

UNPOPULAR BELIEFS

BY JEFFREY HAWKINS

Who is insane, and why? The story of James Silkman, committed to an upstate insane asylum by a judge, is a cautionary tale of law, medicine, government, and a family dispute gone wrong.

During a spiritualist group meeting at a Yonkers residence on the evening of May 19, 1882, two men knocked on the door and asked the lady of the house if they could speak with the group's secretary, James B. Silkman. When Silkman appeared, the men immediately placed him under arrest, then took him to the Utica Asylum in upstate New York (formerly called the New York State Lunatic Asylum or Utica State Hospital). The reason for his commitment was authorization by a judge, based upon a complaint made by Silkman's son, Theodore, and Silkman's brother-in-law, Darius Crosby.

Crosby's complaint was that James Silkman had threatened to kill him because Silkman was insane and under the influence of spiritualist beliefs, a popular religion that originated in the 1840s in what was termed the "Burned-Over District" of central and western New York. Among other



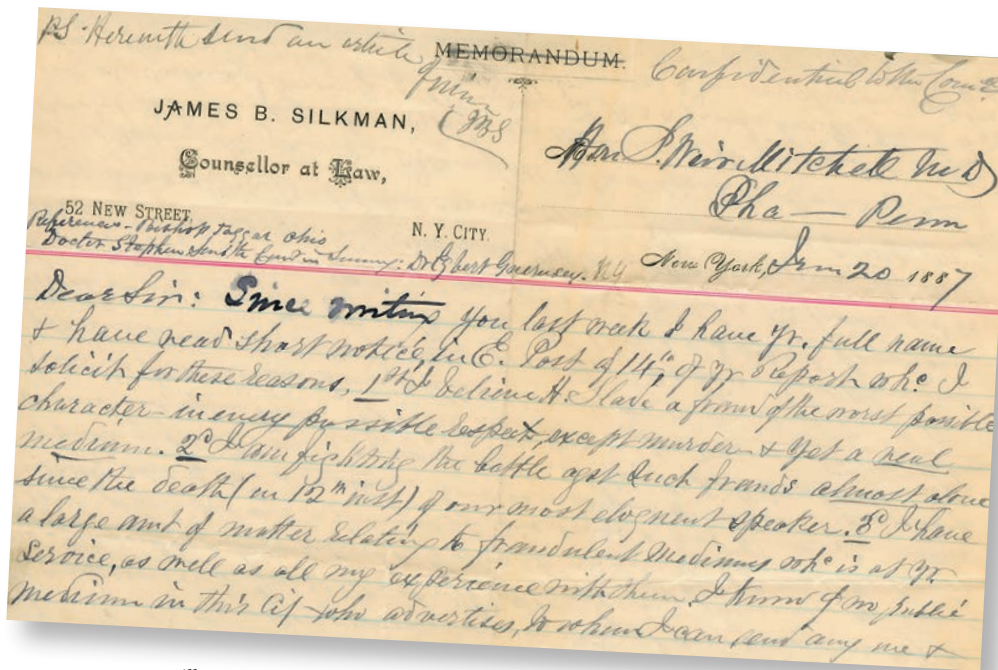
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beliefs, spiritualists held that the spirits of the dead had the ability to communicate with the living. Crosby had appeared before Judge Matthew H. Ellis in Yonkers theatrically accompanied by two bodyguards—not for protection from spirits, but, he insisted, from Silkman himself. His ploy worked: Judge Ellis issued the arrest warrant.

Silkman was held overnight under guard in a hotel, while

the next day Crosby went before Judge Silas D. Gifford with certificates from two physicians who attested that Silkman was indeed insane. However, Crosby did not mention that one of the doctors had never even seen Silkman, nor that he, Crosby, had denied Silkman's request to come before the judge in person. Judge Gifford approved the commitment, since the

The Utica Asylum.



In 1887, James Silkman wrote two letters to Dr. S. Weir Mitchell of the Seybert Commission for Investigating Modern Spiritualism offering his observations about certain spiritualists, some of whom Silkman had determined were frauds.

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law, which treated the two certificates as presumptively valid, did not require any further evidence of insanity. But the real reason for Crosby's actions was a tangled dispute over property belonging to James Silkman on which Crosby held a mortgage. The property had belonged to Silkman's wife, Harriet, who died in 1877, leaving it in part to Silkman and his three daughters, Theodore's sisters. Theodore wanted to remove his father in favor of himself as the party in control of the property—for, he claimed, protection of the interests of his minor sisters—while Crosby simply wanted to protect his mortgage investment.

Committed in All Ways

James Silkman, a tall, thin lawyer about sixty-three years of age, was an 1845 graduate of Yale College in New York. Later he became assistant editor of the *New York Evening*

Post, a position he held for two years while studying law. Friends described him as having a "nervous and over-enthusiastic temperament." Active politically, Silkman joined the Republican Party when the Democrats refused to support abolition. In September 1860, such was his anti-slavery zeal that, seeking a last-ditch resolution to "condemn the buying and selling of human beings," his impassioned speech to the New York Diocesan Convention of the Episcopal Church brought it to a raucous close. This was not garden-variety boat-rocking, however; Silkman's father-in-law was the reverend of St. John's Episcopal Church in Yonkers. For his effort to confront the church on slavery, the voluble Silkman received a letter of thanks from the famous abolitionist, Charles Sumner. But by 1881, the cause of abolition having been won, he had found another

catalyst: the Land League of Yonkers, where his rousing speeches supporting issues dear to the Irish Land League movement made him warm friends among Irish Americans—a bridge of friendship that would be his salvation after his commitment to the Utica Asylum.

At that time, Silkman was representing a client named Meisner. With a court date approaching, Meisner met with Silkman at the asylum to discuss the case and obtained Silkman's withdrawal. Meisner was satisfied with the condition of the case, but he was disturbed that Silkman had been committed. Believing that Silkman's relatives had been "over zealous," Meisner wrote to a doctor friend and pleaded with him to look into Silkman's commitment. The doctor replied that he had talked with Silkman, who seemed fine until "he launched off very incoherently about spiritualization," and thus the doctor believed that "Silkman was of unsound mind." To his credit, Meisner replied that even though Silkman seemed to be "of unsound mind," he was still harmless.

Because the asylum turned over to Theodore Silkman any letters that his father wrote during his commitment, James's subsequent efforts to contact friends to obtain his release failed. But one loyal group did respond: the Land League of Yonkers employed lawyer John F. Brennan to file a writ of *habeas corpus* on Silkman's behalf (which required a person



Clarissa Lathrop

under arrest to be brought before a judge or court to secure the person's release). Brennan finally obtained a hearing with Judge Joseph F. Barnard. In the meantime, Silkman was transferred to the Hudson River Asylum in Poughkeepsie, where he spent a week and was observed by the superintendent, who later testified at the *habeas* hearing that he could see no sign of insanity. Silkman, who opened his case himself, was released by Judge Barnard who declared him "not insane, nor was he insane at the time he was sent to the asylum."

On the March Against Abuses

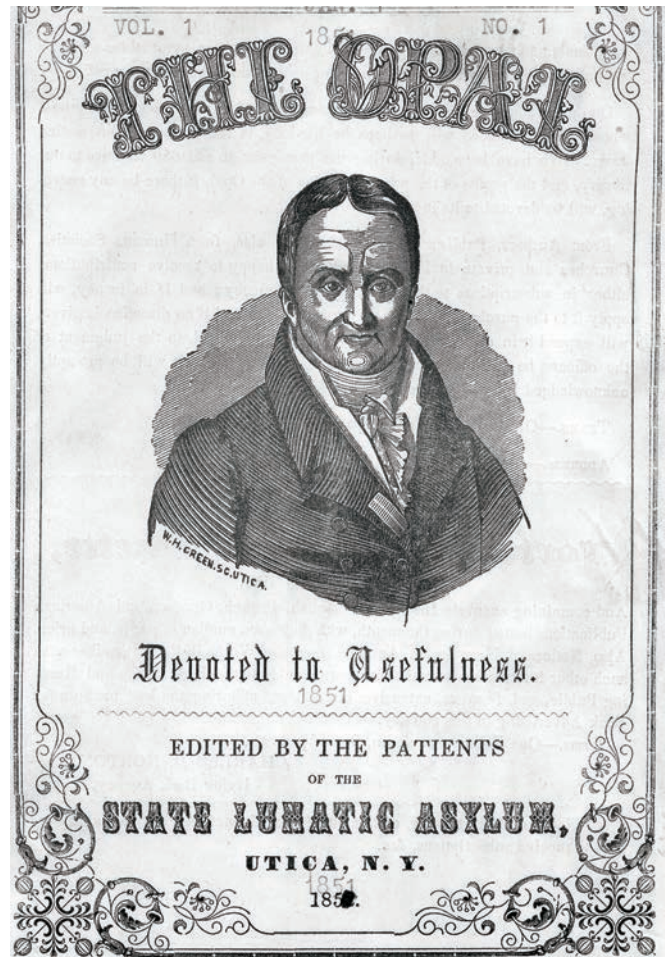
Finally free, Silkman sought to expose the practices at the Utica Asylum: "I pity from the bottom of my heart any poor fellow who gets into the clutches of the managers of that asylum, and hereafter any man who wants to get out of that damnable tomb can have my services free. I'm going for them." He won his first victory on October 18, 1882, when he addressed the Eclectic Medical Society of

the State of New York, which subsequently labeled his commitment "an atrocious crime" and called for statutory revisions "in behalf of individuals charged with insanity."

Silkman was on the march. On November 7, articles of incorporation were filed for the new Society for Improving the Welfare of the Insane; among the incorporators were Dr. Dio Lewis and James B. Silkman. Lewis was no stranger to reform movements, having waged campaigns for temperance and women's health, the latter urging women to take up physical education and abandon their fashionable but constrictive corsets.

Soon Silkman obtained the release of others at the Utica Asylum. One was Clarissa Lathrop. On October 23, Lathrop sent Silkman "eighteen closely written pages" about her situation, and shortly before Thanksgiving he talked with her in person for about two hours. On Thanksgiving morning they met again, and Silkman informed her that he had personally served a writ of *habeas corpus* on her behalf upon the asylum superintendent. Silkman later called it "the happiest Thanksgiving day of my life."

Impressed by Lathrop when she appeared before him, Judge Barnard asked the asylum's Dr. Brush to show she was currently insane. Much was made of Lathrop's alleged delusions concerning a gentleman with whom she had been infatuated, but she adroitly described them as



reasonable judgments based on the facts as she then understood them, and she expressed that she was open to better understanding. Judge Barnard set her free. She never conceded any insanity; a book she subsequently wrote about her stay at Utica is lucid, logical, and brutally honest. In December 1890, Lathrop helped create the Lunacy Law Reform League and Anti-Kidnapping Union, which freed people from asylums and brought a legal challenge to the asylum practice of opening patients' mail.

Patients at the Utica Asylum maintained their own newsletter, which discussed issues at the institution.

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Invariant then of fraud again when I was president of the conference a year ago I off. \$100 for any genuine medium getting phenomena. It brought out a rich man, the leader here, who put up a cabinet in his house & had his medium Mrs. Nells, one of his Trustees, - had wonderful success, I rec'd much abuse for calling for a grand ex. at last both Stanton & his wife came out, after Dice's expose, & admitted that it seemed unmistakable fraud. - Now he has been pulled around, the cabinet is in full blast - none but the guilty admitted - no Dice - no differences among those in support & again, I wish the report to speak from our platform; it will give me an opportunity to give the friends a side thrust. I trust you will continue yr investigations, even tho' you may have arrived at final conclusions. They cannot but be of service in exposing the fraud & I am full of the subject - if my opportunity come to Ph. & speak I know of no other man in this city who has the sense to do what I offered, the whole truth in public. - I market 2 in my class in Math & a Hole with 5 with Genl. Corbett, Genl. Dick Taylor, Capt. Harrison, Henry Deane, Messrs. C. S. Post & J. B. Silberman.

Silkman's interest in spiritualism was cited by his brother-in-law, Darius Crosby, as evidence of Silkman's insanity.

Silkman also sought to free C.C. Stanton, who had been committed in September 1880. According to a *New York Herald* interview with Stanton, the newspaper's previous stories about Silkman's wrongful committal had triggered immediate action on the part of the asylum to raise the bar for admissions, discharge many patients, and move others to different asylums. On notice that Silkman was seeking to serve a writ of *habeas corpus* for Stanton, the asylum ordered the sheriff of Malone, James A. Stockwell, to remove Stanton to the Willard Asylum in central New York. Stockwell arrived on November 22 with handcuffs "expecting to find Stanton a raving maniac," but upon seeing what appeared to be a sane man, he took Stanton instead to Malone, set him free, and "[gave] him a certificate to that effect."

The Assembly Gets Involved

Silkman also generated an 1883 State Assembly investigation into asylum management, but nearly 600 pages of testimony taken during the investigation disappeared before it could be printed. Without it, Assembly Document 175, the tepid *Report of the Committee of State Charitable Institutions in the Matter of Asylum Investigation*—which mostly promoted bringing the expenses of all asylums under central, instead of local, control—had to conclude: "We... do not find that the asylum authorities knowingly permit the maltreatment of patients, or detain intentionally persons sufficiently recovered to be restored to their friends and liberty." With the issue of patient welfare thus swept under the rug, the official binding of the report stalled because of the missing testi-



The Utica Asylum.

mony. Belatedly, on January 29, 1884, a Special Committee was appointed “to inquire into...why the report of the House Committee of 1883 upon the management of the Utica Insane Asylum has not been printed...”

The matter came under sharper scrutiny when, within a week of the Special Committee’s appointment, a man named Evan D. Hughes died at Utica following brutal attempts to subdue him. Public outcry was immediate, so the committee was also asked to locate the missing 1883 testimony. The committee reported that the testimony had been “delivered to another printing establishment,” where it languished for some time before it was “subsequently returned” to an unnamed committee member, who—some more time later—gave it “to the gentleman from New York, Mr. Howe.” Walter Howe was part of a small group of new assemblymen sympathetic to the cause of asylum reform, as well as a member of the Special Committee. Howe gave the 1883 testimony to the committee, which finally gave it to the printer. However, according to Silkman, writing in the February 1886 issue of *Hall’s Journal of Health*, “Again means were found to suppress this report, and it so remains to this day.” The Assembly tried again, presenting testimony in 1884, and that testimony did find its way into the printed record as

Assembly Document No. 164, *Report of the Special Committee to Investigate the State Lunatic Asylum at Utica*. The abuses cited by both Silkman and Lathrop were once again reviewed.

Vindication

In 1885, James Silkman sued his brother-in-law, Darius Crosby, for malicious prosecution and false imprisonment and was awarded \$15,000 in damages. Upheld on appeal, Judge Calvin E. Pratt described how the original trial court had permitted Crosby to explore other ways of convincing the jury that Silkman was insane, and summarized Crosby’s attack on Silkman’s spiritualism: “The unpopular beliefs entertained by the plaintiff...were made the subject of exhaustive investigations...and anything in his life or opinions, that could be supposed to influence the jury, was brought into service against him.”

James Silkman never realized his final victory, though he probably expected to win; he died on February 4, 1888, just before the appellate opinion was filed. As a Yale biographer wrote in 1881, Silkman believed that he had “a great moral work before him, for the accomplishment of which he has been for a long time endeavoring to cultivate a spirit and habit of entire unselfishness, and a supreme faith and trust in ‘a personal God.’” And, one could add, a trust in the right to hold unpopular beliefs. ■

THE ARCHIVES CONNECTION

Records of patients at the Utica Asylum are housed at the New York State Archives, but access to them is restricted by statute. Yet it is important to study the history of asylums in New York to appreciate how the desire to help the unfortunate was corrupted by the political class. James Silkman’s story informs us about some of the people behind the asylum walls, and his interviews, articles, testimony, and lawsuits further map out the medical, political, and legal issues concerning asylums, their management, and their patients. His was not a pebble thrown in a pond: it was a rock, and among its ripples were Assembly Documents Nos. 175 and 176 of 1883; Nos. 90 and 164 of 1884; and the testimony taken by the Special Committee, contained in the *Report of the Special Committee to Investigate the State Lunatic Asylum at Utica*, all held by the New

York State Library. Silkman’s letters concerning spiritualism are housed in the Kislak Center for Special Collections at the University of Pennsylvania Libraries. Clarissa Lathrop’s book, *A Secret Institution*, is held by the New-York Historical Society Library, which also holds the *Record of the Class of 1845* of Yale College.

Additional sources and repositories: *Saratoga Springs Sentinel* [“A nervous... temperament”], Saratoga Springs Public Library. *New York Herald* [“Not insane... to the asylum”, “I pity... I’m going for them”], held as microfilm at Hofstra University. *Utica Morning Herald and Daily Gazette* [“The happiest Thanksgiving day of my life”], New York State Library. 14 N.Y. St. Rep. 566 [“The unpopular beliefs...into service against him”], Temple University Beasley School of Law Library. *Hall’s Journal of Health*, New York Public Library.

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