

**THE TRIAL OF EBENEZER
HASKELL, IN LUNACY, AND HIS
ACQUITTAL BEFORE JUDGE
BREWSTER, IN NOVEMBER, 1868**

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The Trial of Ebenezer Haskell, in Lunacy, and His Acquittal before Judge Brewster, in
November, 1868 by Various

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VARIOUS

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THE TRIAL OF EBENEZER HASKELL,

IN LUNACY,

AND HIS

ACQUITTAL BEFORE JUDGE BREWSTER,

IN NOVEMBER, 1868,

TOGETHER WITH

A BRIEF SKETCH OF THE MODE OF TREATMENT OF LUNATICS IN DIFFERENT ASYLUMS IN THIS COUNTRY AND IN ENGLAND, WITH ILLUSTRATIONS, INCLUDING A COPY OF HOGARTH'S CELEBRATED PAINTING OF A SCENE IN OLD BEDLAM, IN LONDON, 1685.



PHILADELPHIA:
PUBLISHED BY EBENEZER HASKELL.
1869.

ADVERTISEMENT.

Having lived in the community of Philadelphia for upwards of forty years, and having won by honest industry a fair name and fame in business circles, I feel myself acquainted with the temperament of our right-minded citizens, and their sentiments upon all matters concerning the right of every freeman to his personal liberty: and therefore, on this score, feel but little diffidence in presenting my work to their consideration. Having also had considerable personal experience in the matter of which I write, I come before them competent to speak, and perhaps to give them a very fair idea of what transpires within the walls of some of the Insane Asylums that are established in our very midst. The object of these pages is not to vilify, nor to libel or wilfully to injure the good name of any upright man, but simply to speak a few plain unvarnished truths in behalf of the poor, helpless and suffering patients put in these charities, and to show why a strong and positive legislative action should be taken for their protection.

I only ask a calm, deliberate reading from my patrons, and have no anxiety or care as to the conclusions they may reach; and should I but lift one stone upon the pillar of reform in these matters, I shall content myself with this reward of my labor.

E. HASKELL.

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STATEMENT.

A brief outline of the facts connected with the confinement of *Ebenezer Haskell* in the *Pennsylvania Hospital for the Insane*.

Ebenezer Haskell, an industrious, sober citizen, more than forty years a resident of Philadelphia, and long and well known amongst the leading business men of that city as an energetic and successful mechanic, on the 8th of April, 1866, being over 60 years of age, files a Petition in the Orphans' Court of Montgomery County, in the right of his wife, *Adelaide A.*, the daughter of *Henry Horn*, deceased, praying a citation for an account against the Executor, *James H. Horn*, of the said *Henry Horn*, who had then been more than four years in possession of the trust, without showing any account.

This causes disturbance in the immediate family of *Mr. Haskell*, consisting of himself, wife, three sons and one daughter.

On the 24th of May, 1866, *Ebenezer Haskell* is arrested, by virtue of a Warrant issued by Alderman Hutchinson, on the oath of his son, *George W. Haskell*, charging him with "threats, and having a large dirk knife." He was brought before the Alderman, and no one appearing against him, was required to give bail in \$1000, for his appearance on the following day, the 25th of May, and in default of bail was committed to the County Prison.

The Constable having him in charge, surrenders him to the Police officers of a neighboring Station House, who, accompanied by his sons, and fortified by a certificate made by a practicing *Dentist*, and reading as follows:

"I have seen and examined *Ebenezer Haskell*, of Philadelphia and believe him to be insane.

"JOHN BIRKEY,

"No. 245 South Sixth St.

"Philada., May 24, 1866."

Took him to the Insane Department of the Philadelphia Alms House.

On the following day, *Dr. S. W. Butler*, who at that time had charge of that department, gave a certificate of his insanity, which, as he subsequently said under oath, on the trial of the question of his lunacy before a jury, "was necessarily based on the statement of

his sons," and sent him to the Pennsylvania Hospital for the Insane. Thus, as *Judge Brewster* so forcibly says in his charge to the jury in the same trial, (*Legal Int.* Dec. 4, 1868, Vol. XXV, No. 48.) "*it appears that a defendant under commitment for a breach of the peace, was taken first to the Almshouse, and then, upon a certificate obtained by the statement of his sons, to an insane asylum.*" * * * * * "*If such proceedings can be tolerated, our constitutions and laws professing to guard human liberty are all waste paper.*"

On the 12th of June, following, he was released by his wife.

On the 28th of September, 1866, at the request of his wife and three sons, and upon the following certificate :

"I have seen and examined *E. Haskell*, of Philadelphia, and believe him to be insane. C. S. BAKER, M. D.,
623 Master Street.
September 25th, 1866."

He was again admitted to the insane asylum.

The physician who gave this certificate, subsequently said under oath, on the trial of the inquest of lunacy, that he had no conversation whatever with the patient, against whom this certificate was given before signing it, and that he had not had more than two or three brief opportunities of seeing him even.

On the 19th of November, following, he escaped. On the 7th of January, 1867, he was again arrested and returned to the asylum.

On the 5th of February, following, having been previously informed that an inquest of lunacy to test the question of his insanity would commence proceedings that day, and not being permitted to attend these proceedings, as it had been promised him he might do, he again escaped, but was arrested on the same day, having made no attempt to do more than to be personally present at the inquest in which he had so vital an interest—lodged over night at a station house of the Philadelphia police, and taken back to the asylum the next day.

At all the subsequent meetings of the inquest, which were held weekly, and continued till into April, he was present—but always in charge of a keeper, with little or no opportunity to confer with either counsel or friends, or to summon witnesses.

He having been found by this inquest, tried under such circumstances, insane, and his hope of escape by means of a verdict in his favor thus cut off,—on the 25th of April, 1867, made his third escape, and left the State.

He returned again in October, following, and continued to live with his wife and children until the 17th or 18th of June, 1868.

He was then again arrested, and upon the certificate of *Dr. William C. Harbeson* and *Dr. John Buck*, neither of whom had had any previous acquaintance with him, or more than two or three interviews with him, and these not protracted, again committed to the Pennsylvania Hospital for the Insane.

In the early part of August, 1868, a writ of habeas corpus was sued out by his counsel for his release; the Judge before whom a partial hearing was had, before completing the hearing or making a decision, left for Europe. During this delay, on the 9th of September, 1868, he made his fourth escape, by scaling the outer walls of the institution.

In making this escape *Mr. Haskell* broke his leg, but succeeded, nevertheless, in escaping the vigilance of his keepers and getting to his friends, who took him to the Hospital, at Eighth and Pine Streets, Philadelphia, where he remained some nine or ten weeks, till his broken limb healed, having in the meantime been discharged on the habeas corpus from confinement in the *Insane Asylum*.

On the 17th of November, 1868, a trial in the Court of Common Pleas, for the City and County of Philadelphia, commenced before a jury upon a traverse of the inquest previously taken, and lasted till the 28th of the same month, resulting in a verdict establishing the sanity of *Ebenezer Haskell*.

A motion for a new trial, made immediately after the verdict was rendered, after a most able and exhaustive argument in favor of the motion, was overruled by the Court on the 6th of March, 1869, the Judge closing his opinion against a new trial with these words. "The case could not possibly have been prosecuted or defended with greater ability, and we feel satisfied that no advantage would result to the relator (*Mr. Haskell's wife*) by a second trial."

H. R. W.

THE TRIAL.

IN LUNACY.

COMMONWEALTH	} Court of Common Pleas, November 17th, 1868. City of Philadelphia.
vs.	
EBENEZER HASKELL,	

HON. F. CARROLL BREWSTER, JUDGE.

JURORS.

Adam Newkumet,	John Lynch,	John Hughes,
John Vanfleet,	Theodore Mitchel,	Charles Lowry,
D. McLaughlin,	John S. Heylin,	George Taylor,
John S. Wright,	David U. Sheaff,	Isaiah Stratton,

George W. Biddle, Attorney for the Asylum. H. R. Warriner
Attorney for the defendant.

THE EVIDENCE.

Doctor S. P. Jones, witness for the Asylum, affirmed—I am a Physician, and have been since 1855; last nine years in Pennsylvania Hospital for the Insane, in charge of Male Department. Male and female separate. Average number in that department 165 now, about 1200 in all the time. I have seen a great deal of insanity; know Haskell since 25th of May, 1866, when he was first admitted; he came in the usual way. All that time nothing attracted my attention; his mental condition was excited; he was extremely loquacious; that condition continued to some extent during the time he was there (in latter part calmer); in first part he showed enmity toward his family; he remained until 22d June; he was then removed at wife's request against my advice. I saw him daily during that period; his mental condition during the whole time was unsound; calmer towards the last, though not well; his talk was about his family and the Horns, particularly James Henry Horn, administrator of the estate of his father-in-law. Said he was locked up to prevent him from bringing suit against Horn. Symptoms of mania are frequently enmity toward family, aversion to relatives, frequent from mania is active insanity, excitement and wildness, four forms, viz: melancholy, mania, dementia and monomania. Dementia means absence of mind, monomania on one subject, mania the act in form, and frequently aversive to nearest and dearest.

I next saw him on 28th Sept. 1866, remained until November,

1866, he was discharged on November 19th. He escaped a few days before—(second time same condition)—not quite as well as when he left. I saw him daily, and had fair opportunity to know his condition, his excitement continued during the whole time, and he left no better. He spoke of his children, wife and Horn, and said they had locked him up to get him out of the way and keep him from the suit he had brought.

He escaped I think this time by sawing off a bar. He was an excellent mechanic. He removed screws as few mechanics couldn't do. Third admission in January 7, 1867, I saw nothing on him and took nothing from him. Mr. Haskell afterwards claimed a knife which I had in the fire proof; he did not describe it; never saw it on him. He sued me before Alderman Hutchinson, Coates near Broad. He was discharged on May 17, 1867. He had escaped a few days before. Saw him daily as before, he continued excited and no better when he left. He was insane in my opinion when he left. I don't remember how he left. He escaped several times and was brought back. Discharge means simply entry on books not certified of cure. Saw no difference. [Offer to prove his condition in June, 1868, up to present time, objected to and overruled.]

Next saw him June, 1868, found him in hospital in same condition. He was still insane but did not show as much excitement as formerly, but his ideas were the same. He escaped. I saw him four or five days after at Hospital, his leg broken, he laughed about it and said it was better to be there with a broken leg than in the Asylum with a sound one. Have not seen him since until to-day. During my whole knowledge from the spring of 1866 to the fall of 1868 he was insane.

Cross-examined by H. R. Warriner, counsel for Mr. Haskell.

I have but one letter from him. He was put in 4th ward first time. At night in room alone. During the day in room with fifteen or twenty other persons. I think he was removed to the south wing, 2d ward. He has always been in south wing, 7th ward. We visit all the wards alike. We have different *wards* for different degrees. Department indicates patient's condition to a certain extent. He was put in one of the 4th wards, a medium ward. Not among the most excited, in the calmest; at other times he was put in 7th ward; on last admission he was placed there, but removed to 2d ward again. Alone at night but not in day time; other excitable patients around him in day time.

Attendants were always expected to be in the ward with him, it was their duty. 7th ward is on first floor, light, three rooms in