

Library of Birmingham Archives & Collections

MENTAL HOSPITALS

Background to Mental Health Legislation

Before 1845, there were various types of mental hospital. Some charitable institutions, funded by subscriptions, were run by their own trustees, and not subject to any further control. Private asylums were inspected by the local magistrates. Between 1808 and 1845 sixteen County asylums were built across the country, but many insane people were still committed to prisons, under the criminal law, and workhouses, under the poor law.

The Lunatics Act, 1845

The Lunatics Act gave the Metropolitan Commissioners in Lunacy the power to inspect lunatic asylums throughout the country, with the exception of Bethlem Hospital in London, and introduced an improved form of certification. This guarded against collusion between the certifying doctors of a private patient, and required the form for a pauper patient to be signed by a Justice of the Peace, and the Relieving Officer of the parish, plus the submission of a detailed statement which protected the patient.

The Lunacy Act, 1890

Under the Lunacy Act, the Lunacy Commission was still the body that inspected institutions, but the local authority was compelled to build and maintain an asylum, and appoint its own Visiting Committee. There were four methods of admission to an asylum:

- *reception order*

This could be obtained for private patients by a relative or friend who petitioned a Justice of the Peace with two medical certificates.

- *urgency order*

This could be obtained for private patients, by relative's petition and one certificate only. It lasted for seven days, during which a normal reception order had to be completed, or the patient would be discharged.

- *summary reception order*

This was the normal method for pauper patients. The Poor Law Relieving Officer or the police could have a patient admitted with two medical certificates and an order from the

Justice of the Peace. If a patient was found wandering at large, s/he could be detained without legal certification for 3 days.

- *inquisition*

This applied only to Chancery lunatics (wealthy persons tried by jury on behalf of their relatives for alleged insanity, to prevent them from dissipating their fortune). A patient would be examined and certified of unsound mind by the Masters in Lunacy. The patient had the right to contest their decision and request a trial by jury.

The Mental Deficiency Act, 1913

The Mental Deficiency Act defined four grades of mental deficiency:

- "Idiot" 'so deeply defective in mind as to be unable to guard against common physical dangers'
- "Imbecile" 'incapable of managing themselves or their affairs, or in the case of children, of being taught to do so'
- "Feeble-minded" for adults not as severe as an imbecile, but requiring 'care, supervision and control for their own protection or the protection of others'. For children not as severe as an imbecile, but deemed 'permanently incapable of receiving proper benefit from the instruction in ordinary schools'
- "Moral defective" having 'some permanent mental defect coupled with strong vicious or criminal propensities on which punishment had little or no effect'

A mental defective would be placed in an institution if:

- 1 S/he was a "low-grade defective" ("idiot" or "imbecile") and the parent or guardian petitioned the local authority.
- 2 S/he was "defective" in any of the four grades, and under 21, and the parent or guardian petitioned the local authority.
- 3 S/he was "defective" in any grade and:
 - (i) neglected, abandoned, cruelly treated, or without visible means of support;
 - (ii) guilty of a criminal offence, or liable to be sent by court order to a certified industrial school;
 - (iii) in prison, reformatory, industrial school, a lunatic asylum or an inebriate reformatory;
 - (iv) an habitual drunkard within the meaning of the Inebriates Acts 1879-1900.
 - (v) If incapable of receiving benefit from attendance at a special school; if his presence in such a school were detrimental to others; or if s/he attained the age of 16 years after attendance at a special school, and the Board of Education certified that further care, either in an institution or under guardianship was required.

The parent or guardian of an "idiot" or "imbecile" of any age, or of a "defective" of any grade under the age of 21, could place the patient in an institution with two medical certificates, one of which should be from a specially appointed practitioner. If the patient was not an "idiot" or an "imbecile" a judicial order (from the Magistrates Court) was required.

Where the patient was neglected, abandoned, cruelly treated, or without visible means of support, a local authority officer would bring the case before the magistrate, and two medical certificates were required. Where the patient had come within the jurisdiction of the courts, s/he might be dealt with under a court order. Where s/he was already detained in one of the institutions specified (prison, reformatory, etc.) a Home Office order was required.

The Role of the Local Authority

Under the Act, the Local Authority was obliged to set up a Mental Deficiency Act Committee, comprised of council members, plus co-opted members, including women, with special knowledge and experience on the subject. The role of the committee was:

- to ascertain which persons were subject to being dealt with under the Act
- the provision and maintenance of suitable institutions
- the care and supervision of "mental defectives" in the community

For "mental defectives" of school age, the Education Committee was responsible for identifying such children and for notifying the Mental Deficiency Committee of those who appeared incapable of benefiting from special schools or classes.

Useful Reading

Kathleen Jones, 'Mental Health and Social Policy 1845-1959' (1960)

Fay Crofts, 'History of Hollymoor Hospital' (1998)

Peter Tonks & Len Smout, 'Rubery Hill Hospital, a short history', (1982)

Records in the Archives

Local Authority Records relating to Mental Health:

Reference: **BCC**

- Lunatic Asylums Committee 1845 - 1926
- Mental Hospitals Committee 1926 - 1948
- Mental Deficiency Act Committee 1921 – 1948
- Public Assistance Committee Erdington House and Highcroft Hall sub-committees 1930-1948
- Education Committee (for "mental defectives" of school age)

Court Records relating to Mental Health:

Reference: **PS B/1/6/1/1-10**

- Petty Sessions Mental Deficiency Act Registers 1914-1959

Mental Hospital Records

Birmingham City Archives holds records of several mental hospitals. There is an index to patients but it is not complete, so lack of index card is not proof that a person was never in one of the mental hospitals. In researching a patient, it is worth noting that many patients moved around the various hospitals.

Please note that all patient records are closed for 100 years. If you wish to access information from closed hospital records please contact a member of staff who will guide you through the application processes.

Index to Birmingham Patients:

Reference: **MS 1602**

Index to patients of Birmingham mental hospitals 1894 – 1954. Under the Data Protection Act, information from the index cannot be released to anyone other than the individual concerned unless that person is dead, or they have given their written permission.

All Saints Hospital, Winson Green 1850 – c.1973

Reference: **MS 344**

The hospital opened in 1850 and closed in 2000. It includes records for Glenthorne House and Leveretts / Stechford Hall Asylum

Highcroft Hospital, Erdington (was Erdington House) 1941 – present

These records are still at Highcroft

Hollymoor Hospital, Northfield c.1922 – 1962:

Reference: **HC/HO** [was MS 1809]

The hospital opened in 1905 and closed in 1994. Some records can be found in MS 1600, the collection for Rubery Hill Hospital.

Rubery Hill Hospital, Rubery 1882 - c.1980:

Reference: **MS 1600**

The hospital opened in 1882 and closed in 1995. The records include some for Hollymoor.

Records Held Elsewhere

A national register of admissions to asylums and psychiatric hospitals (1846-1960) is available from The National Archives at Kew. The earlier years (1846-1912) are also available online from Ancestry.com.