

# *Commissions of Lunacy*

## *Background, Sources, and Content*

IN FEBRUARY 1823, THE READING public of England was shocked by the disclosure of yet another scandal in high places.<sup>1</sup> The major dramatis personae of the scandal were the third Earl of Portsmouth, his second wife, Mary Anne, and her lover, William Rowland Alder. Lord Portsmouth was born in 1767 and married Grace Norton in 1799. Grace died in 1813, and less than four months after her death, Lord Portsmouth married Mary Anne Hanson. Mary Anne was the eldest daughter of John Hanson, who was an attorney and Portsmouth's principal trustee.<sup>2</sup> Alder was a lawyer who had been acquainted with the Hanson family.

Shocking stories of the depravity and perverted sexuality of the three were revealed one after another. Unlike many contemporary aristocrats whose sexual misdemeanors outraged the public, Lord Portsmouth was not sexually profligate. Actually, he was almost certainly impotent.<sup>3</sup> He became, however, the center of the depraved excess of the *ménage à trois*, which, coming very close to the imagined world of the Marquis de Sade, overshadowed most other scandals disclosed during the period. Lord Portsmouth was morbidly fond of brutality, blood, and death. He severely whipped his horses and servants without cause or provocation; he gave harsh correction to children of St. Giles's School, to which he acted as a governor.<sup>4</sup> He took a great liking to bleeding and purging his servants, and he wandered about and asked to be bled by women he met, obviously to derive erotic pleasure.<sup>5</sup> He fre-

quented a slaughterhouse and knocked animals down with an ax that was specially made for that purpose. He was fascinated by funerals, following mourning coaches in his phaeton while laughing and shaking his whip at the coachmen. These perversities of His Noble Lordship were more than matched by the depravities of Lady Portsmouth and her lover. They constantly abused Lord Portsmouth, both physically and mentally. They carried their adulterous affair on openly. Most shockingly, they invited the impotent lord to the bed on which they were making love.

An avalanche of evidence was given by an army of witnesses, whose testimonies demonstrated the adultery, on the basis of which the marriage was to be dissolved. The trial was, however, not for a “criminal conversation,” which often accompanied a divorce case and provided material for pornographic publications. Demonstrating the adultery was not its legal aim.<sup>6</sup> The real goal of the trial was to demonstrate that Lord Portsmouth was insane and to dissolve the marriage for that reason. By showing that His Lordship was incapable of managing his own affairs at the time of his marriage with his present wife, those who started the trial wanted to nullify the marriage retroactively. All the depraved acts of the lord were recounted in order to show that he was and had been a lunatic, or, according to the legal parlance of the time, “of unsound mind.”<sup>7</sup> Evidence of the bare-faced adultery was presented in court in order to demonstrate that Lord Portsmouth’s mind had been so deranged that he knowingly let his wife and her lover carry on an adulterous affair. Using the threesome on the bed as the key evidence, a counsel claimed that “[the] adultery existed under circumstances which no man could fail to have seen but a madman.”<sup>8</sup>

This type of legal procedure was called a “commission of lunacy” or “commission *de lunatico inquirendo*.” This procedure is now relatively unknown: historians of nineteenth-century English psychiatry and lunacy are much more familiar with the confusingly named “Commission *in Lunacy*” or “Lunacy Commissioners,” a governmental body created in 1845 by the “Act for the Regulation of the Care and Treatment of Lunatics” (8 & 9 Vict.c.100), to inspect county pauper asylums, hospitals for the insane (except Bethlem Hospital, which had been exempted from the Lunacy Commission’s inspection until 1853), and licensed houses for the reception of the insane in England and Wales.<sup>9</sup> Commission *of* lunacy was, however, hardly an obscure legal procedure in the earlier half of the nineteenth century. Commissions were held in public spaces such as taverns or coffee-houses and were very well attended by the public. They were also popular in the press: about two hundred such cases were reported in the London

*Times* between 1820 and 1860. About a dozen of them were the top news of their day: many columns, sometimes an entire page, were devoted to reporting on the proceedings. Such reports contained detailed descriptions of the deeds of the accused lunatic, which were (and are) shocking, comic, tragic, poignant, and disturbing and require us to rethink our assumptions about the nature of “mental disease” and its regulation. Above all, the reports were highly revealing about how lunatics were thought of, treated, neglected, or abused by the members of their families or households, and how people responded to lunatics taken care of by their own families. On the basis of these hitherto neglected sources, this book casts new light on the history of nineteenth-century psychiatry and lunacy, seen from the viewpoint of the family.

BACKGROUND: REFORM IN LUNACY  
AND TRANSFORMATION OF THE FAMILY

The case of Lord Portsmouth is “interesting” in its own right. It did make news in its own day, and might well provide material for retrospective tabloid journalism.<sup>10</sup> The significance of Portsmouth’s case lies, however, not in its scandalous details, but in its juxtaposition of two sets of historical events, which have been studied separately in the present history of psychiatry. Instead of being just an interesting vignette in this book, the episode of 1823 serves as an opening through which to investigate the intertwining of two major historical developments in the early nineteenth century: reform in lunacy and the transformation of domesticity.

The first line of development I would like to relate to Lord Portsmouth’s case is what has been loosely called “reform in lunacy” in the early nineteenth century. In 1815–16, eight years before the Portsmouth case, an event took place that was to become a landmark in the history of psychiatric provision for the insane in England. It was the disclosure, by a House of Commons Select Committee, of abuse in asylums. The horrendous findings of the committee, the jolt they gave to the nation, and the subsequent battle over the issues of who should be responsible for taking care of mad people—all have been told many times and are aptly analyzed by Andrew Scull.<sup>11</sup> Unlike its predecessor in 1807, the Select Committee of 1815–16 had enormous ammunition to support its call for reform in lunacy. Godfrey Higgins, a Yorkshire magistrate and the first witness to be examined by the committee, repeated what he had found in his private investigation of the York Asylum in 1813: “maltreatment of the patients extending

to rape and murder; forging of records to hide deaths among the inmates; and extraordinary widespread use of chains and other forms of mechanical restraint; massive embezzlement of funds; and conditions of utter filth and neglect.”<sup>12</sup> The climax of Higgins’s testimony came when he narrated his discovery of hidden cells in which thirteen women had been kept at night. Defying the staff and forcing his way into these cells, Higgins found a dungeon of filth, walls of which “were daubed with excrement.” He vomited, unable to stand the odor. After Higgins, the committee disclosed another shocking abuse. Edward Wakefield and others reinforced to Parliament and the public what they had found in Bethlem in 1814, particularly the terrible situation of James Norris, who had been chained in a horrible apparatus for at least nine years, night and day. Numerous similar investigations were undertaken and their results were reported to the committee. Naturally, only a few institutions satisfied the reformers. Nine out of ten investigations found that the situation of those who were confined in asylums, especially those who were poor and supported by their parish or by charity, were highly unsatisfactory. Through such findings, the Select Committee of 1815–16 set a pattern for the reformers in lunacy for the following couple of generations. The formula for reform was established: find a glaring abuse in an asylum, publicize the result of an investigation, shock the public, humiliate those who were involved in managing the institution, and win the reform. Numerous subsequent efforts of reform in lunacy followed this pattern.

The Parliamentary Select Committee of 1815–16 had thus one important aspect in common with the commission of lunacy against Lord Portsmouth in 1823: disclosure of the abuse of a lunatic. Although the professed aim of the commission was to demonstrate the insanity of the lord, the petitioners also laid great stress on the abuse of the patient by Lady Portsmouth and her lover. The testimonies of the witnesses moved back and forth between two tactics, the demonstration of the insanity of the subject and the disclosure of acts of cruelty toward His Lordship. One Richard Jones, a gardener to Lord Portsmouth, testified as follows:

I [Jones] heard that he was knocked down, and I ran out; his Lordship had just got up; Mr. Alder was standing by him; his Lordship ran behind me for protection; he was crying very much; he showed me his hand and desired to wipe it; it was filled with gravel . . . his Lordship then went and sat under a tree in front of the house; he cried very much. Lady Portsmouth nor Miss Laura [Hanson], nor Mr. Alder came to sit by him; but Mr. Alder came to

him, and shaking his fist in Lord Portsmouth's face, said "you must prepare to fight a duel with me to-morrow morning." Mr Alder then walked up the steps, and went arm-in-arm with Lady Portsmouth into the hall; his Lordship remained under the tree for nearly two hours.<sup>13</sup>

Likewise, many witnesses catalogued physical violence, verbal insults, and mental cruelties directed against Lord Portsmouth, as well as giving evidence of conspicuous displays of inappropriate intimacy between Lady Portsmouth and Alder.<sup>14</sup> Technically speaking, such evidence of cruelty and abuse was not relevant to the purpose of the legal procedure, which was the demonstration of the insanity of the subject. Evidence of abuse was used to delegitimize Lady Portsmouth and her allies as trustworthy persons to be responsible for the care of the weak-minded lord. In effect, the petitioners of the commission asked for a "reform" of the present unsatisfactory regime for the care and management of the lunatic, which meant, in this context, the dissolution of the marriage. The parallel with the strategies of the Parliamentary Committee of 1815–16 is obvious: disclose abuses committed secretly behind walls and publicly discredit the regime that was responsible for the care of the lunatic.<sup>15</sup> The two scandals were presented in the same language, which conflated the private and the public, despite great differences in their legal or legislative aims.

It is important to note, however, that the parallel stops there. A fundamental difference existed between the two sites in which the lunatics in question were taken care of. Both York Asylum and the Bethlem Hospital were "public" institutions in the sense that they were accountable to their governors, who paid subscriptions, whereas the membership of Lord Portsmouth's family was strictly private. Lunacy in the latter case obviously needs a historiographical framework different from one suitable for the former case, despite considerable overlap between the two.

The development of domestic ideology is thus the second set of historical events in which I would like to contextualize the case of Lord Portsmouth. The most convenient single event to examine the domestic ideology is the agitations caused by the Queen Caroline affair, which galvanized the entire nation in 1820, just three years before the Portsmouth case.<sup>16</sup> Just as the 1815–16 Parliamentary Select Committee was the culmination of other inquiries into the abuses at incarcerating institutions from the late eighteenth century on, the Queen Caroline affair was the climax of a long trend. From the late eighteenth century on, the private misdemeanors of the famous and the powerful were increasingly used for the purpose of rad-

ical critiques of the corrupted establishment, helped by the wider circulation of newspapers, magazines, and cheap prints.<sup>17</sup> The Grub Street exploitation of trials of adultery cases (“criminal conversation” or “crim.con” literature) for political and pornographic publications became all the more intensified when the fervor stirred by the revolutions in America and France turned many radical publishers to energetic reporting of the sexual misbehavior of aristocrats and members of the royal family.<sup>18</sup> The Queen Caroline affair in 1820–21, which fed unprecedented interest in the sexual misdemeanors of the royal couple, was the climax of public outrage against George IV—both against the unmanly means by which he damaged the feminine honor of the “wounded queen” and against his own notorious libertinage. It was an Indian summer for English radicalism.<sup>19</sup>

The extraordinary popular agitations in support of Queen Caroline had a background wider than the profound unpopularity of George IV and the momentum in the English radical movement, as Thomas Laqueur, Leonore Davidoff, and Catherine Hall have asserted. The affair was discussed in terms of domestic ideology, a doctrine then gaining momentum in the middle class: domestic virtue is the condition of participation in public activity. According to Davidoff and Hall, it was “one of the first *public* moments” in which one view of domestic and intimate conduct was “decisively rejected in favour of another.”<sup>20</sup> The Queen Caroline affair thus both signaled and confirmed the new middle-class ethos that forged an important link between the private sphere of the family and the public sphere of politics and economic activity: happy marriage and domestic virtue were necessary conditions for political and economic roles in the public sphere. This conflation of the domestic and the public connected the Queen Caroline affair and the Portsmouth case. They were both exposés of marriages without love, and they both used the failure of a family in the private sphere to disqualify that family from assuming a public role. The ideological rhetoric, if not legal logic, behind such criticisms went like this: the present Portsmouth family should be publicly disqualified as a proper psychiatric regime because of its failure to meet the standard of domestic virtue. This rhetoric signaled an attitude related to lunacy and the family that turned out to be crucial: lunatics kept in the private family were proper objects of public concern if the family did not meet the standard of domestic virtue. The Portsmouth case is important not just because it made a legal precedent and because it provided yet more material for political radicals’ denunciation of the old guard’s corruption. It was certainly the first report of a commission of lunacy case in the *Times*, and arguably the

first news that made the abuse of a lunatic in a private family widely known to the public. It thus established a pattern of public scrutiny of the private, familial sphere in which a lunatic was kept.

The case of Lord Portsmouth thus straddled two important historical changes in the early nineteenth century, which have been studied separately by historians in different specialist fields. The Portsmouth case echoed the reform in lunacy, which has been studied by Andrew Scull and many other historians of psychiatry in nineteenth-century England. It also resonated with the formation of new domestic ideals, closely studied by Catherine Hall, Leonore Davidoff, and many other historians of family and gender in the late eighteenth and early nineteenth centuries.<sup>21</sup> My intention in this book is to bridge the two fields: I examine the problems of lunacy in the domestic setting and from the viewpoint of the family in the upper ranks of English society.

#### SOURCES AND THEIR BACKGROUND

##### *Commission of Lunacy: General Observations*

In many ways, the records of the court of commission of lunacy provide uniquely rich material. Although this book does not aim to study the legal procedure per se, a brief overview of the history of the commission of lunacy is in order.<sup>22</sup>

During the period covered in this study, roughly 1820 to 1860, commission of lunacy was a legal procedure allowing a person (called the “petitioner”) to ask the Lord Chancellor to examine whether the person in question was a lunatic or an idiot. If the examination established the lunacy or idiocy of the subject, the subject was deprived of his or her civil rights, in consequence of which committees were appointed to take care of the subject’s property.<sup>23</sup> The examination or “inquisition” was a complex and large-scale process. The Lord Chancellor appointed one or several lawyers, called commissioners, to investigate and settle the issue. The commissioners arranged a hearing of evidence before a jury. To prove the insanity of the alleged lunatic, the petitioner produced witnesses testifying to the subject’s lunacy. These were often family friends, neighbors, or servants of the household, whose experience with the alleged lunatic was reported in detail. Opposition to the commission could be put forward by a family member, a relative, or any other party. The opposition, too, brought forward witnesses, testifying to the subject’s sanity. If no opposition had been put up and the alleged lunatic did not consent to be declared insane, he or she

could act as the opposing party. The alleged lunatics were personally examined by the commissioner in front of the jury. After all witnesses had testified, the lunatic had been examined, and counsels for and against the commission had entered pleas, the commissioner summarized the case. Then the jury returned a verdict, specifying the date from which the subject had been *non compos mentis*. The date was very important, because a commission was often used to retroactively annul a contract that had been made years before. The nullification of the second marriage of Lord Portsmouth was the object of one such commission.

Commission *de lunatico inquirendo* had a long history. The procedure went back at least to the fourteenth century, when it developed from the notion of the Crown as *parens patriae* (guardian of the kingdom): the Crown had a royal prerogative for the care and custody of the persons and estates of those who were deemed *non compos mentis*. Instead of directly exercising its authority, the Crown delegated the power to the Lord Chancellor.<sup>24</sup> In 1540, the functions of the Crown as *parens patriae* was transferred to the newly established Court of Wards. The Court effectively protected the property of lunatics and idiots, preventing those who managed lunatics' and idiots' estates from taking advantage of the situation. Although the Court tried to expand its protection to humbler men and women, commission of lunacy remained a legal procedure serving the needs of the wealthy.<sup>25</sup> During the Civil War and the Interregnum, the Court of Wards came under attack as an institution that symbolized the unjust power of the Crown over its subjects. The Court ceased to operate during the Long Parliament and was formally abolished in 1660, when the function of protecting the estates of lunatics and idiots passed to the Court of Chancery.

The Court of Chancery in the early eighteenth century was notoriously corrupt, although its rules and procedures were basically fair on paper. As Michael MacDonald has shown in his analysis of a scandal in 1725, Masters of Chancery embezzled considerable amounts of money entrusted to them by suitors of the Chancery, including the guardians of lunatics. Earl of Macclesfield, the Lord Chancellor for 1718–25, was impeached for making illegal profit from the property of the estates of many widows, orphans, and lunatics, as well as from selling masterships.<sup>26</sup> Moreover, the abuse of the legal machinery of the commission *de lunatico inquirendo* was not limited to this case or to lawyers in high places, but extended to wider sections of the society. There was at least one case of abuse in which an impoverished baronet in Lancashire was accused of gaining a dubious commission of lunacy against his father-in-law for the purpose of making illegal profit.<sup>27</sup>

Judging from what Daniel Defoe and others wrote about illegal confinements in early private madhouses, it is not unlikely that there were further cases of abuses of the commission of lunacy in the eighteenth century.<sup>28</sup> In this respect, MacDonald is right in sounding a note of caution against the optimistic picture of eighteenth-century lunacy painted by Roy Porter.

From the beginning of the nineteenth century, there was a series of important legislative attempts at reforming the practice of commissions of lunacy. I shall examine these reforms in detail in chapter 6. Suffice it to say here that they shared the common goal of expanding the range of protection offered by reducing the costs and delays for the execution of the legal procedure. Such reforms culminated in 1853 in the form of an “Act for the Regulation of Proceedings under Commissions of Lunacy” (16 and 17 Vict.c.70).<sup>29</sup> Under this Act, the Lord Chancellor appointed two full-time Masters in Lunacy, who, for the handsome salary of £2,000 each, performed the duties that had been discharged by commissioners appointed for each commission.<sup>30</sup> Two important Amendments were made to this Act, in 1862 and 1882. The Amendment in 1862 further extended the availability of the commission of lunacy by allowing the cases to be tried in one of the superior courts of common law at Westminster.<sup>31</sup> It also empowered the Lord Chancellor to allow people even of modest means to obtain a commission without the lengthy, complex, and costly process of inquisition: when the property of the alleged lunatic did not exceed £1,000 or £50 per annum, the person could obtain a summary commission at the Lord Chancellor’s discretion.<sup>32</sup> Because of this Amendment, people possessing only a small amount of property could expect to obtain a commission at a substantially reduced cost. The Amendment in 1882 (45 and 46 Vict.c.82) raised the ceiling value of property that qualified a person for this exemption from inquisition to £2,000 or £100 per annum.<sup>33</sup>

The Lunacy Act of 1890 (59 Vict.c.5) amalgamated and consolidated numerous Acts and Amendments related to lunacy that had passed in the previous half-century.<sup>34</sup> Its impact was great in many issues related to lunacy, and a drastic change was brought about in commission of lunacy. Although the office of Masters in Lunacy was retained and the procedure for a commission of lunacy remained in operation, the Act established major ways by which people could bypass a commission of lunacy.<sup>35</sup> Before the 1890 Act, commission of lunacy and certificate of lunacy were completely separate matters. The former was necessary to deprive a person of his or her civil rights, while the latter was a requisite to confine him or her:

one thus needed to petition for a commission in order to put a person's property under protection, even if he or she had already been confined under a certificate of lunacy.<sup>36</sup> The Lunacy Act of 1890 explicitly indicated that the same protection of the property of a lunatic as that afforded by a commission of lunacy could be obtained under an order of a judge, without going through the legal procedure.<sup>37</sup> Clause 1 of section 116 of the Act specified six categories of persons whose property could be protected and who could be deprived of their rights. The first category is those who went through the legal procedure of a commission and the accompanying inquisition; the other five categories are those who could be exempted from the process.<sup>38</sup> Among these, the most important is category C, which reads: "every person lawfully detained as a lunatic [under a certificate of lunacy] though not found [a lunatic] by inquisition." This meant that protection of a lunatic's property could be secured if he or she was confined under a due order and if a judge granted an exemption from a commission of lunacy. Section 116 thus made commission of lunacy redundant for many cases, as a contemporary author predicted.<sup>39</sup> After the Lunacy Act in 1890, followed by further Amendments in 1908 and 1922, commission of lunacy as a legal procedure fell into disuse.<sup>40</sup> By 1927, the authors of a work titled *Management and Administration of Estates in Lunacy* remarked that "[the] wide powers afforded by L[lunacy]. A[ct]., 1890, s.116, as extended by L.A., 1908, s.1, and L.A. 1922, and the simple form of procedure thereunder, have rendered proceedings [of commission of lunacy] under inquisition exceedingly rare."<sup>41</sup> The 1890 Act thus effectively ended a legal procedure that had been used for more than five hundred years.

The legislation discussed in this section was related to the actual practice of commission of lunacy. Figure 1 represents the annual number of commissions of lunacy issued from 1627 to 1920. Figure 2 gives the data aggregated by decade.<sup>42</sup> Figures before 1660 are unlikely to represent the real number of commissions, for the Court of Chancery did not assume responsibility for commissions of lunacy until that year. From the late seventeenth century on, the records are fairly complete apart from some minor gaps.<sup>43</sup> The overall pattern of the rise and fall of commissions of lunacy is clear. In the late seventeenth century and throughout the eighteenth century, the number of commissions of lunacy fluctuated at a low level. During this period, the increase, if any, was very gradual. At the beginning of the nineteenth century, the number started to rise markedly. The growth in the first three decades of the century is particularly striking: in the last decade of the eighteenth century (1790–99), there were 131 commissions, whereas

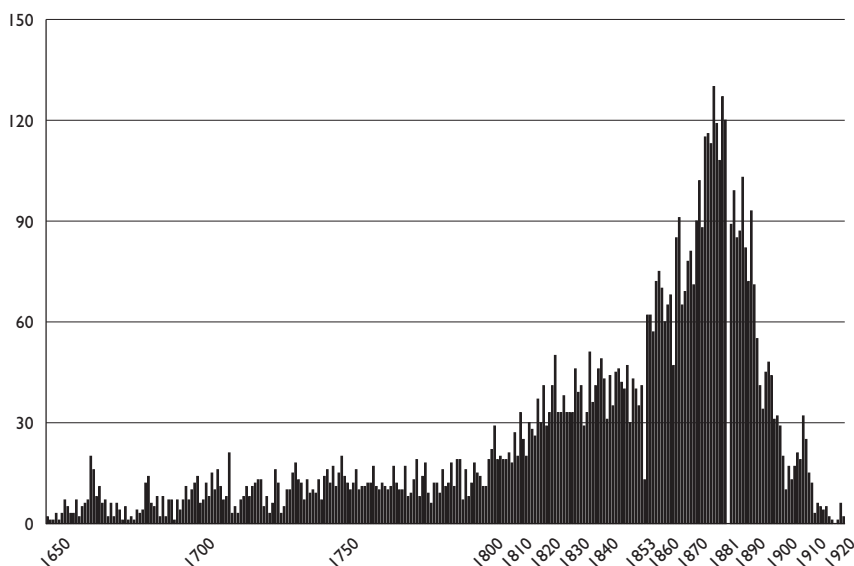


Figure 1. Numbers of Commissions of Lunacy, 1627–1920

the period 1820–29 witnessed 373 commissions, 2.8 times as many. These three decades of rapid increase were followed by two decades of stagnation between 1830 and 1850. From the 1850s, the numbers of commissions entered a second phase of increase at an even greater pace, which lasted until 1880. After the gap in 1881–82, the trend was abruptly reversed and a rapid decline set in. The minor surge around 1910 turned out to be temporary, and commissions of lunacy were reduced to near extinction after the First World War.

Some of the rises and falls in figures 1 and 2 were obviously related to legislative changes. The 1853 Act and its Amendment in 1862 increased the number of commissions by making a commission easier and cheaper to obtain. The Lunacy Act of 1890 prompted a precipitous decline, for it enabled people to seek a simpler form of the protection of the property of lunatics and to bypass a commission. After 1853, therefore, trends in the actual number of commissions followed legislative changes fairly closely. For the first half of the nineteenth century, however, no such obvious correlation can be discerned. Without the stimulus of new legislation, more people started to seek a commission around the turn of the century. I tackle this puzzle in chapter 6.

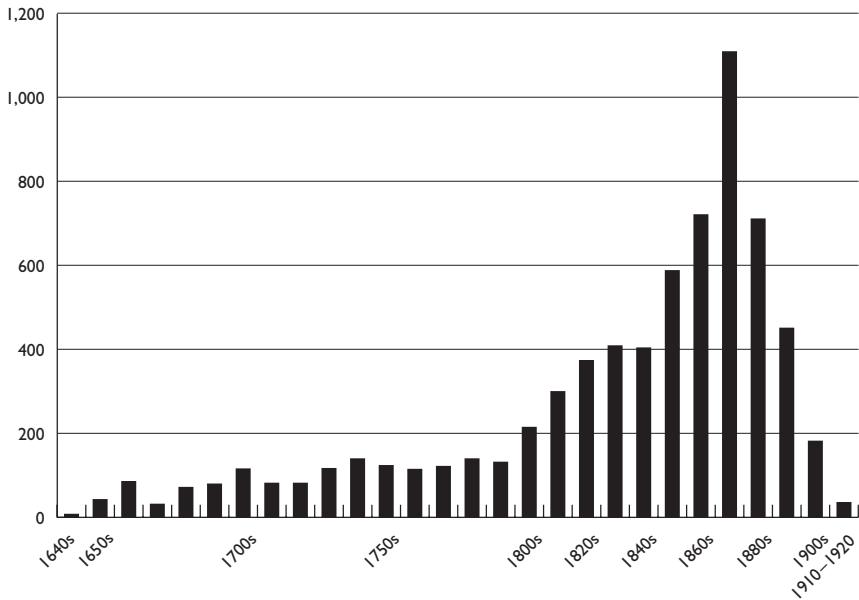


Figure 2. Numbers of Commissions of Lunacy Aggregated by Decade, 1640s–1910s

Two prominent features of the subjects of the commissions should be mentioned. First, they were predominantly male during the period covered in this book (see table 1). Of 3,301 commissions requested between 1620 and 1853, 2,206 (66.8 percent) were male. The ratio of male lunatics to females remained about 2:1 throughout the period 1660–1850, with no clearly visible change over time. This male predominance was mainly a result of the absence of married women. Among female subjects of the commission, 52.4 percent ( $n = 574$ ) were spinsters or single women, and 35.2 percent ( $n = 386$ ) were widows. Those who were identified as “wife” were only 2.8 percent ( $n = 31$ ) of the total female subjects. (For the remainder, their marital status was not recorded.) Married women were vastly underrepresented because they did not possess *their own* property that would have needed protection by a commission of lunacy.<sup>44</sup> For the period covered in this book, women’s civil as well as political rights were severely limited, mainly owing to the common law doctrine of “coverture”: because the wife’s legal personality was absorbed in her husband, all property of hers became the property of her husband. There was no need for a husband to request a costly legal procedure to deprive his wife of property rights, simply because she had no property rights to be deprived of. Only under exceptional cir-

TABLE I  
Male and Female Subjects of Commissions of Lunacy,  
1620-1853

	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male Percentage</i>
1620-1629	1	—	1	—
1630-1639	1	—	1	—
1640-1649	5	—	5	—
1650-1659	33	9	42	78.6
1660-1669	66	19	85	77.6
1670-1679	23	8	31	74.2
1680-1689	47	24	71	66.2
1690-1699	50	29	79	63.3
1700-1710	82	33	115	71.3
1710-1719	54	27	81	66.7
1720-1729	58	23	81	71.6
1730-1739	76	40	116	65.5
1740-1749	88	51	139	63.3
1750-1759	79	44	123	64.2
1760-1769	66	48	114	57.9
1770-1779	87	34	121	71.9
1780-1789	89	50	139	64.0
1790-1799	95	36	131	72.5
1800-1810	157	57	214	73.4
1810-1819	205	94	299	68.6
1820-1829	255	118	373	68.4
1830-1839	261	147	408	64.0
1840-1849	251	152	403	62.3
1850-1853	77	52	129	59.7
Total	2,206	1,095	3,301	66.8

cumstances did a wife become the subject of a commission. Men numerically predominated as subjects of commissions of lunacy principally because married women were virtually excluded from the population at risk.

Second, the social status and occupations of the subjects of the commissions display a strong bias toward the social elite (see table 2). Only a very rough picture can be presented, because the sources I have consulted give

TABLE 2  
 Status and Occupations of Male Subjects  
 of Commissions of Lunacy, 1627–1853

<i>Status or Occupation</i>	<i>Number</i>
Esquires/gentlemen	1,077
Tradesman/artisans	272
Farmers/yeomen	147
Noblemen/titleholders	104
Professionals	74
Others	99
Not stated	433
Total	2,206

only brief, vague information about the occupations of the male subjects of commissions.<sup>45</sup> The two most numerous entries were “esquire” and “gentleman”: together they constitute 48.8 percent (n = 1,077) of the male subjects of commissions. Although both “esquire” and “gentleman” were highly ambiguous social statuses in the eighteenth and nineteenth centuries, it is certain that subjects from these groups were persons of relatively high social standing. These two categories dwarfed “artisans and tradesmen” (12.3 percent, n = 272), and “farmers and yeomen” (6.7 percent, n = 147). Although small in number, “noblemen and other titleholders” (4.7 percent, n = 104) are remarkably overrepresented, considering that they constituted only a tiny fraction of the total population. Equally conspicuous is the absence of manual laborers, who constituted the bulk of the population. These figures on the occupations and social status of the subjects of commissions suggest that the legal procedure was largely, if not exclusively, a measure sought by the elite sector of English society between 1649 and 1853.

#### *Reports in the Times, 1823–1861*

Commissions of lunacy before 1853 always took place before a jury and large audience. They were, at least from the mid-1820s, often attended by shorthand reporters for national newspapers, whose accounts of the examination appeared in the paper. Between 1820 and 1860, there are about 200 reports of the cases of commission of lunacy in the *Times*. These newspaper reports, which have so far been utilized only partially by historians of psychiatry and

lunacy, form the core material for my argument throughout this book.<sup>46</sup> I have to rely on newspaper reports, which have many obvious shortcomings as sources for historical research, because the original documents of the commission of lunacy during the period covered in this study were destroyed, unavailable, or scattered.<sup>47</sup> I have used only the abstracts and indexes to the commissions from the mid-seventeenth century to 1853 that are now left in the Public Record Office in Kew.<sup>48</sup> Some copies of legal papers concerning commissions of lunacy are scattered both in the Public Records Office and in local archives, and painstaking research will no doubt bring more materials to light.<sup>49</sup>

In total, 197 commissions of lunacy were reported in the *Times* from 1823 to 1861, the years, respectively, of Lord Portsmouth's case and W. F. Windham's case. The majority of those reports (n = 178) were published between 1825 and 1845, during which period 263 commissions took place in London and Middlesex, the location of most of the reported commissions (see table 3). The *Times* thus covered about two-thirds of the cases heard in the metropolitan area during the period 1825–45. One can be reasonably confident that the material examined represented a substantial portion of all commissions in the metropolitan region during the period in question.

Why were commissions of lunacy reported in the *Times* during these two decades? Its beginning is easier to explain than its end. When the *Times* started to cover this type of legal procedure, there were two successive cases that certainly made good material for journalistic and commercial purposes. The first case was the commission against Lord Portsmouth in 1823. As is evident from my brief account at the beginning of this chapter, the case was difficult for the press to ignore. The second case appearing in the *Times* had similar appeal, with tremendous power to attract public attention.<sup>50</sup> It contained a vivid story of adultery between a clergyman's wife and a "rupture doctor" (a medical practitioner specializing in the treatment of hernias), spiced with tales of the husband having sex with prostitutes. Those two sensational cases perhaps served to establish regular coverage of legal proceedings in this category. These were, however, exceptions to the rule. The overwhelming majority of cases do not have this pornographic character. The journalistic appeal of the rest of the cases seems to have lain in people's interest in incidents of lunacy and their desire to know the situations the lunatics were put in. This editorial decision was in harmony with the general conviction that the problem of lunacy should be a public concern, not something left to the discretion of those who were directly involved in the care and management of the insane.

TABLE 3  
 Numbers of Reports on Commissions of Lunacy  
 in the London *Times*, 1823–1861

<i>Year</i>	<i>Male Subjects</i>	<i>Female Subjects</i>	<i>Total</i>
1823	1	—	1
1824		—	
1825	2	—	2
1826	1	2	3
1827	3	1	4
1828	3	—	3
1829	3	1	4
1830	4	3	7
1831	3	2	5
1832	3	2	5
1833	3	2	5
1834	8	5	13
1835	6	3	9
1836	9	2	11
1837	8	4	12
1838	12	7	19
1839	8	5	13
1840	6	3	9
1841	10	3	13
1842	10	3	13
1843	6	5	11
1844	6	2	8
1845	8	1	9
1846	—	—	—
1847	—	—	—
1848	—	—	—
1849	—	—	—
1850	4	1	5
1851	2		2
1852	—	3	3
1853	2	—	2
1858	3	1	4
1859	—	1	1
1860	—	—	—
1861	1	—	1
Total	135	62	197

The abrupt termination of the *Times's* reporting of commission of lunacy cases is harder to explain. As table 3 shows, the *Times* suddenly stopped regular coverage in 1845, and reports resumed sporadically in the late 1840s through the 1850s. This is only partly explicable. A legal reform in 1853 allowed the Masters in Lunacy to settle a commission without a jury or in a closed court, unless in their judgment the case was complicated and a jury was necessary. A principal effect of this reform was to make many routine cases inaccessible to reporters. Accordingly, all cases reported in the newspaper after 1853 were hotly contested and argued before a jury, each taking more than two days to complete.<sup>51</sup> But the problem with relying on this line of explanation is that the *Times* stopped regular coverage *before* the 1853 Act. Why was this the case? Did the editors become concerned about issues of privacy and the feelings of the families? Perhaps, but there is no independent evidence for this claim. It is true that there was some disquiet about the practice of publicizing in the newspaper the strange acts committed by the insane and bizarre delusions held by them. The pain the family felt in bringing the case in front of the public was regularly referred to. On one occasion, a reporter for the *Times* was blamed in court for practicing tabloid journalism. During the commission against Rev. Paul Saumarez in 1834, a sheriff's officer at the court told the reporter, "you must not report this in the papers," and declared that "if he [the sheriff's officer] had known for what purpose I [the reporter for the *Times*] attended the inquiry, he would have closed the door against me."<sup>52</sup> However, on the following day, the commissioner explicitly endorsed the propriety of the press reporting on its proceedings: "Mr Commissioner Whitmarsh directed the attention of the jury to a letter which appeared in the *Times* yesterday, complaining that a sheriff's officer had threatened to close the door to a reporter who attended an inquiry of this description. . . . He [the commissioner] begged to state that inquiries of that kind should be thrown open to the public. He believed that that was the feeling entertained by the under-sheriff, and he felt confident that [the] gentleman would not sanction such a threat as had been made by the officer."<sup>53</sup> Thus, even in this single instance of criticism raised against the practice of reporting, the *Times* won a clear victory. Henry Brougham expressed a similar distaste for journalistic practice during the case of Edward Frank in 1825. Brougham pleaded to the jury to sympathize with the alleged lunatic, who was being subjected to a "severe scrutiny . . . [of] . . . his whole life," with the result exhibited in open court and in the newspapers.<sup>54</sup> In this case, however, Brougham acted as a counsel against the commission, and his statement may be seen less as a genuine expression of

his opinion than as a legal tactic to cast the petitioner (who was the son of the subject) in an unfavorable light. Protests against the practice of reporting cases were thus rare and insubstantial, nor did they meet with a favorable response. The *Times's* abrupt stopping of its coverage of lunacy cases was certainly not the result of mounting criticism against the practice.<sup>55</sup> Nor did the newspaper stop publishing cases in which “interesting” lunatics played some part, either in commissions of lunacy or in other types of trials.<sup>56</sup> The reason for the termination of the regular reporting of commission of lunacy cases around 1845 remains a mystery.

#### LUNATICS ON STAGE

The content of the reports naturally varied, and Tolstoy's oft-quoted remark—all happy families resemble one another, but each unhappy family is unhappy in its own way—is particularly apposite when applied to the two hundred families who were troubled with the insanity of family members and asked for legal intervention to help them resolve their troubles. In order to give a sense of the general picture emerging from my sources, I shall briefly delineate some characteristics of the cases.

At the outset, note well that they were published in the newspaper. A commission of lunacy could become a piece of news, in which the public was interested. Some evidence suggests that the newspaper reports themselves were keenly read. In at least three cases, reports of a commission were separately published after appearing in the newspaper.<sup>57</sup> One diarist recorded his opinions about two cases of commission of lunacy, one in 1829 and the other in 1832.<sup>58</sup> Sometimes the reports prompted those who had read them to participate in the examination or to volunteer as witnesses. Readers sent letters to the editor of the *Times*, asking for corrections or giving supplementary information.<sup>59</sup> When a commission against Daniel Gundry was reported, one Jerome Goodrich, an old acquaintance of the subject, came to the court to give evidence, “having come to town two or three days ago, he had that morning seen in *The Times* newspaper a report of the first day's proceedings under the commission against Mr. G.”<sup>60</sup> These casual participants must have been thrilled to be part of an important event.

The popularity of commission of lunacy cases can be gauged also from the fact that the actual legal proceedings were very well attended by the public. Although my major sources are from London, interest in commissions of lunacy was not restricted to the metropolis but extended from Windsor to Wales. In 1839, the *Times* reported that the commission of lunacy against

Miss Eleanor Lloyd excited much interest in Cloughjordan.<sup>61</sup> The core part of the attraction varied from one case to another. Some cases allured people by salacious stories. In the commission against Rev. Edward Frank, the Gray's Inn Coffee House was much crowded, for the case excited great interest, no doubt owing to the pornographic details people expected from the case.<sup>62</sup> As the details of the sexual misconduct of the clergyman, his wife, and her lover further unfolded, excitement mounted. On the fifth day of the trial, the passages were so full of people that lawyers and witnesses could get into the room only with extreme difficulty.<sup>63</sup> Other cases gathered crowds for the thrill of watching a fierce legal feud. The commission against Hon. Jervis Jervis excited a great deal of interest, "not only from the circumstances connected with it, but on account of the rank of the party, and the resolute opposition which, it is understood, will be made to the commission."<sup>64</sup> Commissions of lunacy against persons who were already famous naturally attracted great attention.<sup>65</sup> The commission against Richard Weeks "excited considerable interest, owing to the publicity that has been already given to the death of Mr Weeks' aunt, who bequeathed him £120,000."<sup>66</sup> At least one commission had been advertised through precirculated reports, whetting people's appetite for the curiosities to be revealed. The commission of Thomas Dutton Rothwell, "a gentleman of high respectability and attainment," was stated to have excited the greatest interest because of "several reports having been [for] some time in circulation as to the extraordinary nature of the delusions under which the unfortunate gentleman laboured."<sup>67</sup>

Owing to such publicity and the popularity of commissions of lunacy, the commissions provided an ideal platform for broadcasting one's opinion. For example, in the commission against William Stevens in 1840, enthusiasts for nonrestraint denounced in court the use of straitjackets. Two visiting justices of Hanwell Lunatic Asylum used a cross-examination as an occasion for advocating the nonrestraint system, which was at that time being implemented at the asylum. The tactic must have worked, because several of the jurors then present sent a petition to the Lord Chancellor to discontinue the harsh treatment of this patient.<sup>68</sup> Next year, another ad hoc attack on physical restraint was made, again during cross-examination of a witness.<sup>69</sup> These incidents of questioning about the use of excessive restraints also pointed to the disclosure of abuse and neglect practiced behind closed doors. The pattern set by the 1815–16 Parliamentary Select Committee is only too evident.

The major attraction of the commissions lay, however, in watching the lunatics themselves. The personal examination of the subject of the com-

mission was almost always the most important part of the proceedings. Accordingly, the court often went to considerable lengths in an attempt to secure such an interview with the lunatic.<sup>70</sup> In one case, when Mrs. Sarah Eliason, a deranged old widow, refused to come out of a carriage, the commissioners and the jury went out of the building to speak to her in the carriage.<sup>71</sup> In another case, they proceeded to the subject's residence, "[as] it was impossible that the unfortunate woman could be removed from her residence without great danger."<sup>72</sup> Such examinations of the lunatic sometimes turned out to be a reconfirming and routine ritual to meet the criteria of law. More often, however, the appearance of the lunatics and the examination of them were the occasion for an intense drama. The style of newspaper reports often became emotional and lyrical with the entrance of the subject on the scene. This was the moment when a legal procedure was suddenly infused with a sense of human drama and poignancy. One lunatic was described as a "melancholy picture of despondency"; another "a great mind in ruins—occasionally sensible of its original dignity"; still another "excited much feeling of commiseration from all present."<sup>73</sup> Pathos prevailed in the report about the commission of lunacy against Feargus O'Connor, a former member of Parliament and a leading Chartist, who recited a verse that had once been popular among his followers (quoted in full in the *Times*): [he] "betrayed much of that bold address which distinguished his oratorical displays in former days." Dame Esther Filmer's long delusional rambling about the absence of her viscera and her request to be buried alive was quoted in full, and perhaps almost verbatim:

I have a very extraordinary request to make, it will appear a very extraordinary one to you, gentlemen, no doubt, but it must be granted, it must indeed; I am convinced I shall never die; and I must not be kept above ground any longer; I hope you will consent to my being buried alive. I am not human, I am a million times worse than the Devil himself. . . . All I earnest[ly] solicit is that I may be interred, I am a mere shell; it is so, indeed, and you know it is so. . . . I have no heart, no bowels, nothing but lights; that is my only request, it is absolutely necessary, it must be done. When will you let me know? Do not delay it beyond Monday. It is absolutely necessary, and when that is done Sir Edmund Filmer will settle everything but I must be buried, it must be done.

As the *Times* reported, this soliciting "excited the greatest sympathy in all present, several were deeply affected."<sup>74</sup>

A strong sense of drama thus infused the procedures of commissions of lunacy, the lunatic being the major character. Naturally, the performances of the lunatics varied. In one case, which was arguably exceptional but nevertheless telling, the subject of the commission did play an actor making his debut: John Barns, a wealthy gentleman, “sent out some hundreds of invitations to his tenants in the neighbourhood of Mile-End, Stepney, &c. to attend the inquiry.” This accounted for the large audience assembled at the trial.<sup>75</sup> The subjects of the commissions could take center stage, and the audience clearly enjoyed their performance. William Eusden could not find any legal assistance to oppose the commission, and he cross-examined the witnesses testifying to his insanity, much to the amusement of the court.<sup>76</sup> Some could not respond to questions appropriately. George E. Liebenhood did not utter a word, appearing “completely lost.” His sister Lucy Christian Liebenhood was absorbed in her own merry interior world, humming a tune all the way up the room to her seat, moving as if she were dancing, talking rapidly but incoherently, and placing her legs up on a chair.<sup>77</sup> In a few cases, the subjects of commissions appeared to admit their inability to manage their own affairs. Admiral Sir Ross Donnelly was called to the court and examined, only to admit that one of his sons should be in charge of his affairs: “that my son, the barrister, who is very good and kind indeed should manage my property.”<sup>78</sup> Likewise, when making a brief summary report about Mr. Charles Cater, an inmate of Northumberland-house Private Asylum at Stoke Newington, the *Times* stated that “[one] unusual feature in the case was, that the unfortunate gentleman expressed himself perfectly happy, and exhibited great anxiety to get back to Northumberland-house.”<sup>79</sup> Caroline Ann Tweedale gave up her civil rights in a less dignified way: she talked rapidly and incoherently about her numerous titles (“Duchess of Austria, Countess of Uxbridge, and Lady Byron”), but when asked if she was capable of managing her own affairs, she admitted that she was incapable.<sup>80</sup>

The sense of tragicomedy was heightened when the lunatics opposed the commission but only confirmed their madness in their insistence on their sanity. Reporters quoted with relish the strange words and deeds of the major characters. Joshua Richard Wilkinson bared his arm and told the jury that “though he had only the wrist of an infant, he had the fist of an elephant.”<sup>81</sup> Mrs. Sarah Bird, a seventy-six-year-old widow, understood the nature of the inquiry pretty well, but betrayed her insanity in her attempt to demonstrate her sanity:

I know the object of this inquiry—I am quite able to take care of myself and my property. I am not advanced in life. Some blackguards have been talking about me, and I should like to catch them. This year is 1839, and the month is August. [Actually, it was May 1843.] I won't tell you (the Commissioner) nor the jury how much money I have got, and I shall not say where it is. I worked hard for it, and (striking the table vehemently) no one has any business to ask me such questions. As for the Lord Chancellor, only let him come and see me cook a dinner. Good God! what a fool he must be to allow himself to be imposed upon.<sup>82</sup>

Likewise, Miss Elizabeth Fisher, a niece of one Silvester who inherited a huge property of £20,000, was quoted to have remarked to the commissioner: “I see you are a tyrant by your eyes; but I will not be tyrannized over by you, you blackguard, although you have black whiskers.”<sup>83</sup>

The commissioners were far from cool observers or guides of the legal proceedings, but often took an active part in the drama of lunacy on the public stage. Very often, they showed their own dramatic capabilities by skillfully playing a role in order to elicit manifest delusion from the subject of the commission. Commissioner Phillimore drew out the delusion by a single stroke from Isabel Sprout, who was stated to labor under the delusion that “she was Empress of the whole world, except the East Indies, which was too hot.”

MRS. SPROUT— Stay down there, Sir.

PHILLIMORE— I will. Pray, whom am I addressing?

MRS. SPROUT— The empress of all the world, except the East Indies.

Admittedly, commissioners wanted to elicit clear evidence of delusion as a part of the legal proceedings. There is, nevertheless, an unmistakable relish for comedy or psychiatric freak show in their behavior.

These cases represented the alleged lunatics in a more or less expected light. Their grandiose ideas, bizarre delusions, and irrelevant remarks were familiar hallmarks of madness. In a sense, they came to the court to act a preordained role, scripted by those who petitioned for the commission. On the other hand, quite a few lunatics did not conform to the assigned role and disrupted the preconceived smooth scenario. Actually, unpredictability of performance of the major character was an integral part of the attraction of the drama of the commission of lunacy. Continuing the age-old tra-

dition of the wise fool or sanity in Bedlam, some lunatics impressed the audience with their clever remarks. Despite her manifest delusions, Mary Jones, a maiden lady forty-two years of age, “surprised all the court” by her astuteness and shrewdness.<sup>84</sup> Richard Dunn, a lunatic who was arrested because he had sent offensive letters to several upper-class women, demanded that a witness repeat John Locke’s definition of madness.<sup>85</sup> Some lunatics used the occasion of the commission to reveal the truth of their ill-treatment. Miss Louisa Ridge, a woman haunted by the image of a man whom she had met only once, “complained of ill-treatment at Monro’s madhouse” and expressed her wish to go back to her family. Although her delusions completely undermined her insistence that she was sane, the report in the newspaper suggests that people found some truth in her remarks.<sup>86</sup> Likewise, Arthur Michell Campbell’s criticism of Whitmore House, where he had been confined—“[it] is very old, and, from its construction, calculated to deprive people of their reason and make them mad”—was taken seriously. His complaint received special mention in the *Times*, and the jury took special steps to advise the petitioner of the commission to remove him to another residence. More ambiguously, John Tatham addressed the jury:

He was, he assured the jury, the victim of the most dreadful conspiracy and persecution. He had exuded away in his body, but he did not talk like a madman. No, no. He would assure the gentlemen before him, that he was perfectly in his senses, and he would open the most dreadful things. He had been taken to a house in Hackney, and a strait-waistcoat was put upon him for nothing. He was totally ruined, and had destroyed his family, and it was all owing to Dr. Monro and those people. He had been sent to Hackney in June, 1826, and had been detained there for 3 years and a half. His size had been altered, for he had been 5 feet 7 inches before the conspiracy, and who could say that he was that height now?<sup>87</sup>

Mixing truth, half-truth, and utter delusion, his incoherent speech went on, until at last “with difficulty and by force he was taken out of the room.”<sup>88</sup> The audience and readers were ready to be surprised by the unexpected rationality of the lunatics’ remarks or to find kernels of truth in their apparently incoherent ramblings. They were aware that the lines between utter madness, sanity in madness, and sanity were proverbially difficult to draw. Lunatics appearing in commissions of lunacy cases thus varied, as did people’s expectations of them.

To judge by the tone of the reports in newspapers, unpredictability was an important part of commission's attraction as a drama. The scenario was quite fluid, and some lunatics were able to put the outcome of the commission at serious risk. Dame Sarah Lydia Seymour, who put forward an opposition to the commission against herself, delivered a performance that impressed everybody.<sup>89</sup> She almost defeated the commission by her "extremely prepossessing appearance," rational manner of speech, convincing explanations of almost all her acts that had been put forward as evidence of her lunacy, and candid admission that "I have been excited a great deal at different times, and I know I have talked a great deal of nonsense." Her criticism of the treatment she had received at Norman House Lunatic Asylum, Fulham, was also perfectly rational. When asked by the commissioner whether she had "any complaint to make against any person," she was composed enough to first thank the commissioner for the chance he gave her, and then delivered a cool assessment: "The nurse is violent sometimes. She does not appear to understand my character and disposition. I think, by this time, I should have been much better if I had received mild treatment. I am very nervous, and was much frightened at first by the screams of the other inmates of the house where I am. I was not accustomed to it, but now I hope to get stronger and better in a week or two." These impressively rational remarks were completely at odds with testimony to her insanity. The jury therefore could not reach a conclusion, and the commissioners had to adjourn the court to obtain further evidence.<sup>90</sup> On the next occasion, however, her manner was completely different: "In place of the mild and sympathetic cast of countenance which distinguished her before, there was a vacancy in her look and wildness in her manner."<sup>91</sup> On seeing her in this state, the jury at last returned a verdict of insanity, adding that she had had a lucid interval on the day when she appeared in the court for the first time.

Lady Seymour was not an isolated exception in putting the outcome of the commission at risk through her performance. The commission against Mrs. Mary Hartley was almost defeated when the jury visited her in her own residence to find her perfectly rational, composed, and able to provide satisfactory explanation for every strange behavior cited as evidence of her insanity:

BARLOW — She [Hartley] had any claim to the English crown?

HARTLEY — Certainly not. What claim could I, as simple Mrs. Hartley, have to the crown?

- BARLOW — But did you ever state so to any person by work or by writing?
- HARTLEY — No, I did not. I have seen the statements made in the papers of the evidence given before the commission, and they are all false and erroneous.
- BARLOW — Did you not mention to Mr. Bransby Cooper that you had a box of very peculiar construction by which you could communicate with the foreign ministry?
- HARTLEY — (laughing)—Oh, yes, I told him so, but it was only my nonsense. You can't call that insanity. It was only [a] joke.

This performance must have alarmed the petitioner of the commission and those medical witnesses who had testified to her insanity. No doubt sensing the danger the commission was put in by this impeccable performance, the next day the medical witnesses used all their might and expertise to show that the rational answers she had given did not exclude the possibility of her unsoundness. Sutherland, a physician to St. Luke's Hospital for the Insane, quoted similar precedents, in which apparently rational subjects of commissions of lunacy were judged insane. Another doctor tried to explain the apparent rationality as a product of "tutoring": "It is well known that insane persons in some cases, if pre-informed of the points on which they are considered to be insane, will fence with and parry the questions put to them with much ingenuity."<sup>92</sup> Perhaps thanks to the weight of these medical testimonies, the jury returned a verdict of unsound mind. Through their persistence, medical experts managed to snatch victory from the jaws of defeat.

These cases of near defeat should not mislead us into believing that the voices of alleged lunatics arguing for their sanity were, in the end, always overwhelmed. Actually, there were three alleged lunatics who *did* defeat the commission. Miss Barbara White was one. When the commission was first held on the 17th of March 1841, she asked to adjourn the court "in order to provide herself with professional assistance." Two weeks later, with one Mr. Bateman attending on her behalf, she was able to defeat the commission, mainly by her own rational explanation of her condition, showing that "[the] nefarious excuse that she was insane was utterly unfounded." In addition, she was released from her present confinement at home, in response to her accusation of two "masculine women" committing various cruelties to her and her anxious plea "to be released from the *surveillance* of her keepers."<sup>93</sup> Likewise, the commission against Stephen Woodcock was defeated by the shrewd remarks the subject made during his examination.<sup>94</sup>

The most dramatic case of this kind was the commission of lunacy of Thomas Telford Campbell, the secluded and mildly eccentric son of the poet Thomas Campbell. Thomas Telford then resided at a private madhouse at High Beach in Essex owned by one Dr. Allen, who had been in the habit of taking “low-spirited or desponding” patients without certificate of lunacy, a practice of a dubious nature.<sup>95</sup> Although the commission was formally unopposed and no counsel appeared on behalf of the alleged lunatic, the jury was impressed by “the greatest urbanity, coolness, and composure” of Campbell’s performance. No sign of insanity was found in the manner in which Campbell cross-examined the witnesses testifying to his insanity, answered the questions put to him, and addressed the jury about the harm caused by his residence in an asylum. After long consultation, the foreman finally announced that “although he and another juror objected to give a verdict at variance with the medical testimony, yet that 14 jurors out of 16 were of opinion that Mr. Campbell was of sound mind.”<sup>96</sup> Single-handedly, Campbell had fought against medical testimony and had defeated the commission. Both the audience of the commission and the readers of the report must have been thrilled at the unfolding of an unpredictable drama.

The enormous popularity of the commission of lunacy as a performance on a legal stage and a journalistic narrative was thus a part of the public’s keen interest in matters related to lunacy. A parallel can be drawn with the notorious entertainment, popular in the seventeenth and eighteenth centuries, of visiting the Bethlem Hospital or “Bedlam.” Inmates of Bedlam provided entertainment to visitors and inspiration to playwrights and painters until visiting was restricted in 1770 to those who obtained a ticket signed by a governor.<sup>97</sup> Attending a commission of lunacy continued this tradition of watching mad persons. The end of unrestricted visits to Bedlam thus did not mean the establishment of the modern sensibility that shrinks from the freak show of insanity. More than a half-century after the restriction of visits to Bedlam, people watched subjects of commissions of lunacy and the press reported their antics with few qualms. More important, the public’s interest in commissions of lunacy was multifaceted. Relish for comedy coexisted with the sober pathos of watching a tragic malady, and fascination with freakish delusions coexisted with earnest outrage against restraint. It is simplistic and naive to condemn the practice of displaying the subjects of commissions of lunacy as cruel voyeurism. Most important, commissions of lunacy played an ambivalent role in both empowering and disempowering lunatics. Those commissions certainly disempowered

lunatics: depriving lunatics of their civil rights was the point of the legal process. On the other hand, the legal mechanism prepared a stage on which lunatics could act, make speeches, and explain themselves.

Put in a larger context, the popularity of commissions of lunacy as a dramatic or journalistic entertainment was a part of the complex historical changes in matters related to lunacy. In England from the late eighteenth century on, an increasing number of mentally disturbed people were shut up in institutions, and, at the same time, public interest in watching, observing, knowing, listening to, and reading about them grew. As the insane were increasingly hidden behind walls, they became more visible within what Michel Foucault called discursive space. As Roy Porter and Alan Ingram have pointed out, the beginning of the publication by mental patients (or those who were alleged so) coincided chronologically with the rise of psychiatry and its institutions.<sup>98</sup> From around the middle decades of the eighteenth century, writings by those who went through psychiatric confinement started to emerge, until it became a kind of minor but well-established genre in the late Victorian period.<sup>99</sup> In all probability, psychiatry and its institutions thus created a discursive space in which patients spoke aloud of their delusions, agonies, and sufferings and expressed praise for and criticism of mad-doctors. Psychiatrists, in turn, avidly collected writings and speeches of mad people, and published them in psychiatric treatises and medical journals. The medical interest in the first-hand experience of mad people was matched by the contemporary literary fascination with the representation of what was happening in the morbid mind.<sup>100</sup> Readers of *The Pickwick Papers* need only to be reminded how the eponymous gentleman was absorbed in reading “a madman’s manuscript.”<sup>101</sup> Psychiatric discourse in the nineteenth century thus both empowered and disempowered the patient: empowered by giving them the space to speak out, disempowered by confining them. The same paradox is clearly visible in cases of commission of lunacy. Michel Foucault’s famous statement on Western power/knowledge of sexuality aptly applies to the role of commissions of lunacy and other apparatus to manage and regulate lunacy: they formulated, rather than prohibited, the subjectivity of madness.<sup>102</sup> The chance to have a first-hand experience of the formulated subjectivity of real-life mad people might well be the major attraction of the cases of commission of lunacy.