

EDWARD DUKE AND THE AMESBURY OLIVER

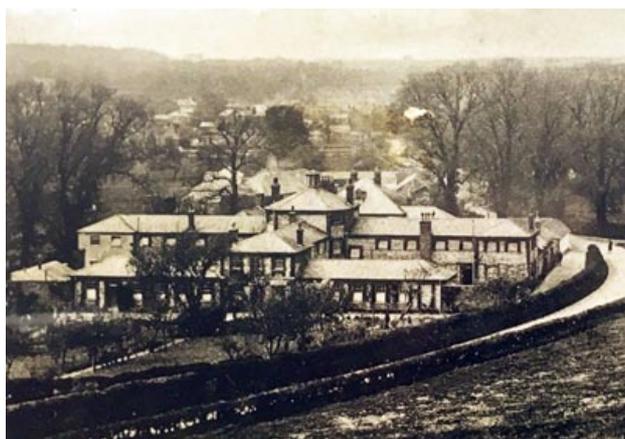
Peter Maggs

My father started investigating the genealogy of his family in the 1950s.¹ He was stimulated by his grandfather's tales of his own youth as the son of a shepherd on Salisbury Plain near Stonehenge. The close association of the enigmatic stone circle with the family fascinated Father, and he was determined to know more about those ancestors. I do not know whether he ever used the library of the Society of Genealogists, but he was certainly a frequent visitor to Somerset House for the Central Registration indexes. He also went to the Public Record Office in Chancery Lane for the 1841 and 1851 census returns, and made occasional visits to the parishes he had identified to consult the original registers. Gradually he was able to establish the family history as it had evolved in and around the Wiltshire parishes of Maddington, Rollstone, Shrewton, the Orchestons, and Tilshead.

A list of names and their relation to each other tells us nothing about what the people were like or how they lived. My father wanted to know more, and his enquiring mind led him to the records of the Amesbury Union Workhouse. He knew from his studies that most of his immediate Wiltshire ancestors had been either shepherds or agricultural day labourers. He reasoned that there was a strong possibility that some of them were given poor relief, and wondered whether there were records of those transactions.

The Poor Law Amendment Act of 1834 required that henceforth relief to the destitute and infirm was to be provided through a central workhouse serving a number of parishes. More than twenty around Stonehenge had been subsumed into the Amesbury Union with its new workhouse at Amesbury. The Public Record Office held the correspondence between the guardians of the Amesbury Union and the Poor Law Commissioners, and my father

scanned the files eagerly looking for records relating to his ancestors. He was not successful; the only paupers' names he found were related to special cases where the local guardians needed guidance. He did, though, find something else. He described it to me as the record of a 'secret trial'. It concerned an enquiry to determine whether the workhouse master had cruelly ill-treated a crippled boy who had subsequently died. Around 100 pages of evidence taken over a period of four days were contained in the files.



The Amesbury Union Workhouse, early 20th century. By kind permission of Wiltshire and Swindon Archives, Geoffrey Crowe Collection.

This was potentially a most interesting discovery and eminently publishable. The trial at Amesbury had taken place in 1844, just a few years after the publication of *Oliver Twist*, and one year before the notorious scandal at the Andover Union Workhouse. The affair at Andover, where the paupers were so underfed that they took to sucking the marrow out of putrid bones sent for crushing into fertiliser, ultimately brought down the Poor Law Commissioners. Furthermore, one of the senior players caught up in the Andover scandal, Henry Walter Parker, had conducted the enquiry at Amesbury. His perceived misconduct

at Andover led to his forcible resignation as an assistant Poor Law Commissioner under very acrimonious circumstances.

My father decided to write up his researches as a historical novel; he called it *The Amesbury Oliver* after Dickens' boy hero. The book never saw the light of day. Several publishers turned it down and eventually my father lost interest, concentrating instead on factual descriptive writing on social history. Decades later and after his death, I re-read the text of his novel and decided to look first-hand at the source material on which he had based his account. My mother had transcribed around 30% of the trial evidence from photocopies, and this formed the basis of Father's novel. I was intrigued to know what the remaining 70% of the testimony would show, and wanted to scrutinize the background correspondence. The original files were requested from the National Archives and I spent many hours poring over them. What I found was astonishing. My father had included in his book only details of the enquiry and the immediate build-up to it, but he had barely disturbed the surface of what had been a simmering cauldron of resentment. Edward Duke, the person who made the accusation against the workhouse master, was a clergyman, an antiquarian of sorts, a guardian of the workhouse, and a Wiltshire magistrate.² He had spent the previous eight years criticising the Amesbury Union and its officers, of which he was one, and this was the third occasion on which there had been a formal hearing into his complaints. None of this background was mentioned in my father's account, in which Mr Duke was portrayed as a patrician, sympathetic figure, frustrated in his quest for justice for the poor.

In fact Edward Duke was far from being sympathetic; he was a grievance-hunting, petty, and disputatious busybody, subject to fits of petulance and caprice, and not short of hubris and ego. When Duke could not get his way during meetings of the Amesbury Union guardians, which was most of the time, he would write to the Poor Law Commissioners. When their responses failed to satisfy him, he wrote personally to the chairman of the commissioners. And when the chairman had had enough of him, he wrote directly to the Home Secretary. Edward Duke elevated telling tales out of school into an art form. The quirky nature of his

personality illuminates his many letters, and the two rather bizarre books that he paid to have published. It is clear from the extant correspondence that the 1844 hearing was the culmination of an enormous amount of frustration, bitterness, and resentment on both sides that had been building up over a number of years. This was a story that just had to be told.



Edward Duke, circa 1844. By kind permission of the British Library.

Edward Duke's character and behaviour in public life have been gleaned from three sources. Firstly, there are the newspaper reports of his activities during the Wiltshire Quarter Sessions, and his participation in the debates concerning the governance of the county with his brother magistrates. Then there is the extensive correspondence between the Amesbury Union, Edward Duke, and the Poor Law Commissioners; it is from these documents that details of the enquiry were obtained. Lastly, in his guise as an antiquarian Mr Duke speaks to us through the letters he wrote to the *Gentleman's Magazine*, the 26-part exposition of his bizarre theory on Stonehenge in the *Salisbury and Wiltshire Gazette*, and his two books. The books are in

different ways odd in the extreme. In the first one, *Prolusiones Historicae*, it is possible to deduce a sardonic personality not taking itself too seriously.³ Less so in the second book, *Druidical Temples of the County of Wilts*.⁴ Here Mr Duke published his grand unified theory explaining that Stonehenge, Silbury Hill, Avebury etc., form part of a great planetarium;⁵ Avebury is the Sun and Moon, Silbury Hill is the Earth, and various other monuments placed along a twenty mile meridian in the 'correct' order and relative distances, represent the planets. Furthermore, the ancients must have had telescopes since the ratio of the diameter of the stone circle to the ditch at Stonehenge - which represents Saturn - is identical to the ratio of the diameter of that planet to its rings... In both publications he portrays himself as an experienced and knowledgeable antiquary with his classical education very much on show.

There should have been a fourth primary source of information about the Amesbury Union, namely the minutes recording the meetings of the guardians. Those for the period from 1835, when the union commenced, until 1839 are extant and deposited in the Wiltshire and Swindon History Centre, as are the minutes for 1845 and thereafter. For the period 1840 to 1844, covering the date of the alleged assault in 1840 and the build-up to the enquiry of 1844, the books containing the minutes are missing. They were never deposited in the archive. Was there a conspiracy? Did the Amesbury Guardians suppress them because of an incriminating entry? Did Mr Duke 'acquire' them, perhaps to use as evidence in an action against the union following the 1844 enquiry? It is tempting to suspect skulduggery given the turbulence of those four years in the life of the union.

Edward Duke's genealogy has been well researched; suffice it to say that as the second son, of the fourth son, of a second son, he was fortunate to inherit the family manors of Lake, and Salterton and Newton, together with Lake House, a substantial Elizabethan mansion.⁶ Initially Mr Duke turned his hand to excavating some prehistoric barrows on his land - Lake House was just two miles from Stonehenge - enrolling the help of William Cunnington and Sir Richard Colt Hoare, whose friendship he cultivated.⁷ In 1816 he qualified as a magistrate and regularly attended the

Wiltshire Quarter Sessions. It was there that he seems to have developed his talent for dispute and controversy. He was frequently in a minority of one or two, raising again and again subjects for debate which had already been settled, and being mocked for his trouble. On the question of the relocation of one of the assize courts from Salisbury to Devizes, Duke's refusal to accept a majority decision led to an Act of Parliament being needed. He was not chary of throwing out highly questionable accusations; he charged the governor of the Devizes prison with stealing potatoes and bread from the prison to feed his pigs. His brother magistrates, on learning that his informant was a prisoner at Fisherton Gaol in Salisbury convicted of a capital charge, decided that Duke had acted 'incautiously' and declined to take the matter any further.

As a magistrate, Mr Duke had been the authority for matters concerning the proper operation of the Poor Laws, which before 1834 were administered at parish level. Following the 1832 Royal Commission, the Poor Law Amendment Act passed into statute two years later. It mandated the use of union workhouses, the abolition of outdoor relief except under special circumstances, and a central administration with three Poor Law Commissioners based at Somerset House in London. The union workhouses served a number of local parishes, and henceforth outdoor relief, where a worker's very low or non-existent wages were subsidized by the Poor Law, would be largely removed. If a pauper needed assistance, he or she - frequently entire families - would have to enter the workhouse. There they were housed, clothed, fed, and given access to healthcare, and the children were educated in 'reading, writing, arithmetic, and the principles of the Christian religion'. In return, the able-bodied were required to work. The women generally did cleaning, cooking, and laundering, and sometimes also spinning and weaving and other craft activities. The men could be used for agricultural work, or other low-skill manual tasks like stone-breaking and oakum-picking.⁸

The union workhouses were managed by a board of guardians elected by the ratepayers of the parishes in the union, and they employed various salaried staff including the workhouse master and his wife, a clerk,

several relieving officers and overseers, a surgeon, an auditor, and a treasurer. Sometimes the master and his wife acted as schoolmaster and schoolmistress for the workhouse children; when there were many children, extra teaching staff were employed. As well as elected guardians, the new Act allowed that any JPs resident within the union could be 'ex officio' guardians.⁹

The first meeting of the guardians of the new Amesbury Union was held at the George Inn, Amesbury, on 12 October 1835. The union comprised twenty-three parishes; these included all those of interest to my father, as well as Wilsford-cum-Lake which was where Mr Duke resided. Twenty-four guardians had been elected - one for each parish plus an extra one for Amesbury on account of its size. There were also three ex officio guardians, of which Edward Duke was one. In his status as a Justice of the Peace, Duke had written to the Poor Law Commissioners on several occasions since the new Act came into force. During the transition period between the Act receiving royal assent, the establishment of the Amesbury Union, and the building of the new workhouse, there was an inevitable period of uncertainty where guidance was needed. With the establishment of the union and the election of guardians, correspondence with the commissioners on workhouse business was expected to be conducted by the union clerk 'as directed by the guardians'. But in June 1836, Mr Duke recommenced writing to the Poor Law Commission (PLC) on his own account. In nearly every case, his letter contained complaints that the new law was being applied incorrectly within the Amesbury Union, and implied that he had failed to persuade the other guardians of the fact. Sometimes he charged an individual officer of the union, or the master, or even the clerk with misconduct. Thus as with the Wiltshire magistracy, so also with the Board of Guardians of the Amesbury Union, Mr Duke seemed to have had an unerring ability to foster conflict with his peers. He did this by the simple expedient of refusing to abide by any decision made by a majority vote with which he disagreed. Between June 1836 and April 1844, Duke wrote to the PLC more than seventy times. His complaints ranged from the childishly trivial, to a charge, effectively of manslaughter, against the workhouse master.

The Amesbury Union had been set up by Colonel Charles Ashe a'Court, the assistant Poor Law Commissioner with responsibility for Wiltshire. In the early years of the union a'Court, who was a veteran of the Napoleonic Wars, seemed to have had a calming influence over Mr Duke, reining in the worst of his excesses. In a letter to the commissioners, a'Court explained that Duke was unpopular with the other guardians; he was disappointed that he had not been elected chairman or deputy chairman, and rarely if ever managed to get any of his motions even seconded let alone passed. By January 1842 a'Court had retired, and Duke promptly wrote to *The Sun* newspaper denouncing the Amesbury Union as 'inferior to the majority of the Unions in the kingdom.'¹⁰ Pressing his advantage, he then wrote to the PLC laying out four instances where the workhouse master was not following the rules as laid down by the commissioners. The most significant of these concerned the frequency of clean stockings for the children. The clerk of the union pointed out that this minor variation in the rules had been sanctioned by the board of guardians. Nevertheless the commissioners wrote back saying that the master had breached their regulations and should, therefore, be 'reprimanded for his past neglect'. The clerk informed the commissioners that the Amesbury Guardians had voted eight to one *not* to reprimand the master; he had just been carrying out their orders. Mr Duke had already written to the commissioners telling them that the guardians had refused to obey their instruction.

The PLC decided to send an assistant commissioner to Amesbury to investigate. Notice of his arrival caused all of the pent-up frustration of the chairman of the guardians, Rev Gorges Lowther, to boil over, and he sent the commissioners a stinging sixteen-page letter. He lamented the fact that Colonel a'Court had retired because 'the very mischievous person who is your correspondent [was] well known to him, [as was] his character and habit of making up grievances'. He described Duke as 'one of those busy meddling and grievance-hunting persons with which most neighbourhoods are afflicted'. He made a serious charge against him: after Duke had failed to get agreement from the board for the women in the workhouse laundry to be given an allowance of beer, he opined in front of

two of the paupers that if it were him, he should refuse to work until beer was provided. This, Lowther said, was a specimen of the 'discretion, judgement, and temper, of the commissioner's correspondent', and could have led to disorder and 'mutiny' within the workhouse. After detailing a number of other objections, he said that he hoped that the commissioners would not allow Duke's 'petty and vexatious meddling about trifles and petty matters' to upset the 'beneficial working of the law'. The latter remark referred to the view of the local ratepayers that the new Poor Law, whilst having made little or no saving to the poor rates, had improved the 'moral' behaviour of the labouring poor to the ratepayers' satisfaction.

The new assistant commissioner was Henry Walter Parker, a barrister. He arrived at Amesbury on 11 April 1842, and was somewhat taken aback to discover that Mr Duke's four original charges against the workhouse master and guardians had grown to more than twenty-five. It is a measure of the disordered state of Duke's mind, that only one of the original four charges was included in his new list, and it was not the complaint about clean stockings. Parker spent eleven hours investigating the complaints; the meeting ended at nine pm. He reported back to the PLC, and six weeks later the commissioners sent their findings to the guardians. The charges were detailed and comments on the main ones were made. The report concluded:

With the exception of ... the omission to purchase ... clothing ... by tender, [the commissioners] find nothing to warrant the imputation on the Board of Guardians and no proof whatever to support the charges impugning the character of individual guardians and other officers of the board.

However:

They cannot conclude ... without expressing their regret that a magistrate and a clergyman should adduce charges of so serious a nature ... upon insufficient grounds, and that when visiting the Workhouse, he so far forgot his duty as to use language calculated to impair its discipline.

Mr Duke must have been furious. He had already written to the PLC several times between the

conclusion of the enquiry and the issuing of the report, saying that his charges had been 'decidedly proved'. Now he turned on Parker, accusing him of 'improper demeanour and highly offensive language' towards himself during the enquiry, and refused ever to meet him again at Amesbury. Parker commented that he was at a loss to understand Duke's animus towards him since, at the termination of the meeting, Duke had thanked him for his efforts and invited him to stay with him at Lake House on his next visit.

Nevertheless, the failure to purchase clothing by tender had been noted as a shortcoming, and Mr Duke was almost certainly responsible for a brief editorial note that appeared in the *Salisbury and Wiltshire Herald* on 11 June 1842: 'Amesbury Union ... in consequence of an appeal by an ex-officio Guardian to the Poor Law Commissioners, the supplies for Clothing and Shoes are to be thrown open to Tender'. A week later, the newspaper contained a letter from Richard Wilson, the clerk of the union. After all the union had been through at Mr Duke's hands, and an almost complete rebuttal of his charges by the PLC, they could not let this implied criticism go unanswered. Wilson mentioned the twenty-five charges 'preferred' by Mr Duke, and 'reiterated month after month, and year after year', and having pointed out that the recommendation of the commissioners regarding the tendering of clothes had been made 'solely on general grounds', Wilson said:

But as many unfounded statements of the proceedings of this board have been circulated by the same person, an extract from the letter of the Poor Law Commissioners will serve to shew their opinion of the numerous other charges contained in the same appeal.

The letter went on to quote the conclusions of the commissioners' report, as reproduced above. Referring to their regret of Duke's behaviour, Wilson declared:

In this regret the Guardians participate, and reluctantly, but as a matter of painful duty, consent to this humiliating exposure of an ex-officio member of their own body.

Such an explicit public rebuke as this from the union must have had the sanction of the chairman and a quorate meeting of the board of guardians. Years of frustration with Duke's incessant nit-picking had pushed them over the edge, and who could say that they were not justified?

Mr Duke had to respond; naturally it could not be a short letter, and when it was printed two weeks later, it occupied more than one column in the newspaper. He was prompted in making a response, he said, by the quotation from the PLC which 'involves a serious imputation on my character'. He proceeded to lay bare all of his own frustrations and actions, his objections, and his feeling that he had been unjustly treated. The Amesbury Union's dirty washing was well and truly out for public display. It is a moot point whether the union or Mr Duke were more damaged by the revelations.

Duke continued writing to the PLC. He found new complaints about the actions of the union and accused Parker, with whom he had had a meeting at Somerset House in the presence of one of the commissioners, of insulting him while he was there. Filed with one of Mr Duke's letters is a note from a commissioner to Parker. It reads:

Mr Parker, if there are any new facts alleged in Mr Duke's letter, they should, I think, be enquired into - but if not, I do not think it advisable to continue this controversial correspondence ... [where] the commissioners have already expressed their opinion and communicated the same to him.

On 10 September, Duke carried out a threat he had made several times; section 43 of the new Poor Law Act allowed a magistrate to visit a union in his district to ascertain whether the rules and regulations were being observed. Mr Duke was already a regular visitor at Amesbury, and his views on the adherence to the rules were well known to all - including readers of the *Salisbury and Wiltshire Herald*. Nevertheless section 43 allowed him, within the structure of the new Act, to make a formal inspection and communicate his findings. In his report to the PLC, Mr Duke stated that the workhouse was in 'general good order ... [and an] extreme state of cleanliness', but there were 'three

glaring and grievous defects': the yard was muddy, there was no porter, and vagrants with the 'itch' were not being segregated.¹¹ But these three items had already been considered, and dismissed, during Parker's enquiry in April. With admirable patience, Richard Wilson responded to the PLC's request for an explanation. Apparently no-one at the PLC had bothered to check the details of the previous enquiry. If Mr Duke was out of control, then it was clear that the PLC either had no wish to interfere, or just could not be bothered to act.

Over the next eighteen months or so, Mr Duke continued his letter-writing to the PLC and his relentless attacks on the Amesbury Union. He produced more complaints and claimed that the PLC were deliberately ignoring him; he threatened to write to the Home Secretary. He declared:

I am, gentlemen, the representative of one of the oldest families in this county. I am a gentleman by birth and education and have acted extensively as a magistrate for this thirty years.

There was a welcome hiatus in Duke's letter-writing between May and December 1843 when he was ill. He said later that he had had 'three attacks of paralysis'. By late January 1844 he appeared to have recovered, and complained that the union clerk, Richard Wilson, had put himself up for election as county coroner and could not possibly combine this role with that of his union duties. His complaint was rejected, and Wilson was duly elected. There were other letters and complaints, but on 6 April 1844, Mr Duke finally deployed his doomsday weapon. He wrote to the Home Secretary, Sir James Graham, charging the master of the workhouse, Charles Ralfs, with the cruel mistreatment of a crippled and consumptive orphan boy of 15, George Wheeler, which within a few weeks had led to his death. The incident had taken place in 1840. This complaint could not be ignored, and Henry Walter Parker was instructed to go to Amesbury without delay and carry out a full enquiry.

Duke was informed that Parker was going to chair the enquiry, and immediately wrote again to the Home Secretary saying that he would go to prison rather than attend the 'summons of that indiscreet

young man'. He repeated the threat in a further letter. Parker wrote to Duke asking him for the names of his witnesses to the assault, as well as witnesses to several other charges that he had subsequently added. Duke refused to give them to him. Parker wrote back, saying that though he regretted it, he would formally summons Duke to attend the enquiry. Mr Duke, having perhaps considered that were he to refuse the summons he would be in contempt of court, almost certainly be struck off the magistrates' lists, and thus be excluded from attendance at the Amesbury Union, decided against prison. He obeyed the summons, attended the enquiry, met Mr Parker, and gave his evidence.

The enquiry took place between 29 April and 2 May 1844. Forty-six witnesses were called. Mr Duke having refused to supply the names of his witnesses, Richard Wilson and Charles Ralfs between them had listed those they thought to be relevant, with further subpoenas being issued as the names of others emerged from the evidence. As well as the charge of cruelty against George Wheeler, Duke had claimed that the master had locked up an old woman for twenty-four hours on bread and water with no straw to sleep on, beaten two little girls with a rope, and beaten a boy with a rope so savagely that he sustained a cut eye.

Each charge was investigated, preceded by a statement from Mr Duke. As witness after witness was examined, it became clear that Duke was confused as to who had told him what; he also got the names of witnesses wrong, and claimed that they had told him things which they denied under cross-examination. The charge against the old lady, Mary King, she dismissed herself. She did have straw to sleep on, and she claimed that the master 'did not keep [her] on bread and water as he does some of them.' She would have no word said against him, although in the disturbance that led to her being locked up, she had called him a 'long legged son of a whore'. The two little girls, on their own testimony and that of several others, had only been cuffed around the ear for playing on the floor and possibly taking a comb without permission. One of them declared that her mother often hit her much harder. The evidence of the boy with the cut eye was less clear. He was clearly lying under cross-examination, and may have

deliberately misled Mr Duke. But several other boys present during the incident confirmed that he *had* been beaten with a rope and sustained a cut under the eye, but not the by workhouse master; it was the pauper *schoolmaster*, now dead, who had done the beating. There was some confusion because many of the paupers - and union officers - called the master 'governor', while the schoolmaster was known as the 'master'. The charges were dismissed as being without foundation.

And so to the allegation regarding George Wheeler. He had had a short and unhappy life. His father and mother, a sister and a brother had all died between 1836 and 1839, and he was born with a condition which made straightening his legs impossible. He was also consumptive, and to compound the misery of his final weeks he was racked with vomiting and diarrhoea.

Mr Duke had three witnesses for his charge of assault. James Fry had been present in the sick room when the incident took place; Moses Spreadbury entered the room a few seconds later and had spoken to the boy immediately afterwards. John Potheary entered about half an hour later and, according to Duke, affirmed that Wheeler had blood on his head. Fry was thirty-four years old, also crippled, and with 'defective' eyesight. According to him, the master had come into the sick ward to find George Wheeler still in bed. He hauled him out by an arm and a leg, threw him on to the brick floor, and then picked him up and threw him against the flint wall whence he cut his head. There was blood on the pillow. At Fry's request, the doctor had put a 'plaister' on the wound which had been washed, and the hair cut short around it.¹² He was never well afterwards, and a few weeks later he died. Moses Spreadbury was seventy-seven years old and 'stone' blind. He was in the doorway and heard the boy cry out 'Murder!'. He said that Wheeler was 'sobbing and crying'; he told him that the master had thrown him out of bed, he felt something 'pop' inside, and he was sure he would 'not live six weeks longer'. Spreadbury then added that Wheeler's ghost was haunting him and laughing at him. It followed him for thirteen months using three different voices, and sang carols to him at Christmas time... But

Abraham Joules (or Joles) was also present, in bed, at the time of the incident. He said that the master simply 'drew' the boy out of bed. There was no blood to speak of, no doctor came, and no plaster was applied. John Potheary came into the sick room a short while later. He said he saw a small scratch on Wheeler's forehead; there was no swelling and no plaster. Charles Kilford was just outside the door when the incident happened. The boy did not cry 'Murder!' but said 'Oh dear!' He also entered and asked him what had happened. George said he was 'thrown' out of bed because he would not - he emphasised 'would not', rather than 'could not' - get up. The boy was not crying, he saw no wound, and there was no blood on the pillow or sheet.

Charles Pyle, the medical officer at Amesbury, was treating Wheeler for consumption and his digestive problems, but had no record of a cut on the head or the application of a plaster - which he would not have entrusted to a nurse. He said that a 'combination of diseases' had been responsible for the boy's death.

George Wheeler's brother Charles was also resident in the workhouse. He was only eight years old at the time of the incident, but the master had told him he could visit his brother any time he liked. He saw no wound or bruise, no hair cut away, no plaster, and no blood on the sheets or pillow, and George never complained about a wound. On the contrary, he said that the master had behaved very well towards him for which he was very grateful. He continued to thank the master for his kindness even on the day he died. Jane Conduit was a pauper working in the kitchens. She regularly took food to George Wheeler - including 'tea and hot buttered toast' from the master's own table. George expressed to her his gratitude towards the master several times a day. She added:

The opinion of everyone in the house, as far as I have heard say, is that the governor is very kind to them. After inmates have been discharged from the house I have known many of them visit the house to see the governor and matron. The master and matron always appeared happy to see them.

Edwin Farr was one of the union relieving officers and had been contacted by George Wheeler's aunt, Mary Clift, who reported to him that George had been ill-treated by the master. This conversation had taken place four years previously, shortly after George Wheeler had died, and had led to an enquiry before the board of guardians attended by Mr Pyle, the surgeon. The master had been entirely exonerated from any wrongdoing, and Richard Wilson pointed this out to the PLC when Duke had first made his charges. He sent them a copy of the minute recording the outcome, noting also that Mr Duke had been present when the minute had been read through at the following meeting. Two of the guardians present at the earlier enquiry, Francis Lang and Stephen Smith, were now called. Both had visited George Wheeler on a number of occasions, and both reported that he had never complained to either of them about the master's treatment.

Mary Clift was now called and said that on the day before he died, George had told her and her sister-in-law that he had been 'used very ill'; on telling the master he could not get up he was '[thrown] out on the floor'. However, she also said that she saw no blood on the sheets or pillow, no wound, and no sign of any hair cut off. The other aunt, Susannah Thomas, confirmed all of that, adding that she saw no plaster either. Jane Carter had been working in the workhouse laundry at the time of George Wheeler's death. It was her duty to wash the sheets which she knew to be his, because they were brought to her by another pauper, Betty Pinkney, who used to look after him. Betty had emigrated to Australia and so was unable to give evidence, but Jane Carter confirmed that Betty had never told her of any ill-usage of the boy, and there was never any blood on the sheets.

This testimony concluded the direct evidence relating to the alleged assault. There followed a number of statements from paupers and ex-paupers, as well as some of the officers of the workhouse, regarding the general character and behaviour of the master. Mary Dyer was an ex-pauper living in Salisbury. She declared:

The Governor's conduct was civility and kindness to the inmates ... I never knew him to act cruelly to any

of [them ... or] heard a report of his having acted cruelly. Since I left the Workhouse I have called on the Governor many times.

The master and his wife had also visited her and her family several times. Regarding the workhouse children:

The children used to go to the governor every night and shake hands with him and wish him good night and the same to [the] Mrs ... The children always appear cheerful and I don't believe any of them ever went to bed without kissing the Mrs.

Sarah North had spent two years in the workhouse and her husband had died there:

He received attention and kindness in the Workhouse. He had everything that was needed for him by the governor ... Whilst he was able to do it, he spoke of [his] kindness.

Deborah Plummer's father had also died in the workhouse:

He was ill for 12 months. He was formerly paralytic and had no use of his limbs on one side ... The Governor and Matron behaved very kindly to him indeed all the time he was ill up to the time he died. He sometimes had food sent to him from the Governor's table. Father was very pleased and very grateful for the kindness and said so to me.

She went on:

[The dead] are never slighted and neglected by the Governor. [He puts] all sorts of flowers that he can get ... round the corpse in the coffin ... when there are none in the Workhouse garden, the Governor sends for them up into the town.

Ann Perry, another ex-pauper, recalled: 'The master once gave all the children and nurses a gypsy party on the Downs ... we spent the day very joyfully indeed ... We had plenty to eat and drink'.

The workhouse chaplain, Reverend Fulwar William Fowle, made a long statement. He began:

During the time I have been the Chaplain ... the conduct of the Governor and matron has been exemplary. Their behaviour to the inmates has been perfectly kind and humane. In no instance have I known them guilty of maltreating or improperly chastising the pauper inmates ... I never knew any instance of unjustifiable severity on the part of the Governor or the matron. I am much about the country and visit all the villages in the neighbourhood - I am particularly called to many of them for being Rural Dean. In no instance have I heard of the paupers having been illtreated or their children chastised improperly by the governor ... From the unrestrained way in which ill and dying persons unburden themselves to Clergymen I am confident I should have heard if any ill treatment had been [taking place] in the Workhouse.

He described being out driving with his wife:

we met a great many children out walking who looked so remarkably clean, happy and healthy ... she ... asked me what children they could be - I answered they are the children of the lowest genders of 23 parishes.

Rev Fowle had been in attendance during the entire four days of the enquiry; he concluded:

nothing that has transpired has shaken my confidence in the master and matron - that confidence has been confirmed though it did not want that confirmation, for I knew everything that has transpired as well before the investigation as now.

The master, Charles Ralfs, was not called, but he made a statement to Richard Wilson, the clerk, in his capacity as a lawyer. Ralfs had been a master sail-maker in the Royal Navy and had retired on a pension. He said that since the 1842 enquiry, Mr Duke had carried on a programme of persecution towards himself and his wife. He denied locking up Mary King without straw; he denied hitting the two little girls with 'rod or rope'. He remembered cuffing one of them on the ear for crawling around on the floor. He denied hitting James Coles with a rope or anything else. On George Wheeler, although he was capable of dressing himself, he had not got out of bed. Ralfs lifted him out by the

shoulders - not by an arm and leg - and placed him on a stool, then back on the bed. He said he was not angry or excited. George Wheeler was not hurt, he did not shed tears or shout that he was hurt. He never subsequently complained of being ill-used, on the contrary, he thanked him and his wife for their kindness.

Mr Parker wrote up the evidence and sent a report to Somerset House. Meanwhile, Rev Gorges Lowther, the chairman of the Amesbury guardians, wrote to the Home Secretary pointing out that this was the third occasion on which an enquiry initiated by charges from Mr Duke had been carried out at Amesbury.¹³ After detailing his grievances against Mr Duke he said:

Should you consider the conduct of a person deserving censure who systematically opposes himself to the peaceful working of the law in the house and out of it, by throwing out insinuations the most unjust, by making random and unsupported accusations, by collecting evidence in the most unworthy manner from the least fitting or the most discreditable sources, and should you be of the opinion that these charges justly apply to Mr Duke's conduct for a series of years, and emphatically in the commission obtained by him from you, I trust that you will be pleased to express your opinion in a way likely to deter him from continuing his mischievous course.

He was suggesting that Duke be struck off as a magistrate; Duke's status as an ex officio guardian was entirely due to his position as a JP, as allowed by the Poor Law Amendment Act. Remove that, and he would cease to trouble the union.

Parker's report was prefaced by a few comments of his own. The only real issue with Mary King seemed to be whether the straw was wet or not - she had thrown a cup of water back at the master after he offered it to her. On her own evidence, she *had* been provided with straw. The incident with the two girls Parker dismissed as the most trivial occurrence. The boy did have his face cut open, but not by the master, it was by the old pauper schoolmaster; he commented on the confusion that arose because many of the paupers referred to the master as 'governor'.

On the main charge, the alleged cruelty towards George Wheeler, Parker said that Fry and Spreadbury, for reasons known to themselves, had probably conspired to fabricate the story from the fairly trivial event of Wheeler refusing to get up one morning. He commented on workhouse inmates who were 'turbulent and mischievous, some who are imbecile or with intellects weakened by sickness or other causes'. The testimony from the aunts he did not mention and appeared to discount.¹⁴ However, the overwhelming evidence from all of the other witnesses, including an eyewitness, was not only that Wheeler did not suffer injury at the master's hands, but that he was most grateful for his kindness, that gratitude being expressed on the very last day of his life.

The report from the PLC was sent to the Home Secretary, with copies to the Amesbury Union and Mr Duke, and largely endorsed Parker's comments. Although probably with an eye to publicity in the event that the affair found its way into the newspapers - and the poor reputation enjoyed by union workhouses in some of them - it devoted half of the text to the reproduction of several of the glowing tributes from paupers and union officers to Mr and Mrs Ralfs and their kindness, particularly towards the children. And perhaps with the same objective in mind, and to confirm the fact that the PLC was doing a proper job in administrating and monitoring the union workhouses, the report pointed out that the Wheeler affair could have been defused at source had the guardians invited his relatives to be present during the brief 1840 investigation of the incident. Furthermore, it stated that the boy with the cut cheek illustrated the dangers of employing paupers as schoolmasters, and workhouse rules forbade 'hastily striking' the girls. But unlike the report on the 1842 enquiry, no criticism was made of Mr Duke. In the event, the 1844 enquiry at the Amesbury Union was not leaked to the press, and not a single word about it ever appeared in the newspapers; apparently only those directly involved knew what had happened.

And what of Mr Duke? His activities in respect of the Amesbury Union had been minutely examined in both the 1842 and 1844 enquiries; he was clearly revealed as a 'grievance-hunting'

troublemaker. Lowther had suggested to the Home Secretary that Duke should be stripped of his magistrate's status, but had he really done anything bad enough to warrant that? It could be argued that he was simply acting out of an extreme, if misguided, sense of duty. He was still listed as a JP the following year, so he was not expelled from the bench. But from the date of the 1844 enquiry, Mr Duke's magisterial duties abruptly stop. He also ceased playing any further part in the Amesbury Union. Perhaps a confidential word was said to him by the Home Secretary or Lord Chancellor to the effect that if he quietly withdrew, nothing further would be said. It was in no-one's interest to have a public expulsion that could have branded Duke a martyr; since he was also in indifferent health, it probably benefited him too, and he spent the rest of his days proselytising his extraordinary and bizarre theory regarding the origin of Stonehenge.

Edward Duke died in August 1852, and was buried with his ancestors in the parish church of Wilsford-cum-Lake. There is a substantial memorial to him and his wife on the wall next to the altar, and their initials are engraved on a flagstone immediately in front of the chancel indicating that the remains lie below in the most exalted part of the church. There were several obituaries praising his work as an antiquary and magistrate, although none of them mentioned that he had been a guardian of the workhouse. Perhaps after all, his activities in that area were known of in journalistic circles, and it was decided not to sully his reputation and to lay his misdemeanours to rest with him.

Mr Duke's books are now largely forgotten, although *Druidical Temples* is occasionally referenced in works on Stonehenge, mainly to illustrate the lunatic theories that arise from attempts to understand that most enigmatic of monuments.

Notes

1. My father was Norman Ernest Maggs, 1921- 2008. His obituary in *The Times* can be read here: <http://www.mirlibooks.com/bm-creeper.html>
2. Duke had taken holy orders before he graduated from Magdalen Hall, Oxford, in 1803, but was not beneficed. He occasionally conducted marriage ceremonies and gave sermons in Salisbury.
3. *Prolusiones Historicae* ... Vol 1, Rev Edward Duke, Brodie, Salisbury, 1837.
4. *The Druidical Temples* ... Rev E Duke, John Russel Smith, London, 1846.
5. For an analysis of Duke's theory see: *Edward Duke, 'Decipherer of Stonehenge, Avebury, and Silbury Hill'*, Peter Maggs, Wiltshire Family History Society Journal, June 2020, Issue 158, pp.16-25.
6. *Wiltshire Notes and Queries*, March 1915, p.192 et seq.
7. Colt Hoare was a notable antiquary and writer, and the owner of Stourhead; William Cunnington was a self-taught archaeologist sponsored by Colt Hoare.
8. From <http://workhouse.org.uk>
9. Ex officio - by virtue of position or status; ex officio guardians were self-appointed, not elected.
10. *The Sun*, 11 January 1842.
11. The 'itch' was scabies.
12. A plaister was a 'solid medicinal or emollient substance spread on a bandage ... and applied to the skin' OED.
13. Colonel a'Court had carried out a brief enquiry following a complaint about the clerk by Mr Duke.
14. The aunts and one of the other witnesses had reported George Wheeler as having said he that was 'thrown' out of bed; it seems likely that he was talking idiomatically or figuratively.

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