" Si quid novisti, rectius istis,
" Candidus imperti, si non, his utere mecum."

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Medical Certificates under the New Asylums Act.

The alterations of the law on the subject of medical certificates are numerous, important, and highly creditable to the framers of the new statute. We subjoin an enumeration of them, with a few remarks on each.

1. In the old act the medical officers of Unions were placed, from what motive it is hard to conceive, under disability to sign these documents. In many thinly peopled districts, all the medical practitioners are union officers, and it consequently became, under the old law, no easy matter to obtain the examination and certification of a lunatic pauper. Considerable expense, and time often more precious than money, was lost either in procuring the attendance of a medical man from a distance, or in sending the patient to some town for the purpose of being examined. In parts of the country where these inconveniences were not felt, the pauper patient had still to be examined by a stranger to his person, his peculiarities, and his case, while the attendant likely to be acquainted with all these, to have known the man in health, and to have observed the accession and progress of disease, was thrust on one side as untrustworthy. This absurd anomaly is now rectified.

2. The medical man is no longer required to sign the certificate on the same day the examination has been made, but may sign it three days afterwards. This is a reasonable and expedient change, justified by the fact, that insanity is rarely of so transitory a nature that a patient, insane when examined, may have become well before certification and removal. Such cases, however, do occasionally happen, and indeed we have seen several such cases under the old law, recovery having undoubtedly taken place between certification and admission.

This alteration will enable the examining medical man to deliberate well before he certifies. It will also enable the union medical officer, who becomes aware, by observation not pre-arranged, of the insanity of a chargeable person, to communicate the same to the proper authorities, and to certify without further examination. Circumstances will not unfrequently arise, wherein much valuable time may be saved by the facilities thus offered.

3. The certificate must be signed by a physician, surgeon, or apothecary, who must be duly authorised to practise as such by some institution legally qualified to grant such authority in some part of the United Kingdom, and who must be in actual practice.

The old statute did not indicate who should be considered physicians, surgeons, or apothecaries; and therefore left it possible for the liberty of British subjects to be abrogated on the certificate of any one who had purchased a foreign degree, or assumed a fictitious one. It is also a reasonable proviso that the certifying physician, surgeon, or apothecary must be in actual practice. This will prevent any future abuses similar to one with which we were acquainted, whereby a retired physician, whose diploma dates in the last

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century, was under contract with the guardians of a union to certify to their insane poor, at the rate of five shillings each case. The excuse for such an arrangement being the difficulty of obtaining the services of any other medical man, as all others in the neighbourhood were union officers.

4. The new statute requires the certifying medical man, not only to state his professional qualification, but the profession or calling and the residence of the patient, and the date and place of the examination. These alterations were needful to render the certificate a precise and valid document. The old form was, in fact, without an address, and in the event of a dispute and the death or absence of the certifier, it might, in consequence of this defect, be impossible to ascertain under what circumstances the examination took place. The insertion of the residence and calling of the patient was also necessary for legal precision. The old form, which attested that some 'John Smith' had been examined and found insane, is now replaced by a form which attests that a certain particular 'John Smith, tailor, of Noman street, Weissnichtwo,' for instance, had been so examined and ascertained to be of unsound mind.

5. The additional stringency of the clause enacting that when any patient, not a pauper, is sent to an asylum on one medical certificate only, two other certificates from other medical men shall be obtained within three days of admission, is just and reasonable. It will probably be effective in rendering such admissions of rare occurrence. Circumstances necessarily and imperatively preventing the examination of a patient by two medical men before admission cannot, indeed, take place very frequently, if due pains are taken to obviate them; and it is certainly undesirable that the liberty even of a suspected lunatic should be left to the decision of a possibly interested relative, and a single medical man.

6. The most important change of all consists in the certifying medical man being required to state the *facts* upon which he founds his opinion of insanity; distinguishing those observed by himself from those communicated to him by others; the former alone being admitted as a valid ground of opinion, the latter being held as merely corroborative. It is probable that under the repealed statute the above order was not unfrequently reversed, the opinion of the medical man being formed upon the testimony of others with very slight corroborative observation of his own. There can however be no doubt that the course at present prescribed is the only right one. It is the duty of another profession to estimate and balance testimony, and if the labour of doing so is ever incurred by the medical man, the information so derived must be held by him in a place strictly subordinate to that obtained from his own observation. The medical man is employed to examine as an acute and practised observer; and were the testimony of others sufficient, it does not appear certain that he would be required at all. Besides he certifies that the patient *is* insane at the time of the examination, not that he *has* been insane at some prior period indicated by the testimony of others, and such opinion must of course be founded upon facts observed by himself.

It has been objected by an asylum proprietor writing on this subject to the *Provincial Association Journal*, that in certain cases of emotional insanity the medical man would experience the greatest difficulty in certifying from facts observed by himself; that in such cases no intellectual aberration exists, and none therefore can be observed; and that the emotional perversion is frequently to so great an extent under the control of the patient, that it may be impossible to elicit a display of it in the presence of the medical examiner. Such difficulties will no doubt arise, although we apprehend not very often. When they do occur they must be met by increased diligence on the part of the examiner to arrive at a personal knowledge of the facts. In ordinary cases these may be obtained to a sufficient extent at very little expense of time or trouble; but in such extraordinary cases the examiner will be unable to draw just inferences and to discharge his duty without repeated interviews; it may even become necessary that he should avail himself of opportunities for observing the conduct of the suspected lunatic in his work or his amusements, or his behaviour towards his relatives. By the exercise of such diligence, where insanity does exist it cannot in the end fail to be observed either displaying itself in abnormal states of mind, intellectual or emotional, or in conduct not otherwise explicable. We are surprised that any medical man could think it justifiable to certify to the insanity of a patient, on facts alone communicated by others. Such a proceeding would indeed be tantamount to an assumption of judicial functions and a renunciation of the duties and peculiar responsibilities of the physician.

7. The new statute agrees with the old one in making it a misdemeanour to receive a patient into an asylum without the order and medical certificate: but differs from it in making the statement of particulars equally essential. It however, by sec. 87, permits incorrect or defective orders or certificates to be amended by the persons signing the same within fourteen days of the admission of the patient.

We cannot think this section either a wise provision in itself, or consistent with the other parts of the statute. It has already been a fruitful source of irregularities. The act in fact contemplates the continual commission of misdemeanours by officers of asylums, and the 87 sec. is made to stultify the 73.

Under the old act the admission of patients brought with irregular and defective certificates was simply refused, unless the superintendent or relieving officer was willing to incur the risks of a misdemeanour imposed on him by the ignorance, stupidity, or wilfulness of some relieving officer or justice's clerk. Under the new act it appears that he is expected to admit the patient, notwithstanding the misdemeanour; and as to the irregular and defective orders and certificates, he is "to procure the same to be forthwith amended." (*Circular of Commissioners*, Dec. 31, 1853.) And when one of the Commissioners in Lunacy have approved the amendment, "such formal sanction" will serve "for the protection of superintendents and proprietors against vexatious legal proceedings." (*Circular of Commissioners*, Dec. 12, 1853.)

One would suppose it a more simple and satisfactory

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plan to insist upon the papers being right at first, than to provide such a complicated system of checks and counterchecks. Besides the act provides no means whereby the officers of asylums may procure amended forms *forthwith*, or *immediately*, or indeed at all.

The patient once admitted and safe in the asylum, the persons who sent or brought him may or may not, as they think fit, take the trouble to obtain amended forms. The act makes no one responsible for this duty, which is clearly beyond the province or the power of any officer of the asylum to fulfil.

It is moreover not always possible to distinguish those imperfect forms which are capable of amendment from those which are not so. A vast number of certificates have been defective because they did not state the professional qualification of the certifier. This omission was in most instances found to arise from negligence only, and could therefore be remedied; but in others the certifier was found to possess no qualification enabling him legally to certify, such consequently could not be amended "by the persons signing the same," and the asylum officer who had admitted a patient under the belief that the defective papers could be readily amended, found that the certificate and the order were from this cause illegal and worthless.

One other consideration, having no reference to the statute, but some at least to common sense, is that if the papers are sufficiently complete to justify the admission of a patient into an asylum, they would seem to be more than sufficient to justify his retention there, so long as the medical officers of the asylum think it necessary to detain him. When a patient is brought for admission, the superintendent seldom knows anything of him, except through the legal documents. If these are sufficiently complete to justify the patient's admission, it would seem that their mission has ended, and the responsibilies of the medical officers of the asylum have begun.

Legal provisions to amend and correct admission papers after the admission has taken place, although just the reverse of locking the stable door after the horse is stolen, appear to be not less unnecessary. When once in an asylum, the patient must be detained or discharged on the judgment and responsibility of the medical officers of the asylum; and the public have no need to fear that any person not insane will be detained longer than is necessary to ascertain the fact, and to observe the proper formalities of discharge.

The statute states that "no such amendment shall have any force or effect, unless the same shall receive the sanction of one or more of the Commissioners in Lunacy." But the circular of the Commissioners directs the officers of asylums to procure irregular or defective papers to be amended forthwith. It is not easy to obey both the statute and the circular, and in this point, we apprehend, that the statute is generally neglected. When a patient is brought to us for admission, with irregular or defective papers, we only admit him after the relieving officer or overseer who has brought him has signed an undertaking to procure amended forms within a certain date; or, in default thereof, to reimburse to the asylum the expenses incurred in procuring such forms. The copies of the amended forms are sent to the Commissioners in Lunacy, who are therefore not called upon to give their sanction to the amendment. We cannot vouch for the legality of this proceeding, but it seems to work well.

The recent appointment of Superintendent to the Lunatic Asylum in Canada.

Our readers must remember that a few months since daily advertisements appeared in the *Times*, and frequent ones in the medical papers, inviting medical men experienced in the treatment of the insane, to apply for the vacant appointment of superintendent to the Government Asylum, Toronto. Salary, £500 per annum, with the best of good living, &c. The asylum men in this country thought the invitation to be a *bonâ fide* one (perhaps on account of the pertinacious advertising), and several most eligible and experienced men applied for the appointment; collected, printed, and forwarded testimonials, sufficient to persuade Minos, incurred considerable expense, and an enormous amount of anxiety. We fear that an old and esteemed friend, who justly reposes much confidence in his personal powers of persuasion, has even gone to the length of crossing the Atlantic, and facing the rigours of a Canadian winter, in order to canvass the committee of visitors. We have not heard of him since the advertisement. And now all this energy of search, this strenuous attempt to discover the best man for an important office, turns out to have been a mere feint; the gentleman predestined to superintend the lunatics of Canada was all the time occupying the place as *locum tenens; locum tenax*, would perhaps be nearer the mark. They do these things in Canada as well as if they had taken a lesson in the city of London itself.

The disappointed candidates, feeling themselves to have been cheated of labor and money and anxiety, and to have been wheedled into troubling their committees and their friends on a fool's errand, are justified in not feeling quite amiable on the subject. But is there no balm in Gilead, no balsam in the pharmacopœa of philosophy, capable of healing the wounded scarf skin of their sensibilities? Let them remember that when a body of gentlemen are determined upon perpetrating what is vulgarly called a job, it is far better that they should outwardly observe the decencies of justice and fair dealing, since by so doing they acknowledge in the eyes of the world that justice and fair dealing are the principles upon which they ought to act. In private life we might say, "Hypocrisy is the homage which vice pays to virtue." But in the conduct of public affairs we are far from saying that this severe maxim is applicable. It was observed by a great man that, "Corporate bodies have no conscience," but this is evidently a mistake. When a gentleman as a member of a board or a body of governors participates in conduct for which he would abhor himself as a private individual, he affords no proof that in his corporate capacity he has acted without conscience, but only that the rules of right and wrong in public and in private conduct are capable of transposition. He exemplifies, in fact, the force of

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