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The Windham Case

The Enquiry held in London in 1861 into the state of mind of William Frederick Windham, heir to the Felbrigg Estate

By KINGSLEY JONES

The Public Enquiry into William Frederick Windham's 'alleged lunacy' is well documented and the evidence of 140 witnesses provides a uniquely full history. The case is of interest as a diagnostic problem, a study in mid-nineteenth century psychiatric thinking and methodology, and in the then prevailing attitudes to mental illness. It was a significant event in psychiatric history, as the scale and expense of the trial brought the method of public enquiry into bad repute. Thus the case represented one of the steps away from legal management in psychiatric illness and towards medical management.

The following account of Windham's background and behaviour is based solely on evidence given at the enquiry. This was published at the time as a book (1) which gives a full verbatim record of the hearing and corresponds exactly with daily reports in *The Times* (2) each day of the trial. The quotations of witnesses' evidence come from the same book. Events after the trial are described, but are based on less well authenticated sources (3, 4). The account of Windham's life is selected to provide a relevant psychiatric history. Much of the evidence was contested, and only that which was agreed is included.

The enquiry (a Commission *de Lunatico Enquirendo*) was held at the Court of Exchequer, London, in December 1861, Windham's 21st year, before Samuel Warren, Q.C. Warren was one of the two Masters in Lunacy, whose function was to determine if the Royal Prerogative to look after the estates of the mentally ill should be exercised; the statutory method for this was by inquisition (careful enquiry)—with a jury, unless the petition was unopposed. The hearing lasted 33 days, and evidence was given by teachers, tutors, leading psychiatrists and others. It was instituted by General Windham, the young man's uncle, and other members of the family (though not his mother). General Windham had expressed concern about the young Windham's irresponsible behaviour, his unfortunate marriage and the likely effects on the family estate. As might be expected, during the enquiry the General was accused of being interested only in retaining the estate unharmed for himself or his sons; they were next in line should Windham be declared insane and incapable of managing his affairs, in which case his marriage would be declared invalid, as would arrangements for property and income made over to his wife, and any children would be illegitimate.

'Mad' Windham was a great-nephew of William Windham, one of Pitt's ministers and Dr. Johnson's friend. He was an only child, brought up initially in the family house at Felbrigg, Norfolk. His father was a well liked country squire given to noisy 'hallooing' and rough manners. He felt his son was lonely, and, contrary to the social customs of that day, allowed him to mix freely and work with the servants and to wear a specially made footman's livery. Lady Sophia, his mother, handled him inconsistently, at times petting and caressing him and at others controlling him with a small whip. After her husband's death (when Windham was 15) she, then 40, married an Italian music teacher aged 24.

At the age of 8, Windham was sent to board in Norfolk with a clergyman named Bickmore who prepared boys for public school up to the age of 13 or 14. After two years his father

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was asked to remove him, as he provided a bad example to the younger pupils by 'violent language and oaths'. At the enquiry Mr. Bickmore stated that Windham was rude and boisterous and 'a spoilt child'. Subsequently he went to a school at Blackheath and at 14 entered Eton. There he had a private tutor, Mr. Cheales, to supplement the classroom lessons; Mr. Cheales testified that 'his power of learning was very small. He could read and write English, but not well'. 'He showed great gluttony and would sit with the saliva running from his mouth at his meals. He ate voraciously and used to sleep heavily after his meals.' 'When scolded for any fault he used to cry far more than boys of his age generally do.' 'He would sometimes laugh without any apparent cause and in a loud boisterous manner.' 'I think his intellect was lower than any I have ever seen in a boy of his age.' The mathematics master declared that he could never teach the boy Euclid but 'we got through a certain amount of vulgar fractions'. Windham reached the fifth form, but without examination because of an injury to his hand.

After Eton he was put into the hands of a series of tutors. When he was 18 he was made a ward of Chancery at the request of his uncle, General Windham, who declared himself anxious about his conduct. The Vice-Chancellor directed that he should travel, so, accompanied by Colonel Bathurst, his appointed companion, he set off against his will on a Continental tour. He embarrassed the Colonel by running up and downstairs in hotels, shouting a hunting 'halloo' at the top of his voice, laughing and romping with waiters and shouting the length of the table at dinner to attract a lady's attention. The next tutor was Mr. Horrocks, a former army lieutenant, who stayed with Windham at Felbrigg and travelled with him about England. He complained that he saw his charge 'carting manure from the farmyard like a common labourer' and 'romping with female servants who would treat him like a child'; 'he would often get them to carry him to bed.' Horrocks did not prove a suitable tutor, and was criticized by the Vice-Chancellor for thrashing his charge.

In Windham's 20th year Mr. Peatfield, a Cambridge graduate, was appointed and took him to Scotland and Ireland. In Edinburgh they had to change lodgings twice because he annoyed neighbours by opening windows and shouting at the top of his voice. 'In the streets he would hiss, spit, shout and scream, laugh, roar out foolish remarks such as "You're a duffer"—he would imitate cocks and cats, and jump about violently. All this would be mixed up with snatches of Negro songs such as "We're all off to Dixieland". He never went further than a line or two at the top of his voice and then on to something else.' During that year he obtained a lieutenant's commission in the East Norfolk Militia. Several fellow-officers, including the Colonel, swore that he behaved appropriately in the mess and learnt his drill rapidly. He carried the colours at an inspection; however, the training lasted only one month.

In May 1861, before his 21st birthday in August, he took lodgings with a Mr. and Mrs. Lewellin in Duke Street, St. James, London. General Windham had known them and probably knew of the arrangement. At the enquiry the Lewellins gave an exaggerated account of Windham's behaviour; they accused him of fouling his bed and exposing himself. These statements were contradicted by the evidence of their servants, and other witnesses swore that the Llewellins had tried to suborn them to give false evidence against Windham.

During Windham's stay in London he harassed prostitutes in the Haymarket, saying he was a plain-clothes policeman. He also kept up an enthusiasm for railways. He had a guard's uniform and would help passengers in and out of their carriage. At times he travelled on the footplate, stoking the engine and applying the brakes. It was stressed by many witnesses, and not controverted, that 'he was always happiest working and mixing with servants and others of a lower class'. He was foolish when drunk, but no one attributed his unusual conduct to excessive drinking.

On August 9th he was 21; on the 30th he married Agnes Willoughby. She was 21 and a 'pretty horsebreaker'—i.e. an elegant, fashionable courtesan. She told her solicitor in Windham's presence 'I feel repugnancy for him', but 'I will

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marry for a good settlement'. Her repugnancy may well have been caused by Windham's hare-lip (which he disguised with a moustache), corpulence and uncouth manners. She obtained £800 a year immediately, to be increased to £1,500 when Windham came into his full property, and she made sure that her income would continue after his death by getting him to cut off the entail. Entailment was a usual condition in the inheritance of a large estate—it restricted the heir to a life interest and kept the estate in the family; opposition to this socially static system had grown, and by the mid-nineteenth-century disentailment was easily effected. Before the marriage Windham bought Agnes £8,000 of jewellery on credit. After the honeymoon in Paris they travelled on the night train to the country home at Felbrigg, accompanied by her two sisters and her former protector Roberts. A railway guard described how on the journey the recently wed husband rode on the engine and arranged for Agnes and Roberts to have a locked compartment where they used a large dressing case to fill the space between the seats to make a bed.

At Felbrigg he gave his wife a further £4,500 of jewellery. This was to compensate for the 'foul and infectious disorder', as described by medical witnesses, which he had at the time of the marriage Yet on his wedding day Agnes's doctor, Whidbourne, had assured him that it was merely chafing from his trousers and that he was fit to marry.

In October, after persuasion by Roberts, he signed a contract to sell 'the whole of the timber which may be cut on his Norfolk Estates during the next four years'. It was argued at the enquiry that the price was below market value and would have given the buyer a 25 per cent advantage, also that it would ruin the farming on the estate, which was near the sea. The contract was with agents acting as a cover for Roberts, who would have made a considerable profit if General Windham had not intervened, forcing Roberts to withdraw.

The marriage meanwhile proceeded stormily. From 26 September to 8 October Agnes left Felbrigg with her husband's consent and on her doctor's advice. She stayed in Dublin with Giuglini, an operatic tenor with whom she had associated for some time past. In November Windham pursued her to Glasgow where she was again with Giuglini. She had left before he arrived and he returned to London to find her at the Euston Hotel dining with three other men.

December 1861 saw Windham and his wife in London for the enquiry. They did not live together during the enquiry, but did meet. Dr. Gwin, who had attended the couple since September, stated in evidence that both had an illness which would render it 'not likely that she could be unfaithful to him'. This was the 'foul and infectious disorder' described earlier, probably gonorrhoea.

Windham was in Court throughout the enquiry and behaved with restraint and dignity. Between sittings he was less decorous. He took all the witnesses who had been called to London from Norfolk to a dinner and pantomime, and during the Christmas break from the trial he held a party for servants and tenantry at Felbrigg, at which he blacked his face and gave a concert. All these activities were mentioned and criticized in Court. On the 34th day of the enquiry, which had endured from 16 December 1861 to 28 January 1862, the jury examined Windham privately for three to four hours in what the Master said was to be a friendly interview. No transcript of this is available, but *The Times* reported 'so favourable indeed was the impression which he produced that the opinion formed and expressed by more than one gentleman present was that "had he been interviewed earlier, he need not have produced his own witnesses".' The jury then retired, and after half an hour returned with a verdict 'That Mr. Windham is of sound mind and capable of taking care of himself and his affairs'.

History Subsequent to the Enquiry

Windham's life after the enquiry is less well documented (3, 4). In February 1862 he returned to Felbrigg. He had an Express Mail van made, painted red and with the Windham arms, and he used it to drive the 18 miles to Norwich for his letters. Later he bought a big private coach in which he carried passengers free between Cromer and Felix-

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stowe. Letters to *The Times* complained of his acting as a guard on the railway and locking passengers in compartments.

His wife and Giuglini lived openly together. When in financial difficulties she persuaded Windham to buy back her rent charges (rents from tenants on the estate that he had made over to her) at a price of £20,000. His £20,000 was wasted, as the estate was sold the same year and all future rents went to the purchaser.

Windham sued for divorce, but twice rejoined his wife before the hearing, set for July 1863. They lived together for almost a year until they finally parted in July 1864. A son, acknowledged as his, was born on 19 April 1864. During the reconciliation period she obtained from him all his remaining effects, including another estate. He was declared bankrupt later that year.

Through the generosity of a local tailor, Thomas Bingham, who invested the money, Windham was set up as driver on the Norwich-Cromer stage coach. He fitted well into this role. Once he had as passenger an ex-Etonian with whom he conversed in the language and tone of an upper-class gentleman, lapsing immediately into local dialect when an ostler spoke to him. At first he did well, but after 18 months he tired of his occupation and staged an overturn of the coach. He came to blows with Bingham and gave up coach driving to live on an allowance of £1 a week from his uncle, the General, as a lodger in a pothouse. He died suddenly in February, 1866.

Expert Medical Evidence

One of the most interesting aspects of the case was the medical evidence, almost entirely by eminent psychiatrists called to see Windham in the weeks before the enquiry.

Expert medical evidence for the petitioners

Dr. Forbes Winslow. Forbes Winslow was a leading forensic psychiatrist. He had founded and edited the *Journal of Psychological Medicine* (recently renamed the *Medical Critic and Psychological Journal*). He had been President of what later became the Medico-Psychological Association, and was proprietor of two private licensed houses (5).

He examined Windham for over two hours, and three days later for one hour. He reported that 'Mr. Windham would jump from one subject to another and we had great difficulty in getting him to command his attention and concentrate his thoughts upon any one particular point', but later he said 'I observed no particular excitement about him'. He had asked Windham about the marriage, the extensive gifts of jewellery to Agnes and why he continued to be friendly with Roberts who had lived with her, and probably slept with her the night before her marriage. He concluded that the patient was 'in a degree of mental imbecility' and 'incapable of managing himself and his affairs'. Throughout his evidence he stressed Windham's 'deadness to a sense of moral obligations'. Later he said, 'His case is one that requires control, though I would not confine him to an asylum'. In answer to Sir Hugh Cairns, Q.C., acting for Windham, he admitted 'that independently of the data supplied to me (i.e. the account of Windham's life and conduct set out in affidavits by witnesses)I had no means of testing Mr. Windham so as to arrive at any conclusion on the subject of his mental condition'. He also said 'In cases of amentia—among which I class the case of Mr. Windham—one should pay more attention to the actions and conduct of the alleged lunatic than to anything that one might observe in conversation'.

Dr. Thomas Mayo was at the time President of the Royal College of Physicians of London. His Croonian Lectures of 1853 were on Medical Testimony and Evidence in cases of Lunacy (5). He saw Windham on two occasions with Dr. Forbes Winslow. He said of Windham 'He has a very weak intellect and a very impure mind', 'he is childish and inconsequent, particularly under circumstances where a man of intelligence would be serious'. Dr. Mayo regarded the 'ethical part of the case', by which he meant Windham's departure from current moral standards, as all-important. He was struck by 'the utter and entire shamelessness which the young man showed during interviews'.

In contrast to Forbes Winslow, he had only glanced at affidavits describing Windham's

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conduct, and said 'I found my judgment almost entirely on my own observations of Mr. Windham'. He was the only expert witness to stress examination of the mental state, in contrast to the others who drew conclusions from the subject's alleged conduct and regarded the interviews largely as an opportunity to question him about what he was said to have done. Mayo concluded his examination by asking the patient to write a letter, which he did 'without the slightest appearance of difficulty'.

He concluded 'He is certainly not competent to manage himself or his affairs'. He did not give a diagnosis, stating 'There are too many names for insanity', and declared himself 'satisfied with the simple expression that Mr. Windham is of unsound mind'. As to disposal, he averred 'I would rather not place such an individual as Mr. Windham in a lunatic asylum. I would put him in the hands of a person who would prevent him meddling with affairs'.

Mr. Nichols, Surgeon, Norwich, who was the proprietor of Heigham Hall, a large private asylum, and Chief Surgeon to the Bethel (psychiatric) Hospital, Norwich. He had known Windham's father well for many years, and the son had been brought to him for professional advice when four years old. 'He was unable to speak, slavering from the mouth, and presented other indications of mental deficiency which induced me to believe that in all probability he would become an idiot.' 'He has not become an idiot, which I confess surprised me, but he is the next thing to it.' Mr. Nichols described the child as not taking notice of any object.

The value of these observations were limited by the fact that the witness had not at the time of the examination introduced note-taking into his practice, and there was even doubt as to the age of the child when examined.

Expert medical evidence for Windham

Dr. Thomas Harrington Tuke. Tuke was proprietor and superintendent of the Manor House, Chiswick, and later held office as Secretary and President of the Medico-Psychological Association (5).

He made about ten examinations, lasting in all about 14 hours; he had received no previous instructions, but read all the affidavits during the period he was seeing Windham. On some occasions he saw Windham together with his Solicitor and Counsel. Dr. Tuke testified: 'He perfectly understood the nature of the proceedings against him and took a considerable part in all the discussions, showing great powers of memory and attention and a thorough knowledge of the nature of his estate and how it would be affected.' During his examinations he went through the allegations against Windham and was satisfied with the explanations and denials given in reply. He remonstrated about a placard that had been produced over Windham's name protesting about the injustice of the case. (It called on the people of Great Britain to come forward and defeat the conspiracy to defraud him of his property.) Windham attributed the placard to Roberts, but expressed himself willing to let it be circulated until Tuke pointed out that it contained the names of ladies who were not parties to the proceedings; he then promised to stop the circulation. 'Next day I saw him again and told him the placard had been circulated. He said "It is a great shame; that obstinate fellow Roberts would do it. I took them all off in a cab yesterday from Piccadilly, but he sent for them afterwards without my knowledge and has distributed them all over London." Tuke seems to have been satisfied with this plausible answer.

He concluded 'I never, during the whole of the interview, saw the slightest indication of unsoundness of mind. I found no inconsequence, no incoherency, no want of attention'. 'I believe that Mr. Windham is of perfectly sound mind and capable of managing his affairs.'

Dr. William Charles Hood. Dr. Hood, later Sir William, had become in 1852 the reforming Superintendent of Bethlem Hospital (5). Dr. Hood examined Windham twice, the first time to assess his mental state and the second to examine the structure of his mouth. He saw him without previous knowledge of the case. He found that 'his answers were coherent, consequent and rational throughout. I could not say, judging from the interviews alone,

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that he is otherwise than of sound mind.' Dr. Hood warned Windham about conducting himself properly during the course of the trial. No comment was made about his intellectual level.

Dr. Alexander John Sutherland. Sutherland succeeded his father as Physician to St. Luke's Hospital for Lunatics. He was described as a Consultant with a reputation second only to that of Conolly (5). In 1853 he had been the first President of the Association which later became the Medico-Psychological Association. Dr. Sutherland examined Windham only once and in his evidence does not mention the affidavits. He found no symptoms of imbecility, but that the patient was 'rather below average in point of intelligence'.

Dr. John Conolly. Conolly was at the time England's best known psychiatrist, and was famous for his reforming work at Hanwell Asylum twenty years previously. At the time of the enquiry he was in his late sixties. He was much respected for his humane and gentle nature, as well as for his medical skill. Counsel for the Petitioners described him as 'one of the kindest men living'.

There were three interviews, the first alone. It seems appropriate to quote his evidence at some length:

'I was surprised by his manner, in which there was not the slightest peculiarity. He was not in the least embarrassed, but was perfectly cheerful, frank and gentlemanly. I asked him whether he was not rather tired of being continually examined by medical men. He answered good-humouredly that it was somewhat fatiguing, but that he was fully aware of the necessity of it, inasmuch as his family wanted to make him out insane and incapable of managing his affairs.'

'He appeared to me to be of a somewhat hasty and impulsive character', but 'I did not observe the slightest trace of delusion, or the least confusion upon any subject whatever; in fact, if I had not been informed of the charges made against him, I should not have dreamt that there was anything the matter with him.'

'I told him that I had come from Hanwell that morning, that the train was full of Eton boys and that I was surprised to see a great number of women of the town waiting for them at the station.' 'Yes', he said, 'it is always so; and those only can avoid them who, having to go home with the down-trains, do not require to leave the station but have merely to pass from one side to the other.' That appeared to me a very sensible observation. I believe he is of perfectly sound mind. 'I believe that if Mr. Windham had one good, kind, virtuous friend, he would get through the world very well. His mind is not of a superior order, and his misfortune has been since childhood to have been surrounded by improper persons. He has the capacity to manage his own affairs, but that is a different thing from the will to do so.'

Mr. Hancock, Chief Surgeon, Charing Cross Hospital, described Windham's mouth as peculiarly shaped, with an exceedingly narrow upper jaw, drawn so much to a point in front that there was room for only two teeth. There was less than 1 inch from one front molar to the other. The roof of the mouth was shaped like a pointed arch. 'The depth from the soft palate to the back of the throat is unusually great.' The witness attributed the patient keeping his mouth open to mouth-breathing, forced on him by his high palate restricting air passage through the nose.

Mr. Hancock went on to give evidence about the patient's mental state, stating firmly that he was of sound mind.

Dr. E. Seymour, a Commissioner in Lunacy, had had one interview and had told Windham that from his appearance and manner no jury could find him of unsound mind. After studying the affidavits he had had two more interviews to question him about the allegations in them.

Dr. Seymour concluded, 'He is certainly not a lunatic; he is under no delusion. Mr. Windham, if I may use the term, is a very young man for his age, unable to judge properly, but I have seen no radical defect in his mind. He is capable of managing himself and his affairs.'

An Assessment of the Case

Physical aspects

The information about Windham's physical health is limited. His venereal disease, probably gonorrhoea, has already been mentioned. He had a hare-lip and a high palatal arch but

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not a cleft palate. His mouth was clearly described by Mr. Hancock of Charing Cross Hospital.

Various witnesses described his falling asleep heavily after meals, but there seems insufficient evidence to postulate an organic cause for this. His obesity was probably exogenous, and his post-prandial sleeping a normal occurrence. He is not described as having short acute episodes of hypersomnia and overeating, with intervening normality, as in the Kleine-Levin syndrome. It was insisted at the enquiry that his foolish acts were not done while he was drunk and that he did not usually drink excessively. He seems, however, to have indulged in a great deal of social drinking, particularly in his latter years.

No one observed any symptoms of illness up to three days before his death. He felt 'faintish' one day, the next could not walk a short distance from his bed, and the third day became comatose and died. Post-mortem showed congestion of the lungs. He probably died of bronchopneumonia made worse by his obesity; unfortunately more details are not available.

Psychiatric aspects

The expert psychiatric witnesses gave detailed evidence, but with the exception of Dr. Mayo they did not stress 'mental state' examination. Forbes Winslow mentioned Windham jumping from one subject to another and the difficulty in getting him to command his attention. In contrast, Dr. Harington Tuke thought he showed great powers of memory and attention. Dr. Conolly was surprised by his manner 'in which there was not the slightest peculiarity'. He did not observe the slightest delusion or the least confusion.

Dr. Mayo described many features of the mental state and stated that he founded his judgement almost entirely on his own observation of Mr. Windham. He found him 'childish and inconsequent particularly under circumstances where a man of intelligence would be serious' and noted 'the utter and entire shamelessness he manifested during interview'. He also produced objective evidence of the young man's intellectual level by getting him to write a letter.

The other psychiatrists were much influenced by the history as set out in sworn affidavits from witnesses. Forbes Winslow admitted that 'independently of the data supplied to me I had no means of testing Mr. Windham so as to arrive at any conclusion on the subject of his mental condition'.

Mayo's use of mental state examination to give the diagnosis is very impressive, as this technique was not taught at the time.

The standard text, Bucknill and Tuke's *Manual of Psychological Medicine*, in the 1862 edition (6), gives no method of systematic examination. In the section on examination it gives the accepted diagnostic subdivisions and tells the reader the expected signs to be seen in each type of case.

Witnesses on both sides agreed that Windham was intellectually dull and lacking in a sense of responsibility. Dr. Mayo emphasized 'the ethical part of the case'. He was upbraided by Sir Hugh Cairns as 'the standard bearer of the theory of moral insanity, a theory always repudiated by the bench and law of England'. The concept of moral insanity had been introduced some thirty years earlier by Prichard (7) and applied to persons who showed 'morbid perversion of the feelings, affections and active powers without illusion or erroneous conviction . . . sometimes with apparently unimpaired intellectual faculties'. The cases Prichard described fell into what are now well defined psychiatric entities, e.g. one of his patients was a man with obsessional rituals who became severely depressed; but in the course of time, and because of the ambiguous meanings of 'moral', the term 'moral insanity' had often come to be used for individuals whose main or sole defect was thought to be a lack of moral sense.

In considering a diagnosis the following seem the most relevant points:

Windham's father was a noisy eccentric and quick-tempered. His mother handled him inconsistently and neglected him after his father's death to marry a music teacher 16 years her junior.

His academic achievements were distinctly limited. He could not be taught Euclid but 'got through a certain amount of vulgar fractions'.

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He could write a reasonable if short letter. Again and again he is described as being happier and at ease among ordinary working people with whom he boasted of his possessions and achievements. He could seemingly cope with a situation requiring discipline for a short period, e.g. his month in the militia. With increased maturity he worked successfully for a longer period as a stage coachman. His behaviour throughout showed irresponsibility, e.g. his excessive spending and debts. He showed childish playing behaviour, ignoring expense and propriety, e.g. running his free stage coach after the Enquiry. A retrospective diagnosis would be that he was in the lower range of average intelligence and suffered from personality disorder of a degree that some authorities would call psychopathic. His liking for the company of his social inferiors was very much frowned on by his peers. The working people were less exacting in the behaviour they demanded of him. They were deferential to his wealth and status and did not challenge his concepts of himself.

The relevance of his hare lip is questionable. Personality adjustment in boys with hare lips has had little statistically documented research. In a careful and well designed study Watson (8) wrote 'The findings cast doubt on the often stated contention that the presence of cleft lip and palate, the degree of concomitant facial disfigurement, or the amount of associated misarticulation is related to personality disturbance in boys between eight and fourteen years of age'—the group he studied.

It seems likely that in the mid-nineteenth century, when gross physical deformities were common and untreated, the defect was less relevant in early personal development. It may, however, have made Windham unsure of his sexual attractiveness in adolescence and an even more ready victim for such a woman as Agnes.

Social aspects

Decisions about mental illness were firmly in the hands of lawyers. The case was extensively reviewed in Forbes Winslow's *Medical Critic and Psychological Journal* (9), but even this 42-page article was written anonymously by 'a Member of the Bar', and not a medical man. Public opinion, whilst not especially sympathetic to the mentally ill, was roused passionately at any possibility of wrongful detention. An Alleged Lunatics Friends Society, founded in 1845 (10), had ten members of Parliament as Vice-Presidents by 1851; under a changed name it was still active in the 1880s. It is not known to have intervened in the Windham case, but the feelings it represented were expressed during the hearing. Towards the end of a long and very moving speech for Windham, Sir Hugh Cairns described an ancient tyrant who chained living prisoners to lifeless bodies allowing them to decompose together. He continued: 'That in truth was a melancholy and terrible fate, but I own that seems to me a severer punishment, and more cruel, because a more exquisite and enduring torture, which would consign a warm and living soul, with all its sensibilities and affections, with all its hopes and aspirations, with all its powers of enjoying life and everything that makes life valuable, to the icy and corpse-like embrace of legal incapacity and lunatic restraint.' *The Times* reported that at the end of the speech 'a burst of cheering rose from the audience, which the officers of the Court were unable to repress'.

Sir Hugh's eloquence exceeded his regard for fact. The outcome if Windham were declared insane would only have been the appointment of a member of the family as the 'Committee of the Estate', responsible to the Lord Chancellor, to look after his affairs (11). The funds available, if properly managed, would have sufficed to keep him in comfort on his own estate. This was particularly so as his marriage would be regarded as null and void, as would also the expensive financial settlements with his wife. None of the medical witnesses recommended that he be placed in an asylum and this would almost certainly not have been done.

Dr. John Conolly, who, paradoxically, was an expert witness for Windham, had elsewhere championed the view that freedom comes second to public order and care of the patient's health and property. One of the judiciary had stated that 'no lunatic should be confined in an asylum unless dangerous to himself or others'

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—which of course, was not the intention of the great reforming Act of 1845. Conolly countered with a lengthy tract which went into three editions (12). The following paragraph is relevant to the present case: 'There are numerous young persons whose moral character appears for a time so perverted that their education is wholly interrupted and they cannot be at large with safety to their own character, young men whose entire idleness, whose grossness of habits, immoderate love of drink, disregard of honesty or general irregularity of conduct bring disgrace and wretchedness on their relatives, and whose unsound state of mind, unless met by prompt and proper treatment, precedes the utter subversion of reason. Without early attention many of these cases go on to absolute insanity, and at length they become dangerous. By early care this terrible end is generally averted.'

These remarks were obviously based on the writer's experience. Translated into modern psychiatric thinking his reference to the 'terrible end' being averted may describe psychopaths who matured during prolonged care. Some of the cases which 'go on to absolute insanity' may have been schizophrenics; the concept of schizophrenia was not yet established, and prognostication was inevitably wrapped up in diffuse all-embracing generalizations.

The problems relating to calling aberrant conduct an illness and applying restrictions and 'treatment' are still a live issue. In the gradation from normal to deviant personality it is difficult to know when to intervene socially, legally or medically.

The Windham case illustrates this difficulty. It also shows how relatives, though not necessarily acting entirely in their own interests, might not show too many scruples to ensure a patient's restriction. The impulsive General Windham seems to have persuaded his nephew's landlady to suborn witnesses. The importance of prevailing social customs in arriving at judgement is shown. We may also think that the procedure of the enquiry, designed with utmost legal correctness, was unfair to Windham. He had to appear daily, but was not allowed to speak, although he had to listen to the story of all his alleged failings. The final ignominy occurred the following year, when costs of £20,000 were awarded against him.

Summary

An account is given of the history and behaviour of W. F. Windham, the heir to a very large estate, as given in evidence in a judicial enquiry into his alleged insanity held in 1861. His subsequent career is described.

The expert psychiatric evidence given at the enquiry is described and discussed.

An attempt is made to assess the patient in present day terms.

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