REMARKS ON PRIVATE LUNATIC ASYLUMS: A REPLY TO DR. BUCKNILL.*

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At the last meeting of this Society, Dr. Bucknill fully explained to you what are regarded as the defects and shortcomings of private asylums and their proprietors. These defects and shortcomings are denied by asylum-proprietors, who believe that they have no existence except in the lively imaginations of a few chronic lunatics, whose insanity is of a type that unfits them to associate in the same buildings with their fellows more honestly afflicted. With such conflicting assertions put before them, it is not a matter for wonder that the public have a dim idea that all is not as it should be as regards the care and treatment of the insane; that they readily pay attention to any description of a private asylum, however far-fetched, that is put before them in the lay and medical papers; and that they too easily believe what they hear.

When a veteran in lunacy like Dr. Bucknill throws the weight of his vast experience into the question, and, by writing and speaking, joins in the crusade against private asylums, not only the public, but even our own profession, have their faith in the value of these institutions shaken, and entertain grave doubts as to the worth of their proprietors.

Unfortunately for all interested in the treatment of the insane, there is not one of the charges brought against private asylums and those who have to do with them which might not be true. Fortunately, however, for us all, these charges cannot be substantiated. Dr. Bucknill and those with whom he associates himself in this matter fail to distinguish between what might be and what is; hence the antagonism between them and the proprietors of private asylums. If we go to the root of the whole matter, we will find that the unsatisfactory state of the lunacy law gives origin to the question in dispute. This lunacy law, were it not for the honesty of the medical profession, could be so manipulated as to render insecure the liberty of any one of Her Majesty's subjects. It is perfectly possible for any person to be falsely sent as insane to an asylum, to be unjustly treated while there, and to be detained, even when properly confined, longer than necessary, if the lunacy law, and the lunacy law alone, were the protecting agent; and it is this possibility of wrong being done (that agitators lay hold of and convert into a reality) which furnishes the basis for all attacks upon private asylums and their proprietors.

We can excuse the public for being led astray in this matter; but, gentlemen, can we extend the same forbearance to members of our own profession, who seem to ignore the great glory of their calling, that its honour is above the law and prevents wrong-doing, for which the law makes, to say the least, most insecure provisions?

On the question of profit derived from keeping private asylums, Dr. Bucknill expresses himself as adverse to members of the medical profession deriving gain from the treatment of the disease insanity in private asylums. I do not think he specified any particular gain obtained from the care and treatment of the insane in private asylums as an unfair gain; it seemed that any gain from such a source was wrong. From one point of view, Dr. Bucknill's idea on this subject is highly laudable and deserving of our most serious consideration, whilst from another it is simply absurd. Dr. Bucknill will forgive me for pointing out that physicians, when they receive a guinea for a prescription, are not in the habit of calculating this guinea as the profit they derive for the paper and ink they use in writing the prescription. Of course, the paper and ink used by the physician cost money; but so do bricks, mortar, lands, servants, food and clothing used in the treatment of the insane; and even the medical profession cannot entirely overlook the cost of such things. Private asylums are to their proprietors neither more nor less than the paper and ink to the physician. In both cases, it is the knowledge of the disease which is treated that is the source of income, and it is for this knowledge that payment is expected.

All the same, statements and counterstatements on the subject under consideration will not allay the feeling against private asylums that

exists in the minds of the public; and it behoves us, therefore, to see if by anything we can do we can give the public what it wants, and, at the same time, secure for our speciality that position which it ought to have. Would it not be advisable for asylum-proprietors, instead of persistently refusing to recognise the defective state of the lunacy law, and being always ready to do battle for its defects by meeting charges unjustly brought against them, and for which the law alone is answerable, to turn to the public, and say—You think so badly of us and our asylums that you wish them done away with; we are quite willing that it shall be so; and, in order to help you, we advise you to go to Government and ask that the powers conferred on the justices of counties and boroughs to raise money for the purpose of providing accommodation for pauper lunatics in their respective districts should be extended, to enable the justices of counties and boroughs to raise money in like manner for the purpose of purchasing the private asylums and licensed houses, with all rights, etc., belonging to them in those districts? Such a proposal as this, coming from asylum-proprietors, would show that they, at any rate, were willing to bow to the opinion of the majority, which in all cases of public weal must be followed; and, on this point, Dr. Bucknill and I are agreed, but we arrive at the same opinion by very different roads.

If, gentlemen, you agree with Dr. Bucknill and myself that it *may* be advisable to abolish private asylums as such, and hand them over to Government, and that we ourselves should take the initiative in this change, the transfer could only be made on strictly commercial principles, for asylum-proprietors have their rights as well as other people; and, in parting with their asylums, they would expect, and are entitled, to receive adequate remuneration for what they give up.

I would suggest that the price paid by the justices to the proprietors of private asylums and licensed houses for the said establishments ought to be determined by the value of the land, buildings, plant, etc., belonging to, and used in the working of, the establishments, and by a sum of money paid to the proprietors in lieu of goodwill. As a business transaction, the total sum to be paid would require to be one which, if invested at fair interest, would return to asylum-proprietors a yearly income equal to what they had when they parted with their asylums. Adopt this view of the question, and I can see no reason why the change of proprietary should not take place; at the same time, I can see for ourselves an opportunity of promoting the highest interests of our profession.

If private asylums become Government property, it would be necessary to allocate them into districts; and that the justices of counties and boroughs should appoint for each district a duly qualified medical man to act as medical director of the public asylums in those counties and boroughs, to generally superintend the management of all the asylums. The medical director so appointed should be responsible to the justices in general and quarter sessions, who would determine his salary, and provide him with such assistance as might be deemed advisable to enable him to discharge the duties imposed on him.

It would also be necessary that the officers, medical and otherwise, holding office in private asylums or licensed houses at the time of transfer of these establishments from the proprietors to the justices, should be continued in their offices. The salaries should be arranged between the said officers and the committee of visitors, subject to appeal by the officers to the Commissioners in Lunacy in the event of any salary offered by the committee of visitors being considered by them unfair. The decision of the Commissioners in Lunacy to be final. All officers so appointed should be entitled to the provision as to superannuation grants, etc., at present in use in public asylums.

These two proposals, I submit, would, if carried out at once, raise the speciality to the front rank of medical services. A new and valuable appointment would be created, open to all connected with lunacy. The present medical proprietors of asylums would retain their original capital, and would receive Government appointments at fixed salaries whilst they were able to work, and a pension when incapacitated for further service. They would have independent positions, and be freed from much that, in discharging their duty, is at present distasteful to them. Last, but not least, they would be cleared of that unjust suspicion which now attaches to them, that they, and they alone amongst medical men, do professional work for gain, and gain only.

In order to place all private asylums in the country on the same footing, it would be necessary that Dr. Bucknill's proposal regarding private asylums in the metropolitan districts should be carried out; and for this purpose it should be enacted that private asylums and licensed houses situated in the metropolitan district, and being under what is termed "the immediate jurisdiction" of the Commissioners in Lunacy, should be in future under the jurisdiction of the justices in their respective districts. In addition to the reason given above for such a step, there is another, and one of much greater importance to us as medical men.

* Read before the South London District of the Metropolitan Counties Branch.

The law, as it at present stands, provides for the Commissioners in Lunacy granting licences within a certain area to persons to receive lunatics for care and treatment into their houses. The Commissioners in Lunacy interpret this clause of the law as conferring on them the power to refuse to licence houses, notwithstanding compliance with all the requirements necessary before a licence can be granted. By this course of action, they virtually establish a monopoly in the treatment of disease in the metropolitan district, and conserve to a number of our profession, and to them alone, the power to receive patients in that district. On this ground, we, as medical men, are bound to come into antagonism with the Commissioners, as it is our duty to maintain that we, and we only, are the proper persons to decide how and where our patients shall be treated.

Dr. Bucknill suggested that the Lunacy Commissioners and the Lord Chancellor's visitors should be amalgamated. Such a step as this would, in all probability, be highly advantageous; and, in contemplating such a change, it might be well were we to try to have the Commissioners more largely represented by members of our own profession.

Thus far I have dealt with Dr. Bucknill's remarks mainly as they relate to the profession; they must also be considered as affecting the public. As before stated, any person may, under the present law, grant an order for the reception of any other person as a lunatic into a private asylum. A wife may give an order for the confinement of her husband, a husband for his wife, a servant for his master, or a master for his servant; even a complete stranger may sign away the liberty of a person regarding whom he absolutely does not know anything. It is quite possible, as stated by Dr. Bucknill, for a wife to be sent to an asylum without the knowledge of her husband; but I am at a loss to conceive by what power of reasoning he should imply, far less hold it up as a cause of complaint to you, that medical proprietors of asylums are responsible for such a state of things. Would he accuse the surgeons of any hospital in the country of wrong-doing, because they receive into their hospitals and treat people who require treatment unknown to their relatives? Asylum-proprietors have legal authority for such a step; and if, acting strictly on this authority, they receive persons into their asylums, are they to be blamed because some of the relatives are ignorant as to where their friends may be?

There is a protecting agent which prevents persons from being unjustly deprived of their liberty by being sent as lunatics to asylums; for, before such a step can be taken, two medical certificates of insanity must be obtained. It is these medical certificates, which cannot, I am proud to say, be dishonestly bought, that are the safeguard of the public. That not one of the agitators can point to a single case of false certificates having been granted, and substantiate it, is only another instance of the *integrity of an honourable profession*. This, gentlemen, is the opinion we asylum-proprietors entertain as to how you do *your* duty; and I feel sure you will believe me when I say that, were it possible for a sane person to be brought to us certified as a lunatic, we should refuse to receive such a case. Nevertheless, there still remains, as an inheritance from bygone days, the vulgar delusion that insanity is different from any other disease, and requires for its treatment isolation in some establishment which shall combine the properties of hospital and menagerie. Many things are concerned in keeping this feeling alive in the country; and I am sorry to see that the Commissioners in Lunacy, by objecting to persons, feeling for the first time that they are going insane, being received as voluntary patients into asylums, are helping to perpetuate such an unhealthy idea. The evidence given before the Select Committee of the House of Commons showed that, in regard to the law as it provides for the admission of persons said to be of unsound mind into asylums, twenty-eight witnesses were asked to state whether or not they considered that it was sufficiently stringent to prevent injustice from being done. Of the twenty-eight, twenty-five were of opinion that by alterations affecting either the order of admission or the medical certificates, increased protection would be afforded. In order that the public may have their desire fulfilled, that when any of their number go insane they shall receive not only treatment, but a legal right to be secluded from the world whilst undergoing this treatment, granted by some constituted legal authority, it would be well to provide that it shall not be lawful for any person to be received as a lunatic into any asylum, except upon an order granted by a justice of the peace of the district in which the lunatic resides. Such order should be granted by the justice upon a petition subscribed by the party applying for the same, who must be a blood-relation or a householder, and of age, accompanied by a statement of particulars regarding said lunatic, and by certificates under the hands of two registered medical persons, neither of whom should be related to the lunatic, or in any way interested in the asylum to which it is proposed to send the lunatic; and no superintendent of any asylum should receive or detain any person as a lunatic therein, unless there should be produced to, and left with, such superin-

tendent such order by a justice, dated within fourteen days' prior to the reception of the lunatic. Provided that the superintendent of any asylum might receive and detain therein, for any period not exceeding forty-eight hours, any person as a lunatic, whose case was duly certified by one medical person to be a case of emergency, thereby affording time to obtain the additional certificate and the order of the justice.

One of Dr. Bucknill's strongest accusations against private asylums is, that persons are detained in those places longer than necessary. This assertion has two sides to it, like everything else. It is just possible that what might appear to Dr. Bucknill, with only limited knowledge of a particular case, unnecessary detention, would, to those most conversant with all the circumstances of the case, be not only necessary, but essential for the safety of the individual whom it most concerns—viz., the patient. Even if an error in this way sometimes take place, it is, as a rule, an error on the right side.

At present, it is extremely difficult for asylum proprietors to advise continued detention when the friends of patients wish them to be liberated, although their experience tells them that the detention is needful; and I should think that they more frequently err in discharging rather than keeping persons in their asylums. Seventeen witnesses were asked by the Select Committee whether detention in private asylums was unduly prolonged, and of those, ten admitted that it was possible and probable, and four that it might take place.

The transfer of private asylums to the Government would relieve their proprietors from all suspicion of wrong-doing in this way; and to make the public security more complete, it would be well to provide that, in no case shall the powers conferred by the justice's order remain in force longer than the first day of January first occurring after the expiry of two years from the date on which it was granted, or than the first day of January in each succeeding year, unless the superintendent or medical attendant of the asylum in which the lunatic is detained, on each of the said first days of January, or within fourteen clear days immediately preceding, grant and transmit to the Commissioners in Lunacy a certificate to the effect that the detention is necessary and proper, either for his or her own welfare, or the safety of the public.

And as complaints were made to the Select Committee regarding the difficulty there is for persons interested in lunatics obtaining access to them, and it has been pointed out that the necessary permission could only be granted by the person who signed the order for admission or by the Commissioners in Lunacy, it would be well to provide that it shall be lawful for any person, having procured and produced the certificate of two medical persons approved by the Commissioners in Lunacy, hearing that any lunatic may without risk or injury to the public or to the lunatic himself be set at large, and also an order from the Commissioners in Lunacy for the liberation of the lunatic, to require the superintendent of the asylum in which such lunatic is confined to liberate such lunatic. These suggestions are found to work perfectly well in other countries; they legally provide a valuable safeguard against unjust detention in asylums, and there seems no reason why they should not be used in England.

Dr. Bucknill advocates the individual rather than the associated treatment of the insane. I have seen both plans tried, and where they can be worked together they are productive of great good; but once admit that chronic and harmless lunatics should be removed from asylums and placed under private care, and (independent of the difficulties which would arise alike to patient and the profession) you implant into the country a source of evil for the present and the future which nothing will get rid of. The removal of chronic lunatics from asylums would result in the loss of one of the principal curative agents which asylum doctors possess; to increased taxation, as what is paid for chronic cases helps to balance the cost of keeping acute; to asylums becoming places where it would be impossible for sane persons to live for any length of time, without reverting to the old system of treatment with chains and whip, and to numerous other ills, which only those connected with asylums can realise.

The suggestions placed before you as a means of remedying some of the ills alluded to by Dr. Bucknill, are only meant to furnish a basis upon which a measure, partly of reform and partly of alteration, might be constructed. I have tried to put matters relating to private asylums and their proprietors, complained of by those who are opposed to them, in their true light. I have pointed out that the insinuations which are being constantly laid before the public against private asylums and their proprietors are founded on a defective state of the lunacy law, and not on faults attaching to the asylums, or to those to whom they belong. I sincerely trust that, if accusations are brought against asylum proprietors in the future, they will be individual and specific, in order that they may be answered; and where defects exist having their origin in the lunacy law, that the lunacy law may bear the blame.