

THOUGHTS ON PROBLEMS ARISING IN CONNECTION WITH THE TREATMENT OF THE INSANE

THE medical profession will easily recognize the advisability of revision and change in the present law as it applies to the question of insanity; more particularly in reference to the ease with which it may be employed by relatives who desire to obtain the freedom of an asylum patient. It is not difficult for any of us to recall instances of patients formally committed to asylums who have been released after a short period of confinement, and have more or less promptly attempted, or even succeeded, in committing some terrible crime, the result of their insane ideas. The history is usually the same. The patient has suffered from a monomania or a paranoiac form of insanity and has improved somewhat under treatment during confinement, although considered by the hospital authorities as by no means cured. The solicitations of relatives who promise to be responsible for the patient secure his release. If this release were not so given, habeas corpus proceedings would very soon secure it. But what to an alienist is a serious and sometimes dangerous symptom, may to the uninitiated appear merely as an idiosyncrasy, and thus the relatives' shouldering of responsibility may be no protection to the public. It is not as simple a matter as it might seem to draw up laws which with justice to all would obviate this danger. Where relatives wish to act against the judgment of hospital authorities, the decision of a committee of experts would be more reliable than that of a judge of one of the civil courts.

Our attention has also been drawn to a change in the law which has recently come into effect in the Province of Quebec, which cannot but be considered as not only undesirable, but even a positive step backward. No individual who is insane can be asked to stand a trial. Formerly, in the Quebec Province, in a criminal case, if any question of the sanity of the prisoner arose the Superintendents of the hospital for the insane, as Government officials, were called in, and after sufficient examination and observation gave their opinion by which the action of the court was guided. But now this is changed, and the Attorney-General has decided that the burden of proof of insanity is on a criminal who pleads that insanity. Thus one can see the possibility in the future of a Thaw trial in this province with all its distasteful revelations and obnoxious publicity—to say nothing of the injustice to a prisoner really suffering from mental disease. Why was the change made? Certainly