XI.—On the Report of the Irish Lunacy Inquiry Commissioners, and the Policy of extending the English Law for the Protection of Neglected Lunatics to Ireland. By W. Neilson Hancock, LL.D.

[Read, 24th June, 1879.]

I need offer no apology for bringing this subject before the Society at the present time. It is three years since, in consequence of an invitation from a great English philanthropist (Sir Charles E. Trevelyan) to Mr. Jonathan Pim, to help in having imbeciles and lunatics better cared for throughout the United Kingdom, that the Charity Organisation Committee of this society devoted a considerable time to the investigation of the Irish branch of the subject, and made two reports, which were read at meetings of the society. The first report of the committee (printed in the Journal) was so much appreciated in England, that the society was invited to send delegates to cooperate with the Charity Organisation Society, London, in pressing the necessary reforms upon the President of the English Local Government Board. Accordingly, Lord Waveney, Lord O’Hagan, and Mr. John Gilmore, were deputed to act as delegates for the society.

Shortly after the deputation had been received, Lord O’Hagan had a Bill drawn, and introduced the same session, for providing more effectually for the care of imbeciles, and also for extending the English law for the protection of neglected lunatics to Ireland. He was asked to postpone his Bill to allow time for a government inquiry on the subject. That inquiry was, on the 1st of February, 1878, entrusted by his Grace the Lord Lieutenant to Major the Hon. William Le Poer Trench, Mr. Andrew Doyle, and Mr. Charles Sharman Crawford, with Mr. Henry A. Robinson as Secretary; and the commission, having had the time for reporting extended, completed their very able and detailed report on the subject, on the 7th of February, 1879.

Pending the inquiry, some members of the House of Commons introduced and carried the Poor Afflicted Persons’ Relief (Ireland) Act, 1878; but not touching the suggested extension of the English law as to neglected lunatics to Ireland. The branch of the question which is thus still awaiting settlement I will now proceed to explain.

English and Irish law as to the treatment of Lunatics compared.

Upon no subject is the progress of human advancement more clearly marked than in the treatment of the insane. It is not a century since the celebrated Pinel, in 1791, when appointed physician to the Bicetre, in Paris, found harsh treatment, chains, and unhealthy dungeons for the insane which filled him with horror. He introduced gentle treatment, uniting firmness with kindness; he recommended moral remedies, and established regular police and organization in what were then called mad-houses.

The English Act of 1799, which sought to guard the public against such dangerous lunatics as the one who then attempted the life of King George III., only provided that they should be sent to gaols, showing England in 1799 not much in advance of France in 1791.
In 1838, the inhumanity of sending lunatics, however dangerous, to gaols, was perceived and admitted, and Parliament provided that in England they should no longer be sent to gaols; but that all dangerous lunatics, against whom an intent to commit a crime was proved, should be sent to asylums. Up to this time the leading idea of compulsory legislation on the subject was, protecting the public against lunatics, if dangerous, rather than the care of the lunatics themselves.

In 1853 a great step was taken in the English Consolidated Lunatic Asylum Act, 16 and 17 Vic. c. 97. By the 66th section of that Act it was provided:

"Every pauper lunatic, not in an asylum, or an hospital registered, or a house licensed for the reception of lunatics, shall be visited once in every quarter of a year by the medical officer of or for the parish or union."

The officer is to receive a fee of 2s. 6d. for each visit, or 10s. a year. He is to prepare a list after each quarterly visit; and after giving the particulars therein is to state—

"whether, in the opinion of such medical officer, all or any of such lunatics are or are not properly taken care of, and may or may not properly remain out of an asylum."

Under this Act complete provision is made for the medical inspection of the lunatics that are boarded out, under the order of 1844, of the English Poor-law Commissioners, which allows out-door relief to able-bodied persons, in cases of mental infirmity affecting themselves or any of their family. The care of this class is further provided for by section 67, which enacts that—

"Every medical officer of a parish or union, who shall have knowledge that any pauper, resident in such parish, or in any parish within the district of such medical officer, is or is deemed to be a lunatic, and a proper person to be sent to an asylum, shall within three days give notice to the relieving officer."

The relieving officer is then to give notice to a justice of the peace, who is to issue a warrant for having such alleged lunatic brought before him, or some other justice, for examination, with assistance of a physician, surgeon, or apothecary; and the justice, if satisfied the pauper is a lunatic, shall order him to be sent to an asylum or hospital registered, or house duly licensed for the reception of lunatics. Then there is provision for a justice of the peace, acting on his own knowledge, and for the case of a person too ill to be brought before a justice, being examined by a clergyman and the relieving officer, and his removal ordered without inspection by the justice; and if unfit to be removed, his removal suspended until fit to be removed. Section 68 provides for the care of lunatics wandering at large. It also provides for a distinct class from either the pauper, provided for by sections 66 and 67, or those wandering at large—namely, those cruelly treated or neglected by any relative or other person having care or charge of them.

For dealing with classes of cases provided by section 68, the police, and not the medical officers, are brought into operation; and justices have power, on personal visit and examination, or on report of physician, surgeon, or apothecary, named by them, to send to an asylum, or registered hospital, or house licensed for the reception of lunatics.
The Act of 1853, which has been in operation in England for a quarter of a century, provides in a very complete manner for the care of lunatics, whether pauper or not, and provides for their care in one of two ways—either by having them boarded out, or if not carefully cared for when boarded out, then for having them sent to asylums, or hospitals, or licensed houses for the insane.

**English and Irish statistics as to the number and treatment of Lunatics compared.**

In the following table I have compared the Irish figures, as ascertained by the Lunacy Inquiry Commissioners in 1878, making only one slight correction by deducting the number of paying patients in county asylums estimated at 1.5 per cent. The English figures I have taken from the tables of the Census Commissioners in 1871. I have reduced them to a proportion representing a portion of population of England and Wales equal to that of Ireland.

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<tr>
<td>Total lunatics,</td>
<td>19,082</td>
<td>15,338</td>
<td>100</td>
<td>100</td>
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<tr>
<td>Supported by rates and taxes,</td>
<td>11,616</td>
<td>10,765</td>
<td>60</td>
<td>70</td>
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<tr>
<td>Not so supported,</td>
<td>7,466</td>
<td>4,573</td>
<td>40</td>
<td>30</td>
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<tr>
<td>Supported by rates and taxes,</td>
<td>11,616</td>
<td>10,765</td>
<td>100</td>
<td>100</td>
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<tr>
<td>In asylums,</td>
<td>8,351</td>
<td>6,119</td>
<td>71</td>
<td>57</td>
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<tr>
<td>In workhouses,</td>
<td>3,365</td>
<td>2,417</td>
<td>29</td>
<td>22</td>
</tr>
<tr>
<td>Boarded out,</td>
<td>0</td>
<td>1,620</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>In private asylums,</td>
<td>0</td>
<td>609</td>
<td>0</td>
<td>6</td>
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The first matter to observe in these figures is the much larger number of lunatics in Ireland than in an equal population in England—19,082 in Ireland, as compared with 15,338 in a portion of the population of England and Wales equal to that of Ireland. The tendency of emigration and migration of able-bodied labourers is to leave an undue proportion of the helpless behind; then the large migration from Ireland to England of labourers has a double effect—increasing the proportion of infirm to able-bodied in Ireland, and diminishing the proportion in England.

This figure is very important, when we compare the contribution from imperial taxes in aid of maintenance in county, borough, and private licensed asylums in England, Scotland, and Ireland. Ireland gets only £32,095, and the sum is diminishing; while England gets for an equal population £87,800; and the sum Scotland gets would give Ireland £107,640; and if Ireland got the English proportion for the
Irish number of lunatics, the sum would amount to £108,872—so that Ireland is short of her fair proportion out of the imperial taxes by about £25,000 to £26,000.

This explains the next figures in the table, which show that 70 per cent. of the English lunatics and imbeciles are supported by rates and taxes, and only 60 per cent. of the Irish.

The next contrast is the number supported out of rates and taxes in private asylums in England. This amounts to 6 per cent. in private asylums, whilst there are none returned in Ireland.

A remarkable contrast is the number boarded out in England. This number, 1,620, in a portion of the population equal to that of Ireland, or 7,292 in all England and Wales, is 15 per cent. of the total number supported by rates or taxes.

The next contrast is the number supported out of rates and taxes in private asylums in England. This amounts to 6 per cent. in private asylums, whilst there are none returned in Ireland.

The most important figures of all are those which show that while there are only 4,573 not supported out of rates or taxes in a portion of the population of England equal to that of Ireland, in Ireland the number not so supported reaches 7,466, or about 3,000 more. This raises the question—in what state are these 3,000 lunatics and imbeciles?

Present state of Lunatics in Ireland.

In answer to the question raised by the figures to which I have called attention—namely, in what state are the 3,000 lunatics and imbeciles thrown on private support beyond the number so thrown in England?—we have some rather startling figures reported by Major Trench's commission.

The Commissioners report that:

"The Royal Commissioners of 1857 obtained a return of lunatics at large at that time, which professed to exhibit the condition as to the treatment of that class. From that return it appeared that of the total number, 3,352, no fewer than 1,583 are returned as neglected."

They then proceed to state the result of their own researches in 1878, twenty years afterwards.

"While within the last twenty years the number of that class has increased by more than 100 per cent.—from 3,352 to 6,709—we doubt whether there would be any diminution in the proportion of those who may be still classed as neglected."

In other words, Major Trench's commission estimated the neglected lunatics in Ireland at the present moment at 3,350.

Here we have it thus stated on the most undoubted authority, that the simple effect of having a different law in Ireland, from what prevails in England as to this class, is that there are now this large number of unfortunate human beings in a state that Parliament thought it necessary to interfere with in England a quarter of a century ago; and that the class has been allowed to increase from 1,583, as reported by a royal commission in 1857, to 3,350, as reported by a Lord-lieutenant's commission in 1879—the whole of the increase having occurred since the remedial legislation was adopted in England in 1853.

This state of facts brings us at once to consider in what respect is Irish law behind English law in the treatment of lunatics.
In what respect is Irish law behind English law in the treatment of Lunatics?

From 1799 till 1838, Ireland continued without the legal protection against dangerous lunatics which was introduced in England, as I have already described, in consequence of an attack by a lunatic on King George III.

Until a Mr. Sneyd, bank director, was assassinated by a lunatic in Westmoreland-street, the idea was not entertained of extending the English law to Ireland. In 1838 Parliament had arrived at the conclusion that the principle of the Act of 1799 was right, as tolerating dangerous lunatics to be confined, but wrong as to the place of their confinement—that it should be an asylum and not a gaol they ought to be committed to.

In the very session in which Parliament arrived at this conclusion the necessity of legislating for Ireland occurred; but such was the utter want of conception of the importance of identical legislation at that time, in such an elementary question in human affairs as the treatment of lunatics, that what was extended to Ireland in 1838 was not the concurrent Imperial Act of 1838, but the old English Act of 1799; and lunatics were sent to gaols in Ireland, until the collection of the criminal statistics in 1863 and 1864, including this class of lunatics charged with an intent to commit crime, called attention to the difference in the law. It was only in 1867 that the Imperial Act of 1838, for having dangerous lunatics sent to asylums instead of gaols, was extended to Ireland.

In 1867 a want of systematic assimilation again occurred. At that time the Act of 1838 was extended to Ireland, although it had become for some years almost entirely inoperative in England, having been superseded by the much more comprehensive and humane provisions of the Act of 1853, which I have so fully described.

As in 1838 it was the Act of 1799, and not the concurrent Act of the same session, which was extended to Ireland, so in 1867 it was the Act of 1838, and not the Act of 1855 which was extended. In fact, in each case we had to put up with the cast off clothes, as it were, instead of getting the new uniform.

The delay in extending the beneficent legislation of 1853 has had a very sad effect in contributing to that excess of lunacy in Ireland, as compared with England, which I have had occasion to notice, and in causing the growth of neglected cases (from 1,500 in 1857, to 3,350 in 1875), to which Major Trench's commission so properly calls marked attention.

In England a lunatic is sent to an asylum within three days after the medical doctor finds he ought to be so sent. In Ireland he is not necessarily sent until an intent to commit a crime is proved, and two magistrates are satisfied that he is dangerous.

Now I was much struck with some statistics recently published as to three asylums in England, which showed that of cases treated within three months after attack of lunacy, at least 77 per cent. recovered, while of those who were treated after twelve months, only 20 per cent. were cured.
Impediments to the prompt extending of the English law to Ireland.

The report of Major Trench's commission discloses a marked diversity of opinion between the inspectors in permanent charge of lunatics in Ireland and the commissioners of inquiry. The inspectors have persevered in a systematic policy of increasing the number of asylums. Thus the asylums were increased from ten to sixteen between 1843 and 1857, and accommodation for 1,760 patients added. Then between 1866 and 1869 six asylums were erected, providing accommodation for 1,769 more; and works were undertaken for and pending in 1877 for extending the asylums at Armagh, Londonderry, and Belfast. At the suggestion of the commission of inquiry these extensions were suspended. The commissioners of inquiry, as a substitute for increased asylums, recommend the English precedent of 1862-'63 to be followed, and workhouses, suitably adapted, used for chronic cases. The commissioners recommend the classification of asylums, and only some of them to be retained for curable cases. One of the inspectors objects to lunatics being removed by classification too far from all connection with their relations. When the commissioners report so many as 3,350 neglected lunatics requiring admission, the question of classification would appear to be premature, until the state of the 3,350 had been accurately ascertained by admission, and until the growth of lunacy and of the neglected class of lunatics had been completely controlled.

In the depressed state of the country there is a difficulty either in resuming the inspector's plan of increased asylum accommodation at a large expense to local rates for buildings, or in the immediate adoption of the commissioners' plan of workhouse auxiliaries, fitted in every way that is requisite for the class of those that are admitted, with good dormitories, cheerful day-rooms, bath-rooms, lavatories, and good airy courts and gardens attached for exercise. The application of the church surplus is mixed up with other proposals respecting it, so that the pressure on local rates is not certain to be relieved by a grant from it.

Under these circumstances I venture to offer an alternative proposal, suggested by a very able report of a committee of the Leeds Board of Guardians. They visited children in the very large schools of Manchester, and one of the London unions; they visited cottage homes in the north of England and in London; and they visited children boarded out at Edinburgh and Glasgow; and they recommended the boarding-out system, not only on account of its merits, but also because it involved no expense of building for starting the system.

Now when there are 7,292 pauper lunatics boarded out or residing with their relatives, or in lodgings, in England, why should not a like experiment be tried in Ireland? The reason it has not been tried, is simply that by imperial statute of 1847 as to Irish poor-laws, the Irish Local Government Board have not the power of issuing the general order under which lunatics in families have been supported out of poor-rates in England since 1844.
Besides this English precedent, Mr. Lentaigne, in his address as president of this Society, called our attention to the treatment of lunatics at Gheel, in Belgium, where for centuries the boarding-out system has been most successfully pursued in a manner described in an interesting publication called *The City of the Simple*, and by the *Pall Mall Gazette*, in October, 1875, in an article republished by the *Daily Express*, 5th October, 1875.

During the ten years I was connected with the charge of lunatics under the Court of Chancery, in the latter years of the chancellorship of Sir Maziere Brady, I had an opportunity of studying the effects of boarding-out, as the system was applied to a considerable proportion of the chancery lunatics. The principle of having them visited by medical inspectors, introduced in England in 1853, was promptly extended to the chancery lunatics by general orders of Sir Maziere Brady, on the system afterwards extended by Lord O'Hagan's Lunacy Regulation Act. From studying the reports of the medical inspectors, I came to the conclusion that there was a considerable proportion of cases in which boarding-out was suitable. For this reason I have the less hesitation in recommending the trial of the English and Belgian systems to Ireland.

The Commissioners of Inquiry suggest that the Irish Local Government should have entire charge of the lunacy administration in Ireland. It would appear to be an obvious matter that they are fitted to be entrusted with the same powers of sanctioning relief to lunatics in families, under the poor-law, as the English board has had since 1844. If this were done to the same extent as already shown in a part of the English population equal to that of Ireland (1,620), one-half the difficulty of neglected lunatics would be overcome. If the governors of asylums were allowed to apply the Belgian system of boarding-out as at Gheel, to harmless cases suited for such treatment, still retaining them on the books and under the control of the asylum by licence and inspection, the other half of the difficulty would be got over, without any addition to local rates for building either asylums or workhouse auxiliaries, or depending on a vote from the church surplus.

**Summary of Conclusions.**

By the extension to Ireland of the English and Belgian system of boarding out, the 3,350 neglected lunatics could be at once dealt with, as space to that extent could be made for them in asylums, to whatever extent they were not cases for boarding-out.

The fatal delay of not admitting lunatics till they are dangerous, and have shown a tendency to commit crime, could be obviated, and the humane English law of 1853 could be at once and completely extended to Ireland.

For want of this extension, Ireland receives about £25,000 less than she is entitled to as her share from imperial taxes. By adopting the boarding-out system, Ireland might get her fair share of imperial taxes, without being put to the cost of building out of local rates, in the present hard times, either enlarged asylums or workhouse auxiliaries.

So the whole matter might be set right with a very slight pressure
indeed upon local rates—a matter essential to be thought of at the present time, while in a year of pressure not likely to improve. The 3,350 lunatics, so touchingly reported upon by the commissioners, would be rescued from their sad fate by simply extending completely, and in a prompt and generous manner, laws that have been in successful operation in England since 1844, in one case, and since 1853, in another.

The Commissioners of Inquiry call attention in a very marked manner to the necessity of immediately dealing with the question—as the arrangements which the permanent officials were making with no stinted hand for meeting the evil have been suspended, pending the consideration of the suggestions of the commissioners. Suppose the adoption of the English and Belgian system were considered only as an experiment, it would meet the admitted and reported evil without any permanent cost of buildings, and would not stand in the way of the resumption, in more prosperous years, of either the inspectors’ plan of asylum extension, or the commissioners’ plan of workhouse auxiliaries, should their very valuable suggestions meet with the support of the government and the sanction of Parliament.

XII. —Reciprocity. By E. A. McCarty, Esq., Barrington Lecturer on Political Economy.

[Read, 24th June, 1879.]

The existing depression of trade is the severest perhaps on record, and certainly has dragged us through as harassing a length of time as any that ever afflicted commerce. The distress sounds the circumstances of every class: the affluent and the poor realise the bitterness of industrial ills—the wealthy capitalist in gigantic losses suffers, while the labourer appears in the guise and condition of pauper, and landlord and tenant sigh at the prospect of the pile-day. Widely extended and varied in oppressiveness, depression has seized the nations with a rigour unexampled in former experience. And this, too, at a time when the resources of the world appeared and really were of a richness and a power never before within reach of man. The potent agents for the production of wealth were in every form growing still more powerful to enrich the peoples and to minister to man’s material welfare. Yet at just such a brilliant point came the paralysis of trade with all its inevitable and crushing miseries.

Generally disorganised commerce, blasted personal interest, and widespread destitution, strike with telling force on the minds of men whose province is virtually within the sphere of business. Under such circumstances many a scheme is set forth to remove the disturbing causes, and to again establish prosperous order. It is not a subject of wonder then, though it is not to the credit of English public opinion, that reciprocity should be put strongly forward at the present juncture as a most desirable reform, and a panacea for