

On the State of Lunacy and the Legal Provision for the Insane

ON THE **STATE OF LUNACY** AND
THE **LEGAL PROVISION FOR THE
INSANE**, WITH OBSERVATIONS ON THE
CONSTRUCTION AND ORGANIZATION OF
ASYLUMS.

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TO THE RIGHT HONOURABLE THE EARL
OF SHAFTESBURY, CHAIRMAN OF THE
COMMISSION OF LUNACY, WHOSE LONG-CONTINUED
AND UNTIRING EFFORTS IN BEHALF OF THE **INSANE** HAVE
EARNED FOR HIM THE HIGHEST ESTEEM AND ADMIRATION OF ALL
WHO FEEL INTERESTED IN THE WELFARE OF THAT CLASS OF THE
AFFLICTED, **THIS TREATISE** IS, BY
PERMISSION, RESPECTFULLY DEDICATED BY HIS LORDSHIP'S MOST
OBEDIENT HUMBLE SERVANT, **THE AUTHOR.**

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PREFACE.

The writer of a book is usually expected to show cause for its production,—a custom which, however commendable as a sort of

homage to his readers for challenging their attention to his lucubrations, must often put the ingenuity of an author to the test. Indeed the writer of this present treatise would feel some embarrassment in accounting for its production, did he not entertain the conviction that he has, in however imperfect a manner, supplied a work on several important subjects which have never before been so placed before the public, and which, moreover, occupy just now a most prominent position among the topics of the day.

In the last Parliament, up to the period of its dissolution, a Special Committee of the House of Commons was engaged in examining into the condition of lunatics and the laws of lunacy; and the present Government has re-appointed the Committee, in order to resume the inquiry preparatory to the introduction of new enactments into the Legislature. The subjects treated of in the following pages relate to the same matters which have engaged the attention of Parliament, and elicited the special inquiry mentioned, viz. the present state of Lunacy and of the legal provision for the Insane with reference to their future wants.

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In order to a better appreciation of the existing provision for the insane, and of its defects, the author has introduced certain preliminary chapters on the number of the insane, on the increase of insanity, on the inadequacy of the existing public provision for the insane, and on the curability of insanity. In reviewing the character and extent of the provisions for the insane, the course adopted has been to regard them in reference to their effects on recovery, and to discover the conditions inimical to it, whether without or within asylums. Hence the evils of private treatment and of workhouse detention of lunatics, particularly of the latter, have largely claimed attention. The condition of pauper lunatics boarded with their friends or with strangers demanded special notice, as did the long-complained-of evils of sending unfit cases to the county asylums, often to the exclusion of recent and curable ones, which

might by proper treatment be restored to health and society. Turning to the consideration of our public asylums, considered as curative institutions, the disposition to extend them to an unmanageable size, and to substitute routine for treatment, has called for animadversion, as an error pregnant with numerous evils to their afflicted inmates. Another error pointed out is that of appointing too small a medical staff to asylums; and in proving this, as well as in estimating the proper size of asylums, the experience and opinions of both English and foreign physicians are copiously referred to.

The future provision for the insane forms an important chapter, which, in order to consider the several

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schemes proposed, is divided into several sections, viz. concerning the propriety of building separate asylums for recent and for chronic cases—of constructing distinct sections—of distributing certain patients in cottage homes—of erecting separate institutions for epileptics and for idiots.

The registration of lunatics has appeared to the author's mind of so great necessity and value that he has devoted several pages to unfold his views and to meet probable objections; and, in order to render the plan effectual, he has propounded as a complementary scheme the appointment of District Medical Officers, and entered into detail respecting the duties to be imposed upon them.

Viewing the Commission of Lunacy as the pivot upon which any system of supervising and protecting all classes of lunatics must turn, it became necessary to examine into the capability of the present Board for its duties; and the result of that examination is, that this Board is inadequate to the effectual performance of the duties at present allotted to it, and that it would be rendered still more so by the adoption of any scheme for a thoroughly complete inspection and guardianship of all lunatics. This conclusion

suggests the proposition to enlarge the Commission, chiefly or wholly, by the appointment of Assistant Commissioners, charged particularly with the duties of Inspectors.

The concluding chapter, on asylum construction, may be considered supplementary. Its chief intent is to develop a principle generally ignored, although (unless the arguments in support of it fail) one of great

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importance if asylums are to serve, not as simple refuges for lunatics, but as instruments for treating them.

This *résumé* of the heads of subjects discussed in the ensuing pages will, on the one hand, show that the present is not to be reckoned as a medical treatise, but as one addressed to all who are interested either in the legislation for Lunatics or in their well-being and treatment; and, on the other, make good, it is trusted, the assertion that it occupies an untrodden field in the literature of insanity, and that its matter is good, even should its manner be thought not so.

Assuming the publication of the book to be justifiable, it only remains for the author to add that he has not undertaken its composition without bringing to the task thirteen years' study and practical experience among the insane, treated in private houses, in licensed houses, and in public asylums, together with the fruits of observation gathered from the visitation of most of the principal asylums of France, Germany, and Italy.

In conclusion, he hopes that this small volume may in some measure contribute towards the amelioration of the condition of the insane, who have such especial claims on public sympathy and aid.

J. T. A.

Kensington, July 1859.

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THE STATE OF LUNACY, AND THE LEGAL PROVISION FOR THE INSANE.

PRELIMINARY OBSERVATIONS.

The number of the Insane, and the legal provision requisite for their protection, care, and treatment, are subjects which will always recommend themselves to public attention and demand the interest alike of the political economist, the legislator, and the physician. To the first, the great questions of the prevalence of Insanity in the community, its increase or decrease, its hereditary character, and others of the same kind, possess importance in relation to the general prosperity and advance of the nation; to the second devolves the duty of devising measures to secure the protection both of the public and the lunatic, with due regard to the personal liberty, and the proper care and treatment, of the latter; to the last belongs the practical application of many of the provisions of the law, besides the exercise of professional skill in the management and treatment of the insane.

Moreover it will not be denied that, owing to the intimate manner in which he is concerned with all that relates to the lunatic, with all

the details of the laws regulating his custody and general treatment, as well as with the institutions in which he is detained, with the features of his malady, and with all his wants, the physician devoted to the care of the Insane is well qualified to offer suggestions and recommendations to the legislator. Hence the present pages, in which the aim is to examine

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the present state of lunacy; the advantages to be gained by early treatment; and the adequacy of the existing legal provision for the Insane; and to offer some suggestions for improving the condition, and for amending the laws relating to the care and treatment, of this afflicted class of our fellow-creatures.

The whole subject of the efficiency of the Lunacy Laws and of their administration, occupies just now a prominent place in public attention, owing to the rapid multiplication of County Asylums and the constantly augmenting charges entailed by them; to the prevalent impression that Insanity is rapidly increasing; to recent agitation in our Law Courts respecting the legal responsibility of the Insane and the conditions under which they should be subjected to confinement, and still more to the proposed legislation on the matter during the present Session of Parliament. It would be a great desideratum could the Lunacy Laws be consolidated, and an arrest take place in the almost annual additions and amendments made to them by Parliament; but, perhaps, this is next to impracticable, owing to the attempts at any systematic, effectual, and satisfactory legislation for the Insane, being really of very recent date, and on that account subject to revisions enforced by experience of its defects and errors. However, the present time appears singularly suited to make the attempt at consolidation, so far as practicable, inasmuch as the appointment of a special committee of the House of Commons on the Lunacy Laws, furnishes the means for a complete investigation into existing defects, and for receiving information and suggestions from those practically acquainted with

the requirements of the Insane, and with the operations of existing enactments.

To fulfil the objects taken in hand, and, in the first place, to sketch the present state of Lunacy in this country, it will be necessary to investigate the number of the Insane, and the annual rate of their increase; then to examine the extent of the present provision for them in asylums and of probable future wants. This done, after a brief essay on the curability of insanity, as a means of judging what may be done to mitigate the evil, we shall review the present provision for lunatics, point out its defects, and suggest various remedial measures, calculated in our opinion to improve the condition of the Insane, diminish the evil of the accumulation of chronic cases, and render asylums more serviceable and efficient.

In carrying out our design, we shall be found in some measure occupying ground already taken up by the Commissioners in Lunacy, and by some able essayists in the Medical Journals. We do not regret this, although it may deprive us somewhat of the merit of originality of conception and elucidation, as it will

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strengthen our positions and enhance the value of our remarks. Fortunately, too, we coincide generally with the opinions from time to time put forth by the Lunacy Commissioners, to whom so great merit is due for their labours in the interests of the insane, and for the character and position our County Asylums enjoy in the estimation of our own people and of foreign nations.

To attempt the character of a reformer when the affairs of Lunacy and Lunatic Asylums are in such good hands may be deemed somewhat ambitious; yet as sometimes an ordinary looker-on may catch sight of a matter which has eluded the diligent observer, and, as the views and suggestions advanced are the result of mature and independent thought, aided by experience of considerable length, and very varied, the undertaking may, we trust, be received with

favour.

At all events, we flatter ourselves that the representation of the state of Lunacy in England and Wales; the estimate of its increase and of the provision made for it; the evils of workhouses as primary or permanent receptacles for the Insane; the ill consequences of large asylums, and some of the legal amendments proposed, are in themselves subjects calculated to enlist the attention of all interested in the general welfare of our lunatic population, and in the administration of the laws and institutions designed whether for its protection or for its care and treatment.

Chap. I.—Of the Number of the Insane.

This inquiry must be preliminary to any consideration of the provision made or to be made for the Insane. In carrying it out, we have chiefly to rely upon the annual Reports of the Commissioners in Lunacy along with, so far as pauper lunatics are concerned, those of the Poor-Law Board. However, these reports do not furnish us with complete statistics, and the total number of our insane population can be only approximately ascertained. The Lunacy Commission is principally occupied with those confined in public asylums and hospitals, and in Licensed Houses, and publishes only occasional imperfect returns of patients detained in workhouses or singly in private dwellings. On the other hand, the Poor-Law Board charges itself simply with the enumeration of pauper lunatics supported out of poor-rates, whether in asylums or workhouses, or living with friends or elsewhere. Hence the returns of neither of these public Boards represent the whole case; and

hence, too, the chief apparent discrepancies which occur when those returns are compared.

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To show this, we may copy the tables presented in Appendix H of the Report of the Commissioners in Lunacy for 1857, p. 81.

“Increase of Lunatics of all classes during the last five years, according to Commissioners’ Reports

1852

Paupers

Private Patients

“According to returns published by Poor Law Board during same period

1852

County and Borough

Asylums

Licensed Houses

Workhouses

With friends or elsewhere

This very considerable difference of 2603 patients between the two estimates is mainly due—as reference to the summary (at p. 53) proves—to the omission, on the part of the Lunacy Commissioners, of those resident in workhouses and “with friends, or elsewhere,” reckoned in the Table of the Poor-Law Board. This explanation, however, is only partial, for, after allowing for it, the two estimates are found to diverge very considerably. Thus, on adding the numbers in the categories last named, viz. $5055 + 4107 = 9162$, in 1852,—and $6800 + 5497 = 12,297$, in 1857 to the total given by the Commissioners in each of those years, viz. to 17,412 and 21,344, respectively, we obtain a total of 26,574 in 1852, and one of 33,641 in 1857; a variation of 5416 in the former, and of

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