

Printed Memorandum on The Lunacy Acts Amendment Bill of 1887

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The Lunacy Acts Amendment Bill of 1887.

(Ordered, by the House of Commons, to be printed April 13th.)

Memorandum.

With regard to 3.—(7.) Is any medical man, however inexperienced in mental disease, to be allowed to sign certificates in lunacy?

3.—(9.) "Upon the presentation of the petition the judge, magistrate, or justice shall consider the evidence of lunacy appearing by the medical certificates, and whether it is necessary for him personally to see and examine the alleged lunatic," &c., &c.

The present Lord Chancellor, speaking in the House of Lords on April 6th, 1886, then thought that for the justice to consider whether it was necessary for him to see the lunatic or not, "was mischievous, because those who had the care of the lunatic would see that there was nothing to excite the suspicion of the magistrate." (*Times* report.)

In reference to Clause 4. The powers conferred by urgency orders are arbitrary, excessive, and would be liable to result in malpractices.

No person should be imprisoned in an asylum, even for a day, on the sole authority of one medical certificate; for the effect of such imprisonment, together with that of being classed and associated with lunatics, may, in a patient of nervous temperament, cause an attack of insanity in a few hours.

With regard to 5.—(1.) An individual is immured in an asylum, and whenever the medical superintendent, or the person who signed the petition, desires that the patient shall not see a magistrate, it would be stated that "the exercise of such right would be prejudicial" to the patient. It is difficult to understand why those who are responsible for the drafting of the Act should, in this and also in other clauses, play into the hands of proprietors of private asylums. Too much deference is shown for a most objectionable form of vested interests, and, while this continues to be the case, the question of lunacy law reform will never be permanently settled.

Every patient should, as a matter of course, be seen by a magistrate; and no trust ought to be placed in the tender mercies of medical superintendents.

In reference to 24.—(4.) This section would confer very slight benefit upon a patient; for the medical superintendent, if he is sufficiently clever in writing a report stating that the patient is still

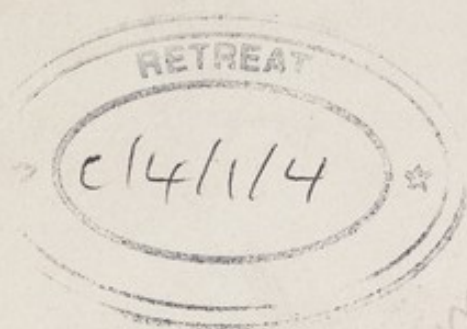
insane, can delay the expiration of the certificate indefinitely from one period to another.

Their pecuniary interest in the detention of patients renders it impossible that any credence can be attributed to the reports of medical superintendents of private asylums ; and, for this reason, all patients should be examined, and re-certificated or discharged, by the visitors of the asylum.

Section 7 of Clause 46 might be omitted, so that it shall not be possible to evade the preceding enactment which states that, "after the passing of this Act no new licence shall be granted to any person for a house for the reception of lunatics."

C. G. ETHELSTON.

September, 1887.



*John Van Hook sent
at Mountain View*