

**Andover Union : extracts from the Report of the Select Committee of the House of Commons and an epitome of the evidence on the cases of Mr. Parker and Mr. Day, late Assistant Poor Law Commissioners.**

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~~1847~~  
GREAT BRITAIN, Parliament, House  
COMMONS, SELECT COMMITTEE ON THE ANDOVER  
UNION.

POOR LAW UNION: -

Andover Union. Extracts  
from the Report ..... 1847



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# ANDOVER UNION.

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EXTRACTS FROM THE REPORT

OF

THE SELECT COMMITTEE OF THE HOUSE  
OF COMMONS;

AND

AN EPITOME OF THE EVIDENCE ON THE CASES

OF

MR. PARKER AND MR. DAY,

LATE

ASSISTANT POOR LAW COMMISSIONERS.

LONDON :

CROSS, 18, HOLBORN : SIMPKIN, MARSHALL AND CO.

STATIONERS COURT.

1847.

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\*\*\* The names printed in *italics* are the names of the witnesses whose evidence is cited, and reference figures indicate the number of the question and answer in the Minutes of Evidence printed by the House of Commons.

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W. D. CHRISTIE, Esq. M. P.

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*(Extract from his Speech in the House of Commons, April 21, 1846.)*

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THE statute which gave the Poor Law Commissioners power to remove Assistant Commissioners, also required certain securities for the just and proper exercise of their discretion. The question he raised was this :—“ Whether those securities had not been trampled upon? \* \* \* He believed that there would be no difficulty in proving before a Committee of that House that the proceedings of the Poor Law Commissioners were uniformly in disregard of those provisions in the Poor Law Amendment Act, which sought to make a certain amount of responsibility rest with the Commissioners. In the Rochdale case, it came out that a sealed order, requiring to be signed by two Poor Law Commissioners, was signed by one in Somerset House, and afterwards by a second in Hertfordshire. It seemed also that the officer, whose duty it was to make minutes, was entirely dispensed with at the Board. It might be that no legal Board meetings were held. Perhaps it was the custom of the Commissioners (and, if it were so, it was a highly improper custom) to sit separately in three rooms, apportioning the business amongst themselves, according to the different districts,—making no minutes at the time, and having their proceedings authenticated only by one Commissioner, afterwards obtaining the signature of another. If that were the state of things, it would be the source of the deepest regret to the warmest friends of the principle of the Poor

Law Amendment Act, amongst whom he was anxious himself to rank. He had always been a warm and consistent supporter of that Act, and he wished it to be understood that the present motion was not levelled against the law, but against the Commissioners, who, by their conduct, perilled its existence. [hear, hear, hear]. Whatever the result of the present motion might be, he was convinced that every fair and impartial man would feel that Mr. Day had been treated with great injustice by the Poor Law Commissioners; and he believed that from Mr. Day's case, and Mr. Parker's case, the public would draw the inference, that no Assistant Commissioner, that no subordinate in that office was at present safe from the arbitrary mode in which the Poor Law Commissioners exercised their power,—whilst, at the same time, the character and the efficiency of the Poor Law were greatly imperilled. [hear, hear.]—*The Times*, April 22, 1846.

## EXTRACTS FROM THE REPORT.

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### UNION BOOKS.

*Resolved*, That it is the opinion of this Committee,—

1. THAT the proper keeping and inspecting of the various Books which the Commissioners have directed to be kept in all Unions, in order to give security both to the paupers and the ratepayers for the due administration of the law, appear to have been habitually neglected in the Andover Union:—the Abstract of Application and Report Book, which ought to be prepared for the Chairman at every sitting of the Board, and filled up by him, and signed by him, as each case is decided upon, several of the Relieving Officers' books, the Workhouse Admission and Discharge Books, the Provision Check Book and several of the Medical Officer's Books have been produced before this Committee, and have all of them afforded the clearest proofs of the negligent manner in which the business of the Andover Union has been conducted.

2. THAT the state of the Union Books and the abuses in the Workhouse prove that the Assistant Commissioner has failed in the efficient performance of his duties of inspection at Andover; and that as regards the books, which needed only a moment's glance on any one of his occasional attendances at the Board to show the discreditable manner in which they were kept, the Committee can find no sufficient excuse for his neglect, and can only account for it by the supposition of an unlimited confidence in the Board of Guardians, which no circumstances whatever can justify in a controlling officer.

3. THAT, as regards the Workhouse abuses which would require a longer time to detect, and which have entirely escaped detection by the Visiting Guardians, the Committee feel bound to express their opinion that the great extent of Mr. Parker's district, the large number of Unions comprised in it, and the various heavy special calls made upon his time by the Poor-law Commissioners, have rendered it almost impossible for him to



pay visits to each of the Unions under his care, numerous or long enough for effective inspection of the Workhouses.

4. THAT the Committee have received evidence of Mr. Parker's zeal and laboriousness, which render it impossible for them to attribute his imperfect superintendence of the Andover Union to idleness or intentional neglect.

5. THAT Mr. Parker was not appointed Assistant Commissioner for the Andover Union until May 1842; and that he has had a much larger district to superintend than had either of his predecessors: the number of Assistant Commissioners which from 1836 to 1839 was 21, and from 1839 to 1841, 17, having been reduced to 12 in 1841, and then further reduced to nine in January 1842, while the number of Unions have of course increased; and the Committee find that the Poor-law Commissioners, speaking of the number 12 in their Seventh Annual Report (1841), say, that the number of Assistant Commissioners ought not to be further reduced, and that even then "some of the districts, from their area and the number of their Unions, almost exceed the powers of a single Assistant Commissioner."

6. THAT the Committee have been informed of a strong representation made by Mr. Parker to the Poor-law Commissioners shortly after he joined the district including Andover, of the disgraceful state of the Accounts and the Workhouses in many of the Unions in the district, and of special representations made by him as to the accounts in the West Firle and Wycombe Unions, which seem to have received no attention whatever from the Poor-law Commissioners; and these are not the only circumstances disclosed in the evidence which have led the Committee to the conviction that the Poor-law Commissioners have not given that encouragement to their Assistant Commissioners in the detection and removal of abuses, which would have been the best security for the zealous services of their subordinate officers.

### MR. PARKER'S CASE.

*Resolved*, That it is the opinion of this Committee,—

1. THAT they are called upon in considering the circumstances of the Inquiries which took place at Andover, to express their opinion that the practice of entrusting public and special investigations of complaints arising under the Poor Law, to the Assistant Commissioner of the district in which such complaints have

been made, is an objectionable one, which ought to be discontinued.

2. THAT the proposal made by the Poor-law Commissioners to suspend the investigation on the 9th of September, and to proceed against the Master of the Workhouse by indictment upon one set of charges, and by information before Justices upon another, conditionally upon his suspension by the Board of Guardians, and upon the willingness of Mr. Westlake to adopt the suggested modes of prosecuting the charges, was ill-timed and inexpedient for the following reasons :

Firstly. Because at that time a considerable portion of the case had been gone through, and the effect of suspending the further progress of the inquiry, as proposed, until proceedings by indictment could be taken, would have been to prolong the uncertainty and excitement already existing upon the subject.

Secondly. Because it made the mode of proceeding against the Master, and consequently the time and manner in which he was to be heard in his defence, dependent upon an act of the Board of Guardians over which he had no control.

Thirdly. Because it sought to throw a large proportion of the expenses of prosecuting the inquiry upon Mr. Westlake, who appears to have done no more than his duty in bringing before the Board of Guardians and the Commissioners instances of misconduct in another officer of the Union with which he had become acquainted, and into which any inquiry should have been instituted on public grounds, and at the public expense ; and,

Fourthly. Because it implied that the fitness of the Master for his office was the only subject of inquiry, whereas there were strong grounds for an investigation into the alleged mismanagement of the Workhouse, and the abuses stated to have been practised within it, independently of any charges which could have been made the subject of indictment or information.

3. THAT one unfortunate consequence of having made the mode of prosecuting the inquiry dependent upon the conditions above referred to, was, that on their failure, the investigation was necessarily renewed in its original shape, and the Commissioners were thus exposed to the charge of vacillation and want of firmness in their policy.

4. THAT the overruling the adjournment for five days allowed by Mr. Parker, was, under the circumstances of the case, un-

necessary, and therefore injudicious, inasmuch as it had the appearance of injustice towards Mr. M'Dougal who had claimed that time for preparing his defence.

5. THAT the course thus taken by the Commissioners and the previous suspension of the Inquiry on the 9th of September, appear to have proceeded from a determination on the part of the Poor-law Commissioners to bring the Inquiry if possible to a close, and so stop the public criticism and excitement which it produced.

6. THAT in conducting the first inquiry, namely that on the subject of Bone-crushing, Mr. Parker discharged the duty confided to him with ability and promptitude, and that his conduct therein received the approbation of the Poor-law Commissioners.

7. THAT as respects the second investigation, there is nothing in the objections stated by the Poor-law Commissioners before this Committee to Mr. Parker's mode of conducting it, which affords a justification of their conduct in calling upon him to resign.

8. THAT Mr. Parker's recommendation of Mr. Price, as a temporary Master of the Workhouse, made in answer to a request addressed to him by the Chairman and other Guardians, did not deserve the condemnation bestowed upon it by the Poor-law Commissioners.

9. THAT, while they think that Mr. Parker's insertion, in his letter to Mr. Dodson, on the 8th October, of a paragraph implying a reflection on the Commissioners, was indiscreet and inconsistent with his position; still it should be also borne in mind, that the difficult and annoying circumstances in which he had been placed, might reasonably palliate a temporary display of irritation.

10. THAT whatever feelings the Commissioners may have entertained with regard to Mr. Parker's mode of conducting the Andover Inquiry, or his defective superintendence of the Andover Union, the time and the manner of Mr. Parker's removal from his office appear to them, after full consideration of the whole case, to have been such as to give him just cause of complaint, and to have been inconsistent with a discreet exercise of that power of dismissing their subordinate officers which the law has entrusted to the Commissioners.

## MR. DAY'S CASE.

11. THAT it appears to them, after considering the statement which has been made to them by Mr. Day, the correspondence on the subject of his resignation, which he has produced, and the explanations with reference to that correspondence which have been given by the Poor-law Commissioners, that the Commissioners have altogether failed to justify their removal of Mr. Day from his office of Assistant Commissioner.

12. THAT while they readily admit that the nature of the relation between the Principal and Assistant Poor-law Commissioners, the heavy responsibility attaching to the former for the general administration of the law, and the fact that they are necessarily committed, to a considerable extent, by the acts and expressions of their subordinate officers, combine to render it essential that they shall possess and exercise, on fit occasions, the power of dismissal vested in them by the Act of Parliament, the Committee think, at the same time, that such power should not be exercised without warning or statement of reasons to the officer to be dismissed ; without minutes being kept of all letters written and received on the subject, and without official record of the grounds on which in each case the power of dismissal is exercised.

13. THAT further, while they are ready to believe that the conveying a call to resign in the form of private rather than in that of an official letter may in many cases result from a wish to avoid unnecessary annoyance or injury to the persons about to be dismissed, it appears to them that it is, under ordinary circumstances, more just to all parties concerned that such communications should be in official form, bearing with them the authority and issued under the responsibility of the Board ; and they cannot abstain, in touching upon this part of the subject, from pointing to the inconvenience and irregularity of conveying, as in the two cases now immediately under consideration, communications of essentially a public and official character in letters written by a single Commissioner, and in form and language purporting to be private.

14. THAT in both cases the time of the compulsory resignation has been the means of cruel injustice, Mr. Parker having been called upon to resign before the excitement arising out of

the Andover Inquiry had subsided, and Mr. Day at the close of the Inquiry into the South Wales disturbances in 1843, so as to lead the public to ascribe blame to both, which the Commissioners acknowledge to be unmerited, and to divert existing public dissatisfaction from the Poor-law Commissioners by concentrating it on Mr. Parker and Mr. Day respectively.

15. THAT on a review of the proceedings of the Commissioners with respect to the Andover Inquiries, and towards Mr. Parker and Mr. Day, it appears that they have been irregular and arbitrary, not in accordance with the Statute under which they exercise their functions, and such as to shake public confidence in their administration of the law.

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16. THAT the Committee have incidentally in the first instance, and subsequently from a feeling that accused parties ought in fairness to be allowed to answer charges made against them, received much evidence upon the mode of transacting business which has been adopted by the Poor-law Commissioners throughout the existence of the Commission, and upon the insufficiency of the present number of Assistant Commissioners for adequate inspection and control, and upon other important points connected with the administration of the Poor Law, to which they think it their duty to direct the special attention of The House; but upon which, as those subjects are not included in their Order of Reference, they consider themselves precluded from offering any opinions of their own.

20 August 1846.

## SUBJECTS OF INQUIRY AT ANDOVER.

### BONE CRUSHING.

2nd August, 1845. A letter from the Commissioners to Mr. Parker, enclosing a letter from Mr. M. Sutton, and a copy of the *Times* newspaper, in which he is instructed to investigate a statement "that the paupers of the (Andover) Union were employed in crushing bones; and that while so employed they were engaged in quarrelling with each other for the bones, in extracting marrow from them, and in gnawing off the meat from the extremities."—*App. 1*, p. 1333.

### WITHHOLDING EXTRA PROVISIONS FROM SICK INMATES.

13th August, 1845. Instructions from the Commissioners to Mr. Parker, to inquire into the statements of paupers taken by the Guardians, in consequence of complaints (twelve in number) that the paupers had not received the extra provisions which had been ordered them by the medical officer, and which had been charged as given to them by the Master in his accounts.

[These charges are distinct in their character, and relate to offences extending over two years.—*App. 1*, pp. 1339-42.]

### CHARGES OF EMBEZZLEMENT, IMMORALITY, AND DRUNKENNESS.

19th August, 1845. Instructions from the Commissioners to Mr. Parker, to investigate the following additional charges against the Master, contained in a letter from Mr. Westlake, dated the 16th August:—

"I shall be able to show that other acts of peculation have been committed by him, such as sending soap, candles, cheese, tea, and bed-linen, to the house of his son-in-law at Stockbridge.

"That the linen and clothes of the family of his son-in-law have been washed at the expense of the Union constantly.

"That shoes, clothes, &c., have been made and furnished to the same family, at the expense and charge of the Union.

“The other charges are of this nature:—That he has frequently taken liberties with the younger women and girls in the house, and attempted, at various times, to prevail upon them to consent to gratify his wishes.

“That he has actually had criminal intercourse with at least one of the female inmates, and for a length of time has been guilty of drunkenness and other immoralities.”—*App. 1, p. 1345.*

#### OTHER CHARGES.

1st September, 1845. Letter from Mr. May to the Commissioners in the progress of the inquiry, inclosing a letter from the Master's solicitor, demanding particulars of the above charges; in which Mr. May says:—

“Mr. Assistant-Commissioner Parker appears to be limited in his power to inquire into the character of the Master of the Union, unless each particular charge is set out at length. I therefore beg to request you will save the trouble and expense of a second inquiry, by giving him ample instructions to investigate any charges there may be against him (the master) and particularly

“As to the violence, harsh treatment, ill-usage, or cruelty by the Master or Mistress, or his children, to any of the present or former inmates.

“Generally into the moral character of the Master, and the bad example set to the paupers by the Master and Matron fighting and quarrelling in the presence of the inmates.

“Embezzling generally, and particularly the butter and cream, and food for the horse, pigs, and poultry of the Master, and using the materials and time belonging to the Guardians for the private purposes of the Master and his family.

“Acting contrary to the rules, and orders of the Commissioners.

“Obtaining from the trade contractors, grocery, butter, candles, &c. and meat, at the expense of the ratepayers.

“I have thought right to go into detail much farther than would appear necessary for such an inquiry, in consequence of Mr. Parker confining my clients so strictly to what he terms ‘charges or informations,’ instead of his seeking generally to inquire into the conduct of the Master, which he has had notice is very gross.”

4th September. Letter from the Commissioners to Mr. May, declining to direct Mr. Parker to inquire generally into "any charges," though they are perfectly ready to cause any charges to be investigated by him, which are in their opinion, when stated, such as they are competent to investigate.

"With regard to these classes of charges, above stated, the Commissioners will inquire into all or any cases comprised in them, on your specifying to them the following particulars, respectively relating to each class set out by you :—

"1st Class. What was the nature of the violence, ill-usage, or cruelty used in one or more individual cases, the names of the individuals against whom these acts are supposed to have been committed (if known), and the date, within reasonable limits.

"2nd Class. The specific facts proving immoral character, and, with regard to the fighting and quarrelling of the Master and Matron, the time of the acts, within reasonable limits.

"3rd Class. The limits of time within which acts of embezzlement occurred.

"4th. What rules and orders of the Commissioners have been violated.

"5th. The names of the contractors from whom the supplies are supposed to have been obtained, and the time when the facts occurred, within reasonable limits."

[On the 5th of September, a list, containing the names of thirty-four persons, "besides a few inmates," was sent to the Commissioners. The following is an example of the specification of the charges accepted by the Commissioners :—*Antony, Anthony*, drunkenness. *Cole, Richard*, fraudulent misapplication of Union groceries, and peculation. *Doling, John*, drunkenness. *Gilmore, Jacob*, peculation. *Norris, Anthony*, cruelty to paupers, &c. &c. &c. *App. 1*, p. 1354.]

6th September. Letter from the Commissioners to Mr. Westlake, stating they are ready to direct the parties mentioned in the list to be summoned. *App. 1*, p. 1354.

[The investigation was suspended by letter, dated the 9th September (*App. 1*, p. 1355); suddenly resumed on the 17th of September, by direction of Sir E. Head; adjourned by Mr. Parker, at the conclusion of the day's proceedings, until the 23rd, and



renewed, in obedience to Sir E. Head's directions, on the 20th, when the Master and Matron resigned their offices. *App.* 12, pp. 1673, 4.]

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### EVIDENCE IN MR. PARKER'S CASE.

Mr. Parker was appointed Assistant Secretary in 1836, and Assistant Commissioner in 1839. (*Nicholls*, 13396). In 1842 his district comprised seventy-seven Unions, and twelve Gilbert Unions and Local Act places. (*Head*, 15498.)

I had no fault to find with Mr. Parker previous to the Andover inquiry. I thought well of him. I am not aware of any complaints of his neglecting his duties as Assistant Commissioner. (*Nicholls*, 13397, *et seq.*) Up to the time of the Andover inquiry I cannot say I had any fault to find with him. (*Lewis*, 16242.)

Mr. Parker had been employed on several special occasions in something similar to the Andover inquiry: he conducted those investigations with zeal and efficiency. (*Nicholls*, 13534, *et seq.*)

This letter, in Mr. Lewis's writing (12671), was a joint letter of my colleagues and myself (12620), signed by me on behalf of myself and colleagues. (*Nicholls*, 12621.)

“ Poor Law Commission Office, Somerset House,  
16th October, 1845.

“ My Dear Sir,

“ Looking at the importance and peculiar nature of the functions delegated to an Assistant Commissioner, we have, after full consideration, come to the conclusion, that we cannot, consistently with our public duty, retain you any longer in your present office. It is therefore incumbent on us to request that you will send your resignation to the Commissioners.

“ We wish to assure you, that we take this step with the utmost reluctance, and we willingly acknowledge the zealous and efficient services which you have, on various occasions, rendered to the Commission.

“ I remain, &c.,

(Signed) “ GEORGE NICHOLLS.

“ H. W. Parker, Esq.”

There is no minute of what took place with respect to that letter. The earliest minute on this subject is dated the 18th of

October, 1845. "Mr. Nicholls informed the Board that he had received a letter from Mr. Parker, expressing his willingness to resign his office of Assistant Commissioner whenever he might be requested by the Commissioners to do so. Resolved, that Mr. Parker's resignation be accepted from the 31st of October next, and that he cease to hold the office of Assistant Commissioner after that day." (*Owen*, 12659-60.)

Mr. CHRISTIE. Are we to understand that to be a sample of the rough minutes made by the Poor Law Commissioners at their Board meetings?—It is one sample, certainly.

And that is pasted in a book which has the head, "Minutes of the Directions of the Board on Correspondence?"—Yes.

Is that the minute-book of the Board of the Poor Law Commissioners?—It is. \* \* \* No other book is kept; that is the minute-book of the Board. (*Nicholls*, 12672, 5.)

Sir W. JOLLIFFE. Of the acts of the Board?—Yes.

Is there any record in that book, which book is a record of the acts of the Board of the recommendation that was made to Mr. Parker?—No.

It is not the usual practice at Somerset House to paste letters in the Minute book: I am not aware that there is another instance: that entry is in Mr. Lewis's hand-writing. (*Nicholls*, 13602-3.) It is rather a singular proceeding. It is possible there may be some other instances. I do not know of another instance in this volume. (*Owen*, 13606-8.) I see there is a minute of the 8th of October, 1845, pasted in the same way. On the 24th of October another instance occurred. I find another minute on the 23rd of December entered in the same way. (*Owen*, 1407, 9, 14086.)

Mr. CHRISTIE. There being no minute that will inform the Committee, state to the best of your recollection what were the reasons that led you and your two colleagues to concur in calling on Mr. Parker to resign?—I cannot answer for my colleagues: we may have concurred in the same result, and been influenced by different motives: I can only speak for myself. In coming to the determination to request Mr. Parker to resign, I was influenced mainly by the consideration that he had lost the confidence of the Commissioners, and consequently that he would not be enabled to fulfil the duties of an Assistant Commissioner with efficiency and benefit to the public service. I

concurrent in the dismissal with much regret. In a matter of that kind I could not separate myself from the Commission.

Are we to understand that Mr. Parker had lost your individual confidence?—I submit to the Committee whether that is a question which I ought to answer. Mr. Parker had lost my confidence as a Poor Law Commissioner in this respect: I believed he would not be able to fulfil his duties as an Assistant Commissioner efficiently.

Why not?—After the circumstances which occurred in the Andover inquiry; I cannot particularize the circumstances which would prevent his afterwards acting efficiently as an Assistant Commissioner.

Try and recollect and state to the best of your recollection what reasons were assigned to you by your colleagues for calling on Mr. Parker to resign?—The reasons generally were that he had lost the confidence of the Commissioners. (*Nicholls*, 12716,28.) Particular reasons may have influenced particular Commissioners. I dare say there were particular reasons assigned on that occasion by my colleagues; a dissatisfaction was felt at the mode in which the inquiry at Andover had been conducted. I cannot say I was satisfied. There are degrees of satisfaction felt stronger by some than others: for my own part, I considered that the inquiry had been too much protracted. To some extent I thought the protraction of the inquiry was Mr. Parker's fault. I really cannot now tell you in what particular it might have been shortened; it is a considerable time back: I have not referred to any papers or documents, and if I did do so, I do not know that I could state more on the subject than I am now prepared to do. (*Nicholls*, 12729-38.)

Do you think that an inquiry that was stopped before the person accused had an opportunity of defending himself, when all the evidence against him had been heard, was an inquiry unduly protracted: do you not think that it was an inquiry improperly shortened?—My observation as to the inquiry being unduly protracted, meant no more, than that by greater energy on Mr. Parker's part, he might have arrived sooner at the ends of substantial justice.

Do not you think it was your duty, as Poor Law Commissioner, to inform him of that, if you thought he was conducting the

inquiry improperly?—In using the words, that I considered the inquiry was unduly protracted, I guarded myself at the time. I wished it to be understood in a manner as little reflecting on Mr. Parker as possible. I did not state it as a matter of complaint against Mr. Parker; but I had an impression that he might, by more vigour and energy, have accomplished all that was necessary in a shorter space of time. I think it very likely Sir E. Head communicated such an opinion to me, and that I did also to him.

Are you aware that Sir Edmund Head wrote to Mr. Parker during the progress of the inquiry, “I do not think the length of the investigation an evil in itself, though no doubt it is a tedious one to conduct?”—It is very possible it may have been shown to me.

The whole letter is as follows:—

“ Poor Law Commission Office,  
(Private.) 28th August, 1845.

“ My dear Sir,

“ Thank you for your two notes. I dislike the article in the *Chronicle* to-day worse than that in the *Times*. We shall have great difficulty in avoiding the old matter if we are pressed. I think the charges against the Master ought not to be abandoned lightly; they have been made in due form, and so long as any evidence is forthcoming in support of them the evidence should be received, and what it is worth is the business of those who have made the charges. Nothing seems proved as yet. I do not think the length of the investigation an evil in itself, though no doubt it is a tedious one to conduct. Please to let me hear if Mr. Mundy makes any move in consequence of our letter of Tuesday.”

Now Sir Edmund Head wrote to Mr. Parker, that as long as any evidence in support of these charges was forthcoming, that evidence should be received?—I am asked if I am cognizant of that letter; I do not recollect it. It may have been shown to me, but I have no recollection of it. (*Nicholls*, 13081-6.) It did not appear to me that Mr. Parker received more evidence than he ought. (*Head*, 14327.)

Is there any other respect in which you have to complain of his conduct with reference to that inquiry?—I think he was deficient in respect to one of my colleagues; I must state this

as I am pressed in this way, which is excessively painful to me. (*Nicholls*, 12740.)

Then state this other reason. You say that Mr. Parker was deficient in respect to your colleague?—One reason was, that I considered the inquiry at Andover too much protracted; another reason was, that I thought him deficient in respect to one of my colleagues; and these, coupled with the manifestation of his having lost the confidence of the Commissioners, constituted a sufficient ground in my judgment for writing to him as we did, requesting him to resign. (12742.)

What took place when you were present, which you thought wanting in respect to one of your colleagues?—It was with reference to writing a letter, I think, to the chairman of the Andover Union; I speak from recollection, and may not be perfectly correct. In that letter Mr. Parker introduced a paragraph, which was felt, and which I myself felt (although not, I hope, prone to take offence), was improper with reference to the Commission; and after the writing of such a paragraph, the confidence and cordiality which ought to exist between parties, standing in the position the parties did towards each other, could not exist afterwards. (12746.)

Do you hold in your hand a printed copy of a letter, purporting to be written by Mr. Parker to Mr. Dodson, the chairman of the Andover Union?—The 8th of October, 1845, This is the paragraph:—

“The annoyance that I experienced whilst at Andover has not ceased; and indeed it is rather increased, by receiving a direction from the Commissioners to write to you on the subject of Mr. Price’s employment, a duty that I should have been much better pleased at performing had it been left to my own candour. As the Commissioners desire to see this letter before it is sent, I shall merely confine my remarks to my knowledge of Mr. Price.” (12747.)

In what respect do you think that paragraph objectionable?—I understood it to have been arranged that Mr. Parker was to write a letter to the chairman of the Andover Union, explanatory of the circumstances which led him to recommend Mr. Price, and that letter was to be shown to the Commissioners; in such a letter of explanation, therefore, there could have been no occasion for a paragraph of that kind, apparently reflecting on

the Commissioners, showing that Mr. Parker had acted in the matter under constraint, and intimating that Mr. Parker had not confidence in the judgment of the Commissioners in the matter, and leaving it likewise to be inferred that the Commissioners had not confidence in his judgment. (12749). The Commissioners had written to Mr. Lamb, Clerk to the Guardians to the Andover Union, giving an explanation of the circumstances under which Mr. Parker had recommended Price for temporary employment. (12751). The Commissioners in requiring Mr. Parker to show that letter (of the 8th) before it was sent, adopted an unusual proceeding unquestionably. I am not aware of any similar circumstance having occurred since the commencement of the commission. (12759). It might possibly bear the interpretation that it involved an imputation on his candour. (12760). You must couple manner with the matter—putting both together, the manner and the paragraph, there was a manifestation of disrespect. (12764-5.)

What fault have you to find with Mr. Parker's manner; what was there in his manner which you thought objectionable?—It is a difficult thing to describe manner; it was not the manner that I think was becoming to Mr. Parker in the relative position of himself and Mr. Lewis. (12769).

Can you state anything particular in his manner that you have to complain of; did he say anything that you object to?—I do not recollect what was said; I do not remember any words that passed on the occasion. I cannot state what the manner was. (14026).

Mr. WAKLEY. Was it anything insulting by sign, or anything coarse or offensive in language?—No, there was nothing ungentlemanly. (14027). It was sufficient to show that there was no feeling of confidence—no proper feeling of confidence and respect on one side. (14028).

It did appear to us that after the letter and after the interview with Mr. Nicholls and Mr. Lewis, that the whole together formed a state of things which it was impossible to deny destroyed our confidence in Mr. Parker. Having come to that conclusion, we felt most strongly it was our public duty not to continue in office a person in whom we had no longer confidence. We did not choose to be responsible for what he said and did; and we did not think the public would gain any benefit

from the relation between us and Mr. Parker, which was to be one of interrupted confidence and mistrust apparently on both sides. (*Head*, 14727).—I do not say he (Mr. Parker) was wanting in respect, he was wanting in confidence. (*Lewis*, 16198).

On the 13th of August I instructed Mr. Parker to investigate certain charges made by Mr. Westlake against the Master and Matron of the Andover Union. On the following day I sent him a letter of special instructions. Mr. Parker went to Andover, and on the 17th of August wrote a letter informing us that he had attended the Board, and for various reasons assigned in that letter had determined not to commence the inquiry until the 25th of August. In a letter dated the 16th of August, which was received on the 18th, Mr. Westlake stated in a general manner the (other) charges (see p. 7) he is prepared to bring, and then says, "Should you require it, I am ready to supply through the Clerk to the Board, Mr. Lamb, more minute particulars." Mr. Westlake was not applied to to supply more minute particulars. (*Head*, 14284-14305).

Mr. CHRISTIE. With regard to the second set of charges (16th of August), with respect to which you applied for no particulars, are you aware whether Mr. Parker did?—I do not know: I think he says he did.

And if they were not supplied before the charges were gone into, he would afterwards allow the Master an adjournment to go into his defence?—It is possible.

Here is a memorandum of an agreement made by Mr. May, Mr. Westlake's solicitor:—"By my desire, Mr. May promises me that he will furnish Mr. Curtis to-morrow morning (Tuesday) with the names of the several parties and places of their residence to whom paragraphs marked 5 and 6 in my copy of Mr. Westlake's letter to the Commissioners refer. Mr. May also promises to procure the dates and places when and where the alleged offences were committed, and to furnish them as soon as he obtains the information." That is dated the 25th of August?—Yes.

Did it appear to you that Mr. Parker had received more evidence than he should have done?—No, I cannot say he did. It did not appear to me that Mr. Parker received more evidence than he ought. I had better state at once in what light I viewed myself as justified in attending at all to the reports in the news-

papers. I only conceived myself to be at liberty to be guided by them so far as they reported the general course of the proceedings, and not so far as they state details; because they might be accurate (?), and could not be evidence for the Board to act upon. But so far as they showed the order in which the charges were taken, and the general character of the proceedings as between the Counsel on either side, in that respect, I considered that we were bound to take them into consideration from day to day, and more or less to look at them. But I did not consider the newspaper reports as evidence in detail either against Mr. Parker, or the Master, or any one else. (*Head*, 14322-14327). On the 4th of September, when Mr. Westlake applied to us to direct an inquiry into a third set of charges, we required particulars, because a larger confidence was placed in Mr. Parker's discretion on the 16th of August than was placed in him, so far as I was concerned, on the 4th of September. Doubts I should say (we had no proofs) doubts as to Mr. Parker's discretion, was that which induced us to lay greater stress on the regularity with which matters were to be set forth in respect to those additional charges; I say doubts because having nothing but newspaper reports to judge from, it was impossible for us to do anything that would amount to any assertion of misconduct on Mr. Parker's part: it was nothing more than that sort of doubt which made us doubt whether it was not more prudent to do so.

Who is "us"?—I and Mr. Nicholls.

What was it that led you to doubt Mr. Parker's discretion?—I had a notion (it might be erroneous at that time) that it would have been prudent on Mr. Parker's part to have closed each head of charge as he went on.

Did you tell him so?—No.

Why not?—Because he did not come to London till it was too late. (*Head*, 14308-14314).

I should not have felt myself justified in writing to him; he had taken his course; he had gone straightforward, and it was impossible to have changed that course.

Did not Mr. Parker take the charges in order, and after hearing evidence in support of a charge, hear the evidence in answer to it, before he proceeded to another?—When Mr. Parker left Andover at the suspension (9th of September), as I



understood, there had been five sets of charges gone into against the Master, and the defence on two. That was apparent in the course of the proceedings in the (news) paper to a certain extent. (*Head*, 14321-14332).

Do not you know that, for the first two sets of charges, the particulars were supplied before the charges were gone into; that with reference to the others he (Mr. Parker) failed in obtaining the particulars: the Master heard nothing of the particulars of the charges before the charges were gone into, so that it was necessary that time should be given to defend himself. Do not you know that?—No, I did not know there was that difference; but I still do not think that precluded Mr. Parker from insisting on taking the defence immediately after the charge.

Though the man had no time to prepare his defence?—I think that then the onus of the delay would have rested on the opposite party. If he had called for particulars and had not got them, he might have said, “I cannot go into a fresh charge till I have closed this one.”

Supposing the defence depended on witnesses at a distance?—Distance is a question of time.

But supposing it depended on that?—I remember it being stated to me at a subsequent stage of the proceedings, that the witnesses were at a distance; by distance I find that Stockbridge, Winchester, Romsey, and even London, were meant.

It might take time for him to find out where the witnesses were?—It might.

Supposing that case?—I do not know, without all the circumstances before me.\*

You stated very broadly that Mr. Parker should have insisted on the defence being gone into on each charge before he went to another; and then if they asked for a delay, the onus of delay would lie on the parties?—I stated that I did not know any reason why he should not, nor do I now.

But he might have known?—Yes. I beg to advert to a former answer, in which I have said I know blame was imputed to Mr. Parker in that matter; but all that was raised were doubts, and those doubts were the ground for taking a different course with respect to a different set of charges. (*Head*, 14334-

\* One of the Commissioners' clerks, sent to serve a summons on a witness in London, returned it with the reply, “gone away, not known where.”

44.) I do not say it might be possible for Mr. Parker to have closed each charge, or set of charges, as they came on, but the length of the inquiry would not have been so great if he had done so. (*Head*, 14370).

Mr. CHRISTIE. On the 13th of September Mr. Parker wrote to you, "The charges against the Master and Matron being distinct in their character, it was arranged at the commencement of the inquiry that the evidence in support of, and in reply to, each charge should be completed before the next case was proceeded with?"—That was not done.

"It was obvious that the Master could not be prepared to rebut charges of so general a nature as those contained in Mr. Westlake's letter of the 16th of August, and I therefore expressed an opinion that the Master should be put in possession of such particulars as would be required in an information before a justice of the peace. Mr. May, who appeared on Mr. Westlake's behalf, undertook to furnish the Master's solicitor with specific information of the charges contained in that letter, and I very naturally expected that he would not fail to keep his promise. Various excuses for not furnishing this information were daily given, and ultimately Mr. May denied that the Master had any 'right, legally or morally,' to receive such information as he had previously promised to supply. Under these circumstances I felt it necessary to hear the evidence in support of each charge contained in the letter of the 16th of August, and when I found myself compelled to adopt this course, I intimated to the parties that when the evidence in support of all these charges had been received, I should adjourn the inquiry to enable the Master to prepare his defence." So that Mr. Parker, in that, gave you an explanation of the reason why he had not persevered in the arrangement he made?—That arrangement was four days subsequently to the doubts.

By that arrangement were those doubts dispelled or not?—I cannot say they were entirely.

Mr. Parker had been much pressed by Mr. Westlake's counsel not to wait till the evidence in support of one charge was concluded before going to the evidence in support of another, and a distinct one?—It is very possible. (*Head*, 14562-5).

Mr. Parker took the cases separately, and adhered to that course. (*May*, 21150). Another objection that I had to the

mode in which Mr. Parker conducted the inquiry, which I thought was calculated to defeat the ends of justice, was this : we had about fifty witnesses ; Mr. Parker would not let the witnesses be examined as to several charges at one time ; he insisted on keeping them there, so as to examine every one on each separate head of charge, so that it involved thirty or forty examinations of the same witness. I thought, in an inquiry of this kind, that was calculated to do more harm than the inquiry would do good ; and so it proved. (*May, 20987*).

CHAIRMAN. Supposing a jury had had to consider the question, might not it have raised something of an unfair presumption to admit evidence as to charges which were not before the Court?—In this case all the charges were before the Court, and were intended to be inquired into one after another.

Were they then under the consideration of the Court?—No, they were not ; Mr. Parker ruled that they were not to be so. (*May, 21191-2*).

On the 25th of August, when I attended at Andover, I proposed to enter upon the twelve charges, taking one at a time, and expressed my desire to close each case as we went on. I mentioned to the parties assembled that the second set of charges were not definite, and that it would be advisable before we commenced the investigation of those charges that a bill of particulars should be furnished. On the 26th of August I received from Mr. May a copy of a letter, which was written in consequence of my representation. Upon that letter being produced, I said that it did not furnish such particulars as ought to be given : that the particulars ought to contain a statement of the time, or about the time, when the offences were alleged to have taken place, and the places : that there ought to be such particulars furnished as would be contained in an information before justices of the peace. I endeavoured to close each head of charge as the inquiry went on ; but when I found that the particulars of the second set of charges were not given, I stated that the absence of such particulars would render it necessary that I should grant an adjournment if Mr. M'Dougall's advisers thought it necessary. (*Parker, 20080-20087*.) The twelve charges were contained in a statement sent up by the Board of Guardians : we did not require any further particulars of them. Those charges were investigated and concluded. (*Parker, 20092*).

I will state as precisely as I can the reasons for suspending the inquiry on the 9th of September. In the first place, there were the doubts about closing the charges. The second reason was this, that the Commissioners at the opening of the inquiry, before it began in that form, had made the Board of Guardians aware of their power to suspend the Master. They had done more; they said, "It is for you to consider whether this is a case for suspending the Master." It was evident from the general course of the inquiry, as reported in the newspapers, that the nature of the charges gone into on oath against the Master was much more serious, and amounted to a great deal more than we knew of at first, and the evidence was adduced in support of these charges. We conceived, under those circumstances, it was most desirable that the Guardians should suspend the Master. We did not think that the Guardians were likely to do it while the inquiry was going on, and we thought the inquiry was likely to last much longer. We thought that if the inquiry was suspended, and another mode of proceeding proffered to the Guardians, that it was possible they would suspend the Master at once, which appeared to us very desirable, and a letter was written at the same time the inquiry was suspended, recommending them to suspend the Master. Another collateral reason was, that we had seen it stated (in the newspapers\*) that Mr. Westlake's counsel had expressed a wish that the case was before a jury: he had said something to that effect. It also appeared that such a course was in strict analogy with what is pointed out in the 101st section of the Poor Law Amendment Act, in which the power is given, "That in all cases in which any penalty or forfeiture is recoverable before the justices of the peace under this Act, it shall and may be lawful for any Commissioner or Assistant Commissioner or any justice to whom complaint in writing shall be made of any such offence

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\* Mr. PARKER. It is one of the inconveniences of this inquiry that the persons who are to judge of it only see the evidence in writing. If a jury had heard the statement just made by the witness, they would know how to treat her testimony.

Mr. PRENDERGAST. That was just my remark on Saturday. I wish this case was before a jury.

Mr. MISSING. So do I—an independent jury.

Mr. PRENDERGAST. Of course. I do not know of any other.—*The Times*, 9th of September, 1845.

to summon the party complained against before any two justices, and on such summons the said two justices may hear and determine the matter of such complaint." We looked on that as the mode in which it was contemplated by the act the Commissioners should bring a matter of this description, if they chose, into a court before two justices, and that the bringing it before a jury, or into a court before two justices, was precisely analogous to that course pointed out by the Act. (*Head*, 14370-1). That course was offered to Mr. Westlake properly speaking, but it was offered to the Guardians in one sense. Their suspension of the Master was made a condition precedent to taking that course, unless they suspended the Master. The other reason that I wish to state, and which was the reason alleged in the letter to the Guardians, was the nature of the evidence which it appeared to us was produced on certain of those charges. Now the nature of the case was this: it was one in which the witnesses were evidently more or less of a suspicious character. Women charged the Master with acts of immorality, and attempts at criminal intercourse and assaults. It appeared to us that it was almost impossible to weigh that evidence properly without having seen the witnesses—without having heard the evidence delivered. It was an extremely doubtful matter. (*Head*, 14375). The practical question was whether at the end of this inquiry M'Dougal should remain Master or be dismissed. If this inquiry had been allowed to go to its conclusion, that is, if we had not suspended it, it would still have been competent to us to recommend the course which we recommended on the 9th of September. (*Head*, 14379-80.)

You say you had doubts at this time as to Mr. Parker's mode of conducting the inquiry, and that those doubts were what you previously told us?—The nature of those doubts. I and my colleague too, had talked over the mode of conducting the inquiry.

Had you any other doubt as to the propriety of not closing each head of evidence?—Yes; there was another doubt which suggested itself from the general report of the proceedings, but I do not impute this as blame, I only suggest it as a reason why we were anxious to avail ourselves of another course, which appeared open. The other doubt was, it appeared to us, that

Mr. Parker was conducting it too much in the nature of a private suit ; he was allowing two parties ; instead of conducting it as an official inquiry, he was conducting it as a private suit.

Did that arise from the appearance of counsel on behalf of Mr. Westlake, as the accuser ?—It might.

In what way did it appear to you Mr. Parker was conducting this too much like a private suit ?—It was merely as to doubts ; I do not state that we were satisfied at all.

What were those doubts ?—The doubts were of this nature : Mr. Parker was reported to sit there, as it were, deciding on objections put by counsel on one side, and met on the other, as if he were a judge, having power to determine those questions of evidence between two parties.

You think he ought to have taken every person's evidence that was offered to him ?—No ; but the way for the Assistant Commissioner not taking every person's evidence is this ; if a counsel puts a question which he does not think ought to be asked, I think the Assistant Commissioner ought to say to the witness, " You are not bound to answer that question unless I put it."

Suppose counsel on one side wished to put a question, and counsel on the other objects to it, what was Mr. Parker to do ; was he to put it or not ?—I cannot enter into what he was to do unless I knew the precise point.

This appearance of private suit did not necessarily arise out of the presence of counsel ; was it not necessary and inevitable, as they were, that questions of this sort should be raised ; and that Mr. Parker, sitting there presiding, should be called on to decide ?—I cannot say it did not.

Under all the circumstances, viewing this matter in so serious a light, having doubts as to Mr. Parker's mode of proceeding, and having no other information than the reports in the newspapers, which could not be implicitly relied on, would it not have been better to have sent some one down to watch the proceedings ?—That would depend on who it was. If any person went professionally to watch the proceedings as against Mr. Parker, that would have been a direct imputation on him. (*Head*, 14381-92.)

It would have been possible to have sent Mr. Coode down ; but I do not know that it would have facilitated matters much. Mr. Coode has been lately one of the legal advisers of the Com-

missioners: he might have gone, if not wanted elsewhere. Mr. Parker and Mr. Coode were Assistant Secretaries together at one time. I think the case has occurred of some one having been sent down to assist an Assistant Commissioner at an inquiry. I have heard that Mr. Parker was sent down on one occasion to assist Mr. Gilbert, who was conducting an inquiry at Crediton. (*Head*, 14393-14402.) It was desirable to suspend the Master. I do not know if we had sent a distinct recommendation to the Guardians, whether it would have put us in a better position. (*Head*, 14403-5.) When the option was given to Mr. Westlake of taking the case before a jury or justices, and it being followed up there, it was simply put as a matter of choice to him. The alternative was not put in a way which would induce him to think that we were going to do that at all events; it was put as optional to him; we suspended the inquiry, and gave him the power of doing so. The suspension of the inquiry was conditional: on two conditions;—one, the suspension of the Master by the Board of Guardians, and the wish of Mr. Westlake, that it should go on in that mode; both these conditions failed, and the inquiry was resumed. These conditions are not mentioned in the letter (9th of September). (*Head*, 14421-3.) We contemplated the acceptance of the offer to prosecute; we considered that, after the expression used by Mr. Prendergast (note, p. 21), it would have been accepted. We knew of those expressions only as reported in the newspapers. (*Head*, 14426-7.)

[*Mr. Prendergast* :— \* \* \* With regard to what you were pleased to say about wishing the case should be before a jury, I believe you dropped some expression that you wished the evidence could be heard by a jury, and I joined in the wish. That did not imply, on your part, that you wished the proceedings to be by indictment, nor did it imply on mine that I wished it; but merely that it would be of advantage to have the judge hear the witnesses give their evidence.—*App.* xi. p. 1638.]

We did not know that all the evidence in support of five sets of charges had been heard, and that all that remained was to receive the evidence for the defence on three of the five sets. (*Head*, 14431.)

*Mr. CHRISTIE* :—Do you mean to say, without knowing the exact state of the inquiry, that you took this course?—It was precisely, because the whole case was involved, that we did take

this course. As reported in the newspapers, it appeared running into endless length. (See Sir E. Head's Letter, p. 13.) We could not tell what evidence was received, and what not.

Could you not write to the Assistant Commissioner to ask him to inform you what the exact state of things was?—No doubt, but then a certain time would have been lost. (*Head*, 14432-3.) The *Guardians* did not meet until the 13th of September, and the Commissioners made no recommendation to call an extraordinary meeting. (*Head*, 14582-91.)

When I concurred in that letter (9th Sept.) suspending the inquiry, I had no information except what I derived from Sir E. Head. In the course of the evening I read the report in the *Times* of that day. Evidence had been given the preceding day, at Andover, of certain assaults by the Master of the Workhouse on females in the house; and it was especially with reference to charges of that nature that it was considered desirable that the inquiry should be postponed, and that those charges should be inquired into before the proper tribunals. It was with reference therefore to so much of the evidence given before Mr. Parker, at Andover, that this letter was written, and it was with reference to that same matter that I read the report in the *Times* newspaper. When I read that report it did lead me to alter my opinion as to the expediency of suspending the inquiry. I became aware, by reading the report, that the case could not be brought forward with success under an indictment, and I began to entertain a doubt of the propriety of the course taken by the (Commissioner's) letter: it was too late to reform it, and so nothing was done. (*Coode*, 18479, 18483.)

Mr. CHRISTIE:—Having been away so long, and having so little information on the subject, you must have felt some difficulty in advising Sir Edmund Head, or expressing an opinion on the subject?—I had a strong first impression, and felt no difficulty in advising about it, as I should not again hesitate to advise in the same manner, supposing the whole of the facts were, as I understood them to be from Sir Edmund Head's statement; but Sir Edmund Head, not accustomed to the technical consideration of evidence in criminal cases, did not probably think it necessary to state those particulars which led me afterwards to doubt whether the course we had suggested was the possible or practicable one. (*Coode*, 18485.) I recollect



seeing Mr. Parker on the next day (10th September) just as I was leaving the office, and recollect Mr. Parker expressing his surprise of the suspension. (*Coode*, 18487-91.)

Do you remember any reason or explanation that you gave him?—I think I must have stated something much to the effect of what I have now stated to the Committee, that I thought it the right course, and, perhaps, at the moment of speaking to him, I entertained doubts whether it was the proper course.

Do you remember Mr. Parker saying that the inquiry had been stopped at a time when it was more important than any other that it should proceed?—Mr. Parker stated that very strongly, and reiterated it on that and other occasions.

Do you remember whether he gave any reasons for its being so important that the inquiry should be permitted to proceed?—I have no doubt he did give reasons, but I cannot recall them.

Do you remember saying anything about the excitement that existed in the public mind, on the subject of the inquiry?—I do not know that I did, for I never cared much about the excitement.

Do you remember saying that Sir Edmund Head had become very much alarmed by the reports and articles in the *Times*?—I doubt whether I said, “alarmed,” I may have made some observation to the effect that Sir Edmund Head attributed great importance to them, and was anxious to bring the inquiry to a termination.

By attributing great importance to them, you mean attributing great importance to the reports and articles in the *Times*?—To the effect on the public mind, rather than the continuance of the inquiry and the reports in the *Times*.

Had Sir Edmund Head said anything to you about the excitement in the public mind, and the articles in the *Times*, as producing that excitement;—He must; he constantly and frequently referred to the disagreeableness of the whole matter, and it was chiefly disagreeable by reason of the reports in the *Times*; but I certainly did observe that the reports in the *Times*, and the comments on those reports, did produce an effect on Sir Edmund Head’s mind; and I may very probably have stated that conviction to Mr. Parker, although I am not quite sure that Sir Edmund Head ever said so much to me. It was the result of my own observation.

Did Sir Edmund Head ever mention these reports in the *Times* as a reason for bringing the inquiry quickly to a close?— He was very anxious to bring the inquiry to a close certainly, and was anxious because of the effect it was producing on the public mind; whether he mentioned the *Times* I cannot say, but of course it was only producing its effect upon the public mind through the reports in the *Times*; but whether he actually referred to the *Times* newspaper to me, by name, I cannot say. (*Coode*, 18492-9.)

I applied for the assistance of a short-hand writer on the 15th of September; that application was determined on in conference with Mr. Coode, and afterwards was made in the presence of Mr. Coode to Sir E. Head, and Mr. Nicholls. Sir E. Head objected, in the first place, to the employment of a short-hand writer on account of the expense; but Mr. Coode's observations induced Mr. Nicholls to concur in the propriety of it, and Sir E. Head ultimately gave way. (*Parker*, 20377.)

Before Mr. Parker went down to resume the inquiry, I had a discussion with him as to the propriety of its being resumed immediately, or a few days being allowed to give notice. He suggested that a few days should be allowed to give notice to the parties and counsel, so that Mc. Dougal might be ready to go on with his defence. I entertained a different opinion. (*Head*, 14614-16.) When Mr. Parker was sent down to resume the inquiry (17th September), and acceded to the adjournment, he wrote me a note, dated the 17th of September:—"My dear Sir Edmund,—The Master's advisers were not prepared to enter on the defence in the charge of drunkenness; and the only witnesses in attendance were examined. At the conclusion of the day's proceedings an application was made for an adjournment, and this Mr. Prendergast said he could not resist. The question then became one of time, and, finally, the inquiry was deferred till next Tuesday. The inquiry to-day was conducted in the same manner as usual, and I shall be surprised if the *Times* can make anything of it. Part of the day, whilst the *Times* reporter was absent, Mr. Westlake acted for him.—Yours truly, H. W. PARKER.—P. S. I propose to return to London to-morrow, and attend at the office at half-past two o'clock. (*Head*, 14611-3.) When Mr. Parker came up to town on the 18th of September I saw him, and desired him to

return immediately to Andover. The reasons which Mr. Parker then alleged for the further postponement in favour of the Master were, that the witnesses were scattered about in different directions; he also alleged that the Master had to go through his books. Those were the two principal reasons: I remember no others of importance. With regard to the witnesses being scattered about, he mentioned several places where the witnesses were; he mentioned, if I remember right, Stockbridge—I think, Southampton, Fareham, and, perhaps, Gosport; but he mentioned Stockbridge, Winchester, and Southampton, and there were one or two witnesses in London. (See note, p. 18.) We took into consideration the strength of those reasons. It appeared to us, in the first place, that as regarded witnesses beyond ten miles, if they were unwilling witnesses, we had no power to compel them to come at all. With regard to the distance of those places, there was not one of them which might not be reached in a couple of hours or three hours from Andover. There was not the least reason why the Master could not have brought over any witnesses he wished within twenty-four hours after Mr. Parker had arrived at Andover.

If he knew where to find them, and had the means of sending simultaneously?—I cannot undertake to say that he had the means of sending; but with regard to what witnesses he wanted he must have known who he wanted long before. It is perfectly true that the inquiry had been suspended, but, in respect to knowledge, he was in no worse position than on the 9th of September.

Then Mr. Parker had promised him the adjournment?—Mr. Parker had allowed him the adjournment; I was just coming to that point. I will turn to page 32 of the correspondence, with regard to what took place on the 9th of September, that is seven days previous to this. Mr. Parker it appears, on the 15th of September, wrote as follows.—“Highgate, 15th, September, 1845. Gentlemen,—When the inquiry into the charges against the Master and Matron of the Andover Union was suspended, I had concluded the examination of witnesses called to substantiate the charges contained in the letter from the Board of Guardians, and in the letter from Mr. Westlake, dated the 16th of August, and had adjourned the inquiry for thirty-six hours, to enable the Master’s advisers to prepare his defence,” &c. &c. (*Head*, 14617-22.) On the 9th of September Mr. Parker thought

thirty-six hours requisite, and on the 17th of September he thought six days requisite. I will quote a passage in a letter by Mr. Curtis, attacking the Commissioners:—"At half-past nine o'clock at night, of Tuesday, the 9th instant, the learned Assistant Commissioner adjourned to Thursday the 11th. Business demanded my attendance in London the intervening day (the 10th); however, I returned to Andover in the evening of it prepared, and expecting to resume the investigation on Thursday morning. I found, on my return, that your fiat had been issued to suspend the inquiry, and that it had been adjourned indefinitely. On Thursday, the 11th of September, the whole matter was therefore dismissed from my mind, and from that time I thought little or nothing more on the subject, till about seven o'clock in the evening of Thursday, the 16th of September, when an express came to me in London, with a communication that you had suddenly issued orders for resuming the investigation by the Assistant Commissioner at Andover, at 10 A.M., of Wednesday, the 17th instant. (*Head*, 14623-8.)

Mr. CHRISTIE. Whatever arrangement he might have made before, he had not proceeded any further in preparing the defence; the witnesses that might be in attendance were probably dispersed?—That is possible; but I quote it to shew this, that the adjournment by Mr. Parker on the 9th for thirty six hours, was for the object of enabling the Master to prepare his defence. Assuming the counsel of the Master was informed of that, he stated he was ready to go on in thirty-six hours; if he was ready to go on in thirty-six hours on the 9th of September, I am at a loss to see why the adjournment of six days was necessary on the 16th. (*Head*, 14629.) We had received a remonstrance from M'Dougal, against our insisting that his defence should proceed at once; the answer to that is dated the 18th of September. In that letter it was stated, "the Commissioners have requested Mr. Parker to return to Andover forthwith, and they must call on you to proceed with your defence either to-morrow or Saturday, and continue with it from day to day." (*Head*, 14630-7.)

We did not insist on his going on with his defence till the 20th. I was going to state then, that having the conviction that it was our duty to proceed with the case as quick as consistent with justice, having heard Mr. Parker's reasons for thinking that the

inquiry ought to have been suspended six days, and having come to the conclusion that it was consistent with justice that it should proceed forthwith, or at least on the Saturday, we directed Mr. Parker to return to Andover. There were, moreover, two additional points which weighed upon us: if the immediate continuance of the defence had been inconsistent with justice, it was our duty then not to have attended to those two points; but thinking as we did that it was consistent with justice, those two points had very great weight. The first of those points was, that the Guardians had refused to suspend the Master of the workhouse. The non-suspension of the Master of the workhouse left him with the controul of a large portion of the witnesses whom he might have to bring forward in his own defence at this time; and the longer that state of things continued, the greater, in our opinion, was the evil. The other point was, that we felt Mr. Parker had been accused of partiality, not merely in the newspapers, but Mr. Westlake had written to us, and Mr. Parker had put in an answer.\* Mr. Parker had been accused of partiality and leaning throughout this inquiry, and we felt most anxious, if consistent with justice, that Mr. Parker's situation at Andover should be free from that imputation. We felt most anxious that it should not be imputed to the Commissioners that the inquiry was improperly adjourned for a longer time than necessary. I speak of Mr. Parker as the officer of the Commissioners. If the adjournment for six days was an adjournment for a longer time than was necessary, it went to confirm the imputation against Mr. Parker's impartiality which had been thrown out, not merely at this time, but deliberately made in a letter from Mr. Westlake. (*Head*, 14637.)

Mr. CHRISTIE. For all these reasons you thought fit to overrule the adjournment which Mr. Parker had acceded to?—We did.

To what day had Mr. Parker adjourned the inquiry?—Mr. Parker had adjourned the inquiry to the Tuesday following. Five clear days.

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\* Mr. Westlake's letter, complaining of attacks on him by Mr. Parker, is dated the 18th, and arrived at the Poor Law Commissioners' office on the 19th. It is therefore impossible that it could have influenced the Commissioner's decision, which was arrived at on the 18th. Mr. Parker "put in his answer" on the 22nd. App. i. pp. 1367 and 1375.

Did it occur to you, in considering this matter, that your overruling the adjournment might have the effect of stopping the inquiry altogether?—It occurred as a possibility, certainly; that is to say, it occurred to us as a possibility that M'Dougal might say, "I will not go on with the defence." That would depend on whether he was an innocent man or not.

Still you thought it worth while to stand on the difference between Saturday and Tuesday?—Most certainly. (*Head*, 14638-41).

I sat very late, I think till nearly ten o'clock in the evening of the 9th of September, to enable me to go elsewhere on Wednesday (10th). An application had been made to me to take Mr. Hawkins' examination on Thursday the 11th of September. Mr. Hawkins was a witness for the defence; he is a respectable tradesman in Andover, and had been absent at Manchester. He was expected home on the 10th from Manchester, and it was proposed to take his evidence and that of some other persons on Thursday. That was the understanding with which we adjourned on the evening of the 9th of September. The object was to conclude one part of the charges—to wind up that part with the understanding that a further adjournment should be granted on the other heads of charge. Not only did I admit of the adjournment for thirty-six hours, but did so with the express intention of allowing a further adjournment after the evidence of that witness and others who were to be called at the termination of the first adjournment. (*Parker*, 20136-44).

[Mr. MISSING. I am afraid, Sir, I shall be unable to go on with any other case to-day (17th of September), and I will state to you the circumstances under which I am induced to make this observation. I was not, it is true, present at the last adjournment, but I understand from those, whose accuracy I have no reason to doubt, that the adjournment was understood to be at that time to Thursday morning, for the purpose of taking the evidence of Mr. Hawkins, who could not be procured before, and that then it was stated by you, as the Commissioner, that you should afterwards adjourn for a week or ten days to give Mr. M'Dougal an opportunity of making his defence to the other charges. \* \* \* I trust therefore, under these circumstances, you will be induced to do that which it was fully

understood you intended to do, give us a few days for the purpose of arranging and considering the evidence we may think right to bring forward. I ask it the more confidently, because after the numerous observations which have been made upon the vagueness of the charges, the length of time they run over, and the almost utter impossibility of at once producing anything like sufficient defence without very great consideration and inquiry as to the parties who might be able to refute such charges, it will be totally impossible to do the defendant justice; in fact, we are not prepared: we have not turned our attention to it, and fully expecting that a week or ten days adjournment would take place, we are not prepared to go on.—*Short-hand Writer's Notes of the Proceedings, Wednesday, 17th of September. App. xi. p. 1663.*]

[Mr. PARKER. I made a very early remark in the course of the inquiry, that if I found that M'Dougal was not furnished with the particulars of the charges, it would be impossible for him to be prepared to refute them; and I intimated that it would be necessary, for the sake of justice, to adjourn the inquiry after the evidence was taken to give him an opportunity of preparing his defence. \* \* \* The cases extend over many years, and probably came upon him as matter of surprise. If he had known the names of the persons with whom he is charged with taking indecent liberties, he would have known to whom to direct his attention, and might have been prepared to rebut the accusations. As it is, I feel that what I intimated I should do then, will be perfectly right for me to do now, because the adjournment (suspension) that has taken place has not been one to give M'Dougal's advisers sufficient time to prepare a reply to all the charges.—*Short-hand Writer's Notes, Wednesday, 17th of September. App. xi. p. 1664.*]

I do not remember having said to any one that I hoped Mr. Parker would not resign in consequence of my overruling his adjournment; I may have said it. (*Head, 14681*).

I did not at all contemplate the risk of the inquiry being stopped altogether by this overruling of the adjournment until Mr. Parker stated that he thought that would probably be the effect; then I saw the probability. I thought it would be an unfortunate result, and I certainly contemplated it as a very probable one, when Mr. Parker referred to it. (*Coode, 18533-4*).

As to Mr. Parker talking of resignation, he did so very much on that day (18th of September). I dissuaded Mr. Parker from contemplating anything of the kind. I thought he was labouring under a very natural irritation. (*Coode*, 18537-9).

MR. CHRISTIE. This overruling of the adjournment had the effect of concluding the inquiry?—It caused the resignation of the Master. (*Head*, 14682).

We did not impute, and do not now impute, partiality to Mr. Parker. (*Head*, 14375).

MR. CHRISTIE. You said that partiality had been imputed to Mr. Parker, and you said you did then and do now acquit him?—I did not say I imputed it; I do not acquit him; I do not charge it on him.

Are you aware that he had been charged with great partiality?—I am.

Have you made any endeavour to ascertain whether that charge was correctly or incorrectly made?—There were no ready means of ascertaining the truth. Mr. Parker sent in an explanation in answer to the *Times*.

When the Poor Law Commissioners called on Mr. Parker to resign, and accepted his resignation, they did not publish to the world that they did not impute partiality to him, though you knew that partiality had been charged against him?—We did not publish to the world that we did not impute it. We did not publish to the world the reasons why we called on him to resign at all. (*Head*, 14454-7).

A statement being made by one of the witnesses, Mr. Parker objected to Mr. Aldous or his brother-in-law being examined, to set the statement right, when he allowed Mr. Loscombe to be examined to show that the man's statement was wrong?—That was Well's statement. (*Colborne*, 21494-5).

CHAIRMAN. Do you consider yourself sufficiently acquainted with what took place to enable you to form an opinion as to the mode in which Mr. Parker conducted the inquiry?—Certainly; and I have no hesitation in saying that he allowed very great latitude to the parties making the accusations, and more so than I thought was quite correct.

Was his conduct different in your judgment to the parties on the one side from what it was to the parties on the other?—Certainly not; the only point which I can remember where he



overruled a question put by Mr. May, was where Mr. Parker was distinctly right ; they had put a witness into the box, and that witness had sworn to a certain conversation : other witnesses were called, who distinctly proved that such a conversation had not taken place, and they then proposed to call a witness to contradict their own witness, and Mr. Parker said he could not go into that question again. (*H. Loscombe*, 23684-5).

There were one or two points in connexion with the management of the inquiry, at the latter stage of the inquiry, which I certainly thought objectionable on Mr. Parker's part. If the Committee will refer to *App.* i. p. 1505, they will find a document dated Staines : "Communication from Mr. Mitchiner, of Staines, accountant and district auditor, stating the result of his examination of two years of M'Dougal's accounts of the receipt and consumption of stores. This communication was read at the request of Mr. Missing, M'Dougal's counsel. Mr. Prendergast objected to the admission of such a document." Now Mr. Mitchiner had no official connexion with the Andover Union ; he was not the auditor there. Mr. Parker had, not improperly, obtained from Mr. Mitchiner a report on the state of the books, which report might have been reasonably taken into account considering the whole case ; but it was no part of the evidence to be put in as by Mr. Parker, and read at the inquiry ; it was not evidence at all, in strictness. Mr. Mitchiner was not called. There was no opportunity of cross-examining him. The counsel on the other side, Mr. Westlake's counsel, objected to its being put in. It was put in.

By whom ?—By the Assistant Commissioner apparently acting on behalf of M'Dougal, so far as one can see, because the report was supposed to be favourable.

In the letter of the 13th of September it will be seen that Mr. Parker had communicated what he supposed was the substance of that report to the Board of Guardians before the report was made. I do not know whether Mr. Parker was right or wrong in communicating this fact to the Board of Guardians, but he was cognizant of the nature of the report, and familiar with it before it was produced. It was produced by him, and put in at the inquiry against the wish of the counsel on the other side, against the wish of Mr. Westlake's counsel. My opinion is, and was always, that if it was necessary that such testimony should have been given, it would have been better that Mr. Mitchiner

should have been called; seeing the other witnesses had been subjected to cross-examination, he ought to have been subjected to cross-examination also. I do not think that Mr. Parker should have acted as a party, and put in the report against the wish of the counsel on one side; that I think was the error; I do not think it was a very grave error, but it gave a colour to the charges of partiality, that had been made against Mr. Parker. (*Head*, 14706 and 8).

I have found fault with Mr. Parker reading Mr. Mitchiner's report when requested to do so by Mr. Missing; I think it was indiscreet (14760). I am not finding fault with Mr. Parker for not referring the accounts to the auditor of the Andover Union, but for putting in a document of that kind, which conveyed a totally erroneous impression. I do not say that Mr. Parker would have done better to refer the matter to the auditor of the Andover Union, but I say that putting in Mr. Mitchiner's report, in the way it was done by Mr. Parker, conveyed an erroneous impression to the public that Mr. Mitchiner had a sort of official connexion with the Union. Sir J. Graham had got that idea. The *Times* spoke as if he was the auditor of the Union, and as if his report carried official weight with it. (*Head*, 14773, 14766, 14784).

[The report of the proceedings of the 20th of September, published in the *Times*, contains the report of Mr. Mitchiner, as well as the evidence of the auditor of the Union.]

My impression is, that Mr. Parker originated the production of that report. That was the impression on which we acted. I can state, in confirmation of the fact, that Mr. Parker did communicate the substance of that report to the Board of Guardians before the report itself was made. (*Head*, 14774-6).

CHAIRMAN. You distinctly state that the impression under which you acted in grounding in part your dismissal of Mr. Parker was this, that he had been the originator of the production of this document?—My impression was, that Mr. Parker had referred the books to Mr. Mitchiner, and he had taken the report down with him. (*Head*, 14779).

I do not say it was not within the usual discretion allowed to Assistant Commissioners to put in this report, but in this stage it was not exercised wisely, judging by the erroneous impression that it produced. I think it was unwise on other grounds, as I

stated before, one of those grounds being, Mr. Parker had already exposed himself to very heavy charges of partiality which were made against him. The putting in of a document, professing to come from a witness who could not be cross-examined, or allowing that document to be put in on one side against the wish of the counsel on the other side had a tendency to confirm those charges. I therefore think it was imprudent to do it. (*Head*, 14785, 6).

Mr. CHRISTIE. Those heavy charges of partiality you have not investigated, and have not the means of doing so?—No.

Might not those charges have tended in some degree to disturb Mr. Parker's judgment, supposing he committed an error of judgment here?—I cannot answer for what disturbed Mr. Parker's judgment.

You have already said he was in a very difficult position there?—Yes.

He was exposed to a great deal of attack in the public papers?—Yes; it is impossible for me to say what operated on his mind.

Should not, then, some allowance be made for one error in judgment?—I do not put this forward as a point of importance in itself; it is one of a series having an accumulative effect.

This is the only circumstance you have mentioned as forming part of your reasons for calling on Mr. Parker to resign, which was connected with his management of this inquiry?—It is the only circumstance connected with the management of the inquiry which I have alleged as forming part of the reasons tending to induce us to call for Mr. Parker's resignation; but I do not say that circumstance was of itself a very strong one in coming to the ultimate conclusion.

You say because this report was favourable to M'Dougal it gave a strong colour to the charge of partiality?—I did not say only because it was favourable to M'Dougal, but the mode in which it was put in; it appearing to be put in by an Assistant Commissioner, who was supposed commonly to act in the capacity of judge as it were; it appearing to be put in by one party against the objection of the other, without any cross-examination of the witness. That gave an appearance of partiality, not the tenor of the report itself. (*Head*, 14787-14793).

Mr. Parker was not acting as a judge, but collecting written

evidence on which the opinion of the Commissioners, as to the guilt or innocence of the party, was afterwards to be founded. But what I am speaking of was not the real position of Mr. Parker, but the popular view taken of Mr. Parker's position at Andover, as acting between counsel on both sides. (*Head*, 14795).

Mr. CHRISTIE. Did you find fault with Mr. Parker for the production of this report before you called on him to resign?—I think it was mentioned; I will not be certain that it was named to him as a grave matter. We asked him why he did it.

Did you tell him why you thought he ought not to have done so?—No, I do not think I did.

Do you remember Mr. Parker telling you before he did so he had consulted with Mr. Coode, and that Mr. Coode had advised him to do so?—No; very possibly he might have said so.

Do you remember telling Mr. Parker that was a paper prepared for the information of the Commissioners?—Yes; I spoke to him on the subject; I dare say I said so.

Prepared at their expense, and for that reason should not have been produced?—I may have said at their expense. I look on it as a paper prepared for the Commissioners, by which I meant, it was not to be used as part of the evidence on either side in its present shape.

Do you remember saying that?—Yes.

Do you remember the reply by Mr. Parker?—No.

Do you remember his saying it was not consistent with his instructions to withhold that report?—He may have said that; I confess I do not see how.

Do you remember Mr. Parker saying that Mr. Mitchiner would have been examined *viva voce*, if it had not been for the adjournment?—No, I do not remember that.

Do you remember saying that the Commissioners were prevented observing on that report because they were anticipated in that by the newspapers?—Yes, I think it is very likely I did: it threw the whole matter into confusion.

Did you not a second time, in Mr. Lewis's room, call on Mr. Parker to explain his reasons for producing and reading it?—Very possibly.

Do you remember it being done in Mr. Lewis's room?—

Something must have been said on the subject the same day the interview I before alluded to took place.

You do not remember whether Mr. Parker said he had consulted with Mr. Coode, and acting on Mr. Coode's advice, he had produced and read the report when asked for?—I have the impression that Mr. Parker did say so; I think he did say so.

Notwithstanding he acted under the advice of Mr. Coode, one of the two legal advisers of the Commissioners, that still formed one of the reasons in calling on Mr. Parker to resign?—It still formed one of the points of want of judgment that went to destroy our confidence in Mr. Parker. (*Head*, 14798-14811).

I was consulted by Mr. Parker as to the production of Mr. Mitchiner's report, and gave an opinion that that report ought to be produced. I thought it an important document, and one that should somehow be brought forward. (*Coode*, 18713\*, 14\*).

CHAIRMAN. Suppose the Assistant Commissioner to be in the possession of that report, do you consider that there is anything in his producing it himself that could fairly give the impression that he was partial to one of the parties?—I looked on that report as the fair report of a disinterested person; I thought Mr. Mitchiner acted merely as an accountant in making that report. I believed it to be a perfectly disinterested and impartial report; it seemed to me that it was impossible to put that matter before the public in any other shape than that report; therefore, it did appear to me an important and material document to be among the other proceedings before the public. I do not think I gave any attention to the way in which that should be produced. If anybody asked me how it should be done, I thought that might fairly be left to Mr. Parker's discretion how it should be made use of. (*Coode*, 18717\*). Some conversation took place between me and Sir E. Head after its production. I stated to him that Mr. Parker had consulted me as to its production. I said I agreed with Mr. Parker as to the propriety of making the report in some way part of the proceedings. (*Coode*, 18718\*-23\*).

Mr. Mitchiner was employed by me, on behalf of the Commissioners, to investigate two years of M'Dougal's accounts; when the inquiry was suspended (10th September) the investigation of the accounts was not concluded. I requested

him to complete it, and shew the results in a written statement. (*Parker*, 20115-17). On the 17th of September I received the report from Mr. Mitchiner. On the 18th I told Mr. Coode the contents of it. I pointed out to him that the report shewed that the Master had withheld a certain quantity of bread from the inmates, but there had been an equivalent in milk to some extent, and that there had been a considerable undercharge in the article of meat.\* I asked Mr. Coode what I had better do with the report, as the inquiry was to be resumed, and Mr. Coode, after looking at these two points, said, I think you had better keep it in your portfolio, unless it is asked for; if it is asked for by either party you must produce it. The report was asked for by Mr. Missing, and produced. (*Parker*, 20119-21).

[On the same day that Mr. Mitchiner's report was read, Mr. Earle, the auditor of the Andover Union, was examined as a witness.—*App.* No. 1, p. 1505, and p. 1510.]

There was no communication of the report to the Board of Guardians: but on Saturday (6th of September) the Board requested me to attend their meeting. The chairman told me that some representations had been made to the Guardians about the accounts, showing certain results. I asked where that information had been obtained, and the chairman said Mr. Shaw had mentioned it to some of the Guardians. Mr. Shaw was a ratepayer, who attended with Mr. Mitchiner, and checked some of the accounts: he attended part of the time. He has been a witness before the Committee. In consequence of that statement I procured the results (I think only two results had been obtained at that time), and I gave them to the Board of Guardians. That was prior to the suspension of the inquiry. I

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\* Sir Edmund Head assumes that Mr. Mitchiner's report is favourable to M'Dougal, and that the report was produced by Mr. Parker "because the report was supposed to be favourable"—(see p. 34). The report states "that the Master's accounts, for the period embraced in my investigation, afford no grounds whatever for charges of peculation *as against the funds of the Union*"—(*App.* i. p. 1507)—but very plainly shows items of "undercharge" for which there were no equivalents—in other words, contains charges of peculation *as against the inmates of the Union Workhouse*. How could such a report be supposed to be favourable to M'Dougal? Did it not require an answer?

stated that I found that milk had been introduced as an equivalent for bread, but I could not then say to what extent that equivalent had gone. I suppose it was from the circumstance of that communication by me, that Mc.Dougal and his counsel became aware of the nature of the report. I made no communication to the Board, founded upon Mr. Mitchiner's report, further than I have now told you. Your Lordship will see that I was not at Andover on the 13th of September. I left on the 10th, and this resolution was arrived at by the Board of Guardians on the 13th. (*Parker*, 20127, 35).

I would also say, with regard to Mr. Parker's superintendence of his district, that a general review was taken by the Commissioners of his superintendence of his district. An abstract was made out from his diary, but no great weight was attached to that, although there were circumstances in it which did not appear to us perfectly consistent with the careful superintendence of his district. (*Head*, 14708).

MR. CHRISTIE. Mr. Nicholls has distinctly told us that he made no review of Mr. Parker's previous conduct?—I cannot answer for the effect on Mr. Nicholls' mind, but I myself spoke to Mr. Nicholls, with that paper in my hand containing the abstract from Mr. Parker's diary; Mr. Nicholls may not recollect it. (*Head*, 14709).

CHAIRMAN. Are you prepared to produce in a tabular form the result of the investigation you were instructed to make into Mr. Parker's diaries?—Yes. (The witness handed it in). (*Owen*, 14716-7).

I do not wish the Committee to understand that that abstract of Mr. Parker's diary weighed very strongly with us. We knew that Mr. Parker had other occupations; we made every allowance for that; we knew Mr. Parker had been employed elsewhere. At the same time we thought that there was no merit to be claimed, on Mr. Parker's part, for excessive diligence; on the contrary, there were cases in which Unions had not been visited so often as they ought to be. (*Head*, 14727).

CAPTAIN PECHELL. It appears from this statement that Mr. Parker had the care of seventy-seven Unions, with a population of 1,016,593, and that he had seven more Unions under his charge than any other Assistant Commissioner; it appears, likewise, that you had only thirty-five Unions under your care

during the time you were an Assistant Commissioner; the population of those thirty-five was 655,997; do you not think that Mr. Parker had more devolving upon him than it was possible for him to perform in so satisfactory a manner as he could wish?—No, I do not; it depends entirely on what is expected from an Assistant Commissioner; this table shows that Mr. Parker had more than I had to do, as far as the number of Unions was concerned.

Double?—Yes; but it will be found that I visited my Unions pretty constantly.

Is not the Committee to infer that it is a pretty strong proof of the confidence of the Poor Law Commissioners in Mr. Parker, when they allotted him a larger number of Unions than any other Assistant Commissioner?—The number of Unions is not an element in that confidence.

But is it not the fact that he had a larger number of Unions?—It is. The Commissioners would not have appointed him Assistant Commissioner at all if they had not had confidence in him.

Mr. M. SUTTON. You have been asked a question as to the comparison of the size of the district under your charge in 1839 and 1840, and the size of Mr. Parker's district in 1844 and 1845?—Yes.

It appears that the district in Mr. Parker's charge was larger than yours?—Yes.

You were understood to say, that being the case, the number of Mr. Parker's duties were more laborious, if they had been well performed, than those intrusted to you, if equally well performed?—That is to say, there would be a larger space to travel over; the whole of my time was occupied, and I thought it my duty to go as often as I could over and over again to the same Union. No more could be done than the occupation of my time.

Are you aware of the number of visits you paid to the Unions in your district for the two years?—The number of Unions visited in one year was 197, and in the other 199. Every Union was visited.

Have you got the return with reference to the number of visits paid by Mr. Parker to the Unions in his district?—Mr.



Parker's number of visits are 178 in the year, with 16 to Local Act places.

Making 194?—Yes.

Then it appears that you paid just as many visits in your small district as he did in his larger one?—Yes.

CAPTAIN PECELL. Were you employed in any special services, such as getting up evidence against Gilbert Incorporations, or on any matters to be brought before the House of Commons?—No; I do not remember those things.

It has been proved before this Committee that Mr. Parker was detained for a month one Session and twenty days in another Session; were any such duties imposed on you during the time you were an Assistant Commissioner?—No such attendances on the House of Commons.

Would not that absorb his complete time; he was not able to make any visits during the time he was in attendance here?—No. (*Head*, 15478, 92).

CHAIRMAN. May we take this table, showing the dates and the number of visits made to the several Unions within your district, as a correct statement?—Certainly not. (*Parker*, 20184).

It represents a greater number of visits than I actually paid to the Andover Union, but a less number of days than I was employed in connexion with the business of the Andover Union.

The return is incorrect as respects Southampton. In 1843 there are no visits shown. In that year I was engaged, on a very heavy investigation, the result of which is contained in one of the Annual Reports. Arising out of that investigation I had to conduct the prosecution of the Clerk of the Union; I conducted the whole of the business before the magistrates; I prepared the brief for counsel, drew the indictment, and did all the work of every kind, except the mere application for the writ of *certiorari*. (*Parker*, 20187-8).

Subsequent to the preparation of the return, which has been printed, I discovered that Mr. Parker made a visit to Southampton on the 6th of January, 1843, and also on the 15th of April, 1843. (*Owen*, 20189).

Those are two visits in 1843?—Yes. (*Owen*, 20190).

There are something like sixteen or seventeen attendances in a very short period, which are omitted. (*Parker*, 20190).

With those exceptions, do you think this table presents a correct representation of the number of visits made by you within your district?—No; I think I made out, in going over the table, taking the principle on which the table appears to be prepared, ninety-three visits were omitted. (*Parker*, 20196).

I never said the district was in a disorganized state. I have reason to think that Mr. Parker exercised his office with as much vigilance, and zeal, and effect as it was possible. (*Coode*, 18838).

Gratuities were given to the Master for children when they went out to service. That custom has obtained ever since I have been there. I do not know whether the practice was known to the Assistant Commissioner of the district. (*Colborne*, 2717, 20).

Mc.Dougal received a gratuity of twenty shillings each for servants who went out into a place, and continued there a year. That custom was originated by Mr. Hawley, who recommended it to the Board of Guardians when he first came as Assistant Poor Law Commissioner. (*Dodson*, 3721, 2).

Have you been made aware, at the Central Board, of a practice which appears to obtain in the Andover Union, and sanctioned by the Assistant Commissioner, of paying a premium of one pound to the Master of the Workhouse in every case where a pauper of the Union had gone to service, and remains in service a certain time?—I was not aware of it till I saw it stated here.

Now you are aware of it, is it a practice you approve of as a Poor Law Commissioner?—I do not think it is a legal payment; I know of no authority for it.

If legal, do you think it advisable or useful?—I should think it very doubtful indeed. (*Head*, 15410, 2).

Such payments are recommended by the Commissioners in their third Annual Report, p. 88. I consider such payments legal. I think any payment which will insure the object in view, whether it is per case, as in the case of medical men, or by salary, would be legal. I am not aware of anything to prevent the Board of Guardians from contracting to pay the Master of a Workhouse by a certain sum per head, rather than a salary. I have read the passage in the Annual Report, in which this practice is recommended in the case of schoolmasters; there is a

complete inconsistency between that recommendation and this letter of the Commissioners, saying that no workhouse-officer can be legally paid in that way. (*Chadwick*, 1899, 19011).

Sir J. PAKINGTON. If you now deliberately consider it to be legal, do you consider it to be expedient?—Most undoubtedly I consider it to be expedient; everything that stimulates the Master or stimulates officers to exertion in diminishing the hereditary stock of paupers, I consider to be legitimate and most proper, and I do not know any greater evil that was existent formerly, than that of numbers of children brought up in Workhouses without fitness for industrial employment, and remaining in consequence of such want of fitness, which was as much want frequently of training as good education, burthensome to the parish, the public, and themselves. (*Chadwick*, 19012).

CHAIRMAN. Do you produce a Return to the order of this Committee for any Report or Minute of Mr. Parker's, expressing satisfaction with the administration of the law in Andover Union?—Yes.

“ 25th January, 1845.

“ Attended the Andover Board of Guardians. This Union proceeds very favourably.

(Signed) “ H. W. PARKER,  
“ Assistant Commissioner.”  
“ Highgate, 26th January, 1845.” (Owen, 16149).

How often did you visit the House in 1845?—I did not visit the House once in 1845. (*Parker*, 20173).

I have produced papers, which have not been called for by the Committee, by order of the Poor Law Commissioners.

Average\* number of paupers relieved in the Andover Union :—

1844.. In-door.. 206.... Out-door.. 1468.... Total.. 1674  
1845.. Ditto .. 196.... Ditto .. 1388.... Ditto.. 1584

Expenditure :—

1844.. In-maintenance, £866.. Out-relief, £5455  
1845.. Ditto £870.. Ditto £5472

(*App.* 9, p. 1631).

\* This table is not a correct statement of the average number of persons relieved. The average number of poor relieved in-doors, in 1845, was 141. The

And these are produced for the purpose of showing the favourable results of the working of the Poor Law in the Andover Union?—I may state that these papers were not submitted to the Poor Law Commissioners before they were laid before this Committee.

Who instructed you to prepare them and produce them here?—I was directed by the Commissioners to get up any information from the materials in the office that might assist the Committee in inquiring into the administration of relief in the Andover Union, without any regard to the results which such information might show. (*Owen*, 16150-54).

Mr. M. SUTTON. Did Mr. Parker ever express to you an opinion as to the origin of the complaints against the Master?—Not particularly to me.

Do you recollect whether he said it arose from political feelings entirely?—I remember his saying the business altogether was tainted with political feelings—to what extent I do not remember; my colleague, Sir Edmund Head, will be much more competent to give you information on that subject than myself. (*Nicholls*, 13566-8).

When Mr. Parker came to London in the interval between the two inquiries, we naturally asked him what his view then was of the position of M'Dougal, and the state of the inquiry. Mr. Parker expressed himself of opinion that M'Dougal was an excellent officer, that the case to a certain extent had been got up against him. I then, or Mr. Nicholls, asked him on what grounds it was so got up, and Mr. Parker's answer was, that it was a political matter mainly; that it had begun, in fact, in local politics in Andover. (*Head*, 15463).

I do not remember any other communications at that time that was made to the Guardians, nor at any time in fact from other persons. I am anxious to say that information produced no sort of effect on the progress of the inquiry or management of it. (*Head*, 15674).

Mr. CHRISTIE. Have you ever heard anything about political

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table supports the minute—"This Union proceeds favourably," though the principal ground for the statement does not appear, namely, that the farmers were exerting themselves, in the winter of 1844-5, under adverse circumstances (the failure of their barley in the autumn of 1844) to provide work for the labourers.

feeling in Andover being mixed up in this inquiry from any one else than Mr. Parker?—I heard, after the inquiry was concluded, something that went to confirm the notion, as I thought, supposing what Mr. Parker had stated was correct; but it had reference to the name of an individual, it was with reference to a thing which is entirely gone by.

Was that the first time you ever heard of politics at Andover being mixed up with the Poor Law question?—I think it was; I do not remember having heard of it before.

Had you any communication during the progress of the inquiry with [Mr. Westbury] the Mayor of Andover?—That is the case I allude to.

You did still hear something indirectly from Mr. Westbury?—What I heard from Mr. Westbury was to this effect: he stated to my friend that some individual intended to offer himself as a candidate at the next election; that is the only other communication I know of on the subject. (*Head*, 15761-4).

Mr. CHRISTIE. What you did hear tended to confirm what Mr. Parker said?—It did tend to confirm that some political agitation was going on. (*Head*, 15769).

Mr. ETWALL. At the time that Mr. Parker stated that the Andover inquiry was a political one, did he not also state that he considered that M'Dougal was an injured person?—He said that, certainly. He said that M'Dougal was hardly used, or words to that effect. \* \* \* When I say Mr. Parker spoke of M'Dougal as an injured man, I am bound to say that Mr. Parker said he thought he had been guilty of drunkenness; he said it was possible; he was an old soldier, and on pension nights he had been drunk, and there might be cases of drunkenness. Mr. Parker did not say that M'Dougal was innocent of all the charges brought against him. I am not aware how often pension nights come: not very often, I believe; but that is not my business. (*Head*, 16025, 16029-30).

It has been stated by one of the Poor Law Commissioners, that Mr. Parker told him, in his opinion, the inquiry had a great deal to do with political feeling; have you any knowledge which enables you to give an opinion on that subject?—I have no knowledge; it is mere matter of opinion.

What is your opinion?—My opinion is, that it had a great deal to do with party politics. (*F. R. Loscombe*, 18074-6).

CHAIRMAN. I presume you did state to the Commissioners that M'Dougal was a good officer?—That that was the impression I had derived.

My question was, did you give any opinion as to M'Dougal in the interval between the first and second inquiry?—I stated then that I believed a great part of the charges would fail, but I thought he would be convicted of drunkenness. (*Parker*, 20351-3).

Did you state that you believed the case to a great extent had been got up against M'Dougal?—I do not remember stating that. I remember observing at one stage of the inquiry, that was before the 17th of September, that I had heard, in general conversation at Andover, that the question had some political taint in it. (*Parker*, 20361).

My reason for concurring in the letter written by Mr. Nicholls, calling on Mr. Parker to resign, was that Mr. Parker had lost my confidence and that of my colleagues; we no longer chose to be responsible for him. That was the general reason. That want of confidence on our part was the result not of any one circumstance, but of several things put together: it was accumulative matter: it was the effect of a number of reasons that pressed upon our minds; and although it is not possible, in all cases, to assign the reasons why confidence is given, or confidence is withdrawn, I can assign the reasons in this case at least why confidence was withdrawn, and why we thought Mr. Parker no longer a person in whose hands we were perfectly safe. (*Head*, 14694-7).

In the first place, we thought there had been a defective superintendence altogether in the Andover Union: we thought that the explanation which had been given by Mr. Parker in his report, with reference to his neglect to inspect the medical books, was wholly insufficient. We thought that it was Mr. Parker's duty to have ascertained that the books were substantially kept in the mode prescribed. (*Head*, 14700). What influence these points had on Mr. Lewis and Mr. Nicholls I cannot answer for. (*Head*, 14701).

I visited the Workhouse on the 23rd of May, 1844. I sent for the medical book, but that book had been removed to Mr. Westlake's house. (*Parker*, 20166 & 20172).

The books of the Andover Union were negligently kept, and

the medical books among the rest. Was it not the duty of the Assistant Commissioner to have inspected those books?—He ought to have done so; but that was not matter of charge against him. (*Nicholls*, 13946).

In the event of his not discovering these irregularities, or if discovering them not reporting them, would he not be guilty of a neglect of duty as an Assistant Commissioner?—He would to some extent, certainly. With reference to the books, I would observe that since the appointment of district auditors, we have the means of enforcing greater regularity in keeping the books of the different unions. It will take off a portion of the responsibility from the Assistant Commissioners. It is beginning to work very satisfactory in that direction. Our machinery was very defective before. (*Nicholls*, 13902).

CHAIRMAN. Am I correct in supposing that the view you wish the Committee to derive from your evidence on this point is, that supposing those abuses to have been proved to have existed, your occupations were so various and multifarious as to prevent your exercising that superintendence which, if the Assistant Poor Law Commissioner had had less to do, might have been effectual in repressing them?—I do. I assisted in the preparation of the instructions given to the Assistant Commissioners in 1841, and I then pointed out to the Commissioners that a workhouse could not be properly inspected under a couple of days; that the Assistant Commissioner ought to devote two days to an ordinary workhouse, containing 200 inmates, to be able to go through the books and accounts, and to ascertain the whole state of the workhouse. (*Parker*, 20183).

Another point in which we originally felt that Mr. Parker's superintendence was defective was this, that if the case with respect to bone-crushing had gone to the length which it was stated in the evidence it had, Mr. Parker, in his visits to the Andover Union, must, we thought, have ascertained such to be the fact. If the bones were of the character and quality which was implied by some of that evidence, for instance, in the evidence of Antony before Mr. Parker; but I am not sure that was a point before us at the time; the point I mean to state is this, it is evident that the bones that were crushed at the Andover Union-house were not dry bones, not merely bones in a state which Mr. Parker thought right to be crushed, but were green

bones, and bones causing an offensive effluvia. The Committee will now allow me to refer to Mr. Parker's pamphlet for a moment. Mr. Parker, at page 9 of his pamphlet, says, "I have been remonstrant against the indiscriminate employment of the inmates of workhouses in crushing bones; I think, where 'green bones' are used, a mill is the proper machine to reduce them to 'dust,' and that bone-crushing should only be practised where bones of commerce, or bones which have been submitted to some process by which the fat and animal juices are removed, can be procured." I wish to be understood clearly on this point, that all we had before us at the time we resolved on Mr. Parker's dismissal was this, that we were convinced generally that Mr. Parker's superintendence must have been defective, or that the abuses connected with bone-crushing would not have been what they were. These expressions of opinion had not come before us at the time. This pamphlet was written afterwards; we did not bear in mind Mr. Parker's special opinion, and we had not before us those memoranda of Mr. Parker's as to other unions, in which Mr. Parker expresses an opinion that crushing bones otherwise than in a dry state was held to be objectionable. On these memoranda as they were made I believe we acted; we wrote letters at the time to the Boards of Guardians to which that correspondence referred, and we expressed no disagreement with Mr. Parker; on the contrary, we agreed with him. In our subsequent correspondence with the Board of Guardians, respecting the crushing of bones, we asked generally for a certificate on the mode in which it was to be performed; it turned mainly on the state of the bones. Now this passage in the pamphlet, and those remarks on Mr. Parker's papers, which were not before us at the time we resolved on his dismissal, clearly go to show that Mr. Parker was aware of the evil of crushing bones by hand in a state of green bones; but if bones, in a state of green bones, had not been crushed in Andover Workhouse, no such abuse as occurred in this case could possibly have come forward; it could not have occurred if the bones had been in a dry state. Therefore I say that our conclusion, which was formed at the time we dismissed Mr. Parker, was perfectly correct. We thought that there had been defective superintendence in respect to the Andover Union, and to that,



in part, must be owing the abuses respecting bone-crushing. (*Head*, 14702).

CHAIRMAN. Do you mean distinctly to state that one of the particular grounds which then led you to lose confidence in Mr. Parker was the conviction, that if his superintendence of the Andover Union had not been defective, the abuse of bone-crushing would not have taken place?—Yes. What I wish to guard against is, that Mr. Parker's memoranda, showing he was aware of the importance of confining the work to dry bones, were not before us at that time. The passage that occurs in that letter of Sir J. Graham, expressed generally the feeling we then had of it. "If Mr. Parker had been active and intelligent in the discharge of his duty of superintendence, these evils could not have remained so long undiscovered." With reference to the bone-crushing, and the abuses connected with that employment, we thought at the time we resolved to call for Mr. Parker's resignation it was true, that if his superintendence had been active and diligent, the discovery of the true state of things would have been made. I refer to that remark of Sir J. Graham as being identical with the sort of feeling we had. (*Head*, 14703-5).

Antony's evidence was in the first inquiry. (*Head*, 14817).

Had you that evidence in your possession before you sent Mr. Parker down to conduct the second inquiry?—Certainly.

[That evidence is not included in the depositions taken at the first inquiry. *App.* i. pp. 1334-9].

Sir J. Graham had spoken often to me, and my colleagues too, as to our power to prohibit bone-crushing. (*Head*, 14127).

I am aware that Sir J. Graham disapproved of that mode of employing the poor. I never heard that he stated the Commissioners informed him that they possessed no power to compel Boards of Guardians to abolish the practice of bone-grinding: he stated that the Commissioners had no power, or he doubted whether they had the power. (*Head*, 15112 and 15120).

On a letter relative to the employment of the Workhouse inmates of the Basingstoke Union, dated the 4th of July, 1844, Mr. Parker made the following minute:—"There has been fever occasionally in this Workhouse: I think it would be advisable

to point out to the Guardians that bones, from which the animal matter has not been removed by boiling or other process, ought not to be introduced into the Workhouse." (*Head*, 15113).

The question of its being expedient or inexpedient to prohibit the employment of paupers in grinding, pounding, or breaking bones, had often been discussed in consequence of those very documents to which allusion was made just now, and the discussion in Parliament. (*Head*, 15126-8).

Capt. PECELL. Had the opinion of the Commissioners at all been biassed by a very able report of the chief Secretary disapproving very much of the practice?—No, I should not say their opinion was biassed by that. (*Head*, 15133).

Mr. Parker never remonstrated, that I know of, against the practice of crushing bones as a practice; he remonstrated against particular forms of the practice; that is, he made one or two memoranda on papers, which objected to the crushing of green bones by hand. I think there is some justice in the distinction that Mr. Parker draws. I think it was expedient and right to abolish both kinds of bone-crushing at the time we did it, but I think there is some justice in the distinction which Mr. Parker has drawn in the pamphlet where he says, "if green bones are used, a mill is the proper machine to reduce them to 'dust.'" In a memorandum of the 27th of July he says, "A letter should be written to the Guardians pointing out the objection to the breaking of bones in Workhouses by hand labour from which all the animal matter has not not been removed by boiling." (*Head*, 15135-8).

Capt. PECELL. You stated that if Mr. Parker had used due diligence, or as you more elegantly described it, "if he followed his nose," he would have ascertained what was going on in the bonehouse?—I stated this, that looking to Mr. Parker's strong views with respect to the impropriety of crushing green bones, such as we now know them to have been from the passages you have referred to, and his pamphlet, if he had acted on those principles in the Andover Union, and had inspected the Workhouse carefully, he must have been aware that the crushing of bones there was conducted in a manner at variance with his own principles. He has stated strongly and properly the objection to crushing bones with the animal matter still about them; if he had acted on that objection in the Andover Union,

the complaint of Mr. Mundy could have had no existence. (*Head*, 15139).

Mr. Parker was the Assistant Commissioner to report on those (bone-crushing) abuses when instructed to report; but that report had no connexion with his dismissal. (*Lewis*, 16324).

Mr. CHRISTIE. Sir E. Head stated it as part of the reasons?— I am not aware of his having stated it: Mr. Parker had expressed an opinion unfavourable to the crushing of green bones; Sir E. Head means, if he had ascertained the existence of the practice of crushing green bones in the Andover Union, he ought to have reported against that practice to the Commissioners, in which case an interference would have taken place. Mr. Parker, on previous occasions, I believe, had expressed, or at least with reference to particular Unions, had expressed an opinion unfavourable to the crushing of green bones as distinguished from dry bones; but the bones crushed in the Andover Union were green bones, inasmuch as the gnawing of the bones could never have arisen if the bones had been dry. (*Lewis*, 16325).

Capt. PECELL. Are you aware that Mr. Parker has made, on several occasions, representations as to the impropriety of pounding bones under certain circumstances?—Yes, and I heard it at the time. The truth is, when the first report was referred to me, having no opportunity of going out or examining what description of bones they were, and believing the bones to be the bones of commerce, the white bones, my first impression was that the bone-crushing in general, as a description of labour, was perfectly unobjectionable; that is, not more objectionable than other descriptions of labour which independent labourers take. My impression was in favour of the practice before I knew the description of the bones; but I heard in the office that Mr. Parker had entertained some objection to it, and on the first opportunity when he came to the office, I made inquiry of him with relation to this matter, and then it was he told me that he had objected to the use of the bones; that is to say, to the use of green bones.

Then Mr. Parker has the credit of having been the first officer at Somerset House who gave an opinion as to the impropriety of that practice under certain circumstances?—Yes. I must state the fact that I do not know any officer who, previously to Mr. Parker, had made this distinction, or noticed the sort of

bones, that is the green bones, and their offensive character, and consequently the impropriety of using that description of bones.

You immediately took means to show that you concurred with Mr. Parker in that opinion?—I took Mr. Parker's statement, but I also made other inquiries, I forget where, of agricultural people, as to the different sorts of bones used, all of which were confirmatory of Mr. Parker's views, of what he told me; I did not depend wholly on Mr. Parker, but I made other inquiries, upon which I wrote the rough draft paper produced before the Committee.

Do you imagine that the report of the other Assistant Commissioner, the contrary opinions, had any weight with the Poor Law Commissioners in continuing the practice after Mr. Parker's different statements?—I think it is very likely it must have had great weight, until the difference, and distinctions, and circumstances were fully brought before them by other subsequent inquiries. (*Chadwick, 19947-50*).

The Commissioners were fully aware that green bones were crushed in Workhouses: they had not regulated the labour. It was my anxious wish, from the early part of 1843, that the Commissioners should issue orders for the regulation of bone-crushing labour in Workhouses: I expressed that wish very decidedly to Mr. Lewis. Of course, out of the office, I expressed the office doctrine, as it is termed.

My opinions were well known to Mr. Lewis, and frequently repeated to him; they were known throughout the office, and in consequence of those opinions being known, Mr. Chadwick spoke to me upon the subject; I induced Mr. Chadwick to alter his paper in reference to it. We sent for medical books and authorities upon the subject; I spent an afternoon with him preparing that paper. He afterwards sent me a copy of it, when he had prepared it, to see if it was in accordance with my views. It did accord with my views, and he sent it to the Commissioners. Upon a day which I can fix, I adverted to the character of the bones, in evidence before a Committee of the House of Commons. In question 506, before the Select Committee on Gilbert Unions, I adverted to the character of the bones, and drew a distinction between grinding bones and pounding bones; and explained, that no injury would follow from the pounding of bones if the bones were bones of commerce. Mr.

George Lewis was in the room when I gave that evidence, and he spoke to me afterwards on the subject, on our way to Somerset House. We discussed the subject; and in consequence of that discussion he subsequently directed a letter to be written to the West Hampnett Union, for the medical officer's opinion, with a view to show the Committee that green bones were used there, and the health of the paupers was unimpaired. In that Workhouse the bones were ground in a mill, which was in a separate room. Subsequent evidence was struck out, and also the letter, which was obtained in consequence of that conversation. I wish it to be understood distinctly, that Mr. Lewis comprehended the force of my objection to pounding green bones, and that the distinction, with reference to green bones, was that green bones might be ground in a mill, if the mill were at a distance from the paupers. (*Parker*, 20487 and 8).

Capt. PECELL. Did you find that your remarks respecting the system of bone-grinding were popular at Somerset House?—No, certainly not.

It would have been more to your advantage if you had held your tongue upon the subject, perhaps?—I never could arrive at Mr. Lewis's views upon it; sometimes he would propose to abolish the labour altogether, and then my objections were raised to that; I thought it might be safely conducted, if properly regulated; and at other times he would propose that it should go on in the way pursued at different places, and then I objected again that it was a labour which required regulation. (*Parker*, 20494 & 5).

I think you stated that the Commissioners were aware that green bones were crushed in the workhouses?—Decidedly. (*Parker*).

I have not the faintest recollection upon the subject of an alleged conversation between Mr. Parker and myself, in reference to the employment of paupers in crushing bones; it is very possible the conversation may have taken place, but if it did, it has entirely escaped my recollection. I was not aware till I saw the statement here, that Mr. Parker had given evidence upon that subject to the Gilbert's Union Committee. (*Lewis*, 21748).

CHAIRMAN. The Committee wish to understand from you the view you take as to the classification of bones?—I divide the bones into bones of commerce and green bones; green bones

are those that have been cooked, or obtained from gentlemen's houses; bones in which there is marrow found; the bones of commerce I believe to be bones which have been boiled to extract all the animal matter and all the particles of flesh, either separately, or in some process, such as pomatum making, or soap boiling.

They may be bones which have been cooked?—Yes.

Do you know the term dry bones?—I have only known the term dry bones used by medical officers, to describe green bones when the state of the atmosphere has dried the flesh and muscles, and particles of meat.

What term do you apply to bones from which the marrow has been extracted, and upon which no moisture remains?—I term them, if the skin which is generally round the bone has not been removed, green bones; but if they have the white appearance which is derived from boiling, they are called bones of commerce. I take the distinction which is drawn by the trade.

You do not know the term "dry bones," in fact?—No. (*Parker, 21758-62*).

Capt. PECELL. Are we to understand that you disapprove now, and have always disapproved of bones being used in Workhouses, except they have gone through the regular process for bone-grinding?—I have since the early part of 1843, when I became acquainted with the distinction.

And you gave evidence to that effect before the Committee of this house on Gilbert Unions?—I did. (*Parker 21779-80*).

No step was taken for the prohibition of the practice before the Andover case.

Mr. M. SUTTON. Was no step taken for the regulation of the practice?—Not to regulate it. (*Parker, 21798-9*).

Capt. PECELL. Then from March 1841 to November 1845, was the period over which the Commissioners sanctioned bone-crushing, and took no steps to abolish it?—I did not say the Commissioners sanctioned bone-crushing in any other way than that they did not interfere to prohibit it. (*Lewis, 21816*).

I would sum up my reasons for concurring in the request for Mr. Parker's resignation generally, in the statement that I had a want of confidence in Mr. Parker. The immediate and principal cause of that want of confidence, was the transaction with

respect to the letter to Mr. Dodson, and the proceedings connected with the preparation of that letter; Mr. Parker's manner towards the Commissioners in communicating with them, prior to the writing of that letter, and subsequently to it; the state of mind which he appeared to exhibit with respect to the Commissioners, and as it appeared to me his total want of confidence in the Commissioners; his indisposition to defer to their opinions, to be guided by their advice, to receive, without objection, any reproof which they might think fit to give him on account of conduct which they disapproved, and generally the alienation of his mind from the Commissioners. (*Lewis*, 16136).

I was present on the 6th of Oct. at the conversation which took place between Mr. Parker and Mr. Lewis, on the subject of Price. I remember hearing Mr. Lewis say that "the recommendation of Price was an act of indiscretion, which the Commissioners must notice;" but I do not recollect the words "in some marked manner." I remember that remark being made more than once. (*Head*, 14734-8).

MR. CHRISTIE. Were you present on the 8th?—I was present at the interview at which this speech was made, to which reference is made in page 34 (of Mr. Parker's pamphlet), or whatever day that was. I was not present when the letter (to Mr. Dodson) was brought into the Board room; I had left the office. In the middle of that page it is said, "Mr. Lewis repeated his remark, for the fifth time, in tone and manner more offensive than before," and I then replied, "I have no doubt that I shall have an opportunity of showing that the indiscretion is not so very serious. My friends tell me it is certain there will be Parliamentary inquiries into the case in both Houses. It is my interest to court full inquiry." This pamphlet then goes on to say, "But whether it is the Commissioners' interest that the whole of the case should be investigated before Committees of both Houses of Parliament, is very questionable." Now I think it is right, at this stage of the proceedings, with reference to these interviews, that I should point out what I have to observe on that statement. The latter words of that statement, "but whether it is the Commissioners' interest that the whole of the case should be investigated before Committees of both Houses of Parliament is very questionable," were not used in my presence, in conjunction with the other words by Mr. Parker.

He may have thought such words were consistent with his relation of an Assistant Commissioner to the Commissioners. I confess, had he used them, I should have recollected them, for I should have thought, as they are here stated, they were equivalent, very nearly to a threat. In justice to Mr. Parker, it must be said, that the speech as I heard it, stopped at the words "that it was his interest to court full inquiry," and he was ready to account for his own acts, and he would have no difficulty in doing so. I recollect them especially, because Mr. Parker came forward and said it in a tone which called my attention to it. He said it in a proper tone, and I thought with the feelings of one who thought himself injured, who thought he could show he was in the right. There was nothing in Mr. Parker's tone which I found the least fault with. (*Head*, 14742).

MR. CHRISTIE. "Mr. Lewis threw himself back in his chair, as if he was greatly offended; and, as I retired from the room, he said, 'Then, Mr. Parker, we require you to show us the draft letter to Mr. Dodson before the letter is posted.' Is this correct?—I do not remember that Mr. Lewis looked greatly offended. His manner throughout the interview was grave and severe; it always is so, whether he is speaking to me or any one else—it was exceedingly grave.

You saw no offence?—I will not say that I saw no offence in Mr. Lewis, but the manner was not that of being greatly offended: I shouldn't describe it so, knowing Mr. Lewis's ordinary manner.

You are understood to say that what Mr. Parker said in your hearing was not said in a tone with which you had any fault to find?—Not those words; not that speech. I do not mean to say I had no fault to find with Mr. Parker's demeanour during that interview, but not as far as that speech was concerned.

Was it made at the close of the interview?—It was made on his leaving the room.

What was it you had to find fault with in Mr. Parker's demeanour?—I think there was a want of candour in Mr. Parker's demeanour. Mr. Parker did not admit, as it were, at once, that there was an error, and say he was sorry for it, and would do his best, and hoped it amounted to little; but there were several facts which did not appear until a great deal of conversation had taken place. I did not know, nor did Mr. Lewis, that he had



recommended Price specially to the Chairman, as well as to the Board of Guardians.

Was that all?—It was a want of candour and straightforwardness.

Was that all; you did not learn from Mr. Parker as you thought you might have learned, that he had made a special recommendation to the Chairman, as well as to the Board of Guardians of Price?—Yes.

Is that the only circumstance which you think shews a want of candour?—It is the only fact: there was a want of candour in the demeanour. (*Head*, 14744, 14751).

I ought to state that one of the circumstances that influenced me with regard to Mr. Parker's removal, was the absence, as it appeared to me, of all wish on his part to explain or justify his proceedings to the Commissioners. It appeared to me that there was a total absence of confidence on his part in the Commissioners: a desire to avoid all explanation to them, and as far as possible, all communication with them. That absence of all desire to explain his conduct frankly when called on for explanation, was one of the circumstances which influenced my view of his relation towards the Commissioners. That absence of desire to explain was shown in this remarkable manner: there was a difference of opinion between Mr. Parker and the Commissioners, with respect to the writing of a letter to the Chairman of the Andover Board of Guardians, and a communication took place between myself and Mr. Parker in the first instance, and afterwards between Mr. Nicholls and myself with Mr. Parker, which certainly implied a great want of mutual confidence between the Commissioners and Mr. Parker. Mr. Parker read to the Commissioners a proposed letter to Mr. Dodson, containing passages altogether unusual in official correspondence—passages which appeared to express disapprobation of the conduct of the Commissioners, his official superiors, and also of the conduct of one of the Assistant Commissioners. Objections were made in his presence to those passages, and I believe he expressed a willingness to send the letter without those passages, but he went away without conveying to my mind any distinct intimation of the course he intended to pursue. (*Lewis*, 16071, 16072).

As soon as Mr. Parker had read that letter, Mr. Nicholls naturally proceeded to remark on the passages at the beginning and

end of the letter, reflecting upon the Commissioners and upon Mr. Austin the Assistant Commissioner; and Mr. Parker, after some time, expressed a readiness either to withdraw or to modify those passages. Some further conversation then took place with respect to what had passed between Mr. Parker and myself. Mr. Parker complained of the manner in which I had expressed myself on his conduct. Mr. Parker appeared to object to the expressions which I had used: now the expressions which I had used were conveyed to him in very plain and direct language, but in such a manner as I conceived at the time, and as I conceive now, I was entitled to use towards him in our respective official situations. (*Lewis*, 16110).

Did you see an alteration made in the letter—where you present when the paragraph was struck out and another inserted?—I think not; the letter, I believe, was taken out and an alteration made. I must have seen it afterwards, but I think Mr. Parker took it out of the room. (*Nicholls*, 12772.)

On the 6th of October I attended at Somerset House, in obedience to a general letter of instructions. I had seen in the *Times*, of the 4th of October, some statement respecting Price. I saw Mr. Austin in Mr. Coode's room. (*Parker*, 20219).

I was present at a meeting of Mr. Parker with Mr. Austin. I remember a question to this effect generally, whether there had been any inquiry about Price. Mr. Austin seemed to doubt whether there had been any such inquiry, and he searched his memory to satisfy himself whether there had been; and finally, after searching his memory, he expressed a doubt whether there had been any inquiry. I suggested to Mr. Parker the sending one of the clerks to ascertain whether there had been any inquiry about Price, and did it at his request—that was in Mr. Austin's hearing. Mr. Austin did not inform us there had been an inquiry. (*Coode*, 18599-18605).

When the clerk returned and told me no papers could be found, I went down to the Commissioners. Sir E. Head was with Mr. Lewis; and Mr. Austin was advancing as I entered the room, and in the act of producing some papers. Very much to my surprise, he said, "These are the papers relating to the inquiry about Price, at Oxford." (*Parker*, 20228-9).

I held this inquiry into Price's conduct in June, July, and August, 1844. (15509). Owing to my then being on the point

of going to the Commissioners, and wishing to be very reserved, I hesitated a moment or two. (*Austin*, 15520).

Mr. CHRISTIE. Why should your having to go to the Commissioners on this subject have induced reserve?—Inasmuch as I wished to explain to them: they might have thought I had not acted correctly in not producing the evidence. (*Austin*, 15521).

Mr. Lewis asked me (6th of October) what I knew about Price; I said I had known Price by reputation for some years; that I had known him by name whilst I was in the office (as Assistant Secretary), and that I had seen him at Oxford; that he had good testimonials, and had been recommended by Mr. Mott, Assistant Commissioner, and was a person extremely well thought of by the chairman of the Oxford Board of Guardians. (*Parker*, 20282).

Mr. Lewis used the word indiscretion as applicable to this on the 6th; Mr. Lewis's manner was, perhaps, more offensive than his remark; it was peculiarly offensive, I may say, to any gentleman; I felt it so at the time: it may be almost characterized as insolent. I repeated, as I frequently did in the course of conversation, my knowledge of Price, and where I had seen him; the only thing I did not mention was that the Commissioners had recommended Price to their Assistant Commissioner. I did not mention that, not for the sake of trapping the Commissioners, or withholding it from them; but it was the impression on my mind that they had issued a circular some years before respecting this very man Price, and that he was well known in the office.

Sir J. PAKINGTON. Are the Committee to understand that such a circular had been issued previous to Price's resignation of his situation at Oxford?—Yes; I did not mention that, because I could not put my hand upon the circular; if I had stated anything which I could not prove, it might have been used against me.

I mentioned to Mr. Lewis distinctly that Price had been employed by the Commissioners to systematise Workhouses upon the formation of the Commission; that he had travelled with Assistant Commissioners; that he had always been regarded in the office as a very exemplary person; that he was one of three picked persons appointed, in 1835, to go round the country

to arrange and systematise the Workhouses ; to classify the paupers, make up accounts, and show people the advantages of method ; he travelled with an Assistant Commissioner in that character. I mentioned that repeatedly to Mr. Lewis, and also that this was the same man he had seen on the 17th of May, in the same year, when the recommendation for a training school for pauper boys was considered. (*Parker*, 20290-4).

Mr. Lewis repeatedly said that I had been guilty of an act of indiscretion, and that it must be noticed in a marked manner. (*Parker*, 20299).

CHAIRMAN. As to the word "indiscretion," did you say anything like this, that you had no doubt you should have an opportunity of showing the indiscretion was not so very serious ? —Yes, I did.

What further did you say ?—Mr. Lewis placed his arms over the arms of the chair ; he remained some time with his mouth open ; he left me there the whole time standing, for he had not asked me to take a chair during the whole discussion. While I was remaining there he repeated the observation several times about the indiscretion. I said, I did not think the indiscretion was so very serious : I thought it was an untoward event, and nothing more ; I referred to the mention of Price's name, and this circumstance about Price having subsequently transpired. Mr. Lewis commented upon it, and I said I had no doubt that I should have an opportunity of showing that the indiscretion was not so very serious ; that I had consulted my friends upon the subject, and that they had told me a Parliamentary inquiry into all the circumstances would be held ; and I said, "It was my interest to court full inquiry, but whether it was the interest of the Commissioners that the whole matter should be investigated, was very questionable." I did say so at the moment.

Are you confident that you used those words ?—I am.

Was Sir Edmund Head in the room ?—Yes.

Near enough to hear ?—Yes, near enough to hear, I think.

You do not feel confident about it ?—He was near enough to hear, but I think he was not in a state of health to attend to the conversation : he was supporting his head, and evidently in a very painful state at the time.

The words you used were, "Whether it is the Commissioners' interest that the case should be investigated before Committees

of both Houses of Parliament is very questionable," those words you used?—I did say so at the moment, under feelings of irritation and annoyance.

You said you were under some irritation at the time; that you were annoyed?—I was exceedingly annoyed at Mr. Lewis's manner. (*Parker*, 20300-7).

Mr. Parker went out of his way to recommend Price for temporary employment. (*Lewis*, 16327).

If he was consulted or asked for his advice before he gave it, would that be going out of his way to advise if he was asked for his advice?—It would not be going out of his way; but he might decline to advise.

In stating your reasons for calling on Mr. Parker to resign, you said that he had gone out of his way to recommend Price?—What I meant was, he had departed from the habitual practice of an Assistant Commissioner to recommend a candidate; whether he was asked or not was immaterial, because it was in his power to decline to recommend. (*Lewis*, 16331-2).

Did Mr. Lewis say anything to you about having recommended Price?—He said, "I want to know what took place at Andover on the 20th of September, and what induced you to recommend Price to the Guardians." I began, by telling Mr. Lewis at once that I had received a note while I was at Andover from Mr. Price, stating that he had seen in the *Times* a copy of the Commissioners' letter, of the 9th of September, recommending the suspension of the Master of the Workhouse, and that in consequence of such intimation he wished to apply for the office. I told Mr. Lewis that I had shown this note to Mr. Dodson, upon Mr. Dodson asking me what they should do for a Master if the Board determined to suspend M'Dougal. (*Parker*, 20234).

I called on Mr. Parker after the inquiry was stopped, and in the course of our conversation I said, "I really do not know what the Guardians would do if they were to suspend M'Dougal: we have nobody at present: could you recommend any one?" He said, "Singularly enough, I have just had a letter from a man who I should think would do very well, Mr. Price." At a subsequent meeting of the Board, when the resignation was received, some of the Guardians said they did not know what they should do to replace M'Dougal; he said, "I can name to

you a man of the name of Price, who is strongly recommended, and whom I have also mentioned to the chairman." Mr. Parker mentioned the name of Price in consequence of that observation. (*Dodson*, 23861, 23870).

It was important at that time to get M'Dougal out of the Workhouse as quickly as possible; at the same time I do not think it was very important for the Assistant Commissioner to recommend a substitute. I do not know the fact, whether or not the immediate removal of M'Dougal from the Workhouse depended on Mr. Parker being able to recommend some one in his place for employment for a month. I have known a workhouse put under charge of the porter for a short time; it does not follow that the man who is fit for a porter is fit to be Workhouse Master, even for a month; but the Guardians would know the character of the porter. (*Lewis*, 16333-7).

Mr. CHRISTIE. Do you know whether or not the Guardians had resolved not to dismiss M'Dougal for a month before Mr. Parker had recommended Price?—I may have known the fact if it be a fact; if I knew it, I have forgotten it.

You still think it a serious indiscretion to have recommended Price under those circumstances?—I think under the circumstances of the case it was a serious indiscretion; but, under ordinary circumstances, I should have thought it perfectly insignificant. (*Lewis*, 16338-9).

Mr. CHRISTIE. You say that you knew nothing of Price except what Mr. Parker told you?—That was all I knew individually of him. I may have known that he had been Master of the Oxford Workhouse, but it made no impression on me.

In the Poor Law Minute Book, of the 23rd of April, 1839, it is stated that a Board was held, "Present, John George Shaw Lefevre, Esq., in the chair; George Cornwall Lewis, Esq. A circular letter, proposed to be addressed by Mr. Charles Price to the several Boards of Guardians, was laid before the Board. The letter contains an offer of Mr. Price's services in supplying Unions and parishes with articles of every description used or consumed in Workhouses at wholesale prices, and in conducting in the metropolis all such matters, the Union or parochial business, as it may be found convenient to transact through the medium of his agency. Resolved, that the following letter be

sent to Mr. Price: 'The Poor Law Commissioners have had under their consideration the proposed circular letter, which was left by you with their Assistant Secretary, Mr. Coode, and in reference thereto they desire to state that they would not object to inform their Assistant Commissioners of their knowledge of you and your services, and of your views connected with the circular in question.' Ordered, 'That copies of Mr. Price's letter, as annexed, be sent to the several Assistant Commissioners acting in England.'" At that time you had some knowledge of Price?—Yes. I see a circular was sent to the Assistant Commissioners, containing the offer of Price to furnish bedding and furniture for that year; I was not aware of this fact at the time I saw Price; I had forgotten the circumstance last year. This took place in 1839. We saw Price last summer; he did not advert to the circumstance, and it totally escaped my recollection. I was not aware till this morning that it had been written, and I did not know it was the same person. It was a circumstance that made no impression on my mind at the time; it was the offer of a tradesman to furnish bedding.

What would a tradesman's services be?—His services were to furnish bedding.

What were his "services," his past services; you say you do not object to inform the Assistant Commissioners of him and his services?—I do not know of any other services than that he had furnished goods to Unions; there may have been something else; if there is anything else, I am unable to give any answer from memory. (*Lewis*, 16347-50). (see p. 60.)

Do you quarrel with Mr. Parker's account in his pamphlet:—"I attended to all Mr. Lewis's reproofs respecting Mr. Price, and received from him directions, conveyed in a tone and manner which our relative positions by no means entitled him to employ, to send no letter on this subject to the Rev. C. Dodson, chairman of the Andover Union, until I had produced the draft to him"?—No; I admit the correctness of that statement.

Was there anything in your manner or language which could account for Mr. Parker viewing it in this way?—I think that Mr. Parker would naturally be displeased at the remarks which I made to him, on what I conceived to be his indiscretion in recommending Price without having inquired as to the cause of his leaving his last situation.

Could he separate your request or instruction to him, to show you that letter, from the remarks on Price?—They were not necessarily connected; at all events I was confident there was nothing in the manner in which I asked him to show the Commissioners his letter to Mr. Dodson, before it was sent, which could give him just cause of offence. (*Lewis*, 16136-8).

I read to Mr. Lewis the letter, with the paragraph, which is in italics, in my pamphlet. I stated to him that I produced the letter which he had directed me to write, and that I thought it advisable to state in it the whole matter, to show Mr. Dodson that I was writing under the direction of the Commissioners. Mr. Lewis, on my reading the letter, said I wish to make a Board, and read this to Mr. Nicholls in the Board-room. I requested that I might be allowed to accompany him—advanced towards him for the purpose of doing so, and requested permission to read the letter to Mr. Nicholls in the Board-room. I went with him and read the letter. Before I read the letter I turned to Mr. Lewis, and requested the attendance of Mr. Chadwick. Mr. Lewis said, “You appear to have the same absurd notion as Mr. Chadwick about making a Board.” Mr. Nicholls’ behaviour was exceedingly gentlemanly towards me. He said, Mr. Parker, I think, on reflection, you will see that it would be advisable to alter the first paragraph, and strike out of the letter all about Mr. Austin. I read the first paragraph again, and then struck it out. I wrote the paragraph which I have placed by the side of the letter. (*Parker*, 20316-20327).

CHAIRMAN. That is, you wrote it upon Mr. Nicholls making this objection?—Yes; I then struck out the other paragraph respecting Mr. Austin. I then read the whole letter; and Mr. Lewis, when I had finished reading the letter, said, “I think you had better strike out Lord Barrington’s name, and put “a nobleman,” and that was done.

Did Mr. Nicholls’ observation apply not only to the letter in which Mr. Austin’s name occurs, but also to the paragraph at the commencement of the letter?—It did.

Did you thereupon omit that, and substitute another paragraph for the old one?—I did, and read it to the Commissioners.

Did Mr. Lewis make any observation upon it?—He did; he got up and walked towards the window, and made some observations respecting the duty of Assistant Commissioners, and their



duty to attend to the directions received from their superiors. I certainly concurred in all those observations. I think it is the duty of an Assistant Commissioner to obey all the directions he may receive; but I claim the right of expressing my own opinions upon any matter which might occur. If the Commissioners differed from those opinions, I was quite willing to adopt their views upon any matters.

Did you consider that the insertion of that paragraph at the commencement of your letter was consistent with your relation of Assistant Commissioner to the principal Commissioners?—In considering that paragraph the circumstances must be regarded. The proceedings of the Guardians at their last meeting had been the cause of great mortification to me; my advice had been disregarded by them, and my decision, as to the adjournment of the inquiry, had been overruled by the Commissioners. The letter was merely a statement of facts; and as a letter had been written to the clerk to the Board of Guardians by the Commissioners, it appeared to me desirable that I should show this was a letter written by compulsion. I think it would have been better, upon reflection, if it had been written in a different way, but I disclaim any intention to give offence to the Commissioners. (*Parker*, 20328 20333).

I raised the question in the morning (8th of October) whether the letter was to be an official letter—a letter to be written by the direction of the office—or a private letter. Mr. Lewis said, “If you write private letters to chairmen of Unions upon Union business, I think we have a right to see them. I cannot consider the question of whether it is a private letter, or whether you are bound to write it: we desire you to write such a letter, and we desire you to show it to us.” (*Parker*, 20334-6).

Mr. CHRISTIE. Are you quite sure that nothing had been said to you before about writing the letter to Mr. Dodson?—I will not be certain; I certainly understood Mr. Lewis’s observation to convey a direction to write the letter.

On the 8th, did Mr. Lewis tell you that he did not care whether you wrote the letter or not?—He did, in the Board-room, after the letter had been written, and that he did not care whether I sent it or not; I thought that meant, that if I did not send the letter the Commissioners would take their own course against me.

CHAIRMAN. Did Mr. Lewis say anything as to what would have been the consequence if you had sent the letter as it originally stood?—That I should have been removed within twenty-four hours.

When did he say that?—In the Board-room, on the afternoon of the 8th.

I think I understood you to say that you think it was not a letter which was entirely consistent with your relation as Assistant Commissioner to the Poor-law Commissioners, but that it was written under annoyance and irritation?—Under annoyance and irritation produced by the peculiar circumstances in which I was placed; I had been exposed to attacks in the newspapers for something like three months. I had been called upon suddenly at Somerset-house, to explain the circumstances respecting Price, and I had learnt from Mr. Coode that the Commissioners were trying to make out a case against me.

When had you heard that?—I had heard that on Monday the 6th. I was likewise in a bad state of health, and was annoyed and mortified at the state of affairs. On looking at the letter now, calmly and quietly, I acknowledge that I should have written a different kind of letter. (*Parker, 20344-20349*),

I also had a conversation with Mr. Parker, respecting a letter from Mr. May, who was concerned in the Andover inquiry. I have had an opportunity of seeing Mr. Parker's original letter that was sent to Sir J. Graham, of which that pamphlet is a reprint, with some omissions. I am aware that there is a passage relating to Mr. May's letter: I read the passage. I remember that Mr. Parker appeared to be under some misapprehension of the intention of the Commissioners as to that letter: he appeared to believe that there was an intention, on the part of the Commissioners, to withhold the letter from him. No such intention existed. I am aware that Mr. Parker has told Sir J. Graham, that he had been informed by Mr. Coode, that I intended to withhold that letter from him. (*Lewis, 16092, 9*).

Mr. Lewis told me that he had received a letter from Mr. May, containing charges of some kind, I think, against Mr. Parker. Mr. Lewis requested me to say nothing about the letter, and desired it to be kept a secret until it was decided what course to take with regard to the letter. Mr. Lewis's direction to me was a general secrecy, that is, to say nothing about the letter; and I think I must have suggested to Mr.

Parker the propriety of leaving out (of his pamphlet) all matter that expressed a wish to conceal it from him individually. (*Coode*, 18616-18651).

I knew no more than the direction to me to keep that letter secret. That being a general direction, would have applied in its generality as much to Mr. Parker as any other individual; but I felt that it was a not a letter, as it involved Mr. Parker, that should be concealed from Mr. Parker, and I took the earliest opportunity, directly I saw him, to advise him there was a letter of that kind, with respect to which a general direction to keep it secret had been given to me, but that was a direction which I did not feel ought to be complied with in his case, and I stated to that effect when the matter was mentioned to me, and that in fact I disregarded the injunction of general secrecy as regarded him. (*Coode*, 18654).

If you did not on this occasion, did you on any other occasion observe, on the part of Mr. Lewis or any of the Commissioners, a desire to pick a quarrel with Mr. Parker, or to place him in a difficulty that might enable them to get rid of him?—*I cannot attribute anything so treacherous to the Commissioners as that they wished to place him in a difficulty with a view to get rid of him.* I had observed on more than one occasion, and had warned Mr. Parker in the same feeling of interest and friendship in him as had prompted me to make a communication in the passage last referred to, and from that same interest in him *I had warned him that observations were being made about him, and the mode in which he was supposed to be conducting his business as Assistant Commissioner; and that was always done under the belief that circumstances would be used to call on him to resign, or dismiss him. I had notice or cognizance that the question as to Mr. Parker being retained in the office or not, had more than once been before the Commissioners. That conclusion was not derived from any one individual fact, or direct expression, on the part of the Commissioners, but was an inference of my own, founded on facts that tended more or less in that direction; and I never observed such facts, but, prompted by the interest I felt in Mr. Parker, I gave him a warning that seemed likely to protect him* (see p. 10). (*Coode*, 18707).

The warning I more particularly recollect having given to Mr. Parker, had taken place a year before. (18711). When I gave him the warning there were several facts, I cannot remember what they were; they all concurred to produce on my

mind an impression that Mr. Parker's conduct of his business, had attracted the attention of the Commissioners, and that they were dissatisfied with it. (18835). I never said that the district was in a disorganized state. I have reason to think that Mr. Parker exercised his office with as much vigilance, and zeal, and effect, as it was possible. (*Coode*, 18838).

I distinctly recollect writing Mr. Parker a letter of warning. (*Coode*, 18863).

Mr. CHRISTIE. Look at that; is that your handwriting (*handing a letter to the Witness*)?—Yes.

We will read it?—I object to this letter being read; it was a letter volunteered by myself, and not in the least intended for the public eye. (*Coode*, 18867-8).

The Committee-room was cleared.

After a short period the witness was recalled.

CHAIRMAN. I am instructed by the Committee to state to you that they have taken into full consideration the objection which you raised; that they have regarded it with an anxious desire to deal fairly with all parties, and that they have come to the following resolution: "That such parts only of the letter objected to by Mr. Coode, be now read, as refer directly to the subject-matter of the complaints of Mr. Parker's official conduct, said to be made by the Poor-law Commissioners." In accordance with that resolution, Mr. Christie will proceed with his examination, with the full concurrence of the Committee. It is right to state that the honourable Member who will conduct the examination, has concurred in this resolution.

"My dear Parker,

"You will not take it amiss, if what I write to you now, under a hasty impression, should turn out to be wholly without foundation. I know it is likely to be so, as, after all, the facts amount to nothing, \* \* \* The fact is, that Lewis has on three occasions within the last week, spoken in a tone which is hard to describe, but which is disagreeable, and, to my ear, implies a slight to yourself; the first occasion I did not so much attend to, and indeed I wholly forget, at this moment, what it was.

"The second was in reference to Mence's absence, by Chadwick's authority, after Mr. Nicholls had declined to give leave. That is now entirely explained, but he more than once expressed himself with some emphasis on the irregularity.

“The last is Mr. Gosset’s libel case; he seems to have quite settled, in his own mind, that you are wrong. He proposed to be very decisive in repudiating your advice, till I recommended him to learn more about the facts; this of course he admits to be proper; but there is a mark or two of pertinacious feeling in his manner, which seems to me to mean mischief. \* \* \*

“It is, I am sure, desirable that you should make what you do invulnerable, and to be sure of making a triumphant justification. I have not time to re-write what I have written to you, but on looking it over, I see that it is rather too grave, and gives a somewhat more serious complexion to the matter than is accordant with my own impressions. I am ever yours, truly,  
*George Coode.*” (Coode, 18875).

In consequence of the statement *you have volunteered* to the Committee, another letter will be put in your hands; you can read to the Committee such parts of that letter as you think material to Mr. Parker’s case. What is the date of that letter?—18th Oct, 1845. (Coode, 18878).

CHAIRMAN. I have to inform you that the Committee have come to a decision to erase the last question, and have adopted the following resolution. “That as the witness has voluntarily read some portions of the letter placed in his hands, and given an incorrect version of other parts of it, it is now necessary that the letter should be placed on the minutes.

MR. CHRISTIE. The whole letter will now be read to you: “P. L. C. O., 18th October, 1845.—My dear Parker,—Although I have seen symptoms enough of a shabby desire to truckle to newspaper clamour, at your or anybody else’s expense, so that the Commissioners, or rather two of them, can gain some credit by it, I am still amazed at the result as shown in your letter. It is wholly unknown in the office that they had any such intention, and I hoped that your decided tone had settled them.

“I need not say how thoroughly disgusted I am with the whole of them, nor how glad I shall be if their abominable conduct to you turns out to be as innocuous as your calculations seemed to justify; and it would be a real gratification to see their shabby design recoil on themselves.

“I was going out of town by this evening’s mail train, to stay a fortnight; I shall, at all events, postpone it till Monday, in order to have the opportunity of seeing you and talking with you, if

you think I can be of any service to you, in any way. I really desire to be useful, and I do not know the way in which I would hesitate to do so. Therefore, pray do you, without scruple, prescribe to me anything that you wish; and, if I do not do my possible, count me one of the rogues fit to serve my present masters.

“I do not know your movements but I shall call and see you to-morrow, at your house. Do not hesitate to be denied, if you like that better, or make any appointments, if you think we could converse with any advantage, for any time or place you may think fit.

“Meanwhile, believe me most truly yours,

“GEORGE COODE.”

You are not asked to reiterate any terms used in this letter, but what are those symptoms you observed of “a shabby desire to truckle to newspaper clamour,” at Mr. Parker’s or anybody’s expense?—I have no recollection of what I particularly referred to in that. I must have been fully conscious at the time, no doubt, that the clamour of a newspaper was exercising an influence; that must have been my impression at the time I wrote that letter, but most probably the facts of Mr. Parker’s case were an inducement to that opinion. I may own these facts were present to my mind, and I recurred to some of them, but what they were I do not know. (*Coode*, 18882).

In that letter you say you would see Mr. Parker at his house next day; do you know whether next day you did see him?—I have no recollection.

Do not you recollect going to Highgate to see him on Sunday?—I recollect going to Highgate and seeing him; I presume it was at Highgate; it would not be convenient on any other other day, therefore, I think it was Sunday.

Do not you recollect it was Sunday?—I have no doubt it was Sunday, from that reason. (*Coode*, 18883-5).

Look at that paper. After reading that, do you remember giving any message to Mr. Parker on the Sunday, or the day on which you went to see him?—I still do not recollect that I gave the mesage on that Sunday, but that statement is altogether so like what did occur with Mr. Parker, in all other respects, and I think so likely to be a true version of what did occur, that I have very little doubt that it is correct. I have no doubt I gave

that message to Mr. Parker, at Highgate. (*Coode*, 18902-5).

Mr. Coode called upon me on Sunday, October 19, at Highgate; he remained a considerable time there, and in the presence of Mrs. Parker, delivered to me a message from Mr. Lewis.

Will you give your version of it?—Mr. Coode called on me just after church-time, and informed me that as soon as he received my note of the 17th of October, inclosing a copy of Mr. Nicholls's letter of the 16th of October, and my reply of the 17th; he went to the Commissioners and saw them altogether in the Board-room; that he mentioned to them he had heard from me that they had called upon me to resign, and said that he was quite unprepared for the information; that some general conversation took place on the Andover case, in the course of which Mr. Lewis remarked that the case was an embarrassing one to the Commissioners; and, that as I had been prominently before the public in it, the Commissioners felt that they ought to do something to show that they disapproved of the alleged abuses. Mr. Nicholls adverted to the draft letter to Mr. Dodson, and said that it had an appearance of insubordination. Mr. Coode said in reply, that the abuses had not been countenanced by me; and, that if there had been any mismanagement of the inquiry by me, there had been greater errors committed by the Commissioners themselves. Mr. Coode then informed me that Mr. Lumley entered the room, and that nothing more passed on the subject; that he accompanied Mr. Lewis into Mr. Lewis's room, when Mr. Lewis said they had called on me to resign, in deference to public opinion, and that I had written a draft letter to Mr. Dodson, which was contumacious, and that they could not retain me in the commission. Mr. Coode questioned whether public opinion was against me; Mr. Lewis said, that the ground of their proceeding rather was, that I had written a draft letter to Mr. Dodson. Mr. Coode noticed my length of service as assistant secretary and Assistant Commissioner, and said that I was not likely tacitly to submit to such an injury. Mr. Lewis said he had always found me very quiet: Mr. Coode replied that might be so, but that he knew that I should resent an injury; that in doing so I should be pertinacious, and then mentioned instances of pertinacity. Moreover, he said, "We have always found him pertinacious in matters of business, though very quiet about it." Mr. Lewis

said, "Pertinacious enough; but what harm can *he* do us? There was Day, what harm has he done us? Jenkin Jones, what harm has he done us? The Rochdale case, what harm has come of that? Mr. Coode said, "This is a different case from Day's, and is not to be compared with Jones." Mr. Lewis, after reflecting a minute or two, said, "Well, we do not wish to injure Parker—shall you see him soon?" Mr. Coode said he should see me on the following day. Mr. Lewis remarked, "Well, mind, we do not wish to injure Parker, and we will give him a recommendation for other employment." Mr. Coode inquired if he was to deliver that message; Mr. Lewis replied in the affirmative, and repeated it, saying it was to be given as an authorized message. Mr. Coode said, "Such is the message I am the bearer of." (*Parker*, 20428-31).

That is Mr. Parker's letter which was subsequently published in the form of a pamphlet; it is dated the 20th October; it would seem, if the date is correct, that I gave that message before Mr. Parker had written that letter. (*Coode*, 18936).

SIR J. PAKINGTON. Two letters have been used on your behalf, which were written to you by Mr. Coode, before this Committee; the first conveying to you a friendly warning of certain expressions which Mr. Coode had heard with regard to you at the Poor law Commissioner's office; and the second, offering you assistance in the matter of this inquiry. I believe that is a correct version of the contents of those letters? The first letter apprised me of Mr. Lewis's feelings towards me in 1843; the second had reference to my removal from office. (*Parker*, 20442).

I considered those letters to be both of a friendly and a confidential nature. I did not make any application to Mr. Coode for his permission to make use of them before this Committee. I gave Mr. Coode an intimation of my intention to produce them six weeks or two months since. I mentioned to Mr. Coode that I had heard some rumours of an exceedingly painful nature; that I felt if those rumours were true, and that he intended to give such evidence as it was rumoured he intended to give, it would be incumbent upon me to produce those letters, however painful it might be to do so. He answered that I was not to doubt him; that I was lending too ready an ear to tale bearers. (*Parker*, 20443-8).



Capt. PECELLE. Are you of opinion that Mr. Coode had ample opportunity of knowing what was to occur before this Committee, in reference to your correspondence with him?— I am.

He had ample time to make himself master of the different questions which were likely to arise upon his examination? I wrote to invite him to confer with me upon the subject, and I saw him once or twice. (*Parker*, 20450-1).

On the 3rd November, 1845, Mr. Lewis sent for me, and stated that he had seen a letter (29 Oct.) written by Mr. Parker to Sir J. Graham, and that that letter was evidently intended for publication. He stated that he had general objections to the publication of that letter, and that he had some particular objections to one passage in it, which he thought calculated to annoy or wound the feelings of Sir Edmund Head. He told me that I was authorised to represent that the Commissioners did not wish to injure him, and would recommend him for employment. That was the purport of the message which I conveyed to Mr. Parker. (*Chadwick*, 19153-4).

On that occasion on the 3rd November was anything said to you about private employment?— Certainly not.

Did you then understand the message as given to you by Mr. Lewis as implying employment under government?—Mr. Lewis did not specify government employment: the terms were generally, “we are ready to recommend him for employment.” Mr. Lewis neither mentioned public or private employment: subsequently he mentioned the fact of railway companies.

That is on a subsequent occasion?—Yes; as being his interpretation of what his meaning was; but the terms originally were in a general and unlimited sense “employment.” The second conversation was held some three or four days after my first conversation. (*Chadwick*, 19167-75).

About the 31st October, I remember authorising Mr. Coode to make a communication to Mr. Parker. The substance of it was that if Mr. Parker could obtain employment, the Commissioners would be ready to state everything that they knew in his favour: that in short they did not wish to part with him on unfriendly terms, and that they were ready, to use a brief phrase, to give him a character. Mr. Parker appears to imply in the preface to his pamphlet that I offered to give him a recommendation for

other employment. I never authorised Mr. Coode to state to him that we would give him a recommendation for other employment, but merely to state that if Mr. Parker obtained other employment for himself, we would be ready to state everything that we knew in his favour : although we had, from the circumstances which had led to a cessation of confidence between Mr. Parker and ourselves, come to the conclusion that he could not continue advantageously for the public service as an Assistant Commissioner, we by no means thought he was incapacitated for other employment at that time, and were quite ready, as we stated, to give him a character. (*Lewis*, 16380-5).

Capt. PECELL. What do you mean by private employment, as a butler?—I mean any employment that was not under government ; for example, under any company.

Do you mean a railroad company?—Any company or any speculation of any sort ; there is a great deal of employment ; anything connected with legal duties ; there are many species of employment of a very lucrative description which have no connexion with the government ; but we would not have taken upon ourselves the responsibility of recommending Mr. Parker for government employment. (*Lewis*, 16396-7).

There was some similar message sent by Mr. Chadwick. I feel quite certain that I explained to Mr. Chadwick that it was not for government employment : I am quite sure that I made Mr. Chadwick understand that it was to be employment under some private body, not government employment. When I sent that message (3rd of November), I had seen Mr. Parker's letter of the 29th of October, which letter is the pamphlet he has published. And after reading that letter to Sir J. Graham, which has since been published, I sent Mr. Chadwick with a message to Mr. Parker, not that I would recommend him for other employment, but that I would give him a character if he applied for other employment. I think Mr. Parker had then intimated to Sir J. Graham his intention of publishing his letter. (*Lewis*, 16402-10).

Mr. WAKLEY. When you conveyed these messages to Mr. Parker, did you express any opinion as to the object of their being communicated to him ; do you believe there was really a desire of serving Mr. Parker, or whether they were made for the purpose of keeping Mr. Parker quiet, or preventing him making an

*exposure of the manner in which he had been treated?—I have no doubt there was the intention to give him the recommendation; with what motive it was given, I cannot pretend to say. (Coode, 18969).*

I cannot say that after that I sent any one to a brother-in-law of Mr. Parker. Mr. Owen spoke to me on the subject: there was some question of a vacancy in the office, and Mr. Parker's clerk (brother-in-law) was mentioned. Mr. Owen said something to me as to ascertaining whether he would wish for promotion in the office. I did not send Mr. Owen to him: Mr. Owen had some communication with him. (*Lewis, 16413-15*).

In the early part of last November I called at Mr. Nicol's residence, and in Mr. Nicol's absence saw his brother. I told him the object of my calling was to advise Mr. Nicol to apply for a clerkship in Somerset House. Mr. Lewis mentioned Mr. Parker's clerk to me before I mentioned him to Mr. Lewis. (*Owen, 16426-35*).

Were you in the room when Mr. Lewis gave his evidence; did you hear him say you mentioned the subject to him before he broached it to you?—Yes.

To the best of your recollection and belief that is not correct; Mr. Lewis mentioned it first to you?—Yes; I believe Mr. Lewis mentioned it first to me; but it was in connexion with an interview I had with Mr. Lewis, with respect to the filling up of a vacancy then in the office.

I was authorised by Mr. Lewis to state that if he (Mr. Nicol) made an application the Commissioners might probably entertain it. (*Owen, 16438-9*).

I had an impression that Mr. Parker wished to break off his connexion with the Commission. That impression was confirmed by his letter to Mr. Nicholls of the 17th of October, complying with the request for his resignation. I cannot say how long I remained under that impression: but shortly afterwards a letter was sent to us from the Home Office, which Mr. Parker had written to Sir James Graham, which led to a different conclusion. (*Lewis, 16233-8*).

I was aware that the step we had taken, with respect to Mr. Parker, was necessarily a severe step with respect to his interests. (*Lewis, 21964*).

I communicated the fact of Mr. Parker's resignation to a gentleman connected with the *Globe* newspaper. I commu-

nicated it in a note so worded that he could print it. I saw it in the *Globe* of Monday, October 20, 1845. This is the paragraph, "Mr. Parker has resigned his office as Assistant Poor Law Commissioner, and his resignation has been accepted." I had no conversation with any of the Commissioners before I sent this information to the newspapers. (*Lumley*, 16522-39).

I recollect having a conversation with Mr. Parker somewhere in the spring of the year. I certainly did not tell him anything about Mr. Lewis in connexion with that paragraph. (*Lumley*, 16675, 6).

I remember having a conversation with Mr. Lumley on the paragraph in the *Globe* relating to my resignation, in the Districts Asylum's Committee room, during the course of this session. I began the conversation. I thanked Mr. Lumley for inserting the paragraph in the *Globe*. He said, "You know I was compelled to do it." I said, "I do not think you were compelled, and knowing the situations in which we were formerly together, I would have refused, under any circumstances, to have written such a paragraph." He said, "How did you know it?" I mentioned how it came to my knowledge, and I said, "If it was a voluntary act, I certainly do not think it was right of you." He said, "I did it from Mr. Lewis' dictation. Mr. Lewis dictated the paragraph, and I sent it in to the *Globe* newspaper." I went forthwith to the *Globe* office to get a copy of the newspaper. (*Parker*, 16678-85).

I said to Mr. Lumley, "This is a new practice to advertise the resignations of Assistant Commissioners; when I was in your situation no such practice existed." Mr. Lumley said, "It is the first time it ever has occurred." (*Parker*, 16714).

Did you ever before send any information by Mr. Lewis, or any other person's desire?—No. (*Lumley*, 16716).

I was going out of the office one afternoon and I met Mr. Parker; he was somewhat unusually excited: it was about the time of the progress of the District Asylum's Committee; and I remember his then stating to me that Mr. Lumley had acknowledged to him that he had sent the paragraph respecting his resignation to the *Globe* newspaper. He stated that Mr. Lumley had confessed to him that he had done it by direction. I do not remember whether he mentioned by whom the direction had been given, but that Mr. Lumley had confessed it on that day;

and he said, "I have just come out of the *Globe* newspaper office, where I have been getting the paper." I am not aware of the Secretaries or Assistant Secretaries ever sending anything of that kind to the newspapers. (*Chadwick*, 19142-8).

Had you previously observed anything that led you to think that the Commissioners, or any one of the Commissioners, was not altogether pleased with Mr. Parker?—The Committee are responsible for these answers. What I am going to state is matter of inference, and not matter of observation, with relation to the things likely to have given displeasure. I had observed nothing in the conduct of any Commissioner towards Mr. Parker which would lead me to believe there was either distrust or displeasure; on the contrary, in the ordinary business I believe that he certainly was for all inquiries, or especially for inquiries of this nature, more trusted than otherwise; I may say, considered more specially qualified than other Assistant Commissioners who had not a legal education, and who had not that sort of special qualification for conducting investigations. He undoubtedly had conducted investigations and prosecutions in aid of the Treasury, and altogether he was specially entrusted, and I observed nothing in the conduct of the Commissioners that would excite distrust; however, I did observe on the part of Mr. Parker strong representations with relation to his district, representations as to the state of the Workhouses. I remember the representations made by him as to the state of the Portsea Workhouse. I remember also representations made by him with relation to the prevalence of the allowance system, to the abusive modes of allowance in aid of wages. I think it was in the Highworth and Swindon Union, in the Horsham Union, in the Rye Union, and in other places he made representations on the prevalence of abuses; in such cases imputing previous neglect, and in fact putting them in such a state as to require action, and I think to impute fault, and to throw responsibility on the Commissioners, if they did not act on his representations; and I think I may have said to him, "All this may be very true, but still it will not be well received, and will excite displeasure." I was told in the office that these sort of representations had excited displeasure. (*Chadwick*, 19042).

Mr. CHRISTIE. These were representations made by Mr. Parker of an abusive and illegal practice which he forced on the

Commissioners, notice, and you warned him that such a mode of proceeding would be likely to give displeasure to the Commissioners?—I warned him that it would not be well received. I did not warn him to this with any recommendation that he should not prefer them, but that he would gain no favour by preferring them, but rather a painful duty. I had expressed some opinion to that effect, that it was a painful duty.

CHAIRMAN. Your warning rather referred to the manner in which the communication was made by Mr. Parker, than to the fact of making the communication itself?—In this respect, that it may be said there was nothing offensive in the terms of the communication that I had to warn him against, but putting it in such a shape as to throw the responsibility on the Commissioners for the want of action, or not supporting him properly.

(*Chadwick*, 19047-8.)

The having to perform a duty which is not well received or agreeable, is itself a discouragement: it must be so. It was intended to do it in a mode that would excite the least displeasure and avoid discouragement. (*Chadwick*, 19683).

I found when I went into the district, that the Workhouses were generally in a very bad state. I found that the able-bodied men were sleeping in double beds, that the classification was defective, that the sewerage was bad, that fever prevailed in many of the Workhouses, that sickness was more than usually prevalent in the Workhouses, and such a state of things existed as I had no conception of. Though I had been assistant secretary to the Poor Law Commissioners for three years, and had then been an Assistant Commissioner for nearly three years, I had no idea of any such state of things existing. I reported the state of the accounts to the Commissioners: I reported on the state of many of the Workhouses. When I reported on the state of the Cuckfield Workhouse, Mr. Lewis objected to my making such reports, because it would be exceedingly inconvenient to the Commissioners if they were afterwards called for in Parliament. That was after my statement of the abuses had been laid before Mr. Lewis. (*Parker*, 20377-8).

CHAIRMAN. Supposing it to be the duty of the Assistant Commissioner to bring before the central authority these alleged causes of irregularity and illegality, would any dissatisfaction

expressed by the Commissioners to him be an unreasonable one?—I think an unreasonable one.

MR. CHRISTIE. Still you thought such a dissatisfaction would have been expressed?—Yes, that it would have been manifested. (*Chadwick*, 19050, 1).

Is it your opinion that Assistant Commissioners have not improved their position with the Poor Law Commissioners by representing strongly abuses and violations of the law?—I should not say that of the whole of them: I should say that of some of them; that is the feeling in the office, that representations of that sort, importing an obligation to act, are distasteful, and not well received. (*Chadwick*, 19129).

Do you think that the dismissal of Mr. Parker almost immediately after the close of that inquiry, and before public interest in it had subsided was calculated to throw on him all the odium resulting from that inquiry?—It is a painful position for me to express an opinion of this kind so adverse to those in my position; but still I think it due to him to say that I think the dismissal was ill-advised and unjust at that time, or any time. (*Chadwick*, 19140).

I was Mr. Parker's clerk for two years and three months. He gave me plenty of work to do. I must say, from what I saw of him, I thought it was a very laborious life. I must say that it is my impression that Mr. Parker was a hard working man. (*D. Jones*, 22748-56).

It is justice to Mr. Parker to say, that both as Assistant Secretary and Assistant Commissioner, he was one of the most laborious men connected with the establishment. (*Chadwick*, 18976).

Mr. Parker was appointed (in 1835) to the office of Judge of South Australia, of which I was one of the Commissioners, and what I there saw of him impressed me very favourably with him: and upon the question of his becoming Assistant Secretary coming before me I approved of it.

Will you give the Committee your opinion of Mr. Parker, both as Assistant Secretary and Assistant Commissioner?—What was his character for diligence?—I think he was very diligent when I was there, and during the time he was Assistant Secretary he was particularly diligent: the labour was very great he had to undertake, and he performed it very assiduously. (*J. Shaw Lefevre*. (19746, 51).

## EVIDENCE IN MR. DAY'S CASE.

I was appointed an Assistant Commissioner in January, 1836, and held the office until the 31st of January, 1844. I did not solicit the appointment; I had no idea whatever of the appointment till a communication was made to me from the Commissioners, through Mr. Chadwick, offering me the situation. In the Annual Report of 1841, when twelve Assistant Commissioners are spoken of, it is said, "It will be observed that some of the districts from their area, and the number of the Unions in almost all, exceed the powers of a single Assistant Commissioner; for example, the whole of Wales, with parts of Herefordshire and Shropshire, form one district;" that was my district; it then included only fifty Unions and incorporations—ten were subsequently added. (*Day, 22768, 76*).

In August, 1843, I met with an accident. The accident was a fall down the steps of the terrace at Lord Cawdor's, the effect of which was to lacerate all the fibres the whole length of the leg, up to the thigh; and Sir B. Brodie, who afterwards examined my leg, said serious damage had been done to the knee. I was visiting the Llandilo Union; it was during the disturbances (in Wales); Lord Cawdor was chairman of another Union in the neighbourhood, and he had been chairman of the Llandilo Union. He was then taking a very active part in reference to the disturbances; I went to see him respecting them. By this accident I was actually on the sofa, and could not get into bed for a month at Lord Cawdor's; I was confined another week; I left at the end of five weeks; I cannot say I was recovered, or near approaching to it. (*Day, 22779, 82*).

Mr. CHRISTIE. Did you employ yourself in any way during those five weeks you were laid up at Lord Cawdor's?—All the correspondence was transmitted to me as usual with the exception of one or two special minutes, which were transmitted to Mr. Weale, who was doing my duties of inspection for me, when he had to visit the Union with a view to some particular case, otherwise the correspondence passed through my hands;



besides that I devised a form of accounts, which I circulated through the whole of South Wales, which Mr. Frankland Lewis was kind enough to say was the most extraordinary document he had ever seen ; and which certainly had a very great effect in pacifying the minds of the ratepayers with reference to the proportionate amount of salaries ; that document was digested afterwards, and printed by the Commissioners in one of their reports.

And that has been made use of by the Commissioners ?—Yes, without any acknowledgment.

You employed yourself in drawing up that form of account while you were on the sofa at Lord Cawdor's, in consequence of your accident ?—I did.

When did you resume your travelling through your district to attend Boards of Guardians and visit Unions ?—From the 25th of September to the 31st of December I see I paid forty-three visits ; and the number of miles I travelled in that period was upwards of 1000. When I say I paid those visits, I do not mean to contend that I was able in the first instance to go over the Workhouses properly, because I was not able ; but I was able to see the officers, and to see Boards of Guardians, and chairmen, as the case might be, and I was able quite sufficiently to inform myself of the way in which the Unions were going on.

I presume those forty-three visits of yours were communicated to the Poor Law Commissioners in your usual weekly returns ?—Yes, they were inserted in the diaries. (*Day, 22784-8*).

*Poor Law Office, 12 January, 1844.*

“ My dear Sir,—The present state of Wales and the adjoining counties has obliged the Commissioners most anxiously to consider the arrangements now existing in that district with reference to the administration of the Poor Law, and we have been unable to avoid coming to the conclusion that the utmost activity on the part of the Assistant Commissioner in giving his attendance at the meetings of the several Boards of Guardians, and in inspecting the Workhouses frequently, is indispensable to the proper management of the district. Acting upon this conviction, when you unfortunately met with the accident on the 19th of August, the Commissioners immediately requested Mr. Weale to proceed to Wales, where he remained seven weeks,

his own district being left during that period without superintendence, although standing greatly in need of it. We are precluded by the Act of the Session before last from appointing any supernumerary or additional Assistant Commissioners, and we have no means at our disposal for supplying the want of that active superintendence which is at all times necessary, but is more peculiarly and urgently so at the present moment in Wales. We regret exceedingly to learn that your bodily health is not such as to enable you to make the requisite exertions, and we can see no escape from the embarrassments in which we are placed, but by frankly stating what we think the public service requires, and to suggest your resignation as affording the only mode for enabling the Commissioners to supply the present deficiency, and to provide for the active and efficient superintendence of the district in its present very critical state. A communication of this nature cannot be otherwise than painful to my colleagues and myself; we can only assure you that it is founded entirely on a sense of public duty, and in this light we trust that you will receive it.

I remain, &c.

W. DAY, Esq.

GEORGE NICHOLLS."

Previously to my receiving that letter, no inquiries as to the state of my health had been addressed to me by any of the Poor Law Commissioners. On the 18th November, 1843, I received a communication from Mr. G. Lewis, in which my health was adverted to, as follows: "I am glad that you are able to resume your work without difficulty, though I fear you will feel the effect of your accident for some time to come. I am much obliged to you for your inquiries about my health. I think I have certainly received considerable benefit from having six weeks of Leamington waters, and Dr. Jephson, to which, unluckily, Somerset House is somewhat of an antidote." (*Day*, 22789, 94).

Between the 18th of November and the 12th of January, when Mr. Nicholls, with my concurrence called on Mr. Day to resign on account of his accident, I suppose we had seen from his diaries what his visits to the Unions were: and we had heard accounts of his not being in an active state. (*Lewis*, 23204.)

Mr. CHRISTIE. Who from?—I cannot recollect at this moment.

Had you seen from his diaries, that from the 25th of September to the 31st of December he had paid forty-three visits to Boards of Guardians or Unions?—I was not aware of the fact.

Does it astonish you now to hear that?—Yes; I was not aware that so many visits had been paid; we certainly were under the impression that Mr. Day's state of health had materially incapacitated him from the performance of his duty at Boards of Guardians; but though that was the immediate cause of our writing to him, the principal grounds were not stated.

That was the excuse, but the real grounds were not stated?—That was the immediate occasion of our writing, but the principal grounds were not stated.

So that that was the ostensible reason, but the real grounds were not stated?—The principal grounds were, that in the then state of Wales we were not desirous that Mr. Day should continue permanently in charge of the district.

Was Mr. Day's accident anything more than the ostensible reason?—I can only repeat that that was the occasion of *my* writing to him; it was a circumstance, but it was not the principal circumstance.

This circumstance, though it was not the principal circumstance, which was the occasion of your writing to him on the 12th January 1844, took place in August 1843?—I do not recollect the precise date.

You must have known it then?—I have no doubt it was so.

This accident having taken place in August 1843, you having been glad to hear on the 18th of November that he had resumed his work without difficulty, he having paid forty-three visits to Boards of Guardians from the 25th of September to the 31st of December, was Mr. Day's accident the real reason, or any part of your real reason for calling upon him to resign?—I admit to the Committee that it was no considerable part of the reasons which induced us to call upon him to resign.

Was it anything more than an excuse?—It certainly was not the principal reason.

You will not say it was not an excuse?—It was such a means of calling upon persons to resign as is often adopted, where a decision has been made, and where a statement of the true rea-

son is likely to prove detrimental to the person called on to resign.

In saying it is often adopted, are you speaking only of the Poor-law Commission Office?—I believe it has been adopted in many other instances than the one which is referred to.

Do you mean that you believe it has happened in many cases in other Boards, that an officer has been dismissed, alleging a false reason when it is inconvenient to state the true reason?—Where the true reason would be detrimental to the person dismissed, it is a common practice not to state the true reason.

How was the statement of the true reason to be detrimental to the person addressed in this case?—Because the true reason imputed to him a want of capabilities, the absence of which might be detrimental to him.

I can understand that recording the true reason might have been detrimental, but how could it have been detrimental to Mr. Day to state that true reason in a letter to him which you might have marked private, as you sometimes do with your letters?—We thought no advantage would arise from the discussion of the subject, having made up our minds that we would remove him.

No advantage to arise from a discussion with Mr. Day does not seem the same thing as a detriment to Mr. Day, do you perceive the difference?—Mr. Day might or not have made the reasons public.

Do you think he would be likely to make public reasons prejudicial to himself?—We did not think we were bound to state to him the true reason of our proceeding; we thought all we were responsible for was the decision we came to. We acted according to the best of our judgment upon public grounds, and having come to a decision, we took the step we did.

You have used the word “detrimental,” you say you were anxious to avoid discussion with Mr. Day; did you think that discussion would be detrimental to you?—No, because we did not doubt that our reasons were sufficient reasons; we could have stated them if we had thought fit, and maintained them. We could, if we had thought fit, have dismissed Mr. Day without giving him any opportunity of explanation, and put our reasons into a minute.

Did not you dismiss him without giving him any opportunity of explanation?—I say we might have dismissed him, and have merely stated the reasons of the dismissal in a minute.

Had you any ground for dismissing him?—We had grounds which we thought sufficient for discontinuing him from the superintendence of that district.

Did not Mr. Day almost beseech you to state to him your real reason for calling upon him to resign?—He may have done so.

Do you remember receiving a letter from him, dated the 14th of January: “ My dear Sir,—Mr. Nicholls’ letter has surprised me so very much, that I am naturally at a loss what course to take. To ask of you to divulge the private reasons which have operated against me I feel would scarcely be consistent with our relative situations, but at the same time to require a resignation because one has been incapacitated, without inquiring whether the incapacity is still likely to remain, is so contrary to the usual course, that I confess I can hardly bring myself to believe that my taccident is the real cause of this proceeding. If there be anything else, and you think you can consistently inform me of it, I need hardly say the obligation I shall feel. I should like at least to know my weak point, to undeceive myself, painful though it may be.” Why did not you answer that letter?—I did not conceive I was bound to communicate separately with Mr. Day, as to the reasons which influenced the Commissioners. I have already stated that we came to the determination that Mr. Day should cease to have the superintendence of the district, and we did not conceive we were bound to state the reasons, provided we had sufficient reasons. (*Lewis, 23207-26.*)

We had been led to doubt whether Mr. Day, of whom in other respects we thought very well, was precisely the man for dealing with the difficulties which existed (in Wales). It is difficult for me to state every circumstance which led us to that conclusion; but we did arrive at it, and having arrived at that conclusion, coupled with the circumstance of the accident he met with, which of course must have tended to impede his activity in some way, it led to the letters which have been read to the Committee. (*Nicholls, 22907.*)

Do not you think that you should have made some inquiries as to the state of his health from his accident, before you called

on him to resign, and made the accident the ground for so doing? It might have been so done. (*Nicholls, 22917.*)

I should like to state one fact to the Committee, in reference to an observation of Mr. Nicholls, in which one of the charges he brought against me was a want of activity. I am not aware exactly in what sense he used the word, but here is an abstract of my diaries for four years, and I will give the number of visits I paid in each of those years. In the year 1840 I paid 227 visits; in the year 1841, 226; in the year 1842, 225; in the year 1843, (which was the year of my accident, when I was confined for seven weeks,) 203; and in the last quarter in which I was dismissed, 59. (*Day, 24680.*)

The energy and activity adverted to is really a question of degree. (*Nicholls, 22994.*)

I was an Assistant Poor Law Commissioner from the end of 1835 to the end of 1841, I went to Ireland, as Deputy Adjutant General, in November 1841, and remained there till I was re-appointed an Assistant Commissioner in April 1844. The cause of my application to the Commissioners to re-appoint me Assistant Commissioner, was this: I was taken seriously ill in Ireland in the month of June 1843; I then went to England on leave of absence; I had been negotiating an insurance on my life, but I found that the illness which I had had prevented an insurance being effected. I therefore informed Lord Fitzroy Somerset that I had made up my mind to sell out of the army, and I informed the Poor-law Commissioners at the same time, (it was about the month of July,) that if they had an opportunity of re-appointing me after I had left the army, or at any time thereafter, I should be very glad to rejoin them. (*Wade, 24411.*)

For nine weeks, from November 1844, you were away from your district? — I was away from the 17th of November, I think, till the first week in January. I met with a very severe accident in London, and was totally unable to move from my house. (*Wade, 24454.*)

Mr. SHERIDAN. During the time Mr. Day acted as Assistant Poor-law Commissioner in Wales, had you ever had a reason for remonstrating with him upon any neglect of his duties? — No; I never thought that Mr. Day was neglectful of his duties; that was the last charge I should have brought against him; as I

stated before, it was a want of judgment, of temper, and of tact, which in the then circumstances of Wales, we thought were very important.

And in no one instance in which he exhibited that want of tact and temper, had you written to him a letter stating that such was your opinion? — No; I do not know that we ever did so. (*Lewis, 23267-8.*)

The occasion of our writing to Mr. Day was our belief in his diminished activity, owing to the accident he had suffered; but our main reason was, that we were unwilling in the then state of Wales to be responsible for his superintendence of the district, owing to our opinion of his want of discretion, judgment, and temper. I will also state that we received reports of his conduct not having been satisfactory to Boards of Guardians. (*Lewis, 23311\*.*)

MR. WAKLEY. What was the evidence you received of his want of discretion? — I cannot recollect any specific evidence, I only remember the general impression we derived.

What evidence did you obtain of his want of judgment?—I can only give the same answer to the Committee; I have no specific evidence; we derived that opinion from the sum of our knowledge respecting Mr. Day; that was the opinion we formed, and upon which we acted.

What information did you obtain proving to you that he wanted the requisite temper in conducting business with Boards of Guardians?—The same information as on other cases.

And to none of that information are you now capable of referring?—No; it was not documentary.

Did you on any occasion intimate to Mr. Day the nature of the complaints which had been made against him?—No, we did not.

Are not you aware that public officers in the discharge of important public duties, may be maligned by persons whose proceedings their conduct may be calculated to affect; and did not you think it therefore your duty to communicate to Mr. Day the statements which had been made, which were prejudicial to his character?—The opinions we received were such that we thought they did not proceed from malevolent motives, and we believed them to be just, and acted upon them.

Were there any proceedings in the Unions under Mr. Day's

supervision, to which you could refer, which indicated that he was negligent or incompetent in the discharge of his duties?—No, I cannot refer to any specific case, and I certainly do not consider that he was at all negligent. I have never stated that neglect was one of the causes of our calling upon him to resign.

Had you any complaints from chairmen of Boards of Guardians?—I do not recollect any specific complaints.

From auditors?—No.

Do you remember having received a single official complaint relative to misconduct on the part of Mr. Day?—No; I do not recollect any complaint of misconduct against him, nor did I impute misconduct to him. (*Lewis, 23312-21*).

I knew from the records of the office that there was a very extensive correspondence, and there has always been with that district. (*Nicholls, 23000*).

CHAIRMAN. Had you any representations directly made against Mr. Day during any part of his service under the Commission?—Not that I am aware of.

There is no record of any complaint against Mr. Day?—I believe not.

You say you had reason to think him wanting in some qualities which the peculiarly difficult state of Wales rendered necessary; was it under the consideration of the Commissioners to place him in any other district?—I do not think it was. (*Nicholls, 22950-2*).

What evidence have you which you can bring before the Committee, to show that the administration of the law under Colonel Wade was actually improved?—I have no doubt the records of the office would afford means of showing that; but Colonel Wade himself could give the best information upon it. (*Nicholls, 22941*).

Colonel Wade has succeeded in getting three Workhouses built since April 1844. I am not quite sure whether it is two or three. If we know, for instance, that a Workhouse has been built in an Union, where efforts had been making for a considerable time previously to get that object accomplished, which efforts had been unsuccessful, if that Workhouse has now been built it is a proof of successful management. (*Nicholls, 22957, 22945*).

Sir J. WALSH. Should not you consider, from your knowledge



of Wales, that the circumstance of having induced three Unions, which had previously refused to build Workhouses, to come into the Workhouse system, was a sign of very peculiar ability and address on the part of Colonel Wade?—I really think so. (*Nicholls*, 23031).

Mr. CHRISTIE. Can you inform the Committee how many Workhouses you succeeded in getting Unions in your district to build?—I am sorry to say, very, very few indeed, I can hardly say that I have succeeded; several circumstances have conspired to prevent success. \* \* \* Two Unions had resolved on building before Mr. Day had left the district. (*Wade*, 24455).

I found no necessity for making any representation as to the good or bad state of the district when I visited it for the first time. On examination and inquiry into the state of the district, I did not observe there was any neglect on the part of Mr. Day, as to the instructions from the Poor Law Commissioners to the Assistant Commissioners. The instructional letter of 1841 was issued before I left the Commission in 1841, and when there were more Assistant Commissioners than when I returned to it; and I must at once say, that I did not take the instructional letter, when I returned to the Commission, as my guide. (*Wade*, 24518, 24537-8.)

Mr. S. WORTLEY. Did you find a considerable opposition to the administration of the law in that district?—Yes; and it is as difficult a district to deal with as ever existed; I suppose it is the most difficult; as to the officers, and as to the finances particularly; there is nothing more difficult than to get the Welsh to pay up the calls in proper time.

Did you find a great indisposition to acquiesce in the administration of the law?—A good deal.

Do you think you have succeeded in mitigating that disinclination?—I do not claim to myself any credit for any alterations that may have taken place; I do not consider they are owing to my superior exertions as compared to those of Mr. Day.

Is there less disinclination existing at this moment?—I should say it is not much changed in that respect. (*Wade*, 24541,4).

*Comparative Statement of the operation of the Poor Law in England and Wales, as exhibited by a return made by the Poor Law Commissioners to an order of the House of Commons, dated 15th Feb. 1844.*

	England.	Wales.
Proportion per Cent of paupers relieved, to population . . . . .	9	9
Increase in the total number of Paupers in the Lady-day quarter, 1843, compared with the corresponding quarter of 1842 . . . . .	94457	600
Proportion per Cent of ditto ditto increase . . . . .	8.3	0.73
Increase in the number of able bodied adult paupers in the same quarter .	44767	79
Proportion per Cent of ditto increase .	13.59	0.40
Increase per Cent of expenditure in 1843 over 1842 . . . . .	6	4
Number of Counties shewing a reduction of expenditure in 1843, compared with 1842 . . . . .	2	3
Number of Counties shewing no reduction of expenditure in 1843, compared with 1842 . . . . .	40	9
Proportion per Cent of the former to the latter . . . . .	5	33

*App. 24, p. 1791.*

CHAIRMAN. You wish, I believe, to submit to the Committee a statement of financial results in the district under your charge, as shown in the Appendices to the Commissioners' Reports?—Yes; it appears by the Report for the year 1840-41, that the increase in the poor's rates for England, was four per cent, and for Wales two per cent. In the year 1841-42 there was the same result, the increase in England was four per cent., and in Wales two per cent. The increase in 1842-43 was six per cent. in England, and in Wales four per cent., showing a total increase in three years of 14 per cent. in England, and eight per cent. in Wales. In 1843-44 there was a decrease of five per cent. in England, and two per cent. in Wales; so that taking the total of four years, the increase in England was nine per cent. and in

Wales was six per cent. Therefore, as far as that goes, though there is an increase it is comparatively 50 per cent. in favour of Wales as compared with England. (*Day*, 24855).

I thought very highly of Mr. Day as a very accomplished gentleman; I looked upon him as a man of talent, who had had considerable experience in Poor-law administration; and I myself looked upon him with very great respect. (*Nicholls*, 22907).

Mr. WAKLEY. Do you wish the Committee to understand with reference to Mr. Day, that there was in the Welsh district an assistant Poor-law Commissioner acting for eight years as such, whom you had reason to believe at the termination of eight years was an incompetent person?—I by no means say “incompetent.” On the contrary, my impression of Mr. Day is, that he is a man of very superior attainments. I think he is a man of learning, and superior information. (*Nicholls*, 23020).

He (Mr. Day) devoted himself to the service in a very proper and exemplary manner; I have not a word to say against him. (*Nicholls*, 23038).

I quite admit the zeal and ability of Mr. Day. I never denied his ability or his experience. (*Lewis*, 22165, 23256).

I heard with surprise of your (Mr. Day's) removal. \* \* \* I never heard your removal alluded to, nor had I the slightest reason to imagine it had been contemplated until I was told it was done; when so told I made no comment. (*Sir F. Lewis, formerly Senior Poor-law Commissioner, and one of the Commissioners appointed to investigate the causes of the Disturbances in Wales*, 22817, 8).

I think that the investigation into the causes of the disturbances in Wales was the means of opinions unfavourable to Mr. Day reaching our ears. (*Lewis*, 23181).

Mr. CHRISTIE. Will you state what opinions unfavourable to Mr. Day reached you?—I distinctly remember some opinions were reported to us in the winter of 1843, unfavourable to him.

Will you state what they were, by whom they were made, and in what form?—I cannot remember distinctly the persons from whom they emanated; I think I can state that Mr. Cripps was one.

Who was he?—He was a member of the Commission of Inquiry.

Did Sir Frankland Lewis convey to you any such reports?—

No, I do not think I had any communication with my father upon the subject. He did not come to town till a later date, and I have no recollection of his expressing to me any opinion with respect to Mr. Day.

Whatever the representations made by Mr. Cripps were, did you inform Mr. Day of them, and give him any opportunity of explanation?—No.

Why was that?—We came to the resolution that upon the whole it was conducive to the public service that a change in the superintendence in the district should be made. We acted entirely upon public grounds. We thought that it was conducive to the public interests that Colonel Wade should be appointed rather than Mr. Day.

Was this on Mr. Cripps' representations alone, or were there representations made to you by any one else?—I cannot remember any other person distinctly. I remember generally that some communications were made to us as to the dissatisfaction which existed with the manner in which Mr. Day conducted himself towards some Boards of Guardians.

Were they representations of that nature that you were led to suppose that Mr. Day was not popular with some Boards of Guardians?—A want of temper and a want of tact in communicating with Boards of Guardians. The Boards of Guardians were then in a state of great irritation in consequence of the disturbances of the country.

On the whole you think Mr. Day was not very popular in South Wales?—That was our impression certainly. I mean that Boards of Guardians in many cases had reason to be exceedingly dissatisfied with his manner.

Was Mr. Day's unpopularity the ground or the chief ground of you calling upon him to resign?—I will not say his unpopularity, but the manner he had shown towards Boards of Guardians; that was one of the circumstances.

What would you think if you were called on to resign, without any reasons given, and when the reasons were asked for, it was stated that it was on account of the manner you had shown to various individuals?—I do not say that that was the only reason

But I suppose a bad manner, or unpopularity arising from a bad manner, would be equally applicable to the dismissal of a

Poor-law Commissioner as to the dismissal of an Assistant Commissioner?—The duties of a Poor-law Commissioner are very different from those of an Assistant Commissioner.

Are the duties of the Poor-law Commissioners, duties which do not require tact and temper?—I apprehend they require both.

And a popular manner?—The Poor-law Commissioners do not come in contact with Boards of Guardians. (*Lewis*, 23181,95).

We made no special inquiries in the district to ascertain whether Boards of Guardians formed an unfavourable opinion of Mr. Day: we took no steps on the subject. (*Lewis*, 23197).

I believe there is no record of any complaint against Mr. Day. (*Nicholls*, 22951).

I do not recollect any specific complaints. I do not recollect a single official complaint. (*Lewis*, 23319,21).

I am not at all prepared to say that Mr. Day had rendered himself unacceptable to some of the inhabitants of that district. (*Nicholls*, 23063).

Do you think the Secretary of State would have sanctioned your withholding satisfaction to Mr. Day, had he anticipated a Parliamentary inquiry in order to extract it?—Unquestionably, if we could have anticipated a Parliamentary inquiry, we should have had no difficulty in stating the grounds of our proceeding. We may have committed an error of judgment, but we acted according to what we thought best. (*Lewis*, 23254).

There is this disadvantage which may follow from not giving reasons for the suggested resignation of Assistant Commissioners, that the Commissioners may call upon Assistant Commissioners to resign without any reasons, or without sufficient reasons, if they exercise an improper discretion. *On the other hand* REASONS MAY ALWAYS BE FOUND, IF THEY DO NOT EXIST, *where persons are determined to do such an act.* (*Lewis*, 23348).

I was taken seriously ill in the month of June, 1843. I found the illness which I had had, prevented an insurance on my life. I made up my mind to sell out of the army. I informed the Poor-law Commissioners (it was about the month of July, 1843), that if they had an opportunity of re-appointing me after I left the army, or at any time thereafter, I should be very glad to re-join them. (*Wade*, 24411).

“This (the insurance) I have hitherto failed in accomplishing

(in consequence of my illness last summer) with two offices that I have applied to, and am in communication with a third ; and, should I not prove successful, then the step (leaving the army) must be taken, though God knows I shall adopt it with a heavy heart ; but I cannot allow my children to lose so large a sum as the value of my commission." (*Letter from Col. Wade, December, 1843.* 24425).

Letter from Mr. Lewis, dated 15th November, 1843. "The arrangements which we should wish to make, would be to transfer Mr. Clements to Ireland, and to re-appoint Col. Wade, who we believe, is willing to return to his former employment." (23379).

I do not think there was any question of calling upon him (Mr. Day) to resign as early as November. (*Lewis, 23203*).

Mr. Lewis to Col. Wade, dated 21st December, 1843. \* \* \* "I think that we could, in a short time, make an arrangement for offering you an English Assistant Commissionership. If, however, we should be able to make you this offer, it would probably be upon the condition that you would, for some time at least, undertake the superintendence of the Welsh district. I make this offer to you in confidence." (*Wade, 24422*).

Mr. Day was called on to resign in January, 1844. (*Lewis, 23072*).

In Mr. Day's case my regret was somewhat lessened, by the notion which I had, that Mr. Day's circumstances were such as not to render the salary of an Assistant Commissioner a very important object to him : that he was independent in his circumstances : that was and is my belief. \* \* \* My colleagues and myself had been impressed with the difficult circumstances existing in Wales. There was a good deal of excitement there. (*Nicholls, 22907*).

[Mr. Nicholls to Mr. Day, 12th January, 1844 (see p. 82). In that communication the urgent and very critical state of *South Wales* as requiring a more active superintendence "at the present moment," was alleged as the reason for displacing Mr. Day. (22790)].

On joining the district, in the month of April, 1844, I did not find it in a disturbed and excited state. The excitement had ceased. I found nothing of it ; I heard a great deal, but saw nothing of it. (*Wade, 24446-7*).

[Col. Wade did not enter *South Wales* until the 7th of June, 1844. App. 19, pp. 1703, 5].

Mr. Lewis to Mr. Day, 27th January 1844 :—“ We concur with you in thinking that as the *North Welsh Unions* have not been lately visited, they may probably be more in need of the visit of an Assistant Commissioner *at this moment than the Unions in South Wales.*” (22824).

Capt. PECELLE. How long did you continue Mr. Day in his office after you had advised him to resign ?—I think about three months. From the 12th of January to the end of March.

You considered that during that three months he might be entrusted with a difficult district ?—We thought so. (*Nicholls*, 22962-3).

Mr. Nicholls to Mr. Day, 6th of February, 1844 :—“ We expect Colonel Wade will be able to enter upon his duties early in the ensuing quarter : we of course should wish you to remain in charge of your district till then, if this should suit your convenience.” (22838).

Sir J. Graham to Mr. Day, 25th January, 1844. “ A reduction in their (the Commissioners) establishment has been rendered imperative. I have conferred with them on the subject ; they have selected you in the exercise of their own discretion, and I am not disposed to think it unsound. At the same time I must remark, that your ceasing to be an Assistant Poor-law Commissioner in these circumstances, casts no stain on your character ; it is in consequence of reduction ; fault has not been imputed to you.” (22828).

Did that letter relieve your mind, at all ?—Certainly it did ; because, if it were a reduction, it took away all personal imputation from me.

It is distinctly stated that fault has not been imputed to you ?—It is. (*Day*, 22829, 30).

Mr. Day to Sir J. Graham, 27th January, 1844. “ I have the honour to acknowledge the receipt of your letter of the 25th inst., and to thank you for the information which it conveys, and the promptness with which it has been communicated. Had I been aware of the real reason of my removal, I should not have taken the liberty of troubling you upon the subject.” (22832.)

Mr. G. Lewis to Mr. Gulson, 13th January, 1844. “ Col. Wade has written to say that he accepts at the end of the pre-

sent quarter." 24th January, 1844. "Our present intention is to place Col. Wade in Wales, whenever Mr. Day shall have retired, and Col. Wade is at liberty." (23381).

Mr. Lewis to Col. Wade, 21st December, 1843. "I have reason to think, moreover, that our selection in this respect would be not unsatisfactory to the government."

27th January, 1844. "Mr. Day has sent in his resignation, and he will be ready to leave his district whenever he may be called on to do so." 3rd February, 1844. "Your district will consist of Wales, with part of Shropshire. Mr. Day has always lived at Shrewsbury." (24422, S).

[Mr. Day to Sir J. Graham, dated 25th April, 1844, calling attention to his (Sir J. Graham's) former letter, in which he assigned as the reason for calling for his resignation, a reduction in the establishment of the Poor-law Commission; stating, that the "reduction," which he had stated was imperative, had evidently no relation to any reduction in the number of Assistant Commissioners, and asking whether the mode of proceeding which had been pursued towards him, is "manly" and "honest." (*App. p. 1792*).]

Mr. CHRISTIE. Before calling on Mr. Day to resign, had you, either alone or with either of your colleagues, a conference with Sir James Graham as to the imperative necessity of a further reduction in the Poor-law establishment?—No, I had not. \* \* \* He must have written without an exact recollection of the facts in his mind.

When did you first become acquainted with this letter, written by Sir James Graham to Mr. Day, putting his resignation on the imperative necessity of a reduction?—At the time of the publication of Mr. Day's pamphlet.

Did not you then ask Sir James Graham what he had meant, or how he had fallen into this mistake?—I do not recollect that Sir James Graham explained to me at that time what was the origin of his mistake. I saw he had made a mistake.

Do you remember ever calling his attention to the mistake at the time?—I may have called his attention to the mistake, but I do not remember his giving me any explanation of it; at the same time, I cannot say positively that I did call his attention to the circumstance.

Did not you think that such a mistake as that made by Sir



James Graham might involve him in a difficulty?—Yes; at the same time, I cannot say that I did point out the mistake to him, and I certainly do not recollect that he made any explanation of the cause of it to me before the present Session.

Can you explain, in any way, those words in Sir J. Graham's letter: "I have conferred with the Poor-law Commissioners upon the subject?"—No, I can give no explanation of them. (*Lewis*, 23074, 94).

Sir J. Graham has not given any explanation of that part of his statement. (*Lewis*, 23095).

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### EVIDENCE UPON THE POOR-LAW COMMISSIONERS' MODE OF TRANSACTING BUSINESS.

(*See Report of the Committee, ante p. 6.*)

We have been informed there was no minute of the reasons for which Mr. Parker was called on to resign; do you consider that the Poor-law Amendment Act would require such a minute to be made?—I think so. I think the Poor-law Amendment Act only enables the Commissioners to act as a Board, and to sit as a Board. According to ordinary and accustomed method, the charges or grounds would have been preferred at a joint meeting, and consideration had of them at a joint meeting, and deliberations and minutes at each step of the proceedings; these conversations and conversational proceedings at casual meetings of the Commissioners, without minutes, or of single Commissioners without minutes, or sittings without regularity, are not regular or in accordance with the intention of the Act, or of the Legislature; and so far an irregularity attaches to the mode in which this business of the dismissal of an Assistant Commissioner was conducted. It would have followed had the deliberations been common, by the minutes of the fact of deliberations, and in courtesy that the Assistant Commissioner should have been present to give his explanation at the joint meeting.

Sir J. PAKINGTON. Is it your opinion that is the course which justice required, or the course which the Act prescribes?—I think it is the course the Act requires; a joint proceeding, a regular and stated proceeding.

CHAIRMAN. You have used the words "casual meetings;" in what way did you apply the word "casual" to any of the meetings that have reference to Mr. Parker's resignation; do you mean that it was a fortuitous and accidental circumstance of the two gentlemen meeting together?—I think Sir Edmund Head going into Mr. Lewis's room, and Mr. Lewis going into Sir Edmund Head's room, not at any settled time, or with any order of procedure of business, or regulations for taking that business in an orderly and methodical manner, would not meet my conception of the intentions of the Legislature, or conceptions governed by ordinary proceedings of regular Boards, or what was intended to be the proceedings of a Board. In the second section of the Act it is prescribed that "the said Commissioners, or any two of them, may sit from time to time, as they deem it expedient, as a Board." Now by sitting as a Board is always, to my mind, implied order of fixed proceedings, which would not attach to these meetings in a room without order or minutes made at the time. (*Chadwick, 19181-3*).

In my view of the law the powers of the Commissioners are limited by the Act to the acting as a Board; that is, two of them at least conjointly: and the sending single letters, or writing single letters, or acting separately in any matter of this kind, is in contravention of the law; and the sending letters that relate to any proceeding, or to the execution of the law, or to anything at all done in the character of Commissioners, without the prescribed minute or record, is of itself an infraction of the law. (*Chadwick, 19184*).

The Commissioners have until very recently sat and received business, and dealt with business, in their separate rooms; but in respect to the portion of it which may be taken before them when they are sitting jointly, or in respect of anything that may pass of the nature of a subsequent recognition, or subsequent confirmation, or joint confirmation, I hold they are not authorized to give in that sense. (*Chadwick, 19223*).

The question then presents itself, what is the proper meaning of a Board?—It is apprehended that the term Board is equivalent to the term bench: a bench is the prolonged seat on which the several members of the 'bench' sit in deliberation; a Board is a table at which the appointed functionaries sit in each other's presence, for the purpose of deliberation. A Board is defined

by Johnson, 'a table at which a council or court is held;' an assembly seated at a table; a court of jurisdiction. (*Chadwick*, 19524).

It is a settled principle, that wherever the power to do a particular act is given to several persons, they must all concur in executing it, unless they be specially empowered to act severally as well as jointly. (*App.* 29, p. 1754).

Every act performed (by a Commissioner) separately, involves an abrogation,

1. Of the public security for joint deliberation.
2. Of the security to the public for action on the knowledge of several instead of one.
3. Where no deliberation takes place, it involves the abrogation of the security of the record of the proceedings of the Board, or its falsification.
4. Besides the abolition of the security of joint deliberation, separate action implies also the abrogation of any securities for separate deliberation, and the substitution of action in the first intention without minutes, and without the preparation of business for consideration by responsible officers in the accustomed modes.
5. Besides the abolition of the intrinsic securities above specified, separate action *pro tanto* involves delusion, and creates erroneous and extrinsic action by the subject, the Government and the Legislature, on the false security, that business is conducted in the commonly recognized mode, and with the ordinary safeguards and responsibilities.

It is presumed that the obligation to keep a record by a proper officer is involved in the consideration of the object of the record itself;—

1. That it is intended as a security for the protection of the subject against the illegal proceedings of the Commissioners, and as available evidence of what those proceedings have been, and also as a security,
2. To the Legislature against misfeasance, or non-feasance, and against abuse by the Commissioners in the exercise of their functions.
3. As a protection to the office; and
4. As a protection to the officers, as authenticating by a

record of what has been done in the performance of the office, and securing evidence that there has been no failure in the duties the officers have had in charge. (*App.* 29, p. 1756).

The Commissioners admit they can only act as a Board. The only question is as to what is to be the construction of the word Board for the transaction of business, and what arrangements the Commissioners may make amongst themselves by mutual consent for the despatch of the correspondence and the business of the office. (*Lewis*, 22183).

MR. WAKLEY. Is there any section of the statute which empowers a single Poor-law Commissioner to exercise any official functions as distinct from his colleagues? — I believe not. (*Nicholls*, 13226).

It is a usurpation of power acting singly, and singly sending instructions that tended to have effect on any part of the administration of the law. (*Chadwick*, 19189).

MR. J. JONES to Sir J. Graham. (9th May, 1844). I now beg respectfully to request your attention to the following charge against Mr. Lewis, which I am prepared to substantiate upon the most complete and unquestionable evidence before any tribunal, public or private. I deliberately charge Mr. Lewis (I say nothing now of another of the Commissioners) with having acted in defiance and in contempt of a clause in an Act of Parliament especially framed to prevent the very act of which he has been guilty, and by the commission of which he has rendered himself liable to penalties, and to the forfeiture of his office; and I believe that it is competent for me or any one to indict him for the same. The offence I impute to Mr. Lewis is this: that the Commissioners being appointed to act as a Board, they are only authorized to exercise the powers of their office when the whole of them are together, or when two at least of them are sitting (4 and 5 Will. 4, cap 76, sec. 2), except when acting by special delegation under 1 and 2 Vict. cap. 76, sec. 11. This power to act singly, by delegation, is jealously guarded by the statute which authorizes it, requiring the body of the Commissioners to make the delegation by a solemn act under their hands and seal, having the approbation of one of Her Majesty's principal Secretaries of State. Provision is likewise made for the public notification of such delegation. Now, Mr. George Lewis

has at different times (and on the last occasion between Christmas and the 2nd of January 1844) assumed to act as Commissioner, and to exercise all the powers of the Commissioners, giving directions, conducting correspondence, and issuing various orders under the seal of the Board, with his own name affixed at the time, and the name of another Commissioner fraudulently added afterwards; thus usurping the functions of a most important office, and disregarding all the checks which Parliament has expressly imposed upon the sole exercise of those functions, and proving his guilty knowledge by the subsequent fraud by which he disguised the facts. (25187).

I know, by subsequent events, that Sir E. Head was alone in the office when the Rochdale order was issued. (18826). In my opinion many acts have been done at different periods, and some are doing now, by single Commissioners, which are properly the acts of the Board. (Coode, 18810).

We have learnt that for seven or eight days at the beginning of this Andover business only one Commissioner was in London, without any delegation of powers to him?—I was aware myself when I returned that Mr. Nicholls had been for a considerable period alone. I do not remember how long.

Do you think that a single Commissioner being alone for seven days, and transacting the usual business in the office, is in accordance with the provisions of the law?—If he transacts the usual business of the office, I should say not. That must depend on what business he did transact. (Coode, 18821-2).

I instructed Mr. Parker, on the 2nd of August, to go down to Andover to make inquiries as to bone-crushing. (Nicholls, 12919).

At the close of the inquiry Mr. Parker transmitted to me a report, accompanied with the depositions he had taken. (Nicholls, 12926-8).

I received that report, with the depositions, on the 6th of August: I sent it immediately to Sir J. Graham. I did not send copies to my colleagues who were away. (Nicholls, 12930-6).

On the 6th of August, I directed a letter to be written to Mr. Parker, desiring him to come up and attend the "Board" in London. Mr. Parker came up to town in consequence of that letter. I saw him. Neither of my colleagues had returned, and he did not meet the "Board." (Nicholls, 12968-72).

I was the only Commissioner in the office on the 2nd of

August, and I think I had been there alone two or three days. From the 31st of July to the 9th of August exclusive, I was the only Commissioner in attendance at Somerset House. (*Nicholls*, 12844-7).

Of the 90 letters which were authorized to be sent during that time, in those eight days, 30 were sent and 60 were kept back. (*Nicholls*, 13241).

I cannot, at this moment, particularise any important letters kept back (for joint consideration). (*Nicholls*, 13236).

Was that the only time you were left alone for so long a period as eight days?—I can say I never was so long left alone; that was accidental, it was not intended. (*Nicholls*, 13220).

I arrived in town on the 8th of August. I came to town on the day on which I had arranged to come the day before I left it. (*Head*, 14096-7).

The country is divided into three districts, when there are three Commissioners in London, and into two districts when there are only two Commissioners, and each Commissioner takes a district.

The whole of the letters or communications arising from each district are taken to the Commissioner, who superintends the particular district, and he writes or dictates the answer, and gives directions upon each of them to his clerk. If the Commissioner thinks fit, he goes to the room of his colleague and consults him.

The Commissioner gives directions to the officers to prepare orders, and the orders are generally prepared on the authority of the initials of a single Commissioner. When prepared, they are taken in a parcel and signed, as a matter of course, by the other Commissioner, without any inquiry as to the contents.

Any notification of any matter requiring joint consideration, is dependent on the will or the intimation of the Commissioner by whom the letter is read, or the order directed to be prepared.

The letters issued on the direction of a single Commissioner are signed by the secretary, or by an assistant secretary, as "by order of the Board," and they are registered, and copies are kept of them. In some instances a single Commissioner has written letters to Assistant Commissioners, or to others, in his own name, which letters, though relating to the execution of the Act, are not registered. Such letters have been written without consultation with the other Commissioners, in their absence, or under such circumstances that no previous consultation can have taken place.

The Assistant Commissioners, acting in the several districts,

proceed on the understanding that they act under the authority of a single Commissioner, though on the joint responsibility of the Board.

The single Commissioner, by his initials, and those of S. M. *i. e.* special minute, occasionally directs documents to be inserted as minutes of the Board, and in practice they are inserted accordingly, solely upon such authority.

Each Commissioner calls in the secretary or either of the assistant secretaries, or any of the officers of the Commission, and consults them, and gives directions, and these directions are obeyed on the authority of the Commissioner acting singly. (*App.* 29, p. 1752).

I proposed to my colleagues, and they agreed that we should divide the Assistant Commissioners into three classes, and the districts into three. (22312). The principle of an individual action was laid down at the time, and arose at that moment. (22321). No doubt, by this independent course of action, the Board of Commissioners as a Board, are registering the acts of a single Commissioner. (22329). I would not state positively that I never did sign orders in the country. (22480. *Sir T. F. Lewis*).

I signed the Rochdale order at the Grove, in Hertfordshire. An alteration was made after the Rochdale trial. (*Lewis*, 22047).

It had not frequently happened that an order was signed by one Commissioner in London, and by another in the country: it had occasionally been done. I certainly had signed some orders at the Grove, in Hertfordshire, but I am not able to state the particular orders. (*Lewis*, 22058-61).

I have no doubt when a Poor-law Commissioner, I frequently wrote letters marked "private" to Assistant Commissioners. I do not think I could have carried on the business of the office without. (22482). The advantage of marking the letter "private," would be to relieve my colleagues from the responsibility of the advice I gave. (22488). Great difficulties occurred among Boards of Guardians; great disputes, great differences of opinions, and very important questions arose for us to decide, which grew out of those disputes. Matters must arise of such delicacy as affecting character, in some instances, in which you must be permitted to have the power of acting always under discretion and responsibility of keeping matters private. (22489, *Sir T. F. Lewis*).

We had each of us 150 letters a-day to read, suggest answers

to, and dispose of. When we had got through our respective correspondence, we assembled as a Board, daily taking with us ten or twelve (letters), and we said these are points for the consideration of the Board. (22321). Under this arrangement, it was left absolutely to the discretion of each Commissioner what letters should be reserved for consideration by the Board. If I take fifty letters, and sit in my own room, I could dispose of them with a rapidity which cannot be accomplished if you have three people to discuss them. Conversations will arise upon unimportant preliminary points, and you cannot prevent it. (22322. *Sir T. F. Lewis*).

I frequently sign minutes of directions, to which I have not been a party ; and into the merits of which I do not inquire specifically. In those cases I sign the minutes upon the faith which I have in the judgment of my colleagues. (*Lewis*, 22155-7).

There is no section of the Act which empowers a single Commissioner to exercise any official functions as distinct from his colleagues. (*Nicholls*, 13226).

CHAIRMAN. Is it your course to commence the proceedings of one day by reading the minutes of the previous meeting ?—No.

Mr. CHRISTIE. Are the minutes of the previous meeting made out in the way in which you make them out, when you hold your next meeting ?—Yes ; and produced and signed.

They are signed the next day ?—Yes.

Supposing a Poor-law Commissioner is present that day who had not been present the day before ?—Every document is also signed on the day ; every direction that is given on every document, is signed at the time.

By how many Commissioners ?—By one Commissioner.

The Act of Parliament requires two to authorize an act ?—That is a sufficient warranty for the preparation of the document, for the insertion of the particulars in the minutes of the proceedings, and it would be impossible that the thing could be done in any other way.

The instructions are given by one Commissioner only, without the deliberations of the two, and the Act requires that everything should be done by two Poor-law Commissioners at least ?—Not everything particularly ; any matter of importance.

The entry with regard to the first letter, states that it was signed and sanctioned by two Poor-law Commissioners on the 9th of August ?—Yes.



That letter was dispatched on the 1st of August, when you were the only Commissioner in town, without any delegation of the powers of the Poor-law Commissioners to you, as required by law?—If it is a letter of no importance, it would be so.

The other day you said it was a letter resulting in a formal act, and that was why it was entered; here is a letter requiring their sanction, namely, an increase of salary?—It is recorded on the 9th by the signatures of two Commissioners.

It had been sent on the 1st of August?—The act subsequently receiving the sanction of the Board.

What is the use of their sanctioning it?—I presume that was an act that was done by myself. (*Nicholls*, 13163-75).

Do any of the Board clerks ever bring letters to you?—Yes, frequently.

What do you do with them?—Sometimes both my colleagues come in with their letters, and we sit together.

Is that always so, or only sometimes?—Occasionally; sometimes both, sometimes one as the case may be.

Do you mean to say you never sit alone in your room?—No.

Do you ever look at letters by yourself?—Yes, frequently.

Do you give any instructions on those letters by yourself?—Yes, occasionally.

Not so often by yourself as in the presence and with the concurrence of one of your colleagues?—Not so frequently as with my colleagues; they take a larger portion of the current business of the office than I do.

They give instructions singly more frequently than you do?—They consult with me on matters of importance.

Do they more frequently than you do give instructions as to letters?—Yes.

And you yourself do the same sometimes?—Yes.

To whom do you give the instructions when you give them by yourself?—I occasionally indorse the instructions upon the back of the letter itself.

Do not you always do so?—Not always.

When you do not indorse the instructions upon the back of the letter, what do you do then?—I give the instructions to the clerk.

Verbally?—Yes.

Is there no record of your instruction?—The clerk writes the

instruction on the back of the letter, and that receives the signature of myself or one of my colleagues.

What is the use of one of your colleagues signing that instruction, if he did not give it?—It is an indication that he concurs in it.

You said you signed it, or one of your colleagues?—Yes.

When you sign this instruction is it always signed by one of your colleagues?—No; it is very seldom that a direction receives the signature of two.

It is very seldom that instructional letters receive the signature of two Commissioners?—What I meant was, that the instruction given by one Commissioner, if that instruction is signed by another, conveys in fact the authority of two.

Mr. WAKLEY. Of the Board?—If I write an instruction on a letter, and that instruction is signed by a colleague, it conveys the joint deliberation of my colleague and myself on the matter.

Mr. CHRISTIE. It is very seldom that such an instruction is afterwards signed by a second Commissioner?—Very rare.

Then generally the instructions to answer letters are given by only one Commissioner?—That is generally the practice, the Commissioners communicating upon every matter that appears to them to be of importance, and by their joint signature afterwards sanctioning whatever is done.

You can only answer for yourself there; that is, on every matter that appears to you of peculiar importance you communicate with one of your colleagues?—Yes.

In what way do you communicate with him?—We are all in the same office.

Do you go into his room?—Yes.

You do not wait for the Board meeting?—No; there are constant references backwards and forwards.

You may communicate on matters of peculiar importance with one of your colleagues, but the other colleague may be at the office, and yet know nothing of the matter?—It is possible, certainly.

You do not wait for a Board meeting for these communications?—No. (*Nicholls*, 13258-85).

Separate action by the Commissioners *pro tanto* involves delusion. (*App.* 29, p. 1756).

In 1841 I prepared a statement of my views of the mode in which the business of the office was then transacted and recorded: I objected to Commissioners sitting separately, disposing of letters; serious mischief continued to arise from that practice. (*Chadwick*, 19200.)

An Assistant Commissioner may be expected to act more confidently, and with greater security, upon the instructions received from a Board, than from a single Commissioner sitting alone. When acting by himself, a single Commissioner, may, in dealing with the business of the public, indulge in personal caprice, and act without the restraint and precautions which he would not fail to observe when acting with others. The subordinate officer, who receives an appointment in the expectation that his exertions will be constantly seen and appreciated by several, will not have the same stimulus when he is practically subjected to unrecorded directions, and for their execution is made dependent on the reports of an unauthorized and irresponsible officer, and is placed at the mercy of the misapprehensions, the unchecked caprices, or weaknesses of one. (*App.* 29, p. 1758).

Assistant Commissioners have expressed anxiety and have applied to me to have Boards held in order that they might make statements before the whole of the Commissioners and have the matter discussed and settled at a Board.

These regular Board meetings, with a secretary present would afford a security for justice which the Commissioners' mode of holding "casual meetings" does not furnish?—In my view it would afford that security, and that has been the impression and positive expression of opinion and anxiety on the part of Assistant Commissioners. I do not mean in cases where assistant commissioners have been dismissed, or where they have been found fault with. It has been a ground stated to me for having the business discussed at a full Board. (*Chadwick*, 19197-8.)

Do you remember any occasion on which you asked Mr. Chadwick, when he was going away, to stay in the room?—Yes, I do.

Will you mention that occasion?—I have a faint recollection of having asked Mr. Chadwick once to stay in the room; there was one occasion, that a good deal of difference of opinion had arisen between Mr. Nicholls and myself chiefly: and I remember I said to Mr. Chadwick, "it may be necessary, if any occasion should

arise on which there is much dispute between any other Commissioner and myself upon this point, that somebody should be present who should be able to give a correct account of what took place."

I infer from that, that you saw the advantage, if not the necessity, of some person besides the Commissioners being present at the time the Commissioners are holding their Board meeting? —I can conceive many occasions in which the presence of a secretary might be extremely useful at the Board: I think it would be so more often than not. (*Sir T. F. Lewis*, 22506-8.)

I think that business may have, and has in fact, been disposed of by a single Commissioner, often in a manner different from that which would have taken place if they had met and had deliberated on that business as a Board. (18822). Undoubtedly there is a vast multitude of individual acts done by the Commissioners singly. (*Coode*, 18809).

In Parliament the writing of harsh letters has been attributed to me, and instances have been mentioned in which the complaints of letters being abrupt and harsh I thought were just. I represented to Mr. G. Lewis that it was an unjust thing for me to bear the blame of such expressions — that was on the occasion of a letter being the subject of animadversion, on account of the style or the terms in which it was written, in a debate in the House of Commons. On making that representation, Mr. Lewis' answer was, with respect to an application which I intimated an intention of making to the gentleman (*Sir J. Graham*), who made the observation, for redress, that I should get none; that it was no use making the application. (*Chadwick*, 20021-9).

*Sir J. Graham*, in a speech delivered in 1842, is reported to have said, "I must say, that I thought from the very commencement of the operation of the law, the Secretaries have not only written too much, but in many cases too harshly. I should say at this moment that public opinion is against the measure, not so much for what is done, as for what has been written, written however with the best intentions." (*Lewis*, 19413).

I am responsible for the passage, but it was not drawn by me. (*Lewis*, 21662).

*Mr. Chadwick* had seen the draft of the letter (the subject of animadversion) in *Mr. Lewis'* handwriting. (*Owen*, 21675).

Now it so happens, that of all the letters that were attacked in Parliament, not one had been written by me; of all the attacks which have been made in Parliament on other documents and letters, only one was upon a document written by me, and the passage attacked in that document was a statement and explanation of a clause with reference to the object of the Act, which was to prevent mendicity by giving information as to the means of relief. It was in support and explanation of a clause for giving tickets to mendicants, and referring them to the Workhouse for relief, and intended to avoid the stringency of the Vagrant Act, which makes almsgiving an offence punishable by hard labour. (*Chadwick, 20021*).

A special commission in 1819, investigated the manner of conducting the business of the Stamp department.

The acts of the Board (of Stamps) were in general the acts of one Commissioner confirmed by the ignorant acquiescence of others.

On such practice in the proceedings of the Board of Stamps, the Commissioners of Inquiry observe:—

“Those proceedings have appeared to us to be marked by a great deficiency in that order and system which contribute essentially to the efficient conduct of all public business, and which become more indispensable in proportion to the extent and importance of the department.

“From the evidence of the Secretary, your Lordships will find that minutes of their proceedings are most imperfectly kept; that there is no regulation for bringing before the Board the papers or letters requiring their consideration; that notwithstanding the law enjoins that every act of the Board should have the sanction of a major part of the Commissioners, they act individually, and are applied to separately by the Secretary, and that he officially gives effect to directions thus received.

“This description of the mode of transacting business in the name of a public Board upon insufficient authority, is the more likely to attract your Lordships’ most serious attention, as it may lead to a doubt whether the directions thus given are capable of carrying with them a legal effect, or attach to the Board that responsibility which the Legislature has intended.”

One of the Commissioners of the Board of Stamps, in a letter

laid before Parliament, endeavours to justify the practice by the arguments *ab inconvenienti*.

The Lords of the Treasury, in a Minute, observe :—

“ It appears, therefore, to be indispensably necessary, that my Lords should advise his Majesty to revoke the present Commission of Stamps, and to appoint a new Board for that department.” (*App.* 29, pp. 1758-60).

Commissioners of Inquiry into the management of the Board of Excise, advert to the like mal-practices at that Board. They observe—“ With respect to the course pursued of reading the letters before one Commissioner, and his making his decisions instanter upon the contents of them, we consider it is one which is extremely objectionable. This is carrying the great evil of divided responsibility in doing the business of the public to its extreme extent ; for responsibility is first divided and diminished by having a Board of Commissioners, instead of a single individual, at the head of the department ; then by having a single Commissioner to act for the Board ; and, lastly, by having a different Commissioner each succeeding day.

“ It is quite impossible that the decisions upon the vast number of letters and petitions which are opened and read before the single Commissioner can be made with that attention and consideration which ought to be bestowed upon them.” (*App.* 29 p. 1762).

By section four of the Poor Law Act, it is provided “ that the Commissioners shall make a record of their proceedings, in which shall be entered in writing a reference to every letter received, from whence, its date, the date of its reception, and the subject to which it relates, and a Minute of every letter written or order given by the said Commissioners, whether in answer to such letters received or otherwise, with the date of the same, and a Minute of the opinion of each of the members of the Board of Commissioners, in case they should finally differ in opinion upon any order to be given or other proceedings of the Board.” (12701).

The 4th clause was introduced by the Duke of Wellington in the passage of the bill through the House of Lords : All my experience since has confirmed its wisdom. Nothing, I believe, can be more repugnant to sound policy in such a branch of ad-

ministration as this, than that there should be anything like secrecy or concealment. (*Chadwick*, 19973-4).

I signed the letter dated the 16th of October, 1845 (p. 10 ante); it was the joint letter of my colleagues and myself; I had a consultation with my colleagues, the result of which was to have that letter written. (*Nicholls*, 12615-21),

Mr. CHRISTIE. Which consultation was at a Board meeting?—The three Commissioners were present; and being present, would constitute a Board.

Do you mean that it was not a regular Board meeting, but the Board was constituted merely by the presence of the three Commissioners, who might, for all we know, have come into the room accidentally?—If they were present I apprehend there would be the power of acting as a Board.

Mr. M. SUTTON. Do you mean, whenever the three Commissioners sit together, the Board is constituted?—I think so, if the Commissioners choose so to act.

If you sit together in the room?—I mean present in the office.

If they are all three present they may act as a Board; but you do not mean *ipso facto* they became a Board by sitting together?—When they are all assembled, they have all the power and authority of a Board.

Are they *ipso facto* a Board, because the three are in the same room?—They have the power of acting; whether they choose to do so, or not, is another thing. (*Nicholls*, 12622-7).

Mr. CHRISTIE. Do we understand, on this occasion, you did constitute a Board?—I think not; my impression is not.

Do we understand, also, that the determination to write a letter to Mr. Parker, the Assistant Commissioner, calling on him to resign was not a formal act of the Board?—It was so far an act of the Board, that it was concurred in by each of the Commissioners individually. Each Commissioner concurred in the acts, but it was a communication from the three Commissioners in the light of a confidential communication to an Assistant Commissioner. (*Nicholls*, 12643, 4).

I think the letter was marked private. (*Nicholls*, 12700).

[The original letter and its envelope were produced.]

It was not marked private and confidential, and the envelope is not marked private either; it is indorsed, "Poor-law Commission; Hugh Owen; George Nicholls." (12829). I do not

consider calling on an Assistant Poor-law Commissioner to resign an act of the Commissioners: in this case it was merely an expression of the opinion of the Commissioners. There was no formal act of the Board, until his resignation was received and recorded. (*Nicholls*, 12707).

I do not consider Mr. Parker was virtually dismissed. I am not aware that the Secretary of State has said in the House of Commons that he was virtually dismissed. (*Nicholls*, 12698, 9).

The letter to Mr. Parker was copied by a clerk and signed by me. (*Nicholls*, 12664, 5).

You do not consider the calling on Mr. Parker to resign his office of Assistant Commissioner, was an act of the Commissioners?—Distinctly not. (*Nicholls*, 12708).

Poor-law Commissioners to Mr. Day; 5th of March, 1844. “They desire to state that the correspondence which has recently passed between Mr. Nicholls and yourself, respecting your continuance in your office of Assistant Poor-law Commissioner, was of an official character.” (*App.* 34, p. 1790).

CHAIRMAN. I observe, in the letter from the Poor-law Commission Office to Mr. Day, of the 5th of March, 1844, it is stated that the correspondence which had recently passed between Mr. Nicholls and him was “of an official character.” Can you tell me what record there is of that correspondence in your books?—I observed that passage on reading the letter. I think it should be a semi-official character. It was not strictly official, as I understood it.

In fact, I apprehend there is no record of this correspondence?—I believe there is not. (*Nicholls*, 22946-7).

[Minute for the dismissal of Mr. Parker, in the handwriting of Mr. Lewis, pasted in the minute book. See p. 11, ante.]

[Eight different sets of loose sheets, called the minutes and records described; these sheets contain ruled columns with distinct headings, in which entries, kept by different clerks, are made. (*App.* 28, p. 1744-6).]

There is a regular minute book (the sheets above described). (*Nicholls*, 13157).

What I consider a regular minute book has been kept; a record, as I consider, which complies with the 4th section of the Act, has been kept. No minute book has been kept by the secretary since I have been a Poor-law Commissioner. A minute



book has been kept by a clerk, not present at the meetings of the Commissioners. (*Head*, 14223-30).

MR. CHRISTIE. You mentioned to us in your former evidence, that you came to town for a day or two after the Andover inquiry had begun, about the 18th of August, and signed some minutes?—I did.

It appears that you came to town on the 2nd (? 22nd) of August, and signed minutes of the direction of the Board on correspondence for that day?—I think I came to town a day or or two before, and remained in town a day or two afterwards.

How were those minutes, which you signed, brought to you for signature?—I do not recollect the precise way.

What would be the usual way of bringing them?—I have no doubt they were signed by me in the office.

How would they be brought to you for signature in the office?—They would be brought by a clerk.

What would he bring you?—The sheet on which the minutes are entered.

And that is a sheet giving the substance of a number of letters, with the directions given by the Commissioners on those letters, —Yes.

Would he bring you the original letters?—No.

How, in signing the sheet, which gives the substance of the letters, would you know that the substance of the letters was correct?—We know that by our confidence that the directions are faithfully abstracted by the clerk.

That is the only way in which you know it?—That is the only way; it is impossible for us to go through the labour of comparing the original directions with the transcript.

I suppose you had not been a party to the original directions in this case, as you had just come to town?—I think I arrived in town two or three days before.

Do you ever sign minutes of directions to which you have not been a party?—Frequently.

We have had different minutes produced, and we have found in several cases that letters have been dispatched before the day on which the directions are sanctioned by the signatures of two Commissioners; how do you explain that?—I can only say that is an irregularity, where it may have occurred, but it is not the ordinary practice. (*Lewis*, 22143-59.)

Have you a copy of the case which you submitted to Mr. Tomlinson?—I have.

Will you refer to page 3 of that case; I find the following sentence: "When an order is prepared, whether founded upon correspondence or not, it is brought by a clerk assigned to that duty before two or three Commissioners sitting as a Board, with all other orders and documents prepared for signature and sealing on the same day?"—The Commissioners present sign such orders and documents in the presence of this clerk; the same clerk proceeds at the same time to stamp the order or document with the Commissioners' seal. (*Lewis*, 22049-50).

[The case purports to be a description "of the existing practice which was adopted in the year 1841." (*App.* 28, p. 1745).]

The practice described in this case has not been the practice of the Commissioners from the commencement of the Commission. The practice was altered shortly after the trial (of the Rochdale case) to which the Committee has referred. That was in the spring of 1845. (*Lewis*, 22051-3).

In 1841 some objections were made to me by Mr. Chadwick, the Secretary of the Board, with regard to the manner of keeping the minutes (16353); and a change was made not to meet his views, but to obviate legal objections. (*Lewis*, 16355).

The principal subjects to which Mr. Chadwick's case refers are the mode of keeping the records and the right of the Secretary to be present at the Commissioners' consultations. (*Lewis*, 18238.)

The practices which I represented (as open to objection) were not as to the mode of entering the minutes but as to the mode of transacting business. I was not consulted on the alterations made and I did not think they met my objections. (*Chadwick*, 19201-5.)

My objection (in 1841) was not to the form of the minutes. I objected to the separate action of the Commissioners in making orders, and in expressing this opinion as the opinion of the Board. I had to complain of letters being brought in (to the Board room) in gross, and passed in the gross when they had been dealt with in separate and private rooms by the Commissioners. The disposal of the business in separate rooms, separately, and without joint consideration, since 1841, has rather increased than otherwise. One practice which I then objected to

was that of a single Commissioner sending out letters which were duly minuted in form, as having been passed through a Board, but of late the practice has been carried still further of a Commissioner writing letters which were not recorded at all, writing private letters of instruction to Assistant Commissioners to influence or direct the transaction of the public business. (*Chadwick*, 19211-3).

Since the discussions which have taken place, that portion of the business which consists of letters has been taken pretty regularly before two Commissioners. (*Chadwick*, 19215).

Is it your opinion, looking at it as a lawyer, that it is required by law that all letters should be taken before the Board and decided upon by them, whether they are letters asking opinions, or letters on which orders must necessarily follow?—I am clearly of opinion, as I have expressed myself before on that statute, that according to the words of the statute the Commissioners have no power or authority to do otherwise than act as a Board, that is to say, two of them sitting together; and that all separate action is unauthorized, and an unauthorized exercise of power and authority in contravention of the Act.

Do you apply the words "separate action" in an expression of opinion, in answer, for instance, to a letter of inquiry; take the case that a Board of Guardians writes up to the Commissioners to know whether they can dispense from enforcing the prohibitory order in a particular case, would the expression of opinion that would follow in answer to that from the Commission come within your notion of the word "action?"—Certainly, because it is written by the Commissioners in their official character, and it does influence the execution of the law, the administration of the law which they are appointed to govern. The parties sending the letter, expect to have a deliberate opinion of the Board of several, and that opinion governs their actions in the administration of the law, whereas that guise of sending forth the letter of an individual Commissioner, as the letter of the Board, is an unauthorized representation.

There is no passage in the Act, no section in the Act, which would forbid, indirectly, such a mode of proceeding as an expression of opinion by a single Commissioner?—I do not know of any such passage; there is no such passage: the only passages in the statute are those that enable the Commissioners

to act, that the Commissioners confer, and may sit and may act as a Board. Those words "or any two of them," limit their authority, and all beyond that is entirely unauthorized. The question is, whether the letter that the individual sends, is understood to be a letter authorized by the Board, or a letter authorized by a joint opinion of several, in fact it is only the opinion of one.

Then it is distinctly your opinion that all letters, of whatever class they may be, should be laid before the Board, and whatever expression of opinion takes place or whatever order issues, should be done by the Board sitting as a Board, and should be the result of their joint consultation?—Yes; as I have stated in the case, the Commissioners are not authorized to say that any portion of the business is of no importance, and we will deal with it otherwise than as the statute directs; and in that opinion I think I am corroborated by the opinion of the Lords of the Treasury, the official opinion and custom which I stated (*App.* 29) in that case. (*Chadwick*, 19218-21).







