

"The reform gloriously begun by Pinel is still incomplete, in so far as sequestration oversteps the necessary requirements of public security. The insane person is not really treated as a patient; he remains a prisoner suffering from disease."—JULES DUVAL, *Gheel*.

"The system to be employed in future in the treatment of the insane is incontestably the family system."—PROFESSOR GRIESINGER.

"I say, and I repeat what I said fifteen years ago, there is no asylum which is worth a good colony, and there is no country in which the insane may not be colonised."—M. MOREAU DE TOURS.

We have much pleasure in noticing this contribution to philanthropy; for, whatever may be the differences of opinion among us as to the best mode of providing for the insane, none can help admiring the disinterested devotion which has prompted Baron Mundy to spend so much time, money, and labour, in advocating what he believes to be for the good of the insane.

An Unlicensed Asylum at Aldringham.

(*Suffolk Summer Assizes, 1867.*)

FREDERICK WILLIS HONE MILBURN was charged with having received James Alexander Barnes and boarded and lodged him as a lunatic at his house, at Aldringham, without having the necessary licence authorising him to do so.

Mr. O'Malley and Mr. Metcalfe appeared for the prosecution; Mr. Milburn was defended by Mr. Naylor, instructed by Mr. H. K. Moseley.

Mr. O'Malley, in opening the case, said the prosecution was instituted by the Commissioners in Lunacy. In former times there were facilities for shutting people up in asylums, and they could be kept shut up; but the law now provided that people of unsound mind should be kept in places to which the Commissioners in Lunacy should always have access, in order that they might, by periodical visits, satisfy themselves that the patient was a fit person to be an inmate of a lunatic asylum. It was of the utmost importance that a lunatic should be kept in a place where others besides the private medical man, who might be consulted by the parties who sent the lunatic, could see

* In his charge to the grand jury the Lord Chief Justice made the following observations on this case:—

"There is one more case of considerable importance, and that is the case of Mr. Milburn, who is indicted for receiving a lunatic not having complied with the Act. You are aware that the law is stringent on this point, and that there are Acts of Parliament which make it penal to receive a person who is a lunatic into any hospital, or any place not licensed, or without a certificate of a medical man certifying that the patient is insane, such law being necessary for the protection of those who are lunatics, and also for those who are not; in order that those who are not lunatics may not be subjected to duress. It is also necessary in order that those persons who have the misfortune to be insane may have all the protection given them which in point of law the legislature has wisely provided for them; therefore, if it should be proved to your satisfaction that the defendant has received a patient without complying with the Act of Parliament, it will be your duty to send up the bill. It may turn out that the party has been properly treated, but even in that case it will be your duty to find a true bill; for this law provides that certain requisitions shall be satisfied and certain formalities complied with as conditions precedent to the admission of any person into a lunatic asylum, and therefore if it turns out that this man was received without certificates, and into a place not licensed as the law requires, the keeper of the house will be liable to the penalties of the law upon the facts being proved."

him in order that they might from time to time ascertain not only what was the treatment he experienced, but also how far the state of his mind justified the use of restraint. It was, of all things, a question of importance with reference to property. Under the old system, a man might be shut up without any one having the power to examine him. It might, and it did, occur that a man would be shut up in a lunatic asylum and restrained or coerced in the exercise of all his rights with regard to his property, for the purpose of being kept out of the way, and kept from receiving his property. No one in such cases was aware that such a man was a lunatic, and yet his rights were all invalidated by reason of his supposed lunacy. These evils were of the greatest and the most crying character, and by a series of Acts of Parliament it was provided, he thought he might say as far as human foresight could provide, that the medical and domestic care of lunatics should be of a proper character. Means were taken for giving people access to lunatics, and the Commissioners were charged with the protection of the lunatics, and their duty was to see how they were treated from time to time in order to guard against the evils to which he had alluded. Certain things were necessary before lunatics could be confined. If more than one patient was confined in a place a licence from the Commissioners or from the magistrates was required, but where only a single lunatic was confined the licence was dispensed with; but it was provided by 8 & 9 Vic., c. 100, sec. 90, that no person, unless he be a person who derived no profit from the charge, should receive, or board, or lodge in a house other than an hospital registered under that Act, or take charge or care of any patient or lunatic, or alleged lunatic, without a similar order to that which was required for a regular asylum or licensed house; and every person who might receive such a person was required, within seven days, to transmit to the Secretary to the Commissioners in Lunacy a true and perfect copy of the order and medical certificates on which the patient had been received, and every person not complying with the terms of this Act was to be guilty of a misdemeanor. The learned counsel then quoted the remaining portions of the Acts relating to the detention of lunatics, and said he must say, although he was reluctant to say anything harsh of a man in the predicament of the defendant, that the case was one of a very aggravated character. Here was a man who called himself—he said called himself, for they had no knowledge whatever of the fact—a medical man, but he signed himself M.D. in his communications, and who stated that he had been engaged in the same business for some years. They did not know what was his history in that respect. But in the year 1860 he was living in London, and at that time the Rev. James Barnes—a brother of a gentleman they all knew, one of the partners of the firm of Lyon, Barnes & Co.—a man of considerable attainments, a fellow of Trinity College, Cambridge, unfortunately became insane, and negotiations took place between Mr. Barnes (the brother of the Rev. James Barnes) and his wife and the defendant (Mr. Milburn), for the reception of the patient, and he would read two or three of the letters which passed between the parties, because they at once established the greater part of the case against the defendant. These letters proved that Mr. Milburn received Mr. Barnes as a lunatic, that he took charge of him as a lunatic, that he did this for hire; for the letter acknowledged the receipt of moneys equivalent to somewhere about £500 a year. The letters also proved incontestably that the defendant had knowledge that he was doing that which was contrary to the law; and the other parts of the case would be supplied by the testimony of witnesses which he would call. Shortly after these letters had passed, the patient was brought down and put under the care of Mr. Milburn, who had removed to Aldringham, in this county, a very remote and lonely place, and there for several years Mr. Barnes had continued under the care of Mr. Milburn; and some

short time ago the attention of the Commissioners was called to the fact, and they found Mr. Milburn, a gentleman of education and experience in such cases, and one who must have had a knowledge of the unlawfulness of what he had been doing, and that it was a complete violation of the law; and the Commissioners, in the discharge of their duty, brought him there to be tried by his Lordship and a jury. Mr. O'Malley then read a series of letters, the first dated April 17th, 1860, in which Mr. Milburn said, "In respect to your advertisement in this day's 'Times,' I beg to submit the following remarks to your notice. I have practised as a physician, exclusively in mental diseases, for twenty years, and during some period of that time I was connected with the management of a public institution. I should receive a single patient in my family—for I have now ceased to practise generally—and will confine my attention to one resident patient. The gentleman at present with me is about to resume the control of his own affairs, after many years of personal restraint." That letter showed that the defendant had for a great many years had another patient, under similar circumstances to those under which he had taken Mr. Barnes under his care, and that he was receiving Mr. Barnes as a lunatic, because he referred to the friends of persons who been under his care. Mr. O'Malley then read a letter, dated May 21st, in which Mr. Milburn stated that the terms under which he had received and treated his last patient were £400 a year, and that he had told the brother of his correspondent, Mrs. Barnes, the wife of the patient, that he hoped £500 a year would not be deemed more than sufficient, but that he was willing to leave the matter in his (Mr. Keith Barnes's) hands. Another letter, dated June 18th, 1860, was also read, as follows: "Dear Sir—I have been almost daily expecting the performance of your promise to write me a letter of indemnity for the possible consequences of detaining the Rev. J. C. Barnes, and such a one also as I might show when it might be necessary to restrain him, should he succeed in his constant endeavours to leave us." By the provisions of the Act of Parliament, which seemed to have been present to Mr. Milburn's mind, an indemnity was provided for this very case. Sec. 90 provided that where proper certificates were given, and the proper preliminary course taken, a complete indemnity was furnished, not only for receiving the patient, but also an authority to rearrest him, and a justification for re-taking him in case he escaped. The provisions of the 99th sec. were, in fact, exactly what the defendant required in the letter. He would request his learned friend, Mr. Naylor, to furnish him with a letter written on the 5th of June. [The letter was handed in, and read by Mr. O'Malley. It was a formal request by Mr. Keith Barnes that Mr. Milburn should take charge of his brother, the Rev. James Alexander Barnes, who was a person of unsound mind.]

Mr. Naylor said the words in the original letter were "mental imbecility." Mr. O'Malley said that made no difference; for, by the construction of the Act, imbecile persons were considered as lunatics. Mr. O'Malley then quoted the remaining portion of the letter, stating that Mr. Barnes was generally conscious of his own incapacity to take care of himself, and he (the writer) had no reason to believe that he would attempt to leave Mr. Milburn's house; and that, if he should do so, that letter might be shown as an authority for restraining him; and if the patient should become insane, the same end would be accomplished by the usual medical certificate. This letter the learned counsel said made the case much worse than it had appeared at first; for that letter, which seemed like a guarantee to Mr. Milburn, was not sufficient, and he asked for something more in the letter, which was read previously. No one could read those letters without knowing that Mr. Milburn was, with his eyes open, violating those laws which had been established for the protection of lunatics. He would put in another letter,

dated January 18th, 1865, which would prove not only that Mr. Milburn did receive the patient as a lunatic, but also that he did acknowledge his liability. The letter was directed to Mr. Keith Barnes, and one paragraph was as follows: "In further reference to the purchase of furniture for Mr. Barnes, it may be as well to observe that it would relieve me of some anxiety in respect to the possibility of my being troubled for not having Mr. Barnes under certificate of the Commissioners in Lunacy; for a person, however insane, may legally, under proper guardianship, remain in his own house." The words "own house" were underlined, and that pointed out that it was intended for Mr. Barnes to become the owner of the house, and that Mr. Milburn was to take charge of him in his own house, and that for the expressed object of defeating the provisions for the protection of lunatics. Mr. O'Malley then indicated the evidence he was about to call in support of his opening. The Clerk from the office of the Clerk of the Peace for the County would prove that no licence had been granted to the house, and the Clerk to the Commissioners in Lunacy would prove that no certificate had been taken there, and the inference would be that none had been obtained, as by law he was bound to produce to the Commissioners any certificate. He would also call a medical man who had seen Mr. Barnes to prove that he was undoubtedly insane. The following evidence was then called:

Mr. John D. Cleaton said—I am one of the Commissioners of Lunacy. In consequence of a communication which I received, I visited Aldringham House in July. Mr. Lutwidge, another Commissioner, also went with me. We called to our assistance Mr. Freeman, a medical gentleman from Saxmundham. Almost the first person we saw was Mr. Barnes himself. The door was open, and there was no servant about, and Mr. Barnes came down stairs. He appeared to be between 60 or 70 years of age, and rather infirm. He appeared reluctant to enter into conversation in the house, and begged us to go into the garden. We had a long conversation with him in the arbour in the garden. From the conversation I inferred that he was in a most distressing state of insanity, most unhappy, and labouring under various delusions.

Cross-examined.—I believe Mr. Barnes had been out for a drive. I did not ascertain that a little girl, Mr. Milburn's daughter, had driven him out. We have no reason to believe that Mr. Barnes was other than well treated. I believe the communication did not come from any of Mr. Barnes's family. I cannot say from whom it did come. I received my orders from the Board. Mr. Lutwidge had seen Mr. Barnes before; they were old college friends. I did not hear any remark made by Mr. Lutwidge to the effect that he was especially satisfied with Mr. Barnes's appearance.

Mr. Naylor.—Was there not a groom and carriage kept for Mr. Barnes?

Witness.—I don't know.

His Lordship said there was no question raised as to the treatment of the patient; and, however well he might have been treated, the offence of keeping him there was just the same.

Mr. O'Malley.—Do you think that gentleman was in a state to transact business?

Witness.—Certainly not.

Mr. Alfred Barnes, nephew of the patient, was next called, and said: Within three or four years I have got my uncle to sign deeds. I have not been there since 1864. I used to visit him frequently at Mr. Milburn's.

His Lordship.—Signing deeds has nothing at all to do with the case. When did you last see him do this?

Witness.—I do not know.

Do you think he has been insane since 1858?—He was restless and excitable.

Cross-examined.—I always stayed a night or two when I came down. I may have taken deeds for him to sign more than twice, but I cannot exactly say how many times. My uncle was living in the greatest comfort, and treated as a gentleman ought to be. Mrs. Barnes, his wife, frequently visited him, and stayed with him, and her letters were full of expressions of thankfulness at his treatment.

Re-examined.—I believe £500 a year was paid at first, and after that it was increased to £600, besides clothes.

Mr. Freeman, surgeon, Saxmundham, said, I saw Mr. Barnes at Aldringham, and I am of opinion that he was insane. I had been at the house previous to the visit with the Commissioners. The first time I saw Mr. Barnes was about 1861. He was insane then. I cannot say how many times I have seen him since.

Mr. Albert Barnes was recalled to prove that the letter of the 17th of April had been taken from his uncle, Mr. Keith Barnes's papers, that letter not having any marks upon it to show that it had been addressed to that gentleman.

The letters which had passed between the defendant and different members of Mr. Barnes's family were formally and fully read by the clerk. They were substantially the same as quoted by Mr. O'Malley in his opening, but there were a few particulars relating to the family and position of the defendant which had not been read.

His Lordship asked if the Act of Parliament gave any authority to a person to act under such a letter of indemnity as had been spoken of in the correspondence.

Mr. O'Malley.—No, my Lord; the 90th section provides that very indemnity.

John Goldsmith, from the office of the Clerk of the Peace for Suffolk, was called to prove that no licence had been granted to Mr. Milburn by the magistrates.

Thomas Martin, Chief Clerk to the Commissioners of Lunacy, also proved that no order or certificate had been received at the office in respect of the Rev. Mr. Barnes.

Mr. O'Malley called the attention of his Lordship to sec. 90 of the Act 17 and 18 Vic., the schedules of which required the same certificates in the case of a person who resided in a private house, as required by the Act of Parliament for persons residing in asylums. With respect to the proofs of the insanity of Mr. Barnes, the interpretation section said that a lunatic should mean every insane person, lunatic, imbecile, or idiot, or person of unsound mind. The letters which had been read, especially that one endeavouring to get the guarantee, clearly showed that the defendant knew that the law regarded the patient as a lunatic. This case furnished a striking instance of the dangers from which the law intended that persons of unsound mind should be protected. Here they had the counsel for the defendant himself, bringing forward the fact that the patient had transacted business, and signed deeds, for the purpose of proving that he was not insane.

Mr. Naylor said the terms of the Act were against receiving any lunatic, or person of unsound mind, and that at the time Mr. Barnes was received by Mr. Milburn there was nothing to show that he was insane.

His Lordship.—There is the evidence of the letter in reply to the advertisement in 1860, and there is a letter written in June the same year, saying that he was in daily expectation of an indemnity against the possible consequences of detaining Mr. Barnes.

Mr. Naylor called his Lordship's attention to the passages in the letter speaking of the patient's mental imbecility, and saying that he had a general sense of his inability to take care of himself. There was no doubt that Mr.

Barnes's friends anticipated that he might become a lunatic; but there were no expressions in the letters to show that he was a lunatic then.

His Lordship.—We have evidence that he was a lunatic in 1861. And in the answer to the advertisement in the 'Times' the defendant himself treats the case as one of lunacy, and not merely of incapacity.

Mr. Naylor.—Mr. Keith Barnes does not treat it in his letter as a case of lunacy.

His Lordship.—He was in a state of mental imbecility.

Mr. Naylor.—His age would account for that.

His Lordship.—He was between fifty and sixty years of age, I believe. I hope that will not be the fate of all of us at that age. (Laughter.)

Mr. Naylor said that his instructions were to have the case gone into, and also to put forward that the patient had been well treated.

His Lordship.—It is not suggested that this unfortunate gentleman has not been treated with every kindness by Mr. Milburn; but still there is the law, and it must be respected, and what has been brought out shows not only that the law has been violated, but violated by Mr. Milburn with perfect knowledge of what he was doing.

Mr. Naylor said his Lordship took a hard view of the matter. Mr. Milburn regarded it as a case of mental imbecility.

His Lordship.—But he asked for an indemnity against the consequences of taking Mr. Barnes.

Mr. Naylor called his Lordship's attention to an expression in a letter from Mr. Keith Barnes, "if necessary you shall be supplied with a certificate." The subsequent letter of Mr. Milburn seemed to have been an application for a certificate. After Mr. Milburn found that the patient was a lunatic he tried to get a certificate.

His Lordship.—He did not get it, and yet he goes on to treat him as a lunatic.

Mr. Naylor submitted that Mr. Milburn had all along seemed to treat him as one who was not a lunatic.

His Lordship.—Mr. Keith Barnes put him into the hands of this gentleman, and there is no doubt that he was a lunatic. Mr. Freeman saw him frequently.

Mr. Naylor said after his Lordship's communication he did not think it would be of any use to address the jury.

His Lordship.—If you do I shall certainly direct them as to their verdict.

Mr. Naylor said he should advise the defendant to withdraw his plea and throw himself upon his Lordship's consideration.

Mr. O'Malley said the proceedings had merely been undertaken in vindication of the law. This case had gone on for five years, and there might be many others for all the Commissioners knew. Their object, of course, was to prevent the repetition of such offences.

Mr. Naylor.—Your Lordship will also remember that the family of Mr. Barnes has taken no part in this.

Mr. O'Malley.—The duty of the Commissioners is to protect men from their families as well as against the keepers.

His Lordship said there was no question about the lunacy, and there was no doubt that the family did place Mr. Barnes with Mr. Milburn with a view to his being taken care of. Mr. Milburn had not taken care to comply with the proper restrictions, and he (the learned Judge) must pass such a sentence as would have effect of deterring anybody else from violating that which, taken on the whole, was a most salutary provision, and one which must be enforced. The jury must find a verdict of guilty. The letters which had been read showed plainly that the unfortunate gentleman was received as a lunatic, and therefore he needed the certificates that the law

requires. These things were for the protection of those who were not lunatics at all—persons who might be imbecile to a certain extent—to prevent their being shut up from sinister or unworthy motives. Such things had been done, and the laws now put in force had been enacted to prevent them. He trusted they would continue to have the desired salutary effect. The jury would, therefore, say that the defendant was guilty of detaining Mr. Barnes without being properly and legally qualified to do so.

The jury immediately returned a verdict of guilty.

His Lordship, in sentencing the prisoner, said, he must pass such a sentence as would meet the justice of the case; no doubt Mr. Milburn had violated the provisions of the statutes, which he (the learned Judge) considered essential for the protection of lunatics, as well as to prevent such persons as were only in a partial state of mental aberration being treated as lunatics. The family of the patient appeared satisfied with the care and attention which he had received, still he (the defendant) had broken the law. He did not think it necessary to pass a sentence of imprisonment, but such a fine as would be sufficient to teach him and everybody else that the laws must be respected. The sentence was that the defendant pay a fine of £100 to the Queen, and that he be imprisoned till such fine be paid. *His Lordship* immediately added that he had no wish to subject Mr. Milburn to imprisonment if he was not prepared at the moment to pay the fine. If he would enter into recognizances to pay it the next day, or before the Court rose, it would be sufficient.

Mr. Naylor asked to have three days allowed.

His Lordship.—I hope to have finished to-morrow; but I will allow such time as it may take my learned brother to finish the case in the other court.

[On Wednesday morning *his Lordship* had the defendant called, and also the learned Counsel for the prosecution, and said, upon reconsidering the matter, he had resolved to fine Mr. Milburn £50, and require him to enter into recognizances not to repeat the offence. The recognizances were fixed at £300.]—*Ipswich Journal*, August 17th, 1867.

Statistics of Suicide.

The death registers show few, if any, items more remarkable for the constant ratio of their occurrence than the regularity with which suicide counts its victims. In this country, year after year, more than 1,300 men and women, driven to desperation by their own folly or by some overwhelming misfortune, seek refuge from trouble in death: some of these—it is not recorded how many—belong, of course, to the class of irresponsible beings whose deficient mental organization incapacitates them from being safe custodians of their own lives. The statistics of suicide in England, according to the Registrar-General's returns, show that the annual proportion to every million of the population has ranged in the eight years from 1858 to 1865 successively thus:—66, 64, 70, 68, 65, 66, 64, 67. With two exceptions, therefore, the last state of things is worse than the first. No account is kept of the attempts which are frustrated, so that there is nothing beyond surmise to give any clue to the probable movement of the tendency to suicide among us. It is, however, certain that the figures we have quoted above do not fully represent the extent of the crime, inasmuch as some—no one can possibly know how many—of the deaths by drowning and other means must be set down to self-destruction. The extraordinary