PETTYFOGGING TO RESPECTABILITY

A HISTORY OF THE DEVELOPMENT OF THE PROFESSION OF SOLICITOR IN THE MANCHESTER AREA 1800-1914

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by

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A man would do nothing if he waited until he could do it so well that no one would find fault with what he has done.

Cardinal John Henry Newman

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Abstract

Pettyfogging to Respectability

A history of the development of the Profession of Solicitor in the Manchester area 1800-1914.

The thesis presents a social history of the development of solicitors as a professional group in Manchester during the period 1800–1914. This is the first work on the history of Manchester solicitors and one of the few histories of the profession outside London. It is based on primary source material which has not previously been subject to investigation. The study explores the development of solicitors through the period by examining their reaction to the pressures imposed by an increasingly industrial and urbanizing society. It considers the importance of the rôle of provincial solicitors in the development of the profession nationally and the part Manchester solicitors played in this development. The relationship between Manchester solicitors and the community and their place in the local societal structure is also examined.

Abbreviations

MLS Manchester Law Society (1809–1815).

MLA Manchester Law Association (1838 to date). In 1871 the Association was incorporated (under the Companies Act of 1862) becoming the Manchester Incorporated Law Association (the word "Limited" being omitted by licence of the Board of Trade under the act of 1867). In 1910 the Manchester Law Association became the Manchester Law Society.

PLSA Provincial Law Societies Association (1844–1850).

MPLSA Metropolitan and Provincial Law Societies Association (1847–1873).

ILS Incorporated Law Society UK

- 2nd June 1825 Scheme approved by subscribers for a Law Institution.
- 16th February 1827 Institute legally constituted
- 22nd December 1831 Incorporation by Royal Charter — title becomes "The Society of Attorneys, Solicitors, Proctors and others not being Barristers practising in the Courts of Law & Equity in the United Kingdom".
- 1833 Following a decision by the Management Committee the Society becomes known as "The Incorporated Law Society of the United Kingdom", except when the formal title is technically necessary.
- 1903 Title changed to "The Law Society" by Charter.

CS Chetham Society

MCRL Manchester Central Reference Library

PL Portico Library

JRUL John Rylands University Library

APLE Association for the Promotion of Legal Education.

Chapter 1

Introduction

> "No one outside the profession can have any idea of the work which, day after day, forms the curriculum of a solicitor"
>
> Tilney Barton
> Solicitor
> Manchester 1892

Hidden behind a veil of time, ignorance and mystique, the every day concerns of the Victorian solicitor are as little known today as they were at the close of the nineteenth century. Just as unknown are the factors which linked solicitors into the social and cultural processes of the local community. The profession of which Tilney Barton was a part changed dramatically during the period with which this study is concerned. To understand something of the nature and history of Barton's profession this thesis examines the changing rôle and position of Manchester solicitors within the local societal structure. The first such study of its kind; its purpose is, through an examination of the past, to lift the veil on the origins of the modern profession.

1.1 A Note on Sources

It is only in recent years that research has enabled us to understand a little more about the history of the profession outside London. In the case of Manchester solicitors a lack of secondary source material required that the framework for the construction of this study be derived solely from primary sources. This task was facilitated by the unique completeness of the records of the Manchester Law Society

which provided the skeletal outline for this social history. A variety of primary source material, drawn mainly from local libraries and legal practices, provided the flesh on the bones.

The records of the Manchester Law Society date back to its foundation in 1838 and include minutes of annual, quarterly and specially called meetings. Various sub-committees were set up to monitor such areas of concern as education, discipline and the proposed introduction of legislation relating to the legal profession. Records of the work of some of these sub-committees are extant in the form of notes of meetings. This material indicated the direction for further research whether, for example, in the Manchester Central Reference Library or amongst the archive records of a legal practice such as Slater Heelis and Co. Diaries, correspondence and working papers have all contributed towards the construction of a social history of the lives and interests of solicitors at work in nineteenth century Manchester.

1.2 A Summary of Other Studies in this Area

Texts, from a range of research disciplines, have been used to inform and inspire this research. For the most part these have included sociological, legal and historical studies which deal with professions and the process of professionalization. They incorporate material drawn from a range of academic provinces which include legal, sociological and historical studies of methods of professionalization; the development of professions generally and of individual professions in particular. Such texts have provided the political, economic and social context in which the evolution of solicitors have been considered. Sociological and legal histories of the profession are basically divided into two categories: those authors who deal with professionalization as a phenomenon and its application to a variety of occupational groups and those who have dealt specifically with the legal profession. We will now examine these in turn and at the same time draw out their relevance to the themes under investigation in this thesis.

The nature of the relationship, standing and influence of the legal profession which other studies reveal (whether at the individual or at the group level) raised questions of fundamental importance to this study. Primary source research revealed that, in Manchester, eighteenth century attorneys evolved into a modern commercial profession in phases. These phases witnessed the transformation of the attorney from the rôle of servant (however highly valued) into a public defender. As we shall see, three such phases have been identified. In chronological terms phase one occurred during the period from the late 1830s to 1860; phase two followed evolving into phase three at around 1890. During phase one Manchester attorneys were reacting to perceived threats to their work and to their standing in society. A series of legal reforms which sought to regulate their activities and a growth in the number of unqualified practitioners ('touts') were matters which caused the embryonic profession great concern. The steps which the Manchester profession took to successfully counteract such threats are identified in this thesis. In contrast to the frenetic activity of the earlier period, phase two saw a period of consolidation during which the reputation and standing of the profession increased. By the 1890s (phase three) the solicitor had evolved into an expert. The consequences of this on the relationship between the profession and the local society is one which is addressed in the final chapters of this thesis.

To amplify this area of research it was necessary to examine some of the many sociological studies of professional groups. In particular those works which explore the rôle of professions within a stratified society. Philip Elliott's *The Sociology of the Professions* and Geoffrey Millerson's *The Qualifying Associations* employ a Durkheimian structural/functionalist approach to examine the function of professional groups within a society divided by extreme points of view. They suggest that professionals, by deploying their expertise, are able to act as mediators between such extremes and produce common grounds of agreement. This work has also been useful in suggesting the sort of questions to ask when exploring the mechanisms which hold individual solicitors together in a professional body. Basic questions such as why Manchester solicitors felt it necessary to form an association (the Manchester

Law Association) and how did such an association function. For the most part, however, secondary source reading has provided a background to the period under study. Historians such as W.J. Reader have laid great emphasis on the importance of studying the development of a profession in the context of the period. To this end, much research time has been devoted to considering the phases of professional evolution described above in the light of the political, social and (to some extent) cultural developments of nineteenth century Manchester.

In *Origins of Modern English Society*, Harold Perkin separates "the Forgotten Middle Class" — 'Professional people' — from the rest of the middle classes. He remarks that professional values such as promotion by merit and the worth placed on expertise by society gave the professional man the freedom to choose where to place his allegiance. Freedom from a direct 'wage for services provided' situation, gave the professional person a unique viewpoint on society. This economic freedom encouraged such individuals to formulate their own ideologies and criticise existing middle class values. They [the professionals] were the philosophers of society by inclination and training: it was from this 'class' that philosophers and political thinkers emerged, their philosophy having a more humanistic perspective than that of the entrepreneur. There are two specific areas where I have been unable to relate Perkin's notions to my research on Manchester solicitors. The first, concerns his assertion that professionals were comparatively aloof from the struggle for income and the second, arising from this, is the notion that professionals were in a position to develop a "separate, if sometimes subconscious, social ideal which underlay their versions of the other class ideals". As chapter five of this thesis indicates, the profession of solicitor did not, for the majority of practitioners, guarantee a secure income. Chapter six, in illustrating the opportunities which solicitors had for the interchange of ideals, demonstrates that for them, the development of a separate inter-professional ideal was an unlikely proposition. Nevertheless by the end of the period under study solicitors as a professional group (rather than as part of a professional class) had to some extent become aloof from society. It will be argued in the final chapters of this thesis that their emergence as 'experts' was the vital factor

in their separation. They were in a position to discuss social ideals from behind the barrier which their professional expertise had constructed.

Avner Offer, *Property & Politics 1870-1914*, has shown the precarious financial position of the bulk of the Profession — suggesting that most solicitors were operating on the breadline of existence. Offer's period of study concentrates on the latter part of the century but his representation of the profession as a pyramid made up of élite attorneys, a large middle tier of practitioners with a thin layer made up of those attorneys who were barely scraping a living at its base, is one that, as we shall see, certainly applies to Manchester solicitors, particularly in the 1840s.

W.J. Reader wrote *Professional Men* in 1966. It was the first major study of English professions since Carr-Saunders and Wilson's *The Professions* in 1933. This makes it virtually required reading for anyone embarking on the study of a professional group. The first phase of development in the Manchester profession mentioned above coincides with a campaign for the introduction of professional qualifications for solicitors; a campaign which was promoted by provincial law societies. Dr. Reader's theories on the impact which the introduction of such qualifications had on the standing of the profession are supported by my research. For instance, he maintained that professional examinations were introduced to prevent the activities of unqualified practitioners allied to a wish for self-government. The conduct of expert professionals could only be judged by those possessed of similar expertise. In other words, judgment by their peers. The records of the Provincial Law Societies Association (hitherto not examined) have revealed new evidence which highlights the crucial part which the provinces, and Manchester in particular, played in the campaign for the introduction of a professional qualification. Harry Kirk's seminal "*Portrait of a Profession*" — a history of the London based Incorporated Law Society — has provided much basic information about the history of solicitors. However, based on the aforementioned new evidence, this thesis disagrees with Kirk when assessing the importance of the rôle played by the Incorporated Law Society in the campaign for the introduction of professional qualifications.

The need to consider the rôle of the Manchester profession in the context of the period is of primary importance. To this end Donald Read's work on provincial towns during the nineteenth century (see *English Provinces c. 1760–1960*) has proved both informative and reassuring. His assertion in the introduction to *English Provinces* that "the nineteenth century was the heyday of provincial initiative and independence in economic and political affairs, the period of greatest influence of the great towns created by the Industrial Revolution, especially of Manchester and Birmingham", (p.ix) is corroborated by my research on Manchester solicitors, especially during the early phase of the development of the profession.

We now come to those authors who have dealt specifically with the legal profession. They tend to fall broadly into three categories: first, studies in which the work of solicitors forms part of a consideration of the professions as a whole, second, overall histories of attorneys/solicitors in which provincial solicitors may be referred to in a chapter and third, histories of the practice of individual solicitors or firms of solicitors.

The first category (a study in which the work of solicitors forms part of a consideration of the professions as a whole) should include two books already mentioned: Millerson's *Qualifying Associations* and Reader's *Professional Men.* Carr-Saunders' & Wilson's *The Professions* can also be included. These accounts provide a background picture of the development of the profession of solicitor nationally — albeit not in any great detail. Both books (like other works on the subject) identify basic elements in the process of professionalization. These cover the following:

- The formation of a professional association to represent the interests of a particular group.
- The establishment of a minimum fee or salary not linked directly to market forces.
- The emergence of codes of ethics governing social practice: these are established with the aim of raising the status of the profession.

- The development of specialized skill and training: usually coinciding with attempts to restrict entry to the profession. Attempts to monopolise access to certain activities.

Although these elements are present in the professional evolution of Manchester solicitors they were factors which could not be considered in isolation. As a group solicitors are part of the community. Therefore their history must be considered in the context of their rôle and relationship with, and within, that community. It is, however, equally important to compare the actions of Manchester solicitors with those in practice elsewhere in the country: to see whether there were differences or whether there was co-operation; whether there was disagreement or agreement, initiative or suppliance. In this regard the second category of secondary source material dealing specifically with the history of the legal profession is critically important. Amongst those books which consider provincial solicitors as part of an overall history of the legal profession, Abel-Smith & Stevens' *Lawyers and the Courts* and W.H. Holdsworth's *A History of English Law* are perhaps the best known. In essence, Abel-Smith & Stevens follow on from Carr-Saunders and Wilson, extending their period of study further to include the middle years of the twentieth century. Their aim was to provide a history of courts, lawyers and the law during the nineteenth and twentieth centuries against "a social and political background". Holdsworth's vast work presents a catalogue of events (starting with the Middles Ages) and is not really in any sense an interpretative study. They represent a useful guide through the minefield of political and judicial developments in the history of the Legal profession. Again in this category, R. Robson's *Attorneys in 18th Century England* provides a general history of the profession. Since it deals with the years leading up to those under study in this thesis, it has been of particular value in providing background information on which to build. Robson does devote one chapter to provincial attorneys, though it is rather sketchy. Once again new evidence has meant that this thesis takes issue with Robson's statement regarding the activities of Manchester solicitors. Chapter 2 will show that, contrary to Robson's comments, the Manchester Law Society (founded in 1809) was more than a dining club. This

evidence, again when considered in the wider context of the period, reveals a different image of the Manchester profession to the professionally unconscious one which Robson suggests.

The impact of the Industrial Revolution on the work of solicitors is considered in Chapter 5 of this thesis. The changing nature of the work performed by attorneys in the wake of the Reform Act of 1832 is examined from a social history viewpoint in terms of the pressures under which the profession operated. With this is mind, the third category of authors (who have dealt specifically with the legal profession) are those who have produced historical studies of individual solicitors or firms of solicitors. These have all been of great interest, not least because they make it possible to compare the practice of solicitors in Manchester with those in other places. In this regard, Judy Slinn's detailed work on various London firms proved to be particularly informative both in terms of general and particular background material. In general terms, she provides instances of the difficulties which faced legal practices in the nineteenth century. Pointing out, for example, the problems which new practitioners faced in trying to build up a clientele, and the vulnerability of a practice dependent for its existence on a clientele equally vulnerable to a changing economic climate. In particular terms, the picture she gives of the office life in the early years of Linklater and Paine provided a useful context against which to judge the experience of articled clerkship recorded by several Manchester solicitors. However, the experience of London during the industrial revolution cannot be taken as a universal standard by which to judge such experience elsewhere in the country. The theories that exist about the development of solicitors as a professional group are based largely on research undertaken on primary source materials which are (in the main) located in London. For this reason they are predisposed to the view that those factors which determined the way in which the profession of solicitor developed during the nineteenth century emanated from the capital city. This had led some legal historians (such as A.H. Manchester *A Modern Legal History of England and Wales*) to assume that the Incorporated Law Society has always been the representative voice and directing force in the evolution of the profession. The primary source

material which forms the basis of Chapters 3 and 4 contradicts this assumption and will demonstrate something of the drive and initiative present in the profession outside London. Nevertheless, as Read (*The English Provinces*) and Briggs (*Victorian Cities*) have asserted, the intensity of the industrial experience differed from one town to another. As Chapter 3 will show, when examining the relationship between the industrial experience and the level of militancy amongst attorneys in Lincoln and Manchester, this is a theory which can be applied to solicitors.

The impact of industrialization on the work of solicitors is an area where much research remains to be done. A notable example of such research is M. Miles' chapter entitled *Eminent Practitioners: The New Visage of Country Attorneys c 1750–1800* in Sugarman and Rubin's *Essays in the History of English Law.* It reveals something of the nature and scope of the activities of country attorneys when the West Riding of Yorkshire was "just about to experience its first industrial revolution". For this reason it provided useful background material against which to compare the activities of the eighteenth century attorney to those of the attorney at work during the first phase of professional evolution. More research (such as Andrew Rowley's recent Ph.D. work on Birmingham solicitors) will shed light on the history of solicitors in large provincial urban environments during the nineteenth century and will go some way to providing a more balanced national picture. Such studies will broaden our knowledge of the activities of the profession outside the metropolis. At the end of the day, this will produce a more accurate and complete understanding of the history of the profession as a whole.

1.3 Format of this thesis

As the title implies, my research has been focussed on the study of the profession of solicitor as it evolved in the Manchester area from the beginning of the nineteenth century until the First World War. This is the first history of the Manchester profession and as such its purpose is to chronicle its development over this period

of time. Its intention is basically threefold:

- To investigate the effects on the profession of the Industrial Revolution
- To show how such pressures affect individual practices and practitioners
- To investigate the relationship between those practitioners and the wider community.

At the start of the nineteenth century solicitors were held in little regard, often referred to as 'pettyfoggers'. This derogatory term implied that they cavilled — that they used empty arguments to obfuscate and prolong the legal process in order to squeeze as much money as possible out of their clients. The way in which solicitors endeavoured to change this image and their reactions to the immense social, economic and political upheavals of the times forms the basis of this thesis.

Chapter 2 provides a background history. It examines the type of work carried out by an eighteenth century attorney and thus provides a setting in which to contrast and compare the development of the profession in the nineteenth century. The main theme of Chapter 3 is organization — the key ingredient for successful occupational development and the bedrock on which to build a route to respectability. As we shall see, for Manchester solicitors, union ensured that their views were heard and acted upon. The chapter focuses on the years between 1838–60. In Manchester this was a time of initiative and political independence; a time when its citizens became expert in organizing and controlling the activities of pressure groups. It will be argued that, through organization, motivation and mobilization, the occupational consciousness of Manchester attorneys was raised. Chapter 4 examines the reaction of the profession to public and Parliamentary criticism and looks in particular at those steps which were taken to raise the social status of solicitors. The chapter develops this theme along two parallel paths to 'respectability'. Through self-discipline and an improvement in educational standards, the profession sought to improve its status.

The development of the eighteenth century provincial attorney into the early twentieth century professional forms the subject of the final chapters of this thesis. This metamorphosis is examined in the context of the pressures and social climate of

nineteenth century Manchester. Chapter 6 examines some of the social and cultural links between the solicitor and society. The subject of chapter 5 is work, the link through which and by which the profession interconnected with the local community. It is a theme which is explored in terms of the demands and expectations which society placed on solicitors. Work — the occupational activity — is the measure by which the solicitor is valued. During the period under study, the position he occupied in the societal structure changed as the function he performed developed. This increasingly complex function not only demanded a growth in expertise on the part of solicitors, it also increased public dependency on that expertise. It was a mixture of dependency and equality which distilled into an essence of positive and negative public regard. On the positive side solicitors were increasingly able to interact with their clients on a social level. As problem solvers, they were privy to the personal and private details of their clients' lives — a potential for power which lifted them out of the rôle of servant. On the negative side however, fear that such knowledge could be abused frequently engendered bitter public criticism. The result was that, although solicitors achieved respectability, the pettyfogging epithet stuck; periodically re-emerging through public criticism as the solicitor evolved from eighteenth century servant through mid-nineteenth century adviser into late-nineteenth century defender of society's interests.

In conclusion this thesis examines the background behind the twentieth century image of the profession. For most of that time, as a professional group, they have presented a public image of solidarity. Constructed from this modern standpoint a myth has been created, the central tenet of which is that the directing force in the development of the profession was *the* Law Society (the Incorporated Law Society UK). It is argued that, in constructing the history of the profession, events have been selected to support this notion of a central influence. Provincial influence has not hitherto been considered a factor in the development of solicitors as a professional group. The purpose of this thesis is to contribute towards a more balanced social history of that professional group.

Chapter 2

A Profession of Long Standing

Solicitors are generally perceived as an archetypical profession. As with doctors or priests, they often come into our lives at critical moments of decision. Frequently consulted in times of need we accord them the respect our ignorance allows. Public opinion of solicitors incorporates a contradiction: we trust them because we have to, and for this reason they are mistrusted. The image of the pettyfogger — the procrastinator who milks his client's misfortune to his own advantage — is a durable one. It is an image that has shadowed the profession from the outset. During the nineteenth century it was a matter of great concern to solicitors and much effort was expended in trying to change it. For Manchester solicitors, image and social status were primary concerns. The intensity of the industrial experience governed the pace with which the profession developed locally and, as we shall see, the repercussions of this would affect the profession in a national sense.

The legal profession itself incorporates a contradiction. Both barristers and solicitors refer to themselves as lawyers: interdependent, they are at the same time strongly independent — each maintaining a separate identity as a distinct occupational group. Often referred to as the higher and lower branches of the profession, for the student of legal history the lower branch contains a further dichotomy: that of the difference between attorneys* and solicitors. For the period with which this thesis is concerned, the terms had become, and were used, interchangeably. Their

*From atourner, attornare, to substitute: in this case one who is put in the *turn* of another to manage his concerns.

task was to represent their client's legal interests. However, both as background information and as an illustration of the age of the profession, it will be useful to provide a brief historical overview of the terms.

2.1 Attorneys/Solicitors: a background to the terms

By the early years of the nineteenth century, the seeds of the modern profession of solicitor had already been sown. The development of solicitors as a professional occupation during the nineteenth century was the continuation of a process going on over several centuries whereby attorneys came to perform those tasks which were not the exclusive function of barristers. They filled a need which barristers could not completely satisfy. The solicitor filled a vacuum, responding to needs which could not be met by either barrister or attorney. The title existed in the fifteenth century and Holdsworth[1] defines the word 'solicitor' as meaning one who "urges, prompts, or instigates... or conducts business on behalf of another person". Unlike attorneys, solicitors were not officers of the common law courts, and it was the development of the work of such courts as the Star Chamber, the Court of Requests and the Court of Chancery† that elevated the solicitor from the ranks of the servant or agent of the litigant or attorney, to a position of status equal to that of the attorney. By the middle of the sixteenth century solicitors employed for legal business — common solicitors — occupied a position similar to that of attorneys. In 1557 an order of the Inner Temple provided that neither attorneys nor common solicitors should be admitted without the consent of Parliament. In 1574 the orders of the judges and the Privy Council provided that practising solicitors, as well as practising attorneys, should be excluded from the Inns of Court, and in the statute of 1605 they were classed with attorneys, and submitted to substantially the same regulations. During the seventeenth century several attempts were made to define the work of solicitors but as attorneys came to practise as solicitors, and solicitors of five years' standing

†Superior Courts. The Court of Requests, established under the reign of Henry VIII, served as a model for later, popular local courts which mainly dealt with the recovery of small debts.

were permitted to practise as attorneys, the division between the two became even more obscure. By the regulating Act of 1729, attorneys were entitled to practise as solicitors without paying additional fees, but it was not until 1750 that solicitors were granted the reciprocal advantage of practising as attorneys. After June 1729 the names of all who were admitted to the profession were to be enrolled on lists kept in the respective courts. Every candidate had to be 'articled' to an attorney or solicitor, as the case might be, for a period of five years. All articles were to be registered and an affidavit produced to the judge of due completion of the period of service. However, it was 1843 before the several rolls of the several courts were combined to form a single roll, admission to which gave the right to practice in any court. It was the Judicature Act of 1873 which merged both the common law courts and the Court of Chancery in a single Supreme Court. The distinction between attorneys and solicitors disappeared and the title 'attorney' was formally abolished.

This chapter uses information drawn from the records of several attorneys at work in the Manchester area during the the latter years of the eighteenth century and early years of the nineteenth: the birth of the Industrial Revolution. It will confirm Michael Miles' assertion[2] that the eighteenth century attorney's rôle extended far beyond his original function as the agent of other men. The examples of work which are used in the following pages, and throughout the thesis, are not presented or discussed in terms of the actual legal process with which the solicitor was involved. That is the preserve of the legally trained historian. What follows is designed to show the areas of work which the eighteenth century attorney covered. The examples are used not only to provide a context against which to place and contrast the activities of his nineteenth century counterpart but to illustrate that his employment continued and built on traditional areas of work. Work which, in the areas around Manchester, had already been touched by the early stirrings of industrialization. Thus before the period 1830-45, the high noon of the Industrial Revolution, the elements which made up the practice of the late nineteenth century commercial solicitor were already in place. These examples will provide a background against which to contrast the changes, both in social position and in work terms, which

occurred during the period which followed. It was through the nature of the work, and the opportunities which it presented, that the eighteenth century profession acquired those elements which would equip it to meet the demands of an increasingly complex society.

Attorneys at the end of the eighteenth century had a definite sense of identity and a realisation of their place in society. An eighteenth century attorney in rural areas may have served as a clerk to the magistrates or a steward for an influential family or a clerk for a variety of trusts. His portfolio would frequently include acting as intermediary between the overseers of the poor and local justices and operating the Settlement Laws in disputes between parishes over the maintenance of paupers.

The practice of Isaac Worthington, an attorney living and working in Altrincham in Cheshire, will serve to illustrate this aspect of an attorney's work. By 1795, the practice was quite an extensive one. Worthington was Steward to the Dunham Massey estates, the seat of the Earl of Stamford and also attorney to the Legh family of Lyme Hall. He had charge of the family's legal affairs and was also Clerk to the Magistrates, a position which was to be held by succeeding members of the firm, and clerk to the trustees of several workhouses. In administering these he frequently corresponded with church wardens and overseers regarding the admittance or discharging of people from the workhouse; advising, for instance, on the eligibility of "the poore"[3] for admittance to the Parish of Pownall Fee. Sometimes, in the case of people who were discharged from the workhouse, he would write a letter, on behalf of the trustees, which guaranteed their readmittance should they became "burdensome".

An undated letter written by Isaac Worthington indicates something of the nature of the correspondence between different parishes over responsibility for the maintenance of the poor. "The poore" usually consisted of women and children — the latter often illegitimate. In this case the subject of the letter was a child — Elizabeth Smith — about five years of age, for which reason she was "not capable to be removed from the township"[4] and was therefore to be considered for support by the

Parish of Pownall Fee where she had been born illegitimately, until the time came when she could be put out to work. Strenuous efforts were made to establish who the father of an illegitimate child was in order that neither the child nor the mother would prove a financial burden on the Parish. For dealing with this routine administration, the firm of Isaac and George Worthington received the sum of £15.6.lld for the period 13th March to 8th August 1786.

A lawyer's 'memo book'[5] from the Werneth area of Cheshire, for the period 1799–1800, gives a further indication of the work undertaken in the period before 1800. The book, author unknown, contains copies of correspondence relating to his business including wills and other legal documents such as apprenticeship deeds. An example of the latter is the indenture of Isaac Metcalf to John Hopwood of Hyde, a weaver, and Joseph Garlick to James Brown whose trade was that of a Hatter. Appendix A shows a copy of an apprenticeship agreement between William Booth, Overseer of the Poor in Werneth and Robert Baxter of Manchester, a chimney sweep, binding Samuel Gee a poor boy of ten as his apprentice. Like Isaac Worthington mentioned above, the Werneth attorney also spent time negotiating arrangements with regard to paternal responsibility. For example, John Chetham of Werneth was indemnified to the same William Booth mentioned above, whereby Booth was required to make payment for the upkeep of Chetham's servant — Betty Isherwood — who was pregnant with his child. There is also correspondence relating to window tax. The attorney's job was to notify the Commissioners of taxes that an individual wished to "make up" (increase) his windows.[6]

There were also transactions for individual clients. The Werneth attorney wrote on behalf of Hannah Green, a widow, a letter of application to Thomas Walker, Clerk of the Marine Office in Portsmouth, applying for a widow's pension.[7] The application stated that James Shepley born about the year 1760, at Werneth near Geocross and belonging to His Majesty's ship *The Queen* died intestate, at Port Royal in Jamaica in September 1799. His widow Martha, was applying for a certificate to "his effects". The application was witnessed and supported by the Churchwardens of the Parish.

To a large extent the provincial attorney's practice was dependent on the patronage of a landowner — and property, particularly landed property, was the main area within which the eighteenth century attorney made his living. As clerks and attorneys for the Lindow Workhouse Trust, Isaac Worthington's firm facilitated and supervised the transactions whereby part of Lindow Common, within Pownall Fee, was appropriated for the building of a Poor House for the use of the Poor of Wilmslow Parish.[8] An example of conveyancing work from the notebook of the Werneth attorney concerns the notification to the Registrar of the West Riding of the County of York regarding a mortgage indenture between James Taylor of Geocross in the Parish of Stockport, Shuttlemaker and Thomas Shaw of Shepherd's Green in the Parish of Saddleworth, a clothier for "two messuages, dwelling houses or tenements". The attorney also dealt with arrangements for advertising land sales and recorded surveys of estates.

As Michael Miles has stated, the staple work of the country attorney was conveyancing. A contemporary account of an eighteenth century attorney's practice, defines conveyancing as referring to a variety of business:[9]

> "the drawing of deeds, mortgages and conveyances of estates. This is the most profitable branch of the Law; for to that of drawing deeds they commonly add the trade of a money-scrivener; that is they are employed to find out estates to purchase, or have money to lay out for some, and borrow for others, and receive fees from borrower and lender; and of course are employed to draw the securities."

Scrivening was an important element in the work of provincial attorneys both for those working in the towns and for those, like Isaac Worthington, who were working in a predominantly rural environment. Worthington lent money[10] and held money on trust whilst negotiating the purchase of land. Before country banks were established, the attorneys' position with regard to the property market enabled him to act as an intermediary between buyers and sellers. He was required to find mortgages and this involved him in having ready cash or knowing someone who could lend it. As Albert Schmidt[11] has noted the mortgage was an important financial instrument because it met specific societal needs. Strict family settlement and long-term

mortgages made it difficult to readily raise capital by disposing of land. In order to improve or enlarge property, pay off debts, or finance a new commercial venture, the easiest way of raising money was to borrow it. As financial intermediaries, attorneys often had money left on deposit with them which they were entrusted to invest on their clients behalf. Despite a fall in interest rates from 6% in the seventeenth century to 4% in the eighteenth century, the mortgage was "one of the most efficacious forms of investment in the eighteenth century"[12] and the most successful attorneys were experts at finding mortgagees. It was this area of business where the enterprising attorney stood to make the most money.

In the town too, attorneys acted as mortgage brokers and facilitated loans. William Fox, the founder of Slater Heelis and Co., which would become one of the most prominent law firms in practice in nineteenth century Manchester, was in partnership in the banking firm of Jones Fox and Co. Born in 1751, Fox was the son of a tea merchant. Educated at the Manchester Grammar School, he was articled to Robert Bradley a Manchester attorney and admitted as an attorney himself on 24th August 1773 in the Palatine Court of Lancaster. His original intention of entering into practice with his uncle, Alan Vigor, fell through on his uncle's death in 1767. However, Fox inherited some of his uncle's former clients[13] and, operating in the first instance from his home at 40 Deansgate Manchester and later from an office in the vicinity of St. Ann's Church, he built up a successful conveyancing business. In 1797, he entered into partnership with another uncle in the banking firm of Jones, Fox and Co and this financial background was of fundamental importance to the later development of the firm. William Fox's career blossomed. He became Clerk to Samuel Clowes, a major landowner and Magistrate for the Broughton sector of the Rochdale, Middleton and Bolton division of the Salford Hundred, and in 1805, as the nominee of the Lord of the Manor, the Court Leet elected William Fox to the office of Boroughreeve. When he went into retirement in 1816 he was reputed to have made a fortune of £150,000.[14]

At a fundamental level the work which occupied village-based attorneys such as

Isaac Worthington did not differ greatly from that which formed the basis of a town attorney like Fox. Robson[15] has noted that most rural attorneys spent a great deal of time travelling in the execution of their business. Worthington's clients, unlike those of William Fox, often lived at some distance from his Altrincham practice. His business also required him to visit Manchester and like Fox, he too paid occasional visits to the courts in London. In the Manchester urban hinterland of the late eighteenth century the work of attorneys differed little from that of their town colleague. With the fluctuating economic cycles of the nineteenth century such divisions as there were became increasingly blurred as Manchester became less of an individual industrial town and more a commercial regional centre. This is a point which is further explored in Chapter 6.

Attorneys compiled precedent books[‡] covering a variety of subject areas. These could be passed on through the firm, added to, and were useful in enabling them to solve recurring problems. When a barrister was consulted, his opinion (as Appendix B shows) was duly filed away for future reference. Such a source of reference could increase an attorney's expertise in particular areas thus increasing his marketability. William Fox's firm were agents for the Mersey and Irwell Navigation Company, the Old Quay Company and several turnpike trusts. The growth of such trustee-based concerns raised questions and posed problems for which previous solutions were inadequate. An illustration of this can be seen in the solution to a problem which arose after the murder of a turnpike gate keeper and his wife and involved a young woman who was dubbed "that unfortunate female, Martha Barnacle". Turnpikes were not popular features and gatehouses were often the focus of violent attacks. This particular turnpike was owned by the Earl of Bridgewater. Martha Barnacle was a "very principal witness"[16] to the murders and, as a result of her evidence, two "persons" were convicted of the killings. For her own protection, Martha was committed to a "house of correction" for the duration of the trial. Still concerned about her safety on being released, attorneys Grover & Smith, acting on behalf of

[‡]See Appendix B

the Earl, negotiated with attorneys acting for the Boroughreeve in Manchester [§] in order to arrange for her relocation in that town. At the expense of the Earl, the woman was put on a coach to Manchester by the Keeper of the house of correction with sufficient money in her pocket for her maintenance. Thomas Worthington (the Boroughreeve) was informed that, provided she conducted herself steadily and properly, the Earl of Bridgewater would continue to assist her for a time. It was the task of the Boroughreeve's attorneys to procure for her some type of employment which would "endeavour to reclaim her" and "prevent her being turned out on the tramp". The extent to which they were successful is not recorded but the incident illustrates something of the level of trust and confidentiality which was placed with attorneys. It also shows that an attorney's lot could be an eventful one.

By the beginning of the nineteenth century the foundations for the practice of the Victorian family attorney — the trusted adviser — had been laid. Arising out of their conveyancing dealings, attorneys were consulted over arrangements for wills, marriage settlements, and trusts. We have seen that, as financial intermediaries, attorneys had access to funds on deposit with them and were entrusted with the investment of such resources. As we will see in Chapter 4, this trust was sometimes abused. The next section will examine the background to another area in which attorneys were traditionally involved — that of behind-the-scenes political activity.

2.2 Politics and Power

For certain attorneys working in Manchester, involvement in local government and political affairs provided another dimension to their work. As Chapter 5 will show, senior partners in the nineteenth century firm of Slater Heelis became involved in these matters at both a personal and professional level. William Fox, the founder of the firm, exhibited a keen interest in politics. He had no radical sympathies and

[§]Oswald Milne II was Clerk to the Boroughreeve at the time, the correspondence regarding Martha Barnacle is amongst several communications with Milne and it is probable that his firm acted on behalf of the Boroughreeve

was a member of the committee of the "Association for Preserving Constitutional Order, Liberty and Property against the various efforts of levellers and republicans". Archibald Prentice, a middle-class radical campaigner who chronicled a "local history of public opinion"[17] recalled that, on llth of December 1792, a church and king mob made an attack on the printing office of Faulkner and Birch and on the house of Thomas Walker. Some leading Manchester men got together "to make a more systematic organisation against the reformers" and William Fox was one of the signatories to the resolutions passed at the Bull's Head in Manchester on 12th December 1792.

This is just one example of an attorney's personal involvement in wider political issues. However, in the turbulent period between 1790 and 1820, several leading Manchester attorneys became involved at both a personal and occupational level. Before Manchester was granted its charter of incorporation in 1838, responsibility for government was in the hands of the Boroughreeve and Constables who were nominated by the Court Leet. The important rôle that Manchester's first Town Clerk would later play in the operation of municipal government was foreshadowed by that played a generation or two earlier by a particularly powerful family of attorneys.

Most of the principle legal business of the town was conducted by the firm of Milne and Serjeant.[18] Nathaniel Milne, the founder of the firm, had been in practice for many years. He held a variety of local government posts: he was clerk to the magistrates acting for the Manchester Division of the Salford Hundred[19] (a position he held for many years until his death in May 1816) and had been elected to the coronership in 1787. In a sense, Nathaniel Milne was the founder of a dynasty. He had two sons, Oswald (I) and John who were also attorneys, and four grandsons (all sons of Oswald Milne (I)). Three of these had successful legal careers: Edward Chippindall Milne and Oswald Milne (II) became successful attorneys and Alfred Milne became a barrister. (A fourth grandson, Nathanael, entered the church and was the Rector of Radcliffe). On the death of Nathaniel in 1816, the post of coroner

was taken over by his son John, and Oswald (I) became clerk to the magistrates.

Oswald Milne (I) was very much involved in local politics. Along with his other posts, he acted as clerk to the deputy lieutenant and was clerk to the Golden Lion Society for the Prosecution of Felons. This was a self-appointed group, to which property owners and landowners subscribed, and its object was to keep the peace and protect property. If the victim of a felony was unable to bring a private prosecution, a Committee of the Society would meet to decide whether to fund a prosecution on the victim's behalf. It was the job of the Clerk to call this committee together. The Clerk also prepared a report for the annual meeting and was responsible for advertising its activities. Oswald Milne (I) had a finger in more than one such legal pie. Like his father before him, he also acted as clerk to the Police Commissioners. Although his work on behalf of the Society for the Prosecution of Felons was largely voluntary, he mixed freely with the membership, and this accorded him a certain status. That he was acutely aware of his position is evidenced by his attitude to his work for the Police Commissioners. In this capacity he regarded himself as town clerk — a viewpoint which, as we shall see, would later be challenged after the incorporation of the Borough in 1838.¶

The Police Commissioners were drawn from amongst those who were assessed at an annual rate of £30 and who took an oath of office. Their responsibilities included the night watch, paving, sewering and the lighting of the town. As *de facto* town clerk, Milne (I) had responsibility for getting certain bills, 'improvements' for the town, through Parliament. On May 29th 1830, a Bill to amend several Acts for supplying the town with gas was passed.[20] In correspondence addressed to Bulkeley Price, the Boroughreeve, Milne (I) described the progress he was making in London. The bill went before a Commons Committee in the first instance and Milne reported that certain 'friends on whom we can depend' had been approached and had promised to attend the committee.[21] Despite an attempt by Archibald Prentice to introduce a clause for "limiting the gas charges"[22] which the Committee disregarded, Milne

¶See Chapter 6

was able to report that the Bill went unopposed to the Commons for a third reading and he hoped it would also go unopposed to the Lords. This bill was the end-product of several years of bitter argument in the town. This particular source of discontent arose when gas became increasingly demanded by shopkeepers. The cost of establishing a gas works and of laying down the supply was borne by the Police Commissioners who had borrowed money to erect the works and repaid it out of the resulting profit. According to Prentice,[23] disagreement arose because, unlike the shopkeepers and publicans, warehouses, small factories and the large spinning establishments did not consume gas and therefore contributed nothing towards the cost of street lighting. More of those eligible (by virtue of being assessed at a rateable value of £30 p.a.) took the oath as commissioners with the result that, at a meeting of the police commissioners on 30th January 1828, about 900 representatives attended. The meeting was a stormy one during which Oswald Milne (I) stood on a table to declare his decision as to who should chair the meeting. Disagreement followed, accompanied by scuffles and blows were exchanged and the meeting ended in considerable disorder. The whole incident lent much weight to the publicly stated desire for reform in the government of the town.[24]

The dissent and unrest which was prevalent in Manchester during the early nineteenth century came to a head with a meeting of radicals at St. Peter's Field on 16th August 1819. The incident of 'Peterloo' which was prematurely terminated by the arrival and breaking up of the assembly by the Yeomanry is a very well documented event.[25] Less well documented, however, is the work it provided for several of Manchester's leading law firms. Oswald Milne (I) was involved both during and after the event. After the event, Milne administered the account for the fund which was set up to aid those special constables who were present at Peterloo. The fund was also to be used to support those who might be injured during the "disturbed state of these towns" (*i.e.* Manchester and Salford). The account was set up after a meeting at the Police Office on 27th August 1819 at a "numerous and highly respected meeting of the legal inhabitants of Manchester, Salford and the neighbourhood".[26]

Milne's rôle in the events of the 16th August 1819 cannot be known with certainty. He has been criticised by one modern author[27] for having suggested to the magistrates that the yeomanry should be sent on to St. Peter's field during the radical meeting. The crowd had assembled on St. Peter's Field to hear a speech by 'Orator' Hunt. Disruption occurred when special constables were dispatched by the magistrates to arrest Hunt. In the jostling and confusion which followed, a decision was taken to send the yeomanry into the field to restore order, with disastrous results. Whatever truth there was in the allegation against Milne, he was probably acting as the agent for the Tory section of Manchester's ẽlite and was present at the subsequent examination of Henry Hunt and others when they were brought before the magistrates on Friday 27th August 1819,[28] the same day that the fund (administered by Milne) was set up for the special constables. Oswald Milne held the "written depositions" of several witnesses and Hunt it seems, became "very passionate" at Milne's methods of questioning. This was Hunt's second appearance before the magistrates — the first being a week earlier. However, there were lawyers in Manchester who supported radical views and it was to one of these that Hunt initially turned for professional help.

Fenton Robinson Atkinson was "an able lawyer and a thorough hater of oppression, whose legal knowledge and earnest love of liberty were ... effectively used on behalf of the illegally oppressed".[29] In one instance, Atkinson had acted as solicitor, and represented in court, thirty-eight weavers who met at the Prince Regent's Arms in Ancoats on Thursday llth June 1812 to compose a petition to the Prince Regent for Parliamentary Reform. They were arrested by Joseph Nadin, the Deputy Constable of Manchester, and imprisoned in Lancaster Castle until they came to trial on 27th August charged with administering a Luddite oath. Atkinson had heard of their plight and volunteered his legal assistance. Denied admittance to the prisoners, Atkinson was also denied permission by the examining magistrate to cross-examine a witness. Such deliberate obstructiveness became familiar to Atkinson.‖

‖Similar incidents involving obstructive local magistrates were highlighted in local press reports on the activities of W.P. Roberts, the Bath attorney popularly called "The People's Attorney".

A similar chain of events occurred with the prosecution of Hunt. From his cell in the New Bailey prison on Tuesday 17th August 1819, Hunt wrote to Atkinson requesting his advice.[30] Immediately on receipt of Hunt's note, Atkinson sent his clerk round to James Norris, one of the magistrates, with a request that he be allowed access to Hunt and that Norris issue a note to the "Jailer" to that effect.[31] An immediate response was not forthcoming and Atkinson was obliged to write to Hunt on the 19th August informing him that having received no reply he had approached another magistrate who had informed him that access to the prisoners would not be allowed until Friday 20th (the day of Hunt's first appearance before the Magistrates). As Atkinson would not be in Manchester at that time he felt obliged to let Hunt know why he had been unable to see him.

It seems, though, that justice was not always equally applied. Three years after 'Peterloo' in April 1822, the firm of Sharpe, Eccles and Cririe (successors in the practice founded by William Fox), represented H.H. Birley, Richard Withington and other officers in the Manchester Yeomanry in a case brought against them for assault arising from the intervention of the yeomanry at 'Peterloo'. In contrast to the treatment meted out to Hunt and other radicals brought before the courts, the defendants in this case were allowed maximum access to their attorneys and cross-examination of witnesses was unhindered.

Manchester was divided into at least two camps with opposing radical and tory viewpoints. Attorneys were an integral part of the local community and it is not surprising therefore that some of them should have had radical sympathies.** Despite this, they were and, as will be further argued, remained, a basically conservative profession. Nevertheless, during the early years of the nineteenth century, new younger attorneys — like F.R. Atkinson — were beginning to take a different view from the old established elite lawyers such as Nathaniel Milne. Attorneys in

**W.P. Roberts, the "Peoples' Attorney", was an extreme example of this. A highly politicised animal, Roberts was an active member of the Chartist movement. He chose to use his legal abilities to challenge the system (see Challinor R. *A Radical Lawyer in Victorian England*). F.R. Atkinson, like other lawyers sympathetic to radical ideas, chose to work within the system in order to represent the interests of their working class clients.

Manchester were beginning to feel the first uncomfortable signs of an inner tension which would eventually reverberate nationally behind the public face of the profession. The following section examines the efforts which attorneys made at this time to organize themselves. Possible reasons will be advanced as to why they felt the need to do this.

2.3 Communication and Organization

During the late eighteenth/early nineteenth century, the nature of the work of provincial attorneys did not differ markedly from one area to another. Robert Robson has stated that this was due in part to the early establishment of communication between attorneys in different areas of the country.[32] He notes that attorneys carried "entitlement to insist on burial where they died" a precaution which saved their families the expense of getting the body home for interrment. There is certainly evidence to suggest that, from the mid 1820s onward, Manchester attorneys travelled quite extensively during the course of their work.[††] However, with the exception of the larger 'elite' practices (such as that of the Milne's) the Manchester attorney's contacts in the early part of the period under study were, for the most part, local. Successful firms included solicitors who may have held partnerships in several practises and most firms of any standing had agents in London. In 1820 for example, all firms practising in Manchester had an agent in the capital. Table 2.1 lists those London agents together with the number of firms which they represented; of these, 28% of local firms were represented by Manchester practices who had offices in London.

As Table 2.1 shows, the Manchester based firm of Milne & Co. was the most prominent London agent. This was probably a reflection of their standing in the local community. For the Milnes and other attorneys whose work involved them in local government administration, a widespread communication network was a useful

[††]See Chapter 5.

Title of Firm	No of firms represented
*Milne & Co	18
R. Ellis	10
Appleby & Co	10
Hurd & Co	8
*Makinson	6
Addlington	5
Willis & Co	5
Clarke Richards & Medcalf	4
Longdill & Co	4
H.T. Shaw	4
Lowe & Bower	4
Perkins & Frampton	3
Widesworth & Co	2
*W. Norris	2

Table 2.1: London Agents (based on Law Lists 1820)

* Manchester based firms.

Year	Number of Attorneys working in Manchester	Number of MLS Members	Percentage of Attorneys in membership
1800	59	–	–
1809	67	43	64
1815	88	39	23
*	38	4	11

Table 2.2: Numbers and Percentage of Manchester Attorneys in membership of the Manchester Law Society (based on Law Lists & Street Directories)

* Numbers of attorneys starting in practice 1809–1815

adjunct to their business: keeping them abreast of political developments nationally. It could be said that the already existing need and habit of travelling combined with a need for communication with London produced a desire to organize for the common interests of the profession. In this context, it is not altogether surprising to note the formation of the Manchester Law Society in 1809.

Perhaps the easiest and most obvious way of presenting attorneys with a forum in which information could be exchanged and common concerns expressed was the formation of a professional society. Indeed with the foundation of the Manchester Law Society, attorneys in that town were (whether consciously or not) following in the footsteps of their colleagues elsewhere in the country. Several provincial law societies had been founded: Bristol in 1770, Yorkshire in 1786, Somerset in 1796 and Sunderland in 1800. Unlike the Society of Gentlemen Practisers in the Courts of Law and Equity, which had been founded in London in 1739 and which had declared its "abhorrence of all male and unfair practice"‡‡ and declared that it would do its utmost to "detect and discountenance the same"[33] the Manchester Law Society, for reasons that will be suggested later, evinced no such intention.

The first meeting of the Society took place at the Nelson's Arms on the 2nd October 1809 and the records of its meetings end in 1815. The Society has been criticised by members of the later Manchester Law Association for being purely a social club. Alfred Tarbolton, author of a booklet written in 1924[34] which provided the source for Robson's information about this Law Society, certainly assumed that this was the case. He based this assumption on two points: first, the records of the meetings reveal very little of what was discussed, and second, he believed that very few Manchester attorneys were in fact members of the Society. This latter point is not true, certainly in the early days of the Society.

Table 2.2 shows that 64% of all the attorneys working in Manchester in 1809 were members of the Society, but by 1815 this percentage had shrunk to 23%. The numbers of attorneys at work in Manchester in 1809 was 40% more than in 1800: of

‡‡Male is presumably used in the sense of malevolent or unacceptable.

the new lawyers entering practice between 1809-1815, the Manchester Law Society was able to attract very few (11%) into membership. A clue to the reasons for its sudden decline in popularity may be found in a remark made by Alexander Kay, an attorney who was very actively involved in local government (he held office both as Boroughreeve and as Mayor). Kay recalled that: "the association was intended by the elder members of the profession to keep down the younger ones".[35] Kay's assertion would seem to be supported by the statistics which show that out of the total membership of the Manchester Law Society, approximately 56% had been in practice for at least nine years and 26% died within five years of joining. Paradoxically perhaps, this decline in membership occurred when attorneys were beginning to come under pressure from an increasing workload. The population of the town was increasing rapidly and the number of attorneys required to deal with the legal business engendered by this growth, was not sufficient to keep pace with it. Chapter 5 explores this factor further. For the moment it is sufficient to note that pressure of time on individual practitioners was another possible reason for the decline in attendance of MLS meetings. It may well have been as Alexander Kay suggested that at a time when the first social upheavals of the Industrial Revolution were being felt in Manchester, attorneys were too busy coping with the demands upon them to bother with a society which was dominated by elderly and élite members of the profession.

The practices of members of the Manchester Law Society were all located within a small area of central Manchester, within a vicinity of 350 yards around the Old Town Hall.* In effect this represented a membership which was very much restricted to attorneys resident in the town of Manchester itself. As we shall see in the next chapter, this parochial concentration was in marked contrast to the Manchester Law Association which was founded some 23 years later and which by popular demand drew its membership from a much wider area.

*The Old Town Hall was situated on King Street, approximately 200 yards east of the present Town Hall. The practices of most of the attorneys in membership of the MLS were situated in the oldest part of the town.

The minutes of the Manchester Law Society, both in their content and style, bear the sophisticated hallmarks of practice developed over many years. They are written in summary form and, in contrast to that of the later Manchester Law Association, contain no verbatim references. Their contents reveal no attempt to regulate the conduct of attorneys and it may be that Manchester lawyers did not have a problem with public criticism of their practice. A more plausible explanation, however, would be that those practitioners who were members of the Society did not experience criticism of this nature. Indeed, the core of the Society was made up of 'élite' practitioners. Nathaniel Milne (founder of the dynastic firm described earlier in this chapter) held the office of President of the Society, James Cooke,[36] became Vice-President, George Duckworth a later Vice-President[37] and John Sharpe, a member of the firm of Sharpe, Cririe and Eccles,† became one of the Treasurers. W.W. Eccles and William Cririe were also members of the Society as were Oswald Milne (I) and Samuel Kay (father of Alexander Kay mentioned earlier). All of these men were senior lawyers with practices of many years standing. Membership of the Society was by ballot only, with a minimum of four-fifths of those present required to vote in favour. The business of the meetings of the Society, as indicated in its minutes, gives no indication that factors of common interest in work terms were ever discussed. In purely factual terms, what they do reveal is that the Society acted as a benevolent body for those members of the profession who had fallen on hard times or for their bereaved families.‡ As has already been noted, the business and discussions of the Manchester Law Society were recorded in something of a formulaic and perfunctory style which reveal nothing of the temper of the meetings.

There is nothing in this material to suggest that attorneys practising in Manchester during this period felt themselves to be over-worked or under pressure from public criticism. Factors which, as we shall see in the next chapter, emerge strongly in the records of the Manchester Law Association. Manchester, in the early years of the nineteenth century, was a self-contained and self-preoccupied town. As far as its

†Successors to William Fox in the firm that became Slater Heelis and Co. Appendix E.

‡During its recorded existence six grants were made ranging between ten and twenty guineas.

attorneys were concerned it was not yet the regional commercial capital it was to become.

It was not simply as Aylett[38] has suggested that Manchester attorneys were "unwilling" to act in their own interests that caused the MLS to cease to function. As Chapter 6 shows, the notion that they were not "clubbable" creatures is also somewhat wide of the mark. It is incorrect to assert (as Aylett does) that the Industrial Revolution had little influence on the siting of practices in Manchester as the town spread. Over the years the location of attorneys working in the town spread. In 1838 the Manchester Law Association was founded because attorneys felt themselves to be under acute pressure. The city itself was developing as a centre for commercial trade and this was reflected in the decision of the Association to recruit members from a radius of 20 miles from St. Anne's Square.

In the context of this thesis then, what function did the Manchester Law Society serve? The answer would seem to be basically two-fold. First, and most importantly for some attorneys of the day, it enabled them to meet one another and, initially, it offered the opportunity for discussion of topics of mutal concern. Second, and more relevant to the history of the profession in Manchester, it bequeathed, through individual members, a legacy of regular communication and a tradition of organization. Individuals like William Cririe who went on to practice in partnership with William Slater and Stephen Heelis - two attorneys who in their turn became founding members and leading voices in the Manchester Law Association.

The approach of attorneys to the conduct of their profession during the 1830s and 1840s would be greatly influenced by the social and economic upheavals of that period. The main achievement of the early Manchester Law Society was the sewing of the seed for the establishment of a professional solidarity within the town; preparing the ground for the time of crisis which would face attorneys at that later date.

References

[1] Holdsworth W.S., *A History of English Law*, Vols. VI and XV, Methuen & Co. Ltd., 1924.

[2] Miles M., *Eminent Practitioners: The New Visage of Country Attorneys c. 1750-1800* in Rubin & Sugarman *Law, Economy & Society, 1750-1914: Essays in the History of English Law*, Professional Books Ltd., 1984.

[3] Extracts from "Sunday Papers" (1700-1775) found in an old chest kept in Wilmslow Workhouse arranged and bound together by William Norbury of Leigh, Lancashire, May 30th 1885. By permission of Nicholls, Lindsell and Harris, Altrincham.

[4] Undated letter included in the "Sunday Papers" above.

[5] Lawyer's Memo Book from the Werneth Area 1799-1800, Manchester Central Reference Library Misc 484.

[6] Lawyer's Memo Book as above, extract: Jonathan Harrison, Grapes Inn, Geogross, Werneth, April 5th 1800 — eight windows.

[7] Under an Act of Parliament 32nd Geo. 3 Chap. 3b.

[8] Indenture Tripartite signed 16th October 1772 between Mary, Dowager Countess of Stamford (only daughter of the Rt. Hon. George late Earl of Warrington), the Rt. Hon. George Harry, Earl of Stamford and Humphrey Trafford of Trafford in the County of Lancaster.

[9] Miles., *op. cit* p. 44.

[10] Minute Book of the Lindow Workhouse Trust, August 1775: note referring to repayment of £100 borrowed from Isaac Worthington.

[11] Schmidt A., *The Smiths of Horbling: country attorneys*, unpublished article. I am indebted to Professor Schmidt and Professor David Sugarman for sight of this article.

[12] Anderson B.L., *Provincial Aspects of the Financial Revolution of the Eighteenth Century*, Business History XI, 1969, 12.

[13] Slater Heelis bicentenary pamphlet, privately published.

[14] Grindon L.H. *Manchester Banks and Bankers*, Palmer & Howe, 1878.

[15] Robson, R., *The Attorney in 18th Century England*, Chapter IV., Cambridge University Press, 1959.

[16] Boroughreeves Letter Books: Correspondence from Grover, Smith to Thomas Worthington, Boroughreeve of Manchester, March 1823; MCRL.

[17] Prentice A, *Historical Sketches of Manchester (1792–1832)*, Frank Cass & Co Ltd., 1851.

[18] Slugg J.T., *Reminiscences of Manchester Fifty Years Ago*, Simpkin, Marshall & Co., 1881.

[19] Lewis's Manchester Directory, 1788.

[20] Act of Parliament, 11 George IV. cap. 47.

[21] Letter from Oswald Milne to Bulkeley Price (the Boroughreeve) dated 6th April 1830, Boroughreeve Letter Book, MCRL.

[22] Letter from Oswald Milne to Bulkeley Price 7th April 1830, Boroughreeve Letter Book, MCRL.

[23] Prentice, *op. cit.* p. 311 ff.

[24] For example, "It is now become obvious to every respectable resident in Manchester, that some change must be sought for in the mode of conducting its public business" — Manchester Chronicle February 1828.

[25] See for example: Read D., *Peterloo, The 'Massacre' & its Background*, Manchester University Press, 1958; Prentice, as above; Bamford S., *Passages in the Life of a Radical*, edited by Chaloner, W.H., Frank Cass & Co. Ltd., 1967.

[26] Chetham's Library Crossley Collection: Mun A. 12.4.

[27] Simon Lady Sheena D, *A Century of City Government — Manchester 1838-1938*, George Allen & Unwin Ltd., 1938.

[28] *Melancholy Occurrences*, printed and published by Henry Fisher, 1819 MCRL BR942.730731.

[29] Prentice, *op. cit* p.172 ff.

[30] Peterloo Collection, MCRL BR942.730731.

[31] Letter from F.R. Atkinson to James Norris, 18th August 1819, MCRL Peterloo Collection.

[32] Robson R., *op. cit.* Chapter III.

[33] Freshfield E., *The Records of The Society of Gentlemen Practisers*, Incorporated Law Society, 1897.

[34] Tarbolton A., *A Short History of The Manchester Law Society 1838–1924*, privately published.

[35] *The Law Times*, 18th January 1844.

[36] See Axon, W.E., *The Annals of Manchester*, John Heywood, 1886.

[37] See Hibbert Ware, Mary C., The Life and Correspondence of the late Samuel Hibbert Ware, J.E. Cornish, 1882.

[38] Aylett P., *The Distribution & Function of Attorneys in the 18th Century with Special Reference to North West England*, Manchester M.A. 1984.

Chapter 3

A Time of Crisis: The Profession under Threat

The influence of local law societies on the development of the profession is an area of research which has yet to be fully investigated. A.H. Manchester has asserted, when referring to the activities of local law associations, that "Despite the influence of... local societies — it is clear that at a national level the dominant rôle was played by the Incorporated Law Society".[1] A dearth of investigative work on the activities of provincial law societies has lent weight to and sustained this concept, although this commonly expressed view has occasionally met with caution.[2, 3, 4] Richard Abel, for example, has warned that "the present hegemony of the Law Society should not blind us to the fact that local law societies antedated its founding and continue to command strong loyalties".[5] However, as new research[6] begins to illuminate these hitherto dark recesses, a clearer historical picture begins to emerge especially of the period before the Judicature Act of 1873. During the years 1840–48, a pivotal time in the development of the modern profession, communication between a network of law societies established precedents, as they arbitrated on legal points at issue. Through organization, motivation and mobilization, the occupational consciousness of attorneys was raised. It will be argued that the rôle of the first body to represent provincial lawyers nationally, the Provincial Law Societies Association (PLSA), and the organization it spawned, the Metropolitan and Provincial Law Societies Association (MPLSA) has been underrated. Manchester attorneys were very much part of the society in which they lived. Their reactions and solutions to problems were very much in line with the actions of their contemporaries.

In period terms, this chapter is centred on the years between 1838–60. In Manchester, as Donald Read has noted, this was a time of initiative and political independence when its citizens became expert in organising and successfully controlling the activities of pressure groups. In Manchester, it will be argued, professional and provincial regional consciouness were intertwined although it is not possible to state with certainty whether the two elements developed in parallel. This chapter concludes with a small diversion into the realms of the relationship between the experience of industrialization and the level of militancy exhibited by provincial lawyers. For now, however, the activities of the Manchester Law Association (MLA) will be used to illustrate the activities of a local law society. By investigating its formation and the way it organised attorneys in reaction to legislation which they regarded as a threat to their livelihoods, and by looking at the part the Association played in the subsequent establishment of the PLSA, it will be maintained that provincial lawyers formed a strong and cohesive pressure group, both on the legislators and on the Incorporated Law Society in London.

3.1 The Manchester Law Association

In the aftermath of the Reform Act of 1832, government became increasingly sensitized to public demand and criticism. Legal reformers such as Lord Campbell and Lord Brougham,[7] sought to regulate the activities of the lower branch through legislation. Efforts to control the activities of the profession through legislation and an increase in public criticism impelled Manchester solicitors to form an association which would focus their energies and promote their interests.

On Wednesday 12th December 1838, sixteen attorneys met in the Manchester Law Library* for the purpose of formulating regulations for the "constitution and gov-

*On 21st July 1820 several legal gentlemen from both branches of the profession met at the Star Inn, Deansgate, for the purposes of establishing a Law Library. Originally situated in a room in the offices of a local solicitor, the Library was temporarily housed in several other similar localities until 1845 when it occupied the first floor of the Manchester Law Association's newly adapted accommodation at 4, Norfolk Street.

ernment of the Manchester Law Association".[8] Amongst those present were James Beever, a founding member of the Manchester Law Clerks Friendly Society,† Robert Worthington, son of Isaac Worthington,‡ and a senior partner in the firm of Nicholls and Worthington of Altrincham in Cheshire and Stephen Heelis and William Slater of the firm of Slater Heelis and Co.§ — at this time in the process of rapidly becoming one of the leading practices in the town. At the meeting, fourteen rules and regulations were formulated. The membership fee was agreed — it would be ten guineas (for life membership) or one guinea (renewable annually). All subscriptions were to date from lst January of each year and failure to pay meant exclusion from the Association. New members were to be proposed at quarterly meetings and membership would be decided by ballot; "one black ball in five of the parties present shall exclude any candidate". The money collected by subscription would be invested on behalf of the Association by three trustees, who would be elected at the annual general meeting. Amongst the regulations it was stated that membership was open to all attorneys of one of the superior courts of Law at Westminster, Solicitors in Chancery and Proctors practising in Manchester or within a "circuit of twenty miles from that town".¶

This is an important contrast with the earlier Manchester Law Society the membership of which, as we saw, practised for the most part, within 350 yards of the Old Town Hall. Modern historians have shown[9] that Manchester, during the late 1830s and particularly during the economically depressed years of the 1840s, became a regional centre for commercial activity and trade. The economic survival of the town was not dependent on its cotton manufacturing industry alone. Indeed P.J. Waller[10] has argued that, without such diversification, Manchester's economy would not have survived and the city would not have achieved the prominence it did. It is therefore not surprising that the Manchester Law Association should reflect something of this

†See Chapter 6, page 183.

‡See Chapter 2, page 15.

§See Appendix C.

¶The median point was St. Anne's Church in St. Anne's Square. Included in the initial membership of the MLA were solicitors from Bury, Bolton, Macclesfield, Stalybridge and Stockport.

regionalism in its membership.

The principal aims of the Manchester Law Association were basically two-fold: first, to protect and second, to promote the interests of the profession. The interests of the profession would be promoted through educational provision‖ and the regulation of the conduct of members of the profession.** Of immediate concern however, was the problem of protection: legal reforms proposed during the early 1840s in particular were regarded with alarm. The amount of legislation proposed and the speed with which it was being introduced had convinced the founders of the MLA of the need for vigilance and action. One of the first actions of the newly formed Association was to set up a sub-committee whose brief it was to thoroughly investigate all proposed legislation which might affect the interests of the profession, to make it known when action needed to be taken and to devise arguments to Parliament which would ensure that the interests of the Profession were upheld. Thus it was that the first rule of the Association aimed:[11]

> "... to maintain the interests of the Profession, and to originate or watch over, and if necessary to petition, in relation to general measures affecting the Profession, or producing changes of law or practice."

The management committee would also have powers to "to settle disputed points of practice, and decide upon all questions of usage or courtesy in conducting legal business of all kinds". This put them in the position of arbiters and their judgement on such issues was accepted as final. It also put them into a powerful position from which to raise the reputation and respectability of the profession. The decisions which the Association made regarding the frequency with which meetings should be held indicate that attorneys were operating under pressure. In contrast with the twice yearly get togethers of the Manchester Law Society, the MLA agreed to meet four times a year,[12] although sub-committees would meet much more frequently[13] and special meetings could be called whenever they were needed. The annual meeting would be advertised in local newspapers fourteen days in advance. It was agreed

‖See Chapter 4, Section 3.

**See Chapter 4, Section 1.

at the first such meeting that a "proper Book be provided for entering the Resolutions of meetings and keeping the accounts" and that a "tin box be also procured", presumably for membership fees.

So it was that, at 11.00 o'clock on the morning of Monday 23rd December 1838, at the Star Inn in Manchester, some fifty-three attorneys, approximately one-third of those practising in Manchester,[14] met for the first quarterly meeting of the Manchester Law Association. The rules and regulations were moved and seconded unanimously and a committee of management was elected for the ensuing year. James Crossley, who at 38 years of age was a respected lawyer with an established practice was elected President of the Association. Born in Halifax on 31st March 1800, son of a merchant, he was educated at the Hipperholme and Heath grammar schools. At the age of sixteen he came to Manchester where he was articled to Thomas Ainsworth, a solicitor practising in Essex Street. In 1822, Crossley entered as a pupil in the office of Jacob Phillips a noted conveyancer in King's Bench Walk in London and a year later, he returned to Manchester to enter into partnership with Thomas Ainsworth. He later became principal partner when the firm became Crossley and Sudlow. In the earlier part of his career he was engaged in negotiations in connection with extensive street improvements in Manchester; when the town became enfranchised, Crossley figured as an active worker and effective speaker on behalf of tory candidates at the borough elections, in particular that of Gladstone in 1837. In appearance Crossley was reported to be "remarkable for his extreme corpulence and fresh ruddy complexion".[15] A well-known figure in the community, respected as an antiquarian and writer;[††] he was also a polished and inspiring orator. Although amongst his fellow founder members of the MLA were attorneys of equal eminence, they were not publicly recognisable figures. Nicknamed 'Manchester's Dr. Johnson', the choice of James Crossley as first President of the MLA was an inspired one.

[††]Whilst still in his teens, James Crossley contributed articles to the Blackwood magazine, including one entitled Literary Characters of Bishop Warburton and Dr. Johnson. He was involved in the preparation of the Quarterly Review.

The newly elected vice-presidents of the MLA were Thomas Higson and Stephen Heelis, the Treasurer Richard Whitlow and the Honorary Secretary Thomas Taylor: not surprisingly, all four men had been closely involved in setting up the Association. It was Stephen Heelis, a charismatic and dynamic lawyer, who would be credited as the "Founder" of the Association. Born in 1801 in Bolton, he was articled to the firm of Sharp, Eccles and Cririe. After his admission as an attorney in the Hilary term of 1826 he remained with the firm becoming a partner in 1833.[16] Actively interested in politics, he was elected an Alderman for the Seedley Ward of the Borough of Salford in 1853 and held the office of Mayor twice.[17] Like James Crossley, Heelis was a strong Conservative supporter and a "liberal subscriber"[18] to the funds of the local Conservative association. He was twice President of the Manchester Law Association in 1843 and again in 1867. Also at the first quarterly meeting those attorneys present were elected members of the new society and it was resolved that membership of the Association should be strongly recommended to the "respectable members of the profession" within Manchester or within "twenty miles round". It is not perhaps mere coincidence that the MLA leadership should have included such politically active men as Heelis and Crossley. Chapter 6 will investigate this aspect of their lives in more detail, for now it is worth taking into account their experience in this area. Especially with regard to the organization and planning which attended pressure group policies.

When the Committee met again nearly two months later on 13th February 1839, they resolved that a copy of the Association's rules should be sent to the Secretary of the Incorporated Law Society in London, together with a request that the MLA be circulated with "such papers as to proposed changes in Law and Practice as may be considered to be of interest to the profession at large".[19] A sub-committee was set up to review all public bills, reports and documents which referred to the profession or to changes in the law. The first annual general meeting took place on 8th January 1840 and it was reported that membership had increased to 130 consisting of "a great proportion of the respectable practitioners in Manchester and the neighbouring towns within the prescribed district". It was desirable that a list

of "persons applying each term for admission as Attorneys or Solicitors" should be available for members to see and this was duly procured from the Incorporated Law Society. This information served several purposes: it could for instance, be used to monitor the number of attorneys entering into practice in Manchester; it could also be used to encourage new lawyers into membership of the Association.

It was thought essential to take in the Parliamentary papers "with a view of watching any measure brought before Parliament affecting the interests of the Profession". Over the next few years the MLA exhibited an intense interest in any proposed legislation which could affect the interests of the profession. When legislation was pending which was regarded as likely to have an adverse affect on the practice of attorneys, opposition was mounted. The County Courts Bill which was before Parliament in 1841, provides an instance in point. The Bill aimed to improve and regulate the practice and extend the jurisdiction of County Courts. However, the MLA were antagonistic to certain of its proposals and formulated a campaign of opposition, the details of which are given below. The basic pattern of this campaign was based on a template which was followed on many occasions. Support was sought from other, non-legal, groups in the local community, from local Members of Parliament and often from local government whose guiding lights were attorneys of distinction. A campaign took the form of correspondence, memorializing and deputations to induce a change of view by supporters of the proposed legislation.

The MLA management committee proposed[20] to send a letter signed by Thomas Taylor, the Secretary, on behalf of the Association to the Members of Parliament for the Boroughs of Manchester and Salford and to such other members of the House of Commons as Taylor thought fit, expressing the concern felt over the proposed bill. The letter objected that parts of the bill were obscure and noted that:

> "The power enabling the Judges to order debts to be paid by instalments is one liable to great objection and abuse. A debt of £20 may be recovered and the defendant well able to pay the amount, but by a well got up tale of distress, the Judge might be prevailed upon to make an order for the payment by paltry weekly or monthly instalments and a plaintiff might consequently be years in obtaining payment."

The reaction of the Association to the bill was three-fold. They protested on behalf of the "public interest", recommending that imprisonment for debts under £10 should be abolished. They also protested about "The serious importance of this Bill to the profession..." and in particular to a clause which would mean that no attorney would be entitled to argue any question as Counsel or Advocate in County Courts except by leave of the Court. The Association believed this would "degrade and injure the profession at large". On financial grounds it was objected that the remuneration which attorneys were allowed to receive, even if they were permitted by the Court to conduct the cases of their clients, would not, in most cases, exceed 6/8d, and in no case would exceed 10/6d. This amount was regarded as totally inadequate, and not worth the trouble of "respectable Practitioners". Consequently, it was argued that the advising and the advocacy of cases in the courts would inevitably be reduced to being conducted by "low unprincipled persons possessing neither character nor ability".

The MLA recognised that their petition,[21]

> " however numerously and respectably signed emanating from the profession would receive little or no attention from the House of Commons and that if any alteration in the... Bill is to be effected it must be at the instance of the Mercantile part of the community."

The fact they felt it necessary to boost their standing by links with the commercial sector illustrates the low esteem with which Parliament regarded solicitors. As a matter of fact (although Manchester solicitors were unaware of this) in London the expression 'mercantile' meant manufacturers and lacked the pedigree of 'Merchant' with its connotations of established respectability. In Manchester the mercantile sector covered cotton manufacturers, wine importers, calico printers *etc*; such people had money and therefore power and social standing and were regarded as being of some influence. The management committee had taken upon itself the duty of informing the "mercantile" sector, which they did by visiting merchants and manufacturers. They stated that, should the bill be enacted, recovery of debts for £20 and under which were owed to tradesmen in Manchester by "persons resident at

a distance" would no longer be possible. Reporting later on the successful outcome of their opposition[22] the MLA informed its membership that Mark Philips, one of Manchester's Liberal MPs, had gone through the clauses of the bill with them and they had been assured by him that, whilst they were to some extent watching over and promoting the interests of their own profession, they "were chiefly endeavouring to advance and secure those of the Commercial World". Expressing self-interested arguments in terms of community benefit is a reconizable trait common to most professional occupations. For attorneys, in the crisis years before 1860, expressions of altruistic intent — of acting in the public interest — were weapons used to increase popular confidence in their profession. An aspect which will be further investigated in Chapter 6.

As will be seen later,[‡‡] leading Manchester attorneys were linked into the local middle class elite network, and the MLA enlisted the co-operation of the Manchester Chamber of Commerce and other bodies such as the Borough Council on many other occasions throughout the period. A pattern emerged whereby, when the Association's Committee learned that a bill was being promoted, they would refer the matter to the sub-committee, whose members would investigate implications of the proposed legislation and produce a written report. This, after consideration by the management committee would be forwarded to the appropriate interested party — the Town Council perhaps, or, as in the example given below, a group representing the Manchester Chamber of Commerce. The matter would then be raised at a special meeting of the Committee where a decision would be taken as to whether action should be taken and the form that action should take. Memorializing Parliament and addressing letters to specific MPs were frequently accompanied by visits from an MLA deputation. This would sometimes meet representatives of other law societies, or the Incorporated Law Society, before meeting individuals involved in the promotion of proposed legislation in London.

The Bankruptcy and Local Courts Bills (1842) further illustrate the reaction and

[‡‡]Chapter 6, Section 6.2.

mechanism whereby the MLA mounted its opposition. Following the introduction by Lord Brougham into the House of Lords, and by Mr. Bouverie and Mr. Baines into the House of Commons, of two bills on the subject of Bankruptcy, members of the Association, who were "acquainted with" that aspect of law, were asked to give detailed attention to the proposed bills with a view to suggesting alterations and amendments which would "place the Law of Debtor and Creditor on a better footing". It was proposed that, when their report was ready, a copy of it should be forwarded to the Manchester Chamber of Commerce and Commercial Association to obtain their co-operation in recommending amendments. They hoped that a Bill for the improvement of the Law of Bankruptcy which met with the approval of "the Profession and Mercantile community of Manchester and neighbourhood" would be ready for introduction into the House of Commons.[23]

After receiving "most anxious attention", a Special General Meeting of the MLA was called to obtain the members' views and advice on questions of "such vital importance" relating to the proposed Bills. Out of that meeting emerged the resolution to send a deputation from the Association to London. Their brief was to "watch the proposed measures and obtain such amendments as they might deem expedient". This meant that if it became apparent that clauses would be introduced into the proposed legislation which they considered would affect the interests of the profession adversely, the deputation carried a mandate to act. On behalf of the MLA and the Manchester Chamber of Commerce, they had instructions to set down their arguments and circulate the objections then formulated, to members of Parliament with the reasons why the Bankruptcy Bill, as it stood, should not succeed.

The MLA deputation consisted of solicitors who were "specialists" in the relevant field. Such was the standing of the deputation that on reaching London they met the Committee of the Association of London Merchants which comprised "some of the most eminent and wealthy men in the City", with whom they subsequently collaborated. Mark Philips, who was "sensibly alive" to the possible impact the proposals would have on the commercial community, gave the matter his most "un-

remitting attention". He procured from Sir James Graham, the Home Secretary, an early appointment and the MLA deputation accompanied by representatives of the Association of London Merchants, MPs for the City of London and several other "influential" MPs met him at the Home Office. The principal objections to the proposed Bill were "forcibly" pointed out to the Home Secretary, who stated that the Government would take time to decide upon the propriety of withdrawing the measure for the session. However, on subsequently finding out that the Government were determined to proceed with the Bills during the session, the MLA deputation "exerted themselves to the utmost in endeavouring to carry into effect various suggestions of alterations and improvements". The principle purpose of which was to procure for Manchester the advantage of local and stationary Commissioners, and a pledge to that effect was obtained from Sir James Graham. This action was followed up by a memorial to the Lord Chancellor "setting forth the immense Bankruptcy business of this District and praying for the appointment of at least two resident commissioners". In the event, several of the suggestions made by the MLA deputation and the London merchants were adopted in the amended Bill which eventually became enacted.

The records of the Manchester Law Association do not indicate why their deputation should have met with such interest and co-operation from London merchants. It may be that the backing the deputation received from the Manchester Chamber of Commerce contributed in no small part to this. Although, it is perhaps also worth keeping in mind the period during which this action was taking place. The importance of social context is a theme which runs throughout this thesis and indeed surfaces in this chapter. This particular incident took place in 1842, a year in which Sir James Graham and the rest of Robert Peel's government, were deeply troubled by the middle-class agitations of the Anti-Corn Law League and the working-class explosion of Chartism. Viewed from a metropolitan standpoint bombarded with constant reports of rioting in the North of England, Manchester was a dangerous place.[24] Economic considerations aside, in diplomatic terms alone little could be lost from extending such courtesy to the lawyers: indeed, given the contacts of the

MLA within Manchester society, perhaps much could be gained.

Shortly before the arrival of the new Commissioners in Manchester, the MLA deputation had a meeting with them at which many subjects "highly important to the profession and which had been previously carefully considered", were discussed. The meeting proved to be highly satisfactory and as a direct result the MLA became the only recognised medium of communication between the Bankruptcy Court and the Manchester Profession. The Commissioners expressed their eagerness to ensure (so far as they were empowered) "a fair and liberal remuneration for Professional business".

In February 1843, the MLA received a communication from the Birmingham Law Society regarding a scale of fees in Bankruptcy which were being put forward as the proposed permanent allowance to solicitors. These were endorsed and forwarded to the Lord Chancellor for adoption. At the request of the MLA management committee, a Taxing Officer by the name of D.H. Richardson was asked to produce a scale of fees based on the Birmingham model. This he did, and in due course, the proposed scale was laid before the Commissioners of Bankruptcy in London for their sanction. The Commissioners did not accept this scale, but instead prepared another which was sent back to the Committee. This suggested scale was regarded as being so low as to prove totally unacceptable and it was unanimously refused; the reason given was that "no respectable practitioner acting under it could hope to obtain anything like a fair remuneration for his professional labors" (*sic*). The MLA expressed its opposition to the proposed scale in strong terms: "it would be better to give up the practice in Bankruptcy than to accept the miserable pittance" which the Commissioners proposed. Despite this vituperation, however, a deputation was sent to London to try and persuade the Commissioners to change their minds. The law societies of Liverpool, Birmingham, Leeds, Gateshead and Newcastle-upon-Tyne, York, Hull, Sunderland and Bristol, were asked to support the deputation and, with the exception of Liverpool, this they did. Representatives from the societies, together with some solicitors from London and the Chairman

and several members of the Committee of the Incorporated Law Society, had an interview with the Commissioners. The outcome was a revised scale acceptable to the profession.

For Manchester solicitors, this whole episode indicated the value of a law society and the desirability of a society which would be of "mutual benefit" to provincial lawyers generally:[25]

> "If the time has not yet already arrived, it cannot be far distant, when to be, or not to be, a member [of a law society] will be a test of respectability in the profession".

In contrast to the earlier Manchester Law Society, the records of which give no indication of contact with law societies elsewhere in the country, the Manchester Law Association from its inception was in constant contact with other local law societies. It was an extremely active organization. Apart from the annual general meeting, it supported the management committee which met monthly (more frequently if required) and several sub-committees which met very frequently, sometimes as often as several times a week.[26] During the early 1840s there was a flurry of correspondence and leading articles in *The Law Times*, advocating the formation of local law societies generally and suggesting that the Incorporated Law Society was not as effective as it might be in looking after the interests of provincial attorneys. It was reported to the annual general meeting of the Manchester Law Association in January 1845 that at a general meeting held in the March of the previous year, the Yorkshire Law Society had put forward the idea of a permanent union between the different law societies and Manchester had been proposed as a meeting place. Possible reasons why the decision was taken to hold meeting in Manchester rather than in York or Leeds, for example, will be examined later. For now, the present theme of provincial organization moves on to the next and critical stage by examining the formation and activities of the Provincial Law Societies Association.

3.2 Provincial Law Societies Association: Failure or evolution

The rôle of provincial law societies and that of their representative body the Provincial Law Societies Association have usually been dismissed or at best regarded as ineffective. For example, Kirk[27] argues that:

> "Almost from the outset there was co-operation and local law societies sought the advice of the Law Society and reported to it cases of malpractice with which they were not able to deal locally. The difficulty was to co-ordinate the efforts of these societies. An attempt was made to do so in 1844 through a Provincial Law Societies Association, but it failed because it found that it needed a London office. Accordingly it merged in 1847 with the Metropolitan and Provincial Law Association then recently formed"

Such remarks characterize the way in which the rôle of the PLSA has been regarded but in fact the PLSA did not 'fail'. The records of its meetings reveal [28] an active and influential pressure group. Contrary to the statement made above, the Provincial Law Societies Association did not merge with the Metropolitan and Provincial Law Societies Association, it was in fact the parent body. The MPLSA was formed in reaction to a specific legislatorial threat. Although the Incorporated Law Society UK was involved in some of the discussions which resulted in the formation of the Metropolitan and Provincial Law Societies Association, union with the London Law Society was not considered to be of any potential value to provincial lawyers. It was regarded as élitist, a view borne out perhaps by the fact that less than half of the solicitors in practice in London were members of the Incorporated Law Society.[29] Indeed, some of these obviously felt that their interests would be better represented by linking with provincial lawyers thus forming the MPLSA. Far from "merging" with its successor, the PLSA management committee took the deliberate step of winding up its affairs in favour of its successor association. The Metropolitan and Provincial Law Societies Association was considered to be more fairly representative of the profession as a whole, uniting as it did, attorneys in the provinces and in London who did not feel that the Incorporated Law Society would represent their

point of view.

Kirk also notes that the rate of recruitment by the Incorporated Law Society amongst London attorneys was slow.[30] He suggests that suspicions amongst the majority of London attorneys that the Society was élitist, being representative only of the larger London practices, were fuelled by the £15 entrance fee which was charged during the 1840s. The Incorporated Law Society also suffered from similar criticisms to that which had been levelled at the earlier Manchester Law Society. This was, in effect, that it was not representative of the younger members of the profession.

For Manchester attorneys in general, as we shall see later, urbanization increased the pressure of work on the individual practitioner. Industrialization demanded that attorneys as a body provide a professional service. Both processes encouraged specialization which necessitated at least a professional standard. It may well be that factors in the nature of this experience struck a common chord with which some London solicitors could sympathize. Perhaps that is why the Metropolitan and provincial Law Societies Association was considered to be more fairly representative of the profession as a whole, uniting as it did, those attorneys in the provinces and in London who did not feel that the Incorporated Law Society would represent their point of view. Certainly, the experience of industrialization varied from one provincial town to another. To what extent the awakening of a provincial consciousness was interlinked with the development of attorneys as a professional group is impossible to gauge for certain. What can, and will be argued for later in this chapter, is a link between the intensity of industrial experience in certain provincial towns and the level of militancy exhibited by attorneys living in them. Provincial attorneys believed it was necessary to set up an association, separate from the Incorporate Law Society. The PLSA was formed because provincial lawyers felt:[31]

> "...without such a means of communication and such a centre of intelligence as this Association... the body of Solicitors particularly those practising out of the Metropolis, can never maintain their just rank, accomplish that unity of practice which is so desirable, or successfully bring to bear their legitimate influence in matters and measures affecting the

Profession".

For Manchester attorneys the early steps towards a national professional consciousness had been twofold. First, the formation of the MLA to present a united voice which to promote their interests. Second, support for the PLSA which sought to promote the interests of provincial attorneys at a time when it was felt it was necessary to do this. The MLA owed its existence to a reaction by Manchester attorneys to legislative threats; the PLSA was formed in part, as a reaction to the Incorporated Law Society's failure to consider the interests of provincial attorneys. In a concluding statement at their sixth annual general meeting, MLA members were congratulated on "the high standing to which your society has attained", and forcibly reminded that:

> "at no former period were active exertion and cordial co-operation more essentially necessary for the preservation of the best interests of the Profession".

In reporting the founding of the PLSA to its membership, the MLA Management Committee stated that the new association was "by far the most important object" of consideration to come before its notice. The proposal to set up a general association of provincial law societies was made during a meeting of the Yorkshire Law Society. Such an association "should be entirely unconnected" with the London Law Society because, as *The Law Times* stated, although:[32]

> "on many subjects, they will no doubt be able to co-operate... there are matters relating to the profession resident in the provinces which require their especial attention; and it can hardly be doubted that if an association like to one now formed had been in existence at the time of the passing of the Attorneys and Solicitors Act, the clause which led to numbers of country solicitors travelling to London to get admitted in the courts would, by its vigilance, have been amended so as to have rendered such trouble and expense unnecessary."

The Law Times, for whatever reasons,[3] may have been biased in its remarks about the Incorporated Law Society, but few country attorneys were members of that

Society (see Figure 3.1, page 59.). The PLSA was formed by local law societies represented on that body by local spokesmen. It was therefore, a potentially powerful pressure group. Although in existence for only a few years its importance lies in the fact that, for the first time, opportunity existed for full and active communication between members of the lower branch in many parts of the country. It laid the foundations for the profession as a whole to gain a voice more representative of its interests. Whatever criticisms may be levelled at it, it cannot be said to have been in any sense "a dining club". The Association itself was to meet annually but the officers of the PLSA together with a Management Committee met on a monthly basis. To illustrate something of the influence of the PLSA, the nature of the work undertaken and the matters with which it was concerned, it is necessary to look at the membership of the association, the way in which opposition to the proposed Registration of Deeds Bill was mounted and the reasons for the formation of the Metropolitan and Provincial Law Societies Association.

The first annual meeting of the Provincial Law Societies Association took place in Manchester on 10th January 1845. Representatives were present from Birmingham, Dover, Huddersfield, Hull, Kent, Lancaster, Leeds, Lincoln, Liverpool, Oxford, York, and seven representatives from Manchester all of whom, were members of the MLA Management Committee. Beverley & East Riding, Denbighshire, Flintshire and Gloucestershire would also join. The reasons given for the formation of the association were that it was:[33]

> "...desirable for the interests of the Public and the Legal Profession that an Association of Provincial Law Societies be formed to assist in obtaining all useful and practical amendments of the Law, to watch all legislation and other measures affecting the Profession, and to adopt measures for maintaining its respectability."

Unlike other societies and associations which recruited members on an individual basis, membership of the PLSA was open to all local law societies and the subscription rates are shown in Table 3.1.

Membership	Total fee in guineas per annum
less than 20	5
20 and under 30	7
30 and under 50	10
50 and under 100	15
100 and upwards	20

Table 3.1: PLSA rates of subscriptions levied from local law societies

At a meeting held on 31 January 1845, the rules for the government of the Association were prepared. It was decided that a deputation from each Society should meet about the time of the opening of Parliament annually in Manchester or such other town determined by the General Meeting. However, the Management Committee would meet "on the first Friday in every month at one o'clock p.m."[34] and the control and running of the Association was to be placed in their hands. The Officers of the Association and the members of the Management Committee were to be elected at the annual general meeting. Amongst those elected as officers of the new Association, Manchester solicitors were prominent:

- G.H. Seymour, of York, President
- J.M. Davenport,Oxford and Mr. Stephen Heelis, Manchester, Vice-Presidents
- R.M. Whitlow, Manchester, Treasurer
- Thomas Taylor, Manchester, Honorary Secretary

Thomas Taylor, was credited for "his zealous exertions in forming the Association" and Thomas Hodgson, of York thanked for "his important services in the formation of this Association".[35]

Of the 15 ordinary members on the Management Committee, nine were solicitors practising in Manchester.[36] At a later meeting[37] it was decided that all Presidents, Vice-Presidents, Treasurers and Secretaries of member law societies should be *ex officio* members of the Management Committee. This Committee met regularly at 4 Norfolk Street, Manchester, rooms which had been specially rented by the MLA and a clerk was engaged to work for the PLSA at a wage of 7/- per week.

The PLSA Management Committee met on a monthly basis and (like the MLA) was a reference point for settling questions over points of practice. Having a wider jurisdiction it served to help standardize legal practice.[38] On the whole, though, concentration was centred on proposed legislation which, if introduced, would affect the interests of the lower branch of the profession. During its brief existence, the PLSA examined several measures which were brought before Parliament, all of which could have implications for the profession. A sub-committee examined the Ecclesiastical Courts bill, also Bills relating to Marriage Law amendments, Documentary Evidence, Real Property Conveyance, Granting of Leases and Declaratory Suits — all Bills which were introduced into the House of Lords by Lord Brougham. Of these, there were two which concentrated the energy and attention of the PLSA. The first was Lord Campbell's proposal for a General Registry of Deeds against which the PLSA successfully co-ordinated a campaign of opposition, the details of which are set out below. The second, the introduction of a bill designed to facilitate the recovery of small debts and demands, created a great deal of resentment amongst the local law societies and it was the perceived threat to the status of attorneys that this introduced which provoked the PLSA, as we shall see, into seeking an alliance with London attorneys and resulted in the formation of the Metropolitan and Provincial Law Societies Association.

At a meeting chaired by John Owen[39] on 3rd April 1846, opposition to the proposal to introduce a General Public Registry of Deeds and Instruments affecting Real Property was discussed. Letters of support were read out from the Yorkshire Law Society, the Lincolnshire Law Society and the Leeds Law Society on the subject of the Bill and a draft petition was put forward. It was proposed that this petition be approved and adopted, "that the same be engrossed", signed by the President and countersigned by the Honorary Secretary (Ambrose Lace and Thomas Taylor respectively) and forwarded to Lord Lyndhurst, the Lord Chancellor, for presentation. It was also resolved to put the "allegations in the shape of reasons", and forward them to the Secretaries of the various Societies which formed the Union with a request that they would return them with any comments and with "as many signatures as

possible". Petitions (all following a similar style of address) were headed:

> "To the Right Honorable *(sic)* the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland in Parliament Assembled"

and were presented by local societies in Manchester, York, Denbighshire and Flintshire, as well as one from the PLSA itself. The petitions maintained that a General Public Registry of Deeds and Instruments affecting Real Property was "calculated to be highly mischievous to the owners of such property and also to the public at large". This was because it would prove more expensive, take more time and increase "inaccuracies and omissions in registration, and insecurity to purchasers". Further objections were made on demographic grounds: "there would be obvious risks attached upon the transmission of Deeds and Duplicates to and from London from and to every part of England and Wales". In summing up their objections the PLSA stated:

> "... this exposure which the system of registration would give and against which neither the proposed nor any other legislative provision could adequately protect, would in a variety of instances prove highly mischievous if not altogether ruinous".

During the course of three successive parliaments attempts were made to establish a General Registry of Deeds, in all five Bills were brought in and rejected. Lord Campbell, who had tried to introduce similar legislation ten years earlier, commented that:[40]

> "My grand scheme of a General Register met with the most lively opposition. This was chiefly caused by the country attorneys, — the most influential class in this Kingdom..."

3.3 A Question of Honour: the formation of the Metropolitan and Provincial Law Societies Association

Successful opposition to Lord Campbell's bills proved the strength of country attorneys and revealed their ability to channel that strength through a representative

voice. However, it was the consequences of the Small Debts Courts Act, and remarks made in Parliament during discussion of the Bill and later taken up in the press, which provoked local societies and the PLSA to seek to widen their sphere of influence.[41] It was reported at the PLSA Annual Meeting in 1847 that:

> "A Bill, having as its objectives the establishment of local Courts for the early recovery of small debts... whilst generally supporting the Bill the Committee were not insensible to the injustice done to the Branch of the profession to which they belong by their exclusion under its provisions from offices to which it was felt they were fully entitled to aspire."

On 2lst August 1846, *The Times* carried a report on the parliamentary debate preceding the proposal for the introduction of the Small Debts Bill. The Bill provided that each county might be divided into districts in which, at such towns and places as specified by "Order in Council", a County Court was to be held at least once every calendar month — or possibly more frequently as the principal secretary of state decided.[42] The Court would have jurisdiction over all personal actions where the amount of money in question was not more than £50. The Lord Chancellor would have the power to appoint — or remove — the judges to these Courts. As far as the public was concerned, the Bill held out the possibility of disputes being settled more quickly and locally. The Bill was generally supported by solicitors. However, particular comments made by Lord John Russell which suggested that solicitors were men of "inferior talent"[43] combined with proposals which effectively excluded them from holding judicial office (the bill proposed that judges should be exclusively selected from members of the bar only, to the exclusion of attorneys), spurred local law societies into action.

The PLSA received communications from various societies in the country[44] which evidenced "a strong and general feeling of their injustice". The leading protagonist in the ensuing drama was John Hope Shaw, the Secretary of the Leeds Law Society. He circulated a resolution which his Society had passed setting down their reactions to the repercussions of the Bill and suggesting that the profession needed a champion to influence Parliament and the Press. At John Shaw's request the PLSA monitored the replies to his circular, they received letters of support from several law societies.

Amongst these, the Yorkshire Law Society added a new dimension to the general feeling of chagrin by acknowledging that:

> "A strong feeling exists in this neighbourhood that the continued aggression upon the rights, profits and privileges of Solicitors by many recent acts of the Legislators is principally owing to the influence of Barristers, who have already secured for themselves many advantages formerly possessed by our Branch of the profession, and who are incessantly at work to secure more, it is the impression here that they are bitterly hostile to us, and that no good can be done... unless we can make the Barristers feel our power, and we shall be glad to assist in organizing a general resistance to the return of London Barristers to Parliament".

As a result of this strength of reaction, negotiations were set in train which would result in a union between practitioners in London and in the provinces on a

> "comprehensive scale for the purpose of asserting and maintaining the true position of the branch of the Profession to which we belong and of securing the means of adequate defence against attacks such as those alluded to."

John Shaw and the PLSA communicated with Robert Maugham, Secretary of the Incorporated Law Society, regarding feelings in the provinces but, although the Council of the Incorporated Law Society felt the issues raised were "very important to the interests of the Profession",[45] they nevertheless felt "great difficulty in engaging in it". However, it was agreed that a deputation[46] should go to London to discuss the matter further. Consequently, on 24th January 1847 a deputation from the PLSA[47] met the Council of the Law Society and "a Committee acting for and on behalf of the London Attorneys". This meeting was followed by separate meetings, first with the Council of the Law Society on 10th February, and subsequently by one on the following day with a "large and influential body of London solicitors" both of which were held in the Council Room of the Incorporated Law Society. At this latter meeting many London solicitors were sympathetic to and supported the view expressed by provincial solicitors. A meeting of the PLSA on 12th January 1848 recorded what occurred subsequently:

> "In February last in the Council Room of the Incorporated Law Society a meeting was held between a deputation consisting of fourteen gentlemen who represented various provincial societies in connexion with this

> Association [the PLSA] and a large and influential body of Metropolitan Solicitors ...statements made by the deputation received much attention from their London brethren and met with their cordial concurrence. Measures were speedily adopted to affect an union between the members of the profession in London and the Provinces, for the purposes adverted to, and in the month of April The Metropolitan and Provincial Law Societies Association was formed, as the fruit of this meeting. The Association thus formed has since been conducted by a Committee of Management, then appointed, on such principles and seeking the accomplishment of such objects as must commend it to the countenance and support of every solicitor in the kingdom, who seeks either the interests of his clients by the more effective and economical administration of justice, or the protection of his own just rights."

The MPLSA management committee was made up of twenty four London attorneys and twenty six provincial attorneys; amongst whom were four Manchester attorneys, all of which had served on the management committee of the PLSA.[48] Within weeks of its formation this management committee had issued a report to every solicitor in the country in which they directed attention to the character and condition of the profession, their exclusion from offices of honourable distinction, and from the Inns of Court; the invasion of their rights to act as advocates and in other capacities which they regarded as falling "strictly and properly" within the sphere of their duties; the "unjust and unequal" taxation exclusively imposed upon them, and other facts which seriously affected their position, and "tend to lower it in the opinion of the public". They also, as we shall see when we examine educational developments in the next chapter, directed the attention of the profession to the importance of securing improvements in legal education, as a means of raising the intellectual character and legal efficiency of the whole body, thus affording an additional guarantee for their standing and their claims upon public confidence.[49]

The last meeting of the Provincial Law Societies Association was held on 4th January 1850 and the Management Committee recorded their "high satisfaction" with the progress of the MPLSA and after acknowledging that that Society owed its existence to "the result of efforts originating with this Society (the PLSA)", the Committee looked forward "with much confidence" to the growth of the new association as well as to the formation of new "Provincial Societies in distant parts of the Kingdom to aid in carrying to a successful termination objects of so much importance to the

profession and the public". They also recorded their feelings that if the MPLSA met:

> "...with that cordial support which it so richly deserves, and which it has so far experienced, we may safely trust our honest claims, feeling assured that both in Parliament and in the Press those claims will receive a careful and impartial consideration. The day was not far distant when the tone of public feeling towards the Profession will be changed, and the character and station of the Solicitor placed upon the honourable eminence to which not only is he justly entitled, but which the public interests require that he should occupy."

Finally, the Committee noted that it had "...watched with gratification the steady progress of the MPLSA, and being now convinced that the Association is now firmly established and a union of the profession in London and the Provinces secured", there was no longer the necessity for the continuance of the Provincial Law Societies Association — and it was therefore recommended that it be dissolved. It is clear that at that point in time, solicitors were consciously aware of the power of union and the crucial part it played not just in protecting their interests politically, but also in achieving social status. The members of the Committee of Management of the PLSA ceded to their successors an Association which they felt comprised:

> "...a large and influential body of the profession both in the Metropolis and the Country; and that they so endeavour to bring into one bond of union every respectable solicitor in the Kingdom, and to concentrate and render available the power and influence which all persons admit Solicitors as a body possess, as to support and maintain their just rights and privileges, and the high position which the profession are entitled to afford."

Efforts at establishing a nationwide identity were complicated by the feeling amongst provincial attorneys that their views and interests were not sufficiently considered and represented by the Incorporated Law Society. It had been realized early in the evolution of provincial law societies that, in order to raise the status of the

profession, it was necessary to present a consensus view. For the Incorporated Law Society, the interests of London solicitors were paramount and therefore, as *The Law Times* noted:[50]

> "...it is natural, and perhaps necessary, that all men and bodies of men should concern themselves more for their own interests than for the interests of others; and an exclusive company, or one in which the great majority are of the same class, will be sure to prefer class interests..."

One possible explanation as to why London attorneys should have joined the MPLSA has already been offered: namely that the work of provincial attorneys as it developed under the pressure of the industrial revolution created issues that were of common concern to London attorneys (London was also an industrial city albeit not one based on factories). This was of particular significance perhaps because the majority of metropolitan attorneys did not draw their clients from the London social élite. Whatever the combination of reasons was, the fact is that by the beginning of 1850, provincial solicitors felt that, with the setting up of the Metropolitan and Provincial Law Societies Association, they at least had a representative body through which their views and opinions could be adequately expressed.

The Provincial Law Societies Association was an important element in the evolution of the profession at a critical point in its early modern development. The rôle played by the Manchester Law Association in these early movements was a vital one. But the question which must now be asked is how representative of grass root feeling were provincial law societies?

Abel notes that, at a time when the Incorporated Law Society enrolled perhaps only 5% of solicitors, almost all of whom practised in London, more than a third of Liverpool solicitors joined together to found their own law society.

As Figure 3.1 and Table 3.2 show, in its early years the Manchester Law Association enjoyed the support of approximately two-thirds of the solicitors working in the Manchester area. It was instrumental in persuading many of its members to join the MPLSA but it was not until the merger of this latter body with the Incorporated

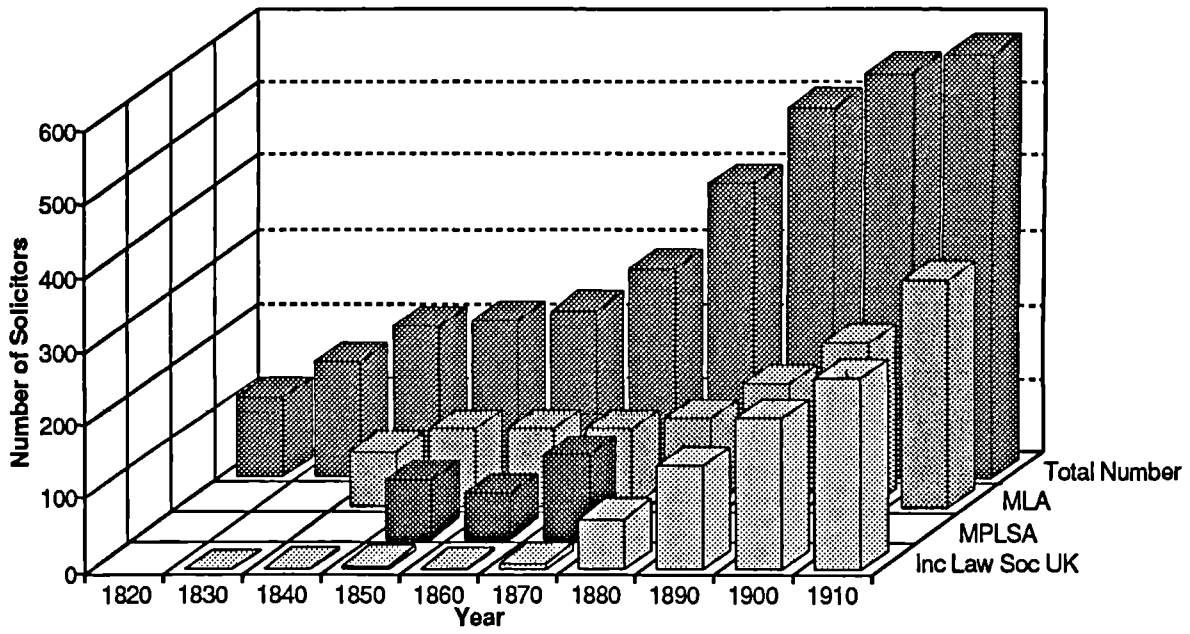


Figure 3.1: Number of Manchester solicitors in membership of law societies. Calculations based on the Law Lists 1820-1915, Manchester Street Directories 1820-1915, Records of the Manchester Law Society 1809-1815, Records of the Manchester Law Association 1838- 1915.

Year	Total	MLA	MPLSA	ILS
1820	109			
1830	156			0
1840	205	76		1
1850	211	108	78	4
1860	225	108	60	2
1870	282	107	112	9
1880	395	123		67
1890	501	168		139
1900	549	225		205
1910	573	310		261

Table 3.2: Number of Manchester Solicitors in Membership of Law Societies, Data for Figure 3.1.

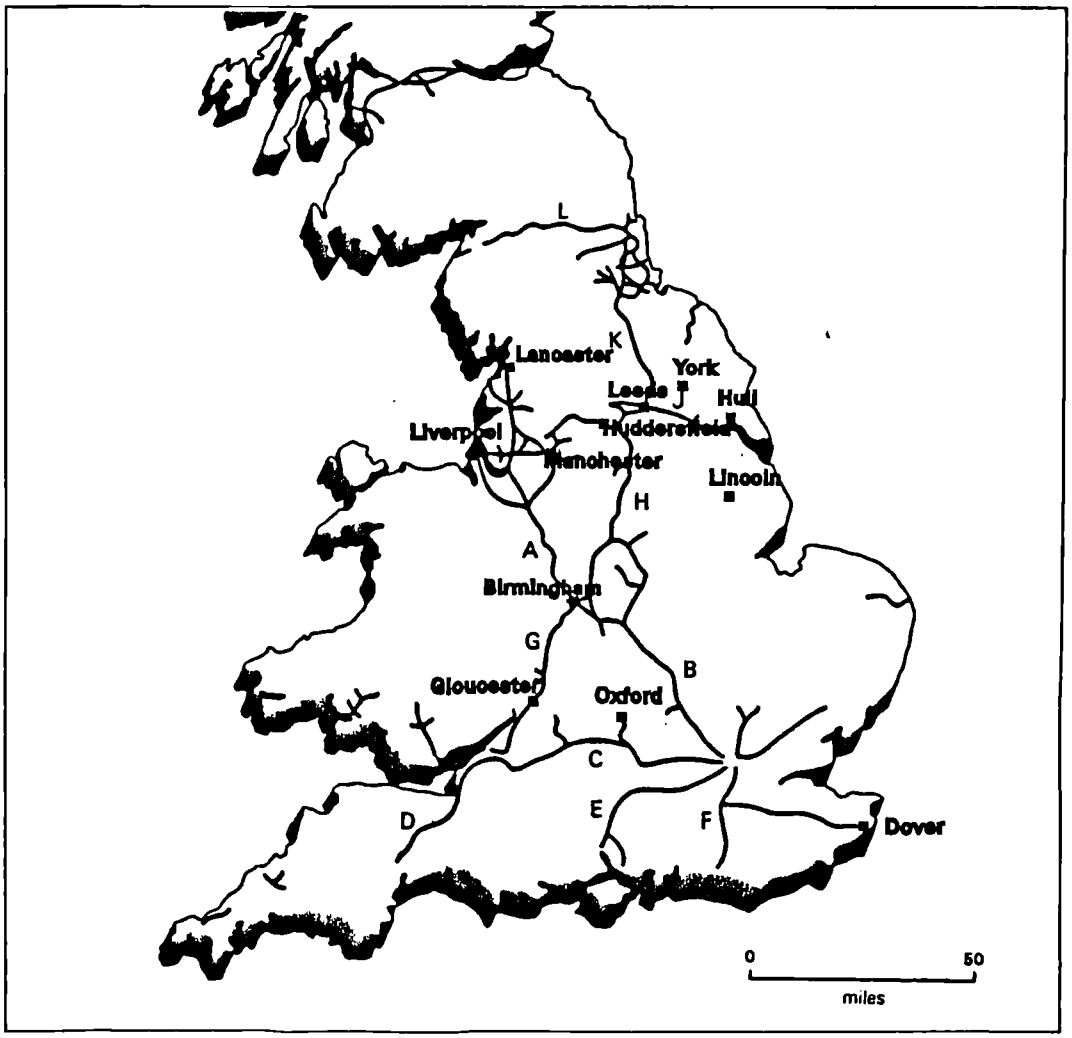
Law Society in 1873, when those in membership of the MPLSA were automatically given membership of the Incorporated Law Society, that Manchester practitioners began to take up membership of the Incorporated Law Society in any significant numbers. Apparently Manchester solicitors felt that their interests and that of their profession, would be better represented by their local society and by the national provincial society than through the voice of the London based Incorporated Law Society.

There remains, however, the question of why the PLSA, which arose out of a suggestion made by the Yorkshire Law Society, should have had its headquarters in Manchester. Figure 3.2 shows that, as far as accessibility was concerned, several of the other local societies were situated in towns which were at least as accessible for meetings as Manchester.

If ease of communication was not the reason, perhaps the number of attorneys practising within the jurisdiction of the MLA was the deciding factor. In this respect, the MLA certainly had one of the largest constituencies, but there was little to choose between it and Liverpool or indeed Birmingham.* On the other hand, Manchester in the 1840s was a centre of initiative and political independence[51] with experience of organizing and successfully controlling the activities of pressure groups.

At the start of this chapter it was mentioned that, although professional and provincial regional consciousness were intertwined, it is not possible to state with certainty whether the two elements developed in parallel. This is a difficult problem to answer with any degree of certainty. Comparing the level of militancy exhibited by attorneys working in towns with very different experiences of industrialization may offer one possible way forward. This thesis is concerned specifically with the history of Manchester solicitors and not the development of the profession in the provinces. However, it would seem to be not entirely inappropriate at this point to compare, in broad terms, the experience of solicitors in Manchester with those in a town where the experience of the industrial revolution was less intense. For this purpose the

*Information based on calculations made on the Law Lists for 1844.



A	Grand Junction	B	London & Birmingham
C	Great Western	D	Bristol & Exeter
E	London & Southampton	F	London & Brighton
G	Birmingham & Gloucester	H	North Midland
J	Hull & Selby	K	Great North of England
L	Newcastle & Carlisle		

Figure 3.2: Map of England c. 1840.
Showing the location of provincial law societies in membership of the PLSA and the railway connections between them. Transport information drawn from Aldcroft & Freeman *Transport in the Industrial Revolution*

next section will examine factors in the local economic and social climate of Lincoln and contrast this with that of Manchester during the 1840s. This period has been chosen because it was the time in which the PLSA was most active. Lincoln has been chosen mainly because of the availability of evidence and because it was a member of the PLSA.

3.4 Militant Attorneys: the relationship between the industrial experience and the level of militancy amongst attorneys in Lincoln and Manchester

There is a question mark over the strength of support for provincial law societies. Perhaps the most obvious way to guage support is to look at membership numbers and attendances, however, trying to assess the numbers in membership of these bodies is a difficult, if not impossible, task. The Law Lists provide only a guide to the numbers of attorneys/solicitors in practice in towns throughout the country. It is probable that local law societies drew their membership not only from the main town but also from the surrounding areas. This was certainly the case in Manchester and Lincoln. The MLA regulations stated that members could be recruited from an area up to 20 miles around St. Anne's Church in St. Anne's Square. This included lawyers from towns such as Bolton, Bury, Oldham, Stalybridge, Knutsford and Ashton under Lyne. The Law List for Lincoln lists 18 practising attorneys. However, a letter to the PLSA dated 23rd July 1845 from Edward Bromehead, the Secretary of the Lincoln Law Society, enclosed a list of members which totals 58. Of this number seven attorneys were practising in Lincoln itself and the rest (*i.e.* 51) were in practice in towns in the surrounding areas such as Louth, Holbeach, Spalding, Sleaford amongst others.

Size of membership may not necessarily equate with strength of opinion, but it might perhaps act as an indicator of parochial self interest. In other words, the initiative and drive for change within the profession was governed by local conditions. There-

fore during the 1840s and 1850s it was perhaps the degree by which the industrial revolution affected the local economic and social climate which determined whether or not solicitors in that area were 'politically' active. Was there more enthusiasm and support for local law societies in areas in which the experience of the industrial revolution was acute? Correspondence to Thomas Taylor, Secretary of the PLSA, from the Lincoln Society suggests that meetings of the Society were poorly attended ("I am sorry to say that our meeting yesterday was again so small..."). [52] Against this, during the 1840s especially, meetings of the Manchester Law Association were very well attended. However, to try to gauge the relationship between industrialization and the level of militancy on the part of attorneys in the two towns, we will look first, in broad terms, at the general economic and social environments and second at the effects of this on individual practitioners.

The need to feed the factory workers of the Midlands and West Yorkshire greatly increased the demand for the produce of the Lincolnshire farmlands. Rising profits encouraged landowners to experiment with new fertilisers and agricultural machinery and by 1850 the area had been transformed into a prosperous mixed farming county. Originally a centre for the distribution of agricultural products, Lincoln itself became a centre for the manufacture of new agricultural machinery, an enterprise developed in response to the corn crises of the 1840s. Nevertheless the experience of industrialization in Lincolnshire was not particularly intense — the majority of the population being employed in agriculture. Despite the objections raised and dissatisfaction expressed over the Peelite Tariff reforms in 1841, Lincoln had witnessed little in the way of social upheavals although, along with other market towns, it retained a capacity for industrial development. As far as attorneys were concerned, although there was more work available for them to do, with an increase in land transactions, their clientele did not change dramatically. In terms of population size it was in the decade 1871–81 that Lincoln experienced its greatest growth rate.

Manchester in contrast had experienced a population increase which had more than

tripled in the period between 1801–1841.[53] The city was a social melting pot in which the demands of the machine governed the lives of factory workers. It required new forms of behaviour and created new attitudes to working and living. The 1840s, as has already been remarked, was a time of unrest. It was also a time of fluctuations in the economy and a period which witnessed mass unemployment — the obverse of financial crises. On the other hand, the railway boom of the mid 1840s brought a rapid expansion in trade and a bouyant, if somewhat precarious, economic climate. The changing economic climate offered ample opportunity for different sections of society to voice their grievances and demand solutions to their problems. Fluctuations in the economic climate meant that there was little, if any, security in social terms. This resulted in organization: the coming together of groups of people with similar objectives in mind. Friendly societies for example, which provided members with financial aid in times of need or organizations which aimed at political reform.

Chapter 5 traces the Manchester attorney's changing experience of work under the influence of industrialization and contrasts the experience of an attorney working in the 1790s with one at work during the 1840s. It is evident that the attorney of the 1840s worked under considerably more pressure than his late eighteenth century predecessor. What is important to note at this point is that the impact of industrialization on Manchester attorneys was two-fold. First, as a body, they felt that their status in the local societal structure was slipping. Second, during the 1840s (as the next chapter will show), the rate of increase in the number of attorneys practising in Manchester did not keep pace with the demand for their services. Inevitably one result of this was a rapid increase in workload. These were all experiences likely to lead to a more politically militant response.

For the Lincoln attorney, the pressures were of a different nature. As the use of land underwent changes and as the attendant legalities became more complex, the Lincoln attorney was required to build up a specialist store of knowledge. This meant that, unlike his generalist Manchester counterpart, he did not experience

problems with 'touts'.* Also, as a specialist, the services of the Lincoln attorney were greatly valued. His status in societal terms therefore was much more secure. In the case of Lincoln, the countryside determined the function of the town. The prime function of the Lincoln attorney was to serve the needs of the landowner and under such circumstances it would have been surprising to find a high level of militancy manifesting itself through the Lincoln Law Society. The fact that this body was a member of the PLSA therefore indicates something of the level of professional awareness and communication amongst attorneys generally.

Differing economic and social backgrounds give some indication as to why attorneys in one area of the country should have been more militantly vociferous than those in another area. As Briggs has noted, common dangers encouraged union to promote the common interest. For Manchester attorneys the issues of concern to them were vital ones which they felt threatened their whole livelihood. Lincoln attorneys lacked this edge. Hence their attendance at meetings of their local law society were somewhat less than regular.

Overall then The Provincial Law Societies Association should not be viewed simply in terms of its brief existence and therefore regarded as a failure.[54] The contribution to the development of the lower branch of the profession by this Association was a unification of local law societies which enforced recognition of acting through consensus and was thereby instrumental in raising occupational consciousness amongst provincial lawyers. The contribution of the Metropolitan and Provincial Law Societies Association was to take this a step further by campaigning for the introduction of professional qualifications. These developments will be examined in the next chapter as Manchester solicitors, along with others, shifted their primary concern from

*Bogus attorneys — unscrupulous men who acted as attorneys in order to extract money from the unwary. See Chapter 5.

safeguarding security to securing respectability.

References

[1] Manchester, A.H., *A Modern Legal History of England and Wales 1750-1950*, London, Butterworths, 1980 p.67.

[2] See Carr-Saunders, A.M. and Wilson, P.A., *The Professions*, Oxford at the Clarendon Press, 1933.

[3] Kirk, H., *Portrait of a Profession*, Oyez Publishing, 1976, p. 59.

[4] Reader, W.J., *The Rise of the Professional Classes in 19th Century England*, Weidenfield and Nicholson, 1966.

[5] Abel, R.L., *The Legal Profession in England and Wales*, Basil Blackwell, 1988. p. 246.

[6] See Miles, M., *Eminent Practioners: The New Visage of Country Attorneys* in Sugarman G. and Rubin D., *Law, Economy and Society 1750–1914*, Professional Books Ltd., 1984. also Rowley, A.S., *Professions, Class and Society: Solicitors in 19th Century Birmingham*, Ph.D. Thesis, University of Aston, 1988.

[7] Eardley-Wilmot, *Sir John E. Lord Brougham's Acts and Bills*, Longman, Brown, Green, Longman & Roberts, 1857.

[8] MLA Minute Book, 12th December 1838.

[9] See for example Waller, P.J., *Town, City, and Nation: England 1850–1914*, Oxford University Press, 1983 and Briggs, A. *Victorian Cities*, Penguin Books, 1971.

[10] Waller P.J., *op. cit.*

[11] MLA Minute Book, *op. cit.*

[12] Quarterly meetings were held on the fourth Wednesday in January, April, July and October.

[13] For example Sub-Committees on Discipline, Legislation, and Education — also note attendances.

[14] Figures calculated from MLA Membership List and Street Directories.

[15] See Dictionary of National Biography Vol.V. p. 228ff., Oxford University Press, 1937 edn.

[16] The firm was then Cririe, Slater and Heelis. For many years after the death of William Cririe, the firm remained Slater & Heelis until 1856 when William Slater (II) joined the firm to be followed in 1860 by Thomas Heelis and later by his brother James (1867) when the firm became Slater, Heelis & Co.

[17] Stephen Heelis was Mayor of Salford in 1855-56 and again in 1856-57.

[18] Manchester Guardian Tuesday 29th August 1871.

[19] MLA Minute Book, 13th February 1838.

[20] MLA Minute Book, 24th March 1841.

[21] MLA Minute Book, 8th January 1840.

[22] Reported at the MLA Annual General Meeting held in January 1842.

[23] MLA Minute Book, 10th January 1849.

[24] See for example Briggs, A. *op. cit.*, page 88ff; Read, D. *The English Provinces c.1760–1960*, Edward Arnold (Publishers) Ltd., 1964; Gash, N., *Sir Robert Peel*, Longman, 1972; Desmond, A. & Moore, J., *Darwin*, Michael Joseph Ltd., 1991.

[25] MLA Minute Book, Annual General Meeting 10th January 1842.

[26] Between 1849-52, the MLA had eight sub-committees for: Common Law; Conveyancing; Bankruptcy; Chancery; Criminal and Magistrates Law; Ecclesiastical; General Purposes and Finance.

[27] Kirk, H., *op. cit.* page 38.

[28] PLSA Minutes of the monthly meetings of the Management Committee.

[29] Kirk, H., *op. cit.* page 42.

[30] Kirk, H. *op. cit.* page 47.

[31] PLSA Minutes of Annual General Meeting, 7th January 1846 (concluding remarks).

[32] *The Law Times*, 22 March 1845.

[33] PLSA Minutes of the Annual General Meeting, 7th January 1846.

[34] PLSA Minutes of the Annual General Meeting. 10th January 1845.

[35] PLSA Minutes *ibid.*

[36] John Bagshaw, Manchester; James Barratt Junr, Manchester; Charles Cooper, Manchester; James Crossley, Manchester; Edwin Eddison, Leeds; Charles Gibson, Manchester; Joseph Grave, Manchester; Joseph Heron, Town Clerk, Manchester; Ambrose Lace, Liverpool; C.H. Phillips, Hull; John Sharp, Lancaster; Julius Shepher, Faversham; George Thorley, Manchester; James Westell, Oxfordshire; R.H. Wilson, Manchester.

[37] PLSA Minutes of the Monthly Meetings of the Management Committee, 3lst January 1845.

[38] PLSA Annual General Meeting minutes 4th January 1850.

[39] Partner of James Gill. See Diaries of James Gill 1827-1876, MCRL M156/1.

[40] Offer A., *Property and Politicsm 1870–1914*, Cambridge University Press, 1981, p. 10.

[41] PLSA Annual General Meeting minutes 13th January 1847.

[42] Manchester A.H. *A Modern Legal History of England & Wales 1750–1950*, Butterworths, 1980.

[43] *The Times*, 21st August, 1846. Comments made by Lord John Russell during the Parliamentary debate preceding the proposal to introduce the Small Debts Bill.

[44] Plymouth; Lancaster;Liverpool; Lincoln; Denbighshire; Gloucestershire; Yorkshire; Hull; Beverley.

[45] Maugham R., letter to Thomas Taylor, Honorary Secretary PLSA 30th October 1846.

[46] Report of the Deputation to London to the PLSA Management Committee on 5th March 1847.

[47] Members of the PLSA deputation included representatives from the following Law Societies: Manchester; Liverpool; Denbighshire & Flintshire; Beverley and Easting Riding; Yorkshire; Hull; East Kent; Leeds and Lincoln.

[48] James Crossley, Richard Whitlow, James Street (PLSA Treasurer) and Thomas Taylor (PLSA Honorary Secretary) PLSA minutes of the monthly meetings of the Management Committee, 5th March 1847.

[49] PLSA Annual General Meeting, 13th January 1847.

[50] *The Law Times*, 3rd June 1843.

[51] See Read, D., The English Provinces c. 1760-1960, Edward Arnold Ltd, 1964.

[52] Letter dated 23rd July 1845.

[53] Calculation based on Census for 1801 (75,281) and 1841 (235,507).

[54] See Kirk *op. cit.* p. 37.

Chapter 4

The Route to Respectability

Attorneys constructed a route to respectability along two parallel paths: they sought to discipline their profession and they sought to improve educational standards through the introduction of qualifiying examinations. The reasons why it was felt necessary to construct this route in the first place and the ways in which it was traversed form the subject of this chapter.

During the early years of the nineteenth century the Industrial Revolution created an environment in which the demand for the services of attorneys increased. They were needed to advise a more extensive clientele drawn from the spectrum of a changing social structure. For most of the nineteenth century the number of attorneys/solicitors working in Manchester grew in ratio to the population, but as Figure 4.1 and Table 4.1 illustrate, in the period between the years 1845-65, there was a decrease in the ratio of practitioners to population. It would be natural to presume that increased demand would provide the lower branch of the Legal Profession with assurances of security in work terms. However, as we shall see, research suggests otherwise: too few practitioners together with the fact that attorneys were still defining their marketable skills,* provided an ideal environment in which 'touts' (often clerks with a peripheral knowledge of legal practice) could prosper. This proliferation of the disreputable pseudo-practitioner became an object of much concern

*As one of the oldest professions, attorneys had acquired skills which were based upon experience built up over many years. In the context of the Industrial Revolution legal procedure became more complex; it was possible therefore, that despite his experience, an attorney could perform his tasks badly.

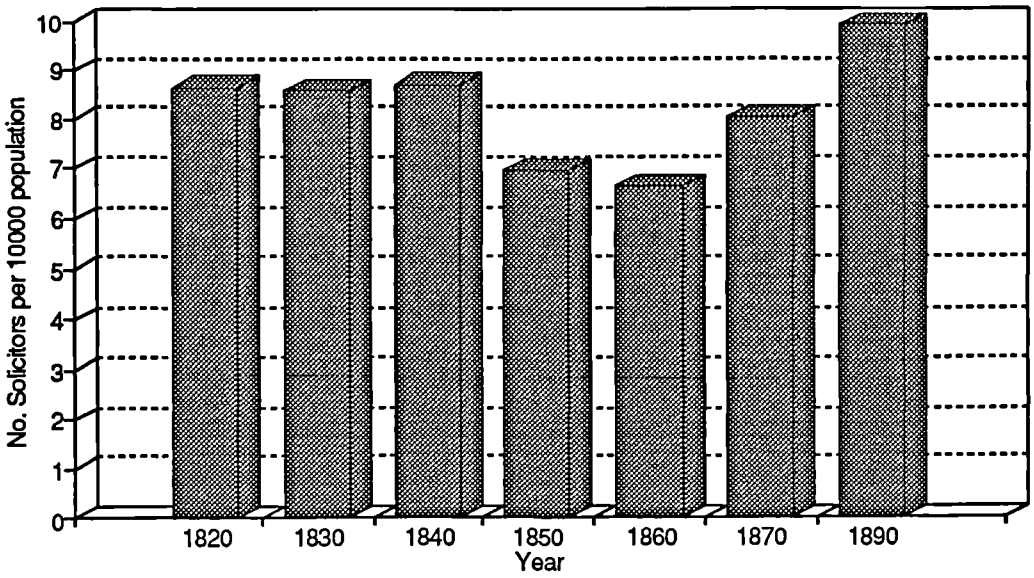


Figure 4.1: Number of Manchester solicitors per 10,000 of population. Calculations based on the Law Lists 1820-1900.

to the Manchester Law Association — particularly during its early years. Indeed, as correspondence in *The Law Times* indicates (particularly during the years 1843–60) this was a problem encountered nationally. In 1844,[1] under the headline "Sham Lawyers", they were described as an "entire brood of vermin by whom the courts are now infested" and it was suggested that "eradication" was the solution to the problem.

Year	No. Solicitors per 10000 population
1820	8.65
1830	8.57
1840	8.71
1850	6.96
1860	6.64
1870	8.03
1890	9.91

Table 4.1: Data for Figure 4.1.

The position of attorneys in the shifting social structure of the nineteenth century was not as assured as it once had been. As the available amount of legal work increased, the number of 'touts' (unqualified practitioners) available to meet this need also increased. The Court system could not cope with rising litigation and these factors increased public criticism of the profession. It was stated that "Hell and Chancery were always open",[2] an oblique reference to the inordinate delays experienced by suitors in the Lord Chancellor's Court — delays which were engendered by the archaic and cumbersome administrative process in operation and which have been epitomised for posterity in *Bleak House*.[3] Such criticism was not new; indeed, Peter the Great (1672-1725) on seeing British lawyers in action at Westminster had ruefully commented "I have two lawyers in the whole of my dominions and I believe I shall hang one of them the moment I get home".[4] Dr. Johnson, with typical satirical eloquence, remarked that "he did not care to speak ill of any man behind his back, but he believed that the gentleman was an attorney".[5]

The attainment of 'respectability' — a word practically synonymous with nineteenth century aspiration — was a primary goal for attorneys during the industrial age. As demand for their services increased so the number of 'unqualified attorneys' proliferated. In January 1850, *The Law Times* had advised its readers to "Look to Yourselves". An editorial discussed the effect of changes in the law during the previous decade, changes which, it was claimed, had affected the legal profession as a whole. The writer believed that "There will be more law, but it will not be so well paid." Lawyers were advised to examine their profession and to take action to remedy any wrongs and to abolish any "abuses" which were perceived.[6] Cases about "sham lawyers" were regularly reported in *The Law Times* in order to alert law societies to such malpractices.

However, one law society at least had been aware of this particular problem for over a decade. Disciplining of misconduct and the institution of educational standards were issues vital to any attempt at raising status and attorneys in Manchester were as conscious of the need to regulate conduct and control admission to their own body

as they were of the threat from the legislature discussed in the last chapter. From its first meeting in 1838,[7] the Manchester Law Association [MLA][8] was concerned with regulating the conduct of attorneys.

> "To promote the information of the members by lectures, books and correspondence with bodies or individuals; to settle disputed points of practice, and decide upon all questions of usage or courtesy in conducting legal business of all kinds.
>
> To prevent abuses in the profession by the detection and punishment of cases of malpractice occurring within the district aforesaid, or by approving the admission in any Court of Law or Equity, or by seeking the disqualification of, or otherwise prosecuting any person guilty of misconduct."

Amongst its other duties the MLA management committee had the power to appoint sub-committees and to

> "...adopt all such proceedings in the name of the Society as they may think proper, against any party who may have been guilty of malpractice."

The committee also had the power to censure or expel any member of the Association for misconduct in his professional practice, or disobedience to the Rules or decisions of the Society; "such member having had seven days notice to attend the meeting, and of the nature of the charges to be brought against him."

It was therefore through self-regulation, and a concern to improve the standard of education for entry into the profession, that the MLA sought a route to respectability. Each of these parallel paths will now be examined.

4.1 Discipline

The prime objective for solicitors is to advise and represent the interests of their clientele. This often means that they are privy to intimate and extremely personal details. Perhaps, given the nature of the work with which solicitors are (and have been) involved, it is not altogether surprising that the profession is subject to abuse

by both solicitor and client: by the individual practioner who uses his position and knowlege to take unfair advantage of the client, and by the client who suspects that his solicitor has not represented his interests to the best of his abilities. This section looks at the types of instances of abuse on the part of attorneys; because of the period covered, it also examines instances of abuse by pseudo-attorneys.

Three discipline cases have been chosen to illustrate the manner in which the MLA dealt with instances of malpractice presented to them. The examples used are not unusual; in fact, they were typical of the sort of case frequently brought to the attention of the Association. They have, however, been selected from three periods of time, 1840–55, the 1870s, and 1898–1910. Each is typical of its period and has been chosen to demonstrate how the MLA's method of handling such cases changed during the course of the century, and the possible reasons for the Association's change in method of dealing with disciplinary cases will be suggested. These examples are followed by a description of another (albeit related) focus of serious concern for the Association — that of the practice of 'low-grade' and unqualified attorneys in the Salford Hundred Court. The rationale which lay behind the MLA's stated objections to the practice of attorneys in this Court will also be explored.

In 1844, after five years of gathering evidence, the MLA brought before the Master (in the Queen's Bench) in Chancery, a prosecution against John Hall and Samuel Grantham Anderton. The prosecution wanted Hall, a Manchester attorney, struck off the roll of solicitors of the Chancery Court. They wanted Anderton committed to prison for practising as a solicitor without being qualified.[9] It transpired that Anderton had no legal experience, had never been admitted to the rolls and was by trade a fustian cutter and occasional auctioneer. From his office at 26 Bridge Street Manchester, he carried on the profession and practice of attorney using the name of John Townsend. Townsend was in fact, a qualified attorney and for about three years prior to his death[10] had allowed Anderton to practise under his name; fully cognizant of the fact that Anderton was unqualified. For this he was paid by Anderton the sum of £2 per week. At his trial it was claimed that Anderton had

conducted the business for his "sole account and profit" and that after Townsend's death he had gone on to make a similar arrangement with another Manchester attorney, John Hall.[11]

Anderton denied all the charges and claimed that he had in fact only acted as clerk to Townsend and similarly, after his death, to Hall. He further denied the accusation that he had acted as an attorney and derived profit from the Bridge Street business. After all the evidence — of which there was a considerable amount[12] — had been examined, the Master ruled that, as the offence carried a prison sentence, he was of the view that the burden of proof lay with the prosecution, and he found that the case was "not satisfactorily established". However, he went on to add the rider that there were: "many circumstances of great suspicion" operating against the parties implicated and that the Manchester Law Association had been justified in making the application to the Court. He further commented that "the persons" representing Messrs. Anderton and Hall had "conducted themselves very improperly" by attempting to suborn witnesses.[13] In the event, it was the judgment of the Court that the defendant be discharged without costs.[14] Anderton returned to Manchester and, three years later, a warrant was again issued against him, this time for obtaining money by false pretences whilst "carrying on the business of attorney".[15] The Manchester Law Association sent representatives to observe the prosecution and to take whatever steps they thought desirable in the circumstances. The assize was held in Liverpool and the MLA solicitors had several consultations with Counsel and the Prosecutors' Attorney. This time, despite an anguished plea by his wife to the Association to intervene on her husband's behalf,[16] Anderton was convicted and sentenced to two years imprisonment with hard labour. In reporting the outcome of the case at the annual general meeting,[17] the Committee noted that:

> "Mr. T.G. Anderton having for many years illegally practised as an Attorney and Solicitor in Manchester, and having had timely advice to discontinue such practice but unwilling [to follow the advice] by continuing to follow it [the practice] and having caused much mischief and inflicted great injury on a large class of the poorer inhabitants of this district by encouraging litigation and prosecuting a continued course of extortion, this Committee cannot interfere in his favor (*sic*) — but believe that it is necessary that he should undergo his punishment as a

salutary example to deter others from following his bad practices."

This eventually successful prosecution, after several years spent by the MLA in trying to restrain Anderton from practising, illustrated the:

> "firm determination so often expressed by this Association to do all in their power to check and punish all malpractices and abuses in the profession thereby deterring other persons from pursuing similar courses".

The second example of a disciplinary case is that of William Hargreaves, a Manchester solicitor. Towards the end of 1878, Hargreaves had sustained severe financial losses, he had been forced to leave his business premises and was no longer in a position to carry on his business as a solicitor. An accountant, Josiah Jones, offered him a job as clerk to "get in debts for me"[18] and this Hargreaves did until 1881. He was particularly employed in "helping wind up Estates in liquidation".[19] Hargreaves had mentioned to Jones that his certificate expired at the end of 1879 and that he could not afford to renew it. Jones claimed that he had promised to cover the costs but had subsequently forgotten and Hargreaves did not remind him again of the matter until over two years later towards the end of 1881. In his submission to the Queen's Bench High Court of Justice, Hargreaves related the above catalogue of events and Josiah Jones offered to pay all arrears accruing since the certificate had lapsed. The repentant Hargreaves also added that, should he get his certificate back, he had received the promise of funds which would enable him to carry on a "respectable business as a solicitor in Manchester". He was, he said, in negotiation to take over an old established business from an "aged solicitor" who was anxious to retire. If permitted to do so, Hargreaves believed that he would once again "attain an honorable position in my profession in Manchester". Unfortunately for him however, a fly had appeared in this particular ointment, in the shape of the Incorporated Law Society UK. In reply to a letter from Chancery Lane,[20] John Mountain, the Deputy Registrar of the Salford Hundred Court of Record, had claimed that, despite being unlicensed to practice, Hargreaves had repeatedly done so in the Court between 1880–81 as a solicitor and that Josiah Jones had acted as Hargreaves' clerk.

As Deputy Registrar, it was Mountain's responsibility to ensure that the affairs of the Court, and certainly of those who practised within its precincts, were legally sound. He was therefore unwilling to actually swear an affidavit, conscious of the possible embarassment to his "position" but was nevertheless prepared to do so in "the interests of the profession". In other words if it looked as if Hargreaves would get away with having practised illegally. In the event he was called upon to testify — and documents were produced — which proved that, despite not being legally qualified to do so, William Hargreaves had practised in the Salford Hundred Court of Record and had signed the roll of solicitors in that Court on 10 May 1879. The Manchester Law Association supported Mountain's objections, and it was further proved that he had produced a false certificate in order to enable him to practise in Court and had continued to do this until his activities came to light in 1881. In the event, the objections succeeded and William Hargreaves did not resume practice as a solicitor.

The reluctance with which both John Mountain and the MLA were prepared to pursue Hargreaves openly marks a significant change in attitude from that exhibited during the 1840s. The MLA pursued Anderton over several years in order to ensure that he did not practice as an attorney. Although a qualified solicitor, Hargreaves was a dishonest one caught out by the Incorporated Law Society. It was not the actualities of the case that are significant so much as the attitude exhibited by the MLA. During the 1840s the profession was fighting to gain its "rightful" place in the societal structure. During the 1870s it was felt that solicitors had a social position to defend and solicitors were less willing to air their dirty linen in public.

The third disciplinary case, that of James Wallwork,[21] is taken from the period 1898–1905 and indicates the punishment which a 'fraudulent miscreant' could expect. In 1901, the MLA instituted proceedings against Wallwork who was described as a debt collector. He was summoned at the Manchester Police Court for pretending to be a solicitor. Wallwork was charged with attempting to obtain money under false pretences. The accusation was that Wallwork had written a letter to Mr. J.H.

Bowker of 71 Upper Brooke Street demanding money and threatening legal process if the 'debt' was not cleared. This type of misdemeanour was typical of those brought to light by *The Law Times* in their articles on 'sham lawyers'.† Wallwork was found guilty of giving the false impression (through his letter style) of being a solicitor — he was fined 40/- but was not able to pay and was sent to prison for a month.

The discipline cases presented typify the sort of misconduct to which the Manchester Law Association publicly objected. When placed in the wider, national perspective of other law societies' reactions to similar cases, the action of the MLA would not appear to be out of the ordinary. Such concern was doubtless spurred on by the low public esteem in which the profession was held. It was important after all, that the representative bodies of solicitors should be seen to condemn malpractice. There was a need to identify the type of work a solicitor undertook, to improve the image of the profession and to consolidate their position in society. For several years during the late 1840s and early 1850s, *The Law Times* highlighted cases of "sham attorneys" which were brought to their attention. They often named the miscreant concerned in the hope that it would deter others from following suit. However, as one correspondent noted,[22] such publicity could have the effect of increasing the amount of business which came the way of such unscrupulous people. For someone wishing to avoid substantial financial costs and who hoped to take a short cut through the legal minefield, the employment of such dubious practitioners may have seemed appealing. The journal continued to print these items, however, arguing that it was important to make publicly apparent the resolution of respectable attorneys to repudiate the actions of malpractitioners.

The disciplinary cases described occurred at three critical periods during the development of Manchester solicitors as a professional group. Stage one occurred during the period 1840–55 when solicitors were defining their profession in terms of work. The MLA, for example, acted as a body of legal arbitration (resolving questions of legal practice raised by both individual practitioners and other local law soci-

†These articles appeared regular over a period of several years from the mid 1840s onwards

eties). During this period attorneys were attempting to establish a public identity as holders of expert knowledge based on a skill acquired through practical use. Discipline cases presented to the MLA during this time (such as the Anderton case given above) were reported fully and openly at the Annual General Meeting. It must be emphasised that the Anderton case was typical also because the miscreant in question was not a qualified attorney; merely a clerk in attorney's clothing. As we shall see, although entry requirements to the profession at this time were perhaps not particularly rigorous, they did exist. Once again too, it is important to set the MLA's actions in the social context of the time. One of the critical points of this thesis is that this was a period when the profession in Manchester felt itself to be under particular threat — both from the legislature and in terms of the attorney's position in the social structure: reasons enough for them to establish an association for 'respectable' practitioners, to standardize practice and to do everything in their power to prevent 'sham' attorneys from operating.

Stage two occurred during the 1870s when attention was focussed on establishing and maintaining a standard of practice and a code of behaviour. With the introduction of examinations, few cases of 'unqualified' practitioners were brought before the MLA. The case of Hargreaves is typical because it deals with an attorney who, for one reason or another, has fallen from grace. At a time when the profession was establishing a respectable place in the societal structure, the MLA was loath to tolerate or give publicity to malpractice.

Stage three occurred at the end of the nineteenth century and early years of the twentieth — a particularly bad time for adverse publicity in the wake of several national scandals, one of the most notorious of which reverberated throughout the profession. It concerned Benjamin Greene Lake, a solicitor and partner in a firm which went bankrupt in 1900 owing £173,772.[23] Lake, who had been President of the Incorporated Law Society in 1888 and first chairman of its Disciplinary Committee, was convicted of defrauding clients and was sentenced to twelve years penal servitude. The shock waves which echoed through the profession were not simply

because of Lake's eminence. He, like many other practitioners, had failed to keep monies which had been entrusted to him by his clients in a separate account from his own. He and his cousin George (with whom he was in partnership) invested money from the firm's account in ventures that proved to be unstable. Correspondence engendered in the *Solicitors Journal*[24] indicates that this practice was not uncommon amongst solicitors during this period.

As far as the MLA were concerned, analogous with the development of the profession from 1840–1910, was a change in attitude towards the handling of such discipline cases as mentioned above. During the 1840s and 1850s complaints made against attorneys were investigated and, together with those inquiries which had been made into the activities of the unqualified and the 'touts', were reported (in outline) at the annual general meeting of the Association. These reports became less frequent during the l870s and at the end of the period the public reporting of action which had been taken to deal with discipline cases ceased. A change of attitude on the part of the MLA towards the end of the nineteenth century meant that instead of the open or semi-open reporting of discipline cases, a Standing Sub-Committee was set up which investigated all complaints regarding the conduct of solicitors and it was up to this committee to decide on the appropriate action to be taken.

By the end of the century the world of the Manchester solicitor had changed, as we shall see later when we look at his place in the local societal structure. He was no longer as preoccupied with his social standing as his 1840s counterpart had been. He had much less reason to be. The solicitor practising in the latter part of the period under study, had achieved respectability — he occupied positions of trust (in local government for example and as legal adviser to large commercial firms). He was not only the trusted family adviser, he was, in many cases, a personal friend. Manchester solicitors in practice during the time of the Lake scandal were anxious to guard, defend and demonstrate the continuing integrity of their profession.

For this reason, in July 1900, the President of the Manchester Law Association, Charles Samson, delivered the first (of what was to become a regular) annual pres-

idential address. This report which was delivered at the annual general meeting, was widely circulated and extracts were printed in the local press. When Samson delivered his address, public confidence in the profession was staggering under the weight of several scandals which, like the Lake case, had received much attention in the national press. Samson's speech[25] adopted a tone of reassurance. He remarked that he was "glad indeed that none of the malpractices [reported in the press] occurred in this district". He noted that in every profession there must be a certain number of "unworthy members" and, having regard to the large number of solicitors the enormous amounts of money that were entrusted to them and the great opportunities for abuse of trust presented to them, the profession could reasonably well congratulate itself. The number of instances in which solicitors had abused their trust and frauds had been committed were few. It was true, Samson further contended, that at one particular period of the year (1899) there had been "almost an epidemic" of fraud amongst London solicitors, and "an agitation was commenced which at all events in London reached to a certain prominence" and which if it had not been promptly checked might have had most "mischievous" results.

The prompt action to which he referred took the form of the setting up of a special committee, appointed to consider the question of a system which facilitated the commitment of fraud.[26] Charles Samson had been appointed to serve on this Committee as the representative of the Manchester Law Association. An unanimously agreed report had been produced which Samson believed to be a compromise but which nevertheless had the effect of satisfying public opinion "as expressed by *The Times* and other leading newspapers and of giving general satisfaction to the Profession". Objections had been raised to the report on the ground that it committed the Incorporated Law Society to the duty of prosecuting fraudulent solicitors. In Samson's opinion, however, this had been done only as a last resort. The report had proceeded upon the line that offenders should not be allowed to escape punishment; it laid down the broad principle that it was the duty of the Public Prosecutor to undertake the prosecution of a malpractitioner, and it was only in cases where the Incorporated Law Society believed that a Solicitor should be prosecuted and the

Public Prosecutor disagreed that the Society should take up the case.[27]

In terms of the changing image of the profession during the nineteenth century, how should this increasing reluctance to publicise discipline cases be interpreted? One conclusion which could be drawn is that, towards the end of the century, the perception which the MLA had of the profession was that it had successfully proceeded some way along the route to respectability. They were anxious, therefore, not to tarnish the image under construction by frequently drawing public attention to cases of malpractice. One way in which the MLA could continue to exercise influence over Manchester practitioners without publicly attracting attention was to oppose the renewal of a solicitor's certificate of practice.‡ Solicitors were required to renew their certificate of practice every year[28] and, by notifying the Incorporated Law Society of their opposition, the MLA could ensure that an individual was refused renewal. The following two examples illustrate the sort of grounds on which the MLA would implement this sanction.

One Horatio Trafalgar Taylor was objected to on the grounds that he had worked as a solicitor in the Salford Hundred Court without a certificate for two years. His defence of being unable to afford the cost of renewing his certificate, and his later offer to pay the arrears, was not accepted. Mr. Justice Patterson refused an order for the renewal of Taylor's certificate.[29] Another solicitor by the name of Bowen Evans had been convicted of an offence under the Money Lenders' Act of 1900 and the MLA objected strongly to his attempts to renew his certificate. In this case, however, they were unsuccessful for it was judged that since no "professional relations" existed between Bowen Evans and those to whom he lent money, he could not be accused of cheating them in any way[30] and he was granted his certificate.

Bad publicity for the profession, such as that brought about by the Lake case, raised public consciousness over the behaviour of solicitors. An increase in unfavourable publicity was often accompanied by an increase in complaints. Despite a growing reluctance to investigate the validity of such complaints in public, there were still

‡Appendix D illustrates an example.

times when the MLA felt obliged to pursue a malpractitioner until that person was struck off the Rolls. A case in point being that of John Southam, a solicitor whose practice was in Cross Street, Manchester. Southam had been taken to Court by a former client who alleged fraud and misconduct. It was stated, when the case was brought before Mr. Justice Jell at the Manchester Winter Assizes in 1904, that Southam had induced his client to advance him "certain monies on representations that he knew to be false". The charges were proved. The MLA forwarded the particulars of the Southam case to the Incorporated Law Society. After an enquiry an order was made which resulted in Southam being struck off the Rolls.

Even though the MLA became less inclined to publicise their actions in such cases, the wish to represent and protect the public interest against malpractice was a strong one. One of the visible rôles which the profession was creating for itself was that of guardians of the public interest. This is a theme which will be developed later in this thesis. Nevertheless, as far as the MLA is concerned, this concept took root from the start with its involvement in the following events.

4.2 Malpractice in the Salford Hundred Court

The Court for Salford Wapentake or Hundred[31] covered one of the six administrative areas of the county, with the Earls of Sefton as hereditary stewards. After the establishment of the Police Commissioners, its principal business dwindled to the appointment of the Boroughreeve and other officials. A sitting of the Court for the trial of civil actions for debt or damages under forty shillings within the Hundred was held every three weeks. As a means of solving what the MLA perceived as corrupt and irregular practices the Association sought, for many years, to amalgamate the Salford Hundred with the Manchester Court of Record.[32] To support its case the Association concentrated its criticisms on the activities of the bailiffs in that Court representing them as low class vultures preying on the vulnerable poor. They tried "earnestly"[33] to influence and change the practice of the

County Court and Court Baron of Manchester in issuing warrants of execution to irresponsible bailiffs. These were "too frequently" the nominees of "rapacious and insolvent plaintiffs or disreputable practitioners". They regarded with outrage "the extortion and oppression practised on the poorer classes of this neighbourhood, by men executing these writs". Many representations of protest were sent by the MLA to the Undersheriff of the County and to the Steward of the Lord of the Manor of Manchester. These claimed that writs had been issued against "bereaved widows" and "defenceless orphans", people who were the:[34]

> "frequent victims of these merciless plunderers, who, while acting under the mask of justice inflict the most galling wrong and violence. The process of these Courts is thereby prostituted, and often under the semblance of Law little short of Robbery is committed".

A "humble memorial" issued by the Association[35] to the Rt. Hon. Lord Granville Somerset, Chancellor of the Duchy of Lancaster, noted the proliferation of complaints in the Salford Hundred and Manor Courts. Complaints were brought against debtors for debts not exceeding thirty nine shillings and eleven pence (sums which in fact varied from sixpence to the full amount) and involved prosecutions of the "poorest classes" whose property, such as it was, was auctioned off. Bailiffs in pursuit of such debtors were "men of the commonest stamp not only void both of honor (*sic*) and honesty but not possessed of the means of answering in damages for any malpractice of which they may be and constantly are guilty". The MLA claimed that a debtor did not usually know the name and address of the bailiff who had taken his goods and the attorneys to whom he might apply to help him were of "the same class with the bailiff" and would therefore not interfere. The debtor was also without means and any action for damages would have proved to be a "mere waste of money". According to the Association it was frequently the case that the goods of perfect strangers, of people who had no connection with the debtor, were impounded instead. In other words, when a writ was issued against a debtor, the bailiffs would visit the address they were given and remove goods from that premises. This would happen even if the debtor had fled the district and the persons living at that address had no knowledge of him.

The charges of the bailiffs for executing this work and of the auctioneers who subsequently sold off the impounded goods were exhorbitant. If those unfortunate people described above managed to get part of their goods back they would often receive another visit from the bailiffs and the process would start over again. According to the MLA, the debt became seemingly irreducible and the attorneys, auctioneers and bailiffs the "only gainers".

To aid investigation into the motives behind the actions of the MLA it would be helpful at this point to see how valid the protests of the MLA were with regard to the proceedings in the Salford Hundred Court. To do this other evidence must be examined to see whether or not, it first, corroborates statements made by the MLA regarding the bailiffs and, second, to see what 'respectable' attorneys would have to gain from the amalgamation of the Court. Records from the Salford Hundred Court are unfortunately, fragmentary. The majority of papers were destroyed during the Second World War and there is little to indicate the nature of the personalities who operated there. Nevertheless, some letters are extant[36] and these offer further evidence on the first point by giving some clues as to the character of one bailiff in particular. This evidence also indicates that the MLA's statements should be treated with caution.

The correspondence is in response to a vacancy for the post of bailiff in the Salford Hundred Court. A letter, written from the New Bailey Prison by the Taskmaster, John Simpson, sets out his qualifications and includes several testimonials as to his fitness to hold the position of bailiff. Simpson had held the post of Taskmaster for nearly nine years and for four years previous to that had held a similar position in the Leicester County Gaol. Amongst the testimonials to his character is one[37] which noted that the Taskmaster's pay was to be increased from 4/6d to 5/- a day — this was further increased to 6/- in 1856. To achieve this, Simpson had exercised what he termed careful supervision and skill and, by increasing the hours of labour within the gaol, had produced prison goods which were sold at £2,538.14.6d — a large sum considering the small profits in prison goods and the short term for which

prisoners were generally committed to that gaol. Another testimonial from Henry Martin J.P., in Nottinghamshire, reveals that Simpson was orphaned and sent to school by Martin's family and had "gone forward in the path of rectitude"[38] from his cradle. The final word came in a testimonial from William Huntington M.A., Rector of St. John's Church Manchester, who believed Simpson to be a person of strict religious principles. Having been a "constant attendant and Communicant at the Church, assisting with the Sunday Schools". From these testimonials John Simpson would appear to have exhibited an affinity for hard work, conscientiousness and was apparently observably religious. He was also married with several children. All of which by Victorian standards would seem to make him a 'respectable' citizen. His application was successful and together with James Dawes and John Urquhart, he became a bailiff in the Salford Hundred Court. In light of the above the picture of the bailiffs as persons of "the lowest grade" is at the very least, open to question.

A further assertion made by the MLA — that such persons (*i.e.* the bailiffs) were "totally unable to answer in damages for any injury they inflicted in the execution of the process committed to their charge" — should also be examined. According to the MLA, the bailiffs arrived at the house of the debtor and, on finding that he was either out or could not pay, seized what they could. One particular case which was cited as an example was for a debt of one shilling and fourpence, for which the bailiffs seized goods worth £2. The chance of debtors retrieving their possessions was remote. The MLA suggested a remedy along the lines of the Court of Northumberland where it was the practice to direct the process of that Court to the bailiffs who had given a security to the Sheriff for the due and faithful performance of their duties. However, it is apparent from an agreement of indemnity dated lst October 1861, between John Simpson[39] and John Mountain,[40] that a form of security for the bailiff was in operation. The Agreement required Simpson to deposit £250 in the City Treasury: this money was to indemnify John Mountain against all loss costs, charges, damages or expenses incurred by the bailiffs in the execution of their work.

If the MLA's view of the character and conduct of the bailiffs in the Salford Hundred Court is open to question, what motive could the Association have had for seeking amalgamation. It is likely that the bailiffs of the Salford Hundred Court came in for criticism from the MLA simply because they worked in that particular Court. Bailiffs do not attract public sympathy. If the MLA wanted to whip up public support to change the practice of the Court — and to show itself as a knight in white armour — publicly attacking the behaviour of the bailiffs and accusing them of preying on the poorest classes would surely do it. In most cases where the MLA puts itself forward in the guise of acting in the interests of the public, the interests of the profession are usually involved as well. So the question which all the above poses is — what could the MLA have expected its members to gain from the amalgamation of the courts? A report given to the Manchester City Council,[41] written in conjunction with an MLA sub-committee, offers several reasons why the amalgamation of the Salford Hundred Court with the Manchester Court of Record was desirable. Amongst these it is stated that the uncertainty as to the boundaries of each Court's jurisdiction would be eradicated. This would have the effect of removing the dilemma of attorneys who found themselves in the position of being required to appear in both courts at the same time on the same day. It was also proposed, and perhaps this is the crux of the matter, that the amalgamated court would have a greatly increased jurisdiction. For Manchester attorneys this would have considerably widened the pool of potential clients.

As we noted earlier, the difference between disciplinary action taken by the MLA in its early years and that taken at the end of the century/early this century was the level of publicity afforded it. Investigations were undertaken behind closed doors. The decision to expel a solicitor from the Association or to remove him from the rolls was discretely made and acted upon. In this regard it is perhaps significant to note that in 1901 the MLA amended its regulations for the conduct and guidance of the

Disciplinary Sub-Committee. For the future, all complaints were to be considered by the President of the MLA. If he considered there was a *prima facie* case for enquiry, a meeting of the Sub-Committee would be held. If the Sub-Committee upheld the President's decision that there was a *prima facie* case, the solicitor whose conduct was impugned was to be asked to make a statement or explanation to the Sub-Committee. If this was not forthcoming or if the statement proved to be unsatisfactory, the Sub-Committee had immediate powers to recommend that the person in question be expelled from the Association. If it was thought that action should be taken to remove a solicitor from the rolls, he should be fully informed of the case against him and of the intention to have him struck off. At no point however, was it necessary for the Discipline Sub-Committee to inform either the MLA Management Committee or the wider membership of their decisions. The President and Sub-Committee were granted total executive power in matters of disciplinary procedures.

By exercising disciplinary authority through representative bodies and through the Incorporated Law Society, the profession was able to control the conduct of solicitors: an important step in raising the level of 'respectability'. The raising of educational standards would serve not only to reinforce this but would also effectively restrict entry to the profession.

4.3 Educational Provision

This section examines three stages in the development of educational provision for articled clerks. First, in the period before the Parliamentary Select Committee on Legal Education met in 1846, the requirements for admission as an attorney will be described and the provision which Manchester articled clerks made for themselves will be explored. Second, during the period between 1846–70, the work of the MLA in providing lectures for articled clerks will be presented. New information from the records of the PLSA will be used to chronicle the efforts of the Manchester Law

Association in consort with the PLSA and the MPLSA to establish measures to ensure a standard level of education across the board for articled clerks. This evidence will show that these bodies were instrumental in pressurizing the Incorporated Law Society into introducing an examination system. Third, in the period from 1870 onwards, the reaction of the MLA to proposals for the introduction of a central Law University sited in London will be investigated.

After the Attorneys and Solicitors Act of 1729, to be admitted as an attorney, required five years service as a clerk to an attorney who had been "legally sworn and admitted".[42] The candidate then went before a judge who examined him as to his fitness to act as an attorney. The questions were idiosyncratic and did not necessarily require an in-depth legal knowledge to answer satisfactorily. The results of this form of questioning meant that there was no set measure by which to judge the educational standard of articled clerks as a whole. Once the judge was satisfied and had received an affidavit from the candidate's master to the effect that he had served the required period as an articled clerk, he was admitted as an attorney.

In his diary,[43] James Gill, a Manchester attorney, describes the weeks leading up to his admission as an attorney in the Kings Bench and Chancery Courts. Born in 1802, educated at the Manchester Grammar School and at a boarding school in Elsdale, Gill was articled to William Sergeant of the firm of Sergeant & Milne.[§] On Monday 2lst January 1828, Gill prepared a "form of affidavit" and the following day delivered this to the Master's office together with evidence that he had completed his articled clerkship. Unfortunately the Judge had left his Chambers early and Gill "could not get sworn" that day. On Wednesday 23rd, Gill, accompanied by Oswald Milne[¶] went to the chambers of Mr. Justice Holroyd where he paid for his affidavits and left them, together with his articles and received the printed form of admission. This he took to Somerset House to have it "impressed with the £25" and in the afternoon returned to the Judge's chambers "to be sworn to the affidavits". Finally on Thursday January 24th, at the King's Bench Court at a quarter past nine in the

[§]See Appendix E.

[¶]See Chapter 2.

morning Gill "got (his) admission on signing the roll...". On Monday February 11th, he took his certificate to the "Rolls Court" where he sat for over an hour until at 8.00 p.m. his certificate was signed by two barristers. The following morning Oswald Milne as the Clerk of Court signed Gill's certificate, then on he went to the Public Office at Southampton Buildings "to get sworn and pay the fees". On Wednesday 13th February, Gill attended the Rolls Court at half past nine in order "to take the oath on admission to Chancery". Again he returned to the "Public Office, Southampton Buildings" to sign the roll. After several delays he was finally admitted as an attorney in the Court of Chancery on Wednesday 20th February 1828.

Gill was fortunate; his education had been a 'liberal' one in that he had a basic knowledge of mathematics and Latin and, as his diary demonstrates, he had a reasonable understanding of grammatical structure. He was also fortunate in serving his apprenticeship in the offices of Milne and Parry. As mentioned in Chapter 2, this particular firm was the largest in Manchester at the time Gill was articled. He was at least able to witness at first hand the work which the senior partners undertook. No doubt a large and varied practice would present an articled clerk with the opportunity to absorb a variety of legal experiences. Although, as was the common case, Gill, like many other articled clerks[44] spent most of his days "engrossing" — copying out deeds and agreements. This was a meticulous but boringly repetitive task which did not enable the articled clerk to acquire much in the way of legal knowledge. Certainly the admittance procedure described above, though a stringent test of perseverance, provided no opportunity either for the candidate to demonstrate, or for the admitting officer to detect, a standard of legal achievement. If an articled clerk wanted to gain a deeper understanding of the law, he had, more often than not, to acquire it himself by a process of self instruction. As we shall shortly see, in Manchester, before the introduction of examinations, this process was taken a step further with the setting up of a self help group.

In 1846 the House of Commons Select Committee in its report on legal education,

lamented the lack of enthusiasm amongst attorneys with regard to the provision of educational training for articled clerks — although, it praised in particular the efforts made by the Manchester Law Association. In Manchester, however, before the MLA came into being, and perhaps reflecting the native initiative already mentioned, several articled clerks decided to get together in order to further their own legal education. They decided to meet on a regular basis and prepare papers for discussion amongst themselves. One of the founders of the ensuing Law Students Society, was Edward Herford.‖ Born in Birmingham in 1815, Herford was the son of John Herford a Manchester wine merchant and the first councillor for St. Anne's Ward.

Herford, together with two other clerks, was articled to the firm of Kay & Darbishire (Marsden Street Manchester). In his diary, Herford[45] describes the formation and first meeting of the Law Students Society. On lst March 1833, Herford and Charles Hall (another articled clerk) talked together and discussed "the great advantages" which would be presented to the articled clerks of Manchester if a society could be formed the object of which would be discussion of "legal points and general questions connected with jurisprudence". Finally, they decided it was time to translate words into action. They divided between them a list of such "young men as we knew" and arranged to meet that night "in order to settle the preliminaries". They met in a room behind the independent Chapel in Mosley Street, accommodation which had been arranged by Joseph Heron** one of the Society's new members. At this first meeting they "settled the rules",[46] and appointed a President and Secretary,[47] and Herford was commissioned to "take the Cross Street Chapel rooms for the meetings of the Society".†† The President also acted as Treasurer and was to be appointed every six months. It was his job to open and close meetings and see that the rules of the Society were observed and kept. The subscription was six pence a week "to defray expenses" and was to be paid monthly and in advance.

‖See Chapter 5 page 116 and page 122.

**See Chapter 5 page 119.

††A book containing records of the various debates of the Law Students Society has been referred to in the Slater Heelis Bicentenery pamphlet. It was said to be located in the Manchester Law Library, unfortunately this no longer seems to be the case, the volume is missing. Cross Street Unitarian Chapel have no records of this society.

The newly formed Society intended to meet at half past seven o'clock every Friday evening and "shall always break up at or before ten o'clock". The object in meeting was to be the alternate consideration of cases and papers. Unfortunately there is no record extant of the subjects which the papers covered.‡‡ What we do know is that every member in turn was to prepare a case, make copies for circulation among the other members "as will allow each member to keep it one day and [permit] the member who receives it last, a week to consider it". Each member was given two weeks notice in which to prepare their paper. If he failed to do this, he was fined sixpence. He would also be fined sixpence for being late and one shilling if he failed to turn up for a meeting. New members were to be proposed and seconded at one meeting and balloted for at the next — one black ball in three meant exclusion. With evident satisfaction, Herford noted in his diary that "our Law Society is still extant, and we hebdomadally edify one another with most luminous actions, in fact we form quite a delectable troup (*sic*)..." .[48]

Whether or not some of the members of the Law Student's Society carried their enthusiasm for education with them into the MLA is not recorded. Joseph Heron and Edward Herford were both founder members of that Association. Amongst the first officers of the MLA, James Crossley, Stephen Heelis, and William Slater, had all received the benefit of, what W.J. Reader describes as a liberal education.[49] This was an education based on Latin and Greek literature and on Mathematics (particularly on Euclidian geometry). It was recognised by some educationalists[50] that this system of learning would not necessarily provide the student with a wide and worldly frame of knowledge. Nevertheless it was assumed that study of the classics would encourage literary appreciation and enhance the use of language. Mathematics it was claimed would cultivate the powers of reasoning. Certainly, from its inception, the MLA expressed a desire that some educational provision be made for articled clerks. In 1844, a course of gratuitous lectures in "different

‡‡A minute book for this association was in existence and is referred to by Edward Herford, A note in the pamphlet written to celebrate the bicentenary of Slater Heelis & Co, indicated that it was in the possession of the Manchester Law Library. Unfortunately a search failed to produce it. Cross Street Unitarian Chapel also have no records of this Society.

branches of the law"[51] were delivered for the benefit of articled clerks, these proved so popular that a second series of lectures were held the following year. A Law Students Society,[52] was provided with a room for their evening meetings by the MLA. They were further encouraged by the Association offering prizes for the best essays on legal subjects.

In 1850[53] the MLA received a petition from "law clerks" working in Manchester which requested that the Association use its influence to recommend to its members that their offices should close at five o'clock and that the "early dinner hour" should be abandoned in order that clerks could use the time for "self-improvement". The request was phrased in terms which not only emphasised the willingness on the part of the articled clerks to help themselves, but also maintained that it would be beneficial for their employers. The clerks proposed:[54]

> "...an alteration in the hours of business of the law clerks — namely the abandonment of the usual dinner hour and the closing of the offices at the uniform hour of five o'clock in the evening to be an object of vital importance to their health morals, comfort and true interest, as well on account of the saving of time which it would effect, as of the increased opportunities for self-improvement and healthful recreation which it would afford them, and believes that it would be found scarcely less advantageous to their Principals, by preventing the waste of two of the best hours for business"

It was perhaps an embryonic mirroring of the attorney's perennially expressed desire to balance the interests of the public with that of the profession!* In the event, the MLA backed the recommendation amending the proposed closure time to 5.30 p.m. The Association also considered it "highly important" that Law students should, if possible, have the continued opportunity of attending lectures. To that end they arranged with the assistance of a "resident Barrister",[55] a series of thirteen lectures on different branches of the Law, to which all the members and their articled clerks would be admitted free. It was these efforts which provided the basis for one of the few supportive remarks in an otherwise critical report published in 1846 by a Parliamentary Select Committee on Legal Education .[56]

*See Chapter 6.

The Law Times[57] campaigned for improvements in the education of attorneys. The introduction of paper qualifications was viewed as a way of restricting entry to the profession — the "best test" devised by which "improper persons" could be excluded. Education would not only enlarge the minds of lawyers; it would also secure their status as "gentlemen" — particularly important at this time when the attorney's standing in the local societal structure was not secure. In November 1852, the MLA received a letter[58] from William Shaen the Secretary of the MPLSA containing suggestions for improving the educational test for attorneys. The letter recognised that the existing situation was inadequate to ensure "an adequate amount of general and legal education in articled clerks" and suggested that it would be an "honourable and a politic step" if local societies could put pressure on the Incorporated Law Society to "take the lead in providing improved regulations". A liberal education, as mentioned above, was regarded as providing its beneficiaries with the ability to use language fluently and efficiently and developing the powers of reasoning — fundamental skills, it would seem logical to assume, for a lawyer. It was suggested that no-one should be allowed to enter into articles of clerkship without previously obtaining a Certificate of at least an elementary knowledge of English, French, Latin, History, Geography and Mathematics, including Bookkeeping, or of some of those subjects. It was also suggested that, outside London, these Certificates could be obtained from parties authorised by the Examiners appointed by the Judges *e.g.* College Professors, Schoolmasters, Clergymen, and the Government Inspectors of Schools. Also before admission, a separate Certificate of proficiency in four of the five branches of Law should be required. These certificates were to be tried for, either together or separately from time to time during the period of apprenticeship, according to the convenience of the articled clerk. Successful candidates in the examinations should be divided into two classes, the first, "to consist of those who pass well", the second, "of those who barely pass". The MLA agreed with the sentiments expressed in Shaen's letter believing that such provisions would prove a "more satisfactory and effective test and guarantee of respectability than at present exists".[59]

Kirk notes[60] that the Incorporated Law Society took the first steps towards "requiring would-be articled clerks to pass an examination in science literature, and the classics".[61] But it took these steps in 1854, two years after the proposals made by the MPLSA — two years, during which (and following that association's recommendations) pressure had been applied by provincial law societies on the Incorporated Law Society to act on the suggestion. In any event, it was not until the passing of the Solicitors Act in 1860, that a preliminary examination "in such branches of general knowledge as the Master of the Rolls, the Chief Justice and the Chief Baron might approve" was introduced. The MLA, through the MPLSA, was one of the local law societies who objected to the proposal that the examinations be held in London. As a result of this protest, Manchester became one of several towns where candidates could be examined[62] under the supervision of two local solicitors who were appointed by the Examiners as invigilators, on the suggestion of the local law society.

The function of the invigilators was to open the letters containing examination questions transmitted to them in sealed packets[63] by the examiners in London and to ensure that candidates did not bring books into the examination room or copy from each other. They then returned the completed examination scripts to the Examiners by post.[64] The MLA drew up a rota which provided two solicitors who were selected for this purpose[65] for examinations which were to be held on the 10th and 11th February, 1862. Three more pairs[66] of invigilators were to be appointed for the examinations which were to take place on the 12th and 13th May, the 14th and 15th July and the 20th and 2lst October. The examiners were informed on or before the day of examinations of the number of candidates expected to offer themselves. The questions to be submitted to the candidates, were prepared by the examiners[67] and copies of those questions were forwarded by the Council of the Incorporated Law Society to the invigilators in June for the examinations. The fees proposed to be paid to each of the invigilators was £3.3 per day besides the expense of the Room for holding the examinations. In a letter from the Incorporated Law Society dated 25th July 1862,[68] the MLA was notified that eleven candidates would be sitting for

the Preliminary examination at 10.00 a.m. on Tuesday the 12th August. Questions and other papers for the examination were forwarded to the Association by post on Saturday 9th August.

James Gill* gives a description of overseeing an examination in his diary, providing a nuts and bolt illustration of what the process involved. On Saturday 8th July 1865, Gill was appointed as local invigilator for the Law Association preliminary examination together with Matthew Bateson Wood. On Monday 10th July, Gill received the examination papers from London and called upon Bateson Wood to finalise arrangements and to organize a room in the Royal Institution, where the examination could be taken. On Tuesday llth July, Gill and Bateson Wood invigilated from 10.00 in the morning until 4.00 in the afternoon. On Wednesday 12th July, they spent from 10.00 a.m. until 1.00 p.m. "arranging" the examination papers before ensuring that they were all "transmitted to the incorporated Law Society, London, through Meredith and R[K?]ay". On Tuesday 3lst July Gill received a note from the Secretary of the Incorporated Law Society enclosing a postal order for 25/- for "disbursements". This payment was intended for both Gill and Bateson Wood. With professional courtesy Gill wrote the next day to acknowledge receipt of the postal order. The following October the procedure was re-enacted. On Thursday 26th October a further batch of examination papers was returned to the Secretary of the Incorporated Law Society. This time the porter at the Royal Institution, where the examination was again held, was paid 10/- by Gill.

The following year on Wednesday 14th February, James Gill and Matthew Bateson Wood were again acting as local examiners for the preliminary examination. It was held once more in a room in the Royal Institution and this time Gill and Bateson Wood were there from 10 a.m. until 4.30 p.m. The following day Gill was left alone part way through the examination, as Bateson Wood had to "attend appeals at the Tax Office".[69] Gill was there "all afternoon" and afterwards dispatched the second day's examinations, together with a note of the costs incurred, to the Secretary of the

*See earlier this chapter, page 89.

Incorporated Law Society in London. Approximately one week later on Wednesday 2lst February, Gill received a postal order for "fees and disbursements" without "any explanation" attached. After consulting Bateson Wood, Gill cashed the postal order and wrote a "long letter as to fees" in his acknowledgment of receipt to the Incorporated Law Society and sent a copy of this to the Manchester "our" Law Society.

Subsequently, there was some correspondence and discussion about the level of fees awarded for supervision of the examinations. A resolution from the MPLSA, which had been passed at their annual meeting in Birmingham,[70] recommended that the preliminary examinations should be conducted gratuitously by local examiners. The MLA however, felt that, as the examinations were not "self-supporting" the financial arrangements for conducting the examination should remain as they were. Some consideration was given to whether or not the fees paid by the candidates were sufficient "for the purpose" or whether:

> "it is desirable with a view to the permanency and efficiency of the system that the Examiners should all receive a fee adequate to compensate them for their trouble and loss of time in conducting the examinations".

This suggestion was not however, followed up.

Education continued to be seen as a basic means of raising the status of the profession. In 1869 local law societies sent representatives to London for a meeting out of which emerged a resolution in favour of the establishment of a central Law University for the education of students intended for both branches of the profession. An association was set up to achieve this end, under the presidentship of Sir Roundell Palmer. It was proposed that the Crown should be asked to grant a charter for the intended legal university, and that a subsidiary bill should be introduced into the House of Commons, for the purpose of "removing such legal impediments as might exist to the accomplishment". The Manchester Law Association stated their support for the proposal and voted £50 from the funds of the Association towards the expenses of the Education Committee. In this regard, however, the real strength of

the Association's committment to this particular proposal can be summed up by the axiomatic phrase 'actions speak louder than words'. Their feelings on the proposal could best be judged by that fact that at the same meeting in which this money had been voted, it had been agreed to spend an equivalent amount on the purchase of "plate" for presentation to a certain Mr. Baker in recognition of his services in connection with the amalgamation of the courts of Record! Whilst the MLA made encouraging noises in favour of a Law University based in London, they were in fact actively engaged in negotiations for promoting legal education at a university level much closer to home. They believed that the standard of education:[71]

> "among the classes from whom the ranks of all the professions are filled has been much raised within recent years and it is therefore the more important that Solicitors should not be behind other professions in intellectual advancement".

It may be useful at this point to provide a little background information on Owens College itself. In March 1851 the College opened its doors. Established under the provisions of the will of John Owens (a wealthy second generation Manchester merchant) the College was granted affiliation with London University. In 1870 an extension was built for the college and the institution merged with the Royal Manchester School of Medicine in 1872. Initially the curriculum offered tuition in classics, mathematics, mental and moral philosophy, natural philosophy and English Language and Literature. Teaching was provided through lectures and students were assessed by examination. The courses were on offer to males of fourteen years and over. In its early years the Principal's annual report was critical of the educational grounding of the students who enrolled.[72] Another concern expressed in the report were the scant number of students actually attending. Few students attended during the day and evening classes were introduced in 1854 to attract more scholars. That the College struggled in this regard is borne out by statistics.[73] In its first session 62 students were enrolled, the following year this number increased to 71 but by 1857–8 the numbers were approximately halved to 34. By 1860 the numbers began to rise and the figures for the 1870–71 session reveal a respectable 264 day students and 527 students attending lectures in the evening.

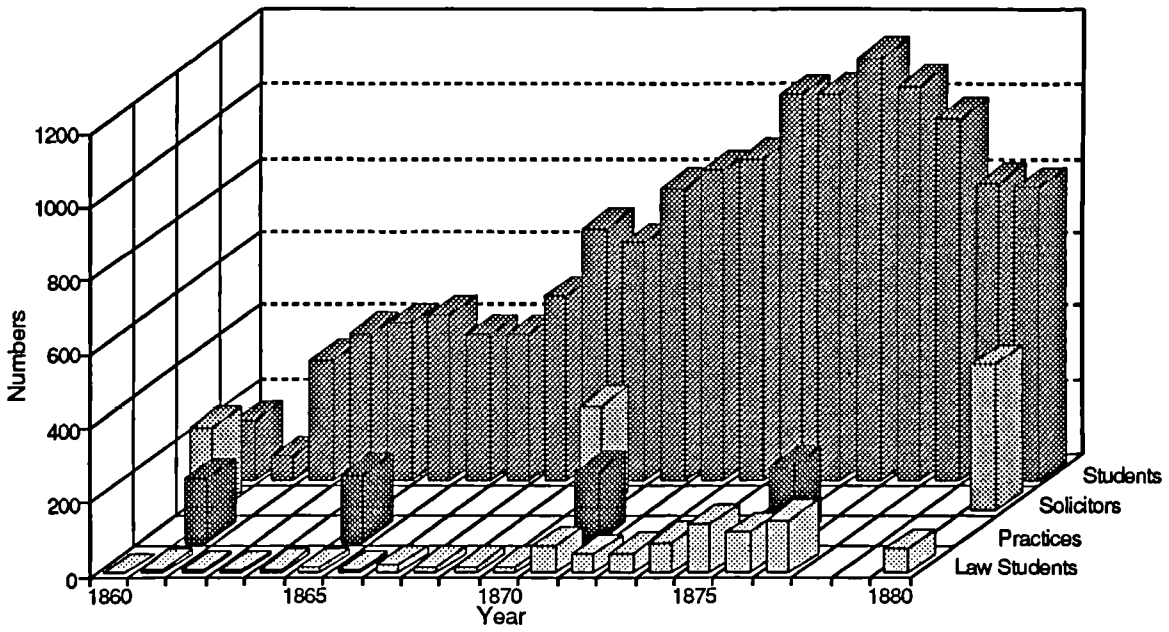


Figure 4.2: Number of Students attending Law Classes at Owen's College compared with the number of Practices, Solicitors and total Student numbers.

Year	Law Students	Practices	Solicitors	Students
1860	0		225	161
1861	10	169		62
1862	7			323
1863	5			395
1864	8			422
1865	13	183		441
1866	6			394
1867	21			393
1868	19			497
1869	16			685
1870	15		282	643
1871	69	189		791
1872	49			840
1873	52			870
1874	81			1045
1875	132			1048
1876	110	205		1140
1877	142			1069
1878				981
1879				805
1880	64		395	792

Table 4.2: Data for Figure 4.2.

However, as Figure 4.2 illustrates and Table 4.2 shows, attendance figures fluctuated. The number of students attending the College to study Jurisprudence (and from the session 1874/75 Jurisprudence and Law) is only a small percentage of the overall registered student body. This makes it difficult to draw any definite conclusions from the data; certainly in respect of the effects of the economic climate on the education of articled clerks. It does nevertheless serve to suggest several points of interest. It is worth noting, for example, that in 1871, following a year in which the MLA had been involved in the debate over whether to set up a Law University in London, the percentage of articled clerks in attendance at the College rises in relation to the number of firms in practice — a reflection perhaps of the MLA's conviction that articled clerks should be educated locally. The initial lack of students enrolling at the College may have been influenced by fluctuations in the local economy (the susceptibility or otherwise, of solicitors to this factor will be discussed in the next Chapter) or it might simply have been that the courses themselves were too expensive. As we shall now see, the MLA was concerned that the courses offered by Owens College to articled clerks, were both relevant and affordable.

In order to consolidate the initial steps which had been taken to improve the educational development for articled clerks (the introduction of a series of lectures) — a scheme for establishing a course of law lectures in the Owens College had been devised. The MLA guaranteed a fund of sufficient amount to protect the college from loss for a period of five years. The task of carrying out the "experiment" devolved upon Dr. James Bryce, the Regius Professor of Jurisprudence at the University of Oxford.[74] Bryce's 'experiment' was a two year course consisting of ten elements. In the first year students would have six areas of study:

1. An introduction to the general principles of jurisprudence.
2. A general introduction to English Law, of legal remedies, of courts of law and equity.
3. An outline of the law of real property, with some remarks on conveyancing.

4. A general outline of the law of personal property.

5. Principles of the law of contracts.

6. Rules governing particular classes of contracts (e.g. sale, agency).

In the second year students would receive lectures on the following themes:

1. Principles of the law of torts.

2. General view of rights administered by courts of equity.

3. Closer examination of the doctrines of equity in some particular department (*e.g.* trusts, fraud, partnership, married women).

4. General view of procedure, legal and equitable and of the conduct of actions and suits.

At Professor Bryce's inaugural lecture, members of the profession were invited to become acquainted with other lecturers at Owens College and it was generally agreed that without the help of the MLA membership, and their clerks, the "experiment"[75] would not permanently succeed.[76] Despite initial fluctuations in numbers (as mentioned above) the experiment did succeed. As a result of its success, the MLA was able to raise sufficient money to endow the College with a Chair of Law.[77] The amount raised was some £6,000; the money was derived from funds donated by members of the profession and their "friends" in Manchester. As this implies, most contributions were donated by leading solicitors' practices in the town such as Slater, Heelis and Co, Grundy and Kershaw, Addleshaw and Warburton, and from individual practitioners such as James Gill, Matthew Bateson Wood and Richard Radford. Of the few exceptions to this on the list, one major contribution (£1,000) came from the spinster daughter of James Blacklege Brackenbury, a leading Manchester attorney during the earlier years of the century. Another, came from the academic R.C. Christie, a former Professor of Political Economy at the College.[78]

The Manchester Law Association obtained a grant for the College, of £150 per annum, from the Incorporated Law Society.[79] In order to exercise some control over the expenditure of this grant and to ensure that the contents of the lectures would "...meet the needs of Articled Clerks" it was arranged that a committee appointed by the MLA would meet academics and principal officers from Owens College for discussion. This would enable them to liaise over the planning of the law lecture courses.[80] In 1888-9 for example, the lectures were given at the Law Library[81] which was situated in the centre of Manchester. This location was deliberately chosen in order to attract the maximum number of articled clerks, the idea being that this venue would be within easy walking distance for most students. Presented between 4.00 and 6.00 p.m., the lectures and tutorial classes aimed to prepare articled clerks for the intermediate examination. The fee for attending both the lectures and tutorials was £2.12.6. In order to cater for the needs of articled clerks who had already passed the preliminary and intermediate examination, three courses of lectures and tutorials were given each year to students who were preparing for the final examination. These lectures consisted of a course on Equity, one on Real Property and Conveyancing and another on Common Law and cognate subjects. The fee for each of these advanced courses and its tutorial class was £2.2.0.; for any two of the courses and classes £3.10.0.

Articled clerkships — the apprenticeship system by which would be solicitors were expected to gain practical knowledge of the profession — were (and remain) the critical element in the training procedure. There were, however, three sets of examinations which the law student had to pass in order to qualify as a solicitor. The preliminary, intermediate and final examinations were taken at periods during the articled clerk's five year apprenticeship. We saw earlier the part which the MLA and provincial law societies played nationally in establishing the first of these examinations. The intermediate and final examinations were established by the Incorporated Law Society and all three examinations were developed and refined during the following two decades.[82] On a local level the MLA and Owens College worked closely together to develop a programme of teaching that would fulfil, as much as possible,

the academic needs of trainee solicitors. With this in mind (and as an incentive to attract more students) Alfred Hopkinson, the Principal of Owens College, argued that a good legal education should be a recognizable alternative to the intermediate examination. He believed that it was:[83]

> "...almost impossible that those who are so much engaged in practical work should be able to follow the courses which are intended to explain the principles exemplified in the details of practice if they are compelled in the early part of their studies to give their attention to another examination which it is now necessary for them to pass. It would therefore be of the greatest advantage to the cause of sound legal education if articled clerks were allowed as an alternative for the intermediate to pass examinations directly based on the teaching they receive at the college".

The Committee of the MLA endorsed this suggestion and tried to get the Incorporated Law Society to sanction the proposal. Although the ILS agreed with the sentiments expressed they procrastinated: this object would be desirable at "some future date".[84]

The MLA regularly wrote to the College authorities requesting that they ensure that the contents of the lectures should be relevant to the practical needs of articled clerks. For its part the College was usually keen to comply. In its Prospectus for 1893/4, for example, it was stipulated that the elementary law lectures would be arranged at a time more suited to the office needs of local solicitors. In 1905–6 book-keeping was introduced as a subject for the Intermediate Examination. When the MLA asked the University to include book-keeping within the curriculum for law students, they were informed that such a class was already running. With one or two additions to the set books used on the syllabus,* the Association agreed that the book-keeping course offered was probably sufficient for the needs of articled clerks. At the end of this session the MLA was able to report to the Incorporated Law Society that the numbers of students attending lectures at the college had significantly increased.

*These were to include the "Book prescribed by the Incorporated Law Society".

In summary it can be said that the 1830s/1840s was a period which put Manchester attorneys under enormous pressure and at the start of this chapter several reasons were given as to why this was so. In an increasingly complex society operating under new and complicated laws, attorneys experienced an unparallelled demand for their services. Despite the collective knowledge and experience of the past (as shown in Chapter 2), they were not able to keep abreast with this demand. There were two fundamental reasons for this: lack of numbers and public inability to distinguish between the attorney who was qualifed to practice and the 'tout' who was not. The rapid growth in population in Manchester was not matched by a proportionate rise in the number of attorneys. To qualify as an attorney required a five year period of apprenticeship followed by an oral examination by a judge and the annual renewal of a certicate of practice. This was not sufficient to prominently distinguish the attorney from the opportunist with a superficial knowledge of legal procedures. Where a demand exists there will always be opportunists who will try to exploit the situation — and this particular situation was no exception. As a result of all this, the social standing of the attorney in the local societal structure was distinctly uncertain. Castigated in popular fiction, Parliament and the Press (as Chapter 3 noted), the service the attorney performed was regarded as necessary but not necessarily regarded, or respected, by the public. In terms of the development of the profession in Manchester this was a phase of the Industrial Revolution during which put the attorney in the rôle of servant. In order to alter this relationship the profession itself had to change. In order to change, attorneys had to organize and Chapter 3 examined the way in which Manchester attorneys accomplished this both at a local and at a national level. In order to raise status it was necessary for the profession to acquire respectability and, as this chapter has demonstrated, this task was approached in two ways. Self-discipline and the raising of educational standards were the parallel routes to respectability which the profession chose to follow.

Organization enabled solicitors to implement disciplinary procedures to limit malpractice, the institution of lectures and examinations increased their specialist knowledge which in turn raised their status as experts. This expertise was necessary in

order to operate increasingly complex legal procedure. This effectively curbed the practice of 'touts' such as those who had operated in the Salford Hundred Court of Record. Education and articles of clerkship were expensive to achieve, factors which effectively restricted entry to the profession. During the early 1840s, approximately two-thirds of all those solicitors practising in Manchester were members of the Manchester Law Association. This factor enabled the Association to act with some authority and it recommendations were acted upon when it attempted to counter public criticisms of sharp practice. Adverse comments about the educational standards of solicitors (such as those which had been made during discussion of the Small Debts Court bill) fuelled the Association's desire to introduce some kind of educational provision. This would serve not only to raise the general status of the profession but would also equip such qualified attorneys with an expertise. Such expertise was vital to help them meet the challenge of more complex legal work.

A recognised standard of education was something which both the PLSA and the MPLSA advocated most strongly. Manchester attorneys experiencing the social upheavals of the industrial 1840s were militant and highly vocal and their views influenced the policy of both these associations. Provincial law societies came together to deal with two immediate problems: a direct threat to themselves and their work and an indirect threat to their future. The setting up of the MPLSA provided provincial law societies with a mechanism which would serve their interests and the interests of the profession generally. The Solicitors Act of 1843 which gave the Incorporated Law Society custody of the Rolls meant not only that the ILS controlled entry to the profession but also effectively recognized that Society as the representative voice of the profession as a whole. This is why rather than acting independently, the MPLSA put pressure on the ILS to bring about educational changes. However the Manchester Law Association kept its options fluid. Whilst co-operating with the ILS proposals to introduce a Law University in London the MLA was in simultaneous negotiations with Owens College for the introduction of legal education in Manchester.

Public criticism and the activities of the unqualified and unscrupulous, made the implementation of an educational standard a necessity. This not only closed the door of opportunity to the unqualified touts, it also ensured a standard of specialist knowledge. The attorney/client relationship was changing, moving away from the role of servant into that of adviser. In the language of the late twentieth century, the Manchester attorney was upwardly mobile. The drive and initiative for change in the profession originated in the provinces in the 1840s. Solicitors in these areas had defined educational and occupational goals and set up means for achieving them. The introduction of professional qualifications enabled solicitors to concentrate on improving their skills, through their work and through a variety of social links (subjects of the final chapters of this thesis) they were emerging as 'experts', and as an eminently respectable professional body.

References

[1] *The Law Times* October 19th, 1844.

[2] *The Times* 30th January 1963.

[3] Dickens C., *Bleak House*, Penguin Books, 1987 edn.

[4] *The Times op. cit.* p. 10.

[5] Boswell, *Life of Johnson*, Everyman ed. I. 393.

[6] *The Law Times* 19th January 1850.

[7] First meeting of the Manchester Law Association held on Wednesday 12th December 1838.

[8] In 1871 the Association was incorporated (under the Companies Act of 1862) becoming the Manchester Incorporated Law Association (the word "Limited" being omitted by licence of the Board of Trade under the act of 1867). In 1910 the Manchester Law Association became the Manchester Law Society.

[9] Statute 22 Geo.c46.Sll: practising as a solicitor/attorney or acting as agent while not being qualified.

[10] John Townsend died on 6th September l837.

[11] Before qualifying as an attorney, Hall had been employed as Anderton's clerk in Townsend's practice at the Bridge Street offices.

[12] 240 Brief sheets of paper also several other documents including the private bank books of Anderton and the "Books" of Townsend and Hall.

[13] Specifically, a Manchester physician named Dr. Hulley; an attempt was made to persuade him to swear an affidavit "sending to impugn the credit of one of the persons who had made an affidavit in support of the Rule".

[14] The Master's Report dated 30th June l841.

[15] MLA Annual General Meeting, 10th January 1849.

[16] Letter dated 6th March 1849 reproduced in the MLA Sub-Committee Minutes, 16th March 1849.

[17] Anderton Report, MLA Annual General Meeting, 10th January 1849.

[18] MCRL M123/6/9. Documents concerning the application of William Hargreaves to renew his certificate to practise — including an affidavit to Q.B. Division High Court of Justice from Josiah Jones of the firm Jones and Co., 40 Hyde Road Manchester, Accountants 1882.

[19] MCRL M123/6/9 *ibid.*

[20] From the Secretary of the Incorporated Law Association UK.

[21] MLA Sub-Committee on Conveyancing minute books for the periods 1898-1905 and 1901–1912; also *The Manchester Courier*, 21st August 1902.

[22] Welsh W.J. of Wells, correspondence in *The Law Times* Vol II October 1843 March 1844.

[23] Offer A., *Property and Politics*, Cambridge University Press, 1981. See also articles in *The Solicitors Journal*, Vol.45., November 3rd 1900.

[24] *The Solicitors Journal* 1900-1901: correspondence arising from the case.

[25] Annual Meeting of the Incorporated Manchester Law Association, 31st July 1900: Extracts from the speech of the President Charles L. Samson.

[26] The special committee was appointed at the Spring meeting of the Incorporated Law Society.

[27] Samson *op. cit.*, MLA 31st July 1900.

[28] By the Solicitor's Act of 1843.

[29] MLA Quarterly Minutes, 15th December 1851.

[30] MLA minutes of Discipline Sub-Committee, 15th November 1904.

[31] At the beginning of the nineteenth century there were many local courts of which the court baron, the court of the hundred and the county court were the more familiar. (A hundred referred originally to an area of land accomodating 100 families). The court of the hundred was held for all the inhabitants of a particular hundred. Amongst other business it could deal with controversies arising over rights of land within the hundred, also determine any personal actions where the debt or damages did not amount to more than forty shillings. See Manchester, A.H., *A Modern Legal History of England and Wales*, 1750–1950, Butterworths 1980.

[32] This was in fact achieved in 1868 [9 & 10 Vict. cap. CXXVL]. At the very least they wanted to raise the level of indebtedness for which a person could seek recompense from forty shilling to five pounds. By doing this, they hoped to deter the 'touts' who preyed on the low income classes.

[33] MLA minutes, 10th January 1842.

[34] MLA minutes, 12th January 1844

[35] Copy dated 31st December 1842.

[36] MCRL M123/6/2/1-3.

[37] Extract from the Visiting Justices Report in the Court of Quarter Sessions, Salford 1853.

[38] Quoted in the letter of application for the post of Bailiff in the Salford Hundred Court of Record: J. Simpson 5th March 1861.

[39] John Simpson, Bailiff, 87 Bridge Street, Manchester.

[40] John Mountain, The Deputy Registrar and Sergeant at Mace of the Court of Record for the trial of Civil Actions within Manchester.

[41] Report of the Sub-Committee of the General Purposes Committee of the Manchester City Council, Monday 28th October 1867.

[42] Robson, R. *The Attorney in 18th Century England*, Cambridge University Press, p.52ff.

[43] Gill J. Diaries, 1827-1876., MCRL M156/1.

[44] Kirk H, *Portrait of a Profession*, Oyez Publishing, 1976.

[45] Herford E. Diaries 1832-35; MCRL MS 923.4 H.32: Herford's diaries do not always indicate the year in which they were written although I have worked this out, nor are entries made on a regular basis. They are also peppered with his idiosyncratic shorthand notes. Some of which I have been able to transcribe.

[46] Herford had intended to include a copy of the rules of the Society in the back of his diary but omitted to do this. Fortunately, the MLA retained a copy of the document which the articled clerks drew up at this first meeting. The document was probably given into their care by either Herford or Joseph Heron, both of whom were founder members of the MLA.

[47] Richard Baxter, a solicitor's clerk, was appointed President and Secretary of the Law Students Society in 1833.

[48] Herford, E. Diary entry for lst July 1833.

[49] Reader, W.J., *Professional Men: The Rise of the Professional Classes in 19th Century England*, Weidenfeld & Nicolson, 1966 p.100ff.

[50] Reader W.J., *op. cit.* p. 9.

[51] MLA Annual General Meeting, 10th January 1845.

[52] MLA Annual General Meeting, 7th January 1846. The minutes note that "articled clerks of this town had formed themselves into a law students society...". It would seem therefore, that this was a different society from that formed by Edward Herford and his friends.

[53] MLA Quarterly Minutes, 23rd October 1850.

[54] MLA Quarterly Minutes 23rd October 1850 Memorial to the members of the Manchester Law Association.

[55] R. Hilditch, Barrister-at-Law.

[56] Report of a Select Committee of the House of Commons on Legal Education, Vol. X., 1846.

[57] *The Law Times*, 1843-47.

[58] MLA Quarterly Minutes, 30th November 1852.

[59] MLA Quarterly Minutes, 17th December 1852.

[60] Kirk H., *op. cit.* p. 56ff.

[61] *ibid.*

[62] Orders of the Judges of the 26th July and 26th November 1861 directing the examinations in General Knowledge, pursuant to Statute 23 and 24 Victoria C.127 of persons proposing to enter into Articles of Clerkship,

[63] Letter from the MLA to the MPLSA dated 18th March 1861.

[64] Preliminary Examinations of articled clerks, details in letter from the Incorporated Law Society, signed R. Maugham, Secretary, dated 31 December 1861.

[65] James Street, President of the MLA and Richard Radford (of Gill Radford & Co.).

[66] MLA Sub-Committee minutes, 13th October 1863. Radford and Street acted on several occasions; Stephen Heelis and James Frederic Beever took over from Radford and Street as examiners.

MLA Sub-Committee minutes 20th July 1864. Four replacement names for Heelis and Beever (any two of which could serve at one time) Geo. Thorley, Thos Baker, John Aston, James Barrow. [From sub-cttee mtg 20th July 1864].

Baker and Barrow resign as examiners and James Gill and Matthew Bateson Wood are replacements.[From sub-cttee mtg 26th June 1865].

[67] Appointed by the Judges Order of the 26th November 1861.

[68] Signed by Edward Walker Williamson, Assistant Secretary, Incorporated Law Society UK.

[69] Gill James, Diary entry for Thursday 15th February 1866.

[70] MLA Quarterly Minutes, lst December 1862.

[71] MLA Quarterly Minutes, 20th June 1877.

[72] Manchester University Calendars 1851–70.

[73] *ibid.*

[74] James Bryce, Fellow of Oriel College Oxford, was invited to accept the post of the Professorship of Jurisprudence and Law at Owens College in March 1870. Within two months of this appointment, Bryce was elected Professor of Civil Law at Oxford, according to Joseph Thompson,(*History of Owens College*, p.309ff, J.E. Cornish, 1886) Bryce held both posts simultaneously.

[75] Thompson, J. *op. cit.* p.309.

[76] MLA Annual General Meeting, 19th January 1872.

[77] MLA Annual General Meeting, 24th July 1888.

[78] Thompson, J.T., *The Owens College*, J.E. Cornish, 1886.

[79] Raised on the selling of the Inns. Reports of MLA Annual General Meetings 1870-1885.

[80] The MLA drew up a rota of solicitors from which two would attend each lecture.

[81] The Law Library had been in existence since 1820 but after 1841 shared accommodation with the MLA, see Tarbolton, Alfred, *A Short History of the Manchester Law Society*, 1924.

[82] Kirk, H. *op. cit.* Chapter 3.

[83] The Calendar for the Owen's College from 1862ff presents a prospectus for the courses of instruction available as well as details of examination questions. My thanks are due to the Editor (1992) of the University of Manchester Calendar for her help with this.

[84] MLA Quarterly Minutes, l8th April l877. Incorporated Law Society, Letter to MLA dated 5th February l877 signed E.W. Williamson, Secretary.

Chapter 5

Work: Pettyfogging to Respectability

The evolution from eighteenth century provincial attorney into early twentieth century professional is the subject of the final chapters of this thesis — a metamorphosis examined in the context of the pressures and social climate of nineteenth century Manchester. Chapter six focusses on the relationship between the solicitor and society. The subject of this chapter is work; that umbilical cord through which and by which the profession interconnected with the local community. This theme of work is explored in terms of the demands and expectations which society placed on solicitors. Work is the measure by which the solicitor is valued. During the period under study, the position he occupied in the societal structure changed as the function he performed developed. This increasingly complex function not only demanded a growth in expertise on the part of attorneys, it also increased public dependency on that expertise.

We have seen that the introduction of professional qualifications separated the unqualified 'tout' from the respectable practitioner. As a consequence, the solicitor in 1860s Manchester was able to interact with his widening pool of middle class clients on an equal footing: a mixture of dependency and equality which distilled into an essence of positive and negative public regard. On the positive side solicitors were able to interact with their clients on a social level — confidants and advocates, they were often regarded as friends. Problem solvers, they were privy to the personal and private details of their clients' lives — a potential for power which lifted them

out of the rôle of servant. On the negative side, however, fear that such knowledge could be abused frequently engendered bitter public criticism. The result of this was that, whilst achieving respectability and acquiring power, the pettyfogging epithet continued to stick. This stigma occasionally erupted as the solicitor evolved from eighteenth century servant through mid-nineteenth century adviser into late-nineteenth century defender of society's interests. Through the type of work they performed, what follows seeks to identify factors in that transition.

The changing nature of the work performed by attorneys in the wake of the Reform Act of 1832 is examined in three sections, each in terms of the pressures acting on the profession. The purpose of this categorization is to demonstrate the changing rôle and image of the profession as it developed over this period of time and does not suggest that one pressure gave way to another. First, in sections 5.1 and 5.2, 'pressure' is on solicitors. In section 5.1 Power and Pressure, the rôle of the solicitor as election agent and the part he played in local politics is examined. Solicitors were well suited to the behind-the-scenes type of work which both parliamentary election campaigns and the operation of local government involved. Certainly, for some individuals, the part they played in these local theatres of power allowed them a growing opportunity to exercise influence and exert pressure especially, as we shall see, with regard to the registration process. As the services of solicitors became increasingly indispensable the standing of the profession in the local society rose. Within the corridors of the Manchester Law Association this improvement in standing was matched by the concerns of 'respectability'. The Coronership issue described at the end of this section demonstrates one element of this concern, that which arose over the conduct of individual practitioners. It is an incident that is important because it highlights a tension which existed within the Manchester profession - a profession which was beginning to operate behind closed doors and which had no desire to publicly reveal any dissension within its ranks. Section 5.2 Progress and Pressure, illustrates the effects which an increasing workload imposed on the attorney at the individual level — the sort of pressure under which he operated. Section 5.3 Respectability and Pressure, looks at 'pressure' from a different

viewpoint to that exerted on the profession. As the work undertaken by solicitors became more complex, pressure on the public to use their services increased and the client became increasingly dependent upon the solicitor for advice. This section presents an example of this, highlighting the rôle of the solicitor as adviser.

Against a background of growing consolidation within the profession as provincial law societies and the ILS grew closer together, the final section of this chapter (section 5.4), notes that by the 1870s there was a strong sense of professional self-esteem amongst solicitors. The work they performed had increased their standing in the societal structure. For this work they expected a remuneration commensurate with its importance and this section demonstrates the way in which the MLA set out to achieve this.

5.1 Power and Pressure

The office of election agent was an occupation particularly suited to the attorney's varied skills. An agent was the election manager responsible for all aspects of an election campaign. He acted as adviser to the candidate, managed the canvassing (appointed and supervised the work of canvass agents) and dealt with all the procedural and organizational details. It was also the agent's responsibility to hire and supervise sub-agents (often local less élite attorneys), messengers, guards, hand-bill distributors and other suchlike.[1] Agents needed to be local men and for this reason, land agents had often been employed, but, as the scale and complexity of organization needed to run a successful campaign increased, there was a gradual but clear move towards the use of attorneys as election agents. Their local contacts, legal knowledge and experience made them an ideal choice. The registration process itself however, made the employment of attorneys particularly necessary and presented them with the opportunity for the exercise of power. With the Reform Act of 1832, the franchise was extended though limited, and the names of those who had a right to vote were published on the Parliamentary Roll. This open system combined

with legal knowledge and expertise enabled attorneys to question and challenge the right of an individual to be included on the Roll. In practical terms this meant that by objecting to an opposing candidate's voters or insisting that his man's supporters should be included on the Roll, an attorney could influence the outcome of an election. The following examples illustrate something of the attorney's involvement in an election campaign and are based upon the experiences of several Manchester solicitors.

The first example provides an illustration of the exercise of influence. Influence in the sense of being able to bring pressure to bear on events which were happening in the local theatre of an election campaign where the solicitors in question were prominent and visible members of society. In speeches delivered by James Crossley* and William Cririe after a dinner given in December 1832 to promote a Parliamentary candidate† we can see some of the ways in which it was proposed to exert influence in his favour. Crossley, a noted and powerful public speaker, exercised this skill effectively in extolling the candidate's virtue. Extracts from his speech reveal something of his powers of persuasion. The candidate, he declared:

> ...would provide a bulwark for the great principle of property the "*vis conservatrix*" of society without whose upholding influence a civil community is but an empty name without the substance, without the reality, without the power of ensuring continuance or conferring protection, and without the force of which principle mighty governments, however imposing in appearance are transitory and mutable as water. In this candidate there was a man who would find ways by which society could be improved and commerce extended. Someone both able and willing to promote the still growing greatness and prosperity of this mighty mart of commerce, this great manufacturing Tyre, whose merchants are princes and whose immeasurable and infinite breast teems and feeds all the myriad hives of industry.

Despite the somewhat purple prose climaxing this extract and intended obviously to build up fervour, some interesting connections are made in the speech. As a lawyer Crossley was extremely conscious of the words he used and he chose them with care. In a time of rapid change and social instability, his speech unites social

*see Chapter 3 p. 29.

†John Thomas Hope.

and commercial needs as parallel interests underpinned by calming assurances of a planned social continuity.

The dinner was held to bring together powerful people within the town. Everyone present possessed the means of influencing friends and acquaintances and they were exhorted to lay aside all other considerations in order to ensure the success of their candidate.[2] The rôle of James Crossley and William Cririe in this particular election campaign was a public one. They sought out key people whom they could persuade into using their influence for the benefit of their candidate. This technique of putting pressure on individuals or groups of individuals in order to achieve a specific goal, was one which the MLA — both were founder members — adopted.[‡] Crossley and Cririe were élite attorneys. Their firms were well established and their personal networks of influence were widespread. Each was a valuable asset and a vital part in the election campaign. Their function in this process formed the top rung of the legal services ladder. The bottom rung was formed by the rôle which the solicitor in our next example played.

Edward Herford, another early stalwart of the MLA, whilst still an articled clerk, was also involved in the first parliamentary campaign of 1832. He was invited by his master, Samuel Duckinfield Darbishire, to attend a general meeting of the Committee formed to elect the Manchester candidate Mark Philips. After the meeting he was asked to act as a check clerk and, on the morning of Wednesday 12th December, he began work at Chorlton-upon-Medlock Town Hall. It was recommended[3] to electoral agents that a check clerk should be a "steady man". Whether this epithet applied to Herford is a moot point (as later events will show), but his background was respectable and his employers, Darbishire and Kay, were one of the oldest established firms of solicitors in Manchester. As a check clerk Herford's job was to record the votes as they were polled, compare the name of the voter against the number on the register, and note for whom the vote was cast together with any other general remarks. Once a page was filled with such material, it was passed to

[‡]See Chapter 4, the discussion on the introduction of educational qualifications

a messenger who then delivered the information to another clerk who checked the central committee poll return book. Having entered the totals contained on a slip which noted the polling place, booth, number of the return, date of the return and the state of the poll, the slip was passed to another clerk for comparison with a register of electors which had recorded in its pages the promises made against the actual voting. From this, the campaign manager would be able to ascertain how the voting was going and whether it matched the promises made during canvassing.

Herford quite enjoyed his spell as a check clerk, although sitting at his post from 8.00 a.m. in the morning until 4.00 p.m. in the afternoon made his stomach grumble, and he moaned that it would have been better had "Philips' Corner"[4] provided him with some refreshment during this time. The tasks which Edward Herford performed as a check clerk required neat and accurate copying abilities. His training as an articled clerk (which involved many hours spent in copying out legal documents) made him an ideal choice for this job. As an articled clerk, Herford's standing in the legal world was on the bottom rung of the ladder. However acting as check clerk in an election campaign did present an opportunity to become a crucial part in the machinery of influence. The check clerk was at the centre of influence in an election campaign. It was his job to check votes against pledges made. In the arena of open elections he knew exactly whether or not someone had voted in the way they had indicated they would. The opportunities this presented for corruption and bribery were limitless and, as the next example illustrates, corrupt practices did occur.

Several Manchester attorneys acted as election agents, unfortunately however, they have left little trace of their activities. However, one aspect of their work was recorded by James Gill[§] and provides the next example of an attorney's involvement in a parliamentary election campaign. In the Salford elections of 1837, James Gill was a member of William Garnett's campaign committee. It was part of his job to call upon other attorneys in order to ask them if they would act as sub-agents on Garnett's behalf. Unfair practice was a common, if not acknowledged occurence,

[§]See Chapter 4.

and, as election agent it was also part of his job to advise the candidate and "ensure that no whiff of corruption attached itself to him".[5] On July 26th, polling commenced and after a hard fought contest in which the names of people who were dead were contested and in which the returning officer voted for Garnett's opponent Brotherton, Garnett lost the election by one vote.[6] Gill records that subsequently on 12th August he advised Garnett to retain counsel's services and on 30th August Gill noted in his diary his involvement at the New Bailey 'examining indictments regarding misdemeanours during the Salford election'.[7]

It is probable that only a small group of Manchester attorneys acted as election agents. This is borne out to some extent by the fact that Gill was also active in the Manchester campaign. In fact, the day after the Salford election, he was working as an agent from Booth number 4, Police Engine Yard, District 90[8] in W.E. Gladstone's campaign. It had been his task to organize the provision of committee rooms suitable for meetings during the campaign, and to house the manager, clerks and messengers '*etc*'. As was usual for an election agent, he kept a canvass book which listed the names of possible voters, in order of residences, how they had voted at the last election, and how they had promised to vote in the forthcoming campaign.

The above examples have been used to illustrate the sort of tasks undertaken by attorneys involved at different levels during an election campaign, ranging from those whose personality and social position were regarded as influential, to those who worked behind the scenes at the level of campaign manager to one of many who fulfilled the humble but crucial rôle of check clerk. On the whole, though, it must be said that relatively few practices benefitted in work terms from an election campaign.

Another area of expertise similar to that of election agent, in which a few élite Manchester attorneys were engaged, was that of parliamentary agent. The parliamentary agent was responsible to both his client and to Parliament. The fundamental qualities required for the job were a wide legal knowledge, a highly specialised command of parliamentary procedures and, perhaps, a taste for political

in-fighting.[9] A private Bill was "procedurally private", which meant it had to be based upon petition, deposited and conducted through Parliament in accordance with private business standing orders and parliamentary practices considerably more elaborate than those applying to public business. All in all[¶] this was a very complex process requiring a high degree of expertise. The fate of the Bill would usually have been in the hands of a private Bill committee in each House who would consider its legislative merits and apply their judgment to the arguments of those opponents, if any, who (again on petition and subject to standing orders) were permitted by private Bill procedure to oppose a Bill on its merits as a whole, or on particular clauses. The committee might also hear petitioners against alterations. As a consequence of the strong judicial element in private Bill procedure, an opposed private Bill would very often be surrounded by negotiation which usually resulted in a settlement 'out of court'. John Garrard[10] notes the importance of the parliamentary legislative committee in the decision making process of local government. The deputations which urban corporations sent to present private Bills before these legislative committees had only limited influence over them, hoping to persuade they more usually pleaded. The complexity of parliamentary procedure created a situation whereby local government became dependent upon lawyers. In developing industrial towns such as Birmingham and Manchester, the office of Town Clerk was held by a solicitor and responsibility for steering private Bills through Parliament often devolved upon them.

The deluge of legal work, complex land transactions and the need to steer Bills through Parliament which faced the Manchester Borough Council after its incorporation in 1838, made the selection of Town Clerk a vital one. The young man chosen was a solicitor of great ability. Joseph Heron was born in Manchester on 3rd January 1809, the son of James Holt Heron a former attorney and latter day cotton merchant. Admitted as an attorney in 1830, Joseph Heron set up practice with his brother William at 21, Princess Street. A biographical article,[11] written

[¶]See Chapter 2, Oswald Milne's(II) efforts to steer a Bill to introduce gas into Manchester through Parliament.

after Heron's death in 1889, describes him as a "smart...lawyer who achieved the distinction of being, first, the Town Clerk of Manchester...". He went on to become Sir Joseph Heron, Knight, by royal distinction, in recognition of exceptional merit as a municipal leader...the father of the Town Clerks of England, and probably the highest authority in English Municipal Law in the world". A eulogising statement of this sort should perhaps be regarded with a little caution. However, Joseph Heron was, without doubt, a man of influence and standing in Manchester local government for around forty years.

As a parliamentary agent he was reputed never to have lost a case for the Corporation. As an attorney, he was precluded from pleading his cause directly before a parliamentary committee — that task fell to a barrister. Heron however, perhaps not unusually for a town clerk, always instructed the counsel (whom he employed) to call him as a witness before the committees and in this way invariably pleaded and won the cause in hand. The rôle which Joseph Heron played as town clerk was also played, perhaps to a lesser degree, by many town clerks (all solicitors) throughout the region and indeed the country.[12] Solicitors were the first port of call for all those involved on either side of private Bill procedure and for others, such as railway companies, who promoted private Bills. Joseph Heron's career was a particularly spectacular one. This no doubt to some extent reflected the importance of Manchester itself as the leading city of the industrial revolution. In 1858, in recognition of his legal abilities and efforts, particularly in relation to the Mersey Conservancy and Docks Acts, Heron was awarded a silver casket and £5000. An impressive indication of how vital his services were to the Corporation.

The Manchester Law Association was keen to ensure that parliamentary agency remained within the province of the profession. At its annual general meeting held on 19th January 1877, the MLA reported that a Parliamentary Committee had been constituted to look at the regulations regarding the admission and practice of parliamentary agents. The proceedings of the committee,

> "lead to the expectation that the Committee would recommend the separation of parliamentary agency from the profession of the Law and its

> constitution as a distinct profession of which the Members need not be Lawyers and the prohibition of any division of profits between parliamentary Agents and Solicitors on the usual Agency principles".

It was the view of the MLA Committee that it would be inadvisable to attempt to impose restrictions on the practice of parliamentary agents dividing their charges with the 'Country Solicitors'[13] who instruct them. They believed that such prohibition would not lessen the costs of parliamentary proceedings. They also believed that the appointment of parliamentary agents should be restricted to solicitors of the Supreme Court. It was also believed that, without seeking to devalue the importance of an acquaintance with parliamentary practice and rules of procedure, a knowledge of the Law was by far the most important factor in parliamentary agency.

The MLA employed their own parliamentary agent,[14] George Gregory, and set out the terms under which he acted. There were basically three points. It was Gregory's responsibility:[15]

> "To forward the Association the votes of the Houses of Parliament.
> To forward all bills as may be asked for as quickly as possible and secondly to forward any other bills than those asked for which I may think likely to interest or affect the profession or their clients.
> To receive here any deputations that may come up to interview the Lord Chancellor or other high official on any Bill or at any rate to place my rooms at their disposal."

For this work he was paid 20 guineas per session[16] plus extra payments for out-of-pocket expenditure. Apparently this was five guineas below the ordinary sessional fee for the promotion of a Private Bill. He also expected extra payment when required to draw clauses or amendments to Bills. On taking up his appointment Gregory commented:

> "I do not look for much direct remuneration out of the appointment but it will give me the opportunity and pleasure of making the acquaintance of some of the best members of my profession in Manchester."

Attorneys had held certain posts in local government administration for many years. Their expertise as election agents and as parliamentary lawyers made this type of work ideally suited to them. Official posts such as Town Clerk and Coroner came to be regarded as the rightful province of attorneys. In local government the town clerk was a critically important figure from the start:[17] his involvement in the shaping of local improvement Bills and his rôle as adviser over matters such as the purchase of land for parks and cemeteries made him a person of influence and power. We have seen something of the rôle which Joseph Heron played in the Manchester Borough Council and the value which that body placed on his services and we will shortly see the importance the Manchester Law Association placed on the rôle of Coroner. For Joseph Heron, it was through his work that he acquired power and prestige. His method of exercising his personal authority brought him many critics. He was accused of having a dictatorial attitude which was sometimes allayed by a conciliatory gesture or tone of voice. According to a biographer, Heron always operated from behind a barrier of legal or political necessity. In committee he made it plain that the views he expressed were not his own personal opinions: he either acted strictly in his legal capacity as law clerk and counsellor or else he acted and spoke on behalf of the Mayor or chairman. As Town Clerk, he held the office for over forty years. His personal authority was such that, even after his semi-retirement in 1877, he was paid a substantial sum to act in an advisory capacity.[18] It was said of Heron that he had a terse manner which suggested that time was money: when his authority was challenged by a Councillor with the remark "What right have you to speak? What ward do you represent?", Heron allegedly replied "A larger ward than yours, sir. I represent the entire city".

Joseph Heron and his Assistant Town Clerk, Edward Herford were pioneers in the sense that both had to deal with legal problems which arose under the influence of the Industrial Age, and for which they had to create their own precedents. Edward Herford was born in Birmingham in 1815 the son of a Manchester wine merchant. An active and enthusiastic supporter of incorporation and one of the first members of the Town Council, he became assistant town clerk in May 1839. It was Herford's

responsibility to conduct the conveyancing business of the Improvement Committee and he was required "generally [to] render such further assistance in the discharge of the legal business of the Corporation as may from time to time be required by the Town Clerk"[19] Such 'further' assistance included acting as public prosecutor and one of the first and most important prosecutions which Edward Herford undertook was for the new Corporation. At the Government's instigation, it was required that a prosecution be brought against the Chartists. He admitted that it was "rather a new line of business for me — and certainly an alarming duty for one who [was] without the least experience of assize business...".[20] The prosecution was successful; the first case to be tried, that of Bronterre O'Brien and five of his fellow Chartists, resulted in conviction and they were sentenced to varying terms of imprisonment of up to two years. Herford had little sympathy for O'Brien (another lawyer) whose defence he described in his journal, as "a mixture of falsehood and meanness and ill-timed bravado and self-glorification".[21] Despite this, however, his personal sympathies did extend to those others who stood trial with O'Brien on the first day: to the "pouvier diables" *(sic)* as he called them. Nevertheless, Herford declared that his intention had been to "use my best energies for their convicting — broken the law they certainly had and these were the consequences". He was twenty-four years old.

It would be speculative to comment on the relationship between Joseph Heron and Edward Herford. There were times when, as their working relationship developed, Herford felt himself to be exploited by the Town Clerk. He confided in his journal "I complain (only to myself) of the Town Clerk's putting upon me much of his own department work...which merely sets him at liberty to pursue whatever private business he may have to do..."[22] Whatever his motive may have been, when Herford became the centre of a controversy involving the Manchester Law Association, Joseph Heron took Herford's part and supported his assistant throughout the ensuing disagreement. The issue which formed the heart of the matter involved the filling of the post of Coroner and it demonstrates that tensions and opposing opinions existed within the profession in Manchester.

As the services of solicitors became increasingly indispensable the standing of the profession in the local society rose. This was matched within the MLA by a concern to protect the public image of the profession. One of the first objectives of the Association had been to raise the image of solicitors by eliminating from their ranks those unqualified elements which brought the profession into disrepute. As time went on, pressure built up within the MLA to extend this concern to cover the conduct of individual practitioners. The profession was seeking to regulate itself. This process was not always the product of unanimous agreement and the following series of incidents which concerned the office of Borough Coroner reveals not only disagreement amongst the profession, but also demonstrates the profession closing ranks. The tension which existed within the profession in Manchester took the form of a disagreement over professional conduct and involved some highly respected members of the Manchester Law Association. On the one hand, were the views expressed by a group of solicitors whose practices were founded in the early years of the century and on the other, arguments presented by men such as Edward Herford and Joseph Heron who may be termed 'new' attorneys, with approximately ten years' experience as practising solicitors whose ideas were forged against the backdrop of a new industrial age. Attorneys were anxious to preserve traditional offices such as that of Coroner and, as we shall shortly see, in the formative period between 1840-60, there were disagreements on how such duties be performed.‖

The rôle of the Coroner in Manchester was a crucial one, described as being of the "highest importance in the Community".[24] Perhaps for this reason, the office was, on several occasions, the subject of controversy. One of the earliest battles which the Manchester Borough Council fought revolved around the office of Coroner: indeed, it formed the basis of a test case for the new Charter of Incorporation. On 8th April 1839, James Chapman, an attorney,[25] was appointed Coroner by the Borough Council.[26] However, William Smalley Rutter, also an attorney,[27] already held the title of Coroner. This had been awarded to him by the Manchester Division of the

‖W.J. Reader,[23] in referring to discussions over the introduction of educational qualifications, also notes this sort of difference of opinion between new professional men and the older generation at this time.

County Court of Lancaster (almost certainly part of a wider party battle for local control between the Tory/Anglican old system and the Liberal/non-conformist new). The practical effect of this was that, in every case of accidental or sudden death, two inquests were held — a situation which rapidly assumed the characteristics of a macabre farce. An undignified incident occurred at Chapman's first inquest in June 1839. The Municipal Corporations Act of 1835 provided for the establishment of a Watch Committee which was empowered to appoint men to act as constables. Unfortunately, however, the Borough Council did not have the good will of the old police authorities — the Court Leet and the Police Commissioners — nor the power under the Municipal Corporation Act to absorb or ignore them and the administration of law and order in the town was in a state of confusion.[28] When James Chapman tried to summon a jury, non-cooperation by the Constables made it necessary for him to personally round one up. When he and his entourage arrived at the Infirmary, it was apparent that Rutter had already held his inquest and had ordered the coffin to be screwed down. Chapman immediately ordered it unscrewed, and held his own inquest. As a result, Rutter served him with a writ for invasion of his office. After rancorous litigation, the matter was finally settled in December 1841 by the Court of Exchequer Chamber sitting in Error, which found in favour of James Chapman and he became the sole Coroner. Since the question of the validity of the municipal charter had depended on a successful legal outcome, the whole of Chapman's legal expenses were paid by the Borough Council.

Eight years later Chapman resigned as Coroner on the grounds of ill health; in fact, he died a month later.[29] On Wednesday 14th March 1849, the Borough Council met to select someone else to fill the vacancy. To help the Council make up its mind over his successor, two memorials were read. One was from the Manchester Medico-Ethical Association[30] and the other was presented on behalf of the Manchester Law Association. The first document argued in favour of the post being filled by someone with a "medical and surgical education"; the memorialists felt that only one so qualified would be capable of deciding whether or not to employ medical evidence to determine the cause of death. It concluded with the warning that "It

is notorious that the evidence of an incompetent medical witness, unchecked and uncorrected by a non-medical Coroner, has led to serious misdirection of the jury". No particular case was produced as supporting evidence, and no medical candidate seems to have been put forward.

The second document presented on behalf of the Manchester Law Association argued in favour of the post remaining within the provenance of the legal profession. As a counter to the challenge from the medical profession, the memorial made two fundamental points: the first emphasised the unique importance of a legal education and the second sought to impress upon the Borough Council the concern felt by the Association for the 'public good'. The first point was substantiated in the following terms:

> "...that it is contrary to all precedent to expect that the advantages desirable from legal attainments and ability should be possessed in a competent measure by gentlemen whose studies have been directed to totally different pursuits and whose knowledge of the law, obtained entirely in reference to one object, and confined exclusively to one class of enquiries, must necessarily be partial and incomplete."

It was further pointed out that:

> "...while the legal coroner is bound to procure the evidence of competent Medical Witnesses, the Medical Coroner is not under any obligation to secure legal assistance, but may act, if he will, in the most doubtful cases of law, upon his own imperfect or erroneous opinions, and by injudicious committate *(sic)*, and the summoning of unnecessary witnesses, would in all probability entail great and unnecessary expense upon the Borough."

The memorial stressed the importance of legal expertise and knowledge of precedent. The office of Coroner required someone "well versed in those rules of Evidence which are the results of the diversified experience of past ages, and which have been found to conduce materially at once to the furtherance of public justice, and to the maintenance of private rights".[31] To emphasise the point that the post must be kept within the ambit of the legal profession, the memorial concluded that the medical practitioner was in the same position as

> ...any ordinary person to conduct many of those enquiries which demand the consideration of the Coroner; and that the Engineer, the Architect, and many other classes of persons might with equal justice aspire to the judicial seat, upon the strength of their undoubted qualifications to act as professional witnesses.

The MLA lobbied in favour of Edward Herford and he was eventually successfully appointed to the job. Despite an attempt by an unknown councillor to put forward the suggestion that Archibald Prentice be considered for the post the Borough Council voted in favour of Herford by a majority of 30 votes.[32]

It would seem then, that Herford, the MLA and the Borough Council, should all have been satisfied: Herford was Borough Coroner; the MLA had the satisfaction of knowing that the post remained within the provenance of the legal profession, and the Council had managed to elect someone to the post who was already within their employ and were thereby enabled to make savings on salary costs. However, it was this last point which lay at the centre of the disagreement which now ensued. Herford decided to carry on in his capacity as Assistant Town Clerk as well as Borough Coroner and this caused disagreement between himself and the Manchester Law Association of which he was a respected member. Why should this rift occur when originally his professional colleagues in the MLA had been more than happy to support his candidacy? The Manchester Law Association, or at least certain of its members, felt betrayed by Herford, but why?

To understand this, it is necessary to know something of the background which led the MLA to support Herford's candidacy. When it was first known that the Coronership would become vacant, the Association set up a sub-committee under the chairmanship of John Bagshaw. The sub- committee met (at the Association's rooms in Norfolk Street, Manchester) to consider "the proper mode of proceeding for the purpose of keeping the office of Borough Coroner within the province of the legal profession".[33] Whilst the sub-committee was actually in progress, another member of the Association — Robert Shipman — entered the room with the news that Edward Herford would be a candidate for the office of Borough Coroner. However,

it was pointed out that it was not the job of that particular sub-committee to support or oppose individuals. If this were the course of action decided on, another committee should be formed with a specific brief to do this. Having agreed that a new committee should be formed to lobby for and support Edward Herford's candidacy, the meeting then closed.

After the Sub-Committee meeting broke up, some remained behind discussing Herford's candidacy. Shipman was dispatched to try and find Herford. However, while he was away Herford turned up in the doorway. He confirmed that he was interested in the post and those present greeted the news of his candidacy with, as Bagshaw reported, "a feeling of great satisfaction" to find that a "gentleman so competent as Mr. Herford, was in the field". There were enthusiastic cries of "hear hear". However, there were obstacles in the way of Herford's candidacy, the main one being his concurrent position as Assistant Town Clerk. The MLA was opposed to this particular pluralism because it was thought that it would lead inevitably to professional disrepute. It was the Association's conviction that it was neither legitimate nor respectable. It was not legitimate because they felt the Coroner could not act fairly when he was also expected to serve as prosecutor and it was not respectable for the office of Borough Coroner to be occupied by someone who held the title of "clerk".

With the aforementioned conditions in mind, John Bagshaw addressed Edward Herford in the following terms: "Now Herford, if you succeed to the appointment of Borough Coroner, we must have none of these pluralities, you must give up the other office". To this Herford's reply was: "Oh certainly, the offices are incompatible, of course I do not think for a moment of holding them if I were Coroner". After this assurance it was agreed by those present that Herford was a fit and proper person to fill the office of Borough Coroner. It was further agreed that he should have the "warm support of his professional brethren in the endeavour to get the appointment". A committee was duly convened; the membership was drawn from amongst the ranks of the MLA who were willing to support his candidacy. On Herford's sug-

gestion, John Bagshaw was chosen as chairman. At this point in the proceedings, Herford took from his pocket a list of the names of members of the Town Council, and "each gentleman there present began to select from that list the names of those members of the Council with whom he was the best acquainted, and therefore likely to have the most influence over". This lobbying proved successful and Edward Herford became Borough Coroner. However, Joseph Heron, the Town Clerk, cryptically remarked that, in his "opinion, the profession did Mr. Herford more harm than good!". Through teleological analysis, it is possible to interpret Heron's remark as an oblique reference to the fact that the Town Council had already more or less decided to appoint Herford. In a letter written later to the MLA in defence of his decision to continue as Assistant Town Clerk,[34] Herford stated that it was on Joseph Heron's advice that he had sought the support of his professional 'brethren'. Both the Town Clerk and himself believed that such support would add weight and 'respectability' to his candidacy. Both Heron and Herford were very much aware of the line that the Association would be forced to take if it was thought that Herford would continue to act as public prosecutor and Coroner. The MLA would have supported another candidate and in so doing would have opened the issue up for public debate.

Edward Herford had a tendency to act before he thought.[35] He admitted [36] that he told John Bagshaw it was not and "never" had been his intention to hold the office of Assistant Town Clerk and Borough Coroner simultaneously.[37] The MLA saw no reason to doubt Herford's word: he was a well-known and respected member of the Association and thus a verbal assurance was all they required. This attitude was in marked contrast to that of the Borough Council whom, as we shall see later, knew full well the value of agreements made in writing. Herford revealed that he had been given to understand by members of the Council[38] that he would be asked to continue in both offices and, unless he agreed to this in writing, was "distinctly told that it was probable I should not receive the support of a considerable section of the Council". For the Borough Council one man doing two jobs meant a saving on salary costs.

At a meeting in the Town Clerk's office on June 6th 1849, it had been agreed (on the recommendation of the Mayor, John Potter[39]) that Edward Herford should continue to superintend the prosecutions and to conduct the conveyancing business of the Corporation. This was on the understanding that, whilst discharging such duties, "he will not carry on any private business". Herford accepted these terms and in a letter to the Mayor he stated:[40]

> "...I should feel bound, at the request and for the accommodation of the Council (to whom I owe my valuable appointment as Coroner), as well as the promise I was called upon to give yourself and Mr. Alderman Pilling before it took place, to continue, for the present, to conduct the prosecutions and conveyancing business of the Council".

Acting on the Town Clerk's advice, Herford requested a meeting with those members of the MLA Sub-Committee who had supported him in his candidacy. This took place at the Clarence Hotel on the 7th June 1849. Here, he tried to explain that his first duty lay with the Borough Council, therefore he could not decline the resolution which the Council had adopted unanimously. Although he regretted the fact that he would face antagonism from his professional colleagues, it was nevertheless his intention to hold both offices. This introduced a certain amount of aggravation into the proceedings and in John Bagshaw's moderated phrase "brought disapprobation from almost every gentlemen in the room not by express words, but by that particular mode by which people indicate tacit dissent from what another person says". It was with reluctance that a special general meeting of the MLA was called — the sub-committee was not eager to initiate proceedings which "might perhaps involve the expulsion of Mr. Herford".[41] The meeting assembled and, having heard the arguments and listened to the various explanations of the events, concluded that Edward Herford had made a pledge not to hold both offices. He was guilty of deliberately misleading his professional colleagues in order to gain their support for his nomination to the post.

A motion was carried which summarised the MLA's objections on two counts: one on the grounds of legitimacy and the other on the grounds of respectability. The

first objection was rooted in the Association's belief that, where the interests of the Corporation were involved, it would be impossible for the Coroner (as their 'servant') to "execute justice without the imputation of partiality". The union of the two posts also held out inducements to the Coroner to give himself as the salaried Prosecutor as little trouble as possible. The whole thing was open to the "grave constitutional objection that the Judge at the preliminary enquiry becomes the Prosecutor at the trial" — a practice which the MLA viewed as contrary to "all the notions of English justice and... with the principles of English Law".[42]

The second objection which the MLA presented was on the grounds of respectability. They strongly urged:

> "against the degradation of the ancient and honorable office of Coroner by its being associated with the position of a person who holds the station and receives the salary of a clerk".

Under the supervision of James Crossley (formerly an opponent of incorporation)** and John Bagshaw, a memorial was prepared and submitted to the Borough Council. It was prefaced in the following terms:

> "The memorial of the Manchester Law Association a Body established in your Borough for (amongst other purposes) the promotion of fair and liberal practice in proceedings of law, of the respectability of the legal profession, and of just and consistent relations between the profession and the public and comprising amongst its members Burgesses of Manchester".

A member of the Town Council, Councillor Walter Clark, was approached by the Association and he tried to present the memorial at a meeting of the Borough Council held on 29th August 1849, but failed to get it referred to a committee for consideration. It was a mark of how strongly it felt that, on hearing this decision, the MLA decided to take the whole matter before the Metropolitan and Provincial Law Societies Association (MPLSA).[43] The Incorporated Law Society in London was also asked for an opinion on the situation. The MPLSA replied that the issue was

**See Chapter 6.

very important although the fittingness of one person to hold any or all of the offices involved was a question of personal qualification and as such an opinion on this point could not be pronounced. However, it was unequivocal in its condemnation of the union of the posts on legal grounds. They deemed it:[44]

> "...inconsistent with the established principles of the administration of justice in this Country, that offices should be so held, as to make it a possible case, for the same individual, sitting as a magistrate, to commit a prisoner for trial, and afterwards in another official character, to conduct the prosecution..."

The Incorporated Law Society in London replied in a similar fashion. They too did not question the competency of Herford. However, in his letter to the MLA,[45] the Secretary of the Law Society, R. Maugham also stated that it was the opinion of the Council that:

> "The offices of Borough Coroner and Borough Prosecutor ought not as a general Rule to be held by one and the same individual, assuming that it is it the duty of the Borough Prosecutor to prosecute upon inquests taken before the Borough Coroner."

Thus we are presented with a split in the ranks of attorneys (within the MLA itself, Herford and Heron had some minor support) — a profession which had consistently tried to present an united public face. There are many factors at work in this 'internal' quarrel — internal that is, in the sense of a fundamental disagreement between members of a profession that was still evolving, still establishing its societal identity. For the Manchester Law Association, the matter was simple. Herford's occupancy of the two offices breached those principles on which their code of ethics was based, *i.e.*: to support the respectability of the legal profession by promoting fair and liberal practice and to maintain its interests by safeguarding it against any measure which they felt would have deleterious affects.

The Association felt that the "union in one individual of offices so anomalous in position and so various and different in functions is objectionable in itself, derogatory to the coroner and contrary to the principles of our Law and constitution".

They believed that no one individual could be qualified in all the necessarily diverse areas of expertise which would be required. To support their argument, the MLA put forward those credentials which qualified it to speak with authority. These were based on its collective expertise as a representative body of professional men, expertise established on precedent and built up on practical and specialist legal skill. By implication, the MLA drew a contrast between the experience of their own members and the relative inexperience of the Borough Council officers. The Association stated: "all professional experience shows that it [the coronership] would be more effectively performed by different individuals". [46]

Another, perhaps more serious, objection to Edward Herford's 'pluralism' was the feeling that he would bring the office of Coroner into disrepute. Such public discredit would reflect badly on the profession of attorney as a whole — a profession which was constantly struggling to raise the public estimation of its members. Solicitors often possessed intimate and sensitive knowledge about their clients' lives; in order to preserve and expand their business it was essential to create an image of trustworthiness and impeccable confidentiality. The drive towards acceptance of the profession as 'respectable' was the cardinal aim of the Manchester Law Association. Since its inception, the Association had sought to rid the profession of the stigma of 'pettyfoggery', to raise the status of solicitors and ensure that they were awarded the 'respect' it was felt they deserved. The MLA had made determined efforts to rid the profession of 'unrespectable' elements. The 'touts' had been pursued relentlessly in order to curtail their activities and reduce the bad public image they created. Cases of malpractice were often pursued and sometimes publicly prosecuted.[††] Nevertheless, the public perception of solicitors was often formed (and perhaps reflected) by popular writers. *Bleak House*[47] for example, did little to promote the image of the legal profession as a whole and solicitors in particular!

A further issue which the Manchester Law Association raised in the disagreement over the Coronership was that of the 'public interest'. It has already been noted[‡‡]

[††]See Chapter 4 for example, the case of Hall & Anderton.

[‡‡]See Chapter 3.

that this banner was usually raised when the profession was laying out a mandate for future intent or to show that the action proposed was not purely out of self-interest. The Association could not condone Edward Herford's actions. They felt that the offices of prosecutor and Coroner were incompatible and could not be thought of as being for the 'public good'. It was, they said, "not consistent with the official rank of a Coroner, formerly knightly and still magisterial, nor with that independence of position which every judicial officer ought to maintain that the Coronership should be held by a salaried dependent and servant of your Body". Herford would be necessarily biased and this might become publicly apparent. The MLA reminded the Council that the public might regard the whole issue as an attempt to save money by employing one person to do several jobs at a reduced rate. Where 'English justice' was at stake, economic considerations might not be thought of as the chief criteria of good housekeeping! Having had their actions and views endorsed by the national representative bodies of the profession and discussions with the Borough Council having reached an impasse, the MLA changed tack and assumed a position of reconciliation and altruistic intent. Their initial concern that the incident would bring the profession into disrepute had evolved into a stated desire to act solely in the public interest. From a hawkish desire to ensure that Herford did not hold both the office of Assistant Town Clerk and Borough Coroner simultaneously the MLA switched to a dovish desire to hide the marks of the quarrel. Professional interest was paramount and the MLA had no wish to pursue any path which would bring this internal disagreement into the public arena. An open quarrel risked bringing the profession into disrepute and there would be many times in the future when the MLA and Joseph Heron (as Town Clerk) would need to work together. It was in the interests of all the parties concerned that the legal profession maintained its integrity. In order to do this, the quarrel was conducted and finally settled behind closed doors. In order to achieve this, the profession had to close ranks.

The events which followed Edward Herford's election as Borough Coroner form a postscript to the main issues described above. They also reveal that, despite having acted in a way which incurred the wrath of his professional body, Herford too was concerned to protect the dignity of the profession and was deeply concerned to preserve the integrity of the office of Coroner. He sharply resented anything that savoured of an attempt to interfere in the operation of his office, or reduce its importance in the estimation of the public. Such an intrusion came in the form of the City magistrates. One of these, Daniel Maude, wrote a letter of complaint to the Borough Council. The argument revolved around the Coroner's right to summon before him an "accused party"[49] — accused that is, of "felonious homicide".

Herford vehemently denied the charge that he had asked the police to produce a suspect who had already been committed for trial at the Assizes. His letter to the Borough Council Watch Committee regarding the holding of Coroners' Inquests, defends his position as Coroner:

> "The office of Coroner is of so great antiquity that its origins are unknown. The Coroner is the only magistrate who is popularly elected, he is irremovable except for inability or misconduct; and without reference to his power and duty in other respects, his judicial duty, upon notice that a person has come to an unnatural death, is to issue his precept to the constable to return a competent number of "good and lawful" men to appear before him, and make inquisition touching the matter. The jury appearing are sworn, and their charge is to enquire, upon view of the body - How and where the party came by his death? And if any and who were there? And who are culpable, and in what manner either of the act or the force?"

As a lawyer he was able to cite detailed precedents for his actions, and his interpretations of the legalities of his office were substantiated by William Smalley Rutter, the same person who had challenged the first Borough Coroner (James Chapman) some thirteen years earlier. This particular closing of professional ranks (Rutter spoke with the unofficial support of the MLA) was provoked by an attempt to impinge on the professionals' own territory by outsiders.

Edward Herford carried on as Borough Coroner until forced to retire by ill health, some thirteen years before his death in 1896. However, in August 1851, shortly after

his disagreement with the MLA and at the time of his encounter with Daniel Maude, the Mayor received a letter in which Herford resigned from his post at Assistant Town Clerk. The reasons he gave were as follows:[50]

> "... For some time... I have felt the demands upon my attention from so many different sources too onerous for health or comfort, and have consequently determined to request the council... to make other arrangements for the discharge of the professional duties referred to..."

Following the Borough Coroner issue Edward Herford resigned* from the Manchester Law Association. His resignation had been followed shortly after by that of Joseph Heron.† Herford, the "steady man",‡ had caused dissension amongst the ranks of the MLA and for one short moment in their early history, this split of opinion threatened to become publicly known.

There are several elements which emerge from the Coronership issue. Amongst those mentioned above are: the attempts by the Manchester Law Association to implement a standard of ethical behaviour and altruistic responsibility. The events occurred at a crucial period for the profession. The Manchester Law Association was formed to counteract Parliamentary pressure to reform the profession and to raise the status of solicitors in the public estimation. During its early years, agreement on how best to achieve this goal was marked by disagreement amongst the membership: a difference over methods of conduct between some of the younger liberal solicitors and those more senior tory members whose practices were founded around the turn of the century — practices such as those of James Crossley and John Bagshaw and that of one of the largest and most influential of all Manchester solicitors, Oswald Milne. In fact, Milne can serve to further illustrate this point and to pick up that

*After Herford's resignation, the Borough Council resolved that its General Purposes Committee be instructed to consider what arrangements should be made for the transaction of the legal business of the Corporation, hitherto attended to by Edward Herford. Subsequently the post of Assistant Town Clerk was advertised and on 10th November 1851 the General Purposes Committee recommended the appointment of Mr. F.S. Austin of Liverpool. His duties were to include the supervision and conduct of the business connected with the prosecutions and conveyancing of the Borough under the direction of the Town Clerk. Austin was also a practising solicitor[51] and no objection was raised to his becoming a member of the Manchester Law Association.

†Stated reasons for Heron's resignation are not extant.

‡See Chapter 4 page 116.

made earlier regarding the Borough Council's attitude towards oral agreements. In its early days the Corporation was aggravated by the persistence with which Oswald Milne pursued his right to compensation for loss of earnings. Milne claimed that he had acted as Clerk to the Magistrates for many years, a position he lost when the government of the town passed from the Boroughreeves to the Borough Council. After several years, Milne finally came before the Town Council to present his case. Unfortunately for him, he was questioned by Joseph Heron whose cross examination technique was formidable.[52] Although it was generally acknowledged that Milne was *de facto* Clerk to the Magistrates[53] this had never actually been formally agreed in writing. Heron's insistence that Milne produce some substantive evidence for his claim and Milne's inability to do this finally extirpated the case. Since the amount of compensation being claimed was £34,724, the case demonstrated the value of the written word over a 'gentleman's agreement'.[54]

As the disagreement over the Coronership issue shows, and as the Milne case demonstrates, there was tension within the profession which eased as the century wore on. In order to continue its fight to acquire and maintain public recognition of solicitors as an eminently respectable professional group, the Manchester Law Association could not afford the distraction of divisions within its membership.

As time passed, new professions grew more rapidly than the 'ancient three' (*i.e.* Medicine, the Church, and Law)[55] and some of them, such as accountants and estate agents, began to encroach on what solicitors had come to regard as their own traditional fields of operation. Although the coronership issue highlighted a procedural disagreement within the Manchester profession, there was universal agreement that the post should remain the preserve of the lower branch of the legal profession. As the final closing of ranks in the coronership issue reveal, and as Chapter 6 will show, the interests of the profession as a whole were always paramount. When under pressure from legislation (as demonstrated in Chapter 3) the representative bodies of attorneys *i.e.* local law societies, provincial law societies and the Incorporated Law Society united together to guard the professional interest. Nationally, as well

as locally, the profession closed ranks.

5.2 Progress and Pressure

During the 1840s–60s however, the amount of work available for attorneys increased markedly as the Industrial Revolution accelerated. However in Manchester, the number of attorneys did not keep pace with the increased demand for their services.[§] Nationally this picture did not improve until the 1880s.[56] A growth in work opportunities for men possessing the wide ranging skills of attorneys meant they were ideally placed to handle the complex legal issues which arose during industrialization. Unfortunately, the rate at which the amount of work grew was greater than the number of attorneys available to meet this need. One result of this was an increase in pressure in work terms on individual attorneys, another was a growth in the number of touts. The Industrial Revolution affected solicitors both directly and indirectly: directly, as already mentioned, by substantially increasing the demand for their services, and indirectly by an increase in pressure at the level of both the individual practitioner and of the profession as a whole. This may be illustrated by using the example of two attorneys (both at a comparable social and occupational level) one practising in the eighteenth century and the other in the nineteenth, in order to contrast their work schedule.

To a large extent the provincial attorney's practice was dependent on the patronage of a landowner. Property, particularly landed property, was the main area within which the eighteenth century attorney made his living. In this respect the practice of Isaac Worthington, the Altrincham attorney (mentioned in Chapter one), provides a typical example. The work of the practice provided Isaac with a reasonable living, enough money to enable him to purchase property in the Hale Barnes district of Cheshire.[57] The day book of the practice reveals nothing to suggest that Worthington was under particular pressure of any kind, either economic or social in

[§]See Figure 4.1, Chapter 4, page 71.

respect of his position in the community, or indeed in terms of pressure on his time. For the solicitor working in Manchester, especially during the 1840s–50s, this kind of pressure was ever present.

James Gill kept a diary in which the entries for the 1840–60 period reveal the types of pressure under which an individual practitioner had to operate. Gill was the son of Thomas Oldmeadow Gill, a wine merchant and a Boroughreeve of Salford in 1813. Educated at the Manchester Grammar School, James Gill was articled to William Sergeant of the firm Sergeant and Milne in 1819 and was admitted as an attorney in the Hilary Term of 1828. In 1833 Gill joined the practice of John Owen. Owen's practice was a busy one, handling land transactions as well as representing the business interests of an expanding number of middle class clients. Owen himself acted as Clerk to the Tax Commissioners and he often travelled in the course of his work. During the early years of the 1850s, Owen became ill and in fact died on 3lst March 1856 after a prolonged period of suffering. During this period Gill not only had to cope with the pressure of work from his expanding business, but with Owen's duties as well. In his private life too, Gill endured sickness within his own family (scarlet fever among his children) and the added burden of problems with his own health. He suffered from recurrent bouts of erysipelas and at times was unable to leave his bed. However, such were the pressures upon him that on these occasions he continued to conduct his business affairs from his home.

To a large extent the basic type of work undertaken by a solicitor working in Manchester in the period before 1860 had not changed radically from that of his eighteenth century predecessor. However, the burden of work increased considerably and this meant that an attorney such as James Gill operated under considerable pressures both in terms of time and in terms of insecurity. Chapter 6 will demonstrate this latter point when discussing Avner Offer's claim that many attorneys worked on the borderline of existence.[58] As far as pressure of time is concerned, Appendix F shows two documents: document 1 is taken from the memo book of the Werneth attorney and is written in a measured and leisurely hand throughout. Document 2

on the other hand is taken from James Gill's diary for the year 1855 and illustrates the number of issues with which he had to deal with in the course of a week. It is crowded but methodical, crossing off issues with which he had dealt and is a marked contrast to the days when as an articled clerk he could note in his diary "nothing much occurring". At this time, although Gill regarded himself as being on equal footing with most of his clients, and indeed some of them were personal friends,[59] a great deal of his time was taken up in visiting them. Although occasionally a client would call in on him to check on the progress of a particular piece of business or to sign a document, it was more usual for Gill to call on them, especially his female clients. It may be worth simply observing the contradictory pressures here: it was doubtless functional for an eighteenth century attorney to service his élite clientele in this way but it was increasingly dysfunctional for the nineteenth century solicitor operating within the constraints and pressures which emanated from accelerating urbanization and industrialization. One of the middle ranks of attorneys, James Gill could not be regarded in any sense as a servant; typical of many other middle rank attorneys his rôle was largely that of adviser.

The difference between the eighteenth century attorney and his nineteenth century counterpart could be summed up therefore in terms of pressure. As the records of the MLA indicate, the position of attorneys in the shifting social structure of mid-nineteenth century Manchester contrasted sharply with that indicated by the earlier Manchester Law Society at the turn of the century. It is not surprising therefore, that it was during this period that the activities of local and provincial societies reached a peak.* The Manchester Law Association regularly reported[60] to its members detailed discussion of points of practice over which the Association had arbitrated. The sorts of queries which were dealt with covered the whole

*See Chapter 3.

spectrum of the attorneys work ranging from mortgages and land transactions to the appointment of executors and settling disputes over inheritances. They were presented in the appendix to the Management Committee minutes in a question and answer format (Appendix G shows an example of this). Both the records of the MLA and the PLSA contain many instances of this. Although attorneys possessed skills with which to meet the challenges presented by increasingly complex legislation, communication between individual practitioners and between local law societies was of vital importance in establishing codes of practice and settling disputed points of legal procedure. In this way the profession's organizing bodies (and eventually body in the shape of the ILS) became a central repository of expertise. Thus strengthening the claim that only the profession is in a sufficiently informed position to regulate itself.

The attorney's involvement in all aspects of land transactions, together with a rapidly developing legal network of communication, had provided him with a solid base on which to meet the challenges of the Industrial period. As the century wore on the complexity of the attorney's work put it beyond the comprehension of the layman. Sir Charles Shaw, the police commissioner for Manchester,[63] expressed a commonly held view when he stated:[64]

> "...I know nothing of the technicalities of the law but I know of its annoyances and the care and attention I would exert to keep me clear of its troubles..."

The profession was becoming expert. Imperceptibly perhaps, a change had subtly taken place. At one time a solicitor would have been consulted for advice (which implied that the client had some understanding and therefore a say in the matter at issue) now his opinion was sought as an expert on legal matters. Long experience in the administration of trusts and wills had made solicitors the natural choice for handling the affairs of middle class families to whom, as the following section shows, they were becoming indispensable.

5.3 Respectability and Pressure

The evolution of the qualified attorney† was paralleled by an increasingly complex legal system which made it difficult for ordinary individuals to undertake their own legal affairs. The services of the solicitor were becoming indispensable, particularly in his capacity as family lawyer to a growing number of middle class clients. For some attorneys their experience in administering such things as turnpike trusts and guiding private Bills through Parliament provided them with a great deal of work and enhanced their status in the Railway Age. One of the leading legal practices in Manchester during the middle years of the nineteenth century was that of Slater Heelis. It was the reputation of William Slater as a formidable and talented lawyer which expanded the business of the firm considerably. William Slater became solicitor to the Liverpool and Manchester Railway and afterwards to the Manchester and Birmingham Railway. In fact when the two companies became part of the London and North Western Company, he was one of the few people to be issued with a life pass to travel anywhere on the system. The reward for this type of work was more than financial, it could, and in the case of William Slater, did increase his personal standing and the reputation of his practice. William Slater's skill as a lawyer was formidable[65] and, like most lawyers, he guarded his reputation jealously. Whilst highlighting this, the following incident also serves to demonstrate the important position the attorney held with regard to the administration of a family's affairs.

On her marriage to Sir Charles Shaw, Lady Shaw had held in trust for her a sum of money (£900) and several properties one of which was in Burnage, South Manchester. It was questions arising from the sale of that property which are at issue in the following events. There were two trustees, Lady Shaw's brother and a clergyman named Ainsworth. In 1841 Ainsworth retired and was replaced by Titus Hibbert Ware — a solicitor then in practice in Cooper Street, Manchester. In a letter to the Shaw's family solicitor, William Slater,[66] Hibbert Ware requested that Slater should hold the trust money for investment purposes. Lady Shaw had decided that

†See chapter 4.

she wished to sell the Burnage property as soon as possible and William Slater made all the necessary legal arrangements. After agreeing terms with the prospective buyer,[67] Slater sent the formal agreement to Hibbert Ware (in his capacity as trustee) for signature. Hibbert Ware was worried about the terms of the agreement believing that, should anything unfortunate occur when the new owner took over the property, he personally, would be held responsible, with the possibility of incurring financial liability. His procrastination in putting his signature to the agreement meant a hold up in the proceedings. As a consequence of the delay the buyer began to show signs of changing his mind. William Slater, who had been charged by his clients with making a speedy sale, felt his integrity was being questioned and he wrote to Sir Charles Shaw indicating that, should this be the case, he would withdraw not only from the conveyance, but also relinquish his duties as family solicitor. Titus Hibbert Ware also wrote to Sir Charles Shaw voicing his concern and explaining his unwillingness to sign the agreement; it is Shaw's reply that gives a revealing insight into the value of the solicitor to his client and the potential power he consequently held.

In his letter[68] Sir Charles Shaw made it quite clear that he was replying with the full consent and approval of his wife. The possibility of William Slater's resignation caused him deep concern:

> "It is hardly possible for you to believe how much the communication of Mr Slater with his intention to retire has both grieved and annoyed <u>us</u> (*sic*) on account of the wants of confidence you place in his Professional knowledge and his abilities."

In view of Slater's eminence, according to Shaw, it was only "natural" that, when his competence was called into question, he would have no option but to resign. He was:

> "...a Gentleman who...entrusted implicitly not only in affairs of immense pecuniary importance but whose opinion and practice in "conveyancing" are considered the first in Lancashire."

Shaw goes on to state in what esteem both he and his wife hold William Slater and how much they valued his services:

> "...both Lady Shaw and myself are so completely satisfied with what Mr. Slater does, that rather than lose the benefits of his invaluable advice and assistance we are ready to come under any obligation that will free you from any real or imaginable difficulty in which the sale of Burnage may really or apparently place you".

To lose Slater's services was unthinkable, and the Shaws were willing to go to almost any lengths to retain him as their solicitor. It would be intolerable if they were put in the position of having to retain the services of another solicitor. It would be:

> "most harrowing not only to the feelings of Lady Shaw but most demeaning to myself [if] we must employ another solicitor and thus make another "confidant" of our private affairs while I feel and so does Lady Shaw that even One (*sic*) is too many."

The emphasis shown in the above quote reveals that Slater was obviously privy to a great deal of highly personal and confidential information pertaining to the Shaws. It is this point which particularly illustrates the potential that a solicitor had for exercising influence over his clients' affairs. This interchange of correspondence was taking place at a time when the profession was fighting an increasing tide of public criticism. Criticism of the profession was not new,‡ but it was larger in scale. Many factors contributed towards it — the activities of touts, the cumbrous court system with its notorious delays and expense immortally illustrated by Dickens with the interminable case of Jarndyce *v.* Jarndyce in *Bleak House*. However, Dickens also noted that behind such public criticism lay a nascent fear. He believed that solicitors were the possessors of secrets "knowing something secret about every one of us that would effectually do for each individual if he chose to disclose it".[69] It is precisely this point which is glimpsed in the Shaw letter.

> "...I myself do not pretend to have implicit confidence in the judgment of any Man and know that certain risks must always be incurred but as

‡See Chapter 2.

> far as Moral character, Delicate feeling and acknowledged Professional knowledge and Experience are concerned I would trust as completely to Mr Slater as to any Man alive".

Four days after receiving this letter, Titus Hibbert Ware wrote[70] to William Slater apologising for any misunderstanding, and stating that it was never his intention to question Slater's professional competence. He was prepared to waive his objections to signing the agreement for the sale of Burnage property provided Sir Charles and Lady Shaw agreed to indemnify him against any future problem arising from the sale. In his reply to Hibbert Ware,[71] William Slater maintains that he would have preferred to have been allowed to "retire" but "but his duty to the family" prevented it — illustrating once again (albeit at an individual level) the profession's maxim of public before private interests, duty before all. In the event, Titus Hibbert Ware was forced to resign as trustee. In a final note to William Slater[72] he laments that circumstances made it necessary for one of them to retire and:

> "of course there cannot be the least doubt but that it will be more beneficial to Sir Charles and Lady Shaw that I should take this step than that they should loose *(sic)* your advice and assistance which I know they value highly".

William Slater's skills were held in esteem not only by private clients but by public bodies and corporations. Slater became a Parliamentary lawyer negotiating, amongst other things, the labyrinthine complexities of the Manchester Rectory Division Act of 1850,[§] eventually piloting it through Parliament on behalf of the Churchwardens of Manchester. His services were in demand in connection with applications to Parliament for powers to construct various works of public improvement and commerce. He also acted as legal adviser to the Mersey and Irwell Navigations Company and the Old Quay Company. The firm of Slater Heelis, was one of the elite practices. Amongst their clients were included the Earl of Wilton and Miss Hatherton of Kersal Cell, the last of the Byrom family of Merchants and Bankers whose estates passed to Edward Fox, a descendant of William.[¶] The firm admin-

[§]The Act authorised the division of the parish of Manchester into several parishes and the application of the revenues of the Collegiate and Parish Church for other purposes

[¶]See Chapter 2.

istered the Clowes Estate and the Bridgewater Estates and handled the affairs of the manufacturing Ackers family of Moreton Hall. The number and complexity of land transactions with which the firm was involved provided the firm with a lucrative staple income. Slater Heelis also administered turnpike trusts, charities and educational institutions and handled the legal affairs of the Manchester Grammar School, Henshaw's Blind Asylum, Bluecoats School at Oldham and several others. This large and important practice employed a number of people in a variety of posts including articled clerks, conveyancing clerks, cashiers, a book-keeper and shorthand writers as well as ancillary workers such as cleaners. Appendix H provides a list of these employees together with a record of their rates of pay in the latter part of the century.

5.4 Respectability, Remuneration and Consolidation

By the 1870s, whatever challenges presented themselves, the profession was secure in its self esteem. Public criticism when it arose, was dealt with in a more measured fashion than had been the case in the crisis period of the 1840s. The introduction of professional qualifications, the standardization of practice and the increased complexity of the law were all factors which effectively separated the layman from the professional — factors which allowed the attorney the status to deal with clients on an equal footing — moving them away from the rôle of servant to that of adviser. One corollary of this advance in social standing was an expectation that the work they performed should be properly remunerated. This section looks in particular at an attempt to establish a standard rate of remuneration for conveyancing work, an issue which reveals a growing sense of unity within the profession. It concludes with the events leading up to the integration of the Metropolitan and Provincial Law Societies Association with the Incorporated Law Society — a merger which consolidated solicitors as a professional group speaking with one representative voice.

With the advent of the 1870s, one major concern of the Manchester Law Association

was the maintainance of status achieved. The following events demonstrate this. A circular note from the Incorporated Law Society (ILS) drew the attention of the MLA to the question of conveyancing charges. Kirk notes that conveyancing costs had been a matter of great concern to the profession since 1843, when their bills for this class of business became liable to taxation.[73] Fees were calculated on the basis of time spent and the amount of words written and read. In theory, therefore, the same fee was chargeable whether the work was done by an expert or a newcomer. The final account minutely detailed each item of work done. This undoubtedly fuelled the profession's reputation for pettyfogging. *The Times* described it as "the odious system of paying for brain-work by the yard".[74] The commission system, which proposed a scale of charges fixed by the amount of the sale price, was increasingly advocated from the mid-1850s onwards and in 1870 the Council of the ILS prepared a scheme which it submitted to the profession through the local law societies.

The result was that, in a statement[‖] addressed to the Lord Chancellor on the 22nd July 1871[75] the MLA drew attention to several points. They argued vigorously that 'headwork' required more skill and ability than 'mechanical work' and should therefore receive appropriate compensation. It was also made clear that failure to compensate adequately for this type of work would encourage "the temptation to do sham work". The attorney's expertise and his social standing were factors which also featured in the MLA's argument that proper remuneration would reflect:

> "... a due recognition of the experience of the practitioners [and] ... favourably compare with the remuneration afforded in other walks of life open to the same class."

In a second proposal submitted for the Lord Chancellor's consideration, the question of a suitable remuneration for the conveyancing work of attorneys and solicitors was raised. The scale of allowance to a solicitor for a whole day's work was two guineas; an amount which was considered way too low. His Lordship was reminded that the nominal amount of fees paid to solicitors was "the same at present as it was

‖Similar statements had also been forwarded by law societies in Birmingham, Leeds, Worcester, Newcastle upon Tyne and Gateshead.

when the value of money was many times greater". The nominal fees of 6/8d for an attendance and two guineas for a whole day's work, which were once thought of as suitable were now regarded as totally inadequate. It was also noted that on the 12th May 1870 the Lords of Session in Scotland had authorized changes in contentious matters; for the one half hour 6/8d, for the hour 10/-, for each succeeding half hour 5/-, up to four guineas a day (*i.e.* 8 hours) for work done in Scotland, and five guineas a day for journeys from home. The submission was made that, if these charges were allowed in contentious matters in Scotland, at least a similar scale should be allowed in "this country".

In his reply,[76] the Lord Chancellor disagreed with both parts of the MLA's submission. As far as the question of remuneration on a time scale was concerned, he did not think that sufficient reasons for an increase had been given. Previous experience** had predisposed the Lord Chancellor to look with considerable disfavour on the principle of payment by time:

> "It is well known that a large proportion of the "attendances" which are allowed to be charged for in the progress of an action or suit, are not given by solicitors themselves but by their clerks, whose time cannot well be valued at a higher scale than is now allowed, and it would be difficult if not impossible for the taxing officer to distinguish time really occupied by the principal from that occupied by his clerk."

Nevertheless the MLA Committee had prepared a report[77] on the question of remuneration by commission or percentage in conveyancing transactions. They had also prepared a suggested scales of charges. Both documents were circulated to members together with copies of similar reports and scales of charges which were being proposed by the Incorporated Law Society, the Liverpool Law Society and the Law Society in Newcastle. At a subsequent meeting of several provincial societies held in Manchester, the various scales were discussed and some 'general principles settled'. Representatives from the Liverpool and Manchester Law Societies agreed upon a scale and at a meeting held in London the revised scales were settled and approved.

**Derived from the working of the winding up acts, in reference to the employment of Liquidators and their clerks.

However, once again there was a difference of opinion, this time between the local societies and the Incorporated Law Society which had adopted a scale which differed 'in many respects from that recommended by the provincial Law Societies'.

In the confrontational years before 1860, this disagreement would have resulted in a co-ordinated campaign of pressure designed to change the view of the Incorporated Law Society. But the century had moved on and by the early 1870s the attitude of the Manchester profession had changed. The MLA Management Committee was of the view (which was shared with the other provincial societies) that it was desirable to adopt a uniform scale which would apply both "in the Metropolis and the Provinces". At the annual meeting of the MPLSA held in Newcastle, it was agreed that the MPLSA Managment Committee would communicate this view to the Incorporated Law Society with a request for talks which would result in an agreement on the adoption of uniform scales by the entire profession, and the sanction by legislation, of these scales. The provincial societies had adopted the position they would continue to operate for the future: they were content to let the Incorporated Law Society become the official voice of the Profession.

By 1870 the MPLSA, and local law societies generally, looked increasingly to the Incorporated Law Society for leadership and guidance. The decision to amalgamate the MPLSA with the ILS was first mooted at an MPLSA annual general meeting held in Newcastle on 18th October 1871. The decision to take that step was implemented at an annual general meeting held in Birmingham on 19th November 1873. On the surface the move seems evolutionarily sound, but for some local law societies it was a decision taken with some misgivings. At the Newcastle meeting, for example, discussion had taken place regarding the possibility of "some affiliation of the provincial law societies with the Incorporated Law Society" and "strong opinions were expressed that the co-existence of the ILS and the MPLSA was desirable". Amongst those present the following year on the 2lst October in London were 44 *metropolitan lawyers and 48 representatives* from the provinces. The implications of amalgamation with the ILS were put forward in a paper presented by J.M. Clabon

(a member of the MPLSA Management Committee). The discussion which followed was animated and "lasted all day".[78] The decision to amalgamate was taken on 19th November 1873 at the annual meeting of the MPLSA in Birmingham. Out of the 103 delegates in attendance, only 9 were from London. Once again papers were read on the subject of the proposed amalgamation[79] and, after discussion, a resolution was passed in favour of amalgamation.

As Avner Offer[80] has stated the Incorporated Law Society became the "acknowledged legal voice", but it was in the 1870s, rather than the 1840s that this became true for Manchester solicitors. In Manchester, the radical attorneys of the 1840s had, by the 1870s, transformed themselves into conservative Victorian solicitors. In respect of this transformation they mirrored attitudes exhibited within contemporary local society. As the amalgamation of the MPLSA and the ILS demonstrates the conviction, prevalent in the 1840s/50s, that control over the development of the profession should not be centralized on the metropolis was one which was changing. A view which, as we will see in the next chapter, was not restricted to solicitors alone in their society.

The profession continued to regard itself as guardian of the public rights in law. The solicitor's task was to defend his client's interest in the face of all opposition. Criticism which questioned the integrity of the defenders by extension threatened those whom they defended. Thus the interests of the public and the profession were interlinked. From servant to adviser, the rôle of the solicitor was evolving again. As the nineteenth century drew to a close, in protesting the 'public interest' the profession took on the rôle of defender and as skills increased and educational standards rose they were able to offer opinions as 'experts'.

References

[1] See Smith, E.A. *The election agent in English politics 1734–1862*, English Historical Review 84 (1969) also Stoker, D. *Elections and voting behaviour: a study of elections in Northumberland, Durham, Cumberland, and Westmoreland 1760–1832*, Manchester PhD Thesis, 1980.

[2] The first election for the Borough of Manchester took place on December 12th, 13th and 14th.

The following were the numbers at the close of the poll

Mark Philips 2923, Rt Hon CP Thomson 2068, Samuel Jones Loyd 1832, John Thomas Hope 1560, William Cobbett 1305.

[3] Cox's Hints to Solicitors for the conduct of an Election, published by the Open University for the Social Sciences Course 301.

[4] Herford E. Diaries, MCRL M5923.4 H32.

[5] Gill James, Diary entry July 1837

[6] In the Salford election of 1837:

For Salford July 26th Joseph Brotherton 889 William Garnett 888

[7] Gill James, Diary entry for 12th August 1837 stated that great efforts were made during the nomination of a candidate to ensure that a show of hands was taken. However, he regarded this as an unnecessary expense insofar as everyone present could hold up their hand (sometimes both hands!) also non-electors and "even women and children take part in the display", it was as Cox claimed an "unmeaning farce".

[8] Manchester election July 27th 1837

CP Thomson 4127, Mark Philips 3759, William Ewart Gladstone 2324.

[9] Rydz D.L., *The Parliamentary Agents*, London Royal Historical Society, 1979. See also, Clifford F., *History of Private Bill Legislation* (2 vols.) 1887. Also, Williams O.C., *Historical Development of Private Bill Procedure* (2 vols.) 1948.

[10] Garrard J., *Leadership and Power in Victorian Industrial Towns 1830-80*, Manchester University Press, 1983.

[11] *Manchester Faces & Places*, Vol. 1, J.G. Hammon and Co., 1890.

[12] See for example the reference to Zach Mellor, Town Clerk of Rochdale, in Garrard J.A., *Bureaucrats rather than Bureaucracies: The Power of Municipal Professionals 1835 — 1914*, Salford Occasional Paper, 1992.

[13] MLA Annual General Meeting, 19th January 1877.

[14] MLA Management Committee, 21st November 1890.

[15] Extract from the letter to Mr. Hampson (Honorary Secretary) from George Gregory, 13 King Street, Whitehall S.W., dated 26th February 1890.

[16] MLA Quarterly Minutes, 24th November 1890.

[17] Garrard J., *Leadership and Power in Victorian Industrial Towns 1830-80*, *op. cit.*, p. 73ff.

[18] *Manchester Faces & Places*, *op. cit.*, Vol.I.

[19] Manchester Borough Council Proceedings, 30th October 1843.

[20] Herford E., Journal, 1838–46, entry for 27th August 1839.

[21] Herford E., Journal, *op. cit.*, undated entry.

[22] Herford E., Journal, *op. cit.*, entry for 23rd February, 1844.

[23] Reader, W.J., *Professional Men: The Rise of the Professional Classes in 19th Century England*, Weidenfield and Nicholson, 1966, p 55.

[24] Manchester Borough Council Proceedings, 1896.

[25] Manchester Borough Council Proceedings, 1838.

[26] Manchester Borough Council Proceedings, 8th April 1839.

[27] Manchester Street Directory, 1838.

[28] Redford A., *The History of Local Government in Manchester*, Longmans, Green & Co., 1940.

[29] *Manchester City News*, Obituary, 31st March 1849.

[30] Manchester Borough Council Proceedings, 14th March 1849.

[31] MLA Memorial, 10th March 1849.

[32] Manchester Borough Council Proceedings, *op. cit.*, March 1849.

[33] MLA Management Committee, 16th July 1849.

[34] Herford E., Letter to J. Bagshaw; 8th June 1849.

[35] Herford E., Diary entry for May 1841, "Why cannot I acquire more self-command and mental discipline".

[36] Herford E., Letter dated 8th June 1849.

[37] *ibid.*

[38] Herford E., *op. cit.*, in particular, Alderman Pilling and the Mayor (John Potter).

[39] John Potter, son of Thomas Potter, the first Mayor of Manchester.

[40] Herford E., *op. cit.* Letter dated 8th June 1849.

[41] MLA special meeting held at the Clarence Hotel on the 7th June 1849.

[42] MLA Memorial, l4th August 1849.

[43] MLA Management Committee, 7th October 1849.

[44] MLA Annual General Meeting, December 1849.

[45] Maugham R., Secretary of the Incorporated Law Society UK, sent from Chancery Lane, London, on November 29th 1849.

[46] MLA Memorial, *op. cit.*, August 1849.

[47] Dickens, C. *Bleak House*, (first published 1853) Penguin Books, 1987.

[48] Perkin, H., *The Rise of Professional Society*, Routledge, 1989.

[49] Herford E., Letter to the Council of the Borough of Manchester on the subject of the report of the Watch Committee in Relation to Coroners' inquests, December 15th 1851.

[50] Herford E., Letter, 5th August and Manchester Borough Council Proceedings, 6th August 1851.

[51] *Manchester Street Directory*, Pigot & Sons, 1850.

[52] *Manchester Faces & Places*, Vol. 1., J.G. Hammon & Co., 1890.

[53] Gill J. Diaries 1829-76.

[54] Manchester Borough Council Proceedings, 21st April, 1843.

[55] Reader, W.J., *Professional Men: The Rise of the Professional Classes in 19th Century England*, Weidenfield and Nicholson, 1966, p. 156.

[56] Reader, W.J., *op. cit.*, p. 155.

[57] Records held by the firm of Nicholls Lindsell & Harris, Altrincham, Cheshire.

[58] Offer, A., *Property & Politics 1870- 1914.*, Cambridge University Press, 1981.

[59] Gill J., Diaries 1829-76 including families Adshead, Owen and Edge.

[60] At the Annual General Meeting during the first decade of existence.

[61] Robson R. *The Attorney in 18th Century England*, Cambridge University Press, 1959, Chapter 1.

[62] Reader W.J., *op. cit.*, Chapter 2.

[63] Sir Charles Shaw was appointed Police Commissioner shortly after the incorporation of the Borough while there was some dispute over the extent of the new corporation's powers.

[64] Shaw, C. Letter to Titus Hibbert Ware, 15th May 1842. CS.

[65] Article in the *Manchester Guardian*, November 13th 1899.

[66] Lady Shaw's Trust, Letter dated 18th October 1841, CS.

[67] Letter from William Slater to Titus Hibbert Ware dated 7th May 1842 informing him that a Mr. Dyer had purchased this property, CS.

[68] Letter from Sir Charles Shaw to Titus Hibbert Ware, dated Manchester, 15th May 1842, CS.

[69] Dickens C. *Great Expectations*, Penguin Classics, 1968 edn.

[70] Letter from Titus Hibbert Ware to William Slater, dated 19 May 1842, CS.

[71] Letter from William Slater to Titus Hibbert Ware, dated 9th June 1842, CS.

[72] Letter from Titus Hibbert Ware to William Slater, dated llth June 1842, CS.

[73] Kirk, H., *Portrait of a Profession*, Oyez Publishing, 1976, p. 144–45.

[74] *The Law Times*, Vol. 74, p. 214.

[75] MLA appendix to the minutes of the Annual General Meeting, 1872.

[76] The Lord Chancellor's reply, from 31 Great George Street, S.W. on November 17th 1871 and signed C.S. Bagot, Principal Secretary.

[77] MLA Annual General Meeting, 19th January 1872.

[78] MLA Quarterly Minute Book, 17th July 1872.

[79] Marshall T., (member of the Leeds Law Society), *The Organization of the Profession*; Saunders, C.J., (member of the Birmingham Law Society), *The Metropolitan & Provincial Law Societies Association and its proposed union with the Incorporated Law Society.*, Papers presented at the MPLSA Annual General Meeting, 19th November 1873.

[80] Offer, A., *Property & Politics 1870–1914*, Cambridge University Press, 1981.

Chapter 6

Solicitors and Society

Solicitors operate in two worlds: one, the rarified, closed environment of the legal profession and the other, the material and practical setting of the client. In the last chapter the link between these two worlds — work — was examined in terms of the changing expectations and demands placed on solicitors during the nineteenth century. However, solicitors, whether as individuals or as a body, were firmly integrated within the local community infrastructure. As such there were, as we shall see, influences, other than purely practical ones, operating upon them. In terms of professional development, for example, the internal tensions of the first part of the century gave way to the compromises and balances of the second part. As we have seen disagreements between provincial law societies and the ILS found expression through the PLSA, an association based in Manchester. Yet these were not isolated from their context: such disagreements were resolved and reflected against a background of the changing relationship between the provinces and the metropolis; from the stormy political confrontations which marked the 1840s through to the calmer conciliatory politics of mid-Victorian Britain.[1, 2] Manchester solicitors, both at the individual level and as a professional group, were subject to contemporary opinion and prevailing ideologies. This chapter views the profession in the context of the social and cultural development of nineteenth century Manchester. It is in two sections, section 6.1 builds on the "closing of ranks" point which the coronership issue demonstrated in chapter 5, and illustrates how differences of opinion between individual solicitors over political and other issues, could be set aside in the interests

of the profession. Manchester solicitors played a key rõle in the development of the profession nationally, the reasons for this are examined in this section. In the Legal Profession as a whole, solicitors form the lower branch and barristers the higher branch. In examining a disagreement arising between these two limbs, this section also demonstrates, that although for solicitors professional interest was paramount, it was not the Legal Profession as a whole with which they were primarily concerned but with their own branch of it. Section 6.2, against a background of modern theories on the place of the professions in the societal structure, examines the personal links which tied Manchester solicitors into the local community.

6.1 Professional Interest Paramount

Work, the subject of chapter 5, forms the first level of interaction between the solicitor and society. It is the individual practitioner who forms the link between the profession as a whole and the public. However, at the core of this relationship there is a paradox. The responsibility of the individual practitioner is to act in the best interests of his client. In parallel to this the profession often claimed to act in the interests of the public. But, as the solicitor became 'expert', and as the profession reached decisions behind the closed doors of its representative body, this tie which bound the professional into the local society also separated him from it. This was so because, as this section will show, despite internal tension caused by differring opinions, professional interest was always paramount.

Manchester in the late 1830s and early 1840s was in a state of social as well as industrial and political turmoil. The year that saw the inception of the Manchester Law Association also witnessed the debut of the Anti-Corn Law League and the incorporation of the Borough. This also affected solicitors. Amongst the founder members of the MLA there were several who were involved in the establishment of the Borough Council. These included Joseph Heron, Edward Herford and Alexander Kay: an active politician, he was last boroughreeve of the city and later its fourth

Mayor. In the battle leading up to incorporation, James Crossley and Joseph Heron had been on opposing sides. Following the receipt by the Privy Council, in March 1838, of two petitions, one for incorporation which included 11,830 signatures and another presented by the anti-incorporators which carried 31,947 signatures, it became a matter of doubt as to whether local opinion was in favour of incorporation or not. Two Commissioners[3] appointed by the Privy Council to investigate the genuiness of the two petitions arrived in Manchester on 24th May, 1838. In the ensuing enquiry, James Crossley represented the anti-incorporators. The 1830s and 1840s was a period during which political passions ran very high in the town. Yet, when it came to the future development of their profession, solicitors set aside political animosity. During the struggles of those early years to establish respectability and prevent their social status from slipping further, attorneys with opposing political views, united together to put the interests of the profession first.

Crossley and Heron were not only founder members of the MLA, they were co-workers and, as instrumental figures on the Management Committee of the PLSA, were involved in making joint policy decisions at its monthly meetings. Personal allegiances were of secondary consideration: it was the good of the profession as a whole that was paramount. Many of the first members of the MLA were politically and sometimes, ideologically opposed. Richard Baverstock Brown Cobbett, the son of the radical MP William Cobbett, was not only a solicitor but also Secretary to the Council of the Manchester Political Union, the body responsible for the large Chartist demonstration on Kersal Moor in 1838. Professional duty dictated that Edward Herford should prosecute the chartists. Whilst unsympathetic to the leaders of the movement, he was not oblivious to the appalling social conditions which had created a climate of dissatisfaction in which radical and sometimes revolutionary ideals flourished. Despite their different political views however, both men sat together at meetings of the MLA. Oswald Milne (II) and Joseph Heron were both early members of the MLA Management Committee despite their disagreement over Milne's right to compensation described in the previous chapter.

Whatever disagreements rankled within the Manchester profession, they were not aired publicly. To the outside world the profession worked behind a closed door. This attitude was also manifest at a national level. The dissension between provincial law societies and the ILS remained an internal matter of purely professional concern. Nevertheless when the profession in the provinces looked for leadership, it turned to Manchester. Let us now look briefly at the reasons for this.

The Manchester Law Association was formed during the high noon of the industrial Revolution when the profession was under threat. Legislation threatened the attorney's livelihood and social upheaval (a danger to stable society) threatened his hitherto secure place in the societal structure. However, the energy, independence and initiative apparent in Manchester during that period coloured the actions and views of the MLA membership. Manchester was "The great Metropolis of Machinery"[5] — a "...new world, pregnant with new ideas, and suggestive of new trains of thought".[6] Donald Read has pointed out[1] that politicians such as John Bright and Richard Cobden used the word 'provincial' with pride, ignoring connotations of implied metropolitan superiority. For such men, the London of the 1840s had little to feel superior about. The geographical spread and huge population of London made it difficult to promote a mass movement in support of a particular ideal.[7] Manchester, on the other hand, was a much more integrated society. Working in election campaigns or engaged in political movements enabled attorneys to *glean first hand experience; experience which they* utilized in mounting successful campaigns of opposition to legislation aimed at limiting the scope of their activities. Manchester was a focus of energy, a centre of industry, initiative and political action. Cobden referred to it as the "place for all men of bargain and business" declaring that the town's self-confidence and vigour filled him with a determination that was positively "Napoleonic".[8] Asa Briggs has stated that for all their problems provincial cities were often focal points of affection and loyalty, nurturing this sense of loyalty[2]

> "through rivalry with each other and solidarity against the metropolis. They used their status as regional capitals to challenge the claims of the national capital, both culturally and politically..."

It was due to this reason, as much as to the influence of the MLA, that Manchester was chosen as the headquarters of the Provincial Law Societies Association. By organizing themselves and by subsequently setting up the PLSA, attorneys in the provinces formed an effective pressure group. In so doing, they were acting within the provincial spirit of the times. "What Manchester thinks today London thinks tomorrow"[10] did not have the derogatory connotation it later developed.

In terms of the development of the profession as a whole — of professional interest paramount — one question which regularly exercised solicitors was the relationship between their branch of the legal profession and barristers. From its records the MLA seems to have been less worried about this relationship than one or two of the other provincial societies* until that is, it became an issue which affected Manchester solicitors directly. The following debate originally concerned a proposal to amalgamate the two branches of the profession. However, it rapidly became sidetracked into the possibility of establishing a national law university in London. The MLA's attitude to all this was ambivalent. Nevertheless, as we shall see, when the Chancellor of the Duchy of Lancaster appointed a barrister to the post of District Prothonotary in Manchester, the attitude of the MLA was one of clear and unequivocal opposition.

During the late 1860s the MLA were discussing proposals which they had received from the Liverpool Law Society and the Leeds Law Society concerning the possible amalgamation of barristers and attorneys.[11] A deputation consisting of the President and Chairman of the MLA attended a meeting of several local law societies, which was held in Leeds, to discuss the proposal. The meeting was held on the 25th September 1868 in Leeds Town Hall and presided over by John Bulmer a Leeds attorney. After a paper had been presented by a representative from the Liverpool Law Society, "a long and animated discussion took place on the suggestions contained in it". In the course of the discussion reference was made to speeches by Mr. Justice Hannen and Mr. Field Q.C. which had been delivered at an annual meeting of the

*See Chapter 3, the view expressed by the Yorkshire Law Society.

Solicitors Benevolent Association. Delegates also discussed current legal practice in America, on the Continent and in the Colonies. After discussion, a committee was formed to pursue further the subject of the amalgamation of the two branches of the legal profession.† The MLA deputation reported back to its members[12] that the feeling at the meeting had been one of unanimous support for the foundation of a Law University which would be open to both branches of the profession "without distinction". It seems that this apparently separate issue had emerged during the Leeds meeting, sidetracking the subject away from the original proposal which had been the amalgamation of both branches of the profession. According to the MLA report there was "much diversity of opinion" over the possibility of amalgamation but less division over the establishment of a new University. Subsequently, each member of the Manchester Law Association was circulated with a copy of the Leeds resolution which reflected this diversity of views and their attention was drawn to:

> "...the present status of our branch of the Legal Profession, their exclusion from all offices of honour and distinction is unsatisfactory, and injurious to the interests of the public; especially having regard to the fact, that before admission to our branch of the Legal Profession, examinations of a stringent character as to knowledge of the Law are required, whilst in respect of the Bar no test of legal knowledge is necessary".
>
> "this meeting is of (the) opinion that the time has come when Provision should be made for the foundation of a Law University, which should be open to both Branches of the Profession without distinction, and that the means of providing an Institution already exist in the funds at the disposal of the Inns of Court and Inns of Chancery, which were originally common to both branches of the Profession."

Discussions on the establishment of a Law University were held in London at the rooms of the Incorporated Law Society in Chancery Lane on 22nd April 1869.[13] At the meeting there were between 20 and 30 solicitors present representing deputations from London, Birmingham, Manchester, Liverpool, Leeds, Leicester, and several other places.[14] During the course of this meeting the Chairman, a London solicitor named Sharp referred back to the foundation of the Inns of Court, remarking that in those halcyon days there had been no distinction between the two branches of

†The Committee members were John Bulmer (appointed Treasurer), Mr. Jevons (as Honorary Secretary) both members of the Leeds Law Society, and several persons who were present at the meeting, with power to add to their number.

the profession. The property of the Inns were given for the benefit of the attorney as well as for the barrister. Sharp, attested that the attorneys' rights had been supplanted, that "the barristers had usurped its ownership and had excluded the attorney from participating it it". He went on to add that the right of passing from one branch of the profession to the other had "until recently" existed and the exclusion of attorneys from various offices of "trust and dignity" had allowed the exclusive appointment of barristers to them.

The meeting also heard that the proposal for the founding of a Law University common to both professions was not a new one. The suggestion had emerged in a report presented to both houses of Parliament by the Commissioners who were appointed to inquire into the arrangements of the Inns of Court and of Chancery in 1855. However, the new scheme to establish a University would, by embracing both branches of the profession, "remove the sentiment that one branch of the profession is inferior to the other". The meeting ended with the passing of several resolutions amongst which it was proposed to institute a central Law University for the education of students of both branches of the legal profession. It was also proposed that admission to both branches of the profession would be on the basis of a combined test of collegiate education and examination by a public board. Three other proposals,[15] including the possibility of "passing" from one branch of the profession to the other, which had been put forward at this meeting were subsequently abrogated at the first meeting of the Association for the Promotion of Legal Education which met at the Inns of Courts Hotel, on Wednesday 9th June 1869. It was felt by the solicitors and barristers present then that such resolutions would obstruct the movement towards unifying both branches of the profession.

The MLA kept its members fully informed[16] of the progress of the Association for the Promotion of Legal Education. They were told that, following a meeting of the APLE [17] a draft Bill for the establishment of a Law University had been presented to Sir Roundell Palmer. The Bill had been drawn up by an experienced parliamentary draftsman (one Mr. Reilly) who had offered his services free. This

generosity, occasioned it seems because he was convinced of the "utter hopelessness" of the scheme. A deputation of nine had waited upon Sir Roundell Palmer in his chambers at Lincolns Inn. He informed them that the general conception of the scheme coincided with his own views although he would have liked to have been assured of support from some of the Inns of Court and from the Incorporated Law Society. However, this lack of support did not necessarily mean that the scheme would fall through, "a great deal depends upon the scheme itself", and he agreed to put the bill before Parliament.

Lack of support for the Bill was not restricted to the Inns and to the Incorporated Law Society. The proposed scheme for the establishment of a Law University in London, on which the APLE was so assiduously engaged, coincided with proposals put forward in Manchester by Owens College. The College wanted to strengthen the academic opportunities which were provided by establishing a Faculty of Law and a Chair of Jurisprudence.[18] The MLA Management Committee believed that the interests of the profession in Manchester, would be much better served by improving the educational provision offered locally than by facilities which would be sited in London. For Manchester solicitors, the proposal to establish a Law University based in London, seems to have have been something of a non-starter. In fact, in their petition to the House of Commons in support of the Owens College extension plans,[19] the MLA laid great emphasis on the importance of local education. Whilst:

> "...it is desirable in the interest of the legal profession and the public that a School of Law should be incorporated in London and that the benefits of the course of study and examination to be afforded by such School should be afforded to all classes of students who may desire to take advantage of them, it is also desirable that every aid and encouragement should be given to the establishment and maintenance of Law Schools in the chief centres of population and business throughout the country and that such Local Law Schools should be brought into such relations of co-operation with any central School of Law in London as may be most conducive to the promotion of legal education generally".

It was the opinion of the petitioners that a local law school would be more regularly attended by a greater number of students, than one situated in London. It was also pointed out that it would be highly inconvenient and in some cases impossible

for law students in Manchester to attend law lectures in the capital. News of Sir Roundell Palmer's defeat in his attempt to bring in proposals for the Law University were reported to members of the MLA at its annual meeting on 2lst January l873 and was received without comment.

The establishment of a Law University, as far as Manchester solicitors were concerned, was a matter which did not greatly exercise their concern. The original proposal for amalgamating barristers and solicitors had seemingly disappeared, buried beneath a weight of paper and inconclusive discussion which the whole Law University issue had generated. The divisions within the Legal Profession remained. For the Manchester Law Society, however, the division between the two branches was about to be brought into sharp focus. As long as the rõle of solicitor and barrister followed their traditional course, the MLA had little comment to offer. When it was suggested that a barrister should fill a post which, by tradition, was usually occupied by a solicitor, the MLA's reaction was, as we shall see below, both highly vocal and persistent.

Proposals were put forward by Lord Dufferin the Chancellor of the Duchy of Lancaster to appoint a member of the Irish Bar (Mr. Lowry, Q.C.) to the office of District Prothonotary at Manchester.[20] An Act of Parliament[‡] had authorised the appointment of District Prothonotories[§] of the Court of Common Pleas of the County Palatine of Lancaster to provide for "the better dispatch of business therein". The Act established registries in Manchester and Liverpool which gave the inhabitants in the districts round the towns the advantage of having all Common Law business transacted locally rather than in London. On several occasions both the Liverpool Law Association and the MLA had urged upon successive Chancellors of the Duchy[22] their conviction that the success of the registries would depend wholly upon the Registrars being "gentlemen of great practical experience in that department of the law which is known to professional men as 'Practice'". Such men they

[‡]32 & 33 Victoria, 1869

[§]Principal notary: a chief clerk. The title was borne by three officers of the Common Pleas and by one officer of the King's Bench, who were analogous to the modern Master — see Osborn's Dictionary of Law.

declared, could only be found amongst "attorneys their superior clerks or persons employed in certain of the public Law offices". Ignoring these representations, Lord Dufferin proposed that an Irish QC should fill the post. The MLA immediately sent a deputation,[21] together with a memorial of protest, to the Chancellor. The deputation had obtained statistical returns which showed that a District Registry in Manchester would absorb a large proportion of the local practice and produce a large income for solicitors. The deputation also suggested that the post of District Prothonotary should have been filled by one of four candidates from Manchester all of whom were regarded by the Association as being competent to "discharge the duties of the office". In a remarkable piece of reverse logic, Lord Dufferin was informed that, in the belief that he would automatically have chosen one of these candidates, the MLA had deliberately not put a name forward so that "his Lordship would be wholly unbiased" in his choice.

It was with "great regret" that the MLA learned that a Queen's Counsel of the Irish Bar had been appointed to the post of District Prothonotary at Manchester. They believed that the gentleman in question did not possess the knowledge requisite to the discharge of the duties of the office. It was also believed that the local profession, not having confidence in him, would by-pass his office and send their more important business to London. Therefore, despite "so much trouble" having been taken to establish the Act as far as Manchester was concerned, it would be a waste of effort. The MLA repeatedly memorialised the Chancellor in an effort to get him to change his mind and "make arrangements by which the Office may be filled more to the satisfaction of the profession and the public upon whose confidence the utility and success of the New Court altogether depends".

Lord Dufferin, met the MLA memorialists with "great courtesy" at his London residence in Grosvenor Square.[23] He was anxious to know the reasons for their dissatisfaction. On being informed of the difference between a general acquaintance with the Common Law and one with "practice", the Chancellor expressed his willingness to do "everything in his power to meet the wishes of the Association"; he

suggested a compromise which entailed the Irish QC occupying the post for a trial period of one year. The MLA were horrified by this suggestion. Such a course they proclaimed would be "productive of so much evil that it would be better to delay the opening of the office altogether until arrangements could be made for the appointment of a fully qualified District Prothonotary". Lord Dufferin refused to cancel the appointment and in due course, the District Office of Prothonotary opened with Lowry, the Irish QC in post. In reply to further representations from the MLA, Lord Dufferin suggested that their objections to Lowry were not on the grounds of his qualifications for the job, but were solely because he happened to be a barrister.[24] In his view this was not sufficient reason to cancel Lowry's appointment or postpone the operation of the Act.

On December 18th 1869 a reply was sent by the MLA in response to Lord Dufferin's statement. The Committee felt it necessary not to "pass without observation" a part of his Lordship's letter which they had noted "with surprise and regret". The grounds on which their objections were based were "grounds of purely public interest". Their objection to Mr. Lowry was not that he was a barrister but that he did not possess the "special qualifications fitting him for an office of this nature." The MLA deeply regretted that the Chancellor should have chosen to interpret their motive as jealousy of one branch of the profession towards the other. Lord Dufferin's response to this continuing correspondence was acrimonious:[25] the fact of a "gentleman being a Q.C. was in itself a guarantee for his legal aptitude". When he had mentioned this in discussions with the deputations from the MLA, they had observed that the training of a barrister was different from that of a solicitor, and that only solicitors were conversant with what is technically called "practice". The Chancellor stated that upon investigating this aspect further, it appeared to him that this factor was not worthy of the "paramount importance the Law Association seems to attach to it" and the Chancellor's decision to stand by his original choice for the post was confirmed.

Professional interest was paramount but, as far as Manchester solicitors were con-

cerned this sentiment did not extend to the Legal Profession as a whole. For them, at the district level, when this particular conflict of interest occurred professional jealousy reared its head and the interest of the Legal Profession was of secondary importance. It was the interests of the lower branch of the Legal Profession which were paramount.

6.2 The Position of the Manchester Solicitor in Local Society

Solicitors were a respectable group deeply concerned to maintain and develop a respectable public image. Although their expertise separated them from the layman, when they expressed views on social matters these were not very different from those of the middle class of which they were a part and on which they impinged. The aim of this section is to identify some of the links which connect the Manchester solicitor into the local societal structure. Before we examine these in more detail, it would be useful to set up a model of that structure, drawing on information from several current works in particular that of Harold Perkin.[26] Perkin asserts that there was a fourth class and a fourth ideal contending with the three major class ideals (the aristocratic, entrepreneurial and working-class ideals) for supremacy in the nineteenth century. This fourth class was made up of professionals. In his model of society they stand apart, separated by a freedom from the struggle for income which allows them to develop a separate professional ideal based on expertise and selection by merit. However, this ideal has to compete in the societal market for power and status. To describe the way that it does this, Perkin (building on a Weberian model) presents an image of society as an "equi-valent tetrahedron" — a four-sided, three dimensional pyramid.[27] The tetrahedron is divided horizontally into sections and each section of the pyramid represents those forces — economic, political and socio-ideological — which operate on society. Each of these forces is in balance — of equal worth (equi-valent) — at least until one of them temporarily overcomes the other. If the pyramid is exploded it reveals a basic core formed of upper, middle and lower class. Perkin's professional ideal emanates from the

socio-ideological plane of the pyramid, from which it is able to permeate the structure reaching "much further down the social pyramid" than either the aristocratic or entrepreneurial ideals succeeded in doing, to encompass occupations "formerly thought beyond the reach of professional aspiration".[28] In placing the origination of the professional ideal on the socio-ideological plane on the surface of the pyramid Perkin emphasises the separateness of that ideal both from society and from the economic plane. In an argument developed over two volumes[¶] he states that professionals were comparatively aloof from the struggle for income and that this enabled them to develop a "separate, if sometimes subconscious, social ideal which underlay their versions of the other class ideals".[29] This thesis will argue that, as far as solicitors were concerned, it was their work — their evolution as experts — which separated them from society. It was not freedom from the struggle for income which separated solicitors from society (as we shall see below this was only too real for the majority of the profession), it was the evolution of a professional élite. However, as we shall also see, this élite interconnected with the local society and it is therefore difficult to state with certainty that they developed a separate social ideal.

It can be agreed that, as the Manchester profession evolved, solicitors were in a position which enabled them to interweave throughout the societal fabric. Élite practitioners occupied positions of power at a sub-strategical level of society (for example, in local government or occupying supportive rôles in the church community). However, élite attorneys formed only a small part of the profession in Manchester. To be in a position for the professional ideal to permeate society requires a hierarchical structure with elements able to penetrate that society at different levels; elements, not all of them equal in terms of status or rewards, which infiltrate that society from top to bottom.

To understand the profession's structure in more hierarchical detail it is necessary to examine another pyramidal structure. Offer has stated[30] that, if nineteenth century attorneys were structured within a financial configuration, they would form

[¶]The volumes *Origins of Modern English Society* and *The Rise of Professional Society* cover two centuries, the latter relating mostly to the period post-1914.

a pyramidal structure with élite attorneys at the top. Those who made a reasonable living but who had no financial security net would form a large middle layer and, at the base of the triangle would be the 'touts' — those lawyers who scraped a living on the margins of existence. This diagrammatic image may, as the following examples show, be applied to Manchester solicitors. This phenomenon is most observable, during the period 1840-60 when the profession was seeking to define its rôle in work terms and to achieve the status of respectability. As time moved on, however, factors such as the introduction of professional qualifications, changes in the administration of the courts and the expense of training for the profession, combined to make it a more integrated profession. For this reason it becomes more difficult to identify individuals within the hierarchical structure in the later period.

Amongst Manchester's élite attorneys, were James Crossley whose personal fortune enabled him to indulge in his passion for collecting books and Joseph Heron whose stated earnings as Town Clerk were at £2000 twice that of his Salford equivalent. Heron also acted as Parliamentary lawyer on several occasions for the Council. Oswald Milne II perhaps uniquely as befitted the last of that dynastic law firm, made the transition to the landed class upon his retirement in 1860. On his retirement he took up residence near Stratford on Avon where he settled down to life as a country gentleman. He had "a strong taste [for] following the hounds"[31] and it seems "was never so much in his element as when arrayed in all the glories of a modern Nimrod". His prowess in this regard, was recognised when in 1862 he was appointed Master of the North Warwickshire pack of foxhounds.

There was then a middle tier of lawyers. One such was James Gill whose practice attracted a large number of middle class families, but whose income depended on himself remaining in good health as his diary notes indicate. Although his practice provided him with a reasonable standard of living he had no financial safety net. As the following incident demonstrates this position was a precarious one.

Shortly after James Gill had taken up practice on his own in Manchester in 1831, Gill's father was involved in a protracted legal action. The problem arose over some

outstanding bills, held by the Bank of Manchester[32] which carried the signature of Thomas Oldmeadow Gill (the father). However, Gill, father and son, maintained that these bills were a forgery. Proceedings were instituted by the bank against Gill Senior and in the period leading up to the hearing, the plaintiff's attorneys, Kay and Barlow of Aston, served a notice on him which resulted in all his furniture being removed from his Broughton home. Although Gill records the outcome of the proceedings as being in "our favour", the whole incident serves to illustrate the uncertainty of daily life.[33]

So too, does the case of 'Fred's Frauds'. Solicitors were responsible for the conduct of their office staff. If a clerk was found to be dishonest, perhaps using the firm's notepaper in order to lend authenticity when trying to elicit money from 'clients', his employer could be held financially (and criminally) responsible. This would be the case even if the solicitor was unaware of his clerk's activities. On 28th April 1843, James Gill discovered that his clerk, Frederick, had been defrauding the firm and he discharged him. The next day, after concluding his enquiries into the affair, Gill had Fred (as he was referred to in the diaries) taken into custody. On 2nd May 1843 Fred appeared in Court and his case was remanded until the following day. In the meantime, accompanied by a police officer, Gill went to search Fred's lodgings. There, he found "a quantity of letters"[34] addressed to several individuals including a Mr. Millett. Several weeks later on 27th May, at around 4.45 a.m., Gill was aroused by the police who informed him that his business premises had been broken into. On arriving at his office, he found "a general confusion"[35] with drawers broken open and cupboards ransacked. Fortunately, the safe was intact, although it was evident that attempts had been made to break it open. The police believed that the thieves had either locked themselves in the cellar before the business closed for the night or had broken in through the coal hole. A month after this event, Gill received a visit from a man referred to as "Cordingly" who demanded back the letters which it seems he had written to Fred. He intimated that he was aware of the break-in and threatened to "horsewhip" Gill if the letters were not returned. Gill replied that he had nothing to say to him and requested that he left the premises.

Muttering abuse, "Cordingly" did so.

The nature of Fred's frauds are hinted at in an entry dated lst June 1843. It was discovered that certain discrepancies appeared in the rent accounts of Mr. Millett, one of the addressees on the letters found in Fred's lodgings. It transpired that, since Christmas 1841, Fred had been receiving money from several tenants, whom the firm collected rent money from, but had not accounted for it in the proper registers. In this case, Gill had been able to sort matters out satisfactorily and he was not held to have been negligent in any way, but many would not have been so lucky.

Below the middle band of practitioners were the "tag rag attorneys". Evidence of their activities is rarely recorded and has often to be deduced obliquely from such sources as the discipline prosecutions instigated by the MLA that we examined in Chapter 3. However, the example of Robert Wood, an attorney who was unable to set himself up in practice independently, will provide some insight into the lifestyle endured at this level. As a young common law clerk he was described as rather short and stout and square made with a round bullet head, short black hair cut very short, broad face, heavy black brows. He wore a green frock coat with a black velvet collar, plaid waistcoat and brown cloth striped trousers. For some time he was engaged as a clerk in an attorney's office in London. During the time he was there he formed an acquantainceship with Tom Spring, a boxer, acquiring a skill which seemed to stand him in good stead on more than one occasion. After being admitted as an attorney, he moved to Rochdale where he managed to attain a position with another lawyer until a disagreement forced him out. During his period in Rochdale, Wood had touted for business in the Salford Hundred Court and it was there that he met the Manchester attorney, W.C. Chew. On arriving in Manchester he was employed by Chew as a Managing Clerk. In this capacity, he was required to be at the office at 9 a.m. in the morning and would often work through until 8.00 or 9.00 p.m. at night, usually without a break for lunch. His tasks consisted of copying and engrossing, and drawing up trusts funds. Such work would not attract a large income[36] and

once in this situation it is not difficult to see why Wood was not able to acquire enough capital to set up in practice on his own account.

Avner Offer notes the activities of 'slum lawyers',[37] practitioners at the bottom of the pyramid who touted for business among the undefended poor in the police courts. In this regard, the practice of solicitors in the Salford Hundred Court came in, as we have seen,‖ for a great deal of criticism. It is perhaps not surprising that so little direct evidence of their activities survives given the level on which they operated. Such evidence as does exist tends to be fragmentary, often with crucial elements missing. For example, the records of the MLA sub-committee on discipline frequently omits the actual details of an alleged offence. Although highly vocal and publicly visible in their condemnation of practice in the Court, they were reluctant to press charges of misconduct against individual practitioners and unwilling to wash their dirty linen in public. If they did consider such action appropriate, the resulting disciplinary procedure was, more often than not, recorded in scant detail. An example of this concerns a complaint from a member of the public** who alleged malpractice by James Bell, a solicitor who had worked in Accrington, then Blackburn, before moving to Manchester. Bell, it was maintained, aided a debtor to concoct a false debt by procuring old dated stamps to lend authenticity to the Bill of Sale which was issued to secure the fictitious debt. It emerged during the MLA investigation that Bell had spent several years in and out of the workhouse. The decision was made that he should be prevented from practising: however, before that decision could be implemented news was received that Bell had died — an inmate of another workhouse.

The above examples illustrate the pyramidal nature of the structure of the Manchester profession itself. In economic terms, élite attorneys such as James Crossley, Stephen Heelis or Joseph Heron whose rôle in local government allowed them to reap considerable financial rewards for their services, were at the apex of Offer's pyramidal structure. 'Touts' such as Robert Wood and James Bell, whose earnings

‖Chapter 3.

**Thomas Grundy, St. James' Square, Manchester.

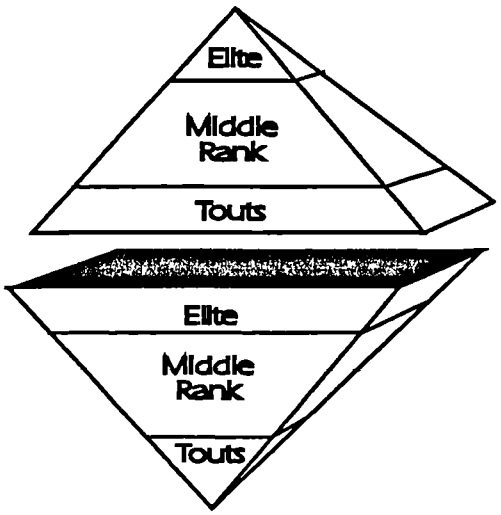


Figure 6.1: Power Shadow illustrating the inverse of influence to position in the professional hierarchy

barely served to keep them alive, formed a narrow band at the bottom of the structure. The middle section comprised attorneys whose incomes ranged dramatically from just above the poverty margin to just below the wealthy elite. The number of practitioners on the Law Lists, for the period 1840–60[††] do not indicate that large numbers of practices ceased to function. Theoretically, in terms of influence, we are left with Figure 6.2 which illustrates a power shadow that is the inverse of Offer's pyramid.

The foregoing has been a purely theoretical exercise which, based on Manchester data, has sought to relate Offer's economic heirarchical structure of the profession to Perkin's pyramidal model of influence. Figure 6.2 demonstrates that the position of solicitors within their own professional hierarchy incorporated a potential for influence over a range of levels. Transposed on to Perkin's model this positioning supports his claim that professionals were well placed to permeate the societal

[††]These were used only as a guide.

structure. However, it is not necessarily supportive of the reasons he suggests. The majority of solicitors fall within the middle ranks and, whilst it could be said that élite solicitors were able to enjoy some economic independence, for many middle rank practitioners, it was necessary to supplement their income by a variety of means. Moreover, what could be termed 'black income' — that is money earned from sources outside a lawyer's practice, or received by using funds entrusted to them by clients as capital for investment on their own behalf — was a source of income particularly at risk during period of economic depression. If the question is "on the whole, could a case be made that nineteenth century Manchester solicitors were free from the economic struggle?", the answer would be "on the whole no". If their economic position and type of income did not particularly free them to think in the way Perkin suggests, are there factors which indicate that they were in a position *socially* to develop a distinct professional ideal? In order to explore this supposition the links which tied solicitors generally into the local societal structure will now be examined.

The Industrial Revolution produced an obsessively work-centred society. Joyce has, for example, argued[38] that a work-dominated lifestyle became the central influence on the cultural development of the working classes. Polarisation of class increased conscious social awareness of position, especially within the middle classes. A combination of work-based concern, and a preoccupation with the status of a particular occupation within society, provided an impetus for a variety of middle class occupational groups to set up organisations to protect their individual interests. In this respect the organising of Manchester attorneys into a representative body was not an extraordinary event. Figure 6.2 attempts to set this representative body within a societal structure: it illustrates a simplified structure of Manchester society based on a dual élite of High Church and Tory on the one hand and Unitarian/Quaker Whig-Radical on the other.[39]

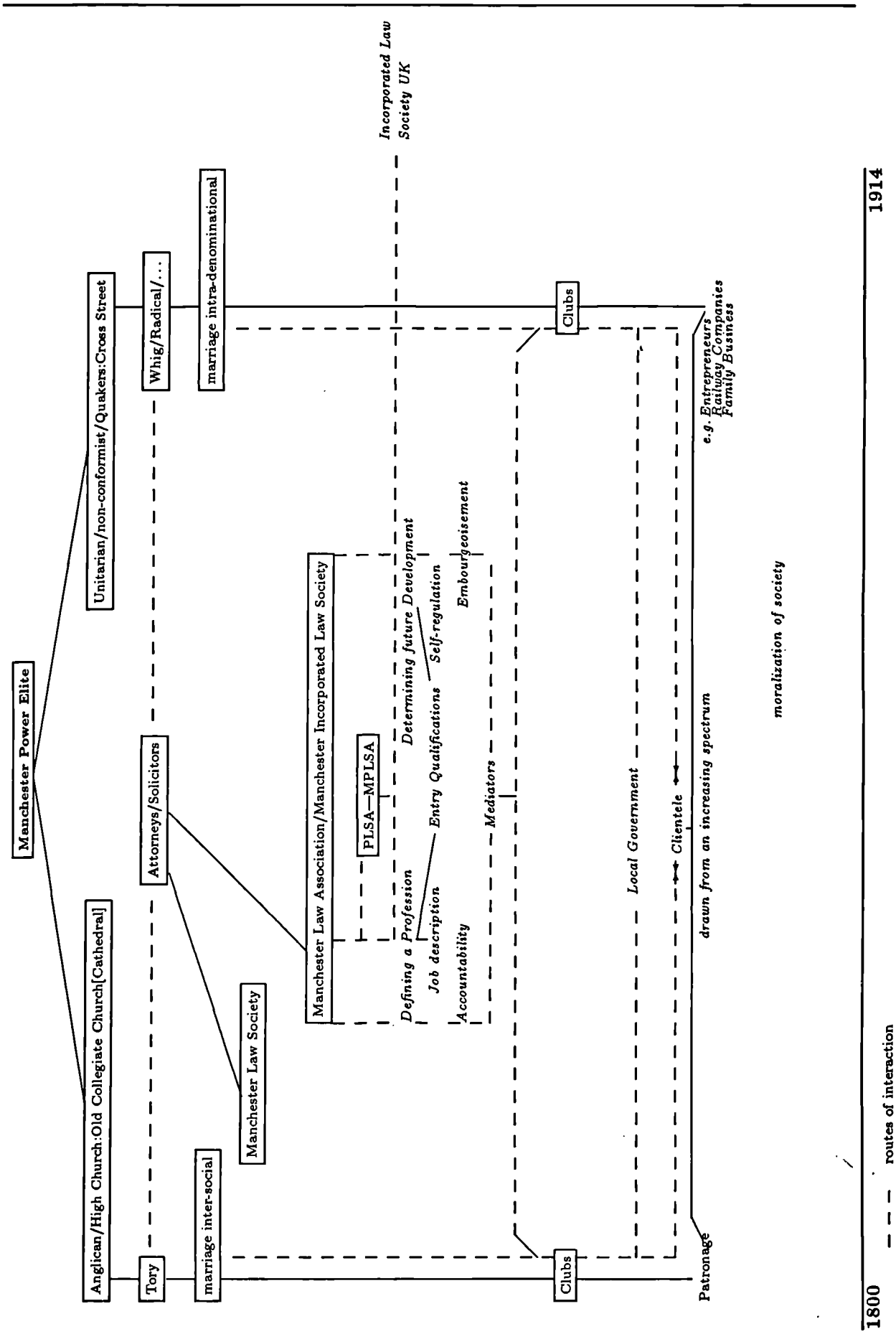


Figure 6.2: The Place of the Manchester Law Association within a Societal Context

It also indicates points of interaction between Manchester solicitors and a cross-section of other social groups within that context. Following Perkin's earlier model, this indigenous ecosystem has been placed within a structure of three main variables of external national pressures: economic and socio-ideological pressures and change over time. Although solicitors performed a distinctive rôle within that ecosystem they were not in any sense separate from it. By the nature of their work, it can be assumed that, unlike the majority of factory workers whose social activities were restricted by the amount of free time allowed them, attorneys and solicitors interacted with other occupational groups: not only through contact with a varied clientele but also through such cultural aspects as church attendance and membership of clubs. Davidoff and Hall[40] have drawn attention to the important ideological influence on the middle classes of the various church doctrines. In particular the meritocratic theories of salvation propounded by the Methodists. John Seed[41] presents an argument for the importance of the chapel or church in social terms. Both highlight the fact that it who you knew (or who your family knew) which could provide the key to open the door of professional opportunity. V.A.C. Gatrell,[39] in his thesis on the commercial middle class in Manchester, emphasises the important influence of the nonconformist and Anglican churches on nineteenth century Manchester society. Figure 6.2 builds on this dualism. At all the junctions of social interaction illustrated in the diagram there was a cross-representation of Manchester middle-class society. As an individual, an attorney's occupation allowed him a greater proportion of time to engage in social activities than many other sectors of society. The points of contact within local society which are shown in the diagram allowed two-way communication. Manchester attorneys (more so during the earlier years of the century) were often the sons of merchants. They emerged from the middle classes importing their social, cultural and ideological backgrounds with them into their working relationships.

Many attorneys were members of a club. In the early years of the century, clubs had been formed which met in inns and were often political in nature. By the mid-nineteenth century these had assumed a more social nature, providing a retreat,

often with dining facilities and always with smoking and rest rooms. One of the most popular clubs with members of the Manchester Law Society and later with those in the MLA, was John Shaw's.[42] This was essentially a political club which gradually evolved into more of a social meeting place.

Shaw's was established as a punch house in 1738 drawing its membership from Manchester and Salford, and it became a recognised meeting place of the tory (Church and King) party in the second part of the 18th century. This exclusive tory club continued to exercise a powerful influence in local government well into the middle of the 19th century. Some members, such as Edward Herford and Edward Chesshyre followed their fathers in becoming members. Edward Chesshyre was one of the seventeen children of Thomas Chesshyre, a Boroughreeve of Salford[43] and, like many of his professional peers, was educated at the Manchester Grammar School. A successful attorney, Edward Chesshyre,[44] became a founder member of the Manchester Law Society. An intensely loyal admirer of William Pitt, in 1788/9 he put his signature on a formal request to the Boroughreeve and constables calling for a resolution of thanks to be voted to Pitt for all he had done. Like Oswald Milne (I)* he was a founding member of the Pitt Club which had been established at a meeting at the Star Hotel on 18th December 1812, and held office as Secretary. Chesshyre's nephew, James Owen, the partner of James Gill† was also a member of John Shaw's.

Another venue, established in April 1825, which also provided an environment in which politics could be discussed, was the (Liberal) Manchester Union Club. The clubhouse was open from 7 a.m. until midnight and beds were provided for those who wished to stay overnight. Figure 6.3 reveals several possible lines by which Manchester solicitors linked into areas of community activity.‡ The figure shows a network linking key inviduals into other areas of the community. If we take the area of parliamentary elections we can see that S.D. Darbishire worked on the

*See Chapter 2.

†See Appendix I.

‡Information based on the membership list for the club.

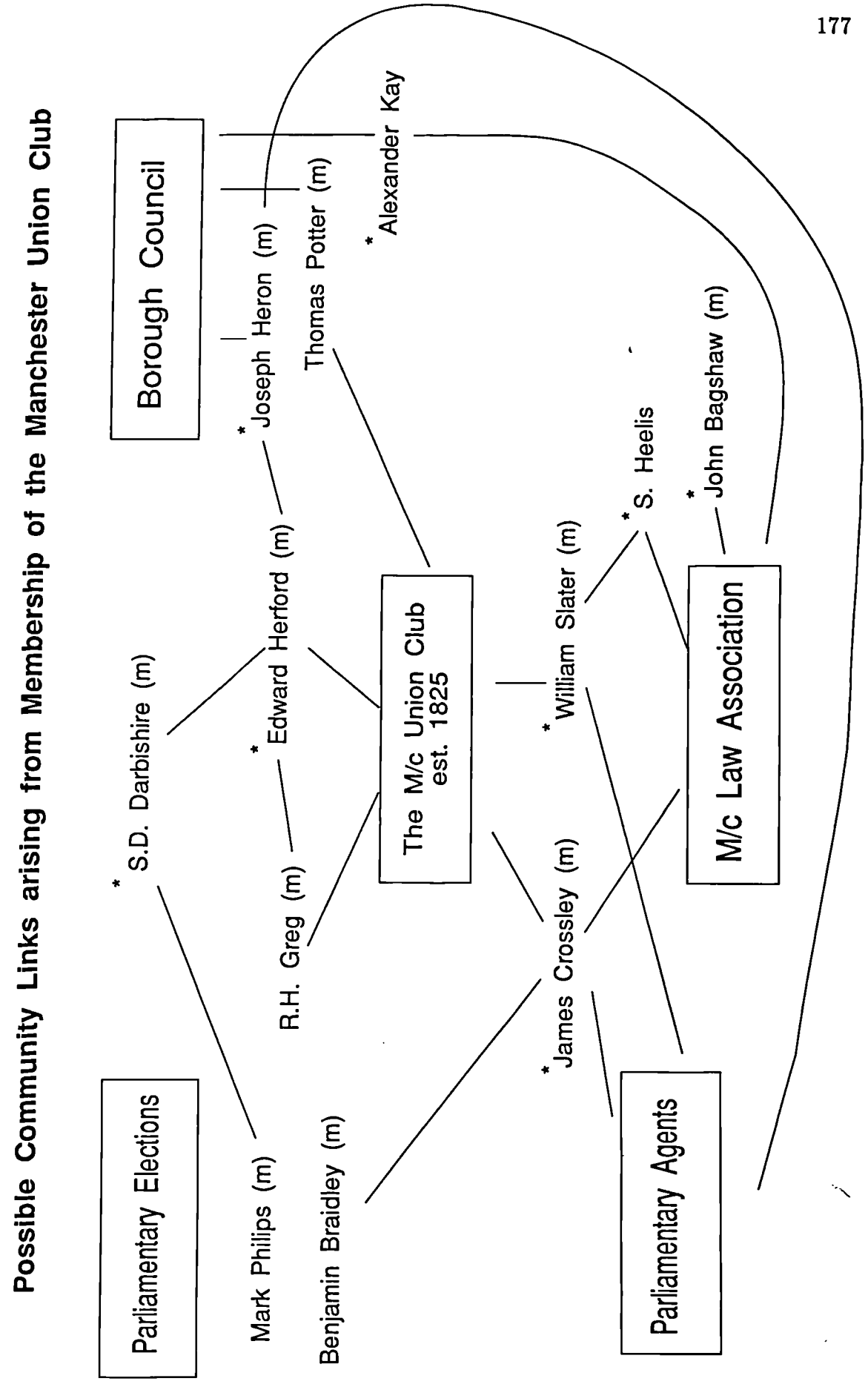


Figure 6.3: Possible Community Links arising from Membership of the Manchester Union Club

campaign for fellow club member, Mark Philips. From Chapter 5 we know that it was Darbishire who asked (his then articled clerk) Edward Herford to work on the Philips' campaign. Edward Herford and another member of the club, Joseph Heron, were closely involved with the incorporation of the Borough[§] and Thomas Potter, the first Mayor of Manchester, was also a member of the club. Heron, Herford and Alexander Kay (partner of S.D. Darbishire and fourth Mayor of Manchester), were all founding members of the Manchester Law Association. Also founder members of the MLA were William Slater and his partner Stephen Heelis and James Crossley. Crossley and Slater were both members of the Union Club and both were also highly successful parliamentary agents. Crossley, as we also saw in Chapter 5, also acted as an election agent, and as Figure 6.3 shows, he acted as agent for Benjamin Braidley, another member of the Union Club. In this way a network of communication is established.

The Brasenose Club which was established in 1869, was fundamentally a social club in which politics occasionally surfaced. Amongst the membership were many 'professional' men including leading solicitors such as F.R.B. Lindsell[45] a Club President. They enjoyed the company of artists, actors and musicians as well as distinguished university figures such as Henry Roscoe and Alfred Hopkinson and Alfred Waterhouse, architect of Manchester's gothic style town hall and the new Owens College building. Politics was a subject which was not for discussion in the dining room, although the theme inevitably emerged elsewhere. When one member, John Slagg, stood for election to Parliament as a Liberal candidate,[46] the membership campaigned vigorously on his behalf, not because of his politics but because he was a member of the Club.[47] The Club was primarily a place to relax: actors who were performing in the town were invited as guests and frequently gave impromptu demonstrations of their talents. Musicians would often perform: Sir Charles Hallé was frequently persuaded to play the piano. Although a shy man, he regaled fellow members with a tale of events which occurred when he visited Paganini in his flat in Paris. There it seems, he encountered Berlioz for the first time: Berlioz came

[§]See Chapter 5.

in and sat in front of the fire for about four hours one evening and said nothing. The next day Hallé received a note from Berlioz which said how much he had enjoyed himself.[48] This anecdote illustrates the social atmosphere which permeated the Brasenose Club. The Club's chronicler[49] remarks on the *esprit de corps* — noting that it was a sort of "freemasonic fellowship". Essentially a social institute, it was nevertheless claimed that the Club had "indirectly exercised no little influence on matters affecting the interests of the local community" and was once described by a Member of Parliament as "the abiding place of genius and the home of vice". Be that as it may, members of the Brasenose Club were "true and loyal to each other and have ever endeavoured to uphold in the world the best interests of their respective professions".[50] No doubt, in the case of solicitors, it proved as useful a network of communication as the Union Club described above. However, having established the type of network which solicitors may well have used to exert their influence, it must be borne in mind that (as Figure 6.2 shows), these connections worked both ways. We will now view these connections in the context of the period and examine the sort of cultural issues that were of concern to solicitors.

In contemporary popular fiction, the Industrial Revolution went through phases of attraction and revulsion. At first admired by a *literati* fascinated by the energy which towns such as Manchester generated, it was later reviled when the cost it exacted in human terms became apparent. In clubs such as those mentioned above, artists, scientists, writers, merchants, manufacturers and professional men, all mingled together, exchanging thoughts, discussing ideals as one phase of industrialization gave way to another. Solicitors had achieved a level of respectability and, in tune with the times, were expressing opinions on social issues (such as the education of the working classes, the importance of the family and the encouragement of self-help schemes) which were of common concern throughout Manchester society.

Edward Herford provides an example of an individual social conscience at work. He was one of the first paid officials of the Town Council and during his long professional career he managed to find time for his deep interest in what one obituary notice described as "the educational and social progress of the town".[51] He "threw himself with great ardour" into the movement for the establishment of lyceums (an adaptation of the idea of mechanics' institutions) to which it was hoped to attract "a class of operative who had hitherto not been reached". He was also one of the founders of the Lancashire and Cheshire Association of Mechanics Institutes. Herford was also involved in the establishment of the Statistical Society, to which he frequently contributed pamphlets, including one which attacked the principles of *laissez-faire* entitled *Some Fallacies of Political Economy*, and was one of the founders of *The North of England Magazine* which included Richard Cobden amongst its contributors. He was a supporter of the Poor Law Association. This was a body formed with the approval of Carlyle and Poulett-Scrope MP and other philanthropic economists, in order to combat the notion then prevalent among boards of guardians and prison authorities that enforced labour should be made as unproductive as possible in order to avoid competing with independent producers. A member of the congregation of Cross Street Chapel, Herford established a cheap magazine entitled *The Church of the People* in 1852, and in 1861, along with other members of the Chester and Manchester Church Union, formed a body called the English Church Union.

The following events reported at an annual general meeting of the Manchester Law Association[52] reflect something of the moral concerns of solicitors whose task it was, as a sub-committee of that Association, to work out strategies and clarify thinking on matters of concern to the Manchester profession. The profession, as represented by the MLA, evinced an increasingly moral tone in its statements. It was also noted earlier that, throughout the nineteenth century, the position of solicitors in the societal structure was moving up. In the wake of the introduction of professional qualifications, they were able to offer an 'expert' opinion on matters which they regarded as in the public interest — without necessarily being asked to do so. Their expert status enabled the profession to pronounce authoritatively on such matters.

The report produced is an indication of this stance, not only was it motivated out of a desire to defend the public interest, it was also provoked by a wish to guard its morals. The report was for private consumption only — a non-public, internal matter for the MLA — produced really as a discussion document. However, given the influential links that the profession had into the local community discussed above, its contents would not need to be published in order to be disseminated.

The specific rôle of this particular MLA sub-committee was to sift through proposed legislation and report back on anything that might affect the profession in some way. After investigating the implications of the Married Women's Property Bill, this sub-committee, consisting of three men — Thomas Claye, James Bond and Mathew Bateson Wood — stated that it was their judgement that "the scope of the Bill is very objectionable" in that it would "...promote discussion in families" and "create much greater evils than it is designed to meet". It would enable well dowered and extravagant wives to "ruin their husbands" without consequence for themselves. As a nod in the direction of male responsibility, the sub-committee added as an afterthought that the Bill could "give facilities to dishonest husbands of women possessed of property to live upon credit without any liability for the property to be taken in payment of their debts".

They regarded the proposed bill as a direct challenge to the husband's authority as head of the household. Products of their Age and class, Claye, Bond and Wood saw the family unit as a stabilising force within society. Anything which posed a threat to that stabilising factor was regarded with suspicion. It was, they declared, an Englishman's right, upheld in law, that a husband should be regarded as the head of his household with control of his family and consequently responsibility for its debts. They believed that the Bill would do much to take away the husbands control over the household but still leave him "saddled with the liability".[53] They warned that the unthinkable would happen if a wife acquired property she would become "the unfettered owner of it without being liable for the debts contracted after the marriage" and would therefore be placed in a "superior" position to her

husband.

The report then went on to speculate on the consequences for the family of such far reaching proposals. Allowing married women to make wills would "produce fruitful scenes of persuasion or coercion on the one side and of vacillation and deceit on the other". Children would, as they grew up, ascertain which parent was the richer and, "in case of any difference of opinion between their parents", they would side with the one "whose wishes it is more their interest to yield deference". As a result of all this, "discord and jealousy" would "arise in happy English homes, which the oneness of interest between husband and wife has hitherto prevented".

On the other hand the sub-committee were sanguine about working class women being allowed to keep what they earned "for persons in that position in life where women have to earn money such a provision would be most salutary and useful". They recognised that there were some cases where the power which the law had hitherto given to the husband was abused but they considered such cases to be "exceptional and not to furnish sufficient reason for disturbing the whole framework of English Society especially in the middle classes".

The sub-committee did not propose "active interference" in the progress of the Bill; their objections to it were on the grounds of "public policy". Besides, as far as the "pecuniary interests" of the profession were concerned, the bill promised well. Section 8 of the proposed Bill would ensure that if a disagreement arose between husband and wife about their property, either party could rush into Chancery or the County Court and "lest they should be delivered from doing so by fear of publicity it considerably provides that the Judge shall be bound to hear the case in private". That the case would then go to appeal was certain because "so much feeling would be involved" on the part of the one whose case failed. "If the folly or supineness of our legislators make the scheme law, the legal profession may naturally look forward to a rich crop of litigation".

In the event, the "legislators" apparently shared much of the view expressed by

Messrs. Claye, Bond and Wood, and at a subsequent meeting the MLA sub-committee were able to report (with "great pleasure") that, after being referred to a Select Committee by the House of Commons, the Bill was not proceeded with.[54] Contrary to Perkin's argument, it seems that when solicitors did think they did not (despite being a professional group) produce ideas about society very different from the rest of the middle class.

Another of the common philosophies of the Victorian middle-class which was reflected in the attitudes and actions of individual solicitors (and particularly found expression in the corridors of the Mancheser Law Association) was the spirit of self-help. In Chapter 4 we saw this philosophy in action with the formation of the Articled Clerks Association. That particular expression of self-help took the form of an organization to promote the legal education of articled clerks. The following is an illustration of an organization which was formed to promote self-help in welfare terms.

The purpose of the Law Clerks' Friendly Society was to provide rainy-day cover for legal clerks working in Manchester. The Society was the brainchild of a prominent member of the MLA Management Committee, J.F. Beever.[55] Beever was the senior partner in the firm of Beever and Darwell, of Cooke's Court, Greengate, Salford and on the l2th April 1848, he circulated a letter to both Barristers' and Solicitors' Clerks in the public law offices within the area of the Manchester Law Association. The letter proposed that a society with intentions similar to that of the United Law Clerks' Friendly Society in London should be founded. The suggestion it seems, had arisen at the annual dinner of the Manchester Law Association, and the writer suggested that:

> "the manner in which my remarks were received leave no doubt in my mind that if such a society constitued on unobjectionable principles, and comprising a sufficient number of members were established at Manchester, it would meet with the cordial support of the solicitors practising within its limits."

The Society commenced operations on lst July 1848. Its objectives can be summa-

Year	No of members	Subscription from members £	Assets of Soc £
1849-50	20	41	140
1859	50	45	694
1869	113	39	1344
1879	159	167	4556
1889	194	152	7114
1899	233	122	10900
1909	281	126	16300

Table 6.1: Law Clerks' Friendly Society. Subscriptions levied and Assets Amounted

rized in the words of one solicitor who, in a speech marking the first anniversary of the society on 10th July 1849 remarked: "these benefits are to be purchased as a right, in consideration of a small monthly payment which every clerk by the exercise of frugality can afford, and thus enable him to avoid the humiliation and disappointment too frequently attendant on an appeal to friends".

As Table 6.1 illustrates, the Law Clerks' Friendly Society proved to be a great success and a highly respected organization. A mark of this is instanced by the influential guests who attended the 50th anniversary celebrations of the Society held at the Albion Hotel, Manchester, on lst July 1898. Amongst those attending were Right Honorable W. Court Gully QC, MP, and Speaker of the House of Commons. He presided over a function which was also attended by "many distinguished legal gentlemen, members of Parliament and representatives of local government within the area".[58]

By the mid-Victorian age, solicitors had achieved a level of respectability and security of social position. Several founder members of the MLA had become notable public figures. Amongst them, Alexander Kay a trustee of Owens College, had become Mayor of Manchester, Stephen Heelis Mayor of Salford and Joseph Heron, the

first Town Clerk of Manchester had received a knighthood in 1869. James Crossley who, at the time of his second term as President of the MLA in 1850, also held the Presidencies of the Athenaeum and of the Chetham Society, was a distinguished literary scholar whose antiquarian pursuits[56] brought him in contact with such luminaries as Charles Dickens. This newly acquired respectability and "status" was reflected in the social activities with which the Association was occasionally involved. An example of which can be seen in the programme prepared by the MLA for one annual meeting of the MPLSA which was hosted in Manchester.[57] A grand dinner was held in the Town Hall, at which the Officers and visiting members of the MPLSA were invited to sit down with several distinguished members of Manchester society, predominantly those who were connected with the lower branch of the profession. These included the Mayors of Manchester and Salford and other provincial Mayors who were also solicitors, the Recorder of Manchester and the Judge in the County Court, the Chairman of the Salford Quarter Session and the Stipendiary Magistrate of Manchester, together with all the officers of the Liverpool Law Society. It was a celebration for the profession which, perhaps subconsciously, demonstrated their separateness from the wider society. Arrangements were also made for a sightseeing tour and the places chosen for visiting witness the pride of the MLA in the industry, architecture and culture of their city.¶ James Crossley arranged a visit to the medieval Chetham's College. The Cathedral, the Library and the recently opened Peel Park were also included on the itinerary. With professional interests in mind, visits were also made to the Assize Courts and the new county gaol.

By the 1870s, as a professional group, solicitors were conscious that their position in the societal structure was an important one. They had succeeded in developing, and were continuing to develop, an image as a solid, reliable and trustworthy profession, a necessary concomitant of an occupation which claimed to act in the public interest and which disciplined itself. As we noted above, with the Married

¶Industries included on the itinerary: Calico Printing (Thomas Hoyle and Sons, Mayfield); Machinists (Whitworth Company, Sharp Stewart and Co., Ashbury's Carriage Works at Openshaw); Cotton spinning and weaving (E. Armitage and Sons at Pendleton); Warehouses (I. and I. Watts and Co ., Philips and Co.,

Women's Property Bill the MLA expressed views on society generally which were not particularly different from the rest of the middle class. In their rôle as experts solicitors guarded their independence. Any proposal to associate the profession's name with that of another group, whether occupational, social or commercial, met with careful scrutiny. As is evident by the following example, their 'status' and image was something of which the MLA Management Committee was acutely aware. When a suggestion was put forward in *The Times* that solicitors should share commissions on the sale and purchase of stock and property with Stockbrokers, Estate Agents and Auctioneers,[59] the MLA Management Committee declared that they were of the opinion that the participation by a solicitor in business involving any of the other occupations was unprofessional and should be "discountenanced". In itself this is not a remarkable statement. However, the amendment which, after discussion the Committee added to their statement, is interesting. It is interesting because it reveals the desire to maintain 'status'. The amendment wished to exclude stockbrokers from the list of those with whom it would be unprofessional for a solicitor to do business. When the proposal was put to the membership at large however, pecuniary interest overrode snobbishness, the amendment was not carried, and the élitist view of the Management Committee did not prevail.

Professional interests paramount, this was an overriding factor governing the development of the profession in the years before it was established as 'respectable'. It was a factor which subsumed disagreements and dissension, both within the MLA itself and between the provincial law societies and the ILS. Such disagreements, although at times highly emotive, were nevertheless, internalised: they were never aired in public. Solicitors — the professional group which was emerging as the century progressed — were developing a public image. Decisions of all kinds which were made by the profession, whether directly relating to their work or of a social nature, were issues determined behind closed doors. Perkin argues in *The Rise of*

Professional Society that, because of their independence from market forces, professionals were able to permeate and eventually come to dominate modern society. In arguing this he has regarded professionals as a class — taking a macrocosmic and teleological view of their development. The question which arises here is: in the development of solicitors as a professional group, is there anything to support this view of a separate professional 'class'?

Solicitors in nineteenth century Manchester, were a group firmly integrated within the middle classes. Factors which have emerged to suggest this include, educational background, information as to which church they attended and what clubs solicitors frequented. As an association, there is nothing to indicate that the MLA affiliated with other professions in an ideological sense. Furthermore, there are indications that their beliefs and opinions emerged from their social background. Evidence to link Manchester solicitors ideologically with other occupational groups has not emerged. The majority of them appear to have been just as vulnerable to the prevailing economic or political pressures as any other sector of the community. Therefore proof of the existence of an emerging, cohesively conscious, 'fourth class' remains elusive. As far as the Manchester Law Association was concerned, there is nothing amongst their records to suggest that, as the representative body of solicitors in this area, they were ever influenced by, or tried to link with, any other professional group. However, their evolution as experts allowed the MLA the freedom to express opinions which were usually uttered in the public interest and at the individual level their knowledge and skill separated them from their clients. In some respects therefore they were outside the societal structure.

References

[1] Read D., *The English Provinces c.1760–1960, A Study in Influence*, Edward Arnold Ltd, 1964.

[2] See Briggs A., *Victorian Cities.*, p.85, Penguin Books, first published in 1963.

[3] The two Commissioners were Captain J. Jebb and Mr. Alexander Gordon.

[4] Manchester Borough Council Proceedings, 2lst April 1843.

[5] Disraeli B., *Coningsby*, Heron Books, 1968 edn.

[6] Disraeli B., *op. cit* p. 165.

[7] Read *op. cit.*. p 51ff.

[8] Morley, J., *The Life of Richard Cobden*, T. Fisher Unwin, 1879.

[9] See Briggs *op. cit.* p. 87.

[10] Read D., *op. cit.* Introduction.

[11] MLA Management Committee, 2nd September 1868.

[12] MLA Quarterly Minutes, 2lst October 1868.

[13] MLA Management Committee, 28th May 1869.

[14] 7 of whom were from London, 6 from Birmingham, 3 from Manchester, 3 from Liverpool, 2 from Leeds and representatives from Leicester, Walsall, Flint and other places.

[15] For *(i)* the appropriation of all revenues which were applicable to the purposes of legal education after due provision being made for existing interests to the support of the proposed University of Law. *(ii)* The right of passing immediately from either branch of the profession to the other. *(iii)* The admission of attorneys equally with the Bar to all offices for which their education and course of practice qualifies them.

[16] MLA Management Committee, 17th December, 1969.

[17] At the chambers of Mr. Arthur John Williams, in the Temple, on Friday 10th December 1869.

[18] MLA Management Committee, 30th June 1870.

[19] MLA Management Committee, 29th February 1872.

[20] From the adjourned Special General Meeting, November 2nd 1869.

[21] The deputation consisted of the Chairman of the Committee (Mr. Taylor) and Messrs. Baker, Cobbet and Cooper.

[22] For example in 1863 when the two associations had interviews with the Rt. Hon. Edward Card well and again in 1866 with Mr. Goschen the then Chancellor.

[23] MLA Management Committee, 12th November 1869.

[24] MLA Management Committee, 17th December 1869.

[25] Letter dated December 21st 1869 from 8 Grosvenor Square, London.

[26] Perkin H., *Professionalism, Property & English Society since 1880*; *The Stenton Lecture*, University of Reading, 1980.

[27] Perkin H., *The Rise of Professional Society*, Routledge, 1989.

[28] Perkin H., *op. cit.* p. 3.

[29] Perkin, Origins, *op. cit.* p. 258.

[30] Offer A., *Property and Politics* Part I., Cambridge University Press, 1981.

[31] Obituary notice, *Manchester Guardian*, 29th April 1890.

[32] The Bank of Manchester, the city's first joint stock bank was founded in 1828.

[33] Gill James, Diary 1831. The hearing of the case began on Monday 4th July 1831, and James Gill recorded the proceedings in his diary. On Friday 8th July the verdict was handed down. The cause tried at Guildhall before Mr. Justice Patterson, the counsel for the plaintiff was Mr. F. Pollock and Mr. Wightman and for the defendants, Sir James Scarlett and Mr. Starkie. Gill records the verdict as "We find all to be forgeries but as the plaintiffs had proved that the Defendant admitted a liability on the Bill for £241.10.0 we find for the plaintiff on that Bill — the rest for the Defendant".

[34] Gill, J., Diary, 2nd May 1843.

[35] Gill, J., Diary, 27th May 1843.

[36] Amongst the list of Slater Heelis employees (Appendix H) is listed a managing conveyancing clerk who had been articled to Chew and Sons. The rate of pay at Slater Heelis was approximately £5 per week in 1859.

[37] Offer A., *op. cit.* p.12ff.

[38] Joyce P., *Work, Society & Politics: The Culture of the Factory in late Victorian England.*, Methuen & Co.,Ltd., 1982.

[39] Gatrell, V.A.C., *The Commercial Middle Class in Manchester c. 1820-1867.*, unpublished thesis, Cambridge, 1976.

[40] Davidoff, L and Hall, C., *Family Fortunes, Men & Women of the English Middle Class 1780–1850*, Hutchinson, 1987.

[41] Seed J., chapter in Morris R.J., *Class Power and Social Structure in British Nineteenth-century Towns*, Leicester University Press, 1986.

[42] Stanicliffe F.S. *John Shaw's (1738–1938).*, Sherrat & Hughes 1938.

[43] Thomas Chesshyre held office as Boroughreeve of Salford in 1778.

[44] Edward Chesshyre practised in St. Ann's Square, Manchester.

[45] F.R.B. Lindsell, a partner in the firm of Nicholls, Lindsell & Harris, See Chapter 2.

[46] John Slagg was returned as MP for Manchester in the election held in April 1880.

[47] Darbishire Alfred, *Chronicle of the Brasenose Club.*, (for private circulation only)., Guardian Printing Works, 1892.

[48] *ibid.*

[49] *ibid.*

[50] *ibid.*

[51] *Manchester Guardian*, 11th May 1896.

[52] MLA Annual General Meeting, l6th April l869.

[53] *ibid.*

[54] MLA Annual General Meeting, l0th February l870, Discussion of The Married Womens' Property Bill.

[55] J.F. Beever was also President of the MLA in 1851.

[56] At his death in 1883, James Crossley had amassed some 90,000 volumes, including one of the most complete collections of Daniel DeFoe's work in England.

[57] MLA Sub-Committee, 28th August 1867.

[58] *ibid.*

[59] MLA Quarterly Minutes, 21st January 1891. Also, MLA Management Committee, 1st March 1892.

Chapter 7

Summary and Conclusions

7.1 Summary

In the provinces in the years leading up to 1860 there was an energy and creativeness which stemmed from the early dynamism of the industrial age. This was accompanied by immense social change, and a greater degree of social complexity. The place of attorneys within this fluctuating social scene was no longer guaranteed. As the pool of potential work enlarged, so the number of individuals willing to plunge in increased. The patronage system of the eighteenth century had cast the attorney into the rôle of servant, it was nevertheless, a position that carried a certain status. The Manchester attorneys who met together during the early years of the nineteenth century, were respectable members of the local community; the Society they formed can perhaps be seen as a sort of transitional body between the world of the eighteenth century and that of the new era. By the time the Manchester Law Association was formed in 1838 however, this situation had radically changed. The attorneys who met at the Star Inn in the December of that year, were convinced that their standing in society was rapidly slipping backwards. They, like attorneys elsewhere in the country, had gathered together to form a society the purpose of which was to improve the image and raise the social status of their profession.

The two main objectives of the newly formed Manchester Law Association had been to promote the interests of its members and raise the image of their occupation by

getting rid of the undesirable elements within the ranks who brought the profession into disrepute. Hostile public opinion, the threat of legislation and competition from other occupational groups were elements which motivated the MLA. The Association had noted with alarm the increase in the number of cases of "persons possessing no claims to the privileges of the Profession, having nevertheless acted as though they were entitled to its immunities and benefits".[1] In response the membership were urged to be vigilant and "promptitude in correction" was demanded.

In common with other occupational groups, though not necessarily all, solicitors frequently expressed a desire for 'respectability'. Respectability was an aspiration of most people, but only some were concerned about its relationship to their occupational group. Entrepreneurs as a group for example probably were not. You would only be concerned with group respectability if your livelihood depended on it — and this relates to people in service occupations such as professions. With the Reform Act of 1832, Parliament became more publicly accountable and the legislation it generated over the following two decades thus reflected a prevailing concern (attested to in contemporary novels and newspapers) which sought to establish some form of control over occupations which related to Law (*e.g.* reform of the judicial system, prison reform and the policing system). In this regard, the profession of attorney was subjected to particular attention. Lack of formal qualifications meant that anyone could set himself up in practice and the number of touts proliferated. Unqualified practice and unethical behaviour amongst the lower ranks of attorneys brought the profession increased public notoriety. Such activity not only put attorneys in a bad light, but also stole business from the legitimate practitioner. Solicitors wanted to be seen to be acting in the public interest; they needed to do this in order to establish themselves as trustworthy (particularly essential in the case of family lawyers). In the early years of the nineteenth century, by making it very difficult for unqualified people to practise and by publicly condeming malpractice, attorneys took their first steps on the route to a publicly recognised respectability.

As we have seen, the Provincial Law Societies Association and the Metropolitan and

Provincial Law Societies Association were formed in reaction to "sweeping injustices". Parliamentary debates, which had been reported extensively in the national press revealed that attorneys were not considered by some legislators to be capable of filling offices of importance. It was alleged that their work did not require any "extraordinary legal knowledge". Posts which they had held by tradition were no longer considered to be theirs by right. It appeared to solicitors that "...a legislatorial warfare against our branch of the profession..." had been prominently and openly declared. It was "...in self defence", and in order "to avail ourselves of every legitimate means of repelling the unjust aggressions which are continually made upon our fair and honest claims and privileges" that the two national provincial societies were founded. "By union among ourselves alone can we hope to repel these aggressions..." and "it is by the aid of a cordial union among ourselves alone that we can hope to prevent the high, the honourable, the important profession of an Attorney sinking irretrievably in caste and becoming no longer a pursuit which can be consistently embraced or followed by men of education standing and character".[2]

Increased insecurity brought about by such social pressures as those outlined above compelled solicitors to seek ways in which they could establish their place in the changing society of the 1840s and 1850s. The drive and initiative for change originated with provincial solicitors in the northern, midland and industrial regions rather than in London. Provincial lawyers put pressure on the Incorporated Law Society UK to support the notion of the 'profession' as a status claim rather than a job description. For Manchester attorneys, and for provincial attorneys generally, the years between 1844–60 marked a critical period in the history of the development of the profession. It was an era in which solicitors sought to change the nature of their occupation and the way in which it was publicly regarded. Indeed it could be said that this was the period in which they 'professionalized': the meaning defined in this context as the means by which an occupation seeks to raise its standing in society. Solicitors defined occupational and social goals and set up procedures for achieving them. Yet through a variety of social links (such as those described in Chapter 6) solicitors interconnected with the local community. Thus, the solutions

they advanced were not merely the isolated internal product of an autonomous occupational group. They were solutions which reflected social and cultural ideals formed in a wider societal context but refined behind the closing doors of a self-disciplining profession. Many of the 'new lawyers' who were in founder membership of the MLA, were the sons of merchants. It may well be that they took as their models entrepreneurs or engineers; the 'mechanics' who by self-help had become the holders of power and the heroes of their Age. The Manchester Law Association certainly enlisted the help of other sectors of the community, the Manchester Chamber of Commerce for example, when they thought it would add force to a petition. In Manchester the mercantile sector had money and therefore power and social standing and were regarded as being of some influence. Large capital industrialization (as in the North of England) produced a whole set of opportunities and models, amongst which were the notion of the industrial areas as being inventive and therefore unique. The pace of economic change in these areas was rapid and combined with the noticeable success of the mercantile élite, created an atmosphere from which provincial solicitors derived a dynamism more actively observable than in London. During its formative years the MLA, the society which spearheaded the Provincial Law Societies Assocition, apparently derived more energy from their immediate society than from the general body of their fellow professionals.

With the introduction of professional qualifications and a standardization of practice, solicitors were able to concentrate on improving their skills. For the layman it became increasingly necessary to employ the skills of a solicitor. The family solicitors of the mid-nineteenth century, regarded themselves as being of equal standing with their clientele. They regarded themselves as 'respectable' and frequently included clients amongst their personal circle of friends; thus demonstrating that this regard was a two-way process. As a profession they had evolved from servant into the rôle of adviser. The emergence of solicitors as 'experts' was an important element in the next evolutionary step in the rôle of the profession — from adviser to defender, in which capacity the profession claimed to act in the public interest. As the profession evolved there was, for Manchester solicitors, a private aspect which

paralleled this public image. By the end of the nineteenth century the MLA was governed by an élite which made much less recourse to the opinions of the general membership than in the formative years. As Chapter 6 demonstrated, it was an élite which assumed that the rôle of the profession included a responsibility for the social well-being of society.

For Manchester attorneys in general, urbanization increased the pressure of work on the individual practitioner. Industrialization demanded that attorneys as a body provided a professional service. Both processes encouraged specialization which necessitated at least a professional standard. It may well be that factors in the nature of this experience struck a common chord with which some London solicitors could sympathize. Perhaps that is why the Metropolitan and Provincial Law Societies Association was considered to be more fairly representative of the profession as a whole; uniting as it did those attorneys in the provinces and in London who did not feel that the Incorporated Law Society would represent their point of view.

7.2 Conclusions: the Creation of a Myth

The laws which were introduced to regulate the practice of attorneys had the effect of stimulating the proliferation of local societies and of accelerating the cohesion of attorneys as a profession. The activities of the Incorporated Law Society UK were regarded by many provincial attorneys and indeed by many of their London brethren, as biased in favour of a London élite. In reaction to this provincial attorneys formed the Provincial Law Societies Association. By the formation of provincial pressure groups however, solicitors did much to promote themselves as a 'learned' profession and by 1860 had set standards of achievement for other occupations to follow.[3]

For most of the twentieth century solicitors, as a professional group, have presented a public image of solidarity. Constructed from this modern standpoint a myth has been created which, like its Whiggish counterpart, has demanded the selecting or-

dering and simplifying of events in order to present a coherent narrative. Central to the myth is the tenet that the directing force in the development of the profession was *the* Law Society (the ILS). In its construction the myth has ignored provincial influence on the development of solicitors as a profession. The Incorporated Law Society is frequently credited as responsible for shaping the development of the lower branch of the legal profession. The inception of this Society in 1825 has somehow come to be regarded as the denouement in the evolution of solicitors. This is apparent in a range of historical studies. From the widely read *Origins of Modern English Society* (currently in its eight reprint) to a more specialised "Origins" — that written by David Jones on the origins of the Civic Universities which stipulates that "solicitors founded several organizations which eventually consolidated as the Law Society".[4] Despite recent studies (such as those of A.H. Manchester and Richard Able mentioned in Chapter 3), the myth persists. Disagreements within the profession — the dissension which occurred behind the closing doors of a developing professional facade — have been littled researched. The logic of the myth has been to draw the history towards the fable. In its construction it has ignored provincial influence on the development of solicitors as a profession. The myth is that the central influence of the Law Society was never seriously challenged. The function of the myth is to justify the actions of the present.

How has myth coloured the history of the profession? The meaning of 'myth' in this case, refers to symbolic elements in the reconstruction of the profession's history. The selection of events is symbolic in that while striving for a collective consciousness the past has, to an extent, been remade in a particular image; a myth has been constructed which ignores provincial influence in the development of the profession of solicitor. A teleological approach to history has allowed disagreements and cleavage to be glossed over and reconstructed with a London bias. The Law Society UK has come to be viewed as the guiding hand in the development of the profession, adding weight to the notion that solicitors are a professional group with a long established history of respectability. Reflecting a wider perception of the times perhaps, the myth is that central authority was never seriously challenged. For solicitors this

image serves as a symbol of solidarity, a weapon to further exclude the excluded. The myth has become a source of strategy for survival imparting the idea of the profession as reliable and trustworthy.

One principal mythical element which sets 'professional' occupations apart from other social groups is the altruistic factor. The notion that their experience, training, expertise and standing, enable them to put the interest of the client before their own. We have seen that as the legal process became more complex, it became increasingly necessary to employ the services of a solicitor. The profession widened its separation from the layman and from other trades, by increasingly specialised education and the utilisation of mystification techniques such as 'technical' language (in current terminology — jargon). This increased client reliance, although based as it was on a need/antagonistic relationship, resulted in frequent public criticism of the profession. Behind the criticism though, was fear of the power that the solicitor could chose to exercise. If a solicitor did abuse his trust or was guilty of misconduct he was tried by his peers. Expertise and experience rooted in a mythic reconstructed past meant that only they were in a suitably qualified position to judge his actions.

One of the fundamental premises of this thesis has been the influential importance of provincial attorneys on the development of the profession. This premise is critical of the teleological myth which, whilst superficially accepting the possibility of variation, acknowledges as fact the superiority of the rôle played by the Incorporated Law Society in any history of the profession. Utilising as received truth a model of professional development which incorporates such a heavy London bias ignores the importance of the interconnecting links between provincial societies and the local community. In so doing, it runs the danger of seriously skewing not only the early history of solicitors, but also any investigation which seeks to understand the relationship of one professional occupation to another or indeed one group to another within a society. A model which, as a central tenet, links the unification of the profession of solicitor with the establishment of the Incorporated Law Society in 1825 is a precariously incomplete one. The disagreements between solicitors in the

provinces and the metropolitan élite during the 1840s and early 1850s are important because they reflect underlying tensions within the wider society.

Studies which have sought to understand social structure in a wider context through political and cultural influences have thrown the whole issue of class into new areas for debate. Michael Rose[5] in discussing the importance of learned societies notes the existence of "an élite within an élite", minority groups who were actively involved in more than one association, social society or club. As Rose suggests, there is certainly scope for more study on the membership and aims of such societies. As far as 'professional men' are concerned, one obvious line of research would be a comparative study of the rôle and influence of certain doctors and lawyers within their professional ambit.

Patrick Joyce's recent book *Visions of the People* concentrates on the way in which "the labouring people of nineteenth-century industrial England saw the social order of which they were a part".[6] However, the methods he uses, in particular those which echo Raymond Williams' arguments about the need to view a society through its cultural influences and language-use, can be utilised to examine a minority group such as solicitors from their own viewpoint. For instance, a study could be made to see whether the impact of such cultural forms as literature, art and scientific development on certain influential individuals were of wider import in the attitude of the Manchester profession: to see whether Edward Chesshyre, J.E. Phythian, James Crossley, Joseph Heron, Edward Herford and Alexander Kay, solicitors who were more publicly recognised for their interests in the Arts or for their philanthropic endeavour than as attorneys, imported these cultural influences into the sphere of their profession.

As far as the history of the legal profession is concerned, more research needs to be undertaken into the development of the profession in other provincial towns. The experience of industrialization differed from one area to another. Comparative studies need to be made between Manchester and other influential nineteenth century cities such as Liverpool, Birmingham and Sheffield. Studying the similarities and

differences in the development of the profession in those cities which were members of the Provincial Law Societies Association is essential. Such studies would provide basic information for the construction of a more accurate and balanced history of the development of the profession of solicitors.

The first consideration of all law societies was that of protection of the profession. In reaction to legislative threats to their way of life, they focused attention first on organizing opposition to this threat. Public criticism, and the activities of the unqualified and unscrupulous, made the implementation of an educational standard a close second priority. Specific occupational training — the complexity of legal procedure and increasing use of technical language ('legalese') — were factors which served to distance the layman from an understanding of how the law operated. In business, as well as in social terms, the employment of an expert, the solicitor, to act as the middle man between the layman and the legal process became an exigency. The emergence of solicitors as an expert occupational group effectively closed the door of opportunity for the unqualified practitioners who had been the cause of such concern to the founders of the Manchester Law Association. Their cultural background and the initiative and drive which flourished in the city in the 1840s made the MLA the natural focus for the institution of a pressure group which would represent the interests of provincial lawyers. Successful in this regard, their response to public criticism and legislative threats later in the century differed distinctly. Manchester solicitors in the 1890s were not in the position in which their predecessors had found themselves earlier in the century: their livelihoods and status were not threatened, merely their reputations. No longer in the rôle of servant or adviser, it was as defenders that the maintainance of this factor was of prime concern. Organizational experience made the Manchester profession confident of success. Their response to provocation of any sort had become cool, calculated and detached; in this sense it had become 'professional'.

References

[1] MLA Quarterly Minutes, 2lst July l852.

[2] PLSA, Annual Report, l3th January l847.

[3] MLA Management Committee, 8th January 1840.

[4] Jones D.R., *The Origins of the Civic Universities: Manchester, Leeds & Liverpool*, Routledge, 1988.

[5] See Chapter 5 of Kidd A.J., and Roberts K.W., *City, Class and Culture: Studies of Cultural Production and Social Policy in Victorian Manchester*, Manchester University Press, 1985.

[6] Joyce, P., *Visions of the People: Industrial England and the Question of Class 1848-1914*, Cambridge University Press, 1991.

Appendix A

Apprenticeship Agreement

The following four pages show an Apprentice Agreement between Wm. Booth, Overseer of the Poor in Werneth and Robert Baxter of Manchester, a chimney sweep, binding Samuel Gee (10 years of age) as apprentice and illustrate the sort of issue which required the attention of an attorney.

These are copied from the original document kept in Manchester Central Reference Library Archive Department.

This Indenture made the second Day of October in the thirty ninth Year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth and in the Year of our Lord One thousand seven hundred and ninety nine Between William Booth Overseer of the Poor of the Township of Werneth in the County of Chester of the one Part and Robert Baxter of Manchester in the County of Lancaster Chimney Sweeper of the other Part Witnesseth that the said Overseer of the Poor by and with the Consent and Approbation of Peter Drinkwater and John Simpson Esquires Two of his Majesty's Justices of the Peace acting in and for the Division of Manchester aforesaid signified as hereunder written Hath put and bound and by these Presents Doth put and bind Samuel Lee a Poor Boy of the said Township of Werneth in the County of Chester being of the Age of Ten Years to be Apprentice to the said Robert Baxter his being his first Apprentice to learn the Trade Business Art and Mystery of a Chimney Sweeper and with him to dwell remain and serve from the Day of the Date of these Presents for and during the Term of Six Years from thence next ensuing and fully to be compleat and ended During all which Time the Apprentice his said Master faithfully shall serve and obey his Secrets keep and his lawful Commands every where gladly do and perform; he shall not haunt Alehouses or Gaming Houses nor absent himself from the Service of his said Master Day or Night without his Leave, but in all Things as a faithful Apprentice shall behave himself towards his said Master and all his during the said Term And the said

Robert Baxter in Consideration of the Good will which he hath and beareth towards the said Apprentice and of the faithful Service so to be performed doth hereby covenant promise and agree with the said Overseer of the Poor that he the said Robert Baxter his said Apprentice in the said Art and Mystery of a Chimney sweeper which he now useth shall and will teach and instruct or cause to be taught and instructed in the best way and Manner that he can And shall and will provide unto the said Apprentice during all the said Term competent and sufficient Meat Drink Washing Lodging Apparel and all other Things necessary for the said Apprentice And that the said Robert Baxter his Exrs Admrs or Assns shall not nor will assign over this present Indenture or the Apprentice to be bound hereby without the Consent and Approbation in Writing of two or more Justices of the Peace to be signified according to

the Form of the Approbation hereunder written And whereas from the Nature of the Business or Employment of a Chimney Sweeper it is necessary for the Boys employed in climbing to have a Dress particularly suited to that purpose which Dress is only fit for that Part of the Occupation the said Robert Baxter doth hereby also covenant promise and agree to and with the said Overseer of the Poor to find and allow such suitable Dress for the said Apprentice as often as need or Occasion shall be and require and provide for and deliver to the said Apprentice once in every year at least during the Term aforesaid over and above the said Dress proper for climbing One whole and compleat Suit of Clothing with suitable Linen Shoes Hats and Shoes And further that the said Robert Baxter shall and will at least once in every Week cause the said Apprentice to be thoroughly

Washed and cleansed from Soot and Dirt and shall require the said Apprentice to attend the publick Worship of God on the Sabbath Day and permit and allow him to receive the Benefit of any other religious Instruction And that the said Apprentice shall not wear his Sweeping Dress on that Day And that the said Robert Baxter shall not nor will compel or oblige the said Apprentice to call the Streets or any other Place before seven of the Clock in the Morning nor after twelve of the Clock at Noon between Michaelmas and Lady Day nor before five of the Clock in the Morning nor after twelve of the Clock at Noon between Lady Day and Michaelmas And that the said Robert Baxter shall not nor will at any time during the said Term set on his said Apprentice for Hire by the Day Night or otherwise to any other Person or Persons exercising or using the said Trade

Nor shall the said Robt Baxter or any Person or Persons whomsoever by his Direction require or force him the said Apprentice to climb or go up any Chimney which shall be actually on Fire nor make use of any violent or improper Means to force him to climb or go up any such Chimney but shall in all Things treat his said Apprentice with as much Humanity and Care as the Nature of the Employment of a Chimney Sweeper will admit of In Witness whereof the said Parties to these Presents have hereunto interchangeably set their Hands and Seals the Day and Year first above written

Signed sealed and delivered (being first duly stamped) in the presence of

J. Roberts

William Booth Overseer (L.S.)
The Mark & Seal of
Samuel + Lee (L.S.)
The Mark & Seal of
Robert X Baxter (L.S.)

We two of his Majesty's Justices of the Peace acting in and for the Division of Manchester aforesaid having inspected and examined the above named Samuel Lee do hereby consent to and approve of his being bound as an Apprentice to the above named Robert Baxter according to the terms and Stipulations expressed in the above written Indenture

Peter Drinkwater

Jno Simpson

Tom Booth to Robert Baxter } Indenture of Apprenticeship

Appendix B

Extract from an attorney's precedent book dating from around the 1720s

The following list is reproduced from the Index for a Precedent Book, in the Crossley Collection, Chetham's Library.

Explanations of the meaning of some of the terms used are italicised in parentheses; the spelling is original.

Index

Answers to Bills in Cancellaria *(Chancery)*

Articles of misdemeanour *(without criminal offence)*

Afft that bill is filed and prosecuted at depts expense only *(maintenance)*

Answers to petic̄ons of appeal *(pleadings in proceedings)*

Assignment of a bond *(Law of Property – transfer)*

another of a bond of judgement

Articles of agreement before marriage *(marriage settlement)*

Bill in Chancery to examine Witnesses to pursue land tyths *(tithes)*

Bill in Sub. nom. to perpetuate testimony to prove a modus for tyths of calves and milk *(money payment in lieu of tithe)*

Bills of Revivor *(revival of a suit after death of a party to it)*

Bills in Chancery

Bill to discover Incumbrances *(mortgages, charges, restrictive covenants)*

Bill of Sale *(A right to sell personal property if debt not repaid – mortgage of a chattel)*

Bond to affirm covenants and pay the Rent *(a guarantee)*

another to affirm Covenants and pay the money *(a guarantee)*

Bargain and sale to be Inrolled *(early system for conveyance of land which is to be registered)*

Cases with *(a Barrister for his)* Opinions

Conclusion of a bill against a poors *(the last few formal words of a bill)*

Condic̄on of a Bond

Condic̄on of a Bond for payment of Mort Mony and offoring covenant

Covenant in a assignment of a mortgage where the mortgagor does not joyn *(i.e. the equivalent of one building society transferring your mortgage to another permanent building society without asking you!)*

Conclusion of an answer *(final formal sentences)*

Condic̄on of an arbitrac̄on Bond *(agreement to abide by the outcome of an arbitration)*

Demurrer in Chancery *(denial of a party's right to legal remedy)*

Demurrer to a bill to be relieved ag!*(sic)* against mony won at play *(pleading the illegality of gaming contracts)*

Demurrer to a bill of review *(revision of sentence or decision)*

Deed Poll of ref to the Extrix of an Extor *(Executrix and Executor)*

Declaration of Trust *(statement that assets are held on trust by one party for another)*

Dessazancs of an Assignment Leases declaring this assignment to be void in payment of a sum of mony *(Disseisin — putting out of possession a tenant to whom an assignment of lease has improperly been made)*

Heads for a common place book of Nisi Prius *(Court of first instance outside London whose cases (civil) were heard by the Judges of assize whilst on circuit)*

Interries *(Entries?)*

Instruc̄ons about Conveyancing

Indorsment of mony cont

Instruccons for a comicon of Lunacy *(quasi-judicial procedure for declaring a person insane)*

L(bar)re of Attorney for Admittance to a copyhold farm
do of Attorney to receive rents illegal

Lease of a ffarm *(sic)*

Licence to let copyhold for 21 years *(a form of title to land in a manorial court)*

Lease for a year by indorsement *(the terms of extension are simply written on the back)*

Lease by 2 *(infants)* and their guardian pursuant to a decree *(order)* in Chancery

Notice to take a answer

Notice to be left with a tenant upon making a a distress for rent *(seizing goods to satisfy unpaid rent)*

Notice to a gentlemen to deliver a person at quarter day *(where a person acts as recognisance or stands bail for a person)*

Notice to the ma*(gistrate?)* of the State Office to date the record of a recognizance

Oath to be administered to witnesses

Oath in an answer

Plea demurrer and answer to a bill *(pleadings)*

Plea to a bill in Chancery

Pleas and answers

Peticon in Chancery to appoint a day in rehearing

Plea to a bill of the privilege of the County Palatine of Chester *(claim to be within the jurisdiction of this court)*

Prayer of a bill where a nobleman is defendant

Plea of a writ of Enquiry and judgement

Default plea of Excommunicacon

Plea of outlawry

Peticon to the House of Lords for a bill to sell an Estate *(Parliamentary proceeding to obtain a Private Estate Act)*

Purchasors adding a Trustee to himself debarrs his wife from her third of such Estate *(probably by defeating her power to demand that the estate should be sold)*

Papists incapable to purchase lands *(a statement of the Law)* Deeds or wills to be registered 6 months after date or testators death petic̄on to get papers out of solicitors hands *(a statement of the Law)*

Preamble to an answer

Protection Judges reports of the Heads of a Bill to the House of Lords

Rect for mony pd pursuant to a Decree in Chancery

Rect indorsed ... mony

Received by indorsement

Surrender *(giving up a tenancy or lease)*

Waving privileges of parliament *(by an MP who might otherwise be incapable of being sued)*

Warrant of att to collect Estates and Quit rent *(appointing an agent to collect rents)*

??? *(lease)* of attorney to a Will

Presentac̄on to a Rectory *(the documents which give the owner the right to appoint the Rector)*

Assignment of a Lease by Indorsment

Articles of agreement between a peruke maker and his Sow*(er?)*

Lre*(letter?)* of lyesnsing *(Licencing?)*

I would like to thank Mr. Jeremy Wilkinson for his help with the translation of this index.

Appendix C

Slater, Heelis & Co.

A list of the partners in the firm of Slater, Heelis & Co., from its founder in 1773-1919.

1773 Wm. Fox; Wm. Fox

1795 Fox & Baldwin

1797 Fox, Sharpe & Eccles; Wm. Fox, J. Sharpe, Wm. Eccles

1804 Sharpe & Eccles; J. Sharpe & Wm. Eccles

1807 Sharpe, Eccles & Moorhouse; J. Sharpe, Wm. Eccles & C. Moorhouse

1808 Sharpe & Eccles; J. Sharpe & Wm. Eccles

1809 Sharpe, Eccles & Cririe; J. Sharpe, Wm. Eccles & Wm. Cririe

1820 Peterloo trial 1822 Redford v. Birley

1823 Sharpe, Eccles, Cririe & Slater; J. Sharpe, Wm. Eccles, Wm. Cririe & Wm. Slater

1824 Eccles, Cririe & Slater; Wm. Eccles, Wm. Cririe & Wm. Slater

1831 Cririe, Slater & Heelis; Wm. Cririe, Wm. Slater & S. Heelis

1836 Slater & Heelis; Wm. Slater & S. Heelis

1856 Slater, Heelis & Co.; Wm. Slater, S. Heelis & W. Slater (II)

1867 Slater, Heelis & Co.; Wm. Slater, S. Heelis, W. Slater (II) & J. Heelis

1871 Slater, Heelis & Co.; Wm. Slater, W. Slater (II) & J. Heelis

1889 Slater, Heelis & Co.; W. Slater (II) & J. Heelis

1896 Slater, Heelis, Winson, Colley & Tulloch

Thomas Potter to Amalgamation of 1896

1818 Thomas Potter; T. Potter

1845 Potter & Wood; T. Potter & M.B. Wood

1876 Wood & Atkinson; M.B. Wood & J.S.H. Atkinson

1879 Wood, Atkinson & Williamson; M.B. Wood, J.S.H. Atkinson & R.W. Williamson

1881 Wood & Williamson; M.B. Wood & R.W. Williamson

1885 Wood & Williamson; R.W. Williamson

1895 Wood, Williamson & Colley; T.H. Davies-Colley

Slater, Heelis & Co. to 1919

1896 Slater, Heelis, Williamson, Colley & Tulloch; Wm. Slater (II), R.W. Williamson, T.H. Davies-Colley, & A.A.G. Tulloch*

1903 Slater, Heelis, Williamson, Colley & Tulloch; R.W. Williamson, T.H.D. Colley, A.A.G. Tulloch, E.L. Sandbach & W.J. Anderson

1908 Slater, Heelis, Williamson, Colley & Tulloch; R.W. Williamson, T.H.D. Colley, E.L. Sandbach & W.J. Anderson

1910 Slater, Heelis, Williamson, Colley & Tulloch; T.H.D. Colley, E.L. Sandbach, W.J. Anderson & R.D. Marmolt

1911 Slater, Heelis, Colley, Sandback & Anderson; T.H.D. Colley, E.L. Sandbach, W.J. Anderson & R.D. Marmolt

1919 Slater, Heelis, Colley, Sandback & Anderson; T.H.D. Colley, E.L. Sandbach, W.J. Anderson, R.D. Marmolt & T. Smith

*Tulloch was a grandson of S. Heelis.

Appendix D

Certificate of Practice

An example of a Certificate of Practice copied from the original document kept in Manchester Central Reference Library Archive Department.

IN THE SUPREME COURT.

FORASMUCH as upon Examination and Enquiry touching the fitness and capacity of John Ernest Phythian of Temple House Cheetham Manchester in the County of Lancaster

to act as a Solicitor of the Supreme Court, I am satisfied that the said John Ernest Phythian is duly qualified to act as a Solicitor of the said Court; and he the said John Ernest Phythian having this day taken and subscribed in open Court the Oath directed to be taken by Solicitors by the Statute of the Sixth and Seventh years of the Reign of QUEEN VICTORIA, Chapter Seventy-three, I do admit him the said John Ernest Phythian

A SOLICITOR OF THE SUPREME COURT,

and direct his Name to be enrolled as a Solicitor of the said Court.

DATED this twenty fourth day of May One thousand eight hundred and eighty-two

CHIEF OFFICE 9·5·82

ENROLLED the same day

G. Jessel. M.R.

A. V. Holden

G & S M 21 [14361] 500 7/81

Appendix E

Milne & Parry

A list of the partners in the firm of Milne & Parry from 1803-1883.

1803 Milne & Parry; N. Milne & W. Parry

1831 Milne, Parry, Milne & Morris; N.Milne, W. Parry, N.C. Milne & E Morris

1834 Milne, Parry, Milne & Morris; N.C. Milne, W. Parry & E. Morris

1837 Milne, Parry, Milne & Morris; N.C. Milne & E. Morris

1850 Milne & Co.; N.C. Milne

1852 Milne N.C. & Co.; N.C. Milne & M. Charles

1870 Milne, Riddle & Mellor; C. Milne, A.J. Riddle & E.D. Mellor

1873 Milne, Riddle & Mellor; A.J. Riddle & E.D. Mellor

1880 Milne, Riddle & Mellor; E.D. Mellor

1883 C. Milne retired and business taken over by Bolton, Robbins & Busk of 45, Lincoln's Inn Fields

Appendix F

Comparative Documents

The first document on the following page is an extract from a lawyer's memo book from the Werneth area, 1799–1800.

The second document is an extract from the diary of James Gill, Manchester Attorney (1854).

Both documents are copied from the original documents kept in Manchester Central Reference Library Archive Department.

Solomon Field Son of Abraham Field of
Stg de Lecture binds himself Apprentice to Samuel
Turner for 7 Years Master finds every thing
to be exd Monday 2nd Sept. 1799

To make two Copies Records for Geo Clayton
Thomas Leigh and Charles Lee Esqrs of the
said Thomas Sutton of Warwick deceased
for 37 lb 0 due at his decease at 2/0
per Cent dated 27th July 1799 Paid from
25th May 1798 to 25th May 1799 dated 25th
May 1799 for £2 4s Stamps 5/0 and 2/4

Thomas Wright to Samuel Wollrum 7 Years
Master find every thing

[illegible]

John Garlick son of William Garlick of Bury
St Edmunds Apprentice to James Brown of Ware-
field Matts to serve 7 Years from the 12th of June
1799 He is to find him his Cloaths and
and then receive the same Cloaths
he finds every thing Sunday 2nd Sept 1799

To be written for John Hyde when I write to Mr Hall
to see that Lord Hungerford when enlarged by his Father
Hopes he will soon be here shortly & Mr Rogers
& Symonds Men and Lord & the Queen & Worsley
but the Minister his Servant said that if you could by
any means get into Mr Thomas's & Mr Corneth's
the Governors of the Hospital and a Lawyer
Thought it would be of great Consequence with the
Parliament together, the Letter to be written by the
latter End of August

The Assizes of Wych and Collier I look upon to be
decided in the most legible manner by giving
us Wych his Bond & Note (if any) or by giving
him a Receipt for the over plus Money and tearing
and destroying the Assignment

127th day. At the Office morning & evening

Mr Woodman's Bankruptcy Acc on Letter of [illegible] for [illegible]

[illegible] Thistlethwaite deceased — [illegible] letter from Agents with acct.

[illegible] — Attd [illegible] orders for amt of duty [illegible] Lloyd & London. Wrote Agents returning acct.

T. Gillis Estate — [illegible] Corfer on [illegible] as to an annuity [illegible] wrote that we would continue for 7 yrs @ 4½ per Cent

Atkinson & Clarke — Attd Mr [illegible] with Mr Earle — [illegible] [illegible] [illegible] [illegible]

Tuesday 8.

128th day. Easter Term ends—Half Quarter Day.

At the Office morning & evening. Wrote to Southport

Miss Fowler Re Winterbotham — [illegible] in DB.

[illegible] Hickin [illegible] Thomas & Irvine — [illegible] [illegible] [illegible] [illegible]

[illegible] Royle & Clarke — [illegible] [illegible] [illegible] [illegible]

Lightfoot Earnshaw & Frankish — [illegible] [illegible] Wrote [illegible]

Mr Walmough — [illegible] for Discharge [illegible] [illegible]

Rev W Huntington Re Kennington — [illegible] [illegible] for [illegible]

[illegible] Edge — [illegible] [illegible] [illegible] [illegible]

Wednesday 9.

129th day. At the Office morning & evening

Mr [illegible] Royle — Attd [illegible] Radford — [illegible] [illegible] Worthington [illegible]

[illegible] to Lord [illegible] [illegible]

Miss Fowler Re Winterbotham — Attd Barrow [illegible] [illegible]

Mr [illegible] Edge — [illegible] [illegible] [illegible] Valuation

Robinson [illegible] Hewitt [illegible] 1854

Revd Mr Huntington Re Kennington — [illegible] [illegible] [illegible]

[illegible] deceased — Attd [illegible] the [illegible] £125 [illegible] rent

[illegible] Estate — [illegible] [illegible] [illegible] Vaughan [illegible]

[illegible] Thistlethwaite decd — [illegible] London: [illegible] Wrote

[illegible] Barrow decd — [illegible] [illegible] 3 sheets

130th day. At the Office morning & evening

[illegible] Hancock decd Re Williamson [illegible] Lancashire, Copy [illegible] Brief — Attd [illegible] Royle — Attd [illegible] Court at Town Hall — [illegible] [illegible] [illegible] [illegible]

Mr [illegible] Edwards — Attd [illegible] for [illegible]

[illegible] [illegible] — Attd [illegible] for [illegible]

[illegible] Charity — [illegible] to Worthington [illegible] [illegible]

Friday 11.

131st day. Chancery Whitsun Vacation commences—Vide page 1.

At the Office morning & evening —

Revd Mr Huntington Re Kennington — Attd Duncan [illegible]

[illegible] Estate — Attd Mr Worthington [illegible] [illegible]

[illegible] Royle Re Clarke — [illegible] [illegible] Radford

[illegible] [illegible] Copy [illegible] Letter to [illegible] —

Saturday 12.

132nd day. At the Office morning [illegible]

[illegible] [illegible] for [illegible] [illegible]

Mr [illegible] Royle & Clarke — [illegible] [illegible] Radford [illegible] concerned —

Woodhouse v Schofield — [illegible] —

[illegible] Estate — Attd Worthington [illegible] [illegible]

Holmes & [illegible] — Letter to [illegible] accordingly —

Revd Mr Huntington Re Kennington, [illegible] [illegible]

[illegible] [illegible] for Southport

Sunday 13. Rather better.

133rd day. Rogation Sunday—Old May Day.

At St Philips Church morning & evening

N School in afternoon

Appendix G

Points of Practice

The following five pages are an extract from the minutes of the Annual General Meeting of the Manchester Law Association, 7th January 1846. They illustrate a point of law on which the Association arbitrated.

The original document is held by the Manchester Law Society.

Copy Appendix to Report

Question_ "A, entitled to an estate, called Whitacre, mortgage
"to B, on which occasion A's Solicitor took copies of the mort
"securities on behalf of his client, without any intimation t
"Solicitor of having done so. A sometime afterwards, contr
"with C to sell him the equity of redemption (B agreeing
"the mortgage should remain), and A's Solicitor furnish
"the Solicitor of C with an abstract of his title, including
"mortgage securities. On A's Solicitor applying to the Solicito
"B to examine such abstract, with the deeds, he (B's Solicit
"refused the inspection, on the ground that the abstract o
"to have been ordered from and furnished by him. — Wh
"is, or ought to be, the practice in the above case?"

Answer_ Resolved_ That the Solicitor of a Mortgagor has a
to prepare, from any draft or other documents in his posse
an abstract of a Mortgagor's title, but not including t
mortgage securities, and that in ordinary circumstances
party, to whom such abstract was furnished, ought to b
liberty to compare the same with the deeds in the
possession of the Mortgagee's Solicitor, at the Mortgagor's e

Resolved_ That it is the unanimous opinion of this Co
that, when a deed or document is placed in the custody
an Attorney to hold on behalf of two or more parties,
bound to produce the same to and give a copy or copies
to any of the parties thereto, or his or their Solicitor, on b
paid his professional charges.

Resolved_ That a Mortgagee's Solicitor is not bound
part with the abstract of the title to the time of the Mortgage
[illegible] to the Mortgagor

early title, and for an abstract of the mortgage.

Resolved — That in the opinion of this Committee a reasonable and fair charge for perusing a deed, in ordinary cases, is 6/8 per skin; and the charge of comparing draft conveyance with engd. deed is 3/4 per skin.

Question — "Where an estate is sold subject to dower, which is to be releas. "is it the business of the Solicitor of the Vendor, or the Purchaser, "prepare the certificate of acknowledgement by the Vendor's wife a "the affidavits."

Answer — *Resolved* — That in the opinion of this meeting the Vendor's So (without stipulation to the contrary) is entitled to prepare the certifi. of acknowledgement and affidavits, and that the expense must borne by the Vendor.

Memorandum — Mr Wilmott, the Deputy Registrar of the Court of Bankruptcy, having proposed the following question, Viz. — "Whether the Solicitor to the Petitioning Creditor, or the Solici "to the Assignees, is entitled to register and enrol the appointm "of assignees."

Answer — *Resolved* — That the Solicitor to the assignees is entitled to " and enrol their appointment.

Question — "A is the owner of a plot of land, containing 8,000 square yards "subject to a chief rent of 1/ per yard, payable to B. — A sells "yards of this land at 3 per yard, 1/ per yard to be paid down "years purchase, and the other 1/ to be reserved to A, who enter "the usual covenants to protect and indemnify him from all cl "which might be made by B, as holder of the original Chief rent. "Is the absence of a contract is A's Solicitor entitled to draw the "conveyance to B?"

[illegible] the Committee that, in

Resolved — That in the opinion of this Committee in ordinary cases conveyances in chief rent without pecuniary consideration, the Solicitor the Vendor or Lessor, as the case may be, is entitled to prepare the conveyance or lease, and duplicate or counterpart, at the expense of Purchaser or Lessee.

Auctioneers' fixed scale of charges

Resolved — That where property (exceeding £200 in value) is sold in one lot, the charge should be fixed at — £ 3 . 3 .

If not sold — 2 . 2 .

For property, in one lot, of less amount than £200, sold or not — 2 . 2 .

When the value of any lot exceeds £3000, then for every additional £1,000 (up to but not exceeding £10,000) — 1 . 1 .

All cases above that amount to be subject to arrangement, according to the circumstance of the case.

For every additional lot offered — 1 . 1 .

The above scale to include all charges for the necessary inspection of the property, except travelling expences.

Question — "Whether the Solicitor to the Mortgagor or the Solicitor to the Mortgagee "is entitled to charge for the schedule of the title deeds, &c. delivered "Mortgagee on the completion of the mortgage."

Answer — That it is the unanimous opinion of this Committee that the Solicitor to a Mortgagee is entitled to prepare, at the Mortgagor's expense, the schedule of the title deeds.

Question — "A was employed in the sale of an estate in lots. C, who was "always a client of A's, and still is, nevertheless employed B to "purchase some of the lots for him, and afterwards to investigate

"covenant for their production to the other purchasers as [illegible]
"The completion of C's purchase was delayed more than a year; and,
"as there were several titles, B did not get to know for a long time
"which deeds C was to hold. In the meantime A, without communi-
"cating with B, perused various covenants from C. for the production
"of deeds, attended his execution thereof, and made the usual charges.
"C never gave any directions respecting the Attorney to be concerned in
"respect of those covenants. B says, he, as the Attorney acting for
"the largest purchaser C. had a right to have perused and settled
"those covenants; and that A did wrong in the course he took,
"notwithstanding he was, in other matters, the private Attorney of C.
"Was B correct in that view?"

Answer — That, in the opinion of this Committee (under the circumstances
stated), B, as the Attorney to the purchaser, was entitled to peruse
and settle the deeds of covenant.

Question — "Is a Solicitor for a Mortgagee entitled to make and charge for a
"deed assignment of mortgage, or reconveyance, or reassignment, on
"payment of the mortgage money, whether the Mortgagee be a Trustee
"or not?
"Is a Solicitor entitled to make and charge for copy of the entire deed,
"when his Client (whether Trustee or not) is called upon for an assignme.
"of a term, whether satisfied or not?"

Answer — That it is the opinion of this Committee a Solicitor for a Mortga-
is entitled to make and charge the Mortgagor for copy deed of
assignment of mortgage, or reconveyance, or reassignment, on paym
of the mortgage money, whether the Mortgagee be a Trustee or not; an
that a Solicitor is entitled to make and charge for copy of the entire
deed, when his client (whether Trustee or not) is called upon for an
assignment of a term, whether satisfied or not.

Question — "A has a mortgage upon certain property of B, which the latter is
"to transfer to C, from whom he is taking up a larger sum of money
"[illegible] upon the entire

"or a copy of the mortgage.— The opinion of the Manchester Law A
"is respectfully solicited upon the above practical question.

"Should the Association be of opinion that Dean do as he pr
"it is wished to be ascertained whether E, on A's behalf, on his b
"called upon to execute the transfer, will be entitled to take,
"Mortgagor's expense, a copy of that deed, and also a copy of the
"deed made to him; and will E also be able to insist on a pr
"the abstract of the whole title, or only an abstract of the mortga
"and make his charges accordingly; or what can E really claim
"as A's Attorney?"

Answer — It was unanimously resolved, that it is the opinion of th
that, in fair and liberal practice, D, as Solicitor of B, may pr
and take up the deeds in the way proposed; and that if
afterwards called upon by B to execute a transfer or reconvey
the legal estate, A's Solicitor will be entitled to be furnish
an abstract or copy of the Mortgage deed, at the Mortgag
expense; and to be paid by the Mortgagor the costs of compa
with the original deeds, perusing the draft transfer or recon
comparing it with the engrossment, and getting it executed
also of a copy of such transfer or reconveyance to Mortg
That if A be not called upon to execute such transfer or re
until after the title to the equity of redemption has become
in some other person than the original Mortgagor, A
will be entitled to have an abstract, deducing the title to
equity of redemption.

Appendix H

Slater-Heelis Workforce

Extract from a notebook in a collection of archive papers in the possession of the firm. The following is a list of the office staff who worked for Slater Heelis and Co., at the time of the firm's amalgamation with Winson, Colley and Tulloch in 1896.

Dean, Leonard Heslop b. 22 July 1857.

Articled 1877 (Slater-Heelis).

Admitted November 1882, with Slater-Heelis 1882–1886.

1897 Salary as manager Chancery & Conveyancing Clerk at time of amalgamation £250, increased to £300.

1904 January, bonus on completion of 21 years service £21.

Whitelegg, Walter b. 12 November 1859.

Previous 12 years with Chew & Sons, 6 years with Needham & Co.

1897 Came as manager Chancery & Conveyancing Clerk (vice W.R. Swainton) Salary £275. *N.B.* former salary of Needham £230, Mr. S. had £300.

1898 as from June increased to £300

d. 28 December 1898.

Halliwell, William b. 15 October 1837.

Cashier (& bill clerk) with Slater-Heelis from 1869–1896. Salary £312.

1897 July, salary reduced to £250 owing to there being 2 cashiers.

1899 January bonus £50. Left on 31 December retiring through old age after 40 years.

pension £150 p.a. for 5 years, then £100 p.a. for 5 years then £50 p.a. for remainder of life. The pension was to be found $\frac{1}{3}$ by Slater, $\frac{1}{3}$ by representatives of Heelis and $\frac{1}{3}$ by office.

The pension was a larger pension than it was intended to be paid again. The reason it was so large was that due to there being a difficulty in having two cashiers and having to retire Halliwell.

Street, Daniel Dyer b. 8 May 1845.

Cashier with W.W. & Co. from 1876–1896. Salary and insurance £275.

1897 July, salary reduced to £250 owing to there being 2 cashiers, also made book-keeper in place of Yeardye — transferred.

1899 January bonus £50.

1900 January bonus £50.

1900 March. Permanent increase to £325, being £50 to bring him up to his old salary of £300 and £25 additional in consideration of extra responsibility in connection with Lloyds estate, Halliwell having left.

1907 December 29, died suddenly.

1908 Arranged to pay funeral expenses, doctor's bill and estate duties.

Arranged to pay annuity of £30 p.a. for 10 years to widow dating from 1 January 1908. At end of 10 years to be reconsidered & either reduced, discontinued or renewed as best.

Yeardye, Charles Endersbye b. 1841.

Book-keeper with Slater-Heelis & Co. from 1866 to 1896, salary £182 (£3/10 per week).

1897 July, transferred to Estates accounts, same salary.

1900 January, increased to (£4/-) £208, in consideration of long service and not being made cashier on Halliwell going. Insurance & mortgage given to him.

1907 January, arranged for him to remain on full pay 'till end of June then ½ pay 'till December, then retire & receive pension of £1/15 per week for 5 years.

1908 January, temporary extension owing to death of Street. Salary at £5/- per week, £260 p.a. The idea being to increase his pension to 30/- per week.

Syme, William b. 29 September 1863.

Letter clerk outer office clerk and safe clerk with Slater-Heelis from 1875–1896, salary £120.

1897 Transferred to common law clerk since Jones deceased. Salary £150.

1898 October, increase salary at rate of £5 p.a. up to end of 5 years (£175).

1903 January, increase to £3/15 per week (£195).

1905 January, increase to £3/16/11 per week (£200).

1906 January, increase to £4 per week (£208).

Porter, Joshua b. 28 March 1858.

Bill Clerk & Common Law Clerk with W.W. from 1876–1896, salary £143 (£2/15)

1897 Bill clerk alone. Salary £182 (£3/10).

1898 Bill clerk alone. Increase to £195 p.a.

1900 January, increase to £200 (£4).

1903 January, increase to £208 (£4/10).

Williams, Charles Lewis b. 22 March 1866.

Engrossing Clerk with Slater-Heelis from 1888–1896, salary £104 (£2/-).

1897 July, assistant Cashier — same salary.

1900 January, Book-keeper vice Street, made cashier.

1900 March, permanent increase to £2/10 per week (£130).

1902 January, increase to £3 per week (£156).

1904 January, increase to £3/10 per week (£182).

1906 July, increase to £4/- per week (£208).

1908 January, increase on death of Street to £4/10 (£234).

Wardle, Robert b. 24 June 1847.

Shorthand writer with Slater-Heelis & Co. 1890–1896 at £1/15 (£91).

1897 Assistant Engrosser, same salary.

Berry, John Thomas b. 3 October 1868.

Engrosser with W.W. from 1980–1896 at £1/12/6 (£86/10).

1897 Outer office clerk £2 (£104).

1902 July, increase to 45/- per week (£117).

Smith, Thomas b. 30 June 1878.

Shorthand writer with W.W. & Co. from 1896–1896 *(sic)* at 18/- a week (£46/15).

1897 Shorthand writer, increased to £1/10 (£78).

1899 July. Articles given to him.

1900 August, increase to 35/- per week (£91).

1902 January, increase to £2 per week (£104).

1906 February, increase as admitted managing clerk (from Jan 1st) £3 per week (£156).

1908 January, increase to £3/10 per week (£182).

Williams, Albert James b. 28 April 1876.

Office Boy with Slater-Heelis & Co. 1889–1896 at 14/- per week (£36/8/-).

1897 Assistant Engrosser increase (compassionate) to 16/6 (£41/12/-).

1898 July, increase (compassionate) to 18/- (£46/16/-).

1899 July, increase (compassionate) to 20/- (£52).

1900 July, increase (compassionate) to 22/6 (£58/10/-).

1901 July, increase (compassionate) to 25/- (£65).

1902 July, increase (compassionate) to 27/6 (£71/10/-).

1902 December. Dismissed for irregularity in accounts & sent to New Zealand. 2a/c.

Heap, Ernest b. 5 May 1879.

Office Boy with W.W. & Co. 1893–1896 at 8/6 per week (£22/2/-).

1897 increase to 11/- (£28/12/-).

1898 June, Planning, increase to 15/- (£39).

18– June, shorthand writer 18/- (£46/16/-).

1899 July, Engrosser 21/- (£54/12/-).

1900 July, increase (plans) to 25/- (£65).

1901 July, increase to 27/6 (£71/10/-).

1902 July, increase to 30/- (£78).

1904 July, increase (married) 32/6 (£84/10/-).

1907 November, gave him 2 months holidays at Blackpool as he was becoming epileptic. Expenses out of 2 a/c.

1908 April, sent to New Zealand. Gave him £ to cover cost of ticket and outfit and to give him £10 on landing. Agreed to give his wife 10/- a week for 12 months.

Ferguson, John b. 5 February 1854.

Commissionaire formerly Sergeant Major in 4th Battalion Manchester Regiment.

1897 March, Letter clerk at £1/10 (£78).

1897 June, reduced to £1/5 and put to call book (£65).

Simpson, John b. 18 March 1864.

Shorthand writer with Earle Sons & Co.

1898 April, shorthand writer resigned at £1/12/6 (£84/10). Faulkener on £2.

1899 June, increase to £1/17/6 (£97/10) as he proposed to return to Earle & Sons at £2.

1900 November, left to go back to Earle & Sons at increased salary.

1901 April, returned at £2 (£104).

1902 January, increase to £2/5 (£117).

1907 March, increase to £2/7/6 (£123/10/-).

Whickombe, John Herbert b. 16 October 1877.

Shorthand writer with Earle & Co. May 1896 to February 1899 at 15/- to 25/-.

1899 February, Shorthand writer at 30/- (£78).

1900 August, Shorthand writer increase to 35/- (£91).

1902 March, Shorthand sub-conveyancer £2 (£104).

1907 March, increase £2/5 (£117) having passed his Final Solicitors Examination.

1908 Increase as M/clerk £3 (£156).

Jones, Edward b. 21 October 1863.

1897 March, Office Cleaner at £1/6 (£67/12). Extra for private attendance on A.T. & D.C. 13/-.

1902 April, increase after 5 years 2/6 to £1/8/6 (£74/2/-).

1902 October, left to go as coachman to Newbold.

Farrell, Elizabeth b. 1862.

1895 March, office cleaner at 13/- (£33/16/-).

1900 March, increase to 15/- (£39).

1906 August, left owing to ill health & paid wages up to February 1907 when as her case was hopeless the firm arranged to pay all her doctors' bills & to allow her 10/- per week for the rest of her life.

Mrs. Farrell received 3/6 per month for washing towels. November February 1903 increased to 5/- per month owing to larger number now.

Bashall, Jane b. 1868.

1906 August, temporary cleaner in place of her sister (Farrell).

1907 February, taken on in place of Mrs. Farrell at 15/- plus washing allowance of 5/- per month (£39).

Baggaley, Louis Henry b. 7 January 1861.

Formerly engrosser & shorthand writer with W.A. Richards N/ham.

1899 April, Engrosser £2 (£104).

1905 November, left without leave or notice & disappeared. Been betting & owes money to money lenders. Left wife & child destitute. Grant £10 from 2 a/c to wife for purchasing necessities. Balance of £3/10 owing to us written off.

Sandbach, Edward Lester b. 27 April 1874.

Articled with W.W. & Co.

1900 2nd class December '99 & medal. January 1st M/ging clerk £150.

1901 December, Bonus £50 and permanent rise to £200.

1902 March, wedding present £50 (£104).

January, permanent increase £50 £250.

December, junior partner.

Coffee, John b. January 1871.

Formerly in Lancashire Fusiliers. (Character good — wounded S. Africa).

1900 December, extra office cleaner at 20/- (£52). Dismissed at end of first month — intemperate.

Spier, Harry b. 24 March 1878.

Formerly with Barber Bros. A/cs Sheffield.

1900 December, shorthand writer 35/- (£91).

1901 March 16th , left on Simpson arranging to return — unsatisfactory as shorthand writer & not popular in office — few.

From Refuge Assurance Co. Ltd., Oxford Street, M/c.

10 January 1908 requesting a reference for Wilford Faulkener, Newton Heath to Colley of S. Heelis, vacancy as clerk.

in reply T.D.C. employed as an office boy states left in November last, so far as am aware (he was) perfectly steady, industrious & hard working in that position (office boy). He left because he was altogether too big for an office boy. Yours sincerely,

Davies, Winifred Bevan, Miss age 21.

Previously with Ellinger & Co.

1902 July, Typist 30/- (£78/-).

1905 October, left to take position at Rhyll at £2 per week

Robinson, L. age 27.

1902 July, Typist (second) 20/- (£52/-).

1904 January, increase to 22/6 (£58/10).

1905 October, increase on Miss Davies leaving 27/6 (£71/10).

1906 July, increase to satisfy her 30/- (£78).

Phillips, John Lewes b. 14 December 1864.

Articled with Nicolson - Jones, afterwards with Pollock & Co., Plaice & Seddon

Afterwards in practice at Halstead, Essex. Rep. 10 ct.

1908 September, Managing clerk £250.

Coop, Charles b. 6 February 1893.

Office Boy £18/4/- per annum.

New Years Gifts

All juniors who get from £1 to £2 weekly to have an amount equal to one weeks wage.

All junior clerks who get less than £1 weekly to have £1.

No one to apply to outsider for Xmas boxes.

All senior clerks who receive $\frac{1}{4}$ly salaries or who get more than £2 weekly to have a sum in guineas nearest to the amount of one week's salary.

Appendix I

Gill, Radford & Co.

A list of the partners in the firm of Gill, Radford & Co. from its founder in 1788–1904.

1788 Edward Chesshyre

1800 Chesshyre (Ed.) & Wallar (John)

1812 Chesshyre Ed.

1817 Chesshyre Ed.; Edward Owen

1819 Chesshyre Ed.; E. Owen & J. Owen (E. & J. Owen were nephews of Chesshyre and succeeded to his practice).

1831 Owen & Owen; E. Owen & J. Owen

1833 Owen & Gill; J. Owen & J. Gill

1856 Owen, Gill & Radford; J. Owen, J. Gill, & R. Radford

1856 Gill & Radford; J. Gill & R. Radford

1865 Gill, Radford & Gill; J. Gill, R. Radford & T.J. Gill

1877 Radford & Gill; R. Radford & T.J. Gill

1878 Radford, Gill, & Radford; R. Radford, T.J. Gill & A.H. Radford

1895 Radford, Gill, & Radford; T.J. Gill & A.H. Radford

1898 Gill, Radford & Co.; T.J. Gill, A.H. Radford & R. Farrington

1903 Gill, Radford & Co.; T.J. Gill & R. Farrington

1904 Gill, Radford & Co.; T.J. Gill, T.L. Farrar, G.H. Charlesworth & J.G.L. Farrar

On 30th Jan 1905 T.J. Gill retired and T.L. Farrar, G.H. Charlesworth and J.G.L. Farrar continued the practice adding it to their business of Farrar & Co., and carrying on the two practices in this last style.

Appendix J

Bibliography

Primary Sources

The Manchester Law Society 1809-1815:

Minute Books

The Manchester Law Association/Society:

Management Committee minutes 1838-1915

Sub-Committee minutes 1845-1917

Proceedings of Annual General Meetings 1838-1886

Opinion of the Committee of the Manchester Law Society on points of professional practice and usage submitted to them: 1838-1913 (published 1913)

Letter Books 1897-1917

Provincial Law Societies Association

Corporate Records — Proceedings 1845-50

Annual Provincial Meeting of the Law Society

Committee Minutes 1893

Committee Minutes 1906

Manchester Central Reference Library

Atkinson F.R., miscellaneous papers

Biographical Collection

Borough Council Minutes

Boroughreeves Letter Books

Clubs:

- John Shaw's
- Brasenose Club
- Clarendon Club
- Constitutional Club
- Manchester Union Club
- Pitt Club
- Statistical Society

Diaries of James Gill 1827-1876

Journal of Edward Herford 3 Vols: 1832–35, 1838–46, 1857–58

Milne & Parry miscellaneous papers

Farrar & Co. miscellaneous papers

Phythian J.E. miscellaneous papers

Peterloo Collection

Records of a Werneth Attorney

Records of the County Court, the Courts Baron for the Manor of Manchester & Hundred of Salford

Manchester Law Clerks Friendly Society records

Rolls of Solicitors in the Salford Hundred Court

Schedule Book of Gill & Radford

Slater Heelis Collection

Slater Heelis Bicentenary Pamphlet

Chetham's Library

Crossley Collection:

- Account Book of the Fund set up to aid the Special Constables present at Peterloo
- Atkinson F.R. correspondence 1824-56
- Chesshyre Family papers
- Lady Shaw Trust, miscellaneous papers
- Milne, Oswald, Union Bank of Manchester passbook
- Pitt Club — list of members, minute books 1812-21
- Radford, James, miscellaneous papers 1849
- Slater William, miscellaneous papers

Census Information

Population and occupation in provincial towns 1801-1891

Parliamentary Publications

Hansard Parliamentary Debates Vol. XLI., 1819-20

Report of a Select Committee of the House of Commons on Legal Education, 1846.

Newspapers and periodicals

Manchester Chronicle

Manchester City News

Mancheser Guardian

Manchester Mercury

The Times

The Law Times

The Solicitors Journal

The Law Journal (Manchester Law Library)

Locally Published Books

Portico Libary

Burney L., *Cross Street Chapel, Manchester & its College*, privately published, undated.

Jones, H.L., *Plan for a University for the town of Manchester*, privately published, 1836.

Love B., *Manchester as it is*, London W.S. Orr & Co., & Ball, Arnold & Co., 1839.

Manchester City Council: Chronicle of a City from 1838–1879.

Speeches of Mr. Serjeant Merewether. Summing up the case for the Manchester & Cheshire junction railway. 1836.

General

Axon William E., *The Annals of Manchester*, John Heywood, 1886.

Baker Sir Thomas, *Cross Street Chapel*, Johnson & Rawson, 1884.

Bamford Samuel, (An Autobiography), *Passages in the Life of a Radical*, ed by Chaloner W.M., Frank Cass & Co. Ltd., 1967.

Bootflower Andrew, *Personal Reminiscences of Manchester Cathedral*, Manchester Faith Press, 1916.

Faucher Leon (Translated from the French), *Manchester in 1844*, Abel Heywood, 1844.

Grindon L.H., *Manchester Banks & Bankers*, Palmer & Have, 1878.

Hayes L.M., *Reminiscences of Manchester*, Sherratt & Hughes, 1905.

Helm Elijah, *Chapters in the History of the Manchester Chamber of Commerce*, Sumpkin, Marshall, Hamilton, Kent & Co. Ltd, 1902.

Hibbert Ware Mrs., *The Life & Correspondence of the Late Samuel Hibbert Ware*, Manchester: J.E.Cornish, 1882.

Linnaeus Banks Mrs.G., *The Manchester Man*, John Sherratt & Son Ltd., & E.J. Morten, publishers, 1973 (first published, 1876). *Manchester Faces & Places: An Illustrated Record of the Social, Political & Commercial life of the Cotton Metropolis & its Environs. Vol. I, 1881-1890*, J.G.Hammond & Co.

Prentice Archibald, *Historical Sketches & Personal Recollections of Manchester Intended to Illustrate the Progress of Public Opinion from 1792–1832*, 3rd edition 1970 (1st edition 1851), Frank Cass & Co. Ltd.

Owens College, Manchester, Evening Classes Session, 1868-9 Prospectus and Syllabus of Lectures.

Owens College/Victoria University of Manchester, Calendars 1865-1910. *A Century of Law Reform: Twelve Lectures on the Changes in the Law of England During the Nineteenth Century, Delivered at the Request of the Council of Legal Education in the Old Hall, Lincoln's Inn, During Michaelmass Term 1900 & Hilary Term 1901*, MacMillan & Co. Ltd., 1901.

The Salford Hundred Court of Record Act, 1868, Johnson and Rawson, 1868.

Slater's General & Classified Directory & Street Register of Manchester & Salford, Isaac Slater, 1850.

Slugg J.T., *Reminiscences of Manchester Fifty Years Ago*, J.E.Cornish, 1881.

Thompson J., *The Owen's College: its Foundation & Growth*, Manchester: J.E.Cornish, 1886.

Watkin A., *Extracts from his Journal*, T.Fisher Unwin Ltd, 1920.

Secondary Sources

Books

Abel-Smith B., & Stevens R., *Lawyers & the Courts: A Sociological Study of the English Legal System 1750-1965*, Heinemann, 1967.

Abel R.L., *The Legal Profession in England & Wales*, Basil Blackwell Ltd., 1988.

Adelman Paul, *Victorian Radicalism. The Middle-Class Experience, 1830-1914*, Longman Group Ltd., 1984.

Aldcroft D.H., & Freeman M.J., *Transport in the Industrial Revolution*, Manchester University Press, 1983.

Anning S.T., *History of Medicine in Leeds*, 1980.

Ashton T.S., *Economic & Social Investigations in Manchester 1833-1933*, The Harvester Press, 1934.

Bell S.P., *Victorian Lancashire*, David & Charles (Holdings) Ltd., 1974.

Bennett T., Martin G., Mercer C., & Woollacott J. (eds), *Culture, Ideology & Social Process*, Batsford Academic & Educational Ltd in assoc. with The Open University Press, 1981.

Best G., *Mid-Victorian Britain 1851-75*, Fontana Press, 1987.

Blackman R.J., *The Story of the Temple*, Sampson Low Marsken & Co. Ltd., 1932.

Blake R., *Disraeli*, Open University Paperbacks, published by Methuen & Co. Ltd., 1978.

Briggs A., *The Age of Improvement 1783-1867*, Longman Group Ltd., 1959.

Briggs A., *Victorian Cities*, Penguin Books Ltd., 1963.

Briggs A., *Victorian Things*, Penguin Group, 1990. (First published by B.T.Batsford, 1988)

Brooks C.W., *Pettyfoggers & Vipers of the Commonwealth. The "Lower Branch" of the Legal Profession in Early Modern England*, Cambridge University Press, 1986.

Bruton F.A., *Three Accounts of Peterloo*, Manchester University Press, 1921.

Carlyle T., *Sartor Resartus*, Everyman Classic, 1984.

Carr-Saunders A.M. & Wilson P.A., *The Professions*, Oxford at the Clarendon Press, 1933.

Challinor R., *A Radical Lawyer in Victorian England*, I.B. Taurus & Co. Ltd., 1990.

Checkland S.G., *The Rise of Industrial Society in England 1815–1885*, Longmans, 1964.

Christian E.B.V., *Solicitors: An Outline of Their History*, Stevens & Sons Ltd., 1925.

Clayre A. (ed), *Nature & Industrialization*, Oxford University Press in assoc. with The Open University Press, 1977.

Cottrell P.L., *Industrial Finance 1830–1914: The Finance & Organization of English Manufacturing Industry*, Methuen & Co. Ltd., 1980.

Crouzet F., *The Victorian Economy*, translated by A.Forster, Methuen & Co. Ltd., 1982.

Crowther M.A., *The Workhouse System 1834–1929, the History of an English Social Institution*, Methuen & Co. Ltd., 1983.

Davidoff Leonore & Hall Catherine, *Family Fortunes: Men & Women of the English Middle Class, 1780-1850*, Hutchinson, 1987.

Derry T.K. & Blakeway M.G., *The Making of Pre-Industrial Britain*, John Murray, 1969.

Desmond A. & Moore J., *Darwin*, Michael Joseph, 1991.

Dingwall R. & Lewis P.,eds. *The Sociology of the Professions: Lawyers, Doctors and Others*, Macmillan, 1983.

Dicey A.V., *Lectures on the Relation Between Law & Public Opinion in England During the Nineteenth Century*, MacMillan & Co. Ltd., 1930.

Durkheim E., *Professional Ethics & Civic Morals*, translated by C.Brookfield, Routledge, 1957.

Eardley-Wilmot Sir John E., *Lord Brougham's Acts & Bills*, Longman, Brown, Green, Longman & Roberts, 1857.

Elliot Philip, *The Sociology of the Professions*, MacMillan, 1972.

Evans E.J., *Britain Before the Reform Act: Politics & Society 1815-1832*, Longman Group Ltd., 1989.

Evans E.J., *The Forging of the Modern State. Early Industrial Britain 1783-1870*, Longman Group Ltd., 1983.

Flood J.A., *Barristers' Clerks, the Law's Middlemen*, Manchester University Press, 1983.

Freeman M.J. & Aldcroft D.H., *The Atlas of the British Railway History*, Routledge, 1985.

Freshfield E., *The Records of the Society of Gentleman Practices*, Incorporated Law Society, 1897.

Garrard J., *Leadership & Power in Victorian Industrial Towns 1830–80*, Manchester University Press, 1983.

Gash N., *Mr. Secretary Peel, the Life of Sir Robert Peel to 1830*, Longman Group Ltd., 1985.

Gash N., *Sir Robert Peel, the Life of Sir Robert Peel after 1830*, Longman Group Ltd., 1986.

Giddens A., *Capitalism & Modern Social Theory. An Analysis of the Writings of Marx, Durkheim, & Max Weber*, Cambridge University Press, 1971.

Golby J.M., *Culture & Society in Britain 1850-1890. A Source Book of Contempory Writings*, Oxford University Press in assoc. with The Open University, 1986.

Hampton C. (ed), *A Radical Reader: the Struggle for Change in England 1831–1914*, Penguin Books Ltd., 1984.

Hanham H.J., *Elections & Party Management*, The Harvester Press, 1959.

Harris P., *An Introduction to Law*, Weidenfeld & Nicolson Ltd., 1980.

Hartwell R.M., *The Industrial Revolution & Economic Growth*, Methuen & Co. Ltd., 1971.

Haynes E.S.P., *The Lawyer: A Conversation Piece*, Eyre & Spottiswoode, 1951.

Headrick T.E., *The Town Clerk in English Local Government*, George Allen & Unwin Ltd., 1962.

Hill C.P., *British Economic & Social History 1700–1975*, Edward Arnold (publishers) Ltd., 1957.

Hill Sir Francis, *Victorian Lincoln*, Cambridge University Press, 1974.

Hobsbawm E.J., *The Age of Empire 1875-1914*, Cardinal by Sphere books Ltd., 1989, (first published) Weidenfeld & Nicolson Ltd., 1987.

Hobsbawm E.J., *The Age of Revolution, Europe 1789-1848*, Cardinal, 1988, (first published) Weidenfeld & Nicolson Ltd., 1962).

Hobsbawm E.J., *Industry & Empire, from 1750 to the Present Day*, Penguin Books Ltd., 1986, (first published by Weidenfeld & Nicolson, 1968).

Holdsworth W.S., *A History of English Law Vol. VI & Vol. XV*, Methuen & Co. Ltd., 1924.

Holdsworth W.S., *Charles Dickens as a Legal Historian*, Yale University Press, 1929.

Hollingworth B. (ed), *Songs of the People: Lancashire Dialect Poetry of the Industrial Revolution*, Manchester University Press, 1977.

Jardin A., *Tocqueville, A Biography*, translated by L.Davis with R.Hemenway, Peter Halban Publishers Ltd., 1988.

Jenks E., *The Book of English Law (as at the Year 1966)*, John Murray Ltd., 1967.

Johnson T.J., *Professions & Power*, MacMillan Press Ltd., 1972.

Jones D.R., *The Origins of the Civic Universities Manchester, Leeds, & Liverpool*, Routledge, 1988.

Joyce P., *Visions of the People, Industrial England & the Question of Class 1848-1914*, Camridge University Press, 1991.

Joyce P., *Work, Society & Politics. The Culture of the Factory in Later Victorian England*, Methuen & Co. Ltd., 1982, (first published by Harvester Press Ltd., 1980).

Kaelble H., *Industrialization & Social Inequality in Nineteenth Century Europe*, translated by B.Little, Berg Publishers Ltd., 1986.

Kidd A.J. & Roberts K.W. (eds), *City, Class & Culture. Studies of Social Policy & Cultural Production in Victorian Manchester*, Manchester University Press, 1985.

Kirk H., *Portrait of a Profession*, London Oyez Publishing, 1976.

Lawton R., ed. *The Census & Social Structure (An Interprative Guide to Nineteenth Century Censuses for England & Wales)*, Frank Cass & Co. Ltd., 1978.

Lee J.M., *Social Leaders & Public Persons*, Oxford Clarendon Press, 1963.

Manchester A.H., *Sources of English Legal History*, (Ch.3, *Law, History & Society in England & Wales 1750-1950.*), Butterworths, 1984.

Manchester A.H., *A Modern History of England & Wales 1750–1950*, London Butterworths, 1980.

Mantoux P., *The Industrial Revolution in the Eighteenth Century*, Jonathan Cape, 1961.

Mayhew H., *London's Underworld*, Spring Books, 1966 (first published, 1851).

Mead F., *The Office of Magistrate — fourth edition*, Butterworth & Co. & Shaw & Sons, 1912.

Messinger G.S., *Manchester in the Victorian Age. The Half-Known City*, Manchester University Press, 1985.

Millerson Geoffrey, *The Qualifying Associations: A Study in Professionalization*, Routledge & Kegan Paul, 1964.

Morley J., *The Life of Richard Cobden*, T.Fisher Unwin, 1905.

Miles M., *Eminent Practioners: The New Visage of Country Attorneys c.1750–1800*, Professional Books Ltd., 1984.

Miles M., *In Law, Economy & Society, 1750–1914: Essays in the History of English Law*, edited by G.R.Rubin & D.Sugarman, Professional Books Ltd., 1984.

Morris R.J., *Class and Class Consciousness in the Industrial Revolution, 1780–1850*, Macmillan, 1979.

Morris R.J., *Class, Power and Social Structure in British Nineteenth-century Towns*, Leicester University Press, 1986.

Neale R.S., *Class & Ideology in the Nineteenth Century*, Routledge & Keegan Paul, 1972.

Newman C.E., *The Evolution of Medical Education in the Nineteenth Century*, Oxford University Press, 1957.

Nickson Chas., *Bygone Altrincham*, E.J.Morten, 1971 (first published 1935).

Odgers W.B. ed., *Six Lectures on the Inns of Court & of Chancery (Delivered in Middle Temple Hall during Easter & Trinity Terms 1912)*, MacMillan & Co. Ltd., 1912.

Offer A., *Property & Politics 1870-1914*, Cambridge University Press, 1981.

Perkin H., *The Age of the Railway*, Panther Books Ltd., 1970.

Perkin H., *Origins of Modern English Society*, Ark Paperbacks, 1969.

Perkin H., *The Rise of Professional Society*, Routledge, 1989.

Peterson M.Jeanne, *The Medical Profession in Mid-Victorian London*, University of California Press, 1978.

Philips K.C., *Language & Class in Victorian England*, Basil Blackwell, 1987.

Plummer A., *Bronterre: A Political Biography of Bronterre O'Brian 1804–1864*, London: George Allen & Unwin Ltd., 1971.

O'Gorman, F., *Voters, Partons, and Parties*, Clarendon Press, 1989.

Pressnell L.S., *Country Banking in the Industrial Revolution*, Oxford at the Clarendon Press, 1956.

Price R., *A Social History of Nineteenth Century France*, Hutchinson, 1987.

Read D., *Peterloo, The "Massacre" & its Background*, Manchester University Press, 1958.

Read D., *The English Provinces c.1760–1960, A Study in Influence*, Edward Arnold Ltd., 1964.

Reader W.J., *The Rise of the Professional Classes in Nineteenth Century England*, Weiderfield & Nicholson, 1966.

Redford A., *Manchester Merchants & Foreign Trade 1794–1858*, Augustus M. Kelley Publishers, Manchester University Press, 1934.

Redford A. & Russell I.S., *The History of Local Government in Manchester*, Longmans, Green & Co., 1940.

Robson R., *The Attorney in Eighteenth Century England*, Cambridge University Press, 1959.

Rubin G.R. & Sugarman D., *Law, Economy & Society, 1750–1914: Essays in the History of English Law*, Professional Books Ltd., 1984.

Samuel R. & Thompson P. (eds), *The Myths We Live By*, Routledge, 1990.

Scott H.A., *Waterlow Brothers & Layton's Legal Diary & Almanac for 1885*, Waterlow Brothers & Layton, 1885.

Shelston Dorothy & Alan, *The Industrial City 1820-1870*, MacMillan Education Ltd., 1990.

Simon Lady Shena D., *A Century of City Government, Manchester 1838–1938*, George Allen & Unwin Ltd., 1938.

Slinn Judy, *A History of Freshfields*, Freshfields, 1984.

Slinn Judy, *Linklaters & Paines: the First One Hundred & Fifty Years*, Longman Group Ltd., 1987.

Smiles S., *Self-Help*, Penguin Books Ltd., 1986, first published, 1859.

Stanicliffe F.S., *John Shaws 1738-1938*, Sherratt & Hughes, 1938.

Stocks Mary D., *Fifty Years in Every Street, The Story of the Manchester University Settlement*, Manchester University Press, 1945.

Strachey L., *Eminent Victorians*, Penguin Books, 1986, first published by Chatto & Windus, 1918.

Thompson E.P., *The Making of the English Working Class*, Penguin Books Ltd., 1986 (first published by Victor Gollancz, 1963).

Thompson F.M.L. (ed), *The University of London & the World of Learning 1836-1986*, The Hambledon Press, 1990.

Trevelyan G.M., *English Social History. A Survey of Six Centuries Chaucer to Queen Victoria*, The Reprint Society Ltd., 1948 (first published by Longmans, Green & Co., 1944).

Vollmer H.M. & Mills D.L., *Professionalization*, Prentice Hall Inc., 1966.

Wadsworth A.P. & De Lacey Mann Julia, *The Cotton Trade in Industrial Lancashire 1600–1780*, Manchester University Press, 1931.

Waller P.J., *Town, City, & Nation. England 1850–1914*, Oxford University Press, 1983.

Walton J.K., *Lancashire: A Social History 1558–1939*, Manchester University Press, 1987.

Walvin J., *Victorian Values*, Andre Deutsch Ltd., 1987.

Weber Max, *On Law in Economy & Society*, ed. by M. Rheinstein, Harvard University Press, 1954.

Weber M., *Basic Concepts in Sociology*, translated by H.P.Secher, Citadel Press, 1969.

Williams R., *Culture & Society, 1780–1950*, Penguin Books in assoc. with Chatto & Windus, 1985 (first published, 1958).

Williams R., *Keywords, a Vocabulary of Culture & Society*, Fontana Press, 1988 (first published by Fontana Paperbacks, 1976).

Williams R., *The Long Revolution*, Penguin Books in assoc. with Chatto & Windus, 1984.

Woodward J. & Richards D., eds. *Health care & Popular Medicine in Nineteenth Century England*, Croom Helus, 1977.

Wright N.R., *Lincolnshire Towns & Industry 1700–1914*, The History of Lincolnshire Committee, 1982.

Wrigley E.A., *People, Cities & Wealth*, Basil Blackwell Ltd., 1987.

Young G.M., *Portrait of an Age*, Oxford University Press, 1977.

Theses

Aylett P., *The Distribution & Function of Attorneys in the 18th Century with special reference to North West England*, Manchester M.A., 1984.

Leighton Patricia E., *History of the Education of Solicitors (1825–1914)*, London M. Phil., 1978.

Articles

Arthurs J.W., *Without the Law: Courts of Local and Special Jurisdiction in 19th Century England*, The Journal of Legal History, Vol.5., December 1984.

Atkinson K.H., *A Short History of the Manchester Law Society 1838-1924*, privately published, 1924.

Aylett P., *Attorneys and Clients in 18th Century Cheshire: A Study in Relationships, 1740–1785*, Bulletin of the John Rylands University Library, Vol. 69., 1986–87.

Beynon H., *Mighty Bentham*, The Journal of Legal History, Vol.2., May 1981.

Kosellech R., *Linguistic Change and the History of Events*, Journal of Modern History, Vo. 61., No.4., December 1989.

Moreton C., *A 'best betrustyd frende': A Late Medieval Lawyer and his Clients*, The Journal of Legal History, Vol. II, September 1990.

Morris R.J., *Voluntary Societies & British Urban Elites 1780–1850*, from *The Historical Journal Vol. 26 No.1, 1983, p.95H*, Cambridge University Press, 1983.

Ormrod Mr. Justice, *Report of the Committee on Legal Education,*, H.M.S.O., 1971.

Perkin Harold, *Professionalism, Property & English Society since 1880*, [The Stenton Lecture 1980], University of Reading, 1981.

Roberts J.M., *Freemasonry: possibilities of a neglected topic*, The English Historical Review, Vol. LXXXIV., 1969.

Robertson J.G., *Charles Harold Herford, 1853-1931*, The Proceedings of the British Academic, Vol. XVII., 1935.

Rydz D.L., *The Parliamentary Agents*, Royal Historical Society, 1979.

Slinn J., *The Histories and Records of Firms of Solicitors*, Business Archives, 58, November 1989.