

The Reverend John Wakeford - - - - - *Appellant*
v.
The Bishop of Lincoln - - - - - *Respondent.*

FROM

THE CONSISTORY COURT OF THE DIOCESE OF LINCOLN.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, DELIVERED THE 26TH APRIL, 1921.

Present at the Hearing :

THE LORD CHANCELLOR.
LORD BUCKMASTER.
LORD DUNEDIN.
LORD SHAW.

Ecclesiastical Assessors :

THE BISHOP OF LONDON.
THE BISHOP OF GLOUCESTER.
THE BISHOP OF ROCHESTER.
THE BISHOP OF ELY.

[*Delivered by* THE LORD CHANCELLOR.]

Their Lordships are of opinion that this appeal fails. The contest has turned upon the facts, and the Board would not in an ordinary case have thought it necessary to make any detailed statement of the evidence and of the reasoning which have led them to this conclusion. The case, however, is not ordinary. It has involved a patient enquiry, extending over seven days, during which a mass of testimony has been adduced and sifted by the experienced counsel who have represented the appellant and the respondent respectively. The issues raised are of vital importance to the appellant. They involve his means of livelihood, his reputation, and his position in the calling which he has hitherto followed. Having regard to the office which he has filled in the Church of England they are also of moment to all who are of that communion and to the Church itself. Their Lordships think it desirable, therefore, to discuss at some length those features in the case which in the event have proved decisive.

Before doing this, however, it is necessary to state briefly the circumstances in which the appeal came to be heard before this Board. When their Lordships dealt with the matter previously they advised His Majesty to grant leave to appeal. It was then, for obvious reasons, undesirable that any elaborate statement should be made of the grounds upon which that advice was given. They think it useful now before discussing the matters principally at issue, to state upon what principles their Lordships decided that leave ought to be granted.

The grounds upon which leave to appeal was sought fell under two heads, namely, those arising from the alleged misconduct of one of the assessors, and those based upon the allegation that the decision of the Consistory Court was against the weight of the evidence adduced before that Court.

To support the first ground, the appellant produced before their Lordships two affidavits to show that one of the assessors had, before the trial in the Consistory Court, used expressions capable of bearing the construction that he had formed a bias against the appellant. Under the Clergy Discipline Act, 1892 (Section 2 (c)) the assessors " shall, for deciding a question of fact, be members of the Court and the decision of such question must either be the unanimous decision of the assessors or that of the Chancellor and at least a majority of the assessors." The assessors, therefore, occupy a position in deciding questions of fact which is not that ordinarily held by assessors, and is more closely analogous to that ordinarily occupied by a full member of the Court, or, in some respects, by a jury. The expressions set out in the affidavit were of such a nature as would, if this ground for appeal had stood alone, have forced their Lordships to consider whether the statements were well founded and, if so, whether they were not so grave as to disqualify the assessor from holding his office and to vitiate the whole proceedings. As they came before their Lordships, the affidavits were uncontradicted, and owing to the procedure which had been necessarily followed, they could not have been at that time contradicted. If, therefore, the Board had proceeded to deal with the matter upon this ground, they would have been forced to direct an adjournment, so as to give an opportunity to those conducting the prosecution and to the assessor concerned to answer the allegations and to address to their Lordships such observations as would assist them to a conclusion. This course would necessarily have entailed heavy costs alike upon the appellant and the respondent, and would have involved a further delay in the final disposal of the case which would have been injurious both to the appellant himself and to the interests of the Church at large. Unfortunate as these consequences might have been, however, their Lordships would have had no choice but to direct such an adjournment, had it not been that it appeared to them that for other reasons leave to appeal must be granted and that therefore a further hearing before the Board must, in any event, ensue. Having regard to these considerations, their Lordships have not thought it necessary to go further into the questions which arise upon the affidavits and express no opinion upon them.

Before the questions of fact are considered which it has been material to review upon the hearing of the petition, it appears desirable that their Lordships should indicate their view as to the principles which guide the Board in considering applications for leave to appeal upon facts.

Appeals from the decision of the Consistory Court under the Clergy Discipline Act have been comparatively rare. Only eight proceedings have come before this Board, two of which were appeals as of right upon a point of law. Of the remaining six :—

Smyth v. The Bishop of St. Albans is not reported. It appears from the records that the allegation in this case was one of drunkenness. Leave to appeal on the facts was granted, but no record remains of the reasons which actuated their Lordships. The appeal was subsequently allowed on the ground that the evidence was insufficient to support the charge.

The next case, *Evans v. Barrett*, is also unreported. Application for leave to appeal on the facts was made on the ground that certain evidence which the appellant had been prepared to produce had been excluded. Leave was refused, and Lord Watson in delivering the judgment of the Board said :— “ It is sufficient to say that in it (an affidavit of the appellant) from beginning to end there is nothing to suggest to their Lordships that the petitioner is or was in possession of any evidence which would tend to shake the conclusions which the Court came to on the graver charges preferred against him, or even to displace their conclusions with respect to the charges of intoxication. Under these circumstances their Lordships will refuse leave to appeal.”

Woods v. Evans (1900, A.C. 338) was an application for leave to appeal from a judgment of the Consistory Court of the Diocese of Worcester. Leave was refused, and the Lord Chancellor (Lord Halsbury) delivering the judgment of their Lordships said : “ It is impossible to suggest that any *prima facie* case has been made out. Ample evidence was before the Chancellor of the Consistory Court to justify the decision at which he arrived. It is idle to suggest that there is any ground for appeal on anything that has yet been seen or heard, and, indeed, even upon the present application, it is only suggested that some evidence might, or peradventure might, be forthcoming which might to some extent qualify the evidence given before. No definite proposition has been put before their Lordships, and no definite evidence suggested, in face of the fact that this gentleman himself, being a competent witness, did not tender himself for examination or deny the facts alleged against him. No new fact is now alleged that ought to reopen the inquiry.”

The next case is *Moore v. Bishop of Oxford*. The proceedings upon the petition for leave to appeal are not reported. Leave to appeal was granted and the proceedings upon the appeal are reported in 1904 A.C. 283. The Consistory Court convicted the appellant of definite immoral acts and also of an immoral habit in that he had been habitually guilty of swearing and ribaldry or, as the offence was stated in a further charge, of offences against

the laws ecclesiastical, being offences against morality within the meaning of the Clergy Discipline Act, 1892, in that he was habitually guilty of swearing and ribaldry.

On the first set of charges, those relating to a definite immoral act, their Lordships were of opinion that the charge broke down upon the ground that the statements of the only witness relied upon for the purpose of bringing the charge were uncorroborated by any conduct, act or proof and, being discredited by her own version of the transaction, could not be accepted as conclusive against the appellant.

On the second set of charges, those relating to swearing, their Lordships found that the appellant had on three or four occasions used language the use of which would be disgraceful to anybody, whether clergyman or layman, but they took the view that the offence contemplated by the Statute, namely, of being habitually guilty of swearing and ribaldry, was not made out, and in these circumstances they were of opinion that the appeal should be allowed with respect to both sets of charges.

In *Atherton v. Lee* (1904 A.C. 805), leave to appeal was refused on the ground that the petition for leave was lodged six months after the delivery of the judgment of the Consistory Court—Rule 161 requiring a petition for leave to appeal on facts to be lodged in not more than 16 days—and that no explanation was given of the delay such as would have justified their Lordships in enlarging the time under the powers conferred upon them by Rule 90. In *Lovibond v. Lee* (which is not reported) leave to appeal on the facts was refused and no reasons were given for their Lordships' decision.

It is not easy to draw from these cases any principle which is of general application or capable of affording much guidance to their Lordships in the consideration of the petition for leave to appeal in the present case. The Statute itself leaves the matter at large, requiring their Lordships to grant leave if the appellant "satisfies the Appellate Court that there is a *prima facie* case." It may, however, be inferred from the observations of Lord Watson in *Evans v. Barrett* which are set out above, of Lord Halsbury in *Woods v. Evans* and from the proceedings in *Moore v. The Bishop of Oxford*, that the petitioner must satisfy the Board either that the evidence before the Consistory Court was not such as to justify the conclusion at which that Court arrived, that is, that the decision of that Court was against the weight of evidence, or that since the hearing before the Consistory Court, the petitioner has obtained and is now in a position to tender definite evidence (the effect of which must be made clear) which, if it had been before the Consistory Court, might or would or ought to have affected the decision. In the last case a satisfactory explanation must be offered to the Board as to why that evidence was not produced before the Consistory Court.

In the present case, none of these doctrines, if they may so be termed, apply, but leave to appeal was granted upon the facts, not because the decision of the

Consistory Court was, in their Lordships' opinion, contrary to the weight of evidence, but because the manner in which that evidence, or some of it, was presented to, and dealt with by, the Court was such as to render the whole trial unsatisfactory. The principal issues of fact before the Consistory Court in the present case were whether on two particular dates the appellant, who admittedly spent the night at the Bull Inn, Peterborough, was alone or in company with a woman unknown. If the appellant was accompanied by a woman on either date he was guilty of an act immoral according to the Law Ecclesiastical. In the course of the oral testimony given before that Court, it became apparent that there existed, or were alleged to exist, documents in support of the allegation that, on one of those occasions at least, the appellant was not alone and that, included in the bill for hotel accommodation which he discharged, there were items which were attributable to the presence of his alleged companion. Some of these documents were already in Court but one of the most vital was not. This was a book, arranged somewhat in the nature of a cheque book, so that a slip could be torn from it and fastened as a receipt upon the bill rendered to the traveller. On this slip the total of the bill was entered, a second slip (which formed part of the book and was not detachable) and a carbon paper being inserted behind it, so that words and figures written on the upper slip were impressed through the carbon upon the second piece of paper. When the existence of this book was disclosed in the Consistory Court, the book was sent for, but it only reached the Court when the case for the respondent had concluded and when Sir Marlay Samson, the appellant's Counsel, was in the act of making his final address to the Court in favour of his client. The book so produced disclosed that there were written upon the non-detachable slip words and figures which, when they were compared with the entries in a book called "the Tabular Book," made it clear that the bill for which the appellant had paid was in respect of two persons and not of one. This book when produced must have made a great impression upon the minds of the members of the Consistory Court, as indeed it did upon the minds of their Lordships when produced before them, and, when joined with the other testimony, written or oral, against the appellant, formed an essential link in the chain of evidence which, in their Lordships' view, makes it impossible to interfere with the decision. This very circumstance rendered the manner in which it came before the Consistory Court below fatal to the proceedings of that Court. No opportunity was, or in the circumstances could be, available to the appellant or to his advisers of considering the effect of a piece of evidence very damaging and, in the issue before the Consistory Court, possibly conclusive. It might have been that upon a more minute examination of the book itself or upon a comparison between it and the other books kept at the Bull Inn, some explanation could have been offered, or some mistake discovered. As events have turned out, there were circumstances in relation to the books which were open to, and in fact have received, much damaging comment, but at the

moment the appellant's mouth was to all intents and purposes closed. Sir Marlay Samson could not have been expected to appreciate so swiftly the effect of this piece of evidence upon his client's position that he could then and there, in the closing stages of the proceedings, address his own mind and direct those of the Court to a serious consideration of the documents. It appeared to their Lordships, therefore, that a decision arrived at in such circumstances, and necessarily influenced by a piece of evidence adduced at such a time and in such a manner, was so unsatisfactory that it could not stand, and they accordingly advised that leave to appeal should be given.

Upon the hearing of the appeal before this Board, the proceedings took the form of a retrial. There were called before the Board the witnesses who gave evidence before the Consistory Court and a number of persons who did not, and their Lordships had also before them the documentary evidence produced below. This mass of oral and written testimony has been examined in minute detail. Every particle of the fabric which has been built up to establish the truth of the charges against the appellant has been the subject of debate and explanation. He is not charged with any offence against the ordinary criminal law, but with an "offence against the laws ecclesiastical, being an offence against morality," and upon that charge he has been "prosecuted." He is entitled that such an offence shall be proved against him as clearly as if he were the subject of a prosecution before an ordinary criminal court, and he is to be convicted, if at all, not on grounds of suspicion, however strong, not by reason of the peril to the Church of an acquittal on doubtful evidence, but only upon such proof as, if the charge were of an offence against the criminal law, would require a verdict of guilty.

The appellant has since 1912 held the office of Precentor and Canon of Lincoln; since 1913 he has been Archdeacon of Stow in that Diocese, and since 1914 has held the Vicarage of Kirkstead. The circumstances in which he became Vicar of Kirkstead have, or it is stated that they have, some connection with the present case, and it will be necessary at a later stage to refer to them with more particularity. For many years before he went to Lincoln, the appellant enjoyed, and since he went there has continued to enjoy a considerable reputation for spiritual gifts, and a high character. He is a man of power and eloquence; he has been widely sought throughout the country as a preacher and has received the confidence of those with whom he has been associated in the work of the Church.

The appellant was married twenty-eight years ago to a Miss Worthington, daughter of a country clergyman and the sister of another country clergyman holding the incumbency of Netherseale in the Diocese of Peterborough, who plays a part in the development of the events which led up to the present proceedings. The appellant has one son and one daughter, and at the time to which the present question refers he resided with his wife at The Precentory, Lincoln, only occasionally visiting his

Church at Kirkstead, and being frequently absent from home for the purpose of preaching in London and elsewhere.

On Sunday the 14th March, 1920, he left Lincoln by train and proceeded to Peterborough. His object in making this visit is explained by himself to be that he might find sufficient leisure in which to compose, undisturbed by the distractions which beset him in his own Cathedral town, sermons which he had promised to deliver at various dates in the immediate future. It is common ground that he spent the nights of the 14th and 15th March at the Bull Hotel in Peterborough, but apart from this almost all his movements from this moment until he returned to Lincoln on Tuesday, the 16th March, are in dispute. The time at which he reached Peterborough and the time at which he left Peterborough to return to Lincoln, the rooms in which he took his meals, the wine which he drank, the times at which he went out and in, even the clothes in which he slept, and the state of the weather, have formed the subject of acute controversy. The true issue of fact, however, is whether during that period, or almost the whole of it, he was, as the prosecution allege, accompanied by a woman, or whether, as he alleges, he was alone.

The appellant's account is briefly as follows :—He left Lincoln by the 5.18 train in the afternoon of the 14th March. The weather was very wet and in consequence the train was delayed. It was due at Peterborough at 7.40, but it only arrived there at 7.50 or 7.55. When he reached Peterborough the appellant found that there was a horse fair and he knew that the hotels were full, and he therefore went straight to the Bull Hotel, which is not one of the larger hotels of Peterborough, but in which he had already stayed twice before in 1912 and 1914. Reaching the Inn at about 5 minutes past 8, he went into the office and asked whether he could have a room. He saw Pugh, the landlord. He was told he could only have one room, and that a double-bedded room. He agreed to take it. He took up the Visitors' Book, and wrote in his name and address—"J. Wakeford, Precincts, Lincoln." There are in the hotel two rooms in which meals are served to visitors. Downstairs, that is, on the same level or nearly the same level as the street, is the common dining room, which is sometimes called the grill room. Upstairs is a room referred to sometimes as the breakfast room and sometimes as the private room. The appellant says that he had dinner on the 14th March about 8.20 in the grill room. He had half a bottle of claret to drink, and after he had finished his meal he went upstairs to bed.

On the following morning, the 15th March, he came down to breakfast in the grill room about 7.30. As he sat at breakfast he saw a newspaper shop opposite, and when he had finished his breakfast he went out and bought a newspaper. He returned to the grill room, read his paper, went up to his bedroom, and went out about 9 o'clock. About 9.30 he reached St. John's Church. He stopped there about twenty minutes and went on to the Cathedral. Matins were just coming to an end, and he thus fixes the time at 10.15. He sat down on the north side of the nave

near the west end, and made meditations and notes in a book which he carried for the purpose. He remained so engaged until about a quarter to 12 when he got up from his place and walked down the nave. A girl about seventeen or eighteen years of age came into the Cathedral and walked about looking at an inscription. He spoke to her and explained the inscription to her. The choir is separated from the nave by iron railings, and a charge of 6*d.* per person is made for admission. Still in company they went into the choir. The appellant paid 1*s.* for the admission and showed her the tombs of Mary Queen of Scots and of Katharine of Aragon. A platform was being erected in the north transept for the purpose of a diocesan conference which was to be held on the following day. He left the girl near Queen Katharine's tomb and went into the north transept. There he and the Dean of Peterborough saw one another and the Dean made some observation of greeting. The appellant then went down to the porch with the intention of leaving the Cathedral. About twenty minutes had elapsed since he had parted from the girl, and he found her standing in the porch sheltering from the rain. He fell into conversation with her again, and accompanied her to a stationer's shop with the intention of helping her to buy a picture postcard of the inscription in which she had appeared to be interested. He left the girl in the shop and he saw her no more.

He then walked straight to the railway station, where he lunched at the refreshment room, which is on a direct line from the Cathedral in the direction in which he intended to walk in the afternoon. When he had finished his lunch he walked to Thorpe, about two miles from Peterborough, and went into the church there, intending to pursue his line of meditation. He reached the church about 2 o'clock. While he was there the caretaker came in, and after some conversation with her he left about 3 o'clock. He walked on another 3½ miles to Caistor, where there is a well-known church. He reached Caistor about 4 o'clock. He went into the King William Arms, saw the landlord, had tea, and then went into the church. He remained in the church about half an hour. His original intention had been to walk still further, but it was raining heavily and he now turned back and walked to Peterborough. He reached The Bull about 6.30. He asked whether he could have a bath, and was told that the apparatus was out of order. He then ordered a fire in his room and his evening meal. He had to wait some twenty minutes before the meal was ready, and during that time talked with a Mr. Ball, a visitor at the hotel. He then had his meal in the grill room. He had no wine with it. Having done so he went upstairs. He had his bath in such hot water as was available. He then went to his room and went to bed.

On the following morning, Tuesday the 16th March, he breakfasted in the grill room at 10 minutes to 8. He bought a paper and read it. He called at the Post Office to which, in accordance with previous agreement between his wife and himself,

she was to write and forward any letters for him. He found a letter there from her. He went to the London Joint City and Midland Bank and cashed a cheque for £2 a little before 10 o'clock. He returned to The Bull and packed his bag. He paid his bill, which was presented to him at the foot of the stairs by Mrs. Pugh, the landlady. It amounted to something between £1 17s. 6d. and £2 2s. 6d. He did not see any receipt put upon the bill and does not remember what became of it. He went to the station and took the 11 o'clock train to Lincoln by way of Boston.

He had chosen to travel by way of Boston because that route lies through Kirkstead, and there is a halt there for some six minutes. Lanyman, the Parish Clerk of Kirkstead, met him at the station, having been directed to do so by postcard. The appellant handed to Lanyman certain papers relating to the steps to be taken under the Enabling Act. He then resumed his journey by train. He should have arrived at Lincoln at 1.33, but the train was a few minutes late.

So much for the first visit. Of the second the appellant gives the following account:—

In the course of the following week he visited Liverpool to preach there. He returned home to Lincoln on Friday the 26th March, and on Sunday the 28th he journeyed to London, staying with Archdeacon Bevan, the Rector of Chelsea, and preached at St. Luke's, Chelsea, on that Sunday evening. He preached daily during the week, and took the three hours' service on Good Friday. His intention had been to return to Lincoln on Saturday the 3rd April. During his stay in London information reached him that the Bishop of Lincoln had summoned a meeting of the Archdeacons of the Diocese for Saturday morning, and at some time during the stay Archdeacon Bevan and the appellant discussed the question of the time at which it would be necessary for him to leave London in order to keep the appointment. They found that there was no train on Friday from London to Lincoln, and that it would, therefore, be necessary for him to journey as far as he could on Friday night, which would mean stopping either at Peterborough or Grantham, and to complete the journey to Lincoln on the morning of Saturday the 3rd. He wrote accordingly on the 30th March to inform his wife of this decision and he wrote to The Bull at Peterborough to engage a room. He had chosen that hotel because he wished to avoid the Great Northern Hotel and the Angel Hotel as being noisy. He left King's Cross at 5 o'clock on Friday the 2nd April, and reached Peterborough at 6.50. He went to the Bull Hotel. He saw the landlord Pugh in the doorway. He wrote his name in the visitors' book "J. Wakeford, Precincts, Lincoln." In about a quarter of an hour he had his evening meal in the grill room and with it half a bottle of claret. He then went to bed.

Next morning he breakfasted in the private room, the only occasion on which he was in that room on either of his two visits to the hotel. The house was scarcely awake. He had some difficulty in getting breakfast in time to leave so as to catch

his train. The bill was brought to him by a waitress named Carroll. There were some mistakes in it which were put right, and he gave the difference to Carroll. He then left to catch the 9.4 train and reached Lincoln at 10.31. He was met at the station by his son, walked up to his house, took up his letters and walked to the Palace with the intention of finding out about the meeting. He discovered that there was no meeting.

It is hardly necessary to add that according to the appellant's account on both these visits he was alone. Except for the conversations already described with the girl in the Cathedral, with the caretaker at Thorpe Church, and with Mrs. Pugh and the servant at the Bull Hotel, he did not speak to any woman on either occasion. The whole story upon which the charge is founded, that he was accompanied by a woman on both occasions, or on either, is completely untrue. Those witnesses who support the story are either victims of mistake, or have invented it in pursuance of a conspiracy.

The narrative of the appellant's movements during the material period depends almost entirely upon his own statement, which is corroborated in certain particulars by the statements of others; but, being essentially the product of one mind, and that the mind of a man of observation and intelligence, on matters within his own knowledge, it is complete and consistent with itself, though on many details as well as on the main issue, whether he was alone or in company, it necessarily differs from the evidence given by the witnesses for the prosecution. This latter evidence on the other hand is a mosaic of statements made by a great number of persons, each of whom can only speak to particular moments of time or particular instances. It does not fit together so as in all respects to form a complete picture, nor is it always consistent with itself.

It is common ground between the prosecution and the appellant that he visited Peterborough Cathedral on the Monday morning, and it is not denied on behalf of the prosecution that on the afternoon of that day he visited Thorpe and Caistor. As to the times and duration of those visits there is conflict, to which it will be necessary to recur in more detail. On all other points there is scarcely any common ground, and the story as told by the witnesses for the prosecution (critical points on which they differ from one another being reserved for further discussion) is as follows:—

The appellant arrived at The Bull on the 14th March between "6 and 7.30" (Pugh, Qn. 11), "between 6 and 7" (Mrs. Pugh, 844), "about 7" (Tuplin, II, p. 35). He was accompanied by a lady. He asked for a room, and No. 15, a room with a large double bed, was allotted to him. He signed his name in the Visitors' Book "J. Wakeford," without inserting an address (Pugh, 20). Mrs. Pugh rang the bell for Wilcocks the waitress, and directed her to show him to his room (Mrs. Pugh, 856; Wilcocks, II, 14). The lady wore a navy blue costume. She had dark hair and had a raincoat with her. As to where they dined—whether in the grill room or the "private room"—there is a

difference among the witnesses. Pugh said before the Consistory Court that it was in the private room. At the hearing before this Board he said that it was in the grill room, and he gave his reason for this alteration "because they all told me I was wrong" (Pugh, 332). Mrs. Pugh says the grill room (Mrs. Pugh, 860). Wilcocks agrees with her (II, 14). Carroll, another waitress, who says she waited upon them, says the private room (II, 93). Osborne and Mrs. Osborne (two independent witnesses to whose evidence further reference will be necessary) say the private room (Osborne, VI, 3; Mrs. Osborne, VI, 17). With their dinner they had a bottle of Pommard.

On the Monday morning the appellant and his companion breakfasted in the public room (Pugh, 176), in the private room (Mrs. Pugh, 869; Wilcocks, II, 15; Carroll, II, 94; Osborne, VI, p. 4; Mrs. Osborne, VI, 21).

They were next seen at a Tapestry School, kept by a Miss Weston, close to the Cathedral. It was in the morning. Miss Weston leaves the time uncertain, but thinks that they were there about an hour and left at about 12.30 (Weston, III, p. 4; Adams, III, p. 7). It is right to add that she cannot fix the date of the visit, except by reference to the facts that the school was at work on a banner in which the appellant showed an interest, and that there was a snowstorm. There is some evidence that there was sleet turning to snow in the neighbourhood of Peterborough on the 15th March, 1920. Miss Weston knew the appellant by sight. He referred to his companion as his daughter (Weston, III, 3 and 5). Miss Adams, an assistant in the school, says that his companion spoke to her about the work upon which she was engaged (Adams, III, 7).

The pair are next seen in the Cathedral by the Dean of Peterborough. He makes no attempt to fix the time. Page and Plowman, the Cathedral vergers (called by the appellant), both saw him and a young woman, and the former fixes the time as before 12.15 ("at some time nearer 12 than 11," Page, V, 81). Both these witnesses are relied upon by the appellant to prove that the woman parted from him in the Cathedral.

The hotel witnesses next place him and his companion at lunch at the hotel (Wilcocks, VI, 23) in the grill room (Mrs. Pugh, 37). Before lunch the woman, who had arrived without luggage, gave to Wilcocks a parcel containing a night-dress (Wilcocks, II, 16 and 23). Wilcocks gave it to Cissie Young to air and place in the bedroom. Young was not questioned as to this incident. As already stated heavy rain fell during the afternoon. This was the time of the appellant's walk to Caistor, and no evidence is offered by the prosecution purporting to trace his movements or to connect him with any companion until he returned in the evening, and developments took place which are of vital importance to this case. It is at this stage that the police come upon the scene, and it becomes necessary to examine the extent to which the attention of the Pughs had been hitherto directed to the appellant and his alleged companion, and the

steps which, as it is suggested, they and the police took to inform themselves.

The narrative begins with Police Sergeant King. He states that, between 6 and 6.30 in the evening of the 15th March, he saw the appellant and a lady of twenty-five to thirty years of age, dressed in dark clothes, go into The Bull. He followed them in and saw the lady standing in the passage, while her companion talked with Pugh in the office. King saw the appellant sign the Visitors' Book and go out of the office. He then examined the book, but could not decipher the name (King, II, 41 and 42). An address "Precincts, Lincoln," was then in the book as well as the name (II, 49). King came out of the hotel and made a statement to Police Constable Hall, who was on duty near by.

Hall says that, upon receiving King's instructions, he went towards The Bull and met a clergyman (since identified by him as the appellant) coming out in company with a lady who was aged between twenty-six and thirty, and dressed in a mackintosh and a dark hat. They went along Westgate, turned back, and the clergyman spoke to him at the end of Cumbergate. He asked where he could get a bath, and Hall recommended The Grand or The Angel. Hall drew the attention of Police Constable Carter to them, and both policemen saw them go into the Grand Hotel. When Hall had seen them go in, he went to The Bull and asked Pugh for the register. Pugh showed him the entry made by the clergyman. It consisted of a name, but no address (Hall, II, 57), and Hall made out the name to be "Uchrist." He then called on Canon Morse, who was at that time Vicar of St. John's, Peterborough, and, after a conversation with him, returned to the Police Station and made a report, not in writing, to the Chief Constable (Hall, II, pp. 50 to 52).

Police Constable Carter, having had his attention called to the couple by Hall, kept observation outside the Grand Hotel for about an hour. He then saw them come out and go into The Bull (Carter, III, 18).

The next policeman to intervene is Detective Sergeant Smith. When Hall made his report to the Chief Constable, the latter gave certain instructions to Smith, and in consequence Smith went to The Bull. Pugh, at Smith's request, showed him the relevant entry in the book. The address was already written in, and Smith made out the name to be Wakefold or Wakeford. He went on to Canon Morse to pursue his inquiries, but Canon Morse was busy and referred him to the Dean of Peterborough. The Dean examined a Clerical Directory, and told Smith both that there was a Wakeford connected with Lincoln Cathedral and that he himself had seen him in Peterborough Cathedral that morning. Smith was then satisfied that the clergyman staying at The Bull was the person he claimed to be. He left the Deanery about 8.30 and saw the appellant, accompanied by a lady, go into The Bull. She appeared to be between eighteen and twenty-six years of age. On the following day about 11 a.m. he saw the couple again in Narrow Street (Smith, II, 60 to 62).

The story about the bath and the visit to the Grand Hotel is supported by the evidence of Alice Blissitt, chambermaid at

that hotel. She identifies the appellant as a clergyman who, on an evening in March, 1920 (she cannot remember the precise date), came there with a lady. Both were wet through and wanted baths. She remembers drying the clergyman's stockings (Blissitt, III, 13). No record of any bath being taken by a person not stopping in the hotel appears in the hotel books under date 15th March (Scott, VI, 25).

The account given by the witnesses from the hotel of the activities of the police and of their immediate consequences is as follows. Pugh says that some time in the morning of the 15th, Hall came to the hotel and looked at the visitors' book and failed to decipher the name (Pugh, 69, p. 8; 376, p. 19). At some subsequent time there was an enquiry from the Chief Constable on the telephone. In consequence of these enquiries Pugh asked the appellant to complete the entry by adding his address. He did this, writing "Precincts, Lincoln" in Pugh's presence on Monday evening. This was Pugh's statement in examination in chief before this Board (80, p. 8). But before the Consistory Court he had stated that this writing took place at lunch time (663, p. 29) and under cross examination here, while he adhered to the statement that the address was added after Hall's visit, he left the impression upon their Lordships that he was wholly vague about the time (p. 29). He says nothing about King's visit.

Mrs. Pugh says that on Monday evening, just after 6 o'clock (890), the Archdeacon and his companion both came in very wet and asked for baths. The water heating arrangements at that time were not good and she said she would not advise them to have a bath in the hotel, but to go to the public baths (892). She pointed out the direction to them and saw them leave the hotel for the purpose.

Two other remarkable incidents occurred as a result of the enquiries made by the police. Pugh and his wife went upstairs to look at the appellant's linen. They saw a pair of pyjamas (Pugh, 78, 623 to 642, 674), and upon them the name "J. Wakeford." They also saw a lady's nightdress upon the bed. (Pugh, 636; Mrs. Pugh, 902.) It was not marked (Mrs. Pugh, 906-907). Pugh times this incident as being in the morning or about lunch time (625), Mrs. Pugh ascribes it to the evening (900).

Furthermore, in the evening of Monday Mrs. Pugh at her husband's direction, took the register up to No. 15 and "asked the lady whether she would mind signing the register as it was usual that a wife should sign as well as her husband. The Archdeacon looked and said he did not think it was necessary. I said it was, but being a gentleman, I did not like to press it, so I took the book away." (Mrs. Pugh, 888.)

At some subsequent time Pugh with his own hand added the words "and wife" in pencil to the words "J. Wakeford" in the register. He cannot give any idea when he wrote the words "except that it was after the police inquiry." (Pugh, 88-95.)

These transactions are difficult to disentangle and they are made still more obscure by the evidence of the witness Tuplin. He is manager of the Co-operative Stores at

Peterborough and was in the habit of spending a good deal of time at the Bull Hotel. He has lived in Peterborough for fourteen years, and before that had lived in Lincoln and knew Archdeacon Wakeford by sight. Upon the 14th March he was present in the office when the appellant arrived with his companion. He did not himself recognise him, but he says that Pugh said "Do not you recognise who it is? I believe it is Archdeacon Wakeford," and Tuplin replied "So it is." (Tuplin, II, 34.)

This account is obviously in flat contradiction to the account given by the police of their inquiries at the hotel, and to the whole story told by Mr. and Mrs. Pugh, of their difficulties in ascertaining the appellant's name. If Pugh knew the appellant by sight and had actually discussed him by name with Tuplin, it would have been impossible that Hall should have mis-read the name as "Uchrist," or that Smith should have gone away from The Bull in any uncertainty as to the name, or indeed as to the identity of the appellant, and the whole story of the examination of the pyjamas would fall to the ground.

In fact there exists evidence which is almost incontrovertible that upon the Sunday night, and even on the Monday morning, Pugh and his wife had failed to read the name correctly. The Tabular Book contains a column for each visitor and for each day that visitors stay in the hotel. There are three columns, therefore, relating to the appellant in respect of Sunday, Monday and Tuesday respectively. At the head of the columns relating to Sunday and Monday is entered the name of "Urthfold"—the head of the Tuesday column has the name rightly entered as "Wakeford." Pugh explains (Qn. 417) that "Sunday's entries were completed on the Monday morning, and that figures were carried forward on the Monday morning. Monday's sheet would be completed on Tuesday morning, and you will find that on the Tuesday morning it was carried forward again as Wakeford." The entry at the head of the second column "was written before I got the information that the definite name was Wakeford." (Qn. 414.)

Whether Tuplin is speaking the truth in other respects or not, and whatever opinion may be formed as to the time at which the other entries were made and the other events happened, their Lordships have formed the clear view that these entries corroborate Pugh's statements that he did not recognise Archdeacon Wakeford when the latter came to the hotel on Sunday night, and was, until many hours later, unaware of his name. It is therefore impossible that the conversation narrated by Tuplin should have taken place on Sunday night. It may be that it actually took place on Monday night, when the appellant, as is alleged, came to The Bull on his return from the Grand Hotel, but it would be unsafe to assume so, and the inference is that Tuplin's memory or good faith is not to be trusted either on the point now under discussion or to corroborate the presence at any time of the appellant's companion.

It is now necessary to examine the action of the police in some detail. What was it which first aroused King's suspicions and induced him to follow the appellant and the lady into the Bull Hotel? At the Consistory Court he gave an explanation which

appears thus in the notes of the Chancellor—"March, 1920, police on look out for 'clergyman' with lady who had been passing cheques." That explanation was in part untrue and in part misleading. Some time before the police at Peterborough as elsewhere were on guard against a man dressed as a clergyman who was passing false cheques. But the man had been arrested for this offence at Burnley in May, 1917, and sentenced to four years penal servitude at Burnley Quarter Sessions in August of that year. Further there was no ground for the suggestion that this man was travelling about with a woman. Detective-Sergeant Smith also gave an explanation in the Court below. It appears as "March 1920. Police were enquiring as to clergyman and cheques." This statement was also misleading. He went on to say (after describing his visit to the Dean), "I came away satisfied that this was not the man I was after." This answer was likely to produce a false impression. The police were not, nor was Smith himself, "after" any man. In March, 1921, the police explained their action by letter (II, 46) "I regret that such a mistake as to approximate date should have unintentionally been made, none the less these frauds were in mind and also other frauds, as eighteen persons had been defrauded in Peterborough by worthless cheques and other means in 1919, and warning notices had been sent to tradesmen and hotel keepers, and as it was most unusual for a clergyman in gaiters to stay at The Bull, suspicion was aroused."

Before this Board, King, while not abandoning his previous statement, said "the mere fact of his going to an hotel like The Bull made me think there was something wrong about him." (II. 44.) The Bull "is a respectable hotel, but not the class of hotel that a clergyman would use." (II. 47.)

Very possibly this was the true explanation. But their Lordships feel constrained to observe that there was upon this point, lack of candour on the part of the police and even positive mis-statement. This was not a case which the police were called upon to pursue when their first suspicions had been allayed, as, by all accounts, they were on the evening of the 15th March. If and so far as the police are concerned in any such affair, they are bound to a full disclosure of every motive, and it is a disquieting circumstance that they should, as in this case, give a misleading explanation of their actions. The defence explain their conduct as part of a conspiracy to ruin the appellant, and it is in part the unsatisfactory nature of the explanations offered to the Consistory Court which compels their Lordships critically to examine this hypothesis.

If there were a conspiracy the first question for examination is the date at which the plot was laid. As has been already stated, Hall, upon the evening of the 15th, had an interview with Canon Morse.

In July, 1920, when interest had been aroused in the question of the Archdeacon's visit to Peterborough and the part which the police had played in the investigations, Hall made a statement in

writing for his superior officer. As the case was not a police case and official investigation had come to an end after Smith's interview with the Dean on the evening of the 15th, no written reports had been made until this statement of July was called for. Evidence of what passed between Hall and Canon Morse was inadmissible, as was the written statement, but owing to events which are not material to the present discussion the statement became evidence. In it occurs the sentence: "I then went and saw Canon Morse and said, 'There is a clergyman and a lady staying at the Bull Hotel and the name appears from the register to be 'Uchrist.''" (Hall, II, 59.)

Smith also wrote a statement in July. This too became evidence and in it occurs the following account of his interview with the Dean of Peterborough on that evening: "I had already explained to him that a clergyman in gaiters was staying at the Bull Hotel with a lady." (Smith, II, 69.)

The Dean described his interview with Smith: "He came to make an enquiry as to a Bishop; that was the description given. He wanted to know whether I could give any information about a Bishop who was staying with a lady at the Bull Inn." (Dean of Peterborough, II, 70.)

These statements must not be taken as affording additional evidence of the actual presence of a companion with the appellant. The reports were made too late even to afford corroboration to the oral evidence of Hall and Smith, and the Dean's recollection that Smith told him there was a lady is no proof that in fact there was one. Taken together, however, with the Dean's statement, they furnish irresistible proof that as early as March 15th, the police were already affirming, whether truly or falsely, and whether they believed it or not, that the appellant was staying with a woman at the Bull Hotel. The conspiracy, if there was one, was already on foot; and Hall and Smith at their interviews with Canon Morse and the Dean were consciously weaving the threads of the plot. There, for the moment, the theory of the conspiracy must be left to be considered in its relation to the further evidence called before the Board.

On the night of Monday, the 15th, the appellant and his companion dined in the private room. (Pugh, 333; Mrs. Pugh, 881; Wilcocks, II, 15.) Agnes Carroll waited upon them, according to Wilcock's statement; her own memory as to this meal is vague. They had, with their dinner, a bottle of claret and half a bottle of champagne. (Pugh, 535.)

It should here be stated that the appellant denies that he ever drinks champagne.

Two books are kept which should show what wine is taken from the cellar. One of these books shows, or purports to show, what wines were brought up for use on the 15th March, and agrees with Pugh's statement. The other book does not contain any entry under that date. The first withdrawal of wine as shown in this latter book after 15th March is 18th March. There are, however, debited in the appropriate column of the Tabular Book, charges in respect of these wines, amounting to 22s. 6d.

On the morning of the 16th March, it is common ground that the appellant breakfasted at The Bull. There is a conflict, and a most material conflict, as to whether he lunched there. He is debited in the Tabular Book with the cost of two luncheons. Pugh swears that he saw him after lunch and shook hands with him when he was going away. (Pugh, 689.) Mrs. Pugh swears that they lunched early because they were going away, that they lunched in the grill room, that the waitress gave them the bill, and that the appellant came to the office and paid it there to Pugh. She shook hands with the appellant. (Mrs. Pugh, II, 5, -6, 7.) She had previously said in the Consistory Court: "He would pay the bill to the waitress." Wilcocks did not see them on Tuesday.

Upon the issues before the Consistory Court this question whether, as the appellant alleges, he left Peterborough after breakfast, or whether, as the Pughs allege, he left there after lunch, would be material merely as a test of the credibility of Pugh and his wife and the reliability of the entries in the Tabular Book, in contrast with the evidence of Lanyman, the Kirkstead clerk, and Mrs. Wakeford.

Since the hearing below, however, fresh evidence has come to light which makes the hour of the departure from Peterborough on the Tuesday an important, though not, perhaps, a decisive issue in the case.

Mr. Young, who is the Vicar of Stanground, about two miles by road from Peterborough Cathedral, says that about 11 o'clock on the morning of the Tuesday, the appellant, whom he did not then know by sight, but whom he has since identified by a portrait in an illustrated paper, and subsequently in Court, came to his church in company with a lady. It is impossible to assign any reason why Mr. Young should give false evidence, and it is very difficult to believe that he can be mistaken.

On the same day Mrs. Baker was proceeding from Bournemouth to Grimsby by the train leaving King's Cross at 11.30 and reaching Peterborough at 1.30. The date is fixed in her memory by the fact that she was bringing the dead body of her mother to be buried. As it drew up in Peterborough Station she saw the Archdeacon, whom she knew well by sight, standing on the platform. Mrs. Baker's *bona fides* cannot be questioned, although the possibility of a mistake on her part as to the identity of the appellant must not be excluded.

There remains to be stated the effect of the independent evidence—that is, evidence in relation to the March visit given by persons who were rather observers of, than participants in, the events described, and who were wholly unconnected with either the appellant on the one hand, or the police or the hotel on the other. But before this is done reference must be made to certain details spoken to by the waitress Wilcocks, in order that some of the independent evidence may be understood. Before the Consistory Court this witness stated that the appellant on the evening of his arrival said, in her presence and hearing, to

his companion, "You must be very wise; you must frankly deny that you stayed here with me." The same witness said that she waited upon the couple at dinner that night. "I noticed she had her hands on the table. He said 'Put down your hands.' She did so. I looked at her hands. She had no wedding ring."

The extent to which the prosecution relied upon these allegations before the Board may be gathered from the fact that no question upon them was asked of Wilcocks in examination-in-chief. A Mrs. Blunden, who was stopping in the hotel with her husband, had sworn before the Consistory Court that the incident as to the hands had reference to herself on the Monday night. She was not wearing a wedding ring. She attributes to herself and her party other incidents as to asking for a separate table, instead of the round table in the middle of the room, which Wilcocks had applied to the appellant. Wilcocks, however, repeated her story before this Board (II, 19, 20, 21), amplifying the latter statement by the addition of the words, "It will give the show away." She says also that these two speeches raised her suspicions (as they well might if they were made), and that she told Mrs. Pugh that she did not think that the appellant's companion was his wife. Mrs. Pugh told her that she had no right to think so (Wilcocks, II, 20). Mrs. Wilcocks's memory seems to have gone through a process of accretion, for it was only on the third visit of Agar, the man who took the statements from the hotel witnesses, that she remembered the words, "You must frankly deny, etc." It is hardly necessary to say that both speeches are highly improbable in the mouth of the appellant. It is safest to assume that the words at dinner were spoken by Mr. Blunden to Mrs. Blunden, and that those in the bedroom were never spoken at all. But the defence are entitled to rely upon them as showing the unreliability of Wilcocks's evidence, and even as proof of her readiness to prop up an improbable story by any scrap of distorted or spurious recollection.

Mrs. Blunden's evidence is relied upon by the appellant on three other points. She stood in the hall of The Bull from about 6.45 to about 8 o'clock on the evening of Monday in a position which commanded the stairs (V, 86 and 93). No clergyman came up or down stairs during that period. On Tuesday morning she breakfasted in the grill room. She came into the room between 7.30 and 7.45, wearing a dark costume, dark furs and a dark velours hat. Her furs were wet through by the rain of the previous day. She sat by the fire drying them, and, while so engaged, noticed a clergyman in knee breeches breakfasting alone. He came in after her and left before her. She did not see him at lunch. Mr. Blunden (V, 95) confirms his wife's story about the incident of the hands. But he did not see any clergyman either at breakfast on Tuesday or at any other time during his stay at The Bull.

Ball (V, 88), a commercial traveller, saw the appellant come

into The Bull between 6.15 and 7 on the Monday, and had some conversation with him in the hall. He saw him again breakfasting on Tuesday morning between 8.15 and 9 o'clock. The appellant was alone on both occasions.

Lindley, who keeps a stud farm at Huddersfield, dined in the grill room on Monday night some time between 6 and 9. He saw the appellant come into the room and dine there alone. Kay, who deals in shire horses also, dined also in that room (VI. 31). He noticed the appellant come into the room and dine alone. Appleby (VI. 36), also a horse dealer, sat at dinner with Lindley and Kay. He corroborates their evidence. He saw the appellant breakfasting alone between 8 and 9 on the following morning. Thomas (VI. 40) also came to Peterborough for the Horse Fair. He saw the appellant dining on the Monday night and breakfasting on the Tuesday morning, and on both occasions alone. He is vague about the times. Baxter, a scout-master, was breakfasting on the Monday morning in the grill room. The time was before 7.45, for Baxter's train left Peterborough at 8.5. He saw Archdeacon Wakeford come into the room alone. Leonard, an engineer, saw him come into the hotel on Monday morning at 8 or 8.30 carrying a newspaper. Cope, a stud farmer, arrived at the Bull Hotel on the evening of Monday, the 15th, in company with a veterinary surgeon named Mackenzie. They shared a double-bedded room. On the night of their arrival Cope and Mackenzie dined together in the grill room. Cope did not see the appellant that night, but on the following morning, when he was breakfasting with Mackenzie in the same room somewhere between 8 and 9 o'clock, Cope saw him come into the hotel, sit down in the room, and have breakfast. Mackenzie confirms this story, but adds that he himself saw the appellant having dinner alone in the grill room on the Monday night.

As against these witnesses who saw Archdeacon Wakeford alone there appeared almost at the eleventh hour two witnesses who swore that they had seen him in the hotel on the night of the 14th and the morning of the 15th in company with a lady. These were a Mr. and Mrs. Osborne. Osborne is a hide and wool buyer at Worcester. He and his wife were on a visit to Peterborough to see the mother of the former, who was seriously ill. On the Sunday night they returned to the hotel at 9.30 and went upstairs to the private room. There were in the room a clergyman and a lady of about 30 years of age. They appeared to have been having a meal. There was a bottle of wine on the table, and the lady was sitting by the fire while the clergyman was sitting at the table talking to a young man who was interested in motor-cycles. After a little, the lady rose from her seat near the fire and joined the clergyman at the table. The Osbornes ordered a pot of tea and Mrs. Osborne went upstairs to fetch a cake. After a few minutes both the clergyman and the lady got up and left the room together. Mr. and Mrs. Osborne identified the clergyman as the appellant. On Monday morning the Osbornes came

down to breakfast at 9.30 in the private room. The clergyman and the lady were waiting for breakfast to be served. They left the room before the Osbornes had finished breakfast.

The Osbornes lunched in the grill room, this being the first time that that room was used during the week-end. The grill room had not been opened. When they arrived they were taken into the private room. "The grill room downstairs was all turned down; the tables and chairs were placed at one end as it was thoroughly cleaned out and that was the reason that we had our meals in the small private room." While they were lunching the appellant and his companion came in. The lady took off her mackintosh and they sat down at a table to lunch. The Osbornes left a little before 2 o'clock to catch the 2 o'clock train for Birmingham. They paid their bill and were given the receipt which was put in, and to which further reference will be necessary.

The evidence of Osborne and his wife was impressive. He, in particular, is a man of considerable intelligence and he was not shaken in cross-examination. Their evidence was offered spontaneously, though as it has been said, at the eleventh hour. When they read the report of this hearing in the papers, Mr. Osborne telegraphed to Mr. Douglas Hogg in the following terms:—"My wife and self stayed at Bull Hotel, Peterborough, March 13th to 15th, 1920, and could give full particulars if required." This late intervention is a matter of comment. It is explained by Mr. Osborne as being due to the fact that if he had intervened before "I might probably have been called and my friends did not wish me to be connected with" the proceedings. "It is not a nice case." Whatever observation may be made upon this, it does not appear to their Lordships incredible that Mr. Osborne and his wife should have shrunk from taking part in the proceedings. It is indisputable that they stayed at the Bull Hotel during the material period. Their names and the amounts debited to them appear in the Tabular Book. The counterfoil receipt given to them appears in the book of pink slips. On the other hand, their names do not appear in the Visitors' Book and it is probably owing to this fact that neither side got into communication with them. If the theory of conspiracy be adopted, it is certain that the Osbornes have no connection with the plot. Their evidence can be set aside only upon the ground of mistake and, difficult as it is to explain away the evidence of Mr. Young, of Stranground, and Mrs. Baker upon the hypothesis of mistake, the difficulty of thus disposing of the evidence of Mr. and Mrs. Osborne appears to their Lordships to be immensely greater.

This concludes the summary of the oral evidence relating to the first visit. The evidence of the books can be examined and discussed more clearly when the facts of the second visit have been disposed of.

The narrative told by the appellant of his second visit has been already set out. The period under review is much shorter than that in March, and, both for this reason and because the appellant and his companion (if he had one) were almost alone

in the hotel, their Lordships have not to consider the same body of discordant testimony as was adduced with reference to the former visit. Furthermore, the suspicions of the police had been put to rest and except for certain actions by King they do not come upon the scene on this occasion. Lastly, while the entries made in the Tabular Book against the appellant in respect of the second visit are all double entries, no entry appears in the book of pink slips, and there is therefore no necessary inference that he paid a bill of the amount represented by the totals in the Tabular Book.

On the other hand, there are circumstances connected with this journey which are of vital importance.

The appellant says that he left London on the Friday and slept that night at Peterborough because he had to keep an appointment to meet the other Archdeacon at the Bishop's Palace on Saturday, and that the information that there was such a meeting was conveyed to him during his stay in London. (Wakeford. IV, 69.) The Bishop of Lincoln says that no such meeting was ever contemplated for that particular Saturday. In fact on the previous Tuesday he had held a meeting with one of the Archdeacons and a Warden of the Theological College, and he would have asked the Archdeacon of Stowe to come also if he had been able to get him.

The appellant admittedly ordered a bed at The Bull for the Friday night. Pugh says that he ordered by postcard a double-bedded room. The appellant denies it. He explains the fact that he was given a double-bedded room, as in fact he was, by saying that the Pughs on his previous visit apologised for putting him into a bad room and on his second visit gave him this, which was a good room, as some sort of compensation. Both Mr. and Mrs. Pugh say that the appellant was accompanied by the same lady as on the previous occasion. Wilcocks confirms the statement; so do Cissie Young and Agnes Carroll. Tuplin says that he was in the office when the appellant and his companion arrived and saw both of them write their names in the Visitors' Book.

Although the police generally did not play any part during the April visit, King appears once more during that period. On some date which he does not fix exactly, except that it was a fortnight or three weeks later than the first visit and to the best of his belief Good Friday, he saw the appellant in Westgate accompanied by the same lady as on the previous occasion. (King II, 42 and 49.) They were coming from the direction of the Great Northern Railway Station making towards The Bull. King was walking faster than they were and went into the hotel in front of them. He saw them come in and saw them both write in the book. Tuplin was at that time in the hotel.

It being admitted that no suspicion existed in the minds of the police to connect the appellant with any matter with which they were concerned, King gives an explanation of his conduct on this occasion. It is as follows:—

“Q. Were you still suspicious of him?—A. I was not suspicious on this occasion because it had been proved

by the police that he was what he represented himself to be, an Archdeacon.

“ Q. Then what did you go for?—A. A matter of personal curiosity.

“ Q. Is it because he was a clergyman?—A. No, in consequence of something said to me by the witness Tuplin.

“ Q. I asked Tuplin if he had said anything to you, and he said not. What did the witness Tuplin say to you?—A. Tuplin, about two days afterwards, came to me as I was on duty in Long Causeway.

“ Q. Two days after what?—A. The 15th March, that would be about 17th March. His words to me were: ‘ That old bounder was not staying at the Bull Hotel with his wife; the lady was not his wife. I have had a conversation with my wife, who has resided at Lincoln, and she knows the Archdeacon and his wife quite well, and she says the Archdeacon’s wife was a lady nearly as old as himself.’ I said I was not concerned in that.

“ Q. Did you ever report that to anybody?—A. Not until about six weeks before the trial at the Consistory Court at Lincoln.”

The next material date is the 31st May. On that day Mr. Worthington, the appellant’s brother-in-law, attended a meeting of Rural Deans at the Bishop’s Palace at Peterborough; among those present was Canon Morse. Canon Morse made a statement to Mr. Worthington (Worthington, II, 73), and in consequence of that statement Worthington went to The Bull and inspected the Visitors’ Book. It is clear that the entry for which he was in search was that relating to the first visit of the appellant, for it is only of the first visit that Canon Morse had any knowledge. The entry which Worthington saw, however, was that relating to the second visit where the entries occur of “ J. Wakeford and wife ” and “ M. Wakeford.” On the 10th June he wrote to Canon Morse setting out the entries which he had seen and describing them in his letter as bearing date 15th or 16th March. He asked Morse to go and look at the book and verify “ the same.” The letter continues “ I am sorry to bother you but we would like to know how the police ever came to mention his presence there to you.” (Morse, III, 29, 30.)

Morse was busy at the time and he did not answer Worthington’s letter. On the 15th June Worthington wrote again pressing him to go and look at the book and to give the name and address of the people who noticed the appellant’s presence at the Inn. Morse thereupon went to The Bull and saw the book. He saw the March entry but not the April entry, and was unaware of the existence of the latter. Worthington then communicated with the Bishop of Peterborough.

On the 5th July Worthington saw his sister (Mrs. Wakeford) by appointment, at Burton station, and he then told her that there were rumours against her husband. According to Mrs. Wakeford’s account, which there is no reason to doubt (Mrs. Wakeford, V, 50), he said “ that he had brought a message to me

from the Bishop of Peterborough to know whether I slept at Peterborough on the nights of March 14th and 15th."

"Q. When you said you had not slept there, what did he go on to say after that?—A. He told me that John Wakeford's name was in the register at The Bull with his signature and 'M. Wakeford,' and he had enquired into it and it was true.

"Q. Did he say when he had first had any such intimation?—A. He told me he heard of it first, as a great shock, at the meeting of the Rural Deans of Peterborough on Tuesday the 1st June, and the information was given at that meeting by Canon Morse, and, the Bishop hearing the discussion, had asked him, Worthington, to make inquiries for him.

"Q. What did you say to that, when he told you how the matter had come to his knowledge?—A. I said, 'Then this is C. T. Moore,' and he replied that it was not."

Before this interview, however, Worthington had in fact communicated with Mr. Moore, who holds the incumbency of Appleby Magna, about three miles from Worthington's rectory at Netherseale, and had asked him for his help in investigating the charges against the appellant. Moore employed a man named Agar, an ex-policeman, who had married Moore's cook, to conduct the investigations, and this man visited Peterborough on three occasions and took statements from Pugh and his wife, Tuplin and the servants at the hotel. Moore's relations with the appellant had been unhappy. He is a large landowner at Kirkstead, and owns the advowson of that church. He had refused to appoint to it upon a vacancy, and the services had been discontinued and the church shut up. The right of presentation lapsed to the Bishop, and the Bishop presented the appellant to the living. Further trouble had arisen with reference to an annual payment alleged to be due from the owner of Kirkstead to the holder of the Vicarage. The claim appears to have been compromised, but only after an acrimonious controversy. These proceedings had left bitterness in Moore's mind. Nor was this all. Moore had been the subject of a charge of immoral conduct preferred against him in the Consistory Court of Peterborough. The appellant had been either prosecutor or, at least, the person through whose hands the papers upon which the charge was based, reached the Bishop. The charge was withdrawn. In connection with this matter, it should be remembered that the Bishop of Lichfield, giving evidence to the high character of the appellant, said "He has certain qualities which possibly make enemies."

It is likely enough that Moore, at the time to which these proceedings relate, entertained ill-feeling against the appellant. He had on more than one occasion used to him or about him language of serious menace. Nor as regards Worthington is it possible to ignore the fact that there was a certain quality of animus against the appellant in his demeanour

before this Board, and in his previous conduct from the time when Morse first spoke to him upon the subject of the visit to Peterborough. Upon this ill-feeling and animus the appellant's Counsel has sought to build the theory of a gigantic conspiracy, swiftly designed and skilfully organised, directed to the ruin of the appellant, conceived by Moore and Worthington, and put into execution by King and the Pughs with the assistance, more or less well informed, of the servants at the hotel, Tuplin, and King's colleagues in the Peterborough Police Force.

As regards Moore, it should be said at once that his employment of a retired policeman, who had had what Worthington calls the good sense to marry his cook, to undertake unofficial inquiries into a matter with which he had little obvious concern, is one of the least agreeable features of a painful case, and their Lordships have most scrupulously examined the result of inquiries so conducted, which can only be accepted with much reserve.

But animus in Worthington and bitterness on the part of Moore, coupled with such conduct as has last been described, fall far short of establishing the case sought to be made on behalf of the appellant, or of destroying the formidable body of evidence arrayed against him. It is, however, necessary to probe that testimony most carefully with a view to seeing whether any particle of evidence has been adduced to support the theory of a conspiracy advanced by the defence.

In the first place, their Lordships must point out that, if there was material capable of supporting a suggestion so astonishing, opportunity for putting that material to Moore in cross-examination was not withheld from Counsel representing the appellant. Mr. Hogg offered to put both Moore and Agar into the box so that they might be cross-examined by Sir Edward Carson as hostile witnesses, and the offer was declined. We are without any single scrap of positive evidence to support the theory. No motive is suggested for the participation in the plot of King and his colleagues on the one hand, or of the Pughs and the hotel servants on the other. No question was put to any of these witnesses in cross-examination suggesting such a motive. No suggestion was made that they or any of them had any personal feeling against the appellant, or indeed had ever seen or heard of him before, and the only possible motive remaining—that they were bribed by Moore or by someone unknown—is left in the air unsupported by any evidence.

So much must be said as to the *a priori* probability of the theory of conspiracy. It remains to be considered whether such a theory is even possible.

It will be remembered that upon the 15th March, the evening after the appellant reached Peterborough upon his first visit, the police were already alleging with respect to a clergyman, who was certainly the appellant, that he was staying at The Bull with a woman, and that they too were therefore at this time involved in the plot, if plot there were.

Simultaneously, Pugh, upon the theory of conspiracy, was manufacturing evidence against the appellant, and doing so with the utmost ingenuity. Reference has already been made to the entries in the Tabular Book. Each of those entries, except the item for tea on Monday afternoon, is an entry consistent only with the suggestion that it represents a charge in respect of two persons and not of one person. There is, of course, no direct evidence, except Pugh's own statement, of the date when those entries were made. But the fact that the columns for the first two days are headed in the name of Urthfold, and that for the third day in the name of Wakeford, makes it almost certain that the name was written at the top of the column on the day to which the column refers, or at latest on the next day, and in particular raises a presumption which is almost irrebuttable that the heading in the first two columns had been filled in before Pugh obtained the information enabling him to identify the name in the Visitors' Book.

The Tabular Book is made up day by day from a book called the "check book," in which are entered the items of charge against each guest as they are incurred. The check book is not produced; indeed, after the entries had been made in the Tabular Book it was of no value, and when complete it might easily have been destroyed. The Tabular Book shows, or purports to show, the items debited to each visitor, inserted in the column for that day appropriate to the visitor, opposite to a printed cross-heading indicating the service in respect of which the debit was incurred. The sum total of the bill for the day for each visitor is cast at the foot of the column and carried forward to the head of the column relating to that visitor for the following day. Pugh (I, 417) explained that the entries in respect of each day were completed on the following day. The condition of the Tabular Book confirms this statement. It is unlikely that a column should be opened on a particular day for a visitor until it becomes clear that there will be items of debit for that day. The entries under the heading of "Urthfold" demonstrate that the making up of the Tabular Book was a task performed day by day, and their Lordships are unable to come to any conclusion other than that the entries for Sunday were completed on Monday morning before Pugh had any knowledge of the true name.

If this is so, Pugh was on Monday making entries in the Tabular Book which are only consistent with the fact that the appellant was being charged for meals taken by two persons. If the conspiracy hypothesis is to stand, therefore, he was then fabricating evidence against the appellant and was doing so with the super-subtle touch of a feigned mistake as to the name.

This is not all. There was before the Board the counterfoil receipt book, the collection of pieces of pink paper to which allusion has already been made. That book taken at its face value shows that upon the 16th March a receipt for £4 2s. 6d. was torn from it, made out to "Rev. Wakeford," and, upon the same presumption attached to the appellant's bill as a receipt.

The total debited in the Tabular Book to the appellant is £4 1s. 6d. and the discrepancy between this total and that shown on the pink slip is explained by the prosecution as due to the fact that a bath had been taken without the fact being recorded, or the appropriate debit made, and it is said that when this was discovered on the bill being prepared for payment, the sum of 1s. for the bath was added to the total shown in the Tabular Book.

The accuracy of both these books has been made the subject of powerful attack on behalf of the appellant, and it has been sought to show that they possess no evidential value. There can be no doubt that the Tabular Book contains errors. Wrong entries have been made in it and subsequently corrected. Totals have been wrongly cast and subsequently altered, and it was admitted by Pugh that on one occasion at least an item was "scratched out in the ledger" (that is the Tabular Book) (Pugh, I, 495) to make the ledger account "square with the money." In the entries relating to the appellant, instances occur of wrong entries and wrong castings.

The book of pink slips was also open to much comment. It is admitted by Pugh that it was not his invariable habit to make out a receipt on the appropriate pink slip for every receipted bill. There was in existence another receipt book, and it appears to have been a matter of chance whether in any particular case a receipt was taken from one book or the other. Pugh says, "It would be a matter where I used my own discretion." (I, 510.) In one case at least a bill was receipted without any printed form of receipt being attached. In another case, it appears that the receipt was made out on the pink slip and torn from the book but not attached to the bill because the visitor when paying the bill "went away in a hurry and would not wait for it." (Pugh I, 450.) The books have been examined on behalf of the appellant by an accountant. He told the Board (Lloyd VI, 57) that out of 134 cases he found thirteen discrepancies—the meaning appears from the context to be discrepancies between the amounts debited in the Tabular Book and those appearing on the pink form of receipt.

These observations detract greatly from the value of the books as giving a full and accurate conspectus of the business transacted at the Bull Hotel. It was open to the appellant's Counsel to suggest, and their Lordships gather that they do suggest, that the books were, to use no harsher term, concocted, so as to agree with the amounts which were in the manager's hands at the time when he paid his takings into the bank, and that for that purpose items were inserted which bore no relation, or no necessary relation, to the meals and wines supplied to the visitors.

On the other hand, the total of the monies paid into the bank with respect to Sunday, Monday and Tuesday, when cast up, agree with the amounts shown as debited in the Tabular Book for that period. The bill to which no receipt was attached and to which reference has already been made, was produced before the Board. But there was also produced the bill presented to and paid by Mr. Osborne. It agrees with the total cast in the Tabular Book and the amount (£2 3s.) shown upon the counterfoil receipt.

The serial number on the pink form of receipt upon it corresponds with the serial number of the counterfoil in the book. If a survey be taken of the cases in the receipt book round about the material time, the counterfoil receipts in the cases of Hadley, Cope and Sherborne agree with the amounts debited to those visitors in the Tabular Book. The amount in the case of Leonard differs by 4*d*. The amount in the case of Blunden differs by 3*s*. 6*d*. Four accounts—those of Parson, Turner and Potts, and a name which is illegible—have no corresponding receipts at all.

The case for the appellant on this matter, however, does not rest on any suggested mistake or even upon any design by Pugh to deal improperly with the money which was in his hands, and the accounts which were under his control. This latter possibility, if admitted for the sake of argument, is not sufficient in itself to support the case made. It is necessary, in order that the appellant should succeed, that he should establish that the entries in the Tabular Book, directed it may be, as it is suggested, to conceal Pugh's incompetency and even his dishonesty, were, so far as they concern the appellant, manufactured to create evidence against him; and, on the more restricted issue now under consideration, it is necessary for him to displace the strong presumption that they were made or began to be made at a time as early as the 15th March.

If the theory of conspiracy is pinned down to so early a date, its impossibility becomes apparent. When the appellant left Lincoln on the evening of the 14th he had told his wife, and so far as we know no other person, that he was going to Peterborough, but he did not tell her that he was going to stay at The Bull. Indeed he only made up his mind to do so when the train arrived. He had last stayed at Peterborough in 1918. He then slept at The Angel. He had stayed at The Bull twice—in 1912 and 1914. Let it be assumed that Moore and Worthington were waiting eagerly for an opportunity to trap the appellant. Why should they have selected Peterborough to be the stage for their machination? Let it be assumed that King was their willing instrument in this daring and wicked plan. How did it come about that he had been either already selected and corrupted for the purpose before the appellant went to Peterborough at all, on the mere chance that he might go there some day, or that Moore and Worthington from their respective Vicarages of Appleby Magna and Netherseale procured his services in the hours that elapsed between Sunday evening and Monday afternoon? Let it be assumed again that the plot had been framed and set in motion. By what amazing coincidence did it come about that the appellant should have selected on this occasion the one hotel in Peterborough whose landlord was ready to be corrupted, able to carry with him into this maze of slander and perjury his wife and his servants, and zealous to commence a systematic course of forgery in support of the plan?

The events which follow are also significant. The plot, upon the assumption that there was a plot, must have succeeded beyond the highest expectations of those who formed it. The appellant,

not once, but twice, had walked into the trap, and it had closed behind him. By the 3rd April all the evidence was complete and all the documents prepared. Yet the conspirators did nothing. Worthington waits until almost a chance meeting with Canon Morse on the 31st May. Then, according to his statement, he goes to examine the Visitors' Book, the entries in which, upon this theory, had been prepared carefully for the purpose, and lights upon the wrong entry. In his subsequent correspondence with Canon Morse he mixes up the entries of March and April, with the result that the April entry—the more damning of the two—is never brought to Canon Morse's attention. Then the elaborate parade of investigation is gone through, and not until late in the autumn does Worthington bring the matter to the attention of the Bishop of Lincoln. Meanwhile, his witnesses might have been dispersed and his documentary evidence destroyed. Pugh, in fact, left the Bull Hotel shortly afterwards, and for all Moore or Worthington knew he might have disappeared beyond discovery. Nor is this all. Upon the theory of the conspiracy, the falsification of the Tabular Book was directed to lead up to and confirm the convincing entry on the pink slip. But, when matters come to a head and the trial proceeds before the Consistory Court, those directing the prosecution seem to have forgotten all about the evidence of the pink slip—their *pièce de resistance*—and it is only produced at the very last moment of the case, apparently by reason of disclosures made while the trial was going on.

In their Lordships' view the theory of the conspiracy breaks down. If it was to succeed it must have been dated as early the 15th March. That date is fantastic. And no evidence has, of course, been produced upon which such a theory can be based. No motive has been suggested as regards the greater number of conspirators, except financial corruption, and the Board have been left without the smallest indication that there was any such corruption. Whatever view may be taken of the feelings of Moore and Worthington towards the appellant, and of their general conduct in the early stages of the case, there is not a particle of foundation upon which to base the charges against them of having suborned perjury and forgery.

If the theory of the conspiracy is dismissed, the case stands as follows.

The appellant is faced with a considerable body of evidence which, if accepted as truthful, proves the case against him. It falls under three main heads—the evidence of the police, that of the hotel witnesses and the hotel documents, and that of the independent witnesses—The Osbornes, Miss Weston and Miss Adams, Mr. Young of Stanground and Mrs. Baker.

Their Lordships have already commented upon certain features of the evidence given by the police and some of the hotel witnesses. There are in both matters which cause doubts and questionings; there are discrepancies and even contradictions. A case such as this, however, is not to be decided upon minute differences. It cannot be hoped that as a result of an investigation

of this kind every detail will be made clear and every difficulty explained away. Their Lordships must make up their minds upon the broad features of the case, giving to the appellant the benefit of every substantial doubt, and requiring the prosecution to prove their case, but not exacting from the witnesses greater intelligence or more exact power of memory than may normally be looked for in such persons telling their story before a court of justice some time after the event.

As regards the independent witnesses, their narratives are not open to any of the comments which have been already described as appropriate to some of the other witnesses for the prosecution. They can only be explained away on the ground of mistake, and their Lordships have already expressed their view as to the possibility that these persons should be mistaken on matters on which no motive of interest can even subconsciously deflect the desire, apparent in every one of them, to deal honestly with the Court.

Against these, the appellant is entitled to urge in the first place the extreme improbability of the charge brought against him. It is improbable by reason of his previous high character, spoken to by the Bishop of Lichfield, the Archdeacon of Middlesex, and Canon Woolley. It is improbable by reason of the audacity of his alleged actions. No one would willingly believe the charge; and no one would be inclined to believe that a man in the position of the appellant, even if prepared to commit the offence charged, would defiantly flaunt his name and his distinctive costume in an inn and about the streets and churches of the Cathedral town of the Diocese next to that in which he held preferment. The delinquency is lacking alike in cunning and in contrivance. It is difficult indeed to associate simplicity so absolute with a course so perilous.

He is next entitled to rely upon his own statement of his actions delivered before the Board. Only one matter of comment arises upon that narrative, and that is with reference to the motive alleged by him for his second visit to Peterborough. It is antecedently improbable that the Bishop of Lincoln should have fixed a meeting of the kind suggested for Saturday in Holy Week. Furthermore, the Bishop specifically denies that he did so. The appellant is unable to give any explanation as to who informed him that a meeting was to be held on that day. It was not his wife and it was not the Bishop, and he has not committed himself to identifying his informant further than by saying that he received the intelligence while in London. If this were true, he must have been informed by letter. It is easy to believe that he would not keep such a communication. But if one were made, it must have been by some person connected with the Cathedral at Lincoln, and it appears to their Lordships impossible that such a person should have failed to come forward to supply so important a corroboration of the appellant's statement.

The appellant relies further upon the evidence of a number of persons who were at The Bull in the course of his first visit and saw him alone. Their Lordships have already indicated that among those persons they accept Mrs. Blunden's statement that the account of the conversation given by the witness Wilcocks is

untrue as regards the appellant. The stories of the other witnesses amount to little. So far as they profess to prove that the appellant was alone at breakfast they show nothing more than that his companion was late for that meal. The evidence which they give that he was alone at dinner is faint and inconclusive. Their Lordships have no doubt that these witnesses are telling the truth to the best of their ability, but their attention was only drawn to this case months after the events which they profess to remember, and being wholly negative in its character cannot displace other and more powerful testimony, if such exists, proving that he was in fact not alone.

There remains the very serious difficulty in connection with the pyjamas. The appellant says that he has never worn pyjamas except upon a visit to France, and that the garments then worn were put away in his house at Lincoln. Mrs. Wakeford and the parlourmaid confirm this statement. Their Lordships accept their testimony. The conflict seriously affects the whole evidence given by Pugh and his wife, and not only does their alleged search in the bedroom become a great difficulty in the way of the prosecution, but it has caused their Lordships to weigh with the utmost caution every word spoken by these witnesses. The matter remains a mystery. If the remainder of the evidence were of such a character as to leave any reasonable doubt upon the mind of the Board, this incident would cause them to view the whole case told by the hotel witnesses with grave suspicion.

It was argued on behalf of the appellant that the failure by the prosecution to produce the appellant's alleged companion before the Consistory Court or this Court is evidence that no such person has ever existed. It is suggested that if she existed, the police ought to have been able to trace her. The Board are not impressed by this argument. If any woman passed the nights of the 14th and 15th March and the 2nd April at The Bull with the appellant, she has every motive, both in her own interest and in that of the appellant, for remaining concealed. As to the police, the interviews with Canon Morse and the Dean of Peterborough on the evening of the 15th March put an end to their professional interest in the incident. King indeed intervened in April, but only through what he admits to have been idle curiosity. For weeks after that date, the attention of the police was not called to the matter. It would have been unusual, when Agar undertook his investigations, for them to begin searching for a woman in connection with a case which did not involve and could not involve any criminal charge. It is clear that upon the 15th March they had no knowledge as to the identity of the appellant's companion.

On the other hand, it may be inquired with much force, where is the woman or girl who was with the appellant in Peterborough Cathedral on the morning of the 15th March? She was not an uneducated woman—certainly not illiterate. The appellant described her before the Consistory Court as “a pupil teacher.” The proceedings below were reported widely. Pictures of the appellant appeared in the daily illustrated papers. The

proceedings here also have attracted great attention in the Press. It is inconceivable that any person who can read, and especially anyone who had any previous interest in Peterborough or its Cathedral, should, unless indeed she were dead, have succeeded in escaping some knowledge or some gossip on the subject. Surely it is also inconceivable that any woman or girl who had been with the appellant in the Cathedral in the circumstances described by him, should be so callous that, when a word from her would clear an innocent man, she should obstinately hold her peace.

This brings their Lordships to what is perhaps the crucial point in the case.

They have had before them the Visitors' Book or Register in which entries occur in respect of both visits.

The entry against the date 14th March, 1920, runs as follows :—" J. Wakeford and wife, 15, Precincts, Lincoln."

It is common ground that the words " and wife," which are in pencil, were written by Pugh, though it is uncertain when he wrote them. He thinks it was " probably the next day, the Monday after all these inquiries had been made." (Pugh I, 93.)

It is common ground also that the remainder of the entry was written by the appellant. It is very badly written so that Pugh was led to read the name as " Urthfold," which is a fair rendering of the signature. There is controversy as to whether the address was written at the same time as the name, as the appellant states, or whether the words " Precincts, Lincoln," were written subsequently in the circumstances already described by Pugh and the police witnesses. There is a discrepancy between Pugh and the police witnesses as to the precise time at which the address was written

It appears to their Lordships upon an examination of the entry that beyond any doubt " J. Wakeford " was written at one time, and " Precincts, Lincoln," at another time and with a different pen. To this extent the book confirms Pugh's statement, though it leaves some doubt on the other very material point as to whether " Precincts, Lincoln," was already in the book when Police-Sergeant King first saw it. It is a curious though a minor feature that the appellant should have written " Precincts." His proper address is the Precentory, Lincoln. It appears that there is no place at Lincoln called The Precincts. Mrs. Wakeford gave an explanation why he should have written " Precincts " and not " Precentory," which their Lordships find difficult to follow, but the point is not of great importance.

The April entry is as follows :—

" J. Wakeford and wife	8	Precincts, Lincoln.
" M. Wakeford M.	8	„ „ „

The appellant's story is that he wrote the words " J. Wakeford, Precincts, Lincoln." There is no evidence, other than the book itself, tending to show who wrote the remainder, except that it is common ground that the " 8 " was inserted either by Pugh or by someone else in the service of the hotel.

Obviously if " J. Wakeford and wife " is in the appellant's

handwriting the case is at an end. Several observations may be made upon the subject. In the first place, it is pointed out that the formula " So and So *and wife* " is a most unusual method of description on the lips of a man with the social habit of the appellant. He might have been expected to write " Mr. and Mrs. Wakeford " or " Archdeacon and Mrs. Wakeford." On the other hand, there is available someone who is in the habit of employing this formula. Pugh added the words " and wife " to the March entry. He uses the same formula in one of the headings in the Tabular Book.

Again it is suggested that, if the appellant had already written " J. Wakeford and wife," there was no reason for his companion herself to enter her name in the register and so duplicate the chance of detection.

Neither of these observations can be wholly disregarded. It must be remembered, however, that according to Pugh's statement, Mrs. Pugh on the previous occasion had taken up the Visitors' Book to the bedroom so as to obtain the signature of the supposititious Mrs. Wakeford. The appellant may have desired to avoid the repetition of such an occurrence. He may also have seen in the book the words " and wife " where they occur in the previous entry and the formula may have been suggested to his mind. It is not necessary for their Lordships to determine this question having regard to the more weighty considerations next to be set out.

Immediately below " M. Wakeford M." occurs a name written in normal course in the Visitors' Book not later than the following day. On that day, therefore, either the line occupied by " M. Wakeford M." was already filled up by the insertion of that name, or the Pughs by some device kept it open until an opportunity should occur of filling it in with the words which now appear in it. It is, of course, inconceivable that they should have filled in those words while the appellant was still at the hotel.

The appellant himself says that the words " and wife " resemble his handwriting " very closely " (Wakeford, V, 31.) Mitchell, the handwriting expert, called by the prosecution, has compared the words with other handwriting of the appellant, and says that they were written by him or are " a very skilful forgery." (Mitchell, III, 35.) There can be no question, therefore, that if the words were not written by the appellant they were written by someone who desired to create the impression that they were ; in other words, they are the work either of the appellant or of a forger, and we are thus driven back again upon the theory of conspiracy, and though in this case we are not obliged to date it so early as the 14th March, we are imperatively forced to the conclusion that it was as early as the 3rd April. Either on that day the words " M. Wakeford M." were already in the register (and if forgery be in question it would seem to follow that the two false entries were made at the same time) or the gap had been left designedly for the insertion of those words.

Their Lordships now turn to the examination of the words themselves. The expert called for the prosecution gave his evidence with great candour. " It is not possible," he says

“ to say definitely that anybody wrote a particular thing. All you can do is to point out the similarities and draw conclusions from them.” This is the manner in which expert evidence on matters of this kind ought to be presented to the Court, who have to make up their minds, with such assistance as can be furnished to them by those who have made a study of these matters, whether a particular writing is to be assigned to a particular person. Questions depending upon handwriting are in many cases doubtful, and in the past have given, and in the future will give, cause for great anxiety in courts of justice. But upon them, as upon other matters, it is necessary to come to a conclusion, and in this case the Board have no hesitation as to the conclusion which should be reached.

A point was made on behalf of the appellant of the fact that in none of the letters put in did he abbreviate the word “and” in the manner shown in the entry under discussion, and it was said on his behalf that Pugh does so abbreviate “and,” turning it into nothing but an oblique stroke. During the examination of the appellant he put in a book purporting to contain the notes which he had made for his sermon while he sat in Peterborough Cathedral. That book contains more than one instance of an “and” abbreviated in the manner described. Further, there are many instances of Pugh’s writing of the word “and,” and always, so far as their Lordships have been able to see, the oblique stroke which forms part of the hieroglyphic is finished with a loop, which in the entry of the 14th March, an undoubted specimen of Pugh’s handwriting, is connected by a flourish with the succeeding word “wife.”

It is interesting to compare the “f” in “wife” with the “f” in “Wakeford” of the 14th March. In both, after an upward stroke from the preceding letter, the main body of the letter itself consists of an almost upright stroke made from above the line downwards, from the foot of which an upward oblique stroke protrudes. In the “Wakeford” of the 14th March this oblique stroke is interrupted so that it does not join the “o” which succeeds it. In the “wife” of the 3rd April it does join the succeeding letter “e,” but the similarities of the letter generally impose themselves upon any observer. Similar observations may be made of the “c” at the end of “wife” as compared with the “c” in the middle of the “Wakeford” of the 14th March and of April. In both, the letter closely considered more nearly resembles a small “c.”

The most distinctive feature, however, which appears in all those specimens of the appellant’s handwriting before the Board is the shape and position of the dot upon the “i.” It is usually postponed by a considerable space from the “i” to which it appertains. This is especially noticeable in the “Lincoln” of April, where it finds its place above the “o” in that word, and this characteristic is very noticeable indeed in the dot over the “i” in “wife.” If the suggestion be made that Pugh was the forger, it should be noticed that he dots an “i” to the left and not to the right, as will be seen in the “wife” of the 14th March.

Another characteristic is the actual form of the dot itself. It assumes the appearance of a circumflex accent. Their Lordships endeavoured to obtain a further specimen of the appellant's writing, and asked him when under examination to write the words "J. Wakeford and wife" for their assistance. Taking the pen in his hand he wrote the words twice. The first specimen he rejected. The second was written painfully and with great elaboration, the word "and" being written in full. Such a specimen obviously could not give to their Lordships the assistance which was desired.

No expert evidence was called for the appellant on this matter.

Looking at the papers before them, their Lordships, upon the evidence of their own eyes, have reached the conclusion that there can be no doubt upon the matter. If this were the only piece of evidence, their Lordships, though without doubt in their own minds as to the authenticity of the writing, would not willingly rest their judgment on a single fact as to which error might be possible. But the only alternative to the genuineness of the writing is the supposition that it was a carefully planned forgery of the appellant's name as an integral part of the alleged conspiracy. For the reasons already given their Lordships feel that the hypothesis of such a conspiracy is utterly untenable. It follows that the writing in such circumstances furnishes an overwhelming corroboration of the other evidence.

It is necessary in conclusion that their Lordships should deal with the incident relating to Miss Porter. In the first place, it should be said that no charge against Miss Porter has ever been made by the prosecution. Her character is not affected in the smallest degree by anything that has passed either within or without this Court in relation to the present case. Her name was introduced not by the prosecution but by the appellant with the intention of drawing from the Pughs' ready identification of her the inference that they were parties to the conspiracy, avid to manufacture any evidence which was likely to be of assistance. Their Lordships fail to understand how this inference can be drawn from the premises. What exactly took place at Marlborough Street Police Court remains unknown, and it is not material to the issues before this Board that it should be investigated. But whatever it was, it is hardly consistent with the theory that those who now have the conduct of the case (for it is the Bishop of Lincoln who is here prosecuting and not Moore or Worthington) were prepared at any costs to procure evidence against the appellant; and as regards Moore and Worthington, the fact that they did not pursue this line of investigation at an earlier stage deprives the incident of any great significance. Their Lordships refer to the matter so that no substantial point urged on behalf of the appellant should be thought to be neglected, and to emphasise the fact that, Miss Porter's name having unhappily been introduced into the case, no slur whatever is put upon her by those conducting the prosecution.

Their Lordships have applied their minds to this case with great care and with much solicitude. But the conclusions which they have reached seem to them inevitable. Reluctant as they were to believe such a charge against a man in the position, and with the history of the appellant, they scanned vigilantly every circumstance and every argument which could possibly be urged in his favour. They have reached the conclusion that the judgment of the Consistory Court must be upheld. It is a source of satisfaction to them to find that the views which they entertain are shared by the Right Reverend Prelates who have been good enough to give them their assistance upon this occasion.

The result, therefore, is that their Lordships will humbly advise His Majesty to dismiss the appeal. Costs must follow the event. The appellant's action has involved the Bishop of Lincoln in heavy expenses, and their Lordships see no reason why he should not, so far as may be, be recouped for the expenditure which he has incurred in the execution of a public duty.

In the Privy Council.

THE REVEREND JOHN WAKEFORD

2.

THE BISHOP OF LINCOLN.

DELIVERED BY THE LORD CHANCELLOR.

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