

THE INTERESTS AND ETHICS OF JOHN FOSTER, LIVERPOOL DOCK SURVEYOR 1799-1824

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I

Several standard works of local history make slightly coy references to the activities of John Foster senior, Liverpool's Dock Surveyor from 1799 and Corporation Surveyor from 1802. Ritchie-Noakes, for example, mentions illegal activities upon which she does not enlarge, and Ramsay Muir states that 'For a time, indeed, the Foster family almost ran the town', without really explaining how this came about.¹

The resignation of this most important public officer from his post of Dock Surveyor was curious in the extreme. On 27 March 1824, three days after Jesse Hartley had been appointed as his assistant, the Dock Committee received a letter of resignation. Foster had not been in good health, and it might now appear no surprise that he should have offered his resignation once a thoroughly competent successor-designate had appeared on the scene, but this is not what happened. First, the letter came not from him, but from his son William, and secondly it was not a tender of resignation but the statement as an accomplished fact that his father had resigned. Equally strange was the circumstance that the resignation of a key officer who had served the Corporation for at least forty years, and who in 1802 had been presented with a substantial piece of plate as recognition of his 'ability and integrity' (Plate I), was allowed to pass without a word of comment, thanks, or regret being minuted.² This might reflect nothing more than a tempor-

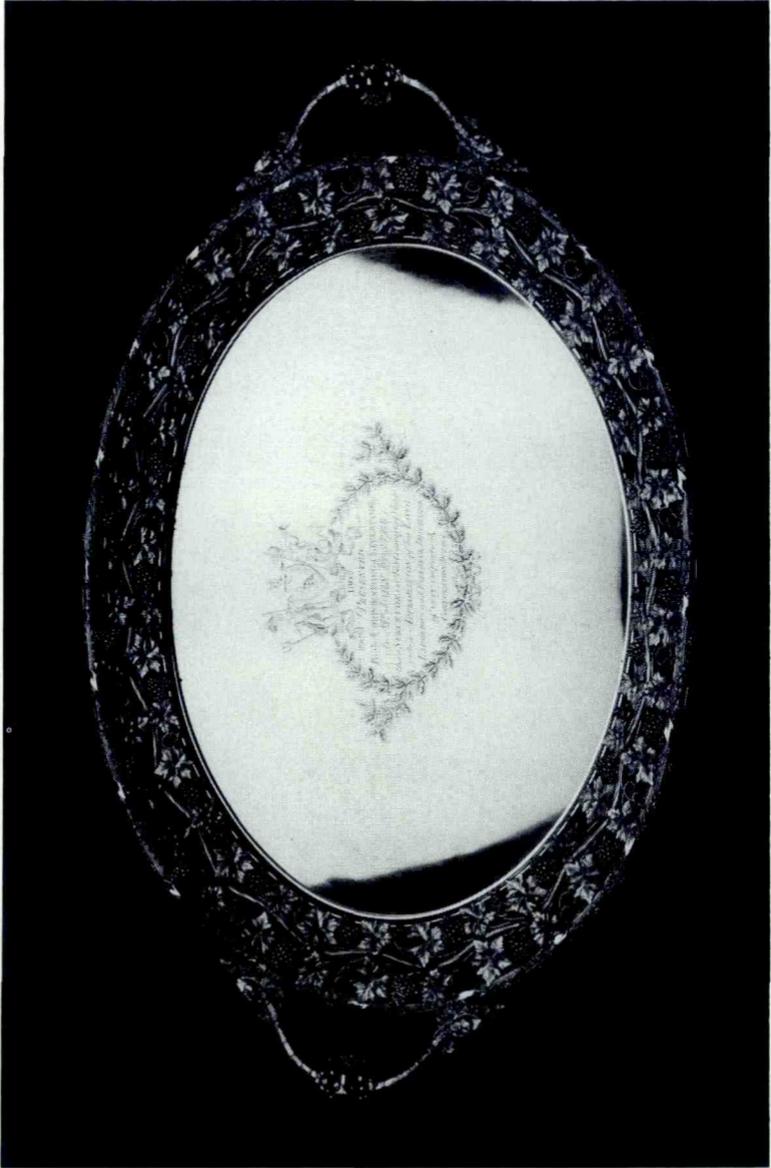


Plate I: The 'substantial piece of plate' presented to John Foster in 1802 (recently acquired by the National Museums and Galleries on Merseyside).

any shift in the loyalties of members of the Dock Committee, for local politics were far from gentle at the time, or it could mean that Foster, having sailed close to the wind for many years, had gone too far and become an embarrassment to his supporters.

John Foster was born the son of a joiner, and by the time that he purchased his freedom in 1773 (for the sum of twelve guineas) he could be regarded as a master craftsman of considerable standing in the trade. This, however, would not in itself account for the wealth revealed in his will, which disposed of nearly £60,000 together with noticeable real estate in Liverpool and Westmorland.³ Even less would it account for his acceptability to *Windsor Herald*. In 1812 he was pursuing a slightly dubious claim to the use of Arms and received a letter from the College of Arms to the effect that 'there will certainly be no difficulty . . . in establishing and recording Armorial Ensigns to a Gentleman of your rank and standing . . . [provided] that the Arms so granted do not already belong to a different family'.⁴ Liverpool at that date offered more and better chances of getting rich quick than almost anywhere else in the world, but such a rapid ascent to 'rank and standing' might still occasion a similarly rapid ascent of the eyebrow.

With such an upwardly mobile father, it was to be expected that his sons would have a good start in life. They certainly did, for William became his father's assistant and then Secretary to the Dock Committee, Thomas became Town Clerk, John junior became Corporation Surveyor, and James became a partner in a prominent local iron foundry. Robert was described as 'a Gentleman' and Richard, the youngest son, appears never to have undertaken any employment owing to his constantly fragile health. Four of the sons, however, appeared destined to establish a Foster dynasty with something approaching a stranglehold on municipal power.

The passage of the Municipal Reform Act in 1835 changed the ground rules of local politics and gave scope for a new broom under a new Whig administration. Even so, it is surprising that it should cause the total and almost immediate collapse of the Foster dynasty. Thomas, Town Clerk, was pensioned off at £2,500 p.a. for life and John

junior at £500 p.a. for life. William survived until the following year, when he resigned through ill health. Whilst Thomas's pension was large (comparable with the salary of a leading railway engineer), it compares unfavourably with his request for the huge lump-sum pay-off of no less than £77,108.⁵ Perhaps it was a matter of politics, or perhaps the expectation of such income from a corporation office was based on his exaggerated understanding of official powers and rewards.

These activities cannot be investigated without a brief digression into the way in which Liverpool Corporation worked at the time. The basis of its operation was that it was self-electing and therefore self-perpetuating: any vacancy which occurred was filled by an election in which the members themselves were the only voters. This, of course, produced a situation in which any serious change of direction was unlikely, and the practical result was the creation of a governing clique which felt itself secure, if not immovable.⁶ However, considerable new money was flowing into the town, and significant amounts of it found their way into the coffers of a new class of wealthy radicals. These were the men who opposed the slave trade, applauded the French Revolution (at least until the Terror began), publicly deplored the Peterloo Massacre,⁷ and gave a rousing reception to William Cobbett when he returned from his self-imposed exile in America, bringing with him the bones of Tom Paine.⁸ In the medium term, these men could not be kept down completely, and it was one of their manoeuvres which first brought to light grounds for serious suspicion about John Foster's activities.

The Dock Estate was vested in the Dock Trustees, who were nothing more or less than the Liverpool Common Council wearing different hats. They, in turn, delegated virtually all their powers to the Dock Committee, subject to the endorsement of its proceedings by the Common Council.

The day-to-day governing bodies of the docks were thus controlled by the Tory and Anglican majority on the self-perpetuating Council. There were two further bodies to which malcontents might have recourse, which were the ancient 'Common Hall of Burgesses' — in effect a general

meeting of all the freemen — and a body known as the Audit Commissioners. An attempt was made to convene a Common Hall in 1824, but attention had already centred on the Audit Commissioners, which was probably the better body for the purpose. Various provisions for auditing had appeared in the old Dock Acts, but the relevant ones were those under the Act of 1811, which required the election on every 25 June of a body of Auditors for the Dock Estate, in which merchants, owners or part-owners of ships, and all ratepayers were allowed to vote. Even the extensive funds then available for 'entertaining' freemen at parliamentary election times would have been thinly spread over such a large electorate. The practical result was that by the time Princes Dock was at last opened in 1821, there existed a body with powers to investigate its building which was not in the pocket of the ruling clique on the Common Council.

The more one looks at the careers of the Fosters, the more questions accumulate as to how they amassed their wealth and power. There would seem to be grounds for doubting that all was honest and above board and this paper will now proceed to some specific issues and events where reasonably detailed evidence is available.

II

ALLEGATIONS ABOUT THE BUILDING OF PRINCES DOCK

The continuing and accelerating growth of trade through the Port of Liverpool guaranteed that the completion of Kings and Queens Docks in 1788 and 1796 respectively would not long suffice to meet demand. In 1799 parliamentary powers were obtained for the building of a new up-to-date dock to the north of Georges Dock, which would be not merely capable of taking the largest ships in use, but would also be 50 per cent larger in area than the largest dock (Kings) built thus far. The fact that the new dock, eventually named Princes Dock, took a quite unprecedented time to build — it was not opened until 1821 — and the fact that it cost more than ten times as much per unit area as had Kings and Queens might be attributable to the excep-

tionally difficult times in which it was built.⁹ Britain was at war for most of the period of its construction, and this was the first war in which economic warfare came to the fore. Furthermore Britain ended up fighting Liverpool's largest single trading partner, the United States of America, in 1812-14. There were also numerous problems of a purely financial nature (in the shape of financial panics and collapses) which delayed construction and increased its cost.

Yet allowing for these problems, there were still grounds for questioning the advice which the Dock Trustees had received. It was not until April 1800 that a report from an acknowledged expert engineer (William Jessop) was received,¹⁰ and as late as 1809 the Trustees were seeking the advice of John Rennie not on details of construction but on the fundamental issues of the location and size of the proposed dock. Even when Rennie reported back, he had to produce two schemes, one which assumed that all the land required could be obtained and another which represented an option if it could not.¹¹ The quality of professional advice which the Trustees had received from their Dock Surveyor prior to the passing of the 1799 Act must be open to serious question if, ten years later, an eminent consultant was being paid to determine issues as basic as the size and location of the dock. To what end had the parliamentary expenses been paid, and what benefit had been gained from the expenditure?

The Dock Surveyor responsible for the plans for the 1799 Bill was Thomas Morris, and it is perhaps understandable that the Dock Trustees might have wished to remove him. However, his replacement occurred very rapidly: on 7 December 1799 John Foster had his salary trebled (to 300 guineas) to take entire charge of the Dock Estate in respect of engineering, construction, maintenance, budgeting and budget control, quantity surveying, and the hiring and firing of workmen.¹² Lest it be thought that the extraordinary delay in building the dock was the fault of Morris, it should be remembered that nine out of ten years of inaction are accountable to John Foster.

It was not, however, with inaction that the enemies of John Foster charged him. When construction eventually

began, the new dock seemed to become a bottomless pit into which infinite quantities of materials disappeared. From an early stage there were informed whisperings that not all was as it should be. Suggestions were made that materials were being billed and paid for which had not been delivered and that materials charged to the dock had actually been delivered and used elsewhere.¹³

The Audit Commissioners made their preliminary report on 28 December 1822, and in it they indicated that they had *prima facie* proof of overcharging for a number of items, including legal services, ironwork, lead, and stone.¹⁴ The only common factor in the first three of these is a name, and that name is Foster. The legal services allegedly overcharged were provided by Thomas Foster. The ironworks which produced the overpriced ironwork was William Dove & Co., in which James Foster was a partner, and the lead came from Troutbeck, a cousin of John Foster senior. There can be no question of coincidence: either John Foster was guilty of corruption serious even by the rather elastic standards of Liverpool in the 1820s, or he was being set up by a group of men determined to destroy him.

At first sight it would appear that the latter is the case, for further investigations failed to substantiate many of the charges, and indeed an adjudication on legal charges produced a verdict that Thomas Foster had undercharged and should be paid a small extra amount.¹⁵ The Audit Commissioners were forced to back down entirely on the first three issues. If, however, we assume for a moment that Foster was guilty, then clearly he was a sufficiently intelligent man not to be easily caught with his hand in the till. Let us look, therefore, a little more closely at the case of the supply of stone, the one accusation which the Audit Commissioners really thought they could make stick.

It is perfectly clear that the amount of stone delivered to and used at Princes Dock was considerably smaller than the amount said to have been supplied and the amount actually paid for. Investigation into the supply of limestone for making mortar showed that ten flats (boats) with a total register burden of 538 tons had delivered a quantity of stone on which duty was paid for 777 tons. This figure would be about correct, as the then current system for measuring

tonnage was actually a measurement of volume, not weight, and register burden figures were indeed about 60 to 70 per cent of the actual capacity for a dense cargo like stone. The catch was that the amount of stone billed and paid for was 1,192 tons, an amount which would have sufficed to sink, severally and individually, all the craft alleged to have delivered it.¹⁶

Upon investigation, it emerged that stone delivered was not measured by weight, but by volume. This was in itself curious, since it was ordered and paid for by weight, but what was odder still was the fact that none of the people who actually used the measuring tub could state to the Auditors how much stone it contained. The amounts delivered were not, therefore, known with any accuracy, and it is likely that the fraud would have remained undetected had the suppliers not become greedy and paid dock dues only on the amount actually supplied. It seems inconceivable that a system so open to abuse could have been adopted unless abuse was the intention of the engineering management. There was, after all, no shortage of expertise available in managing civil engineering works: Jessop built a greater mileage of canal than any other single engineer and Rennie, whilst perhaps best known for some beautiful bridges, was also involved with projects of great logistical difficulty such as the Rochdale Canal. Probably only Thomas Telford, who had done a great deal of Jessop's day-to-day management for him, knew as much about the control of budgets and materials as did these two distinguished engineers.¹⁷ It appears that their advice on this subject was not sought formally, and if it was sought informally it was certainly not acted upon.

The supply of stone for masonry work showed similar irregularities. It was supplied by the cubic foot under an agreement of 1815 with the firm of Hetherington & Grindrod of Birkenhead,¹⁸ and the amount chargeable was based on the estimated useful cubic footage. What actually happened was that irregular blocks of stone, straight from the quarry face, were delivered to Princes Dock by boat, and there measured and estimated as to useful content when squared. The detailed enquiries of the Audit Commission established that the measurement was at best a highly

inaccurate process and at worst wide-open to fraud. The amount paid under this agreement by 1822 (there were still some bills outstanding) was nearly £200,000, representing some eight million cubic feet of stone.¹⁹ This very large amount was not the total supplied (or allegedly supplied), as stone bought between 1810 and 1815 and used in starting work on the river wall and the walls of the tidal basin is not included in the figure. £200,000 was by no means the final total.²⁰ There was much talk of prosecution of the malfactors, but to the annoyance of the Audit Commissioners and the later mystification of the Royal Commission on Municipal Corporations, the matter was quietly dropped.²¹

III

THE DEPARTURE OF LEONARD ADDISON

The story so far has been scarcely less conjectural than the findings of the Audit Commissioners, who had ample grounds for suspicion but little firm proof. This is, as remarked above, only to be expected, for if a fraud were going on, it would be conducted with considerable skill and would be difficult, if not impossible, to prove. In the case of Messrs Hetherington & Grindrod, however, there is some more definite evidence.

Leonard Addison was Superintendent of the Dock Works, responsible to Foster for work done and materials used. The men who did not know how much limestone the measuring tub held were responsible to him. On 13 August 1823 the Dock Committee resolved 'That the signature of Mr Leonard Addison to tradesman's bills be discontinued until further notice'. No reason was stated for this drastic treatment of a senior officer of their staff, one of whose key responsibilities was ensuring and certifying the correct performance of tradesmen's contracts. Addison wrote to the Common Council, protesting and asking for the opportunity to address the members in his own defence, a request which was granted on 5 November. It was at the meeting of 3 December that Addison put his case, and the minutes show a (possibly significant) change in the terminology, reporting

that it was resolved 'That his reinstatement be postponed until the determination of the Council as to the Report respecting the alteration in the general system of management in the Dock and Corporation Estates'.²² If things had looked bad for Addison in August, they looked worse in December.

There is a second strand to the story, for on 11 August, the Dock Committee had resolved 'That it be recommended to the Common Council that the Persons appointed as Civil Engineer and Deputy Surveyor under the Surveyor be distinct Persons and that they be not concerned directly or indirectly in any Trade, nor in any other occupation whatsoever *saving that of an Engineer and Surveyor*'. The words italicized are, most unusually, underlined in red in the minute book and it seems reasonable to suppose that the underlining was added when Leonard Addison enquired about the post of Deputy Surveyor²³ and it was ruled that he was ineligible under the terms of the minute because he was concerned directly or indirectly in some trade. No specific trade or business was mentioned, but evidence has survived of one interest of his which would certainly have served to disqualify him.

By an agreement of 1 and 2 March 1820 William Hetherington and Timothy Grindrod bought a parcel of land from Richard Price which included the jetty for the Birkenhead ferry, which they operated. They immediately began to build a Ferry Hotel thereon. By a second agreement, dated 28 and 29 September 1820, the entire property, including the hotel, was divided into three equal shares, the third share being granted to Leonard Addison, in consideration of a payment of ten shillings each to Hetherington and Grindrod. It was stated in the agreement that the property was bought (in March) by all three partners 'of their own proper monies'.²⁴ If this were true, it is odd that there was no mention of Addison in the original purchase, and even odder that he should have paid a nominal price to each of the other partners for what was represented as being only the confirmation of what was already his own property. The exact value of the property as at September is not documented, neither is the value of the hotel, but the original price of the land before improvement

was some £11,000. However charitable an interpretation one might seek to place upon the management of the Princes Dock project, it is stretching credulity too far to believe that the transfer of several thousand pounds' worth of real estate from the perpetrators of a fraud to the man whose job it was to prevent such fraud is coincidental. The question that remains open is whether or not the corruption extended any further up the line of management.

IV

THE INTERESTS OF JOHN FOSTER SENIOR

The minute of 11 August excluded Leonard Addison: it would *a fortiori* have excluded John Foster had he been applying for the post of Deputy Surveyor, as it would his sons James, William, and John junior. The firm of John Foster and Sons, joiners and contractors, was a substantial and well-established one which undertook large amounts of work for the Common Council and the Dock Committee. Major Council contracts executed by the firm included work at the new graving docks (now Canning Graving Docks), the New Gaol (Great Howard Street), both the first and second tobacco warehouses at Kings Dock, the Corporation churches of St Luke and St Paul, and the new Custom House in Canning Place. However, it cannot be too clearly stated that according to the ethical practices of Liverpool and other incorporated boroughs at the time there was nothing in the least illegal or unacceptable about this. It was a situation which offered great scope for corruption and dishonesty, but it was not in itself wrong.

One example of how actual corruption and dishonesty did occur within this framework which does appear to be soundly documented is that on a number of occasions timber which had been ordered for Princes Dock could not be handled by the site saw-pits. The simple and obvious remedy for this was to dig another pit or two and take on journeymen sawyers as required, but instead the extra wood was taken to John Foster's yard where it was sawn on contract by his men. Records were not kept of what went in

and out, but at least two large orders of 'Dantzic Balk' (oak) disappeared without trace.²⁵

John Foster's activities as a property speculator and developer were also highly suspect. His purchase of land on Copperas Hill in 1802 involved his own inside knowledge of likely increases in value based on his position, in effect, of planning officer, and was negotiated through the firm of Stanistreet and Eden, solicitors. They were not only solicitors to the Corporation, and thus in a position of conflict of interest as was Foster himself, but they also happened to employ as an articled clerk Foster's son Thomas. A further deal, involving land on and around Seymour Street, saw Foster actually in partnership with Stanistreet and Eden. This development was not a success, with a number of mortgagees going bankrupt along with the tradesmen involved in the construction. The elegant dwellings of Seymour Street were completed according to plan, but their value and their prestige were shattered by the humbler buildings erected close to them, culminating in the construction of courts and back-houses. Almost the only people who did not lose money were Foster, Stanistreet, and Eden, who shared out profits in the region of £16,000. Accusations were made of various improprieties, including the use of Corporation employees on Foster's private dealings, but it was never proved conclusively that he had done anything illegal, only that he had occupied, once again, a position which allowed considerable scope for evildoing.²⁶

Foster's friends and relatives kept quite busy too. His son William, often appearing the quiet man of the family, was contractor for the glass of St Luke's church, for which John junior was both architect and principal contractor, while the masonry contract went to Hetherington & Grindrod. It may, of course, be coincidence that St Luke's, like Princes Dock, was completed years late and hugely over budget. James Foster, the ironfounder, had a number of contracts, of which by far the most important was St John's Market. Robert Waln, a master bricklayer related by marriage to Foster senior, also featured in a string of Corporation contracts, including the New Almshouses, the first Kings Dock tobacco warehouse, and the Exchange. At St John's Market and the new Custom House, John junior was both architect

and principal contractor and, as at St Luke's, brother William was awarded some of the sub-contract work.²⁷

One quite minor project may serve to illustrate the apparently inescapable nature of the Foster connection. When it was determined that an equestrian statue of King George III be commissioned and erected, Westmacott, the eminent sculptor chosen, contacted a Mr Snell of Aberdeen for the provision of a fine granite pedestal. There followed much coming and going of letters and ideas, as a result of which a granite pedestal was indeed provided, but the work of making the plinth, preparing the site, and erecting the statue went to our old friends Hetherington & Grindrod, while the iron railings were, perhaps predictably, supplied by Thomas Dove & Co.²⁸ It is not alleged that there was anything necessarily improper about either of these contracts — quite likely there was not — but it does suggest that wherever Corporation money was spent, one Foster or another was bound to get some of it.

We have seen that the scope for dishonesty provided by the positions of John Foster, his friends, and relatives was enormous, and that on at least one or two occasions the opportunities were taken. It might still be possible to conclude that in most cases this undoubtedly able man did not abuse his position, but applied his considerable power to the improvement of the town and the benefit of its citizens.

One document clearly suggests that John Foster simply was not that kind of man. In 1809, John junior set off to improve his mind, his architectural talents, and his professional prospects on a tour of Asia Minor in company with C. R. Cockerell and others. Because Cockerell later became famous and because his notes and recollections were published, it has been assumed that his was the formative influence, and that it was he who took the leading part in two major excavations of ancient Greek statuary. Perhaps it was, but a document surviving in Liverpool, which is apparently unknown to scholars of the history of the collection of Greek antiquities, seems to show that it was in fact the two John Fosters who were in the driving seat. In a letter to Mathew Gregson dated 18 November 1812, John Foster senior wrote

As a lover of the Fine Arts you will be glad to hear that my Son has discovered in Greece another Collection of Marbles far exceeding the value of those he was first concerned in finding and that he has secured them. You will also regret to find that the French Government have offered 2,000 guineas above the sum offered by the Prince Regent for the first collection of statues and that of course they are likely to adorn the Gallery at Paris instead of that at London.²⁹

Whatever the motives of John junior, this letter makes it quite clear that John senior's interest in the statues was in their monetary value and in the fact that his son had secured them. The negotiation with the French government was not merely unpatriotic or mercenary, it was also illegal both in Britain and in France, which suggests that Foster had marginally criminal contacts on both sides of the Channel.³⁰ In the light of this suggestion, it seems unnecessarily charitable to give him the benefit of the doubt in each of the highly suspicious circumstances mentioned above.

V

THE OUSTING OF THE FOSTER DYNASTY

In the rise of John Foster there are several notable landmarks, of which perhaps the most important was his gaining of effective control of the moneys authorized by the 1786 Liverpool Improvement Act. The Select Committee appointed under this Act spent over £175,000 inside three years and it is clear that Mathew Gregson thought that Foster used the power that money brought to consolidate his support among the councillors. That support was in turn used to oust both Morris, the Dock Surveyor, and John Eyes, the Corporation Surveyor, in 1799 and 1802 respectively.³¹

If we are to look for similar landmarks in his decline, the first ones are very tentative. Despite the succinct and formal nature of the Dock Committee Minutes, a slight tetchiness can sometimes be detected from about 1810 onwards in the substitution of the more peremptory words 'that the Surveyor be directed' for 'that the Surveyor be authorized' and

the appearance of expressions like 'with all possible despatch'. It is probably unreasonable to deduce any more from this than from the gradual appearance of the occasional allegation about his conduct: any man in a position of such power would be bound to make some enemies. Similarly, it would be foolish to read too much into the steady growth of strength in the Whig interest in the town, for there was still a complete and apparently permanent Tory control.³²

In 1818 there may be the first signs of a change in direction. Charles Okill had been investigating the Treasurer's books since 1816 in an attempt to sort out the confusion into which the rentals of Corporation properties had sunk, and had become a *de facto* council archivist. He was also working to clarify the powers and duties of the Council. This was intended to pre-empt challenges which were by now expected, rather than from a municipal love of scholarship. One specific consequence was that from February 1818 Foster no longer had sole custody of the plans and papers of the Select Finance Committee, exclusive knowledge of the contents of which had clearly been of help to him in the past.³³ This might be seen as the beginning of a cooling of councillors' admiration for Foster, even an indication of a suspicion that not all was well.

However, the end of John Foster really came with remarkable suddenness. The barring of Addison in August 1823 from signing accounts is capable of two interpretations: it may have been a warning to Foster from a still relatively sympathetic council, or it may have been a conciliatory gesture by Foster, throwing his superintendent to the lions in an attempt to save himself. Either way, the anti-Foster interest now knew that it could win, and closed for the kill. Almost to the last, he continued with his old methods: in October 1823, when the writing was clearly upon the wall, he signed an agreement for exclusive supply of stone to the Dock Committee for a further three years. The contractor was William Hetherington.³⁴

All the time, the wealth and influence of the Whig group was growing, though it was still largely powerless through orthodox political channels. It was, however, clear to the more far-sighted members of the Council that, in general terms, reform was in the air. In specific terms they had a

major crisis on their hands in the shape of the report of the Audit Commissioners. This document might have been even more harmful than it was, but still pointed to discrepancies in the accounts for Princes Dock which could be explained only by monumental incompetence or large-scale fraud. In a Council which operated in a remarkably stable way, the presentation of such a report would be seen mainly as a challenge to the highly desirable status quo. In the event, they staved off further problems by the promotion of a Bill in parliament which would render the operation of the Dock Committee slightly more democratic and accountable, but which would at the same time confine the powers of the Audit Commission (and indirectly of its distressingly large electorate) to the examination and certification of the accounts. In order to gain anything at all of their demands, the merchants had to let the Council make gains in other areas.³⁵ For this a price had to be paid, and the man who paid it was John Foster. He was the scapegoat because Leonard Addison had not been important enough to fill the part, and perhaps also because increasing age and ill-health had robbed him of his formerly flawless instinct for walking the ethical knife-edge. He had overstepped the mark and endangered his backers. The consequences were obvious.

For William Foster, the immediate result was promotion. He carried on in the family tradition of collecting a salary from the Corporation and at the same time procuring Corporation work for the joinery business, in which he had long had a hand and which he controlled after John senior's death in 1827. However, one of the further concessions that the outsiders had wrung from the Council as part of their price for the Bill was that, from 2 June 1824, work and materials should be purchased by means of written contracts which followed upon open tendering.³⁶

It has been suggested that the Royal Commission which investigated the incorporated boroughs along with the rest of local government was a far from impartial body. Certainly its head, John Blackburne, and its secretary, Joseph Parkes, were of Radical rather than Whig inclinations, and could hardly be expected to view a Tory power-base such as the Liverpool Common Council with the greatest enthusiasm. It might therefore seem that the Commission's failure to

produce lengthy catalogues of proven abuses could be taken, as Ramsay Muir took it, as a vindication of the old system. There is no doubt, however, that Muir was correct in praising the skill with which Thomas Foster put the Council's case.³⁷

These things were relative however. Many councils had totally outlived their usefulness and existed only to preside over the misappropriation of local revenues in order to bribe voters at the time of parliamentary elections. Most did not administer any of the important services which people later associated with local government, which were managed by private companies, boards of trustees, commissioners, or the parish vestry. Many kept no accounts of the money which passed through their hands, which was often quite trifling anyway.³⁸ It must be remembered that these councils were not simply effete and corrupt versions of what we now think a council should be: they were a different animal altogether. Their accountability, if any, was not to the public but to their own members. By these standards, the size, efficiency, and openness of working of the Liverpool Common Council was impressive, and may have come as something of a surprise to the Commissioners.

Despite the appearance of the Council meeting the Commissioners with 'the utmost frankness',³⁹ the Commissioners obviously had strong residual doubts

when we still find a spirit of discontent pervading a very large proportion of the most wealthy and intelligent inhabitants; this fact would of itself seem pregnant evidence that the system, in its silent workings and exclusive operation, is fraught with all the evils that are everywhere found among self-elected bodies.⁴⁰

Among these wealthy and intelligent inhabitants were, of course, those who had been excluded from the Council under the Test and Corporation Acts, including a powerful clique of Unitarians. A petition to parliament, accusing the Council of corruption in well-known and well-proven cases, had several notable Unitarian names among its signatories, including Thornley, Rawdon, Cropper, Booth, Holt, and Barclay.⁴¹ At a public meeting in Clayton Square (which would undoubtedly have been broken up had not the participants been sufficiently wealthy and intelligent),

speakers including Booth (Unitarian) and Rathbone (Quaker) expressed their 'deep regret at the course pursued by the House of Lords, in requiring evidence respecting the existence of abuses which are notorious to the rest of the community'.⁴²

It would appear that others, less wealthy and intelligent, had similar ideas coupled with less gentlemanly methods, for the winter of 1834–5 had seen several attempts to

set fire to the extensive premises of Messrs. Foster and Stewart, builders, in Lawton Street. Some of these were discovered in time to prevent destruction; but on the night of December 19, 1834, the premises, of great extent, with a large stock of timber, were totally destroyed. This was followed, in less than a month, by the destruction of the establishment of Messrs Foster and Griffin, ironfounders, Beckwith Street.⁴³

The 'Old Stager', who mainly took a sympathetic view of the activities of the Foster family, gives the impression that the various attacks which had been made for years were not just individual expressions of spleen, such as could have been the case with Mathew Gregson, but a fairly general feeling.

the famous John Foster, the most influential as he assuredly was the cleverest, man of his day; the father of the generation who have lived and died amongst us abused, every one of them, for their name, but admitted, all and each, to have been gifted men in their several callings and professions.⁴⁴

In the elections of 1835 the newly enfranchised voters at last had their opportunity to deliver their verdict on the way in which the old Council had operated. The cosy Tory family connection lost by forty-three seats to five, and the new Whig administration rightly took this as a massive condemnation of the way the Council had operated in the past. Their revenge on the surviving members of the Foster family was swift, total, and probably justified.

NOTES

- 1 N. Ritchie-Noakes, *Liverpool's Historic Waterfront* (London, 1984), p. 97; R. Muir, *Bygone Liverpool* (Liverpool, 1913), p. xlv.

- 2 Maritime Record Centre, Liverpool, Mersey Docks & Harbour Board Collection, Dock Committee Minutes, 27 Mar. 1824 [henceforth cited as D.C.M.].
- 3 There were four separate grants of probate: Lancs.R.O., WCW, May 1827, Dec. 1836, Mar. 1853, and Sept. 1855.
- 4 Liv.R.O., Gregson Collection, 920 GRE 2/20.
- 5 J. A. Picton, *Memorials of Liverpool*, 2nd edn (Liverpool, 1903), I, p. 470.
- 6 R. Muir and E. M. Platt, *A History of Municipal Government in Liverpool* (Liverpool, 1906), p. 137.
- 7 A general view of this group may be gained from Picton, *Memorials*, chapters 4 and 5, and from biographies of some of the leading figures, e.g. H. Booth, *Henry Booth* (Ilfracombe, 1980), chapters 2 and 3.
- 8 D. Green, *Great Cobbett: The Noblest Agitator* (London, 1983), p. 423.
- 9 Kings and Queens Docks together cost £4,189 per acre, Princes cost £57,482 per acre. Figures derived from Picton, *Memorials*, I, pp. 558–9.
- 10 D.C.M., 1 May 1800 contains a transcript.
- 11 D.C.M., 14 Aug. 1809 includes the brief to Rennie.
- 12 D.C.M., 7 Dec. 1799.
- 13 Liv.R.O., Gregson Collection, 920 GRE 2/31.
- 14 The Audit Commission report is extremely long and is adequately summarized in Parliamentary Papers 1835, XXVI, pp. 2762–4.
- 15 Ibid. p. 2765.
- 16 Ibid. p. 2763.
- 17 The definitive biographies of these two engineers are: C. T. G. Boucher, *John Rennie: The Life and Work of a Great Engineer, 1761–1821* (Manchester, 1963); C. Hadfield and A. W. Skempton, *William Jessop, Engineer* (Newton Abbot, 1979). Telford's view on the management of engineering works is summarized in R. H. G. Thomas, *The Liverpool & Manchester Railway* (London, 1980), pp. 50–3.
- 18 D.C.M., 13 Sept. 1815.
- 19 As late as June 1823 the bills of Hetherington & Grindrod were causing confusion. A special committee set up to resolve the matter reported back more than a year later: D.C.M., 31 Aug. 1824.
- 20 Earlier orders were approved on, e.g., 7 Mar. and 4 May 1810: D.C.M. for those dates.
- 21 P.P. 1835, XXVI, p. 2765.
- 22 The dates in the text refer to D.C.M.
- 23 D.C.M., 24 Mar. 1824.
- 24 Liv.R.O., Gregson Collection, 920 GRE 3/9 is an Abstract of Title to the property. It would be most interesting to know how and why this somewhat incriminating document passed into the hands of Foster's son-in-law, for Gregson was definitely hostile to Foster.
- 25 D.C.M., 23 Aug. 1822 gives authority for both payments, a total of £452 8s. 6d.
- 26 J. Longmore, 'The development of the Liverpool Corporation Estate, 1760–1835' (unpubl. Ph.D. thesis, Reading Univ. 1982). At p. 58 and

- following, and in a lengthy case study in chapter 6 there are detailed accounts of Foster's activities in property.
- 27 The complex web of contacts and relationships is traced in *ibid.* chapter 6.
 - 28 Liv.R.O., Holt Collection, GEO 6/1, 6/2, 7/8, 10/4.
 - 29 Liv.R.O., Gregson Collection, 920 GRE 2/23.
 - 30 But the criminality was only marginal: by 1812 the Berlin Decrees had been largely destroyed by what was in effect licensed smuggling.
 - 31 See notes 12 and 13 above.
 - 32 D. Fraser, *Power and Authority in the Victorian City* (Oxford, 1979), p. 22.
 - 33 Liv.R.O., Liverpool Town Books, 352 MIN/COU I 1/14, 4 Feb. 1818.
 - 34 Maritime Record Centre, Liverpool, Mersey Docks & Harbour Board, Old Agreements Book, 21 Oct. 1823 (p. 287).
 - 35 'the struggle was on one side to get as much as the Council would give up, and on the other to keep as much as was necessary': *A Report of the Proceedings of a Court of Inquiry into the Existing State of the Corporation of Liverpool* (Liverpool, 1833), p. 148.
 - 36 D.C.M., transcript of minute from Common Council, 2 June 1824.
 - 37 Muir and Platt, *Municipal Government*, p. 133.
 - 38 B. Keith-Lucas, *The Unreformed Local Government System* (London, 1980), provides a succinct guide to the subject, with delightful examples like that of Evesham in 1832 (p. 35), where of an expenditure of £127 8s. 11d. nearly one third (£33 17s. 6d.) went on the venison dinner.
 - 39 Muir and Platt, *Municipal Government*, p. 133.
 - 40 P.P. 1835, XXVI, p. 2706. Comments in a similar vein occur on pp. 2705 and 2741.
 - 41 *Report of Court of Inquiry*, p. 153. See also note 7 above.
 - 42 Picton, *Memorials*, I, pp. 461-2.
 - 43 *Ibid.* p. 464.
 - 44 An Old Stager [J. Aspinall], *Liverpool a few Years Since*, 3rd edn (Liverpool, 1885), pp. 30-1.