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978-1-108-06349-4 - Manual of Lunacy: A Handbook Relating to the Legal Care and Treatment of the Insane in the Public and Private Asylums of Great Britain, Ireland, United States of America, and the Continent

Lyttleton S. Winslow

Excerpt

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MANUAL OF LUNACY.



CHAPTER I.

HISTORY OF LUNACY LEGISLATION.

I PROPOSE in this chapter briefly to sketch the progress made in lunacy legislation from the earliest period in which we have any record of statutory enactments for the protection of the insane.

The recognition of insanity by the ancients is clearly established. Our Classical writers, who lived many years before Christ, frequently allude to the subject.

Recognition of madness by the ancients.

Repeated reference is made in the Bible to persons mentally afflicted.

The madness of Saul may be mentioned as one of the first instances of mental disease that we possess. David was supposed to have subdued by music his attacks of maniacal fury.

The madness of Saul, one of the first allusions to insanity.

David, who reigned from 1055 to 1015 B.C., feigned madness, and in the first book of Samuel (chap. xxi.) we find this simulation alluded to as follows:—"Then said Achish unto his servants, Lo, ye see the man is mad: wherefore then have ye brought him to me? Have I need of madmen, that ye have brought this fellow to play the madman in my presence? Shall this fellow come into my house?"

David's feigned madness mentioned in the Bible 1055 B.C.

Notwithstanding the constant allusions to madness

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among the ancients, we do not meet with any account in the writings of that period of hospitals appropriated to the insane, or of any legislative enactments for their protection.

First institution for lunatics established in the East, 491.

The first institution for the insane was established in the East. In the year 491 one existed at Jerusalem.

Asylum at Bagdad in the twelfth century.

In the twelfth century, Benjamin of Tudela mentions there was a large edifice at Bagdad, called "*Dal Almeraphtan*" or "House of Grace." In this building all persons of unsound mind were received in summer, and kept confined in chains until they recovered.

This establishment was visited by the magistrates every month, whose duty was to examine the state of the patients, and to discharge those who had recovered.

Emperor Alexius founded hospitals for the insane in twelfth century.

In the same century, the Emperor Alexius founded hospitals for the insane. Asylums were common among the Moors. About thirty years ago there was at Fez, the holy city of the empire of Morocco, a *Muriston*, or Asylum, in which the poor patients were chained, and treated as cruelly as lunatics were in the *Timarahane* at Constantinople during the sixteenth century.

Dealing with property of lunatics under the "feudal system."

Under the feudal system in this country, when lands were held under military tenure, subject to military services, when the vassal was rendered incapable of performing such duties, the lord seized upon his rents and profits; this custom applied to all idiots and infants.

The lawless and violent practices of the ancient barons made it reasonable to suppose, that in consequence of the spoliation and waste that constantly occurred in the property of lunatics, the Legislature was induced to place them under the immediate protection of the Crown; but the exact period at which this change was effected is unknown, and we do not even know by what statute the King first acquired this jurisdiction. It appears to have had no existence in the time of John,

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as no allusion to any prerogative of this nature can be found in Magna Charta; and Bracton, who wrote in the reign of Henry III., does not mention it.

We are informed by Fleta that certain persons called *Tutores* used to have the custody of the lands *idiotarum et stultorum*, and he states that in consequence of an abuse of their trust, a statute was made in the reign of Edward I., 1272, by which "the custody of the persons and the inheritances *idiotarum et stultorum*, being such a *navititate*, was given to the King, with a reservation to the lord of all his lawful claims for awards, relief, and the like." This statute is not in print, but in the subsequent reign the Act "*De Prærogativa Regis*" was passed, the ninth chapter of which enacts that "the King shall have the custody of the lands of natural fools, taking the profits of them without waste or destruction, and shall find them with necessaries, of whose fee soever the lands be so holden; and, after the death of such idiots, he shall render it to the right heirs; so that such idiots shall not alien, nor their heir be disinherited."

The person and property of the lunatics formerly in the hands of 'Tutores.'

Also, "the King shall provide, when any that before-time hath had his wit and memory happen to fail of his wit, as there are many *per lucida intervalla*, that their lands and tenements shall be safely kept without waste and destruction, and that they and their household shall be maintained comfortably with the profits of the same; and the residue shall be kept for their use, to be delivered unto them when they come to be of right mind."

By this it appears, that the duty of protecting all mentally afflicted devolved originally upon the King in his capacity as *parens-patriæ*.

The King originally considered to be the protector of lunatics

We perceive by this brief sketch that the object of the Legislature was to protect the person and property of lunatics, little if any attention being given to their medical or moral treatment. We have abundant evidence, that before asylums were founded, lunatics were

Lunatics subjected to cruelties in the olden time.

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treated with great cruelty. They were frequently cast into prison, and their delusions, from a misconception of their nature, punished with death.

Anecdote showing the inhuman feeling entertained towards lunatics in 1660.

The prejudice against, or rather the inhuman feeling entertained towards persons mentally afflicted, is curiously illustrated by an anecdote mentioned in the History of the Royal Society :—

In 1660, when experiments were being made in the “transfusion of blood,” an account was received by the Society of two experiments made in Paris before the Academy of Sciences, on a youth and on an adult, whose veins were opened and injected with the blood of lambs.

The experiment having succeeded so well, the Royal Society became anxious to perform it in England. Sir George Ent suggested, that it would be advisable to perform this operation upon some mad person at Bethlehem. This proposal having met with the approbation of the Society, Dr. Allen, the medical officer at Bethlehem, was called upon to produce a lunatic for the experiment; he, however, positively refused to grant their request. In Paris, the operation was attempted by M. Denis, but the lunatic during the process died in his arms. Many lunatics in the olden time were burnt for witchcraft, others were confined in dens fit only for wild beasts.

Insanity in the reign of Elizabeth.

During the reign of Elizabeth, we read of the insanity of Arthington, Coppenger, and Hacket. Arthington was under the delusion that Coppenger was a prophet of mercy, and that Hacket was king of Europe: these two were to go before him and separate the sheep from the goats. Arthington was hanged, drawn, and quartered.

We read of another lunatic named Venner, who was under the delusion that all human governments were about to cease, and in consequence of this belief, he proclaimed our Saviour king in the public streets. He was

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followed by a rabble, who were attacked by the militia. Venner was executed in January, 1660, protesting his belief that Cromwell and Charles II. were Christ's usurpers.*

"Many of these poor creatures had more need to be relieved than chastised; more mete were a preacher to admonish them than a jailer to keep them, and a physician more necessary to helpe them than an executioner or tormentor to hang and burn them." †

The oldest hospital in Europe for the insane is Bethlehem.

In 1247 Simon Fitz-Mary, one of the Sheriffs of London, in consequence of the superstition then existing, was desirous of founding a religious house.

1247.
Bethlehem
founded
as a priory.

By a deed of gift which is still extant, he appropriated all his lands situated in the parish of St Botolph, the spot known as Old Bethlehem, for the foundation of a priory.

The prior, brethren, canons, and sisters, for whose maintenance he provided, were distinguished by a star upon their mantle, and were directed to receive and entertain the Bishop of St. Mary of Bethlehem, the canons, brothers, and messengers of such order, as often as they came to England.

We read nothing more of Bethlehem until 1547, in which year Henry VIII., in abolishing monasteries, seized upon it and presented it to the City of London, with all its revenues, as a residence for lunatics. This was the first asylum established in England; and Lord Ashley, in 1845, previously to introducing into the House of Commons a bill for the protection and care of lunatics, said "that the whole history of the world, until the era of the Reformation, does not afford an instance of a single receptacle assigned to the pro-

1547.
Henry VIII.
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* "Biographical History of England," 1784.

† "Discovery of Witchcraft," Scot, 1665.

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tection and care of these unhappy sufferers, whose malady was looked upon as hardly within the reach or hope of medical aid.

If dangerous, they were incarcerated in the common prison; if of a certain rank in society, they were shut up in their houses, under the care of appropriate guardians: chains, whips, darkness, and solitude were the approved and only remedies."

At that time Bethlehem was situated in a dark and confined neighbourhood, and was quite inadequate for the purpose for which it was intended. In consequence of either the gradual increase of insanity, or from more attention being paid to this disease, it became necessary to build a new and larger hospital for the reception of lunatics.

In 1644, during the reign of Charles I., it was proposed to enlarge the old building, but the close and confined situation would not allow of the hospital being rendered more commodious. In the reign of Charles II., April 1675, in consequence of the meagre accommodation for lunatics, the Lord Mayor, Aldermen, and Common Council of the City allotted to the Governors a large piece of ground, situated near London Wall, on the south side of the lower quarter of Moorfields.

The erection of the new building was completed by July of the following year, at a cost of 17,000*l.* The hospital afforded accommodation for one hundred and fifty patients.

The design of the hospital was taken from the Tuileries in Paris.

Rules were framed for the guidance of those who were interested in the welfare and management of the patients confined therein; one of the rules was:—"That no keeper or servant should beat or ill-treat a lunatic, without he considered it absolutely necessary for the better governing of the lunatic."

1675.
Bethlehem
rebuilt at
cost of
17,000*l.*, the
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Old rules in
Bethlehem
for the guidance
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In 1734, during the reign of George II., two additional wings, capable of receiving one hundred patients incurable of each sex, were added.*

In consequence of the insufficient accommodation for lunatics in 1751, St. Luke's Hospital was founded by voluntary contributions, and Manchester, York, and other large cities built hospitals for the confinement of the insane.

1751.
St. Luke's
Hospital
built.

The first legislative enactment for the protection of lunatics was made in 1744. The "Vagrant Act" contained a section dealing with persons "furiously mad, or so far mentally disordered as to be dangerous if left at large." By this section two justices of the peace were authorised to issue a warrant for the arrest of any lunatic, who was to be locked up in a secure place, and if it was found necessary, he was to be chained and confined in his own parish, and if in possession of any property, it was to be expended for his maintenance. This clause did not afford any real protection for the insane.

1744.
First legis-
lative enact-
ment passed
for the
manage-
ment of the
insane.

In 1763 a Committee was appointed by the House of Commons to enquire into the condition of the insane. This Committee confined its investigations to two cardinal points.

1763.
Committee
appointed by
Parliament
to enquire
into condi-
tion of
lunatics.

1st. The manner of admitting patients into houses kept for the reception of lunatics.

2nd. The treatment of them during their confinement.

The chief witnesses who were called were persons who had been surreptitiously enticed away from their homes by relatives under false pretences and placed in asylums.

The evidence of the witnesses examined before this

* In 1814 the hospital was pulled down, and the patients transferred to a new building in St. George's Fields, which was enlarged in 1838.

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Committee proved, beyond all doubt, that there were many persons illegally confined under the plea of insanity.

The treatment to which they were subjected was harsh in the extreme. They were excluded from all intercourse with the outward world, and many of them were cruelly chained.

Evidence given before Committee.

Two keepers of a notorious madhouse stated "that during the six years they had resided in the asylum they had never admitted a single patient of unsound mind into the house, and that the patients received were drunkards and sane people placed there by their friends and treated like lunatics." No medical man visited the asylum, and the inmates received no medical treatment.

Such, then, was the deplorable condition of the insane in 1763, before any legislative measures were proposed by Parliament for the alteration of the law relating to the confinement of persons alleged to be insane.

Resolution adopted by Committee.

The Committee of the House of Commons, after examining several witnesses, proposed and adopted the following resolution: "That it is the opinion of this Committee that the present state of madhouses requires the interposition of the Legislature."

1774.
First Lunacy Act.

The subject of the then existing condition of lunacy having been brought conspicuously before the House of Commons, a discussion arose in the House, but which failed to lead to any immediate results until 1774, in which year was passed the first Act for the regulation of madhouses.

1773.
Mr. Townshend introduces the Bill.

On February 1, 1773, Mr. Townshend moved the first reading of the bill for the "better regulation of madhouses." He drew the special attention of Parliament to the abuses then existing in these institutions. He said "that the facts which had come to his immediate knowledge were such as would awaken the compassion

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of the most callous heart," showing that these unhappy creatures were subjected to barbarous treatment which could not be equalled in any other European State.

This motion was seconded by Mr. Mackworth, who stated that "he had written evidence of such character as to shock the most hardened heart. The scenes of distress lie hid in obscure corners, but if gentlemen were once to see them, I am convinced they would not rest a day until a bill for their relief was passed, and for my part I solemnly protest that I will neither mind time nor trouble, but employ every hour until some relief may be obtained."

On February 11, Mr. Townshend moved that the report which was made by the Committee, upon February 22, 1763, appointed to enquire into the state of the private madhouses in this kingdom, might be read.

Leave being given to bring in the bill, Mr. Townshend, in moving the second reading on April 22, 1773, informed the House that he had framed the bill with a view of remedying two evils:—

- 1st. The incarceration of sane persons in asylums;
- 2nd. The barbarous treatment of those admitted.

He told the House that asylums were under no regulations, receiving who and what they pleased; that the inmates were subjected to no inspection, and received no remedial treatment of any sort; and that within seven miles of London eighteen of these madhouses could be found in which sane persons were undoubtedly confined.

In his bill he proposed:—

1st. That no person should be received into these institutions without having been first examined by persons nominated by the College of Physicians.

2nd. That the College of Physicians should appoint inspectors to examine into asylums, and personally inspect the persons confined, once or twice annually.

3rd. That the proprietor of an asylum should be

Purport of
Mr. Town-
shend's Bill.

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compelled to take out a licence from the said College of Physicians.

The chief object of this bill was to prevent any one being illegally confined as a person of unsound mind, and to protect the interests of those properly placed under restraint.

The bill was then read a second time, and became law on November 20 of that year.

Chief sections in Act.

It prohibited any person taking care of or receiving more than one lunatic into his house, without a licence.

It enacted that five Fellows of the College of Physicians, elected by the President and Members, should be appointed to act as Commissioners, and authorised to visit asylums and grant licences. No person was to act in this capacity for three consecutive years.

An oath was taken by each of these Commissioners not to reveal to the proprietor of the asylum the date of their proposed visit.

The Commissioners met annually on the third Wednesday in October, for the purpose of granting licences.

These licences were made out under the seal of three of the Commissioners, and a specified charge, according to the number of patients, was made.

By this Act, the Commissioners were to examine into the condition of the licensed houses once a year.

It was enacted that the Act of 1774 should continue in force for the term of five years. At the expiration of this time it was deemed advisable to have it renewed for a further period of seven years, the Act becoming perpetual in the 29th year of the reign of George III., 1789.

1813.
Mr. Rose's
Lunacy Act
rejected.

Nothing important in lunacy legislation occurred until 1813. During this year a bill was brought before Parliament for the better regulation of asylums, but in consequence of the opposition the bill received from the House, Mr. Rose, who had proposed the bill, withdrew it.

1814.
Attention of

The attention of the House of Commons was again