Coroners and steam boiler explosions: the case of Richard Palmer in early Victorian Preston

Glasgow, G

<table>
<thead>
<tr>
<th>Title</th>
<th>Coroners and steam boiler explosions: the case of Richard Palmer in early Victorian Preston</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authors</td>
<td>Glasgow, G</td>
</tr>
<tr>
<td>Type</td>
<td>Monograph</td>
</tr>
<tr>
<td>URL</td>
<td>This version is available at: <a href="http://usir.salford.ac.uk/33277/">http://usir.salford.ac.uk/33277/</a></td>
</tr>
<tr>
<td>Published Date</td>
<td>2009</td>
</tr>
</tbody>
</table>

USIR is a digital collection of the research output of the University of Salford. Where copyright permits, full text material held in the repository is made freely available online and can be read, downloaded and copied for non-commercial private study or research purposes. Please check the manuscript for any further copyright restrictions.

For more information, including our policy and submission procedure, please contact the Repository Team at: usir@salford.ac.uk.
Coroners and Steam Boiler Explosions
The Case of Richard Palmer in
Early Victorian Preston

Gordon H. H. Glasgow

Series Editors:
John Callaghan and John Garrard
Foreword

The idea for this series was conceived some years ago as a platform for publishing original research reflecting the work of students and staff in Politics and Contemporary History at the University of Salford, along with that of distinguished outsiders. Good research does not always find a place in academic journals – which often have their own narrow agendas – much less with commercial publishers. The Research Assessment Exercise (RAE), while encouraging academics to publish the results of their research, may also discourage them from stepping outside their established areas of expertise or crossing disciplinary boundaries. In short, there are good reasons to promote a series which can afford to ignore such constraints.

Professor John Callaghan
Director of Politics and Contemporary History
August 2009
Foreword by Professor Steve Tombs

Across the social sciences, the relative paucity of British work on corporate and business crimes remains staggering. Yet, within history at least, some work in this area, or more specifically on crimes associated with health and safety in the factory system, stands out – not least that which focuses upon the struggles for legal control around the emergent factory system in England during the 1800s.

The state had, of course, first intruded into the workplace in 1802 with the Health and Morals of Apprentices Act, followed by the Factory Act 1833 - which, amongst other things, established a four-man factory inspectorate supported by seven superintendents (under-resourced even then!). Famously, of course, Marx has documented this period as one which saw the struggles around the early Factory Acts as central to the shift in factory production from an economy based upon the extraction of absolute to relative surplus value – a legal regime to which capital would never become reconciled, but which at the same time, for capital, was ‘epoch making’ (Marx, 1967/1976: 621).

Thus, through a series of material and ideological struggles, documented more latterly, and most expertly, by Kit Carson, what might have been marked out as an area of “real” crime by law and its enforcement in fact came to form the classic instance of what Edwin Sutherland later referred to as offences considered only to be mala prohibita – technical violations rather than immoral acts or real crimes. Thus factory crime came to be represented and seen as ‘conventional’ – subject to widely accepted ‘rationalisations and justifications’ and ‘routinely integrated with otherwise reputable activity’ (Carson, 1979: 38) – a view which holds enormous power to this day and which stands as the greatest obstacle to the more effective control of corporate violence in the workplace.

Yet there is so much more to be learned about this crucial period in the establishment of a legal architecture conducive to a rapidly expanding capitalist economy – and Gordon Glasgow’s micro-study of the role of Richard Palmer, Preston’s coroner at the time of the town’s two major steam boiler explosions of
the 1840s, is a key contribution. If the role of the coronial system in the regulation of economic life remains vitally under-studied – Slapper’s *Blood in the Bank* as the one notable exception – then, as Glasgow underscores here with meticulous detail, it is a site of struggle that should neither be ignored by social, economic and political historians, nor by contemporary socio-legal scholars.


Steve Tombs, Liverpool John Moores University, August 2009
About the Author

Gordon Glasgow was educated at Merchant Taylor School, Crosby, Lancashire, and at the Universities of Cambridge and M. He holds the degrees of MA, LLM and Mphil, and was President of the Southport and Ormskirk Law Society in 1972. He was admitted as a solicitor in 1953 and practiced in Southport for many years. Until retiring, he was HM Coroner for the Metropolitan Districts of Sefton, Knowsley and St Helens, and in recent years has been researching coronial history. Alongside the work presented here, Gordon has also done considerable research on the links between burial societies and infant death, and the role of coroners in uncovering these linkages.

Acknowledgements

I wish to thank Pamela Fisher, Gwen Seabourne, Cassie Watson and Stephen White, for their constructive suggestions and comments on earlier versions of this paper. I am very grateful to John Gerrard for his editorial work and encouragement. I have made extensive use of the Barrtrip material on factory legislation and workmen’s compensation. Peter Barrtrip’s Working Paper on the Factory Inspectors 1833-1857, circulated by the Oxford Centre for Socio-Legal Studies in 1979, first drew my attention to the uncharted role of the early Factory Inspectorate in the Victorian inquest system. It stimulated my interest in developing the same as a hitherto neglected aspect of urban regional history, with reference to Palmer and steam boiler explosions in Preston’s cotton mills in the 1840s. Finally, I thank my wife Betty for her patience, constant encouragement and meticulous proof reading.

GHHG August 2009
Illustrations

Richard Palmer Portrait ............................................................. 8
Richard Palmer's Electoral Address .............................................. 10
Leonard Horner Portrait ............................................................ 12
The 1842 Preston Massacre .......................................................... 22
The Royal Sovereign Mill Disaster; Diagram given to Jury ............... 24
The Appeal for the Royal Sovereign Mill Disaster ......................... 28
Royal Sovereign Mill Disaster Public Subscription ....................... 28
The Brunswick Mill Disaster .......................................................... 32
The Steam Boiler Explosion at Brunswick Mill; Plan prepared for Jury 32
Joseph Livesey, Portrait .............................................................. 34
Sir George Grey Portrait ............................................................. 42
Introduction

Much has been written about the human costs of the industrial revolution and attempts to bring those costs under various forms of legal control. However, relatively little attention has been given to one aspect of those costs, factory boiler explosions, still less to the role of coroners’ inquests in adjudicating their results. This paper tries to address this gap via a micro-study of Preston in the 1840s. It has something to tell us about the relative parts played by statute and common law in dealing with the costs of industrialisation. It also has much to say about the ambiguous role of the expert and expert evidence in the emerging urban industrial world. This was a world that was becoming increasingly technological, with increasing need of expertise, yet which also, partly due to the factory system itself and the various ramifications of factory paternalism, remained substantially patronage-based and susceptible to the manipulation and deployment of private interest. Coroners were on the cusp between what were effectively two worlds. Some responded in reformist ways; others more conservatively. Either way, unwittingly or unwittingly and whether leading by example or arousing public outrage by the perceived injustice of their verdicts, they could become very significant catalysts for factory reform and the agitation that built up in its support. Inquests provided workers, who had no statutory redress and only limited redress at common law, with visible platforms from which to challenge factory owners and means whereby the circumstances surrounding factory fatalities could be publicly investigated. These local events could in turn enhance the pressure for change enacted at Westminster.

This study will primarily focus on a coroner of the more conservative sort, and indeed one who entered on his long career through portals belonging to the patronage-based world, and whose reflexes may have been trained accordingly. He was Richard Palmer, Preston’s coroner between 1799 and 1852. We shall focus particularly on his investigation of the town’s two major steam boiler explosions of the 1840s, and the wide-ranging controversies which then ensued. After initially surveying the legal and other contexts within which coroners operated, we will explore Palmer’s unopposed election as county coroner, his understanding of his coronial duties and his subsequent
role in the 1842 Preston Plug Riots. The paper will show how he responded to what became national as well as local safety issues. Next, it will relate the story of two crucial inquests in 1848: those involving the massive explosions at the Royal Sovereign Mill and the Brunswick Mill. We will highlight the lack of expert evidence at those inquests at a time when new spheres of coronial action required new areas of expertise. The paper will then examine popular reaction to the perceived unsatisfactory inquests and the subsequent trial at Liverpool Assizes. Finally, we shall relate these urban problems to the Westminster scene as legislation, reflecting local concerns about industrialisation and working conditions, was enacted to remedy failings in the legal process and the inquest system.

2 Coroners and their world

The factory system flourished in the textile towns of Northern England, producing great wealth for some but also demanding a high price for many others in terms of death, devastating injuries and ill-health. Factory deaths in particular exposed the failure of the common law to protect workers. Deaths from boiler explosions became an integral component of working with steam power. They increased over one hundred times; from 2 in 1800-10 to 209 between 1840 and 1850. At this time no regulations covered the use of steam boilers in cotton mills. Within the Victorian state apparatus of Parliamentary Committees and Royal Commissions, coroners’ inquests remained to social reformers of different political hues the only public inquiries where liability could be brought home to factory owners. Yet there was much controversy about their purpose and effect. Benthamites like Sir Edwin Chadwick considered them ‘an unsatisfactory method of determining the facts of steam-boiler explosions’ and ‘ill-suited to eliminate industrial dangers’. The eminent Manchester engineer, Sir William Fairbairn considered jurors incompetent to understand the operation of steam boilers. Furthermore, coroners only investigated 5-10 per cent of all deaths, and the concern of central government focused on the inaccuracy of the statistics about occupational deaths used in Sessional Papers and published as Blue Books. This was particularly so since the civil registration of deaths, laid down by the 1836 Births Deaths and Marriages Act, sought only to ensure that inquests provided a cause of death. Such causes of death only indirectly referred to the hazards of working life.
Although the first Factory Act was in 1802\(^7\) it was not until 1844\(^7\) that obligations were imposed on factory owners to fence machinery and compensate injured workers. Compensation was to be paid out of fines, on the recommendation of Factory Inspectors, following the Home Secretary instituting civil actions on behalf of the injured. The coroner became involved only if death occurred and, therefore factory legislation had limited coronial references. Lord Ashley’s 1833 Ten Hours Bill had proposed\(^8\) that, on a coroner’s verdict of ‘accidental death by the culpable neglect of the occupier ... of a mill or factory’\(^9\), a charge of manslaughter should follow, committing prisoners for trial without going before petty sessions, thereby making inquests an integral part of the factory movement. If the jury found evidence of negligence by a named person, the coroner’s verdict was to be one of manslaughter with committal for trial at the assizes. Further, since coroners’ juries had, according to the traditionalist Toulmin Smith and the Manchester coroner Edward Herford, powers equal to those of grand juries, the indictment by-passed magistrates. Historically coroners’ committals had existed long before the magistrates had been given similar powers. However, in the late 1840s, under 1 per cent of inquests resulted in committals for suspected homicide.

John Havard\(^10\) has pointed out that the rigidity of pleadings and forms of action available at common law caused the Royal Commissioners on the Criminal Law in the 1840s to doubt the efficacy of a coroner’s inquisition, and to refer to coroners’ bills of indictment as ‘seldom ... good on the face of it’\(^11\). Such bills in practice went before a Grand Jury of Presentment consisting of men of substance within the county community, often chosen from magistrates representing the county hundreds. That jury examined the bills, which were legally intricate documents usually drafted by a court attorney, to decide if there was a case to answer and, if so, to find the same ‘true’ by inscribing on the rear the words _billa vera_. If thus marked the indictments went before the trial judge at the assize courts. If rejected a new indictment could follow, but this was unusual, especially for coroners’ indictments, since this might open coroners to grand jury criticism. Nineteenth-century trial judges often constrained the effectiveness of inquests by accepting that the established principles of binding precedent, or _stare decisis_, applied to the common law. They thereby limited judicial idiosyncrasies by restricting judicial freedom either to interpret or change existing law to meet new needs of industry and safety at work. Those principles could entail the spirit of the law being evaded via technical defects.
like the omission of the word 'instantly' in an indictment and the use of paper and not parchment. Hence, to meet changing circumstances, the common law might be of little immediate use, and Parliament had to make new statute law.

The common law, handicapped by a series of legal 'fictions' (assumptions), could not cope with the demands of emerging industrial society. Particularly before 1850, the judge's summing up to the jury could be perfunctory, even non-existent. In the absence of legal precedent the common law was irrational and, since the harsh ruling in *Baker v Bolton*\(^2\), provided no right of action for economic loss following a breadwinner's death; any such right died alongside injured parties. The law of tort was in its infancy and unable to cope with factory accidents or deaths. Hitherto actions for negligence based on the direct or proximate cause of the accident had been shown in *Scott v Shepherd*\(^4\) to be blurred by distinctions between immediate and foreseeable consequential injury and by the emerging doctrine of alternative danger or 'the dilemma principle'. Further, while the legal position of injured workers was unclear, judges viewed with alarm any possibility of widespread employers' liability for accidents. *After Priestley v Fowler* in 1837 the doctrines of common employment, contributory negligence and *volenti non fit injuria* prevented many injured employees from suing employers.\(^6\) In practice, when faced with deaths involving problems in proving who was the party responsible, the common law provided no remedy.\(^15\)

An inquest open to the public represented an opportunity to secure, almost by popular demand, a coroner's committal of the party at fault, including, if applicable, a cotton-mill proprietor, following a jury's verdict of murder or manslaughter. That opportunity ensured inquests played a controversial role in the factory movement. The 'popular and constitutional inquest', described by the Oldham M.P. William Cobbett in his *Political Register* for 1 June 1833 as his favourite 'institution for the protection of life and limb', involved both working conditions and the popular constitutional rights of the workers.

The inquest had three components - the coroner, the jury and the open court; all three had mutually to combine to form the framework within which the inquest could be legitimised as an effective participatory force safeguarding mill workers, alongside the factory movement and Factory Inspectorate.

The first component was the coroner himself who, apart from the Sheriff, was the only elected judicial figure in the Quarter Sessions system. He held office for life and, unless a franchise coroner, was either a county coroner elected by the freeholders.
at the hustings, or a borough coroner appointed by a borough council. As a judicial officer his duty was to inquire into accidental, suspicious, violent or unnatural deaths. With the proliferation of the professional class following the Industrial Revolution, expert witnesses like civil and mechanical engineers had a specialist role here. They represented what Harold Perkin has called the new ‘professional ideal’ centred on service and expertise and sometimes at odds with the demands of contemporary market forces, and still more with the patronage-based society they were replacing. By the mid-1840s, in an increasingly complex industrial society, coroners’ jurors began, in the case of boiler explosions, to expect evidence from those associated with the technical application of mechanical science to boilers, and not just evidence from local boiler-makers. Yet the coroner chose experts on the basis of expense, immediate availability – inquests took place shortly after death – and competency in applying mechanical principles to the operation of steam boilers. The verdict recorded by the coroner was that given by the jurors on the basis of such evidence. Coroners always sat with a jury of 12-24 local men not subject to any statutory qualification, and with different juror rules applying for county and borough coroners.

The second component of the inquest system was the jury, summoned and often effectively chosen by the coroner to serve, in theory, on a rotational basis. Their verdict sometimes represented a form of popular justice reflecting contemporary attitudes to social issues combined with popular understandings of expert evidence. As stated above any number from 12 to 24 could be summoned but more than 15 were rare. Some activist coroners accepted that factory deaths raised questions beyond the physical cause of death and directed jurors about the availability of expert witnesses and about verdicts. If coroners wanted to call expert evidence, and if such witnesses were to be paid out of the rates and not personally by the coroner, coroners had to apply to the county magistrates or borough council for permission and many were reluctant even when pressed by jurors. To a limited extent, therefore, magistrates and councillors influenced coroners in witness selection. The Preston coroner, Richard Palmer, had local engineers and boiler-makers giving evidence but did not pay them. No statutory authority authorised payment. Presumably because of expense he never called Fairbairn from Manchester. The latter, sometimes waiving his fees, supplied reports on steam boiler explosions to other coroners in Bolton, Blackburn and Rochdale as well as to Herford in Manchester. Fairbairn frequently submitted those reports to the Home Secretary.16 Investigations into steam boiler explosions required
special knowledge of the mechanical principles involved in the construction, maintenance and operation of such boilers and, with increasing emphasis on expertise, the nineteenth-century inquest became a crucial check on unsafe working conditions. Jurors played a vital role therein.

The third component of the inquest system was its constitutional function as a people’s court open to all and capable of publicizing highly charged social, humanitarian and political issues. As his critics made clear, Palmer did not sit in camera. He operated an open court but not as an extension of radical politics. Palmer knew Thomas Ferrand, the Rochdale coroner. He remembered the furor following the latter’s cause célèbre, the John Lees inquest, and the controversy about the open court. Although Palmer could have excluded the press and the public he never did; his inquests therefore became forums for contemporary concerns about working conditions.

As the factory system developed such working conditions deteriorated. Occupational deaths and accidents at work increased without adequate redress under common law for the dead and injured. In particular, as stated earlier, following the common law maxim actio personalis moritur cum persona promulgated in Baker v Bolton, any cause of action died with the deceased although in the cases of factory and railway deaths the inquest system, through coroners, found ways of compensating victims by reviving the archaic device of deodands: Some parliamentarians supported the coronial practice of circumventing the civil process. Speaking in the Commons during the 1846 debate on the Deodands Abolition (No 2) Bill, Stuart Wortley referred to deodands as the only ‘cheap and ready compensation’ available to the poor. A deodand was the forfeiture of an object that occasioned or was the instrument of death. At common law the article or object, which the coroner’s jury found had ‘moved to the death’ of an individual, could be declared a deodand and forfeited. The coroner could give the value of the forfeited deodand, fixed by the jury, to the family of the deceased by way of compensation. Apart from compensation it served as a punishment and deterrent. It was an indication of fault. Sometimes the amount was substantial: in the 1840s sums of £500 and £600 were awarded. During the 1846 Commons debates, the Attorney General, discussing the Death by Accident Compensation Bill, stated that ‘it was very desirable that the deodand should be made the means of affording some compensation to the family of a person killed’. He also pointed out that the compensation was not according to ‘the injury inflicted but
according to the value of the instrument of injury. Although compensation did not reflect the measure of pecuniary loss, the innovative use of deodands circumvented the civil process at common law and thereby incurred the wrath of the judiciary and legislature. Both Houses of Parliament debated the abolition of deodands and ways of providing compensation for occupational deaths.

When Lord Campbell spoke in the Lords on 24th April 1846, during the debate on the Deodand Abolition Bill and the Death by Accident Compensation Bill, he accused coroners' juries of abusing the law by using deodands to punish negligence. He disagreed with the Attorney General's statement in the Commons but agreed with Wakley's statement that no benefit arose from the present law of deodands. He wanted the Bills to go forward. Both were subject to political manoeuvring, reference to Select Committees and failure followed by resurrection. Finally, after two years of debate, the 1846 Deodands Abolition Act and the 1846 Fatal Accidents Compensation Act became law, meaning that coroners and jurors could no longer award deodands as compensation. The first Act abolished the right of coroners' juries to provide compensation for occupational deaths by levying deodands. The second, by providing that dependants of a deceased person could claim damages, was intended to counterbalance any hardship resulting from the first Act, but legal action had to be instigated by the deceased's personal representatives and not by either the Factory Inspector, whose powers of providing compensation through fines under Section 24 of the 1844 Factory Act did not extend to the dead, or by the Coroner whose powers at inquests became confined to criminal indictments for murder or manslaughter. However, inquests continued to function as a mirror to aspects of factory legislation by using the emerging tort of negligence as a possible means of providing compensation through the civil courts subject to the difficulty that the common law rule against recovering damages from the employer - 'the fellow-servant' rule of Priestley v Fowler - was rigorously applied in early Victorian England.

3 Palmer and the Preston Coronership

Preston in many ways was an archetypal cotton town. Its population increased from 50,131 in 1841 to 69,542 in 1851. As shown by Myers' 1836 Town Map it had 35 cotton mills, the first dating from 1777. By 1851 numbers had increased to 31 combined cotton spinners and manufacturers, 11 separate cotton spinners and 25
separate cotton goods manufacturers. Of these, 2 employed more than 1000 workers, 9 more than 500 and 19 less than 150. Most therefore employed 150-500 workers.

By the time of the 1848 Preston steam boiler explosions, Palmer had been a county coroner for nearly fifty years. He was probably England’s longest-serving coroner. To Prestonians, he represented the Tory Anglican Establishment, combining the coronership with other public appointments. He was Preston’s Town Clerk. Before the 1832 Reform Act, this also entailed him being Clerk to the Preston borough magistrates. He was also a Preston solicitor with a substantial private practice and Clerk to the Preston Guild Merchant, Clerk to the Police Commission, one of the Clerks to the county magistrates, a Clerk to the Court of Chancery, Clerk to the Preston and Garstang turnpike roads, Clerk to the Commission for Income Tax and Registrar of the Preston Court of Pleas. As Town Clerk and borough magistrates’ Clerk, Palmer had stood alongside the Mayor and Chief Constable at the reading of the Riot Act during the Plug Riots and the Preston massacre of 13th August 1842, which, together with the 1850 riots, led Karl Marx to liken Preston to St. Petersburg and the Russian Revolution. Palmer’s rise to so many high offices made him indebted to Preston’s cotton magnates who, by 1851, employed 29.5% of the town’s adult population. It also made him an employee of borough and county magistrates and of borough councillors many of whom were connected with the textile trade. Furthermore his professional work, with a solicitor’s practice substantially dependent on cotton mill proprietors, influenced his approach to mill proprietors and factory deaths and, unsurprisingly, in the period 1831-46 Preston newspapers recorded few inquests where his jurors levied a deodand. The events shaping Palmer’s early career and affecting the two 1848 controversial steam boiler inquests will now be outlined.

Palmer was born in Lancaster on 23rd February 1773, second son of Robert and Elizabeth Palmer who had moved to Preston to become licensees of the Plough Inn. When he was 12 he went to work for Nicholas Grimshaw, described by the nineteenth-century local historian Arthur Hewitson as ‘one of the most notable men ever associated with Preston.’ At that time, Grimshaw had a respectable solicitor’s practice in Preston and ‘wanted a sharp lad in his office.’ Therefore, on 6 June 1788, he accepted Palmer as his articled clerk and Palmer was admitted as an attorney at the Lancaster March Assizes of 1794. In the previous year Grimshaw had secured the part-time appointment of Town Clerk of Preston. That appointment, together with
duties as Mayor of Preston, which office he held on 7 occasions, absorbed much of his time and Palmer assumed more responsibility within the practice, including attending to some of the legal matters of John Horrocks (1768-1804), cotton spinner and manufacturer of Penwortham Lodge near Preston. This produced a close friendship with Horrocks which, so far as the county coronership was concerned, proved important a few years later.

In October 1799 Mr Hankinson, county coroner for Amounderness and Leyland Hundreds and part of Blackburn Hundred, resigned. Hankinson’s jurisdiction included Preston since, although by Royal Charter Preston’s Mayor was automatically borough coroner while in office, the work was actually undertaken by the adjoining county coroner. County Coroners were elected by the county freeholders, and the only qualification required of candidates was that they were independent freeholders. Electoral addresses, canvassing and poll, in the event of a contested election, followed on lines similar to parliamentary elections. Hearing of the sudden vacancy and in response to popular demand Palmer decided to be a candidate. He consulted Grimshaw, his partner and former employer, and ‘his warm friend’ the aspirant M.P. and father of the Preston cotton trade, the Quaker-Tory, Horrocks. Both had experience of the hustings, having participated in some of Preston’s fiercest and most costly political contests; although inexperienced in coronial elections, they promised Palmer support. At the 1796 parliamentary election Horrocks, nominated by the Tory Preston Corporation, had challenged the Whig interests represented by the town’s most prestigious inhabitant, the Earl of Derby. After incurring considerable expense he had narrowly lost, but victory had cost the 13th Earl some £11,550. Horrocks had successfully denied the family’s ascendancy in Preston. Palmer therefore welcomed his support and possible financial help if a contest occurred. After all, backed by Preston Corporation, Horrocks had amassed a huge fortune of £150,000 from the town’s cotton mills, starting with the first large purpose-built mill between Church Street and Dale Street known as the Yellow Factory because of its colour. Reassured Palmer appealed to Lancashire’s freeholders.

He issued an election address, referring to ‘very flattering promises of support and the powerful interest...already obtained by the active Exertions of those numerous Friends who stood forth in [his] Favor on this Occasion.’ It was short, unpretentious and deferential, without reference to coronial duties or the importance of the open or public inquest in the investigation of death. It showed no conception of
inquest as focal points for reform, but this was not unusual. Only in the early
nineteenth century did coroners’ electoral addresses start taking account of political
and social issues. Palmer’s printed letter, resembling in style addresses by
parliamentary candidates, was intended as a handbill since in 1799 Preston had no
local newspapers.

The election was to take place at 10 a.m. at the Town Hall on 12 November
1799. Palmer’s nomination was proposed by the Rev. James Barton and seconded by
Horrocks. Other candidates emerged – John Winstanley and Edward Forshaw, both
Preston solicitors. The day before the election Horrocks called at Grimsshaw’s office.
He found “the clerks busy employed in the preparation of poll books in anticipation
of a contest.” John Addison, a friend of Winstanley, told Horrocks, “it was a pity
there should be a contest, for he thought...none of the “lads” had money to throw
away, and that it would be better if some amicable arrangement could be made.”
Horrocks agreed but said ‘you may make whatever arrangement you like, only Palmer
must be the coroner’. Such was his influence that, by the day’s end, Winstanley and
Forshaw had withdrawn and Palmer was elected unopposed. Palmer was referred to as
Horrocks’ protégé and contemporaries accepted the latter had been ‘mainly
instrumental in securing [Palmer’s] appointment’. He thus began his career as
obligated to local cotton magnates, and under circumstances threatening his judicial
independence.

In 1801 another potential threat to independence arose when Palmer became
Town Clerk, and thereby Clerk to the borough magistrates. He inherited the position
when his partner, Grimsshaw, became Mayor. Initially, therefore, his responsibility
was to the pre-1835 Preston Corporation, limited in number and dating from 1179.
Following the 1835 Municipal Corporations Act new appointments had to be made by
the enlarged borough council. However, more than thirty years after his initial
appointment, the latter unanimously reappointed Palmer as Town Clerk. He therefore
had become a part-time employee, removable by the council but, unlike his
contemporaries, the flamboyant Joseph Heron, Manchester’s Town Clerk; and the less
flamboyant but equally energetic Samuel Johnson Town Clerk of Nottingham, he
maintained a low profile midway in the hierarchy of Preston’s borough officers. It
was very much ‘holding the Office during [the] Pleasure’ of the Preston borough
council. By the 1840s the council’s structure was changing, with more councillors
being not merely cotton manufacturers but also borough magistrates, thereby retaining
PALMER'S ELECTORAL ADDRESS

(Courtesy: Lancashire Record Office, Preston)

TO THE
INDEPENDENT FREEHOLDERS,
OF THE
COUNTY OF LANCASTER.

GENTLEMEN, &c.

THE Office of one of the Coroners of this County being now vacant, by the Resignation of Mr. HARRISON, I again take the Liberty of addressing you. The very flattering promises of Support, and the powerful Interest I have already obtained, by the active Exertions of those numerous Friends, who have stood forth in my Favor on this Occasion, are so highly gratifying to my Feelings, that I cannot hesitate declaring my fixed Resolution to persevere in the Contest, confident that such Exertions will not fail of ensuring me Success.

The Sheriffs intend the Election to commence on Tuesday, the 14th Day of November next, at the Town-Hall, in Preston, at Ten o'Clock in the Forenoon.

It being my wish to avoid as much as possible giving any unnecessary Trouble to my Friends, I shall take care to inform them, in their several Districts, on which particular Day of the Poll, their Attendance will be most conducive to my Interest.

I remain, Gentlemen,

Yours, Very Respectfully,

Richard Palmer.
'the cotton lord's grip on local affairs'. For example, John Peley Senior, as well as being borough magistrate and councillor, was proprietor of several Preston cotton mills, including the Royal Sovereign Mill where the first boiler explosion occurred and the Bank Top Mill where there had been several fatalities. Similarly, Alderman Miller was part-owner of Horrocks Miller & Co cotton spinners, whilst Councillor Goodair jointly owned Napier & Goodair, one of Preston's largest mills.

Palmer's own magisterial appointments mainly occurred some years later when in August 1836, following the 1835 Municipal Corporations Act, he was reappointed clerk to the borough magistrates and in January 1838 a clerk to the county magistrates for Preston. These appointments potentially opened him to pressure in coronial investigations and magisterial prosecutions in the borough and county. According to the local press, Palmer, presumably having succumbed to such pressure, had few disputes with borough or county magistrates, and no arraignments for murder or manslaughter made by him on a coroner's inquisition failed to go before the grand jury. Disputes did not relate to factory deaths but concerned why he refrained from holding some inquests, particularly on new-born babies. Palmer, like many fellow coroners, was sensitive about criminal jurisdiction in cases of suspected homicide; he also worried about the burden of proof, and about potential disputes with magistrates over coronial power to commit for trial for homicide, doubly so with the judiciary seeking to curb coroners' indictments and declare them void. He realised some magistrates saw him as interfering, and duplicating the criminal process since the 1844 Factory Act involved using magistrates' courts for criminal prosecutions. For example, after the 1844 Act, Ewings, seeking prosecution for a factory offence, had to present a case to the borough magistrates for any prosecution to take place and Palmer, combining the coronership with his position of magistrates' clerk, had to advise on indictments.

Palmer, elected coroner by the freeholders, was involved with an unelected Factory Inspectorate recruited almost entirely by political patronage. Inspectors were indirectly concerned with fatal accidents. Their primary concerns were safety at work, hours of work and the employment of women and children. They were not very active in the local magistrates' courts or at inquests and, in the mid-Victorian period, although the number of fatal accidents increased, the number of prosecutions declined. Prior to the 1844 Act, their role was limited and many adopted the policy of explaining the law and relying on the good sense of employers to follow it. They
tended to be reluctant enforcers. Although inspectors attended some inquests, sitting on the bench alongside the coroner, they had no mandate to investigate accidents or occupational deaths beyond enforcing legislation about working hours. The 1833 Factory Act said nothing about safety. It was the 1844 Factory Act that introduced safety provisions about fencing machinery, largely due to the efforts of the first factory inspectors. The Act made no reference to steam boilers. However, in the 1840s, factory inspectors helped explain the shortcomings of factory legislation by submitting half-yearly reports to the newly created central factory office, and by appearing as ‘expert witnesses’ before Select Committees, although an engineering adviser within the department was not appointed until 1899. As ‘expert witnesses’, their qualifications were indeterminate. They came from mixed backgrounds and lacked the technical qualifications of mining inspectors. For example, Robert Rickards was partner in a firm of East India merchants, Robert Baker a Leeds parish surgeon, Thomas James Howell a successful Gloucester barrister. Indeed, under the patronage system, some appointments were politically motivated as with the controversial Scottish Whig newspaper editor James Stuart who had a few years earlier been tried for murder and acquitted. In any case, engineering expertise, particularly concerning steam boilers, was not easily available in the early Victorian period since the Institution of Mechanical Engineers was not formed until 1847 and its membership by 1850 was only 200. Understandably therefore, the head of the 12 Factory Inspectors was not a mechanical engineer but Leonard Horner F.R.S., eminent geologist, educationalist and former warden of University College London.38

During his 26 years in office, Horner emerged as a national figure in debates about working conditions but also as someone difficult to label in class terms. His relationship with the Home Office was sometimes strained due to his association with factory reformers and conflicts with mill owners. In Das Kapital Marx referred to Horner as having ‘a lifelong contest’ with ‘manufacturers [and] with the cabinet’ and as having rendered ‘invaluable service to the English working-class’. However, Marx makes no reference to Horner and the inquest system. Horner held meetings with doctors and leading Lancashire manufacturers, including members of the Manchester based Factory Law Amendment Association, about safety standards and the employment of child labour. In the cotton metropolis of Manchester he met mill owners like Henry McConnel, Robert Hyde Greg and James Aspinall Turner who protested against his dictatorial actions and in Preston confronted cotton proprietors
LEONARD HORNER (1785-1864)
H.M. CHIEF INSPECTOR OF FACTORIES
(Courtesy, University College London)
like John Paley, John Goodair, Robert Gardner and Samuel Horrocks who were less inclined to protest. In the 1840s Horner had no direct contact with the Manchester coroners James Chapman and Edward Herford and in early Victorian Preston, his limited contact with Palmer was confined to his role as Town Clerk and clerk to the borough magistrates. He expressed concern about child employment in Preston's cotton mills, their educational needs and the dangers of inadequately fenced machinery. Ten years after being appointed to the Factory Inspectorate he became a member of the 1843 Committee of Inquiry into the Employment of Children in Mines and Manufactories, and was consulted by successive Home Secretaries about drafting factory legislation from 1844 onwards. Based in Manchester his responsibility was to enforce that legislation throughout the Lancashire cotton towns. With so large a jurisdictional area it is unsurprising that Horner was not present at Preston inquests. Instead, Joseph Ewings, one of his twelve sub-inspectors, appeared on his behalf. Ewings, who lived in Preston, was the sub-inspector or Superintendent for the Preston area and a near-neighbour of Palmer. The two men knew each other well and Palmer knew that Ewings would not instigate prosecutions unless convictions were virtually guaranteed, because of the limited financial resources of the Factory Department, and because inspectors realised that failed prosecutions had adverse effects on compensation payments. Although Palmer allowed Ewings to participate in inquests, some Prestonians and borough magistrates were suspicious of local resident factory inspectors. They questioned qualifications and motives. Some mill owners saw them as informers. Local newspaper correspondents referred to them as 'men who knew nothing about steam power or the pressure boilers [were] calculated to bear', arguing they should be 'practical engineers, men fully conversant with such matters'.

Newspaper advertisements supported that popular viewpoint, emphasising the need for engineering experts at inquests.

When Factory Inspectors attended Preston inquests in the 1840s they did so by grace and favour: Ewings had no authority over Palmer; indeed, Palmer could exclude him from inquests by holding them in camera. Indeed, it was not until the 1895 Factories and Workshops Act that Inspectors were required 'to watch the proceedings [at inquests]' and given limited authority over coroners. Section 19 of that Act required coroners, 'where a death has occurred by accident in any factory or workshop ... to adjourn the inquest', and then send the Factory Inspectorate written 'notice... of the time and place of holding the adjourned inquest'. To a limited extent
that Act subordinated the coroner to the Factory Inspector. Before the 1895 Act brought the latter into the inquest system the 1883 Boiler Explosions Act had, by Section 6(1) at the direction of the Board of Trade, provided for a preliminary inquiry in open court before 'one or more competent and independent engineers practically conversant with the manufacture and working of boilers' but without reference to the coroner.

In the 1840s, local newspapers record Ewings sitting alongside Palmer at some controversial boiler explosion inquests although he had no practical experience of steam boilers. Palmer allowed him to question witnesses, and did not challenge his line of questioning even when it extended beyond why a particular boiler exploded, to issues of temperance and workers' moral character, irrespective of the dangers of steam power. The questioning hardly indicated familiarity with, or expertise in, steam boilers.

Palmer knew factory inspectors' powers were limited. He also realised there was internal pressure from men like Horner to make factory law enforceable and relevant to inquests. Yet, when appearing before coroners and magistrates, each factory inspector adopted different criteria in relation to factory law, the meaning of factory premises and sustainable convictions. For example, Horner, unlike his fellow inspector T.J. Howell, prepared reports not on the number of mills but on the number of firms occupying any mill so that he did not specifically deal with factory premises like Hollins' Royal Sovereign Mill or Cooper and Garrington's Brunswick Mill which were integral units. When, as an objective reporter of working conditions, he presented his Report to the Commons for the half-year ended 31st October 1848, he effectively confirmed Palmer's understanding of the legal position by making no reference to Ewings or the deaths arising at the two Preston cotton mill steam boiler explosions or to the sustainability of any prosecution arising out of them. Instead, with a display of disinterested professionalism, he decided to ignore inquests, concentrating on the national picture with a summary of the fines imposed for infringement of the statutory provisions relating to safety at work. He accepted that not all mill owners could be trusted and that many had 'a very loose kind of morality' with regard to evasion of factory law. However, he did say that, whereas factory proprietors could be fined between £10 and £100 for an accident causing bodily injuries, the Law Officers of the Crown advised him that if that person died before a factory inspector had started legal proceedings then 'no penalty [was] incurred.'
was loath to prosecute. Therefore, when factory inspectors like Bwings attended
inquests, virtually as reporters combining the role of information centre and pressure
group, they asked questions about causation that might help the coroner and jurors but
provided limited help to victims' families.

Bwings' presence at Preston inquests in the 1840s did not result in more
prosecutions for manslaughter or murder at Liverpool Assizes and resulted in few
prosecutions before the borough magistrates. Whereas in Manchester 118
prosecutions occurred between 1838 and 1851, only 8 took place in the same period
in Preston.66 Those prosecutions were not the result of evidence heard at inquests and
Preston magistrates, guided by Palmer, were reluctant to impose the statutory fines
referred to by Horner in his 1848 October Half-Yearly Report67 especially since the
1844 Factory Act allowed charges to be laid for the same offence on a repetitive
basis.68 Magistrates were reluctant to convict fellow cotton manufacturers for 'doing
nothing that they themselves were not doing in their own mills'.69 Prosecution
witnesses were sometimes subject to bribery or intimidation.

Evidence of pressure on Palmer from some cotton magnates emerged in a few
controversial inquests especially in the 1840s when inquests were accepted forums for
local people to investigate the causes and circumstances of occupational deaths.
Sometimes they exposed negligence and jurors recommended legal changes affecting
industrial safety and compensation for victims of industrial accidents.70 By the 1840s
Palmer had had many years experience as a part-time county coroner.71 Although
lacking the experience of coroners like Philip Finch Curry in Liverpool and Herford
in Manchester, he developed an individualistic approach to inquests with clear views
about what evidence should be given, what witnesses summoned and the directions to
be given to jurors about verdicts. Palmer allowed both Factory Inspectors and lawyers
representing the parties to question witnesses, and allowed lawyers to address him but
not the jury in court. However, his interpretation of the overall evidence and the law
involved, combined with his directions about possible verdicts, appear to have been
brief and blunt. He rarely took notes of witness depositions. A peremptory approach
was manifested in the series of summing ups to jurors given in the 1842 Plug Plot
Riot inquests, the 1848 Royal Sovereign Mill and Brunswick Mill inquests, the 1852
Colliery Explosion inquest at Coppull72 and the 1852 Lytham Life Boat Disaster.73
How Palmer decided to conduct inquests will now be examined.
When Palmer was first elected county coroner he was inexperienced in coronial duties, which were anyway ill defined. He had not been a deputy coroner. Every coroner had to decide, in his discretion and within the law, how to investigate deaths reported to him. Apart from Worrall’s 1756 *Coroner’s Guide* and Umfreville’s 1761 *Lex Coronatoria* together with Impye’s *Office and Duty of Coroners* (1786), coronial law manuals did not exist until Sir John Jervis’ *On the Office and Duties of Coroners* in 1829. As Umfreville, a Middlesex county coroner, explained there was no ‘general uniform Practice’. Jervis was the forerunner of other books on coronial law. Relying on these texts Palmer had to decide for himself how he conducted inquests. The full weight of conducting inquests, examining witnesses, taking notes of evidence, summing it up and advising juries about possible verdicts fell on Palmer.

The Coroners’ Society of England and Wales which, as Home Secretary Sir George Lewis pointed out, was designed to protect coroners against magistrates and promote suitable legislation on coroners’ duties and remuneration, was not formed until 1846 and the Northern Counties Coroners’ Association, with similar but more local objectives, was created some years later. By 1848, 18% of coroners belonged to the London-based Society whereas most of Lancashire’s 24 coroners, Cheshire, Westmoreland and Cumberland joined the Manchester-based Northern Counties Coroners’ Association, which met half-yearly. Palmer was a member of the latter body but not the former. He was therefore largely self-taught in coronial duties. Usually his inquests were uncontroversial, verdicts being predictable but some occurred where verdicts caused public outcry.

Between Palmer’s election in 1799 and the 1840’s the inquest system changed, with urbanization and greater emphasis on public participation and the use of expert witnesses providing medical, technical and scientific evidence. The change was partly due to the 1836 Acts legislating for civil death registration and payment for medical evidence at inquests, and partly to industrialisation with increased numbers of reported occupational deaths. The latter followed the growth of the statistical movement as part of the mid-Victorian response to industrialisation. Until the Annual Reports of the Chief Inspector of Factories occupational deaths never figured in statistical records. Coroners supplied some statistics. They submitted Annual Returns to the Home Office of verdicts given. Inquests were the only recorded investigations available. They were popular forums wherein blame and liability could be discussed and, until 1846, if appropriate, deodands levied by jurors as
compensatory or punitive responses to negligence. One leading coroner wrote that when juries levied a deodand a verdict of manslaughter should follow. Therefore inquests theoretically provided the State with some statistical data and families with evidence for future civil actions for negligence or for future criminal actions for manslaughter or murder, although in reality most families lacked the necessary financial resources.

Palmer had to decide how to deal with investigations into occupational deaths. With the growth of Preston's cotton mills he came up against the tragedy of boiler explosions. Such disasters had been an early feature of the cotton industry in other Lancashire towns like Bolton, Burnley, Manchester, Rochdale and Wigan. How did Palmer respond to the problems associated with the increased use of steam-powered pressure engines with wagon boilers of the Cornish and Lancashire type and to industrialisation with dangerous working conditions in cotton mills? How did he reconcile his judicial position as coroner with his other appointments? The answers are available in contemporary sources, and surviving archival material.

Archives relating to Palmer's coronership are limited. Few of his inquest files, depositions or jury lists have survived and the records of the Northern Circuit Assizes and the Old Bailey sessions include only a few inquest files relating tocommitals for murder or manslaughter made by him. Those files include signed depositions but not details of questions asked or summing up to jurors. Some material has survived in the Lancashire Record Office in the form of quarterly returns to Lancashire Quarter Sessions. The format is brief, stating only inquest dates, names of the deceased, mileages incurred and fees charged. Post-1836 it included surgeon's fees for post-mortems or inquest attendance. Meanwhile, in the National Archives, a few parliamentary papers include separate statistics relating to Palmer's inquests although after 1844 Lancashire's Clerks of the Peace, in their returns to the Secretary of State, combined the figures for the 8 Lancashire county coroners making it impossible, without complete sets of Quarterly Returns to Quarter Sessions, to identify inquests relating solely to the Preston coroner. However, figures across Lancashire increased from 1139 in 1843 to 1514 in 1842, with 1468 inquests in 1848.

The factory inspectors' half-yearly reports do not specifically refer to Palmer. Their internal papers relating to the Royal Sovereign and Brunswick Mills as well as the firm's business records have not survived among the Board of Trade papers in the National Archives. Newspapers, national and local weekly, together with the
transactions of the various societies of civil and mechanical engineers are therefore the primary source of contemporary material about steam boiler explosions. Although from the early-eighteenth century Preston had local newspapers like the Preston Weekly Journal (later the Lancashire General Advertiser) and the Preston Review and County Advertiser surviving issues are incomplete covering only 1740-1751. None cover the 1799 Palmer election. Apart from the intermittent Preston Sentinel and Preston Observer in the 1820s to 1830s, the first complete series of Preston newspapers begins in 1831. Meanwhile Palmer's inquests were sometimes briefly noted in The Times, Liverpool Mercury (founded 1811) and Manchester Guardian (founded 1821). After 1831 the position changed with the press in regular attendance before the coroner. Preston inquests were reported in the local press most Saturdays commencing with the Whig-Reformist Preston Chronicle and Lancashire Advertiser from January 1831, the Tory Preston Pilot and County Advertiser from the same date, the Preston Observer briefly from 1837 and the Liberal Preston Guardian under the directorship of Joseph Livesey from February 1844. Such newspapers were more than quaquaversal of factual information. They disseminated news across provincial England. They were, as Asa Briggs noted in Victorian Cities, extremely effective propaganda agencies. They were organs of opinion expressed through diverse editorials, news reports, readers' letters and advertisements. Newspaper proprietors did more than reflect local opinion; they provided coherence to otherwise disparate and fissiparous activities. A vigorous partisan but distinctive provincial press aspired to define and direct opinions in Preston and the surrounding area.

Beyond Preston, Palmer's coronial jurisdiction comprised part of the Amounderness and Blackburn Hundreds, and all of Leyland Hundred. The population of the jurisdiction in 1841 was 147,332. Coronial duties involved substantial travelling. Surviving Quarterly Returns show steadily accelerating numbers and mileage in line with population. In the mid-1840s the number was averaging one inquest per 1240, having gradually increased. For example, in 1830 Palmer held 32 inquests travelling to Brindle, Coppull, Chorley, Longton and Mach Hoole apart from Preston. His mileage was 262 in 1830 and 255 in 1831. In 1832 he held 30 inquests, 34 in 1833 and 53 in 1836. By the 1840s they had more than doubled. The yearly average for 1845-50 was 118, and in 1850-55 133. Palmer stated that his highest quarterly number of inquests was 40 for October-December 1849 and for any week was 11 (31st December 1849-5th January 1850). He tried to control the number and
expense incurred. In the year before his death he succeeded in maintaining the same level of inquests by treating multiple inquests as single inquests and reducing the average cost to £1.18s 2d. Such economy earned him praise in the local press.

The Preston Pilot's Editor suggested Palmer managed this by conducting preliminary investigations on reported deaths in private without a jury before deciding to hold inquests. Inquiries were investigative and not adversarial. Jurors were jurors of presentment, able to issue a warrant for trial, although judges criticised some for acting as trial or grand jurors if their verdicts produced manslaughter or murder indictments and subsequent hearings before a grand jury and petty jury to decide whether there was case to answer at Liverpool Assizes. Inquests began with the swearing in of an all male jury of 12-24 local men with controversial inquests having 15, rendering majority verdicts easier. Few details have survived about who served but coroners' jurors were exempted from the County Juries Act 1825. John Henry Todd, Hampshire's county coroner, told the 1860 Parliamentary Select Committee that jurors required no qualifications whatsoever, and John Humphreys, the Middlesex coroner, told the same committee that his jurors were obtained from general tradesmen in the court-room neighbourhood. Jervis confirmed that no property qualification was required but that jurors were expected to be probi et legales homines. Jurors have been described, particularly in early modern England, as 'men of middling status', usually unpaid, sworn to tell the truth and, as Gross put it in 1895, embodying principles of popular local representation. Despite being exclusively male they represented community values, basing verdicts upon local knowledge and their assessment of evidence given by others as well as expert evidence and the coroner's summation.

In Preston, Joseph Dearden, who lived near the Town Hall, was parish beadle, Town Hall Keeper and Palmer's coroner's officer. He usually summoned jurors by streets rather than voters register. As such, tradesmen around the Town Hall and Market Square characterised Palmer's juries. In the Preston Guardian local social reformers like Joseph and John Livesey criticised jurors as lacking the specialist engineering knowledge to understand boiler explosions. Jurors might appear several times. George Bateman, a Market Place innkeeper, was a juror at both the 1842 William Lancaster and the 1848 Brunswick Mill inquest. The same 15 jurors were used at both the Sowerbutts and MacNamara inquests of 1842. These were admittedly held on the same day and the jury summons (Form 20 in the Appendix to
Jervis) provided for more than one inquest, if necessary. On that basis, Palmer had a relatively open group of local male tradesmen available to him but few engineers or boilermakers since mid-nineteenth century Preston trade directories listed only 8 millwrights and engineers and 3 boilermakers, mostly actively involved with the machinery of the town’s other mills. When it came to reaching verdicts, jurors usually followed Palmer’s directions.99

After the jurors were sworn, Palmer and the jurors went to make ‘a view of the body’, inspecting it for marks of violence.99 They then returned to the inquest venue. Evidence about how death occurred was given by witnesses chosen by Palmer. After 1836 this included that of a paid medical witness (£1.1 for evidence only and £2.2 if involving post-mortem examination). During these proceedings Palmer or his deputy took notes. Jurors could ask questions and, in controversial inquests like the Royal Sovereign Mill and Brunswick Mill inquests, actively participated. Also representatives of the deceased, including family members, could ask questions although, as coroner, Palmer had absolute authority.

Because of his numerous public appointments100 Palmer had close working relationships with both borough and county magistrates – several of the 10 borough magistrates were also on the county bench.101 For example, as county coroner he had to submit for approval quarterly accounts to the General Finance Committee at Preston respecting his inquest fees and expenses. The county magistrates on that Committee could refuse payment if they considered an inquest had been held unnecessarily or involved unjustifiable expenditure. Unlike many county coroners, including his successor Myres – and some borough coroners like Herford in Manchester, Palmer had few disputes with the magistrates.102 His quarterly accounts disclosed fiscal prudence and he was careful to state that he had personally held the inquests, trying thereby to avoid confrontation with the magistrates since some Lancashire coroners were noted excessively using deputies. The wording of his certificate was exact. In the Brunswick Mill inquests on 28th August 1848 he certified on the 17th October 1848 he had ‘personally [been] present and held each inquest although, in fact, his deputy in his presence had conducted the same.103 He knew what the county magistrates expected. These inquests illustrated first how Palmer carried favour with the county magistrates. Although charging his fee of £1.6.8 on each of the 8 inquests he charged mileage for just one; he only paid the surgeon one fee for
medical evidence; and paid 5 witnesses, all from Preston, 2s 6d each. He paid nothing to the boiler engineer, boilermaker or boiler engineer from Glasgow.104

If Palmer's Quarterly Accounts are analysed on the assumption that witness fees reflected evidence given, conclusions are possible about his use of experts. For example, in the Quarter ending 5th April 1848105 Palmer held 25 inquests, received coroner's fees of £33.6.8 plus mileage of £8.5.0 but paid £6.6.0 in medical fees and £2.12.6 other witness fees. For the Quarter ending 30th June 1848 he held 28 inquests, received coroner's fees of £37.6.8 plus mileage of £5.9.6 but paid £6.6.0 in medical fees (although holding 3 more than in the previous Quarter), and £4.10.0 in other witness fees. For the Quarter ended 18th October 1848106 he held 36 inquests, received coroner's fees of £48 plus mileage of £10.7.6. However, although holding 8 more inquests than in the previous Quarter, he paid only £3.3.0 in medical fees and £4.4.0 in other witness fees. To some extent, the figures explain popular criticism of Palmer, particularly in local newspapers, for insufficient scientific investigation of boiler explosions since, apart from medical fees, witness fees in 1848 averaged just £4 for every 27 inquests. Expert witnesses were therefore few. This shows that Palmer's juries did not usually ask for further evidence. They accepted his brief summaries of evidence together with his blunt directions on verdicts.107 This acceptance of Palmer's authority was particularly apparent in the brief newspaper reports of the 4 hastily summoned inquests that, in circumstances reminiscent of the Peterloo Massacre and the 1819 John Lees inquest108, followed militia actions during the 1842 Plug Riots.

By the time of the Lancashire Plug Riots and the famous Preston Massacre of 12th August 1842109, Palmer had accumulated forty-three years part-time coronial experience. He acknowledged conflicting interests. He adopted a back-seat approach to the inquest system and the Factory Movement and thereby took account of local circumstances as much as his understanding of the common law. He accepted the open court and a magisterial presence. Usually, he encouraged jury participation. However, the conduct of the 4 inquests on the victims of the massacre, with about 20 minutes for each, no questions asked, no legal representation and the jury 'almost immediately' returning the verdict Palmer wanted, indicated possible pressure from borough magistrates and cotton-mill proprietors. The Preston Massacre resembled the Peterloo Massacre of 16th August 1819110 in outcome but not in origins since it was a Plug Riot involving cotton mills and boiler plugs not the aftermath of a political mass platform. It was the only Plug Riot resulting in loss of life in the presence of a
It involved 4, possibly 5, alleged rioters killed by the militia on the orders of the borough magistrates after discussions with Palmer, and after the reading of the 1715 Riot Act by the Mayor.

The Preston Riot was one of the Plug Riots spreading throughout the Lancashire mill towns in July-August 1842 and initiated by touring mobs descending on towns like Preston using workers to close down mills by withdrawing boiler plugs. Such attempts had usually failed in Preston since the town was not a Chartist stronghold. Cotton spinners, unlike weavers who mainly worked at home, were relatively well paid and mill proprietors like the Paley and Horrocks families, John Goodair and Paul Catterall, had a paternalistic approach to the workforce in a highly volatile industry with ever-present risks of bankruptcy. The events of the weekend 11/12 August were therefore exceptional, being “the worst in [their] personal consequences that [had] ever [taken] place in [Preston]”. They highlighted the dilemma facing Palmer.

On the evening of 11th August 1842 a crowd of several hundred led by William Lancaster from Blackburn had assembled in Chadwick’s Orchard adjacent to Chadwick’s cotton mill. The meeting was chaired by Hutchison, with speakers using “violent language” urging those assembled to prevent the mills being started the following Saturday morning. At about 8am on Saturday the people went to Catterall and Company’s mill, then to Mr Blandford’s, then to Mr Dawson’s factory where stones were thrown and windows broken. By that time numbers had increased to include women and children, and the crowd was becoming threatening. It was confronted in Lune Street by John Woodford, the county’s Chief Constable, Mr Britton, the Preston police Superintendent, Samuel Horrocks, Preston’s Mayor, and numerous borough magistrates. Shortly afterwards Palmer, in his capacity as Town Clerk, joined them. The civic dignitaries were backed by a force of 32 soldiers from the 72nd Highlanders. Palmer was not convinced a riot existed; thus Horrocks read the Riot Act. Stones and missiles were thrown at Horrocks, Banister and Palmer. Horrocks was hit and injured but not Palmer. The mob then started stoning the soldiers from all directions and orders to fire were given by Horrocks with Palmer’s approval. Four alleged rioters – George Sowerbutts, Bernard MacNamara, William Lancaster and John Mercer – were killed. One was from Blackburn but the other three were from Preston. The inquests held by Palmer attracted publicity and dramatic headlines in national and local papers, and The Times reported ‘much interest’.
The Lune Street Riots reproduced from
Illustrated London News 20th August 1842
Both Sowerbuts and MacNamara died from gunshot wounds on 13th August 1842 and Palmer held inquests on both men at the Court House Preston three days later. Sitting alongside Palmer (reporters saying ‘on the bench’) were several borough magistrates including Colonel Austen, W. Birley Esq, W. Marshall Esq, T.M. Lowndes Esq and George Jackson Esq. Palmer summoned 15 jurors instead of the usual 14. They were from around the Court House and described as ‘selected in the most impartial manner’. They comprised 1 publican (foreman), 2 pawnbrokers, 2 provision dealers, 1 draper, 1 clogger, 2 druggists, 1 meal and flour dealer, 1 corn merchant, 1 sizer and 2 shoemakers, together with 1 watchmaker.

Palmer called 8 witnesses to the Sowerbuts inquest of whom 4 gave evidence about the disturbances outside Paley’s Mill. The other 4 included the beadle Dearden, Preston’s police superintendent, Henry Rigby, county chief constable, John Woodford, and surgeon Thomas Dixon who stated that a gunshot wound had caused death. Palmer, who had witnessed the shootings, asked no questions. The families were not legally represented and, although present in court, asked no questions. No borough magistrate asked questions. No juror questioned witnesses. The evidence heard was accepted. Palmer’s summing up was described in The Times as ‘very brief’. He gave them no option about the verdict:

> there could be no doubt in the minds of any that the firing of the soldiers was an act of necessity, both to preserve the lives of all and the peace. If it was not in the power of the civil authorities to preserve the peace and to protect the subject it became their painful duty to be under the necessity of calling in the aid of the military, and commanding them to fire … it was very plain that this act of the magistrates was an act of necessity and the jury could return no other verdict than that of justifiable homicide

[emphasis added]

The jury ‘almost immediately’ returned the desired verdict, as they did in the case of MacNamara.

A few days later following two further deaths Palmer held inquests on Lancaster and Mercer. Both were held at the Town Hall on 22nd and 24th August. In both cases the coroner again summoned 15 jurors. On each occasion the jurors were different. As in earlier inquests, Palmer asked no questions and told the jury that ‘according to the law laid down in the law books the magistrates were justified in giving the order to fire’. He did not define unlawful assembly, common law riot or statutory riot even though, when the Mayor had read the Riot Act, he was not satisfied a riot was in being. He told the jurors the magistrates had ‘no way of quelling the
disturbance in any other way’. On that basis, Palmer told them ‘the only conscientious verdict’ would be justifiable homicide. In both inquests the jury returned the desired verdict. That procedure, involving coroner and jury, anticipated what happened six years later when Palmer investigated 14 deaths arising from two boiler explosions in Preston.

4. The Royal Sovereign Mill Disaster 17TH June 1848

Although deaths involving cotton mill boiler explosions had occurred previously in other Lancashire towns the first such disaster in Preston occurred on 17th June 1848. That explosion, resulting in 7 dead, occurred in the boiler house under the spinning room at the Royal Sovereign Mill, Stanley Street. The mill, originally part of the Paley mill-owning dynasty, was owned by Edward Hollins. Popular opinion, based on the dying statement of the engine tender, was that the boiler had been in ‘a condition unfit for work for some time’ and that there had been ‘great negligence’ by Hollins. An editorial in the Tory Preston Pilot suggested ‘the gauge for testing the boiler was out of order’. As county coroner, Palmer presided over the inquest assisted by his deputy James Hayes. The inquest illustrated, first, the part played by local mill owners and borough magistrates – 11 of the 19 Preston borough magistrates were cotton masters; second, the role of the local Factory Inspector and, third, the role of jurors.

The inquests occurred on 19th June 1848 at Preston Town Hall. Palmer was assisted by Hayes, who was also his partner in the legal firm of Grimshaw and Palmer. Three borough magistrates, William Taylor, Richard Pedder and John Paley Junior, sat next to Palmer – Pedder and Paley were themselves millowners. Furthermore, John Stevenson, an engineer and Ewings, the local Factory Inspector sat alongside the coroner. The local press described them as ‘on the bench’. The beadle had summoned 14 jurors, all local tradesmen and shopkeepers from around the Town Hall, ‘men of middle status’, and as representatives of the community perhaps prone to local bias, although none were mill proprietors. The Town Hall was ‘nearly filled with anxious spectators’ and ‘a large crowd assembled round the street entrance door’. After the jury was sworn, Peter Caterall, a member of the Preston cotton-spinning family, rose and, as solicitor acting for Hollins, addressed Palmer on the rumours circulating in Preston about defects in the steam boiler. He said his clients
Exterior of the Royal Sovereign Mill Stanley Street Preston reproduced from Preston Guardian 24th June 1848. The boiler house doors are on the right.

**DIAGRAM GIVEN BY PALMER TO THE JURY**

Diagram of the layout of buildings at Royal Sovereign Mill showing the position of the steam boiler, the boiler house and the seating area. This diagram was handed by Palmer to the jurors at the inquest. *Preston Pilot* 17th June 1848
were present and 'very glad...this investigation should have the most thorough siting'. However, he wanted to highlight local press statements about the boiler because, if they were true, 'blame attached' to his clients. The complaints had been investigated and records proved the boiler had undergone 'a most thorough repair'. He suggested the explosion's real cause was the failure to supply the boiler with sufficient water, and this would be proved by inquest evidence. Palmer welcomed the statement and told the jury to disregard whatever they had heard and confine themselves to the evidence. The jury now left to view the bodies.

When they returned local political rivalry emerged. Richard Pedder, Preston's Tory Mayor and a borough magistrate, objected to Raw as juryman and foreman, since he was a borough councillor and therefore disqualified under the 1835 Municipal Corporations Act from serving on the jury. The law being clear, Palmer accepted the objection and ordered Raw to withdraw. Another juror, John Greenall, was sworn in as foreman.

The inquest lasted 5 hours, with Palmer allowing considerable latitude to the Factory Inspector and magistrates to participate and to the jurors to ask questions. The investigation was in open court. 14 witnesses were called. The first 6 gave evidence not about the cause of the explosion but about having witnessed it and accompanied the dying to the House of Recovery. The seventh witness, James Harrison the surgeon said all the deceased died from scalding. The remaining witnesses were the coroner's beadle, the boiler repairers and mill manager. The latter had been asked to give evidence, not by Palmer, but the mill-owner. Further, on jury insistence, the Preston engineer Stevenson, sitting alongside Palmer, gave expert evidence producing a model of the boiler to help the jury. At that stage, at his own request and with the coroner's consent, John Paley junior, a borough magistrate and cotton mill proprietor, addressed the court in support of Stevenson's evidence. Throughout the inquest Hayes and Ewings assisted Palmer. On several occasions Hayes interrupted Palmer. When Palmer preempted matters by asking if the jury had reached a verdict of accidental death, Hayes pointed out that the jurors were still awaiting further evidence. Although perceived as the cotton masters' protégé, Palmer allowed Ewings to participate fully in the inquest. The latter asked not only about the state of the boiler but also about the engine-tenter's moral character and whether drinking of liquor had occurred.
After hearing details of the explosion Palmer called Dearden to give evidence about the deposition of the dying engine-tenter.¹¹³ Dearden stated that when the engine-tenter William Durham made his statement he knew he was dying but ‘was quite conscious of what he was saying’ and ‘appeared perfectly sensible’.¹¹⁶ Durham’s job was to manage the steam boiler and when asked how the explosion happened he replied, ‘It was from the defective state of the boiler; that he had frequently noticed the water leaking from the boiler – and that he had warned the master of it three times and the bookkeeper once during the last week.’¹¹⁷ When questioned about the rumour that the engine was short of water Durham, although he had seen water leaking from it, denied this was the case.

The next witness was John Stewart, a boiler-maker, who stated he had recently superintended repairing the boiler: ‘We left [it] in very good repair … [Durham] was present all the time, and examined it at the finishing … and said that it was done perfectly well.’¹¹⁸ In response to questions from Palmer, Stewart said that the boiler should have lasted 5 or 6 years, that the mill manager had asked him to do the repairs, and that he had seen Durham frequently but he never complained about the boiler. When asked about the explosion’s cause he said, ‘in his opinion … the flue [had] been hot and the boiler short of water’ and his partner Thomas Beverage had ‘levelled the flue’, whereupon Palmer stated that the inquest must hear evidence from Beverage.

Beverage said he had been working at the mill maintaining the machinery three or four times weekly and had seen Durham each time. He told the coroner that Durham had not complained about the boiler since the previous Good Friday and, on that day, they [Stewart and Beverage] had ‘put the boiler in thorough repair’. Asked by Palmer about the cause of the explosion the reply was ‘want of water’. Asked by Catterall, he identified ‘an insufficient supply of water’, adding that the water gauge was ‘in proper condition’.¹¹⁹ When Palmer asked about the alleged crack in the boiler’s third plate he stated it had been repaired and had not caused the explosion.

At this point Palmer tried to terminate the inquest claiming enough evidence had been given to indicate no blame attached to mill-owner or manager or, in fact, to anyone. He said the explosion had been an accident, telling the jury: ‘Gentlemen, there is not the slightest evidence to impute blame upon anyone. There are gentlemen here, Mr Stevenson and Mr Paley, who can both be examined if you wish it, and are not satisfied with the evidence already given.’¹²⁰ The jury was not satisfied and asked for further evidence from Stevenson and Paley. Reluctantly, Palmer recalled
Stevenson, asking his opinion about the cause of the explosion. He replied, ‘the opinion...[he had] formed after examination [was] ... that the boiler had been short of water ... at the time the explosion took place [and that] there must have been a partial vacuum formed in the interior.’

Ewings questioned the pressure the boiler could take and the reply was: if properly supplied with water, between 65 pounds and 70 pounds per square inch but it ‘was scarcely in that state when the explosion occurred’. Ewings then turned to safety precautions asking about ‘instruments that would indicate an insufficiency of water by some noise – a whistle’. Stevenson confirmed the existence of such devices saying that Paley used them in his cotton mills in Preston but they were not suitable for high-pressure engines like that at the Royal Sovereign Mill. He suggested as alternatives safety pipes inside the boiler about 6 inches below the water's working surface, the pipes being elevated according to the pressure required. Paley then stated that, as a cotton-mill proprietor, 'he was particularly acquainted with the working of steam engines and boilers' and that he agreed with Stevenson.

Palmer again tried to terminate matters but was forestalled by Catterall wanting the mill-manager to give evidence to refute Durham's dying statement admitted as evidence earlier that day. Although Palmer had not wanted to call the mill-manager he granted Catterall's request. John Cochrane stated he was the mill-manager and that, since the previous Good Friday, 'neither the deceased William Durham, nor any other person ever complained to him'. He had not observed anything about the boiler requiring repair or 'examined it not less than 3 or 4 times a day'. In response to a juror Cochrane said he was always 'anxious to see that all was right' since, 'Mr Hollins [was] so very particular. He had always impressed upon [his] memory ... the necessity of being as careful as [he] could, and certainly it was [his] duty.' Ewings asked the mill-manager about Durham's character and was told he was a 'steady man', he had 'never been seen the worse for liquor', and 'it was not likely to be the case on the day the accident happened'.

Having heard the final witness, Palmer asked the jury if they wished all the depositions to be read over to them. The juror, Swindelhurst, turned to consult fellow jurors and quickly turned back to Palmer who then asked 'What verdict do you find, gentlemen – accidental death?' Swindelhurst replied they were all satisfied whereupon Palmer said 'it was accidental' to which the juror replied that they did not require the depositions to be read. Hayes now explained that 'they had not considered
their verdict yet. Palmer apologised for his haste, inviting the jurors to retire to deliberate but did not address them on the evidence heard or the law. He gave no direction but had, in effect, earlier said 'accidental death'. After fifteen minutes the jury recorded the verdict that the deaths 'has been caused by an accidental explosion of the boiler'.

Palmer had the verdict he wanted. The crowd outside the Town Hall accepted this verdict, but perhaps from deference to the parties involved. The jurors, all local men, had actively participated. The borough magistrates and other dignitaries had influenced the outcome. Local humanitarian reformers had, independently of Palmer, arranged expert inspection of the boiler and a detailed report by Isaac Dodds, boiler-engineer of Glasgow, had alleviated public concern. The report, later printed in the *Preston Guardian*, made recommendations to prevent future explosions.

Two days later Preston's Mayor opened a subscription for relieving victims' families, with support from Palmer and several mill-owners. One local paper appealed for money, with subscription lists being available at the offices of three local papers, stating the Mayor would be responsible for distributing the funds among bereaved families. Donations, including some from mill-owners, ranged from 10 shillings to £5. The total by late-July 1848 was £208.2.6. A Committee was set up to distribute the funds and the undistributed balance eventually paid over to Horrocks Miller and Co 'in trust' to pay a weekly allowance to each party.

Most Prestonians accepted Palmer's handling of the inquest and the verdict. The Mayor's public appeal after the inquest was exceptional and satisfied the bereaved families who also accepted funds managed by a committee established by mill proprietors. However, reactions the following month to the Brunswick Mill boiler explosion differed in several ways. First, Palmer took less interest in the inquest, which was immediately perceived by the public as incomplete. Second, the jurors, who were more active than in the Royal Sovereign Mill inquest, pressed the coroner for independent engineering evidence about the cause of the explosion and were partially successful in obtaining it. Third, popular dissatisfaction about evidence and verdict produced a public meeting at Preston Town Hall and an address from the Mayor to Sir George Grey, the Home Secretary, urging further inquiries. Fourth, lay and clerical philanthropists joined forces in exposing the dangers of boiler explosions and the moral responsibility of factory employers to look after their workers. Finally,
THE APPEAL OF 21ST JUNE 1848 FOR THE
ROYAL SOVEREIGN MILL DISASTER

The late Boiler Explosion.

AN APPEAL TO THE BENEVOLENT.

A very general anxiety has been expressed that a subscrip-
tion should be started for the families of those unfortunate persons who lost their lives in consequence of the boiler explosion at the Sovereign Mill, on Saturday last, the 17th inst.; and also to afford some assistance to those who, by the same cause, are thrown out of work, with large families depending upon them. The Mayor, and other gentlemen, feeling satisfied that such an uncommonly occasion calls for an appeal to the public, beg to recommend the case to their liberality and support.

The distribution of the money will be left to competent persons selected by the Mayor.

No persons but those with books containing the signatures of Mr. Rutterham, the Mayor of Preston, will be allowed to collect on this occasion.

List of the names of Subscribers will be sent by the Edinburgh Pig, and Chronicle newspaper offices, at Preston, Accrington, Blackburn, and at the Banks of the Manchester, Preston, Lancashire, and Manchester Lawns, Hippo, and Lawns.

Preston, June 21st, 1848.

(reproduced from Preston Pilot 24th June 1848)
THE CLOSURE OF THE ROYAL SOVEREIGN MILL
PUBLIC SUBSCRIPTION 20TH JULY 1848

The Late Disaster

Subscriptions already acknowledged £250.
Messrs. Higginson, Jackson and Co.

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. George Smith</td>
<td>£100</td>
</tr>
<tr>
<td>Messrs. Blackburn</td>
<td>£100</td>
</tr>
<tr>
<td>Higginson, Jackson</td>
<td>£100</td>
</tr>
<tr>
<td>Bridgford</td>
<td>£100</td>
</tr>
<tr>
<td>Oliver</td>
<td>£100</td>
</tr>
<tr>
<td>Barlow</td>
<td>£100</td>
</tr>
<tr>
<td>Langley</td>
<td>£100</td>
</tr>
<tr>
<td>Palmer</td>
<td>£100</td>
</tr>
<tr>
<td>N. L. Harvey, Lytham</td>
<td>£100</td>
</tr>
<tr>
<td>E. Greet</td>
<td>£100</td>
</tr>
<tr>
<td>Cuthbert</td>
<td>£100</td>
</tr>
<tr>
<td>R. St. Waterworth</td>
<td>£100</td>
</tr>
<tr>
<td>Dixon, peres</td>
<td>£100</td>
</tr>
<tr>
<td>W. Elsberry</td>
<td>£100</td>
</tr>
<tr>
<td>Rev. W. Clarke</td>
<td>£100</td>
</tr>
<tr>
<td>W. Miller</td>
<td>£100</td>
</tr>
<tr>
<td>Police Office</td>
<td>£100</td>
</tr>
</tbody>
</table>

The Committee appointed, to manage the Funds, to prepare for the Relief of the Families, and in which Jess, of the 2nd of July, died, on the spot, together with the stock, &c., &c., &c., for which the sum of £10,000 has been contributed, has been disposed of, as follows:

1. £1,500 for temporary relief, in providing meals, &c., &c., &c., in several small parishes, for autopsies, &c.
2. £400 for the printing and dispatch.
3. £50 for advertising, &c., &c., &c., and collecting the subscriptions.

The balance (£10,000), has been paid over to the subscribers, Messrs. Higginson, Jackson, & Co., in the order of their names, kindly consented to take the deposit and pay the weekly allowance to each party, as approved by the Committee; which will extend, in this present distress, for not more than two years.

The Committee acknowledge earlier subscriptions by lists of donors displayed at the Town Hall and not by the 3 local papers.
the inquest produced the first indictment for manslaughter from a Preston boiler explosion. The circumstances and outcome will now be considered.

5. The Brunswick Mill Explosion 31st July 1848

Six weeks after the Royal Sovereign Mill disaster, the second boiler explosion occurred at Brunswick Mill, Lambert’s Bottoms, producing 7 fatalities and attracting considerable publicity in the London press as well as in the local press. Rumours abounded that the boiler had been working at too great a pressure. Consequently Prestonians were ‘thrown into a state of consternation’ by the apparent lack of ‘humane caution on the part of employers’. Many Prestonians turned again to Palmer for a full investigation, hoping for a manslaughter or murder indictment against the mill proprietors, urging bereaved families to consult some of Preston’s 68 attorneys and obtain the legal representation not acquired at the earlier inquest. The Brunswick Mill explosion drew further attention to such explosions and to the role of Preston reformers like Joseph and John Livesey in investigating factory conditions. It also intensified popular demands for boiler inspections. Analysis of the circumstances of the Brunswick Mill explosion will reveal an unsatisfactory coronial investigation producing a prosecution at Liverpool Assizes. This originated not from Palmer’s actions but from popular protest.

Brunswick Mill was a small, comparatively old cotton mill employing 85 workers in 1847, belonging to John Cooper and Thomas John Garrington, both of whom had reputations for concern for their workers’ welfare. The mill had been built in 1825. It was steam-powered and Cooper had purchased it in 1841, taking Garrington into partnership shortly afterwards. It was a four-storey building, with a spiral staircase at one end, and on the northern wall a short square-shaped chimney. The boiler house, in the basement, contained two steam boilers, each about thirty-horsepower. Above this, as in most Preston cotton mills, was the reeling or winding room containing six reeling frames. Usually 12 women worked there. The steam boilers were of the wagon-and-single-flue Cornish type introduced by Boulton and Watt. The boiler that exploded had been made by Joseph Clayton of Preston in February 1843 and had been used continuously since then.
The explosion had occurred at about 11.20am on Monday 31 July 1848, when all the mill hands were at work. Three men in the boiler house, including the engine-tenter and four women in the reeling room, died and many more were injured. The inquest was held at Preston Town Hall on 2 August 1848. It attracted ‘considerable interest’ and at times ‘the Town Hall was crowded to excess’. Palmer was coroner but his deputy, Hayes, conducted the inquest. Although not participating in the proceedings, Palmer was present throughout. Indeed, in his quarterly account for fees to Preston Quarter Sessions, he certified he had personally held the inquest. As with the earlier explosion, a strong magisterial presence was evident.

Messrs. T.B. Addison, W. Taylor, R. Pedder, W. Ainsworth, W. Birley and J. Paley junior were referred to as ‘on the bench’ alongside Palmer. Both Pedder and Paley junior had occupied similar positions at the Royal Sovereign Mill inquest. Other leading Prestonians included Messrs. J. German, J.G. Fisher, S. Cartwright, J. Livesey, Peter Haydock, H. Miller, R. Riley and T. Clough. The press made no reference to clergymen being present or to Ewings being alongside Palmer. However, it listed medical men including Messrs. W. Howitt, Halden, Spencer, Holden, Noble, Fearnside and Moore. The eminent Preston solicitor, Robert Ascroft, Liberal politician, Vestryman, Improvement Commissioner and Borough Councillor, who had represented the reformers at the Court of Revision of 1836 and 1837, appeared ‘on behalf of the relatives and friends of the injured factory workers and others’ and Cottersill, who had represented Holfins at the earlier inquest, appeared for the Mill’s proprietors and manager.

There were 14 jurors, summoned from adjoining streets – 4 from Market Place behind the Town Hall and 2 from adjacent Friargate. None had served on the Royal Sovereign Mill inquest jury. They were mainly local tradesmen and, as the press commented, none had knowledge of steam boilers. The foreman was a hosier. Other occupations were tobacconist, grocer, innkeeper (3), corn dealer, watchmaker, ironmonger, druggist and manufacturer (2). Having inspected the mill’s boiler and viewed the bodies, the jury was sworn and began hearing evidence.

The first witness was surgeon Bernard Halden, who had treated the dying, who gave the cause of death as scalding. One of the dying was Robert Wilkinson, the engine tenter in charge of the exploding boiler. His evidence would have been vital but he died a few hours later. However, before dying he had told Halden he knew he was dying but wanted to talk about the explosion. When Hayes asked what
explanation Wilkinson had given, Haldan replied that Wilkinson ascribed the explosion ‘to the defective state of the boiler’ and said he had expected it to explode ‘for the last month or six weeks ... (and) had repeatedly mentioned (it) to Mr Fogg and Mr Garrington.’ Wilkinson had also said the stays inside the boiler were in ‘a bad state’ and it ‘leaked to a considerable extent and ... the water dropped through.’

After hearing evidence from Wilkinson’s daughter, a mill labourer, a bricksetter and the manager of the House of Recovery, Hayes called John Stevenson to give evidence. Stevenson said he was an iron-founder and engineer, and that, on the coroner’s instructions and with the consent of Cooper, Garrington and their legal representatives he had examined the boiler. Having been told the jurors had also inspected the boiler, he handed them a sketch of it in its original and present conditions. He concluded the boiler had exploded because of extreme pressure, that it had wanted ‘a little repair’ but could not say that ‘want of repair would be dangerous ... [he could] only account for the explosion by over-pressure which had been the act of the person who had the charge of it.’

When asked whether the boiler was sufficient to drive the works he replied that he had ‘no doubt at all that the pressure exerted on the boiler was considerably greater than it was calculated for.’ When asked by Hayes whom he thought was responsible for the over-pressure he replied ‘the person who had charge of [it]’. He did not directly name the engine tender but did say that ‘the engineer ought to have charge of it and... judge whether it [was] right or wrong’.

The next witness was Joseph Clayton, an engineer and Government Inspector of boilers. He stated he had repaired the boiler a few weeks earlier but on a temporary basis. Two stays inside the boiler had broken and his workmen had pieced them together and inserted a new strap, but ‘nothing more’. There was then the following dialogue between Hayes and the witness:

Hayes: In your opinion was the boiler in any other condition than good working order?

Witness: The bottom or bridge of the boiler had given way a little, was going down.

Hayes: Would that prevent it being used safely?
Witness: Yes ... it was not safe to use it at the pressure they were using it, that is, at the pressure which the engine appeared to require to drive the machinery.  

Clayton added that the mill proprietors were wanting the engine to do more than it was able to perform: "the work required...would need a greater pressure than any wagon boiler would sustain ... [and] they were running a very great risk." He had asked Fogg "what had become of the boil-over pipes that had originally been placed upon [the boiler] and he replied he had removed them since the engine could not drive the machinery with them since "they were perpetually boiling over". Jurors then changed the line of questioning from the boiler's condition to the pressure at which it was worked and Clayton replied "the pressure must have been 20 pounds at least when the boiler burst".

Ascroft, the Liberal solicitor, now interrupted the coroner. He wanted to call another boiler expert, Isaac Dodds. He was the specialist engineer from Glasgow who, the previous month, had submitted a comprehensive report to the Editor of the *Preston Guardian* on the Royal Sovereign Mill explosion and had, on that occasion, helped alleviate public worries about safety. Ascroft wanted Dodds to be allowed to inspect the boiler and give evidence, whereas Hayes stated "there was no doubt whatever about the cause of the accident". However, Ascroft insisted, saying that Stevenson had not stated the cause of the explosion. After consulting the jury, Hayes agreed that Dodds' evidence could be heard and that Dodds could go to Brunswick Mill to examine the boiler before giving it.

In Dodds' absence further witnesses were called including a boiler-maker employed by Clayton and a book-keeper who had overheard conversations between Clayton and Fogg. When Dodds returned to the Town Hall, having examined the boiler, he said the feed-pipe or boil-over pipe that regulated the pressure had been defective. When asked if boiler defects or over-pressure had caused the explosion he replied:

- In my opinion the accident has arisen from both; and I certainly believe, from the examination that I have made, that the previous defects, and the over-pressure upon the boiler, previous to its bursting, caused the explosion.

He then said the boiler was not designed to bear excessive pressure, but it was impossible to state what pressure was being used when it exploded. The jurors asked the effect of Fogg's removing the boil-over pipes, and Dodd agreed that such removal...
The boiler house at Brunswick Mill Lambert Bottoms Preston. The arched windows on the ground floor are to the boiler house containing the two steam boilers – the left hand boiler exploded. The rooms above housed 6 reeling frames at which usually 12 females would be working. Cotton mills were constructed with work rooms above the boilers. Preston Chronicle 5th August 1848. Local paper campaigned for building regulations prohibiting workshops above boiler-houses. Preston Guardian 5 August 1848. The issue was not raised by Palmer, Hayes or the jurors at the inquest on 31st July 1848.
Before the inquest the 14 jurors had inspected the boiler. At the inquest, with the consent of Palmer, John Stevenson who was an engineer, handed the jurors the above plan showing No. 1 End of Boiler when perfect, No. 2, position of the safety valve and No. 3 End Section and Boiler after Explosion. In some mills bricks were placed on safety valves (No. 2) in order to increase pressure.
'would necessarily have [reduced] the safety of the boiler'. In other parts of Lancashire, inquests arising from steam-boiler explosions had found that safety valves had been wedged down to try and extract high pressure steam from old and thin low-pressure boilers.

Having heard Dodds, Hayes told the jury the evidence was concluded, but Ascroft objected. He wanted more technical evidence about steam boilers, and more evidence from management about instructions about boiler operation given to the engine tender – the only evidence thus far being supplied by 'a youth named Holden'. Why had Fogg and Garrington not given evidence? They should on oath state what instructions had been given to Wilkinson. Hayes refused to call any further witnesses, stating that was the whole of the evidence. Neither Hayes nor Palmer summarised the evidence. Neither gave any directions to the jury about the law.

The jury retired at 9.25 pm. Shortly afterwards the foreman sent for Hayes. The jurors wanted clarification about the law, particularly about negligence and compensation, and wanted advice about deodands. Hitherto, the latter had sometimes been used at inquests to express a 'sense of misconduct' or negligence by employers and, were therefore a means of compensating victims of occupational deaths. The jurors wished to know if they could 'lay a deodand on the boiler'. Hayes replied that they could not as deodands had been abolished a few years earlier. After deliberating about an hour and an inquest lasting nearly 8 hours the jury's foreman announced the verdict:

Accidental death, caused by the bursting of the boiler. The jury are unanimously of the opinion that considerable blame is attached to the engineer and the manager in working the boiler at higher pressure than it was calculated to bear.

In the crowded court room the verdict of accidental death was heard 'with great disapproval' and 'an almost unanimous expression of surprise'. Those present believed Cooper and Garrington were as much to blame as Fogg and the engine tender, who acted under orders; they believed the correct verdict was either murder or manslaughter. Outside the Town Hall people debated the verdict until after midnight. One outspoken critic was the well-known social reformer and temperance leader Joseph Livesey. He was not a political agitator but, whilst keeping aloof from the Chartists, had supported 'Orator' Hunt, and had publicly supported Colman and Bright's Corn Law repeal campaign. In Preston he was concerned, as 'the weaver's
son of Walton-le-Dale, with improving factory working conditions, and the lot of
the poor. Livesey attended the inquest throughout, and described the verdict as
inexplicable and the inquest as superficial. He called for legal changes respecting
coroners' inquests and for 'the adoption of stringent means for the better prevention
of boiler explosions'. He demanded a fuller inquiry.

The press took up the campaign, producing a public meeting at the Town Hall,
an address to the Home Office, and a subsequent indictment and trial at Liverpool
Assizes. We will now examine the events leading up to the trial and their significance.

6. Popular Reaction In Preston

Popular indignation about 'the strange verdicts' at the Brunswick Mill inquests was
expressed by many Prestonians. Local reformers, humanitarians, reporters, clergy and
'a considerable number of medical gentlemen, solicitors, merchants, traders and
shopkeepers' together with the families of the deceased and injured, all combined
behind Livesey, demanding reform. Some suggested consideration might be given
to abolishing the office of coroner with 'the duties [being] consolidated with those of
some other functionary'. All three Preston papers covered the verdicts extensively,
referring to them as unintelligible to the public. They criticised Palmer as a nullity and
inconsequential, having delegated his duties to his deputy Hayes. They described the
inquest as 'a flagrant case of official indifference' and 'improperly hurried and slurred
over'.

the carelessness displayed by those whose duty it was to make every possible
provision against danger, was so culpable as to demand punishment, as a warning to
others, and as a means of preventing similar negligence and recklessness for the
future; and this a verdict of manslaughter alone could have cleared the way for.

An editorial demanded Palmer's removal on grounds of age, 'his easy manner', 'his
aversion for tedious analysis' and his failure to sum up to the jury. Another paper
called for a magisterial inquiry and better qualified jurors, referring to the evidence as
'a mass of twaddle' lacking scientific expertise. It further stated that the jurors had not
been unanimous in their verdicts, that 4 or 5 had dissented, but being afraid of the mill
owners 'did not publicly express their want of concurrence' even though a verdict of
manslaughter had been called for.

However, popular protests required more than press reports and open-air
demonstrations. They needed legally articulating. Journalists and lawyers like
JOSEPH LIVESEY 1794-1884

(Courtesy, Livesey Collection University of Central Lancashire Preston)
Livesey, William Dobson, George Noble, Joseph Bray, John Armstrong and William Banks realised the dubious legality of public meetings as protests in the Chartist period, particularly after the new law of unlawful assembly. They remembered the aftermath of the open-air meetings during the 1836 Preston spinning strikes and 1842 Plug Riots. As reformers, they understood the legitimising value of acting under borough council patronage. A requisition was therefore sent to the Mayor to call a town meeting; and, significantly, reform was now on the agenda as well as just an enquiry:

the inhabitants...of the borough...and its vicinity, deploiring the loss of life which has resulted from the late boiler explosion at the Brunswick Mill, and entertaining a conviction that the enquiry into the same has not been so searching, satisfactory, and conclusive, as the grave importance of the case demands, respectfully request his worship the Mayor to convene a public meeting, or take such other steps as may appear advisable, for attracting the attention of the government thereto, and obtaining an investigation calculated to satisfy the public mind; and, if possible, to lead to the prevention of similar disasters for the future.99

The requisition was signed by 111 men, and headed by 12 local religious leaders – Anglican, Roman Catholic and Dissenters – led by the Tory Vicar of Preston, the Rev. John Owen Parr M.A. of Brasenose College Oxford who, since moving to Preston eight years earlier, had become a borough magistrate, been appointed to several important public offices and become outspoken in opposition to Catholics and Dissenters. As Rural Dean of Preston, Parr presided over an out-dated Anglican parochial system consisting of 10 Anglican churches whose ministry included the town’s cotton mills. Although the deanery was not equipped to face the social problems of industrialisation, Parr was concerned about factory working conditions. A few years earlier, at the annual meeting of the National Society for the Education of the Poor in the Principles of the Established Church, he had highlighted the dangers of the ‘uncultivated mind’ and called for religion and education in the workplace. He had worked with the Preston Committee on the 1846 Ten Hours Bill and, despite his sectarianism, tried to mobilise local Anglican, Catholic and Dissenting clergy. He attempted to revive the Church’s support of factory reform, which until the 1840s had tended to be the preserve of middle class Dissenters and radical nonconformists. Other petitioners included local newspaper editors like John Livesey and William Dobson, solicitors like George Noble, William Banks and Ascroft, who eventually was to succeed Palmer as Town Clerk, as well as the surgeon John Clarkson and
liberal reformists like William Clemens, apart from fifty two relatives of disaster victims. However, the signatories included none of the inquest jurors and only a few borough magistrates and council members. Although the requisition demanded the government institute a fuller investigation, it did not specify the type of investigation, directly attack Palmer, or seek to have the inquest verdict amended or quashed. It did not demand another inquest, although it was within Palmer’s power to hold one with a new jury. It implied agreement with Fairbairn’s view that the inquest should not be the sole forum for the investigation of steam boiler explosions. The Mayor immediately called a public meeting in the Town Hall for 7pm on 9th August 1848.

7 The Meeting at the Town Hall

The meeting was well attended, indeed ‘crowded to excess’, people spilling onto the stairs; the lobby and out onto Fishergate and Church Street. Birchall took the chair. Alongside him, on the bench usually reserved for borough magistrates, were Anglican, Roman Catholic and Nonconformist clergy, including the Rev. M. Atkinson, the Rev. John Kitten M.A. curate of St. John’s Church, the Rev. J. Spence and the Rev. J. Havers. None had attended the inquests. They were responding to popular concern and, partly, motivated by Rev Parr. There were also several important local figures including the Whig solicitor Peter Haydock, Chairman of the Ribble Navigation Company; a borough magistrate, Bernard Haldan; one of the surgeons who had attended the injured and given evidence before Palmer; and the social reformer, temperance leader, and founder of the Mechanics’ Institute, Joseph Livesey. Also present were the radical Preston solicitor Noble who had appeared for the reformers at the Court of Revision some ten years earlier, the influential liberal politician John Livesey and William Dobson. The latter two men were respectively editors of the Preston Guardian (described as ‘the most influential paper in north Lancashire’) with a circulation in 1853 of 325,000 and Preston Chronicle with a contemporaneous circulation of 98,000.

Birchall opened the meeting by stating that, as Mayor, he felt bound to convene it, first, in response to the ‘numerously signed requisition’, second, in deference to widely-held views that the inquest ‘required a more full and searching investigation’. Those words produced resonant approval from the large audience. They caused Birchall to address the meeting cautiously.
he trusted...the meeting would feel...the position which he had...as the first magistrate of the town, would render it not only unbecoming, but improper, in him to take any part in discussing the topic of that meeting or in publicly expressing any individual opinion upon the subject as it was not impossible that the matter might be brought before him in his judicial capacity. He also hoped speakers, 'would...avoid expressing themselves in any manner...calculated to give pain to individuals; (and)...confine themselves...to the broad merits of the case.'

John Kitten, curate of Holy Trinity, and signatory of the earlier resolution, spoke first. He said he was not a social reformer and knew nothing of the owners and manager of the Brunswick Mill. However, some of his parishioners had died in the disaster 'being hurried into eternity without the slightest intimation'. He then outlined the evidence provided to the jury by Palmer at the inquest.

the late investigation had not been satisfactory, and, therefore, he was for another inquiry...to afford [the mill owners] if they thought proper another opportunity of meeting the charge made against them — that the accident had been caused through the defective state of the boiler, and that this had been repeatedly mentioned to them. It was only right...that this statement should be proved: but it was not for him to say what further steps should be taken. Kitten reviewed the evidence of Clayton and of Dodds, and affirmed that the millowners had not been given 'the opportunity [at the inquest] of meeting that evidence'.

Significantly, he noted the quality of support at his back: 'not only the proprietors of the mill, but the gentlemen of [Preston] wished for a further and more complete enquiry, as no party was satisfied with the investigation that had been made.' He also felt, 'the clergy ought to connect themselves more intimately than they had formerly done, with the social condition of the people, and especially the poor. His expressions of sympathy for the bereaved workers were greeted with loud applause. He concluded by moving that:

this meeting expresses the opinion that the recurrence of a boiler explosion in this town calls for a public expression of sympathy for the sufferers, and demands the fullest investigation of the cause of such disasters.

The Rev. Robert Havers seconded, remembering he had been called to the Mill 'soon after the melancholy occurrence', and had remained with the injured until death. He knew the strong feeling among Prestonians that Palmer had not done enough to investigate the deaths. He spoke of 'neglect somewhere'. Witnesses who should have
been called had not been called; questions that should have been asked had not been asked. Palmer, himself, had asked none.

Common justice required...something should be done: for it appeared that both the people themselves and the managers were dissatisfied with the statement...made at the recent investigation, and with the judgment...given; and...that meeting had been called to gain a fuller, fairer and more impartial investigation of the circumstances...a further enquiry was necessary, for the good of the managers themselves, of the survivors and relatives of the deceased and of the public at large.204

The resolution was then passed unanimously. Yet some saw it as without force. They felt restricted by the magisterial constraints put forward by Birchall on naming individuals and, therefore, limiting the possible enforcement by Horner and the Factory Inspectorate of Ashley's Factory legislation. Some considered that Kitten and Havers, although outwardly men of conscience, had, as Ashley discovered when visiting Lancashire cotton mills a few years earlier, been 'covered by the power and capital of the mill owners' into a half-qualified acceptance of factory conditions.205

Their spokesman was John Livesey, a son of temperance leader Joseph Livesey. He announced himself as unabashed of mill owners or magistrates. A few days earlier he had declared Palmer 'a nullity', and his inquest 'a flagrant case of official indifference'206 and called for the transfer of the coroner's duties 'into more vigorous hands'. He now stated he had another resolution to offer the meeting and that, despite Birchall's entreaties, 'justice and common sense required that truth should not be subservient to false delicacy as the present feelings of certain individuals'. His resolution was that the causes of the explosion had not been fully and impartially investigated; that the inquest 'ought not to be concluded in the time and manner in which it was concluded', that all available evidence had not been heard. Livesey asked 'whether that investigation into circumstances so momentous, and so suspicious, should have been so summarily and precipitately disposed of as it was last week, and concluded in the manner and at the time it was.' He criticized Palmer in ways no other person had done. Palmer had not called important witnesses and 'there was a large quantity of unproduced evidence never gone into:

if this case had appeared before any other coroner in the United Kingdom, it would have received a more searching investigation...[In Preston, the evidence] did not receive that efficient, full, fair and satisfactory investigation which it demanded.
He accused Palmer of undue haste, official indifference to a disaster and of attempting to cover up what was, according to him, a criminal act. Palmer had conducted the inquest in an "imperfect, informal, improper and reprehensible" manner.

the coroner ... had so conducted the investigation, and so received the evidence, and prevented the requisition for further testimony, as no humane and patriotic coroner in the country would have done. The way ... it was conducted, was ... most unjustifiable and ridiculous.

He had failed to direct the jury on the evidence and law so that they returned a verdict that was "contradictory in itself". Thus Livesey proposed a further resolution allowing individuals like Cooper and Garrington to be named and vindicate themselves so that the stigma of the explosions could be 'removed from the character of the town of Preston', where, hitherto, 'employer and employee [had been] bound together by a mutual cord to each other'. The resolution was passed unanimously.297

However, this did not satisfy everyone, particularly not Palmer's fellow solicitors. Amongst these George Noble, who knew all the individuals involved in the Brunswick Mill explosion, other than Garrington, spoke forcefully and at length. He pointed out that Palmer could have held the inquest behind closed doors.298 Nevertheless Noble would force 'the parties in office [in Preston] and in the Government ... to take those measures ... to carry out effectively the expression of feelings expressed that night'.299 If there was blame 'the circumstances ought not to have been hurried to a gloss as it was'. He wanted a new investigation or inquest, preferably before a different coroner. He pointed out that Palmer was an old man of 76 years, although "not as old as to have lost his talent to conduct such an investigation".300 However, Noble sensed a feeling that Palmer had been influenced by the borough magistrates and the mill-owners, and added:

they were there to investigate the reason of a fearful loss of life, which ought never to have taken place, and the causes of that dreadful calamity ... he [Noble] ... move(d) the matter... to be carried before Her Majesty's Secretary of State for the Home Department, in whose peculiar province such matters lay.301

He reminded the meeting that, although Palmer had held the inquest in open court he had, as was his prerogative, selected the witnesses and thereby restricted the evidence. A request had been made for further expert evidence but Palmer had insisted 'there was no necessity'.302 Noble said it was very important that all the evidence which
could have been got that could throw the slightest light upon what had taken place, ought to have been received ... the coroner ought to have received further evidence.

With a view to taking the two previous resolutions further by involving the Government and alleviating the potent injustice felt by Prestonians, Noble put forward a third resolution:

that a copy of the above [two] resolutions should be forwarded by deputation or otherwise to Sir George Grey, the Secretary of State for the Home Department, with a request from this meeting, in order to satisfy the demands of public justice, that a further and more searching inquiry under the circumstances of the late unfortunate disaster, should take place. 313

He further stated that the government had appointed inspectors to examine marine boilers on steam-boats, and suggested factory legislation be extended to cover boilers used in cotton mills. He argued that ‘nothing more than common justice [required that] hard-working operatives employed in the vicinity of steam power be similarly protected’. The resolution, seconded by a cotton-spinning operative, was carried unanimously. It was decided that the 3 resolutions should be forwarded to the Secretary of State via the Mayor.

Distinguished local and national figures now expressed personal views about the deficiencies of the Brunswick Mill inquest. One was the editor of the Preston Guardian, liberal politician and eventually Preston borough councillor Dobson. He maintained the inquest had not been ‘so full, nor fair, nor satisfactory as it ought [to have been]’, that he had met no person in Preston ‘in favour of the mode in which the inquiry was conducted’ or ‘in favour of the mode in which the verdict was delivered’. He ‘he had no doubt that the attention of the Government would be called to this latest catastrophe with a view to having a further and more searching investigation’ 314

This brought loud applause. Another speaker was Joseph Livesey, who had himself worked at cotton looms and had fought to improve the conditions of factory workers.315 He said that, since the disaster, Prestonians had been saying ‘the lives of the working classes were nothing thought of’ and, ‘it ought to be a matter of serious consideration with all classes above the working man to avert such feelings by kindness and sympathy...convince them that those above them had an interest in their wellbeing and comfort’.316 To loud applause, Livesey asserted that property-ownership involved rights and duties, the most important of which was ‘to protect the safety and welfare of those who laboured...to make their station as comfortable as possible’.317

40
Livesey sympathised with the 14 jurors because Palmer had not attempted to "lead [them], guide them and to impress upon their numbers the importance of the cause."\textsuperscript{218} They should not have been rushed into a verdict. Now, "all had reason to want the [Brunswick Mill disaster] to be investigated further ... so that it might appear that justice having been done in one case there would be some surety for it being done in future."\textsuperscript{219} As a member of the Scotch Baptists and pioneer of practical religion\textsuperscript{220}, Livesey supported the efforts of those clergy present at the Town Hall.

Prestonians empathised with Dobson and Livesey's views. The meeting was referred to as "in excellent spirit and order". The Mayor described it as representing the strongly-held opinions of all Prestonians. Every speaker attacked the Brunswick Mill inquests on the basis that Palmer's investigation had been superficial and that not all the evidence had been given to the jury. No one commented on the fact that catastrophic boiler explosions were frequent in these decades.\textsuperscript{221} They did not take up the suggestion at the inquests from the boiler engineer Clayton that regulatory inspection of steam boilers in cotton mills, as was the position with marine steam boilers, should be undertaken. The agreed three resolutions involved two demands: a thorough investigation into how the explosion occurred; and Government action to 'prevent similar disasters for the future'. No one mentioned the duties of factory inspectors of steam boilers in cotton mills.\textsuperscript{222} Speakers had not pursued that issue for several reasons. The jurors had not mentioned it; nor had. Palmer. No rider about recommendations to prevent future boiler explosions had been attached to the verdict and speakers, unlike the local press, were reluctant to criticise jurors. Further, both Preston mill proprietors and workers were suspicious of the idea of regulatory visits by boiler inspectors. Such visits were linked with compulsory insurance against boiler explosions. Workers disliked this because it would "increase rather than diminish accidents, as it would induce a carelessness which ... should be punished rather than rewarded."\textsuperscript{223}

The Mayor now wrote to Home Secretary Sir George Grey, as the main point of contact between local and central government. Grey whose office dated back to 1782 and whose first spell as Home Secretary under Lord John Russell had begun two years earlier, was the most senior of Her Majesty's Secretaries of State. He belonged to the evangelical division of the Whig-Liberal Party, looking to the state to improve the life of the poor but, simultaneously, seeking to avoid bold innovations. His responsibilities included factories and inquests. Since he had limited financial
resources and a small conservatively minded staff of 22 permanent officials, he had little scope to adopt an active approach towards the burgeoning social problems revealed by coroners' inquests. He did not refer the Preston resolutions to Horner or Ewings. Instead, with localist proclivities, he sought to avoid conflict by referring them to the law officers of the Crown. The latter advised the matter be dealt with locally. The Attorney General did not order the new inquest wanted by Noble but stated that 'an indictment of manslaughter should be preferred [against] Fogg the manager of the mill'. The Solicitor to the Treasury instructed Ascroft to prepare the indictment and present it to the Grand Jury at Liverpool so that, if a true bill was found, the trial could take place at the forthcoming Liverpool Assizes. The Treasury Solicitor was responsible for Ascroft's fees, as otherwise the indictment would have been drafted by the clerk of assizes and presented to the Grand Jury with the relevant depositions. The defence played no part in the Grand Jury proceedings. Livesey welcomed the outcome because it would show that:

the lives of the poor are not of so slight a value as they seemed to be appraised at the meeting ... at the Town Hall; secondly, it will tend to throw the onus of the fatal accident on the right shoulders in as much as the evidence will be sifted in a thoroughgoing manner; and thirdly, it may make such an impression upon Government and the manufacturing community as will lead to the prevention of similar disasters for the future.²⁴

Others in Preston, including Dobson, were less pleased, believing that Grey, a former judge advocate-general noted for his minimalist tendencies, should have been more critical towards Palmer's conduct of the inquest. They considered that the hearing at Liverpool Assizes would not produce the detailed investigation required and that the proprietors rather than the mill manager should have been charged in order to establish the legal liability of mill-owners for their workers' welfare. They wanted a further inquest so that the committal to the Liverpool Assizes would be a corner's committal based on publicly given evidence.²⁵ They distrusted a committal by Grand Jurors, drawn from the aristocracy and gentry, on evidence behind closed doors in the absence of the accused and unavailable to bereaved families. Common Law provided powers for Grey to order the earlier inquest to be quashed on the grounds that Palmer had performed his duties through his deputy in a perfunctory and unsatisfactory manner by excluding evidence relevant to the cause of the disaster.²⁶ It had, according to Livesey, 'neither [taken] trouble nor time in eliciting the ultimate truth about the matter.'²²
SIR GEORGE GREY (1799-1882)
HOME SECRETARY 1846-52, 1855-8 and 1861-6

(Courtesy, University of Durham Library)
But the Attorney General’s action, supported by Grey, complied with government policy in several ways. First, successive governments had attempted to control the burgeoning costs of prosecutions by reducing the number of indictments – in this instance, one indictment of the manager instead of the three required if the proprietors had been jointly charged. Second, by not ordering another inquest, backing had been given by central government to local officials - not just Palmer, but also, the unpaid county and borough magistrates and the Preston borough council. Third, Grey had deliberately shifted responsibility for Palmer’s conduct in Preston, via the Attorney General, from the Home Office to a politically appointed judiciary whose inclinations in legal interpretation were to support government policy, thereby moulding and adjusting common and statute law to meet working conditions in a modern industrial state without too severely castigating local officials.

The bereaved families’ reactions to the indictment of the mill manager was muted. Although some 52 relatives had attended the public meeting at Preston Town Hall none had been signatories to the requisition. They had not spoken at the meeting, nor made any public comment. They had not participated in proceedings. On their behalf Ascroft cautiously spoke of possible civil actions against the mill proprietors rather than against Fogg. However, when it became known that the mill proprietors had subscribed to the public appeal to compensate the families of the deceased, proceedings were shelved. Legal action was not taken for several reasons. First, bereaved families were often reluctant to sue. They enjoyed mixed feelings of employer paternalism and employee deference. On the one hand, social events associated with Church or Chapel linked employer and employee, with the latter tending to follow the politics and social responses of the former. On the other hand, employees often deferred to employers in “hopeful expectation of work consideration”. So far as the Brunswick Mill disaster was concerned Fogg, a leading local Quaker, had a reputation for benevolent concern for the workers at times of cyclical depression. Also he was heavily involved with a Sick and Burial Society and several Friendly Societies. Second, litigation was expensive when confronted by highly technical common law. Admittedly, since 1493 actions “in forma pauperis” for which the plaintiff did not have to pay, had been possible in all courts of record, including the Liverpool Court of Passage, but only if the litigant had less than five pounds. Also, to be granted gratuitous legal services litigants had to obtain a lawyer’s certificate that they had good cause of action. In practice, although Preston
was Lancashire's legal centre, such applications were few and, after the 1846 County Courts Act, it was assumed they were not available in those courts. Third, although by 1848 Lord Campbell's 1846 Fatal Accidents Act had become law, that Act was so narrow in interpretation that it did not immediately benefit victims of industrial accidents. It is doubtful if it was primarily intended to do so since it was designed to deter future accidents rather than provide compensation for bereaved families. Factory inspectors, primarily concerned with working hours and fencing machinery, recorded few instances of its use. Preston papers disclosed none in relation to Palmer's inquests. Working people did not turn to the 1846 Act, but rather to parish and poor relief, or sick and burial Clubs operated by paternalistic charitable institutions including the Preston District Visiting Society, the Provident Society, the Dispensary, and the 55 registered Preston Friendly Societies.

8. Regina v Roger Fogg: Liverpool Assizes 26 March 1849

The Grand Jury having agreed Asercoft's bill of indictment of Fogg as a true bill, the trial was listed for the Spring Assizes at St Georges Hall Liverpool. The London press referred to it as 'instituted ... to fix the responsibility of the proprietors of cotton mills if they should neglect to have good safe boilers connected with their steam machines'. The trial itself illustrated what legal historians later identified as the Adversarial Revolution in relation to court procedure. It involved a new breed of proactive lawyers giving credence to a burgeoning campaign for law reform to meet contemporary shifting attitudes towards criminal justice, employment law and working conditions. Counsel outnumbered witnesses. Hitherto, the accused were only allowed representation to argue points of law on the indictment, but following the 1836 Trials for Felony Act full representation was allowed in criminal trials, although not to address the jury or call witnesses. Three of the five trial barristers appeared for Fogg. Counsels for the accused and prosecution both examined witnesses, argued points of law and, by admitting hearsay statements, decided proofs of evidence. However, the prosecution selected witnesses since, before the 1857 Criminal Law Amendment Act, the accused had no automatic right to require attendance from any witness. The right to call witnesses was uncertain and, if allowed, could not result in sworn and therefore admissible evidence. At Fogg's trial the prosecution selected three witnesses from the ten appearing at the inquest. However, the judge could
require further evidence but, in Fogg's case, did not do so. He did not require the
testimony of the Preston factory inspector or any expert engineer. Although the
boiler manufacturer gave evidence, the specialist engineer, who prepared the detailed
report for the coroner, did not. The judge's charge to the jury consisted of four
uninformative sentences, containing no summary of the evidence but stating there
could be no doubt of Fogg's guilt.

Several factors explain all this. First, by 1848, governments and local
authorities tried to reduce prosecution costs of which, since 1836, the Treasury paid
half. Second, Fogg had no legal right to call witnesses. Third, witnesses were often
reluctant to face battles of experts, with legal treatises like John Pitt Taylor's 1848
_Law of Evidence_ expressing misgivings about witnesses in criminal trials giving
evidence of both fact and opinions. Expert witnesses, although usually happy to
appear within the inquisitorial framework of a dispassionate inquest, were hesitant to
face adversarial confrontation in criminal trials. Finally, although Prestonians,
following the Brunswick Mill inquest, petitioned the Government for further
investigation after the drafting of the indictment by the Preston solicitor Ascroft, they
played no part in the trial.

At the Liverpool Assizes on 26 March 1849 the Judge was Mr Baron
Alderson, formerly Sir Edmund Hall Alderson (1787-1857). Alderson was a notable
opponent of codifying the law to meet the changing needs of industrialisation. He was
critical of the voluminous references to law reform in Jeremy Bentham's early
nineteenth century utilitarian writings. He believed the common law, embodied in
judicial decisions and the development of binding precedent, could be reformed by
self-adaptation. As a Baron of the Exchequer for 15 years and as a former judge of the
Court of Common Pleas, he was a firm exponent of the common law's flexibility and
ability to adapt to the Factory Movement. At the same time he was critical of
Lancashire coroners and their juries and of coronial reference to the Assizes.²⁴²

The charge against Fogg, that had been initiated by Ascroft and not by Palmer,
was that he had caused the deaths of Mary Hart and others by negligence in
superintending the working of the steam boiler engine.²⁴³ Fogg pleaded not guilty.
C.J. Knowles Q.C. of the Northern Circuit and Attorney-General of the County
Palatine and C. Crompton, also of the Northern Circuit and a judge of the Liverpool
Court of Passage, both appeared for the prosecution and the accused was defended by
Mr Sergeant Wilkins, Robert Segar of Preston and Recorder of Wigan, and James German. Knowles began by reminding judge and jury of the case’s importance:

the inquiry into which you are now about to enter is one of very great public importance, because it will necessarily have the effect of calling attention to that which the public should fully know and be made intimately acquainted with, viz, the obligation which the law casts on every man, in the management of his business and the general affairs of life, to conduct that business and those affairs in such a manner as to prevent their causing an injury to other people. 248

The law did not ‘interfere with the ordinary management of business’ but every mill proprietor should take ‘proper care and caution to prevent accidents to [employees]’. Before outlining the events of the previous July at the Brunswick Mill, Knowles stated the grounds upon which Fogg had been indicted. Fogg had had ‘the management of certain machinery...in his care’ and he ‘by neglecting to use such proper care and precautions’ caused the death of Mary Hart. For convenience the charge was in respect of one death only.

Knowles then outlined the facts without reference to the evidence at the inquest. Up to 31 July 1848 Fogg had been manager at Brunswick Mill employed by Messrs Cooper and Garrington. The boiler explosion had resulted from ‘an improper mode of working’. The crucial question was whether Fogg’s responsibility for the boiler’s working at that time was such as to make him criminally liable for the consequences...’ Fogg was the person upon whom the management of the mill devolved. The boiler was ‘kept at a pressure necessary to work the engine much greater than it was ever intended to perform’. It had been noted prior to the explosion that ‘there was something wrong in the mode of working the boiler’. It had required frequent repairs. The boiler’s makers had examined it and told Fogg and his employers of the dangers of working it at a pressure it could not bear. The engineer had recommended introducing boil-over pipes to stop excessive pressure. Fogg had had them removed and set the engine to work as before. The engineer had remonstrated with him, pointing out the danger and saying that if he had the same power as he had over marine engines he would not allow the boiler to work at all.

After his opening speech, Knowles called witnesses for the prosecution. Whereas at the inquest Palmer had called 10 witnesses including 3 engineers, Knowles called 3 — Lambert to supply details of Hart’s death, Halden to give evidence of death from scalding and Clayton to give evidence about the working of the steam boiler and contacts with Messrs Fogg, Cooper and Garrington. He did not call the
engineers Stevenson and Dodds. Clayton’s evidence at Liverpool was stronger than
that given at the inquest. Freed from the inquest’s constraints and bolstered by the
popular support at Preston Town Hall, he now implicated Cooper and Garrington as
well as Fogg. He had informed all three men “they were working the boilers at a
greater pressure than they would bear and were running great risk in bursting
them.” Clayton had told them the fault was not with the boilers but because “they
wanted the engine to do more work that it was capable of”.

The evidence having been heard and Wilkins being unable to “alter the facts”,
Judge Alderson said “he could not see the utility of allowing the case to go further …
there must be a conviction” but felt the mill-owners were as culpable as Fogg:

Fogg had been working the boiler in the manner described under the authority and
full knowledge of his masters. I must say that I think Garrington is quite as culpable
as [Fogg], if not more so. He is certainly quite as much to blame. It was his duty when
he became acquainted with the state of the boiler to have ceased working it in such a
manner.” [author’s emphasis]

Knowles agreed, but failed to explain government policy on limiting prosecution costs
and why the indictment had been restricted to Fogg:

There can be no doubt … Mr Garrington is quite as much at fault as [Fogg] – fully as
criminal, no doubt of it. The government has directed this prosecution to be issued
against [Fogg], thinking that such a serious matter ought to be fully inquired into, in
order that the obligation resting on the situation in which [Fogg] has been placed
should be known as widely and extensively as possible, and that the state of the law
in such matters should be made familiar to all classes.” [author’s emphasis]

Knowles was referring obliquely to the changing position in common law of employer
and employee, the doctrine of common employment and the emerging tort of
negligence, but made no direct statement, presumably not considering it relevant to
the issues before the jury. Alderson agreed with him.

It is very proper that the government has ordered an inquiry into the case. There can
be no doubt that it is quite necessary that such matters should be inquired into … it is
desirable that there should be a supervision of factories and other engines, similar to
that now applying to marine engines. Surely the lives of poor people employed in
factories require as much protection as do the lives of persons travelling by
steamboats.” [author’s emphasis]

He added that the law had to provide for the safety of human life and it was very
important that it ‘should be properly known in these cases’. Mr Sergeant Wilkins, for
Fogg, said he ‘had acted wrong’ but, in mitigation, he was of good character and ‘a
more humane or Christian man did not exist." Alderson addressed the jury as follows:

As regards the offence with which [Fogg] is charged, it is clear that if he caused the explosion intentionally, he is not guilty of manslaughter, but of murder. But if the explosion took place from his negligence, he is certainly guilty of manslaughter ... after what you have heard from [Clayton] who said to [Fogg] and his employers "if you go on in this way you will blow the boiler up" ... and there can be no doubt that he is guilty of the crime imputed to him.\[93\]

The jury, being told by Alderson that they must convict, consulted for a few moments and then said they found Fogg guilty of manslaughter but 'recommended him to mercy'. Alderson ruled that, as Fogg was 'of a good character and ... [that as an] award [of] compensation to the unfortunate sufferers was going on\[231\], he would only fine Fogg £5 and order that he entered into his own recognisances for £100 to be of good behaviour for two years.\[232\]

Reactions to the verdict varied. Liverpool reporters referred to 'a most merciful punishment for most gross and wilful neglect'. In Preston, Livesey, Dobson and others welcomed the verdict with reservations. They focused on Alderson's words about the mill-owners' liability. They knew the Home Secretary Sir George Grey was antipathetic to personal injury proceedings and that, before financial compensation could be obtained, a successful criminal prosecution must be secured. Fogg's conviction was thus welcomed, doubly so because it indicated Grey would have to take action about working conditions. In an editorial Livesey wrote that, although the £5 fine was 'a mere bagatelle', the verdict itself was a triumph. 'The reckless system of factory working had been exposed'. Alderson had named Garrington as the really culpable person. In so doing he had pointed the way to obtaining financial compensation from employers. His reference to government inspection of factory boilers had given impetus to the expansion of industrial law and government policy into the area of safety in cotton mills and compensation for occupational accidents. Dobson wrote in the Preston Chronicle of 31 March 1849 that Alderson had:

prevented the perverse verdict of the coroner's jury being drawn into a precedent, and the whole affair ... cannot but have a salutary influence upon those who have large bodies of workpeople employed in the vicinity of machinery, the neglect of which may occasion such devastation. [author's emphasis]
Further, every ‘appliance which science [could] dictate and [skill]...emboby [should be] sought to provide for the safety and the comfort of [mill workers]’ and this involved further central government legislation. He called on Grey to support this.

9. Conclusions

This reappraisal of boiler explosions, the inquest system and Factory Inspectorate in Preston in the 1840s highlights local concerns about safety and shows how inquests and regional reactions could put further legislative reform on the political agenda. Palmer was an Establishment figure, holding many public offices in town; his response to occupational deaths differed from that of more pro-active and better-known coroners less involved in other issues. Such coroners included William Baker, the veteran East Middlesex coroner,255 Herford, the populist Manchester city coroner,256 and William Smalley Rutter257, the assertive county coroner for the Manchester and Salford district of Lancashire. Nevertheless, Palmer’s two high-profile Preston inquests of 1848 attracted critical national attention and local outrage, and in turn produced public, but not coronial, demands for some form of state intervention at a time of ‘laissez faire’ economics. The inquests themselves, culminating in the trial of Fogg at Liverpool Assizes, raised questions about the legal liability of employers to workers in the new industrial urban community and the need for changes in the law. Yet Palmer did not treat them as platforms from which to launch radical campaigns on health and safety, and law reforms. He did not attend the subsequent meeting at Preston Town Hall.

Palmer never campaigned for compulsory or voluntary steam boiler inspections, for altering the position of boiler houses, for insurance, or for proper compensation following the 1846 Deodands Abolition Act. He never urged the necessity of expert professional evidence to meet the demands of the modern state. He did not seek to recast the Victorian inquest as a forum for scientific expertise, legitimising grounds for state action in matters of health and safety. Unlike some coroners he never contacted either the Home Secretary or county magistrates for authority to pay specialist engineers to inspect steam boilers and attend inquests as expert witnesses.258 Probably it was because he tried, like adjacent coroners, William Carrick in Carlisle, Richard Wilson in Kendal and Henry Churton in Chester, to avoid magisterial confrontations. Or, perhaps, it was because he lacked the elite
professionalism of coroners like Wakley, Lankester, Herford and, to a lesser extent, John Taylor. Certainly his multifarious appointments listed earlier, had tied Palmer into the Establishment, and aged 75, in office since 1799, he represented an older more deferential, patronage-based rather than professionally-based world. Yet, in a world of rapidly changing public expectations, his conservative actions enhanced demands for reform almost as much as those of his reforming contemporaries.

The four hurried inquests, following the 1842 Preston massacre, clearly revealed conflicting interests. Mill-owners and borough magistrates influenced Palmer’s inquests. Sometimes they even objected to his jurors. As for those jurors, whereas nationally coroners’ jurors had, by the 1840s, come of age for fighting, to control the associated hazards of a century undergoing exponential development, Palmer’s 14 or 15 jurors, in contrast to the 24 grand jurors and the 12 trial jurors at Liverpool Assizes, were acquiescent and subservient, composed of tradesmen living or working in the vicinity of and influenced by Preston Town Hall.

As previously stated, inquests remained the only public legal forums investigating factory deaths so that the stance taken by coroners like Palmer was crucial. Palmer, outside his work as coroner, was highly respected amongst Preston’s elite. As explained earlier he was associated with borough magistrates, cotton-mill proprietors and borough councillors. For example, a few weeks after the 1848 inquests, despite adverse public criticism, he was, alongside the borough magistrates, the subject of a toast at the Mayor’s Annual Dinner at the Ball Inn Preston in the presence of some 120 guests. His recent work as coroner was tactfully not directly mentioned but he was effusively thanked for “the highly respectable, quiet and dignified manner” in which “he conducted his business.”

Yet, in reality, industrialisation intensified local loyalties and, combined with the developing tort of negligence, increased the importance and relevance of coroners and inquests as investigative forums. As stated earlier, after the 1846 Decedands Abolition Act and the 1846 fatal Accidents Compensation Act, inquest verdicts often became the only weapons available to the bereaved. In themselves such verdicts were not enough since they usually disclosed neither the reasons for explosions nor sufficient evidence to satisfy the intricate technical pleadings required, before the 1852 Common Law Procedure Act, to sustain successful civil actions for damages. Therefore the post-1846 Westminster debates about factory working conditions involved a variety of divergent issues such as boiler inspections, compensation for
dependants; insurance and the desirability of legislation changing the law about working conditions and balancing bureaucratic regulation with participatory local government.

In response to the Preston outcry for legal directions following the inquests, the Home Secretary, through the Attorney General, initiated the indictment of the mill manager but not the mill proprietors. The trial at Liverpool Assizes was 'to fix the responsibility of the proprietors of cotton mills if they should neglect to have good and safe boilers connected with their steam machinery'. Although not unprecedented, it was intended to create legal history. In a way, it did so since, although manslaughter indictments of both managers and proprietors, following boiler explosions were exceptional, the trial implied that the Attorney general should have indicted both. The Preston explosions, together with inquests with similar denouements elsewhere in Lancashire, drew radicals' attention to working conditions. The reaction of Prestonians to insufficient expert evidence at inquests emphasised the need for Palmer to summon engineers as independent expert witnesses and indicated a shift in the suggested role of the jury with a growing demarcation between jurors and witnesses. It also raised the question of regular compulsory or voluntary inspection of steam boilers but also indicated possible concerns about government meddling.

At a time of political flux, Palmer's contribution to the factory movement was the mobilisation of local cross-party humanitarian support for state welfare reform. But it was mobilisation by Preston's reformers and not its coroner. As the Preston town hall meeting showed, an array of philanthropists representing a range of socio-political groups attended inquests. They were motivated by middle class reformists like 'Honest Joe Livesey' and his family as well as by various categories of workers. As part of the plethora of issues surrounding the factory movement, they led protestations against unsatisfactory inquests, the absence of expert scientific evidence and urged coronial reform including even the abolition of the coronership and transferring its judicial powers to the magistrates. They addressed petitions to Preston Borough Council, sent resolutions and further petitions on local issues to the Home Office and secured indictments for manslaughter or murder.

The popular outcry in Preston, reinforced by similar responses in other Lancashire and Yorkshire cotton mill towns, provided a local variant to national debates on state intervention in factories and the importance of expert engineering.
It helped herald the reversal of common law trends antipathetic to the liabilities of employers. It helped initiate parliamentary opposition to the doctrine of common employment evidenced later by the 1880 Employers' Liability Act. It provided impetus for further legislative changes through the Factory Acts 1802-1895, the two bills and the two Select Committee Reports possibly partly instigated by the Manchester Steam Users' Association and culminating in the 1882 Boiler Explosion Act and the 1897 Workmen's Compensation Act. The former Act required notification of explosions to be given to the Board of Trade and established a judicial tribunal to investigate the causes of steam boiler explosions more effectively and impartially than a coroner's court and in line with suggestions made by Preston journalists in 1848. The latter Act, by enacting that deaths arising 'out of and in the course of employment' irrespective of fault must be compensated by industry through compulsory insurance, conceded the end of common employment and pointed towards a welfare state. It was tacit recognition of an unsatisfactory legal process and of the common law's failure to come to terms with the chaos of industrialisation.

In summary, nascent demands by religious humanitarians and rationalist Benthamites reflected concerns about unsafe working conditions exposed by inquests alongside the press and contemporary writers. In Lancashire and elsewhere the publicity surrounding boiler-explosion-inquests provided a check on the use of steam power in the workplace and in Westminster, the resulting regulatory legislation with its engineering dimension, secured mandatory boiler inspections. Alongside voluntary pressure groups legislative provisions, requiring coroners to notify a Government Department of factory fatalities and, as stated earlier, to adjourn inquests for preliminary investigation by Factory Inspectors, reinforced, in a tenuous way, the juxtaposition of inquests and the Factory Inspectorate. It implied a deeper level of state involvement by inspection. That involvement emphasised the importance of safe working conditions and legal changes to provide compensation for occupational deaths. It entailed a fragmented campaign for an improved inquest system, freed from the mire of political and social unrest, as heralded by the three Preston resolutions submitted to Home Secretary Grey after the 1848 steam boiler explosion and as identified by contemporary Preston socio-political reformers, religious leaders and journalists like Parr, Dobson and John and Joseph Livesey in joint quest of 'the ultimate truth' about those explosions. It illustrated that, in a wider picture,
inquests, although sometimes flawed, played an essential part in exposing the dangers of steam boiler explosions in Lancashire cotton mills. The conclusion is that the 1848 steam boiler explosions inextricably demonstrated how local political parties, religious leaders and social reformers helped polarize public opinion about demands at a national level for political-administrative changes to secure safer working conditions in factories.246
References


5. 687 Will. 4. c. 69 Birxa, Deaths, and Marriages Registration Act 1836.

6. 42 Geo. III. c. 3 Health and Mines of Apprentices Act 1802.


Bartrop, Safety at Work p.19


18 Priestley v Fowler 1837. 3 M&W L. The first recorded case of a worker suing at common law an employer for damages following a working accident. Bartrop, The State "the law and the legal system ... failed to adapt to technological and social change" p.104. Bartrop, Safety at Work. p.19 'the 1844 Act was the first instance of statutory provision for the compensation of accident victims ... [with] basic safety standards to be observed in textile mills.' Bartrop, The Mass Office. p.8, 110-113, the injury were "out of and in the course of employment" referring to the 1897 Act.

19 M.A. Millner, 'Negligence in Modern Law. London 1967. Bartrop and Burnham. p. 97. 'if an operative died instantaneously ... the factory occupier had no time to answer ... occupiers of factories in which fatalities occurred ... stood to lose less in [total accidents] then in more minor cases'.

55
Dickens visited some of Preston’s cotton mills collecting local colour for his novels. His imaginary Coketown is associated with Preston. He may have attended some of Palgrave’s inquests but the reference in The Uncommercial Traveller (Pp194-8) to the ‘nobly patient and humane overseer’ is to the redoubtable Thomas Wakley and not to Palmer. However, Dickens used his writings to address current social problems including fatalities in cotton mills and the sharpening divisions between rich and poor. Hobhouse referred to him (P.110) and Baring developed the Dickensian theme in relation to occupational deaths and Victorian social issues. Baring’s ‘Household Words and the Factory Accident Controversy’ in The Dickensian. 1979 No 387 Vol. 73 Part 1 pp.24-5

22. Hostettler, p.70
25. Bill, intituled, Act to abolish Deodands 1845 (446) 111.5
Bill to abolish Deodands 1845 (446) 111.5 [as amended by Select Committee] 1846. (559) 11.31
27. Harwood’s Parliamentary Debates. Third Series. 1846 Vol. LXXXVI P.968
28. Baring, Workmen’s Compensation. p.4
29. 9 & 10 Viet, c.62. An Act to abolish Deodands [18th August 1846]. The Act, comprising one paragraph, stated that, after 1st September 1846, ‘no Coroner’s Jury ... should find any Fortuities of any Chaste or which may have moved to or caused the Death of the Deceased or any Deodand’. It further provided that in any Indictment it was unnecessary to allege the Value of the Instrument which caused the Death of the Deceased.
Slater’s Classified Commercial Dictionary and Topography of the County of Lancashire. Manchester 1851

56
V.A.C. Gunell, ‘Labour, Power and the Size of Firms in Lancashire Cotton in the Second Quarter of the Nineteenth Century’ in Economic History Review Vol 30 1977. pp.95-139. Cutelli refers to ‘the special vulnerability of smaller firms (such as Hollins and Cooper and Carrington in Preston) where records have been lost to posterity’. p.120


35 Thomas Banks, A Short History of the Cotton Trade of Preston for the last 67 years. Preston. 1894. pp.4-6

36 Alan G. Crook, Preston. After Sutton. Stroud. 1995. pp.33-4. When Marx likened Preston to St Petersburg he was referring to both the 1842 Massacre and the 1833-4 Great Lockout affecting Preston’s cotton mills.

37 Walton, Lancashire. p.111

38 Plebeian erected problems as in the case of Edward Hartford, the Manchester cornet. The Manchester Law Association (MLA) maintained that Hartford, if elected borough councillor, should not hold other posts with Manchester Borough Council such as assistant Town Clerk and Promotor. Minutes of the Sub-Committee of MLA held at Chorlton Hotel Manchester 7th June 1849. Oliver Atkins, Suicide in Victorian and Edwardian England. Oxford 1981. p.17 n.27 ‘Even to [customers] long remained essentially office-holders, as opposed to public employees.’

39 LRO DDX 1088/177. Preston Chronicle 11th December 1852 related to Palmer as ‘having amassed a fortune’. When Palmer died he left his substantial estate mostly to his brother who was an Omnikirk solicitor. His will dated 21st April 1850 was admitted to probate 16th February 1853 and was sworn at under £6000. LRO DDX 3950: Palmer had no Coroners Poor Box and he made no charitable bequest in his will at a time when ‘social, economic or political positions were legitimised through the terms of a charitable profile’.


43 LRO DDX 390/19


57
64 Preston Guardian. 11th December 1832. LRO DOW 1/110 particularly 1/144. Hewitson, History (from A.D. 765 to 1883) of Preston in the County of Lancaster. Preston 1883 p.127
66 Ibid, p.17
67 James Vernes, Politics and the People: A study in English political culture, c1815-1867. Cambridge University Press. 1993 pp.80-81
68 LRO DDX/398/7 contains the full election address of Palmer.
69 Preston Guardian 11th December 1852. Preston Pilot 11th December 1852.
70 Ibid
71 Hardwick, P.661. LRO. DDPR 138/69 and L.R.O. DDPR 138/95. Morgan, P.58 'Richard Palmer appointed county coroner with the assistance of Horrocks'.
Morgan, pp.59, 181-4 'The Corporation almost lacks the resort to management of the principal (Preston) cotton manufacturing firms'. The largest mill owners were members of the Corporation.
76 Coroners Select Committee Report (Middlesex) 1840 (549) XV. 359. A copy of this Report was available to Palmer as Clerk to the Preston borough magistrates but he does not refer to it.

58


62 Darby, *Safety at Work*, “the inspectors … failed to present a united front because of their differences [they] could give no clear lead on accident prevention [and were] still far from the vanguard of the movement to promote safety in the textile industry.” p.14. Crooks, pp. 40-43. “inspectors had to establish a code of professional conduct in relation to the Home Office and the will of Parliament while at the same time they had to develop an independent authority if the law was to be properly observed.”


Barrup, Safety at Work p.33, Barrup, Workmen’s Compensation p.5.

The national press featured local inquests post 1850s but they concentrated on inquests affecting public safety rather than factory deaths. Causton, Job Accidents, pp.111-129.


Preston Pilot, 22nd May 1852, Preston Chronicle, 19th May 1852 and The Times, 31 May 1852. Palmer offered the jury no choice but to bring in a verdict of accidental death. He told them that “there could be no other verdict”. He said then “it was perfectly clear that no one was to blame... there could be no other verdict than one of accidental death”.

Preston Pilot, 3rd October 1852.


Barney, pp.52-80.

18 Select Committee Appointed to Inquire into the operation of the Sugar or Workties Act for the Regulation of Mills and Factories: Preliminary Papers 1840. X Questions 201-10


22 Preston Pilot, 11th December 1852

23 Preston Pilot, 25th October 1851. The Editor of Preston Guardian stated that Palmer had held a yearly average of 110 inquests since 1842 which provided him with a yearly income of £165. Preston Guardian 8th January 1853.

24 Ibid

25 Burney, p.4

26 Preston Pilot, 17th June 1848. *Preston Chronicle* 9th August 1848. Grendon p.34 n. 40


28 Report from the Select Committee on the Office of Coroner: together with the proceedings of the Committee and Minutes of Evidence. 1860. (193) XXII Question 233 (p.277) and Question 767 (p.298)


33 Anderson, Suicide p.28 n.56

34 Preston Guardian, 5th August 1848

35 Preston Pilot. 17th August 1822

36 The Times, 31st May 1852

37 Melsham, p.35, 296 and 247

38 In the 1846s Palmer was paid £200 p.a. as town Clerk of Preston which was more than his average fees as part-time county assessor. Letter from A St. Peter's Men headed 'Corporation Salaries' printed in Preston Guardian, 31st March 1849.

39 L.R.O. DDX/398/13

40 L.R.O. QS1/2555/99, Q30/4260/70. Palmer submitted his Quarterly Accounts to county magistrates and Herford to borough magistrates. The dividing line between county and borough magistrates and their
treatment of coroners was narrow, as "there was little to choose between [them] ... ever express... [for expert evidence]." Anderson, "Did Suicide increase with industrialisation in Victorian England?" in Past & Present. A Journal of Historical Studies. Number 86 February 1980 p.163. Lancashire county magistrates, when examining the quarterly returns of the 6 part time Lancashire county coroners for the 10 years up to 1859 including 3 years of Palmer's Coronership disallowed only 0.57% of inquest fees. The percentages were much larger in other counties for example, 6.93% in Staffordshire and 4.62% in Durham. Fisher p.173 Table 6.1

105 LRO. QSF/3320/78, QSF/3325/100
106 LRO. QSF/3320/78
107 LRO. QSF/3320/79
108 LRO. QSF/3320/79

There were instances other than the steam boiler explosion inquests. Following the 1846 Cratfall Colliery Explosion inquest John Hall of Preston went to Palmer complaining of his insufficient inquiry stating that "justice upon inquests... should not give the verdict until every means had been tried... every stone should have been turned before they [give] their decision, which I contend has not been done in this case." Letter printed in Preston Guardian 12th December 1846. In the John Miller inquest where a 6 months old baby died of poisoning, the press recorded that, apart from the surgeons, no evidence was called. The verdict given by Palmer was 'dead from the effects of poisoning swallowed accidentally'. Preston Pilot 11th October 1845.

Sometimes palmer was criticised for lack of independent medical evidence or for the failure to provide any medical evidence. For example, the 1848 William Ward inquest, involving a prison death, on Palmer's directions the jury "immediately" returned a verdict of 'Died by the violation of God' when the only medical evidence was that of the surgeon at the House of Correction. Preston Pilot 29th July 1848. A few days later Palmer held an inquest on a 16 year old boy who hanged himself. Palmer called three witnesses, two of them relatives, but no medical evidence. He directed the juries to return a verdict that the boy "suspended himself while labouring under temporary insanity". Preston Pilot 29th July 1848. A week later Palmer held an inquest on an "Unidentified Male" found on Blesepool shore. That inquest was criticised by the public and the press for lack of identification and no cause of death. It was reported in Preston Pilot 12th August 1848 and was the subject of a Letter from An Observer dated 1st September 1848 and printed in Preston Guardian 2nd September 1848.


Walton, P. 112. Morgan, p. 146. "the Preston Chartist knew nothing of it beforehand." "the conclusion is that the Preston (Flag Plot) riot of August 1842 was not originated either by Preston Chartist or in Preston'.


LRO. QJRO Paxton Deposition 1842.

The Times 18th August 1842, Thompson, pp.66-65.

The Times 18th August 1842. In the 1819 John Lasz inquest coroner Thomas Parkinson had 12 jurors.

The Times 16th August 1842. In his summing up Palmer made reference to the duties of the borough magistrates undated by a 'vicesus assemblage' but no reference to mass public meetings and the doctrine of unlawful assembly or to the reading of the proclamation under the 1715 Act or to the coroners gap which transformed these present into felons. Unless a riot extend an hour was legally required to allow borough magistrates to authorize dispersal by the militia. 1 Gen 3 45 riots Act 1715. s.11. It had no direct bearing on common law powers to disperse a mob threatening the Queen's Peace but the reading of the proclamation by Hursteby and Palmer indicated that, at that stage, they had not decided that they faced a riot. The Preston borough magistrates standing alongside them were predominantly Tory local mill owners. The response to the reading of the proclamation caused them to call in the militia. At the subsequent inquests the jury's question: "the present magistrates had done nothing in the act or intention of any of the peace had raised entitled the militia to fire when they did. The families of the deceased had no legal representation. They did sue challenge Palmer: Lobban, 'From Sedition Libel to Unlawful Assembly: Petition and the Charging Fact of Political Crime 1775-1820' in Oxford Journal of Legal Studies. 1990 Vol. 10. No 3. pp. 351-2. Richard Venn, Reading the Riot Act. The magistracy, the police and the army in civil disorder. Milton Keynes 1993 pp.1-2. 12-14. John E. Archer, Social Unrest in Popular Protest in England 1780-1846. Cambridge University Press 2000 p.82. Fisher pp.128-130. T N.A. H.04529/43. 11-56. Home Office Papers relating to Chartist and the 'Flag Plot' Riots of 1842 in Preston. Letters of S. Hurstby to Home Office dated 15th August and 15th August 1842.

The Times. 18th August 1842. The great reported riots closing down cotton mills in Manchester, Oldham, Bolton, Blackburn, Preston and surrounding towns. Reporters inferred that the Preston riots which were 'allegedly unagitated by [Palmer] and the authorises were not extensive, they were rendered compulsory by popular movement' instigated by outsiders and that they should have been more quickly suppressed by millowners and by the borough magistrates. Palmer and the 4 Preston inquests, with verdicts of justifiable homicide, and with no legal representation for the families of the deceased and no questions asked, were symptomatic of that approach. Liverpool Mail 16th and 20th August 1842. Liverpool Advertiser 22nd August 1842.
ibid. Steam boilers in the 1840s were almost entirely hand-made. The plates that gave the boilers their jackets were punched out by machinery and then welded by hand-hammers. Hydraulic riveting was introduced in 1850s but made slow progress. At inquests boiler makers were more common as expert witnesses than mechanical engineers. Robert Armstrong, Rudimentary Treatise on Steam Boilers, London 1850 p.98. For an overview, Samuel p.42

Preston Pilot, 24th June 1848
Preston Guardian, 24th June 1848
ibid
Parker, p.298
Preston Pilot, 24th June 1848
Preston Guardian, 24th June 1848
Preston Guardian, 24th June 1848.
ibid
Preston Guardian, 21st June 1848
Preston Guardian, 21 July 1848
The Times 1st August 1848 and 4th August 1848, Liverpool Mercury 1st August 1848, Preston Pilot, 5th August 1848
Preston Chronicle 5th August 1848, Preston Guardian 5th August 1848 and Southport Visitor 5th August 1848 which reprised the account in Manchester Guardian describing the mill as 'of old construction'.
Dickinson, Preston Mill Engines. p.49. Preston Guardian, 8th May 1847
Scott, Vol. 2 p.36
Assessment of Cotton Mills in Preston about 1844. Harris Library Preston Ref. D74ASS. Boiler houses usually had two storeys above them. Fairbairn stated that 'it was advisable ... to have boilers in a separate building distinct from the factory'. Letter dated 28th March 1863 printed in Pole p.275-7.
Dickinson, Preston Mill Engines. 10.1 The Lancashire boiler, whose small twin furnace tubes were much stronger than the large single one of the Cornish boiler, was not patented by Fairbairn and John Hitherington of Manchester 1844. Pole p.258
Preston Guardian, 5th April. Preston Pilot 5th August 1848
Preston Chronicle, 5th August 1848. Preston Guardian, 5th August 1848
Manuza, p.665. Hayes had only recently joined Palmer's solicitors practice. He is not shown in the 1845 List. The latter shows some 68 attorneys in practice in Preston which was a larger number per head of population than in other Lancashire towns. The Law List being a List of the Judges and Officers of the
Different Courts of Justice: Consul with the dates of their call and seat of Court; Special Pleas, Conveyances, list of certificated Attorneys, Notaries etc in England and Wales. London 1845, pp.359-360.


---

163 R v Parkin (1845) 7 QB 165. An impost held by a deputy is properly described as a taxim before the cooperator and is properly signed in the name of the cooperator. Referred to in R v Johnson (1873) 42 L.J.M.C 41

161 Preston Pilot, 5th August 1848

161 Ibid

161 Ibid

161 John Stevenson & Co of Canal Bank Powney Preston had been established by 1837. It specialised in boilers and supplied them to many Preston cotton mills. Dickinson, Preston Mill Engines. p.22

161 Preston Guardian 5th August 1848. Stevenson would have been called by the Blackburne county coroners to give expert scientific evidence at the 1853 Eagle Mill explosion if Fairhaim had not been available. Blackburn Standard 5th November 1853

161 Preston Pilot, 5th August 1848. Fairhaim referred to steamboilers as 'not infrequently worked ... by incompetent or ignorant men unable to see when danger arose or unoccupied as to overworking the powers of the apparatus'. P.246

161 W.A. Dickson, History of Accident Insurance in Great Britain. London. 1954 p.40 and pp.133-145. Employers as well as employers were inclined to boiler inspections. Clayton had established his foundry in Preston in 1835 and had the boiler monopoly for [Preston]. - Dickson, Preston Mill Engines 2:1

161 Preston Guardian, 5th August 1848

161 Ibid

161 Ibid

161 LRO QSP 3216/1000. Dobbs was not paid any expenses by Palmer. Neither were Stephenson, Clayton or Lucas. Others were paid £26 apart from Holden, who was paid £1.1.0

161 Preston Guardian, 5th August 1848. W.H. Chadier, National Boiler 1864-1954. A Century of Progress in Industrial Safety. Manchester 1964 P.1 Manchester Steam Users' Association investigated the cause of every boiler explosion and calculated an abridged account of the causes of each explosion – basically was that the boiler was too weak for purpose at which it was worked or original reconstruction or lack of repair. P.232

161 The safety device of Fairhaim's Lancashire boiler post 1844 is fully set out in Dickson, Preston Mill Engines. 10:1 to 10:2. Preston Guardian, 5th August 1848


161 Preston Guardian, 5th August 1848
Liverpool Mercury, 11th August 1848. In the Sarah McClean case a few days earlier Liverpool juries had asked similar advice about docklands. However, the use of docklands against mill machinery or boilers as distinct from railway engines was not common. Caution, Ask: Accidents. P.170 n.32.


The Times 4th August 1848. Preston Guardian 5th August 1848. Preston Police 5th August 1848. 'that there will be a further investigation there means to be little doubt'. Van Tuwalnemen. P.88.


L.R.O. DDX 398/19 and LRO DDPD. 15.3

Preston Guardian 5th August 1848

Joseph Livesey collection: obituary notices and press cuttings 1844 Harris Library Preston Ref. MI087250

LC


Preston Chronicle 12th August 1848

Preston Chronicle 5th August 1848

Preston Guardian 5th August 1848

Preston Chronicle 4th August 1848

The Dobson family were the proprietors, jointly with Isaac Wilkinson, of the Preston Chronicle. William Dobson, deeply interested in liberal politics, was editor until March 1868. Preston Guardian 13th August 1884 and Preston Chronicle 16th August 1884. Hewston, History PP341-4


Preston Guardian 12th August 1848

John was one of the sons of Joseph Livsey. From 1844-59 the family managed the Preston Guardian which has been described as one of "the most influential papers in north Lancashire", Baylis and Greenam P.294. Morgan, PP.96-9


Preston Chronicle. 12th August 1848

Preston Guardian. 19th August 1848

Preston Pilot. 22nd August 1848

Ibid

Preston Chronicle 12th August 1848

Ibid

Ibid

Ibid


Preston Guardian, 6th August 1848

Preston Chronicle, 12th August 1848

Gazette v Fernand (1827) 6 B & C 611. Jewlin v Dwyer (1842) 9 M & W. 540. Prichard, P.119. "apart from the basic statutory requirements ... [the coroner] canvassed everything else, including whether the court should be held in camera".

J. Brown, Letter to Editor printed in Preston Guardian 12th August 1848

Preston Guardian 19th August 1848 'the oldest practising solicitor in Preston'.

Preston Chronicle. 12th August 1848

Letter from J.A. to Editor dated 16th August 1848 headed 'The Boiler Explosion at Brunswick Mill' printed in Preston Guardian 12th August 1848

Preston Pilot. 22nd August 1848

Preston Guardian 12th August 1848

Pence, Life and Times P.122. Manchester Guardian 3rd September 1844. Livsey was associated with the majority of Preston's Liberal causes. His Christian beliefs were the basis of his social conscience and of his concern about working conditions in the town's cotton mills. T. Walshe, Reminiscences of the Preston Cockpit and the Old Textileweavers. Preston 1852 PP16-17 and T. Coupl, Walsden in Dale: A History of the Village. Preston 1954 PP15-6

Preston Chronicle, 12th August 1848

Ibid

Preston Guardian, 29th August 1848

Ibid

Harrison, P.31

Dinsdale, P.37

Dickinson, Cotton Mills P.86. Coroners faced similarly in the national scandal of boiler explosions. The latter were frequently identified with Lancashire and Yorkshire cotton mills. Boilers were of the Waggon and single float Cornish type of crude construction and 'most unsuitable in meeting the increased pressure
demolished. P.83 and Pole P.260. Popular demand for regulatory action was often initiated by recommendations from coroners and coroners' juries at inquests arising out of tragedies like the 1844 John Brooks Mill explosion, the 1845 Rotherill and Kitts explosion both in Bolton, the 1848 Royal Sovereign Mill explosion and the 1848 Brunswick Mill explosion both in Preston, the 1852 Finstey Mill explosion in Dumbartey, the 1853 Eagly Mill explosion in Blackburn, and the 1854 Bridgefield Mill explosion in Rochdale.

Sometimes coroners adjourned inquests in order to obtain scientific evidence as to steam boilers. For example, Fairburin provided expert evidence to the Bolton coroner John Taylor in the 1845 Rotherill and Kitts inquest. On his evidence the jury recorded a verdict of manslaughter against Kitts and recommended that his Report "should be forwarded to the Secretary of State Home Department with a view of bringing the subject of steam-boilers before the legislature". Bolton Chronicle 27th December 1845 and Bolton Free Press 27th December 1845. A few years later Fairburin provided evidence to the Blackburn county coroner John Herigaveas at the 1853 Eagly Mill explosion when the jury returned a verdict of manslaughter and called upon the Mayor to hold a meeting of mill owners and boiler manufacturers to consider steam boiler inspections. Blackburn Standard 2nd November 1853 and 9th November 1853. The jurors asked that Fairburin's Report to the coroner be published "as a very important document in its general bearing upon the management of steam boilers". Blackburn Standard 16th November 1853. Pole, P.268 and Chapter XVI. An association called "The Manchester Steam Users' Association for the Prevention of Steam Boiler Explosions and for the attainment of Economy in the Application of Steam" was founded by Fairburin to provide engineering advice with a system of voluntary inspection. It wanted the government to set up an independent tribunal to make "a most searching investigation in the event of every explosion" and it wanted "mother and more competent court, entirely independent of the coroner's". In effect, it was another pressure group. Letter of Livingston E. Fletcher, Engineer to Manchester Steam Users' Association dated 4th July 1876 printed in Pole, PP.281-284. However, legislation was delayed a generation until the 1882 Boiler Explosion Act which was largely the result of efforts of the Manchester Steam Users' Association initiated in part by coronial recommendations.


185 Manchester Steam Users' Association. Addiater Book 1854-1904, P.27 Opinions differed as to the propriety of combing inspection of steam boilers with insurance but inspection was the foundation upon which engineering insurance was built. Dumbartey P.142. Inspection and insurance feature in Fairburin's evidence about coroners' inquests and steam boiler explosions given to the Chairman of the Select Committee on the Causes of Steam Boiler Explosions. Report of Proceedings. Minutes of Evidence 1870 (370) X. 459 P.2

184 Preston Guardian. 19th August 184. Watson, P.196

183 Howard, PP170-181

182 v v Carson (1870) 45. LJQB. 72. Jervis, P.275

181 Preston Guardian. 19th August 1848


179 Preston Pilot. 19th August 1848. Preston Guardian. 31st March 1849 The family of one injured mill worker wrote to say that "their treatment [had] more resembled that of peasants than of strangers." Letter of John Taylor
dated 23rd June 848 printed in Preston Pilots 24th June 1848. Morgan, P.364 "an hierarchical dependence on the matter with overtones of family loyalty in the mill".


221 Preston Guardian, 3rd January 1846, 30th May 1846 and 27th June 1846.


225 Charles Russell, The Practice of the Court of Passage of the Borough of Liverpool with an Appendix of Statutes, Rules, Practical Forms and Pending Procedure. Liverpool 1862. 'the plaintiff must swear that, except his apparel and the matter in question in the cause or intended cause be it not worth £5.' p. 90

226 Stein, p.725

227 8 & 10 Vict. c.59 An Act for the Recovery of Small Debts and Demanders in England [28th August 1846]


229 8 & 10 Vict. c.59 Fatal Accidents Act 1846 required legal action to be brought by personal representatives of deceased persons on behalf of dependents. The latter were narrowly defined. The cost of a grant of representation, usually between 1½ and 2½s, was beyond the means of working families but was not within the ambit of actions in forma pauperis. Only after the 1864 Accidents' Compensation Act was funding provided for a grant of representation. Even then litigants were deterred by the complex and rigorous system of pleadings. Barrett and Burman. p.94, p.108 and pp. 115-16

230 Simpson, Lending Covers "given the cost of litigation, and the poverty of the working population, tort law was largely irrelevant". PP.117-118. Barr, The House Office. p.7 Cowen, Job Accident "in no instance did the Secretary of State actually bring suit in the name of an injured factory employed". p.141. In the majority of occupational deaths the inquest was the only court of law available to the families of the deceased. In Preston, therefore, Parker was the principal judicial officer investigating the cause of their death. The efficacy of this investigation depended on his. Cowen, Occupational Accidents and the Law: The Role of Coroner's Inquests in England 1830-1850. Unpublished Ph.D. thesis. University of Virginia 1985 pp.443-3

70
248 Bristow and Burman, pp. 97-125. Early friendly societies, like employers' inquests, held their meetings in local public houses. They provided "the means by which a group of men could mutually provide for sickness and the support of widows and orphans." Their development in the 1840s arose partly out of the failure of the common law to provide compensation for the increased number of factory accidents and partly out of fear of the poor law. Bristow, p.111; Morgan, p.151.

249 Baker, An Introduction to English Legal History. London 1971 pp. 276-7. The printed trial report has not survived in the Northern Circuit nisi prius court records and cannot be found in the Old Bailey Sessional papers.

250 The Times 27th March 1849


252 Preston Guardian, 31st March 1849 and Preston Pilot 31st March 1849. Usually trial juries heard the same evidence as presented to the coroner but Knowles called fewer witnesses than had given evidence at the inquest.

253 Preston Guardian, 31st March 1849

254 Ibid.

255 Liverpool Mail, 31st March 1849. "the obligation which the law casts on any man in the management of his business not to work to the injury of other people".

256 Preston Guardian, 31st March 1849

257 Liverpool Mercury, 27th March 1849 and Liverpool Mail, 31st March 1849

258 Preston Pilot, 31st March 1849

259 Liverpool Mail, 31st March 1849. "a gentleman at Preston had been appointed to consider the question of compensation" and Alderson acknowledged the submission of Wilkinson. Liverpool Advertiser, 2nd April 1849

260 The Times, 27th March 1849

261 Liverpool Mercury, 27th March 1849

262 Preston Guardian, 31st March 1849. Dobson wrote that the numeral sentence had caused much surprise as being out of all proportion to the offence. "but he went on to say that Fogg was "not the most crisisant" and that Cooper and Gormigos were "the real culprits." However, he did not urge a further indictment against them being content that Alderson's verdict represented "a [biason] being recorded against the reckless system of working with imperfect machinery."

263 The Victorian Steamship Explosion Inquest was adjourned six times for expert evidence, and lasted over two months. See The Times 18, 23, 27 and 28 June 1838, 4 and 19 July 1838, and 2, 15, 18 and 22 August 1838.

264 The Charles Carlisle Inquest and the Pooley Cotton Mill Steam Boiler Explosion, Morning Chronicle 30 October 1850.

265 The Bailey Dewhurst Cotton Mill Explosion and the three inquests arising from the tragedy, Manchester Times 30 October 1846.

266 Letters from coroners of Durham, Oxford, Portsmouth and Birmingham to the Secretary of State Home Department listed in T.N.A. HO576/955 "Expert assistance to coroners at boiler explosion inquests." Adjoining Lancashire coroners instructed Pennsylvania. For example, at the 1846 Bailey and Dewhurst cotton mill explosion at Ashton under Lyne the East Lancashire coroner adjourned the inquest for Pennsylvania to examine the boiler and to give evidence. Manchester Times, 30th October 1846. At the 1851 Hawarden and Price cotton mill explosion at Bury where 9 died and where the circumstances were similar to the 1848 Royal
Sovereign Mill explosion at Preston. Herford instructed Fairhairs and "other practical and scientific men". Herford summed up the evidence for the jury in detail directing attention to repeated caution having been given of the dangers of running the engine with too little water in the boiler. The jury retired for 3 hours to consider a verdict. They then handed Herford a written verdict of manslaughter against both the engine tender and the employer. Both were committed to Liverpool Assizes. Preston Chronicle, 15th August 1851.


Preston Police, 11th December 1852.


Select Committee on Steam Boiler Explosions. Parliamentary Papers, 1871, XII. Question 952. Crompton, Job Accidents. p.183. "[the Act] was as (best) legislative in form and marrow in interpretation ... an ill-disguised attempt ... to kick the teeth out of the one type of legal forum which had shown any sustained sympathy for the victims of occupational accidents -- the coroner's inquest."


Houston, Bodley p.9.

Liverpool Mill 31st March 1849. Liverpool Albion 2nd April 1849. Earlier cases included R v George Brounswick a trial for manslaughter at South Lancashire Assizes 15th August 1844 reported in Liverpool Mercury 16th and 17th August 1844 and Bolton Free Press 24th August 1844.

Liverpool Albion 2nd April 1849.


Walton, Social History pp.184-5. Ward, PE220-1 and Gray, P22 "a language of reform, Christian benevolence and social and moral order"

Pearce, Life and Times, pp.31-4.

T.N.A. HO45/5605. File: "Boilers: Explosions: suggestions for prevention". In press reports of steam boiler explosion inquests in the 1840s boiler manufacturers and boiler engineers were generic variants of the same. Sub-specialists in engineering were emerging with the Institution of Civil Engineers in 1818 and the Institution of Mechanical Engineers in 1847, but this spread of advanced industrial technology was not evidenced by Palmer's use of such experts at Preston inquests.


72
Letter of Livingston E. Fletcher dated 5th July 1876 printed in Pole, PP281-2

Bill for compensating Families of Person killed by Boiler Explosions through Neglect of Owner 1864 (59) 103

Bill to provide more efficient Remedy to Persons injured and Property damaged by Explosion of Steam Boilers from Negligence, 1871 (273) VL.201. 1872 (2) V. 603

Bill to make better provision for Inquiries with respect to Boiler Explosions. 1881 (39) 1399 1882 (2) 1383

[as amended in Cinne and in Consideration as amended] 1882 (100) 1389 [Lords’ Amendments] 1882 (210) 1397

Select Committee on Cause of Steam Boiler Explosions

Although the Committee was established in 1876 it did not complete its report before the end of the Parliamentary session.

60 & 61 Vict. c.37. An Act to amend the Law with respect to Compensation to Workmen for Accidental Injury suffered in the course of their Employment [6th August 1897] [The Workmen’s Compensation Act 1897].

Bartrip, The Sheep. p.89


Baker, P. 113

The Workmen’s Compensation Act 1897. (Bartrip and Barsum, pp.207-19 ‘the Act’) provided injured workers and relatives of those killed with an alternative to tort actions as a means of gaining financial redress. Bartrip and Fearn, Factory Families, p.65. Until 1908 the application of the Act was limited to certain dangerous occupations but it was the harbinger of the welfare state.


48 & 46 Vict. c.22 An Act to make better provision for inquiries with regard to Boiler Explosions [15th July 1882] Sections 5 and 53 & 54 Vict. c.35 An Act to amend the Boiler Explosions Act 1882 [4th August 1890] Sections 3 & 4 58 & 59 Vict. c.37 An Act to amend the Law with respect to Compensation to Workmen for accidental injuries suffered in the course of their Employment [9th August 1893]. (Ethics, the requirement for notification to the Factory Inspectorate had been reinstated.


73
Burney, Bodies, p.165 'the government's attempts to manage the claims of science and of the public... reinvented in important respects their deeply entrenched and complex relation even as it was ostensibly being resolved'. Although Burney's comments referred primarily to the state, medical science and the public, the same were equally applicable to the history and sociology of the science of engineering in relation to steam boiler explosions, the state and the public.

Preston Guardian, 19th August 1848. Morgan, p.317

Fisher, p.211-2. Fisher argues that the Victorian inquest was 'expected to be the eyes and ears of central government if not one of its agents'. The 1848 Preston steam boiler inquests reflected these expectations.
Contemporary History and Politics – SERIES 1

1. 'The Functions of Nineteenth Century Political Parties' - John Garrard

2. 'Real Aristocracy and Labour Aristocracy: The Appropriateness of a Metaphor' - Peter Firth

3. 'Mill Towns and Moorlands: Rural Themes in Lancashire Working Class Culture' - Paul Salveson

4. 'Overcrowding, Health and Housing in Britain, 1900-1939' – Patricia L Garside

5. 'Deference and Paternalism in the Cotton Industry of North-East Lancashire during the Twentieth Century' - Winnie Bridges

6. 'A Tory Town: Popular Conservatism in Wigan 1868-1886' - Michael Hamilton

7. 'The Status of Local Government' - Michael Goldsmith

8. 'Local Government Fiscal Behaviour Intergovernmental Finance in a Period of Slow National Growth: A Comparative Analysis' - Harold Wolman and Michael Goldsmith

9. 'Local Government Fiscal Austerity and Innovation: A Literature Review and Research Agenda' - Harold Wolman

10. 'Understanding Recent Trends in Central-Local Relations: Centralisation in Great Britain and Decentralisation in the United States' - Harold Wolman

11. 'Operative Conservatism in Lancashire, 1833-1846. Some Comments on a Changing Political Culture' - David Walsh

12. 'Grant Impact Analysis: a Re-interpretation' - Harold Wolman

13. 'Reviving the Metropolitan Economy Local Economic Initiatives - the Case of Greater Manchester - Pernille Kousgaard and Michael Goldsmith

14. 'Working Class Development and Class Relationships in the
15. 'Developments in Tertiary Education: A Review' - Andrew Massey and Michael Goldsmith
16. 'Widening Access to Education: The Role of Databases' - Pernille Kousgaard
17. 'Anti Drink Organisations and the Working Class in North East Lancashire 1890-1914' - Peter Firth
18. 'Letter from America, Credit Accumulation and Transfer in the United States' - Pernille Kousgaard
19. 'Training in Engineering - Local Developments' - Pernille Kousgaard
20. 'Training in Engineering - National Developments' - Andrew Massey
22. 'The Contradictions of Thatcherism' - Andrew Gamble
23. 'Barriers to Women Participating in Higher Education' - Liz Sperling
24. 'Unemployment and the Weaving Industry in North East Lancashire' - Peter Firth
25. 'A Difference of Opinion. An example of professional disagreement within the lower branch of the legal profession at a critical time during its evolution in mind-nineteenth century Manchester' - Vivienne Parrott
26. 'A Route to Respectability: Solicitors and their changing image 1830-1910' - Vivienne Parrott
27. 'Nineteenth Century Manchester Solicitors: Provincial Leaders and Professionalisation' - Vivienne Parrott
28. 'The Irish Cellar Dwellers - Salford, Stockport and Rochdale 1861-71' - Sandra Hayton
29. 'Local Power in Britain at the end of the Nineteenth Century' - John Garrard
30. ‘Some Reflections on Kim Philby’s *My Silent War* as a Historical Source’ - Edward Harrison

31. ‘Women’s Movements and Democratization in Chile’ - Georgina Waylen

32. ‘Ideology, The Labour Party and the British Middle Class’ - James Newell


34. ‘Party Identification in Britain and Italy’ - James Newell
Contemporary History and Politics – SERIES 2


13  ‘U.K. Political Parties and the Internet: Prospects for Democracy’,


18 'Alternative Routes to a Single Destination: Britain and Italy as Democracies', James Newell, April 1999 ISBN: 1 901471 35 7


23 'New Parties, New Media: Italy and the Internet', Jim Newell, November 1999 ISBN: 1 902496 07 8


25 'Against Ouverture and Each Other: A Comparative Analysis of Contrasting Attitudinal Bases to Anti-EU Sentiment in France and Norway', Jocelyn Evans, July 2000 ISBN: 1 902496 19 1


29 'Understanding Britain', Edited by Andrew Mycock, Catherine McGlynn & Phillipa Grand, July 2004 ISBN: 1 902496 426


Occasional Papers in Series 2:


2 'The European Union's Environmental Policy', Andreas G Kintis and José M Magone, Centre for European Studies, University of Hull,

3 'A Nation of Notables: Class, Politics and Religion in the Netherlands in the Nineteenth Century', Robert van der Laarse, Senior Lecturer, University of Amsterdam, November 1999 ISBN: 1 902496 11 6


Intelligence and Security Studies – SERIES 1

1  "France and British Intelligence in World War Two",
Politics of Representation – SERIES 1

1  'Unstable Subjects and Unknowable Others: Is Political Representation Possible?’,

2  'Rethinking the ‘rise and fall’ of two-party politics in post-war Britain',

3  'The Powers of the Heads of Government',
   Gianfranco Pasquino, November 2005 ISBN: 1 902 496 46 9
Military and International History – SERIES 1

1. 'The Beginning of the Learning Curve: British Officers and the Advent of Trench Warfare, September – October 1914',
   Nikolas Gardner, April 2003 ISBN: 1 902496 36 1

2. 'The Central African Federation, Katanga and the Congo Crisis, 1958-65',
   Matthew Hughes, September 2003 ISBN: 1 902496 37 X

3. 'Hurry up and wait: Robert Menzies, Mackenzie King, and the failed attempt to form an Imperial War Cabinet in 1941',
   Galen Roger Perras, September 2004 ISBN: 1 902496 43 4

4. 'A Precursor of Modern Counter-Insurgency Operations? The German Occupation of the Ukraine in 1918',


6. 'Is There Anything New in Small-Scale Warfare? Developments in Asymmetric Violence, 1740-1815',
   Martin Rink, March 2009 ISBN: 978 1 902496 56 6

7. 'Reassessing Economic Appeasement During Chamberlain's Peace-time Premiership: A Two-headed Beast?',
   Andrew David Stedman, August 2009 ISBN: 978 1 902496 57 3
ESRI OTHER PUBLICATIONS

Current Trends in Phonology: Models and Methods
Volume I and Volume II
ISBN: 1 901471 00 4
Price: £20.00 + £2.50p&p

French Generative Phonology: Retrospectives and Perspectives
Ed Chantal Lyche (1994)
ISBN: 1 9511837 1 X
Price: £14.00 + £2.50p&p

Model Guide to Lancashire Mental Hospital Records
Patricia L. Garside and Bruce Jackson (2000)
ISBN: 0 902896 33 4
Price: £5.00 + £2.50p&p

Perspectives on Conflict
Caroline Baker, Edward Granter, Rebecca Guy, Katherine Harrison, Armin Krishnan & Joseph Maslen (Eds)
ISBN: 1 905732 08 2
Price: £10.00 + £2.50p&p

Authentic Artifices: Cultures of the Real
Shelley Deasey, Chris Forrest, Joseph Maslen, Nicola Smith and Emmeline Taylor (Eds)
ISBN: 1 902496 49 3
Price: £10.00 + £2.50p&p

Displacement and Belonging in the Contemporary World
Richard Ganis (Ed)
ISBN: 978 1 902496 54 2
Price: £10.00 + £2.50p&p