

**On the want of remedial treatment, for the poor of unsound mind in  
England : and on the proposal to confine them in wards of workhouses.**

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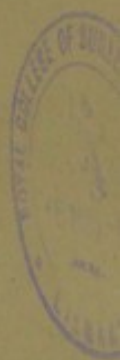
OF

REMEDIAL

FOR

POOR OF UNS

&c.



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*J. H. Kippel*

*S.*

ON THE WANT  
OF  
REMEDIAL TREATMENT  
FOR THE  
POOR OF UNSOUND MIND,  
&c. &c.





1847

THE HISTORY OF THE

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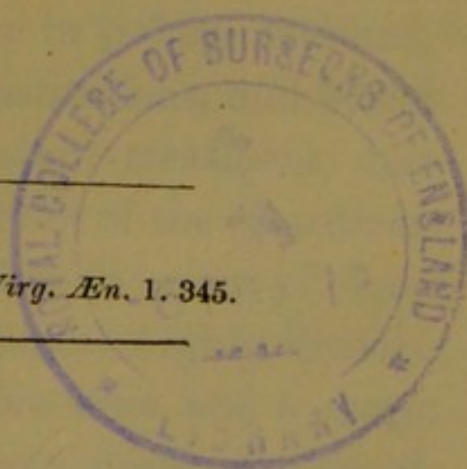
ON THE WANT  
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POOR OF UNSOUND MIND  
In England,  
AND  
ON THE PROPOSAL TO CONFINE THEM  
IN  
WARDS OF WORKHOUSES.

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Longa est injuria, longæ  
Ambages . . . . *Virg. Æn.* 1. 345.

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LONDON:  
JAMES RIDGWAY, PICCADILLY.  
1841.



ON THE WAY

REMEDIAL TREATMENT

POOR OF UNBORN MIND

IN ENGLAND

OF THE PROPOSAL TO CONFINE THEM

HANDS OF WORKHOUSES

LONDON:  
JAMES RIDGWAY, PICCADILLY.



ON THE

## TREATMENT OF THE INSANE POOR.

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A BILL is proposed in Parliament to renew with amendments the 4 and 5 Will. 4. c. 76. and it is therein provided that this new Poor Law is to continue for ten years. During the present session the 1 and 2 Victoria c. 73 (which enacts the 2 and 3 Will. 4. c. 107. and 3 and 4 Will. 4. c. 76.) will also have to receive its triennial renewal. Now as under these acts the treatment of all paupers of unsound mind not in public asylums is regulated, and as by the parliamentary return in 1837, it appears that of 13,667 lunatics and idiots on the parish books, 2,780 only were in public asylums, whilst 1491 were in private institutions, and 9,396 were subjected to no remedial treatment, but "under the care and management of the guardians of the poor were maintained as in or out of door paupers," the present time seems highly favourable for obtaining more effective laws, and a more humane treatment, for this most destitute class of society. The saving too effected by the Poor's law strengthens the poor man's right, to have his real wants provided for ; whilst the legalizing the



shutting up of lunatics and idiots in wards of workhouses, is indeed setting at naught all such right or claim, is depriving them of the chance of recovery, and is greatly lessening the possibility of their ever being provided with public asylums. All this too, is doing at a time, when the compulsory legislation adopted by Great Britain in favour of the paupers of unsound mind in Ireland, betrays the existence of the knowledge of what ought to be insisted upon, and when the recent example set by France, which has directed every department to furnish, or connect itself with, a public asylum, might provoke us also to discharge so undeniable a duty.

Unfortunately the subject of the treatment of the insane has long been distasteful to the English public, and this feeling is fast placing the nation, as to this mode of charity, in a very degraded position in the scale of European societies, in few of which is there so much neglect of the real wants of the lunatic poor as in England. Swift complained a century ago of the apathy of the public in this respect, and Captain Basil Hall in his interesting account of the asylum at Hartford, apologises for introducing a subject which all men approach with disgust, apprehension, and great uneasiness. This disinclination manifestly arises from the estimate which mankind have formed, and almost universally act upon, of the superior importance of the things relating to sense and



time, over those connected with the spirit and eternity. Thus we could not bear that the sick or maimed should be left to perish in our highways, nor should we hold we discharged our duty towards our fellow men suffering under sudden illness, by transporting them merely to some shelter, or in setting down those bleeding to death to a meal. Yet this is precisely what we are satisfied to do towards persons afflicted with diseases of the mind, although these are more susceptible of cure than those which attack the body, more urgently demand immediate treatment, and affect a far more important part of the human frame, than its covering of clay. We are everywhere contenting ourselves with feeding, and clothing, lunatics and idiots.

The cure of lunacy seems to depend almost entirely upon its being immediately dealt with. Lord Lyndhurst in his invaluable speech on the subject 23 Dec. 1830, sets down the ratio of cures under ordinary circumstances, where no pains are taken as to early treatment, as 1 in  $2\frac{1}{2}$  and 1 in  $2\frac{1}{2}$ ; but the testimony of asylum keepers as to success where immediate measures are taken, is far more gratifying. "Dr. Willis declares 9 lunatics  
 " out of 10 recovered if they were placed under  
 " his care within three months from the attack;  
 " Dr. Burrowes has reported 221 cures out of 242  
 " recent cases; Dr. Finch has stated that 61 out of  
 " 69 patients have recovered, who were received



“ into his asylum within three months after the first  
 “ attack of this disorder, and at the Retreat near  
 “ York, 7 out of 8, or perhaps a larger proportion  
 “ of recent cases have terminated in recovery.  
 “ It has been found,” says the Gloucester Asylum  
 report of last year, “ that thirteen-fifteenths are  
 “ cured, if sent within the first eight weeks.”

The lunatic code of England is not adapted to bring so successful a remedial treatment within the reach of the poor, for it exists the mere hollow reflection of the feeble intention to do right, which on this subject influences the public. This code as concerns paupers now mainly rests on the 45th clause of the New Poor Law, and the construction of it imputed to the Poor Law Commissioners, on the 9 Geo. 4. c. 40. (1828) called the Mad-house act, allowing Justices in sessions to direct asylums to be built for counties, founded on the 48 Geo. 3. c. 96. (1808), which was the first act of this description, and which the 9 Geo. 4. c. 40. repeals, whilst the 1 and 2 Victoria, c. 73. alluded to above is the act regulating private houses. These acts and especially the first, are in themselves curious specimens of legislation, and are wholly opposed not only to our notions of what the guaranteeing personal freedom may require, but the permissive and moralizing clauses so far exceed the enactments that they hardly deserve the character of being laws at all. Mr. Theobald in his note upon the construction of these acts remarks, “ whatever



“inaptitude appears in the structure of an act of  
 “parliament it is still an act of parliament, and  
 “cannot be interpreted with the laxity of con-  
 “jecture, which might apply to the ill-drawn will  
 “of an ignorant person. The courts have often  
 “made this observation.” We should have ven-  
 tured to write nothing so severe, but willingly  
 adopt the testimony of a lawyer on the subject.

Although thirty-two years have elapsed since the Quarter sessions had the power to build asylums, only fourteen have been built, and thus twenty-six counties of England comprising nearly one half the population are without public asylums, and Wales (with the exception of an institution at Pembroke which, by the return of 1836, admitted two patients in fourteen years,) is not only without asylums, but without even permissive laws to build them by, or enactments to regulate them, being a species of Alsatia for asylum keepers. With the exception of those at Hanwell, Wakefield, Norwich, Kent, and Lancaster, we believe the English public asylums are all tainted with the same wretched principle of admitting richer patients who may assist to pay for the poorer, a practice by which great suffering is caused, as appears, in the York case. The keeper has thus a perpetual inducement to neglect one class of his patients, in order to devote himself to those who can pay. The Gloucester house (admirably managed as it is) suffers at this time from the disputes as to the



division of the surplus money between the city, the county, and the subscribers, and it is painful even there to witness the superior conveniences afforded those who pay, over those who cannot. A pauper does not require billiards, or pianofortes, but his exercising grounds should be as good in every respect as those of his richer neighbour, for just as injurious to the one as to the other is it to be left to count the bricks, or watch the sunbeams crawling over the wall. The view which men of the highest character and professional reputation, take of their duties towards the rich and poor under these circumstances, is sufficient to make us protest against an arrangement whereby they are thus brought together: indeed it has not unfrequently been objected to private establishments, as one of their worst grievances. Dr. Monro stated (first report of Committee, 1815, p. 93,) "that  
 " under his superintendence, gentlemen were never  
 " chained, but that such measures were necessary  
 " for the poor in public establishments," and Sir Henry Hallford in his Essays (p. 127) writes, "I  
 " admit that the limited remuneration of the  
 " superintendants of establishments for the re-  
 " ception of insane persons in humble life, does not  
 " allow of such pains being taken with each re-  
 " covering patient, as his symptoms might profit  
 " by; but to those in more fortunate circumstances  
 " every resource may be, and ought to be em-  
 " ployed, which can possibly promote a cure."



We think they should be employed alike in both instances, and we trust there is no public establishment in England where they would not be so employed, but the conveniences afforded to the superintendant are not equal as respects the poor and rich, even allowing for the difference of their wants, and the system has a direct tendency to abuse. The counties have taken credit with the world for building public pauper establishments, whilst in the instances we find fault with, they are really adventures for providing for the poor at the lowest possible rate. Thus in Cheshire where rich patients are received at from 15s to 42s per week, the average cost of the pauper is reduced to 4s 8d per week. The payments of the wealthy are, however, voluntary, and therefore the objection against (3 and 4 Will. 4. c. 26.) whereby the rich chancery lunatic ward is made to pay for the surveillance of his poorer fellow sufferer, cannot here be urged. We suppose the success in asylums of the practice of making the rich pay for the poor invited that scheme, but it is most iniquitous in principle, and as the rule of a Court of Equity might raise some doubts as to the safety of men's properties, if the English law did not everywhere make so wide a distinction between the principles by which the sane and the insane are governed, as though the circumstance of inability to complain made it just to apportion the property of a lunatic



to others, or that the same reason sanctioned his personal freedom being left without security.

The admission of rich and poor into public mad-houses, has no other object than to relieve the sane having means, of a clear obligation, for the poor are no gainers thereby in the way of classification, the educated being most properly kept apart from the uneducated; but the secrecy which is held to be an indispensable necessity in these cases by the rich, if once introduced into public asylums, will greatly injure them. At York, when it was wished to obtain a list of patients after the fire at the public mad-house, in order to ascertain who was missing, it was refused lest the names of the rich patients should be discovered. Perhaps the Hereford subscription hospital affords as good an illustration as can be found of the consequences of an intention to do right thwarted by the fear of expence. This institution appears in the Parliamentary Report of 1807 as one of the early public asylums; but it was about that time let to a keeper, and has ever since remained a private house, whilst at York the case is not materially different. Both the acts (1808 and 1828) recognise this species of charitable trading, and provide for the junction of county asylums with subscription ones, and for the reception of non-pauper patients; and it is to be hoped that the enormous saving effected by the Poor Law may relieve the pauper from any more



such undesirable unions. The eleven wholly public asylums in Ireland, exclusive of the two in Dublin, contain 2,323 pauper patients, as appears by the returns printed 1840, so that more poor are in these houses in Ireland than in England; and as we have already remarked, the building of these asylums is there made compulsory, for by 1 and 2 Geo. 4. c. 53. s. 7., if the counties refuse to raise the money, the Lord Lieutenant may direct its being paid out of the county rate. The circumstance of the joining highly paid patients to paupers, so far from being countenanced in an act of parliament, ought to have awakened attention to the inability of the magistracy to avail themselves of the permission to build these houses, the experience of the inefficiency of the Mad-house act might have been thus anticipated, without leaving it to be proved by allowing thousands of paupers to pass from a curable to an incurable state, and discovering when a generation has passed away, that half England is without any general remedial system for the treatment of the poor of unsound mind. The Magistrates, on a subject towards which universal distaste prevails, are called upon to act in violation of two of the principles most justly cherished by the middling classes in England: 1. That taxation and representation should go together; and 2. That the management of the poor should be left to those most connected with them, and by whom they are chiefly employed. It is not to be expected



that if the highly educated classes are indifferent about the cure of mental diseases, that those less cultivated should have a greater interest in the matter. The farmer honestly thinks that when he has fed and clothed the poor man of unsound mind, he has done his duty by him, and this duty he almost always performs with extreme kindness; nay, the attempt to remove the lunatic or idiot is disliked, not only out of a generous pleasure the farmer has in relieving him, but from doubts as to the fate which awaits the sufferer. It is an old English feeling, and beautifully expressed by Sir T. More in the Utopia, "They take great pleasure in fools, and as it is thought a base and unbecoming thing to use them ill, so they do not think it amiss for people to divert themselves with their folly: and they think this is a great advantage to the fools themselves: for if men were so sullen, and severe, as not at all to please themselves with their ridiculous behaviour, and foolish sayings, which is all that they can do to recommend themselves to others, it could not be expected that they would be so well looked to, nor so tenderly used as they must otherwise be." The farmer seldom estimates highly the necessity of intelligence for his inferiors, and has commonly a great distrust as to the benefits a lunatic asylum can afford, and at any rate grudges giving his money for building one, and as the magistrate either participates in, or is influenced by these



feelings, and opinions, a law merely permitting such institutions is inoperative in the rural, and thinly peopled counties. There are 2,780 paupers in public establishments in 14 counties, and 1,491 in private ones, and of these last 1,404, as appears by Col. Syke's essay in the Statistical Society's Journal, are in the houses in the metropolitan district, and we believe others may be found in the west riding of Yorkshire similarly committed, so that taking the numbers put forth by Parliament, the remedial treatment in 26 counties is confined to sending literally no paupers, in a population of six millions, to Asylums. We hope, and believe, so extreme a dereliction of one of the most universally acknowledged duties to our neighbour, exists only in incorrect returns, but as the magistrate has really not the power to direct the building of Asylums in the hostility to them with which he is surrounded, and as the caring for this mode of poverty, beyond all question, should not be left to laws that permit much, and exact nothing, and as the private asylum is no place to confine a public pauper in, the guilt of the present state of things, (and there is great guilt in it) is chargeable upon the legislature. The circumstance of private institutions being kept for gain, and the duration of the patient's confinement, depending entirely upon the keeper, who has a manifest interest to prolong it, are the invincible objections against justices committing to them. The farming out of pauper children



is abandoned by the metropolitan parishes, the schools so admirably attacked by Mr. Dickens, are, we trust ceasing to exist, but 1,491 lunatics are still farmed out. Strange! that in a generous country this arrangement should be continued towards the most helpless, after every other species of destitution is relieved from it. The practice is however defended on two grounds, 1. That private asylum keepers, are, men of higher character than formerly; and 2. That their houses are visited by Magistrates, whence all possibility of abuse is prevented.

As long as Asylums are kept for gain, and keepers are human beings walking amidst "the thousand paths that slope the way to crime," whilst they are subject to disease, and to insanity, and whilst the law does not make the continuance of their licence, even dependant on their lives, and whilst the most powerful of incentives is constantly afforded to curtail the allowances of their patients, inadequately to cause them to be attended upon, and improperly to detain them; whilst the public are prevented knowing what passes in private Asylums, so long will Magistrates decline committing public paupers to such places. No doubt asylum keepers are now a very different race of men to the "old Turleys of Chelsea," who were obnoxious to parliamentary denunciations in 1763. We will give on this subject the testimony of one far better able to judge than ourselves.



Lord Granville Somerset, stated, Feb. 23, 1830,  
 “ He was happy to have that opportunity of ex-  
 “ pressing his approbation of the conduct of many  
 “ proprietors of asylums, who seemed to be actuated  
 “ by higher motives, than a view of profit.” The  
 great majority of schoolmasters, are not like  
 Mr. Squeers, all the houses for receiving the chil-  
 dren of London parishes did not starve, beat, or  
 abuse them, or when they sent twenty to a Lanca-  
 shire manufacturer, think it a clever thing to  
 stipulate that one idiot should be of the number,  
 as in the case mentioned by Mr. Horner, but such  
 things might happen ; and that at this moment the  
 greatest varieties in the temper and skill with  
 which private asylums are conducted, exist, is be-  
 yond question. These houses are not places for  
 the public pauper, and since 1808, when it was  
 hoped county asylums would everywhere be  
 built, they are not by law intended for him, and  
 hitherto the law on this matter, has never gone be-  
 yond intention. On June 30, 1823, Sir John Hob-  
 house, remarked in the House of Commons, that,  
 “ the system of private mad-houses, was peculiarly  
 “ calculated to open the door to most iniquitous  
 “ offences, and unfortunately the most difficult of  
 “ proof. In his opinion the true course would be  
 “ to put them down altogether, or to increase the  
 “ public establishments, at least to such a degree, as  
 “ should tend to diminish their number,” and in



reply, Mr. (now Sir R.) Peel said, "that to suppress private madhouses, would be to create an evil greater than any which such a course could remove, confinement in a public institution under any circumstances would always appear to many a very severe infliction, and the attempt to abolish private mad-houses, would inevitably lead to the confinement of lunatics in private houses, an arrangement under which every facility to abuse would be increased." There was no whisper even at that time heard that these private houses were suitable for public paupers. Lord Eldon, so long, and so often denounced as the opponent of reform in asylums, who to the last invariably sided with the keeper, and said "that there could not be a more false humanity than an over humanity with regard to persons afflicted with insanity," this illiberal Lord Eldon, had the most correct, and honourable feeling of the true nature of the obligation of the public towards those whose destiny they were compelled to direct. On the 24th of June, in opposing a bill introduced by Lord Lansdowne for the regulation of asylums, "which gave a number of penalties, half of which were to go to the informer," a provision of a severe character, and which has since been entirely lost sight of in the bills relating to lunacy, that Lord Chancellor stated "that with regard to pauper lunatics, he admitted that there



“ were great abuses, and he was ready to agree to  
 “ a short bill, embodying the clauses relating to  
 “ them, which were in the measure before the  
 “ house.” This wise and humane separation of  
 the rich and poor, was however never made ; and  
 now because the rich insist upon secrecy, the poor  
 have just so much of it as to be highly disadvanta-  
 geous to them ; and because the rich may become  
 wards in Chancery, the care of the poor of unsound  
 mind is no longer with the Secretary of State, but  
 transferred to the overburthened office of the Lord  
 Chancellor, though not without the earnest protest  
 of Sir R. Peel, Lord G. Somerset, and Mr. Hume ;  
 whilst the Mad-house bill is left a thing crammed  
 with good intentions, and few enactments : and had  
 not Leicestershire begun an asylum, and Shropshire  
 thought of one, this law, as regards the extension  
 of public mad-houses, for the last twelve years,  
 would have been a dead letter. We have perhaps  
 said more of so manifest an abuse as the confining  
 the poor in private asylums than appears neces-  
 sary ; it has been with no wish to reflect on a per-  
 fectly honourable, and in connection with the rich,  
 a very useful profession, but half as many paupers  
 are in private as are in public mad-houses ; and in  
 many counties the existence of the former has been  
 made an apology for the not building the latter.  
 We firmly believe that they are the great obstacle  
 to systematizing remedial measures as respects the  
 poor ; and nothing but a direct forbidding that



that pauper lunatics should be sent to them, will prevent their existence being alledged at Sessions as a reason for doing nothing, although beyond doubt few magistrates, excepting, perhaps, those in their immediate neighbourhood, and who are satisfied of their sustained respectability, will commit to them.

Now as to the visitatorial powers in the Lunatic Code, as there has been no enquiry for many years on the subject, and the Commissioners of Lunacy seem to make no use themselves of, and as they cannot impart to others, the information they receive, we can only collect from the reports that exist in various districts, that the Magistracy of England are satisfied it is a duty they cannot perform, and as a consequence they give themselves very little trouble about it, as each set of visitors are at liberty to make their office what they may think fit, it is only a public who desire never to hear of the subject, who believe that the freedom from restraint of thousands of their fellow subjects is or can be thereby assured. The framers of the Lunatic Code in 1828 anticipated no such effect from the perpetuation of the visitatorial office. Mr. Robert Gordon then declared in reference to the difficulty of a person improperly detained in a madhouse regaining his freedom, "he knew of no process that could be effectual for this purpose if it was the interest of the Keeper, or any body else with him, to continue the imprisonment," and Lord Lyndhurst declared, in 1830, "that



“ the duty and emoluments of the keeper ceasing  
 “ with the recovery of the patient, it might be  
 “ apprehended that in general he would not be  
 “ very anxious for the occurrence of that event,” and  
 without any allusion to the visitors, or to the protection they might afford, that noble Lord proceeded to sketch the measure afterwards adopted, of appointing a board, “ first to see that the Chancery  
 “ Lunatics were well cared for, but above all to  
 “ watch the least glimmering of returning sanity,  
 “ and see that the parties were not detained one  
 “ day longer than was necessary.” The testimony of this Chancellor to the perfect inefficiency of magisterial visitation, in never alluding to it whilst he names a board to discharge the very duties for which they were appointed, is surely decisive on the subject, for the same responsibility which that Judge has in regard to the Wards of his Court, the public have as respects paupers, and it would be shameful to suppose that the liberty of these last is to be placed in jeopardy because they cannot pay to secure it.

From the date of the 14 George 3, c. 49. (1774) to the present day, the history of the visitation of Asylums as far as the world is acquainted with it, justifies the lowest opinion of its utility. The law too since the Reform Bill has worsened greatly in regard to visitation, inasmuch as all publicity, that great check to abuse, is taken away. The Private House Licensing Act directs Magistrates to visit



Asylums three times a year at least, and by the second Act, (which clumsily enough has hitherto been re-enacted without being consolidated with the first, as though it was necessary on the Statute Book to record the slovenliness with which Acts regarding Lunacy are drawn up,) these visits are recommended to be made without notice, and it is further enacted that if the visitors obtain evidence on oath to justify it, they may go by night to an Asylum, that they are to see certain Registers kept, and to keep others themselves, and to forward both to the Metropolitan Commissioners, who merely receive these documents to keep in safe custody, bearing by law the same relations to them, as the sack in the House of Commons bears to the petitions thrust into it. The visitor, who as a Magistrate in relation to the sane, acts under the strictest surveillance of superior courts, in his connection with the insane, is amenable to no court, and neglect of duty entails no penalty, although a poor man with reason, is "a strong man armed" in comparison to one without. It sometimes happens too that the keeper is the medical attendant in the family of the visitor, which brings them, as regards the due discharge of the visitatorial office, in undesirable connection. But laying aside all minor objections, the impossibility of the most honest visitor forming any judgment to be depended on as to the propriety of retaining a patient in confinement, makes the office worse than useless. There



is no signalement by which unsoundness of mind can always be discovered on a casual examination, nor does the existence of mental disease invariably justify the detention of the sufferer. In the case of *Dew v. Clarke*, Sir John Nichol decided, that a man who had passed through life with the reputation of a careful and respectable person, and amassed considerable property, had been insane, and Dr. Conolly zealous, able, and philanthropic, as he is, allows in the last Hanwell Report, that he discharged a patient who soon after committed suicide. No pamphlet would suffice were we to multiply authorities on such a topic. The advice of Horace should be inscribed in letters of gold on the door of all those rooms where writs of Lunacy are tried. *O major, tandem parcas insane minori.* Shakespeare makes the fool test the sanity of Malvolio, and Fletcher (Beaumont and Fletcher,) represents the visitor, the Master of the Mad House, and the patient, precisely as they meet in the present time, in the play of the Pilgrim (Act 3, scene 6.) the former thinks the patient unjustly detained, and a long and perfectly sane conversation is held, the Master begs to be allowed to speak, and alludes to the sea, when the patient breaks forth.

Upon a Dolphin's back I'll make all tremble,  
For I am Neptune.

MASTER.—Now what think ye of him?

as when the man, otherwise sane, thought Dr. Sims was our Saviour; and as when again a per-



son likewise intelligent ordinarily, imagined he corresponded with a princess in cherry juice, the judges, the visitor, and jury, respectively in each case, thought the patient deserving of confinement. Dekker makes a wife inquire whether her husband is mad? and the person asked hesitates, but says "he talks like a Justice of the Peace, of a thousand matters and to no purpose." (*Honest Whore*, 1st Part, Act 1, Scene 12.) So on the second Mr. Blundell's will cause, a barrister is said to have inquired, "He entertained strange opinions as to the corn laws?" The witness replied, "Most strange, very like what I have read in the House of Commons speeches." Then a gentleman misspelt the word through in a letter, "threw," and found it labelled "this is lunacy." In another instance, a man's sanity was to be tested by his knowledge of the multiplication table; and Dr. Pritchard mentions a case (p. 407) of a person of property, who imagining Queen Charlotte was in love with him, the Chancellor granted a commission against him, and when declared a lunatic, his accounts were found by his committee so intricate that they could not unravel them. But the lunatic enabled his sane friends to surmount all difficulties, and became actually, if not formally, the steward of his own estate. The absurdity, because a person has a delusion on one point, of assuming that he is altogether of unsound mind, has been exposed in all ages, and yet we are



daily acting as though no experience had warned us on the subject. The ancient as well as modern authorities have earnestly pressed to have covetousness ranked as insanity, but we do not yet observe that this has been done. On the other hand, a Justice may possibly set free a lunatic whose delusions are really dangerous to himself or to society, in his desire to prevent the detention of a convalescent; and he can find no information to guide him but from the keeper. Hence, with the solitary exception of the Hereford case during sixty-seven years, we are not aware that the visitors have ever done otherwise than identify themselves with the head of the establishment. At York, and at Bethlem, in 1814, they did so at the expence of many universally received principles. We cannot at all suppose what is now going on at Hanwell, and Bethlem, will terminate so painfully as in former cases; but there, as before, the visitors come forward in entire<sup>d</sup> union with the keepers. We do not see how a different connection can exist. The keeper is naturally looked to for information, and before the visitor has a decided opinion as to the honesty of his informant, he has begun to see with his eyes, and to think precisely as he chooses. Mr. John Perceval makes these remarks on this subject:—" Having already waited nine weeks for  
 " the arrival of the visiting Magistrates in vain, who  
 " are my only protectors, and feeling that they after  
 " all, are holding an office, for which in one sense



“ at least they appear to be not responsible, fearing  
 “ also that they might not pay attention to my ar-  
 “ guments, but act from prejudice and suspicion  
 “ without being culpable before the tribunals of my  
 “ country, which others already have done, as well  
 “ as mistake my reasons, and having no other  
 “ means of obtaining my release”—(vol. 1. p. 232.)

As the Justice can only bring responsibility on himself, by setting a dangerous lunatic, or one under treatment, at liberty, no wonder that he comes to the examination of a patient with “prejudice and suspicion.” We know of no instance where visiting magistrates have set persons confined at liberty against the opinion of the keeper; and if they were inclined to do so, the law opposes great difficulties to the undertaking. In the case mentioned by Mr. Gordon, of a lady, who from 1825 to 1828 was improperly detained, the keeper appears to have represented the matter to the visitors, and the relations to have urged her continued imprisonment.

All keepers, whether in private or public asylums are, from their honest convictions on the subject of unsoundness of mind, deemed somewhat unsafe judges as to the propriety of keeping a person in confinement. Lord Lyndhurst said he would have “two able physicians” on his intended Chancery Board, but not what was called “mad-doctors;” and he afterwards in explanation remarked, “there was a tendency to suppose, whe-



“ther right or wrong, that all medical men who  
 “devoted themselves exclusively to cases of insa-  
 “nity, and who kept asylums, had a prejudice in  
 “favour of making people insane. What he  
 “meant was, that they were apt to imagine and  
 “see insanity where other people saw none.”  
 When Dr. Haslam, in 1832, in Bagster’s case as-  
 serted “that he never saw any human being who  
 “was of sound mind,” and added, “that he pre-  
 “sumed the Deity is of sound mind, and he alone;”  
 nothing was said that had not been remarked be-  
 fore. “*Quis est sapiens? solus Deus*, Pythago-  
 ras replies. God is only wise, Rom. 16.” Yet  
 such an opinion, strongly held by an asylum  
 keeper, should in its being carried into practice be  
 under an efficient surveillance. Now this inclina-  
 tion of the mind of keepers is rendered more dan-  
 gerous by the source from which they must gather  
 their information. The subordinate keepers in a  
 house are the most important part of the machinery  
 by which lunatics are managed. Esquirol says  
 that English superintendants almost invariably  
 complained to him of the difficulty they had in  
 procuring servants of this description on whom they  
 might depend, for accurate knowledge of the cases,  
 and for kind and judicious treatment of the pa-  
 tients. It will be seen, that not only should these  
 men be forbearing towards those committed to their  
 charge, but as being the only sane with whom the  
 sufferers have communication, they should be in-



telligent and active-minded, and able to carry into effect the necessary treatment. But unfortunately, and it applies to the keepers as well as the patients, constant communication with insanity begets the disease, or something approaching to it. Fletcher makes the keeper say—

“As tho’ any man durst be in’s right wits, and be here,

“It is as much as we dare be, that keep ’em.”

“It has been said,” says Dr. Combe, in his *Principles of Physiology*, p. 386, “(and I believe not without reason,) that keepers of asylums who  
“live without any variety of intercourse and occupation, exclusively in the company of the insane,  
“are themselves apt to become of unsound mind;  
“and that of those who escape insanity, there are  
“comparatively few who do not ultimately acquire  
“the peculiar expression of eye which is observable  
“in lunatics.” The ancient keeper, whose main duty it was to flog\* the patients, is always repre-

\* The rationale of the coercive system is best given in Burton’s *Anatomy of Melancholy*, the most elaborate treatise on lunacy and its cure of which our literature can boast. “Rule thyself then  
“with reason, satisfie thyself, accustom thyself, weane thyself from  
“such fond conceits, vaine feares, strong imaginations, restlesse  
“thoughts. Thou mayest doe it, est in vobis assuescere, as Plutarch saith, we may frame ourselves as we will. As he that  
“weares an upright shooe may correct the obliquity or crookedness, by wearing it on the other side, we may overcome passions if we will. ‘Quicquid sibi imperavit animus obtinuit,’  
“as Seneca saith, ‘nulli tam feri affectus, ut non disciplinâ perdomentur,’ whatsoever the will desires she may command; no



sented with a face "ill as theirs which in old hangings whip Christ"—

And good Sir, let none of your tormentors come about me,  
You have a gentle face, they look like dragons—

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"such cruell affections, but by discipline they may be tamed.  
"Voluntarily thou wilt not do this or that, which thou oughtest  
"to do, or refraine ye but when thou art lashed like a dull jade;  
"thou wilt reforme it—feare of a whip will make thee do or not  
"do. Do that voluntary, then, which thou canst do, and must  
"do by compulsion; thou may'st refraine if thou wilt, and  
"master thine affections"—(p. 242.) This is highly fanciful;  
but in practice the intention seems, as was done to poor Abou  
Hassan, in the *Sleeper Awakened*, to lay on until the delusion  
was *vivâ voce* abandoned. Dekker here supplies us with infor-  
mation, and that too of a very early date, for his *Bedlam* is that  
which existed before the Reformation, with a Monk as superin-  
tendant, of the existence of which those who placed the inscrip-  
tion now in front of the hospital of *Bedlam*, assigning Henry the  
8th as the founder, must have been aware, and would probably  
justify their flattery by Waller's apology, that compliments are  
always best when fictitious. Convalescent patients were at this  
time keepers; and one says, "I sweep the mad men's rooms, and  
"fetch straw for them, and buy chains to tie 'em, and rods to  
"whip 'em; I was a mad wag myself here once, but I thank Father  
"Anselmo, he lashed me into my right mind again." Now this  
Anselmo, the master, gives a somewhat different account of this  
system—

They must be used like children, pleas'd with toys,  
And anon whipt for their unruliness.

There are several passages in Shakespeare, and Beaumont and  
Fletcher, which shew the whip was a common remedy in their  
time for insanity; indeed, the law, as laid down by Hawkins,  
justified it, and this yet remains so. The puritans had the warrant



says the patient in the 'Pilgrim' to the superintendent. It is to this day the constant complaint

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of too many texts of Scripture for the practice, to consider it unlawful; and even Bishop Hall, orthodox as he was, earnestly supports the use of the whip for those destitute of understanding. We find no other trace in England of Anselmo's plan of treating lunatics as children: it is precisely as they should *not* be treated; and yet we read in the article "Seelenheilkunde," by M. Pierier, that this is an approved principle, at this day, amongst the Germans. In D'Israeli's Notice of Bedlamites, a song is quoted, which in 1661 makes whips, chains, and starvation, the treatment of that day. The dark room was also a favourite remedy: it was applied to Malvolio—is alluded to in "As You Like it"—and the clergyman sends Sir Giles Overreach there. Cowley mentions this practice; and Butler, in his gross attack on Sir John Denham, says—

For who e'er liv'd in such a paradise,  
Until fresh straw, and darkness op'd your eyes.

Other remedies were also known: repose is promised to Lear by medicine; music was also tried, as in the *Tempest*; the propriety of separating the occasion from madness is admirably insisted on by Spenser, in the *Fairy Queen*, Book 2. Canto 4. Yet with all these proofs, and with scenes out of *Lear*, and *Hamlet*, which show a knowledge of the disorder far beyond anything that can elsewhere be read, men are everywhere taking credit for the present age as having had some wonderful disclosure on the subject of insanity which our ancestors were without. There is a passage in the *Pilgrim*, which would lead us to believe private asylums existed in Queen Elizabeth's reign:

We have few citizens, they have Bedlams of their own, Sir,  
And are mad at their own charges.

A hundred and thirty years later, the abuses of these places are described in a letter from Sir Wm. Fownes, to Swift, (vol. 18. p.



in asylums, that these servants use coercion unknown to the master, although in the schedule of the act 2 and 3 W. 4. c. 107. the medical officers are directed to certify approbation of coercion : but Mr. Tuke gives the reason of the difficulty with keepers. “ Those who have not almost  
 “ lived in an asylum can but faintly conceive the  
 “ temptations to neglect, oppression, and cruelty,  
 “ which continually present themselves to those who  
 “ have the care of insane persons, or the difficulty  
 “ of suppressing the natural feeling of resentment  
 “ which rises in the mind, on witnessing the mixture of mischievous folly, and good sense, which  
 “ often marks the characters of the insane. The  
 “ business of an attendant requires him to counteract  
 “ some of the strongest feelings of our common  
 “ nature.”

The difficulty which the superintendant has to provide himself with proper keepers, is the only apology that can be offered for Magistrates con-

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44.,) and yet legislature applied a remedy to them only in 1774. The close of the 17th century was remarkable as the period when Bedlam was most successfully managed : at present, with limitations as to the reception of patients which should secure a high average of cure, it is not only behind other hospitals, but loses when compared to its former self. The very appearance of its barred windows invite reform ; and Dr. Combe, (Principles of Physiology, p. 398,) says of it and St. Luke's, “ that the patients  
 “ wander about their courts in hopeless indolence, without an  
 “ effort being made, so far as I know, to provide for them systematic employment.”



senting to visit upon these last, the atrocities which have been proved against asylums, and to insist upon the exculpation of the master; a principle which bears hardly upon the patients, and is opposed to all our ideas of responsibility in matters in which the sane are concerned. Yet, as may be seen in Hansard, the slightest testimony to the master's character, even in the House of Commons, has been held a sufficient reply to the worst accusations, and this is the more reprehensible, as the keepers are not always entirely chargeable with what is imputed to them, for what is called the coercive system is sometimes forced upon them by the too great parsimony of the superintendant in making their numbers fewer than are required. There has been no such fruitful source of torment to the insane as that arising from want of a proper number of keepers, and the French are so aware of this, that they have forbidden more than ten lunatics to be assigned to one keeper, whilst in England, at Hanwell lately it was 1 for 25, and now 1 for 18; in Gloucester 1 for 17; Mr. Browne of Montrose, in his excellent book on asylums, p. 147, says, the proportion usually (1837) is one for 30. Although the most exquisite cruelties have arisen from this want of proper attendance and do still arise, yet, the non-responsibility of masters, is pushed so far by a late committee of the House of Commons, that no visiting Magistrate will henceforth do wisely to meddle with the subject.



The institution of visiting remains then nearly what it was 25 years ago, when Lord Robert Seymour, "contended that the visits could render "no service whatever to the maniacs, and that it "was injurious to them, as giving sanction to the "abuses which prevail in madhouses, and as "furnishing a plausible excuse to the friends of "these sufferers for not themselves seeing them." The Court of Chancery have supplied the defects of the visiting by magistrates' system, by a paid board to enquire into, and watch over the treatment given to each patient, and a similar institution with the magistrates associated with the commissioners, endowed with greater powers to set patients free, and responsible to a Metropolitan Court of lunacy, (not that of the Commissioners with the powers they now have,) would give the poor the protection they require. As it is, visiting private asylums is a gross delusion upon the public, who constantly put it forward as affording an efficient check upon bad superintendants, (perhaps it is an inexpensive one,) and the circumstance of so many men of character and station, continuing to act as visitors, prevents that enquiry which would otherwise be made, and renders the institution of visiting, positively mischievous.

We have now disposed of the paupers of unsound mind who can be said to be under treatment, and there still remains 9,396 who either in work-houses, or out, receive parish pay. These numbers



taken from the parliamentary return of 1837 profess only to be a list of those actually on the poor's books, and it is notorious that more than half as many more are earning a livelihood in a state of great destitution, and would in the event of public asylums being built become early applicants for admission. This fact bears also upon the comparative statistics attempted in this return. The number of idiots and lunatics in any county as compared with the sane, must in some degree be influenced by the greater or less demand for employment, in particular districts. Thus when Staffordshire is set down as having one of these sufferers in 1,570 people, and Rutland one in 497, the difference cannot entirely be accounted for by the circumstances that Stafford has a public asylum, and Rutland is without one. This number of nearly ten thousand paupers have since 1834 been under the care of the Poor Law Commissioners, and the guardians of the poor, and it is remarkable, that after nearly seven years all that the public know of these, the very poorest of the poor, is to be gathered from the inaccurate returns made under 9 Geo. 4. c. 40 s. 36. by those ancient officers the overseers of the poor. Of those returns the Poor Law Commissioners cannot fail to know the character. We are informed that in one county the magistrates, wishing to arrive at correct knowledge on the subject, applied to the assistant Poor Law Commissioner to obtain lists through



the relieving officers, and stated the little reliance they placed on the overseers returns.\* But when these Commissioners, having printed numerous re-

\* Too much cannot be said of the ignorance we are in as to the statistics of lunacy, the only two public sources are the parliamentary returns of 1836 and 1837. The first regards public mad-houses, the last the disposition of paupers of unsound mind. We cannot, as the returns are made, even check the number of poor in the public hospitals in 1837 by the document of 1836. There is no separation made of paying, and non-paying patients, nor any data to ascertain the numbers actually there. But the overseer's return is at once shown to be absurd by Col. Sykes giving 1,404 as the number of lunatic poor in private asylums in the Metropolitan district, and we know twenty-eight are in similar places in Herefordshire, and fifty-three in Shropshire, leaving all the rest of England to make up the six wanting for the 1,491 of the Overseer's return. Lord Lyndhurst says, 1830, that the Court of Chancery had then returns from asylums containing 25,000 patients: that Court must have surely for this number have gone out of Great Britain and Ireland. The figures are in Hansard, but that part of the speech is omitted in the *Mirror of Parliament*. In Herefordshire there are 162 poor of unsound mind to 111,000 people, and in Shropshire 300 to 222,000—the former has twenty-nine in asylum, the latter fifty-three, and seventy-six in workhouses, the number of insane, as to the population, approximate in these two counties so nearly that we may take them as an average, first adding half the number of lunatics given, in order to include paupers not on the books but admissible to asylums, and assuming these represent two-thirds of the population, we get about 330 persons of unsound mind for every 110,000, which would make nearly 40,000 insane and idiots in England, of which 27,000 may be deemed paupers, and 13,000 able to pay for themselves.



ports without affording any information of the state of such a large body of paupers, of the care taken of them, (and as respects attention to their bodily wants the report would have been very honourable to all parties concerned,) of the effect which followed their free admission into workhouses, and after such silence come forward to ask at the hands of legislature the power to shut them up throughout the kingdom in wards of workhouses, we are almost disposed to conjecture that a long and intimate acquaintance with this peculiar class confided to their care, has produced its usual effects upon the minds of these functionaries, and that they count upon finding a House of Lords and Commons in the same state as themselves. We live in an age when great attention is paid to the care of those of unsound mind, and this attention is every where rewarded with eminent success. England has done less in this respect than most other countries, and it is painful to compare the institutions for mental diseases in the poorest Roman Catholic communities with those of rich and Protestant England. The proposal to shut the poor up in wards of workhouses, if adopted, will not only inflict long years of pain and suffering on those upon whom we have already imposed sufficient torment, but must degrade the country in the eyes of those other European nations who estimate highly the discharge of this undeniable duty to our neighbour. The plan of inclosing in



one ward the furious and the fatuous, mutually to torment each other for the rest of their lives, seems borrowed from the imagination of some Dante, and not gathered from sources which should influence a Christian legislature. A recommendation to destroy these sufferers would be mercy in comparison to leaving them to drag out such an existence.

No provision for their due committal; they are to be transferred, we suppose, from the workhouse to this their inhuman doom, at the pleasure of the master of that establishment; the bright sun, and pure air, which God as much created for them to enjoy as for those who hold them in such unrighteous confinement, they must henceforth know only as they visit the four brick walls which enclose their narrow yard: remedial treatment is out of the question, and conveniences to alleviate their disorders—are they to be supplied them? All day and night long for years, the moan of the fatuous, and the shriek of the furious, sounding around them. Shame! shame! upon the country which can tolerate for one instant such a proposal. In vain have we heard of the noble asylums in other countries, at Hartford, of the two at Naples, of which Willis speaks so glowingly, of that at Palermo, described by Von Raumur, of Sonnenstein, of the attempts at Gheel, at Kolditz, and other places to make the incurable pass their lives in comfort, we only wish to get lunatics out of sight, we have mo-



rality enough not to kill them outright, we shut them up in wards of workhouses! We are very jealous of our Gallic neighbours assuming any superiority over us, and we are lavish of our blood and treasure to prevent it, but compare our discharge of this moral duty with theirs, and let any lover of his country ask himself where we are placing ourselves. “*Heureusement la nouvelle loi obligeant chaque département à construire ou à traiter avec un asile d’un département voisin, est venue assurer aux aliénés en général, et sur tout aux indigens les soins que leur position reclame.*”—(Cazauvieuille, 307.)

To those who have watched the saving effected by the Poor Law, with the hope that a portion of it, at least, would be applied to supply the pauper’s acknowledged and legitimate wants, and who hold the establishment of public asylums throughout England as most urgently required, and who have been aware of the worsened state of the law in respect to this mode of poverty since the passing of the reform bill, and the increasing suspicion as to the management of a portion of the private asylums, the present proposal must be received with entire disgust. It will be well to consider by what steps we have been brought to this state of things. The ancient condition of the lunatic poor, the Tom o’ Bedlams, and of the counterfeits of them, the Abram men, is familiar to all readers of the old dramatists. In Shakespeare’s time the world were



beginning to get weary of these troublesome people. Edgar, in assuming the disguise of a Bedlamite, calls it,

“ the basest, and most poorest shape,  
That ever penury, in contempt of man,  
Brought near to beast ;”

and Gloucester remarks of the junction of madman and beggar in one person : “ He has some reason, else he could not beg.” Jacques, in claiming the license of a fool, desires that his hearers will not suspect that he is wise. It also appears by the concluding scene in “ A new way to pay old debts,” that Justices committed lunatics, at that time, to the hospital at Bedlam,—a power given by statute first in 12 Anne, c. 23, where the prison, however, seems to be their destination. By the 17 George II. c. 5, s. 20, two or more justices may commit a lunatic to be “ safely locked up,” and, if the justices think fit, “ to be chained ;” the place is described generally as “ some secure place,” and the construction placed on this part of the act is shown in the preamble of the first madhouse bill. (1808.) (48 Geo. III. c. 96.) “ Whereas the practice of confining such lunatics and other insane persons as “ are chargeable to their respective parishes in “ gaols, houses of correction, poor-houses, and “ houses of industry, is highly dangerous and inconvenient.” The remedy to this evil was not in those unreformed and dark days, as might be expected, the same as that which in these enlightened



times is proposed ; our forefathers did not offer to make the workhouses capable of receiving lunatics, but they began to build public asylums, and first they made their being provided voluntary, no doubt with the view, at an early period, of compelling those districts to build which should not avail themselves of the permission in the act. When the law of 1828 passed, consolidating and repealing a number of acts which had passed to amend that of 1808, and becoming the madhouse act in lieu of the earlier one, the preamble is not repeated, for, a bill to provide remedial treatment for the insane poor, did not want the acknowledgment that it had arisen because they had made themselves troublesome in prisons and workhouses.

From this time, the two acts of the 9 Geo. 4. c. 40, (the mad-house bill,) and c. 41, (the private house licensing bill,) seem by a palpable fiction to have been considered, the one to regulate the treatment of the poor, the other of the rich, of unsound mind. But as there was nothing to prevent the poor coming under the second bill, and nothing to enable them to insist upon taking advantage of the first, the whole legislation was of partial benefit to those it was designed to serve. The errors were, not making the first statute compulsory, and not absolutely excluding the poor from the second. When in 1834 the Poor Law appeared, the 45th clause excited great surprise ; the keeping lunatics in workhouses had been early one of the most uni-



versally acknowledged abuses connected with the treatment of the insane In 1816, Lord R. Seymour said, “ He was particularly desirous that the “ bill then before the house should enable magistrates to remove pauper lunatics from their “ respective parish workhouses to the next adjoining mad-houses. Gentlemen not conversant with “ parish workhouses were not aware how harshly “ these poor creatures were treated in them,” and even Mr. George Rose who was held a most uncompromising enemy to reform, long urged this change, and stated in the debate of 1816. “ He had “ known several instances where great severity had “ been exercised in keeping pauper lunatics in parish workhouses.” It is true that the corporal sufferings to which these wretched beings were then exposed cannot now be inflicted in the workhouses ; but pain in other shapes is still there, and in abundance for them. We have seen these men seated the long, long day through, the companions of the dissolute and the miserable ; for make your poor-houses what you can, by white-washing, and dietaries, and the exclusion of strong drinks and tobacco, and the introduction of order and discipline and the separation of the sexes, still if we are to believe the report printed previous to the passing the Poor Law, and our own experience, destitution almost always arises from crime or improvidence, and these bring disease and moroseness. The moral right to put a person of weak mind into a workhouse



at all, seems very questionable, he is a pauper from no fault of his own, he is obnoxious to none of your tests, you cannot by giving him gruel for breakfast, make him work either in or out of the house. The duty of society here, is surely to cure, if possible, and if not, to find out as suitable a mode of life as you can for the sufferer. We confine persons of unsound mind for three valid reasons, and a fourth, the goodness of which is more than problematical ; 1. Lest danger should result to society from their being at large ; this does not justify us in classifying the lunatic with the pauper, the danger to society results from no crime in the former, and as the restraint we put upon our fellow man is for our own defence, it should be made as little onerous as the nature of the case will allow. 2. Lest danger may come to the lunatic, from inability to satisfy real wants, from deficiency of power to protect himself, as in the case of women, who in the present state of the law of rape as to non-consent, are when of weak mind wholly unprotected, or from a tendency to commit suicide, here the motive of the public in confining is benevolence, and we should take care that the houses provided do not realize worse sufferings than those from which we would withdraw the patient ; the third justifiable cause for restraint is the chance of cure. We have said that all men have a right to have this chance afforded them, precisely as they have a right to be attended to in bodily sickness ; it is a duty on the



rich which there is no merit in discharging, but great shame in neglecting. It is a miserable evasion of this duty, and a low hypocrisy, to send the poor of unsound mind, under the pretence of cure, to houses where there can be neither proper advice, conveniences, nor classification—where, in fact, the disease must be exasperated. The fourth, and, perhaps, the cause of all others to which workhouses owe their present influx of these undesirable inmates is the cupidity of friends in exacting more for the care of the lunatic than guardians can justifiably give, or from lunatics and idiots having no friends. Since the new poor law, in the unions with which we are acquainted, there has been very sedulous attention paid to those who could not protect themselves, as far as feeding and clothing are concerned, but the very cleanliness and order introduced into workhouses has encouraged friends to stand out for better terms, because the alternative of throwing those for whom they ought to be interested, upon the public, ceased to be so desperate as under the old law.

Against this imposition the guardians can only protect themselves by receiving the pauper into the work-house, or by putting him out to nurse in some cottager's family. The last is the more humane arrangement, but as only one patient can be in a cottage, or it would become a private asylum, the fear of expence, and frequently the difficulty of finding a family where the lunatic might be suit-



ably attended to, has led to the transformation of workhouses into asylums. The repeated visits of the relieving officers at uncertain times renders the "nursing out" of the incurables as satisfactory a disposition as will ever be made of them. Animals in the human shape, and yet hardly human, are found in most Unions, and are now warmly clothed and well fed at home, and proper attendance paid to them; sometimes in counties having public asylums the idiots find their way to those institutions. We saw one there in November 1840, clean and comfortable, dragging its distorted limbs along, and the superintendant informed us that it was taken from under the stairs of a house, where it had evidently passed years. After all, the great mass of pauper lunatics, and especially idiots, are in the workhouses, and of the cruelty of keeping them there no one can doubt, and if it is legal, there can be as little doubt, it is the hardest upon illegality of any common practice sanctioned by a great public board. The law intends that every pauper shall have remedial care, by the 9 Geo. 4, cap. 40, sec. 36, the Overseer is bound to return to the Petty Sessions a list of the insane persons in his parish, with the most minute particulars of each with the certificate of their state by the Medical Officer, and in default the Overseer is liable to a fine not exceeding ten pounds, and in order to insure immediate attention, by the 37th clause, any Overseers neglecting for 7 days, to inform the



Magistrate of the state of an insane person becoming chargeable, he shall forfeit not more than 10*l.* nor less than 2*l.*, one half to go to the informer. The Magistrate may then commit to the County Asylum, and if none exists, then to a public hospital, or private asylum, the workhouse appears never to have been thought of as a place for lunatics. Now these clauses are nearly useless, strongly as they are worded; the returns are made, but in the most slovenly manner, so that no reliance can be placed on them, and we never heard ourselves, nor ever met with the Justice who has heard, of an Overseer being sued for either penalty. It would appear that the sending an informer through the workhouses to lay information as to every pauper lunatic and idiot there, who had not been before the Justices would be a humane work, but though the law never intended either the Guardians or the Overseers to dispose of these paupers, yet we fear no penalty could be recovered. Magistrates in deciding on a penal clause, would find a less loose signification for the word insanity than Juries put upon it, and then in their parishes, Justices are often as much to blame for not sending paupers to asylums, as the Overseers. The 45th clause of the New Poor Law, by its excepting dangerous lunatics from admission to Union-houses, seemed to set the door wide for all others to enter. The Commissioners either authorized or connived at the practice, but of its legality the greatest doubts still prevail.



Theobald says an Overseer is under no general obligation to send a lunatic pauper to an asylum, but we apprehend that functionary is under a very particular and penal obligation to bring him before a Magistrate in order to have it decided whether he shall be so sent, and one of the worst consequences of allowing Guardians to shut up lunatics in wards of workhouses is that the whole remedial system thereby falls to the ground, at any rate no pauper should be there consigned until his incurable state is duly certified. Before quitting the subject we must express our opinion that the 22nd clause of the 2 and 3 Will. 4, c. 107, sufficiently prevents Guardians, or Overseers, from keeping a house for the reception of two or more insane persons without a licence; we know of no decision which takes workhouses so applied from the condition of private asylums.

Instead of removing the incurable into workhouses, we should rejoice to see such proportion of the present insane inhabitants of those places as can with propriety be sent home, again enjoying their liberty, it would be a very small additional expence to the Unions, and would be a vast increase of happiness to the insane, and if instead of asking for a law where "*Amens demens furiosus, lunaticus, fatuus stultus,*" must pass their days in the confined space of an ill-contrived room and yard, the Poor Law Commissioners had sought for a clause for ever excluding those of unsound mind from such places,



leaving the portion that require confinement to the public asylum, and sending those who may stay at home to their friends, the Commissioners would have acted more kindly than they have done.

The projected change, by causing the reception of curable persons in these wards, will be the cause of exceeding cruelty. It is impossible in any County of England to find ten districts in each of which resides a person capable of taking charge of lunatics. There are everywhere well educated surgeons, but a knowledge of lunacy has never been a part of medical instruction, the Romans believed Hellebore would cure it, and the Egyptians at Cairo, give serpents' broth when the moon is at full to relieve the disorder, but we think that mental treatment alone is able to afford a remedy. We are not aware that the mode of managing lunatics is anywhere taught, though since the establishment of public asylums, young men brought up there have disciplined themselves to those, we cannot better designate them, christian graces, which soften the furious, and win the confidence of the distrustful. Truthfulness, and courtesy, *mens sana in corpore sano*, form the mystery, and craft, of this profession, but these admirable qualities, difficult always of attainment, are still more difficult of practice towards the insane. We know of several young superintendants who are now zealously, and most successfully conducting large county asylums, and they form a public for their



own profession, which the great public has every reason to desire to see extended. We have been often interested in hearing the enquiries they have made as to what was doing at Lincoln? what Ellis, or Conolly were about? nay we have heard of them taking journeys to be eye witnesses of improvements, and surely this growing spirit is invaluable, and forms an additional reason for increasing public asylums. In 1786, so little of this knowledge was abroad that in the 7th printed reason for the encouragement of St. Lukes, we read, that that hospital will be the means “of introducing more gentlemen of the faculty to the study, and practice, of one of the most important branches of physick already too long confined, (almost) to a single person.” Now the possibility of shutting up a curable patient where there is not the power of procuring advice, and of allowing his lunacy to grow into idiotcy is unjustifiable, and if the overseer, and the surgeon are to decide on the matter, and practically it must be left to them, we fear the case will everywhere arise, such wards so used will be a great nuisance. Supposing however a “mad doctor” is stumbled upon in a county, what chance can he have of effecting cures in the ward of a workhouse? The French lunatic keepers, Esquirol, Pinel, &c., are agreed, say M. James Rousseau, indeed “tous les medecios les plus célèbres qui ont écrit sur l’aliénation mentale recommandent pour ceux qui sont at-



“ taqués de cette affection, un air pur, un horizon  
 “ lointain, un terrain vaste, des sources d’eaux  
 “ vives, l’aspect de la verdure, de riants paysages,  
 “ rien qui ressemble à la gêne, à de la contrainte,  
 “ à de la prison,” hence they do not recommend  
 the rooms, and yard of a workhouse.

But if a sense of duty does not prevent this strange proposal being adopted, at any rate a fear of expense may keep us in the path of right. These wards, even if no other classification be attempted, must be double in order to separate the sexes. Take a county with ten Unions, and 120,000 inhabitants, (for the smaller counties seem most to shrink from building asylums,) the workhouses in each Union, though nominally constructed for £4000, land and building, will have cost nearly £5,000, and they consist of four wards, for in providing for the sane you separate ages, as well as sexes. With only very humble conveniences we do not see how two wards and yards, are to be added under £2,000, including the provision of land, the price of which will be enhanced from the necessity of the purchaser to buy. Such a county will then have to pay £20,000, for a provision for its lunatics, which we prophecy will be far more troublesome to the Commissioners, as it assuredly will be infinitely more cruel to the patients, than the existing state of things, bad as it is. Now this county might find a proper provision for its insane, which would be about 60 always in asylum, by



joining another county at £12,000, or they might build such an edifice as Mr. Foster has constructed for £11,000, in 1829, at Liverpool for 60 patients, and which is one of the ornamental buildings of that town. The position of the 14 counties having public asylums, and now about to be called upon to build wards to workhouses should also be considered. The additional accommodation necessary to receive the poor who have hitherto resided in Union houses, would not be very expensive, it might be far more cheaply done than these wards, and the pauper would be in the midst of good advice, conveniences, and exercising grounds suitable to his wants, and thus this notable project will put the public to a vast expense in order to have the poor worse treated than by the cheaper plan. It is melancholy to anticipate the derangement of the remedial system in these districts, where it is at present working almost to the extirpation of insanity, which must follow the adoption of the Commissioners' clauses. The Unions in Gloucestershire, for example, seem to be diligently co-operating with the public asylum, and in the last report of that institution we read "the permanent effect of the present system of poor management will be beneficial not only to the patients, but to the pecuniary interest of the asylum, by the lunatic paupers being sent earlier, and therefore, more speedily cured, and discharged." And is Government to step in, and do its worst to put a



stop to such a state of things by giving the Guardians a house of their own, where no remedial measures can be taken, and in which they may legally shut up the pauper.

We have already assumed that the Poor Law Commissioners desire to take charge of the incurable only, and we have remarked that there appears no one who, with certainty, may be expected to be found in a Poor Law Union, capable of separating this class from the curable. The overseers and the parish doctors, (we doubt whether these last are often consulted on the subject,) profess to make a return of 6402 lunatics, and 7265 idiots in England, but we cannot allow this document to be conclusive as to whether a man is to be subject to remedial treatment, or not. Locke himself, comprehensive as is his distinction between idiotcy and lunacy, fails to make it sufficiently definite; and the lawyers cling to the old form of *non compos mentis*, and where they speculate on the subject they comprise drunkards with the insane, as the Romans included spendthrifts. We know that the Poor Law Commissioners send over to Holland and Belgium to take example by their institutions, and looking to this strange intended provision for the incurable—and to this plan that will assuredly give many wrongfully a treatment which must soon put them beyond the power of cure—we think we detect an intention to assimilate this country to Belgium, holding that our insane are incurable.



ble, or that they ought to be so. The remarkable lunatic colony at Gheel, near Antwerp, says the *Conversations Lexicon* (Brockhaus), where amongst the 6000 inhabitants of the place, four or five hundred insane mehr zur Pflege als zur Heilung vertheilt sind, die einzige Art von Sorgfalt die bis jetzt in Belgien gewöhnlich ist. These Belgians do not, however, shut up even their incurables in wards of workhouses. We confess, if such a miserable choice was forced upon us, we should prefer caring for those who might still be recalled to reason, over those whose reason is hopelessly gone; but surely there is enough of religion and humanity in England to take charge of both. It must not, however, be denied, that if these wards are built, there will be a great additional disinclination to incur the expense of asylums.

We oppose the intention of transferring the insane to the care of the Poor Law Commissioners, because it is against the ancient usages and laws of the realm. The sovereign is held to stand in a paternal relation to those who cannot protect themselves, and especially has the custody of lunatics and idiots. It is now sought to hand them over, bound hand and foot, to such care as the rate-payer may choose to give them, who, although he may feed and clothe the insane, estimates lowly the advantage of remedial treatment, as we can abundantly prove; but surely this execrable plan of a ward and a yard, does away with the necessity of



further proof on that subject. The sovereign now manages the insane through the immediate servants of the crown, appointed by her, and removable at her pleasure, and to assign them to an elective body, wholly independent of the sovereign, is in itself a violent step, for which some good reason should be shown. In all countries, the charge of those of unsound mind is also a matter of police, and rests with the executive; and though we have dwelt on the evils of the present system, we never imagined that this denuding the crown of its guardianship, would in any way advance the object we have in view. If justices have failed, it is merely because they have no power by law to do what was necessary, and because they were put to duties they could not perform, and we have no evidence to show that the Poor Law Commissioners are better qualified to act; but, on the contrary, in retaining the plan of visiting by justices only, and in offering such inadequate accommodation for the insane, and in never putting forward any other reason for the meditated change but their own approbation of it, we must think these Commissioners, or rather the Boards of Guardians, unfit depositaries of the power thus sought for. We have every evidence, from what occurred in the metropolitan parishes, when the expense of Hanwell was increased, and from what has occurred in various parts of England, that the classes which predominate in Boards of Unions satisfy themselves with feeding and clothing luna-



tics, and set a low value on mental treatment. Let a committee of the House of Commons call for the petitions of unions, as well as parishes, which have been presented to quarter sessions on this subject, within these two years, and then decide whether they will deliver the insane pauper into such hands. The present machinery of the Chancellor, Commissioners of Lunacy, and Magistrates, has worked ill; but the causes of their failing are apparent, and at any rate, before they are cashiered, they should have a fair trial, and the law be put into a more satisfactory state as regards them. It is a strange measure of reform, to select, to fill the places of these discarded personages, Boards of Unions, who under this new bill, will have to commit, retain in custody, and pay for the insane, with no provision that their treatment shall be uniform in the country, (and whenever an enquiry is had as to work-houses, the world will be astonished at the great disparity in their management,) but each set of wards will be regulated according as kind feeling or avarice influences the Guardians. The ancient, and a thousand times proved inefficient institution of visiting, is to be applied to prevent unjust detention, as though that was an evil much to be apprehended amongst our paupers, and the matter will be complete, if the magistrate, in order to prevent the remedial system being interfered with, is charged with separating those capable of cure from the others. This union of the two offices of magis-



trate—and it has hitherto required a magistrate to commit a lunatic—(for we cannot say too often that the finding these unfortunates confined in workhouses was a gross abuse,) and that of private asylum keeper, is bringing together two offices, which never ought to be united; and here even the responsibility which attaches to individuals is done away with, though we every day see public bodies doing wrong things which individuals dare not attempt for very shame. Besides, we cannot perceive any thing in this clause which should prevent the master of the workhouse drafting an insane pauper into the lunatic ward, which may be done by way of punishment to a troublesome fellow. There are two great requirements for the insane, either for cure, or for alleviating their disorder, freedom from excitement, and occupation; and it would be the height of cruelty in any government to legalize their being confined where these could not be obtained. Now, the workhouse was bad as respects these, but the wards will be infinitely worse.

The proposal of the Poor Law Commissioners leaves the government no longer the power of halting between two opinions. They must either make the old remedial system, so timidly begun in 1808, general, and legislate with that boldness which the consciousness of doing right may well inspire, or they must accede to the proposed clauses. The cry is loud for enquiry;—the magistrates in Middlesex petition for it; all the authorities, Combe,



Browne, Pritchard, and even Dr. Conolly, in the last Hanwell report, agree as to the deplorable state of many of the asylums in England; and Mr. Perceval's book has been very generally read, which bears a strange testimony on the subject.

The public asylum not kept for gain, with three efficient head officers, the Chaplain, the Superintendent, and the Medical attendant, wholly independent of each other; and the Magistrate, not as a mere visitor, but as proprietor of the house, engaging, paying, and discharging the persons employed, and yet with no pecuniary interest therein, is the true remedy for the existing state of things. There is no hardship now in calling upon counties to supply these, Worcestershire for instance, saving, as it does, £26,000. per annum, under the New Poor Law may set aside £2000. per annum for twenty years for so righteous a purpose; and Herefordshire having in like manner £20,000. per annum saved, may also be asked to lay by £1,500. per annum for a less period, or Monmouthshire may do the same; a county whose want of churches and asylums, well accounts for the existence of Chartism. If we thrust the poor in the hour of their deepest misery, when labouring under mental disorders, into workhouses, or wards of such places, we must not be surprised if the affection which yet knits together ranks in England, should be broken.

The Mad-house bill might perhaps be advan-



tageously submitted to the following changes. The erection of asylums made compulsory, and the clause retained allowing the junction of counties. This we believe has not yet been acted upon, for all districts like keeping the administration of their affairs separate, but to very small counties it will be of use, and we must recollect the greater the number of patients brought together the lower the expence per head, a fact well worth remembering by those who seek to found wards for the insane in workhouses, and thus have ten asylums instead of one. Of these asylums it should be directed that the plans before building, are passed by the Metropolitan Commissioners board, or by some other competent body, in order to insure that all contingencies are provided for, and indeed to prevent that lavish expenditure which has done much towards checking the increase of these asylums. The rich patients should be excluded, and a junction with other, and anomalous, bodies, is very undesirable, such as subscribers, or City magistrates, &c. The division of Government produces confusion, and what is worse, there is not that full responsibility on any one ruling power which the public require. Patients residing in the county, if there is room after the public paupers were provided for, might be admitted, to be treated in every respect as the poor, and paying, as is now the case at Lancaster, such a weekly sum over and above the board, as would defray their debt to the



county for the use of the buildings. The cost of such a public asylum, when compared with that of wards provided with the conveniences Parliament would insist upon, if stated, would show immediately the ineligibility of the latter plan. The relieving officer should be associated with the overseer in bringing lunatics before the Justice. The latter officer now attends to settlements, and the rates, and has little to do with the poor, the penalty for neglect would not be required towards the relieving officer, and is never exacted from the overseer. We think, and our experience is of a rural district, that the getting incurable paupers nursed out, is a most humane arrangement, for which the relieving officer's visits affords every protection from abuse, but we must be careful not to relax the law which converts a house receiving two patients into a private asylum, unless indeed in favour of brothers, or sisters, committed by a Magistrate, at the request of the board of Guardians, to the charge of a cottager's family.

The evil to be apprehended here is the change of these houses into the worst sort of private mad-houses. Within these two years, such a place was discovered in a central county, filled with the insane, some chained, all in a filthy state, and death had occurred without medical advice. A statement of the facts was forwarded to the Commissioners of Lunacy, but no prosecution was directed: and under the present interpretation of the law, and



of the total want of power of those Commissioners, we do not see how they could have acted otherwise. The justice should be imperatively required to commit all insane for the chance of cure, unless a certificate is produced that they have been in an asylum before, and that nothing further can be done for them, or the village doctor should certify they are idiots *ex nativitate*, or from mal-conformation, or organic disease, not possible to be relieved, and then if harmless, they may be assigned to the care of the Guardians, with the proviso that they are neither to be sent to the workhouse nor private asylum.

In conclusion, we must express a deep feeling of regret that the usual consequence of any great change in government, call it revolution, reform, or what you will, the preying of the strong upon the weak, should have manifested itself here in such a perverse and melancholy form, as that of oppressing the most forlorn, helpless and friendless class in the State. We earnestly hope, from the high Christian feeling which we know animates many of our statesmen, even amidst the overcharged political atmosphere in which they live, that this proposition to confine paupers in wards of workhouses, will be successfully opposed.

Assign over the management of the army, or police, to those who pay for them, if you will; they are powerful, and would soon free themselves



from the incubus : but to give the lunatics to those who do not understand their wants, and have every interest to make them as few as possible, merely because the lunatic is helpless, is a refinement of injustice.







