



The case of Dr Pownall – mad doctor, sane patient and insane murderer

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Abstract

Dr Pownall was a surgeon, asylum proprietor and one-time mayor of Calne who had bouts of insanity. He had two serious bouts of violence when insane, and later murdered a servant, Louisa Cook, after his discharge from Northwoods Asylum as recovered. He was tried for murder and ended up in Broadmoor, where he died in 1882. There are extensive contemporary public accounts of the case, but detailed examination of the roles of the local chief magistrate, Purnell Barnsby Purnell, and Pownall's brother-in-law and asylum doctor, Dr Ogilvie, reveals severe tensions that adversely influenced events. Everyone defended themselves, and few lessons were learned about cooperation.

Keywords

Asylum doctor, England, murder, Ogilvie, Pownall, Purnell, 19th century

Introduction

The case of Dr James Pownall, the ex-asylum proprietor who himself murdered a teenage servant shortly after release from a private asylum, caught the attention of the public at the time. His release involved the actions of his superintendent Dr Davey, of the visiting magistrates with their visiting physician and the Commissioners in Lunacy. After the murder, all three groups spent time on reputational rescue, blaming each other for his release and lack of supervision, as well as his wife and her advisor Dr Ogilvie. Previous reports (Tomkins, 2012; Vaughan, 2017) do not recount the background of Pownall, or the previous conflicts between the parties that heavily coloured their debates and ensured little constructive collaboration over Pownall's management leading up to the fatal event. This paper tries to set out a fuller account of the events.

Family background

James Pownall was born and baptized in Jamaica in 1807, the natural born son of James Corne Pownall and a 'free mulatto' or 'quadroon', Sarah Watt.¹ None of the later reports make any

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reference to the fact that he was of mixed race. His father was a successful lawyer and plantation owner, and his grandfather was a Cheshire Grocer who moved to Bristol and became a Moravian minister.

Pownall was educated in England. He was apprenticed at 16 to George Shadforth Ogilvie, a surgeon in the small Wiltshire town of Calne, though he also spent at least nine months training in London.² In August 1828, he married Ann Lucretia Bishop, the younger sister of Ogilvie's wife. Lucretia had just inherited a £1,200 lump sum from her father's estate (Anon., 1828).³ Then James Pownall of Calne obtained his Membership of the Royal College of Surgeons (MRCS) and Licence of the Society of Apothecaries (LSA) in November 1828 and entered into practice with his now brother-in-law.

George Shadforth Ogilvie and Pownall's first illness

George Ogilvie, who became a key figure in Pownall's later illnesses, was the son of a Methodist itinerant minister and acquired his M.R.C.S in 1812. He was living in Calne by 1820 when he married Bridget Bishop after she came into her father's bequest of £1,200. His practice in Calne did well and he became a burgess of the town and was mayor in 1840.⁴ His wife Bridget died in 1829 leaving three young children, and he then moved with his children to live with his mother-in-law at Northfield House and bought it from her.

Between 1833 and 1845 Ogilvie operated Northfield House as a lunatic asylum. It was a small unit – the house was enlarged in 1838 and peaked at seven certified patients in December 1842. The impression from the reports is of an asylum for genteel nervous patients, in a light and airy large house with a large garden. One or two patients were often visiting or on a trip when the magistrates visit. No restraint was ever mentioned by the visitors, but Ogilvie has illegal uncertified 'nervous patients' there when the Commissioners in Lunacy visited in 1843 and 1844 (Commissioners, 1844: 37). Pownall is not mentioned in the visitors' reports or asylum licence as working in the Asylum.⁵

Pownall worked as a surgeon and an apothecary in partnership with his brother-in-law from 1828. Several sources report that he had two periods of insanity in this period when he was admitted to asylums near Bristol (Commissioners, 1860; Davey, 1860): in 1839 as a patient in Fishponds Asylum and then in 1840 in the purpose-built Northwoods House operated by Henry Fox (son of Edward Long Fox). Nothing more is known about these illnesses. Afterwards, Pownall returned to Calne and medical practice and in December 1840 was advertising his success with squints (Anon., 1840a, 1840b).

It appears that these periods of insanity led to a cooling in the relationship between the two surgeons. From later references, it is probable that Pownall disliked the influence that Ogilvie developed during Pownall's illnesses, over both Lucretia and his unmarried sister Isabella Pownall, who lived with them. Ogilvie may have become more wary of working with Pownall after his illness. Whatever the reason, their business partnership was formally dissolved on 31 August 1841 (Ogilvie and Pownall, 1842)

Possibly due to the souring of relationships, Ogilvie left Calne and moved to Bristol in 1845 to set up a new medical practice and take over the running of the larger Ridgeway House Asylum in Stapleton, close to Fishponds Asylum. He closed Northfield House; the last certified patient was removed on 23 September 1845. Calne later named Ogilvie Square after him.

Ogilvie's management of Ridgeway House went well, and he was building an extension when the Chair of the Gloucestershire visiting magistrates, Mr Purnell Bransby Purnell, accused him of illegally detaining patients and this wrecked the business's reputation. It is not clear why Purnell became so interested in illegally detained patients, but in 1848 he made extensive complaints about

illegal detention and practices in the neighbouring Fishponds Asylum which forced the licensee there to change. Fishponds never really recovered and it closed in 1859 (Phillips, 1973).

On 24 March 1849 the *Bristol Mercury* published Purnell's latest presentation to the Gloucestershire Quarter Sessions about illegal detention. One case was that of T.C.H. [Hayard] at Ridgeway House. Purnell's account was that T.C.H had lived independently and successfully, but was put in Fiddington House asylum by his brothers (and heirs) when he announced his plan to marry. When he managed to get independently assessed, he was released as sane and £1,200 poorer. The stress of these events told on him, and he lived at Mr Ogilvie's at Calne as a 'nervous patient'. He moved with Mr Ogilvie to Ridgeway House, 'continuing as a nervous patient; being however his own master, sleeping in lodgings, keeping his horse, and going and coming when and where he pleased' (Anon., 1849a). However, when he again became engaged, Ogilvie seized him on the authority of Hayard's brothers, and had him certified and confined in Ridgeway House. When independently examined, he was again discharged as sane. Purnell pointed out that Ogilvie said he was still dangerous and insane and that he might even commit murder. Purnell reported that since discharge the opposite had occurred: 'an astonishing improvement has already taken place in his general health and appearance'. Ogilvie complained of the one-sided nature of the proceedings and, despite his request for no publicity, the magistrates agreed to print the damning report. Ridgeway House was publicly condemned as an asylum.

At the next Quarter Sessions (Anon., 1849b), Purnell read a further report on his visits to Ridgeway House, where he had found another patient who was wrongly confined. Ogilvie 'said the chairman had attempted to injure his character and to ruin his establishment, which he repudiated with horror and indignation'. Ogilvie appears to have given up, and Ridgeway House closed as an asylum – presumably just as his building works were completing. Ogilvie stayed in Bristol, living at Merrywood Hall and working as a General Practitioner, continuing to care in his own home for 'nervous' uncertified patients.

James Pownall's success in Calne

When Ogilvie moved to Bristol, Pownall bought Northfield House and his medical practice in Calne.⁶ He did not immediately renew the asylum licence but started to readmit 'nervous people', as before, as evidenced by this advertisement in the *Salisbury & Winchester Journal*, 29 June 1850:

MENTAL AFFLICTION

NORTHFIELD HOUSE, CALNE, WILTS.

(Six miles from the Great Western Railway Station, Chippenham)

Mr POWNALL, SURGEON, continues to receive a limited number of MENTALLY-AFFLICTED and NERVOUS PATIENTS. The great advantages in this Establishment can be seen in a circular which will be forwarded (postage free) on application

In the 1851 Census, Pownall was there with his wife, four male and one female patients, along with a cook, groom and live-in house servant, but no attendants. The house was again operating as a genteel boarding house for the mildly disordered.

In 1852 Dr Pownall licensed his establishment, a licence being granted in July 1852, and six patients, most of whom appear to have already been resident, were admitted as Certified Lunatics over the next three days. Only one other patient was ever admitted, in November 1853. There is no

mention of the circumstances of the new licence in the Annual Reports of the Commissioners in Lunacy, although in their Eighth Report for 1854 they report visiting many unlicensed patients, and while none merited prosecution, some visits resulted in changes to the status of the patients (Commissioners, 1854: 335). It was probably such a visit that triggered the licensing of Northfield House. There is also no surviving record of the visitors' reports for Pownall's asylum.

Pownall was elected a town councillor for Calne for three years in November 1844, though he attended few meetings and did not seek re-election.⁷ He pleaded guilty to assaulting a William Gibbs in August 1853,⁸ but even so James Pownall M.D. was re-elected councillor and also appointed mayor in November 1853, though he only attended the January meeting.⁹ As mayor he was expected to sit as magistrate in the Calne court, but acted in this capacity only until March 1854. The reasons for him failing to attend meetings and others covering for him thereafter are not given in the council minutes.

Dr Pownall's 1854 bout of insanity

Pownall's first well-documented episode of insanity occurred in 1854 under the stress of his mayoralty. His wife later described its background to the Commissioners:

. . . In the year 1853 [Dr Pownall] was in general practice at Calne in Wiltshire and we had an establishment for insane patients, that year he was elected Mayor of Calne, he had a great many things to attend to and constantly day and night work which I am sure was more than he could bear. In 1854 he got into a low depressed state, looked very ill complained of pains in his feet, legs, &c.

I should remark here that his Father was a Martyr to Gout and before my poor husband's attacks he has always something like suppressed Gout, once or twice he has had a little inflammation in his toe which relieved him wonderfully, but it is never of long continuance but gone in a day and night and then all the distressing symptoms return. He then complains sadly of indigestion, heat in his stomach &c and from being most active and energetic he seems to lose all energy and becomes dreadfully depressed and cannot sleep well at night. The said sensations in the stomach continuing he then fancies something of a poisonous nature is given him, look suspiciously at all he eats carefully wiping his Plate, Glass &c and generally fixes on someone residing with him as the poisoner. He looks upon the person with sorrow and dread depicted on his countenance and the malady daily increasing the suspicion becomes more decided and violence to the person suspected is the result. . . . Always with these attacks he attempts suicide.

He is naturally extremely kind and generous and when sufficiently recovered to know he has or attempted to injure a person he is most sorry and distressed and often exclaims "What have I done", "What could have induced me" &c.¹⁰

The first time the Commissioners knew of problems was in May 1854 when they received a letter from the Revd John Guthrie,¹¹ a Visitor to the asylum. He related that after church on Sunday 30 April, a police officer told him:

[O]ne of the inmates of Dr Pownall's Establishment (Mr Tonge [*sic*] by name) appealed to us for protection – he was at that time at the Police Station – On going up to see him we found that he had sustained no bodily injury of any consequence but was in a great state of terror and alarm – Mr Pownall having in a moment of excitement and exasperation struck him.

Guthrie also discovered Dr Pownall had attacked Tongue a fortnight earlier. When Guthrie went to see Dr Pownall, he found him 'in a grievous state of depression and sorrow', 'no longer in a fit state to take proper charge of Lunatic patients'. They sent for George Ogilvie, who took charge of the

asylum, and Pownall was sent to his sister's in Bristol. Guthrie added: 'The general kindness exhibited by Dr Pownall to his Patients, when in his sound state of mind is a proof that he must be laboring [*sic*] under a nervous irritability, which rendered him for the time unfit to discharge the duties of his position.' Pownall stayed with his sister in Bristol for over a week before he was admitted to Munster House Asylum in Fulham as 'dangerous to others'. His victim, the artist Richard Tongue, was transferred to another asylum in his absence.¹²

Pownall left Munster House 'cured' on 3 June¹³ and returned to his asylum. Three weeks later on the 23 June, he shot one of his patients, 37-year-old Samuel Arden, a Lieutenant in the East India Company. Pownall's account at the inquest was that:¹⁴

I went towards my garden adjoining Northfield House, with a double barrel gun which was loaded with shot in one barrel only, for the purpose of killing blackbirds: they have been destroying the currants. In five or 10 minutes after I have been walking between the garden and the lawn, whilst deceased was walking up and down throwing stones for the purpose of driving any birds out of the bushes, it's so happened that as I was carrying the gun in my hand, one of the barrels, which was only loaded, suddenly was discharged, and the deceased coming towards me at the time, within a few yards of the spot, received the contents of the gun into his left leg four or 5 inches above the ankle.¹⁵

Dr Pownall related that he immediately called for medical help, and a Mr Langley testified that he with other surgeons had amputated the leg without anaesthetic that night. Samuel died later that night. Langley stated:

Mr Samuel Arden told me that he was frightening the birds out of the bushes for the doctor to shoot them when the gun went off.

The cause of death was from the combined effect of the injuries to the leg of the deceased and the shock to the system from the operation.¹⁶

The verdict was accidental death. Pownall was immediately readmitted to Munster House on 26 June labelled 'suicidal and dangerous to others' (Commissioners, 1860). Again there is no mention of his illness in the local papers other than 'unfortunately being unable to attend from indisposition' at another inquest (Anon., 1854).

Pownall was transferred 'relieved' on 11 July 1854 from Munster House to Sussex House Asylum, Hammersmith, operated by Forbes Benignus Winslow, to be discharged 'not improved' on 24 October.¹⁷ He then seems to have stayed as a supervised boarder near London for a year before joining his wife. In his absence, Northfield House Asylum closed and the house was rented out. The patients were all transferred to other asylums between 6 and 12 July 1854. The family moved from Calne.

Apart from the ending of the licence, the Commissioners failed to mention the events in their annual reports of that period – though they reported attendants of patients who ever was ill-treated. They first mention his behaviour in their account of the murder in 1860 when they state Pownall broke a poker on Tongue's head and hit him with a bludgeon, though the correspondence of Guthrie says he had no bodily injury of any consequence. They also questioned whether Arden was shot accidentally (Commissioners, 1860: 92).

His wife states that after leaving Sussex House:

. . . [my husband] resided in apartments near London for more than 12 months and then moved to a village near Swindon [Wroughton] where we have been for nearly three years, my poor husband being generally in excellent health and spirit and greatly beloved by all around him. He has taken since we have resided

here an immense amount of exercise, hunting three and four times a week and walking a great deal during the shooting season but he tires more from walking than from hard horse exercise.¹⁸

Ogilvie later said that he had recommended that Pownall needed to be under supervision for the rest of his life. It seems that Lucretia had not arranged this, but they had retired to a place where she could supervise him.

Pownall's 1859 bout of insanity

His wife relates:

Last January 12 [1859] [Pownall] was greatly distressed on receiving most unexpectedly a heavy bill from a lawyer.¹⁹ . . . The shock was great and the dread of further calls being made harassed and depressed him exceedingly.

From that time trouble followed trouble and increased his painful depression. He lost energy, became physically ill, his old fancies about poison being secretly administered came on and he complained of horrible sensations about two or 3 o'clock in the morning and not being able to sleep quietly from that time. He became worse and worse, had again all the symptoms of suppressed gout and was dreadfully restless and unhappy.²⁰

On the 31 March²¹ Dr Pownall swallowed a bottle of chloroform and became insensible and was seen by a Dr Morris (Anon., 1859d). Two male friends agreed to watch over him, but the next day he hit his 86-year-old mother-in-law with a poker and cut her throat with a razor. Prior to this he had appeared to hold a great affection for her, caring for her when she was ill.

The two friends closely supervised Pownall while the family arranged his readmission to Northwoods House Asylum, now run by Dr Davey. Dr Davey's son and a keeper came to the house that night, but were asked to come back in the morning. Dr Pownall:

overheard what had passed; he said he saw through the trickery, and he went into a long statement, complaining of the conduct of his family. He said his food was continually drugged. After Mr Davey's son and the keeper had been there he became very much excited, and frequently and anxiously asked if they were gone. About 7 o'clock in the morning Dr Pownall wanted to go downstairs to fetch some hot water. I said I would go instead; he promised me he would go out and call the servant; I left the room to speak to his sister, Miss [Isabel] Pownall; on turning round I saw him coming up the stairs without shoes with his arms behind his back; when he got upstairs he moved his arms, and I saw he had a [heavily loaded] double-barrelled gun. He rushed past me and went to Mrs Bishop's door. (Anon., 1859d)

Pownall was disarmed in a struggle and was removed to Northwoods the same day.

Northwoods House Asylum

Dr James George Davey had been the Medical Superintendent of Northwoods for 7 years, having taken over after the sudden death of Dr Henry Fox. His death in 1851 had followed the stress of a further series of investigations by Purnell, who publicly stated that he found 135 patients with illegally completed certificates and that the regime there used excessive restraint. The newspapers reported this at length (Anon., 1851a). Henry Fox tried to restore Northwoods' reputation but died suddenly. The Coroner's jury returned a verdict of 'Died by the Visitation of God', and said they thought him a wonderful man and asked that a copy of their views be sent to Purnell (Anon., 1851b).

Dr Davey took over the lease of Northwoods House Asylum in 1852. He had considerable experience in managing lunatics. He had worked at Hanwell Asylum in 1839, just as John Conolly arrived as Superintendent and introduced non-restraint methods there. Davey worked up the ranks under Connolly to be assistant medical officer. He then became the medical superintendent opening the new asylum for Ceylon and returned to become the first medical superintendent of the female side of Colney Hatch Asylum in 1850, planning for its opening in 1851. In addition he was in 1850 granted a licence to receive five private patients in 'Vine Cottage'.

Rather unusually, the magistrates, chaired by Mr Purnell, held a lengthy public interview with Dr Davey before approving his licence for Northwoods. The interview asked about newspaper reports of his support for clairvoyance and using mesmerism to treat patients (e.g. Anon., 1852a, 1852b), and he had to give written assurances he would not treat his patients using these techniques without written permission of the visitors.²² However, after this initial interview there is no record of the magistrates disliking his operation of Northwoods prior to 1859.

Dr Davey (1860) said, in his later presentation to other doctors, that on admission:

I found Dr. Pownall slightly agitated, but nothing more than this; he spoke calmly and addressed himself to me and others as became a gentleman. On prolonging my conversation, he cried, and expressed the deepest sorrow for the violence shown by him to his mother-in-law, &c. I referred to the painful circumstances of his removal from home, and begged him to give me anything he might have about him wherewith he might injure himself or others. He gave me at once two pen-knives.

Dr. Pownall went on quietly and comfortably at Northwoods; he appeared, day by day, to have little or nothing the matter with him. He walked out, within a month of his arrival at Northwoods, quite unattended; he joined my family and children in their walks, and rode out with my son and myself. In fact, Dr. Pownall and I stood towards each other in the light rather of friends than anything else.

The problems of discharge

By this time the main legal clauses governing discharge of private patients were as follows:

- The petitioner sending a patient in could at any time remove them except if the proprietor certified that the patient was dangerous, when the visiting magistrates had to authorize discharge (1845 Act, Section 75).²³
- Whilst on certificate, a patient could be transferred to another asylum or to care as a single patient, on the authority of the petitioner, plus two Commissioners (1853 Act, Section 19 & 20).²⁴
- Whilst on certificate, a patient could be sent to any place for any definite time for his health or as leave anticipating discharge, on the authority of two visitors (1853 Act, Section 86).
- The proprietor had to send notice of recovery of any patient to his 'friends' and if not discharged by them in 14 days he had to notify the Commissioners or visitors (1853 Act, Section 19) who could then visit and order discharge.
- After discharge a patient could remain at the asylum as a 'boarder'. In addition their uncertified friends or relatives could also board with them (1853 Act, Section 6).
- A lunatic could always sue an asylum proprietor for wrongful confinement after release.

Davey wrote to Lucretia on the 27 May telling her: 'Dr Pownall appears to be fast regaining his usual state of mental health, and that therefore you may see fit, in anticipation of his return home, to make the necessary domestic arrangements for his reception at Wroughton.' (Anon., 1859a). She turned to Ogilvie, who wrote to the Commissioners in Lunacy asking for their help.²⁵ Three days

later, Ogilvie wrote to the Commissioners again, saying Lucretia ‘. . . is placed in a very trying and painful position and without some interference and aid on the part of the Commissioners will not be able to carry out her obvious duty to Society, and self and to her Husband also’. It is likely that Pownall was pressing his wife to remove him, and Davey was saying he was now not insane and so could not be transferred elsewhere on certificate. Ogilvie clearly felt that Pownall remained dangerous and suggested to the Commissioners that he:

. . . might be placed at Coton Hill or some similar asylum for a while and that if he goes on well and it should be deemed prudent and found practicable [he and Lucretia] should go together to board with some medical man or at least someone who would exercise a degree of control over him. . . . my own opinion now is that the utmost liberty he should have would be all that could be allowed within the walls of an asylum, in which his wife might stay with him when proper and convenient. In considering such a case however it is necessary to take into account not only what is proper and desirable, but what law, the prejudices of society, the scruples and even folly of some who have power to interfere, will render admissible.²⁶

The Commissioners sent a letter to Dr Davey on 4 June asking him to involve the visitors at their next visit, stating:

the Commissioners see much danger in an immediate or unconditional discharge. They are of opinion that such discharge should be preceded by a leave of absence under the 86th Section of the Act, whereby the Patient’s power of self-control may be tested for some little time. (Commissioners, 1860)

They clearly wanted the requisite two Justices to authorize Pownall to be sent on leave; however, it was not for the Commissioners to tell the magistrate visitors what to do.

The magistrates visited Northwoods to review Pownall’s case on 22 June and again on 15 July when they had access to copies of all the correspondence between Ogilvie and the Commissioners. Only one magistrate could attend on the second visit, so they were unable to authorize leave.

That magistrate was Purnell, helped by Dr Gilbert Lyon M.D. who had been physician for over 20 years to the Bristol Workhouse, called St Peter’s Hospital, which acted as the Bristol lunatic asylum. Lyon had inspected the patients at Ridgeway under Mr Olgivie. In addition, he had a similar background to Dr Pownall in being born in Jamaica and then educated in England. However, his parents were both English and he could afford a medical education at Edinburgh (Smith, 1917).

When the two men visited on 15 July, they saw additional correspondence between Ogilvie and Lucretia, and Purnell reported in the visitors’ book:

We considered these letters as possibly material to our investigation of this case, as the present movement of the Commissioners has evidently arisen entirely at the instigation of Mr Ogilvie. It would behove the visitors to receive with great caution any statement made by that gentleman in a matter of importance in which he was interested. He had been licensed for four years for a private asylum in this district, called Ridgeway House, and during the year from Michaelmas, 1848, to Michaelmas, 1849, reports of the visitors of such asylum respecting the illegal detention by him of two of his patients were laid before the court, and ordered by it to be printed. The nature of those reports thus made public fully warrants our statement. He ultimately declined to apply for a renewal of his license.

On the 22nd of June last we made a special visit to this house, and examined Dr Pownall at great length. . . . We clearly ascertained, though with great reluctance, that Mr Ogilvie and himself were not on terms of cordiality, and it is quite evident to us from other sources of information that Mr Ogilvie has a complete ascendancy over the females of Dr Pownall’s family, with his wife and his sister, and that he has an earnest desire, with a strong suspicion on our part of interest, to have Dr Pownall shut up in a lunatic asylum.

The fact against Dr Pownall, from the examination and papers, appears to be the assault which he committed five years ago upon one of his patients, and the assaults which he recently made upon his mother-in-law.

Dr Davey states that his degree of sanity is such as not at present to warrant his detention in a private asylum, and that he considers himself open to an action at law for his being now here. At the same time he considers him liable to recurrent paroxysms of mania when greatly excited by any peculiar circumstances.
 . . .

We ourselves are released from all difficulty in this case [about sending Pownall on designated leave] by the information of Dr Davey that Mr Ogilvie has made arrangements, with the concurrence of Mrs Pownall, for his removal [tomorrow] to live with a medical practitioner and a proper attendant in a secluded village in this county. (Anon., 1859a)

Ogilvie clearly challenged Davey on why he wanted an attendant, as suggested by the Commissioners, but did not want to continue the certificate. Davey later gives his reasoning for requiring an attendant:

Dr Pownall is at present in a state of sanity, and there is no law to justify me in his longer detention at Northwoods, [or transfer under certificate elsewhere] but he is subject to paroxysms of his disorder. He may be well today and ill tomorrow, and therefore ought never to be without the surveillance of an attendant – at least not at this time. (Anon., 1859a)

Discharge

Ogilvie and Lucretia went along with the recruitment of an accompanying attendant. Arranging an attendant delayed discharge but the magistrates did not return and Dr Pownall was discharged unconditionally, 'recovered', on 10 August 1859 on the authority of Lucretia and placed in the care of Dr Leete at Lydney with an accompanying attendant.

Dr Charles Lydiat Leete was a surgeon who had recently moved from Staffordshire. He was looking for an 'inoffensive' insane patient and met Ogilvie once or twice, prior to agreeing to take Dr Pownall. Living with Leete was his wife and a servant, Mary Ann Fryer, who slept in a servants' bedroom adjacent to that of Leete and Pownall. Leete also had a house about three miles distant, where he 'kept an epileptic patient', and Louisa Cook was usually a servant in this other house and was described as a 'very inoffensive girl indeed'. She visited Leete's main house occasionally, and so would have met Dr Pownall (Anon., 1859c). At her inquest after she was murdered, Louisa was reported to be the 15-year-old only child of poor but respectable parents living at Halmore, near Berkeley (Anon., 1859b).

At the murder trial (Anon., 1859c), Dr Leete reported that he understood that Dr Davey considered Dr Pownall was cured, but his family were reluctant that he should leave without a suitable attendant.

Dr Ogilvie and Mrs Pownall explained to me at the end of June that Dr Pownall was subject to paroxysms of suicidal insanity. I do not recollect that anything was said about homicidal insanity. I was cautioned not to allow him to have access to firearms, razors, and drugs.

Dr Leete says he was assured that Pownall was cured. We do not know if Leete would have taken him as a certified patient on leave, under Section 86 as the Commissioners wanted, as he was never asked that question in the later court hearings.

Davey gave two documents to Pownall when he left Northwoods: the first was a letter of introduction for Mr Leete. Davey claimed that this set out the risks Pownall presented. Pownall never handed it over, but the letter said little. Davey wrote that Pownall had:

ordinary mania, ushered in with suspicious feelings towards others, and realizing after a time a dangerous climax of excitement. The disorder appears to have taken on a more or less temporary character. Dr. Pownall has been here some four months, and during the whole of this time has appeared free from all indications of mental disease. I consider him now quite well. The fact of there being an attendant with him is accounted for thus: the Commissioners of Lunacy some two months since advised that in case of Dr. P.'s discharge this precaution should be adopted, regard being had to the *antecedents* of my patient, i.e., Dr. Pownall. (Davey, 1860: 52)

Davey also wrote a letter for Dr Pownall saying he was cured:

At Dr. Pownall's urgent entreaty I wrote for him, and gave into his possession, . . . a short certificate to the effect that he was discharged cured, i.e., was not under any legal restraint. His sensitiveness on this head was very acute, and I saw no harm, but much good, in helping to soothe his feelings, thus far. (p. 52)

This cure was also relayed to Pownall's new attendant, Mr Richard Pooke, who related meeting Dr Davey and Pownall, when Davey said to Pooke in front of Pownall: 'You are not particularly wanted; it is a mere form your going down to Lydney with Dr Pownall, as he is discharged as sane.' (Anon., 1859c). By discharging Pownall, Davey stopped being involved in the case. He was not asked to see him again.

After he arrived at Dr Leete's, the housemaid Mary Ann Fryer said that Dr Pownall was generally quiet and kind. Dr Leete said that Pownall always appeared sane and reasonable (Anon., 1859b). However:

I had no control over Dr Pownall; he told me the day he came he had got his certificate of cure; he was a free man, and would be under no control. Dr Pownall wrote to Mrs Powell for his razors, . . . Mrs Pownall brought the razors to Lydney with my approbation. . . . Before Dr Pownall came it was arranged he should have no money; [but] when he came he had money. (Anon., 1859c)

However, Pooke said he was more concerned, though he does not seem to have told Dr Leete:

[At Lydney] I slept in a room adjoining and communicating with Dr Pownall's room. Dr Pownall was disturbed at night. He shaved himself and used my razor [but I kept it when not in use] . . . Dr Pownall was not excitable during the day, but sometimes appeared low. He told me he had a great deal of trouble on his mind. I asked him what it was but he did not tell me. (Anon., 1859c)

Pownall dismissed Pooke on 23 August, saying he did not need him and could not afford paying for him. Pooke left.

Murder

On the evening of 29 August, when his wife was away, Leete was called out and left Pownall alone with the housemaid Mary Ann Fryer. They talked on his return and Pownall appeared well.

About 4 o'clock [in the morning] I [Dr L] was called up and having no matches in my room I knocked on the prisoner's door and asked him if he had any. Dr Pownall got out of bed, found some, came into my room and lighted the candle for me. I told him it was a case of confinement for which I was summoned,

and we conversed on the subject. . . . I left the house, and returned about 5 o'clock. Dr Pownall called to me from his room and asked "What was the nature of the case?" I told him briefly, and then went to bed. (Anon., 1859c)

Although Louisa Cook, the victim, did not normally stay overnight at the house, on this night she was sharing the maid's bedroom. In the morning at about 6 a.m. Dr Pownall knocked to get the servants up, as he often did. Louisa left the room to collect a case of instruments from Dr Leete to take to the other house he kept (where she normally worked). A scuffle was then heard, and she said 'Oh' and then cried out 'Murder!' Louisa rushed into Dr Leete's room shouting, 'Master, he has murdered me; I must die.'

I closed the door and bolted it. . . . I found that her throat had been cut and all the important vessels were severed. I found that I could do nothing; she fainted away. I laid her down and she died immediately.

When Mary Ann Fryer had looked out of her room at the cry, Pownall said to her 'make haste, get assistance; someone has murdered her!'. When Leete saw Fryer in the road, he sent her for the police and help. He also called in some passing men, and six stood by Dr Pownall's door until the police arrived and took him to the police station. The arresting officer, Sergeant Pope:

. . . found Dr Pownall's door locked and asked him twice to open it. He made no answer, and I burst it open. He was sitting very quietly on the side of the bed with only his shirt on; it was speckled with fresh blood. A razor marked with blood was on the wash-hand table. I told Dr Pownall to dress, and that it was my duty to take him into custody; he made no answer, dressed himself at once.

Pownall was held in Gloucester Prison. At the inquest:

Dr Pownall . . . was sitting at the table, shading his eyes with his hands. As soon as the witness [Sergeant Pope] had arrived at this part of his examination, without being spoken to, he looked up and said slowly and in a low, deep voice: "I can tell you. I unfortunately did it. I can hardly assign any motive. I felt I was bound to do something, and I could not resist it." (Anon., 1859b)

Dr Pownall was charged with murder and tried in December 1859. The newspapers reported that he attended and followed the trial in detail and discussed matters with his counsel. The defence presented the complete change of Pownall from his usual caring self to being a violent murderer. The jury found him not guilty due to insanity. Immediately after the trial, Pownall made a will giving all his money to friends and relatives, excluding his wife, saying she was 'provided for by her marriage settlement.'²⁷

He was admitted to Bethlem on 9 January 1860 for a year, then transferred to the criminal wing of Fisherton House near Salisbury. He was transferred to the newly built Broadmoor on 6 February 1865 and remained there for the rest of his life. He died on 11 December 1882.

Pownall's wife Lucretia lived with George Ogilvie until he died in 1868, when she set up house with a paid companion and his daughter Mary, and continued to have a single patient boarding with her.²⁸ She died in 1876 while Pownall was still in Broadmoor.

Lucretia's mother, who was 86 when Pownall cut her throat, recovered and went back to live in Calne, with her son. Pownall's sister Isabella, who had lived with him, moved to live with her sister. Davey continued to operate Northwoods successfully for another 15 years. Charles Leete moved to be a GP near Pontypridd, but probably still kept boarding patients.²⁹ Neither what happened to Louisa's parents, nor their views, are reported in the proceedings – James Cook was a mariner, who married Sarah when he was over 50. They had no other children.

The aftermath

The three routine magistrate visitors (including Purnell) visited Northwoods immediately after the inquest and wrote their version of events in the visitors book, saying the visit records showed they had:

subjected [Dr P.] to a long examination and that during its progress and at its termination we felt considerable mistrust as to the actual state of his mind, and his power of continued self-control when he should come on discharge into intercourse with others.³⁰

At the same visit, they reviewed the state of the current patients at length. They found an illegal certificate (the two signing doctors were in partnership) and demanded the patient be released and recertified.

The magistrates held a lengthy public review of the case at the next Quarter Sessions, when Davey attended for the renewal of his licence. They absolved themselves of blame for Pownall's release, despite the Commissioners' concerns:

[*Colonel Newman* said he had heard that the Chairman was solely to blame for his discharge, but] Dr Pownall had clearly been discharged from the asylum on the authority of the medical superintendent.

The Chairman: And at the request of his wife. He added that having, in company with Dr Lyon, the medical visitor of the Asylum, examined Dr Pownall, he said that whatever Dr Davey might think of his state he should be sorry to discharge him

Dr Lyon corroborated the Chairman's opinion that Dr Powell was not in a fit state to be discharged. One particular delusion he laboured under was that his food was tampered with; and it was evident that delusion had not left his mind, and, therefore, that he was not in a fit state to be discharged. (Anon., 1859b)

The visitors' report of the 15 July raises no comment of this nature, and makes no mention of Pownall still having delusions or a considerable mistrust of his state of mind. When Davey was interrogated over his views of the case, he said the Commissioners shared responsibility for the discharge. At the close, Purnell gave Davey an escape from being held responsible:

The Chairman: Then when giving the certificate which you did that he was cured you believed that at any future time when the disease was likely to bring on any amount of insanity, there will be such premonition of the symptoms that care might easily be taken to prevent violence!

Dr Davey: most certainly; and this was shown by the advice I gave to his friends at that time. I said "if he returns home look out for any delusion, and directly you see he is under delusion place him under restraint."

The Commissioners devoted six pages to the case in their next annual report (Commissioners, 1860). They did not directly criticize the actions of Purnell, but Purnell had been previously lauded for his work on rooting out asylum malpractice.³¹ They claimed that in 1854 Pownall had broken a poker on Tongue's head and hinted he may have deliberately shot Arden. They stated Pownall 'seems to have temporarily improved' at Northwoods, when Davey wrote that he 'appears to be fast regaining his usual state of mental health'. They did not mention that Davey considered him cured and gave no Commissioner assessment of Pownall's state of mind. They could not challenge Davey's view of cure, but challenged the sense of discharging him as recovered; they also complained it had taken five days for them to be told he was discharged cured, but did not mention that they had had almost two weeks to act – in some unspecified manner – before the murder (presumably to tell Lucretia to order fresh assessments and certificates).

They were very clear that only Dr Davey was to blame, and defended Ogilvie:

neither Mr. Ogilvie nor Mrs. Pownall had any improper motive in opposing Dr Pownall's liberation, . . . they were solely influenced by their conviction that he was not fit to be at large, or placed anywhere without proper control. . . . Dr. Davey insisted on Dr Pownall's removal, . . . the arrangement ultimately carried out of placing him with Mr. Leete was forced upon them by Dr Davey alone. (Commissioners, 1860: 97)

Soon after this, Dr Davey described the case at the annual meeting of the Association of Medical Officers of Asylums and Hospitals for the Insane (Davey, 1860). He introduced his presentation by saying: 'It is calculated, as I believe, to illustrate the not very enviable position we may be, under circumstances, placed in, in reference not only to the Commissioners in Lunacy, but to the public' (p. 49). He described the case in detail, as quoted above, and ended with a spirited defence of himself and an unusually personal attack on Mr Ogilvie.

With the above facts before you, are you surprised that I feel hurt at the kind of notice taken of Dr. Pownall's case in the report which has just now appeared under the authority of the Commissioners in Lunacy? I think not.

Blame is attributable to me for discharging Dr. Pownall as I did! I would ask you – Could I have detained him longer? What law would have justified me, in August of 1859, in keeping a man to all appearance sane, an inmate of Northwoods, under the plea that . . . he would become [insane] yet again? . . .

With the above facts before you, let me ask, was I not justified, nay, more – required, to insist on Mrs. Pownall and her adviser (Mr Ogilvie) making arrangements for the removal of Dr. Pownall from Northwoods. Did I not right in refusing, in July and the early part of August, 1859, to certify to Dr. Pownall's insanity – as a means necessary to his being sent to another asylum? Mr. Ogilvie is, I learn, a gentleman of long and large experience in medical practice. He was for many years the proprietor of a private asylum; and has, at this time, the charge of "nervous" patients living under his roof; and on him must rest all the responsibility of *not transferring his brother-in-law to another asylum*, and of placing him with Mr. Leete; as well as of not telling Mr. Leete of Dr. Pownall's homicidal propensity when in his paroxysms of madness; and, last, but not least, *of sending Dr. Pownall his razors*. (p. 56; original emphasis)

Davey says Ogilvie could have transferred Pownall to another asylum, presumably by ignoring Davey's view that Pownall was cured and having Lucretia as petitioner request transfer with the authority of the Commissioners. But Davey is elsewhere clear that he could not have sanctioned it himself.

The audience was very sympathetic, and his old boss, Dr Conolly, agreed that when a patient recovered:

the Commissioners always cavil about the matter, and always dispute whether the patient ought to have come at all; and superintendents feel themselves so harassed and worried, . . . I have no doubt it led my esteemed friend Dr. Davey – whom a better man does not breathe in the world – to be uneasy at detaining Dr. Pownall. The fact is very lamentable, and we cannot but feel for a suffering brother under these circumstances.

Dr. HOOD: I wish to be allowed to add my voice of sympathy to that which has been already expressed for my old friend and late colleague Dr. Davey; and perhaps I may be permitted to do so from the fact that Dr. Pownall has been placed under my care since the sad catastrophe to which Dr. Davey has alluded; and I must confess from that time up to the present, although I have watched him with no ordinary care, and

though I should say he was a man of weak mind, I do not know that I could attach any particular symptom of insanity to him. And supposing he was a private patient in my asylum, and the Commissioners in Lunacy asked me why I detained him, I do not know that I could give any definite reason for it. (Hear, hear.) . . . (Davey, 1860, pp. 57–8)

The longer reaction

In the report in which the Commissioners (1860) related the case of Dr Pownall, they also presented the case of James Moore, a criminal lunatic who cut off the head of his wife shortly after being discharged by the Secretary of State at the request of Moore's Superintendent. They felt able to admonish the Superintendent but not the Secretary of State. However, they suggested the Secretary should demand to see much more documentation before making his decision on release, 'a course which we have the satisfaction of knowing is now taken' (pp. 90–1). The Commissioners also became more defensive and made clear that their role in criminal cases was 'strictly limited to an inquiry into the mental state, past and present, and the habits and conduct of the Prisoner, or Patient, as the case may be' (p. 156) and not about other issues such as the risks from discharge.

Although they could not be seen to be advocating the extended detention of sane patients, they also pushed for the more active use of Section 86 leave prior to discharge. In their 1861 annual report, they wrote at length on the advantages of such arrangements:

Extended experience, indeed, of the bad effects frequently produced by unconditional discharges from Asylums, has led us to apply [leave of absence] very generally as a probationary test to the convalescing Patient, with a view to ultimate discharge. (Commissioners, 1861: 38)

The debates about this formed part of the 1877 parliamentary inquiry into the operation of the Lunacy Acts (Cave, 1878), which was directed to look into 'whether undue obstacles are opposed to their [patient's] release when restored to sanity'. The Select Committee made light of allegations of delayed releases:

. . . allegations of *mala fides* or of serious abuses were not substantiated. Much of the evidence, which extended to a great length, amounted to little more than differences of opinion among medical men, questions of liberality or parsimony in the arrangements of asylums, suggestions with reference to the letters of patients and visits of friends, or complaints of hesitation among superintendents and relatives to believe in the perfect recovery of patients. (p. ii)

. . . [a patient's] detention should cease as soon as they are no longer dangerous to themselves or others, and are not likely to be benefited by further detention. That there will be diversity of opinion upon the question of the proper time at which a patient may be discharged without danger of relapse must be expected; and as before stated, there are cases in which he might safely be consigned to careful friends, when it would be highly dangerous to expose him without preparation to uncontrolled freedom of action. Doubtless this reluctance, to liberate a recovered patient may be carried too far, and the effect upon the patient himself may be prejudicial. (p. v)

Conclusions

This case highlights the tensions at that time about what was sanity and wrongful confinement and when a patient could be considered fully recovered. It also illustrates how the authorities were keen to avoid responsibility for any disaster.

Dr Davey appears to have considered Pownall rapidly recovered to a point where he saw him as a colleague who might return to public life and possibly even to being a surgeon. He felt three months of apparent sanity was stretching the rules for delaying the discharge of a sane man. He recognized there was a risk of repeat episodes, but felt Pownall was well and the pattern of an initial period of paranoia enabled action before violence. At the trial he even mooted that Pownall had shown no evidence of paranoia in the weeks before the killing and so was not insane when he killed Louisa.

As Davey considered him cured, he could not agree to Pownall's transfer as still insane, nor to sending him on Section 86 leave as still recovering. In discharging Pownall as recovered, he had no further involvement in his care other than potentially seeing him as an outpatient if requested. His entrusting of Pownall with the letter for Dr Leete may have been a desire not to slight him by giving it to the attendant, but also indicates a degree of trust that he later denied. However, the attendant does not appear to have told Leete of the letter, nor of his concerns about Pownall's mental state, so it is possible that the attendant was not aware of the letter; this could indicate how much Davey trusted Pownall, but the attendant also had to defend his reputation and prospects of future employment after the event.

Pownall clearly pushed both Davey and Lucretia for his return to Wroughton. As Pownall was an articulate professional man, Davey must have considered him fully able to sue him for wrongful confinement, which would not have been good publicity. Ogilvie had known Pownall for over 35 years and must have seen him several times during his illnesses. Ogilvie had been supported earlier by the Calne visitors and was later condemned by Purnell for cases where he kept a recovered person detained in his asylum for a length of time after their apparent improvement, due to fear of relapse. He was therefore used to the idea of keeping apparently sane patients detained while being tested.

He was proved correct about Pownall's dangerousness. Davey talked with Ogilvie about the case, but does not appear to have been open to his views. In the past, Ogilvie had been very supportive of having uncertified patients in his asylums, even when it was illegal, and would have encouraged this. However, Pownall had a poor view of Ogilvie and must have talked to Davey about this and Purnell backed this view. In addition, Ogilvie was effectively questioning Davey's competence at clinically judging insanity, and he discussed the case with the Commissioners and advised them behind Davey's back. Davey must have felt offended and very defensive.

The records of the debate say little about Lucretia, who appeared to be fearful of her husband yet keen to remove him from an asylum. She was the person who had to sign the order for Pownall's discharge, and she provided him with his murder weapon.³²

What does not come out of this case is any evidence of later discussion between the magistrates and Commissioners about how their relationship contributed to events, but the long-standing tensions between the power of magistrates and Commissioners over provincial Licensed Houses were not going to be changed by a single murder.

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Notes

1. For details on ancestry, see Centre for the Study of the Legacies of British Slavery; accessed (1 June 2021) at: <https://www.ucl.ac.uk/lbs/person/view/2146630891>. Jamaican parish entries quoted are freely accessible through *FamilySearch* website.
2. Worshipful Company of Apothecaries register: 605: awarded 13 Nov. 1828, apprentice to GS Ogilvie apothecary for five years. He attended the 'Central Infirmary' for nine months & lectures from Ramadge and Dermott. I am grateful to the Apothecaries' Archive officer, Janet Payne, for this information.
3. Also see Sarum Marriage licence allegation, and for bequest see will of John Bishop 1816; Wiltshire & Swindon Archives [hereafter WSA] P26/1309.
4. WSA: G18/100/1, Minutes of Calne Borough.
5. WSA: A1/560/2 for register and copy of magistrate visits.
6. The house was sold as part of James's estate on his death.
7. WSA: G18/100/1, Minutes of Calne Borough.
8. Calne Heritage Centre: Magistrate case book. I am grateful to Ms Boddington the curator for this.
9. WSA: G18/100/1, Minutes of Calne Borough.
10. Gloucestershire Archives [hereafter GA]: Q/AL/46, Copy of letter dated May 1859.
11. GA: Q/AL/46, Copy of letter. Manuscript is itself undated, but is dated May 1854 in the Commissioners' report (1860: 92; see above).
12. WSA: A1/560/1 Kingsdown Asylum, Box admission register.
13. TNA: MH94/9 Patient Admission Register, patient 7232.
14. *Wiltshire Independent* (29 June 1854) has longest account of the inquest.
15. GA: Q/AL/46 page 22f, Copy of statement of James Pownall at Inquest.
16. GA: Q/AL/46 page 25f, Copy of statement of Mr Langley.
17. The National Archives [hereafter TNA]: MH94/9 Patient Admission Register, patient 7447 & 7515.
18. GA: Q/AL/46 page 5ff., Copy of letter, 23 May 1859.
19. The case was probably that where a sister had disputed their father's will in the Court of Chancery; see TNA: C15/258/B101.
20. From wife's account, GA: Q/AL/46.
21. The chloroform is said by Dr Morris to have been swallowed on 24 March, but from other accounts it must have been on 31 March.
22. GA: Q/AL 40/37, letter dated 2 Jan. 1855 and addressed to Purnell.
23. 1845 Lunacy Act 8&9 Vic. c100.
24. 1853 Act for the Regulation of the Care and Treatment of Lunatics 16&17 Vic. c96.
25. GA: Q/AL/46 page 1, Copy of letter from Ogilvie to Commissioners, 29 May 1859.
26. GA: Q/AL/46 page 13ff., Copy of letter from Ogilvie to Commissioners, 1 June 1859.
27. Will James Pownall MD, dated 27 Dec 1959; proved 22 May 1883.
28. See 1871 Census: Henry John Trant was a gentleman 'visitor' with his own servant. In 1881 he was a boarder elsewhere.
29. *The London and Provincial Medical Directory* (1865, London, John Churchill), p. 423: in 1861 Census he has a visitor, Selena Heming, born in Lucia Jamaica.
30. GA: Q/AL/46, item 12.
31. The table presented to him by his grateful colleagues is in the V&A museum.
32. Though at the trial, Leete accepted he had written saying Pownall could have his razors after Pownall told him he shaved himself with a razor when at Northfields (but not that he was always supervised when shaving and did not keep them); Anon., 1859d.

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