

his wife the moment his mind was restored but he was annoyed at her having instituted the commission of lunacy. In answer to other questions he stated that his children were good children, and he entertained great affection for them, and the reason he had not written to them was that he did not like them to know he was in such a place, but he should go to them immediately he was able to do so.

The Jury retired at a quarter-past three o'clock, and in about ten minutes they returned into court and declared that they were of opinion that Mr. Ruck was of sound mind and competent to manage his affairs.

The number in favour of this verdict was twelve, and there were six dissentients.

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*The Newspaper Attack on Private Lunatic Asylums.*

The above reported inquisitions have created a storm of indignation in the newspaper press, which cannot fail to be of the utmost interest to the members of our Association, first, as a psychological phenomenon ; and, secondly, as an event which may possibly have some influence upon future legislation.

As a psychological phenomenon, the general indignation of our newspaper contemporaries, has doubtless in great measure been due to that wonderful law of emotional imitation which sets mobs of men crying, or laughing, or yelling, or fighting in discordant concert. The mob of newspaper writers in the dullest season have suddenly started game, upon which they could all run, and like a scratch pack they have opened their sweet melodious voices upon the poor mad doctor ; and a scratch pack it was indeed, with every intonation of threatening cry, from the noble bay of the hound, to the small yap of the cur. It is a wonderful thing this newspaper press of ours, the fifth estate as it is called, the bulwark of right, the palladium of liberty, the great engine of education, the universal instructor of the people in all that is right, and we must add in all that is wrong, the fountain of the pure waters of truth, but alas, sometimes also the sewer of calumnious falsehood. If there is one kind of writing in which the newspaper press is peculiarly powerful it is the vituperative. Reasoning is tedious work, and a comprehensive

convincing argument drags its slow length along more space than the brief and pithy leaders of the newspapers can afford. Even the honied words of praise pall upon the appetite of all except those of whom they are written. But invective, like bitter drinks, creates an artificial taste which ever craves for more ; it is ever welcome, and, moreover, it can be compressed into a small compass. The anathema which made Uncle Toby exclaim that he would not curse the devil so, only occupies a page. It is the very material therefore, for a newspaper leader, short, sharp, and decisive. Besides, there is no exercise so grateful to that prevailing bump which phrenologists call self-esteem, as the application of the moral lash to the bleeding backs of our neighbours, and shall not that estimable and ever trustworthy person who lives by writing newspaper leaders in conformity with the public taste and with his own, hug himself in the conviction that he is better than this publican or this mad doctor, and turn up the whites of his respectable eyes, and use the rough of his tongue or his pen ! But, alas, the libel laws ! He must only kick a man who is already down, or these libel laws will be apt to sprain his ankle, and send him limping off. Therefore individuals must not be attacked ; and as for classes, what is the use of attacking any class which counts by thousands or tens of thousands, the clergy for instance, or the military. The thousandth part of a stone which would break the head of an individual, is but a grain of sand, blowing in the face of the thousandth part of a class, enough perhaps to make him shut his eyes, *i.e.*, not buy the paper, but no more. A small class or calling is the safest and most satisfactory object of attack. The numbers are enough to protect the assailant, but not enough to obstruct the force of the assault. Protected by the shield of anonymous invisibility, armed with the sword of vituperation, the giant queller rushes on the small band whom he finds without the legal defences which surround the individual, and were it not that the wounds thus inflicted have the property of quick and spontaneous cure, the great social array would soon exhibit many a gap produced by the utter annihilation of its smaller bands.

Now, as a pious bishop said on a great occasion, what is it all about ? From among one hundred and forty persons or thereabouts, licensed in England and Wales to receive insane persons into their houses for the purposes of cure and treatment, one unhappy person has been found unworthy of the trust reposed in him. He has used towards a woman

placed under his care, gross language and indelicacy of treatment, and he has been punished by the removal of his license, and by the loud and general reprobation of the public. But what has the newspaper press done? It has assumed that Mr. Metcalfe was a fair type of the class from which he has now been expelled. Truly a just and logical conclusion for those to arrive at and loudly to proclaim, whose noble mission is to teach the public to reason rightly and to judge well? Among the persons who have lately fed the newspaper press with angry articles against asylums was one whom we formerly knew. Before we had the pleasure of his acquaintance he had been in prison five times in about three years, for various crimes of the meaner sort; and at this present time he is undergoing a sentence of three months' imprisonment for a brutal assault upon his wife. Now, would it not be as fair to assume that all the writers of newspaper articles have the social qualities of this man, as it has been to impute the conduct of Mr. Metcalfe, of Acomb House, near York, to the whole class of proprietors of private lunatic asylums?

A greater act of injustice has never been perpetrated by the press, than the attack which it has made upon private lunatic asylums under the calumnious imputation that the gentlemen by whom they are conducted, are capable of the unworthy conduct to which in one solitary instance the anonymous scribes are able to point. Ought not the argument to have been quite the other way? Ought not the just and impartial instructors of the public, rather to have pointed out the disgraceful exposure and condign punishment of the offender, as a safeguard to the public; ought they not rather to have dwelt upon the fact that the keepers of asylums are exposed to more intense provocation, to loss of self control, than perhaps any other men, and yet that this has been the solitary instance in which foul language and harsh conduct has been brought home to any one of them. Surely this would have been more just and more true than to have thrown the mud of Mr. Metcalfe's disgrace indiscriminately over a body of high-minded and most humane gentlemen, who are as incapable of using foul language or harsh conduct to the lowliest woman in the land, as the best man who ever penned a newspaper article.

But the verdicts which have been obtained in these inquiries on Mr. Leach, Mrs. Turner, and Mr. Ruck, have been assumed to prove that the boasted liberty of the subject is at

the mercy of a knot of "mad doctors." (for by this flattering title we are again designated) and that if a man is disagreeably jealous of his wife, or a woman of her husband, or a wealthy bachelor relative contemplates an inconvenient marriage, an unscrupulous relative has nothing to do but to obtain certificates from two medical men, who know no more about lunacy than they do about high mathematics, or the abstruse arcana of organic chemistry, and to obtain the ready acquiescence of the keeper of a private asylum to the imprisonment of the sane person as a lunatic.

We are not disposed to deny that medical practitioners are in general lamentably ignorant of mental disease, and that their certificates of insanity are of little value except as a legal form. But what does this prove against the proprietors of private asylums, unless it be shewn that under such certificates they have admitted and detained sane persons in their custody? It proves that they have not been ready to avail themselves of the weakness of the law and of the ignorance of their medical brethren in relation to insanity; it proves that, notwithstanding their opportunities of doing wrong, they have refrained from it; it redounds to their credit, and ought at least to have averted reproach. There never was a more foolish and unjustifiable outcry than that which has been raised against the proprietors of private asylums, not because they have infringed the law, but because they have not availed themselves of its defects.

But perhaps it will be said that this is begging the question, and that the proprietors of asylums have been convicted in the instances of Mr. Leach, Mrs. Turner, and Mr. Ruck, of detaining in confinement persons proved to be of sound mind. Certainly we are not prepared to assert that any of these persons are not of sound mind. Perhaps it would be libelous to do so; and, moreover, it would clearly be wrong to do so, in the absence of that opportunity of personal examination which was enjoyed by the juries. But this we will assert, that the balance of testimony, as it was reported in the newspapers, was in each case decidedly adverse to the verdict of the jury. In Mrs. Turner's case especially, the verdict was in direct opposition to the evidence. Witness after witness, of the most undoubted impartiality, and of special experience and knowledge in insanity, testified to the lady's insanity, not only when she was admitted into the asylum, but at the actual date of the inquisition. And against this weight of testimony was opposed the evidence of a lunatic asylum keeper, who was not represented as a

medical man, but who stated that he had had the charge of some 2,000 or 3,000 lunatics, and who must therefore have been a very Methuselah of lunatic experience, seeing that his house contained forty-four patients. We had almost forgotten the gentleman who had practised in Liverpool and Shrewsbury, and who has now gone to London at the invitation of the nobility, and who has had experience in the treatment of the insane, although he does not tell us where. These two witnesses testified to Mrs. Turner's sanity, and to the absence of a delusion upon which they avoided questioning her !!!

In the other two cases the balance of testimony was certainly more equally poised. Thus, in Mr. Ruck's case the testimony of Dr. Conolly, Dr. Sutherland, and Dr. Winslow, was opposed by that of Dr. Tuke and Dr. Seymour to the patient's sanity. But it must be remembered that the evidence of the former was positive, while that of the latter was only negative. If we go over a certain tract of ground and flush a dozen coveys, and if Dr. Tuke goes a few days afterwards and does not find a feather, does his want of success prove that there is no game there? Is it not more probable that he has not been lucky enough to try the right fields, or that the weather was wrong and the scent bad on that day? And thus, if Dr. Conolly, or Dr. Sutherland, or Dr. Winslow, find a delusion in Mr. Ruck, and Dr. Tuke does not find it, the equal scientific ability of the witnesses does not render their testimony in this case equal, since it is the nature of negative testimony to be of infinitely less value than that which is positive. Now, in Mr. Ruck's case the weight of positive testimony as to the existence of delusion up to the time when the examinations of Dr. Sutherland and Dr. Winslow were made was irresistible. The solicitor to the supposed lunatic evidently appreciated its full force; and he turned the flank of these unanswerable witnesses by the clever theory that he had made inquiries and offered explanations to Mr. Ruck on the subject of Mrs. Ruck's conduct, which had satisfied that gentleman that his opinions respecting her were delusions. Whether this somewhat late conviction was real or assumed, the jury had the opportunity of judging by the personal examination. It is enough for us to point out that even on the shewing of Mr. Ruck's own solicitor, that gentleman entertained delusions up to a recent period before the inquisition, and therefore that the assumption that this also was an instance of the confinement of a sane man in a private lunatic asylum, was utterly groundless. The delusions

undoubtedly existed up to the time when all responsibility was removed from Dr. Stillwell's shoulders by the legal proceedings preparatory to the inquisition. We do not entertain the shadow of a doubt that when Mr. Ruck was admitted into Hillingdon House he was a dangerous lunatic. If under the treatment he has there met with he has obtained the inestimable blessing of recovery, was it not a strange and ungracious return on the part of his legal representatives to attempt to throw odium on the physician at whose hands he has received it? Granted that the certificate of insanity signed by Mr. Barnett, of Reading, was a document most carelessly drawn up, and for scientific purposes worth as little as the certificates of medical men practically ignorant of mental disease usually are, what business was that of Dr. Stillwell's, so long as the document was legally complete, and the patient when brought to his house was actually insane? If Dr. Stillwell had not been able to satisfy himself of Mr. Ruck's insanity after his admission into Hillingdon, we do not doubt that he would have effected that gentleman's speedy discharge.

These inquisitions, then, do not prove what they have been assumed to prove, namely, that sane persons are actually placed in confinement under the pretext of insanity. All this outcry, therefore, has been raised upon grounds no more relative than this, that if two ignorant or corrupt medical men choose to certify to the insanity of a sane person, and the proprietor of a private asylum chooses to receive and detain him, there is no official machinery to frustrate or prevent such iniquity. Not that the thing has been done, but that it is possible.

We have said that the defects of the lunacy law have been most unjustly attributed as faults to those acting under it.

The possibility of unrighteous detention may certainly now be regarded as a defect in the law, notwithstanding that it may never have been made use of. If no one, indeed, has been injured by it, except the maligned proprietors of private asylums, for their honour and interest, if for no other purpose, it should no longer be left possible to attribute to them the crime of false imprisonment. In referring to any defect in the lunacy statutes, although it may exist but in theory, it is but just to that great and good man who reformed the treatment of the insane in Ireland, and framed the lunacy statutes in this country, to state our conviction that these laws were and still are among the best on the statute book. Acts drawn



by so consummate a lawyer, and so practical and clear-sighted a legislator as Lord St. Leonards, are not apt to be found wanting when put to the test; and it must be remembered that although we here speak of a defect, it has not been proved to be a practical one. The sane people confined in lunatic asylums under the easy facilities of the act, are ghosts of newspaper raising. They cannot be brought to the bar as tangible realities.

Still we would not have the facilities for confining insane persons left exactly where they are, if for no other purpose than to take the wind out of the sails of these panic-mongers, and effectually to reassure the too credulous public. Two ideas naturally present themselves to the mind as means to attain this end. The first is to increase the checks to the first imposition of restraint upon the liberty of a supposed lunatic. This is the idea which the legal mind of course seizes upon. Let no man be imprisoned in an asylum, says the lawyer, until he has been found guilty of insanity by a jury of his peers; let him be tried in the county court, or let there be an inquisition in lunacy in each case, &c., &c. This idea is no doubt in perfect keeping with the spirit of English law, and shews a fine sense of the constitutional liberty of the subject. Practically it is as sensible as it would be to propose that no man under the delirium of fever or comatose from a fractured skull, or with a broken femur protruding through the integuments, should have his personal liberty restrained until the case had been tried by an array of lawyers and jurymen. Nay, to carry the simile out, we must suppose that each lawyer and each jurymen should handle and maul the injured part as they would do the injured functions of the mind. In such a proposition, the main object of residence in an asylum, namely the cure of disease, is entirely overlooked. It would in ninety-nine cases out of a hundred, be a needless machinery of mental torture, and the fruitful cause of chronic and hopeless insanity; to avoid the exposure to which, insane patients would be constantly treated where they are inevitably the worst treated, namely at home, surrounded by the very circumstances which have caused, or at least maintain their delusions. The proposition is not feasible. If any additional check is needed at this stage, it should be of a kind easily obtainable in all straightforward cases, and not likely to excite or alarm the patient. It cannot, we think, be applied in a better form than in that already provided for any patient not a pauper sent to a public asylum, namely, the order of two Justices of the Peace. (Lunatic Asylums Act, sec. 68.)

We are well aware that the discretionary power of the Justice in giving or refusing an order for the confinement of pauper lunatics does exercise a beneficial influence upon the carefulness with which medical men certify in these cases, and we cannot but believe that without causing injurious delay or parade, it would have a similar influence in private cases. It is no new fangled notion ; it already stands in the act, and if good for one class of cases, why not for all. We do not for one moment believe that any further check or precaution would be found of the slightest use, or indeed unattended with serious mischief.

The second question which presents itself is the still more important one of the responsibility of detention after a patient has once been received into a private asylum. After the loud outcry which we have recently heard, we feel convinced on one point, namely, that this responsibility ought not to be made to rest upon the proprietor of the asylum. He ought to be responsible for the proper care and treatment of his patient, but not for his detention. It is not good for any man that his honour and his interest should be placed in constant antagonism ; and, although the high-minded and philanthropic medical men to whom the greater part of private asylums are licensed, are as little capable of detaining a recovered patient one day beyond the time demanded by the patient's own welfare, as any ambitious but patriotic general would be of seeking occasions for war, when he might find the grounds of honourable peace ; or, as the highest class of lawyers would be of counselling useless litigation for their own sole profit ; yet, if for no other purpose than for that of avoiding the late scandalous outcry, we hold that the responsibility of detaining in an asylum a patient once legally placed there, ought not to be imposed upon the proprietor. The full weight of this responsibility ought to be placed upon those official persons to whom the Government deposes the duty of seeing that the law of lunacy is properly and effectually carried into practice ; and for this purpose, their visits ought to be sufficiently frequent to prevent the detention of a sane person for any length of time of importance to the welfare of the individual ; and at these visitations every patient ought to be separately and minutely examined, and the result of such examination, and in doubtful cases the details of such examination, ought to be at once reported to the Central Board. Of course the same appeal to the Court of Chancery which is now open to supposed lunatics against the decision of their relatives and of



the medical men employed by them, would be still open to them against the unfavourable decision of the Government officials. The sole important change would be the removal of responsibility of detention from those to whom the public can justly or unjustly impute interested motives to those whose opinion may be good or bad, but whose position would render it unquestionably impartial.

To whom these duties shall be deputed, or how they shall be discharged is beyond the scope of our present intention even to indicate. It has been proposed that resident Medical Inspectors shall be appointed in each provincial district; but, in this, the prime desideratum of impartiality is surely lost sight of. If these duties should devolve upon the Commissioners of Lunacy, of course, the mode of their visitation will need be greatly altered. It is not only that they will have to pay attention to the mental state of the patients in preference to matters of architectural arrangement and domestic economy in the asylums they visit; but they will have to acquire the confidence of the public in their powers, to discriminate between a sound and an unsound mind. We entirely disagree with the views, and disapprove of the strictures which Dr. Huxley has expressed in reference to the medical constitution of the Commission. In our opinion it is the weakness of the medical element, and not its excess, which has been detrimental to that body. At least, it is certain, that if the responsibility of sanctioning the detention or discharge of every private patient in every private asylum be imposed upon the Commissioners in Lunacy, if they are to interpose a trustworthy authority between a suspicious public and the medical men, who for the benefit of the insane are empowered by law to deprive them of liberty, then the Commissioners in Lunacy must possess and exercise an intimate knowledge of the phenomena of insanity, which late circumstances indicate to have been hitherto thought the very last thing needful.

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*The Establishment of Sea Side Residences for the Insane.*

We are sorry to learn from our esteemed associate Dr. Dickson, that all the prejudices and difficulties which we had to overcome, in establishing even for a time a sea-side