

On some points in the legal provision for the insane : a letter addressed to the Rt. Hon. Spencer H. Walpole, M.P., Secretary of State for the Home Department / by J.T. Arlidge.

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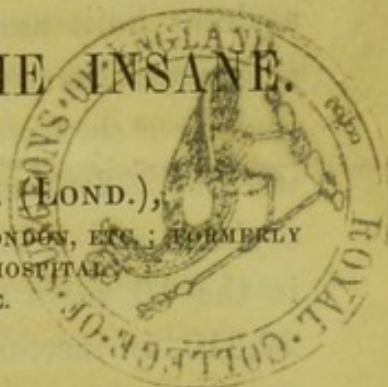
ON SOME POINTS

IN THE

LEGAL PROVISION FOR THE INSANE.

C
BY J. T. ARLIDGE, M.B. & A.B. (LOND.),

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A Letter addressed to the RT. HON. SPENCER H. WALPOLE, M.P.,
Secretary of State for the Home Department.

SIR,—Every well-wisher for the insane will be highly gratified at the promptitude which Her Majesty's present Government has shown in its endeavours to remedy the acknowledged defects of the present Lunacy Laws, and to see a bill introduced under such favourable auspices by yourself thus early in the Session.

Long and special attention, in my professional position as a physician, to the wants of the insane, both within and without asylums, and the study of the systems of treatment and management pursued both in this country and in the chief States of Europe, have led me to certain conclusions, which, with your kind permission, I would endeavour briefly to sketch in this letter, and which, long before I saw the Parliamentary notice of your intention to introduce a bill into the Lower House, I was preparing to publish in a more elaborate form, accompanied by various statistical inquiries.

The present position and prospects of the insane, both private patients and paupers, will, I may safely assert, be on

all sides held to be most unsatisfactory. In every county in England and Wales, notwithstanding the number of new asylums built and old ones enlarged, the demands made for accommodation appear virtually undiminished. In 1843 the returns of the Commissioners in Lunacy show that there then were 11,272 persons of unsound mind confined in county asylums and licensed houses ; in 1853, 17,412, an increase in the 10 years of rather more than 6000 ; and in 1858, 22,310, an increase in these 5 years almost as great as in the preceding 10. Again, we learn that in 1843 there were, besides the above numbers, 9330 pauper lunatics detained in workhouses or under charge of friends or others, and in 1857, 12,297 such similarly placed, showing an increase of very nearly 3000 in those 14 years. And be it remarked, asylum accommodation was increased between these years from 4244 to 14,931, that is, more than threefold. It might be imagined that this unlooked-for influx of asylum inmates was partially owing to the transference of pauper lunatics from licensed houses to county asylums,—a transfer the Commissioners are very anxious to bring about ; but statistics show that very nearly the same number of such patients were inmates of licensed houses in 1857 as in 1843, prior to the multiplication of county asylums, the diminution being only 307.

On the other hand, the augmentation of private cases is not striking. In 1843, 3790 are returned ; in 1853, 4430 ; and in 1858, 4738. Not that these figures at all adequately represent the total of insanity in the upper and middle classes, for they refer only to those confined in licensed houses and asylums ; all those detained singly under private charge not being reckoned. Indeed, the Commissioners in Lunacy are compelled to confess, notwithstanding their activity and vigilance, that the number of single cases, in private houses, brought under their notice is merely a tithe of that in existence. Such a state of things is certainly to be greatly

deplored; for it testifies strongly to the inadequacy of our existing legal machinery to assure protection and supervision to those of the community who, by the peculiarity of their malady, are the subjects of restraint, and of the deprivation of civil rights. The agitation of the public mind respecting private asylums, and in some degree the tendency of legislation, have contributed to increase the evil.

Much might be said to indicate the necessity of fresh legislation to meet the case of private patients, but I desire more particularly to keep the condition of Pauper Lunatics in view. The few statistical quotations above have proved that during the last 15 years we have not been able, in supplying asylum accommodation, to keep pace with the demands for it. A little reflection will lead to the conviction that there must be something radically wrong in the system pursued, to account for this deplorable result; for, regarding insanity as a disease curable in the ratio of 50 per cent. (an assumption fully justified by experience) when brought in its early stage under efficient treatment, the accumulation of the insane above noticed ought not to have occurred.

Now, if we look through the reports and statistics of county asylums, we discover that the proportion of patients in them deemed curable is very small, and that in two-thirds or upwards of those admitted, the disease has existed from one to several years. Here then is one very obvious, and, I believe, the chief reason of the accumulation of incurable cases, and of the total increase in the number of insane poor. Its explanation is to be found in the erroneous conceptions of parochial officials, that they best study the pockets of the ratepayers by detaining the insane in the workhouse at a less average cost per head, according to the usual calculations, than by sending them to their proper asylum. But the economy exists only at first sight; for an examination of the whole matter (which cannot now be attempted within the

compass of a letter) will clearly prove the practice to be fraught with increased charges, irrespective of the disadvantages and injuries inflicted by it upon the unfortunate patients.

Another cause of the accumulation of chronic lunatics is to be found in the impolitic erection of gigantic asylums, wherein effectual and superior medical treatment is not attainable, and the cure of the inmates far less thought for than their safe detention and their profitable labour. This mistake has originated in the want of proper information, and in some instances in the obstinacy on the part of the Visiting Justices, who have acted in opposition to the universal opinion of medical men, both in England and abroad, and occasionally contrary to the recommendations of the Commissioners in Lunacy.

To submit recent cases to immediate treatment in an Asylum.—In my humble opinion, therefore, some legal provision is necessary to secure the immediate transmission of recent cases of insanity to the county asylum, and every facility should be offered to bring such cases under treatment. The requirement of at least one night's residence in a workhouse to qualify a patient for admission into the county asylum should be abolished, both as ineffectual in excluding proper cases, and as absurd and mischievous in its operation. Under the existing arrangements abuses largely exist, and, by the collusion of parish officers, patients are placed in the public asylums whose friends are capable of contributing partially or wholly to their support. Some efficient protection should consequently be given to the ratepayers against such irregularities. In France, and elsewhere on the Continent, strict inquiries are instituted into the pecuniary means of the nearest relatives, who are made to bear, if practicable, a larger or smaller share of the cost of maintenance.

Looking to the functions and position of the Commissioners in Lunacy, and supposing its active members to be

thoroughly conversant with the management and wants of asylums, it would seem but just that its powers should be so increased that the Visiting Justices of Asylums should be unable to set at nought its express recommendations.

Separate Asylums for acute and for incurable cases.—An asylum represents both an hospital for cure and a refuge. In this double capacity its size should be so limited that every inmate might come under the daily observation of the medical officer, and receive as an individual, and not as only one of the mass, the advantage of his immediate medical and moral treatment. Where the number of lunatics in any county warrants it, there should be a distinct building for the treatment of recent or acute cases; in fact, an hospital. Separate provision might also be advantageously made for a large number of old cases of insanity, for the imbecile and idiotic. This could be done at a great saving both in structural adaptations and in internal organization.

Registration of all cases of Insanity and Idiocy.—There should be a complete registration of all cases of insanity and idiocy throughout the country. Lunacy may be regarded as a form of “civil death,” and should be as accurately registered as is natural death. Such a registration is called for as a measure of political economy; for, at present, there are no accurate statistics of the insane population of this kingdom. By its enactment the Lunacy Commission could discover and watch over that multitude of private cases, of whose history, treatment, and fate there is at the present time entire ignorance,—a state of things which cannot be sufficiently deprecated in a civilized country.

In those towns where there are “officers of health,” the machinery for registration already exists. It could be rendered incumbent on parish medical officers to report every instance of lunacy or idiocy—of the latter, so soon after birth as possible—to the medical officer of health. The notice of

patients, not paupers, must be obtained from their ordinary medical attendants,—the relatives of the lunatic being held responsible for such a report being returned, and finable for neglect.

In country districts and in towns not having “health officers,” there would need to be district registrars. The office of the Commissioners in Lunacy should be the central registry office of all lunatics and idiots.

Recent cases to be visited by a specially-appointed Physician.—In connexion with this scheme of registration, I would propose that the medical officer of health, or, if preferable, a physician specially appointed for the town or district, should, on receiving notice of a case of insanity, visit the patient; and that, without his certificate, the patient should not be dealt with as a lunatic. This plan would furnish additional security against illegal restraint and detention.

Clause to enforce a notice of place of removal of uncured cases.—Again, an amendment of the law is needed to compel the friends of patients removed uncured, or only relieved, from asylums or licensed houses, to give notice to the Commissioners in Lunacy of the place of their removal, of the means of subsistence, and of the mode of treatment provided for them; and to forbid such a removal if these conditions are found inadequate or unsuitable. Chancery lunatics are at present protected by a clause to this effect.

Appointment of additional Commissioners or of Sub-Commissioners.—Lastly, in order to the more effectual supervision and control of the Commissioners over asylums, lunatic hospitals, licensed houses, workhouses, and single patients, a more frequent visitation should be secured. Looking to the amount of work to be done at the office in London—to the 40 county and borough asylums, the 15 hospitals, the 38 metropolitan and 76 provincial licensed houses, some 630 workhouses, and about 200 single patients, as hitherto reported to

them,—to be visited, it is astonishing that the half-dozen paid Commissioners can effect so much as they do. Excepting in the metropolitan district, their visits are only required to be annual, yet they are unable to accomplish the task of annually seeing all the insane in the workhouses. In the mean time, their labours increase with the increasing number of lunatics and of receptacles for them; and if, by legal enactment, their guardianship should be, as it rightly ought, extended to every insane individual in the kingdom, the exercise of their functions would become perfectly impracticable. Even to enable them to continue the same amount of inspection as heretofore,—and this is generally regarded as insufficient, and more frequent visitations deemed necessary,—it would seem unavoidable either that the number of Lunacy Commissioners should be increased, or that several sub-commissioners or inspectors, as on the Poor Law Board, should be appointed.

Although, Sir, I have condensed my views as much as possible, and have only superficially touched on the arguments and statistics available in support of them, I find myself to have extended this letter to a considerable length. The importance of the subjects handled must serve as my excuse for imposing so long on your time.

I have the honour to remain,

SIR,

Your most obedient humble Servant,

J. T. ARLIDGE.

Kensington,

Feb. 9, 1859.

