

X.—THE UNREFORMED BOROUGH OF GATESHEAD

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One of the fascinations of the study of local history is the discovery of little-known local variations upon well-known general or national trends. My purpose is to present a general picture of the way in which Gateshead's affairs were run in the last thirty years and more prior to that great milestone in the history of English local government, the Municipal Corporations Act of 1835. Upon this Act our present pattern of urban local government is based. In Gateshead the numbers of aldermen and councillors have twice been increased. The local voters are now almost all persons over 21 and no longer only those who pay rates. The borough boundaries are now somewhat wider. But when all is considered, the 1835 Act marked a revolutionary administrative change. This will become apparent the further the pre-1835 system, or lack of it, is analysed.

This paper excludes questions concerning relationships with Newcastle upon Tyne and also detailed description of the vast social and economic changes in the locality. It is primarily a study in local administration, though this itself, of course, casts light on social conditions, e.g. through the poor law. However as an essential introduction a basic social and economic description must be attempted.

Gateshead's population was about 3,000 in the reign of Elizabeth I. The rapid growth of an ugly industrial boom town is revealed by the first five censuses:

<i>Year</i>	<i>Population</i>	<i>Decennial Increase</i>
1801	8,597	
1811	8,782	+ 185
1821	11,767	+2,985
1831	15,177	+3,410
1841	19,843	+4,666

The population reached its maximum in the 1921 census, around one-eighth of a million, and thereafter declined.

Around 1830 there was only scattered housing south of Jackson Street (then called Jackson's Chare) and the little old town—Pipewellgate, Bottle Bank, High Street and around St. Mary's—huddled close to the river. Oakwellgate and West Street were "new". The boundaries of parish and borough were recognized as identical by the Commission of inquiry of 1833. Within them most of the land was, as yet, either fields and "big houses" e.g. the Jane Austen type of life was lived in Redheugh, Field House, Saltwellside and Deckham Hall; or consisted of common land, including pits,—common, that is, until the local Enclosure Acts of 1809, concerning Gateshead Fell, and of 1814, concerning the "town fields" but excluding the Windmill Hills. The smallness of the community (even allowing for inflation) may be gauged from the fact that for poor rate purposes the total rateable value was £15,000 in 1825, whereas today (1965) it is nearly £3¼ millions.

There was a confusion of the four basic units of local government, all Anglo-Saxon in origin.

First, the ecclesiastical unit, the parish within the bishopric. The Bishop of Durham, until the abolition of most of his palatinate powers in 1836, had both spiritual and secular functions and was represented by his Bailiff, the first known appointment to that office being in 1287 and the last in 1681, after which increasing civil duties were gradually assumed by the Rector and the self-co-opting Ancient Four and Twenty, who levied the church rate (for upkeep of the church fabric) until 1868. This Ancient Vestry was supplemented by General Vestry meetings of ratepayers, who since 1601 had paid the poor rate.

The second local government unit was the feudal unit, i.e. the "lord of the manor" who held direct of the Crown. This could be the King himself, a baron, a bishop or an abbot. In Gateshead's case the manorial lord was the Bishop of Durham. Manorial rights could be and often

were leased and the lease could be transferred. Thus in the 1820s the manorial rights were possessed by Cuthbert Ellison, successor to the Coatsworths. Feudal jurisdiction was not yet defunct. The Court Leet and Court Baron still formally met, presided over by the Lord's Steward. This was, in the 1820s, obviously a "perk" for the Town Clerk of Newcastle, the solicitor Nathaniel Clayton. The Borough Holders provided the jury, as they "owed suit" to the manorial court, but their chief duty was to have an annual dinner. From the Court, the Borough Holders claimed, the borough's freemen were excluded.

The third local government unit was the shire or county, the unit of royal authority, which from the seventeenth century encroached upon the bishop's delegated powers until most of his palatinate functions ceased in 1836. There are four points to be noticed about Gateshead as a part of Durham County.

1. In the eighteenth century only a dozen or so of the wealthiest land-holders paid the county rate, for the upkeep of county constabulary, gaols, courts, etc.

2. From 1810 the county rate was paid out of the Gateshead poor rate, despite local objections to this change. These were strongest in the early 1820s when the poor rate was, in total, declining, while the proportion paid for county purposes was rising.

3. Effective justice was administered by the local petty sessions of the county magistrates, meeting each Saturday in the Goat Inn, Bottle Bank.

4. As regards parliamentary representation, Gateshead's "forty shilling freeholders" (few in number) took part, under the unreformed system, in the elections for the two county members. However the 1832 Reform Act, with its new uniform borough franchise of "ten pound householders" created Gateshead a parliamentary borough, for this purpose including part of Heworth. Within the traditional borough boundaries there were in 1833 only 491 voters out of a popu-

lation of about 16,000. Today there are about 69,000 voters out of a population of over 100,000. In other words, in 1833 only one person in 30 was a voter, whereas now 7 out of every 10 are voters.

The fourth local government unit was the borough, in Gateshead's case identical in extent with the civil parish, despite the Borough Holders' attempts to show the Commissioners in 1833 that the borough was only the oldest urban part within the ancient parish. Incidentally it was a peculiarity of Gateshead as a borough that it had no borough court, jurisdiction resting with the manor (though to its court the Borough Holders owed suit) and the shire, i.e. the county magistrates.

In general, boroughs were of three types, depending upon the type of manorial lordship from which came their charters granting privileges. Charters might be granted by the Crown (royal boroughs), by a secular lord (baronial boroughs) or by an ecclesiastical lord (episcopal boroughs), Gateshead being an example of this last type. Its original eleventh-century charter or charters are lost. Two kinds of charters survive, all save one granted by Bishops of Durham.

The first are those granted to the burgesses in general, the oldest of these being the charter of Bishop Hugh Pudsey (or de Puiset), granting liberty of forestage, freedom from tolls within the Palatinate and all advantages enjoyed by the burgesses of Newcastle. This charter's text, dated 1164, makes it clear that the "bailiff, burgesses and commonalty" of Gateshead were already in being.

The second type of charter comprises those charters granted during the period 1557-1675 to groups of tradesmen, craftsmen and businessmen, i.e. the "incorporated companies" of freemen. (One of these charters, that of 1658, was granted by the Lord Protector, Oliver Cromwell, when there was, under the Puritan Republic, no Bishop of Durham.)

There was a clear distinction in the town's affairs be-

tween the Borough Holders, whose basis was in property, and the Freemen, whose basis was in trade or occupation, though many inhabitants combined both categories. The Borough Holders, numbering 110 in 1833, were (and are) the owners of ancient freehold properties known as burgage tenements, numbering 144 in 1833, which properties conferred "right of common" on the town lands or fields upon their owners. At the height of activity of the old gild system, there were in Gateshead 11 companies of freemen, comprising over 40 trades, who became freemen by servitude i.e. serving an apprenticeship for several years, or by patrimony i.e. because one's father was a freeman. A sign of the smallness of the borough was the fact that the charters were usually granted to combined groups of trades, the most remarkable example being Bishop Cosin's charter of 1671 to the Community or Fellowship of freemasons, carvers, stonecutters, sculptors, brickmakers, tilers, bricklayers, glaziers, painters, stainers, founders, nailors, pewterers, plumbers, millwrights, saddlers, bridlers, trunkmakers and distillers of all sorts of strong waters;—19 trades in all. (A distant forerunner of the Transport and General Workers' Union!)

Owing to scarcity of records there is a two-fold mystery concerning the last 60 years or so of the unreformed local government system in Gateshead. First, there was the rapidity of the decay of the freemen's companies. Obviously industrialism was finishing off the gild system, but what became of all the Gateshead companies' properties and records? The companies were still strong in 1772, when jointly with the Borough Holders they presented a petition to the Bishop asking him to appoint someone to the lapsed office of Bailiff. It is symptomatic of the decayed state of the Bishop's palatinate powers that the petition went on to suggest, in the event of there being no appointment made, a scheme to reform the borough. This scheme was abortive but it provided for 16 Electors to choose each year a Bailiff and 8 assistants. Of these Electors, 10 were to be chosen by

the freemen but only 6 by the Borough Holders. If, as seems probable, there were about 140 Borough Holders and if the numbers of Electors were proportionate to the two group interests, then there could have been as late as 1772 round about 250 freemen. Yet in 1809, under the Act to enclose Gateshead Fell, only 17 freemen got a share of the land. At the time of the 1833 inquiry there were only eight—four joiners and four chandlers, of whom three had become freemen since the Acts of 1809 and 1814 and had no share in the proceeds arising from those Acts. By 1858 only one freeman remained.

Second, and equally mysterious in the 60 years or so before the inquiry of 1833, was the growth in privileges and power of the Borough Holders, who played second fiddle to the freemen in the reform plan of 1772, but who secured 129 of the 155 claims allowed, claims turned into freehold properties, under the Act of 1809 enclosing Gateshead Fell. They benefited similarly under the 1814 Act enclosing the town fields. This Act did, it is true, exclude the Windmill Hills with certain attached properties, but the Windmill Hills were kept *collectively* by the Borough Holders until 1861.

Up to the 1680s all proceeds e.g. rents of “stints”, way-leaves, etc., from the “town lands” were handled by the Bishop’s Bailiff. After that, until 1695, this duty fell by default to the civil parish, i.e. to the ancient Vestry—the Rector and the Four and Twenty, for whom the four Churchwardens acted, until in 1695 and 1696 the Four and Twenty decided to appoint two Stewards each year to deal with the money from the “town lands” “for the benefit of the town and borough”.

1814 was a key year for three reasons:

1. The completion of the enclosures drastically affected the Stewards’ duties.
2. Persons who were NOT Borough Holders were admitted for the first time by the usual process of co-optation to membership of the Ancient Four and Twenty

—no doubt a sign of growth and change, since there were increasing numbers of better-off inhabitants who were neither Borough Holders nor freemen.

3. So the Borough Holders from this year onwards are found to be appointing the two Stewards.

We do not know when the half-yearly meetings, each May and November, of the Borough Holders began, nor do we know when the regular office of Clerk to the Borough Holders came into being. It was held in 1833 by Joe Willis, who appeared at the inquiry. After 1814 the Borough Holders still “owned” the Windmill Hills with various properties but the mineral rights under the “borough lands” were vested in Lord Ravensworth and his coal-owning associates known as the Grand Alliance.

The meeting of Borough Holders and Freemen (though few Freemen remained) in 1827 made two significant decisions. First the four ancient offices of Grassmen were abolished—the end of what was by then the myth of collective civic pasturing in the medieval style. Second, the meeting decided to share out the income from the remaining borough properties amongst the members. This was done annually thereafter, just like a private company issuing dividends to shareholders, each “borough right” bringing in to the holder about £2 to £3 per share-out. Having done this, one can understand the anxiety with which these gentlemen viewed the prospect of a general inquiry into all boroughs’ affairs, as brought about under the reforming Whig Ministries of the 1830s. To cover themselves, in more senses than one, the meeting of Borough Holders in 1831 set up their own committee of inquiry to “investigate borough property”. When the Commissioners arrived in 1833, the Borough Holders’ case was that Gateshead should be exempt from investigation because, they urged, it was not a “Corporation” in any sense relevant to the terms of inquiry. Their Clerk, Joe Willis, said that they held by “burgage tenure” merely as a group of private individuals. Their plea was rejected by the Com-

missioners, before whom they were denounced as robbers of public property by William Henry Brockett, then and later famous in the town's history. Before 1833 there seems to have been apathy about the Borough Holders' benevolence towards themselves.

During the last quarter-century of the unreformed local system, there were six signs of change. The first has already been mentioned, namely the Enclosure Acts of 1809 and 1814, marking the end of the myth of "subsistence agriculture" within the borough. The second was the creation of a new, that is, a second ecclesiastical parish at the southern end of the borough, the parish of Gateshead Fell. The Act of 1809, creating this (not the same as the Enclosure Act of the same year), led to the building of St. John's Church, which was to have its own compulsory church rate (to maintain the fabric) but for purposes of the poor rate i.e. as a civil parish, the inhabitants were still to be "in with" St. Mary's.

A third sign of change arose out of concern about road conditions in the growing town. By an Act of 1814 (again, distinct from the Enclosure Act of the same year) and reinforced by a supplementary Act of 1824, Commissioners were set up for the lighting, paving, cleansing and watching of the streets. They had power to levy a rate, known as the "street cess" and they employed four Surveyors of Highways, who looked after six miles of "parish roads". (Today the borough contains 137 miles of roads.) The Commissioners also made payments to the private turnpike trusts of the Hexham, Durham and Sunderland roads. They borrowed £300 at 5 per cent interest from a local insurance and philanthropic body, the Gateshead Friendly Society, founded in 1813, which Society obviously regarded investing in the Commissioners as a safe business proposition. In the 1820s many criticized the Commissioners' activities as inadequate and they were taken over by the new Borough Council in 1835. They were concerned with lighting streets but not private houses, some of which had been lit by gas since the founding of the privately-owned Gateshead Gas Company in 1818.

A fourth sign of change was connected with the old problem of poverty, or, more strictly, destitution. Since the Elizabethan New Poor Law of 1601, the Ancient Four and Twenty had nominated four Overseers of the Poor who collected the poor rate and disbursed from it. As a consequence of the industrial upheaval and of the Napoleonic Wars, there had been since about 1800 a steady rise in the amount of ratepayers' money paid out in "outdoor relief" i.e. to persons living in their own homes. Parliament in 1819 passed Sturges Bourne's Select Vestries Act. This Act, operative only where the ratepayers wished for it, set up Select Vestries for poor law purposes, the ratepayers' voting power varying according to the amount of rates paid. The idea was to give extra voting power to those who paid the most in rates with the effect that "outdoor relief" would be more sparingly doled out. In 1821 the "general vestry" of ratepayers set up and thereafter annually elected such a Select Vestry. Not surprisingly the amount spent declined in the early 1820s. Indeed the rate in the £ was halved, but after 1825 began to rise once more. In 1834, under the Poor Law Amendment Act, the Select Vestry was taken over by the Board of Guardians, elected by the ratepayers in general, until the Board was in turn taken over by the Borough Council under the Act of 1929.

Gateshead acquired its public "poor house" on the cheap. A prominent Newcastle citizen who was probably born in Gateshead, Thomas Powell, by his will (1728) provided for the building of a private almshouse (1731). When the last of the three trustees died (1750), his executors sold the trust to the parish, strictly to the Four and Twenty, who paid £100 for it and turned it into the public poor house, which was later extended by use of later, also private, poor charities. Here the abuse is the opposite to that by the Borough Holders. They took public property, so Brockett alleged, for private purposes, whereas in the case of the Powell Trust private property became used for public purposes. The poor house was taken over by the new Select

Vestry in 1821 and contained 46 inmates in 1827. In 1829 the Charity Commissioners intervened to put matters legally right and ordered that £10 a year rental was henceforth to be paid to the four Overseers of the Poor acting as Trustees. Saved from absorption into the public system, Powell's Alms-houses still exist today

The fifth sign of change in the early nineteenth century was connected with education. There was one traditional local grammar school, the Anchorage School attached to St. Mary's church. This school, an old trust controlled by the Rector, comprised three masters and 90 boys, of whom 15 were "free scholars" and the rest fee-payers. But after 1810 there was also St. Edmund's chapel school, also a Church of England school, but one of the new "National" schools under the Bell plan, providing cheap elementary education by means of the monitorial system. Here a husband and wife taught 220 boys and 130 girls, who each paid one penny per week. Round about 1830 there were probably 3 out of every 10 boys but only one out of every 10 girls in Gateshead receiving at least an elementary education. Other means of enlightenment, in two cases linked with religion, were the Subscription News Room (1820), the Church of England Religious Tract Society (1819) and the district committee of the S.P.C.K. (1821)—all significant of the new feeling that ignorance must be fought.

The sixth sign of change was a growing awareness that matters of health ought to be of public concern, though as yet most people were apathetic about this. The Rector's wife was the leading spirit in the Gateshead Society for the Care of the Sick Poor, started in 1823. There was also the work of the Gateshead Dispensary, also a private charity, but beyond this nothing. In the huddled hovels of Pipewellgate, Hillgate, Bottle Bank and the like, there were 222 deaths in 11 months, victims of the first of three terrible outbreaks of Asiatic cholera. The victims of this first outbreak were buried *en masse* beneath the Collinson obelisk, put up by the Rector, in St. Edmund's churchyard. Such a tragedy

could not be copied with under the outworn local government system.

This system may be summed up as follows. Gateshead was a borough, but the borough authority i.e. the Borough Holders' meeting, was strangely and almost completely irrelevant to such functions of local government as were in those days carried out. They were irrelevant to street lighting, paving, cleansing and watching; to the relief of the destitute; to education, save that they donated £5 annually to the Anchorage School; to public health, save that they donated £5 annually to the Dispensary; and, for practical purposes, to justice. As an exceptional gesture they gave £50 to fight the cholera epidemic in 1831-32. In 1833 the Borough Holders annual income from rents, etc. was £574. After deduction of £194 for expenses and of a mere £15 for donations there remained a balance of £365 for division amongst the worthy Borough Holders. It was this share-out which provoked Brockett's bitter denunciations.

But the death of the old order was approaching. It was marked in national and local government by four milestones—the Reform Act of 1832, which made Gateshead a parliamentary borough; the Poor Law Amendment Act of 1834, creating the Gateshead Board of Guardians; the Municipal Corporations Act of 1835, creating a Borough Council elected by ratepayers; and, lastly, the end of most of the Bishop's palatinate powers in 1836.

The Great Reform Ministry of the veteran Whig, Earl Charles Grey, in 1833 set up a Royal Commission to prepare a detailed report on every chartered borough in England and Wales, with a view to drastic municipal reform. Two of the Commissioners, curiously named S. A. Rumball and Fortunatus Dwaris, sat in public in St. Mary's vestry on November 8th and 9th and heard evidence as to the condition of the borough. The two Stewards failed in their efforts to prevent the Commissioners from opening the borough chest in the room upstairs. All documents earlier than 1696 i.e. just after Stewards were first appointed, were missing and

were admitted to have been “ removed by persons unknown ”, allegedly “ long ago ”. Thus decisive evidence, in the strictest legal sense, was lacking as to the incorporation of the borough. This so conveniently suited the Borough Holders’ case that they did not form a borough in any sense relevant to the Commissioners’ inquiry, that their bitter critic Brockett referred to the Borough Holders’ committee of 1831 as the “ papers-burning committee ”. Nevertheless an ancient borough seal, vital evidence in itself of incorporation, and said by the 1831 committee to be at that time lost, was soon after somehow “ found ” and, indeed, used to seal the return declaring the result of the borough’s first separate parliamentary election under the 1832 Act. The Commissioners’ report on Gateshead declared the “ result equivocal ” as regards the incorporation of the borough. The Borough Holders were, of course, anxious to deny incorporation because they did not want what they regarded as their private property to be declared public property and so handed over to any new borough authority created under the approaching reforms. Indeed, after the 1835 Act was effective, they still refused to hand over their property—claimed by Brockett to be public property anyway—and bitter local controversy ensued.

Brockett was a successful candidate in the first municipal elections on December 26th, 1835, for Councillors to serve on the newly constituted Town Council. He urged that the new Council should strive to take away the Borough Holders’ property. As to the effects which would arise from doing this, Brockett, in his election address to the ratepayers, was led to make the following prophecy, as remarkable as it was inaccurate. He promised the ratepayers, “ Should your Council do their duty, the Corporation of Gateshead will not cost you a farthing!!! ”

BIBLIOGRAPHY

History of Newcastle (and Gateshead)—E. Mackenzie (1827).

The following are to be found in the Gateshead Local Collection (Gateshead Public Library):

1. Report on Borough of Gateshead (Dwarris, Rumball)—(1833).
2. W. H. Brockett—Booklets, Vol. 2 (1843-52).
3. *Historical Account of Gateshead*, including:
 - Text of Gateshead Fell Church Act (1809);
 - Text of King James' Hospital Act (1811);
 - Reports of Select Vestry (1821-26);
 - Reports of Gateshead Friendly Society.
4. *Gateshead Tracts*, including:
 - Account of the Investigation into the Borough of Gateshead (8th, 9th Nov., 1833);
 - Borough Holders' petition to the House of Lords and Brockett's "exposure" thereof (1835).
 - William Henry Brockett's election address—first elections for new-style Borough Council (26th Dec., 1835).

