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THE WRIT OF HABEAS CORPUS AND INSANE ASYLUMS.

For the first time in the history of the State Lunatic Asylum at Utica, during the past year two patients have been released from the care and custody of the institution on the writ of *habeas corpus*. In the first case the application was made by friends or acquaintances not belonging to the family of the patient; and in the other case by the patient who was first released, and who had no other relation to it than the fact of having been confined in the same institution. The cases were of that character described in the Superintendent's Report for 1882, as specially "troublesome cases," with sense and judgment wholly perverted, while having sufficiently free use of their intellectual faculties to conceal their insane delusions, and to act a part in the presence of strangers: a small but trying class of patients, whom any superintendent would be only too glad to discharge, if he could in any way conscientiously make the certificates of "recovery" or "harmlessness" required by law.

The writs were issued from and returnable to a city 175 miles distant from the institution, on the ground alleged in the petition, that "the petitioner is informed and believes that he *can not get a hearing* in the County of Oneida." No attempt appears to have been made in the subsequent proceedings by the Judge, or any one else, to verify this extraordinary statement.

The returns made by the superintendent to these writs simply recited the proceedings in the commitment of said cases, under the laws of the State, (Laws of 1874, chap. 446), annexing copies of the physicians' sworn certificates, and the orders of the County Judge,

with the securities given in such circumstances as said law prescribes; also the fact that the superintendent, immediately upon said commitment, caused a careful inquiry to be instituted touching the alleged insanity of each of said patients so committed, and the facts elicited to be recorded in a case-book provided for the purpose in accordance with said law; whereupon said patients were duly admitted into the asylum for treatment: and the return in each case closed with the official certificate and declaration of the superintendent, as the chief medical officer of the institution, that each of the said patients "was insane at the time of (his or her) admission into the asylum, and up to the authentication of this return remains and continues to be an insane person." Of course, these returns were made under oath.

We understand that these returns, though handed to the judge at the same time with the production of the persons, were not openly read in court, or rather in the room which the judge used for hearing motions "in chambers." Apparently, all the contents of the "returns" were passed over, and the hearing narrowed down to the question of the *present* insanity of the parties concerned. All that witnesses could testify of their history and behavior, while free from constraint and at large, was relegated to the category of "hearsay" evidence, and all that medical experts could give of their opinions from observation of the persons under their charge, had to yield to the simple impressions of the court itself, after personal examination of the patients, which were expressed in the laconic but decisive dictum, "*I* see no evidence of insanity in these persons."

In a subsequent case, indeed, a commission was applied for and obtained before the final adjourned hearing, for

an inquisition before a jury at the place of the patient's residence, which resulted, after a long and closely contested trial, in a verdict of the person's insanity.

Of course, it is not for us to criticise or pass upon the manner or methods which a Judge of the Supreme Court may choose to employ in hearing or dealing with the legal processes that come before him; but our aim here is to inquire into the bearing which proceedings of this nature are likely to have upon the State's administration of its institutions for the care and treatment of the insane. It is manifest that if there is virtually no such thing as "expert testimony" as against the so-called impressions of "common sense" in the lay mind—if the official qualifications required by law in a superintendent are to go for nothing in determining a question of pure professional and abstruse *science*—then any hospital for the helpless may become an object of endlessly vexatious proceedings, and no municipality can be sure of its right even to protect itself against pestilence and contagious disease. In the Report of the Managers of the Lunatic Asylum at Utica for 1872, they offered the following suggestions on this subject, the propriety of which has only been vindicated by the recent proceedings:

> Much interruption of the necessary official duty of the medical officers also arises from the somewhat summary granting by the courts of writs of *habeas corpus*, requiring them to leave their proper duties as public officers and to make returns to such writs, by a personal attendance with those in their custody, before some judge or court distant from the proper place of their official duty. This evil is double: 1. By requiring the frequent absence of the medical officer from his proper post. 2. By requiring the bodily presence of his ward, well or ill, at some distant or inconvenient place. Both evils are apparent on the mere statement of them; and both my be remedied without any harm to public or private liberty or rights.

As to the first, a sheriff or some other civil officer, or some deputed servant of the court or judge, might be required to serve the writ or process, and at the same time to take charge of and produce in person the subject of the writ, when that is deemed necessary for the ends of justice and liberty, with an explanatory sworn statement in writing of the superintendent or other medical officer of the asylum or hospital, specifying the original and present cause of detention; all which would doubtless be a sufficient and satisfactory return under all ordinary circumstances. But it is a most reasonable presumption that a person in the charge of a State institution is already sufficiently in the charge and custody of the State itself, for all purposes of personal safety and protection; and therefore, particularly, if not a criminal, should not be forced from his seclusion, until sufficient cause be shown for a rude and summary interference upon the return of such a preliminary process as is suggested. The State should so far confide in the officers of its own public charitable institutions as to take their returns of facts on affidavit as presumptive evidence of the truth; and should only put them to further question on good contradictory evidence impeaching the return. The result of such a proceeding would probably be, in nine cases out of ten, that no further return would be required by the court or judge, and that the patient himself would not be subject to personal disturbance, nor the medical officer to distraction or absence from his duties. It should be considered, also, that the forced personal appearance of a lunatic or imbecile on the usual process is often a serious and sometimes a fatal obstruction to his cure, or at least an impairment of his present health; and even if the personal appearance of the medical officer in charge of him should be absolutely required for the purposes of the return, the personal appearance of the subject of the writ should not always be imperatively demanded.

There should obviously be a discretion lodged somewhere, to meet the exigencies of special cases; and it would seem proper that the court or officer granting the writ should have that discretion, exclusive of the parties requiring its issue and enforcement.

Whoever officially grants such a writ, on proper cause shown, should be required to make it returnable before some proper judge or officer in the immediate vicinity of the subject of it and his legal custodian, so that the return might be expeditiously made, with as little interference with the public duty of the custodian and the personal welfare of his ward as will fairly meet the exigency. Such a provision as this would prove very serviceable

in a multitude of cases, without any perceivable detriment to public or private rights.

The purpose of a writ of *habeas corpus* is to secure the liberty of every citizen from unlawful infringement. Although all confinement is an infraction of personal liberty, yet the State demands and authorizes confinement in particular cases, for the good of the community, for health, for safeguard, for punishment of crime. The writ should not, however, be allowed to defeat the purpose of the State. In the case of a lunatic confined to an asylum established by the State, and under its special charge and control, the presumption must necessarily be in favor of the State and its officers, that the confinement is for proper cause. Unless it be first manifestly shown, by abundant positive proof, and not by mere suggestion, that the confinement is legally unwarranted, no summary process should be suffered to break up the discipline of the State in its own institutions; nor especially, to carry away, on short notice and peremptorily, its own officers, charged by a sort of attorneyship, with the duties of the State, and for that purpose representing itself. Such a proceeding is stultifying: it is giving and revoking authority in the same breath.

The best records show, quite conclusively, that the commitments, to State hospitals and asylums for the insane, of persons who are not insane when committed, or who are detained after recovery, having been insane when committed, or who are not at once discharged when discovered to be sane, are so uncommon that not a case can be fairly vouched; and the final judgments in cases of *habeas corpus* affecting lunatics confined in State hospitals almost invariably result in returning the subjects of the writ into the same custody, often with an aggravation, temporary or permanent, of their malady, caused by their summary removal from the asylum and their forced appearance before the officer or court requiring their presence. There is a manifest inhumanity in thus publicly exposing human wretchedness so real as that of insanity. There should therefore be some modification of the proceedings in the case of the State institutions of a charitable purpose, so that a certificate or an affidavit of the chief officer or of his assistants, or a personal examination by some competent judicial officer in the vicinage, should *prima facie* be a sufficient legal return; and that before any personal appearance, either of a superintendent or of his ward, be positively demanded, the court or judicial officer should be abundantly satisfied by rebutting evidence that such a personal appearance is absolutely necessary for the ends of justice and right.

A modification adapted to such peculiar circumstances does not seem in any way to conflict with the purpose or principle of this humane writ. A strict compliance with its customary technical exigencies may often defeat its proper end. It should be made to subserve the purposes of both justice and humanity, if it can. In the case of many lunatics, death may release the victim of disease and interference before the most summary law would do so. The quiet and seclusion so essential in such cases is abruptly disturbed, and the patient is prematurely sacrificed to an untoward technicality which, in such extreme cases, ought to lose its rigidness in favor of a crazed brain and insuperable weakness.

Here, it seems to us that special attention should be given to the point, that courts should so far confide in the officers of the State as to take their returns on affidavit as presumptive evidence of the truth, until the return has been actually impeached. Were this the case, in 99 cases out of the 100, probably no further return would ever be required, and the danger arising from the frequent removals of patients would be prevented. No legal technicalities should be allowed to defeat the humane purposes of the State, or to injure the sanitary care and treatment of the unfortunate. In the rare cases of unjust or illegal confinement, if such should ever be found, the full extent of legal procedure could without difficulty be obtained; but the provision made for exceptional cases should not be suffered to jeopardise the interests of the large majority as to whom there could be no dispute whatever.

We are not willing, however, to leave the subject here. We believe the law has invested medical superintendents with a quasi judicial authority as respects their functions; and on that ground also we are prepared to claim recognition of this authority at the hands of our civil magistrates.

The *habeas corpus* is a prerogative writ that is designed for the protection of personal liberty. It was

a principle of *Magna Charta* that no person should be deprived of his liberty except by due process of law and the judgment of his peers. The writ of *habeas corpus*, therefore, seeks to have it ascertained and understood that if any person anywhere is held in durance, it is in consequence of some decision or judgment had by a lawful court, or other authority of the State or of certain processes of law intended for the investigation and punishment of crime. It does not lie therefore in any case where the proper remedy is an *appeal* from the lower to the higher tribunal, nor is it available against the final decisions of the regularly constituted courts. When, therefore, it is found on the return to such a writ that "the prisoner" is held by virtue of certain legal proceedings authorized by the laws of the State, and that those laws invest his custodian with a quasi judicial authority of determining whether it is safe for society for said prisoner to be at large—whether under those laws he is entitled to his liberty—will not the judge recognize those legal proceedings and the requirements of the law, so far at least as to throw upon the petitioners the burden of proof, to show and *prove the facts* upon which such person is entitled to his liberty? Can it be properly held that the facts and proceedings under the law which are embodied in the return are all to be disregarded and passed over as mere history and "hearsay," not germane to the present question whether the person held is *now* entitled to his liberty? Supposing that to be the case, which we do not admit; and supposing that the respondent is obliged *de novo* to show cause for further detention, without any cause shown by petitioner for release, is that official character with which the law invests the superintendant of an insane asylum to be utterly ignored, and the unprofessional lay opinion of a judge as to the question of sanity to

supersede that certificate of a superintendent which the law itself requires for the discharge? Under this assumption the question is narrowed down to the point, not merely of expert testimony, but to the legal force and weight of a judicial decision given by an officer of the State whom the law authorizes to make such a decision. However an asylum superintendent may act in a ministerial capacity in simply receiving patients into the institution, the commitment being made by other authorities, from the moment of their entrance, he is made by law the sole judicial authority to determine both the fact of sanity or insanity, upon admission, the kind of treatment to which the patient shall be subjected, and the time when recovery takes place, or the other conditions upon which by law the patient may be discharged. The law requires him at the moment of commitment to cause a "careful inquiry" into the fact of insanity, and to make record of the same, *before* he can be admitted to the treatment of the asylum. If the judge or justice of a court of record acts in a judicial capacity when in his discretion, over and above the sworn certificates of the two physicians, he decides, for his own better satisfaction, or to protect an alleged lunatic against any possible collusion or conspiracy, to call a jury to take proofs of the alleged insanity, then surely the law must contemplate at least a *quasi* judicial character in the superintendent of the asylum, based on his professional knowledge and skill, when it entrusts him, as it were, with a virtual *review* of all the previous legal proceedings, and leaves the question of actual insanity, as well as its proper treatment and the length of its continuance to his sole judgment and authority: and that, too, because in a matter of science, the law can find no better authority to determine it, than such authority as may properly be

called scientific. This is the very reason why the law requires and expects a well educated and experienced (*i. e.* expert in the legal sense,) physician to take charge of these institutions, established and supported by the State. And whether in private life or in public, there can be, in the nature of the case, no appeal from medical judgment in a medical question of fact.

Some may be inclined to regard as preposterous this predication of a *quasi*-judicial character in superintendents of insane asylums. But the point has been before the courts, and in some measure recognized by them. In the pivotal case of *Newcomer vs. Van Deusen*, sent down by the Supreme Court of Michigan to be retried in the Circuit Court, where the main question was on the responsibility of a superintendent for errors in judgment, after hearing the testimony for the plaintiff, the Circuit Judge took the case from the jury, no *mala fides* having been shown, and decided that the superintendent, as an officer of the State acting in a quasi judicial capacity, could not be held for error of judgment. We have printed this admirable decision in full, as given by Judge Shipman, in a previous number of this JOURNAL, (January, 1880); but we venture to make a few extracts in this place as fairly bearing on the subject we are discussing in connection with the proceedings under writs of *habeas corpus*.

Judge Shipman declared:

> As a rule, courts can not write a record that will bind an insane person at all. It is only when a man is sane that it can enter a judgment that he is insane, which will establish the fact against him conclusively. Proceedings in regard to this class can not be conducted as in other cases where wrongs are righted or punished. They are necessarily out of the usual course of things. The emergency is too urgent, the necessity for action too immediate and pressing to admit of notice being given, and the delays consequent upon judicial proceedings. If the patient is to be treated

at all successfully, it must be done promptly; the earlier the better. The progress of the disease can not be stayed by an order of court to await its conclusion as to whether he is mentally disordered. Nor can a court weigh the best evidence of the fact sought to be proven, viz.: the person himself. It can take the opinions of others about him and weigh those opinions, but the verification of the fact under investigation, although before its bar, it can neither understand nor judge of. The matter to be determined is not a *legal*, but a *medical* question. It is not whether the person is a law-breaker, but whether he is a fit patient to be treated in the asylum. It is admitted that the asylum is not in any sense a prison or bedlam, but a retreat for the proper instruction and treatment, and if a court can in advance determine whether this part of the treatment is proper, it can as well prescribe whether and what other treatment is necessary, and the medicines the patient shall be given while there. * * *

The fact is, all power is dangerous, and were we to take counsel of our fears alone, none would ever be exercised which, by any possibility, could interfere with our liberty or property. But the safety of the State, the peace of communities, the welfare of society, and the protection of private rights demand that these risks be taken. Without its exercise society, in an organized form, can not exist. When, under what circumstances, and to what extent it shall be used, must be left, in a measure, to the erring judgment of the officers who are to administer it. Under the laws of this State, the power and duty to restrain and care for the insane is conferred upon the *medical superintendent* of the asylum, and in its performance he can not be held to a higher or different degree of responsibility than other officers exercising like powers. Nearly, if not all, the reasons urged against this position apply with equal, and some with added force to the other officers designated by the law to perform similar or analogous duties over other classes of citizens.

It is said, however, that the laws have given to the asylum authorities no jurisdiction over sane persons. Almost in the same sense it might be said that criminal courts have no jurisdiction over persons who are not criminals, but they assume it, and with impunity condemn and imprison innocent people. It is also admitted that where a sane person is sent to the asylum by the judge of probate, the superintendent may receive and detain him without subjecting himself to an action for damages; and it will not be claimed that the probate judge, in arriving at this erroneous

conclusion, although in one sense it cost the person his liberty, rendered himself liable to an action for the injury inflicted. His judicial mantle protects him. Where the medical superintendent of the asylum, under the command of the law, performs these duties, he may justly ask that the courts hold the same shield over him, for courts may not extend immunity to members of their own tribunals, which they deny to other officers acting under the same circumstances. Like reason makes like law. * * *

The law then commands the superintendent to at once pass upon the patient's condition, on his arrival at the asylum, whether sent by his friends, the probate judge, or otherwise, as well as daily thereafter, so long as he remains in the institution. This ought to settle the question in dispute, for all appear to concede that if this be a duty enjoined upon the medical superintendent by law, he can not be held liable for a mere error in judgment in performing it. Indeed, the bare fact that the superintendent is to treat the person, and that he is brought there solely for treatment, and to the end that he may be healed, necessarily implies that this officer must exercise his judgment, and determine what is the matter with him, for otherwise how can he know what to do with the patient? If he finds him insane, that determination makes it his duty to receive him into the asylum, the detention there being only a part of his treatment. If he decides this at his peril, then he is equally as liable for refusing admission to an insane patient as for receiving one who is sane. No law ever applied such a superhuman standard of ability to an officer as this proposition implies. * * * * * * *

That a sane person, by an error of judgment of the medical superintendent, may be confined in the asylum, is perhaps within the range of possibilities, but when the fact that it contains so many officers, assistants and attendants, with more or less of whom the patient comes in daily contact, and the daily test he is subjected to, are considered, the possibility of such an occurrence becomes too remote and shadowy to be made the basis of a rule of law, except upon the theory that these officers, assistants and attendants are conspirators, banded together for the purpose of shutting up within the asylum cells, secretly, and beyond the reach of friends, all people whom they can get hold of, merely to gratify a cruel and wicked disposition—that, in short, the institution is a place where those who enter leave hope behind. Unless some such extravagant view as this be taken of the situation, it is incredible that a sane person need remain there any particular length of time

against his will. But courts have no more right to assume that the officers of the asylum will act in bad faith than will the judges of courts. Whenever such a case arises it will be time enough to deal with it. No rule of responsibility can be founded upon such a theory. * * * * * * * * * *

The superintendent of the asylum has jurisdiction over the subject matter of insanity, and, under the statute and laws of the State, authority and power to decide *prima facie* what persons come within that class when presented to him for that purpose, in either of the methods provided by law, and when so called upon, it is his duty to decide the fact, and this determination will protect him while acting under it, until reversed by a proper tribunal. In exercising this power he performs a duty of a *quasi* judicial nature, and is entitled to the same protection as other officers exercising like powers. Like them in its performance he must be left free to act upon his own unbiased convictions, uninfluenced by fear of consequences.

Considerations like these, it appears to us, ought to enter into the mind of any judge sitting in a case of *habeas corpus*, to determine the fact of sanity or insanity. The officers of these institutions are not mere jailers or custodians, but, in a sense, judicial officers of the State also, entrusted with the final decisive determination of that medical question on which the detention or release must depend. And, as Judge Shipman implies in another part of his judgment, to subject the carefully considered and intelligent conclusions of medical men in a matter of this kind to the usual tests of a court room in ordinary questions of fact is like appealing from a superior to an inferior tribunal. How far a personal examination of a patient by the judge himself, for a brief space in his chambers or in the court, can really go to settle the question of insanity, may be seen from such a statement as was made by Sir James Coxe before the celebrated Parliamentary Commission of 1877, appointed for the very purpose of devising measures of perfect security against

wrongful commitment or detention at insane asylums. After stating that "he had never known of a case wrongfully committed, or detained after recovery," he gave the following answers to the questions as subjoined:

Q. With reference to the protection by visits of the commissioners, or medical men, I suppose there are many cases where a man might be insane, although upon a visit and conversation with him, no symptom of insanity would appear? *A.* Yes.

Q. Therefore, to some extent, persons paying such visits are guided, I presume, by the statements they receive from the superintendents of the asylum? *A.* Yes, they must be, to a certain extent. When we send medical men, we often get a reply to say, "We had a long conversation. We observed no symptoms of insanity, but from what we were told by the superintendent, and what we saw in the case-books, we are of opinion that the patient is still insane, and therefore we decline to grant certificates of sanity."

Q. So that if you had a case of an unscrupulous superintendent who, for his own purposes, was seeking to detain a sane man, it would be possible for him to do so, notwithstanding the visits of the commissioners, or the visitors? *A.* I think the commissioners would satisfy themselves, without difficulty, in such a case as that. If such a man came up and appealed, I do not think they would be readily convinced that he was insane. We have no power of liberation ourselves, and if we send medical men, and the medical men choose to take that view, and to be guided by the superintendent, then the patient can not get out.

Q. I am not saying what alteration could or should be made, but the visits which are made from time to time are not a complete protection against a person being improperly detained if the superintendent of the asylum were unscrupulously intending to detain him? *A.* No, but practically, I think it is. I do not think there is any great risk.

Judge Shipman says in his opinion, quoted above, that society has *to take the risk* even of ignorant and incompetent judges as well as other civil officers, since "the law throws wide open its doors to all aspirants to judicial positions;" but that in requiring medical

superintendents of insane asylums to be well educated physicians, "the law requires a higher and more severe standard of ability and fitness for the place in this than in any other State office." We can produce scores of lunatics who would very easily impose on even a learned judge, if he will visit them while on their good behavior, in the wards of an asylum, without opportunity to follow the bent of their delusions. It would be quite otherwise were he to meet them suddenly at their homes or in public previous to their commitment. In either case we apprehend he would be willing to inquire into their "history," and not treat it as irrelevant "hearsay." We do not know of any so gifted in these days with the "discerning of spirits," as to be able without "history" or previous acquaintance, to discover at once the thief or the burglar in the garb of a "perfect gentleman." Experience would show that it is not much more easy to detect in the lively, affable and plausible patient, perhaps "very slightly exalted," the access of that subtle disease of insanity which may have only its course to run to startle the community with some heart-rending tragedy.

We would earnestly recommend any one to give these suggestions their due consideration, if he has in any way been influenced or misled by the sole representations of some inmate of an insane asylum, who has been duly and officially certified as insane. The medical profession can not administer the law; they can not either claim to be infallible; but they can give their best knowledge and skill to the decision of questions which the law itself submits to their jurisdiction; and they do not ask too much when they ask to have such decision respected. If it be professional integrity that is called in question, that is another matter. There are other remedies and other proceedings proper for charges of that sort.

But if we are to believe that personal integrity is a vanished element of our public life, one thing is certain, no effectual substitute can be devised for it by the utmost ingenuity of statutory legislation; and this difficulty would not be confined to the medical profession, which has in the higher walks a reputation for purity of conduct not behind that of any of the other learned professions.

No land has been more jealous for the "liberty of the subject" than England, where the writ of *habeas corpus* and the right of *trial by jury* may be said to have originated: and no movement has ever obtained a readier sympathy from the public than any one that raised this question of the "liberty of the subject" in connection with this matter of the commitment and detention of patients in insane hospitals. Accordingly, from time to time, under stress of temporary excitement arising in individual cases, Parliamentary Commissions have been appointed to investigate the actual operation of the Lunacy Laws, as bearing upon the question of the liberty of the subject. These commissions have left no stone unturned to provide against the very possibility of abuse; and every precaution has been adopted that is found compatible with the great desideratum of inducing the people to place their insane friends under treatment at as early a stage of the disease as possible, when they can be induced to place them under treatment at all. No evil can be conceived greater to society than the roaming at large of persons utterly irresponsible, destructively and homicidally disposed, a terror to friends and neighborhoods, who yet could not be held amenable by any court or jury in the land, on account of their manifest insanity. Casualties enough of a most fearful kind are continually occurring from this cause, notwithstanding all the present safeguards which the law has

provided. And if it be made a question whether a perfect stranger, as is the case in England, may consign a person to an asylum on a physician's certificate, ought it to be less of a question whether a perfect stranger should be able to drag a patient from an asylum against, not only the professional judgment of its officers, but the protest of the patient's friends and relatives, and drop him (or her) hundreds of miles from home, among strangers and without resources? Of course, the public mind is easily open to considerations of greater security against abuse. It ought to demand, however, irrefragable proof of the abuses that have been alleged and charged. The actual truth is generally covered up in an unscrupulous war of words. The public should not be deceived by vague and general denunciations. Specific charges should be insisted upon, and the actual facts under such charges should be brought to light. When that is done, it is time enough to judge how far the lunacy system may need reconstruction or modification. But even if it be thought by some that "improvements" can be introduced in our system, there are one or two things that should be steadily borne in mind in all attempts to deal with this subject.

The first is, that *early treatment*—the speediest possible attention to the case—is the paramount necessity of insanity—if it is not to become inveterate and lifelong. As things are now, it is hard enough to get friends to acknowledge such "a skeleton in the house," or to get physicians to commit themselves by certificate in the earliest attacks of the disease, or to face the possible criticisms of the community, so that a very large proportion of the cases now sent to our hospitals are already in the chronic stage when received. The more difficult we make the process of commitment the more we aggravate this evil: the percentage of cures will

still further diminish, and the already burdensome accumulation of incurable insanity will increase to a frightful, perhaps intolerable extent. A vast majority of the cases of insanity occurring among us are sufficiently patent even for unprofessional detection; the more obscure cases are provided for by the discretion now permitted to our judges, which perhaps, might be allowed to be set in motion on the application of any person whatever. But if all cases indiscriminately are to be brought before juries, there are, indeed, few families of any refinement or sensibilities that will voluntarily seek to have the minutiæ of family life thus spread out before the prurient curiosity of an indifferent public. It will compel decent people to seek some other refuge for their afflicted friends than the public institutions of the State.

The other consideration is the matter of *expense* to the lunatic or *his* estate, or to his friends. We hope that nobody will listen to those who are suggesting *relays of doctors* at every stage of the process for committing insane patients to an asylum. Not an iota of additional security can be obtained by this means, although it might be a sovereign specific for depleting the patient's pecuniary resources. Every person, entitled to the benefits of our public institutions, is so entitled without being put to unnecessary expense. We know of many cases in which conflicting medical opinions, at most exorbitant rates, were taken in the way of preliminary steps, without a particle of advantage over the ordinary process, prescribed by the law. It is one of the misfortunes of public life in our day, the pressure exerted to benefit class and business interests under the guise of public good,—a tendency against which legislators do well to be on their guard.

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