

SIR EDMUND HEAD

A Scholarly Governor

A century ago, in 1854, Sir Edmund Head became governor general of Canada. His earlier career as Oxford don, chief Poor Law commissioner during the "hungry forties," and lieutenant-governor of New Brunswick, had prepared him to succeed Lord Elgin in this senior post in the British colonial service. Combining the outlook and training of a scholar with a long administrative experience in difficult posts, Head had a clear insight into British North American problems, and was able to guide British and Canadian politicians toward their solution in the creation of the new Dominion of Canada. Later, as Governor of the Hudson's Bay Company, he carried negotiations for the transfer of the Company's territories to the verge of conclusion before his sudden death in 1868.

Neglected until recently by Canadian historians, the significance of the work of one of Britain's greatest colonial administrators is only now beginning to be appreciated. Professor Kerr's biography creates a lively and convincing picture of Head and colonial life at a critical period. Based on careful research among the public documents of the period, and making use as well of Head's private letters to close friends in England and North America, it is the first full-scale treatment available of this philosophic and capable governor whose influence on Canadian national development was so important.

DONALD GORDON GRADY KERR has made Sir Edmund Head the subject of his study since he received his B.A. from McGill in 1935. His post-graduate studies took him to Ottawa and London for research, to the Zimmern School of International Studies in Geneva, and to the University of London from which he received his doctorate in 1937, with Sir Edmund Head as the subject of his thesis. Later, with a view to publication of his work, Dr. Kerr received a grant from the Social Science Research Council, and, to complete the research and make publication finally possible, a Nuffield Fellowship. Earlier in his career, he was a high school teacher in Montreal; during the war a Lieutenant-Commander and senior assistant of the Naval Historian. Since 1946 Dr. Kerr has been head of the Department of History at Mount Allison University, Sackville, New Brunswick.



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By

D. G. G. KERR

with the assistance of

J. A. GIBSON

UNIVERSITY OF TORONTO PRESS
in co-operation with Mount Allison University: 1954

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University of Toronto Press
London: Geoffrey Cumberlege
Oxford University Press

. . . Edmund Head; a man whose endowments and attainments taken together might have achieved a high literary reputation, had he not, almost of necessity, for he was not rich, betaken himself to public employments instead of literary labors. It seems to be often assumed as a matter of course, that the latter labors give birth to more lasting results than the former. All that ought to be assumed is that the laborer will probably be longer known by name, and that the results of his labors will be more distinctly traceable to himself. The good done by Sir Edmund Head in his public employments will bear fruit in successive generations of consequences, long after any portions of it have ceased to be referred to their original. It is personal reputation only which is more lasting in the case of literary achievements.

Some men—a very few—in our time may have rivalled Sir Edmund Head in knowledge of books and some in the knowledge of art; but probably no one was equal to him in knowledge of both together: and when I first knew him there was, along with this, a gayety of heart which, in so laborious a student, made, perhaps, the rarest combination of all. It was subdued afterwards, though not extinguished, by some years of ill-health, through which, with manly energy,

“he kept
The citadel unconquered,”

doing the state excellent service. . . .

HENRY TAYLOR, *Autobiography*, I, 257–58

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PREFACE

NO representative of the sovereign had a wider or more varied association with British North America than Sir Edmund Walker Head, Lieutenant Governor of New Brunswick, Governor General of Canada, and Governor of the Hudson's Bay Company: none had a higher reputation during his lifetime as a man of learning: yet none of his eminence was so consistently overlooked—or at best, misunderstood—by students of Canadian history until quite recently. Professor Chester Martin and Dr. W. M. Whitelaw did much to draw attention to his importance in the 1920's and 1930's; and the purpose of the present study is to make clear what sort of man Head was and what role he played in the events of his time. It is hoped that one result at least will be a more general appreciation of the fact that Sir Francis Bond Head was not the only Canadian governor of that surname.

Some explanation is necessary at the outset with regard to the nature and extent of the collaboration between Dr. Gibson and myself in the authorship of this book. While postgraduate students at Oxford and London respectively, we found that we had both chosen Head as the subject for our doctoral dissertations. We were too far advanced in our work, and too keenly interested in it, for either of us to consider changing to another topic; but we agreed that he should make his a more completely biographical study, while I should concentrate on Head's public career in British North America. This we did. In 1949, when both of us were ready to turn to Head again after a number of years filled with other duties, we agreed to work together and divide the task more or less along the lines stressed in our theses. Since then, however, Dr. Gibson's time has been encroached upon by new responsibilities, and his contribution has had to be limited to a first draft of chapter I, extensive notes for a large part of chapter XI, and a careful reading of the rest followed by much sound advice. His assistance has, needless to say, been a major factor in preparing this work for publication.

The material available for our investigation was copious. Primarily, it consisted of the official correspondence conducted by Head during the several periods of his career. However, especially with respect to his Canadian administration, it was impossible not to perceive that the despatches exchanged by Head and the colonial secretary were sometimes inclined to be perfunctory. Relations between the Canadian and Imperial governments depended, during this period, to an increasing extent on two other—unofficial or semi-official—channels of communication: first, personal conversations between officials of the Colonial Office and Canadian ministers visiting in London; and secondly, private correspondence between those officials and the Canadian governor general. The latter channel we know from the *Elgin-Grey Papers* was of very great importance during Elgin's administration, and there are many indications that it did not cease to be so when Elgin left the province. We have reason to believe that Head wrote extensively to Labouchere and the Duke of Newcastle and to some at least of the other colonial secretaries of his time, as well as to his friend Herman Merivale, who remained permanent under-secretary through frequent changes of ministry until 1859.

Efforts to trace Labouchere, Newcastle, and Merivale papers all failed, and so far as we know none of importance for our purposes still exist. Members of the Head family were most co-operative, and my thanks are due in particular to Mrs. Yvonne Mahuzies, Sir Edmund's grand-daughter, to Mrs. F. M. Morris-Davis, a descendant of Sir Francis Bond Head, and to Mr. Philip Yorke, a nephew of Lady Head. Unfortunately, however, the principal result in this direction too was negative, as it was discovered that all of Sir Edmund's papers were destroyed some years ago.

The gap thus caused was filled in some measure by the small but important collection of Head Papers in the Public Archives of Canada and by letters from Head to Sir George Cornwall Lewis, which are among the Lewis Papers at Harpton Court, Kington, Herefordshire. I wish to thank Sir Henry Duff Gordon most sincerely for the generosity with which he allowed me to make use of these letters. The greatest amount of material of use was found, of course, in three great repositories: the Public Archives of Canada, the Public Record Office, and the Archives of the Hudson's Bay Company. We wish to acknowledge our

great indebtedness to the Canadian Archivist, to the Keeper of the Public Records, and to the Governor and Committee of the Hudson's Bay Company for permitting us to make use of the documents in their custody.

For the financial and other assistance necessary to pursue work of this kind, Dr. Gibson wishes to thank the Rhodes Trust and the Royal Society of Canada Fellowships Board. On my part, I should like to acknowledge my gratitude to my father who made it possible for me to spend two years in London, and to the Canadian Social Science Research Council, Mount Allison University, and the Publications Fund of the University of Toronto Press for generous grants in aid of research and to assist publication.

Finally, the record would be incomplete without grateful mention of the expert and sympathetic editorial assistance given by Miss Frances G. Halpenny of the University of Toronto Press, and the long hours spent by my wife checking the manuscript and then the proof with me.

D. G. G. K.

Sackville, N.B.
March 29, 1954

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I

THE MAKING OF A SCHOLAR AND
GOVERNOR, 1805-1847

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ONE

Early Years and Poor Law Experience

THE Head family was of ancient Kentish stock. Their name they owed probably to the Cinque Port of Hythe—known in Domesday as “de Hede,” and meaning in its Anglo-Saxon form of *hethe*, a haven or port. Family tradition speaks of a certain Haymo de Hethe, Bishop of Rochester in the fourteenth century, builder of the tower of Rochester Cathedral and confessor to the unfortunate Edward II. Because of his loyalty to his king at a time when this was not very generally regarded as a virtue, particularly by Queen Isabella and her sympathizers, Haymo’s consecration had had to take place in France. Loyalty and ecclesiastical connection remained two strong characteristics of the family after the Head baronetcy was created in 1676. The first baronet, Sir Richard, who sat three times in parliament representing Rochester, had the unique distinction of presenting Charles II with a silver basin and ewer when he entered Rochester at the time of his restoration in 1660, and of receiving an emerald ring from the fleeing James II to whom he gave shelter during his last days in England in 1688. The second baronet offered his house in Rochester to be used as the bishop’s palace; three other baronets were clergymen.

The grandfather and father of Edmund Walker Head typified, each in his own way, the dual family tradition. Sir Edmund, the sixth baronet, like the first, was a business man, a leading citizen of his community, and a devoted servant of the king. Emigrating to Charleston, South Carolina, in the 1760’s, he became prosperous, was chosen president of the local Court of Trade and Commerce, and in 1775 was elected a delegate from South Carolina to the Second Continental Congress. A loyalist, he refused to take his seat, and instead suffered the confiscation of his property, was thrown into prison, and in the end barely escaped with his life to England. There, however, he soon re-established himself as a merchant in London. His son and sole heir, John,

born in South Carolina and brought up in London, having attended Magdalen College, Oxford, and been called to the Bar by Lincoln's Inn, took holy orders and turned back to the old family countryside of Kent where in 1801 he purchased Wiarton Place, near Maidstone, for his bride Jane, only child of a London merchant, Thomas Walker. Perpetual curate of Egerton, Kent, and rector of Rayleigh, Essex, the Rev. Sir John Head seems to have been an unconventional, well-dressed, and jovial cleric, much respected by all shades of opinion in his parish. He resided in France for extended periods, certainly from 1817 to 1821 at Boulogne. A record exists of his presiding over a great dinner of "plum pudding, roast and boiled beef, and beer" given at Rayleigh for 700 poor people on June 21, 1832, to celebrate the passing of the Reform Bill. He died in London on January 4, 1838.

Edmund Walker Head was born on March 21, 1805, at Wiarton Place. One of his earliest memories was of a Sunday morning walk with his father to the church at Hythe. When they arrived, just after eleven o'clock, they found that the majority of the congregation were still standing outside. "*They were anxiously listening to the faint reverberation of cannon, which came from eastward.*" It was on that Sunday, June 18, 1815, while the church clock at Nivelles nearby was striking eleven, that the Battle of Waterloo began.

In the same year Edmund Head was sent to Winchester, where he became, through his marked proficiency, a favourite pupil of the celebrated headmaster, Dr. Gabell. "It is hard," wrote the latter to Sir John Head in 1822, "to part with so delightful a boy; but there is virtue in parting with him; pray do not detain him beyond the proper time."

On June 11, 1823, Head was matriculated as a fellow-commoner at Oriel College, Oxford, and the following January he came into residence. The Oxford of that period was still a quiet academic community, as yet undisturbed by the new railway which was shortly to supersede the stately coaches which ran between the Mitre and Charing Cross. The life of a fellow- or gentleman-commoner (distinguished by the silk gown he was entitled to wear) was leisurely as a rule; but it appears that pecuniary losses in the family convinced Head that he would have to make his way by his own efforts. Having declined, apparently on conscientious grounds, to take holy orders, he

applied himself to his studies with assiduity and, as it turned out, with distinction. In 1827 he was placed in the first class in the University examination in *literae humaniores* and he proceeded to the B.A. degree in the same year.¹

Head spent much of the next two years on the Continent, travelling in Italy, and living for extended periods in Germany, for a while with Charles Babbage, the distinguished mathematician. When Babbage returned to England, Head wrote to him frequently in a neat, clear, vertical hand which contrasts strangely with his writing of later years—become broad, rapid, sometimes very nearly if not completely illegible, the result of the exigencies of official life perhaps, or of the impatience of a quick mind with the slowness of pen and hand. In the spring of 1829 Head went on to Paris where his family were then resident and where at intervals during the next few years he spent some time with them. He was there during the July Revolution of 1830, writing to Babbage after it: "I saw the fun in France—i.e. I was at Versailles during the row but did *not* fight for the mob, as you will readily believe."²

Although he had returned to Oxford in the spring of 1830 to take up new duties there, travel on the Continent continued to be a major interest with Head. In 1830 and 1831 he visited many parts of Spain in company with David Roberts, the artist; three of the plates in the latter's volume on Spain were based on Head's sketches. During the summer of 1833 he was again in Spain, this time with Richard Ford, author of the *Handbook of Spain*, who regarded him as "a well-informed, agreeable companion."³ Part of the summer of 1834 Head spent in Italy, and during 1835, in company with G. C. Lewis, he revisited a number of the cities of Germany.⁴ From all of this experience abroad he acquired a

¹The biographical details are from: *Annual Register*, 1838, pp. 185, 194; 1840, p. 131; 1859, p. 433; *D.N.B.* (1921), IX, 323; *Proceedings of the Royal Society*, XVI (1867-68), lxxi-lxxvi; W. H. Ireland, *History of Kent*, II, 221; Philip Benton, *History of the Rochford Hundred*, p. 757; *Illustrated London News*, 1868, pp. 110, 147, 281; *Notes & Queries*, 4th Series, I, 121. In addition, manuscripts relating to family history were made available through the courtesy of Mrs. Mary Morris-Davis (née Head), Guestling House, Guestling, Sussex.

²B.M., Add. MSS. 37184, f. 402, Head to Babbage, n.d. [autumn, 1830]. See also: *ibid.*, f. 199, same to same, January 28, 1829; f. 256, same to same, April, 13, 1829.

³R. E. Prothero (ed.), *Letters of Richard Ford*, pp. 128, 139. Some years later, Ford wrote the review of Head's *History of the Spanish and French Schools of Painting* (London, 1848), in the *Quarterly Review*, CLXV (June, 1848), 1-37.

⁴G. F. Lewis (ed.), *Letters of Sir George Cornwall Lewis*, p. 46.

firm foundation for his later writings on the art and literature of western Europe, and a knowledge of modern languages which made him one of the most accomplished linguists and philologists of his generation.

Head's resumption of his life at Oxford had resulted from his election, on April 16, 1830, into one of three vacant fellowships at Merton College where, as well as being principal of the post-masters, he held from time to time between 1830 and 1836 the additional offices of Greek and grammar lecturer, Knightley's catechetical lecturer, and librarian, and for shorter intervals was one of the bursars and auditors of accounts. In 1834 he served as a University examiner, and in 1835 he was one of the examiners for the fellowship into which the Hon. James Bruce (later eighth Earl of Elgin) was elected.⁵ When Head succeeded Elgin as governor general of Canada in December, 1854, the latter referred to the election nearly twenty years earlier in moving terms. A letter written to Babbage during Head's first year at Merton reveals a rather typical, light-hearted, but a little self-conscious young lecturer: "I am steady, grave & well-behaved—lecture the young men in Classics & Divinity & *above all set a good example* as you will readily believe."⁶

Oxford in this period was already astir with the Tractarian movement, more particularly following Keble's famous sermon on *National Apostasy* in 1833. Head was brought into close touch with persons who were prominent or would later become prominent in the religious and literary life of England, including Manning and Newman, the brothers Wilberforce, R. H. Froude, Edward Villiers, and Denison, later Bishop of Salisbury.⁷ Head however in these years had his eyes on Europe and its treasures of literature and art; he took no deep personal interest in the religious controversy raging about him. Of all the friendships that he formed at Oxford, the most lasting and undoubtedly the closest was with George Cornwall Lewis. Lewis had been elected into a studentship at Christ Church in 1826. After being called to the Bar in 1830, he began to practise on the Oxford circuit where Head saw him frequently during the period of his

⁵Merton College Register, *s.a.* 1830–39.

⁶B.M., Add. MSS. 37184, f. 402, Head to Babbage, n.d. [autumn, 1830].

⁷Merton College Register, *s.a.* 1830–39. Manning, Denison, Villiers, and Elgin were all fellows of Merton at the same time as Head.

residence at Merton. A mutual friend, many years later after both had died, said of Head and Lewis:

No two men could be more singularly fitted to love and esteem each other and, in a certain sense, to supply each other's deficiencies. Both were strongly addicted to the study of the past; but Lewis more in relation to antiquities and politics, Head especially in the province of history and art. Both were classical scholars of mark—Lewis, no doubt, with far more of industry and research, Head with at least equal elegance. Both were early engaged in the same line of political and social speculations; and in both liberal tendencies were accompanied by the same singular candour and modesty of judgment.⁸

It was while Head was still at Merton that the Warden and Fellows resolved to petition the House of Lords (through the Archbishop of Canterbury, Visitor) against any appointment of commissioners to inquire respecting the statutes and administration of the different colleges and halls at Oxford and Cambridge. When a royal commission with somewhat wider terms of reference was created in 1850 Head was serving as lieutenant governor of New Brunswick. He was sent by the secretary to the commissioners a copy of the paper addressed to all the heads of houses, all professors and public officers of Oxford, and to other eminent persons connected with the University "whose station and experience were thought to merit the public confidence." Having had his attention directed to some sixteen questions, Head sent a lengthy and thoughtful reply, dated at Government House, Fredericton, in May, 1851.⁹ Although written nearly fifteen years after he had severed his active connection with Oxford his views were based largely on his experience there and may be conveniently described at this point.

According to his recollection, "the ignorance of many students just admitted from private tutors, was astounding. . . . The University, at least in my time, was deficient in Latin scholarship. . . ." He added that it would supply one great want in English education "if the elements of the Roman law were really taught. Without those elements the public and municipal law of Europe generally is unintelligible. It was also clear that the physical sciences had been "most unjustly depreciated and discouraged at Oxford."

⁸*Proc. Royal Society*, XVI (1867-68), lxxi; *Edinburgh Review*, CXVIII (1863), 136-66.

⁹*Oxford University Commission Report* (1852), Evidence, part V.

Turning to the question of government interference in the internal affairs of Oxford, one of the most controversial features of the inquiry, Head dealt at some length with the distinction that must be made in this regard between public corporations such as the University itself, and private corporations such as the individual colleges. He admitted first, "as every Englishman must do," that there might well be an "abstract" right of parliament to override by its legislation the statutes of both public and private corporations. Drawing an example from the time of his distinguished forbear, he noted: "The noble opposition of Magdalen College to King James II was what it was because it was made against the *unlawful* exercise of the Royal Prerogative, not against the *legal* and constitutional enactments of a Sovereign Legislature of which the Crown is a part."¹⁰

Whatever its abstract right, however, Head believed that in practice even parliament should take account of the difference in status between the University and the colleges. In the case of the former, it might quite properly intervene from time to time by positive enactments directing the manner in which the privileges, granted in the first place by the Crown and the nation, could best be used for the continuing advantage of the nation at large. In the case of the colleges, however, regulated originally by the terms of private endowments, "the analogy of English law and the sound feeling of the English people" would best be answered by making legislative interference negative—that is, parliament should confine itself merely to authorizing the colleges to abstain from enforcing such of their regulations as no longer accorded with the will of their members. Some authorities might argue that even this much interference with private institutions was unwarranted. Head could not agree: "Is it not almost absurd to attribute to the wishes of a fallible man, living in the thirteenth or fourteenth century, a power of binding in perpetuity a corporate body endowed with an artificial existence by the law alone?" In fact, it seemed to Head that very serious disadvantages indeed might result if there were not in all college charters and statutes an implied condition of obedience to the law of the land as it might be modified with the passage of time and change

¹⁰*Ibid.*, p. 158. The reference is to the attempt of James II to expel the fellows of Magdalen because of their refusal to accept a Roman Catholic president of his nomination. For the connection of the king and Sir Richard Head, and of Sir John Head with Magdalen College, see above, pp. 3, 4.

of social viewpoints. There was much shrewd common sense in these observations by Head, which went far beyond the questions raised by the commission, and they provide a useful insight into a working theory of public law and legislative interference with private rights which more than once in official dealings he had to carry into practice.

In answer to the commissioners' question on the usefulness of Bodley's Library, Sir Edmund forwarded a copy of a pamphlet (*A Few Words on the Bodleian Library*) which he had published, anonymously, at Oxford in 1833. The text, which examines the statutory provisions governing the conduct of the library, and the then apparent limitations on its usefulness, was reprinted in full in the commission's *Report*. One passage from this interesting pamphlet foreshadows the mind of the colonial governor and servant of the Crown of twenty years later. The following cautionary injunction applied originally to Oxford, but it subsequently took on a wider application when his field of interest expanded:

As to incurring the imputation of a want of sufficient regard for the institutions of this place, I must consider that such an attachment is most truly shown, not by shutting one's eyes to any defects in our system, but by an anxiety that Oxford should lead the way in opening every avenue to knowledge, and hold the high station in the eyes of the country which such a course would ensure. To strain for this object without yielding to any affectation of liberality, or stubbornly adhering to established forms, is our duty and therefore our interest. . . .

On many later occasions his views on important issues of colonial policy were marked by exactly this same moderate and enlightened liberal-conservatism.¹¹

The considerations which led Edmund Head to exchange the academic life of Oxford for a civil appointment in 1836 probably were related to pecuniary reverses in his family and to his determination to make his own way, unaided by his father. He had already begun legal studies, entering at Lincoln's Inn on April 29, 1835, though he was never called.¹² On January 18,

¹¹In sending three copies of his pamphlet to Charles Babbage, Head wrote: "Will you accept a copy of a sort of libel on the University . . . ? I hope it will produce an attack on the authorities here [Oxford] on the points in question. Such are the parricidal [?] lessons you have taught me." B.M., Add. MSS. 37186, f. 192, Head to Babbage, n.d. [1833].

¹²Lincoln's Inn, Admission Register, s.a. 1835, p. 93. Head took his name off the books of the Society on November 2, 1842. According to J. C. Dent, *Canadian*

1836, apparently through the influence of his friend Lewis, whose father was the senior commissioner, Head was appointed an assistant Poor Law commissioner at an annual salary of £700. During the next four years his duties took him into the counties of Hereford and Radnor, and parts of Worcester, Glamorgan, Monmouth, Cardigan, and Carmarthen. It was while living in Herefordshire that he met Anna Maria Yorke, daughter of the Rev. Philip Yorke, prebendary of Ely, and great-granddaughter of the famous first Earl of Hardwicke. They were married at Ross-on-Wye on November 27, 1838. During the winter of 1840 and the early part of 1841 Head served as assistant commissioner for the metropolitan area of London. This brought him into renewed contact with Lewis who had in the meanwhile succeeded his father as one of the chief commissioners. Later in 1841, Head himself was promoted to a chief commissionership on the resignation of J. G. Shaw-Lefevre, and he remained in this post along with Lewis and the third chief commissioner, George Nicholls, until the Poor Law commission came to its unhappy ending in 1847¹³

The New Poor Law of 1834, which it was Head's duty to help administer in these various capacities for over ten years, was an important and revolutionary experiment in re-defining the legal relations between rich and poor, and indeed in regard to the whole field of English local government. It was at the same time a chief centre of violent controversy and agitation in that particularly disturbed period in English domestic history. Being shot at, as Head was on one occasion, was amongst the many hazards of an assistant commissioner's life;¹⁴ and being exposed to a long campaign of vilification in the press and parliament,

Portrait Gallery, IV, 158-59, and H. J. Morgan, *Sketches of Celebrated Canadians*, p. 551, an article which Head published in the *Foreign Quarterly Review*, XXVI (May 1, 1834) on Spanish painters is said to have been the means of determining his vocation in life by attracting the attention of the Marquess of Lansdowne, who in consequence of it advised him to turn his attention to ecclesiastical law. Such advice, from such a quarter, was not to be despised, as it implied a tacit promise of patronage. Head devoted himself industriously to the prescribed course of study and was soon afterwards appointed an assistant Poor Law commissioner. No corroborative evidence has been discovered to prove the truth of this story but it does not seem unreasonable.

¹³Sidney and Beatrice Webb, *English Poor Law History*, part II, *passim*. See also: P.R.O., M.H. 1/7,204; 1/27,181; *Eighth Report of Civil Service Commissioners* (London, 1863), p. v.

¹⁴S. E. Finer, *Sir Edwin Chadwick*, p. 141.

climaxed by the ordeal of questioning and cross-questioning before a select committee of the House of Commons, was the still harder fate of the commissioners. On the whole Head's contributions in the realm of Poor Law administration do not appear to have been of major significance, and they need not be examined in detail. What is, however, significant in this period of his career is the experience he gained from being plunged into the midst of a raging torrent of controversy and obliged to deal with most complex and delicate administrative and political problems, and with all types of people, frequently in the harsh glare of hostile publicity. These years, anxious and unsatisfactory as they must in many ways have been, were the years during which the scholar became as well the administrator. His character was shaped and his knowledge of men and governments rounded out in such a way as to prepare him for becoming one of the leading colonial governors of his generation.

As an assistant commissioner in the west of England and in Wales, Head's work from 1836 on was largely of a routine nature so far as can be judged from the reports he sent to the chief commissioners at Somerset House:¹⁵ the founding of new "unions," as these larger units of Poor Law administration were called, and the setting up of boards of guardians to govern them; the supervising and counselling of the guardians in such matters as discipline and rating; and, as it chanced, inquiring into the disturbances that coincided with the period of Chartist activities in the late 1830's. These Poor Law reports show, as do also Head's later despatches from Canada, that official correspondence need not be shorn of literary elegance. And, on more than one occasion, they foreshadow too his special and characteristic interest in the long-range, psychological implications of even the most immediate and practical problems. For instance, in a report of May 21, 1837, he describes the current discontent and excitement prevailing in the neighbourhood of Cardigan and draws attention to the woefully inadequate resources there for the maintenance of law and order. He is not content, however, merely to urge the need for "the establishment of some more efficient police than at present existing," and for the adoption of other practical remedies. Looking into the future, he sees that the very organization of such bodies as the boards of guardians would help

¹⁵P.R.O., H.O. 73, *passim*.

improve the situation. They would give training and experience to the crude Welsh farmers and yeomen, and serve to fit them for public business of every kind.

There is a wider gap between this class and those of the next grade in Wales than in any other part of the United Kingdom. The existence of a notion of anything like public principle is extremely rare among them—the motives of following this or that individual or of supporting this or that friend are the most common sources of action, nor does there appear the same reluctance to avow it as in the more enlightened districts. They have little or no belief in the purity of others' conduct, and the administration of justice is always considered by the lower classes to be determined by favour. . . .

A board of guardians must bring the farmers—previously subject to no public opinion at all—into contact with the magistrates and with persons “certainly better educated and obliged at least to *profess* purer motives.” This would be a great point gained in public morality. Head's report concludes:

My belief is that by making the *profession* of better motives necessary, by the operation of a more extended public opinion, we are laying the foundation of a really better mode of action. The first step to be gained is that a man should be ashamed to avow a job though he may yet be well-inclined to effect it, and this step I think the organization of Boards of Guardians has a direct tendency to secure. By slow degrees we may hope that it may elevate a class of men cut off from the action of all opinion but that of their immediate neighbours and equals, to better habits of public business and to such a due and conscientious discharge of the duties of a citizen as it is the object of all liberal institutions to secure.

In this report are phrases strikingly similar to those Head would use in official correspondence from the other side of the Atlantic a number of years later.

A private letter to Lewis of the same year puts many of the same views, with less studied candour but with the same general effect:

George Clive ended a letter to me not long ago with the following benevolent and pious ejaculation, written from the depth of Wales: “that the devil would fly away with this miserable race of Celtic savages is the fervent prayer of yours sincerely, G. C.”—I need not say how heartily I repeat “Amen” to the above petition. . . . The gradual action of Boards of Guardians, railroads, and other opportunities of intercourse, may civilise them in about three centuries.¹⁶

¹⁶Lewis, *Letters*, p. 79, Head to Lewis, April 27, 1837.

These observations, public and private, were written in, and prompted by, an age in which the working class as a whole still had no parliamentary franchise, in which newspapers were still almost invariably too expensive for individual reading, in which the railway was only beginning to reduce the hazard of distance, and in an era quite devoid of instruments of mass propaganda such as the radio and the cinema. But they touch upon the essence of democratic government on the British model, which even in 1837 was challenging the boldest spirits of the Canadas; and they embody the idea of civic self-importance which was perhaps the most striking characteristic of Head's thoughts on political affairs and one which was ever present during his later career in British North America.

Head's appointment in 1841 to be one of the three chief Poor Law commissioners was of more than personal importance—it marked a turning point in the long struggle that had gone on within the commission since its formation between the Lewis faction and that of the redoubtable Edwin Chadwick.¹⁷ Chadwick was, and had been from the beginning, not a commissioner but merely the secretary to the commission. However, he was a very special sort of secretary, because he had taken a leading part in drafting the Poor Law itself, he had had every right to expect appointment as one of the original commissioners, and when he finally agreed to accept the more humble office, had been given certain promises which, although vague, made it possible for him to assume an independent and almost dominant role within Somerset House. Moreover, Chadwick was a man of extraordinary vigour and determination, passionately concerned with the Poor Law which he considered to have been his own creation, and impatient to the point of fanaticism with colleagues—and more particularly, with superiors—who were less intense in their enthusiasm or more conscious of the need for compromising with circumstances. The activities of this most intractable secretary, along with the other extreme difficulties of administering the Poor Law in the 1830's, had finally led the elder Lewis to seek the shelter of retirement in 1839. Chadwick had hoped to succeed him, and was bitterly disappointed when the Government appointed instead the son, G. C. Lewis. The latter was a quiet, but very firm and assured young man, and an able administrator who was to go on eventually to high cabinet office. He was aware

¹⁷Finer, *Chadwick*, pp. 200–7.

of the difficulties of the situation into which he was entering and was determined from the first to assert his full authority. With Nicholls living now almost entirely in Ireland in charge of the Poor Law there, and Shaw-Lefevre inclined to remain in the background, Somerset House became more than ever divided between the supporters of the two main protagonists. The resignation of Shaw-Lefevre in 1841 was the occasion for the final test of their strength.

Once again Chadwick hoped for his own promotion. Other names however were put forward for what was clearly an "appointment fraught with difficulties,"¹⁸ and gradually it became clear that Lewis was exerting his influence in favour of Head. Shaw-Lefevre, who was also a close friend of Head's, did likewise. The home secretary, with whom the appointment rested, was Lord Normanby. Impressed by Head's Poor Law record, though not yet personally acquainted with him, Normanby seems to have been on the point of nominating him for the vacancy when one of the frequent political crises of the time brought about a sudden dissolution of parliament. In the election that followed, Normanby and his Whig colleagues were swept from office. The new home secretary, Sir James Graham, in spite of every effort by Chadwick, and in disregard of party considerations, came to the same conclusion as his predecessor that Head's promotion was the best solution of the difficulty. Its announcement made Lewis's victory complete and broke Chadwick's power so far as the Poor Law was concerned. Lewis and Head were unable to remove Chadwick, but by altering office procedures and by other means they reduced his participation to a minimum. Along with Graham, with whom they worked very closely, they were then in a position to assume full control.¹⁹

The precise extent to which Head helped to shape the policy

¹⁸*Ibid.*, p. 203, Normanby to Russell, June 28, 1841.

¹⁹Henry Reeve (ed.), *Greville Memoirs*, Second Part, II, 60:

"November 30th.—Graham has made Sir Edmund Head Poor Law Commissioner, an appointment very creditable to him. . . . The appointment of Head is what Normanby was urged, but was afraid, to make. He shrank from it, however, from very poor reasons, not honourable to himself or to others concerned. First of all, John Russell's trying to thrust Rich upon him, a man not for one moment to be compared with Head, and then because Chadwick was against him. Accordingly he left it to the Tories, fully expecting they would appoint Colonel A'Court; but Graham has thrown over all party considerations, and having, after strict enquiry, satisfied himself that Head is the ablest and fittest man, he has given him the situation."

of the commission during the next six years is impossible to say. Close personal friends as well as colleagues, Head and Lewis must undoubtedly have made major decisions by a process of discussion and mutual agreement. Both too were active in day-to-day administration—one reads, for example, of Head ordering that the day appointed for the christening of the Prince of Wales “be observed as a holiday by the officers of the Commission”;²⁰ calling on his friend Babbage to “crack your brains on a difficult point of statistics”;²¹ travelling to Scotland, at the request of the home secretary, to inquire into the amount of distress in the weaving industry at Paisley, where the relief fund had been “grievously mismanaged.”²² Matters of this sort, some trivial, some of national importance, but all of a practical, more or less routine nature, constituted the real work of the commission during these years, and Head had a full share in handling them.

Head lived during these years in London first at 41, Cambridge Terrace, Hyde Park, and from 1843 on at 2, Chester Place, Hyde Park Square. Several chance references indicate that his health was of some concern to himself and his friends during 1842 and 1843.²³ It may be that it was at this time that epilepsy first manifested itself. Whether then or later, Head seems to have suffered from the *petit mal* form of this disease for much of the remainder of his life. It caused him at infrequent intervals to lose consciousness for a few seconds—to break off a conversation, for example, stare fixedly in front of him, and then resume talking as though nothing had happened. There was apparently no physical or mental deterioration as a result. Indeed one close friend writing after Head’s death noted particularly that when he had visited Head toward the end of his term in Canada “he was . . . full of physical strength, which he delighted to enjoy in the most vigorous bodily exercises, and he took . . . pleasure in the resources of his marvellous memory, as well as in a sort of general intellectual activity, which he spread over . . . many subjects of elegant culture, as well as of judicial and administrative policy.”²⁴

²⁰P.R.O., M.H. 1/32, 79.

²¹B.M. Add. MSS. 37192, f. 43, Head to Babbage, February 14, 1842.

²²Lewis, *Letters*, p. 119.

²³*Ibid.*, Lewis to Grote, March 13, 1842; B.M., Add. MSS. 37192, f. 329, Head to Babbage, June 17, 1843.

²⁴G. S. Hillard (ed.), *George Ticknor*, II, 482–83, Ticknor to E. Twistleton, March 22, 1868.

Commenting again on Head's memory, which impressed all who knew him as being most phenomenal, this same friend wrote on another occasion: "I think he can repeat more poetry, Greek, Latin, German, and Spanish, than any person I ever knew."²⁵ The main effect of the disease seems to have been to make Head increasingly irritable in later life.²⁶

Meanwhile, in London, Head was "the mirthful member of a small, and, but for him, somewhat grave circle of friends of which Edward Villiers was the centre."²⁷ This circle, in addition to Lewis who married Villiers' sister in 1844, probably included Henry Taylor, the poet and Colonial Office official, John Austin, the jurist, and his bluestocking wife, Sarah Taylor, Henry Hart Milman, soon to be Dean of St. Paul's, Edward Twistleton, and perhaps a few others. Babbage as well remained a close friend of Head's, as did Sir Charles Lyell, the geologist. Philology, art, literature, history, and government—a wide variety of cultural and intellectual pursuits, ranging from the most recondite to the greatest topics of the day—these were the compelling interest of the members of this group and bound them together in life-long friendships. Head, himself in the very midst of the difficulties in which the Poor Law Commission was embroiled at the time, translated and edited Part II of Kugler's famous *Handbook of the History of Painting*, the part dealing with the German, Flemish, and Dutch schools. He published this in 1846, and two years later brought out a uniform volume on the Spanish and French schools which he had completely re-written.

By the time this second volume appeared Head's connection with the Poor Law Commission had terminated and he had left London to begin upon a new career in North America. The Poor Law Commission, for all its effective work, had never seemed to have, or to be able to acquire, the character of finality in either its structure or its conduct. Its basic weaknesses have already been outlined above. In view of these, it was almost constantly under attack.²⁸ The final great storm of public protest was roused

²⁵*Ibid.*, p. 424, Ticknor to the Hon. E. Everett, August 22, 1859.

²⁶Among other references to this, see E. W. Watkin, *Canada and the United States*, pp. 502-3.

²⁷Henry Taylor, *Autobiography*, I, 257-58.

²⁸Associations were also formed specifically to organize opposition to the Poor Law Act with a view to obtaining its repeal. Cf. An advertisement of the South Lancashire Anti-Poor Law Association in the *Manchester and Salford Advertiser*, November 11, 1837 (copy in P.R.O., H.O. 73/52).