

**An inquiry into the proper classification and treatment of criminal lunatics :
a letter addressed to Samuel Trehawke Kekewich ... / by John Charles
Bucknill.**

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Proper Classification

CRIMINAL

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SAMUEL TREHAW

CHAIRMAN TO THE
DEPT. OF JUSTICE

JOHN CHARLES I

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JOHN CHURCHILL,

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from the Author

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AN INQUIRY

INTO THE

Proper Classification and Treatment

OF

CRIMINAL LUNATICS.

A LETTER

ADDRESSED TO

SAMUEL TREHAWKE KEKEWICH, ESQ.,

CHAIRMAN TO THE VISITING JUSTICES OF THE
DEVON COUNTY LUNATIC ASYLUM.

BY

JOHN CHARLES BUCKNILL, M.B. LOND.

SUPERINTENDANT OF THE ASYLUM.

PRESENTED
by the
AUTHOR.

LONDON:

JOHN CHURCHILL, PRINCES STREET, SOHO;

AND

ADAM HOLDEN, HIGH STREET, EXETER.

MDCCCLI.

AN INQUIRY

INTO THE

PROPER CLASSIFICATION AND ESTIMATION

OF RETAIL TRADES

BY

AMUEL THOMAS, ESQ.

LONDON:

STEVENS AND CO., PRINTERS, BELL YARD,
LINCOLN'S INN.

PREFACE.

THE following pages were originally drawn up for the perusal of the visitors of the Devon Lunatic Asylum ; but, as the experience of the writer, and the observations he has made upon the subject of *criminal lunacy*, lead to a presumed necessity for an alteration of the law, he deems it advisable to submit them to the public at large. He has no desire to intrude on the province of the jurist ; but he ventures to believe that the jurist must intrude, or enter very considerably, on the province of those who have to deal with the insane, before the law can be brought into greater harmony with common sense, and be rendered a shield for public protection, and a defence for the really insane. Having had to observe upon the movement now making for the formation of a central criminal lunatic asylum, he has become convinced not merely that the present system is defective, and that the improvement must be made, not in means for the aggregation of all insane offenders in one central asylum, but for the separation of the *criminally disposed* from the harmless and more tractable inmates of our general asylums. The writer has had many facts within the

province of his own professional duty to guide him; selections from them will be found in the Appendix, and it will be left to the judgment of the reader whether those facts bear out the argument. For the particulars of the cost and management of the criminal lunatics in Bethlem, he is indebted to the kindness of his friend, Dr. Wood, with whom he had the pleasure to be some time in communication on the subject. It may appear strange that the writer should have published his observations on this matter so immediately after the appearance of Dr. Wood's pamphlet; but that gentleman would do him the justice to admit, were it a matter of any moment, that the writer had been long preparing for publication on this topic. There is, however, a still more satisfactory ground as regards those who have to *read*—that is, that there is a substantial difference between the conclusions of the two parties now before the public. Dr. Wood does not banish sanity from the world, but he puts it so generally out of court, that few juries (to say nothing of the judges) could be found, according to his standard, sufficiently sane to try any charge of criminal lunacy. He proves departure from mental health, *i. e.*, mental disease from irrational habits; and illustrates it by referring to those young ladies who bite their nails habitually, thus depriving themselves of a mark of beauty, and a means of defence. This supposition of insanity at the fingers' ends is an extreme illustration; if, like crib-biting in a horse, it is allowed to be a proof of unsoundness.

Dr. Wood suggests such a distinction between "insane convicts" and "state patients," as the writer would adopt between lunatics who are criminally disposed, and those who are not so. The one distinction is conventional, the other, it is hoped, is rational.

Dr. Wood admits another principle of classification, which the writer believes to be unsound and impolitic. He would make a difference according to the position in society and the pecuniary means, of all criminal lunatics who have not become insane after conviction. Thus, in respect to two criminals who attacked the Queen, Oxford should always be treated as a pot-boy, and Pates as officer of dragoons, under the restraint of confined quarters. Lord Ferrers, at his own particular desire, was hung in a silken halter in deference to his gentle blood: as between silk and hemp for such an operation, the distinction of treatment is so transient that it might be permitted. But between individuals of the same class to adopt a different treatment for life, would be to violate the principles of justice. It would stamp poverty with inferiority, and deny to gentility the possibility of ever being subject to ruffianly propensities. If patients are not criminal, why confine them in a state asylum? If they are criminal, why keep up unjust social distinctions?

There is one other main point of difference between Dr. Wood and the writer. In the trial of murderers supposed to be insane, the latter would give the determination of the amount of the offence,

and the discretionary power of punishment to the judge who tried the case. Dr. Wood would give it to the jury through the transference to our tribunals, of the power of returning a verdict of guilty with extenuating circumstances, as it exists in France. This, the writer conceives, would throw a great power into unskilled hands; the judge has a kind of perpetual responsibility imposed on him; the jury is sheltered by numbers, separates from the box, retires into society, and is forgotten. In the case of Madame Lafarge, the extenuating circumstances were an old husband and a young lover. With these differences, and with the fact that Dr. Wood treats but slightly on the subject, as it affects county asylums, the writer conceives that he has been justified in publishing, even after the appearance of that gentleman's pamphlet.

A LETTER,

&c., &c.

DEAR SIR,

THE necessity of a central establishment for the detention of Criminal Lunatics, has long been advocated by many persons competent to form a just opinion on the subject. The question has recently been forced upon your attention by the letter you received from the Visitors of the Somerset Asylum, requesting your co-operation in petitioning the Legislature thereon. In obedience to your instructions, I have endeavoured to give the subject a calm attention, based on a careful examination of facts, and the results of my conclusions, I may state, *in limine*, are embodied in the following propositions :—

1st. That a distinct institution is not necessary for the treatment of all lunatics in detention under warrant from the Crown or Secretary of State, generally called criminal lunatics.

2nd. That such an institution is desirable for the detention and treatment of lunatics of criminal disposition, many of whom are not criminal lunatics.

3rd. That lunatics of criminal disposition require a treatment differing from that suitable to ordinary

insane patients, and partaking of the nature of correction.

4th. That the present provision for state lunatics in Bethlem Hospital is defective and unsatisfactory.

I append a notice of all criminal lunatics who have been treated in this asylum: a perusal whereof will show that no more difficulty has been felt in their management than in that of a similar number of ordinary patients. Cases reported from some other institutions indicate a contrary experience: it is therefore probable that our freedom from the difficulties which have been met with elsewhere, has been the result of good fortune, and may at any time cease. Lunatics of criminal character have indeed been admitted here not as criminal lunatics but as ordinary patients.

The visitors and governors of public asylums are so numerous and influential, that if united to complain of any universally felt grievance, they would be able to obtain the ready co-operation of Government to its abatement. It is probable that the grievance of criminal lunatics, complained of in some asylums, has not been universally felt, for after some years of agitation the Government have made no effort to remove it. Perhaps the cure which has been pointed out for the evil, where it exists, may not have been thought efficient. The question has now become so urgent, that the Earl of Shaftesbury has promised to introduce a bill on the subject during the next session of Parliament.

The formation of a central asylum for criminal luna-

tics might be decided and acted upon without further difficulty than the expenditure of a certain sum of public money, and this investment could be made a source of economy (see p. 24). But if, for the sake of present expediency, the question is thus solved, the real difficulties will be left untouched. Harmless patients will be taken from the places of appropriate treatment where they now are, and perplexing ones of criminal character will be left behind. If all lunatics confined under powers given by 39 & 40 Geo. III. cap. 94, 1 & 2 Vict. cap. 14, and 3 & 4 Vict. cap. 54, are classed as criminal lunatics, and are placed in the same establishment, and under the same system, the difficulties of classification and management, which have been felt in some asylums, will only be removed from one place to another, and will be greatly increased by the greater number of incongruous elements. Those who have become insane from the long indulgence of criminal propensities will be confounded with those who have become criminal for want of timely protection during their insanity; those in whom some degree of imbecility renders a vicious character still more intractable, with those who have done wrong conscientiously believing it to be right; those accused of some slight offence for which they have never been tried, with those convicted of heinous offences, and after conviction become insane.

At a meeting of the association of officers of asylums and hospitals for the insane, held last July, it was agreed to petition Government to provide a new

asylum for criminal lunatics. The arguments used by the different advocates for such a measure appear somewhat incompatible with each other. Those put forward by the officials of county asylums were, that the latter are not sufficiently secure for the detention of persons dangerous to the public, and that the society of criminal lunatics is mischievous, corrupting, and offensive to their fellow-patients. The eminent London physicians, practising in this department of the profession, pleaded imploringly for the removal of the unfortunate inmates from the criminal ward at Bethlem, a place which they designated as a prison and a grave, and illustrated by the well-known line of the Italian poet,

“ Who enters here must leave all hope behind.”

They claimed for these criminal lunatics a Government establishment, like the one provided in Ireland, where, in a country situation, a “ happy valley” is formed to make loss of liberty not irksome but delightful. The same arguments are used in a leader in the “ *Lancet*,” which has been transferred to the pages of the last number of the “ *Psychological Journal*,” and therefore has been adopted, if it was not written, by its able editor. The contrast of these different motives for a new institution will seem greater when it is remembered that the majority of criminal lunatics in county asylums are harmless and innocent, while those in Bethlem are the most vicious and guilty of their class—that a really dangerous character can be drafted from a county asylum to Bethlem, while the quiet and least depraved patients

are drafted from the latter place to an asylum in the country. According to some, Bethlem is too much like a prison for the worst of a class; according to others, a county asylum is too little like a prison for the best. The evils of the present system are described as they are seen from different points of view. The governors of county asylums, finding that some criminal lunatics cannot be influenced by the gentle and indulgent regime of the establishments over which they preside, allow the feelings excited by the few to be extended to the whole class, and demand their removal to a Government asylum, where a more efficient discipline can be practised. The metropolitan physicians, practising in lunacy, see the unfortunate persons whom they perhaps have been instrumental in saving from capital punishment, condemned to perpetual imprisonment in a place the gloominess and deficiencies of which it may not be easy to overstate. I do not wish it to be thought that these apparent inconsistencies are any proof that new arrangements are not urgently needed, but rather as indications that the present system is bad on both sides, and that a new establishment, without revised principles of classification, would be an insufficient remedy.

I shall in this place, with all proper deference to the opinions and greater experience of others, examine the reasons which have been advanced for the removal of criminal lunatics from the wards of county asylums. These are much the same in the various petitions and reports on the subject. I prefer to consider them as

they are stated in the fifth report of the Commissioners in Lunacy to the Lord Chancellor, 1850. The Commissioners have necessarily formed their opinions very much upon the information they have received from the superintendents of asylums, and would doubtless permit me to examine whether that information is universally applicable, and the opinions founded upon it free from objection. They will believe that, while retaining my own liberty of judgment, I entertain for any opinions expressed by them the great respect which their position and their long experience justify.

They say, (page 16,) "We entertain the same
 " opinions which we expressed in our last report rela-
 " tive to the class of insane patients termed state or
 " criminal lunatics; for although the arrangement to
 " which we referred last year, with the proprietor of
 " Fisherton House, near Salisbury, for receiving harm-
 " less criminal lunatics has been carried out, the small
 " number so received gives very inadequate relief to
 " the asylums in which (exclusive of more than 100
 " criminal patients in Bethlem Hospital) 264 of such
 " patients were confined on the 1st of January last.

"Your Lordship is aware that the construction of
 " lunatic asylums is so essentially different from that
 " of prisons, that an effectual security against the
 " escape of criminals cannot be provided without re-
 " stricting the liberty of the other patients, with whom
 " they are necessarily associated, and materially inter-
 " fering with that treatment and general arrangement
 " which ought to be adopted for their benefit. Crimi-

“ nal patients have therefore escaped, and must con-
 “ tinue to escape from asylums and houses licensed
 “ for the reception of the insane. As an instance of
 “ this, we mention the fact which was brought by us
 “ specially under the notice of Secretary Sir George
 “ Grey, that a most active and cunning criminal pa-
 “ tient escaped for the fifth time from Hoxton House,
 “ in February last. Our objection applies especially
 “ to such lunatics as have been charged with the more
 “ heinous offences ; and it has been frequently brought
 “ under our notice that the friends and relatives of
 “ patients, and also the patients themselves, when con-
 “ scious of their being associated with criminal lunatics
 “ have considered such association as a great and un-
 “ necessary aggravation of their calamity.”

The escape of a lunatic five times from the same
 custody does not prove either that the custody was
 sufficient for ordinary purposes, or that the escape of
 the particular individual was dangerous to the public ;
 the most obvious inference from the information given
 would be to the contrary.

One principal reason for depriving insane persons
 of liberty is the public safety. In well-constructed
 asylums the offensive parade of material means of re-
 straint in the shape of high walls and bars is dis-
 pensed with, ha-ha fences and well-constructed window
 frames being substituted. Under the present system
 of management a large number of selected patients are
 with safety allowed to walk and work in unprotected
 fields and gardens from which escape would be easy,

and would not be of serious consequence. Hence it happens that when an escape does take place it is usually effected by some harmless chronic patient, who has been entrusted with occupation beyond the supervision of attendants, or of some one approaching convalescence, and impatient of delayed discharge. But all asylums contain a number of patients whose escape might be attended with calamitous results, and whose secure detention is therefore of the utmost importance. This is effected partly by the adaptation of one portion of the building to the purposes required, and partly by the increased number and vigilance of the attendants. Any asylum without one safe ward would be deficient in an essential requisite as a place of detention for the insane. If criminal lunatics are removed from county asylums on the ground of deficient security, and the precautions at present existing are relaxed, it is probable that the escape of dangerous persons therefrom will become more frequent. In proof of which assertion I may adduce the fact that patients whose escape has been followed by some catastrophe had previously been confined not as criminal lunatics, but under the ordinary forms.

See the following paragraph (p.197) of the Report of Commissioners in Lunacy for 1844:—

“ In reference to the subject of escape we may mention the fact that came to our knowledge in the course of one of our visits, that a criminal lunatic had escaped from a private asylum at Plympton for the third time, and had not been retaken; and also

“ that a male patient committed by a magistrate as a
 “ dangerous lunatic to a private asylum at Nunkeeling,
 “ had escaped three times, had twice attempted the
 “ lives of his keepers, and once set fire to the asylum,
 “ and that the proprietor of the asylum had applied
 “ in vain to the Secretary of State and to the magis-
 “ trates of the district for the purpose of his being
 “ removed to a place of safe custody. At Gateshead
 “ Fell Asylum also there is a maniac who formerly
 “ escaped from the house, murdered his wife and
 “ daughter, and was (after his trial) re-admitted as a
 “ criminal lunatic, and is now generally handcuffed in
 “ order to prevent his again committing murder.”

The two last-mentioned were not criminal lunatics
 when they escaped, and the first was not a dangerous
 one ; he was admitted after his last escape into the
 Devon Asylum as an ordinary patient. Some few
 patients have cunning and resolution which enable
 them to break through the best-devised means of
 detention. I have met with some trouble from this
 source, but it was given by patients who were not
 criminal lunatics. If perfect security of custody is
 aimed at, it is hard to say how it will be effected.
 Have no escapes taken place at Dundrum ?

Determined and ingenious men will break through
 all impediments, as the escapes from Millbank, Pen-
 tonville, and so many other prisons testify ; the num-
 ber from the convict establishment on Dartmoor is
 notorious. We hear much more frequently of es-
 capes from prisons than from asylums.

A curious anomaly exists in the law (8 & 9 Vict. cap. 126, s. 71), which renders the superintendent, officer, or servant of a county asylum, liable to a penalty of not more than twenty and not less than two pounds, if he shall through wilful neglect or connivance permit any pauper lunatic therein to escape, while it is not made an offence under any statute to permit the escape of any criminal lunatic who may not be a pauper. As this is probably an omission in the act, it would be unfair to draw as an inference therefrom, that the Legislature deemed the safe custody of insane paupers of more consequence than that of criminal lunatics.

The latter portion of the objections expressed in the report of the Commissioners, first quoted and also made use of in several reports and petitions from asylums, is very important, and suggests the following inquiries :—

1st. Whether the dislike to the society of criminal lunatics, ascribed to other patients and their friends, exists generally, or only in those cases which have been brought under the notice of the Commissioners or otherwise reported?

2nd. Whether it has been felt towards all lunatics who have committed serious offences, or towards those only who have escaped merited punishment on the plea of insanity, which has been slight or altogether simulated.

3rd. Whether removal to a Government asylum of all lunatics confined under warrant from the Crown

or Secretary of State, will not inflict a great hardship upon many innocent persons, and still leave in the county asylums a number of depraved and dangerous characters.

With regard to the first inquiry, my own experience is in direct opposition to that which has been recorded by several of my professional brethren. I have carefully watched to detect any repugnance or unfriendly feeling among the inmates of this establishment towards their fellow patients who were known to have committed offences against the law, and have not only failed to do so, but have heard expressions of sympathy and pity.

The case of No. XII., (see page 49,) excited much interest and discussion in the wards, and the poor woman, who is now at large, has reason to contrast most favourably the treatment she received from her fellow patients, with that she has met with from her sane neighbours since her discharge. The insane, while they are unable to appreciate their own mental condition, are keen observers with regard to others, and they excuse an offence, the evident result of insanity, as it is excused by law and the common consent of mankind. Should a prejudice unfortunately exist against criminal lunatics in the minds of educated and sane persons, it is possible that it may descend to the friends of patients, and to patients themselves, and give rise to the feelings attributed to them.

The second inquiry I cannot answer from my own knowledge. I can, however, readily believe that

among lunatics the same discrimination of character and the same sentiment of justice which would prevent any feeling of aversion towards a really insane offender would create it towards an impostor, who disgraced their misfortune by making it a sanctuary from the avengers of crime.

In answer to the third inquiry I believe that great injustice is done to most lunatics confined under warrant in attaching to them the name of criminals, and the prejudice excited by that name. This injustice would be fixed, and this prejudice encouraged by isolating them as a criminal class, and confining them in a distinct asylum. The Commissioners in their Report for 1844, page 197, state—"In reference to
 " this part of the subject, however, regard must be had
 " to the nature of the offence committed by each criminal ; since there are, without doubt, instances in
 " which it would be hard to condemn a ' criminal lunatic ' to confinement in a separate ward or a distinct
 " institution. These cases are however exceptions, and
 " leave the general objections untouched." It would be found that these exceptions form the rule, and that the real exceptions are the other way, if the character and condition of all lunatics confined under warrant were inquired into, even if regard was had to the nature of the offence.

But the magnitude of the offence committed can in lunacy be no criterion of the criminal character of the offender. The poor woman, No. V., who strangled her children because the Holy Ghost told her to do so,

that they might go to heaven, was not only innocent, but was discharging a religious duty; whereas No. XIV., who was sentenced to transportation for fourteen years for stealing a fowl valued at seven pence, was known to be a hardened and habitual criminal.

When a prisoner is found on trial not guilty on the plea of insanity, he is legally as free from criminality as if it had been proved that the offence charged had never been committed, or had been committed by some other person; under which supposition no punishment ought to be inflicted on him beyond the treatment necessary for the safety of the public, and the cure or alleviation of his disease. That insane offenders are not always free from criminality, and that some great criminals escape under the false plea of insanity, are facts which cause the existing prejudice against the whole class, and require the revision of the law, but would not justify any measures calculated to increase the sufferings or to diminish the scanty means of comfort and happiness remaining to those who are innocent in the eye of the law and of common sense also.

The removal of such persons from provincial institutions, in which they can receive the visits of their friends and relations, to a central establishment in which such solace would be practically forbidden by distance, and in which association with convicts and others of criminal character would be forced upon them, would be a great hardship. The increased expenses which would be entailed by increased distance

would also be a hardship on those on whom it fell. On referring to the appended notices of criminal lunatics admitted into the Devon Asylum, it will be seen that none of them have required other means of treatment than that provided. If like notices were published of all lunatics confined elsewhere under warrant, they would probably give in some instances a similar, and in others a different result, according to the class in which fortuitous circumstances had ranged the most dangerous and troublesome inmates of different asylums. It will appear from cases Nos. XIII. and XVI., how purely accidental it is whether an insane person is admitted into an asylum under a state warrant, or under the ordinary justices' order, and how arbitrary is the present classification of so-called criminal lunatics. There are few insane persons who, if left at large and neglected, would not be liable to commit offences of some kind against the law, and a large number of patients admitted into asylums under the ordinary forms have committed offences which would have subjected them to imprisonment and trial had not their mental infirmity been obvious. When the invasion of the disease is sudden and pronounced, its nature is not likely to be overlooked, and the subject of it is sent at once to a proper place for treatment. But if the disease comes on, as it frequently does, in a gradual and insidious manner, it may lead to the commission of offences before it is observed, and the visiting justices of the gaol, or the jury impanelled to try the prisoner, may be the first to

recognise its existence. When persons known to be insane commit offences they are not usually sent to gaol, but direct to the asylum, under the common admission forms,—a general but not a universal exception being made in cases of homicide. It therefore appears to depend more upon the manner in which insanity develops itself, and upon the persons who first appreciate its nature, than upon any distinctive kind of the malady, whether a patient happens to be classed as a criminal or as an ordinary lunatic. Patients previously confined as criminal lunatics are sometimes re-admitted as ordinary patients, and the latter after discharge are sometimes re-admitted as criminal lunatics. So long as the distinction between criminal and other lunatics leads to the same treatment, no inconvenience arises from its being dependant upon contingences of this kind ; but if different establishments and management are provided for the two classes, some more rational and certain system of classification than the present one will be required.

It should not be forgotten that there is a distinction between vice and crime ; and that the removal from county asylums of all lunatics who have committed offences against the law would still leave behind the depraved and vicious persons, whose society is more contaminating than that of the violent and thievish. Drunkenness and debauchery are not crimes, and those who have become insane after a life spent in their excesses could not be dismissed from a public asylum as criminal lunatics ; yet I have seen infinitely more mis-

chief produced by the example and contagion of the latter than of the former. When a wretched and debased prostitute is admitted into the wards of an asylum, suffering from maniacal excitement, the unblushing profligacy of her language and conduct is often such as to shock the least fastidious : when she has passed into a quieter state, or is progressing towards recovery, her behaviour and the tone of her conversation become less offensive, because more guarded towards the officers, but are more insidious and therefore perhaps still more mischievous to the pure-minded and innocent women with whom she is necessarily associated. Who would not prefer for a young woman even the society of those who, under the influence of mental disease, had committed what are called heinous offences, to that of the miserable beings referred to ? Among the male patients also are to be found those who have spent their years in vice and debauchery, but who have never been detected in crime. The meshes of the law do not catch all the scoundrels in society, but they are all liable to become insane. Vice is probably more infectious and polluting than crime ; and while the latter is often the result of insanity, the former is very frequently the cause of it. My experience leads me to believe that vicious and depraved inmates of lunatic asylums are more objectionable as companions to the other patients than the so-called criminal lunatics. As it is not, however, proposed that any separation should be made between the vicious and the virtuous, but only between those

who have and those who have not committed offences against the law, the fair-weather treatment of patients selected for their good conduct is not likely to commence at present.

With these facts and general observations I shall conclude my notice of the Commissioners' Report, and proceed to glance at the provision made by Government for the maintenance of their criminal lunatics.

The objections to continuing the present practice of farming out state lunatics to Bethlem Hospital and Fisherton Asylum rest mainly upon the deficient accommodation provided in these places. Fisherton is a licensed house, belonging to a private individual, and not very favourably noticed by the Commissioners in Lunacy. (See Fifth Report, p. 6.) About fifty criminal lunatics have been drafted from Bethlem to this place, the Government having entered into contract with the proprietor for their maintenance and care. This is certainly a strange proceeding on the part of Government which passed the 8 & 9 Vict. c. 126, rendering it compulsory on all counties to erect asylums for their pauper lunatics, and forbidding the old system of farming out such persons to the proprietors of licensed houses. If the old system was bad for ordinary pauper patients, it cannot be good for those maintained by Government.

The criminal ward at Bethlem requires a brief notice. It contains four galleries, with one airing court common to them all; the arrangement being the same on the male and female side. The aspect of the

galleries and yards is bare, cheerless, and wretched ; and although every attention is paid to the medical treatment of the inmates by the able resident officer, Dr. Wood, there can, from want of suitable accommodation, be no attempt at that moral treatment, which is based upon classification, instruction, and industrial pursuits. The great unfitness of the criminal ward for its present purposes is admitted by all parties ; but the governors are said to cling with some tenacity to the important charge of the most remarkable state prisoners.

In the past month the number of male patients in this place was 92, of whom 36 were convicts ; the number of females was 19, of whom 4 were convicts. On account of these 111 criminal lunatics, the hospital is repaid by Government about 3500*l.* per annum, being at the rate of 31*l.* 10*s.* 7*d.* each per annum. This sum is made up by the wages of seven male and two female attendants, with an allowance of 35*l.* per annum to each attendant for maintenance and clothing, 25*l.* per annum for each patient, and 200*l.* per annum for salaries to medical and other officers. During the last year the actual cost for maintenance and treatment of pauper lunatics in the county asylums for Middlesex and Surrey, was 7*s.* 6*d.* a-week, or 19*l.* 10*s.* each, which, deducted from 31*l.* 10*s.* 7*d.*, would leave 12*l.* 0*s.* 7*d.* as the annual rent for the use of the building paid for each criminal lunatic in Bethlem. Few asylums have cost so much as 200*l.* a bed, and this when building was much

dearer than at present. As Government can borrow money at three per cent. and keep a building in repair for one-half per cent. more, state lunatics could, even on this estimate, be lodged in a new asylum, with the best accommodation, at an annual rental of 7*l.* each, while 12*l.* is at the present time given for the worst.

I am not aware that anything can be said in favour of maintaining the arrangement existing between Government and the authorities of Bethlem Hospital; and when this is concluded a new establishment must be provided.

I hope that it will neither be premature nor useless to indicate the class of patients who ought to be admitted into such an establishment, the kind of treatment and discipline to which they should be subjected, and the manner in which the expenses should be discharged.

1st. The lunatics at present maintained by Government, would, of course, become inmates, and would form the nucleus of the new establishment.

2nd. All insane convicts, who, had they remained sane after conviction, would have been maintained at the expense of Government. These must be considered guilty persons notwithstanding their malady. The crime for which they are sentenced was committed while they had the light of reason to direct their conduct, and is, therefore, an indication of criminal character. The objections to the detention of all criminal lunatics in county asylums are sound and forcible, when made to apply to insane convicts only.

It is just that the expenses of maintaining this class of lunatics should be defrayed by Government, which would have maintained them during the period of transportation or imprisonment had they remained sane. Government undertakes the duty of punishing criminals, and of maintaining them during punishment ; and it undertakes this duty, with all its responsibilities, insanity among the number. The injustice of sending a convict on his becoming insane to the county asylum, to be supported there by parochial funds, is obvious ; yet this was done with No. XIV., removed from hence last month.

3rd. The new asylum ought to admit those criminal lunatics whose dangerous propensities, or depraved character, render them objectionable inmates of ordinary asylums. The chargeability for these should remain where it is at present, and an addition should be made to the rate of maintenance in the shape of rent charge, to remunerate the Government, and to check any tendency on the part of parochial or county officials, to make use of the advantages of the central institution too freely. Otherwise it might be found, if Government maintained all criminal lunatics, while others were still maintained out of the poor's rate, that the proportion of the former to the latter increased too fast. It is not presumed that any officials would be so inhumane as to neglect pauper lunatics in order that they might commit offences, and the parish in that manner escape the burthen of their maintenance by transferring them to

a Government asylum ; but if all pauper lunatics who commit offences without neglect were to be made criminal lunatics, the numbers of the latter would be rapidly augmented.

4th. Lunatics of like character to the aforesaid, but who had not been sent to gaol, and thence to the asylum under warrant, for the commission of any particular offence, although their lives may have been habitually criminal. Also patients committing heinous offences while under detention, as the man who recently murdered another in the Kent asylum. The expences in this class should be defrayed as in the former, and some greater jealousy should be exercised in their admission. Permission to transfer such patients might be given on petition from the visitors and medical officers of an asylum, or from the Commissioners in Lunacy.

If the patients who would come under the last three headings were removed from county asylums, the insane and really innocent persons who have committed offences through delusion or neglect, might safely be permitted to remain therein.

If in discussing the right discipline to be adopted in an institution for the detention and treatment of criminal lunatics properly so called, I am necessarily led into some generalities, at first sight foreign to the subject, I must crave your indulgence by reminding you that the principles of legislation in this matter have hitherto been in a most unsatisfactory state.

The law declares all offenders responsible for their

acts, and liable to punishment, except they are insane in a manner and degree which it attempts briefly to define : a plan as reasonable as it would be to declare diseased persons free from civil duties, and to lay down in a legal axiom of three lines, what is the nature, character, and extent of all possible bodily disease. This attempt to define insanity in a concise form with a sharp line, as they would declare a man to be young under twenty years, and of age when above it, is the great error into which lawyers have fallen. Even the platitude of Polonius is better :

“Mad call I it ; for to define true madness,
What is't but to be nothing else but mad.”

Insanity is a generic name for many different diseases affecting the mind, through the instrumentality of its organ, as we speak of diseases of respiration, and of which any attempt at compendious definition must necessarily lead to confusion. Unfortunately, legal dogmata have come down in a high state of preservation from a mediæval period, when the lamp of science burnt dim, and when men did not rightly know whether the seat of the passions was the liver, the heart, or some other place. Medical nonsense of past ages is remembered only to be laughed at, but the venerable nonsense of the jurist becomes time-hallowed precedent, and the law of the land. For the credit of all parties, and for the sake of present freedom of inquiry, it would be well to consign all legal precedents about insanity to a decent oblivion, and to begin *de novo*. The judges cannot expound the law as it has come down to them, so as to

agee with each other, nor in these times are they able to make practice agree with precept.

Lord Campbell, in a debate in the House of Lords, after alluding to his "very long experience and very large attention to this subject," said, "he had looked into all the cases that had occurred since Arnold's trial, 1723, and to the directions of the judges in the cases of Lord Ferrers, Bellingham, Oxford, Francis, and M'Naughten, and he must be allowed to say that there was a wide difference both in meaning and in words in their description of the law." (Hansard's Parliamentary Debates, vol. 67; see American Journal of Insanity, July, 1847.)

The law was explained by all the judges assembled in the House of Lords, June 19th, 1843, to answer the queries addressed to them in consequence of the manner in which the trial of M'Naughten had terminated. To the 1st and 4th queries they answered that a party committing a wrong act under the influence of delusion is liable to punishment. To the 2nd query they answered that nothing could justify a wrong act, *except it was clearly proved that the party did not know right from wrong*; if that was not satisfactorily proved the party was liable to punishment. Surely the first of these doctrines was in direct opposition to the manner in which the law was administered in the very case which rendered this exposition necessary, and if considered apart from the second, is contrary to the practice of the courts, and to common sense.

But a man labouring under a delusion may not know right from wrong, and the consistency of the expounder and the administrator may thus be saved !

The feeling of right and wrong, otherwise called conscience, is an innate principle of the human mind, and probably no state of disease short of utter loss of mind altogether destroys it; the knowledge of right and wrong comes of experience and teaching, and is mixed up with motives too intricate to be weighed in the scales of human justice. M'Naughten was doubtless a madman, but who can tell what spirit of vindictiveness on the one hand, or of self-defence on the other, caused him to assassinate his supposed persecutor, and who can doubt that whatever the insane motive, he knew the act to be morally and socially wrong? Those who are conversant with the phenomena of insanity, especially as they are observed in institutions devoted to their treatment, know well that the feeling and knowledge of right and wrong often remain intact, and generally exist in greater perfection than other mental powers. Of course great excitement or total loss of mental power prevents the distinction being made, and delusion causes it on particular points to be made erroneously, but in the great majority of cases it is made correctly and acted upon. What other foundation is there for moral treatment? I cannot conceive on what other principle the wards of asylums become scenes of order, good temper, and industry, instead of complete uproar and misrule.

I admit that if lunatics can distinguish right from wrong they are liable to punishment, as understood in the philosophic sense of the term ; correction modified to their condition, and containing no spirit of revenge even in the most subdued and unrecognised form.

Education, training, moral treatment, discipline, correction, punishment, are expressions for influences radically the same, but differing as they are made to apply to the young or the old, the good or the bad, the sane or the insane. Correction in this sense, whether caused by the production of disagreeable sensations, or the abstraction of agreeable ones (rewards), is not in itself an evil. The allwise Ruler has ordained that it shall exist as one of the beneficent laws of nature ; it is the foundation of religious hopes and fears, it is used by affectionate parents in the education of their children, and successfully employed even in the training of the lower animals.

Feelings of veneration and affection are brought into play in the production of religious or filial duty, but the operation of these feelings is the means whereby remorse and mental punishment is caused when that duty is neglected. The parent or the tutor who is so beloved, and has been so successful in developing the higher moral feelings of his children, that a few words of censure or a look of displeasure will cause more pain than the use of the rod in the hands of a less skilful trainer, does not, in so doing, refrain from punishment, he only uses it in a different form. In the management of lunatics a large number can, by

wise and kind treatment, be influenced in a similar manner, through the operation of their higher moral feelings; but unfortunately there are others whose character has been fixed in a baser mould, and who must be influenced by more direct appeals to their selfishness. This influence cannot conveniently be exercised in a place where a mild and indulgent regime is established, and hence the demand and necessity for a separate asylum for lunatics of criminal disposition. These persons cannot with justice or expediency be treated like sane criminals. They cannot, even for heinous offences, be hung out of the way, for public feeling would revolt at it; long-continued solitary confinement would increase their mental infirmity, and would deteriorate rather than improve their condition. For the same reason they cannot be worked or transported in company with other criminals, to whom they would be most mischievous companions; for an imbecile or insane man is the worst comrade a vicious one can have, becoming a butt, a disguise, and a ready tool.

By exclusion from criminals and from lunatics the mixed character needs a place of treatment distinct from the asylum and the prison, and partaking of the characteristics of both; with more variety, leniency, and indulgence than are to be found in the latter, with a stricter discipline and a compulsory industry unsuited to the former.

It may be said that this distinction of all offenders against the laws into criminals, lunatics of criminal

disposition, and lunatics, will not be easy to carry into practice, because there will be some persons on each side of the intermediate class whose proper position it will be difficult to decide. To this objection it may be answered, that at present there are only two classes instead of three ; that while, in nature, all changes are gradual, human classification must ever be more or less imperfect. Besides, it is to be hoped, that the system of treatment adopted for the middle class would not be formal and arbitrary like prison discipline, but would be made to accommodate itself to many different phases of character, and degrees of insanity or vice ; would be a wholesome and reformatory discipline, sufficiently disagreeable in its operation on the vicious man, but not hateful or oppressive to the insane.

In cases of murder our law permits juries to bring in a verdict of guilty or not guilty only ; and if the former, no course is open to the judge except that of passing sentence of death. Until some middle way is devised by which offenders, neither altogether innocent nor altogether guilty, can have their proper meed of correction, juries in cases of murder will continue to find verdicts of not guilty on the false plea of insanity. As the power to attemper justice with mercy is accorded to neither judge nor jury, the latter seize the only opportunity to ensure mercy, and leave justice to take care of itself. In some other countries where trial by jury is established, some greater latitude is permitted in recording a verdict than in our own. In France a verdict of guilty, with extenuating

circumstances, and, in the Channel Islands, a verdict of "more guilty than innocent," is permitted. I would not advocate any extension of power to juries, but I do think that discretion in awarding punishment for murder ought to be vested in the hands of our judges. They possess it for other crimes,—thus, for manslaughter, they sentence one criminal to one month's imprisonment, and another to transportation for life, according to the character of the particular offence, and the existence or not of extenuating circumstances. If our judicial authorities possessed this discretionary power, a State asylum for the detention and correction of lunatics of criminal disposition would provide the means for the exercise of it, when murder was extenuated by partial insanity. At present, society may either be shocked by the execution of a madman, or it may be endangered by his acquittal. It is true that when a man is acquitted of a murder on the plea of insanity he does not, except in rare instances, obtain his liberty; the law steps in and detains him during the Queen's pleasure, which usually means for the term of his natural life. When the plea of insanity has been false, this detention can only be considered as punishment under the guise of a legal fiction. Surely, it would be more wise to make arrangements by which suitable correction could be ensured in an honest, straightforward manner, than to force juries to acquit, and then to say to the man, late a prisoner, now a patient, "You shall not escape; sane or insane the law shall have it out of you; im-

prisonment for life is your lot, whatever may be the state of your mind." I am informed that ten persons are at present confined in the criminal ward at Bethlem, who might be released as far as their insanity is concerned. Baron Alderson lately spoke, on the bench, of a surgeon acquitted on the plea of insanity, saying to Mr. Collier, who quoted the case,—“ I defended that man, he was as sane as you are: he practised extensively in prison.” As the statutes provide only for the detention under state warrant of insane persons, could not the provisions of the Habeas Corpus Act touch the case of persons of sound mind imprisoned under such authority? The last criminal lunatic accused of murder, admitted into this asylum, obtained her release through the astuteness of the solicitor employed to conduct her defence. She had recovered from her insanity before she was placed at the bar; complete evidence of the commission of the offence could have been given; and not the slightest doubt existed that it was the result of insanity. Under these circumstances, it was arranged that she should plead, and that no evidence should be offered. She was accordingly acquitted for want of evidence, and discharged; and her parish escaped the burthen of maintaining her in an asylum for life, which it would have been saddled with had the verdict of not guilty been found on the plea of insanity.

Some alteration is desirable in the present practice of detaining in gaol supposed lunatics, who have committed serious offences, to await trial at the next en-

suings assizes, which may take place after such a brief interval that it becomes impossible to ascertain the mental condition of the prisoner, and the evidence on this point therefore being imperfect, the verdict is a matter of chance. The very insufficient opportunities afforded to medical witnesses to form an opinion of the mental condition of a prisoner, must often have struck the most casual observer. Generally, the physician giving evidence can at most say, that he has paid two or three visits to the accused, and conversed with him in his cell in prison ; sometimes he can only say that he has observed the demeanour of the prisoner in court, and has heard the evidence of other witnesses, from which he forms his opinion. In cases of concealed delusions, or of disease affecting the propensities, no medical man ought to give an opinion on such shallow grounds. I am not ashamed to acknowledge that I have often observed patients daily for several weeks without being able to detect existing delusion. The plan adopted in France of sending a supposed lunatic to an asylum, for observation before trial, meets this difficulty, and deserves imitation.

When medical men can bring into the witness-box great experience of the general phenomena of insanity, combined with intimate knowledge of the individual on trial, they need not fear that their evidence will be disregarded either by judge or jury. They must, however, remember that the witness-box is not the place to obtain an alteration of the law, however faulty and absurd it may be. They are bound to give true

evidence of opinions as of facts, whatever consequences may ensue. Perhaps the absurdity of making insane persons who retain any knowledge of right and wrong, liable to the full weight of punishment, might ere this have been altered, had not the humanity and devotedness of medical men placed them in the gap between the law and its conclusions, and relieved the burden of judicial responsibility.

On the other hand it may occur that the Court of Assize will not sit until six months after the committal, and if the mental disease is of a recent and curable nature, a most cruel injustice may be exercised towards an innocent person, by withholding seasonable treatment, and rendering a curable case of insanity incurable. Dr. Thurnham proves that treatment delayed from the third month to the twelfth month reduces the probability of cure from one in three, to four to one; that is there is one chance of cure left instead of twelve. Treatment delayed from the commencement of the disease to the sixth month, the interval being spent in prison, is likely to be fully as disadvantageous. In the new goals for separate confinement a noisy lunatic proves such a nuisance from the reverberation of his cries through the resonant structure of the building, that every effort is sure to be made to have him transmitted to an asylum without delay; but this evil is not felt in the old prisons, nor in the new ones with a silent or melancholic patient.

The 3 & 4 Vict. c. 54, s. 1, provides that persons imprisoned under sentence, or *under a charge* of any

offence, when found to be insane, shall be removed to an asylum. When the insanity is of decided character, and the nature of the offence not serious, the warrant for removal can be obtained without greater difficulty than putting in motion the somewhat ponderous machinery required by the statute. When the offence is grave, it is the usual practice to detain the prisoner in goal until after the trial, unless the nature of the insanity renders it impossible for him to be placed at the bar.

The last criminal lunatic admitted into this asylum is a harmless old man, who pulled a handfull of turnips in a neighbour's field, not to steal them, but with some notion of showing his independence thereby. He was sent to prison for a month in default of securities, and there found to be insane. To obtain his removal, two justices of the peace, with two physicians or surgeons, had to certify his insanity to one of Her Majesty's Principal Secretaries of State, who thereupon sent a warrant for his removal to the Governor of the Goal, and a warrant for his reception to the Superintendent of the asylum: if he recovers similar formalities will have to be gone through to obtain his discharge. This is somewhat like shooting a sparrow with a cannon.

It would be very easy to devise a safe and more facile plan by which lunatics could be transferred from prisons to asylums, so that early treatment and medical evidence, founded upon sufficient observation, could be ensured.

There are two points which I have been unable to introduce before, but which I deem of sufficient importance to merit some notice.

The first of these is the practical absence of responsibility enjoyed by the legal or natural guardians of the insane. The owner of a dangerous animal is responsible for any mischief resulting through it to the public, by rashness or carelessness. A person who has recently suffered from small-pox, is liable to a very heavy fine for appearing in the streets or highways before all chance of contagion is removed; and the same penalty is incurred by exposing a child under similar circumstances. But the father, husband, or legal guardian of any insane person, or the overseer, relieving officer, or other official, in the case of insane paupers, are not in any way made responsible for mischief resulting to the public or the patient for want of sufficient care. It is true that under the Pauper Lunatic Act, sec. 50, penalties can be imposed on the medical officers of unions, on overseers, &c. for not giving certain notices, and taking certain steps for the proper care of insane paupers, and any others who are neglected or cruelly treated. I believe, however, that this clause has never been acted upon. I would suggest that, whenever serious detriment to the interests of the public, or even to the welfare of the patient, has arisen from the want of timely protection on the part of relatives or legal guardians, they should be held responsible, and be made liable to punishment. The sudden outbreak or latent and unrecognised exis-

tence of insanity would, of course, be considered valid excuses. (See Cases 5 and 18.)

Another point is, that in centralizing the care and management of insane criminals, it will be requisite to ensure between the metropolitan and the other counties a just and equable distribution of the benefits offered by the Government institution. All criminal lunatics in this county have been maintained from the poor's rate or the county rate; but in the metropolitan district a large number are maintained in Bethlem and at Fisherton by funds drawn from the general taxation of the country. It cannot be denied that in that favoured institution, from which the Commissioners in Lunacy and all improvements in lunacy law are carefully excluded, an unfair proportion of criminal lunatics maintained by Government are chargeable to parishes in Middlesex and Surrey. In referring to the Commissioners' Report, dated June 30th, 1850, I observe that in the county asylum for Middlesex, containing 963 patients, only 16 were criminal lunatics; in the Surrey county asylum, containing 662 patients, there were *no* criminal lunatics: so that in the two asylums for the metropolitan counties the proportion of criminal lunatics to the other inmates was less than one per cent.; while in the county and borough asylums for the remainder of England and Wales, there were 132 criminal patients out of a total of 5515, being a proportion of 2·39 per cent.

There were 32 criminal lunatics in the metropolitan licensed houses, some of whom were chargeable to the

county of Essex, which had no asylum, and some of whom were not paupers. There were 79 in provincial licensed houses, and 5 in hospitals for the insane, making a total of 264 criminal lunatics, exclusive of those in Bethlem.

I cannot conclude without briefly referring to the asylum for criminal lunatics in Ireland. Before that establishment was provided "a considerable number of persons reputed insane, and charged with various offences, or even merely reputed dangerous, had been annually committed by warrants of the Lord Lieutenant to the district lunatic asylums of Ireland. At the Belfast Asylum twelve, thirteen and ten were so committed during three years. The majority of these had undergone no trial, and were found by Dr. Stewart on admission to be 'in the perfect enjoyment of their mental faculties.' A few of them had however been guilty of murder, including parricide under aggravated circumstances, and were acquitted on the ground of insanity." (Dr. Thurnham's Statistics, p. 49.)

The report of the Government Inspectors states that the inmates of the asylum at Dundrum are as quiet and orderly as any insane patients to be found elsewhere.

From these facts it is obvious that any conclusions drawn under the supposition that criminal lunatics in Ireland represent the same class in this country would be incorrect. The establishment of a state asylum in the sister country does not therefore militate against my arguments that it will be more rational to provide separate treatment for lunatics distinguished from

others by criminal disposition and propensities, than for all insane persons who have under the most different conditions fallen into infractions of the law.

Having now reviewed the different bearings of the question as practically as I have been able, it only remains to me to request that if you adopt my conclusions you will exert your powerful influence to secure those ameliorations which the state of the law demands.

I remain, dear Sir,

Yours faithfully,

JOHN CHARLES BUCKNILL.

Nov. 20th, 1851.

TO SAMUEL TREHAWKE KEKEWICH, Esq.,
*Chairman of the Visiting Justices of the
 Devon County Lunatic Asylum.*

APPENDIX.

Criminal Lunatics, or Patients admitted into the Devon County Asylum, under Warrant from her Majesty, or of a principal Secretary of State.

CASE I.

A widow, accustomed to gain a scanty and precarious livelihood by travelling with a basket of pedlar's small ware in the neighbourhood of her own parish, was indicted for petty larceny, and acquitted on the ground of insanity; was a good-tempered, harmless woman—her mind rude and uneducated, and slightly imbecile. She was very industrious, and asserted that she had been driven by hunger to frequent acts of petty theft, which she knew to be wrong. She was employed to assist the housemaid in the rooms of one of the officers of the asylum, and displayed no propensity to theft. She could scarcely be called insane, but was discharged as recovered.

CASE II.

An agricultural labourer; previous history unknown; indicted for petty larceny, and acquitted on the ground of insanity. During residence in the asylum was harmless, industrious, and an excellent groom. His mind was at first slightly imbecile, but free from all delusion or excitement. He always declared that the offence charged against him

arose from a mistake, and that he had no idea of committing theft. I think this statement was probably true, and I have no doubt he was a conscientious and honest man.

CASE III.

The warrant for the admission of this man states that he had been indicted for forgery, and acquitted on the ground of insanity. The alleged offence is probably a mistake, as he could not write. The account given me by the governor of the gaol is, that he was in the corps of Royal Marines, and discharged therefrom on account of weakness of mind. That in walking homewards from Plymouth after his discharge he stole a goose from a common, for which offence he was indicted. During his stay in this asylum he was stupid, taciturn, and inclined to be dirty. He worked under supervision, but was very mindless. He was chargeable to a parish in Somersetshire, and application being made by the visitors of the Somerset Asylum, he was transferred to that institution under warrant from the Secretary of State.

CASE IV.

A man whose history I have been unable to obtain. He was indicted thirteen years ago for murder, and acquitted. It is said that he had been insane for many years before the offence. A boy teased him as he was at work on the roadside, in anger he beat him on the head with his spade, and killed him. He has been in this asylum six years, during which time he has been perfectly quiet and harmless; he works by himself in an open field, and is very industrious; his amount of mental power is very limited.

CASE V.

The wife of an artizan, indicted for murder twenty years

since and acquitted on plea of insanity. The account given to me by the husband of the nature and manner of the offence was, "that she had been suffering from religious melancholy for some years; and, as he was quite a poor man, he had applied in vain to the parochial officers to afford means for her removal to a place of safety. These officers acknowledged the necessity of the case in a letter which they wrote to the authorities of another parish to which they were anxious to remove the chargeability. In this letter they described the lunatic as very dangerous and requiring immediate care."

As no further steps were taken, the husband sent the youngest child, for whose safety he entertained much fear, to some distant relations, but allowed two elder children, aged seven and eleven years, to remain with their mother who continued to discharge her household duties. Some weeks had passed over in this manner, when she brought his dinner as usual to the place where he was working, and asked him to come home and see what she had done. In great apprehension he followed her home, and found his two children dead and the bodies laid out on the bed in a decent manner. She had suffocated them between pillows, having been told by the Holy Ghost to do so, that they might inherit the kingdom of heaven. Previously an infant had been found dead by her side, and suspicion attached to her respecting this death also.

She has been under my charge six years, and is a sorrowful silent woman, quite harmless, and very industrious with her needle. Her memory of former events is very imperfect. I learn from Dr. Tiernan that, during her residence in the Bodmin Asylum, she was tranquil, cleanly, and occupied at her needle, seldom replying to inquiries, but occasionally holding conversations with imaginary persons when alone. There can be no doubt that she committed her offence under the influence of delusion, and mistook her wrong act for a pious, affectionate, and right one.

CASE VI.

An agricultural labourer; had an altercation with a toll-gate keeper, which ended in an assault, for which he was fined at petty sessions; in default of payment he was committed to prison for one month, and being found insane sent to the asylum under warrant. On admission, he had maniacal excitement of a moderate and cheerful character. He was a good-tempered, harmless, and industrious man; he soon recovered, and was discharged in eleven weeks by order of the Queen.

CASE VII.

An agricultural labourer; had been generally industrious, but was fond of drink, and then liable to commit all manner of petty offences in the spirit of fun and good-tempered mischief. Was thought to have been always a little weak in the head. Was committed to the house of correction for six weeks for indecent exposure, and there found to be insane.

Was admitted with maniacal excitement, which passed off in a few days; during his stay in the asylum he was distinguished by his energetic, jovial disposition, was very industrious, fond of wrestling, and field sports, in which he used to accompany the writer. Though deficient in sober judgment he had plenty of shrewdness. After eight months' detention he was discharged recovered, by order of the Secretary of State. After an interval of three years he was again committed to prison, "for want of sureties to keep the peace," and thence again sent under warrant to the asylum, where he now remains. As he is intensely fond of cider, and as cider causes in him maniacal excitement, the asylum is probably the best place for him.

CASE VIII.

A gipsy ; eighteen months before his admission to this asylum was in the county goal for want of securities to keep the peace ; at that time the state of his mind was very doubtful. Some friends consenting to be bound for him, he was discharged and travelled to Plymouth ; where he went into a garden and began to tear up the flowers, vegetables, and everything therein. He was now sent to the Plympton asylum, where he remained a few months. On his release he went to Dartmouth, where he turned a lot of bullocks into a field of standing corn ; and getting a ladder began very busily to unroof a house. To get rid of these annoyances, he and his tribe were committed to the county gaol as rogues and vagabonds. He was now found to be noisy, dirty, destructive to clothing, and restless, and was sent to the asylum, under warrant. On admission it was evident that he was well forward in general paralysis, of which disease, however, he did not die ; for, after twelve months, he was cut off by gangrene of the lung. He had exalted delusions about property ; was obscene and blasphemous in his language ; but was helpless, harmless, and good-tempered. Some of his tribe remained in the neighbourhood until after his death, and evinced a most pleasing affection and anxiety for him.

CASE IX.

An agricultural labourer ; of steady, rather religious habits ; of late, evinced an unaccountable propensity to theft ; committed to prison for petty larceny for two months, when he was found to be insane, and sent to the asylum. On admission, he would appropriate everything he could get possession of ; would steal other men's clothes, and put them on over his own ; pocket brushes, knives and forks, food, &c., strenuously denying having taken them ;

but when found on him, giving them up with perfect good-humour. He imagined he had estates, stock of all kinds, and thousands of pounds, but had no idea of the value of such things; would at the same time talk of having bought a great estate and having earned so many shillings a week, at reaping or driving cattle; the countenance was heavy, his speech slow, and the words hung on his lips; he was pronounced to be suffering under incipient general paralysis. The symptoms of this disease advanced, and he died comatose, fifteen months from his admission.

CASE X.

An Irishman, formerly a soldier in India; was first committed to Bridewell for one month for vagrancy, and then appeared to be out of his mind. After remaining for his term of punishment he was discharged; and about a week afterwards was apprehended for firing a rick, and on trial was found to be insane. He is full of delusions of a pseudo-philosophical character, having various peculiar notions on astronomy, physiology, and many other matters. He is quite harmless, extremely good-tempered and amusing, and works hard till 11 A.M., after which time he insists upon enjoying himself.

CASE XI.

A young man subject to epilepsy; in paroxysms of epileptic excitement had attacked his brother and his father, and had been imprisoned in a borough gaol for twelve months, and on a second occasion for four months, "for want of sureties to keep the peace." This patient, like many other epileptics, was liable to frantic passion and uncontrollable violence when the fits were coming on; he was doubtless very dangerous, but not more so than epileptics frequently are. I do not know on what principle he

was committed to gaol, instead of being at once sent to an asylum. After thirty months' residence he died in a fit.

CASE XII.

An artizan's wife ; married below her position in life, and was exposed to much family discord and very straitened circumstances. Her friends and elder children observed that she was becoming strange ; and one evening, having been without food nearly the whole day, she induced her three younger children to go out with her for a walk, and threw them into the canal ; two were drowned. She remained in gaol for some time, but was not put on her trial, because she was too ill to plead to the indictment. On removal to the asylum she was in a very precarious state from bodily illness, had an idea that she was brought from a nobleman's house, and was quite unconscious of the destruction of her children. She soon recovered health of body, and appeared to be of sane mind, although her memory for recent occurrences was a blank ; at the ensuing assizes an attempt was made to put her on her trial, but as no notice had been given that such a step would be taken, she had been allowed to remain in ignorance of the death of her children, and of her own position. When this was communicated to her, in order that she might plead, it produced so much mental agony that the Court determined not to proceed with the case. At the end of six months she was again put on her trial, and acquitted because no evidence was offered. In the asylum she was industrious, and although unamiable, was harmless and quiet. Since her liberation she has been engaged in many quarrels with her neighbours, who have taunted her with her misfortunes, and she has even been obliged to seek the protection of the bench of magistrates on this account.

CASE XIII.

A butler in a gentleman's service; about eighteen years ago, saw his master drowned by the upsetting of a boat, became insane through the shock, and was placed in an asylum. He recovered and re-entered service; but for a year before his admission had been living at home with his wife, a laundress, causing much annoyance to females of all ranks in his neighbourhood by following them, and making overtures of marriage. Was committed to prison for two months, for an indecent exposure, and there found to be insane. He has delusions about marriage, and ladies of rank being in love with him, but is rational on other points, and is an industrious, quiet, and well-behaved man, and keeps the gardener's ward clean, and in good order.

CASE XIV.

For many years a notorious thief and bad character, a son in law of No. XVII., and connected with a gang of depredators, two of whom are said to have escaped punishment by malingering. Was indicted for fowl-stealing, and a previous conviction being proved against him, was sentenced to transportation for fourteen years. Two days after his trial, he all at once became apparently insane, and was noisy, dirty, and destructive to clothing. He was suspected of malingering, and detained in gaol three months, during a part of which time it was found necessary to keep him in a strait waistcoat. On admission into the asylum he was very feeble, had a heavy expression of face, answered no questions, but muttered constantly to himself; and in the opinion of the medical officers, appeared to be suffering from acute dementia. In three weeks' time he recovered bodily strength, and his mind became clear. He was put to work in the garden and stables; he also, with the assistance of another patient whom he superintended, pulled,

heckled, and dressed nearly an acre of flax. He was industrious and well-conducted. After remaining in a state of perfect sanity for eight months, he was returned to the gaol to undergo his sentence, and within an hour of his re-admission, he was talking incoherently, and behaving irrationally. From that time to the present, being one month, he has refused most of his food, walked to and fro in the cell muttering to himself, and refusing to answer questions, turning over his bed clothes, and sometimes beating at the door. He has a very stupid expression of face, heightened by inflammation of the eyes, which is caused by the lashes growing inwards. He sleeps soundly. The writer is of opinion that in this case insanity is simulated.

CASE XV.

An aged man, a carpenter; two months before his admission, he took some paling which did not belong to him, under the notion that he would build a house with it. For this he was sent to the House of Correction for one month. On his discharge he went into a field and pulled a handful of turnips, and was sent to gaol for another month in default of sureties for good behaviour. On return to gaol his insanity was more obvious than it was before, and he was sent to the asylum. He is quite harmless, very cheerful, talkative and amusing, is a great politician, and canvasses all the patients for votes as he wishes to be returned M. P. for South Devon.

Patients admitted under the ordinary forms.

CASE XVI.

A master mariner ; had been indicted for theft, and confined as a criminal lunatic in a licensed asylum ; had escaped therefrom, and had never been retaken. He described the manner of his escape as follows :—"That he slept with several other patients in the attic of a four-story building, and was always secured to his bedstead by a handcuff and chain. One night he broke the chain, and made his way through the ceiling of the room and through the roof of the house. He connected bed-clothing, and fastened the end of the rope thus formed to a chimney-stack : he then made one of the other patients descend the string to test its safety and to steady the lower end of it for him. By these means he got clear off, but his assistant was retaken." Some years after this feat he was brought to the Devon Asylum as an ordinary patient. He was an excitable, clever, talkative, boastful man, but had no delusion and was not combative. He was very thievish, but, unlike No. IX., used to steal things which were likely to be of use to him, and gave them up with reluctance. He escaped once from the asylum, but was retaken within twenty-four hours ; he afterwards used to go on boating excursions, and had many opportunities of escape but did not attempt to avail himself of them. The amount of insanity in this person always appeared to be slight ; and without injustice I think he might be considered as a lunatic of criminal disposition.

CASE XVII.

An aged man, who in early life had been a highwayman, and exercised his talents in the neighbourhood of the metropolis. When this profession was ruined he became a burglar, cattle stealer, and general marauder, and was a

party to some of the most daring and successful achievements in this line. He had seldom been in trouble, and even owned some cottages and land ; but a year and a half before his admission he was in gaol, and was then thought to be somewhat out of his mind. Since that time he had been kept by the woman he lived with and his son, in an outhouse, with scarcely any bedding or clothing, owing to which treatment his legs became contracted at the knees ; he was rescued by a magistrate, and sent here as being neglected and cruelly treated by his friends. When admitted he was labouring under maniacal excitement, from which however he gradually recovered. His language was blasphemous and obscene ; and, although he was cautious in speaking of particular criminal acts, he delighted, especially during his convalescence, in boastful reference to his mode of life. He assured me that, before his illness, he had absolutely reconnoitred this asylum for depredation, and he proved his assertion by referring to circumstances he had observed. He was discharged recovered, and was without doubt a lunatic of criminal disposition.

CASE XVIII.

A man suffering from epilepsy, and dementia consequent thereupon ; an insane pauper kept in a room belonging to the parish to which he was chargeable ; eighteen months ago the woman who attended to his wants, went into his room and was combing his head, an operation which he disapproved of, and resented by knocking her head against the wall, and causing her death. The jury at the inquest, returned a verdict that the woman came by her death from concussion of the brain, but, contrary to the wishes of the coroner, they would not find how it was caused. The man was therefore sent to the asylum as an insane pauper, under the ordinary certificates, and further inquiry was avoided. Since his admission he has been very quiet and harmless,

amusing himself with his fiddle, on which he is a good performer. His remarks are generally incoherent, but he sometimes speaks with clearness of the leading events of his past life.

CASE XIX.

A young woman, with ungovernable violence of temper; is both morose and passionate, has quick intellect, excellent memory, is entirely free from the ordinary forms of insanity, and is an active good servant. Has been discharged three times; in the intervals between discharge and readmission has been with parents, and in the union-house, and in service; has terrified all with whom she has been brought in contact by ungovernable outbursts of passion. Her temper improves in the asylum, under a firm and kind discipline.

CASE XX.

A young man, aged twenty, deaf and dumb from birth. Of this person I have received the following notes from my friend Dr. Scott, the Principal of the West of England Institution for the Deaf and Dumb.

"S. D. came under my care when he was nine years old. His disposition was violent and mischievous; he had great cunning, and manifested strong symptoms of an "itching palm." His violence, indeed, was so great, that he had little hesitation in striking any of his schoolfellows with the readiest weapon which offered itself, without the slightest feeling as to consequences; while on all occasions when he thought no eye was upon him he was engaged in petty acts of mischief or cruelty—such as destroying little things belonging to the other children. The relieving officer of the union from whence he came stated that he had been in the union-house, and so afraid were they of his doing harm to the other inmates that they were obliged to keep him in a separate room. Probably had S. D. not been deaf and

dumb his intellect would have been considered of an average kind, and his perceptions as acute as the generality of that class in society to which he belongs. Long after he had been at school he would tell with the greatest animation of the scenes of fighting and theft in which he had been engaged before he came to us, and even though he would close his narrative with an expression "that it was very bad," yet his animated gestures, and the keen sparkle of his eye, would sufficiently tell with what zest he recounted his past deeds in this respect. Various means were tried to improve him, both by kindness and the contrary, but, unhappily, they all failed, and at last he was obliged to be expelled. Feeling that if we, who had the means of communicating with him by gestual signs, were unable to reclaim him, others who were unacquainted with this means of utterance would be less likely to do so, induced me to retain him longer in the school than otherwise would have been done; but, alas, it was all unavailing, and though we taught him to know to some extent his duty as an accountable being, yet I fear that knowledge had but little influence on his actions, for his violent temper and mischievous habits remained equally as strong, I think, when he left as when he came after a residence of four years. Of his family I know but little. His father and brothers were railway navigators; and, from his statements, I should fear but too frequently engaged in scenes of a disreputable nature."

On the admission of this patient into the asylum two years and a half ago, the disposition, so well described by Dr. Scott, remained unaltered, and his pernicious temper had become more dangerous from increased age and strength. He can read and write tolerably, is not intelligent in the higher sense of the term, but is shrewd and observant. He is subject to no periods of greater excitement like insane persons, but is uniformly malevolent, cruel, and destructive. He generally chooses to annoy patients who are not likely to retaliate, and when he has an opportunity will thrust pins

into them, or throw them down without the slightest provocation; when angry he will attack the strongest men, and bite, kick, or strike with any weapon of offence in the most furious manner. He is very plausible, and by signs a great liar; he is also a very clever thief, and if any article of value, either in the shape of money or delicacies of food, is in the possession of patients in the same ward, he secures it with much ingenuity. If he had not been deaf and dumb, he would certainly have been considered liable to punishment: the curative treatment of the class of minds to which he belongs, either in school, asylum, or prison, appears to be yet an unsolved problem.

CASE XXI.

A sailor's prostitute, admitted with mania of about two years' standing; a handsome powerful woman of middle age, has been in the asylum five years, during the whole of which time her language and conduct have been obscene and filthy beyond description. It is impossible to conceive a lower depth of ingenious beastliness than that which is constantly exhibited in her discourse, and whenever she can get an opportunity in her actions: she is also violent, cunning and dangerous; and on one occasion, being infuriated because she was not recommended for discharge, and having obtained possession of a case knife, she came behind the writer and attempted to stab him; fortunately her arm was arrested. Persuasion, occupation, and indulgence, have been tried upon her, in the fullest and most patient manner, but without the slightest success, and it is probable that harsh treatment would not be much more effectual. It appears that the ideas and feelings of a depraved life have become fixed in her mind by chronic insanity, and will remain there to the end. There is however no ward, and no class in this asylum, where her companionship is not offensive, and her example mischievous.

The writer confidently refers to the above cases, as proof that the most criminally disposed patients to be found in asylums, are not the so-called criminal lunatics ; and that the majority of the latter are as tractable and harmless as the average of insane persons, to whom the stigma of crime has never been attached. He adds one case more as an interesting example of a criminal propensity depending on disease of the brain, acknowledged by the patient to be wrong and wicked, and successfully resisted by a resolute effort of will.

CASE XXII.

An agricultural labourer of steady and industrious habits ; has thought, talked and read much on religious subjects ; two years before his admission he left the Church of England and joined the Independents ; twelve months after that he became restless, gloomy, and reserved, irregular at his labours, and distressed about his soul. He was fully conscious of his state, and had great hopes of being cured in the asylum. He had shown no disposition to suicide or violence, but had the constant feeling that he must destroy some one. None of his relations had been insane.

On admission he was twenty-six years of age, a fine powerful man, six feet high, with more than the average intelligence of his class. He was aware that his mind was affected, and said that his head was filled with vain and evil thoughts, and that the more he strove to get near the Scriptures the further he was from them ; he felt a strong desire to commit murder, which he struggled against and thought a temptation from the devil. His head was hot, and he had some pain in it, but was otherwise in good health. In the course of a month he improved greatly, but relapsed after a visit from his friends ; he however again improved, lost all his bad thoughts, and for some weeks laboured at spade-husbandry. Whilst thus engaged he one day came to the writer and begged to be taken from the garden and placed

in a safe ward, as he had experienced the strongest desire to kill some of the patients with his spade. His request was complied with, and from this time he never again lost the homicidal feeling. To avoid the murderous assault to which he felt himself impelled he often requested to be locked in his bed-room, and still more frequently tied his own hands together with a piece of packthread, which he could have snapped with the greatest facility, but which he said enabled him to resist the temptation; he was sad and morose, but never displayed the slightest violence. Six months after his admission he was attacked with pneumonia, first of one lung and then of the other. Partial softening took place followed by hæmorrhage, of which he died. On examining the head, the membranes of the brain and the brain itself bore evident traces of chronic inflammatory action and of disordered nutrition.

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