

The Portico Library and its lawyer subscribers

1806 – 1850

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Abstract

This study considers a group of proprietors of the Portico Library and Newsroom (the Portico) who were connected to the legal profession and who all held a share in the Portico at some point in the period from its establishment in 1806 until c.1850. Its intention is to further our understanding of why Portico members may have chosen to associate themselves with this particular cultural institution during their professional working lives, in order to draw conclusions more widely about the Portico's attraction and significance in Manchester in the first forty years of its existence.

This group has not been considered in its own right previously. This study seeks to fill in that gap and argues that, against a backdrop of significant development and change in Manchester and by reference to their activities and interests identified in this study, this group merits attention in its own right and has something of interest to tell us about Manchester, its middle classes and its cultural development in this period.

All of the individuals considered in this study held their share at a point in time in which they were professionally active. Far from representing a retired gentleman's means of spending their leisure time, this study argues that the Portico served both a philosophical and practical purpose for its lawyer members. It can be said to have provided a blue-print for cultural and other institutions which came after it and the conclusions reached in this regard inform us more widely about its significance in Manchester.

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CHAPTER 1 – INTRODUCTION TO THE PORTICO AND THE LAWYERS

This study concerns the Portico Library and Newsroom (the Portico). Its aim is to further our understanding of who the early Portico subscribers were in the first forty-four years of its existence, from its establishment in 1806 to 1850, by reference to a sub-group of those subscribers, specifically a group drawn from the ranks of Manchester's legal profession. Through an analysis of the available data identifying where this group of men lived and worked, a comparison of their respective periods of professional activity and subscribership, a consideration of the nature of some of that professional work and a review of the evidence of their wider involvement in Manchester's civic life, this study seeks to draw some conclusions about this group's role in Mancunian society and why they would choose to subscribe to the Portico. In doing so, it is able to shed more light on the motivations of the Portico's membership more generally in this period, and thereby adds to our knowledge and understanding of the groups of people who made up Manchester's middle classes in this period and the activities they engaged in.

Despite the Portico being one of the oldest libraries in Manchester still remaining on its original site, there is a sense that, until recently, its history and heritage have been relatively unknown and there has been surprisingly little academic writing about it and its earliest proprietors. The existing publications are discussed later in this chapter but, in considering individual subscribers of the Portico, the focus has frequently been on a small group of well-known politicians, industrialists and doctors from amongst its members. Professional lawyers as a group within the membership have not previously been considered at all in the context of their Portico proprietorship, yet the lawyers identified in this study as being original proprietors (i.e. holding an original share from 1806) made up 41% of all of the

lawyers recorded as practising in Manchester at that date.¹ With the exception of one significant work,² Manchester's legal profession itself in this period has had only limited attention paid to it previously and the work which does exist has not sought to connect the individuals considered, and their professional activity, with a specific cultural institution in the way that this study seeks to do with the Portico, to enable conclusions to be drawn about the importance of the institution to Manchester in the period considered. This study seeks to rectify that omission and contends strongly that the Portico lawyers are worthy of interest in their own right because of the nature of Manchester's significance as a thriving commercial centre in this period bringing a corresponding demand for legal work and associated growth in number of practising attorneys. As this study will demonstrate, this placed those attorneys at the heart of Manchester's commercial scene, joined them to influential networks and enabled them as a group to harness Manchester's national importance at this time to make their voices heard in the development of their own profession.

As a result, the conclusions which this study seeks to draw have a relevance beyond simply the sub-group itself; rather, they inform a wider appreciation of the significance to Mancunians of the Portico and informs a better understanding of the inclusion of professionals within Manchester's middle-class groupings during this period. Consequently, the work in this study contributes to, and furthers, our existing knowledge and understanding of Manchester, its middle classes and the importance of its cultural institutions in the late Georgian/early Victorian period.

¹ Clarke's New Law List for 1805 – 1806 lists 58 attorneys as practising in Manchester in 1806, and 24 of those were original Portico subscribers.

² Vivienne Rose Parrott, 'Pettyfogging to respectability: a history of the development of the profession of solicitor in the Manchester area 1800 – 1914' (unpub. PhD, University of Salford, 1992).

The Portico

The Portico is an independent subscription library which, since it opened in January 1806, has been located on Mosley Street in the centre of Manchester. Originally established as a combined newsroom, library and reading room, the Portico was funded by 400 founder members, a group of 'leading Manchester citizens',³ who each subscribed for a share in the new institution. The Portico was founded on prosperity 'derived from the Industrial Revolution, British empire-building and colonial expansion'⁴ and that prosperity enabled its members, known as subscribers or proprietors, to fund the building of the Portico and thereafter build up a large collection of fiction and non-fiction works.

The period from 1800 - 1850 saw Manchester grow from a thriving textile town to one of the most significant cities of the age. Despite the popular image of Manchester's success deriving from its cotton manufacture (and cotton manufacturers undoubtedly featured in significant numbers amongst the Portico's earliest subscribers), historians such as Alan Kidd and Terry Wyke have identified its significance as a wider commercial hub, referencing the economic importance of its warehousing facilities, together with the essential development of a modern financial services sector, providing access to the capital, credit and cash that was 'a necessary part of a growing economy' as well as insurance and other associated services.⁵ Any thriving commercial centre, particularly one whose growth was as significant as Manchester's was in those years, inevitably generates the need for legal work and, against this bustling commercial backdrop, it is not surprising that the period coincided with

³ Ann Brooks and Bryan Haworth, *Boomtown Manchester 1800 - 1850 The Portico Connection: A History of the Portico Library and Newsroom and the influence of its founding members on the development of Manchester*, (Manchester: The Portico Library, 1993), p. 12.

⁴ www.theportico.org.uk/about/ [accessed on 19 March 2022].

⁵ *Manchester – Making the Modern City*, ed. by Alan Kidd & Terry Wyke, 'Introduction,' pp. 91, 93.

a significant increase in the number of practising attorneys in the town, together with certain key events in the development and professionalisation of Manchester's legal community.

In 1806, the year in which the Portico was established, the Law Lists⁶ record 58 practising attorneys in Manchester and, as identified above, 24 of those were original Portico subscribers. By 1846, towards the end of the period of focus for this study, that number had increased to 207. Vivienne Parrott has described how the 'intensity of the industrial experience' in Manchester was the key factor which governed the pace with which the profession developed locally.⁷ Parrott's work charts how the eighteenth-century attorneys of Manchester evolved in phases throughout the nineteenth century into a modern commercial profession. She pinpoints the period from the late 1830s as the first real phase of this development,⁸ although the initial signs of that development came earlier.⁹ A number of the lawyers who are the subject of this study played a significant part not only in this professional development, but also in Manchester's wider political and civic scene, while in the same period they also chose to subscribe to the Portico. Parrott commented that, just as the everyday concerns of the Victorian solicitor were 'as little known' at the end of the nineteenth century as they were in 1992 (when she was writing), similarly unknown were the 'factors which linked solicitors into the social and cultural processes of the local community'.¹⁰ The research carried out for this study aims to take Parrott's work one step further, by focusing in on the lawyers connected to a particular social and cultural

⁶ Clarke's New Law List 1805 – 1806.

⁷ Parrott, 'Pettyfogging' p 12.

⁸ Ibid, p 3.

⁹ For example, the establishment of a dedicated Law Library, and the doubling of numbers of practising attorneys in the twenty years from 1806 – 1826.

¹⁰ Parrott, 'Pettyfogging', p. 1.

institution, the Portico, to shed further light on how the connections between the legal profession and Manchester society manifested themselves and what they tell us more generally about the membership of such cultural institutions in the period of focus. One of this study's contentions is that subscription to the Portico was undoubtedly a means by which this sub-group of lawyer proprietors, referred to throughout for ease of reference as the 'Portico lawyers,' connected themselves to the wider social, cultural and civic landscape of late Georgian/early Victorian Manchester, and contributed to it. The next section of this chapter considers the Portico's historiography, introduces the lawyer focus group who are the subject of this study and explains the research approach adopted.

Historiography of the Portico

Given the length of time it has been in existence, and the renowned people who have been members, there is relatively little academic writing about its subscribers, its literary collection or the wider significance of the Portico within Mancunian society at the time of its establishment or since. To the extent any detailed analysis of the membership has been carried out, it has chiefly been the work of Ann Brooks and Bryan Haworth, with notable additions from others with close links to the Portico, such as Janet Allan's informative overview of the Portico's book collection, and most recently it has featured in Andrew Pettegree and Arthur de Weduwen's work on the history of libraries.¹¹ David Allan briefly references the Portico several times in his seminal work on Georgian libraries, in particular

¹¹ S W Davis, 'The Founding of the Portico Library, Manchester, in 1806' (unpub. MA Dissertation, University College, London, 1969); Ann Brooks, 'The Portico Library and Newsroom: analysis of the membership 1806 – 1903' (Unpub. MA Dissertation, Manchester Polytechnic, 1992); Ann Brooks and Bryan Haworth, *Boomtown*; Ann Brooks and Bryan Haworth, *Portico Library: a history*, (Lancaster: Carnegie Publishing, 2000); Tinsley Pratt, *The Portico Library, Manchester: its History and Associations 1802 – 1922*, (Manchester: Sherratt & Hughes, 1922); Janet Allan, *The Portico Library – a brief guide to the Collection* (Kendal: Titus Wilson & Son, 1996); Brenda Scragg, *Portico 1806 The Founding Fathers*, (Manchester: 2005), Andrew Pettegree and Arthur Weduwen, *The Library: a fragile history* (London: Profile Books, 2021).

in the context of his consideration of Georgian subscription libraries.¹² He asserts that the Portico's 'intimate relationship with early nineteenth century Manchester', the prototypical modern city, rendered it 'unusually central to perceptions of local identity and civic mindedness'.¹³

References to the Portico can be found in several nineteenth century novels. *The Manchester Man* (first published in 1876) by Mrs G Linnaeus Banks (1821 – 1897) describes the Portico's 'pillared façade and flight of steps, like an Ionic temple' as looking down on, but as 'high in repute' and 'equally exclusive in its constitution' as the Assembly Rooms opposite.¹⁴ A number of the book's middle-class male characters, such as Mr Ashton the manufacturer and Mr Aspinall the cotton merchant are Portico proprietors and sit at 'the long tables within the book-shelved, galleried walls of its lofty reading room'.¹⁵ The Portico also appears in a footnote in the rather more notorious *Confessions of an English Opium Eater* (1856) by Thomas De Quincey (1785 – 1859).¹⁶

The perspective of those writing about the Portico, reflecting perhaps the view held of it more widely in the community, has certainly changed over time. At a meeting held in 1823 to discuss the establishment of an institution for the encouragement of the fine arts, George William Wood, an original Portico subscriber, Unitarian and later MP for South Lancashire,

¹² David Allan, *A Nation of Readers - the Lending Library in Georgian England* (London: British Library, 2008), p. 71.

¹³ Ibid.

¹⁴ Mrs G Linnaeus Banks, *The Manchester Man* (Manchester: Abel Heywood & Son, 1896), p. 244.

¹⁵ Ibid.

¹⁶ Thomas de Quincey, *Confessions of an English Opium Eater* (Edinburgh: James Hogg, 1856), p. 364; Grevel Lindop, 'De Quincey and the Portico Library', (Bulletin John Rylands Library: University of Manchester, 1994), pp 179 – 186.

in moving the first resolution, is recorded by the *Manchester Guardian* as having said that 'In our own town, the Portico has for many years been one of its most useful institutions'.¹⁷

By the early twentieth century, the perception of the Portico seems to have changed. In his book, *Manchester Streets and Manchester Men*, Swindells suggested that, for nearly a century, the Portico had had 'a quiet and uneventful career'.¹⁸ The idea of the Portico as a quiet haven for the pursuit of leisurely activities is similarly reflected in the short history of the Portico published in 1922 by one of its librarians, Tinsley Pratt.¹⁹ Tellingly, his work begins with a quotation from a poem by Austin Dobson which references 'men of ampler leisure' who 'lived in that past Georgian day when men were less inclined to say that "Time is Gold" and overlay with toil their pleasure'. Pratt's history briefly charts the establishment of the Portico, interspersed with some interesting anecdotes about particular events (such as the members' decision to illuminate the front of the building with coloured lamps in celebration of the news of Napoleon's abdication in 1814, or the use of the Portico's kitchens for the dinner given in honour of the Duke of Wellington).²⁰ While describing the membership as being, in the early days, 'a very exclusive body', there is limited analysis of the membership as a whole, although certain famous proprietors are referenced (such as John Dalton (1766 – 1844)).²¹ The focus is on the library as a cultural repository for leisured gentlemen – by the early twentieth century, when Tinsley Pratt was writing his history, the Portico had started to struggle with its membership and funding, which perhaps fuelled the somewhat nostalgic view of the Portico's earliest days.

¹⁷ *Manchester Guardian*, 4 October 1823.

¹⁸ T Swindells, *Manchester Streets and Manchester Men First Series* (Manchester: J E Cornish Limited, 1906), p.196.

¹⁹ Pratt, *The Portico Library*, p. 13.

²⁰ *Ibid*, pp 14 – 15.

²¹ *Ibid*, pp 9 – 10.

More recent works have taken a rather different view of the membership, their activities and their wider significance within Manchester at that time. After Tinsley Pratt's work, there appears to have been an absence of any writing until 1969 when S W Davis wrote his MA dissertation on the founding of the Portico.²² Rather than seeing the Manchester middle classes associated with the Portico as 'leisured gentlemen', Davis described a mercantile community who had 'little time for cultural pursuits' because of their preoccupation with 'business matters and profit making'.²³ This view reflects a certain stereotypical image of the Manchester entrepreneur, which is an enduring one and a consciousness of that image, and the desire on the part of Mancunian businessmen to counter it, is discussed in more detail in chapter 2. Davis did however emphasise the practical attraction for this community of the newsroom and, while this study considers that a sensitivity around a perceived lack of culture may have been one of the motivating factors for the original proprietors (including the lawyers), it echoes Davis in emphasising the importance of the newsroom facilities to the Portico's proprietors. Davis' work considered a number of the more renowned members, but it was not until Ann Brooks' 1992 MA dissertation on the Portico that the membership as a wider group was considered in more detail. Brooks' work included a comparative analysis at three points throughout the first century of the Portico's existence, considering the members' addresses (both business and residential, where available) and their self-described occupations (again, where available), to draw conclusions about the nature of the membership and how that changed between 1806 and 1903.²⁴ Brooks' work identified the significant percentage of manufacturers

²² S W Davis, 'The Founding of the Portico Library, Manchester, in 1806' (unpub. MA Dissertation, University College, London, 1969).

²³ Davis, 'The Founding of the Portico Library', p. 11.

²⁴ Ann Brooks, 'The Portico Library and Newsroom: analysis of the membership 1806 – 1903' (Unpub. MA Dissertation, Manchester Polytechnic, 1992).

amongst the original subscribers, but it also identified a group of members drawn from the professions, including a number of lawyers.

The individuals identified by Brooks as having a connection to the law from amongst the 1806 membership formed the starting point for the identification in this study of a sub-group of lawyer subscribers, which was then cross-referenced with primary sources (described in more detail below) and secondary sources, both about the Portico (such as the work of Brenda J. Scragg who referenced Samuel Kay (1751 – 1848), a Portico member and attorney, in her work on the founders of the Portico²⁵ and other writing about Manchester more generally. Through Brooks' analysis of the addresses of the subscribers at three points in time, she traced the increasing trend for the Portico's members to live in the suburbs rather than the city centre as the nineteenth century wore on. In this study, it will be contended that the Portico's proximity to where the Portico lawyers worked (and, in some cases, lived) was, a vital factor in its attraction and utility as an institution to these particular individuals and that proximity is shown in more detail below, by reference to maps of the centre of Manchester.

The activities and contribution of Portico members to Manchester's wider success during the nineteenth century is the central tenet of Brooks' subsequent work with Brian Haworth, which offers a very different picture of the membership from Pratt's leisured Georgian gentlemen. It argues that these subscribers included a group of citizens who 'provided the forces that helped change the face of Manchester, the economy of Britain and the thinking of the world'.²⁶ Allan agrees, referring to the 'visionary subscribers' of the Portico and describing its membership as including a 'glittering cast of stars', referencing a 'thrusting

²⁵ Scragg, *Portico 1806*. Samuel Kay held share no 170 and there is a mini biography of him in Appendix 2.

²⁶ Brooks and Haworth, *Boomtown Manchester*, p. 8.

and ambitious' middle class, including pioneering health practitioners, bankers and politicians.²⁷ However, Allan's 'glittering cast' does not reference any of the lawyers and even where other works name individuals, little attention has been given to them as a wider group within Mancunian commercial life or as Portico subscribers.

Brooks and Haworth suggest that the Portico is a clear example of the kind of Manchester cultural institution Alan Kidd had in mind when he described those institutions as having a 'heterogenous membership', drawn from a variety of occupations and religious persuasions.²⁸ Brooks and Haworth's conclusion is that the membership's 'common thread' reflected in their activities was the practical application of their beliefs, both scientific and religious. With subscribers renowned for their commercial, scientific or political activities, such as the Heywood family, John Dalton, Robert Peel, Richard Cobden and William Cobbett, it is difficult to argue with Brooks and Haworth's view as to the dynamism of certain members, but whether it is credible to contend that the Portico itself became the "powerhouse of dynamic thought and progress" is more open to question.²⁹ Robert Poole's description of the Portico as 'studiously apolitical'³⁰ appears to downplay its wider relevance as a force for change (while acknowledging it as a place where opposing sides could communicate) and Katrina Navickas has argued more broadly that the repressive activities of those on the loyalist side of Manchester politics, including the 'infiltration' of cultural institutions in Manchester, such as the Literary and Philosophical Society, effectively ended any real scope for debate within a Mancunian middle class who became more economically

²⁷ Allan, *Nation of Readers*, p. 71 – 72.

²⁸ *City, Class and Culture - studies of cultural production and social policy in Victorian Manchester*, ed. by AJ Kidd and KW Roberts, (Manchester: Manchester University Press, 1985) 'Introduction', p. 11.

²⁹ Brooks and Haworth, *Boomtown Manchester*, p. 8

³⁰ Katrina Navickas, *Loyalism and Radicalism in Lancashire 1788 – 1815* (Oxford: Oxford University Press, May 2009), p.89.

(and politically) conservative as they became wealthier.³¹ This is a starkly different conclusion to that of Brooks and Haworth who see the differing sides coming together in an atmosphere of 'mutual interest' at the Portico,³² although Navickas does go on to acknowledge the presence of opposing sides on the Portico's committee (including George Duckworth (1764 – 1815)).³³

A fuller consideration of Manchester's middle classes and the political context in which the Portico was established is dealt with in chapter 4 but this study's contention is that the more likely position is somewhere between these two opposing interpretations of the significance of an institution like the Portico. Even Brooks and Haworth acknowledge that the Portico was itself 'limited in power and influence' but argue that its members were united in a desire for 'civic improvement'.³⁴ These differing interpretations will be reflected on in later chapters, when considering in more detail the inspiration behind the Portico's establishment and the purpose it served for the members but this study argues that proprietorship of the Portico was one of a number of ways in which influential middle class Mancunians, including those within Manchester's legal community, were linked and expressed their class status.

Identification of lawyers and research approach

The reasons why the Portico lawyers are worthy of closer consideration, both in their own right and to inform our wider appreciation of the Portico's membership and its significance as an institution, have been touched on already in this chapter. As a group of professionals,

³¹ Navickas, *Loyalism and Radicalism*, pp. 23 - 24.

³² Brooks and Haworth, *Boomtown Manchester*, p. 114.

³³ Navickas, *Loyalism and Radicalism*, p. 91. There is a mini biography of George Duckworth at Appendix 2.

³⁴ Brooks and Haworth, *Boomtown Manchester*, p. 114.

the number of attorneys practising in Manchester increased significantly during the period, reflecting Manchester's unprecedented commercial growth. The establishment of new enterprises such as canals, toll roads, railways and the financial means by which they were funded (including the establishment of local banks and new forms of credit) would all have driven demand for legal work, and as chapter 5 below identifies, a number of the lawyers considered in this study had formal roles in such enterprises. It may therefore be valid to argue that Manchester's legal community was not only part of its commercial growth, but to a degree helped to facilitate it – while consideration of the law, and lawyers', influence on society (for better or worse) tends to be assessed through the lens of criminal law, at least one author has argued that insufficient attention has been paid to England's common law system and its impact on wider society.³⁵ Addressing that question is outside the scope of this study, but the conclusions of this study concerning the Portico lawyers' position in Manchester society and their wider political and cultural activities as well as the religious and educational links shared amongst them, has something of interest to tell us about the contribution of those practising the common law to the dynamic development experienced by Manchester in this period.

Primary sources used in this study

As explained above, Ann Brooks' analysis of the Portico membership, including the trade or profession of the original proprietors, was the trigger for considering a professional subgroup which had not previously featured to any significant degree in earlier work on the Portico. Her data analysis, which was cross-referenced against the original List of Proprietors

³⁵ CW Brooks, *Lawyers, Litigation and English Society since 1450*, (London: Bloomsbury Publishing, 1998), chapter 7.

held by the Portico, was the foundation for the compilation of a group suitable for inclusion in this study. Brooks' MA Dissertation referenced original share certificates. Unfortunately, the Portico is not currently able to locate any such share certificates, so if indeed these were available to Brooks for her research, it makes it all the more valuable that she captured them in her work in 1992. For the purposes of this study, the working list of lawyers (including barristers and those described as attorneys or solicitors) was then developed and cross-checked through a detailed review of the primary source material available. Some of that material is held by the Portico itself, primarily its first List of Proprietors (covering the period from establishment in 1806 to c.1850), its List of Share Transfer records, and its earliest book of minutes of the meetings of the Portico's Committee. These individuals' existence as certified practitioners and their periods of professional practice were established firstly through a review of the various editions of the directories known collectively as the Law Lists, held in the Law Society's library on Chancery Lane in London. The Law Lists were commercially published directories of lawyers produced annually from 1775 until 1976. From 1790, each Law List for a particular year was intended to include only the names of those attorneys who had taken out their annual certificates to practice that year. The information they contained (as its authors make clear in the introductory text) was reliant for accuracy on information provided to those authors, particularly in connection with the legal community outside of London, who were listed in town-specific sections of the Law Lists, so particularly in the earliest versions, names appear with different spellings, or may not appear at all. By the time of publication by Clarke of the 1805/06 edition, the Law List was described as a 'New, Complete and Accurate List of all the certificated attorneys and conveyancers in cities, boroughs, market towns and principal

villages', printed from the information contained in the Stamp Office Certificate Lists.³⁶ The degree of detail included about the listed lawyers increased as the period went on (for example, later editions included the chambers name and year of call to the bar for barristers³⁷ and identified which Manchester attorneys were members of the Manchester Law Association.³⁸ However, it was not until 1861, outside the scope of this study, that the Law Lists included an attorney (or solicitor's) year of admission to the roll.

The list of counsel and attorneys practising in Manchester and/or the Northern Circuit in each volume of the Law Lists, from 1777 through to 1860, was reviewed to confirm that the lawyers identified by Brooks (and those identified in the course of reviewing other source material) were shown in the records as practising lawyers in the period 1806 – 1850. To validate the Law Lists' information insofar as it concerned the Manchester legal community, the information in the Law Lists was cross-referenced against another primary source, the trade directories for Manchester and Salford, at various points within the timeframe covered by this study. These directories, as they also include details of the addresses (in some case, business and domestic) of the town's 'principal inhabitants',³⁹ provided confirmation of the location in which the lawyers operated and its proximity to the Portico. Additional primary sources reviewed included the Police Commissioners' minute books held in the archives at Manchester Central library, the volumes of the Court Leet records for the Manor of Manchester available electronically, the Manchester Law Association minute books (for both its Committee and its members' meetings) held by Manchester Law Society at its offices on Bridge Street in Manchester, as well as personal records held electronically

³⁶ Clarke's New Law List 1805 – 1806.

³⁷ For example, Edward Jeremiah Lloyd, 9 Old Square, year of call 24 November 1815.

³⁸ For example, Thomas Percival Bunting – included in Law List 1845.

³⁹ See further chapter 4, page 65 as regards the significance of the term 'principal inhabitants'.

including census records, Manchester rate books, birth, baptism and death records, Manchester Grammar School records and apprenticeship records). The Portico's book issue records (which are only available from 1849) were also considered, as well as contemporaneous local newspaper reports.

The research approach taken in this study is entirely empirical, starting with a list of individuals known to be Portico proprietors in the manner explained above, and then assessing a range of available primary source evidence to compile a set of factual data about those individuals, including their periods of professional activity, their wider civic activities and their allegiances (political, religious or educational). That set of factual data, which brings together primary sources not previously considered together, was then used to inform the conclusions reached about who these men were (including their status in Mancunian society at that time), the overlap between their professional activities and Portico subscribership, their wider contribution to Manchester's civic life, with a view to the wider assessment of how the conclusions reached about the lawyer sub-group can inform our wider understanding of the significance of the Portico as an institution to Manchester in this period.

The legal profession - terminology

The majority of the Portico lawyers this study has identified were either attorneys, or solicitors (attorney was the more frequently used term of the two), although there were a couple of barristers. Professor John Baker has described how the 'peculiarly English' division of function between the lawyer who stood beside the client and spoke for them (first known as *advocatus* or *prolocutor*) and the lawyer who stood in the client's shoes and acted on behalf of the client in their absence (first known as *attornatus* or *procurator*),

preceded the appearance of a legal profession as such and is one which still exists today, albeit the 'precise allocation' of function between the two has altered over time.⁴⁰ The difference between the roles of attorney and solicitor was one which had become less clear by the period with which this study is concerned. The 'attorney' role was the more historic of the two, while solicitors became a separate branch of the profession in the seventeenth century.⁴¹ Originally, 'solicitor' described an administrative function, rather than role as such, meaning that junior barristers might carry it out as part of their early training, although as their role changed, this practice faded away. Parrott has described how, despite the original differences, by the 1800s the two terms seem to have been used interchangeably. The title 'attorney' was formally abolished after the Judicature Act of 1873,⁴² post-dating the period with which this study is concerned. However, in the early 1800s and at least until the 1850s, the term 'attorney' appears to have been the more commonly used in the primary sources described above.

Defined focus group

The research for this study has identified a focus group made up of 45 individuals who were both Portico proprietors and who practised as lawyers within some point over the period 1806 – 1850 and this is the group referred to as the Portico lawyers throughout this study, for ease of reference. In rough terms, 45 subscribers represent c.11% of the total subscriptions in the period, although this is not a precise figure as not all 45 of the Portico lawyers held their shares at the same time. However, it affords us an indication of the likely

⁴⁰ J H Baker, *An Introduction to English Legal History* (London: Butterworths Lexis Nexis, 2002), 4th edition, p. 155 – 156.

⁴¹ *Ibid*, p.162.

⁴² Parrott, 'Pettyfogging', p.12.

proportion of the proprietorship who were practising lawyers in the period and is confirmation that the size of group considered for this study is a reasonable one on which to seek to draw wider conclusions from. It is likely that there were other lawyers amongst the proprietorship in the period from 1806 – 1850, but for the purposes of answering the questions posed in this study, analysis has been confined to those individuals who the research for this study has confirmed practised professionally and held a Portico share in the relevant period i.e.1806 – 1850. Within this group, it has been possible to identify two broad generations, by reference to the dates of their Portico membership.

Table 1.1 lists the lawyers in the focus group who were original Portico subscribers (by which is meant that they held a share in the Portico from its establishment in January 1806). Only one of these individuals appears to have still been professionally active in 1850. An asterisk indicates that they were elected to the Portico’s committee at some point during their proprietorship.

TABLE 1.1 – FIRST GENERATION

FIRST NAME	SURNAME	BRANCH OF PROFESSION	PORTICO SUBSCRIBER	PORTICO SHARE NO.	PROFESSIONALLY ACTIVE AS LAWYER
Richard	Ashworth	Barrister	1806 – 1808	8	1789 - 1815
Charles	Barrett	Attorney	1806 – 1828	21	1800 - 1844
Henry Costard	Basnett	Attorney	1806 – 1825	25	1793 - 1825
William	Byfield	Attorney	1806 – 1825	56	1796 - 1825
Edward	Chesshyre	Attorney	1806 – 1807	62	1789 - 1831
Edward	Chippendall	Attorney	1806 – 1812	63	1795 - 1819
Robert Ellis	Cunliffe	Attorney	1806 – 1813	71	1809 - 1833
Joseph	Dennison	Attorney	1806 – 1841	81	1808 - 1838
George	Duckworth	Attorney	1806 – 1816	86*	1783 - 1815
William	Eccles	Attorney	1806 – 1807	90	1796 - 1815
William	Edge	Attorney	1806 – 1819	93	1797 - 1832
William	Fox	Attorney	1806 – 1829	108	1777 - 1806
John	Higson	Attorney	1806 – 1807	147	1798 - 1840
Robert	James	Barrister	1806 – 1810	397	1790 - 1826
Thomas	Johnson	Attorney	1806 – 1811	167	1800 - 1822

Samuel	Kay	Attorney	1806 – 1826	170*	1800 - 1848
John	Kearsley	Attorney	1806 – 1811	171	1800 - 1808
Robert	Milne	Attorney	1806 – 1814	200	1797 - 1813
William	Nabb	Attorney	1806 – 1807	207	1777 - 1812
John	Norman	Attorney	1806 – 1822	213	1794 - 1817
Thomas	Redhead	Attorney	1806 – 1814	251	1804 - 1813
John	Robinson	Attorney	1806 – 1817	261	1800 - 1819
William	Serjeant	Attorney	1806 – 1807	275	1792 - 1833
John	Sharpe	Attorney	1806 – 1808	277	1798 - 1823
James	Taylor	Attorney	1806 – 1850	361	1804 - 1833
Thomas	Woodburne	Attorney	1806 – 1809	343	1803 – 1850 ⁴³

Table 1.2 lists the ‘second generation’ of lawyers – this group tended to become professionally active later than the first group and they were not the original holders of their particular Portico share but became proprietors at some point after 1806 but before 1850. All of the men in the second generation list were still professionally active in 1850 and, where there is no end date for their Portico proprietorship, this indicates that they were still holders of a Portico share in 1850. Again, an asterisk indicates they were elected to the Committee.

TABLE 1.2 – SECOND GENERATION

NAME	SURNAME	BRANCH OF PROFESSION	PERIOD OF PORTICO SUBSCRIPTION	PORTICO SHARE NO	PROFESSIONALLY ACTIVE FROM
James Frederick	Beever	Attorney	1827 - 1834	2	1831
Thomas Percival	Bunting	Attorney	1831 onwards	213	1834
James	Chapman	Attorney	1829 - 1835	322	1819 (died 1849)
Richard Baverstock Brown	Cobbett	Attorney	1850 onwards	285	1839
William	Cirie	Attorney	1809 - 1813	93*	1815
James	Crossley	Attorney	1821; 1824 onwards	51, 189*	1824
Samuel Duckinfield	Darbshire	Attorney	1826 – 1827	170	1818
Samuel	Fletcher	Attorney	1834 onwards	59, 386*	1835
John Frederick	Foster	Barrister	1836 – 1839	329	1821
Stephen	Heelis	Attorney	1826 onwards	182*	1827
Joseph	Heron	Attorney	1836 – 1838	140	1831
Thomas	Higson	Attorney	1829 – 1837; 1840 onwards	292	1835

⁴³ Still in the Law Lists in 1850.

James Hilton	Hulme	Attorney	1829 – 1839; 1840 - 1850	331	1826
Alexander	Kay	Attorney	1833 - 1849	78, 239	1814
John	Law	Attorney	1823 - 1844	374	1807
Edward Jeremiah	Lloyd	Barrister	1839 – 1850	377	1825
William	Sale	Attorney	1832 – 1851 various	3, 108, 180, 349	1833
William	Slater	Attorney	1829 – 1832; 1851 onwards	223	1821
Richard M	Whitlow	Attorney	1814 – 1817	6	1816

The data in both tables shows that, for the men listed, their proprietorship of the Portico (although the period of time they held a share varied) was in all cases contemporaneous with them practising as lawyers in Manchester. This suggests that, contrary to the early twentieth century view of the ‘leisured gentlemen’ members, subscribing to the Portico was not the preserve of the retired attorney or gentleman with time on his hands but, rather, that it had value to these men while they were actively pursuing their professional lives. This point will be developed further in chapters 2 and 3 as part of the consideration of the Portico’s purpose.

Proximity to Portico

Proximity to the Portico from the lawyers’ professional bases is another aspect relevant to the considerations in chapters 2 and 3. The map at Figure 1 (a copy of Roper’s plan of Manchester from 1807) has been highlighted to show the proximity of the Portico (in green) to the streets which appear in the addresses of the first-generation lawyers in Scholes’ 1797 directory.⁴⁴ Some individuals were listed in that directory with separate home and office addresses⁴⁵ (although the home addresses were often the same as, or close to the office

⁴⁴ Scholes’s Manchester and Salford Directory, 2nd edn, (Manchester: Sowler and Russell, 1797).

⁴⁵ E.g. each of Charles Barrett, Edward Chippendall and George Duckworth are listed with home addresses at 38 Princes Street, but that is also the listed office address of the firm Barrett, Chippendall & Duckworth.

addresses),⁴⁶ others have only one address listed. Where there is only one address listed, or it is described as an office address, this is highlighted in yellow. Residential addresses are highlighted in blue.

Figure 1 – Roper’s plan of Manchester 1807 (first generation lawyers)



The map at Figure 2 below contains similar information but uses a later plan (Pigot’s plan from 1821, which was reproduced in the 1896 edition of *The Manchester Man*, from where this copy emanates), and it is taken from the addresses of the second generation lawyers listed in the 1838 edition of Pigot (as that edition contains most of the second generation). By this stage, more of the individuals listed had separate business and residential addresses.

⁴⁶ E.g. William Nabb listed at 54 King Street, with an office at 13 Back King Street.

The business addresses were similarly closely located to the Portico, although this group's residential addresses all bar two fell outside of the immediate vicinity of the city centre, in the burgeoning suburbs to the East, South and West of the city centre, so beyond the confines of the city centre plan.⁴⁷

Figure 2 – Pigot's plan of Manchester 1821 (second generation lawyers)



Summary

This chapter has explained that the aim of this study to build on our understanding of the Portico's membership in the period 1806 - 1850 and in doing so to provide an important

⁴⁷ For example, in Salford, Chorlton on Medlock and Greenheys.

insight into the significance of a cultural institution like the Portico in Manchester at this time, in the context of a professional grouping hitherto overlooked (at least as a main focus) in previous studies of this nature. The empirical research approach taken in this study has been explained - namely, the undertaking of a detailed analysis of a range of available primary source material, in order to establish and capture a set of data from which to build an understanding of who the Portico lawyers were and how they were connected into Manchester's wider political, civic and cultural spheres at the time, in order to draw conclusions, through the lens of these individuals, about the Portico's membership and its significance as an institution in Manchester in the period of focus. Chapter 2 looks more closely at the establishment of the Portico, taking the empirical evidence relevant to, amongst other things, location and self-image, to identify certain motivations for the Portico's establishment. Chapter 3 considers the Portico's purpose – this chapter highlights the importance of the Newsroom facility to the Portico's attractions, and identifies the practical and commercial utility to Portico members (like the lawyers) who were heavily engaged in the commercial life of Manchester at this time. It also reflects on the Portico's means of establishment as a blueprint repeated subsequently with later institutions, such as the establishment of Manchester's law library. Chapters 4 and 5 consider the evidence identified in this study of the Portico lawyers' involvement with Manchester's key civic and political institutions, their contribution to the profession's development and their legacy, to provide further insight into the groupings who made up Manchester's governing classes at the time and into the nature of the Portico's membership. Chapter 6 draws together the conclusions from each chapter and reflects on the value of those conclusions and their contribution to our understanding of Manchester, its institutions and its society in the late Georgian/early Victorian period.

CHAPTER 2 – ESTABLISHMENT OF THE PORTICO

This chapter analyses the reasons for the Portico's establishment and its attraction to the Portico lawyers beyond simply its proximity to their offices. It considers who was the inspiration behind the proposal to establish it, the significance of its architectural style and location and how these factors resonated with the Portico lawyers. It concludes that the Portico was a significant step within a wider cultural development that ran alongside Manchester's commercial growth, and that its establishment led the way for the establishment of later Mancunian cultural institutions that followed throughout the next thirty years, all of which had elements in common with the Portico.

Libraries and their purpose

David Allan has described reading as one of the 'great collective obsessions of eighteenth and early nineteenth century English society'.¹ He argues that, during the first half of the eighteenth century, older assumptions about the pursuit of piety and gentility through reading were re-worked amid a general process of 'cultural renovation', such that what gradually emerged was a revised value-system revolving principally around the notion of politeness. Allan describes a move from 'gentility', which had equally fitted the needs of the landed gentry and the professions (including lawyers) which incorporated a reading regime heavily biased towards Greek and Roman literature and what he describes as the 'sterner forms' of scholarship, to 'politeness' which incorporated these elements but also a greater receptiveness towards works which might enhance an individual's conversation and fitness for sociability.²

¹ Allan, *Nation of Readers*, p. 1.

² *Ibid*, p.12.

A review of the earliest Portico catalogue still available (dating from 1810), which is discussed in more detail below, contains evidence of the interest in Greek and Roman classics, as well as usage of the term 'polite' – the section of the catalogue containing (amongst other things) novels, plays and translations from the classics is headed 'Polite Literature' and this category can still be seen in the Portico today at the top of the row of bookcases housing the books considered to constitute 'Polite Literature'. Allan sees politeness not simply as conceptual but having practical application as well – he connects it to what he calls the 'urban renaissance' of cultural development in the expanding towns and cities which included the establishment of institutions, galleries and assembly rooms, activities which fell within the 'lexicon of politeness'.³ As far as subscription libraries like the Portico were concerned, Allan describes how it was not uncommon for England's great urban centres to have these libraries with subscribers running into the hundreds by the early years of the nineteenth century. The Portico, with its 400 founding subscribers, is an obvious example of that.⁴ Allan observed that Birmingham Library's subscribership reflected its status as an accelerating trading and manufacturing economy. The 'unmistakeably commercial and professional' flavour of the membership, often with a 'distinct Dissenting air', of such libraries is a description that also tallies with the Portico's subscribership, as Brooks and Haworth's work on the wider membership has demonstrated. There were several libraries already established in Manchester by the early 1800s, including the library belonging to the Literary and Philosophical Society, the Old Subscription Library, the New Circulating Library and Chetham's Library.⁵ However, none encompassed quite the

³ Allan, *Nation of Readers*, p.13.

⁴ *Ibid*, p. 66.

⁵ William E A Axon, *Handbook of the Public Libraries of Manchester and Salford*, (Manchester: Abel Heywood & Son, 1877), chapter XXVI.

same combination of exclusive newsroom, library and reading room that the Portico's founders had in mind. Chetham's Library was the oldest, having been established in 1653 under the terms of the will of Humphrey Cheetham (1580 – 1653), a prosperous Lancashire merchant, banker and landowner.⁶ While being a free library, open (in William Axon's words) to 'all comers without distinction of rank or creed',⁷ Chetham's had an academic focus – at the time of its establishment, there was no facility for independent study in the north of England and the feoffees charged under the will with establishing a library had in mind a facility to rival the collections of Oxford and Cambridge.⁸ The terms of Humphrey Cheetham's will stated that it should be for "the use of schollars and others well affected" while also stipulating that there should be no fee for coming into the library. The more scholarly flavour of Chetham's Library was reflected in Axon's comment in 1877, referenced by Brenda Scragg, that 'The Portico Library is essentially modern in its character and the scholarly flavour permeating it is of a different order to that of the Chetham Library'.⁹

Evidently, despite the existing libraries in Manchester in the early 1800s, the individuals who established the Portico felt that there was a need for something more than the existing libraries and institutions had to offer. Axon described the library of the Literary & Philosophical Society as a library which 'did not attain any great importance for many years after'.¹⁰ In contrast, he described the Portico as a 'social as well as a literary institution' – his emphasis was certainly on the social aspect when he noted that it might be regarded as

⁶ S J Guscott, *Humphrey Cheetham, 1580–1653: Fortune, Politics, and Mercantile Culture in Seventeenth-Century England*, Chetham Society, T.S., 2003, 45.

⁷ Axon, *Handbook of the Public Libraries*, p.1.

⁸ www.library.chethams.com/about/history [accessed on 28 March 2022].

⁹ William Axon, cited in Brenda Scragg, *Portico 1806: The Founding Fathers*, (Manchester: Portico Library, 2005).

¹⁰ Axon, *Handbook of the Public Libraries*, p. 143.

an early example of 'that luxury of civilisation, the modern club-house'.¹¹ That emphasis may have reflected the view of the Portico by 1877 when Axon was writing, but the club-house reference is synonymous with a degree of exclusivity, which the Portico undoubtedly had. Bearing in mind the commercial and professional flavour of its subscribers, the combination of library, newsroom and reading room facilities, with an exclusivity enshrined in its rules and reflected in its setting, did distinguish the Portico from other facilities in existence in the 1800s, and is likely to have been something of a blueprint for later institutions, in particular, the Athenaeum, which combined being a 'huge club' with 'certain facilities for culture' which other clubs did not possess.¹²

Inspiration behind its establishment

The immediate inspiration for the establishment of the Portico came from Liverpool. As Towsey and Roberts have noted,¹³ Liverpool was one of the first communities to adopt the formal model of voluntary library building that had emerged in colonial America. This began with the Liverpool Library in 1758 and, by 1797, a group of elite businessmen had developed plans (and had raised funds) for the establishment of an ambitious new library institution and newsroom, which was to become the Liverpool Athenaeum. In the late 1790s, Michael Ward and Robert Robinson, who were both members of Manchester's existing Old Subscription Library, visited Liverpool and, on their return, bemoaned the fact that Manchester had no combined newsroom, library and reading room of its own.¹⁴ Despite the success and 'dramatic' expansion of the Liverpool Library, the men behind the proposals

¹¹ Axon, *Handbook of the Public Libraries*, p.9.

¹² Ibid, p. 29.

¹³ Mark Towsey and Kyle B Roberts (eds.), *Before the Public Library: Reading, Community and Identity in the Atlantic World* (Leiden: Brill, 2017), p. 3.

¹⁴ Brooks and Haworth, *Boomtown Manchester*, p. 11.

for the new Liverpool Athenaeum were not content with its offering¹⁵ and complained about the Liverpool Library's size, indiscriminate approach to acquisitions and inflexible opening hours.¹⁶ The Liverpool Athenaeum's founders were conscious too of what Brazendale and Towsey describe as the 'repeated charge' that Liverpool's commercial expansion had come 'at the expense of culture'.¹⁷ Ironically, and despite this apparent Liverpoolian sensitivity, later comparison between the commercial men of Liverpool and those of Manchester favoured the Liverpoolian merchants above the Mancunian industrialists, suggesting that the Mancunians did not 'possess the refined and literary tastes which distinguish the mercantile men of London and Liverpool'.¹⁸

Manchester's image – commerce v culture

The Portico's founders almost certainly shared a similar concern to that of the Athenaeum's founders about Manchester's image, in addition to an ongoing frisson of rivalry with Liverpool itself. Liverpool's slightly earlier mercantile success and related expansion and prosperity placed it ahead of Manchester at this time in its efforts to build a new cultural infrastructure and redefine itself as a mercantile successor to Florence,¹⁹ quite different in character from industrial Manchester, and men like Ward and Robinson would have been acutely aware of that. As noted in chapter 1, the image of Manchester's successful industrialists and entrepreneurs as self-made men who were money-grabbing but devoid of

¹⁵ Towsey and Roberts, *Before the Public Library*, p. 3.

¹⁶ David Brazendale and Mark Towsey (eds), *The First Minute Book of the Liverpool Athenaeum 1797 – 1809* (The Record Society of Lancashire & Cheshire: 2020), p. 1.

¹⁷ *Ibid*, p.1.

¹⁸ George R Catt, *The Pictorial History of Manchester c. 1840* (London: British Library, Historical Print Editions 1896) cited in Tinsley Pratt, *The Portico Library Manchester, its History and Associations 1802 – 1922* (Manchester: Sherratt & Hughes, 1922), p.3.

¹⁹ Brazendale and Towsey, *The First Minute Book*, p.1.

culture is an enduring one,²⁰ reinforced by Victorian literature including the works of Elizabeth Gaskell (1810 – 1865), who lived in Manchester and whose husband was a Portico subscriber and Chairman of the Committee between 1849 and 1844, and existing well into the twentieth century, when S W Davis's Masters thesis on the Portico described a class of businessmen preoccupied with 'business matters and profit making', the vast majority of whom he considered took 'no part in learned discussions'.²¹

Margaret Hale, the middle-class heroine of Mrs Gaskell's novel, *North and South*,²² when told by her father that he is moving the family to Milton (a loosely disguised Manchester) and has found employment as a private tutor to one of the manufacturers there, responds 'What in the world do manufacturers want with the classics, or literature, or the accomplishments of a gentleman?'. She subsequently describes the nature of the same Milton manufacturer (Mr Thornton, whose relationship with Margaret Hale is the central focus of the novel) as 'tainted' because she considers him to test everything 'by the standard of wealth' and to consider things only in terms of 'new ways of extending trade and making money'.²³ In the end, Mr Thornton's character demonstrates that he values education, both for himself and others, and that his world view is wider than simply a relentless focus on the making of money (even if he declines to aspire to what he sees as a Southern interpretation of what it is to be a 'gentleman'). The character of Mr Thornton, and Margaret Hale's changing view of him, may be one way in which Gaskell sought to express a more nuanced (and, for this novel, romantic) view of Manchester's newly wealthy

²⁰ Alan Kidd, *Manchester* (Lancaster: Edinburgh University Press, 2002 (3rd edition)), pp. 67 – 69 where the Manchester Man image is considered.

²¹ Davis, 'The Founding of the Portico Library', pp. 8 – 11.

²² First serialized in a publication called *Household Words* in 1854-1855.

²³ Elizabeth Gaskell, *North and South*, (London: Penguin Books, 1995), p. 116.

industrial middle classes. The Hales' initial reaction to them is one that Gaskell evidently understood and, perhaps when she first came to Manchester, shared.

Michael Rose has asserted that the concern amongst the middle class of Manchester about the city's image as being wholly focused on money-making and lacking culture was 'as strong' as their concerns about the gap between rich and poor.²⁴ While that may not yet have quite been the case in 1806 when the Portico was established, by the early 1820s the stereotype of Manchester's obsession with money at the expense of culture appears to have been firmly established. Howard M. Wach cites an article from 23 February 1823 in the *Manchester Iris*, a publication describing itself as a weekly literary and scientific miscellany, in which the writer urges his fellow Mancunians to refute the slur that Mancunian minds were 'so absorbed in the arithmetic rule of profit and loss as to incapacitate them for the production of any composition more refined than a bill of parcel'.²⁵

Allan talks about membership of subscription libraries as having become, in the nineteenth century, another useful mark of one's elevated position, one's respectability'.²⁶ In a similar vein, and with reference to Manchester in particular, Alan Kidd argues that membership of the societies, libraries, museums, institutes and clubs that they established, and the buildings they commissioned to house them in, were 'expressions of a self-image' for the city-based Mancunian middle class, and the 'face they chose to display to the world', in the same way as country house estates, with their classical architecture and art collections,

²⁴ Michael E Rose, *Culture, Philanthropy and the Manchester middle classes* in Alan Kidd & K Roberts (eds), *City, Class and Culture – studies of cultural production and social policy in Victorian Manchester*, (Manchester: Manchester University Press: 1985), pp.103 – 117.

²⁵ reference cited by Howard M Wach in 'Culture and the Middle Classes: Popular Knowledge in Industrial Manchester', *Journal of British Studies* (Cambridge: Cambridge University Press, Oct 1988), vol. 27, no. 4, p.376.

²⁶ Allan, *Nation of Readers*, p. 70.

were for the landed aristocracy.²⁷ When the engineer and shipbuilder Sir William Fairbairn (1789 – 1874) was creating a plan for the transformation of the Piccadilly area in the 1830s, his concern was that Manchester ‘as the first commercial, and certainly the first manufacturing city in the world, should present an appearance equal to its wealth and importance’ with buildings (specifically an art gallery) ‘emblematic of the city’s high culture and artistic taste’.²⁸ It seems likely therefore that a consciousness of Manchester’s image and the demonstration of its cultural tastes, combined with a desire not to be outclassed by Liverpool’s businessmen, was a factor at play in the decision of the original subscribers to establish the Portico, and in the subsequent choice of the second generation of subscribers to hold a share.

Manchester’s lawyers and concerns over image

A consciousness of self-image, status and a commitment to learning, in the context of the legal profession and the public perception of lawyers, were very real considerations to the Portico lawyers, and the Manchester legal community more widely, and arguably these concerns were similar to the more general concerns over Manchester’s image discussed above. In the records for Manchester Free Grammar School, which contain biographical notes on various alumni, two of the Portico lawyers who were original proprietors, Edward Chesshyre (1759 – 1831) and William Sergeant (1767 – 1834) are described as having ‘glossy and unimpeachable black and powdered heads’ which ‘left nothing to be desired in professional decorum’. The writer of this entry draws a contrast between these two image-conscious individuals and another Portico lawyer, John Law (1782 – 1852), who is described

²⁷ Kidd, *Manchester*, p. 70.

²⁸ James R Moore, ‘Urban Space and Civic Identity in Manchester 1780 – 1914: Piccadilly Square and the art gallery question’, HSLC, volume 153, 2004 , pp 92, 100.

as the only person the writer ever met who ‘wore a shabby coat on principle’ (that principle seeming to be a bid to avoid looking too prosperous).²⁹

A more substantive concern regarding the public image, respectability and perceived professionalism of Manchester’s attorneys was a driving factor in the foundation of the Manchester Law Association (the MLA) in 1838, in whose establishment a number of the Portico lawyers were integral. The members of the MLA for 1839³⁰ included 12 of the Portico lawyers, 2 from the original proprietors’ generation and 10 from the second generation. A list of the Portico lawyers who were also members of the MLA (including those who held roles on its Committee) is set out in Table 2.1.

Table 2.1 – Portico lawyers who were members of MLA

MLA member	President	Vice President	Hon Treasurer
Charles Barratt*			
JF Beever	1851	1848	
Thomas Percival Bunting**	1859		
James Chapman			
RBB Cobbett	1860	1854	
J Crossley**	1840; 1857		
SD Darbshire**			
Samuel Fletcher**		1846	
Stephen Heelis**	1843	1840	
Joseph Heron* **		1845	
Thomas Higson		1840	
James Hilton Hulme**			
Samuel Kay**	1842		
William Sale			
William Slater**	1858		
RM Whitlow	1849		1840 - 1852

* also a member of the Incorporated Law Society of the UK; ** also a member of the Metropolitan and Provincial Law Association

²⁹ Manchester Free Grammar School records, Manchester School register, p. 188.

³⁰ Manchester Law Association Rules and List of Members as at 13 February 1839, pamphlet printed by order of the Association (Manchester: T Sowler: 1839), pp. 3 and 13.

The MLA's rules stated, amongst other things, that its principal objects included: 'to support the respectability of the legal profession', 'to promote the information of the members by lectures, books and correspondence with bodies or individuals' and 'adopt all measures as may appear...most consistent with the just relations of the members with each other, or between the profession and the public'.³¹

Although later in time, the explicit concerns of the MLA with respectability, status and an association with books and learning afford some insight into the likely motivations of the founding (and subsequent) lawyer proprietors, and the wider group of Portico proprietors as a whole. These issues remained a live concern throughout the period considered in this study. In 1846, Thomas Percival Bunting (1810 – 1870/85) gave a lecture at the MLA on 'Moral training for the practice of the law'. Recorded by the Legal Observer on 10 October 1846, Bunting noted that the MLA is 'desiring that members of the Association should be not only of sound and ready learning....but also of firm and acknowledged virtue – men whose probity should equal their skill". The reason for this was that 'prejudice lies against the profession itself' based, amongst other things, on a 'stupid insensibility to the value of mental labour'.³² While these concerns were expressed by Bunting in the specific context of the legal profession, the contention made in this study is that this type of concern is entirely consistent with a broader concern about Manchester's image and an ongoing desire amongst the wider middle classes to demonstrate their learning and be afforded the status they felt they deserved. The identification of this type of concern, and others, as a middle class trait is explored in more detail in chapter 4 below.

³¹ MLA Rules and List of Members for 1839, pps 5 - 12.

³² Legal Observer, 10 October 1846, Manchester Central Archives, GB127.Tracts/P 953.10.

While the ‘cultural desert’ stereotype of Manchester may not have been as fully developed in 1806 as it was by the point at which the MLA was being established, nevertheless the establishment of the Portico, the choices made as to where it was built and the style in which it was built were all elements of the public statement being made by the founders about themselves and their town in establishing the Portico. Allan describes the choices of building style for libraries to be ‘carefully considered statements’ with a cultural resonance going beyond being simply a safe residence for storing books or a convenient meeting point.³³ In the case of the Portico, the style of its building and its location undoubtedly had a wider cultural significance beyond it simply being a place to keep books, but as has been touched on earlier in this study, its proximity to the Portico lawyers’ business addresses (and to the commercial heart of Manchester more generally) adds an additional element to the significance of location.

The building

The Portico’s building was designed by architect Thomas Harrison (1744 – 1829) and built by David Bellhouse (1764 – 1840 and also a Portico proprietor).³⁴ Harrison had studied architecture in Rome and it is believed that the front elevation of the building, which inspired the Portico’s name, was based on the north elevation of the Temple of Minerva in Athens.³⁵ Prior to his work on the Portico, Harrison was already a renowned architect and he had designed the Lyceum in Liverpool, which was constructed in 1802 and contained a newsroom, coffee house and new premises for the existing Liverpool Library. Its design was the first in Liverpool to include Greek motifs, incorporating a recessed portico with ionic

³³ Allan, *Nation of Readers*, p.91.

³⁴ Share number 34, List of Proprietors 1806 - 1850.

³⁵ Brooks and Haworth, *Boomtown Manchester*, p. 12.

columns. That these also featured in the Portico's building design indicates not only Harrison's tastes but arguably is another indicator of a Mancunian desire not to be outdone by Liverpool (or elsewhere in Britain) in the cultural architectural stakes. The Greek revival style had, at the start of the nineteenth century, started to become a feature of British public building architecture. At a similar time to the building of the Portico, the Greek revival-style buildings at Downing College, Cambridge and the Theatre Royal (now the Royal Opera House) in London were being built, and later eminent buildings such as the British Museum show the continued interest in this style of building throughout the first half of the nineteenth century.³⁶ Hartwell has described Manchester as being 'to the fore in adopting the classical architecture of Greece, rather than Rome, in its public buildings'.³⁷ Harrison himself subsequently designed both the old Royal Exchange and the Theatre Royal buildings in Manchester, although unlike the Portico, neither has survived to the present day. However, the popularity of the style was confirmed by its use for Manchester's first town hall, built in 1819.³⁸ Bellhouse subsequently became one of the largest building contractors in Britain - he too was involved in the building of the Theatre Royal in Manchester and also with that of the Royal Manchester Institution (the building which now hosts the Manchester Art Gallery, a little further down Mosley Street from the Portico).

In its original layout, the Portico's newsroom took up most of the ground floor of the building, with a Committee room at the back, which suggests the newsroom was at least as important to the subscribers as the library, and more likely to be the area for social meeting than the library and reading room upstairs. A staircase led up to the first floor containing the

³⁶ William Watkins, an architect of the neo-classical school, won the commission to design the plan for Downing College. He, together with Robert Smirke, designed and built the Theatre Royal (1808- 1809), the General Post Office (1824- 1829) and the British Museum (1823 – 1858).

³⁷ Clare Hartwell, *Manchester* (New Haven and London: Yale University Press, 2002), p. 165.

³⁸ *Ibid*, p.165.

library gallery housing the Portico's collection of books and a small reading room at the back. The ceiling is dominated by a dome which may have been inspired by Sir John Soane's work on the Bank of England.³⁹ The Portico's proprietors certainly had something rather different in mind from Chetham Library's free and public facility, not least a greater degree of exclusivity over who was permitted access to it. Those elements of exclusivity and the ultimate purpose of the Portico, combining as it did the educational with a more pragmatic business-focused usage, reflected in the nature of the publications ordered for its newsroom, are considered in the next section.

Exclusivity

The exclusivity started with the fees for membership. Each of its original proprietors paid an initial 13 guineas for his share and was thereafter charged an annual subscription fee of 2 guineas.⁴⁰ The 13 guinea investment from the original proprietors was intended to meet the cost of designing and constructing the Portico's building. The total sum eventually paid to David Bellhouse was £6,881 5s 3d.⁴¹ Although the freehold was originally owned by Peter Marsland, who leased it to the proprietors for £50 16s 6d per annum, it was subsequently acquired in 1810 from Marsland and his partner, George Duckworth (1764 -1815), also an original proprietor and a first generation Portico lawyer,⁴² and held on trust for the proprietors. The level of investment required is one important indication of the relative prosperity of the first subscribers. One early entry in the Portico Committee's first set of minute books gives some additional context to inform our understanding of how financially significant 13 guineas was to the original proprietors. The minutes record receipt of a letter

³⁹ Hartwell, *Manchester*, p.175.

⁴⁰ Brooks and Haworth, *Boomtown Manchester*, p. 12.

⁴¹ *Ibid*, p. 12.

⁴² Appendix 2 below contains a short biography of George Duckworth.

from Samuel Kay (1751-1848), the attorney who frequently sat on the Portico's Committee during the first 20 years of its existence) stating the sums due to him from the Committee for attendance on their meetings and 'for extra trouble at other times'.⁴³ The minutes do not tell us what this extra trouble may have been, but in any event, at a subsequent meeting on 22 January 1806, the Committee resolved that 5 guineas would be allowed to Mr Kay for the 'extra trouble' and 15 guineas for 'attendance on the Committee prior to that period'.⁴⁴ To a prosperous attorney, therefore, the sum of 13 guineas was perhaps less significant, representing a number of hours chargeable work, certainly, but nevertheless a sum comfortably within their means.

The Library had a 'Keeper of the Rooms' who was instructed, amongst other things, to 'prevent the intrusion of dogs and improper persons'.⁴⁵ A man-servant of one of the proprietors was originally proposed to be the first Keeper of the Rooms, John Swain, provided that, as the Committee minutes record, 'his character be found satisfactory'.⁴⁶ Other aspects of exclusivity were confirmed in the Rules for the Regulation of the Library,⁴⁷ such as that 'No stranger shall be allowed to take any book or paper out of the Library or Newsroom'⁴⁸ and there were regulations about the number of books which could be taken and the order of priority if more than one proprietor requested the same book at the same time.⁴⁹ These rules appear to have been taken seriously – in one entry in the Committee's minute books, it is recorded that Mr Basnett (Henry Costard Basnett (unknown - 1825), an

⁴³ Minute Book of the Portico Committee 1806 - 1834, p.6.

⁴⁴ Ibid, p.8.

⁴⁵ Pratt, *The Portico Library*, p. 16.

⁴⁶ Minute Book of the Portico Committee 1806 – 1834, p.5 (Mr Swain in fact declined the post as the terms offered were not acceptable to him!).

⁴⁷ Rules for the Regulation of the Library – copy printed in the 1810 Portico Library catalogue.

⁴⁸ Ibid, rule IV.

⁴⁹ Ibid, rules XIII and XVI.

attorney and first generation proprietor) had introduced a stranger 'contrary to the 24th rule'.⁵⁰

The original subscribers were all male. Shares in the Portico frequently were passed on through the family, from father to son. For example, Joseph Heron (1809 – 1889), an attorney in the second generation group who became Manchester's first Town Clerk after its incorporation in 1838, was the second holder of share number 140, it having first been held by his father, James Holt Heron (a former attorney who became a cotton merchant). Joseph's brother, William also owned a share.⁵¹ While rule III provided that the Library and Reading Room was open to 'the Ladies of the respective families of the subscribers', even the wife of a Portico Committee Chairman had to wait until the male proprietors had finished with the publications held by the Library before getting access to them. Elizabeth Gaskell lamented that it was only 'with a struggle and a fight I can see all the quarterlies three months after they are published: till then they lie on the Portico table, for gentlemen to see'.⁵²

The location

The Portico's establishment on Mosley Street was another key aspect of the Portico's exclusivity when first established and throughout the period of this study. The neo-classical style of the building, with its Greek references, has been noted above. As to Mosley Street itself, James Butterworth (cited by Michael Rose) described as a 'purpose built patrician

⁵⁰ Minute Book of the Portico Library Committee 1806 -1834, p. 19.

⁵¹ Share Number 255.

⁵² Mrs Gaskell's letter to George Smith, cited by Barbara Bull and Alan Shelston in *Manchester 'A Behindhand Place for Books' the Gaskells and the Portico Library*, (The Gaskell Society Journal, vol. 5, 1991).

district for the town's elite'⁵³ and Kidd describes how in the late eighteenth century, Mosley Street and Princess Street were lined with plush Georgian houses for the 'well to do'.⁵⁴

The street was named after Sir Nicholas Mosley, Lord of the manor of Manchester at the turn of the seventeenth century and whose family continued to hold the manorial title well into the nineteenth century. That city centre living was still very much associated with wealthy Mancunians at this time is indicated by the aspirations the Mosley family had for Piccadilly Square, the area of land at the top of the road on which the Portico was built.

James Moore describes how they were keen to encourage 'high class gentrification' of the area, even re-naming it as Piccadilly in 1812 (inspired by London's Piccadilly) in place of its less glamorous old name (Lever's Row).⁵⁵ Moore points to the establishment of cultural institutions such as the Portico, and later the Royal Manchester Institution as consistent with this aspiration. The Assembly Rooms had opened on Mosley Street in 1792 and stood opposite to the site of the Portico.⁵⁶ Mosley Street was clearly a desirable location – it was described by one contemporary observer as 'the most elegant street in Manchester',⁵⁷ and its early residents reflected its status as such. Hugh Hornby Birley (1778 – 1845), a mill-owner, magistrate and Portico subscriber from 1808⁵⁸ (whose property there had a dual business and residential function) and Nathan Mayer Rothschild (1777 – 1836),⁵⁹ a second-generation member of the Rothschild banking dynasty, both lived on Mosley Street.⁶⁰ Birley

⁵³ James Butterworth, *A Complete History of the Cotton Trade in Manchester, 1823*, p. 258 cited by Michael Rose, 'From Township to the Metropolis Suburbs and the shaping of the Modern City', chapter 7, in Kidd & Wyke, *Manchester: Making the Modern City*, p. 304.

⁵⁴ Rose, 'From Township to the Metropolis' in Kidd & Wyke, *Manchester: Making the Modern City*, p. 301.

⁵⁵ Moore, 'Urban Space and Civic Identity', p 92.

⁵⁶ Brooks and Haworth, *Boomtown Manchester*, p. 12.

⁵⁷ James Butterworth, *A Complete History*, cited by Rose, 'From Township to the Metropolis' in Kidd & Wyke, *Manchester: Making the Modern City*, p. 304.

⁵⁸ List of Proprietors 1806 - 1850.

⁵⁹ Second generation of the Rothschild banking dynasty, he settled in Manchester in 1798 at the age of 21, establishing a business in textile trading and finance before his subsequent move to London.

⁶⁰ Swindells, *Manchester Streets*, p. 199 – 200.

has in recent years been considered notorious as a result of his involvement in the Peterloo massacre in 1819 as one of the commanders of the Manchester & Salford yeomanry,⁶¹ but he continued to play an active role in Manchester's business, civic and cultural affairs for many years after that.⁶² Subsequent to the Portico's establishment, Mosley Street evidently continued to be viewed as a suitable choice both to live and to establish more cultural institutions. In 1823, the Royal Manchester Institution was formed and the building in which it was housed, which later became Manchester Art Gallery, was built on the same side of Mosley Street as the Portico, but slightly further down towards St Peter's Square. One of the Portico's lawyer proprietors, John Frederick Foster (unknown – 1847), a barrister from the second generation, was listed in a trade directory for 1829 as living at 49 or 59 Mosley Street.⁶³

As noted earlier in this study, its location was important not just because of the salubrious and exclusive nature of Mosley Street itself but also as a matter of practicality, it being so close to the heart of Manchester's business and legal district, where the Portico's proprietors worked (and in the earlier days, lived) in Manchester at that time. Brazendale and Towsey make the point in connection with the Liverpool Athenaeum that for any new association to be successful, it had to be able to find a sufficient number of potential members living within 'easy distance of their meeting point'.⁶⁴ That was no less the case with the Portico.

⁶¹ See for example, Poole, *Peterloo: an English uprising*, pps. 50, 293 – 294, 297 – 298, 370 – 371, 377.

⁶² He was involved in the establishing of the Royal Manchester Institution, the Athenaeum and Owen's College and was a director of the Manchester Gas Works, in addition to his manufacturing interests and he was also involved in the creation of the Royal Victoria Gallery for the Encouragement of Practical Science which opened in 1840.

⁶³ Pigot & Son's directory of Manchester, Salford for 1829.

⁶⁴ Brazendale and Towsey, *The First Minute Book*, p. 6.

When the idea of the Portico's establishment was conceived, the withdrawal of Manchester's manufacturers, merchants and lawyers to the developing suburbs (a withdrawal that Simon Gunn has described as the 'key moment' in the development of Manchester's urban form)⁶⁵ had not yet begun in earnest. In the early 1800s, there was only a minimal warehousing district in Manchester. Manufacturers still lived alongside newer industrialists and professionals in the city centre, with business and residential premises often one and the same. Susie Steinbach has described how, in industrializing Georgian Britain, professional men's offices were rooms in their homes⁶⁶ and this was certainly the case for Portico lawyers like George Duckworth and Edward Chippendall (unknown – 1843).⁶⁷

As was explained in chapter 1, all of the Portico lawyers had professional addresses in the centre of Manchester, largely in the area around King Street, and a number of the first generation original subscribers also appear to have lived in that same area at the time that the Portico was established. The Portico's proximity to their business addresses meant it was certainly in 'easy distance' for the lawyer proprietors. It was not just close to the members' business interests though – it was also close to a variety of religious institutions, which may have been an additional attraction of its location. As is explored later in this study, the Portico lawyers were drawn from a variety of religious backgrounds. On Mosley Street itself were the Independent Bar and the Unitarian Chapel (although the latter's site

⁶⁵ Simon Gunn, 'The Middle Class, Modernity and the Provincial City: Manchester c1840 – 1880' in *Gender, Civic Culture and Consumerism: Middle Class Identity in Britain 1800 – 1940*, ed. by Alan Kidd and David Nicholls (Manchester: Manchester University Press, 1999), p.114.

⁶⁶ Susie Steinbach, *Understanding the Victorians: politics, culture and society in nineteenth century Britain*, (Oxfordshire: Routledge, 2016), second edition, chapter 1, p. 12.

⁶⁷ Scholes' Directory 1797.

was subsequently sold in 1836 to make way for the Manchester and Salford bank), and St Peter's Church was at the end of Mosley Street, in the area later known as St Peter's Square. Mosley Street could not escape forever from the 'pressures of urban expansion' which, by the 1830s, began to impinge on the desirable city centre residential areas.⁶⁸ As the demand for commercial warehousing grew in that period, so the warehousing district spread. Kidd and Wyke describe the development of that district as moving from King Street and St Ann's Square to the High Street/Market Street area by 1800, then to Mosley Street by 1825 and later to Portland Street and Princess Street, such that by 1830 the warehouses of Manchester had become more economically important than its cotton mills⁶⁹ and that commercial reality brought with it a physical change in the character of the city's streets, as they became less residential and more purely commercial in nature. A comparison of the entries in the register of 'principal streets' in Pigot's directories of Manchester and Salford in 1829 and in 1838 gives us a flavour of how the nature of the street's residents changed even during that period. In 1829, Pigot's list of Mosley Street's residents include several Portico lawyers – William Crie (1788 – 1871) at number 33 and John Frederick Foster at 49, as well as surgeons, doctors, merchants, bankers and manufacturers. Pigot's 1838 directory provides an indication of the changing character of the street – the register for Mosley Street records that the street now included the National Provincial Bank of Manchester, the Manchester & Salford Bank and the Commercial Bank of England. There are far fewer individual doctors, surgeons or lawyers and an increasing number of manufacturing businesses listed as being established there. Rose observed that by 1839, the increasingly

⁶⁸ Moore, 'Urban Space and Civic Identity', p.97.

⁶⁹ Kidd and Wyke, *Manchester: Making the Modern City*, p. 2.

commercial nature of Mosley Street was noted in Manchester guidebooks.⁷⁰ However, the street had not lost its cultural connections – Pigot's 1839 directory references the Athenaeum Coffee & Class Rooms, the Assembly & Club Rooms, the Royal Manchester Institution, and, of course, the Portico.

In reflecting on the reasons for the Portico's establishment, this chapter has identified a concern as to the image of Manchester and its commercial community, a desire not to be undone by its nearest rival, Liverpool, and a desire for a greater degree of exclusivity than was offered by the existing facilities, in addition to the practical issue of locational convenience, as relevant to that question. It is argued that all these factors were likely to have played a part in the choice made by the first generation of Portico lawyers to fund the Portico's establishment and that the particular style of the Portico's building can be viewed as a message its proprietors wished to convey to the world in 1806 as to their style and taste but can also be argued as an early example of Manchester leading the way in terms of the architectural style choice made by its proprietors.

⁷⁰ Rose, 'From Township to the Metropolis' in Kidd & Wyke, *Manchester: Making the Modern City*, p. 304.

CHAPTER 3 – THE PURPOSE OF THE PORTICO

Chapter 2 identified various factors relevant to the establishment of the Portico as an institution and its choice of style and location. This chapter seeks to build on that analysis to explore in more depth what the Portico's purpose was, in particular for the lawyers who are the focus of this study. It concludes that the Portico served both a philosophical and practical purpose for those of its early members who, like the Portico lawyers, were playing an active role in Manchester's commercial, political and cultural life.

Successor to coffee house?

A propensity to form societies and associations has been described as a 'characteristic feature of British urban culture'.¹ In voluntary associations established in the Georgian period, regulation and degrees of exclusivity were common features, and ones which, as explained above, the Portico shared. The Portico's own establishment has been described as the 'natural evolution'² of the coffee houses, clubs and commercial libraries of the eighteenth century.³ Although it had been claimed that public coffee selling (in England) originated in Oxford, Markman Ellis has observed that there is better evidence to support a London coffee seller, Pasqua Rosee, as having opened the first coffee house in the early 1650s, from which developed the coffee houses of the type famously frequented by Samuel Pepys.⁴ They were predominantly an urban phenomenon – having started in London, they

¹ Brazendale and Towsey, *The First Minute Book*, p. 3.

² Brooks and Haworth, *The Portico Library*, p.1.

³ Markman Ellis, 'Coffee House Libraries in mid-eighteenth century London' in *The Library*, volume 10.1 (March 2009).

⁴ Markman Ellis, *The Coffee House: a cultural history* (London: Phoenix Books, 2005), pp. 29 – 30, 45 – 46.

spread outwards to other urban centres along trade and information routes.⁵ Ellis describes the original coffeehouses as having been viewed primarily as a place of talk and conversation, open to a ‘capaciously varied’ clientele,⁶ at least until the late seventeenth century and early eighteenth century when some become more exclusive and club-like. That increasing trend towards a more exclusive membership is one of the aspects which links the coffeehouse idea with the ‘club-like’ and exclusive aspects of the Portico’s arrangements but another important feature was the provision of news and information, as well as the access to literature which the Portico provided.

Ellis explains how the coffee houses of this period have been recognised for their provision of newspapers and periodicals and argues that some constituted an important and overlooked form of community library,⁷ which he sees as part of a continuum of sociable libraries that includes subscription libraries.⁸ Ellis also references the fact that, by the end of the eighteenth century, some coffee houses had started to develop reputations as places where business of a particular commercial specialism could be undertaken (for example, Lloyds of London’s origins lie in Edward Lloyd’s coffee shop and the marine insurance business carried out by those who frequented it).⁹ On this reading, the Portico’s particular combination of facilities – access to newspapers and periodicals, a subscription library and a social space serving (non-alcoholic) refreshments, including coffee, to its subscribers –

⁵ Markman Ellis, ‘Poetry and Civic Urbanism in the Coffee House Library in the mid eighteenth century’ in Mark Towsey and Kyle B Roberts (eds) *Before the Public Library: Reading, Community and Identity in the Atlantic World* (Leiden: Brill, 2017 (2018 e-book), p. 52.

⁶ Ibid.

⁷ Ellis ‘Poetry and Civic Urbanism’, p. 53.

⁸ Ellis, *Coffee House Libraries*, pp 3 – 40.

⁹ Lloyds.com/About-Lloyds-history

suggest that it (and the subscription libraries in Liverpool that came shortly before it) was a descendant of the coffee house model.

Impetus for growth of subscription libraries in eighteenth century

The Portico was designed and built at the end of the Georgian period, a period which saw a proliferation of subscription libraries established. David Allan attributes the emergence and success of the libraries to a series of 'essentially ideological' factors, including the transformative benefits of what he describes as 'structured sociability' as a means of promoting polite attitudes and conduct.¹⁰ Allan describes the phenomenon of 'associationalism', meaning the practice of private individuals coming together voluntarily to form a collective body, self-governing under its own agreed rules, for the purpose of pursuing a particular set of objectives.¹¹ Allan sees the Georgian period as a 'golden age' for the setting up of associations.¹² The timing of the Portico's establishment, and its subscribers' agreed regime of rules and regulations for its operation, place it firmly in the associationalist tradition that Allan describes. In describing this associational activity, Allan places an emphasis on societal factors, such as the increased leisure time available to its expanding middle classes for entertainment and diversion through their associational activities.¹³ However, any concept that the attraction of the Portico was purely social (for the 'leisured gentlemen' of Tinsley Pratt's imagination) is one that is open to challenge, as I will explore later in this chapter.

¹⁰ David Allan, 'Politeness and the Politics of Culture – an Intellectual History of the Eighteenth Century Subscription Library', *Library & Information History*, Volume 29, Number 3, September 2013, pp 159 – 169.

¹¹ Allan, 'Politeness and the Politics of Culture', p. 160.

¹² Allan, 'Politeness and the Politics of Culture', p.161.

¹³ *Ibid.*

Building on Jurgen Habermas' concept of an enlightened public sphere,¹⁴ Towsey and Roberts see the subscription libraries of Liverpool as playing a crucial role in the development of that public sphere where civic, religious and commercial values 'converged and overlapped' for the improvement of the local community.¹⁵ Although not public libraries as we would now understand that term, the individuals funding the building of them may nevertheless have felt themselves on a mission of improvement of a 'public' in the form of the enlightened urban middle classes - which concept of the 'public' the subscribers of libraries like the Athenaeum and the Portico had in mind in this context may be a varied one.¹⁶

Towsey and Roberts view the builders of subscription libraries in Liverpool as having been inspired by the 'new cultural assumptions' about the improving power of conversation and structured sociability and the fundamental importance of books and of mutual self-improvement. Allan's argument¹⁷ that libraries came to be central to perceptions of local identity and civic-mindedness will be explored in the next chapter in the specific context of Mancunian identity, but Towsey and Roberts' reference to commercial values is a pertinent one for the consideration of the purpose behind the establishment of a library and newsroom in Manchester in the early 1800s. While I consider that similar aspirations to those identified by Towsey and Roberts were a factor in the establishment of the Portico, I will also argue in this study that the Portico's value to its original subscribers, and those who subscribed throughout the period of focus, of this study, goes beyond just the sociable elements highlighted by Allan, namely the value it had for commercial business and

¹⁴ Jurgen Habermas, *A Structural Transformation of the Public Sphere: an inquiry into a category of bourgeois society* (Cambridge: Polity Press, 2015 (e-book edition)), p. 24.

¹⁵ Towsey and Roberts, *The First Minute Book*, p. 7.

¹⁶ Ibid.

¹⁷ Allan, 'Politeness and the Politics of Culture', p. 107.

professional men, including its lawyers, working in a town which was at the centre of industrial and commercial expansion in this period.

Significance of the Portico's newsroom

Rebecca Bowd has asserted, by reference to the subscription libraries established in Leeds during the mid and late eighteenth century, that the commercial environment in which the libraries came to be established was highly relevant to the reasons for their establishment, and that motivating factors went beyond simply the attractions of polite learning and sociability for the members' leisure time, to include the desire to form a collection of useful knowledge to meet the educational and other needs of an urban grouping involved in manufacturing, commerce and the professions.¹⁸ William Axon, writing about the Portico in 1877, described how, on entering the building, the visitor would find himself in the 'handsome reading room...devoted to newspapers'.¹⁹ When considering the needs of the Manchester subscribers to the Portico, and in particular the lawyers, it is useful to reflect on the significance of the newsroom, as distinct from the library collection.

In his work on the Victorian reading habits of the inhabitants of Preston, a town around 30 miles from Manchester, Andrew Hobbs has described how public places set aside for reading, including newsrooms, were common and, while there was no clear distinction made between libraries and newsrooms, the commercial aspect to the newsrooms is made clear.²⁰ Preston's new town hall, opened in 1867, included an exchange and newsroom

¹⁸ Rebecca Bowd, 'Useful knowledge or polite learning? A Reappraisal of approaches to subscription libraries', *Library & Information History*, volume 29, issue 3, 2013, ps.182, 192. Rebecca Elizabeth Bowd, 'The Purposes of reading in late Georgian Britain: Science, Medicine, Industry and Intellectual Culture in the Leeds Subscription Libraries 1768 – 1815' (unpub.PhD, University of Leeds: 2015), p. 207.

¹⁹ Axon, *Handbook of the Public Libraries*, p. 9.

²⁰ Andrew Hobbs, 'The Reading World of a Provincial Town: Preston, Lancashire 1855 – 1900' in Katie Halsey and WR Owens (eds), *A History of Reading Volume 2 Evidence from the British Isles c1750 – 1950* (London: Palgrave Macmillan, 2011), pp. 122 – 123.

specifically for the town's businessmen and commercial hotels had small newsrooms attached to them. Hobbs describes how facilities to read and discuss the news were thought attractive enough to be offered as benefits for members of clubs and societies, including religious and political ones, effectively as a means of drawing members in.²¹ By facilitating reading and discussion, Hobbs sees Preston's newsrooms as bringing together the oral and print culture, creating a Habermas-ian 'public sphere'.²² While consideration of the Portico and its purpose have tended to focus on the establishment of the library, this has perhaps been at the expense of considering the attraction to its original proprietors of the newsroom facility.

The Portico's newsroom was originally open every day, including Sunday, from 8am – 10pm in winter and 7am – 10pm in summer (although a subsequent motion was passed providing that the library should be closed during divine service).²³ The relatively early and late opening and closing hours give us some indication of the working habits of the subscribers. As referenced above, one complaint about the Liverpool subscription library was its inflexible opening hours and for professional men of business, like the lawyers in this study, the Portico's opening times would have allowed for visits both before and after working hours.

The first set of minute books for the Portico's Committee reveal the large number of national and local newspapers which were to be made available to the subscribers.²⁴ A complete list of the publications initially ordered is set out in Appendix 1 but the list included the Sun, the Star, the Times, the Observer, the Courier, Lloyd's Evening Post, the

²¹ Hobbs, 'The Reading World', p. 135.

²² Ibid.

²³ Brooks and Haworth, *Boomtown Manchester*, *ibid*, p. 17.

²⁴ First Minute Book of the Portico Committee 1806 – 1834, p. 4.

London Gazette and local publications such as Wheeler's Manchester Chronicle, Harrop's Manchester Mercury, Cowdroy's Manchester Gazette and Gore's Liverpool General Advertiser. Political publications such as Cobbett's Political Register²⁵ and the votes of the House of Commons were also included, together with various periodicals such as the Edinburgh Review and the Navy and Army lists (a court calendar followed in February 1806, and additional publications were added to the list of newspapers being acquired for the subscribers). The list reflected the varied interests of the subscribers, commercial, political and cultural, and the Portico may well have been the only facility in Manchester at that time where that wide range of publications could be found in one place, in such salubrious surroundings. Importantly, the list also suggests a desire to reflect a range of political views. The decision of the initial subscribers to include the Manchester Gazette, which was published by William Cowdroy (1752 – 1814),²⁶ a playwright and radical publisher, in the publications obtained is one indication of the cross-section of views represented amongst the membership which Brooks and Haworth contend for (and evidence of various Portico lawyer's political allegiances will be touched on in chapter 4). It suggests that the 'infiltration' of cultural establishments and stifling of debate may not have been quite as all-encompassing as Navickas suggests,²⁷ albeit Cowdroy might perhaps be viewed as at the tame end of any radical spectrum.

It was an evident concern of the Portico's Committee (which from the beginning included lawyer proprietors)²⁸ to ensure that the London newspapers reached the Portico as

²⁵ William Cobbett's son, Richard Baverstock Brown Cobbett (1814 – 1875), was a second generation Portico lawyer.

²⁶ Cowdroy appears in the Oxford Dictionary of National Biography.

²⁷ See the discussion at page 15, above.

²⁸ See the asterisked detail in tables 1.1. and 1.2 in chapter above. William Fox was elected to the Committee but resigned before the first meeting.

promptly as was possible, consideration being given to speaking to London coach proprietor to see whether the London morning publications could be got to Manchester the evening after their publication (ultimately this was determined not to be practicable).²⁹ This insight into the concerns of the Committee is a further reflection of the ‘flavour’ of the Portico’s proprietorship. Its membership clearly placed a value on the obtaining of information via the London newspapers as contemporaneously with publication as possible, hence the time devoted to investigating the speed with which that could find its way to the Portico’s newsroom. Further publications were added to the newsroom’s acquisitions during the course of 1806. Of note was the purchase of a court calendar for the use of the newsroom, clearly of interest to lawyers and, more generally, to those engaged in commercial activity to know when the various court terms started and ended.

While it is clear from the minutes of the Committee’s meetings that the arrangements for the Portico’s newsroom were as much of a concern as the library collection itself, nevertheless the nature of the collection built up by the original subscribers does offer a further insight into the purpose of the Portico for its subscribers.

The Library collection

The post of Librarian at the Portico was not merely a voluntary or honorary one – the Librarian was elected by the proprietors at the annual general meetings³⁰ and the March 1806 Committee minutes record that the first Librarian, Mr Watson, was offered £42 per annum for the post. It has been said that standing under the Portico’s central dome, from where you can see the full library gallery, and the categories of books to be found there, is

²⁹ Referenced initially at a Committee meeting on 2 October 1806, recorded in the First Minute Book of the Portico Committee, p.33.

³⁰ Brooks and Haworth, *Portico Library*, p. 21.

like being 'in a nineteenth century mind'.³¹ Axon noted that the 'very miscellaneous nature' of the collection made it all the more valuable as 'a reflex of the intellectual forces at work in the time of Hogarth and Byron'.³² Its Librarian in post in the early twentieth century, Tinsley Pratt, perhaps saw it less romantically, describing the collection as indicating a 'catholicity of taste'.³³

The extent to which a library's borrowing records can inform us about the reading habits of a particular population is a question which has been the subject of some debate between scholars specialising in the history of readers and reading. In his essay on the library at Innerpefferay, Paul Kaufman first argued in 1969³⁴ that library borrowing records can make a valuable contribution to the history of reading and the work of others in this field, including Mark Towsey, have built on this argument.³⁵ In her more recent PhD on the library at Innerpefferay, Jill Dye sees the relationship between borrowing and reading (and the conclusions to be drawn from that relationship) as more problematic and challenges what she describes as the 'borrowing-equals-reading' assumption.³⁶ Her contention is that the borrowers' records are more reliable as evidence of the history of library use, rather than, or in addition to, the history of reading.³⁷

³¹ Janet Allan, *The Portico Library*, p.19.

³² Axon, *Handbook of the Public Libraries*, p.13.

³³ Pratt, *The Portico Library*, pp. 7 – 8.

³⁴ Paul Kaufman, *Libraries and their users – collected papers in library history* (Library Association: 1969).

³⁵ E.g. Mark Towsey, *Reading the Scottish Enlightenment: books and their readers in provincial Scotland 1750 - 1820* (Leiden: Brill, 2010).

³⁶ Jill Dye, *Books and their Readers in the Library at Innerpefferay c.1680 – 1855*, PhD (University of Stirling: September 2018), p.10.

³⁷ *Ibid*, 233.

Portico's borrowing records

In the Portico's case, the earliest borrowing records have unfortunately been lost. The earliest set available is that relating to the year 1850, right at the end of the period of focus in this study. Consequently, it is not possible to identify what the original subscribers within the first generation group of Portico lawyers were borrowing (let alone whether it was them, or others, who were reading them). However, the Committee minutes offer at least one glimpse into the involvement of one Portico lawyer with the matter of who would be appointed book-seller to the Portico. The minutes record that, at a meeting on 17 January 1806, a letter was read from a Mr Chesshyre (Edward Chesshyre) concerning the application of a Mr Nicholls to be appointed book-seller to the Committee. The detail of the letter is not recorded, but it appears to have been a recommendation, because the minutes later resolve that the secretary of the Committee will make enquiries via Mr Chesshyre as to Mr Nicholl's terms.³⁸

For those records that do exist, names of second generation Portico lawyers can be seen borrowing books from the library, confirming (as a minimum) that the subscribers who used the Portico's library did include some the lawyers who are the focus of this study. The names of Stephen Heelis (1802 – 1871), William Slater (1801 – 1889), James Crossley (1800 – 1883), William Sale (1809 - ?), Samuel Fletcher (1812 – 1875), Thomas Percival Bunting, Higson (1800 – 1872)³⁹ and Cobbett⁴⁰ all feature in the issue lists between April and June 1850. Of those individuals, William Sale's name appears most frequently. The books taken out by this group include the novel *Frankenstein* by Mary Shelley and the play *'Maid of*

³⁸ Entry in First Minute Book of Portico Committee concerning the meeting on 17 January 1806.

³⁹ No identifying initial but likely to be Thomas Higson, rather than John Higson, given the record is from 1850.

⁴⁰ This is Richard Baverstock Brown Cobbett – son of William Cobbett, he was the only Cobbett who was a proprietor in the original List of Proprietors which goes up to 1850.

Orleans' by Friedrich Schiller, as well as collections of letters and a work on Oliver Cromwell.⁴¹

Catalogues

While the borrowing records are unfortunately limited, the catalogues themselves are nevertheless a useful tool for considering the Portico's purpose. At its most basic, the purpose of a library is to afford those who use it access to the books within it. The catalogues are the records of which books were available to read at the Portico and so themselves have an evidential value, not necessarily from a wider history of reading point of view, but as a factor relevant to answering the question of the purpose that the Portico served for its original subscribers. This is because it was largely they who determined which books the Portico acquired, so the catalogue tells us what they wanted to read, or at least what they considered should be available (and known to be available) to read in an institution like theirs.

Between 1806 and 1850, over 10,000 titles (amounting to 30,000 individual volumes) were acquired by the Portico,⁴² and by 1905, its collection ran to more than 60,000 volumes (although as a result of later financial difficulties, it was subsequently forced to sell off a number of its works). In its early years, most of the Portico's volumes were purchased on the recommendation of individual proprietors⁴³ and there was no anonymity permitted as regards those recommendations (perhaps as one way of controlling the nature of the suggestions made). The Rules specifically provided that:

⁴¹ Portico's Issue records, 15 April 1850 – 30 September 1852.

⁴² Brooks and Haworth, *Portico Library*, p. 56.

⁴³ Brooks and Haworth, *Portico Library*, Chapter 4.

A BOOK shall lie upon the table in the Reading-Room, for the Subscribers to enter their recommendations of Books; and the same shall be laid before the Committee at their monthly meetings; and such entries shall be signed by the respective Subscribers making the same.⁴⁴

Four original library catalogues survive from the period between 1806 and 1850, the earliest being that from 1810. The 1810 catalogue contained a list of 650 titles that had been acquired for the library by that point. It is arranged into topics, the first being history of areas of the UK and encompassing geography and travel within the subject area.⁴⁵ The catalogue spans a wide range of subjects, including history (both classical and contemporary), 'polite' literature (encompassing plays, poetry, biographies, letters and latterly novels) and an obvious interest in the natural world, reflected in various books on travel, geography and botany, although an apparent absence of early science-related books may be explained by the pre-existing library of the Literature & Philosophical Society.⁴⁶

By 1845, the catalogue was organised by section, or 'class' and the fifth of these was 'Jurisprudence, Government and Politics'. The first section within this class related to Statute and Common Law, the second Government and Politics and the third Political Economy, Finance, Trade and Commerce.⁴⁷ The subject matter of the books listed under the first section includes works of a practical bent, such as Sugden's *Letters on the Sale, Purchase etc of Estates* (1809), as well as more philosophical or contemplative titles, such as Miller's *Inquiry into the present state of the civil law of England* (1825) and Roscoe's

⁴⁴ Rule I in the set of rules printed in the 1810 Portico catalogue.

⁴⁵ For example, Brand's 'History of Newcastle upon Tyne' is followed by Bougainville's 'Voyage to the Malouine or Falkland's Islands, in the year 1763 – 4'.

⁴⁶ Allan, *The Portico Library*, p. 24.

⁴⁷ 1845 Portico catalogue, Contents page, vii.

Observations on Penal Jurisprudence and the Reformation of Criminals (1819). The fact that the legal texts and reference books are grouped with the political and economic texts, including the likes of Adam Smith's *Wealth of Nations* (1776) and David Ricardo's *The Principles of Political Economy and Taxation* (1817) is consistent with the Portico lawyers being very much part of Manchester's commercial community and, as is explained in the following chapter, their professional and other activities make clear their involvement at the heart of Manchester's economic, political and cultural scene in this period.

The structure and content of the Portico's catalogue appears to have been a more contentious subject than might at first be supposed. A letter to the *Manchester Guardian*, published on 17 December 1831, complained at some length about the inadequacies in the organisation of the new catalogue which had recently been published, going so far as to assert that the Committee, in allowing it to be published, had 'done what is discreditable to themselves, to the institution and even to the town, the reputation of which must suffer from the appearance of such a production from one of the leading literary associations'.⁴⁸ The main cause of complaint, in relation to most of the classes including that containing the legal works, appeared to be an inconsistency of approach as regards which works were included in which section, but it was in relation to the 'Polite Literature' section that the author was most dissatisfied, saying that here 'system is utterly set at defiance'. While the extent of one individual's consternation at the contents of the catalogue might not have been reflected more widely, it does offer some insight into the ongoing concern about Manchester's status and reputation in the early 1830s and at least one view of the cultural significance of the Portico to Manchester, some 25 years after its establishment.

⁴⁸ *Manchester Guardian*, Letters to the Editor, 17 December 1831.

In Rebecca Bowd's analysis of the subscription libraries of Leeds and their purpose (discussed above), she focuses on the medical profession in Leeds to demonstrate her argument that one of the impetuses for subscription library collections was to aid professional training and practice, by reference to the technical works included in their library collections. While the Portico's own collection may not have included an equivalent number of technical works relevant to its lawyer proprietors in their daily legal practices, legal texts can be seen in the catalogue from the earliest one now available (the 1810 edition contained Blackstone's Commentaries on the Laws of England), one of the most famous works of jurisprudence on English common law and first published in 1765. There was evidently a demand from the subscribers for legal texts – as described above, the subscribers largely drove the choice of texts in the early period of the Portico's existence, before a specific book-purchasing Committee was formed – and alongside the other classes, the Jurisprudence class in the catalogue grew throughout the period of focus. It was not simply the library's books though that are relevant to this consideration – as detailed above, the newsroom was as important to its early members and the publications obtained by the Portico for its subscribers contained, amongst other things, valuable commercial and legal intelligence. One example is the London Gazette which contains to this day to publish particular types of legal notice relevant to those who practice in the commercial law sphere and both local and national publications included case law reports, an awareness of which is vital to common law practitioners in their daily practices.

Further, it is notable that a number of the Portico lawyers were involved in the subsequent establishment of the Manchester Law Library. A society formed for the purpose of forming

a library was instituted in July 1820 and subscribers sought.⁴⁹ It had a number of features in common with the Portico. There was an initial outlay amount and thereafter annual subscription fees (the initial purchase price for a ticket was £3, 3s and the annual charge was £1, 1s). It was also governed by a set of rules and those rules, amongst other things, regulated who could join. The 1823 set of rules provided that no-one could be admitted without being proposed, seconded and balloted,⁵⁰ so the element of exclusivity was clear. By 1838, that requirement had been refined and provided that: ‘No person shall be eligible as a Member of this Society unless he be a Barrister, Attorney or Certificated Pleader or Conveyancer, residing or having his usual place of business within two miles of the Manchester Exchange’. The qualifying requirements had evolved to encompass qualified status and a proximity to the Manchester Exchange – emphasising not only the importance of status and location to these men but that their point of reference to determine the area of their professional activities was the Exchange, an institution at the commercial heart of Manchester.

Table 3.1 lists the Portico lawyers (drawn from both generations) who were included in the Manchester Law Library subscribers’ list for 1823 and 1838:

Portico lawyers amongst 1823 subscribers	Portico lawyers amongst 1838 subscribers
Richard Ashworth	Richard Ashworth
Charles Barrett	Charles Barrett
James Chapman	James Chapman

⁴⁹ Records of the Manchester Law Library Society held in Manchester Central archives, GB127.M208, Box 10 Minutes.

⁵⁰ Records of the Manchester Law Library Society held in Manchester Central archives, GB127.M208, Box 1 Incorporation and Rules.

S D Darbshire	SD Darbshire
John Higson	John Higson
E J Lloyd	E J Lloyd
Alexander Kay	Alexander Kay
William Slater	William Slater
R M Whitlow	R M Whitlow
	James Crossley
	Joseph Heron
	James Hilton Hulme

While the Manchester Law Library’s collection was of a ‘strictly professional’ nature, (and not one which, according to Axon, general readers would be greatly tempted by),⁵¹ it nevertheless appears that, as was the case with its building style, the Portico provided a blueprint for the founders of the Manchester Law Library Society in demonstrating what could be achieved through a voluntary associational approach to the establishment of a library designed to meet the specific needs of a particular commercial community in Manchester, in this case, its lawyers. Like the Portico, its collection was organised in classes and like the Portico, its method of organisation did not find wholesale approval – Axon describing it as a ‘rough method’ of categorisation without any ‘thread of continuity visible in the arrangement.’⁵²

⁵¹ Axon, *Handbook of the Public Libraries*, p. 134.

⁵² *Ibid.*

Turning again to Bowd's wider argument as to the practical value and utility of subscription libraries in this period, the inclusion of material in both the Portico's library and its newsroom which was relevant to the daily practice of its lawyer proprietors, and the subsequent creation of the Manchester Law Library Society 14 years later by individuals who had links to the Portico, are supportive of her contention that the urban mercantile community demanded practical utility, as well as sociability, from its institutions.

This chapter has considered the Portico's connection to the coffee house culture and explored its place in the wider Georgian enthusiasm for voluntary associationism. Its conclusion is that its purpose was at once practical and philosophical. The Portico's records confirm the significance of the separate elements of newsroom and library to its urban, mercantile and professional members, including its lawyers. Further, it is evident that there were similarities in the approach taken to the setting up of the specialist Manchester Law Library to that of the Portico, suggesting that the Portico provided inspiration to those of its lawyer proprietors who were involved in establishing the Law Library. The final element of this study's consideration of the Portico's purpose is to consider it in the context of local identity, class and civic-mindedness, and these areas are explored in chapter 4.

CHAPTER 4 – MANCHESTER’S MIDDLE CLASSES & THE PORTICO LAWYERS

Chapters 2 and 3 of this study concluded that key factors driving the establishment of the Portico and underpinning its purpose for the Portico lawyers were its various identities as a cultural and philosophical statement about themselves and Manchester, a practical source of information and an exclusive social space. These identities are consistent with aims and aspirations that have been identified as belonging to Manchester’s middle classes.¹ This chapter considers those aims and aspirations in more detail, identifies where they can be seen to resonate with the Portico lawyers and considers certain aspects of middle class political activity in a specifically Mancunian context, the central aim being to show the connection between the Portico lawyers and these middle class aims and aspirations, and to draw conclusions about how those were being expressed in the lawyers’ membership of the Portico.

Defining the ‘middle classes’

It has been said that questions of class are ‘fundamental’ to nineteenth century British history, with class distinctions ‘deeply embedded’ in the social fabric.² Nevertheless, the challenges of defining both class in general (described by one historian as a ‘slippery term’ carrying a lot of ‘contrary theoretical baggage’) and finding a satisfactory definition or description of the middle classes in particular have been well documented.³ Indeed, Simon Gunn referred to the concept of middle class as having been ‘bedevilled by issues of

¹ Such as the group known as the Little Circle – see David J. Knott, ‘The Little Circle and Manchester Politics’ (unpub.PhD thesis, University of Manchester, 2018).

² Martin Hewitt, ‘Class and the Classes’ in *A Companion to Nineteenth Century Britain*, Chris Williams (ed) (Oxford: Blackwell, 2004), p. 305.

³ Ibid. See also Susie Steinbach, *Understanding the Victorians: politics, culture and society in nineteenth century Britain*, 2nd edn (Oxfordshire: Routledge, 2016).

definition'.⁴ The economic theorist, David Ricardo (1772 – 1823), whose work was an early acquisition for the Portico subscribers, distinguished between groups who obtained income from rent, profit or wages. His work encouraged the idea of a tri-partite split in society: the landed/upper class, the middle/industrial class and the working class, and it was on this foundation that the theories of Marx (1818 – 1883) and Engels (1820 – 1895) developed.⁵ Susie Steinbach has asserted that, in 1820, the three classes (split along Ricardian lines) were highly stratified, led very different lives from each other and were 'easily distinguished by their material possessions and their forms of domesticity and leisure'.⁶ She describes how from the late eighteenth century onwards and throughout the industrialising nineteenth century, the language used to describe societal structure moved from descriptions of the 'middling sorts' or the 'lower ranks' to the use of the term 'class' or 'classes'.⁷ As Craig Horner has identified, however, similar challenges of classification have arisen in identifying who made up the eighteenth century 'middling sorts', with a range of approaches being taken to establish identifying characteristics. His contention was that reference to locality and the 'principal inhabitants' of that locality may be an instructive starting point (and it is true that the Portico lawyers featured in the trade directories' lists of principal inhabitants).⁸

The Marxist historical perspective saw class as defined primarily in terms of economics - dictated by the various groups' relationship to the means of production, and from those

⁴ Simon Gunn, 'Class, Identity and the Urban: The Middle Class in England c1790-1950', in *Urban History*, volume 31, May 2004.

⁵ e.g. *The Communist Manifesto, Das Kapital*.

⁶ Steinbach, *Understanding the Victorians*, p.6.

⁷ Steinbach, *Understanding the Victorians*, pp. 123 – 144.

⁸ Craig Horner, 'Proper Persons to deal with': identification and attitudes of Middling Society in Manchester c.1730 – c.1760' (unpubl. PhD Thesis: Manchester Metropolitan University, 2001), p.262.

economic groupings would emerge a collective class consciousness, with an ultimate and inevitable trajectory to revolution and the idyll of a classless society. E P Thompson's seminal work in the 1960s argued that the industrial period saw the emergence of a politically aware working class.⁹ The idea of an equivalent emergence of a cohesive, national 'middle class' in the nineteenth century (typified by the Manchester industrialist) was a concept which Dror Wahrman, writing in the mid-1990s, eschewed. He rejected the 'seductively coherent' account of how the industrial revolution changed Britain and led to the emergence of a newly powerful middle class, attacking it as a political or linguistic construct based on assumptions rather than reflecting the reality.¹⁰ What Wahrman did not do was explore what that 'reality' was. As far as Manchester was concerned, Wahrman acknowledged that it was 'arguably the cradle of the English middle class as we have come to know it' and accepted that there seemed to be a growing realisation of the political relevance of northern industrial districts, which *could* fit into a vision of a rising middle class constituency, but remained of the view that there is little evidence of a 'middle class' self-awareness, or political consciousness, prior to the 1830s.¹¹ Wahrman admitted that his study was insensitive to 'local political contexts' but placed reliance on the fact that the language of publications such as the Manchester Guardian rarely referenced the term 'middle class'.¹²

More recent studies considering middle class identity in the late eighteenth or early nineteenth century posit that that identity cannot be understood solely by reference to a purely economic analysis, or one which sees class as a linguistic or political construct. Gunn

⁹ E.P. Thompson, *The Making of the English Working Class* (London: Penguin Classics, 2013).

¹⁰ Dror Wahrman, *Imagining the Middle Class – the political representation of class in Britain c. 1780 – 1840*, (Cambridge: Cambridge University Press, 2010 (online version)), Introduction, p.1.

¹¹ Wahrman, *Imagining the Middle Class*, p.264.

¹² *Ibid.*

describes the history of the English middle class as having been dominated by two narratives – that the emergence of the middle class was associated with the growth of mercantile and industrial capitalism¹³ and that it was a class of ‘movements’ for political and economic reform which emerged as an increasingly important social presence and sought representation. Both he and others have argued for a definition of middle class which takes account not only of these factors but also to look at social and cultural practice. Kidd and Nicholls have asserted that the identification of the middle class should be derived both from ‘objective’ data (wealth, property, occupation) and ‘subjective’ aspects of social life, such as culture, ideology and politics.¹⁴

Culture, morality, religion and politics

Jurgen Habermas, the German philosopher and sociologist, suggested as long ago as 1962 that the term middle class denoted not so much a clear sociological entity as a cultural and political force and focused on the concept of the liberal public sphere where the world of culture (through the new cultural institutions) underpins the public sphere of politics.¹⁵ This analysis is described as instructive by Kidd and Nicholls and is built upon by Davidoff and Hall,¹⁶ and Steinbach, to take account of the Victorian era’s ‘gender regime’ and its association of women with the ‘private’ or domestic sphere and men with the public cultural sphere.¹⁷ The arrangements that the Portico’s male subscribers set up for themselves in establishing the Portico could be said to conform to this idea of separate spheres. Male

¹³ Asa Briggs, *Victorian Cities* (Harmondsworth: Penguin Books, 1990).

¹⁴ Kidd and Nicholls (eds), *The Making of the British Middle Class? Studies of regional and cultural diversity since the eighteenth century*, (Gloucestershire: Sutton Publishing, 1998), Introduction, p.xxiii – xxvii.

¹⁵ Habermas, *A Structural Transformation*.

¹⁶ L. Davidoff and C. Hall, *Family Fortunes: Men and Women of the English Middle Class 1780-1850* Revised Edition (London, 2002), p. 14.

¹⁷ Steinbach, *Understanding the Victorians*, p.133 – 135.

proprietors utilised the Portico's Newsroom, Reading room and Library spaces, whereas female family members could visit the Library and gain access to its collection, but would be reading its books in their own home rather than in the masculine and 'public' sphere of the Portico's Reading room, or in the Newsroom, where proprietors were meeting for business and social purposes.

The 'moral' aspect of middle-class identity, which also links to religion, is an area considered specifically in relation to Manchester by Phyllis Dickinson. Her work sought to identify social connections and relationships between officials of charitable organisations to gain an insight into what she described as the 'new industrial and commercial middle class' living in Manchester.¹⁸ In common with the Portico, most of the voluntary societies considered by Dickinson were structured as subscriber democracies. Dickinson's analysis identified that the individuals who involved themselves in Manchester's charitable societies in the 1830s were drawn from across differing political and religious affiliations and concluded that the societies provided a neutral space within the public sphere for discourse concerning the social problems created by industrialisation. Dickinson also concluded that the charitable societies were dominated by individuals from a commercial and professional background, with a substantial number of committee members coming from what she describes as a Mancunian 'elite'.¹⁹ There are clear parallels between the make-up of the voluntary associations' membership and that of the Portico, by reference to these characteristics, and indeed eight of the Portico lawyers were identified individually by Dickinson as belonging to one or more of the institutions considered in her work.

¹⁸ Dickinson, 'Charitable Connections', p.3.

¹⁹ Dickinson, 'Charitable Connections', pp. 102 – 103.

These individuals are listed in table 4.1 and include S D Darbishire (1796 - 1846), who was a member of the Manchester Statistical Society and, alongside his fellow attorney and Portico proprietor, William Slater, sat on the committee of this Society which produced a report on the state of education in Manchester in 1834.²⁰

Table 4.1 – Portico lawyers identified by Dickinson as being involved in one or more charity²¹

Portico Lawyer	Charitable involvement identified by Dickinson
S D Darbishire	DPS, SS
Samuel Fletcher	DPS, MRI, SS, TM
J F Foster	DPS, MNA
J K Heron	TM
J H Hulme	DPS
E J Lloyd	DPS
W Sale	DPS

This study has identified additional examples of Portico lawyers being involved in charitable activities, including first generation subscribers George Duckworth and John Kearsley (1756 - ?), and these are set out in table 4.2. Both men held positions of responsibility in relation to the Manchester Lying-in Hospital (the forerunner of St Mary’s Hospital, first established as a charity in 1790 by Dr Charles White).

Table 4.2 – additional charitable involvement identified by this study²²

Portico Lawyer	Charitable involvement identified by this study (in addition to Dickinson’s list)
William Slater	SS
George Duckworth	LH, trustee of Manchester Academy, listed as subscriber for collection for poor

²⁰ Report of a Committee of the Manchester Statistical Society on the state of education 1834 – 1837, Manchester Central archives, GB127.BR.MSf310.6M5, volume 1.

²¹ Abbreviations in table 4.1: District & Provident Society (DPS), Statistical Society (SS), Manchester & Salford Town Mission (TM), Manchester Night Asylum for the Destitute and Houseless Poor (MNA), Manchester Royal Infirmary (MRI).

²² Additional abbreviations used in Table 4.2: Lying-in Hospital (LH), Botanical & Horticultural Society (BH).

John Kearsley	LH, listed as subscriber for collection for poor
Alexander Kay	B&H
SD Darbshire	B&H

While Dickinson drew back from concluding, based on her research, that membership of charitable societies was of itself a clear expression of class, she did conclude that a concern about Manchester's image, and a sense of pride, were drivers in the choice of the individuals she was considering to involve themselves with charitable endeavours.²³

That conclusion echoes the conclusions of this study as to the significance of a concern with Manchester's image in the cultural and civic pursuits of the Portico lawyers, whether in establishing the Portico or working together for the development of their profession (through the MLA). In David Knott's detailed study of the group of Mancunian liberal non-conformists known as the Little Circle,²⁴ whose members included Archibald Prentice, the lawyer Fenton R. Atkinson and other renowned individuals (and Portico subscribers) like Thomas Potter (1774 – 1845), the first mayor of Manchester and John Edward Taylor (1791 – 1844), co-founder and editor of the Manchester Guardian, he considers how the interests of that specific group of Mancunians, which included devotion to charitable works, education, civil improvements and leisure pursuits such as walking, reading, horticulture, science and literature can inform our wider understanding of what it meant to be middle class in early nineteenth century Manchester. Knott describes the Little Circle's approach as being one which combined political reform with 'moral' reform, which links back to the points considered in Dickinson's study.

²³ Dickinson, 'Charitable Connections', p. 108.

²⁴ Knott, 'The Little Circle'.

There are a number of aspects about the Little Circle which clearly resonate with the Portico lawyers. Knott refers to the Little Circle's professional and commercial backgrounds and asserts that this provided them with the 'money, time and skills' to focus on the political and social issues of the day.²⁵ The Portico lawyers' desire for improvement and access to books is demonstrated not only by their involvement with the Portico but also their involvement in the subsequent establishment of the Law Library, adopting as they did (albeit in a more limited form) a similar approach to the one taken when establishing the Portico. The Portico's library collection itself, in the period covered by this study, included books relating to each of the subject areas identified by Knott, making clear that these interests were not confined to the Little Circle members, or those with the same religious or political outlook as the Little Circle. The involvement in charitable works is another area of commonality and, while Dickinson was hesitant to reach a definitive view on charitable involvement as an expression of class, Knott's work suggests that such a view can be legitimately argued.²⁶

There is a further professional connection between the Little Circle and the Portico lawyers – the Law Lists record that in the period between 1811 and 1816, John Higson (1781 - 1841), a original subscriber, was in partnership with Fenton R Atkinson.²⁷ Higson himself was a member of John Shaw's club, more associated with toasts to 'Church and King' (as the Manchester Guardian noted in a retrospective in 1855)²⁸ than dissenting Liberals so, on the face of it, their connection was an apparently unlikely one, yet the Law Lists suggest they were able to work in partnership for a number of years, demonstrating that at least some

²⁵ Knott, 'The Little Circle', p.9.

²⁶ Knott, 'The Little Circle', p.14.

²⁷ Clarke's New Law List published for the years 1811, 1812, 1815 – 1816.

²⁸ Manchester Guardian article, Local Gleanings: no 41, 31 January 1855.

commonality of approach and inclination must have existed between them which transcended beyond strictly drawn political and religious lines.

Religious influences?

The Little Circle were certainly influenced by their religion. While the apparent concern about Manchester's image and condition (which, as Chapter 2 discussed, was at least one motivating factor in the establishment of the Portico and was a concern which resonated with the Portico lawyers in their professional lives as well) has sometimes been linked to gentility or politeness, Hannah Barker has argued that piety, rather than politeness, was a more unifying characteristic at least amongst those in 'trade' in Manchester.²⁹ Barker describes how, by the early nineteenth century, the term 'in trade' underlined a distinction between tradesmen and those of higher ranks, precluding the possibility of tradesmen being considered genteel. Barker argues that a belief in God and the desire to live a Christian life were stronger considerations for this population than the pursuit of social refinement.³⁰ The Portico's lawyers may have occupied a space somewhere in between – while they would have been described as gentlemen, their names and the names of their professional firms were also included in the 'List of Trades' section of the trade directories for Manchester and Salford – not tradesmen as such but nevertheless sitting within the world of commerce and trade. In considering the piety of those 'in trade', Hannah Barker identifies the 'plurality of religions' seen in Manchester by the turn of the nineteenth century.

²⁹ Hannah Barker, 'A Devout and Commercial People: Religion and Trade in Manchester during the Long Eighteenth Century', in Elaine Chaulus & Perry Gauci (eds.), *Revisiting the Polite and Commercial People: Essays in Georgian politics, society and culture in honour of Professor Paul Langford* (Oxford: Oxford University Press, 2019), pp. 136 – 152.

³⁰ Barker, 'A Devout and Commercial People', p.138.

Table 4.3 shows that representatives of both Church of England and Non-conformist religions can be found amongst the Portico lawyers, by reference either to baptism or burial/probate records, where available.

Table 4.3 – split of religious allegiances amongst Portico lawyers, where identified

	CoE	Non-conformist	Not known
First Generation	11	5	13
Second Generation	7	6	4

Barker’s conclusion that the lives of the trading class (within Manchester’s middle classes) appear to have been rooted firmly in household, workplace, sites of religious devotion and social interaction based around religion, with a focus more on the state of their souls than the pursuit of politeness as such³¹ may resonate to an extent amongst the Portico lawyers, if nothing else as providing further networks within Manchester society into which they were connected. The Portico’s location certainly placed it within very easy reach of both Unitarian and Anglican religious institutions for its members to frequent, the closest being the Unitarian Mosley Street Chapel, virtually opposite the Portico, but St James’ Church was only around the corner on George Street and St Peter’s Church a little further, down at the end of Mosley Street.

Professional middle classes

Steinbach describes the Victorian classes as ‘simultaneously economic, cultural and discursive’, meaning that their definition cannot be adequately achieved solely by reference

³¹ Barker, ‘A Devout and Commercial People’, pp.151 -152.

to, for example, economic status.³² If the Portico lawyers weren't 'in trade' in the same way as the subjects of Barker's analysis, neither did they fit satisfactorily into a strict tri-partite definition of the classes – they were gentlemen but not landed aristocracy, with income derived not from wages, or profit as such, but from the charging of fees. Their existence and connection to power and influence in Manchester (which will be considered in more detail in Chapter 5) support the argument that Manchester's middle classes were a more nuanced and complex grouping than the archetype of the entrepreneurial industrialist would suggest, more reflective of Wolff and Seed's conclusion that the middle classes in northern industrial towns were not 'confined to a group of male entrepreneurs' but was rather a 'complex and variegated grouping' in which 'manufacturing, commercial and professional functions' were 'socially articulated in complicated...ways'.³³

Within middle class groupings, Hewitt sees significant differences between the commercial and entrepreneurial middle class reliant on profit, the professionals reliant on fees (like the lawyers) and the white-collar occupations who drew salaries.³⁴ In the case of the Portico lawyers, the line between these different groupings identified by Hewitt, in particular the commercial entrepreneurs and the professionals, may have been more blurred than this analysis suggests.

William Fox (1752 – 1833) was one original Portico proprietor who practised as a lawyer before becoming a successful banker,³⁵ and the lawyers' professional work was inevitably shaped by the commercial world in which they practised. The Portico's lawyers were, in their professional capacities, involved with various Mancunian commercial institutions and

³² Steinbach, *Understanding the Victorians*, p.128.

³³ Janet Wolff and John Seed, *ibid*, p.7.

³⁴ Hewitt, 'Class and the Classes', pp. 305 – 307.

³⁵ A partner in the firm Jones, Fox & Co, which had been established by his father.

enterprises, and these are set out at table 4.4. Commercial failures (as well as successes) also provided work for them, through the bankruptcies which were commonly advertised in the local newspapers with a particular solicitor named as the relevant point of contact.³⁶

Table 4.4 – list of legal/commercial positions held by Portico lawyers³⁷

Portico Lawyer	Legal/Commercial position
First Generation	
Edward Chesshyre	Recorder; Clerk to Commissioners for land and assessed tax.
Robert Ellis Cunliffe	Clerk to Bolton & Bury Canal
William Eccles	Collector of King's Duchy rents
William Eccles & John Sharpe	Clerks to the Mersey & Irwell navigation
William Fox	Boroughreeve; Partner in Jones, Fox & Co bank
Samuel Kay	Deputy Steward of Manor of Manchester & Court Leet
John Law	Solicitor to National Provincial Bank of England; Police Court advocate
William Sergeant (Milne, Sergeant & Milne)	Clerks to Manchester magistrates
Second generation	
James Crossley	Clerk to Commissioners of Market St.
William Crie (Eccles, Sharpe & Crie)	Clerks to the Mersey & Irwell navigation
S D Darbshire (with S Kay)	Solicitors to manor of Manchester
John Frederick Foster	Chair of the 'quarter' sessions for the hundred of Salford
Joseph Heron	Town Clerk
Thomas Higson (with John Higson)	Solicitor to Commercial Bank of England; Clerk to borough magistrates
James Hilton Hulme	Deputy Steward of the hundred of Salford;

³⁶ For example, advertisements in the Manchester Mercury on 31 October 1809 referencing Kay & Renshaw, and Charles Barrett.

³⁷ According to the various volumes of Law Lists published throughout the period 1806 – 1850 and the Court Leet records of the Manor of Manchester, volumes IX, XI and X11, available via <https://archive.org/details/courtleetrecord16counoog/page/n7/mode/2up>;

	Clerk to borough magistrates and commissioner for affidavits in Queen's Bench, CP & Exchequer in Ireland;
Alexander Kay	Solicitor to Bank of Manchester (with Aston & Barlow); Mayor of Manchester

Nevertheless, Hewitt identifies common characteristics of these variant professional groupings which he argues distinguished them from the classes above and below, namely:

- property (but property which was vulnerable to market conditions);
- the importance of appearance;
- public commitment to certain codes of conduct;
- brain work rather than manual work; and
- between the two Reform Acts, possession of the vote.³⁸

The third and fourth of these characteristics, in particular, resonate strongly with the Portico's lawyers (as distinct from the wider group of Manchester's middle classes). As discussed in chapter 2, a concern about appearance, propriety and public perceptions of lawyers was a concern shared across two generations of Portico lawyers, ultimately leading to the founding of the MLA. Further, specific disquiet about the lack of perceived value of 'mental labour' or brain work, was something articulated by Thomas Percival Bunting in his address to the MLA.

The evidence identified in this study of the nature of the Portico lawyers' professional and other activities makes clear that the Portico lawyers did share a number of the traits and characteristics with which the late Georgian and early Victorian 'middling sorts' or middle

³⁸ Hewitt, 'Class and the Classes', p. 305.

classes have generally been said to be identified. The final aspect of Habermas' description of the term 'middle class' was as a political force. Accordingly, and in order to complete this chapter's consideration of the connection between the Portico lawyers and middle class aims and aspirations, it is necessary to consider the specifically Mancunian political backdrop against which their memberships of the Portico were held.

Portico lawyers and political landscape of Manchester

The consensus amongst contemporary historians of Manchester is that the divisions within its middle classes were largely religious and political rather than economic.³⁹ The key political split was between Anglican Tories (known as 'Church and King' or 'Loyalist' Tories) and those of a non-conformist/dissenting religious persuasion whose political inclinations were Whiggish or Radical. Robert Poole and Katrina Navickas see the French Revolution as a critical turning point in the crystallising of political divisions in Manchester. Navickas has asserted that, before the French Revolution and its aftermath, the British chose their political opinions from a 'spectrum' that gave 'room for manoeuvre'.⁴⁰ Craig Horner noted that radicalism, even in the early 1790s, attracted interest from all social ranks, highlighting that its driving force from a Manchester perspective was the merchant and manufacturing classes.⁴¹ Navickas' view is that the French Revolution changed the way popular politics was defined— while it led to developments in radical thinking, it also sparked an adverse and repressive reaction from those in authority who saw themselves as 'Church and King' loyalists, encouraging a more binary approach where loyalty to King and country could not

³⁹ Rose, 'Voices of the People' in Wyke & Kidd (eds), *Manchester: The Making of the Modern City*, p 179. See also Poole, *Peterloo: the English Uprising*; Navickas, *Loyalism and Radicalism*, and Kidd, *Manchester*.

⁴⁰ Navickas, *Loyalism and Radicalism*, pp. 3 - 4.

⁴¹ Craig Horner, 'The Rise and Fall of Manchester's "Set of Infernal Miscreants" Radicalism in 1790s Manchester' (MRHR, 2012) p.18.

sit alongside a desire for reform. 1789 saw dissenters across the country petitioning Parliament for full civil rights, inspired by the French Revolution. In Manchester, Thomas Walker, then Manchester Boroughreeve and a Radical, set up the Manchester Constitutional Society in 1790, whose aims included the reform of the House of Commons. The unease this caused amongst the Church and King loyalists led to the creation of various loyalist societies in Manchester and Poole has described as 'among the most vigorous' in the country.⁴² More than one of those societies touched the world of the Portico lawyers.

Archibald Prentice recounts the passing of a resolution at the Bull's Head pub in Manchester in December 1792 to form an association for '*preserving constitutional order and liberty, as well as property, against the various efforts of levellers and republicans*'.⁴³ Prentice noted how the society sought to concern itself (amongst other things) with the work of local attorneys in Manchester, passing a resolution in 1792 that '*no attorney of this Committee be concerned, either directly or indirectly, in the defence of, or advice concerning, any prosecution that may hereafter be commenced against any person or persons in case of treason or sedition*'.⁴⁴ In a similar vein, in 1793, a resolution was passed that the magistrates of the Manchester district should be requested to summon certain individuals before them to require them to take the oath of allegiance to the King (George III).⁴⁵ Those individuals whom they wished to be summoned by the magistrates included two attorneys, one of whom was the Portico lawyer, George Duckworth. The fact that Duckworth had come under scrutiny suggests his alignment with the Manchester Radicals feared by the Church and King loyalists, a conclusion supported contemporaneous newspaper articles which

⁴² Poole, *Peterloo: The English Uprising*, p. 45.

⁴³ Archibald Prentice, *Historical Sketches and Personal Recollections of Manchester intended to illustrate the progress of public opinion from 1792 – 1832*, (3rd edition, Frank Cass & Co, London: 1970), p.19.

⁴⁴ Prentice, *Historical Sketches*, p.421.

⁴⁵ Prentice, *Historical Sketches*, p.424.

demonstrate by his connection to Thomas Walker through his membership in 1795 of the committee of subscribers raising support for the abolition of the African slave trade (Walker was Chairman of the Committee)⁴⁶ and his identification (at a Loyalist meeting) as a signatory on a petition opposing a proposed bill relating to treason and the suppression of seditious meetings, in response to which the Loyalists resolved to sign their own petition in support of the bill, its signatories including the Portico lawyer John Kearsley.⁴⁷

As a concept, the Loyalist society of the type described by Prentice can perhaps be seen as a more repressive cousin of the coffee house/voluntary society tradition described earlier in this study, again reflecting the increasing trend of the late 1700s towards exclusivity in the creation of voluntary societies. The subsequent formation of the Manchester Pitt Club, described by Poole as the 'citadel of ultra-Loyalism'⁴⁸ and established in 1812 supports this idea. The Portico lawyer, Edward Chesshyre, was a member of the Manchester Pitt Club, making clear his political allegiances.

One interesting feature, and important to an identification of the values that united the Portico lawyers, is that some aspects of the methodologies of the opposing sides within Manchester's middle classes, appeared similar, although Prentice, and subsequently Navickas and Poole have described the more violent tactics adopted for the suppression of 'sedition' as the Loyalists saw it, including the encouragement of attacks on the Radicals by police officers of the Court Leet).⁴⁹ Both sides favoured the formation of subscription committees and societies which held meetings and passed resolutions, they signed petitions in favour of or against proposed bills passing through Parliament. This style of activism can

⁴⁶ Manchester Mercury, 13 October 1790.

⁴⁷ Manchester Mercury, 24 November 1795.

⁴⁸ Poole, *Peterloo: the English uprising*, p. 46.

⁴⁹ E.g. Prentice, *Historical Sketches*, pp.7 – 11; Poole, *Peterloo: the English uprising*, pp.45 – 49.

be seen again later in the work of the MLA, which will be considered in more detail later in this section.

Navickas has argued that the repressive activities of those on the Loyalist side effectively ended any real scope for political debate within a middle class who, through the 1800s and as a consequence of obtaining greater wealth through Manchester's industrial and commercial development, became, in her view, more economically (and politically) conservative. Prentice asserted that, in the mid-1790s, there were 'then no neutral news-rooms' and said that the radical reformers were 'excluded for all society but that of their own firesides', adding that 'in business transactions, none who could help it would deal with them'.⁵⁰ That stark conclusion may not have reflected the whole picture however. Taking George Duckworth as one example, a lawyer clearly in the 'sights' of the Manchester loyalists, he continued to practice in Manchester throughout this period, as well as pursue his commercial interests⁵¹ and, as discussed earlier in this chapter was involved with charitable institutions alongside some of those Loyalist lawyers in the late 1790s. Early into the nineteenth century, he evidently associated with some of those individuals again in the establishment of the Portico, on whose committee he sat between 1806 and 1812, and his law firm of Duckworth, Chippendall & Dennison were involved with the Portico's trustees.⁵² It may be that it became more expedient, in the early years of the nineteenth century, for cultural societies to adopt an apolitical outlook and certainly the Portico appears to have been deliberately so. However, any suggestion that the desire to stifle debate and Radical

⁵⁰ Prentice, *Historical Sketches*, p. 19.

⁵¹ He was one of a group of investors involved in the development of land in Chorlton on Medlock to establish Grosvenor Square – see Derek Brumhead and Terry Wyke, *A Walk round All Saints* (Kendal: Titus Wilson & Co), p. ii.

⁵² First set of Minute Books of the Portico Committee, various entries, 1806 – 1812.

thought was the primary, or major motivation for a Loyalist's involvement in Manchester's cultural institutions may be taking this analysis too far. Navickas points, by way of example, to Hugh Hornby Birley's membership of the Manchester Literary & Philosophical Society and the apparent repression of political debate within that Society after the 1790s.⁵³ Birley has latterly become most notorious for his involvement in the Peterloo massacre, described in some detail in Poole's recent work⁵⁴ and his notoriety makes him an obvious candidate to ascribe repressive motivations to. His opposition to socialism in the form of Owenist lectures at the Athenaeum has been referred to and yet one could also note that, over some thirty years, he was consistent in his support for, and membership of, a number of Manchester's significant cultural institutions, starting with the Literary & Philosophical Society, then the Portico, the Royal Manchester Institution and the Athenaeum.

Frank O'Gorman commented that a 'slightly broader appreciation' of the social and charitable aspects of the Manchester Loyalists' activities might have usefully been included in another of Navickas' works on the politics of protest, which considered Loyalism in Northern England.⁵⁵ In focusing on repressive Loyalist activity, there may be a risk that the political becomes over-played to a degree when considering why individuals like John Kearsley, Edward Chesshyre (or even a perceived Radical, George Duckworth) wanted to invest in the Portico as an institution in 1806.

⁵³ Navickas, *Loyalism and Radicalism*, p.89.

⁵⁴ Poole, *Peterloo: The English Uprising*.

⁵⁵ Frank O'Gorman, book review of Katrina Navickas, *Protest and the Politics of Space and Place 1789 – 1848* in *The English Historical Review*, CXXXII, 558, October 2017, pp. 1347 - 1349.

Approach to debate amongst the middle classes

Poole notes that while there had been a period immediately after Peterloo when the middle class Whigs and Radicals had for a time 'united in protest' over the Peterloo massacre at St Peter's Fields in Manchester in 1819, the repressive response of the government towards Radicals and their supporters, in Poole's view, 'frightened off' most propertied citizens from further alignment with working class reformers but argues that, nevertheless, while the position of many middle class 'liberals' was to deplore Radicalism, they equally deplored political partisanship of the state and the erosion of civil rights, which he argues, helped in the longer term to 'create a political centre ground in an otherwise polarised society, nourishing a new language of principled opposition, and a new and powerful sense of middle class political identity'. Poole's description of the spokesmen of this group, who saw themselves as the 'responsible class' and the one which held the ring between the 'nobs and the mobs.'⁵⁶ This approach is reflected in that of the Little Circle, who viewed themselves as mediating between what they saw as the 'reactionary Tories' and 'hot-headed Radicals'⁵⁷ and similarly sees echoes in the way the Portico lawyers lobbied for change. Knott refers to Davidoff and Hall's discussion of a middle-class development of 'unique customs' which helped to characterise them in a different way from the aristocracy and the working classes.⁵⁸ The formation of institutions in Manchester like the Portico, and the manner in which they were run and organised to further their particular aims, might be seen as typifying those 'unique customs' pervading the middle classes.

⁵⁶ Poole, *Peterloo: the English uprising*, p.389.

⁵⁷ Knott, 'The Little Circle', p.61.

⁵⁸ *Ibid.*

This chapter has considered how the question of defining the middle classes might be approached with the Portico lawyers in mind. It concludes that there are collective values or traits, which resonate with the Portico lawyers, and which (as much as their relative wealth) can be said to identify them as belonging to Manchester's middle classes. It is contended that it is equally clear, given the nature of those collective values, that membership of the Portico itself was an expression of them. Portico subscription reflected an awareness of self-image (and Manchester's wider image), a preference for organising collective endeavour that favoured a formal approach towards governance, allegiance to an exclusivity of membership following established conduct rules, the making of a public commitment to a cultural association, reflecting a belief in the desire for knowledge and self-improvement and a related estimation of the value of 'brain work' i.e. the expansion of knowledge through reading and thought. All these were aims which have been identified as belonging to the middle classes and which strongly indicate that the Portico lawyers (and its wider membership) were drawn from Manchester's middle classes.

Chapter 5 builds on the idea that a philosophy of approach towards debate and the championing of a particular cause could be said to reflect a type of collective middle class Mancunian value, across differing political allegiances, examining it in the specific context of the Portico lawyers' activities in Manchester.

CHAPTER 5 – PORTICO LAWYERS AND THEIR ROLE IN LOCAL GOVERNMENT, POLITICS AND THE DEVELOPMENT OF THE LEGAL PROFESSION

Chapter 4 of this study considered the question of class in relation to the Portico lawyers and the elements that might constitute middle class values, specifically in the context of Manchester and its political landscape in the early to mid-1800s. This chapter develops that analysis further – it considers the evidence of the Portico lawyers’ involvement in the key organs of local government in Manchester, their involvement in the development of their own profession through the MLA in particular and their visible legacy, in order to draw conclusions about their perceived status, ultimately to inform our understanding of the role played by the Portico proprietors in Manchester in this period.

Portico lawyers and local governance

Simon Gunn has described how local autonomy in relation to central government was a ‘cardinal tenet’ of the Victorian construction of power and has argued that the ‘de-centralised character’ of the Victorian state served the interests of the middle class by placing at its disposal ‘a significant range of executive functions’.¹ The work carried out for this study has identified that Portico lawyers were involved in local government throughout the period, during which time Manchester both grew significantly and made fundamental changes to its system of governance.

During the period with which this study is concerned, Manchester underwent a ‘hitherto unprecedented’² period of growth. Until the 1700s, the township of Manchester was made

¹ Simon Gunn, ‘The ‘failure’ of the Victorian middle class: a critique’, in Janet Wolff and John Seed (eds.), *The Culture of Capital: art, power and the nineteenth century middle class*, (Manchester: Manchester University Press, 1988) p. 31.

² Kidd and Wyke, *Manchester: Making the Modern City*, p.85.

up of short winding streets of black and white timber houses, centered around the Collegiate Church and Chetham's College but by the middle of the nineteenth century, it was the 'phenomena of the age', a place described by Phyllis Dickinson as representing the new industrial society and its associated problems.³ By the early 1850s, Manchester's population was four times larger than it had been 50 years earlier, it had been granted a royal Charter affording it the status of a city and residential suburbs had developed around an urban core with separate zones for industry and commerce. Furthermore, its whole system of local governance had changed, with the town getting its first Members of Parliament in the wake of the Reform Act of 1832, followed by the town's incorporation in 1838 after the passing of the Municipal Corporations Act of 1835.

Governance of Manchester pre-incorporation

Alan Kidd has described how, until it became a municipal borough, Manchester was run by a 'curious and confusing array of antique and ad hoc agencies of local government'.⁴ This included the system of the manorial Court Leet, which was the ancient court for the manor of Manchester, and the Police Commissioners. In its original form, the Court Leet's proceedings were presided over by the Lord of the Manor's steward, and the proceedings recorded by the Lord's clerk. However, by the early 1800s, the role of Steward (and Deputy Steward) became less eminent and more of an administrative function, often given to a local lawyer.⁵ The Portico lawyer, Samuel Kay, held the role of Deputy Steward from 1832 until the role effectively disappeared on the incorporation of the town in 1838.⁶ As Table 4.4 in

³ Phyllis Dickinson, 'Charitable connections within Manchester society during the 1830s', (Unpub. MA Thesis, Manchester Metropolitan University, 2007), p.6.

⁴ Kidd, *Manchester*, p. 58.

⁵ Arthur Redford, *The History of Local Government in Manchester Volume I Manor and Township* (Timperley: Sherratt & Hughes, 1939), p. 34.

⁶ The Court Leet records for the Manor of Manchester, Volume XII, in each year from 1832 – 1838.

chapter 4 above sets out, Kay's firm, Kay & Darbishire (his partner was S D Darbishire) are recorded in the Law Lists as solicitors to the manor of Manchester.

The Court Leet records confirm that at least one Portico lawyer, William Fox, held the office of Boroughreeve of Manchester, a post elected annually by a jury at the Michelmas (autumn) sitting of the Court Leet. The role of Boroughreeve was unpaid, meaning that the post-holder necessarily was someone who derived income from elsewhere, which (along with the requirement that the post-holder had to be a burgess of the town) narrowed the field of eligible candidates. Fox was appointed Boroughreeve in the Michelmas term of 1805, having previously fulfilled the role of Constable. In the same year, John Kearsley was appointed foreman of the Court Leet jury.⁷

Importance of involvement with the Court Leet?

Although in its earliest days, the Court Leet's proceedings had reflected 'almost every aspect of the town's life,' by the early nineteenth century, it had, according to Redford, lost its 'adventurous spirit'.⁸ Its administrative functions were being taken over by the newly re-organised Police Commissioners, while its judicial functions tended increasingly to be diverted to county justices and the Quarter Sessions, such that the Court Leet was left to concern itself mainly with 'cases of short weight, smoky chimneys and foul smells'.⁹ Similarly, the role of Boroughreeve had become, by William Fox's time, a largely honorary one, with most important executive functions being exercised by the two constables of the Court Leet.¹⁰ However, there was an established link between the Boroughreeve and

⁷ Court Leet records, , volume IX, Michelmas 1805.

⁸ Redford, *The History of Local Government*, p. 32

⁹ Redford, *The History of Local Government*, pp. 32, 43.

¹⁰ *Ibid*, p. 51.

Manchester's Police Commissioners and after 1828, the Boroughreeve was always Treasurer of the Police Commissioners and chaired their meetings.¹¹ Anachronistic or not, in the absence of a more modern system of governance in place, involvement in Manchester's Court Leet (and through it, a connection to the Police Commissioners) placed the individual lawyers involved at the heart of a small network of people involved in the running of Manchester.

Police Commissioners and the Portico lawyers

The Manchester and Salford Police Act of 1792 provided for a new body of statutory Police Commissioners to be appointed, consisting of the Warden and Fellows of the College of Christ in Manchester, the Boroughreeve and the Constables of Manchester and Salford, and every other person who was, or might later become, the owner or occupier of any dwelling house or building in the township with a yearly rent or value of £30 or more.¹² From 1828, after the passing of the Police Bill, the voting qualification changed so that anyone whose property had a value of £16 or more could vote for the Commissioners, although the value for those who could be a Commissioner stayed at £28.¹³ Here too we can see the Portico lawyers being involved in this organ of local government. Edward Chesshyre provided legal advice to the Commissioners to assist them in defending a legal claim brought by a Mr Couldery in respect of a debt owed to him by the Commissioners relating to lighting provided the previous year.¹⁴ William Fox, John Kearsley and James Chapman (1797 – 1849) were regular attendees at the Police Commissioners' meetings, but the records also

¹¹ Police Commissioners' records held in Manchester Central archive, and Redford, *The History of Local Government*, p. 341.

¹² Redford, *The History of Local Government*, pp. 200 – 204.

¹³ Redford, *The History of Local Government*, pp. 304 – 311.

¹⁴ Minutes of the Police Commissioners meeting for 1 November 1799 record the presentation of Mr Chesshyre's bill for work done on the Action in the Suit of Mr Couldery, Manchester Central archives.

document the presence on various occasions of George Duckworth, William Eccles (1765 – 1835(?)), Samuel Kay, William Cririe, Samuel Fletcher and Richard Whitlow (1793(?) – 1881).¹⁵ A wider Portico connection was also represented by two of the most influential Treasurers of the Police Commissioners, Charles F Brandt and Thomas Fleming (1767 – 1848), who were both Portico members. Of Fleming, Redford noted his apparent lack of hereditary connection with those usually considered as the ‘leading’ families in Manchester,¹⁶ while also noting his involvement with various other clubs and institutions of Manchester, such as the Portico.

From Redford’s perspective, the individuals in control of Manchester’s local government through the Court Leet and Police Commissioners in the late eighteenth century and early nineteenth century was a grouping who fell on the ‘Church and King’ Tory side of the political divide in Manchester. John Kearsley and Edward Chesshyre are examples of a Portico lawyers who clearly aligned themselves as Loyalist Tories¹⁷ and would fit into the picture described by Redford. However, the involvement of George Duckworth suggests that the attendees at meetings did extend beyond the group identified by Redford.

Redford noted the increasing involvement during the 1820s of Radicals such as Prentice in the activities of the Police Commissioners, although he also noted that in this period Tories (such as Hugh Hornby Birley) could be seen working alongside Whig allies (such as GW Wood and J E Taylor), suggesting a pragmatic alliance among a section of the middle class whose business (and cultural) interests overlapped.¹⁸

¹⁵ Minutes of the Police Commissioners meetings, 1805 – 1832.

¹⁶ Redford, *The History of Local Government*, pps 240 – 241.

¹⁷ See discussion at pages 77 - 79 above.

¹⁸ All were members of the Portico and Wood and Birley were both involved in the establishment of the Manchester Royal Institution.

Although the subsequent incorporation of Manchester radically changed the system of local government, what did not change was the continued involvement of Portico lawyers, albeit a different generation.

Incorporation

The Reform Act of 1832 enfranchised Manchester, Salford, Bury, Oldham, Rochdale, Ashton and Warrington, increasing Lancashire's MPs from 14 to 27 (at the expense of some rotten boroughs, including Newton le Willows who lost 2 MPs). The new Whig government of 1832 introduced a new structure of local government which paved the way for Manchester's incorporation. The Reform Act and the Whig government itself was ultimately a disappointment to working class reformers and Manchester's Radicals, such as James Wroe of the Manchester Observer, were very wary of Manchester local government and taxes, the consequence of which was to align the Radicals with the Tories in opposing incorporation.

In his work on the Portico lawyer and antiquarian, James Crossley (1800 – 1883),¹⁹ Stephen Collins describes the proposed incorporation of Manchester as bringing the possibility that administrative power might be removed from those who felt they had the right to it 'by virtue of property, position and tradition'.²⁰ James Crossley himself, strongly aligned to the Church and King Tory faction of Manchester's political scene, indeed a 'paradigm' of their values,²¹ was a fierce opponent of incorporation and became so personally involved with the debate as to end up challenging J E Taylor to a duel.²² Interestingly, both men were

¹⁹ Steve Collins, *James Crossley: A Manchester Man of Letters*, (Manchester: The Chetham Society, 2012).

²⁰ Collins, *James Crossley*, p. 74.

²¹ Collins, *James Crossley*, p.viii.

²² Collins, *James Crossley*, pp. 80 – 85.

Portico subscribers throughout this period and both sides of the debate sought to garner and reflect their side's support (amongst other things) via the collection of signatures on petitions. Another Portico lawyer associated with the anti-incorporation movement was Stephen Heelis.

It was Richard Cobden (1804 – 1865), another Portico subscriber, who was at the forefront of the pro-incorporation movement, drawing up a pamphlet exhorting Manchester's population to 'Incorporate Your Borough'. The Court Leet records reveal the involvement of Portico lawyers on Cobden's side of the debate.²³ After Cobden's resolution for change at a meeting on 9 February 1838 was seconded by Charles Walker, we see Alexander Kay (1791 – 1863) moving the appointment of a committee to the resolution into effect. Manchester got its Charter of Incorporation on 23 October 1838 and the first election for the councillors and Aldermen of the borough was fixed for December 1838. Amongst the Aldermen elected was Alexander Kay for the ward of St John's. Thomas Potter was proposed as first Mayor, which proposal was seconded by S D Darbshire, himself a councillor for the All Saint's Ward, but also who (through his professional work) had been involved with Samuel Kay as clerks to the Manor of Manchester pre-incorporation. This suggests that for the Portico lawyers, it was possible to have had an involvement with both the pre and post incorporation organs of local government.

The Court Leet records show that, of the four candidates standing for the post of Town Clerk, three were Portico lawyers: Joseph Heron, Thomas Higson and James Chapman. Joseph Heron was proposed by Cobden and his appointment carried unanimously. James Chapman subsequently became Borough Coroner and was caught up in legal action brought

²³ Court Leet records for the Manor of Manchester, Volume XII, 1832 – 1846.

by the City Coroner (Mr Rutter), aligned to the Tory side, whose action was part of an ongoing attack in this period on the Charter and its implications. Alexander Kay later asserted in 1845, in his address to the members of the Town Council on his retiring from the position of Mayor, that the 'sole object' of the opposition to the Charter was to continue the 'large fees and emoluments' which the three public officers (pre-incorporation) were 'accustomed to receive'.²⁴ Chapman was eventually successful in defending the action by Rutter and on 22 February 1841 the Court of the Exchequer Chamber delivered its verdict confirming the validity of the Charter. Both Alexander Kay and S D Darbshire had contributed to the giving of a bond to the Bank of Manchester in the sum of £27,100 to meet the 'attack' on the validity of the Charter.

What clearly emerges from the available evidence is that, whether in the pre or post-incorporation period, Portico lawyers were connected to the organs of government and the particular groups who dominated those organs of government, and so were represented at the heart of civic affairs, over the course of the period considered for this study.

Networks – education and apprenticeships

In chapters 1 and 2, the establishment of the MLA was referenced in the context of an assessment of the factors motivating the establishment of the Portico and, in particular, concerns over image and status which were similarly reflected in the drive to found the MLA. Before reflecting further on the MLA, and on several earlier stages leading to the MLA's establishment, it is helpful to consider the other ways in which the Portico lawyers

²⁴ Court Leet records, volume XII, recording address by Alexander Kay to the members of the Town Council of Manchester on 10 November 1845.

were linked as a group and formed their own network within a network through school and the processing of training junior lawyers through apprenticeships.

One educational link identified is the Manchester Grammar School (MSG). The MSG grew out of the Collegiate Church and depended on its income from its endowments. It was founded in 1515 as a free grammar school, intended to prepare pupils for Oxbridge and later the Church or the legal profession.²⁵ Originally, its location was in the centre of Manchester, next to Chetham's library. This school connection can be seen amongst the Portico lawyers, particularly within the first generation, where 10 of that generation can be found in MSG's alumni records which can be accessed online.²⁶

For attorneys, rather than a university education after school, the route into the profession was through apprenticeships and subsequently becoming an articled clerk. The available apprenticeship records indicate that Edward Chippendall was apprenticed to George Duckworth, and that after the establishment of the firm Duckworth & Chippendall, Robert Ellis Cunliffe (dates of birth/death not known) was apprenticed to that firm. Similarly, within the first generation, William Eccles (1765 – 1835) and John Sharpe (1775 -?) were both apprenticed to William Fox. In the second generation, Alexander Kay was apprenticed to Thomas Johnson (1762 – 1817), a Portico lawyer from the first generation).²⁷ These links not only enabled firms to develop and move from one generation to the next, but in reference specifically to the Portico, brought a network of contacts into the proprietorship.

²⁵ J.A.Graham and B.A.Pythian (eds) *The Manchester Grammar School 1515 – 1965* (Manchester: University of Manchester Press, 1968), p.7

²⁶ Chesshyre, Chippendall, Edge, Fox, James, Johnson, Law, Nabb, Redhead, Sharpe.

²⁷ Apprenticeship records accessed through www.findmypast.co.uk.

A more detailed consideration of this network within a network would be a useful follow-on to the initial connections made for the purposes of this study.

Professional development and the contribution of the Portico lawyers

The establishment of the MLA was not in fact the first attempt of Manchester's lawyers to form a society for the betterment of the profession. That can be traced to the formation of the Manchester Law Society in 1809 – as with later endeavours, the founders included some of the first generation Portico lawyers. Its first meeting took place on 2 October 1809 and it appears to have run until at least 1815.²⁸ Parrott has identified that the practices of its members were all located within a vicinity of 350 yards around the Old Town Hall on King Street in the centre of Manchester, and that its members were what she described as 'elite practitioners', senior lawyers with practices of many years standing.²⁹ In the years it existed, George Duckworth was a Vice-President, John Sharpe became a Treasurer, Samuel Kay was its Recorder and William Eccles and William Crie were members.³⁰ While this society may not have had the impact that the MLA did when it was established in the 1830s, nevertheless it is contended that it affords another means by which to confirm the influence in Manchester society of certain Portico lawyers in the period in which they practiced law and held their Portico shares.

Chapter 3 considered the establishment of the Manchester Law Library in 1820, its links to the Portico lawyers and the extent to which it can be seen as a development influenced by the opening of the Portico, particularly in the manner of its establishment. The next, and

²⁸ Parrott, 'Pettyfogging', pp.28 – 29.

²⁹ Parrott, 'Pettyfogging', p.30.

³⁰ Ibid.

most significant, development with which Portico lawyers were involved was the founding in 1838 of the MLA, the forerunner of what is now the Manchester Law Society.

The MLA and the Portico lawyers

A meeting of 16 lawyers, presided over by Stephen Heelis, took place in December 1838 at the Law Library.³¹ From the beginning, the Portico lawyers (primarily from the second generation) were involved in its establishment and operation. The Rules and List of Members printed by order of the MLA in 1839 confirms that the President for that year was James Crossley, the Vice Presidents were Stephen Heelis and Thomas Higson and the Treasurer was R M Whitlow.³² Between 1840 and 1860, nine of the Portico lawyers held the position of President (elected on an annual basis), six had been Vice President and one was Honorary Treasurer for twelve years.³³ The MLA's first Minute Book records that, when the proposal was moved that the MLA be established, it would consist of as many of 51 gentlemen as 'pay their subscription and sign an undertaking to abide by the rules'³⁴ and February 1839, the List of Members had expanded to 83, of whom 14 were Portico lawyers.³⁵

Features common to the MLA and the Portico

The rules under which the MLA was established, and the nature of its interests in the period from its establishment until 1850 share a number of features with the establishment of the

³¹ Kenneth H Atkinson, *A Short History of the Manchester Law Society 1838 – 1924* (King Street, Manchester: 1924), p. 7; recorded in the first Minute Book of the MLA covering the period from 12 December 1838 – 1864, held at the offices of Manchester Law Society on Bridge Street, Manchester (uncatalogued)

³² Manchester Law Association Rules and List of Members for 13 February 1839 (T Sowler: Manchester, 1839), p. 3.

³³ Table 2.1 at page 36 above lists out the relevant individuals and the positions they held.

³⁴ First Minute Book of the MLA, pp. 5 – 6.

³⁵ MLA Rules and List of Members for 13 February 1839, p. 13.

Portico and with certain of the characteristics already highlighted in this study as indicators of the lawyers' middle class status.

Firstly, it had a subscriber membership. The MLA was funded via its members by a one-off payment of £10 10s, or annual subscriptions of £1 1s – less significant than the equivalent Portico investment (for a start, no building costs were involved) but following a similar principle. After 1839, a further amount of 1 guinea was payable in addition to annual subscriptions. There was a degree of exclusivity which was connected to the desire to protect the public image of lawyers – the rules required members to be an attorney of one of the Superior Courts of Law at Westminster, a Solicitor in Chancery or a Procter.

Location was also significant. MLA membership was open to individuals practising in Manchester or within a circuit of 20 miles from that town, in contrast to the original Manchester Law Society and reflecting the expansion of Manchester's suburbs to the South and West of the city centre and the growth of towns like Stockport. However, to be accepted as a member, a solicitor, attorney or procter had to be proposed by an existing member and the proposal put to a ballot (whereby one black ball in five would disqualify a candidate from acceptance).

There were also similarities in the MLA's aims, objectives and how it organised itself. As with the Portico, the MLA was run by a Committee, which was elected at the MLA's Annual General Meeting. The Committee determined admissions policy, the MLA's by-laws and the appointment of sub-committees, so dealt with the governance of the MLA in a similar manner to the Portico Committee (and there were Portico lawyers who were members of both). Chapter 1 referenced the objects of the MLA.³⁶ They included the objects of

³⁶ See pages 35 – 36 above and the MLA Rules and List of Members as at 13 February 1839, pp. 5 – 12.

promoting the profession's 'respectability', the education of members by way of lectures and books, 'fair and liberal practice' in how law, and general business, was conducted and a regulatory aspect as far as any professional misconduct was concerned.³⁷

Examples of how these objects were furthered in practice can be seen in the Committee's Minute Books. Two of the early entries in the first Minute Book illustrate the members' desire to involve themselves in developments in the profession and to safeguard against any apparent encroachment by non-lawyers. At a Committee meeting on 13 February 1839, the Committee resolved to appoint a sub-committee (including the Portico lawyers James Crossley, Stephen Heelis and Samuel Fletcher) to review "all of the public bills, reports and documents referring to the profession or to changes in the law and to bring the same before the Committee".³⁸ Later Committee minute entries indicate other specific areas of legal practice which were being scrutinised, for example, in January 1840, a sub-committee was appointed to enquire into the workings of the laws of bankruptcy and insolvency,³⁹ and this was followed by meetings between the Committee and the new Bankruptcy Commissioners in 1842 (Portico lawyers were also represented amongst the ranks of the outgoing Commissioners).⁴⁰

The Minutes express consternation about "parties professing to be Accountants and general agents' who had "so far infringed on the privileges of the profession as to draw articles of association, bonds and other documents of a like nature",⁴¹ revealing not only a concern with propriety but a desire for exclusivity within a membership group, echoing the

³⁷ Ibid.

³⁸ MLA Committee Minute Books Volume I, 1838 – 1845 (uncatalogued collection held at the Manchester Law Society's offices on Bridge Street, Manchester), p.7

³⁹ Entry for 22 January 1840 in the MLA Committee Minute Books Volume I, p. 23.

⁴⁰ Entry for 23 November 1842 in the MLA Committee Minute Books Volume I, p. 134. The outgoing Commissioners included John Frederick Foster, Samuel Kay and John Slack.

⁴¹ MLA Committee Minute Books Volume I, p.8.

deliberately exclusive nature of the Portico's membership. A focus on propriety of those within the legal community can be seen at a later meeting in 1839, with the Committee concerned with the "extortion and injustice" said to be practiced by bailiffs operating from the county courts, courts which the Committee considered to be used by those in "low circles and of doubtful character".⁴²

. An example of the Committee's approach towards the improvement and education of junior lawyers comes from the minutes of a meeting on 12 March 1845 when the Committee received a deputation from articled clerks informing the Committee that they had formed themselves into a Law Students Society and were seeking the use of a room one evening a week for that purpose. The Committee's response was to "highly approve" this venture and to support it on the proviso that "none but clerks of members be admitted", demonstrating both their commitment to the profession's improvement but also the intention to retain the MLA's exclusivity. In the same vein, the Committee was happy to approve the raising of a fund for prizes to be awarded to articled clerks of members for the best essay on a legal subject.⁴³ A commitment to the furthering of local interests and the encouragement of a less London-centric approach can be seen at various points in 1841, through the Committee's address to the Judges in relation to the allocation of the cause list and hearing the trials of causes at the assizes in Liverpool and the petition to the King seeking the adjournment of the assizes to Manchester.⁴⁴ The means by which the Committee sought to express their concerns and influence decision-makers shared a commonality of approach with Manchester's middle classes across the political divide (as

⁴² Report from the quarterly meeting of the MLA Committee on 24 April 1839, MLA Committee Minute Books Volume I, p. 14.

⁴³ Notes of meetings on 12 March and 31 March 1845 contained in MLACommittee Minute Books, Volume II, January 1845 – 1850, pp. 7 - 9.

⁴⁴ MLA Committee Minute Books, Volume I, pp. 54 and 84.

discussed in Chapter) and an example of that can be seen in the resolution , on 1 May 1845, at a special meeting of the Committee, to petition Parliament in favour of the Real Property Bill and the removal of courts from Westminster.

The expression of views, positive or negative, about proposed legislation or practice changes, can be seen throughout the Minute Books, and should be considered against the backdrop of Manchester's importance as a commercial centre at this point, with an MLA membership who evidently wished its voice to be heard in national, rather than simply local, matters.

Vivienne Parrott links the intensity of the industrial experience in certain provincial towns, such as Manchester, with the level of militancy of the attorneys practising there – she describes how those attorneys wanted their voices heard separately from the London-based Incorporated Law Society.⁴⁵ Parrott describes how it was common in this period for the MLA to harness support from the commercial sphere in Manchester – that sphere included those who, by virtue of Manchester's position, had money and standing, and therefore influence. Her contention is that, in the formative years of the MLA's development, its lawyers 'derived more energy' from their local community and commercial network than they did from the 'general body of their fellow professionals', and that the drive for change across the profession was spearheaded by Manchester reflecting the pace of change and development there.⁴⁶

The view that the MLA was an influential body at this time within the profession is supported by a comment in correspondence received from the Incorporated Law Society,

⁴⁵ Parrott, 'Pettyfogging', p.195

⁴⁶ Parrott, 'Pettyfogging', p.194

noted in the MLA Committee's minute books for January 1850, which referenced the MLA's desire of 'upholding the character of the legal profession' and described it as 'so influential' a body.⁴⁷ It is not coincidental that the Provincial Law Societies Association chose Manchester as the location for their first meeting in 1845.

While a fuller history of the MLA and its activities is outside of the scope of this study, it is contended that the MLA's aspirations (at least in the period from 1838 – 1850) and the manner in which it sought to realise those aspirations is consistent with a style of approach already identified in this study as belonging to the middle classes more generally, and the Portico lawyers in particular, sharing a commonality of values and approach was not confined simply to one political allegiance or another.

Legacy

The majority of the Portico lawyers considered in this study have, over the last two hundreds years or so, disappeared from public view, with only a handful of them being referenced in any detail in other work. However, the research carried out for this study has revealed the degree to which they belonged to a network of influential and important people in Manchester in the late Georgian and early Victorian period, with their association with the Portico reinforcing their connection to this network, which spread across local government, politics and cultural life in Manchester.

The establishment of the MLA was a significant development for the local profession, but which also had a wider national impact on the profession's ongoing development

⁴⁷ Notes of meeting on 9 January 1850 contained within MLA Committee Minute Book, Volume II, January 1845 – 1850, p. 213.

throughout the nineteenth century and its legacy can still be seen today in the existence of the Manchester Law Society.

While acquisitions and amalgamations of firms throughout the later nineteenth and twentieth centuries have managed to obscure the origins of a number of local practices, it is possible, on the basis of the research carried out for this study, to confirm that at least three of the firms established by the Portico lawyers in the early part of the nineteenth century survived in one guise or another until the twenty-first century, and for many years were renowned Manchester law firms.⁴⁸

The material considered in chapters 4 and 5 can certainly be said to support and confirm, for the Portico lawyers as a group in their own right, Brooks and Haworth's contention as to the influence and importance of Portico members during this phase of Manchester's history.

⁴⁸ Cobbetts (founded by RBB Cobbett); Slater Heelis (founded by William Fox, subsequently involving Stephen Heelis and William Slater) and Foysters (founded by JH Hulme).

CHAPTER 6 – CONCLUSION

This study set out to further our understanding of who the early subscribers of the Portico were, in the period 1806 – 1850, by looking at a specific sub-group of subscribers drawn from Manchester’s expanding legal profession. This sub-group of professional members of the Portico, referred to throughout as the Portico lawyers, and their activities had not hitherto been the object of scrutiny in the context of their membership of the Portico. However, this study’s contention was that as a group they were certainly worthy of closer analysis and the research carried out for the purposes of this study has uncovered evidence demonstrating that the Portico lawyers were influential not only within their own profession but in a wider civic context in Manchester, which in turn builds on the existing work about the Portico to expand our understanding of who wanted to be a member, why they wanted to be a member and the influential nature of that membership in Manchester at the time.

Chapter 1 explained the process by which the Portico lawyers as a group were identified from amongst the Portico’s wider membership and their status as members of the legal profession validated. Through a comparison firstly of the Portico lawyers’ respective periods of Portico membership and periods of professional practice, a conclusion is reached that subscribing to the Portico was not simply a matter for leisurely gentlemen, but had an evident value to a group of busy professional men, who were practising law in Manchester during a hugely dynamic period of its growth and development, while in the midst of their professional working lives.

Chapter 1 also reflected on the significance of the Portico’s proximity to their areas of business and the ease with which the Portico lawyers could get from their business (and in some cases, home) premises to the Portico, in order to conclude that its location was likely

to have been at least one driving factor in their choice to subscribe to it. These considerations provided a starting point for the analysis undertaken in Chapters 2 and 3, which looked in more detail at the reasons why the Portico was established (including the street where it was established) in Manchester in 1806 and what its purpose and attraction was for its subscribers in the context of the Portico lawyers.

In assessing the reasons why the Portico came into existence, this study identified a number of factors as being relevant to a consideration of the Portico's role and purpose for its members and considered those factors by reference to the evidence of the Portico lawyers' areas of concern and interest. That analysis reinforced the relevance of these factors, which include a concern with status and self-image, a desire for exclusivity and for organisational structures arranged around clear rules and regulations but also a practical need for current and easily accessible information relevant to day to day business activities and educational material as part of a desire for self-improvement and the expansion of knowledge.

This study's conclusion is that the Portico was ideally placed, by virtue of its location, style of building, organisation and facilities to be both desirable and highly useful to these particular subscribers (and therefore no doubt to its wider pool of subscribers). It was close to the premises from which they operated their business activities and offering through its library and newsroom a valuable and exclusive source of information, at once commercial, political and cultural. Cobden's assertion that the qualities of a distinct town necessarily included literary and scientific institution and newsrooms, which he described as the 'usual concomitants of a great and independent community',¹ is an instructive one and it

¹ Richard Cobden, 'Incorporate your borough' (1837) printed in William E.A. Axon, *Cobden as a Citizen: a chapter in Manchester history*, (London: T. F. Unwin, 1907), p.59.

reinforces the idea of the philosophical and practical attractions of the Portico to the Portico lawyers, and its wider subscribers.

Chapter 4 took this analysis of the Portico's purpose further by exploring the extent to which membership of it was consistent with the attributes which historians have identified as belonging to the industrial and professional middle classes of the nineteenth century. Chapter 4 asserted that there is ample evidence that these values were shared amongst the Portico lawyers and so will be illustrative of the values shared by the entire proprietorship. It concluded that the evidence demonstrates a clear connection between the Portico lawyers and their activities, and a set of cultural, moral, political and religious values associated with the middle classes. Chapter 4 also reflected on the Portico lawyers' unique position within Mancunian society, their work placing them at the heart of its business and trading community, but as members of the professional, rather than entrepreneurial, middle class and with an outlook on their profession and its development that went beyond simply local connection. Chapter 5 built on the consideration of the Portico lawyers' shared values and professional titles and roles to review the evidence of their involvement at the heart of Manchester's organs of government and its sphere of influence under different local governmental structures, before considering in more detail the evidence of their involvement with key professional developments in this period, and their ultimate legacy. The Portico lawyers' contribution to their profession's development and their legacy as far as Manchester's legal profession is concerned are both areas which could benefit from further research beyond the confines of this study.

Considering the Portico's significance as an inspiration for literary and cultural institutions through the lens of the Portico lawyers enabled the pinpointing of specific examples where

it can legitimately be argued that the Portico served as a blueprint. The Manchester Law Library and later the Manchester Law Association (the MLA) were begun and were operated on familiar principles to those of the Portico.

As chapter 1 examined, local perceptions of the Portico's importance as an institution have significantly varied over time. Contemporaneous evidence considered for this study reveals that, in the early to mid- nineteenth century, it was regarded as a significant cultural institution and the fact that the approach towards its establishment and organisation was mirrored in later literary and cultural institutions suggests it was an early blueprint for institutions which came later. While commentators in the early twentieth century considered the matter in a different light, affected no doubt by the struggles to maintain the Portico's membership and funding, the conclusion of this study is that the contemporaneous view of the Portico is a more reliable one. The research carried out for this study highlights the influential roles played by the Portico lawyers in a variety of different ways and assesses their significance in the context of a shared set of middle-class values. The influential positions occupied by the Portico lawyers considered in this study, and the fact they chose to subscribe to the Portico in this period, support the conclusion that there was a status associated with its proprietorship that may have been overlooked (or at least underestimated) in previous considerations of Manchester's key cultural institutions. The contribution made by this study, therefore, is not only to add our existing knowledge who individual Portico members were, and what they did, but what they as a group tell us about the Portico's place in Manchester in the first forty years of its existence.

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APPENDIX 1 - FULL LIST OF NEWSPAPERS/PERIODICALS FIRST ORDERED BY PORTICO
COMMITTEE ²

Newspapers

- The Sun (2 copies);
- The Star (2 copies);
- The Courier;
- The Traveller;
- The Globe;
- The Times;
- The Morning Chronicle;
- The Morning Star;
- The English Chronicle;
- Lloyd's Evening Post;
- London Gazette;
- London Price Current;
- The Observer;
- Bell's Weekly Messenger;
- Lloyd's List;
- Cobbett's Political Register (and the votes of the House of Commons);
- Wheeler's Manchester Chronicle;
- Harrop's Manchester Mercury, and General Advertiser;
- Cowdroy's Manchester Gazette;
- Gore's Liverpool General Advertiser;

² Recorded in entries from early 1806 in the first Minute Book of the Portico Committee 1806 – 1834, page 4.

- Hull Packet & Clyde Commercial Advertiser.

Periodicals

- Edinburgh Review;
- Monthly Review;
- Critical Review;
- Aitken's Annual Review;
- British Critic;
- Monthly Magazine;
- European Review;
- Magazine Encyclopedique;
- Steele's Army List;
- Navy List.

APPENDIX 2 – MINI BIOGRAPHIES OF THREE ORIGINAL PROPRIETORS

1. EDWARD CHESHYRE (1759 – 1831)

Edward Chesshyre was a Manchester attorney and an original Portico subscriber.

Personal details

Born in 1759, he was an alumni of Manchester Grammar School (MSG) and is described in MSG's alumni records along with William Sergeant as a lawyer whose "*glossy and unimpeachable black and powdered heads left nothing to be desired in professional decorum*".³ The MSG records also reference his connection to John Shaw's club, in which he held the titles of recorder and poet laureate.

His religious allegiance was Church of England. He died in 1831 and was buried at St Peter's Church, at the bottom of Mosley Street, close to the Portico Library and Newsroom

Professional activities

The Law Lists record Edward Chesshyre as professionally active from 1789 – 1831, when he died. His home address was Leaf Square, Pendleton while his professional address was recorded as being St Ann's Square, Red Cross Street.⁴

He was a legal adviser to the Manchester and Salford Police Commissioners, acting on their behalf in 1799 in defending the suit brought against them by Mr Couldery. The bill he submitted for that advice was referenced in the November meeting of the Police Commissioners in 1799.⁵

³ Manchester School Register, p. 188 (accessed via MSG alumni records available electronically).

⁴ Recorded in Manchester trade directories covering the period of him being professionally active.

⁵ Minutes of the Police Commissioners meeting for 1 November 1799 record the presentation of Mr Chesshyre's bill for work done on the Action in the Suit of Mr Couldery, Manchester Central archives.

He appears again later in the Police Commissioners' minute books, recorded as an attendee at Police Commissioners' meetings in the 1820s.⁶

He was also noted as being clerk to the Commissioners for land and assessed tax, and a Recorder, in the volumes of Law Lists covering the period of his professional practice.

Civic activities

Although an original Portico subscriber, he only held share number 62 for a year, until 1807.

He was a member of both John Shaw's club and the Manchester Pitt club, indicating that his political allegiances were firmly with the 'Church and King' Tories. He was a member of John Shaw's club for 40 years and, on his death, it was said of him by the club that "*He was a gentleman whose urbanity of manners, sociability of disposition, attachment to his king, his church, and his country, was equalled by few, exceeded by none*".⁷

2. GEORGE DUCKWORTH (1764 - 1815)

George Duckworth was a Manchester attorney and property-owner, and an original Portico proprietor.

Personal details

He was born in 1764. Throughout his professional life, he both lived and worked from 38 Princes (later Princess) Street in the centre of Manchester. His religious leaning was non-Conformist and he was buried at Upper Brook Street Chapel in Chorlton on Medlock on his death in 1815.

⁶ Eg various Minutes of the Police Commissioners' meetings during 1825.

⁷ MSG alumni records volume I, page 177.

The probate records indicate that, by his death, he had purchased an estate at Over Darwen in Lancashire.

Politically, in strong contrast to Edward Chesshyre, he was associated with Radical causes, which made him the object of scrutiny and suspicion amongst the 'Church and King' Tories in the 1790s.⁸

Professional activities

George Duckworth first appeared in the Law Lists in 1783. Edward Chippendall was apprenticed to him, and they subsequently formed the firm, Duckworth, Barrett, and Chippendall, with another Portico lawyer, Charles Barrett. The firm was later known as Duckworth & Chippendall, and later still Duckworth & Denison. Another Portico lawyer subsequently apprenticed to the firm was Robert Ellis Cunliffe.⁹

George Duckworth had an interest in property and, together with Peter Marsland, owned the freehold of the Portico building which was subsequently acquired by the Portico and held on trust for its proprietors. He was also one of a group of investors involved in the development of land in Chorlton on Medlock to establish Grosvenor Square, originally intended to be a desirable residential development for Manchester's middle classes.¹⁰

⁸ Archibald Prentice, *Historical Sketches and Personal Recollections of Manchester intended to illustrate the progress of public opinion from 1792 – 1832*, (3rd edition, Frank Cass & Co, London: 1970), p.19.

⁹ All apprenticeship details drawn from the Apprenticeship records held electronically and accessed via Findmypast website.

¹⁰ Derek Brumhead and Terry Wyke, *A Walk round All Saints* (Kendal: Titus Wilson & Co), p. ii.

Civic activities

George Duckworth held share number 86 in the Portico from 1806 until 1816 (after his death, it passed to his son, William Duckworth). He sat on the Portico's committee at various points throughout this period.

His alignment to Radical causes can be seen in his involvement with Thomas Walker's Manchester Constitutional Society and he supported the abolition of slavery.¹¹ He was also involved in charitable causes - his name appears in a list of those who were contributing to a subscription for the poor in 1794¹² and he was an auditor for the Lying-In Hospital.

His educational interests were evidenced by him being a trustee of the Manchester Academy.

3. SAMUEL KAY (? – 1848)

Personal details

Samuel Kay was a Manchester attorney and an original Portico subscriber.

While his birth date is unclear, the available records indicate that Samuel Kay was professionally active from around 1797 (when he was likely to have been in his early twenties). He appeared in the Law Lists from 1800 – 1848, the likely year of his death.

The trade directories give his address as that of his law firm in the early years of the nineteenth century, although from the 1820s onwards, his home address is recorded as Adelphi Terrace in Salford.

¹¹ List of those who subscribed to the third subscription for the abolition of slavery, recorded in the Manchester Mercury in 1790.

¹² Manchester Mercury, 3 February 1784.

Professional activities

Samuel Kay was associated with a number of legal partnerships – the first was Kay & Renshaw, a firm established on Marsden Street and listed in Scholes' Manchester directory in 1797.

He was one of a small number of 'gentlemen attorneys' who was involved in the original Manchester Law Society, established in October 1809 but lasting only until 1815).

He was subsequently in partnership with another Portico lawyer, Samuel Dukinfield Darbshire. According to Richard's Roll,¹³ Messrs Kay and Darbshire were in partnership by 1819 (there is also reference to the novelist William Harrison Ainsworth being articled to Samuel Kay). The firm Kay & Darbshire appears in Pigot & Dean's directory of 1821, based in Marsden Street.

The Law Lists of 1835 record that S Kay and S Darbshire were solicitors to the manor of Manchester. By the early 1840s, local directories listed a firm called Samuel Kay & Son (and a Samuel Kay junior had also appeared in the Law Lists by this time), still based in Marsden Street. By this point, the firm were described as clerks to the Court of Requests.¹⁴

Civic activities

Samuel Kay was an original Portico proprietor and was the holder of share number 170 for twenty years, until 1826, when he passed his share to his law firm partner, Samuel Dukinfield Darbshire.

¹³ a list of certain solicitors compiled in 1906 and purporting to cover the period from 1200 – 1906, compiled by WUSG Richards of Plymouth, and held at the Law Society on Chancery Lane, London.

¹⁴ 1841 Pigot & Slater's Directory of Manchester & Salford

He makes an early appearance in the Portico's committee minutes, which record his correspondence with the Committee in 1806 about his professional fees for attendance on their meetings and 'for extra trouble at other times', all of which the Committee eventually resolved should earn him 20 guineas.¹⁵ The committee minutes show him being elected to the Portico's committee every year between 1809 and 1812 and again between 1820 and 1823.

He was also a contributor to the fund for the establishment of the Manchester Institution for the Promotion of Literature, Science and the Arts in 1823 (alongside others including William Duckworth, George Duckworth's son).¹⁶

Over this same period, Samuel Kay is also recorded as attending the Police Commissioner meetings – those meetings would be where civic matters such as the level of rates, the salaries of the police and the arrangements for street lighting would be discussed and determined.

Samuel Kay was deputy Steward to the manor of Manchester, a title he held from 1832 until 1838 when Manchester was incorporated.

¹⁵ January 1806, Portico Committee Minutes book.

¹⁶ Manchester Guardian, 10 October 1823.