

Report from the Select Committee on Lunatics, together with the proceedings of the Committee, minutes of evidence and appendix, ordered by the House of Commons to be printed 27 July 1860

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R E P O R T

FROM THE

SELECT COMMITTEE

ON

L U N A T I C S ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, to be Printed,

27 July 1860.

Jovis, 23^o die Februarii, 1860.

Ordered, THAT a Select Committee be appointed to inquire into the Operation of the Acts of Parliament and Regulations for the Care and Treatment of Lunatics and their Property.

Mercurii, 28^o die Martii, 1860.

Committee nominated of—

Mr. Walpole.
Mr. Tite.
Sir George Grey.
Mr. Whitbread.
Colonel Clifford.
Mr. Coningham.
Mr. Kendall.

Mr. Horsman.
Mr. Briscoe.
Mr. Rolt.
Mr. Henley.
Mr. Monckton Milnes.
Mr. Kekewich.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Veneris, 20^o die Julii, 1860.

Ordered, THAT the Reports of the Select Committee on Lunatics in Session 1859, and the Reports of Commissioners in Lunacy, be referred to the Committee.

Veneris, 27^o die Julii, 1860.

Ordered, That the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to the House.

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R E P O R T.

THE SELECT COMMITTEE appointed to inquire into the operation of the Acts of Parliament and Regulations for the care and treatment of LUNATICS and their PROPERTY;—HAVE considered the Matters to them referred, and have agreed to the following REPORT:—

THE Acts of Parliament and Regulations for the Care and Treatment of Lunatics and their Property are of various kinds; but for the purposes of this inquiry, they may be advantageously arranged under four general heads, according to the class of persons who are made the subject of those laws and regulations. First, lunatics in public asylums; secondly, lunatics in private asylums or in single houses; thirdly, those found to be lunatics under an inquisition directed to be held by the Lord Chancellor, or the Lords Justices; and fourthly, those who are proved to be lunatics upon arraignment for criminal offences, or acquitted of such offences by the verdict of a jury on the ground of insanity, or who become unsound in their minds while in prison to answer a criminal charge, or while under sentence. The last two classes are usually designated as Chancery lunatics and Criminal lunatics; and though the terms are not very accurate, yet as they are now familiarly applied, it may be convenient to adopt them for the purposes of this report. For the like reason, the word lunatic will also be used according to the meaning which the Legislature has given to it, namely, every person being an idiot or lunatic, or of unsound mind; though that meaning will include many persons to whom the word is not strictly applicable.

The number of lunatics, using the word in its statutory sense, is very large; and it is to be feared that this number is still on the increase. Whether it is increasing in a greater ratio than the increase of population, may be doubtful; as it should not be forgotten that old chronic cases, which were not formerly placed under supervision, have now, with the increase and improvement of public asylums, been since brought into them; and, in addition to this, the care of the patient is so much more efficient than it was before, that the annual mortality is considerably diminished, and the consequent longevity is considerably increased. Until the year 1844, there were no data upon which an accurate opinion could be formed with reference to this important part of the subject; but since that year cases have been better looked up, and more closely attended to. Taking this as our starting point, and comparing the number of patients on the 1st of January 1844, with the number of patients on the 1st of January 1858 and 1859, we find the following results:—

	1844.	1858.	1859.
Private patients in asylums, hospitals, and licensed houses - - - - -	3,790	4,612	4,762
Pauper lunatics and idiots in asylums, hospitals, and licensed houses - - - - -	7,482	17,572	18,022
Pauper lunatics and idiots in workhouses and with friends, &c. - - - - -	9,339	13,163	13,208
TOTAL - - - - -	20,611	35,347	35,982

1st Report, 38, 39,
and 40, s. III. c. 94,
and 3 Vict. c. 54.

See 1st Report,
48-52.

1st Report, 49.
1st Report, 1435.
3048.

There was, therefore, on the 1st of January 1858 and 1859, as compared with the 1st of January 1844, an increase of about 15,000, out of totals of 35,347 and 35,982; an increase apparently very great in proportion to the increase which has taken place in the population during the same period. But it should be borne in mind that in the return for 1844 many patients living with their friends as paupers were not included, there being no record of them at that period. After making allowance for the operation of the causes above referred to, it is to be feared that a large part of the increase must still be attributed to other causes. Taking the figures as they stand, it is a melancholy fact that out of every 600 people in England and Wales, one at least is in such a state that, in many respects, he is incapable of managing himself and his affairs. A vast proportion no doubt, are cases either of natural idiocy or of mental imbecility arising from age, epilepsy, fits, and other causes, where the maladies may be regarded as chronic or incurable. With regard to them, little more can be done by any laws however wise, or any regulations however prudent, than to provide the patients with such comforts as their circumstances will admit; but with regard to others, since 50 or 60, or even 70 per cent. are capable of cure, if taken in time and carefully treated, it is certainly a matter of primary importance that our legislative provisions should be so framed as to promote the accomplishment of this desirable object.

1st Report, 185.
1935, 2075-2086.
2380-2388.

Public Asylums.

Public Asylums.

The principal Acts of Parliament now in force which relate to lunatics in public asylums, are the 16th & 17th Vict. c. 97, and the 18th & 19th Vict. c. 105. These Acts consolidated and amended the previous laws made for the purpose of providing and regulating lunatic asylums in counties* and boroughs. From the year 1808 until the year 1845 the justices in quarter sessions had the power to provide, in every county in England, proper houses for the reception of such lunatics as were chargeable on their respective parishes; but, until 1845, neither counties nor boroughs were obliged to do so. By the Act passed in that year this obligation has been imposed upon them, and the result is, that in the counties, some of which are associated together for this purpose, there are now upwards of 40 asylums. The number of boroughs bound to provide asylums is 71. Some have done so by erecting asylums for themselves, or by uniting themselves with the counties in which they are situated; but 29 or 30 are still in default, and great inconveniences are thereby occasioned. The City of London has not yet made provisions for its pauper lunatics, notwithstanding the remonstrances that have been made on the subject for several years. A site has at length been procured; and the Commissioners in Lunacy state in their last report that there is every prospect of an asylum being erected without delay. The asylums thus provided are placed under the superintendence of a committee of visitors, appointed by the justices, who have power to make rules for the general government and management of them, subject to the approval of the Secretary of State. The visitors are required frequently to inspect every part of the asylum; and to report every year to the justices as to the state and condition of each asylum; as to its sufficiency for the proper accommodation of the lunatics; as to the management and conduct of the officers and servants; and as to the care of the patients therein. The county and borough asylums are also required to be visited once a year by the Commissioners in Lunacy, who are, moreover, empowered to visit workhouses as well as gaols, in either of which there are lunatics.

* 8 & 9 Vict. c. 126,
9 & 10 Vict. c. 84,
and 10 & 11 Vict.
c. 48.

1st Report, 34-45.
And see 13th
Report of Commis-
sioners in Lunacy.

See 1st Report,
719-724, 734.
13th Report of
Commissioners in
Lunacy, 36-93.

16 & 17 Vict. c. 97,
s. 53.

16 & 17 Vict. c. 97,
s. 61.
They must go once
in every two
months; they do
go oftener.

16 & 17 Vict. c. 97,
s. 62.
8 & 9 Vict. c. 100,
s. 111.
2d Report, 2000.

See 1st Report,
716-794.
2d Report, 1025-
1040, 2320-2325.

2d Report, 1032-
1040, 1097-1107.

It appears from the evidence that these asylums are, generally speaking, so well looked after, and so carefully attended to, that, as regards them, but little alteration is required in the law. In some cases it may be a question whether they are not, in their structure, inconveniently large; whether the staff of attendants should not be increased; whether higher remuneration in some instances should not be given; and whether it might not be advisable to erect, in connexion with them, detached buildings, of a simple and inexpensive character, for the reception of imbecile and chronic patients. But these and the like matters require no alteration in the law, and may well be left to the visiting justices to regulate and determine, acting in communication with the Commissioners in Lunacy and the Secretary of State.

The

SELECT COMMITTEE ON LUNATICS.

The chief evil for which a remedy is required is the detention of a large number of pauper lunatics in workhouses. The number of these lunatics amounted to no less than 6,800 on the 1st of January 1857; and on the 1st of January 1859 to 7,632. The law relating to this class of lunatics is certainly in an unsatisfactory state. By the Poor Law Amendment Act the detention in any workhouse of "any dangerous lunatic, insane person, or idiot," for a longer period than 14 days, is expressly prohibited; and the word "dangerous" is read as applicable to each of the three classes of mentally disordered persons who are there mentioned. But with regard to those who are not dangerous, the statutory provisions are ambiguous. On the one hand, it seems to have been contemplated by the Legislature that all pauper lunatics should be sent to some asylum, registered hospital, or licensed house, under an order by a justice or justices; on the other hand, there are provisions in the same Act, and also in another Act of Parliament, passed in the same Session, which seem to recognise, to a certain extent, the detention in workhouses of paupers deemed by law to be insane. The consequence is, that large numbers of pauper lunatics are kept in these houses without a certificate of their mental condition, and without an order from any magistrate regarding them as lunatics, although a large portion of such persons, especially in the rural districts, may be correctly described as harmless lunatics, who, if kept under a slight degree of supervision, are capable of useful and regular occupation, or whose infirmity of mind is consequent on epilepsy, or paralysis, or fatuity from old age. It cannot be denied that with regard to those who are really lunatics, there is a great absence of proper supervision, attendance, and medical treatment. In some workhouses there are not even separate wards; mechanical restraint is frequently applied, because the imperfect state of the accommodation will not admit of a better mode of treatment; in many cases the medical officers of a union cannot have the special knowledge requisite for the management of the insane; and it may generally be concluded, that the special appliances of a union workhouse are not by any means equivalent as to this class of inmates to those of a lunatic asylum.

The state of the law on this branch of the subject appears to require amendment. Your Committee are not prepared to recommend that all these cases, without exception, should be removed to asylums; but they are of opinion that no person should be detained in a workhouse respecting whose sanity a doubt exists, without a medical certificate, renewable quarterly, stating that the patient is a proper patient to be kept in the workhouse; that there should, if possible, be distinct wards for such patients, with distinct attendance; that the guardians of the union should specially visit such patients once in each quarter, and make a special entry on each such visit of their state and condition; that the Commissioners should also visit them at least once in each year, and that the same power of removing any patient to an asylum should be given to the Commissioners as that which the Justices now have.

A Bill called the Lunatic Asylums Bill, of which a copy is in the Appendix, was referred to the Committee appointed to inquire into this subject in the first Session of 1859. Although this Bill has not been re-introduced, Your Committee has considered its provisions. The object of it was to facilitate the union of certain boroughs to counties, where the lunatics in such boroughs are now sent, for want of an asylum, to great distances from their own immediate neighbourhood; to enable the Secretary of State, where two or more counties have agreed to unite, but cannot agree about the plans and estimates of the intended asylum, to determine for them what plans and estimates shall be proceeded with and carried into execution; to authorise the committee of visitors to hire or take on lease land or buildings, either for the employment or occupation of the patients in the asylum, or for the temporary accommodation of any pauper lunatics for whom the accommodation in the asylum is inadequate; to authorise the committee of visitors to pay or contribute such sum of money as the Commissioners in Lunacy shall approve, for or towards the enlargement of any churchyard or consecrated public burial-ground, that the lunatics dying in any asylum need not be buried within the precincts of that asylum, to which in many cases great objections are entertained; to alter the interpretation of the word county, so as not to include under that term the county of a city or the county of a town; and to provide that a pauper lunatic found in any borough which is exempt from contributing to the county asylum shall

1st Report, 644,
645-1392.

See Appendix E.
to 13th Report of
Commissioners in
Lunacy, pp. 140,
141.
4 & 5 Will. 4,
76, s. 41.

See 16 & 17 Vict.
c. 97. 69-72.

See sections 64 and
65, and see 16 & 17
Vict. c. 96, s. 28.

1st Report, Lord
Shaftesbury, 650-
653.
Mr. Gaskell, 1503.
&c. 641-643.
Mr. Gaskell, 149-
-91; 2d Report,
1662.

2d Report, 1922,
&c.

2d Report, 1719-
1749.

See Commissioners'
12th Report, p. 21,
and 1st Report,
733-749.

See 16 & 17 Vict.
c. 97, s. 31, and
1st Report, 750.

1st Report, 751.

1st Report, 754.

This is to meet a
difficulty that has
occurred at Nor-
wich.

be chargeable to the borough, and not to the county, when the settlement of such pauper lunatic cannot be ascertained. Your Committee concur in the general expediency of these alterations. It would further seem desirable to reduce the time at which committees of visitors may grant superannuation allowances to their medical officers. Their duties are so peculiar, and such painful consequences are known to result from incessant intercourse with the various forms of this distressing disease, when prolonged for many years, that Your Committee believe it would tend to greater efficiency of service, if the period which stands at present at 20 years, were reduced to 15. It would also be desirable that the name of some relation of the patient should be inserted in the order of admission of a pauper lunatic into an asylum, to whom, in the case of the death of such patient while in the asylum, notice should be sent.

Private Asylums.

The chief Acts of Parliament which relate to lunatics in private asylums are the 8 & 9 Vict. c. 100, the 16 & 17 Vict. c. 96, and the 18 & 19 Vict. c. 105. According to these Acts, the great principle which governs asylums where private patients are kept is that no person can receive into his house more than one patient, if he derives any profit therefrom, unless he has a license granted to him for that purpose, and submits to the regulations which that license implies. In the metropolis, the power of licensing is exclusively in the hands of the metropolitan Commissioners. In the provincial districts it rests with the justices at quarter sessions. These licenses are annually renewed, and they may be revoked by the Lord Chancellor. The patients are admitted upon an order signed by some relative or friend, with a statement of all the particulars of the case. This statement must be supported by the certificate of two medical practitioners, who have examined the patient separately within seven days previously to his reception, stating that he is a person of unsound mind, and a proper person to be detained under care and treatment. It must also specify the grounds upon which their opinion has been formed, namely, the facts observed by themselves or communicated by others. After two, and before the expiration of seven clear days, the proprietor or superintendent of the licensed house must transmit to the Commissioners, and also to the visiting justices, if the licensed house is within their jurisdiction, a copy of the order and medical certificates. The licensed house must be visited by two of the Commissioners four times at least in every year, if it lies within their immediate jurisdiction, and if beyond, it must be visited four times at least by visitors appointed by the justices, one of whom shall be a medical man, and twice at least by two of the Commissioners. In the course of such visits, inquiries are directed to be made as to the occupation, amusement, classification, condition, and dietary of the different patients, and also whether a system of non-coercion has been adopted or not; and where it shall appear either to the Commissioners or to the visiting justices that a patient is detained without sufficient cause, they have the power, under certain conditions, of ordering his discharge. When a patient recovers, the proprietor or superintendent is required to send notice of such recovery to the person who signed the order for his reception; and if such patient is not discharged or removed within 14 days, the proprietor is required immediately to transmit a similar notice to the Commissioners or visiting justices, as the case may be. When a patient dies, the medical practitioner who attended such patient during the illness which terminated in death is to cause a statement to be entered in the case-book, setting forth the time and cause of death, and the duration of the disease of which the patient died; and a copy of such statement, within two days, must be transmitted to the coroner. In addition to these specific provisions, the Commissioners have power from time to time to make regulations for the government of any of these licensed houses, and they must report annually to the Lord Chancellor the number of visits they have made, the number of patients they have seen, the state and condition of the houses, the care of the patients therein, and such other particulars as they may think deserving of notice.

The foregoing statement of the law has been made for the purpose of bringing into one compendious view the several provisions which the Legislature

lature has enacted in recent years for the care and management of those who are confined in private asylums; and it will probably contribute to a clearer understanding of the various suggestions which have been offered to us for the improvement of such provisions. It has, indeed, been submitted, that the only improvement which can be effectual is, the abolition altogether of private asylums for the compulsory confinement of the insane. Without going so far as that, other witnesses, and especially Lord Shaftesbury, Chairman of the Board of Commissioners, to whose opinion great deference is due, have recommended that the magistrates should be empowered, if they think fit, to provide asylums by money raised on the security of the rates, for all classes of lunatics. The main reason for this suggestion is thus put by Lord Shaftesbury:—"When I look into the whole matter," he says, "I see that the principle of profit vitiates the whole thing; it is at the bottom of all those movements that we are obliged to counteract by complicated legislation, and if we could but remove that principle of making a profit, we should confer an inestimable blessing upon the middle classes, getting rid of half the legislation, and securing an admirable, sound, and efficient system of treatment of lunacy." Again, in answer to a question whether he would have those asylums in every part of the kingdom, as there are public asylums for paupers, he adds, "Yes; these asylums would be quite free from all those vicious motives that have been referred to in the licensed houses." The examples which he would principally take as his guide are the chartered asylums dependent on charitable endowment, or private benefactions, in Scotland, of which there are seven, and the hospitals in England founded out of private funds, of which there are eleven.

The establishment of asylums of this character deserves to be encouraged, if it could be effected by private contributions. But should a power be given to establish such asylums throughout the kingdom as public institutions, by money to be raised on the security of a rate, the apprehension of a burden to be imposed on the ratepayers would, in the opinion of your Committee, render such an enactment inoperative; and they cannot recommend the establishment of them upon a compulsory system.

Assuming, therefore, that it would not be possible to abolish altogether the private asylums or licensed houses, it certainly becomes all the more important to consider in what manner they can best be regulated. Upon this part of the subject, several suggestions have been offered to the Committee, both by the Commissioners, and also by other witnesses. Those suggestions, for the sake of clearness, may be reasonably classified under the following heads:—

- 1st. The suitability of the house for the purpose for which it is to be licensed, and its superintendence.
- 2d. The circumstances under which the patient may be placed under restraint, and the safeguards provided for the propriety of his confinement.
- 3d. The care and treatment of the patient while he remains in the asylum.
- 4th. The restoration of the patient to liberty as soon as his case will, with safety, admit of it.

PRIVATE ASYLUMS.

- 1st. *The Suitableness of the House for the purpose for which it is to be Licensed, and its Superintendence.*

The circumstances under which a license should be given require to be examined with great care. A difference of practice in the metropolis and in the country appears to prevail with reference to the mode in which licenses are granted. There is no provision in the Act of Parliament which requires a previous examination of the premises. As regards the metropolis, the Commissioners always inspect the house before the license is granted. As regards the country, the magistrates sometimes adopt the same course; at others, they act on their personal knowledge of the locality, and are contented with an inspection of the plan. It is to be feared that some of the houses, both in the metropolis

2d Report, 166.

1st Report, 507.

1st Report, 507.
530.

1st Report, 509.

1st Report, 101,
102 to 108.

1st Report, 82.

1st Report, 80-
104.

See the question
put by Commis-
sioners to appli-
cants for a license,
2d Report,
Dr. Bright, 803 to
806.

1st Report, Lord
Shaftesbury, 97.

See 2d Report,
App. No. 1; Mr.
Campbell's sug-
gestions, p. 195.

and in the country, are not well suited for the purpose. Many, which are unsuitable, have had licenses for years past, which have given to the property an additional value, and, therefore, it is generally difficult to refuse a renewal of them. But the great and leading difficulty is to find proper persons to undertake the charge of such an establishment. The fittest men may not have the capital, or those who have the capital are not the fittest men. The consequence is, that licenses are given or continued to some capitalist, upon the condition that he has under him a medical superintendent; but as the superintendent has not the same control as the proprietor of the house, there is a diminished, or at any rate a divided responsibility, which cannot be otherwise than prejudicial to good management.

The Commissioners and magistrates are well aware of these defects, and they are evidently taking much pains to remove them. Some amendment of the law, however, might be advantageously introduced. It would be advisable, for instance, that, except in cases to be specially allowed by the visitors or Commissioners, the proprietor, or in the case of a joint ownership, one of the proprietors, should, as regards future licenses, be required by law to reside on the spot. Nothing can lead to greater abuses than that large proprietors should have three or four houses, and reside in none of them. As a general rule, the proprietor, or one of the proprietors, ought to reside; and where he is permitted to be non-resident, the appointment of the medical superintendent should be subject to the approval of the Commissioners or visitors, as the case may be.

2d. *The Circumstances under which the Patient may be placed under Restraint, and the Safeguards provided for the Propriety of his Confinement.*

This is by far the most difficult part of the subject. It has been suggested that in all cases the alleged lunatic, before he is confined, should, as a matter of right, be entitled to have his case tried and decided by some magistrate; or, as it has been proposed in a more mitigated form, that the medical certificates of the alleged insanity should be inspected and verified before a magistrate; and that if the magistrate was not satisfied with them, he should have the power of inquiring into the truth of the statement made, and of the necessity of the intended confinement. The exact nature of the former proposition, and the principal reasons upon which it is founded, are explained at length in the Second Report, in answer to question 179. The latter proposition would tend to assimilate the law of England to the law at present existing in Scotland. There, the certificates, with a statement regarding the case, signed by a relation of the party desiring the confinement, are sent to the sheriff of the county (the sheriff in Scotland being a judicial officer), who has to satisfy himself, either upon the mere examination of the parties, or, if he thinks proper, by a personal examination of the alleged lunatic, or by calling other evidence, that the alleged lunatic is a proper person to be detained and taken care of. The reasons assigned in favour of this proposition are thus stated by the witness in reply to the question, "What evils would the course you recommend obviate?" The answer is, "I think it would give greater security to the public, instead of having an examination after the confinement in an asylum, when the mischief has been done. If you once place a person in an asylum, there is a certain stigma which attaches to him, and which he never gets rid of, and upon persons of weak nerves it has a most prejudicial effect."

The two suggestions thus offered to your Committee involve a most important question. But it appears to your Committee, that if either of them were introduced and strictly acted upon, they would be likely to produce still greater evils than those which they profess to remedy. According to the evidence taken before your Committee, it is fully admitted that in a very large majority of cases there is *prima facie* evidence to justify the confinement. Indeed, it may be said that the instances are extremely rare in which, under the present law, the confinement is or has been unwarranted. If that be so, the evil of acting on the present law without inquiry before a magistrate is more imaginary than real. But the evils arising from a change in that law by insisting on inquiry, when the parties desired it, would often lead to an unnecessary publicity, which it is for the interest of the patient,

See Mr. Bolden,
2617 to 2642.

2d Report, 2620.

1st Report, 2629.

2d Report, 2629.

2d Report, 2633.

Lord Shaftesbury,
see 1 Rep. 185.
Conolly, 1987.

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patient, as well as his family, if possible, to avoid. Insanity under any shape is so fearful a malady, that the desire to withdraw it from the observation of the world is both natural and commendable. The reverse of this would in all instances be painful, and in many it would be cruel. A man in business may become affected with temporary insanity, brought on by over-exertion, mental anxiety, or physical ailment; but if he is early and properly treated, his recovery may be as quick as his seizure was sudden. What could be more injurious than a public inquiry in such cases as these? Where the insanity was undisputed, the inquiry would lead to no useful result, though the knowledge of the malady might be seriously prejudicial to the future prospects of the patient and his family. But when it was disputed, it is unnecessary to dwell on the various mischiefs which would instantly result from it; such, for instance, as the agitations caused to the patient's mind just at the moment when it was trembling on the balance; the injurious comments which might sometimes be made on his character and conduct; the unnecessary exposure of private matters, which need not be brought, and which ought not to be brought before the public gaze, if, at least, it be possible to avoid it; the stigma or prejudice which might permanently attach to him and his children in the event of recovery; and frequently it may be added, the grievous expense which such inquiries would entail, as they did in the case of Chancery lunatics, where inquisitions were required, until recently, to be held before a jury. Nor should it be forgotten that the delay caused by reference to the magistrate, with a possible inquiry, to be instituted by him into the case, might prevent or retard the immediate treatment which is so requisite for the patient, and thereby tend to aggravate the malady. It ought also to be borne in mind that the sheriff in Scotland is a judicial officer and professionally conversant with legal matters, while a magistrate in England may have little experience in those subjects which, according to this plan, he might be called upon to determine. For these reasons your Committee are disinclined to adopt these suggestions. No doubt the conclusion thus arrived at introduces the further question, what then are the proper safeguards? For if there be even one person improperly confined, it is right to provide the amplest protection which the law can afford in order to prevent so deplorable a result.

For providing this protection several things are necessary. *In the first place*, it is important that the medical certificate should be clear in its statement, and accurately framed. The whole justification for the patient's confinement depends on this document. The form of the certificate required by law appears to be sufficient; but your Committee are of opinion that some additional security should be taken for ensuring its accuracy. It is sometimes imperfectly filled up, and the patient is then placed under restraint on a document which does not legally justify his detention. Mr. Bolden's suggestion, that these certificates should be verified before a magistrate, so far only as to enable him to determine whether the Act had been complied with, would probably tend to greater caution in this behalf. It would operate as a check on too hasty a conclusion, and obviate the necessity of further examination, without impeding a proper confinement for the purposes of cure, and without entailing that painful publicity which on so many accounts it is desirable to avoid. This suggestion, when thus considered, deserves to be attended to. *In the second place*, your Committee recommend that the certificate authorising the detention should be limited, in the first instance, to three months, and no more. It is now granted for an indefinite period; but if it were limited to three months in the first instance, "the effect would be," as Lord Shaftesbury observes, "to compel a revision of the case by the family or friends; the relations would be obliged to look again into the matter, as they would know, in all probability, if they did not do so, the patient would be returned upon their hands." *In the third place*, the order for receiving the patient into the asylum with which the medical certificates are accompanied, should state the time when the person signing it had last seen the patient; and such order should not be effective unless the applicant had himself seen the patient within three months of his signing the order. A case has been brought to the notice of your Committee, where the party applying had not seen the patient for two years, and another where he had not seen him for six times that period. *In the fourth place*, a copy of the order and of the medical certificates upon which the patient is confined should be sent to the Commissioners within 24 hours, instead of within

1st Report, Lord Shaftesbury, 170-180.
Dr. Conolly, 1991-1996.
Ibid. and 1st Report, 757.

See 2d Report, 2625 to 2641, and Mr. Parnell's paper, App. No. 2, p. 200.

1st Report, 201-202; 206, 207.

Mr. Percival, 2d Report, 275, and Mr. Campbell, 631.

1st Report, 864.

See upon this point
1st Report, Lord
Shaftesbury, 815-
830, 839-844.
Dr. Conolly, 1987.
Dr. Sutherland,
2230-2277, and
2d Report, Mr.
Campbell's paper,
App. No. 1.
3d Report, 116-
121.

3d Report, 116-
121.

seven days as at present, in order that their attention may be immediately called to any irregularity in these documents; and in the fifth place, the patient should, as soon as possible, be visited by the Commissioners, or by some persons acting directly under their authority; so that the patient should have the fullest opportunity of stating his complaints, if he has any to make, and that if he should appear to be improperly confined, immediate means should be taken for his release. A provision of this kind has been sometimes objected to by the proprietors of asylums, upon the ground that it implies suspicion and undue distrust. But the confinement of a person is too serious a matter to allow any feeling of that kind to interfere with the protection which is due to the patient. Moreover in those asylums which are well-conducted the proprietors have nothing whatever to fear, and asylums which are ill-conducted ought to be controlled. Undoubtedly it is true that, as above shown, the cases in which persons have been improperly confined are extremely rare; but one has happened within the last 12 months. In this case it turned out when the facts were heard, that the supposed delusion was not a delusion, and the patient was released as soon as visited by the Commissioners. But before that happened, the confinement had lasted for six weeks.

3d. *The Care and Treatment of the Patient while he remains in the Asylum.*

1st Report, 119-
148, 208-215.
2029-2031.
Regulations, App.
p. 286.
Mr. Perceval's
paper, 2d Report,
App. No. 2.
1st Report, 844.
Mr. Bolden, 2740.
2742.

6 Geo. 4, c. 31,
s. 36.

1st Report, 226,
227.
13th Report, p. 86.

After a patient is taken into an asylum, he receives the benefit of several visits. Within the metropolitan district he is visited once in each quarter by the Commissioners. Beyond that district he is visited once in each quarter by the Visiting Justices, and twice in the year by the Metropolitan Commissioners. These visits are of great importance, since they constitute almost the only opportunity in which the patient can make known his views, his wishes, or his grievances. Considering that public asylums are usually visited once a month, and even oftener, it is desirable that in private asylums, more visitations should be provided for, and, if possible, not less frequent than those in public asylums. But the mere visitation of persons in authority is not all that is required. Under what is termed Mr. Gordon's Act, the person by whom or by whose authority the patient had been delivered to the care of the keeper of any private house, was bound to visit him once at least in every six months. When the Act was renewed, this clause was omitted. It has been recommended that the omitted clause, or some analogous provision, should be reintroduced in any amending statute. The following passage, from the 19th Report of the Commissioners in Lunacy, enforces the value of this recommendation in terms which are not less just than strong: "We trust that in any amending statute it will be made compulsory upon the friends of all private patients, whether in mixed, private, and pauper asylums, registered hospitals, or licensed houses, or under separate care as single patients, to visit them, or delegate some one to visit them periodically, and ascertain by personal inspection the accommodation and comforts provided for them. Instances have come to our knowledge where patients have been for years deprived of what we consider the most salutary supervision of their friends, and to whom no visits, either by the party signing the order of admission, or by a medical practitioner appointed by him, has taken place. We are aware that, under peculiar circumstances, objections may be made to the visits of relatives or friends, as detrimental to the proper treatment and recovery of the patients, more especially in recent or acute cases. Such instances may occasionally occur, but, as a general rule, we are of opinion that greater mischief arises from the omission or gradual discontinuance of those visits, not only so far as the feelings of the patient himself are concerned, but also his absolute welfare." This recommendation well deserves consideration, though there may be some practical difficulty in giving full effect to it.

See 1st Report,
Mr. Cairne, 185-
234; 243-246.

Mr. Bolden, 1st
Report, 2749-50.
2753.

Connected with this subject is the right of patients to see such friends as may desire to visit them, and to correspond with them in the freest manner, consistently with the restrictions and regulations which the necessity of the case must sometimes require. This is a point which has been urged perhaps more strongly than any other on the consideration of your Committee. Some discretion must, of course, be exercised, as to the visitors to be admitted, as well as to the times at which the visits are to be made. According to the evidence of those who have pressed this point upon our consideration, it is also admitted

admitted that a check would be required, on the permission to correspond, where, from the nature of the malady, the medical superintendent might know beforehand that the communication would be of an improper character, or where the recipients remonstrate against it, or where the patient is in such a state of derangement, that there would be no use in forwarding the letters. In the opinion of your Committee, the *prima facie* right both of receiving visits and also of corresponding should be secured to the patients, and should never be refused by the authorities, except on specified grounds, and in that case patients or friends should be at liberty to appeal to the visitors or Commissioners, as the case may be, against such refusal. At present an application to visit a patient must be made beforehand, and letters are occasionally opened and kept back; and though there are cases in which this would be proper, your Committee conceive, that with reasonable restrictions, an alteration in the law might advantageously be made, so as to secure the *prima facie* right; for it has been truly said that a patient's feelings should be sacredly respected in all matters, which are either matters of indifference in themselves, or which will not tend to retard his cure, or which do not affect either his own security, or the security of others.

See 1st Report,
223-228. 1761.

A power might, with advantage, be given to the Commissioners and visitors of ordering the temporary discharge upon trial of a patient in a private asylum. This is a power which the visitors now possess with respect to patients in county asylums; but there is no such power, in respect to patients in private asylums, though such patients may be removed to some other place, under proper control, for the benefit of their health. A power of this kind, if it be conferred, should, of course, be exercised with extreme caution.

8 & 9 Vict. c. 100,
s. 86.

4th. *The Restoration of the Patient to Liberty as soon as his Case will with Safety admit of it.*

The discharge of patients, upon their recovery, is the last point under this head which remains to be considered. According to the existing law, if a patient is not discharged in due course, upon his recovery, or if he is improperly detained in the asylum, the Commissioners and Visiting Justices (as the case may be) have the power, subject to certain conditions, of ordering his discharge. These powers are considered to be ample; and so they are, as soon as the Commissioners or Visiting Justices are called upon to act. But before that happens an interval may elapse; for the notice of recovery is first sent to the person by whom the order for his reception was signed, or by whom the last payment was made on his behalf; and then, if the patient is not removed by his relatives within 14 days from the reception of the notice, the superintendent or proprietor is required, immediately after the expiration of that period, to transmit the notice of recovery to the Commissioners or Visitors, as the case may be. Then it is, but not till then, that the Commissioners have an opportunity of dealing with the case. It would be an improvement in the law, and an additional protection and security to the patient, if the notice of recovery which is sent to the Commissioners or Visitors after a 14 days' interval, were required to be sent simultaneously with the notice of recovery which is sent to the relations. Such a requirement would secure attention, prevent delay, and enable the Commissioners at once to act in case of neglect.

1st Report, 217-
221. 237-241.

See on this subject,
8 & 9 Vict. c. 100,
s. 72-78, and
16 & 17 Vict.
c. 96, s. 19.

Patients in Single Houses.

Before closing this branch of the subject, the state of the law with regard to patients in single houses deserves consideration. Under the Act of 1829, the Commissioners knew nothing of these patients. The law provided that every medical man who had the charge of a single patient should send his name, under seal, to the secretary of the Commission; but the list was kept secret, and was known only to the secretary. Under the Act of 1845, a private committee of three was formed, of which the Chairman was one. To this committee the names of the single patients were communicated, and they were directed to visit them. But that was found to be very insufficient, because the patients were scattered far and wide, and the three Commissioners were unable to under-

1st Report, 292.

1st Report, 279.
280.1st Report, 308.
Dr. Conolly,
1949-1953.See Dr. Sutherland,
2063-2082.Dr. Sutherland,
2187. 2208.1st Report, Lord
Shaftesbury, 342-
438, &c., and 921.

take and discharge the duties imposed upon them. Under the Act of 1853, the private committee was abolished, and it was thrown open to the whole body of Commissioners, who were enjoined to visit this class of patients once a year. But then this further difficulty occurred: the Commissioners had no power to visit a patient until such time as he was under certificate, and they had no means of ascertaining the fact whether he was under certificate or not. It therefore rested with the medical man to communicate to them the fact of his having received a patient, and such communication is often withheld, so much so that Lord Shaftesbury says, "We have every reason to believe that a very large number who ought to be under certificate are entirely hidden from our view. By degrees we have discovered a good many, and have compelled the medical man or their relation to put them under certificate, and they are now constantly visited; but there are a vast number of whom we have no knowledge." In the year 1858 there were 124 of these patients under the superintendence of the Commissioners.

There is a considerable conflict of opinion as to the advantages and disadvantages of confining patients in single houses other than their own. Some witnesses think that both with a hope of cure, and with a view to the security and comfort of the patients, the best way would be to send them to some good private asylum, because association, when well managed, is one of the most effectual modes of promoting a cure. Others again, admitting the benefit to be derived from association, when the disease has arrived at the second stage, are nevertheless of opinion that the treatment which the patient receives in single houses is a very good plan in recent cases, and that the per-centage of cures is quite as great in those houses as it is in public or private asylums. In one thing, however, they are all of them agreed, that this class of patients ought to be brought under the supervision of the Commissioners. Dr. Sutherland confirms the opinion of Lord Shaftesbury that there are at this moment in single houses many persons uncertificated who ought to be certificated; that in that case they are without the protection which they ought to receive; that this practice therefore ought not to be continued; and that it should be incumbent on the medical man to report to the Commissioners under a penalty whenever cases of that kind are committed to his care. It is very desirable that some provision should be made for the superintendence of this class of cases, and there is no better mode of enforcing such a provision than by making it penal for any medical man to receive any such patient, without apprising the Commissioners of it. This would place such patients under authority and supervision.

Chancery Lunatics.

16 & 17 Vict. c.
70.See 1st Report,
981-949.
See also 1129-
1133, and Mr.
Elmer, 1860, 7-9.
See 1st Report,
1029-1033.See 1st Report,
App. No. 9.Mr. Bolden, 1st
Report, 3192.

With regard to the Chancery Lunatics, as they are called, great improvements were made in the law by the Lunacy Regulation Act of 1853. Before that Act was passed (except in a few cases, where the Chancellor was authorised to exercise jurisdiction over the persons and incomes, though not over the corpus of the property of lunatics), all inquisitions were held before a jury. The unnecessary expenses and exposure which these proceedings often gave rise to was notorious. But this, in a great measure, has been done away with. For now, in consequence of the Act of 1853, an inquisition may be held without the intervention of a jury, before a Master alone, unless the Court or the Master shall think fit to have a jury summoned, or the alleged lunatic shall demand one. This change of the law has been most satisfactory. During the five years which have since elapsed, the average number of cases in which juries have been demanded, have amounted only to three annually out of 70; and in those cases where the jury has not been summoned, no complaints have been made, and no dissatisfaction expressed with the result of the inquisition. The large increase in the number of inquisitions which has subsequently taken place, as compared with those which were held anterior to the passing of the Act, is an additional proof of the success of that enactment. In the five years preceding it, there were 196 cases; in the five years following it, there were 358. The absence of publicity and the diminished expense have probably led to this result. It has also been suggested that as soon as the fact of the lunacy of the supposed lunatic is properly established, his property of all kinds should vest in an official committee, to be administered for his benefit by

by the Masters in Lunacy, or by some local jurisdiction in the provinces. In the case of small properties, this might prevent the necessity of appointing committees of the estate, always attended with considerable expense, and such properties would be economically managed upon the principle of a per-centage or *ad valorem* rate, to cover expenses; but your Committee are not prepared to recommend the adoption of this suggestion without further consideration.

There is one point, however, connected with these inquiries which is still capable of further improvement. By the law as it now stands, the Master has the power of summoning a jury, if he thinks that the circumstances require it; but before he does so, he must go through the whole case. It is clearly advisable that the power of the Master should in this respect be extended; for the preliminary investigation, to a great extent, is useless, and occasions delay and expense.

Other improvements were advantageously introduced by the Regulation Act of 1853, particularly in dispensing with the necessity of a special order of reference to the Master in each stage of the case. In consequence of this alteration in the law, and the general orders in lunacy issued in pursuance of it, the saving of expenses has been very considerable. In many respects there is reason to believe that this saving may be carried still further; and if the power of making general orders for that purpose is not sufficient, there can be no reason why it should not be enlarged. The cost even of an unopposed application to the Court is about 20*l.*: it would be much less if an original jurisdiction in other cases, besides those which now exist, were given to the Masters. Mr. Barlow recommends, that with regard to leases of the lunatics' property, as well as with regard to the sums allowed for the maintenance of the lunatic, and the mode in which those sums are applied, original jurisdiction might be given to the Master, without the necessity of going to the Court. Mr. Elmer concurs in these recommendations, and he points out other cases in which a similar course might be adopted; such, for instance, as the transfer into Court of money belonging to the lunatic's estate. Mr. Elmer also concurs in the following suggestions, which have been submitted to the Committee by Mr. Enfield, and they appear to the Committee to be worthy of adoption, viz. 1. To assimilate the powers of the Masters in Lunacy to those of the chief clerks in Chancery. 2. To give the Masters the opportunity of oral communication with the superior judges when any explanation is required, or any pending inquiries, in the same way in which explanations take place between the chief clerk and the Vice-Chancellor. 3. To devolve on the Master the duties of seeing that committees of the person are only allowed so much each year as they actually expend in the maintenance of the lunatics, giving the Masters liberty to allow salaries to committees when they see reason; and, 4. To make periodical returns to the Lord Chancellor of the condition of every case under the charge of the Lord Chancellor as regards committees, their accounts, and their sureties.

There is one other alteration in the law, upon which the Committee have taken a good deal of evidence, namely, the propriety of transferring to the Commissioners in Lunacy the care, treatment, and general supervision of Chancery lunatics, leaving, of course, with the Masters in Lunacy the same jurisdiction as that which they now possess with reference to the inquisition and the property of the lunatics. The Chancery lunatics are visited less frequently than any other class of lunatics, whether in public or in private asylums. In fact, they are only visited once a year, and sometimes there is an interval between two visits of not less than 18 months; nor does there appear to be sufficient security for the reports of the visitors being laid before the Lord Chancellor without previous revision and alteration. The Committee, however, have reason to believe, that the present Lord Chancellor has had his attention directed to this subject; and that he considers that the present system of visiting is not sufficiently effective. From the evidence taken before the Committee, it appears that the best course would be to transfer the duty of visiting to the Commissioners in Lunacy, so that in all cases there should be one supervision, and one mode of treatment, with all the appliances which the best and most recent experience could afford applicable to all the lunatics in the kingdom. Dr. Bright, who is one of the medical visitors of the Chancery lunatics, has long expressed his wish that there should be a consolidation of the jurisdiction and superintendence of the

See also Scotch Act, 20 & 21 Vict. c. 71. s. 81.

See 1st Report, 983, 16 & 17 Vict. c. 70, s. 43.

See 1st Report, 1209, 1313. See Appendix, No. 5, and see Mr. Elmer's Evidence, 1860, 18. See Mr. Elmer's Evidence, 3d Report, *ut ante*, and his suggestion in Appendix.

See 2d Report, Mr. Bolden, 261, and 3d Report, Mr. Elmer, 52-65.

See 1st Report, 1151 to 1190. 3d Report, 18 to 65.

See Appendix to 2d Report, p. 206, and see Mr. Elmer's Evidence, 3d Report, 75, &c., and see Mr. Bolden, 1st Report, 3190.

See also 1st Report, 1143; 1173-1176; 1180, &c.; Mr. Bolden, 3167-3175.

1st Report, 1613-1620.

Ibid. 1060-1064.

Ibid. 1064.

2d Report, 679-686. 813-814.

1st Report, 2308-2316.

Mr. Campbell,
2d Report, 619-623.
Mr. Lutwidge,
Ibid. 2130-2134.
See 1st Report,
1073-1101.

different classes of lunatics under the same authority, making the Masters in Lunacy a part of the general establishment. Dr. Sutherland, who has several Chancery lunatics under his care, thinks that "it would be a good thing to join the two Commissionerships together;" and keeping the question of property apart, he sees not the smallest objection to placing the inspection and supervision of the Chancery patients under the same authority as that which is exercised over other lunatics. Mr. Lutwidge, one of the Commissioners in Lunacy, has observed, that it would be more simple and more consistent with efficiency, if there were one body to look to the medical and moral treatment of all lunatics. The only objection raised to such a plan is the hypothetical danger of a conflict of jurisdiction; but it was shown upon examination that this objection might readily be overcome, if the Masters were to form part of the Board, so as to ensure free communication between them and the Commissioners, without interference on the part of the General Board with the management of the property. As, however, one of the Masters already is an unpaid member of the Board, and as it would be in the power of the Lord Chancellor to appoint, if he should think fit, the other Master to be a Commissioner, on the occurrence of a vacancy, Your Committee do not think it indispensable that both the Masters should be by law *ex officio* Members of the Board.

Criminal Lunatics.

Those who are generally called criminal lunatics, may be divided into two distinct classes. Those who are found insane on arraignment, or acquitted on the ground of insanity, and are thereupon ordered to be detained in safe custody during Her Majesty's pleasure; and those who become unsound in their minds while in prison, either waiting their trial or after sentence. The care of the first class is principally provided for by the 39 & 40 Geo. 3, c. 94; that of the second class, by the 3 & 4 Vict. c. 54. According to the first of those statutes, persons charged with offences, such as treason, murder, or felony, shall, where they are proved to be insane on their arraignment, or where they are acquitted by the verdict of a jury, on the ground of insanity, be ordered to be kept in safe custody at the pleasure of the Crown. By the second, the former Act is extended to cases of misdemeanor; but, in addition to this, where any person imprisoned for any offence, or to answer a criminal charge, shall appear to be insane, two justices, with the aid of two medical men, are directed to inquire into the circumstances of the case, and if the insanity is certified by them, the Secretary of State issues his warrant to remove such persons to an asylum. There they remain until they recover, in which case they are either sent back to prison to await their trial, or to undergo the remainder of their sentence; or if that period has expired, the Secretary of State orders their discharge.

1st Report, 2406.

Both these classes of lunatics are usually sent to Bethlehem, or if Bethlehem be full, to other asylums in the country. But there is a great inconvenience in this, for some of those persons, although they have been acquitted on the ground of insanity, are really sane. Others again have been the perpetrators of—what would be deemed in persons responsible for their acts—such heinous crimes, that though they may partially, or even wholly, recover, it would not be safe to let them loose again upon society. What then is to be done? To mix such persons with other patients is a serious evil; it is detrimental to the other patients as well as to themselves; but to liberate them on recovery as a matter of course is a still greater evil, and could not be sanctioned; for the danger to society would be extreme and imminent. The whole of this matter has recently undergone very careful consideration, and measures have been taken for the better care and supervision of this class of lunatics. A State asylum for their reception is being erected at Broadmoor, in the county of Surrey, on plans which have been submitted to the Commissioners in Lunacy, and approved by the Secretary of State; and there is every reason to hope that the inconveniences occasioned by keeping the criminal class of patients with other lunatics will thus be removed, and that suitable regulations will be established for their special care and treatment. A better classification of the patients will then become comparatively easy, greater opportunities will be afforded for occupation and bodily exercise, a sounder system of discipline may be established, and if the Commissioners

1st Report, Lord
Shaftesbury, 442-
447, s. 1,
3256, &c.

Commissioners in Lunacy are required to visit this State Asylum, the extended supervision will be a new guarantee for its good management, while it will assist the Secretary of State to determine in what way the cases shall be dealt with, according as circumstances may justify a partial or total restoration to liberty. On a subject so delicate and difficult as this, a large and continuous discretionary power must be somewhere reposed, and there can hardly be a doubt that the Secretary of State for the Home Department is the proper person in whom such power should be vested. It would not be advisable to limit his power by provisions unduly strict and specific, since this class of cases, more than all others, requires to be dealt with in the most exceptional manner, according to the circumstances which at the time are or may be applicable to each of them.

The Commission: its Composition and Power.

The foregoing recommendations, if carried into effect, would probably require some alteration in the law as regards the Commission. At present the Commission is composed of paid and unpaid members; the paid members are six in number, three legal, and three medical men, at salaries of 1,500*l.* a year each. There is also a secretary, whose annual salary is 800*l.* The unpaid Commissioners are five: Colonel Clifford, Mr. Gordon, Lord Lyveden, and Mr. Barlow, with Lord Shaftesbury at the head of the Board as chairman. All vacancies in the Board, whether among the paid or unpaid Commissioners, are filled up by nomination of the Lord Chancellor. The duties of the Commissioners are of two kinds; those which they discharge at the Board, and those which are connected with the visitation and inspection of asylums. In the performance of the former class of duties, the unpaid members have power and functions co-ordinate with the paid Commissioners. This is not so with regard to the latter class. Each statutory visit being required to be made by two of the paid members, a medical and legal Commissioner. Lord Shaftesbury has informed the committee, speaking from a very long experience in the matter, that in the working of the Commission, "The non-professional element, not only upon the Commission, but among the visiting magistrates in the circuits, and in every possible department relating to the care and treatment of lunatics, is of the most indispensable importance, and without it he is quite certain that the whole system of the management of lunatics would fall into the greatest disorder, and that they would relapse into many of the errors from which we have been extricated." Your Committee would regret to see this part of the system disturbed or impaired, and in any alterations which may be introduced, they would desire to preserve the non-professional element in all its integrity.

1st Report, 8-15.

If the visitation of the Chancery lunatics and single patients, and an additional visitation of workhouses and private asylums is required of the Commissioners, increased facilities will be necessary for the discharge of this class of duties. This object might to a certain extent be obtained by enabling a single Commissioner, whether paid or unpaid, to perform the additional duties required, even if it should be thought essential that each of the existing statutory visits should be made by two paid Commissioners. Your Committee cannot but feel some doubt whether it will be in the power of the Board, as at present constituted, efficiently to discharge the increased duties to be entrusted to it. But as they collect from the evidence of the Chairman that the Commissioners themselves are of opinion that they could do so without any permanent addition either to their number or their staff, your Committee have abstained from recommending, without proof of its necessity, that such addition should be made, and also from considering, as in that case it would have been right to do, in what manner any such addition could best be provided.

In addition to the recommendations contained in this Report, Your Committee further recommend, that all the Acts of Parliament relating to this subject shall be consolidated in three statutes; one with reference to public asylums, another with reference to private asylums, and another with reference

to Chancery lunatics, and that the amendment suggested in the Report should be incorporated in the Consolidated Statute.

Your Committee have not specifically noticed several minor alterations which have been suggested to them, and which are contained in Mr. Bolden's evidence, 1st Report, 3077-3200; Mr. Campbell's Paper, 2d Report, App. 401; Mr. Parnell's Paper, App. 403; Mr. Enfield's Paper, App. 404, Suggestions App. 405). These should be carefully examined, with the view of seeing how far they may be adopted before the consolidation is finally made.

27 July 1860.

PROCEEDINGS OF THE COMMITTEE.

Martis, 17^o die Aprilis, 1860.

MEMBERS PRESENT:

MR. WALPOLE in the Chair.

Sir George Grey.
Mr. Briscoe.
Mr. Henley.

Mr. Tite.
Mr. Kekewich.
Mr. Whitbread.

The Committee deliberated.

Mr. *Joseph Elmere* and Mr. *Gilbert Bolden*, examined.

The Committee deliberated.

[Adjourned to Monday, at Two o'clock.

Lunæ, 23^o die Aprilis, 1860.

MEMBERS PRESENT:

MR. WALPOLE in the Chair.

Mr. Kendall.
Mr. Briscoe.
Mr. Tite.
Colonel Clifford.
Mr. Horsman.

Sir George Grey.
Mr. Henley.
Mr. M. Milnes.
Mr. Kekewich.

Dr. *Charles Hood* and Mr. *John Thomas Perceval*, examined.

[Adjourned *sine die*.

Lunæ, 2^o die Maii, 1860.

MEMBERS PRESENT:

MR. WALPOLE in the Chair.

Mr. Briscoe.
Mr. Tite.
Mr. Kendall.
Mr. Kekewich.
Mr. Monckton Milnes.

Colonel Clifford.
Sir George Grey.
Mr. Rolt.
Mr. Whitbread.

The Committee deliberated.

Chairman directed to move the House, "That a Message be sent to the Lords, requesting the attendance of the Earl of *Shaftesbury* as a Witness before this Committee."

[Adjourned to Friday next, at Two o'clock.

PROCEEDINGS OF THE

Veneris, 25^o die Maii, 1860.

MEMBERS PRESENT:

Mr. WALPOLE in the Chair.

Mr. Briscoe.
Sir George Grey.
Mr. Kekewich.
Mr. Tite.

Colonel Clifford.
Mr. Henley.
Mr. M. Milnes.

The Right Honourable the Earl of Shaftesbury, examined.

[Adjourned to Monday, 4th June, at One o'clock.]

Lunæ, 9^o die Julii, 1860.

MEMBERS PRESENT:

Mr. WALPOLE in the Chair.

Mr. Tite.
Mr. Briscoe.
Mr. Henley.

Mr. Kendall.
Mr. Kekewich.
Sir George Grey.

[Adjourned to Friday next, at half past Eleven o'clock.]

Veneris, 13^o die Julii, 1860.

MEMBERS PRESENT:

Mr. WALPOLE in the Chair.

Mr. Kekewich.
Mr. Briscoe.
Colonel Clifford.
Mr. Kendall.

Sir George Grey.
Mr. Tite.
Mr. Henley.
Mr. Monckton Milnes.

Report, proposed by the Chairman, read 1^o, as follows:

"I. THE Acts of Parliament and Regulations for the Care and Treatment of Lunatics and their Property are of various kinds; but for the purpose of this inquiry, they may be advantageously arranged under four general heads, according to the class or character of persons who are made the subject of those laws and regulations. First, lunatics in public asylums; secondly, lunatics in private asylums or in single houses; thirdly, those found to be lunatics under an inquisition directed to be held by the Lord Chancellor, or the Lords Justices; and, fourthly, those proved to be lunatics, either upon arraignment for criminal offences, or acquitted of such offences by the verdict of a jury on the ground of insanity, or who have become unsound in their minds while in prison to answer a criminal charge, or while under sentence. The last two classes are usually designated as Chancery lunatics and criminal lunatics; and though the terms are not very accurate, yet as they are now familiarly applied, it may be convenient to adopt them for the purposes of this Report. For the like reason, the word lunatic will also be used according to the meaning which the Legislature has given to it, namely, every person being an idiot or lunatic, or of unsound mind; though that meaning will include many persons to whom the word is not strictly applicable.

1st Report, 38, 39,
and 40, s. III. c. 94,
and 3 Vict. c. 54.

See 1st Report, 48-52.

1st Report, 49.
1st Report, 1435, 3048.

"II. The number of lunatics, using the word in its statutory sense, is very large; and it is to be feared that this number is still on the increase. Whether it is increasing in a greater ratio than the increase of population, may be doubtful; as it should not be forgotten that old chronic cases, which were not formerly placed under the supervision of public asylums, have now, with the improvement and enlargement of such asylums, been since brought into them; and, in addition to this, the care of the patient is so much more efficient than it was before, that the annual mortality is considerably diminished, and the consequent longevity

longevity is considerably increased. Until the year 1844, there were no data upon which an accurate opinion could be formed with reference to this important part of the subject; but since that year all the cases have been better looked up, and more closely attended to. Taking this as our starting point, and comparing the number of patients on the 1st of January 1844, with the number of patients on the 1st of January 1858 and 1859, we find the following results:—

“On the 1st of January 1844 the numbers were—

Pauper patients both in workhouses and asylums	-	-	16,821	1st Report, 26.
Private patients	-	-	4,072	
TOTAL	-	-	20,893	

“On the 1st of January 1858 the numbers were—

In county and borough asylums	-	-	-	-	-	15,163	2d Report, 34.
In hospitals	-	-	-	-	-	1,751	
Metropolitan houses	-	-	-	-	-	2,623	
Provincial houses	-	-	-	-	-	2,647	
Naval hospitals (probably)	-	-	-	-	-	126	
In workhouses	-	-	-	-	-	7,686	
Living with their friends as paupers	-	-	-	-	-	5,477	
Single patients	-	-	-	-	-	124	
TOTAL	-	-	-	-	-	35,597	

There was, therefore, on the 1st of January 1858, as compared with the 1st of January 1844, an increase of nearly 15,000, out of a total of 35,597; an increase apparently very great in proportion to the increase which has taken place in the population during the same period. But it should be borne in mind that in the return for 1844 patients in naval hospitals and patients living with their friends as paupers were not included, there being no record of them at that period. After making allowance for the operation of the causes above referred to, it is to be feared that a large part of the increase must still be attributed to other causes. Taking the figures as they stand, it is a melancholy fact that out of every 600 people in England and Wales, one at least is in such a state that, in many respects, he is incapable of managing himself and his affairs. A vast proportion of those, no doubt, are cases either of natural idiocy or of mental imbecility arising from age, epilepsy, fits, and other causes, where the maladies may be regarded as chronic or incurable. With regard to them, little more can be done by any laws however wise, or any regulations however prudent, than to provide the patients with such comforts as their circumstances will admit; but with regard to others, since 50 or 60, or even 70 per cent. are capable of cure, if taken in time and carefully treated, it is certainly a matter of primary importance that our legislative provisions should be so framed as to aid in the accomplishment of this desirable object.

“Public Asylums.

“III. The principal Acts of Parliament now in force which relate to lunatics in public asylums, are the 16th & 17th Vict. c. 97, and the 18th & 19th Vict. c. 105. These Acts consolidated and amended the previous laws made for the purpose of providing and regulating lunatic asylums in counties* and boroughs. From the year 1808 until the year 1845 the justices in quarter sessions had the power to provide, in every county in England, proper houses for the reception of such lunatics and other insane persons as were chargeable on their respective parishes; but, until 1845, neither counties nor boroughs were obliged to do so. By the Act passed in that year this obligation has been imposed upon them, and the result is, that in the counties, some of which are associated together for this purpose, there are upwards of 40 asylums; but there is still a great deficiency in the boroughs. The number of boroughs bound to provide asylums is 71. Some have done so by erecting asylums for themselves, or by uniting themselves with the counties in which they are situated; but 29 or 30 are still in default, and great inconveniences are thereby occasioned. Even the City of London has not yet made provisions for its pauper lunatics, notwithstanding the remonstrances that have been made on the subject for several years. A site, however, has at length been procured. The Commissioners in Lunacy state in their last report that there is every prospect of an asylum being erected without delay. The asylums thus provided are placed under the superintendence of a committee of visitors, appointed by the justices, who have power to make rules for the general government and management of them, subject to the approval of the Secretary of State. They are required frequently to inspect every part of the asylum of which they are visitors; and to report every year to the justices as to the state and condition of each asylum; as to its sufficiency for the proper accommodation of the lunatics; as to the management and conduct of the officers and servants; and as to the care of the patients therein. The county and borough asylums, as well as the workhouses in which lunatics are confined, are also required to be visited

once

c 2

Public Asylums.

* 8 & 9 Vict. c. 126,
9 & 10 Vict. c. 84,
and 10 & 11 Vict.
c. 48.

1st Report, 34-45.
And see 13th Report
of Commissioners in
Lunacy.

See 1st Report,
719. 724. 734.

13th Report of
Commissioners in
Lunacy, 36-93.

16 & 17 Vict. c. 97,
s. 53.

16 & 17 Vict. c. 97,
s. 61.

They must go once in
every two months;
they do go oftener.
16 & 17 Vict. c. 97,
s. 62.

8 & 9 Vict. c. 100,
s. 111.
2d Report, 2000.

See 1st Report,
716-794.
2d Report, 1025-
1040. 2320-2325.

2d Report, 1032-
1040. 1097-1107.

1st Report, 644,
645, 1392.

See Appendix E. to
13th Report of
Commissioners in
Lunacy, pp. 140, 141.
4 & 5 Will. 4, c. 70,
s. 41.

See 16 & 17 Vict.
c. 97. 69-72.

See sections 64 and
66, and see 16 & 17
Vict. c. 96. s. 28.

1st Report, Lord
Shaftesbury, 630-653.
Mr. Gaskell, 1503,
&c. 641-643.
Mr. Gaskell, 1490-91;
2d Report, 1662.

2d Report 716.

2d Report, 1922, &c.

2d Report, 1719-1749.

See Commissioners'
12th Report, p. 21.
and 1st Report,
733-749.

See 16 & 17 Vict.
c. 97, s. 31, and
1st Report, 750.
1st Report, 751.

1st Report, 754.

This is to meet a
difficulty that has
occurred at Norwich.

once a year by the Commissioners in Lunacy, who are, moreover, empowered to visit workhouses in which there are lunatics.

"IV. It appears from the evidence that these asylums are, generally speaking, so well looked after, and so carefully attended to, that, as regards them, but little alteration is required in the law. In some cases it may be a question whether they are not, in their structure, inconveniently large; whether the staff of attendants should not be increased; whether higher remuneration in some instances should not be given; and whether it might not be advisable to erect, in connexion with them, detached buildings of a more simple and inexpensive character, for the reception of imbecile and chronic patients. But these and the like matters require no alteration in the law, and may well be left to the visiting justices to regulate and determine, acting in communication with the Commissioners in Lunacy and the Secretary of State.

"V. The chief evil for which a remedy is required is the detention of a large number of pauper lunatics in workhouses; the number of these lunatics amounted to no less than 6,800 on the 1st of January 1857; and on the 1st of January 1859 there were 7,632. The law relating to this class of lunatics is certainly in anything but a satisfactory state. By the Poor Law Amendment Act the detention in any workhouse of 'any dangerous lunatic, 'insane person, or idiot,' for a longer period than 14 days, is expressly prohibited; and the word 'dangerous' is read as applicable to each of the three classes of mentally disordered persons who are there mentioned. But with regard to those who are not dangerous, the statutory provisions are ambiguous. On the one hand, it seems to have been contemplated by the Legislature that all pauper lunatics should be sent to some asylum, registered hospital, or licensed house, under an order by a justice or justices, to be dealt with as such; on the other hand, there are provisions in the same Act, and also in another Act of Parliament, passed in the same Session, which seem to imply and also to recognise, to a certain extent, the detention in workhouses of paupers deemed by law to be insane. The consequence is, that large numbers of pauper lunatics are kept in these houses without a certificate of their mental condition, and without an order from any magistrate regarding them as lunatics. It cannot be denied that with regard to those who are really lunatics, there is almost a total absence of proper supervision, attendance, and medical treatment. In some workhouses there are not even separate wards; mechanical restraint is frequently applied, because the imperfect state of the accommodation will not admit of a better mode of treatment. In many cases the medical officers of a union cannot have the special knowledge requisite for the management of the insane; and it may generally be concluded, that the special appliances of a union workhouse are not by any means equivalent to that of a lunatic asylum.

"VI. In the great majority of these cases, more especially in the rural districts, a large portion of the persons kept in workhouses may be correctly described as harmless lunatics, who, if kept under a slight degree of supervision, are capable of useful and regular occupation; or they are persons whose infirmity of mind is consequent on epilepsy or paralysis, or merely the fatuity of old age. The state of the law on this branch of the subject appears to require amendment. Your Committee are not prepared to recommend that all these cases, without exception, should be removed to asylums; but they are of opinion that no person should be detained in workhouses respecting whose sanity a doubt exists, without a medical certificate, stating that the patient was a proper patient to be kept in the workhouse; that there should, if possible, be distinct wards for such patients, with distinct attendance; that the Justices or the Commissioners should visit them at least once in each quarter; and that the power of removing any patients should be given to the Commissioners as well as to the Justices.

"VII. The only material alterations which Your Committee would recommend in the law relating to county asylums are contained in a Bill which was referred to the Committee appointed to inquire into this subject in the first Session of 1859. Although this Bill has not been introduced, Your Committee has considered its provisions. The object of it is to facilitate the annexation of certain boroughs to counties, where the lunatics in such boroughs are now sent, for want of an asylum, to great distances from their own immediate neighbourhood; to enable the Secretary of State, where two or more counties have agreed to unite, but cannot agree about the plans and estimates of the intended asylum, to determine for them what plans and estimates shall be proceeded with and carried into execution; to authorise the committee of visitors to hire, or take, or lease land or buildings, either for the employment or occupation of the patients in the asylum, or for the temporary accommodation of any pauper lunatics for whom the accommodation in the asylum is inadequate; to authorise also the committee of visitors to pay or contribute such sum of money as the Commissioners in Lunacy shall approve, for or towards the enlargement of any churchyard or consecrated public burial-ground, that the lunatics dying in any asylum need not be buried within the precincts of that asylum, to which in many cases great objections are entertained; to alter the interpretation of the word county, so as not to include under that term the county of a city or the county of a town; and to provide that a pauper lunatic found in any borough which is exempt from contributing to the county asylum shall be chargeable to the borough, and not to the county, when the settlement of such pauper lunatic cannot be ascertained. Your Committee concur in the general expediency of these alterations.

"Private Asylums."

"VIII. The chief Acts of Parliament which relate to lunatics who are private patients, being either maintained out of their own fortunes, or at the cost of their relations and friends, are the 8 & 9 Vict. c. 100, the 16 & 17 Vict. c. 96, and the 18 & 19 Vict. c. 105. According to these Acts, the great principle which governs asylums where private patients are kept is, that no person can receive more than one patient, if he derives any profit therefrom, unless he has a license granted to him for that purpose, and submits to the regulations which that license implies. In the metropolis, the power of licensing is exclusively in the hands of the metropolitan Commissioners. In the provincial districts it rests with the justices at quarter sessions. These licenses are annually renewed, and they may be revoked by the Lord Chancellor. The patients are admitted upon an order signed by some relative or friend, with a statement of all the particulars of the case. This statement must be supported by the certificate of two medical practitioners, who have examined the patient separately within seven days previously to his reception, stating that he is a person of unsound mind, and a proper person to be detained under care and treatment. It must also specify the grounds upon which their opinion has been formed, namely, the facts observed by themselves or communicated by others. After two, and before the expiration of seven clear days, the proprietor or superintendent of the licensed house must transmit to the Commissioners, and also to the Visiting Justices, if the licensed house is within their jurisdiction, a copy of the order and medical certificates. The licensed house must be visited by two of the Commissioners four times at least in every year, if it lies within their immediate jurisdiction, and if beyond, it must be visited four times at least by visitors appointed by the justices, one of whom shall be a medical man, and twice at least by two of the Commissioners. In the course of such visits, inquiries are directed to be made as to the occupation, amusement, classification, condition, and dietary of the different patients, and also whether a system of non-coercion has been adopted or not; and where it shall appear either to the Commissioners or to the Visiting Justices that a patient is detained without sufficient cause, they have the power, under certain conditions, of ordering his discharge. When the patient recovers, the proprietor or superintendent is required to send notice of such recovery to the person who signed the order for his reception; and if such patient is not discharged or removed within 14 days, the proprietor is required immediately to transmit a similar notice to the Commissioners or visiting justices, as the case may be. When the patient dies, the medical practitioner who attended such patient during the illness which terminated in death, is to cause a statement to be entered in the case-book, setting forth the time and cause of death, and the duration of the disease of which the patient died; and a copy of such statement, within two days, must be transmitted to the coroner. In addition to these specific provisions, the Commissioners have power from time to time to make regulations for the government of any of these licensed houses, and they must report annually to the Lord Chancellor the number of visits they have made, the number of patients they have seen, the state and condition of the houses, the care of the patients therein, and such other particulars as they may think deserving of notice.

"IX. The foregoing statement of the law has been made for the purpose of bringing into one compendious view the several provisions which the Legislature has enacted in recent years for the care and management of those who are confined in private asylums; and it will probably contribute to a clearer understanding of the various suggestions which have been offered to us for the further improvement of such provisions. It has indeed been submitted to us, that the only improvement which can be effectual is, the abolition altogether of private asylums for the compulsory confinement of the insane. Without going so far as that, other witnesses, and especially Lord Shaftesbury, Chairman of the Board of Commissioners, to whose opinion great deference is due, have recommended that the magistrates should be empowered, if they think fit, to provide asylums by money raised on the security of the rates, for all classes of lunatics. The main reason for this suggestion is thus put by Lord Shaftesbury:—'When I look into the whole matter,' he says, 'I see that the principle of profit vitiates the whole thing; it is at the bottom of all those movements that we are obliged to counteract by complicated legislation, and if we could but remove that principle of making a profit, we should confer an inestimable blessing upon the middle classes, getting rid of half the legislation, and securing an admirable, sound and efficient system of treatment of lunacy.' Again, in answer to a question whether he would have those asylums in every part of the kingdom, as there are public asylums for paupers, he adds, 'Yes; these asylums would be quite free from all those vicious motives that have been referred to in the licensed houses.' The examples which he would principally take as his guide are the chartered asylums in Scotland, of which there are seven, and the hospitals in England founded upon private funds, of which there are eleven.

"X. The establishment of asylums of this character deserves to be encouraged, if it could be effected by private contributions. But should a power be given to establish such asylums throughout the kingdom as public institutions, by money to be raised on the security of a rate, the plan would be open to the obvious objection, that the whole community would have to be taxed for the benefit of those who might either be maintained out of their own property, or by relations and friends who are bound to take care of them.

"XI. Assuming, therefore, that it would not be possible to abolish altogether the private asylums or licensed houses, it certainly becomes all the more important to consider in what manner

1st Report, 75.

8 & 9 Vict. c. 100,
ss. 14 and 17.

1st Report, 76 to 82.

See 16 & 17 Vict.
c. 96, s. 4.8 & 9 Vict. c. 100,
s. 52.8 & 9 Vict. c. 100,
ss. 61 and 62.8 & 9 Vict. c. 100,
s. 64.8 & 9 Vict. c. 100,
s. 76-80.16 & 17 Vict. c. 96,
s. 19.16 & 17 Vict. c. 96,
s. 31.8 & 9 Vict. c. 100,
s. 88.16 & 17 Vict. c. 96,
s. 32.

2d Report, 166.

1st Report, 507.

1st Report, 507, 530.

1st Report, 509.

manner they can best be regulated. Upon this part of the subject, several suggestions have been offered to the Committee, both by the Commissioners, and also by other witnesses; those suggestions, for the sake of clearness, may be reasonably classified under the following heads:—

"1st. The suitability of the house for the purpose for which it is to be licensed, and its superintendence.

"2d. The circumstances under which the patient may be placed under restraint, and the safeguards provided for the propriety of his confinement.

"3d. The care and treatment of the patient while he remains in the asylum.

"4th. The restoration of the patient to liberty as soon as his case will, with safety, admit of it.

"PRIVATE ASYLUMS.

"1st. *The Suitableness of the House for the purpose for which it is to be Licensed, and its Superintendence.*

"XII. The circumstances under which a license should be given require to be examined with great care; a difference of practice in the metropolis and in the country appears to prevail with reference to the mode in which licenses are granted. There is no provision in the Act of Parliament which requires a previous examination of the premises. As regards the metropolis, the Commissioners always inspect the house before the license is granted. As regards the country, the magistrates sometimes adopt the same course; at others, they act on their personal knowledge of the locality, and are contented with an inspection of the plan. It is to be feared that some of the houses, both in the metropolis and in the country, are not well suited for the purpose. Many, which are unsuitable, have had licenses for years past, which have given to the property an additional value, and therefore, it is generally difficult to refuse a renewal of them. But the great and leading difficulty is to find proper persons to undertake the charge of such an establishment. The fittest men may not have the capital, or those who have the capital are not the fittest men. The consequence is, that licenses are given or continued to some capitalist, upon the condition that he has under him a medical superintendent; but as the superintendent has not the same control as the proprietor of the house, there is a diminished, or at any rate a divided responsibility, which cannot be otherwise than prejudicial to good management.

1st Report, 101,
102 to 103.

1st Report, 82.

1st Report, 80-104.

See the question put
by Commissioners to
applicants for a
license.

1st Report, Appendix,
No. 2, p. 291.

1st Report, 809, 812.

2d Report, Dr. Bright,
803 to 806.

1st Report, Lord
Shaftesbury, 97.

See 2d Report, App.
No. 1; Mr. Campbell's
suggestions,
p. 195.

"XIII. The Commissioners and magistrates are well aware of these defects, and they are evidently taking much pains to remove them; some amendment of the law, however, might be advantageously introduced. It would be advisable that, except in special cases to be specially allowed by the visitors or Commissioners, the proprietor, or in the case of a joint ownership, one of the proprietors, should be required by law to reside on the spot. Nothing can lead to greater abuses than that large proprietors should have three or four houses, and reside in none of them. For the like reasons, it would further be advisable that if any additions or alterations are contemplated in the provincial houses, a notice of them should be sent to the Commissioners for their report; but where the proprietor is permitted to be non-resident, the appointment of the medical practitioner should be subject to the approval of the Commissioners or visitors, as the case may be, and provincial licenses should not be transferred without notice to the Commissioners.

"2d. *The Circumstances under which the Patient may be placed under Restraint, and the Safeguard provided for the Propriety of his Confinement.*

"XIV. This is by far the most difficult part of the subject. It has been suggested that in all cases the alleged lunatic, before he is confined, should, as a matter of right, be entitled to have his case tried and decided by some magistrate, or, as it has been proposed in a more mitigated form, that the medical certificates of the alleged insanity should be inspected and verified before a magistrate; and that if the magistrate was not satisfied with them, he should have the power of inquiring into the truth of the statement made, and of the necessity of the intended confinement. The exact nature of the former proposition, and the principal reasons upon which it is founded, are explained at length in the Second Report, in answer to question 179. The latter proposition would assimilate the law of England to the law at present existing in Scotland. There the certificates, with a statement regarding the case, signed by a relation of the party desiring the confinement, are sent to the sheriff of the county (the sheriff in Scotland being a judicial officer), who has to satisfy himself, either upon the mere examination of the parties, or if he thinks proper, by a personal examination of the alleged lunatic, or by calling other evidence, that the alleged lunatic is a proper person to be detained and taken care of. The reasons assigned in favour of this proposition are thus stated by the witness in reply to the question, 'What evils would the course you recommend obviate?' The answer is, 'I think it would give greater security to the public, instead of having an examination after the confinement in an asylum, when the mischief has been done. If you once place a person in an asylum, there is a certain stigma which attaches to him, and which he never gets rid of, and upon persons of weak nerves it has a most prejudicial effect.'

See Mr. Bolden,
2617 to 2642.

2d Report, 2620.

1st Report, 2629.

2d Report, 2629.

"XV.

"XV. The two suggestions thus offered to the Committee involve a most important question. But it appears to Your Committee, that if either of them were introduced and strictly acted upon, they would be likely to produce still greater evils than those which they profess to remedy. According to the evidence taken before the Committee, it is fully admitted that in a very large majority of cases there is *prima facie* evidence to justify the confinement. Indeed, it may be said that the instances are extremely rare in which, under the present law, the confinement is or has been unwarranted. If that be so, the evil of acting on the present law without inquiry before a magistrate is more imaginary than real. But the evils arising from a change in that law by insisting on inquiry, when the parties desired it, would often lead to an unnecessary publicity, which it is for the interest of the patient, as well as his family, if possible, to avoid. Insanity, under any shape, is so fearful a malady, that the desire to withdraw it from the observation of the world is both natural and commendable. The reverse of this would in all instances be painful, and in many it would be cruel. A man in business may become affected with temporary insanity, brought on by over-exertion, mental anxiety, or physical ailment; but if he is early and properly treated, his recovery may be as quick as his seizure was sudden. What could be more injurious than a public inquiry in such cases as these? Where the insanity was undisputed, the inquiry would lead to no useful result, though the knowledge of the malady might be seriously prejudicial to the future prospects of the patient and his family. But when it was disputed, it is unnecessary to dwell on the various mischiefs which would instantly result from it; such, for instance, as the agitations caused to the patient's mind just at the moment when it was trembling on the balance; the injurious comments which might sometimes be made on his character and conduct; the unnecessary exposure of private matters, which need not be brought, and which ought not to be brought before the public gaze, if, at least, it be possible to avoid it; the stigma or prejudice which might permanently attach to him and his children in the event of recovery; and frequently, it may be added, the grievous expense which such inquiries would entail, as they did in the case of Chancery lunatics, where inquiries were required, until quite recently, to be held before a jury. Nor should it be forgotten that the delay caused by reference to the magistrate might prevent or retard the immediate treatment which is so requisite for the patient, and thereby tend to aggravate the malady. For these reasons, Your Committee are disinclined to adopt these suggestions. No doubt the conclusion thus arrived at introduces the further question, What then are the proper safeguards? For if there be even one person improperly confined, it is right to provide the amplest protection which the law can afford in order to prevent so deplorable a result.

"XVI. For providing this protection several things are necessary. *In the first place*, it is important that the medical certificate should be clear in its statement, and accurately framed. The whole justification for the patient's confinement depends on this document; yet if it is inadequate, as it sometimes has been, the patient, notwithstanding, is improperly taken in, and placed under restraint. The restraint may be justifiable on proper documents, but not justifiable on those produced. Mr. Bolden's suggestion, that these certificates should be verified before a magistrate, so far only as to enable him to determine whether the Act had been complied with, would probably tend to greater caution in this behalf. It would operate as a check on too hasty a conclusion, and obviate the necessity of further examination, without impeding a proper confinement for the purposes of cure, and without entailing that painful publicity which on so many accounts it is desirable to avoid. This suggestion, when thus considered, deserves to be attended to. *In the second place*, there would be considerable advantage in requiring that the certificate upon which the confinement and detention is ordered should be limited, in the first instance, to three months, and no more. It is now granted for an indefinite period; but if it were limited to three months in the first instance, 'the effect would be,' as Lord Shaftesbury observes, 'to compel a revision of the case by the family or friends; the relations would be obliged to look again into the matter, as they would know, in all probability, if they did not do so, the patient would be returned upon their hands.' *In the third place*, the order for receiving the patient into the asylum with which the medical certificates are accompanied, should state the time when the person signing it had last seen the patient; and such orders should not be effective unless the applicant had himself seen the patient within three months of his signing the order. A case has been brought to the notice of the Committee, where the party applying had not seen the patient for two years, and another where he had not seen him for six times that period. *In the fourth place*, a copy of the order and of the medical certificates upon which the patient is confined should be sent to the Commissioners within 24 hours, instead of within seven days as at present, in order that their attention may be immediately called to any irregularity in these documents; and *in the fifth place*, the patient should, as soon as possible, be visited by the Commissioners, or by some persons acting directly under their authority; so that the patient should have the fullest opportunity of stating his complaints, if he has any to make. A provision of this kind has been sometimes objected to by the proprietors of asylums, upon the ground that it implies suspicion and undue distrust. But the confinement of a person is too serious a matter to allow any feeling of that kind to interfere with the protection which is due to the patient. Moreover, in those asylums which are well conducted, the proprietors have nothing whatever to fear, and asylums which are ill-conducted ought to be controlled. Undoubtedly it is true that, as above shown, the cases in which persons have been improperly confined are extremely rare; but one has happened within the last 12 months. In this case it turned out, when the facts were heard,

2d Report, 2633.
Lord Shaftesbury,
see 1 Rep. 185.
Conolly, 1987.

1st Report, 934. 948.

1st Report, Lord
Shaftesbury, 170-180.
Dr. Conolly, 1991-
1996.
Ibid. and 1st Report,
757.

See 2d Report, 2625
to 2641, and Mr.
Parnell's paper,
App. No. 2, p. 200.

1st Report, 201-202.

Mr. Percival, 2d
Report, 275, and
Mr. Campbell, 631.
1st Report, 864.

See upon this point
1st Report, Lord
Shaftesbury, 815-
830. 839-844.
Dr. Conolly, 1987.
Dr. Sutherland, 2230-
2277, and 2d Report,
Mr. Campbell's paper,
App. No. 1.
3d Report, 116-121.
3d Report, 116-121.

that the supposed delusion was not a delusion, and the patient was released as soon as the Commissioners went to visit her; but before that happened, the confinement had lasted for six weeks.

" 3d. *The Care and Treatment of the Patient while he remains in the Asylum.*

1st Report, 119-148.
208-215. 2029-2031.
Regulations, App.
p. 286.
Mr. Percival's paper,
2d Report, App. No. 2.
1st Report, 844.
Mr. Boldero, 2740.
2742.

6 Geo. 4, c. 31, s. 36.

1st Report, 226, 227.
13th Report, p. 86.

" XVII. After a patient is taken into an asylum, he receives the benefit of several visits within the metropolitan district; he is visited once in each quarter by the Commissioners. Beyond that district he is visited once in each quarter by the Visiting Justices, and twice in the year by the Metropolitan Commissioners. These visits are of great importance, since they constitute almost the only opportunity in which the patient can make known his views, his wishes, or his grievances. Considering that public asylums are usually visited once a month, and even oftener, it is desirable that in private asylums more visitations should be provided for. But the mere visitation of persons in authority is not all that is required. Under the old Act of Parliament, what is termed Mr. Gordon's Act, the person by whom or by whose authority the patient had been delivered to the care of the keeper of any private house, was bound to visit him once at least in every six months. When the Act was renewed, this clause was omitted. It has been recommended that the omitted clause, or some analogous provision, should be reintroduced in any amending statute. The following passage, from the 13th Report of the Commissioners in Lunacy, enforces the value of this recommendation in terms which are not less just than strong: 'We trust that in any amending statute it will be made compulsory upon the friends of all private patients, whether in mixed, private, and pauper asylums, registered hospitals, or licensed houses, or under separate care as single patients, to visit them, or delegate some one to visit them periodically, and ascertain by personal inspection the accommodation and comforts provided for them. Instances have come to our knowledge where patients have been for years deprived of what we consider the most salutary supervision of their friends, and to whom no visits, either by the party signing the order of admission, or by a medical practitioner appointed by him, has taken place. We are aware that, under peculiar circumstances, objections may be made to the visits of relatives or friends, as detrimental to the proper treatment and recovery of the patients, more especially in recent or acute cases. Such instances may occasionally occur, but, as a general rule, we are of opinion that greater mischief arises from the omission or gradual discontinuance of those visits, not only so far as the feelings of the patient himself are concerned, but also his absolute welfare.' This recommendation well deserves consideration, though there may be some practical difficulty in giving full effect to it.

See 1st Report,
Mr. Cairne, 185-234;
243-246.

Mr. Boldero, 1st
Report, 2749-50.
2753.

See 1st Report,
223-228. 1761.

" XVIII. Connected with this subject is the right of patients to see such friends as may desire to visit them, and to correspond with them in the freest manner, consistently with the restrictions and regulations which the necessity of the case must sometimes require. This is a point which has been urged perhaps more strongly than any other on the consideration of the Committee. Some discretion must, of course, be exercised, as to the visitors to be admitted, as well as to the times at which the visits are to be made. According to the evidence of those who have pressed this point upon our consideration, it is also admitted that a check would be required on the permission to correspond, where, from the nature of the malady, the medical superintendent might know beforehand that the communication would be of a loose or improper character, or where the recipients remonstrate against it, or where the patient is in such a state of derangement, that there would be no use in forwarding the letters. In the opinion of Your Committee, the *primâ facie* right both of receiving visits and also of corresponding should be secured to the patients, unless a refusal is given by the authorities on specified grounds, and in that case the parties refused, whether patients or friends, should be at liberty to apply either to the visitors or to the Commissioners to say, as the case may be, whether that refusal is reasonable or otherwise. At present an application to visit a patient must be made beforehand, and letters are occasionally opened and kept back; and though there are cases in which this would be proper, Your Committee conceive, that with reasonable restrictions, an alteration in the law might advantageously be made, so as to secure the *primâ facie* right; for it has been truly said, that a patient's feelings should be sacredly respected in all matters, which are either matters of indifference in themselves, or which will not tend to retard his cure, or which do not affect either his own security, or the security of others.

See on this subject,
1st Report, Lord
Shaftesbury, 243; &c.
874, &c., 910, &c.,
and Dr. Sutherland,
2260, &c.

" XIX. A power which might with great benefit be given to the Commissioners would be, the power of enabling the patient to go out upon trial. This is a power which the visitors now possess with respect to patients in county asylums; but there is no such power in respect to patients in private asylums, or in respect of private patients above the condition of paupers. They may, indeed, for the purposes of health, transfer the patients from one asylum to another; and the change of scene and circumstances has operated so beneficially, that, as Lord Shaftesbury has expressed it, 'A man has seemed to live again.' But more than this is needed; if they are out upon trial they are more or less free agents, and they gradually acquire habits of self-restraint which create in them a sense of responsibility, and restore to them the notion that they can again be trusted with perfect freedom.

" 4th. *The*

" 4th. *The Restoration of the Patient to Liberty as soon as his Case will with Safety admit of it.*

" XX. The discharge of patients, upon their recovery, is the last point under this head which remains to be considered. According to the existing law, if a patient is not discharged in due course upon his recovery, or if he is improperly detained in the asylum, the Commissioners and Visiting Justices (as the case may be) have the power, subject to certain conditions, of ordering his discharge. These powers are considered to be ample; and so they are, as soon as the Commissioners or Visiting Justices are called upon to act. But before that happens an interval may elapse; for the notice of recovery is first sent to the person by whom the order for his reception was signed, or by whom the last payment was made on his behalf; and then, if the patient is not removed by his relatives within 14 days from the reception of the notice, the superintendent or proprietor is required, immediately after the expiration of that period, to transmit the notice of recovery to the Commissioners. Then it is, but not till then, that the Commissioners have an opportunity of dealing with the case. It would be an improvement in the law, and an additional protection and security to the patient, if the notice of recovery which is sent to the Commissioners after a 14 days' interval, should be made to be simultaneous with the notice of recovery which is sent to the relations; such a requirement would secure attention, prevent delay, and enable the Commissioners at once to act in case of neglect.

1st Report, 217-221.
237-241.

See on this subject,
8 & 9 Vict. c. 100,
s. 72-78.

" *Patients in Single Houses.*

" XXI. Before closing this branch of the subject, the state of the law with regard to patients in single houses deserves consideration. Under the Act of 1829, the Commissioners knew nothing of these patients. The law provided that every medical man who had the charge of a single patient should send his name, under seal, to the secretary of the Commission; but the list was kept secret, and was known only to the secretary. Under the Act of 1845, a private committee of three was formed, of which the Chairman was one. To this committee the names of the single patients were communicated, and they were directed to visit them. But that was found to be very insufficient, because the patients were scattered far and wide, and the three Commissioners were unable to undertake and discharge the duties imposed upon them. Under the Act of 1853, the private committee was abolished, and it was thrown open to the whole body of Commissioners, who were enjoined to visit this class of patients once a year. But then this further difficulty occurred: the Commissioners had no power to visit a patient until such time as he was under certificate, and they had no means of ascertaining the fact whether he was under certificate or not. It therefore rested with the medical man to communicate this fact to them of his having received a patient, and such communication is often withheld, so much so that Lord Shaftesbury says, 'We have every reason to believe that a very large number who ought to be under certificate are entirely hidden from our view. By degrees we have discovered a good many, and have compelled the medical man or their relation to put them under certificate, and they are now constantly visited; but there are a vast number of whom we have no knowledge.' In the year 1858 there were 124 of these patients under the superintendence of the Commissioners.

1st Report, 292.

1st Report, 279, 280.

" XXII. There is a considerable conflict of opinion as to the advantages and disadvantages of confining patients in single houses other than their own. Some witnesses think that both with a hope of cure, and with a view to the security and comfort of the patients, the best way would be to send them to some good private asylum, because association, when well managed, is one of the most effectual modes of promoting a cure. Others, again, admitting the benefit to be derived from association, when the disease has arrived at the second stage, are nevertheless of opinion that the treatment which the patient receives in single houses is a very good plan in recent cases, and that the percentage of cures is quite as great in those houses as it is in public or private asylums. In one thing, however, they are all of them agreed, that this class of patients ought to be brought under the supervision of the Commissioners. Dr. Sutherland confirms the opinion of Lord Shaftesbury, that there are, at this moment in single houses, many persons uncertificated who ought to be certificated; that in that case they are without the protection which they ought to receive; that this practice, therefore, ought not to be continued; and that it should be incumbent on the medical man to report to the Commissioners, under a penalty, whenever cases of that kind are committed to his care. It is very desirable that some provision should be made for the superintendence of this class of cases, and there is no better mode of enforcing such a provision than by making it penal for any medical man to receive such patients, without apprising the Commissioners of it. This would bring them under authority and control.

1st Report, 308.
Dr. Conolly, 1949-
1953.

See Dr. Sutherland,
2063-2082.

Dr. Sutherland,
2187-2208.
1st Report, Lord
Shaftesbury, 342-438,
Ac., and 921.

" *Chancery Lunatics.*

" XXIII. With regard to the Chancery Lunatics, as they are called, great improvements were made in the law by the last Act of Parliament, namely, the Lunacy Regulation Act of 1853. Before that Act was passed (except in a few cases, where the Chancellor was authorised to have jurisdiction over the persons and incomes, though not over the corpus of

16 & 17 Vict. c. 70.

the property of lunatics), all inquisitions were held before a jury. The unnecessary expenses and the frequent exposure which these proceedings often gave rise to was notorious. But this, in a great measure, has been done away with. For now, in consequence of the Act of 1853, an inquisition may be held without the intervention of a jury, before a Master alone, unless the Court or the Master shall think fit to have a jury summoned, or the alleged lunatic shall demand one. This change of the law has been most satisfactory. During the five years which have since elapsed, the average number of cases in which juries have been demanded have amounted only to three annually out of 70; and in those cases where the jury has not been summoned, no complaints have been made, and no dissatisfaction expressed with the result of the inquisition. The large increase in the number of inquisitions which has subsequently taken place, as compared with those which were held anterior to the passing of the Act, is an additional proof of the success of that enactment. In the five years preceding it, there were 196 cases; in the five years following it, there were 358. The absence of publicity and the diminished expense have probably led to this result.

"XXIV. There is one point, however, connected with these inquiries which is still capable of further improvement. By the law as it now stands, the Master has the power of summoning a jury, if he thinks that the circumstances require it; but before he does so, he must go through the whole case. It is clearly advisable that the power of the Master should in this respect be extended; for the preliminary investigation, to a great extent, is useless, and occasions delay and expense.

"XXV. Other improvements were advantageously introduced by the Regulation Act of 1853, particularly in dispensing with the necessity of a special order of reference to the Master in each stage of the case. In consequence of this alteration in the law, and the general orders in lunacy issued in pursuance of it, the saving of expenses has been very considerable. In many respects there is reason to believe that this saving may be carried still further; and if the power of making general orders for that purpose is not sufficient, there can be no reason why it should not be enlarged. The cost even of an unopposed application to the Court is about 20*l.*: it would be much less if an original jurisdiction in other cases, besides those which now exist, were given to the Masters. Mr. Barlow recommends, that with regard to leases of the lunatics' property, as well as with regard to the sums allowed for the maintenance of the lunatic, and the mode in which those sums are applied, original jurisdiction might be given to the Master, without the necessity of going to the Court. Mr. Elmer concurs in these recommendations, and he points out other cases in which a similar course might be adopted; such, for instance, as the transfer into Court of money belonging to the lunatic's estate. Mr. Elmer also concurs in the following suggestions, which have been submitted to the Committee by Mr. Enfield, and they appear to the Committee to be worthy of adoption, viz.:—1. To assimilate the powers of the Masters in Lunacy to those of the chief clerks in Chancery. 2. To give the Masters the opportunity of oral communication with the superior judges when any explanation is required, or any pending inquiries, in the same way in which explanations take place between the chief clerk and the Vice-Chancellor. 3. To devolve on the Master the duties of seeing that committees of the person are only allowed so much each year as they actually expend in the maintenance of the lunatics, giving the masters liberty to allow salaries to committees when they see reason; and, 4. To make periodical returns to the Lord Chancellor of the condition of every case under the charge of the Lord Chancellor as regards committees, their accounts, and their sureties.

"XXVI. There is one other alteration in the law, upon which the Committee have taken a good deal of evidence, namely, the propriety of transferring to the Commissioners in Lunacy the care, treatment, and general supervision of Chancery lunatics, leaving, of course, with the Masters in Lunacy the same jurisdiction as that which they now possess with reference to the inquisition and the property of the lunatics. The Chancery lunatics are visited less frequently than any other class of lunatics, whether in public or in private asylums. In fact, they are only visited once a year, and sometimes there is an interval between two visits of not less than 18 months; nor does there appear to be sufficient security for the reports of the visitors being laid before the Lord Chancellor without previous revision and alteration. The Committee, however, have reason to believe, that the present Lord Chancellor has had his attention directed to this subject; and that he considers that the present system of visiting is not sufficiently effective. From the evidence taken before the Committee, it appears that the best course would be to transfer the duty of visiting to the Commissioners in Lunacy, so that in all cases there should be one supervision, and one mode of treatment, with all the appliances which the best and most recent experience could afford applicable to all the lunatics in the kingdom. Dr. Bright, who is one of the medical visitors of the Chancery lunatics, has long expressed his wish that there should be a consolidation of the jurisdiction and superintendence of the different classes of lunatics under the same authority, making the Masters in Lunacy a part of the general establishment. Dr. Sutherland, who has several Chancery lunatics under his care, thinks that 'it would be a good thing to join the two Commissions together; and, keeping the question of property apart, he sees not the smallest objection to placing the inspection and supervision of the Chancery patients under the same authority as that which is exercised over other lunatics. Mr. Lutwidge, one of the Commissioners in Lunacy, has observed, that it would be more simple and more consistent with efficiency, if there were one body to look to the medical and moral treatment of all lunatics. The only objection raised to such a plan is the hypothetical

See 1st Report, 981-949.
See also 1129-1133, and Mr. Elmer, 1860, 7-9.
See 1st Report, 1029-1033.
See 1st Report, App. No. 9.
Mr. Bolden, 1st Report, 3192.
See 1st Report, 983, 16 & 17 Vict. c. 70, s. 43.

See 1st Report, 1209, 1313.
See Appendix, No. 5, and see Mr. Elmer's Evidence, 1860, 18.
See Mr. Elmer's Evidence, 3d Report, *ut ante*, and his suggestion in Appendix.
See 2d Report, Mr. Bolden, 261, and 3d Report, Mr. Elmer, 52-65.
See 1st Report, 1151 to 1190.
3d Report, 18 to 65.
See Appendix to 2d Report, p. 206, and see Mr. Elmer's Evidence, 3d Report, 75, &c., and see Mr. Bolden, 1st Report, 3190.
See also 1st Report, 11, 43; 1173-1176; 1180, &c.; Mr. Bolden, 3167-3175.

1st Report, 1613-1620.
Ibid. 1060-1064.
Ibid. 1064.

2d Report, 679-686, 813, 814.

1st Report, 2308-2316.

Mr. Campbell, 2d Report, 619-623.
Mr. Lutwidge, *Ibid.* 2130-2134.

hypothetical danger of a conflict of jurisdiction; but it was shown upon examination that this objection might readily be overcome, if the Masters were to form part of the Board, so as to ensure free communication between them and the Commissioners, without interference on the part of the General Board with the management of the property.

See 1st Report,
1073. 1101.

"Criminal Lunatics."

"XXVII. Those who are generally called criminal lunatics, may be divided into two distinct classes. Those who are found insane on arraignment, or acquitted on the ground of insanity, and are thereupon ordered to be detained in safe custody during Her Majesty's pleasure; and those who become unsound in their minds while in prison, either waiting their trial or after sentence. The care of the first class of lunatics is principally provided for by the 39 & 40 Geo. 3, c. 94; that of the second class by the 3 & 4 Vict. c. 54. According to the first of those statutes, persons charged with offences, such as treason, murder or felony, shall, where they are proved to be insane on their arraignment, or where they are acquitted by the verdict of a jury, on the ground of insanity, be ordered to be kept in safe custody at the pleasure of the Crown. By the second, the former Act is extended to cases of misdemeanor; but, in addition to this, where any person imprisoned for any offence, or to answer a criminal charge, shall appear to be insane, two justices, with the aid of two medical men, are directed to inquire into the circumstances of the case, and if the insanity is certified by them, the Secretary of State issues his warrant to remove such persons to an asylum. There they remain until they recover, in which case they are either sent back to prison to await their trial, or to undergo the remainder of their sentence; or if that period has expired, the Secretary of State orders their discharge.

XXVIII. Both these classes of lunatics are usually sent to Bethlehem, or if Bethlehem be full, to other asylums in the country. But there is a great inconvenience in this, for some of those persons, although they have been acquitted on the ground of insanity, are really sane. Others again have been the perpetrators of—what would be deemed in persons responsible for their acts—such heinous crimes, that though they may partially, or even wholly recover, it would not be safe to let them loose again upon society. What, then, is to be done? To mix such persons with other patients is a serious evil; it is detrimental to the other patients as well as to themselves; but to liberate them on recovery as a matter of course is a still greater evil, and could not be sanctioned; for the danger to society would be extreme and imminent. The whole of this matter has recently undergone very careful consideration, and measures have been taken for the better care and supervision of this class of lunatics. A State asylum for their reception is being erected at Bradmoor, in the county of Surrey, on plans which have been submitted to the Commissioners in Lunacy, and approved by the Secretary of State; and there is every reason to hope that the inconveniences occasioned by keeping the criminal class of patients with other lunatics will thus be removed, and that suitable regulations will be established for their special care and treatment. A better classification of the patients will then become comparatively easy, greater opportunities will be afforded for occupation and bodily exercise, a sounder system of discipline may be established, and if the Commissioners in Lunacy are required to visit this State asylum, the extended supervision will be a new guarantee for its good management, while it will assist the Secretary of State to determine in what way the cases shall be dealt with, according as circumstances may justify a partial or total restoration to liberty. On a subject so delicate and difficult as this, a large and continuous discretionary power must be somewhere reposed, and there can hardly be a doubt that the Secretary of State for the Home Department is the proper person in whom such power should be vested. It would not be advisable to limit his power by provisions unduly specific, since this class of cases, more than all others, requires to be dealt with in the most exceptional manner, according to the circumstances which at the time are applicable to each of them.

1st Report, 2406.

1st Report, Lord
Shaftesbury, 442-447,
s. 3256, &c.

"The Commission: its Composition and Power."

"XXIX. The foregoing recommendations, if carried into effect, would probably require some alteration in the law as regards the Commission. At present the Commission is composed of paid and unpaid members; the paid members are six in number, three legal, and three medical men, at salaries of 1,500*l.* a year each. There is also a secretary, whose annual salary is 800*l.* The unpaid Commissioners are five: Colonel Clifford, Mr. Gordon, Lord Lyveden, and Mr. Barlow, with Lord Shaftesbury at the head of the Board as chairman. All vacancies in the Board, whether paid or unpaid Commissioners, are filled up by nomination of the Lord Chancellor. The duties of the Commissioners are of two kinds; those which they discharge at the Board, and those which are connected with the visitation and inspection of asylums. In the performance of the former class of duties, the unpaid members have power and functions co-ordinate with the paid Commissioners. Lord Shaftesbury has informed the Committee, speaking from a very long experience in the matter, that in the working of the Commission, 'The non-professional element, not only upon the Commission, but among the visiting magistrates in the circuits, and in every possible department relating to the care and treatment of lunatics, is of the most indispensable importance, and without it he is quite certain that the whole system of the management of lunatics would fall into the greatest disorder, and that they would relapse into
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'many of the errors from which we have been extricated.' Your Committee would regret to see this part of the system disturbed or impaired, and in any alterations which may be introduced, they would desire to preserve the non-professional element in all its integrity.

"XXX. If the visitation of the Chancery lunatics and single patients, and additional visitation of workhouses and private asylums is required of the Commissioners, an increase of strength will certainly be needed. Instead, however, of providing for this increase of strength by more Commissioners, with salaries of 1,500 *l.* a year each, the work of visitation might be well carried on by Inspectors or Assistant Commissioners, acting under the direction and authority of the Board. Six or eight, or at most ten, of such Inspectors or Assistant Commissioners would be amply sufficient; and if the Commissioners were ultimately reduced from six to four, and the Chancery Visitors were done away with, the extra expense would be comparatively trifling. Except in special and more difficult cases, such as serious doubts of the insanity of a patient, or the alleged misconduct of the proprietors of asylums, or the discharge of the patient upon recovery, the statutory visits might ordinarily be conducted by a single Commissioner or by one Inspector, or Assistant Commissioner, as well as by two. It would probably be convenient to allot districts to them in proportion to the duties which they would have to discharge, and so all the patients throughout the kingdom might be regularly, as well as efficiently attended to. Considering that the managers of public asylums seldom, if ever, receive more than 600 *l.* a year, there can hardly be a doubt that excellent Inspectors, or Assistant Commissioners, might be procured at salaries from 700 *l.* to 800 *l.* per annum.

See suggestion, 3d Report, Appendix 2 and 4.

"XXXI. Your Committee recommend, therefore, that the next two vacancies in the paid Commissioners shall not be filled up when these vacancies occur.

"That the Board shall consist of four paid Commissioners, with four or five unpaid Commissioners, as heretofore.

"That the Masters in Lunacy shall be ex-officio members of the Board.

"That the Chancery Visitors in lunacy shall not be continued.

"That Inspectors or Assistant Commissioners, with salaries at 700 *l.* or 800 *l.* per annum, shall be appointed.

"That the Inspectors or Assistant Commissioners shall have districts allotted to them from time to time by the Board, and that they shall visit all asylums, licensed houses, workhouses, and certified lunatics, within their districts, subject to the control and directions of the Board.

"That the Commissioners shall visit all the certified lunatics within the metropolitan district, and also the lunatics in the new asylum at Bradmoor, as soon as that asylum shall be completed.

Lord Campbell's Paper, 2d Report, Appendix, No. 1.

"That the ordinary visits, either of the Commissioners, or of the Inspectors or Assistant Commissioners, may be made singly if the Board shall think fit; but where the insanity of a patient is disputed, or where the proprietors of any asylum are charged with such misconduct as may lead to the forfeiture of his license, or when the patient in a private asylum seeks his discharge on the ground of recovery, either two Commissioners, if the case shall occur within the metropolitan district, or if without, one Commissioner with an Inspector or Assistant Commissioner, shall attend together.

"That all the Acts of Parliament relating to this subject shall be consolidated in three statutes; one with reference to public asylums, another with reference to private asylums, and another with reference to Chancery lunatics, and that the recommendations and different amendments mentioned in this Report under the heads of 'Public Asylums,' 'Private Asylums,' and 'Chancery Lunatics,' shall be incorporated in the consolidated statutes.

"XXXII. In consolidating and amending the law on this subject, Your Committee have not specifically noticed many other alterations which have been suggested to them, partly verbal and partly relating to matters of detail; but these suggestions (Your Committee refer more particularly to Mr. Bolden's evidence, 1st Report, 3077-3200; Mr. Campbell's Paper, 2d Report, App. 401; Mr. Parnell's Paper, App. 403; Mr. Enfield's Paper, App. 404, Suggestions, App. 405), should be carefully examined, with the view of seeing how far they may be adopted before the consolidation is finally made."

Motion made, and Question (Mr. Kekewich), "That the Report proposed by the Chairman be now read 2^d, paragraph by paragraph," put, and agreed to.

Paragraph 1, read, and agreed to.

Paragraphs 2, 3, 4, 5 and 6, severally read. Amendments made. Paragraphs, as amended, read, and agreed to.

Paragraph 7, read. Amendments made.

Amendment proposed (Colonel Clifford): At the end of the paragraph, to add the words: "Some minor alterations may be also suggested which appear to your Committee to be worthy of adoption; increased effect and influence would be given to the visitation

visitation of County Asylums by the Commissioners in Lunacy, if the entries of reports made on those occasions were directed to be read publicly at Quarter Sessions, or to be advertised in the local journals." Question, "That those words be there added," put, and negatived.

Another Amendment proposed (Colonel Clifford): At the end of the paragraph, to add the words: "It would further seem desirable to reduce the time at which committees of visitors may grant superannuation allowances to their medical officers. Their duties are so peculiar, and such painful consequences are known to result from incessant intercourse with the various forms of this distressing disease, when prolonged for many years, that Your Committee believe it would tend to greater efficiency of service, if the period which stands at present at 20 years were reduced to 15." Question put, "That those words be there added."—The Committee divided:

Ayes, 4.
Mr. Briscoe.
Mr. Kendall.
Colonel Clifford.
Mr. M. Milnes.

Noes, 4.
Mr. Henley.
Mr. Kekewich.
Sir George Grey.
Mr. Tite.

The Chairman declared himself with the Ayes; words added.

Another amendment proposed (Mr. Kekewich): At the end of the paragraph, as amended, to add the words: "It would also be desirable that the name of some relation of the patient should be inserted in the order of admission of a pauper lunatic into an asylum, to whom, in the case of the death of such patient while in the asylum, notice should be sent." Question, "That those words be there added," put, and agreed to.

Paragraph 7, as amended, read, and agreed to.

Paragraphs 8 and 9, severally read, amended, and agreed to.

Paragraph 10, read. Amendments made. Amendment proposed (Colonel Clifford): To leave out all the words after the word "encouraged," in line 1, to the words "the plan" in line 4, for the purpose of inserting the words, "From this experience also of such institutions as were existing in Scotland, the evidence tends to show that, while a kind of accommodation is supplied by them of which the friends of patients of the higher class have no means of obtaining elsewhere, the profits arising out of the payments for such patients go to defray a part of the whole expense, and to reduce the cost of the inferior class of patients. And Your Committee think that if the plan were adopted of making the erection of such establishments in the first instance permissive (as was done in regard to County Asylums); and if the money were raised, as suggested by Lord Shaftesbury, upon the guarantee of the county rates, it is extremely probable that no additional tax would be imposed upon the county, as there is every reason to believe that the institutions would eventually prove to be entirely self-supporting," instead thereof. Question put, "That the words proposed to be left out stand part of the paragraph."—The Committee divided:

Ayes, 4.
Mr. Kendall.
Mr. Kekewich.
Mr. Tite.
Sir George Grey.

Noes, 3.
Mr. Briscoe.
Colonel Clifford.
Mr. M. Milnes.

Further Amendments made.

Paragraph, as amended, read, and agreed to.

Paragraph 11, read, and agreed to.

[Adjourned to Tuesday, at Twelve o'clock; further to consider Report.

Martis, 17^o die Julii, 1860.

MEMBERS PRESENT:

Mr. WALPOLE in the Chair.

Sir George Grey.
Mr. Henley.
Colonel Clifford.
Mr. Kendall.

Mr. Briscoe.
Mr. Tite.
Mr. M. Milnes.
Mr. Kekewich.

Paragraph 12, read, and agreed to.

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Paragraph

Paragraph 13, read. Amendments made. Paragraph, as amended, read, and agreed to.

Paragraphs 14 and 15, respectively read, amended, and agreed to.

Paragraph 16, read, and Amendments made.

Amendment proposed (Sir George Grey): To leave out all the words from the word "document," in line 3, to "produced" in line 6, for the purpose of inserting these words instead thereof: "the form of the certificate required by law appears to be sufficient, but Your Committee are of opinion that some additional security should be taken for ensuring its accuracy; it is sometimes imperfectly filled up, and the patient is then placed under restraint in a document which does not legally justify his detention." Question, "That the words proposed to be left out stand part of the paragraph," put, and negatived. Question, "That those words be there inserted," put, and agreed to.

Amendment proposed (Sir George Grey): To leave out from the words "Mr. Bolden" in line 6, to "it" in line 15. Question put, "That the words proposed to be left out stand part of the paragraph."—The Committee divided:

Ayes, 2.
Mr. Tite.
Mr. Briscoe.

Noes, 2.
Sir George Grey.
Colonel Clifford.

The Chairman declared himself with the Ayes.

Paragraph 16. Another Amendment proposed (Sir George Grey): After the word "make" in line 30, to insert the following words: "and that if he should appear to be improperly confined, immediate means should be taken for his release." Question, "That those words be there inserted," put, and agreed to.

Further Amendments made.

Paragraph 16, as amended, read, and agreed to.

Paragraphs 17 and 18, read, amended, and agreed to.

Paragraph 19, read, and postponed.

Paragraphs 20 and 21, read, amended, and agreed to.

Paragraph 22, read. Amendments made. Amendment proposed (Mr. Tite): After the word "cases," in line 17, to insert the words "including also the class technically called nervous patients." Question, "That those words be there inserted," put, and negatived. Paragraph, as amended, read, and agreed to.

Postponed paragraph 19 again read. Amendments made. Amendment proposed (Sir George Grey): To leave out all the words after the word "Commissioners," in line 1, to "this" in line 2, for the purpose of inserting these words: "and visitors of ordering the temporary discharge upon trial of a patient in a private asylum." Question, "That the words proposed to be left out stand part of the paragraph," put, and negatived. Question, "That those words be there inserted," put, and agreed to.

Amendment proposed (Sir George Grey): To leave out from "asylums," in line 4, to the end of the paragraph, for the purpose of inserting these words: "though such patients may be removed to some other place, under proper control, for the benefit of their health. A power of this kind, if it be conferred, should of course be exercised with extreme caution," instead thereof. Question, "That the words proposed to be left out stand part of the paragraph," put, and negatived. Question, "That those words be there inserted," put, and agreed to.

Paragraph, as amended, read, and agreed to.

Paragraph 23, read. Amendments made.

Amendment proposed (Mr. Tite): At the end of this paragraph to add these words: "it has also been suggested, that as soon as the fact of the lunacy of the supposed lunatic is properly established, his property of all kinds should vest in an official committee, to be administered for his benefit by the Masters in Lunacy, or by some local jurisdiction in the provinces. In the case of small properties this might prevent the necessity of appointing committees of the estate, always attended with considerable expense, and such properties would be economically managed upon the principle of a per-centage, or *ad valorem* rate to cover expenses; but Your Committee are not prepared to recommend the adoption of this suggestion without further consideration." Question, "That those words be there added," put, and agreed to.

Paragraph, as amended, read, and agreed to.

Paragraphs 24 and 25, severally read, amended, and agreed to.

Paragraph

Paragraph 26 read. Amendment proposed (Colonel Clifford): To leave out all the words after "lunatics" in line 26, to the end of the paragraph. Question put, "That the words proposed to be left out stand part of the paragraph."—The Committee divided:

Ayes, 4.
Mr. Tite.
Sir G. Grey.
Mr. Briscoe.
Mr. Kekewich.

Noes, 2.
Mr. Henley.
Colonel Clifford.

[Adjourned to Friday, at One o'clock.]

Veneris, 20^o die Julii, 1860.

MEMBERS PRESENT:

MR. WALPOLE in the Chair.

Sir George Grey.
Mr. Kekewich.
Colonel Clifford.

Mr. Briscoe.
Mr. Henley.

Paragraph 26, as amended, read.

Amendment proposed at the end of the paragraph (Sir George Grey): To add these words: "As, however, one of the Masters already is an unpaid member of the Board, and as it would be in the power of the Lord Chancellor to afford, if he should think fit, the other Master to be a Commissioner on the occurrence of a vacancy, Your Committee do not think it indispensable that both the Masters should be, by law, *ex officio* members of the Board."—Question, "That those words be there added," put, and agreed to. Further Amendment made at the end of the paragraph.

Paragraph 26, as amended, read, and agreed to.

Paragraphs 27, 28 and 29, severally read, amended, and agreed to.

Paragraph 30, read; Amendment made.

Amendment proposed (Sir George Grey): To leave out the words "an increase of strength will certainly be needed," in line 3, for the purpose of inserting these words: "increased facilities will be necessary for the discharge of this class of duties."—Question, "That the words proposed to be left out stand part of the paragraph," put, and negatived, Question, "That those words be there inserted," put, and agreed to.

[Adjourned to Tuesday, at Twelve o'clock.]

Martis, 24^o die Julii, 1860.

MEMBERS PRESENT:

MR. WALPOLE in the Chair.

Sir George Grey.
Colonel Clifford.
Mr. Henley.

Mr. Tite.
Mr. Kekewich.

Paragraph 30, read, as amended. Amendment proposed (Colonel Clifford): To leave out all the words from the last amendment to the end of the paragraph, in order to add the words: "In order to effect this object, it does not seem to Your Committee that it would be desirable to interfere materially with that principle of the existing Commission which has worked in practice most beneficially, and which consists in assigning to the same persons the double duty of visiting asylums and of sitting as members of the Board to consider the reports of the visitors, and to give effect to their recommendations. The preferable course would appear to be, that the increased duties should be met partly by enabling a single Commissioner, whether paid or unpaid, to perform the additional visits required, and partly by a more frequent use of the 29th section of the 96th chapter of 16th & 17th Victoria, which enables the Commission to call in such assistance for visiting and reporting upon patients as special cases or particular houses may from time to time demand. And it further appears

to Your Committee, that the best mode of securing such regular visitation of lunatic paupers detained in workhouses as their exceptional position renders absolutely necessary, would be by placing them under an inspection similar in its character and extent to that which exists in County Asylums, whereby they would be visited once a year, at least, by the Commissioners, and more frequently by visitors, to be appointed by the justices, as under the Acts now applying to asylums."—Question, "That the words proposed to be left out stand part of the paragraph," put, and negatived.—Question, "That those words be there added," put, and negatived.

Amendment proposed, at the end of the paragraph to add the words following (Sir G. Grey): "This object might, to a certain extent, be obtained by enabling a single Commissioner, whether paid or unpaid, to perform the additional duties required, even if it should be thought essential that each of the existing statutory visits should be made by two paid Commissioners. Your Committee cannot but feel some doubt whether it will be in the power of the Board, as at present constituted, efficiently to discharge the increased duties to be entrusted to it. But as they collect from the evidence of the Chairman that the Commissioners themselves are of opinion that they could do so without any permanent addition either to their number or their staff, Your Committee have abstained from recommending, without proof of its necessity, that such addition should be made, and also from considering, as in that case it would have been right to do, in what manner any such addition could best be provided." Question, "That these words be there added," put, and agreed to.

Paragraph, as amended, read, and agreed to.

Paragraph 31, read; Amendments made.

Paragraph, as amended, agreed to.

Paragraph 32, read, and Amendments made.

Paragraph, as amended, agreed to.

Question, "That this proposed Report, as amended, be the Report of the Committee to The House," put, and agreed to.

Question, "That the Minutes of Evidence and Appendix be reported to The House,—put, and agreed to.

Ordered, To report.

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MINUTES OF EVIDENCE.

LIST OF WITNESSES.

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MINUTES OF EVIDENCE.

Martis, 17^a die Aprilis, 1860.

MEMBERS PRESENT.

Mr. Briscoe.
Sir George Grey.
Mr. Henley.
Mr. Kekewich.

Mr. Tite.
Mr. Walpole.
Mr. Whitbread.

THE RIGHT HON. S. H. WALPOLE, IN THE CHAIR.

Mr. Joseph Elmer, called in ; and Examined.

1. *Chairman.*] WHAT are you by profession ?—I hold an appointment in the office of the Masters in Lunacy.

2. What is your appointment ?—I believe I am called Clerk of the Public Office, having originally been appointed Second Clerk.

3. By means of that appointment, are you well acquainted with the proceedings in lunacy ?—I am.

4. How long have you been in that situation ?—I have been connected with the lunacy department of the Court of Chancery nearly 27 years.

5. Then you are acquainted with the new practice, and also with the old practice ?—Yes.

6. Under the new practice, I believe that a very considerable expense has been saved to the estates of lunatics ?—Very considerable expense.

7. Inquisitions have been done away with, except where a party demands an inquisition ?—Not the inquisitions.

8. I mean the inquisitions before a jury ?—Yes, unless it should appear to the Court or Master expedient or necessary to have a jury.

9. It has been stated that that change has caused no dissatisfaction ; that no complaints have arisen in consequence of that ?—I never heard of any.

10. I believe you have some information to give to the Committee with reference to the expenses attending proceedings in lunacy ; will you be good enough to state in what particulars the expense is very much less now than it was under the old practice, and how the expenses can be further diminished, without detriment to the duties which have to be performed with regard to these unfortunate people ?—The expense is very much less than formerly, by the abolition of the practice of having juries in a large proportion of cases, and of special orders of reference and confirmation, and the abolition also of the former grant of custody ; but the expenses are still very considerable, in consequence of its being necessary to submit almost everything to the Court after the inquisition.

11. After the inquisition has taken place, what is the first proceeding which it is necessary to submit to the Court ?—Under the general orders, the Masters have to inquire who are the next of kin, what the property consists of, the nature of the lunacy, and what is the sum necessary to be paid for the maintenance from year to year, what is due for past maintenance, who should be appointed committees and other matters, and to make a report thereon ; these reports have to be submitted to the Court for confirmation.

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12. Do all these inquiries take place without an application being made to the Court, and the Court directing the inquiry?—In the first instance; that is the new practice.

13. After the inquiry has taken place, must all these proceedings be reported to the Court in separate reports, or in one report?—In one report, where it is practicable.

14. Do counsel appear on the hearing of that report?—Sometimes, on the inquiries included in the report.

15. Not necessarily always?—Not necessarily always.

16. Would there be any expense if counsel were not required to attend on the hearing of the report?—Counsel do not attend upon the settlement of the report, but upon the inquiries embodied in the report.

17. After it is made?—No, before it is made; the inquiry is included in that report; the report is the result of the inquiries made before the Master subsequently to the inquisition; and counsel appear upon the question of the committee, seldom with reference to questions of property, and chiefly where the parties differ as to the appointment of the committee.

18. Can you preclude parties from insisting upon their right to be heard by counsel before the Master, or before the Lord Chancellor?—Under the new Act of Parliament, namely, that called the Lunacy Regulation Act, which was passed in 1853, considerable discretion was given to the Masters as to the parties who were to appear before them; and I think that even those powers might be made more extensive; for instance, I think that they might very properly say to the next of kin, in the first place, "You must all agree as to a solicitor to appear before me." So that, by agreeing in that way, it would only be necessary for one solicitor to appear for the next of kin and heir-at-law, and probably a considerable expense in the way of litigation might be saved. If the parties could not agree, it might be found convenient that the Master should appoint a solicitor to watch the interests of the next of kin.

19. To be paid out of the estate?—Yes. If the parties are litigious, and not inclined to agree, I think they might be left to pay their own expenses.

20. Has not the Lord Chancellor the power of making a regulation to that effect?—I doubt whether, having reference to the practice, the Court would feel disposed to carry its power to such an extent. The Lord Chancellor has a general power to make orders and regulations as to the practice and mode of procedure.

21. Sir George Grey.] Your suggestion is, I think, that only one solicitor should be allowed to appear for the next of kin?—For all the next of kin. I think in many cases it would be amply sufficient, the principle having been already adopted to a considerable extent.

22. Mr. Henley.] Could not the parties now by agreement limit the number of those who should appear before the Master?—Clearly.

23. Therefore, it would be giving no power that they have not at the present time?—Except in this instance; that the Masters usually feel that it is important at all events, if not necessary, to have all the next of kin represented on the first proceedings before them, in order to see that they are included in the report which they have to make under the General Orders.

24. If the parties by agreement, say six or seven of them, choose to appoint one solicitor to appear for them all, can they not do so now by agreement?—Yes, if they are disposed to do so.

25. You would give power, if they did not agree, to the Master to compel them to do so?—Certainly.

26. Mr. Tite.] In practice, what is the fact; do they appear numerous?—Yes, in the first instance; several solicitors commonly appear, frequently at a considerable expense.

27. Sir George Grey.] The expense, I suppose, is charged to the estate of the lunatic?—Yes.

28. Chairman.] That is, the expense in the Master's office?—Yes, of the proceedings in the office.

29. What is your second suggestion as to a saving of expense in proceedings in lunacy?—The next saving probably would relate to matters of a somewhat similar nature, in the subsequent management of the property. The Master, for instance, has no power to make a report, allowing certain repairs, or granting a lease,

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lease, without submitting the report to the Court for confirmation, and for the payment of the expenses.

30. Would you give the Master original jurisdiction in these matters, subject to no appeal?—Subject to an appeal, I see no reason why he should not have power to make a report, in the nature of an order, on these matters.

31. Mr. Henley.] You stated that you thought the Master should have power to compel the whole of the parties to appear before him by one solicitor?—Yes, for all the next of kin, subject of course to the control of the Court.

32. How would you propose that the Master should inform himself of the facts, or as to who was to be appointed; would the several parties appear before him?—He would necessarily inquire who the next of kin were; and, in connexion with the papers laid before him, he would have a general knowledge as to who they were, and of the most suitable person to be appointed committee.

33. But with regard to the appointment of one solicitor to deal with the interests of parties who might suppose that they had conflicting interests, I suppose those parties must all be heard before the Master came to any decision?—Probably they might, unless they could agree.

34. Could you compel persons, who supposed their interests to be conflicting, to place their interests in the hands of one solicitor without their being heard as to who that solicitor was, or whether it would be just to appoint him?—Perhaps it is hardly to be said that they would have conflicting interests. There are cases in which possibly that state of things might arise; but the next of kin are supposed to be interested only for the benefit of the individual lunatic.

35. But questions as to the appointment of a committee, and so forth, are sometimes contested with very great eagerness, if not animosity; and you could not conclude those parties without hearing them as to the fitness of A. or B. to be appointed solicitor?—The inquiry, as I understood it, was directed to the question of expense.

36. But with reference to a saving of expense, would you not run the risk of incurring great preliminary expense in the contest as to who was to be appointed solicitor?—I do not quite see why it should be so; it might possibly arise.

37. Would you conclude the parties in a matter of that importance without their being heard?—I am not clear that you might not.

38. If they were heard, and the decision was challenged, could you deny them an appeal to the Court above?—I think they ought to be at liberty to appeal if they think fit; but the Court should have full discretion as to allowing the costs out of the estate of the lunatic.

39. Chairman.] Is not that so now?—It may be so to a great extent; but a practice has grown up which renders it necessary that all the next of kin should appear in the first instance, and I think the Court would hardly like to interfere too much.

40. Mr. Briscoe.] Would there be any objection if the parties attended with their own solicitor, at their own expense, and not at the expense of the estate; would not that remove the objection very much?—I think so.

41. Chairman.] You think that some regulation might be made, under which the next of kin should be required to appear, either by a solicitor appointed by the Court, to be paid out of the estate, or to appear by one solicitor to be nominated by themselves?—Yes, upon the first proceedings before the Master subsequent to the inquisition, which are frequently attended with great expense to the lunatic's estate, in consequence of the numerous parties appearing before the Master.

42. Mr. Tite.] Could you accomplish the object by leaving the power of ordering the costs of four or five solicitors to be paid into the hands of the Master? Five solicitors appeared in one case recently; is there any discretion in such a case?—The Court would have a power to control that.

43. At the present time, has the Master any power?—I consider that the Master has not, according to the existing practice.

44. Sir George Grey.] Would your object be accomplished if a regulation was made that no more than the expenses of one solicitor should be charged to the estate, and if the next of kin could not agree upon one solicitor, and they chose to appear by different solicitors, it should be at their own expense?—Yes.

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45. Chairman.]

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45. *Chairman.*] According to the proceedings now in practice as to the appointment of the next of kin as the committee, is notice given to all the next of kin before the appointment takes place?—In the first instance, on the first inquiries.

46. Then suppose a case in which there were six or eight next of kin who took a different view as to the treatment of their relation, could you preclude those next of kin from insisting on their right to be heard before the Master as to who ought to have the management of the lunatic?—There are cases in which, possibly, it might not be right to do this; but it would be extremely expensive to the lunatic's estate that all should be separately heard.

47. Therefore you could not have any positive law prohibiting the next of kin or denying their right to appear?—My suggestion is, that the Master should have the power of exercising more discretion on that subject, having regard to the serious expense and delay arising out of the existing practice.

48. With regard to applications to the Court, you stated, did you not, that most of these matters must be reported to the Court; for instance, the appointment of the next of kin, does that go necessarily to the Court to be heard?—Not separately; it is included in the general report as to all the matters to which I have just now referred.

49. Is it by petition?—No, unless the parties differ, and object to the report.

50. When that report goes to the Lords Justices, do solicitors and counsel appear upon it?—No, not unless there is a petition.

51. There is no expense incurred upon that report being made to the Lord Chancellor?—Not upon the mere sending the report to the Court.

52. Take the simplest case of an application to the Lord Chancellor which is rendered necessary by the present law; what is the amount of the costs that would be incurred in such a case, an unlitigated case?—I think an application in such a matter could not be taken to the Court for less than from 15*l.* to 25*l.* I had occasion to look into two or three matters a short time since, and I found that for transferring a small sum like 300*l.* or 400*l.* into court, and giving the dividends to the committee for the lunatic's maintenance, the expenses were, I think, 22*l.*

53. What was the nature of that application?—It appeared that the lunatic was entitled to the sum of 318*l.*, which was in the hands of some family connexion or trustee, and it was desired to transfer the amount into court; the income was small, and the dividends were therefore important, and they wished to have the dividends paid for maintenance. The report and order consequent upon the proceedings involved an expense of 22*l.*

54. That was an application for maintenance out of a fund which it was not known before belonged to the lunatic?—In the first instance.

55. Could not that application have been made to the Master without going to the Court?—The application to transfer the stock into court could have been made; but the Master had not power to give the dividends.

56. *Mr. Henley.*] That was an uncontested case?—Yes.

57. *Sir George Grey.*] Have you got the particulars of those expenses?—I have not.

58. Had notice to be given to many parties to appear?—I think there were but two parties appearing; I think by the same solicitor, but I am not quite certain. No counsel was employed.

59. In what way did the expenses amount to so large a sum?—They are the professional charges for such a transaction.

60. *Chairman.*] Will you be good enough to put in a detail of the charges in that particular case, amounting to 22*l.*?—Certainly; there was a similar instance, in which a sum of 916*l.* was paid into court and invested, the dividends upon it being paid to the committee for maintenance; and between 16*l.* and 17*l.* expenses were incurred there.

61. Did counsel appear on that application?—No; the expenses consisted of the ordinary professional charges, a very small expense in the way of fees; I think the fees in each case were only 3*l.* or 4*l.*

62. In what form is the application made?—The application is made by a state of facts laid before the Master; it is simply a proposal with reference to

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to the subject matter; and his report, embodying the result of his inquiry, is sent to the Court for confirmation.

63. How would you propose to reduce those expenses?—By giving the Master power at first to make an order for the transfer into court, and the payment of the dividends to the committee.

64. What would be the cost of that?—Probably not half the amount.

65. Then the expense of going to the Court doubles the amount, apparently?—Clearly, in many cases.

66. Mr. Henley.] Is that in fees or payment to counsel?—Not in fees, but various professional charges for the necessary documents, which are frequently long. You have to set out in the report the reasons for arriving at a certain conclusion, to enable the Court to see that it is proper to grant the application.

67. Would not that be equally necessary if the application was made to the Master?—I think not; he having all the knowledge of the matter would be able to condense the thing, and report only his own conclusion.

68. He would act upon the information which he already possessed?—Yes.

69. Chairman.] Supposing a sum of money belonging to a suitor in an uncontested cause, and it was wanted to get the dividends, would not the application in that case be made to the Vice-Chancellor through the Vice-Chancellor's chief clerk?—Yes, I believe it would, in a suit only, the fund being ascertained; but if in a suit and lunacy also, then to the Lord Chancellor.

70. I will assume that they had ascertained the fund?—Then, in a Chancery suit only, free from a lunacy matter, the application would, I believe, be through the chief clerk; but otherwise, I fear, it would be necessary to apply to the Lord Chancellor to make the fund available.

71. But there may be many cases, may there not, in which you could apply to the chief clerk to get that done without going to the Court?—In Chancery, I believe so, but not in lunacy.

72. Would not your suggestion amount to this, that you wish to assimilate the functions and power of the Masters in Lunacy to those which may be exercised by the chief clerk?—To a very great extent.

73. You know Mr. Enfield?—Yes.

74. He is an officer under the Lord Chancellor?—He is secretary to the Board of Visitors and chief clerk to the Masters.

75. He has submitted a paper of suggestions to this Committee with reference to the Masters in Lunacy; have you seen them?—I have seen them.

76. Do you concur in those suggestions; they are five in number?—To a great extent I do.

77. The first suggestion is: "Give them increased powers, assimilated to those of the chief clerks in Chancery; proceedings in lunacy might then be conducted in the simple and inexpensive manner recently introduced into Chancery"; do you concur in that suggestion?—Yes.

78. Would that tend to diminish the expenses, do you think?—I do; I have given evidence already with reference to those particular matters.

79. You quite concur in that suggestion?—Yes.

80. The second is, "Give the Masters the opportunity of oral communication with their superior judges when any explanation required by the Judges or the Master, on any pending inquiries, in the same way in which explanations take place between the chief clerk and his judge"; do you agree in that suggestion?—Quite so.

81. The third suggestion is: "Devolve on the Masters the duty of seeing that committees of the persons are allowed only so much each year as they actually expend in the maintenance, in all cases in which the expenditure can be ascertained; giving the Masters liberty to allow salaries to committees when they see reason"; do you concur in that suggestion?—That would have been one of my suggestions; the allowance should, I think, in all cases, be "so much as shall be expended, not exceeding" so much.

82. Mr. Tite.] You entirely concur in that suggestion?—Entirely.

83. Chairman.] The fourth suggestion is: "Require the Masters to make periodical returns to the Lord Chancellor of the condition of every lunacy under charge of the Lord Chancellor, as regards committees, committees' accounts, and committees' sureties"; do you agree with that?—I see no objection to it.

84. What is the difference between the practice now and that suggestion of

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Mr. Enfield's?—There is nothing of the kind at present unless called for by the Court.

85. The words here mentioned are "periodical returns"?—I presume that that is intended to mean annual returns.

86. Not half-yearly?—I fear that very little could be done by half-yearly returns.

87. You think that it means annual reports?—Yes, I think so.

88. The fifth suggestion is: "Refer the taxation of costs to two out of the seven taxing Masters, and let them confer with the Masters as they find occasion;" do you concur in that suggestion?—Yes; it is a very useful suggestion; but there is a desire, I know, on the part of many of the profession, that the Masters themselves should tax the costs.

89. Sir George Grey.] What is your own opinion upon that subject?—I would simply connect that observation with the suggestion. I see no objection at all to it.

90. Chairman.] Have you any additional suggestions over and above these five, and what you have already stated, to offer the Committee?—Perhaps they hardly amount to suggestions, but there are various emendations which might be made in the Act of Parliament, which would, I think, have the effect of economising expense and facilitating the proceedings. There are several clauses in it which seem to require emendation, if it were the intention to go through the whole subject to see what improvement could be made in the existing Act.

91. Those would probably be minor alterations which the draughtsman would have to attend to?—Yes; in section 65 it is provided that the Master should direct transfers, or payments into court of certain funds; but it happens that that Clause 101, does not include the certificate of the Master, and the consequence is, that a fund may belong to a lunatic, and it may stand in a lunatic's name, and yet the Master cannot by certificate direct the transfer of it into court; although, if it happens to be in the names of trustees or strangers, he can do so if the parties are willing so to transfer. The Bank object, and say that they must have an order of the Court for the purpose, in a matter of that sort. Again, I think it important that the Master should have, in certain cases, the power of compelling the attendance of witnesses.

92. Have you dotted down the different alterations that you think might be suggested as amendments in the Act?—Not in a shape that I could hand them in to the Committee.

93. Could you conveniently do so before the Committee breaks up its proceedings?—I think so.

94. Will you be good enough to furnish it to the Committee on some future day?—Yes.

95. Mr. Tite.] You stated, that you would give the Master the power of compelling the attendance of witnesses?—Yes, there are certain proceedings occasionally in which it is desirable that the Master should have that power.

96. Have they not that power now?—Not at present, except on the inquiry.

97. Mr. Briscoe.] Would it not be an advantage if all the offices connected with lunacy were consolidated, the office of registrar, and other offices connected with the Master's supervision?—I think, in all probability, it would tend materially to diminish the expenses if the offices were consolidated.

98. Chairman.] Have you at all considered the question whether it might be expedient to transfer the visits, and the care and treatment, and supervision of the Chancery lunatics, to the Commissioners in Lunacy; whether it would be advisable or not?—I have given some attention to that subject.

99. Do you see any objection to such a transfer?—None; except the difficulty of communicating with the Masters.

100. Suppose the law provided that the Masters should have full power, under the authority of the Chancellor, of dealing, as they do now, with such improvements as you think might be introduced into the law, in all matters of property, do not you think that the law might easily give a power for the Commissioners to communicate with the Masters, so as to bring the supervision of the Chancery lunatics as much under the power of the Commissioners as every other lunatic in the kingdom is?—I see no reason why it should not.

101. It has been objected to such a case, that it might involve a conflict of jurisdiction;

jurisdiction; do you see any reason to apprehend that?—There is that danger, clearly; the Lord Chancellor must consider himself responsible, to a great extent, for the care and protection of the Chancery lunatics placed under his care by virtue of the Sign-Manual.

102. Are not the Commissioners now appointed by the Lord Chancellor?—I believe they are.

103. Might they not be as much the officers of the Lord Chancellor as the visitors in lunacy?—Clearly.

104. In that case, no conflict of jurisdiction would arise?—I see no reason why it should arise.

105. Mr. Tite.] There is a suggestion by Mr. Enfield, which has not been read to you, in which he says, "Abolish the office of legal visitor"; what is that office?—The present Board of Visitors, that which was established in 1833, when the first Act was passed, consists of two medical men and a barrister. The barrister at present holding that office is not directed to visit. The Masters are *ex-officio* visitors. I suppose it is thought unnecessary, by having them *ex-officio* members, to have the legal visitor continued as one of the visitors.

106. Is he paid, then, for doing nothing?—No; he attends the Board meetings. He is the chairman of the Board, and has various duties to discharge.

107. Could he visit if he chose?—I rather think he could with one of the medical visitors; but I think that there is no provision for the payment of any travelling expenses which he might incur.

108. In point of fact, the name of legal visitor is not quite accurate as expressing a duty to be performed?—No; he is clearly empowered, I believe, if he thinks fit, to accompany the other visitors.

109. He is the chairman of the Board and a barrister?—Yes.

110. How old is he now?—I cannot tell; he is advanced in years.

111. Chairman.] Suppose a friend of a lunatic wished to visit him, and the committee would not give him leave, would it not be necessary for the friend to apply to the Master or to the Lord Chancellor for such leave?—Yes.

112. Would that be an expensive process?—It might be very expensive.

113. If it went to the Court the least expense would be from 15 *l.* to 20 *l.*?—There might possibly be a reference back by the Court to the Master, to consider the propriety of the question, and then it would involve a considerable expense.

114. Mr. Tite.] Do the parties appear by counsel constantly or only occasionally?—Only occasionally.

115. Chairman.] Have you any other suggestions to offer?—Nothing else occurs to me.

Gilbert Bolden, Esq., further Examined.

116. Chairman.] YOU have already given evidence before this Committee?—Yes.

G. Bolden, Esq.

117. There is one part of your evidence with reference to which I wish to ask you a question: it has been stated before this Committee several times that it was believed there were cases, or there might be cases, of improper confinement in the first instance, as distinguished from improper detention afterwards; but no such cases have been specifically mentioned to the Committee, although I think in your evidence you say, that persons after being released have stated such facts to you as to lead you to think that at any rate they may have been prematurely confined; can you now furnish the Committee with any information as to whether, either through inadvertence or mistake, or any other cause, persons have been improperly confined?—A case has recently come within my own personal knowledge, in which it appears clear that a party had been improperly confined.

118. Will you be good enough to state the particulars of that case from the commencement; that is to say, from the time when the certificates were given, and the party put in confinement, and the nature of the certificates?—It is the case of a lady: on the 3d of October of last year, a certificate was signed to the following effect: "That Mrs. A., being the widow of Lieutenant A., imagines herself to be the wife of Mr. B., is entitled to assume his name, and is

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entitled to his property; she imagines that she will be able to take possession of the estate of Mr. B., and becomes exceedingly excited when reasoned with upon the subject."

119. Was that the only statement in the certificate?—That is the sole statement in the certificate. A similar certificate was given by another medical man with precisely the same reason, and almost in the same words. The lady was taken to an asylum in the neighbourhood of London, and when there she was not permitted to write a single letter, or to communicate with any one but her brother, who was the person who placed her under confinement. The Commissioners in Lunacy did not visit that asylum again until the 24th of November; they then examined her, and apparently satisfied themselves that it was an improper case of confinement, and they recommended the brother to release her. He refused, and they themselves had to exercise the power conferred upon them, by ordering her release, which was effected. She was released on the 10th of December last.

120. In that case, have you any reason to think that the Commissioners would have arrived at a different conclusion if they had seen her within a week or two days of the confinement?—They would have come to the same conclusion if they had gone to the asylum two days after the confinement as they did when they did go, because, in point of fact, there was no delusion.

121. Sir George Grey.] Was it their opinion that there was no delusion, or that the delusion had been removed?—That there was no delusion. The lady had been living in Scotland with the gentleman whose name she had taken; a correspondence had passed between them, and legal proceedings were actually taken in Scotland to establish a marriage.

122. Chairman.] She thought she was married?—Yes. This only tends to confirm the evidence which I gave before. I think greater precautions ought to be taken, in the first place, in giving these certificates, and that a better examination ought to take place before confinement, and afterwards, undoubtedly, there should be earlier and more frequent supervision, in order to prevent too long a detention in an asylum.

123. Mr. Henley.] Did the certificate to which you have referred state any ground, or supposed ground, of the insanity, from the medical man's observation, or from information derived from others?—The words are, "Upon facts indicating insanity, observed by myself," only.

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124. Chairman.] Have you not some papers, which you wish to put in, for the consideration of the Committee?—A good deal has been said with reference to the chartered asylums in Scotland, and as to the probable expenses of similar establishments in this country for the treatment of private patients, more as a kind of semi-public establishments, in which there should be no profit derived. The question was, what would be the expense; and I have put down, in writing, an estimate of the probable expenses of such establishments: what would be the expenditure, and what the income. And in confirmation of these views, I have also obtained from the committee of governors of the Northampton Asylum the cost of the private patients they have under their care.—(*The same was handed in.*) Referring also to the evidence already given as to the expenses of maintenance of pauper lunatics, the Commissioners in Lunacy for Scotland, in their Second Report, just published, state (at page 28), that the result of various returns indicate "that asylum treatment is really more economical than poor-house treatment. They show that parishes which take the entire charge of their pauper lunatics, and treat those who require segregation entirely in the lunatic wards of poor-houses, maintain the whole at an average rate of 19*l.* 4*s.* 11*d.* per head; that those parishes which place only the more manageable of their patients requiring segregation, in poor-houses, and send the rest to asylums, maintain the whole at an average rate of 17*l.* 1*s.* 5*d.*; and lastly, that those parishes which trust entirely to asylums for the care and treatment of such of their lunatics as require to be placed in establishments, maintain the whole at an average rate of 15*l.* 7*s.* 2*d.*"

Lunæ, 23^a die Aprilis, 1860.

MEMBERS PRESENT.

Mr. Briscoe.
Colonel Clifford.
Mr. Kekewich.
Mr. Kendall.
Sir George Grey.

Mr. Henley.
Mr. Horsman.
Mr. Monckton Milnes.
Mr. Tite.
Mr. Walpole.

THE RIGHT HONOURABLE S. H. WALPOLE, IN THE CHAIR.

Dr. Charles Hood, called in; and further Examined.

125. *Chairman.*] YOU have been examined before the Committee?—Yes.

126. But I think the Committee did not examine you upon the point whether the efficient working of the Commission in Lunacy might be improved by any alteration in the composition of that Commission, nor was your opinion taken as to any mode that you could suggest for improving the working of that commission?—No; my examination principally referred to criminal lunatics.

127. Have you considered the present working of the Commission, and any improvement that may be made in it, so as to enable the Commissioners to have, either by themselves or by persons acting under their authority, a greater power of visitation and inspection, I mean in the number of visits, than they make at present?—I have.

128. Supposing the Committee were to recommend that the Commissioners in Lunacy should make more visits than they do now, both to the public and to the private asylums, including among the public asylums those parts of workhouses in which lunatics are kept, do you think that the present staff of the Commissioners would be sufficient for the purpose or not?—I think not.

129. Assuming that the Committee are desirous to give to the Commissioners a greater power of carrying on their visitations, so that they should have more opportunities of seeing how things in these different asylums are conducted, and the patients treated, what mode has occurred to you, as the best mode of enabling the Commissioners to carry into effect such an object, and will you state what improvement you would suggest in the Commission, either upon the assumption that two visitors went to an asylum as at present, or that in some cases one Commissioner was allowed to go where two are required at present?—I apprehend the assistance most likely to be valuable to the Commissioners in Lunacy would be that afforded by provincial inspectors, who, residing in separate districts, would not only frequently inspect the asylums in their appointed district, but forward their reports to the Commissioners' Board in London.

130. What class of men would you recommend as inspectors for such purposes?—Members of the medical profession.

131. How would you propose to pay them as to amount?—I am not quite prepared to answer that question.

132. How many inspectors do you think you would require for the purpose?—I think that 10 or 12 inspectors would be sufficient.

133. Would you, in that case, propose to continue the present Board with its present number of paid Commissioners?—Perhaps I may be allowed to say, that any remarks I make will be offered with great respect and deference to the Commissioners in Lunacy; I think the Board would not require the same number as at present.

134. The Board now consists of six paid members?—Yes.

135. In the case you are suggesting, do you think that four paid members would be sufficient to constitute a Board for all the purposes of superintendence?—With 10 or 12 district inspectors, I think that a Board consisting of four members and a chairman, or a Board of five members, might perform the duties which are now performed by the Board of Commissioners in Lunacy, and by the Board which at present has the management of the Chancery lunatics.

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136. Do you mean four paid Commissioners to constitute a Board of professional gentlemen?—Yes.

137. Mr. Tite.] Do you mean medical men?—Not necessarily medical men.

138. Colonel Clifford.] Four, constituted as they now are?—Yes.

139. Chairman.] With the four Commissioners at the Board so constituted, and 10 inspectors in the country, there would be a class of men inspecting these asylums who would be different in some respects from the Commissioners who compose the Board?—Different in the emolument which they receive, not in professional education.

140. Do you intend them to be permanently appointed as inspectors, or would you enable the Board to appoint them *pro hac vice* inspectors to go through the different districts?—I think it would be better if they were permanently appointed inspectors, but their position might be changed occasionally, and not confined to one district.

141. According to your plan, would the whole time of the inspectors be required to be given up to their duties?—Yes.

142. I think it has been stated in evidence before this Committee, when the question of inspectors was incidentally mooted, that there would be a feeling if you had a different class of Commissioners or a different class of persons to visit, as the Commissioners do the metropolitan districts, and another class, not so highly paid, to visit the provincial districts, that some dissatisfaction might be expressed on that account?—I think that would be the result.

143. Then, in the case that you propose, do you intend that the Commissioners should visit the metropolitan districts at all; or what do you propose?—I propose that two of the Commissioners appointed in that manner should perform the duties which are now performed by the two Masters in Lunacy, and that two should visit the single patients, and that the Board should receive weekly, or more frequently, reports from the different inspectors, and that from time to time, when thought necessary, any one member of the Board should visit any particular asylum or any particular district.

144. Then the Commissioners would still continue visitors to these asylums to a certain extent?—Yes.

145. Sir George Grey.] You would not require the statutory visits to be made by the Commissioners?—No.

146. They would be made by the inspectors?—Yes; and any special visits by the Commissioners.

147. Would you give the same power with reference to the statutory visits to a single inspector that is now given to two of the Commissioners?—Yes.

148. Colonel Clifford.] How would you propose that the duties of the Board should be carried on if the Commissioners were to visit, as they at present do, with only four Commissioners, two would always be absent on circuits; how could the duties of the Board be then carried on; you must alter the law, as the law requires that three shall form a quorum?—I do not think that two would be necessarily absent. The duties which are now performed during the circuit would be performed daily by the inspectors, and their reports would be sent up to London.

149. It would be necessary to alter the law, which now requires that the Commissioners in Lunacy shall make so many visits in a year?—Yes; those visits would be made by the inspectors.

150. How would you propose that the statutory visits, for the liberation of patients, should be made?—That is, I think, a matter of detail.

151. The law now requires that two Commissioners shall visit, and shall visit more than once; have you considered the possibility of four Commissioners carrying on those visits?—Those visits for the liberation of patients are, I think, rather of an exceptional kind.

152. But you must be prepared, must you not, always for such visits occurring?—I do not see any difficulty in meeting such a necessity if it occurred.

153. To whom would you entrust the power?—To two of the Commissioners.

154. Chairman.] Do you mean to include among them the inspectors too?—No.

155. Sir George Grey.] You would not give to the inspectors a power of discharge?—No.

156. You would retain that in the hands of the Commissioners?—Yes.

157. Of

157. Of two Commissioners, after two visits have been made, as are now required by law?—Yes.

158. *Chairman.*] Have you at all considered, suppose that these 10 inspectors were appointed, into what districts you would divide England for the purpose of their inspection?—In considering that subject, I felt some difficulty in deciding upon what mode to recommend, and therefore I offer three.

159. Have you got the tables before you, in which you laid down the different modes in which you would divide England into districts for inspection?—Yes, I have.

160. I believe that the distribution which you recommend, is either according to climate, according to the circuits of the judges, or according to the districts of the Poor Law inspectors?—Yes.

161. Will you have the goodness to put those three tables in?—Yes. (*The same were handed in.*)

162. The distribution which you propose would make, in some respects, a tolerably equal division of the two duties; but in some respects they would vary?—The most equal that I could make.

163. Would you allot districts to these inspectors, or enable the Commissioners in Lunacy to direct that the inspectors should go to districts from time to time where their services were most required?—I would recommend the latter course.

164. *Mr. Kendal.*] How many visits have you calculated that these 10 inspectors would make in the course of the year?—I may be mistaken as to the number; 10 or 12 might be required, but that is a matter for after consideration.

165. How many visits do you think it would be possible in a year to make to each asylum?—I think that they might make very many more frequent visits than are now made; it is difficult to say how many would be possible to each asylum.

166. What should you say would be the minimum?—I think the minimum would be nine or ten in a year.

167. Should you wish the inspectors to see all the patients every time?—Yes; and I think they would very soon become familiar with every patient.

168. You do not think that these frequent visits would at all disturb or interfere with the patients?—I think not.

169. They would become almost like the medical men of the house?—I think they would become familiar and known to the patients; and the patients would become familiar and known to them.

170. *Sir George Grey.*] It is the object of your recommendation to ensure more frequent visits, is it not?—That is the main object; and to relieve any overplus of work existing at the present time.

171. *Mr. Briscoe.*] Do you consider that an early visit by a single Commissioner would be prejudicial to the recovery of any patient?—I do not.

172. *Mr. Tite.*] Nor that it would be likely to be mischievous?—No.

173. *Chairman.*] Do you consider that in all cases it is necessary that the Commissioners should visit in couples?—I think it is an advantage under the present system.

174. But I mean under an improved system?—I think not; single visits would be sufficient.

175. The inspectors would have to report to the Commissioners the results of all their visits?—They would send up weekly or fortnightly reports.

176. *Mr. Briscoe.*] In the case of an early visit to a patient, would not a visit by two Commissioners be more likely to be prejudicial to a patient, and would not a visit by a single Commissioner be more advisable than a visit by two?—I think that the occasional visit of two Commissioners to an asylum is much more likely to be prejudicial to a patient than the frequent visits of one inspector.

177. *Sir George Grey.*] With respect to an early visit paid to a patient after he is placed in an asylum, if I understand you correctly, you would recommend if such a visit were paid by a local inspector, and he thought that a patient was improperly confined, he should have no power of discharge, but should report to the Commissioners; and then that two Commissioners, as at present, should make the statutory visits, so as to ascertain distinctly whether there were any grounds for retaining that patient in the asylum; is that so?—I think, unless there was any doubt in the mind of the Commissioners, one statutory visit would be

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sufficient; in that case the inspector would send up his report, and perhaps upon that report there would exist some doubt; the Commissioners in Lunacy visit a patient, and if they feel that there is reason for a doubt, they discharge the patient; I cannot see the necessity in all cases for a second visit.

178. You would retain the power in the hands of two Commissioners to discharge a patient; but you would let them exercise that power after paying one visit instead of after two, as at present?—Yes. I do not think that a visit should be made by two Commissioners; one would visit in company with the inspector appointed, and if that inspector was an educated man he would be quite as capable, in company with a Commissioner, of forming an opinion as two Commissioners are now, especially if any regard was paid—I do not myself place much weight upon the necessity—to the selection of inspectors, and care was taken that they had some knowledge of disease, and were familiar in some respects with the treatment of insanity.

179. You mean professional Commissioners, when you speak of Commissioners having a power to discharge patients?—Yes.

180. Mr. Kendall.] Would you supersede by these district inspectors the visiting committee at present, and the magistrates?—Certainly not.

181. Do you think that if there were 10 or 12 visits paid by inspectors per annum that there would be the same amount of interest taken and attendance given, I mean on the part of the visitors?—I do not see anything to interfere with that; I propose that the inspector should be made an *ex officio* member of the committee of the asylum, and I do not know of anything to prevent his working in perfect harmony with the other members of the committee. It is not unfrequent in some county asylums for one member of a committee to take more interest in the asylum than others, and to pay very frequent visits quite independently of the weekly and monthly visits on the part of the committee in a body.

182. There is generally a visit once or twice a month by some of the committee, and if your inspectors go once a month there would be at least 24 visits paid in a year; would they, in your opinion, interfere with the cure of the patient?—I see no necessity for such interference.

183. Chairman.] Do you not recommend that independently of the number of visits which the visitors make to these asylums necessarily, the inspectors should go monthly also?—I have not affixed any number of visits to the inspectors.

184. That would be a matter for regulation by the Commissioners?—Yes.

185. Sir George Grey.] By whom do you propose the district inspectors should be appointed, by the Commissioners, or, as the Commissioners are, by the Lord Chancellor?—I think as the Commissioners are, by the Lord Chancellor.

186. Mr. Tite.] It has been suggested that an early visit by an inspector, within one or two days after a patient had been sent to a private asylum, would be prejudicial to the patient; speaking from your experience, would it do any harm?—I think that in very many cases it would be excessively beneficial; that the visit of such a party might, and in all probability would, assure the patient that his or her welfare only was the object of the confinement, and might go far to remove much of the pain and annoyance of the patient's position.

187. You can conceive no case in which it would be mischievous?—There are exceptional cases; but, as a general rule, I think it would not produce any mischief.

188. Would the exceptional cases be many?—I think not.

189. Chairman.] Will you be good enough to furnish the Committee with a statement of the comparative expense of the present system and the expense of the new system which you recommend?—Yes, I will do so; I think the expenditure under the system that I recommend would not be a large increase upon the present system.

190. It would not be a material increase upon the present expenditure?—I think not.

191. In what time shall you be able to furnish the Committee with this paper?—Before the next meeting of the Committee, if it be on Thursday.

192. Will you have the goodness, then, to put in a table containing a comparative statement of the expense of the two systems?—Yes.

193. Mr. Briscoe.] Would you not consider the question of expense of very minor

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minor importance, in comparison with the real welfare of the patients, as to their medical care and treatment, and their moral treatment altogether?—I have my private opinion upon that; but, I think, the honourable Members of the House of Commons would wish to be the judges of such a point.

194. But the real welfare of the patients being what we have to consider, do you not regard the question of expense as comparatively of minor importance in reference to the proper medical care and treatment of the patients?—Yes.

195. *Chairman.*] Is not your recommendation made rather with a view to the welfare of the patients than to the expense?—Yes, entirely; the expense is the last consideration.

196. The plan which you recommend, you believe is the best mode of effecting a complete supervision of these asylums, and will contribute most effectually to the proper care and treatment of the patients?—That is my opinion.

197. *Sir George Grey.*] From your experience, which I presume has been large, in the treatment of lunatic patients at Bethlem Hospital, do not you think that there are many cases in which it is difficult on a single visit, or even a repeated visit soon after the first, to ascertain whether there are sufficient grounds for detaining a patient?—I think there are a few cases in which the Commissioners would feel considerable hesitation in discharging a patient upon the first visit.

198. You are aware of the provision of the law at present, under which patients may be discharged by the authority of the Commissioners, and which I believe is this: that if two Commissioners, on their visit, have reason to believe that a patient is sane, they are not at liberty to discharge him until after a second visit has been paid by two Commissioners after a considerable interval; do you think that the law can be safely relaxed without incurring the evil that might arise from the discharge of insane patients?—I think it may be relaxed so far as to meet my proposition.

199. Would you retain that same interval between the report of the inspector, giving his opinion that a patient should be discharged, and the visit of the Commissioners, as now required by law?—I should retain that interval.

200. *Mr. Briscoe.*] What is the proposed interval?—Seven days from the first to the second visit.

201. *Chairman.*] There are two intervals of time, and you propose to retain them?—Yes.

202. *Sir George Grey.*] Would you require that the inspector should be present at the second visit, so as to give the Commissioners the benefit of his previous inquiry and opinion?—I think that would be very desirable.

203. Would it not be a security that the same person would see the patient on both occasions, rather than that the two visits should be paid by different persons?—Yes, I think so.

204. *Mr. Monckton Milnes.*] Do you think there would be any jealousy on the part of the medical profession if the inspectors were not medical men?—Of course I have a prejudice in favour of medical men, especially if they have had experience in the treatment of the insane; there might be the feeling which you allude to.

205. *Colonel Clifford.*] Have you at all considered what amount of salary should be paid to the inspectors?—Perhaps I may say that I have not mentioned the subject to any superintendents; but I have little doubt there are many of the best educated superintendents of asylums who would make admirable district inspectors; that is the class that I should propose to select from.

206. I presume that you would propose to give them some small increase upon their present salaries?—I believe that a very large majority of them would be willing to take the appointment at 700 *l.* a year.

207. *Chairman.*] You think that the pay of the inspectors should be about 700 *l.* a year?—That is what I should propose; but I mention any figures with very great diffidence.

208. I think it has been stated in evidence before this Committee, that the amount usually paid to the head person at the different county asylums exceeds 600 *l.* a year; is that the case?—I think 600 *l.* a year is the maximum.

209. Have you any reason to think that the heads of these asylums would not be fully competent to discharge the duties of inspectors?—I think that many of them would be very competent to do so.

210. The probability is that for 600 *l.* or 700 *l.* a year you could obtain a

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class of inspectors in whom the community at large will have full confidence?—I feel quite sure of that.

211. And that they would discharge their duties efficiently?—I think so.

212. Mr. Kendall.] You have not spoken very decidedly as to whether the inspectors should be medical men or not. If you divided the kingdom into certain districts, and one inspector had the charge of a district, supposing him not to be a medical man, do you think that he could efficiently discharge the duties of inspector?—I do not quite understand the question. I think it would be desirable that the inspector should be a medical man of that particular class which I have referred to.

213. But it is a matter of moment: if you recommend the adoption of a new system you should always give a very decided opinion whether that system will work well; and I ask you this question, whether, if an inspector be not a medical man, you think he could fairly and properly discharge the whole of the duties that would devolve upon him as inspector of a particular district?—I think that the inspector should be a medical man.

214. Mr. Briscoe.] Do you propose that these 10 inspectors should meet at a Board at any time at any particular place, to be considered as their own place of meeting, either in the country, or in London, or elsewhere?—I apprehend that their duty should be entirely distinct; they might be called upon to attend the Board in London, either one or two, or many of them, but they would have no separate Board of their own.

215. Colonel Clifford.] You would place them under the general directions of the superior Board?—Yes.

216. Chairman.] They would act under the Board, in the same way as the Poor Law Inspectors act under their Board, or the inspectors of mines act under the Secretary of State?—Yes.

217. Mr. Monckton Milnes.] Would you propose that those inspectors should take any action before a person was confined in an asylum?—As to certifying to the patient?

218. Yes?—Certainly not.

219. Sir George Grey.] Do you wish to add anything to your former evidence as to criminal lunatics?—I should be glad to lay before the Committee, at their next meeting, a paper which I have already prepared, and which is now in the hands of the printer, in the form of a letter addressed to the chairman of the Commissioners in Lunacy.

220. Chairman.] Does that contain the whole of your views with reference to the present state of the law, and the suggestions which you have to make?—Yes.

221. Sir George Grey.] Are those views and suggestions in accordance with the evidence that you gave before this Committee last year?—Yes.

222. Those suggestions would be in corroboration of the opinions which you have already laid before this Committee?—In corroboration and extension.

223. You do not wish to add anything further now?—No.

John Thomas Perceval, Esq., called in; and further Examined.

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224. Mr. Tite.] YOU have stated, in a note to me, that you desire, first of all, to correct one of your answers, and to explain another; which are they?—The first is the statement I made with regard to the state of the law in France. I stated, that no persons were confined in France without being brought before a *conseil-de-famille*. On examining the Belgian law afterwards on that point, it appeared to me that it was not the case in Belgium where they had imitated the French law, and that made me suspect that it was not the case in France; I, therefore, wrote to the *Préfet de la Seine*, and begged of him to send me an account of the state of the law; and I find, from the answer which he had the courtesy to send me, that in France it is not the case that no patient is confined except in that way; for that, in the first place, any family may lay a charge of insanity before a magistrate, and have any person confined in a public hospital or asylum by what is called the "facultative" power of the family; and, in such a case, it appears that the magistrate before whom the complaint is made merely states his opinion of the merits of the application to the superior authority; and then, what the other circumstances of the case are, viz., where the alleged

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alleged patient is domesticated, what his means are, whether a pauper, and so on; and then the person may be confined without any application to a *conseil-de-famille*. In the next place, it appears that the public authority which has to prevent breaches of the peace has also that power. It seems that the *conseil-de-famille* is only employed similarly to our proceedings in the Court of Chancery, where property is concerned, and then a *conseil-de-famille* are assembled together to know whether a person should be "*interdit*" or not; that is, interdicted from the use of his income, or from the use of his capital, or from being allowed to exercise his personal liberty.

225. Then, in that case, the magistrate need not be applied to?—Yes, the magistrate is applied to; but it does not necessarily follow that a *conseil-de-famille* is assembled. When recourse is had to a *conseil-de-famille*, the proceeding is this: that the members of the family, who are anxious about the property or the personal conduct of a relative, apply in the first instance to the *Tribunal de Première Instance*, and the *Tribunal de Première Instance* then desire the *maire* to take the proper proceedings according to law, and it is then that the *maire* sends a surgeon of his own choice to examine into the case, assembling the members of the family to inquire into the state of the patient's mind; and after that, if the *conseil-de-famille* think that he is not fit to manage his own affairs, he is then declared *interdit*, or also confined, but not till then.

226. What is the next correction that you wish to make?—It is with regard to the Channel Islands; I have obtained additional information as to the system in the Channel Islands. I had stated that it was similar altogether to the mode in France, or very nearly similar to that; but it appears that in the Channel Islands, from a case which was forwarded to me by my nephew, Mr. Charles Perceval, who is secretary to the Commission examining into the Laws of the Islands; a case which was reported in a newspaper he sent to me, that an old man whose son had died, who used to manage his affairs, was brought, by the order of the Supreme Court, before an assembly of six of the principal men of the parish in which he lived; that was a preliminary proceeding to his being sent before a *conseil-de-famille*, they being summoned to examine into his state of mind; and when they had decided that he was in an infirm state of mind, needing care to be taken of him, then the *conseil-de-famille* appointed him a *curateur* for his person, and a *tuteur* for his goods.

227. Sir George Grey.] That, again, applies only to cases in which there is property which the relations wish to take charge of?—I suspect so, from the analogy of the laws of Belgium and France; but that I cannot tell with certainty.

228. Mr. Tite.] There is that difference as compared with the evidence which you formerly gave?—But you must remark in that difference still there is this to be observed, that it gives the protection in France of the magistrate as a preliminary precaution.—Then there is a question, No. 231, at page 25; I wish very much to explain that: I have been attacked by Dr. Winslow, in his Psychological Magazine, on account of my answer there; and certainly the wording, taken loosely, might expose me to that attack; but not according to my meaning. Mr. Kendall asked me, "What class of persons would you select for governors; is he to have a veto in all matters of dispute between the medical officer and the clergyman?"—I having recommended that asylums conducted in the same manner as private asylums should be established by Government, with governors at fixed salaries, and officers at fixed salaries. I replied, "There would be a difficulty, I think, at first; the Government would be compelled, perhaps, to make the governors of some of our private lunatic doctors; I should not object to that, and for this reason: when you abolish private asylums you abolish the means of living of a great number of men, and I should not like to see that done; at least it would be very cruel upon them, that they should be deprived of those means of living, and I think if they, with their experience, were appointed in the first instance as governors, they might act very well as governors, and without suspicion of any misconduct, though as proprietors, where their own interests are concerned, they are not to be depended upon. But I do not hesitate to say that I think the persons that ought to be employed by the Government, are young men of the aristocracy, and young men of any liberal profession, and I have no doubt that you would find them." Now, of course, those words "young men," if I had meant by them young men of 22 or 25 years of age would be absurd, but I meant men of from 30 to 40 years of age,

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men of mature understanding; and I wish to enforce that position by saying this: that I find, without having had any previous communication with the Earl of Shaftesbury, that I agreed with him,—I found by a casual conversation with him that I agreed with him—in contending against the prestige, if I may so call it, which in these matters gives so much authority to medical men. Not only do I support that view from Lord Shaftesbury's opinion, but also from my correspondence with physicians of a high grade in Scotland and in England, I find that they disclaim any power in their profession to give them more knowledge than other people in these cases, generally speaking; I do not speak of men like Dr. Conolly and a few more, who have applied their minds to the subject very intimately; but I have always been of opinion that what is the chief thing required in the management of a lunatic asylum is that you should have a gentleman over it, or a lady over it if it be a female asylum; now, you do often find a very gentlemanly man connected with the medical profession, and a very lady-like woman; but you often find the very contrary; and what is more is this, that it is not always that these asylums are even under medical men, for men of other classes may undertake an asylum; there was one asylum in Battersea, I do not know whether it is now there, or in the same hands or not, which was superintended, and was possessed and entirely governed by an ex-keeper of St. Luke's, who had married a female patient whom he had met, with money; and therefore you do not have, under the present system, a security even for such gentlemanly conduct in the superintendence of an asylum as you might find in the medical profession.

229. Mr. Tite.] Your explanation is, that you desire to qualify the word "young"?—Yes; and in doing so I wish to say this, that Dr. Winslow, who has attacked me for these words in his "Psychological Magazine," has quite forgotten that by the system of lunatic asylums at present allowed of, in this country, really young men inherit asylums from their fathers; I may mention the asylum of Dr. Fox, at Brislington, and one at Ticehurst, where young men became owners and superintendents of those asylums, upon the decease of their parents.

230. Is there any other explanation that you wish to give?—I wish to refer to question 313, at page 38; I had been asked whether I "believed that the normal treatment of lunatics in private asylums was that their heads were thumped against the floor, and that they were seized by the throat, as you have described, and so on;" and I said, "When I used those words I was referring to the refractory wards of a county asylum; I did not say Bethlem; I suspect that that is the normal way of treating them." Mr. Tite asked me, "Now?" Then, in answer to Mr. Tite, I said, "Yes; at our meeting the other day we had a patient before us of the name of Thwaites, from Colney Hatch, who gave us that description of his own treatment and that of other patients at Colney Hatch."—I may now add, that since that time I have had correspondence with other patients who have been in that asylum, bearing witness to similar cruelties to those which Mr. Thwaites complained of at our meeting.

231. In the same asylum?—Yes, in the Colney Hatch Asylum. Then I said, "Then, with regard to private asylums, I believe that that is the treatment to which all patients are subjected." That is by no means my idea, if indeed I said so. But I meant that it is the treatment to which all patients are exposed. Perhaps you may say that two-thirds of the patients in private asylums even are not subjected to this, but they may be subjected; it is a particular class of violent patients and very imbecile patients that give trouble, who are most exposed to it, and who, I may say, generally do get very rough treatment, and that tone of treatment existing in an asylum has an effect upon the mental feelings of the inmates, as they feel themselves cowed under an absolute despotism, and that despotism not under the eye even of the owner of the asylum, because the owner cannot be always present; whilst it is too well known that there are sometimes drunken, sometimes spiteful, and sometimes brutal keepers whom they are placed under.

232. Is there any other explanation that you wish to offer?—I believe that that is as far as I wish to explain any part of my own evidence.

233. I believe you desire to explain the objections which have been raised to the power of the Commissioners in Lunacy?—I wish to state that more fully. The principal objection which I have always entertained, and which persons who have

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have been under their jurisdiction do entertain, to the constitution of the Board, is to their powers as a secret tribunal, like the inquisition, to interfere between the rights of the subject and an appeal to a jury for liberty or not. The Commissioners in Lunacy, and so it may be said of the boards of visiting magistrates in the country, are so many secret tribunals and inquisitions, where a patient is tried behind his back; he cannot be present in person or by attorney; he cannot cross-examine the witnesses, or be ready with witnesses to bring forward in his own defence; there he is, shut up in his asylum, not knowing even when the day is appointed for the inquiry, or what charge is to be brought against him, and suffering all that anxiety of mind which is necessary in so cruel a position. The Committee must perceive how repugnant that is to our institutions; and we oppose it as being repugnant to the principles of the British constitution.

234. Did you hear Mr. Bolden's evidence; he pointed out all those objections, and the Committee received his evidence, to show distinctly that that actually had occurred which a lady had suggested to the Committee?—Yes; but that was rather an isolated case; I speak now of the general system, and I will add that I cannot help thinking that a great deal of advantage would be gained by abolishing the oath of secrecy, and by making it an understanding that the Commissioners in Lunacy and other visitors of asylums are not, as honourable men, to divulge things unless it is necessary. I do not know, however, if the prejudices of the day would permit of this change as yet. I think that that system of secrecy prevents even the Houses of Parliament from knowing what is going on; certainly the rest of the world from knowing what is going on.

235. Mr. Henley.] I understood you to say that the proceedings before the magistrates were secret, and that a person so taken before a magistrate, for the purpose of being confined, had no means of being heard?—No; I think you misunderstood me. I did not speak of their being taken before a magistrate to be confined, I spoke of patients in private asylums who were not taken before a magistrate at all.

236. You used the word magistrates; you meant with reference to their visits to private asylums?—Yes.

237. Sir George Grey.] You refer to the power exercised of discharge?—Yes, inquiring into the case before a discharge.

238. Do you mean that those inquiries ought to be public?—No; I meant either the person to be present at the inquiry, or to be allowed to send an attorney or a friend to be present.

239. Is there not always a personal examination of a patient before he is discharged, after such inquiry?—There is always a personal examination of the patient before the inquiry is begun; but then he cannot be present at the subsequent inquiry into his case, to meet any objections, or to hear what is stated against him. I was once refused admission in a friend's case, whom I afterwards succeeded in rescuing.

240. Mr. Tite.] What is meant by the phrase in your letter, that you desire to allude to the power exercised by the Home Secretary in confining persons without any public hearing previously to their confinement?—That is a power at present exercised. I do not know whether the Home Secretary is to blame for it, or whether it is the fault of the magistrates in our courts of law. I have met with instances of it, and I allude to a case in which I had better not mention the name; but it was the case of a most benevolent German gentleman, who was confined for 14 years in Bethlem, under the supposition that he was insane; he was certainly a weak-minded man, but a man full of benevolent intentions, and not at all deserving of confinement, I believe, at the time. When he was confined in 1840—it happened under Lord Normanby—he was not brought before any public Court, but merely before a magistrate at the Home Office, and sent to Bethlem, and there he remained for 14 years. He was subsequently released through the kindness of Dr. Hood, who applied to me, in 1853, to assist him in obtaining his freedom, and he afterwards resided with me in the country; he was a man with a perfectly simple mind; an excellent and well-intentioned man, but from his great poverty, hoping to obtain assistance from the Prince, he went to the Palace again; and he also, from a notion that he might do so without impropriety, attended the Royal chapel at the Palace, and on this account he was arrested again. Then a different law had been passed, and Lord Palmerston, then the Home Secretary, sent him before a magistrate at Bow-street. I went

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there to attend the examination, and when I arrived I was excluded; every one was; it was a privately conducted examination; and if he had not had a solicitor to act for him, he would probably have remained confined for life in Hanwell; but his solicitor being there, insisted on his right to be present, and having published the case in the newspapers of the next day, it excited so much attention that ultimately he was released; and I went with him to Germany. I allude particularly to that case, because it brings me to another point—

241. Sir George Grey.] You stated that this person was brought to the Home Office; was he brought on any criminal charge to the Home Office?—No.

242. On what ground was he apprehended and brought there?—That can only be found out at the Home Office. The charge that was mentioned to me was this,—it was told me by Mr. Nichol, the steward of Bethlem, at that time, and the charge was a very vague one;—it was for annoying Prince Albert; that was the only charge that I ever heard.

243. Mr. Tite.] That is what you mean in the letter?—Yes. That was the charge against him, as understood at the hospital; Mr. Nichol gave me that charge, a private individual cannot get at the bottom of these accusations.

244. Sir George Grey.] Did you ever inquire into the law under which the proceedings against that gentleman were taken, and ascertain whether the law was complied with in all respects?—Yes; but I do not know whether the law was such, but the custom was such. It was a remarkable thing that I had waited, in 1840, upon Lord Normanby, and he had begged me to come and speak to him on the subject of the laws of lunacy at any time at the Home Office; and on one of my visits I brought this very power of the Home Secretary under his notice, and the dangerous tendency of it.

245. Is it your impression, that this gentleman was confined without the ordinary certificates of insanity being given which are requisite in every other case?—No. There were the certificates of two medical men who were summoned to meet the magistrate.

246. Could the Home Office have confined a person without his having been previously examined by the medical men who signed the certificates as required by law?—I do not say without the certificates; but it was all done in the Home Office privately; I do not know who the magistrate was who was employed, and the poor gentleman did not know who or what the medical men were, till he saw them 14 years afterwards, and then he recognised one of them. This reminds me of the suggestion that I was going to make with regard to cases of that sort, which, I think, should be embodied in an Act of Parliament; for I think that if any German doctor had examined that gentleman, he would never have pronounced him insane; but an Englishman, judging of a foreigner, and a peculiar and singular foreigner, might easily, and yet falsely, have considered him insane: in fact, when I took him to Germany he appeared much saner than most of the persons about him in the society in which I saw him, there; I mean, that there was much more sobriety, gentleness, and quietness of manner in him. I think as to any foreigner in such a case, let him be an Irishman, or a Scotchman, or a German, or a Frenchman, you never should confine him on the certificates merely of two English physicians. I know a case in point of a poor Irishman who was sent to Colney Hatch, and he also owes his release to Dr. Hood's kindness and consideration. I found out after he was confined that all his statements were perfectly true. He had a claim upon the Government which he had prosecuted for many years; he came over to England two or three times, and he mentioned such extraordinary facts of having seen and received letters from Lord Ellesmere, Sir Robert Peel, and Mr. Goulburn, and letters with the Queen's seal, a term which the Irish make use of, meaning the official seal which comes from the Home Office, or any Government office, that the second doctor he was seen by certified him at once as insane; and when I stated, for I had positively examined that poor man for three hours at the workhouse, that I believed that all he stated was perfectly true; and our honorary solicitor, who is acquainted with the habits of Irishmen, explained two of his singular phrases; this was resorted to;—what I may call a dodge—the magistrate looked very blandly at the medical man, and said, “I do not understand that these are the only grounds that you give for this man being confined.” “No,” said he; “I do not say they are the only grounds; but whether the things he states are true or not, I think

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I think that he is in such a state of excitement that a little retirement in Colney Hatch will do him good." The reply was not exactly in those words, but tantamount to that; he said that a little confinement in Colney Hatch would do him good; the poor man went there, and it was affecting to see the expression of the old man's countenance and demeanour when I went to see him; and the manner in which he was shocked by his degradation; but it is obvious, that under such a system you never can be sure of anything. If any man confined on such a plea is afterwards declared to be sane, it may be said that the three or four weeks in the asylum had cured him. It is a most fearful thing that that sort of loose proceeding should be allowed.

247. Mr. Tite.] Your suggestion I understand simply to be that in the case of a foreigner it is desirable to call in a foreign physician?—Yes; including under the term foreigners, Scotchmen and Irishmen; not in the sense that they are really foreigners, but that they are persons of such a different national character, that an English physician is not always qualified to judge whether a man belonging to either of those nations is sane or not.

248. Are there any other suggestions that you have to make?—I wish to observe upon one or two questions that were put to Mr. Bolden and to Mr. Barlow, and to Mr. Wilde, with regard to the power of holding inquisitions on persons by the Masters in Lunacy. The Chairman had referred to the evidence of Mr. Barlow and Mr. Wilde; that out of 70 patients three only had appealed for trial by jury; now Mr. Wilde's answer is rather confused; he says three only annually; whether he means that 70 patients are yearly tried in that manner, and three only annually appealed or not, I do not know; but the Chairman asked Mr. Bolden whether our attention had ever been directed to those facts, and to that state of the law; as soon as the alteration was made in the law I noticed it, and I drew the attention of our committee frequently to it, and I also noticed it in a pamphlet which I published, and in letters; I mentioned that it seemed to me that it was a change in the law, by which a Commission in Lunacy may be conducted by a Master in Lunacy, without summoning a jury, which in the hands of any inefficient Master might give great opportunity for a case of injustice to arise. I did not anticipate that a man even of Mr. Barlow's experience would have been liable to such an error. But with regard to that statement, certainly our society did not and could not know that so many inquisitions had taken place, or that so few had been appealed from to a jury; but at the same time, when Mr. Wilde and Mr. Barlow state that they do not know that any of the other 67 were dissatisfied with what has taken place, there I beg leave to say that you must not depend upon official evidence; I do not depend upon it.

249. All they could say was, what Mr. Elmer said here the other day, that he had never heard any complaint?—How could he hear under the present system? I will now refer to a part of Dr. Conolly's evidence; he states, in answer to Question 2025, that patients should have liberty to write to their friends; "I think that every opportunity should be given to patients to see their friends;" that I perfectly concur in. But then he says, that most proprietors desire it; now that is positively not the case according to our knowledge; I spoke to one of our committee this day, and I said, "Were you allowed to write to your friends?" "No; I threw letters over the wall, but they came back through the door." "Were you allowed to see your friends?" "No."

250. Chairman.] What you desire is, that there should be a better regulation with regard to a patient in confinement having a better opportunity than he has now of corresponding with his friends?—Yes; to see his own friends, those whom he considers his friends. The owners of asylums mean by friends, the persons who confine the patient. They can sometimes write to them. There is another point that I wish to press, and which I think is one of the most important points; I wish so much to introduce clerical superintendence in these matters, that it is my opinion that the archbishops in their dioceses, and the archdeacons in their districts, should be either able to form a Board themselves for superintending the moral and spiritual welfare of the persons in these asylums, or that they should be *ex officio* members of the Boards in their respective dioceses; something of that kind; I know that it is a new idea and suggestion, and it may not yet be possible to carry it out; I know that it may be objected that the clergy

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are not fitted for this as they have no experience; that I grant; but still, I say let them acquire experience; it is their duty, and I am sure it is their province; they ought to be permitted to acquire experience.

251. *Mr. Tite.*] It has been suggested very strongly by you and by Mr. Bolden that it is extremely desirable that the visits of clergymen should be facilitated?—Yes.

252. *Sir George Grey (to Dr. Hood).*] You have heard the evidence given by Mr. Perceval, as to a person who was confined for some years in Bethlem Hospital after an examination at the Home Office, and who he believes was ultimately liberated partly through your intervention?—Yes.

253. Will you state the particulars of that case to the Committee, the grounds upon which he was first placed in confinement, and for which he was detained?—The gentleman was admitted into Bethlem Hospital under the certificates of two properly qualified medical men, who considered him to be of unsound mind, and a proper subject for confinement in a lunatic asylum. That opinion was conveyed to the Board of Green Cloth, at the request of the Home Secretary, I believe, and he was ultimately conveyed to Bethlem, where he continued for many years of unsound mind. He was afterwards reported to be of sound mind or to have recovered.

254. By you?—Yes.

255. Upon his being so reported to be of sound mind, was he discharged?—Yes, he was, under a warrant from the Secretary of State.

256. Was he afterwards again sent to Bethlem Hospital?—No, but within a short time of his discharge, I think barely a fortnight, I was summoned one afternoon to visit him, and I found him in King-street Police Station; I there understood he had been disturbing the public peace, I believe on the previous day, and I was called upon to examine his then state of mind, and I had no hesitation in saying that he was of unsound mind.

257. Was there another medical certificate besides your own on that occasion?—Yes, of Mr. Lavies.

258. Was this person again placed in confinement although not in Bethlem Hospital?—My impression is that he was not; but I attended at the police court before Mr. Jardine, and the other medical man who had certified, Mr. Lavies.

259. Had you any doubt as to his unsound state of mind then?—None whatever.

260. You signed, yourself, a certificate of his insanity?—I did.

261. He having been under your care, for many years before, in Bethlem Hospital?—Yes.

262. *Mr. Henley.*] In what category was he in Bethlem Hospital at first?—First he was placed in Bethlem, as a few persons were then placed, under the warrant of the Secretary of State, upon the recommendation of the Board of Green Cloth.

263. As what?—Not as a criminal lunatic, but, at the same time, as one whom the Secretary of State considered it necessary, by the recommendation of two medical men, to confine.

264. *Sir George Grey.*] But as a duly certified lunatic?—Yes.

265. *Mr. Henley.*] I want to know under what category he was placed, or in what position in Bethlem Hospital such people are?—I feel some difficulty in replying to that question, as we have now no class of that description except the few that remain of that class. Formerly, the Board of Green Cloth were in the habit of recommending certain patients to be confined in Bethlem Hospital, and they were removed by a warrant of the Secretary of State; now, I think, we have five or six in that position, not classed with the criminal lunatics, nor located with them; they are in the ordinary wards of the asylum.

266. Was this authority of the Board of Green Cloth an authority to give these patients the advantage of being placed in the hospital, having been found insane by competent medical authorities, or was it any authority directing the Secretary of State so to place them there?—I hardly know how to answer that question; it rests, I think, with the Home Office: I think the Home Secretary received the recommendation from the Board of Green Cloth, upon which a warrant was issued, and a recommendation was conveyed to the governors of the hospital, calling upon them to receive the patients.

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267. How are ordinary patients, not criminals, received into Bethlem Hospital, and under what authority?—They are admitted by the committee, consisting of some 30 or 40 of the governors, upon the application of a friend of the lunatic, and a certificate from the clergyman, churchwarden, or overseer of the parish, and the medical certificates of two duly qualified medical men.

268. Assuming that there are always the proper medical certificates, as to the insanity of the party, has the Crown in any way now an opportunity in a charitable way of exercising the power of putting any individual into Bethlem?—I do not know; they never make use of it.

269. Mr. Kendall.] Had you no idea but that he was a lunatic when he was admitted?—Not the shadow of a doubt.

270. He was confined in Bethlem for a long time afterwards?—Yes.

271. Then he became sane and was discharged?—Yes, and became insane again.

272. The law was put in motion by the Board of Green Cloth?—Yes; my impression is, that the power does not exist at the present time. There is now about London a lunatic, and I think if the power existed, the Home Office would use it now.

273. Sir George Grey.] Is it not the case that the Crown has the power of sending, by arrangement with the governors of Bethlem, a certain number of lunatics to that asylum?—Yes; but those lunatics have been either convicted, or they have been acquitted on the ground of insanity, and they come in under two descriptions of warrants.

274. At the time you speak of, could the governors of Bethlem have refused to receive a patient sent to Bethlem, as this person was?—I apprehend that they had no power of refusing.

275. They would be bound to see, of course, that the certificates were in due form?—As much care would be taken as to the certificates for that character of patient, as for any other.

276. But they could not exercise the same option as to a patient of that kind, as in the case of any ordinary patient, for whose admission application was made to them?—No.

At the conclusion of the evidence of Dr. Hood, Mr. Perceval observed to the Chairman of the Committee, that though he thought the foreign gentleman alluded to was a man of weak mind, he differed from Dr. Hood in thinking that he was a person who required confinement, either in 1840 or afterwards. That he had made minute inquiries into the case, and found that the gentleman had completed the last proofs of a preface to a very valuable German, French, and English grammar, which he was publishing at the time, the very evening before he was confined; and that at the time he was on the point of returning to Ireland, for fear of losing the pupils he had been educating there, having failed in obtaining the Prince's patronage, which he had come over from Ireland to seek. He fancied that the shocking attempt made in 1840, by Oxford, on the life of the Queen, had led to this gentleman's confinement, from the officers about the Court being alarmed at the appearance of a foreigner of such singular manners constantly about the Court.

Veneris, 25^a die Maii, 1860.

MEMBERS PRESENT.

Mr. Briscoe.
Colonel Clifford.
Sir George Grey.
Mr. Henley.

Mr. Kekewich.
Mr. Monckton Milnes.
Mr. Tite.
Mr. Walpole.

THE RIGHT HON. J. H. WALPOLE, IN THE CHAIR.

The Right Honourable the Earl of *Shaftesbury* (attending by permission of the House of Lords), Examined.

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277. *Chairman.*] SINCE your Lordship was examined a good many other witnesses have been before the Committee, and several of them have alluded, as your Lordship did, to the composition of the Commission, and one point, according to the suggestions of some of those witnesses, was, that supposing the Committee were to recommend to Parliament a great increase in the number of the patients to be brought under the superintendence of the Commission, and probably a great increase in the number of visits to be required of the Commissioners, whether an additional staff would not be required for the Commissioners to work with, and to what extent that additional staff would be required. Does your Lordship think that the Commission, as at present constituted, would be sufficient to conduct the business that would be delegated to them upon the hypothesis I have mentioned?—If I knew the exact amount of the fresh duties to be imposed upon the Commission I could answer the question much more clearly. If the duties to be imposed were not extremely great, I think we could meet all the requirements by a simplification of our arrangements, and by certain modifications in our mode of action.

278. Will you have the goodness to explain what you mean by "extremely great"?—I mean this, that at one time it was proposed that there should be an additional visit to the four made by the Commissioners to the metropolitan asylums; three instead of two, to the provincial asylums; that the Chancery patients should be visited along with the other private patients; that the private patients should be visited once or twice a year; that the Chancery patients should be added; and that the workhouses should be visited once a year.

279. For the sake of the hypothesis, I will put it in this way: a greater number of visits to be required to private houses; the workhouses to be visited by the Commissioners; the Chancery lunatics also to be visited by the Commissioners; and that the single patients shall also be visited as well as the patients who are more numerous in private houses. Assuming that all those classes of patients were put under the supervision of the Commissioners, the Chancery lunatics, the lunatics or persons said to be lunatics in workhouses, the single patients, and those who are in private houses; and that with regard to all those there should be an increased number of visits, both as to those who are now visited by the Commissioners and those not now visited by them; do you think that you could undertake those duties with the present staff of the Commission?—I think we could, if a very slight additional power were given to us under one of the sections of the existing Act, and with some simplification in our arrangements. I had intended, thinking that the examination would take this course, first of all, to show what were the advantages of the present system; secondly, what were the objections that I entertained to certain propositions which have been suggested; and thirdly, what would be our own proposition for the purpose of carrying into effect what we considered to be the requirements of the Committee.

280. I will assume that these additional visits and this increase of duty, to be required of the Commissioners, may by possibility necessitate a large increase of the staff. I then ask, supposing that to be the case, whether you think you could not add to the staff by means of inspectors, acting under the authority of the Commissioners, so as to enable them to discharge the additional duties which would be put upon them?—I should say, in the first place, that if there is to be any

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any increase of the staff, according to my judgment, it would be better that that increase of staff should be made by an addition to the principal Commissioners, rather than by the appointment of any number of sub-inspectors or delegates of the Commissioners. To the proposition that there should be a body of sub-inspectors, I entertain the very strongest objection; and I think that I could make it clear to the Committee that it would operate most injuriously.

281. Then upon the hypothesis that an increase of staff would be required for the discharge of the duties of the Commission, your Lordship would object strongly to that increase of staff assuming the form of inspectors or assistant commissioners?—Certainly.

282. Will you be good enough to state to the Committee your reasons for thinking that that would be an unadvisable plan?—The great principle of our Commission, and that which has given to it its main value, has been this, that all the duties have been carried on by the same persons; that the persons who visit the asylums, both in the metropolis and in the country, are the persons who carry the results of their investigations, and of their reports, into effect; that everything is reported by them to the Board; that those persons who have gone over an asylum, and made those reports, come to the Board, and, being part of the Board, contribute to carry into effect their own decisions, and their own observations. And I am certain, from very long experience, that the Commissioners, by visiting asylums themselves, and being invested with all the dignity, the power, and influence of the Commission, being also backed by the whole authority of the Board, have ten times as much influence, and ten times as much weight, as could possibly be given to any body of inspectors, merely acting under their directions. First of all, it is known that they have full authority, and that they are the persons who not only see what is wrong, but who redress it; that they are the persons not only who state what ought to be done, but that they are the persons to carry it into effect; and the keepers in asylums know that there is no power of interposition between the persons who visit, and the persons who are to carry into effect the orders which they give. It is a matter of very great importance, frequently, in visitations, when there are things to be immediately done, that the Commissioners can, on their own authority, give the proper directions that they shall be done, even if it were any matter that would require the authority of the Board,—it is so certain that the Board would, in almost every instance, back up the decision of their Commissioners, that whatever the Commissioners say upon the spot is almost sure to be done. There can be no wilful delay interposed; and I am certain that the effect produced is very great; that it saves a vast deal of trouble at times; and that the Board derive the greatest benefit from it, in being able to come to a decision, because they have the persons on the Board who have, from personal knowledge and personal experience, acquaintance with every matter upon which we are called upon to adjudicate; and therefore the Commissioners feel, at the Board, even although they themselves have not seen the case with their own eyes, that they are acting on the personal knowledge and the evidence of their own Commissioners, who are gentlemen whom they know well, and in whom they have the most complete confidence, who have been to the spot, and who record what they have seen, and the judgment they have formed.

283. Although the inspectors would not have the authority, or need not have the authority of members of the Board, might they not have a sufficient authority delegated to them in the different districts to which they might go, so as to be able to enforce the directions and instructions of the Board, with reference to the superintendence required of them?—As far as the legal and technical authority went, it might be so; but in matters of this kind, a great deal more is done by weight and influence than by direct authority.

284. Is there any reason to suppose that the inspectors, for instance, under the Poor Law Board, have not all the weight and authority that is required of them, in carrying the provisions of an Act of Parliament like that into effect, as to paupers in workhouses?—I can hardly answer that, not being cognizant of the matter; but I am certain that there is a vast difference between poor's rates and lunacy. One matter can be reduced to rule and method, facts and figures; but in lunacy there is so much opinion and judgment, and so much arising from experience, that it cannot be regulated by the mere ordinary instructions and details; and I am sure that a very different kind of men would be required to be inspectors under the Commissioners in Lunacy, to the men who are required to act as inspectors under the Poor Law Board.

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285. Could not you have inspectors with all the requisite knowledge and experience to conduct the supervision of the different houses or asylums which they would have to supervise, and necessarily at much less expense than that which would be required if additional Commissioners were appointed?—You might get gentlemen at less expense, but not with the same amount of experience, and consequently not with the same amount of weight and force which our Commissioners have when they go to visit, and particularly when they go to the great county asylums, and which weight arises from the very wide experience and the very deep knowledge which they have acquired of the whole subject, and from the extent to which their observation goes, spreading over the whole country as it does, day by day and year by year. Thus they acquire an amount of experience which everybody—and I have it on the authority of magistrates and medical men—invariably admits is of the greatest value.

286. Do you think, if the staff of Commissioners was increased, it would be absolutely necessary to make that increase by the appointment of Commissioners to be paid as highly as the present Commissioners are paid?—If there is to be any enlargement of the staff, I should prefer that the enlargement were in the body of the principal Commissioners rather than by inspectors.

287. I will first ask your Lordship whether, with reference to the additional duties which I have shadowed out, the Commissioners could undertake those duties, and if so, with what alterations and with what improvements in the working of the Commission?—I will just state certain propositions that I thought I would put before the Committee. With a view to meeting the requirements, according to the recommendations which have been made, I think, in the first place, it would be very desirable that we should in any future Act of Parliament introduce such an enactment as this. I was saying I should rather prefer a simplification of our duties along with an extension; and I am satisfied that these propositions will be of very considerable value: "That in all future cases of licenses to be granted, they should be granted to such houses only as are within an easy distance of a railway. This rule should not be applied to the continuation of existing licenses, but to those granted for the first time." In visitation over the country, a vast deal of time is lost by the scattered situations of many of the asylums; and there are certain cases, one I know at least, of an asylum containing only four or five patients, and which requires a whole day, from early morning till late at night, to be visited by the Commissioners. This arrangement would bring so many more of them within an easy distance of a railway, that in one day as much work would be done as under present circumstances in three or four days.

288. This you suggest to the Committee as a great saving of time?—Yes; and by saving time they would have the means of paying additional visits. If you save time, the time so saved might be given to paying additional visits.

289. You would desire to have a provision by Act of Parliament, that no house should be licensed for the reception of patients, except it were within a certain distance from a railway station?—That it should be imposed by Act of Parliament, but that the Commissioners should have a discretionary power.

290. Sir George Grey.] So that the Commissioners might be empowered to refuse a license to a house, on account of its distance from a railway?—Yes.

291. Mr. Tite.] On account of its inaccessibility?—Yes.

292. Sir George Grey.] Is it not the case, with regard to most of the county asylums, that that consideration has been borne in mind in the selection of the site?—Almost always; that was the main consideration in the new asylum for criminal lunatics. I have said, "This rule should not be applied to the continuation of licenses, but to those granted for the first time." The next is, "That the same provision be required in all cases of Chancery and of private patients." This would give a most material advantage; it would limit the time that is employed in the visitation of these houses, I am certain, to one-half the time that is now given, and it would be attended with many other benefits; for it would bring these unfortunate beings very much within the control and supervision of their friends and relatives; it would then be very easy for their friends and relatives themselves to visit or to appoint some person to visit them periodically; even once a month.

293. Would you apply that rule to houses for the reception of single patients?—Yes.

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294. Mr. Henley.] Would you apply that to the case of a Chancery lunatic living in his own house, and that he should not be allowed to live there if the house were not near a railway?—No; I only talk of those Chancery patients who would come under the supervision of the Commissioners; it is only in those instances where a person is taking charge of a patient for profit.

295. Chairman.] Your Lordship would confine the observation to those houses that would require a license?—No.

296. Supposing the Committee were to recommend that single houses, where there was a profit made, to which your Lordship has so often referred, should be required to have a license, then your Lordship would confine the present suggestion to those houses which had licenses?—Yes; I would, in the first instance.

297. Colonel Clifford.] You do not mean those patients that were under certificate, but in other cases?—Exactly; that is, for single patients.

298. Sir George Grey.] I understood your Lordship's suggestion to be this; that the Commissioners in Lunacy, or the justices, as the case might be, should be authorised at their discretion to refuse to license a house, supposing it to be a new application, on account of its distance from a railway station?—Yes.

299. How would you extend the application of that principle to the case of a single patient, to which you have referred?—In this way: that every person taking a single patient for profit, must have that patient under certificate, and that certificate would give a right of visitation to the Commissioners. I think you have a fair right to demand, that when a person is going to take a patient for profit, who is to be under certificate, that due facilities should be given for visiting that patient; and therefore, that any house in which a private patient is kept under certificate, for profit, by the owner of the house, should be within an easy distance of a railway.

300. Chairman.] First of all, you would say that all single patients should be under certificate; secondly, having brought the single patients under certificate, every house, whether a licensed house with a number of patients, or a house where patients were under certificate, should be within a certain distance of a railway, in the discretion of the Commissioners?—Yes.

301. Sir George Grey.] In whom would you vest the discretion as to the single houses; would you absolutely prohibit the reception of a single patient into a house beyond a certain distance from a railway station?—Yes, I would, if he were taken for profit.

302. Then the prohibition would be stricter in that case than in the case of licensed houses?—I would apply it to those in the first instance. There are many patients living in single houses now, I would not disturb them; but there are constantly, day by day, houses being freshly opened for the reception of single patients; and in those instances where the patient was to be under certificate, I should say that the house ought to be within an easy distance of a railway.

303. Mr. Henley.] Are the Committee to understand it to be your Lordship's opinion, that sooner than incur the expense of increasing the staff, you would compel all houses to be kept within a given distance of a railway, whether other circumstances made it more or less desirable?—I think we should be justified, so far, both in respect of licensed houses, and in respect of single patients taken for profit. I think we have a right to ask this much with a view to the protection of the patients; that the houses in which they reside should be accessible, and within an easy distance of a railway.

304. The only difference being this, that if they were at a great distance from a railway, it would require a large staff of visiting officials?—Yes; it would require a large staff, no doubt, and if the patients were to be very frequently visited, a very much larger staff; but it appears to me that by these limitations which I propose, a great advantage would be gained, because the visits would be made more frequently, not only by the Commissioners, but by the friends and relatives of the patients.

305. There may be many railways in many parts of England that are not in a healthy situation, and the stations in low places, and in bad neighbourhoods; very often in very crowded neighbourhoods, and where the increase of outlay for the house and grounds would be very considerable; of course that would necessarily add to the annual charge upon each patient?—No, I think not. When I say within an easy distance of a railway, that would mean something like three or four miles from a railway; I do not mean within a short walk.

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306. We do now in daily practice see that if a house is advertised for sale, one of the great inducements held out to the purchaser is, that it is within an easy distance of a first-class railway station?—Yes.

307. We also know that this enhances very considerably the cost to the purchaser, and therefore, *pro tanto*, a man wishing to set up a licensed house would have to give more for the house and grounds, or else be obliged to afford his patients a smaller amount of accommodation, or charge a higher price?—Yes; but I think the Honourable Member's question goes in the interest of property. I am giving my evidence in the interest of the lunatic, and I am satisfied that his interest would be much more consulted by placing him within an accessible distance of a railway, and having him frequently visited by the Commissioners, and by his friends and relatives. Of that I have not the slightest doubt; I am sure that that would be the result of my proposition.

308. The visitation by the Commissioners is a mere question of more or less staff?—So it is, in one sense; but when you consider the very great distances, the badness of the roads, and the various impediments which are thrown in the way, these visits are often delayed by intervening business, and put off to different times, and people of necessity wait until they can pay them more conveniently. And then again, they are not done so frequently, and not with the same degree of minuteness, where the distance is very great; for if the distance is great to reach a place, it is also great to return from it.

309. But that is all a question of time, which would be met by a proper amount of staff?—So it is.

310. And with regard to their friends and relatives it applies in the same degree?—Yes.

311. Sir George Grey.] Is it the case that many of the licensed houses, which are now visited by the Commissioners, are in remote parts of the country, and difficult of access?—A great many of them are.

312. Would it not be the interest of a person who wished to set up a licensed house to have it within a reasonable distance of a railway?—I am satisfied that it would be his interest to do so; and, if the attention of persons was directed to it, I have no doubt that in a very short time, as those houses fall in, and others are opened, they would all be within an easy distance of a railway.

313. Has not that consideration influenced magistrates in selecting sites for county lunatic asylums, so that by placing them nearer to a railway the expense for the conveyance of patients has been greatly diminished?—Yes, and the means of visiting afforded to the poorer relatives have been greatly increased. I was going to suggest this, "That workhouses having lunatics be placed under the inspection now existing in respect of county asylums, viz., that they be visited once a year, at least, by the Commissioners, and once by the magistrates."

314. By the visiting magistrates?—Yes; I said "county asylums;" I mean that the committee of visitors, the gentlemen who visit the county lunatic asylums, should also visit the workhouses.

315. Sir George Grey.] Should they be the same committee, or should the magistrates appoint a committee for the purpose?—Either by themselves or those whom they choose to appoint.

316. Chairman.] You would give the magistrates power to appoint a visiting committee?—Yes.

317. Sir George Grey.] Do you think that if that arrangement were adopted the Commissioners, with their present staff, could undertake that additional duty?—Yes.

318. Mr. Briscoe.] Would your Lordship object to have those duties performed by a committee of the justices, with a physician and clerk of the peace, who are now obliged by law to visit the private asylums?—None at all, so that the visitation were effectual; I do not care by whom it is done.

319. It being a special committee, with a physician duly appointed to perform a special duty, would you not think that that would be better?—If the magistrates would undertake it, it would be a very good mode; but I was afraid to propose it; they have already four statutory visits to pay.

320. This would only add one?—It depends upon the number of workhouses in their districts.

321. Mr. Henley.] As at present, in most counties, the special committees appointed to visit each particular asylum being composed generally of residents and magistrates, they can perform the duty without going any great distance from their

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their own dwellings, assisted by the clerk of the committees, and generally a medical man; but as to the workhouses, they may be scattered about according to the size of the counties; there may be ten or a dozen in a county, and you could not get any one committee to undertake that sort of duty?—No; being unpaid visitors, I am afraid they would not do it.

322. There must be almost a separate committee for every workhouse, if the unions were at all large?—Yes.

323. Sir George Grey.] You mean to suggest, I think, that the same arrangements should be made by the justices to visit those workhouses containing lunatics as are now made for visiting the asylums within their jurisdiction?—That is all that I mean.

324. Chairman.] In your opinion would a single visit to the workhouses on the part of the Commissioners, and a single visit on the part of the committee appointed by the magistrates, be sufficient?—As we have no power to carry into effect any recommendations that we might make to introduce any improvements that we might think necessary, I think it would be. We only go to see what the state of things is; we can do nothing upon it; if we see anything flagrantly wrong we communicate that to the Poor Law Board, and they always do their best to give effect to what we recommend, but their powers are very limited.

325. As to the question of supervision, your Lordship would probably rely upon the poor law inspectors in looking over those workhouses, and bringing anything to your notice which they had to suggest?—I do not think that the poor law inspectors have ever brought anything to our knowledge; anything relating to the state of the lunatics. The poor law inspectors said that they did not consider it was their duty to examine the inmates as lunatics; they take them in the great mass.

326. Mr. Henley.] In what way would you have these committees report; to whom should they report?—They should report to the Poor Law Board, as we do.

327. If the Poor Law Board have no authority to deal with lunatics, what would be the object of reporting to the Board?—They have a power to deal with them; not to the full extent that we should desire; but when we inspect the workhouses we report to our Board, and our Board transmit those reports to the Poor Law Board, and we often get assistance in that way. In the same way these committees might report to the Poor Law Board.

328. In almost all Boards of Guardians there may be from half a dozen to ten or a dozen official guardians who are magistrates, and it is the duty, and probably the practice of many of them to visit those workhouses frequently, probably much oftener than is now contemplated; would it not be rather a difficult matter to appoint other magistrates, persons of equal rank and position with themselves, to go and make a report upon what those other gentlemen in the immediate district might appear to have neglected?—Those gentlemen would go for the specific purpose of inquiring into the condition of the lunatics in a workhouse; they would visit them as lunatics; and I take it that in a great measure the visitations of Boards of Guardians to a workhouse are principally with a view to look after the mass of the people as paupers, and not as lunatics. I do not think that there would be any collision of authority between them, or any offence given.

329. But a very large portion of the persons in workhouses under that name are, in point of fact, so mixed up with the other paupers, that it is hardly possible to distinguish them; they are not there under a certificate at all?—That is the great complaint that we make.

330. There are persons who are said not to be so wise as they might be; some are half idiots, and perhaps that kind of class are not there as lunatics at all; but they are mixed, in most of the country workhouses, among the mass of the paupers?—That is the great complaint that we make.

331. Supposing that I was to be appointed a magistrate to go and visit lunatics, who am I to visit?—I think that if a body like that were specially appointed to visit, they would, no doubt, always impose upon the medical officer the duty of classifying those people, and specifying those who were lunatics and those who were not. A book would be kept, and, according to that, they would make their examination.

332. But the difficulty is this, that if they are lunatics, they ought to be certified in the same way as lunatics who are sent to an asylum?—So we say.

333. But their mental imbecility is not of that kind or degree that any medical man would certify that they should be placed in an asylum?—Still he would say

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that they were persons who ought to be specially cared for, as not being of sound mind, and requiring, therefore, more care, and diet, and superintendence than the other people.

334. I suppose it would come within the discretion of the Poor Law Board to make some general rule, by which such a classification could take place; it would not be in the power of the magistrates to do so?—The medical officer of the union does not consider it to be his duty now so to do; but if the duty were imposed upon him to make that classification, he would enter the names in a book of those who were lunatics, or of unsound mind, and that book would be put into the hands of the gentlemen who visited the workhouse, and all these things would be seen and reported.

335. In the ordinary country workhouses, where there may be a few of these people in each of them, would it not be extremely difficult to carry that out?—I only meant that the visitation would be carried on by this body that I propose in the same way as visitation is carried on by us. Our Commissioners go over the different wards; but they are obliged to trust to the matron, or the master of the workhouse, or the medical man, to point out to them those who are of unsound mind; and if a book were kept, containing the names of such persons, it would save a vast deal of trouble.

336. *Sir George Grey.*] Would not the main object of the visitation of the Commissioners be, to secure the removal to an asylum of any of this class of inmates who were not fit to be detained in a workhouse, and coming within the class of lunatics, properly speaking, not being merely imbecile?—Yes; and to secure the better treatment of those people who were not of sound mind. Many may not be of perfectly sound mind, who are practically better in a workhouse.

337. *Chairman.*] I will read to your Lordship the answer to Question 1922 which was put to Mr. Doyle: "What is your next suggestion? With respect to the admission of the lunatic poor into workhouses, the state of the law appears to me to be anomalous; there is great difficulty both as to the admission, the detention, and the discharge of lunatic paupers; and without going into a detail of my views as to what the defects are, I think it would be very desirable that no relieving officer should give an order for the admission of any person of unsound mind into a workhouse without having first obtained a medical certificate, not merely that the patient was a proper patient for admission to the workhouse, but was not a proper patient to be sent to an asylum; that the order for admission to the workhouse should be an order embodying a certificate to that effect." With reference to the present point, I presume what your Lordship means is, that the visiting committee and the Commissioners should visit those persons in workhouses who are under certificate, and who are there in a different character from that of mere paupers?—If ever that certificate were made necessary, precisely so.

338. *Sir George Grey.*] So far as the Commission is concerned, do you think that one visit in a year by them would be sufficient, and that that duty could be undertaken with their present staff?—I think so.

339. *Chairman.*] Will your Lordship now go to your next suggestion?—Then I should say, "That the Chancery and single patients be visited once according to statute."

340. Does your Lordship think that single patients should be visited less often than the patients who are kept in licensed houses?—No; I should be glad to visit them quite as frequently; but I did not quite complete my answer: I suggest, "That the Chancery and single patients be visited once according to statute;" I mean visited by two Commissioners, a medical Commissioner and a legal Commissioner conjointly; that is the statutory visitation.

341. *Sir George Grey.*] Once in a year?—Yes; according to the statute, by two conjointly, "and twice, or more often if ordered so by the Board; the second and other visits to be by a single Commissioner."

342. *Chairman.*] Would you not require by statute as many visits to single patients, whether Chancery patients or not, as you would require in the case of other patients in asylums?—I should be glad to do it, if I could do it without a very considerable increase of staff, which I think would operate prejudicially the other way. I think if we had a visit paid once a year to the Chancery single patients by statute, with the other visits ordered by the Board, and to be paid by a single Commissioner, we should attain the end that we desire.

343. As the law now stands, private asylums must be visited four times in the year, I believe?—Private asylums in the country must be visited four times in the year.

year by the magistrates, and twice in the year by the Commissioners; the London asylums must be visited four times in the year by the Commissioners.

344. According to your Lordship's evidence, I think you were of opinion that there was more necessity for the supervision of the patients in single houses, or quite as much, if not more, than there was for supervision in licensed houses?—I thought so, and I still think so.

345. If that be your Lordship's opinion, independently of the question of expense, would not your Lordship think it necessary that Parliament should provide as many visits to patients in single houses, as it has thought necessary for patients not in single houses?—Yes; and I think we should effect that by my arrangement, the houses being accessible from being near to a railway, by additional visits being made by a single Commissioner, the statutory visitation being made once in a year, and all the other additional visits being made by a single Commissioner.

346. Sir George Grey.] Now there are four statutory visits to be made to every lunatic asylum?—There are six in the country: four by the justices and two by the Commissioners.

347. Do you propose that there should be only one statutory visit necessary in the case of the private patients, leaving the four statutory visits still as to the other asylums; or would you reduce the number of the statutory visits in other cases? I would in some instances reduce the number of them. I think we should get a greater number of visits paid to those private patients by a single Commissioner, and a great many more visits to them by friends and relatives, if the houses were within an easy distance from a railway.

348. But these visits to single patients would be, would they not, at the discretion of the Board?—You could impose them by law, if you thought proper.

349. Chairman.] Would your Lordship impose, by law, more visits than one to single patients?—I should be very happy to do so; more than one visit.

350. Might it not make a considerable difference as to the addition that would be required to your staff?—Not if it meant only to the extent of one or two additional visits.

351. Sir George Grey.] When you speak of the statutory visit, you mean the visit made by the Commissioners?—Yes; a medical man and a legal man together.

352. They being two of the six paid Commissioners?—Yes.

353. When you speak of the visit by the single Commissioner, do you limit it to one of the paid Commissioners, or would you extend it to any member of the Board?—I would give power to any member of the Board to make that visit.

354. Therefore the statutory visit by a single Commissioner, which you think it desirable to require, might be made by any member of the Board?—Yes.

355. Do you think that that would not involve any necessary increase of the paid staff?—Certainly not.

356. Mr. Briscoe.] Does your Lordship conceive that any greater advantage arises to a patient from the statutory visit which is paid by two Commissioners than if it were paid by a single Commissioner?—Certainly. There is a very great advantage in having two Commissioners to visit houses. I think, in every instance, once a year, it is desirable that every patient should have the advantage of a statutory visitation by two Commissioners, a medical man and a legal man conjointly; once in the year, at least, I think that very desirable; for there are many things which the legal gentlemen have the means of arriving at in the way of evidence; and, from their habits of business, their experience is of very great value.

357. Sir George Grey.] Supposing that one of the other Commissioners was afterwards to visit, and anything struck him that required further investigation, could not the Board still send two of the professional Commissioners to visit?—Certainly.

358. One or two?—Certainly.

359. Mr. Briscoe.] There is no medical or legal Commissioner who is unpaid?—No; they are paid Commissioners.

360. If I understand rightly, the statutory visit is paid by a medical and legal Commissioner, not by any unpaid Commissioner?—He might join it.

361. Sir George Grey.] Do you mean that the statutory visit should be once a year, so as to admit of the possibility of two visits being made, one at the close of the year, and the other at the beginning of the next year; or would you say that the

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visit should be made with any certain interval of time between the one and the other?—No greater interval than 12 months. It is perfectly true, judging from the evidence in respect to the visitation to the Chancery lunatics, that sometimes they have not been visited for 18 months; but that has never occurred in any instance in our Commission, and I should not be at all apprehensive that such a thing would occur. If the Committee thought it necessary to bind us by some such provision as to that, we should not object to it; but such a thing never has occurred with us. I should say that there should be one visitation by two Commissioners, legal and medical, once at least in a year, and as many more as might be regulated by law. Then with regard to the metropolitan houses, they being near and under our own eye, I should propose that they should be visited five times instead of four, that would be once more; but that the visitations by two Commissioners conjointly, medical and legal, might be reduced to two, the other three visits to be made by single Commissioners. I think that that would give very considerable relief; and as these metropolitan houses are under our own eye, and within reach, it would be easily and effectually done.

362. I presume, with regard to the discharge of patients, you would preserve the present regulations, and you would not admit of the discharge of a patient after two visits by a single Commissioner?—Certainly not.

363. *Chairman.*] In all cases where a patient was recommended for discharge you would still require the visit of two Commissioners?—Yes, and not only that, but the whole thing should be referred to the Board afterwards. I would strongly advise that that provision in the existing Act should be retained, that when the period has arrived for considering whether a patient ought to be discharged or not, the statutory visits, as they are called, should take place by two Commissioners with an interval of seven days. I advise that that provision should be strictly maintained, and then the matter will be referred to the Board.

364. *Sir George Grey.*] Did you take that into consideration in speaking of the facilities that you would have for discharging these additional duties? Would not the fact of having to pay more visits require an increase of staff?—I think not, and for this reason, we do not resort in many instances to compulsory jurisdiction, it is not by any means necessary that we should do so; because very frequently, and indeed constantly, when we find that a patient has reached that degree of convalescence that we think he may be set at liberty, we write to the relatives and say to them, "Now this patient ought to be set at liberty; if you do not set him at liberty we shall certainly do so, and you will lose all the grace and favour of the Act, and all the means of reconciliation with the unhappy patient, and you had better do it as your own act; do you liberate him and he will then return home, and believe that it was through your intervention and kindness that he has been enabled to return," and in almost all instances when we speak to the relatives in that way, they act upon our suggestion.

365. When you speak of your suggestion you mean of course the suggestion of the Board, not of an individual Commissioner who might happen to visit?—Yes. Then I should say that there are two visitations according to statute to the provincial asylums, and I would suggest that there might be an additional one, and that that one should be made by a single Commissioner.

366. *Chairman.*] Would you still require two Commissioners to visit on the two other occasions?—I think so.

367. Do you think it necessary that two Commissioners should go down always to visit the asylums together, unless there were some special cause which made the Board desire that a medical and legal Commissioner should go; or might not one visit those asylums?—There is a very great advantage in two Commissioners going together, even into the small houses; but it is absolutely indispensable that two should visit the large houses; it is a matter of great importance to divide the work; one goes about with a book to see the patients; the other goes about looking into all the rooms and closets, and into the cellars and garrets, and every nook and corner in the place.

368. Is there any private asylum so large that two Commissioners are required to visit it?—Many of those asylums are extremely large; several of the asylums in London contain from 300 to 400, and 500 patients. As to the country asylums, although an asylum be small, it is absolutely necessary that we should immediately upon arriving disperse ourselves into the different parts of the building, where there may be ten thousand things going on, which they would huddle up and conceal, unless we were extremely vigilant; and a great many things have been

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been discovered by the Commissioners arriving on a sudden and unexpectedly, and searching closely through the house. We might, perhaps, reduce the visits to the country asylums to one statutory visitation, although I am inclined to think that two are better, to be paid by two Commissioners, legal and medical. Then, again, I think there might be an additional visit made by the provincial visitors; by the magistrates, by any one of them, or, by the medical gentleman attached to them.

369. *Sir George Grey.*] When you say that there may be such a visit, do you mean that those visits should be required by law; a third visit both by the Commissioners and by the magistrates; that third visit being made by a single Commissioner and a single magistrate?—Yes, quite so; the only addition that I would ask would be simply an enlargement of the 29th section of the 96th chapter of the 16th and 17th Victoria, which says, "It shall be lawful for the Commissioners where, for any reasons to be entered upon the minutes of the Board, any case appears to them specially to call for immediate investigation to authorise and direct, by an order under their common seal, any competent person or persons to visit and examine and report to them upon the mental and bodily state and condition of any lunatic or alleged lunatic in any asylum, hospital, or licensed house; or of any pauper lunatic in a workhouse or elsewhere, or of any lunatic or alleged lunatic under the care or charge of any person as a single patient; and to inquire into and report upon any matters into which the Commissioners are authorised to inquire; and every such person shall, for the special purposes mentioned in such order, have all the powers of a Commissioner, and the Commissioners may allow to every such person a reasonable sum for his services and expenses, such sum to be paid in manner provided by the said recited Act with regard to expenses incurred by or under the authority of the Commissioners in proceedings thereunder, but this enactment shall not be taken to exonerate the Commissioners from the performance of any duty by law imposed upon them." All that I ask for is an enlargement of the power given under that Act; instead of giving to the Commissioners the power to employ some one person for a special, minute, and definite case, that they should be allowed to employ some trustworthy person whom they knew for the space of three weeks or a month, or five weeks, for the purpose of finishing up a great deal that, under the pressure of business, had not been completed; for instance, the Commissioners have sometimes been obliged to leave one or two houses imperfectly visited: or they have been obliged to hurry over the visitation of one or two or three or four; it might be where there were single patients, and it would be desirable to be able to send down a person, in whom we had confidence, to complete the work which they had begun.

370. *Chairman.*] That would be an entire alteration of the section as you read it?—It is an enlargement of it.

371. More than that, because the proviso added to that section distinctly says, that the duties imposed by statute on the Commissioners are not in the least degree to be altered by that special delegation of authority which can be given by you to some other person?—I should not ask for it if you kept the duties of the Commissioners at the point at which they are; but if you are going to impose upon them additional duties, it is with a view to the discharge of those additional duties that I would ask for an enlargement of that section.

372. *Sir George Grey.*] Do you not think that if that became the habitual practice on the part of the Commissioners, it would lead to their visits being made more cursorily, and of a less searching nature than they are now?—No; it would be only in very special cases, and the Treasury ought to be the judge both of the necessity of the case and the payment to be made. I do not talk of the duties as they now exist, but of the new duties about to be thrown upon the Commissioners.

373. I understood you to say that you wished to have a power to appoint persons to complete the inquiry into some of the Lunatic Asylums which the Commissioners had not been able thoroughly to complete?—Yes, it often happens in an asylum in some particular case, that a matter arises of a very complicated nature, which requires an unusual devotion of time to the inquiry. I am not talking of the discharge of the ordinary duties of the Commissioners; but suppose they went to some asylum and saw any case or cases of one or two patients which demanded more than usual investigation, or more than the usual attention to be paid to them, which would require so much time and so much attention, that they would not have time with a view to discharging their other duties to carry to full completion everything that they wished to inquire into.

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374. *Chairman.*] That would be a special case?—Yes, and the enlargement of the powers that I propose, would enable us to employ a person for a longer time than we can now do under that clause.

375. Whatever powers are imposed upon the Commissioners, with regard to their visits of inspection by statute, ought not to be diminished, but the delegated authority which your Lordship was proposing, ought to be something entirely superadded to those powers?—Yes; I talk only of this enlargement of the powers in reference to the new duties that you are going to impose upon the Commission; all that we ask is, for certain facilities to be given to us.

376. *Sir George Grey.*] Do you not think that, under this clause, it would be competent to the Board, where any case required immediate investigation in an asylum, and which ought to be immediately inquired into more fully, to authorise a person to go with the power of a Commissioner, and make that inquiry?—Possibly it might be.

377. Why should that power extend over a period of five weeks?—Because the inquiry might require that time.

378. If it required that time, as there is no limit to time in the clause, might not the Commission extend the time that was necessary to complete that special investigation?—What I contemplated was, not one single case in one of the single houses, but that there might be in a district three or four cases of that kind in different houses.

379. Would not the duty to be performed by such a person, as you have now suggested the Commissioners should have the power to employ, be very much the duty proposed to be entrusted to inspectors, and which you thought could not be so efficiently performed as by members of the Board?—No. In the first place he would not be on the permanent staff; in the next place, he would have no authority, beyond that of merely investigating any special case confided to him; he would have no *status*, and no authority, only for that one special purpose.

380. *Mr. Tite.*] Have any cases occurred, under the present law, in which you have acted under the powers given by the 29th section of the Act?—Very few. We have, in one or two instances; but we have been so careful to keep things entirely in our own hands, that we have only used them when any sudden intelligence has come to us of something that required immediate investigation; and if the Commissioners were out of town on circuit, and there were only two in London, and those were necessary for the purposes of the Board, then we have written off to some person directing him, under that section of the Act, to go and make an inquiry.

381. A physician?—Yes; generally.

382. *Colonel Clifford.*] You do not propose that such a person as your Lordship has mentioned should be permanently attached or permanently employed by the Board?—No; merely *pro re nata*.

383. Only in case the duties pressed too heavily on the Commissioners at a particular moment?—Quite so. These are the main propositions which I have to make to the Committee.

384. *Chairman.*] I understand you to say, with these suggestions which you have now offered to the Committee, the Commission, with its present staff, could undertake the duties of visiting the provincial asylums once more than they do now, of visiting the metropolitan asylums once oftener than they do now, of visiting the workhouses once a year, and of visiting the single patients, the Chancery patients, or others, once a year also?—My belief is, that we should be able to effect that; at any rate, we are quite prepared to make the attempt. The gradual substitution of hospitals for private asylums would greatly assist us.

385. With the present staff?—Yes.

386. *Sir George Grey.*] May I ask you whether, in expressing that opinion, you are expressing the opinion of the Board, and not your own individual opinion merely?—I think that it is in a great measure the opinion of the Board. I have not called them together, and put these propositions definitely before them, but I know that they concur in a great many of these propositions. I am quite certain that a large portion of them would agree in my propositions, and believe that they would be effective.

387. *Chairman.*] Suppose the Committee came to the determination to recommend to Parliament that some further duties than those which your Lordship has enumerated to the Committee should be required, and that some additional assistance would therefore be wanted, how would you recommend that that additional assistance should be furnished to the Commission?—I have stated, that if it were

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absolutely necessary to have an increased staff, I should infinitely prefer that it were in the shape of Commissioners, rather than by the appointment of inspectors. But there are many objections to an enlargement of the Commission. The Commission is already very large, and I can fancy the time when, if its numbers were increased, and gentlemen were brought together who had no previous knowledge of each other, and brought together for the first time, not being as they are now, gradually filled up as vacancies occur; I can foresee the time when it would be almost impossible to carry on the business of the Commission, as it would be so much in the nature of a debating society; it would be too large; we should have propositions made, and debates, and divisions; there would be a great deal of confusion, and it would, I think, end almost in anarchy. And likewise I should be extremely unwilling that any additional burden should be thrown upon the country, if it could be avoided, to the extent of two Commissioners. On the other hand, the objections to inspectors are so very great, that I cannot conceive how it would be possible for the Commission to go on if they were appointed.

388. Supposing you had Assistant Commissioners to discharge those duties which the Commissioners might find, in the event of any alterations being proposed, they could not discharge, what would be the objection to appointing Assistant Commissioners to make inspections of these houses?—The first question I should like to put is this, Are these Assistant Commissioners to be medical or legal?

389. Either the one or the other, according to the choice made by the person who appointed them. Suppose that proper authority was invested somewhere to select persons to carry on the inspection, what great objection do you think there would be to the appointment of such persons to carry on those visits?—I see great objections.

390. Colonel Clifford.] Your Lordship having seen certain suggestions, you are, I think, assuming that the number of the present Commissioners is to be diminished; consequently that the power of performing the statutory or other visits would be taken from them, and that inspectors are to be substituted for them?—Yes.

391. Your objection is to the duties of the present Commissioners being superseded by the appointment of inspectors?—Yes. With respect to inspectors, my first difficulty would arise as to the mode in which they should be appointed. It appears to me that it would be most objectionable to place the appointment of inspectors in the hands of the Commissioners; there would be several lucrative appointments to be disposed of by the vote of a majority.

392. Chairman.] Who appoints the Commissioners?—The Lord Chancellor; but it appears to me that it would be very inadvisable to place the appointments in the hands of the Commissioners; on the other hand, it appears to me that it would be extremely objectionable to place them in any other hands. I am certain if it were so, that there would be no kind of sympathy whatever between the Commissioners and their delegates; I believe there would be a great deal of rivalry; and, I believe, that those delegates would always be trying to get more power, and the Commissioners would always be trying to keep them in their places.

393. Your Lordship is apprehensive that there might be such great jealousy between the persons, acting as inspectors and the Commissioners, that they would not act harmoniously together?—I do not think that they could act harmoniously together.

394. Is that an inconvenience which has been experienced in other Boards, having inspectors under them?—That I do not know. I believe, in the Poor Law Board the inspectors are appointed by the authority that superintends them.

395. Sir George Grey.] And they are removable by that authority?—Yes.

396. They are completely subordinate to that Board, under whose directions they act, and to whom they report?—Yes.

397. What would be your objection, assuming that Assistant Commissioners or inspectors were appointed, to leaving the appointment to the Board?—Because it appears to me to be very objectionable to vest such lucrative appointments in the vote of a majority.

398. I believe in the case of the Poor Law Board, the appointment rests practically with the president?—Yes; and I can well understand the angry divisions and the angry debates that would take place in a Board such as ours; I

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do not mean with the present men, when, but under other circumstances, it came to be a question of 600 *l.* or 700 *l.* a year, to be given to some gentleman; and yet, if it were put into other hands, I should very much distrust the character of the appointment; I do not think that any person, the Lord Chancellor, or the Secretary of State, would be qualified to make the selection; I do not think they would know where to look for these persons, and they would be unacquainted with the qualifications required, and certainly, I may say fairly, that I think in a great many instances, the appointments would be made in ignorance, and that they would be made, in many instances, under the influence of political feeling.

399. Would it be more so in the appointment of Assistant Commissioners, than in the appointment of Commissioners?—Yes, and for this reason, the very prominence of the position of the Chief Commissioner is such, that that of itself compels a great amount of responsibility, and very much greater care would be taken in those appointments; suppose, for the sake of argument, that the constitution of the Board were thus changed, you would have merely professional and paid Commissioners, and there would be, I think, the necessity of having a paid Chairman.

400. *Chairman.*] What other objections has your Lordship to the appointment of Assistant Commissioners?—I think that there would be a very great evasion of direct personal responsibility, because the Commissioners would throw a great deal from themselves on to the shoulders of the inspectors, and the inspectors would be throwing a great deal back on the orders of the Commissioners. I have heard it stated that there was a possibility that these inspectors might be localized; then I should say that that would have the very worst possible effect; I think it would lead to a great deal of jobbery in the appointments; and, supposing that they were medical men, I believe that it would operate most injuriously; I am certain that the result would be, in most instances, this, that the medical inspector in a district would either be in connivance with or in hostility to the superintendents of the lunatic asylums.

401. Why need you take a medical man from a district; why not appoint an inspector, or an Assistant Commissioner, to be sent to a district, a person totally independent and unconnected with that district?—I am assuming now that the inspector to be appointed is to be a resident man, and if he is resident, he would very shortly form his friendships, or his antipathies.

402. That would be the case with every resident inspector in any other department?—Yes; but that we think is one of the great values of our Commission, that it is totally distinct and independent of all influences, being resident in London, and consequently always moving over the surface of the country.

403. *Colonel Clifford.*] Your Lordship thinks that the fact of residence is one of the serious objections to the system of inspectors?—I think it is the very greatest; I think it would give rise to a great deal of confusion, and a great deal of angry crimination and recrimination, if they were localized and resided in the district; and if they were always to be in London, a large part of their time would be wasted, as they would only be employed when they were sent down on special business by the Commissioners.

404. *Chairman.*] Is it not necessarily the case, now that a large portion of the time of the Commissioners must be taken up in going down to the different counties which they have to visit?—Yes; a great deal of time is expended no doubt in travelling. Then our correspondence would be very greatly increased; I may say enormously increased, so much is now done by oral communication, and by the Commissioners going down to the spot, and seeing things with their own eyes. Then again, the evidence that the inspectors would be able to give must be necessarily inferior to the evidence of the Commissioners; and it is of very considerable importance that they, the localized inspectors, could have but very little experience indeed; their experience would be mainly confined to the asylums within their own districts.

405. *Sir George Grey.*] The suggestion made to the Committee, I believe, is, that there should be four or five inspectors for the whole country, so that the area within which the inspectors would have to act would be very large?—I have been arguing first of all upon the supposition that the inspectors would be localized.

406. Yes; but localized within a very large area. Assuming that there should be only four or five inspectors for the whole country, would not the area be then so large as scarcely to come within the force of the objections which you have urged?—The largest area you would give to one, out of ten, or even less, would be very small,

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small, compared with the area that the Commission travel over; and then look at the great experience which the Commissioners have; and to such an extent does their experience go, that at the present moment we are giving advice in respect to the construction of new lunatic asylums, very much improved indeed upon the advice which we gave only five years ago; and the consequence is, that from the great experience of the Commissioners, people defer to their opinion, and everything is ordered now by weight of authority, and not by weight of law; and I believe all that would be broken down very much, if inspectors were to step into the shoes of the Commissioners, and undertake all the duties which are now discharged by the Commissioners, for they could not have the same weight or experience or position, that now carry so much in all our dealings with the various authorities that we meet with.

407. Mr. Tite.] Still the duties to which your Lordship refers, would not be performed by inspectors, such as advising about the building of a lunatic asylum; that would be a question for the Board; they would decide that?—Yes. But it has been suggested that eventually the London Board of Commissioners is to be reduced from six to four.

408. Sir George Grey.] That is, the paid members of it?—Yes. If the same statutory duties are to remain as they are now imposed, it would be next to impossible for those four Commissioners to discharge the duties. It is also suggested, that the visits of those four are to be confined to the metropolitan district, and that they are never to be sent for except in a case of emergency, to determine upon something relating to misconduct in some asylum, or with a view to the discharge of a patient. That would at once annihilate the Board, its position, its dignity, and its whole value: it would shut out the Commissioners from that large and wide field of experience which they now enjoy by going over the whole of the country, if their opportunities of gaining information and experience are to be limited to the metropolis, in which they will get little or none of that experience which they now obtain.

409. Chairman.] The suggestion is, whether additional assistance cannot be supplied by the appointment of Assistant Commissioners under the Commissioners?—The way in which I look at it is this, that the sub-inspectors are proposed with a view eventually to reduce the number of the paid Commissioners.

410. No, not in the least degree; no proposition has been made with that view, but that inspectors, or Assistant Commissioners, might discharge the same duties which are now discharged by the Commissioners, and the Committee desire to know whether in your Lordship's opinion there is any objection to that being done?—I think if the propositions that I have made be carried into effect, the Board will be equal to the discharge, with its present staff, to the duties it now has to perform, and the duties you propose to impose upon it. But I am fully of opinion that the institution of inspectors would be utterly subversive of our whole system of operations, and it would completely annihilate our efficiency as a Board.

411. Sir George Grey.] If the visits of inspectors were substituted for the visits of the Commissioners?—Yes, in any way, if the Commissioners had not the same means of acquiring and improving the vast experience which they now have, and acting with all that weight and dignity which arises from their experience and knowledge.

412. Do you not think, at the same time, that it would be expedient to enlarge the powers of employing inspectors occasionally under that section of the Act which you have referred to?—Yes, I have suggested that; but I should be quite content to leave the section as it now stands without any enlargement. The Commission, I may say, has given satisfaction, for I find in the evidence of Dr. Conolly, and the evidence of Mr. Bolden, that not only are they satisfied with the Commission, but they desire that its jurisdiction should be extended.

413. Mr. Briscoe.] The Commissioners do not desire any increased powers to be given to them?—None, beyond a certain power in details that we specified in the evidence before. I may say, with regard to the liberation of a patient, that the Commissioners seldom undertake to liberate a patient unless they have had long knowledge and experience of the case; no Commissioner would venture to give an opinion if he was sent for on a sudden, merely saying that "a patient had recovered a certain degree of convalescence, and we want your opinion as to whether he should not be discharged." The great object is to observe those cases which appear to be capable of improvement, and to watch them from time to time; and when they see that a patient has attained a certain amount of con-

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valescence, and they feel sure that the discharge may take place, they give an order accordingly.

414. Sir George Grey.] If this additional duty of visiting Chancery lunatics were placed on the Commission, do you see any objection to the Masters in Lunacy being made *ex officio* members of the Board, abolishing the Chancery visitors?—I do not see any possible good that could arise from the presence of the Masters in Lunacy at the Board. I do not believe that they would ever come except in an antagonistic sense. I believe that they would never come for the purpose of assisting the ordinary operations of the Board, and that we should not require them.

415. Chairman.] Would it not be required, if the superintendence of the Chancery lunatics were transferred to the Commissioners generally by the Lord Chancellor, that his Masters in Lunacy should be present at the Board to see how the superintendence went on?—Certainly not; if you kept in the hands of the Masters in Lunacy all matters relating to property, I cannot see what real use they would be at our Board; we should never interfere with their jurisdiction in any way but this—If the property of a Chancery lunatic was ill taken care of, we should report to the Lord Chancellor, and, moreover, we should go to this extent, if we ascertained, for instance, that there was a Chancery patient worth 500 *l.* a year, and we saw that not more than 200 *l.* a year were expended upon him, we should say that more should be expended, perhaps to the extent of 100 *l.*; and the only instance in which the Masters in Lunacy would come to our Board, would be, no doubt, for the purpose of preventing such a resolution of our Board being carried into effect, and to prevent our doing anything that should trench upon their rights, as the superintendents of property; they would only come to swell inconveniently the Commission, which is already large, and they would come without any knowledge of our habits, and without any experience of our mode of proceeding, and, probably, introduce a great deal of schism and division; I cannot see the use they would be, but I can see a great deal of disuse in their appearance there.

416. Mr. Briscoe.] With regard to the property of lunatics, the Commissioners do not interpose, unless they consider that sufficient funds are not expended for the purpose of promoting the comfort and well-being of a patient?—No. If they saw that he was not properly taken care of, the Commissioners would represent that to the proper quarter. Might I say one word upon another subject? It has been stated, I believe, in some quarters, that I recommended the compulsory institution of houses similar to the chartered asylums in Scotland. That is so diametrically opposed to what I stated, that I wish to call attention to it.

Chairman.] That has not been stated, I believe, anywhere.

A P P E N D I X.

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A P P E N D I X.

Appendix, No. 1.

SUGGESTIONS offered to the CHAIRMAN.

Appendix, No. 1.

I TAKE advantage of your permission and place in your hands some remarks connected with lunacy, bearing reference to the proposed lunacy laws and the evidence offered to the Select Committee, together with a few suggestions emanating from myself.

CARE AND TREATMENT BILL.

The proposed appointment of medical examiner is very unpopular with the section of the profession specially interested in the care and treatment of the insane, because it shows a want of trust, reflecting upon the honesty of the asylum proprietor. The visit to the asylum by the examiner is regarded as an intrusion, the mode of forming the opinion and conveying it to the Commissioners in Lunacy is regarded as *ex parte*, and the secret report as un-English.

Clauses IV. to VIII.
The appointment
of medical exam-
iner.

I apprehend, however, that the visit of any appointed examiner might, and in all probability would be conducted with courtesy, and need neither imply nor be actuated by suspicion; but it appears unnecessary and unwise that the reports should be secret, and prepared without the assistance of those who are the most able to afford information.

In my opinion no essential service would be rendered by the examiner. The object sought is the prevention of unnecessary detention in an asylum, but the medical examiner could not obviate this, for he would often either not alter the opinion that had been expressed, or report in favour of a patient's discharge when no legitimate reasons existed for so doing.

Very few medical gentlemen would have the presumption to differ in opinion with two others who had signed the certificates, being equally well informed and having a more intimate knowledge of the case.

2dly. The medical examiner would seldom be able to form or at any rate affirm any difference of opinion, since either the patient might have become tranquillised by his sojourn in the asylum, free from all the exciting causes of his disease, or having been removed to an asylum in consequence of his delusion or manifestation of violence, he would be (from suspicion of some fresh proceeding) scrupulously careful to mask his true state and feelings, or the intervention of a lucid interval might restore the patient to short and transitory sanity. The result of these threefold difficulties would be, that while the medical examiner might report truthfully upon a case of raving and exciting mania, or a case in which delusion was so manifest and uncontrollable, that no doubt existed and no difference of opinion could be maintained, the cases in which doubt rested or injustice might be practised would either escape notice or be shielded by a false professional etiquette.

The duty, enforced by this clause, of reporting specially at each visit on every case admitted within one year, adds heavily to the labours of the Visiting Commissioners, and at the same time curtails the opportunities they at present possess while making their visits for investigating the condition and management of the asylum. The same individual patient would be examined and reported upon three or four times, and in the metropolitan houses, where the Commissioners make their visits every six weeks, a special report of each patient remaining over the year would have to be repeated eight or nine times.

Clause XXIV.
Visiting Commis-
sioners to report
specially on cases
admitted within
the preceding
year.

LUNATIC REGULATION ACT AMENDED.

The appointment of visitors is desirable if the present Lunacy Commission arrangements continue; for while the Commissioners pay their attention for the most part to the building, furniture, and state of the asylum, visiting the lunatics *en masse*, the visitors regard individually, and with special attention, the care and treatment, the mental and bodily health, and the arrangements for the maintenance and comfort of those lunatics who are particularly

Clause I.
Appointment of
visitors.

Appendix, No. 1.

Clause I.
Visitors debarred
from any other
professional em-
ployment.

under the care of the Lord Chancellor, and whose property is placed to a great extent at his disposal.

Omit the words in the sixth and seventh lines, "or employment, or be engaged in any profession or business whatsoever."

The duties of the visitor are distinctly stipulated for and defined in Clauses VI. and VII., and must be performed; therefore any spare time, after their performance, may be at the visitor's disposal, without detracting from the due execution of his official duties.

To retain these words in the clause would not only deprive the public and the profession of the opportunity of obtaining the opinion of an unbiassed and experienced authority in cases of perplexity, but it would also frequently cause the decision as to an alleged lunatic's confinement to rest with the proprietor of a licensed house, who must be viewed as a prejudiced party.

The department of psychological medicine is so limited, and at the same time so thoroughly unfits a physician from engaging in any other branch of the profession, that none can embrace it without either having an asylum or some appointment to assist their professional income, much of which is received for opinions given on the subject of insanity connected with wills, marriages, &c., and which would neither interfere with the stipulated number of visits nor diminish the energy or interest of the visitor.

ON THE SUBJECT OF SINGLE PATIENTS.

Opinions were sought by some Members of the Select Committee as to the propriety of reporting all single patients (being lunatics) to the Commissioners in Lunacy, and placing them under their care.

I suggest, "That no single patient, being lunatic, shall be visited by the Commissioners in Lunacy, or any return made to them of his or her lunacy, so long as parent, or husband, or wife survive; in fact, so long as a natural guardian exists. After that, it be illegal for any person to be deprived of responsibility or action on account of his or her lunacy without the fact being reported to the Lord Chancellor or the Commissioners in Lunacy, and the lunatic being placed under their surveillance."

PROPOSED ALTERATIONS IN LUNACY LEGISLATION.

When, in conversation some months since on the subject of the present lunacy laws, you questioned, "Whether the whole administration might not be more efficiently carried out if the Board of Lunacy Commissioners was entirely remodelled, and the supervision of all lunatics and lunatic asylums conducted by a body of inspectors, scattered over the kingdom, somewhat after the manner of the Poor Law inspectors."

I have endeavoured to investigate the practicability of this view, and I beg to lay before you some tables and calculations made with the object of showing distinctly what effect such a course would have.

Before soliciting your attention to the tables, I may perhaps refer to some opinions expressed at one of the late meetings of the Select Committee as to the possibility of amalgamating the Lunacy Commission in Whitehall-place with the Board in Lincoln's-Inn-Fields, whose special attention is directed to the care of Chancery lunatics and the security of their property, and thus placing the whole lunacy legislation under one head. Many difficulties presented themselves, although I believe the general feeling was that the centralisation would be beneficial. In the suggestions, to which I respectfully seek your consideration with the view of carrying out this great change, I have as much as possible avoided any recommendation that would involve a great additional expenditure or an interference with existing privileges.

I suggest that the present Lunacy Commission and the duties of Masters, Commissioners, and Visitors of Chancery lunatics shall cease, and that the care and custody of all lunatics shall be confided to a new Lunacy Board composed of Director General, two Masters in Lunacy, and two Inspectors General.

District inspectors scattered over England and Wales, and residing in their own district.

One "Chancery" and "Home Office" Medical Referee.

The Central or Home Department to consist of Director General, two Masters, two Inspectors General, whose office will be in London, and who will form a Board for all future lunacy legislation.

The two Masters in Lunacy to hold inquisition as at present.

The two Inspectors General to visit all single patients and Chancery lunatics from time to time, seeing that their property is legitimately expended for their use and benefit.

The District Inspectors to be scattered over England and Wales, and to visit all asylums licensed houses, workhouses, and certified lunatics in their respective districts, and report from time to time to the London Board.

The inspectors should act as *ex officio* members of the Committee of Visitors of County Asylums in their district when requested by such committees to do so, such a course tending to encourage harmony and co-operation with the justices.

By the above arrangements all the duties now performed by Commissioners, Masters, and Visitors, would be executed with efficiency and simplicity by officers living within a short distance.

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SELECT

by the 1st of January 1853
among the various
workhouses in the following

County Asyl

Borough

Hospitals

Licensed

Workhouses

Table (A) will fo

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SELECT COMMITTEE ON LUNATICS.

41

The only difficulty is to apportion the districts for the local inspectors so as to secure an equal amount of labour, an equivalent mileage, and about the same number of lunatics for surveillance.

Appendix, No. 1.

On the 1st of January 1858, 30,392 lunatics were under restraint in England and Wales distributed among the various county asylums, borough asylums, hospitals, licensed houses, and workhouses in the following numbers:—

County Asylums	-	-	-	-	-	-	-	14,578
Borough	-	-	-	-	-	-	-	547
Hospitals	-	-	-	-	-	-	-	1,751
Licensed Houses	-	-	-	-	-	-	-	5,256
Workhouses	-	-	-	-	-	-	-	8,260
								<u>30,392</u>

Table (A) will furnish the number of each class in each respective county.

TABLE (A).

COUNTY ASYLUMS.		Borough Asylums.	Hospitals.	Licensed Houses.	Work-houses.	TOTAL.
Beds, Herts, Hunts	270	-	-	58	192	497
Bucks	214	-	-	-	42	256
Cambridge	-	-	-	-	55	55
Chester	297	-	-	-	180	477
Cornwall	269	-	-	-	106	375
Cumberland	-	-	-	-	141	141
Derby	271	-	-	-	108	379
Devon	555	-	51	37	234	877
Dorset	169	-	-	5	62	216
Durham	-	-	-	362	171	533
Essex	403	-	85	31	150	669
Gloucester	407	89	-	152	342	990
Hants	490	-	-	36	293	819
Kent	601	-	-	39	330	970
Lancashire	1,629	-	120	323	1,035	3,107
Leicester and Rutland	318	-	-	-	205	523
Lincoln	291	-	78	5	132	506
Middlesex	2,312	-	155	1,892	964	5,323
Monmouth and Hereford	314	-	-	19	81	414
Norfolk	303	-	80	148	158	689
Northampton	-	-	272	26	99	397
Northumberland	-	-	-	120	154	274
Notts	247	-	-	10	211	468
Oxford and Berks	464	-	54	-	160	678
Salop and Montgomery	329	-	-	23	143	495
Somerset	361	-	-	193	217	771
Stafford	427	-	90	10	242	769
Suffolk	278	-	-	20	104	402
Surrey	951	-	539	762	390	2,642
Sussex	-	-	-	53	179	232
Warwick	286	-	-	69	216	571
Westmoreland	-	-	-	-	55	55
Wilts	333	-	-	433	109	875
Worcester	318	-	-	32	136	486
York, N. and E.	446	95	227	-	178	946
W. R.	828	-	-	212	471	1,511
Wales	207	33	-	209	225	674
	14,578	547	1,751	5,256	8,260	30,392

These 30,392 lunatics are capable of being classified into districts or divisions, under three different heads:

1. According to "climate."
2. In conformity with the circuits of the Judges.
3. According to the districts of the Poor Law inspectors.

Northern, Southern, Western and South Western, Eastern and South Eastern,
Northern Inland, Southern Inland.

TABLE (B).

Northern District:

Northumberland	Cumberland	Westmoreland	Durham	Lancashire	Yorkshire	7,044
Cheshire	-	-	-	-	-	-

Western and South Western District:

Wales, Salop, Hereford, Monmouth, Gloucester, Dorset, Somerset, Devon,	4,812
Cornwall - - - - -	

Southern District:

Surrey (Bethlehem and Guy's Hospital excepted), Wilts, Sussex, Hants - - 4,568

Eastern and South Eastern District :

Lincoln, Norfolk, Suffolk, Cambridge, Essex, Kent, East London, including Bethlehem, Guy's, and St. Luke's Hospitals	-	-	-	-	-	3,291
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Northern Inland District :

Derby,	Notts,	Stafford,	Hunts,	Worcester,	Leicester,	Rutland,	Warwick,	
Northampton,	Beds	-	-	-	-	-	-	4,273

Southern Inland District;

Oxford, Berks, Bucks, Herts, Middlesex, St. Luke's Hospital excepted - - 6,404

30,392

2d.—*Distributed into the Circuits of the Judges.*—(Table C.)

Midland, Norfolk, Home, Oxford, Western, Northern, Wales, Middlesex.

TABLE (C.)

Midland	-	-	-	-	-	-	-	3,174
Norfolk	-	-	-	-	-	-	-	1,752
Home	-	-	-	-	-	-	-	4,660
Oxford	-	-	-	-	-	-	-	3,542
Western	-	-	-	-	-	-	-	4,223
Northern	-	-	-	-	-	-	-	6,567
Wales	-	-	-	-	-	-	-	1,151
Middlesex	-	-	-	-	-	-	-	5,823
								30,392

3d.—*Distribution according to the Districts of the Poor Law Inspectors.*—(Table D.)

A., B., C., D., E., F., G., H., I., J., K.

TABLE (D.)

A.	Cornwall; one-half Dorset; Devon; one-third Gloucester; Somerset -	2,461
B.	One-half Dorset; Hants; 1-60th Surrey; one-third Sussex; Wilts -	1,924
C.	Beds; Herts; Leicester; 1-20th Middlesex; five-sixths Northampton; one-third Notts; Rutland; Warwick; 1-12th Worcester - -	2,548
D.	One-third Cambridge; Essex; one-third and one-eighth Kent; Norfolk; Suffolk - - - - -	2,222
E.	Berks; Bucks; one-third Kent; 1-20th Middlesex; Oxford; one-fourth Surrey; two-thirds Sussex - - - - -	2,337
F.	Two-thirds Gloucester; Hereford; Monmouth; one-half Worcester; Brecon; Cardigan; Carmarthen; Glamorgan; Pembroke; Radnor -	1,654
G.	Three-fourths Cheshire; Salop; Stafford; one-third Worcester; Anglesey; Carnarvon; Denbigh; Flint; Merioneth; Montgomery; Derby - - - - -	2,224
H.	One-fourth Cheshire; 69-70ths Lancaster; 11-12ths West Riding of York - - - - -	4,569
I.	18-20ths Middlesex; three-fourths Surrey; remainder of Kent - -	6,932
J.	Cumberland; Durham; 1-70th Lancaster; Northumberland; Westmoreland; one-fifth North Riding of York - - - - -	1,235
K.	Two-thirds Cambridge; five-sixths Derby; Hunts; Lincoln; one-sixth Northampton; two-thirds Notts; East Riding of York; four-fifths North Riding; 1-12th West Riding - - - - -	2,286
		30,392

Some of the divisions in each distribution contain more lunatics and lunatic asylums than one inspector could efficiently superintend. In such cases a second or third could be appointed to that district.

Perhaps the most important point is a comparison between the expenditure of the existing form of legislation and that now proposed, and should you view these suggestions with any favour, I shall be happy to lay before you a scheme which will meet the expenses of the staff without requiring any farther grant from the public Treasury.

Appendix, No. 2.

Appendix, No. 2. ESTIMATED EXPENSES of Establishing an ASYLUM for the Reception of 300 PATIENTS of the Middle Classes.

It is impossible to form any correct estimate of the expenses of establishing an asylum for the reception of any given number of lunatic patients, so much must depend on the cost of purchasing a suitable site, the style of building and furnishing, and other necessary expenses. From a careful examination of the cost of various public asylums, and consultations with various parties capable of forming correct opinions on the subject, the following estimates have been prepared for the establishment of an asylum for the reception of 300 lunatic patients of the middle classes:—

	£.	s.	d.
Purchase money of 90 acres of land, of which 15 acres would be devoted to site of building, airing courts, &c., and the remaining 75 acres to recreation grounds, garden and farming operations, being one acre for each four patients	7,200	—	—
Expenses of draining, planting, and laying out, 20 l. per acre	1,800	—	—
Average, 30 l. per head	9,000	—	—
Building and fittings (average 80 l. per head)	24,000	—	—
Furniture (average 20 l. per head)	6,000	—	—
Surveying, superintendence, and other incidental expenses (average 20 l. per head)	6,000	—	—
Average, 150 l. per head	45,000	—	—

To cover interest on this outlay, and form a sinking fund to pay off principal in 30 years, at 6 l. per cent., would average 9 l. a year per head, or 2,700 l. a year.

EXPENDITURE.

	£.	s.	d.	£.	s.	d.
1 Resident Medical Superintendent	400	—	—			
1 " Assistant Surgeon	80	—	—			
1 " House Steward	80	—	—			
1 " Assistant Steward and Clerk	40	—	—			
1 " Housekeeper	50	—	—			
1 " Head Male Attendant	40	—	—			
1 " Head Female Attendant	30	—	—	720	—	—
15 Male attendants (average 30 l. a year each)	450	—	—			
5 Assistant attendants " 20 l. "	100	—	—			
15 Female attendants " 20 l. "	300	—	—			
5 Assistant attendants " 12 l. "	60	—	—			
2 Night attendants	60	—	—			
1 Porter	25	—	—			
11 One cook, two kitchen maids, four housemaids, four laundry maids, average 15 l. a-year each	165	—	—	1,160	—	—
300 Maintenance of 300 patients and 60 staff, at average of 20 l. a year each, 7 s. 8 d. per head per week				7,200	—	—
Chaplain (non-resident)				100	—	—
Engineer, smith, carpenter, mason, painter, tailor, shoemaker, baker, brewer, and gardener, average 65 l. a year each, (25 s. a week)				650	—	—
Furniture and repairs				600	—	—
Coals, lighting, and water				600	—	—
Surgery				70	—	—
Rates, taxes, insurance, and other incidental expenses				900	—	—
Average on 300 patients, 40 l. per head per annum, or 15 s. 4 d. per week				12,000	—	—
To the above must be added interest and sinking fund of 9 l. per year, or 3 s. 5 d. per week, which will make the total expenses on an average 18 s. 10 d. a week for each patient				2,700	—	—
TOTAL EXPENDITURE			£.	14,700	—	—

INCOME.

				£.	s.	d.
100	Third class patients at average of 15 s. a week, 39 l. a year	-	-	3,900	-	-
100	Second class " 20 s. " 52 l. "	-	-	5,200	-	-
100	First class " 25 s. " 65 l. "	-	-	6,500	-	-
				£.	15,600	-

	£.	s.	d.
Income - - - - -	15,600	-	-
Expenditure - - - - -	14,700	-	-
Surplus - - - - -	£. 900	-	-

In the above calculations no charge is made for clothing, which might average in the respective classes 2 s. 6 d., 2 s., and 1 s. 6 d. per week each patient.

It is estimated that the actual cost of each first class patient would be 20 s.; second class, 16 s.; and third class, 12 s.

No credit is taken for the proceeds to be derived from the cultivation of the garden and farm, as this income would cover the expenses of keeping horses required for carriage exercise, the wages of under gardeners and farm labourers, and in reducing the expenses of maintenance to the amount above named, viz. 7 s. 8½ d. per week.

With respect to the site of an asylum it is desirable it should be placed within a short distance of a town with a first class railway station.

This vicinity to a town might increase the original price of the land to be purchased beyond the amount above estimated, but it would decrease the expenses of lighting and water, and contract for butcher's meat, as well as afford recreation to the officers and servants of the asylum, and the more convalescent patients.

A statement is annexed respecting the expenses of private patients in the Northampton Lunatic Hospital.

G. Bolden.

NORTHAMPTON GENERAL LUNATIC ASYLUM.

INFORMATION asked for by G. Bolden, Esq. the Secretary of the Alleged Lunatics' Friend Society, as to the Income derived from and the Cost of Maintenance of Patients in the above Asylum.

The charge per week for each pauper patient belonging to the county of Northampton is 11 s.

The charge for out county pauper patients is 14 s. per week, but there are none.

The numbers of private patients of the various classes on the 1st day of January 1860, were as follows:—

	MALE.	FEMALE.	TOTAL.
First Class (2 l. 12 s. 6 d. per week) - - - -	1	1	2
Second Class (2 l. 2 s. per week) - - - -	4	0	4
Third Class (1 l. 11 s. 6 d. per week) - - - -	5	8	13
Fourth Class (1 l. 1 s. per week) - - - -	12	17	29
Class varying from 20 s. to 10 s. per week - - -	17	24	41
TOTALS - - -	39	50	89

The charge for pauper patients includes clothing.

The private patients are charged extra for clothing, and wines and spirits.

The average weekly amount charged to each private patient during the year 1859, including therein all extras, was 1 l. 5 s. 7 d.

0.72.

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The

Appendix, No. 2.

The estimated cost per head per week of the patients, on the basis of the accounts for the year 1859, is as follows:—

HEADS OF EXPENDITURE.	PRIVATE.			PAUPER.		
	£.	s.	d.	£.	s.	d.
Salaries and wages - - - - -	-	4	7½	-	2	4
Food - - - - -	-	7	7½	-	4	8
Wines and spirits, and malt liquors - - - - -	-	1	9½	-	-	9½
Medicines - - - - -	-	-	1½	-	-	1½
Fuel and light - - - - -	-	1	1½	-	-	10½
Clothing - - - - -	-	2	5	-	-	10
Miscellaneous, as printing, books, stamps, funeral expenses, removals, carriage, horse, water, soap, soda, &c. - - -	-	-	9½	-	-	7½
Ordinary furniture - - - - -	-	-	5½	-	-	4½
Ordinary bedding - - - - -	-	-	4½	-	-	3½
Ordinary repairs - - - - -	-	-	4½	-	-	3½
Rates and taxes, insurance, fee farm rent - - - - -	-	-	2½	-	-	2½
TOTALS - - - - - £.	1	-	-	-	11	5½

The charge of 4s. 7½d. per week for salaries and wages is the average of the following institutions, viz.:—

	£.	s.	d.	
St. Luke's - - - - -	11	13	10½	per head per annum.
Coton Hill - - - - -	12	13	2½	" "
Bethlehem - - - - -	11	4	3½	" "
York Hospital - - - - -	10	17	-	" "
The Retreat - - - - -	13	6	1½	" "

The private patients could not fairly be charged with more than the amount stated; at the same time it should be remarked, that the share left to the pauper patients makes their average cost per head, for salaries and wages, considerably more than in most county asylums.

The following statement will prove that the estimated cost of the patients is as nearly as possible correct:—

	£.	s.	d.	£.	s.	d.
The receipts for the year 1859, from the private patients, amounted to - - - - -	-	-	-	6,058	4	8
They would cost, at 17s. per week each - - - - -	-	-	-	4,721	12	-
Leaving, therefore, a profit of - - - - -	-	-	-	1,336	12	8
The paupers would produce, at 11s. 5d. per week each - - -	6,738	2	4			
The receipts were - - - - -	6,530	7	-			
Leaving a loss of - - - - -	207	15	4			
This loss, deducted from the profit of the private class - - -	-	-	-	207	15	4
Leaves a net profit of - - - - -	-	-	-	1,128	17	4
The other sources of income were—						
Farm - - - - -	440	12	8			
Less interest on mortgages - - - - -	154	13	4			
	285	19	4			
Sale of old stores - - - - -	108	9	11			
Miss Cust - - - - -	18	15	-			
				413	4	3
Surplus on basis of estimate - - - - -	-	-	-	1,542	1	7
The surplus, according to the private establishment account, was - - -	-	-	-	1,543	2	8
Leaving only a variation of - - - - - £.				1	1	1

The expenditure for land and original building, and furnishing, up to the end of 1859, may be stated in round numbers at 57,000 l.

The surplus of 1,543 l. would represent a return of 2 l. 14 s. per cent. per annum on the capital stated.

Taking a third of the capital as the share expended on account of private patients, the profit of 1,336 l. on this class would represent a return of 7 l. per cent. per annum.

Appendix, No. 3.

SUGGESTIONS referred to in the Evidence of Mr. Joseph Elmer.

Appendix, No. 3.

SUGGESTIONS with a View to the further Diminution of the Expense of Proceedings in Lunacy, and for facilitating such Proceedings.

I.—CONSOLIDATION of OFFICES.

That the several Chancery Departments in Lunacy be consolidated; and the Heads of the Department be in direct communication with the Judges.

II.—PROCEEDINGS in Cases of SMALL ESTATE.

SUGGESTIONS.

Lunacy Regulation Act,
1853, sect. 120-1.

THAT power be given to the Masters, or some other Department in Lunacy, IN ALL CASES OF SMALL PROPERTY, which are very numerous, to originate or direct the proceeding for placing the person and property of the lunatic under proper legal supervision and protection, and for applying such property in his maintenance. There are many cases where trustees and others are now altogether unable to act with reference to property consisting of small principal sums, or annuities, or interests in small real estate, without resorting to the present mode of procedure, which is altogether too expensive, and ill adapted to such cases. It is suggested that the proceeding by inquisition might advantageously be dispensed with, and a petition stating briefly the fact of lunacy and other circumstances as to kindred, property, &c., verified by the oath of the petitioner (usually some or one of the next of kin), and one or at most two medical men, in a given form as far as practicable, be substituted for it. Notice of the petition might be served on the alleged lunatic, and in the absence of any objection within ten days the lunacy to be considered affirmed. The Master then to be clothed with full authority to enter into all needful inquiries as to property, &c., and the disposal of it for the lunatic's benefit in the most concise and simple manner by a competent person to be appointed as committee.*

The Master's certificate to operate as an order, and to stand affirmed unless appealed from within ten days. The Court, in the event of appeal, to exercise full discretion as to the course to be pursued for the lunatic's benefit.

The lunacy is in very many, perhaps in the majority of cases, so evident as not to call for serious examination, and on the affirmation of the lunacy a brief minute of it might be filed by the Master in the proper office, with liberty to traverse in the absolute discretion of the Court.

Perhaps, in many of such cases, and in others also, an official committee might usefully be appointed to act in all matters, under the direction of the Master, if such an officer were constituted and empowered to act.

In cases under the charge of parishes it might often be found advantageous to appoint one of the parish officers, or clerk to the guardians, as committee.

(Sects. 94 and 104 of the 16 and 17 Vict. c. 97, as to magistrates ordering application of fund consisting of stock for maintenance, are altogether inoperative, so far as concerns the Bank, from a want of the usual indemnity clause.)

(Under the Trustee Act, 1850, the Court is empowered to appoint new trustees of a fund on proof BY AFFIDAVIT of incompetency of a lunatic trustee.)

In these cases there should be exemption from Government duty, which is very inconsiderable (if any) so far as concerns the public revenue, but important in poor cases.

Fees and per-centage should also be remitted as at present.

III.—AMENDMENTS

* In a recent unopposed case, where the property consisted of a small real estate producing about 40*l.* per annum, the costs of the inquiry as to the lunacy, and of realising the estate, and investing the proceeds, amounting to about 1,500*l.*, in the purchase of a Government annuity for the lunatic's life, were 365*l.*

III.—AMENDMENTS suggested in LUNACY REGULATION ACT, 1853, relative to the PRACTICE, &c.

Suggestion.

As to jury when the Masters certify that it is expedient. Sect. 43.

That the Masters should be enabled to require the aid of a jury in such cases as they may deem one necessary, without first (as now) having to go through the whole case, and afterwards to re-hear it before a jury.

Cases under Lord Shaftesbury's Act.

As to proceedings under 8 & 9 Vict., c. 100, sect. 95, to be discontinued.—Lunacy Regulation Act, 1853, Sects. 53, 103.

All these existing cases (about 35) should be placed in the same position in all respects as cases by inquisition. In four or five of the original cases it has since been necessary, in order fully to manage the estates, to obtain commissions, at great additional expense to the respective estates; and there is no power in the Act but to deal with income. The corpus, however urgent the need, cannot be dealt with.

Proceedings after Inquisition.

Evidence may be oral, &c.—Sects. 55, 60.

It has been already suggested that the Masters should have power to summon witnesses before them to give evidence (as upon the inquisition).

Oaths and Recognizances.

Masters may administer oaths and take recognizances.—Sects. 56, 58.

This power, it is conceived, might be usefully extended to several departments of the Masters' office, &c., in order to facilitate business and save expense.

(The clerks of the common law judges have power to take oaths.)

Securities of Committees, &c.

Masters may approve of security to be given by committee of estate.—Sect. 62.

If recognizances in certain cases were taken by the Masters from committees and others in a manner similar to that of various courts of record, &c., it is conceived that great additional advantage would arise.

Stock in Lunatic's Name.

Masters may receive, &c., deeds, and transfer stock, &c., into court.—Sects. 65, 140, 143-4.

Vide Evidence given as to the operation of this 65th section.

Grant of Custody.

Grant of custody may be extended to surviving or continuing committees in certain cases.—Sect. 66.

In all cases of a joint appointment of committees the grant of custody should survive, and should be so provided for in the first instance, and an *ad interim* committee to have as full power as a permanent one.

Committees' Accounts.

Form of allowance of accounts, &c.—Sects. 67, 68.

Accounts to be lodged in the Masters' office in such form, and at such times as the Masters may direct (annually at least), and be there examined and audited, as far as practicable, on the personal attendance of the committee and next of kin authorized to appear, or by direct communication between the committee and the office.

The Master to have full power to make all proper allowances to the committee (both of person and estate) for expenses and trouble; and to direct in what way the accounts shall be taken in the event of the committee's inability personally to attend upon the audit.

Filing Documents, &c.

Reports to be filed with Registrar in Lunacy only. Sect. 92.

This clause, and several others also, would require consideration in the event of the adoption of suggestion No. 1.

Money orders to be acted upon by the Accountant General, &c. Sect. 101.

Vide suggestion made in Evidence as to Sect. 65.

SELECT COMMITTEE ON LUNATICS.

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Office Revenue.

Appendix, No. 3.

Per centage, on clear incomes, to be paid,
&c. Sects. 26—28.

Suggestions.

1. £. 4 per cent. on incomes of 100 *l.*,
and less than 1,000 *l.*; no more than
30 *l.* being in any case payable.

2. £. 3 per cent. on incomes of 1,000 *l.*,
and less than 5,000 *l.*; no more than
100 *l.* being in any case payable.

3. £. 2 per cent. on incomes of 5,000 *l.*
or upwards; no more than 200 *l.* being
in any case payable.

4. Fractional parts less than a moiety
of 1 *l.* remitted.

1. Incomes under 150 *l.* to be exempt.

2. Between 150 *l.* and 5,000 *l.* to pay *pro*
rata at 3 *l.* per cent.

3. £. 5,000 and upwards, at 2½ per cent.
pro rata, no greater sum being in any case
paid, than 350 *l.*

4. Fractional parts of 1 *l.*, less than 5*s.* to
be remitted.

There are not, it appears, 12 cases in
which the income exceeds 5,000 *l.*; and only
two in which the per-centage thus payable
would amount to, or exceed, 350 *l.*; and,
by the alteration above suggested, about
the same revenue as at present would be
collected.

Taxing Costs of Lunacy Proceedings.

If the several Chancery departments in
Lunacy should be consolidated, it might be
found not impracticable, readily, to tax all
Lunacy costs in the Masters' office.

(No. 1.)

BILLS of COSTS of transferring into Court £. 318, and application of Dividends referred to
in the Evidence of Mr. Joseph Elmer.

In the matter of M. M., Spinster, a Person of Unsound Mind.

The Bill of Costs, and Costs, Charges, and Expenses of M. M., the Committee to be taxed
under the Fiat, dated, &c.

1859.

	£.	s.	d.
25 Feb. Mr. W., one of the debtors to the estate of the late G. R. M., having offered to pay off his bond, which bore 3 <i>l.</i> per cent. interest, and was not payable until 1862, now on being allowed discount and the executor having applied to the committee thereon, writing her very fully in reply - - -	-	5	-
4 Mar. Attending at the office of the Masters in Lunacy, conferring as to the proposition which had been made in consideration of present payment of the bond, &c. - - -	-	6	8
Perusing and considering will of G. R. M., with reference to suggestion, &c. - - -	-	6	8
Writing Miss M., who was in London, in reply to her messenger, as to what should be done herein, &c. - - -	-	5	-
Afterwards attending Mr. G. R. M., one of the executors of G. R. M. thereon, explaining the position of affairs as re- garded the lunatic's interest, &c. - - -	-	6	8
Attending Mr. G. R. M. as to the lunatic's share of W.'s bond, and taking particulars of the bond, &c., to enable me to get the Master's sanction to the arrangement, and his directions to invest the money and pay the dividend - - -	-	6	8

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(continued)

Appendix, No. 3.

	£.	s.	d.
25 Mar. Writing M. M., in reply to her letter on this matter, and explaining the proposition fully - - - - -	-	3	6
2 Mar. Writing M. M. very fully, in reply to her letter received this morning, as to the allowance of the succession duty she had paid, &c., to be deducted out of share of bond - - - - -	-	5	-
Drawing proposal and copy, fol. 16 - - - - -	-	16	-
Copy and service of warrant on leaving - - - - -	-	2	6
The like to proceed - - - - -	-	2	6
28 April. Attending summons, the Master allowed the proposal, subject to the production of an affidavit in support, and it was also arranged that the committee should receive the share of the bond and invest it in consols forthwith - - - - -	-	6	-
Writing M. M. accordingly - - - - -	-	5	-
M. M. having forwarded cheque for the share received by her, attending instructing broker to invest same in consols in M. M.'s name - - - - -	-	6	8
2 May. Instructions for affidavit of G. R. M., as to income having fallen off in the year 1858 required by the Master - - - - -	-	6	8
Drawing it, fol. 4 - - - - -	-	4	-
Engrossing - - - - -	-	1	4
5 May. Attending Mr. M. to be sworn - - - - -	-	6	8
Paid oath - - - - -	-	1	6
Copy and service of warrant on leaving affidavit of M. - - - - -	-	2	6
28 May. Copy draft report, fol. 30 - - - - -	-	4	-
Close copy - - - - -	-	10	-
Copy and service of warrant to settle - - - - -	-	2	6
2 June. Attending to bespeak Accountant General's certificate required by the Master's clerk - - - - -	-	6	8
Attending summons to settle draft report; settled same; but I was to bring in an affidavit verifying the investment in the committee's name of the share received by her, and to produce certificate of fund - - - - -	-	13	4
7 June. Attending accordingly at the Bank of England, ascertaining that the stock was standing in the name of M. M., as instructions for the affidavit - - - - -	-	6	8
Drawing and engrossing the affidavit, folios 3 - - - - -	-	4	-
Attending to be sworn to same - - - - -	-	6	8
Paid oath - - - - -	-	1	6
Warrant on leaving it, copy and service - - - - -	-	2	6
Copy and service of further warrant to settle report - - - - -	-	2	6
Attending thereon - - - - -	-	6	8
Paid stamp on report - - - - -	1	-	-
Attending to pass order, and bespeak office copy - - - - -	-	6	8
Paid for it - - - - -	2	4	-
5 July. Attending the Accountant General, bespeaking directions for the committee to transfer into his name the 318 <i>l</i> . 7 <i>s</i> . 2 <i>d</i> . Bank 3 <i>l</i> per Cents, purchased by her with the share of W.'s bond, and afterwards for same - - - - -	-	6	8
Attending at the Bank of England to bespeak power of attorney for the transfer, and for same - - - - -	-	6	8
Paid for it, and brokerage - - - - -	1	7	6
Attending, instructing broker to transfer, and attending on the transfer - - - - -	-	13	4
Attending to bespeak office copy Accountant General's certificate of transfer - - - - -	-	6	8
Paid for it - - - - -	-	1	4
Drawing bill of costs, and copy, folios 16 - - - - -	-	10	8
Copy directions and fiat for the taxing-master, folios 6 - - - - -	-	2	-
Warrant on leaving copy and service - - - - -	-	2	6
Ditto, to tax - - - - -	-	2	6
Attending taxing - - - - -	-	6	8
Attending taxing costs of next of kin - - - - -	-	6	8
Transcribing certificate (and stamp) - - - - -	1	2	-
Attending to file - - - - -	-	6	8
Paid for office copy - - - - -	-	2	-
Letters, postages, messengers, and incidentals not otherwise charged - - - - -	1	1	-
TOTAL - - - - - £.	19	9	8

(In

SELECT COMMITTEE ON LUNATICS.

51

(In Lunacy.)

Appendix, No. 3

In the matter of M. M., Spinster, a Person of Unsound Mind.

The Bill of Costs of W. E. A., and M. A., his wife, one of the next of kin of the above-named Lunatic, to be taxed, pursuant to Report, dated, &c., and Fiat, dated, &c.

1859.		£.	s.	d.
28 April.	Attending summons on statement; same approved, subject to affidavit as to amount of share mentioned in proposal - - -	-	6	8
	Close copy draft report, folios 30 - - -	-	10	-
20 June.	Attending summons to settle it - - -	-	6	8
	Attending further warrant thereon - - -	-	6	8
	Fiat having been granted, attending passing the order - - -	-	6	8
	Drawing bill of costs, and copy - - -	-	1	4
	Copy and service of warrant on leaving - - -	-	2	6
	The like to tax - - -	-	2	6
	Attending taxing - - -	-	6	8
	Attending taxing costs of Committee - - -	-	6	8
	Letters, &c - - -	-	5	-
TOTAL - - - £.		3	1	4

SUMMARY of the above Bills.

Committee's costs	-	-	-	-	-	-	-	-	-	-	19	9	8				
Next of kin's costs	-	-	-	-	-	-	-	-	-	-	3	1	4				
TOTAL											-	-	-	£.	22	11	-

(No. 2.)

BILL of COSTS of paying into Court, &c., £. 916, and application of dividends, referred to in the Evidence of Mr. Joseph Elmer.

(In Lunacy.)

In the matter of J. N., a Person of Unsound Mind.

Costs, Charges and Expenses of the Reverend S. N. K., the Committee, and of Mrs. E. A. K., the administratrix in this matter, to be taxed pursuant to a Report dated, &c., and Fiat of the Lords Justices, dated, &c.

TRINITY TERM, 1859.

		£.	s.	d.
25 May.	Attending at the Lunacy Office as to the request of the committee to retain the balance in hand for maintenance, when the Master did not consider he had power to consent to his so doing - - -	-	6	8
	Writing to the Rev. Mr. K., the committee, thereon - - -	-	-	-
2 June.	Attending at the Accountant General's office, bespeaking directions to pay balance into Court, and afterwards for same, and attending at the Bank paying in the amount, 89 <i>l.</i> 9 <i>s.</i> 3 <i>d.</i> , and at the Accountant General's to file receipt - - -	-	13	4
	Paid for office copy receipt - - -	-	-	6
16 July.	Drawing request to the Accountant General to invest the amount paid in - - -	-	2	6
	Attending bespeaking investment - - -	-	6	8
4 Aug.	Instructions for and drawing, and fair copy statement and proposal to lay before the Master, with reference to the payment into Court of a sum of 916 <i>l.</i> 4 <i>s.</i> 2 <i>d.</i> , to which the lunatic had become entitled as his share of the estate of his brother, W. H. N., lately deceased, and obtain the Master's directions thereon - - -	-	13	4

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(continued)

Appendix, No. 3.

	£.	s.	d.
29 Oct. Attending obtaining the signature of the committee to same -	-	-	-
Letter and parcel to agents in London with same, for lodgment at the Master's office -	-	1	6
Attending the Master's clerk with the proposal, when he informed us that if the committee wished to have the income to arise from the sum about to be paid into Court, and the dividends on the 89 <i>l.</i> 9 <i>s.</i> 3 <i>d.</i> lately paid in, applied towards the maintenance of the lunatic, it would be necessary to take a fresh report in the matter -	-	-	-
Letters and messengers -	-	5	-

MICHAELMAS TERM, 1859.

4 Nov. Attending the committee for his views on the subject, and receiving his instructions to apply for the whole income towards maintenance -	-	13	4
7 Nov. Drawing further statement and proposal, to ground the fresh report and fair copy thereof, for the Master, fo. 11 -	-	7	4
10 Nov. Attending at the Master's office on leaving same -	-	-	-
Summons on leaving copy, and service -	-	2	6
The like to proceed -	-	2	6
15 Nov. Attending the summons when the Master approved the statement and proposal, and gave directions for the preparation of his report thereon -	-	6	8
Summons on preparing the draft report, copy, and service -	-	2	6
19 Nov. Copy of the draft of the Master's report, fo. 23 -	-	7	8
Close copy -	-	7	8
Attending at the Accountant General's office, and bespeaking certificate of the fund in Court, and afterwards for same -	-	-	-
22 Nov. Instructions for affidavit of Mrs. E. A. K. in verification of facts stated in draft report -	-	6	8
Drawing same, fo. 6 -	-	6	-
Engrossing same -	-	2	-
24 Nov. Writing to the committee with reference to the affidavit required to be made by Mrs. K., and for appointment to see her thereon -	-	3	6
25 Nov. Attending Mrs. K., going through the draft report, and reading over her affidavit with her, and attending before the Commissioner on her swearing same -	-	6	8
Paid oath -	-	2	6
26 Nov. Letter and parcel to London agents, returning the draft report, and affidavit -	-	1	6
28 Nov. Summons on leaving Mrs. K.'s affidavit, copy, and service -	-	2	6
Summons to settle the draft report, copy, and service -	-	2	6
Attending settling same -	-	6	8
Paid stamp on transcript of report -	-	1	-
Summons to sign report, copy, and service -	-	2	6
Attending signing -	-	6	8
12 Dec. Attending procuring fiat of Lords Justices to report -	-	6	8
Paid thereon -	-	2	-
Paid for office copy report -	-	3	5
Attending at the Accountant General's office, bespeaking his directions for payment into court, pursuant to the report, of the said sum of 916 <i>l.</i> 4 <i>s.</i> 2 <i>d.</i> ; and -	-	-	-
13 Dec. Attending obtaining the directions -	-	13	4
20 Dec. Attending at the Bank of England, paying in the amount received from the committee, and afterwards attending at the Accountant General's office to file the bank receipt, and at the Report Office to bespeak office copy -	-	-	-
Writing to the committee for a cheque for the sum to be paid in -	-	5	-
Letters and messengers -	-	5	-

HILARY TERM, 1860.

January. Paid for office copy receipt for amount paid into court -	-	1	8
Drawing request to the Accountant General to invest the 916 <i>l.</i> 4 <i>s.</i> 2 <i>d.</i> -	-	2	6

						Appendix, No. 3.		
						£.	s.	d.
January.	Attending, bespeaking the investment	-	-	-	-	-	6	8
	Copy report for the taxing master, fo. 26	-	-	-	-	-	8	8
	Drawing this bill of costs and copy, fo. 14	-	-	-	-	-	9	4
	Warrant on leaving copy, and service	-	-	-	-	-	2	6
	The like to tax	-	-	-	-	-	2	6
	Attending taxing	-	-	-	-	-	6	8
	Paid for certificate	-	-	-	-	1	-	-
	Transcribing	-	-	-	-	-	2	-
	Attending filing certificate, and to bespeak office copy	-	-	-	-	-	6	8
	Paid for office	-	-	-	-	-	2	-
	Attending bespeaking directions for sale for payment of costs	-	-	-	-	-	6	8
	Attending at the Accountant General's office therewith, and bespeaking the sale	-	-	-	-	-	6	8
	Attending receiving cheque for costs	-	-	-	-	-	-	-
	Letters and petty disbursements	-	-	-	-	-	10	-
TOTAL - - - £.						16	17	3

Appendix, No. 4.

SUGGESTIONS for the AMALGAMATION of the Board of Commissioners in Lunacy, Masters in Lunacy, and Registrar in Lunacy, to form one General Board of Commissioners in Lunacy. By Mr. Bolden. Appendix, No. 4.

It may be desirable to state in the first place the present expenses of the various offices connected with Lunacy, which are as follows:

Board of Commissioners in Lunacy:						£.
						£.
Salaries of six commissioners, 1,500 <i>l.</i> each	-	-	-	-	-	9,000
Salary of secretary	-	-	-	-	-	800
Commissioners' travelling and personal expenses	-	-	-	-	-	1,540
Salaries of clerks and wages of servants	-	-	-	-	-	1,040
Miscellaneous expenses of office	-	-	-	-	-	620
						3,000
Board of Masters in Lunacy:						£.
						£.
Salaries of two masters in lunacy, 2,000 <i>l.</i> each	-	-	-	-	-	4,000
Travelling expenses	-	-	-	-	-	1,210
Salaries of nine clerks	-	-	-	-	-	3,500
Expenses of office	-	-	-	-	-	730
						9,440
Board of Visitors of Lunatics:						£.
						£.
Salaries of three visitors of lunatics	-	-	-	-	-	1,300
Travelling expenses	-	-	-	-	-	930
Secretary	-	-	-	-	-	300
Clerk to secretary	-	-	-	-	-	150
Expenses of office	-	-	-	-	-	230
						2,910
Registrar in Lunacy:						£.
						£.
Salary of registrar in lunacy	-	-	-	-	-	800
Salaries of four clerks	-	-	-	-	-	930
						1,730
Say 27,000 <i>l.</i> a year - - - £.						27,080

Appendix, No. 4.

In the following suggestions for amalgamating the above Boards, an endeavour is made to disturb the existing arrangements in the various offices as to salaries and expenses as little as possible.

It is proposed that the General Board of Commissioners in Lunacy should consist of—

	£.	£.
Two masters in lunacy, 2,000 l. each - - - - -	4,000	
Six commissioners, 1,500 l. each - - - - -	9,000	
		13,000
The above to form the Board, together with the existing or any future unpaid members, either to be nominated, or <i>ex officio</i> such, as the president and members of the Poor Law Board.		
Four assistant commissioners, three medical, one legal, salary 800 l. each - - -	3,200	
One registrar and taxing master - - - - -	1,200	
One assistant registrar and record keeper - - - - -	600	
One secretary to board - - - - -	800	
One chief accountant - - - - -	800	
Two chief clerks to masters, 600 l. each - - - - -	1,200	
Four senior clerks, two masters, one registrar, one board, 400 l. each - - -	1,600	
Two secretaries to masters, 300 l. each - - - - -	600	
Salaries of junior clerks, messengers, expenses of offices, and miscellaneous charges - - - - -	3,000	
Travelling expenses - - - - -	4,000	
	£.	30,000

Being an increase of 3,000 l. on present expenses. One moiety of these charges to be paid out of Suitors' Fee Fund, being a small increase on present amount paid out of that fund, and the other moiety out of Consolidated Fund.

The per-centage now received from the estates of Chancery lunatics is about 9,000 l. a year, and a further sum of about 1,500 l. for stamps for reports, orders, and certificates.

The Commissioners in Lunacy also receive about 1,700 l. a year for licences.

It is suggested, however, that as the expenses of visitation are greatly increased by the patients in private asylums, and residing as single patients, that an extra charge should be levied on such patients (not being Chancery lunatics) at a per-centage calculated on the respective amounts paid for their maintenance as is now charged on the net incomes of Chancery patients, but private patients in public asylums or hospitals ought not to be subjected to this rate. It is calculated that there are at least 2,000 patients in private asylums, and as single patients, whose average allowance for maintenance is, at least, 150 l. a year each, amounting to 300,000 l., and one per cent. on that amount would produce 3,000 l. applicable towards covering the Commissioners' travelling expenses.

It is further suggested that on two vacancies occurring in the Board of Chief Commissioners, a permanent paid and responsible president should be appointed, with a salary of 2,000 l., and an additional Assistant Commissioner, and that the future Chief Commissioners should receive only 1,200 l. a year each, which would allow, if required, for the ultimate appointment of two additional Assistant Commissioners.

The duties in offices of Masters and Registrar in Lunacy would be increased, as the Masters should have power to make orders in all matters relating to lunatics and their estates, subject to appeal to Lord Chancellor (or Lords Justices), and also in cases where the Masters directed application to be made to Court. All proceedings in the Masters' office to originate, as far as practicable, by summons, and to be assimilated to the practice in the office of the chief clerks in the Chancery Courts.

The taxation of all costs relating to lunacy matters ought also to be conducted by an officer under the Lunacy Board, so as to make all the proceedings in lunacy homogeneous, and conducted by one public establishment.

In case any of the suggestions made for bringing the estates of lunatics of small means under the jurisdiction of the Court of Chancery, or the General Board of Lunacy, could be adopted, it is supposed that the business in the offices of the Masters in Lunacy would be largely increased, but the expenses attendant on an increase of officers in that establishment ought to be paid out of the Suitors' Fee Fund, which has largely benefited by the per-centage levied on the estates of Chancery lunatics, and their unclaimed property.

In these suggestions the existing salaries and duties of the various officers and clerks is very slightly altered, and the amalgamation is rendered necessary chiefly by the expediency clearly established in the evidence given before the Committee, that it will be desirable to entrust the visitation of Chancery lunatics to the Commissioners in Lunacy, which will make it

it desirable to place the Masters in Lunacy in direct and immediate communication at all times with the Commissioners in Lunacy.

Appendix, No. 4.

The appointment, also, of an official committee is also strongly urged as the means of saving great expense in small estates, especially in the case of lunatics placed under the supervision of the Board, but who have not been found lunatic by inquisition. The expenses of the official committee could be covered by a small per-centage on the net incomes of the properties of lunatics so requiring protection.

VISITATION OF LUNATICS.

In Metropolitan District.

All private asylums to be visited eight times a year; six by one Commissioner or Assistant Commissioner; two by two Commissioners, one of whom at least to be a Chief Commissioner.

All public asylums and hospitals to be visited four times a year; three by one Commissioner or Assistant Commissioner; one by two Commissioners, one of whom at least to be a Chief Commissioner.

In Provincial Districts.

All private asylums to be visited four times a year; three by one Commissioner or Assistant Commissioner; one by two Commissioners, one of whom at least to be a Chief Commissioner.

All public asylums and hospitals to be visited three times a year; two by one Commissioner, or Assistant Commissioner; one by two Commissioners, one of whom at least to be a Chief Commissioner.

When two Commissioners visit, one to be legal, the other medical.

All lunatics in workhouses and gaols to be visited once a year by one Commissioner, or Assistant Commissioner.

All single patients to be visited four times a year by Commissioner, or Assistant Commissioner, one of such visits at least by a Chief Commissioner.

No distinction in visitation to be made between Chancery patients and other lunatic patients.

The visitation by magistrates to continue as at present.

As one great object of visitation is to examine into the cases of new admissions, it is suggested that the number of visits to private asylums and single patients should be left, in some measure, to the General Board. In many small private asylums, only one or two patients are admitted every year; if one of the visits to these establishments was dispensed with, the number of visits to the larger private asylums might be increased where the Board have received notice of new admissions. In the case of single patients, also, a discretion might safely be left to the Board, so that each single patient should be visited at least twice a year, and in lieu of visits not made, to receive reports from the medical attendant on the patient.

In order to keep the Commissioners in Lunacy and the visiting magistrates mutually acquainted with the results of their several visits, it will be desirable that a copy of the entries made by the Commissioners in Lunacy in the patients' books on every visit to a public or private asylum, should be forthwith transmitted to the clerk of the visiting magistrates for their information as to date and result of visit; and in a similar manner, that the entries made by visiting magistrates should be transmitted to the Commissioners in Lunacy.

Appendix, No. 5.

STATISTICS.

Appendix, No. 5.

NUMBERS and DISTRIBUTION of INSANE PERSONS, on the 1st January of each of the Years under-mentioned, commencing 1844 and ending 1860.

	Private Patients in Asylums, Hospitals, and Licensed Houses.	PAUPER LUNATICS AND IDIOTS.			GRAND TOTAL.
		In Asylums, Hospitals, and Licensed Houses.	In Workhouses, with Friends, and elsewhere.	TOTAL Paupers.	
1844 - - - -	3,790	7,482	9,339	16,821	20,611
1847 - - - -	3,824	9,767	9,049	18,816	22,640
1849 - - - -	3,759	10,801	—	—	—
1850 - - - -	3,744	11,305	—	—	—
1851 - - - -	4,170	12,059	—	—	—
1852 - - - -	4,208	12,982	9,162	22,144	26,352
1853 - - - -	4,316	13,973	—	—	—
1854 - - - -	4,429	15,026	—	—	—
1855 - - - -	4,557	15,822	—	—	—
1856 - - - -	4,442	16,201	—	—	—
1857 - - - -	4,558	16,637	12,297	28,954	33,512
1858 - - - -	4,612	17,572	13,163	30,735	35,347
1859 - - - -	4,752	18,022	13,208†	31,230	35,982
1860 - - - -	4,927	18,790	—	—	—

* Not including Bethlem Hospital.

† In Workhouses - - - -	7,642
With Friends and elsewhere - - - -	5,566
	13,208

Note.—To the numbers of private patients are to be added inmates of naval and military hospitals, and Chancery and other single patients, who may be estimated, in round numbers, at 500; also a large number, of which no means exist for forming an estimate, domiciled with relatives and others, and not certified.

Appendix, No. 6.

18 February 1859.—22 Vict.

A BILL to amend the Laws concerning the providing of Lunatic Asylums for Counties and Boroughs and the maintenance of Pauper Lunatics.

Appendix, No. 6.

WHEREAS an Act was passed in the Session holden in the 16th and 17th year of Her Majesty (chap. 97), "To consolidate and amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics in England," and the said Act has been amended by an Act of the Session holden in the 18th and 19th years of Her Majesty (chap. 105), and an Act of the Session holden in the 19th and 20th years of Her Majesty (chap. 87); and whereas it is expedient to amend the firstly and secondly hereinbefore mentioned Acts as hereinafter mentioned; be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preamble.
16 & 17 Vict. c. 97.

18 & 19 Vict. c. 105.
19 & 20 Vict. c. 87.

I. So much of section 10 of the said Act of the 16th and 17th years of Her Majesty as requires the consent of the committee of visitors of an asylum, belonging wholly or in part to any county, to the annexation of any borough for the purposes of that Act to such county, shall be repealed; and the said section shall be construed as if the words "with the consent of the committee of visitors of such asylum" were omitted therein.

16 & 17 Vict. c. 97,
s. 10, repealed in
part.

II. Where the Secretary of State, under section 10 of the said Act of the 16th and 17th years of Her Majesty as amended by this Act, annexes any borough to a county for the purposes of the said Act, it shall be lawful for such Secretary of State to direct such payment to be made on the part of such borough in respect of the expenses already incurred in erecting or providing the asylum of such county, and of the enlargement (if any) of such asylum required in order to afford accommodation for the pauper lunatics of such borough, or in respect of any such expenses as aforesaid as to such Secretary of State may seem just; and it shall be lawful for the Secretary of State to direct within what time and to whom any money directed to be paid on the part of such borough shall be paid, and how the same shall be applied, as the circumstances of the case may appear to him to require; and the money so directed to be paid shall be paid by the treasurer of such borough out of such rates, fund, or moneys as by the said Act provided with respect to expenses payable for the purposes thereof by any borough; and all provisions of the said Act concerning the raising of money for that purpose shall be applicable for raising the money so directed to be paid; and, save as regards the expenses specially provided for under such direction of the Secretary of State, the provision in section 9 of the said Act in relation to the contribution by a borough annexed to a county under that section to the expenses of the asylum of such county shall be and remain applicable to such borough so annexed under section 10 of the said Act as amended by this Act.

Provision as to
Payments to be
made by Boroughs
so annexed.

III. And whereas by the section 31 of the said Act of the 16th and 17th years of Her Majesty it is provided, "That the said visitors shall from time to time make their report to the General or Quarter Sessions of the county or borough, counties or boroughs, for which they (or such of them as have not been elected by subscribers as therein mentioned) have been elected, of the several plans, estimates, and contracts which have been agreed upon, and of the sum or sums of money necessary to be raised and levied for defraying the purchase moneys and expenses thereof on the county or borough, or, in the case of such union as therein mentioned, on each or every of the counties or boroughs; which plans, estimates, and contracts shall be subject to the approbation of the Court or Courts of General or Quarter Sessions of such county or counties, and of the justices of such borough or boroughs, before the same are completed or carried into execution" (save in the case therein mentioned).

16 & 17 Vict. c. 97,
s. 31.

Plans, &c., of
Visitors when not
approved by the
Quarter Sessions to
be submitted to
Secretary of State.

Where a plan, estimate, or contract reported to the general or quarter sessions of a county, or the justices of a borough as aforesaid, is not approved by such court or justices, the said court or justices shall, within one month after such plan, estimate, or contract is reported to them, or where the same has been reported to them before the passing of this Act, then within one month after the commencement of the first court of general or quarter sessions of the county, or the first meeting of the justices of the borough, after the passing of this Act, set forth their objections, with any observations they may think fit in relation thereto, in a report in writing, which shall be forthwith transmitted to one of Her Majesty's Principal Secretaries of State, and the Secretary of State shall cause such inquiries to be made in

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Appendix, No. 6.

relation to the matter as he may deem proper, and shall, by writing under his hand, direct the plan, estimate or contract in question, with or without any alteration therein, or such other plan, estimate or contract for the like purpose, as he may think fit to be proceeded with or completed and carried into execution, and in such case the decision of the Secretary of State shall be final, and shall be acted upon without further report or approval.

Land and Buildings may be taken from Year to Year, or on Lease, by way of Addition to an Asylum.

IV. It shall be lawful for any committee of visitors to hire or take on lease, from year to year, or for any term of years, at such rent, and upon such terms, and under such covenants as the said Committee of Visitors think fit, any land or buildings, either for the employment or occupation of the patients in the asylum, or for the temporary accommodation of any pauper lunatics for whom the accommodation in the asylum may be inadequate; the restriction in section 33 of the said Act of the 16th & 17th years of Her Majesty as to the term for which the Committee of Visitors are thereby authorized to take a lease shall not apply to the land or buildings to be hired or taken under this provision; the land and buildings so to be hired or taken shall, while used for the purposes of this section, be deemed part of the asylum, and all existing provisions as to the asylum or part of the asylum shall be applicable thereto accordingly.

Estimates to accompany the Plans which are submitted to Commissioners under 16 & 17 Vict. c. 97, s. 45.

V. Together with every plan for building, or providing, or enlarging, or improving any asylum for pauper lunatics which is to be submitted to the Commissioners in Lunacy, under section 45 of the said Act of the 16th and 17th years of Her Majesty, an estimate of the cost and expense of carrying such plan into execution, shall be also submitted to the said Commissioners.

Visitors of Lunatic Asylums may contribute to Expenses of enlarging or providing Burial Grounds.

VI. It shall be lawful for the committee of visitors of any lunatic asylum to pay or contribute such sum of money as the Commissioners in Lunacy shall approve, for or towards the enlargement of any churchyard or consecrated public burial ground in the parish wherein the asylum shall be situated, or in any other parish of the district, or for or towards the obtaining of any such consecrated burial ground; and where any such churchyard or burial ground shall be enlarged or obtained by or with the aid of such payment or contribution, it shall be lawful for the Committee of Visitors to cause to be buried therein the body of any lunatic dying in such asylum: Provided always, that in all cases of burial under the direction of the committee as aforesaid, the fees payable by the custom of the place where the burial may be, or under the provisions of any Act of Parliament, shall be paid by the said committee.

16 & 17 Vict., c. 97, s. 132, repealed in part.

VII. So much of section 132 of the said Act of the 16th and 17th years of Her Majesty, as enacts, that in that Act, unless there be something in the subject or context repugnant to such construction, the word "county" shall mean a county of a city or county of a town, shall be repealed, and all the provisions of the said Act and of the Acts amending the same shall be read and construed accordingly.

Patient may be ordered to be discharged if defective Medical Certificate not amended within Fourteen Days.

VIII. In any case in which the medical certificate, or, if more than one, both or either of the medical certificates upon which a patient has been received into any asylum, is deemed by the Commissioners incorrect or defective, and the same is or are not duly amended to their satisfaction within 14 days after the reception of such patient, the Commissioners, or any two of them, may, if they see fit, make an order for the patient's discharge.

18 & 19 Vict., c. 105, s. 14, repealed.

IX. And whereas by section 14 of the said Act of the 18th and 19th years of Her Majesty it is enacted, "That where any pauper lunatic is not settled in the parish by which, or at the instance of some officer or officiating clergyman of which, he is sent to an asylum, registered hospital, or licensed house, and it cannot be ascertained in what parish such pauper lunatic is settled, and such lunatic was found in a borough having a separate Court of Quarter Sessions of the Peace, and which is not liable, under the Act of the session holden in the 5th and 6th years of King William the Fourth, chapter 76, section 117, to the payment of a proportion of the sums expended out of the county rate, such lunatic may be adjudged to be chargeable to such borough by any two justices of such borough, and it shall not be lawful for any justices to adjudge such lunatic to be chargeable to any county, nor to make any order upon the treasurer of any county for the payment of any expenses whatsoever incurred or to be incurred in respect of the said lunatic:" And whereas, except in the cases provided for by the said enactment, pauper lunatics whose settlement cannot be ascertained are chargeable to the county in which they are found: And whereas, under an Act of the Session holden in the 12th and 13th years of Her Majesty, chapter 82, a borough having a separate Court of Quarter Sessions, and a sufficient lunatic asylum, is exempt from contributing to the payment of expenses incurred for maintaining pauper lunatics chargeable to the county in which such borough is situate, and it is just that such pauper lunatics as aforesaid, when found in boroughs so exempt, should be chargeable to such boroughs, and not to the counties in which such boroughs are situate: the said section 14 of the said Act of the 18th and 19th years of Her Majesty shall be repealed, save as respects the repeal therein contained.

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X. Where any pauper lunatic is not settled in the parish by which or at the instance of some officer or officiating clergyman of which he is sent to an asylum, registered hospital, or licensed house, and it cannot be ascertained in what parish such pauper lunatic is settled, and such lunatic was found in a borough having a separate Court of Quarter Sessions of the peace, and which is not liable, under the Act of the section 117, to the payment of a proportion of the sums expended out of the county rate, or in any borough which under the said Act of the 12th and 13th years of Her Majesty is exempted from liability to contribute to the payment of the expenses incurred for maintaining pauper lunatics chargeable to the county in which such borough is situate, such lunatic may be adjudged to be chargeable to such respective borough; and it shall not be lawful for any justices to adjudge such lunatic to be chargeable to any county, nor to make any order upon the treasurer of any county for the payment of any expenses whatsoever incurred or to be incurred in respect of such lunatic; and all the provisions in the "Lunatic Asylums Act, 1853," as to the mode of determining that a pauper lunatic is chargeable to a county, and as to the orders to be made for payment of expenses and other monies in respect of such lunatic, and for the repayment thereof to the treasurer of a county, shall extend to and in the case of such borough as if the said provisions were re-enacted in this Act, and such borough were therein mentioned or referred to instead of such county.

Appendix, No. 6.

Chargeability of Pauper Lunatics whose Settlements cannot be ascertained where found in certain Boroughs.

XI. This Act shall be construed with the said Act of the 16th and 17th years of Her Majesty, and the said Acts amending the same, as one Act.

Acts to be read together.

Wm. the Rev. Andrew. Scott. 5th Nov. 1860. To the

CONTAINING NO OTHER MATTER

REPORT

FROM THE

SELECT COMMITTEE

ON

LUNATICS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, to be Printed,
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