



“The Stuart Kings and Chester Corporation.”

BY HUGH T. DUTTON, M.A.

(*Read Monday, 18th March, 1929.*)



OUR ancient City of Chester has always prided itself on its loyalty to the Crown. I am about to relate the story of how that loyalty was sorely tried by four successive kings of England, and how it turned out proof against harsh and illegal treatment; how its loyalty did not always meet with due gratitude, and how the city showed that there were limits even to what the most loyal of cities can tolerate.

In the Middle Ages, the tyranny of the feudal aristocracy ran very largely unchecked outside the walled towns. The refuge of the oppressed commonalty at first lay, to a great extent, in the Church, which was everywhere, and, be it recorded to the honour of the Church, she was largely the friend of the poor and oppressed. The abbeys, with all their faults, were the mediæval substitute for the Poor Law, and time would fail to tell of the alleviation of the lot of the masses which was brought to them by the Church.

As the Middle Ages drew to a close, the power of the Church waned. The people grew, more and more, to look to the king as their protector. Time after time, it was only from the king's Red Judge that justice could be got in the counties, and only too often this was thwarted by juries of gentlemen nominated by aristocratic sheriffs. Trading communities had grown up in villages under the shade of a castle, a cathedral, or an abbey, had built themselves

walls and gates, and had then obtained from the king a Borough Charter of incorporation, freeing them, very often, by a *non intromittant* clause from the control of the county sheriff, who was frequently in the counties the only check the king had on the nobility.

It was a well-known doctrine of law that only the king could create a corporation, that is to say, a body of people who had existence as a body distinct from the individuals composing it, with power to sue, and be sued as a body. Every limited company to this day has in effect its charter of incorporation when it is registered, and it then is a body distinct from its shareholders. It has a common seal, and, therefore, a corporate existence.

The charters of kings conferred this corporate existence on the inhabitants of cities and towns, and the grant of such privileges was a very large source of revenue to the kings of England in the Middle Ages. From King John's charter of 1201 to that of George III in 1804, the city of Chester received, from the kings of England and the earls of Chester, no fewer than twenty-two charters, all of which are jealously preserved in dust-proof glass topped drawers in the muniment room of the Town Hall in a case underneath our priceless city plate. Many of these charters are only Charters of *Inspeximus* (meaning: "We have inspected") whereby various kings recited that they had inspected charters granted by earls of Chester or their own predecessors as kings, and confirmed the grant of the liberties therein enumerated to the citizens of Chester. Almost every king found it necessary to raise revenue from the city, either by a new grant of privileges, or by confirming the liberties previously granted. Mr. James Hall, in a most valuable paper read before this Society in 1910, enumerated and commented on the city charters down to 1688, and in Volume 18, p. 76, of our Society's Proceedings, there is a tabular list of the charters down to that date.

Let me now come to the year 1603. In March of that year, Queen Elizabeth of famous memory (as Oliver Crom-

well himself called her) passed away, and the union of the two kingdoms of England and Scotland under one crown though not as one kingdom, was brought about. James VI, King of Scotland, became James I, King of England, and with him, a new dynasty occupied the English throne. For some years, James had the old ministers of Elizabeth around him, but, before long, it became clear that he intended to bring about a system of personal government, such as the great Queen herself had, in the latter years, ceased to attempt in England, and such as the rising power of Parliament would not brook.

The Tudors had found in Parliament a very serviceable instrument, whether against the Church, the nobility, or the foreign enemies of the realm. If Henry VIII sought from his Parliament the lands of the Church, the heads of his wives or of his nobles, or the funds for carrying on foreign wars, he usually found Parliament willing to give him what he sought. Elizabeth also found her Parliament extremely docile, though towards the end of her reign they became so restive as regards taxes and monopolies that she wisely gave way.

Now, James I was called by Henry IV of France, "The wisest fool in Christendom."

He had come from a very turbulent northern kingdom, where his power, and even his person, were in frequent danger of violence. In England he was greeted with such enthusiasm that he may well have believed that all the power of the Tudors had been transmitted to him. Now, King James' acts were very ill omened. On his progress to London (at Nottingham, I think), he caused a pickpocket, who had robbed someone in the crowd which gathered to stare at the new king, to be hanged without trial. When he first met his Parliament, and the faithful Commons came thronging to the door of the House of Lords, Brian Tash, a gentleman at arms, slammed the door of the House in the face of the Borough Members. He had admitted the Speaker and the sword-girt Knights of the Shire into the Royal presence, but when the Borough Members were entering the

House, they were barred out with the remark, "Goodmen Burgesses, *you* come not here." Little things show tendencies, and a day was to come when the Goodmen Burgesses were to be the rulers of England. When twelve Members of Parliament came up to King James as a deputation from the House of Commons, His Majesty called out for chairs to be brought for them, crying out sarcastically, "Chairs ! chairs ! Here be twelve kings a-coming !"

His Majesty also came into very early conflict with the most powerful of all corporations, that of the City of London. He asked that great and wealthy corporation for a large loan which they declined to furnish. In great wrath, the king informed them that he had bought a fine estate at Theobalds in Hertfordshire, and that, if they would not do what he wished, he would remove the Court to his country palace, desert St. James's and Whitehall, and thus ruin the trade of London. The Lord Mayor bowed low. "It would," said he "be an inexpressible grief to your Majesty's loyal City of London to lose the sight of your royal countenance. Deeply would we lament the loss we should have from the removal of your Majesty's Court. But, we trust that your Majesty, even if you think it right to inflict on us these losses, will leave us the river Thames, on which our trade depends."

The first step which James I took to come into conflict with the citizens of Chester was trodden about a year after his accession. Queen Elizabeth, by a charter of 1574, had confirmed the liberties granted to the city by her grandfather Henry VII and all his predecessors, with certain additions, and one of these was that the city should be exonerated from suits *Quo Warranto* or, in other words, vexatious suits by the Crown to make the city dignitaries show "by what warrant" they exercised their offices. This was the first royal charter of new privileges, which no monarch had granted to Chester since the great charter of Henry VII in 1506. Henry VIII had granted a similar charter in the last year of his reign, merely as an appendix

to his father's charter, allowing the citizens to fill up vacancies in the office of mayor, if a mayor died during his term of office. Queen Bess had granted similar powers to the citizens in case a sheriff should so die. She decreed that the bye-election should be held in the Common Hall on the Friday after the death of a mayor or sheriff.

King James's charter of 1604 was an enormous document, but it added nothing whatever to the liberties of Chester. Edward Dutton (the Mayor) had to go to London to procure it. It was written on three large skins and very lavishly ornamented. The seal was six inches in diameter, and bore the Lion of England with the flag of St. George, the Unicorn of Scotland with the flag of St. Andrew, the Fleur de Lis of France, the Harp of Ireland, the Tudor Rose and the Shield of Scotland. But the heraldry rose to absurdity by adding to this coat of arms, also, the supposed arms of King Edward the Confessor, who never carried arms, and those of Cadwallader, the last king of the Britons, as a compliment to the King's Welsh subjects, who had been so troublesome to the city of Chester. This charter was witnessed by Thomas Egerton, Lord Ellesmere, and later Viscount Brackley, Lord Chancellor of England, who lies buried in Dodleston Church. He endorsed this charter with a receipt for £10, an enormous sum in those days, his own fees on the grant of this charter which left the citizens of Chester very much as they were so far as concerned the Crown.

Now, this charter expressly confirmed the privileges given by King Henry VII, and among them was the right of the citizens to elect a Recorder for themselves without interference by the Crown. Moreover, the Recorder must, according to King Henry VII's charter, be an alderman, and the citizens prized greatly this right of electing a judge who, sitting as assessor to the mayor in the Mayor's Court, had power of life and death within the city. What must have been their astonishment when they received, on 10th January, 1606, a royal letter, sealed "at Westminster," on

22nd November, 1605, nominating as Recorder of Chester, Hugh Mainwaring, Barrister of Gray's Inn? The delay in delivering this royal letter was caused by the fact that it was written while Chester still had a Recorder, Thomas Lawton (elected by the aldermen in 1601). The Royal letter nominating Hugh Mainwaring reached the city four days after the death of Thomas Lawton, and was obviously got ready in expectation of that event. By this letter the king required the mayor and aldermen to elect Hugh Mainwaring in these words: "Giving us thereby a testimony of your conformity to anything that is recommended from us to you." The following was the manly protest of Chester Corporation against this illegal demand of the King:—

"To the King's moste excellent Majestie."

"Most drede and most gracious Sovereign. In obedience of your Majesty's letters to us addressed dated 22nd November laste, but delivered firste the tennth of this instant January, for the electinge of Hughe Mainwaringe unto the office of Recorder, within this Citie which now is become void by the death of our late Recorder the vjth of this month. Wee the Maior, Aldermen and Counsell of the said citie, unto whom the election belongeth assembled ourselves together upon receipte of your Highness said letters. But forasmuch as by the said charter granted unto us by your noble progenitor Henrie VII of blessed Memorie and latelie confirmed by your Majesty, noe person is eligible to that office, except he be one of the xxiiij Aldermen, and none can be chosen an Alderman excepte he be first enfranchised and made a free citizen amongst us. Such the said Hugh Mainwaringe is not, nor ever came hither in person to desyre the same, but is a meere stranger to us and the state of this incorporation, for the observation of which Charter and all other liberties granted to this Citie we have taken our corporate oathes. Wee therefore your Majesty's most humble and loyall subjectes cannot without expresse breach of our oathes and infringinge of our liberties elect the said Hughe Mainwaringe to be our Recorder; of which our just excuse wee do most humbly beseeche your Majesty's gracious acceptacon. And that your Highness will be pleased of your accustomed grace and clemencie to vouchsafe unto us our free election and to give us leave to make choise of a man to that office who is capable thereof by our Charter, whereof at this tyme there are divers

amongst us whoe are already Aldermen of this Citie and such as have heretofore donne good service to this Corporation, and evrie waie fitt for the place both for their learninge in the lawes, their knowledge and experience of our orders and liberties, and their sinceritie in the true religion. And wee your Majesty's moste loyall subjectes accordinge to our most bounden dutiee doe and will always upon the Knees of our hartes praie to the Almightye God for the most happie and prosperous state of your most excellente Majesty longe to raigne over us."

King James I, to his honour be it recorded, gave way to this proper and respectful protest. Thomas Gammull, a citizen born, son of alderman Edward Gammull of Chester, was elected by the aldermen, and held that dignity until 1613. His successor was Edward Whitby, son of Robert Whitby, mayor of Chester. He was succeeded by Robert Brerewood, son of John Brerewood, sheriff of Chester, and educated at the King's School. He rose to the rank of Judge of the Common Pleas, and was succeeded by John Ratcliffe, son of an alderman, who held the office until 1662, when he was turned out by Charles II for refusal to take the oath enjoined by Act of Parliament. Thus, the citizens of Chester maintained their right to choose a Chester man as their Recorder, even getting rid, in 1651, of one, Richard Howarth, a Manchester lawyer, for no better reason than that he refused to live in Chester, and restoring Ratcliffe to his position. It ought to be a source of great satisfaction to us to see that, in Mr. Robert Mortimer Montgomery, K.C., we have again (as in Mr. Edward Honoratus Lloyd, K.C.) a Recorder born and educated in the city of Chester, and who does honour to the ancient King's School, where he was educated.

On 23rd August, 1617, James I visited the city in great state. The sheriffs, the sheriffs' peers (or ex-sheriffs) and common council of the city met him in the outskirts, everyone well mounted on horseback. The garrison of the city lined Foregate Street, and the City's Companies with their ensigns kept clear Eastgate Street as far as the Cross. The mayor and aldermen took their place on a platform, hung

about with green, and Recorder Whitby delivered a learned speech to the King. Edward Button, the mayor, presented him with a double gold cup with a cover wherein were a hundred gold coins (a most acceptable gift to the King). The city's sword on being delivered up to the King, was returned to the mayor, who then bore it before the King to the cathedral. Beside the city sword, there was carried the King's sword of state by the Earl of Derby, Chamberlain of the County of Chester. In the nave of the cathedral, an oration in Latin was made to the King by one of the scholars of the King's School, after which, the King went into the choir to hear an anthem sung. After prayers, King James went to the Pentice at the Cross, where he dined sumptuously at the expense of the City. He offered to confer knighthood on the mayor, Mr. Edward Button, who prudently declined the honour on account of poverty. The fees due on receiving knighthood were so considerable a source of revenue to the Crown that this refusal probably disappointed the King more than it did the citizens.

I must pass very lightly, for reasons of time, over the reign of Charles I: our lamented friend, Canon Morris, in his account of the Siege of Chester during the Civil War, has covered this ground so completely in the volume which our Society published in 1923. It is an enormous pity that he did not live to do justice to the Stuart period in Chester on the scale adopted in his monumental work on "Chester in the Plantagenet and Tudor Periods."

The Siege of Chester may be considered as beginning in 1643, but there had been mutterings of the storm before then. The leader of the Parliamentary party in Chester was Sir William Brereton, knight and baronet, who lived at Nun's Hall, which occupied what is now an open field facing the main gates of the castle. In 1636, Sir William Brereton was complained of by the magistrates to the Privy Council for protecting his tenant in refusing to pay the local tax of ship money. Worse than this, Sir William Brereton was not a freeman of Chester, and yet he had sent two sacks of oats

to be sold in the corn market, and refused to pay tolls thereon. Sir William Brereton was a thorn in the side of the Chester corporation. He had replied to the Privy Council that the oats in question grew in a piece of land known as "Le Geoffrey's halkes" which formerly belonged to Nuns of the Order of St. Mary, and he had the audacity to suggest that, as successor in title of the said Nuns, he was free from rates and taxes, as they had been by grants from mediæval kings. On 8th August, 1642, he caused a drum to be beaten at the Cross, endeavouring to raise recruits for the Parliament. The mayor, Thomas Cowper, behaved with great courage. He cut the drum to pieces with his sword, and arrested one of the Parliamentarians. The common bell was rung, and the citizens came out with their halberds and head pieces. The Parliamentary party were disarmed. Over the doorway of the Police Court in the Town Hall is a sculptured group showing Sir William Brereton brought before the judgment seat of the mayor. The corporation were thoroughly loyal, but they were very lenient with Sir William, and he was allowed to depart from the Pentice under a hedge of crossed halberds, bare-headed, "as if he had been thanking the citizens for so unaccustomed a favour." This is what comes to citizens who attempt to free themselves unjustly of the common burden of rates and taxes which others have to put up with.

The niggardly Sir William never forgot the question of his liability for rates. It was he who commanded the besieging army round the city, and Canon Morris's account of the siege shows him (immediately after the surrender of Chester) again putting forward his claim to exemption from rates and taxes, because, forsooth, he owned land which had once been ecclesiastical.

The city's loyalty to the king needs no proof. Charles I visited Chester on 23rd September, 1642, at the outset of the Civil War, and remained here five days; thence he proceeded to Wrexham, the mayor (Thomas Cowper) and aldermen escorting him to the city boundary on the Wrexham road

and presenting him with £200, and the Prince of Wales (described as "Our hopeful Earl of Chester") afterwards Charles II, with £100.

Thomas Cowper was one of the Cowper family of Overleigh Hall on Hough Green. His portrait in his scarlet gown, with a deep linen collar and black skullcap, hangs in the mayor's parlour to this day. In the portrait appears a gold medallion hanging from his neck, on which medallion there is an effigy of Charles I.

King Charles visited Chester again just before the disastrous battle on Rowton Heath in September, 1645. In 1642 he had lodged at the Bishop's Palace. This time, he only remained in Chester two nights, staying at Gamul Place, Lower Bridge Street. As the inscription on the Phoenix Tower tells us, he had the unhappiness of watching his last army defeated on Rowton Moor. Withdrawing from the Phoenix Tower to the Cathedral Tower, he had a very narrow escape from death, a captain being shot dead by his side by a bullet fired from the tower of St. John's Church, which was in the hands of the Parliamentary army. It is a strange coincidence that the king entered Chester first on 23rd September, 1642, and for the second, and last, time on 23rd September, 1645. Much had happened in those three years, and when the king left Chester and fled to Hawarden and Denbigh, he gave the mayor and corporation permission to surrender the city if he could not relieve them within eight or ten days. Nevertheless, the faithful city held out until 3rd February, 1646, when it was, as the treaty of surrender pathetically states, "Delivered to the said Sir William Brereton for the use of the King and Parliament."

It will be noted, therefore, that the city kept up a sad pretence (just as the Parliament itself did) that the Parliamentary army, and the Parliament itself, were loyal to the King who was merely bewitched by bad advisers, and that the Parliament were in arms by his legal authority against his misguided person. One unfortunate incident of the siege was the capture, by the Parliamentary army, of the sword

and mace of the city. The sword, which is that which we still see borne across the Town Hall Square to the cathedral on state occasions, was that given to the city by Henry VII in 1506, and which was borne before our present King at Caernarvon Castle at the Investiture of the Prince of Wales in 1910. The mace was not the present mace, but a smaller one. Both these ensigns of municipal dignity had been, unfortunately, stored in the house of a mayor who lived in Foregate Street. They were captured there and sent up to London as prizes. They remained there until the city fell, when they were sent back to be the ensigns of the Puritan corporation.

October, 1645, should be memorable in our city annals. By the charter of Henry VII, the mayor and sheriffs were to be chosen every October on the Friday after St. Dennis's Day. This year, as the panels with the names of the mayors, in Committee Room I of the town Hall still record :—

“ 1645.—No Election of City Officers this year.”

I wonder whether the citizens remembered the extraordinary coincidence that, in 1409, John Ewloe, mayor of Chester, was removed by King Henry IV, and replaced by a Sir William Brereton, governor of the City, and possibly an ancestor of the Puritan baronet who, after an interval of 237 years, was now the master of Chester.

Two years after the fall of Chester (in 1648), attempts were made in the north to restore the king's power, and the Puritan garrison of Chester had to put the fortifications, which had so long resisted them, into good repair. In August, 1648, Captain Oldham, Lieutenant Ashton, and several other Royalists, formed a plan to seize the city and castle for the king. The design was discovered, and the two officers were arrested and shot in the corn market. In July 1649, Colonel Robert Dukenfield was appointed governor of Chester, and the same year Charles, Prince of Wales (afterwards Charles II), was proclaimed a traitor at the Cross by the mayor, Richard Bradshaw. In 1655 sundry Cheshire gentlemen were imprisoned in the castle under the suspicion of being disaffected to Cromwell's government. In

November of that year Oliver and his Council resolved that the castle of Chester should be rendered untenable and the city wall pulled down from the Eastgate to the Newgate. This order was only partly carried out.

The Puritan corporation of Chester were now in favour with the Government, since the dethronement and death of Charles I. Previous kings of England had laid upon the city a fee farm rent, originally of £100, but gradually reduced in consideration of the city's poverty, and the silting up of the Dee, to £20. Certain trustees had been nominated by Act of Parliament to deal with the Royal revenues, and on 20th January, 1651, the Parliamentary Trustees renounced the fee farm rent, and also freed the city from certain tunnage taxes on wine, coal, iron, and other articles imported into the city.

Oliver Cromwell, Lord General of the Army of the Commonwealth, became Lord Protector in 1653. The only charter in English (except one of George III) which our city possesses, is one granted by the Lord Protector, dated 23rd June, 1658 (less than three months before his death) by which the great Protector gave the corporation the power to appoint the Master of the Hospital of Little St. John, outside the Northgate. As you know, Oliver did not like flattery in his portraits. He told Sir Peter Lely that he would not pay him sixpence if he left out any of the warts on his rugged face. His official engrosser of charters must have had very much the same directions. Oliver appears on this charter without flattery, and one can see that, even then, the great Protector was drawing towards the end of his courageous and valiant life.

The Lord Protector died in September, 1658, and the sceptre soon fell from the weak hands of his estimable son Richard, offensively known as "Tumble-down Dick." An attempt was made in July, 1659, by Sir George Booth and other Cheshire Royalists, who were, nevertheless, Presbyterians, to seize the city. They mustered on Rowton Heath, and published a declaration setting out that they were in arms for a free Parliament. They had already seized the

castle, and put Colonel Croxton in command. The Parliamentary General Lambert defeated Sir George Booth's army at Winnington Bridge, near Northwich, on the 16th of August. Lambert then marched on Chester, and the castle was surrendered by the Royalist garrison.

As a punishment for their alleged complicity in the rising, the Rump Parliament punished the citizens of Chester on 17th September, 1659, by an Act to dissolve the corporation of Chester, and enacted that it should no longer be a county of itself. But the Republic had not long to live. Charles II was restored to the throne in May, 1660, and all was, for a time, joy in the loyal city of Chester. The Bishopric having been vacant for many years (since the death of Bishop John Bridgeman) in December, 1660, the learned Brian Walton was made bishop, and was received by the trained bands of the city at the Bars. The mayor and corporation met him at the Eastgate, and escorted him to the cathedral, midst the acclamations of the people, expressing joy at the restoration of Episcopacy.

Charles II did not succeed to all the powers claimed, or even used, by his father. His revenue was less, and one of the first acts of the Restoration Parliament was to abolish the military tenure of land, whereby landowners were obliged to provide soldiers for the Royal army. In compensation for this loss, Parliament, after relieving the landowners of their obligations, conferred on the king a tax on beer, thus shuffling off a liability from the shoulders of the landed classes on to those of the whole community. The city of Chester, like all other corporations, had to be disciplined by one of the Acts of the Clarendon Code, known as the "Corporation Act." It was provided that no one could be a member or officer of the corporation unless he received the sacrament according to the ritual of the Church of England. This made a clean sweep of the Puritan members of the corporation. Even if they were willing to become Occasional Conformists, they found themselves unable to take an oath affirming the Royal power to be such that it was never lawful to resist it, and particularly condemning the

Solemn League and Covenant into which so many Puritans had entered. Even these tests were not sufficient to satisfy the king's anxiety to have a completely Royalist corporation. In 1664, a Commission of Regulators (a peer and three baronets) was sent down to Chester to purge out any remaining Commonwealth men from the council. After they had concluded their labours, Charles granted the city a new charter dated 6th June, 1664. This charter is written in Latin, and includes about six thousand words. The borders are decorated with scrolls, cherubs, heraldic animals and the Royal Arms. Within the initial "C" is a fine portrait of the King. The city again paid £10 to the King for this charter, but there is no impress of the Great Seal, although a cord of red and white silk is still hanging from the parchment. You will see later why the seal has disappeared.

The Stuarts seldom kept their word when it would pay them better to break it. I would draw your attention again to the fact that Queen Elizabeth had freed the citizens of Chester from any danger of *Quo Warranto* proceedings. Let me read you the very words of Queen Bess's charter :—

" And also of our more abundant grace, etc., we have pardoned, remitted, forgiven, and quit-claimed to the Mayor and citizens of the said City or any one or more of them by what name or names heretofore called or named, &c, all actions of every kind whatsoever, or suits of quo warranto presented by us for us, or in our names, against the Mayor and citizens, as also all and singular other abuses, non-use or forfeitures, usurpations and unjust claims whatsoever of liberties, franchises, jurisdictions, pre-eminence, lands, tenements, and hereditaments whatsoever committed, claimed, made, used, before this present day by the Mayor and citizens, by all or any of them, by whatever name or names, under pretence of what incorporation or incorporations soever, as also all and every fine, amercement, and penalties of money, or other forfeits, by means of usurping, not using, or unjustly claiming liberties, franchises, jurisdiction, or hereditaments within the city aforesaid. And that they and every of them in this present day be and shall be freed and exonerated towards us, it not being our will that the said Mayor by reason of the premises, &c., be henceforth troubled, molested or vexed in any thing either by us or our heirs, or our Justices, Escheators, Sheriffs or other Bailiffs or Officers."

Charles II, in 1664, for good and valuable consideration, confirmed his grandfather's charter, and Queen Elizabeth's charter, and it was to be hoped that the city would hear no more of *Quo Warranto* and attempts to forfeit the charter.

Yet, a year and a half before his death, Charles II caused his Attorney General to file a *Quo Warranto* Information against the city, and to charge the corporation with having forfeited their very existence by a misuse of their privileges. This Royal Defender of the Faith had made similar attempts at Carlisle, at Worcester, at Lincoln and elsewhere, and the Judges of Assizes, notably Sir George Jeffreys, Lord Chief Justice, had made efforts to compel various cities and boroughs to surrender their charters in the same way. Judge Jeffreys came from Acton, near Wrexham, and he had already been Chief Justice of Cheshire. He had been so bad a judge that Sir Henry Booth, M.P. for Cheshire, had complained to the House of Commons that the dearest interests of the men of Cheshire were at the mercy of a drunken buffoon. Jeffreys never forgave this.

The Writ of *Quo Warranto*, in defiance of the king's own charter, was brought down to Chester and served on the corporation. William Street, brewer, who had been mayor in 1666, was now serving his second year. The sheriffs were John Wilme, merchant, and Peter Bennett, grocer (both Royalists). Great was the dismay in the city, and 600 freemen signed a document, called an Association, pledging themselves to defend the liberties of the city in every legal way possible. The mayor, aldermen and council met to consider whether an appearance should be entered to the Writ. The meeting was held on 28th February, 1684, and William Street, who ought ever to be held in honour by Cestrians, advocated that the action should be defended. But, the majority of the aldermen and council were only too well aware that they had, by various wrong acts, misused the liberties granted to them by kings of England. The meeting was tumultuous, but it became clear to the mayor that the majority of the

aldermen were in favour of letting the action go by default. He broke up the meeting without question put, and retired from the Commonhall with his sword and mace. But the Tory aldermen who remained in the hall, in an illegal way, passed a resolution that no defence should be made to the action. The common seal of the city was kept in a locked chest with twenty-four locks, each alderman having a key. The Tory aldermen refused to lend their keys to the mayor, and he was, therefore, unable to send up to London a Notice of Appearance with the common seal of the city appended thereto. Brave William Street, however, sent up an Appearance sealed with the mayoral seal only.

In the autumn of 1684 this Appearance was rejected as informal, and the Court of King's Bench, presided over by Chief Justice Jeffreys, entered a judgment declaring that the liberties of the city of Chester were forfeited, that there was an end of all their franchises and privileges, and that the corporation was nullified and dissolved and ceased to exist. In the forcible words used in 1788 by Mr. Bearcroft, counsel for the corporation in a trial to which I shall hereafter refer, "There was a total end of the corporation of Chester. There was no mayor, aldermen or freemen, there was not a corporation or corporator existing, the Writ of seizure of liberties and franchises was issued, the effect of the Judgment was that the corporation of Chester was no more."

I must now refer to the politics of the city and its Parliamentary Members.

The two Members of Parliament for the city were elected by the freemen and the aldermen as one joint body. There had been an election in 1661, and this Parliament had sat till 1679, but both the Members for Chester had died in the interval. At a bye-election William Williams, Esquire, Recorder of Chester and Squire of Wynnstay, a Whig, was defeated by Colonel Robert Werden, Gentleman of the Bed Chamber to the Duke of York, a Tory. The election had been very stormy, and eight men had been killed in the crowd at the foot of the stairs to the Town Hall. The

sheriffs had been obliged to adjourn the Poll to the Roodee, but the other Member for Chester dying not long after, Recorder Williams, who was described by some as "a very acute young gentleman," was elected. Owing to the tumults at this election, it was in 1679 agreed that Recorder Williams should be re-elected in company with Sir Thomas Grosvenor, of Eaton Hall, who was a staunch Tory. But at an election in 1681, Sir Thomas Grosvenor, the first of the family to sit for Chester, lost his seat, and Colonel Roger Whitley, a Whig, was elected in his stead. Recorder Williams had had his troubles. He had, for a few months, been Speaker of the House of Commons. In the Vestibule of the Town Hall you may see a very good portrait of him seated in the chair of the House of Commons in his gold-laced robes. By order of the House he had, in the days of the Popish Plot, officially published the narrative of a Protestant spy named Robert Dangerfield. Although this narrative was published by Parliamentary authority, the Earl of Peterborough, who was libelled in it, sued the Speaker for damages. Moreover, Mr. Speaker Williams was prosecuted in the King's Bench. He pleaded the privileges of Parliament in vain. He was convicted and sentenced to a fine of £10,000. Part of this he paid, for the rest he gave a bond. Lord Peterborough's action drove him to extremities. As Lord Macaulay says (if I may leap on for a moment to 1688) "A way to escape presented itself. To a man of strong principles or high spirit, it would have been more dreadful than beggary, imprisonment, or death. He might sell himself to the government of which he had been the enemy and victim. He could join in the assault on those liberties and on that religion for which he had professed enormous zeal." From a thorough going Whig, the Recorder of Chester became an equally violent Tory, and as Solicitor General he served all the tyrannical purposes of James II until the time came when, in Westminster Hall, he stood up as one of the prosecutors of the Seven Bishops.

The Members for Chester, therefore, in 1681, were staunch Whigs. If the king could get a corporation to his mind, he would, no doubt, be able to replace them by Tories, and this became his object, but the city of Chester was still without a charter and without a corporation. As there were no aldermen or freemen, there was no body which could elect Members of Parliament. This defect, the king's advisers saw, must be supplied. In January, 1685, steps were taken in London by Sir Thomas Grosvenor to have the city re-incorporated. Colonel Werden, also a Tory ex-M.P. for the city, joined him in this effort. Sir Thomas Grosvenor was extremely busy in London, and even paid the expenses of getting a new charter drawn up, and drafted by the Attorney General, the Surveyor General and other subordinate authorities.

On 4th February, 1685, Charles II by Letters Patent, dated at Westminster, granted to the citizens of Chester an entirely new charter. This charter is written on seven sheets of parchment, and contains more than eight thousand words. The initial "C," contains a coloured portrait of the King, and the borders of the parchment are elaborately ornamented. The Great Seal is not now on it, though it has two pendent cords of brown and green silk. It bears an endorsement "Guildford C.S." (standing for Lord Guildford, Keeper of the Great Seal) as a receipt for the fine of £6 13s. 4d. paid into the Royal Treasury chest. By this charter, the King nominated Sir Thomas Grosvenor as mayor of Chester. He gave him power to appoint a deputy mayor, and reserved to the Crown power to remove all the officers nominated in the charter or thereafter to be elected. The charter decreed that the corporation should henceforward elect aldermen, councilmen and officers, and that the main body of freemen should have nothing to say in the election.

Charles was also graciously pleased to declare that Colonel Roger Whitley, Thomas Whitley, John Mainwaring, George Booth, William Street, George Mainwaring, Michael Johnson and William Williams, the Recorder, should not be

considered as citizens of Chester at all. It was an honour to all these citizens (except perhaps the weathercock Recorder) that the King should point them out by name. Because they had been opposed to his tyrannical measures, he solemnly declared that he incorporated as citizens the inhabitants of Chester, with the exception of these eight gentlemen. Let me say something here about two of the gentlemen whom the King so honoured. Colonel Roger Whitley had fought for the King's father (Charles I of unhappy memory) and was now fighting with equal zeal for the liberties of Chester. In 1680 he presented to the city a silver ewer. It is interesting to record that, by resolution of the council, this ewer was, every three months, taken out of the city plate chest to be used at the communion service at the little church of St. John without the Northgate.

Thomas Whitley, his brother, another whom the King excluded, in the same year presented the city with a very fine flagon on taking up his freedom.

Lastly, Sir Thomas Grosvenor presented a flagon to the city in 1677, on being elected an alderman at the age of 21. It is, therefore, important to remember that Sir Thomas Grosvenor became Member for Chester at the age of 25, and was only 29 at the time when he procured the forfeiture of the old charter and the grant of the new one making him mayor.

This charter was sealed on Wednesday, 4th February, 1685. It does not bear the King's signature, and the reason for this is clear. He had scarcely risen from his bed on Monday, 2nd February, when his attendants saw that his utterance was indistinct, and that his thoughts were wandering. Several noblemen had, as usual, come to see their sovereign shaved and dressed. He tried to converse with them in his usual gay manner, but his ghastly look surprised and alarmed them. His face grew black; his eyes turned in his head; he uttered a cry, staggered and fell into the arms of Lord Bruce. A doctor happened to be present. He had no lancet, but he opened a vein in the King's arm with a penknife. The blood flowed freely, but Charles was still

insensible. All was alarm, and the gates of Whitehall were closed. They ordinarily stood open to all comers, but people whose faces were known were still permitted to enter. Even the sick room was crowded with peers, privy councillors and ministers. All the medical men in London were summoned, including actually several Whigs and one Roman Catholic, Dr. Thomas Short. Several of their prescriptions are preserved. One of them is signed by fourteen doctors. The King was bled, a hot iron placed on his head, and medicine forced into his mouth. He recovered his senses, but he was evidently very ill.

On Wednesday, 4th February, the charter of the City of Chester was sealed, and next day (Thursday) *The London Gazette* announced that the King was going on well, and the physicians thought him out of danger. The church bells were rung merrily, and bonfires were built. The same evening, a relapse took place, and Charles knew that he was dying. He was privately received into the Roman Catholic Church, and the last sacrament administered to him. On the morning of Friday, 6th February, the Merry Monarch passed away, apologising for being an unconscionable time in dying, and all London gave itself up to sincere, though ill deserved, mourning for the profligate and good tempered King. In the Lord Chancellor's office there lay a brand new charter for the City of Chester.

One of the first acts of James II on his accession, was to issue Writs for a new Parliament. No election had ever taken place under circumstances so favourable to the Court. As Macaulay says, "Hundreds of thousands whom the Popish plot had scared into Whiggism had been scared back by the Rye House Plot into Toryism." In the counties, the Government could depend upon an overwhelming majority of the country gentlemen, and on the clergy almost to a man. The boroughs which had once been the citadels of Whiggism, had lately been deprived of their charters by legal sentence, or had anticipated the legal sentence by surrender. They had now been reconstituted in such a manner that they were certain to return members

devoted to the Crown. Where the townsmen could not be trusted, the freedom of the borough had been bestowed on the neighbouring squires. In some of the small corporations in Cornwall and the west, Charles had, in his charters, nominated the captains and lieutenants of the Life Guards as mayors and aldermen.

What happened in Chester? On 6th March, 1685, the charter granted by the dead King was brought down to the city. The city had now been without a charter or corporation for thirteen months, and it is not surprising that a charter of any kind was received by the citizens with enthusiasm, on the principle that half a loaf was better than no bread. A manuscript account in the Egerton MSS. at Oulton gives this account of the reception of the Charter:—

“ Chester, March 7th, 1685.

“ Yesterday was brought hither, the new charter his majesty hath been graciously pleased to grant unto this city, by Sir Thomas Grosvenor, our present Mayor, accompanied with the high sheriff, our governor, Sir Philip Egerton, and a great many other gentlemen of the county. At their entrance into the liberties they were met by the justices, the aldermen, and common-council in their formalities, the militia, being in arms, and the twenty-four companies of tradesmen, making a guard from the Bars-gate to the Eastgate, and the battalion in garrison here, making a guard from the East-gate to Milk-stoops. Being come to Guildhall, amidst the loud and repeated acclamations of the people, the charter was read, and the Mayor having made a very loyal speech, which met with general applause, satisfaction, and thanks of the assembly, he and the rest of the officers were sworn; which done, the Mayor came to the Cross, drank the king's health and ordered the conduit to run with wine, and afterwards treated the whole company very splendidly, the great guns firing from the castle, with vollies of small shot, the music playing, and bells ringing, with all other demonstrations of an universal joy.”

This enthusiasm was rather early. Unless the citizens of Chester have changed greatly in recent years, great enthusiasm would still be caused by a fountain in the streets providing free wine for all and sundry, and the ringing of church bells and the firing of the guns at the Castle proves nothing.

This voluminous charter of Charles II had cost, in fees in London, no less than £251, of which £22 were the charges of Mr. John Keggio, the attorney employed by Sir Thomas Grosvenor, to get the old charter forfeited. The mere engrossing of the charter, with all its lavish ornament, had cost £30, and Colonel Werden had subscribed £20 towards it in the hope that he would regain his Parliamentary seat. Sir Thomas Grosvenor had paid £222. Mr. Keggio submitted his bill to the Council with this pathetic note:—

“ This Charter was passed at half fees, and cheaper than any yet hath been passed by the interest of Sir Thomas Grosvenor ; which otherwise could not have been : he attending with me personally at all the offices. For my own pains in prosecuting the Quo Warranto, and gaining this Charter I have not charged anything, but I humbly submit the same to the grave consideration of this honourable City.”

(Signed) JOHN KEGGIE.

1685—Feb. 24.

It is not often that a solicitor sends in his bill with such a submissive postscript as this. The details of his bill are printed in volume 18 of our Society's proceedings, pp. 69-72. £21 was voted him by the corporation. The election of Members of Parliament (one of the very few privileges left by the charter to the general body of freemen) took place soon after its arrival. Need I tell you that neither Recorder Williams, nor Colonel Roger Whitley (the outgoing Members) presented himself? Sir Thomas Grosvenor and Colonel Werden were elected unopposed, for no freeman dared nominate a Whig, and make himself a marked man at once. In the county there was a contest. The Whigs polled about 1,700 votes, the Tories (Sir Philip Egerton of Oulton Hall, governor of Chester, and Thomas Cholmondeley of Vale Royal) polled about 2,000 votes. Macaulay tells us that the common people of Chester were vehement on the Whig side ; raised the cry of “ Down with the bishops,” insulted the clergy in the streets ; broke the windows and beat the constables. The militia was called out to quell the riot, and was kept assembled in order to pro-

fect the festivities at the close of the poll." When it became known that Cheshire had followed the example of the city in electing two Tories, a salute of five great guns from the castle proclaimed the triumph of the Church and the Crown. The cathedral bells rang, and the newly elected members went in state to the Cross with a band of music, and a long train of knights and squires. The procession as it marched sang "Joy to great Cæsar," a loyal ode. Round the Cross, the trained bands, or city militia, were drawn up in order; a bonfire was lighted; and the health of King James was drunk with loud acclamations. Next day was Sunday. The militia lined the streets leading to the cathedral. The knights of the shire were escorted to the choir by the magistrates of the city, headed by Sir Thomas Grosvenor, now mayor and M.P., and the dean (Dr. James Arderne) preached a loyal sermon. Sir Thomas Grosvenor afterwards entertained his fellow members at a banquet in the Town Hall.

But Sir Thomas, our mayor and Member of Parliament, was like Mr. Gilpin in the ballad: "though on pleasure he was bent, he had a frugal mind." He had put down £222 0s. 8d. towards the expenses of the new charter. He had no intention of making a present of this to the city, and one of the first acts of the new corporation was to resolve that he should be reimbursed his expenses. It was put very delicately in the form of an order to the city Treasurer to pay this sum into the hands of the mayor "to be, by him, paid over where it ought." In other words, Sir Thomas Grosvenor, mayor, was to re-imburse Sir Thomas Grosvenor, M.P. The expenses of former charters had been met by a rate levied on the citizens. It would have been dangerous to attempt this in Chester at this juncture. Some of the city plate was sold, money was raised on mortgage of the city lands, and all the new aldermen were called upon to pay £2, and the new councillors £1 each, to buy new plate in the place of the old plate sacrificed. Over the Council Chamber door was set up a wooden board

giving an account of the bringing down of the new charter, and saying it was "To the general satisfaction of all good men."

Sir Thomas Grosvenor was a Tory, but he was also a good Churchman. Therefore his loyalty had its limits. One of the first acts of James II, when his thoroughly Tory Parliament assembled, was to attempt to get all restrictions on the civil rights of Roman Catholics removed, while leaving in full force the restrictions on Nonconformists. The King offered Sir Thomas Grosvenor a peerage if he would support this proposal. The member for Chester respectfully declined the title, and the king thereupon deprived him of the colonelcy which he held in the army.

The King in 1687 realised that his popularity, so great at his accession, was waning. He resolved to make a royal progress through England. On 27th August, he arrived in Chester about four in the afternoon. Thomas Cartwright, the bishop, was an unscrupulous instrument of the King. He met him at the palace gates attended by the dean and prebends, and by about 40 of the clergy. Dean Arderne made what the bishop calls "an excellent speech" to the King, who visited the choir, and then went to view the castle. Next day, in the cathedral choir, he performed the ceremony of touching 350 sick people for the supposed removal of scrofula, known as "The king's evil." It being Sunday he heard mass at the castle.

That afternoon, the King dined with the bishop, and interviewed the Mayor and Recorder of Wigan, whom he recommended to re-elect to Parliament their former members, no doubt good Tories. The Mayors of Preston and Lancaster also came to the palace and received advice from the King. He attended vespers at the castle.

On Monday, James was up early in the morning, and the bishop, the Viceroy of Ireland, Lord Feversham, and Lord Churchill (afterwards the great Duke of Marlborough) drank coffee with him in the courtly prelate's study. At half-past-six, he mounted his horse, and rode to

Holywell, where, also, he touched hundreds of scrofulous people. In the evening, he returned to Chester, and had a private interview with the bishop, to whom he promised instructions on the best method to serve him.

On Tuesday, the King had mass said in the bishop's palace, and then accompanied him to the cathedral where he touched 450 more victims of scrofula. Thence, he went to the Pentice at the Cross, where the corporation provided breakfast. Cartwright notes (carefully in shorthand) the King's latest meddling with the Corporation. The King said that he had given a severe reprimand to the governor of the castle for not getting the Corporation to pass an address of thanks to him for his proposals to grant liberty to the Roman Catholics. The governor knew, only too well, the spirit of the council, and had "said it would not pass," to which the King replied, "let me know what alderman opposed, and I will turn him out." His Majesty then requested the bishop to find out a parish church or chapel which could be handed over to the Roman Catholics, and to inform Lord Sunderland, who drove in the bishop's coach as far as Whitchurch. Next day, the industrious bishop carried out the King's order, and sent for the Recorder and others to choose a convenient place "in the castle or elsewhere for the Roman Catholics' devotions." The bishop's interference with the council did not end here. In September following, we find him recommending to the King four gentlemen as Deputy Lieutenants for the city (the Governor, the Recorder, Alderman Wilme, and Alderman Wilson) along with a number of county gentlemen for a similar dignity in the county, with the significant addition "Colonel Whitley, if they thought fit to make use of him."

What of the Nonconformists of Chester? Matthew Henry, a name ever to be held in honour in Chester, was living at the old house which still overhangs White Friars. He and another minister named Harvey, and the heads of their congregations, presented to the King an address of

thanks for his kind intentions towards them. This document was read to the King at the Palace, and ran as follows :—

“ To the king’s most excellent majesty.

“ The humble and thankful address of divers of your majesty’s subjects commonly called dissenters in and about the City of Chester.

“ Most gracious sovereign,

We, your Majesty’s peaceable and loyal subjects, enjoying our comfortable share with others, in the present ease, quiet, and liberty, granted by your late royal declaration (which assures us of your Majesty’s gracious and generous inclinations and resolutions, not to impose upon the consciences of any in matters of religion) do, for ourselves, and on behalf of many others of our own persuasion, present unto your Majesty our most humble and hearty thanks, which we desire to do in such a manner as may best express our grateful resentments of such a great and princely favour ; and, being not only obliged by the bands of our natural allegiance, to live peaceably under your government, but likewise from a principle of love and gratitude to serve your Majesty, to the utmost of our capacities, in all instances of duty and loyalty, We do faithfully promise, that (by God’s help) we shall always, in all things, demean ourselves with all due loyalty and subjection, and, as occasion shall be offered us, confirm the sincerity of our promises by the readiness and agreeableness of our actions and practices.”

James told the Nonconformists that he wished they had a Magna Charta for their liberty, but (says Matthew Henry in his diary) “ we did *not* promise to assist in taking away the tests, but only to live quiet and peaceable lives.” Compare this careful address with the grovelling speech with which the new Recorder of Chester, Richard Leving, had received the King. The Recorder told him “ This corporation is your majesty’s creature, and depends on the will of its creator ; the sole intimation of your majesty’s pleasure shall have with us the force of a fundamental law.”

James, in 1688, made a desperate attack on the Chester corporation, and resolved to remodel it. Tories as they were, they were not sufficiently pliant for the tyrant, and he sent down to Chester, Serjeant

Trinder, a Roman Catholic, who had been one of the counsel against the Seven Bishops. He waited upon Matthew Henry, and told him that the King thought the government of the city needed reformation, and (says Matthew Henry) "if I should say who should be put out, and who put in their places, it should be done: I told him I begged his pardon, that was none of my business. Nor would I in the least intermeddle in a thing of that nature."

It is worthy of record that John Bunyan was similarly invited to re-model Bedford Corporation, and also declined the crafty proposal.

We now come to the national events of October, 1688. On the 19th of October, William, Prince of Orange, put to sea. His fleet was scattered by a storm, but within a few days he resumed his voyage, and on 1st November, he was hastening down the Channel towards the coast of England. Meanwhile, King James was making a death-bed repentance. On 15th September, he granted to the city of Chester another royal charter. It consists of seven large sheets of vellum of the poorest quality, as stiff and heavy as card-board. It contains 415 lines and 11,000 Latin words. It has an excellent portrait of the King within the initial, and on the endorsement can be seen the signature of the Lord Chancellor, Judge Jeffreys, acknowledging the receipt of his fee. Only a little of the seal is left, attached by a brown and white silk cord. This charter is a last effort to conciliate the Nonconformists. It nominates many of them to the council, and even the crier, or hall keeper, is appointed by the King. This charter was rejected by the Nonconformists, who, on Matthew Henry's advice refused to become members of a council for which they were not qualified by law. Desperate at the news that William of Orange was on the sea, James sent down to Chester a Pardon, dated 26th October, 1688. This document is still in the city archives. It shows the King with flowing wig, lace collar, tie, chain, and depending jewel. By it, the King cancels the judgment obtained against the city in the last year of Charles II, and restores to the citizens all

their liberties, even those granted by Henry VII, including the right of the citizens to choose their own councillors, not having them co-opted. William Street was restored to his office as mayor, and all those Churchmen who had been turned out by Charles II were reinstated.

It was too late for King James. William of Orange landed at Torbay on the 5th of November, his own birthday. James fled from London on the 11th of December, and later from the country. Writs were issued for a General Election, and the representatives of Chester in the National Convention (which turned itself into a Parliament) were Colonel Roger Whitley and Alderman George Mainwaring, strong Whigs both of them, and, Mainwaring, I believe, a Nonconformist friend of Matthew Henry.

Perhaps, I ought to draw to a close with the dethronement of James II, but William III was a Stuart on the mother's side, and his wife, Queen Mary, was also a Stuart. Let me, therefore, briefly tell you what happened to the corporation of Chester under William III.

In 1692 Roger Whitley became mayor for four successive years. Colonel Whitley restored to the citizens, under the charter of James II, the right to elect the council annually. His successor, Peter Bennett, was a Tory, who desired to revert to the system of co-optation. Colonel Whitley went to Peter Bennett and threatened him with the consequences of a breach of the law. "With his knees knocking together," as was afterwards said, Peter Bennett complied, and the citizens elected the council as before. But, evil days were to come.

In 1698, the old Town Hall, some traces of which you may see in the sides of the Music Hall, was declared unfit for Chester. The new Exchange, a commodious building, opposite the bishop's palace, was built, and the elections were held there instead of the old Town Hall, on 14th October, 1698. Unfortunately, the first use made of the new building, was to restore the old abuses; and co-optation was at once put into force.

This system was next called in question again in 1735. George Johnson, the mayor, was brought before the King's Bench, with ten aldermen and 18 councillors, and charged with usurping the privilege of electing aldermen, which properly belonged to the commonalty. He defended the charge on the ground that, although the city had a charter from Henry VII, with free election provided for, there was a bye-law of 20th April, 1519, transferring the right of election to the council itself. The lawsuit lasted for three years, but a Cheshire jury in 1735 held that the charter of Charles II in 1664 had never been accepted, and that co-optation must prevail. For fifty years there was peace on this question, and the city Corporation, as might be expected, grew more and more corrupt. But, in 1786, a public spirited citizen named Ralph Eddowes, brought the Corporation of Chester again before the Courts. He took proceedings against Thomas Amery, alderman, and John Monk (printer of the *Courant*) a councillor, to make them show *Quo Warranto* (by what warrant) they held their offices, having only been elected by the council, and not by the freemen. It was impossible to get an impartial jury in Chester, or even in the county. The case came before Sir Thomas Eyre, a baron of the Exchequer, and a Shropshire jury, at Shrewsbury Assizes, on 8th August, 1786. The Recorder of London (Serjeant Adair) was among the counsel who attacked the system of co-optation. He had three juniors, and five barristers appeared for the defendants, on the instructions of the Town Clerk. The court heard the evidence very patiently. The old charters were brought out, and the circumstances of their being granted were investigated. After a summing up by Baron Eyre, the foreman of the Shropshire jury returned the laconic verdict: "My Lord, we find the charter of Charles II to be bad."

Was the self chosen Corporation to be defeated? Not at all. In November, 1786, they applied for a new trial, accusing Baron Eyre (who was now Lord Chief Baron of the Exchequer) of misdirecting the jury. In November,

1786, Mr. Justice Ashurst, and Mr. Justice Buller granted a motion for a new trial, and the whole process had to be gone through again. Again a jury was empanelled at Shrewsbury, and the judge was Sir Nash Grose, a justice of the King's Bench. An interesting piece of evidence was produced in a resolution of the corporation (passed when Colonel Roger Whitley was Mayor) that the board set up in the Town Hall recording the grant of Charles II's charter be taken down and destroyed as containing "false and scandalous matter," inasmuch as it claimed that the charter was granted "to the satisfaction of all good men." This time, the Shropshire jury found in favour of the Corporation.

Mr. Eddowes and his friends were not beaten. The case was argued again in the King's Bench in London, and judgment given for the Corporation, in spite of an eloquent argument from Thomas Erskine, afterwards Lord Chancellor. Ralph Eddowes was ordered to pay £2,000 costs to the corporation, a bright reward for all his public spirit. In despair, he appealed to the House of Lords. The appeal came before that high tribunal in 1790. The House referred certain questions to the judges, and their opinion was given by Lord Chief Baron Eyre. He referred most emphatically to the charter of James II, and pointed out that it was drawn by Sir William Williams, who had been Recorder of Chester. The opinion of the judges (accepted by the lords) was clear that the charter of Charles II was bad, and that of James II, restoring the city's liberties, was good.

The corporation now set up that the charter of Henry VII was itself bad, and that by the long custom of Chester, aldermen and councillors must be elected as before. Weary of the struggle, Mr. Ralph Eddowes wrote to Mr. Bower, the Recorder. His letter concluded :

"As to the part I have taken in the late cause, though a principle of honour and love to my country determined me not to abandon after having once undertaken it, yet prudential reasons absolutely forbid me to place myself again in such a situation. The Corporation (said he) may resemble the Head of

Hydra or the stable of Augeas, but I am no Hercules; nor do I find myself disposed to undertake the labour of delivering the public from all its baneful and loathsome effects."

Mr. Eddowes' friends would spend no more money on the contest, and there was no more litigation.

In 1835, Parliament effected a revolution in every borough in the country. All the old corporations were dissolved, with an exception in the case of the city of London. The city of Chester was divided into five wards, and thirty councillors were elected by the ratepayers, whether freemen or not. This body chose ten aldermen, and the full council met for the first time on 1st January, 1836.

The ghosts of the Stuart kings have now ceased to trouble the city of Chester. May her sons and daughters ever prize the liberties their ancestors won, and hold in reverence the memory of the civic fathers of a bygone age, who won for us the freedom we now possess.

