

A Letter to SAMUEL TREHAWKE KEKEWICH, ESQ., M.P.

Devon County Asylum, Exminster, Exeter,
March 7th, 1859.

My dear Sir,—I have been so much occupied since I saw you, that I have been quite unable to fulfil my promise of supplying you with a written statement of my views on Lunacy Reform. I fear that I shall now be able to do so only in a brief and unsatisfactory manner, as I learn the select committee has already commenced its sittings, and I am anxious to place my views on the question in your hands without delay. I fear that Mr. Walpole's Bill on the Care and Treatment of Lunatics, can, as it stands, be considered in no other light than a sop to the Cerberus of public opinion. I grant that after the excitement of last year, a sop was necessary, but I fear the form in which it is offered will prove very unsatisfactory.

The gist of the bill is the appointment of Medical Examiners. I see no objection to any of its other provisions; but this I feel sure will prove a failure. The objections, as they suggest themselves to my mind are:

1st. That in the provinces where these new officers would seem to be most needed, it will be impossible to find medical men possessed of knowledge of mental disease and of independent character, who are not interested in asylums or in private insane patients.

2nd. That many patients who have been undeniably insane before being sent to an asylum, become tranquil and reasonable, and able to pass a superficial medical examination for a period of some duration after admission into an asylum, and although this lull in the symptoms is generally but temporary, it will be found practically to depreciate these medical examinations to the vanishing point of scientific value.

3rd. That these examinations cannot be conducted without serious injury to the welfare of the patients, by disturbing and exciting them at the very time when mental repose is of vital importance to them.

4th. That the proposed duties of these Medical Examiners and their secret reports, are most offensive to the feelings of all the medical men engaged in the treatment of the insane, and that if the proposed clauses are enacted, the hostility and resistance of these medical men will render it impossible for

the examiners to discharge their duties, so as to be of any value to the public. I could point out fifty patients whose mental condition I would defy a Medical Examiner to ascertain without my assistance.

5th. That it appears unwise to legislate upon the principle of permitting an evil, which is capable of prevention, to take place, and then to apply the remedy. Therefore, if it is believed that persons are wrongfully or ignorantly certified to be insane, and deprived of their liberty in private asylums, let the remedy be applied where the evil commences, and the Medical Examiner be authorized to examine the patient *before* he is placed in an asylum and not afterwards.

I am convinced that if the clauses referring to Medical Examiners are enacted as they stand in the bill, they will cause great disappointment if not great mischief. With this exception, the sins of the bills are not so much those of commission as of omission. On these, let me state in the first place, that in my opinion a comprehensive measure, amalgamating the different branches of Lunacy Law, would be, by far the best thing for the legislature to undertake. Bills on Private Lunatic Asylums, and on Public Lunatic Asylums, and on Chancery Lunatics, and on State Lunatics, are but fragmentary pieces of legislation.

What is wanted is a comprehensive Statute, to consolidate and amalgamate the whole. This, I suppose, is not likely to be done, and the next best thing will be to make the different pieces fit each other as well as may be.

The first and great need is to extend and define the authority, and increase the efficiency of the Commission.

The Commission is quite inadequate in mere numbers and working power to its duties. Mr. Walpole's bill proposes to add new and very onerous duties, and I hope to be able to shew you that a still greater extension of duty is desirable.

Without commenting upon the present state of the Commission, let me state my views of the manner in which I think it would be desirable to enlarge its sphere of operation, and to extend its utility. In my opinion, the power which the Commissioners have over private asylums in the Metropolitan District, ought to be extended to all private asylums in England and Wales.

The frequency of their visits to all private asylums ought to be increased, and the duties which Mr. Walpole's Bill proposes to lay upon the Medical Examiners, ought to be discharged by Commissioners; they ought to have increased, but more defined powers over private asylums, and the condition of

single patients ought to be brought more strictly under their cognizance. I should weary you with the length of this letter were I to go into the detail of reasons for all the above suggested charges. Let me briefly state,

1st. That the magisterial visitation of private asylums in the provinces is performed in a most irregular and unsatisfactory manner. In some counties, as in Gloucestershire, it is strict. In others it is most lax. The partition of authority between the Visiting Justices and the Commissioners is mischievous, and the Magistrates may yield this duty to the Commissioners with every prospect of advantage to the interests of the insane.

2nd. The granting of licences in the provinces may advantageously be transferred from the Justices to the Commissioners. In this matter the Justices are not always so free as could be wished from personal and local bias, and I have known instances in which they have refused licences, for reasons which would probably have induced the Commissioners to grant them; namely, because the proposed asylums were in cheerful and pleasant sites, and were considered too near to the residences of other persons, who naturally chose the neighbourhood of such sites. It would be well if it were enacted, that no asylum should be erected or licensed beyond a short stated distance from a railway station.

3rd. The present power of the Commissioners in private asylums is limited to making recommendations and reports; and, in the event of these being repeatedly disregarded, or for positive acts of misconduct or mismanagement, to preventing the renewal of the license. The last act of authority would, in many instances, entail actual ruin upon the persons against whom it was directed. I have been informed of an instance in point, which has recently occurred. It seems unquestionable, therefore, that some intermediate authority should be given to the Commissioners, whereby an asylum may be taken out of the hands of those who ignorantly or wilfully continue to mismanage it, without taking away the livelihood of those whose subsistence is dependant upon it. For this purpose I recommend that the Commissioners should have the power of selecting and appointing and of fixing the salary of a resident medical officer to any asylum, whose continued mismanagement has defeated their efforts to reform it, and that the management of the asylum should be transferred from the proprietor to such officer during the pleasure of the board.

4th. That the Commissioners should be held ultimately responsible not only for the proper management of all private

asylums, but for the proper detention of all patients therein ; and that for this purpose they should examine and report to the board upon all cases recently admitted into private asylums, and upon all other cases upon whose proper detention they may entertain doubt ; and that the proprietors and medical officers of asylums should be required to afford them every possible information and assistance, to enable them to arrive at a full and accurate knowledge of the condition of their patients.

5th. That the visits of the Commissioners to all private asylums should be made more frequently than at present. In order to enable the Commissioners to discharge these additional duties I recommend :

1st. That they should be relieved from the duty of visiting the insane paupers detained in Union Houses, and that this duty should be made to devolve on the Visiting Justices of the County Asylum ; and that, to further its discharge, every Committee of Visitors should be made to contain one or more Justices of the Peace, resident in each union of the county. In two many instances Visitors of County Asylums do not contain any members who can represent the wishes and interests of the more distant Unions.

2nd. That the labours of the Commission should be more systematically economised than at present, and that with the exception of one annual visit to be made by two Commissioners conjointly, all the visits to private asylums should be made by single Commissioners ; also that some division of labour should be adopted ; for instance, that one legal Commissioner should attend principally to the duties of the office, and that another should have special cognizance of the state lunatics : and, as it is clear that the proper appreciation of the existence and treatment of mental disease is, and ought to be, a specialty of the medical profession, that all additional appointments of Commissioners should be conferred upon members of that profession. In connection with this latter point I may add, that if the unquestioned impartiality, and freedom from suspicion of partiality of the Commission is to be maintained, the existing law which excludes persons having interests in private asylums for two years must not be repealed, otherwise the proprietor of a private asylum, on being promoted to a Commissionership, would be open to the suspicion that he brought his asylum property to a better market, in consequence of the influence which, in his official capacity, he might exert in its favour.

There is no subject connected with lunacy which more needs the attention and interference of the legislature, than

the condition of those lunatics who are what is called single patients ; and under this term I include not only those who are certified to the Commissioners as being "kept for profit," but those who are kept at home, and elsewhere, without any medical certificate or legal form. The ill-treatment of patients which can occur in lunatic asylums, are as nothing compared with that which is inflicted on this unfortunate class.

The habits and dispositions of the insane are so trying to the patience and the temper of those on whom their immediate care devolves, that their protection demands, and always will demand, the vigilant watchfulness of the superior officers of asylums in which all measures of treatment are conducted in the most public manner. Where ever such supervision is not exercised, cruelty and neglect must be the frequent results of the idleness, the selfishness, and the irritability of temper of that class of persons whose wants compel them for a livelihood to become the constant companions of the insane, in an undefined and dangerous position between master and servant.

A medical man, who pays even a daily visit to a house in which a single lunatic is placed under the control of an attendant, has but little power of supervision over the care and treatment which his patient receives ; very frequently he has no knowledge of the care and treatment which it is desirable that he should receive, for these single cases are commonly attended by medical men who have no experience in the treatment of the insane, and the attendant is employed as a comparatively skilled person, and allowed to do very much as he thinks fit. Several of the London physicians practising in lunacy, conduct a regular trade in the supply of attendants to medical men and others ; they pay them a yearly stipend and support them when they are not employed. When they are employed, the physician takes from two-thirds to three-fourths of the attendant's fees for his own profits. Attendants thus employed frequently take straight waistcoats and other means of restraint with them, as a part of their outfit, and they too often apply these means of restraint with or without medical sanction, in a manner most objectionable and injurious to the patient. As the result of these and other circumstances, which it would be tedious to detail, I affirm that the condition of patients, even in the worst managed private asylums, is in every way superior for their present comfort and well-being, and for their prospect of recovery to the insane who are scattered over the country as single patients.

The interference of the legislature is required : 1st, for the registration of such patients ; and, 2nd, for their visitation.

The law requires that all single patients "kept for profit" should be placed under exactly the same legal forms as if they were placed in an asylum; but the term "kept for profit" is so vague, that the enactment is systematically neglected, and its penalties defied.

I do not believe that there is any desire among medical men to keep secret from the Commissioners the fact that they have single patients under their care; but the demand for two formal certificates of insanity, and still more for a statement thereof from a relative, is found in cases of recent insanity to be very objectionable to the friends and relatives. The consequence is, that only a small proportion of single patients, kept in lodgings and elsewhere, are certified to the Commissioners.

I would propose, as a remedy, that the medical certificates of insanity, and the statements of relatives of single patients kept for profit, should no longer be required; but in lieu thereof, that every medical man, in attendance upon a single patient, should be simply required to send a statement of the fact to the Commissioners, and to report the mental and bodily condition of the patient to them once in every three months. This will provide for the registration of single patients who are under medical care.

Those lunatics who are detained at their own houses, but not under medical care, can, with difficulty, be brought under the notice of the Commissioners, without interfering unduly with private rights. I would, however, recommend that the imposition of mechanical restraint on a lunatic so kept, or long-continued seclusion or incarceration, without medical sanction and supervision, or the obvious neglect of the patient's health, by omitting to provide him with proper food and clothing, and means of cleanliness, should be made a misdemeanour. The case *Regina versus Huxtable*, tried at the Devon Lammas Assizes, 1855, illustrates the need of such enactment. In this case, one Edward Lancey, a harmless lunatic, who was also a cripple, had been for many years incarcerated by his brother-in-law in a wretched cell, eight feet by six, in extreme filth and want of all comfort. Mr. Justice Compton, however, directed the jury that there was no case against the prisoner, for that he appeared to have done all that he could, for the lunatic, under the circumstances. I have not heard that since this decision the Commissioners have prosecuted any person for neglect or cruelty to a single patient, although gross instances are from time to time discovered, and I have myself visited, and been the means of

placing under proper care, a farmer who had been incarcerated in one small room for eighteen years.

The official visitation of single patients is a delicate and difficult question. The cherished English maxim that the domestic privacy of a man's home shall be sacred, cannot be disregarded. This feeling has, indeed, been set aside in recent sanatory legislation, when it interfered with obvious public interests; and some infringement thereon may be thought justifiable, when the object to be obtained is the protection of a helpless and suffering class. The principles which seem to recommend themselves are, that the visitation of single patients not at their own homes should be made as if they were in private asylums, and that the visitation of single patients residing *bonâ fide* at their own homes, and not in lodgings or houses occupied for the purpose of their detention should be made by single Commissioners, acting in each instance under the special instruction of the board. And that means should be provided by which the relatives of a lunatic may avert such visitation, by themselves providing with the consent of the Commissioners, the visitation of a Justice of the Peace and a medical man, who should report to the Board of Commissioners the condition of the patient, and the care and treatment he receives.

In this matter a practical line will have to be drawn between veritable lunatics, and those numerous weak-minded persons who live tranquilly in their family circle, without need of treatment or visitation.

If the above views are correct, it is clear that the Board of Commissioners ought also to be provided with ample powers to remedy the neglect or ill-treatment of a single patient wherever he may be.

With regard to the Law of County Lunatic Asylums, I have to recommend two important alterations, each of which will require many provisions in order to secure their satisfactory working, namely,

1st. That both the care and treatment, and the relief of all pauper lunatics, whether they be in or out of asylums, should be placed under the direct supervision and controul of committees of Justices of the Peace. The appointment of such committees may well remain as at present with the Courts of Quarter Session, but it will be certainly desirable that every such committee should contain one or more Justices resident in each union of the county, and it will be worthy of consideration, whether every Board of Guardians should not have the privilege of nominating their chairman, or some other member

of the board, being also a Justice of the Peace, to act on such committee.

The existing law, notwithstanding the provision for patients out on trial, is framed with the evident intention that when a poor person becomes insane he shall be immediately transmitted to the county asylum, and that he shall be there detained under care and treatment until he is perfectly cured, when he shall be unconditionally discharged; after which he may, if need be, obtain poor-law relief as an ordinary, but not as a lunatic, pauper. These intentions of the law are carried into practice only in a small proportion of the cases which occur. The ordinary history of a case of lunacy in a poor person divides itself into three periods:

1st. That which precedes his admission into the county asylum, during which pecuniary and medical relief is sought, and the patient either remains at home, or is taken to the union house, and, for a time, illegally detained there.

2nd. The period of his care and treatment in the asylum.

3rd. The period subsequent to his discharge; during which, with mental powers still enfeebled, with habits of self-reliance in disuse, under the suspicion of his neighbours, with former sources of employment and subsistence lost, the unfortunate man has to undergo a mental and physical struggle, most perilous to the continuance of his sanity.

During the first and third of these periods which, in medical terms, would be called the period of invasion of disease, and that of convalescence, the lunatic pauper is under the control of the guardians and their officers, who do not, as a rule, adopt the most liberal and humane, which would also, eventually, be the most economical measures for his comfort and relief. The obvious results of the system are: 1st, that poor persons becoming insane do not receive proper care and treatment in the early stages of the malady; and, 2nd, that when once they find their way into county asylums, the Visitors of the latter, having no confidence in their proper care and treatment elsewhere, refuse to sanction their discharge in the chronic state of incomplete restoration. The combined result is, the continued accumulation of incurable cases of lunacy in county asylums, with much hardship endured by insane paupers elsewhere.

I propose to remedy these evils by removing from boards of guardians all authority and control over lunatic paupers, by giving to committees of justices the power to visit union houses, and to order the removal of any lunatics found therein, and the power to order and direct the medical

visitation and pecuniary relief of lunatic paupers at their own homes, or wherever else they may think it expedient that it should be administered. I would recommend that the admission of pauper lunatics into asylums should be simplified and facilitated; and that justices should be empowered to purchase, rent, or construct such buildings as they may think fit, for the purpose of establishing asylums auxiliary to the county asylum, in which incurable and tranquil patients may receive proper care and treatment, at a lower cost than that incurred in the principal establishment.

I believe that the adoption of these recommendations will, in the end, economise the expenditure of parochial rates, by preventing the accumulation of cases of chronic insanity in large asylums, constructed and conducted at great cost.

The second recommendation I have to make is, that the expenses incurred in County Asylums should be levied in a manner similar to that which is adopted in the Poor-Law Unions, namely, that the expenses of the staff and the establishment should be levied upon the whole district for which accommodation is provided, which in this instance would be upon the county at large, and that the cost of food, clothing, and medicines only should be levied upon the parishes to which the patients respectively belong.

This division of asylum expenses, into those of the establishment and those of maintenance, will tend greatly to facilitate the administration of relief to the insane poor, by diminishing the burden upon the paupers' rates and obviating the resistance of the rate-payers.

In an asylum, where the present weekly charge for a patient is 8s., the establishment charges would be about 3s. 6d., and the maintenance charges about 4s. 6d.

The proposed method of levying asylum expenses would also be more just than the present one;* for it is obvious that, although a parish may be so fortunate as to have no lunatic pauper in the county asylum, the existence of the asylum is a great advantage to it, a potential though not an actual re-

* The cost of crime which is to great extent preventable is not made a burthen on the parish in which it occurs, but is distributed over the county at large in the form of police and prison expenses. There is a large parish in this county where the example and influence of the wealthy has been very unfortunate, and where the amount of crime among the poor has been the theme of frequent comment. The county at large has had to bear the cost of the numerous inmates which this parish has supplied to the county gaol. According to strict justice, the expenses of preventable crime ought to fall upon the parish; while the expenses of insanity, which is not preventable, ought to be distributed over the county. Expediency alone would indicate that the expenses of both should be distributed.

source for which it ought to be called upon to contribute, as a man contributes by an annual subscription to the establishment expenses of a club, although he may not use it.

It will be desirable to enact a uniform system of accounts for the use of county asylums, and to provide for the appropriation of the sums charged in excess of the maintenance rate for borough and out county patients, in which, as you are aware, the greatest diversity of practice now exists.

I fear that you will think that your invitation to me to address you on the subject of the Reform of the Lunacy Laws has brought upon you an epistle of unconscionable length: but the active interest in the welfare of the insane which I have known you take, during the fifteen years that I have had the honour and the pleasure of acting under you as Chairman of the Visitors of this Asylum, assures me that you will give not only my views and recommendations, but the whole of this important subject your earnest consideration. Whatever that may lead to, I sincerely trust that you will use your influence to persuade government to put aside the idea of imperfect temporizing legislation for the insane, and to face the real difficulties of the question with a comprehensive measure.

I remain, my dear sir,

Yours very faithfully,

J. C. BUCKNILL.

To Samuel Trehawke Kekewich, Esq., M.P.,

Chairman of the Visitors of the Devon County Asylum; Member of the Select Committee of the House of Commons on the Lunacy Laws.

James Atkinson's Prison Letters.

James Atkinson, who was tried for the murder of Mary Anne Scaif, at the last Winter Assize, at York, while in prison awaiting trial wrote the following letters, which have been omitted in all former reports. It will be remembered that the defence was imbecility, and that the prisoner was acquitted on the ground of insanity.

The letters will speak for themselves, whether the capacity of the accused was or was not on a level with that of a child of five or six years of age. The manner in which the Counsel for the prisoner attempted to get