

Evidence to the Parliamentary Select Committee enquiry on the Operation of the
Poor Law Amendment Act.

Day 6, 28 June 1838

Evidence of Jonathan Toogood, p 725

Edited by Tony Woolrich —Corrected 05/04/2021

1

725

Die Lunae, 25° Junii 1838.

Evidence on the

The Lord WHARNCLIFFE in the Chair.
Operation of the Poor Law Amend ment Act.

Mr. JONATHAN TOOGOOD is called in,
and examined as follows: Mr. J. Toogood.

YOU live at Bridgwater?

I do.

You practise there as a Surgeon?

As a general Practitioner.

Have you been long resident in that Place?

About Forty Years; Thirty-two of which I
have been in actual Practice.

*You have also Two Sons who are in Practice
there?*

I have.

*In the course of the Year 1837 a Pamphlet was
published at Bridgwater, called, "Facts connected
with the Medical Relief of the Poor in the Bridgwater
Union." The Committee are informed you were one
of the Parties concerned in that Pamphlet?*

I was.

*Was the Pamphlet drawn up by yourself, or were
there any other Persons concerned in the drawing it
up?*

Conjointly with Two other Gentlemen; we
were appointed a Committee, of which I was the
Chairman.

*The Committee think it right to say, that of course
they do not wish you to state any thing that may by
possibility bring you into any Difficulty; and
therefore, if you have any Objection to the fact of
your having been the Author of that Pamphlet
appearing upon the Minutes they will erase it?*

I have not. I believe I have the Proofs of all
the Facts in my Possession.

*You say you were Chairman of the Committee by
whom this Pamphlet was written?*

I was.

A Committee of what Body?

The Medical Men.

*A Medical Association formed at Bridgwater
alone?*

Yes.

*And consisting only of those Persons practising
in Bridgwater and in the immediate Neighbourhoo?*

Yes.

*Can you give the Names of the Committee who
drew up the Pamphlet?*

Mr. Henry Axford, Mr. James Haviland, and
myself.

*Have you any List of the Medical Men who
composed the Medical Associat ion at Bridgwater?*

I believe I have. Mr. Jonathan Toogood, that
is myself, Mr. Henry Axford, Mr. James
Haviland, Mr. Edward Austice Stradling, Mr.
James Coles Parker, Mr. Horatio Nelson Tilsley,
Mr. Abraham King, Mr. Richard Beadon
Ruddock, Mr. William Lakin Caswell.

He is dead, is he not?

He is. Mr. George Rendall, Mr. Gill—I do not
know his Christian Name, Mr. Thomas James
Poole, Mr. John Giles Toogood.

726 *Mr. J. Toogood. That is one of your Sons?*

Yes. Mr. Robert Baker, Mr. Isaac Baruch
Toogood, Mr. John Evered Poole, Mr. Joseph
Addison.

*Are those Persons whom you have named all the
Persons who were at that Time practising within the
Bridgwater Union?*

No; there were a few others, I believe.

*Can you give the Committee an Idea of the
Number of others?*

No; I could tell the Names of some : Mr.
Strong, who practised at Petherton who
practised at Stowey, a Partner of Mr. Ruddock's;
Mr. Young was a new Comer, he had just come
into the Neighbourhood; and there was a
Person of the Name of Phillips, who lived at
Chilton.

*Was Application made to those Gentlemen to
become Members of this Association?*

To some of them; I am not aware whether it
was to all; I do not know to whom.

*Did they give any Reasons for declining to become
Members of it?*

Mr. Young gave as a Reason that no Hour
was fixed for the Meeting.

Did any of the others give any Reason?

I never heard of any.

To whom did Mr. Young give that Reason?

I cannot say; I think he has printed a letter to
that Effect. I believe I have it.

When was this Association formed?

I believe it was in the Month of June.

In what Part of the Month of June?

I cannot recollect the Date; I believe it was in
the early Part of the Month of June.

Was it the 8th or 9th?

I cannot tell.

*Do you remember seeing a Letter to the Board of
Guardians of the Union, signed by all the former
Medical Officers?*

Yes.

Was it previous or subsequent to your having seen that Letter?

I cannot charge my Memory. It was about the Time; but I cannot say whether before or after. I think I saw that Letter on the Wednesday Night.

You signed a Sort of Recommendation or Adhesion to that Letter?

I did.

Do you recollect the Day on which you signed that Letter?

No, I do not; I recollect that it was on a Wednesday Night.

Was it before or after you signed that Letter that that Association was formed?

I cannot tell; I know it was about the Time; but whether it was a few Days before or after I cannot tell without reference to Dates.

That Letter did not emanate from you as an Association?

No, certainly not.

Was it at all a Letter that it had been recommended by the Association to those Persons to write?

Certainly not. I never saw the Letter till it was brought to me to sign, I agreed in the Propriety of it after I saw it.

Not before?

No; I had never seen it before.

It was signed by them previous to your having seen it?

Yes.

727 *By all?*

I am not sure whether by all; I saw several Signatures. It was brought to me so late, I think, as Ten o'Clock at Night.

What was your Inducement to form this Association?

Perhaps I must go into its History to explain that: The Medical Men who had taken charge of the Districts of the Union thought themselves hardly dealt by, and called a Meeting of Medical Gentlemen, and laid their Case before them.

Can you give the Date of that Meeting?

I cannot. I perfectly recollect its being on a Thursday, and I could name it if I were at home, for I recollect a particular Engagement I had on that Day. I am inclined to think the 6th of June was on a Saturday.

You say that there was a Meeting called of the Medical Men; by whom was that called?

The Medical Men who had had the Care of the Unions.

What passed at the Meeting?

They stated to that Meeting that a Circular had been addressed to them, proposing the Sums at which they were expected to take the Unions on the following Year. They were dissatisfied with those Sums, and consulted the old Members of the Profession as to the Propriety of their Demand. I for one considered their Demand a very moderate one, and I recommended them to persevere in asking what I considered was a proper and reasonable Sum for their Services.

Did they state any particular Sum which they had stated to the Board of Guardians as a proper Sum for their Remuneration?

I think they stated something like 4d. a Head on the Population; and they were induced to do this in consequence of a Promise or an implied Promise from the Chairman, that on the Second Year the Thing should be made better; that the First was a Year of Probation and Inquiry; that it was a new Thing; that no one could say how it would work; but that the following Year it should be made better. This the Chairman himself had told me repeatedly.

The Profession did not interfere during that First Year with regard to the Salaries?

Not at all; it was considered quite a new Thing. The Salaries the First Year were infinitely below what they were before the Formation of the Union.

Can you state how much they were below the Salaries before the Union?

The annual Salaries which were paid to the Surgeons before the Formation of the Union, exclusive of Casualties and suspended Orders, amounted, by the Return to the Board, to 481l., and the Casualties and suspended Orders were calculated by the Board at Twenty per Cent., which made 96l. 5s., making in the whole 577l. 5s.; but that Calculation was very much below the Mark. I believe the Surgeons themselves took the pains to go through the Sums, and found that they amounted to Double; that is, nearly 200l. a Year.

What are they now?

The Salaries paid by the Board to the Medical Officers of the whole Union amounted to 863l., including every thing except a Fee of 10s. for Midwifery. At the Expiration of the Year, or, I believe, before the Expiration of the Year, I think in May, a Gratuity of Ten per Cent, was presented to the Surgeons for their great

Exertions during the Prevalence of the Influenza, which amounted to 36*l.* 10*s.*, making 399*l.* 8*s.* The Salaries offered by the Board for the Second Year, 1837, including the Union House, which was calculated to hold 300 People, were 400*l.* When the Surgeons refused those Terms a Second Offer was made by the Board of 435*l.* The Salaries which were required by the Surgeons, at a given Calculation of 4*d.* a Head, or something under 4*d.* a Head, on the Census of 1831, amounted to 528*l.* 16*s.* 4*d.*, lower considerably than the Sum, including Casualties and every thing, before the Union. A certain Part of the Board proposed some Accommodation, and they recommended that 4*d.* a Head should be given on a Population of 28,666 Persons, including the Workhouse, which would amount to 476*l.*; but they were out-voted.

728 *How do you know that Fact?*

I have heard it from many of the Guardians. The Difference between the Sum asked by the Medical Officers and that proposed by many of the Guardians amounted to 52*l.* 14*s.* I can also state what the Expenses for the current Year are, the Expenses for the Medical Relief of the whole of the Bridgwater Union, from the 24 of June 1837 to the 25th of June 1838; neither of those included the Midwifery. There was a Period of Three Weeks during which they were paid in a different Way; that amounted to 1621*l.* 14*s.* 2½*d.*, 28*l.* were paid for Advertisements for Medical Men, and 4631*l.* for Law Expenses incurred in resisting a Bill of Mr. Poole's, amounting altogether to 1,087*l.* 10*s.* 10½*d.*

That includes Litigation?

Yes; 463*l.* of it.

What are the Salaries for this Year?

£435

You have given the Amount for Medical Attendance under the old System and under the new System; have you a Return of the Number of Patients under the old System, and a Return of the Number of Patients under the new?

I believe I have not.

You are aware that under the old System almost all the able-bodied Labourers were attended by Medical Men?

No, I think not.

Only those that received Parochial Relief?

I believe not. I have not had the Care of the Parish myself for many Years past. I held One very small Parish for Twenty Years, and in that Parish I believe that the independent Labourers, the able-bodied Labourers, paid for themselves; that I was not compelled to attend any, except

those who brought Orders from the Overseer.

Are you not aware that the Overseer was in the habit of giving those Orders almost universally, even to independent Labourers, under the old System, who happened to want temporary Medical Attendance?

He did occasionally in that Parish, not generally.

Are you not aware that there were more attended, previous to the Introduction of the new System, by Medical Attendants than there were attended by Medical Attendants under the present System?

I think in many Cases there were.

That would account for the Deduction of Payment in the present System?

I think it might in many Cases, but as far as my Experience has gone it would not.

As far as your Experience goes were any attended by the Medical Officer of the Parish under the old System that did not require that Attendance?

No.

You have been asked whether there was more Attendance on independent able-bodied Paupers; were any Persons ordered to be attended by the Medical Officer of the Parish who were not in a State of Poverty to require that Attendance?

I think not.

Do you mean to say that when you attended as the Parish Doctor you did not attend any who did not bring an Order from the Overseer?

No, I do not say that by any means. I felt some Interest in the Parish; I attended the principal People; I was there Three or Four Times a Week, and if it was represented to me that any were ill I attended them.

Did you consider that as an Attendance as Parish Doctor, or as an Act of Kindness and Benevolence on your Part?

I attended them as Paupers mostly; generally I was not paid by them.

A large Portion of the Payment of the Medical Officers was derived under the suspended Orders formerly, was it not?

No. I had the Parish of Bawdrip Twenty Years; the annual Salary was Seven

729 Seven Guineas. During the whole Twenty Years the average Expense, the Population being at the last Census 373, Distance Three Miles from the Surgeon's Residence, was just about 10*l.* — 1991*l.* 16*s.* 8*d.* for the Twenty Years. It did not exceed the annual Salary some Years. One Year there was a very bad Case of Fracture, which made the Bill more; but generally all the Midwifery and suspended Orders, and altogether, made it only 10*l.* a Year;

and it included a long Line of Road on which, of course, there is a Liability to Accidents.

It was 199l. 16s. for the Twenty Years?

Yes; the Salary was first Six Guineas, and then Seven.

Who examined the Bills where the Paupers did not belong to the Parish?

They were examined at the Parish Meeting by the Overseers and Church wardens.

The Overseers were not held responsible for the Payment, were they?

If there had been any Default I should have expected it to be paid by the Overseer; he was responsible.

In the Parish Vestry they did not care in the least whether it was a small or a large Bill, because it was to be paid by another Parish?

Oh dear, not so.

Was not it paid by the other Parish?

I do not know how they managed it; I had nothing to do with any Parish but this for many Years.

Supposing a Man belonged to the Parish of Camberwell, and that the Magistrates in that Neighbourhood had removed him to Camberwell, but in the meantime he was sick, and not able to be sent there; would not that Magistrate give an Order to suspend the Removal, and under those Circumstances would not the Bill be paid by the Camberwell Parish, and not by that in which the Man resided?

Certainly.

Would they not take care that you should not be paid more than you ought to be paid?

I never was paid more than that I have stated; and I had One Year a very bad Fracture; the Bill that Year amounted to 18l., including my Salary.

Do you believe that the Bills for Paupers, who are attended by Medical Men under suspended Orders were examined with the same Care as Bills for Paupers who were not under suspended Orders?

I believe they were, as far as my own Experience goes.

In the Case supposed, would the Officers of the Parish of Bawdrip have paid for the distant Parish, without due Examination, if they had thought such Bill exorbitant?

No, I think not.

Have they any Means of avoiding it?

I know that I have in the course of my Life attended casual Poor: One I can speak of

particularly,—a Man who had fractured his Skull, who was put into my Surgery. I attended him some Time, till he was capable of being removed into his own House; and in consequence, perhaps, of my not knowing the Law, I did not do that which was essential to my own Interest, and I did not get a Farthing for it,

That was not on a suspended Order?

No.

Although you say that the Vestry did examine into those Charges, still they amounted to between Forty and Fifty per Cent, in addition to the regular Salary?

Yes, but perhaps I should state that there is throughout our Neighbour hood an established Rule of Charges; and there is a Charge, called an inter mediate Charge, for Paupers and independent Labourers; and I am quite sure that all People falling under that Denomination are charged at a less Rate than Patients in a higher Rank of Life.

730 *You have stated the Difference between the Sums paid to the Medical Officers under the old System and under the new; you have stated that 4d. per Head was paid, and that that is more than is allowed by the Board?*

Yes.

How much is paid in the Bridgwater Union?

I think about 2½d., but I am not quite sure.

It appears that there is an Uniformity in the Unions under the Direction of Mr. Weale; but do you happen to know what is paid in those Unions which are under some other Poor Law Commissioner, not Mr. Weale?

I do. I have a Letter from the Clerk of the Sherbourne Union: in the Dorchester 4¾d, and in the Sherbourne 4½d.

Do you know the Terms on which Medical Relief has been provided in the Taunton Union, which is in the immediate Neighbourhood of Bridgwater?

I do not.

That is within Fifteen Miles of Bridgwater?

Within Twelve. I conceive the Payment for the Bridgwater Union the First Year to be under 3d. a Head.

Do you know the Chilton Union?

I only know it from One of the Guardians.

Who is that Guardian?

Mr. Ward of Over Stowey.

How do you make out that in the Year beginning June 1886 and ending June 1837 the Remuneration to the Medical Officers was under 8d, a Head for the Bridgwater Union?

Day 6, 28 June 1838

Evidence of Jonathan Toogood, p 725

Edited by Tony Woolrich —Corrected 05/04/2021

5

It was calculated by a Banker's Clerk for me. The Population is £8,565; the Salaries that Year were 363l. This is the Paper which was given me by one of the Guardians. (Producing the same.)

In whose Handwriting is that Paper? -

It is the Writing of One of the Guardians; I think a Mr. Dalley; he gave it me.

Mr. Dalley may have got it from somebody else?

He is a Guardian.

Whatever the Rate per Head was, the Medical Officers at Bridgwater were dissatisfied with it?

They were. -

And that led to the Publication of this Letter?

Yes, in part; they had another Object in view.

What was that Object?

There had been a good deal said about the Medical Men; they had been very much calumniated and abused, and extraordinary Things attributed to them which they had never done; and they thought it right to set themselves right with the Public.

Who calumniated them?

The Guardians, or some among the Guardians.

Will you endeavour to fix the Day on which that Association began its Labours; on what Day of the Week did the Board of Guardians meet?

The First Year they met on the Tuesday; they now meet on the Friday.

At the Time at which the Letter was signed by the Medical Officers, which was in June 1837, what was the Day of meeting of the Board of Guardians? .

I do not know the Time of the Year at which they altered the Day of meeting. -

On what Day of the Week was it you signed that Paper?

I believe it was on the Wednesday Night; I am not sure; I know that the Association held its First Meeting on a Thursday.

Was that the Thursday after you signed the Letter?

I cannot say.

731 *The First Letter from those Medical Officers was delivered to the Board of Guardians at their Meeting on Friday the 2d of June; was it before or after that your Association began its Labours?*

I think it must have been afterwards; but I cannot at this Distance of Time state that.

Was it in consequence of that Letter, and the Second Letter which is inserted in your Pamphlet, dated the 6th of June, that your Association was formed?

It was.

Consequently the Association must have been formed subsequently to the Letter which was written on the 2d of June?

I suppose it was.

Without referring to Dates, was it formed subsequently to the Two Letters written to the Board of Guardians?

I cannot state positively, without reference to Papers which I have at home.

You cannot fix the Date at which that Meeting was held?

I can speak to the Day of the Week; I know it was on a Thursday; and by an Entry I have at home I can tell the Day of the Month.

Can you say whether it was formed previous to the Time when the Seven Medical Men signed the Letter, and it was countersigned by Nine Medical Men?

I think it was subsequent to that.

You say that Letter of the 2d of June was signed by the Medical Officers of the Union before you put your Name to it; had you heard of it before it was drawn up by the Medical Officers?

No; it was brought to my House by Mr. Parker as late as Ten o'Clock at Night.

Your Son was One of the Medical Officers of the Union, was he not?

He was; but I think at that Time he was not at home.

He signed it?

Yes; but he was not at home on that Wednesday; I believe he was at Wells on the Wednesday when it was brought to me.

That Letter has no Date?

No, it has not.

Had you never heard of that Letter before it was brought to you?

No.

And you do not know what Names were to it when it was brought to you?

No; there were several Names when it was brought to me. I signed on the opposite Side. The Names of the Gentlemen who had the Care of the Poor were on one Side, and I signed on the other.

You were the first who signed it on the same Side you signed, were you not?

No; I think they had left a Space for my Name as being the senior Practitioner.

With respect to the Letter of the 6th of June, did you see that Letter before it was sent to the Board of Guardians?

Day 6 28 June 1838

Evidence of Jonathan Toogood, p 725

Edited by Tony Woolrich 25/04/2021

6

Yes.

Your Son's Name, Baruch Toogood, is first signed to the Letter?

It is.

Had you any thing to do with the drawing up of that Letter?

Yes; I suggested some Things in it.

How came you to suggest the writing of that Letter?

I did not suggest the writing of the Letter, only a Paragraph in it.

Was it brought to you before you signed it?

Yes

732 *Had you any Conversation with respect to sending a Letter of that Kind to the Board?*

He asked me whether I thought there was any thing improper in it, and I said I thought not.

Which was the Paragraph you suggested?

That which proposed that the Paupers should be attended gratuitously until a new Arrangement could be made.

The former Letter having been delivered on the 2d of June, did you not think that the 6th of June was rather too early a Period to show that Offence had been taken at not having the former Letter answered?

I should have thought so; but different Complaints had been made to the Board of Guardians, and they never noticed any Communication from the Medical Men; I wrote myself to them, and they took no Notice of my Letter.

What was the Subject of your Letter?

I wrote desiring that the Institution we had at Bridgwater for Servants and Mechanics, the Bridgwater Infirmary, should not be overburdened, as it had been, by the Poor.

At what Period did you write that Letter?

I have a Copy of it here; June the 14th, 1837.

Then that was subsequent to the Letter referred to?

Yes.

Therefore that could not be the Reason for your recommending this?

No; but my Son had written Letters to the Board of Guardians, and other Medical Men also, but had not received the slightest Reply. I never received any Answer to that Letter I wrote; but it was only a Continuation of the same Conduct which had been observed by a great Number of the Board of Guardians from

the Commencement of this Dispute.

In this Letter there are Allusions to a Report of their having been charged with uncandid and improper Conduct; when were those Reports, and what was the uncandid and improper Conduct which you had heard had been attributed to them

There were Reports that they combined together to exact exorbitant Prices.

There were Reports that the Board of Guardians had accused them of that, you mean?

Yes; for the Purpose of exacting unreasonable Terms.

Did you hear a Report also that Mr. Weale had countenanced those Reports?

I do not remember hearing that.

Did you take any Trouble either to satisfy yourself, or to recommend your Son to satisfy himself, that those Reports had any Foundation?

I inquired of the Guardians, and was assured of the Fact.

You inquired of the Board of Guardians?

Yes.

Previous to the Letter of the 6th of June being sent?

Yes.

That was the Impression which you thought warranted the Writers in putting in a Paragraph of that Description?

There had been a great deal of very bad Feeling shown by the Board of Guardians to the Medical Men, and they had been treated with great Contempt; they had been denounced from the Chair as being Conspirators, and being a Set of Beggars suing for Alms, holding Pistols in their Hands ready to present to the Breasts of the Guardians; or Words to that Effect.

How did you know that?

I can produce Witnesses who heard it.

733 *Who are those Witnesses?*

The Reverend William Allen and Mr. John Bowen. Mr. John Bowen is in London.

They were Members of the Board of Guardians?

Yes.

They had stated those Facts to your Son?

They had, to me and to my Son.

Previous to this Letter of the 6th of June?

Yes.

What did they state them to have said?

They stated that the Chairman had denounced the Medical Men generally as a set of Conspirators; that he could only compare

them to Beggars suing for Alms, holding Pistols in their Hands ready to present at the Board of Guardians. One of the Gentlemen, I believe, took the Words down.

Which was that?

I am not certain whether Mr. Allen or Mr. Bowen, but I heard it from Eight or Ten others; it was the Subject of general Conversation.

How did you send that Letter of the 14th of June?

I sent it by one of my own People, and he delivered it to the Clerk in the usual Way.

Do you know that it was received?

I do; for I have an Extract from the Book of the Union, with some Observations made upon it.

Who has given you an Extract from the Books of the Union?

I had it from One of the Guardians.

From whom?

I do not know from whom, but I believe that is in the Handwriting of the Clerk's Son.

This appears to be an Extract from the Minutes of July the 14th?

My Letter was dated the 14th of June.

Who took this Minute from the Book?

I believe it was Mr. Watson.

Who gave it to you?

It was left at my House. I desired One of the Guardians, one Day when I was going out of Town, to get any Observations that were made upon my Letter.

Who was this Guardian?

Mr. Watson. It was left at my House upon my Return.

Your Letter appears to have been received on the 14th of July. Is this the Letter:— "To the Board of Guardians of the Bridgwater Union. Gentlemen, Your Relieving Officers having refused Orders for Medical Relief in Cases of Necessity, and having referred the Applicants to Persons connected with the Bridgwater Infirmary, I take the Liberty, being much interested in the Welfare of that Establishment, of reminding the Board that that Charity was originally instituted for the Benefit of Servants, Mechanics, and Labourers, and not for the Reception of Paupers, excepting in Cases of Operation and of extraordinary Necessity," and so on?

It is.

You recommended the Insertion of the Paragraph offering the Services of the Medical Officers gratuitously until the Districts were provided for?

Yes. -

That Offer was refused?

Yes. My Inducement to do so was that I hoped in the meantime an amicable Arrangement would have taken place.

734 *Are you aware that after that the Medical Gentlemen received Directions from the Board to attend the Paupers as independent Patients?*

Yes, I heard so.

Have you had an Opportunity of seeing the Bills of any of the Medical Officers during that Time?

I have seen them, but I have not gone through them.

In what Way have they charged in those Bills; have they charged as for Patients of the better Class, or in the Way you stated just now, Patients of the poorer Class?

Of the poorer Class.

It is not the full Charge, such as you would make for the Family of a Gentleman?

For Journeys in the Country the same Charge is made as is usually made to a Family in that Class of Life; but the Medicines are charged at a lower Rate in the Accounts I have seen. I have not gone through any of them, but I have seen some of them.

You had a Meeting of the Medical Association; and one of its Resolutions was, that you would not recognize or hold Intercourse with any Medical Practitioner who dishonours the Profession by acting in opposition to the foregoing Resolutions; and a former one states, "That this Meeting pledges itself not to accept any Appointment under the Poor Law Amendment Act without the Sanction of the Committee." Are you aware that upon the 16th of June there were Offers made by several of those Persons who had been Medical Officers before, and who were Members of that Association, to take the Districts at different Amounts; some at 4½d. a Head, some at 3½d., and another at 3d, for the Bridgwater District, and at a certain Sum for the Union Poorhouse?

Yes, I am.

Was the Intention of making those Proposals submitted to the Committee of the Association before they were made?

Yes.

And they approved of their so doing?

They approved of it as far as this, that a Stranger had been introduced, and they were threatened with the Introduction of others; and therefore it was conceived, that of Two Evils perhaps they had better choose the least.

Who was that Stranger?

His Name was Ward.

Had he been elected?

He was elected in June.

Had he been elected previous to the Offer of the Medical Officers?

I cannot tell without Dates; but if he had not been elected, it was understood there were Persons prepared to take the Unions. It was communicated to some of the Gentlemen who had held the Unions that there were Medical Men ready to take the Unions if they did not.

You say that the Medical Association thought it better that Offer should be made?

Yes; there was a Desire on the Part of the Medical Men, as far as they could, to settle the Matter amicably.

Those Offers were rejected by the Board?

Yes.

Districts 3, and 4. were filled up?

Mr. Phillips was appointed to one, and Mr. Young to another.

Neither Mr. Phillips nor Mr. Young were Members of your Association?

Neither of them.

The Medical Men received Directions from the Board to attend the Poor the same as their own Patients; and under that, you say they charged for the Visits as to individual Farmers, and for Medicines, at a lower Rate?

As far as I saw the Charges.

735 *Mr. Ward, you say, was introduced; what District did he take?*

He was appointed to Two Districts; that is to say, he was appointed to the Bridgwater District and the Union House.

Did Mr. Ward come in upon the same Terms as a Surgeon belonging to Bridgwater would have taken it on?

No, I conceive not; he came there a perfect Stranger.

Had he a larger Salary than a Gentleman of Bridgwater would have taken it at?

He had a larger Salary than that first offered; but Mr. King, who had held it the Year before, would have taken it at the same, or, I believe, somewhat less, for his Offer which his Letter referred to was something less. I believe Mr. King offered to take the Union House and the Bridgwater District at somewhat less than Mr. Ward took them.

Is Mr. King a skilful Man?

Mr. King was born and bred in the Neighbourhood; he served his Apprenticeship with Mr. Haviland, a near Relation of the Regius Professor at Cambridge; he has been educated fully in London, and has been since on the

Continent; he is a skilful Man; he attended the Union One Year before, during which the Guardians were very well satisfied.

Where did Mr. Ward come from?

By the Card which he published he came from Newcastle-on-Tyne; his Card will be found on the Minutes of the Union.

Have you Mr. Ward's Card by which he introduced himself to the Inhabitants of Bridgwater?

I have a Copy of it; the Original is in the Books.

The Witness is directed to withdraw.

The Witness is again called in.

Do you know where the Card is to be found?

I have never seen the original Card; the Clerk informs me that it is in the Letter Book.

When you stated that it was in the Minutes, you meant in the Letter Book?

He has informed me, while I have been out of the Room, that it was in the Letter Book.

You have stated that you have received this Paper from a Gentleman of the Name of Watson?

Yes.

Is he a Guardian?

Yes.

For what Place?

For Bridgwater.

Has he been in the habit of attending the Board?

I believe very regularly.

He was not a Guardian in 1837?

He was not.

You received these Minutes from a Person who was not a Guardian in 1837?

I have only just received them.

Subsequent then to the Publication of the Pamphlet?

Yes.

From whom did you hear that Calumnies had been uttered by the Board?

Generally abroad.

From whom?

I have heard it from the whole Neighbourhood.

736 *From what Guardians?*

From many; from Mr. Watson; from Mr. King.

Do you mean Mr. Meade King?

No, Mr. Pitman King; from a Mr. Danger. I

Day 6, 28 June 1838

Evidence of Jonathan Toogood, p 725

Edited by Tony Woolrich —Corrected 05/04/2021

9

think I could enumerate Twenty Names who were Guardians the previous Year.

Did you hear it from Mr. Bowen?

Yes, I heard it from Mr. Bowen also.

What were the Calumnies you heard from those Gentlemen?

Various Misrepresentations and Abuse of the Medical Men, and of myself in particular.

You were not one of the Medical Officers?

No; and I am not interested, except that I should be glad to have the Truth of the Facts ascertained.

With respect to Calumnies, as far as you know, is every Word asserted in that Publication true?

To the best of my Knowledge and Belief it is.

Are you one of the Gentlemen who attend the Infirmary at Bridgwater?

I established the Infirmary Twenty-five Years ago.

What Salary do you receive?

None.

You do the Duty well though you receive no Salary?

I hope I do.

The other Medical Men in the Neighbourhood attend gratuitously also, do they not?

Yes. There are only Two Medical Officers; there was a Third; the late Regius Professor of Medicine was the Physician of that Infirmary.

It is the Custom in many Infirmaries that Medical Men attend gratuitously?

Always, I believe.

Though not a Matter of Payment, they are induced to attend those Institutions, in many Instances, as its Officers, for the Purpose of bringing themselves into Notice and into private Practice?

In some Instances, perhaps.

Is not that the Motive in many Cases?

That was not my Object.

Might it not form the legitimate Object of Medical Men?

I think it may.

If you had attended this Infirmary and saw a young Man there that paid great Attention, and that you thought showed great Skill, should you not be more willing to take him into Partnership, if you wanted a Partner, than an Individual whose Practice you had never seen?

Certainly.

Are they not generally, in respect of those Hospitals and the Infirmaries, the leading Medical Men who belong to those Associations?

Generally speaking, they are.

And therefore young Men are anxious to attend them to learn from the Experience of older Medical Men?

Yes.

You are at the Head of that Infirmary?

I am; I established it, and have been connected with it Five-and-twenty Years; and have built at my own Expense an Infirmary for Diseases of the Eye, which I attend gratuitously, and my Sons also.

Did not they charge your Son with the defacing a Medical Return?

With cutting out the Leaves of a Book; when I alluded to Calumnies I did not allude to that.

737 *You referred to the Remarks that had been made upon the Writing of this Letter*

Generally; the Conduct of the Medical Men generally throughout the District.

The Board's Charges on the Medical Men arose out of the writing this Letter?

Yes, certainly.

There were no Calumnies before that Letter was written?

I believe there was no Disagreement between the Medical Men and the Guardians until the Commencement of the new Year, and until the Medical Men thought that the Guardians, or the Chairman at least, to many of whom he had promised that the Second Year would be a better one, had broken Faith with them.

You were understood to say, some Time ago, that great Dissatisfaction was felt by the Medical Men in Bridgwater generally in consequence of some Calumnies that had been uttered repeatedly by the Board of Guardians?

I speak only of since June 1837.

There was no Dissatisfaction felt previous to the Letter sent on the 2d of June at any Calumnies that had been uttered by them?

I am not aware that any had been uttered; before that every thing went on smoothly, the Medical Men submitting to a general Loss for the first Year until the Commencement of the last Year, when they found that the Terms were even lower in proportion to the Work to be done, because an Union House was to be erected to contain 300, and there were Sixty-five then sick.

Are you not aware that the whole Expense the Second Year was something more than the Year before?

Yes, 5l., I think; but the Labour was infinitely more; there was an Union House to contain 300 Persons.

They would be Persons who, if not in the Union House, would be to be attended out of the House?

In some Instances I do not think it would lessen the Labours of the Medical Men; there may be One or Two from each Parish.

Would the Labour be increased at all?

I think it would. I think, if the Reports are to be relied on, the Medical Men have had as much to do.

How could those attending the Districts have so much to do if some were removed into the Union Poorhouse?

I will illustrate it in this Way: in the event of One of the Medical Men being obliged to go to his Parish, at the Distance of Five Miles, and having Five Patients, in case Two of those are brought into the Union House he must still go out Five Miles to see the other Three.

Do you think, as a Medical Practitioner for Forty Years in the Profession, the Sum offered by the Board of Guardians to the Medical Men is a sufficient Remuneration for them if they do their Duty to the Poor properly?

I am quite sure it is not. Perhaps I may be allowed to explain. In refer ence to the Resolutions I only wish to observe, that if those Resolutions had had solely for their Object the Increase of Demand on the Part of the professional Men, or if they had sought to exact any thing like unreasonable Terms, I would not have sanctioned them; my Object always has been to endeavour to raise the Character of the Profession and to make it as respectable as possible, because I thought that by so doing I should best provide for the necessities of the Poor.

Therefore you proposed the Addition of that Paragraph that the Poor might not suffer, and that they should rather attend them for nothing than they should suffer?

I did.

738 *Are you to be understood to state that, during the Time when the Medical Men were to be paid as if they were Patients in private Practice, you have seen some of the Bills?*

I have seen several of the Bills; I did not go through any one of them.

The Journeys to the Paupers are charged the same as if they had been to the Farmers?

Yes; that is the usual Practice in our County.

Take a Place Four Miles from Bridgwater; what should you charge for a Visit to a Farmer?

Five Shillings.

You believe that the Guardians would be charged 5s. for a Pauper?

Yes, under those Circumstances.

Supposing there were Three Paupers in that Parish, would it be 15s. or only One 5s.?

On ordinary Occasions the Journey would be charged to the Pauper who required it most; but there was a distinct Understanding that each Journey was, under the Circumstances, to be charged separately; for the Medical Men undertook this only while they were waiting until the Board brought Men to oppose them.

Were you a Party to that?

I was not a Party to it.

Were you consulted?

I was consulted.

And that was your Opinion?

No; it was determined before. The Moment I was told that I said, "I think you are unwise. If there are Two Paupers in One Parish, or Two Farmers in the Parish, who equally required my Attendance, I should charge a Journey to each; but if one did not require my daily Attendance and the other did, I should charge the one who did not require my daily Attendance and Care every Second or Third Day, and the one who did require it daily I should charge daily."

Do you know who settled that they were to charge 15s. for One Journey, whereas if a Medical Man had gone to see Three Farmers he would have charged but 5s.?

I am not sure.

They made a pretty good Thing of it those Three Weeks, did they not?

They received 162l, altogether, I think.

That was after deducting Twenty-five per Cent. upon their Bills?

That was the Result of the Trial.

Twenty-five per Cent. was taken off from their Bills?

I believe I may state that in consequence of the Refusal of the Orders of the Overseer, Mr. Poole's Bill was reduced 8l.; the Jury awarded him 30l., his Charge being 38l.

There was nothing taken off from his Bill but the Charges where the Overseer had forbidden his Attendance?

Precisely.

During that Interval of Three Weeks you would have charged Three labouring Men 15s. for performing that Office for which you would have charged Three Farmers only 5s.?

Day 6, 28 June 1838

Evidence of Jonathan Toogood, p 725

Edited by Tony Woolrich —Corrected 05/04/2021

11

No; there was a special Agreement made between the Board and the Medical Men that, under the peculiar Circumstances in which they were placed, they should charge the Journeys separately to each Person.

They were to charge 5s, for every Pauper Labourer to whom they went?

Yes.

If there had been Two Farmers of whom One required your daily Attendance and the other did not, for the Two Farmers you would have charged 5s.?

Under different Circumstances

739 *Where there were Two labouring Men in the Parish of A. requiring the Attendance of a Medical Man, the Medical Man charged for each of those 5s. a Day for his Visit?*

Yes.

In the same Parish of A. there are Two Farmers requiring your Attendance, of whom one requires your Attendance not every Day, and the other does, and you charge for those Two only 5s. jointly?

I charge 5s. to the One. This was a special Bargain made between the Overseers and the Medical Men that they should charge a Visit to each if there were a Dozen in the Parish, but they made no specific Bargain with the Farmers.

Where does that specific Bargain as to the Poor appear?

It was with the Medical Men at the Board of Guardians. Mr. Parker can prove it; I believe he was the Person. The Gentleman whose Name I have just mentioned, Mr. Pitman King, One of the Guardians, can prove it on the Part of the Guardians; he has told me so.

What was the Bargain?

That they should be paid precisely the same as for private Patients, but a specific Agreement was made as to the Journeys.

Does that appear upon the Face of the Minutes?

They never entered it at all.

How do you know the Fact?

I had it from Mr. Parker, who was present, and it was confirmed by Mr. Pitman King, One of the Guardians.

Have you seen One of the Bills in which it was so charged?

Yes.

Two labouring Men, under this particular Agreement, being ill in the same Parish of A., the Parish would be charged 5s. for each Visit?

Yes.

There being during that Period no particular Bargain with Two Farmers in that Parish of A., what should you charge them?

If they were equally ill they would be charged a Visit each; but if one required a Visit every Day, and the other every other Day, they would be so charged. If I went to see one Farmer To-day, and my Day for seeing the other would have been To-morrow, I should not pass his Door without calling upon him.

You miss charging a Fee to the one, and you charge 5s. to the other?

Yes, if he requires it.

To the other you charge nothing?

Yes.

The next Day you charge him 5s.?

Yes, if he requires it.

Therefore, the Two Farmers and the Two Labourers being attended by those Gentlemen daily, the Medical Attendants receive 10s. for the Attendance on the Two Labourers, while for the Attendance on the Two Farmers they receive only 7s. 6d.?

Yes, under those Circumstances; but I should state, those Circumstances very rarely occurred; it much more frequently occurs to me to pass through the Five Turnpike Gates forming the Five Entrances to the Town to make Five Visits.

Were you present at the Trial of the Action?

I was not.

There was only One Trial, and then the other Bills were settled on the Principle established by the Jury by their Verdict?

The Medical Men proposed that.

740 *Did you observe a great many Leeches charged in those Bills during those Three Weeks?*

I did not go through the Particulars.

You did not see that there was a great deal of Quinine?

I do not know what the Medicine was; "a Mixture" would be put down, not the Ingredients. I did see "Leeches" put down.

Did you observe that there were more Visits charged during those Three Weeks than you were in the habit of paying at the Time that you were a Parish Surgeon?

No. I may say further, that my Advice to the Medical Men was, as soon as this Agreement was made with the Board of Guardians, that they should attend to them during those Three Weeks exactly as they had done before, not making them fewer or more Visits, or giving them Medicine in a different Form; and I believe they did so.

They did not ask your Advice about the first Thing until they had decided it?

I did not know it till it had taken place.

Do you think the Poor of the Bridgwater Union are properly looked after by the Medical Men now?

I believe not, if I am to judge by the Reports I have heard.

Is your Son one now?

No. I observe a great Number of Deaths more than I have ever known before; I think Sixteen occurred in the Union House in Two Months.

Who attends the House?

Mr. Ward.

What Class of Paupers are generally sent to the Workhouse?

Really I do not know much about them; I never attend any of them.

Is that a much greater Proportion than you have ever known before?

Much greater.

You never had an Union Workhouse before?

No; but we had the old Workhouse, which contained Ninety, and the Average of Deaths was about Nine in the Year.

Are you able to say that at the present Moment a great many of those who have died in the Union Workhouse are not Persons who have been in the Infirmary at Bridgwater, and not been cured there?

Yes; I think I can state that.

Will you say there is not One?

No.

Will you say there are not Five?

I cannot say; I have never been in the Union Workhouse.

You do not know whether they were Persons whose Diseases were incurable before they were placed in that Workhouse?

I do not; but I know we have some in the Bridgwater Infirmary who have been under the Care of the Parish Surgeon who are not cured.

Have you cured them?

Some of them we have.

Can you state the Names of any of them?

I cannot call their Names to Recollection without the Books; I can mention One Name, if it is desired.

That is very often the Case, that where one Surgeon cannot cure another does, is it not?

It happens sometimes.

During what Space of Time have those Sixteen Persons died?

I think it is in Two Months; it is in One of the

Papers before your Lordships, the Registrar's Report. That which attracted my Attention was the great Number dying from Inflammation of 741 the Lungs. (The Witness refers to Page 18 of the Return respecting the Bridgwater Union.) My Attention was drawn to that Fact by Mr. Bowen, who has interested himself a good deal in the Matter, who came to me professionally to ask me whether any Disease prevailed to any considerable Extent in that District.

Mr. Bowen is an intimate Friend of yours?

No, not an intimate Friend.

He is a Friend of yours?

Yes; but I do not attend his Family.

Have you not taken the same Part with respect to the Poor Law Amendment Act?

I have taken no Part, except on the Medical Questions.

Have you not expressed the same Opinions as he has?

No, not as to our being hostile to the Law; our Second Resolution disclaims that; and so far from that I have done all in my Power to carry the Law into effect. I have given my gratuitous Services to the Union whenever they have been wanted, without Fee or Reward; and I hope I shall not be considered presumptuous in stating that I was desired to come to the Assistance of One of the Surgeons attending a Man, who proposed to amputate his Arm at the Shoulder Joint; my Experience enabled me to say that his Arm might perhaps be saved, and I am happy to say he has his Arm, and I gave my Attendance for Three or Four Weeks without any Charge. In the District my Son had I established a Dispensary, and paid a Rent of 5*l.* for the Year; he took charge of the Union, and I assisted him in every possible Way I could; I have never withheld my Assistance.

Supposing Mr. Ward required your Assistance, and to consult with you, should you have any Objection to meet Mr. Ward?

Yes, I should.

On what Ground should you object to meet Mr. Ward?

Because Mr. Ward's Appearance at Bridgwater having occasioned some Sensation, I took an Opportunity of doing that which I considered quite proper on my Part, making myself acquainted with his Character and Acquirements.

It is not in consequence of this Resolution of the Association,"That this Meeting will not recognize or hold Intercourse with any Medical Practitioner who dishonours

Day 6, 28 June 1838

Evidence of Jonathan Toogood, p 725

Edited by Tony Woolrich —Corrected 05/04/2021

13

the Profession by acting in opposition to the foregoing Resolutions," that you would not meet M. Ward?

I should not have felt myself bound, not belonging to the Union. I would not have refused my Assistance to any Pauper, but would not have acted with him.

Were not you one of that Meeting?

Yes; but I did not hold an Appointment under the Union.

The Resolution at this Meeting, at which you were present, and which is seconded by your Son, is "That this Meeting will not recognize or hold Inter course with any Medical Practitioner who dishonours the Profession by acting in opposition to the foregoing Resolutions"?

I would not have met him.

Mr. Ward came into the Parish and took one of the Districts contrary to those Resolutions?

He did.

Would your Reason for not choosing to consult with Mr. Ward be that Fifth Resolution?

Yes; that was in the first Instance before I made myself acquainted with his Character; but I took the earliest opportunity of inquiring who Mr. Ward was.

Did you inform yourself?

Yes; when a Stranger comes into the Neighbourhood it is desirable to know who and what he is, and I felt it right to inquire.

742 *Is it not a Rule in the Medical Profession to refuse Consultation with any Person who is not considered as regularly qualified?*

It is my Rule; and I think it is a general Rule among respectable Practitioners.

What do you mean by being regularly qualified?

I mean that the Man should be a Member of the College of Surgeons and a Licentiate of the Apothecaries Company and also produce Testimonials of being competent to practise Midwifery. I may add still further, that I heard before the Committee of the House of Commons Sir Astley Cooper and other eminent Medical Men state, that those Qualifications alone would not be sufficient unless a Man proved his Fitness by a Residence of Two Years at least in the District, by showing that he was a Man of good Character and benevolent Feelings.

Are not those Qualifications necessary for a general Practitioner?

They are indispensable to all who act in the Country, unless they were in practice before 1815.

Do you mean indispensable by Law

Yes.

Is there any Law which requires that a Man should be a Member of the College of Surgeons before he practises as an Apothecary?

Perhaps I went too far in saying indispensable; but I believe there is no Man of the least Respectability now who practises, nor has, I believe, for many Year, past, who is not a Member of the College of Surgeons.

Do you hold Intercourse with Mr. Addison?

I have never met Mr. Addison, but some Years ago, before I knew who he was.

Should you refuse to meet Mr. Addison?

Yes, I should.

Why should you refuse to meet Mr. Addison?

I should refuse to meet Mr. Addison because he is not a regularly educated Man.

Cannot you speak to a Surgeon unless he has lived Two Years in your District?

I do not know how we are to know any thing about him.

What should he do during those Two Years? He should be resident Two Years before he is elected to an Union.

Suppose Mr. Addison has a District under the Poor Law Guardians, and he should want your Assistance in a Case of Difficulty, you would refuse to meet him to give him your Assistance?

I have never been asked to do so; if I were asked I should give him the Reason why I did not. On a Medical Case I would meet him, but not on a Surgical, Case. I know, he is a Licentiate of the Apothecaries Company, and I think he is fit to practise as an Apothecary.

Vice versá, with respect to Mr. Young, who is a Member of the College of Surgeons, and not a Licentiate of the Apothecaries Company

I would not meet Mr. Young on any Terms; I have private Reasons for not doing so.

Putting aside those private Reasons, would you refuse to meet him in a Medical Case as a Medical Person because he was not a Licentiate of the Apothecaries Company?

Yes, I think I should do so; my great Object has been always to make the Profession as respectable as possible.

You think it necessary for that Respectability that no Persons should practise in it but those who are Members of the College of Surgeons and Licentiates of the Apothecaries Company?

Yes

743 *Can a Man practise as an Apothecary without being a Member of the College of Surgeons?*

I believe he can practise as a Surgeon without a Licence from the College; but I know he cannot practise as an Apothecary without being a Licentiate of the Apothecaries Company. Having a large Family of my own, having educated already Three to the Medical Profession, I have thought it right to give them the best possible Education the London and the Continental Schools would afford, and to fulfil all the Requirements of the Law.

From what you know of Bridgwater, do you think the Poor of that Union have suffered in consequence of the Medical Men being beaten down in the Way they were by the Board of Guardians?

I think they have.

With respect to the Case of Charlotte Allen, who gave to you the Particulars of that Case?

When I was appointed Chairman of this Association all the Documents were directed to me; I received them from Mr. King and Mr. Ruddock.

What Documents?

Those on which the Pamphlet was founded. This was sent to me by Mr. King and Mr. Ruddock.

Did you ever take the Trouble yourself to inquire into the Circumstances of the Case?

Yes; but I particularly avoided seeing her, thinking perhaps there might be wrong Motives imputed to my going there. I was invited to go there several Times, but I never saw her in my Life.

Then, as far as your personal Knowledge goes, do you know how far she was suffering under a Laceration and Prolapsus of the Womb?

I have heard it from Mr. Ruddock. She was strictly examined by Mr. Sandert, a Man of Thirty or Forty Years Standing. I was with him, but I did not go into the Room; but he examined her on the 14th of February last.

Do you mean Mr. Abraham King?

No; Mr. Henry King, Mr. Ruddock's Partner.

Can you supply the Committee with the Result of that Examination?

I can give in all the Documents.

Are they signed by the Parties?

Yes, they are.

Will you put in the Statements referring to the Case of Charlotte Allen?

This has reference to Charlotte Allen's Case, but it is not the one I intended; but I have somewhere among my Papers Mr. King's Letter and Mr. Ruddock's as well; their Letters enter

into the minute Parts of the Case. The Case is condensed by me from their Letters.

These are not the Words in which they themselves drew up the Case?

I do not know whether they exactly correspond with the Words, but in Substance it is precisely the same.

Is there any Fact connected with this Case you know of your own Knowledge?

I know that I accompanied Mr. Standert to see a Case in the Neighbour hood. He was then desired by Mr. Ruddock and Mr. King to visit Charlotte Allen. I waited till his Return; and on his Return he told me the Statement of the Case was strictly correct.

When was that?

On the 14th of February last.

Will you produce the Documents respectively of Mr. Ruddock and Mr. King relating to Charlotte Allen?

I am not sure that I have them here; but I have them in London, and can produce them on another Day. I beg to put in the Letter of Mr. Standert.

That is subsequent to the Pamphlet?

It is; but that is to prove that the first Statement is correct, it having been doubted.

744 *In the Case of Charlotte Allen, you say "she became daily worse. A Neighbour applied to the Relieving Officer on the following Monday for Assistance, and was told by him, that as there was no Parish Doctor at that Time, no Order must be given, unless in Cases of absolute Necessity, as it was very expensive." You go on to state that the Relieving Officer ordered her to apply to his Wife, that she might judge whether it was necessary, or not; that his Wife did not go, but sent to the Midwife, who directed the poor Sufferer to take Three Pennyworth of Castor Oil; and those Words, "to take Three Pennyworth of Castor Oil," are in Italics?*

Not by my Direction; I gave no Direction to that Effect.

Who gave the Direction to that Effect?

I believe it was the Printer's Fancy.

Was not the Proof Sheet brought to the Medical Association to correct?

It was sent to me.

Did you not notice it?

No, I did not.

Can you swear that there was not a Dash under those Words?

I cannot swear that at this Distance of Time; I made no Observation upon it.

Day 6, 28 June 1838

Evidence of Jonathan Toogood, p 725

Edited by Tony Woolrich —Corrected 05/04/2021

15

If there is such a Scratch it might have been added afterwards?

I do not remember any thing on the Point; I gave no Direction upon the Point.

You consider yourself answerable for it if the Proof was sent to you?

I do not wish to shelter myself.

All you mean to say is you did not mean to put it in Italics?

I really have no Recollection upon the Subject.

Did you mean to point that out as an improper Exhibition of that Medicine?

No, certainly not.

In this Pamphlet was it your Object to draw the Attention of the Public to particular Words, by their being put in Italics? -

I gave no Direction for their being put in Italics.

Has there been a Second Edition of the Book?

Yes.

Do those Words stand in Italics in the Second Edition?

I do not know.

Did you mean those Words to be more or less noticed, in consequence of being printed in Italics?

No; I wished the true Facts to be ascertained.

Is there any thing wrong in this Midwife having ordered Castor Oil?

It might be a proper Medicine for any thing I know, but if she was in a very alarming State it was a very inefficient Mode of treating a highly dangerous Disease.

Supposing there was a Prolapsus Uteri, was it proper she should have a Medical Men to attend her?

Certainly.

You did not direct those Words to be put in Italics, but you believe it was not a sufficient Medicine for the Purpose?

I am clear of that.

Do you mean not a proper Medicine, or not a sufficient?

It should be a different Medicine altogether; it was not what I should have done under such Circumstances; the Woman was labouring under violent inflammatory Disease.

You speak on the Notion that the Midwife who attended was not a skilful Person?

All the Midwives in our Neighbourhood are uneducated; they do not that there is such
745 Thing as the Uterus; they have not received the slightest Education.

Do you mean to say it was an improper Medicine to give?

It was an improper Medicine for that Disease; it may have been, in addition to other Things, a Remedy, but it was not a proper Way to meet such a Disease as that.

Suppose Prolapsus of the Uterus or Laceration of the Perinaeum had taken place, would Castor Oil have been a proper Medicine after Labour?

If she had that which Mr. King and Mr. Ruddock had represented, Puerperal Fever, it was not at all a Remedy; a very different Mode of Treatment was the only one likely to save her, and I understand such Mode of Treatment was adopted.

Would the ordering of that Medicine under those Circumstances have satisfied you that the Midwife was not a skilful Person fit to prescribe for a Person in that Situation?

I am quite sure she could not be a fit and proper Person to prescribe for such a Disease.

Do you know the Woman?

No; but I know the general Character of those People.

Do you know whether she had much Practice?

She might have much Practice. If the Thing is perfectly natural, and they have nothing to do, the Thing goes on right; but if there is any Difficulty, then they are unequal to the Task.

There is a great Jealousy on the Part of the Medical Men towards the Mid wives, in consequence of their taking from them that Branch of Practice, is there not?

I believe the Medical Men would be very glad that they would take it all from them in the Country.

Would they like to lose all those Guineas they receive in that Way?

I do not think they get much by it; if a Man goes out and stays Two Days and Two Nights, and gets only that, he is not paid.

Suppose she suffered under Laceration of the Perinaeum; do you believe that that was in consequence of Want of Skill on the Part of the Midwife in her Delivery?

Yes.

Have the goodness to describe what is a Laceration of the Perinaeum?

Laceration of the Perinaeum refers to that Part which intervenes between the Termination of the Vagina and the Commencement of the Rectum.

Would that be either prevented or cured by any Quantity of Castor Oil?

No, certainly not.

It must be prevented by a skilful Surgeon?

Most unquestionably. I have prevented it myself; to cure it is an extremely difficult Matter.

It may be prevented by Skill in Delivery?

Generally it may. It is possible, under extraordinary Circumstances, a Laceration to a small Extent may take place; but I have never seen, in the course of between Thirty and Forty Years, Laceration to any dangerous Extent which did not arise from Ignorance or Negligence.

From what did the Laceration and Prolapsus Uteri in this Case proceed?

I suppose from the Violence of Labour or forcible Extraction of the Placenta. It is a very common Practice with Midwives, as soon as a Child is born, to take hold of the umbilical Cord and pull it, and every now and then the Uterus is turned inside out; and very often Women attended by Midwives suffer, not from Prolapsus, but from the Procedentia from improper Management.

Supposing this to have happened from improper Management, can it be cured by Castor Oil?

No, certainly not.

746 *This Woman, according to this Account in your Pamphlet, had been in a critical State previous to her Delivery?*

She had some Disease of the Liver, I think.

Would that Disease be likely to make her Delivery more dangerous?

It would place her in a more critical Situation.

Under those Circumstances, was it, in your Opinion, safe to leave the Woman in the Hands of a Midwife, or that she ought to have a Medical Man?

I think that she ought to have had a Medical Man.

Supposing that the Case had occurred previous to the new Poor Law, would she have been attended by a Medical Man, or have been left to a Midwife?

I think it is very likely she would have been attended by a Medical Man, particularly if she had asked; I never knew it refused.

Supposing the Relieving Officer had reported that she ought to have a Medical Man, would it have been refused under those Circumstances?

I think not, if she had applied in the proper Quarter; he must have satisfied them that it was necessary.

Do you know whether this Woman did ask for a Medical Man?

Mr. King and Mr. Ruddock have told me so; but I do not know it of my own Knowledge.

It is but Information?

Mr. Richard Ruddock has so informed me.

Supposing her to suffer from this Prolapsus of the Womb and Laceration of the Perinaeum, is such an Injury remediable?

Yes; the Prolapsus of the Womb is remediable.

With respect to the Laceration of the Perinaeum?

They very rarely recover from that.

Would she be in a State which would render her future Existence miserable?

That depends upon the Extent to which the Laceration goes. If there is a Communication at the End of the Rectum, or any Way up the Rectum communicating with the Vagina, her Existence would be miserable. I know an Instance where a poor Woman cannot retain her Faeces for a Moment; and another where the Faeces pass from the Rectum into the Vagina, and out of the Vagina again.

Is that the Case with Charlotte Allen now?

I do not know; I have never seen Charlotte Allen in my Life.

Supposing a Laceration of the Perinaeum to exist, does that produce a Discharge of any other Kind?

Yes; there is a Discharge of Mucus and Matter frequently.

Is that apt to make a Person offensive?

Yes; and to excoriate the Parts round. I consider Laceration of the Perinaeum One of the most miserable Things that can happen.

That seldom happens but by the Incompetence of the Practitioner?

I believe very seldom.

Upon the whole of that Case you mean to give it as your Opinion that this Woman suffered this Misfortune from her having been attended by a Midwife instead of a Medical Man?

I think there would have been less Chance if she had been attended by a Man Midwife; she would have had a better Chance of escaping those Evils; but it is quite clear that when she had this Attack of Puerperal Fever, then her Situation was even more critical than it had been at any former Period; that she required the instant Aid of a Medical Man.

When was that found upon her?

I think Mr. Ruddock states that on the Wednesday he found her in a State of Puerperal Fever. Mr. Ruddock being a young Man called

Day 6, 28 June 1838

Evidence of Jonathan Toogood, p 725

Edited by Tony Woolrich —Corrected 05/04/2021

17

in an elder Friend, thinking the Woman would not live for Eight-and-forty Hours.

747 *Do you consider that there was Puerperal Fever connected with the other Disease?*

It is the Consequence of the Labour.

Is it connected with the Laceration of the Womb?

It is much more likely to happen after much Violence.

How do you mean after much Violence?

It is an Inflammation of the Covering of the Bowels; the Womb, and all those Parts, the Vagina and Rectum, having a peritoneal Covering, as soon as Inflammation commences in one Part it extends over the others.

You give it as your Opinion as a Medical Man, that an Inflammation brought on by Laceration of the Perinaeum would be properly designated Puerperal Fever?

No; the Puerperal Fever comes on without any Laceration at all; but a Person who has suffered great Violence in Labour, such as Prolapsus of the Uterus, and Laceration of the Perinaeum, is more liable to an Attack of Puerperal Fever.

Do you as a Medical Man mean to state, that you consider that the Fever brought on by Laceration of the Perinaeum would have been properly designated Puerperal Fever?

Yes; but I do not mean to say that all Puerperal Fevers are produced in that Way.

You mean to say that Fever brought on by Laceration of the Womb or Perinaeum would be properly designated by a Medical Man Puerperal Fever?

Yes; I take for granted that those Gentlemen knew it was a Puerperal Fever by other Symptoms as well.

Would Fever brought on by the Laceration of the Womb or Perinaeum be properly designated Puerperal Fever?

If it was Puerperal Fever; she might have had other Fever, Milk Fever or other Fevers, without its being Puerperal Fever; all Fevers that occur during the Month after Parturition may be called Puerperal Fevers, though we medically do not understand them as such; if a Person talks to me of Puerperal Fever I know it as a distinct Disease.

If a Medical Man had told you this was Puerperal Fever, that would not have led you to believe it arose from Laceration of the Perinaeum?

No, it would not have induced that Belief; but on seeing the Patient, I should have asked whether any extraordinary Violence had occurred in the Labour.

If a Medical Man wanted to describe it as Fever brought on by Laceration would not he have described it otherwise than as Puerperal Fever?

I think I have seen Lacerations of the Perinaeum without Fever, or with slight Fever; there is always more or less Fever after Delivery.

If the Fever had been brought on by Laceration of the Womb would he not have described it by a different Name than Puerperal Fever?

He would say, this Woman has Fever attended with Laceration of the Perinaeum; but I think Puerperal Fever is a distinct Disease; but it may be accompanied by Laceration of the Perinaeum, and with Prolapsus of the Uterus. -

Is there not a particular Name for Fever brought on by Laceration of the Womb, and those Accidents which occur sometimes?

Not to my Knowledge; they are all perhaps classed under the one Head of Puerperal Fever; accordingly you state that this Woman has a Lying-in Fever, or a Child-bed Fever, sometimes you call it one and sometimes the other; but Medical Men understand a distinct and dangerous Disease under the Name of Puerperal Fever.

It does not lead a Medical Man to know that the Disease arises from Laceration of the Perinaeum?

Certainly not; but if he were called to a Case of Puerperal Fever he would naturally inquire what Sort of Labour the Woman had had, and whether there had been any extraordinary Violence.

748 *Which do you consider the most grievous Calamity, the having this Laceration of the Womb, or Prolapsus of the Uterus, or the Puerperal Fever?*

I consider that the Puerperal Fever is the most dangerous Disease; I have known it destroy Persons in Twenty-four Hours.

Persons frequently recover from Puerperal Fever, do they not?

Under judicious Treatment.

From Laceration of the Perinaeum you have known very few recover?

Very few, I believe; I have not known more than One Case in the whole course of my Practice.

They undergo a Degree of Suffering from that Disease during the whole of their Lives?

If it is a bad Laceration extending to the Rectum.

You think the Puerperal Fever still the most grievous Calamity of the Two?

It is the most grievous of the Two, for Persons live for many Years with Lacerations of the Perinaeum; it will not destroy Life, but Puerperal Fever, unless most judiciously met, leads to Death in from Twenty-four to Forty Hours.

What is Hysteritis?

Inflammation of the Womb.

Is that connected with the Laceration?

Yes, I should think it is connected with the Laceration; the Uterus is covered with the Peritoneum.

Is not Prolapsus Uteri very likely to take place from some Imprudence on the Part of the Woman getting up and moving about too soon after her Delivery?

It may. I have never known a Prolapsus take place; I have known a Procedentiae, a Falling-down, a Descent of the Womb into the Vagina; but I have never known a Prolapsus externally.

It might occur from the Woman rising too soon?

They have what is called a Bearing-down.

That arises from taking Exercise too soon after Delivery?

Yes; but I have never known Prolapsus Uteri occasioned by that.

Do you think it possible it could be?

I should think it improbable.

Could the Laceration of the Perinaeum have been produced by improper Treatment when the Person was examined?

Oh no, certainly not.

Suppose an unskilful Person examined her, no Unskilfulness of his could have produced that State?

Certainly not; he must have used an Instrument, he could not have torn the Perinaeum with his Fingers; and I do not know how he could pull down the Womb, unless he used an Instrument and drew it down.

It must have been by extreme Violence, much more than was necessary to examine the Person?

Certainly; it possibly might have been produced in that Way.

You never saw the Woman yourself?

No; I avoided it.

Whatever occasioned the Laceration of the Perinaeum, when it once was discovered to exist, was it not necessary a skilful Medical Man should be called in?

Certainly.

Was it proper that a Person who applied for Medical Assistance under such Circumstances should be told of the Objection in point of Expense?

No; I think she should have had the best Medical Advice which could be procured.

749 *Could any thing but the best Medical Advice save her from Death?*

I think not.

Do you agree in the Opinion that Puerperal Fever is the common Name and Hysteritis Simplex the professional Name for the same Thing?

The whole Uterus was involved in the same Inflammation; but if a Person were to speak to me of Hysteritis I should not say that Person had Puerperal Fever.

Do you agree in the Opinion that Puerperal Fever is the common Name and Hysteritis Simplex the professional Name for the same Thing?

I feel a Difficulty in answering the Question, because all the Womb is involved together. I do not think that there could be Puerperal Fever without having Hysteritis; there must be some Inflammation at the same Time.

Do you mean to say a Fever arising from Laceration of the Womb would be a Puerperal Fever, in your Opinion?

Not necessarily, but it may be.

It may bring on those Symptoms that distinguish a few Classes of this particular Disease?

Yes; and may lead to the Formation of Puerperal Fever.

Then is Puerperal Fever the common Name and Hysteritis Simplex the professional Name for the same Thing?

No, I do not say that; but I beg to say, that a Person having Puerperal Fever would have Hysteritis.

But it is not the same Thing; the one the professional Name and the other the vulgar Name for the same Thing?

Medical Men use the Term Puerperal Fever constantly to each other; if they spoke of a Person having a Puerperal Fever they would use no other Term but that.

Not as Hysteritis?

That is an Inflammation of the Womb. The Womb is always inflamed, more or less, in Puerperal Fever.

Which induces Puerperal Fever?

I do not know whether it induces it or not.

Is not Puerperal Fever one which a Person is subject to at an early Period after Parturition?

Yes.

And Milk Fever is also Puerperal Fever?

Yes; they are all confounded in One Name.

And Hysteritis is One of the Species?

Yes, that is Part of the same Disease; you cannot have Puerperal Fever without having some Degree of Hysteritis.

But you might have Hysteritis without having Puerperal Fever?

Yes, you might.

Then none of those Names indicate necessarily a Laceration of the Womb?

No, they have nothing to do with it at all necessarily. Before I quit this Place, I would for my own Satisfaction wish to say I have Statements of all Parties concerned in this Matter.

By whom?

By the Parties themselves. Having appended my Name to the Pamphlet, feeling that my Character and Reputation were at stake, I was desirous to show, as far as I possibly could, that the Facts were rightly represented; and about Charlotte Allen's Case, I have Depositions that the Facts which were communicated to me in the first instance were not overdrawn.

Before what Magistrate were they sworn?

They were drawn up by an Attorney; there is no Magistrate's Name to them.

Who was the Attorney?

I believe Mr. Ruddock's Brother drew them up.

750 *They do not appear to be Depositions; they are not sworn?*

I considered a Deposition to be that which might be sworn at any Time.

There are certain Cases of Paupers at Woollavington; you received the Particulars of those Cases from Mr. Caswell?

I did. He is dead; he unfortunately destroyed himself.

The Names are, George Reynolds's Child, Nanny Millard, Kesia Coles, and Thomas Lovibond. You say, "Here we see written Directions given to the Surgeon to discontinue his Attendance; and what follows?"

Why the Death of One of the poor Sufferers, who died a few Days after this Mandate was issued.

How do you know that Fact?

I have Mr. Caswell's Papers; his Widow put his Papers into my Hands. He has left his Widow and Three Children in great Distress. I have strong Reason to believe that he destroyed himself in consequence of having been obliged by his Poverty to accept much less than was due to him for attending the Poor.

He agreed to accept less than he thought due to him?

He did; he agreed to accept 40*l.* in lieu of 92*l.*, the others having been paid a much larger Proportion of their Bills.

How do you know that?

I know that of my own Knowledge.

Did the having done so affect his Mind?

I saw him Two Days afterwards in a State of the greatest Excitement; that was on the Tuesday or Wednesday, and on the Saturday Morning I was called to him; my Son went, and found him dead.

Did his Mind appear to be very much affected in consequence of the Distress he had brought upon himself by having accepted this small Sum?

Very much. He stated that the Board of Guardians had taken advantage of his Poverty, and that some of the Board of Guardians offered to raise a private Subscription when the whole Board determined not to defend any further Actions, and a new Trial had been moved; for I have a Statement of One of the Board of Guardians, which proves that One of the Guardians proposed, and another seconded, a Motion, to defend any Action he might bring.

You state that the Death of One of the poor Sufferers followed in a few Days after the Mandate was issued; what Authority have you for that?

I believe I have Mr. Caswell's Authority for that.

Which of the Parties was that?

Reynolds's Child.

Do you know any thing of the Circumstances of Reynolds's Child?

I only know it from what I have heard from Mr. Caswell.

He is dead?

Yes; but I have his Book, which I think will justify that. This (producing it) is the Book in which he has put down his Attendances on the Poor; and the Names of all the Parties are contained in that Book; I think that will bear out the whole of the Statement.

Is it in his Handwriting?

Yes, I could swear to that.

From whom did you get it?

From Mr. Caswell's own Hands.

Did he tell you that was the Statement and the only Statement he had ever drawn up?

Yes, he told me so.

Why did you ask him particularly whether that was the only one?

I did not particularly ask him; he said, "These are all the Memoranda I have about Reynolds's Case;" it was at the Time I was writing the Pamphlet. This Book contains an Account of all his Journeys, and his Observations on the Case. There is an Entry on the 2d of July, "In consequence of the Order of Mr. Stagg, I have this Day been reluctantly compelled to refuse Medicine to George Reynolds's Child, Kesia Coles, and Nancy Millard; all very ill".

751 *What is the District? -*

The Huntspill District. Then, on the 5th of July, "Reynolds, George, Child, died last Night." This is the Order for discontinuing his Attendance, in the Handwriting of the Relieving Officer (producing it): "Sir, I am directed by the Board of Guardians to inform you that. are to discontinue your Attendance on the under-mentioned Paupers in Woollavington until you receive further Orders from the proper Authorities. I am, Sir, yours obediently, J. STAGG, R. O. (viz.) George Reynolds's Child, Nanny Millard, Kezia Coles, Thos. Lovibond. Woollavington, 1st July 1837. To Mr. Caswell, Surgeon." This is a Copy from his Book of the Visits paid to the Child. All the Medica Men had a Book in which they entered their Visits. -

Have you taken those out of the Book?

Yes.

The following Entries are read from the Book:
Die Saturnii, 1° Julii.

Received a Note from the Hands of Thos. Lovibond, after I had seen the People, not further to attend the following Persons; (viz.) Geo. Reynolds's Child, very bad; Nanny Millard, very ill; Kesia Coles, very ill; Thos. Lovibond. Also an Order from Mr. Knight the Overseer to discontinue to attend Phoebe Summers, which I had previously done and reported her in my last Week's Account as better and gone to Work. The Relieving Officer had this Day seen the Persons mentioned, knew Geo. Reynolds's Child to be on his Death-bed, and Nanny Millard and Kesia Coles both told him how ill they were, and yet he acted in the Way described. I never knew him to refuse an Order to any Person all the Year my Contract was on, neither did he ever order me to discontinue to attend a Pauper even although he knew they were not proper Persons to send to me.

Die Solis, 7° Julii.--In consequence of the Order of Mr. Stagg I have this Day been reluctantly compelled to refuse Medicine to George Reynolds's Child, Kesia Colés, and Nanny Millard.

Is there any thing from which it appears that that Book was sent to the Board of Guardians at that Time?

I am not aware. "Die Martis, 4° Julii, George Reynolds's Child, lter." "5° die Mercurii, George Reynolds's

Child died last Night." "4th of July, George Coles and Wife, lter." "5th of July, George Coles's Wife, with a Repetition of her Mixture, 8 ozs." On reference to the Report Book of Mr. Caswell, it appears that he visited Nanny Millard the 4th, 5th, and 6th of July; Kezia Coles on the 4th, 5th, and 6th of July; George Reynolds's Child on the 4th and 5th of July, and Thomas Lovibond on the 5th of July.

Have you any other Documents on this Case?

I have a Letter of Mr. Stagg.

The same is read, and is as follows:

To the Overseers of Woollavington.

Gentlemen,

In consequence of the Delay in the Appointment of a Medical Officer for the Huntspill District I am directed to inform you that in case Application should be made to you for a Medical Order you are to direct such Order to Mr. Caswell as usual until further Arrangements, and that you will act with Discretion in giving such Orders, (but in Cases where you consider Medical Aid to be absolutely necessary by no means to withhold the same.) as every individual Case will be paid for as a private Patient until such Vacancy can be filled up by the Board.

I am, Gentlemen,

Your obedient Servant,

24th June 1837. (Signed) John STAGG, Relieving Officer.

Is there any other Document or Entry which you would refer to as bearing upon this Point? -

Yes; I would beg to refer your Lordships to a Letter of Mr. Caswell to the Board of Guardians of the 6th of July 1837, in Page 46 of the printed Papers before the Committee.

That Letter is a Remonstrance with the Board of Guardians for having given the Orders to stop Assistance in those Cases?

Yes; it also states that the Duties of this District had been heavy all the past Year; that

752.

he had been obliged to take the First and Second Poor, contrary to his Expectations; that he had knocked up Two Horses the past Year, and lost Money by his Contract. Mr. Underdown states in his Report that Mr. Caswell was quite satisfied with his former Contract.

Whereabout is it that he states that?

That is in Page 49 of the printed Papers: "Mr. Caswell, One of the Three Plaintiffs for the Year ending the 24th of June last, had the Charge of the Huntspill District, comprising Six Parishes and a Population of 3,654 Persons, at a Salary of 50l. per Annum; with these Terms he was well satisfied." In his Letter in Page 47, he

Evidence to the Parliamentary Select Committee enquiry on the Operation of the

Poor Law Amendment Act.

Day 6, 28 June 1838

Evidence of Jonathan Toogood, p 725

Edited by Tony Woolrich —Corrected 05/04/2021

21

states, "The Duties of this District have been heavy; all the past Year I have been obliged to take the First and Second Poor, contrary to my Expectation; that I have done is evident by a reference to the Book. I have knocked up Two Horses this past Year, and lost Money by my Contract into the Bargain." -

You mean to deduce from that that that was a Misrepresentation of Mr. Caswell's Feelings with respect to his Satisfaction at his poor Salary?

I do, indeed; I have reason to know that he was not satisfied.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned till To-morrow, Twelve o'Clock.