

PART I

CHAPTER I
MANCHESTER IN 1838

MANCHESTER, in 1838, was the name of the large township with a population of about 180,000, which was the centre of a great agglomeration, including the surrounding townships that became united with it in the municipal borough, Salford across the river Irwell, and the cluster of neighbouring manufacturing towns—Oldham, Bury, Bolton, Rochdale, etc. Within a distance of twelve miles, or an hour's ride on horseback, there was a population of nearly a million people—larger than the population round London at that time.

“What more surprising than the increase of Manchester itself? At the commencement of the [eighteenth] century, Manchester was a town of little dealers and manufacturers who brought unbleached fabrics to Bolton, dyed them, and then hawked them upon horseback, from market to market. . . . The manufacturers lived with extreme economy, and laboured and fared in company with their servants. A brick house was considered quite a luxury. Manufacture was, strictly speaking, scattered in the huts and cottages of the peasants. The weaver was a sort of domestic manufacturer, who bought his yarn when his family was not able to furnish it, and sold it when woven for a price which remunerated him for the labour and outlay which he had incurred. Manufacturers at Manchester were limited to dyeing and dressing, and beyond this the capitalist was nothing more than the Lyons capitalist of the present day, viz. a taker-in of goods from the weavers, and a merchant in the disposal of them.”¹

The introduction of the steam engine to a district rich in coal brought about the transformation. In the years between 1821 and 1831 the population of Manchester increased by 34·5 per cent, whereas the increase for all England between 1801 and 1851 never exceeded 18 per cent in any decennial period.² The high wages in

¹ *Manchester in 1844*, by M. Leon Faucher, p. 71.

² See *Four Periods of Public Education*, by Kay-Shuttleworth, p. 150.

the factories drew labour from the agricultural districts—especially when a bad harvest, as in 1836, raised the price of bread—and from Ireland.

The wealth produced in this, the most important of the new industrial areas, and the means by which it was produced seemed to foreigners who visited England, no less than to Englishmen themselves, something portentous.

The courage and enterprise of the Lancashire men who had tamed this new power so that it brought them wealth and took their goods all over the world, was soon recognized, but that the manufacturing system brought evil as well as good was not realized until later. A French observer, comparing Manchester with his own towns, far less advanced industrially at that time, pointed out that in France industry was grafted upon a pre-existent state of society. Mülhausen, Lyons, Rouen, had, before it arrived, all the elements which form a society, whereas "at Manchester, industry has found no previous occupant, and knows nothing but itself. Everything is alike, and everything is new; there is nothing but masters and operatives."²

The lack of practically any regulations except those necessary for governing a village or a small town was responsible for the abuses that were the inevitable result of an unbridled desire to make money. A population, uprooted from their country homes and associations, was plunged into uncontrolled urban conditions of overcrowded, insanitary houses, with few of the civilizing influences of schools or churches or opportunity for healthy recreation after the long hours of work in the mills. The Lancashire industrial system which was giving England the first place in the trade of the world brought with it terrible abuses which, at the time of which we write, were beginning to be disclosed by means of Parliamentary Commissions and local inquiries. If, to the Frenchman—whose observations were not perhaps altogether untouched by envy—and to the German, Frederick Engels, who came to Manchester as a young man in 1842, the abuses of the manufacturing system seemed so obvious, it is only fair to remember that much of their knowledge of those conditions came from reports of surveys carried out, as in Manchester, by the business men themselves.

¹ In 1838 the township of Manchester consisted of factories, ware-

² The Corn Laws were not repealed until 1846. ³ Faucher, *op. cit.*, p. 21.

houses, offices, shops in Market Street and a mass of working-class houses. The factories bordered the rivers and canals, and the business part of the town was round Cannon Street and High Street. Portland Street then only had one warehouse. Mosley Street, with George Street and Faulkner Street, still retained some of its character as a residential quarter, the dwelling-house being united with a warehouse, although the latter had a separate entrance. Richard Cobden lived here when he first came to Manchester.¹ It was a favourite promenade on Sunday mornings after service, and the mother of one of our present Aldermen² used to tell how, as a child, she looked out of the windows and saw men in the "trousers" which had just become the fashion, walking up and down. Old Dr. Dalton, the famous scientist who lived in Faulkner Street, was often to be seen in his Quaker dress and silk stockings. Owing to colour-blindness he often wore a grey and a blue stocking at the same time. But the gentry were moving from Mosley Street to Broughton, Pendleton and Cheetham in the north, to Ardwick and Chorlton-on-Medlock and, later, to Hulme in the south. These latter townships were the homes also of the better-paid operatives. The worst paid—amongst whom were to be numbered the handloom weavers, now being slowly starved out of existence by the power looms, and the mass of Irish, more improvident than the native English, and bringing with them the much lower standards of life to which they had become accustomed in their native land—lived in the township of Manchester. In Holt town, St. George's Fields (Collyhurst), and Little Ireland—by the Medlock in Oxford Street—lived between thirty and fifty thousand Irish.

Round the central commercial area of about half a mile square, "factories, seven stories in height, rear their lofty fronts along the banks of the Irwell, and along the borders of the canals, which, penetrating into the town, form an interior navigation. The waters of the Irk, black and fetid as they are, supply numerous tanneries and dye-works; those of the Medlock supply calico-printing establishments, machine shops, and foundries. . . . Descending from the hill where the workhouse is situated, you come to the buildings of the College, the Old Church, and the Exchange, and upon the other side, the Court of Sessions and also the Gaol. . . . There are

¹ By 1838 he had turned his house into a warehouse and moved to Quay Street, now the office of the County Court.

² Alderman Birley.

no great boulevards or heights to aid the eye in measuring the vast extent of the surface which it occupies. It is distinguished neither by those contrasting features which mark the cities of the middle ages, nor by that regularity which characterizes the capitals of recent formation. There is perhaps good reason for complaint that too little attention has been paid to the health and convenience of the inhabitants; of the want of public squares, fountains, trees, promenades, and well-ventilated buildings; but it is certain that it would be a difficult task to devise a plan by which the various products of Industry could be more concentrated, or by which the manufactures could be brought nearer to the fuel which feeds them, or more accessible to facilities for disposing of the goods when manufactured. . . . The canals pass under the streets, and thread their sinuous way in every direction, conveying boatloads of coal to the doors of the manufactories, and even to the very mouths of the furnaces.¹

Certainly little thought had been given to the "health and convenience of the inhabitants." The Police Commissioners² and the Highway Surveyors³ had limited powers, and although the main and some of the side streets were paved and drained, the innumerable small streets, alleys, and courts in which the working-class houses were built were unpaved and undrained. But mud and stagnant water, however unpleasant, were the lesser evils with which the inhabitants had to contend. There was then no system of sanitation, no water laid on to houses—an occasional tap in the street or a polluted well were the sources of supply. For domestic and human refuse there were privy middens which combined the functions of a water-closet with that of an ashbin. These were few and far between, were seldom emptied, and were so completely inadequate to the needs of the crowded houses that the court or alley became the depository of what the writers of the times describe as "excrementitious matter."

The merchants who lived in Chorlton-on-Medlock, Ardwick, Cheetham Hill, or Pendleton, lived in villas with gardens, "in free wholesome, country air, in fine comfortable houses . . . and the finest part of the arrangement is this, that the members of this monied aristocracy can take the shortest road through the middle of all the labouring districts to their places of business without ever

¹ Fauchet, *op. cit.*, p. 20.

² See below, p. 51.

³ See below, p. 55.

seeing that they are in the midst of the grimy misery that lurks to the right and to the left."¹

One did not need to be a Communist to be struck by the division between the rich and the poor and between the great wealth which the workers were helping to create and the poverty and misery in which they lived.

We owe much of our knowledge of the working-class districts of the township of Manchester in the thirties to Dr. Kay—later Sir James Kay-Shuttleworth. Attached to the Dispensary in Ancoats, he was familiar with the dwellings of the people whom he attended for typhus, typhoid, and the other fevers that were then never wholly absent from the town. In 1831 Asiatic cholera was reported to be on its way to England. The Privy Council, in June of that year, set up a Consultative Board of Health, which drew up regulations for local boards, and communications were sent to the chief magistrates, clergymen, and doctors all over England. In Manchester a local Board of Health was formed in November 1831, with Dr. Kay as secretary. No one at that time knew the origin of cholera or the method by which infection was carried, but his previous experience in Edinburgh, Dublin, and Ancoats led him to suggest to the Board a thorough inquiry into the sanitary state of the crowded parts of the town. He was sure that insanitary conditions affected the health of the inhabitants and made them more liable to disease. A questionnaire was drawn up about houses, cellars, drains in the street, number of inhabitants, etc., and the survey was conducted by members of the fourteen district Boards of Health that had been set up, one in each of the police divisions of the town. These members were the leading people of the community, and Dr. Kay later confessed that, "in framing these questions, and moving the Board of Health to confide the investigations to the most intelligent and wealthy inhabitants, I had a double object in view. I wished to bring under the notice of the chief merchants and manufacturers the condition of the streets, courts and houses of that part of the town in which the poor dwelt. The report would, I knew, be faithful; and as it would proceed from an indisputable authority, it would be a sure basis of future municipal improvement."²

His lesson was not lost on Thomas Potter and Joseph Heron,

¹ *The Condition of the Working Classes in England*, by F. Engels, p. 46.

² *Four Periods of Public Education*, by Kay-Shuttleworth, p. 88.

both members of the Board of Health. Although twelve years had to pass before the new Town Council was established and able to turn its attention to questions of health, the Manchester Police Act of 1844, in many of its sections, was the fruit of the experience gained by those two men, one of whom became the first Mayor and the other the first Town Clerk.

Dr. Kay's own report, based on these surveys and on his knowledge of the lives of the poor, "made a deep and melancholy impression on the public mind."¹ It was "one of the cardinal documents of Victorian history. For the first time the actual condition of a great urban population was exposed to view."²

We cannot do better than give the description in his own words:³ "Near the centre of the town, a mass of buildings, inhabited by prostitutes and thieves, is intersected by narrow and loadsome streets, and close courts, defiled with refuse. . . . In Parliament-street, there is only one privy for three hundred and eighty inhabitants, which is placed in a narrow passage, whence its effluvia infest the adjacent houses, and must prove a most fertile source of disease. . . . In Parliament-passage about thirty houses have been erected. . . . These thirty houses have one privy. . . .

"The state of the streets and houses in that part of No. 4 district included between Store-street and Travis-street, and London Road, is exceedingly wretched—especially those built on some irregular and broken mounds of clay, on a steep declivity descending into Store-street. These narrow avenues are rough irregular gullies, down which filthy steams percolate; and the inhabitants are crowded in dilapidated abodes, or obscure and damp cellars, in which it is impossible for the health to be preserved.

"Unwilling to weary the patience of the reader by extending such disgusting details, it may suffice to refer generally to the wretched state of the habitations of the poor in Clay-street, and the lower portion of Pot-street; in Portugal-street; in Back Hart-street and many of the courts in the neighbourhood of Portland-street, some of which are not more than a yard and a quarter wide, and contain houses, frequently three stories high, the lowest of which stories is occasionally used as a receptacle of excrementitious matter."

¹ *Foscher's op. cit.*, p. 65.

² *Victorian England—Portrait of an Age*, by G. M. Young, p. 26.

³ *Four Periods of Public Education*, by Kay-Shuttleworth, *passim*.

"In some districts of the town exist evils so remarkable as to require more minute description. A portion of low, swampy ground, liable to be frequently inundated, and to constant exhalation, is included, between a high bank over which the Oxford Road passes, and a bend of the river Medlock where its course is impeded by a weir. This unhealthy spot lies so low that the chimneys of its houses, some of them three stories high, are little above the level of the road. About two hundred of these habitations are crowded together in an extremely narrow space, and they are chiefly inhabited by the lowest Irish. Many of these houses have also cellars, whose floor is scarcely elevated above the level of the water flowing in the Medlock. The soughs are destroyed, or out of repair; and these narrow abodes are in consequence always damp, and are frequently flooded to the depth of several inches, because the surface water can find no exit. This district has sometimes been the haunt of hordes of thieves, and desperadoes who defied the law, and is always inhabited by a class resembling savages in their appetites and habits. It is surrounded on every side by some of the largest factories of the town, whose chimneys vomit forth dense clouds of smoke, which hang heavily over this insalubrious region."

This was the district known as "Little Ireland" because of the large number of Irish who lived there.

"The privies are in a most disgraceful state, inaccessible from filth, and too few for the accommodation of the number of people—the average number being two to two hundred and fifty people. The upper rooms are, with a few exceptions, very dirty, and the cellars much worse; all damp, and some occasionally overflowed. The cellars consist of two rooms on a floor, each nine to ten feet square, some inhabited by ten persons, others by more; in many, the people have no beds, and keep each other warm by close stowage in shavings, straw, etc.; a change of linen or clothes is an exception to the common practice. Many of the back rooms where they sleep have no other means of ventilation than from the front rooms."

"The houses of the poor, especially throughout the whole of the Districts Nos. 1, 2, 3, 4, are too generally built back to back,¹ having therefore only one outlet, no yard, no privy, and no

¹ With one wall for two rows of houses, so that each row of houses had front entrances only.

receptacle for refuse. Consequently the narrow unpaved streets, in which mud and water stagnate, become the common receptacles of offal and ordure. Often low, damp, ill-ventilated cellars exist beneath the houses. . . . The streets, in the district where the poor reside, are generally unsewered, and the drainage is consequently superficial. The houses are often built with a total neglect of order, on the summit of natural irregularities of the surface, or on mounds left at the side of artificial excavations on the brick grounds, with which these parts of the town abound."

There were about 15,000 people living in cellars. These were the poorest of the population, handloom weavers and old people. "The condition of a very large proportion of these dwellings, beneath the level of unsewered streets was, to the last degree, insalubrious—it was often pestilential. I have sometimes, as a Dispensary physician, had to make my way to the bed of a patient suffering from typhus, by stepping from one brick to another placed for my convenience on the flagged floor, covered with some inches of water. This occurred to me twice in Little Ireland, where, on one of these occasions, nearly a whole family perished of typhus. The cellars were inundated during a flood in the Medlock. It occurred also in 'Irish Town' in the valley of the Irk; and during the prevalence of cholera I remember carrying away some bad cases in canvas slings, on the shoulders of hospital bearers, from flooded cellars not far from Knotmill."

Although as a result of the survey and of the outbreak of cholera which reached Manchester in June 1832 some of the streets were drained, some the filth cleared away and some of the worst houses whitewashed, the limited powers of the Police Commissioners,¹ on which Thomas Potter and others who were to form the first Council were serving, made any radical improvement impossible. Engels's account of conditions in 1844 shows how the description given by Dr. Kay ten years earlier was still true. In fact the increase in the population during those years had made matters worse.

In the oldest part of the town the front streets, which formerly housed a more comfortable section of the population, were backed by courts and lanes crowded together to which access could only be gained by covered passages, "in which no two human beings can pass at the same time." Every scrap of space left over from

¹ See below, p. 51.

the days of more spacious building had been literally crammed with houses. On the south bank of the Irk, "right and left a multitude of covered passages lead from the main streets into numerous courts, and he who turns in thither gets into a filth and disgusting grime, the equal of which is not to be found. . . . In one of these courts there stands directly at the entrance, at the end of the covered passage, a privy without a door, so dirty that the inhabitants can pass in and out of the court only by passing through foul pools of stagnant urine and excrement. . . . At the bottom flows, or rather stagnates, the Irk, a narrow coal-black, foul-smelling stream, full of debris and refuse, which it deposits on the shallower right bank. . . . Above the bridge are tanneeries, bone mills and gas works, from which all drains and refuse find their way into the Irk, which receives further the contents of all the neighbouring sewers and privies."¹

In the parts of the town by Withy Grove and Shudehill there was some sort of plan, long straight lanes, alleys, and courts, but built with no reference to one another so that they formed a tangled labyrinth. In the absence of any sanitation, not only were the courts and alleys the depository for domestic refuse and filth, but pigsties added to the squalor and stench. Even in the new parts of the town, wherever the speculative builder had left a small space uncovered the inhabitants let it out for pigsties. The pigs consumed some of the refuse.

Not only were houses built back to back, that is, with one wall to serve two houses facing on to different streets and with, therefore, no possibility of a back yard or of through ventilation for either house, but these back-to-back houses were often built round courts. Communication with the street was by covered passages, so that the air could not circulate freely. Speculative builders, untrammelled by regulations, certainly devised ingenious methods of housing the greatest number of people on the smallest possible piece of land.

If we have described at some length the conditions under which the working classes lived in the township of Manchester in 1838—and the new cottage building in the out-townships, Hulme and Chorlton-on-Medlock, was, in default of any regulations, little better—it is because the working classes formed 70 per cent to 75 per cent of the population of that township.

¹ *The Condition of the Working Classes in England*, by F. Engels, p. 50.

What kind of life could be lived under these conditions?

Factory hours of work were long, twelve or more in the day, and even longer hours were worked in warehouses which were often open until ten o'clock at night.¹ Wages were good for the skilled worker when trade was good, a woman spinner earning 25s. a week; but in the 'downtimes' and 'furies' "bad times" predominated, and there was no provision for unemployment but the poor law. The handloom weaver lived a wretched life of semi-starvation, only earning, when working fourteen hours a day, between 7s. and 8s. a week.

The working man's food consisted of tea or coffee and a little bread for breakfast—oatmeal porridge was rarely eaten. Boiled potatoes with melted lard or butter and occasionally a few pieces of fried bacon made up the dinner of the poorest; those who earned higher wages usually managed to get a little meat three times a week. For supper, which they took when they finally returned from the mills at 7 p.m. or later, they had tea with a little spirits and bread; sometimes oatmeal or potatoes were taken instead.² Whole families worked. Children, whose hours had been limited by the Factory Act of 1833, had to be nine years old before they could be employed, and, as they were supposed to attend a factory school for two hours a day, their actual working hours were eight. But the lack of schools and of efficient teachers made this provision of little use, and all other trades were unregulated.

Sunday schools were the chief civilizing influence, and two-thirds of the children between the ages of five and fifteen attended them for three or four hours on Sunday. Some children after working all day attended evening schools as well. It surprised the Frenchman, M. Faucher, that people should think "it natural, that a child, after having worked twelve hours, should be confined for two additional hours in a school, and that its attention should be continually on the strain, and without any other repose than the hours of sleep."³ But even so enlightened an employer as Mr. Robert Greg, who had provided model conditions for his work-people in the country village of Styal, when asked by a member of the Committee of Inquiry into the Employment of Children in 1833

¹ A half-holiday in offices and warehouses was not started until 1843.

² *Four Periods of Public Education*, by Kay-Shuttleworth, p. 7.

³ Faucher, p. 98.

if the children were disposed to go to the evening school after a long day's labour, and if they profited by the instruction there given, replied: "We have no examples of the contrary; we find that the children are much more fatigued, and less disposed to go to the evening school after a holiday than after a working day, and they always wish to go to bed earlier on Sundays."¹

There were a few day schools run by the religious societies, and many others run for private profit, to which some children went, very irregularly, until they could go to work. Parents who cared about giving their children some schooling, who could afford fees and who were prepared to go without their earnings, sent them until a later age, but at least a third of all the children went neither to a Sunday school nor to a day school, even for a short time.²

For those adult workers who wished to acquire more education than the three R's, which was all that they could get at the Sunday schools and evening schools, there was a Mechanics' Institute where lectures were given and a library provided. This was supported by subscriptions from the middle class, who were convinced that education would prevent riots and strikes by showing the worker that his interests were really the same as those of his employers.

Lyceums, as they were called, were another manifestation of this belief. There the education was less advanced than in the Mechanics' Institute, from which the College of Technology is descended, and was combined with more entertainment, by which means it was hoped to wean the working man from the public-house. The amount of excessive drinking horrified the foreign visitors and the middle-class employers.

An Act of 1830 had established free trade in beer. Under it, anyone whose name was on the rate book could, by paying a fee of two guineas to the Excise authority, open a beer shop without any necessity for a justices' licence, or any control by them. Spirits were sold in what were referred to as "Gin Palaces," the licences for which were generously granted. Dr. Kay calculated that there were a thousand places where intoxicating liquor was sold in the township with a population, including the out-townships, of about 200,000.³ He quoted Mr. Braidley, the Borough Reeve

¹ Quoted by Faucher.

² See below, p. 221.

³ In 1905 the proportion was about the same, one to 213 of the population. To-day it is one to 421.

in 1831, who was a keen Sunday-school worker, and who counted the people going into a gin sloop in five minutes on eight consecutive Saturday evenings—a total of 275 men and women in fifty minutes. Twenty years earlier “drunkenness had been considered a degrading indulgence; the dram shops were in retired places, and their customers entered secretly by private doors; and a candle placed behind the window was the dubious sign to arrest the attention of the passer-by.”¹ But now “the decency of our town is violated, even in this respect, that every street blazens forth the invitations of these haunts of crime. Gin shops and beer houses . . . and taverns, over which the police can at present exercise but imperfect control, have multiplied.”²

There was then no limitation of hours. The public-houses opened at 5 or 6 a.m. so that they could be visited on the way to work, and they were also open all day on Sundays.³ Saturday nights and Sundays were the chief drinking times and much irregularity of work on Monday morning was the result.

“When Saturday evening came, indulgence began which continued till Sunday evening. Fiddlers were to be heard on all sides and limp-looking men and pale-faced women thronged the public-houses, and reeled and jigged until they were turned into the streets. On the Sunday morning, the public-houses were again thronged, that the thirst following the indulgence of the night before might be quenched. When church hour approached, the churchwardens, with long staves tipped with silver, sallied forth and seized all the drunken and unkempt on whom they could lay their hands; and these being carefully lodged in a pew provided for them, were left to enjoy the sermon. Their captors then adjourned to some tavern near at hand, and rewarded themselves with a glass or two for the important services they had rendered to morality and religion. In fact, sullen, silent work alternated with noisy drunken riot.”⁴

There were no places of public recreation, no parks, and although,

¹ Faucher, p. 48.

² *Four Periods of Public Education*, by Kay-Suttleworth, p. 33.

³ By Sec. 202 of the Manchester Police Act of 1844, public-houses did not open before 6 a.m., and were closed between ten and twelve o'clock midday. Spirits also were not supplied to children under sixteen. (Sec. 204.)

⁴ *A Comparison of Some of the Economic and Social Conditions of Manchester in 1834 and 1884*, by Robert Montgomery, 1884, pp. 27-28.

as we know from the opening pages of Mrs. Gaskell's *Mary Barton*, there were still country lanes in Greenheys, that was some way from the centre of the town. The Botanic Gardens on the Altrincham Road, with their military band, were closed on Sundays, but in any case a charge was made to go there, as also to the Zoological Gardens—the forerunner of Belle Vue, on another site. Even the cemeteries were closed on Sundays. The better educated and politically-minded worker had two resorts on Sunday: the Carpenters' Hall, which belonged to the Chartists and where they held meetings in support of the Charter and sang "democratic hymns," and the "Hall of Science" at Campfield, later to be the home of the Free Library. This hall had been built by the followers of Robert Owen, and was the largest lecture-hall in the town. Lectures on Socialism and a Sunday school were combined with "cheap and innocent recreation." The committee forbade intoxicating liquor at any of their gatherings, and were said to be among the first to popularize tea-parties as a means of recreation. The fact that they raised all the money they needed themselves shows that this group of Socialists belonged to the better-paid section of the workers.

The appalling sanitary conditions, underfeeding, the long hours of work and the consequent excessive drinking, which only the strongest minded of the workers could resist, resulted in a high death rate. Half the children died under the age of five, and Manchester was notorious for its high general death rate. It is no wonder that unrest which took the form of strikes, or bread riots, or attacks on mills and machinery, was recurrent, and it is hardly surprising that in such an atmosphere big demonstrations in favour of the Charter such as that at Kersal Moor in 1839, should have made the authorities nervous. They were always conscious of the "labouring population which lies like a slumbering giant at their feet."¹

Manchester, to a southerner, seemed a wild and barbarous place where civilization was almost unknown and where immense machines, belching forth black smoke, were worked by a population only restrained from revolution by the military. "Well, Doctor," was King William IV's greeting to Dr. Dalton, the distinguished Manchester scientist, "are you all quiet at Manchester?"² This

¹ *Four Periods of Public Education*, by Kay-Stuclerworth, p. 49.

² *History of the Cotton Famine*, by A. Arnold, p. 52.

exaggerated view was partly due to the memory of Peterloo when the governing classes in London accepted the panic view taken of that demonstration by the Manchester magistrates.

In politics the town was Liberal, or Whig, as that party was then called. The first two members of Parliament in 1832 were Mark Philips, whose name will always be associated with the first parks that came to the city, and Poulet Thomson, and they were both still members in 1838. There was no Conservative member until 1868, when Hugh Birley was elected to share the representation of the city with Jacob Bright, Liberal. There was no daily newspaper, the *Manchester Guardian*—Liberal, the *Manchester Times*—Radical, and the *Manchester Chronicle*—Conservative, came out twice a week, Wednesdays and Saturdays, and their price was 4d.

Thomas Potter and his brother Richard, who became M.P. for Wigan and had left Manchester by 1838, were leading members of the Liberal organization. Not only most of the leading business men, but the majority of the population, were dissenters—if we may judge by the fact that less than 31 per cent of the Sunday-school scholars attended Church of England Sunday schools. The Unitarians, whose chapel at Cross Street had Mrs. Gaskell's husband as its junior minister at this time,¹ was the most influential sect to which belonged the Potters, Alexander Kay, Abel Heywood, John Shuttleworth, all of whom became members of the Town Council, and all but one, Mayor. Another, Sir Benjamin Heywood, M.P. for the county, the banker—whose son Oliver was made the first freeman of the city in 1888 in recognition of his public work, and whose statue stands in Albert Square—was the first president of the Statistical Society and also president of the Mechanics' Institute.

The most important of the Conservative families was the Birleys who owned large cotton mills in Chorlton-on-Medlock just behind Oxford Street, but Hugh Hornby Birley, their leading member, took no part in the political squabble that developed—as we shall see—over the fight for the municipal charter, but was prominent in social and church work. The leading churchman at that time was Canon Wray, who had been largely responsible for the Government grant given to help to build churches in the rapidly developing industrial centres.

¹ He had married in 1832, and they lived in Dover Street in 1838.

James Crossley, the choleric solicitor, who combined strong political party feeling with a love of books, and who was president of the Chetham Society, was a prominent Conservative. He was a member of John Shaw's Club, which formed the inner circle of the Conservative party. Though seldom taking office themselves, the members were said to be able to arrange for the election of their candidates as Borough Reeve and Constables, Churchwardens and Overseers, and Highway Surveyors.

The "owd Church," as the Parish Church was called, formed the centre of that part of the government which was in the hands of these functionaries. The Quaker, William Neild, was only chosen as Constable and then as Borough Reeve¹ in 1837 because the available supply of churchmen with the necessary qualifications had come to an end. The Police Commissioners,² who were an elected body, had Liberals like Thomas Potter, William Neild, Archibald Prentice, the writer, John Edward Taylor, the proprietor and editor of the *Manchester Guardian*, and Abel Heywood amongst them. The last-named, who became twice Mayor of Manchester and Freeman of the city and who died in 1891, was the founder of the flourishing business of Heywood and Son. He was a bookseller who went to prison in 1836 for selling unstamped the *Poor Man's Guardian* at a time when a stamp duty of 4d. was charged on all papers. This tax on knowledge was reduced to 1d. in 1836³ because of the agitation against it, in which Abel Heywood played a large part.

There were Police Commissioners who were still more "to the left," as we should say to-day. James Wroe, also a bookseller in Great Ancoats Street, collaborated with the Tory opposition to the municipal charter because it was a Whig measure. His sympathies were with the Chartists, who were agitating for adult suffrage, vote by ballot, and annual parliaments, and who felt that the Whigs, in their Reform Act of 1832 with the £10 franchise, had let them down. Another Radical of this description was Elijah Dixon of Newton Heath who, with Sam Bamford, had been imprisoned after Peterloo. Dr. Scholefield, the doctor-preacher of Every Street, was also a sympathizer with the Chartists, although a strong opponent of unconstitutional methods. He built the Round Chapel,

¹ See below, p. 75.

² See post, p. 51.

³ It was not abolished until 1855.

now used by the University Settlement, and had great influence with the Ancients people.

There was no leisured class in Manchester, and the employers worked almost as long hours as their workers. Overworking seemed to the French visitor "the malady which Lancashire has inflicted upon England, and which England in its turn has inflicted upon Europe. Manchester is the seat, the concentrated focus of this malady."¹ Another observer expressed this only a little less forcibly when he said, "It is essentially a place of business, where pleasure is unknown as a pursuit and amusements scarcely rank as secondary considerations. Every person who passes you in the street has the look of thought and the step of haste. . . . A modern author has stated the theory that, as certain insects assume the colours and marks of the leaves on which they feed, so the citizens of certain towns offer whimsical analogies to the character of the place in which they dwell. This is, to a considerable extent, true of Manchester. The men are as business-like as the place. . . . There is a kind of vague tradition, or rather remote recollection, that a man was once seen to gossip on the Exchange; it was mentioned in the terms one would use if he saw a saraband danced in St. Peter's or Harlequin played his antics at the Old Bailey. For my own part, I felt my loquacious tendencies so chilled by the genius of the place, that I deemed myself qualified to become a candidate for La Trappe."²

There was, however, one holiday in the year—Whitsuntide—when the races and the Sunday-school processions took place and the exhausted worker had the chance of a rest. In *Mary Barton* we get a glimpse of factory workers going by canal boat to Dunham for the day. Before cheap railway trains or "buses, with fares which made them available to the workers, travel by canal was the best and cheapest way of getting into the country.

In spite of its rapid expansion the cotton industry underwent many vicissitudes. Bankruptcies were common and hard work essential. Thomas Potter, whose father was a yeoman farmer at Tadcaster, William Neild, who came as a country lad to the firm of which he became partner, Elkanah Armitage, who started with

¹ Fauchet, p. 81.

² *Notes of a Tour in the Manufacturing District of Lancashire*, by W. Cooke Taylor, 1841.

a small draper's shop—and, in fact, practically all the merchants and manufacturers—were men who only rose to positions of wealth and importance through hard work. They usually took a long dinner hour, two hours, but they stayed at their warehouses until late. In spite of hard work and anxious years many of these men found time for other things. Some of them, like Thomas Potter, William Neild, and Paul Willeri, were elected Police Commissioners, some were Churchwardens and Overseers, some were County Justices. Many of them were members of the Parrio Library in Mosley Street, founded in 1806, which provided daily papers, reading-rooms and a library of varied volumes. The Literary and Philosophical Society had been founded in 1781, and in 1838 had John Dalton as its president and Joute as a member. Many of the medical men belonged to this society. A group of Manchester business men and bankers, William Langton, Benjamin Heywood, the Greys of Snyal, started the Statistical Society in 1833¹ in order to have actual knowledge of conditions in their town. Dr. Kay was a member and one of the first inquiries was into the conditions of the working classes in Manchester, the second was the famous inquiry into education in the town.² These men were also concerned with education. William Neild was on the committee of the Lancasterian School; Benjamin Heywood was president of the Mechanics' Institute. The Athenaeum, a club for young business men which still carries out the intentions of the men who founded it a hundred years ago, had many of them on its board of directors. The money for the building—designed by Sir Charles Barry—was subscribed by the leading business men, amongst whom were Thomas Potter, Richard Cobden, and Absalom Watkin. "Soirees" were a popular form of entertainment, at which some distinguished visitor—Charles Dickens came there in 1843—would give an address followed by a social gathering or a dance³ in which the directors and their wives joined with the members.

The black picture of industrialism a hundred years ago is relieved

¹ The Royal Statistical Society in London was started the following year.

² See below, p. 216.

³ Referring to one of these occasions in 1839, Absalom Watkin wrote in his diary, "It was a pleasant scene, but I dislike the waltz more than ever. It is ugly and indecent." Absalom Watkin, *Extracts from his Journals*. Ed. by A. E. Watkin, p. 205.

to a certain extent by the fact that some of the men who were making money out of it felt some responsibility for its evils. The cynical view that the concern of the middle class for the conditions of life of the working class was merely a form of insurance against revolution is too simple to be completely true.

If the well-off middle classes had money and large houses and gardens, they had few of the conveniences that to-day we should consider essential. Their houses were lit by candles, as gas was too expensive for use in private houses; they had no baths and no water carriage. Cesspools in the gardens, which had to be cleaned out at intervals, were better than the privy middens in the working-class houses, but very inferior to water-closets. Their water supply might be, and often was, polluted and thus a source of typhoid and other diseases.

The men rode or drove to their warehouses and offices, and the ladies drove in "sociables" to St. Ann's Street, then as now the fashionable shopping centre. People went to London by mail coach before the advent of the railways. In 1830 the first passenger railway in England was opened, from Manchester to Liverpool, with the Manchester terminus in Liverpool Road. In those days passengers booked their seats in the particular compartments in which they were to travel, names and addresses being taken so that in the event of an accident it might be known at once who had been killed. If they were going for a long stay and wished to take their carriage with them, they had it strapped to a truck and then took the journey seated inside. Passengers' luggage was piled on the roofs of the carriages and sometimes it was knocked off under bridges or in tunnels. Very poor accommodation was provided for third class and the fourth might mean standing room only, in an open truck.

The description of the appearance of Manchester given in a guide-book a hundred years ago is still accurate enough for to-day: "The town is often covered, especially during the winter, with dense fogs, and there is at all times a very copious descent of soot and other impurities. But the general temperature of the air is mild; and seed time and harvest are as early in this neighbourhood, as in any part of the adjoining counties.

"The appearance of the town must be left to speak for itself. To strangers it is not generally prepossessing, the central and the

principal parts of the town being almost choked up with warehouses; still it will be seen there are some good streets and handsome buildings, and the villas and cottages in the outskirts are not, for the taste and neatness displayed in them, to be exceeded in any part of the kingdom."¹

But when we come to compare in detail the town we know with that of the past, we realize that the difference amounts to little less than a revolution in sanitation, health, education, amenities of life, in fact in everything that goes to make for civilization.

Apart from the material improvements, perhaps what would most strike a Manchester man of 1838 would be the lack of that class distinction between the working class and the employing class. Then the workers dressed in "fustian" and gentlemen in broad-cloth—to-day it is impossible to distinguish the classes by their clothes. Then, the only places of entertainment and recreation for the workers were the gin palaces and public-houses, to which "gentlemen" did not go. To-day all classes go to the pictures, and even if the cheaper houses are in the poorer districts of the town, the same pictures are shown in both. To-day, too, all classes have their wireless and the choice of topics to which to listen is certainly not settled by social class or by money income. All classes use the parks and meet in the City Council and on the Bench, and if all classes do not yet mix in the elementary school, they do in the secondary schools and in the University.

The French writer De Tocqueville said of Manchester in 1835: "Everything in the outer appearance of the city attests the individual power of man; nothing the regulating power of society. Human liberty reveals at each step its capricious and creative force. Nowhere is apparent the slow and continuous action of government."

In the following pages we attempt to show how "the slow and continuous action of government" gradually brought about the evolution of the city of 1938 from what another foreigner called "the monstrous agglomeration" of 1838.

¹ *Panorama of Manchester and Railway Companion*, 1834, p. 44.

CHAPTER II

HOW MANCHESTER WAS GOVERNED IN 1838

THE Manchester man of 1838 would have found some difficulty in defining and explaining the various jurisdictions under which he came, and the functions and methods of appointment of the various authorities which touched his affairs as a citizen. The local government of Manchester before the incorporation of 1838, and, indeed, for many years afterwards, was a curious medley. It was partly manorial, partly parochial, partly the creation of recent Acts of Parliament; in part it was democratic, in part oligarchic and aristocratic. It was also extremely confused. The residents of Market Street and Mosley Street lived under different local governing authorities from the residents of Grosvenor Square or Ardwick Green. In this chapter we must concentrate on the township of Manchester, because it was the largest and most important, with only an occasional glance at the out-townships of Chorlton-on-Medlock—or Chorlton Row as it was often called—Ardwick, Hulme, Cheetham, and Beswick, which were united with it to form the Municipal Borough in 1838.

There were five different bodies which exercised jurisdiction over the inhabitants of the township of Manchester a hundred years ago.

- (1) The Court Leet of the Lord of the Manor, Sir Oswald Mosley, with its Borough Reeve, Constables, and numerous nominal officers, was the survival of the manorial government of very early times.
- (2) The Churchwardens and Overseers—the officers of the old parochial system, which for centuries had combined care of Church and poor, and responsibility for assessing and collecting the Poor Rate.
- (3) The Police and Improvement Commissioners—a new body called into being by the great urban growth of the Industrial Revolution.
- (4) The Surveyors of Highways—old parish officers.

- (5) The Justices of the Peace for the county, representing the old aristocratic supervision of local affairs by the King's officers.

1

COURT LEET, BOROUGH REEVE, AND CONSTABLES

Manchester, by some mediæval accident, did not, like Liverpool or Stockport, or even Altincham, become a corporation with a mayor. It retained, in 1838, the same rudimentary organ of the manorial Court Leet, with its jury and unpaid officers, which it had in the sixteenth century. The Lord of the Manor was Sir Oswald Mosley, a Manchester man, descendant of the Sir Nicholas Mosley who became Lord Mayor of London, and who had bought the manorial rights in 1596 for £5,500. The Mosleys had long ceased to live much in Manchester; their home was at Rolleston Hall in Staffordshire, and their interest in Manchester was confined mainly to their revenues from the market rights and tolls.

The Court Leet, the Lord of the Manor's Court, had two sides. In the first place it sat as a small-debts court every three weeks and administered expensive justice to the poor. In the second place, there were two annual "great court leets," in autumn and spring, at which, presided over by the Lord's Steward, a jury of the most influential inhabitants was assembled, the manorial officers were appointed and a few cases of market offences and "common nuisances" were dealt with. The main importance of the Court Leet in the 'thirties was that it chose the Borough Reeve and the two Constables. These were honorary offices, and were filled by prominent citizens, but they had to be citizens who actually lived within the boundaries of the township. These three officers were the most influential in the town. The Borough Reeve, elected for one year only, and rarely serving twice, had the status we now associate with that of the Lord Mayor. He ranked as chief citizen, presided at the town's meetings, represented the town on ceremonial occasions, and administered the charities now included under the Lord Mayor's Charities. He was *ex officio* a member, and in practice chairman, of the Police and Improvement Commis-

sioners, and was chairman of special *ad hoc* bodies, like the Special Board of Health set up during the cholera epidemic of 1831-33.¹

We can see something of the life of such a citizen in the diary of Benjamin Braidley,² whose period of office in 1831-32 covered the first cholera epidemic and the passing of the Reform Act. We see him passing through the chain of public offices—Sidesman, Churchwarden, and Constable—to the highest post of Borough Reeve. He was conscientious in his duties, and his day's work, with its eating of ceremonial lunches and dinners, its attendance at innumerable committees and functions, was not unlike that of a modern Lord Mayor. Of the method by which the Borough Reeve was chosen we shall see something later.

The two Constables, also serving for a year only, were responsible for the day police force. This consisted of thirty men under the Deputy Constable, a salaried officer. In troubled times this force was frequently supplemented by special constables. The Constables, like the Borough Reeve, were only elected for a year and then not by the ratepayers whose money they spent, but by the Court Leet jury. As this also changed each year there was no body to whom they were responsible. Their expenses were paid out of the Poor Rate. They did not submit any estimates, and if the quarterly meetings of ratepayers refused to pass their accounts, they could appeal to the Justices, who, after hearing both sides, could order the Overseers to pay them. The Churchwardens and Overseers who raised the Poor Rate and who were supposed to be responsible for its expenditure, had no control over the Constables.

When night police became necessary, a new body, the Police and Improvement Commissioners, was set up under a special Act of Parliament of 1792.³ Although the Constables were made *ex officio* members of this body, the day and night police were kept quite separate—each under its own salaried chiefs.

In addition to the Borough Reeve and Constables, there was a long list of officers also appointed by the Court Leet jury. They were Mise Layers, Mise Gatherers—the men who used to assess and collect any tax or rate imposed by the King and Justices of the

¹ See above, p. 23.

² *Memoir of Benjamin Braidley*, 1845.

³ The earlier Act of 1765 for cleansing and lighting had given no powers for a "nightly watch."

Peace—Market Lookers for Fish and Flesh, Inspectors of White Meat, Officers to prevent Engrossing, Regiating and Forestalling, Inspectors of Weights and Measures, Market Looker for the Assize of Bread, Officers for Tasting wholesome Ale and Beer, Byelaw men, Officers for Muzzling Mastiff Dogs, and a Pounder. As these names suggest the offices were very ancient, but they were all still filled in 1838. There was no salary attached to them and the people appointed by the jury had to accept these offices as well as the high ones of Reeve and Constables on penalty of a fine. This system was a survival of the old system of local government when salaried officials were unknown and every resident was responsible in turn for the work of keeping watch and ward, repairing the roads and enforcing those rules and regulations which are necessary in every community.

The October meeting of the Court Leet in 1837 led to its extinction, for it was at that meeting that Richard Cobden, summoned as juror, and William Neild, elected Borough Reeve against his will, joined forces in the movement for municipal reform which resulted in the incorporation of the town.

On October 19, 1837, the Court Leet jury, summoned by the Deputy Steward of the Lord of the Manor, and consisting of leading business men, met at the Manor Court Room in Brown Street. The business began with the following curiously worded resolution which was passed by the jury at every meeting, and which dates from the beginning of the Court Leet when every burgess was supposed to appear to do suit and service to the Lord of the Manor. "The Jurors aforesaid being duly sworn do amerce all and every the Burgesses who owe suit and service to this Court and who have not appeared or essoined here this day in sixpence each and all and every other inhabitant who have defaulted in like manner of threepence each." By 1838, and indeed long before, this resolution had become as obsolete as some of the offices that were filled by the jury, for it would have been impossible to collect the fines from the 180,000 inhabitants of Manchester.

In his pamphlet *Incorporate Your Borough*,¹ Cobden has given a vivid account of this meeting: "Now, how will my readers, who are not in the secret, be surprised when they are told of the manner in which these important functionaries are appointed to the govern-

¹ *Cobden as a Citizen*, ed. by W. E. A. Axon, p. 30.

ment of the second town in the British Empire! It cannot be better explained than by describing the proceedings at the last Court Leet of the Lord of the Manor, when it was my amusing fate to be summoned as one of the jurors.

"And first for the locality, where the august ceremony of the election of the highest municipal officers for the town of Manchester takes place.

"At the appointed hour, ascending by a flight of steps in Brown Street, leading up to several other apartments, and to a dancing master's academy amongst the rest, I reached the door of the Manor Court room, which is large, and altogether destitute of furniture, whose row of tall old-fashioned windows would, but for the crust of smoke and dirt that covered them, have afforded a cheerful light. The atmosphere of the room was heavy and stale; it had probably been confined ever since the last public meeting of the teetotales was held there, a month before. To the left of the door lay a heap of sawdust, provided, perhaps (but this is only conjecture), against a meeting of operative Conservatives, when it would be judiciously strewed on the floor to hide the dirt which those worthies are accustomed to carry about them. A filthy white dog, with black spots, had curled himself upon this tempting bed; and he lifted up his ears with excusable surprise at the shrill tones of the crier, who now opened the court with the usual 'O Yes,' followed by an unintelligible jargon of Saxon, Old English and Norman epithets. The jurors were now penned within a small enclosure at the furthest extremity of the room; the representative of the Lord of the Manor took his seat in a small spring desk springing from the wall; his legal agent sat below; the oaths were administered to the jurymen; the assessor, having in about three minutes and a half delivered his charge, adjourned the court till the afternoon. Whilst these preliminaries were going on I looked over the enclosure which, I supposed, was designated to separate the crowd of spectators from the jurors, and I counted, besides the police constables, exactly *seven individuals* and they, one by one, walked listlessly away, leaving the jurors only in the deserted and murky chamber; and we now proceeded to make choice of three persons to fill the offices of boroughreeve and constables of Manchester—a task in which we were greatly quickened by the piercing cold vapour with which the apartment was filled. Having dispatched

messengers to the individuals nominated, summoning them to appear in the afternoon, to be sworn into office, we separated. At the appointed hour the court and jurors again assembled, when the gentleman who had been nominated to the office of borough-reeve attended and claimed to be exempted on the grounds of ill-health and previous service. The jurors protested that there was not another person remaining in the township liable, and at the same time eligible, to fill this high office. Some little difference of opinion existing, however, we requested permission to retire, and were conducted through a room into a closet under the stairs, in which were deposited the bonnets, shawls, cloaks and clogs of the nymphs who were threading the mazes of the quadrille and waltz in the dancing academy above. Here some stood, while others sat, and the remainder stooped beneath the stairs, till our deliberations, which were not a little accelerated by our incommodious quarters, were brought to a close, and we returned into court with a verdict against the claims to exemption put in by the boroughreeve elect, who thereupon was declared contumacious, and fined £200 (which fine was afterwards remitted). Our choice next fell upon an individual absent from Manchester, and the court adjourned for two days that he might have time to appear. On reassembling at the appointed time he presented himself to protest against nomination; but he yielded reluctantly, and the honour was at last gently forced upon him. The two individuals chosen constables were also unwillingly compelled to take the oaths of office. The court soon afterwards adjourned to the Mosley Arms Hotel for dinner, at which all present laughed heartily; and thus terminated the *farce of a mock election of officers to govern the affairs of the town of Manchester*.

"Neither the boroughreeve nor the constables whom I joined in electing were known to me, privately or publicly. I had not the least knowledge of them, personally or by repute; and the other jurors were alike in the dark upon the subject of their qualifications. The jury summoned to appoint those officers are selected by the legal agent of the Lord of the Manor; they attend unwillingly; the boroughreeve submits to his appointment unwillingly; the public is indifferent to the whole proceedings, not one in ten thousand of the population of Manchester attending to witness it; probably no one person in fifty of the inhabitants knows even the

names of the boroughreeve and constables at the moment; and not one individual in two hundred is acquainted with them personally."

After the discussions about this office, the jury then nominated the Deputy Constable at a yearly salary of £400, and he was appointed. Four beaules were then appointed in the same way and sworn in. These, with the police appointed by the Deputy Constable, were the only salaried officers of the Court.

After this business the jury occupied itself with "presentments." People who had committed certain offences described as "common nuisances" were summoned and fined. Three butchers were presented for exposing for sale diseased and unwholesome meat, a fruiterer and a grocer for using faked weights, five mill owners for permitting smoky chimneys, a manufacturer for allowing noxious, fetid and unwholesome vapours from boiling hams and a poulterer for keeping fowls in a cellar from which unwholesome stenches arose. These offences had been committed during the preceding six months, that is, since the last meeting of the Court in April. Fines were imposed varying from 1s. to £100, the latter being inflicted upon manufacturers for causing an excessive amount of smoke from their chimneys. The jury then appointed five of its members as "assessors," that is, people to consider whether the fines were just and should be imposed, and the Court adjourned for two days until October 21st, when it met again, the "assessors" affirmed the several assessments or fines, and then the list was printed.

Even after the grant of a special Court of Petty Sessions for the Borough of Manchester in 1839, the Court Leet kept its jurisdiction, and apart from indictment at Quarter Sessions, an expensive and uncertain procedure, the only remedy for certain offences was by the old clumsy method of "presentment." Inspectors of Nuisances under the newly-formed Corporation had to proceed in this way until the town purchased from Sir Oswald Mosley the market and manorial rights in 1846. The Manchester Police Act of 1844 had embodied in its sections those offences that, from time immemorial, had been considered common nuisances by the Court Leet, but the police courts could not deal with them until the extinction of the Court Leet in 1846.

It is not difficult to understand the feelings expressed by Richard Cobden and William Neild and shared by many of the citizens who had served on the jury, that this survival of a mediaeval form of government, suitable for a small community where the members lived in close touch with one another, was completely unsuited to modern conditions. The Lord of the Manor had lost the power of raising a single shilling to enable the Court Leet officers to discharge their duties. The requisite funds for the day police were supplied by the Churchwardens from the Poor Rate. "Thus the party that makes the appointment can grant no funds, the party which supplies the funds has no power over the appointment."¹ The Borough Reeve and Constables were, partly by custom and partly by the requirements of local Acts, made chairmen of the chief committees of the Commissioners of the Police, yet the Commissioners had no more control over these appointments than the leypayers.² Above all, these offices which should have been, like the present Lord Mayoralty, worthy objects of civic ambition, had come to be considered by many of the dwindling number of people who were qualified for them by residence and custom, with "utter aversion." It was an unwritten law that no shopkeeper should be chosen, and the successful business men were every year moving further away from the centre of Manchester to live in the suburbs. As we saw in the last chapter, Mosley Street, which at the beginning of the century was still the fashionable quarter of the town, was becoming increasingly occupied by warehouses and offices and the custom of living on business premises was going out of fashion.

It is surprising that Manchester, the largest provincial town in England and the centre of the rapidly developing industrial area of south-east Lancashire, should for so long have tolerated such an antiquated form of town government. As we shall see in the next chapter, William Neild had made an attempt at reform a few years before his happy meeting with Cobden in the stuffy Manor Court room in Brown Street in 1837. The combination of these men brought into being the Municipal Council.³

¹ Letter by William Neild to the *Manchester Guardian*, January 7, 1837.

² Ratepayers.

³ It is difficult to be sure if Manchester or Liverpool was the largest municipality in 1838. The population of Manchester returned to the Privy Council by Captain Jebb was 242,357.

II

THE CHURCHWARDENS AND OVERSEERS

The Churchwardens and Overseers, like the Surveyors of Highways which we will describe later, were parish officers elected by the inhabitants at large. A hundred years ago the parish was the most important unit of government. Manorial boroughs and ancient corporations were found in different parts of the country, but the parish was universal. Since Elizabeth's day it had been the basis of our rating system, for when the growing problem of the destitute had been accentuated by the break up of the monasteries which had previously looked after the poor, compulsory rating for this purpose was introduced. Four Overseers appointed by the Justices¹ were to act with the Churchwardens in raising and spending the Poor Rate. Even the Constable² appointed by the Court Leet had his expenses paid from the Poor Rate. The open Parish Vestry was for several centuries unique in England as the only popular assembly—other than the House of Commons—having the right to impose compulsory taxation.³

The parish of Manchester was very large, covering about sixty square miles. It stretched from Ashton-under-Lyne in the east to Eccles in the west, from Middleton in the north to Didsbury in the south. It included thirty townships, and its population at the census of 1831 was over 270,000. For many years before 1838 the townships had held their public meetings of leytayers to nominate their Constables, Overseers and Highway Surveyors, and to levy their Poor Rate and Highway Rate, but the Churchwardens⁴ of the Collegiate Church continued to act in ecclesiastical matters for the whole parish and they, with the Churchwardens and Sidesmen for the six divisions⁵ of the vast parish, were elected at the Easter Vestry.

It was the duty of the Justices to appoint Overseers and there was no legal necessity for previous election by the Vestry meeting,

¹ 39 Eliz., c. 3.

² *The Parish and the County*, by S. and B. Webb, p. 28.

³ See above, p. 40.

⁴ Inhabitants of the undivided parishes were eligible to vote for the election of Churchwardens.

⁵ These were Manchester, Salford, Blackley, Newton, Withington, and Strerford.

but it had been customary, not only in Manchester but throughout the whole of the country, to send to the Magistrates for appointment to this office a list of people who had been elected with the Churchwardens at the Easter Vestry. These in Manchester were called Sidesmen, or Assistants to the Churchwardens.

From "a time whereof the memory of man runneth not to the contrary" the Parish Church had been the place at which the meetings of ratepayers had been held, but in 1838 we find that some of them were held in the Town Hall.¹

The annual Vestry meeting held at Easter to elect Churchwardens and Sidesmen was held in the Parish and Collegiate Church; so was the annual meeting to elect both Parish and Township Surveyors of Highways. But the quarterly meetings, summoned by the Churchwardens and Overseers to pass the Constables' accounts, were held in the Town Hall, and the annual meeting to pass the Overseers' accounts was also held there.²

This intermingling of civil and ecclesiastical functions in the persons of Churchwardens and Overseers was evidently as confusing to the ratepayers of that day as it is to us. For instance, at the Vestry meeting in 1838 to elect Churchwardens and Sidesmen, a ratepayer wished to raise a question with regard to the salaries of officials and clerks at the Overseers' office in Fountain Street. The chairman refused to allow it as he said that it was not relevant to the object of the meeting, which was parish business. Another ratepayer raised a question connected with the valuation for Poor Rate, and he was also told that he could not discuss it there, but that he could properly raise it at the quarterly meeting for passing the Constables' accounts to be held a day or so later. The fact that the Constables had nothing to do with assessment and no connection with the staff at Fountain Street was not, apparently, any bar to the discussion at their meeting of Overseers' business. When their accounts had been passed and the salary of the Deputy-Constable discussed, questions relating to expenses of valuation, the dismissal of a Poor Rate collector and the making of the list of Parliamentary electors were all raised and debated. The quarterly meeting for the Constables' accounts had, therefore, in the absence

¹ See below, p. 53.

² The annual meeting to levy the Church Rate, which until 1833 had been compulsory in Manchester, was always held in the Parish Church.

of any other machinery for popular control of the Overseers, come to be used for that purpose.

The dual character of Churchwardens and Sidesmen as ecclesiastical and civil officers appeared also in connection with the Church Rate. Until 1833 this had been collected with the Poor Rate, although levied at a separate meeting.

When they were dealing with Church affairs and with the spending of the Church Rate, the Churchwardens and Sidesmen met at the Parish Church and entered their names in the minute book under the column "Churchwardens and Sidesmen." When they dealt with civil matters they met at the Fountain Street office¹ and entered their names as Churchwardens and Overseers. But even when in 1838 the Church Rate had become voluntary, and no accounts were therefore presented publicly, they seem to have had no hesitation in still using the same machinery as for the collection of the Poor Rate.

The fact that some of the public meetings were held in the Parish Church was no guarantee that they would be more orderly than those held in the Town Hall. Usually the Vestry meetings were not attended by many people, but in the stormy years of the eighteen-thirties the popular leaders, Thomas and Richard Potter, John Edward Taylor, Archibald Prentice and Richard Cobden, fought hard to get their own nominees elected as Churchwardens and Highway Surveyors, and to prevent the imposition of a Church Rate.²

In 1838, however, the meeting which was held on April 17th was only attended by a few "respectable inhabitants" who elected the Churchwardens and Sidesmen. These were by custom nominated by the outgoing set, so that the management of affairs was kept in the hands of a little clique. The County Justices acting for the Division of Manchester then formally appointed the Sidesmen as Overseers. All these officers, like the Borough Reeve and Constables, were only elected for one year, and it was unusual for a man to serve twice.

The civil work of the Churchwardens and Overseers was threefold. They were responsible for assessing and collecting the Poor Rate, which was also used for the Constables' expenses and

¹ Before 1820 they had met at the Workhouse.

² See *The Parish and the County* by S. and B. Webb, pp. 99, 100.

for such extra expenditure as that in 1831 and 1832 when cholera visited the town; they made up the lists of parliamentary and, later, of municipal voters, and they were also responsible for caring for the poor within and without the workhouse.

These duties were common to Churchwardens and Overseers throughout the country, but the manner in which they were executed differed. The system in Manchester was settled by a local Act of 1790,¹ under which the new workhouse—situated where Victoria Station now stands—was built. The Churchwardens and Overseers managed the workhouse, appointed and paid the Master, Matron, Chaplain and any other officials that they wished to employ. They were also free to administer out-relief, subject only to the right of the Justices to order out-relief in any case in which it had been refused, and where an appeal had been made to them.

By the local Act the Churchwardens and Overseers could apply to the Justices for additional Overseers, whom the Justices then appointed on their recommendation. The Justices also had to sanction the payment of salary to any of the Overseers. As a matter of fact, this power of the Justices had become nominal by 1838, and the Board of Churchwardens and Overseers settled the names of the additional Overseers and the salaries to be paid to the staff, and the Justices passed them without question. But when the fight against the new Town Council was carried on by the Churchwardens, the Justices, as we shall see, were confronted with two rival lists of Overseers. The same term "Overseer" covered both the voluntary part-time administrators and the salaried full-time officials. The people that we now call "Relieving Officers" were then called "Visiting Overseers."

The Board met once a month, but there were weekly meetings of the four district Boards for out-relief presided over by two members. At these meetings the Comptroller presented a report of the number of cases and amount of relief given during the preceding week and "anything which he may consider deserving their notice."

The office in Fountain Street was opened at eight o'clock in the morning, when all the Visiting Overseers, or Relieving Officers, had to be in attendance to answer applications for relief. They then went out to visit, and in the evening returned to the office to report

¹ 30 Geo. III, c. 81.

their visits and to attend to any applications that had come in during the day. It was the duty of the Comptroller to receive these reports and "to see that the business of the day is completed and especially that the poor people are dismissed to their homes in due time," and also "that at 12 o'clock or when the day's work is finished, the offices are securely closed." There were no definite office hours in those days, and eight o'clock in the morning to twelve o'clock at night sounds somewhat long.

The Poor Law Amendment Act of 1834 substituted Guardians elected from a union of parishes or townships and strictly controlled by the central government, for the Churchwardens and Overseers in all matters concerning the relief of the poor. There was, however, so much opposition in the industrial areas to the new system that it was not introduced in Manchester until 1841.¹ The old system was therefore still in force in the township of 1838.

The election of Churchwardens, like so many events in those days, was the occasion for a dinner, but they also had quarterly veal pie dinners, the cost of which was met by the fines imposed on those who were absent from committee meetings without cause or who arrived late! On the occasion of the annual sermon at the Collegiate Church for the Sunday schools, the Borough Reeve, Constables and Churchwardens dined with the preacher and the other clergymen at the Warden's house.

As we have seen in the first chapter, Nonconformists were strong in Manchester. Although some served as Police Commissioners, they were naturally excluded from the offices of Churchwardens and, owing to the custom of appointing Sidesmen as Overseers, from that of Overseers also. It was also rare that a Dissenter like William Neild, a Quaker, was appointed to the office of Constable or Borough Reeve. It is easy to realize, therefore, how a close governing body was formed of the Manorial officers and the Churchwardens and Overseers, who between them exercised so much control over the lives of the ordinary people.

The separation of civil government from ecclesiastical control took a long time. When the controversy over the charter ended in 1842, Sidesmen ceased to be appointed Overseers. The Board thereafter consisted of Churchwardens and Overseers nominated by the Board and appointed by the Justices under section 44 of

¹ See below, p. 318.

the 1790 Act. In 1850¹ the question having been raised, counsel advised that the Churchwardens had no right to be associated with the Overseers in rating matters. Since the Act of 1662,² the authority for all matters affecting the poor in large parishes in the north of England was given to the Overseers of the townships, and the Churchwardens had only long custom and no legal right to which to appeal. By the local Act of 1790 for election of the workhouse, they had been associated with the Overseers in Manchester in the care of the poor, but, as the workhouse had been paid for and as the Guardians had taken over the care of the poor since 1841, there was no longer any reason why they should take part in civil affairs. From 1850, therefore, the election of Churchwardens became merely a matter of ecclesiastical concern, and the inextricable mingling of religious and civil government that had existed as far back as history relates, came to an end.³

III

POLICE AND IMPROVEMENT COMMISSIONERS

In their volume *Statutory Authorities*, Mr. and Mrs. Sidney Webb describe the growth all over the country of various bodies of Improvement Commissioners during the eighteenth and early nineteenth centuries. As the population increased, as industry developed and drew large numbers of people into new urban centres, the need arose for some body with authority to control these communities in the interests of safety, convenience and health. Even in those towns which had possessed corporations from ancient times this need was felt, for as the Report of the Royal Commission on Municipal Corporations showed,⁴ most of the old governing bodies had become close and corrupt and their limited powers were unable to deal with the problems of a modern town. So we find public-spirited citizens everywhere forming themselves into

¹ Churchwardens and Overseers Board Book, May 3, 1850

² 13 & 14 Ch. II, c. 12.

³ In 1851 the work of the Board of Highway Surveyors was transferred to the City Council, so there was no longer any need for a Vestry meeting in the Parish Church to nominate lists from which the Magistrates appointed Surveyors.

⁴ 1835.

a committee, and raising the necessary funds to get a private Bill through Parliament to set up a new and *ad hoc* body of Commissioners.

Manchester and Salford—which in those early days was a suburb of Manchester—got their first Act in 1765,¹ when their combined population was about 27,000, the second in 1792 when it was over 80,000. The Commissioners appointed under the last Act divided themselves into two bodies and acted separately for the two towns. The Manchester body of Commissioners has been singled out by Mr. and Mrs. Sidney Webb² from the numerous bodies of Commissioners throughout the country as being one of the most enlightened and progressive.

In 1817, without any statutory authority, the ratepayers authorized the Commissioners to manufacture gas. This was used for lighting the streets and supplied to private users. The profits, which were substantial, were devoted to street improvements. The gas-works was managed by a committee of thirty Commissioners appointed for three years, one-third retiring annually. Mr. Fleming, the chairman, and Thomas Wroe, who was appointed manager in 1834 and held the position for many years, were both men of great ability, and prominent amongst the directors was Thomas Potter, who became the first Mayor in 1838. The Town Hall, later the Reference Library in King Street, was built by the Commissioners and opened in 1825.

In 1828³ a third Act was passed. It legalized the separation between Manchester and Salford, and made various other alterations. It was this Act, as amended in some details by the Acts of 1830 and 1832, that was in force in 1838, and it is therefore worth while to examine it in some detail.

Under the 1792 Act any occupier who was assessed to the Poor Rate at a yearly value of £30 was eligible to be a Police Commissioner on coming forward and taking the oath. Although the number attending was usually small and the work was done by committees, when any questions agitated the public as many as eight or nine hundred Commissioners turned up at the meetings. This happened in 1828, when the price of gas was hotly debated.

As a result of the noisy and unmanageable meetings, the Act

¹ 5 Geo. III, c. 81.

² *Statutory Authorities*, pp. 258-273.

³ 9 Geo. IV, c. 117.

of 1828 was secured after a violent agitation over the question of the rating qualifications for the Commissioners, which was fixed at a yearly value of £28. The number was to be limited to two hundred and forty, elected by persons rated at £16 who had paid rates during the previous year. The number of electors in 1836 was given as 4,242 and the number of people qualified to be Commissioners was 3,106.¹ The town was divided into fourteen districts, and two hundred and forty Commissioners were elected by the occupiers in these districts. The number allotted to the districts varied between nine and thirty-six, on a mixed basis of population and rateable value.

The way in which the election was held would seem curious to us nowadays. In 1838 everyone who was entitled to vote had to come to the Town Hall between nine and eleven o'clock, and to avoid congestion polling took place on Mondays, Wednesdays and Fridays, the different districts being allocated to one or other of these days. Notices of the election had to be given in at least two of the Manchester newspapers seven days before the voting took place. The Churchwardens had to prepare lists of voters and of people eligible for the offices of Commissioners, and these were printed and distributed to any elector who applied for them. On the appointed days a separate room in the Town Hall was set aside for each district, and what was called a district meeting was held when the voters arrived. As soon as nine voters arrived the business started, and the first item was to choose a Chairman. If the Borough Reeve, Constables, Churchwardens and Sidesmen of the Manchester divisions of the Parish of Manchester were present, one of them was to be chosen; if none of these dignitaries was there, then the voters present, by show of hands or by a vote if necessary, would elect one of themselves who was qualified to be a Commissioner. After the Chairman was elected, half an hour was allowed for receiving the votes. There had been no previous nomination, and every voter had to write on a piece of paper one or more names up to the total of the Commissioners allowed to his district. He then had to get the names seconded, and the paper signed by himself and the seconder with their respective residence and descriptions. These papers were handed to the Chairman, who announced the names to the meeting. When the half-hour had

¹ *History of Manchester*, by J. Wheeler (1836), p. 310.

elapsed, the doors were closed and the Chairman then counted the names of the people nominated and compared them with the Churchwardens' list to see if they were eligible. If the number nominated did not exceed the number of Commissioners allowed to the district, no further voting was necessary and the nominated were duly elected. If, however, there were more nominations than vacancies, the names were put into a box and drawn out one by one by the Chairman. They were then proposed to the meeting and each name was voted for by show of hands or by a division. The number for or against each name was put down in writing by the Chairman, and those who were found to have received the largest number of votes were declared elected and, with the Commissioners for other districts, and the Borough Reeve and Constables for the time being, became the body of Commissioners for the township. If a voter occupied premises in more than one district, he could vote in each provided, presumably, that he managed to get into the various rooms during the half-hour allowed.

There was no provision for getting the consent of the persons nominated, nor was there any way for settling for which district a man should be elected. It happened, therefore, that some of the people elected refused to serve and some were elected for more than one district. The Act said that they were to serve for the district that stood first in the scale of numbers, one to fourteen. In order to fill up the vacancies so caused, another election for the districts affected had to be held within ten days after the vacancy had arisen, and notice had to be given in the Manchester newspapers. One-third of the Commissioners, namely eighty, went out of office each year, and which were the first eighty was settled by the drawing of lots.

Thirty of the Commissioners were chosen by their fellows to be gas directors, and ten of these retired each year. The Improvement Committee also consisted of thirty members, one-third of whom also were appointed annually. This Committee carried out the improvements that had been authorized by the various Acts of Parliament.

The Commissioners worked through six sub-committees: (1) Finance and General Purposes, (2) Watch, (3) Lamp, Scavenging, Fire Engine and Hackney Coach, (4) Nuisances, (5) Paving and

Soughing, (6) Accounts. They carried out much of the work that is now done by the City Council, except that the Watch Committee only controlled the night watchmen. Although the Commissioners had power to establish a force of day police also, local jealousy left these men, as we saw, under the separate control of the Court Leet, and the two forces could not go to one another's assistance without the consent of the Constables for the day police and of the Watch Committee of the Commissioners for the night police. Between morning and evening there was a sort of interregnum between day and night police duty. It is difficult to imagine a more inefficient way of keeping order in a large community.

The out-townships of Hulme, Chorlton-on-Medlock and Ardwick had grown with the growth of the parent city, and they had each set up separate bodies of Commissioners.¹ These townships formed part of the Manor of Salford, but they elected their own Constables as well as Overseers. The need for greater powers of government arose, as it had arisen earlier in Manchester and Salford, from the desire for protection of persons and property which carried with it the necessity for lighting the streets.

After the incorporation of these townships with Manchester the separate bodies of Commissioners were dissolved and the powers contained in their local Acts were handed over to the Town Council.

IV

SURVEYORS OF HIGHWAYS OF THE TOWNSHIP OF
MANCHESTER

The necessity for maintaining highways so as to be passable was realized early in our history, and a duty was laid on each parish to maintain its roads. This was done originally by requiring personal service—unpaid labour—in rotation from each inhabitant. Later, people were glad to pay money in order to be relieved of this duty and the Justices had the right to levy a rate at Quarter Sessions if the other methods were found insufficient—*as*, indeed, in large and populous parishes they very often were. In 1838 there were Sur-

¹ Chorlton-on-Medlock 1822, Hulme 1824, and Ardwick 1825.

veyors for the immense Parish of Manchester,¹ and Surveyors for each of the townships. These were both elected at the Easter Vestry meetings.²

The annual meeting held in April 1837 in the Collegiate Church was typical of all their meetings. There was a small attendance, only fifty being present, and the Chaplain of the Collegiate Church took the chair. The Churchwardens and Sidesmen were first elected and then a ratepayer proposed six names as Surveyors of Highways for the parish. These were elected without discussion. Then a list of ten names was proposed as Surveyors of the township, James Murray and William Neild, later Aldermen of the town, and James Wroe, the Radical member of the Police Commissioners, were amongst the list; also Lewis Williams, who served the Board of Surveyors for many years.

Then a discussion ensued, more outspoken than any discussions on the same topics nowadays. The Rev. J. Scholefield, the doctor-preacher of the Round House Chapel in Every Street, Ancoats, accused Mr. Williams, who had been Chairman of the Board for the previous year, of having improved certain small streets in the neighbourhood of his own mills, and of entirely overlooking Every Street itself. Mr. Williams replied that the delay in paving Every Street was wholly due to the difficulty in getting material. No time would be lost once the material was procured, he promised, and finally he said that he had made every exertion to finish the part near Dr. Scholefield's house and chapel. These annual Vestry meetings were the only opportunity for a ratepayer to criticize or to ask for information; no report seems to have been presented, although the accounts had to be passed. These had been previously open to inspection for several days by any ratepayer at the Minshull Street office.

The Surveyors, like all the other elected officers, were only elected for one year, but the custom seems to have grown up even by 1820 of re-electing most of the members time after time. Why this eminently suitable arrangement was not also followed by the Churchwardens and Overseers is not known. The Assistant-

¹ These had only existed since 1813, when a local Act, 59 Geo. III, c. 22, authorized their election and gave them powers to levy a rate for the upkeep of certain highways for which the separate townships were not responsible.

² Until the Highways Act, 1835 (4 & 5 Will. IV, c. 50), they had been elected at Vestry meetings in September, and then appointed by the Justices at Special Highway Sessions.

Surveyor was the paid official, and there was a staff under him of clerks and collectors, for the Highway Rate was separately collected. The Board met every Friday morning at ten o'clock at the office in Minshull Street and was open to the Press.

When we come to consider the relations between the Surveyors of Highways and the Paving and Soughing Committee of the Police Commissioners, we find that state of confusion that even now seems inseparable from the administration of roads, perhaps because they are used for so many different purposes and by so many different bodies. Drains, gas and water pipes, and electricity cables have to go under the road, telegraph and telephone wires above it, tramway lines and lamp standards on it. The surface has to be paved, kept in repair, widened, drained and cleansed when it becomes a public highway. The ancient duty of the landowner to drain and pave his frontage before it could be taken over by the public authority was enforced by the Police Commissioners, not by the Highway Surveyors. The Commissioner either made the owner do it, or did it at his expense, which is the method still used by our Paving Committee.

Once a road was put in good repair it could be declared a public highway, and after that it was repaired by the Surveyors of Highways out of the rates. The Police Commissioners were, however, responsible for making all the sewers and for all widenings and improvements. The relation between the duties of the two Committees is not clear. Sometimes the Highway Surveyors inspected streets before they were taken over as public highways, sometimes the Improvement Committee of the Commissioners, but only the Surveyors were able to declare roads public highways.

Apparently the Surveyors also often carried out work on behalf of the Police Commissioners, as well as for the Surveyors of other townships and occasionally for the owners of private streets, for which they were paid.

The relationship between the two bodies, Police Commissioners and Surveyors, serving the same area and both collecting rates from the same people, shows that a hundred years ago, as to-day, each committee tried to push any possible cost on to another committee, although it all comes out of the rates.

Confusion between the work of the two bodies was probably avoided by common membership. Some of the Surveyors were

also Police Commissioners and members of their Improvement Committee. But that did not prevent confusion in the minds of the public. At the annual meeting in the Collegiate Church in 1844 to elect Highway Surveyors, a year after the Police Commissioners had been absorbed by the Town Council, one man said that the pavement of a street at Corkgates had been pulled up by the Surveyors two years ago and never put down, another that unnecessary new paving had been laid down in High Street and Lever Street. The Chairman, Lewis Williams, explained that in both cases the fault was that of the late Commissioners of Police, not of the Surveyors: "You mix up paving done under the Police Act with that of the Surveyors."

"There is Mr. Francis—he has choked up a cough," said a ratepayer.

Mr. Williams: "He is not our servant, I tell you, you confound the Commissioners' work with that of the Surveyors." (Laughter.)

The turnpike roads,¹ portions of which ran through the city boundaries of Manchester and the out-townships, were, of course, maintained by the Turnpike Trusts. The Trustees consisted of persons possessing a certain amount of property and of the Justices of the Peace for the locality. These Trustees erected turnpikes and tollbars and gates on any part of the road under their jurisdiction. Foot passengers went free, but there was a scale of charges ranging from one penny to sixpence for horses, cattle, wagons, carriages, etc. Double tolls were usually charged on Sundays. The tollbars on Oxford Road, Oldham Road, Rochdale Road, Bury Old and New Roads and Chester Road were abolished at various dates, but in 1838 they existed and were placed at intervals of a few miles.

"The institution of Turnpike Trusts with a revenue from tolls did not however free the inhabitants of each Parish from the responsibility towards the road. For many years before 1812 the Surveyors of the township of Manchester had paid to the Trustees of the Oldham Turnpike Trust £100 from the Highway rates."² But the Highway Surveyors had no control over the Turnpike Trusts.

The Highway Surveyors were not superseded by the Town Council. They continued in existence until 1851, when the Manchester Improvement Act of that year made the Council the highway

¹ They were Oxford Road, Oldham Road, Rochdale Road, Chester Road, and Bury New and Old Roads.

² *Municipal Authorities*, by S. and B. Webb, p. 168 note.

authority. Their work was taken over by the Paving Committee that had eight years before absorbed the work of the Paving and Soughing Committee of the Police Commissioners.

v

THE JUSTICES

From the various references to the Justices it is clear that these dignitaries exercised much wider administrative powers a hundred years ago than they do now. We are accustomed to think of magistrates chiefly as sitting in the police courts and dealing with the offences that are brought before them by the police. We know that they also sign recommendations for passport regulations, vaccination exemptions, etc., that they visit the prison, and that a selected few of them, called Licensing Justices, sit at Brewster Sessions, dealing with licences for public-houses. But a hundred years ago, and for centuries before that, a great part of the local government, not only in the country but in the towns, was in the hands of the Justices. Their administrative duties were fully as important as their judicial functions. They appointed the Overseers, elected by the Vestry.¹ They were responsible for seeing that the roads and bridges were kept in proper repair. It was under their precept that the Poor Rates and Highway Rates were levied. They were empowered to visit the workhouse² and inquire into its management, and they had the right, which they constantly exercised in Manchester, of ordering the Overseers to give out-relief in cases in which it had been refused. The exercise of this power caused much friction between the two bodies, and the Overseers appointed each month two of their members to attend weekly at the New Bailey Court, where poor people exercised their right to appeal to the Justices, in order to see that the point of view of the Overseers was represented. This did not always result in the Justices upholding the Overseers' decision. Between 1827 and 1837 John Frederick Foster, who was the Chairman of Quarter Sessions, frequently ordered relief to the Irish poor when it had been refused by the Overseers. The Overseers hoped in this way to discourage

¹ See above, p. 47.

² Under the local Act 30 Geo. III, c. 81.

the Irish from remaining in the town, although they did not go to the length of applying for their removal. In reply to a letter from the Churchwardens, Mr. Foster said¹ that he was glad that he had saved these people from removal as, although the Irish workmen had not any legal settlement in Manchester, they had spent the best part of their lives in the manufactories of this town. He described them as people "without whose labour, I may safely assume that the manufactures would never have attained their present importance." Curious though it seems to us now to think of the magistrates, with no staff to make the necessary inquiries, ordering out-relief against the decision of a Public Assistance Committee, in those days the Justices were often the only defence of the poor against harsh decisions taken by a body of self-educated men, who had not at that date even to submit their proceedings to any body like the Board of Guardians or later the City Council.

The Justices managed the New Bailey Prison and they had important functions with regard to rates. Before incorporation, Manchester and the out-townships were liable to contribute to the County Rate.² The total amount was divided amongst all the townships in the Hundred of Salford, and the precept by two Justices for this payment was issued quarterly. In 1838, for instance, the township of Hulme had to pay about £90 a quarter for this County Rate. The ratepayers had no control over this expenditure, and we can agree with Lord John Russell when he said: "The principle of our constitution that no taxes or rates should be levied except by popular consent, is grossly violated by the raising of large sums by virtue of the orders of the magistrates named by the Crown upon the advice of the Lord Chancellor."

The large township of Manchester was as much a part of the county for the purposes of justice as the smallest rural hamlet. There were no Manchester Justices, but four of the sixty-seven appointed for the Hundred of Salford acted for the Division of Manchester, which included Salford and forty-one other townships. A stipendiary magistrate had been appointed in 1813³ at a salary of £1,000, of which seven-eighths was paid by Manchester and one-eighth by Salford.

In 1838 Daniel Maude was the Stipendiary, and he sat every

¹ Churchwardens and Overseers' Board Book, November 28, 1837.

² See below, p. 65.

³ Geo. III, c. 72.

day except Sunday in Petty Sessions at the New Bailey Court House, assisted by the county magistrates in rotation. Oswald Milne, the solicitor, of whom we shall hear more in our next chapter, was Clerk to the Magistrates for the Division of Manchester. John Frederick Foster was Chairman of Quarter Sessions. There was a County Court which heard claims up to £10, held every month before the Assessor to the High Sheriff by adjournment from Preston, and a Court of Requests held fortnightly which dealt with larger sums. The County Assizes were held at Liverpool and Lancaster.

Students of local government history will remember that when the Municipal Corporations Bill of 1835 was first introduced in the House of Commons power was given to the Town Councils to elect magistrates. One of the compromises that the House of Lords forced on the Government was the deletion of this clause and the substitution of one vesting these appointments in the Crown. However, for some years after 1835 Lord John Russell, who was Home Secretary, used to appoint the men whose names were sent up by the councils. Even when this custom ended, a close connection, becoming looser as the century advanced, has existed between the borough magistrates and the City Council. The Lord Mayor is the Chief Magistrate, but out of a hundred and seventy magistrates to-day, only forty-seven are members of the City Council, whereas in 1839 there were fourteen members of the Council amongst the thirty-four magistrates.

The establishment of the Town Council in 1838 and the Boards of Guardians in 1841, took from the magistrates much of their already diminishing administrative powers, although they continued in Manchester to approve the appointment of Highway Surveyors until 1851 and of Overseers until 1899.

Such was the government, or misgovernment, of Manchester a hundred years ago. How was it paid for?

There were six separate rates: the Poor Rate, Police Rate, High-

way Rate, County Rate, Rate for Stipendiary Magistrate's Salary and the Church Rate.

The Poor Rate, the most important of these, was raised by the Churchwardens and Overseers. In 1838 it was 1s. 6d. in the pound for the township of Manchester, and the amount raised that year was about £29,000. This covered the expenses of indoor and outdoor relief, the cost of the day police and also the sum due towards the County Rate.¹ Other demands might be made upon it. For instance, when cholera visited the town in 1832 and the Special Board of Health, to which we have referred, was formed to set up the cholera hospitals, whitewash infected houses and make other arrangements for the victims, money from the Poor Rate was handed over to the Board of Health by the Churchwardens after a public meeting of leypayers had sanctioned the payment. This procedure was followed throughout England, even before Parliament made it legal in 1832.

The Police Rate, raised by the Improvement and Police Commissioners, was limited by the Acts which set them up to 1s. 6d. in the pound, and was actually 1s. 3d. in 1838. The assessment for the Poor Rate was also used for this rate, which paid for the body of night police, fire engineers, street lighting by gas, and cleansing. Any dwelling assessed at £4 10s. or less was exempt from this rate, as was a house that was more than a hundred yards from a street lamp²—an attempt to fit payment to benefits received.

The Highway Rate was raised by the Surveyors of Highways, also on the Poor Rate assessment. There was a separate rate for each of the townships, and also one to which all the townships in the parish of Manchester had to contribute to pay for the roads which were a parochial responsibility. Thus in 1839 the Justices, in a special session of the Highways for the Division of Manchester, authorized £780 to be raised for this purpose. The amount for each township was levied in the same way as the County Rate, and we find that Hulme was assessed at £29. The Highway Rate of the township of Manchester had also to bear the interest and sinking fund of the loan for the big Market Street improvement begun in 1821 as well as for the expenditure on its public highways.

The Poor Rate and the Highway Rate, raised by different bodies,

¹ See below, p. 63.

² 11 Geo. IV, c. 47, sec. 107.

had both to be allowed by the Justices before they could be legally collected. This practice had, by 1838, come to be as nominal as the appointment by the Justices of the Highway Surveyors or Overseers. But there was more justification for the control by the Justices in the case of rates, as the various Boards were under no obligation to get their rate confirmed by a public meeting. They had to submit their accounts to the public annually in the case of the Overseers and Highway Surveyors, quarterly in the case of Constables, but the rate that they levied did not have to be passed by any public body.¹

The County Rate. The various townships that later made up the municipality of Manchester were liable, before incorporation, for that part of the County Rate which paid for prisons, the lunatic asylum, the salaries of the Chairman of Quarter Sessions, the Treasurer and the County Coroner, for the maintenance of the county bridges within the Hundred of Salford and, occasionally, for damage for riots. There is no record of a separate collection of the County Rate in any of the townships, so that the amount demanded was probably included by the Overseers in the Poor Rate—that compendium of all the oddments of rates.

There was still another rate, that for the salary of the *Stipendiary Magistrate* which the township of Manchester shared with Salford.² This rate was raised by the Police Improvement Commissioners with the Police Rate. Prisoners were brought to this court from all over the Division of Manchester, which included thirty-six townships in addition to those near Manchester—Hulme, Ardwick, Chorlton-on-Medlock, Cheetham and Beswick. The majority of the prisoners came from Manchester and these townships, and one of the reasons for incorporating them with Manchester, which certainly weighed with the Privy Council Commissioners, was the fact that the township of Manchester was paying practically the whole cost of the Stipendiary.

Lastly there was the *Church Rate* which, however, a few years before our story opens, had ceased to be compulsory in Manchester. This rate was of very ancient origin, and was originally levied to maintain the fabric of the Parish Church. Some of the money raised by the Church Rate also went towards the upkeep of churches

¹ When the Town Council was established it had power to levy the Borough Rate without applying to the Justices.

² See above, p. 60.

such as St. Matthew's Campfield, St. George's Hulme and St. Andrew's Travis Street, which had been built out of the money granted by Parliament in 1815.

There was a special meeting called each July to levy the Church Rate, which was usually no more than 1d. in the pound.¹ It was raised on the Poor Rate assessments and collected with it. Quakers, at least, in Manchester were exempt, but Nonconformists all over the country had been protesting against the rate for years, and in 1832 it was generally expected that the Reform Parliament would deal with the question. However, nothing was done and in 1833 Thomas Potter and some of his friends went to the public meeting of leypayers and carried a motion that no rate was necessary, and that the meeting be adjourned for six months. The Churchwardens then demanded a poll under the Sturges Bourne Act which allotted votes according to property, one ratepayer having six times as many as another. Again the Churchwardens were defeated in a poll of over 7,000. They then demanded a scrutiny of the voting lists, and apparently satisfied themselves that the majority should have been on their side, for they levied the rate. Many, however, refused to pay it. The following year the same thing happened. Thomas Potter and his friends again moved and carried a resolution that no rate was necessary; again there was a poll, which supported the decision of the public meeting, this time by a majority of over a thousand on a poll of 12,850; again the Churchwardens demanded a scrutiny. This was carried out by their own supporters, including their legal adviser, Oswald Milne, and when they again levied the rate many refused to pay.

The following year there was a large and noisy meeting. The Chairman said that they wished to levy a rate of 1d., which would realize £1,500, that the Parish Church and two others needed beautifying,² and that some of the churches required plate. Mr. Hadfield said that the Churchwardens had no right to levy a rate if the parish meeting refused its sanction, and that parishioners were not compelled to make a rate. Mr. Potter asked them to withdraw their proposal and to raise the money by subscription. He himself offered £50, but the suggestion was refused. The uproar was

¹ There was no statutory authority for the Church Rate; it could only be levied if the parishioners agreed. (See *English Poor Law History*, vol. 1, "The Old Poor Law," p. 12, by S. and B. Webb.)

increased when four headles, members of the day police force, came in and walked up to the parish table. No one knew on whose instructions they had been summoned, but Mr. Pryce, one of the Constables, prudently ordered them to withdraw.

The vote against a rate was carried almost unanimously, and the Churchwardens, realizing that they were beaten and that a third poll would reveal an even greater majority than that of the last two years, announced that they did not intend to apply for one. This announcement "was received with cheers such as probably never before were heard within the venerable walls of the ancient edifice."¹

From that date no attempt was made to force payment, and the amount of the rate on the demand note for the Poor Rate had "optional" written against it. Many of the leaders of the movement against the compulsory rate, Mr. Thomas Potter and his dissenting colleagues, pledged themselves to pay the rate voluntarily on their property. When in 1838 they were in control of the new Corporation, they saw that the rate was paid on Corporation property. In 1850, however, the question of the legality of this procedure was raised in the Council, and the Town Clerk ruled that there was no power to use the ratepayers' money in this way. This decision of the Council must have meant a considerable reduction in the Churchwardens' revenue, and in 1852, when they had been dissociated from the Overseers² and had lost all control over the ordinary rates, they requested the Overseers to delete the word "optional" from the Church Rate amount in the demand note. The Overseers agreed, so that ratepayers who did not realize that the rate had no legal status paid it. In 1868, however, Parliament at last dealt with the matter, and from that date the payment became optional all over the country.³ The Manchester Overseers were therefore forced to re-insert "optional" in the demand note.⁴

Compounding.—There were very many small assessments in 1838. Out of the 34,535 in the township of Manchester, 10,000, or more than one-third, were under £4 10s. These were mostly small cottages and cellar dwellings. A cellar with the rent of 1s. 6d. a week, for instance, was assessed at 3s. 4d. for one year's Poor

¹ *Manchester Times*, July 11, 1835.

² See above p. 51.

³ 31 & 32 Vic., c. 109.

⁴ The last year that this rate was collected by the Overseers was 192.

Rate. It was only possible to collect such small amounts by compounding agreements with the landlord. This difficulty was not peculiar to Manchester, and in 1819 an Act of Parliament had been passed¹ which allowed the Vestry to resolve that the owners of premises between £6 and £20 yearly rental, which were let at periods for less than three months, should be assessed instead of the occupiers. In return for an agreement by which the landlords undertook to pay the rates whether the houses were occupied or empty, thus ensuring regular payment and saving the cost of collection, the landlords were allowed to make a deduction from the rates due. This Act was permissive, that is to say, it only operated in those parishes where it was adopted by a meeting of inhabitants. Once it was adopted it became compulsory to rate the owners instead of the occupiers of these houses.

The Act was adopted by a Vestry meeting of the inhabitants of Manchester in 1822 in spite of some opposition. The following year the question was brought up again at the Vestry meeting, and the decision reversed. It is easy to understand this opposition. Up to that time no real attempt had been made by the Overseers to collect the Poor Rate from property below £10 value because of the trouble and expense of collection. Whole streets were written off on account of poverty. However, the Overseers, who had found the Act advantageous, decided to continue the arrangement, so they—quite illegally—ignored the Vestry, and compounding continued.

From an investigation of the rate books for 1838 it is clear that compounding was not by any means general, neither was the amount of the allowances to the owners uniform. We find often that the full rate on poor property which was not compounded for was excused, and so it is easy to understand that the Overseers found it to their advantage to offer liberal allowances to owners who were ready to pay rates, whether their houses were occupied or not. The practice seems to have been to make an allowance of 50 per cent on the lowest rated houses, and a smaller percentage as the amount of the rate increased, but there were many exceptions.

The system of compounding continued for many years to the mutual advantage of landlords and Overseers, but there came a day

¹ 59 Geo. III, c. 12.

of reckoning. In 1857 the Poor Law Auditor decided that as the permissive Act had not been adopted by the Vestry, the Overseers had no power to allow deductions from the rates, and that they must be surcharged. As for the whole of the twenty-three years during which their accounts had been audited, the deductions had been allowed, the Overseers were naturally indignant. Finally the Local Government Board decided to remit the surcharge if the Overseers took steps to legalize the position in future, and the Manchester Overseers Act of 1858 was the result.

The Police, Highway and Poor Rates were separately collected, although one assessment was used.

The total of the rates raised in 1838 was £75,000, just under 4s. in the pound, a state of things at which the present ratepayer might look back with envy, until he stopped to think how few municipal services were provided then compared with those which he now receives: no education, no public health provision, no main drainage, no parks, libraries or swimming-baths, no municipal houses, badly paved roads (when there was any paving at all), very little refuse collected, large parts of the town badly lit and two small and inefficient police forces. If he now pays 16s. instead of 4s., he gets better value for his money.

VII

CONCLUSION

This brief sketch of the government of Manchester a hundred years ago shows that it was shared by five different authorities: the Borough Reeve and Constables, the Police and Improvement Commissioners, the Churchwardens and Overseers, the Surveyors of Highways, and the Justices of the Hundred of Salford.

There was a property qualification for membership of some, but not of all of these governing bodies. The Borough Reeve, Constables, and the Court Leet jury were chosen from the aristocracy of the town—the leading business and professional men. Shopkeepers were, by an unwritten law, never chosen. Justices had, by law, to possess real estate to the annual value of £100, and the Police Commissioners of the township of Manchester had

to possess property of £28 rateable value.¹ Churchwardens and Overseers were not required by law to possess any qualifications but that of residence, but by custom it was again the prominent Churchmen who were elected each year, usually by a small meeting of their friends.

Surveyors of Highways had to be "substantial inhabitants,"² occupiers of land or premises worth £30 a year, and again in Manchester we find the names of prominent business men amongst them, some of whom were at the same time Police Commissioners.

Each of the bodies was differently elected or appointed and, with the exception of the Police and Improvement Commissioners, elected for one year only. The principle of annual election applied also to the paid officials, the Deputy Constable, Assistant Overseers and the Assistant Surveyors, although common sense procured—in the township of Manchester at least—the re-election of these officials each year. They had, however, no security of tenure and, with the exception of the Board of Surveyors—of which several members served for many years—had to deal every year with a fresh Chairman. What is more striking is to find that, with the exception of the Police and Improvement Commissioners, who worked through Committees responsible to the whole body of Commissioners, the executive in each case, namely, the Borough Reeve and Constables, the Board of Churchwardens and Overseers, the Board of Highway Surveyors, had no body intermediate between them and the body of electors to which they had to submit their actions. The general body of leypayers, or as they were correctly described, "the inhabitants in vestry assembled," met once a year and elected Churchwardens, Overseers, Highway Surveyors, and passed their accounts, but they had no control over them until the next year, when they elected a fresh set. One exception was, as we have seen, the Constables, who had to submit their accounts to the general body of leypayers once a quarter before they could be paid, and were, therefore, open to criticism, but the Constables were the only people not popularly elected but appointed by the Court Leet.

This system, which possibly sufficed in the far-off days when Manchester and all its surrounding townships were small villages,

¹ In Hulme £25, in Chorlton-on-Medlock £20, and in Ardwick £30.

² 13 Geo. III, c. 78.

in which everyone knew everyone else, and where the doings of the officers could be discussed every Sunday when the parishioners met at the Parish Church, was hopelessly inadequate for a collection of townships of nearly 300,000 inhabitants. One of the great advantages brought about by the establishment of the Town Council was the existence of an elected body to which the various committees were responsible. Although local government a hundred years ago covered a much smaller field than it does to-day, even then it was impossible for the general body of ratepayers to exercise any informed control over it. A popularly elected body, interposed between the committees responsible for the different sides of the work and the general body of electors, and open to the Press, is the best device yet invented for securing fair administration and intelligent criticism.

CHAPTER III

THE FIGHT FOR THE CHARTER

I

A WRITER of the history of another part of England in 1832 said, "England in very ancient times was productive of cunning framers of constitutions. Very few towns in the kingdom are governed by the same laws; and while many of them have whimsical, many more have exceedingly beautiful schemes of government."¹

Nobody could describe the government of Manchester in 1838 as an "exceedingly beautiful scheme," "whimsical" would be the more appropriate adjective, for it certainly grew up without plan. The solution of the problems of sanitation and police that the sudden and vast accumulation in towns of people accustomed to the standard of country living, and even of the much lower standard of rural Ireland, was totally beyond the powers of the existing forms of government.

To the middle class the chief need of the town in years in which "turnouts," as strikes were called, rioting by the unemployed and the poverty-stricken handloom weavers, and political demonstrations, were frequent, appeared to be an efficient body of police with powers over the contiguous out-townships. A separate day and night police, each unable to come to the assistance of the other without the consent of specially summoned committees, and a day force of only thirty-four constables, did not ensure the speedy assistance which was necessary when starving men were rioting. In the case of large demonstrations known to the authorities beforehand, there was usually time to get the military to the scene of action, but small bodies of incendiaries could act quickly and without warning. In any case, we know from a letter from Colonel Wemyss, who was the adjutant in this district, that he much disliked this constant appeal for the soldiers. "Experience shows," he

¹ *History of Northumberland*, by the Rev. J. Hodgson, Part II, p. 429. Quoted by S. and B. Webb in *The Manor and the Borough*, p. 367.

wrote,¹ "that the civil authorities, generally speaking and not at all alluding to Manchester in particular, are too fond of calling upon the military, in short, expecting the duty which the civil force ought to be adequate to perform to be done by the soldiers, a practice which might lead to serious mischief and induce a belief, however erroneous, that the people are only kept in subjection by sabres and bayonets." The lesson of Peterloo had not been forgotten by wise men.

Once the military were summoned and provided with a magistrate to read the Riot Act, they could act without any consideration of boundaries, but the police of all the nine townships within the parliamentary borough of Manchester were under separate bodies, very jealous of their independence. A thief had only to cross the Medlock in Oxford Street and the police in Manchester had to stop the pursuit. If no member of the Chorlton-on-Medlock police happened to be on the spot, the thief had an easy escape. The interval between the duties of the day and night police in all the townships offered a temptation to the "evilly disposed" which they did not resist. We can well understand how a uniform and efficient combined day and night police force, able to operate over all the townships which made up the real area of Manchester, appeared to the business men of the day to be the most urgent necessity.

The movement for a reform of the government, after several earlier abortive attempts, had begun in 1820, the year after Peterloo, when a committee under the Borough Reeve was appointed to submit to the Crown a plan for a charter for Manchester. The Prime Minister, Lord Liverpool, and the Home Secretary, Lord Sidmouth, promised their assistance but, before anything could be done, the annual change of officers brought in a new Borough Reeve and new Constables who were not favourable to any change. Nothing more happened for twelve years, when, in 1832, the year of the Reform Act, a meeting in the Town Hall was called by the magistrates of the division, the Borough Reeve, Benjamin Bradley, and the Constables, to consider the expediency of providing a more efficient police system for Manchester and the adjoining townships. J. F. Foster, then the Stipendiary Magistrate, presided. There was a discussion in which widespread complaint

¹ Letter to Capt. Jebb, Privy Council Papers, 1838.

of the present system was made, but no satisfactory remedy was proposed.

The Parliament elected under the Reform Act of 1832 had not exhausted its zeal by that Act. Everyone realized that the reform of local government must follow that of Parliament because municipal corporations—many of whom were self-appointed and corrupt—had rights of nomination to Parliament. In 1833, the year of the reform of Scottish municipal government, Lord Brougham, who was Lord Chancellor in the Whig Government, introduced a Bill on his own responsibility—it was afterwards dropped—to provide for the better government of certain towns which had been made into parliamentary boroughs by the Reform Act of 1832, but which had no proper municipal institutions. Manchester was one of these towns, and although the parliamentary life of the Bill was short, two Commissioners, Major Wylde, R.A., and Mr. Power, barrister, were sent down by the Government to make out a scheme for the division into wards of the area covered by the parliamentary borough, namely, the seven townships of Manchester, Hulme, Ardwick, Chorlton-on-Medlock, Cheetham, Newton, Harpurhey, Bradford and Beswick. There was no suggestion at that time that the municipal borough should be different from the parliamentary borough. No official statement was ever made about this visit, but as the visiting commissioners were discussing the question with leading men of all parties, it was only natural that rumours should get about, and rouse the opposition of those people always to be found in any community who object to any alteration of the *status quo*. A meeting to protest against incorporation with Manchester was called by the Constables of Chorlton-on-Medlock. However, the Bill was dropped—it is not known why—and the next step taken by the Government was the appointment of a Royal Commission to inquire into municipal corporations.

When the Royal Commission reported in 1835, the revelations of corruption and inefficiency provided the motive for drastic reform. The Municipal Corporations Act abolished the existing corporations and substituted a body elected on a franchise intended to be much wider than the £10 parliamentary franchise but which, as a matter of fact, proved to be in most cases a narrower one.¹ However, a form of popular election was substituted for self-election.

¹ The question of the municipal franchise is fully discussed in Appendix I.

Whilst this Bill was going through Parliament, reformers in Manchester had followed its progress with interest, and, when the opponents of the measure tried to delay its passage by calling for further evidence from the old corporations, Thomas Potter and George Hadfield drove off to London in a post-chaise and four, with a petition against delay, signed by over twenty-two thousand inhabitants. Their method of collecting signatures would hardly commend itself to us nowadays. It was stated by the Duke of Newcastle in the House of Lords, and not denied, that the petition had been "got up in the way in which such petitions very frequently were—by obtaining the signatures of persons who were perfectly incompetent to affix their signatures to it. . . . It was by placing tables at the corners of the public streets and getting at such persons as could just scribble their names to put them down; as the boys came out at their dinner hour, they were called to sign their names, not one of them knowing what they were signing."¹

The Act² only applied to existing corporations, but provision was made for other towns to be granted a similar charter by the Privy Council upon application by the inhabitant householders. It was not stated that this should be by a "majority," and much controversy later centred round this point. Under this section Birmingham and Bolton also gained charters in 1838.

In 1836 a small meeting was held in Manchester composed of individuals of all parties "to consider approaching the Borough Reeve and Constables to ask them to call a public meeting in order to send a petition to the Crown for a charter, under the provisions of the Municipal Corporations Act." About twenty attended, and William Neild, who had been a Constable in 1835, took the chair. This meeting was followed by another, at which the police authorities for the several townships included in the parliamentary borough were present. It was agreed that the townships should be incorporated so that there could be one force in the area for both day and night police. The meeting was not unanimous, and opposition was threatened from some residents in Chorlton-on-Medlock and Newton. A committee was appointed to go into the question in more detail, and the need for an alteration of the existing system was so clearly proved, that a requisition for a public meeting of leypayers was made to the authorities. The

¹ *Cobden as a Citizen*, by W. E. A. Axon, p. 5.

² 5 & 6 Will. IV, c. 76.

object of this meeting was stated to be to consider applying to Parliament for an Act to consolidate the day and night police of the borough. This was not quite the same thing as applying for a charter, for the police forces could have been united under a body of Commissioners acting for the whole borough, with none of the other powers that a Town Council possesses under a charter. The change was made by William Neild to meet the opposition to incorporation that had been shown at the first meeting. The requisition was signed by three hundred and seventy leading men of all and every party from all the townships, including five ex-Borough Reeves, nine ex-Constables, and nearly a hundred of the most influential "Conservatives." The meeting was held on February 9, 1837, in the Town Hall, with the Borough Reeve, John Hyde, in the chair. Events moved differently, however, from what the organizers of the meeting had anticipated.

Opposition came from the die-hard Manchester Tories who suspected that this was merely a Whig dodge to get a charter by indirect means. A section of the Tory party in Parliament had only been prevented by Sir Robert Peel, and by Lord John Russell's willingness to compromise, from wrecking the Municipal Corporations Bill. The first elections under it in those towns where old corporations existed had resulted—as in Liverpool—in a Whig majority, so there was every reason why strong party Tories should fear the same result in Manchester. There were other opponents too. The Radicals, most of whom were later to be known as Chartists, were bitterly opposed to the Whigs, partly for what they considered the betrayal of the Reform Act, which had not granted universal suffrage, and partly because many of them, especially in Lancashire, were opposed to the new Poor Law of 1834, another Whig measure, and were afraid that it would be introduced into Manchester. These people were also not so anxious as were the business men for a more efficient police force, for in those days the police were considered, and with justice, as a weapon of the well-to-do to be used against the poor. The promoters of the meeting were faced by a crowd consisting of many who could not be described in the manner of the day as "respectable inhabitants," and who were probably not all ratepayers. Their cries of "Bourbon police!" and "Bastille workhouses!" mixed with opposition from Chorlton-on-Medlock against being joined with

Manchester. William Neild explained that the proposal before the meeting had nothing to do with the Municipal Corporations Act or with the new Poor Law, but, although the resolution was finally carried, the opposition had been so strong that the matter was dropped. This was the last that we hear of this particular method of improving the forces of law and order, and at a Conservative Association dinner, two months later, the assertion that Manchester did not wish to be incorporated was loudly cheered.

II

Defeated though they were for the moment, the protagonists of better municipal government returned to the attack the following October, when the usual meeting of the Court Leet was held. We saw that the Borough Reeve and Constables had to be men who actually resided within the Manor, that was, within the boundaries of the township. But Manchester was becoming more and more unsuitable and undesirable as a residential quarter because of the increase of smoke, and more suitable as a commercial and industrial centre for the expanding area of South-East Lancashire. It had been difficult at the Court Leet of 1836 to find suitable men to hold these offices, and the fine of £100 for non-compliance with the choice of the jury had been paid that year. In October 1837¹ William Neild was elected but refused to serve. Although he pleaded ill-health, and that he had served as Constable two years before, he took the opportunity in his speech to dilate on the subject of the impossible and antiquated means of choosing the chief public officer, which had come to such a pass that "in Manchester no one could be found to accept it." "He would ask them if a town like this, with a police as impotent in principle as futile in its attempts to discharge business which devolved upon it, ought to remain in its present state, having got for its officers not men, as in the other towns, contending for the appointment and ready to sacrifice everything to obtain it, but gentlemen appointed in opposition to their wills (merely because residents), and brought forward like culprits and obliged to take office."

As, in spite of every argument, Mr. Neild¹ stuck to his refusal,

¹ See above, p. 33.

the Deputy Steward of the Court pronounced him in contempt of court, and the Steward then rose and said that it was his duty to inflict a fine upon him. As the fine last year had not proved sufficient to deter persons from refusing to obey the Court, he would have to inflict a heavier one, namely £200. Mr. Neild protested against such a fine, saying that for the last ten years "no inconsiderable portion of his time had been devoted to public service," because "he thought that every man enjoying the benefit of valuable public institutions was called upon to perform his quota of the public duties attached to them." When the business of the Court was finished the jurors received tickets entitling them to participate in a dinner at the expense of the Lord of the Manor. "Well, what in the world does all this mean?" Cobden, who was one of the jury, asked. "Is it that in this great town of Manchester we are still living under the feudal system? Does Sir Oswald Mosley, living up in Derbyshire, send his mandate down here for us to come into this dingy hole to elect a government for Manchester, and go and get a ticket for soup at his expense? Why, now I will put an end to this thing."¹

At the second meeting of the Court two days later the jury memorialized Sir Oswald Mosley to remit the fine, which he did. They also signed a declaration drawn up by Cobden, pointing out the impossible position which had arisen, and stating that they earnestly hoped and recommended that immediate steps might be taken to remedy the evil. After Cobden had withdrawn a clause which suggested incorporation, it was signed by all the jurors consisting of men of both parties. Cobden then wrote to Neild asking for his co-operation in a different line of attack, and Neild replied, "I have tried my way and it does not answer; I will go with you; all I stipulate is that you will not take any course but what is consistent with morality and honour, and I will join you in any way you may choose in order to put an end to this state of things."

The final and successful battle for the charter now began. It lasted just a year—the charter was received in October 1838—and was marked by extreme bitterness. Although there were some members of the Conservative party on the pro-charter side, the main opposition came from the Tories, and from Radicals who were

¹ *Cobden as a Citizen*, by W. E. A. Axon, p. 20.

Bitterly opposed to Whigs and all their measures. Even those Conservatives who realized the need for an efficient and unified police force and who could not defend the obsolete Court Leet government, felt a strong political dislike of the Municipal Corporations Act, as a Whig measure. The political situation was not very stable. In the first Parliament elected on the reformed franchise in 1833, the Whigs had a majority of 314, but the Tories had steadily gained, and in November 1837 the Whig majority was only 38. The authors of the Manchester petition to the Privy Council early in 1838 were probably right in ascribing to the Conservatives a wish to delay any municipal reform "in the hope of getting something by a possible change in the Administration," for the arguments adduced against the charter were, with one exception, not calculated to prevail against the overwhelming case on the other side. The exception was the one that has always been used against any reform of this kind, namely, fear of an increase in rates. The Municipal Corporations Act gave power to levy a Borough Rate in addition to existing rates and, although consolidation of the night and day police and of the police forces of the out-townships would give greater efficiency, it was generally agreed that the number of men would have to be increased. Although some saving would undoubtedly be effected, the ratepayers could not expect an extension of services without additional cost. There was also the question of forcing the out-townships into union with Manchester, a question that roused parochial feeling then, as always, amongst those unable to take the larger view.

There is no evidence that Sir Oswald Mosley either took part in or inspired the opposition. During the controversy he evidently made some inquiries from the Privy Council as to whether there should be a clause in the Manchester charter safeguarding his manorial rights, but the legal adviser to the Crown stated quite clearly that the "Corporation Act does not interfere with any private rights, and that tolls of the market will belong to Sir Oswald Mosley and also his manorial officers as much after the Corporation Act as before."

The chief inspirer of the opposition was Oswald Milne, the solicitor, who was Clerk to the Justices of the Division, legal adviser to the Stipendiary, to the Police Commissioners, to the Borough Reeve and Constables, to the Churchwardens and Over-

seers, to the Surveyors of Highways, and to every public body in Manchester, and who claimed later to have been "Town Clerk in everything but the name." He realized that, if Manchester became a municipal borough, Petty Sessions with their own clerk would be substituted for the sessions held by the county magistrates of the Division of Manchester to which he acted as clerk, and that sooner or later the Council would exercise the powers given by the Act, and abolish the various bodies of Police Commissioners, so that the most lucrative part of his practice would disappear. He was making over £4,000 a year out of the fees and emoluments from these two posts alone. To those who knew the facts Cobden's argument that a salaried Town Clerk would "save thousands of pounds to the ratepayers" was no exaggeration. There was still a further ramification of the Milne interest. John Milne, brother of Oswald, was the County Coroner, and Manchester was included in his jurisdiction. When he died he was succeeded by W. S. Rutter, who was at that time clerk to Oswald Milne. We shall hear more of him later. If the town were incorporated, it would appoint its own coroner, and fees from the most populous area would be diverted from the Milne circle.

Although Mr. Milne was too astute to appear openly in the controversy, he supplied the brains and legal knowledge which enabled the fight to be carried on for four years after the charter was actually granted. What brought the Churchwardens and Overseers into the arena—and they played the chief part after the charter was granted by refusing to make up the burgess lists, and then by refusing to collect the rates—was not merely personal affection for the prospective losses of their legal adviser, nor purely party feeling, although they were mostly Conservatives, but a fear for their own existence. The new Poor Law had not yet been put into operation in Manchester, and the Churchwardens and Overseers continued to work under the local Act of 1790, which left them practically a self-elected body, and free from central control.

There was some reason to believe that although the Poor Law Commissioners could not force the new Act on a township that worked under a local Act, it could force it if this township were joined with another. Therefore, advised Oswald Milne, as legal clerk to the Churchwardens, if "Manchester be united with another

township, however small, the system may be introduced by the Commissioners." The effect of incorporation would of course be to unite the township of Manchester with other townships, so that the risk was serious. The author of the petition against the charter was Richard Gould, who was senior Churchwarden in 1837, and his successor, George Clarke, carried on the fight heroically.

The reason why the Tories found allies amongst the Radicals was, as we have seen, their fear of the new Poor Law, the abolition of out-relief and the workhouse test. The Churchwardens and Overseers, whilst winning praise from the Poor Law Commissioners,¹ who reported in favour of a drastic reform of the Poor Law generally, seem to have acted with humanity—or at least to have shown an understanding of the position, when to have applied the workhouse test to the thousands of handloom weavers, unable to earn a subsistence wage, would have been impossible.

A furious campaign was carried on by Stephens and Oastler in Lancashire and Yorkshire against the new Poor Law. Stephens, the son of a Wesleyan minister, was educated at the Manchester Grammar School. He had been a minister at Ashton-under-Lyne from 1830 to 1834 and when he gave up his call "he continued to preach as a free lance, and a chapel was erected for him at Ashton, which remained his headquarters." R. J. Richardson, in Salford, and William Benbow, a Manchester reformer of the days of Peterloo, were also active in the anti-Poor Law agitation, and it was only natural that Elijah Dixon, of Newton Heath, and James Wroe, the two Radicals who opposed incorporation, should feel that the Whigs, who were responsible for the new Poor Law, could not be trusted with municipal reform. They did not believe that the franchise was a really democratic one, and in that they were right; and since the chief object of the reform was said to be a more efficient police force to deal mainly with "tumouts" and political demonstrations, it is not necessary to accept Cobden's view that they must have been the dupes of the Tories to understand why they joined with them in opposition to the measure. Neither of the parties then had any conception of the possibilities inherent in the new form of municipal government.

The interval between the Court Leet meeting in October 1837 which sealed the fate of the ancient form of municipal government,

¹ See below, p. 316.

and the first public meeting in support of incorporation in February 1838, was occupied by Neild and Cobden in making their plans and in organizing support amongst their business friends. Cobden wrote a pamphlet, *Incorporate Your Borough*, in which he first described the Municipal Corporations Act, and then, as a contrast, the proceedings of the Court Leet, a description from which we have already quoted.¹ He referred to the controversy then going on in Birmingham in connection with the petition for a charter, and pointed out that the opposition in Manchester would be of the same kind, namely, from Tories, who would appear in the guise of "tribunes of the poor," and probably cover the walls of the town with handbills "calling upon us to beware of a Bourbon police, Poor Law unions and bastilles." He dealt with the problem of the separate government of the out-townships, which were really dependent upon and interlocked with Manchester, and combined the whole argument with the Whig appeal for a democratic instead of a feudal government for a town like Manchester. Brilliant though the pamphlet was as a piece of polemical writing, it hardly gave a fair or comprehensive account of the existing government, for no mention was made of the Police Commissioners and their work or of the Surveyors of Highways or of the Churchwardens and Overseers. Neither did he lay any stress on the lack of co-ordination between the various bodies, nor the separation of their functions on irrational grounds, which seem to us to be the most outstanding features of the local government of that time. To the Whigs of that day the issue of popular control versus privilege appealed with far greater force than an argument based on efficiency, and Cobden in this pamphlet gave evidence of the power that made him later so successful a propagandist in the Anti-Corn Law campaign.

Meanwhile he had got in touch with Thomas Potter, who was a co-director of the Athenaeum, a Police Commissioner, and always ready to help in any progressive cause. A meeting was held on January 22nd to which six hundred people, known to be sympathetic, were invited by circular. Thomas Potter was in the chair, and a committee of fifty-eight was set up. George Wilson was made honorary secretary, and it is interesting to see that twenty-three of the members eventually became members of the Town Council, either of the first or of subsequent councils. Joseph Heaton, who

¹ See above, pp. 41-44.

was to become Town Clerk, was also a member. This Committee drew up the petition asking the Borough Reeve to call a town's meeting.

Five thousand copies of Cobden's pamphlet were sold, so that it was hardly surprising that the requisition for a town's meeting was signed extensively in two days. The meeting was called for ten o'clock in the morning of February 9th. But the opposition had also been active, as Cobden prophesied. Large posters were displayed all over Manchester, and we can agree with the promoters of the meeting that they were both "violent and inflammatory." Here is a specimen:

WORKING MEN, BEWARE

The Whigs ate at their dirty work again.
We must have no middle class government, no Whig Corporations.
No new Police. No Tuttle-fed Aldermen. No Cotton-Lord Mayors.
No Civic Banquets. No golden Mace, collars and orders.
No wine cellars stored out of the *New Borough Rate* in addition to present Police Rate.
The Whigs ate not our Friends, their reform tends to establish a shopocracy to rush over and grind down the Poor.

REMEMBER!

Who gave the middle class a £10 Reform Bill?
The Whigs.
Who promised the people universal suffrage if they would help them to get the reform?
The Incorporating Whigs.
Who transported the Dorchester Labourers?
The Humane Whigs.
Who says the working classes are ignorant?
The Wyse Whigs.
Who in the case of the Dorchester men said education was a crime and ought to be punished?
The Little Russell Whig.
Who passed the Irish Coercion Bill?
The O'Connell Whigs.
Who employed Popay, the spy?
The Melbourne Whigs.

Who refused the prayer of 100,000 working men in favour of the Dorchester Labourers?

The coward Melbourne, Whig Premier.

Who sent the London policemen to Cold Bath Fields, Bradford, and Huddersfield as spies?

The Poor Law Whigs.

Who sent the London Police and Government reporters to Manchester to watch the working man's friends, and to write down treason?

The Manchester Whigs.

Who calls the Trade Unions a Board of Assassins?

The Guardian Whigs.

Who assists O'Connell to put down Trades Unions in England, Ireland and Scotland?

The Arch-eyed Whigs.

Who says the Ballot and the armed police will effectually keep down the working classes by raising up middle class government?

A Cob-ling Whig.

Who are the main supporters of these mean, dirty, truckling, shuffling, fake, treacherous, maddusian, Poor Law Whigs?

The Incorporate Your Borough Patriot.

WORKING MEN TO YOUR POSTS

BE AT

THE TOWN HALL AT HALF-PAST NINE PRECISELY.

HERE IS UNIVERSAL SUFFRAGE

SHOW THAT YOU ARE READY TO EXERCISE YOUR FREEDOM, AND

VOTE AGAINST INCORPORATION

And another:

TREACHERY!

TREACHERY!!

LOOK BEFORE YOU LEAP

The "Shabby," dishonest Whigs are again at their dirty work, trying with all manner of lies to gull you into believing that the Humbug Corporation Bill, the Whig "Boon" will do good to you all.

Now every man who has read this bill knows that this "great boon" to the People, confers as odious, nay more odious privileges on the wealthier classes, than the present Police Act, for by this "Liberal"

Corporation Act, those who are assessed at £100 have Ten times the power in governing the Town which they have, who are assessed at £10.

Men of Manchester, what is this but making over the Poor to the Tender mercies of the Rich, and those too the pretended Liberals, the Devilish Whigs!

MFN OF THE BOROUGH.

BE UP AND STIRRING, BETIME'S ON FRIDAY MORNING BY TEN O'CLOCK

BE AT

MANCHESTER TOWN HALL.

REMEMBER THE PENALTIES FOR NON-ATTENDANCE ARE

WHIG MISRULE,

NEW AND OPPRESSIVE TAXES,

A BOURGON POLICE

AND THE PREMIUM FOR

BASTARD-BEGGETTING, INFERNAL NEW POOR LAW.

Although steps had been taken to prevent non-ratepayers from attending the meeting, some of the audience of two thousand, which overflowed the large room in the old Town Hall, did come under this description. The Borough Reeve,¹ supported by the two Constables,² took the chair. Cobden opened the proceedings with a speech that summarized his pamphlet *Incorporate Your Borough*. He spoke entirely of the Court Leet and the antiquated and unsuitable character of such feudal government, and contrasted it with a Town Council democratically elected and having the power to levy the rates. He appealed to the desire for economy by his plea "give your Town Clerk a salary, don't let him have fees to the amount of six, eight or ten thousand pounds a year. Give him a sufficient salary and you will save another lawyer's office, that I need not name, £3,000 a year by the appointment of Town Clerk." No one present at the meeting could miss the reference to Oswald Milne. He appealed to the dissenters by stating, not quite correctly, that the "Test Act" is virtually existing in all its force in Manchester, for William Neild was a Quaker and had been

¹ John Brown.

² John Ferguson and David Price.

Constable, and he, Thomas Potter, and many other dissenters were Police Commissioners. Some dissenters were also magistrates. He attacked those in the out-townships who were opposing incorporation by pointing out the growing connection between their interests and those of Manchester.

It was an excellent fighting speech, and the resolution was seconded by C. J. S. Walker, a well-known Manchester Liberal. The opposition came mainly from the Radical, James Wroe, who made a violent personal attack on Cobden, in spite of protests from the chair, and by Edward Nightingale, who accused the Whigs of trying to "crush the rising liberties of Manchester, to commit robbery by taxation and to coerce and keep down the people."

The meeting had lasted for four hours when the chairman put the hostile amendment to the vote. About one-third voted for it, and the original motion was then carried by a large majority. The appointment of a committee to carry the resolution into effect was then moved by Alexander Kay, a solicitor, who was later Mayor for two years, and seconded by W. Romaine Callender, who became one of the first aldermen.

III

The next step was to draw up a statement of the case for incorporation for submission to the Privy Council. This was prepared by William Neild. He gave figures to show the growth of Manchester and the out-townships, and he pointed out the importance of the area as the centre of a large manufacturing district. He then set out the now familiar arguments of the inadequacy of the Court Leet for modern conditions, the inefficiency of the police system with its nine independent and unconnected bodies of police in the area.

The counter petition, drawn up by Richard Gould, admitted that some change in the government of the town was desirable, but held there was no need for so big a change as that proposed. The difficulty of finding suitable people to fill the office of Borough Reeve and Constables could be met by extending the obligation to serve to those who occupied property in the township instead of

making residence necessary. Or, if it was desirable to have popular election for these offices, he suggested that a list of names might be annually proposed by the Police Commissioners and laid before the Court Leet—which would, incidentally, be very indirect popular election—or, becoming bolder, he suggested that Parliament might actually empower the Police Commissioners to elect the Borough Reeve, unless “that should be considered an unjust interference with the right of the Lord of the Manor.” He said that the separate governments in the out-townships made for healthy rivalry in economical and judicious management, and brought in to the government many people who would be unable to serve in a wider field. The fact that Manchester had grown to such a size under the existing form of government proved that no fundamental alteration was necessary.

Once the necessity for some change was admitted, the case for patching up the Court Leet and fitting it on to the Police Commissioners, was a feeble one, and was probably inspired not only by a dislike of radical change, but by a desire to keep power in the hands of Oswald Milne. But this counter petition made one statement which was never referred to or answered by the pro-charter party. It pointed out that, under the local Acts, the Police Commissioners had the power to provide and pay day as well as night police. Why this power was never used, or why in the early discussions on reform in 1836 William Neild never put this proposal before the gatherings of business men, who as we have seen were mainly interested in the efficiency of the existing police arrangements, is not known.

On March 10th, just a month after the Town Hall meeting, Neild and Cobden deposited at the Privy Council office a petition with 11,780 signatures. The opposition went one better with a petition of 32,000 names.

Some of the methods adopted by the anti-charter party had been suspected before the actual number of signatures was announced, and the pro-charter party was not long in suggesting, not only in Manchester but to the Privy Council, that not all those names were genuine.

The Privy Council met on May 1st to consider the petitions. Lord Lansdowne, Lord Holland, Lord John Russell, Lord Howick and Mr. Poulett Thomson, one of the Manchester M.P.s and Presi-

dent of the Board of Trade, were present. Deputations from both sides were received separately. According to the report in the *Manchester Chronicle*, the Tory paper, the opponents of the charter were asked about the validity of the signatures, and whether they would be prepared to justify them if the Privy Council sent down Commissioners to investigate. Some discussion also took place on the point that was to prove of vital importance in the subsequent fight.

Section 141 of the Municipal Corporations Act had given power to the inhabitant householders of any town or borough in England and Wales to petition for a charter of incorporation. The section said nothing about the necessity for a majority of the inhabitants to be in favour of the charter. The anti-incorporators asked the Privy Council if they would be guided in their decision by the opinion of the majority of the householders, and whether the amount of assessment would be taken into consideration? They received the impression that "if it can be shown that the majority of householders petitioning are against incorporation, the borough will not be incorporated," but some who were present at the interview did not feel so sure.

Sir Frederick Pollock gave his legal opinion to the anti-incorporators that a charter could not be forced upon a town against the wishes of the majority. The same question had arisen in the case of Birmingham. Petitions and counter-petitions in this case also made the task of the Privy Council difficult. In the House of Lords, when the question of the charter for Birmingham was raised, Lord Lansdowne, Lord President of the Council, was reported to have said that the Privy Council had come to the conclusion that the applications for charters ought to be signed by a majority of the ratepayers, being inhabitant householders of the town in question. He was not prepared, however, to say that he would always refuse a charter of incorporation in cases where the majority of ratepayers did not represent the larger amount of assessment.

Captain Jebb and Mr. Gordon, the former an officer of the Royal Engineers, were sent by the Privy Council to Manchester at the end of May to make inquiries under three heads.

They were to find out the actual numbers and the amount of assessment of the ratepayers that had signed both petitions; they were to inquire into the allegations that had been made that many

of the signatures against the charter had been obtained fraudulently; and finally they were to inquire into the state of local government, the expense attending it, and whether there would be likely to be an increase or diminution if a municipal council were granted.

From the series of reports which Captain Jebb submitted to the Privy Council, we see the inside of the curious episode, from which eventually our Town Council emerged.

The Commissioners had no easy task. They were confronted with a petition in favour of incorporation of 11,780 names, whereas there were 32,000 against. Only the latter petition had affixed the amount of assessment against the names. The pro-charter party had openly accused the anti of fraud in obtaining signatures. Captain Jebb summoned the two parties to the Town Hall, and got their consent to his proposed method of checking the names on each petition.

He took first the names from the townships of Manchester and Ardwick. Of those in favour, the Commissioners were able to identify 64 per cent. Of those against, they were only able to identify 22 per cent.

The Commissioners therefore felt that in this large discrepancy of 21,000 names lay grounds for justifiable suspicion, for it was too large to be accounted for by change of residence, copying mistakes, etc. They also found whole streets filled up in the same writing. At this stage a dramatic confession was made by two canvassers, Lanergan and Finney. They had been hired by James Wroe, the Radical, on behalf of the anti-charter party, to collect signatures at the rate of three shillings and sixpence a day. But the Conservative Association had engaged others at three shillings a day, with a commission of three shillings on every sheet of fifty-two names. When Lanergan and Finney discovered this they were naturally indignant, and when the suggestion of a similar arrangement in their case was refused, they came to the pro-charter committee and exposed the whole business. They confessed that out of the 2,000 signatures that they had collected, only 500 were genuine.

The Commissioners were now faced with the problem of trying to find out what proportion of the anti-charter signatures had been actually signed by the people themselves. As it was impossible to check the lot, Captain Jebb and his fellow Com-

missioner carried out a plan of sampling. They took a few streets and called at the addresses given. Out of 60 names, they found only 10 who admitted having signed. As very few of these names appeared in Lanerger's and Finney's lists, they were led to the conclusion they were not the only forgers. Captain Jebb felt justified in excluding the doubtful 20,000.

A counter accusation of forgery against the pro-charter party had been made by the antis when they realized that their cause had been severely damaged by Lanerger's and Finney's confessions. Captain Jebb investigated this charge with strict impartiality. He took declarations from three men who had been employed by the pro-charter committee to collect names in some of the out-townships. They said that their instructions were to get names of inhabitant householders or ratepayers, but no females. Occasionally they wrote on request the names of those who wished to sign but who could not write. He also sent up to the Privy Council a statement signed by William Neild, Thomas Potter, Richard Cobden and fifty other well-known people, saying that they had collected signatures voluntarily and gratuitously, and only from inhabitant householders or ratepayers. If any other signatures appeared, they were inserted without their knowledge or consent.

Two witnesses to support the charge were, with difficulty, produced at the Town Hall by the antis, but one fled from the room before he had answered a single question, and the other "recanted when he was confronted with the man whom he had accused." Captain Jebb wrote to the Privy Council that he was left with the impression "that the petition in favour of a charter is unimpeachable."

In his final decision he relied on the names that had been identified by comparison with the rate books. They were: for the Charter 5,455 with an assessment of £150,760; against the Charter 6,096 with an assessment of £113,603. This gave a balance of 641 names against, but a balance of £37,157 assessment in favour. However, the Municipal Corporations Act had said nothing about assessment, so the unfortunate Commissioner had to do his best with the figures.

The Privy Council had also instructed him to inquire about the local government of Manchester, and the expense involved. He met people of all parties whilst he was in Manchester, and he also

consulted Colonel Wemyss, the Adjutant in command of the Regulars in that district. From him came confirmation of what Mr. Neild and the leading business men told him about the inefficiency of the police forces. Even if he had not been sent by a Whig Government, the authors of the Municipal Corporations Act, he would, like any unprejudiced observer, realize that the existing local institutions of Manchester were obsolete, and that a single government for the area that had become Manchester, based on a uniform franchise, was an urgent necessity. He realized, however, that because of the bitterness of the local party struggle, he must give the Privy Council strong grounds on which to base their decision.

How was he not only to get rid of six hundred odd votes against, but to produce a majority for the charter? Although the Act said nothing about the necessity for an actual majority of all the "inhabitant householders," Captain Jebb probably felt that it would be difficult for the Privy Council to grant the charter unless it could be shown that there was an actual majority of those voting in favour of it.

He therefore returned to his contemplation of the six thousand "good" names on the anti-petition. He found that "females" had been included in the anti-petition, but not in the pro-charter petition, because the promoters of the latter were "under the impression that they would not have weight with your lordships." Tempting though it is to consider what light this remark throws on the attitude of Whigs to women, we must assume that as "females" were not municipal voters until many years later, the promoters had been concerned to get weight and not mere numbers for their petition, whereas the Tories were merely anxious for numbers, and thought that for this purpose only a woman should count equal to a man. However, we can agree that Captain Jebb was justified in excluding the 458 females, which brought the majority against down to 183. What more could he do, being an honourable man? He was also an ingenious one. He found that the anti-charter party had included in their signatures many small ratepayers, those assessed at less than £4 10s. None of these were apparently on the pro-charter petition, which, as we have seen, aimed, both by the kind of signatures and by the assessment of those signing, at support of their contention that

the charter was demanded by business men and leading shopkeepers. The anti party would have found it easy to collect signatures of small ratepayers, both because a Tory landlord would have used his influence with his tenants, and because, as the Radicals were co-operating, they would naturally have collected signatures from working men. But Captain Jebb decided to deduct all these, and he justified it on the following grounds. He explained that under the local Police Act assessments under £4 10s. were exempt from the Police Rate, but that if brought under the Municipal Corporations Act they would be liable for the rate for "watching," and that this doubtless had weight with the signatories. "It may further be observed that the smaller class of ratepayer or inhabitant householders, though they have an equal right with others to petition on any subject affecting their interests, are that class of persons who may possibly feel better satisfied with a defective police than an efficient one; and that the large proprietors who really are beneficially interested in good order and protection of property do not stand on the same ground, nor could they under such circumstances carry any measure by number, however desirable it might be for themselves and the community at large." Democracy in practice! These people do not want to pay increased rates, they probably prefer an inefficient police force, and in any case, if they are to be allowed to count, the "large proprietors," whose interests are really identical with those of the "community at large," will never be able to carry out these measures.

The sum could now be completed. The deduction of the small ratepayers from the anti-charter petition gave a respectable majority of 752 signatures, and an assessment of £45,955 in favour of the charter.

We have no doubt that Captain Jebb was sincere in his view of the small ratepayers even if he had not been faced with an almost impossible arithmetical problem, but we are not surprised that Greville, Clerk to the Privy Council, should have been a little doubtful about the effect of his procedure upon the members of the Privy Council, all Whigs and supposedly democrats. At any rate he took no risks. Captain Jebb's report had to be copied and circulated to members of the sub-committee of the Privy Council that dealt with petitions for charters. Against the part justifying

the deduction of the small ratepayers, Greville pencilled in the margin "Leave Out," so their Lordships, fortunately for their peace of mind, never knew the process by which an adverse majority of 641 was turned into a pro-charter majority of 752, and we are left marvelling at the ingenuity, not of a modern civil servant, but of a Captain of the Royal Engineers, a hundred years ago. Looking back to-day, there is nobody in Manchester, whatever his politics, who will blame Captain Jebb for allowing the end to justify his means.

Even Captain Jebb, however, could not make the majority of 752 a majority of *all* the inhabitant householders. There was no way of calculating these exactly, but a rough estimate could be made from the number of assessments. There were over 52,000 of these in Manchester, Ardwick, Chorlton, Hulme and Cheetham. If, then, the whole of the anti-charter signatures—32,000—had been genuine, that party could have shown that more than half the total of inhabitant householders had petitioned against a charter. It was this point that caused trouble to the new Council and expensive litigation during the next four years.

There was a meeting of the Committee of the Privy Council on August 14th. Captain Jebb's reports were considered and "Their Lordships agreed to report as their opinions to Her Majesty that it might be advisable for her Majesty to grant the Charter prayed for." Mr. Poulett Thomson was present, and it was not surprising that he felt that he could unofficially inform the pro-charter committee that the grant was going through. The *Morning Chronicle* commented on the rumour in the following terms (August 18, 1838):

"We have from the first anticipated some tickery in the matter, and we are not disappointed. The indecent haste with which the question has been decided, the indecent part which the representative of the Manchester Whigs has taken part in it—and the recklessness with which the Whig Party Council have thrown aside the petition of the majority of the householders, who expressed their opinions upon it—are all in keeping with the mode in which the original memorial was got up and supported."

But a hitch occurred. Perhaps a suspicion of how Captain Jebb had produced a majority was roused, or protests against his assumption that twenty thousand signatures were forgeries seemed to the Lord Chancellor, who had to affix his seal to the charter, too sweep-

ing. We find, therefore, that Captain Jebb was sent down to Manchester again on September 8th to investigate further the question of forgeries. A memorandum sent to him from Greville says that the Privy Council had to decide "whether, in view of the section of the Act, the case of the petitioners for the charter had been established by a numerical superiority." So back came Captain Jebb on what he must have known was a hopeless quest. The anti-charter party were full of glee and high in hope, and the pro-charter committee correspondingly depressed. They were so sure that the matter was successfully concluded that they had already formed an election committee in preparation for the November elections. William Neild wrote a letter to the Lord President of the Council protesting against re-opening the inquiry. He said that his committee had felt that mere numbers of signatures were not necessary but that the petition should be "respectable," by which he obviously meant signed by men of standing and substance in the town. This attitude, common to the Whigs, explains how wide was the gulf between them and the Chartists, who really believed that democracy meant the political equality of man. Neild went on to point out that his committee had already spent much money and valuable time during the last eight months on this business, and that he felt that the Privy Council had treated the anti's with too much consideration. However, when Captain Jebb applied to him for help in this further investigation, he agreed to give it.

With three confidential assistants, Captain Jebb went through some of the names and himself visited specimen streets, but on September 17th he wrote to the Privy Council to say that he did not think more work would be much good. He makes another calculation and contrives to get a majority of 390 for the charter. He adds that as it is quite impossible to separate the genuine from the forged signatures, he cannot give any definite majority as a certain figure, but that the Privy Council must bear in mind the different character of the two petitions and the circumstances connected with them.

He was allowed to return to London, and Lord Cottenham, the Lord Chancellor, in a letter to Greville, said that he understood that the numbers against had now been reduced below those for. "Under these circumstances, I think that the object of the further investigation has been attained by establishing the fact of a majority

having petitioned in favour of the charter . . . and I, therefore, think that the inquiry may properly be closed, and as the ground upon which I thought further inquiry necessary before the charter was completed will thus have been removed, I see no existing objection to the charter being sealed." The charter was finally sent to Manchester on October 23rd.

Captain Jebb's name has never been associated with those of William Neild, Thomas Potter, Richard Cobden, George Wilson and Alexander Kay as responsible for the birth of modern municipal government in our city. He was, after all, merely a civil servant making inquiries for his masters. But he not only performed the delicate task of investigating charges of forgery against both sides, but used his judgment to sum up the position. In coming to the conclusion that a completely new form of local government was necessary, he did not rely only upon the opinions of the Whigs, but was obviously most influenced by a fellow officer, Colonel Wemyss, whose views of the respective functions of the military and the police in civil disturbances were enlightened and democratic. Having come to his conclusion, the details of actual numbers in the opposing petitions must have seemed to him irrelevant. Still, as an arithmetical majority was demanded by the Privy Council, he was quite prepared to provide it. Whether he added or subtracted females, forgeries or small ratepayers, he could surely contrive to produce a majority, although he would not stand by the actual figures. For on that side he was convinced lay reason, justice, the good of the "respectable" inhabitants, and therefore, if the working classes would only realize it, the real good of the community. Captain Jebb should not be forgotten in the centenary celebrations. He is a striking example of the civil servant who interprets the spirit rather than the letter of official instructions.

During all the excitement about the petitions little attention seems to have been paid to the area of the proposed municipality. It was originally assumed that this would be the same as that of the parliamentary borough which had been formed in 1832. There is no trace of any suggestion at this time that Salford might be joined with Manchester. Yet many of the arguments that were used to bring Chorlton-on-Medlock, Hulme, Ardwick and Cheetham into the boundaries of the new municipality would have applied with equal force to Salford. Perhaps the fact that it was at this time a

separate parliamentary borough, and that there was no precedent for uniting in one municipality that which Parliament had made separate, was considered conclusive. Or, it may be, that memories went back to the history of the union of the two under one body of Police Commissioners in 1765. The system had not been a success, and as we saw the two townships had separated their administration in fact several years before it was separated by law.¹ Whatever the reason, it seems unfortunate that the union was not made in 1838 before Salford had been made a municipal borough.²

One of Captain Jebb's tasks was to recommend the boundary of the new municipality. He found that some of the out-townships, namely, Newton Heath, Harpurhey, Bradford, Beswick, had petitioned unanimously against incorporation with Manchester.

Newton Heath was at this date mainly agricultural, containing about 1,500 acres of cultivated land and forty-five farms. There were not more than six mills and factories, five streets, and nine hundred householders; and the petition stated that they did not consider incorporation "to be worth the sacrifice to be made in the burdens to be imposed on them without any return of benefit applicable to a purely agricultural district."

The other reason was that the Manor of Newton belonged to the Wardens and Fellows of the Collegiate Church, and they were also trustees for some land belonging to the public. They certainly would not want to pay higher rates.

We know that Elijah Dixon stated at a meeting in Manchester that he slept as soundly in Newton, which was neither watched nor lighted, as he did in Manchester. Harpurhey, Beswick and Bradford were also country townships of the same kind, and Captain Jebb came to the conclusion that there were no local circumstances which made it of importance to the municipal government of Manchester that these townships should form part of the new borough. His opinion was confirmed by Sir J. Heron, the Town Clerk, thirty years later, when he gave evidence before the Select Committee on Boundaries for Boroughs in 1868. He pointed out that, even at that date, more than half the area of the parliamentary borough was still undeveloped, and practically the whole of that kind of land was in Newton Heath, Bradford, Beswick and Harpurhey. "How these got into the parliamentary borough it is not for me to

¹ In 1828. 9 Geo. IV, c. 117.

² In 1846.

understand. I have no idea, but that there is very little community of interest was proved by the fact that not very long after the parliamentary borough was formed, the municipal boundaries had to be settled and, as might be expected, these districts were excluded. There was no community of interest between them, no reason why they should be taxed for the same purpose and to the same extent."

Captain Jebb thought, however, that Cheetham should come into the borough, with Chorlton-on-Medlock and Ardwick, as they were all closely identified with Manchester. Cheetham was a considerable residential area at this time. Somehow or other a small piece of Beswick, extra parochial, as it was called, got slipped in with Ardwick, and when the charter was received it was found to include the townships of Manchester, Cheetham, Hulme, Ardwick, Chorlton and Beswick. It covered an area of 4,293 acres, a population of 242,675, and a rateable value of £780,535.

Captain Jebb's last task, and much the easiest, was to divide the future borough into wards. The result of his allocation was nine wards for the township of Manchester, namely New Cross, St. Michael's, Collegiate Church, St. Clement's, Exchange, Oxford, St. James, St. John's, and St. Ann's; two for Chorlton—All Saints and St. Luke's; two for Hulme—St. George's and Medlock Street; and one each for Ardwick and Cheetham. These fifteen wards were to return three councillors each, with the exception of New Cross, which was to return six, as a concession to its larger population. Sixteen aldermen brought the number of the new Council to sixty-four.

The arrival of the charter in Manchester did not, however, end the controversy, although from this time the Radicals gradually dropped out, leaving the Tories to carry on the fight alone. When the opponents realized that not all their efforts could prevent the grant of the charter, they adopted different tactics. They took up the position that, as the charter had been granted in opposition to the wishes of a majority of inhabitant householders, it was illegal, and they determined to treat it as such, and in due course to test its

validity in the Law Courts. The Overseers and Churchwardens, led by Richard Gould and George Clarke, refused to take any part in the preparation of the list of municipal electors or in the elections which were to be held on December 14th, and for several years they continued their policy of obstruction, which not only paralyzed the government of the town but involved the citizens in great expense.

The annual election of Police Commissioners took place in October just after the arrival of the charter, and the first battle was fought there. Each side made an effort to capture the seats. If a pro-charter majority were secured, there would be no difficulty about handing over their powers to the Town Council once it was elected.¹ The result of the elections was a victory for the opposition, the Tory-Radical combination, which meant that the Police Commissioners refused the use of the Town Hall, which was their property, even for the revision of the list of municipal voters.

The charter had named David Price, an ex-Constable, as the person to make out the list of burgesses for the first election and Mr. Rushton,² a barrister, to revise it.

The battle opened with the refusal of the Overseers to produce the rate books, and how Mr. Price made out the list is not known.

When Edward Rushton came to revise the list, not only did the Police Commissioners refuse him a room in the Town Hall, but the Borough Reeve³ and the Constables⁴ also refused him a room in the Manor Court office on the grounds that, being public functionaries, they should be strictly impartial. He was finally forced to hold the Revision Court in the Exchange dining-room. When the Court opened, the Overseers of the townships of Ardwick, Cheetham and Hulme appeared with their books, but as those for Manchester and Chorlton-on-Medlock refused to come, he decided to take any other evidence that could be obtained from these townships. "An old Corporation Commissioner is not to be frightened by Tory protests," he wrote.

¹ The Municipal Corporations Act had given power to councils to take over the powers and property of the various bodies of Police and Improvement Commissioners, but did not make transfer compulsory, as Lord Brougham had proposed in his Bill.

² Edward Rushton had been one of the commissioners appointed to inquire into the municipal corporations, and had helped to draw up the Report and the Bill.

³ Thomas Evans.

⁴ George Wood and John Woollam.



1. SIR JOSEPH HERON

Town Clerk of Manchester 1838-1889
From a portrait in the Town Hall

The list as finally issued consisted of 9,000 names, nearly 2,000 less than the Parliamentary list for the same year, and yet the municipal franchise was supposed to be on a wider basis than the Parliamentary, which was limited to the £10 householder.¹ There is no reason to believe that there was any justification for the *Morning Chronicle's* accusation that the list was manufactured by the Whigs or that "when two parties were known to be of different politics, the name of the Whig was inserted, while that of the Conservative was left out."² Under the circumstances the first list was bound to be even more inaccurate than the Parliamentary lists and, as the Tories boycotted all the proceedings and did not even make claims, it is not surprising that many of them were not included.

The first election took place on December 14th. The official Tories, who pursued their policy of boycotting anything to do with the election, had some difficulty in preventing one of their members from contesting St. Ann's Ward, but eventually there was no opposition. Even so over 3,000 votes were cast, so that the first Council could certainly claim to have the enthusiastic support of one-third of the electorate. No one but an enthusiast would, in the absence of convenient polling booths and in full publicity—for the ballot was not introduced until 1872—take the trouble of casting a vote for an unopposed candidate.

The first Council met on December 16th at 10.30 a.m. in the York Hotel, next door to the Town Hall in King Street. The first business was the election of Mayor; Mr. Thomas Potter³ was elected on the motion of Alderman Neild, and Mr. Joseph Heron⁴ was appointed Town Clerk, although there were other nominations. The aldermen were then elected, some from within the Council and some from outside, and the first committee was appointed.

The new Council had several years of bitter opposition still to face. The anti-charter party, inspired and secretly led by Oswald Milne, was by no means beaten, and from December 1838 until August 1842 it waged a guerrilla warfare which harassed the Council in its work, involved it in lawsuits, wasted thousands of pounds of the ratepayers' money, necessitated Government

¹ The question of the municipal franchise is fully discussed in Appendix I.

² He was knighted in 1840.

³ He was knighted in 1869.

control of the police for three years, and presented a far from dignified picture of local politics.

Sir Charles Shaw, who was sent by the Government to take control of the police forces during the controversy, found on his arrival in Manchester in September 1839, "local party animosity carried to an incredible height, the feelings of hatred to each other being so rabid as not even to be exceeded in the civil commotions of Portugal and Spain. . . . In Manchester public good was almost forgotten."

Oswald Milne, the successful pluralist, whose firm for over forty years had managed to secure all the lucrative legal business of the various public bodies that governed the rapidly growing town, was not going to surrender what he considered his rights to a popularly elected council, which had appointed a young man of twenty-nine as its Town Clerk and legal adviser.

He was a strong Tory and a churchman, and most of the leading business men of Manchester at this date were Whigs and Non-conformists, but what had roused their strong personal antipathy to him was the fact—widely believed, if never actually proved—that it was he, as Clerk to the magistrates, who had advised them to order the yeomanry to charge the crowd at Peterloo. Although that had happened nearly twenty years before, Oswald Milne's action from the beginning of the fight for the charter showed that he was still the embodiment of reaction, the advocate of vested interests against those of the community.

The first serious controversy arose over the appointment of coroner, and the validity of the charter was finally settled by the courts on this issue. The County Coroner, Mr. Rutter, also held the post of Treasurer to the County Magistrates, and was a close ally of Oswald Milne, who was the Magistrates' Clerk. Before incorporation Manchester and the out-townships were, as we have seen, within the jurisdiction of the county. Incorporation of the borough, followed by the grant of Quarter Sessions in April 1839, involved the appointment of a Borough Coroner, which meant that inquests in the town would no longer be held by the County Coroner. Mr. Rutter, advised by Oswald Milne, fought to retain all the inquests on the ground that the charter was invalid, and that therefore Manchester was still within the county. When the Borough Coroner, Chapman, was notified of his first inquest, the Constables

refused to call a jury for him. He therefore summoned one himself, and went to the Infirmary, where he found that Rutter had been before him, held his inquest, and ordered the coffin to be screwed down. Chapman promptly had the coffin unscrewed, and held another inquest. Rutter then served him with a writ for alleged invasion of his office. This raised the whole question of the validity of the charter.¹ The case went from the Liverpool Assizes, where a verdict was given for the Council, to the Court of Exchequer, where, after a delay of two years, the verdict was confirmed by a majority. An appeal to the House of Lords was threatened, and it was not until 1842 when this had been withdrawn that an Act of Parliament² was passed confirming the charter.

The sight of rival coroners fighting for their fees over the dead and holding double inquests over the same body was the most gruesome side of the conflict, but there were others of more moment to the ordinary citizen.

One of the chief reasons put forward for the reform of the municipal government was, as we saw, the necessity for an efficient police force under a popularly elected body. When the Act was put in force—as in Manchester by the grant of the charter—the Town Council became the police authority in the borough, with power to levy the Police Rate, and so superseded the Constables who were in control of the day police, and the Police Commissioners of the various townships in so far as they were in control of the night police. One of the first acts of the Town Council was to appoint a Watch Committee, which by June 1839 had formed a police force to act by day and by night over the area of the Borough. Hulme, Chorlton-on-Medlock and Ardwick disbanded their separate forces, but the township of Manchester refused to do so. The Constables of the Court Leet kept their scanty and

¹ Rutter v. Chapman was the first case in which the validity of charters granted under the provisions of the Municipal Corporations Act of 1835 had been questioned, and as the charters for Birmingham and Bolton, which had been attacked on the same grounds as that for Manchester, were also confirmed by it, it was recognized to be of great importance. L. C. J. Denman, who dissented from the majority decision, referred to "this great case so important to the future administration of civil and criminal justice over one of the most populous districts of England, the jurisdiction to which it is to belong, the authority by which it is to be taxed, and which case must give the rules for the future government of numerous other districts of mainly equal importance."

² The Borough Charters Confirmation Act, 5 & 6 Vic., c. 111.

inefficient force of day police and continued, quite illegally, to pay their wages from the Poor Rate. The Police Commissioners, with a hostile majority and with Oswald Milne as their Law Clerk, kept their separate night force and continued, also illegally, to raise the Police Rate that ought now to have been superseded by the borough Police Rate so far as the payment of the police was concerned. The lock-ups and premises used as watch-houses, the arms and accoutrements were not surrendered. The Council instituted proceedings against the Constables and Police Commissioners; fines inflicted by the magistrates were not paid and distress warrants were issued. In some cases the tables were turned by actions being instituted against the borough Justices for signing distress warrants.

The Churchwardens and Overseers, whose legal adviser was Oswald Milne, now entered the arena, and refused to levy the Borough Rate. This move was, however, countered by the guarantee of £29,000 given by seventy-four members of the Council and other citizens, in sums varying from the £1,000 of Sir Thomas Potter, John Brooks and Robert Philips to the £50 of less wealthy but equally enthusiastic supporters. Against this bond the Bank of Manchester made advances for the expenses of the Corporation until the rates could be levied.

Oswald Milne and his friends were so anxious to embarrass the Council that they had no hesitation in promoting local turmoil at a period when it was particularly important that the forces of law and order should be strong and under wise leadership. The years from 1839 to the middle forties were years of bad trade, financial crises and high food prices. The Chartists were gaining ground, there was a big meeting on Kersal Moor in 1839, and fear of disorders and riots.

The Government had to act and as, until the validity of the charter was established, nothing could be done locally to end the deadlock, Lord John Russell, the Home Secretary, put through an Act for putting the police in Manchester, Birmingham and Bolton, where opposition to the charters had taken the same course, under Commissioners for two years.¹ Sir Charles Shaw was appointed for Manchester, and given power, by precept signed by the Home Secretary, to call upon the Overseers for a strictly limited amount of money which was to be paid out of the Poor Rate.

¹ When this Act expired in 1841, it was extended for one more year.

When Sir Charles Shaw arrived in Manchester he found three police forces in existence: the day police under the Constables, the night police under the Police Commissioners, and the new borough police force which had been appointed by the Watch Committee of the Council. These three bodies, comprising six hundred constables, were under no general control and possessed "no continuity of information or any unity of action." The existing forces cost £40,000, but Sir Charles Shaw was limited to £16,500, which was only enough for 200 constables. These he recruited from the existing forces in order to placate all parties, but he was doubtful of the loyalty of some of those that he took on. Two hundred constables, however, were obviously inadequate. Sir Charles calculated that four hundred was the requisite number, and although he soon increased his force to three hundred, he was not able to employ more because of the financial limit. His enemies made much of this decrease in the forces.

As soon as the validity of the charter was established, the force was handed back to the Town Council.¹ Although only a few weeks before there had been riots and Chartist demonstrations, both the Government and Sir Charles Shaw were anxious to vest the control in the hands of the civil authority as soon as possible.

At the same time that Oswald Milne's friends had been doing their best to make the maintenance of law and order impossible, they were challenging the Commission on the situation that had arisen by the grant of a separate Commission of the Peace to the borough. Hitherto,² Manchester had been under the county magistrates, some of whom acted for the Division of Manchester and sat at the New Bailey Court House in Salford. Oswald Milne, who knew that he would have no chance of being appointed Clerk to the Borough Magistrates, saw by far the largest part of his fees disappearing if the populous and lucrative Division of Manchester were wrested from the county.

The county magistrates, inspired by their Clerk, refused to give way. The New Bailey Prison was in Salford under the control of the county magistrates, and although an agreement had been made and acted upon for five months, by which prisoners committed by the borough magistrates had been admitted to the New Bailey, a legal point was raised by Richard Gould and judgment given in

¹ October 1842.

² See above, p. 66.

his favour. So long as that opinion was not reversed, only prisoners committed by borough magistrates who happened also to be county magistrates were admitted to the gaol. This dispute was, as we shall see, carried to Parliament, but as even that body proved incapable of settling it, nothing could be done until the Act was passed which established the validity of the charter.

There was still another front upon which the war could be waged, and that was the important one of rates.

As we have seen, the Overseers who levied the rates were appointed by the Justices after election by the public. The new Town Council, now the body representative of the ratepayers, sent in April 1839 a list of suitable names to the borough magistrates. These were appointed, and the ten for the township of Manchester then presented themselves at the office in Fountain Street to be sworn in. Meanwhile the bellicose Churchwardens continued their customary practice of presenting their list to the County Bench—they would not recognize the Borough Bench. Although it was quite irregular, and although the majority of the County Bench decided against such action, two of their number did appoint these men as Overseers for Manchester, Chorlton-on-Medlock and Cheetham. No dispute arose over Hulme and Ardwick. In Manchester the Churchwardens refused to attend to administer the oath to the Overseers appointed by the Borough Bench. After several meetings of the Board, for which the minutes record "no business," these Overseers attended and swore one another in.

The question of the validity of the appointments made by the County Bench came up before Quarter Sessions with J. F. Foster in the Chair. He decided in favour of the Corporation, but the rival Overseers continued in office, and nice legal questions arose from the grant by the Queen's Bench of a mandamus commanding the Churchwardens to swear in the Borough Overseers. The question was argued before the House of Lords, but no clear decision was given. Meanwhile the Borough Rate was held up through lack of power to levy it. The Churchwardens and Overseers, and the hostile Overseers of Cheetham refused to levy the Borough Rate authorized by the Council in May, but got their own rate allowed by the county magistrates and levied that. The Manchester Police Commissioners, also with a hostile majority, continued to

levy the whole of their Police Rate, although the Borough Rate should have superseded that part of it which was required for the payment of the police.

The ratepayers really had good cause for grumbling then. Three rates were levied in the townships of Manchester and Cheetham: the Borough Rate, the Police Rate and the Poor Rate, including the amount for the Constables' day police force. Each side warned the public against paying any but the rates it had authorized. In addition the Churchwardens raised about £16,000 more than was necessary and invested a large part of it in exchange bills, which they intended to hold in order to pay their own costs in resisting the demands of the Corporation. In spite of the decisions of the magistrates against such action, the Churchwardens still held on to their bills instead of handing cash over to their successors. They even seem to have been successful in getting the public to believe that the extra rates were all caused by the grant of the charter!

Truly, Manchester lived through exciting times between February 1838, when the first meeting for the charter set free the hounds of party strife, and August 1839, when the situation was so serious that the Government intervened to maintain order. It is curious that whilst there are references in contemporary diaries to the "urnouts," riots and Chartist demonstrations, there is hardly anything said about the conflict between the rival authorities fighting for the control of Manchester, the distractions of the various rate demands, or the undignified incidents of the quarrel.

In the early part of 1840 the authorities decided to try another approach. They issued a distrain warrant in lieu of paying over the rates against George Clarke, the senior Churchwarden re-elected for a second time because of his energy in opposing the charter. He was the only one who had property within the borough. The bailiffs appeared at his mill in Pollard Street, and the mill hands, ready enough for a scup even if the quarrel did not directly affect them, turned the hose on the bailiffs. A hundred police were mustered and the chief result seems to have been that Mr. Clarke's son lost his head in the excitement and was summoned for assault the next morning. An action against the magistrate who signed the distress warrant was then started, and a decision was still pending eight months later.

If dignity was often sacrificed on both sides, there is an

element of humour which, looking back now, we can recognize in incidents like the double election to fill a Parliamentary vacancy in 1839, on the first day under the Borough Reeve, who had previously been the Returning Officer, and on the second under the Mayor, who would be the Returning Officer if the charter was declared valid;¹ or the rival dinners in celebration of the Queen's marriage in February 1840 when, the Mayor having announced that a public dinner at which he would preside would be held in the Town Hall, a hundred and fifty gentlemen who did not acknowledge his right to the title signed a requisition to the Borough Reeve and Constables asking them to make arrangements for a public dinner under the chairmanship of the Borough Reeve. However, John Brooks, who then held that position, was a member of the Council and would have nothing to do with it. Instead he acted as vice-president to the Mayor at his dinner. The belligerent Churchwardens, however, only too ready to seize any excuse for public controversy, organized a rival dinner under the chairmanship of George Clarke.

The Old Church was even made the scene of one incident in the quarrel. It was usual for the Borough Reeve and Constables to have a pew reserved for them by the courtesy of the Churchwardens. The advent of Sir Charles Shaw coincided with the choice of a Borough Reeve and Constables² who were friendly to the Corporation. When the customary invitation was sent by the Churchwardens to the Borough Reeve the Constables were expressly excluded on the ground that room was needed for Sir Charles Shaw. Correspondence was carried on from October to January on this point, but on one Sunday in December the enraged Constables appeared in the church, took down the tickets which bore the names of Sir Charles Shaw and the senior Churchwarden, tore them into pieces and threw them on the floor. It was only because Sir Charles Shaw diplomatically absented himself from church in future that similar scandals were afterwards averted. Our forefathers certainly quarrelled more wholeheartedly than we do, or else our manners are better. It is impossible to imagine such scenes taking place in public between men of high local standing to-day.

¹ Fortunately the same candidate, R. H. Greg, was successful both times with a majority of 127 the first day and 250 the second.

² John Brooks, David Price, and David Ainsworth.

This discreditable and hampering state of affairs lingered on until the judgment was given in the case of *Rutter v. Chapman* in February 1841 by five out of the seven judges of the Exchequer. An appeal to the House of Lords was threatened, but not pursued. Sir Frederick Pollock, who had been the chief legal adviser to the anti-charter party, had now, by the change of Ministry, become Attorney-General under Sir Robert Peel. That may have had something to do with his advice to the Churchwardens and Overseers that, even if an appeal were made, there would be little chance that the decision would be reversed, and that they had better levy the Borough Rate. The heavy costs of litigation were also being felt by the anti-charter party, so Oswald Milne and his friends, now that they realized the inevitable, turned their energies into getting compensation for the offices that they had no hope of retaining. They tried two simultaneous lines of approach. One was a letter to the Mayor, William Neild, suggesting that as an appeal might be made to the House of Lords and litigation continue for some time, a compromise might be reached "in case the disputes now pending can be settled upon fair and honourable terms"; and the other was to get Mr. Wilson Patten, one of the Lancashire M.P.s, to move amendments to a Criminal Justice Bill introduced by the Government.

As we saw,¹ only prisoners committed by the county magistrates, including those seven who were both county and borough magistrates, could be admitted to the New Bailey Prison. The borough magistrates, and the Court of Quarter Sessions with its Recorder, had therefore been practically inactive since November 1839, whilst the County Sessions were overcrowded, with the result that great inconvenience and expense to witnesses, barristers and members of the jury were caused. Also, there was no power to pay the county magistrates the cost of keeping the borough prisoners in prison. The same difficulties from the same cause were experienced in Birmingham and Bolton, and the Criminal Justice Bill introduced by the Government was a Bill to legalize the contracts with regard to the custody of prisoners and to remove all doubts as to the grant, both of the Commissions of the Peace and of Quarter Sessions, to the boroughs concerned. Neither of these points was settled by the judgment in the *Rutter v. Chapman* case because, although

¹ See below, pp. 101-102

that established the charter in practice, it only settled, in law, the validity of the appointment of the Borough Coroner.

When the fight was thus transferred to Parliament, Oswald Milne was able to call upon his county friends for help. He was certainly audacious for he induced Mr. Wilson Patten, M.P., to propose two additional clauses to this Bill—one, giving compensation to the Coroner, the Clerk of the Peace and the Clerk of the Justices in Manchester, and another confirming the charter and ordering a special Borough Rate to be levied in Manchester to pay the costs of both sides in all the litigation concerned with the grant of the charter.

This news raised a storm of opposition in Manchester and put an end to the negotiations with the Mayor. A deputation consisting of the Mayor, William Neild, the ex-Mayor, Sir Thomas Potter, and the Town Clerk, Joseph Heron, went up to London, got hold of the Manchester members of Parliament, R. H. Greg and Mark Philips, and had an interview with the Home Secretary, the Marquis of Normanby, and with the Attorney-General. They also saw Lord John Russell, the ex-Home Secretary, who was conversant with the course affairs had taken in Manchester during the last three years. The discussion of the amendments in Parliament was postponed, and in the interval meetings were held in Hulme, Ardwick, Chorlton-on-Medlock and in many of the wards in the township of Manchester, at which resolutions protesting against the clauses and describing them as a "direct fraud" upon the inhabitants were passed, sent to the M.P.s, and in some cases brought by a deputation appointed by the meeting to the Council, which itself passed a strong resolution of protest.

When the discussion came up in the House of Commons,¹ the first proposal, that of making the ratepayers responsible for the cost of opposing the charter, was withdrawn without a division in view of the strong feeling against it. The second proposal, dealing with compensation, was rejected by 178 to 73 votes, after the Attorney-General had promised to bring in a measure to secure compensation to coroners who were displaced from acting in newly constituted boroughs and who had been omitted from the compensation clauses of the Municipal Corporations Act.

It might have been thought that this would have put an end to

¹ May 3, 1841.

Mr. Milne's attempts, but he was not so easily discouraged. The controversy over Manchester, in which Birmingham was also concerned, had brought to light certain omissions in the compensation clauses of the Municipal Corporations Act, under which all subsequent charters were granted. Section 66 directed that compensation should be given to "every officer of any Borough or County who shall be in any office of Profit at the time of the passing of this Act, whose office shall be abolished, or who shall be removed from his office under the provisions of this Act, or who shall not be reappointed."

The discussion on Mr. Wilson Patten's amendments had shown that the House of Commons felt considerable sympathy with the county officers, such as the Coroner and the Clerk of the Peace, who had been appointed for life and whose jurisdiction—and subsequent emoluments—were curtailed when a separate Court of Quarter Sessions and a separate coroner were set up for the new boroughs.

Mr. Milne's case was different. He could, and did, continue to act as Clerk to the Justices for the County, but part of their work was now done by the borough magistrates. The post of Clerk had not been abolished, nor had Mr. Milne been removed from it.

When the Criminal Justice Bill came up on report, the Government introduced a clause giving compensation to the coroners of Lancashire and Warwick, and a clause giving compensation to the Clerk of the Peace for Warwick. No opposition was raised to this clause by the Birmingham M.P.s. This Bill was read a third time and sent to the Lords. Meanwhile, the friends of Mr. Harper, Clerk of the Peace of Lancashire, realized that the Birmingham precedent could hardly be refused to Lancashire, and made representations to the Home Secretary and the Lord Chancellor with success. The Government, therefore, decided to postpone the third reading of the Criminal Justice Bill in the House of Lords until a Bill to compensate the Clerk of the Peace for Lancashire could be passed through the House of Commons. This was too good a chance to be lost by Mr. Milne and accordingly, when the Bill was read again, he got another Lancashire member, Mr. Booth Wilbraham, to give notice that he would move a clause to give compensation to the Clerk to the Justices in Lancashire. Again the Manchester deputation went up to London and interviewed Lord John Russell, who

assured them that the clause would be resisted by the Government. The deputation also saw Mr. Booth Wilbraham, and fully explained to him "the unanimous feeling entertained by parties of all political opinions in Manchester against the unjustifiable attempt which was so pertinaciously made by Mr. Milne to obtain compensation from the ratepayers of the borough."

His effort was defeated in the House of Commons, but only by one vote, and a motion to recommit the Bill was carried. A new clause to give compensation to the Clerk of the Justices of Birmingham was then agreed to. Apparently, the reason for the difference between Manchester and Birmingham was that it had been agreed that the Birmingham clerk was not to be compensated in money, but to be given an appointment under the new Town Council, and this clause merely safeguarded the agreement.

An amendment to compensate Mr. Milne also was strenuously opposed by Mr. Mark Philips and, in spite of the previous discussion about Birmingham, was defeated by a majority of thirty-seven, which included two members of the Tory front bench, Sir Robert Peel and Lord Stanley. That put an end to Mr. Milne's hopes in the House of Commons. But when the Clerk of the Peace for Lancashire's Bill went to the House of Lords, the Earl of Wilton, another Lancashire friend, gave notice of a clause to compensate Mr. Milne also. The Town Council deputation stated its interviews again with the Marquis of Normanby (Home Secretary), Lord Brougham, Lord Radnor and Lord Lyndhurst. Both Bills, the Criminal Justice and the Clerk of the Peace Bill, went into committee in the Lords together, and Lord Wilton, in order to embarrass the Corporation, moved to leave Manchester out of the Criminal Justice Bill. The voting being equal, the rule of the House gave the decision to him. However, the Marquis of Normanby explained that this motion, if carried, would only mean that Manchester was exempted from the clauses giving compensation to the coroner, as that was the only part of the Bill in which the word "Manchester" appeared. The Earl tried again, this time by moving a clause to exclude Manchester altogether from the operation of the Bill, but the Government opposed it strongly, won by one vote, and the report stage was passed. When it came up for third reading, Lord Wilton made yet another attempt to exclude Manchester on the sole ground that compensation had been refused to Mr.

Milne. He was supported by Lord Lyndhurst and the Duke of Wellington and, as he had taken care to marshal his supporters, carried the clause by thirty-four. The Government, therefore, threw up both Bills, saying that any of their lordships on the other side of the House were quite at liberty to take them up if they pleased. So the Bills were lost and Manchester, in common with Birmingham, had to continue to send its prisoners to the County Quarter Sessions instead of to its own, with all the delay and all the extra expense of witnesses, jurymen and barristers.

Nothing more was done until December 1841, when a change of Government had taken place and Sir Robert Peel had succeeded Lord Melbourne as Prime Minister. Owing to the good offices of Lord Francis Egerton, a deputation from the Council had an interview with Sir Robert Peel and explained the whole position and the trouble that Mr. Milne was causing the town. The Prime Minister was sympathetic but non-committal. Again there was a long interval, and then in July 1842 a Bill to compensate coroners and Clerks to the Justices of the Peace for Warwickshire and Lancashire and the Clerks to the Justices for the County of Warwick (Birmingham) was introduced by Sir Charles Douglas, a private member. This Bill took over the compensation clauses from the ill-fated Criminal Justice Bill and the Clerk of the Peace Bill of the late Government. Immediately the Mayor, the Town Clerk and Alderman Shuttleworth proceeded to London again to make sure that no attempt to compensate Mr. Milne would be made. After much discussion with Sir James Graham, the Home Secretary, Mark Phillips, and another member who had now taken up Mr. Milne's claims, the Bill was withdrawn.

After the decision of the courts in *Rutter v. Chapman* the position could not be left undefined as not only all future charters, but those of Birmingham and Bolton as well as that of Manchester were involved. The Government therefore introduced a Bill affirming the validity of the charters of Manchester, Birmingham and Bolton,¹ and putting in a clause giving to officers in the districts of the newly-created boroughs the same claim to compensation as the Municipal Corporations Act had given to officers in the old corporations. The Manchester deputation felt, although reluctantly, that they could not object on principle to such a provision. How-

¹ Borough Charters Confirmation Act, see above, p. 99

ever, after the second reading, Mr. Milne discovered that the wording of the clause would not safeguard him, and he suggested various alterations which again a friendly M.P. undertook to propose. These alterations would, in the opinion of the Manchester deputation, "open the door to indefinite claims to compensation," and, with the help of Mr. Mark Philips, the Government resisted all but one, which seemed innocuous to the deputation. The wording is important, as Mr. Milne's claims were finally wrecked on it, although it was obviously intended to cover his case; from the report of the deputation, they also thought it did. After "every officer of any such borough or of any County" were added "or division of a County," Oswald Milne, it will be remembered, was Clerk of the Justices acting for the Division of Manchester in the County of Lancashire, and the greater part of his fees came from this source. The deputation reported: "After much deliberation, your deputation being satisfied that the addition of these words do not affect the principle of compensation involved in the clause as assented to, and that every claimant for compensation who might be able to show that he was an officer 'of any division of a county' would, in the construction of the clause, be held to be included within the words 'every officer of any county,' determined to offer no opposition to the introduction of the words suggested by the Attorney-General." The Borough Charters Confirmation Bill was therefore passed and became law in August 1842. All doubts as to the validity of the charter were at last settled. The Borough, Petty and Quarter Sessions could function once more and, above all, the Council could at last tackle the work for which it was created after four years of bitter and unprofitable strife.

There was still one further action to be taken before we can say that the battle was finally won.

As we saw,¹ in 1838 not only the township of Manchester but the out-townships of Chorlton-on-Medlock, Ardwick and Hulme had bodies of Police Commissioners. The Municipal Corporations Act did not make the transfer of the powers of these bodies to the Council compulsory. That body took over the police powers, but left the lighting, cleansing and improving alone. But the Act enabled the Council to take them over if the Commissioners were willing. Until the validity of the charter had been established, no

¹ See above, p. 55.

move could be made. Chorlton-on-Medlock¹ was the first to hand over to the Council when, as no progress was made with an appeal from the decision in the Rutter v. Chapman case, every sensible person realized that the Town Council had come to stay. Ardwick followed in December 1842. The Manchester Police Commissioners, now governed by a majority friendly to the Corporation, decided to hand over at the same time, but because they owned the gas-works, which were subject to special local Acts, it was found necessary to get an Act of Parliament before the transfer could be legally made. This was obtained and the transfer effected by May 9, 1843. The Hulme Commissioners were the last to give up; it was not until December 8, 1845, that their powers were transferred. Possibly this was due to the fact that Oswald Milne was Law Clerk to the Hulme Commissioners. This was his last ditch.

The opposition to the charter, even from the beginning one of party politics rather than of principles, had become openly nothing but an attempt to get compensation for three individuals, chiefly for Mr. Oswald Milne. To that end the whole of the administration of the police and of the law had been hampered, extra payment foisted upon the ratepayers, and waste of time caused to many busy people. The fact that one man could bring so much influence to bear, and could hold up the administration of a big town for nearly four years, not only proves his legal skill—for he was indeed ingenious in the way in which he managed to find flaws in Acts of Parliament—but shows us, who are not involved in the disputes, that his case for compensation must have been stronger than the members of the Council, with the exasperation caused by years of conflict, could be expected to admit. He would hardly have found so many reputable members of both Houses of Parliament—including the Duke of Wellington and Lord Lyndhurst—ready to support him if they had not felt that this was a case of political victimization on the part of a hostile Town Council.

When the Borough Charters Confirmation Bill was passed, doubtless Parliament thought, as did the Manchester deputation and presumably Mr. Milne himself, that his long struggle for his own hand had not been in vain, and that even if he could no longer be "Town Clerk in all but name," he could at least be comforted

¹ May 14, 1842.

by a substantial sum in compensation. But he had not reckoned with the brilliant young Town Clerk, Joseph Heion, who was determined to drive a coach and four through this Act of Parliament if by this means the Council could finally rout its powerful enemy.

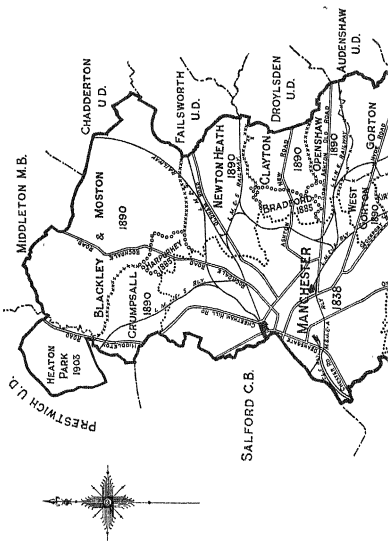
In accordance with the Act claims were sent to the Council by Rutter the Coroner, Oswald Milne, Clerk to the Magistrates, and R. J. Harper, the Clerk of the Peace, and the following April¹ a special meeting of the Council was held, at which Mr. Milne attended and was cross-examined by the Town Clerk in the presence of the members of the Council. Mr. Milne claimed £34,000 on three counts: that he had acted as Clerk to the Stipendiary Magistrate, that he had acted as Clerk to the County Magistrates who acted for the Division of Manchester, that he had acted as Law Clerk to the Police Commissioners for many years, and had been removed by them in August 1841.

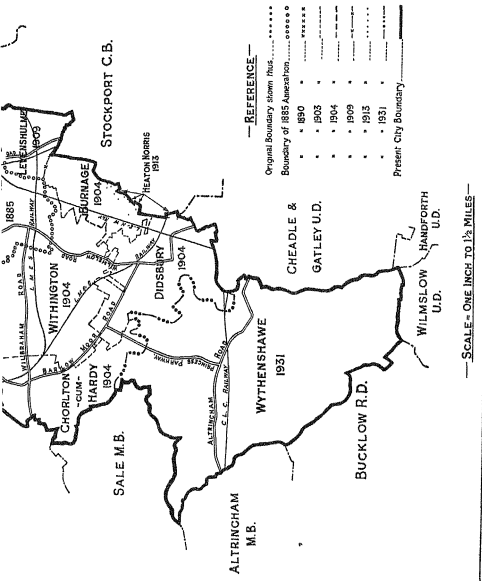
The opening scene is described by Sir E. W. Watkin as follows:

"Mr. Milne was then an elderly, portly, rather burly man, about five feet ten; what Burns calls 'a buirdly chief' in appearance, with a fine forehead and determined mouth. Standing there (for he declined to sit) a picture of somewhat rough and decaying force, he and the elegant-looking, accomplished cross-examiners typified the old and new order of things sufficiently well in their own persons.

"Preliminaries over, the tall slim, glossy and ravenlocked town clerk—young, handsome, dandified, courteous, but perfect master at his business—at once probes his subject with the question—"At what date, Mr. Milne, were you appointed clerk to the magistrates of the Manchester Division?" Mr. Milne, in reply, has quite a fund of autobiography to communicate. He tells how he and his father, in their business as lawyers and law clerks, arranged things between them in his early days, more than thirty years ago. There seems a shade of regret for some long lost opportunity, or long past mistake in life, as the old man recollects how by choice or persuasion he got into the position he then took, 'or else (he concludes) I should not have been here today!' All this without a word or sign of interruption, and then the Town Clerk quietly repeats the question, precisely as before; Mr. Milne rambles off again, and the Town

¹ April 21, 1843.





— SCALE - ONE INCH TO 1 1/2 MILES —

Clerk continues to pin him. But nothing more definite is obtainable than that every county magistrate appointed for a generation past had found it convenient to call and commit himself to the hands of Mr. Milne. Had the collective bench met specially to give him a public post, it could not have been in his eyes, better established.¹

It was quite clear that Mr. Milne had never been appointed either as Clerk to the Stipendiary or as Clerk to the Magistrates, in any legal sense. His father and then he, as part of the business of the firm Sergeant, Milne and Sergeant, had done the legal business of all the public bodies in the township of Manchester: the Borough Reeve and Constables, Commissioners of Police, Churchwardens, Overseers of the Poor and Surveyors of Highways, not to mention the Police Commissioners of Hulme, as well as the work of the Justices. Oswald Milne, when he joined the firm in 1808, took over this public work. He would have preferred to devote himself to private work, he said, which would have been more lucrative, although his audience must have heard this with amusement. Apart from the fact that he could bring no evidence that he had ever been legally appointed, the Town Clerk got him to admit that other divisions of the county for magisterial work had been made during the time that he had been Clerk to the Justices, which probably reduced his fees, but that he had never claimed compensation in respect of those.

His claim for dismissal by the Police Commissioners two years previously was made to the Council because the Commissioners were in the act of transferring their powers to that body. His dismissal had been an act of the Commissioners when the turn of popular feeling gave a majority friendly to the Corporation in 1840. This meant that as soon as possible a transference of their power would take place to the Corporation and, in order to avoid giving Mr. Milne any claim for compensation, they decided to vote the office of "Clerk" vacant. The Tory minority left the room in protest and a clerk and not a law clerk was appointed. The Commissioners offered their legal work to Mr. Milne's firm but he declined, fearing to prejudice his claim to compensation. A section in the Police Commissioners Act gave that body freedom to appoint or remove any of its officers, clerks, treasurers, collectors of the

¹ *Alderman Cobden of Manchester*, by Sir Edward Watkin, p. 49.

Police Rate, scavengers, lamplighters, etc. There was obviously no case here for compensation. The Town Clerk elicited the fact that Mr. Milne had always sent in his accounts to the Commissioners in the name of his firm, and as that firm had been offered—and had declined—the legal work, the position was unaltered.

The interview was conducted on both sides with perfect politeness and occasionally with humour, but it is easy to sense the underlying bitterness on both sides, and the triumph on that of the Town Clerk as he made the older, and hitherto unassailable, solicitor flounder and contradict himself. One cannot help feeling that if Mr. Milne had behaved differently from the beginning of the struggle and had helped, or at least not used every weapon to prevent, the formation of the Town Council, and when that was impossible, to obstruct it, the result would have been different. The Act left the Council free to decide upon the claim for compensation, and it would have been easy to say that in spite of a lack of any legal evidence, Mr. Milne had been *de facto* Clerk to the Magistrates and to the Stipendiary, and that undoubtedly his fees and emoluments had decreased considerably since the establishment of borough magistrates and of the Town Council.

Political feeling had run high all through the intervening years, and Oswald Milne did nothing personally to reduce it. Shrewd and able though he undoubtedly was, he made the mistake, once the charter had been granted, of carrying on the fight merely for his private interests. There is, therefore, a certain poetic justice in the fact that the man who had formerly employed every possible legal quibble to obstruct the Council should have been beaten in the end by a legal quibble.

Manchester business men have come in for more than their fair share of criticism on the ground that they have pursued their own interests regardless of those of the community. It should be remembered in their defence that leading business men like William Neild, Thomas Potter, Richard Cobden, George Wilson, Elkanah Armitage and many more gave generously not only of their money but of their time, from 1838 to 1843, to establish a sound form of local government for their town, whilst their chief opponent was a solicitor who, however persuasively he induced the Churchwardens, Overseers and the Police Commissioners to withstand this move, was really actuated solely by the desire to retain the fat fees that,

as Manchester had grown, multiplied themselves over and over again in his pockets. The scene in the old Town Hall on that April morning nearly a hundred years ago, when the portly, middle-aged, successful, cynical solicitor was confronted by the brilliant young man, so happily chosen by the city fathers as their first Town Clerk, represented the overthrow of the old order by the new.

Henceforward, privilege and private interests in the affairs of the town were to give way to a popularly elected efficient body of men with a legal adviser, who was to prove so much more than that during his long term of office of over fifty years. He won his first, and in some ways his most important victory, for it established his reputation in the eyes of the public, when he patiently, politely but inexorably made the older, practised solicitor admit that his appointment had no legal sanction, and thereby saved the ratepayers thousands of pounds of compensation.¹

Mr. Milne, as we might expect, did not accept the decision of the Council as final. He first applied to the High Court for an order to force the Council to assess his compensation. This was granted, although the Lord Chief Justice (Lord Denman) said the Court had had some difficulty in coming to a conclusion, and expressed a strong opinion that Mr. Milne was not entitled to any compensation for the loss of his clerkship to the Police Commissioners. The Council stuck to its original position, and the matter was tried at the Liverpool Assizes in August 1844, when the Attorney-General appeared for Mr. Milne and the Solicitor-General appeared for the Corporation. The judge, Sir Creswell Creswell, before his elevation to the Bench, had been the leading counsel for Mr. Rutter in the Rutter v. Chapman case. It was to this that Alderman Kay ascribed the fact that he so directed the jury that they found for Mr. Milne; but in successive pleadings in the higher courts his claims were gradually and singly disallowed, and in 1848 the end came when, of his £34,000 claim, nothing was left!

The claims of Rutter, the County Coroner, and Harper, Clerk to the Peace of Lancashire, were also heard before the Council. An annuity of £175 was offered to Rutter, who claimed £344 and expenses, but the former figure was upheld on appeal by the Lords

¹ The total saving was calculated at £56,000 (City Council Minutes, January 2, 1865).

of the Treasury, as was one of £6 8s. to Mr. Harper,¹ who had claimed £744. So by June 1849 the Council could congratulate itself that after eleven years the fight had ended with the award of a yearly sum of £181 8s.² for the lifetime of two men, and nothing to the man who had been mainly responsible for all the trouble.

¹ As the County Court of Quarter Sessions, to which he was Clerk, had concurrent jurisdiction with the Borough Court of Quarter Sessions, and as certain cases might be heard in either Court, both the Council and the Lords of the Treasury felt that the loss of fees must be a matter of speculation.

² Mr. Harper was more successful in his claim upon the Bolton Corporation, the establishment of which had also deflected work from the County Court of Quarter Sessions. He received, without any litigation, the whole of his claim (Manchester Council Minutes, January 2, 1861).