the conditions of reception into, and discharge from, public and private asylums.

"But it soon became manifest that the safeguards provided were insufficient, the private asylums being only subjected to a quarterly official visitation, and the public asylums to a visitation every six months. Under such conditions, and at such distant intervals, it is clear that inspection could not be efficacious.

"And what shall we say of the process of incarceration? of those 'voluntary seclusions of harmless lunatics?' The law of 1838, still in force, requires only in these cases such simple formalities that greedy kinsmen can, with the complicity of worthless doctors, perpetrate with impunity arbitrary incarcerations. *

"It has been justly said that magistrates are prone to see rogues everywhere; even so alienist doctors deem that humanity consists of lunatics. . . . . The learned Dr. Thulié says, 'For many doctors, every person once placed in a lunatic asylum is mad; if the malady does not appear at first, they wait till it does; meanwhile, the fortnightly reports *never* affirm sanity.' It is especially to private asylums that this applies, because these asylums constitute a genuine trade, wherein the superintendents, like all speculators, seek to make a fortune. . . . . It is these private asylums that have originated 'the doctor's bonus.' The doctor who sends a patient gets a bonus of several hundred francs, in addition to a fixed percentage on the price paid for the patient's board and lodging, so long as he remains in the asylum. So as to lunatics, the more the merrier."—*L'Italie*, Rome, April 2nd.

So much for French lunacy law in its working. Essentially, I believe it to be in theory identical with our own, and that of all European countries. Everywhere the same abuses more or less prevail, and will continue to do so till the judge supplants the doctor and his employer, and PUBLICITY displaces SECRECY. The perfect candour with which the certifying physician's *bonus* and percentage on the price paid for a patient's board and lodging, is admitted in

* Be it noted that the "simple formalities" required for "voluntary harmless patients" in France are applicable to all cases in England.—ED.

France as a recognised institution, contrasts favourably with the British cant which once induced a late Chief Justice to ask in court, "What possible inducement could the commissioners have for detaining this patient knowing her to be sane?" That the bonus and percentage exist here as they do in France, no reasoning person will doubt. The only differences are, that what is there done openly, is here done on the sly, and that the mist from the pit of corruption, which, as a hazy coronal, circles the august brows of some English lunacy commissioners, has not yet appeared around those of their foreign Gallican peers.

"THE MORAL OF THE MONASTERIO CASE."

(April, 1883.)

Under the above heading, the *Lancet* has put forth an article which, as far as it is condemnatory of the present system of keeping, and especially of certifying lunatics, leaves nothing to be desired. But when we come to the suggested remedy, the cloven-foot of medical arrogance and greed peeps out with a vengeance. "Until certificates are given by *official* men, not engaged in private practice, and properly qualified for the task of examining the insane, cases like that which has just occurred in France must necessarily occur." So the proper remedy is adding another regiment to the mighty medical army which already presses so heavily on the British taxpayer!! And why? because, unless insanity is overt, no magistrate, no layman, or even doctor, "who has not specially studied mental disease, can specially form a judgment of any real value." Be it so. What we assert, and what the Common Law of England bears us out in asserting is, that insanity which is not "overt"—cryptogamic it should be technically called—is no subject of legislative interference at all; that so long as a man can control brain disease, supposing him to have it, society has no more right to dictate to him concerning it than concerning disease of any other organ. When he is alleged to have trespassed on the rights of others, or to have *irrationally* endangered his own existence, it is for the judicial authorities of the country to decide whether the allegations are true or not. That cardinal point settled, the medical assessor should step in, if needed, and scientifically guide the judicial authority in his choice between punishment undisguised, or "treatment" in an asylum. Earnestly, it is to be hoped, that the public will vigorously resist being burdened with a fresh category of medical despots.

LUNACY LAW REFORM ASSOCIATION.

FOUNDED 1873.

HON. SECRETARY.

HERBERT NEWMAN MOZLEY, Esq., M.A.,

BARRISTER-AT-LAW.

22 and 79 Chancery Lane, London.

OBJECTS.

1. To direct public attention to the serious defects of the existing Lunacy Laws, and the grave abuses in their operation, with a view to remedial legislation.

2. To assist persons who are or may be wrongfully incarcerated, whether in public or private asylums, to obtain liberty and redress.

3. To secure a better method of treatment for all Lunatics, and to set in motion the machinery of the law for the punishment of all persons who maltreat them.

4. To procure the gradual substitution of public for private asylums.

Further Particulars may be had on Application.

PAMPHLETS BY LOUISA LOWE.

SOLD BY CROOKENDEN & CO.

THE

"QUIS CUSTODIET IPSOS CUSTODES" SERIES.

No. 1.—A Nineteenth Century Adaptation of Old Inventions to the Repression of New Thoughts and Personal Liberty. Price 6d.

No. 2.—Gagging in Madhouses as Practised by Government Servants. Price 2d.

No. 4.—My Outlawry. A Tale of Madhouse Life. Price 3d.

No. 5.—The Lunacy Laws and Trade in Lunacy, in a Correspondence with the Earl of Shaftesbury. Price 1d.

MY STORY, exemplifying the injurious working of the Lunacy Laws, and the undue influence possessed by Lunacy Experts (as shewn before the Select Committee on Lunacy Law of the House of Commons in 1877.)

LUNACY LAW REFORM. — An Essay in "*Modern Thought*," June, 1882.

Various Fly Leaves and Tracts, illustrative of Lunacy Law Abuses.

WORKS ON THE LUNACY QUESTION.

Our Dark Places. By Charles Reade—*Readiana*. Chatto & Windus. 1883.

Treatment of the Insane. By Dr. Conolly. Smith & Elder. 1856.

Cure of the Insane. By F. C. Bucknill. Macmillan. 1880.

History of the Insane in the British Isles. By D. H. Tuke. Kegan Paul. 1882.

Border Land of Insanity. By Dr. Wynter. Hardwicke. 1876.

Insanity in Ancient and Modern Life. By D. H. Tuke. Macmillan. 1878.

Familiar Views of Lunacy. Parker. 1861.

Medical Testimony Relating to Lunacy. By Dr. Mayo. Parker & Son. 1854.

Man's Power over Himself to Prevent and Control Insanity. By John Conolly. Pickering. 1849.

Causes of Mental and Bodily Disease. By Geo. Johnson, in Lectures to Ladies. Macmillan 1856.

Diseases of the Brain. By Dr. Winslow. Second Edition. Davies. 1861.

Mental Disease. By Dr. Maudsley. Kegan Paul.

Valentine Vox. Routledge. 1861.

Hard Cash. By Charles Reade. Low & Co. 1863.

"A Mad World my Masters." Low & Co. 1876.

Experiences of a Sane Patient in a Lunatic Asylum. Chatto & Windus. 1879.

By the Banks of the Tiber. 1882.