

## Online archive 5

### **Shaftesbury (1801–1885) (Anthony Ashley-Cooper, Seventh Earl of Shaftesbury, with his diary on his fiftieth birthday)**

*Anthony Ashley-Cooper, the Seventh Earl of Shaftesbury, was the most important person in the nineteenth century concerned with ameliorating the plight of the mentally ill. For fifty years in Parliament he pressed for improved lunacy legislation. His activities led to the establishing of Lunacy Commissioners who could inspect all asylums and mental hospitals. He chaired the Commission for nearly 50 years. He was a supporter of the Association and the medical officers who worked in asylums. He was a renowned reformer in many other fields and he was a man of deep religious conviction. I have included his account of himself written in his diary on his fiftieth birthday. His importance for psychiatry is such that this online archive is longer than some of the others. In it I have concentrated on his work for the mentally ill and I have endeavoured to summarise some of his views and activities from an early three-volume biography.*

The Earl of Shaftesbury, born Anthony Ashley-Cooper in 1801 and succeeding as the seventh Earl in 1851, was the most important figure for British Psychiatry in the 19th century. He had entered Parliament as a young man and his first activity there was in 1827 when he served on a select committee of the House of Commons to investigate the subject of lunacy. In 1828 he seconded a motion for the introduction of bills to amend the lunacy laws, whose main defects were having few effective controls over admission, treatment and release of lunatics (and there was no control at all over private madhouses). The 1828 Act replaced five Royal College of Physicians' Commissioners with 15 Commissioners appointed by the Home Secretary. The future Shaftesbury was appointed one of these commissioners. He then became a frequent visitor to asylums and his name was often on the list of visitors. He became Chairman of the Metropolitan Commission on Lunacy in 1833. He found the work unspectacular, onerous and time-consuming. Much that he did was by giving advice and suggestions rather than by using the authority of the Commission. He argued regularly the

case for earlier treatment of lunacy, and pressed for separate arrangements for incurable cases. He strongly supported the non-restraint movement.

In 1844 Shaftesbury brought forward a motion for an address to the Crown, praying Her Majesty to take into her consideration the Report of the Metropolitan Commissioners of Lunacy, as, in the following Session, the statute under which they acted would expire. He called upon the House to consider in what form and to what extent power should be confided to an administrative body for the government of lunatics throughout the kingdom, and stated that 'it was the duty of the House to prescribe the conditions under which a man should be deprived of his liberty, and also those under which he might be released; it was their duty to take care that for those who required restraint, there should be provided kind and competent keepers, and that, while the patient received no injury, the public should be protected'. In commenting upon the immunity from visitation of houses for single patients, he said: 'A power of this kind ought to be confided to some hands that would hunt out and expose the many horrible abuses that at present prevailed. No doubt there were many worthy exceptions, but the House had no notion of the abominations which prevailed in those asylums. It was the concession of absolute, secret, and irresponsible power to the relatives of lunatics and the keepers of the asylums, and exposing them to temptations which he believed human nature was too weak to resist'. There was the temptation to keep patients from recovery, because the allowance (often as much as £500 per annum) would then cease. So strong was his opinion of the bad effect of this, that, if Providence should afflict any near relative of his with insanity, 'he would consign him', he said, 'to an asylum in which there were other patients and which

was subjected to official visitation'. The only control they had over single houses was that if patients resided more than twelve months in one of these, the owner of the house must communicate the name of the patient to the Clerk of the Commission. This rule was either disregarded, or evaded by removing the patient every 11 months.

The second class of houses to which he called attention was the county asylums.

'The total number of lunatics and idiots chargeable to unions and parishes on the 1st January, 1844, was 16 821: in England 15 601; in Wales, 1220. In county asylums there was provision for no more than 14 155 persons, leaving more than 12 000, of whom there were in asylums under local acts 89, in Bethlehem and St Luke's 121, in other public asylums 343, while others were disposed of otherwise, leaving in workhouses and elsewhere 9339. Although a few of the existing county asylums were well adapted to their purpose, and a very large proportion of them were extremely well conducted, yet some were quite unfit for the reception of insane persons. Some were placed in ineligible sites, and others were deficient in the necessary means of providing outdoor employment for their paupers. Some also were ill-contrived and defective in their internal construction and accommodation. Some afforded every advantage of constant supervision, and of not giving any profit to the superintendents, so that it was not necessary that the keeper should stint and spare his patients in the articles necessary for the curative process, with the view of realising a profit.'

After specifying certain admirably managed county asylums, he pointed out that twenty-one counties in England and Wales had as yet no asylum whatever. The expense of construction was one cause that had operated to check the multiplication of these institutions, some asylums having been erected on too costly a scale, and others being much too large. It was far better to erect two establishments of a moderate size in different parts of a county, than one enormous central building.

In speaking of the private asylums, which, on the previous 1 January, contained 4072 patients, Lord Shaftesbury pointed out the evil of a system by which profit had to be made by the superintendents out of pauper patients, who were taken in at a rate as low as seven or

eight shillings a week. It often happened that an old mansion, transformed into an asylum, was the residence of the superintendent and a few private patients, while the paupers were sent into offices and out-buildings.

After pointing out some of the glaring cases of cruel neglect and ignorant and brutal treatment detailed in the Report, he said:

‘To correct these evils there was no remedy but the multiplication of county asylums, and if advice and example failed, they ought to appeal to the assistance of the law, to compel the construction of an adequate number of asylums over the whole country. If constructed, however, on the same principles as had been adopted in many of those now existing, they would be little better than useless, and mere hospitals for incurables. Great benefit, it was to be observed, as well as great saving of expense, resulted from the application of curative means at an early stage of insanity.’

‘The keepers of all the great asylums stated that numbers of persons, especially pauper lunatics, were sent there at so late a period of the disease as totally to preclude hope of recovery. It was the duty of the State to provide receptacles for the incurable patients, apart from those devoted to the remedial treatment; it would be necessary also to enact that the patients should be sent without delay to the several asylums.’

He then adduced many facts and statistics to show the importance of treating lunacy in its early stages, as, where the practice had been adopted, the most beneficial results had followed, while an opposite policy led to confirmed madness, with little or no chance of recovery. Turning to the question of restraint, he paid a high tribute to ‘those good and able men, Mr Tuke, Dr Hitch, Dr Corsellis, Dr Conolly, Dr Vitré, Dr Charlesworth, and many more, who had brought all their high moral and intellectual qualities to bear on this topic, and had laboured to make the rational and humane treatment to be the rule and principle of the government of lunacy’. Lord Shaftesbury concluded his speech in these words:-

‘These unhappy persons are outcasts from all the social and domestic affections of private life – nay, more, from all its cares and duties – and have no refuge but in the laws. You can prevent, by the agency you shall appoint, as you have in many instances prevented, the recurrence of frightful cruelties; you can soothe the days of the incurable, and restore many sufferers to health and usefulness. For we must not run away with the notion that even the hopelessly mad are dead to all capacity of intellectual or moral exertion – quite the reverse: their feelings, too, are painfully alive. I have seen them write under supposed contempt, while a word of kindness and respect would kindle their whole countenance into an expression of joy. Their condition appeals to our highest sympathies,

“Majestic, though in ruin;”

for though there may be, in the order of a merciful Providence, some compensating dispensation which abates within, the horrors manifested without, we must judge alone by what we see; and I trust, therefore, that I shall stand excused, though I have consumed so much of your valuable time, when you call to mind that the motion is made on behalf of the most helpless, if not the most afflicted, portion of the human race.’

On the assurance of Sir James Graham, that the matter should receive attention at the next Session, Lord Shaftesbury, after a short debate, which served to draw public attention to the subject withdrew his motion.

In 1845 Shaftesbury was determined to bring forward further measures dealing with lunatics and lunatic asylums. On 23 March he wrote in his diary:

‘March 23 – To Surrey County Lunatic Asylum. A noble establishment, and admirably conducted. A sight to make a man who cares a fig for his fellows jump for joy and give thanks to God. Surely we are on the advance to do better things. Compare this with the state of lunatics *fifteen years ago*, and what a change! We see it all around, but do we go fast enough? Is not the cup being *filled* more rapidly by our iniquities than *emptied* by our obedience! Oh that I might be permitted, by God's grace, to introduce and carry my measures for the benefit and protection of this helpless race!...’

In June of that year he brought forward simultaneously two Bills, the first ‘For the regulation of Lunatic Asylums’ and the second for ‘The better care and treatment of Lunatics in England and Wales’. In reviewing the past history and present position of the question, he described the state of the law prior to the Act of 1828, and the partial benefits which that, and

other Acts, had conferred: but pointed out that evasions of the law were frequent, and that abuses of almost every kind were possible under the existing system. He proposed to establish a permanent Commission and thereby secure the entire services of competent persons. The Bill would give the power of more detailed and more frequent visitations, fix the limit of expenses, and place all asylums or ‘hospitals’ under proper regulations.

‘My Bill will also provide an additional security against the improper detention of pauper patients, by requiring that the persons signing the order for their confinement shall personally examine them beforehand, and that the medical officer who certifies as to their insanity shall see them within seven days previous to their confinement. I may add that neither of these safeguards exists at present. I propose, also, that my measure should compel every person receiving a patient to state his condition, mental as well as bodily, when first admitted, and the cause of his death when he dies. It will also direct that every injury and act of violence happening to a patient shall be recorded, and will require a case-book to be kept, thereby affording additional securities against mismanagement, and showing how far the patients have the benefit of medical treatment. It will also authorise the visitors to enforce a proper supply of food (in licensed houses) to pauper patients, who are at present fed at the discretion of the proprietor. Further, it will enable the visitor to order the admission of a patient's friends; at present they are admitted or excluded at the caprice of the person who signs the order for the patient's confinement. It likewise will enable the visitors to sanction the temporary removal of a patient in ill-health to the seaside or elsewhere. It, moreover, will enforce an immediate private return of all single patients received for profit, and authorise the members of a small private Committee, named by the Lord Chancellor, to visit them if necessary. This is the provision of the law in France: in that country licences are prescribed for every house, and certificates and visitors for every lunatic. The abuses and cruelties perpetrated in these retreats for single patients would surpass the belief of the House. ... These returns are universally evaded at present, the law rendering it unnecessary to make any return unless the patient has been confined for twelve months. The Bill will give the Chancellor power to protect the property of lunatics against whom a commission has not issued, by a summary and inexpensive process, and it subjects all workhouses in which any lunatic is kept to regular visitation.’

The purpose of the second Bill was to extend the system of county asylums. It provided that the erection of county asylums should be compulsory, the existing accommodation increased where necessary and separate buildings provided for chronic cases. The Bill further provided for the prompt care and treatment of all classes of lunatics; that those whose friends could not pay for them should be placed in an asylum as paupers and that all lunatics taken care of by

their friends, instead of being placed in asylums, should be inspected quarterly by a medical man, and lists of them returned to the Commissioners.

After giving details of the financial part of the question, and a characteristically vivid description of the horrors still prevalent in certain quarters under the existing system, Shaftesbury urged the necessity of utterly abolishing the practice of making pauper lunatics the prey of speculators. Appealing to the House – ‘an assembly of educated, humane, and Christian men’ – on behalf of this group, he said:

‘It is remarkable and very humiliating, the long and tedious process by which we have arrived at the sound practice in the treatment of the insane, which now appears to be the suggestion of common-sense and ordinary humanity. The whole history of the world, until the era of the Reformation, does not afford an instance of a single receptacle assigned to the protection and care of these unhappy sufferers, whose malady was looked upon as hardly within the reach or hope of medical aid.’

To the efforts of Pinel, to the signal success of the Society of Friends, and the family of the Tukes who founded the Retreat at York, Lord Shaftesbury paid tribute, and concluded:

‘To secure not only the progress, but even the continuance of this improved condition, we have need of a most active and constant supervision; if this be denied, or even abated, the whole system will relapse. There is the strongest tendency, and it is not unnatural, amongst the subordinate officers of every asylum, to resort to coercion; it gratifies all the infirmities of pride, of temper, and of insolence.

It is our duty, and our interest too, when we have health and intellect – *mens sana in corpore sano* – leisure and opportunity, to deliberate upon these things before the evil days come, and the years of which we shall say we have no pleasure in them. Here are we sitting in deliberation today; tomorrow we may be subjects of this fearful affliction. Causes, as slight apparently as they are sudden, varying through every degree of intensity – a fall, a fever, a reverse of fortune, a domestic calamity – will do the awful work, and then, “Farewell, King!” The most exalted intellects, the noblest affections, are transformed into fatuity and corruption, and leave nothing but the sad though salutary lesson - how frail is the tenure by which we hold all that is precious and dignified in human nature.’ (Hansard, 3 s., lxxxix, 180).

After a debate in which there was no opposition, leave was given to bring in the Bills and Shaftesbury guided their further course. On progress being reported, Mr T. Duncombe denounced the appointment of salaried Commissioners as ‘a job’, and the Board as a secret tribunal dangerous to the liberties of English subjects. He directed against the Bill, which, however, passed this stage by 117 votes to 15. The two Bills became law in 1845, and by the Victorians were called ‘the Magna Charta of the liberties of the insane’.

This was followed by a further Act in 1853 which brought in more stringent safeguards for admission procedures. Again there was further legislation in 1862 with more safeguards against improper admission. It was proposed that a magistrate’s order should be obtained before private patients were admitted to a licensed house but Shaftesbury was against this, ‘because it could cause delay and there would be less chance of cure’.

By the 1870s Shaftesbury was satisfied with the progress made in treatment of lunacy. He remained insistent on early treatment. He was full of praise for non-restraint. He noted an improvement in the standards of attendants in asylums (especially the role of women, but also men). Attendants were now getting better wages. The profit motive in private asylums still incurred his criticism (Mitchell, 1877). In 1879 he supported the Habitual Drunkards Bill. Finally in 1883 his last major concern (as was his first) was lunacy. In 1885 he resigned the chairmanship of the Commission because of ‘absolute repugnance’ to the introduction of magistrates into the process of placing a patient under care and treatment.



A permanent Lunacy Commission had been introduced in 1845 whose functions were greatly widened. This comprised six paid Commissioners at salaries of £1500 each. Shaftesbury, who since its foundation had always been a member, became unpaid Chairman of the Commission, an office he retained until the end of his life. The Commissioners were concerned to ensure that people were not improperly detained and this was part of Shaftesbury's remit. Two examples can be given of his activity in this area. A woman (Mrs H.) had been detained as a lunatic but Shaftesbury and three other Commissioners thought she was as sane as any woman in England; he was alarmed to find how, with all the safeguards of the law, there were still facilities for incarcerating her. He sifted the evidence on both sides, and prosecuted the investigation until he had indisputable proof that she was the victim of a conspiracy, and was perfectly sane. She was set at liberty with the least possible delay.

Another example concerned a Miss C. who had been staying with a Mrs B. A friend of both both (Mrs A.) when she visited them found that Miss C. was not there, and on making pointed inquiries, she was, after some hesitation, informed that her young friend was out of her mind, and was in an asylum fifty miles away from the town, the name of the asylum being mentioned. That evening Mrs A. felt troubled and distressed; she had seen Miss C. only a week or ten days previously, and perceived no indication of a disordered mind, though she had observed indications of sadness and depression of spirits, and had feared that her young friend was not happy; but that she was out of her mind, and fit to be in an asylum, she could not and would not believe. She was greatly troubled, not knowing what to do or where

to go. At length it occurred to her that the Earl of Shaftesbury was a Commissioner in Lunacy. She went to his house and told him the whole story. It was evening when she arrived and dinner was on the table, but within a quarter of an hour, Lord Shaftesbury was on his way to the railway station to go to the asylum and investigate the matter for himself. He did so, and on the following day the young lady was released, it having been authoritatively ascertained that she was not in a state to render it necessary for her to be an inmate of an asylum.

On May 15th 1849 he wrote in his diary:

‘May 15th – Made a night visitation to Hoxton Lunatic Asylum, having suspicions of misconduct; found, I rejoice to say, things far better than we expected; our system, therefore, of inspection, may be considered successful, and our terrors salutary. Ventilation of apartments very bad...’

Shaftesbury was a man who had an enormous influence on reforms in the Victorian era. He was a deeply spiritual Christian and it is interesting to read his own estimation of himself and his work written in the year of his father’s death.

‘1851, December 25th – Christmas Day. Broadlands. It would be curious to take an impartial review, if I could, of what I have gained, by many years of toil, for myself, for the public, and, may I say it? for the cause of our blessed Master.

**I.** What have I gained *for the public*? That is, according to my own estimation, for many will say, in the language of Scripture that my doings have only 'gained them a harm and loss'.

1. Seventeen years of labour and anxiety obtained the Lunacy Bill in 1845, and five years' increased labour since that time have carried it into operation. It has effected, I know, prodigious relief, has forced the construction of many public asylums, and greatly multiplied inspection and care. Much, alas! remains to be done, and much will remain; and that much will, in the estimation of the public, who know little and inquire less, overwhelm the good, the mighty good that has been the fruit.

2. Seventeen years, from 1833 to 1850, obtained the Factory Bill. The labour of three hundred thousand persons, male and female, has been reduced within reasonable limits, and full forty thousand children under 13 years of age, attend school for three hours every day! Let the people themselves, let the reports of the Inspectors, let the records of bygone days, be heard against the contempt, the misrepresentation, the ignorance, the hatred of those who opposed or discouraged me.

3. A Commission moved for in 1841 reported in 1842, and in 1843 passed a Bill to forbid labour of females in Mines and Collieries. No one can deny the blessed results of this measure; my persecutors, therefore, admitting the good, attack the principle, and question the wisdom of obtaining happy ends by such means.

4. In 1845 passed Bill to regulate and limit labour of children and women in Print-works. Cobden even supported me here. Necessarily an imperfect measure, but yet productive of some good.

5. Had main share (though the honour went to another) in preparation of Interment Bill, and carrying it through the House.

6. Address and grant of Royal Commission for Subdivision of large Parishes. Result yet to be tried.

7. Two years of *intense labour*, without pay, on Board of Health, specially in season of cholera, and lately on Water-Supply to Metropolis.

8. Say nothing, perhaps, of failures, though they were intended for public service, and received some approbation:- Motions on Opium Trade, Education, Poor-laws, and Sunday Post-office; nor of share taken in general debates on subjects of vital interest.

9. This for Parliament. Out of it have spared no trouble nor expense (and both have been excessive) for Ragged Schools, Model Lodging-houses, Malta College, Emigration Committees, and meetings by day and by night on every imaginable subject.

**II** – What gained for the cause of our blessed Master? Whatever little, if any, has been achieved, it has been by God's own grace. To Him then be all the glory!

Perhaps we may rejoice in an awakened attention, though but partially so, to the wants and rights of the poor; to the powers and duties of the rich; perhaps both in parliament and out of it, in a freer, safer use of religious sentiment and expression; perhaps in an increased effort for spiritual things, and in greatly increased opportunities for doing and receiving good. This, alas! is not the thing itself, but only the means to it. It is, nevertheless, all that we can boast of.

**III** – What gained for myself?

1. Peace of mind, but nothing else. Four objects may be said to stir the action of public men, singly or combined; money, power, fame, desire to do good. As for the first, I had, when young, three years of office from 1828 to 1830, and then three months from January to April, in 1835; the rest of my time has won me nothing, but has, rather, been sadly

expensive to me. Declined, in succession, several offices, that I might be free for Factory Bill.

2. Power and patronage. Confess I should have desired both, believing (but how terrible and deep is self deception!) that I should have, through faith and prayer, exercised power well, and patronage to the welfare of important interests and to the honour and comfort of good men. But have obtained neither; *have never* held any post in which I could act on my own authority; nor ever have I had the disposal of a single place, either ecclesiastical or civil.

3. Influence and fame. 'Your influence', 'Your commanding influence', &c. &c., I am constantly hearing, but never experiencing. In a long public life I have obtained three cadetships and one surgeon's appointment for the sons of deserving men; one living from Lord Chancellor Lyndhurst and a Commissionship in Lunacy from Lord Chancellor Cottenham, for persons of unrivalled public merits; one, too, from Lord Carlisle for an admirable minister. Is my influence with the Government? What do I avail, and what is their treatment of me? Is it with the Peel party? I lost my political connection with them when I refused office and urged the Factory Bill. Is it with the Protectionists? I lost them when I supported the repeal of the Corn Laws. Is it with the manufacturers? They hate me for the Ten Hours Act. Is it with the operatives? They forget all my labour of love in the middle course I took for their welfare. I won for them *almost* everything; but for the loss of that very little, they regard me as an enemy! Is it with the Commons House of Parliament? Whatever I had is gone: I had once the ear of the assembly; I have it no more. Is it with the bishops? the High Church, the Tractarians? Is it with the Low Church? So it is said, but I ask the proof of it. Is it with the Press? Nearly every paper is hostile; I have had my day of favour; now I suffer the reverse. They began by reviling me, they now *ignore* me, as the phrase goes. Is it a power to raise money for charitable purposes? Why, Sidney Herbert raised, in three months, nearly as much as I have raised in my whole life. Is it with private individuals? Why, *who attends* to what I do, say, or think? Except to mark it for cavil or reproof. Is it with my friends? Alas, how few can be trusted in the hour of trial! My curious career, too, makes me, every day, new enemies, and oftentimes alters my old friends! Is it with the rich? God knoweth. Is it with the poor? Yes, so far as a few shouts go, but no further! This is my position after twenty years of labour! I began in the hope that many of the aristocracy would first follow and then succeed me. Not one is to be found; a few, at my request, put their hands to the plough, but they looked back and return not to the furrows.

Then how stands my *fame*? Well, if I had rested on this, I should "have been, indeed, unblest". What I have is *notoriety*, not reputation. I have a name that everybody knows, 'a household word', writes the American Minister, Mr Lawrence, to me, "from New York to the Rocky Mountains"; but a name that every one fires at!. Some dispute my judgment, some my sincerity, some my courage; some think, or profess to think, me unworthy of their notice; some call me "well-intentioned but weak"; others, "hypocritical and canting"; some hold me to be ruled entirely by vanity, others consider me a mere tool. Now and then I make a speech which produces an effect, and I get some praise; but the speech is soon forgotten, and the man only remembered to be treated as before. A few, no doubt, think of me, and speak of me, kindly; but they are rare and of small influence in the stirring world. I have been oddly and antagonistically viewed; Sir J. Graham, when Secretary of State, alluding to the Factory Bill, said, "I was a man to make a Revolution" (this will be remembered). Sir G. Grey, when Secretary of State, said to me in 1848, alluding also to the Factory Bill, "I shall be ready to say, in my place in Parliament, or elsewhere, as Secretary of State, that the passing of the Ten

Hours Bill has kept those vast counties at peace during this eventful period". (This will be forgotten; nay, has, I think, been already forgotten.) But notorious men are good for chairs of dinners and meetings. People come, not through affection and respect, but to see the notorious man; and so I serve their purpose.

4. *Desire to do good for good's sake.* Whatever my weaknesses, whatever the human admixture with my former hopes and fears, this must, henceforward, be my sole sustaining motive. I am now nearly fifty years of age; my physical and moral powers have attained their summit. I cannot go higher, but I may fall lower. And what is man's judgment? Does it not often determine that to be "gold, silver, and precious stones", which God's judgment pronounces "wood, hay, stubble"? All see my infirmities; all, knowing human corruption, infer more than they see, and they are right. All use me, and all grow tired of me; but few can know the troubles I have endured - the sorrow of mind, the weariness of body; the labour I have undergone by day and by night; the public and private conflicts; the prayers I have offered, and the tears I have shed. Here, however, is my consolation, that, amidst frailties and sins, trespasses and shortcomings, I have had one single object perpetually before me. It was God's grace that gave me the thought; God's grace that has sustained me hitherto, to have, in truth, but one end, the advancement of his ever-blessed name, and the temporal and eternal welfare of all mankind. So closes my review. *Sursum corda!*'

Shaftesbury was extremely scrupulous in attending to his duties as the Chief Lunacy Commissioner. It was his rule, after visiting cases of special importance, to record the circumstances as an aid to his memory. The thorough manner in which he did this is shown in a memorandum written in 1852.

‘NOTES. VISIT TO Z AT HAYES PARK

On Saturday, 10th January 1852, called to see Z at Hayes Park.

House vastly superior, in site and accommodation and furniture, to most asylums.

Accompanied by Mr. Gordon and Mr. Gaskell.

Had an hour's conversation with -----; found him intelligent and collected, very ready to converse, and skilful in fencing with words and phrases. He admitted his former impressions that the Queen had exhibited towards him particular attention, but hesitated to explain the nature and mode of her attention. He declared that the belief he entertained of her having an attachment to him was a delusion; but the attentions he persisted in, and said that they were remarked by others as well as by himself. He admitted also that he had frequently written to her Majesty. He reiterated his assertion that his confinement was the work of the Government and Lord Fitzroy Somerset.

I pressed him on the contents of his letter to myself, in which he used the remarkable phrase, that he assaulted Dr. Mollen under the 'impunity' that belongs to one detained in lunatic asylum. He stoutly and ingeniously maintained his proposition, asserting that he had assaulted, and would again assault, Dr. Mollen or any others, Lord F.S. included, who had 'offended' against him in this respect, of a charge of insanity; that the law could not touch him, for, as a certified lunatic, he was irresponsible; but that the case would be different were he pronounced sane and at liberty, because then he should become a responsible person and subject to the laws. I urged that, though there might not be a *legal* responsibility while he was confined, yet that, as he could distinguish right from wrong, there was a moral responsibility to the Law of God. 'Of that', he replied, 'I do not pretend to know much, but what I do know is in my favour; I consider myself morally justified before God in assaulting Dr. Mollen, and all who, like him, offend against me in this respect'.

We then urged on him the necessity of caution, both in his language and action on this subject, telling him it greatly injured his chances of liberation, as most people would be seriously alarmed by such avowals, and hesitate to believe, though they might form erroneous conclusions, that anyone who so reasoned and acted, could safely enjoy freedom. Nothing could shake his opinion here; he declared that he would do no such thing, and that every one who heard him must concur with his views and feelings.

We entreated him to consult a friend, and abide by his advice; he declined to do so. Of his father he spoke with anger, but without violence; he wished, he said, to appeal to the Law, and, after the decision of the Law, he would shake hands with his father.

It is a most perplexing and painful case. We had no doubt of the first part of the proposition in the certificate, that 'he is of unsound mind', but we must deliberate on the second, 'and a proper person to be confined'. Few things can be more distressing than to see this intelligent man, still in the prime of life, who has passed ten years in an asylum, and seems likely to pass many more. Were his monomania on any less exciting subject matter than the person of the Queen, my opinion would incline to let him out; but this is no ordinary influence, this tendency to concentrate every morbid thought and feeling on the Sovereign; and a monomania that, in common cases might be harmless, becomes extremely dangerous when directed against, or upon, the first person in the Realm.'

In 1852 Lord Shaftesbury had brought before the House of Lords the subject of criminal lunatics, and had urged that a state asylum should be erected for this class, who proved a great hindrance to the effective working of the asylums in which they were placed among other patients. Their presence nullified, or at least impeded, the operation of the system of non-restraint – 'a system, the great and blessed glory of modern science, which, by the blessing of God, had achieved miracles' (Hansard, 3s., cxix, 1237). On a promise being given

by Lord Derby that the subject should not be lost sight of, Lord Shaftesbury withdrew his motion. It was not, however, till 1860 that the Act was passed which resulted in the erection of the State Criminal Asylum at Broadmoor. Shaftesbury brought forward an “Act to amend the Law relating to Lunatics”, which was passed in 1862. This Act made pauper lunatics chargeable to the union instead of to the parish, instituted various safeguards against the incarceration of sane persons, and provided for increased visitation, and further protection for single patients. Shaftesbury continued his work as a Commissioner in Lunacy for over 50 years having started in 1828. The yearly reports of the Commission testified to this work.

In 1877 there appeared to be a fear in the mind of the public that patients were placed in asylums too readily, and that the task of obtaining their discharge was too difficult. On the 12 February, Mr Dillwyn moved, ‘that a Select Committee be appointed to inquire into the operation of the Lunacy Laws so far as regards the security afforded by it against violation of personal liberty’. The Select Committee was duly appointed, and proceeded to institute a general inquiry into the alleged abuses. It was to some extent an attack on the Commissioners, whose office Mr Dillwyn sought to abolish. Lord Shaftesbury was, at this time, in a nervous, sensitive, and depressed state, and anxious as to whether, in his examination upon Mr. Dillwyn’s Committee, he could fully justify the acts of the Lunacy Commission extending over many years, and support their procedure throughout. The Select Committee arrived at the conclusion that, ‘although the present system was not free from risks, which might be lessened, though not wholly removed by amendments in the existing law and practice, yet, assuming that the strongest cases against the present system were

brought before them, allegations of *mala fides* or of serious abuses were not substantiated'. In his evidence before the Committee, Lord Shaftesbury said, with respect to illegal detention, 'I am ready enough to believe that when temptation gets hold of a man's heart, he is capable of doing anything. But I am happy to say Providence throws so many difficulties in the way of these conspiracies, that I believe conspiracies in ninety-nine cases out of a hundred to be altogether impossible'. The evidence given by Lord Shaftesbury was commented upon as something unique, regarded merely as an effort of memory. The *Journal of Mental Science* wrote: 'We must heartily congratulate his lordship on the way in which the Act of 1845, his own handiwork, has passed through this examination. His Lordship spoke with such a thorough mastery of every lunacy question about which he was asked, that his replies are the admiration of all his younger fellow-countrymen who are in any way interested in the welfare of the insane'.

In 1884 it was alleged that there were still defects and abuses in the administration of the Lunacy Laws and a motion was made in the House of Lords by Lord Milltown for an inquiry into the whole question. This was a source of great anxiety to Shaftesbury. Although 'he had everything on his side but self-confidence in his own power to meet the charge', and was satisfied that 'the defence would be perfect in any other hands', he dreaded his ability to vindicate the Commissioners in Lunacy, fearing lest his memory and strength should fail him. He worried about the possibility of 'the labour, the toils, the anxieties, the prayers of more than fifty years being in one moment brought to naught'. He considered that God had 'manifestly blessed the efforts of this Commission', and it was a grievous disappointment to



him when Lord Milltown's motion was carried. This led to the introduction, in 1885, of the Lord Chancellor's (Selborne) Lunacy Amendment Bill, and from the moment when Shaftesbury was summoned to London to consider it, until the last day of his life, it was the source of almost constant anxiety. It involved a long correspondence with the Lord Chancellor on certain provisions of the Bill which Shaftesbury so strongly disapproved, that he felt compelled to tender his resignation of the office of Chairman of the Board of Commissioners in Lunacy. His reasons were:

'1885 May 5<sup>th</sup>. – My conclusions were – I could not go down to the Lords and sit through the passing of such a measure, and be thus a party to its enactment; I could not, while holding an office under the Chancellor, oppose him by speech and division. He offered me permission to do so, but he knew, as well as I did, the indecency of such a course.'

The anxiety and suspense, the regret and disappointment experienced by Shaftesbury while the Lord Chancellor persevered with his Bill, in spite of the remonstrances based upon an experience of nearly sixty years, greatly embittered his last days. In June, however, the Bill was shelved. Shaftesbury consented to resume his office and so it came to pass that his connection with the Lunacy Commission from its foundation was practically unbroken.

### **References**

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