PART IV.—NOTES AND NEWS.

TRIAL BY JURY, AS TO THE EXISTENCE OF INSANITY, IN ILLINOIS, AND THE USE OF CHLORAL, RESTRAINT, AND ASSAULT IN AN AMERICAN ASYLUM.

We have received a copy of a special report of the Board of State Commissioners of Public Charities of the State of Illinois, regarding the death of a Col. Hull, in the Asylum, at Elgin. In that State a trial by jury seems to be necessary to send a man to an asylum, however insane he may be; but the problem of doing this with safety, expedition, and without even the knowledge of the patient who is being tried, has been cleverly solved by the Americans.

The circumstances of this trial, as related to us by Messrs. Hall and Brown, impressed us as so peculiar as to deserve special notice. It was not deemed advisable to inform the patient of the intention of his friends.

In the words of Captain Brown, he thought it absurd to attempt to gain the consent of a man who had not a consenting mind. Colonel Hull was taken to his son's office, in the Vermont block. Dr. F. W. Kelly, the medical witness in the case, met him there, as if by accident. Captain Brown remarked, in a casual way, that he had business at the court-room on the north side, and, handing cigars to the two gentlemen, invited them to accompany him, which they did. The conversation in the street related to indifferent subjects. On entering the court-room, they found the jury already seated, and Judge Wallace upon the bench. What followed may be stated in Captain Brown's own words—"I suggested to the Colonel, who frequently spoke of the incidents of the late war, that Judge Wallace, of that Court, was a very gallant soldier, and I presumed the judge would be willing to hear some account of the battles in which he had participated. He saw the judge on the bench, and bowed very politely to him, and the judge returned it, knowing very well who he was, for we had apprised the judge of what was to occur. The Colonel took a seat beside me, and I suggested to him that these gentlemen were there to hear something about the nature of the injury he received in the battle of Stone River. Dr. F. W. Kelly, who had attended him, gave the jury an account of his injury, and of his mental condition at the time. When he came to state to the jury—or when it came to be stated by Walter, my partner—the scene of the Colonel dancing in the snow for quite a length of time, the evening before, the Colonel suggested that he ought not to tell that; but I said, that is nothing. So we got him through the trial."

The jury consisted of six men, of whom Dr. Charles E. Davis was one. Captain Brown acted as Colonel Hull's counsel, and put the necessary questions. There was little need for evidence, as the manner of the patient sufficiently indicated his condition. When the jury returned their verdict, Colonel Hull was not present; and after returning to the office he was sitting with a sponge in his hand, sponging his head, when all at once he looked up and said, "Walter, what did that mean? Was not that a Court?" His son replied, "Father, there were some physicians there, and they were merely inquiring about your troubles and wounds, and so on."

From the description of this trial, it would appear that the law, which requires a trial by jury in all cases prior to the commitment of any insane person to a hospital, is not so rigidly enforced as the public probably suppose. Here is a case in which, by common consent of the Court and the friends of the patient, all the forms of law were complied with, and the spirit of the law also, so far as the protection of persons whose insanity is doubtful is in question; and yet the trial itself was a solemn mockery; the party on trial having no knowledge whatever of his position before the Court, and the counsel for the defence interested, in a friendly way, in the obtaining of a conviction. That no injustice was done in the case does not invalidate the force of the general remark that a law which is susceptible of such palpable evasion, is either an improper law, and ought to be repealed, or it should be administered more in accordance with its obvious intention.

We give, at this point, some further extracts from the testimony:—

Q.—"Is it customary to have an examination of this character without the patient or the party who is alleged to be insane having a knowledge of it?"

A.—"That depends on circumstances. The simple object is to settle the question whether the party is sane or insane, and when the Court and jury are satisfied of that, that suffices. The manner is immaterial."

After he was sent to the Elgin Asylum, the Colonel had a scrimmage with his attendant one morning, probably receiving some severe internal injury, besides the dislocation of the right ankle and fracture of the tibia which were discovered.

The patient was treated with 150 grains of chloral, and one half-grain of morphia hypodermically, in addition to 20 minims and four ounces of whiskey, by the mouth, between 6.50 and 10.45 a.m. After the last dose, it is said, "within a few moments the patient fell into a quiet slumber," out of which he never came, dying at 9.40 p.m. There was no autopsy. The report says:—"The reply of another witness to the question, to which of these drugs, the morphia or the chloral, would you attribute the profound stupor of the patient? was quick and emphatic. 'I do not believe either had anything to do with it.' As to the propriety of the treatment adopted, the testimony was unanimous that it is abundantly justified by precedent, and by high medical authority, that the emergency was very great, and that no censure could attach to the adoption of heroic measures to save the life of the injured man." It concludes with the following remarks—

In the course of our inquiry, however, some other facts bearing upon the general management of the hospital came to our knowledge, to which we feel bound to allude.

The use of chloral-hydrate, to produce sleep at night, common, as we are informed, in the majority of hospitals, is carried to a considerable extent at Elgin. The night list of medicines administered, shows that about sixty patients, on an average, take chloral every night; the average dose being from thirty to thirty-five grains, in combination with whiskey, opium, or fluid extract of hyoscyamus.

Mechanical restraints are also employed, viz.:—The camisole, the muff, and the crib. The camisole is a stout jacket, with long sleeves, for confining the arms and hands; the muff is a leather contrivance for the same purpose; the crib is a strong bedstead, with mattress and bedding, the same as in other beds, and enclosed on the sides and top by a stout open cover to prevent the patient from sitting up or making his escape from the bed. The camisoles and muffs are kept in the wards; but the attendants have instructions not to use them without the physician's orders. No record, however, is kept of individual instances of restraint, an omission which we think it advisable to remedy in future. The crib-bedstead is in use only in exceptional cases and at night, unless in acute delirium, or other illness requiring its employment in the day time, which is of rare occurrence. The night-watch has instructions to visit patients sleeping in cribs, and see that they are cared for properly, and if soiling of the bed should occur, it is his duty to attend to the cleaning of the bed, and of the patient who occupies it.

None of these mechanical restraints are used for purposes of punishment or discipline, but simply to prevent patients from injuring themselves or others.

Attendants are not allowed to strike patients, except in self-defence, and to protect other patients from dangerous assaults. In the violent and excited wards this is sometimes necessary, and cannot be avoided. The fact that striking does occasionally occur was admitted by all the attendants, and justified, in case of necessity, both by them, and by the officers of the hospital. One attendant admitted that he had struck patients without reporting the fact to the Superintendent, as he is required to do by the bye-laws. We recommended his discharge, and also that of Mr. Crane. We understand that this has since been done.

As to the general efficiency, humanity, and success of the institution, nothing was developed by the testimony which would bring it into question.

THE LIABILITY OF A HUSBAND FOR DEBTS CONTRACTED BY HIS WIFE WHILE HE WAS INSANE.

SUPREME COURT OF JUDICATURE, NOVEMBER 23.

COURT OF APPEAL.

(*Sittings at Westminster, before Lords Justices* BRAMWELL, BRETT, *and* COTTON.)

SWIFT v. NUNN.

This action was against the same defendant as the case of "Drew v. Nunn," which came before the Court yesterday. It was an action by a butcher for the amount of his account for meat sold and delivered to the defendant's wife at the time when the defendant was in confinement as a lunatic. The defence was that the wife had no authority to pledge the husband's credit, and that she had a sufficient income during her husband's lunacy to prevent the necessity of