

A letter to the Right Honourable the Earl of Shaftesbury etc. etc. etc. on the laws which regulate private lunatic asylums : with a comparative view of the process 'de lunatico inquirendo' in England and the law of 'interdiction' in France : to which are added a few observations on the causes of insanity and improvement in its treatment during the last twenty-five years / by Edward J. Seymour.

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A LETTER

TO THE RIGHT HONOURABLE

THE EARL OF SHAFTESBURY

ETC. ETC. ETC.

ON THE LAWS WHICH REGULATE

PRIVATE LUNATIC ASYLUMS.

WITH A COMPARATIVE VIEW OF THE PROCESS

“DE LUNATICO INQUIRENDO” IN ENGLAND

AND THE LAW OF

“INTERDICTION” IN FRANCE.

TO WHICH ARE ADDED A FEW OBSERVATIONS ON THE

CAUSES OF INSANITY AND IMPROVEMENT IN ITS TREATMENT

DURING THE LAST TWENTY-FIVE YEARS.

BY

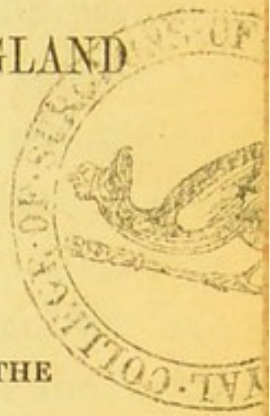
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LONDON

LONGMAN, BROWN, GREEN, LONGMANS, & ROBERTS.

1859



A LETTER

TO THE RIGHT HONOURABLE

THE EARL OF MANSFIELD

ESQ.

ON THE CASE OF THE

POSTAGE OFFICE

IN THE YEAR 1763

BY JOHN HENRY

ESQ.

OF THE BARR

AT THE BARR

IN THE YEAR 1763

BY JOHN HENRY

ESQ.

LONDON
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P R E F A C E.

IT would indeed be an example of presumption if the author were to offer suggestions on the difficult subject of the laws in reference to lunacy, without having had more than ordinary opportunities both for observation and thought on the subject. Eight years one of the Metropolitan Commissioners in Lunacy, obliged to resign because its duties were too heavy, when joined with the daily service of a great hospital, combined with a fair share of private practice, the author has, during the twenty years which have elapsed since that resignation, had as much experience of the medical treatment of this disease as any physician has had, who has not made it his sole and exclusive study. Without interest in any asylum, unconnected with any licensed house, the results of observation on their management are free from any personal feeling, while few can have been enabled to take a more extensive view over the whole subject, medical, moral, and medico-legal. The author has endeavoured to compress his most important observations within as small a compass as possible.

PREFACE

It would indeed be an example of presumptuousness if I
attempted to offer suggestions on the subject of
the law in relation to injury, without having
more than ordinary opportunities both for observation
and thought on the subject. Light years ago I
thoroughly comprehended in Europe, although
to-day because the duties were too heavy, when I
with the daily service of a great hospital, combined
with a fair share of private practice, the latter for
during the twenty years which have elapsed since the
treatment, had no such experience of the
treatment of the disease as my physician has had, and
has not made it his subject and exclusive study. It
is not in any system, unaccompanied with any
basis, the results of observation on their own
the law, though my personal feelings, while I was
and enabled to take a more extensive view of
which subject, medical, legal, and political. It
endeavour to contribute to complete the best
opportunities within my reach.

TO THE RIGHT HONOURABLE

THE EARL OF SHAFTESBURY.

MY LORD,

IN addressing the following observations to your Lordship, I well know you will receive them with that kindness which distinguishes your conduct when anything is written intended to benefit mankind in reference to the many calamities which affect them.

No one has dedicated his time, labour, and energy as your Lordship has done in favour of the unhappy persons whose welfare, recovery, or treatment is the object of the following observations.

The subject of the laws relating to lunatics, the seclusion which is often necessary, or the rules which regulate the proofs of the malady under which they labour, are known to very few, and by that few scarcely understood. It is, then, the principal object of the following pages to explain the laws, compare them with those of a neighbouring kingdom, and suggest considerations to amend the difficulties under which

the laws avowedly labour. I do not propose to speak of pauper lunatics. Splendid asylums have been erected in many counties, and others are in progress, and these establishments are overlooked with great zeal and regularity by the visiting justices.

My remarks apply to private asylums, and the mode of finding patients "of unsound mind, and incapable of managing their own affairs," according to the laws of France and England.

Should the views which I entertain differ in any way from your Lordship's, I know I shall experience the indulgence which your Lordship extends to all.

First, I may be permitted to remark, that greater obstacles exist in the amelioration of the unhappy state of lunatics than in any other class of afflicted beings, and they arise from the prejudices and feelings of society. That which is the heaviest of the Almighty's dispensations, — which involves in its course every conceivable calamity, loss of character, loss of friends, banishment from society, deprivation of fortune, to say nothing of physical pain, and even unreal torture, — is treated by modern society more as a crime than an affliction. Like the lepers of old, all intimate union is a disgrace. I would not dwell on this horrid picture, were I not sure that this feeling in society strikes at the very foundation of great improvement. How unnecessary it is for me to point out to your Lordship how the wisest shrink from acknowledging that insanity exists in any members of a family; how they will excuse it, find reasons for it—"Oh, it was an accident. He or she never recovered from a fall." "Oh, he was a painter, and Sir F. this, or Sir John that, always assured us it was from the fumes of lead," &c. &c.

How often has an unhappy young man, who had over read or over drank himself at the university, been sent to a house of confinement a considerable distance from home, that the report of his insanity might not injure his sister's or his brother's marriage in hope or in expectation. How often have two young people, happy in each other, and with all the external signs of opulence and comfort, been half brokenhearted, when at the last moment affectionate and prudent friends have discovered this misfortune in a near connection, and resolutely resolved not to admit of the revival of sorrow they had too dearly witnessed.

I will not dwell farther on this point of the case than to say that, in my own experience, there is no asseveration too strong, no trick too great to hide, even from the medical adviser, that others in the family beside the patient have experienced this calamity.

But that such is the paramount feeling of mankind, whether in the poor or rich, is certain, and it must be borne prominently in mind while discussing the measures necessary to the comfort, or the fortune, or the security of the patients.

In some very able articles in the papers which appeared in the summer, this feeling was nearly overlooked. It was argued a man permits, or is obliged to allow, the investigation of his affairs, the inquiry into his title to property, all which is of the greatest worldly importance; and he ought not to shrink from the most open inquiry of the affliction of his friends.

I do not know what ought to be, but I am quite sure the time is very far distant when it will be, that the deep-rooted feeling among poor and rich should disappear; that insanity existing in a man's family, even

remotely, is not an obstacle to the settlement of his children, and in some sort his disgrace.

Hear the commentary of one of the most worldly men of his day, when the brothers of Laurence Earl Ferrers pleaded insanity as an excuse for the brutal murder committed on his steward:—

“At length he pleaded madness unwillingly, but in compliance with the entreaties of his family. The audience was touched at the appearance of his two brothers reduced to depose to the lunacy in their blood.”*

In every stage then of the inquiry as to the measures necessary or useful for the insane, this feeling which pervades all society (I have witnessed it even in the lowest) lies at the threshold of the whole question: the knot can neither be untied nor cut, and no measure will be of real advantage which does not mingle secrecy with supervision.

Even now the very supervision which makes the condition of the lunatic more comfortable, and which tends especially to a cure in the many well-regulated private asylums in this country, in many respects diminishes their utility. Relatives will not permit those they love to be placed where there are official visitors, who are bound to know the circumstances attending the malady, and necessarily the persons who surrounded them. In my own knowledge persons have been delayed in their recovery because their friends were unwilling to place them where any eye could witness what they felt to be an injury to themselves; obliged at last to do so, because unable to maintain one

* Horace Walpole's "Reign of George II."

so unfortunate at home, the disease became established when it might have been cut short. Nay, careful as the present laws are to spare the feelings of friends, it is within my own knowledge that persons of unsound mind have been sent abroad to avoid the limited inspection which the law allows.

When the Acts of Parliament to regulate licensed houses were passed in 1830, they were placed under the inspection of a Commission, consisting of five physicians and two barristers, who were paid a guinea an hour, while they were actually employed in visiting houses, and investigating cases arising out of such visitation. To these professional advisers, with a barrister for secretary, a number of noblemen and gentlemen were added by their own wish, some of whom are still living, and still as anxious on the subject as they were on the first day of their appointment. Among those deceased, the late Lord G. Somerset, the late G. Byng, M.P. for Middlesex; among the living, the Earl of Shaftesbury, R. Gordon, W. Clive, Colonel Sykes, subsequently the present Duke of Somerset, and many others, constituted a commission. They were empowered to visit every house within London and ten miles four times in every year, and as much oftener as might to them seem necessary. Two physicians, a barrister, and one of the gentlemen before-mentioned, visited each house without notice, and at irregular periods. In the very large houses, such as Hoxton and Bethnal Green, the number of the Commissioners was doubled. The practice was to visit every part of the dwelling-houses and offices; to see every patient, and compare him with the entry, so as to be sure of the identity; to examine the certificates in reference to the regularity of the signature,

and the facts averred in the body of the certificate; and to see separately every one of the alleged lunatics alone when any one of them desired to be heard. All those who were apparently less ill than the others, or where the signs of disease were less obvious, were invited to see the Commissioners. "Have you anything to say to the Commissioners?" was a question always asked as each room was inspected. If answered in the affirmative, the Commissioners examined them alone; complaints were taken down, and the whole strictly inquired into afterwards; witnesses sent for, and summoned under the Act, and if necessary put on their oath. It is only fair to those who were at the head of these institutions to add, that irregularity was rarely discovered, and I do not remember a single act of cruelty brought to light in eight years.

In some instances, however, it appeared to the Commissioners that the patients ought to have a trial, the malady having greatly diminished; and undoubtedly such recommendations were attended often, though too seldom, alas! with great benefit. By too seldom I mean, that some were found in a few months in other licensed houses.

When, after several visits at sufficient intervals, the Commissioners felt satisfied the patient should be released, they sent for the friends, informed them of their opinion, and counselled them to remove the patient; if this complaint was not complied with, they exercised their authority to dismiss the patient. By this method two kinds of good were effected: the patients, often wholly dependent on their friends, found a home ready for them.

Secondly, those causes of acrimony were obviated

which arose from the patients erroneously thinking they had obtained a victory over persecution, and thus increasing painful family discussion.

Your Lordship is well acquainted with this detail, but a vast number of persons are not; and it is here mentioned to dispel some of the many prejudices which exist as to the treatment of lunatics in private houses. It must be remembered, that however great was the mental malady of the patient when first confined, the great majority, when better, often maintain they were never ill, and ought never to have been treated as such, though they were dangerous and often raving lunatics, or possessed with ideas of conspiracies and plots against them without the smallest foundation.

Another feature of this dreadful malady, which renders it so difficult to decide, is the early failure of truthfulness. It is inconceivable to what an extent a lunatic will invent against an attendant, for instance, to whom they have taken a dislike, or a friend or relation formerly loved. Again and again have hours been spent in investigating the truth of such accusations; for, I repeat, the Commissioners invited all who thought they had cause, to complain, and never failed to probe the whole case.

But it may be asked, how could they do this? By circumstances of time or place, and the evidence of others; for, though often deceitful as regards themselves, there are good witnesses among the surrounding patients. For instance, in one case an alibi was established. The nurse in question was not in the house, or in a different part of it, at the time the imputed conduct took place; or, in asking persons in every stage of recovery in the same room we heard words like these: "Oh, sir! you know

not how provoking she is ; how aggravating : and yet the nurse bears it all, and is always kind, and never loses her temper." Mind, the inquiry is not made in the presence of the nurse.

Instances have occurred, in my own knowledge, where the patient has called the physician's attention to broken furniture, or even bruises on the person, done by the unhappy patient, in order to accuse the nurse. Nevertheless, the nurse has been removed, and the same tactics resumed with regard to the new nurse. I do not wish to multiply instances of the melancholy effects of deprivation of reason ; no wonder mankind shrink from admitting its existence. I mentioned it to show what infinite care is required to examine into every thing connected with a patient so unhappily situated. These observations apply to the proceedings which took place under the Metropolitan Commission of Lunacy, first appointed by the Home Secretary, and subsequently by the Lord Chancellor.

A new arrangement took place in the year 1853 ; a commission issued consisting of six persons, three medical men and three lawyers, who relinquished all other professional emoluments, with five lay gentlemen, who act gratuitously. To them were committed the overlooking of all the houses and asylums in all England and Wales for the reception of lunatics, with a salary of £1,500 a year, and an allowance for travelling expenses. That is to say, all the private asylums and public hospitals for lunatics in London, and within seven miles "in circuitu." These must be visited, at the least, four times in every year. The asylums in the country must be visited, at the least, once in every year by the Commissioners ; and, in the interval, the visiting justices

appoint a physician or surgeon to visit four times in the year. Now, there are, in my opinion, great faults in this measure. None of those noblemen and gentlemen visit, or only on very rare occasions, who were of such immense importance in the former plan.

Some of them, I believe, still join the Board, but they cannot from the nature of things visit in the country. The Commissioners are also too few; one or more at less expense should be joined with the two who visit under the Act, and who reside in or near the important towns: Liverpool, Manchester, Birmingham, Exeter, Bristol, and the like.

Would the very disagreeable disclosures of Acomb-hill have been undiscovered with Commissioners more numerous, with more time, and more open to the knowledge of local occurrences?

I would with great humility call the attention of the committee just appointed, to an amendment in this law.

There are fewer Commissioners now for *all England and Wales* than there were to visit and inspect the houses in London and the environs under the old bill.

I would suggest for consideration that a physician or surgeon having been in actual practice during ten years, in the great towns where there are lunatic asylums — such as Bristol, Northampton, Birmingham, Manchester, Leeds, &c., should be joined with Commissioners from London when they visit, thus aiding them with their local knowledge. They might be paid at the rate of one pound an hour while so engaged, as was the case with the metropolitan physicians under the old Act.

It might be well to consider whether to these might not be joined the clergyman of the parish, provided he has had a cure of souls for ten years.

Patients will open their minds to a clergyman while they are frightened at others, and would think an interest was taken in them. A clergyman likewise being a commissioner would also have great influence over those whose malady owed its origin to drinking.

The duty of visitation cannot be done by three medical men and three lawyers over England and Wales, to which are now joined visitation of the great hospitals for lunatics; and in order to obtain the best men at the best period of life, when the body is active, and the mental faculties acute, there should be a limitation of age and a retiring provision, such as is allowed to other civil officers.

I now proceed to speak of the laws which determine the separation of a lunatic from the rest of the world, and I wish to compare them with the laws which operate for the same purpose in France,—laws enacted with great caution, and after due consideration by a number of persons, who had risen at the French bar, and most of whom had occupied high judicial offices; and this with a view of adjusting the heavy and most unsatisfactory machinery, ruinous to the patient, and obliging disclosures most painful to friends and injurious to public morals: I mean our process *de lunatico inquirendo*.

In the first instance, a patient cannot be confined in any house except his own house, without having been examined by two regularly *now registered practitioners* separately, and, it is added, not relatives of the party, nor in partnership with each other.

The certificate sets forth what the examining doctor knows of himself of the condition of the patient, and also what he has heard from those who surround or who have attended on him.

If the patient is to be placed in lodgings, where there is no other person similarly afflicted, this certificate is to be enclosed to the Commissioners marked "Private return;" and one of the Commissioners, who has taken an oath of secrecy, calls to verify the facts.

One would think this precaution would satisfy friends, but such is the nervous alarm and anxiety against any one knowing the fact, or uttering the dreaded word insanity, that it is constantly evaded. I have known a father at a large expense, take a house for the lunatic, and send a part of his family to reside in it, rather than submit to this (as they consider it) publicity. Indeed, the difficulties on this point are very great. A young lady has had some disappointment or some illness which has deranged female health; certainly it is not reasonable that she should be sent to a lunatic asylum, her name entered in a register, when time and judicious treatment will shortly include her malady in the large class of nervous irritabilities from which she has recovered. It must be borne in mind that the evil report acts on all belonging to her as well as to herself, and her future hopes in life.

Another case is one which is, alas! too frequent: we shall have to return to it: drunken madness, in which, without being actually drunk, the patient indulges in solitary potations, until his mind becomes filled with suspicions, unnatural hatred, and filthy ideas. Kept carefully from the winepot, all these disappear; he recognises his errors, his delusions, and even former faults; and so long as he abstains from indulgence in former habits, he is well.

It has been my lot to see many of these cases, and they often recover within the month from a first attack.

Now the restraint necessary to prevent their indulgence may be applied in their own house or in the house of a friend, or near relative, and the fears and alarms which fill the mind of all connected with them on the subject of insanity is avoided. If it is really necessary to remove them from their families, it being the *first* attack, they should never be left to the mercies of attendants alone, however highly this may be recommended, however they may have claims on confidence. Some relation should reside in the house, or some friend, the knowledge of whose presence will control the attendants.

Let any man ask himself how often he has been deceived in domestics whom he has trusted; and how can he be sure of the conduct of those who must be in some sort strangers to him?

It is remarkable how, on this subject, what some consider a prejudice operates even on the judicial mind; and if this be so, is it not an additional reason in legislating for lunatics for taking it always into consideration?

A gentleman of considerable fortune was found lunatic by inquisition. Some of his friends were anxious to place him in an asylum. The Chancellor, Lord Eldon, said, "This gentleman's fortune is too large to admit of his being removed from home; he has a right to all the comforts his condition will admit of; let him have proper persons to attend on him, under the choice of the *custos personæ*;" and I have been informed that this was the invariable practice of that learned judge, who moreover always examined the patient himself. It must, however, be admitted that since this time licensed asylums are greatly improved, and in a great many every means provided for the comfort and amusement (where he is capable

of amusement) of the patient, which could not be obtained in a private house.

It is quite impossible that the greater number of lunatics can be treated at home, where there are large families; and from professional houses or houses of business, it is quite obvious the patient must be removed. In every class of life it happens that cases occur in which the morbid feeling of the patient accuses those who were formerly the objects of his devoted love, of conspiracy, poison, and the like, and the constant presence of such persons only further excites the perverted sense of the lunatic, and obliges his removal.

In instances of a higher class, the patient demands impossibilities of those around him, calling on them, by every kind of duty, and every feeling of gratitude, to assist him; and when such interference is gently put aside, the anger and violence of the unhappy man is made ten times more severe.

It is, then, certain that a large number of persons so afflicted must be placed in a licensed asylum, and the great object of the legislature has been,—1st, that no person should be improperly confined; this is done by the certificates subsequently inspected and examined, and compared with the existing condition of the patient by the Commissioners. 2ndly, that no person shall be ill-treated or punished at all, nor even restrained, except in an extreme case, the necessity for which is represented to the Commissioners.

The expense of a private dwelling, medical attendance, and personal attendance, beyond a very short period, is so very great, that only a very few families can afford it; and at length they are obliged to have recourse to a licensed house.

In every view, then, of fortune, convenience, or necessity, the great majority of persons of moderate fortune thus afflicted must have recourse to a licensed house: the great object then, surely, is to make the licensed houses, the necessary retreat of the larger number of the afflicted, as perfect as possible.

Still the feeling fostered by novel writers (who never, by the way, as far as I know, *really* depict a lunatic case)* the feeling for absolute secrecy which pervades society, the idea that where there is secrecy there is the opportunity for injustice,—all these operate on the public mind to decry similar institutions. This is most unfortunate. Instead of giving confidence to those who undertake the ungrateful duty of passing a large portion of their lives with these examples of suffering humanity, every one falls on them; instead of sustaining and encouraging their efforts to improve the houses under their care, and to induce them to make further exertions, they are regarded with jealousy; every attack made on them by a violent patient or discontented friends (discontented often on the subject of money) is hailed as a case of misconduct, and until fairly shown to be untrue, and even after it has been so proved, they continue to be attacked by the public, exasperated in the newspapers by mendacious representations of similar treatment.

Surely, in such cases, it is better to encourage those who, under a most stringent police, still endeavour day after day, sinking large sums of money, in order to bring these asylums more and more near to the just wants of the public, when in fact, many of these endeavours are thrown away as regards the comfort of parties concerned.

* The Ophelia of Shakespeare is a single exception.

Fifty years ago the subject of insanity was a sealed book. The unwearied labour of Dr. Winslow to keep the subject and the analysis of mental psychology before the public, the choice of such a subject for the Croonian Lectures by Dr. Sutherland, the treatise by Dr. H. Monro, the practical remarks of Dr. Conolly on the moral treatment of lunatics, the still higher treatises on Psychology by Sir H. Holland and Sir B. Brodie,—all prove the strides made on this subject within a comparatively short period.

Nor have the comforts of those only partially deprived of reason been less considered. In some asylums, amusements out of doors are provided for the robust; for the weak, amusements of different descriptions, drawing, music, and for some, little parties are formed, among whom some of the wisest and wittiest of the age have not disdained to join. This is no fancy picture, it is literally true, although, alas! too many are excluded, from their absolute deficiency of mind, or overwhelming imaginary fears or sorrow, to permit their mixing with them.

Still such endeavours should be encouraged, and not met by constant doubt, and almost a cry of exultation, when some misconduct, in a remote or obscure district, is brought to light. I must not be mistaken; I think the law as it exists, is amply sufficient to maintain strict discipline, if the extended domain of the Commissioners were provided with more inspectors; and it might be as well that those who maintain these houses should occasionally receive public praise, when they are constantly incurring the risk of unjust blame.

There is a general impression that lunatic asylums are very profitable. Convinced as I am that this is not the case, or if it is, in a very few cases, where great out-

lay has taken place, and consequently only accessible to very rich people, I cannot pass over what I believe to be a very great mistake.

In one or two instances, there has been an idea, that speculating in such houses would be a very favourable investment. I am strongly inclined to believe that such modes of obtaining money have without exception been most unfortunate, and carried on at a great loss.

But while I cannot but speak of the great improvements made in houses for the reception of the insane under the inspection of the Commissioners, there are two or three rules which require strengthening.

In the committee of the House of Commons which sat in 1814–15 to inquire into the regulations and laws affecting lunatics, Sir H. Hallford was examined: it is well known he was one of the few general physicians in great practice who had been extensively consulted in cases of lunacy. He also was a visiting physician, when the choice was restricted to the College of Physicians.

He was asked what, in his opinion, would best conduce to the well-being of lunatics in confinement; his answer was, “to oblige their friends to visit them.” From long experience, I am satisfied he was right; not only from no relation who wishes to visit, should permission be withheld, without full reasons being entered in the book kept for the Commissioners, but every means should be used to induce them to visit.* At first the

* A recent case which came before the public will be a good example of the evil of excluding friends. A gentleman of irregular habits, and addicted to indulgence in wine, being alone in the country, occupied himself largely in drinking. By degrees his mind became obscured with insane ideas of the infidelity of his wife; and when she found every word, and even action, became polluted by this morbid idea,

minds of relations, especially female ones, are warmly alive to this heavy visitation; after a short time the malady continuing, they relax in their attentions; some remove to a distance, some die, and at length any visits to the patients, in which complaints may be made, right or wrong, disappear. I knew of an old French gentleman who recovered after seventy years of age, and it was with the greatest difficulty any one could be found who knew any thing about him. He was released and returned to France.

Another case was of a lady who without any doubt had been insane, but the person who authorised her detention was dead. The near relative and executor died; she had some fortune by accumulation, but could not have the benefit of it, and was maintained by the

she placed him in a lunatic asylum of the best kind without conferring with his sisters, his brother, or his mother.

When the brother-in-law, alarmed at the imputation of insanity in his family, went to see him, he was met by an order from the lady not to permit him to see any one, nor correspond, except through her. He was shown the patient from a bed-room window.

At length strong measures being taken, an investigation proved that his insane ideas had their origin in drink. Witnesses were found in every stage of the illness who had seen him drunk; and these circumstances, and time, contributed greatly to establish a frame of mind which enabled a jury to pronounce him of sane mind. But the expense was great, and might have been saved, but for the strong pressure exercised in the first instance to prevent his friends' visits.

The answer to this is, that the nature of the imputations made the lady anxious to restrain as much as possible the publicity, that she was not on good terms with her husband's family, that she believed they would hamper her in what she thought was for her husband's good, &c.; but the result was great annoyance to the patient, real obstacle to his friends inquiring into his case, and an expensive trial, ending in an alienation which might have been avoided.

charity of the gentleman who owned the asylum. She recovered sufficiently to conduct herself decently, obtained her money by the care of the Commissioners, and survived a few years her emancipation.

Still the visitation of friends would undoubtedly have obtained for her that support to which she had a right, and a far larger share, if not of the necessaries, at least of the comforts, of life.

But it is the moral influence of the visitation of friends on which I lay the greatest stress; it is true patients complain, and often untruly and unnecessarily; but still the certainty that one ear is open to their complaints is a tie on others,—on nurses and servants, on the impatience of some and the routine of others.

But there is a greater moral in reversing the picture, whether the attack be from temporary causes or not. If the person placing a patient in a lunatic asylum gives orders he or she is to see no one, not even near relations, and only communicate with or write to the person who has given the order, a gate for gross abuse is opened.

I repeat, no one of the family or very intimate friends ought to be excluded, except with the permission of the Commissioners, the reasons being laid before them in writing.

The converse prevents every possibility of a case being investigated early, as it ought to be in every individual instance. I am quite aware there are most painful cases, cases in which the language in both sexes is inconceivable, where ladies could not see the patient; others in which the hatred towards individuals makes the sight of such persons the cause of a sudden and disastrous outbreak. But none of these cases are so frequent as to form a general rule, and they vary

greatly, so that an inhibition to visit them soon becomes wholly unnecessary.

I feel strongly the abuse of this caution, and am certain that every means should be cherished to make the friends and relations of lunatics visit them often. There are inconveniences in all general rules, but this abuse is the exception, while the good, the great good, remains. It may be said such visits tend to violate that secrecy which I have observed is so dear to all related to a lunatic. Be assured it is not from friends or relations, especially the latter, that such secrecy will be put in peril.

The next great and necessary care to be exercised for the comfort of the insane is the choice of attendants, especially male attendants, whether it be the extent of the prevalent vice of this country, addiction to spirits, or the isolated condition in which attendants find themselves, watching often without relief a patient sunk in despair, which he exchanges only for sudden bursts of violence, I cannot determine, but certain I am that a very large proportion of the attendants are addicted to drinking. Again and again it has occurred to me to find both male and female attendants sent in a hurry to attend persons of the first condition suddenly attacked, given to drinking, without the vice having been suspected at the house from whence they came; some of these attendants likewise are coarse men, who take up the employment because wages are high, and very unfit to associate with persons who have lived in refined society, and who have glimpses at least of reason. It is clear, well educated men and women can with great difficulty be found for such an office; but there is a wide distinction between this and the mild, patient

demeanour which is required for these difficult duties. I feel quite certain that by far the most difficult task of those who devote themselves to the cure and comfort of their afflicted patients, is the selection of these domestic assistants; nay, an inquiry on the part of the Commissioners in their visits as to the character and length of service of these persons, would, trivial as it may appear, greatly conduce to strengthen the hands of those whose responsibility is so great. I cannot lay too much stress on this part of my subject.

There is another reason why the owner of the establishment, if he take sufficient care, may provide attendants of a better character. Their ordinary remuneration is much above that of domestic servants, and they often are sent for in cases of great emergency to watch those who have been suddenly affected in the highest class of life. The rewards for such attendance are generally very large.

It must be quite obvious that with the best intentions, allowing that the head of one of these establishments sees each inmate regularly once daily, and oftener in case of necessity; that the Commissioners make a very long visit at irregular intervals four times in every year, and oftener if any doubt arise either as to the improvement in health or of the manner in which the patient is treated; allowing for all this care, still the comfort of the patients will mainly depend on the uniform kindness and imperturbable temper of the attendants. I have before remarked how terribly they are sometimes tried; any peculiarity of speech or manner is immediately fixed on, as a means of provocation or abuse. For instance, I remember an excellent nurse, who had borne with much violence from the unhappy lunatic, until the latter

discovered she was a Catholic. Abuse of the Catholics, of the Virgin Mary, of miraculous pictures, became the staple of the daily conversation.

The choice of these attendants must rest on him to whom the house belongs, and certain he may be that his progress in the cure of his patients, and in the confidence of their friends, will be in exact proportion to the minute care he exercises in the choice of attendants.

If among the female nurses there are persons who work well at fancy work, or worsted work, or trifling work, netting or knitting, and can induce the patients to do the same, a great step to their quiet will be obtained, and something towards their recovery.

The great objection to persons being confined alone in a cottage, arises from this consideration of attendants: a violent or malicious, or destructive patient left alone all day and all night with two attendants, too often presents the opportunity for restraint or punishment. This cannot happen without its being known in a licensed house.

I have endeavoured now, my Lord, to lay before your Lordship the result of my observation of the licensed houses in and near the metropolis. That they are well kept, well furnished, well attended, and carefully watched, there can be no doubt; and it is most assuredly of the highest importance for the public to know that this is the case, and that those who superintend them should be encouraged to persevere; and not, when any difficulty occur not arising from the management of the house, but occasioned by the hasty passion or imprudence of friends, to pour down a torrent of abuse, suspicion, and violence upon all and every institution,

simply because the world demands secrecy, will have secrecy, and secrecy implies, in the mind of the generality of mankind, ill-defined ill-treatment or cruelty. After each visit of the Commissioners the state of each house is entered in a book, without favour of any kind. Surely, to those houses which for many years have elicited the approbation of the superintending power, some meed of praise for their exertions and the good opinion of the public should be allotted for their pains.

But these observations have been confined to asylums for the opulent, with furniture such as noblemen and gentlemen are accustomed to, with games to divert those who are capable of enjoying them, and society sought for those who can mix with it.

I now come to a subject, however, which your Lordship broached at the great meeting for social improvement at Leeds — Licensed Institutions, to be governed, as now, by the inspection of the Commissioners, adapted not to the rich, the noble, and the opulent, but to the middle class of professional men, of tradespeople, governesses, &c. &c. I will take an example to which your Lordship so well alluded, and which it has been my fate too often to witness: — A young man has been sent to the university, at great expense and privation to his friends, to fit him for Holy Orders. Over-reading, or over-indulgence in drinking and smoking, have deranged his mind. Both examples are not very infrequent. He cannot remain at home; there is a family of young children, or grown-up sisters, and no accommodation. There is no possibility, without the assistance of rich relations, to place him in a lunatic asylum. The family cannot afford a fourth of the expense. The same applies to governesses, to artists of every description, who either earn a small but independent subsistence by

their drawings or by instructing young persons in singing or music. Such persons form a very large class of the middle and industrial order, especially in towns. They cannot be admitted into the splendid county asylums, erected by taxing the rate-payers, for these are destined for lunatics wholly destitute; and even if it were otherwise, there would be no small cruelty in mixing together persons of such different grades, and accustomed to such different treatment when in health.

The great hospitals, indeed, of St. Luke's and Bethlehem, will admit some of these cases for one year, at the expiration of which time, if still ill, they return to their friends. It may be remarked also that the rules and regulations about admission to these hospitals, are, or were, so stringent* that it required a great amount of

* Surely the Governors of these Institutions might consider, or the Commissioners might press on them to consider, whether some of these restrictions might not be cancelled, and greater facilities given for admission. To obtain admission to the great hospitals for general disease in the metropolis, a governor's or subscriber's letter is necessary, the state of the case, its nature and its urgency, are certified by the physician or surgeon of the week, and the patient is admitted mainly on that report. In one institution to which I had the honour to be attached even a governor's letter was dispensed with. In the Seaman's Hospital on the river, all sick persons of the naval service, royal or mercantile, are received and treated without any other plea than their being sick and in the sea-service. Whether white or black,—from Asia, or Europe, or America,—the patient, a sick sailor, is brought alongside, and admitted; nor has any inconvenience arisen from this mode of admission during many years. Surely then some relaxation might be permitted, some simplification in the rules, in the hospitals of Bethlehem and St. Luke's. More accomplished and sedulous physicians are not to be found than those attending to these institutions; surely much might be left to their judgment in admission, and these rules would no longer appear as formed rather to exclude than to admit the patients requiring relief.

resolution to encounter them. There must be an affidavit before a magistrate; the sureties must also be found. Unless the parties have some knowledge of the medical officers or governors, the endeavours to fulfil all the conditions exacted previous to admission, are as formidable as standing for the county, or canvassing to be a member of the Athenæum.* At the same time let praise be awarded to the governors of St. Luke's: they have seen the great difficulties so eloquently described by your Lordship at Leeds, and have come forward to relieve it in some degree, by offering to receive patients of the most interesting of all classes, upon a small payment in aid of the expense — a guinea a week.

Nor have the proprietors of the large lunatic asylums been altogether unconscious of such claims. To their credit be it said, that in many instances I have known them receive clergymen, governesses, females who have known better days, at a merely nominal remuneration. It is obvious such charitable acts cannot include many; and such offers are often refused by fathers, mothers, and sisters, who cannot bear to endure what they consider as charity, in the greatest calamity that afflicts human nature. In fact, then, there is splendid accommodation for the opulent, guarded by almost every care that can be devised to prevent ill treatment, and accompanied by great skill and experience in the treatment of disease: there are large and splendid county asylums for pauper lunatics, with means of employment such as they have been accustomed to, with games and sports for those able to contend in them, and the whole overlooked by visiting justices, most assiduous in their visits, and sometimes perhaps almost too minute in their inspection.

* See Appendix.

But for the poor and educated there is scarcely any retreat. I can scarcely consider the few who are received in the private asylums at a few shillings a week as exceptions. Men who have devoted their whole lives to science or art, who in health are eminently irritable, feeling deeply any slight, and in some of whom their very calling tends to enthusiasm, are reduced to exist on the smallest possible means, extracted from suffering friends, and be under every disadvantage as to cure.

A subscription, to provide an asylum for such persons would indeed be a very great charity. The asylum would need the greatest observation on the part of the Commissioners, who should appoint all the officers; and every person who leaves the asylum cured should be invited to contribute according to his means to the future recovery of others. I make no doubt if such a plan were initiated by your Lordship's well known influence, and supported by your eloquence,—above all, based as it would be, on the well known truthfulness which distinguishes your Lordship among so many,—the noble and the opulent would come forward to provide means for succouring the educated pauper, the musician, as well as the clergyman; the governess worn down by the toils of instruction; the merchant who has been unfortunate; nay, the barrister, the physician, and surgeon who have failed to attain the goal of prosperity, and are mourning over the calamities of sons or daughters, for the relief of whose afflictions they cannot provide; nay, I cannot doubt, that when convinced of the *bonâ fide* intention to find relief for persons with scarcely enough from pensions to exist;—the governors of the many institutions for the relief of worldly distress, mercantile, professional and clerical, would con-

tribute some small annual payments to sustain such an institution.

It has been proposed by some to assimilate such an institution to the Maisons de Santé in France, private hospitals in which the patient pays only a portion of the expense. I do not think this would answer in England; as applied to the relief of medical and surgical cases, it has been tried in this country and found wanting.

It is always right to consider the obstacles to a plan, at least equally with, if not before, the advantages.

Several endeavours have been made to transfer the establishment of Maisons de Santé to England.

The first of these was the asylum for recovery of health: it was supported by many persons of rank and station, and received a donation from George IV. The two first surgeons were Sir B. Brodie and Mr. Keate, and it appeared particularly adapted to the case of persons with very small means, but who shunned the relief of a public hospital.

At first it appeared to succeed. Persons who had seen better days, governesses, and decayed tradesmen, resorted to it. At length, the only inmates were domestic servants, or persons living on very small annuities, whose share of the expense, from nine to twelve shillings a week, was paid by friends. One of the great difficulties experienced arose from the patients considering, as they paid a portion of the expense, they thereby acquired a kind of right to use their own diet, demanding very improper food, considering the complaint under which they laboured. At length, not finding the class of persons for whose relief it was intended resort to it, subscriptions declined, especially as the original promoters of the scheme died off, and it was dissolved altogether.

Since this failure another attempt was made on a very much more extensive scale. A large house was taken in the New-road, and many persons of influence, and well versed in the ways of the world, thought that the "Sanatorium" would succeed; that persons would willingly pay a third, or even half, the expenses they must be subject to in coming to London for advice, including living, nurses, and medical care and house rent, in order to be spared the rest of the expense.

Medical men were chosen of experience and high attainments; but it did not fulfil the expectations of its promoters. I do not know the detail of its arrangements, but it certainly did not succeed. Nevertheless, I am inclined to think it would succeed in those cases of lunacy affecting persons who move in the rank of gentlemen, and have all the sensitive feelings derived from an excellent education, and early good associations, and would be a great relief to families who cannot effectually treat or shelter such cases in their own home. If admitted to licensed asylums at a nominal price, it shocks the feelings of the friends, and always leaves on their minds a fear lest they should be less well treated than other patients more happily situated.

Years ago, in the King's-road, there was a licensed house, which received this class of persons at a very small payment. The mistress of the house was most assiduous in her duties, and really became the friend of the unfortunate persons committed to her care. The payments, however, were so small that the establishment was broken up; they were about fifteen shillings a week. In the last twenty years how many times I have had occasion to regret the failure of this asylum! There were excellent airy grounds, poultry, and various pets,

of great service in diverting the unhappy persons from dwelling always on their imaginary griefs. Such an institution, under the careful inspection and rules of the Lunatic Commissioners, not ambitious of making money, but, as far as possible, to keep everything clean, and neat, and regular; the superintendents, male and female, to be chosen, not in reference to their wants, but in reference to their capacity for superintending such a community, and also capable of selecting the attendants with especial regard to good temper and abstinence from strong drinks—such an institution would be a blessing indeed.

If made known by influence such as your Lordship has acquired by your boundless industry in promoting every kind of charitable association, it would remain for years a monument of the judicious application of benevolence to social wants.

*Of the Inquisition in England (De Lunatico Inquirendo),
and of Interdiction in France.*

Every person, idiotic or lunatic, or of unsound mind, so pronounced after a legal inquiry, is placed under the care of the Crown, represented by the Lord Chancellor or the Lords Justices, under whom the Masters in Lunacy and the Secretaries of Lunacy are the active agents.

A lunatic cannot, without this process, receive her dividends, even through trustees, or money from settlements or annuities; every thing is at a standstill. The best

explanation of this process is to be found in the lucid words of Lord Lyndhurst. He says, "The Crown does not take possession of the lunatic's property for its own benefit; but it takes it, by its officers, for the purpose of applying the income to the party's maintenance, and accumulating the surplus for him, in case he recovers, or applying it according to the directions of the will, if he happen to have made one before he became insane."

The process, until very lately, was as follows: Any relation or friend, or even observer, might lodge, through the Secretary of Lunacy, a petition to the Chancellor, begging for the inquiry into the idiocy or lunacy of any one possessed of property or income, supporting the petition by affidavits of medical persons or others. If opposed, this petition was heard, and defended or resisted, in open court. If an inquiry with regard to a commission were determined on, the Chancellor directed, through the proper officers, that the sheriff should summon a jury, which varied from fifteen to twenty-four persons, to hear the evidence on both sides, if defended, and to bring in a verdict of lunacy, with or without lucid intervals, or *unsoundness of mind*, and incapacity for managing his or her affairs, and from what date. This verdict must have been arrived at by the *majority* of persons constituting the jury at the same time, so that never less than twelve should have been agreed in the verdict. The inquisition was then signed by the jury.

The Commissioners to hear the evidence and direct the jury, were three or more barristers of a certain standing. The care of the lunatic person was most frequently given to the nearest relation; the care of the estate to the next heir. One of the great inconveniences of this process was the enormous expense. The affida-

vits on both sides, the counsel employed, the expense of witnesses brought from a distance, often made most serious inroads on the estate: witness Lord Portsmouth's case. Hence, in 1853, an Act passed to remedy in some degree, and where it was wholly unnecessary, this great evil. A certain number of days before the sitting of the Commission, the whole case was read over to the alleged lunatic, and its object explained. Due notice also was given to all parties concerned in resisting the Commission.

The Lord Chancellor appointed two Masters in Lunacy, empowered to inquire and report on the truth of many of the alleged cases, and preside at the inquiry. But, above all, the Chancellor had the power, on the report of the Masters in Lunacy, after having personally examined the alleged lunatic, to dispense with a jury, and direct one or both the Masters to hold an inquisition touching the whole case, with the power of examining witnesses and medical men on oath, an advocate being present to watch the proceedings on the part of the lunatic. In other cases, the Chancellor, on the report of the master, ordered that the lunatic should have the choice of a jury, or dispense with it if he thought proper.

In these cases, and in many others, the enormous expenses of their litigation were abridged, while the protection was continued; in fact, while in cases of long-continued insanity or idiocy, such as to be obvious to all mankind, the painful details were spared to unhappy friends. I have purposely avoided entering on the subject of traverse, or the manner in which many points are reserved for the decision of the Masters in Lunacy. They will be found at length in Shelford's and in Archbold's very clear enumeration of the legal state of the case.

It is to be observed, that nothing short of unsoundness of mind, rendering the individual unable to transact his own affairs, will satisfy the court.

When a commission of lunacy has been sealed, the unhappy object is placed in a lunatic asylum, or in a house with attendants, under the care of the person to whom he is entrusted; and, of course, in these cases his personal liberty is completely, or nearly so, abridged; nothing short of confinement has been adopted by our laws.

In this respect it appears to me, that the authorities do all, and the family of the lunatic little; on the contrary, in France the greater part of the case is thrown on the family and the sanction received from the court.

I subjoin a translation of the law of interdiction from the Code Napoleon, known to have been the production of the most learned and experienced of the French bar after long deliberation.

1. Any one who, having obtained his majority, is in an habitual state of imbecility or dementia or furious madness, ought to be interdicted, even when lucid intervals occur.

2. Any relation is admissible to promote the interdiction of a relation, and the same of husband against wife or wife against husband.

3. In case of furious madness, if the interdiction be not demanded either by the husband or the wife, or the relations, the *Procureur Impérial*, in case of imbecility or dementia, may also set it on foot against any one who has neither husband, nor wife, nor known relatives.

4. Every application for interdiction shall be carried before the Tribunal (de première instance).

5. The facts of imbecility, madness, or furious madness, shall be detailed in writing.

6. Those who carry on the interdiction shall produce the proofs and witnesses.

7. The Tribunal will then order that the "Family Council," constituted in the manner ordered in No. 4 of Chapter the Second, shall give its opinion on the state of the person whose interdiction is demanded.

8. Those who have demanded the interdiction cannot make part of the "Family Council;" however, the husband, or wife, or the children of the person sought to be interdicted may be admitted without vote or deliberation.

9. After having received the opinion of the "Family Council," the court will examine the defendant in the Council Chamber, and if he is unable to be present, he shall be interrogated at his own house by one of the judges appointed, assisted by the Registrar. In every case the *Procureur Impérial* shall be present when he is interrogated.

10. After the first interrogatory, the Tribunal will appoint, if it be necessary, an administrator provisionally to take charge of the person and property of the defendant.

11. Judgment on a demand for interdiction can only be given in public, the parties heard or sent for.

12. *In rejecting a demand for interdiction, the Tribunal may, nevertheless, if circumstances require it, order that the defendant, shall not hereafter plead, compromise, borrow, receive personal property, purchase or give receipts, alienate or mortgage his property without the assistance of a council, who shall be appointed at the same time.*

13. In case of appeal against the judgment of the Tribunal (*première instance*), the Court of Appeal shall, if it thinks it proper, interrogate again the defendant, or cause him to be interrogated by a person commissioned by them.

14. Every order or judgment, carrying either interdiction or nomination of a council shall be, by the care of the plaintiffs, signified to the parties, and inscribed within ten days on the tablets, which must be hung up in the hall of audience, and in the studies of the notaries of the arrondissement.

15. The interdiction or nomination of a council shall take effect the day the judgment is delivered. All acts committed and concluded after the interdict or appointment of a council shall be null and void.

16. The acts committed previously to the interdiction may be annulled, if the cause for interdiction notoriously existed previous to the period when these acts were affected.

17. After the decease of an individual, the acts done by him cannot be attacked or abrogated on account of madness, except inasmuch as the interdiction has been pronounced or set on foot before his decease, unless the proof of madness itself results from the act sought to be invalidated.

18. If there is no appeal from the judgment of the Tribunal (of *première instance*), or if it be confirmed on appeal, the court shall proceed to the nomination of a guardian, or a surrogate guardian, of the interdicted, according to the rules in the law *De la Minorité, &c.*; the provisional administrator shall then cease his functions, and render all account to the guardian, unless he be himself appointed guardian.

Himself, he shall be examined at his own residence, by one of the judges deputed for the purpose assisted by the registrar.

19. The husband is of right the guardian of his wife when interdicted.

20. The wife may be named guardian of her husband, in which case the "Family Council," will regulate the forms and conditions of the administration of the guardianship, having recourse to the tribunals on the part of the wife, should she think herself injured by the resolution of the "Family Council."

21. No one, with the exception of the husband or wife, or the relations in the ascending or descending line, shall be obliged to keep the guardianship of an interdicted person beyond ten years. At the expiration of such a time, the guardian may ask, and ought to obtain, a substitute.

22. The interdicted person is similar to a minor. The laws which regulate the guardianship of minors equally apply to the interdicted.

23. The revenues of an interdicted person ought essentially to be employed to soften his afflicted condition, and to hasten the cure. The "Family Council" may resolve (according to the character of the malady and the state of the fortune) that he shall be treated at home, or placed in a private hospital, *maison de santé*, or even in a public hospital.

24. When the question shall arise for the marriage of the child of an interdicted person, the dowry or portion of the inheritance to be advanced and the matrimonial agreement shall be regulated by the "Family Council," allowed by the Court on the conclusions of the *Procureur Impérial*.

The interdiction ceases with the causes which deter-

mined it, nevertheless the (*main levée*)* *replevy* cannot be pronounced without those forms be gone through which were necessary in pursuing the interdiction. The interdicted person cannot resume his rights until the *replevy* shall be pronounced.

The Family Council.

1. The Family Council shall be composed (exclusive of the justices of the peace) of six of the relations by blood or marriage, chosen either in the parish where the council is convened or within the distance of two *myriamètres* †, half on the maternal, half on the paternal side, and following the order of nearness of relationship. A relative by blood shall be preferred to one by alliance of the same degree, (a brother to a brother-in-law for example,) and among relations of the same degree the elder shall be preferred to the younger.

2. The brothers of the same blood and the husbands of the sisters are alone excepted to the limitation of number of which the council is to consist. If there are six or more they shall all be members of the Family Council, which they alone shall form, together with the widows, in the ascending line, and those in the ascending line, who have right to be excused, if such there are.

If the brothers and brothers-in-law be less than six, the other relations shall only be called to complete the council.

3. When the relations by blood or marriage of one or other side are not in sufficient number on the spot, the magistrate shall call other relations by blood

* So translated in all works of authority.

† Rather more than six miles.

or marriage, either domiciled at a greater distance, or in the parish* itself, persons known to have been in the habits of friendship with the father or mother of the person to be interdicted.

4. The magistrate may, however, even when there are present on the spot a number sufficient of relations by blood or alliance, summon at whatever distance relations nearer in degree of relationship or of the same degree as those present; in such a way, however, that some shall be removed of these last, so as not to make the council exceed the number before named.

5. The time for appearing shall be appointed for a fixed day by the magistrate (*juge de paix*), but in such a manner that there shall be always between the citation and the day appointed for the meeting of the council an interval of at least three days, when all parties reside in the district, or within the distance of two *myriamètres*.

6. If, however, among the parties summoned, some shall be found domiciled beyond the regular distance, there shall be an interval of one day for every three *myriamètres*.

7. The persons, whether relations or friends, who are thus cited, are to appear in person or by a substitute especially appointed. The substitute cannot represent more than one person.

8. Every relation by blood or alliance, or friend thus cited, and who shall not appear without legal excuse, will incur a penalty of not more than fifty francs, to be declared without appeal by the magistrate.

9. If there be sufficient *excuse*, and it is *agreed* either to wait for the absent member or to replace him, in such a case, as in every other where the interest of the person

* The word parish is the nearest approach to "commune."

to be judged seems to demand it, the magistrate may adjourn or prorogue the meeting.

10. The council shall be held of right in the house of the magistrate, unless he himself point out another place. The presence of at the least three-fourths of those summoned will be necessary for these deliberations.

11. The family council shall be presided by the magistrate, who will have the right to discuss questions, and have the casting vote in cases where the opinions are equally divided.

12. If the person to be interdicted is domiciled in France, but possesses property in the colonies, the special administration of his property shall be given to a pro-tutor. In this case the guardian and the pro-tutor shall be independent one of the other, and not responsible for their several management of property.

13. The guardian will act and administer as guardian from the very day of his nomination, if it takes place in his presence; if not, from the day on which the appointment shall be notified to him.

14. The guardianship is a personal charge which does not descend to the heirs of the guardian; these will only be responsible for the manner in which the affairs have been conducted, and if of age, are bound to continue the guardianship until the nomination of a new guardian.

Now, on considering the practice in the two countries on this most important subject, it must be obvious that much is done for the protection of the lunatic, but there is no graduation of restriction; all found of unsound mind are equally interdicted, though they might go about with impunity, or where their unsoundness of mind was perfectly harmless. I would, with great

humility, call your Lordship's attention to the clause in the French Code, which might, after the consideration of the law officers of the crown, be modified so as to lessen the extreme penalty of "unsoundness of mind"—confinement in a lunatic asylum for a series of desolate years.

This clause is especially intended for those cases in which a young man of weak intellect is destroying his property and lavishing his means childishly, and yet is in the enjoyment of good bodily health, and able to appreciate the good things of this world. I purposely abstain from examples, because it would make this paper too long.

The clause is this:—

“On rejecting a demand for interdiction, the tribunal may, nevertheless, if circumstances require it, order that the defendant shall not hereafter plead, compromise, borrow, receive personal property, purchase or give receipts, alienate or mortgage his property, without the assistance of a council, who shall be appointed at the same time.”

Undoubtedly it often happens that a man is of too weak a mind to transact affairs, without being taken in or cheated, and yet quite able to enjoy uncontrolled the comforts of life,—being prevented only from being ruined, by being obliged to consult a wiser head in cases of importance.

This clause has been found to work well in France.

On the proximate causes of insanity little advance has been made in the last twenty-five years; but this arises from the very nature of the inquiry, guarded as it is by the fears of all those related to the patient who would be glad if possible to bury the past itself in oblivion.

Towards the end of the last century, the received opinion in France, and by the followers of the Willis's in England, was that the cause of insanity was to be sought for in the blood. "Lunacy in the blood," was the favourite expression to signify an hereditary tendency to this disease. But the great change which the study of medicine underwent from the researches of Baillie and others, who brought again prominently forward the labours of Morgagni, soon caused the medical world to believe that it was in the solids the cause of this frightful disease was to be sought.

Yet after more than half a century of inquiry, after the most careful watching of symptoms during life, and comparing the appearances in the brain after death, we are forced to confess two things; 1st, that whatever changes are found in the structure of the brain after death in persons affected by lunacy, the same appearances have again and again presented themselves to the observer when no disorder of the mind has existed during the whole of the patient's life; and, 2ndly, that in many cases of long-continued insanity, no disease has been discovered in the brain, or its membranes, by the most learned and accomplished observer. Latterly the great advances made in Chemistry, that wonderful science, still in its infancy, and the observations made by the microscope, have carried men back again to the belief, that in the contamination or alteration of the blood, those changes occur, which, better understood, may enable us to combat this most frightful of all afflictions, and perhaps obviate the transmission from father to son. That scrofula and gout both, as well as insanity, (I might have added also lues,) are transmitted through the vital fluid, there can be little doubt, and great in-

deed will be the task of our successors to solve this problem.

I have said that nothing is more difficult than to follow up the comparison of the symptoms of insanity during life, and the condition of the brain after death.

Not to omit a fact clear to all men of long experience, that persons are afflicted for years with organic disease of the brain slowly coming on, without at any time any symptoms of mental aberration, nay even where both exist, it is most difficult to estimate the influence of one over the other. After many years of active observation of such cases, noting down each symptom, carefully observing each change, when, *after years*, the patient has been relieved by death, a request to examine the brain has been met with a decided negative,—a strong appreciation of the care and labour of so many years, but a decided negative to any further inquiry.

It has become, I will not say a fashion—it is too light a word for such grave and important inquiries—but a habit, to attribute insanity to softening of the brain.

That the brain has been found softened in its structure after death in cases of insanity, I do not deny; but only in a few cases. It has been found in many in which the mind was unaffected. Having had many opportunities, and always endeavoured to seize them, to make the comparison of the disease found after death with the disease during life, the result of my experience is, that softening of the brain is not a cause of or concomitant with a great number of cases of insanity.

Passing over the number of cases which occur especially from alteration in the female health and the process of child-bearing; the numerous cases from the use of ardent spirits, and moral causes, such as deep

disappointment in love; of those which remain, and present simultaneously morbid appearances after death, it is not in my experience that softening of the brain is a common appearance.

I repeat I have endeavoured to make the inquiry for several years whenever by entreaty and gratitude for professional attention I have had the permission; and in cases in which organic disease really existed, it has been in the proportion of three to one that the hardening and not softening of the substance of the brain was the concomitant change.

The centrum-ovale or medullary portion has been discoloured and nearly as hard as leather*; and in a few cases where the mental malady had existed several years, distinguished by great bursts of violence and love of mischief, this portion of the brain presented the exact appearance which anatomists well know is given to it by soaking the viscus in alcohol the better to examine it minutely.

Again, in the works of Rostan, who presented a description of numerous examples of softening of the brain, this appearance rarely occurred before sixty-five years of age, and was in almost every case accompanied by paralysis, hemiplegia or paraplegia, and the mental malady was frequently not present at all.

Further, it has been my fate to watch several undoubted cases of softening of the brain, of which symptoms existed (for it is not acute) many years; it was recognisable by shaking of the limbs, by frequent giddiness, by occasional epileptic fits, and slight attacks

* This appearance is figured in the plates of Dr. Hooper's "Pathology of the Brain."

of palsy, but in these cases the mind was not affected ; and yet so strong is the impression of the simultaneous existence of softening of the brain and mental unsoundness, that persons, who, looking to the difficulties and their own age, could have had small experience, when asked what in their opinion is the cause of the insanity, answer without hesitation, softening of the brain. Softening of the brain much oftener ends in idiocy, with palsy, than in mental alienation.

Softening of the brain is frequently produced by venereal excesses ; but even in this case it ends in paralysis, unaccompanied by mental alienation. I have witnessed three very remarkable cases of this, in which the appearances of softening were very distinct after death, without any mental affection during life, unless unbounded passion should be considered insanity.

In examining foreign accounts of softening of the brain, it is of the greatest importance that the symptoms during life should be accurately stated, which is rarely the case.

The remote causes of insanity, too, have increased in the last half century in unhappily a great degree ; viz., drinking and smoking.

The vice of drinking, when carried on to frequent and long-continued inebriation, ends in the disease known by the name of delirium tremens. The liver also becomes diseased.

But there is another mode of drinking : drinking privately until the mind takes on irrational ideas, as jealousy, fear of conspiracy, of being poisoned, of being ruined, and the like. Forced abstinence from drink, and subsequently reasoning (for as the fumes subside, the patient begins to listen to reason), after a few weeks restore the

patient. He is penitent, he is unhappy, he is anxious to make amends, but still resists the only means which can reassure himself and his family against relapses. He will not leave off spirits and wine *entirely*; he will consent to take only one or two glasses daily, but he will *not* abstain altogether. The two or three glasses soon swell to five or six, until the desire becomes intolerable. I have known patients, amiable, excellent in all other respects, beloved in their family, and endowed with fortune, actually endeavour to break open the cellar door to obtain the drinks they longed for. These cases have greatly increased in the last ten years. He would indeed be a benefactor to his country who could devise a law to restrain this dreadful habit. In the whole list of social evils, drunkenness is the worst. A nobleman of the most amiable character, and the most accomplished mind, has drawn the attention of the legislature, even in this very session of parliament, to this evil.* May he, together with your Lordship, be successful in destroying a hydra always growing stronger and stronger when endeavoured to be controlled by measures to prevent the sale of fermented liquors. Until drunken habits are considered a disgrace, or punished by the loss of some privilege or right, I fear little progress will be made to control them.

In universities and the larger schools, now called colleges, the heaviest penalties should be attached to drunkenness, in order to check it in the commencement. Of six very remarkable cases which came under my cognisance, and in which some died and the others exchanged a distinguished position, and all the advantages of fortune and family, for a lunatic asylum, four had acquired

* The Earl of Carlisle.

the habit at a large public school, and the others at the university. I was informed this year of no fewer than three belonging to one college in Cambridge who had died of delirium tremens under twenty-five years of age.

Drinking in convivial parties has greatly diminished, but drinking alone, or *en petit comité*, has greatly increased within the last thirty years. The universal practice of smoking has also become a remote cause of insanity.

To say that smoking in moderation, like drinking wine in moderation, tends to destroy mind and body, would be to assert what the experience of three-fourths of the civilised world is opposed to.

But no one who is conversant with disease can doubt for a moment that smoking to excess, or immoderately, ends in destruction of mind and body.

Some of the revelations on this subject are startling. Some young men still in their teens smoke forty or fifty cigars daily. Some young gentlemen of rank have assured me that at college they have smoked from five in the afternoon until three or four in the morning for weeks together.

The effect of excessive smoking is to depress the circulation; the heart becomes weak, irregular in its action, and the pulse is scarcely to be felt. The patient becomes frightened, loses all resolution; once a bold rider, cannot mount a horse; a carriage passing him rapidly in the street alarms him; his appetite fails, his mind fills with horrors—imaginary crimes and imaginary punishment. This state of things sometimes continues for years; at length the patient dies often, very often, suddenly. The case is explained. The muscular structure of the heart—of that organ which is to distribute strength and power to every part of the system—is

imperfect in its action, the left side is thin, and, in some cases in which sudden death has occurred, there is little more than a strip of muscular fibre left on that side.

The limits of these observations will not permit me to extend the subject. Excessive smoking is a new vice. How many young men at school and college used to smoke fifty years ago? Some half dozen. How many do now? The answer is legion. Boys of twelve years old are seen early in the morning walking the streets with cigars in their mouths. Youths have consulted me who have just come from the new schools, now called colleges, confessing that they have been in the habit of smoking constantly, and these are lads just hoping to begin the business of life.

Moreover it is not, as in the case of wine or opium, useful as a remedy in disease, except in some very doubtful cases of asthma; it is rarely or never employed, or worthy of a name in the armoury of physic.

The authorities of a private lunatic asylum cannot select their patients; cannot accept those most favourable for a cure, or reject those maladies which have been of long duration, or complicated with epilepsy or paralysis, and thus rendered nearly hopeless.

The great hospitals of Bethlehem and St. Luke's admit patients only who have been ill less than a year, who are neither subject to fits nor afflicted by unmistakable symptoms of organic disease, such as paralysis.

Hence we should expect to find the cures in the great hospitals much more numerous than those in private asylums. But this is not the case.

By the report of the Commissioners last year, the cures in the great hospitals present a very slight excess

over those in private lunatic asylums, notwithstanding the material advantages we have enumerated.

	Admissions 1857.	Recoveries.	Per cent. of Cases.
Hanwell County Asylum . . .	133	55	41
Surrey County Asylum . . .	230	80	34
St. Luke's Hospital . . .	176	95	54
Bethlehem Hospital . . .	247	118	48

Private Asylums.

Otto House	5	4
Brooke House	26	12
Moorcroft House	15	5
Sussex and Brandenburg House.	42	22

Here the mode of computation is the same in all.

Before, however, deciding on or drawing inferences as to the cure of this terrible disease, physicians should be agreed as to what length of time should elapse before a cure is established. How often has every one been disappointed on such a subject!

In private practice, I consider five years of health to constitute a cure; and fortunately or unfortunately, I have been long enough in practice to see this test often established. How often, however, has not a patient, having been dismissed cured from one asylum, been found in a few months, nay, in a few weeks, in another, as bad as ever. Indeed, the most trying of all stages of this disease is the convalescent. I should certainly not consider a case dismissed from an asylum or Hospital *cured*, unless two clear years had elapsed since the cessation of every symptom. I do not mean persons are to be confined; but, certainly, they will require watchful care.

Twenty-five years ago, the subject of insanity was a

closed book to physicians in general ; since that time its moral, its medical, and its metaphysical condition has engaged the attention of the most distinguished men in the profession.

Dr. Conolly and others have proved the inefficacy, and in many cases the injurious effects, of personal restraint ; and physicians no longer escape from avowing their ignorance and assuming the responsibility of treating the most distressing of all diseases, by referring them to the care of those who have attended to the disorders of the mind exclusively.

Even in the medical treatment one great step has been taken.

Twenty-five years ago, the treatment of any form of insanity by opium was considered to be heretical, except in puerperal mania. In vain occasional cases were found of its beneficial use in the pages of Vanswieten, Esquirol, and Odier. It is now certain that, in cases of deep melancholy depression, where the mind is disturbed by self-accusation, imaginary crimes, and the dread of futurity, all tending to suicide, the proper, careful, and cautious repetition of this medicine is followed by recovery. There are persons now living who, a quarter of a century ago, were afflicted with this form of disease in its worst degree, and who during that long space of time have never had any relapse.

There are others who have been again ill after ten or twelve years, and again recovered by the same means.

In violent cases of mania it is less useful, and in some injurious ; and it is the want of such distinction which has made a few, a very few, deny the undoubted efficacy of this treatment in the sad cases before alluded to.

I have now touched on many of the most interesting points of this painful subject: neither space nor time will permit the longer dwelling on it.

I have only to supplicate your Lordship's indulgence, for being obliged to treat so cursorily questions to which you have paid so much attention, and earned, more than any other of your fellow-men, the distinction of a Social Benefactor.

I have the honour to be, My LORD,

Your Lordship's obliged and faithful,

EDW. J. SEYMOUR, M.D.

A P P E N D I X.

ST. LUKE'S HOSPITAL FOR LUNATICS.

ESTABLISHED A. D. 1751.

INSTRUCTIONS TO PERSONS APPLYING FOR THE ADMISSION OF PATIENTS.

Rules rendering Patients Inadmissible.

- I. The possession of sufficient means for decent support in a private asylum.
- II. Having been insane more than twelve calendar months.
- III. Having been discharged uncured from any other hospital for the reception of lunatics.
- IV. Being subject to epilepsy, apoplexy, organic disease of the brain, paralysis of the insane, or being in a state of idiocy.
- V. Being pregnant.
- VI. Being under the age of 12, or above 70 years.
- VII. Being brought in a state of infectious disease, or extreme debility, or in a dirty condition, or without a proper supply of clothing.
- VIII. Being in the receipt of parochial relief or alms from his or her parish.

NOTICE.—Every person who, through mistake, misinformation or otherwise, shall have been received into the hospital as a patient, shall be discharged therefrom immediately on a discovery of any of the above disqualifications.

A committee of Governors assemble at the Hospital every Friday morning at eleven o'clock precisely, for the purpose of considering applications for the admission of patients to the benefits of this charity.

SPECIAL DIRECTIONS.

The form and medical certificates, properly filled up and signed, must, on Thursday, be forwarded to the secretary at the hospital, and the nearest relation or friend, accompanied by the patient, must attend on Friday morning, at half-past ten o'clock at latest, to be examined respecting the case; and the committee will then admit the patient, if a fit object.

N.B.—The medical certificates will be invalid, if not filled up in strict accordance with the printed instructions.

CLOTHING.—Every patient must on admission be provided with articles of apparel, according to a list subjoined, and the same must be kept supplied from time to time as required:—

For a Male Patient.—1 coat, 1 waistcoat, 1 pair trowsers; Sunday suit. 1 coat, 1 waistcoat, 1 pair trowsers; Working, or every-day suit. 2 night-caps, 2 flannel waistcoats, 2 pairs flannel drawers; if usually worn by the patient. 4 day-shirts, 3 night-shirts, 3 pocket-handkerchiefs (cotton), 2 neck handkerchiefs or stocks, 4 pairs of stockings, 2 pairs of shoes or boots, 1 hat, 1 cap, 3 chamber towels, 1 hairbrush and comb.

For a Female Patient.—3 Night-gowns, 2 night-caps, 2 day-caps, 4 shifts, 2 flannel petticoats, 2 upper petticoats, 1 pair of stays, 4 pairs of stockings, 3 handkerchiefs, 2 neck handkerchiefs, 2 aprons, 3 gowns, 1 shawl, 1 bonnet, 2 flannel waistcoats, 2 pairs of drawers, if usually worn by the patient; 2 pairs of shoes or boots, 3 chamber towels, 1 hairbrush and comb.

SURETIES.—An agreement in the annexed form must be entered into by two substantial housekeepers binding themselves in the penalty of one hundred pounds, to remove the patient from the hospital when required so to do; and the same must contain at the foot a certificate from the officiating minister of the parish in which they reside, of the respectability of the proposed sureties, or the sureties may attend at the hospital with the patient on the morning of admission, and sign the agreement accordingly.

* * It being very important in the treatment of insanity generally, and conducive to the recovery of those afflicted with that distressing malady, that the physical condition of the brain, as well as the cause of the disorder, should be ascertained, in cases of death,—the Committee have directed that, should a patient die while in the hospital, the medical officers of the establishment be authorised to examine the body, unless an objection shall have been made in writing to the Secretary previous to the decease of such patient.

Order for the reception of a private Patient.

I, the undersigned, hereby request you to receive _____
 a lunatic, as a patient into your hospital. Subjoined is a statement
 respecting the said _____

(Signed) Name _____

Occupation (if any) _____

Place of abode _____

Degree of relationship (if any) } _____
 or other circumstances of con- }
 nexion with the patient . . . }

Dated this _____ day of _____ 1859.

To the President, Vice-Presidents, Treasurer, and Governors of Saint
 Luke's Hospital for Lunatics, London.

STATEMENT.

*If any particulars in this statement be not known, the fact to be so
 stated.*

Name of patient, with Christian name at
 length _____

Sex and age _____

Married, single, or widowed _____

Condition of life, and previous occupa-
 tion (if any) _____

The religious persuasion, as far as known _____

Previous place of abode _____

Whether first attack _____

Age (if known) on first attack _____

When and where previously under care
 and treatment _____

Duration of existing attack . . . _____
 Supposed cause _____
 Whether subject to epilepsy . . . _____
 Whether suicidal _____
 Whether dangerous to others . . . _____
 Whether found lunatic by inquisition,
 and date of commission or order for
 inquisition _____
 Special circumstances (if any) prevent-
 ing the patient being examined before
 admission, separately, by two medical
 practitioners _____
 Whether hereditary _____
 (Signed) Name _____

I do hereby certify that the abovenamed _____
 is not in the receipt of parochial relief or alms from his or her parish.
 To be signed by the overseer or relieving officer.

I, the undersigned, a Governor of St. Luke's Hospital, desire the
 said lunatic may be admitted, if a fit object. _____

The medical gentlemen certifying must not be in partnership
 with each other, nor in partnership with nor nearly related to
 the person signing the annexed order; they are required to state
 the facts on which their opinion has been formed, *e. g.* : delusions,
 (specifying the nature of the delusions,) incoherence, imbecility,
 fatuity, alteration of conduct and affections, dirty habits, &c., and
 the certificates must not have reference to each other.

N.B. It is indispensably necessary that the patient be brought to
 the hospital for admission within seven days from the date of each
 medical examination, or the patient cannot be received; and a state-
 ment of the patient's case from one of the medical gentlemen who has
 attended the patient, should be sent to the hospital, directed to "Drs.
 Sutherland and Monro," the physicians, previous to the admission of
 the patient.

FIRST MEDICAL CERTIFICATE.*

[*State here your precise legal qualification to practise, &c.*]

I, the undersigned, being a [*here set forth the qualification entitling the person certifying to practise as a physician, surgeon, or apothecary, ex. gra. being a Fellow of the Royal College of Physicians in London*], and being in actual practice as a [*physician, surgeon, or apothecary, as the case may be*] hereby certify, that I, on the day of 1859, at [*here insert the street and No. of the house (if any) or other like particulars*], in the county of _____ separately from any other medical practitioner, personally examined _____ of [*insert residence and profession or occupation, if any*], a [*state occupation of patient*], and that the said _____ is a lunatic, and a proper person to be taken charge of, and detained under care and treatment: and that I have formed this opinion upon the following grounds: viz.: — 1. Facts indicating insanity, observed by myself [*here state the facts*]. 2. Other facts (if any) indicating insanity, communicated to me by others [*here state the information, and from whom*].

(Signed) _____

Place of abode _____

Dated this _____ day of _____ 1859.

SECOND MEDICAL CERTIFICATE.

[*State here your precise legal qualification to practise, &c.*]

I, the undersigned, being a [*here set forth the qualification entitling the person certifying to practise as a physician, surgeon, or*

* A Medical Certificate is invalid if there be not inserted therein "*the Street and Number of the House (if any), or other like particulars,*" where the Patient was examined. [See Mr. Justice Coleridge's decision in *re Greenwood*, 12th February, 1855.]

apothecary, ex. gra. being a Fellow of the Royal College of Physicians in London], and being in actual practice as a [*physician, surgeon, or apothecary, as the case may be*], hereby certify, that I, on the day of 1859, at [*here insert the street and No. of the house (if any) or other like particulars*], in the county of separately from any other medical practitioner personally examined of [*insert residence and profession or occupation, if any*], a [*state occupation of patient*], and that the said is a lunatic, and a proper person to be taken charge of, and detained under care and treatment: and that I have formed this opinion upon the following grounds, viz. :—1. Facts indicating insanity, observed by myself [*here state the facts*]. 2. Other facts (if any) indicating insanity, communicated to me by others [*here state the information, and from whom*].

(Signed) _____

Place of abode _____

Dated this day of 1859.

An agreement as follows, must be signed by two substantial house-keepers before the patient can be admitted :—

Whereas a lunatic is about to be or has been this day received as a patient into the hospital established for lunatics, known by the name of Saint Luke's Hospital, on our jointly and severally promising and agreeing to remove and take away the said patient on being required so to do, in manner hereinafter mentioned: Now we whose names are hereunder written, do hereby jointly and severally promise and agree that we, or one of us, shall and will forthwith at our or one of our costs and charges, after we, or either of us, shall be thereto required, by notice in writing, to be signed by the secretary for the time being of the said hospital, remove and take away the said from the said hospital; and in default thereof, we jointly and severally

promise and agree to pay to the treasurer of the said hospital for the time being, the sum of one hundred pounds on demand.

As witness our hands this day of 1859.

[*Here the sureties are to sign their names, residences, &c.*]:—

NAME.	RESIDENCE.	OCCUPATION.

I, the officiating minister of the parish above-mentioned, do certify that the above two persons are respectable householders in my parish.

THE END.

As witness the hands this 15th day of July 1852

I have the honour to be, Sir, your obedient servant,

I am, Sir, very respectfully,
Your obedient servant,

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