

MANCHESTER SOLICITORS: FORGOTTEN PROVINCIALS IN THE DEVELOPMENT OF A PROFESSIONAL MYTH

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As a group, solicitors are regarded as an archetypal profession and, like doctors or priests, they often touch our lives only at critical moments of decision. Frequently consulted in times of need we accord them the deference their professional training implies and our own ignorance allows. For most of the twentieth century solicitors as a professional group have projected an image both synonymously respectable and correspondingly dull. It is an image however, that is vitally important to a profession the integrity of which cannot be challenged and on whose professional expertise the public is forced to trust. When individual cases of misconduct occur we know that the profession's own governing body – the Law Society – will act in the public interest to reprimand the miscreant or even deprive him/her of their licence to practice. We know this because we are told, and because there is substance in the argument that in order to judge fairly a question of professional misconduct it is necessary to have a level of expertise. That such expertise only rests with the profession itself would not be sufficient to inspire public confidence or justify the Law Society's claim to act on our behalf. The element needed to substantiate that claim is trust and that trust comes from a belief that the profession of solicitor has a long and for the most part, extremely respectable history.

For many legal historians the directing force in the development of the profession was the Incorporated Law Society.¹ For others it is becoming apparent that the modern image of the profession is rooted in myth. A myth which, in order to substantiate the image, has ignored provincial influence on the development of solicitors as a professional group and credited the London-based Law Society as responsible for shaping the development of the lower branch of the legal profession.² The inception of this Society in 1825 has somehow come to be regarded as the denouement in the evolution of solicitors. It is as if from that point onwards the evolutionary path of the profession was set on lines originated and dictated by *The Law Society* in London. This accepted dogma is apparent in a range of historical studies from the widely read *Origins of Modern English Society*³ to a more specialised 'Origins' – that written by David Jones on the *Origins of the Civic Universities* which stipulates that 'solicitors founded several organisations which eventually consolidated as the Law Society'.⁴ Despite recent studies⁵ the myth persists. In ignoring provincial influence on the development of the profession nationally, the vital significance of the role played by Manchester solicitors has been obscured. The myth is that the central influence of the Law Society was never seriously challenged. The function of the myth is to justify the actions of the present.

For solicitors the need to acquire respectability was critical. Their livelihoods depended on clientele trust – being labelled as 'pettyfoggers' was bad for business, bad for their position in society and bad for the self-esteem of the profession itself. Solicitors at work in Manchester during the 1840s

were operating under great pressure. Too few solicitors to cope with demand provided an environment in which touts (unqualified practitioners) could operate. The results of their unscrupulous activities combined with congestion in the courts system to bring the whole profession into disrepute. For legitimate solicitors the result of all this was that their position in the societal structure was not as secure as it had been during the previous century. Nevertheless Manchester solicitors were products of their society and they drew for inspiration upon their experience as individuals living and working within that society. In order to deal with the problems facing them several individuals assembled together, to form an association which, through self regulation and the introduction of professional qualifications, sought to increase the standing of solicitors in the social structure. It was a critical step on the route to respectability. The introduction of qualifications changed the nature of the profession by separating its members from laymen and turning solicitors into experts.

This article examines the measures taken by provincial solicitors to pressurise the Law Society into introducing qualifications. It also looks at the role played by the Manchester Law Association and explores the reasons why its role was such a dominant one.

Manchester Law Association

On Wednesday 12 December 1838, sixteen attorneys⁶ met in the Manchester Law Library⁷ for the purpose of formulating regulations for the 'constitution and government of the Manchester Law Association'.⁸ Fourteen rules and regulations were agreed. A membership fee was decided upon – ten guineas (for life membership) or one guinea (renewable annually). All subscriptions were to date from 1 January each year and failure to pay meant exclusion from the Association. New members were to be proposed at quarterly meetings and membership would be decided by ballot; 'one black ball in five of the parties present shall exclude any candidate'. A method which ensured that in the eyes of those voting, only respectable practitioners were admitted to membership of the Association. The money collected by subscription would be invested on behalf of the Association by three trustees, who would be elected at the annual general meeting.

Amongst the regulations it was stated that membership was open to all attorneys of one of the superior courts of Law at Westminster, solicitors in Chancery and proctors practising in Manchester or within a 'circuit of twenty miles from that town'.⁹ This is in marked contrast to an earlier society of attorneys which had functioned briefly in Manchester from 1809–1815 the membership of which was drawn exclusively from within the city.¹⁰ A point which endorses the view of modern historians who have shown that Manchester, during the late 1830s and particularly during the economically depressed years of the 1840s, became a regional centre for commercial activity and trade.¹¹ The economic survival of the town was not dependent on its cotton manufacturing industry alone.

Indeed P.J. Waller¹² has argued that, although cotton was king, the city's work was commercial rather than manufacturing and it was Manchester rather than the one-industry towns like Oldham, Rochdale and Blackburn where the mercantile and professional sectors were concentrated. Without such diversification, Manchester's economy would not have survived and the city would not have achieved the prominence it did. It is therefore not surprising that the Manchester Law Association (MLA) should reflect something of this regionalism in its membership.

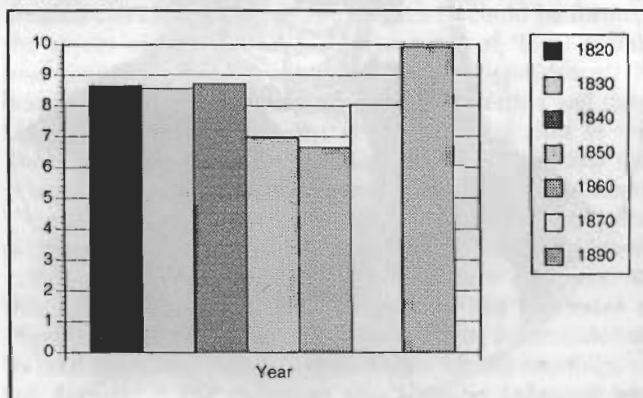
This commercial boom created an environment in which the demand for the services of attorneys increased. They were needed to advise a more extensive clientele drawn from the spectrum of a changing social structure. They acted as family lawyers for the expanding middle classes, they conducted legal transactions for manufacturing clients such as calico printers, tea and coffee merchants and brewers as well as handling the legal affairs of the railway companies. The demand for their services was such that it began to outstrip supply. For most of the nineteenth century the number of attorneys/solicitors working in Manchester grew in ratio to the population but as Figure 1 illustrates in the period between the years 1845–65 there was a decrease in the ratio of practitioners to population. Too few practitioners together with the fact that attorneys were still defining their marketable skill¹³ provided an ideal environment in which touts (often clerks with a peripheral knowledge of legal practice) could prosper. The court system could not cope with the rising tide of litigation and these factors increased public criticism of the profession. It was against this background that the MLA was formed.

The decision which the Association made regarding the frequency with which meetings should be held reflects the fact that solicitors were operating under pressure. It was agreed to meet four times a year, although sub-committees would meet much more frequently.¹⁴ The annual meeting would be advertised in local newspapers fourteen days in advance. At 11 o'clock on the morning of Monday 23 December 1838, at the Star Inn in Manchester, some fifty-three attorneys, approximately one-third of those practising in Manchester,¹⁵ met for the first quarterly meeting of the Manchester Law Association.

Founding Fathers

Amongst those present at that first meeting were men notable not only within their own profession but more widely through their activities in other capacities. Men who, as we shall see later, had strong personal and social

Figure 1: Number of Manchester solicitors per 10,000 of population



Calculations based on the Law Lists of 1820–1900.



Stephen Heelis

as well as professional links within local society. Leading figures in the newly formed Manchester Law Association included Stephen Heelis and William Slater of the firm of Slater Heelis and Co.,¹⁶ at that time rapidly becoming one of the leading practices in the town; James Crossley a well-known figure in the community, respected nationally as an antiquarian and writer;¹⁷ Joseph Heron, Manchester's flamboyant (and first) Town Clerk, and his Assistant Town Clerk – the young Edward Herford.

It was Stephen Heelis, a charismatic and dynamic lawyer, who would be credited as the 'Founder' of the Association. Born in 1801 in Bolton, he was articled to the firm of Sharp, Eccles and Crieie becoming a partner in 1833. Actively interested in politics, he was elected an Alderman for the Seedley Ward of the Borough of Salford in 1853 and held the office of Mayor twice.¹⁸ Heelis was a strong Conservative supporter and a 'liberal subscriber'¹⁹ to the funds of the local Conservative association. He was President of the MLA in 1843 and again in 1867.

It was, however, the reputation of his partner and fellow founder member of the MLA – William Slater – as a formidable and talented lawyer which expanded the business of the firm considerably. William Slater became solicitor to the Liverpool and Manchester Railway and afterwards to the Manchester and Birmingham Railway. In fact when the two companies became part of the London and North Western Company, he was one of the few people to be issued with a life pass to travel anywhere on the system. The reward for this type of work was more than financial, it could, and, in the case of William Slater, did increase his personal standing and the reputation of his practice. William Slater's skill as a lawyer was formidable²⁰ – he became a Parliamentary lawyer negotiating, amongst other things, the labyrinthian complexities of the Manchester Rectory Division Act of 1850,²¹ eventually piloting it through Parliament on behalf of the Churchwardens of Manchester. His services were much in demand and clients included the

Earl of Wilton and Miss Hatherton of Kersal Cell, the last of the Byrom family of merchants and bankers whose estates passed to Edward Fox, a descendant of William Fox the founder of the firm which became Slater Heelis. The practice also administered the Clowes Estate and the Bridgewater Estates and handled the affairs of the manufacturing Ackers family of Moreton Hall. Slater Heelis also administered turnpike trusts, charities and educational institutions and handled the legal affairs of the Manchester Grammar School, Henshaw's Blind Asylum, Bluecoat's School at Oldham and several others.

Other prominent figures were also present at that first meeting in 1838: Joseph Heron and Edward Herford were fresh from the campaign for the incorporation of the Borough that same year. Joseph Heron was a solicitor of exceptional ability, born in Manchester on 3 January 1809, the son of James Holt Heron a former attorney and latter day cotton merchant. Admitted as an attorney in 1830, Joseph Heron set up practice with his brother William at 21, Princess Street. A biographical article, written after Heron's death in 1889, describes him as a 'smart . . . lawyer who achieved the distinction of being, first, the Town Clerk of Manchester . . . He went on to become Sir Joseph Heron, Knight, by royal distinction, in recognition of exceptional merit as a municipal leader . . . the father of the Town Clerks of England, and probably the highest authority in English Municipal Law in the world'.²² A eulogising statement of this sort should perhaps be regarded with a little caution but Heron was, without doubt, a man of influence and standing in Manchester local government for around forty years.

Heron and his Assistant Town Clerk, Edward Herford, were pioneers in the sense that both had to deal with legal problems which arose under the influence of the Industrial Age, and for which they had to create their own precedents. The son of a Birmingham wine merchant, Edward Herford was an active and enthusiastic supporter of incorporation and one of the first members of the Town Council, taking up the post of Assistant Town Clerk in May, 1839. Always a controversial figure, he was a single-minded individual with a strong sense of his own worth.²³ It was Herford's responsibility to conduct the conveyancing business of the Improvement Committee and he was required 'generally (to) render such further assistance in the discharge of the legal business of the Corporation as may from time to time be required by the Town Clerk'.²⁴ Such 'further' assistance included acting as public prosecutor and one of the first and most important prosecutions which Edward Herford undertook was for the new Corporation. At the Government's instigation, it was required that a prosecution be brought against the Chartists. He admitted that it was 'rather a new line of business for me - and certainly an alarming duty for one who (was) without the least experience of assize business . . .'.²⁵ The prosecution was successful; the first case to be tried, that of Bronterre O'Brien and five of his fellow Chartists, resulted in conviction and they were sentenced to varying terms of imprisonment of up to two years. Herford had little sympathy for O'Brien (another lawyer) whose defence he described in his journal, as 'a mixture of falsehood and meanness and ill-timed bravado and self-glorification'.²⁶ Despite this, however, his personal sympathies did extend to those others who stood trial with O'Brien on the first day: to the 'pouvier diables' (sic) as he called them. Nevertheless, Herford declared that his intention had been to 'use my best energies for their convicting - broken the law they certainly had and these were the consequences'. He was twenty-four years old.

Forceful and outspoken Heelis, Slater, Heron and Herford formed the powerful core of the MLA Management Committee. However it was James Crossley, a respected lawyer, 38 years of age with an established practice who was elected President of the Association at the meeting in December 1838. A committed Tory, Crossley had been bitterly opposed to the incorporation of the borough, nevertheless in order to further the cause of his profession, he worked alongside radicals such as Heron and Herford. In the earlier part of his career he was engaged in negotiations in connection with extensive street improvements in Manchester; when the town became enfranchised, Crossley figured as an active worker and effective speaker on behalf of Tory candidates at the borough elections, in particular that of Gladstone in 1837. In appearance Crossley was reported to be 'remarkable for his extreme corpulence and fresh ruddy complexion'.²⁷ He was a polished and inspiring orator. Although amongst his fellow founder members of the MLA there were attorneys of equal eminence, they were not publicly recognisable figures. Nicknamed 'Manchester's Dr. Johnson', the choice of James Crossley as first President of the MLA was an inspired one.²⁸

The leading figures of the MLA were initiators, products of their city and their era and they recognised early the need to promote education within their profession even though there was no national impetus or legal requirement to do so.

Education and Qualification

This theme of the development of educational provision for articulated clerks (trainee solicitors) will be examined in two stages. First, the requirements for admission as an attorney will be described and the provision which Manchester articulated clerks made for themselves will be explored. This in the period before the criticisms of the profession's poor educational provision made by the *Select Committee on Legal Education* in 1846. Second, recent research into the records of the Provincial Law Societies Association (PLSA)²⁹ will be used to illustrate how representatives of the Manchester Law Association engineered a campaign to establish measure which would ensure a standard level of education for articulated clerks. This information will provide evidence of the critical part played by provincial lawyers in



James Crossley

pressurising the London Law Society into introducing an examination system.

After the Attorneys and Solicitors Act of 1729, to be admitted as an attorney, required five years service as a clerk to an attorney who had been 'legally sworn and admitted'.³⁰ The candidate then went before a judge who examined him as to his fitness to act as an attorney. The questions were idiosyncratic and did not necessarily require an in-depth legal knowledge to answer satisfactorily.³¹ The results of this form of questioning meant that there was no set measure by which to judge the educational standard of would-be solicitors as a whole. Once the judge was satisfied and had received an affidavit from the candidate's master to the effect that he had served the required period as an articulated clerk, he was admitted as an attorney. Some clerks were fortunate enough to have had the benefit of a 'liberal' education – to have studied classical languages, some mathematics and literature. Fortunate too perhaps to have acquired experience and knowledge in one of the larger legal practices. However, for those articulated to attorneys in small practices, the opportunity for study was frequently denied and they spent the greater part of their days 'engrossing', copying out deeds and agreements. This was a boringly repetitive task which in a small practice did not offer the chance to acquire much in the way of legal ability. Certainly, the admittance procedure described above provided no opportunity either for the candidate to demonstrate, or for the admitting officer to detect, a standard of legal achievement. If an articulated clerk wanted to gain a deeper understanding of the law, he had, more often than not, to acquire it himself by a process of self instruction. In Manchester, before the introduction of examinations, this process was taken a step further with the setting up of a self-help group. In 1846 the House of Commons Select Committee in its report on legal education, lamented the lack of enthusiasm amongst attorneys with regard to the provision of educational training for articulated clerks – although, it praised in particular the efforts made by the Manchester Law Association.

Before the MLA came into being, and perhaps reflecting the native initiative already mentioned, several articulated clerks in Manchester decided to get together in order to further their own legal education. They decided to meet on a regular basis and prepare papers for discussion amongst themselves. One of the founders of the ensuing Law Students' Society, was Edward Herford who, together with two other clerks, was articulated to the firm of Kay & Darbishire (Marsden Street, Manchester). In his journal, Herford describes the formation and first meeting of the Law Students' Society.³² On 2 March 1833, Herford and Charles Hall (another articulated clerk) talked together and discussed 'the great advantages' which would be presented to the articulated clerks of Manchester if a society could be formed the object of which would be discussion of 'legal points and general questions connected with jurisprudence'. It was at last decided to translate words into action and they divided between them a list of such 'young men as we knew' arranging to meet that night 'in order to settle the preliminaries'. They met in a room behind the Independent Chapel in Mosley Street, accommodation which had been arranged by Joseph Heron (Herford's future professional colleague and boss) one of the Society's new members. At this first meeting they settled the rules and appointed a President and Secretary³³ and Herford was commissioned to take the Cross Street Chapel rooms for the meetings of the Society'.³⁴ The President also acted as Treasurer and was to be appointed every six months. It was his job to

open and close meetings and see that the rules of the Society were observed and kept. The subscription was sixpence a week and was to be paid monthly and in advance. The newly formed Society intended to meet at half past seven o'clock every Friday evening and 'shall always break up at or before ten o'clock'. The object in meeting was to be the consideration of cases and papers. New members were to be proposed and seconded at one meeting and balloted for at the next – one black ball in three meant exclusion. With evident satisfaction, Herford noted in his diary that 'our Law Society is still extant, and we hebdomadally edify one another with most luminous actions, in fact we form quite a delectable troupe (sic) . . .'³⁵

It may well be that some of the members of the Law Students' Society carried their enthusiasm for education with them into the MLA. As has already been stated, Joseph Heron and Edward Herford went on to become founder members of that Association and they in common with many of the first officers of the MLA including James Crossley, Stephen Heelis, and William Slater, had all received the benefit of a liberal education.³⁶ From its inception, the MLA expressed a desire that some educational provision be made for articulated clerks. In 1844, a course of free lectures in 'different branches of the law'³⁷ were delivered for the benefit of articulated clerks, these proved so popular that a second series of lectures were held the following year. A Law Students' Society,³⁸ was provided with a room for their evening meetings by the MLA. They were further encouraged by the Association offering prizes for the best essays on legal subjects. The Association considered it 'highly important' that Law students should, if possible, have the continued opportunity of attending lectures. To that end they arranged with the assistance of a 'resident Barrister',³⁹ a series of thirteen lectures on different branches of the Law, to which all the members and their articulated clerks would be admitted free. It was these efforts which provided the basis for one of the few supportive remarks in an otherwise critical report published by the *Select Committee on Legal Education*.⁴⁰

Provincial Law Societies Association

The Solicitors Act of 1843 which gave the Incorporated Law Society custody of the Rolls, had effectively acknowledged that Society as the representative voice of the profession as a whole. Whilst provincial societies such as Manchester, Liverpool and York recognised the reality of this, they were not at all confident that the Incorporated Law Society would take into account their interests and were convinced that it was representative only of a London elite. For this reason the Provincial Law Societies Association (PLSA) was formed and in order to ensure that its views were heard it was necessary to employ pressure group tactics. The Provincial Law Societies Association fought to promote the interests of provincial attorneys at a time during the mid-1840s when it was felt it was necessary to do this. Founded in 1844, the PLSA was formed because provincial lawyers felt that:

*Without such a means of communication and such a centre of intelligence as this Association . . . the body of Solicitors particularly those practising out of the Metropolis, can never maintain their just rank, accomplish that unity of practice which is so desirable, or successfully bring to bear their legitimate influence in matters and measures affecting the Profession.*⁴¹

The proposal for a general association of provincial law societies had arisen during discussion at a meeting of the

Yorkshire Law Society. The Manchester Law Association however, agreed with the view that such an association – ‘should be entirely unconnected’ with the London Law Society. The first annual meeting of the PLSA took place in Manchester on 10 January 1845 and at that meeting there were representatives from several provincial law societies including Birmingham, Dover, Hull, Leeds, Liverpool, Oxford and York.⁴² Others, including Denbighshire, Flintshire and Gloucestershire would also soon join.

From the start the PLSA was tightly organised and operated efficiently. Unlike other societies and associations which recruited members at an individual level, membership of the PLSA was open to provincial law societies. The rules of the Association provided that a deputation from each society should meet annually in Manchester at about the time of the opening of Parliament. However, a Management Committee was set up and this, it was agreed, would meet ‘on the first Friday in every month at one o’clock p.m.’ The control and running of the PLSA was to be placed in their hands. Of the five newly elected officers of the Association, Manchester solicitors were prominent – occupying the post of Co-Vice President, Treasurer and Honorary Secretary, and of the fifteen ordinary members on the Management Committee nine were solicitors practising in Manchester.

The hitherto lost role of the PLSA in the critical drive for the introduction of qualifications will now be examined in more detail. The 1840s was a period in which the relatively novel idea of pressure group activity was at its most spectacular – with Chartism and the Anti-Corn League – such tactics were of course not unique to the PLSA. It is often tempting to distinguish ‘professional’ groups from the wider societal structure and to seek to link them together through some sort of common struggle towards a recognition of their individual professional skills. It would for example be tempting to see similarities between the activities of the Provincial Medical Societies Association and the PLSA.⁴³ However, such similarities are superficial. Whilst lawyers and doctors could at an individual level cross a similar social spectrum, as a professional group they did not interact. Whilst the MLA corresponded and liaised with the Manchester Chamber of Commerce, or with the Borough Council on many occasions, they did not affiliate at any time with any other professional group. Indeed the autocracy integrity and influence of solicitors as a professional group was jealously guarded.⁴⁴ It will be demonstrated that solicitors at this time were an integrated and interactive part of their society and their age, it is not surprising therefore to note their use of tactical pressure activity.

During its brief existence, the PLSA examined several measures which were brought before Parliament, any or all of which had implications for the profession. A sub-committee was appointed to examine proposed bills which related to such matters as the Ecclesiastical Courts, marriage law amendment, documentary evidence, real property conveyance, granting of leases and declaratory suits and so forth. However, Lord Campbell’s proposal for a General Registry of Deeds will serve to illustrate how the PLSA successfully used pressure group tactics and co-ordinated a campaign of opposition.

At a meeting of the PLSA Management Committee, held on 3 April 1846 and chaired by John Owen – an active member of the Manchester Law Association – a strategy of opposition to the proposal to introduce a General Public Registry of Deeds and Instruments affecting Real Property was discussed and a draft petition was put forward. It was proposed that this petition be approved and forwarded to

First Annual Report

of the
Provincial Law Societies Association

Your Committee, in presenting this Report to the Annual Meeting, beg to state that the Association may be considered to have been completely formed on January last, and now consists of the following Societies, *namely* – Denbigh and East Riding, Birmingham, Denbighshire and Shropshire, East Kent, Gloucestershire, Kent, Leeds, Lancashire, Liverpool, Limerick, North Manchester, Oxfordshire and Yorkshire.

To these your Committee have reason to expect that a considerable accession will be made, as the benefits of the Association become more and more felt, and are brought to the knowledge of the different Societies throughout the Kingdom.

Your Committee do not consider it necessary for obvious reasons, to report in detail on the several – Parliamentary measures which have required their attention during the past year, as they have been very numerous and of a very various character; they consist principally of the Acts in relation to – *Amalgamation and Dissolution of Real Property – Ecclesiastical Courts – The outstanding Land – Marriage Law Amendment – Documentary Evidence – Real Property Conveyance – Granting of Leases – Declaratory Suits and Regulation of Real Property Bills.*

To all these projects the best attention of the Committee has been paid; and they have been successively dealt with in their reports, and the state of sentiment of the Body in which their various alterations of the law were embodied, appears to require

Extract from PLSA Minute Book, 1845

Lord Lyndhurst, the Lord Chancellor. It was also resolved to put the ‘allegations in the shape of reasons’ and forward them to the secretaries of the various societies which formed the PLSA with the request that they return them with any comments and with ‘as many signatures as possible’. This meant that as well as receiving petitions from the PLSA, the ‘Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland in Parliament Assembled’ – also received petitions from several provincial law societies. All of these petitions maintained that a General Public Registry of Deeds was ‘calculated to be highly mischievous to the owners of such property and also to the public at large.’⁴⁵

In summing up their objections the PLSA was unequivocal:

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

During the course of three successive parliaments attempts were made to establish a General Registry of Deeds – in all five Bills were brought in and rejected. Lord Campbell declared that:

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

So, in order to mount opposition to legislation, the PLSA successfully prompted and co-ordinated the responses of local law societies – fundamental stepping stones in the raising of occupational consciousness. In this way representatives from law societies in the major industrial

areas of England were organised into an effective pressure group. In 1846, as we shall see, when the status of attorneys was specifically challenged, local societies and the PLSA sought to widen their sphere of influence. Once again however they did not consider at that time that an amalgamation with the Law Society in London would prove to be beneficial.

A Question of Honour

It was the consequences of the Small Debts Courts Act, and critical remarks made in Parliament regarding the low educational standards of solicitors (criticisms which were later taken up in the press) which provoked local societies and the PLSA to seek to widen their sphere of influence. The Management Committee observed that:

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

On 21 August 1846, *The Times* carried a report on the parliamentary debate which preceded the proposal for the introduction of the Small Debts Bill. The principles which the Bill expounded were generally supported by solicitors. However, comments which suggested that solicitors were men of 'inferior talent', and proposals which effectively excluded them from holding judicial office infuriated local law societies and spurred them into action.

The PLSA received communications from various societies in the country which evinced 'a strong and general feeling of their injustice'. The leading protagonist in the ensuing drama, was John Hope Shaw, Secretary of the Leeds Law Society. He circulated a resolution which his society had passed setting down their reactions to the likely repercussions of the Bill and suggesting that the profession needed a champion to influence Parliament and the Press. At Shaw's request, the PLSA monitored the replies to his circular. The outcome of all this was that negotiations were set in train which resulted in a union between practitioners in London and in the provinces which were described as being on a

*. . . comprehensive scale for the purpose of asserting and maintaining the true position of the branch of the Profession to which we belong and of securing the means of adequate defence against attacks such as those alluded to.*⁴⁶

John Shaw and the PLSA communicated with Robert Maugham, Secretary of the Law Society, informing him of feelings in the provinces but although the Council of the Incorporated Law Society felt the issues raised were 'very important to the interests of the Profession' they nevertheless felt 'great difficulty in engaging in it'.

In spite of this reaction it was agreed that a deputation should go to London to discuss the matter further. Consequently, on 24 January 1847 a commission from the PLSA met the Council of the Law Society and a separate body of men – a Committee which was described as 'acting for and on behalf of the London Attorneys'. This meeting was followed by other meetings, first with the Council of the Law Society on 10 February, and on the following day, with a 'large and influential body of London solicitors.'

At this latter meeting, many London solicitors were sympathetic to and supported the view expressed by

provincial solicitors. A meeting of the PLSA on 12 January 1848 recorded what occurred subsequently:⁴⁷

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

Metropolitan and Provincial Law Societies Association

Disaffection and distrust of the London Law Society and a belief that it was an elitist organisation not representative of the interests of the majority of solicitors had resulted in the setting up of the Metropolitan and Provincial Law Societies Association (MPLSA). The MPLSA was the direct successor of the PLSA, an association largely motivated and guided by Manchester solicitors. It is clear that at that point in time, solicitors were consciously aware of the power of union and the crucial part it could play in achieving social status. The members of the Committee of Management of the PLSA ceded to their successors in office an Association which they felt comprised:⁴⁸

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

By the beginning of 1850, provincial solicitors felt that they had a representative body through which their views and opinions could be adequately represented and expressed and their status and image in society enhanced.

The Provincial Law Societies Association's contribution to the development of the lower branch of the profession was a unification of local law societies, which enforced recognition of acting through consensus. This raised occupational consciousness. The Metropolitan and Provincial Law Societies Association's contribution took this a step further by campaigning for the introduction of professional qualifications. It advocated that some sort of educational standard which would be publicly recognised must be introduced.

A means of raising the intellectual character and legal efficiency of the whole body, thus affording an additional guarantee for their standing and their claims upon public confidence.

In November 1852, the Manchester Law Association received a letter from William Shaen, the Secretary of the MPLSA, containing suggestions for improving the educational test for solicitors. The MPLSA further insisted that articled clerks should be allowed to sit the examination for any such certificate in their nearest large town, thus avoiding the necessity and expense of travel to London. It also proposed that before admission, a separate certificate of proficiency in four of the five branches of Law should be required. In the words of the MPLSA letter, these certificates were to be tried for, 'either together or separately from time to time, during the period of apprenticeship, according to the convenience of the articled clerk'. Successful candidates in the examinations should be divided into two classes, the first, 'to consist of those who pass well', the second, 'of those who barely pass'. The Manchester Law Association agreed with the sentiments expressed in Shaen's letter; believing, as their Management Committee minutes noted that such provisions would prove a 'more satisfactory and effective test and guarantee of respectability than at present exists'.⁴⁹

It is a widespread belief expressed in several legal studies,⁵⁰ that it was the London Law Society which took the first steps towards 'requiring would be articled clerks to pass an examination in science, literature, and the classics'. But these steps were taken in 1854, two years after the proposals made by the MPLSA, two years, during which pressure had been applied by provincial law societies on the Incorporated Law Society to act on those proposals. In the event another six years were to pass before the Solicitors Act of 1860, provided that a preliminary examination 'in such branches of general knowledge as the Master of the Rolls, the Chief Justice and the Chief Baron might approve' was introduced. The influence of local law societies on the development of the profession is an area of research which has yet to be fully investigated. A dearth of investigative work on the activities of provincial law societies has lent weight to and sustained the concept of continuous central direction from London. During the years 1840-48, a pivotal time in the development of the modern profession, communication within a network of provincial law societies established precedents, as they arbitrated on legal points at issue. Through organisation, motivation and mobilisation, the occupational consciousness of solicitors was raised.

The Manchester Factor

In an increasingly complex society operating under new and complicated laws, solicitors experienced an unparalleled

Table I: Number of Manchester Solicitors in Membership of Law Societies.

Year	Total	MLA	MPLSA	ILS
1820	109			
1830	156			0
1840	205	76		1
1850	211	108	78	4
1860	225	108	60	2
1870	282	107	112	9
1880	395	123		67
1890	501	168		139
1900	549	225		206
1910	573	213		261

*Calculations based on the Law Lists 1820-1915, Manchester Street Directors 1820-1915, Records of the Manchester Law Society 1809-1815, Records of the Manchester Law Association 1838-1915.

demand for their services which they were unable to meet. The rapid growth in population in Manchester during the 1830s and 1840s was not matched by a proportionate rise in the number of attorneys. To qualify as an attorney required a five-year period of apprenticeship followed by an oral examination by a judge and the annual renewal of a certificate of practice. This was not sufficient to effectively distinguish the solicitor from the opportunist with a superficial knowledge of legal procedures. Where a demand exists there will always be opportunists who will try to exploit the situation and this particular situation was no exception. As a result the social standing of the solicitor in the local societal structure was distinctly uncertain. Castigated in popular fiction, Parliament and the Press, the service the solicitor performed was regarded as necessary but not necessarily regarded, or respected, by the public. In order to alter this relationship the profession itself had to change. In order to change, solicitors had to organise and this they did both at a local and at a national level. In order to raise status it was necessary for the profession to acquire respectability and the raising of educational standards was one way of achieving this. It is clear that the move towards this aspect of professionalization came from the provinces and from Manchester in particular. The PLSA was an important element in the evolution of the profession at a critical point in its modern development. However, the role played by the MLA in this movement was a vital one and it begs the question of why this should be? Why for instance, should the PLSA, which arose out of a suggestion made by the Yorkshire Law Society, have had its headquarters in Manchester?

A map of the railway network at that time with the location of those provincial law societies in membership of the PLSA marked on it⁵¹ would reveal that, as far as accessibility was concerned, several of the other local societies were situated in towns which were at least as accessible for meetings as Manchester. If ease of communication was not the reason, perhaps the number of attorneys practising within the jurisdiction of the MLA was the deciding factor. In this respect, the MLA certainly had one of the largest constituencies, but there was little to chose between it and Liverpool or indeed Birmingham.⁵² R.L. Abel notes that at a time when the Incorporated Law Society enrolled perhaps only 5 per cent of solicitors, almost all of whom practised in London, more than a third of Liverpool solicitors joined together to found their own law society.⁵³ As Table I shows, in its early years the Manchester Law Association enjoyed the support of approximately two-thirds of the solicitors working in the Manchester area. It was instrumental in persuading many of its members to join the Metropolitan and Provincial Law Societies Association in 1850, but it was not until the merger of this latter body with the Incorporated Law Society (ILS) in 1873, when those in membership of the MPLSA were automatically given membership of the ILS, that Manchester practitioners began to take up membership of the Incorporated Law Society in any significant numbers.

It is difficult to assess or compare the level of militancy exhibited by attorneys working in towns with very different experiences of industrialisation. Size of membership of a local law society may not necessarily equate with strength of opinion but it could act as an indicator of parochial self-interest in the development of the profession of solicitor as a whole. In other words that the drive for change within the profession was influenced by the conditions which operated at the local level. Therefore during the 1840s and 1850s it was the degree by which the industrial revolution affected

the local economic and social climate which determined whether or not solicitors in a particular area were politically active. Research indicates that in an area such as Lincoln where the industrial experience was less intense than in Manchester attendance at meetings of local law societies during this period was often low.⁵⁴

On the other hand, Manchester in the 1840s was also a centre of initiative and political independence with experience of organising and successfully controlling the activities of pressure groups.⁵⁵ Figure II, which is based on the records of the Manchester Union Club, reveals several possible routes by which those solicitors who became leading figures in the MLA were linked into other areas of community activity. For example S.D. Darbishire who worked on the parliamentary campaign for fellow club member Mark Philips enlisted the help of his articled clerk Edward Herford in the campaign. It was stated earlier that both Herford and Joseph Heron were closely involved with the campaign for the incorporation of the Borough as the diagram shows, Thomas Potter (a fellow campaigner and subsequently first Mayor of Manchester) were all members of the club. James Crossley, William Slater, Stephen Heelis and Alexander Kay (partner of S.D. Darbishire and fourth Mayor of Manchester) – all key figures in the Manchester Law Association – were also members of the Union Club. Both Crossley and Slater were expert and highly successful parliamentary and election agents with great experience of managing campaigns. The methods and pressure group tactics adopted by the MLA executive in the campaign to introduce professional qualifications reflect their experience of living and working in Manchester.

In summary it can be said that during the early 1840s, approximately two-thirds of all those solicitors practising in Manchester were members of the Manchester Law Association. This factor enabled the MLA to act with authority and its recommendations were acted upon when it attempted to counter public criticism. Adverse comments about the educational standards of solicitors (such as those which had been made during discussion of the Small Debts Court Bill) fuelled the Association's desire to introduce some kind of educational provision. This would serve not only to raise the general status of the profession but would also equip such qualified attorneys with an expertise. Such expertise was vital to help them meet the challenge of more complex legal work. A recognised standard of education was something which both the PLSA and the MPLSA advocated most strongly. Manchester attorneys experiencing

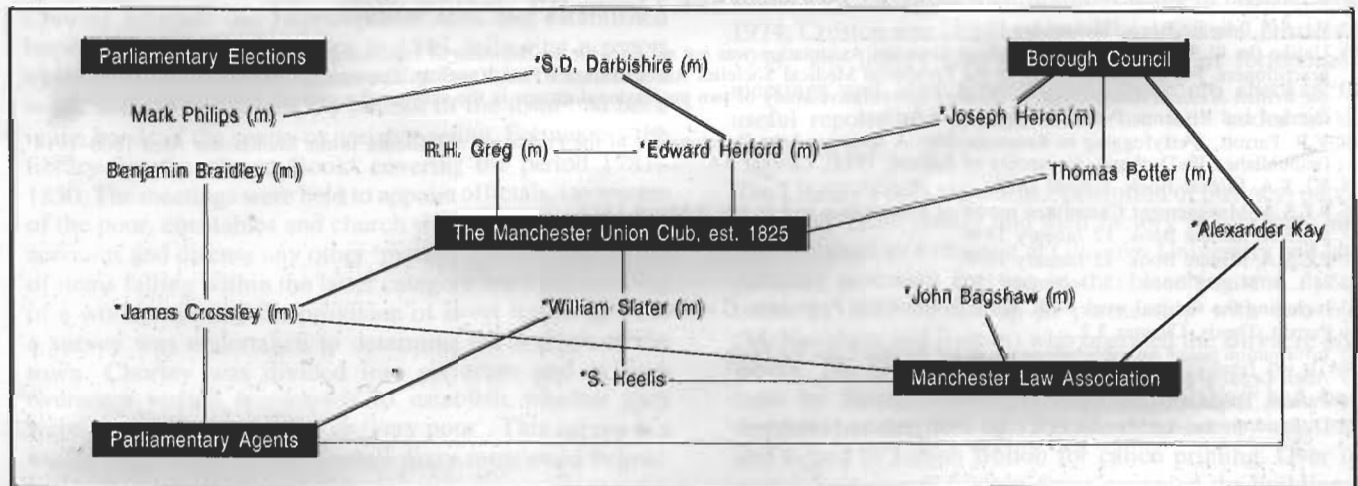
the social upheavals of the industrial 1840s were militant and highly vocal and their views influenced the policy of both these associations.

Provincial law societies came together to deal with two immediate problems: a direct threat to themselves and their work and an indirect threat to their future. The setting up of the MPLSA provided provincial law societies with a mechanism which would serve their interests and the interests of the profession generally. The Solicitors Act of 1843 which gave the Incorporated Law Society custody of the Rolls meant not only that the Law Society controlled entry to the profession but also effectively recognised it as the representative voice of the profession as a whole. This is why rather than acting independently, the MPLSA put pressure on the Law Society to bring about educational changes. The drive and initiative for change in the profession originated in the provinces in the 1840s. Solicitors in these areas had defined educational and occupational goals and set up means for achieving them. The introduction of professional qualifications enabled solicitors to concentrate on improving their skills, through their work and through a variety of social links they were emerging as 'experts', and as an eminently respectable professional body.

Myth in Context

For the legal profession today a cohesive image of respectability founded on the central control of the Law Society serves to symbolise solidarity, a weapon to further exclude the excluded. It has fuelled a myth which has become a source or strategy for survival supporting the notion of the profession as reliable and trustworthy. However, it is crucial that the influential importance of provincial solicitors on the development of the profession is recognised. We should view critically the teleological myth which, whilst superficially accepting the possibility of variation acknowledges as fact the superiority of the role played by the London Law Society in the history of the profession. Utilising as received truth a model of professional development which incorporates such a heavy London bias ignores the importance of the links between provincial societies and the local community. In so doing, it runs the danger of seriously skewing not only our understanding of the early history of solicitors, but also any investigation which seeks to understand the relationship of one professional occupation to another. A model which as a central tenet, links the unification of the profession of solicitor with the establishment of the Incorporated Law Society in 1825 is a precariously incomplete one.

Figure 2: Community Links arising from Membership of the Manchester Union Club



(m) on the Membership list for 1835 * indicates a practising solicitor

NOTES

- 1 The Incorporated Law Society of the United Kingdom became simply 'The Law Society' in 1903, when its title was changed by Charter.
- 2 The legal profession is divided into two branches: barristers form the upper branch and solicitors the lower.
- 3 H. Perkin, *Origin of Modern English Society* (London, 1969).
- 4 D.R. Jones, *The Origins of the Civic Universities, Manchester, Leeds and Liverpool*, (London, 1988).
- 5 See for example A.H. Manchester *A Modern Legal History of England and Wales 1750-1950*, p.67. Also R.L. Abel *The Legal Profession in England and Wales*, (Oxford, 1988) (Hereafter Abel, Legal).
- 6 In 1873 following the Judicature Act which merged both the common law courts and the Court of Chancery the title 'attorney' was formally abolished. However in the period under discussion the terms attorney and solicitor co-existed and were used interchangeably.
- 7 On 21 July 1820 several legal gentlemen from both branches of the profession met at the Star Inn, Deansgate, for the purposes of establishing a Law Library. Originally situated in a room in the offices of a local solicitor, the Library was housed in several other similar localities until 1845 when it occupied the first floor of the Manchester Law Association's newly adapted accommodation at 4, Norfolk Street.
- 8 Manchester Law Association (hereafter MLA) Minute Book, 12 December 1838.
- 9 The median point was St. Anne's Church in St. Anne's Square. Included in the initial membership of the MLA were solicitors from Bury, Bolton, Macclesfield, Stalybridge and Stockport.
- 10 For a description of the Manchester Law Society (1809-1815) see V.R. Parrott, 'Manchester attorneys: occupation, communication and organisation', *Transactions of the Lancashire & Cheshire Antiquarian Society* (1993).
- 11 See for example P.J. Waller, *Town, City and Nation: England 1850-1914*. (Oxford, 1983) and A. Briggs, *Victorian Cities* (London, 1971).
- 12 Waller, *Town*, ch.3.
- 13 As a profession with roots going back to the 15th century attorneys had acquired skills which were based upon experience built up over many years. In the context of the industrial revolution legal procedure became increasingly complex it was possible therefore that despite his experience an attorney could perform his tasks badly. See Parrott, *Trans. Lanc. & Chesh. Ant. Soc.* (1993).
- 14 Members of the Sub-Committee on Legislation, and that for Education met on 60 and 58 occasions during 1842 and 1854 respectively.
- 15 Figures calculated from the MLA Membership List and Street Directories.
- 16 The firm was then Crieie, Slater and Heelis. For many years after the death of William Crieie, the firm remained Slater & Heelis until 1856 when William Slater joined the firm to be followed in 1860 by Thomas Heelis and later by his brother James when the firm became Slater, Heelis & Co.
- 17 Whilst still in his teens, James Crossley contributed articles to *Blackwood Magazine*, including one entitled 'Literary Characters of Bishop Warburton and R. Johnson'. He was involved in the preparation of the *Quarterly Review*.
- 18 Stephen Heelis was Mayor of Salford in 1855-56 and again in 1856-57.
- 19 *Manchester Guardian*, 29 August 1871.
- 20 *Manchester Guardian*, 13 November 1899.
- 21 The Act authorised the division of the parish of Manchester into several parishes and the application of the revenues of the Collegiate and Parish Church for other purposes.
- 22 *Manchester Faces and Places* (1890).
- 23 Edward Herford was involved in the development and administration of the Ancoats Lyceum, he became President of the Manchester Statistical Society (1861-63) and was a prolific author on many topics. His appointment as Borough Coroner in 1849, an appointment he held in tandem with his office as Assistant Town Clerk, would bring him into sharp conflict with the Manchester Law Association. See V.R. Parrott *A Difference of Opinion: an example of professional disagreement within the lower branch of the legal profession at a critical time during its evolution in mid-nineteenth century Manchester*, University of Salford Occasional Paper in Politics and Contemporary History, No.25 (1990).
- 24 Manchester Borough Council Proceedings, 30 October 1843.
- 25 E. Herford, *Journal*, 1838-46, Manchester Reference Library Archives (hereafter M.R.L.) MS923.4H.32, 27 August 1839. The entries in Herford's *Journal* are not always dated. They are also peppered with his shorthand notes, some of which I have been able to transcribe.
- 26 Herford, *Journal*, undated entry.
- 27 *Dictionary of National Biography*, Vol. V, p.228.
- 28 The newly elected vice-presidents of the MLA were Thomas Higson and Stephen Heelis, the Treasurer Richard Whitlow and the Honorary Secretary Thomas Taylor: not surprisingly, all four men had been closely involved in setting up the Association.
- 29 This was an Association of several law societies formed through a mutual desire to protect the interests of the profession in the provinces and which chose Manchester for their headquarters and regular meetings.
- 30 R. Robson, *The Attorney in Eighteenth-Century England* (Cambridge 1959), p.52.
- 31 *Memoirs of William Hickey* (London, 1913), I, pp.331-2, also quoted in Robson, *Attorney*, p.159.
- 32 Herford, *Journal*, 1832-35.
- 33 Richard Baxter, a solicitor's clerk was appointed President and Secretary of the Law Students' Society in 1833.
- 34 A book containing records of the various debates of the Law Students' Society has been referred to in the Slater Heelis Bicentenary pamphlet. It was said to be located in the Manchester Law Library. Unfortunately the volume is now missing. Cross Street Unitarian Chapel have no records of this society.
- 35 Herford, *Journal*, 1 July 1833.
- 36 W.J. Reader, *Professional Men: The Rise of the Professional Classes in Nineteenth-Century England* (London, 1966), p.100.
- 37 M.L.A. Minute Book, 10 January 1845.
- 38 M.L.A. Minute Book, 7 January 1846. The minutes note that 'articled clerks of this town had formed themselves into a law students society ...'. It would seem therefore that this was a different and later society from that formed by Edward Herford and his friends.
- 39 R. Hilditch, Barrister at Law.
- 40 *Select Committee of the House of Commons on Legal Education*, PP Vol. X., 1846.
- 41 Provincial Law Societies Association (hereafter P.L.S.A.) Minute Book, 7 January 1846, concluding remarks.
- 42 P.L.S.A. Minute Book, 10 January 1845.
- 43 Unlike the PLSA the Provincial Medical Societies Association was not set up with the intention of regulating the activities of individual practitioners. For a detailed study of the Provincial Medical Societies Association see Paul Vaughan, *Doctors' Commons: A Short History of the British Medical Association*. A detailed comparative study of two professional groups is the subject of a current investigation by John Garrard and Vivienne Parrott, University of Salford.
- 44 V.R. Parrott, 'Pettyfogging to Respectability: A History of the Development of the Profession of Solicitor in the Manchester Area 1800-1914', (unpublished Ph.D. thesis, University of Salford, 1992), Chapter 5.1.
- 45 P.L.S.A. Minute Book, 3 April 1846.
- 46 P.L.S.A. Management Committee report of a deputation to London, 5 March 1847.
- 47 P.L.S.A. Minute Book, 12 January 1848.
- 48 P.L.S.A. Minute Book, 12 January 1848.
- 49 M.L.A. Minute Book, 12 December 1852.
- 50 Including the seminal work of H. Kirk, *Portrait of a Profession*, (London, 1976).
- 51 Parrott, Thesis, Chapter 3.2.
- 52 Information based on calculations made on the law Lists for 1844.
- 53 Abel, *Legal*, p.246.
- 54 Parrott, Thesis, Chapter 3.4.
- 55 D. Read *The English Provinces c.1760-1960* (London, 1964).