

"QUIS CUSTODIET IPSOS CUSTODES?" 14

---

No. 1.

---

# REPORT

OF A

CASE HEARD IN QUEEN'S BENCH,

NOVEMBER 22<sup>ND</sup>, 1872, CHARGING THE

COMMISSIONERS IN LUNACY

WITH CONCURRING IN THE

IMPROPER DETENTION OF A FALSELY-ALLEGED LUNATIC

AND

WRONGFUL TAMPERING WITH HER CORRESPONDENCE.

COMPILED BY THE APPLICANT.

---

LONDON:

J. BURNS, 15, SOUTHAMPTON ROW, HOLBORN, W.C.

PUBLIC LIBRARY OF VICTORIA

It is now many years since, in "Hard Cash," attention was called to the frightful facilities for abuse and corruption offered by our Lunacy Laws, and yet the evil continues unabated. Again does a warning voice sound; again is a tale of cruellest wrong laid before the country—this time told solely from most bitter experience. God grant it be not told in vain, but may arouse the English nation at last to demand efficient supervision and control of its Lunatic Asylums.

# P R E F A C E,

IN

## A LETTER TO THE PEOPLE.

---

MY COUNTRYMEN,—

PUBLIC LIBRARY OF VICTORIA

In laying before you this Report of the recent hearing in Queen's Bench of "*Ex parte* Louisa Lowe," I entreat you to ponder well the last words of our Lord Chief Justice: "There is no pretence for a rule." There is no criminality in public officials causelessly incarcerating the sane, and submitting them to the most crushing misery for eighteen months, unless it can be proved that deliberate malice actuated them. Perfunctorily to treat matters of fact as insane delusions, in spite of my offering corroborative testimony with perfect coherence of speech; to reject the presumption of sanity afforded by Dr. Fox's refusal, in January, 1871, to certify me insane for removal to "The Lawn;" to demand from me in June a renunciation of my liberty of action, to interpret my refusal into a proof of insanity, and make a report to the Lord Chancellor without due regard to evidence; never to examine my attendants in any way likely to elicit the truth; to suffer me to be deprived of all healthy pleasures; to deteriorate my health by sanctioning windowless and pestilential latrines in the asylums; never to allow me time or opportunity to express my religious convictions, the alleged insanity of which gave the only colour of reason to my incarceration, and which I asserted then, and assert now, but with tenfold depth of conviction, to be in accordance with primitive Christianity; to be too utterly red-tapeists to apply to the various individual and congregational referees I named, who would have bid them release their wretched victim, for to believe in a Great Father of all and his holy angels was not insanity but piety, and sensible visible communion with incorporeal beings not a delusion, but a reality;—all this, my countrymen, our judges affirm, if not unquestionably discreet, yet affords no presumption that the Commissioners "have committed an error of judgment." What is the inference, and the only inference? That, maugre the dicta of the written law, the living

expounders of that law hold that no real responsibility rests on the Commissioners in Lunacy; that they are not bound to weigh any evidence adduced by the alleged lunatic in his own favour. For, mark that, on the 22nd of November, I proved, in the *only* way allowed by law on such an occasion, namely, my own solemn oath, that the Commissioners had neglected the duties imposed on them by Parliament, that they *were* cognisant of facts all tending to prove my sanity, and that I vainly offered them, again and again, conclusive proof of my life-long soundness of mind. Mark that, when the Court refused me a rule against the Commissioners, it had in its hands the Certificate (in the Appendix) which most emphatically attests my sanity. What hindered the Commissioners from arriving in October, 1870, at the same conclusion as Dr. Rhys Williams, another public servant, arrived at in March, 1872? Unsoundness is not an evanescent phase, but a protractedly morbid condition of the intellect. Up to Friday, the 22nd of September, 1870, no human being manifested the smallest doubt of my perfect competency to manage my affairs; and, in reference to a conversation on Tuesday, the 25th of September, and a few hours after my capture and arrival at the asylum, Mr. Johnston, after ten years of daily intercourse with lunatics, writes: "This I do recollect, that on all subjects discussed by us" (one of which I remember was Spiritualism) "you conversed as any sane lady might, and I felt surprised to see you in the asylum." Why, then, have I dragged out eighteen months of painful and degrading restraint? Why am I now broken in health, broken in heart, shamed and shunned through having the hideous slur of insanity burred on to me by six of the country's trusted servants, were it not these men feel no penalty is attached to their neglect of duty, that no authority exists that can, or if it can will, call on them for an account of their stewardship? And now, my countrymen, to you I commit my cause—my cause and yours. It is my belief, from personal observation, that many sane, and still more merely eccentric and quite harmless persons, are languishing in the madhouses. To each of you the same fate is possible. Trust not to the affection, to the high principle of relatives. The best and truest mind may be o'erclouded. It needs but one fit of monomaniacal delusion, and two certificates, from men perhaps wholly ignorant of your character and position, and certainly almost irresponsible, to consign you, and possibly for life, to an Asylum for Lunatics.

I am,

Your Countrywoman,

December, 1872.

LOUISA LOWE.

## EX PARTE LOUISA LOWE.

---

THIS was an application for a rule *nisi* for a Criminal Information against the Commissioners in Lunacy, and came on for hearing in the Court of Queen's Bench, November 22nd, 1872, before Lord Chief Justice Cockburn, Mr. Justice Blackburn, and Mr. Justice Mellor. The counsel for the applicant were Mr. Henry D. Jencken and Mr. I. Ignatius Williams, instructed by Mr. T. H. Williams, solicitor, of 3, Serjeants' Inn.

Mr. Jencken opened the case with a statement of the grievous wrongs endured by his client, Mrs. Louisa Lowe, wife of the Rev. George Lowe, vicar of Upottery, Devon, at the hands of the Commissioners in Lunacy, who had kept her incarcerated as a lunatic from October, 1870, to December, 1871, solely, as he was instructed, on the ground of her holding, in common with many others, certain tenets, and observing certain rites called Spiritualistic. Inasmuch as many able writers defended these views and practices, and even Dr. Lockhart Robertson, the Lord Chancellor's private visitor to lunatics, had deposed in evidence before the Dialectical Society that mediumistic writing, the particular phase of Spiritualism professed by his client, "could not be attributed to fraud, though it must be seen to be believed in," he, Mr. Jencken, contended that the Commissioners had, in not investigating these phenomena, and inquiring of the various individuals and scientific societies to which they had been referred, been guilty of negligence so wilful and deliberate, and so terribly cruel in its results, as to be highly culpable, and entitle him to demand a rule *nisi* for a criminal information against them, which he now accordingly asked their lordships to grant him.

MR. JUSTICE BLACKBURN remarked, that if it could be proved the Commissioners kept the lady in confinement on pretence she was insane, when they knew that she was not, it would give the matter a different aspect to any it had assumed as yet.

MR. JENCKEN: They did it with their knowledge; because, in the Affidavit I have now before me, there are four or five letters in which the facts are stated, to which they had to give attention, and which they failed to do. What we contend is, that with the full knowledge—

LORD CHIEF JUSTICE COCKBURN: What is the evidence of their full knowledge?

MR. JENCKEN: The evidence of the full knowledge they had, or might have had, lies in the letters addressed to the Commissioners, replied to by them, and embodied in the Affidavit I will read when your lordships permit.

LORD CHIEF JUSTICE COCKBURN: You must prove more than a mistake on their part. The lady may be perfectly sane. I pronounce no opinion upon that. I do not say that if she actually entertained these opinions that would be evidence of insanity, and the Commissioners may have been wrong in their conclusions, but you must show that they knew her to be sane.

MR. JENCKEN then contended that it was impossible any men should really believe his client's letters were written by a mad-woman, and, in answer to a question whether the lady could offer any other evidence of sanity than her own assertion, stated there were affidavits to that effect by medical men.

LORD CHIEF JUSTICE COCKBURN: What are her peculiar views?

MR. JENCKEN: The views that she entertains are entertained by a large body of people.

LORD CHIEF JUSTICE COCKBURN: That may be so; but what I ask is, What they are?

MR. JENCKEN then explained his client believed in passive writing, which he described as being writing without conscious effort or volition. He went on to say: This is a belief entertained by a very large society in France. The members of that society believe that a spiritual being can guide their hand, that the hand can write irrespective of any volition of their own, and that consequently they are not responsible for any written statements that are made by their pen.

LORD CHIEF JUSTICE COCKBURN: Then a person might forge your name, and not be responsible?

MR. JENCKEN: I believe the sect in France numbers 300,000 or 400,000 persons.

MR. JUSTICE BLACKBURN: There may be other elements to show insanity. What you say sounds a little like that way, if that was one of the things she entertained.

MR. JENCKEN: If you examine theological beliefs severed from their connection, you will find that they are all grotesque, and by third parties might be deemed to savour of insanity.

MR. JUSTICE BLACKBURN: You misunderstand me. No one for a moment supposes that the entertaining of any particular belief, however absurd it may be thought, is evidence of insanity; nevertheless, it must always be an element to be taken into account in considering whether a person in other matters does not show insanity.

MR. JENCKEN: That is the very question I raise in reading this Affidavit, and I say the whole of the wrong done has been based on a misconception by the Commissioners, who ought to have known better. The learned counsel then proceeded to argue in favour of religious liberty, and renewed his charge against the Commissioners of deliberately ignoring the right of belief.

LORD CHIEF JUSTICE COCKBURN: There may be mistaken judgment, but that does not make them criminally liable.

MR. JENCKEN: Surely *culpa lata* and *dolus* are the same?

MR. JUSTICE BLACKBURN: Gross negligence is not the matter, but it would be evidence of it.

MR. JENCKEN: But *dolus*, which arises from it because of the very nature of their oath. He then pointed out that the oath of the Commissioners was not an ordinary oath; it embodied the word "discreetly," and bound the Commissioners to conduct themselves not only faithfully and lawfully, but to use the *utmost discretion*, and he added: We say they have broken their oath in allowing this woman—

LORD CHIEF JUSTICE COCKBURN: We cannot grant a criminal information against them because of that.

MR. JENCKEN: If their oath is of the nature of a rule, they must pursue—

LORD CHIEF JUSTICE COCKBURN: You must really show that they have kept this lady in unlawful imprisonment on the ground of insanity, knowing her to be sane. What is the evidence of that?

MR. JENCKEN: The evidence of that lies in the Affidavit which I have got.

LORD CHIEF JUSTICE COCKBURN: Just tell us what it is.

The following Affidavit was then read by counsel:—

I, Louisa Lowe, late of Upottery Vicarage, in the county of Devon, now of 6, Bedford Place, Russell Square, make oath and say:

1. That on the 25th day of September, 1870, I was incarcerated in the Asylum for Lunatics, called Brislington House, near Bristol, in the county of Gloucester, upon an order for the reception of private patients, signed by my husband, the Rev. George Lowe, and in accordance with the medical certificates of Dr. Thomas Shapter, of Exeter, dated the 25th day of September, 1870, and of Mr. Arthur Kempe, surgeon (since deceased), likewise of the said city of Exeter, dated the 24th day of September, 1870. The said order for the reception of private patients, and the said medical certificates, and also the notice of admission, bearing date the 27th day of September, 1870, are produced to me at the time of my swearing this my Affidavit, and are marked as Exhibit A.

2. That I was married to the said Rev. George Lowe on the 1st of September, 1842; and that by the said marriage I had several children, of whom six are now living.

3. That for many years during the said marriage my said husband and myself lived together, but I was compelled on different occasions to leave my home, and reside partly abroad, and partly at Oxford and other places. During such absences from my home I was almost invariably accompanied by some of my children, with whose education and care I was solely entrusted by my said husband up to the time of my incarceration.

4. Some time in the month of September, in the said year 1870, I had very serious differences with my said husband, and on that occasion I went to Exeter, at which place I took apartments in the house of Miss Radford, of 23, East Southernhay. I remained at these

apartments for a short time. During my stay at the said apartments my husband visited me, accompanied by my eldest daughter. He requested me to return to the Vicarage of Upottery forthwith. This, however, I declined to do without being allowed further time for reflection.

5. I refused to comply with his request, as I believed that my so returning to the Vicarage of Upottery, or even walking out with him as he then requested me to do, or seeing him again in private, would constitute legal condonation, and for this reason I resolved to refuse him further admittance; and I locked myself into my room, where I received my daughter, but declined admitting my husband; whereupon he went away, ostensibly to return to Upottery.

6. That the next morning, on looking out of my window, I saw my said husband walking towards my lodgings, and was directly afterwards told by my landlady some one wanted to see me on business, whose name she refused to give, and not until the third application for admittance by the said landlady did she inform me that it was Mr. Arthur Kempe, a surgeon (since deceased). This, however, I did not believe, and therefore continued locked in till such time in the afternoon as I thought my said husband would have left Exeter.

7. That my fears of meeting my said husband arose from the belief he had legal power to force me home. I also believed that though the law allowed him violently to take me from the house I was in, he was nevertheless not likely to do so.

8. That on the said day, namely, Saturday, the 23rd of September, 1870, so soon as I considered that my husband had left Exeter, I called at a friend's house and asked her to shelter me, which she refused, on the ground she could not exclude my husband if he came to take me away.

9. That I thereupon returned to my said lodgings, and found the key had been abstracted from my sitting-room door, which greatly alarmed me. I insisted on the restoration of the key, and with great difficulty obtained it. I then again locked myself in, only opening the door sufficiently from time to time to take in the articles required for my tea.

10. That after partaking of my tea I called upon Dr. T. Shapter, a medical practitioner residing in Exeter and an old friend of the Lowe family, and I asked him to recommend me another lodging, telling him I distrusted my landlady, and also the various fears and anxieties hereinbefore related.

11. Fully aware at the time that my manner was agitated, and that I was trembling from head to foot with cold and fear, I dreaded Dr. Shapter might think me insane. This fear arose from my having been made aware that in former years a report to that effect had been circulated and must have been known to him. The above-named report had arisen from my having through my earlier married life been often in a condition approaching hysterical mania, though never under any kind of restraint or incapacitated for domestic duties, and therefore I deemed it just and right to tell Dr. Shapter in professional



confidence the circumstances which had induced that abnormal condition, and which, I imparted to him, could be substantiated by letters then in London, in the house of a friend. I disclosed these facts the more readily in trust that, through his great professed regard for the Lowe family, he would contradict any reports that might injure my children's prospects, and remove the impression that my brain had ever been affected otherwise than sympathetically.

12. That being unwilling to go alone and unattended to an hotel so late in the evening—it being then between eight and nine o'clock—I let Dr. Shapter reconduct me to my lodgings, where he held some private conversation with the landlady, and went away. Through some oversight I left my parlour door open a few minutes, during which time the said Mr. Arthur Kempe, surgeon (since deceased), came in, on the plea that he then happened to be in the house, and called for old acquaintance' sake. Being so unhappy, I gladly received the said Mr. Arthur Kempe as an old acquaintance of my family and former accoucheur, though he had not attended me professionally for sixteen years. I told him my troubles and the causes that had driven me from home. I related to him the circumstances I had told Dr. Shapter, and I say that neither to Mr. Arthur Kempe nor to Dr. Shapter did I assert that my said husband had an adulterous connection in Exeter or elsewhere. Mr. Arthur Kempe then urged me to go to rest, and accompanied me to my room-door, where I found the key had been abstracted. Mr. Arthur Kempe further strongly urged me not to ask for the key, but to retire to rest with my door unfastened, which I however refused to do, and on his leaving me I insisted on the key being restored to me. The servant-girl first denied there ever having been a key to the door, but upon being pressed drew it from under the door-mat, where it was concealed: On pulling the bell-rope for hot water, no sound was made, and on examination I found the bell muffled.

13. The next morning I went out, and, finding myself watched, did not return to my lodgings, but, after posting a telegram, went to breakfast at the Clarence Hotel. And I say that my telegram was perfectly rational, and was sent in Italian, on account of my family being so well known in Exeter. The words were, "Sono in pericolo estremo; venite instantamente;" which telegram was returned by the Telegraph Office, my friends being out of town. That after breakfasting at the Clarence Hotel, as aforesaid, I went to Torquay to see my dear friend and sister-in-law Miss Anna Lowe, at whose house I slept that night, and returned to Exeter on the evening of the following day, the 25th September, intending to sleep at my lodgings, and go back to my children at Alverstoke as soon as my things should be ready.

14. That on reaching the said Miss Radford's house, I found my apartments given up. In consequence, I went to the Clarence Hotel, and took my tea in the ladies' coffee-room, several persons being present. Whilst so staying at the said hotel, at about eight o'clock in the evening, a female servant rudely presented herself, and barred

my exit as I was crossing the lobby of the said hotel. I was then conducted into an omnibus, and conveyed to the St. David's Railway Station, in the said town of Exeter, and from thence transported to the said Brislington House, near Bristol, in the county of Gloucester, a large asylum for lunatics, containing about two hundred patients. The licensed proprietors of the said asylum are Dr. Fox and his son Dr. Charles Fox.

15. On my arrival at the said asylum for lunatics I was ushered into a waiting-room, and then conducted to a small bedroom, with a grated window, on an upper floor. A few days subsequent to my incarceration, I wrote to Dr. Fox, complaining of the great discomforts and annoyance I was exposed to, and of which said letter the following is a copy:—

*Brislington House, October 1st, 1870.*

To DR. FOX, SENR.

DEAR SIR,—Until it shall please God to raise me up a deliverer, I hope obediently and quietly to follow the rules of your house; but would it be inconsistent with your duties as my gaoler to mitigate somewhat my position? I suffer horribly from the blasphemous obscenities and the maniacal cries which greet my ears day and night. Could I not be removed to No. 3 Ward, where there are no violent maniacs? In addition to this, proximity to your large call-bell is a great trial, and I fancy there is also a gong upon the premises—at least, I have heard something I took for one, or it may be my auditory nerves are becoming affected. The pacing about, under a servant's orders, is, of course, a great trial to me, but would be more endurable if, in the intervals, I might sit in my own room, and seek peace and strength where alone they are to be found—in communion with my own heart, and my God. As to spirit-writing, no amount of suffering shall ever make me deny my convictions that God is at this time visiting His people, and if He chooses to promulgate truths through a weak, imperfect woman, who shall gainsay Him? But this is certainly not the place for intellectual excitement of any kind, and I last night burned every scrap here, and do not intend again cultivating the gift of mediumship while I am in your house. I am, and always was, of a very susceptible temperament. Last night I was rudely awoke out of my first sleep by your matron's bursting into my room on the plea there was talking; nor does she ever now see me in the passage, or Mrs. Hill's room, without hectoring me back to the saloon and its maniacal inmates. Be assured you and your colleagues are being made tools in a very wicked plot.—I am, dear Sir, faithfully yours,

LOUISA LOWE.

16. The ill-usage and neglect set forth in the said letter continued for the whole of the time of my stay at Brislington House, and I say that my sufferings were greatly intensified by the fact of my being constantly placed in contact with incurable maniacs, one of whom terrified me by repeatedly threatening to take my life.

17. I was removed, some time in November, from the central house of the said asylum for lunatics, to an outlying villa called Heath House, and at which place I continued detained until the 14th February, 1871.

18. During my incarceration at Brislington House I wrote several letters to persons of note and to family friends, and I say that I

duly delivered the said letters to the proper person or persons entrusted with the delivery to the post-office of all letters written by the patients confined in the said asylum for lunatics, but that none of the said letters, so far as I have been able to trace, have been delivered to the persons as directed. Some three months afterwards, I was informed by Dr. Fox that the letters I had written and handed to the person entrusted with the posting had all been sent to other than the persons to whom they were addressed, and I say that the said Dr. Fox, in so wrongfully delivering, or causing my letters to be delivered as aforesaid, contravened the Act of Parliament the 25 and 26 Vict., cap. iii. sec. 40; and I say that I believe this illegal act was done with the knowledge and consent of the said Lunacy Commissioners.

19. Some time in the middle of the month of October, 1870, and about three weeks subsequent to my incarceration, two of the Commissioners in Lunacy, namely, James Wilkes and Robert Wilfred Skeffington Lutwidge, visited Brislington House, and I was then on that occasion for the first time introduced to the said Commissioners. I was then informed by the said Commissioners that they desired to speak with me in private, but previously to their taking me on one side for that purpose, the said Dr. Fox came up to me and requested me to admit to him that I had been properly detained. This I indignantly refused to do. The said Dr. Fox thereupon went up to the said Mr. Wilkes and conversed with him for some time in an undertone. About half an hour afterwards, the said Commissioners sent for me, and on entering the private room in which they were, I found the said Mr. Wilkes seated at a table with a large open ledger before him. At the head of a page full of close writing I saw my name in large letters. Mr. Lutwidge was opposite to Mr. Wilkes. Mr. Wilkes first addressed me, and said, "You are not very happy at home, I hear;" and then began interrogating me about things some of which had occurred twenty-five or twenty-six years ago, none of them less than several years ago. Mr. Wilkes then turned the conversation to Spiritualism. I referred him to that portion of William Howitt's second volume of "The History of the Supernatural," in which he treats of its being as easy for bad spirits to communicate as for good, and told him I held the same views, and that I thought passive writing had a deep religious significance, to which remarks Mr. Lutwidge exclaimed, "Oh, books and theology!" and soon after a call-bell was rung, and the two proprietors of the said asylum for lunatics, namely, Dr. Fox and Dr. Charles Fox, with another, came in, and I was ordered to leave the room.

20. Some time in the month of January, 1871, the said lunatic asylum was visited by the Gloucestershire magistrates and visiting-physician Dr. W. Budd; and I was informed by the said physician that I might expect speedy liberation.

21. On the 14th day of February, 1871, I was removed to the Lawn House, Hanwell, the private licensed asylum for lunatics of

Dr. Henry Maudsley, situated in the county of Middlesex, who made the statement to the Commissioners of which the following is a copy:—

PRIVATE PATIENT—STATEMENT.

I have this day seen and examined Louisa Lowe, a private patient, received on the 14th day of February, 1871, pursuant to an order dated 9th of February, 1871, and hereby certify that with respect to mental state, she is suffering from delusions which have the character of insane delusions, but which she believes were communications received from the spirits; and that with respect to bodily health and condition, she is in good health.

HENRY MAUDSLEY, M.D.,

Proprietor of Lawn House, Hanwell, W.

Dated this 18th day of February, 1871.

22. In the month of March, 1871, the said Commissioner, Mr. Lutwidge, visited the said private asylum in which I was confined. At this interview the said Commissioner asked me one, and only one question, and that in reference to Spiritualism, namely, "Do you still believe your hand was guided?" to which I replied, "I do." He then said he should prefer leaving the question to colleagues better acquainted with metaphysics than himself; and to this remark I replied that it was cruel and monstrous I should be incarcerated on account of my metaphysical or religious opinions; and that no account should be taken of the perfect and uninterrupted propriety of my conduct through the six months, or thereabouts, of my incarceration, or words to that effect; and I then asked whether it would not be possible for me to have a jury, and how I should obtain one, to which he replied, "It is very possible, but very undesirable; we always advise ladies under these circumstances to keep quiet."

23. On several occasions, between the months of December, 1870, and February, 1871, I wrote to the Commissioners in Lunacy, complaining of my detention, and asking for an inquiry; but to none of these letters did I receive any reply. On the 27th of February, 1871, I made a fourth application to the said Commissioners in Lunacy, of which the following is a copy:—

*The Lawn, Hanwell, February 27th, 1871.*

GENTLEMEN,—Suffer me once more to implore an early examination with a view to my discharge, for which I understand you to possess full powers, irrespective of my consigners' inclinations. I have now been many months avowedly on probation.—I am, Gentlemen, yours faithfully,

LOUISA LOWE.

24. Not having received any reply to my previous letters, I again wrote to the Commissioners in Lunacy on the 13th of May, 1871, and of which the following is a copy:—

*The Lawn, Hanwell, May 13th, 1871.*

GENTLEMEN,—In November last, at a private interview with the Gloucestershire magistrates at Brislington, I was recalled, and told I might

certainly expect to be out before Christmas. Shortly afterwards Mr. Lowe stayed with Dr. Fox, and after his visit I was informed my incarceration was to continue at least three months longer. No reason was assigned. Both, then, before and since my medical attendant acknowledged my conduct and conversation to be entirely and uniformly rational and becoming. Early in January, on occasion of my sister's desiring my removal hither, Dr. Fox himself told me he would NOT certify me insane for the purpose; he also told her the same, as I can prove to you by her letters. I naturally hereupon demanded my discharge, but was told I was to stay on probation. The magistrates again saw me at this period, conversed with me, examined my matron, and professed themselves satisfied I was fit for immediate discharge. By your kind permission, I came here on the 14th of February without any certificate of present unsoundness. So soon as I could reasonably expect him to form any opinion, Dr. Maudsley told my family there was no just cause of detention, and communicated with Mr. Lowe to that effect. My husband, however, declined to release me. My object in now troubling you, Gentlemen, is, to entreat I may be allowed a jury, should you still shrink from setting me free contrary to Mr. Lowe's wishes. The income I bring my husband, from £1000 to £1200 a-year, entitles me, I conceive, to this expense.—I am, Gentlemen, yours faithfully,

LOUISA LOWE.

25. Some time in the summer of 1871, I represented to Dr. Henry Maudsley, in the course of a conversation, the impropriety of detaining me at the Lawn, as the Commissioners must have known that I was not insane. To this he replied: "Oh, do you think they would let out such a firebrand as yourself?" or words to that effect.

26. Some time in the month of June following two of the Commissioners in Lunacy—namely, Messrs. Wilkes and Lutwidge—again visited the said Asylum for Lunatics, The Lawn, and interviewed me. Previous to seeing me in private, the said Commissioners had a conference with Dr. Henry Maudsley. Mr. Wilkes on this occasion asked me whether all Spiritualists acted as I had done. To which I replied: "I believe so;" for it is generally admitted that all mediums are deceived and do foolish things at first at the bidding of passive writing. Mr. Wilkes said: "If the writing told you, you would separate from Mr. Lowe?" To which I replied: "I certainly should not on that ground." He then urged me to be guided by a friend who was known to be strongly opposed to any litigation, and also by Dr. Maudsley; but I would give no promise whatever. At this or some other point of the interview, Mr. Wilkes referred to his papers, and reminded me of what I had told him at Brislington concerning my private affairs as an insane delusion. I told him I had said nothing but the truth; and if he would have read the correspondence I offered him, he would have understood the case. To which he replied: "What correspondence?" and changed the subject. I told him they must, in judging my Spiritualism, bear in mind I had all my life been called a religious person, and considered approach to God the main end of life. Mr. Lutwidge said: "Yes; believed the Bible, and all that sort of thing," or words to that effect. They then retired to another private conference with Dr. Maudsley, and went away.

After their departure, Dr. Henry Maudsley informed me he had told them he believed what I stated to them respecting my private affairs was true, and that I had not spoken of them in his house.

27. Soon after the said interview, I addressed a letter to the said Commissioners in Lunacy, of which the following is a copy:—

*The Lawn, Hanwell, June 13th, 1871.*

To MESSRS. LUTWIDGE AND WILKES.

GENTLEMEN,—At our interview on the 3rd instant you led me to expect a speedy and favourable change in my painful position. None such having occurred, I beg the favour of your kindly informing me whether I am to consider your then apparent intentions are altered. The following is an extract from a letter I received from Mr. Lowe last night; he is now staying at 7, Seymour Street, Portman Square:—"Had Dr. Maudsley been at home when I called, I would only have told him what he already knows, namely, that I do not wish you to remain at The Lawn one single hour longer than he and the Commissioners deem it advisable you should be there." You thus perceive Mr. Lowe casts the sole responsibility of my detention on yourselves, for Dr. Maudsley cannot act without your sanction. Gentlemen, I am utterly at a loss as to why you condemn me. All you have been told of my antecedents is either utterly false, or grossly exaggerated; the attempted suicide, on which you lay so much stress, occurred, in the first place, sixteen years ago, and was, moreover, merely the carrying out of principles I was known to hold, and which I openly advocated, viz., that under certain circumstances suicide was right. I have changed my views on this head within the last two years, but, at any rate, it seems strange that I should be imprisoned now for things done many years ago. As to my belief that some unknown motive force is occasionally brought to bear on material objects by intelligence or intelligences extraneous to man, I share it with thousands in all countries. Certainly an indiscriminate compliance with all commands so given would be insanity, but I deny having ever complied with any that were not wise or perfectly trivial, and submit that you have neither sought for nor obtained one particle of legal proof to the contrary. I deny the right of anyone to extract pledges under pressure of a lunacy warrant; but I think I told you that some months ago, finding my sister apprehensive on this subject, I pledged myself to her not to act on so-called spirit-writing for a considerable time after my liberation, without her knowledge and approval. Gentlemen, I am loth again to trouble the Lord Chancellor, if I can in any way satisfy you I am unjustly detained. I am still more unwilling to injure my children by the expense of a public *de lunatico inquirendo* commission; this last will, however, be inevitable, unless I can obtain from yourselves or the Lord Chancellor my liberation in time to stop the suit before Sir R. Malins,\* that being based on the assumption I am a lunatic; if it is carried out, duty to my children will require my proving to the world the triviality of the grounds on which I was consigned to Brislington, and the perfect rationality of my conduct and conversation from the hour I arrived there, on the 25th of last September, to the present time. With many apologies for troubling you, and soliciting the favour of an early reply, I am, Gentlemen, yours faithfully,

LOUISA LOWE.

---

\* This suit—"Lowe v. Lowe"—was finally heard before Vice-Chancellor Wickens, in May, 1872. Thus I was openly proclaimed a lunatic in the Court of Chancery, and my property and rights dealt with on the assumption I was one about two months after the final cancelling of the certificates.—LOUISA LOWE.

28. To my letter of the 13th of June I received the following reply:—

MADAM,—The Commissioners direct me to reply to your letter of the 13th instant, by informing you that they have submitted to the Lord Chancellor whether, under the circumstances of your case, the suit of *Lowe v. Lowe* is a proper proceeding for the protection of your property, and the disposition of your income during your detention as a person of unsound mind.—I am, Madam, your obedient servant,

MRS. LOWE.

CHARLES PALMER PHILLIPS, Secretary.

29. On the 18th of June, 1871, I again wrote to the said Commissioners in Lunacy, and of which letter the following is the only copy obtainable:—

June 18th, 1871.

GENTLEMEN,—Will you allow one or two leading Spiritualists to meet you here at your next visit, and testify whether my opinions are or are not identical with those of the highest judicial functionary in America, and other English public men, whose mere tenure of office is conclusive proof of sanity? My conduct is and has been, as I can prove by numerous witnesses, uniformly rational.

To this letter I received no reply.

30. On the 11th of August, 1871, I again wrote to the said Commissioners in Lunacy, of which letter the following is a copy:—

*The Lawn, Hanwell, August 11th, 1871.*

GENTLEMEN,—It is now very long since Dr. Fox refused to certify me insane, and I have good grounds for believing Dr. Maudsley, if appealed to, would also decline certifying me a lunatic. Mr. Phillips's letter of the 14th of June, written by your instructions, implies doubts of my being legally insane at your last visit. If this be so, surely I am entitled to the benefit of the doubt. You can little realise the moral torture, the crushing misery, of a mad-house, if you do not shrink from needlessly prolonging such misery for a single day. Let me once again, Gentlemen, entreat you to examine disinterested witnesses of my conduct during my captivity. I believe there is not one who would not testify to my perfect and uninterrupted sanity, and remove any hesitation you may feel to my immediate discharge. Trusting you will kindly give your attention to my case,—I am, Gentlemen, yours faithfully,

LOUISA LOWE.

To which letter I received no answer.

31. On the 1st of September, 1871, I wrote to the said Commissioners in Lunacy respecting the bad state of drainage at *The Lawn*. Of this letter the following is a copy:—

*The Lawn, Hanwell, September 1st, 1871.*

TO THE COMMISSIONERS IN LUNACY.

GENTLEMEN,—My general health is and has been long suffering so severely from the bad drainage of *The Lawn*, that unless you contemplate my speedy enlargement, I must solicit your kind interference, either to procure sanitary improvements here, or my removal to a healthier spot. My application will appear justifiable when you learn a garden pond, very near the

house, receives a large amount of house sewage. The effluvia arising from it is, in certain atmospheric conditions, pestilential. Our in-door arrangements are also so bad, I should long ago have laid them before the district officer had it been possible for me to communicate with him. Of course the other patients, though too ill to complain, must suffer as I do from the miasma. Dr. and Mrs. Maudsley are now both absent on a tour; they are well aware of these nuisances, but seem unwilling to incur the expense of remedying them. I am sure you will consider this letter confidential, and, should you deem interference right, see the necessity of not mentioning me as your informant.— I am, Gentlemen, yours faithfully,

LOUISA LOWE.

Of this letter no notice was taken.

32. On the 28th of September, 1871, two of the Commissioners in Lunacy, namely, Mr. John Forster and John Davies Cleaton, visited the said asylum for lunatics, and interviewed me in private. At this interview Mr. Forster stated that the communications he had received from a near relative of mine greatly influenced him in sanctioning my further incarceration. At this interview I handed a bundle of papers to the said Mr. Cleaton, containing dialogues with passive writing I had written whilst incarcerated at The Lawn. On the same day I addressed a letter to the Commissioners in Lunacy, of which the following is a copy:—

*The Lawn, September 28th, 1871.*

GENTLEMEN.—As you have my medium writings for inspection, I think it fair to express unequivocally my conviction that no so-called spirit-writings have any weight or value, as such, any more than human communications. You will observe my addresses are to the Great Father of all, and may therefore gather I consider the replies as certainly divine. I do not; I simply consider that all spirits are God's subjects, and flee to Him for protection, as I would complain to an earthly master of the misconduct of his servants. I emphatically deny that I ever but once acted on medium communications to the possible detriment of anyone, and that I most bitterly regretted at the time, as my diary would show. In matters only concerning my personal comfort, I felt at liberty to experimentalise concerning the truth of statements within reasonable limits. I never told anyone of, or believed the slanders written of my husband and my daughter. The proof is, that she herself was with me alone for a considerable time the following day, and we conversed on indifferent subjects as affectionately as usual. Further, immediately on my capture, I wrote to one of the maids incriminated solely by medium writing, expressing my full trust in her, and desire to have her in my service as soon as I should be free. Further, I have duplicate of a letter I wrote to Mr. Lowe as soon as I guessed he might have seen the books, telling him I felt all written against him and my family to be "lies and vilest calumnies." This too will be evidence. Granted the reality of medium writing, I do not see how I am responsible for what is written. Had I been unmolested, all these bad pages would have been burnt. I strongly feel but two courses are open for my liberation from a mad-house: either for gentlemen to see me entirely ignorant of alleged antecedents, and judge me simply by conversation and examination before my friends or before me of my acts and conduct since I came here; or a trial by jury, with proper legal advice and witnesses. I should be glad to avoid the latter, if possible; not on my own account, but for the sake of my family.



Still, Gentlemen, if you cannot judge me without reference to unproved assertions, and so satisfy yourselves I am sane, I most heartily pray you will use your utmost endeavours to have me tried before a jury in open Court as soon as possible. Be assured the whole case has been so involved by confusing together what rests on legal evidence with mediumistic assertions, learnt only by breaking of locks and abstracting of manuscripts, that nothing but cross-examination in a witness-box can elicit the plain truth. Can no *viâ media* be hit on? For example, an examination in London by Dr. L. Robertson and some of yourselves in the presence of two of my friends? An instance of the unfairness I speak of occurred to-day. As you say, I was here twenty years since. I was suffering from nervousness, after an illness, and was brought to see Dr. Conolly for advice. He prescribed for me, and by his advice I went to a water-establishment at Richmond. The doctor there annoyed me, and Dr. Conolly very kindly invited me to stay two or three days, till I could learn Mr. Lowe's wishes. I was here as his guest, and then went to another water-cure at Malvern. This is a fair specimen of the way everything has been distorted. My having had charge of my children for years, and Mr. Lowe's letters now at my lawyer's, refute all allegations of previous insanity. Gentlemen, I beg you will forgive my troubling you; I can never express myself *viva voce*, and on this subject there must be no misapprehension.—Yours faithfully,

LOUISA LOWE.

33. On the 2nd October, 1871, I again addressed a further letter to the said Commissioners in Lunacy, of which the following is a copy:—

*The Lawn, Hanwell, October 1st, 1871.*

GENTLEMEN,—You did, on Thursday last, pronounce me mad on account of "inconsistency of mind," in thinking Mr. Lowe, though naturally a good and noble character, by my own admission, to be now detaining me in a mad-house for his own ends. Will you, in the presence of my solicitor, interrogate two eminent medical practitioners as to whether, in 1868 and 1870, they did not severally so advise me as to account for the apparent inconsistency of my views? For obvious reasons, I withhold further particulars till I get your answer. Gentlemen, I am most cruelly and unjustly used. On the 3rd of June, Mr. Wilkes condemned me "because all Spiritualists are mad"—*ipso facto*, irrespective of their conduct in life; and now I am indefinitely re-consigned to this hideous doom—this lingering death in life, this moral torture of incarceration among maniacs—on pretexts that would not deceive a child. And Mr. Forster buttresses himself with my sister's supposed opinions. Why, Gentlemen, your very *raison d'être* is to protect the alleged lunatic not only from the wickedness but the amiable errors of kindred. I must remind you that as each ground of detention has cozed out (for none has been honestly stated) I have successively offered you legal evidence of its falsehood, which you have pertinaciously ignored. As to Spiritualism, I have once and again expressed to you, in writing, the extreme moderation of my views, and put on record months ago my conviction that the only authority of medium-writing lies in its agreement with conscience, thus putting it exactly on a par with human counsel. I submit to you that before a jury my witnesses must be heard, my evidence (including all my letters to you) must be weighed. The documents at Mr. R——'s—on the existence of which Messrs. Wilkes and Lutwidge so insultingly cast a doubt at Brislington—will tell in my favour, and I have no doubt of a triumphant acquittal. But I warn you, Gentlemen, the scandal to society may be great; the injury to the happiness

and prospects in life of two or three young families must be serious; and the responsibility will be yours, and yours alone. Do you, of your own knowledge and from personal observation, certify me, at the present time, legally and technically a lunatic? If not, when was I last one? On what day or in what month did I commit my last insane act? It is your province and duty to ascertain this point, and if the time allowed for probation has been exceeded by a single hour, to grant me instant discharge. Gentlemen, no men in England—not even yourselves—are above law. The law declares no sane person shall be incarcerated as a lunatic. I DENY I am mad. I again even assert the original certificates in Exeter were obtained and granted virtually on hearsay evidence. It is for you to investigate. I can demand no more than my legal rights. I will take no less. None but a criminal lunatic can be incarcerated during pleasure, or as a measure of precaution. Once more, Gentlemen, I challenge your justice and sense of public duty, and, I remain, yours faithfully,

L. LOWE.

P.S.—In case you should be really so unacquainted with Spiritualism as to think it an insane delusion, I refer you for information to Mr. Burns, publisher, 15, Southampton Row, Holborn, who will name to you many writing-mediums, and also inform you of the new Psychological Society, recently organised for the special investigation of spiritualistic phenomena. I have this moment heard from my sister, and send you an extract from her letter: “I grieve to hear you spoke of Spiritualism to George. Your having done so has forced on me the conviction your mind is not in a healthy state. Put away from you all thoughts of Spiritualism; neither think nor speak upon the subject; and give up all thoughts of retaliation against George. By resolutely persevering in this course, the Commissioners will become convinced of your sanity, and you will be released.” Gentlemen, I cannot, will not believe that English officials can ever lend themselves to such injustice, because, forsooth, I choose my own topics of thought and conversation, and it is imagined I may “retaliate” on my husband—that is, appeal to my country’s laws through solicitor, counsel, and the proper courts for protection from marital wrong,—I am to be incarcerated for life; for this is the alternative; my sister tells me plainly my incarceration, as far as my own family goes, shall only end with my submission. Gentlemen, I won’t submit—I will give no pledge whatever, under a moral thumbscrew. Were I the vilest woman in London—were Spiritualism avowedly and exclusively witchcraft—I have a right to my liberty. If my husband has just cause of complaint, let him sue in the proper courts. It is now a twelvemonth since coercion was avowed as the object of incarceration. Gentlemen, it is time you stopped this crime.

To this letter I received the following reply:—

*Office of Commissioners in Lunacy,*

19, Whitehall Place, S.W., October 4th.

MADAM,—I have to acknowledge receipt of your letters to the Commissioners of the 28th ultimo and 1st instant, and to inform your their contents will be fully considered by the Commissioners.—I am, Madam, your obedient servant,  
CHARLES PALMER PHILLIPS, Secretary.

34. Some day in October, two Commissioners in Lunacy, namely, Dr. Nairn and Mr. Lutwidge, visited the said licensed mad-house, and saw me in private. I conversed with Dr. Nairn, and I say that throughout this interview I was perfectly calm and self-possessed,

and reiterated my urgent request to be forthwith liberated. This reasonable request was refused; the said Commissioners alleging that they had no power, but, correcting themselves, replied it would be contrary to all etiquette, because I was then in another court through a suit in Chancery instituted by my said husband, whilst I was so incarcerated, to obtain possession of certain properties settled upon me for my separate use, and yielding about £500 a-year. Notwithstanding the occurrence of the above-recited conversation, I was removed, early in November, from the said private mad-house, called The Lawn, to Otto House, Hammiersmith, an asylum for lunatics, containing from thirty to forty lunatics, many of them of a violent or incurable description.

35. On the 27th of October, 1871, I again wrote to the said Commissioners in Lunacy, of which letter the following is a copy:—

GENTLEMEN,—By your informing me a week ago that the Board had communicated with my husband, you not unnaturally raised hopes that my liberation was decided on. Continued incarceration proves them fallacious. I now make you one more offer with a view of establishing my sanity, that at any rate my children may hereafter see no effort has been wanting on my part to avoid a publicity injurious to them. I assume your non-acceptance of my offer of the 6th instant is an admission you are satisfied my actions have been and are sane, and conclude you still condemn me on the ground that so-called mediumship is a chimera, an insane delusion. I, on the contrary, assert it is a reality, and maintain a careful inspection of all the books abstracted from my desk will prove it to be such. I believe these manuscripts are now at Dr. Maudsley's, 9, Hanover Square. They consist of dialogues in various hands, one of which I assert to be mine, and expressive of my thoughts; the others produced by extraneous intelligence or intelligences, using my hand, through what some call the psychic force, to express their thoughts. Of the nature of this intelligence I say nothing, for I know nothing; nor does its quality at all affect its reality, which is all that concerns the Board. I petition these books, after being shown me for identification, may be submitted to two umpires—one chosen by the Board, and another, a Spiritualist, chosen by me—who shall decide whether their origin is what I assert, or a fraudulent forgery—the only other alternative. For such forgery it must be borne in mind there was no conceivable motive; and I have already endured for thirteen months the most horrible moral torture that can be inflicted on a rational and cultivated woman, rather than acknowledge it to be such. It would, of course, also be right the umpires should ascertain my character and principles through life by application to referees. Gentlemen, I earnestly hope, for your own sakes, as for mine, you will not turn a deaf ear to my request. Had you not, at Brislington, rejected the perusal of the documents I offered you, which are still at Mr. R——'s, it is scarcely credible you would have condemned me. Since then I have at each interview offered you strong written evidence of the illegal motives of my consigner, and of my sane conduct; you have declined looking at it. Lastly, on the 6th instant, I proffered the expenses of a travelling commission to be sent to investigate my conduct for a year previous to incarceration, by examination of local witnesses. All these chances of vindication you have denied me. Gentlemen, if rejecting this last you continue my terrible imprisonment among maniacs, or connive at any curtailment of my liberty elsewhere, what will be your own position before the country when all becomes known, as it must do at an inquisition? The fate of an obscure old woman,

immaterial in itself, may yet bring vividly before the public mind the insecurity of individual freedom, the utter friendlessness and unprotectedness of alleged lunatics.—I am, Gentlemen, yours faithfully,

LOUISA LOWE.

To this letter I received the following reply :—

*Office of Commissioners in Lunacy,*  
19, Whitehall Place, S.W., 28th October, 1871.

MADAM,—Your letter of the 27th instant shall be laid before the Commissioners as soon as possible. The Commissioners are in correspondence with your husband upon your case, and daily expect his reply to a question put by the Board.—I am, Madam, your obedient servant,

MRS. LOWE.

CHARLES PALMER PHILLIPS, Secretary.

36. In consequence of the said proceedings in Chancery, an inquiry was ordered, in prospect of which my said husband consented to my immediate liberation and reunion with my children ; and I say that after my said husband had so consented, I was detained at Otto House for about three weeks without any reasonable cause warranting my further detention, and with full knowledge, as I allege, on the part of the Commissioners, of my perfect sanity and fitness to manage my own affairs. And I further say that, before releasing me from incarceration, and as a condition of such release, I was required to accept in writing certain conditions imposed by the Commissioners, namely, that I should remain under the power of the original certificates of lunacy, and reside under a keeper in a specified place.

37. At the end of December, 1871, or the beginning of January, 1872, I was discharged from Otto House and removed to the aforesaid apartments, No. 9, Bedford Place, Russell Square, in charge of the said keeper, at which apartments I remained until the end of the probationary time prescribed in the order of my liberation.

38. And I say that in consequence of the protracted incarceration I have been so unjustly and cruelly submitted to, and the want of all reasonable amusement and change, the (at times) unwholesomeness of the food allowed me, the rudeness and even violence of temper of some of the superintendents, my health had greatly suffered, and for several months afterwards I was in a most precarious and feeble state, and wholly unable to attend to my business. That owing to the sufferings I had undergone, I had contracted an affection of the heart, as will appear from the certificate of Dr. Walsh, produced to me on swearing this my Affidavit, and marked as Exhibit B. And as will further appear from the certificate of Dr. Cutmore, produced to me at the time of my swearing this Affidavit, and marked as Exhibit C.

39. During the time that I was detained at No. 9, Bedford Place, I was visited on behalf of my legal adviser, Mr. John White, of 11, Bedford Row, solicitor, by Dr. Rhys Williams, of Bethlehem Hospital, who made an affidavit in reference to and affirming my sanity, and of which an office copy is produced to me at the time of my swearing to this Affidavit, and marked as Exhibit D.

40. On the 7th November, 1872, I received from the Rev. William Johnstone a letter in reply to mine of the 5th of that month, of which the following is a copy:—

4, *Grace Terrace, Bishop Wearmouth, Sunderland,*  
November 7th, 1872.

MY DEAR MRS. LOWE,—I beg to acknowledge your letter of the 5th instant, and am sorry that you had the additional trouble of a journey to Ipswich. I should be glad to help you in the matter desired to the best of my ability, but not having continued to take notes of my visits to the inmates of Brislington House at the time of your being there, I do not so recollect the particulars of your case that I could make an affidavit on the subject such as you desire. This I do recollect, That you were able to converse on the subjects discussed by us as any sane lady would do; and that I felt surprised that you should be an inmate of the asylum. Mrs. Johnstone and myself are truly sorry that you should be so troubled; and we trust that you will be able to get clear of it without having recourse to the expensive tribunal of the law. I am glad to add that we are comfortably placed here, and the climate suits us. Mrs. Johnstone unites with me in very kind regards, and I am ever, dear Mrs. Lowe, yours faithfully,

WILLIAM JOHNSTONE.

41. I further say that, in incarcerating me in mad-houses or lunatic asylums, the perpetrators of this act have been guilty of the grossest oppression and wrong; that in asserting my belief in the phenomena and teachings generally known as Spiritualism, I do but accept the teachings of a recognised and very numerous religious body, which, on the 21st November, 1867, was duly registered under the 18th and 19th Victoria, cap. 81, as "The Spiritual Church."

42. And I say that though I have in no wise seceded from the Church of England, I am at perfect liberty to accept the teachings and follow the practices of "The Spiritual Church;" and that any attempt at repression by coercive means is in violation of the law, and renders all persons so transgressing amenable to the criminal law of England.

43. And I further say that the essential doctrines of Spiritualism conform to the formularies of the Church of England and other established Christian bodies.

44. And I say that, in attempting to coerce me into a renunciation of the opinions I hold all sacred, the Commissioners have made me the victim of the most cruel oppression and religious persecution.

45. And I further say the said Commissioners have grossly neglected their duty in continuing my incarceration after they had been informed that the views I entertained then, and entertain still, but in a more advanced form, are held by hundreds of thousands of educated persons in all countries.

46. And I further say that the said Commissioners in Lunacy are also chargeable with criminal neglect, in not only sanctioning my improper illegal incarceration at the licensed private mad-house called "The Lawn," but in not there and then inquiring into my occupations and amusements, as directed by the Lunacy Act, the 8th and 9th Vict., cap. 100, sec. 4, and in suffering me to be for many months

deprived of all rational and healthful change and variety of employment, subjected to a long course of unfriendly and discourteous treatment, subjected to annoyances and privations injurious to my health, and in all respects fed and maintained at the said asylum of "The Lawn" in a style wholly incommensurate with the large sums paid for my support.

And I further say that the writing called passive writing is an act wholly apart from any conscious volition or effort on the part of the writer, and is well known as such to all Spiritualists, and, I am informed and believe, is practised by many thousands in England, France, and America, and that the school or sect known as the followers of Allan Kardec practise passive writing at their public meetings as part of their religious worship.

*Sworn, Nov. 22, 1872.*

After the reading of the Affidavit, and some remarks by the Court and by Counsel,

MR. JUSTICE BLACKBURN said: By this Affidavit it would not appear that the Commissioners had ever made any inquiry at all. If they made an inquiry, and came to the conclusion *bonâ fide*, even if it were a mistaken conclusion, that she was a person who was dangerous to be at large, you would have no more. You ought to show what that inquiry was.

MR. JENCKEN: The whole of the evidence is in the hands of the other side.

LORD CHIEF JUSTICE COCKBURN: Up to this moment there is not a shadow of foundation for saying that the Commissioners have acted wrongly. They may have been mistaken; on that I pronounce no opinion. But where is there the slightest shadow of proof of any intentional misconduct on their part?

MR. JENCKEN: If the Commissioners are so neglectful—

LORD CHIEF JUSTICE COCKBURN: We do not grant criminal informations on that.

MR. JENCKEN: And allow an alleged lunatic to remain in prison—

LORD CHIEF JUSTICE COCKBURN: No, no; there are other forms of proceeding.

MR. JENCKEN: The difficulty we have to deal with is this. In the first instance she is a married woman.

LORD CHIEF JUSTICE COCKBURN: You see, we have nothing to do with your difficulty. You are asking us for a criminal information against the Commissioners on the ground of intentional misconduct; on the ground that, knowing this lady to be sane, they have kept her in imprisonment as being insane. The scientia, the knowledge, the intention, is the whole substance of the inquiry with reference to criminal proceedings.

MR. JENCKEN: Then, my Lord, why does the Act say you shall act "discreetly"?

LORD CHIEF JUSTICE COCKBURN: We are not to constitute ourselves judges of the discretion exercised upon a matter of criminal information. You are asking us to institute criminal proceedings.

MR. JUSTICE BLACKBURN: You seem to think that if they made an error in judgment, they are to be punished; not that I mean to say or see any grounds in the materials brought before us for saying they did commit an error in judgment.

MR. JENCKEN: They refused to read the evidence.

MR. JUSTICE BLACKBURN: They have not refused to read the evidence. They held an inquiry, and upon what grounds you have not brought before us at all. Having held an inquiry, they pronounced her insane. You do not show us what the grounds were. You do not show us what evidence they refused to receive.

MR. JUSTICE MELLOR: As I understand, she has been released for some time?

MR. JENCKEN: Yes, for some time.

MR. JUSTICE MELLOR: For how long?

MR. JENCKEN: She was released at the beginning of the year, about April.

MR. JUSTICE BLACKBURN: Not, as I understand, released altogether, but allowed to go from the asylum, but still being attended by a keeper.

MR. JENCKEN: She was released in December; she remained under a keeper till April, so that her liberation dates from April.

LORD CHIEF JUSTICE COCKBURN: Since April she has been entirely free from all restraint?

MR. JENCKEN: Yes; but her health was so broken down she could do nothing, and it is only now she is sufficiently well to instruct her solicitor and come before this Court. My Lords, I will not take up your time any further, if you really think I ought not to press it.

LORD CHIEF JUSTICE COCKBURN: It is quite plain that there is no ground for this criminal information. I pronounce no opinion whatever upon the discretion that has been exercised by these gentlemen, or on the want of it; that I have nothing to do with; but I see no indiscretion here that will in any way warrant us in saying these gentlemen did not act to the best of their judgment; nor do I entertain the slightest doubt in the world that they exercised their judgment fairly. What object could they have for keeping this lady under confinement, if they had thought it right to release her?

MR. JENCKEN: The danger would be this, that if any particular views are entertained by one member of a family, the other members could use the lunatic asylum as a means of coercion.

MR. JUSTICE BLACKBURN: Religious opinions are not in themselves insanity, but they must be evidence to be taken into consideration.

LORD CHIEF JUSTICE COCKBURN: I should imagine that from the position these gentlemen occupy they would all very well know, if there was anything that could confirm a person in peculiar religious opinions, it would be an attempt to coerce them out of them. There is no pretence for a criminal information here. There must be no rule.

## APPENDIX.

I, WILLIAM RHYS WILLIAMS, of Bethlehem Royal Hospital, in the County of Surrey, Doctor of Medicine, make oath and say as follows:—

I am the Resident Physician at the said Hospital, and the Lecturer on Mental Diseases at St. Thomas's Hospital. On the twenty-second day of February last, and the first and ninth of March instant, I had long interviews with the above-named Louisa Lowe, at No. 9, Bedford Place, Russell Square. I attended her for the purpose of ascertaining whether or not she is of unsound mind. I had previously seen and read copies of the certificates of Dr. Shapter and Mr. Kempe, upon which the said Louisa Lowe was admitted into an asylum, and also of the certificates of Dr. Fox and Dr. Maudsley, under whose care she has since been. I have also had three letters from her. Those certificates do not describe her present condition. The said Louisa Lowe is evidently highly intellectual, and some of her views with regard to Spiritualism are not in accordance with the opinions of many at the present day; but similar and much more advanced opinions are held by many whose sanity has never been doubted, and I do not consider them to be of the nature of insane delusions. On each of my three visits her conversation was at all times coherent, her behaviour and manners most ladylike; and even when pressed with regard to Spiritualism she betrayed no excitement, but defended her opinions in a calm and ladylike manner. I discovered no indication of insanity in the said Louisa Lowe. I consider her to be able and competent to manage her affairs; and in my opinion she is not of unsound mind, or a fit and proper person to be detained in a lunatic asylum, or otherwise restrained in her liberty.

W. RHYS WILLIAMS.

*Sworn at No. 11, Bedford Row,  
in the County of Middlesex, this  
13th day of March, 1872.*