

**GOVERNANCE AND LOCALITY IN THE AGE OF  
REFORM: BIRMINGHAM, 1769-1852**

by

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## **Abstract:**

This thesis examines the development of Birmingham's local administration from the late eighteenth to the mid-nineteenth century, a period of intense reform policy in Britain. It presents an in-depth appraisal of processes that promulgated administrative change during a crucial period of the town's development. There has been a tendency in current literature to present Birmingham in this period as a badly managed town, governed by disparate, self-elected bodies. The research presented here challenges that perspective through a close analysis of Birmingham's administrations both pre-and post- the 1835 Municipal Reform Act. Under this legislation Birmingham was able to attain a Charter of Incorporation, with its first town council elected in 1838. The move to corporation status was badly managed, at a national and local level. As a result, the new administration was not well received, and the first years of its existence were blighted by uncertainty and opposition which, on occasion, descended into riot. Nevertheless, the new administrative system prevailed, and made achievements which current literature has failed to fully acknowledge. Birmingham's administrative reform has been set here in the context of heightened political tensions in Britain, to understand the complex, often intense, relationships between public, local governance and national legislation.

The thesis offers fresh, overlooked examples of town planning and actual achievements in Birmingham, gleaned from a thorough investigation of half a century's worth of administrative documentation. These are presented alongside public responses to both local and national reform issues to give a more comprehensive insight into Birmingham's pre-Chamberlain governance than is currently available. The research presented here also opens the potential for further exploration of the way in which the so-called Age of Reform played out in Britain's burgeoning urban centres in the wake of Industrial Revolution. This is set in a context of change and continuity, challenging still prevalent notions of civic progress. As devolution has become an aspiration for many twenty-first century local administrations, it is useful to look back and understand past attempts at civic reform.

For my Grandchildren,  
Kenzie, Cody, Isaac, Jonah, and any that may come after them.

‘Per Ardua ad Alta’

Don’t let anyone tell you that you can’t.

Nanny loves you

X

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## **List of Abbreviations**

ACCL	Anti-Corn Law League
BAHP	Birmingham Archives, Heritage and Photography
BPU	Birmingham Political Union
DNRRS	Duddeston-cum-Nechells Radical Reform Society
L&CA	Loyal & Constitutional Association
MCA	Municipal Corporations Act (1835)
VCH	Victoria County History

## **Governance and Locality in the Age of Reform: Birmingham 1769-1852**

*When it is known that Birmingham is looked upon as a model in this respect and has even been pronounced the best-governed city in the world, it will not be amiss to describe the methods of its management, and some of the other results of the enlightened spirit that has brought them about.*

[Julian Ralph, *Harpers New Monthly Magazine*, New York, 1890]

When Julian Ralph penned his effusive appraisal of Birmingham's Municipal Corporation from his New York office in the autumn of 1890, he expressed an opinion that has come to dominate successive analyses of the modern English system of local governance. Ralph presented Birmingham as a 'model' for other cities to emulate, highlighting the municipal ownership of public parks, libraries and a museum as well as the town's utilities. There is little doubt that Birmingham's later nineteenth-century municipal management was, and remains, an impressive aspect of Britain's modern urban history. However, it has come to dominate Birmingham's civic history, and been used as a benchmark against which to castigate previous and subsequent authorities; it also appears in current literature as evidence of civic progress. As a result, the context of Birmingham's municipal history has become narrow and distorted, a factor further compounded by the seemingly inexorable presence of Joseph Chamberlain. His part, in both national and local government, has found multiple outlets within current literature. He is still held up as a standard for civic management. It would be difficult to find another historical topic which has remained fixated on presenting a Whig narrative of progress. The objective of this thesis is to present the emergence of municipal government in Birmingham located within its relevant context, without unnecessary, potentially anachronistic, comparison to later events.

Birmingham's first town council was elected, along with those of Bolton and Manchester, in December, 1838, facilitated by the Municipal Corporations Act (1835). This legislation was part of an intensive programme of legislative reform, aimed at rationalising and harmonizing regional organisation following a long period of social upheaval in the wake of industrialisation. This so-called 'age of reform', has been well recognised in current literature. Joanna Innes and Arthur Burns, in their introduction to *Rethinking the Age of Reform* highlighted the multi-faceted nature that ideals of reform represented.<sup>1</sup> The reform of Parliament in 1832 and the Poor Law Amendment Act of 1834, have each tended to attract the majority of academic attention. However, more recently, there have been attempts to understand the more far reaching implications of early nineteenth-century reform. F. David Roberts has linked reform ideals of the early Victorian period to a collective social conscience, highlighting in particular the paternalistic nature of reform.<sup>2</sup> More recently, Bruce Morrison highlighted the continual weakening of monarchical power from the late eighteenth century and the growing ability of parliamentary elites to channel new ideologies.<sup>3</sup> Morrison's insightful analysis argues that those elites were keen to keep the public contented, and that reform policy was an attempt at amelioration between parliament and people, particularly evident during tough economic periods. It was a partnership that can be seen as a move towards modern systems of government and greater democracy. Mass protest, particularly where violence, or the threat of violence, played a role, often preceded reform legislation, such as was witnessed during the drawn-out passage of the Great Reform Act in 1832. The research

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<sup>1</sup> Arthur Burns and Joanna Innes, *Rethinking the Age of Reform: Britain 1790-1850* (Cambridge, 2003), pp.1-70

<sup>2</sup> F. David Roberts, *The Social Conscience of the Early Victorians* (California, 2002)

<sup>3</sup> Bruce Morrison, 'Channelling the "Restless Spirit of Innovation": Elite Concessions and Institutional Changes in the British Reform Act of 1832', *World Politics*, 63, 4, 2011, pp.678-9

presented here is primarily concerned with local government reform, however some attention will be given to demands for parliamentary and tariff reform, as these two were a prominent source of agitation in Birmingham. A further ideology, which was unique to Birmingham, was that of monetary reform, and some attention will also be applied to that. There were many other demands for legislative change, but there was not scope here to cover them all; however, it has been understood that there was a pervasive reform spirit in Birmingham across the period under review.

The time frame presented in the title covers a period that runs from the election of the Birmingham Street Commissioners through to the amalgamation of all the town's administrative bodies into the Town Council. This span is much the same as that utilised by James Thackeray Bunce in his *History of the Corporation of Birmingham*, published in 1878. This makes sense chronologically and also gives a useful impression of how administration and local responses to administration changed over time. Again, there is no intention to present an intimation of progress, although research made clear that there were a number of reasons why the town required a new system of administration. The Street Commissioners had to apply for an Act whenever they intended to undertake significant structural investments that put a burden on the public purse. It was an expensive and time-consuming pursuit that required a good deal of planning; a cumbersome system in a town that was expanding apace. In addition, the traditional ways of raising revenue for capital projects were becoming untenable, and the Commissioners did not seem to have either the authority or the will to seek alternative options.

The pre-corporation system of governance was convoluted, but it was not as shambolic as current literature claims. Birmingham was a town renowned for technological innovation and, as many of the administrators were local captains of

industry it is perhaps of no surprise that they could also convey innovation in the management of the town, particularly at times of crisis. The minutes of the Street Commissioners used in this research spanned half a century and contained great detail on processes. There were numerous areas of structural improvement that offered scope for analysis, and the choices included in the thesis are not exhaustive; there are certainly areas that would benefit from further investigation that have not been included in detail here, such as gas lighting and paving innovation.

### Thesis structure and current literature

The events preceding Birmingham's incorporation, including legislative reform and popular protest, form a large portion of this thesis, as they were important not only for the introduction of municipal incorporation, but also the way in which it was ultimately received. Attention has been given to social, political and cultural factors, including regional traditions and expectations. The nature of Birmingham's small workshop economy meant that a large portion of the population felt invested in the town and its economic success. The use of the term 'governance' in the title of this thesis should be understood as having relevance beyond issues of local administration and includes lobbying and mass petitioning of parliament on issues that impacted the town's economy. Those interactions were generally led by the business community and often related in some way to the preservation of the town's economic status.

Eric Hopkins' exploration of Birmingham's industry during the Industrial Revolution offered a comprehensive insight into the town's changing economy but also emphasised significant areas of continuity.<sup>4</sup> Covering a similar timescale as this thesis,

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<sup>4</sup> Eric Hopkins, *The First Manufacturing Town in the World, 1760-1840* (London, 1989)

Hopkins presented useful contextual material on manufacturing as well as insights into some of the more significant local businessmen. The work primarily focussed on Birmingham's economic and social expansion, with insightful material on the town's retail history. There was some criticism of Hopkins limited references to local politics and a failure to take into consideration the town's relationship with surrounding regions.<sup>5</sup> Hopkins admitted that 'developments of a political nature...fall outside the intended scope' of the book, but regularly referenced John Money, whose work, *Experience and Identity: Birmingham and the West Midlands, 1760-1800*, does have a strong focus on politics as well as regional relationships in and around Birmingham.<sup>6</sup> These two books complement each other well and have been well utilised during this research.

Clive Behagg's *Politics and Production* is perhaps the most comprehensive presentation of Birmingham's nineteenth-century political scene and has been a further key piece of secondary material in researching this thesis.<sup>7</sup> Published in 1990, it focussed on workplace relationships, but included significant reference to management of the town and popular political expression, particularly around the transformative 1830s period. Although the central theme was on labour and class, *Politics and Production* also explored the role of language and culture in shaping class politics, challenging more traditional narratives of Birmingham's community at this crucial period of its development. There is a limited presentation of Tory mobilisation, which has created something of an imbalance for understanding local relationships in the run up to

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<sup>5</sup> Richard Price [Review] *Birmingham, the First Manufacturing Town in the World, 1760-1840* (London, 1989) *The American Historical Review*, 95, 5 (1990), pp.1537-8

<sup>6</sup> John Money, *Experience and Identity: Birmingham and the West Midlands, 1760-1800* (Manchester, 1977); Hopkins, *First Manufacturing Town*, p.142

<sup>7</sup> Clive Behagg, *Politics and Production in the Early Nineteenth Century* (London, 1990)

incorporation, and there has been some effort to further add to that research as part of this thesis.

In 2000, Denys Leighton challenged the ‘myth-making’ which has surrounded Birmingham’s nineteenth-century radical political scene. Offering a rare insight into the social relationships that shaped the emergence of partisan politics in the town which, in turn, impacted on the way in which municipal ideals were presented and received on a national as well as local scale. In so doing, Leighton questioned the reality of a municipal democracy.<sup>8</sup> In 1977, John Garrard also offered an alternative interpretation of nineteenth-century incorporation. Using the example of Salford, he argued that, rather than extending democratic principles, attaining a Charter of Incorporation instead represented ‘an attempt on the part of propertied leadership to decrease the number of access points’ to local power.<sup>9</sup>

Bunce and Gill have already been highlighted as two of Birmingham’s most substantial biographers, but there is a small body of others. J. Alfred Langford’s *A Century of Birmingham Life*, published in 1868, is a largely anecdotal collection of articles from the local press.<sup>10</sup> Born in Birmingham in 1823, Langford identified as a Radical, and would have been an eye witness to the crises that surrounded incorporation, and his contribution should therefore not be too readily dismissed.<sup>11</sup> Among the more recent studies of Birmingham the foundation of the town council can appear as little more

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<sup>8</sup> Denys Leighton, ‘Municipal Progress, Democracy and Radical Identity in Birmingham, 1838-1886’, *Midland History*, 25, 1 (2000), p.115

<sup>9</sup> John Garrard, ‘The History of Local Political Power – Some Suggestions for Further Analysis’, *Political Studies*, 25 (1977) p.266

<sup>10</sup> J.A. Langford, *A Century of Birmingham Life, or a Chronicle of Local Events from 1741 to 1841* (Birmingham and London, 1868)

<sup>11</sup> Carl Chinn, ‘Langford, John Alfred (1823-1903)’, *Oxford Dictionary of National Biography*, (Oxford: OUP, 2004); online ed., ed. David Cannadine, September 2014, <http://www.oxforddnb.com/view/article/34403> (accessed August 26, 2017).

than a punctuation. For example, Roger Ward's *City-State and Nation*, contains less than two pages dedicated to the early corporation.<sup>12</sup> This is a surprising omission in a book dedicated to understanding the town's political history. Tristram Hunt, writing on the physical structure and management of Victorian cities more generally, also diminished Birmingham's early nineteenth-century achievements.<sup>13</sup> Blaming the town's misfortunes on a 'paucity of "merchant princes"' and a display of 'negative civic pride', Hunt decried the town's infrastructure as 'disgusting'.<sup>14</sup> Unsurprisingly, Hunt then introduces Chamberlain to the narrative, through a lamentation of the 'miserable vista which greeted Joseph Chamberlain twice a day...a sight which made him evermore determined to raise the city from this mire.'<sup>15</sup> Hunt's uncompromising appraisal seems rooted in historical narratives, with little or no attention to primary evidence beyond anecdotal accounts. This thesis challenges those misconceptions and oversights using a careful analysis of contemporary evidence of actual events and actions. Derek Fraser has written prolifically on urban incorporation, but his appraisal of pre-Chamberlain Birmingham suggested that the town was 'notoriously backwards in its civil administration.'<sup>16</sup> Briggs similarly suggested 'an incompetently managed city'.<sup>17</sup> These contentions are misleading and should be challenged. Whilst there is evidence of an apparent stagnation in the town's civic administration following 1852, that was not representative of the impressive structural transformation of the town from the late eighteenth century forward.

Among a small number of general surveys of Birmingham, the most recent was published in 2016; edited by Carl Chinn and Malcolm Dick. Several contributors traced

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<sup>12</sup> Roger Ward, *City-State and Nation, Birmingham's Political History, 1830-1940* (London, 1990)

<sup>13</sup> Tristram Hunt, *Building Jerusalem, the Rise and Fall of the Victorian City* (London, 2004)

<sup>14</sup> Ibid. pp.322-325

<sup>15</sup> Ibid. p.324

<sup>16</sup> Derek Fraser, *Power and Authority in the Victorian City* (Oxford, 1979), p.110

<sup>17</sup> Asa Briggs, *The Age of Improvement:1783-1867* (Harlow, Middlesex, 1975), p.278

the development of the town from pre-history to modern times, with reference to society, economy and politics.<sup>18</sup> Conrad Gill's 1952 *History of Birmingham Volume I* is a largely narrative biography of the town and commissioned by the incumbent city council.<sup>19</sup> The second volume of the series was written by Asa Briggs, but the dates in that edition fall outside the chronological parameters of this thesis and is therefore not referenced. John Thackeray Bunce's *History of the Corporation of Birmingham* was published in 1878, two years after Chamberlain's resignation from the mayoralty.<sup>20</sup> That was also commissioned by the corporation, and presented a far more linear review than Gill, whose organisation of material appears somewhat abstract. Neither Bunce nor Gill presented a wholly negative comparison of the pre- and post-corporation systems, and certainly Bunce exuded a warmth towards the Street Commissioners. However, neither are the large volumes completely satisfactory as they overlook administrative relationships with the wider community and national government. There is also too little attention given to the sub-districts that were absorbed into the borough following the 1832 Boundary Act, an issue that this thesis will address.

The thesis begins with a close observation of Birmingham's pre-Corporation administration, which has attracted little attention within traditional representations of the town. Attention has been given to organisation as well as actions. A complex system was in place, and this was further convoluted following boundary changes in 1832, when no less than six administrative bodies were in place. Nevertheless, the system was largely effective through the determined efforts of a small core of businessmen who held a

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<sup>18</sup> Carl Chinn and Malcolm Dick (eds.), *Birmingham, the Workshop of the World* (Liverpool, 2016)

<sup>19</sup> Conrad Gill, *History of Birmingham, vol. 1: Manor and Borough to 1865* (London, 1952)

<sup>20</sup> J.T. Bunce, *History of the Corporation of Birmingham with a Sketch of the earlier Government of the Town, Volume I* (Birmingham, 1876). Bunce's two volume series was further taken up by Charles Henry Vince, Joseph Trevor Jones and Harold J. Black, taking the corporation's history up to 1950

personal interest in the economic success of the town. This was recognised by Hopkins, who stated that the primary role of the Street Commissioners was to ‘keep the traffic flowing’.<sup>21</sup> Research undertaken for this thesis has shown that Birmingham’s combination of administrative bodies had more wide-ranging responsibilities than Hopkins’ quote suggests, but it is certainly indicative of the prevalent priorities, which were almost always linked to trade. In addition to the Street Commissioners, Birmingham adopted Gilbert’s Act

Chapter one also includes an appraisal of the Guardians of the Poor, an institution that represented Birmingham’s first corporation. Established under Gilbert’s Act of 1782, the Board of Guardians was elected by and answerable to a potentially larger electorate than that created by the Municipal Charter. It was in existence in Birmingham from 1783 until 1930, when its duties were finally absorbed in the city council. At the time of municipal incorporation, the Board of Guardians had significant control of the town’s purse strings, and as a result it became politicized amid the intense administrative rivalries in the early 1840.

The intent behind chapter two is to provide a useful context for events and issues surrounding the move to incorporation. Questioning how Birmingham came to move for a Charter of Incorporation when it had a proud tradition of being ‘unshackled’, the chapter will begin with an overview of its economic structure. Because the small workshop economy played such a significant role in the town’s identity, there will be an investigation into how it became established and how it played out in the Industrial Revolution. Moving on to explore the social scene, some attention will be given to class formation in relation to the economy and the impact of legislation on religious diversity.

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<sup>21</sup> Hopkins, *Birmingham, First Manufacturing Town in the World*, p.97

Evident lines of tension will also be traced. A substantial middle-class residency meant that there was a lively cultural scene, which also merits attention as it offered spaces for networking and dissemination of ideas.

The period covered here spanned not only the Industrial Revolution, but also an age of reformism, that is both demands for reform and also the imposition of it. Political narrative most often centred on issues related to parliamentary and trade tariff reform, particularly in the industrial urban centres of the Midlands and the North of England. Birmingham was no exception to this, and the town experienced a visible, persistent presence of political protest that fitted with similar experiences in other regions. The chapter traces the evolving political scene in the town, from the relatively closed coffee shop culture of the late eighteenth and early-nineteenth centuries, through the open-air meetings of the Hampden Club which later grew into the ‘monster meetings’ organised by the Birmingham Political Union – the world’s first political union – which played a not insignificant role in demands for parliamentary reform. Following the passage of the Great Reform Act in 1832, the town returned its first parliamentary representative. Celebrations quickly gave way to dissatisfaction with the lack of real parliamentary change, contributing to the move for a Charter of Incorporation,

Birmingham’s Tories have received little attention in current literature and their feature in this analysis is also limited, but it will be shown that their steady re-emergence as a mobilised political force became an increasingly important element of the local political scene. John Money has shown that there was something of a Tory dominance in Birmingham’s eighteenth-century political scene, but their presence during the early nineteenth century is less palpable and also more difficult to trace within contemporary documentation. Following the Tamworth Manifesto of 1834, however, the Birmingham

Tories can be seen to become better mobilised with the formation of the Loyal and Constitutional Association. Whilst they did not, at least initially, present any real threat to the dominance of Radicalism in the town, the Association was still able to create difficulties for the Corporation as it came into existence. This was largely the result of some members having wealth and access to men in local office. There is a sense, across the primary sources accessed,<sup>22</sup> that the Tory presence, though latent, had some significance, even prior to Tamworth, as parliamentary election results presented in chapter two demonstrates. It has been more than four decades since David Cannadine called for a more comprehensive survey of Birmingham's Tories; further investigation into the history of the Loyal and Constitutional Association would be a welcome addition to current literature.

Having presented an insight into Birmingham's social and political scene, across the course of some half a century of popular protest in the town, chapter three will move to the campaign for municipal incorporation. This will be shown to have been led by a small body of politically ambitious men who had vested interests in the town but were equally motivated by a desire for social change, which had not been provided by the commerce-motivated Street Commissioners. The chapter also presents accounts of three other towns which applied for a Charter of Incorporation at the same time as Birmingham. Two of those towns, Bolton and Manchester were also successful in their application, but the third, Sheffield, was not. The research raised evidence of a short period of lively debates around municipal incorporation, but also of growing tensions. In Birmingham,

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<sup>22</sup> David Cannadine, 'The Calthorpe Family and Birmingham, 1810-1910, "A Conservative Interest" Examined', *The Historical Journal*, 18, 4 (December 1975), pp.725-760; Clive Behagg, *Politics and Production* included references to the Tory presence throughout; for the Tamworth Manifesto and foundation of modern Conservative Party, see Norman Gash, *Sir Robert Peel; the Life of Robert Peel after 1830* (London, 1972)

incorporation was beginning to carry with it a sense of betrayal, as Chartist rhetoric began to create an antagonism between the older middle-class, Reformists and a new, youthful population, swayed by the arguments of Chartism. The chapter begins with a useful overview of the Municipal Corporations Act (1835) and where it stood in relation to Reformism, through to the way in which Birmingham and other towns mobilised the incorporation campaign and the organisation and results of the first corporation election. Consideration is given to both the motivations which drove the campaign, along with opposition to it. Attention is also given to the organisation of the first elections, which has not been given much attention in current literature.

Finally, chapter four introduces Birmingham's first Municipal Council, tracing the difficulties it faced as it evolved and revealing an unravelling of ideological consensus within the small body of men. These first municipal men faced opposition from surprising and multiple sources. Challenge from local Tories was, perhaps, to be expected, but they also faced increasing ostracism from the artisan community. This two-pronged attack featured an increasingly violent Chartist challenge to the council's authority, whilst the Tories used their positions on the Board of Guardians to successfully veto payment of the borough rates to the Corporation. Under the legislation of the Municipal Corporations Act, the councillors were responsible for ensuring the maintenance of the peace; with no funds they found themselves unable to respond effectively. The stormy summer of 1839 witnessed two weeks of rioting in Birmingham, the result of Chartist anti-establishment rhetoric. As a result of the council's perceived inaction, and amid growing national concerns of a potential insurrection, the government imposed a stipendiary police force on the town, over which the council had, initially, little control. Although the Birmingham Police Act (1839) was not well received, in reality it gave the Corporation some leverage.

As the new force was under government control, the Board of Guardians was no longer able to resist payment of the borough rate. Chapter four concludes by presenting a brief overview of what happened after Robert Peel confirmed the Charter of Incorporation and placed Birmingham Town Council in a position from which it could begin a challenge for amalgamation of the local administrative system.

### Methodology

It is clear, from a survey of current literature that attention to Birmingham's local governance is overly focussed on the later Victorian period, with too little attention paid to earlier systems. Further, the crucial period of change in the town's administrative structure which took place from 1838 has not been subjected to rigorous analysis. The core question for this thesis is, therefore, how did Birmingham come to gain a Charter of Incorporation? In response to that question, the research presented here sought to assess the processes involved, from early lobbying for parliamentary change through to local mobilisation of opinion favourable to incorporation. It was also important to uncover the personalities who managed and promoted those processes, and to understand motivations. Was this a demand based on dissatisfaction with the current system? Or was there a political agenda? Unpacking the process of changing systems in regional governance, and the shift in attitude that promulgated them, offers a useful point from which to understand the impact of early nineteenth-century reform.

To understand the motivations behind the demand for a new system of governance, attention has first been given to the incumbent system of administration in Birmingham. This was done through a careful reading across fifty years of Street

Commissioners minutes.<sup>23</sup> They were insightful and confirmed that the actions of the body were driven by desire for commercial success. However, they also revealed a surprisingly modern approach to town management through a period of immense demographic change. For example, when numerous complaints were presented regarding steam engine pollution, the Street Commissioners began investigating new inventions for smoke suppression, using their findings to encourage responsible factory practice. Similarly, bouts of flooding following heavy storms promulgated investigations into new types of drainage system. Over the course of five decades, various boards of commissioners sought out the latest devices for street cleansing and paving. There is little doubt that rapid growth of the town created increasing difficulties in its management as the nineteenth century progressed. However, this should not detract from the great advances that were made, nor from the novel approaches that the Commissioners were prepared to take to achieve them. There has been no in-depth analysis of Birmingham's Street Commissioners and their actions in current literature. Contemporarily there were numerous complaints about the actions of the Commissioners, but these were of a nature comparable to subsequent, and even current, iterations of urban disquiet. Pot holes and parking fines were as much a cause of complaint in early nineteenth-century townscapes as they are today.

To ascertain the extent of a political motivation for seeking a change in local governance structure, attention was given to the mobilisation of local popular public feeling on certain matters of national significance. Across this period, trade tariffs and parliamentary reform were core issues for various national protest movements. In

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<sup>23</sup> Birmingham Archives, Heritage and Photography, MS 2818/1/3-8, Minutes of the Birmingham Street Commissioners, January 1801-December 1851, referred to as BAHM from this point

Birmingham, a town which was dependent on international trade and with no parliamentary representative of its own before 1832, a vibrant, visible community of political activism was in clear evidence. Many of the men who led that activism went on to play a role in the corporation. Throwing light on the relationships between those men and the body of the community, particularly the artisan community, along with incumbent authorities and national government, was central to making sense of how a Charter of Incorporation was obtained.

### Primary Source Material

A rich repository of primary source material has been available in the pursuit of this research. Printed sources have included minute books of three of Birmingham's administrative bodies – the Corporation, the Street Commissioners and the Board of Guardians – each of which are represented in Birmingham's central archive in hefty tomes. From those it has been possible to uncover a snapshot of how Birmingham was managed up to the mid-point of the nineteenth century, as well as the relationships between the three bodies, and their relationship with the community. There are some quantitative graphs included in the thesis to show composition of the administrations, these were compiled using data collected from the minute books, cross-referencing them with trades catalogues as well as each other to show the occupational spread of individuals. This offers some indication of the prevalence of self-vested business interests which contributes to an understanding of *why* men sought public office as well as how they achieved it. Other documents and ephemera, not all of which have been used in the final drafting of this thesis, have contributed to a rounded perception of political life in early nineteenth-century Birmingham: maps, petitions, private letters, posters, handbills, cartoons, paintings and music scores, have been accessed.

The physical archives can be problematic. The material sources came with their own difficulties. All were hand-written and, for the most part, were legible. Details contained in minute books should not be mistaken as a full transcript of a meeting; this became particularly obvious when comparing the Corporation's recordings with those reported in the local press, the latter contained far more detail. That is not to say they lack merit, as a comparison of what was officially recorded against what was not included in the official record is revelatory. Frustratingly, minutes of the Street Commissioners would occasionally include reference to a petition, or a letter presented on an issue, but without any further information on what the letter might contain; it is assumed that such correspondence is now lost. Important social events, including violent unrest and the Chartist presence, rarely feature in the official administrative documents; it appears an odd omission and it would have been interesting to evaluate attitudes to those events. In this instance, silence has been a less useful source of evidence.

The minute book of the Duddeston cum Nechells Radical Reform Society proved a particularly rich source of evidence.<sup>24</sup> Polling lists for various elections remain intact and pasted inside the pages. These were printed, sometimes on coloured paper, perhaps for impact or perhaps to highlight a party affiliation and show a level of sophistication and use of fiscal resources, which add to an understanding of the Society and its ambitions. The records of this Society would benefit from further investigation, as they reveal a good deal about the more mundane aspects of Radical mobilisation.

In 1906, Beatrice and Sidney Webb published the findings of their investigation of the history of England's local administration.<sup>25</sup> It had taken them eight years to travel

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<sup>24</sup> Duddeston and Nechells Radical Reform Society hereafter DNRRS

<sup>25</sup> Beatrice and Sidney Webb, *English Local Government, from the Revolution to the Municipal Corporations Act: The Parish and the County* (London, New York and Bombay, 1906)

up and down the country, tracing ancient documents and legislative records. Despite their work, it could never be a fully comprehensive task; in the introduction to their first volume, they admitted ‘it would be absurd to suppose that we have either exhausted all the possible sources or deduced from them all the possible inferences that they might be made to yield.’<sup>26</sup> It remains a difficult task, but the digitization of printed source materials has made research more accessible. Little over a century after the publication of the Webb’s findings, it has been possible to make use of the British Newspaper Archive and other digital repositories where appropriate, in a very short space of time. Newspapers became important elements in the development of the early nineteenth-century political public sphere, and editions local to Birmingham can be seen to represent oppositional political factions in the town. As such, they are a rich source for understanding prevailing issues and debates. Access to them has opened the possibility for addressing further issues, such as regional attitudes to events in Birmingham, as well as observation of the numerical growth of print publications during this period. Further digital archives have been equally indispensable. Of note here is Hansard, which offers access to Parliamentary debates on issues relevant to this research. The phenomenon of the ‘search box’ was not a luxury available to the Webbs, or many who came after them, and it remains to be seen how it might affect the presentation of history as the breadth of digitized documents continues to expand.

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<sup>26</sup> *Ibid.*, p. xii

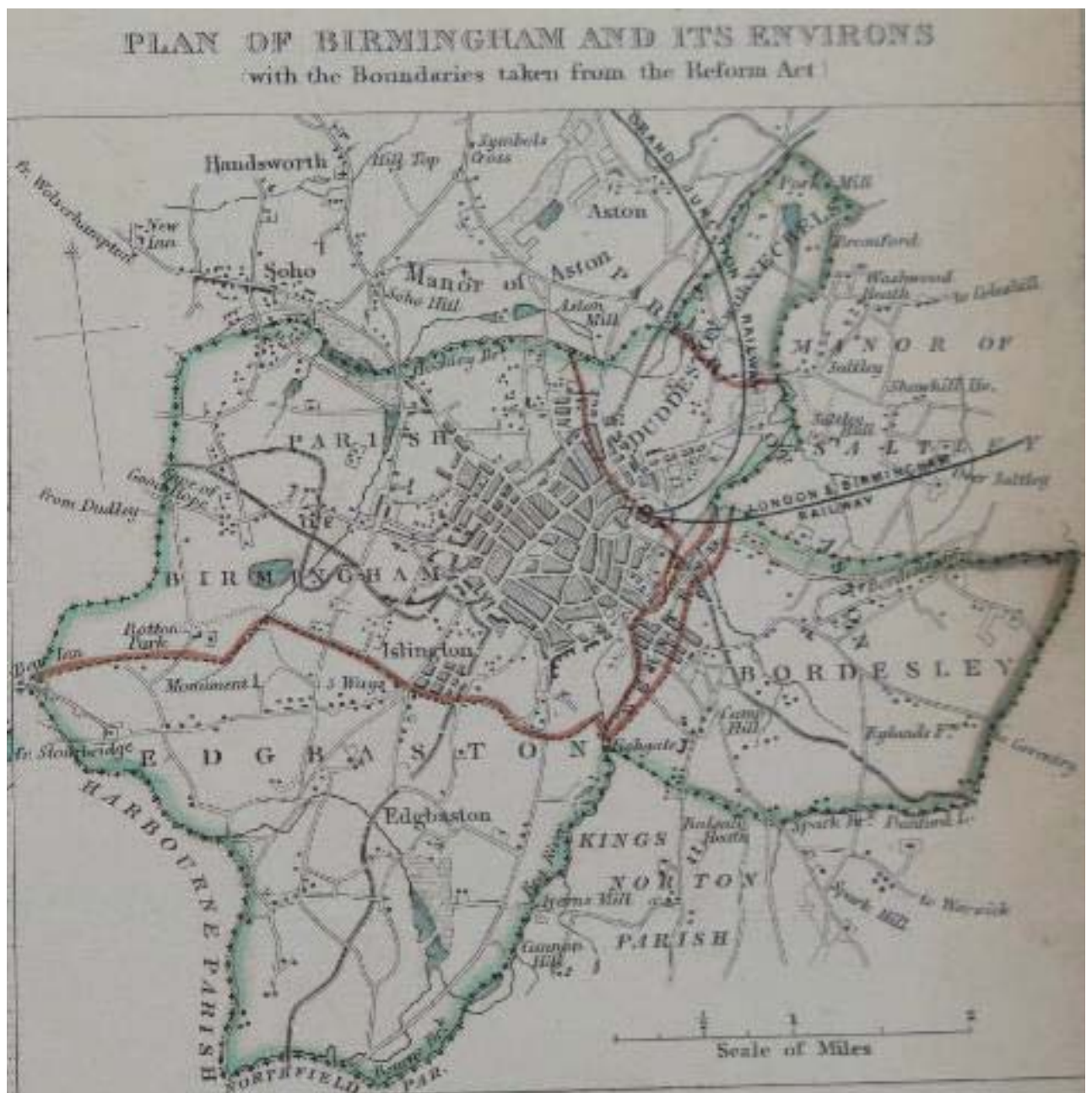


Figure 1 'A Plan of Birmingham and its Environs 1839' (Society for the Diffusion of Useful Knowledge, 1839)

# 1.

## Birmingham Improved

*The constitutions of the existing Municipal Corporations in England and Wales are exceedingly various in detail, and do not admit to being summarily described, except with regard to some of their more prominent features.*

(‘Report of the Commission of Enquiry into Municipal Corporations, March 30<sup>th</sup>, 1835’) <sup>27</sup>

In 1834, the British government commissioned a royal survey into the state of English provincial administration. Joseph Parkes, a solicitor practicing in Birmingham was given responsibility for drafting the enquiry’s findings. The detailed report revealed that an intensely diverse regional administrative structure was in operation. Primarily focused on incorporated boroughs, the survey had discovered that there was no single system of regional authority, but rather a patchwork of administrative bodies that had barely evolved from medieval, localized traditions. A vast array of local government agents was ostensibly running the country that lay outside of Westminster. Regional management and the maintenance of public order was entrusted to various magistrates, constables, beadles and others. They were found often to be acting unchecked and in a secretive, sometimes underhanded manner. For Parkes, at that time recognised as a ‘philosophical Whig’ and proponent of franchise reform, the lack of transparency in regional governance had undermined the Parliamentary reform of 1832.<sup>28</sup> The so-called

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<sup>27</sup> ‘Report of the Royal Commission of Enquiry into Municipal Corporations’ hereafter referred to as ‘RRC’

<sup>28</sup> Nancy LoPatin, “With All My Oldest and Native Friends”. Joseph Parkes: Warwickshire Solicitor and Electoral Agent in the Age of Reform’, *Parliamentary History*, 27 (2008) pp.96-108; G.B.A.M. Finlayson, ‘Joseph Parkes of Birmingham, 1796-1865: a study in Philosophic Radicalism’, *Bulletin of the Institute for Historical Research*, 46 (1973)

pocket boroughs were still in existence and, the report revealed, as rotten as they had been in the past.

A lack of a single, centralized system of regional government has long been recognized as a key motivator in the early-nineteenth century municipal reform movement. The survey undertaken by the commission revealed what perhaps many already knew to be the situation: a confused and highly complex structuring of corporation administration. Organization of regional administration was further complicated as incorporated towns represented only a fraction of English and Welsh regional administrative units. A considerable number of rapidly expanding industrialized towns in England were not incorporated, but had their own diverse systems of governance, often rooted in long-established traditions. Among these were fifty-four Parliamentary boroughs with a combined population that exceeded two and a half million people. A little more than half of these were new boroughs that had been created under the Parliamentary Boundaries Act of 1832, many of which were in the North and Midlands of England.<sup>29</sup> Birmingham, as well as Manchester and Bolton, fell into that category. The complex structure of regional administration prior to municipal reform merits some attention, particularly as such systems remained incumbent for more than a decade after the new municipal corporations were first returned to office. This resulted in many early tensions that can be ascribed to the challenges new structures of governance posed within the status quo. The objective in presenting this chapter is to offer some clarity to the complex structuring of local authority by disentangling it into its component parts. The focus here will remain on Birmingham and so will also serve as an introduction

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<sup>29</sup> RRC, p.52 includes statistics for unincorporated Parliamentary boroughs; Parliamentary Boundaries Act 2& 3 Will. IV, c. 64

to how the town functioned as well as setting a comprehensive context in which to understand both the pragmatic and the ideological motivations that drove municipal reform.

An exploration of pre-reform regional administration offers a useful structure in which to understand changes in systems of governance during the so-called Age of Reform. As Britain approached the Victorian era and ideals of modernity there were significant changes in relationships between regional and central government. James Vernon has suggested that this switch can be identified around the mid-nineteenth century, largely because of demographic changes and urban growth.<sup>30</sup> Economic theory, notably the work of Karl Polanyi, has placed an emphasis on the Poor Law Amendment Act of 1834 as indicative of a change in attitudes and the emergence of the market economy.<sup>31</sup> Both indicators were present in Birmingham, certainly at the dawning of the nineteenth century. This chapter will highlight some key aspects of administration that offer a sharp contrast with the system introduced by the Municipal Reform Act that will underscore a shift from localism to centralism which began to take place from the early 1840s.

### 1.1 Manor, Parish and County

When Birmingham's first town councillors were returned to office in December 1838, they shared their initially limited authority with several other incumbent bodies. These included both publicly and self-elected boards of administration, each with its own jurisdiction and working within its own geographic boundaries. Further, they can be seen to have operated within two distinct systems of governance, one rooted in ancient custom

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<sup>30</sup> James Vernon (ed.), *Distant Strangers: How Britain became Modern* (Berkeley, 2014)

<sup>31</sup> Karl Polanyi, *The Great Transformation* (Beacon Press, 2001 reprint) pp.116-120

and tradition, the other a more modern system that was dependent on the authority of central government and the approbation of the local community. Whilst it is possible to identify something of an overlay between ancient and modern bodies, as the latter gradually absorbed the former, no single, cohesive administrative structure was in place. It appears an odd mix, but one that seems to have been coterminous with the general landscape in regional administration at that time. David Eastwood has suggested early nineteenth century towns that were ‘palpably urban’, including Birmingham and Manchester, were still governed ‘by the same formal institutions of the village’ and yet ‘had the formal apparatus of a borough corporation’.<sup>32</sup> This is a prudent interpretation, certainly for Birmingham, as this chapter will reveal. Up until the boundary changes of 1832, Birmingham’s administration can be understood to have comprised the Commissioners of the Birmingham Street Act, the Board of Guardians of the Poor and the Committee of the Parish Vestry, which included the Overseers of the Poor. Additionally, there was a weakened, though still incumbent, manorial leet. Following the boundary changes, five further administrative bodies were added to this number. These were the various bodies of the newly absorbed hamlets of Duddeston and Nechells, Deritend and Bordesley and the Surveyors of Edgbaston. Each of these also lay within separate parishes, introducing the additional complexity of further vestry councils. For clarity, those bodies that came into Birmingham in 1832 are explored separately.

Birmingham’s early nineteenth-century administration was divided between three representative structures: manor and county; parish and vestry; and improving bodies, such as the Street Commissioners. The first two of these structures had their roots in local

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<sup>32</sup> David Eastwood, *Government and Community in the English Provinces, 1700-1870* (Basingstoke, 1997) pp.57-8

tradition, although each was established from different roots. Whilst manor and county authority were imposed on the local community by elite land owners, parish management was traditionally organized with the popular consensus of the parishioners. Further, the parish tended to be concerned with immediate problems, such as highway maintenance and care of the indigent poor, whilst the manor was primarily concerned with protecting its own interests. The county of Warwick appeared as a distant manager of law and order for the town and was also the constituency within which Birmingham was represented. As Birmingham grew in population and economic importance there was a desire among some of the prominent of the business community to achieve autonomy from the county; the final chapter of this thesis will show how the first Town Council worked to bring that about. The third system was established during the last thirty years of the eighteenth century and can be recognized as a response to the demographic changes and rapid urbanization wrought by the Industrial Revolution. The report of the Royal Commission showed that many towns, including those that were incorporated, applied for Improvement Acts for the better management of their towns; the men who enabled those acts locally were generally known as commissioners. In Manchester, they were called Police Commissioners, in Birmingham they were known as Street Commissioners, the names being somewhat representative of their sanctioned responsibilities. For these bodies' authority, therefore, came by way of Parliamentary approval, but application for this authority required a popular consensus. In Birmingham, there was a further improvement body known as the Guardians of the Poor. Authority for that body came by way of national legislation, the Gilbert Act.<sup>33</sup>

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<sup>33</sup> Gilbert's Act, 22 Geo. 3, c.83 (1782)

Prior to the establishment of improving bodies, formal administration was limited to an absentee lord of the manor along with a small body of manorial leet officers and a distant county bench in Warwick. The Leet, a medieval establishment, was primarily concerned with keeping public order and controlling the markets on behalf of the Lord of the Manor. It represented a tradition of local governance that dated back many centuries and continued to exist even as modern authorities became established. However, their authoritative powers should not be overestimated. Bryan Keith-Lucas has claimed that the manor represented the ‘real government of the town’ prior to incorporation; this is not true, although he is right to claim that it ‘was as close and secretive as any municipal corporation.’<sup>34</sup> As early as 1794, Birmingham’s first historian, William Hutton, stated that ‘these manorial servants, instituted by ancient charter, chiefly possess a name without an office.’<sup>35</sup> Manorial authority was gradually leached away through subsequent improvement acts and by the second quarter of the nineteenth century manorial market rights had been transferred to the Street Commissioners.. However, it is equally important not to overlook this ancient body altogether. It will be shown that local titles did offer the opportunity of some political purchase to aspirational members of the local community.

The Leet consisted of High and Low Bailiffs, Flesh and Ale Conners, along with two Constables and their assistant, known as the Headborough. There was also a steward who represented the Lord of the Manor’s affairs and was known as the Affeier.<sup>36</sup> Selection of these representatives was a wholly internal affair that does not appear to have been subject to public scrutiny. In 1831, *Aris’s Gazette* offered an insight into the process. During an annual meeting of the Leet, held at the Public Office, a twenty-two-man jury

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<sup>34</sup> Bryan Keith-Lucas, *The Unreformed Local Government System*, (London, 1980), p.3

<sup>35</sup> William Hutton, *History of Birmingham*: third edition (Birmingham, 1886), p.143

<sup>36</sup> Bunce, *History of the Corporation*, pp.11-12

was ‘sworn in’. The selection of the jury was the privilege of an outgoing Low Bailiff. At some point in the evening ‘the Court adjourned to the Royal Hotel, and the Jury, having retired for about an hour, returned the names of the following gentlemen as Officers for the ensuing year.’<sup>37</sup> Although this was clearly a closed, private and apparently elitist selection process it is also important to recognize that, regardless of their grand and historic titles, the Leet was not dominated by Church and King affiliates. It was a long-held tradition that whilst the High Bailiff would always be an Anglican, the Low Bailiff was a Nonconformist. As the *Gazette* article showed, the Low Bailiff had at least some authority over the jury selection process. A place on the Leet also offered its officers an opportunity to formally engage in national negotiations. For example, in 1812 Thomas Attwood was able to use his position as High Bailiff to travel to London and challenge the government trade embargo with America which was proving economically ruinous to the local metal trades.<sup>38</sup> Attwood went on to become one of Birmingham’s first Parliamentary representatives, along with Joshua Scholefield who also held office as High Bailiff.

Whilst policing came under the jurisdiction of the constables locally, the dispensation of justice was settled at the county assizes in Warwick, some twenty-one miles from Birmingham. Prisoners, witnesses and any required specialists had to be transported there for trials at the expense of the public purse. The Lord Lieutenant of Warwick was ostensibly responsible for the maintenance of public order across the whole county, including Birmingham. There was a body of yeomen who could be dispatched to the town in times of crisis. This dependency on the county was one that the Town Council

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<sup>37</sup> *Aris’s Birmingham Gazette*, October 31<sup>st</sup> 1831

<sup>38</sup> *Caledonian Mercury* May 11<sup>th</sup> 1812; Attwood presented a petition from the people of Birmingham before a select committee debate on the orders in Council

would move swiftly to sever in its early years. Birmingham did have its own small debtors' court, authorized by a private Parliamentary Act obtained in 1752. The Court of Requests met weekly at a building known as the Old Cross which stood at the entrance to New Street. Seventy-two commissioners were appointed to consider cases of debts under forty shillings. Hutton revealed the process of their selection, stating that 'every two years ten of the commissioners would be balloted out and ten other inhabitants chosen' and that these commissioners had authority to appoint legal clerks and to deliberate on cases. Hutton claimed that between eighty and one hundred cases were heard every week and that the commissioners' decisions were final.<sup>39</sup> Although the Court of Requests pre-dated the modern improvement bodies by more than a decade, they can clearly be seen to have represented a local administrative system that fell somewhat outside the jurisdiction of both the manor and the county bench. The Court of Sessions gave local inhabitants some responsibility and authority over their own affairs, but it is apparent that there was little further change until the Town Council took up office in 1838.

The parish represented a further ancient system of administration. It operated through the body of a vestry, whose officers were elected annually from among its rate-paying parishioners by public vote. Prior to the passing of local improvement acts, the parish was responsible for highway maintenance, and surveyors featured among the elected officers. Churchwardens were also elected annually in the same manner and these would become key political players in Birmingham and Manchester during the process of municipalisation. Whilst it was not a wholly democratic system, for Joshua Toulmin-Smith the parish vestry represented more than an organ of administration and he effused that:

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<sup>39</sup> Hutton, *History of Birmingham*, pp.222-3

The Parish is the actual foundation and chief practical sphere of that Principle and system of Responsibility of each to all, and of Society to each of its members, which forms the basis of the English Constitution, and can be the only solid and permanent basis on which a free state can rest.<sup>40</sup>

Toulmin-Smith's belief that the parish vestry was synonymous with the English constitution did not arise from a personal spiritual ideology as he was not proclaiming the might of the Church of England; rather he saw in the parish vestry a system of administration that was 'of the people, for the people' living within the parish boundaries and set apart from any government interference. Smith, dating the institution's origins back to Anglo Saxon times, viewed the parish vestry as the ultimate representation of a 'Free State'.<sup>41</sup> Despite its ancient origins, the nineteenth-century parish vestry represented a system of governance that fitted with prevailing attitudes to democratic representation. It was, as Eastwood described, 'a ratepayers' republic'.<sup>42</sup> However, Toulmin-Smith's ideological interpretation should be treated with some caution; not all parishioners were included in the parish franchise, which was generally weighted in favour of wealthy property owners. Eastwood has also identified a local elite dominating most parish councils.<sup>43</sup>

From the passing of the Elizabethan poor laws in the late sixteenth century, management of the indigent poor remained one of the most pressing administrative responsibilities in all English towns, regardless of their municipal status. Prior to the adoption of Gilbert's Act, this responsibility was vested in the parish and can be seen to

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<sup>40</sup> Joshua Toulmin-Smith, *The Parish, its Obligations and Powers at Law, as Regards the Welfare of Every Neighbourhood, and in Relation to the State: its Officers and Committees: and the Responsibility of Every Parishioner* (London, 1857), p.xxi

<sup>41</sup> Ibid. p.x

<sup>42</sup> Eastwood, *Government and Community*, p.43

<sup>43</sup> Ibid. pp.43-4

have represented a bureaucratic system, whereby local inhabitants were rated an annual levy and the collective sum was offered up as poor relief. A small body of locals was appointed as overseers, responsible for the collection and distribution of the rate, including making decisions on who was worthy of assistance.<sup>44</sup> It was, for the most part, an effective and well-organized system, but as the town grew in the wake of industrialization, the role of overseer became increasingly onerous. In early eighteenth-century Birmingham, there were six overseers of the poor and twenty-three workhouse governors.<sup>45</sup> By 1780, the overseers found it necessary to appoint two salaried officials to assist in the distribution of relief. The cost of providing for the poor only continued to grow as the population expanded. The Birmingham volume of the *Victoria County History* shows that between 1676 and 1700, the cost of poor relief doubled and between 1700 and 1750 it doubled again. But between 1750 and 1810 the cost rose exponentially from £1,168 per annum to £22,000 per annum.<sup>46</sup> This reflected economic fluctuations resulting from trade disruptions caused by war, as well as the adoption of Gilbert's Act in 1782. Under that legislation, parishes could combine and share the costs of building and managing a workhouse; these were different to the workhouses established later in the century, as they were only intended to maintain the sick, elderly and infirm. Able bodied poor were still provided outdoor relief. In Birmingham, it was the parish churches of St. Martin's and St. Philip's that joined forces to create the town's first incorporated body, the Board of Guardians. Much of the literature on the adoption of the act generally is confusing; Samantha Shave has recently done much to address the lack of available information in this area and has revealed that there were seventy-six adoptions of the Act,

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<sup>44</sup> Anthony Brundage, *The Making of the New Poor Law, 1832-9* (London, 1978), p.1

<sup>45</sup> Birmingham's first parish workhouse had been built in 1733

<sup>46</sup> W.B. Stephens (ed.), 'A History of the County of Warwick: volume 7, the City of Birmingham' *Victoria County Archives* (London, 1964), pp.318-353

covering more than a thousand parishes.<sup>47</sup> It should be emphasized that the Act was not compulsory, and Shave has stated that attempts to have Gilbert Unions abolished when the Poor Law Amendment Act (1834) was introduced were blocked. In Birmingham, it was the Board of Guardians which administered the provisions of the New Poor Law, although their structure and organization was not radically altered by it.

Birmingham's Guardians of the Poor, created under eighteenth-century legislation, represented a modern bureaucracy that remained in operation into the twentieth century.<sup>48</sup> Polanyi recognized that there was a 'watershed' in English attitudes to the maintenance of the poor around 1780, and this would be coterminous with the introduction of Gilbert's Act in 1782.<sup>49</sup> The board, elected every three years, was a substantial one, consisting of one hundred and eight members elected by inhabitant ratepayers along with the incumbent parish officers. Guardians did not have to be members of either of the parish churches, and Nonconformists were also eligible for election. There was, as was usual in that period, a property qualification for those who wished to be elected to the office. In 1783 this was set at £20 per annum ensuring, Conrad Gill has emphasized, that they 'represented the wealthier and more independent class'.<sup>50</sup> Anthony Brundage has similarly highlighted an elite composition within Boards of Guardians, arguing that 'real power was taken out of the hands of parish officers and entrusted to a committee of the neighbouring gentry'.<sup>51</sup> The property qualification did make this board somewhat exclusive, and this was not an unusual stipulation for the

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<sup>47</sup>Samantha Shave., 'The welfare of the vulnerable in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries: Gilberts Act of 1782', *History in Focus* IHR, <http://www.history.ac.uk/ihr/Focus/welfare/articles/shaves.html> (original page removed, new page accessed 13/05/2017)

<sup>48</sup>Alistair Edward Sutherland Ritch, '*Sick, Aged and Infirm' adults in the new Birmingham Workhouse, 1852-1912*, unpublished M.Phil. thesis University of Birmingham (2009)

<sup>49</sup> Polanyi, *The Great Transformation*, p.11

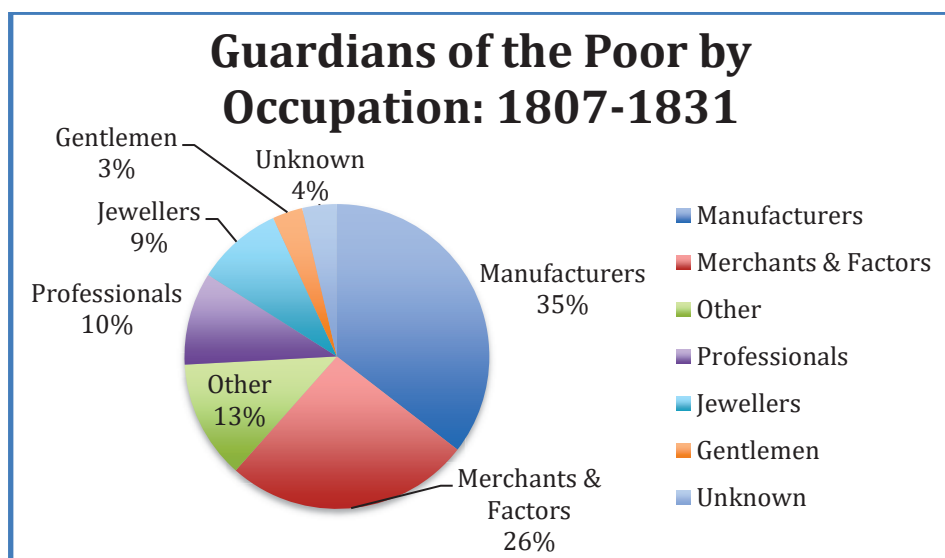
<sup>50</sup> Gill, *History of Birmingham*, p.149

<sup>51</sup> Brundage, *Making of the New Poor Law*, p.6

period, however it must also be acknowledged that the Birmingham board was representative of the local community, dominated by local businessmen with very few members drawn from the gentry. The chart below has been compiled from a survey of guardian's occupations between the years 1807-1831. The minutes of the Guardians of the Poor listed the elected members along with their occupations, revealing a diverse range. As the chart indicates, many were merchants and other types of trades, along with a sizeable proportion of the local manufacturers. These industries ranged from metal rolling to brush making. Other occupations included opticians, auctioneers and stationers. Jewellers and toymakers have been classified separately and include two watchmakers. Although they represented a much smaller group, these were important trades in early nineteenth-century Birmingham that were indicative of the town's small workshop economy.<sup>52</sup> Amongst the professionals were bankers, lawyers and surveyors. There was an interesting peak in the number of surveyors on the board during the late 1820s, a period when the town was undergoing a significant material transformation. The survey also revealed that many of the Board members were repeatedly selected; across the course of twenty-five years a total of 433 men were elected to the one hundred and eight triennial offices.

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<sup>52</sup>Eric Hopkins, *Birmingham, the Making of the Second City, 1850-1939* (Stroud, Gloucs., 2001), p.10, contains a comparative list of toymakers goods in this period.



Occupation	Number
Manufacturers	155
Jewellers	40
Gentlemen	14
Professionals	43
Merchants and Factors	114
Others	55
Unknown	16
<b>Total</b>	<b>437</b>

Figure 2, Guardians of the Poor by occupation<sup>53</sup>

This may suggest the popularity of certain figures, or it may be that only a certain portion of the local community were interested in holding what could be a time-consuming office. Whilst doubtless there were those who acted from ambitious self-interests, there were others for whom such a role represented an important aspect of their personal values. Some family names appeared repeatedly in this survey, coterminous with those from the Dissenting community that have been identified by Leonore Davidoff and Catherine Hall. These included the Lloyds, Cadburys, Rylands and Phipsons, who ‘were central to the town’s economic, social and political life’.<sup>54</sup> Those families, amongst a few

<sup>53</sup> BAHF GP/B12/1/2 and GP/B12/1/3 Birmingham Union Board of Guardians Minutes 1809-1826 and 1826-1838

<sup>54</sup> Catherine Hall and Eleanor Davidoff, *Family Fortunes*, p.43

others, represented Birmingham's urban elite. Alan Kidd has identified a similar pattern in Manchester, where a few families came to social prominence.<sup>55</sup> They could be considered as a budding middle-class that would come to greater prominence in Victorian British society. Importantly, these were local people managing local affairs and readily identifiable as a sophisticated bureaucratic organization. On election, the Board would divide into committees, each with specific responsibilities and budget. They employed salaried officials to manage the day to day running of the workhouse and asylum, including surgeons and nurses to monitor the sick.<sup>56</sup> In the scope of its organization, the Board of Guardians was structured along similar lines to Birmingham's other modern administrative institution, the Street Commissioners and it is to that body that this chapter will now turn.

## 1.2 Improvement Bodies

As trade and commerce continued to flourish in Birmingham from the mid-eighteenth century, so its population rapidly grew. The image above, dated as 1816, shows glass factories alongside a wide, cobbled road. Demographic changes placed considerable pressure on the small town; construction work undertaken to cope with the influx of migrants was unregulated and often substandard. By the end of the eighteenth century, the town was under considerable structural pressure. In 1786 William Hutton, Birmingham's first historian, described the town's dark, narrow streets, dirty from 'want of air', puddled with stagnant water and 'prejudicial to health'.<sup>57</sup>

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<sup>55</sup> Alan Kidd, *Manchester* (Keele, 2<sup>nd</sup> ed., 1996), pp.66-7

<sup>56</sup>BAHP GP/B12/1/2 and GP/B12/1/3

<sup>57</sup>Hutton, *An History of Birmingham*: third edition (Birmingham, 1786), p.161



Figure. 3 *The View of Birmingham from Bradford Street, 1816*, engraving, Sir William Dugdale  
©Birmingham Museums Trust

Writing almost a century later, James Thackeray Bunce further revealed that the pace of population growth between 1751 and 1769 had rendered the town's infrastructure at that time to be 'wretchedly imperfect':

There was no drainage – even the rainwater plashed off the house roofs into the roads and lay there, with the house refuse, until it dried up. The removal of refuse was unprovided for by any public organisation...at night all was pitch dark, save for the light of the moon or the rays of a friendly lantern, for there were no lamps.<sup>58</sup>

Local transport links were so poor that, in 1763, trades carriers threatened to raise their prices for journeys that passed through Birmingham 'on account of the badness of the roads'.<sup>59</sup> It was an unacceptable state of affairs for a town so heavily dependent on

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<sup>58</sup> Bunce, *History of the Corporation*, p.48

<sup>59</sup> *Ibid.* p.49

commerce. And yet, by the time Birmingham's first Town Council was elected, the streets had been drained, paved, lit and macadamized; the railways had arrived; boundaries had been extended; a town hall and modern public office erected; and the thriving markets were in the ownership of the community rather than the manorial lords. It appears a tremendous transformation in a relatively short space of time, and it is one that has too often been overlooked in representations of Birmingham's civic history. To understand this transformation, and put subsequent developments in their correct context, it is useful to acknowledge how this transformation was achieved along with the motivations behind it.

Bunce described the early establishment of the commissioners:

The state of the town, being such as we have described, and its extent, population, wealth, and importance generally having out-grown the primitive methods of administration at that time in operation, it was a natural result that the more thoughtful of the inhabitants should endeavour to establish a system of local government of a more regular character, and with powers in some degree proportionate to the necessities of the place.<sup>60</sup>

By the second half of the eighteenth century, Birmingham was a thriving commercial centre.<sup>61</sup> At that time, Matthew Boulton and James Watt, based in the town, were shaping British industrialization and business innovation. It is perhaps of little surprise that those 'more thoughtful men' described by Bunce, were largely composed of industrialists and merchants; some of the early commissioners, including William Withering and Samuel Garbett, had close associations with the Lunar Society, a group which met at Boulton's home in Birmingham and which has been identified as the heart of the English Enlightenment.<sup>62</sup> In 1769, a small group of 'respectable men' set about

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<sup>60</sup> Ibid. p.67

<sup>61</sup> Hopkins, *Birmingham*, p.9

<sup>62</sup> Jenny Uglow, *The Lunar Men: The Friends who made the Future, 1730-1810* (London, 2002), for a comprehensive biography of the Lunar Society

convincing the local community of the propriety of an Improvement Act, that would make the town a far more pleasant environment in which to live and work, in return for the payment of a small taxation on the inhabitants. They came up against fierce opposition and a canvas of local inhabitants showed that only 237 locals were in favour of the act, with more than a thousand set against it.<sup>63</sup> Even the promise of modern street lighting did not convince the public; in a letter to the editor of the *Gazette*, one local suggested that lamp lighting could increase crime, arguing that ‘opportunity makes a thief’ and that lack of street lamps meant Birmingham was less prone to crime than any other town.<sup>64</sup> Although much of the resistance to an improvement act rested in a reluctance to incur expense, fears such as those expressed in this letter to the editor reveal an uncertainty about encroaching technology. The proponents of the Act were not to be dissuaded by mere public opinion, declaring a ‘disavowal’ of ‘any arbitrary and oppressive intentions with regard to their neighbours’. They pressed ahead with a Parliamentary Bill and Birmingham’s first Improvement Act received the Royal Assent in May 1769.<sup>65</sup> Fifty-two local men were appointed to office, as Commissioners of the Birmingham Street Act; further legislation would see that number increase over subsequent decades.<sup>66</sup> The final Improvement Act attained by the Commissioners, in 1828, gave authority to eighty-five men, along with ‘all His Majesty’s Justices of the Peace residing within seven miles of the town.’ The Act expressly forbade any personal profiteering from office and there is at least some evidence to suggest that this clause was taken seriously. Soon after the passing of the 1828 Act, for example, six Commissioners were disqualified almost immediately after complaints were made that this rule may have been compromised. An

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<sup>63</sup> Bunce, *History of the Corporation*, p. 71

<sup>64</sup> *Aris’s Birmingham Gazette*, February 13<sup>th</sup> 1769

<sup>65</sup> Bunce, *History of the Corporation*, pp.74-5

<sup>66</sup> BAHP MS 2818/1 ‘Minutes of the Commissioners of the Birmingham Street Act’

editorial in the *Birmingham Journal* claimed that certain ‘parties acting as Commissioners’ had been found to have ‘executed work for this body at a profit’.<sup>67</sup> Given the voluntary nature of the office, with little opportunity of personal gain, a consideration of motivational factors at force within the body of Birmingham’s early nineteenth-century administration will be useful in understanding how the town developed in the shape and at the pace that it did.

The Street Commissioners, as an administrative entity, appear almost totally devoid of any political voice. This is not to say that individual commissioners held no personal political affiliations, although there appears to have been few Radicals who took up the office; Thomas Attwood, Joshua Scholefield and George Frederick Muntz being notable exceptions.<sup>68</sup> At the other side of the political spectrum, John Money has found that among the earliest commissioners were eight men who also held membership of the exclusive Bean Club, Birmingham’s oldest dining society, whose membership was exclusively Anglican and dominated by Church and King Ideology. This was Birmingham’s Tory faction, which had been implicated in the so-called Priestley riots of 1792.<sup>69</sup> However, there is no intimation that any political gain could be made from holding the commissioner’s office; indeed, the only vaguely political statement that emerged from the commissioners came in 1848, when it was declared upon the minute books that the imposition of a Central Board of Health was ‘unconstitutional’.<sup>70</sup>

As with the Board of Guardians, both Anglicans and Nonconformists were elected to the role of Commissioner. Within their body were local Quaker families of the Lloyds

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<sup>67</sup>BAHP MS 2818/1/6, Street Commissioners; BJ, August 1<sup>st</sup> 1829

<sup>68</sup> These three men went on to become Radical MPs for Birmingham and were founding members of the Birmingham Political Union in 1830

<sup>69</sup> John Money, *Experience and Identity: Birmingham and the West Midlands, 1760-1800* (Manchester, 1977)

<sup>70</sup> BAHP MS 2818/1/7 May 1<sup>st</sup> 1848

and Cadburys. The boot and shoemaker Charles Fiddian, who also acted as the commissioners' cashier and accountant for more than a decade, was an active member of the Unitarian New Meeting chapel, as was pioneering vitriol manufacturer Abel Peyton, along with successive generations of the Beale family.<sup>71</sup> Amongst Anglicans who held office were Thomas Attwood, Joshua Scholefield and Isaac Ainsworth, a Birmingham saddle maker who played an active part on the Board of Commissioners from 1813 through to 1851. He was also one of a small number of men who, at various times, held office for each of the representative administrations. In 1806, he was a Leet constable and in 1819 he was elected Church Warden of St. Martin's, while also acting as a Guardian of the Poor, and Street Commissioner. Few others can be credited with a similar level of civic commitment. However, a significant proportion of Street Commissioners did hold seats on the Board of Guardians. The survey discussed above revealed that between the years 1812-1832, sixty-two percent of those men who held office as commissioners were also guardians. This is a significant crossover and an important aspect of Birmingham's modern local government that has not been addressed. It is likely that there was an insufficiency of the local community who were 'respectable' enough to hold those offices, and therefore a limited body of men to choose from, or who were interested in taking up the positions. Equally probable is that those sixty-two percent represented a close-knit community which shared a vested, commercial interest in the management and improvement of the town. It is suggested here, that whilst individual members of the improving bodies may have been motivated to office by personal ideology, as a collective body they also represented the best commercial interests of early nineteenth-century

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<sup>71</sup>BAHP UC 2/6/3/12, 'New Meeting Seat Rental Accounts, 1828-1837'

Birmingham.<sup>72</sup> The chart shown below reveals that between 1812 and 1832, the Street Commissioners comprised a body dominated by men who had business interests in the town. Whilst this may at first appear an obvious conclusion to draw, it is important to emphasize that Birmingham was administered by a significant body of local captains of industry and not by a shadowy body of gentlemen from the county, as Keith-Lucas posited. This information was compiled from primary material, including the minute books of the Street Commissioners, local newspaper reports and trade directories. There are some important points of additional information to add to the occupational labelling used to further clarify the importance of office to local commercial interests. Of the nineteen men who are classed here as ‘professional’, fourteen were bankers and five were lawyers. Banking was a relatively new system of managing local money in the early nineteenth century and without the regulations that we are used to day being in place, there was a strong element of trust involved in banking transactions. Taking on the mantle of respectability involved in holding a seat in public office was a way for bankers to present that face of responsibility and reliability. Titled office would doubtless have provided similar legitimization for law firms. The local ‘gentlemen’ were primarily resident in the town, and many had made their money from the early years of industrialization.

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<sup>72</sup> John Garrard, ‘The History of Local Political Power - Some Suggestions for Analysis’, *Political Studies*, 29, 1 (1977) included quantitative data of occupational spread for Salford’s town councillors between 1846 and 1970, revealing that corporation to be dominated by gentlemen and manufacturers in the mid-nineteenth century.

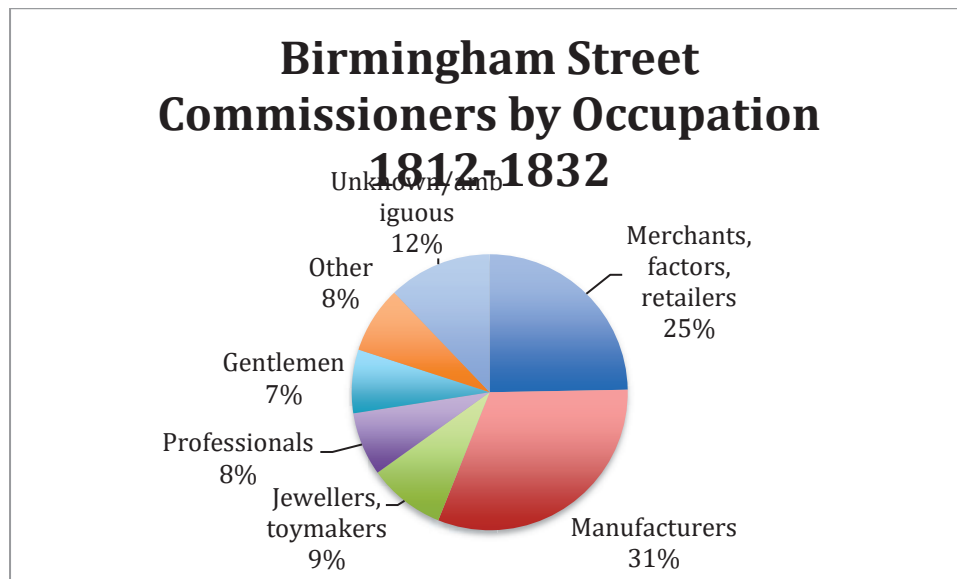


Figure 4, Birmingham Street Commissioners by Occupation

William Hamper, who was also a Guardian until his death in 1831, had worked his way up to a partnership in a local brass founding firm, making enough of a fortune to live out his later years as a ‘gentleman’ and renowned writer of biographical histories.<sup>73</sup> Henry Dunbar, also listed in the Commissioners’ minutes as ‘gentleman’ from 1812 had started life as a button maker and was one of the men who, along with Thomas Attwood, had travelled to Parliament in 1812 to oppose the Orders in Council that were having a negative impact on Birmingham’s local economy.<sup>74</sup> This local ‘gentry’ was a different entity to that of the county, comprising Birmingham’s wealthiest commercial men from diverse backgrounds, rather than representing a privileged, ancient status. Some such as the Lloyds had arrived in Birmingham already in possession of some wealth. Others had built fortunes in industry and commerce from more humble backgrounds. Samuel Garbett, among the first to be appointed in 1769, was a well-established, wealthy

<sup>73</sup> Courtney, W.P., ‘Hamper, William (1776-1831)’, rev. Johnson, D. A., in *Oxford Dictionary of national Biography*, Oxford University Press, 2004; online edn., Sept. 2013, <http://www.oxforddnb.com/view/article/12173> (accessed July 5, 2015)

<sup>74</sup> Parliamentary Papers: 1780-1849, 52, 2

businessman. However, he came from a humble background and continued to live in relative simplicity after he made his fortune. Garbett, described as a ‘fair and candid man’, played a significant role in the local community; being one of the founding members of the General Hospital and holding the chair of the Anti-slavery Committee.<sup>75</sup> A later, and far less popular figure, was Charles ‘Charley’ Shaw, described contemporarily as the ‘hardest man in Birmingham’ at the time that he held office.<sup>76</sup> Eliezer Edwards who knew Shaw personally, described him as ‘unscrupulous’ and a man with ‘no innate refinement’, who had grown up in the comb-making factory that his father owned.<sup>77</sup> This composition of personalities and hard-nosed businessmen was a vital element of Birmingham’s material transformation, as well as its commercial growth.

Although the use of office for personal gain was publicly denounced, there is little doubt that obtaining a role within the body of local administration was a prudent business move for many, and specifically for those with interests in the arrival of the railways. During the 1830s the London Midland Railway Company had members of its board acting as Street Commissioners. An advertisement in the *Gazette* printed in 1835, inviting investors for the London Birmingham Railway, listed ten local directors and of these eight were Street Commissioners.<sup>78</sup> One of those, Samuel Beale, played a prominent role on the Paving Committee for several years and it was that body which presented findings and made recommendations on proposed railway routes. Approval of applications lay, ultimately, with central government, but the Street Commissioners could object to proposals if it was felt that the railways might be detrimental to Birmingham. This was

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<sup>75</sup> Carl Chinn, *Streets of Brum Part 2* (Studley, Warks., 2004) pp.41-2

<sup>76</sup> Eliezer Edwards, *Personal Recollections of Birmingham Lives and Birmingham Men* (Birmingham, 1877)

<sup>77</sup> Ibid.

<sup>78</sup> *Aris’s Birmingham Gazette*, October 26<sup>th</sup> 1835; names cross-referenced with information taken from Street Commissioner’s minutes, BAHP MS 2818/1/6

the case in 1830 when the Birmingham and Liverpool Railway was under discussion. There was a strong local business connection, and again several members of the board were also acting Street Commissioners, while the banking firm of Attwood and Spooner were appointed as treasurers.<sup>79</sup> The Commissioners instructed a solicitor to monitor the passage of the Bill, 'to ensure that the powers of the Commissioners and the Public were not compromised'.<sup>80</sup> The Street Commissioners were complicit with development of the new line, ensuring a smooth and swift operation, resulting in the opening of the Grand Junction railway link at Curzon Street within six years of initial discussions. The opening of Curzon Street railway station in 1838 marked a significant progress in the structural modernization of Birmingham; in the same year, the Street Commissioners refused an application to extend the canal system of the town because it would be 'detrimental' to the highways.<sup>81</sup> That decision offers an indication that the Commissioners were keen to move away from older communication systems in favour of a more modern system of connecting with other commercial districts. It was, then, important for enterprises which were invested in transport to have representatives on local government boards; it was equally important for Birmingham's Commissioners to encourage such opportunities.

The composition of other regional administrations in England's emergent urban districts appear like that of Birmingham. Kidd has described how a small body of local industrial and commercial men usurped manorial authority in Manchester through that town's first Improvement Act, granted in 1792, establishing a body similar in character to the Birmingham Street Commissioners and known as the Manchester Police Commissioners. This body appears to have taken on responsibility for policing far earlier

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<sup>79</sup> Ibid., January 31<sup>st</sup> 1831

<sup>80</sup> BAHP MS 2818/1/6, April 5<sup>th</sup> 1831

<sup>81</sup> Ibid. February 6<sup>th</sup> 1837

than happened in Birmingham. However, they did encompass identical responsibilities in the cleaning and maintenance of the town.<sup>82</sup> The success of Liverpool, an incorporated town, from the late seventeenth century has been ascribed to the far-sighted management of its commercially involved corporation who were able to transform the city through the application of improvement acts, more than a hundred years before Birmingham and Manchester.<sup>83</sup> By Contrast, Derek Fraser has suggested that Leeds Corporation offered only a 'dutiful nod' towards the town's growing industrial importance, claiming that 'it was ill-fitted to respond in any more positive way to the challenge of industrialization'.<sup>84</sup> This all adds to the general scene of chaotic local government, but also reveals that the success of a town was dependent on how proactive its administration was in relation to commercial affairs. The composition of Birmingham's two key authorities in the early nineteenth century, the Commissioners and the Guardians, was invested in commercial enterprise, and this is how and why the town was successful in that time. A relatively small body of local men transformed Birmingham and built a solid foundation on which subsequent administrations, including that of Joseph Chamberlain, could expand.

Whilst the Guardians were elected by a limited section of the rate- paying public, the Commissioners were a self-perpetuating body. The Improvement Acts included the names of those appointed but for practical purposes (deaths and resignations for example) these could be amended and added to. It is difficult to trace these changes in administration and has only been possible through close scrutiny of the original recorded minutes. During each year, meetings revealed that certain commissioners had been disqualified for lack of attendance, or had left town, or were deceased. It was the

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<sup>82</sup> Kidd, *Manchester*, pp.63-9

<sup>83</sup> F. Vigier *Change and Apathy, Liverpool and Manchester during the Industrial Revolution* (Cambridge, Massachusetts; London, 1970), p.40

<sup>84</sup> Derek Fraser, *Power and Authority in the Victorian City* (Oxford, 1979), p.51

responsibility of the Town Clerk to monitor the Commissioners' activities. At an annual meeting, often held in September or October, there would be an announcement made of Commissioners deceased or otherwise disqualified, and at the subsequent meeting replacements would be elected; those disqualified for non-attendance were often re-appointed. It should be remembered that these were businessmen and there was some recognition that their own interests might be time consuming.<sup>85</sup> The procedure for the election was enshrined in a bye-law. The list of potential candidates, having been drawn up by the clerks, was placed on the board table and each commissioner would place a cross next to the names of those they wished to select. There was no fixed number of votes, but rather each member would select up to a maximum of the number of commissioners required to fill the vacancies. Those candidates with most crosses were duly elected.<sup>86</sup> This fell far short of what we would understand as a democratic process; it was a system that appears little better than those oligarchical corporations highlighted in Parkes' report. However, in the late eighteenth century at least, there is evidence it was a well-accepted practice in the town. In 1776, local landlord John Freeth, a popular and well-known balladeer in Birmingham, penned a verse that supported the system:

In England's fair capital, every year,  
A tumult is raised about choosing Lord Mayor  
Each party engages with fury and spleen,  
And nothing but strife and contention is seen.  
Ye wrangling old cits, let me beg you'd look down,  
And copy from Birmingham's peaceable town,  
Where souls sixty thousand or more you may view,  
*No justice dwells here, and but constables two.*  
The envy and hatred elections bring on,  
Their hearty intention is always to shun;  
No polling, no scratching, no scrutinies rise, -

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<sup>85</sup> Whilst the triennial election of the Board of Guardians took place at the same time in the year, the commissioners' elections appear far more informal. Though most usually taking place in October, there were exceptions.

<sup>86</sup> BAHM MS 2818/1/1/5 March 2<sup>nd</sup> 1829

Who friendship esteem must such measures despise.<sup>87</sup>

In his ballad, Freeth intimates a community conviviality in the structure and functioning of Birmingham's administration. It cannot be known whether this was real or imagined, but there is certainly an expression of pride in the town's ability to thrive without the formalities associated with corporation officers. In the ballad, Freeth claimed that in Birmingham 'all hands find employment, and when their work's done, are happy as any souls under the sun'.<sup>88</sup> This was a situation that would change dramatically as Britain entered the nineteenth century and it was Birmingham, as subsequent chapters will reveal, that was so often at the heart of the drive for democratic reform.

The Commissioners' legitimacy to hold authority was not wholly divorced from public opinion, and they could not legally act without the consensus of local ratepayers. When applying for any extension of authority, it had to be shown by force of petition that the majority were in support of such an application. The inhabitant ratepayers, taken as a single body, were a force to be reckoned with in Birmingham and significant transformative measures were publicly debated. Nancy LoPatin has described a sense of street theatricals in nineteenth-century popular politics, and this was also evident in some of the debates around the Birmingham Commissioners' improvement plans.<sup>89</sup> In early 1828, for example, the Commissioners requested the Bailiff to summon a meeting of the ratepayers so that they could present their proposals for a new Improvement Act. In the run up to the meeting the town was placarded and leaflets distributed both in support and opposition to the proposed improvements. On the evening of the meeting, the crowd

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<sup>87</sup> John Freeth, 'Birmingham Tranquillity', in Charles Scarse's reprint of 'Pearson and Rollason's 1777 Trades Directory' (Birmingham, 1896)

<sup>88</sup> Ibid.

<sup>89</sup> Nancy LoPatin., 'Ritual, Symbolism and Radical Rhetoric: Political Unions and Political Identity in the Age of Parliamentary Reform', *Journal of Victorian Culture*, 3, 1 (1998), p.14

assembled at the public office became so large that it was decided to move to the much larger Beardsworth's Repository. There ensued a parley of proposals from the Commissioners present and counter-proposals from individual ratepayers. At each motion, votes were taken by show of hands. It was only when a ratepayer proposed that the mode of election of Commissioners be altered and included in the new act that the large crowd became animated; confusion arose, and it was reportedly difficult to determine the 'ayes' from the 'noes'. When the crowd dispersed, the inhabitants of the town had come to something of a mutual decision to build a town hall and a market place. But the electoral system remained unchanged. It appears that the Commissioners' administrative structure was not open to question or debate.<sup>90</sup> A crucial point of difference is evident here, between the early nineteenth-century system and that introduced by the Municipal Corporations Act. The latter system, introduced in 1838, gave the public an opportunity to elect certain persons to manage the town on their behalf; once in office they would undertake actions as they saw fit. Under the system employed by the Commissioners there was no opportunity for the public to select their representatives, however they could vote on specific actions, particularly those involving large sums of public money.

Birmingham was organized and administered by local people, in concordance with the perceived best interests of the town. Roberts has suggested that 'localism found fertile soil...in the civic pride of growing towns, where the laissez-faire and self-reliant outlooks flourished.'<sup>91</sup> This is coterminous with the attitudes prevalent in Birmingham from the late eighteenth century, offering a sharp contrast with the change in attitudes by

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<sup>90</sup> *Aris's Birmingham Gazette*, March 10<sup>th</sup> 1828

<sup>91</sup> David F. Roberts, *The Social Conscience of the Early Victorians* (Stanford, California, 2002), p.353

the mid-nineteenth century, when debates raged about encroaching centralization. Further evidence of the prevalence of localism under the administration of the Street Commissioners is evident in their minute books. Two considerations will be presented here, firstly, in relation to the material transformation of the town, and second in relation to the economic life of the town.

Within the general material transformation of early nineteenth-century Birmingham, two significant capital projects stand out. These are the development of the markets and the building of the town hall. Both have remained central features of Birmingham's cultural and economic life across almost two centuries of continual redevelopment. They represent an astonishing feat of civic planning within a localized economy and either one of them could fill the pages of a thesis on its own merits. Here they are used only briefly to explore the town's pre-incorporation administrative structure and to understand the relationship between the public and the local authority.

Both projects were undertaken in response to public demand; numerous complaints and requests were presented to the commissioners regarding the markets from early in the nineteenth century. It is not always clear how the public presented their complaints and demands to the administration; the minute books most usually state that 'attention has been called to...' or 'there having been numerous complaints of...' without any indication of how these had been presented. It is possible that they may have transmitted verbally to the commissioners themselves for they were known to the townsfolk through their business transactions and would undoubtedly have been familiar faces in the local churches and chapels. More formal requests could be submitted to the clerks appointed by the Commissioners, which was a solicitor's firm, Arnold & Haines, whose offices were on Cannon Street. However, the complaints about the markets were

presented, they were numerous, so that by 1812 the commissioners had established a committee dedicated to investigating potential solutions.<sup>92</sup> At that point, outdoor cattle, horse and pig markets were being held in the retail and residential areas of New Street and Dale End. The horse market in New Street appears to have been a source of complaint, with one correspondence to the Commissioners in 1809, stating that it was ‘occasioning a very great annoyance to anyone passing along the street’ and that ‘scarcely a market day passes without some serious accident’. In response, the Commissioners had the horse market removed to Edgbaston Street, but the pig and cattle markets were temporarily permitted to stay while the commissioners worked out a plan to deal with the problem.<sup>93</sup> In 1812, they secured a revised Improvement Act for the town. This legislation was more crucial to Birmingham’s development than any of its predecessors, for it gave the Commissioners authority to expand the general market at the Bull Ring, to build a new cattle market and to negotiate the purchase of the market lease for the public from the Lord of the Manor. The Act specifically stated that, upon completion of the projects ‘the use of New Street and Dale End for a cattle market shall cease’.<sup>94</sup> This is strong evidence that the market project was inspired by public complaints. The process of building and expanding the markets continued from that point throughout the duration of the commissioners’ tenure and was always subjected to processes of negotiation. The cattle market, which came to be known as Smithfield, for example, was built on the site of an old moat, purchased from Thomas Gooch for £935 in February 1813.<sup>95</sup> In April of the

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<sup>92</sup> BAHF MS2818/1/4 June 12<sup>th</sup> 1812 showed first Market Committee appointed consisted John Guest, Roger Auster, Anderson Ashmore, Samuel Baker, William Allcock and Thomas Freer

<sup>93</sup> MS 2818/1/3 November 7<sup>th</sup>, 1808; December 5<sup>th</sup> 1808; May 1<sup>st</sup> 1809

<sup>94</sup> 52 Geo. III, c.113 ‘An Act for better paving, lighting, watching, cleansing, and otherwise improving the Town of Birmingham’ (1812)

<sup>95</sup> BAHF MS 2818/1/4 February 1<sup>st</sup> 1813, ‘resolved and agreed with Sir Thomas Gooch to purchase the moat, mill and other buildings along with 5428 square yards of land for £935’.

same year placards were posted about the town instructing the inhabitants to bring their rubbish to the site, for filling in the moat to make it ready for construction work.<sup>96</sup> This was a community project in which all inhabitants were required to play a part.

The opening of a market hall in 1835 was further example of both savvy business practice and of burgeoning civic pride. In their application for the 1828 Improvement Act, the Street Commissioners had been careful to include a request for compulsory purchase rights for properties around the market area. It would take several years to complete these purchases and represented a large capital investment on behalf of the ratepayers. Chinn has revealed that, to offset some of the expense, the Commissioners built and sold properties near the new Market Hall.<sup>97</sup> The building represented an ambitious scheme, with a total outlay of almost fifty-thousand pounds it was a grand design. Chinn further revealed that the entrances were ‘flanked by two mighty Doric columns. Behind them were massive archways and above them were elegant porticos.’<sup>98</sup> The Market Hall was a physical manifestation of the commercial pride felt by those businessmen who managed Birmingham’s administration. It remained a central feature of the local landscape for more than a century

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<sup>96</sup> Ibid. April 5<sup>th</sup> 1813

<sup>97</sup> Carl Chinn, *Brum and Brummies* 2 (Studley, Warks. 2001), pp.16-17

<sup>98</sup> Ibid.



Figure 5. *Market Day* (c.1850), painted panel after an 1827 sketch by David Cox ©Birmingham Museums Trust

What edifice can be more representative of civic pride than a town hall? The grand structures of northern industrial towns have come to represent a physical manifestation of Victorian commercial and industrial growth, of enterprise and Empire. As great monuments to the decades of arduous work that propagated these British powerhouses, buildings such as Leeds Town Hall seemed to shout across the Empire ‘we are here!’<sup>99</sup> Birmingham’s Town Hall was, by contrast, an earlier, Georgian model and had a more subdued grandeur that was evident in later Victorian edifices.<sup>100</sup> Tristram Hunt has identified a civic rivalry among the industrial centres, as to who could build the grandest Town Hall, revealing that Liverpool Corporation had been ‘put out’ by the move to build one in Birmingham.<sup>101</sup> As had been the case with the markets, negotiations surrounding the acquisition of the land that it was to be built upon had begun with a memorial, presented at a meeting on December 3<sup>rd</sup>, 1827, ‘numerously and respectably signed’. Unfortunately, the minutes contain no indication of who the memorialists were, but it is possible the names included some of the commissioners.<sup>102</sup> This was a different representation of public demand from that of the market place complaints, as it carefully listed the advantages that a town hall could bring to the community. The memorial opens:

Every town in the Kingdom of any importance with the solitary exception of Birmingham is possessed of a Town Hall...and it is not creditable to the public spirit of this place to be left without such accommodation.<sup>103</sup>

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<sup>99</sup> Asa Briggs, *Victorian Cities*, offers insightful accounts of the importance of regional Town Hall architecture that sprung up from mid-nineteenth century

<sup>100</sup> Anthony Peers, *Birmingham Town Hall: an architectural history* (Farnham, 2012) presented a comprehensive account of Birmingham Town Hall, including the processes involved in bringing the construction to fruition

<sup>101</sup> Hunt, *Building Jerusalem*, pp.234-5

<sup>102</sup> BAHP MS 2818/1/5, December 3<sup>rd</sup> 1827; other memorials and petitions that had contained names have been seen to have included those of acting commissioners

<sup>103</sup> Ibid.

The request for a public meeting place was rooted in a perception of Birmingham's increasing commercial importance and an apparent belief that this would soon be nationally acknowledged with the grant of a Parliamentary franchise; as the memorial stated, 'when the elective franchise is given to Birmingham, as there is every reason to expect that it will be at no distant period, there is no suitable building in which a nomination of candidates can take place.'<sup>104</sup>

This was a prescient suggestion, though one which would be several years coming to fruition. The timing of the memorial was equally well thought out; the Commissioners had been debating application for a further improvement act and were in the process of preparing a bill. The memorialists will have been aware of this and were demanding that a town hall be included in the clauses of the bill. The Commissioners were, unsurprisingly, acquiescent; the clause was included and approved as part of the commissioners' fifth and final Improvement Act. Debate over architectural design was confined to the body of commissioners. At a special meeting held early in 1831, attended by sixty-five commissioners, the recently established Town Hall Committee reported that they had received seventy proposed design for the building which were 'a display of great and varied talent'. The board deliberated for several weeks, stating that 'much mature deliberation regarding internal arrangement, perfect safety and ultimate cost' was required.<sup>105</sup> On June 6<sup>th</sup>, after a process of elimination, votes were taken on three remaining contenders. 'Elevation no. 4' was the chosen design, presented by Messrs. Hansom & Welch, who were duly appointed architects of the Town Hall.<sup>106</sup> The design was a Roman Revivalist style, and somewhat reminiscent of the ancient forum; it would

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<sup>104</sup> Ibid.

<sup>105</sup> BAHF MS 2818/1/6, February 28<sup>th</sup> 1831

<sup>106</sup> Ibid. June 6<sup>th</sup> 1831

prove an appropriate choice as the town became increasingly embroiled in national political debate.

These capital projects, along with a seemingly endless programme of road improvements, came at some financial cost to the town, and the collective business acumen of the commissioners was vital to Birmingham's commercial success. Little attention has been given to how this expense was met, but it is important as it reveals a further aspect of pre-incorporation management that rested entirely in the local community. When the town council took office, all their expenditure was financed by loans from a private company, repaid using funds raised through the rates. The Commissioners also relied on numerous rates, fines and, eventually, market tolls. But where those did not meet the annual civic expenses, or where large sums were needed for the building of markets and the town hall, appeals were made to the local community. It should be emphasized that these were not philanthropic donations; they were loans, repaid with interest and in the earlier years of the nineteenth-century, these were paid by annuity. The minute books contain numerous references to these publicly sourced loans, so that they appear an intrinsic aspect of the town's administration. They also reveal how the system worked. Once a project had been decided on, or at times when civic expenditure outstripped the town's income, the Street Commissioners would seek public investment. For example, in July 1801, the Commissioners having resolved to raise £2000 for improvements to the roads, instructed their clerks to place an advertisement in the Birmingham newspaper requesting 'people to come forward with offers of loans' and with the 'terms attached'.<sup>107</sup> Subsequent entries, across the remaining decades of the commissioners' existence, are of the same character. The loans were secured against the

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<sup>107</sup>BAHP MS 2818/1/3, July 6<sup>th</sup> 1801

local rates, rather than against property or, importantly, against the body of commissioners: the debt liability belonged to the ratepayer. In 1831, again as one example, the minute books record that loans amounting to £1000 had been received ‘against the Town Hall rate’ and a further £2000 ‘against the Lamp rate’.<sup>108</sup> When the body of commissioners was amalgamated into the Town Council, in 1851, the debts were carried over. These amounted to more than £100,000. There were also a small number of annuities outstanding, one of which dated back to 1802 and in 1851 amounting to an annual sum of little over £900.<sup>109</sup> The system of repaying debt by annuity is an interesting one as a significant number of these debts were owed to women. The 1851 report shows that of seventeen annuities outstanding, fifteen were owed to women.<sup>110</sup> Wealthier families had likely taken out the loans as a form of security for their daughters, perhaps affording them an opportunity of some independence, or as a financial cushion for periods of economic fluctuation. There is a sense of domesticity in this system of procuring civic funding, one that perhaps could not have been maintained as the century progressed. It represents a vital aspect of the role that negotiation played in the process of building the town. It was highly indicative of the sort of localism highlighted by Roberts. It also represented that clear distinction from modern British economic life, as identified by Polanyi. He argued that the Wealth of Nations, as envisaged by Adam Smith, was subordinate to the community that it served; this contrasted with a later ‘modern’ system in which the community worked to support a market economy. It should not be forgotten that under this pre-modern system of economic self-reliance, the foundations of an

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<sup>108</sup> Ibid. March 7<sup>th</sup> 1831

<sup>109</sup> ‘Commissioners of the Birmingham Street Act, report of the Final Arrangements Committee’, December 31<sup>st</sup> 1851 (Birmingham, 1851), pp.44-6

<sup>110</sup> Ibid. p.44

increasingly important, commercial city were laid, and a great structural transformation undertaken, much of which remains a central feature of Birmingham today.

Along with those impressive capital projects, the Birmingham Street Commissioners were also responsible for the day-to-day management of the town. The more mundane aspects of civic office, as recorded in the minute books, reveals a fascinating snapshot of early nineteenth-century urban living. They show that Birmingham was a town under an almost permanent state of construction as roads were dug up to lay gas pipes and rail lines or for widening the streets. Amongst the complaints, there is an air of excitement conveyed about the rapid changes taking place in the town and new, ambitious projects, such as the Market Hall, were proposed. As the population and industrialization grew the Commissioners had to manage increasingly difficult environmental issues too. Sewerage and steam engine smoke became increasingly contentious issues as the nineteenth century progressed. Here again is a notable and distinct difference between the attitudes of the improvement administrations and the Town Council, for it was not until Edwin Chadwick began to highlight poor sanitation in the early 1840s that public health would become the major national issue so definitive of the Victorian era. The Commissioners' responsibility to public health lay largely in the cleansing of the streets; as Hutton's early observation of 'puddled streets' revealed, there was a clear understanding of the connection between public cleanliness and public health from at least the late eighteenth century. The cleansing of the streets in Birmingham was very well organized. The town employed its own street scavengers, an approach which was not a general trend. London, for example, contracted this role out, a method that was

not introduced in Birmingham until 1852.<sup>111</sup> The Birmingham system was not always a profitable one. In 1810, accounts of the Sweeping Committee revealed that sales of manure, street sweepings and ‘work done by the horses’ had brought an income to the public purse of little over £1000, whilst wages paid to the sweepers alone amounted to more than this. The Committee concluded ‘we therefore find the expenditure to exceed the income’.<sup>112</sup> Given that the Commissioners were always mindful of their responsibility to the ratepayer and tended to act within an atmosphere of community negotiation, the attention given to the maintenance of public spaces is an important one. It seems likely that civic pride played an important role, as much as concerns for public health. At a meeting of the Commissioners in 1848, town surveyor John Piggott Smith presented a report from ‘Institute of Civil Engineers’, in which a comparison was made between the roads in London and those in Birmingham during inclement weather,

The difference is one forced upon the pedestrian by the facts that in London he cannot in such weather leave the footpaths, except at the crossings which are kept clean by sweepers, while at Birmingham he will find all parts of the roadway of the streets as clean as the swept crossings of the London streets.<sup>113</sup>

The good condition of Birmingham’s roads was no accident; Smith had supervised the introduction of a programme of daily cleansing, utilising a fleet of mechanized road sweepers, and roads were watered during dry spells to prevent cracking and eliminate dust. It was all very modern, and it was all paid for from the local public purse. The current condition of the streets was a far cry from Hutton’s Birmingham of the late eighteenth century. This attention to cleanliness also set the town apart from other

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<sup>111</sup> Lee Jackson, *Dirty Old London: the Victorian Fight against Filth* (New Haven, 2014) chapter 2 ‘The Golden Dustman’. I am grateful to Lee Jackson for generously sharing his research with me prior to final publication

<sup>112</sup> BAHF MS 2818/1/3 May 4<sup>th</sup> 1810

<sup>113</sup> BAHF MS 2818/1/7 June 5<sup>th</sup> 1848

industrial centres. Alexander Tocqueville's account of his *Journeys to England and Ireland* in 1835 revealed a stark comparison between Birmingham and Manchester, stating that, in the latter town could be seen 'stagnant puddles, roads paved badly or not at all. Insufficient public lavatories. All that almost unknown at Birmingham'. On the streets of Manchester Tocqueville observed 'heaps of dung, rubble from buildings, putrid, stagnant pools...among the houses and over the bumpy, pitted surfaces of the public places'.<sup>114</sup> Birmingham's Commissioners were fastidious in their approach to street cleansing, introducing detailed bye-laws which clearly demarcated the responsibilities of the inhabitants. In this sense, street cleansing can be understood to have been subject to negotiation: in return for paying a street rate, the Commissioners ensured the byways were paved and kept free of rubbish. The inhabitants were responsible for keeping the fronts of their property clean and free from obstruction. Where inhabitants failed to adhere to the regulations small fines could be levied. It was, to a large extent, a well enforced and carefully managed system.

One of the greatest criticisms levied against the Street Commissioners as the Town Council attempted to have them amalgamated, was their attitude to water supply. Water was not provided as a public asset until Joseph Chamberlain pushed the corporate right to buy the private waterworks companies in 1876. Prior to this, inhabitants had to purchase water from the local suppliers, or take their chances with the filthy well water that was a feature in most courts. This was not a system novel to Birmingham; in 1842, the leader of a Parliamentary enquiry into water supply in Britain declared that 'the public were at the mercy of companies' subject to no control or regulation'. Adrian Elliott has

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<sup>114</sup> J.P. Mayer (ed.), Lawrence, G. and Mayer, J.P (trans.), Alexis de Tocqueville., *Journeys to England and Ireland* (New Haven, 1968, reprint) p.104 and 106

suggested that this claim was also indicative of a general ‘public indignation’ throughout the country.<sup>115</sup> He reveals how, in Bradford, water was only supplied for thirty minutes per day on three days per week, and ‘only then at the caprice of an old woman who pleased herself whether she turned the water on or off’. The volume of water delivered per household in Bradford was around a third of that supplied in other industrial cities, including Wolverhampton. The water supply itself was, Elliott reveals, dirty, muddy and ‘not fit to cook in’.<sup>116</sup> Despite public outcry regarding the condition of the water, attempts to incorporate Bradford’s supply in 1853 were hampered by local ratepayers. A similar difficulty appears to have affected Birmingham, although the Town Council had successfully obtained a clause for the purchase of the water companies in the 1851 Improvement Act, it was Chamberlain, more than a decade later, who eventually invoked it. However, in 1848 the Commissioners defended their stance on water, stating that ‘the town of Birmingham is peculiarly situated as to the supply of water. Most houses have the use of an efficient pump, by which means they obtain a good supply, in addition to which there is a water works company, affording a copious supply of the purest kind and on reasonable terms. There was no necessity for the interference of the town authorities.’<sup>117</sup> This attitude was representative of a *laissez faire* response to private supply and demand; the Commissioners appeared almost surprised that the issue of water supply was raised in relation to borough authority. It is an example of changing values as the century progressed. The new borough councils in towns like Birmingham and Bradford can be seen to have pushed hard for sanitary reforms, whilst the older and still

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<sup>115</sup> A. Elliot., ‘Municipal Government in Bradford in the mid-Nineteenth Century’ in Fraser. (ed.), *Municipal Reform*, p.119

<sup>116</sup> *ibid.*

<sup>117</sup> MS 2818/1/7 June 5<sup>th</sup> 1848

incumbent authorities appeared oblivious to the necessity of a properly regulated water supply as the towns' populations expanded.

Although the Commissioners tended not to trouble themselves with the supply of water, in Birmingham they can at least be seen to have applied considerable effort and expense to sewerage. London's 'Great Stink' of 1858 prompted the construction of one of the most impressive Victorian construction projects, Joseph Bazalgette's network of London sewers.<sup>118</sup> Although it was nowhere near the scale of Bazalgette's great structure, Birmingham's own district surveyor, John Piggott Smith, had initiated a rolling programme of improvements to the town's drainage almost a decade before the London stink. Several problems had arisen concerning the somewhat rudimentary system of drainage over the course of two decades. Simple culverts had originally proved adequate for discharging water and waste out into the outskirts of the town. However, as the population grew the system became inefficient and attracted the attention of the Health of Towns Commission. In 1843, sanitary reformer R.A. Slaney visited Birmingham, in the role of investigative commissioner.<sup>119</sup> The Street Commissioners adopted his report and engaged Piggott-Smith to undertake the installation of a new sewerage system, under the supervision of the Paving Committee. By 1845, that committee could report that 'over the last three years, upwards of twenty thousand feet of first and second class egg shaped sewers and one thousand of Lambeth pipe street drainage' had been laid, fully fitted 'with flushing apparatus, side entrances and ventilators...the whole of the improvement suggested by the Special Sanitary Commission being embodied in the works'.<sup>120</sup>

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<sup>118</sup> Tristram Hunt, *Building Jerusalem*, pp.260-1

<sup>119</sup> Paul Richards, 'R. A. Slaney, the Industrial Town, and Early Victorian Social Policy', *Social History*, 4, 1 (1979), p.99

<sup>120</sup> BAHF MS 2818/1/7 May 18<sup>th</sup> 1848

Birmingham's response to Slaney's suggestions demonstrates a compliant attitude, given that there was such opposition to ideas of centralization. The Health of Town's reports were offered as best advice but did not represent compulsory litigation. Leeds was amongst the fifty towns visited by the Commission. The situation there appears to have been considerably worse than in Birmingham and continued to deteriorate, unabated, long after the Health of Town's enquiry. By 1874 another central government investigation found the sewerage system of Leeds to be 'perhaps...the worst that has ever come to the knowledge of this department'.<sup>121</sup> Again, the difficulty in pursuing capital projects, such as that undertaken in Birmingham, often came down to objections from local ratepayers. Tristram Hunt has shown that the inadequate references to sanitation in many local acts mean that new acts had to be attained before any work could continue. The application for such legislation could be prohibitively expensive before any work was even undertaken. Leeds had attained such an act in 1842, but as has been shown, it was not fully utilized. Liverpool Corporation also obtained a more relevant improvement act in 1846.<sup>122</sup> By comparison to these other large industrial centres, including the Metropolis, Birmingham's sewerage system appears ahead of its time, albeit far from perfect, largely as the result of the tireless efforts of the surveyor. These later achievements of the Commissioners should be considered equally as important as the more visible material transformation achieved in the previous decades.

Whilst Birmingham's early nineteenth-century administration appears always keen to adopt the latest technology in their pursuit of civic excellence, technological advances were also the cause of many problems for national and regional administrations

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<sup>121</sup> Brian Barber, 'Municipal Government in Leeds, 1835-1914', in Fraser, D. (ed.), *Municipal Reform*, p.67

<sup>122</sup> Tristram Hunt., *Building Jerusalem*, pp.293-4

throughout the nineteenth century. Not only did they promulgate new industry and subsequent mass migration but there were increasing environmental issues. Foremost of these was the problem created by the proliferation of steam engines in the industrial regions, creating what has been described as a ‘black belt’ of smoke and soot across the Midlands and the North.<sup>123</sup> The popular image of vast cotton mills and manufactories pouring out clouds of black smoke has created an abiding perception of industrialized towns, and this is not without foundation. In 1848, Birmingham political activist George Jacob Holyoake gave a graphic description of the scene in Manchester,

As you enter Manchester from Rusholme, the town at the lower end of Oxford-road has the appearance of one dense volume of smoke, more forbidding than the entrance to Dante’s inferno. It struck me that were it not for previous knowledge, no man would have the courage to enter it.<sup>124</sup>

Birmingham fared no better and there are few contemporary descriptions of the town that do not make mention of smoke pollution. In *Pickwick Papers*, Dickens describes Mr. Pickwick’s approach to the town, revealing a ‘murky atmosphere’ and ‘the furnace fires in the distance, the volumes of dense smoke issuing forth from high, toppling chimneys, blackening and obscuring everything around’.<sup>125</sup> That scene was perhaps portrayed in part to epitomize Pickwick’s own dark mood, however a year before the publication of *Pickwick Papers*, Alexander Tocqueville visited Birmingham and revealed a similar atmosphere. Tocqueville’s appraisal of Birmingham was generally very positive, particularly in his comparison with Manchester, however in terms of smoke pollution, Birmingham appears equally grim. ‘One might be down a mine in the New World’,

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<sup>123</sup> Carlos Flick, ‘The Movement for Smoke Abatement in 19<sup>th</sup> Century Britain’, *Technology and Culture*, 21,1 (1980) p.29

<sup>124</sup> George Jacob Holyoake., *The Reasoner, Volume Five* (1848), p.92

<sup>125</sup> Charles Dickens., *Pickwick Papers: The Posthumous Papers of the Pickwick Club* (this ed. London, 1999) p.458

Tocqueville wrote, ‘everything is black, dirty and obscure, although every instant it is winning silver and gold’. The appearance of local inhabitants appears to have reflected their industry as he reveals that ‘one only sees busy people and faces brown with smoke.’<sup>126</sup>

There has been some recent criticism of the Street Commissioner’s attitude to smoke pollution; in 1980, Carlos Flick suggested that the failure to take action was the result of ‘several commissioners who were among those polluters and by other members of the board who disliked to prosecute their fellow members and townsmen’.<sup>127</sup> By comparison, Flick highlights attempts by authorities in other towns, including Glasgow, Manchester and Bradford, to settle the problem by ‘acting under old powers given to them to remove nuisances in general’.<sup>128</sup> Flick’s presentation of the Commissioner’s attitudes is an unfortunate one, as it gives the implication that Birmingham was less authoritative in its approach to smoke pollution when compared with other large, unincorporated towns. This somewhat distorts the prevalent attitudes to smoke pollution in the first half of the nineteenth century as the Birmingham commissioners also utilized nuisance clauses to tackle the issue, as will be shown. Flick also assumes that the example of Leeds is of ‘greater significance’, as that town could successfully insert specific smoke abatement clauses in an 1842 Improvement Act, although he does reveal that local businesses in that town opposed the clause and were able to block the appointment of a smoke inspector.<sup>129</sup> In Birmingham, the Commissioners had been able to appoint a salaried inspector of smoke nuisance, unopposed, in the late 1830s. That said, it would be wrong to suggest that Birmingham had any measure of success in abating smoke nuisance in the town; it

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<sup>126</sup> Alexander de Tocqueville, *Journeys to England and Ireland*, p. 94

<sup>127</sup> Flick, ‘Movement for Smoke Abatement’, p.31

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

certainly did not. However, this was wholly in line with prevailing national attitudes and the argument here is that it must be understood within the national context, rather than as evidence of institutional corruption.

Prior to incorporation, both Birmingham and Manchester can be seen to have adopted a very similar approach to smoke, which appears as a ‘nuisance’ relating to comfort, rather than to public health. The Birmingham Commissioners had established numerous, temporary committees, from early in the nineteenth century, to negotiate with engine proprietors to seeking solutions that were mutually agreeable. These solutions included the use of patented technology, repair of broken chimneystacks or greater attention to the stoking of furnaces. A deputation from the appointed committee would meet with the offender and in cases where abatement was not forthcoming, legal action was threatened. An early example can be seen in 1813, when complaints were received regarding smoke from Mr. Gibbs’ engine in Great Charles Street. A small committee was formed to investigate a potential solution, although it took more than a year to compel Mr. Gibbs to apply ‘the patent burner to his steam engines, similar to the one used at Albion Mill’, or the clerks would be instructed to begin actions against him. Ultimately, the case was deferred, as by April 1816, Mr. Gibbs was bankrupt.<sup>130</sup> There were many similar cases spanning the early decades of the nineteenth-century. The pursuit of prosecution was a slow process and, very often, offending businesses had failed, sold the premises or simply moved to another street by the time the Commissioners had come to decision to act. However, it is important to recognize that there was a clearly identifiable procedure in the investigation of smoke pollution. This appears to have been the same approach adopted by Manchester’s Police Commissioners’ where, Bowler and

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<sup>130</sup> BAHP MS 2818/1/4, August 2<sup>nd</sup> 1813; November 7<sup>th</sup>, 1814; April 3<sup>rd</sup> 1815

Brimblecombe have identified, 'standardized administrative procedures' in relation to smoke nuisance from as early as 1808.<sup>131</sup> The system there was to appoint two or three men to investigate allegations and report back to the general body of commissioners to determine any action that might be taken. As in Birmingham, advice would first be offered to the offender, leading to 'chastisement' if that advice was not adopted.<sup>132</sup> Again, as in Birmingham, there appears little evidence of any hard action being taken, only threatened.

From the early 1820s there appears to have been a new impetus to issues of smoke abatement. In 1821, the Cornish Whig, Michael Angelo Taylor, successfully passed an act for the regulation of steam engine smoke, which promoted a new patented 'chimney system'.<sup>133</sup> This legislation should have given greater confidence to local authorities in their pursuit of repeat offenders and certainly it seems to have helped them legitimize their respective local legislation. Birmingham's 1828 Improvement Act contained a clause that permitted the Commissioners to impose a fifty-pound fine on anyone guilty of causing a smoke nuisance.<sup>134</sup> This was a good move, as it negated any necessity for action to be pursued through the Assizes; the Commissioners had only to follow their time-tested procedure and, where proprietors allowed nuisance to continue the fine could legitimately be issued. Of course, as has been shown, proprietors could be very slippery and there are few instances of fines being procured. In Manchester, the Steam Abatement Act also prompted a fresh determination to pursue offenders. There the Commissioners declared a 'determination' to put the act into force and gave two months' notice to all steam engine

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<sup>131</sup> Catherine Bowler and Peter Brimblecombe, 'Control of Air Pollution in Manchester prior to the Public Health Act, 1875', *Environment and History* 6, 1 (2000), p.81

<sup>132</sup> Ibid.

<sup>133</sup> D.R. Fisher (ed.), *History of Parliament: The House of Commons, 1820-1832* (Cambridge, 2009)

<sup>134</sup> MS 2818/1/6

owners to contain their nuisance. In the following year, a Smoke Abatement Committee was established in Manchester, employing a salaried nuisance inspector.<sup>135</sup> Birmingham already had its own nuisance inspector, John Dester, but in July 1831 a dedicated Smoke Nuisance Committee was finally appointed, and Samuel Jones employed as the town's smoke inspector at a salary of thirty shillings a week.<sup>136</sup>

In both Birmingham and Manchester, the issue of industrial smoke pollution was considered a severe problem. Measures were taken from early in the nineteenth century to pursue its abatement. This was a similar pattern in other industrialized urban centres. J. F. Brenner has questioned why tort law was not utilized in the nineteenth century as a means to abate smoke nuisance and has suggested that medieval nuisance laws still had a legitimacy for the pursuit of smoke abatement.<sup>137</sup> Although he demonstrates that there was a real reluctance to pursue prosecution in much the same vein that Flick argues, he suggests that this was largely because 'factories had become an established feature of national life'.<sup>138</sup> Brenner recognised that there had been a shift in social expectations as industrialization took hold between the mid-eighteenth and the nineteenth century. He offers figures that show between 1801 and 1861 the percentage of people living in a town with more than 20,000 inhabitants had more than doubled. These areas of growth were driven by steam and, Brenner argues, 'substantial segments of the public did favour industrialization, and they were anxious not to burden industry with damage actions'. He further added that, for the sake of a growing economy, 'deterioration of the quality of the water and air...were prices they were willing to pay'.<sup>139</sup> The lack of decisive action on

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<sup>135</sup> Brimblecombe and Bowler, 'Control of Air Pollution', p.82

<sup>136</sup> 'Final Arrangements Committee', p.23

<sup>137</sup> J.F. Brenner, 'Nuisance Law and the Industrial Revolution', *Journal of Legal Studies*, 2 (1974) p.403

<sup>138</sup> *Ibid.*, p.409

<sup>139</sup> *Ibid.* p. 409

the part of urban administrative bodies should therefore be understood in the context of a desire to promote the best economic interest of the industrial town. Here is further evidence that significant social issues were managed at a level of regional administration including matters of environmental and public health. This would remain the situation in Birmingham until the 1840s when these issues became the very heart of debates over centralization.

### 1.3 Birmingham's sub-districts

Birmingham was subjected to significant administrative change in 1832 when the town's boundaries were extended following the introduction of the Boundaries Act in the run up to the 'Great Reform' of Parliament. However, the geographical change was as far as that legislation went: each district absorbed into Birmingham retained its own distinct administrative system and all acted as separate bodies, concerned only with the affairs of their respective districts. There was an added complexity in the parish affiliation of the districts. The hamlets of Bordesley, Nechells and Duddeston fell within the parish of Aston, while Edgbaston stood as its own parish. Deritend was already part of the parish of Birmingham, although it was administered under the legislation of the Deritend and Bordesley Improvement Act. The hamlets of Deritend and Bordesley had been amalgamated under a single Improvement Act granted in 1791, as had Duddeston and Nechells in 1829.<sup>140</sup> Each of these amalgamations were administered by their own bodies of street commissioners, but each also had a further authoritative body, known as the 'Surveyors of the Street Act'. The situation for Edgbaston was somewhat less complex, perhaps because this was a small and wealthy residential suburb, with only a small

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<sup>140</sup> 31 George III (1791) 'Deritend and Bordesley Improvement Act; 10 George IV., c. 6 (1829) Duddeston and Nechells Improvement Act

administrative body of Surveyors. The overarching structure of Birmingham's post-1832 administrative structure was convoluted, and it is perhaps worth highlighting the component parts for clarity. In 1832, and up until amalgamation in 1851, Birmingham's administrative system consisted of Birmingham Street Commissioners; Deritend and Bordesley Street Commissioners; Deritend and Bordesley Surveyors; Duddeston and Nechells Street Commissioners; Duddeston and Nechells Surveyors; Edgbaston Surveyors; Birmingham Guardians of the Poor. These were in addition to the various parish authorities and the limited authorities of manorial leets already discussed with Bordesley retaining its own functioning leet.<sup>141</sup> There is no evidence to suggest that any of these authorities ever met as a single entity to discuss local issues. There was limited correspondence between the Birmingham Commissioners and the commissioners of other districts, particularly in the late 1840s as those bodies were under increasing threat of extinction from the Town Council. But there were no coordinated efforts regarding the day-to-day Borough management. This could not be considered a fragmented system, rather it was a lot of sometimes very inefficient systems. This was something that did *not* change with municipal reform and, as the following example will show, appears to have been encouraged right through the 1840s.

The situation in Birmingham was not unique; in Bolton, also incorporated in 1838, there was a not dissimilar system of 'Trustees' (equivalent to the Birmingham Commissioners), Guardians and manorial officers. The improving bodies there were

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<sup>141</sup> *Aris's Birmingham Gazette*, October 31<sup>st</sup> 1831, 'at the Court Leet for the Manor of Bordesley, held at Vauxhall on the 21<sup>st</sup> inst., the following appointments took place' there is a list of men appointed to the post of Headborough for various districts, including Duddeston and Nechells; this suggests that those hamlets had maintained at least some vestiges of manorial administration.

divided into two, known as the ‘Great Bolton Trustees’ and the ‘Little Bolton Trustees’.<sup>142</sup> John Garrard has shown that there were significant tensions between these two bodies and with the other local authorities. He stated that ‘with the appearance of the council, the confused collection of governing bodies was complete.’ And, as with Birmingham, the messy administrative system would prevail, driven by rivalries and tensions rooted in local relationships. Garrard continued, ‘because the various institutions were controlled by different parties, the older ones did not willingly disappear, nor surrender their powers to the new corporation.’<sup>143</sup> He raised a critical point which underscored the difficulties posed by administrative localism in an expanding Empire that demanded increasingly rationalized systems of bureaucratic management. F. David Roberts similarly identified an ‘inexorable growth of government’ from the second quarter of the nineteenth century and argued that this was linked to regional administration. Roberts’s statistics show that centralization led to an increase in the powers of local authorities revealing that almost half of all legislation passed by Parliament between 1833 and 1855 were local acts.<sup>144</sup> The many local authorities, in all their iterations, were part of a great government machinery and, Roberts claimed, by the middle of the nineteenth century 39,000 civil servants ‘and some 25,000 local officials governed England’.<sup>145</sup> As the century progressed and economic market forces became increasingly important to Empire growth, it was vital that all the cogs in the government machinery were working concordantly, particularly in the industrial powerhouses of the Midlands and the North. This chapter has so far revealed Birmingham as an occasionally chaotic, but functioning and successful

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<sup>142</sup> John Garrard, *Leadership and Power in Victorian Industrial Towns: 1830-80* (Manchester, 1983), chapter 9

<sup>143</sup> Ibid. p.167

<sup>144</sup> Roberts, *Social Conscience* pp.396-400. Roberts states that of the 6,898 acts passed during this period, 3,031 related to local government

<sup>145</sup> Ibid. p.396

early nineteenth-century commercial town. Before moving on, it will be useful to have some insight into how the borough districts managed their affairs. It has proved more difficult to trace primary documents relating to these areas, however for clarity of context a brief insight into the conflicted management of Duddeston cum Nechells will now be outlined.

The hamlets of Duddeston and Nechells lay to the east of Birmingham, in the parish of Aston. The district housed the local barracks and a popular venue known as Vauxhall Pleasure Gardens. The area was also important to commercial transport networks and, by 1837, the Grand Junction Railway passed through.<sup>146</sup> There was an economically diverse population; local wealth was situated in the middle-class suburbs of Ashted and Bloomsbury, graced by Georgian built houses, the residence of those inhabitants generally described as ‘gentlemen’.<sup>147</sup> In the early nineteenth century, Duddeston was already developing into a predominantly working class area and by 1838 much of the middling sort had moved away.<sup>148</sup> By 1845, the district was inhabited by 20,000 persons, occupying around four or five thousand houses.<sup>149</sup> Evidence of the formal administration for this district has proved difficult to trace and while the local press carried notifications of impending meetings of the Commissioners and Surveyors, there are no in-depth reports on them. Bunce revealed that the Duddeston and Nechells Commissioners were granted their authority through two local acts. The first was granted in 1829, awarding limited powers to thirty-three local men along with all Justices of the Peace who were resident in the parish of Aston. Twenty surveyors, responsible for the maintenance of the roads were also authorized under this act. In contrast to their

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<sup>146</sup> Joseph McKenna, *Birmingham, the Building of a City* (Stroud, Gloucs., 2005), p.57

<sup>147</sup> Chinn, *The Streets of Brum, Part One* (Studley, Warks.,2003), p.37

<sup>148</sup> Ibid., see also McKenna, *Birmingham*, p. 57

<sup>149</sup> *Aris's Birmingham Gazette*, June 30<sup>th</sup>,1845

neighbours in Birmingham, the ratepayers of Duddeston and Nechells held a franchise for an annual election of both Commissioners and Surveyors.<sup>150</sup> Under this first act, the Commissioners were empowered to erect gas works and to provide gas lighting across the area. However, at a late stage of the bill's passage through Parliament, the Birmingham and Staffordshire Gas Company successfully introduced an amendment that prevented the Commissioners from selling or in any way providing gas to the nearby town of Birmingham. A letter to the editor of *Aris's Gazette*, in April 1829, labelled this 'a monopoly clause', claiming that the amendment would allow for the gas company to protect their exclusive contract with the Birmingham Street Commissioners. That complaint further suggested that the Birmingham and Staffordshire Gas Company intended to increase the cost of street lighting.<sup>151</sup> In July of that year the Birmingham Street Commissioners did find themselves struggling to negotiate terms for a new contract with the Birmingham and Staffordshire Gas Company, which asserted that they were no longer willing to supply gas to the town at the original rate. Eventually, the Birmingham Commissioners had to agree to the new inflated terms.<sup>152</sup> There is clear evidence here that private business could exert considerable pressure on public administration. It also reveals a peculiar situation in the light of the boundary changes just three years later. Even though Duddeston and Nechells were part of the same borough as Birmingham, it was hamstrung by an inability to carry on business within its own local authority and subsequently unable to benefit from its own assets. This was not only an issue in Birmingham and its districts; in Bolton both the private gas and water companies held legislative rights to veto

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<sup>150</sup> Bunce, *History of the Corporation*, p.94; *Aris's Birmingham Gazette*, June 30<sup>th</sup> 1845

<sup>151</sup> *Aris's Birmingham Gazette*, April 13<sup>th</sup> 1829, 'Letter to the Editor' signed from 'A Ratepayer'

<sup>152</sup> BAHP, MS2818/1/6 July 6<sup>th</sup> 1829

decisions made by the local authority if they were considered not to be in the best commercial interests of the company.<sup>153</sup>

In 1845, the Commissioners of Duddeston and Nechells controversially applied for an amalgamation of the two district boards, even as the Town Council was making plans for the consolidation of all borough administrations. The application was successful and is an interesting in what it reveals of the inefficiencies of fragmented organisation. At a meeting with a parliamentary committee in June 1845, pursuant to the presentation of an improvement bill for Duddeston and Nechells, the disjointed nature of local government was presented using the example of highway management. It was revealed that whilst the surveyors held authority over roads, the commissioners were responsible for the footpaths, thus, it was argued, ‘when one party scraped mud into the middle of the street, the other scraped it back again.’ It was a shambolic system of administration and represented a solid case for further rationalization of regional administration. The Duddeston and Nechells Commissioners were also applying, through this bill, for an extension of powers for rate levying, an extension of their geographic jurisdiction which at that time was restricted to ‘the range of the lamps’, and authority to take a loan of nine thousand pounds to make material improvements.<sup>154</sup> The Act was granted its Royal Assent despite strong opposition from the Birmingham Town Council.<sup>155</sup>

## Conclusion:

A primary objective of this chapter was to attempt the disentanglement of a very complex system of early nineteenth-century regional government and present it in its component parts. In doing this, it is hoped that the way in which the various Birmingham

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<sup>153</sup> Garrard, *Leadership and Power*, pp.164-66

<sup>154</sup> *Aris's Birmingham Gazette*, June 30<sup>th</sup> 1845

<sup>155</sup> *Ibid.*

administrative systems operated has been clarified. In exploring these operations, it has been possible to recognize some intrinsic differences between how regional government operated in the unincorporated town; making comparisons with other districts has also shown revealed similarities, particularly in the complexity of administrative organization. Nevertheless, it is evident that Birmingham, along with other similar size industrial towns, experienced a significant structural transformation under the auspices of its complexity of administrators. This is a sharp contrast to traditional representations of the town's early nineteenth-century administration, which has been described variously as 'incompetent' and as 'a backward borough'.<sup>156</sup> Certainly there were increasing difficulties in managing the growing population, but the Birmingham Street Commissioners should be acknowledged as having laid the material foundations that subsequent corporations were able to build upon. The development of the markets was a particularly vital element in Birmingham's continuing commercial success.

In presenting this chapter there was a further intention of coming to some understanding of the motivations that drove these 'improving men'. Regardless of personal attributes, faiths or ideologies, the Guardians and Street Commissioners were, above all else, businessmen. Amongst the men holding office were some of the nation's leading captains of industry and commerce. These included William Chance founder of the glass manufactory that glazed the Crystal Palace; John Tapper Cadbury and his son James, whose family name would become synonymous with chocolate; several founders of private banking firms, including the Lloyds, and numerous railway directors, such as Joseph Ledsam, an early proprietor of the London and Birmingham Railway. The

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<sup>156</sup> Asa Briggs, *The Age of Improvement, 1783-1865* (London and New York, 1959), p.275; E.P. Hennock, *Fit and Proper Persons* (London, 1973), p.172

Commissioners have previously been described as ‘elitist’ and it is possible to identify some privileged men who held the office.<sup>157</sup> It has also been shown that there were many self-made men of humble origins. Included amongst their number were, quite literally, the butcher, the baker and the candlestick maker.<sup>158</sup> In volunteering to ensure that the infrastructure of the town facilitated commercial success, they were also supporting their collective vested interests.

Through careful consideration of the actions undertaken by the Commissioners, it has been possible to explore issues that are central to the body of this thesis. Firstly, in considering the relationship between local authority and the public, it is possible to see that there was a significant level of engagement within a clearly identifiable field of negotiation, from the calling of town meetings to debate legislative applications, through to the funding of capital projects, such as the Town Hall. Further, the Commissioners’ most important projects came about in response to public demand. Birmingham’s other improving body, the Guardians of the Poor, was elected by public vote. However, this level of engagement should not be over-emphasized, and the improving bodies were far removed from ideals of democracy.

There has been some historical debate relating to the chronology of ‘Modern Britain’. While Karl Polanyi recognized a distinct shift in economic attitudes, exemplified by the introduction of the Poor Law Amendment Act (1834), more recent research has given greater consideration to changing community relationships in the expanding Empire; in this latter approach, the modernization of Britain becomes a wholly Victorian

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<sup>157</sup> Fraser, *Urban Politics in Victorian England*, (Leicester, 1976), p.101, described the Birmingham commissioners as ‘predominantly Whig and elitist’

<sup>158</sup> For example, Edward Ashwin, baker and maltster, appointed to the Street Commissioners in 1812; John Rowlinson, manufacturer of brass candlesticks, also appointed in 1812; Richard Tutin, butcher, appointed as a Street Commissioner in 1817

affair.<sup>159</sup> It is not possible to draw conclusions on this issue from the study of a single topic as there are many variables to take into consideration. However, an exploration of changes in local government administration offers a useful facet in this debate. The so-called 'Age of Reform', beginning in the early 1830s, can be understood to have centred on the rationalization of British regional government and this appears a good place at which to start the exploration of the evolution of a modern state. However, as this chapter has revealed, this perception is not as simplistic as it first appears. In terms of democratic ideals, which were such a vital element of reform ideology, it has been shown that there was something of a limited franchise that had been in operation in the parish vestry since ancient times; Birmingham's first elected corporation, the Guardians of the Poor, was established in 1784, pre-dating the town council by more than half a century. The Birmingham electorate was not large; the legislation of the Municipal Corporations Act was equally limited. In terms of bureaucracy, the research presented here has been selected to demonstrate that there were some distinct differences in the way that regional authority operated before municipal reform. It has been revealed that recognizable, independent bureaucratic structures were in operation from the mid-eighteenth century; Birmingham's Court of Sessions was obtained and managed by local people and employed salaried officials and expert advisors. This is an approach that would be a feature of any bureaucratic body in the modern age. The Street Commissioners and Guardians of the Poor were also eighteenth-century additions, gradually usurping ancient structures of manor and parish they were both rationally organized from the start. These also employed salaried officials and sought expert advice in their management; they formed committees and presented accounts that can be seen to have become increasingly

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<sup>159</sup> Polanyi, *The Great Transformation*; Vernon, *Distant Strangers*

sophisticated as the century progressed. There was no hierarchy within these improving boards. Even the position of chair was a pragmatic one, representing only a point of contact between meetings and for the maintenance of order at general meetings. There is no indication in the commissioners' minute books of any formal appointment, such as the aldermanic roles which were a feature of more ancient corporations and which would later become a thorny issue for the Town Council.

The disentanglement of the Birmingham system has allowed for more in-depth exploration of operations. The early nineteenth-century material transformation of Birmingham was undertaken by the people, through the people and for the people of the town. Not only were the ideas generated locally, but they were brought to fruition through at least the appearance of public consensus and with locally sourced finances. Localism also exhibited itself in a clear sense of civic pride that was revealed in the attention given to the sweeping of streets and what would be perhaps the apogee of the commissioners' achievements, 'the finest market hall in all of England'.<sup>160</sup> Civic pride was a powerful driving force.

When the Birmingham Street Commissioners finally relinquished their authority to the Town Council in 1851, it was not the result of an inability to continue, rather it was from a recognition of changing attitudes. Above all else, Birmingham's Street Commissioners had remained open to the challenges of modernity.

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<sup>160</sup> BAHP MS 2818/1/8, January 1<sup>st</sup> 1849

## 2. A Town without Shackles

*We may remark, a town without a charter, is a town without a shackle.*

(William Hutton, *An History of Birmingham*, 1783)

*This town being no corporation, is governed by two bailiffs, two constables and a Headborough, and is free for any person to come and settle in it, which contributes not a little to the increase of its trades, buildings and inhabitants, the rapidity of which is truly amazing*

(Pearson & Rollason Trade Directory, 1776)

From the late eighteenth through the early nineteenth centuries there was an apparent contentment with the town's administrative system. Any malcontent over the management of infrastructure was expressed to the authorities with confidence and was could be mollified by action on the part of the Street Commissioners. William Hutton was not alone in expressing a belief that Birmingham's commercial success owed much to the lack of a corporation, as the above quote from a popular trade directory suggests. In addition, Birmingham's freedom from the 'shackle' of borough status prior to 1832 meant that it was not affected by the Clarendon Code, so there were no restrictions on religious worship; neither did it have any guilds. These factors together were perceived to have contributed significantly to the growth of the town in the Industrial Revolution and were valued as such. And yet, little over fifty years after the publication of Hutton's *History*, Birmingham had attained borough status and a municipal corporation, both of which had come about as the result of local demand.

In order to understand how that apparent change of attitude came about, this chapter will examine Birmingham's economic, social and political scene from the later eighteenth century through to demands for municipal reform at the beginning of the Victorian era. Subsequent chapters of this thesis will show that local support for

incorporation was matched by an equally vociferous opposition and the context presented here will aid the understanding of tensions that erupted around those debates. Governance went beyond the local system and attention will also be given to the way in which regional and national relationships contributed to reform demands. Although many locals felt Birmingham benefitted from being a town without a shackle, the town also had no resident parliamentary representative and was dependent on the county MP in Warwick. The town's business and professional community regularly sought means to influence government policy in matters that would directly impact local affairs. This was pursued through petitioning and also by individuals making useful parliamentary connections. However, as the nineteenth century progressed there was an increasing desire for more formal representation, particularly within the business community which was keen to protect its fiscal interests.

Birmingham's small workshop economy is well represented in current literature and although there has been some debate on how this impacted working relationships it would be difficult to argue against the significant role it played in shaping the town's identity. In addition to small-scale industrial manufacturing, there was also a significant commercial economy which contributed to the town's social structure, with the presence of a merchant class and vocal 'shopocracy' that was able to command and steer public calls for reform on multiple issues. Each of these will be shown to have played a role in shaping the town's identity. Peculiar to Birmingham was a call for monetary reform, an issue that was initially widely supported in the town, but which was later the cause of some division with derision expressed towards its arch proponent, Thomas Attwood. There has been surprisingly little attention paid to monetary reform, although this has

recently been addressed by Henry Miller, who allies the ideology with a ‘Birmingham School’ of popular radicals.<sup>161</sup>

There was an inextricable relationship between commerce, politics and social relationships that ultimately shaped the shift in attitudes slightly in favour of a move for corporation status; that relationship was also riddled with tensions that grew into intense antagonisms at the point of incorporation and is, therefore, worthy of some consideration. Birmingham, like many other British towns, experienced dramatic changes during the Industrial Revolution which impacted across all aspects of life. Innovation, improvements to transportation networks, migration and periods of were all factors. It is, however, important to acknowledge areas of continuity, in order not to conflate change with progress. Brief presentations of the town’s longer history will be included here to underscore this and will show that innovation and the ability to adapt to economic fluctuations were key components of Birmingham’s identity that had been established over an extensive period. The adaptation of new governance systems, including the Street Commissioners and Gilbert’s Act, as well as the Charter for Incorporation, could be considered an extension of business protectionism.

There is an established body of literature which has shown the relevance of Birmingham’s small workshop economy in shaping its social identity. Significant among these is Eric Hopkins’ 1989 work, *Birmingham: The First Manufacturing Town in the World*. Taking a long view of the history of Birmingham’s manufacturing identity, Hopkins revealed that the established tradition of specialised hand working in small

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<sup>161</sup> Henry Miller, ‘Radicals, Tories or Monomaniacs? The Birmingham Currency Reformers in the House of Commons, 1832-68’, *Parliamentary History*, 31, 3 (2012), pp.354-377; see also J. Robertson and J. Bunzl, *Monetary Reform: Making it Happen* (London, 2003) chapter one for a useful account of Attwood and monetary reform

manufactories was not significantly impacted by the Industrial Revolution in the same way as in towns such as Manchester. Hopkins went on to identify the way in which the small workshop economy impacted on social relationships, with the potential for small increments of social mobility and a less sharp social divide than that witnessed in the ‘shock’ Northern towns of the period, arguing that this was the more usual experience across England. Hopkins identified a paternalistic nature Birmingham’s work places, and offered good evidence for this, remarking that many employers recognised that ‘some degree of consideration for their hands was not only right and proper in itself, but was also justified as a means of maintaining a good level of production.’<sup>162</sup>

John Money, writing a decade before Hopkins, also revealed a long tradition of specialism in Birmingham’s industrial economy, but with a greater emphasis on the town’s economic identity within the wider region; Money also highlighted the import role that local business men played in the administrative and political life of the town.<sup>163</sup> Investigation of these factors will bring an understanding to how reform became an entrenched political ideology across the Industrial Revolution. The most recent general survey of Birmingham’s history, *Birmingham, the Workshop of the World*, published in 2016, collated research from across the long history of the city, and has provided useful contextual information for this chapter.<sup>164</sup> Drawing on these and other relevant works, the chapter will move on to consider the implications of migration, social composition and religious diversity.

A publication in the late eighteenth century claimed that Birmingham ‘was not a place a gentleman would choose to make his residence. Its continual noise and smoke

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<sup>162</sup> Ibid., pp.94-5

<sup>163</sup> Money, *Experience and Identity*

<sup>164</sup> Chinn and Dick (eds.), *Birmingham, the Workshop of the World*

prevent it from being desirable in that respect.’<sup>165</sup> Nevertheless, the town attracted a large number of migrants, including many artisans and professionals. The chapter will show that there was a large ‘middling sort’ dominant in the town and further explore how their presence contributed to its identity and perpetuated the small workshop economy.

The shaping of Birmingham’s social structure was also impacted by its system of governance, in that it was not subject to the Clarendon Code, because it did not have borough status. This will be discussed in greater detail shortly, but what this meant was that there was greater religious liberty in the town which attracted a more diverse population. Birmingham had long been home to a large community of Nonconformists, as evidenced by a complaint from the Bishop of Lichfield in 1669 that there was ‘a desperate and very populous rabble’ of Presbyterians residing there.<sup>166</sup> Across the eighteenth and nineteenth centuries religious diversity grew, with large communities of Nonconformist Christians becoming established in the town, as well as smaller pockets of Jews and Catholics. The diverse population helped nurture a liberal attitude, which was reflected in popular political values and the organisation of local government, as for example in the tradition of appointing a Nonconformist to the influential position of Low Bailiff.

Finally, the chapter will move to consider the town’s dynamic political scene, which attracted increasing concern at a national level as the nineteenth century progressed. A strong Whig presence was matched by an equally visible Tory one in the late eighteenth century, but Radicalism became increasingly popular, and the town’s first MPs stood on a Radical platform in 1832. The first corporation election in 1838 was

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<sup>165</sup> W.B. Stephens (ed.) *A History of the County of Warwick, Volume 7, the City of Birmingham* (VCH, 1964), p.209

<sup>166</sup> Cited in Richard Cust and Ann Hughes, ‘The Tudor and Stuart Town’ in Chinn and Dick (eds.), *Birmingham, the Workshop of the World*, p.118

defined explicitly between Radicals and Tories; for this reason, there will be a tighter focus on the emergence of that rivalry. It has been more than four decades since David Cannadine called for an in-depth investigation of Birmingham Tories, and as yet this still awaits response. Some attention will be given to the matter in this chapter but there remains scope for far more extensive research in that area.

## 2.1 Birmingham: Workshop of the World

The regional importance of Birmingham's commercial and manufacturing economy has been traced to medieval times.<sup>167</sup> Steven Bassett and Richard Holt have recently presented strong evidence to show that demographic and economic growth was a steady feature of Birmingham's identity from the time it achieved town status in the twelfth century.<sup>168</sup> In the sixteenth century, visitors to the town were aware of a busy, industrial atmosphere, as described in William Camden's *Britannia*, which presented 'Bromichem' as 'swarming with inhabitants and echoing with the noise of anvils'.<sup>169</sup> The sounds described by Camden indicate the proliferation of metal trades that Birmingham would become most famous for in the Industrial Revolution, however it was tanneries that dominated the local economy in that period and beyond. Hutton's *History* claimed that throughout the seventeenth century 'the whole country found supply' of animal hides in the Digbeth area and mentioned the presence of a body of leather inspectors, known as Leather-sealers. These retained a nominal presence in the Court Leet to the end of its

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<sup>167</sup> Steven Bassett, 'Birmingham before the Bull Ring', *Midland History*, 26, 1 (2001), W.B. Stephens (ed.) *A History of the County of Warwick, VCH Volume 7*, pp.73-80

<sup>168</sup> Steven Bassett and Richard Holt, 'Medieval Birmingham', in Chinn and Dick (eds.), *Birmingham Workshop of the World*, pp.73-96

<sup>169</sup> William Camden cited in Joseph McKenna, *Birmingham, the Building of a City*, p.22

existence, although as Hutton revealed their only duty was that of ‘taking an elegant dinner’.<sup>170</sup>

At the time of the English Civil War the manufacture and sale of arms was becoming an increasingly important aspect of Birmingham’s economy. It was contemporarily believed that the town armed the Parliamentarians with fifteen thousand swords, promulgating a sack of the town by Prince Rupert in 1643.<sup>171</sup> The local gun trade flourished with successive wars in Europe and the Americas, for which Birmingham became a well-known exporter. The importance of this trade in the local economy was well evidenced by Barbara Smith, whose research of the Galton family revealed a system in which ‘hundreds of specialist firms’ operated in small, private premises across the town where individuals would specialise in the manufacture of individual gun parts, such as ‘fitting the gun lock or browning the barrel’.<sup>172</sup> Such a system allowed for rapid production and healthy profits for the manufacturers such as Galton who outsourced the individual processes. It also created a proliferation of small, specialist workshops where a significant proportion of the town’s population could earn a living. There was a corporate body, the Company of Gunmakers, established in the town by the seventeenth century, working to support local economic interests, but without the limiting regulations associated with Guilds.<sup>173</sup> In 1764, Antoine-Gabriel Jars claimed that the Birmingham’s lack of guilds made the town a more productive place than Sheffield, a town of similar

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<sup>170</sup> Hutton, *History of Birmingham*, pp.79-80

<sup>171</sup> Stephens (ed.) *History of Warwick, VCH, Vol 7*, p.84

<sup>172</sup> Barbara Smith, ‘The Galtons of Birmingham: Quaker Gun Merchants and Bankers, 1702-1831’, *Business History*, 9, 2 (1961) p.137

<sup>173</sup> Stephens, *History of Warwick, Vol. 7*, p.84

size and economy, but which was constrained by the domineering Company of Cutlers, which had been incorporated by parliamentary act in 1624.<sup>174</sup>

Alongside provisions for the theatre of war, Birmingham's small workshops excelled in the production of 'toys', those fripperies that appealed to an emerging middling sort from the late seventeenth century. The button and buckle trade became particularly embedded in the town's commercial identity, although these were subject to the vagaries of fashion and at the end of the eighteenth century the buckle industry was subjected to a rapid decline with the rise in popularity of shoe laces. This is an important note of consideration, as many of the town's industries were dependent upon external factors beyond the control of manufacturers.<sup>175</sup> A lull in war or a simple change in taste could lead to sudden and devastating economic stress for Birmingham's artisans and small masters. However, the small workshop economy, along with a lack of rigid corporate structures, allowed the same workers to take advantage of new opportunities, often leading to the emergence of innovative technologies. Hopkins has highlighted the example of a mid-eighteenth-century button craze from which the plating industry emerged as a new, pivotal aspect of the town's economy.<sup>176</sup> Papier mâché objects became highly popular from the late eighteenth century and Birmingham industrialist Henry Clay made his fortune through the introduction of a process of japanning, which became a local, lucrative specialism. As a result of his success, Clay became a prominent society figure and was appointed to the office of High Sheriff of Warwickshire in 1790.<sup>177</sup> As the nineteenth century progressed, Birmingham's renowned workshop structure

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<sup>174</sup> J. Chevalier, 'La Mission de Gabriel Jars dans les mines et les usines britanniques en 1764', *Transactions of the Newcomen Society*, 26 (1947-48), p.63, cited in Peter Jones, *Industrial Enlightenment: Science, technology and culture in Birmingham and the West Midlands, 1760-1820* (Manchester, 2008), p.39

<sup>175</sup> Hopkins, *Birmingham*, pp.48-9

<sup>176</sup> Ibid.

<sup>177</sup> Gill, *History of Birmingham*, p.102

continued to diversify, with the jewellery trade rising to a prominence that would continue into the twentieth century. Francesca Carnevali revealed that the census of 1881 showed almost twenty thousand workers employed in Birmingham's jewellery trade, the majority of those operating from small, private workshops.<sup>178</sup> This brief outline of Birmingham's industrial history has been included to demonstrate that the town's economy functioned in a way that fell outside of formal corporate organisation, but which nevertheless was able to thrive and build an international commercial reputation over the course of several hundred years. Further, the lack of guilds and a corporation can be seen to have had a positive impact in spurring innovation; at the least, there were no processes in place to hamper it.

Peter Jones has raised the role that 'inventiveness' played in shaping the town's economic identity, revealing that between 1760 and 1850 Manchester lagged far behind Birmingham in the number of patents granted to local inhabitants.<sup>179</sup> This level of innovation was lifted out of the small workshop and into mass production from the mid eighteenth century. A Swedish visitor to the town in 1749 described the toy making premises of William Kempson and Michael Alcock as 'a big and famous manufactory' which employed around three hundred workers.<sup>180</sup> However, it was the Soho Manufactory, built some twenty years later on the outskirts of the town, which really roused attention. The factory was described by a contemporary visitor as being divided into beehive like compartments, each 'crowded with the Sons of Industry. The whole

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<sup>178</sup> Francesca Carnevali, 'Golden Opportunities: Jewelry Making in Birmingham between Mass Production and Speciality', *Enterprise & Society, the International Journal of Business History*, 4, 2 (2003), pp.248-278

<sup>179</sup> Jones, *Industrial Enlightenment*, p.40, however see also Joel Mokyr, 'Intellectual Property Rights, the Industrial Revolution and the Beginnings of Modern Economic Growth', *American Economic Review*, 99, 2 (2009), pp.350-353 for a more cautious appraisal of copyrights as signifiers of economic innovation

<sup>180</sup> John R. Harris, 'Michael Alcock and the Transfer of Birmingham Technology to France in the Revolution', *The Journal of European Economic History*, 15, 1 (1986), p.9

scene is a Theatre of Business'.<sup>181</sup> This 'theatre of business' was orchestrated by its founder, entrepreneur Matthew Boulton, son of a Birmingham toy maker, and it became something of a spectacle for eighteenth-century visitors to the town. The manufactory became, in itself, a centre for creative industrialism, building on the partnership of Boulton and steam innovator James Watt to really exemplify Britain's shift into the steam age. The portrait of Boulton (below) is revealing of his proud relationship with Soho as he sits in a sumptuous chair holding toys doubtless representative of the goods that were the source of his wealth and notoriety.



Figure 6. 'Matthew Boulton Esq.', showing Soho Manufactory in background. Engraving by Samuel William Reynolds after a portrait by Charles Frederick von Breda, date unknown ©Birmingham Museums Trust

Boulton spent a good deal of time in London establishing important networks with ministers, royalty and international ambassadors, ensuring that Birmingham, as well as

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<sup>181</sup> Jones, *Industrial Enlightenment*, p. 50

his own enterprise, attained and retained a positive business image.<sup>182</sup> Such relationships were crucial for the town's economic success, as it had no immediate aristocracy and without borough status was dependent on parliamentary representation via an MP in the rural county seat of Warwick. Business leaders were, however, able to utilise connections made in London to present petitions and to sit on parliamentary select committees. These committees have been described as 'the principal instrument by which the Commons collected information on topics and carried out inquiries into their importance' and that the ensuing reports were 'commonly used as the basis for legislative decisions'.<sup>183</sup> The committees, then, were a vehicle for MPs to promote legislative reform that would be in the interest of their constituents; as such they could call on 'expert' witnesses, including businessmen and professionals in relevant fields. In 1779, Birmingham entrepreneur John Taylor was able to present the importance of the toy trade in the regional economy and, as already highlighted in the previous chapter, Thomas Attwood was among a number of provincial professionals who were invited to address an 1812 select committee on the damaging impact of Orders in Council.<sup>184</sup> Despite not having formal representation, it was therefore possible to convey concerns and expressions of opinion at a high level. Businessmen also organised themselves locally in specialist bodies, such as those already discussed, and later in a more general Chamber of Commerce. This body offered an opportunity for aspiring entrepreneurs to be a conspicuous part of the town's own

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<sup>182</sup> Hopkins, *Birmingham*, pp.85-7

<sup>183</sup> Richard Connors, 'The Grand Inquest of the Nation': Parliamentary Committees and Social Policy in Mid-Eighteenth-Century England', *Parliamentary History*, 14, 3 (1995), p.285

<sup>184</sup> Polly Hamilton 2013, "Taylor, John (1710/11-1775), button manufacturer." *Oxford Dictionary of National Biography*. 23 Aug. 2018  
<http://www.oxforddnb.com/view/10.1093/ref.odnb/9780198614128.001.0001/odnb-9780198614128-e-50560>

commercial elite. But it was far more than a symbolic gathering for local captains of industry, as it supplied a tight network that could act as a buffer against trade disputes and economic slumps. An 1824 article published in *The Black Dwarf* was highly critical of attempts by the Chamber of Commerce to limit the liberties of local artisans and stated that ‘Birmingham has no Corporation; but its Chamber of Commerce is a mimic corporation.’<sup>185</sup>

The eighteenth century also witnessed a surge in Britain’s retail economy. Peter Borsay identified a significant and rapid growth in the consumption of luxury, or non-essential, goods in post-Restoration English provinces, arguing that it was the ‘expanding middling ranks whose wealth was the dynamic and decisive force behind it’.<sup>186</sup> Although Borsay credits an expanding professional class in the aftermath of the Civil War, the Industrial Revolution surely gave rise to an even broader population with a disposable income. Further, Helen Berry has likened eighteenth-century retail shopping with other ‘polite’ activities of the day, such as parading and visiting pleasure gardens; it was an expression of ‘sociability, display and the exercise of discerning taste’.<sup>187</sup> Birmingham not only manufactured the objects of middle-class desire, it also sold them in local shops, and has been identified as a successful provincial shopping centre on a par with Salisbury and Liverpool in attracting consumer tourists.<sup>188</sup> Retailers were among the most influential class of businessmen and women in the town, attracting revenue, visitors and

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<sup>185</sup> ‘The Black Dwarf’, 12, 13 (London, March 31<sup>st</sup> 1824)

<sup>186</sup> Peter Borsay, *The English Urban Renaissance: Culture and Society in the Provincial Town, 1660-1800* (Oxford, 2002), p.204; Ben Fine and Ellen Leopold offer a brief discussion on the symbiotic nature of Industrial Revolution and rise in consumerism, ‘Consumerism and the Industrial Revolution’, *Social History*, 15, 2 (1990), pp.151-179

<sup>187</sup> Helen Berry, ‘Polite Consumption: Shopping in Eighteenth-Century England’, *Transactions of the Royal Historical Society*, 12 (2002), p.377

<sup>188</sup> John Money, ‘Joseph Priestley in Cultural Context: Philosophic Spectacle, Popular Belief and Popular Politics in Eighteenth-Century Birmingham. Part One’, *Enlightenment and Dissent*, 7, 1988, p.66

creating a demand for goods. Shops helped raise the rateable value of properties and Hopkins has revealed that 'shop tax' in Birmingham was double that levied across the whole county of Cheshire in the years 1786-1789.<sup>189</sup> By the fourth decade of the nineteenth century, there was 'not a street in the town which does not contain retail shops of various descriptions.'<sup>190</sup> Boyd Hilton has identified retailers in large urban provinces as a distinct class, making the point that:

Generally speaking bankers, merchants and professionals distanced themselves not only from less prosperous tradesmen and retailers...but also from the master manufacturers or industrial bourgeoisie, described here as a *lesser-middle class*<sup>191</sup> Previously the line between manufacturing and trading had been blurred, and the word 'entrepreneur' had implied a whole range of economic activities: inventing machines, managing labour, buying raw materials, transporting and selling finished goods, accounting, and advertising. This remained the case in many of the smaller provincial industrial centres like Halifax, Bradford, and Huddersfield, where the larger clothiers continued to function as merchant-manufacturers. In the larger provincial centres, however a marked specialization of functions occurred.<sup>192</sup>

Hilton's description of a lesser-middle class can clearly be applied to the retailers of Birmingham, and he rightly highlights the position that shopkeepers held in communities, having 'their fingers on the pulse' of local issues and playing a prominent role in local politics. Many of the petitions presented to the Street Commissioners emanated from shopkeepers demanding improved paving, lighting and other regulations. Although more generally identified as a cotton town, Manchester's economy was similarly bolstered by a large retail sector, and it seems likely that this had a positive impact on the ability of both towns to successfully petition for a Charter of Incorporation.

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<sup>189</sup> Hopkins, *Birmingham*, p.68

<sup>190</sup> 'Report on the Sanitary Conditions of the Labouring Population of Great Britain, Vol.27' (1842), p.194

<sup>191</sup> To distinguish it from the 'lower-middle class', a term used to depict white-collar working men such as clerks from the 1840s onwards. The term 'shopocracy' was apparently coined by the *Poor Man's Guardian* in 1832

<sup>192</sup> Boyd Hilton, *Mad, Bad and Dangerous*, p.156

A number of factors may have made the prospect of a municipal town council appealing to shopkeepers, including the ability to prosecute thieves locally, rather than travelling twenty-one miles to Warwick, and the prospect of a more rational system of rates. And it should not be forgotten that petitions were often presented in shops and banks for public signatures.

There is clear evidence that Birmingham had a well-established, successful economy, which benefitted from an absence of guilds and borough status over the course of several hundred years. However, the structure was not without its problems, as the article on the Chamber of Commerce in *Black Dwarf* intimated. The claim of Asa Briggs, that Birmingham's small workshop economy was conducive to harmonious social relationships contributing to the commercial success of the town has been contested.<sup>193</sup> Clive Behagg's research revealed a strong history of trades associations in Birmingham and gave evidence of no less than 103 labour strikes between 1800 and 1850, with 135 men prosecuted for their part in them.<sup>194</sup> Earlier still, in 1777, there was a downing of tools tailors who claimed that their masters had cut their piecework prices 'to gain fortunes out of poor men's labour'.<sup>195</sup> The tailors had formed themselves into a co-operative, and had been able to raise sufficient funds to privately advertise their plight in the press, calling on the public to boycott goods produced by any who were not members of that body.<sup>196</sup> The lack of guilds did not prevent artisans from forming their own regulatory and protective bodies, demanding higher wages and improved conditions. In 1824, a local magistrate reported concerns to then Home Secretary, Robert Peel:

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<sup>193</sup> Asa Briggs, *Victorian Cities*, pp.185-187

<sup>194</sup> Clive Behagg, 'Custom, Class and Change: The Trade Societies of Birmingham', *Social History*, 4,.3 (October 1979), table 1, p.459

<sup>195</sup> John Corbett, *The Birmingham Trades Council, 1866-1966* (London, 1966), p.13

<sup>196</sup> *Ibid.*

I am sorry to say that combinations exist here among the workmen in every branch of our manufacture and several symptoms of riotous spirit have shown themselves, which have excited great alarm in the minds of inhabitants.<sup>197</sup>

The ability of artisans and other skilled workers to organise themselves into co-operatives and or similar bodies to protect their wages suggests that all was not as harmonious as Briggs portrayed. The combinations mentioned in the letter above were illegal and membership could result in transportation or long-term prison sentences. There is also a sense here of the complexity of Birmingham's social structure and the precarious nature of a small workshop economy. Dominated by business interests there appeared to be ever present opportunities for small increments of social mobility matched by regular bouts of dire economic distress. The Overseers of the Poor presented themselves at a meeting of the Street Commissioners in September 1816, to inform the administration that 'owing to the circumstances of the times and the depressed state of trade, applications at the workhouse for relief' were increasing 'to an alarming degree'. The Overseers requested a plan be devised to provide employment for some three hundred men. Perhaps fearing unrest, the Commissioners agreed to employ the men, at a minimal cost, in repairing the streets and highways of the parish.<sup>198</sup> The management of public reaction to economic fluctuations was not an easy task in such a large, commercial town and outbreaks of rioting were not uncommon. The combined authorities of Street Commissioners, Guardians of the Poor and the county magistrates managed to maintain an uneasy peace during a time of great turbulence and immense change; however, as the

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<sup>197</sup> Rev. J.H Spry to Robert Peel, May 17<sup>th</sup> 1824, cited in Corbett, *Birmingham Trades*, p.16 and Behagg, *Politics and Production*, p.111

<sup>198</sup> BAHP MS 2818/1/4, September 9<sup>th</sup>, 1816

town's economy continued to grow at a pace with the expansion of empire, there was an increasing necessity for a more formal and rational system of governance and greater autonomy.

## 2.2 Society

Birmingham's economic structure played an important role in attracting people to the town to seek opportunities for social mobility, and this in turn played a role in supporting perpetuating economic diversity and innovation. Ascertaining earlier levels of demographic change is more problematic, as so many records have been lost; Bassett and Holt have suggested that population expansion can be traced to the twelfth century, when Birmingham first received town status, with firmer evidence for a 'growth of settlement' by 1300.<sup>199</sup> There was a further population boom following the Restoration, a period that Hutton identified as the beginning of a golden age in the town's success 'cultivated by the hand of genius' and which witnessed an expansion 'perhaps not to be paralleled in history'.<sup>200</sup> Cust and Hughes have supported suggestions of a five-fold increase to the population for that period, largely as a result of migration.<sup>201</sup> Patterns of migration in that period show, unsurprisingly, that the majority of people who moved into Birmingham came from the surrounding counties of Warwickshire, Worcestershire and Staffordshire, with small numbers travelling from the East Midlands and the North.<sup>202</sup> By 1778, the population had almost doubled again, and the first census of 1801 showed a

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<sup>199</sup> Bassett and Holt, 'Medieval Birmingham', *Workshop of the World*, p.96

<sup>200</sup> Hutton, *History of Birmingham* p.41

<sup>201</sup> Cust and Hughes, 'Tudor and Stuart Birmingham', *Workshop of the World*, p.105

<sup>202</sup> R.A.H. Pelham, 'The Immigrant Population of Birmingham, 1686-1726', *Transactions of the Birmingham Archaeological Society*, 61 (1937), pp.45-82, cited in Gill, *History of Birmingham*, pp.60-1; Alan Parton, 'Poor Law Settlement Certificates and Migration to and from Birmingham', *Local Population Studies*, 38 (1987), pp.23-29

population of over sixty thousand.<sup>203</sup> Migration contributed not only to population growth but also brought an influx of fresh ideas and differing attitudes towards local governance and regional relationships. This was likely a considerable factor in diminishing adherence to traditional administrative systems and growing ambition for autonomy from the county seat. Michael Turner has identified an early nineteenth-century group of influential liberals in Manchester which, he argued, set the scene for reforms later in the century, including municipalisation of that town. The majority of those, Turner stated, were not of Mancunian origin, but had migrated to the town to seek their fortunes from diverse places.<sup>204</sup>

Birmingham's social composition has been described as consisting 'only middle- and working-class inhabitants' prior to the eighteenth century.<sup>205</sup> The town was largely agricultural, with a number of specialist artisans and professionals. There was no resident aristocracy and it was claimed to be a place where 'no gentleman would choose to reside'.<sup>206</sup> Nevertheless, Gill has suggested a growth in capital that was evident in local wills, revealing an increase in the sums left by wealthier residents in the seventeenth century when compared to those in the previous century. Particularly prominent among these was the Birmingham ironmonger Humphrey Jennens, who 'left property in nearly twenty townships'.<sup>207</sup> It seems unlikely that Birmingham was wholly bereft of a readily identifiable gentleman class prior to the eighteenth century, albeit smaller than is recognisable across the subsequent period.

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<sup>203</sup> Carl Chinn, 'The Peoples of Birmingham', *Workshop of the World*, pp.14-15

<sup>204</sup> Michael Turner, *Reform and Respectability: The making of a middle-class Liberalism in early 19<sup>th</sup>-century Manchester* (Manchester, 1995), p.1

<sup>205</sup> Stephens (ed.), VCH p.209

<sup>206</sup> Ibid.

<sup>207</sup> Gill, *History of Birmingham*, p.60

The population boom and the onset of Industrial Revolution brought a more complex social structure to the town which was subject to fluctuations across the period. The aristocracy remained a distance away in the county seat at Warwick, but the middling sort of the seventeenth century had expanded into an urban middle class which vied for local power in administrative issues and exerted considerable control in local affairs. Jennens was an early representative of this class of merchants and entrepreneur manufacturers whom Samuel Johnson described in the eighteenth century as ‘a new species of gentleman’.<sup>208</sup> This emerging urban, propertied class in Birmingham comprised merchants, large-scale industrialists, entrepreneurs and a growing number of professionals, including clergymen, bankers and lawyers.<sup>209</sup> In the eighteenth century they established a sense of grandeur in the town, occupying choice pieces of land and creating new cultural communities. The first of the new grand edifices appeared in 1715 with the construction of St. Philip’s church. Designed in the Baroque style, it would later be designated Birmingham Cathedral; Upton claimed St. Philip’s was symbolic of ‘the age of Georgian Birmingham.’<sup>210</sup> By the mid-eighteenth century, the church was surrounded by tall, elegant buildings, described by one visitor as ‘the highest and genteelest part of the town.’<sup>211</sup> This was still a relatively rural area, with open fields and a cherry orchard adjacent and was where many merchants and industrialists came to reside. As the century progressed, the larger, well-established families, including the Colmores and Weamans, began to move away, selling or leasing their lands in and surrounding the town. The rural landscape that had cocooned the early wealth rapidly

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<sup>208</sup> James Boswell, *The Life of Samuel Johnson, L.L.D.* (London, 1772), p.457

<sup>209</sup> Harry Smith, ‘Propertied Society and Public Life: The Social History of Birmingham, 1780-1832’, unpub. Thesis, University of Oxford (2013)

<sup>210</sup> Upton, *History of Birmingham*, pp.37-8

<sup>211</sup> *Ibid.*

vanished with the arrival of a bustling canal system and a booming industrial economy creating a need for more housing stock and the well-to-do business set eventually moved out to suburbs, with Edgbaston a particular favourite.<sup>212</sup>

Peter Jones has shown that the ‘headlong urbanisation and industrialisation’ of the region makes it impossible to identify any sort of ‘linear story’ in regard to changes of cultural composition in Birmingham.<sup>213</sup> In particular, technological advances reduced the need for specialist artisans in some areas, whilst the housing boom initiated by population growth brought greater numbers of labourers to the town from the later eighteenth century. Nevertheless, Birmingham remained a town that specialised in hand manufacturing and the prevalence of a small workshop economy shaped the social structure in a way that was markedly different from its urban-industrial peers in the North.

Anthony Peers has rightly highlighted that:

Unlike most burgeoning urban centres, Birmingham was not inhabited by great numbers of ‘working classes’ toiling in vast factories, owned by ‘middle-class’ men bent on extracting the utmost from their labour force. Here a significant proportion of the population occupied a place between the ‘working’ and ‘middle’ class rungs.<sup>214</sup>

Birmingham’s lack of corporate ‘shackles’ can therefore be understood to have defined the town’s social structure through the shaping of its economy and the opportunities available for small increments of social mobility.

It seems likely that the majority of people migrating to Birmingham were attracted by the prospect of social mobility and the diversity of work available. Additionally, the town did not have borough status until 1832, meaning it was exempt from the Clarendon Code. Under that seventeenth-century legislation, which consisted of four separate acts,

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<sup>212</sup> McKenna, *Building of a City*, pp.31-52 for Birmingham’s Georgian estates surrounding St. Philip’s Church

<sup>213</sup> Jones, *Industrial Enlightenment*, p.60

<sup>214</sup> Peers, *Birmingham Town Hall*, p.2

the freedom to practice Nonconformist religion was restricted. This included a requirement for all municipal officers to swear an oath at the parish church, and the 'Five Mile Act', which prevented Nonconformist ministers from preaching within a five-mile radius of any English borough. Birmingham was exempt, and Nonconformist worshippers were not only able to establish their own places of worship, but they could also play an active role in local administration. As a result, the town became home to a diverse and vibrant religious community. Citing the case of the Puritan minister Thomas Bladon, who left his ministry in Staffordshire to live in Birmingham in 1662, Cust and Hughes suggested that 'the town's lack of corporate status perhaps made it relatively free from interference by the authorities'.<sup>215</sup> This enabled Bladon to identify the town as 'an asylum, a place of refuge'.<sup>216</sup> This status was not without its tensions, however, as the complaint of the Bishop of Lichfield had revealed. Religious discord punctuated community relationships across the course of the next two centuries; Chinn has stated that 'from the late seventeenth century it was... beset by serious and deep religious divisions' highlighting the unpopularity of a small number of Presbyterians whose 'beliefs, attitudes and wealth aroused the anger of the Anglican elite, such as the Holtes, as well as that of the Anglican poor.'<sup>217</sup>

As the eighteenth century progressed, religious houses continued to diversify and included large congregations of Unitarians, Congregationalists, Methodists, Quakers and Baptists, along with smaller groups such as the Swedenborgians as well as Anglican churches.<sup>218</sup> Unrest continued, with attacks against Charles Wesley's Methodist chapel, the razing of the Unitarian's Old Meeting House and the smashing of windows at a

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<sup>215</sup> Cust and Hughes, 'The Tudor and Stuart Town', pp.117-8

<sup>216</sup> Ibid. p.118

<sup>217</sup> Chinn, 'The Peoples of Birmingham', p.20

<sup>218</sup> Upton, *History of Birmingham*, p.50

Quaker house, all at various times in the second half of the eighteenth century.<sup>219</sup> In 1791 the whole town suffered several days of intense unrest as the so-called Priestley Riots took hold. Joseph Priestley was an outspoken Unitarian minister who came to Birmingham in 1780. An established scientist, he was representative of the liberal and enlightened middle-class. His sermons and writings were often of a highly inflammatory nature, but the celebration he held to commemorate the second anniversary of the Storming of the Bastille caused violent outrage and, across the course of several days and nights of rioting, his house was one of many that were looted and burned.<sup>220</sup> Hopkins suggested that the outrage was ‘provoked as much by political as by religious fears’,<sup>221</sup> whilst Jonathan Atherton has more recently shown that the Dissenter community encountered an undercurrent of hostility through the late eighteenth to early nineteenth century.<sup>222</sup> Nevertheless, Christian Nonconformists played a significant role in the administration of the town and consistently mobilised against Church rates with some success, indicating a measure of popular influence. It was a similar story across industrial Britain and Church vestry riots were not unusual.<sup>223</sup> Birmingham’s Anglican Tories have also been shown to have utilised parish positions to mobilise political support; Derek Fraser has suggested that, in the early nineteenth century, there was a ‘politicizing of vestries by men whose political ambitions were frustrated elsewhere.’<sup>224</sup> Places of worship were havens for those migrating to Birmingham, a space to find comfort in shared identity during times of adversity; they could also harbour and promote political ideals,

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<sup>219</sup> Ibid.

<sup>220</sup> Jonathan Atherton, ‘Rioting, Dissent and the Church in late Eighteenth-Century Britain: the Priestley Riots of 1791’, Unpub. PhD thesis, University of Leicester 2012

<sup>221</sup> Hopkins, *Birmingham*, p.137

<sup>222</sup> Atherton, ‘Rioting, Dissent and the Church’, p.293

<sup>223</sup> Derek Fraser, *Urban Politics in Victorian England, the Structure of Politics in Victorian Cities* (Leicester, 1976), p.26

<sup>224</sup> Ibid. pp. 31-54

sometimes becoming sites of tension. Katrina Navickas highlighted provincial anti-Church Rate campaigns ‘as an arena for heated contests over local power, where radicals of various stripes were able to use these opportunities...to mount a serious challenge against local elites.’<sup>225</sup> Using the example of Bolton, Navickas revealed an intense vestry politics, played out in the public sphere between rival Radicals and Tories; the focus for discontent there was the imposition of a Church rate, which, she reveals, was successfully overturned in 1839.<sup>226</sup> An identical situation prevailed in Birmingham, where the rate was abolished in 1831, but attempts to reinstate it were the subject of intense, sometimes violent, vestry meetings throughout the ensuing decade. Annual churchwarden elections were blatantly political and a manifestation of the opposition between Radicals and Tories. Fraser signified that the importance of ‘parochial achievement’ lay in the close relationship between Church and State, as they were ‘but parts of a political whole’.<sup>227</sup> The vestry was a core, physical space in which political muscle could be flexed and could prove a testing ground for party popularity.<sup>228</sup>

Tensions aside, Birmingham was a sociable town. From the latter quarter of the eighteenth century, local newspapers show advertising for a vast array of entertainments, excursions, clubs and societies. These provided opportunities and spaces for networking and sharing of ideas, as well as conviviality. *Showell’s Dictionary of Birmingham* identified five theatres and a circus built in the second half of the eighteenth century, along with a number of thespian pursuits aimed at the poorer class, such as the three-

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<sup>225</sup> Katrina Navickas, *Protest and the Politics of Space and Place, 1789-1848* (Manchester, 2016), chapter 5. I am grateful to Katrina Navickas for providing me with a pre-publication copy of this chapter and am currently awaiting a print copy to provide correct page numbers.

<sup>226</sup> Ibid.

<sup>227</sup> Fraser, *Urban Politics*, p.58

<sup>228</sup> Ibid., p. 59

penny plays at the stables on Castle Street.<sup>229</sup> Jones has shown that there were few opportunities for Birmingham's affluent residents prior to the 1760s because of the absence of 'a permanent infrastructure on which to build a vibrant music culture.'<sup>230</sup> He has also identified a 'booming population, replete with a monied middle class' and a significant number of professional families resident in the period after 1760, and it seems not improbably to suggest that the two events were related.<sup>231</sup> From 1768, musical concerts were held to raise funds for the General Hospital, firstly at St. Philip's Church and the Royal Hotel, and later at the Town Hall.<sup>232</sup> The concerts became increasingly popular evolving into what became known as the Triennial Music Festival, the longest running musical festival of its kind when it was finally ended in 1912. Held every three years, over the course of its existence the festival organisers' commissioned music, including Felix Mendelssohn's *Elijah* in 1846, and Arthur Sullivan's *Light of the World* in 1873. The music festival directly inspired the construction of the Town Hall, as outlined in the previous chapter, and is a good example of how middle-class aspiration manifested in Birmingham. This is not to say that there were not more popular outlets for cultured entertainment, as there were numerous tavern societies, which also contributed to charitable concerns.<sup>233</sup> Money has brought to light one group calling itself The Anacreontic Society, founded in 1793 by pub landlord Joseph Ward, 'for social enjoyment'.<sup>234</sup> The Society attracted members from as far afield as Liverpool,

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<sup>229</sup> Thomas T. Harman, *Showell's Dictionary of Birmingham, a History and Guide arranged Alphabetically* (Birmingham, 1885), pp.298-9

<sup>230</sup> Jones, *Industrial Enlightenment*, p.65

<sup>231</sup> Jones, *Industrial Enlightenment*, p.64, Jones states that 'between 1767 and 1788 resident physicians, surgeons and attorneys increased by 25 per cent'

<sup>232</sup> Harman, *Showell's*, p.156 notes that discussions regarding musical concerts appear in the minute book of the General Hospital dated May 3<sup>rd</sup>, 1768 and that concerts took place in September that year; Jones, *Industrial Enlightenment*, p.65; Peers, *Birmingham Town Hall*, p.22 suggested that 'the first of the concerts' took place in 1799

<sup>233</sup> Money, *Experience and Identity*, pp.85-6

<sup>234</sup> *Ibid.*, 86

Manchester and Germany, as well as a large body of local tradesmen, providing scope for the passing of news and the dissemination of ideas.<sup>235</sup>

The Birmingham Book Club was also emblematic of the town's growing liberal-minded and comfortable classes. Established in c.1775, the Book Club has been identified as nurturing members with radical identities in its early years, and was sometimes referred to as 'the Jacobin Club' by contemporaries.<sup>236</sup> Books were expensive, so membership was somewhat exclusive, but it did offer the opportunity for the middle-classes to access printed material which might otherwise only have been available to the county gentry. Much research remains to be done on this society, but a brief list of publications purchased by the Club was presented by Paul Kaufman, who suggested they indicated a 'liberal vein'. These included 'England Enslaved by their own Slave Colonies' and 'Cheap Corn Best for Farmers', along with copies of works by Voltaire and Benjamin Franklin.<sup>237</sup> This gives some indication of the prevalent ideas and philosophies that were coming to shape identity within Birmingham's emerging middle class. Other outlets for print culture included newspaper reading rooms, clubs and coffee shops, where newspapers and journals, rather than prohibitively priced books, were kept. Cheap ballad sheets and pamphlets could also be vehicles to promote ideologies to a broader audience. Kathleen Wilson highlighted the role that these played, particularly accessibility to newspapers, to mobilise 'the social bases and cultural arenas of extra-parliamentary politics.'<sup>238</sup> Members of the Birmingham Book Club can be identified among those who later campaigned for a town council; these included merchant George Vernon Blunt, who

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<sup>235</sup> Ibid.

<sup>236</sup> Paul Kaufman, 'English Book Clubs and their Role in Social History', *Libri* 14 (1964), pp.16-18

<sup>237</sup> Ibid.

<sup>238</sup> Kathleen Wilson, *The Sense of the People, Politics, Culture and Imperialism in England, 1715-1785* (Cambridge, 1995), p.54

was elected to the first council in 1838 and the umbrella manufacturer Henry Holland who was councillor for Deritend and Bordesley in 1844.<sup>239</sup>

The coffee houses and tap rooms of Birmingham were places where the town's community could meet, read the national newspapers and share ideas. They attracted artisans and merchants, offering a public space in which people could talk freely and express their opinions on issues of the day. Coffee houses in Birmingham included Overton's on New Street, where 'all the main London papers were delivered by express messenger' and which also boasted copies of European publications; the Navigation Coffee House and Mrs Aston's Coffee Room in the Cherry Orchard were also prominent for hosting meetings of various liberal societies.<sup>240</sup> But the most well-known was the Leicester Arms Tavern Bell Street, more popularly known as 'Freeth's', after the proprietor and political balladeer John Freeth, a recognised Wilkite who had been outspoken against war with America.<sup>241</sup> Money highlighted the role played by coffee shop culture in the development of the town's political rivalries, identifying a period after 1789 in which 'evidence of hardened political differences in Birmingham' could be recognised. Money argued that 'the dawning consciousness of Birmingham's artisans' emerged from this period of coffee shop culture.<sup>242</sup> Eckstein's painting showing 'Freeth's circle of Birmingham Men', below, was commissioned by the Jacobin Club, which had become established at the Leicester Arms by the end of the eighteenth century. Freeth's circle was also known locally as 'the twelve apostles', and this painting is a representation

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<sup>239</sup> Thanks to Nicholas Benbow for generously sharing his own research into the composition of the Birmingham Book Club; his list does include several merchants and established manufacturers, but also numerous artisans and jewellers

<sup>240</sup> Money, *Experience and Identity*, p. 102

<sup>241</sup> Ibid., p.104

<sup>242</sup> Ibid. p. 117

of some prominent members.<sup>243</sup> The trades of these men reveal a middle class of merchants, manufacturers and professionals. Freeth can be seen sitting, smoking a pipe on the left of the painting, and seated on his left (as the viewer looks at the painting) is James Murray, a draper, whilst standing at his left is surgeon Jeremiah Vaux. Others in the painting include the artist and founder of Birmingham's first museum, James Bissett, along with auctioneer James Sketchley and tin merchant Joseph Fearon, who is understood to have been the chief orator of the group.<sup>244</sup>

Coffee shops, clubs, societies and print culture, even theatres, were spaces with potential to nurture and foster ideas and build networks of like-minded individuals. By final quarter of the eighteenth century, Birmingham's social scene reflected its changing demographic, in particular the presence of a burgeoning liberal-minded middle-class and a more youthful population as the nineteenth century progressed.



Figure 7. Johannes Eckstein, 'John Freeth and His Circle or Birmingham Men of the Last Century', 1792  
©Birmingham Museums Trust

<sup>243</sup> Langford, *Century of Birmingham, Volume I*, p.467

<sup>244</sup> Langford, *Century of Birmingham, Volume I* opposite p.274

## 2.3 ‘The First Cry for Reform’

Writing in 1870, Langford suggested that ‘the first cry for reform’ in Birmingham could be dated to 1817, when George Edmonds, who would go on to become a prominent figure in the move for incorporation, instigated mass, open-air meetings at Newhall Hall.<sup>245</sup> These meetings became a key feature of Birmingham’s political identity and created some alarm nationally. However, Birmingham’s reform culture can be dated back further, to at least the later eighteenth century when much of the country was expressing exasperation at evident parliamentary corruption, the wars with America and France. Joanna Innes has identified the 1780s as a time when the term ‘reform’ became particularly prevalent in relation to discontent with the organisation and actions of parliament.<sup>246</sup> Over time, reform demands spread to many areas of English life, some being particularly relevant to specific regions, others related to national concerns. Demands could be expressed through mass petitioning, or through public protests, which often became violent. During the French Wars government sought to suppress reform through the imposition of the Seditious Meetings Act, which was followed by more than a decade of attempts repression.

Although Innes argued that the term ‘reform’ was not a ‘watchword’ of the Radical Wilkite Movement in the 1760s, nevertheless John Wilkes did present the first motion for parliamentary reform in 1776.<sup>247</sup> There was some local support for ‘Wilkes and Liberty’, following his imprisonment at the King’s Bench in 1768; Money suggested that Freeth’s coffee shop ‘acted as a focal point for Birmingham’s reactions to the

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<sup>245</sup> J.A. Langford, *Century of Birmingham, Volume 2*, p. 413

<sup>246</sup> Joanne Innes, ‘Reform in English Public Life: the Fortunes of a Word’, in Joanne Innes and Arthur Burns (eds.), *Rethinking the Age of Reform: Britain 178-1850* (Cambridge; New York, 2003), p.71

<sup>247</sup> Ibid. p.82

Wilkeite Movement and its repercussions in local parliamentary constituencies'.<sup>248</sup> One of those constituencies was nearby Worcester, where Sir Watkin Lewes fought three electoral campaigns across 1773 to 1774 on a Wilkeite platform, highlighting corrupt electoral practices. Wilkes himself had won three by-elections, but each time had the result overturned as his Radical views were not welcomed in parliament. In 1774, *Berrow's Worcester Journal* published a report regarding a Birmingham freeman who attended the second by-election poll to support Lewes. The report claimed that the man had pledged one thousand pounds to Lewes campaign, and that 'he would return home immediately and send as many Freemen to Worcester, at his own expense, as he could meet with'.<sup>249</sup> It is difficult to assess how widespread local support for Wilkes was in Birmingham, however in 1763 *Aris's Gazette* published 'Wilkes and Liberty' a song which it claimed had been written in Birmingham.<sup>250</sup>

Although Birmingham had no resident member of parliament before 1832, there was still a clear interest in parliamentary matters, as they impacted on trade matters. Hopkins showed that the freemen of Birmingham were often seen as a reliable source of additional votes by candidates in neighbouring districts that did hold a franchise, acting as a 'reservoir of potential votes which were wooed by candidates in other places.'<sup>251</sup> Money claimed that this 'had a reciprocal effect on the town's own political consciousness' and that the town represented 'a point of confluence where popular opinions originating from a wide area could affect each other, as well as a rising centre of influence in its own right.'<sup>252</sup> Along with the important networking undertaken by

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<sup>248</sup> Money, *Experience and Identity*, p.104

<sup>249</sup> *Berrow's Worcester Journal*, February 24<sup>th</sup> 1774, cited in Money, *Experience and Identity*, p.104

<sup>250</sup> *Aris's Birmingham Gazette*, July 18<sup>th</sup> 1763, also cited in Money, *Experience and Identity*, p.161

<sup>251</sup> Money, *Experience and Identity*, p.159

<sup>252</sup> *Ibid.* 160-1

entrepreneurs like Boulton, the more general interest expressed in regional affairs goes some way to understanding how Birmingham came to have a prominent political profile within its surrounding environs.

One of those known to have frequented coffee shops and taverns in the town was banker Thomas Attwood and he was an ‘enthusiastic participant’ in debates.<sup>253</sup> He went on to become the most dominant figure of early nineteenth-century Birmingham Radicalism, establishing the world’s first political union and playing a significant role in the founding of the Chartist Movement. He was also one of Birmingham’s first Members of Parliament. Originally identifying as an Ultra-Tory, Attwood’s primary motivator was monetary reform; later in his life that obsession would bring derision and a humiliating end to his parliamentary career, but in the early nineteenth-century he held a local popularity that would only be matched by Joseph Chamberlain in the latter quarter of the century.<sup>254</sup> Attwood’s first public political outing took place in 1812, when he travelled to London to present a formal petition from the people of Birmingham in opposition to the Orders in Council. This government legislation was a trade embargo in response to the war with France, but it also interfered with American trade, causing great economic distress in Birmingham, which had a strong dependency on the American market.

Attwood was also opposed to the East India monopoly, which prevented Birmingham, and other British industrial towns, trading freely in India and China. At a meeting of interested businessmen, held at Dee’s Hotel in March 1812, he stated that ‘that it is the highest privilege and the most important duty of British subjects to address the legislature whenever they conceive that any political measure is subversive of national

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<sup>253</sup> David Moss, *Thomas Attwood: The Biography of a Radical* (Montreal and London, 1990), p.36

<sup>254</sup> Moss, *Thomas Attwood* for a comprehensive biography of Thomas Attwood

welfare and security.’<sup>255</sup> It was a prophetic statement, as rioting broke out across the country, with reports of machine breaking taking place in the Midlands. Attwood acted on his word and, utilising his recent appointment to the position of High Bailiff, headed to London to present a petition of fourteen thousand signatures, prompting the Duke of Norfolk to urge the House of Lords to consider an issue in which ‘the sense of such a large portion of their fellow subjects was so decidedly expressed.’<sup>256</sup>

Birmingham did not stand alone in its lobbying of Parliament. The regions were united in their opposition to government trade policy and delegations travelled to London from all the major industrial towns in a concerted repeal campaign; the issue was, as Hilton has described, ‘catching fire in the provinces’ and, he states, it ‘brought a number of regional business leaders into prominence’, including Thomas Attwood.<sup>257</sup> In June 1812, around seven hundred men attended a public meeting at the Shakespeare Tavern on New Street where an Artisan’s Committee was formed, chaired by schoolmaster George Edmonds. The committee resolved that ‘they who endeavour to promote the Commercial Prosperity of the country, upon which its welfare and happiness so materially depend, deserve the lasting gratitude of the People.’<sup>258</sup> This was an important expression of local unification, as well as an expression of approbation towards Attwood. A small group of the town’s most influential businessmen utilised their access to public office to engage in national political issues and this added legitimacy to their demands, but the strong show of public support from local artisans was equally crucial. The ability to mobilise significant sections of the community is repeatedly evident during the first half

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<sup>255</sup> *The Times*, April 6<sup>th</sup> 1812

<sup>256</sup> *Hansard*, HL Deb., April 21<sup>st</sup>, 1812, 22, cc.500-2

<sup>257</sup> Hilton, *Mad, Bad and Dangerous*, p.231

<sup>258</sup> Langford, *A Century of Birmingham Life*, Vol.2, p.322

of the nineteenth century and was pivotal in ensuring successful challenges to establishment policy.

Robert Poole has highlighted a ‘curious episode of petitioning’ in the Midlands during the summer of 1816, whereby colliers from Staffordshire began a journey to London to petition the Prince Regent for relief ‘from certain grievances and distress’.<sup>259</sup> Poole uses this example to demonstrate a bypassing of parliament, with an appeal directly to the throne. The would-be petitioners were hauling waggons filled with coal and inscribed with reportedly inflammatory comments about the government; this caused some alarm, and their journey was intercepted, being described as ‘unconstitutional and illegal’ by the authorities.<sup>260</sup> Further investigation shows that there were further attempts at similar protests, with colliers and their waggons arriving in Birmingham to solicit relief and support in July 1816.<sup>261</sup> Concerns were raised in national newspapers that this was setting a dangerous precedence, one report in a London newspaper commenting that such actions in large, provincial towns were ‘increasing daily’ and should be of ‘deep concern’ as they alienated the ‘affections of the people from the Government.’<sup>262</sup> Although this form of petitioning was unusual, it demonstrated the way in which demands for reform could gain momentum, especially where the press took an interest. This particular style of protest also represents a sharp contrast to the way in which Birmingham’s increasing Reform presence was primarily led by middle-class, liberal professional men.

Reform with a capital ‘R’ can be really seen to have taken hold in Birmingham when George Edmonds set up a Hampden Club branch, operating from his office on

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<sup>259</sup> Robert Poole, ‘French Revolution or Peasant’s Revolt? Petitioners and Rebels in England from the Blanketeers to the Chartists’, *Labour History Review*, 74, 1 (2009), p.18

<sup>260</sup> Ibid.

<sup>261</sup> *London Courier and Evening Gazette*, July 5<sup>th</sup> 1816

<sup>262</sup> Ibid.

Caroline Street. A lawyer who would go on to become the town's first municipal Recorder, it was he who organised the earliest mass demonstrations at Newhall Hill, which would later become symbolic of Reform agitation.<sup>263</sup> George Jacob Holyoake expressed fondness Edmonds, describing him as a 'Radical thinker' with a 'commanding voice and force of delivery'.<sup>264</sup> Founded in October 1816, it was one of many branch associations that had spread across the country as economic unrest again took hold. Originally established several years earlier as an exclusive, aristocratic club in London, the new iteration of Hampden was directed specifically at a regional audience of working men during a period of great economic distress in Britain. Anthony Temple-Patterson has shown how, in Leicestershire, the Hampden Club was closely affiliated to established stockinger organisations, 'representing a continuity with popular radicalism' that helped the Club to quickly gain popularity.<sup>265</sup> In Birmingham a group calling itself the Artizans' Society was involved in founding and establishing a branch. Thus, while representing a common objective and some sense of regional solidarity, they were also carefully allied with each regions' distinct working-class community, creating a widespread appeal. The clubs became a focal point for popular discontent, particularly in the Midlands and the North. E.P. Thompson suggested that, in the winter of 1816-17, 'the habit of political meeting, and of reading and discussion, had spread throughout much of the manufacturing districts.'<sup>266</sup> These were hard times, and it has been estimated that in Birmingham, of a population of 87,000 more than 32% were in receipt of at least some parish relief.<sup>267</sup>

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<sup>263</sup> Susan Thomas, 'Edmonds, George (1788–1868)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2013 [<http://w.oxforddnb.cowwm/view/article/74226>, accessed 15 Oct 2015]

<sup>264</sup> Holyoake, *Sixty Years an Agitators Life*, p.31

<sup>265</sup> Anthony Temple-Patterson, 'Luddism, Hampden Clubs, and Trade Unions in Leicestershire, 1816-17', *EHR*, 63, 247 (1948), p.176

<sup>266</sup> E.P. Thompson, *The Making of the English Working Class* (London, 1965), p.641

<sup>267</sup> *Showell's*, p.93

Although Thompson argued that there was a ‘sketchy’ system of regional organisation at this time, he also revealed that the Hampden Clubs were able to spread out to industrial villages through networks of contacts from larger centres, including Birmingham.<sup>268</sup> The Hampden organisers identified the cause of distress as the result of a corrupt parliament. The first act of the Birmingham branch was a letter to the High Bailiff, requesting that a petition be sent from the town demanding reform; sixty-three ‘respectable signatures’ were attached, indicating that the branch had quickly found members.<sup>269</sup>

Hampden Clubs had been outlawed under the Seditious Meetings Act of 1817<sup>270</sup>, however in 1819, Edmonds instigated an unlawful election of a parliamentary representative for Birmingham. During a rally held at Newhall Hall on July 12<sup>th</sup>, Sir Charles Wolseley was presented and, by a show of hands, elected ‘Legislatorial Attorney and Representative for Birmingham’ and commanded to take his seat in parliament.<sup>271</sup> The event was subsequently declared as seditious, with arrest warrants issued for Wolseley and other organisers of the meeting; Edmonds served a nine-month prison sentence for his role. It was an audacious act which received much publicity and is early evidence of a concerted effort towards the mass mobilisation of popular opinion. Organisation of physical action in the provinces received attention from the steady growth in accessibility to printed material, creating a momentum that spread across restless industrial districts.

Less than one month after the attempted election at Newhall Hill, tragedy struck another mass meeting at St. Peter’s Field on the outskirts of Manchester. The so-called Peterloo Massacre prompted shock and has remained symbolic of people-establishment

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<sup>268</sup> Thompson, *Making of the English Working Class*, p.651

<sup>269</sup> Langford, *Century of Birmingham Life*, Vol 2, p.413

<sup>270</sup> ‘Seditious Meetings Act’, 57, Geo.III c.19, March 31<sup>st</sup> 1817

<sup>271</sup> *Derby Mercury*, July 22<sup>nd</sup> 1819, p.127

tensions. In Birmingham, Edmonds, still on bail and awaiting trial, called another mass meeting of support at Newhall Hill. Wolseley arrived in a mourning carriage and the mood was sombre; some twenty thousand people attended to hear Edmonds declare the Peterloo Massacre an ‘act of murder’.<sup>272</sup> There was a growing sense of solidarity amongst those living and working in the industrial provinces which helped to entrench Reformism into the popular imagination. The introduction of the repressive ‘Six Acts’ in the wake of Peterloo appeared only to strengthen popular demands for parliamentary reform.

The utilisation of cheap print was a means of mobilisation through distribution of pamphlets and ‘placarding’ on shop windows and other public spaces.<sup>273</sup> One such example of this style of networking took place in the autumn of 1816, only a week after the inaugural meeting of Birmingham’s Hampden Club. Placards appeared around the town, advertising an address that had been made at a meeting in Nottingham on September 25<sup>th</sup>. The address had been widely circulated in the press and had become popularly known as ‘The Address and Remonstrance of the Inhabitants of Nottinghamshire’.<sup>274</sup> It highlighted the distresses experienced by working men and objecting to the expenditure of large sums of the nation’s taxes on a standing army and on pensions and sinecures for men in public office. It might not have created a disturbance if it hadn’t been for a counter placard, posted by Richard Jabet, proprietor of the Tory newspaper, *The Commercial Herald*. This polemic emanated from ‘a patriotic supporter’ in Bolton, defending the government’s management of taxes, arguing that ‘matters would not be any better at all if the plan was to be adopted which is called Parliamentary

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<sup>272</sup> *Morning Chronicle*, September 27<sup>th</sup> 1819

<sup>273</sup> I am grateful to Dr Caroline Archer-Parré of the Centre for Print History and Culture for advice on public posting and placarding

<sup>274</sup> *Liverpool Mercury*, October 4<sup>th</sup> 1816

Reform.’<sup>275</sup> Jabet added his own sentiment, arguing that ‘this town is suffering with the world in general’, but that local government had done its best to alleviate the difficulty by providing employment to working men. Jabet thought that ‘those men should show a proper sense of the kindness of their richer neighbours, by an uniform, steady and peaceful conduct’.<sup>276</sup> Situated in Birmingham’s bustling market place, Jabet’s printing shop window quickly attracted attention and a riot ensued; the Warwickshire Yeomanry was summoned and one man lost his life.<sup>277</sup> This incident indicates that there was a clear antagonism building between the new political agitators who demanded reform and traditional establishment supporters.

In the 1820s debates around trade tariff reform once again came to the fore. This is unsurprising given the global reach of trade that benefitted the manufacturing towns. Agitation for Corn Law repeal had gained substantial momentum by 1825, evidenced by a forty-thousand signature petition submitted to the House of Lords by Manchester operatives demanding an end to the tariff.<sup>278</sup> In consequence of that petition, a whole town meeting was held in Birmingham, organised by a body of requisitionists that included the Tory banking partner of Thomas Attwood. There was some dispute over the wording of the address, which condemned the tariff, but expressed support for the government; Spooner insisted on attaching an amendment rebuking the ministers for failing to tackle the issue. The reason he gave for the amendment was that he did not believe it could be carried without some disapprobation expressed to the government.<sup>279</sup> It cannot be known for certain if it was the amendment which carried the vote unanimously, but the fact that

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<sup>275</sup> *Windsor and Eton Express*, October 27<sup>th</sup> 1816

<sup>276</sup> *Ibid.*

<sup>277</sup> *Ibid.*

<sup>278</sup> Gill, *History of Birmingham*, p.202

<sup>279</sup> Langford, *Century of Birmingham Life*, Vol 2, p.467

Spooner deemed it necessary suggests an understanding that local popular opinion was against the government.

Three years after Spooner's tariff reform meeting, in May 1829, his partner Attwood requisitioned another whole town meeting. It took place at Beardsworth's Repository, a large equestrian sales room near the Bull Ring, with an estimated attendance of four thousand. The town, and indeed the whole country, was once more suffering the effects of a deep economic recession and Attwood believed he knew of a solution. The problem lay, he announced to the crowd, in the government's refusal to reinstitute the pound note, a monetary system that had been 'so important to the lower classes.' Attwood firmly believed the issue was one that was even greater than Parliamentary Reform, but that a reform of parliament was vital to bring about the reintroduction of paper money and subsequently alleviate the working mans' distress.<sup>280</sup> Henry Miller has shown that Monetary Reformism was peculiar to Birmingham, and came to be identified, with some derision, as 'The Birmingham School'.<sup>281</sup> Miller has also identified support for Monetary Reform among those reformers who identified as Radical and Ultra-Tory, with Liberals and Whigs united in opposition to it.<sup>282</sup> At the May meeting, Attwood gave a powerful speech which presented a graphic account of the dire conditions that many of the labouring poor were forced to contend with. In Manchester, he revealed, labourers were surviving on wages that were 'not sufficient to support a dog.'<sup>283</sup> Attwood, utilising the language of class, told the crowd that 'he wished to see the lower classes eat bread and beef' as they had in the days before paper money had been abolished. The only way that such a turnabout in fortunes could be achieved would be through a unity of classes, 'they

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<sup>280</sup> *Birmingham Journal*, May 9<sup>th</sup> 1829

<sup>281</sup> Miller, 'Radicals, Tories or Monomaniacs?', p.355

<sup>282</sup> *Ibid.* p.358

<sup>283</sup> *Ibid.*

were embarked in the same boat, and together they would sink or float'.<sup>284</sup> His rhetoric appealed to the crowd, and he became a popular figure who appealed to Reform followers, Liberals and Radicals alike.

In 1828 there was a concerted attempt in the House of Commons to have the Nottinghamshire town of East Retford disfranchised following the most recent elections which had displayed obviously corrupt electoral practices. An idea was mooted that, rather than lose a seat in the House, the franchise could be passed to one of the non-elective towns, the popular choices being Birmingham and Manchester. It is not clear where this idea originated from, but the Birmingham Reformists wasted no time in arranging a meeting with Charles Tennyson, member for Bletchingly, who was a friend of Birmingham solicitor Joseph Parkes, a keen advocate of electoral reform.<sup>285</sup> He agreed to present Birmingham's case for taking over the East Retford franchise, arguing that if Manchester required a representative then Birmingham did so 'more urgently.' In the same speech he revealed that there was great support for the transference of the franchise locally,

I wish to state that Birmingham herself is most anxious for the boon. She is a humble petitioner at your bar. All the principle and influential inhabitants, individuals of all parties and all political feelings have testified their anxiety for representation. The petition was signed by nearly all the chief merchants, bankers, manufacturers and members of the chamber of commerce, and by four thousand individuals within sixteen hours.<sup>286</sup>

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<sup>284</sup> Ibid; Robertson, and Bunzl, *Monetary Reform: Making it Happen*

<sup>285</sup> Nancy Lopatin, "' With all my Oldest and Native Friends". Joseph Parkes: Warwickshire Solicitor and Electoral Agent in the Age of Reform', *Parliamentary History*, 27, 1 (Feb. 2008), pp.96-101 for an overview of Joseph Parkes and his involvement with electoral reform

<sup>286</sup> Hansard, HC Deb. May 19<sup>th</sup>, 1828, 19, c. 796

Tennyson's claim of cross political support is evident in the petition, and by the fact that a town meeting called to discuss the issue was a legitimate one, chaired by the High Bailiff. The image below shows, the petition included the signature of the High Bailiff, Charles Shaw, a Street Commissioner who was certainly not a reformist, and contemporarily described as 'one of the last men of the Tory old school'.<sup>287</sup> This was a very different attempt at parliamentary representation than that of just a few years earlier when Wolseley was 'returned' by a popular show of hand, but demonstrated a strong desire for parliamentary representation, which for some at least was, conflated with desires for more general parliamentary reform. The failure of the East Retford transfer reignited frustrations at the lack of a resident parliamentary representative, and this may have contributed to the move by some prominent professionals to institute a new political organization, which would be the first political union.



Figure 8, Petition of the Inhabitants of Birmingham to Thomas Attwood for Parliamentary Representation, with about 8,200 signatures<sup>288</sup> Image ©Donna Taylor

<sup>287</sup> Edwards, Eliezer, 'Personal Recollections', p.42

<sup>288</sup> BAHP MS 3097, document is catalogued as dating from 1832, however the signature of Charles Shaw as High Bailiff indicates that it was 1828, as this was when Shaw held that office

The Birmingham Political Union was founded by a small group of businessmen who were concerned about the government's policy on paper money. The first attempt to form a union was a somewhat subdued affair, held at the Globe Tavern on December 14<sup>th</sup> 1829, with only sixteen attendees; a far cry from the original enthusiasm of the May meeting.<sup>289</sup> Attendance improved at the following meeting, and 'thirty of our most respectable merchants and traders' joined the founders.<sup>290</sup> It was an exclusive meeting, called by circular with the intent of establishing the objectives of the Union amongst the middling classes of the town before presenting themselves to the general public for their 'sanction'.<sup>291</sup> This would remain the general formation of the BPU for the remainder of its existence, with the leadership consistently drawn from amongst local professionals with operatives and artisans providing the scale of numbers necessary to legitimise the union. Nancy Lopatin has identified 'a tightly organized and led hierarchy, despite its claim to be a popular political organisation'.<sup>292</sup> The fear that the masses might rise in revolution at any time was still real and Attwood believed that by drawing the leadership only from the 'respectable' middle-class the potential for violence could be contained. Drawing on past tradition the BPU was quickly able to establish itself in the town; the inclusion of George Edmonds was particularly prudent, as it created a legitimising link with Birmingham's recent Reform tradition.

When the first public meeting of the Union was held in May 1830, it was Edmonds who drew crowds through the streets to Beardsworth's Repository:

Mr. Edmond's known influence over the populace was never more conspicuously displayed than on this occasion. With the beck of a hand he succeeded, within the

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<sup>289</sup> *Birmingham Journal*, December 19<sup>th</sup> 1829

<sup>290</sup> *Birmingham Journal*, December 26<sup>th</sup> 1829

<sup>291</sup> *Ibid.*

<sup>292</sup> Nancy Lopatin, *Political Unions, Popular Politics and the Great Reform Act of 1832* (Basingstoke, 1999), p.26

course of a few minutes, in marshalling the dense thousands occupying every avenue in the neighbourhood of the place of rendezvous.<sup>293</sup>

This was, by all accounts, an extraordinary meeting and reports appeared in many regional and London newspapers over the following week. Speeches, delivered over the course of several hours, were of a similar fashion to those expressed the previous year: monetary reform, parliamentary reform and unity of the classes against the establishment. It was held on a Monday, a day recognised in Birmingham as in much of the country as ‘St. Monday’, an unofficial day of rest for labourers and artisans; much of the community would have not been working.<sup>294</sup> Reports present a lively, almost carnival like event, clearly designed to appeal to the broadest audience; the community flocked to the meeting:

By nine o’clock on Monday morning a large crowd was gathered in Temple-street and by half-past ten o’clock that and the adjoining streets were choked by thousands. The excitement intended by the display and exhibition of a procession most fully answered, as hundreds pressed into the Council rooms to enrol their names on the list of the Union and receive the medal – the acknowledged and authorised badge of membership.<sup>295</sup>

The enrolment list contained the name of Sir Charles Wolseley, Birmingham’s ex-officio legislatorial representative, another harking back to an earlier popular move for reform. The symbols were doubtless important devices for imparting images of unity and intent.

In 1832, following a difficult passage through the Lords, parliamentary reform was finally enacted. The Great Reform Act, as it became known, created a number of new boroughs, including Birmingham and Manchester. There had been widespread national unrest prior to the enactment during the so-called ‘days of May’, which had seen Bristol

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<sup>293</sup> ‘Corrected Report of the Proceedings of the first meeting of the Birmingham Political Union, held on May 17<sup>th</sup> 1830 (Birmingham, 1830), *The Making of the Modern World. Web* (accessed 26<sup>th</sup> October 2015)

<sup>294</sup> Donald Reid, ‘The Decline of Saint Monday, 1766-1876’, *Past & Present*, 71 (1976), pp.76-101

<sup>295</sup> Corrected Report of the Proceedings’

come under siege for three days. Birmingham had been comparatively restrained, although there had been simmering tensions, as one London newspaper reported:

It is impossible to describe, scarcely possible to imagine, the spirit of excitement in which the town of Birmingham has been thrown by the rejection of the Reform Bill and the resignation of His Majesty's Ministers. The Anti-Reformers in London may affect to treat this with contempt, but if they had been present in Birmingham on this day, we doubt not that another and very different feeling would have prevailed in their minds.<sup>296</sup>

A monster meeting held on Newhall Hill was a useful opportunity to contain the tensions, allowing frustrations to be expressed in a familiar way, and this may have allayed violent outbursts.

The Birmingham community was triumphant in the unopposed return of its first MPs, Attwood and merchant Joshua Scholefield, who had also been a founding member of the BPU. Much was made of the town's first charring ceremony. This was an ancient custom in many English counties, but one which had never been seen in Birmingham. The *Birmingham Journal* reproduced an image of the chair in which the Members had been paraded throughout the town on December 17<sup>th</sup>, noting that there had been an abstinence from the traditional habit of smashing the car following the ceremony. This was, the *Journal* expressed, something to be praised given the beauty of the carriage. Commemorative medals were struck, and trades and other local societies invited to take part in a grand procession. The press reported 'a whole forest of banners' seen carried through the town, from Five Ways turnpike at one edge of the borough into the town centre. Shops were closed for the day and church bells pealed. It was, declared one newspaper, 'a proud day in the annals of Birmingham, it was the seal set upon the triumph

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<sup>296</sup> *Bell's Life in London and Sporting Chronicle*, May 13<sup>th</sup> 1832

of her gigantic efforts in the cause of reform.’<sup>297</sup> As Attwood’s rosette (below) shows, at the heart of the electoral triumph was the joining of many hands. Also featured are the important words ‘independent electors’, a proud rebuttal in face of controversies over freeman voting in the ancient boroughs.

Such scenes of jubilation were rare in the aftermath of the Reform election, which had largely been a bad-tempered affair, pockmarked by riots, heavy handed military interventions and a recognition that corruption was still rife.



Figure 9, Rosette worn by Attwood during his chairing ceremony, 1832.<sup>298</sup> Image ©Donna Taylor

That the aristocracy had retained an upper hand was expressed with some bitterness by Joshua Scholefield during a dinner speech in 1833, where he described his initial impressions of the reformed parliament:

He could not help but express his disappointment at the sort of company he had met with in the House of Commons...he did hope, on entering the house, that the

<sup>297</sup> *Reading Mercury*, December 27<sup>th</sup> 1832

<sup>298</sup> BAHP MS 2685/2/1/1/90 'Silk ribbon, rosette and bow'. Description of item suggests 'dark red and white silk ribbon', though the item now appears pink

reformed Parliament had brought together a set of men who wished to serve their country, but he soon discovered that, for the most part, they were made up of the old leaven.<sup>299</sup>

Dissatisfaction with the Reformed Parliament quickly grew; the People had expressed their demand for a new system of governance and concessions had been made, but had anything really changed? The aftermath of 1832 brought ideas of ‘old corruption’ into a sharp focus, the ‘old leaven’ of privilege described by Scholefield. The BPU began to fall into a steady decline and regular attempts at revival received little mass support from the unfranchised class. In October 1832, an attempt was made to form a working-class union; membership was smaller than the BPU had enjoyed in its halcyon days, but the sentiment is important for understanding the changes that were taking place. At an earlier public meeting on Newhall Hill, one speaker emphasised that demands for parliamentary reform had come from the workers, who had ‘come forward like men in the most magnanimous manner and given up their extended ideas of reform, to obtain the smaller measure called out for by the middle classes.’<sup>300</sup> It was intended as a reminder to the newly franchised radicals not to forget their working-class supporters, and the BPU leaders would have done well to heed it as a warning. When Birmingham’s first municipal councillors took office six years later, there was an evident discontent that would have repercussions for the town at the point of incorporation, and which will be discussed in further detail presently.

## 2.4 The Birmingham Tory Revival

Reading across current literature relating to early nineteenth-century Birmingham, it is easy to conclude that there was no Tory presence of any significance in the town

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<sup>299</sup> *Birmingham Journal*, December 14<sup>th</sup> 1833

<sup>300</sup> *Birmingham Journal*, July 28<sup>th</sup> 1832

because of a dominant focus on Radicalism and the BPU. There has been little attempt to reconcile Birmingham's Tory revival with the post-1832 decline in support for the BPU and this has narrowed the debate. During the municipal elections of 1838, candidates were required by organisers to present themselves as either Radical or Tory. For those who had close connections with the BPU or the L&CA, this would have appeared an obvious choice, and both organisations would doubtlessly have deliberated nominating their members. As a result, the elections were framed by Radical-Tory rivalry; it is therefore useful to have an awareness of the 1830s Tory revival to understand how they could mobilise sufficiently to present a challenge in the first municipal election.

In the mid-1970s, David Cannadine established that there had been a significant 'Conservative interest' in Birmingham that went well beyond the Church and King dominance of the late eighteenth century.<sup>301</sup> Cannadine's focus was fixed on the influence of a single family, the Calthorpe's of Edgbaston, who represented Birmingham's only resident aristocracy.<sup>302</sup> This focus has deflected from the broader involvement of some businessmen and other professionals with a re-emerging Tory Movement from the mid-1830s onwards. As a result, understanding of Birmingham's Tories has remained narrow. Behagg, in a direct response to Cannadine, acknowledged the historic distortion created by overlooking the Tory presence, again emphasising an aristocratic connection. He argued that a Tory 'county-connected group' had been 'ignored through a myopic concern to write the history of the town in Whig-liberal terms.'<sup>303</sup> In other words, there has been a tradition of presenting Birmingham's nineteenth-century history as a story of 'progress', from the early beginnings of county dominance, through a disorganised system of local

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<sup>301</sup> Cannadine, 'The Calthorpe Family and Birmingham', p.728

<sup>302</sup> The Calthorpe family was resident in Edgbaston

<sup>303</sup> Behagg, *Politics and Production*, p. 159

administration to the much-vaunted era of Joseph Chamberlain and the Civic Gospel, so often presented as the apex of civic administration. This focus on ‘progress’, overlooking dynamic political rivalries shaping unfolding events, contributed to a distortion of Birmingham’s nineteenth-century civic history. Behagg has rightly identified a partisan rivalry, there was an attempt to win the hearts and minds of the popular community. However, his focus is limited to the Union, arguing that ‘opposition from Tory groups within the town made it imperative that the BPU create as wide a popular base as possible, thereby establishing its claim to represent the “People.”’<sup>304</sup> Although there is a recognition that there was a significant Tory opposition in the 1830s, there is little emphasis on just how ferocious this rivalry could be. Conrad Gill made some attempt to raise the impact of the Tory presence, arguing that ‘the rank and file of Conservatives showed a staying power quite equal to that of their opponents.’<sup>305</sup> He also emphasised the Tory attempts at cultural appeal, revealing that they opened a reading room in Union Street in 1836, at the height of emerging rivalries, ‘for they had found that the gradual education of public opinion by the printed word was one of the best means of strengthening their position.’<sup>306</sup>

There had been a significant Tory presence in Birmingham since at least the late seventeenth century when the Bean Club was established soon after the Restoration. The Bean Club had an exclusive Ultra-Tory membership and excluded Dissenters from its membership. Originally founded as a dining club, the group was still active in the late eighteenth century, when it was associated with the Priestley Riots.<sup>307</sup> The intensity of bigotry displayed by Birmingham’s Ultras at this time has come to dominate perceptions

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<sup>304</sup> Ibid.

<sup>305</sup> Gill, *History of Birmingham*, p. 218

<sup>306</sup> Ibid.

<sup>307</sup> Money, J. *Experience and Identity*, pp. 99-102

of the town's late eighteenth-century community. Money has, however, identified that 'the Bean Club was not simply a bastion of reaction' but was also 'a conservative institution closely associated through its membership with the whole development of Birmingham'. As mentioned in chapter one, several Bean Club members played a vital role in campaigning for a more structured administrative approach for the material improvement of the town, with eight of its members elected to the first Street Commission. The Club also worked to ensure that the 'Birmingham interest' was represented in Parliament, by involving the society in County politics.<sup>308</sup>

The 'conservative interest' in Birmingham experienced a revival in 1834 in the wake of the Tamworth Manifesto, recognised as the foundation of the modern Conservative Party. The Loyal and Constitutional Association followed in the Church and King tradition, an attitude which had retained a presence in Birmingham, as evidenced in the circulation of Tory newspapers, including the *Gazette*, whose proprietor, Samuel Aris, was a member of the Bean Club.<sup>309</sup> As such it was opposed to any attack on what it perceived to be the 'establishment', including the Protestant Church of England. Arguably, the L&CA was organised in response to a growing anti-Church rate campaign in Birmingham. Watts revealed that anti-Church rate protests in Birmingham in 1832 led to a public refusal to approve the 3d rate, by a majority of almost sixty percent, prompting *The Times* to declare that 'the existing establishment of the Church of England was now in serious peril.'<sup>310</sup> An earnest belief in the fragility of the Church played a significant role in driving the mobilisation of Tory opposition in Birmingham. In December 1834 there was another vehement protest against the Church rate; the *Journal* reported that, in

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<sup>308</sup> Ibid. p. 100

<sup>309</sup> Loyal and Constitutional Association hereafter referred to as L&CA

<sup>310</sup> Michael Watts, *Dissenters*, p.479

response, handbills were being distributed during church services, calling on parishioners to support the rate. One handbill presented by the 'Wardens of Christ Church' suggested 'that upon the granting or refusal of a Church rate depends the whole question whether a national religious establishment shall or shall not exist.'<sup>311</sup> In the same report, the *Journal* revealed the heightened excitement in the town, caused by the vestry polling on the rates:

On Tuesday morning, the contest was again resumed, with redoubled vigour on both sides. The walls of the town were literally covered with placards; canvassers were seen running in all directions, and the people roused to a great pitch of excitement. Crowds were constantly around the Public-office and loudly cheering all those who entered their protest against the unnecessary impost which it was attempted to lay upon them. In the course of the day, Thomas Attwood Esq., M.P., attended and having added his vote to the majority against the rate was loudly cheered on entering and leaving the office.<sup>312</sup>

It is clear that vestry politics was a significant factor in Birmingham's political rivalries and promulgated a perception of a sharp divide between the Tory supporters of Church and State, and an anti-Establishment Radicals. This perception was validated and perpetuated in the first corporation election, which offered no option for candidates to stand as either Whigs or Liberals.

Evidence of a Tory revival in post-1832 Birmingham can also be seen in rising popularity at parliamentary elections. Statistics presented by Behagg revealed that in the 1840 election, that is the first parliamentary vote following incorporation, the Tories had doubled the number of votes received in the previous election of 1837.<sup>313</sup> That represented a significant turn-around in popularity as the 1837 election had been

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<sup>311</sup> *Birmingham Journal* December 13<sup>th</sup> 1834

<sup>312</sup> *Ibid.*

<sup>313</sup> Behagg, *Politics and Production*, Table 5.1 'Percentage of poll gained by Tory candidates, Birmingham parliamentary elections, 1835-44', p.187

particularly tense because of the church rate issue and was subjected to investigation for electoral fraud.<sup>314</sup> The comparative success of the Tories in 1840, when they took 38% of the votes, can, Behagg argued, be attributed to Chartist hostility towards the Radical town councillors.<sup>315</sup> This was also a claim made by Attwood, who stated that Chartist sympathisers ‘had gone about the country telling the workmen that their masters were their enemies’ and that ‘they must act and move and effect their object without them.’<sup>316</sup> The decline in popularity suffered by the BPU following the first municipal elections, and in the context of early Chartism, cannot be doubted. However, the section of society to which the Chartist rally most appealed were also unlikely to have many who possessed the parliamentary vote. The revived Tory presence and increased mobilisation of the L&CA played the more significant a role, as it offered an alternative political affiliation for the community. The fluctuating popularity and the changing image and perceptions of Conservatism in Birmingham would benefit from in-depth investigation and analysis to bring a more rounded understanding of political rivalries and social interactions across this period.

## Conclusion

Chapter one revealed that Birmingham had a pro-active, though complex, system of administration from the late eighteenth century. Further, the self-appointed Street Commissioners undertook responsibility for the physical regeneration of the town; this was a vital factor in propelling Birmingham into the forefront of British global commercial domination through the Victorian age. This chapter revealed that there was

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<sup>314</sup> Ibid., p.187

<sup>315</sup> Ibid. pp.188-9

<sup>316</sup> *Birmingham Journal*, July 10<sup>th</sup> 1841

a professed pride in the town's lack of corporation status, perceived as a contributory factor in its demographic and economic growth. Religious diversity though not always matched by religious tolerance, and the absence of restrictive trade guilds were also accepted as a vital facet of Birmingham's identity. Yet, in the second quarter of the nineteenth century, there was a concerted effort within some parts of the local business community to have the Street Commissioners eradicated and replaced with an elected and publicly accountable body, instituted by central government reform legislation. The chapter presented here has introduced context to issues of change and continuity, showing Birmingham's long history of small workshop economy, innovation, religious diversity and liberal outlook, at the same time setting the scene for subsequent chapters on the move to incorporation. This is important not only for recognising *how* Birmingham came to have a municipal council in 1838 (that is to say, the ability for pragmatic organisation and mobilisation), but also for understanding the long-term ideological objectives and achievements of Birmingham Town Councillors.

Within regional communities, from the late eighteenth century onwards, it is possible to identify growing frustration with a lack of opportunity for involvement in parliamentary decision making. That was felt particularly keenly in the emerging economically-important industrial centres, including Birmingham, where there was no resident Member of Parliament, but which relied instead on a distant, rural, county representative. In the eighteenth century, there were a few local businessmen, most notably the entrepreneur Matthew Boulton, who were able to promote Birmingham's interests through building networks with influential people in London. There were also, on occasion, opportunities to present commercial issues to parliamentary select committees, with some measure of success. As the nineteenth-century progressed and

the government's bureaucratic machine grew it became more difficult to maintain those connections. A sense of marginalisation in government decision making processes was felt across the industrial regions. There was a wide belief that intractable privilege and widespread corruption were prevalent in parliament. Calls for reform of the system became an endemic feature of the period.

Inability to take part in parliamentary decision-making meant that those living in the regions could express themselves only at a local level. The economic structure of Birmingham meant that there was a significant body of men of middle-class means who were able to take full advantage to partake in local government roles across the complex administrative system. More informally, there was a sharing of ideas spreading out from coffee houses and tap rooms. Print culture formed an important element of that community and newspapers became mouthpieces of various political ideals, rather than just advertising sheets. Dissemination of ideas and news of political activism in other regions happened with increasing speed as transport networks improved. Taken together, these represented dangerous times for the government, and there were national concerns of uprising, particularly after 1789 resulting in the passing of repressive laws which only served to underscore regional marginalisation.

Demands for parliamentary reform came from a belief that the aristocratic hold on government should be challenged, to allow greater potential for regional economic stability. In the same vein, there was a mobilisation of protest against other restrictive legislation, particularly the Corn Laws. In the early 1840s there would be a split between those who believed that trade tariffs represented the most urgent attention for reform, and those who supported the Universal Suffrage; this would prove a problematic division for

the first town council, but in the early nineteenth-century the two issues were often conflated, as Spooner's amendment evidenced.

The introduction of a Hampden branch office by George Edmonds marked the beginning of a dynamic period of reform agitation in Birmingham. It was in this period that the mass, open air 'monster meetings' were established, drawing large crowds of operatives from surrounding regions. These would come to be part of the town's political identity. The bold attempt in 1824 to elect an MP by show of non-franchised hands was perhaps one of the most exciting reform events. It also revealed a keen local interest in politics that spanned the social spectrum. The formation of the BPU highlighted a reform objective that was peculiar to Birmingham, that of monetary reform, promoted extensively by Thomas Attwood. Although he was subjected to some derision for his belief in what was, effectively, a system of quantitative easing, at a national level, it received wider support locally, at least in the early 1830s.

Birmingham's Tory presence has tended to be overlooked within current literature, but it played an important role in shaping the earliest municipal elections. It has been argued here that there was a stronger Tory presence in the town, particularly in the wake of the Tamworth Manifesto, than has generally been credited. Church and King ideology had been a prevalent force in eighteenth-century Birmingham and, as local newspaper circulations evidence that ideology had not fully dissipated. The Tories were initially slow to mobilise, a fact that the BPU exploited and used to bolster their own flagging popularity. Yet they were still able to muster support through the revitalised L&CA sufficient to be identified as a challenge by the leaders of the BPU.

This chapter has revealed something of Birmingham's identity during a period that encompassed Industrial Revolution and an 'Age of Reform'. It has shown that there

was an established and innovative economic structure that, whilst adaptable to changing tastes and fashions, retained a culture small to middling businesses. This meant that there were fewer families of immense wealth, but a broader middle class. As a result, it was a town of some culture, more liberal attitudes and an awareness of national and international issues. It was also aware of its place in the region, as one of the wealthiest and fastest growing towns in the West Midlands by beginning of the nineteenth century. The drive to request a Charter of Incorporation, where previously there had been satisfaction with the state of local administration, came from a desire to further the town's status and gain autonomy from the county. It was achieved through the ability to mobilise a large lesser-middle-class, particularly from among the shopocracy, who had self-vested interests in the town being able to appoint its own magistracy and who would have held the right qualifications for the corporation franchise.

### 3.

## **‘A Momentous Experiment’: Birmingham and the Municipal Corporations Act of 1835**

The passing of what would be hailed as the Great Reform Act radiated a sense of optimism throughout much of English society. Above all, parliamentary reform was presented as a triumph of public opinion and the tireless efforts of the radical Reformists. There was a sense that decades of popular unrest and the lingering threat of revolution might now be laid to rest. In the midst of this euphoria it did not seem to matter that the franchise still excluded the majority of the working class.<sup>317</sup> Almost from the moment that Lord John Russell’s proposal of the Reform Bill was presented in 1831 there had been, as John Phillips and Charles Wetherell recognised, ‘great expectations among tens of thousands of Englishmen’, with the proposals ‘drastic enough to generate excitement’.<sup>318</sup> The prevailing mood was well expressed by George Eliot, whose character Mr Johnson in *Felix Holt the Radical* predicted that, with the ‘right men’ in parliament, ‘this country will rise to the tip-top of everything’ and that every man in the country would now experience ‘spare money jingling in his pocket’.<sup>319</sup> In Birmingham, Reformers commemorated the act with the commissioning of a painting by the artist Benjamin Haydon, depicting one of the Newhall Hill gatherings. At a meeting

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<sup>317</sup>The impact of the GRA has been debated with widely differing opinions. For critical appraisal see Norman Gash, *Politics in the Age of Peel* (London, 1953); P.Mandler, *Aristocratic Government in the Age of Reform: Whigs and Liberals, 1830-1852* (Oxford, 1990); D.C. Moore., *The Politics of Deference: a Study of the mid-Nineteenth Century English Political System* (Hassocks, 1976); Nancy Lopatin., *Political Unions, Popular Politics and the Great Reform Act of 1832* (London, 1999); Phillip Salmon, *Electoral Reform*; J.A.Phillips and C. Wetherell., ‘The Great Reform Bill of 1832 and the Rise of Partisanship, *The Journal of Modern History*, 63, 4 (1991), pp.621-646; J.A. Phillips and C. Wetherell, ‘The Great Reform Act of 1832 and the Political Modernization of England’, *The American Historical Review*, 100, 2 (1995), pp.411-436

<sup>318</sup> J.A. Phillips and C. Wetherell, ‘The Great Reform Bill’, p.621

<sup>319</sup> George Eliot., *Felix Holt the Radical* (this ed. Ontario, 2000), p.168

announcing this move, a speech from Reverend Hugh Hutton, of the Old Meeting, emphasised the 'gratitude' of the 'whole of the mighty multitude'.<sup>320</sup> Reform, a concept that had driven English society to the brink of revolt, was now acknowledged and presented within government policy. The fictional Mr. Johnson's optimistic appraisal of the GRA was, however, quickly offset by his firm caution that the Reform battle was not yet won. 'We have Reform gentlemen, but now the thing is to make Reform work. It's a crisis - I pledge you my word, it's a crisis'.<sup>321</sup> Eliot encapsulated the anxiety of Reform that surrounded the 1832 parliamentary elections as they got underway; almost before the last vote was cast stories emerged in the press of corrupt voting practices particularly in the ancient boroughs. Instances of blatant bribery came to light in some of the country's major cities, including Bristol, Liverpool and Leicester, dampening any early optimistic spirit. The problem appeared to lie in the organisation of traditional provincial politics and particularly the freeman franchise. It was clear that further reform, this time in regional administration, would be vital if the GRA were to have any real impact on government representation. Birmingham solicitor Joseph Parkes was key among those presenting the case for further legislation to perfect the act. A native of Warwick, Parkes presented a legal challenge against the 1832 election of that town's MP, Charles Greville. Parkes successfully demonstrated that Greville's brother, the Earl of Warwick, had bribed and cajoled his tenants to vote for Charles. As a result of Parkes' investigation, Greville's seat was declared void.<sup>322</sup>

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<sup>320</sup> *Birmingham Journal*, June 16th 1832; the painting by Benjamin Haydon attracted a strong subscription and the article announced that it was to be 'presented to the Town of Birmingham by the Trustees'

<sup>321</sup> *Ibid.*

<sup>322</sup> Nancy Lopatin., "'With all my oldest and native friends: Joseph Parkes, Warwickshire solicitor and electoral agent in the Age of Reform', *Parliamentary History*, 27, 1, (2008), p.96; five other MPs had their seats declared void following investigations into electoral corruption. These were, Conway Richard Dobbs (Carrick Fergus, Ireland), David Pugh (Montgomery Boroughs, Wales), Thomas Stonor (Oxford) and the viscounts Ingestre and Mahon (Hertford)

At the end of the first session of the reformed parliament, in 1833, the Royal Commission investigation into Corporate Boroughs was announced. It was led by Joseph Parkes, no doubt in recognition of his expertise in exposing electoral fraud, and John Blackburne, Radical MP for Huddersfield and a well-respected solicitor. The investigation culminated in the presentation of the Municipal Corporations Bill.<sup>323</sup> Perhaps not unnaturally, interference of central government in regional affairs was not widely welcomed and there was surely an awareness of the partisan nature of Blackburne's choice of commissioners. Roey Sweet has stated emphatically that they were 'manifestly *not* an impartial body'.<sup>324</sup> A few boroughs, including Lichfield, actively refused to co-operate with the investigation and the bill came up against intense opposition in the House of Lords. In the end, it entered the statute books in a form that is generally recognised as limited, although credit should be given to the spirit in which it was presented. Robert Peel, imploring MPs to give careful consideration to the details of the bill, declared it 'an immense experiment which he sincerely hoped might be successful...a most momentous experiment with respect to the good government of towns'.<sup>325</sup> The 'experimental' nature of the proposed reforms no doubt contributed to its limitations, although the somewhat stormy passage through the House of Lords did much to eliminate the more radical proposals, such as the immediate abolition of freemen. Nicholas Edsall has likened this to an 'emasculatation' of a reform that the Lords 'did not dare to destroy'.<sup>326</sup> Nevertheless, it must be understood that the reforms of the 1830s, and

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<sup>323</sup> Blackburne was a respected MP, solicitor and member of King's Counsel. His obituary in the *Annual Register* of 1838 suggested that he 'had long been known as a zealous advocate of liberal politics' and claimed that he had been responsible for recommending the other commissioners for the investigation, *Annual Register, or a view of the history, politics and literature of the year 1837* (London, 1838), p.188

<sup>324</sup> Roey Sweet., *The English Town 1680-1840: Government, Society and Culture* (Harlow, 1999), p.154

<sup>325</sup> Hansard, HC Deb., June 23<sup>rd</sup> 1835, Vol.28, c.1056

<sup>326</sup> Edsall, 'Varieties of Radicalism', p.93

the MCA was the foremost of those, represented an immense change of attitude from the government. As Boyd Hilton argued, ‘historians, anxious to know how far the legislation altered the balance of power and privilege, do not regard it as particularly daring. Contemporaries, anxious to know where it might lead, thought it momentous.’<sup>327</sup> There had been a long-standing reluctance on the part of the government to attempt any interference in the organisation of local administration; regional reform was contemporarily perceived as a bold move and one which merited due caution.

As the Royal Commission set out to investigate the established corporations, a second team of the body’s representatives undertook enquiries into the new and unincorporated boroughs to ascertain the potential for administrative reform. These were the towns that had been granted their first parliamentary seats in 1832 and which were primarily administered through successive private acts. This investigation, carried out by crown representatives named only as Mr. Aldridge and Captain Gipps, was organised in response to a bill presented in the House of Lords which proposed the incorporation of thirty-three towns, including Birmingham. The bill had been presented by Whig Lord Brougham’s primary concerns related to the regulation of justice and these were reflected in this proposal, which was effectively a police bill. Brougham’s proposal is interesting in that it provided a litmus test for public opinion on the issue and would come to shape the final legislation on new borough incorporation in the enacted MCA. Brougham’s Bill was never enacted, but responses to it were largely negative, especially in those regions it would have impacted upon. There was a general sense that it was not necessary and, as the proposal was for an ancillary body with no intent to abolish incumbent bodies, would entail an extra expense for already hard pushed ratepayers. It should be

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<sup>327</sup>Hilton, *Mad, Bad and Dangerous*, p.424

remembered that in Birmingham, and other county-dependent industrial towns across England, there was already a complex system of taxation in place: in addition to the poor rates inhabitants might contribute to a Lamp and Watch rate and in Birmingham an additional rate had been introduced to fund the building of a Town Hall. Further, the legislation offered a restricted franchise; although there was no property qualification, it was limited to rate payers of three years standing with no arrears. Philip Salmon has highlighted how this policy ‘reduced the size of the municipal franchise well below the parliamentary one in many boroughs.’<sup>328</sup> In Birmingham, Shena Simon suggested, the shortfall was as much as 2,000.<sup>329</sup> Promoting incorporation for Manchester, Richard Cobden had hailed the inclusivity of the municipal franchise, claiming that ‘every man’s vote, however humble his circumstances may be, is of equal value with his wealthiest neighbour’s...the banker or the merchant, though worth a million, and though he ride in his carriage to the polling booth, can only record the same number of votes as the poor artisan who walks there’.<sup>330</sup> Cobden’s faith in the new system was misplaced, as in reality many poorer inhabitant householders were disqualified from voting because their properties fell below the rate paying threshold; Salmon estimated that in Manchester ‘only about a quarter of the householders actually paid the poor rate.’<sup>331</sup> Women were also excluded from the municipal franchise, regardless of whether they were propertied. And the three-year residency requirement disfranchised numerous migrants who travelled around the regions seeking work. David Eastwood has argued that the MCA in reality created ‘not a ratepayer franchise, but an electorate of the respectable, settled and stable

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<sup>328</sup> Salmon, *Electoral Reform*, p.220

<sup>329</sup> Shena D. Simon, *A Century of City Government: Manchester, 1838-1938* (London, 1938), p.429, cited in Salmon, *Electoral Reform*, p.218

<sup>330</sup> Richard Cobden, *Incorporate Your Borough, by a Radical Reformer*, p.4, cited in Fraser, *Urban Politics*, p.120

<sup>331</sup> Salmon, *Electoral Reform*, p.220

middling sorts.’<sup>332</sup> Because of this limitation, the core demographic interested in supporting municipal incorporation would be most likely to come from the ‘shopocracy’, as they would hold the franchise and have a vested interest in improved policing for the protection of their business premises. There was a recognition of that factor in Birmingham and it shaped the processes of application for the Charter, organisation of the polls and, significantly, community relationships in the aftermath of the first municipal election. Chapter two showed that there was a large body of that lesser-middle class in Birmingham, and this might explain a seemingly large electoral turn out in the first municipal elections there; the results published in the *Birmingham Journal* suggested that more than seventeen and a half thousand votes were cast.<sup>333</sup>

When the Municipal Corporations Bill was finally enacted, only a single, short clause was included to legislate for the incorporation of new boroughs. Clause 141 stipulated that any borough wishing to be granted a Charter of Incorporation would need to demonstrate that more inhabitant ratepayers were in favour of such a move than were opposed to it. There is strong evidence that this choice of legislation was influenced by public opinions that had been expressed during the Brougham enquiries. In February of 1835, during a debate on the issue, Robert Peel, then Chancellor of the Exchequer, argued:

He would not say that he should object to the principle of such a measure, but, in the first place, he was not quite sure the towns themselves were desirous of such a distinction...he was under an impression that the Bill which Lord Brougham had introduced, for the purpose of giving the new boroughs corporations, had not been met with the universal assent of the towns themselves.<sup>334</sup>

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<sup>332</sup> David Eastwood, *Government and Community in the English Provinces, 1700-1870*, (Basingstoke, Hampshire, 1997), p.83

<sup>333</sup> *Birmingham Journal*, December 29<sup>th</sup> 1838

<sup>334</sup> Hansard, HC Deb 27<sup>th</sup> February 1835, vol. 26, c. 423

Clearly there was some concern about how new boroughs might react to enforced incorporation, a legitimate response given the volatility that had recently been displayed in industrial towns. Peel's argument was seemingly vindicated by the apparent slow response to clause 141 following the bill's enactment. Of the fifty-seven boroughs that successfully applied for municipal status under the legislation of the MCA, only six did so within ten years of the passing of the act.<sup>335</sup> Nevertheless, there is an argument to be made that it was the failure to make incorporation mandatory that led to that apparent municipal reticence. George Barnsby suggested it was that 'unsatisfactory feature' which had opened the possibility of 'vast regions for small minorities to object'.<sup>336</sup> By placing the option to apply for incorporation within the realm of local communities there was potential for momentum to be stifled by the self-vested interests of those in powerful positions. The minorities Barnsby refers to were often local men of considerable means and influence, who were in possession of the necessary rate-paying clout to scupper incorporation agitations. In some towns, including Birmingham and Manchester where there was already a strong tradition of Reformism established on local issues, the pro-incorporation lobby could muster substantial support. But they still faced significant opposition which resulted in lively campaigning and difficult early years for new corporations.

The various campaigns for incorporation that took place across England in the decade following the passing of the MCA is not fully explored within current literature. This is unfortunate, as it would open the possibility of understanding why some towns were able to attain corporation status while others were not. It is argued here, following

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<sup>335</sup> [http://www.worldlibrary.org/articles/boroughs\\_incorporated\\_in\\_england\\_and\\_wales\\_1835%E2%80%931882](http://www.worldlibrary.org/articles/boroughs_incorporated_in_england_and_wales_1835%E2%80%931882) accessed April 9<sup>th</sup>, 2016

<sup>336</sup> George Barnsby, *Birmingham Working People, a History of the Labour Movement in Birmingham 1650-1914* (Wolverhampton, 1989), p.69

on from the previous chapter, that Birmingham's application was successful largely because there was a tradition of Reformism in the town, which enabled mobilisation of support for Reformist causes. But of equal importance was the presence of a strong and organised opposition. In Birmingham, this opposition can be seen in the growing strength of presence from an active Tory party. However, it should not be assumed that this was the case in all boroughs and it will be useful to present a brief comparison of other towns. In 1838, it was Birmingham, Bolton and Manchester who took a lead among the industrial towns to secure municipal status. All three would quickly have their Charters of Incorporation subjected to legal challenge from within their respective communities. The campaign for incorporation created new divisions as well as re-opening old ones and the impact of this would have a far-reaching impact on the early years of incorporation.

This chapter will explore how Birmingham came to successfully petition for a Charter of Incorporation under the legislation of the Municipal Incorporations Act. It is an element of Birmingham's early incorporation that has received little attention yet represents an important and defining context for understanding the first years of the town's municipal life. Spanning the months between January 1836 and December 1838, the chapter will trace the development of the incorporation movement and its opposition, considering how the issue entered local dialogue through to the first municipal elections. The pro- and anti- incorporation campaigns did not take place within a social vacuum and the chapter will reveal an intense political rivalry present in Birmingham which shaped the incorporation campaign, subsequent municipal elections and the foundation years of the town council. Incorporation petitioning, as it was presented in the 1830s, should not be considered as a single-issue campaign and for those involved in the debate it was less about local administration and more a manifestation of bitter political rivalries that had

developed over ideological issues. It was a brutal and, at times, highly personal campaign which encompassed the founding of the Chartist Movement and opened a rift in the local community that would have repercussions for many years.

Within current literature the opening of the campaign for incorporation in Birmingham is presented as taking place in 1837, running conterminously with the revival of the Political Union. Edsall expressed explicitly that there was a ‘well-orchestrated campaign’ of Union revival ‘running almost exactly parallel’ to the establishment of an incorporation campaign, beginning in March 1837. Behagg also identified a concerted effort at Union revival in 1837 concurrent with, he claimed, ‘the issue of local government reform and...the agitation for the People’s Charter.’<sup>337</sup> This dating is unsurprising, as the 1837 revival is something of a well-worn myth, originally presented by the Unionists themselves. The Union was initially re-formed in September 1835 soon after the passing of the Municipal Corporations Act in a direct response to the perceived failings of that legislation. Calls for the revival had been rumbling for several weeks in the radical *Journal* as indignation grew over what was perceived as the carving up of the MCA in the House of Lords. There was further reason to re-ignite the Reformist fire, as the Tories were beginning to re-establish a more significant position. In December 1834, coinciding with the publication of the Tamworth Manifesto, the Loyal and Constitutional Association was formed at a meeting in Dee’s Hotel. Their founding turned out to be timely as, at the end of December, Parliament was dissolved making way for elections in early January 1835. The Association made its first controversial move, putting Richard Spooner forward as Conservative candidate for Birmingham, in opposition to Attwood and Scholefield. It will be remembered that in 1812, Attwood and Spooner, then business

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<sup>337</sup> Edsall ‘Varieties of Radicalism’, p.95; Behagg, *Politics and Production*, p.185

partners, had formed a successful political alliance to oppose Orders in Council and the East India contract. Spooner gained a little over twenty percent of the votes in the 1835 election which, while clearly not a significant threat to the Radical alliance, was nevertheless a respectable return given the recent domination that the Reformers had held in Birmingham.<sup>338</sup> Behagg has rightly recognised that Spooner's result was 'far from derisory and could not be ignored by the successful candidates'.<sup>339</sup> The L&CA committee appointed to organise Spooner's electoral campaign accused the Radicals of 'gross and tyrannical intimidation towards those whose daily bread is at the mercy of their customers'.<sup>340</sup> Its claim was that on the day of the election a handbill had been posted 'in most of the windows of the smaller shops', advising voters that their votes would be published at the close of the elections.<sup>341</sup> It is not possible to ascertain the full impact of the alleged intimidation on the election result, but it set a precedent for subsequent rivalries and this would not be the last time that public naming of anyone deemed to be in opposition to the Union would be employed.

The re-mobilisation of the BPU was slow in coming and initially appeared to attract little interest other than from the vanguard of 1832 supporters, led by Benjamin Hadley.<sup>342</sup> However, this earliest attempt at revival merits consideration, as it heralded what would evolve into intense political rivalry. This was expressed explicitly in the local press. Following a 'great public meeting' in the Town Hall on September 4th 1835, organised by the Council of the Political Union, an editorial in the *Journal* highlighted and underscored the presence of those two factions in Birmingham. The report declared

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<sup>338</sup> Behagg, *Politics and Production*, p.186

<sup>339</sup> Ibid.

<sup>340</sup> *Aris's Birmingham Gazette*, January 12<sup>th</sup> 1835

<sup>341</sup> Ibid.

<sup>342</sup> *Aris's Birmingham Gazette*, September 7<sup>th</sup> 1835, claimed Hadley played a significant role in encouraging Attwood and Scholefield to back a revival

that both the Reformers and the L&CA were ‘equally legal, both profess to only have the good of their country in view’.<sup>343</sup> Naturally the *Journal* sympathised with the Radicals and levelled criticism at the Tories. The key difference of opinion defining the two parties at that time lay in attitudes to the establishment and it was the handling of the corporation reform bill in the House of Lords that really drew that antagonism out. Radicals argued the peers had been permitted too many liberties in their alterations to the legislation and demanded a reform of the Upper House. They argued that the system was out of step with popular modern opinion and, as the *Journal* declared, ‘already men have ceased to ask, “what will the Lords do?” The question is now “what shall we do with the Lords?”’<sup>344</sup> Birmingham’s Church and King supporters, unsurprisingly, viewed any criticism of the traditional order as an attack on the Establishment. The Tory *Gazette* was scathing in its report of this early attempt to reconvene the Union, expressing a confidence that it would ultimately ‘prove abortive’.<sup>345</sup> This initial assessment of a current lack of popular enthusiasm for Reform politics may not have been unfounded, and the BPU would stutter along for several more months with limited enthusiasm until Attwood lent his firm support to the revival.

The L&CA began to express a greater level of concern at the possibility of a BPU revival early in 1836 and it also is possible to identify a real escalation of tensions between the two groups. It began, as was so often the case in Birmingham, with a placard. This time the announcement was of a town meeting, called by the Council of the Political Union. The L&CA responded quickly, and with some indignation at the placard rhetoric,

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<sup>343</sup> *Birmingham Journal* September 5<sup>th</sup> 1835; only 10% had received their charters within 10 years of the passing of the Act

<sup>344</sup> *Ibid.*

<sup>345</sup> *Aris’s Birmingham Gazette*, September 7<sup>th</sup> 1835

which had seemingly claimed the Union to be acting ‘under the authority intrusted to them by the inhabitants of Birmingham’.<sup>346</sup> A public petition was raised by the Tory Association in objection to the meeting and presented to the High Bailiff to prevent it from going ahead. Published in full in the *Gazette*, complete with names of all the signatories, the petition argued against the Union postulated:

We deny that on the 4<sup>th</sup> of September last, or on any occasion, “the inhabitants of Birmingham intrusted” these persons with any power, authority or right to represent them in any way whatever. We deny that they do in fact represent either the property, the respectability, or the opinions of this town, and we take this step with a view to disabuse the public mind as to the nature and pretensions of the proposed meeting, and that the character of this town may no longer be compromised and its commercial interests injured by the proceedings of the Political Union.<sup>347</sup>

The petition attracted more than one thousand signatures. Among their number were members of the Street Commissioners, Guardians of the Poor and Leet representatives along with bank managers and other important civic figures.<sup>348</sup> This was clear evidence of an active resistance against the BPU and its attempts to dominate the direction of Birmingham’s administrative progress. It is also a demonstration of the increased ability of the L&CA to mobilise community opinion against the BPU.

Nevertheless, the meeting went ahead and was, by all accounts, well attended, although a report in *Aris’s* suggested the Hall was ‘two-thirds full’, which must have appeared somewhat small in comparison to the ‘monster meetings’ of previous years.<sup>349</sup> Taking place on ‘Saint Monday’, a day of rest for most working men, it was no doubt

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<sup>346</sup> Ibid. January 18<sup>th</sup> 1836

<sup>347</sup> Ibid.

<sup>348</sup> Ibid.

<sup>349</sup> *Aris’s Birmingham Gazette*, January 25<sup>th</sup> 1836;

organised to appeal to the working class. By all reports this was, indeed, the substance of the attendees'.<sup>350</sup> The requisition had been presented by Attwood,<sup>351</sup> and the agenda was much the same as for the meeting four months earlier. Demands were directed to the King for further corporation reforms and reform of the House of Lords. A further item presented for debate was the extension of corporation reform to Ireland and, more inflammatory still, a reform of the Irish Church. It was Attwood who took the Chair. Still a popular figure in Birmingham, he opened the meeting by announcing his 'pleasure of being in the chair at a meeting of the Political Union' and stating the reason for the meeting was because 'the Tories called them there'.<sup>352</sup> This was surely a declaration that the Union revival was, to a significant extent, in direct response to changes in the organisation of party politics, not least the recent re-formation of a local Tory Association. There was some anger expressed at Attwood's presence and that of his fellow MP Joshua Scholefield; in one letter to the editor of the *Gazette*, 'Humanitus' argued that the town's representatives 'stood before the public unmasked'.<sup>353</sup> Both Scholefield and Attwood had successfully fought their Parliamentary seats as Radicals, there had been no deception. Yet for some there was an apparent expectation that they would now become impartial; that they had not done so was further impetus for Tory mobilisation. It is, therefore, possible to identify a pattern of mutual antagonism escalating in Birmingham at an earlier stage than has generally been identified.

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<sup>350</sup>Donald Reid, 'The Decline of Saint Monday, 1766-1876', *Past & Present*, 71 (May 1976), pp.76-101

<sup>351</sup> The term 'requisition' appears regularly in relation to the calling of meetings in Birmingham throughout the period under consideration and has been understood to represent an expression of requirement or responsibility to attend

<sup>352</sup>Birmingham Political Union, 'Proceedings of the Important Town's Meeting convened by the Political Union' (Birmingham, 1836)

<sup>353</sup>*Aris's Birmingham Gazette*, January 25<sup>th</sup> 1836

In the same week as the town's meeting, the Union organised a Reform dinner, also held at the Town Hall. This was a grand affair, in-keeping with a tradition of radical dining that has been identified by James Epstein.<sup>354</sup> Both of Birmingham's MPs were present, as was the Radical Irish MP Daniel O'Connell, who arrived at the proceedings late and with some drama. The relationship between the BPU and O'Connell would later become a cause of bitter dispute between the Union and the Chartist leadership. Toasts were raised to the King, Princess Victoria and Lord Melbourne's government; a display of patriotism no doubt designed to demonstrate the unity of establishment and people. More emotive were the toasts to 'the People - may they never forget to vindicate their rights' and 'to the Reformers of the United Kingdom, may they never forget that "union is strength"'.<sup>355</sup> The dinner was a celebration of what was perceived as the achievements of Radical Reformism. But it was also a clarion call to the community, reminding them that much remained to be done. The Council of the Union clearly felt that it still held a place of authority in the political community, and that it represented the town's best political interests. There was surely some concern amongst the Union supporters that this role had become compromised and was now under threat from the emerging Tory association. The celebratory dinner, presented in a traditional manner and with the presence of distinguished guests, can be understood as a concerted effort on the part of the Union to demonstrate that Reform was still an integral and dominant force in Birmingham. This was made explicit during a speech from Philip Muntz, who had chaired the occasion. Muntz joked that 'the Tories said that all the wealth, character, talent and

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<sup>354</sup>James Epstein, 'The Constitutional Idiom: Radical Reasoning, Rhetoric and Action in Early Nineteenth-Century England', *Journal of Social History*, 23, 3 (1990) pp.553-574,

<sup>355</sup>*Aris's Birmingham Gazette*, February 1<sup>st</sup> 1836

respectability of the town were concentrated in their cause' to which Muntz responded 'where were we all?'<sup>356</sup>

In a further announcement at the Reform dinner, Joseph Parkes gave a brief speech on the success of the Municipal Corporations Act, referring to an 'organic change' that was taking place in regional administration. He then went on to intimate that a new bill was under consideration:

Thus far he might say, without breach of confidence or impropriety, that the subject of the municipal government of the unincorporated towns of England was now under the consideration of the ministry, and he did not doubt that a measure equally effective as the municipal act of the last session would extend the benefits of self-government to Birmingham and other unincorporated towns.<sup>357</sup>

This was a bold claim by Parkes who, it should be remembered, had held a senior role in the Royal Commission on Corporations and had been responsible for drafting the MCA. Shortly after Parke's announcement, the rumour was further substantiated when Huddersfield MP John Blackburne, who had led the Royal Commission investigation with Parkes, appeared to confirm the proposal. Advising the people of Huddersfield not to petition for a Charter of Incorporation at that time, the MP confidently stated that 'he had no doubt' that a bill for the mandatory incorporation of all parliamentary boroughs would soon materialise. He went further than Parkes, suggesting that the legislation would extend the power of administering all local acts to an elected town council.<sup>358</sup> This rumour spread far and fast and was perhaps responsible for putting the brakes on any concerted

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<sup>356</sup>Ibid.

<sup>357</sup>Ibid.

<sup>358</sup>*Kendal Mercury*, February 6<sup>th</sup> 1836 reported that Blackburne had suggested proposals for mandatory incorporation of boroughs with two MPs; *Morning Chronicle*, February 15<sup>th</sup> 1836 reported that Blackburne had confirmed that all boroughs created in 1832 would be included in new legislation and with more extensive powers of administration

efforts to petition for a Charter under the legislation of the current MCA. It was not until August that the issue appeared in Parliamentary discussion when Joseph Pease, MP for South Durham asked for clarification. Russell responded that a bill for mandatory incorporation was under consideration but had been postponed to the next session. Peel argued that ‘by law, the Crown possessed power to grant Charters of Incorporation’, questioning why this prerogative was not adopted instead of further legislation. The issue, Russell confirmed, was with ‘expense’:

One of the objects of this new bill was to enable any corporation granted by the Crown, or created by this Act, to dissolve, if he might use the expression, some of their local Acts of Parliament, which in many of those towns would be inconsistent and incompatible with such powers as would be given them under the new Charters of Incorporation.<sup>359</sup>

This really confirmed what both Blackburne and Parkes had surmised at the beginning of the year. The projected legislation would potentially, if enacted, have completely done away with non-elected improvement bodies, including Birmingham’s Street Commissioners. For those in favour of a new system this must have been exciting news; for opponents to Reform, it represented another attack on the English establishment. The legislation never materialised, but the expectation did much to delay incorporation applications in many towns.

Eastwood’s suggestion of an ‘avalanche’ of petitions for a charter is somewhat overstated, given that only the four towns of Birmingham, Bolton, Manchester and Sheffield responded initially.<sup>360</sup> Confusion over further reform legislation may have contributed to the limited number of applications for municipal status during the period

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<sup>359</sup> *Hansard*, HC Deb August 2<sup>nd</sup> 1836, vol. 35, c.759

<sup>360</sup> Eastwood, *Government and Community*, p.83

immediately following the passage of the Act. Further, once the idea had circulated of the potential for legislation that would bring superior authority to the new boroughs, interest in the far more limited clause 141 began to wane. It was not until 1837 that Russell confirmed, through correspondence with interested local parties, that there was no intention to replace clause 141 with a revised incorporation act for the new boroughs.

In June 1836, the Political Union rallied another Town Hall meeting, for the specific consideration of petitioning for extension of corporation reform to Ireland. The requisition had carried around one hundred signatures, but despite this, Thomas Pemberton, the High Bailiff had refused to respond either yes or no to the demand and it had been the Low Bailiff, Thomas Bolton who took responsibility for allowing the meeting to go ahead.<sup>361</sup> This appears a little odd, given that both bailiffs supported the move for incorporation, and both went on to hold seats on the first town council. It may be that Thomas Pemberton wanted to avoid any accusations of bias; there is certainly some indication in this response of growing tensions. The meeting merits consideration because of, once again, the Tory response to it. This time there was no attempt to block the meeting, instead, after much contemplation amongst small gatherings of the L&CA in Dee's Hotel, a decision was made to attend the Town Hall and respond in person to the proposed petition. This was a bold move, considering the volatile nature of Birmingham Reformism and the current protests underway against Church rates. It was a significant statement of intent on the part of the L&CA as it was now, emphatically, the local party of opposition. The Association issued a circular to all its members, encouraging their attendance at the Town Hall with the intention of submitting an amendment to the Union's

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<sup>361</sup>*Aris's Birmingham Gazette*, June 20<sup>th</sup> 1836: Both men can be identified as in favour of incorporation and both became town councillors, Pemberton in 1845, Bolton among the first to be elected in 1838

proposed petition, stating that ‘the town was not unanimous’. The meeting was held, once more, on Monday afternoon. Throughout the day there had been an animated atmosphere. The *Gazette*, unsurprisingly, emphasised the difficulties experienced by the L&CA members in obtaining their place in the Town Hall:

In the course of Monday morning it became obvious, from the number of inciting placards which were liberally posted on the walls, as well as by other means adopted by the most violent amongst the requisitionists, that the body of the hall would early be taken possession of by the followers of the Political Union of every grade, and there would be but little, if any, chance for the respectable members of the Association obtaining a hearing, or even admission - at all events, not without being subject to insult, if not personal violence.<sup>362</sup>

In fact, several of the Association members did obtain seats in the Hall, and were invited to share the organ gallery, sitting alongside Unionists. It had been several years since Tory and Radical had shared a platform in Birmingham; on the previous occasion they had stood in agreement over a petition to attempt to claim the parliamentary seat of East Retford. This time relations were far less cordial. As the meeting opened there were cheers for the prominent Unionist speakers as they took their seats, but the appearance of the Tories ‘gave rise to a display of uproar, confusion and tumult not often witnessed. For some time, the yelling, hooting and hissing prevented every attempt made by the Low Bailiff to restore order.’ It was the ‘useful personage’ of George Edmonds, the paper reported, that brought calm. He called for a ‘fair and impartial hearing for any gentleman who might wish to address the meeting’ adding that ‘he had on all occasions stood up for fair play’.<sup>363</sup> As the meeting progressed, it was clear that this was less about the single issue of corporation reform for Ireland than it was a general attack on the entire issue of

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<sup>362</sup>*Ibid.*

<sup>363</sup>*Ibid.*

Church rates. Each time an Association member attempted an objection they would be met with a great round of hissing until they took their seats again.

For the Tories, and particularly the Ultra ideology that the L&CA represented, any attempt to limit the authority of the Church was an attack on the Establishment. The Tory argument presented was that Municipal Reform in Ireland would place control in the hands of the majority Catholic population; but that this would be misrepresentative of the national composition, which was less than one fifth of the British Islands. The speaker, Guttridge, went on in defence of the Lords:

‘Sir, the people of England are far too patriotic to suffer their ancient nobility to be dishonoured for the sake of the Roman Catholics of Ireland - they have far too much devotion to that body of men, who have ever been the champions of the national freedom to allow any infringement of their privileges as an order in the state, or their independence as a branch of the legislature.’

He then presented the Tory amendment, seconded by Edward Armfield, which implored the Lords to ‘persist in the objections’ that they had taken to Irish Corporation Reform in order to avoid the possibility that municipal government in Ireland would ‘be placed in the hands chiefly of persons implacably hostile to the Protestant Reformed Church of England and Ireland.’<sup>364</sup> Guttridge presented the Tory amendment amidst ‘almost uninterrupted clamour’, during which time there were brawls amongst the crowd in the auditorium, but also in the organ gallery between the speakers. The railing of the speaker’s box was broken down; such was the ferocity of this very physical presentation of Birmingham’s re-established political factions. The report suggested that, following the meeting, the crowd dispersed quietly and there is no indication of further unrest in the streets.

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<sup>364</sup> Ibid.

The political rivalry explored in the immediate post-GRA period has identified an important context in Birmingham's civic history that moves beyond the limited terminology of progression to reveal a tumultuous time which established a context for the incorporation of the town. The escalating rivalry between two political factions really set the agenda in the petitioning for a Charter of Incorporation and, because the rivalry was rooted in ideology, incorporation itself should be considered as an ideological pursuit. Political rivalry was not unique to Birmingham in this period and may have played an important role in incorporation agitation in Sheffield, Manchester and Bolton. Martin Hewitt has suggested that political divisions in Manchester 'began to solidify' from 1838.<sup>365</sup> This would have been coincidental with the move for incorporation. Bolton's political rivalries were also intense. John Garrard has observed that the town's incorporation in 1838 offers evidence of those tensions, revealing that party difference was, in fact, the key point of local rivalries as, unlike Birmingham, there was no substantial religious rivalry in the town.<sup>366</sup>

### 3.1 Incorporation Debated: Birmingham

The first formal meeting to discuss incorporation took place on March 8th 1837 at the public office. It had been advertised by circular, rather than through newspaper notification, suggesting that those in attendance had been selected as potential supporters of a petition for incorporation. Amongst those present were four future town councillors along with William Redfern, who would become Birmingham's first Town Clerk; the editor of the *Journal*, Robert Kellie Douglas; and the town's most devout Reformist,

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<sup>365</sup> Martin Hewitt, *The Emergence of Stability in the Industrial City: Manchester, 1832-67* (Aldershot, 1996) pp.70-73

<sup>366</sup> John Garrard, *Leadership and Power*, pp.160-161

George Edmonds. John Hebbert, Secretary of the L&CA, was also there, though it is unclear whether he had received a personal invite. His presence was raised as an issue by the acting Chair, William Wills, who emphasised that he expected to address ‘persons only friendly to the principle of incorporation’. Hebbert responded frostily that he had been under the impression that this was to be an ‘open’ meeting, and subsequently left. The remainder of the meeting centred only on local issues within the context of seeking greater authority for popular opinion. The main tenet attached to incorporation was that ‘the people would gain control of their own local government’; but the emphasis was very much on perceived failings in Birmingham’s administration, in particular the management of the Town Hall and the Free School. Edmonds went furthest in stating that he ‘deprecated the system of irresponsible power which characterised the whole of the ruling bodies of the town’ and ‘whilst as individuals he considered the Commissioners highly respectable and honourable men’ they had ‘in their corporate capacity from time to time practiced acts of tyranny, which if generally adopted throughout the country by other self-elected and irresponsible legislators, would have justified the nation in rising up’.<sup>367</sup> This was powerful language that in years gone by might have seen Edmonds back in gaol but now appeared justified in the context of national reform. This focus on the local situation is a reminder of Brigg’s theory on Reform identity; he argued that reform should ‘not be presented as an assertion of abstract principles’ but is better understood as bound up in other issues, ‘some of which were regionally peculiar’.<sup>368</sup> In reality, there was no likelihood that incorporation, as it stood under the legislation of clause 141, could address these peculiarly Birmingham issues, because there was no allowance for the

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<sup>367</sup> *Birmingham Journal*, March 11<sup>th</sup> 1837

<sup>368</sup> Briggs, *Age of Improvement*, pp.244-5

abolition of extant Improvement Acts that currently controlled them. It seems improbable that Reformists of the ilk of Edmunds would be ignorant of the limitations of the MCA, but rather they were expressing an optimism that a Charter of Incorporation was a vital step towards the reform that they desired. At the end of the meeting the determination to move for municipal status was set and a committee was established to make the necessary arrangements for a concerted move towards attaining a Charter of Incorporation for Birmingham.

Three weeks after the incorporation meeting, the annual Churchwardens election took place at St. Martin's. This was a wholly political event that highlighted growing party tension. It attracted national attention, not least because the occasion descended into physical violence within the body of the ancient church. The extraordinary scene was reported somewhat sensationally in the *Spectator* as 'another one of those riotous assemblages, on the occasion of electing Churchwardens, which have for some years past disgraced the town of Birmingham'.<sup>369</sup> Such was the importance of the elections, both parties had put forward nominees and both had circulated pamphlets and placarded the town in an attempt to ensure their man was elected.<sup>370</sup> It will be remembered that the coming together of the town's political factions at the Town Hall meeting in 1836 had resulted in violence; this event was far more serious as Radical Dissenters attempted to physically seize the poll book from the body of the Rector. The most imposing figure in the affray was George Muntz, a powerful and instantly recognisable character with a huge, unfashionable beard, always in possession of a walking cane. He was in favour of incorporation and his brother, Philip, was a prominent figure in that campaign. The

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<sup>369</sup>*The Standard*, March 31<sup>st</sup>, 1837

<sup>370</sup>*Birmingham Journal*, May 13<sup>th</sup> 1837

*Standard* reported that the ‘presiding genius of the storm was the stern, grim and ghastly-looking Mr. Muntz. From the east end of the church, when the conflict was at its height, the appearance was truly terrific. While the Ursa Major of the Political Union waved his “weaver’s beam” over the heads of...the little band of Churchmen who protected the rector’.<sup>371</sup> The object of Muntz’s attack was not the rector himself, but rather the poll book that he was clutching defensively and refusing any access to it. The poll book contained the names of those who were entitled to a vote and, as Birmingham utilised the Gilbert Act, voting was organised under the Sturges-Bourne system, which allowed wealthier rate-payers multiple votes. The Radical Dissenters attendant at the meeting demanded to see how many of the Tory voters had more than one vote. The rector was able to retain a hold on the book, if not his dignity as attempts were made to physically pull him from his pew. Muntz had to appear before the King’s Bench for his part in the affray and was fortunate to escape a prison sentence. The passion evoked by vestry meetings was prevalent across the country during this period of intense anti-Church rate protests. Interesting here is the Tory mobilisation against the detractors. There was clearly some expectation that Radicals might try to dominate the proceedings and the L&CA played a role in presenting a strong, even physical, opposition to this. Following the affray, a ‘highly respectable meeting’ was held at the Public Office, where a resolution was passed condemning the actions of the rector in refusing access to the poll book. A committee was formed to enquire into the ‘steps necessary...to vindicate their right to elect their own churchwarden.’ The committee was headed by Benjamin Hadley, soon to be appointed secretary of the freshly revived Union and can be seen to have been

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<sup>371</sup>*The Standard*, March 31<sup>st</sup> 1837

dominated by Reformists.<sup>372</sup> Once again, it is possible to identify a public display of political rivalry in Birmingham.

The party system emerging in parliamentary politics following the Tamworth Manifesto was now emphatically reflected in Birmingham. The BPU still did not have the mass support that it had been accustomed to in the heady years of 1830-2. In 1837, the natural flamboyancy of the Birmingham Reform tradition pushed the Union into another attempt at reinstating its dominance. This time it did so with a measure of success. It is for this reason that 1837 has been identified as a key year in the history of the Union. For the purposes of this research, the relationship that developed between Birmingham's Reformists and the Tory Association is of greater importance, because it was this relationship that shaped the move for incorporation.

Following the flagging fortunes of the BPU in 1835-6, an alternative reform organisation was founded, identifying itself as 'The Birmingham and Midland Reform Association'. It was this group that was responsible for initiating the organisation of the first incorporation meeting and which also led a protest against the Street Commissioners' proposed closing of public access to St. Philip's Churchyard.<sup>373</sup> In April, perhaps buoyed by the recent demonstrations of popular feeling, such as that which had taken place in St. Martin's, the Reform Association formally announced that 'in compliance with wishes expressed to them by a deputation of their fellow townsmen' the organisation would 'assume, in future, the name and badge of the Birmingham Political Union'.<sup>374</sup> A call was issued for subscriptions with the codicil that 'when 4,000 individuals subscribed to the

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<sup>372</sup>*Birmingham Journal*, April 1<sup>st</sup> 1837

<sup>373</sup>*Birmingham Journal*, March 11<sup>th</sup> 1837; the issue of the blocking up of public access across St. Philips would rumble on for two more years and became the first issue of dispute between the town councillors and the Street Commissioners in early 1839

<sup>374</sup>*Birmingham Journal*, April 22<sup>nd</sup> 1837

Birmingham Political Union, it would be formally reconstituted'.<sup>375</sup> On the same day that the announcement to revive the BPU appeared in the *Journal*, a declaration of the L&CA was published in the *Gazette*. Similarly appealing to 'fellow townsmen', the numerous signed declaration read:

Having observed with great regret that an attempt is being made to re-establish the Birmingham Political Union, do hereby declare our firm conviction that such a proceeding will prove, as it has done heretofore, highly prejudicial to the manufacturing and mercantile interests of this town, and will tend materially to increase the distress which already partially exists in most branches of trade.

Actuated by a sincere desire to promote the prosperity and happiness of the industrious classes, we earnestly entreat them to abstain from joining a Society which can only derive its support from contributions out of their hardly earned wages, and which experience has shown to be most detrimental to the welfare of themselves and their families.<sup>376</sup>

The declaration carried the signatures of some several hundred inhabitants, but the sentiment of concern they expressed was roundly dismissed by the Radical opposition. An editorial in the *Journal* responded by stating that 'the anxiety of the Tory clique to defend the workman from the voluntary expenditure of a halfpenny a week, to which he must be subjected if he join the Union, while they would pick his pocket of a penny for soap to wash the parson's surplice, ceases to be hypocritical by its very extravagance', concluding that the address had only goaded the local inhabitants into joining with the Union.<sup>377</sup> In a further remonstrance by the Council of the Political Union, a pamphlet was published listing all the names that had been included on the Tory declaration and including their occupation and place of business. The front page of the pamphlet

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<sup>375</sup>Behagg, *Politics and Production*, p.190

<sup>376</sup>*Aris's Birmingham Gazette*, May 22<sup>nd</sup> 1837

<sup>377</sup>*Birmingham Journal*, May 13<sup>th</sup> 1837; the L&CA declaration had been first issued on May 9<sup>th</sup>, published after the signatures were collected.

contained a biblical verse, ‘they hunt our steps that we cannot go in our streets’.<sup>378</sup> The Union presented the petition as an assault on liberty and seized on the opportunity to ally themselves with Birmingham’s working population. The front page of the pamphlet described the Tory petition as a protest ‘against the right of the men of Birmingham, peacefully and lawfully to associate themselves for the vindication of their constitutional privileges.’<sup>379</sup> This language was reminiscent of earlier platform rhetoric, presenting a revival of the Birmingham Reform tradition. The Union attained its membership target by mid-May, though, as Behagg has cautioned, they were still failing to appeal to their target audience, the town operatives.<sup>380</sup>

Again, here is evidence of the political rivalry that was becoming increasingly personal and beginning to impose itself across all aspects of social life in Birmingham. This rivalry has tended to be overlooked in literature on the 1837 revival. Behagg, for example, focussed on the Union’s adoption of universal suffrage as a platform on which to re-establish itself.<sup>381</sup> It would be difficult to argue against this, however he presented the move as something of a contrived effort by the Union, despite his claim that it was not intended to suggest an attempt ‘to revitalize a flagging agitation for reform.’<sup>382</sup> Behagg has overlooked the way in which Tory opposition fitted into this scenario and the goading nature of both parties, seemingly to push each other to further extremes of policy and protest. Edsall also failed to consider the impact of political rivalry in his assessment

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<sup>378</sup>‘Protest against the Political Union, list of merchants, traders and others who have protested against the right of the men of Birmingham, peacefully and lawfully to associate themselves, for the vindication of their constitutional privileges.’ (Birmingham, 1837) *The Making of the Modern World*. Web, accessed September 12<sup>th</sup>, 2016

<sup>379</sup>Ibid.

<sup>380</sup>Behagg, *Politics and Production*, pp.190-197, Behagg gives a detailed account of the BPU revival in the context of working-class appeal

<sup>381</sup>Ibid. pp.192-193

<sup>382</sup>Ibid. p.193

of the BPU revival. He suggested that Attwood and other Radical MPs were at a 'point of despair about their own political futures and the future course of British policy'. In their 'very nearly desperate need for some tangible success' they became almost frantic in their search for issues and a political base around which they could build an effective extra-parliamentary political movement'.<sup>383</sup> Edsall could hardly use a more descriptive choice of words to put across his argument, but the focus on Attwood detracts from the longstanding incorporation agenda that had been under consideration in Birmingham since the passage of the MCA. Nevertheless, Edsall's recognition of a connection between the BPU and the incorporation campaign is an important one. Behagg placed further emphasis on the relationship, suggesting that support for incorporation fluctuated relative to the oscillating popularity of the Union across the course of the campaign. He argued that the petition for incorporation only really gained momentum in January 1838, at the point that the Union 'declared for universal suffrage'.<sup>384</sup>

After the initial meeting in March 1837, the incorporation committee was relatively quiet. In April, Lord John Russell confirmed that there were no immediate plans for mandatory incorporation, advising Birmingham's incorporation committee to proceed with petitioning, as outlined in clause 141.<sup>385</sup> Edsall identified a 'hiatus' in the incorporation campaign that spanned several months.<sup>386</sup> It is unnecessary to overemphasise this point; the process of incorporation under the flawed legislation of the MCA was never going to be a simple process, necessitating as it did a tremendous effort on the part of those promoting it within the community. In June, a report in the *Journal* revealed that there had been some correspondence taking place between the incorporation

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<sup>383</sup>Edsall, 'Varieties of Radicalism', pp.94-5

<sup>384</sup>Behagg, *Politics and Production*, pp.192-3

<sup>385</sup>*Aris's Birmingham Gazette*, April 10<sup>th</sup> 1837

<sup>386</sup>Edsall, 'Varieties of Radicalism', p.95

committee and interested parties in other boroughs. It was revealed that there appeared a reluctance among the non-incorporated boroughs to apply for a charter at that time, ‘all of them seem rather inclined to wait for an example before they move’, the committee had reported. Additionally, despite Russell’s confirmation, there was still some uncertainty as to whether a general incorporation act might be introduced.<sup>387</sup> In Birmingham, the committee had been faced with apathy; the limitations of the clause as it stood were not very appealing. The Street Commissioners would retain their powers of authority and there was the question of expense that an ancillary body might bring. Some attempt was made to respond to these questions including through an editorial in the *Journal*, in which it was presented that ‘the Charter, in itself, is little better than a piece of blank paper; but it is not to the Charter in itself that the committee look when they advise an application for it; it is the Charter as an instrument for obtaining a higher and more important good.’ The incorporation campaigners had the ultimate objective of lobbying parliament for the abolition of all the town’s private acts, but this could only be attained, it was argued, once the authority of a town council was already established.<sup>388</sup> They were still firmly fixed on a plan for taking control of Birmingham’s administration. Two weeks after this announcement, on June 19th, the BPU held a Newhall Hill meeting, in the old tradition with the old faces on the platform. Rousing speeches incited a crowd of several thousand to cheer calls for household suffrage and vote by ballot. There was no mention of incorporation.<sup>389</sup> The following day news arrived in the town that the long-ailing King William IV was dead, and the young Victoria was to become Queen. This also entailed the dissolution of government. In Birmingham, Attwood and Scholefield

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<sup>387</sup>*Birmingham Journal*, June 3<sup>rd</sup> 1837

<sup>388</sup>*Ibid.*

<sup>389</sup>*Ibid.*, June 24<sup>th</sup> 1837

were comfortably returned with their highest percentage of votes across the period 1835-1844.<sup>390</sup>

The elections took place at the end of July 1837. During the nominations of parliamentary candidates, Attwood and Scholefield had been supported and nominated by members of the BPU, a fact highlighted by the *Gazette*.<sup>391</sup> It was an ill-tempered affair and riots had broken out amid claims that the Tory electors and their candidate, Stapleton, had been subjected to intimidation and personal violence, allegedly inflicted by Radical supporters. Among reports from the polling day there was the case of a police officer pushed to the ground, whilst shielding a voter at the booth on Livery Street and beaten so badly that he had to be hospitalized.<sup>392</sup> As a result of the violence, Tory candidates declared that their chance for success had been deliberately hampered by the Radicals. Early polling figures had suggested that Stapleton was taking a significant lead in the voting, and, as tensions escalated, his agents began to consider the possibility of demanding a suspension. The *Gazette* argued that:

It was clear to those who knew the state of the conservative canvas books that, owing to the excited state of the town, and the certainty of brutal violence if they presented themselves in the booths, hundreds of promised voters were prevented from recording their votes. Indeed, the electors did not themselves conceal their fears, and scores upon scores are ready to swear that the outrageous conduct of the mob was the sole cause of their not voting.<sup>393</sup>

Violence continued after the close of polling and crowds gathered outside Dee's Hotel, the favoured meeting spot of the L&CA. A report in *Aris's* claimed that 'every

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<sup>390</sup>Behagg, *Politics and Production*, Table 5.1, p.187, suggested the Tory candidate took just 19% of the vote. *Aris's Birmingham Gazette*, July 31<sup>st</sup> 1837 contained actual results and suggested a small adjustment to 20% might be more accurate (actual figure 19.71)

<sup>391</sup>*Aris's Birmingham Gazette*, July 28<sup>th</sup> 1837

<sup>392</sup>*Aris's Birmingham Gazette*, July 31<sup>st</sup> 1837

<sup>393</sup>*Ibid.*

gentleman who walked in that direction was assailed with abuse, spit upon, and in some instances violently assaulted with sticks and stones'.<sup>394</sup> Larger crowds began to assemble in the surrounding streets and fears grew of riot; Attwood was called upon to calm the crowd, but instead gave a rousing and inflammatory speech from the hotel window, applauding their 'glorious victory' and decrying the attitude of the local Tories. He also boasted that he still had the power to 'bring forward 100,000 men at any moment'.<sup>395</sup> Attwood's speech did little to calm the excitement outside and within the hotel the Tory party was infuriated. Joshua Scholefield also tried to induce Attwood to restrain his language, but with little success. Eventually Attwood and his supporting Radicals were forced to flee the hotel as 'a noisy and turbulent commotion ensued'. Many of the windows of the hotel were smashed. Twenty men were indicted for riot in the aftermath of Attwood's speech.<sup>396</sup> They were extraordinary scenes and reveal a great deal about the turbulent nature of local politics on the eve of the incorporation campaign. Despite a decline in popularity, the Union, with Attwood's presence, was still able to retain popular support from among non-electors. George Muntz boasted at the nominations that the Tories 'never could regain the ascendancy in Birmingham'.<sup>397</sup> More emphatically, the popular appeal of Attwood's rhetoric could still rouse a crowd to an exuberant pitch. It was his support that really provided the vitality for political campaigning at that time. But here is evidence too that Tory opposition had them rattled. For the L&CA there was a recognition that concerted efforts were required to break the hold of radical dominance. They must surely have been aware that the campaign for incorporation held the potential to further their cause.

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<sup>394</sup>Ibid.

<sup>395</sup>Ibid.

<sup>396</sup>*The Times*, August 9<sup>th</sup> 1837

<sup>397</sup>*Aris's Birmingham Gazette*, July 27<sup>th</sup> 1837

The election of the Court Leet on October 25<sup>th</sup> created some controversy, as the jury consisted of several significant incorporation campaigners. Several future councillors and aldermen were present among those, including two future mayors.<sup>398</sup> As was tradition, the jury had been appointed by the outgoing Low Bailiff, James James, who would himself become mayor in 1842. The jury appointed William Scholefield to the office of High Bailiff, a point of disapprobation for some. Among a small flurry of letters to the editor of the *Gazette* in complaint of the appointments, was an argument that as one of the key roles of High Bailiff was to act as returning officer in parliamentary elections, the appointment of the son of one of the town's MPs was inappropriate. Reference was also given to incorporation. 'An Inhabitant' wrote, 'I suspect that some person has been in the ascendant in that court who is determined, by means of gross departure from the precedents of former and best days of that body, to bring it into such contempt, as to lead the inhabitants to concur in the expensive scheme of a Corporation for the borough'.<sup>399</sup> The claim seemingly suggested that Reformists were planning to bring the Leet into some state of disrepute, in order to present a stronger case for the introduction of a municipal corporation. That such a sentiment was published in the local press suggests some broader validity was given to the claim. There was, in Birmingham, a real fear of changes that were rapidly falling on society. However, there were some notable local Tories in the jury, including Richard Spooner, Charles Shaw and William Chance, who were among the town's first municipal magistrates.<sup>400</sup> In Birmingham there was a clutch of men whose names appear regularly in various administrative bodies; this should be considered an

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<sup>398</sup> William Scholefield and Samuel Beale were jurymen who would become mayors of Birmingham in 1838 and 1841 respectively; other future councillors were W. H. Smith, and Thomas Bolton; J. T. Lawrence was created alderman in 1839

<sup>399</sup> *Aris's Birmingham Gazette*, October 30<sup>th</sup> 1837

<sup>400</sup> *Birmingham Journal*, July 20<sup>th</sup> 1839, list of Birmingham magistrates appointed by Lord John Russell, presented according to their recognised political affiliations

indication of their personal ambitions and extent of local influence, rather than representative of any sort of underhandedness. Additionally, as previously highlighted, there were a limited number of men who both qualified for office and were interested taking a role. Nevertheless, there is further evidence here of the prevalence and impact of party politics in Birmingham society, extending to all aspects of local administration.

The incorporation debate took place in the Town Hall, and the whole town was invited to take part, including those ‘who might think proper to oppose and call in question that principle.’<sup>401</sup> There was a suitable selection of local dignitaries, fitting for such an important discussion and which included both of Birmingham’s MPs, senior members of the Court Leet and members of the clergy. Recognisable names from the Reformist parties, included George Edmonds and Joseph Parkes, both declaring support for the campaign. At the opening of the meeting Chairman William Scholefield requested that no criticism be levelled at the current administration. However, William Wills, in the opening speech of the afternoon, immediately set the agenda, entering into lengthy detail the failings of the prevailing system of governance, claiming that ‘extensive, populous and wealthy as was this great town, its local government remained pretty much the same as it was in the time of their Saxon ancestors’.<sup>402</sup> Wills went on to criticise an overly complex, ‘antiquated’ and oligarchical system of Manorial Leet and an array of administrative boards, some of which were open to corrupt practice. Along with the Street Commissioners there was ‘another board for making the burial ground in Park Street; and there was another body of commissioners who were trustees of the public office, and for the government of the Assay Office’.<sup>403</sup> Incorporation legislation as it stood under the

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<sup>401</sup>Ibid. November 4<sup>th</sup> 1837

<sup>402</sup>Ibid.

<sup>403</sup>Ibid.

1835 act did not include the abolition of current bodies and Wills admitted that there would be no immediate change to the system that he was criticising, but clause 141 did offer the possibility of a transfer of authority, ‘which could be obtained by application to the commissioners, who were empowered by the Act of Parliament to transfer all their powers to the town council.’<sup>404</sup> This was more likely a challenge than an expression of optimism, Wills was calling the Street Commissioners out, suggesting that they must surely be in favour of bending to ‘whatever might be the public will, and had no desire to cling to the remnant of their power, but would gladly see that power placed in the hands of a body of persons elected by the ratepayers at large, really representing public opinion and deriving their authority from, and responsible to, the people, as the town council would be’.<sup>405</sup> Wills emphasised the difference between the current model and the proposed town council as one which rested on ideals of public autonomy; the power to achieve this was, to a significant extent, in the hands of the prevailing bodies. It was now up to the community to demand a change. This was the crux of Will’s argument and, indeed, the remainder of the meeting was focused on local issues with positive presentations of the impact that incorporation would have on the town.

The incorporation campaign was clearly intended to be fought on a Birmingham platform. The rhetoric was in the best tradition of Reformism, with passionate words carefully chosen to stir hearts and minds. William Redfern claimed that ‘never, in his opinion, had the inhabitants of Birmingham been assembled either within or without those walls, to take into consideration a subject of greater importance’ and he issued a call to the people to ‘persevere - let them once get a Charter of Incorporation, and then they

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<sup>404</sup>Ibid.

<sup>405</sup>Ibid.

would be in possession of a power that would draw after it everything they desired'. It was rousing language, and there were attempts at flattery too, as speakers reminded the audience of past triumphs and the possibility that Birmingham could take a real lead in bringing about further change if they struck for a Charter now. The Radical Catholic priest, Reverend M'Donnell, expressed that 'although they carried the Reform Bill from a conviction of the truth of that principle, yet they had hardly thought of applying the benefits of their labours to their own town'.<sup>406</sup> Attwood presented an unusually cautious speech, pragmatically advising the limitations of a Charter as the current legislation stood and it was left to Joshua Scholefield to re-ignite the closing speeches with promises of what the future might hold if a first step could be made:

If they had a town council, they would have built a good, plain, substantial house that would last for centuries; and they would have reserved the surplus money for its proper objective, namely the education of the poor (cheers). They would have erected local schools in the various districts (renewed cheers), where every man might have had an opportunity of procuring for his children that education which they required.<sup>407</sup>

The speeches had been well prepared, designed to present an argument that would directly appeal to the local community; but interest was still limited. There was no evident passion in the audience, apart from occasional, subdued cheering; none of the pugilistic scenes so often evident in Birmingham political gatherings were reported here. The *Gazette* claimed that, despite it being Saint Monday, the Hall had been 'not more than a

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<sup>406</sup>Ibid. M'Donnell was a well-known figure in Birmingham and something of a firebrand. He was later evicted from his position at St. Peter's by Cardinal Wiseman, because of his political views. G.J. Holyoake explained: 'we had a Catholic priest, the Rev. T.M. M'Donnel (sic.), a member of the council of the Political Union, a tall, clear, articulate well-informed speaker with grey hair and public spirit.', *Sixty Years of an Agitator's Life, Vol. I*. In a procession to the 1833 Newhall Hill meeting to oppose repressive measures against Ireland, M'Donnell rode in the front carriage with Attwood and Daniel O'Connell

<sup>407</sup>Ibid. Birmingham's only public school was the Blue Coat School which was managed by a charity board. It had been recently re-built and was alleged to be primarily concerned with teaching Classics and Literature to children of privileged locals

third filled, the Whig and Tory divisions of the town having carefully abstained from attendance, and thus manifesting their indisposition for the measure'.<sup>408</sup> The *Journal* also noted a smaller crowd, suggesting that the meeting had been 'numerous, though not crowded', and observed also the absence of any Tory opposition.<sup>409</sup> The Tories would have been aware of a meeting in the Town Hall and their non-appearance was likely an expression of opposition and one that they may have come to regret as resolutions were passed and a committee formed. The campaign for the incorporation of Birmingham was now, finally, underway and under Radical control.

Two days after the Town Hall meeting, the appointed committee met and immediately acted in preparing the petitions; the *Journal*, in its edition printed on the Saturday following the meeting, announced that the petitions were already in circulation. There was little celebration in evidence around the announcement, particularly in comparison to the National Petition for Universal Suffrage which would emanate from the same body of campaigners just a few months later. The *Journal* article contained a subdued sense of anxiety and a clear recognition of local ambivalence to the Charter, stating that 'in a few days it will be seen whether, amongst the people at large, there exist any lukewarmness [sic.] in this matter.'<sup>410</sup> In the same edition, it was reported that an undersecretary of state had assured the committee that 'Lord John Russell will be ready to render any assistance in his power, to promote the accomplishment of the wish of the inhabitants of Birmingham, for a Charter of Incorporation'.<sup>411</sup> That statement of support from the Home Secretary was not lost on opponents of incorporation and a letter to the editor of *Aris's* called for an immediate counter-petition. Arguing that 'the government,

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<sup>408</sup>*Aris's Birmingham Gazette*, November 6<sup>th</sup> 1837

<sup>409</sup>*Birmingham Journal*, November 4<sup>th</sup> 1837

<sup>410</sup>*Ibid.*

<sup>411</sup>*Ibid.*

in meeting the question so readily, must surely be ignorant of the facts of the case' the author, signed only as 'An Inhabitant Householder', asserted that the government was not aware 'that so little desired is a Corporation by the inhabitants generally, that although the meeting was convened almost wholly by the Radical Party, and called for on Saint Monday, yet the Town Hall was not more than third filled'. 'Inhabitant Householder' concluded with a call for another town's meeting, this time to demonstrate the strength of local feeling against the petition<sup>412</sup> Whilst this represented only a single opinion, the fact that it was published in one of the town's popular newspapers suggests that it may have been indicative of local sentiment in some quarters. The L&CA, however, does not appear to have responded to the call with any haste; there was no mention of incorporation at their annual anniversary supper on December 19<sup>th</sup>, even though at that stage the petition had been signed and dispatched to London. The speeches instead focussed on the Church-rate protests and on the alleged intimidation suffered during July's elections. On December 23<sup>rd</sup>, the *Journal* revealed that the Privy Council had fixed January 31<sup>st</sup> as the date when it would consider the Birmingham petition.<sup>413</sup> The same information appeared in the *Gazette's* Christmas day edition, when a further letter from 'Inhabitant Householder' urged the people of Birmingham to 'be up, be vigilant, and be prompt, and our good town of Birmingham may yet be saved from the danger which threatens'.<sup>414</sup> Still, the Tories did not seem to respond. It is not understood why they seemed to display such an ambivalence at that time, though there was a report that the Association had run into debt which could possibly be an indication of falling support.<sup>415</sup> Had the town's Tories become complacent about their popularity in the face of apparent dwindling

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<sup>412</sup>*Aris's Birmingham Gazette*, November 6<sup>th</sup> 1837

<sup>413</sup>*Birmingham Journal*, December 23<sup>rd</sup> 1837

<sup>414</sup>*Aris's Birmingham Gazette*, December 25<sup>th</sup> 1837

<sup>415</sup>*Ibid.*

support for the Reformists? There is a hint of this in a further letter to the editor of *Aris's Gazette* published on January 1st, 1838 and addressed to 'Fellow Townsmen'. There it was claimed that:

Almost every person with whom I have conversed for the last few days, condemns the project of a Corporation for the town of Birmingham, and yet, I have not heard of any public and formal steps being taken to counteract it. The promoters of it are very quiet, and I rather judge from their silence that they are not without strong fears if the inhabitants should become properly alive to the question. If this be an argument for the weakness of their cause, it shows the strength of ours, if prosecuted with vigour.<sup>416</sup>

The claim that incorporation campaigners were 'quiet' does not appear to have been an exaggeration. Contemporary editions of the *Journal* presented little opinion on the subject. This was unusual for the mouthpiece of the Reformists. Behagg has also highlighted that support for the BPU had diminished following the July elections, revealing that BPU membership had dropped to three thousand as early as August 1837.<sup>417</sup> The Union had failed to provide a strong impetus for the campaign, suggesting complacency in their assurance of government support. Of further significance was Attwood's apparent distance from local affairs. His personal platform had remained centred on currency reform, and there was, quite literally, no other issue that could hold his interest. In a private letter, Joseph Parkes, who remained at the forefront of the municipal campaign, expressed his frustration with Attwood:

I had a very serious and sincere talk with Attwood last week about his course. I warned him that he would infallibly fall below the standard of public expectation found of him by the Reformers if he continued the fanatic on the currency, and from friendly feeling I tried to cleanse his eyes of their cataracts and convince him

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<sup>416</sup>*Aris's Birmingham Gazette*, January 1<sup>st</sup> 1838

<sup>417</sup>Behagg, *Politics and Production*, p.191

of his failure...but it is vain. He is determined to run his head against the post...you might as well argue with a born idiot.<sup>418</sup>

While Attwood was busy elsewhere, the incorporation campaign may well have lost some of its momentum, and as the *Gazette* correspondence suggested, this was an observation also expressed contemporarily.

It was January 8<sup>th</sup> before the L&CA finally came together at Dee's Hotel. The meeting, advertised by circular, voted to requisition a town meeting for the purpose of presenting a counter-petition. This appears to have been the initiative of 'Inhabitant Ratepayer' who, writing to the *Gazette* once more, assured that 'the invitation that I signed this week, calling to the Town Hall those of my fellow townsmen who take a similar view with myself as to the mischief which a Corporation would entail upon the town, is very properly worded'.<sup>419</sup> The meeting took place on January 12<sup>th</sup>, just four days after the decision was made to requisition it. If the report presented in the *Journal* is accurate it attracted an even smaller audience than the October meeting had and was far more ill-tempered. Reported as 'the most miserable exhibition in the shape of a manifestation of public opinion ever held in Birmingham' the *Journal* reported that 'four resolutions were passed, the petition read and four speeches made in half an hour'.<sup>420</sup> The *Gazette* confirmed the minimal attendance, but emphasised that those present represented the town's wealthier and more respectable residents.<sup>421</sup> The counter-petition underscored this value that its promoters placed on wealth and respect, claiming that 'the town of Birmingham has, through a series of years, gradually increased in population and wealth,

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<sup>418</sup>BAHP, MS 3087 'Manuscripts', 'Letter from Joseph Parkes to 'Thomson'

<sup>419</sup>*Aris's Birmingham Gazette*, January 8<sup>th</sup> 1838

<sup>420</sup>*Birmingham Journal*, January 13<sup>th</sup> 1838

<sup>421</sup>*Aris's Birmingham Gazette*, January 15<sup>th</sup> 1838

results by many attributed to the very circumstances of the town not having been incorporated'. It was also claimed, within the body of the counter petition, that a 'great proportion' of those who had signed the petition in favour of incorporation were not ratepayers.<sup>422</sup>

The petitions soon became a central point of debate in Birmingham. 'Inhabitant Ratepayer' had claimed that the promoters of the petition had 'extensively resorted to the courts, lanes and alleys of the town for signatures'.<sup>423</sup> Similar claims continued to appear in other Tory newspapers, with the *Advertiser* claiming that there had been a 'misrepresentation' of the number of petitioners in favour of incorporation.<sup>424</sup> The *Journal* presented the pro-incorporation campaign perspective claiming that there had been 5,230 names on the petition and that this was 850 more than had been credited in the *Advertiser*.<sup>425</sup> Amongst the cacophony of incorporation debate in Birmingham, it remained evident that the driving force rested within a bitter Tory-Radical divide. To test whether this was a situation unique to Birmingham, attention will now be given, albeit briefly, to the incorporation campaigns in three other towns. Two of those, Manchester and Bolton, would claim municipal rights at their first petitioning attempt. Sheffield is also included as a town that was widely expected to be awarded the charter but was not.

### 3.2 'Incorporate your borough': the campaign experience in Manchester, Bolton & Sheffield

The response from new boroughs to the invitation to apply for incorporation was slow, even considering the initial confusion regarding a possibility of further legislation.

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<sup>422</sup>Ibid.

<sup>423</sup>*Aris's Birmingham Gazette*, January 8<sup>th</sup> 1838

<sup>424</sup>*Birmingham Advertiser*, February 21<sup>st</sup> 1838

<sup>425</sup>*Birmingham Journal*, February 24<sup>th</sup> 1838

There appears to have been a popular ambivalence to the incorporation question, not only in Birmingham, but across the nation's rapidly emerging urban landscape. It is difficult to find, within any individual borough, the sort of spark and dynamism that had marked the 1832 campaign for parliamentary reform. This seems odd, considering that local government reform contained a possibility of far greater impact on the public than the GRA had proposed. Nevertheless, the various campaigns for incorporation in the late 1830s can be seen to have magnified prevalent local political rivalries. In 1838, three other significant industrial centres applied for a Charter along with Birmingham; these were, Bolton and Manchester, both of which were successful in their petitioning, and Sheffield, which was not. Each of these were well-known centres of radicalism that had played an active part in earlier reform agitations.

Like so many industrial towns in the nineteenth century, Bolton had endured decades of economic fluctuations as the town grew, both in size and in economic importance.<sup>426</sup> As in Birmingham, this doubtless contributed to the establishment of a local political tradition. There was also a significant Nonconformist presence, although Garrard argues that this was less relevant to political rivalries than in some other northern towns.<sup>427</sup> Bolton had something of a complex administration, being divided into two districts identified as 'Great Bolton' and 'Little Bolton', each with its own distinct governing body. Unlike Birmingham, the administration was openly political, with the Great Bolton Trustees being dominated by Conservatives and Little Bolton by

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<sup>426</sup>E.P. Thompson, *The Making of the English Working Class* (London, 1965), pp. 268-313; Thompson's chapter titled 'The Weavers' reveals the long-term history of several towns that were economically dependent on the cotton industry, including Bolton and Manchester

<sup>427</sup>Garrard, *Leadership and Power* p. 159, states religious rivalry was not as intense as it was in the close neighbourhood of Rochdale, suggesting this may have been because Bolton's Anglican Church was not a dominant force and that there was a large Catholic community, estimating as many as 1 in 7 were professed Catholics. See also Thompson, *Making of the English Working Class*, pp. 26-54 on Nonconformity in English industrial towns

‘Liberals’.<sup>428</sup> It was this overt political rivalry that drove Bolton’s incorporation. However, Garrard has also identified an important influence on the move to incorporation, one which applies equally to Manchester. Sometime around the beginning of 1838, a small group of businessmen from the north of England attended a private tea party, organised by Henry Ashworth, a Bolton man who had made his fortune in the cotton trade.<sup>429</sup> They were gathered in response to Richard Cobden’s suggestion that incorporation might be ‘a most appropriate provision for the Lancashire towns’.<sup>430</sup> The group included Robert Heywood, a liberal-minded Unitarian who would go on to become Bolton’s second mayor. During the discussion emphasis was placed on the prevalent ‘inappropriate’ system of administration and the understanding that no borough had yet made application for a Charter of Incorporation. Ashworth wrote to his ‘good friend’ Joseph Parkes for advice and, while the contents of this correspondence are not known, a whole town meeting was called in Bolton on Parkes’ advice.<sup>431</sup> The subsequent incorporation campaign was well-organised and well supported in Bolton. Only one public meeting was held, in January 1838 which was reported to have been well attended. It was Henry Ashworth who put forward the first proposal, ‘that the governing power in all communities ought to be vested in the public at large, and not in self-elected bodies’.<sup>432</sup> Garrard suggested that the Tories were slow to mobilise, although his claim that the counter-petition was organised a week after the town meeting does not seem overly tardy and, he reveals, there was ‘vigorously competitive petition-gathering and propaganda’ throughout February and into mid- March, when the government dispatched a

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<sup>428</sup>Garrard, *Leadership and Power*, pp. 160-1

<sup>429</sup>Henry Ashworth, *Recollections of Richard Cobden and the Anti-Corn Law League* (London, 1878), <http://www.archive.org/details/recollectionsofr00ashwuoft>, accessed September 19<sup>th</sup>, 2016

<sup>430</sup>*Ibid.* p.28

<sup>431</sup>*Ibid.* p 29

<sup>432</sup>*Bolton Chronicle* January 20<sup>th</sup> 1838, report on town meeting held on January 17<sup>th</sup> 1838

Commissioner, Major Jebb, to inspect the petitions.<sup>433</sup> Despite Tory claims of underhanded government interference, it seems clear that there was a concrete majority of sixty-three percent in favour of incorporation for Bolton.<sup>434</sup> However, it was several more months before the result was officially declared and Bolton firmly awarded its Charter in August, 1838, a peculiarly ‘mysterious’ circumstance, as Garrard has implied, and doing little to allay popular fears of a government ‘fix’.<sup>435</sup>

The complex administrative situation of Bolton was mirrored in Manchester. Martin Hewitt has underscored the lack of a hegemonic middle-class in Manchester before the mid-nineteenth century, suggesting that this was a significant contributory factor to a crisis of authority and evident political tensions.<sup>436</sup> That discord was thrown into sharp relief by the incorporation issue which attracted a level of local animosity far exceeding any that was evident in Birmingham. Although the move for incorporation was instigated by the same business cartel as had involved itself in the Bolton campaign, Manchester was already well embedded in an incorporation debate. It was the first town to put forward a request to apply for a Charter in January 1836, a move which had been considered and voted on by the town’s improvement body, the Police Commissioners.<sup>437</sup> The vote had resulted in a division, but was overturned by a majority of fourteen; this is perhaps a useful indicator of the importance of the debate among the town leadership. In 1837, former town constable Richard Cobden published and distributed five thousand copies of a self-penned pamphlet, titled ‘Incorporate Your Borough’. The purpose of the

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<sup>433</sup>Garrard, *Leadership and Power* pp. 187-8

<sup>434</sup>Ibid. Percentage based on Garrard’s figures of 3,213 legitimate votes in favour of incorporation and 1,886 opposed.

<sup>435</sup> Ibid., p.188

<sup>436</sup>Hewitt, *The Emergence of Stability*, pp. 66-7; political discordance among urban middle-classes in this period has been identified as generally prevalent; see also Simon Gunn and Rachel Bell., *Middle Classes, their Rise and Sprawl* (London, 2003), pp. 4-8

<sup>437</sup>*Aris’s Birmingham Gazette*, January 18<sup>th</sup> 1836

pamphlet, Cobden claimed at the time, had been as an appeal to the Radicals.<sup>438</sup> That appeal failed and Cobden denigrated the ‘low, blackguard leaders of the Radicals who joined with the Tories and opposed us.’<sup>439</sup> Cobden’s ‘clarion call’ was not lost on the more liberal reformists, and it had been a decisive inspiration for Ashworth to promulgate the Bolton and Manchester campaigns.<sup>440</sup> Cobden’s rhetoric utilised the traditional Reformist language of bipartite social injustice, pitting ‘democracy versus privilege’ and emphasising the ‘rights and powers of the productive classes against aristocracy and oligarchy’.<sup>441</sup> This, however, only seemed further antagonisms and placards were posted decrying the incorporation campaigners as ‘base, bloody, brutal, devilish Whigs’.<sup>442</sup> Such a response appears to present incorporation as both anti-establishment and anti-Radical simultaneously, a factor which led Cobden to denounce the opposition as an ‘unholy alliance’.<sup>443</sup> This was a different presentation of political partisanship than was prevalent in Birmingham, where a clear division between Radicals and Tories was presented on the issue of incorporation during the campaign; there would be a splintering of political loyalty very close to the elections, largely as a result of the Chartist presence, but in the run-up to the elections the diversity of antagonism was nothing like that experienced in Manchester.

Nineteenth-century Sheffield was comparable with Birmingham in terms of its economic and social structure. Both towns were also home to substantial, established artisan communities, a small workshop economy and an identifiable lesser middle class,

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<sup>438</sup> Edward William Watkin, *Alderman Cobden of Manchester: Letters and Reminiscences of Richard Cobden, with Portraits, Illustrations, Facsimiles and Index* (London, New York, Melbourne, 1891) *The Making of the Modern World*. Web accessed November 17<sup>th</sup>, 2015, p. 12

<sup>439</sup> *Ibid.*

<sup>440</sup> Hewitt, *Emergence of Stability*, pp.70-1; Ashworth, *Recollections*, pp.28-9

<sup>441</sup> Hewitt, *Emergence of Stability*, pp.70-1

<sup>442</sup> Watkins, *Alderman Cobden*, p.13

<sup>443</sup> *Ibid.*

or 'shopocracy'.<sup>444</sup> Donald Read, writing in the 1960s, suggested that 'the economic structure of Birmingham and Sheffield was thus a unity, with few men much elevated and relatively few downtrodden'.<sup>445</sup> This is an oversimplified presentation which has met with challenges, nevertheless, it is useful to understand that both towns shared some commonality, including in their differences relative to other radical, industrial towns of the Midlands and the North. Dennis Smith's *Conflict and Compromise* attempted a direct comparison between the two, with a particular emphasis on those towns' class formation from the mid-nineteenth to the early-twentieth centuries.<sup>446</sup> A useful point drawn out by Smith was that Birmingham had stronger regional networks, whilst Sheffield was somewhat more insular. Birmingham's sense of regional place may have bolstered its confidence in reform demands. More recently, Boyd Hilton has suggested that the Sheffield 'shopocracy' played a significant role in influencing the development of local radicalism, stating that 'a skilled workforce and influential shopocracy constituted a subaltern class of respectable reformers, as in Birmingham.'<sup>447</sup> Sheffield's radical credentials would be hard to dispute.<sup>448</sup> It was there that the world's first popular radical society was formed. Predating Hardy's London Corresponding Society by only a few weeks, the Sheffield Society for Constitutional Information (SSCI) imposed no subscriptions or entry fees. The Society boasted an inclusive and very healthy rate of membership in the first six months of its foundation that, if true, represented more than a

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<sup>444</sup> Donald Read, *The English Provinces, c. 1760-1960: A Study in Influence* (London, 1964), p.35

<sup>445</sup> Ibid. p.37; Read identified a prevalent 'middling sort' in both Birmingham and Sheffield and suggested that contemporarily they were recognised by the label 'shopocracy'

<sup>446</sup> Dennis Smith, *Conflict and Compromises: Class Formation in English Society 1830-1914, a Comparative Study of Birmingham and Sheffield* (London, 1982)

<sup>447</sup> Hilton, *Mad, Bad and Dangerous*, p.429; see also, Fraser, *Urban Politics*, p.201, where he stated that 'the artisan radicalism of Sheffield clearly owed something to the structure of the town's economy'

<sup>448</sup> Thompson, *Making of the English Working Class*, pp.473-4 identified Sheffield as an established stronghold of Jacobin ideology before the emergence of Radicalism

tenth of the town's entire population.<sup>449</sup> The Tory presence in Sheffield has been more problematic to trace. However, Fraser has revealed that, as in Manchester, there was a Tory-Radical alliance presenting an opposition to incorporation.<sup>450</sup> Unlike Manchester, this alliance proved indomitable and Sheffield failed in its first application. The strength of opposition in Sheffield appears to have emanated from a campaign which drew comparisons between incorporation and the recent imposition of the Poor Law Amendment Act which, Fraser observed, was promulgated with some determination by local pamphleteer Samuel Roberts.<sup>451</sup> Roberts, a friend of abolitionist William Wilberforce, was known contemporarily as 'the pauper's advocate' and was a respected local figure who held some influence in the local community.<sup>452</sup> As in the other towns applying for incorporation, two petitions were presented to the public to sign between January and March 1838. Several public meetings were held in the Cutlers' Hall and the arguments in place appear similar in their rhetoric to that of other towns. In opposing the Charter there was an emphasis on the town's success, achieved without the added expense of a corporation.<sup>453</sup> Those in favour argued that the town was not being properly managed as its population grew and that the potential extra costs claimed by the detractors was a fabrication.<sup>454</sup> The example of other towns applying for a Charter was also touted, 'Manchester has increased more rapidly than Sheffield without incorporation, yet the

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<sup>449</sup>Hilton, *Mad, Bad and Dangerous*, p.65, Hilton suggested membership stood at 2,500, 'more than one in ten of the town's population'; there is no clear indication on whether membership was restricted to males

<sup>450</sup>Fraser, *Power and Authority*, p.139

<sup>451</sup>*Ibid.*

<sup>452</sup>Samuel Smith, "Roberts, Samuel (1763–1848)," rev. C. A. Creffield, in *Oxford Dictionary of National Biography*, eds. H.C.G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. David Cannadine, January 2007, <http://www.oxforddnb.com/view/article/23772> (accessed May 20, 2017).

<sup>453</sup>*Sheffield Independent*, February 10<sup>th</sup> 1838, reported on a public meeting at Cutler's Hall to discuss opposition to a proposed application for a Charter of Incorporation on grounds that it represented an 'additional tax'

<sup>454</sup>*Sheffield Iris*, February 17<sup>th</sup> 1838, featured an editorial that denounced claims by the anti-corporation campaign that council officers would be paid substantial annual salaries from the rates

people have determined to apply for a charter', the *Iris* argued. But the incorporation movement in Sheffield did not have the voice of a Cobden or an Attwood behind it to rally the community. The attempt failed emphatically. When the government inspectors arrived in April to confirm the petitions, the *Iris* expressed a confidence that the fifteen thousand signatures 'boasted' by the anti-incorporators would 'dwindle down to 5,000' and that 'the conclusion of this tedious and expensive affair may be safely predicted to be in favour of the incorporation of the borough'.<sup>455</sup> However, the pro-incorporation petition also withered away under Captain Jebb's careful attention, which revealed only a derisory thirty per-cent of the total legitimate petition signatures in favour of the move.<sup>456</sup> It would be five years before another attempt at incorporation was able to garner enough support to attain a Charter of Incorporation for Sheffield.

Enthusiasm for incorporation was doubtless stifled by the limitations of the legislation presented in Clause 141. However, local issues were also an important factor and so it is important to understand the diverse ways in which the idea of incorporation was both received and presented. Political rivalries were a major factor in the debates, but opposition to incorporation was did not always follow the simple Radical-Tory divide which was evident in Birmingham. In Manchester and Bolton, campaigns could thrive because of the backing of a few influential businessmen who saw a potential opportunity in incorporation to improve the economic and political status of towns in which they earned their livelihoods. There is evidence in Northern towns of an 'unholy alliance', as Cobden called it, of two political enemies, Radicals and Tories, joined together in opposition to change for different reasons, although fiscal concerns appear universal. The

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<sup>455</sup>*Sheffield Iris*, April 10<sup>th</sup> 1838

<sup>456</sup>Fraser, *Power and Authority*, p. 139; Fraser presents figures of 4589 against incorporation and 1970 in favour in Captain Jebb's final count

importance of personality also stands out; Cobden and Attwood were very useful allies, although Attwood was less vocal in his support for incorporation, it may have been enough. In Sheffield, the most prominent and locally respected voice came out in opposition to incorporation, leading to a rout. In Birmingham, the petitioning for a Charter gained its momentum from a distinct political rivalry, between Tories and Radicals, with no obvious blurring of party lines. This distinction would come to the fore during the first council elections of December 1838. In both Bolton and Manchester, the Tories did not present any opposition, expressing a strong belief that the awarded charters were not legal in defence of their non-participation. But in Birmingham, as will now be shown, the election hinged entirely on the political rivalry that had defined, and would continue to define, Birmingham's corporation aspirations.

Whilst the Radical-Tory divide over incorporation was more acutely defined in Birmingham than in other towns, Radicalism as a political entity was gaining complexity. When Birmingham's first town council election took place in December 1838, the Chartist Movement had been established. The BPU played a significant role in the formation of that Movement and, as a result the difficult foundation period, both of Chartism and of Birmingham's Town Council, are inextricably linked. It is therefore useful to have some understanding of the link between Birmingham and early Chartism.

The Chartist Movement was launched with the drafting of the People's Charter in May 1838 by cabinet maker William Lovett and Radical tailor Francis Place. They were acting on behalf of the London Working Men's Association (LWMA), which is rightly credited with the founding of the Movement, but there has been some consensus that the BPU played a significant role in the establishment of Chartism.<sup>457</sup> Thomas Attwood was

a key figure, instigating the first National Petition and presenting the case of universal suffrage, the central tenet of the Movement, to parliamentary debate. On August 6th, 1838, the Birmingham tradition of requisitioning outdoor space for public meeting was presented once more. With Newhall Hill now built over as part of the town's seemingly inexorable growth, this meeting of the Chartist Convention took place at the foot of Holloway Head, an almost derelict piece of waste land on the edge of the town heading towards Edgbaston. The meeting was organised to be as grand and as well attended as any of the traditional monster meetings held at Birmingham in the past and to establish a 'People's Convention'. Feargus O'Connor, who would go on to play such a prominent role in the Chartist Movement, declared that 'he recognised this meeting as the signing, sealing and delivering of the great moral covenant which was this day entered into among the people'.<sup>458</sup> The Birmingham Unionists did not hesitate to use the well-attended platform to promote their involvement in the new movement, as George Edmonds appealed to the crowd, 'they were again embarking in another great moral campaign, and he should like to ask them, were they satisfied with their old general, Thomas Attwood? (Yes, yes and loud cheers)' and, more emphatically, 'would they have the councillors of the Union once more as their council of war? (Yes, yes, and cheers)'.<sup>459</sup> The connection between the BPU and the early foundation of the Chartist Movement appears unquestionable. However, there is less agreement on *why* the Union allied itself with the Chartists and with what objective in mind. This is a more contentious issue. It has been shown that the Union had struggled to build up a popular following in the post-GRA years and for Edsall, this was a significant factor; he argued that 'Attwood and his friends in

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<sup>458</sup> *Birmingham Journal*, August 11<sup>th</sup> 1838

<sup>459</sup> *Ibid.*

Birmingham and Cobden and his friends in Manchester had become almost frantic in their search for issues and a political base around which they could build an effective extra-parliamentary political movement.<sup>460</sup> Behagg, however, drew a direct link between the move for incorporation, the revival of the BPU and the interest in allying with an operative movement. He argues that 'the key to understanding why the BPU was revived in 1837 lies in the issue of local government reform and the concurrency of the agitation for a People's Charter and a Charter of Incorporation'.<sup>461</sup> There is truth in each of these assessments and it seems highly unlikely that there was a single reasoning behind the move. It is also useful to recall Attwood's influence on the community, a factor that never receded; even when the town was in the depths of Chartist unrest twelve months later, it was Attwood who the local people called on to address their concerns. His primary political objective was monetary reform, as Joseph Parkes' comment revealed. Any actions taken by Attwood can be assumed to have stemmed from that one great purpose. That he showed so little interest in the incorporation campaign demonstrates that the connection to Chartism cannot be perceived as a single-issue move. There is also the possibility that not all members of the Union were enamoured with the Chartist Movement, or indeed with the concept of universal suffrage. This possibility presented itself as a factor when the relationship between the Union and the Chartist Convention broke down irretrievably just as incorporation became a reality for Birmingham. It was no mere coincidence, but rather indicative of a crucial shift in local relationships. The impact in Birmingham of that fundamental change, brought about by the juncture of the

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<sup>460</sup> Edsall, 'Varieties of Radicalism', pp.94-5

<sup>461</sup> Behagg, *Politics and Production*, p.185

two charters - that is, the Charter of Incorporation and the People's Charter - will be evaluated in greater depth in the final chapter.

### 3.3 Birmingham's first municipal election

Following considerable delays after the first Privy Council reviews of petitions and counter-petitions, news began to emerge in early October that municipal status had been awarded to Birmingham, Bolton and Manchester. Sheffield would have to wait another five years before interested parties there could attract enough support for a re-application. The Charters of Incorporation were confirmed, sealed and dispatched to each successful applicant town, Birmingham receiving its copy on November 1<sup>st</sup>, 1838. There was no evident expression of triumph as had been witnessed by the town in 1832; no musical bands or officials riding through the streets in elevated carriages marked this occasion. On its arrival to Birmingham, the Charter was delivered and unsealed by William Scholefield at the office of the *Journal*.<sup>462</sup> There is no hint of political impartiality in that manoeuvre and the *Journal* appeared to claim the triumph of incorporation as its own. The newspaper published the full details contained in the Charter on November 3<sup>rd</sup>, 1838, followed two days later by a less conspicuous and slightly abridged version in the rival Tory *Gazette*. The document laid out legal requirements for organising town council elections, including a detailed description of the ward boundaries and instructions for drawing up the burgess lists. Responsibility for organising the election and supervising the compilation of burgess lists was given to the High Bailiff who, at the time of the elections, was a button maker manufacturer named James Turner.

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<sup>462</sup> Bunce, *History of the Corporation*, p.142

He had been appointed on October 24<sup>th</sup>, 1838, one week before the arrival of the Charter.<sup>463</sup> However, it was William Scholefield, son of the Radical Birmingham MP Joshua, who undertook that role for reasons that are not apparent. In a letter to the editor of the *Gazette*, ‘Constant Reader’ claimed that Scholefield’s appointment was not in accordance with the legislation contained in the original act of 1835.<sup>464</sup> Clause 141, the only part of the act that addressed the incorporation, had no advice on organisation, however, the act did stipulate that the mayor held the responsibility of returning officer; in a town with no incumbent mayor it seems reasonable that such role would go to the chief officer of the Leet. It was a tactically vital position for the organisation of the elections, as in it lay authority for compiling the list of those eligible to vote in the election. In his complaint to the editor of *Aris’s*, ‘Constant Reader’ argued that such an important role should have been handed to an impartial body, suggesting the Overseers of the Poor as suitable candidates.<sup>465</sup> The choice of Scholefield was a controversial choice, given that he stood as a Radical candidate in the elections. ‘Constant Reader’ closed his complaint with a negative impression of what a Radical Town Council might mean for the community:

Such unfair and unconstitutional proceedings cannot be tolerated if there is a spark of public spirit in the town. Were the respectable inhabitants pusillanimous enough to succumb quietly to the gross imposition thus practised upon them, they will deserve to be enchained in the manacles of a Corporation, and to pay the heavy compulsory rates that will be levied upon them by a rapacious radical Council.<sup>466</sup>

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<sup>463</sup> *Aris’s Birmingham Gazette*, October 29<sup>th</sup> 1838, report on the election of the court leet

<sup>464</sup> *Aris’s Birmingham Gazette*, November 12<sup>th</sup> 1838

<sup>465</sup> *Ibid.*

<sup>466</sup> *Ibid.*

The Charter was becoming mired in controversy, predominantly because of poor presentation of the legislation, a fault which had dogged the ‘tremendous experiment’ and which lent itself to ideas among some that these were the machinations of shady government practice. Allied with that were the town’s Radicals, now on the brink of becoming part of an establishment that they had pitched themselves against for so many years. In taking control of policing and justice, they would, effectively, become agents of the government. The fact that Constant Reader’s observations were readily published in the *Gazette* suggests they may have echoed a prevailing concern within at least some quarters of the community, one that would not easily be put to rest.

A formal presentation and reading of the Charter were held at the Town Hall on November 5th, in front of a ‘numerous and highly respectable’ audience, suggesting that it was not a gathering open to all.<sup>467</sup> Attwood was also absent, claiming an unspecified illness. Nevertheless, the proceedings were dominated by the town’s leading Radicals. The charter in its entirety was read by William Scholefield. William Redfern, a lawyer who would take on the role of Birmingham’s first clerk to the town council, led the speeches. Speaking with some passion, he described the charter as a ‘right royal gift...which he trusted their children, and their children’s children would long continue to prize’.<sup>468</sup> He also presented a defence against circulating rumours about the result of petitioning for the Charter, ‘whatever the *Advertiser* and *Gazette* may say’, he argued, ‘he and his friends had not picked the Lord Chancellor’s pocket of it, but they had come fairly and honestly by it.’<sup>469</sup> Others who offered speeches included George Edmonds and Quaker abolitionist Joseph Sturge, who suggested to those present that William

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<sup>467</sup> *Birmingham Journal*, November 10<sup>th</sup> 1838

<sup>468</sup> *Ibid.*

<sup>469</sup> *Ibid.*

Scholefield should be appointed Birmingham's first mayor. This was somewhat presumptive given the candidates had not been selected, let alone elected, and gives an indication of the expected outcome of the elections. Along with rounds of self-congratulations, resolutions were also passed regarding the manner in which the first town council elections should be conducted. There was a general agreement that it was important to have 'good honest men' controlling the town council and a Central Committee was proposed. Subsequently a body of twenty-five willing members of the Incorporation Committee - the body that had organised the campaign to apply for the Charter – were appointed to make the necessary arrangements for the town's first municipal election.<sup>470</sup> The *Journal* responded to criticisms of 'dictatorship' that had been levelled at the choice of members for that committee, arguing such claims as 'foolish', for 'if no man originate a choice, how is it to be made?':

To leave to the desultory efforts of the electors generally the nomination of proper and fitting men, would be to hand them over, in their weakness and uncombinedness [Sic.] a sacrifice, trimmed and ready, to the public enemy. To call upon individuals to make the required nomination would impose a responsibility that very few individuals would care to stand under. It seems therefore but natural that in such a case some popular body should assume a task, which otherwise might be indifferently done, if not unsuccessfully attempted.<sup>471</sup>

The *Journal* further argued that the best body to manage such a responsibility was that which had been in favour of incorporation and the only class excluded from committee's decision making was 'that which openly and avowedly opposed the objects of the committee.'<sup>472</sup> The Tories were excluded from the elections committee, as they had actively opposed the Charter. However, it was not only the Tories who offered an

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<sup>470</sup> Ibid.

<sup>471</sup> Ibid.

<sup>472</sup> Ibid.

objection. Bunce claimed that the dispute lay within what he calls the town's 'Liberals', an identity which he appears to conflate with Whigs.<sup>473</sup> This is a further indication that Radicals had lost support among non-Tories and is also indicative of the increasingly complex composition of Birmingham's political scene. Bunce revealed the intensity of disagreement, stating that 'some of the Whig party resisted what they termed dictation, and angry meetings and still angrier correspondence occurred in St. Peter's Ward'.<sup>474</sup> Such was the strength of feeling that some candidates nominated themselves for both the Tories and the Radicals.<sup>475</sup> Discontent among supporters of incorporation may have been due, in part, to the increasing distance of the Radical's champion Attwood, whose persistent absence had left them with no visible cohesive force. It seems likely too that there would have been some of the traditional Reformists who were keen to distance themselves from the increasingly aggressive rhetoric of Feargus O'Connor and the Chartist Movement, now beginning to entrench itself in Birmingham.

A further controversy blighting the elections was the issue of ward boundaries. It was revealed in chapter one that the boundaries were set as part of the Boundaries Act of 1832, in preparation for the Reform Elections. The outlying districts of Aston and Edgbaston parishes represented wards in their own capacity, but the rest of the town was divided along a 'tunnel' system, with each ward running from the centre to the periphery. There was something of a disadvantage to the Tories in this arrangement, explained by 'A Burgess' in 1839:

Many of the wards extended from the central to the outer parts of the town, forming most shapeless and unsightly figures; and it is hard to believe that such ingenuity in their formation and arrangement could be exercised for any other purpose than to combine a sufficient number of the smaller occupiers, in the

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<sup>473</sup> Bunce, *History of the Corporation*, p.153

<sup>474</sup> Ibid. p.153

<sup>475</sup> Ibid.

remote parts of the town, to swamp the larger occupiers in the middle parts, amongst whom the Conservatives are chiefly to be found.<sup>476</sup>

The objection made was that the Tories stood little to no chance of gaining any seats, because of the way in which the boundaries had been organised, he went on to argue that if the wealthier areas of the town had ‘stood alone, or been joined by any reasonable portion of the district around’, then those areas would ‘have inevitably returned Conservatives.’<sup>477</sup> Fraser argued that this ‘was not merely party propaganda’ from the Tories, and that the Radicals had also ‘relished’ the fact that the Tories had been ‘cribbed and cabined by ward divisions’.<sup>478</sup>

There are no accounts in current literature of how the Central Committee operated and their attempts to mobilise public support for their preferred candidates.<sup>479</sup> Reports on their meetings presented in the *Journal* during the campaign shows that they presented the elections as a simple Radical-Tory competition and then focussed on choosing their own candidates. However, at a meeting of the Committee two weeks after the arrival of the Charter, it was revealed that a separate committee had been established in Aston Parish, intended to undertake the same operation the Central Committee had planned, but for the townships of Duddeston and Nechells and also for Deritend and Bordesley.<sup>480</sup> The *Journal* reported this finding had met with cordiality, expressing that ‘the Central

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<sup>476</sup> ‘Ten Objections to the Birmingham Corporation’, (Birmingham, 1839), p. 4, cited from Fraser, *Power and Authority*, p.87

<sup>477</sup> Ibid.

<sup>478</sup> Fraser, *Power and Authority*, p.88, Fraser quoting R.K. Douglas here

<sup>479</sup> Although there is little information on the workings of the Central Committee it seems that they were responsible only for selecting candidates representing the Radical vote and that Tories were responsible for promoting their own men. This assumption is drawn from the final list of Central Committee candidates published in *Birmingham Journal* on November 24<sup>th</sup> 1838 which includes the names only of the non-Tory candidates

<sup>480</sup> *Birmingham Journal*, November 17<sup>th</sup>, 1838; the townships mentioned were those which had been incorporated into Birmingham Borough in 1832

Committee are therefore relieved from no inconsiderable portion of the labor [sic.] than would otherwise have devolved on them'.<sup>481</sup> This decisive detachment from the machinations of the Central Committee was not the only evidence of discord. On November 18<sup>th</sup>, a meeting was held at the Mogul tavern on Bartholomew Street in St. Peter's Ward. The meeting had been called by 'anonymous placard', in protest at the imposition of a body of candidates on that ward.<sup>482</sup> The Central Committee had presented each ward with the names of candidates, without consulting the newly created burgesses. The only explanation offered for the choice was that they were 'fit and proper persons'. There was a good deal of outspoken criticism against this system, which was described as 'discourteous' and 'dictatorial'.<sup>483</sup> One attendee at the meeting, named as Mr Blews, stated that:

They were aware that a certain number of gentlemen had already been named to represent that ward; and he must say that a more unwarrantable attempt at dictation had never been attempted by any body of men. It was a most unwarrantable liberty for any self-elected body of men to nominate for them, without ever once consulting them...they had heard much about the abuses of self-elected bodies; but in his opinion, they could hardly conceive a greater stretch of power than that which had been taken in the present instance by the self-elected committee.<sup>484</sup>

That was not the only condemning speech of the evening, at the end of which a resolution was passed to meet with the Central Committee to formally present their grievances. Here is evidence of a growing confidence in self-organisation outside of the formerly dominant Political Union. The meeting took place at the 'Golden Lion' public house on November 21<sup>st</sup>, and once again no agreement could be met. A report in the

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<sup>481</sup> Ibid.

<sup>482</sup> *Birmingham Journal*, November 24<sup>th</sup> 1838

<sup>483</sup> Ibid.

<sup>484</sup> Ibid.

*Gazette* wryly noted ‘the Ultra-Radicals raised every objection in their power to moderate men being nominated’.<sup>485</sup> There is an indication here that the incorporation campaigners were beginning to take on the appearance of ‘the establishment’. Derek Fraser suggested that the Committee represented an attempt at a ‘caucus system at the outset’, a claim which is more reflective of later municipal politics.<sup>486</sup> It is clear, however, that there was at least a display of self-assuredness among organisers from the Radical committee that they were best placed to decide the direction of municipal elections. The attempt to organise candidates out of public view and at pace equally suggests that they were expecting opposition. The former hegemony of the BPU had dissipated, and incorporation campaigners were now at risk of losing popular support, only a month before elections were due to take place.

Tory candidates were presented soon after, and with less controversy. That they mobilised opponents in a short space of time is revealing both of their support and their determination to present an opposition.<sup>487</sup> This was contemporarily unique, and it is unfortunate that no records of meetings can be sourced which might reveal how a decision was reached to contest the election. Not only in Manchester and Bolton, but also in towns of longstanding corporation status, local Tory groups considered withdrawal from municipal elections, in the expectation that Radical councils would fail in office and suffer subsequent catastrophic defeat.<sup>488</sup> The self-appointed committee in Aston Parish presented their candidates, both Radical and Tory. These two wards had large turn outs on polling day; the number of votes cast in Duddeston and Nechells alone represented

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<sup>485</sup> *Aris's Birmingham Gazette*, November 26<sup>th</sup> 1838

<sup>486</sup> Fraser, *Urban Politics*, p.142; the term ‘caucus’ is associated with Joseph Chamberlain’s style of policy implementation during his time as Birmingham Mayor and MP in the later nineteenth and early twentieth century

<sup>487</sup> *Birmingham Advertiser*, November 22<sup>nd</sup> 1838

<sup>488</sup> Fraser, *Urban Politics*, p.144

almost 32% of the borough total. It was also the closest run of the ward elections with the Tories losing by only a 7% margin. These figures suggest there was a fierce interest within the outlying district to ensure they were represented in the new Town Council. In all, ninety-two candidates stood for election, the majority representing either Tory or Radical interest, with four candidates declaring themselves for both parties. There is no indication of how their votes were calculated, or whether any Tories voted for them; their total votes only are given, and those as Radical gains.<sup>489</sup>

The Birmingham candidates, from both parties, were representative of the town's commercial success and emerging middle-class; they included local captains of industry, merchants and men already well recognised in Birmingham society. Richard Tapper Cadbury stood for the Tories in Edgbaston ward. He was a long serving, active Street Commissioner, well respected within the local business community. Cadbury took 109 of the 835 votes cast there. In the large St. Peter's Ward, gun maker Westley Richards also stood for the Tories, taking little above seven percent of the total vote. The Radical representatives were from a similarly impressive commercial grounding. Standing against Cadbury in Edgbaston was Charles Sturge, brother of anti-slavery campaigner Joseph. Samuel Beale was one of the candidates who presented himself as both Radical and Tory in the poll, winning thirty-two percent of all votes cast in St. Mary's Ward. Beale was director and founding member of the Midland Railway Company and would go on to become both a mayor and an MP for Birmingham.<sup>490</sup>

The elections passed without the exuberance so often witnessed in parliamentary elections. Bunce wrote, 'it is pleasant to read that "during the day, although the utmost

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<sup>489</sup> Full results of the election are shown in Appendix II of this thesis

<sup>490</sup> Beale family (*per. c.1836–1912*)," Andrew Rowley in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. David Cannadine, September 2013, <http://www.oxforddnb.com/view/article/49729> (accessed July 31, 2017)

activity and bustle prevailed in the town, not the slightest unpleasantness or interruption took place.’<sup>491</sup> The first returned town council was wholly Radical with not one Tory seat gained. However, the emphasis on this fact in current literature has tended to overlook the gains made by the Tories. Gill argued that the Tories regretted their decision to take part in the elections, claiming that ‘the election showed their numerical weakness’ and that they had damaged any claim they might make that the charter was invalid.<sup>492</sup> This was not the case as their continued contestation of the validity of the Town Council ran the same course as that in Manchester did, and no Tory candidates had been presented there. Derek Fraser has suggested it appeared ‘strange that a party that claimed to have 1,200 of the largest ratepayers in the town should not gain even a single seat’.<sup>493</sup> That conclusion fails to consider both a breakdown of electoral results and the context in which the election took place. The figures show that the Tories took thirty-four percent of total votes, across all wards, a not inconsiderable portion, given the radical nature of early nineteenth-century Birmingham along with the controversy of ward boundaries. The table below shows a breakdown of votes per ward, the data taken from reported results in the *Journal*. It has not been possible to locate poll books for this election, and it is possible that they have been lost.<sup>494</sup> Nevertheless, the results offer a useful, if intriguing, insight into the voting pattern.

Salmon has shown that voters in municipal elections could hold as many as twelve votes each, dependent upon the number of candidates in each ward.<sup>495</sup> The majority of wards presented the potential of six candidates, so voters there would have had six votes,

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<sup>491</sup> Bunce, *History of the Corporation Vol. I*, p.156

<sup>492</sup> Gill, *History of Birmingham, Vol. I*, p.254

<sup>493</sup> Fraser, *Power and Authority*, p.87

<sup>494</sup> It is believed that many local records were destroyed when Birmingham’s public library burned down in 1879. Although not confirmed, the early poll books may have been part of the collection lost

<sup>495</sup> Salmon, *Electoral Reform*, p.225

whilst St. Peters, Duddeston cum Nechells and Deritend and Bordesley had the potential for twelve candidates. It is not known whether those wards where a reduced number of actual candidates stood, as a result of one person representing both parties, was reflected in the number of votes available to the electors. Constituents could split their votes across candidates, across parties, or choose to ‘plump’, utilising only one vote to select their preferred candidate.<sup>496</sup> The large number of votes cast in Duddeston and Nechells, for example, suggests that a majority of electors used all of their votes; this would also explain the close-run result. In Deritend and Bordesley there was a more emphatic lead for the Radicals, suggesting that more people spread half of their votes across a single party. It is not known whether this pattern was tactical or the result of confusion at the polls.<sup>497</sup>

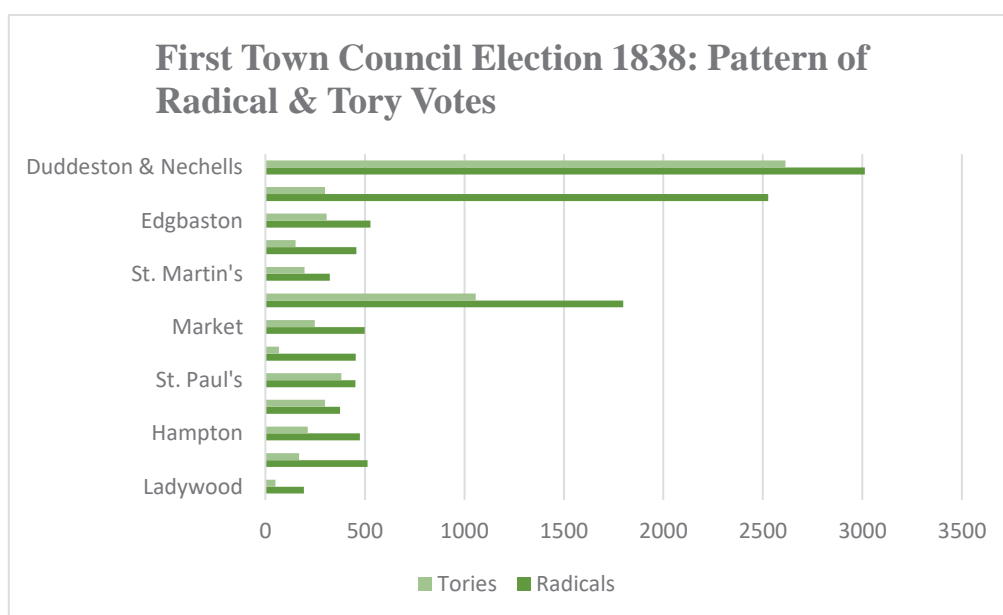


Figure 10. Results of Birmingham's first municipal election December 26<sup>th</sup>, 1838: pattern of Radical and Tory Votes<sup>498</sup>

<sup>496</sup> Philip Salmon, 'Plumping Contests: The Impact of By-elections on English Voting Behaviour, 1790-1868' in T. Otte and P. Readman (eds.), *By-elections in British Politics, 1832-1914* (Woodbridge, Surrey, 2013)

<sup>497</sup> Salmon, *Electoral Reform*, p.225, fn.105 highlighted permutations of voting patterns as a result of convoluted voting system in local elections

<sup>498</sup> Figures taken from *Birmingham Journal* December 29<sup>th</sup> 1838

## Conclusion

The move for a Charter of Incorporation in Birmingham developed within the context of a longer history of local protest which had both encapsulated and played some part in driving the spirit of Reform. It also marked a significant change of attitude to traditional forms of governance and more intense party rivalries. This chapter has revealed how those changes began to emerge in the aftermath of the 1832 Great Reform Act in Birmingham and beyond. Reform was no longer an expression of revolt but had taken on a legitimacy that would transform relationships between regional and central government. Ambitious men with self-vested business interests were keen to take a role in municipal government to protect their own interests, but those same men had also displayed a keen sense of moral reform; they still considered themselves to be Radicals and presented as rivals to Toryism, a concept which went beyond party and was rooted in ideas of ‘us’ and ‘them’, explored in the previous chapter. This period also marked a shift in the power of public opinion; the efforts of radical Reformers in the first two decades of the century had a strong impact on the British social landscape. Dissemination of shared ideologies through print and a mobilised Radical platform had strengthened demands for further reform and greater regional autonomy. Municipal incorporation was viewed as a natural progression for those demands among some. However, the move for incorporation in Birmingham also highlighted a growing marginalisation which left the majority in the community dependent on a minority to present their demands in parliament. The belief expressed by Attwood, that ‘the interests of masters and men were as one’ was not accepted by the whole community and support for the incorporation

campaign was significantly weakened by 1838, as evidenced by fierce anti-incorporation petitioning.

There was an ambivalence towards municipal incorporation, evident in the small attendances at public meetings. There were no great gatherings, no flags and no violence on the part of those either in favour or against the application for a Charter. The elections similarly passed without incident; no raucous crowds were reported outside Dee's Hotel. The lack of interest was in part due to the Lords-imposed limitations of the Municipal Corporations Act and an uncertainty of what incorporations might mean for the town. Unlike Manchester, Birmingham had a corporation in the Board of Guardians which gave locals a sense of involvement in fiscal affairs. This suggests a leaning towards tradition and continuity. The petition campaign was a close-run affair, but Birmingham attained its Charter of Incorporation, where Sheffield did not. The pro-incorporation campaigners benefitted from a Chartist presence in the town; although they had an early involvement with the Movement, it also offered a threat to the peace, and it is highly probable that some hoped a new administration with responsibility for policing would contain creeping unrest. However, it was the debates between Radicals and Tories that brought the issue of incorporation into the public domain.

The steady rise in popularity of a revitalised Tory opposition has tended to be overlooked, but it represented an important development in the changing face of local party rivalries. Nationally, the resurgence of Tory popularity in the immediate aftermath of the Tamworth Manifesto would strengthen considerably over the course of the next few years. This was reflected in Birmingham, where the Loyal and Constitutional Association played a significant role in challenging Radical dominance of the town and benefitted from declining support for the BPU. The authority of the Union was also stifled

by the increasing distance of Thomas Attwood, whose popularity in the town should not be underestimated. His initial failure to get behind incorporation with any significant enthusiasm was a factor in community ambivalence. Attwood's obsession with monetary reform led to his involvement with the Chartist Movement; the Unionists, aware of the importance of Attwood's support, were initially supportive of that involvement. The subsequent entanglement of Chartist ideology and the new Town Council evolved into a bitter dispute that would have far reaching effects on the development of the Corporation, and on the community as a whole.

#### 4.

### Forward: Birmingham Incorporated

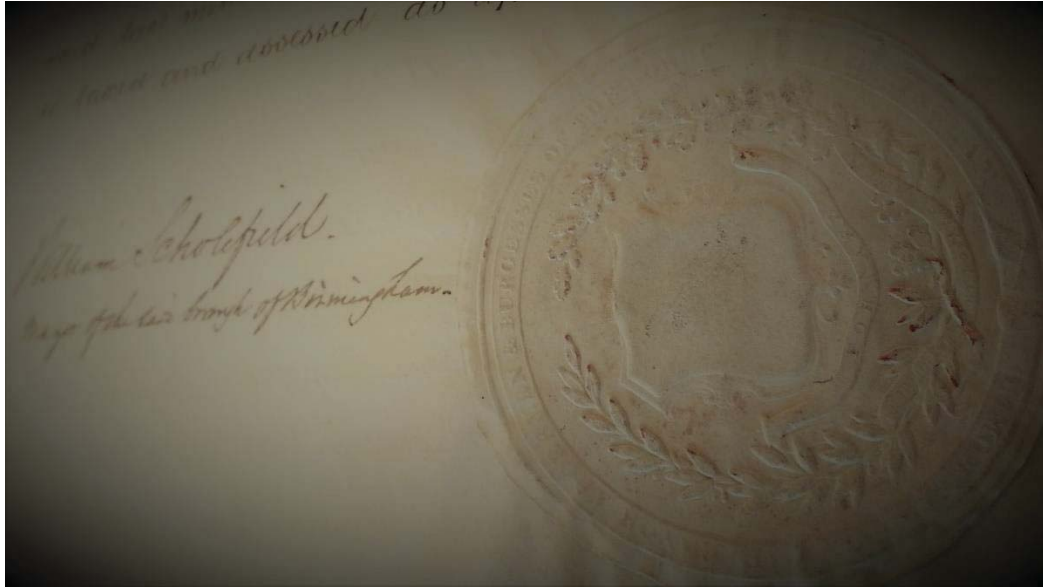


Figure 11, Signature of William Scholefield 'Mayor of the Borough of Birmingham', alongside wax impression of Corporation Common Seal, 1839.<sup>499</sup> Image ©Donna Taylor

*We now appear before you in a proud situation to congratulate you upon the great triumph of principle over the combined efforts of wealth, station and influence...over all these enemies you, like working men, have most gloriously been victorious.*

[Address of thanks from councillors of Duddeston-cum-Nechells to the burgesses of the ward, published in the *Birmingham Journal*, December 29<sup>th</sup>, 1839]

*The middle classes panted for an opportunity of deserting you.*

[‘Address to the Working Men and Women of Birmingham’, *Northern Star and Leeds General Advertiser*, March 30<sup>th</sup>, 1839]

The year 1839 marked one of the most inauspicious periods in nineteenth-century Birmingham. Early optimism of a municipal revolution and the legitimisation of Political Unions was soon quelled as it became clear that, across the local social and political

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<sup>499</sup> BAHF BCC 1/AA/1/1/1, June 24<sup>th</sup> 1839

spectrum, the Town Council was not well received. Government divisiveness, a petulant young queen on the throne and another looming recession impacted the national mood; newspaper reports across the first half of the year reveal that even the weather was stormy. It was a difficult time for introducing a new system. As weeks progressed individual Councillors made decisions that further alienated broad sections of the community, contributing to violent unrest. Bunce, in writing the first history of the Corporation, claimed that ‘the town was literally split in two...even business relations were not conducted without strain.’<sup>500</sup> By mid-July, Birmingham was barricaded, troops patrolled the streets daily and a body of Metropolitan Police officers had been dispatched from London to maintain order. This was a disastrous beginning for the Town Council. Fears of insurrection were real and have been recorded in subsequent literature; however, they have tended to focus on a Chartist context, with too little attention afforded to the crisis created by incorporation. This chapter will explore the changing and often difficult relationships that took place in Birmingham during a short period of significant administrative change. It is suggested here that numerous lines of tension fed into an upheaval, of which the Chartist crisis formed only one part.

Fraser recognised that ‘at the outset, the creation of a legalised political union was of great significance’, and that the intensity of opposition to incorporation underscored that.<sup>501</sup> However, the imposition of Radical ideology was less successful once the councillors took office. Attwood’s vision of the Council as a ‘great political engine that would enable them to work the most important political purposes for their country’ was never realised.<sup>502</sup> As Behagg suggested, Birmingham’s early municipal corporation

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<sup>500</sup> Bunce, *History of the Corporation*, p.247

<sup>501</sup> Fraser, *Urban Politics*, p.143

<sup>502</sup> *Birmingham Journal*, November 4<sup>th</sup> 1837

represented ‘the middle-class radical dream writ small.’<sup>503</sup> Having traced emerging tensions across previous chapters, it is evident that this was primarily the result of poor timing; by 1838 the BPU was in terminal decline and the L&CA was beginning to mobilise. The failure of the Radicals to create a political powerhouse within the local administrative system was exacerbated by other issues that will be explored further here. They included a changing demographic and strained relationships with outlying districts that had been brought into the borough in 1832. Important here too were the councillors themselves. Many of Birmingham’s first municipal men had been drawn from the BPU and many had strong links to a radical tradition that had been part of the town’s identity since the 1820s; recognised as an informal voice of the local community, they were now part of the establishment. It signified a difficult shift in community dynamics. The ructions that had evolved during selection of candidates did nothing to dissuade the Council from appointing supporters and friends of the BPU to important corporation posts, further alienating large sections of the community.<sup>504</sup> For some this appeared not so far removed from the system of ‘Old Corruption’, the system of privilege that Radicals had railed against. Age was also a factor. Mavericks in the battle for Reform during the 1810s and 1820s, they were now middle-aged men representing a youthful community that was beginning to throw its weight behind the Chartist Movement and were struggling to maintain popularity.

Putting aside the issues of political ideologies, it is important to evaluate the actual achievements of the Council, which were not insignificant. Above all they were able to retain and consolidate their power, and did so in the face of concerted opposition. It was

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<sup>503</sup> Behagg, *Politics and Production*, p.201

<sup>504</sup> Fraser, *Power and Authority*, pp.86-88

only in 1842, when Prime Minister Robert Peel quashed all legal challenges to their legitimacy, that the councils in Birmingham, Manchester and Bolton could be certain of their continued existence. They nevertheless continued to introduce new administrative procedures. In Birmingham, there was a focus on seeking autonomy from the county seat in Warwickshire and this was carried out with some success, particularly after 1842. The limitations of the Municipal Corporations Act, however, really came into evidence as the Council found itself with no direction for carrying out the most basic of actions, lending weight to claims against its legitimacy. It found itself unable to be taken seriously by the incumbent administrations as a result. Reading across the first four years of the Council's minutes reveals that many of its actions were limited to letter writing and relatively minor arrangements, such as the creation of a municipal motto. However, it is worth exploring the way that Radical ideals were expressed through those mediums as a means for understanding the hopes and objectives of Birmingham's first municipal men.

The move to incorporation marked a period of liminality for Birmingham as the Corporation attempted to impose a new order which utilised an ancient system that was alien to the town and which it had been proud to resist. The loose arrangement of improvement commissioners, poor law guardians, county magistrates, vestry officers and manorial leet was far from ideal. But for almost half a century it had worked in bringing the town to economic prominence, affording it an important place in Britain's burgeoning Empire. Nevertheless, the Corporation prevailed, and several capital programmes were eventually instituted, including a prison, mental asylum and public baths across the course of little more than a decade. During that time, the Council continued to push for an amalgamation of all the improvement bodies in the town, and that was also achieved. Beginning with an introduction to the first councillors, the chapter will trace the

establishment of Birmingham's Corporation from uncertain beginnings, through intense disruption to eventual acceptance as the town's primary administrative body.

#### 4.1 Municipal Men

The first meeting of Birmingham's Municipal Council took place in the Committee Room of the Town Hall on December 27<sup>th</sup>, 1838. The men who gathered there represented the town's business and professional classes. Of the forty-eight councillors taking office in 1838, ten resided in the affluent suburb of Edgbaston and a further two lived in outlying districts.<sup>505</sup> The chart below offers a simple breakdown of the occupational spread of the 1838 councillors.

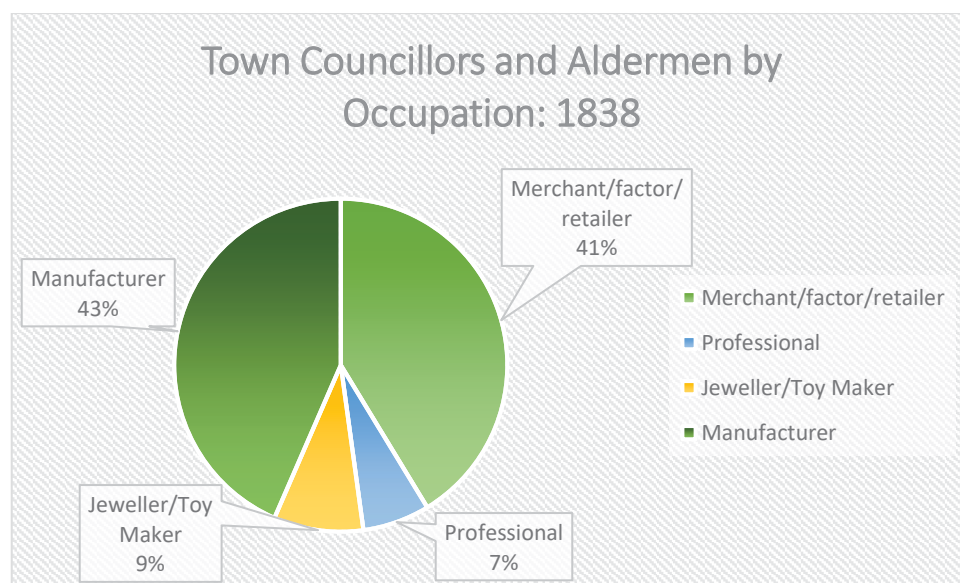


Figure 12, Town Councillors elected in 1838 by occupational spread

The chart reveals a much larger category of merchants than was represented among the Street Commissioners earlier in the decade.<sup>506</sup> This goes some way to explaining how they came to dominate the Corporation in the face of antagonism, as they would have appealed to the core electorate of established shopkeepers and other small

<sup>505</sup> P.H. Muntz gave his address as Handsworth and John Meredith gave his as Halesowen

<sup>506</sup> Chapter 1, Fig. 2 showed merchant category for Street Commissioners as 25%

business owners, that is the lesser middle class discussed in chapter two. However, they were less accessible to the larger non-electorate, with whom relationships became increasingly acrimonious. Amongst them was Philip Henry Muntz, born in Birmingham of Polish ancestry. His grandfather had held an 'aristocratic position' in France and had come to England to escape the Revolution.<sup>507</sup> The Muntz family settled in Birmingham in the late eighteenth century, investing in a local business on the advice of Matthew Boulton.<sup>508</sup> John Betts, councillor for Ladywood ward, similarly inherited a thriving business first established by his grandfather in the mid-eighteenth century.<sup>509</sup> Representing the affluent Edgbaston ward and the first Corporation's only Catholic, John Hardman was the son of a wealthy button entrepreneur. He played a key role in promoting and funding the building of the first Catholic Church in Britain since the Reformation, hiring his acquaintance Augustus Pugin as architect for the project.<sup>510</sup> Samuel Beale (St. Mary's Ward) was another Edgbaston resident who inherited wealth from the family business. He shrewdly invested his money in the railways and was also a founder of the Birmingham and Midland Bank, where fellow councillor, Charles Geach was manager. Geach had worked at the Bank of England, rising from position of clerk but had been

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<sup>507</sup> Timmins, Samuel. "Muntz, George Frederick (1794–1857)." Rev. Matthew Lee. In *Oxford Dictionary of National Biography*, edited by H. C. G. Matthew and Brian Harrison. Oxford: OUP, 2004. Online ed., edited by David Cannadine, May 2009. <http://www.oxforddnb.com/view/article/19551> (accessed April 16, 2017)

<sup>508</sup> Ibid.

<sup>509</sup> 'Betts 250<sup>th</sup> Anniversary, 1760-2010', <https://www.bettsmetalsales.com/gallery/Downloads/BETTS%20250th%20ANNIVERSARY%20BOOKLET.pdf> (accessed April 16<sup>th</sup>, 2017)

<sup>510</sup> Eatwell, Ann and Ruth Gosling. "Hardman family (*per.* c.1820–1935)." Ann Eatwell in *Oxford Dictionary of National Biography*, edited by H. C. G. Matthew and Brian Harrison. Oxford: OUP, 2004. Online ed., edited by David Cannadine, January 2008. <http://www.oxforddnb.com/view/article/67862> (accessed April 16, 2017)

frustrated in his attempts to attain senior positions until Beale brought him to the Midlands Bank.<sup>511</sup>

The first meeting of the Town Council took place at the Town Hall on December 27<sup>th</sup>, 1838. This was a preliminary meeting to decide on the organisation of the Corporation, to swear oaths and for the appointment of officers.<sup>512</sup> The procedures were not straightforward because no clear instructions were available. William Scholefield, as returning officer, took the lead and expressed fears that their actions might prejudice claims to legitimacy; for this reason, he had decided to follow the Manchester example, and had secured the presence of two county magistrates to witness the signing of declarations. The Council had a varied religious composition, including several Nonconformists, a Catholic and a Jew. Since the repeal of Test and Corporation Acts in 1828, incoming local government officers had only to swear not to 'weaken, injure or disturb' the Church, rather than pledge allegiance to it.<sup>513</sup> However, there was still some resistance at this meeting, as the Quaker Sturge brothers both refused to sign the declaration as it stood.<sup>514</sup> William Pare, another Nonconformist who had played an instrumental role in challenging the Church Rate earlier in the decade, played down the significance of the wording, arguing that 'as a town councillor he should not think himself at liberty to take any measures which might be detrimental to the Established Church; as an individual he should exercise his own judgement.'<sup>515</sup> This was an interesting

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<sup>511</sup> Rowley, Andrew. "Beale family (*per.* c.1836–1912)." Andrew Rowley in *Oxford Dictionary of National Biography*, edited by H. C. G. Matthew and Brian Harrison. Oxford: OUP, 2004. Online ed., edited by David Cannadine, September 2013. <http://www.oxforddnb.com/view/article/49729> (accessed April 16, 2017); Kinsey, Sara. "Geach, Charles (1808–1854)." Sara Kinsey in *Oxford Dictionary of National Biography*, online ed., edited by David Cannadine. Oxford: OUP, 2004. <http://www.oxforddnb.com/view/article/49133> (accessed April 16, 2017).

<sup>512</sup> *Birmingham Journal*, December 29<sup>th</sup> 1838

<sup>513</sup> 9 Geo. IV cap. 17, 'An Act for repealing so much of several Acts as imposes the necessity of receiving the Sacraments of the Lord's Supper as a qualification for certain Offices and Employments'

<sup>514</sup> *Aris's Birmingham Gazette*, December 31<sup>st</sup> 1838

<sup>515</sup> *Ibid.*

statement, suggesting that at least one councillor perceived a distinction in his new civic position and his personal political views and it may have swayed others, as no further refusals were recorded at that meeting.<sup>516</sup>

Civic officials were appointed internally by the elected body, behind closed doors; a far cry from the election of Charles Wolseley by mass show of hands at Newhall Hill two decades earlier. The choice of William Scholefield as Birmingham's first Mayor was of no surprise; in his speech of acceptance, he revealed that 'he would be at risk of great hypocrisy were he to say he was not prepared to be proposed.'<sup>517</sup> As a member of the High Church and son of a now established MP, Scholefield's appointment was a safe option for developing early relationships with central government. There was some competition for the role of Town Clerk, between William Redfern and Solomon Bray, both local solicitors who had supported the campaign for incorporation. Redfern took the vote and held his office for a little over twelve months with Bray taking up the post on his resignation. A few weeks earlier, Redfern had revealed his Radical colours in a passionate speech welcoming the granting of the Charter and the prospect of a Town Council 'consisting of men whom the people delighted to honour, and whom they ought to honour' because they 'had held fast by popular principles, and had cloven with consistency to the good old cause.'<sup>518</sup> This was not an endearing attitude, and it put the Council at risk of being compared unfavourably with the closed system of 'Old Corruption'.

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<sup>516</sup> Following the second round of elections in January 1839, David Barnett, a Jewish merchant and Constantine Moorsom, a retired naval officer, both refused to sign the declaration on grounds of religious reasons and conscience respectively. Each agreed to sign oaths with references to the Established Church removed: BAHP, BCC 1/AA/1/1/1, January 8<sup>th</sup> 1839

<sup>517</sup> *Aris's Birmingham Gazette*, December 31<sup>st</sup> 1838

<sup>518</sup> Bunce, J.T., *History of the Corporation*, Vol. 1, p. 145

Abolition of the aldermanic role had been a prime objective for Parkes, but interference from the Lords had ensured that role was still mandatory, albeit in a revised form. The Birmingham Radicals who had been vocal in calling for abolition of the Lords, now had the responsibility to appoint the town's first aldermen. Here again, reward for supporters of 'the good old cause' was audaciously displayed, although not without opposition. Thomas Weston, a BPU veteran who would become Birmingham's fifth mayor, was the first to speak out. He emphasised the importance of choosing aldermen who had been elected as councillors. This was not a requirement under the municipal legislation, the councillors were at liberty to choose anyone whom they deemed a 'fit and proper person'.

It seems likely that there was already some notion among the body of favoured candidates, as Weston charged that they would be 'violating the most sacred principle if they did not elect the aldermen from the body of the Council.'<sup>519</sup> Appointing aldermen from a network of non-elected friends and supporters was, in Weston's view, a flagrant breach of all that they battled against. In an impassioned speech, he argued that:

They had long been complaining on self-elected bodies, and unless the Aldermen were chosen from those who had been approved of by the burgesses, they would subject themselves to the disgrace of having practiced themselves that which was so much condemned in others. It would also be much more gratifying to an Alderman to rise to that distinction upon the ladder of popular election than by self-election. He trusted they would not bring discredit upon their proceedings by departing from the principle that had brought them together.<sup>520</sup>

Not all those present at the meeting agreed. Philip Muntz and John Pierce, both members of the Chartist Convention, contended that there were 'many excellent men' who may not

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<sup>519</sup> *Aris's Birmingham Gazette*, December 31<sup>st</sup> 1838

<sup>520</sup> *Ibid.*

have been voted into office, but were nevertheless, Muntz claimed, favoured by the community. Pare disagreed, saying that such support had only been expressed by the election committee, ‘and could not be considered as an opinion of the burgesses.’<sup>521</sup> These disagreements, though relatively minor, demonstrate that the councillors, although declared as being ‘wholly radical’, had conflicting views on fundamental issues.



Figure 13, Samuel Raven, *William Scholefield*, oil on panel, date unknown ©Birmingham Museums Trust

Of the sixteen aldermen appointed at that meeting, two were not elected councillors. These were John Towers Lawrence, a wealthy merchant who had supported incorporation, and glass manufacturer William Gammon. Two other councillors were appointed aldermen for wards in which they had not stood as candidate. Clement Scholefield, originally elected to Edgbaston ward, was appointed alderman for St. George's. Thomas Clutton Salt was councillor in that ward; a long-serving member of the

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<sup>521</sup> Ibid.; Pare had been elected in St. Thomas's ward, where candidate William Middlemore had declared himself for both parties in protest at the way in which the election had been organised.

BPU he appears the more obvious candidate. However, he was also an outspoken opponent of the Anti-Corn Law League in the early months of incorporation and this may have been a factor in his non-appointment. The other anomaly was John Betts, elected to Ladywood ward he was appointed alderman for Duddeston and Nechells. This quickly caused some controversy, as it meant that neither alderman for that ward had been taken from elected councillors. Under MCA legislation, none of the aldermen could hold office for life, one-sixth of the body had to be replaced every three years. However, appointments were always the privilege of Council, not the electorate.<sup>522</sup> If the electoral franchise appeared exclusive in terms of those privileged to choose their administrative representatives, the internal decision-making process was even more so. The choice of mayor and aldermen had become a private affair, not dissimilar to machinations of the Street Commissioners.

### **Birmingham's first aldermen<sup>523</sup>**

All Saints	P. H. Muntz
Market Hall	Thomas Bolton
St. Peter's	William Scholefield
	Samuel Hutton
St. Thomas's	Joseph Sturge
Lady Wood	Benjamin Hadley
St. George's	C.C. Scholefield

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<sup>522</sup> Councils are still able to offer the title of Alderman, but it is an honorary name only with no formal role attached. Aldermanic Office was abolished under an Act passed in 1974.

<sup>523</sup> BAHP, BCC 1/AA/1/1/1, December 27<sup>th</sup> 1838

Deritend and Bordesley	W. Jenkins
	W. Ingall
St. Martin's	J.T. Lawrence
Hampton	John Meredith
Duddeston and Nechells	John Betts
	William Gammon
St. Paul's	W. Harrold
Edgbaston	Henry van Wart
St. Mary's	Samuel Beale

In seeking a Charter of Incorporation, the Birmingham campaigners were keen to escape county control over the town's affairs. This stemmed, in part, from a perception of a county bench dominated by the 'squireocracy'. The first step towards this came in January when the Council decided upon twenty-one 'fit and proper persons' as magistrates for the borough. The body included six men who were already acting magistrates for Warwickshire and there did not appear to be any political favouritism shown in the remainder of the body. Nevertheless, there was a good deal of local opposition; the L&CA petitioned the Home Office demanding that, as the Town Council had been 'chosen exclusively from one political party, the magistracy ought to be largely composed of the other party.'<sup>524</sup> The outcry had some impact, and the Home Secretary made several amendments. Most significant was the removal of William Scholefield, who

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<sup>524</sup> Bunce, *History of the Corporation*, p.171

was replaced by his father's political rival, Tory Richard Spooner. Two other members of the L&CA were also included in Russell's list: Charles Alston and Doctor John Booth. Four further names were added making the total number of magistrates for Birmingham up to twenty-five;<sup>525</sup> this fell short of the thirty-eight appointed for Manchester.<sup>526</sup> Following the violent unrest during the summer months of 1839, the magistrates had been deemed derelict in their duties and Russell was asked to explain his choices. Unsurprisingly he remained defensive of the appointments, claiming only to have had doubts about Phillip Muntz. Stating the he had been aware of Muntz's 'past political violence', he claimed that 'it would be more likely to produce peace and good order in Birmingham to place Mr Muntz in the Commission of the Peace than to omit his name.'<sup>527</sup> This suggests an appeasement in Russell's choices, a revelation that goes some way to understanding government support for municipalisation of restless urban boroughs.

## 4.2 Forward

The early years of Birmingham Town Council were fraught and there was no assurance of permanence. With limited resources and little public support, they successfully embarked on a programme of ambitious civic improvements; these included the building of a large prison, an asylum and the first of several public baths. The first two of these programmes represented an important step towards independence from the county. They also displayed a keen bureaucratic approach to their organisation, quickly establishing committees to consider the smallest details of municipal authority. The minutes of the Town Council during the first decade of its existence shows further ambition in that direction and throughout the 1840s plans were mooted for the

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<sup>525</sup> Appendix

<sup>526</sup> Ibid.

<sup>527</sup> Ibid. p.172

introduction of municipal schools, libraries, parks and homes, all of which would to fruition across the course of the century. Current literature has placed much emphasis on the impact of Joseph Chamberlain, but his achievements owed much to the actions of his early predecessors.

The first suggestion of the councillors' ambitions was expressed in the choice of the borough motto, 'Forward'. The motto was selected as part of a process to design the Corporate Common Seal. It was an action taken early in the Council's formation and was subjected to a good deal of deliberation which reveals a pride in the attainment of incorporation for the town that surpassed other prevailing squabbles. Within a week of the first elections, a committee of five councillors was appointed to 'procure a device for a corporate seal'.<sup>528</sup> Two weeks later, the committee presented the councillors with five potential devices, advising their own favoured design, 'device number two, with the motto "Unity, Liberty, Prosperity."'<sup>529</sup> This wording appears particularly in-keeping with traditional Radical rhetoric. The dismissal of this option, however, suggests a desire to move away from emotive platform language. It is unclear from the minutes how a final decision was reached, although *Showell's Dictionary of Birmingham*, published later in the century, claimed that it was Robert Crump Mason, a house agent representing St. Mary's Ward, who suggested the motto 'Forward'. The same article also claimed that a Latin verse, *Vox populi Vox Dei* ('the voice of the people is the voice of God') was also rejected.<sup>530</sup> The accuracy of those claims cannot be verified, but the adoption of a rational, non-religious, non-political motto does appear to reflect a desire to be

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<sup>528</sup> BAHP, BCC 1/AA/1/1/1, January 1<sup>st</sup> 1839; the committee members were: William Pare, T. C. Salt, Edward Lucas, Thomas Clark and Thomas Phillips

<sup>529</sup> Ibid. January 15<sup>th</sup> 1839

<sup>530</sup> *Showell's Dictionary of Birmingham* (Birmingham, 1885), p.78

representative of the town's diverse community. The corporate seal was presented, stamped onto a page of the minute book (figs.15 and 16, below), and described as:

The Birmingham Arms, encircled with wreaths of laurels with the words on a ribbon underneath, "Incorporated by Royal Charter, 1838", the whole enclosed in a garter inscribed "Common Seal of the Mayor, Aldermen and Burgesses of the Borough of Birmingham".<sup>531</sup>

Along with the addition of the single word, 'Forward', the design was accepted at a meeting in late February. It encapsulated much of the ambition of the municipal men; a sense of victory in the laurel leaves and a clear demonstration that the Council believed itself to be the legitimate representative of the people of Birmingham. The use of the manorial arms intimated a pride in the town's heritage, whilst the motto left no doubt of an ambition for civic progress. There was also an accessibility in the language of the device, one which the whole community could associate with.



Figure 14, Birmingham Corporation Common Corporate Seal, relief in wax, 1839<sup>532</sup>, image ©Donna Taylor

<sup>531</sup> BAHP, BCC 1/AA/1/1/1, February 27<sup>th</sup> 1839

<sup>532</sup> BAHP BCC 1/AA/1/1/1 June 24<sup>th</sup> 1839



Figure 15, Birmingham Corporation Common Corporate Seal, relief in wax, 1839. Detail showing motto 'Forward'<sup>533</sup> Image ©Donna Taylor

In addition to the appointment of magistrates, the Council made immediate application for royal assent in the establishment of a Quarter Sessions. This was further evidence of a desire to separate from the county, where all of Birmingham's criminal court cases had been previously held. The Council argued that the primary victims of crime in Birmingham were tradesmen, and that the pursuit of justice often caused them further hardships resulting from the cost and loss of work hours when travelling to Warwick. Consequently, many victims of crime had been reluctant to follow a case through. 'The thief reckons to this, and expects every chance of success will turn up in his favour and thus the example of one unpunished offender often corrupts the whole circle of his acquaintances', was the argument presented at the core of the application.<sup>534</sup> Independence from the County may have been a long-held ambition, but in presenting this application the Council was also displaying a responsibility towards that portion of town most likely to hold a vote in the municipal elections. Permission to have a borough

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<sup>533</sup> Ibid.

<sup>534</sup> Ibid., February 27<sup>th</sup> 1839

criminal court was granted without objection in April 1839. Manchester was granted its Quarter Sessions in the same month, and Bolton soon after, suggesting that this was an expected consequence of incorporation.

The appointments associated with this branch of municipal affairs differed to those of the Council body, displaying a rationality and desire for professionalism rather than favouritism. Matthew Davenport Hill was invited to fill the role of Recorder, which he accepted. A native of Birmingham, his brothers included Rowland,<sup>535</sup> who devised Britain's penny post, and penal reformer Frederic.<sup>536</sup> It was an ambitious appointment, as Hill was a well-connected and highly respected figure; Roberts described him as a 'powerful Benthamite bureaucrat.'<sup>537</sup> Over the course of subsequent years, Town Council minutes reveal an impatience on the part of Matthew Hill, and several demands for unpaid wages and further court appointments, suggest that early aspirations were not matched by the fiscal ability to maintain them.

A further important nomination to the borough court was that of coroner. This was less straightforward and subsequently led to some bitter recriminations against the Council. Birmingham already had a visiting coroner, employed by the county bench in Warwick. He was John Welchman Whateley, a local man who had held the position for twenty years and appeared to many, including councillors, as the best contender for the role. Whateley was a prominent Tory who held the position of Secretary to the Loyal and Constitutional Association. Council minutes' show that three men had applied for the role, Whateley,

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<sup>535</sup> Perry, C. R. "Hill, Sir Rowland (1795–1879)." C. R. Perry In *Oxford Dictionary of National Biography*, edited by H. C. G. Matthew and Brian Harrison. Oxford: OUP, 2004. Online ed., edited by David Cannadine, October 2009. <http://www.oxforddnb.com/view/article/13299> (accessed April 24, 2017).

<sup>536</sup> Bartrip, P. W. J. "Hill, Frederic (1803–1896)." P. W. J. Bartrip in *Oxford Dictionary of National Biography*, edited by H. C. G. Matthew and Brian Harrison. Oxford: OUP, 2004. Online ed., edited by David Cannadine, September 2013. <http://www.oxforddnb.com/view/article/54053> (accessed April 24, 2017).

<sup>537</sup> Roberts, F. David, *Social Conscience*, p.435, Roberts also argued that Matthew Hill held his own Utilitarian-style values, developed outside and prior to any influence by Bentham

Frederick Ryland and John Birt Davies. The latter two were doctors, whilst Whateley was a solicitor.<sup>538</sup> The nominations took place at a meeting of 1839, where each councillor was invited to write the name of their favoured candidate on a slip of paper, with the mayor holding final veto. The poll was decisive, and John Birt Davies took forty of the fifty-three votes. William Pare apparently favoured Whateley, but waived over his politics, stating on the public record that if ‘an equally fit man...who was a reformer could be found, then he should have his support’.<sup>539</sup> Samuel Beale was in favour of Whateley’s professional status as a barrister, arguing that it was well known that the technical evidence by the surgeon was generally unintelligible by the jury.’<sup>540</sup> Equally pragmatic was the vote from Phillip Muntz, who prudently surmised that ‘turning Mr Whateley out of office’ could result in a claim for compensation, and this was indeed the outcome. As Dr John Birt Davies took up the post of coroner, Whateley’s claim for compensation went all the way to Parliament, and Birmingham Council were required to pay him a considerable pension for the remainder of his life.<sup>541</sup> The appointment of a man of science to a civic role generated some excitement in professional circles, and a headline in *The Lancet* ran ‘Election of a Medical Coroner at Birmingham by a Tenfold Majority!’<sup>542</sup> Whateley’s politics may well have been against him, but the forward looking councillors could, equally, have been keen to signal their independence from Warwick through the employment of a new coroner, rather than appearing to take on the old county representative.

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<sup>538</sup> BAHF, BCC/1/AA/1/1/1

<sup>539</sup> Ibid.

<sup>540</sup> Ibid.

<sup>541</sup> *Aris’s Birmingham Gazette*, November 13<sup>th</sup> 1843, reported that Whateley was awarded an annual sum £117,,11,,10 for the remainder of his life and to be backdated to May 1839

<sup>542</sup> *The Lancet*, May 25<sup>th</sup> 1839, pp.346-7



Figure 16, *John Birt Davies*, c.1839, oil on canvas (artist unknown) ©The University of Birmingham Research and Cultural Collections

It is clear from these actions that members of Birmingham's first Corporation were keen to move the town forward. However, there is some evidence to suggest that at least some had hung on to past political glories, expressing themselves as 'true Radicals', regardless of growing open hostility. This was made apparent at a celebratory supper held in the Town Hall on February 21<sup>st</sup>, 1839. Announcement of the event was posted in the *Journal*; with tickets priced at an expensive half a guinea it was not intended as a celebration for the working men and women of the town but appears to have been well attended.<sup>543</sup> The *Journal* published a detailed account of the event, including the way the

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<sup>543</sup> *Birmingham Journal*, February 2<sup>nd</sup> 1839

Town Hall was decorated for the occasion. It was revealing of an assuredness of Radical credentials among at least some of the municipal men:

Immediately above the Mayor's chair, in the way of a canopy, a large and very handsome crown, fashioned with laurel and having a Union Jack waving over it. Over the vice-president's chair, there was a splendid silk banner with the Birmingham Arms painted on it, and resting on the rail of the great gallery was the well-known symbol, the bundle of sticks surrounded by a cap of liberty, to indicate that freedom can only be upheld by union; and accompanied by a pair of scales, as emblematic of equal justice to all, the great purpose why liberty ought to be vindicated and maintained.<sup>544</sup>

The hall was also adorned with flowers, carefully painted transparencies, garlands and 'no less than fifteen hundred rosettes.'<sup>545</sup> However, the most significant element was the bold statement made by that cap of liberty. James Epstein has written on the deep symbolism attached to the *bonnet rouge* in early nineteenth-century British Radicalism.<sup>546</sup> He stated that 'the ability to display...or prevent its display became the measure of the shifting balance of power between the forces of working-class radicalism and those of authority.'<sup>547</sup> It had been less than half a century since the town had witnessed some of the most violent rioting in its history, in response to Priestley's party to celebrate the anniversary of the storming of the Bastille. Yet here was a parliamentary approved body, elected by ratepayers, displaying the old symbol of dissent. What was the intention behind that display? Were some municipal men attempting a conciliation between Radicalism and their new authoritarian role? Attwood's dream of 'legitimate Political Unions in every borough' looked like it had become reality. Yet the mass of the

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<sup>544</sup> Ibid., February 23<sup>rd</sup> 1839

<sup>545</sup> Ibid.

<sup>546</sup> Epstein, *Radical Expression* (New York and Oxford, 1994), p.73

<sup>547</sup> Ibid.

community on whom they had depended to present a consensus as they petitioned for the Charter were absent. The working men and women of the town, who the Union had claimed to represent for a decade, had been priced out of the celebration. Attwood was spending more time in London and the middle-class leadership of the BPU increasingly appeared out of the touch with the working-class community; the exclusive nature of the celebratory supper was a clear example of this change, but also of the failure among Birmingham's new administration to recognise that such a transformation was underway. Such attitudes were well advertised in the local press and did little to win hearts and minds.

#### 4.4 Escalating Tensions

Within six months of the Council taking up office, Birmingham had become a powder keg of community tensions. The violence that erupted across the summer months has, historically, been presented as a Chartist disturbance. However, the situation was far more complex, rooted as it was in local dynamics. Central to that was a volatile relationship between the older radicals and the Chartist leadership. The former now made respectable in their occupation of public office, the latter, not native to Birmingham, but who appeared exciting and appealing to an increasingly youthful community. In July 1839, riots broke out across a period of two weeks, exacerbated by the presence of a body of Metropolitan Police, installed in Birmingham at the request of the exasperated Mayor Scholefield. The so-called Bull Ring riots feature in all major literature on early Chartism, though the connection to Birmingham's recent incorporation has tended to be overlooked.<sup>548</sup> In the context of this research, escalating tensions surrounding the Chartist

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<sup>548</sup> Candidate researched the riots for an MRes thesis, 'To the Bull Ring! Politics, Protest and Policing in Birmingham during the Early Chartist Period' (University of Birmingham, September 2013)

crisis present a useful insight into the way in which the Corporation was received. They also reveal the transformative impact that reform legislation could take within a regional community at a time of great national social upheaval.

The relationship between the campaign for incorporation and the foundation of the Chartist Movement has been established. It was a tentative arrangement, one primarily promoted by Attwood and not fully supported by all of Birmingham's Radicals. Nevertheless, by the time the Town Councillors took office Chartism had taken an uncomfortable hold in the town. In one of the Council's earliest meetings, the Mayor's father, MP Joshua Scholefield, made an appearance in which he encouraged the councillors to support a petition against the Corn Laws.<sup>549</sup> Scholefield senior had not been an active supporter of the incorporation campaign; in a private letter to the Manchester Radical, Charles Poulett Thomson, he had expressed frustration with demands for a Charter and claimed to have been 'pestered' by his 'political friends' to support it. 'Glad shall I be', Scholefield wrote 'to hear of its being refused.'<sup>550</sup> At the Council meeting of January 8<sup>th</sup>, he implored the large number of councillors present to call a whole town meeting to discuss 'the propriety' of petitioning the Crown to abolish the Corn Laws. The calling of such a meeting was part of Birmingham's tradition of requisitioning, but it was also an attempt to turn the community away from the Chartist influence that was beginning to grip the town. However, no such meeting was called and instead the Council proceeded to express its support for the ACLL behind closed doors.

At a meeting held on January 15<sup>th</sup>, the issue of a petition from the councillors as official representatives of the town was decided upon. This was not without controversy;

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<sup>549</sup> BAHP BCC A/1/1/1/1, January 8<sup>th</sup> 1839; Anti-Corn League will be referred to as ACLL from herein

<sup>550</sup> BAHP MS 3087 'Manuscripts', 'Private letter from Joshua Scholefield to C. Poulett Thomson re: Charter, 1838'

interestingly the heated debate was not recorded in the official minute books, though it did appear in the press. Alderman Harrold objected to the Council making political decisions; he suggested it was best to follow the politically neutral example of the Street Commissioners and Guardians, but was supportive of calling a whole town's meeting.<sup>551</sup> His opinion was overruled by a more general consensus that the Corporation had a moral obligation to oppose legislation that was causing harm to the economic prosperity of the town.<sup>552</sup> Two weeks later the Council met to pen a formal petition of opposition, this was recorded in the minutes. Objection this time came from Thomas Clutton Salt, a lamp maker, member of the Chartist Convention, and founder of the Birmingham Female Political Union. Salt objected to the petition being forwarded to the House of Lords, arguing that in so doing the Council would be sanctioning a notion that 'any large or liberal measure of justice' could 'possibly emanate from a body chosen of privileged classes.'<sup>553</sup> Salt was supported in his objection by eleven other members of the Council and by a letter from a recently established group known as the Duddeston-cum-Nechells Radical Reform Society.<sup>554</sup> This small group had set itself up in direct opposition to the council, with the objective of protecting the interests of the sub-districts of Birmingham where they lived and worked. It would prove a troublesome opponent and will be discussed in greater detail presently. But it is important to acknowledge here that this early objection was voiced and published in the *Birmingham Journal*. 'This meeting has learned with great astonishment', the letter begins, 'that the Birmingham Town Council

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<sup>551</sup> *Aris's Gazette*, January 21<sup>st</sup> 1839

<sup>552</sup> *Ibid.*

<sup>553</sup> BAHP, BCC/1/AA/1/1/1, January 25<sup>th</sup> 1839

<sup>554</sup> Hereafter, DNRRS

is convened for Friday next to petition Parliament for a repeal of the Corn Laws.’<sup>555</sup> The Society iterated what Gill later surmised:

This meeting is of the opinion that it would ill become the municipal representatives of this great and enlightened borough, to sanction the interested movements of the Whig corn law intrigues; and that the high reputation of our important town, demands that the first political act of its corporate body, should be in aid of the legal and peaceful movement which is now being made by suffering millions to acquire their indefensible rights of suffrage.<sup>556</sup>

The letter from the DNRRS decried the Council’s presumption that it represented the people, when the people had not been consulted. The barb had some impact as a notification appeared in the *Journal* the following morning announcing that a public meeting to discuss the petitioning of Parliament for Corn Law Repeal would take place at the Town Hall on January 28<sup>th</sup>. That proved an ill-tempered meeting, which offered an early indication of the Council’s unpopularity within the local community. On their arrival at the Hall, many of the Councillors were met with ‘the most discordant yells and marks of the greatest disapprobation.’<sup>557</sup> The exception was Salt, who was reportedly greeted with cheers. A body of women from the Female Political Union were present to lend him support, and were also collecting money to support the Chartists.<sup>558</sup> The lamp maker reminded all who were present that ‘cheap food was not the only thing the people wanted, they must also be supplied with money’.<sup>559</sup> Salt demonstrated how far out of touch the old Birmingham Political Unionists now sitting on the Corporation had become with the community. A show of hands overwhelmingly voted for the inclusion of an amendment condemning the privileged state of Parliament and demanding further

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<sup>555</sup> *Birmingham Journal*, January 26th 1839

<sup>556</sup> *Ibid.*

<sup>557</sup> *Aris’s Birmingham Gazette*, February 4<sup>th</sup> 1839

<sup>558</sup> *Ibid.*

<sup>559</sup> *Aris’s Birmingham Gazette*, February 4<sup>th</sup> 1839

franchise extension. The Council would not acquiesce to the amendment, instead presenting the petition for public signatures rather than submitting it on their own authority. The number of signatures gathered is not known, and excitement around the petition quickly dissipated; it marked a humiliating climb down for the Council in its first significant fray into municipal politics.

The conduct of the councillors shows that there was no clear consensus on some fundamental issues. Early disputes, occurring just a few weeks after the first election, revealed a weakness in the new authority that left it open to criticism and challenges from parties' keen to see it fail. The Tories were obvious rivals; they conducted their assault on the Council's legitimacy through the body of the Church vestry. However, criticism came from two other significant directions: The Chartists and the DNRRS. Their hostility was, at least in part, a response to the Council's declaration of support for the ACLL at a time when Chartism was gaining a popular ascendancy.

#### 4.3 The Duddeston-cum-Nechells Radical Reform Society

The Duddeston-cum-Nechells Radical Reform Society was the first organisation to come out in formal opposition to Corporation policy.<sup>560</sup> It was established on January 14<sup>th</sup>, 1839 during meeting held in the Black Horse public house, Prospect Row, specifically with the objective of challenging the Council in defence of the interests of the community in the sub-district.<sup>561</sup> Seventeen men were admitted as members at this first meeting, including one of the councillors for Duddeston and Nechells Ward, William Page. Other members included a grocer, a brass founder, a lawyer and a gun maker. This appears not to have been intended as labouring man's group as there was a subscription

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<sup>560</sup> Hereafter DNRRS

<sup>561</sup> BAHP MS 3055/1 'Minutes of the Duddeston-cum-Nechells Radical Reform Society, 1839-1846'

of one shilling per month and a majority of the members were industrialists and professionals.<sup>562</sup> The organisation of the Society appears to have fallen on Henry Hawkes and, when he was eventually elected to the Council in 1846, the minute book and the Society ended abruptly. Hawkes' lengthy obituary in 1891 reveals that in his youth he worked in the offices of Joseph Parkes; in later life he became Birmingham's thirteenth mayor, its second municipal coroner and, in 1875, stood as Conservative parliamentary candidate for South Birmingham, an election in which he was heavily defeated.<sup>563</sup>

The DNRRS minute book offers a useful insight into local antagonisms, revealing the difficulties that complex bureaucracy forced onto the community. A few historians have referenced the Society using the DNRRS record, but it has rarely been exploited to maximum effect. Fraser wrote of a 'separatist movement' in the sub-district of Duddeston and Nechells in mid-century yet fails to acknowledge that the earlier origins of this defiance lay in the organisation of the DNRRS.<sup>564</sup>



Figure 17, Minute Book of the DNRRS, image @Donna Taylor

<sup>562</sup> Ibid.

<sup>563</sup> *Birmingham Daily Post*, September 28<sup>th</sup> 1891

<sup>564</sup> Fraser, *Power and Authority in the Victorian City* (Oxford, 1979), pp.91-2; see also brief references in Behagg, *Politics and Production* (London and New York, 1990), pp.101-102

The Society played a major role in mobilising local opinion against corporation policy and were contemporarily recognised as an influential body; reports on their meetings featured in the local press, indicating that there was some interest in the proceedings of the Society.<sup>565</sup> Important here, however, is the impact that the Society had on local affairs in 1839. It has already been revealed that the group successfully lobbied the Council to hold a public meeting regarding their Corn Laws opposition, with a significant impact on the outcome of that issue. At one of the earliest gatherings in the Black Horse it was resolved that ‘this meeting utterly deprecates the attempt now being made by short-sighted men to distract...the attention of the people from the momentous constitutional struggle in which they are engaged’. The next resolution was presented as a warning to ‘municipal representatives of the borough’ to avoid any involvement with the ‘interested movements of the Whig-Corn-Law Intrigues’.<sup>566</sup> The Society, buoyed by this initial success, then attempted to get their own men appointed to the role of ward assessors. This was a shrewd move, as it would give them an opportunity of access to valuable information regarding the collation of rates and an important position in the election of councillors. On February 22<sup>nd</sup>, 1839, a sub-committee was organised ‘to manage the election of assessors’, with an agreement that placards would be posted in the ward to demonstrate support for the appointment of Richard Taylor, a maltster, and gun stocker Robert Brown, ‘when any public indication of other candidates appears’.<sup>567</sup> Both were duly appointed and plans were then quickly put into action to mobilise support for

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<sup>565</sup> The *Birmingham Journal* featured regular ‘letters to the editor’ from members of the Society, but also increasingly featured regular reports on the proceedings from late 1839. These reports give the impression that a journalist was present at the meeting, see for example *Birmingham Journal* December 14<sup>th</sup> 1839, ‘Report on Society Dinner’

<sup>566</sup> BAHP MS 3055/1, January 24<sup>th</sup> 1839

<sup>567</sup> Ibid, February 12<sup>th</sup> 1839.; BAHP BCCA/1/1/1/1 list of auditors and assessors presented to Town Council meeting, March 8<sup>th</sup> 1839

the upcoming elections for the Board of Guardians. Two members of the DNRRS were nominated: John Cornforth and William Page.<sup>568</sup> As well as the usual placards to advertise the candidates, three canvassers were engaged by the Society to ‘forward the election of Guardians’.<sup>569</sup> Both men were subsequently elected.<sup>570</sup>

The DNRRS can be seen to have had a good record for canvassing and was also able to get its preferred candidates onto the local Board of Surveyors and the Town Council. In July 1839, William Blaxland was elected as ward councillor in place of John Pierce, who had recently been announced bankrupt.<sup>571</sup> Three weeks prior to the snap election, the DNRRS had pledged its support for him, the minutes recording that:

Mr. William Blaxland of Bull Street, draper, is eminently qualified by his zealous, talented and uncompromising advocacy of radical principles to represent the Burgesses of this ward in the Town Council. And this meeting pledge themselves to support him in the forthcoming election and by every means in their power to carry him triumphantly thro’ the poll.<sup>572</sup>

Blaxland was something of a moderate, arguing that the radicals of Birmingham should present themselves as a ‘moral army’ and, in a speech to the Female Political Union, had dramatically held up a pen and contended that it would be ‘a thousand times more use’ in the pursuit of parliamentary reform, than an army of Chartists armed with iron pikes’.<sup>573</sup> He clearly held an appeal for the Society’s members, which may lend some suggestion as to their own feelings on the moral versus physical protest issue that was just beginning to divide Chartist supporters. The Society had funded Blaxland’s campaign

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<sup>568</sup> BAHF MS 3055/1, March 13<sup>th</sup> 1839

<sup>569</sup> Ibid., March 22<sup>nd</sup> 1839, this appears to have been an extra meeting to discuss plans for Guardian canvassing, both Page and Cornforth were also ward councillors

<sup>570</sup> Ibid. April 1<sup>st</sup> 1839

<sup>571</sup> BAHF BCCA1/1/1/1, July 9<sup>th</sup> 1839

<sup>572</sup> BAHF MS 3055/1, June 20<sup>th</sup> 1839

<sup>573</sup> *Birmingham Journal*, April 13<sup>th</sup> 1839

with the sum of three pounds, eleven shillings and sixpence. This was a not inconsiderable amount, given it was a numerically small group. Nine committee meetings had been held to organise the campaign and special thanks were given to three men for their ‘zealous assistance in canvassing for votes’.<sup>574</sup>

Over the course of the next half decade, much of the business of the DNRRS appeared focussed on attaining an influential position within the local administration. It should not be forgotten that this was primarily a political body; the name of the Society included two great traditions of local protest, ‘Radical’ and ‘Reform’, and there is a sense that they were attempting to present themselves as an alternative to the recently defunct BPU. Whilst declaring Chartist sympathies, the Society was not a body of working-class men, as the membership composition clearly demonstrated. They were also representative of the emerging urban middle classes, yet they remained true to the old tradition of Birmingham Radicalism, setting themselves in direct opposition to their peers in the Council. The reasons for that response are manifold. Firstly, regardless of geographical proximity, a tension between the outlying hamlets and the town remained for several years after the boundary changes.<sup>575</sup> The supporters of the DNRRS felt their interests were unrepresented by the Council and were keen to express autonomy, in much the same way that Birmingham was keen to gain independence from the county. Secondly, members of the Society fell outside Corporation machinations and the influence of those who supported the ACLL; as a result, they had maintained uncompromised Radical values of the old tradition. Finally, they were men of personal ambition who saw membership of the Society as a potential route to public office. Hawkes was a good

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<sup>574</sup> BAHF MS 3055/1, July 8<sup>th</sup> 1839; the men were named as ‘Mr. Hodgetts, Mr. Hanson, and Mr. Adams’. Their connection to the Society and William Blaxland is not known.

<sup>575</sup> The site of the Black Horse pub on Prospect Row was a fifteen-minute walk from the site of the Public Office on Moor Street.

example of this, as his achievements in the Corporation attest. In later life, he would present himself as an outspoken Conservative opponent of Joseph Chamberlain and was also subjected to some local ridicule. Jill Sullivan has revealed that Hawkes was parodied as a pantomime villain in a production of *Sinbad the Sailor* in 1882.<sup>576</sup> It is interesting that Hawkes went on to be remembered as an opponent of Chamberlain's caucus, for he himself had been responsible for instigating an earlier forerunner during his role in the DNRRS. As the influence of the Society grew during the early 1840s, there is evidence of increasing attempts at interfering with Corporation business. In 1841, when the Society deemed that Councillor William Wilcox was not using his office in a way which it expected of him, a resolution of disapprobation was passed, and a deputation appointed to pay Wilcox a personal visit. There was an emphasis that it was 'they' (the DNRRS) had 'insured his elections' but that he had not 'realized the expectations formed of him when he was chosen.'<sup>577</sup> In 1844, the Society appointed a committee of five men to visit the six ward councillors for the purpose of advising them to 'give their votes and use their interest' for the return of Councillor Haycock as alderman. Although Haycock was chosen, the ward councillors had all voted in accordance with the wishes of the Society.<sup>578</sup>

As the previous chapter showed, the Duddeston and Nechells ward returned a high volume of votes for the Tory candidate, which seems at odds with the subsequent success of a society proclaiming itself to be 'true Radicals', but this action may have been an attempt to disrupt the outcome of the elections. Across its existence, the group remained quite small, and the issues that it gained most local support pertained to rating. It seems highly likely, therefore, that local people saw the group as a body that could protect their

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<sup>576</sup> Jill Sullivan., 'Local and Political Hits: Allusion and Collusion in the Local Pantomime', in ed. Davis, Jim, *Victorian Pantomime, a Collection of Critical Essays* (Basingstoke, 2010), p.164

<sup>577</sup> BAHF MS 3055/1, February 3<sup>rd</sup> 1841

<sup>578</sup> Ibid., November 6<sup>th</sup> 1844

interests in the absence of a proactive administration. The DNRRS worked aggressively to get its chosen men into key roles, not only onto the Corporation, but throughout the complex system of Birmingham's administration. There was a cost in doing this, and expenses are carefully recorded in the minutes. But there was also a good deal of effort, in the organisation of deputations to confront officers and ensure they were compliant with expectations of them. Canvassing of ward inhabitants was equally intense. The minutes record an almost perpetual cycle of organising placards, public meetings and canvas books. Funds were invested in employing full-time canvassers, often for several days at a time, whenever there was an administrative election, and burgess rolls were purchased and scanned to ensure they were correct. The canvassing sheet illustrated below was not dated, although its placing within the minute book suggests 1844. The nominees represented small business owners, a group which was particularly impacted by the precarious nature of Birmingham's fluctuating economy. There were a small number of metal workers, including wire maker John Cornforth and Thomas Pearson, a patent nail manufacturer. John Aston and Richard Taylor were maltsters, James Archer a pub landlord, while George Branson appears in the trade directories as a builder.<sup>579</sup> It is difficult to ascertain if they were all members of the DNRRS, as some of these names do not appear on the minutes. Others were well established figures at the meetings, notably William Page, who was one of the founding seventeen members and had also been elected to the first Birmingham Town Council in 1838, along with John Cornforth who can also be seen on this list.

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<sup>579</sup> 'Robson's Birmingham and Sheffield Directory' (London, 1839) has been used here to help identify some of the professions represented, although not all men on the list were resident at the addresses given on the candidate paper

ELECTION of COMMISSIONERS.	
For Duddleston cum Nechells.	
RADICAL LIST.—BLACK HORSE INN.	
✓ Mr. JAMES ARCHER	Lawley-street.
✓ " THOMAS ALLEN	Henry-street.
✓ " JOHN ASTON	Holte-street.
✓ " GEORGE BRANSON	Vauxhall-grove.
✓ " JOHN CORNFORTH	Dartmouth-street.
" WILLIAM CHAMBERS	Willis-street.
" EDWIN COTTERELL	Henry-street.
✓ " J. DEVONPORT	Mill-street.
✓ " R. DEVONPORT	Mill-street.
" R. B. DAWES	Belmont-row. <i>Dea</i>
✓ " JOHN EVANS	Dartmouth-street.
" GEORGE FARMER	Duke-street.
" JAMES GROVE	Ashted-row.
✓ " THOMAS GAMMON	Bloomsbury.
" JAMES CHARLES GREAVES	Prospect Row.
✓ " JOHN LORD	Lawley-street.
✓ " JOSEPH LORD	Heneage-street.
✓ " JOSEPH MARCH	Woodcock-street.
✓ " WILLIAM MILLS	Lawley-street.
" JOSEPH MASON	Upper Windsor street.
" JOHN NASH	St. James's-street.
" WILLIAM PAGE	Nechells.
" HENRY PARRISH	Heneage-street.
" THOMAS PEARSON	Heneage-street.
" THOMAS PASHBY	Pritchett-street.
" THOMAS SIMS	Mill-street.
" CHARLES SCAMBLER	Holte-street.
" JOHN SPENCER	Bloomsbury.
" RICHARD TAYLOR	Holte-street.
" STEPHEN TONKS	Legge-street.
" BENJAMIN TERRY	Lord-street.
" JAMES VEISEY	Lupin-street.
" JOHN YATES	Pritchett-street.
<b>VOTE ONLY FOR THE ABOVE!</b>	

Figure 18, DNRRS canvassing sheet appended to minute book, date uncertain, image @Donna Taylor

The DNRRS was a well organised body and, regardless of its limited membership was able to attract local support in its campaigns. Members appear to have been able to canvas support on local issues, but were very clear about their political credentials, identifying publicly as ‘true radicals’ and lending support to the Chartist Movement. Salmon has undertaken an investigation into the politicisation of the parish bodies in the

aftermath of early nineteenth-century parliamentary reform, and the extent to which they may have been impacted by broader partisan politics.<sup>580</sup> He revealed that there was increasing evidence of voting patterns, post-1832, which suggests that people were voting for the same political party in both national and local elections, suggesting that this was ‘in direct contrast to other periods’.<sup>581</sup> The intensity of electioneering and canvassing which had always played a role in the theatrics of parliamentary elections was now beginning to seep into parish and vestry affairs. The activities of the DNRRS is surely evidence of this. A short account of the furious efforts undertaken during the November 1840 corporation election, the first that the Society had taken a role in, corroborates Salmon’s suggestion:

The Committee appointed to conduct the election of Messrs. W. Page and Shaw rejoice to report that these gentlemen were unanimously elected Town Councillors on Monday last by 156 votes. Three hundred Burgesses attending, ready to vote if required. The active exertions of the Whigs and Tories during the previous week, compelled your Committee to canvass the ward and make all other needful preparations. On Sunday, authentic and positive information was adduced that voting cards were filled up for two opposing candidates; and for two hours after the poll opened the movements of the enemy clearly showed that the opposing body were on the alert to bring out their men if your committee exhibited weakness. But the manner in which the Burgesses came forward finally disadvantaged the enemy who withdrew and the election terminated in the triumphant return of Councillors Page and Shaw.<sup>582</sup>

Three years later an equally frantic scene attended the election for a churchwarden in Aston Parish, to which Duddeston and Nechells belonged, with the DNRRS again intent on influencing the outcome. The minutes of August 6th, 1843 include the substantial sum of seventeen pounds in costs to be defrayed for this election. The explanation reveals that, as the result of a dispute over who had polled the greatest number

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<sup>580</sup> Salmon, *Electoral Reform* pp.195-200

<sup>581</sup> Ibid. p.196

<sup>582</sup> BAHF MS 3055/1 November 4<sup>th</sup> 1840

of votes, the Committee had been ‘compelled to hire cars and other vehicles...and in Deritend other carriages were supplied by private subscription’.<sup>583</sup> There had clearly been a sense of urgency in transporting as many of the Society’s members to the vestry to present their contestation. Salmon has stated the difficulty of properly evaluating the impact of partisan politics on parish elections, because there are no ‘official’ poll books for those local contests.<sup>584</sup> This appears to be the case in Birmingham, however, the minutes of the DNRRS do offer evidence for at least a sense of the impact of political partisanship on parish affairs. Attempts by the Society to influence local administrative affairs was fully in-keeping with the Birmingham Reformist tradition of challenging the establishment. Just as George Edmonds had stood on a platform in 1819 to demand Sir Charles Wolseley be returned as MP for unrepresented Birmingham, Radicals in the sub-districts were now similarly demanding representation in local affairs, demonstrating a prevailing tradition of challenging establishment bodies.

The Society played an active role in supporting the Chartist Movement and raised funds for the bail of arrested activists, including key founder of the Movement, William Lovett, and it carried out much of the organisation for the arrival of the Convention in May 1839.<sup>585</sup> The level of support for Chartism in Birmingham during this early stage of the Movement’s existence should not be underestimated. A private letter sent from Birmingham at the height of unrest claimed that ‘the working men of the town are Chartist to a man...they are not in favour of physical force to attain their ends, but they are not as such against it.’<sup>586</sup> Chartism offered an outlet for the expression of frustrations among those who did not hold the parliamentary franchise, and was an appealing vehicle for the DNRRS to mount its opposition against the Council which had expressed support for the ACLL. This divorce of ideologies among the Birmingham Radicals was at the heart of unrest in 1839.

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<sup>583</sup> Ibid. August 6<sup>th</sup> 1843

<sup>584</sup> Salmon, *Electoral Reform*, p.196

<sup>585</sup> In 1839 Birmingham’s new, primary railway station at Curzon Street was not yet open. A temporary station had been erected at Duddeston, and that is where the Convention alighted in May. The location may have played some role in the Society’s involvement.

<sup>586</sup> BAHF, MS 3087, ‘Manuscripts’; ‘Private letter from Capt. Munrow July 1839’. It has not been possible to discover who Captain Munrow was, or what his relationship was to the town

#### 4.4 ‘A state of high and dangerous excitement’: Birmingham, 1839

There was, arguably, no political event in Birmingham’s early nineteenth-century civic history that had a greater impact on the local community than that engendered by strained relationships between the Chartist Movement and the Corporation. The increasingly ferocious dispute was taken out into the public arena in a display of street theatrics which attracted a large, if passive, audience. In December 1838, just prior to the elections, an address published in the *Northern Star* and claiming to be from the ‘Manchester Operatives’ warned the ‘men of Birmingham’ that their ‘best interests have been sacrificed to the shrine of ambition’.<sup>587</sup> This was a clear indication of a sense of bitter hostility already building in response to a perceived betrayal by the former BPU members as they prepared to take up municipal office.

In July 1839 Birmingham finally, seemingly inevitably, erupted into mass physical violence. Several weeks of rioting ensued and such was the alarm generated that Wellington felt compelled to address the Lords on what he claimed was ‘an outrage which I never knew before committed in this country’.<sup>588</sup> In response, the Corporation ordered its own investigation into the unrest under the leadership of Joseph Sturge. His report, highlighted the ‘state of high and dangerous excitement’ that had gripped Birmingham, specifically citing the municipal elections as a starting point.<sup>589</sup> Sturge also highlighted the violent rhetoric of the Chartist platform, and its youthful following.<sup>590</sup> This latter point merits further consideration, as the age demographic of the town was an important factor in the way that the Council was received.

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<sup>587</sup> *Northern Star*, December 22<sup>nd</sup> 1839

<sup>588</sup> Hansard, HL Deb. 16<sup>th</sup> July 1839

<sup>589</sup> CRL rp. DA690, ‘Report of the Committee Appointed to the Town Council to Investigate the Late Riots’ (Birmingham, 1840)

<sup>590</sup> *Ibid.*

The early-nineteenth century was a difficult time for many British industrial districts. Profound changes wrought by technological advances, particularly the arrival of the railways, were exciting but also potentially disrupting as they altered the economic base of the local community. More people were travelling from outside the borough to work and the workforce was a young one, with censuses showing that by 1841 almost a quarter of Birmingham's workforce was under twenty years of age.<sup>591</sup> Carl Chinn has recognised these factors as definitive of the early- nineteenth-century shift towards modernity, stating that 'change, movement, youth and newness' were features which 'seemed to characterise English society in the 1800s'.<sup>592</sup> This has a significant relevance, for it suggests a new and young urban society that felt less attachment to political traditions and did not feel a need to display fealty towards the old protagonists. Malcolm Chase has recognised that the mobilisation of youths within the Chartist Movement was often used to denigrate the validity of its protests.<sup>593</sup> Paul Pickering has also attempted to bring juvenile Chartist ideology to the fore in relation to later stages of the movement in Northern industrial towns.<sup>594</sup> No connection appears to have been made in the earlier antagonisms which arose in Birmingham. Where attention has been given to the presence of youth, it is presented in a largely negative manner, as with J.T. Ward who wrote of the 'rampaging mob' with a large presence of young people during the 1839 Bull Ring riots.<sup>595</sup> Behagg argued that the involvement of 'young boys...should not be allowed to

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<sup>591</sup> VCH Online 'Economic and Social History: Industry and Trade, 1500-1880', in *A History of the County of Warwick: Volume 7, the City of Birmingham*, ed. W B Stephens (London, 1964), pp. 81-139. *British History Online* <http://www.british-history.ac.uk/vch/warks/vol7/pp81-139> [accessed 15 February 2017].

<sup>592</sup> Carl Chinn, *Poverty Amidst Prosperity: The Urban Poor in England, 1834-1914* (Manchester and New York, 1995), p.8

<sup>593</sup> Malcolm Chase, *Chartism: A New History* (Manchester, 2007), pp.267-8; Chase signified that youth represented a significant presence in other political protests, giving the example of the General Strike of 1842

<sup>594</sup> Paul Pickering, *Chartism and the Chartists in Manchester and Salford* (Basingstoke, 1995), pp.40-45

<sup>595</sup> J.T. Ward, *Chartism* (London, 1973), p.132

cloud the issue of involvement of the wider community.’<sup>596</sup> Yet their presence offers a valuable signifier of a shifting balance underway, and should not be so readily dismissed. When Friedrich Engels presented his survey of the *Condition of the Working Class in England*, just six years after the Bull Ring riots, he highlighted the nature of Birmingham’s disenchanted youths, describing ‘half starved’ and uneducated children. He claimed that ‘in a single year, 90 ten-year old offenders, among them 44 serious criminal cases, were sentenced’ and that ‘the moral state of the children is in every case despicable’.<sup>597</sup> For two decades, a strong Radical presence had dominated Birmingham’s political scene, providing an informal leadership that had maintained a political hegemony spanning the social spectrum. The men at the forefront of that political campaign had now moved their ideologies into formal office, creating a disruption to the community structure. As young men, they had themselves contributed to a new Radical narrative; now approaching middle-age they were out of step with a changing demographic. It is suggested here that displays of aggressive protest among Birmingham’s youthful population should be understood as a manifestation of that disruption.

Feargus O’Connor was among the most vociferous of Chartism’s early leadership and enjoyed a popularity and influence among the Movement’s supporters. He also displayed a personal animosity towards Birmingham’s Council, which doubtless contributed to negative attitudes towards that body. James Epstein has revealed that the source of O’Connor’s antagonism was a response to their declaration to support Daniel O’Connell, the Irish Radical MP who had advocated the banning of torchlight

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<sup>596</sup> Behagg, *Politics and Production*, p.215

<sup>597</sup> Friedrich Engels, *The Condition of the Working Class in England* (this edition London, 2009), pp.212-213

processions.<sup>598</sup> Epstein stated that there ‘can be little doubt that O’Connell deliberately set out to split the Chartist ranks’, and that he did this through forming an alliance with the BPU, including those members who were now councillors.<sup>599</sup> At the end of December, 1838, just as the Union members were organising the first municipal elections, O’Connor made a speech in Lancashire where he declared ‘if the Birmingham Council wish to shake hands with this hypocritical dictator, let them do so and be ruined’.<sup>600</sup> Subsequently, he began to make regular, mischievous appearances in Birmingham soon after the first Town Councillors were elected. A commanding and charismatic speaker, he held an appeal for artisans and labourers alike and, importantly, the youthful workforce. His language contributed to a perception that Chartism was a ‘physical force’ movement, which created a schism with those who preferred a ‘moral force’ approach. The Birmingham councillors who held seats on the early Chartist Convention fell into the latter category and the persistent threatening language promoted by O’Connor and others contributed to their mass resignation from the Convention in March 1839. Among those was Salt, who had recently been outspoken against the ACLL, but who also shared his resignation from the Chartist Convention publicly, stating that it ‘was not worthy of the support of the people.’<sup>601</sup> That action compounded an already strained relationship with Chartist leaders and those in the Birmingham community who supported the Movement. In April 1839, O’Connor presented a carefully crafted speech which denounced the almost defunct BPU to an audience of several thousand. The criticism was particularly aimed at those men who were now in public office but who, he posited, were representing their own interests with no consideration for the ‘people’. O’Connor continued the divisive tirade, stating

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<sup>598</sup> Epstein, *The Lion of Freedom*, pp.125-9

<sup>599</sup> *Ibid.* pp.126-7

<sup>600</sup> *Ibid.* p.127

<sup>601</sup> *Birmingham Journal*, March 30<sup>th</sup> 1839

that 'he came to tell them to stand by themselves, and their cause was secure' and 'when they again sent men to represent them, he hoped they would send men with fustian jackets and blistered hands - send men who had worn the tight shoe, and knew where it pinched'.<sup>602</sup> From that point forward, for the remainder of the year, the Town Council found themselves in a persistent struggle to maintain the peace, as Birmingham became the focus of a national alarm over the potential of insurrection.

Public meetings in the Bull Ring, Birmingham's central market area, were particularly problematic for the Corporation as they impacted their core electorate, the shopkeepers. Following O'Connor's rallying speech, the meetings took place twice daily and were increasingly disruptive. The ideas being shared were not wholly local and the platform was now dominated by men from beyond the local community, such as Peter Bussey from Bradford, as well as the Irish Republican O'Connor and Julian Harney, originally from London. Evening parades around the town, often torch lit, were frequently reported as being of an intimidating nature. Those taking part had a habit of stopping outside the homes and businesses of anyone perceived as opposed to Chartism, where they would let out rounds of 'groaning'. Reports of that phenomenon appeared in official statements as well as the press, and is a useful source for understanding where antagonisms lay.<sup>603</sup> The expression of disapprobation has been traced to the offices of the *Journal*, the Public Office, the barracks and Thomas Salt's manufactory.<sup>604</sup> It was an ill-tempered form of protest, dominated by youths and which lacked the organisation and inclusivity of Radical 'monster meetings'.

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<sup>602</sup> *Birmingham Journal*, April 16<sup>th</sup> 1839

<sup>603</sup> Taylor, 'To the Bull Ring!', p. 48

<sup>604</sup> *Ibid*; *The Charter*, May 19<sup>th</sup>, 1839; 'Report of the Committee', p.12; *Birmingham Journal*, June 22<sup>nd</sup> 1839

On May 10<sup>th</sup>, 1839, a dispersal notice was posted in the Bull Ring, warning that the Riot Act was in place and that gatherings were forbidden. It was subjected to a round of groaning, and meetings continued. It was not until July that the town's magistrates, still new to their role, took decisive action when Mayor Scholefield took a delegation to London and demanded support from the Home Office in person. A body of sixty Metropolitan police officers was returned to Birmingham with them. It was a disastrous move, as the town was subjected to a fortnight of rioting resulting in the loss of life and the transportation of four men for their alleged role in the violence.<sup>605</sup> Facing intense criticism for their lack of control over the situation, the Corporation published its own report into the riots, undertaken by Joseph Sturge. He described the local conflicts as a 'whole mass of combustible materials', clear evidence of contemporary recognition of a complexity of issues contributing to unrest, of which Chartism was only one. Harriet Martineau, the nineteenth-century social commentator, similarly described Chartism as 'another name for popular discontent', as it encompassed disparate social issues. It is argued here that, in 1839 Birmingham, Chartism not only contributed to unrest, but was also symptomatic of a dislocation. The impact of the riots was felt beyond the local community. Alexander Somerville, an ex-soldier who had once served in the Birmingham barracks, wrote a fictional account of a Chartist siege taking place in the town, which he published as a cheap pamphlet in 1838; extracts also appeared in the popular press.<sup>606</sup> It was a graphic account that presented the potential for insurrection in language no doubt intended to shock. Somerville claimed that he wanted to 'depict what insurrection must

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<sup>605</sup> Ibid.

<sup>606</sup> Alexander Somerville, 'Dissuasive Warnings to the People on Street Warfare' (London, 1839); *The Era*, May 26<sup>th</sup>, 1839; Somerville was a retired soldier who had gained some notoriety when, based at Birmingham's barracks during the 1832 disturbances, he had written an expression of support for protesters in the local press, an action for which he was flogged. In his *Autobiography of a Working Man* he expressed disdain for the Chartist Movement

be while it exists.’<sup>607</sup> It is not known how many copies of the pamphlet were sold, but as Somerville was already an established writer and orator, it is likely that he was aware of a potential audience for his work, and that he was appealing to a growing sense of unease at the events unfolding in Birmingham that went beyond the local community.

The temporary introduction of the Metropolitan police in Birmingham had a negative impact on the community, as the cartoon below reveals.<sup>608</sup> It was drawn by Richard Doyle, who later illustrated several of Charles Dickens’ books and became a prolific contributor to *Punch* magazine. The image shows giant police officers, in the Metropolitan uniform, putting their boots into protesters who are depicted carrying staves, whilst two men can be seen racing away with what looks to be the National Petition. In the background is the clear outline of St. Martin’s Church, which overlooks the Bull Ring, while to the left two rotund gentlemen, presumably intended to represent the magistracy, look on. The presentation of the London police as such dominant figures is very suggestive of the real cause of the Bull Ring riots, that is, it was an occasion of reactive violence against a hostile and alien force.<sup>609</sup> Doyle was at that time a teenager, and so this image is also a useful presentation of a youthful perception of contemporary events.

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<sup>607</sup> Ibid. p.2

<sup>608</sup> Doyle’s cartoon was recently found in a collection at the Library of Congress. I am grateful to Professor Ian Haywood, Roehampton University, for discussing his find and photographs with me

<sup>609</sup> Taylor, ‘To the Bull Ring!’, p. 61; appendix {v}, ‘Eyewitness accounts of incidents of violence by the Metropolitan Police’



Figure 19, Richard Doyle 'Bull Ring Riots' ©Library of Congress

Having established that the institution of a municipal corporation had contributed to civic unrest in Birmingham, there is a question of how the problems were managed. The greatest disapprobation was directed at the newly appointed magistrates, who were portrayed as incompetent. The Town Council also came under considerable pressure, as it was unable to mobilise a police force, which was the role it had been elected to undertake. The reason for this was that they had no cash flow, because of a challenge to their authority from the vestry officers responsible for managing the rates. In April 1839, the Council had passed a resolution declaring that the borough rate was deficient by a sum of twelve thousand pounds and subsequently demanded each of the parishes to submit an assessment of their levies, using the 1835 MCA to legitimate the request.<sup>610</sup> The assessments were duly submitted, but there was no inclination to hand any of the rate

<sup>610</sup> BAHP BCC/1/AA/1/1/1, April 12<sup>th</sup> 1839

to the Council. In June, William Boulton, at that time High Bailiff, was requested by the Council to 'demand, receive and collect' the borough rate.<sup>611</sup> However, it is clear that the monies were not forthcoming, and in early August the Town Clerk despondently reported that the 'Churchwardens and Overseers of the Poor of the Parish of Birmingham' had refused to pay their share of the borough rate 'on the alleged ground of the invalidity of the Charter [of Incorporation].'<sup>612</sup> The problem for the Council lay in discrepancies between the provisions of the MCA; the Town Clerk, William Redfern, was forced to admit that the challenge against the Council's legitimacy may have been founded as a result.<sup>613</sup> Firstly, the borough had been divided into wards by representatives of the Crown, where the MCA stipulated that should have been undertaken by a revising barrister appointed by the senior judge at the local assizes. Secondly, the Charter of Incorporation gave the responsibility for compilation of the burgess lists to the 'gentleman who now occupies the Mayoralty', whilst the MCA stipulated that this responsibility lay with the Overseers of the Poor.<sup>614</sup> Finally, the MCA specified the timing for registering burgesses and the elections of councillors and aldermen and that was different to the order of events directed in the Charter of Incorporation.<sup>615</sup> All of these factors placed the Council in a vulnerable position. The Churchwarden had gone as far as consulting two highly respected solicitors on the issues. William Follett and Frederick Pollock, who both served as Attorney Generals, concluded that, whilst they did not 'go to the length of saying that the Charter was inoperative', nevertheless the discrepancies of these 'elections made under those arrangements are void.'<sup>616</sup> Redfern, himself a solicitor, revealed that

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<sup>611</sup> Ibid., June 24<sup>th</sup>, 1839

<sup>612</sup> Ibid., August 6<sup>th</sup>, 1839

<sup>613</sup> Ibid.

<sup>614</sup> Ibid.

<sup>615</sup> Ibid.

<sup>616</sup> Ibid.

the Charter of Incorporation, rather than being a statutory document, would only be valid as a common-law charter. The Council could retain its title, hold meetings and pass resolutions, but would have no jurisdiction to levy rates or undertake any actions which required financial backing. He continued his defence of the Council with a display of Radical defiance, stating ‘this is not...the kind of Charter for which the People of Birmingham petitioned; it is not the kind of Charter which the Crown intended to grant; nor is it the kind of Charter with which the Town Council, having the least regard for its own character, could rest satisfied.’<sup>617</sup>

The same situation was faced in Manchester and Bolton, with churchwardens there also refusing to hand over any portion of the poor rate. In Manchester, the issue was taken as far as the Exchequer Chamber and was keenly followed by the Birmingham councillors.<sup>618</sup> The case dragged out for many months and, as in Birmingham, no money was forthcoming as challenges were underway. In December 1839, the Birmingham councillors were in the embarrassing situation of not having any funds to make their expected contribution to the County for upkeep of prisoners. In its letter of apology, the Council expressed a hope that Parliament would ‘devise some measure for relieving this Borough and the rest of the County from the embarrassed relations in which they now stand to one another.’<sup>619</sup> The letter was penned one year after the tentative optimism of the first Council meeting.

With the Council unable to exert any real authority, and the national mood in a state of nervous agitation with unfolding urban unrest, it was English central government that made a decisive move for policing Birmingham. The Birmingham Police Act of 1839

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<sup>617</sup> Ibid.

<sup>618</sup> ‘Exchequer Chamber’ was the former name of what we know as the Court of Appeal

<sup>619</sup> BAHP BCC/1/AA/1/1/1, December 26<sup>th</sup> 1839.

imposed legislation which obliged the town to form a stipendiary police force and enforced a loan with which to pay for it.<sup>620</sup> The new borough force would be managed by a Chief Commissioner of Police appointed by and acting under the authority of the Home Secretary. Similar legislation for Manchester and Bolton followed.<sup>621</sup> Such an imposition of central authority on Birmingham's local community had not been witnessed since the instillation of an army barracks following the Priestley Riots. It was met with outrage, not least among the municipal men, who viewed the Act as a 'confiscation of almost the whole...municipal rights of this newly created Corporation.'<sup>622</sup> The Council submitted an official objection to the Home Office, distributing further copies of their resolutions on the issue to the 'Lord Mayor of London and to be advertised in Birmingham papers, the Morning Chronicle, The Times and the Sun.'<sup>623</sup> The language presented in the objection was in the spirit of Radicalism, decrying the Act as 'despotic and unconstitutional' and that it was 'a marked insult to the intelligent burgesses' of the town.<sup>624</sup> The objection expressed was against the principle of centralisation; in reality the process of municipal incorporation had been directed by government bureaucracy. The organisation of elections, ward boundaries and appointment of Corporation officers had been carried out in line with central government legislation. That contrasted with the traditional organisation of local authority, in which the Street Commissioners applied for permission to carry out improvements on terms specified by themselves at the outset. The Council

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<sup>620</sup> Birmingham Police Act, 2<sup>nd</sup> and 3<sup>rd</sup> Victoria, LXXXVIII, August 26<sup>th</sup> 1839

<sup>621</sup> F.C. Mather, *Public Order in the Age of the Chartists* (Manchester, 1959), pp.120-21; Mather revealed that the Mayor of Bolton requested policing legislation along the lines of that forcibly imposed in Birmingham and Manchester.

<sup>622</sup> BAHF BCC/1/AA/1/1/1 September 3<sup>rd</sup> 1839

<sup>623</sup> Ibid.

<sup>624</sup> Ibid.

Radicals were finding that autonomy from the County came at the price of greater interference from central government.

Nevertheless, the Birmingham Police Act was passed. Clive Emsley has revealed that the policing bill had been Peel's idea and had been 'warmly received by the Whigs'. He also stated that whilst the autonomy of local government was a debated issue, 'always in the background was the spectre of Chartist disorder'.<sup>625</sup> Birmingham's municipal men were, arguably, victims of their own rhetoric. Their detractors who had contested the rate would now be faced with an extra expense as the new police force was to be funded by a substantial government loan of £10,000, enforced on the ratepayers by the new legislation. Further, the new police force would be supervised by a state-appointed Chief Commissioner of Police. Having accorded the Council very limited responsibilities related only to policing the town, the government now sought to centralise management of that role. It was a disaster for the councillors' aspirations to be recognised autonomous representatives of the 'people', but it did mark the beginning of an impression that the body would not easily be toppled.

Chartist unrest in Birmingham rumbled on for several more weeks but once the London police had finally been returned to the capital in September, upon the institution of the new police force, a tenuous calm was restored to the town. Council minutes' show that over the following months there was little real business that could be conducted as attempts to collect a rate were still resisted by the Parish. Committees continued to be formed, accounts were efficiently presented; polite negotiations with the County Bench were entered over costs of transporting prisoners to the assizes and official

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<sup>625</sup> Clive Emsley, *The English Police, a Political and Social History* (Harlow, 2<sup>nd</sup> ed., 1996), p.42

congratulations were sent to the Queen on her ‘auspicious nuptials’ with Prince Albert.<sup>626</sup>

These appear the actions of a ‘common- law’ Corporation, as Redfern had predicted.

William Scholefield’s less than auspicious term of mayoral office ended upon the election of Philip Muntz to that position in the November 1839 election. Muntz proved a popular candidate and entered the office for a second time one year later. During his acceptance speech, Muntz expressed his determination to see the Charter enforced in Birmingham:

Feeling convinced of the legality of the charter granted to Birmingham and having no doubts as to the powers which this corporation possesses, I do not intend...to allow matters to go on as they have done, even if the judges should again defer their position. I wish, however, for your sanction, and then I shall have no hesitation in carrying out the provisions of the Municipal act with which we have been invested by the authority of the Crown. To enable me to effect this, I require your sanction and co-operation; and I desire that sanction the more because I feel the urgent necessity which exists of placing the administration of the local affairs of the borough under the control of the town council.<sup>627</sup>

It was Philip Muntz once again who took a pragmatic lead over the issue of rates, arguing that ‘if they did not at once and in earnest, commence business, if they did not do that for which they were incorporated, if they did not carry out the Charter, they might as well stay at home’.<sup>628</sup> However, it was not until 1841 that any momentum on the issue was gained. A second formal warrant was issued, demanding payment of rates from the Overseers.<sup>629</sup> The Parish sought further advice from Sir Frederick Pollock, who this time reported that they ‘could not legally resist the rate’ and, at a meeting of the Guardians

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<sup>626</sup> BAHP AA 1/1/1/1, March 3<sup>rd</sup> 1840

<sup>627</sup> *Birmingham Journal*, November 14<sup>th</sup> 1840

<sup>628</sup> *Ibid.*, December 5<sup>th</sup> 1840

<sup>629</sup> BAHP BCC AA/1/1/1/1 March 2<sup>nd</sup> 1841

held in May a decision was made to pay the portion of the levy demanded by the councillors.<sup>630</sup>

Muntz's decisive attitude had paid off, but the Council remained in a precarious position for another year as challenges to the legality of the Manchester Charter continued through the courts; if opposition there had won through, it would have set a precedent for both Birmingham and Bolton. A determined proponent of bureaucratic reform and founder of the modern policing system, Peel quickly moved to have the municipal charters of Birmingham, Manchester and Bolton confirmed through Act of Parliament. The action was not without opposition, and the L&CA employed Brougham to contest the proposed confirmation. Bunce revealed that 'unfortunately for them, Brougham muddled the business' by misplacing the petition and failing to introduce it to the debate. He apologised for this, adding that as 'the bill is now passed, it is unnecessary to say anything about the matter'.<sup>631</sup>

On October 1<sup>st</sup>, 1842, control of the Birmingham police force was finally moved back into the control of the Municipal Council. In Manchester, the improvement body gave way to the corporation in 1843 in an act of amalgamation which Fraser described as 'tamely succumbing to the new political master of urban government.'<sup>632</sup> The situation in Bolton is less clear, but an Improvement Act of 1850 seemed to mark the demise of that town's two Trusts,<sup>633</sup> whilst the Birmingham Street Commissioners doggedly held on to their authority until that town also obtained an Improvement Act in 1851 which amalgamated all of the town's improvement bodies into the Corporation. The challenges

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<sup>630</sup> Bunce, *History of the Corporation*, p.271

<sup>631</sup> Ibid. pp. 283-4

<sup>632</sup> Fraser, *Urban Politics*, p.100

<sup>633</sup> Garrard, *Leadership and Power*, p.170

of incorporation had been numerous for each of the new boroughs but, ultimately, they prevailed. Representing an indicator of changing times, they marked the shift to a new age of municipal bureaucracy that came to form part of the identity of Victorian Britain. Birmingham Corporation did not achieve that move overnight, and there was much resistance initially; the final part of this chapter will explore how amalgamation came about.

#### 4.5 Towards Amalgamation

At a meeting held in the Public Office on the final day of the year 1851, the Commissioners of the Birmingham Street Act resolved ‘that the Town Council has the cordial good wishes of the Commissioners upon entering their new and impartial duties.’<sup>634</sup> It was a generous gesture from the body as it prepared, finally, to hand its administrative responsibilities to the Corporation. The gentle reminder that the role should be ‘impartial’ reflected lingering concerns over their relinquishing of control to a body that had emerged from Radicalism little over a decade earlier. For the Town Council, it appeared a significant achievement after the tricky start to its institution.

Following Peel’s confirmation of the Borough Charters, Birmingham’s Town Council organised rapidly to undertake its duties in earnest. There were two clear objectives in their actions: to achieve independence from the County and to absorb all the authority currently invested in the various improvement bodies of the town. The imposition of a Birmingham Police Act had been a blow to the desire for autonomy, nevertheless it ensured an income for the Corporation, as the parish detractors could no longer legally desist from contributing to the Borough Rate. Almost immediately, the

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<sup>634</sup> BAHP, MS 2818/1/8, December 31<sup>st</sup> 1851

Council made plans for an ambitious building programme, to include a prison, lunatic asylum, and a public bath.<sup>635</sup> Within these capital projects it is evident that the Corporation was intent on a moral campaign, focussed on improving people, not pavements. Here again, is strong evidence of a Utilitarian influence. However, the Council could not act under its own authority and the process of legitimating those ambitious plans depended upon parliamentary acts. Unlike the Street Commissioners, who formulated plans and then applied to central government for approval, the Councillors were reliant on national legislation. The Borough Asylum, opened in 1851, had to be funded following the introduction of the 1845 Lunacy Act. Birmingham's prison, opened in 1849 and preceding Manchester's borough gaol by almost two decades, was an extension of the policing powers invested in the Corporation under the MCA. Plans for the public baths at Kent Street were already underway when the Public Baths and Washhouses Act (1846) provided the necessary legitimacy for expenditure of ratepayers' money. It was an ambitious programme, and there is no evidence for Roger Ward's claim that 'municipal affairs, divided between the old Streets Commission and the new Town Council, stagnated.'<sup>636</sup>

The Council inherited neither money nor land when it took up office in 1838, and so was in a position of perpetual debt for the first dozen years of its existence. Chapter one revealed that the Street Commissioners raised funds for their projects through advertising for private loans, which were then repaid over time, with interest, from the various local levies they imposed. Gill suggested that the Corporation followed the same route, but that is not an accurate representation.<sup>637</sup> The key difference was that the

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<sup>635</sup> Appendix IV

<sup>636</sup> Roger Ward, *City- State and Nation: Birmingham's Political History, 1830-1940* (Chichester, 2005), p.41

<sup>637</sup> Gill, *History of Birmingham*, p.279

Commissioners sought loans from private individuals, almost always within the local community; Corporation loans came from the Atlas Assurance Company. There is an inference here that the community held less confidence in the Town Council's ability to repay its debts, although there is no evidence to suggest that an attempt was made to request individual investment. On amalgamation in 1852, the Council's assets, an important factor in raising larger sums of money, was 'trebled',<sup>638</sup> marking the beginning of further improvement schemes that held social benefits. These included Corporation parks, libraries and a museum and further public baths. Discussions on provision of education and housing also took place during the course of meetings, but actual progress in those areas were not realised for many years, as the Council found itself facing fresh opposition from an aggressive Rate Payers Society.

The Town Council's first attempt to have Birmingham's administrative bodies amalgamated was undertaken in 1844 when it applied for a private Parliamentary Act. Plans to make such a move had been mooted by the Council since the confirmation of the Charter, and a committee was appointed to investigate and pursue all options for achieving that end. On December 6<sup>th</sup>, 1843, it sent a formal communication to each of the borough's improvement bodies presenting its case:

Inasmuch as the Inhabitant Householders of this Borough petitioned her most gracious Majesty to grant them a Charter of Incorporation in order that the management of all local affairs throughout the Borough should be vested in one governing body elected by the Ratepayers of the whole Borough and subject to their control, in accordance with the intention and provisions of the Municipal Corporations Act, whereby the Inhabitants of the Borough might be duly protected and the existing local taxation lightened...this committee is of opinion that the intended application to Parliament should be made and that the said several bodies

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<sup>638</sup> Gill, *History of Birmingham*, p.409

should be applied and respectfully requested to co-operate and assist in the object desired.<sup>639</sup>

The Street Commissioners appointed a committee of well-established members of their body to investigate and pursue objections to the Council's parliamentary bill.<sup>640</sup> At a special meeting of the Commissioners held in February, that committee revealed that, along with amalgamation of powers, the Council was also demanding that all properties and debts of the incumbent authorities should be passed to the Town Council. Other clauses requested authority for levying rates be invested in the Council; that market tolls should no longer be used towards payment of borough debts and 'other minor provisions'.<sup>641</sup> The Commissioners were not, at that stage, in any mood to acquiesce, describing the proposed Bill as 'objectionable', and recorded their opinion that 'it is the duty of the Commissioners to the owners of property, to the Rate Payers and to the creditors of the Town, to oppose the Bill in every stage.'<sup>642</sup> Two months later, news was relayed to the Commissioners that they had succeeded and the proposed legislation had been 'thrown out' by a majority of 77 to 67. Objections had also been expressed by the DNRRS, citing several reasons, including its belief that the Council was 'practically irresponsible to, and uninterested in, the welfare of the body governed.'<sup>643</sup> The Council had underestimated the strength of popular feeling still prevalent in the town and the lingering doubts of their credentials and ability to manage the affairs of such a large, volatile and economically important borough.

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<sup>639</sup> MS 2818/1/7 January 1<sup>st</sup> 1844

<sup>640</sup> Ibid., the committee consisted of Richard Tapper Cadbury, James James, Clement Ingleby, David Malins, W.H. Bates and George Barker

<sup>641</sup> Ibid., February 20<sup>th</sup> 1844

<sup>642</sup> Ibid.

<sup>643</sup> BAHF MS 3055/1 August 21<sup>st</sup> 1843

Amalgamation of the Birmingham administrations was achieved because the complexity of authority became increasingly detrimental to the useful management of the town. As the various improvement bodies within the borough struggled to maintain the urban sprawl, the Corporation was growing in confidence, bolstered by the steady success of its capital building projects. By the end of the 1840s, the spectre of Chartism and of insurgency was fading; the Radical roots of the Town Council had become less of an issue. However, a new crisis loomed across urban Britain that would come to define the third quarter of the nineteenth-century: sanitation. The compacted and poorly built private dwellings which had sprung up to accommodate growing urban populations had become a blight on the whole nation, as had the lack of sanitation for those who dwelt in them. The issue was particularly recognised in the industrial towns of the Midlands and North of England, as Engels revealed.<sup>644</sup> Anxiety over issues of sanitation were not dissimilar to those that surrounded the rise of Radicalism; the government response here was once more to implement bureaucratic surveys across the English regions. Attempts to impose proper sanitary regulations on local authorities had been quashed at the start of the 1840s, as concern was still centred on policing a disorderly public.<sup>645</sup> In the first chapter of this thesis it was revealed that a visit from R.A. Slaney on behalf of the Health of Towns Commission had resulted in prompt action by the Birmingham Street Commissioners to fit the latest sewerage apparatus. In 1849 another inspectorate arrived in the town, led by Robert Rawlinson. He would go on to play a key role in improving sanitary conditions for troops stationed in the Crimea. Rawlinson undertook a thorough investigation of Birmingham's poorest communities, who were living in challenging conditions. His

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<sup>644</sup>Engels, *Condition of the Working Class* presented a survey of social conditions, with detailed insights of the Midlands (including Birmingham) and the North of England

<sup>645</sup> Richards, 'R. A. Slaney, the Industrial Town and Early Victorian Social Policy', *Social History*, 4, 1 (1979), pp.94-6

conclusion was that ‘a consolidation of the conflicting powers exercised within the borough would produce great economy.’<sup>646</sup> There were several positive points recorded for both the Council’s work on the prison and the Commissioners’ attention to street cleansing. However, Rawlinson wrote, ‘I beg respectfully to recommend that the Public Health Act be put into force; that the local power so necessary to cheap and efficient government may be consolidated, and the whole sanitary work of the Borough may be placed under one establishment.’<sup>647</sup> It was clear that the convoluted system of Commissioners, Councillors and Surveyors was no longer working for Birmingham and Rawlinson’s appraisal was difficult to resist.

The imposition of the Public Health Act (1848) would place an onus on the collective local authorities to undertake all the recommendations of Rawlinson’s report; failure to comply would be met with the institution of a Central Board of Health in the town. Objections were raised by the Street Commissioners because of the potential cost to the ratepayer, and they demanded extra time to build a case against the Act.<sup>648</sup> The request was denied. This was not mere petulance; to raise money and undertake the sanitary improvement programme demanded by Rawlinson the Commissioners would have to seek another legislative act, an action which entailed considerable cost and time. Gary Kearns highlighted that there were also implications regarding the boundary between ‘public’ and ‘private’ institutions, and the Commissioners and other improvement bodies would doubtless have been reluctant to impose sanitation principles

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<sup>646</sup> Robert Rawlinson, ‘Report to the General Board of Health on a preliminary enquiry into the sewerage, drainage and supply of water and the sanitary conditions of the inhabitants of the Borough of Birmingham’ (London, 1849)

<sup>647</sup> Ibid.

<sup>648</sup> BAHP, MS 2818/1/7 July 16<sup>th</sup> 1849

upon private property owners.<sup>649</sup> There was the further complication of consulting with other improvement bodies in the sub-districts, as the Rawlinson Report had included the entire borough, but the Birmingham Street Commissioners only had jurisdiction over their own limited geographic boundaries. The sub-districts showed no inclination to join with the Birmingham administration in forming an amalgamation.<sup>650</sup> The Council, however, did at least agree to undertake discussions, albeit through written correspondence via a sub-committee.<sup>651</sup> In December, the General Requirement Committee, a body that had been appointed from amongst the Commissioners to investigate the best means of carrying out the stipulations of Rawlinson's Report, stated that the best way forward would be an amalgamation of all borough administrations, for the purpose of carrying out the necessary sanitary reforms.<sup>652</sup> The proposal was further discussed in the new year, with some trepidation expressed. William Holliday, who became Mayor in 1863, stated that he 'feared they were on the high road for a quarrel with the Corporation, the expenses for which would have to be paid out of the pockets of the rate-payers.'<sup>653</sup> Holliday's concern was that the Commissioners were at risk of opening an ongoing legal battle for control of a locally appointed Board of Health. His concern was not unfounded. Over the course of the next twelve months the Street Commissioners were involved in a series of proposals to entice the Corporation into an alliance which would deflect the imposition of a central government body. The Corporation resisted and argued that such an alliance would further complicate an already complex system.<sup>654</sup> How would such a body be

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<sup>649</sup> Gary Kearns, 'Private Property and Public Health Reform in England, 1830-1870', *Social Science and Medicine*, 26, 1 (1988), p.187

<sup>650</sup> *Ibid.*, November 6<sup>th</sup> 1849

<sup>651</sup> *Ibid.*

<sup>652</sup> *Ibid.*, December 24<sup>th</sup> 1849

<sup>653</sup> *Aris's Birmingham Gazette*, January 7<sup>th</sup> 1850

<sup>654</sup> BAHF BCC AA/1/1/2 April 9<sup>th</sup> 1850

elected? Who would take ultimate responsibility? And, of course, what were the fiscal implications? The municipal men were in a strong position to edge the Commissioners from office, and the old improvement body seemed ready to acquiesce. The Town Council minutes reveal an uncertainty in the Commissioner's apparent readiness to relinquish its authority; in April it was resolved to begin talking with the Commissioners regarding their proposals for an Amalgamation Bill, but with the codicil that should disagreement arise then they would not hesitate to pursue the installation of a body organised by central government.<sup>655</sup> Such hesitation was not necessary; the Street Commissioners, having served the town for the best part of eighty years, were ready to retire if it meant avoiding any compromise of Birmingham's autonomy. The minute books of both bodies between 1850 and 1851 present an image of unstrained cordiality, and no small measure of benevolence on the part of the Commissioners. There were other bodies less accepting of the proposal and Gill revealed that there was 'a most formidable and combined opposition, consisting of not less than thirty-one opposing petitions, supported by twelve barristers.'<sup>656</sup> Nevertheless, the new and pervasive attitude of rational government meant that no opposition was received in either the Commons or the Lords, and Birmingham was finally amalgamated by royal assent in July 1851.

## Conclusion

Birmingham's first municipal corporation took office at a time of intense unrest and changing social dynamics. The population was becoming younger and many were enamoured with the new national movement of Chartism. In the past, the BPU had held a strong and influential presence, but by 1837 they were almost defunct, with many

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<sup>655</sup> Ibid.

<sup>656</sup> Gill, *History of Birmingham*, p.357

members moving into public office as the first town councillors. They could no longer attract the popularity that they had envisaged, because an additional administration entailed an extra burden for the ratepayer. Unlike Manchester, the Birmingham Tories had put up candidates at the municipal elections but had been unable to secure a single seat; now they were utilising the old parish offices to challenge the legitimacy of the council. As unrest escalated in 1839, the council had no money to fund adequate policing. This chapter has shown how incorporation led to a profound shift in Birmingham's social relationships, which contributed to intense violent unrest in the foundation year of its Town Council. The refusal of the parish to hand over the rate money to the Council was compounded by rate strikes in Duddeston and Nechells; in 1839, amid national fears of insurrection, the government imposed a police force on the town. It was a humiliation for the ambitious municipal men. Nevertheless, they retained their offices and once Peel had confirmed the Charter, they pursued an ambitious programme of capital investment. The early years of tension should not be forgotten as, in some respects, the real legacy of the first town council is that they prevailed in the face of great adversity.

The rioting which took place in 1839 has more generally been ascribed to heated protest surrounding the Chartist Movement. However, less attention has been paid to strained relationships between the Chartist leadership and Birmingham Town Council. It has been revealed here that antagonism towards the new corporation was rooted in a sense of 'betrayal', an idea promoted in the Chartist press and by Feargus O'Connor. The source of that conflict was highly personal but nevertheless directed a new narrative in which the Town Councillors who had previously stood on a Radical platform with the Chartists were now subjected to accusations of betrayal. As tensions continued apace, the

councillors had also to take responsibility for managing the crisis, finding themselves in the unenviable role of ‘poacher turned gamekeeper’.

Chartism was a catalyst for unrest across the nation for several years. The intense and volatile nature of the Movement has ensured it has a central place in early nineteenth-century British historiography. But it has tended to obscure other prevalent issues, including the rapidly changing demography created by industrialisation, such as the emergence of an urban youth culture. Whilst a brief insight of the phenomenon in Birmingham during 1839 has been presented here, it would be useful to have other studies for comparison. Those have proved difficult to source. The focus on Chartist conflict in Birmingham within current historical debate has also detracted from strained relationships between borough wards and the Council. The minute book of the DNRRS reveals a successful mobilisation of public opinion against attempts by the Corporation to impose authority on the ward of Duddeston cum Nechells. The Society also railed against the affiliation that some town councillors tried to present between the burgesses and the ACLL. Those actions can be understood as a conflict which mirrored one of the definitive aspects of Radicalism, which was the struggle between central authority and informal bodies in the social periphery. Well-managed and able to attract high levels of popular support within the sub-district, the actions of the DNRRS caused some difficulties for the Town Council and played a role in shaping its development.

Whilst the DNRRS presented themselves as ‘true’ Radicals, the municipal men also clearly felt that they still represented that ideology, as manifested in the event at the Town Hall and in explicit language of correspondence with the Home Office. However, they no longer dominated the public platform as Chartist personalities from outside the borough moved in to persuade ‘the people’ of their abandonment. The former members

of the BPU had underestimated the draw of O'Connor and his ability to sway local working-class opinion against them. With the demise of the BPU running conterminously with the admission of its leaders to public office, the old Birmingham Radicals had broken an alliance, and O'Connor had no hesitation in exploiting that fracture.

As the Town Council battled against growing tensions, it sought to consolidate their authority through pragmatic actions. These included the establishment of Birmingham's first Quarter Sessions and a magistracy independent from the County Bench. Appointments made for the Corporation were drawn from among friends and supporters of 'the good old cause', which only served to alienate the wider Birmingham community further. In addition, the Radical credentials of the councillors meant that their authority was not accepted by other administrative bodies in the town. Whilst the Street Commissioners petulantly denied the Council permission to hold its meetings at the Public Office, the Guardians of the Poor presented a more concerted effort at displacement of the new administration, refusing to fund it from the poor rate, thereby putting its existence in a precarious position. The imposition of a government-controlled police force following the Bull Ring riots was a humiliation felt by the entire town; nevertheless, as a result, the Council was finally able to legitimately demand its rate, and this no doubt contributed to a growing confidence that the Corporation would remain.

The metamorphosis of the Town Council from its seemingly Radical origins to a body entrusted with the future of the whole town at a time of historical change should not be readily dismissed. Current literature, fixated on the Chamberlain administration, has been guilty of doing just that, and has subsequently failed to understand how the Birmingham Corporation prevailed. The answer lies, to a significant extent, in the desire of central government to have rational regional administrations in place, particularly in

the volatile industrial centres of the Midlands and the North. This chapter has shown that, for all their Radical credentials, the municipal men were largely compliant with government wishes, punctuated with only an occasional outburst of opposition. Local opposition should not be discounted however, and a question hangs over the existence of the Reform Corporations if Peel had not interjected.

Administrative amalgamation was an early ambition of the Corporation, and vital to its performance. Initial resistance was fierce, but there was growing recognition that the current system was too complex to manage the town adequately. The Street Commissioners had never attempted any form of conciliation with other borough improvement bodies and failed to attract their support as crisis loomed. Rawlinson's sanitation report was damning and added legitimacy to the Corporation's call for amalgamation. Confronted with the possibility of the imposition of a central government board, the Commissioners acquiesced and volunteered to relinquish their authority. To their credit, this was undertaken with great attention to detail, ensuring a smooth transition. The 1851 Birmingham Improvement Act finalised a triumph of Reform, though with such a deal of compromise that Attwood's dream of 'legitimate political union' is difficult to discern within the identity of the Council.

Nevertheless, there was an ambition in the early Corporation building programme that merits more attention than current literature offers. There is a truth in Gill's closing appraisal of the early Birmingham administrations, that 'by their spirit and their actual achievements' they 'helped to form the great tradition of public service'.<sup>657</sup> The prison, asylum and quarter sessions each brought Birmingham a step closer to autonomy from the county. Other ambitions proved more elusive in those early years. Appalling living

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<sup>657</sup> Ibid., p.443

conditions that had been singled out in Rawlinson's report were not addressed until later in the century and clause sixty-seven of the 1851 Improvement Act, which permitted the Council to buy out the privately-owned water company, was implemented by Chamberlain in 1874. Those ambitions, though not achieved, should still be accepted as marking the municipal men out as mavericks of their time.

## Conclusion

*Now, besides very many babies just about to walk, there happened to be in Coketown a considerable population of babies who had been walking against time towards the infinite world, twenty, thirty, forty, fifty years and more. These portentous infants being alarming creatures to stalk about in any human society, the eighteen denominations incessantly scratched one another's faces and pulled one another's hair by way of agreeing on the steps to be taken for their improvement – which they never did; a surprising circumstance, when the happy adaptation of the means to the end is considered.*

[Charles Dickens, *Hard Times*, 1854]

Charles Dickens' presentation of local government in *Hard Times* offered an astute parody of the situation in England's emerging industrial towns. Birmingham, like Coketown, had its share of 'portentous babies'. Those solemn creatures were found to occupy places in multiple seats of local authority, including the vestry, the improvement bodies and, eventually, the Town Council. Their antagonistic relationships are also reminiscent of the hair-pulling, face-scratching infants of Coketown. The portrayal of early nineteenth-century urban chaos is compelling and, as with much of Dickensian literature, has found its way into popular understanding of the period. Academic presentations of regional governance for the same period have also tended towards negative appraisal, maintaining a focus on ideas of progress in the efficiency and attainments of successive generations of local government. This thesis has challenged those conceptions, through a close analysis of overlooked and undervalued primary resources. Nowhere is this concept clearer than in the seemingly perpetual comparison between Joseph Chamberlain's period of tenure and those that went before it, making Birmingham a natural choice for a case study. For people who lived through those hard times, change did not always signify progress. People were still living in puddled courtyards in the 1870s, with limited access to clean water and a heavy miasma of steam engine smoke choking the dingy alleyways of the town. Dickens' claim that regional

administrators 'never did' make the improvements promised to the rate payer was a perception doubtlessly recognised across the North and Midlands of England.

The research presented in this thesis has shown what changes were expected among the local community and how administrators managed those expectations. It has been shown that nineteenth-century urban administrations were far more organised and financially savvy than has generally been credited. The tendency within current literature has been to focus, negatively, on the fact that Birmingham's Street Commissioners were self-elected and therefore represented a closed system of governance. Such an approach overshadows the more positive aspects of a well-organised, sophisticated body that initiated the material changes necessary to present Birmingham as a major commercial town, perpetuating economic and demographic growth, as well as international reputation. Lighting, paving and policing came under their jurisdiction and, as chapter one revealed, the Commissioners consistently faced any arising difficulties with pragmatism and an eye on the best value for the public purse. This is not to say that the body was without its problems. They continued to battle with a poor sewage system and the difficulties of managing private contractors when gas lighting and the railways arrived; they were often subjected to public criticism. Nevertheless, their achievements merit far more attention than is currently available. The intention of chapter one was to present a snapshot of the town's administration before incorporation; this was achieved and fresh evidence introduced, for example on the issue of smoke pollution, which was shown to have been a greater issue than water supply in Birmingham during the first forty years of the nineteenth century.

Chapter two raised the question of how Birmingham came to petition for a Charter of Incorporation in 1838 when, less than fifty years earlier, there had been an apparent

public affection for the convoluted unreformed system, despite its failings,. Through an exploration of several centuries of the town's history, it was shown that there was a well-established workshop economy that was able to diversify and adapt in response to economic fluctuations and changing tastes and fashions. It was this factor that had the greatest impact on shaping the town's social and political identities. The institution of the Street Commissioners was dedicated to ensuring that the physical infrastructure was able to support commercial ambitions, and local inhabitants contributed increasing sums of rates to ensure that it was.

Birmingham was able to easily attract migrants seeking potential opportunities for small increments of social mobility that was afforded by the economic structure, and they brought in their own cultures and ideas. Aside from the small hand working industries there was also a proliferation of retail centres, selling goods that appealed to an increasingly affluent middle-class, some of whom travelled from outside the region. Retailers were shown to represent a social stratum that has been identified as a 'lesser middle class', or 'shopocracy'. This group, although not among the wealthiest or best educated in the community, held an influential position when it came to the move for incorporation, for it was they who were most likely to qualify for the franchise. Identification of this group has brought some additional understanding to how it was possible to rally enough support to successfully petition for the Charter.

With an absence of borough status prior to 1832, Birmingham was also able to attract migrants from diverse religious backgrounds, becoming home to a large Christian Nonconformist community. This created some lines of tension, as evidenced in the Priestley Riots of 1791. Many Nonconformists, particularly from among the Unitarians, were active in challenging the imposition of a Church rate. Whilst this created further

tensions and, on occasion, led to vestry rioting, it also contributed to a lively political scene and, perhaps, influenced support for a move to incorporation. It was shown that Reformism grew in popularity from the second half of the eighteenth century onwards, centred around demands for parliamentary and tariff reform. Again, commercial interests took precedence, and Birmingham was unique in its pursuit of monetary reform.

The petition for a Charter of Incorporation was successful, albeit marginally, for a number of reasons. Firstly, the large ‘shopocracy’ to whom it appealed and who had the ability, in a relatively small electorate, to vote in favour of it. Secondly, there was an established Reform platform, and some of those who had long held a place on it were part of the movement for incorporation. Reform ideology had become entrenched in Birmingham’s identity, and when an opportunity to issue further demands arose, there were those who would comply. Thirdly, there was a lingering dissatisfaction with the Reform Parliament, and this promoted support among those who might have viewed a corporation as a legitimate political union.

Having established a strong context in which to understand the move towards a new system of governance, chapter three set out to show how it was achieved and to understand who the protagonists were. The demand for local government change gained greater impetus following parliamentary reform in 1832, but as the chapter revealed, attempts at local reform received less popular support than had previously been expressed in the mass demonstrations demanding national legislative changes. This stemmed from a resistance to the prospect of creeping centralisation of regional government, and it was a sentiment which was felt across the community. The chapter introduced comparison with other localities which had applied for a Charter of Incorporation. As with Birmingham, there is limited in-depth analysis available for Manchester, Bolton or

Sheffield, however, it was possible to trace contemporary debates through digitized copies of local newspapers. Although there was a diversity in the traditional organisation of those town, each had the shared characteristics of both a relatively recent Radical tradition and a Tory presence within their respective public spheres. It is suggested here that debates surrounding incorporation enabled more pro-active petitioning in boroughs where the public sphere was dominated by that political dynamic. It seems likely that, even in towns where petitioning did not gain ground, some level of discussion would have been underway and where it did, two key questions directed discourse: First, was incorporation symptomatic of creeping bureaucratic centralisation? Or did it represent an opportunity to create 'legal political unions' with which to challenge government policy? If the situation in Birmingham and Manchester can be taken as an indicator, the presence of a small number of charismatic and influential men was a decisive factor in carrying the debate. However, further investigation of towns that did not apply for incorporation would be necessary to fully support that view. Given that only four towns applied for incorporation, of which three were successful, such a survey would be a useful addition to current literature on early nineteenth-century government reform.

The final chapter of this thesis considered the impact of municipal incorporation in Birmingham. It was shown to have represented two significant changes for the community; firstly, it introduced a challenge to the long-standing system of governance that had served Birmingham for several decades. Resistance to that change lay predominantly with the Tory rate-payers who utilised the vestry to challenge the legitimacy of the town council. Secondly, the town's first municipal men were drawn from the body of Reformists who had played a prominent role in mobilising anti-establishment discontent. This led to bitter recriminations from former working-class

allies, which built into violent confrontation, recognisable in the actions of supporters of the Chartist Movement. They perceived the move to public office as a betrayal of the former alliance, a sentiment that was further exploited by Chartist leaders from outside the town to promote the objectives of the Movement. The necessity to understand the dynamics of local relationships was made clear in this chapter; without the context built in previous chapters, the relationship between governance and locality would be lost. This has been the case in some of the current literature. In particular, events surrounding the Bull Ring riots in 1839 have been ascribed solely to Chartist unrest with little attention given to the process of incorporation, an event which, it is argued here, played an equally significant role in that period of high emotions.

The 1835 Municipal Corporations Act was an imperfect piece of legislation, the result of an attempt to hurry it through after a protracted and controversial Lords debate. The ‘momentous experiment’ would lead to an intense period of uncertainty in those boroughs that were successful in their petitioning. A question hangs over the issue as to whether there was a government intent to impose the reform, regardless of legal challenges. The conclusion from this research suggests that was the case, but it was only decisive action taken by the Peelite government of 1843 that assured legitimacy. The imposition of a police force on Birmingham in 1839 was widely perceived as a negative interference and was strongly contested by the Town Council; however, it altered the fortunes of that body, and can be understood as a clear indication of state support for the new institution. Nevertheless, the inevitability of municipal incorporation was not clear to those campaigning for and against it until Peel’s interjection. As a result, councils found themselves in a precarious position for several years with an, arguably, longer period in which they were not fully accepted by the local community. Birmingham’s town

councillors were subjected to contestation in a way that the body of Street Commissioners had not been. The rate strike of 1839 was unprecedented in the town and marked the mobilisation of a discontented body of rate-payers that would inhibit later administrations. The scope of this thesis did not allow for investigation of the years between amalgamation and the Chamberlain period, but further research in that area, and particularly the long-term implications of the rate strike, would make a significant contribution for additional understanding of Birmingham's municipal development.

By examining the points of tension between Birmingham's early Town Council and the community it served within the context of earlier political alliances, it has been possible to bring a fresh understanding to that disapprobation. It has been revealed that incorporation in 1838 came to symbolise a significant division of interests among the community, which generated a sense of betrayal. Expressions of that betrayal almost leap from the pages of Chartist newspapers and courtroom speeches. When John Collins was put on trial for sedition in the immediate aftermath of the Bull Ring riots, at the behest of his former Radical allies in the council, his lawyer opened the proceedings with the declaration:

Sedition! A prosecution for sedition by men who have lived and moved and had their being by sedition, who for twenty years have been breathing nothing but sedition, have reaped the fruits of it, and now in the supposed language of this libel, turn around upon the poor and less fortunate of their own class, their own clan, and attempt by the most unfair, iniquitous and unjust means to crush them to the earth!<sup>658</sup>

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<sup>658</sup> CRL K20, 'Reports of State Trials: New Series' (London, 1891), 'The Queen against John Collins, Warwick Assizes, August 5<sup>th</sup>, 1839, before Littledale: Publishing a Seditious Libel'

It was a dramatic implication, but one which highlights a perception of former alliances that were not related to shared economic status. The lawyer here, James Goulburn, emphasised the former unity, suggesting that the only differential was one of privilege, and that had become a factor in the bitter divorce of political interests. In the past, Birmingham's municipal men had risked as much as any other contemporary to force democracy, standing 'shoulder to shoulder', as the Chartist press was fond of expressing, with the people. But now they were in office, and part of the establishment, how could they still claim to be Radicals?

Municipal reform has been traditionally presented as evidence of enlightened progress in regional affairs. It was intended to mark the end of privileged authority and a shift towards greater public participation. Incorporation reform was an expression of intent towards a modern state, however ideas of 'progress', are contested here. This thesis has taken up Garrard's idea that access to political participation was, in fact, reduced as a result of encroaching state bureaucracy in regional affairs.<sup>659</sup> Corporation gave the impression of representation in a way that self-elected improvement bodies could not. But it was, nevertheless, a property franchise. This research has revealed *how* the administrative bodies were organised and this has shown the nature of the Town Council was at least as closed to public participation as any of the improvement bodies, as so many of its officers were chosen from among personal friends, ex-BPU members and other supporters of 'the good old cause'. This opened the councillors up to criticism and challenge, the most intense of which was that presented by the DNRRS. Although that Society does feature in current literature, there has been little previous attempt to show either the impact of boundary changes on Birmingham's sub-districts, or the relationship

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<sup>659</sup> Garrard, *The History of Local Political Power*, p. 266

between the governing bodies and communities of individual districts. The research for this thesis has gone some way to addressing this oversight, but there is scope for further investigation; it has not been possible to locate documentation for other informal Radical groups, but it is known that a similar group existed in the hamlets of Deritend and Bordesley, as it is mentioned in the minute book of the DNRRS.

This conclusion has highlighted a number of potential avenues for further exploration, but there are others which became apparent during the course of researching the primary materials, including the role of women in civic administration. Although they played no formal role and were excluded from office, they contributed financially to the development of the town. Minutes of the Street Commissioners show, for instance, that the construction of Birmingham's Town Hall was primarily funded by women. Numerous small businesses were also owned by women, and their names show up in plans to purchase or demolish shops as well as in records of market stall licenses.<sup>660</sup> In Town Council records they are more likely to appear as paid employees of the Corporation, as matrons in the asylum and prison, or as contracted out-workers, such as Mrs Pratt, who was paid two pounds, one shilling and eight pence for providing one hundred pillows for police accommodation in 1848.<sup>661</sup> This further highlights another area worthy of general exploration, that was the contribution to local economy made by Corporations and other regional administrative bodies. As a final suggestion for further research in relation to Birmingham, there is a paucity of literature on the Town Council's earliest capital investments, each of which played a vital role in presenting the town as a modern borough. The prison and asylum built on Birmingham Heath were contemporary

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<sup>660</sup> See also Katherine P.R. Jenns 'Female business enterprise in and around Birmingham in the nineteenth and early twentieth centuries' unpublished Ph. D thesis (1997), University of Birmingham

<sup>661</sup> BAHF BCC/1/AA/1/1/2 August 1<sup>st</sup>, 1848, featured in the presentation of quarterly finance reports

exemplars in their organisation and management, whilst the introduction of Corporation public baths represented a first step into municipal moral leisure which would be followed by the introduction of public parks. These were clearly important aspirations for the early Town Council and each of the projects played a role in the Birmingham community at least until the twentieth century. It is surprising that so little attention has been paid to them in current historiography. A short presentation of Birmingham's first Town Council institutions is given in the final appendix of the thesis to reveal that the councillors dealt with a complex system of civic management even before amalgamation.

Dickens observations were presented in fiction, but they were rooted in fact, as contemporary Royal Commissions and other surveys revealed. The dire, and often fatal, failure of local governments to provide effective sanitation is not under dispute here. However, such observations have dominated subsequent appraisals of the efficiency of regional administration, occasionally in an anachronistic comparison with later institutions. In addition, evidence (of which there is much) has been often overlooked in favour of an imposition of pre-conceived assumptions which has overshadowed the relationship between governance and locality in this period of rapid change.

This thesis set out to challenge prevalent notions that Birmingham's early nineteenth-century administration represented little more than a shambolic punctuation in the town's history. That objective was achieved through close analysis of carefully selected primary resources, many of which have been previously overlooked and their relevance underestimated. The evidence revealed a vibrant and modern approach to governance that transformed Birmingham into a thriving commercial centre.

## **APPENDICES**

- I      Assets and Liabilities of the Birmingham Street Commissioners, 1851
- II     Municipal Election Results December 26<sup>th</sup>, 1838
- III    The Birmingham Police Act, 1839
- IV    Early Corporation Projects:
  - 1. Borough Prison
  - 2. Borough Asylum
  - 3. Kent Street Baths

## APPENDIX I

### **Assets and Liabilities of the Birmingham Street Commissioners**

‘Commissioners of the Birmingham Street Act: Report of the Final Arrangements Committee, December 31<sup>st</sup>, 1851’ (Birmingham, 1851)

This report was presented to the Birmingham Town Councillors in preparation for the Birmingham Improvement Act of 1851. It included detailed reports on the organisation of the Street Commissioners and their current plans and on-going improvements. It also contained detailed accounts of assets, which were presented as belonging to the Street Commissioners, rather than the town itself. Also included were the outstanding loans which were also inherited by the Town Council.

*The pages presented here have been scanned from an original published copy of the Final Arrangements Report*

REPORT  
OF THE  
FINAL ARRANGEMENTS COMMITTEE  
OF THE  
COMMISSIONERS  
OF THE  
BIRMINGHAM STREET ACT,  
PREPARATORY TO THE TRANSFER OF THEIR POWERS TO THE  
Council of the Borough of Birmingham.

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DECEMBER 31, 1851.

# APPENDIX

## A.

### PROPERTIES BELONGING TO THE COMMISSIONERS.

Particulars of Property, and when Purchased.	Tenure.	Cost.	How Let.	Annual Rents.	Observations.
PART OF THE PUBLIC OFFICE Occupied by the Officers of the Commissioners. Purchased in the year 1829.	Freehold . .	Land . £2,130 Buildings 10,570	In the occupation of the Commissioners.		
SMITHFIELD MARKET, Containing an area of 2a. 2r. 0p. Purchased between the years 1816 and 1848.	Freehold . .	£11,500 . .	Let in Pens for Cattle and Pigs .	See following pages.	

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### PROPERTIES BELONGING TO THE COMMISSIONERS,—continued.

Particulars of Property, and when Purchased.	Tenure.	Cost.	How Let.	Annual Rents.	Observations.
The Horse Shoes Inn, St. Martin's Lane.	Freehold . .	. . . .	Let to George Bearsley, annual tenant . .	£60 0 0	
ST. MARTIN'S MARKET, Containing an area of 560 square yards. The Freehold purchased in 1850.	Part Freehold, containing 212 sq. yards, and part Leasehold, containing 348 sq. yards, under the Governors of the Free Grammar School, for an unexpired term of 63 years, from September, 1851.	Land and Buildings, £3,500 .	Let to various persons daily .	See following pages.	The Ground Rent payable to the Governors of the School is £11 17s. 6d. per annum.
JAMAICA ROW, Ground rent payable by John Hunt.	. . . .	. . . .	. . . .	£1 4 6	

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PROPERTIES BELONGING TO THE COMMISSIONERS,—continued.

Particulars of Property, and when Purchased.	Tenure.	Cost.	How Let.	Annual Rents.	Observations.
MARKET HALL, Containing an area of 9,600 square yards. Purchased between the years 1829 and 1833.	Freehold . . .	Land . £44,836 Buildings 28,430	In Vaults, Shops, and Stalls . . .	See following pages.	
THE MARKET RIGHTS AND TOLLS, Purchased from the Lord of the Manor in June, 1824.	Freehold . . .	£12,500 . . .	In hand . . .		
	The Tolls and In- June, 1851, was General Market Smithfield St. Martin's	come received 30th as follows:— Tolls . . . Do. . . . Do. . . .	June, 1850, to 30th £ s. d. 3,455 5 4 2,160 16 1 508 6 3	£ s. d. 6124 7 8 151 7 1 438 0 6 £6713 15 3	
			Machine Tolls Vault Rents, Market Hall		

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PROPERTIES BELONGING TO THE COMMISSIONERS,—continued.

Particulars of Property, when Purchased.	Tenure.	Cost.	How Let.	Annual Rents.	Observations.
TOWN HALL, Containing an area of 6,400 square yards. Purchased between the years 1830 and 1851.	Freehold . . .	Land . £17,521 Buildings 52,000 Towards the build- ing the Commit- tee of the Gener- al Hospital con- tributed £1,200.	To parties apply- ing for the use of it, subject to the approval of the Town Hall Com- mittee.	Uncertain in amount.	This property is subject to the following charges, viz.:— To William Coney the sum of £15 per annum, for the residue of a term of 36 years from the 25th February 1851. To Martineau and Smith for Rental of premises in Para- dise Street, £50. To Messrs. T. I. Vickers, and others, for the residue of a term of 105 years, created by Lease dated 1st May, 1762, at the annual rent of £200. To J. D. Wea- therley for the residue of a term of 34 years except 6 days from 20th March, 1833, created by Lease dated 10th August, 1833; yearly rent £75.

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PROPERTIES BELONGING TO THE COMMISSIONERS,—continued.

Particulars of Property, and when Purchased.	Tenure.	Cost.	How Let.	Annual Rents.	Observations.
WHARF IN SHADWELL STREET, Containing an area of 1,250 square yards. Purchased in the year 1828.	Freehold . .	£2,500 . .	Part in the occupation of the Commissioners for depositing night-soil and sweepings, and part let to tenants as follows: Alexander Black, weekly tenant . David Mountford . William Gubbins, weekly tenant .	<div>£ s. d.</div> <div>7 16 0</div> <div>22 0 0</div> <div>5 4 0</div>	

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PROPERTIES BELONGING TO THE COMMISSIONERS,—Continued.

Particulars of Property, and when Purchased.	Tenure.	Cost.	How Let.	Annual Rents.	Observations.
PROPERTY IN HIGH ST. AND NEW MEETING ST., Namely:—The Red Lion Public House in High St., and Nos. 9, 10, and 11, in New Meeting St. Purchased in the year 1844.	Freehold . .	£2,754 . .	The Red Lion, let to James Clements, for the term of 7 years, from the 25th of March, 1847, subject to determination upon the property being required for a street, at the annual rent of . New Meeting St. No. 9 occupied by Snelson . 10 by Lowe . 11 by Hutchings	<div>£ s. d.</div> <div>140 0 0</div> <div>13 0 0</div> <div>13 0 0</div> <div>13 0 0</div>	This property was purchased for the purpose of forming a street from High Street into Moor Street, to unite with Albert Street.
LANCASTER ST., Wharf containing an area of about 2,000 square yards. Purchased in the years 1832 and 1833.	Freehold . .	£1,200 . .	In the occupation of the Commissioners as a wharf for deposit of soil.		

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PROPERTIES BELONGING TO THE COMMISSIONERS,—Continued.

Particulars of Property, and when Purchased.	Tenure.	Cost.	How Let.	Annual Rents.	Observations.
<b>BIRMINGHAM HEATH.</b> Two Pieces of Land, viz :— Winson Green Road . . . 4857 Lodge Road, exclusive of sale to Railway Company . 4626 9483	Freehold, allotted under the Birmingham Heath Inclosure Act .	.	Winson Green Road Land occupied by Richard Tomkins, at the annual rent of . And the other piece occupied up to the 29th of September last by W. Shakespeare's executors, at £4 per annum; they quitted on that day, and now in hand.	£5 0 0	Of the Lodge Road Land 214 square yards were sold in 1847 to the Birmingham, Wolverhampton, and Dudley Railway Company, for the sum of £44 5s. 0d., which became payable on the 25th March, 1848, with interest at 4 per cent. from 1st September, 1847. The purchase is incomplete.
<b>PARK STREET,</b> Containing an area of 600 square yards. Purchased in the year 1825.	Freehold . . .	£1,100 . . .	In the occupation of the Commissioners as stabling		

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PROPERTIES BELONGING TO THE COMMISSIONERS,—Continued.

Particulars of Property, and when Purchased.	Tenure.	Cost.	How Let.	Annual Rents.	Observations.
<b>HOLLIDAY ST.</b> Stabling and Wharf containing an area of 4,983 square yards, held on Lease from the Company of Proprietors of the Worcester and Birmingham Canal Navigations, from 25th December, 1850, for the term of eight years.	Leasehold . . .	Cost of Buildings, £1,500 . . .	In the occupation of the Commissioners.	.	Ground Rent payable to the Worcester and Birmingham Canal Company, £246 per annum.
<b>SALFORD BRIDGE,</b> Containing an area of 1 rood and 32 perches, held under Lease from the Rev. John Fowler Green, from 25th December, 1840, for the term of 21 years.	Leasehold . . .	.	In the occupation of the Commissioners as a wharf for depositing night-soil, &c.	.	Ground Rent payable for this property, £30 per annum.

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PROPERTY BELONGING TO THE COMMISSIONERS.—*Continued.*

	Tenants.	Rent per Week.		Rent per Annum.	
		£	s. d.	£	s. d.
Property in connection with the Town Hall	EDMUND STREET.				
	No. 50. Collins, Thomas . . .	0	2 6	6	10 0
	51. Cornwall, Thomas . . .	0	3 0	7	16 0
	52. Smith, John . . .	0	3 0	7	16 0
	53. Bancroft, James . . .	0	1 6	3	18 0
	54. Brown . . .	...		12	0 0
	55. Untenanted.	...		18	0 0
	56 White . . .	0	4 6	11	14 0
	57. Ethell, Thomas . . .	0	2 0	5	4 0
	Court 1.				
	No. 1. Oxford, John . . .	0	2 0	5	4 0
	2. Untenanted.				
	CONGREVE STREET.				
	No. 42. Spencer . . .	...		24	0 0
	43. Betts . . .	0	4 0	10	8 0
	44. White . . .	0	1 0	2	12 0
	45. Untenanted.				
	PARADISE STREET.				
	No. 45. Burstall . . .	...		25	0 0
	46. Wright . . .	...		20	0 0
	HILL STREET.				
	Stable—Smith and Melton . . .	...		8	0 0

## SHOPS, STALLS, AND PENS IN THE MARKETS.

## MARKET HALL.

Description of Goods.	No. of Shops.	No. of Stalls.	Amount of Rent in the week ending Nov. 22, 1859.	
			£	s. d.
Fruit and Vegetables . . . . .	6	24	9	12 0
Seeds, Flowers, &c . . . . .		7	1	3 11½
Confectionery . . . . .		11	3	13 6
Fish . . . . .	7	14	3	18 0
Butchers . . . . .	5	19	4	12 2
Poultry, Game, &c. . . . .	5	9	1	1 10
Potatoes, Oatmeal, Quick, &c. . . . .		1	0	9 0
Books . . . . .		9	15	8 6
Manufactured Goods . . . . .				

## ST. MARTIN'S MEAT MARKET.

Number of Stalls.	Number regularly occupied.	Amount of Rent per week.
52	30	£ 7 15 0

## SMITHFIELD MARKET.

Number of Pens for Sheep and Pigs.	Charge per day for each Pen when occupied.	Number of Sheds for looking Pigs.	Charge per night for looking each Pig.	Seller's Toll.	Buyer's Toll.
353	6d.	27	One half-penny.	For Sheep 1d. each Pigs 1d. " Suckers 1d. " Beast 3d. " Calves 1d. " Horses 4d. " Cattle 2d. " Asses 1d. "	1d. each. 1d. " Free. " 2d. each. 2d. " 2d. " 2d. " 2d. " Free.

## VAULTS.—MARKET HALL.

Names of occupiers.	Front Number.	Weekly Rental.		Annual Rental.	
		£	s. d.	£	s. d.
FRONT VAULTS.					
Davis, Thomas Charles	1	0	6 0	15	12 0
Harper, Thomas	2	0	4 0	10	8 0
Salt, Joseph	3	0	4 0	10	8 0
Phillips, John	4	0	4 6	11	14 0
Perry, Benjamin	5	0	6 0	15	12 0
Lerry, William	6	0	6 6	16	13 0
Lerry, William	7	0	4 6	11	14 0
Upton, James	8	0	4 6	11	14 0
Harber, George	10	0	4 6	11	14 0
Hanneford, Daniel	11	0	4 0	10	8 0
Austin, Humphrey	12	0	4 6	11	14 0
Watson, Benjamin	13	0	4 6	11	14 0
Briggs, David	14	0	4 0	10	8 0
Whateley, William	15	0	5 0	13	0 0
Glassey, Thomas	16	0	7 0	18	4 0
Williams, Watkin	17	0	4 6	11	14 0
Thurman, Joseph	18	0	4 6	11	14 0
				214	10 0

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VAULTS.—MARKET HALL,—Continued.

Names of occupiers.	Front Number.	Weekly Rental.	Annual Rental.	
<b>FRONT VAULTS.</b>				
Brought over . . . . .	..	£ s. d.	£ s. d.	
Leach, Charles . . . . .	19	0 4 6	11 14 0	
Matthews, Thomas . . . . .	20	0 4 6	11 14 0	
Poultney, Thomas . . . . .	21	0 4 6	11 14 0	
Chapman, Giles . . . . .	22	0 4 6	11 14 0	
Chapman, Giles . . . . .	23	0 4 6	11 14 0	
Parkes, Eliza . . . . .	24	0 6 0	15 12 0	
Kimberley, John . . . . .	25	0 6 0	15 12 0	
Sheldon, Edward . . . . .	26	0 9 0	23 3 0	
Hood, William, and Co. . . . .	27 & 28	0 12 0	31 4 0	
Commissioners' Servants for heating water to wash benches, &c., and to take their meals in . . . . .	9	..	..	Annual value, say £10
<b>BACK VAULTS.</b>				
Peters, George, & Co. . . . .	4	0 2 6	6 10 0	
Shield, James . . . . .	5	0 3 0	7 16 0	
Turner, Thomas . . . . .	6	0 3 0	7 16 0	
Allsop and Son . . . . .	7 & 9	0 4 0	10 8 0	
Wilkes, William . . . . .	8	0 2 0	5 4 0	
Davis, John . . . . .	10	0 1 6	3 18 0	
Commissioners' Servants for store . . . . .	15	..	..	Annual value, £3 18 0
Eagles, Charles . . . . .	16	0 2 0	5 4 0	
Hayes, John . . . . .	17	0 3 0	7 16 0	
Fortesque, James . . . . .	18 to 22	0 10 0	23 0 0	
Luckman, William . . . . .	23	0 2 0	5 4 0	
Phillips, William . . . . .	24	0 2 0	5 4 0	
Kimberley John . . . . .	25	0 2 0	5 4 0	
Munden, George . . . . .	26	0 1 6	3 18 0	
Turner, Samuel . . . . .	27 & 28	0 4 6	11 14 0	
Sheldon, Edward . . . . .	29	0 2 0	5 4 0	
Void . . . . .	29	0 3 0	7 16 0	
Holyland, John . . . . .	31	0 3 0	7 16 0	
Humphries, Henry . . . . .	32	0 2 0	5 4 0	
Hunt, Thomas . . . . .	33	0 2 0	5 4 0	
Powell, John . . . . .	34	0 2 0	5 4 0	
Hood, William, & Co. . . . .	35	0 3 0	7 16 0	
Gas Metre . . . . .	36			
Emery, Philip . . . . .	Stoves, No. 1	0 1 0	2 12 0	
Lewis, Thomas . . . . .	2	0 1 0	2 12 0	
Void . . . . .	3	0 1 0	2 12 0	
Gas Metre . . . . .	4			
			522 12 0	

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CHattel PROPERTY BELONGING TO THE COMMISSIONERS OF THE BIRMINGHAM STREET ACT IN 1850.

Note.—Some increase has taken place in this property in the present year.

	£ s. d.	£ s. d.
<b>ASH HOLE DEPARTMENT.</b>		
5 Horses . . . . .	63 0 0	
1 Chaff Engine . . . . .	2 10 0	
9 Carts . . . . .	90 0 0	
Barrows, and Tools, and Sundries . . . . .	10 0 0	
1 Boat . . . . .	25 0 0	190 10 0
<b>CLEANSING DEPARTMENT.</b>		
<i>Horses.—Stable, No. 4.</i>		
Lion . . . . .	45 0 0	
Billy . . . . .	45 0 0	
Plumper . . . . .	45 0 0	
<i>Stable, No. 5.</i>		
Dragon . . . . .	20 0 0	
Blackbird . . . . .	20 0 0	
Short . . . . .	15 0 0	
Boxer . . . . .	30 0 0	
Sorrel . . . . .	30 0 0	
<i>Stable, No. 6.</i>		
Punch . . . . .	40 0 0	
Bob . . . . .	40 0 0	
Puppi . . . . .	30 0 0	
Captain . . . . .	40 0 0	
Miller . . . . .	20 0 0	
<i>Stable, No. 7.</i>		
Tinker . . . . .	40 0 0	
Peacock . . . . .	40 0 0	
Badger . . . . .	40 0 0	
Bonny . . . . .	40 0 0	
Turpin . . . . .	40 0 0	
Boxer . . . . .	30 0 0	
Total Cleansing Horses . . . . .		650 0 0
3 Cleansing Machines, time not expired . . . . .	240 0 0	
22 Sets of Gearing . . . . .	60 0 0	
Corn Bins . . . . .		
Horse Clothing . . . . .		
Head Stalls . . . . .		
Buckets . . . . .	16 0 0	
Shovels . . . . .		
Forks . . . . .		
Combs, Brushes, and Sundries . . . . .		
Carried forward . . . . .	322 0 0	840 10 0

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CLEANSING DEPARTMENT,—Continued.

	£ s. d.	£ s. d.
Brought forward . . . . .	322 0 0	840 10 0
10 Mud Carts . . . . .	120 0 0	
1 Do. . . . .	5 0 0	
4 Sets of Brooms . . . . .	12 0 0	
1 Do. . . . .	1 0 0	
3 Do. . . . .	15 0 0	
2 Do. . . . .	8 0 0	
2 Do. . . . .	4 0 0	
<b>CLEANSING STORE ROOM.</b>		
20 Shaffer Cloths . . . . .	10 0 0	
10 Chain Do. . . . .	5 0 0	
22 Forks . . . . .		
18 Buckets . . . . .		
12 Combs . . . . .	6 0 0	
1 Bean Mill . . . . .		
1 Cart Rope . . . . .		
Saddle, Bridle, and Sundries . . . . .		
5 doz. Hand Brooms . . . . .	3 0 0	
50 Shovels . . . . .	6 5 0	
33 Scrapers . . . . .	4 0 0	
26 Bags . . . . .	2 0 0	
4 Inclines . . . . .	12 0 0	
Sundry Machinery for Repairing Machines . . . . .	13 10 0	
6 Sets of New Brooms . . . . .	35 0 0	
5 Wheel Barrows . . . . .	1 15 0	
3 Planks . . . . .	1 0 0	
<b>DRYING ROOM.</b>		
Stove, Boiler, and Forms . . . . .	2 10 0	
Total Cleansing Material . . . . .		540 0 0
<b>ROAD MAINTAINING DEPARTMENT.</b>		
<i>Horses.—Stable, No. 1.</i>		
Merriman, Brown . . . . .	30 0 0	
Sharper . . . . .	20 0 0	
Merriman, Black . . . . .	15 0 0	
Madam . . . . .	30 0 0	
<i>Stable, No. 2.</i>		
Short . . . . .	30 0 0	
Boxer . . . . .	30 0 0	
Dick . . . . .	10 0 0	
Bluesom . . . . .	15 0 0	
Jack . . . . .	15 0 0	
Total Road Maintaining Horses . . . . .		195 0 0
<i>Stable, No. 1.</i>		
5 Suits of Gearing . . . . .	15 0 0	
4 do. Chain do. . . . .	12 0 0	
3 do. Thiller do. . . . .	4 0 0	
2 Corn Bins . . . . .	2 0 0	
Forks, Shovels, Headstalls, and sundries . . . . .	1 15 0	
Carried forward . . . . .	34 15 0	1625 10 0

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ROAD MAINTAINING DEPARTMENT,—Continued.

	£ s. d.	£ s. d.
Brought forward . . . . .	34 15 0	1625 10 0
<i>Stable—No. 2.</i>		
5 Sets of Gearing . . . . .	15 0 0	
1 do. Chain do. . . . .	2 0 0	
2 Corn Bins . . . . .	2 0 0	
Buckets, Shovels, Forks, Brushes, and Sundries . . . . .	2 0 0	
Road maintaining store room . . . . .		
6 Scrapers . . . . .		
2 Dozen Pecks . . . . .		
4 Spades . . . . .		
3 Scopes . . . . .		
Pig Trough . . . . .		
Hay Rack . . . . .		
2 Iron Bars . . . . .	6 0 0	
Blocks and Wedges . . . . .		
2 Road Hammers . . . . .		
3 Shovels . . . . .		
Bill-hook and Mittens . . . . .		
Road line . . . . .		
8 Riddles . . . . .		
3 Chairs . . . . .		
Sundries . . . . .		
Tarpaulin . . . . .	3 0 0	
<b>STORE ROOMS.</b>		
Hay . . . . .	7 10 0	
Straw . . . . .	5 0 0	
100 Bags of Beans . . . . .	62 10 0	
17 Quarters of Oats . . . . .	19 10 0	
Weighing Machine . . . . .	2 10 0	
Measures . . . . .	2 0 0	
50 Bags . . . . .	5 0 0	
Chaff, Bean, and Kibbling Machine . . . . .	100 0 0	
20 Pair of Driving Reins . . . . .	4 0 0	
<b>YARD.</b>		
11 Gravel Carts . . . . .	110 0 0	
23 Water Carts . . . . .	690 0 0	
1 Small ditto . . . . .	3 0 0	
12 Wheelbarrows . . . . .	4 0 0	
Hand Cart . . . . .	1 0 0	
Water Bay . . . . .	4 0 0	
38 Steel Grates . . . . .	87 0 0	
5 Gully Traps and 38 Weus . . . . .	11 10 0	
4 Fire Grates . . . . .	2 0 0	
Iron Roller . . . . .	10 0 0	
2 Ladders . . . . .	2 0 0	
6 Lamp Columns . . . . .	10 0 0	
Carried forward . . . . .	1177 5 0	1625 10 0

# ROAD MAINTAINING DEPARTMENT, —continued.

	£	s.	d.	£	s.	d.
Brought forward . . . . .	1177	5	0	1625	10	0
Timber . . . . .	15	0	0			
Slates . . . . .	3	0	0			
2900 Cube yards of Rag Stone . . . . .	425	0	0			
1100 Square yards of Flagging . . . . .	290	0	0			
Urinal . . . . .	3	0	0			
16 Stone Posts . . . . .	24	0	0			
2 Iron ditto . . . . .	4	0	0			
445 Yards of Lineal Kibb . . . . .	63	5	0			
Total Material Road Department . . . . .				1959	10	0

## PUBLIC OFFICES— ACCOUNTANT'S DEPARTMENT.

Room No. 1.		
Writing Desk and Iron book Cases . . . . .	30	0 0
Oak Table . . . . .	3	0 0
2 Oak Book Cases . . . . .	3	0 0
Settee . . . . .	1	0 0
4 Chairs and 2 Stools . . . . .	2	10 0
Umbrella Stand . . . . .	0	10 0
Coal Vase . . . . .	0	10 0
Map of Birmingham and 1 other . . . . .	1	0 0
Clock . . . . .	2	0 0
7 Frames . . . . .	0	14 0
Perambulator . . . . .	15	0 0
Wash-hand Stand . . . . .	0	15 0
Fender, Fire Irons, Blinds, and Sundries . . . . .	5	0 0
Room No. 2.		
Table . . . . .	5	0 0
25 Chairs . . . . .	20	0 0
Hat Stand . . . . .	1	0 0
Clock . . . . .	1	10 0
Fender and Fire Irons . . . . .	1	0 0
Carpet, and Oil Cloth, Blinds, &c. . . . .	6	10 0
Room No. 3.		
Table . . . . .	3	0 0
3 Chairs . . . . .	1	10 0
5 Settees . . . . .	4	10 0
Fender & Fire Irons, Cupboards & Sundries . . . . .	12	10 0
Room No. 4.		
2 Tables . . . . .	0	10 0
Desks and Drawers . . . . .	5	10 0
5 Chairs and Stool . . . . .	1	10 0
6 Settees . . . . .	5	15 0
Fender, Fire Irons, and Sundries . . . . .	2	15 0
Carried forward . . . . .	140	9 0
	3585	0 0

# ACCOUNTANTS' DEPARTMENT,— continued.

	£	s.	d.	£	s.	d.
Brought forward . . . . .	140	9	0	3585	0	0
Room No. 5.						
Table . . . . .	3	0	0			
19 Chairs . . . . .	10	0	0			
Stand, Fender, and Fire Irons . . . . .	2	0	0			

## COMMISSIONERS' ROOM.

Table . . . . .	10	0	0
10 Settees . . . . .	40	0	0
Chair . . . . .	4	0	0
14 Chairs . . . . .	14	0	0
Fenders, Fire Irons, &c. . . . .	5	0	0
Matting . . . . .	7	0	0
Cornice Poles, Curtains . . . . .	30	0	0
Blinds . . . . .	3	0	0
Hat Stands . . . . .	4	0	0

## NUMBER ROOM.

Deal Cupboards . . . . .	2	0	0
Shelves . . . . .	3	0	0
Steps and Drawers . . . . .	2	10	0

## TOWN SURVEYORS' OFFICE.

Map containing Contour Levels of Birmingham . . . . .	390	0	0
Writing Desk . . . . .	10	0	0
Large set of Drawers and Cupboards . . . . .	40	0	0
Drawing Table . . . . .	4	0	0
7 Chairs . . . . .	10	0	0
Perambulator . . . . .	7	0	0
Fender and Fire Irons . . . . .	0	5	0
Sundry Books . . . . .	1	10	0

## WAITING ROOM.

Writing Desk . . . . .	2	0	0
Tables . . . . .	3	0	0
Plans of the old Culverts . . . . .	50	0	0
7 Chairs . . . . .	1	0	0
Level and Staffs . . . . .	15	0	0
Coal Hods, Fire Irons . . . . .	0	15	0

## LOBBY.

Clock . . . . .	4	0	0
Umbrella Stand . . . . .	1	0	0

## STABLE AND COACH HOUSE.

Sociable . . . . .	10	10	0
Sundries . . . . .	1	10	0

Carried forward . . . . .	1252	9	0	3585	0	0
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## TOWN SURVEYORS' OFFICE,—Continued.

	£	s.	d.	£	s.	d.
Brought forward	1252	9	0	3685	0	0
STORE ROOM.						
Side Entrance	5	0	0			
9 Gully Traps	11	10	0			
1 Ventilator	0	15	0			
2 Grates	2	10	0			
Sewer Tools	6	0	0			
Do. Boots	4	0	0			
Barrow	0	10	0			
Sheet Plates	1	0	0			
Sewer Clothing	3	0	0			
				1286	14	0
Total Public Offices						
Total Chattel Property of Commissioners in 1850				4871	14	0

## B

## FIXED DEBTS AND LIABILITIES.

ANNUITIES GRANTED BY THE COMMISSIONERS AND CHARGED ON THE LAMP RATE.

Periods when granted.	Annuity.	Amount of Purchase Money.	Amount of Annuity.	Age 1850
4th January, 1802	Rebecca Pumphrey	£ 500	35 0 0	70
13th October, 1846	Sarah Wade	150	22 4 0	77
2nd February, 1829	Charlotte Taylor	899	52 0 0	66
2nd February, 1829	Mary Ann Dunbar	1100	32 14 6	73
7th November, 1831	Mary Campbell	500	40 0 0	70
4th October, 1847	Ann Perman	300	37 10 0	76
7th April, 1845	Charlotte Williams	2560	150 0 0	42
5th October, 1846	Mary Ann Jacot	1340	75 0 0	41
5th October, 1846	Ann Collins	500	30 0 0	47
				75
5th October, 1846	M. S. and E. Tart	350	30 0 0	67
				86
2nd November, 1846	Charles Askins' Trustees	2260	200 0 0	69
7th June, 1847	Elizabeth Wilson	900	72 0 0	61
4th December, 1848	Betty Hanson	200	25 0 0	72
1st June, 1829	Leah Leske	100	8 5 0	72
5th January, 1846	Sarah Archer	106	20 0 0	74
5th January, 1846	Susan Sankoy	416	25 0 0	43
30th October, 1851	Rebecca Pearson	500	32 10 0	47
		12,622	947 3 6	

## SUMS BORROWED ON SECURITY OF THE LAMP LEVY.

These sums bear interest at four per cent. from the 1st January, 1852, and are repayable at six months' notice.

Marian Lloyd's Trustees	2000
Edward Watson	1000
William Phipson's Executors	500
Samuel Dawes	1000
George Jones's Executors	3200
Isaac Hill's Executors	1000
E. W. Anster's Executors	1100
William Richards's Executors	1000
Sarah Gibson	900
William Jeunmett	1000
John Bellis	5060
Edward Bingley	1000
Joseph Smallwood	3600
James Weston	3500
Joseph Deakin's Executors	900
Ann Jones	500
J. P. Smith	1000
Sarah Lawrence	1000
Benjamin Barnes	1000
S. Spurrell and others	1000
T. W. Perkins	1300
Richard Pearl's Executors	700
Isaac Ainsworth's Executors	5000
Thomas Hale's Executors	3000
Sarah Lawrence	2700
William Bowyer	1000
Catherine Chattaway	1000
Joseph Hodgson	1000
Robert Smith	2000
R. Anster's Executors	3000
Rev. H. Kempson	1000
Birmingham Fire Insurance Company	27,000
James Weston, Jun.	1500
E. Weston and J. W. Perkins	500
Catherine Weston	1000
Jane Weston	1000
John Palmer	1200
S. C. Edwards	500
Joseph Warden	1000
Messrs. Lee and others, Trustees of Graham Street School	500
	£87,350

## SUMS BORROWED ON SECURITY OF THE TOWN HALL RATE.

These sums bear interest at four per cent. per annum, from 1st January, 1852.

Samuel Jemmett	£ 1000
Robert Smith	4000
Isaac Marshall	1000
Carried forward	6000

Brought forward	£ 6000
Isaac Hill's Executors	500
Naden and Hadley	500
Sarah Bryant	100
Mary Stone's Executors	500
Ann Silvey's Executors	500
E. and J. Osmond	2500
Samuel Dawes	1000
Lucinda Kempson	2000
Mrs. Hill's Trustees	1000
Ann Bentrall	1000
Margaret Rigg	1000
Catherine Perkins	900
Elizabeth Perkins	900
District Fire Insurance Company	2000
S. C. Edwards	500
John Smith	1000
Hart and Fallows	1200
George Smallwood	2500
	£25,000

## ANNUITIES AND RENTS, ETC., CHARGEABLE ON PROPERTY OF THE COMMISSIONERS.

	For Annuity.	£	s.	d.
The Wardens of Saint Martin's	Perpetual Annuity	1	0	0
The Wardens of Walsall—charged upon part of Smithfield Market Property	Perpetual Annuity	5	0	0
The Governors of the Free Grammar School, for land, part of St. Martin's Market	Ground Rent	11	17	6
Worcester Canal Company	Ground Rent for Wharf in Holliday Street	246	16	0
The Rev. John F. Green	Ground Rent for Land at Salford Bridge	30	0	0
Rector of St. Philips	Perpetual Annuity	8	0	0
William Coney	Annual Charges for Town Hall Property (see ante, p. 31)	15	0	0
Martineau and Smith		50	0	0
T. J. Vickers, and others		200	0	0
T. D. Weatherley, Esq.		75	0	0
George Jones	Rent of House in Park Street	7	3	0
Thomas Welch	Acknowledgment for use of Wall in part of Market Hall Property	0	5	0
		£650	1	6

C.  
CURRENT LIABILITIES AND ASSETS.

LIABILITIES.		ASSETS.	
HIGHWAY ACCOUNT.		HIGHWAY ACCOUNT.	
Balance due to Messrs. Moffet & Co. Bankers, exclusive of charges from 30th June, 1851	£ 1325 10 8	Estimated amount receivable upon Rates in course of collection	£ 7750 0 0
Amount due to Mr. John Graves, for dilapidations of premises, Berkeley Street	80 0 0	Amount due from Landlords, for share of Fagging and Faving	125 6 9
		Balance in the hands of Charles Fridman, Account- ant Clerk upon Surveying Wages, account after payment of wages to 28th, and petty expenses to 31st December, 1851	213 17 4
		Balance in the hands of Charles Fridman, Account- ant Clerk upon Cleansing Wages, account after payment of Wages to 28th, and petty expenses to 31st December, 1851	111 14 7
		Balance in the hands of Charles Fridman, Account- ant Clerk upon Ash Wages, account after payment of Wages to 28th, and petty expenses to 31st December, 1851	83 5 9

## Appendix II

### Municipal Election Results, December 26<sup>th</sup>, 1838 <sup>662</sup>

Radicals	Votes	Tories	Votes
<u>Ladywood Ward</u>			
Thomas Clarke jnr.	66	Daniel Ledsam	25
J. Betts	65	R. Harris	15
Benjamin Hadley	63	R. W. Winfield	10
<b>Total</b>	<b>194</b>	<b>Total</b>	<b>50</b>
		<b>Total Votes Cast</b>	<b>244</b>

<u>All Saints ward</u>			
S. Shakespear*	221	T. Lane	104
P. H. Muntz	158	Benyon	66
F. Matchett	135		
<b>Total</b>	<b>514</b>	<b>Total</b>	<b>170</b>
		<b>Total Votes Cast</b>	<b>684</b>

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<sup>662</sup> These results taken from *Birmingham Journal*, December 29<sup>th</sup> 1838

Hampton ward

G. V. Blunt	159
J. Meredith	159
H. Jennings	157
<b>Total</b>	<b>475</b>

Pemberton	72
W. H. Bates	72
S. Kempson	68
<b>Total</b>	<b>212</b>
<b>Total Votes Cast</b>	<b>687</b>

St. George's ward

T. C. Salt	128
H. Court	127
A. Lawden	121
<b>Total</b>	<b>376</b>

R. Hollis	109
J. B. Oram	106
Waddy	85
<b>Total</b>	<b>300</b>
<b>Total Votes Cast</b>	<b>676</b>

St. Paul's ward

F. Clark	162
J. Hardman jnr.	150
G. Lucas	141
<b>Total</b>	<b>453</b>

David Malins jnr.	129
Souter	128
Marshall	124
<b>Total</b>	<b>381</b>
<b>Total Votes Cast</b>	<b>834</b>

St. Mary's ward

Samuel Beale*	172
R. C. Mason	142
J. H. Cutler	140
<b>Total</b>	<b>454</b>

Phillips	35
S. Allport	33
<b>Total</b>	<b>68</b>
<b>Total Votes Cast</b>	<b>522</b>

Market ward

T. Aspinall	173	Warden	87
T. Clowes	163	J. B. Payn	83
T. Bolton	163	Thomas Perkins	78
<b>Total</b>	<b>499</b>	<b>Total</b>	<b>248</b>
		<b>Total Votes Cast</b>	<b>747</b>

St. Peter's Ward

R. H. Taylor*	412	Butler	218
J. Drake	283	Osborn	217
W. Scholefield	282	Westley Richards	210
W. Harrold	281	W. Phipson	210
Charles Geach	275	Lucas	202
S. Hutton	266		
<b>Total</b>	<b>1799</b>	<b>Total</b>	<b>1057</b>
		<b>Total Votes Cast</b>	<b>2856</b>

St. Martin's ward

J. Rodway	110	T. Hill	68
T. Phillips	108	James James	66
T. Weston	105	F. R. Welch	63
<b>Total</b>	<b>323</b>	<b>Total</b>	<b>197</b>
		<b>Total Votes Cast</b>	<b>520</b>

St. Thomas's ward

W. Middlemore*	199	Jos. James	81
J. Sturge	144	William Lucy	71
William Pare	114		
<b>Total</b>	<b>457</b>	<b>Total</b>	<b>152</b>
		<b>Total Votes Cast</b>	<b>609</b>

Edgbaston ward

C. Sturge	180	R. T. Cadbury	109
Clement Scholefield	179	S. Haines	100
Henry van Wart	169	J. Ferreday	98
<b>Total</b>	<b>528</b>	<b>Total</b>	<b>307</b>
		<b>Total Votes Cast</b>	<b>835</b>

Deritend and Bordesley

R. Wigley	461	Thomas Beilby	84
W. Ingall	450	S. Thornton	77
W. Jenkins	446	E. Banks	68
J. Hawkes	397	I. Marshall	26
J. Field	387	W. Sumner	24
R. Riley	385	T. N. Fuller	21
<b>Total</b>	<b>2526</b>	<b>Total</b>	<b>300</b>
		<b>Total Votes Cast</b>	<b>2826</b>

Duddeston and Nechells

J. Pierce	520	W. Gammon	452
J. Cornforth	512	J. Haycock	444
Thomas. Hickling	504	Jos. Robins	442
W. Page	492	J. Swinger	441
C. Truman	496	G. J. Green	427
F. Page	489	W. Cracklow	408
<b>Total</b>	<b>3013</b>	<b>Total</b>	<b>2614</b>
		<b>Total Votes Cast</b>	<b>5627</b>

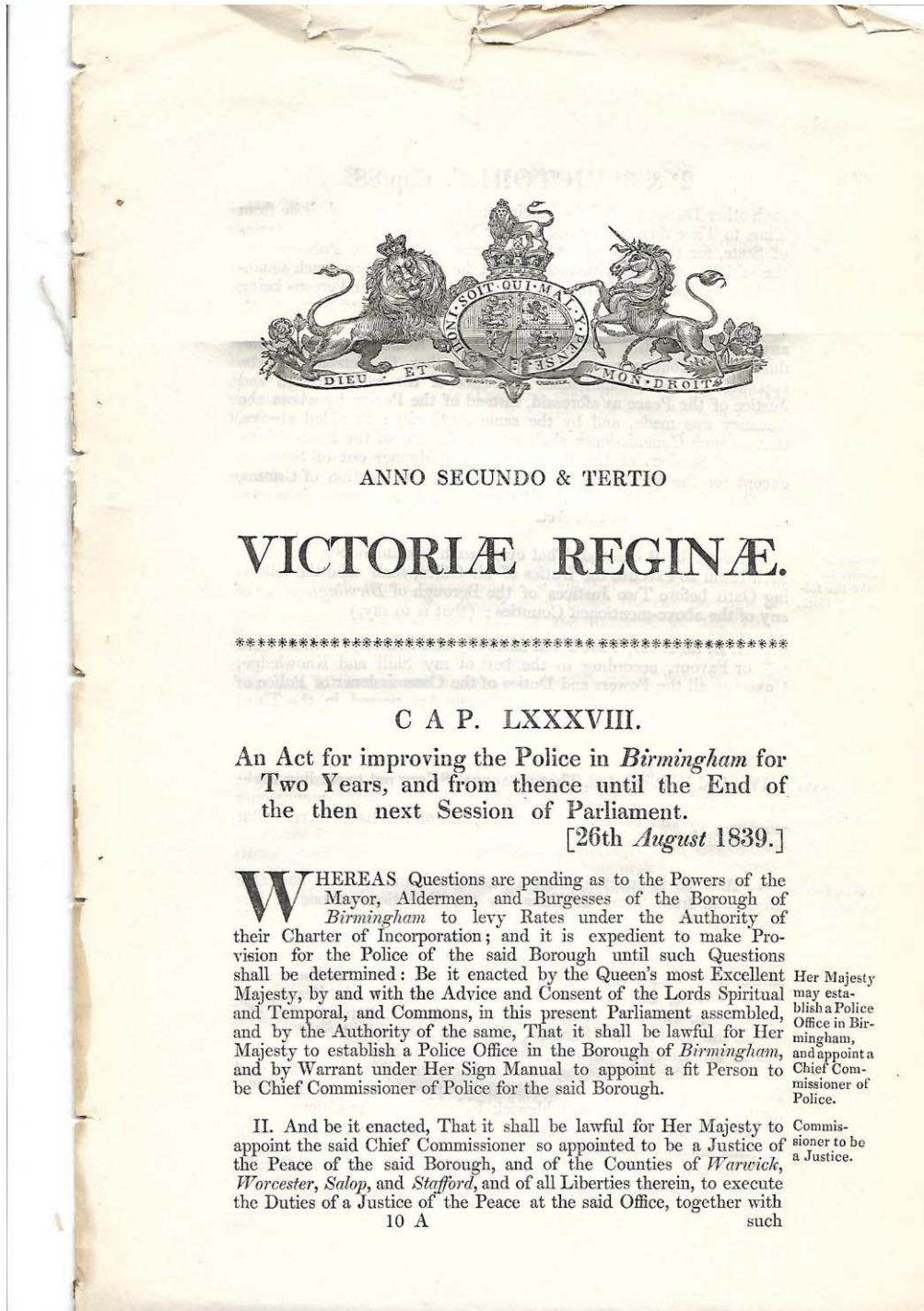
\*These candidates' names appeared on both Radical and Tory lists, but their votes appear all counted as Radical, with no further information on how the votes were calculated

	<b>Total number of votes across all wards</b>	<b>Percentage of total vote</b>
<b>Radicals</b>	<b>11611</b>	<b>66%</b>
<b>Tories</b>	<b>6056</b>	<b>34%</b>

## Appendix III

### The Birmingham Police Act, 1839

The pages presented below have been scanned from a copy of the Act



under the said Act shall be made, in the Case of any Appeal against any Assessment made by an Assessor appointed under this Act, to the Court of Sessions of the Peace holden for the Borough of *Birmingham*, which shall have all the Powers for hearing and determining and giving Relief in the Matter of any such Appeal which by the said Act are given to Justices of the Peace in Quarter Sessions assembled; and in the Form of Conviction used for Offences against this Act the Title of this Act shall be inserted instead of the Title of the said Act: Provided always, that nothing in the said Act contained, or in this Act by Reference to the said Act, shall authorize the Extension of the Police District within the Provisions of this Act beyond the Borough of *Birmingham*, or to prevent any Person from voting at any Election of a Member or Members to serve in Parliament for any County, City, Borough, or Place other than the County of *Warwick*, and the Boroughs and Places therein, including the City of *Coventry*.

Act not to  
affect  
1 & 2 W. 4.  
c. 41.

IX. Provided always, and be it enacted, That nothing herein contained shall be deemed to affect an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace*, or any Act passed for enlarging the Powers of Justices of the Peace under the last-recited Act, but all the Powers and Authorities given by the said Acts or either of them may be exercised in the same Manner as if this Act had not been passed.

Meaning of  
the Words  
"Treasurer  
of the said  
Borough."

X. Provided always, and be it enacted, That the Words "Treasurer of the said Borough" shall be taken to mean the Person for the Time being so called within the Borough of *Birmingham*; and that nothing in this Act contained shall extend or be construed to extend to confirm the Appointment of such Person, or to sanction the Creation of such an Officer as a Corporate Officer, or to confirm or render valid or in anywise to affect the Charter of Incorporation granted by Her Majesty in the Year One thousand eight hundred and thirty-eight, upon the Petition of certain of the Inhabitants of the Town of *Birmingham*.

10,000*l.* may  
be advanced  
for the  
Police of  
*Birmingham*.

XI. And be it enacted, That it shall be lawful for Three or more of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, at any Time after the passing of this Act, to advance and lend to the said Chief Commissioner of Police of the Borough of *Birmingham*, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds, upon the Credit of the Rates to be raised under this Act, and to be employed, under the Direction of the said Chief Commissioner, for the Purposes of the Police of the said Borough; and every Sum so advanced, with Interest thereon after such Rate not exceeding the Rate of Five Pounds *per Centum per Annum*, as the said Commissioners of the Treasury shall direct, shall be charged upon and repaid out of the Rates to be levied within the said Borough

under the Authority of this Act, so that the whole Sum borrowed, with the Interest due thereon, shall be repaid within such Time, not being more than Two Years, as the said Commissioners of the Treasury shall appoint.

XII. And whereas an Act was passed in the Ninth Year of the Reign of King George the Fourth, intituled *An Act for better paving, lighting, watching, cleaning, and otherwise improving the Town of Birmingham in the County of Warwick; and for regulating the Police and Markets of the said Town*; and another Act was passed in the Tenth Year of the same Reign, intituled *An Act for lighting, watching, cleaning, and otherwise improving and regulating the Hamlets or Liberties of Duddeston and Nechells in the Parish of Aston near Birmingham in the County of Warwick*; and another Act was passed in the Thirty-first Year of the Reign of King George the Third, intituled *An Act for cleaning, lighting, and watching, and levelling the Surface of the Streets and other public Places within the Hamlets of Deritend and Bordesley in the County of Warwick; and for removing and preventing Nuisances, Obstructions, and Encroachments, and regulating the driving of Carts and other Carriages used for carrying Goods, Wares, and Merchandizes, therein*, whereby certain Offences were forbidden in the Parish of *Birmingham*, the Hamlets or Liberties of *Duddeston* and *Nechells*, and the Hamlets of *Deritend* and *Bordesley*, respectively, which Parish and Hamlets form Part of the said Borough of *Birmingham*; be it enacted, That it shall be lawful for any Constable appointed under this Act, and for all Persons whom he shall call to his Assistance, to take into Custody without Warrant any Person who, within View of any such Constable, in any Thoroughfare within the said Borough, shall offend against any Provision of the said Acts or either of them, and whose Name and Residence shall be unknown to such Constable, and cannot be ascertained by such Constable.

9 G. 4. c. 54.  
(Local.)

10 G. 4. c. 6.  
(Local.)

31 G. 3. c. 17.  
(Local.)

Offenders  
whose  
Names and  
Residences  
are unknown  
may be  
taken into  
Custody.

XIII. And be it enacted, That it shall be lawful for any Constable appointed under this Act to take into Custody without Warrant any Person who within the said Borough shall be charged by any other Person with committing any aggravated Assault, in every Case in which such Constable shall have good Reason to believe that such Assault has been committed, although not within View of such Constable, and that by reason of the recent Commission of the Offence a Warrant could not have been obtained for the Apprehension of the Offender.

Persons  
charged with  
recent  
aggravated  
may be  
taken into  
Custody.

XIV. And be it enacted, That no Constable appointed by virtue of this Act shall, during the Time he shall continue to be such Constable, be capable of giving his Vote for the Election of a Member to serve in Parliament for the Borough of *Birmingham*; nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to be a Member to serve in Parliament for the said Borough: Provided always, that nothing in this Enactment contained shall subject any Constable to any Penalty for any Act done by him at or concerning any such Election in the Discharge of his Duty.

Police Con-  
stables not  
to vote at  
Elections  
for Birming-  
ham.

Continuance  
of Act.

XV. And be it enacted, That this Act shall continue in force for Two Years, and from thence until the End of the then next Session of Parliament.

Act may be  
amended or  
repealed.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Public Act.

XVII. And be it enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such by all Judges, Justices, and others.

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LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1839.

## Appendix IV

### Early Corporation Projects:

- |                      |      |
|----------------------|------|
| 1. Borough Prison    | 1849 |
| 2. Borough Asylum    | 1850 |
| 3. Kent Street Baths | 1851 |

The following information and accounts have been taken from the Town Council minutes and can be understood as a brief overview, not only of the projects themselves, but also of the resources available for further investigation.

#### 1. The Borough Prison

Construction: 1845-1849

Architect: D.R. Hill

Location: Birmingham Heath (Winson Green)

Closed: Still in use; became Britain's first privatised prison in 2011

The prison was open for the receiving of prisoners in 1849 and represented a phenomenal achievement in terms of practical arrangements in terms of both the construction and subsequent management. The following account is taken from minutes of the Corporation Gaol and Buildings Committee, presented to the Town Council at a general meeting held on March 6<sup>th</sup>, 1849.<sup>663</sup> It is transcribed here for the detail contained on the prison building and arrangements for its management, but also to reveal the difficulties of government legislation with which the Council had to grapple:

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<sup>663</sup> BAHP, BCC1/AA/1/1/2, March 6<sup>th</sup> 1849, report from Gaol and Buildings Committee on the progress of the new Borough Gaol

The time has now arrived when it becomes necessary to consider and provide the requisite furniture and fittings for the cells, the various offices and stores with respect to which your committee feels that it will be most desirable that they should be put into communication with the future Governor of the gaol. And your committee finding an inquiry that under the numerous statutes relating to the regulation of prisons and the appointments and payment of the Governor and other officers, that it was questionable with whom such appointments and regulations rested, and being desirous of placing the Council in possession of the best information on the subject deemed it advisable to obtain the opinion of Her Majesty's Attorney General thereon. And it appears from such opinion which is appended to this report, that the authority rests with the Borough Justices, and under these circumstances your committee recommends that the Council should forthwith direct a communication to be made to the Borough Justices with a request that they take the subject into their immediate consideration in order that the requisite appointments and regulations may be completed by the time the gaol is fit for occupation and that your committee be authorised to communicate with the Bench of Justices from time to time as circumstances may require

For the further information of the Council and also of the Justices your committee deems it necessary generally to state the accommodation which the gaol and buildings afford. The gaol contains 321 separate cells, 207 for males, 56 for females, 40 for juveniles and 18 for debtors. Within the prison quarters are provided for the Medical Officer, Chief Warder, Schoolmaster, Warder of juvenile Department, the Matron and 9 inferior officers. Without the walls of the prison, residences are provided for the governor and chaplain and for 5 wardens; and quarters for two Gatekeepers and two wardens adjoining the entrance gateway are also provided.

#### Case:

The Borough of Birmingham was incorporated in the year 1838 by Royal Charter granted under the provisions of the Municipal Corporations Acts and in the following year (1839) a separate Court of Quarter Sessions was also granted.

A Borough Prison is being built (under the provisions of 5<sup>th</sup> and 6<sup>th</sup> Vic: Cap 98) which is intended to be under the control of one keeper and to be used as a common gaol and house of correction for the confinement of debtors under process from the Borough Courts, prisoners committed for trial at the borough sessions and the County Assize and prisoners committed on summary convictions

by the Borough Justices or otherwise. The prison is nearly completed and the authorities are desirous of making immediate arrangements for opening it. Many questions however have arisen as to the appointment of the various officers and also as to their salaries and the general expenses of the prison and the funds out of which they are payable and the Borough authorities are desirous of having your opinion on these subjects.

The statutes affecting gaols and prisons are numerous and the provisions very complicated. The following is a list of the statutes (which however is not given as complete) together with the cases which appear to bear on the subject

Statutes:

4 Geo. 4 c. 64	7 Wm. 4 c. 56
5 Geo. 4 c. 12	1 Vict. c. 56
“ “ “ c. 85	3 & 4 Vict. c. 25
6 Geo. 4 c. 40	5 & 6 Vict. c. 53
7 Geo. 4 c. 18	7 & 8 Vict. c. 50
5 & 6 Wm. 4 c. 38	“ “ c. 93
5 & 6 Wm. 4 c. 76	6 & 7 Wm. 4 c. 104
6 & 7 Wm. 4 c. 105	

Cases:

Reg v. Bishop of Bath & Wells {5 2.B Rep 147 s.c}  
{12 Law J. Rep. (n.s.) 2. B. 324}

Reg v. Recorder of Hull {8 Ad & El 689 s.c}  
{7 Law J. Rep (n.s.) M C 100}

Reg v. Lancaster 16 Law J. Rep (n.s.) M C 139

Hammond v. Peacock 16 Law J. (n.s.) M C. 155

The officials intended to be appointed for the prison are as follows namely, Keeper, Turnkeys, Task Master, School Mistress, Matron, Chaplain, Surgeon and other usual and necessary officers and it has been questioned whether the appointment of them is vested in the Recorder or in the Town Council or in the Justices, and if in the Justices whether the County Justices have the right to join the Borough Justices in such appointment and as the prison is intended to be used as a common gaol it has been suggested that the Sheriff ought to join in the appointment of the Keeper and also of the Chaplain.

The fixing of the salaries is also the subject of question whether the Town Council or the Justices have the fixing of them, and if the latter whether ever order of justices made for the payment of such salaries and also of the expenses of maintaining prisoners and of any other expense or charge connected with the prison requires confirmation by the Town Council

Some doubt is also entertained whether the orders of payment of salaries and expenses if made by the justices may be made by them directly upon the Treasurers of the Borough and whether he is bound to obey such orders without the authority or interference of the Town Council.

- Your opinion is therefore requested

1<sup>st</sup> By whom are the Keeper, Chaplain, Surgeon and other proper officers of the Borough Prison to be appointed. And how and at what time are they to be appointed

2<sup>nd</sup> By whom are the salaries and allowances of the above-mentioned officers to be fixed and settled and out what fund payable and by and upon whom how and in what manner are the orders for payment to be made

3<sup>rd</sup> Are the salaries and allowances of the surgeon to be fixed before or at the same time of his appointment or afterwards and if afterwards can they be settled and fixed by one order or must they be settled and allowed from time to time and when?

4<sup>th</sup> By whom are the charges and expenses of the maintenance of the prisoners and the general expenses of the prison to be settled and arranged, out of what fund are they payable and by and upon whom and how and when are the orders for payment of them to be made?

5<sup>th</sup> Can the orders for salaries and expenses be made by the justices upon the Treasurer of the Borough and is he bound to pay them? And do such orders require confirmation by the Town Council?

As many of the County Justices are included in the Borough Commission but have not qualified as Borough Justices by making the usual oaths and declarations your opinion is further requested.

6<sup>th</sup> Whether the County Justices who are included in the Borough Commission can join the Borough Justices in the appointment of the officers and the management of the prison (if such appointment and management rest with the Borough Justices) or must such justices qualify as Borough Justices by taking and making any and what oaths and declarations and when and how must they be taken and made.

The response attached was presented with the names ‘John Gervis’ and ‘C.S. Gale’ appended:

Opinion:

1<sup>st</sup> We are of opinion that the right of appointment is in the Justices of the Borough to be exercised at a quarterly meeting

2<sup>nd</sup> (1) The salaries and allowances are to be fixed by the same authority (2) The Borough Fund (3) We recommend the orders to be made on the Town Council and the Treasurer and served on both

3<sup>rd</sup> The salary may be fixed immediately after the appointment of the surgeon and the allowances made at the several subsequent quarterly meetings of the Justices

4<sup>th</sup> (1) By the Justices of the Borough (2) the Borough Fund (3) as above advised 2(3)

5<sup>th</sup> We are of opinion that the orders for salaries and expenses must be made by the Borough Justices and do not require confirmation by the Town Council

6<sup>th</sup> The appointment is in the Borough Justices alone. County Justices as such have no right to interfere in the appointment and those who are Borough Justices also should qualify as such in the same manner

## 2.1 The Borough Asylum

Construction 1845-1850

Architect D.R. Hill

Location: Birmingham Heath (Winson Green)

Closed: 2000

The Lunacy Act of 1845 (8 & 9 Vict. c.100) included legislation for the building of borough asylums where population was sufficient to merit one. Birmingham's Borough Asylum set a benchmark for the care of mental health patients. Within a year of opening a farm had been established for patients to work on and musical concerts staged by the patients were regularly highlighted in the Council minutes. The following accounts are taken from the Town Council minutes and are presented here to give some insight into how the Councillors went about establishing the asylum, but also to reveal that their remit was influenced by moral attitudes of paternalism and humanitarianism, both of which have been identified by Roberts as early Victorian characteristics, emanating from a 'compassion for those who suffered unmerited pain and distress'.<sup>664</sup> The building occupied a large site of more than 20 acres, including well-presented outdoor spaces that gave the external impression of a stately home.

On January 1<sup>st</sup>, 1850, the Lunatic Asylum Committee reported that works were still underway, but that the building was ready for 'fixtures and fittings'. Advertisements had been placed in London and local newspapers for various staff positions and more than one hundred applications had been received for three key posts. As a result, the Committee had appointed Mr. Thomas Green, surgeon of Newhall Street, as the asylum's medical registrar; Charlotte W. Houghton, sub-matron of the Hanwell Lunatic Asylum to the position of matron and William Frederick Knight, steward of Northampton lunatic

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<sup>664</sup> Roberts, *Social Conscience of the Early Victorians*, pp.258-331 on humanitarianism; pp.9-75 on paternalism

asylum to the same role at Birmingham. At the same meeting, a list of further recommended appointments and suggested salaries was also presented:<sup>665</sup>

Non-resident Chaplain	£1000 p.a.
9 Male attendants	£20 - £30 p.a.
9 Female attendants	£15 - £20 p.a.
Cook	£20 p.a.
Baker	£20 p.a.
Laundress	£20 p.a.
House Porter	£26 p.a.
Domestic servants	£8 - £15 p.a.

These all to be resident with board and lodging provided

Engineer	30 shillings per week
Lodge keeper and head gardener (being a married male)	30 shillings per week

Exactly twelve months later, the same committee reported that 207 patients had so far been received into the asylum, including from districts outside Birmingham. ‘The patients continue to benefit from outdoor recreation’, the committee stated, ‘and as part of the land will shortly be put into spade cultivation additional improvement therefrom their health and comfort is anticipated, as well as a saving of expense to the institution.’ That the patients were going to be set to work growing their own food should not be considered exploitative, there is clear indication here that the work was understood as

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<sup>665</sup> BAHF, BCC1/AA/1/1/2, January 1<sup>st</sup> 1850, report of the Lunatic Asylum Committee

therapeutic. At this 1851 meeting, further insight of leisurely pursuits at the asylum was revealed,

Patients continue to take interest in the books and newspapers provided them by the Committee and during the latter part of the last year frequent assemblages of them [patients] have taken place for amusement by dancing and music in the recreation hall under the surveillance of the Medical Superintendent and his family. In some cases, the instrumental music has been supplied by the male attendants and one of the patients. These meetings have all passed without the slightest approach to indecorum or disorder.

### 3. Kent Street Baths

Construction: 1849-1851

Architect: D.R. Hill

Location: Kent Street, central Birmingham

Closed: Late twentieth century; demolished 2009

Birmingham's first municipal wash house was opened at Kent Street May 12<sup>th</sup>, 1851, although it was not fully completed until the following year. The decision to build a bathing centre may seem at odds with the Council's remit to take responsibility for policing, but cleanliness was considered an issue of public moral concern, in much the same way as upholding the law or managing mental health issues was at that time. The supply of water was problematic and expensive, so use of the facilities was not free; suggested charges were presented by the Gaol and Buildings Committee on May 6<sup>th</sup>, 1851 and, as the information shows, the facilities were divided by class:<sup>666</sup>

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<sup>666</sup> BAHP, BCC1/AA/1/1/2, May 6<sup>th</sup> 1851, report of the Gaol and Building Committee

**First-class bathing**

Private warm bath, per person	6d
Warm plunging bath, per person	6d
Private cold bath, per person	3d

For several children, not exceeding eight years of age and bathing together

Private warm bath	6d
Private cold bath	3d

**Second-class bathing**

Private warm bath, per person	3d
Private cold bath, per person	1d

For several children, not exceeding eight years of age and bathing together,

Private warm bath	3d
Private cold bath	1d

**Public swimming bath**

Public swimming bath with use of dressing room	3d
Public swimming bath without use of dressing room	2d

**Use of the washhouses**

For the first hour	1d
For every half hour after the first hour	1d

### Opening times

April 1 <sup>st</sup> – October 1 <sup>st</sup>	6am – 9pm
October 1 <sup>st</sup> – April 1 <sup>st</sup>	7am – 8pm
Sundays April 1 <sup>st</sup> – October 1 <sup>st</sup>	6am – 9am
Sundays October 1 <sup>st</sup> – April 1 <sup>st</sup>	7am – 9am

The Committee requested permission to ‘appoint assistants from time to time for the inspection of arrangements and framing of rules and regulations’. A full-time superintendent and matron were employed, along with the following:

Engineer	30/s p.w.	
Fireman, wage not exceeding	18/s p.w.	
1 male bath attendant	15/s p.w.	with lodging, fire and light
1 female bath attendant.	10/s p.w.	do.
1 towel washer	9/s p.w.	
1 bath scourer	9/s p.w.	

The popularity of the swimming pool was seasonal, but the washing facilities remained popular throughout the year. In a report presented by the Baths and Washhouse Committee on February 6<sup>th</sup>, 1852, it was revealed that during the quarter ending in December 1851, almost 900 visits had been made to the facility, whilst in the same timeframe 561 visitors had made use of the swimming pool. Despite the popularity of Kent Street, the outgoings exceeded the income for this first year. A short summary of expenditure was included in the February report, and this is transcribed below to give an idea of the level of involvement that the Corporation had in managing the town’s municipal facilities, and the contribution made to the local economy.

John Wilson & Co.	Cheque books	£10,,19,,4
J. Harriman	Thermometers	£1,,14,,4
W.H. Bishop	Chairs	£3,,6,,
Mr. Hutchins	Baskets	£,,7,,
J. Rawlings	Brushes	£5,,17,,5
Edward Simons	Soap	£24,,19,,8
Allen & Son	Printing	£2,,15,,6
J. Stokes	Coals	£93,,5,,6
W. Holliday	Cocoa nut (sic.) matting	£15,,18,,9
J.C. Aston	Ironmongery	£1,,7,,4
J. Brassington	Maiding (sic.) tubs, etc.	£10,,17,,3
W. Holliday	Flannel	£,,11,,5
John Hanks	Coals	£,,18,,8
Superintendents' incidental expenses		£1,,15,,5

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