

WIGAN ELECTION.

RETURN to an Order of the Honourable The House of Commons,
dated 24 April 1846.

MINUTES OF THE EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

WIGAN ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(Mr. Bright.)

*Ordered, by The House of Commons, to be Printed,
27 April 1846.*

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PROCEEDINGS OF THE COMMITTEE.

NAMES of the MEMBERS of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the Borough of WIGAN.

John Evelyn Denison, Esq.
John Trotter, Esq.

Hedworth Lambton, Esq.
Beriah Botfield, Esq.

Chairman:—Sir WILLIAM HEATHCOTE, Bart.

Martis, 7^o die Aprilis, 1846.

THE names of the Members were called over, and the Members being all present, Shorthand Writer sworn.

The Petition of *Thomas Cook* and *Thomas Wall*, of the 6th of February, complaining of an undue election and return for the Borough of Wigan was read.

Mr. Cockburn, Mr. Serjeant *Kinglake* and Mr. *R. R. Moore*, appeared as Counsel for the Petitioners.

Messrs. *James Coppock*, *Hilton* and *Acton*, appeared as Agents.

Mr. Serjeant *Murphy* and Mr. *James*, appeared as Counsel for the Sitting Member.

Messrs. *Dyson*, *Hall*, *Parkes & Coates*, and Mr. *Ralph Darlington*, appeared as Agents.

The room was cleared.

The Committee deliberated as to the course of proceedings, and came to the following Resolutions:

“That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission so to do.

“That if costs be demanded by either party, under Clauses 91 and 92 of 7 & 8 Vict., c. 103, the question must be raised immediately after the decision on that particular case.

“That the Committee expect, that with respect to cases of bribery, which it is intended to bring home to the Sitting Member or his Agents, the Counsel for the Petitioners will now state the names of the electors bribed, and those of the persons who actually gave the bribe.

“The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not reasonably be supposed to have been previously cognizant.

“That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

“The Committee, however, reserving to themselves a discretionary power, as in the cases of bribery.

“That no Witness shall be examined who shall have been in the room during any part of the proceedings.”

The parties were called in, and the Resolutions read to them.

Mr. Cockburn then proceeded to open the case on behalf of the Petitioners.

James Richard Naylor, from the office of the Clerk of the Crown, was called and sworn.

Examined by Mr. *R. R. Moore*.

Produced the writ and the return, and the poll-books of the last election of the Borough of Wigan.

Cross-examined by Mr. *James*.

Mr. John Kaye called, and sworn.

Examined by Mr. Serjeant *Kinglake*.

On Mr. Serjeant *Kinglake*, in the course of the examination, putting a question to the following effect to the Witness: “Did you hear Mr. Glover say or do any thing?”

The witness was ordered to withdraw.

Mr. Serjeant *Murphy* objected to any examination as to the acts of Mr. Glover, till he was proved to be the agent with Captain Lindsay.

Mr. *Cockburn* was heard in support of his right to put the question.

Mr. Serjeant *Murphy* was heard in reply.

Mr. *Cockburn* heard in answer to the objection, and agreed to avoid that particular question.

Mr. *John Kaye* recalled, and further examined by Mr. *Cockburn*.

Mr. *James Richard Naylor* recalled, and further cross-examined by Mr. *James*.

On Mr. *James* cross-examining the Witness as to his receipt of the poll-books, and the indorsement of the receipt on them :

Mr. *Cockburn* heard to object to the question.

Mr. *James* heard in reply.

Mr. *James Richard Naylor* further cross-examined by Mr. *James*.

Mr. *William Fouracre* called, and sworn.

Examined by Mr. *Cockburn*.

On Mr. *Cockburn* putting a question to the following effect: "What was the total amount which Mr. Glover paid you?"

Mr. *James* heard to object.

Mr. *Cockburn* heard in reply.

The Committee directed Mr. *Cockburn* to proceed with his examination.

Mr. *William Fouracre* further examined by Mr. *Cockburn*.

Cross-examined by Mr. *James*.

Re-examined by Mr. *Cockburn*.

On Mr. *Cockburn* inquiring of the Witness as to entries in his account books not being in his own hand-writing :

The witness was ordered to withdraw.

Mr. *James* heard to object to any such questions being put.

Mr. *Cockburn* heard in answer to the objection.

Mr. *James* heard in reply.

The Committee deliberated, and resolved, "That questions to the above effect can be put."

Mr. *William Fouracre* recalled, and further examined by Mr. *Cockburn*, and cross-examined by Mr. *James*.

Mr. *John Finch* called, and sworn.

Examined by Mr. Serjeant *Kinglake*.

Cross-examined by Mr. *James*.

Examined by the Committee.

Mr. *Michael Green* called, and sworn.

Examined by Mr. *Moore*.

Cross-examined by Mr. Serjeant *Murphy*.

Re-examined by Mr. Serjeant *Kinglake*.

Mr. *John Miller* called, and sworn.

Examined by Mr. Serjeant *Kinglake*.

Cross-examined by Mr. Serjeant *Murphy*.

Re-examined by Mr. Serjeant *Kinglake*.

Mr. *John Jennison*, called, and sworn.

Examined by Mr. *R. R. Moore*.

Cross-examined by Mr. Serjeant *Murphy*.

Examined by the Committee.

Mr. *Matthew Worthington* called, and sworn.

Examined by Mr. Serjeant *Kinglake*.

Cross-examined by Mr. *James*.

Re-examined by Mr. Serjeant *Kinglake*.

Mr.

Mr. *William Norris* called, and sworn.
Examined by Mr. *R. R. Moore*.
Cross-examined by Mr. *James*.

Mr. *John Pendlebury* called, and sworn.
Examined by Mr. Serjeant *Kinglake*.

[Adjourned till To-morrow, at Eleven.]

Mercurii, 8^o die Aprilis, 1846.

THE names of the Members were called over; and the Members being all present,
Mr. *John Pendlebury* was called, and sworn.
Further examined by Mr. Serjeant *Kinglake*.
Cross-examined by Mr. *James*.
Re-examined by Mr. Serjeant *Kinglake*.
Examined by the *Committee*.

Mr. *Robert Wilding* called, and sworn.
Examined by Mr. *R. R. Moore*.
Cross-examined by Mr. *James*.

Mr. *John Rylance* called, and sworn.
Examined by Mr. Serjeant *Kinglake*.
Examined by the *Committee*.

Mr. *James Barnes* called, and sworn.
Examined by Mr. *R. R. Moore*.
Cross-examined by Mr. *James*.

Mr. *Nathaniel Echersley*, called and sworn.
Examined by Mr. Serjeant *Kinglake*.
Cross-examined by Mr. *James*.
Examined by the *Committee*.

Mr. *William Blackledge* called, and sworn.
Examined by Mr. *R. R. Moore*.
Examined by the *Committee*.

Mr. *John Holding* called, and sworn.
Examined by Mr. Serjeant *Kinglake*.
Cross-examined by Mr. *James*.
Re-examined by Mr. Serjeant *Kinglake*.

Mr. Serjeant *Kinglake* was heard to sum up the evidence on the part of the Petitioners.
Mr. *James* was heard on behalf of the sitting Member.
Mr. Serjeant *Kinglake* heard in reply.
Room cleared.
Committee deliberated.

Motion made, and question put,—“That the Honourable James Lindsay was duly elected a Burgess to serve in this present Parliament for the Borough of Wigan.” (Mr. *E. Denison*.) Agreed to.

Ordered,—“That the Chairman do report the above Resolution to The House.”

Parties called in and informed thereof.

LIST OF WITNESSES.

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 MINUTES OF EVIDENCE.

Martis, 7^o die Aprilis, 1846.

PRESENT :

SIR WILLIAM HEATHCOTE, BART., IN THE CHAIR.

John Evelyn Denison, Esq.
John Trotter, Esq.

Hedworth Lambton, Esq.
Beriah Botfield, Esq.

THE Counsel and parties were ordered to be called in.

7 April 1846.

The Petition of Thomas Cook and Thomas Wall, electors of the town of Wigan, in the county of Lancaster, was read.

Mr. *Cockburn*, Mr. Serjeant *Kinglake* and Mr. *Moore* appeared as Counsel ; Mr. *Coppock* appeared as Agent.

The Petition of John Longworth and William Walbank, praying for leave to defend the return, was read.

Mr. Serjeant *Murphy* and Mr. *James* appeared as Counsel ; Messrs. *Dyson, Hall, Parkes & Coates*, and Mr. *Ralph Darlington*, appeared as Agents.

The *Chairman* stated that the Committee had come to the following Resolutions :—

That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.

That if costs be demanded by either party under clauses 91 and 92 of 7 & 8 Vict., c. 103, the question must be raised immediately after the decision on that particular case.

That the Committee expect that, with respect to cases of bribery, which it is intended to bring home to the sitting Member or his agents, the Counsel for the petitioners will now state the names of the electors bribed, and those of the persons who actually gave the bribe.

The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculcate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not reasonably be supposed to have been previously cognizant.

That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place ; the Committee, however, reserving to themselves a discretionary power as in the cases of bribery.

That no witness shall be examined who shall have been in the room during any part of the proceedings.

Mr. *Cockburn* was heard to open the case on behalf of the petitioners.

8 MINUTES OF EVIDENCE *taken before* SELECT COMMITTEE

Mr. *James Richard Naylor*, was called in ; and having been sworn, was Examined by Mr. *Moore*, as follows :

Mr. *J. R. Naylor*.
7 April 1846.

1. DO you produce the writ and poll-books of the last election of the borough of Wigan ?—Yes ; the writ and the return and the poll-books.
2. *Committee.*] Are you the town-clerk ?—No ; a clerk in the Crown Office.
3. Mr. *Moore.*] Will you hand those in to the chairman ; is that writ and the return and the poll-books in the same state that you received them ?—Yes, except such additions as we have made to them in entering them and registering them, and so on.

Cross-examined by Mr. *James*.

4. It is your duty to have the custody of them ?—Yes, by Act of Parliament ; do you mean the poll-books ?
5. The poll-books ?—Yes, by recent Act of Parliament.
6. When did you receive them ?—On the 17th of October 1845, by post, at ten in the forenoon.
7. The writ ?—The writ was delivered by the agent for the Chancellor of the Duchy of Lancaster, on the 20th of October.
8. By Act of Parliament ?—No, by the Chancellor of the Duchy of Lancaster.
9. By whom was it actually brought ?—By Alexander Kirby, for Gregory, Faulkner & Co., the agents.
10. You know nothing about Gregory, Faulkner & Co., beyond the fact that Alexander Kirby was the person who brought it ?—The party who brought it, I believe his name is Alexander Kirby.
11. When was this on ?—On the 20th of October.
12. Did this poll-book come in an envelope ?—Yes.
13. Have you got that here ?—No, it is at the office.
14. It must be a largish envelope ?—It is just in that form.
15. Open ?—Folded up in that way.
16. In that shape ?—I think in a sheet of brown paper ; this is the string with which they were folded, and here are the seals and signatures in the form as prescribed by the Act.
17. They came sealed up in some brown paper ?—Yes.
18. Where have they been kept since ?—They have been in the strong room which we have in the office for the purpose of keeping Parliamentary records and other records.
19. Is that within your own individual care ?—Under the care of myself and the clerks of the office.
20. Is it kept locked ?—Yes, every night.
21. Who keeps the key ?—It is locked up.
22. Who keeps it ?—Each clerk has a key.
23. Each clerk in your office ?—Yes.
24. How many persons had access to them ?—Three.
25. Kept in a place to which other persons had access ?—Yes, being clerks in the office.

The further cross-examination of this Witness was postponed till the Act of Parliament referred to could be obtained.

[The Witness withdrew.

John Kaye, was called in ; and having been sworn, was Examined by Mr. Serjeant *Kinglake*, as follows :

John Kaye.

26. DO you live at Wigan ?—Yes.
27. I believe you are a slater by business ?—Yes.
28. How long have you lived at Wigan ?—All my life there.
29. You are not a voter for the borough ?—No.
30. Were you at Wigan on Thursday, the 9th of October last ?—Yes.
31. Do you know an inn called the Balcarras Arms, in Wigan ?—Yes.
32. Who is the landlord of the house ?—John Livesay.
33. On Thursday, the 9th of October, did you go to the Balcarras Arms ?—

Yes.

34. Do

John Kaye.

7 April 1846.

34. Do you know the landlord?—Yes.
35. For what purpose did you go to the Balcarras Arms?—I went to have a glass of ale.
36. What time of day was it that you went to the Balcarras Arms?—It might be a little after eight o'clock at night.
37. Whom did you see at the Balcarras Arms, when you got there?—A great many.
38. Can you mention the names of any persons in particular, that you remember seeing there?—Yes.
39. Give me the names?—There was Mr. Thomas Lowe, James Ince, James Lawson.
40. Any one else?—Jonathan Green, Mr. Glover.
41. I will ask you, whilst you are mentioning the name of Mr. Glover, do you know his christian name at all?—I do not.
42. Who is he, or what is he?—He is steward for Lord Balcarras.
43. Any one else?—Why, there were a good many there, I have forgotten some of their names.
44. Do you know a person by the name of Stanley?—Yes, Thomas Stanley.
45. Did you see him there?—Yes.
46. A person of the name of Ashton; was he there?—Yes.
47. Can you tell me whether any of those persons you saw there were voters for Wigan?—All that I have mentioned were.
48. You mentioned Mr. Glover as the steward of Lord Balcarras?—Mr. Glover is not a voter for Wigan, I think; he does not live in the borough.
49. When you saw those persons were they together or not?—Yes, they were together.
50. Was Mr. Glover together with these other voters that you mentioned?—Yes.
51. Where were they?—Up-stairs, in a room.
52. Did you go into the same room where they were?—Yes.
53. After a time were you asked to do any thing by the landlord, Mr. Livesay?—Yes.
54. What did he request you to do?—He asked me if I could wait on them, on the company; I said, I never had done so, but I would try.
55. Did you try your hand at waiting?—I did.
56. You waited upon Mr. Glover, and the other persons who were there in the room?—Yes.
57. Did you hear Mr. Glover say or do any thing?—

[The Witness withdrew.]

Mr. *Murphy* objected to the question, and submitted that before the acts of Mr. Glover could be gone into, he must be connected as the agent with Captain Lindsay.

Mr. *Cockburn* contended that this evidence was receivable; first, that it was receivable generally, and independently of the 4 & 5 Vict. c. 57.

The *Chairman* stated that the question had been decided as to the Act.

Mr. *Cockburn* stated that the question had been raised in the Lewes case, but had been postponed.

The *Chairman* intimated that the Committee wished to hear Mr. *Cockburn* upon the admissibility of the evidence, generally as irrespective of the Act of Parliament.

Mr. *Cockburn* stated that there were decisions both ways, but that the more enlightened view was that adopted at common law, where it was open to a party to prove his case in what order he pleased, so that he ultimately connected the Act with the individual charged; and further, that the Act of Parliament put the question beyond all doubt, by enacting, that in these cases, Committees should receive evidence on the whole matter wherein it was alleged that bribery had been committed; that it was not necessary to prove agency in the first instance; and that treating was to all intents and purposes a corrupt practice within the meaning of the Act.

The *Chairman* read the decision on this point in the Cambridge case.

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Mr. *Cockburn* stated, that on this particular occasion he should show Captain Lindsay to have been himself present.

Mr. Serjeant *Murphy* stated, that he should not allow that to be a waiver of the objection, unless it were proved that Captain Lindsay heard what was said, and that the steward, who was the agent of Lord Balcarras, gave the order to supply the treating which was alleged on this occasion.

The *Chairman* stated, that Mr. *Cockburn's* argument on the general principle seemed to require an answer; that the words of Mr. Glover were not evidence against Captain Lindsay, any more than his acts, until he was made out to be the agent; that the words of Captain Lindsay were to be let in as much as his acts, if those words were necessary to explain the acts of Mr. Glover; and that if some words of Mr. Glover were necessary to explain his acts it appeared to the Committee that they must be let in.

Mr. Serjeant *Murphy* admitted that any declaration accompanying an act which was brought home to a party who was either present or connected with it by his agent, binding him, was admissible; that it was a legal principle, that the expression of one thing was the exclusion of another, more especially in matters highly penal, and contended that as the Legislature had not used the word "treating" in the Act referred to, and as there was another Act called the "Treating Act," specially directed to that purpose; treating could not be inferred to come within the Act in question; that the rule referred to by Mr. *Cockburn* was one which obtained at *nisi prius*, but not in penal matters.

After some further discussion, the *Chairman* inquired whether Mr. *Cockburn* could not carry the evidence as to agency further.

Mr. *Cockburn* stated, that in order to do that, it would be necessary to show these parties acting first in the way of treating.

After some further discussion, Mr. *Cockburn* stated, that he would avoid that particular question.

The Witness was again called in.

58. Mr. Serjeant *Kinglake*.] You say you saw Mr. Glover at the Balcarras Arms?—Yes.

59. And you were employed by the landlord to take liquor to the parties there assembled?—Yes.

60. Did you take liquor to them?—Yes.

61. What was done with the liquor which you took into the room?—Given to them.

62. Was Mr. Glover present at that time?—Yes.

63. For what time during the evening were you carrying liquor into the room?—After eight o'clock.

64. How long did you continue to do it?—Not very long.

65. What quantity did you take in; cannot you tell at all?—Somewhere near about 3*l.* worth; me and master together.

66. Where did you keep any account of the liquor which had been taken in?—It was put down in chalk upon the room-door.

67. By yourself?—No, by the mistress.

68. That is Mrs. Livesay, you mean, the landlady?—Yes.

69. When you took it into the room, in what way did you distribute it; did any particular person call for it, or in what way was it distributed?—They all called just as they wanted the liquor in, one after the other.

70. Was any score kept against each person, according to the quantity they had?—No.

71. Then there was one score kept for the quantity which had been taken in?—Yes.

72. Did you stay there until they went away?—Yes.

73. Was there any payment made by any one?—No.

74. Did you see any one make an offer to pay?—Yes.

75. Did that person pay?—No.

76. How was that?—The man that sat next to him said there was no pay there.

77. There was some interruption, and there was no pay?—No.

78. Was

78. Was there any account made out after the parties had gone away?—It was made out before they were gone.

79. Who made the account out?—Mrs. Livesay and me, and Thomas Stanley.

80. Was it put down on paper, or in what way was it made out?—I do not exactly know whether it was on paper or not; but the sum was reckoned up that it came to.

81. To whom was the information given as to the amount of the sum?—Mistress and Thomas together.

82. Thomas Stanley ascertained what the amount was?—Yes.

83. You said just now, I think, that the amount was about 3*l.*?—Somewhere thereabouts, chalked up.

84. Did you see any paper at all on which the amount was put?—I cannot say whether I did or not; I think I did not see any paper.

85. Who was Stanley?—He is a neighbour of mine.

86. What is he by trade?—He keeps some collieries.

87. Had you seen him about the election at all, at the time of the election?—I had seen him up and down the streets, but at no house but that.

88. Did you see him afterwards at the Balcarras Arms?—No.

89. You say you have seen him up and down the streets; what was he doing?—At different times; nothing but the same as other men; going along.

Cross-examined by Mr. James.

90. This is a public-house very much frequented, is it not; very much used?—Yes.

91. A great many people go there?—Yes; the same as all others.

92. There are a great many people go there?—There are people that take more money than they do there.

Mr. James stated that before the poll-books could be referred to, there were certain formalities requisite, which he wished now to inquire into.

Mr. Serjeant Kinglake stated, that Mr. James ought to have taken that objection before.

Mr. James stated that he had stopped the cross-examination, in order to get the Act of Parliament.

Mr. Naylor further cross-examined by Mr. James.

93. WILL you just tell me—you say that you received the poll-books by the post?—Yes. Mr. J. R. Naylor.

The Chairman inquired which was the Act of Parliament to which Mr. James referred?

Mr. James stated, that it was the 6 & 7 Vict., c. 57, s. 90.

94. You received the poll-books yourself, did you?—I cannot positively say whether I opened the envelope myself or not, but the memorandum here is made by myself.

95. We shall come to that presently. I am afraid you have made an insufficient indorsement?—

Mr. Cockburn stated that he would call the attention of Mr. James to section 196, and ask him whether, after that, he could go on. He read the section, referring especially to the words, "And such production shall be sufficient *primâ facie* proof of the authenticity of the same."

Mr. James observed, that they were to produce the books so deposited, and that such production was to be sufficient *primâ facie* evidence of the authenticity of the books, but that the first step was to produce the books deposited in the mode prescribed by the Act, and that he wished to inquire whether they had been so deposited.

Mr. J. R. Naylor.

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The *Chairman* observed, that their production would be *prima facie* evidence that they were deposited rightly, and that it would then be open to the learned Counsel to upset that if he could.

Mr. *James* stated, that that was what he now proposed to do; that he alleged that those books had not been deposited in the form prescribed by the Act.

96. When did you receive these; you say you received them; were you the person who received them?—I cannot positively say whether they were left in my hands or not.

97. Where were you when you received them?—I believe in my office, in my own office; they were delivered in the outer office.

98. Do you know who was the party who received them?—One of the clerks in the office.

99. Were you there when they were received?—I believe I was.

100. Do you know whether any memorandum in writing acknowledging the receipt of the poll-books was given?—The usual practice adopted by the postmaster is to give a receipt, the same as he does by registered letters.

101. Do you know when that was given?—I do not.

102. Have you indorsed on the poll-books the day on which they were received?—I have.

103. Where?—Here [*exhibiting the same.*]

104. That is the indorsement upon one; is there any indorsement upon the others?—No, except by numbering them, they are referred to; I will read the memorandum, "These and two other books, numbered by me 1, 2 and 3, respectively, were received by myself, the 17th day of October 1845, at 10 in the forenoon."

105. Did you write inside the two?—Yes; they are here, 1, 2, 3.

106. Were they registered in the books of the Crown Office?—They were.

107. By whom?—I did not do it myself, but I believe you will find the mark.

108. Was any letter received from the postmaster of the transmission?—There was.

109. Did you receive the letter yourself?—It came in the ordinary way to the office.

110. You saw it?—Yes.

[The Witness withdrew.]

William Fouracre. *William Fouracre*, was called in; and having been sworn, was Examined by Mr. *Cockburn*, as follows:

111. YOU are the landlord of the Eagle and Child, at Wigan?—Yes.

112. You were so at the time of the last election?—Yes.

113. It is the principal house, I believe, at Wigan?—It is.

114. Do you remember the time of the election and the canvass?—Yes.

115. I believe Captain Lindsay's friends took up their quarters at your house?—They did.

116. The committee sat there?—I cannot speak to that, as I do not know what the committee were; there were parties in and out.

117. Had they a room into which they went?—Yes, a room up-stairs.

118. More than one room?—No, at least the rooms of the house.

119. And a house full, I dare say; but there was one principal room?—Yes.

120. What room was it?—A room up-stairs.

121. Can you describe it a little more particularly than that; what part of the house up-stairs?—The room with the front into the street.

122. A large room?—Well, I think it would not be so large as this.

123. Was it the largest room in your house?—Yes.

124. How soon did they begin to occupy that room; do you remember the writ coming down for the election?—I remember it coming.

125. Was it before or after the writ came down, or on the day it came down, that they began to occupy this room in your house?—I cannot speak to that positively.

126. Was it about the time the writ came down?—Somewhere about that time.

127. I suppose

127. I suppose Captain Lindsay himself was there from time to time?—*William Fouracre.*
He was not very much in the house himself, but he was there, certainly.
128. Did he stay in Wigan himself during the canvass, or did he come in from Haigh-hall?—He did.
129. That is the seat of his father, Lord Balcarras?—Yes.
130. He came in, you say, to Wigan; I suppose he came to your house?—Not every day.
131. But most days?—Most days.
132. And I suppose went to the room, which you say his friends went in and out of?—I never saw him in it.
133. Did you see him go up the stairs?—No; I cannot say that I ever saw him go up-stairs.
134. Where did he go?—I was not very well at the time, and was in bed a great part of the time, very bad with the rheumatics.
135. Who looked after the business while you was in bed with the rheumatics?—It was left to my mistress and the waiter.
136. What is the waiter's name?—Thomas White.
137. You were not in bed with the rheumatics all the time, I suppose?—Not all the time.
138. When you were not in bed with the rheumatics, you have seen Captain Lindsay in the house, I suppose?—I have.
139. How often; most days?—Yes; I dare say it was so.
140. Whereabouts have you seen him; you say you did not see him go up-stairs; recollect yourself?—No; I never saw him go up-stairs.
141. Where was he?—In the room below.
142. What room below?—There were two or three rooms below.
143. Were there two or three rooms below, appropriated to his friends?—Not particularly so.
144. Did his friends go in and out there?—There were parties in and out during the election.
145. Did they happen to be friends of Captain Lindsay?—Yes.
146. You know that those rooms were occupied by the friends of Captain Lindsay at the election?—Yes; and any body else who came in.
147. Do you not believe that the persons who went in and out of those rooms, were his friends at the election?—Perhaps they may be, I will not say that they were, or not.
148. Were they not, for the most part?—The room was there, and parties attended; I did not see all that went in and out.
149. Those you saw go in and out, were the friends of Captain Lindsay?—They were electors.
150. Were they electors in his interest?—Some of them.
151. Did you furnish any refreshment; it is generally a busy time at elections, is it not?—It is.
152. Did you furnish any refreshment?—We do; every day, more or less.
153. I am speaking of the time of the election; did you furnish any refreshment during the time of the election to the electors of the borough of Wigan?—Yes.
154. Have you been paid for this refreshment?—I have.
155. By whom?—Mr. Glover paid me.
156. What amount has Mr. Glover paid you; Mr. Glover is steward of Lord Balcarras?—He is; I understood him to be so.
157. Where does he reside?—In Haigh somewhere.
158. Did he come in from Haigh for the purpose of the election?—He was in and out almost every day.
159. Was he in and out with Captain Lindsay?—I cannot say that ever I saw them together; I would not swear it.
160. Who ordered the refreshments?—In one or two instances I think Mr. Glover ordered some refreshment.
161. What was the total amount which Mr. Glover paid you?

Mr. *James* objected to orders given and money paid by Mr. Glover inquired into.

Mr. *Cockburn* stated that he was proving the agency of Mr. Glover.

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The *Chairman* stated that if Mr. Cockburn would allege that this was for the purpose of proving agency, the Committee would receive it.

Mr. *Cockburn* stated that he had various modes of proving that, one of which he believed would be by the evidence he should elicit through these witnesses.

The *Chairman* stated that there did not appear to be any objection to that line of proof; that they would let in acts of treating, but that they proved nothing unless they were connected ultimately with agency.

162. Mr. *Cockburn*.] Mr. Glover is not a voter for the borough of Wigan, is he?—I believe not.

163. What was the total amount you were paid by Mr. Glover; you have your books here, I believe?—Yes.

164. Be so good as to let me see your books; it is the best way of being accurate?—

[*The Witness produced the same.*]

165. Mr. Serjeant *Murphy*.] Were they kept by you?—Kept by the waiter, generally speaking.

166. Mr. *Cockburn*.] What is his name?—Thomas White.

167. First let us have the amount; have you been paid according to the amount in that book?—No; I have very little in that book.

168. Then give me the book in which you have got the more?—I have got no other; this other book is for horse work; the chief of my bill was for horse work, the largest amount.

169. Do you mean posting?—Horses at the election.

170. Who ordered the horses at the election?—Ordered by the electors; I do not know that I can tell you who ordered them.

171. Did Mr. Glover?—Mr. Gaskell.

172. He is an attorney?—Yes.

173. Is he the attorney of Lord Balcarras; do you know that fact?—I believe he is.

174. Did he act as one of the agents at the election?—Yes; he was in and out of the house.

175. He gave the orders, you say, for the horses to take the electors to the hustings?—Yes, for the day before.

176. Did he appear to you to manage the election generally?—He ordered what horses and conveyances we had.

177. For the purpose of conveying the electors to the poll booth?—Yes.

178. The electors went in them?—They did.

179. Just tell me what is the amount of that expenditure?—It would be about 30*l.*

180. Who paid you that?—Mr. Glover paid me.

181. You say Mr. Gaskell was in and out of this room; was he in and out of the room up-stairs?—Yes, he went up-stairs.

182. He went up-stairs every day, I suppose?—No, I do not think he did.

183. Did you go into the room up-stairs yourself?—Very little.

184. Had they pens and ink, and all that sort of thing, copies of the registers of voters, and so on?—There were papers, but I do not know what they were.

185. The regular proceedings, lists of electors, canvassing forms, and so on?—There may be; I do not know.

186. Did you not see them there?—I did not, to my knowledge.

187. There were pens and ink, and so on?—Yes.

188. A great number of gentlemen attended in that room?—Parties backwards and forwards.

189. There were a good many gentlemen there, were there not; do you know Mr. John Thompson, the corn merchant?—I do.

190. Was he there?—I do not think I ever saw him in the room.

191. Can you tell me any body you did see in the room, electors of Wigan; you will save us great trouble by going through them all?—I was very little in the room myself.

192. Your memory seems to be rather defective?—I cannot speak to it, because I was not much about at the time.

193. You

193. You were there occasionally?—Yes, in the middle of the day, I was a little, but I was not very much. *William Fouracre.*

194. When you did go in, who sat in the chair; who was in the chair?— I never attended when there were any meetings. 7 April 1846.

195. Was there a long table?—A round table in the room.

196. On the day of election, was any body in that room?—Yes, I have no doubt there was, but I could not say who; I do not know who.

197. Was there any refreshment served in that room?—There was not.

198. Where was the refreshment served on the day of the election?—Below.

199. In which of the rooms?—In the room below; the parties, I believe, got it as they could; I saw many parties eating with their fingers, or in any other way.

200. There were so many of them, you could not find knives and forks for them?—We might have done, perhaps.

201. But I want to know how it was; it is rather extraordinary that in the first inn at Wigan, the Eagle and Child, people should eat with their fingers; is that the usual manner in which they eat at the first inn in Wigan?—We did all that we could; people got it as they could at that period.

202. Do you mean to represent, that the practice at your house is for people to eat with their fingers; do you supply them with knives and forks?—We do if they ask for them.

203. Is that the way they eat their dinners?—During the time of the election there was no dinner going on.

204. Was it a sort of general refreshment upon the table for people to eat with their hands?—If they liked to go into the kitchen and help themselves, they did; there was no restriction.

205. Do you mean to say that there was no refreshment or breakfast set out in the other rooms, besides the kitchen?—I do.

206. What was in the kitchen?—There was no breakfast set out.

207. Was there any refreshment in the course of the day?—Yes, I believe there was.

208. What was it?—I was not very much about; I do not know what it was.

209. Yes, you do; remember, you are on your oath?—I do not.

210. Do you mean to swear you do not know what refreshment was provided in your kitchen; do you mean to say that you do not know that refreshment was provided for the voters in the kitchen on the day of election?—There was none provided.

211. Did they have any?—If they asked for a bit of something to eat, they had it; if they asked for a bit in their hands, they had it, and went away again.

212. Did they have any drink?—Nothing but what they paid for.

213. Upon your oath, do you mean to say they had nothing but what they paid for?—Nothing, except the amount of my bill, which was about 30*l.*, and the other for the horses would be about 30*l.*

214. Who paid that bill?—Mr. Glover.

215. Do you mean to say that 30*l.* did not include provisions furnished to the voters on the day of the polling?—Some part of them had a dinner after the election was over.

216. I am not speaking after the election was over; did it not include the refreshment furnished to the voters on the day of the election, before the polling was over?—It did not.

217. Have you a copy of your bill?—I have not.

218. Did you make out a bill?—I lumped it, so much for the account, for the use of the rooms; I kept no particular account.

219. Use of the rooms; how many rooms?—The room up-stairs.

220. What other rooms?—Any rooms in the house.

221. Then they had the use of all the rooms in the house, had they?—All the house was open that day, and crowded with people.

222. Do you mean to say that the people who came in that day, crowding in, did not have refreshment?—They might have refreshment.

223. Did they not have refreshment, and did you not, upon your oath, include that refreshment in the account that you lumped, and sent in to Mr. Glover?—No.

William Fowracre.

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224. Was not the refreshment they had in the course of the day lumped in that account?—It was all together, whatever it might be.
225. Where did you send the account?—I did not send it anywhere.
226. Did Mr. Glover come for it?—He came, and discharged it.
227. How soon after the election?—I would not say positively, a month after, perhaps.
228. I suppose this giving refreshment to the voters took place on other days besides the day of polling; I see "October the 13th, Mr. Glover," there is a long list of scratches. I do not know what they are, gin and rum, and tobacco, and teas and sandwiches, and all sorts of things; is that one of Mr. Glover's entries—that is in writing, whose is it?—In White's writing.
229. Is this your book?—Yes.
230. Has that been paid?—Yes.
231. Did you send him any bill?—There was a bill made, and he called and discharged it.
232. I thought you said this was all lumped?—It was lumped on a piece of paper, "bill, so much," there was no separate account made in any bill.
233. He paid this, you say, about a month after the election?—I will not say exactly the time.
234. Have you ever seen him since?—It would be a little after, to the best of my recollection.
235. Whose handwriting is this book kept in?—The waiter's.
236. Do you look at it from day to day?—Yes, I dare say I see it every day.
237. Have you any doubt that there was a committee of Captain Lindsay's at your house?—Why, I cannot say that there was a committee; I do not know.
238. Just look at this "October 16th, committee, hustings, bottle of port, champagne, port, sherry, brandy, up-stairs," what does that mean?—That it went to the hustings.
239. What does "committee" mean; what does this wafer on this committee mean?—I cannot say what it was, except it was a memorandum to put it down.
240. What is the meaning of that having been all wafered there?—We do very frequently in our books put a slip of paper down with a wafer, as a memorandum.
241. What has become of the paper; has it slipped out?—It would be destroyed very likely at the time it was discharged.
242. So that this was made up from another account put in by a slip of paper wafered, but which has since slipped out and been destroyed?—Yes; I have no doubt it is destroyed.
243. Have you any other books besides this?—Yes; one.
244. Let me look at it?—[*The Witness produced the same.*]
245. Did Mr. Glover pay you with a check or in money?—In money.
246. Is that the posting-book alone?—It is.
247. Why was that word "hustings" put; there is "committee" first, and then some person I see has written "hustings" in pencil; "committee" is first in ink; who has put in "hustings" in pencil?—I do not know.
248. Can you tell me whose hand-writing that is?—I cannot say.
249. Whose hand-writing is it; is it yours?—Some of mine.
250. Is that your wife's?—I think not.
251. Is it the waiter's?—I rather think it is; it is where the stuff went to.
252. Is it the waiter's?—I will not swear that it is the waiter's.
253. When was this done, just before you came up?—No; that I believe was originally done the day the stuff was served.
254. On your oath will you swear that?—No.
255. Will you swear it has been done more than a week?—Yes.
256. When was it done?—I cannot say.
257. Upon your oath who did it?—I do not know.
258. Tell me, upon your oath, who did it?—I do not know when it was done.
259. You know it was not done at the time the entry was made?—Looking at it, I should say it was not.
260. Do not you know it was not?—I do not.

261. When

261. When did you first see it?—I never saw it to take any notice of it before now. *William Fouracre.*

262. Then how can you swear it was not done a week ago?—I did not take notice of it. *7 April 1846.*

263. Will you undertake to swear it was done a week ago?—I cannot say when it was done.

264. Will you undertake to swear it has been done a week?—I am not in the house altogether.

265. Upon your oath, take care what you are about; upon your oath do not you know when that was done?—I do not.

266. Do you not know it has been recently done?—I do not.

267. Did you ever see it before you produced the book here to-day?—I might have seen it, but I did not notice it.

268. I understood you to say that Mr. Glover had paid all that?—He has.

Cross-examined by Mr. James.

269. About this "committee" and "hustings." Did a bottle of port and a bottle of sherry go to the hustings to the poll-clerks there?—I should suppose it did, by the entry.

270. Was that the reason, so far as you know; you say you did not write the "hustings" yourself, but you have reason to believe it was sent to the hustings; that is the cause of its being sent there.

Chairman. No; it must be because he heard it went.

271. Were you cognizant yourself of where it went?—No.

272. You were ill at the time?—Yes.

273. Whoever made this entry, you presume what is meant by "hustings" is, that the refreshment was sent to the poll-clerks at the hustings?—I have no question about it, or else the hustings would not have been put to it.

274. You have been asked about these wafers; I see here are wafers in this part of the book, and wafers also in several other parts of the book?—Yes, I can give you the reason why they are there.

275. Just explain; here are wafers on "the old man," or "men," or something; has that any thing to do with Mr. Glover or the election where those wafers are?—No, you will find many of them up and down the book in different places.

276. I see in several places, at different parts, you have got wafers all through the book; explain the origin of those wafers; what do the wafers do there all through the book?—We make a memorandum on a slip of paper, and put it in, that it may not be lost.

277. The memorandum that was there contained a description of the account, I suppose?—I will not say it was connected with the election there; I am not aware it was.

278. It contains a memorandum which is annexed to the accounts, and when it has served its purpose it is taken away, and the wafer remains?—Yes.

279. Yours is the chief inn at Wigan, or one of them?—It is the principal inn, you may call it; it is the commercial inn.

280. How far is Haigh-hall from Wigan?—We call it three miles.

281. Mr. Glover, when he comes into Wigan, is frequently in the habit of coming to your inn?—He puts his horse up when he rides out.

282. How often does he come into Wigan, three or four times a week?—Yes, and some weeks not at all.

283. There is nothing extraordinary in having Mr. Glover there?—No; we had him there frequently.

284. During the election did Mr. Glover himself dine frequently at your inn?—I rather think he did.

285. Did he dine down below with you generally at the bar, or where?—He has often gone and sat down at the commercial-room table with the travellers.

286. Did Mr. Gaskell and his clerk dine there during the election?—They did not.

287. They had refreshment, I suppose, or were they at the inn during that time?—Mr. Gaskell had once or twice, and paid for it himself.

288. I will ask you this question; did not Mr. Gaskell give you orders not to supply any one with liquors at all?—He gave the waiter orders.

236.

C

Mr.

William Fowcote.

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Mr. *Cockburn* objected to the question.

289. Did Mr. Gaskell give you any orders at all for open house?—He did not.

290. Did he send you any order not to keep open house, or to the waiter?—To the waiter, I believe.

291. Whiteside was the waiter who would have received the orders?—Yes.

292. There was a dinner after the election, was there not?—There was.

293. How many dined there?—I cannot speak positively to the number; from 15 to 20.

294. Was that included in the lumping sum that Mr. Glover paid?—Yes.

295. As many as 30, perhaps, dined, in and out?—I do not think there were 30; not much above 20.

296. They had a pretty good dinner, and wine, and so on, I suppose?—I cannot say.

297. About what a head did their dinner come to; 12s. or 15s.?—We do not give such extravagant dinners; perhaps 5s. or 7s.

298. It was lumped in the 30l.?—Yes.

299. About this refreshment in the kitchen; that was for the post-boys and omnibus-men and cabmen?—There were a great many omnibus-men and cabmen.

300. Were they the class of people who eat their dinners with their fingers?—Yes, they took it in their hands.

301. Those were the chief people, I suppose, who dined in the kitchen, the cabmen and omnibus-men, and post-boys?—Yes, a portion of them.

302. Thirty pounds was about horse-work, I think you said?—Somewhere thereabouts.

303. And this other 30l. included the dinner after the election, and the refreshment for the post-boys and cabmen?—Yes.

304. Was the horse bill 20l. or 30l.?—£. 30.

305. One 30l. for the horse account, and the other the dinner after the election, and the refreshment to the omnibus and cabmen?—Yes.

Re-examined by Mr. *Cockburn*.

306. Do you mean deliberately to swear that all the refreshment you furnished on the day of polling was to cab and omnibus-men?—No, there might be some other parties take some besides.

307. Were not some of the other parties voters?—Some of them might be, and some of them might not; I would not swear to it; I cannot tell you, because I was very little about.

308. I see a long list here of "Committees," entries to the committee, now beginning on the 15th of October?—

[The Witness withdrew.]

Mr. *James* objected to questions being put to the Witness as to entries not in his hand-writing, or made under his cognizance or superintendence.Mr. *Cockburn* contended that the entry was made under the cognizance and superintendence of the witness; or that if made by his agent previously authorized, it was quite equivalent to being made by himself; that this was the case of entries made by the waiter, the authorized agent of the landlord, who afterwards made out the book from those entries, and got paid; that there was no doubt, in case of an action, that the landlord would be bound by those entries, and that he was therefore entitled to ask the witness as to entries in a book kept by his own waiter, under his directions; that he had made the entry to a certain body of persons called "the Committee," and that he was entitled to ask the witness what was meant by that entry.Mr. *James* was heard in reply.The *Chairman* stated, that he understood the question to be what the witness meant when he sent in the account with the amount lumped up, including, among other items, this particular one; that he sent in a bill for 30l., made up of certain items which he found in the book; and that
Mr.

Mr. Cockburn sought that the witness should explain what he meant by including, if he did so include, that particular item in the 30 *l*.

William Fournacre.

Mr. James stated, that in that light he would withdraw his objection.

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The Witness was again called in.

309. Mr. Cockburn.] Just look at this [*showing an entry in the book*]. You say that you charged the sum of about 30 *l*. for posting; for horses?—For horses.

310. For horses, flies and so on?—Yes, somewhere thereabouts.

311. You took it, I suppose, from this book?—Not all of it.

312. Part of it?—Yes, part of it.

313. Did you include this entry of the 15th, "Committee, Mr. Glover, election," did you include that in it?—Yes.

314. Whose hand-writing is that in [*pointing it out to the Witness*]?—I think it will be mine.

315. "Committee, ditto," "Committee, Mr. Scorcroft, election, 15 *s*." whose hand-writing is that; it looks very like yours; do you know your own hand-writing?—It is mine.

316. I see "Committee, cab to Haigh;" "Committee, cab to Haigh;" is that all your hand-writing?—Yes.

317. Very good; let us go a step further; now we get to the 16th, "Committee, fly to Southport;" is that yours?—It is.

318. "Committee, chaise and pair to Stalling" ?—Yes.

319. "Committee, gig to Bury or Bursey;" is that your writing?—Yes.

320. "Committee, chaise and pair to sundry places" ?—Yes.

321. "Committee, omnibus to Holland Moor" ?—Yes.

322. "Robert Winstanley, a fly to Redstone;" "Committee, chaise and pair for the day, two guineas;" "chaise and pair for the day, two guineas;" "omnibus for the day, Committee, two guineas;" "cab for the day, Committee, one guinea;" "fly for the day, Committee, one guinea;" all on the 16th; is that in your hand-writing?—Yes.

323. What does this "Committee" mean there?—It was put there as a memorandum of all the matters connected with it.

324. What was the committee?—I do not know who the committee was.

325. Was there a committee?—Not to my knowledge, there was not.

326. How came you to put down the whole, and to make these charges; recollect yourself, take care what you are about?—It must be something put down to recollect it by.

327. Was not it a charge made to the gentlemen up-stairs in the front room looking out in the street; was not it a charge made to those gentlemen in that room?—Any charge made to the parties connected with the election, I suppose.

328. As the friends of Captain Lindsay?—Mr. Glover paid it; that is all I can tell you.

329. Was it not a charge made to the gentlemen conducting and managing Captain Lindsay's election, sitting in this room up-stairs?—It was connected with the election.

330. I know it was; cannot you give me a straightforward answer to a simple question; was it not a charge made to those gentlemen conducting the election on behalf of Captain Lindsay, sitting and acting in the room up-stairs in your house?—It is the parties connected with the election.

331. Was not it the gentlemen managing the election in your room up-stairs; you may as well give me an answer?—I should not know what individual to have put it down to.

332. I dare say not, and therefore you put it down to the gentlemen up-stairs?—The committee; yes.

333. I am quite sure you can tell me a great many of the gentlemen; there is Mr. Scorcroft, "Committee, Scorcroft, election," he is a surgeon, is he not?—Yes.

334. Was he one of the gentlemen up-stairs in the room?—I cannot say that I ever saw him in the room, he was backwards and forwards.

335. I have items in this book; I first begin with "Committee, Glover, election," and then next comes "Committee, Scorcroft, election," were they

William Fouracre. not gentlemen who were up-stairs?—He perhaps might order that particular job.

7 April 1846.

336. He came, I suppose, from the committee-room, and ordered the job?—I cannot say he came from the committee-room, he has ordered it no doubt, or his name would not be to it.

337. Mr. Glover paid it?—Yes.

338. Mr. Scorcroft is a surgeon, I believe?—Yes.

339. Mr. Glover paid the account?—Yes.

340. The fly and cab-hire, and so on, you charge to the committee as ordered by Mr. Gaskell?—A day or two before the election, he sent to me to see how many conveyances I could supply for that day.

341. That is what you have charged to the committee; are those the items you have charged to the committee; I find them in your book; they are in your hand-writing?—Yes.

342. Are those the conveyances Mr. Gaskell spoke to you about?—Yes.

343. Just let me ask you whether you did not see some of these gentlemen; Mr. Land, the attorney, did you see him there?—I saw him backwards and forwards in the house.

344. In the room up-stairs?—Yes.

345. Was it called the committee-room?—We call it the news-room.

346. That is at other times; I suppose at elections you call it the committee-room?—There are newspapers in it; it is the news-room.

347. Did you call it the committee-room, or were you desired not to call it the committee-room?—No.

348. Did they call it by that name?—I did not hear the name of the committee-room, I was in bed the greater part of the time.

349. Mr. Land was there; was Mr. Thompson there?—I have seen Mr. Thompson in and out of the house.

350. Mr. Byron, the grocer, was he there?—I have seen him backwards and forwards.

351. Mr. Taylor, the hatter?—I may also say he was backwards and forwards.

352. Mr. Stanley, the coal-agent?—Mr. Stanley I have seen on two or three occasions.

353. Thomas Stanley?—Yes.

354. Mr. William Hackerley, the solicitor?—He was there occasionally.

355. Mr. Ashton, the druggist?—No, I do not think I ever saw him there.

356. Mr. James Lowe, a gentleman, was he there occasionally?—Yes, I think he was.

357. Mr. Blundell, the pawnbroker?—I saw him in backwards and forwards, but I do not know that I saw him up-stairs.

358. The others you saw up-stairs?—I saw them go up.

359. Mr. Thomas Marsh, and Mr. Fairhurst?—I did not see very much of either Mr. Fairhurst or Mr. Marsh.

360. Mr. Scorcroft, did you see there?—Backwards and forwards.

361. Mr. Cowson the town-clerk?—I do not know that I ever saw him there at all.

362. William Cowson the banker's clerk?—No; I do not think I saw him there at all, to the best of my knowledge; I think not.

363. Jonathan Caldwell?—I did not see very much of him.

364. William Caldwell?—I did see him occasionally.

365. Mr. Richard Newsham?—I think not.

366. Mr. James Eaton, shopkeeper?—I do not think I ever saw him, except taking his glass of ale, but I cannot recollect.

367. Did he pay for it?—He did.

368. Nathaniel Eckersley, cotton-spinner?—Yes; he was in and out.

369. Of the room up-stairs?—Not very much; but he was in and out.

370. You mentioned that Mr. Glover authorized you to help them to refreshment upon one or two occasions, and he paid for it; when was that?—I do not know that Mr. Glover did order for any body.

371. You certainly told me so, at the outset of the inquiry?—I think not.

372. You do not recollect now?—No.

Mr. *James* stated, that he wished to ask the witness some further questions upon the fresh matter introduced in the re-examination.

Further

William Fouracre.

Further cross-examined by Mr. James.

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373. With respect to the word "Committee," you say you put that word?—
Yes.

374. There have been former elections in your experience?—Yes.

375. Did you know of any body of gentlemen, organized and forming any committee at all?—I did not, or I should not have put it down so; I should have put it to the chairman.

376. You did not know of any body forming a committee at all?—I did not.

377. Then you put it down so only for your own guidance, to refresh your memory for your account?—I did.

378. Did the committee ever give you any order for any thing?—No, nor did I know who the committee was.

379. You say, if there had been a constituted committee, such as there had been on former elections, you would have put it down to the chairman?—I should.

380. You have had such things as committees at former elections?—Yes.

381. And you have put down the chairman as the party responsible to you?—Yes.

382. You have been through several names; I believe most of the names are persons who regularly frequent the Eagle and Child?—Yes.

383. Regular customers of yours?—Yes.

384. You have a news-room, and they came into that news-room, I suppose, to hear what was going on; I think most of the entries in this book are in your hand-writing; the entries in the other, I think, are not, the first book that was produced to the Committee?—Yes.

[The Witness withdrew.]

John Finch, was called in; and having been sworn, was Examined by
Mr. Serjeant *Kinglake*, as follows:

385. I BELIEVE you keep the Swan Inn, at Wigan?—I do.

386. You kept it in October last?—Yes.

387. And in September?—Yes.

388. Did you vote for Captain Lindsay at the last election?—I did.

389. You remember the time when the writ came to Wigan, some time in October?—Yes, in October, I believe it was.

390. After that time had you the voters in the interest of Captain Lindsay into your house?—Before the time of the election.

391. After the writ had come down?—Yes; I occasionally saw them that I suppose to be of Captain Lindsay's party.

392. At your house?—Yes.

393. Did they come there for the purpose of drinking?—Casual callers.

394. Did they have liquor?—Certainly.

395. How many at a time may you have had there?—I could not speak to that.

396. Ten, or a dozen, or twenty?—I cannot say that they came in in a body.

397. Was there any particular room into which they went?—No.

398. Did they go into one room, or more?—Interspersed all over the house.

399. How many rooms, then, were there where persons of that kind came in; how many rooms did they occupy?—We have three or four rooms.

400. Did that continue down to the time of the election?—It did; I cannot speak with certainty.

401. The election was the 16th?—Yes.

402. Did they continue to come and have liquor at your house down to the time of the election?—Occasionally they might.

403. By whom was it ordered; who gave the orders for the liquors which those persons had; who gave the orders; did you take the orders yourself?—Occasionally; I am in the habit of waiting occasionally.

404. From whom did you receive any orders with reference to liquor which was supplied?—No person in particular.

405. No person?—I mean that a person who wanted a glass ordered it.

406. Did they pay at the time?—Yes.

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407. Do

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407. Do you mean that there was no liquor supplied in your house except that which was paid for as it was had?—I do not mean to say that.

408. Was there not liquor supplied which was not paid for as it was had?—Before the election.

409. Yes?—There was.

410. Was it supplied to persons who were voters for the borough of Wigan?—Yes.

411. Who gave you the orders for that liquor which was supplied, and not paid for at the time; who gave you orders for supplying the liquor?—I cannot possibly say that.

412. Surely you can recollect that?—I do not, or I would say it.

413. Was it given at the order of each person who happened to have the liquor, or did any one give you the order to supply it to any one?—No one in particular.

414. Did you supply it without an order?—It was mixed up with the parties who called as one of Captain Lindsay's friends, and I did not hesitate to supply the liquor to those of Captain Lindsay's friends who might ask for it.

415. You were mixed up with the party, and you did not hesitate to supply the liquor whenever it was asked for, you say?—By the parties that I was in direct communication with.

416. Who were the parties you mean you were in direct communication with; I want the names of the persons?—I cannot recollect.

417. Surely you can tell me that; you say you supplied the liquor; who were the parties that you refer to when you say there were parties, friends that you were in communication with?—Captain Lindsay's friends.

418. Give me their names?—If it is necessary, I can mention a few of their names.

419. That is exactly what we are waiting for?—I will begin with myself.

420. There is great wit in that, I dare say; you know very well I am not asking for yourself, but other persons; give me the names of the other persons, those persons you say were friends of Captain Lindsay's, with whom you were in communication?—There is a man of the name of Taylor, and Banks, and some half dozen more.

421. Give me the names of those half dozen, and let us see how far we can get on?—I recollect the name of Scorcroft.

422. The surgeon?—Yes.

423. Stanley?—No; I know such a person.

424. Mr. Scorcroft; can you go any further?—No.

425. Just tell me what communication you had with them; what was the communication you had referring to?—You asked me if parties called at my house previous to Captain Lindsay's election, and whether I was previous to the election going on or not in communication with them as friends.

426. Did you have any particular communication with them at that time about supplying the liquor; did you make any arrangement about supplying the liquor?—No.

427. Do you mean to say that you did not see Mr. Scorcroft about liquor?—No.

428. Did he come to your house?—Yes, and has for years.

429. At the time the writ came down, before the election, did you see him at your house?—Yes.

430. Was he at your house during the time you say you were supplying the liquor to persons whom you supposed to be friends of Captain Lindsay?—He might partake of a glass.

431. Did you see him?—Yes.

432. Did he know that you were supplying the liquor?—He knew so far that he got a glass.

433. That is not my question; you say you were supplying liquor to persons whom you supposed to be friends of Captain Lindsay, and that Mr. Scorcroft was there?—I believe he was.

434. Was he aware that you were supplying the liquor to those friends?—Yes; friends amongst themselves.

435. Did you see Mr. Glover there at all?—Yes; I saw him before the election.

436. Did he come to your house?—Yes.

437. What

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437. What did he come about?—Nothing particular.
438. He does not frequent your house, does he?—Yes, he does, he is a casual caller, occasionally.
439. Do you mean to say he came as a casual caller, and for no other purpose than as a casual caller?—Yes, I do.
440. Do let us be certain about what you are saying; do you mean at the time when Mr. Glover called there; how long was it before the election; how many days before the election?—I had seen him months and months before.
441. I am not asking about months and months before; was he there a few days before the election?—Yes, he probably was.
442. Do not you recollect that he was?—Yes, I should think within a fortnight.
443. And within a few days?—I perhaps might say a few days.
444. How many times was Mr. Glover at your house between the time when the writ came down and the day of the election; was he there several times?—I should not think more than twice.
445. What was his object in coming; what was he doing when he came there?—I suppose he took a glass with his friends.
446. Do you mean those friends that you say were the friends of Captain Lindsay?—They were all there.
447. You can swear that they were the same friends to whom you supplied liquor; was he in the same room with them?—Yes.
448. Did you see Mr. Glover at all, after the election?—I do not know that I did; I might see him.
449. You say, there was some of this liquor you were paid for by the persons who had it, and some you were not paid for; who paid you for that; have you been paid for it yet?—I have.
450. By whom; by Mr. Glover?—I think the person who paid me for that liquor was Mr. Bankes.
451. Do not you know?—Yes; I believe that it was Mr. Bankes.
452. What is he?—A druggist, in Wigan.
453. When was it he paid you for it; after the election?—Yes.
454. How much did he pay you?—He paid me 19*l.* 17*s.*, or thereabouts; it is within 20*l.*
455. I take it for granted you kept a book?—I did.
456. Have you got the book here?—Yes.
457. Will you produce it?—Yes. [*The Witness produced the same.*]
458. I take for granted you made a bill out, did you not?—Yes, I did.
459. Did you make that bill out from that book?—Yes.
460. Before you turn to your book; from whom did you receive the order for the liquor which amounted to 19*l.* some odd shillings?—From Mr. Bankes, I believe.
461. You received the order from him?—Yes.
462. You received the order from Mr. Bankes to supply that liquor?—Not any specific quantity.
463. You received an order from Mr. Bankes to supply liquor, is that so?—Yes, I believe I did.
464. Will you tell me when it was, how many days before the election did you receive that order from Mr. Bankes?—I cannot speak to that.
465. Was there any limit at all to the order, or was it to be according to your discretion?—It was left to my discretion.
466. And your discretion ended in 19*l.*, was that so?—Yes.
467. Did you give as much as was called for?—Yes, by my friends.
468. You never refused to any?—Yes, in many instances.
469. Why did you refuse, because the men had had enough; what in any particular instances imposed any sort of limit upon your discretion, do you recollect refusing any?—I did.
470. To whom?—I cannot say.
471. Was this liquor supplied principally during the day, or in the evening part of the day, or all day long?—I cannot state at what time.
472. Did it go on through the whole day, was that so whenever any one chose to call for it?—During what day.
473. From the time the writ came down, to the time of the election?—I should think there was not 10*s.* spent in the house before the election.

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474. You say you received an order from Mr. Bankes, do you recollect how many days before the election it was you received the order from Mr. Bankes?—I do not.

475. When was it you were paid; how long after the election?—I think in the same month.

476. Did Mr. Bankes apply to you for the bill, or did you take the bill to Mr. Bankes?—I was asked for the bill.

477. By whom?—By Mr. Bankes.

478. Will you just turn to your book, and let me see the entries?—[*The Witness handed the same to the learned Counsel.*]

479. I see you supplied some breakfast as well as liquor, is that so?—Yes.

480. For how many?—I cannot state that.

481. When was the breakfast given; the morning of the election?—Yes.

482. How many parties; can you tell me at all how many persons breakfasted at your house?—I cannot.

483. Give me some vague notion, 20, 30 or 40?—I should think a great many more non-electors than electors.

484. I want to know how many altogether?—I could not speak with any degree of certainty, but I should say 70 or 80 in the whole day, electors and non-electors.

485. How many electors do you think there were out of the number?—I should say not more than 30.

486. Did you receive any orders from any one with regard to supplying the breakfast?—Yes.

487. From whom?—I believe Mr. Bankes was the orderer.

488. When did Mr. Bankes give you the order to supply the breakfast; how many days before the election?—A day or two.

489. Do you know anything of the committee for the management of Captain Lindsay's election?—Yes, I do know.

490. Did the committee sit at the Eagle and Child?—I do not know that.

491. What do you know about the committee?—I know so far as this, that it was agreed that the business should be conducted in wards.

492. That is, that certain business should be done in each ward?—Yes.

493. Wigan is divided into wards, I believe, municipally?—Yes.

494. What then?—That is why I call it the committee.

495. You say "they agreed," agreed by whom do you mean?—A party of friends that met before Captain Lindsay's election.

496. Were you present?—Yes.

497. Where was the meeting of the party of friends?—At the Eagle and Child.

498. Did you go up-stairs in the large room?—We went up-stairs.

499. You know the large room, the news-room at the Eagle and Child?—Yes.

500. Did you go into that room?—Yes.

501. Did you have a preliminary meeting there?—Yes.

502. Then they all agreed among themselves as to conducting the election, to conduct it in the different wards?—Yes.

503. How many did you meet there, at the Eagle and Child?—I dare say 20 or 30, perhaps.

504. I will give you some names; did you see Mr. Glover there?—I think I did.

505. You have no doubt of it, have you?—I am not positive.

506. Have you any doubt of it that you saw Mr. Glover there?—I am not positive as to that.

507. Did you see Mr. Gaskell there?—I did not.

508. You know that Mr. Gaskell is the attorney, is he not, of Lord Balcarras?—I believe he is.

509. Did you see Mr. Thomas Marsh there?—I think he was there.

510. Mr. Newsham?—I do not know whether he was or not.

511. Mr. James Eaton?—I do not know.

512. Mr. Caldwell?—He is a shopkeeper; I know him very well.

513. Was he there?—I am not sure.

514. Mr. Eckersley, the cotton spinner?—I rather think he was.

515. Mr. Byron?—I am not sure.

516. Mr.

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516. **Mr. Taylor**, the hatter?—Yes.
517. **Thomas Stanley**, the coal-agent?—I do not know.
518. **Mr. Ashton**, the druggist?—I rather think he was.
519. **Mr. James Lowe**?—I do not think he was.
520. **Mr. Blundell**?—I do not think he was.
521. **Mr. Fairhurst**?—I do not recollect.
522. **Mr. Scorcroft** was there?—Yes, he was.
523. **William Caldwell**, was he there?—I do not recollect.
524. **Having** made this arrangement, was there any small or sub-committee to be held **at** your house?—Yes, that is the reason I spoke about the ward.
525. **Was** Mr. Bankes to have the management of the proceedings at your house?—**No**, it was managed by a committee chosen for the management.
526. **Who** was the committee chosen for the management of the proceedings which took place in your ward; give me the names of the committee chosen?—I can give you some.
527. **Give** me some?—Mr. Bankes, Mr. Henry Dean, Mr. Wood, Mr. Holt; I do not recollect how many others, eight or ten perhaps.
528. **You** say Mr. Bankes was one?—Yes.
529. **How** came it that Mr. Bankes gave the order; was there any agreement in that committee that Mr. Bankes should have the ordering?—He could say.
530. **I am** asking you, is that so; was Mr. Bankes the person who was deputed to give the orders at your house?—He did give the orders.
531. **I am** asking you, was he the person deputed to give you the orders?—I cannot answer that.
532. **You** say those were the persons who were chosen to manage the proceedings in your ward; can you tell me who were chosen to manage the proceedings in the other wards?—Not the others.
533. **Were** not you present at the time?—Yes; but I took no interest in it.
534. **Can** you give me any information?—No, not satisfactory.
535. **How** many wards are there?—Five.
536. **There** was a general committee of management?—Yes.
537. **You** charge, I see, looking at your book, you charge the things supplied **by** you to the general committee of management for Captain Lindsay's election?—Yes.
538. **That** is the general committee of management sitting at the Eagle and Child?—I do not know where they sat; they might sit there from time to time.
539. **You** had seen them sitting there at the beginning?—Yes, when they were chosen.
540. **You** say some of these voters came to the breakfast; did you send out any circular, or any paper for the purpose of inviting voters to the breakfast?—No.
541. **Do** you know that any were sent?—I believe some were sent.
542. **Wh**at is the name of your ward?—All Saints.
543. **Did** you see any thing of the canvassing at the time it was going on?—No.
544. **You** saw something of them at home, did you?—Yes.
545. **Did** the canvassing parties come to your house at all?—Yes; Captain Lindsay called upon me.
546. **He** came to your house, did he?—Yes.
547. **Had** he a canvassing party with him?—Yes; I believe he had.
548. **Have** you any doubt of it?—Not at all.
549. **Was** Mr. Glover with him?—I do not recollect that he was.
550. **I am** asking you how many persons were there with him?—Some half dozen.
551. **Can** you tell me who they were?—There was Mr. Taylor.
552. **I** think you gave me the name of Mr. Taylor as one of those at the meeting; is he the same Mr. Taylor?—I cannot say positively who came.
553. **There** is a person of the name of Taylor that was with him?—Yes.
554. **Was** it the same Taylor you mentioned as being on the committee?—Yes, the same man.
555. **Can** you give me the name of any one else besides Mr. Taylor?—I do not recollect now.

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556. Try?—I should like to speak with certainty; I cannot in the matter as to who called.

557. Did you see Mr. Gaskell?—No; he was not there.

558. Do you remember that he was not there?—Yes.

559. As you remember that Mr. Gaskell was not there, did you see Mr. Glover there at the time he came to canvass you?—I do not recollect that he was.

560. Did Captain Lindsay call upon you more than once; did you see him at your house more than once?—Yes, I think I did.

561. Had he canvassed you on the first time he came?—Yes.

562. You then promised to vote for him?—Yes.

563. He paid you a second visit, did he?—Yes.

564. What was the object of the second visit?—To meet a person.

565. Who was that person?—I think the person's name was M'Culloch, a Scotchman.

566. Was he a voter?—Yes.

567. Did he come alone?—He was unattended, I believe.

568. Did you see him at all excepting on those two occasions at your house?—I do not think I did.

569. Did you go up to poll on the day of election?—I did.

570. Did you see Captain Lindsay then?—I do not recollect that I did.

571. Did you see him after the election was over?—Yes.

572. Did he address the electors?—I did not hear him; I left as soon as I had given my vote.

573. You do not recollect seeing Captain Lindsay?—No.

574. Did you see him during the election, except when he came to you canvassing, at all?—Yes.

575. Where did you see him canvassing?—In the same street I live in.

576. With the same parties with him, whoever they were?—Yes.

577. Did you go to the Eagle and Child at all, after you had been there when the sub-committee was arranged; did you go at all afterwards?—I do not know that I did.

578. I am asking you whether you did?—I was there on the day of the election.

579. What did you go there for on the day of the election?—To see how things were going.

580. Why should you find out at the Eagle and Child how things were going?—There was a deal of company there.

581. Did you go up into the news-room?—No.

582. Where did you go to?—To a room there was a lot of people in, below stairs.

583. Did you get any thing?—Nothing but what I paid for.

584. Did you see a great number of persons there eating and drinking?—Yes.

585. Did they call as they chose, or was it brought to them?—For any thing I know.

586. Did you see Captain Lindsay at the Eagle and Child on the day of the election?—I do not know that I did,

587. How long did you stay there?—Perhaps an hour.

588. Did you see Mr. Gaskell there?—I do not know.

589. Who did you see at the Eagle and Child; you went there for some information?—I saw people going in and out.

590. Did you have any talk with any one?—No, none in particular; I spoke to persons I met.

591. You went there to ask for information?—I went to ask how the election was going on; and any person could tell me that.

592. You do not recollect any one you happen to have seen there?—No, I do not; not in particular.

593. Not in particular, but any one, you recollect them?—I saw many.

594. Can you mention the name of any one that you saw; did you see any of those committee-men there?—I might do.

595. Did you see Mr. Bankes there?—I do not know that I did.

596. Did you see Mr. Bankes at all, on the day of the election?—Yes, I think I did.

597. Where did you see him?—I do not know where I saw him.

598. Did

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598. Did you see him at your own house; was he not there at the breakfast?
—Yes, I believe he was.

599. He was there managing the breakfast, was he not?—I do not know that he had the particular management of it.

600. He did breakfast, that is the fact, is it?—I rather think he did.

601. Is this correct? “The General Committee of Management for Captain Lindsay’s Election,” just read it; at the foot “for breakfast and refreshment, 6*l.* 10*s.*”; what is this?—“Liquors, &c.”

602. “Liquors, &c. 9*l.* 15*s.* 11½*d.*,” what is that?—“One barrel of ale, as per order, 3*l.* 12*s.*”

603. Explain that, will you, because that is rather mysterious; what is the barrel of ale, did that wander out of your house; was it drunk in the house?
—Yes, it was given to the company generally, after the election.

604. Did you receive this in money from Mr. Bankes, or by cheque?—In money.

605. Did you see Mr. Bankes canvassing at all?—I do not know that I did.

Cross-examined by Mr. James.

606. Mr. Bankes paid you, you say?—Yes.

607. Had you known Mr. Bankes before then, or not?—Oh, yes.

608. What ward was Mr. Bankes in?—All Saints.

609. The same ward that you were in?—Yes.

610. He belonged, I suppose, to that ward committee?—Yes.

611. That was constituted, I understand, entirely among yourselves?—Yes, it was.

612. Was Captain Lindsay even present when that was constituted at all?—No, he was not.

613. Is it the habit at Wigan to constitute a sort of committee amongst yourselves in the ward?—I received a note.

614. Was it the habit, sometimes, in the ward to constitute yourselves into a committee?—Yes.

615. Why did you call that the general committee, the committee at the Eagle and Child; was this the ward committee, and not the committee at the Eagle and Child?—I suppose I used the word, that is the body; there are five wards; I knew at the time I made that entry that the committee was chosen for the ward; the respective committees had their own wards and their own concerns.

616. You did it to separate in your own mind one committee from the other, so that there should be no mistake in the book?—Yes.

617. What was the day when you first constituted a committee, do you remember?—A few days before the election.

618. Mr. Bankes attended, then, chiefly to the ward committee?—Yes.

619. You had known Mr. Glover before, had you not?—Yes.

620. He had been in the habit of sometimes calling at your house?—Yes.

621. Are you a tenant of Lord Balcarras?—Yes.

622. Mr. Glover was in the habit, when he came to Wigan, of occasionally coming to your house?—Yes.

623. Did you hear anything said at all; anything of open house for treating the electors, or anything of that sort?—Nothing whatever.

624. Have you been engaged in many Wigan elections?—I have been in Wigan, I think, some dozen or more years.

625. As regards eating and drinking, was this a properly conducted election, as far as you observed?—More so than I ever saw.

626. So far from any treating going on, was it not on the contrary distinctly understood that there should be as little treating as possible?—I never heard of anything specific.

627. Mr. Serjeant *Kinglake*.] How many petitions have there been from Wigan; for the last five or six years there has been hardly an election without one; that has been the fate of Wigan, you cannot have an election, such is the unfortunate fact, without a petition?—Yes.

628. *Committee*.] Explain to me about these wards; you say there are five wards in Wigan?—Yes.

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629. Tell me the names of those wards?—Scholes Ward, Queen-street Ward, All Saints Ward, Swindley Ward and St. George's Ward.

630. You also stated that certain committees for the wards were appointed, as I understand you, at the same time that your committee was?—I believe they were.

631. Do you know where they were held in the other ward?—No, I do not.

632. But you recollect that all the five committees were appointed at the same time at this meeting?—Yes.

633. When you used the expression in that book, the word "General Committee," do you mean to distinguish it from the ward committees; do you mean by that to point out the difference between the general committee and the other ones?—The object was for the general purpose.

634. The object which was charged in the book was for the general purpose?—Yes.

635. It was not a charge for any other ward committee?—No, not at all, not for a distinct and separate ward.

636. Where you have entered it as "General Committee," you did not intend to charge for any other separate ward committees?—Only those persons having to do as committee-men.

637. When you entered the word "General Committee," and certain charges under the head of general committee, it was not for anything furnished, as I understand you to say, for any particular ward committee, but for the general committee, where they were all appointed; was that so?—Yes.

638. You also stated that you did not think there was 10s. spent in your house before the election; did you mean by that, before the day of the election?—Yes.

639. Not before the election was concluded, but before the day of the election?—Yes.

640. You do not mean to say before the election was over?—No, by no means.

[The Witness withdrew.]

Michael Green, was called in; and having been sworn, was Examined by Mr. Moore, as follows:

Michael Green.

641. YOU are a weaver, and live at Wigan?—Yes.

642. Do you know the Fleece public-house?—Yes.

643. Do you know the landlord of that house?—Yes.

644. What is his name?—Samuel Crabtree.

645. What ward is that public-house in?—The Scholes Ward.

646. Do you recollect having been at the Fleece public-house on the 14th of October last?—Yes.

647. Can you tell the Committee who you saw come in there; you were there in the morning?—He was there, and called me in.

648. Who did that?—John Hodgson and his nephew; he was uncle to the man.

649. What did Hodgson call you in for?—Edward called me in to give me a glass of ale; he gave me three halfpence, and I called for it myself; I asked him to drink, and he would not.

650. Did he take any better stuff?—Yes, he had, and he gave me a drink of it.

651. What was it?—It was brandy and water.

652. Did he pay for it?—No, it was in when I got it.

653. Did you hear Hodgson say anything about who would pay for the brandy and water?—

Mr. James objected to the question.

Witness.—When them two glasses were gone, he knocked with his stick on the table, and called for two more glasses; he said, "Bring two more glasses of brandy;" and he says —

Mr. James objected to the answer.

654. Mr. Moore.] Then he got some more brandy and water?—Yes, he got the two.

655. Were

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655. Were you there again in the evening at the Fleece?—Yes.
 656. Did you see any persons come in there in the evening?—Yes.
 657. Who did you see?—I see Stanley.
 658. Thomas Stanley?—Yes; and Captain Lindsay and James Eaton, Thomas Rigby, Hugh Watmore, James Ince and Richard Liptrot, John Lundell and Stanley.
 659. James Eaton?—Yes.
 660. Where did they go to when they came into the house?—They went up-stairs; in the room up-stairs.
 661. Did Captain Lindsay go with them to that room up-stairs?—There was a part up when he went up.
 662. He did go up?—Yes.
 663. Could any one that chose go into the room up-stairs?—No.
 664. Mr. Serjeant *Murphy*.] How do you know?—Because I tried.
 665. Mr. *Moore*.] Who hindered you from going in when you tried?—There were two men; one was Thomas Pemberton, and the other, I am not quite sure, I think it was Robert Shuttleworth.
 666. What did they do?—They stood sentry, and let no one go in but those that were voters, or a person that was not himself a voter could go in with a voter.
 667. They turned you back?—Yes.
 668. Did you see any drink taken up to that room?—Yes, they had plenty; there was a man waited on the company up-stairs, and he fetched in a tray of brandy and water.
 669. Had Captain Lindsay gone up-stairs at the time that this man carried the drink up?—Yes.
 670. Did they tell you why they would not let you into the room?—

Mr. Serjeant *Murphy* objected to the question.

Cross-examined by Mr. Serjeant *Murphy*.

671. You were a friend of Mr. Dickens's?—No.
 672. Did any one pay you to go to that house?—No, it was Hodgson's nephew that called me in.
 673. You were hovering about the house?—No; I was going into the market-place; he called me in; it is about a quarter of a mile off the market.

Re-examined by Mr. Serjeant *Kinglake*.

674. You say that you had gone there in the day time, and that you went again in the evening?—Yes.
 675. How came it that you went again in the evening?—Edward Hodgson, the nephew, ordered me to come; he said that there would be plenty of free drink.
 676. You did not go of your own accord, but you received some order?—Yes; he ordered me.

[The Witness withdrew.

John Miller, was called in; and having been sworn, was Examined by Mr. Serjeant *Kinglake*, as follows:

677. I BELIEVE you are a voter for the borough of Wigan, and an inn-keeper?—Yes.
 678. What is the name of the house?—The Three Legs, in the market-place.
 679. I believe you voted for Captain Lindsay at the last election?—I did.
 680. You recollect perhaps the time when the writ came down to Wigan for the election of a new Member, or about the time?—Yes; I think I do.
 681. After that time, did any of the persons who were in Captain Lindsay's interest come to your house for liquor?—Occasionally, as they had done before.
 682. Do you mean at former elections?—No; as customers.
 683. Was there any increase of numbers between the time of the writ

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coming down and the election; was your house pretty busy?—No; no difference to the usual times.

684. When a writ comes down, a good many of the people are drinking?—No; nothing different from any other time.

685. Were there persons there, whom you knew to be voters for the borough of Wigan, drinking?—Yes, the same as they came at any other time.

686. There were persons there who were voters for the borough of Wigan?—Yes.

687. Can you give me the names of some of them?—I do not know that I can.

688. I will see whether I can assist you at all; did you see a person of the name of George Barrow there, of Holgate?—Yes.

689. Is he a voter?—I believe he is.

690. Robert Halliwell?—Yes.

691. Do you know a Mr. Bankes, a druggist?—Yes.

692. Did you see him at all there?—I see him every day.

693. That is not an answer to the question; did you see him there after the writ came down, to the day of the election, at that house?—I do not particularly know that he was there at the day of the election.

694. I ask you between; attend to the question; between the time that the writ came down and the day of the election; some days did you see him there during that time?—Yes.

695. What did he do when he came down?—He took his glass, the same as any other person.

696. Do you know a person by the name of Scorcroft, a surgeon?—Yes.

697. Did you see him at your house?—Yes.

698. What did he do there?—He took his glass, the same as he did at any other time.

699. Joseph Cartwright, did you see him there?—I do not know whether I know him.

700. Henry Southwold?—I don't know him particularly.

701. Not particularly; do you know a person of the name of Southwold?—No.

702. Thomas Hardy?—Yes.

703. Did you see him there?—Yes.

704. William Atkinson?—No, I do not know that I did see him.

705. William Harrison?—Yes.

706. James Haselden, did you see him there?—Yes.

707. Samuel Holt?—Yes, I dare say he might be there.

708. I do not want you to dare say; do you recollect seeing him there?—I do not know that I do.

709. Joshua Holt?—No.

710. William Hopwood?—Yes.

711. Richard Hopwood?—Yes.

712. Joseph Lashan?—I do not know him.

713. William Rigby?—I do not know him.

714. Samuel Rowlage?—I do not know him.

715. Are those voters of Wigan, those persons whose names I have mentioned to you?—Mr. Rowlage is; I do not know whether Mr. Rigby is.

716. Did you see a great many other persons there drinking, between the time the writ came down and the election, besides those I have mentioned?—Yes.

717. Did they pay for every thing they had at the time it was supplied to them?—Yes, previous to the election.

718. What do you mean by "previous to the election;" do you mean before the day of the election, the 16th?—Yes.

719. Do you mean that nothing was supplied in your house except what was paid for on the nail, until the 16th?—It was paid for as they called for it.

720. Until the 16th?—Yes.

721. What change took place then; on the 16th did you supply them without being paid for it?—Yes; I was ordered by parties to let them have refreshment.

722. I suppose you found a breakfast, did not you on the morning, of the election?—There was a breakfast.

723. You supplied it?—Yes.

724. By whom were you ordered to do that?—By Robert Halliwell.

725. Who is Robert Halliwell?—The relieving officer at Wigan.

726. When

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726. **When** did you see him about ordering this breakfast?—On the day of the nomination.

727. **That** was the day before?—Yes.

728. **Did** you receive any orders before the 15th about the supply?—No.

729. **How** many breakfasts were you to supply?—There was no number mentioned.

730. **Was** it to be a large breakfast?—No; a round of beef and coffee, and so on.

731. **Whom** was that to be given to?—I do not know; he did not mention any persons' names.

732. **Explain** yourself; if persons came, did you give them a breakfast, without inquiring as to who they were or what they were?—Yes.

733. **Did** not you know them to be voters in the interest of Captain Lindsay?—No.

734. **You** did not believe them to be so?—Yes; but a great many got a breakfast who were not voters.

735. **Did** you see Mr. Bankes that morning that the breakfast was?—No.

736. **Did** you see Halliwell?—Yes.

737. **What** was he doing?—He was up-stairs.

738. **Do** you know whether he was there superintending the breakfast?—Yes.

739. **How** many breakfasted?—I should say from 50 to 60.

740. **Where** was the room; up-stairs?—Yes.

741. **Did** you go into the room at all?—I did not; not at the time.

742. **Were** you paid for those breakfasts afterwards?—I was.

743. **By** whom?—By Mr. Halliwell.

744. **How** long after was it that you were paid?—I cannot say to three or four days; it might be a fortnight.

745. **Did** you give any liquor on the day of the election, besides the breakfasts?—Not to those in particular.

746. **What** kind of liquor?—Beer and spirits.

747. **By** whose orders did you give the liquor on the day of the election?—James Gornall and Joseph Varty.

748. **Who** was Gornall?—He is a sort of foreman over the smiths belonging to Lord Balcarras.

749. **What** do you mean?—The blacksmiths.

750. **What**, is there, then, at Lord Balcarras's a foundry?—Yes.

751. **Belonging** to Lord Balcarras?—Yes.

752. **This** man is the foreman of the smiths who work there?—Yes.

753. **And** Varty, who is he?—A foreman over the joiners that belonged to the hall at the estate.

754. **Are** they voters of Wigan, Varty and Gornall?—No.

755. **Do** they live in Wigan?—No.

756. **Where** do they live?—In Haigh.

757. **That** is Lord Balcarras's seat?—Yes.

758. **When** did you first see them about the supply of the liquor, Varty and Gornall?—The day of the nomination.

759. **Was** there any limit at all given, or was it left to your discretion as to the quantity that you were to supply?—It was left to my discretion.

760. **Did** you supply as much as was asked for?—Nearly.

761. **Were** you afterwards paid by those two men for the liquor?—No.

762. **The** liquor had been ordered by Gornall and Varty; by whom were you paid for the liquor which they so ordered?—By Mr. Halliwell.

763. **Mr.** Halliwell is a voter, I believe?—Yes.

764. **Have** you been at all at the Eagle and Child?—Yes, many times.

765. **Had** you been at the Eagle and Child at all between the time that the writ came down and the day of the election?—Yes, I dare say I might be.

766. **Do** you know the room there called the news-room?—Yes.

767. **Did** you go into that room?—Yes, many times.

768. **But** at that time?—Yes.

769. **Did** you see Halliwell there?—Yes.

770. **What** was he doing when you saw him?—I do not know; taking his glass, the same as other people, and looking at the papers.

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771. Did you go there on the day of the election?—Yes; I believe I was in there.

772. Did you see Halliwell then?—No, I did not.

773. Did you go into the news-room on the day of the election?—No; I was in the bar.

774. When you saw Halliwell there, did you see persons at the table writing letters?—No; it was too thronged for writing.

775. Had you attended any meeting at all at the Eagle and Child yourself?—No.

776. You have not told me the amount that was paid you by Halliwell?—No.

777. What was paid you by Halliwell; how much?—£.52.

778. Can you tell me how much was for breakfast, and how much was for the liquors which were supplied under the orders of Gornall and Varty?—I cannot.

779. Have you your book there?—Yes, but there is no entry of it in here.

780. Just look and see?—I never made any.

781. Do you generally make entries in that book?—We generally do, but where we expect to be paid soon, we put it on a slate.

782. Do you generally make entries of matters which you supply, in that book, when you are not paid for it at the time; do you generally make entries in that book?—Yes, for things that we do not expect to be paid for soon.

783. How do you mean, paid for soon?—Within a few days.

784. This was the way you kept a 52*l.* account?—Yes, it was put down on the slate.

785. Did you have the number of breakfasts put down on the slate?—I do not know that there was any limited number; so much for breakfasts.

786. Had you agreed for the sum that you should have for breakfasts beforehand?—No.

787. Or did you charge so much a head?—No.

788. How did you settle the price between you and Mr. Halliwell?—We charged it according to the stuff that went up.

789. Then all liquors you charged according to the quantities supplied?—Yes.

790. Of that an entry was made on the slate, and not from the slate into the book?—Yes.

791. How many days was it before you were paid?—Perhaps it might be a fortnight.

792. Do you mean to say that in the ordinary course of business you would supply as much as 52*l.* worth of goods out of your house, and make only an entry on a slate, and make no entry in a book?—Yes.

793. Just turn to October the 16th?—[*The Witness referred to the same.*]

794. Have you got October the 16th; I see nothing between the 14th and the 25th?—Many days in the week we never book any thing.

795. You are a voter; were you canvassed by Captain Lindsay?—I was.

796. Do you remember on what day?—I do not, indeed.

797. Did he come to the house to canvass you?—He was there, perhaps a fortnight before the election.

798. Did he come to your house to canvass you?—Yes.

799. Did he come alone, or did any one come with him?—There were three or four with him.

800. Who were they?—Robert Halliwell and Mr. Scorcroft.

801. Is that the Robert Halliwell who ordered the breakfast?—Yes.

802. And Mr. Scorcroft?—Yes.

803. Who else?—Mr. Bankes.

804. Is that Mr. John Bankes the druggist?—Yes.

805. Who else?—I do not know that there were any more.

806. After having canvassed you, were they going on to make further canvass?—Yes.

807. Did you see them pass on with the parties I have mentioned with Captain Lindsay upon his canvass?—Yes.

808. Did you see them at all canvassing at other parts of the town?—Yes.

809. The same party?—Yes.

810. Did

810. **Did** Captain Lindsay canvass you more than once; did he come a second time?—No.
811. **Do** you know Mr. Glover?—Yes.
812. **Was** he with Captain Lindsay?—I believe he was.
813. **When** he came to canvass you?—Yes.
814. **Mr.** Glover, Mr. Halliwell, Mr. Bankes and Mr. Scrocroft?—Yes.
815. **Did** you see Mr. Glover at different times canvassing with Captain Lindsay?—I did not.
816. **You** actually were only canvassed once?—No.
817. **On** that occasion you saw Mr. Halliwell, Mr. Scrocroft, Mr. Bankes and Mr. Glover with Captain Lindsay?—Yes.
818. **I** ask you whether you saw Captain Lindsay at different times canvassing in other parts of the town?—Yes.
819. **Were** the same persons with him then?—No.
820. **Who** was with him then?—I cannot say who was.
821. **Did** you see Mr. Glover with him then?—No, he was not.
822. **When** you went to the Eagle and Child, did you see Mr. Glover there?—No.
823. **You** did not see him there at all?—No.
824. **Did** you see Mr. Bankes there?—No, not the day of the election.
825. **When** you went there before the day of the election, did you see him there?—I have seen him many times.
826. **In** this room up-stairs?—No, I never was there.
827. **Did** you see Mr. Glover there before the day of election?—Yes, many times.
828. **Between** the time the writ came down, and the day of the election?—Yes.
829. **Where** did you see him?—At the bar.
830. **Did** you see Captain Lindsay there at all?—No.
831. **Did** you see Captain Lindsay at the Eagle and Child on the day of the election?—Yes, I think I did.
832. **Where** did you see him?—On the front; there is a palisading on the front.
833. **Is** that the palisading outside the room called the news-room?—Yes.
834. **And** he came out on that in front of the house?—Yes.
835. **Was** he making a speech at that window; did he come from that window and address the electors?—I think he did.
836. **Who** was standing by his side on the palisading?—I cannot say.
837. **Did** you see Mr. Bankes?—No.
838. **Did** you see Mr. Gaskell there?—No.
839. **Did** you see Mr. Glover there, then?—No.

Cross-examined by Mr. Serjeant *Murphy*.

840. **I** believe these elections at Wigan have been tolerably rough things for years back?—Yes.
841. **Some** of the voters in these contests have been tolerably hardly used?—Yes.
842. **There** has been a good deal of obstruction and beating?—Yes.
843. **Should** you not think it a measure of wise precaution if a gentleman residing in that neighbourhood should get his workmen and others, even though not voters, to come and keep the avenues?—Yes.
844. **Have** you the least doubt that a vast majority of those for whom Mr. Halliwell paid, and for whom Gornall and Varty ordered the dinner, were non-voters who were coming to protect the voters of this gentleman?—I have not.
845. **There** were some of them that were carpenters, and others connected with the forges, who were coming to keep the avenues clear, to whom breakfast was given as a reward for this, they being non-voters?—Yes.
846. **Was** there not a great many of those persons who came in from different parts of the district in the different interests?—Yes.
847. **Do** you think that it is very common in this district, for out-voters in Wigan for instance—do not people come very frequently into Wigan from other

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other districts when an election is going on—strangers, bludgeon-men?—Yes.

848. Is it anything, then, more than a measure of just precaution to employ men of that description to protect the voters?—Yes; it is usual to do so.

849. How many men do you think that morning came in from Lord Balcarras, his joiners, and his forge-men, and his smiths?—From 300 to 400.

850. I believe Halliwell, Gornall and Varty superintended that breakfast given to those men?—Yes.

851. Were there bands of music, and other indications that they were in the interest of Captain Lindsay?—Yes.

852. This demonstration of strength being made, did the election go off more quietly than any antecedent one?—Yes.

853. Did you ever, in point of fact, I ask you that question, have any order to supply drink to the voters; was it not to the workmen?—Yes, to be sure.

854. If any voters came into the place, as voters will be hungry as well as other people, and chose to sit down, it would be difficult for you to discriminate between the one and the other?—Yes.

Re-examined by Mr. Serjeant *Kinglake*.

855. You know, do not you, living at Wigan, you know the voters of Wigan pretty well, from those who are the mere workmen of Lord Balcarras?—Yes.

856. You knew those men who came in, and who were supplied with this breakfast, to be voters; did not you, yourself?—I am not certain that they took breakfast particularly.

857. Never mind particularly; I mentioned the names of several persons you saw there, did not you know some of them to be voters of Wigan?—Yes.

858. You have told us about 50 had breakfast there?—Yes, I should say there might be.

859. Upon your oath, do you mean to say that the great majority of them were not voters of Wigan; upon your oath; I have not put a harsh question to you before; do you mean to swear that the great majority of those persons were not voters of Wigan?—Yes.

860. How many of them were voters, according to the best of your judgment, out of the 50?—There might be 20; I went up-stairs, so that I did not see who did take breakfast.

861. Is yours a large ward or a small one?—It is rather a small one.

862. Did the voters bring any of their families with them, as well as themselves?—Not that I am aware of.

863. Have you innkeepers of Wigan had any meeting since you knew that a Committee was going to be sitting on this matter; have you had any meeting together?—

Mr. Serjeant *Murphy* objected to the question.

[The Witness withdrew.]

John Jennison, was called; and having been sworn, was Examined by Mr. *Moore*, as follows:

John Jennison.

864. ARE you a voter for the borough of Wigan?—Yes.

865. For whom did you vote at the last election?—Captain Lindsay.

866. Are you a publican?—Yes.

867. In what ward is your public-house?—In St. George's Ward.

868. What is the sign?—The White Horse.

869. Did the ward committee sit at your house?—I am not aware that there was a committee, there was what we call the friends of Captain Lindsay came to our house on one occasion.

870. Who were those friends that came to your house?—I do not exactly know who they were.

871. You surely know some of them; tell us some of them?—I do not know that I do.

872. Did

872. Did Mr. Shaw, the surgeon, come there?—Of course he came in every day, perhaps three or four times a day.
873. Mr. William Halton, did he come?—No.
874. Mr. Rogers Bolton?—No.
875. William Platt?—I fancy he was present.
876. Are you not quite sure that he was present?—No.
877. Have you not seen him there, yourself?—He is a person who comes almost every day.
878. And came every day during the election?—Yes; I dare say he would.
879. Are you not quite sure he did?—No.
880. On your oath, did not you give him drink during the election?—No.
881. Was Thomas Ellis there?—I believe he was.
882. What business is Thomas Ellis?—Joiner and builder.
883. Was Mr. Hinde Jackson there?—I think not; I do not recollect.
884. What business was he?—The same, joiner and builder.
885. Did not he commonly frequent your house?—Not very commonly.
886. Robert Halliwell, was he there?—He was.
887. Will you tell the Committee some other of the names who were there?—I do not remember who was there, but when I hear the names, I will speak as correctly as I can.
888. Was John Ashburner there?—I should say not.
889. Was there not a breakfast at your house on the morning of the election?—There was.
890. Who attended that breakfast?—I do not know; there were a good many who attended.
891. Cannot you give me the names of the chief people in that ward who attended?—No; I cannot.
892. Did James Warrington attend that breakfast?—I do not think that he did; he might do so.
893. Did Edward Forshaw, attend that breakfast?—I am not aware whether he attended that breakfast or not; I know he was in the house on the day of the election.
894. William Platt; was he at the breakfast?—I do not think he was.
895. On the day of the election, the 16th of October, did you fill out drink for all the people that came to your house?—No, I did not.
896. Was there none filled in your house, that you saw?—Yes; my wife filled.
897. You saw that handed to the electors?—No.
898. Were you there?—I was knocking up and down, sometimes in the house and sometimes out.
899. Do you mean to say that, knocking up and down, you did not see who got drink and who did not?—Of course, I saw who got drink, but I am not aware that I saw it handed to electors.
900. Just tell us who you saw get it?—I cannot say.
901. You totally forget?—Yes; there were many parties who got drink, very many.
902. Did you keep an account of any of those who got drink?—It was chalked down.
903. Do you know who was to pay the account that was chalked down?—No; it was not chalked down to any body named.
904. To whom was it charged?—The friends of Captain Lindsay, I understood, were to pay.
905. To whom did you chalk it down?—To no names.
906. Just merely chalked it down?—Yes.
907. Was it a pretty long chalk?—Yes.
908. How much did it amount to?—From 28*l.* to 29*l.* altogether.
909. Who ordered you to keep it chalked down on that slate?—No one ordered me.
910. Did not you expect to get paid for that chalk?
911. Who gave you the order to supply the drink?—I was ordered to supply drink.
912. Who ordered the breakfast?—Mr. [unclear] [unclear].
913. Who

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913. Who is Mr. Dickens?—A pawnbroker.
914. Were you canvassed during the election?—Yes.
915. Who called on you to canvass you?—Captain Lindsay and Mr. Gaskell, and others besides.
916. Did Mr. Dickens call?—I think not.
917. Are you quite sure he did not?—I am quite sure, I do not recollect it; he might have been there, and I did not see him.
918. You will not undertake to say he was not there?—No, I will not.
919. Have you seen Mr. Dickens attending on Captain Lindsay in the course of his canvass elsewhere through the town?—Yes.
920. Now, who ordered you to give drink to parties that came into your house, to parties who did not pay?—No one.
921. Who paid you that long chalk?—I fancy Mr. Halliwell paid it.
922. You fancy; are you not quite sure?—No.
923. Have you got your book with you?—Yes; in the other room—[*the Witness went and fetched his book.*]
924. Have you got any entry in the book of that chalk which you had upon the slate?—No.
925. No entry in this book at all of drink furnished during the election?—No.
926. Any entry of the breakfast?—No.
927. What have you entered in this book?—There is nothing entered but little odd particular shots, such as small accounts.
928. Are you in the habit of taking stock at the end of the year, or at any time?—No.
929. Have you any entry in this book of that 29*l.* that you were paid for drink and breakfasts?—No.
930. None at all?—No; it was from 28*l.* to 29*l.*; I do not recollect the exact sum.
931. How did you make out the account for Mr. Halliwell?—It was added up, and put all in a lump.
932. Who took it to Mr. Halliwell for payment?—Mr. Halliwell called upon me.
933. And paid you the 29*l.*?—I am not certain whether Mr. Halliwell paid me or not; the money was on the table, and I was called in.
934. Was not Mr. Halliwell there, sitting by it?—He was sitting there.
935. Have you the least doubt that he paid it?—I fancy he did.
936. Are you not perfectly certain that he did; recollect, upon your oath?—I am not.
937. Was there any one else in the room?—Yes; Dr. Scorcroft and Mr. Rawlinson.
938. Did they not accompany Captain Lindsay in his canvass?—I do not recollect that they did; I never saw them.
939. Were you at the Eagle and Child at all during the time of the canvass?—Yes.
940. Who did you see there?—I did not take particular notice when I called at the Eagle and Child; I call in frequently, perhaps once or twice a day.
941. I am asking you of this particular time, when the canvass of Captain Lindsay was going on, did not you go in there?—Yes.
942. Did you ever see Captain Lindsay there?—Yes.
943. Did you see Mr. Scorcroft?—Yes.
944. Did you see Mr. Halliwell?—Yes.
945. Did you see Mr. Dickenson?—Yes.
946. Did you see Mr. Glover there?—Yes.
947. How came you to go to the Eagle and Child, what took you there?—I do not know what took me there; I call in occasionally when I pass by; it is the only house in the town that I go into when I am out of my own house.
948. What room did you see these people in?—Either the bar or in the hall part; it is not one time out of half-a-dozen that I go into any apartment.
949. Were you ever in the room up-stairs?—No.
950. Not in the reading-room?—No.
951. When were you paid this 29*l.*?—Immediately after the election.
952. How soon after?—It might be the day but one after the election.
953. Where

953. Where was it paid?—At my bar.

954. You told the Committee that the parties present were Mr. Halliwell, Mr. Scrocroft, and who else?—Mr. Rawlinson.

955. To whom did you make out this bill?—I did not make out a bill at all.

956. To whom did you make out this lump, you had a long chalk on the slate, you totalled it up and made a lump of it, to whom did you bring in this lump to be paid?—The sum was put upon a piece of paper about two inches square.

957. Was there nobody's name on it?—No.

958. Was there yours?—No, merely the amount, that was all that was required; they asked me what the amount was.

959. At Wigan elections do they generally do things on faith, in that way?—I never knew it done any other way at our house; I do not know what they do at other places.

960. You were always perfectly certain you would be paid that long chalk on your slate?—We always had been paid.

961. Did you give drink to every body who came into your house, or how?—No; it was only given up-stairs on that day, it was not given in any room down stairs.

962. You gave breakfast to every body that came on the 16th?—I should say not.

963. How did you select?—I do not know that we selected at all.

964. Explain to the Committee how it is you did not give to every body, and how you made some distinction; how did you distinguish between those you did give to, and those you did not?—Those who went up-stairs partook of the breakfast.

965. How many attended that breakfast?—There were very many.

966. How many?—I cannot tell you how many, but I should fancy from 160 to 170, I fancied so at the time.

967. How many of those were electors of Wigan?—Indeed I cannot say.

968. A good many?—I should say there would be a good many.

Cross-examined by Mr. James.

969. Were there several persons came in from Bolton to that breakfast?—Yes.

970. The majority, I believe, came in from Bolton?—No.

971. I do not mean all from the town of Bolton, but from the neighbourhood; from the surrounding country?—No, I should say not.

972. Were there any friends of yours came in?—One or two.

973. What ward are you in?—St. George's.

974. How many electors are there there?—I do not know; I have no knowledge at all.

975. Is this a large ward or a small one?—Yes, I suppose one of the largest.

976. You saw Captain Lindsay; how often did you see Captain Lindsay altogether, do you think, before the election?—I saw him I should say every other day.

977. You mean round the town, canvassing?—Yes, perhaps every day.

978. You know Mr. Glover very well; he is the agent for Lord Balcarras?—I believe he is.

979. Do you know that in that character he is acquainted pretty well with the persons of the voters in the town of Wigan?—I should say he was.

980. We understand that the majority of Captain Lindsay was 63?—Yes.

981. It was considered a hollow election throughout, was it not?—I am not aware.

982. When did you promise your vote; how long before the election?—Three or four days.

983. Captain Lindsay only came once to you, I believe?—He came two or three times; I was not in.

984. You only saw him once?—No.

985. A great many of the workpeople, I believe, had breakfast who were not electors?—Yes.

986. Who were not electors?—Yes.

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987. Committee.]

John Jennison.

7 April 1846.

John Jennison.

7 April 1846.

987. *Committee.*] You said that Mr. Halliwell and others were in your house when you had some money paid you?—Yes.

988. Will you explain to the Committee whether they called for you to go, or whether you heard them; how did you know they were come; did you see them come in?—I was in the brewhouse when they came.

989. Did you see them?—Some one out of the house said I was wanted.

990. And you went in; where did you go to?—To the bar.

991. Who did you find in the bar?—The parties I named, Mr. Halliwell, Mr. Scrocroft and Mr. Rawlinson.

992. Did either of them speak to you?—All of them.

993. And you of course spoke to them?—Yes.

994. What did either of them say to you?—I am not certain; it was merely common-place language that took place; they are every-day customers of mine, and jokes pass between us.

995. Did you in consequence of anything they said, go and do anything?—No; nothing more than add up the amount in the book; it was added up before, and I put it on a piece of paper and handed it to them.

996. Who did you present it to?—I think Mr. Halliwell took it up.

997. What took place then?—The money was on the table, and they told me to take the amount.

998. Who; one of those three gentlemen?—Yes.

999. You say you had been speaking to them before?—Yes.

1000. You gave Mr. Halliwell the bill, and then you took some money off the table?—To the best of my knowledge Mr. Halliwell took it up.

[The Witness withdrew.]

Matthew Worthington, was called in; and having been sworn, was Examined by Mr. Serjeant *Kinglake*, as follows:

M. Worthington.

1001. I BELIEVE you are a voter and innkeeper of Wigan?—Yes.

1002. What is the name of your house?—The Gibraltar.

1003. What ward is that in?—Scholes Ward.

1004. I dare say you remember the time when the writ came down to Wigan at the last election, or about the time?—Yes.

1005. Did you have any meeting at your house of Captain Lindsay's friends after that time, between that day and the time of the election?—There was a meeting.

1006. Do you remember how many days before the election?—No.

1007. A meeting of whom?—There were two or three, or three or four fellows came in.

1008. What do you mean by "fellows;" how does that make a meeting?—Men.

1009. Who were they?—There was Thomas Stanley came in.

1010. What is Thomas Stanley?—He is a coal-agent, or manager, for Mr. Ashall.

1011. He was one of the "fellows," was he?—Yes.

1012. Tell me another?—Mr. Blundell was with him.

1013. Well, that is two; who else; how many came; you have only mentioned two; that would be but a small meeting?—I do not know exactly; there were some that I did not know.

1014. How many days was that before the election?—It might be three or four, or four or five.

1015. What did they do when they got there?—They came and asked me if I had made up my mind who to vote for.

1016. I suppose you had made up your mind?—Yes.

1017. And you told them?—I told them I had made up my mind, and had told Captain Lindsay I would give him my interest.

1018. Upon your apprizing them of that, what took place?—They sat them down and called for each glasses.

1019. Did any thing more pass then?—No.

1020. Upon your separating, was there any arrangement made for other persons to come to your house?—Not at that time.

1021. Was there afterwards?—Yes, in a day or two after I met with Mr.

Mr. Stanley, and he told me that on the nomination day there would be a band, and I must get a dinner for them. *M. Worthington.*

1022. Between the time that you are speaking of on the nomination day, had you not any of the voters coming to your house?—No. *7 April 1846.*

1023. On the nomination day you were to get a dinner?—Yes.

1024. Did you get the dinner on the nomination day?—Yes.

1025. For how many?—He did not particularly tell me for how many, not exactly; he said there might perhaps be a dozen, or twenty or thirty or so on.

1026. Did a number of persons come to the dinner at your house on the nomination day?—Yes.

1027. How many?—I do not recollect them.

1028. About a dozen, or twenty or thirty?—There might be thirty or more.

1029. Do you know the men, who they were?—No, I could not pretend to tell them.

1030. I am not asking you to tell them all; did you know any of them by name; were they inhabitants, people living in Wigan?—Most of them were the band, with the colliers who were along with them; that is, in Lord Balcarras's employment, and some of Stanley's as well.

1031. Some of Stanley's what?—Men.

1032. He is a coal-agent, is he?—Yes.

1033. That was on the nomination day?—Yes.

1034. Had you any persons at your house on the day of election?—No.

1035. None on the day of the election?—No.

1036. Was there any breakfast at your house on the day of the election?—No, not any.

1037. Do you know a person of the name of James Georgson, junior?—Yes.

1038. Did he dine amongst the party?—I cannot say whether he did or not.

1039. James Lowe, do you know him?—Yes.

1040. Did he dine there?—I cannot say. I could not attend up-stairs, altogether; I was minding the bar, and what stuff went out.

1041. Did you not go into the room where those men were?—Yes, I did go in at odd times.

1042. Do you know James Georgson?—Yes.

1043. Did you see him there?—I do not recollect seeing him.

1044. Did you see James Lowe there?—Yes, I saw him down-stairs.

1045. Is he a voter of Wigan?—I believe he is.

1046. Did you see Edward Halker there?—I cannot say.

1047. Did you see James Lowe at the time of the dinner?—Yes.

1048. John Ashton, did you see him there?—Yes.

1049. Is he a voter?—Yes.

1050. John Blundell, did you see him there?—Yes.

1051. Is he a voter?—Yes.

1052. James Fletcher, did you see him there?—I do not know him.

1053. Thomas Hardy, did you see him there?—No.

1054. John Hodgson?—No.

1055. James Ince, did you see him there?—No.

1056. James Eaton?—I do not recollect seeing James Eaton.

1057. Was there any committee sitting at all at your house?—I do not know that there was any committee; I never heard of any committee.

1058. You do not like that term; was there any number of persons, call them what name you like, sitting in your house, in the room for the purpose of managing the election?—Only those who came to ask me if I had made up my mind who to vote for.

1059. Do you mean to say those were the only persons who came in, and took a glass on that day which you have mentioned?—Yes.

1060. Do you mean to say there was no meeting of a committee of management for conducting the election of Captain Lindsay, held at your house at half-past seven of the evening of the 9th of October?—I do not know whether there was a committee or not at my house.

1061. Did you know that there was to be a meeting there before?—No, I did not.

1062. Just look at that, and tell me if you know whose hand-writing that is; that is your house mentioned there, is it not; that is your name [*showing a*

- M. Worthington.* *paper to the Witness*] ?—Yes ; it is my name ; I do not know whose hand-writing it is.
- 7 April 1846. 1063. What is it ; is that a notice of a meeting to be held at your house ?—Apparently it is.
1064. Printed, is it ?—Yes, and filled up.
1065. I ask you, that is October the 9th, just read it, will you ?—“Wigan, October 9th, 1845. Sir, a meeting of the Committee of Management in Scholes Ward, for conducting the election of Captain Lindsay, will be held at the house of Matthew Worthington, at half-past 7 o'clock, this evening.”
1066. Do you mean to say you know nothing of that ?—I never received it.
1067. No, you never received it, I did not ask you that ; do you know of such a paper being sent ?—No.
1068. Who paid you for what was had at your house afterwards ?—Thomas Stanley paid me.
1069. What was the amount of your bill ?—I do not know what it was now.
1070. Have you got your book here ?—No, I do not keep any book.
1071. Do you mean to say you cannot tell me what the bill was ?—Yes, I have forgotten.
1072. Seriously ; do you mean to assert that you have forgotten the amount of your bill ?—I have.
1073. You keep no book ?—No.
1074. Is that the way you carry on business at Wigan ?—We put it on the chalk.
1075. And you wiped it out ?—Yes.
1076. *Committee.*] Was it for the dinner he paid you ?—Yes.
1077. Mr. Serjeant *Kinglake.*] Tell us about how much, 5*l.* or 10*l.* or 15*l.* or 20*l.* ?—Something near 20*l.*
1078. Was it above 20*l.* ?—It might be some little more than 20*l.*
1079. Surely, you supplying a dinner of that kind, can tell me ?—The men had something to drink as well.
1080. It all went into the lump ?—Of course it did.
1081. Did you charge so much a head, or how ?—I put it altogether.
1082. When was it Stanley paid you, how long after the election ?—It might be a month or two months.
1083. Did you mark it on a slate, and put it down at the time ?—Yes ; on the door where I chalked it up.
1084. You say somewhere you believe about 20*l.* ?—Yes ; I cannot just tell now.
1085. Did he come to you when it was settled, or did you call for it ?—Yes, he came.
1086. Who was with him ?—I think Dr. Scorcroft was with him.
1087. Did you go into the room privately together, when it was settled ?—No ; there was nothing private at all.
1088. What passed between you ?—Nothing, but asked me what he had to pay me.
1089. That was the first money they paid you ?—Yes.
1090. Had Captain Lindsay canvassed you himself at the election ?—Yes.
1091. Before Stanley came to you ?—Yes.
1092. Who was with Captain Lindsay, any one, when he canvassed you ?—Not the first time he came.
1093. Then you had not made up your mind ?—Stanley was along with him the first time.
1094. Did you tell him when you had made up your mind ?—No.
1095. They were to call again to-morrow, I suppose ?—I said they must call again, and I would make up my mind.
1096. Did you see Captain Lindsay again ?—He came by himself.
1097. And then you promised Captain Lindsay ?—Yes ; I did.
1098. When they came, the three of them, they made an inquiry whether you were going to vote for Captain Lindsay ?—Yes ; and I told them I had made up my mind.
1099. Then they arranged for the band dinner ?—No, not then.
1100. They went away, and came back afterwards ?—Yes.
1101. You are quite sure there was no one with Captain Lindsay but Thomas Stanley ?—

Stanley?—No; Mr. Glover was sitting in his gig at the door, but the Captain came into the house to me, and got out of his gig.

M. Worthington.

1102. Mr. Glover was at the door when he came to canvass you the second time?—Yes.

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1103. Then Mr. Glover was with him?—Yes.

1104. That was the time when you promised him?—Yes.

1105. Mr. Glover was in his gig outside?—Yes.

1106. Was there any one with Mr. Glover?—No.

1107. Whose gig was it?—I cannot say.

1108. Was it not Captain Lindsay's gig?—I do not know.

1109. Did he get out of his gig?—Yes.

1110. Did he go away in the gig with Mr. Glover?—Yes.

1111. Who was driving, do you recollect?—No.

Cross-examined by Mr. James.

1112. Whose gig was it?—I do not know.

1113. Do you know whether it was Lord Balcarras's gig?—I do not know.

1114. You say Stanley paid you for this dinner you had ordered?—Yes.

1115. He is a coal-agent; has he several persons colliers, and so on, in his employ?—Yes.

1116. Were those the men for whom he ordered the dinner?—They formed some of the band there, the colliers; and some other of the colliers came along with them.

1117. They are musical colliers are they?—Yes.

1118. With the band for whom you had orders for dinner came several other colliers?—Yes.

1119. Those were the men for whom the dinner was ordered, and for whom it was paid?—Yes.

1120. Where was the dinner held?—In my room.

1121. Up-stairs?—Yes.

1122. The colliers in the band are not electors or voters?—No.

1123. How many colliers, the bandsmen, the musical men, and altogether came, do you suppose?—I should think there would be thirty or better.

1124. How many altogether, one or two and thirty?—The room was full of them, some eating and getting up and making room.

1125. The dinner was held up-stairs?—Yes.

1126. I suppose, during that time, with that large number there was a good deal of confusion in the house, and you could not exactly see who went up and had a bit of dinner, and who came down?—No.

1127. I think you say you saw Lowe down-stairs, does he live near you in the same ward?—At a place called Thirdbabouts, in the same ward.

1128. I suppose Lowe is occasionally in the habit of coming in to your public-house?—Occasionally; mine is an outside house, and he finds it convenient.

1129. The fact of the band dining there, and all the colliers, created a little sensation, and drew a great many people there?—Yes.

1130. Did they play after dinner?—Yes.

1131. Did they play before dinner?—Yes; they played as they came up.

1132. I suppose that brought Lowe with the others?—Yes.

1133. You say the bandsmen came up; they played *Nam nobis* before dinner; did they play before dinner?—I cannot say what they played.

1134. Did they play music before dinner?—Yes.

1135. Did that attract several people, and bring several people to the house?—It did.

1136. Did several people who were not colliers, and did not belong to the band, follow them up-stairs?—Both colliers and not colliers.

1137. How many persons; you mentioned Lowe; you say you do not think Lowe went up-stairs at all; you mentioned the name of Halker, who did go up; where does he live?—He lives by the side of me.

1138. Did he come in with the other people when the band was playing?—I do not recollect seeing him at all.

1139. Where does Ashton live?—In Scholes.

1140. Near you?—Not far off.

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1141. Did

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M. Worthington.

7 April 1846.

1141. Did he come in when the band was playing?—No, he came in after, to look after them, to see that they were all comfortable.
1142. You say there were some of Stanley's colliers, were there colliers in the employment of Lord Balcarras, at the Balcarras works?—Yes.
1143. They are not voters?—No.
1144. Where did the musical colliers come from?—They are not Lord Balcarras's.
1145. The dinner was for them?—Yes.
1146. You have been asked about this omission in the books; your business is a ready-money business?—Yes.
1147. Is it a very large public-house?—No, a very small one.
1148. The less chalk you use the better you like it?—Yes, the better it pleases me.
1149. The less credit you give the better?—Yes.
1150. Suppose any person ordered a dinner for a band of colliers, or any other denomination of persons, and a bill of 20 *l.* was incurred, would you put it down in a book, or put it down in chalk?—In chalk.
1151. You have no books?—No.

Re-examined by Mr. Serjeant *Kinglake.*

1152. Had you ever had such a chance as that before, providing a dinner of 20 *l.*?—No.
1153. It is rather a large affair for you to supply a dinner of 20 *l.*?—This is the first time I ever was a voter.

[The Witness withdrew.]

William Norris, was called in; and having been sworn, was Examined by Mr. *Moore*, as follows:

William Norris.

1154. ARE you a voter for the borough of Wigan?—Yes.
1155. And landlord of the Woolpack?—Yes.
1156. In what ward is the Woolpack?—St. George's, I believe.
1157. For whom did you vote at the last election?—Captain Lindsay.
1158. Did the electors of that district of St. George's Ward meet at your house?—No.
1159. Were there any meetings held at your house?—No.
1160. Was your house quite empty, then, during the whole time of the canvass?—From electors it was.
1161. Are there not a good many electors live about your house?—Yes.
1162. Where did they go to meet?—I cannot tell.
1163. Where did the committee meet for your ward?—I never knew there was one.
1164. What meetings were held at your house during the canvass for this election?—None.
1165. Who canvassed you for your vote?—Captain Lindsay.
1166. Who was with him?—I cannot justly tell.
1167. Was there any one?—I think Mr. Gaskell was with him.
1168. Was Mr. Glover?—No.
1169. Was there any one but Mr. Gaskell?—I think only those two.
1170. How often did they call upon you for your vote?—Only once.
1171. Had you been called upon by any one else before?—No.
1172. Did you keep a chalk at your house during the canvass?—No.
1173. Were you paid any bill at the close of the election?—I was paid a small bill after the election was over.
1174. How much?—I cannot justly tell.
1175. Have you your books?—I did not keep any books.
1176. Did you keep an account?—Yes, of what was ordered; I only put marks on the door.
1177. Then you kept it on the door?—Yes.
1178. Who paid that account which you chalked on the door?—Mr. Halliwell.
1179. Who came with him to pay you that account?—I did not know at the time that they came, who was the other party.

1180. Was

William Norris.

7 April 1846.

1180. Was there any one?—There was some other things, at the time I was paid besides, that had not anything to do with the election.

1181. But who was there?—I cannot justly say.

1182. What room was it in?—The front parlour.

1183. Is that a public room?—Yes.

1184. Mr. Halliwell was it, that paid you?—Yes.

1185. How much did your chalk come to on the door?—I cannot justly say, a few pounds, but I do not justly know what; I did not fill any myself.

1186. Did not you add up the account of these chalks yourself?—I did not.

1187. To whom did Halliwell pay the money?—He paid it to me.

1188. You told him how much it was?—No; I believe I did, but I do not recollect how much it was, because, as soon as it was paid, it was all rubbed off.

1189. What was it chalked up for?—The liquor which was ordered after the election was over.

1190. What day?—The very same night, after the election was over.

1191. At what o'clock?—At 6 o'clock at night.

1192. Had you no chalk before that, till 6 o'clock at night, the day the poll closed?—I was not at home that day.

1193. How did you know what was chalked up for drink; how could you tell if you were out?—I only knew what my daughter told me.

1194. How many days were you away?—Only that day.

1195. Did not you vote for Captain Lindsay?—Yes.

1196. How came you to be away?—When.

1197. On the day of the poll?—I voted for him.

1198. Did you stop out of your own house all day?—Yes.

1199. Very busy, canvassing; working for Captain Lindsay?—No, not canvassing for him at all.

1200. Did you bring any voters up to vote for Captain Lindsay?—I was there when there was one brought up.

1201. Did you not bring up one yourself?—No.

1202. Did not you bring up William Nuttall?—No, there were others.

1203. Did you help to bring up William Nuttall?—Yes.

1204. That was not a very easy matter, was it?—Yes, if they had let him alone.

1205. Did the returning officer take William Nuttall's vote?—Yes.

1206. You helped to bring Nuttall up to the poll?—Yes.

1207. Was not he drunk?—He was not sober; he had had liquor.

1208. Did not he have liquor in your house during the election?—No, he had not.

1209. Was not he in your house night after night, during the canvass?—Yes, he was, but not the week the election was, he was not.

1210. During the canvass proceedings, when Captain Lindsay was canvassing voters, William Nuttall was several times in your house?—Yes; but he came regularly to our house.

1211. During that time he had drink in your house?—Yes; but not the week that the election was on.

1212. Did any one come from Nuttall's house to you for drink for Nuttall?—When?

1213. During the election; during the week or ten days that the canvass was going on?—I know they did not; for he was not in town during the week of the election.

1214. During the week of the election?—He was not in town the week of the election.

1215. Where was he?—I do not know.

1216. Did not you send drink to Nuttall at his own house?—Yes, at his own expense.

1217. Was that any part of the chalk on the door?—Yes, and it is on the door yet, belonging to him.

1218. Not paid?—No, and more with that.

1219. How did you come to leave that out of the account when you were adding it up?—I had no orders so to do.

1220. Had you any orders to supply any drink to other houses?—No.

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1221. Who

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William Norris.

7 April 1846.

1221. Who did you bring in this chalk on the door to?—I did not get any order; it was given to my daughter; it was there after the election.

1222. You gave none at all on the day of nomination?—No.

1223. You cannot tell the Committee how much you were paid for that chalk on the door?—A few pounds it was; I could not tell how much.

Cross-examined by Mr. *James.*

1224. Whatever Nuttall drank, I think you say was at his own expense?—Yes.

1225. You assisted Nuttall to the poll to take care of him?—Yes.

1226. They tried on the other side to bottle him; did they, on the other side?—Yes.

1227. They gave him 1*l.* to stop away?—It is them that should be punished, not me.

1228. They tried to bottle him, did they?—They came and took him away, and tore his clothes off his back, and mine too, nearly.

1229. Mr. *Moore.*] Where did they take him away from?—From the place where he was going to poll.

[The Witness withdrew.

John Pendlebury, was called in; and having been sworn, was Examined by Mr. Serjeant *Kinglake*, as follows:

John Pendlebury.

1230. I BELIEVE you are a voter of the borough of Wigan?—Yes.

1231. And you are an innkeeper, also?—Yes.

1232. What is the name of your house?—The Hope and Anchor.

1233. What ward are you in?—Scholes Ward.

1234. Did you vote for Captain Lindsay at the last election?—Yes.

1235. Before the last election did any of the friends and voters of Captain Lindsay's interest come to your house?—There was people came in and out, but I did not know whether they belonged to Captain Lindsay or not.

1236. Were they voters of Wigan?—I do not know whether they were.

1237. Do you know Wigan well?—No; I have not been living long there.

1238. Were they persons who had been in the habit of frequenting your house?—Yes.

1239. Do you know them by name, the persons who came there?—No, I do not know their names.

1240. You say, they were persons who were in the habit of frequenting your house, would not that lead you to know their names?—Stanley is one.

1241. Thomas Stanley?—Yes, I think his name was Thomas.

1242. That is but one out of a good many; is there any one else you can give me?—A man of the name of Thomas Atherton.

1243. Not any one else; I will just help you a little—James Lawson?—James Lowe, I know him.

1244. Did you see him there?—Yes.

1245. Do you know whether he is a voter?—I cannot say that I do know.

1246. Samuel Crabtree?—I know Samuel Crabtree; I did not see him there.

1247. A man of the name of Hodgkinson, William Hodgkinson?—I cannot say that I know him.

1248. James Fletcher?—No, I do not know him; I might know them by sight, not by their names.

1249. Were there some persons who came to your house whom you only knew by sight, but not by name?—A great number, flocking in and out.

1250. Did they have anything to drink?—Yes.

1251. Did they pay for what they had?—Some did, and some did not.

1252. Did you give liquor to persons that you did not know the names of, without their giving payment?—Some has paid me some little since, and some has more to pay me, or I shall lose it.

1253. Did you give liquor to any persons whose names you did not know; you say there were some there whose names you did not know; I suppose you did not give liquor to any whose names you did not know?—I give liquor to many of those I have not payment from, on credit.

1254. Did

1254. Did you give liquor to any persons whose names you did not know? —Yes. *John Pendlebury.*
1255. Did they pay for what they had on that day, or not?—Some paid, and some did not. *7 April 1846.*
1256. Some of those whose names you did not know?—Yes.
1257. That being so, how could you score it up; I do not understand; if you did not know their names, and if you supplied liquor to them and were not paid, whom did you score it up to?—We did not score it up to any one in particular.
1258. In what way did you charge it?—We set it down on the wall, as well as we could.
1259. How did you enter it?—Set it down by chalk.
1260. Whom did you charge with it?—Not any one particular.
1261. Who did you look to for payment?—I never asked any one.
1262. Is that your way of doing business as a publican; what I ask is, is that your way of doing business generally, or is it only the election way?—No, we trust a great many of them.
1263. When you trust, do not you put down the name of the person you trust?—I trust many that I do not know, but I know them by sight.
1264. Do you know all those persons; do you mean that you scored up against the wall the liquors that they had; do you know them all by sight?—Yes, by sight.
1265. Did you supply anything on the day of the election to any persons; any liquors?—We filled liquors out.
1266. Was there any breakfast at your house?—Yes.
1267. How came you to prepare the breakfast?—Thomas Stanley ordered it.
1268. Did Thomas Stanley order any liquors?—Well, I cannot say that he ordered any but what he paid for; whether there was any chalked down to him, I cannot say.
1269. Did you keep the chalk yourself?—No, my mistress chalked it.
1270. Thomas Stanley did order the breakfast?—Yes.
1271. What was the breakfast for; for whom?—For his friends.
1272. For how many?—There was no number mentioned.
1273. Who paid for it; did Thomas Stanley pay you?—He did pay something; he did not pay me.
1274. Mr. *James.*] Did he pay it in your presence?—No.
1275. Mr. Serjeant *Kinglake.*] Did you make out a bill of it?—No, I cannot write; it was all chalked on the wall.
1276. For how many was the breakfast prepared?—I cannot tell you.
1277. Can you tell me what the value of the breakfast was?—No, I cannot.
1278. Were you present when Thomas Stanley paid it?—No.
1279. Did you have the money yourself?—I had it of my mistress.
1280. How much did you have for the breakfast?—I cannot remember how much; it is so long ago.
1281. Can you tell me whether it is 1*l.* or 10*l.*?—It is more than 1*l.*
1282. Was it as much as 10*l.* or 20*l.*?—It might be, or more than that, for what I know; I forget.
1283. Do you mean to swear you forget whether it is 10*l.* or 20*l.*?—I forget; I could have told you a day or two after; but I cannot recollect, it is so long.
1284. Do you mean to swear you could have recollected it a day or two after, but you cannot tell me whether it is 10*l.* or 20*l.*?—I cannot.
1285. *Committee.*] Do you understand the question that the learned counsel has asked you?—I do not know.
1286. Mr. Serjeant *Kinglake.*] Do you mean to say you cannot tell the Committee whether it was 10*l.* or 20*l.* or 30*l.* you received for that breakfast?—My mistress received it.
1287. Did you receive any money yourself from Stanley, with your own hands, from Stanley?—Well, I forget.
1288. Do you—do you forget, upon your oath, whether you received any money with your own hands from Stanley, or not?—I have received money from him many times.

Chairman.] Attend to my remark; you are on your oath; remember also, that if you prevaricate before this Committee you will find the consequences are very serious; answer the questions that the learned Counsel

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puts to you, and take care that you do not go on fencing with them in the way you are now doing.

Witness.—My memory is very short, and I was very poorly at the time ; I was not fit to be up at the time.

1289. Mr. Serjeant *Kinglake.*] After the election was over, did Thomas Stanley pay you any money for refreshments or liquors supplied at the time of the election ; pay you, not your wife ?—Well, I forget.

1290. Did you yourself give a bill of what had been supplied to Thomas Stanley ?—I could not make any bill, for I cannot write.

1291. Did a man of the name of Bibby, James Bibby, the shoemaker, make it out for you ?—No.

1292. Do you know a man of that name ?—Yes ; he lives across, opposite me.

1293. Did he ever make an account out for you ?—Never in his life.

1294. Do you mean to say—attend and be cautious how you answer—that James Bibby did not make out an account himself of what had been supplied by order of Thomas Stanley, and that you gave that bill to Stanley ?—No ; James Bibby never gave any account for me ; if he did, he made it on his own account.

1295. Did you deliver any bill yourself with your own hands to Stanley ; any thing in writing, that is ?—Well, I forget.

1296. You cannot forget that ; did you deliver any thing in writing about this matter, about the provision and the liquor at the election ; did you, after the election was over, deliver any thing in writing to Thomas Stanley about it ?—I cannot say, for my memory is so short, and I cannot read.

1297. Did you hand over a piece of paper to Thomas Stanley, which you believed to be an account ?—There was somewhat paid, but I forget what it was.

1298. I am not asking you what was paid, but whether you yourself, with your own hands, handed over what was an account, what you believed to be an account, the particulars of what had been had ; did you hand over that paper to Stanley ?—Yes, I believe there was something.

1299. You did it yourself, did not you ?—No, I could not do it.

1300. You carried and handed it to Stanley ; did you carry it to Stanley yourself, that piece of paper ?—No.

1301. Do you know anything of a piece of paper that was carried to Stanley as an account ?—I never left any thing of the sort, nor carried any thing.

1302. Did you ever see a piece of paper that you believed to be an account ?—There was something of the sort in my house, between my mistress and him.

1303. In your presence, did you see it ?—Yes ; but I could not tell what it was ; I could not read it.

1304. Did Thomas Stanley come to your house about it ?—Yes.

1305. Was that at the time when he paid the money ?—I forget.

1306. Did you see him pay the money ?—I was very ill, and was not fit to be bothered with it ; I was not fit to be out of bed.

[The Witness fell down, appearing to be faint ; after an interval—

1307. Mr. *James.*] Was your memory affected ?—It was.

Mr. Serjeant *Kinglake* stated, that as the witness appeared to be very poorly, perhaps the Committee would adjourn, and at the same time intimate to him that he must be careful in his answers ; that perhaps his memory would be better to-morrow morning.

The *Chairman* stated that he had already admonished him.

[Adjourned till to-morrow, at Eleven o'clock.]

Mercurii, 8^o die Aprilis, 1846.

SIR WILLIAM HEATHCOTE, BART., IN THE CHAIR.

The names of the Members called over; all present.

The Counsel and parties were ordered to be called in.

John Pendlebury was called; and having been sworn, was further Re-examined by Mr. Serjeant *Kinglake*, as follows:

1308. JUST attend to the questions I am going to put to you; I will put as few as possible. I think you said, yesterday, that Mr. Thomas Stanley came to your house at the time of the election?—Yes. *John Pendlebury.*
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1309. And you saw him there?—Yes.

1310. Did he make any payment to you, that is, paid money into your own hands?—Yes.

1311. Can you now tell me how much money he actually paid to you, or about how much?—Sixty-five pounds.

1312. In what kind of money was it paid; do you recollect?—It was in paper.

1313. You gave him back some change, did you not?—No.

1314. Do not you recollect giving him back a sovereign in change?—No.

1315. Did you give him back any change out of it?—No.

1316. You mean in Bank notes?—Yes.

1317. Not by cheque on a banker?—No.

1318. Sixty-five pounds was it, exactly, do you recollect?—Yes.

1319. Was there anything more paid to your wife, beyond the 65*l.*?—There was some trifle paid by other people, the men that were drinking in the house, but not by him, and not on his concern.

1320. The 65*l.*, as I understand you, you kept no account of it, except as it was chalked up; is that what I understand you to say?—Yes, it was chalked on the wall.

1321. But you kept no account in writing?—No, I could not.

1322. Was there any account in writing kept of it?—No.

1323. Did you keep any book in your house?—No.

1324. You conduct your business without keeping any book; is that so?—Yes.

1325. Was there any piece of paper at that time, a piece of paper made out, what would be called a bill?—Yes; he called in a few days after, and said he was sorry I had had so much damage done by a number of people coming in and out; I must get some one to look it over, what it would be.

1326. That is, as to some damage done; that is what I ask; at the time when he paid you the 65*l.*, was there any account in writing made out, I do not say by you, but by any one, and handed by you over to him?—Yes.

1327. Who made that bill out for you?—A man of the name of Thomas Ranson.

1328. Can you tell me as to the 65*l.*; was any part of that 65*l.* for breakfasts supplied?—It was for what they drank; what was consumed during that day and the day after.

1329. What day are you speaking of?—The day of the election.

1330. Was part of the 65*l.* for the breakfasts supplied on the day after the election; part of it?—It was all had on that day and the day after.

1331. Do you mean the day of the election, or the day of the nomination for the election?—The day of the election.

1332. That is the day of the polling?—Yes, that day and the day after.

1333. Do you know the day of nomination; that is, the day before polling?—Yes.

1334. Was any of it supplied on that day?—No, not that I know of.

1335. Can you tell me what day of the week at all it was that it was supplied?—No, I cannot.

1336. You say it was for meat and drink; was it all for the breakfasts or not?—No; it was for meat and drink.

1337. Was part of it for breakfasts had on the day of the election?—Yes.

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1338. Can

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1338. Can you tell me how much of the 65 *l.* was paid for breakfasts had on the day of the election?—No, I cannot, for we had not it all set down; what we did set down was in chalk; we could not keep accounts, it was so thronged, so we had to go by head after, by guess, what we thought the damage was.

1339. Can you tell me how many persons, or about how many persons, had breakfast at your house on the day of the election?—They were coming in and out during the whole day, I think.

1340. And early in the morning, were they there?—There were some there by six o'clock.

1341. What, did they begin, do you mean, eating and drinking so early as six o'clock?—It was set up in the big room; I did not go up.

1342. Then it was set out the night before?—Yes.

1343. Had they had anything the day before the breakfast day?—Not as I know of.

1344. You say it was set out in the big room; did Mr. Stanley come there during the time they were there having breakfast?—Yes, I saw him.

1345. Was he there the whole time?—No, he was not there the whole time; I see him go in and out different times.

1346. Cannot you give me some rough guess as to the number of persons who came to your house; may there have been 100?—There were more than 100; they appeared to be by my sight.

1347. What sort of liquor was it you supplied them with, spirits?—Wine, and spirits, and beer.

1348. At the breakfast do you mean; at the time of the breakfast?—I cannot say whether they had it at their breakfast or not; it was sent up-stairs.

1349. At that time, you mean in the morning?—Yes.

1350. Wine and spirits; a good deal of spirits were carried up, were there not, altogether?—Yes.

1351. And a good deal of wine?—The men below were served with beer.

1352. What difference was there between the men below and the men above?—I cannot say; any body went up as would, the room was open.

1353. Could the persons who had beer, if they were not contented with beer below, could they advance up-stairs and enjoy the spirits if they chose?—Yes, I *seed* many go up-stairs.

1354. Were you canvassed at all during the election by Captain Lindsay?—No, I never saw him.

1355. Were you canvassed at all by any one during the election?—Yes; I was canvassed.

1356. Some one coming to ask you for your vote?—He never asked me; I did not see him.

1357. You did vote at the election?—Yes.

1358. Had any one asked you as to which way you would vote before you went to the poll?—Yes; many a one in the company asked me.

1359. I do not mean many a one in the company; did any one come to you?—Not particular.

1360. For the purpose of knowing which way you would vote at the time of the election?—Not particular any one.

1361. Mr. Thomas Stanley, did he ask you as to which way you would vote?—No; I cannot recollect that ever he asked me.

1362. Do I understand you to say that you went to the poll, and voted without any one having come to ask you beforehand in what way you would vote?—Yes.

1363. Do you know Mr. Bankes, the druggist?—No; I do not know him.

1364. Mr. Halliwell, do you know him?—No.

Further cross-examined by Mr. James.

1365. You said, I think, that at the time you had been very ill; was that so?—Yes, very poorly; for some time I was not fit for business, and I am not well yet.

1366. When was it that you first prepared at all for this breakfast, about when; you recollect the day of the election; when was it you first prepared for the breakfast; do you recollect—the day of the election was the 16th—what day of

of the week was it; the Thursday, was not it; how long before the Thursday do you think you got ready for the breakfast?—I only began to prepare the day before.

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1367. I think Thomas Stanley was the person whom you saw about the matter?—Yes; he ordered the meat and drink.

1368. Is that the Stanley the coal-agent?—Yes.

1369. Is he a person who has many colliers and men of that kind under his employ, or under his command I may say almost?—Yes.

1370. Has he the control at all, or the ordering or direction of the colliers of Lord Balcarras, at the Balcarras colliery?—Not that I know of.

1371. What colliers, then, has he under his control at all?—Mr. Ashall's works.

1372. How many colliers has he there at work under his control?—They have a good many; I cannot say how many.

1373. Two or three hundred?—I cannot speak to that; he has a good number, three or four pits, I know that.

1374. About how many men; how many work in a pit; what is the average number of men?—Sometimes there is forty in some pits, and fifty.

1375. I think I understood you to say that the breakfast and provisions were ordered for the colliers and the band; is that so?—The band was there, and colliers too; I cannot say that it was ordered particular for them.

1376. Was it ordered particularly for any body, or merely that there should be a breakfast?—No; he did not mention any body.

1377. At the time the order was given, he did not give any order for any particular class of persons?—No.

1378. About what time did the colliers come; what time was the breakfast ready?—It was set on the table before night; they came by six o'clock in the morning.

1379. On the morning of the election?—Yes.

1380. About how many colliers do you think came?—There were a great many; I cannot speak to a hundred; we have a large back yard, and they were set all round in that; having meat and drink; and they had a band of music.

1381. Do you know whether the colliers were brought in in order to keep the election, that is, the voters, safe in going to the poll; do you know the object for which they were brought into the town?—I do not know.

1382. You say they were in and out during the day; when they wanted refreshment they came in?—Yes.

1383. Should you think that as many as two or three hundred colliers in the course of that day came in and out to partake of that refreshment?—Yes.

1384. Did you keep any particular account of each man; did you set down each man's breakfast; or did you put it on a slate and charge it in one lump, as so much consumed?—No, we could not; there were some chinks made to them at first; but it was so thronged, we could not keep any account.

1385. Of those two or three hundred colliers that came in and out of your house, I suppose some had breakfast more than twice?—Oh, yes; they came in and out just when they thought proper.

1386. How many did the band consist of?—I cannot speak to that; it was what they call a full band.

1387. What constitutes a full band?—I do not understand what is a full band.

1388. Were there three or four, or a dozen, or fifteen?—There would be a dozen at least.

1389. When they came there, did they play up?—Yes.

1390. Before breakfast and after?—Yes; they were playing there at different times during the day.

1391. Did several persons in the neighbourhood come in from curiosity to hear the band while they were there?—Yes, hundreds came; I durst venture to say hundreds.

1392. During the day?—Yes.

1393. In what room were the provisions; you say the beer was below?—In the large room.

1394. Is that up-stairs?—Yes.

1395. Any person, in fact, who came to hear the music could walk up into the room and take refreshment?—Yes, they walked up into the room.

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1396. You

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1396. You say your charge was 65*l.* for what was supplied on the day after the election; you said on the day of the election and the nomination day; the day after, what was supplied, on the day after the election, do you recollect?—No; I do not.

1397. Did the colliers come in again?—Yes; there were colliers on the day after.

1398. The chairing, I suppose, is a considerably heavy time; on the day after, was there a chairing, on the following day?—Yes.

1399. The colliers came in on the following day, did they?—Yes.

1400. How many do you suppose?—They were coming in and out during the whole day.

1401. Was there music too, the second day; the day of chairing did the band come?—I cannot say that the band came.

1402. About how many colliers do you think; I want to make out, without going into the detail of the 65*l.*, and without going into the cases of those 600 colliers; about how many colliers came in the next day?—Not so many as the day before.

1403. Were there a hundred?—Yes, I will venture to say there were a hundred.

1404. What was supplied to them the day after the election?—Chiefly beer.

1405. Did they eat?—No, they had no meat the day after the election, unless my mistress gave them a little.

1406. Where were you; were you there the day after the election?—No, I was in bed poorly.

1407. Do you know how much of the 65*l.* would be for what was supplied on the day after the election; do you know or not?—No, I do not.

1408. Are you enabled to tell the Committee about how much of this 65*l.* consisted of the supply to the colliers on the day of election, and how much for the supply afterwards; can you divide it at all?—No, I cannot, because there was not an account kept.

1409. What do you mean by damage; you said that Mr. Stanley asked you about the damage; do you mean the damage they did to the victuals and drink, or what?—There were some things broken.

1410. Glasses and plates?—Yes, and tables.

1411. The colliers got uproarious?—Yes.

1412. Was any money that was paid to you beyond the 65*l.* paid by Stanley, in respect of that damage done, as far as you recollect, or do you not remember, and if so, state to the Committee, or can your mistress, your wife, give a better account than you can; just state, do you understand my question: there was 65*l.* you know paid for the supply of food and drink, whoever had it, on the two days?—That was to answer for all.

1413. *Committee.*] Damage and all?—Yes.

1414. *Mr. James.*] Just attend, if you can recollect it; if your memory is not accurate from not having attended to it, just say so, and I will not press you; there was a sum of 65*l.* paid?—Yes.

1415. I think you stated to the learned Counsel who examined you, that besides the 65*l.* Mr. Stanley called and paid you some other sum, some smaller sum; recollect whether you did say so or not?—If there was any thing paid, it was paid to my mistress.

1416. So far as you recollect, the 65*l.* covered the supply upon the day of the election, and the supply upon the day after the election, and all the damage that was done; is that so, so far as you remember?—Yes.

1417. And Mr. Stanley, you say, expressed his sorrow that damage had been done?—Yes.

1418. Had you known Mr. Stanley before; did you know Mr. Stanley?—Yes.

1419. You knew him as being a person who had colliers, and so on, under his control and management?—Yes.

1420. You have been pressed upon the point as to whether any body canvassed you for your vote; you say you do not recollect ever seeing Captain Lindsay at all, I think?—No; he called at different times; but I was not in; I did not see him.

1421. But you were asked about your vote; you say, in company, some persons asked how you would vote, and I suppose you said how you would
vote?

vote?—Many a one in company asked the day before the election came on, the customers in the house.

1422. Did you receive any orders to give any voters any food or any treating at all?—No; they did not call them voters.

1423. Did you receive any orders from any person, except from Mr. Stanley, to give the colliers and the band a breakfast; when Mr. Stanley gave you the orders for the breakfast, did he tell you who they were for whom the breakfast was to be provided?—No; he asked me if we could make breakfast for a party, but he did not say who they were or what they were; and I said I was very poorly, he must call again, and I would consider of it.

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Further Re-examined by Mr. Serjeant *Kinglake*.

1424. I must ask you, you have not lived at Wigan, I think you told me yesterday, very long?—Yes, I have; but I am not a native of Wigan.

1425. How long have you lived there?—Eight years.

1426. Had you ever voted at Wigan before?—Yes.

1427. How often?—Only once.

1428. Do you know the voters of Wigan pretty well?—No, I do not.

1429. Do not you know the people of Wigan; the people who live there who occupy 10/1. houses in and about Wigan?—No, I know very few; I have very little to do with them.

1430. You are a publican, are you not, in the place?—Yes; I know the people by sight, but I do not know the names so well.

1431. Do the Wigan people come and drink at your house, the inhabitants?—Most of my customers are colliers.

1432. Do they live at Wigan, those colliers, any of them?—Yes.

1433. Voters of Wigan?—I cannot say whether they are or not.

1434. They live in Wigan, do they not; they have houses in Wigan?—Yes; but there is not many colliers that are voters; they do not pay rent high enough.

1435. You knew that there are some, do not you?—I do not know of any colliers that have votes.

1436. You have been asked a good deal about those colliers who came to your breakfast; do you mean to say that you do not know that some of them who breakfasted there were voters; do you mean to swear that?—No, I do not know some of them.

1437. I did not ask you how many; do you mean to say there were no persons there who were voters?—Oh, yes; I will venture to say there were.

1438. Voters there?—Yes.

1439. How many do you think, a good many?—I cannot say that, I was not up-stairs.

1440. You know that there were a good many voters there, do not you?—I cannot tell how many; there might have been more or less for me.

1441. I want you to be a little accurate; the gentleman on the other side has asked you—

Mr. Serjeant *Murphy* objected to questions being put as to the presence of voters, and contended, that inasmuch as Mr. Serjeant *Kinglake* had cautiously avoided in the examination in chief asking as to particular voters, he could not, in re-examination, ask as to voters in the lump; that no allusion had been made in cross-examination to that subject, and that, therefore, a re-examination upon it would be introducing fresh matter; that at all events if the questions were put, they should have reference to particular voters.

Mr. Serjeant *Kinglake* submitted that, inasmuch as the subject of the cross-examination had been to endeavour to convey the idea that the persons at the house were colliers, it was open to him in re-examination to ascertain whether there were any persons other than colliers in the house, but that the rules of re-examination did not admit of specific reference to names.

The *Chairman* observed, that what Mr. *Murphy* required was, that as the witness had stated there were *colliers* should be asked their names, in order to test his memory:

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Mr.

Robert Wilding, was called in ; and having been sworn, was Examined by
Mr. *Moore*, as follows :

1461. IS your name *Robert Wilding*?—Yes.
1462. Are you a voter of the borough of *Wigan*?—Yes.
1463. Are you landlord of the *Windsor Castle*?—Yes.
1464. For whom did you vote at the last election?—*Captain Lindsay*.
1465. Were there any meetings of *Captain Lindsay's* friends held at your house?—Not that I am aware of.
1466. Were any of the persons active in *Captain Lindsay's* interest at your house during the canvass?—I cannot speak of that.

Robert Wilding.

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[The Witness withdrew.

Mr. Serjeant *Murphy* required that the names of the persons should be asked.

Mr. Serjeant *Kinglake* contended, that though the witnesses were called by him, yet they were adverse, and that although pointed questions should be put to them, there was no reason why he should be called upon to inquire the names of any particular voters seen in their houses ; that he was at liberty to ask general questions and to receive general answers, and that the cross-examination would enable the other side to make any further inquiry they might wish.

Mr. Serjeant *Murphy* stated that he did not mean to interpose an objection, but merely to ask as a favour that the names should be inquired.

The Witness was again called in.

1467. Mr. *Moore*.] I was asking you whether any of the parties taking an active interest in *Captain Lindsay's* return came to your house during the canvass?—I cannot say that there were many, only a friend or two came with him to canvass.

1468. Who came along with him to canvass?—A person of the name of *Williams*, and *William Caldwell* ; I am not certain of the others.

1469. Can you recollect any others that came either before or after *Captain Lindsay* called?—No ; there were persons called, but I was not in ; several times they called.

1470. Did you promise your vote at the time that *Captain Lindsay* called?—No ; I told him I had not made up my mind.

1471. Were you not canvassed afterwards by any one?—Yes.

1472. Who called the second time?—I met attorney *Gaskell* in the street ; he got out of his gig and asked me ; I told him I should promise him, he did not need to call again.

1473. Were you not served with a warrant to produce your books?—Yes.

1474. Have you brought them with you?—I do not keep any books.

1475. How do you keep your accounts?—I had nothing to do with this account.

1476. How do you keep your accounts, I want an answer to that question?—I had no account to keep, not respecting that.

1477. How do you keep your accounts of your daily sales of ale and gin and brandy, and so forth?—It is all ready money, except on this occasion it was put on the slate.

1478. Then you had an account on this occasion?—It was put on the slate.

1479. How much did it amount to?—I cannot say, for I did not put anything down.

1480. Did you add it all up?—No.

1481. Did you see it when it was added up?—No.

1482. Were you paid any money for it?—Yes.

1483. How much were you paid?—I cannot say exactly, near on 20 *l*. I think.

1484. Who paid you?—*Thomas Stanley*.

1485. Who ordered you to supply the drink?—*Peter Barlow* and *John Blundell*.

1486. When *Peter Barlow* and *John Blundell* ordered you to supply drink, did they tell you to whom you were to give it?—No.

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1487. It

Robert Wilding.

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1487. It was left to your own discretion?—I did not give any; I never filled a drop to no one; there was a few came, about half a dozen perhaps, that was all the orders that I got, about half a dozen I think.

1488. About half a dozen you supplied with drink?—Yes.

1489. Will you explain to the Committee how half a dozen managed to drink 20*l.* worth?—That was all the orders I got, the other orders were given to my mistress; I was not at home.

1490. You had orders to supply half a dozen?—Yes.

1491. Cannot you tell their names?—No; I cannot say their names.

1492. Give us one or two?—One is John Ashburner, and a man of the name of Stuart.

1493. *Chairman.*] Do you know the nature of the oath you have taken; that oath binds you not only to tell the truth, but the whole truth?—Yes.

1494. Attend to the question?—There were not any except those men that I know.

1495. *Mr. Moore.*] Then you do not know the names of any of the others of the half dozen?—No.

1496. Where does John Ashburner live?—About 200 yards from my house.

1497. In Millgate?—Yes, in Millgate.

1498. Is he a voter?—I believe he is, but I am not certain.

1499. Where does Mr. Stuart live, whose christian name you cannot recollect?—At the bottom of Millgate.

1500. Is he a householder there?—Yes.

1501. A voter?—I cannot swear whether he is or not.

1502. Is his name James?—I cannot tell his christian name; I do not know that ever I heard his christian name.

1503. But he is a householder?—Yes; there is a sign over his door, that is why I know his name is Stuart.

1504. A publican, is he?—No, a shopkeeper.

1505. Do try if you can tell us the other four of the six that you had orders to serve?—I cannot, not at this present time.

1506. Do you know?—No.

1507. Was James Ince one of them?—I believe not.

1508. Are you quite sure he was not?—I am not quite sure.

1509. Did James Ince get any drink in your house that you entered on that slate of yours?—I cannot swear to that, for I never filled any thing or put on the slate.

1510. Did you see James Ince in your house at all during the time this election work was going on?—I cannot say whether he was in or not, there were so many in backwards and forwards.

1511. Did you see James Lowe there?—No.

1512. Edward Walker, did you see him?—No.

1513. Joseph Burns?—No.

1514. James Hart?—No.

1515. Can you tell me when this order for liquor was given by those two gentlemen you have named, on what day was it?—It was on the day of the election.

1516. And on what day did you supply this drink?—It was that day that I received this order; they told me they would pay for what that party drank in that room.

1517. Were not that party of six that drank in that room the friends of Captain Lindsay?—There were persons that were not voters.

1518. That is not an answer to my question?—Yes, some that were part of the company most likely, but I cannot speak whether they voted for the Captain or not.

1519. Were not some of them voters?—I believe this Barlow is a voter, I am not certain; I am not positive whether he is or not.

1520. What is his christian name?—Peter.

1521. Where does he live?—He lives opposite to my house.

1522. Just tell us the name of the street?—Scholes.

1523. He is a voter?—I cannot say whether he is or not.

1524. Did you supply him with drink at your house?—Yes.

1525. Did you make out a bill of these chawks on the slate?—Yes.

1526. Do

Robert Wilding.

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1526. Do you know in whose name it was made out?—No.
 1527. Do not you know who was charged?—No.
 1528. But Mr. Stanley paid it?—Yes.
 1529. Was there no account made out; how did you tell the sum at random?
 —The sum was brought out on the slate and showed to him.
 1530. Who brought it out?—My mistress.
 1531. Were not you present when the sum was brought out on the slate?—
 Yes.
 1532. And saw it added up?—Yes, I saw it was added up. No, I cannot say
 whether it was added up or not.
 1533. You saw the account made out?—Yes.
 1534. The money was paid to you?—Yes, near 20*l.*; I cannot say what it
 was to a pound or two.

Cross-examined by Mr. James.

1535. Your account was made out from this slate?—Yes.
 1536. Suppose a person orders a dinner, or any thing of that kind, if it is
 to be paid for immediately, is there any necessity to make any entry in any
 book at all?—No.
 1537. You keep it on the slate, anticipating the immediate payment of it?
 —Yes.
 1538. Is that the ordinary way of conducting your business, or was there any
 exception made in this case?—That is the regular way; we put on the slate
 what we call the small-shot.
 1539. What is the sign of your house, the Windser Castle?—Yes.
 1540. Is that near the polling-place, about how far from it?—Perhaps half a
 mile.
 1541. Is it not a street which is much frequented?—Yes.
 1542. Is yours a house pretty much frequented at Wigan?—Yes, I suppose
 it is.
 1543. During the election, were there several persons coming in and out of
 your house, as a public-house?—Yes.
 1544. Is it generally a busy day at Wigan on the election?—Yes.
 1545. Do you know, of your own knowledge, whether several persons had
 come into the town on that day?—Yes, there is a deal of strangers that come
 on the election.
 1546. Did several persons drink at your house on the day of the election?
 —There were about half a dozen, as I said before, I was not in the house much
 that day.
 1547. Did those who drank, order the drink for themselves?—They told me
 they would see that I was paid for it, Ashburner and Barlow.
 1548. They were the persons who ordered the drink themselves?—Yes.
 1549. I believe there was some ale, or something given away, after the
 election?—Two barrels.
 1550. Is that included in your bill which was nearly 20*l.*?—Yes.
 1551. What is the price of a barrel of ale at Wigan?—The retailing price
 is 2*l.*
 1552. I suppose you charge a little more at elections?—We charge the
 regular price, 6*d.* per quart.
 1553. What does that come to, a barrel of ale?—There is 36 gallons in a
 barrel.
 1554. Selling it in retail; supposing any person orders you to give away at
 an election a barrel of ale, what do you charge the person so ordering it?—Three
 pounds twelve shillings.
 1555. Did you entertain any band?—There was a band in at night.
 1556. Were they colliers?—They were colliers; those band-men, the lord's
 colliers, "My lord's band," as they call them.
 1557. Do you know whose colliers they were, whether they were Stanley's
 colliers, or whose?—The lord's band, Lord Balcarras's band; he has a band of
 his own.
 1558. The band that plays at the coal pits, or his lordship's private band?—
 I suppose they are his private band; I cannot say; they call them Lord Bal-
 carras's band; the chief of them are colliers.

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1559. Is the fact that at these pits there are colliers who very rationally amuse themselves by being musicians occasionally?—Yes.

1560. How many of them are there in the band, do you know?—There are a great many; that band is a very strong band.

1561. How many do you think there are?—I cannot say, I am sure.

1562. Not exactly; how many constitute the band?—I should think there are near upon 30 in the band.

1563. Did any colliers come with them?—I cannot say whether they came with them or not.

1564. Did any other persons come with the band?—Great crowds of people with them.

1565. Were there colliers in your house at the time the band was there?—Yes; the house was full of one sort and another.

1566. Did the band eat and drink, or drink?—They had no meat, only drink.

1567. Was the charge for the band included in this sum of nearly 20*l.*?—All was charged together; all put down on one slate.

1568. Besides the band, you say there were persons there; did the persons who came with the band drink?—Yes.

1569. Whereabouts in your house was the room in which the band drank?—In the front parlour.

1570. On the ground floor?—Yes.

1571. Was it thus, that any person who came in who wished to go in and hear the band, or see the band, did so; did the band play there, by-the-bye?—They only played about one tune.

1572. They did play a tune?—Yes.

1573. Might any person who came into your house have walked into the room where the band was playing the tune; was the room open at that time?—Yes, certainly.

1574. Was the drink that was taken into this room placed upon the table, or was it called for by each particular musician?—It was taken in as the jug was empty.

1575. Then any person going there might have drunk out of the jug?—Yes.

1576. Did several persons come to hear the band?—The house was full very soon after the election.

1577. And the charge of nearly 20*l.* included the band and the persons who came in during the time that your house was full, and that charge was paid by Mr. Stanley?—Yes.

1578. Is that the same Mr. Stanley, the coal-agent?—Yes.

Re-examined by Mr. Serjeant *Kinglake*.

1579. Did you separate the charge for the band from the other charge?—No.

Examined by the *Committee*.

1580. When did you receive this 20*l.* that you say was paid; when was it paid to you, that which Mr. Stanley paid?—About six weeks or two months back.

1581. How soon after the election was it; two months ago?—About that time; six weeks; I cannot tell to a fortnight.

1582. You did not receive more than 20*l.* for that?—I do not know what the amount was; it was near on 20*l.*, but I cannot speak not to 3*l.* or 4*l.*, not to the exact amount.

1583. You did not receive any payment at any other time?—No.

1584. You are quite certain of that?—Yes.

[The Witness withdrew.]

John Rylance, was called in; and having been sworn, was Examined by Mr. Serjeant *Kinglake*, as follows:

John Rylance.

1585. I BELIEVE you are the landlord of the Mitre public-house at Wigan?—I am.

1586. Are

John Rylandec.

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1586. Are you also a voter for Wigan?—Yes.
1587. Did you vote for Captain Lindsay, at the last election?—Yes.
1588. How long have you lived at Wigan yourself?—I was born there.
1589. Before the day of the election, did any persons in the interest of Captain Lindsay frequent your house, come to your house?—They did.
1590. Was liquor supplied to them at your house?—Yes.
1591. How many days before the election did they first come to your house?—Two days before the election.
1592. Would that be on the Tuesday?—It would.
1593. Were any of these persons who came to your house on the Tuesday voters for the borough of Wigan?—Many.
1594. On the Tuesday, can you tell me about how many came to your house?—There were a many, but I cannot state exactly.
1595. I do not ask you exactly; about how many, twenty, thirty, forty or fifty, or as it may be?—Perhaps there might be twenty voters; I cannot state beyond that number; perhaps that number, more or less.
1596. Did you supply liquor to those voters?—I did.
1597. Did you receive any orders with reference to the supply of that liquor, before you did supply it?—I received orders to supply liquor to such as might attend at that meeting.
1598. From whom did you receive those orders?—My neighbour, Mr. Jordan.
1599. Was there anything done at that meeting, except the consumption of the liquor?—I cannot state that; I was not in the room.
1600. Was Mr. Jordan there?—I believe he was.
1601. What time of the day was this meeting?—It was from about eight o'clock to about one in the morning.
1602. From eight o'clock in the evening till one in the morning?—Yes, I believe that to be about the time.
1603. Did the whole number come at first, or did they come at different times during the evening; did they come in and out?—In and out.
1604. What kind of liquor did you supply, spirits and beer?—Spirits, wine and ale.
1605. That would be on the Tuesday; did any persons come to your house on the Wednesday; I believe that was the nomination day, Wednesday?—Yes.
1606. Did any voters come to your house on the Wednesday?—The same as on the preceding day.
1607. Do you mean the same persons?—No, they might be, or they might be other parties; it was partly the same; I cannot distinguish any of the parties.
1608. Did you refuse to admit any one that you believed to be in the interest of Captain Lindsay?—I refused none.
1609. How early on Wednesday did any of them come?—I believe it was somewhere about noon when they began to assemble again.
1610. Did they continue drinking in your house from noon till night?—Backwards and forwards.
1611. How many, according to the best of your judgment, came to your house on the Wednesday?—I cannot tell.
1612. Some fifty?—There were many backwards and forwards; but I cannot pretend to tell.
1613. You believe there might have been fifty different persons backwards and forwards?—Perhaps there might be.
1614. Were those who came in on the Wednesday voters of Wigan?—Some of them, not all.
1615. Were a great number of them voters?—I cannot charge my memory with that; they might be voters, or they might not; I was not there present, not altogether.
1616. How late did they stay at your house on Wednesday; how late at night?—I should think about eleven, or half-past eleven.
1617. Was Mr. Jordan there on the Wednesday?—I believe he was.
1618. Was any thing supplied by you on the Thursday; that is, the day of the election?—Yes.
1619. Did you supply a breakfast?—No.
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John Ryland.

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1620. What did you supply on the Thursday?—Wine, brandy, and the liquors generally sold by a publican.

1621. Was that to the same persons; were they some of the same persons who had been there on the Tuesday and on the Wednesday?—Some of the same sort of people; Wigan people generally; I cannot tell particularly.

1622. What time of the day did they begin drinking on the day of the election; how early in the morning?—I think, perhaps, it might be about eight o'clock, or half-past seven o'clock, perhaps, in the morning.

1623. How late on the day of the election did they continue at your house?—I should suppose till about the same time, till about half-past eleven, the usual hour of closing the house.

1624. Am I right in saying that your house was an open house from half-past seven in the morning until late at night?—Yes; I think you would be right in so stating.

1625. Were those persons who were in the interest of Captain Lindsay?—Not exactly in his interest; there was nothing refused to those who called, if they behaved themselves.

1626. Did you keep any book in which you made entries of what was supplied?—Part of it was put down in chalk marks by those who served the liquor, and part of it put down in pencil.

1627. On what?—On a sheet of paper.

1628. Do you keep any book in the ordinary course of your business, in which you make entries of the things supplied?—No.

1629. Part was put down in chalk, and part on a piece of paper?—Yes.

1630. Did you see that piece of paper afterwards?—I copied it out myself.

1631. Have you got it here?—No.

1632. What has become of it?—I gave it to the parties when they paid the bill.

1633. Will you tell me the whole amount of the bill?—It was 23*l.* some odd shillings; 23*l.* 9*s.* I think was the amount.

1634. Who paid you the bill?—Robert Halliwell.

1635. Is he the relieving officer?—He is, I believe.

1636. When did he pay you?—It was a few days afterwards, I cannot tell exactly; it was some time in the week afterwards; I believe the Wednesday or Thursday after the election.

1637. I understand you the written account that had been kept, was part of the items you handed over to Mr. Halliwell?—I gave it him as my bill; I took that account as my bill.

1638. Had you added on to it that which had been on the slate too?—It was all added together.

1639. Some time before the election, were you canvassed by any one on behalf of Captain Lindsay?—No.

1640. Were you canvassed by Captain Lindsay himself?—I was.

1641. Who came with him?—I met him in the street.

1642. Was he then with a canvassing party?—He was then with Mr. Byrom, of Wigan, and Mr. Taylor, I believe, the latter; I cannot charge my memory exactly, but I believe it was so.

1643. Any one else do you remember?—Not at that time.

1644. Did you see him again afterwards?—Several times.

1645. When canvassing?—I do not know whether he was canvassing or not then.

1646. Was he with a number of persons who were going about with him?—Not at the time; I saw him afterwards.

1647. When did you see him afterwards?—It might be a fortnight or three weeks after the election.

1648. I am speaking of before the election?—I only saw him once.

1649. When he came to canvass you, or at least when you met him?—Yes.

Cross-examined by Mr. James.

1650. You have given the names of the gentlemen who first came; what ward do you live in?—St. George's Ward.

1651. Were those gentlemen who came there, the several gentlemen who formed themselves into a sort of committee in St. George's Ward?—I do not know

know any thing about a committee, I considered I had received from Mr. Jordan and Mr. Dickens a sufficient guarantee for my bill.

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1652. What is Mr. Jordan?—A neighbour of mine, a pawnbroker.

1653. You had a sufficient opinion of him, I dare say, to supply any thing on his credit?—To ten times that amount.

1654. Then you supplied that entirely upon his credit when you supplied it?—Upon the credit of Mr. Jordan and Mr. Dickens, I never expected any thing else but payment from them.

1655. Was there any band at all at your house?—Not at my house; as at all elections, there was a band proceeding backwards and forwards.

1656. Had they not been entertained at your house?—Not that I am aware of.

1657. Where was it you saw Captain Lindsay once?—In King-street.

1658. Then he was not at your house at all?—Several times.

1659. But you did not see him there?—No; the first time was in King-street.

Re-examined by Mr. Serjeant *Kinglake*.

1660. Did I understand you to say that the Captain was there several times?—I say that he called at my house several times.

1661. Then you were not at home, do you mean?—Several times; once, previous to the election, and several times afterwards, to pay his compliments or something; I do not know what he called for, in fact; the same as he did at many houses in the town.

Examined by the *Committee*.

1662. When Mr. Jordan gave you orders for supplying the liquor, what did he say to you?—"Let those parties that you think are neighbours and friends, have a glass or two each, as long as they behave themselves; it will be all right; keep the account correct, and you shall be paid."

1663. Did he not say anything about your supplying those who were voters?—Not that I can charge my recollection with at present.

1664. Just think over that again; did he never say anything, when he gave you orders to supply the liquor, that you were to supply only those who were voters; you are upon your oath?—I am perfectly aware I am on my oath; perhaps he might say, "Captain Lindsay's friends," or "voters;" but I cannot charge my memory with any particular words at this time.

1665. You are not certain he did not say "voters"?—No.

1666. Do you not think he did say "voters"?—I cannot charge my recollection with saying that he said, "voters;" he might say, "Captain Lindsay's friends," which I believe he did; he might say, "voters;" I cannot charge my recollection with it, not with the particular words.

[The Witness withdrew.]

James Barnes, was called in; and having been sworn, was Examined by Mr. *Moore*, as follows:

1667. IS your name James Barnes?—Yes.

1668. Are you a weaver?—Yes.

1669. Do you know the White Horse public-house?—Yes.

1670. Who is the landlord of it?—John Jennings.

1671. Had you any employment from him during the Wigan election?—Yes; I was engaged to stand there the day of the election.

1672. What to do?—To wait at breakfast.

1673. Was there a breakfast at the White Horse Inn, the day of the election?—Yes.

1674. Did you wait at that breakfast?—Yes; I both waited at the breakfast and the drink, what they chose to call for.

1675. Did you supply a great many parties with drink?—Yes.

1676. Do you recollect the names of any of the parties that were there at breakfast, or that you supplied with drink?—Yes.

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1677. Will

James Barnes.

James Barnes.

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1677. Will you tell them to the Committee?—Yes; there was James Warrington Ashburner, James Stuart, James Bentham, Joseph Whitehead, William Harrison, William Platt, James Vickers, Edward Foreshaw, James Taylor, Robert Topping, James Holt; I do not think I can tell any more that took breakfast.

1678. Are all or any of them that you have named voters in the borough of Wigan?—They are all voters that I have named.

1679. Did they pay for the breakfast or drink themselves?—No, they never paid me any thing.

1680. Did the landlord give you any directions about serving them and others?—I was not to serve them unless to voters or their friends.

1681. Did you serve other voters besides those you have mentioned?—Yes.

1682. Many others?—Yes.

1683. Did you serve them on the two days, the nomination and the polling?—No; I had nothing to do with the nomination; nothing but the polling.

1684. You were there the day of the election, the Thursday?—Yes.

1685. During what hours of that day did you serve the voters?—From about seven or eight till four.

1686. Did you serve any after four?—No.

1687. Why?—Because they told me the tap was stopped at four o'clock, and if they wanted any more, they were to pay for it.

1688. Who told you that?—Mrs. Jennion.

1689. In your presence?—Yes.

1690. She gave you that order?—Yes.

1691. And you obeyed that order?—Yes.

1692. Did you supply drink to any voters except the friends of Captain Lindsay?—What, had any one drink besides the friends of Captain Lindsay?

1693. Yes?—Yes; there was an odd one or two; I dare say there were people who had drink besides voters.

1694. The landlord did not desire you to serve drink to any one but the friends of Captain Lindsay?—No; he desired me not to serve drink to any one but them and their friends.

Cross-examined by Mr. *James*.

1695. Are you a voter?—No.

1696. Are you a Wigan man?—Yes.

1697. How many persons do you suppose altogether were there?—What is "there"?

1698. In and out of that house during the day?—I could not exactly tell, but some scores.

1699. Do you think there were hundreds in and out?—I cannot exactly tell.

1700. Tell whether there were 200 or 300 in or not?—Yes, there would be 200 in and out; I could not take a regular stock of them; I did not count them.

1701. I ask you about how many were in the house?—I cannot tell you that; I did not count them; I cannot tell how many came in and out.

1702. How many should you suppose?—About 200 came in and out, of one sort and another.

1703. Were there any colliers there?—Yes, colliers too.

1704. Did they have a band there?—There was a band played in the lobby there.

1705. Was there any band that came in and ate there during the day?—Yes, in and out.

1706. Did the band come in more than once to eat; had they more than one innings; did they come in and out more than once, the band?—There was meat all day for them whenever they liked to come in.

1707. They came in more than once, did they; the band is generally fond of meat?—They came in when they chose.

1708. Did it happen to be that the band came in several times for the eating and drinking?—Yes.

1709. More

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1709. More than one band, or the same?—It was the same band.

1710. About how many were in that band, about how many; five, or twenty or one, it was not a solitary band, was it?—About 20; it was a large band. I cannot say how many there might be.

1711. How many voters are there in that ward, do you know?—I do not know.

1712. Are there 30 altogether?—More than that.

1713. About how many?—I dare say there would be 60 in that ward.

1714. Altogether, the Anti-Corn Law voters who voted on the other side; Captain Lindsay's you mean?—I mean his; I dare say there would not be far off 60, not for the Captain in that ward.

1715. What is that ward?—St. George's.

[The Witness withdrew.

Nathaniel Eckersley, was called in; and having been sworn, was Examined by Mr. Serjeant *Kinglake*, as follows:

1716. I BELIEVE you are a cotton-spinner living at Wigan?—Yes.

1717. Have you lived there for some time?—All my life-time.

1718. I take for granted that you are a voter for the borough of Wigan?—Yes.

1719. Do you recollect that there is a public-house at Wigan called the Eagle and Child?—Yes.

1720. Do you know of there having been a number of persons assembled there, or a committee, in favour of Captain Lindsay's election?—There were friends of Captain Lindsay's assembled there.

1721. How many days before the last election do you know of their having met there?—I cannot speak to the days, but a short time previous.

1722. Did you attend there yourself?—I did.

1723. Did they meet in the room which is commonly called the news-room, up-stairs?—Yes.

1724. When you first attended there, how many persons were there altogether at the meeting besides yourself?—I should say at least a dozen.

1725. Can you give me the names of the persons whom you remember seeing there?—I cannot for many of them.

1726. Give me any that you happen to remember?—I think, to the best of my recollection, Mr. John Fairhurst was one, and Mr. John Finch.

1727. Is that the landlord of the public-house?—Yes, I really did not take notice at the time; I took no particular notice of those two, but I feel tolerably certain they were there.

1728. Do you know Mr. Bankes, did you see him there?—Not to my recollection.

1729. That was some days, I believe, before the election?—It was before the election.

1730. You know Mr. Glover, I believe?—Yes.

1731. Did you see Mr. Glover there?—I cannot say that he was there, it is most probable that he was.

1732. Does your recollection serve that he was?—It does not serve me that he was there, I cannot say positively that he was there.

1733. Mr. Halliwell, do you know him?—Yes.

1734-5. Did you see him there?—I believe I did.

1736. I believe he is the relieving-officer of Wigan?—He has some public office, and I believe that is it.

1737. What was the object of your meeting when you first met there?—The meeting was called by a circular, I believe, wishing the friends of Captain Lindsay to meet at a certain time at the Eagle and Child, to consider the best means for securing his return at the approaching election, something to that effect, in fact that was the effect of the circular I received.

1738. You say that was the first day that you met; did you go there at all afterwards?—I did.

1739. Did you find still persons there?—Sometimes there would be one or two, and sometimes more.

1740. Did they write circulars from the room?—The only circular that I remember

1769. Did you see him there frequently, during the week?—I was a good deal out of town; I saw him several times, but I think he called at my house.

1770. Was there a flag flying out of the window at the Eagle and Child, with the colours of Captain Lindsay?—I believe there was, on the day of the election; but I do not remember the others.

1771. Was it from the balcony; the balustrading, we have heard; from the front of the house?—I believe there were several from different windows.

1772. Will you look at that note, and tell me whether that is the form of the circular to which you were alluding; you have spoken of a certain circular being sent to the voters [*handing a Paper to the Witness*]?—Yes, that is a copy.

1773. Will you look at the back of it?—“To the Conservative voters in Queen-street Ward.”

1774. What is the name?—James Appleton.

1775. In whose hand-writing is that?—I believe it is one of Mr. Gaskell's clerks.

1776. Do you know the hand-writing of the body of the note?—Yes.

1777. In whose hand-writing is the body of the note?—In one of my clerks'; there were not sufficient circulars printed, and I undertook to get it copied.

1778. How came that?—There were not sufficient printed; there was not time to get more done, and I undertook to get them copied and delivered.

1779. You say that the direction is by Mr. Gaskell's clerk?—I fancy so.

1780. To the best of your belief?—To the best of my belief.

1781. Will you look at that printed circular [*handing another Paper to the Witness*], and tell me, whether some time since you received a circular which corresponds with that?—[*The Witness inspected the Paper.*] I believe I did; but I do not know it was pasted on the walls.

1782. Did you see in Wigan pasted upon the walls a paper, of which, to the best of your belief, that is a copy?—I saw a bill on the walls with the same words in a large placard.

1783. I think you said you received one?—I believe I did.

[*The two Papers were delivered in, and are as follows:*]

“Sir,

“Wigan, 15 October 1845.

“THE Conservative Voters in Queen-street Ward will breakfast together at the Wheat-sheaf Inn, Wallgate, on Thursday morning at Seven o'clock; your attendance is particularly requested.”

Addressed to “Mr. James Appleton, Wallgate.”

“To the Electors of the Borough of Wigan.

“Gentlemen,

“HAVING seen in the Parliamentary proceedings that a petition from two of the electors of Wigan had been presented on the 17th instant, praying to defend my return; I think it is due to myself and respectful to you, to inform you that this course has been taken without my knowledge, and I deeply regret it. Having endeavoured to obtain what information I could, it would appear that it has been prepared by persons wholly unconnected with the town of Wigan. I accordingly sent for the agent employed by the party to defend my seat, and informed him, in the presence of witnesses, that this petition had been prepared, and he had been employed without any sanction from me, and that neither I nor any one connected with me would be responsible in any way whatever on account of their proceedings; for having declined to defend my return, I conceive I could not with honour encourage others to defend it for me.

“I have the honour to be,

“Gentlemen,

“London, 24 March 1846.”

“Your obedient Servant,

Addressed, “Thomas Cook, Esq., Market-place.”

“James Lindsay.”

1784. At the time that the first meeting was held, certain arrangements were entered into, you say, for conducting the proceedings of the election; was there any person appointed as chairman, or to preside over those who were present?—I cannot speak exactly.

1785. That is the first meeting?—Yes, it was a desultory conversation, just as Wigan meetings commonly are; there were no formal resolutions put by the chairman, or anything of that kind; just a conversation amongst the persons assembled.

N. Eckersley.

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1786. Do you recollect whether Mr. Gaskell was at the first meeting?—I believe he was.

1787. Had you conversation with Mr. Gaskell from time to time?—I think not.

1788. You say the breakfast was ordered in your ward, at the Wheatsheaf; has that breakfast been paid for?—I do not know.

1789. You ordered the breakfast, did not you?—No.

1790. Do you know who ordered it?—No.

1791. You know nothing of the payment?—No.

1792. You undertook the management in that ward?—I did, I and another.

1793. Do you know for how many the breakfast was ordered?—No.

Cross-examined by Mr. *James*.

1794. This, I think you say, was the first meeting at which there was a desultory conversation, and no arrangement come to?—No resolution put from the chair.

1795. When was the first meeting?—I cannot recollect the time.

1796. As nearly as you can recollect?—I do not know the date when the election took place.

1797. The voting day was the 16th of October; how long was it before that, that you and others met at all at the Eagle and Child?—I cannot speak to the time.

1798. Was it before Captain Lindsay appeared?—It probably might have been, but it was between Mr. Greenall's death and the polling day.

1799. Was it near on the news of Mr. Greenall's death that the gentlemen interested on the Conservative side met?—I think it was from four to six days after.

1800. They met at that time before Captain Lindsay had announced himself at all as a candidate?—A few electors met.

1801. Were those electors upon the Conservative side?—They were.

1802. Where did they meet?—At the Eagle and Child.

1803. Were you one of them?—Yes.

1804. You were in the Conservative interest at Wigan?—Yes.

1805. Give us the names of the gentlemen who met there?—Do you mean on Captain Lindsay's interest, or the first meeting we had.

1806. The first meeting?—That was for inviting Mr. Brightcross or Captain Lindsay.

1807. Who were the gentlemen who met there?—Mr. John Thompson, I believe; I would rather not mention names, because I am so apt to mistake.

1808. When was the first meeting after Captain Lindsay's announcement, as nearly as you recollect, I do not mean to a day or two?—The Captain was in London; he sent a circular down, but I really do not recollect it, as at that time I was so much engaged; I will not answer to the time.

1809. Was this called by some gentleman or gentlemen who were interested on that particular side?—In the Conservative interest.

1810. Was that meeting entirely amongst yourselves?—I should fancy so.

1811. Was it treated so at the time, treated entirely as a meeting amongst yourselves?—Yes, our electioneering matters are managed generally by a meeting of friends for the purpose.

1812. At that time was there any regular committee appointed?—No.

1813. I would ask you, was there, all through the election, any regular committee appointed and sanctioned by Captain Lindsay?—Not to my knowledge.

1814. Could there have been, from the intimate knowledge you had of what was going on; do you believe, state candidly to the Committee, any regular committee appointed with Captain Lindsay's sanction?—I believe not.

1815. Was not it a matter of complaint amongst several friends in the Conservative interests who espoused Captain Lindsay's cause, that there was no regular committee appointed?—I made that complaint myself.

1816. Was there not a complaint made, or rather, were there not complaints made, of the want of organization and of a committee?—That was the effect of my complaint.

1817. We have heard a good deal about these ward committees; is Wigan a place wherein there is a danger of having your votes bottled, as they call it, or cooping the voters?—The practice has existed.

1818. In

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1818. In order to avoid that, has it been the custom of those interested on particular sides to conduct their voters in person, in order to see them safely taken to the poll in particular wards?—I believe, in previous elections, it has been so, but I am not aware of any thing of that sort at the last election.

1819. That has been so on previous elections, has it?—Yes.

1820. You were not aware that it prevailed at this?—No.

1821. In those cases in which it has prevailed, has there generally been regularly organized committees?—Certainly.

1822. Was it from the want of a regularly organized committee, sanctioned by the candidate, that it was not done in this case?—I do not think there was any necessity for it in this case.

1823. Was it a quiet election?—Very quiet.

1824. Was it one of the quietest elections that you have had in Wigan?—It was.

1825. Have you considerable knowledge of the voters, and as to the state of parties at Wigan?—Yes, I have always taken an interest in it.

1826. Upon Captain Lindsay's offering himself, was it pretty well known, or anticipated with any degree of certainty, what would be the result of the election?—I and another person made a balance; we struck the balance of the register, giving the opponents the benefit of the doubtful votes, and a majority was shown for Captain Lindsay of 17.

1827. Giving the other side all the doubtful votes?—Yes, as far as we could reckon them.

1828. What is about the number of the electors of Wigan?—Under 600, or somewhere about 600.

1829. Is that majority in Wigan of 17 considered a good majority there, parties running closely?—Yes.

1830. Was there any necessity at all for treating the voters to secure their votes?—None whatever.

1831. Was it ever mentioned or proposed among those gentlemen who interested themselves in Captain Lindsay's return, that there should be treating to any voter for his vote?—Certainly not.

Examined by the *Committee.*

1832. You are not aware that voters were treated?—There was a breakfast of course that they attended; and there was drink at some of the public-house meetings at night, in the different wards, where voters and different parties in the Conservative interest met together, certainly; but not with a view of getting their votes, but merely to benefit the public-house.

1833. How many times do you think there was eating and drinking?—To my knowledge I was present three times.

1834. At three different places?—Yes.

1835. Do you, in fact, know how many public-houses there are in Wigan?—I cannot speak to them now.

1836. At a rough guess?—I cannot tell.

1837. Do you know how many were open during the last election?—I cannot tell.

1838. Were any opened at all?—Open public-houses.

1839. Yes, you know what I mean?—Not to my knowledge.

1840. You were asked something about the character of the election, and if it was a very quiet election?—Yes.

1841. Do you mean by that, that in contrast with other elections that you have had lately, it was an election conducted with the least excitement, and the least disturbance?—I mean that in fact there was no opposition on the day of polling, not to excite an opposition; there was no contest; people went up to vote, and about 11 o'clock the matter nearly dropped; the thing was as quiet as possible; there was no excitement at any moment.

1842. Was there no adverse canvass going on before the election?—No; it was all done very quietly, peaceably and civilly to each other.

1843. But there was a canvass on the other side, I suppose?—I presume there was.

1844. It was all over by eleven?—The election was settled by eleven, because

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a majority of the votes was polled by that time by the Captain, and they could not recover it.

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1845. Do you mean that, according to your knowledge of these matters, there was less looseness and excitement connected with the election, and less of eating and drinking, than on previous occasions?—That is so.

1846. Do you know that there was no liquor given at all on the other side?—It is impossible for me to know.

1847. You state that there were breakfasts ordered for each ward?—I spoke particularly for the ward which I took the management of; and I have no doubt the same was done at other wards.

1848. Do you know whether those breakfasts were held at more than one public-house in one ward?—I presume at one public-house in the other wards.

1849. You do not know how many public-houses were open during the election?—No.

1850. To your knowledge, only five houses were open during the election?—For the breakfast on the day of the election, I mean.

1851. So far as your knowledge extends?—Yes.

[The Witness withdrew.

William Blacklidge, was called in; and having been sworn, was Examined by Mr. *Moore*, as follows :

W. Blacklidge.

1852. IS your name William Blacklidge?—Yes.

1853. Are you a weaver?—Yes.

1854. Do you live at Wigan?—Yes.

1855. Do you know the Mount Pleasant tavern?—Yes.

1856. Who is the landlord of it?—John Mackie.

1857. Were you at the Mount Pleasant tavern on the day of the election?—I was there on the 11th of October, I think.

1858. You were there when?—On the Saturday before the election.

1859. Did you see any one come in whilst you were there?—Yes.

1860. Who came in?—I saw Thomas Stanley come in.

1861. Where did he go to when he came in?—He went to the bar, and spoke something, I cannot tell what; and from that time they began to hand down the glasses, and the drinking began from that time.

1862. Who were they handing the glasses to, who were along with Thomas Stanley?—They handed down the glasses in the bar, and put them on a tray, and carried them up-stairs. I do not know what they did with them afterwards.

1863. Did you see any one go up-stairs whilst you were there?—Yes.

1864. Tell the Committee who you saw?—I saw Thomas Stanley, Thomas Ashall, sen.; I saw James Eaton, John Blundell and James Ince, Joseph Burns, John Hodgson, and many others that I did not know.

1865. Do you know those men very well?—Yes.

1866. Are they voters in Wigan?—Yes, every one voters; they would not allow any one to go into the room but voters.

1867. How long did they stay up-stairs?—They stopped up-stairs, the greatest part of them, till about a quarter before twelve.

1868. When they came down-stairs, what did you see them do then?—I sat there; they asked me whether it was not time for me to go out.

1869. When did Thomas Stanley arrive first?—About half-past eight in the evening, when they began.

1870. When they came down at a quarter before twelve, what then?—Mr. Stanley and Mr. Ashall, senior, went about their business; in a few minutes after comes down James Eaton and John Blundell; he came to me across, and said, "Is that thee, Will?" I said, "Yes; is that thee, James," I said; so with that, he went across again from me, and said something to the landlady, I do not know what, and something to John Blundell; and the landlady presented him with a bill, and he came to the fire and dried it, and I saw no more, not that night.

1871. Who was this?—James Eaton dried the bill.

1872. Did you hear Blundell say any thing about this bill?—Nothing; but he said, it would be right.

1873. Did

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1907. You continued in their company at the Mount Pleasant, till they went out at 12, and then did you go the same night to the Windsor Castle?—No.
1908. Did you the next night?—No.
1909. When did you go?—On the Monday night.
1910. Did you drink with them?—No, never.
1911. Did you sit in the same room?—No.
1912. You went on earning the 1 s. 6 d.?—Yes.

Examined by the *Committee*.

1913. You say you were employed seven or eight nights?—Yes.
1914. But you only give information about two nights; what happened on the other five or six?—I had nothing against any one.
1915. For six nights you went out, and found nothing?—Yes.
1916. What did George Collier say when he sent you?—He asked me if I would go down to see how this job was going on, or this electioneering, and I said I would.
1917. Do you recollect the words he made use of?—No, not particularly.
1918. I suppose you knew when you went out what you were to do?—Yes.
1919. What were you to do?—I have told you all I can tell you.
1920. Tell me again?—I told you all.
1921. Tell me, when you went out, what you went out to do?—I went out to see the electioneering, how it got on.
1922. When you went out, you went to see if you could find people drinking, I suppose?—Yes.
1923. Do you know of any one else who was employed by Collier to go out on this errand, or by any one else?—No; I was employed.
1924. You have stated that you were employed, and had 1 s. 6 d. for going round; the question is, whether you know of any body else who was employed in the same way?—Yes; there was another man.
1925. What was his name?—Robert Ray.
1926. Any one else?—Not that I know of.
1927. Were you present when he was employed?—No, I was not present, but we went along together.
1928. Did you separate?—Yes.
1929. Is Ray here?—No.

[The Witness withdrew.

John Holding, was called in; and having been sworn, was Examined by Mr. Serjeant *Kinglake*, as follows:

John Holding.

1930. ARE you a weaver, living at Wigan?—Yes.
1931. Do you know the Gibraltar tavern, kept by Matthew Worthington?—Yes.
1932. In Scholes Ward?—Yes.
1933. Did you act as waiter at any time at that tavern, before the last election for Wigan?—Yes.
1934. On the nomination day, was there a dinner given at Worthington's tavern?—Yes, I believe there was.
1935. Were you waiting there that day?—Yes.
1936. Do you know some of the voters of Wigan?—Yes; there were some of the voters there.
1937. Did you see any of the voters of Wigan dining at Worthington's house that day?—Yes.
1938. On the nomination day, what were the names of any of the voters; do you remember?—I might mention some.
1939. Do you know a person of the name of Ashton, a druggist?—Yes.
1940. Was he there?—Yes.
1941. Mr. Blundell, the pawnbroker?—Yes.
1942. Thomas Hardy?—Yes.
1943. Is he a voter?—Yes.
1944. James Ince?—Yes; but this was not on the nomination day.
1945. I am asking you on the nomination; give me the names you recollect there

- there on the nomination day?—Yes, I can answer you this; those that have gone by was on the nomination.
1946. James Georgeson, was he there?—On the day of election.
1947. Not on the nomination?—No.
1948. James Fletcher, was he there?—Yes, on the day of nomination.
1949. Is he a voter?—Yes.
1950. James Eaton, was he there?—Yes.
1951. Is he also a voter?—Yes.
1952. Edward Halkell?—Yes.
1953. Is he a voter?—Yes.
1954. John Hodgson?—Yes.
1955. Is he a voter?—Yes.
1956. Were there others there whose names you did not know?—Yes, there were others; I cannot say who they were; I did not take particular notice.
1957. Was there a band there on the nomination day?—Not that I know; I did not see any.
1958. Was there a band at all?—Yes; there was.
1959. Did those persons you mentioned as voters, dine together with the band?—Yes, in the same room.
1960. How many were dining there; can you tell at all?—I cannot say.
1961. That day, the election day, what took place on the election day?—There was no meat on the election day.
1962. Was there drink?—Yes, there was some drink; there was not so many came on that day.
1963. You say liquor was supplied on the day of the election?—Yes.
1964. Is it near the place of polling, or a long way off?—It is a long way off; the polling is in the Market-place.
1965. Did you see any voters there having liquor on the day of the election?—There might have been one or two; I cannot just distinctly say; there might be one or two; there might be more, or there might be less.
1966. On the nomination day, how long did these remain there; how late in the evening?—They did not dine; they had a few glasses of wine, and then they went home again.
1967. What day was that?—On the nomination day.

Cross-examined by Mr. James.

1968. You say you were there on the nomination day, and there the day of the election; when you were there, who constituted the chief parties at the time who were dining there; were they colliers?—The nomination, do you mean?
1969. No, the day of the election?—There was no dinner on the day of the election.
1970. No regular dinner prepared at all?—No.
1971. Then on the day of the election, a voter who happened to come for a short time, or casually, took his dinner, or something to eat?—Yes.
1972. We have heard of some band on the day of nomination, that they played at Mr. Worthington's, who has been examined here?—Yes.
1973. Perhaps you waited upon the colliers and band?—I waited on both.
1974. How many do you think, as you waited; about how many colliers were there?—I cannot say.
1975. You had to wait upon them?—I had.
1976. You did not take particular notice?—I cannot say how many there were.
1977. You can tell the Committee whether there were one, or three, or fifty, or a hundred?—There was above one, but not fifty.
1978. Do you mean to say there were not fifty who came in and out?—I did not take particular notice who came in and out; I was up-stairs.
1979. How many do you think altogether came in and out, whom you waited upon?—I cannot state any number.
1980. You are the waiter?—Yes.
1981. Do you mean to tell the Committee that you cannot state within fifty, how many persons you waited upon during that day; did you wait upon two or three, or 100?—No.

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1982. Will you swear you do not know?—Yes.
 1983. Did you wait on 100?—Perhaps I might.
 1984. Whatever they had was up-stairs, was not it?—Yes.
 1985. Was the band there?—Yes, the band was up-stairs.
 1986. How many men?—I cannot particularly say, I did not count them.
 1987. There was a band, with how many men?—I do not know.
 1988. Did they play there?—Yes, they played one part of the day.
 1989. In the dining-room?—Yes, towards night.
 1990. Was it the dinner, or a luncheon?—A dinner.
 1991. What time did they begin?—They began, perhaps, about one o'clock, or some little after, it might be.
 1992. Do you recollect whether the band played before dinner?—No, I cannot say; I do not know that they played in the house before dinner.
 1993. They played after dinner?—Yes.
 1994. Did that bring several people into the public-house?—Yes.
 1995. I want to know how many people, do you suppose, were there altogether?—I was not in the house all the time.
 1996. Any persons who came into the public-house to hear the band playing could go up-stairs?—No, they did not go up-stairs.
 1997. Where did they remain?—Below.
 1998. The colliers went up-stairs?—No, not the colliers.
 1999. The colliers were all below, were they?—Yes, round about the house.

Re-examined by Mr. Serjeant *Kinglake*.

2000. Who were those who went up-stairs?—The band went up-stairs to the voters; the band was on one side of the room and the voters on the other.

Examined by the *Committee*.

2001. Were the colliers served with any thing to drink below?—I cannot say; I did not wait on any below during that time.
 2002. You are not the regular waiter, are you?—No, not regular.
 2003. Only occasional?—Yes.
 2004. You are a weaver by trade, I think?—Yes.

[The Witness withdrew.]

Samuel Wigan.

Samuel Wigan, called; but did not answer.

Mr. Serjeant *Kinglake* stated, that he did not mean to call any further witnesses in this case, as he apprehended he had called evidence quite sufficient to support the allegations of his petition; and was heard to sum up the evidence on behalf of the Petitioners.

Mr. *James* was heard to address the Committee on behalf of the Petitioners for the support of the seat.

Mr. Serjeant *Kinglake* submitted, that, as two cases had been quoted by Mr. *James* in his speech, he was entitled to comment upon them, and point out the manner in which they differed from the present case.

The *Chairman* stated, that those cases having been referred to, Mr. Serjeant *Kinglake* might comment upon them; but that he was not entitled to refer, in so doing, to any other cases.

Mr. Serjeant *Kinglake* proceeded to comment on the cases in question.

The Committee-room was cleared.

After some time the Counsel and parties were again called in and informed, that the Committee had come unanimously to the following Resolution:—

“That the Honourable James Lindsay was duly elected a Burgess to serve in this present Parliament for the borough of Wigan.”