

The Charter of Incorporation 1867

Under the Reform Act of 1832 Durham County was effectively split into two areas, known as the Northern and Southern divisions. That same year, Joseph Pease (1799 – 1872), Great grandson of Edward Pease (1767 – 1858) was elected M.P. for South Durham and was also the first Quaker to serve in Parliament until retiring in 1841. Another son, Henry Pease (1807 – 1881) was also MP for south Durham in 1865.

With the palatine powers of the Bishop of Durham being abolished in 1836, the role of the first Citizen, 'The Bailiff' was becoming redundant and the system of local government was obviously becoming out-dated and in somewhat of a mess; as the responsibility for governing Darlington eventually became under the direct control of the Board of Health, constituted under the Public Health Act 1848. It was quite evident that the board was monopolised by the Quakers, and in particular by members of the Pease family, a plural and cumulative voting system gave eleven members of the Pease family 115 votes, therefore ensuring continued service on the Board.

Although there didn't appear to be any mistrust of the members on the Board, there was a demand for a new system of local government, which was more open and accountable for the rapidly growing town. Between 1861-71, the population increased by 10,000 from 15,789 to 27,729. Although the first request for an enquiry to be held in the town as to a change in the way Darlington was governed, was blocked by members of the board. A subsequent application found overwhelming support for incorporation and a Royal Charter was granted on 1st October 1867. At the first election in December of that year saw a marked victory for the old leaders of the Town. Seven of the ten Board of Health candidates and five members of the Pease family were elected, the first Mayor being Henry Pease. The population of Darlington now had the opportunity to take a more active part in the election of a Council of local administration.

As Darlington was not amongst the new boroughs in 1886 proposed by Gladstone, pressure was renewed when Disraeli's Conservative Government came to power in June 1867.

The Town also took an active interest in the 1867 campaign for Parliamentary reform and a local Enfranchisement Committee had been set up to create an M.P. for Darlington, which was still part of the South Durham Constituency. The Constituency for Darlington comprising of the Township of Darlington, including Cockerton and Haughton was set up in 1868 and the first elected member of Parliament for Darlington was Edmund Backhouse, whose family was involved in Banking (est. 1774); their Bank on the high Row, Darlington was so ornate it was likened to a Venetian Palace, when it opened in 1864. The wishes of the people of the town to become a County Borough added pace when Disraeli's Bill gave voting rights to all men in the boroughs but restricted rights according to property qualifications to those in County constituencies.

The Charter of Incorporation

1867

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Victoria by the Grace of God: of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith. To all to whom these presents shall come greetings. Whereas by an Act passed in the first year of our Reign entitled ‘An Act to amend an Act for the Regulation of Municipal Corporations in England and Wales’ It was enacted that if the inhabitants, householders of any town or Borough in England and Wales should petition us to grant to them a Charter of Corporation it should be lawful for us by any such Charter if we should think fit by the advice of our Privy Council to grant the same, to extend to the inhabitants or any such Town or Borough within the district to be set forth in such Charter all the powers and provisions of an Act passed in the session of Parliament held in the Fifth and Sixth years of the Reign of His Late Majesty King William the Fourth, entitled ‘An Act to provide for the Regulation of Municipal Corporations in England and Wales’. Whether such Town or Borough should or should not be a corporate Town or Borough or should or should not be named in either of the Schedules to the said Act, to provide for the Regulation of Municipal Corporations in England and Wales provided nevertheless that the notice of every such petition and of the time when it should please us to order that the same be taken into consideration by our Privy Council should be published in the London Gazette. One month at least before such petition should be so considered but such publication should not need to be by Royal Proclamation.

And Whereas: after the passing of the first said mentioned Act the inhabitants householders of the Town of Darlington in the County of Durham did petition us to grant a Charter of Incorporation to the inhabitants householders of the said Town.

And Whereas: notice of such petition and of the time when the same was ordered by us to be taken into consideration by our Privy Council was accordingly duly published in the London Gazette one month at least before such petition was so considered.

And Whereas: afterwards our Privy Council did proceed to consider the said petition and having fully considered it, have advised us to grant this Charter of Incorporation to the inhabitants of the said Town.

And Whereas: the boundaries of the said Town are for the purpose of the Charter are to be taken to be and are to be as the same as the Town of Darlington as defined in ‘The Darlington Local Board Act 1854’

We Therefore: as well as by virtue of the powers and authorities invested in us by virtue of our Royal prerogative by the said enacted Act of the Sixth year of our Reign or any other Act of Parliament and all such powers and authorities enabling us in this behalf by the advice of our Privy Council

Whereby Grant and Declare: that the inhabitants of the said Town of Darlington and their successors shall be forever thereafter our body politic and corporate in deed, fact, and name and that the said body corporate shall be called the Mayor, Aldermen, and Burgesses of the Borough of Darlington and then by the name of the Mayor, Aldermen and Burgesses of the Borough of Darlington into the body corporate and politic in deed, fact and name we do for us our heirs and successors ***** and ***** by these presents

And We Do Grant: to the said body politic and corporate that by the same name they shall have by perpetual succession and be forever thereafter personable and capable in Law to have and exercise and do and suffer all the acts powers authorities immunities and privileges which are now held and enjoyed done and suffered by the several Boroughs named in the Schedules to the said act passed in the session of Parliament held in the Fifth and Sixth years of our Reign of His Late Majesty King William the Fourth to provide for the Regulation of Municipal Corporation in England and Wales in the like manner and subject to the same provision as fully and as amply intense and purposes whatsoever as if the said Town (hereafter

called the Borough of Darlington or the Borough had been out of the Boroughs named and included in the first Section of Schedule **B** to that Act annexed.

And We Do Hereby Extend : to the inhabitants of the Borough of Darlington all the powers and provisions of the said Act passed in the session of Parliament held in the Fifth and Sixth years of the Reign of His Late Majesty King William the Fourth to provide for the Regulation of municipal Corporation in England and Wales and of all and every other Acts of Parliament made and passed for altering amending or enlarging the said Act and the powers and provisions thereof or is anywise relating thereto which Acts are hereinafter referred to as the said Acts.

And We Further Will Grant And Declare : that the said Mayor Aldermen and Burgess and their successors shall and may for ever hereafter have a common seal to serve them in transacting their business and also shall and may not and assume Armorial bearings and devices which be duly entered and enrolled in the Heralds College.

And We Further Will Grant and Declare : that the said Mayor Aldermen and Burgesses and their successors shall be able and capable in Law to purchase take and acquire such Tenements Herediments situate lying and being within the said Borough as shall be necessary for the site of the building and premises required for the official purposes of the Corporation.

To Have And To Hold : the said Lands Tenements Herediments to the said mayor Aldermen and Burgesses and their successors for ever.

And We Further Will Grant And Declare : that the Council of the Borough of Darlington shall consist of a Mayor, Six Aldermen and Eighteen Councillors to be respectively elected at such times and places and in such and the like manner as the Mayor Aldermen and Councillors for the Borough named in the Schedules to the said Act passed in the

session of Parliament held in the Fifth and Sixth years of the Reign of His Late Majesty King William the Fourth to provide for the Regulation of

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Municipal Corporation in England and Wales except that first Mayor Aldermen and Councillors and the first Auditors and Assessors for the Borough shall be respectively elected at such times and in such manner as hereafter mentioned and that the said Mayor Aldermen Councillors Auditors and Assessors so to be elected for the Borough shall respectively have the same qualification and have exercise and enjoy all the powers immunities and privileges and be subject to the same duties penalties liabilities and disqualifications as the Mayor Aldermen Councillors Auditors and Assessors of the several Boroughs enumerated in the said last mentioned Act so far as the same are or may be applicable to the Borough of Darlington

And We Further Will Grant And Declare : that the title and qualification of the Burgess of the Borough of Darlington shall be the same with regard to the Borough as the title and qualification of the Burgess of the Boroughs named in the said last mentioned Act are with regard to such Boroughs exactly as if the Borough of Darlington had been included in the first section of Schedule **(B)** to that Act annexed and that all persons possessing such title of qualification with respect to the Borough of Darlington shall be entitled to be placed upon the said Burgess list hereafter mentioned.

And We Further Will Grant And Declare : that the Borough of Darlington shall be divided into Six Wards to respectively called North Ward, East Ward, North West Ward, West Ward, South Ward, and Central Ward and that the said Wards shall be bounded and described as follows (That is to say)

1 The North Ward shall comprise of all the part of the Borough, which is on the North side of the Southern Boundary of Stockton and Darlington Railway

2 The East Ward shall comprise of all that part of the Borough, which is on the East side of the Western Boundary of the North Eastern Railway and on the South of the North Ward.

3 The North West Ward shall comprise of all that part of the Borough, which is bounded on North by Cockerbeck to the County Bridge in Northgate (including all those parts of the said Beck which are in the Borough).

4 The West Ward shall comprise all of the part of the Borough, which is comprised within a line commencing from the County Boundary at Mowden Bridge aforesaid running Eastward along the route of the Cockerbeck and Staindrop Road and Bondgate Southward along the route of the roadway lying between the High Row and Prebent Row and Westward along the route of Blackwellgate Conniscliffe Lane and Barnard Castle Road to the Borough Boundary near the Water Works.

5 The South Ward shall comprise all that part of the Borough, which is on the East side of the Western Boundary of the North Eastern Railway and is to the South of a line commencing at the Borough boundary near the Water Works running Eastward along the Route of the Barnard Castle Road Conniscliffe Lane and Blackwellgate and Northward along the route of the roadway lying between the High Row and The Market House to a point opposite the Northwest corner of the Clock Tower and thence Eastward in a straight line to the route of Parkgate to the North Eastern Railway and shall also comprise the detached part of the Borough near to Croft called Oxen-le-Fields.

6 The Central Ward shall comprise the residue of the Borough lying between the North Ward, the East Ward, the South Ward, the West Ward, and the Northwest Ward.

And We further Will Grant And Declare: that each of the said Wards shall elect their Councillors.

And We Further Will Grant and Declare: that our trusty and well beloved Richard Willan of the said Town of Darlington Gentleman in the case of his death inability incapability refusal or default then our trusty well beloved George Allison of the said Town of Darlington Gentlemen do on the tenth day of October One Thousand Eight Hundred and Sixty Seven make out an alphabetical list (to be called the Burgess list) of all persons who

shall possess the title and qualification required by the said Acts for the Burgesses of the Borough of Darlington and shall sign such Burgess list and shall cause copies to be printed of such list and shall deliver a copy thereof to any person the same on payment of a reasonable price for such copy and shall cause a copy of such Burgess list to be fixed on or near to the door of the building called The Market House in the Borough fronting the High Row or in such other public and conspicuous situation within the Borough during eight days next before the twenty first day of October One Thousand Eight Hundred and Sixty Seven and that every person so possessed of such title and qualification as aforesaid whose name shall have been omitted from such Burgess list and who shall claim to have his name inserted therein shall on or before the day or year last

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Aforesaid: give notice thereof to the said Richard Willan or the said George Allison (whichever of them shall be acting in the premises) in writing and shall in such notice describe the House Warehouse Counting House or Shop then occupied by him the claimant in the Borough of Darlington in respect of which and the said claimant has been rated and state that time that during which at has been necessary for his qualification and also that place of abode of him that the said claimant and that every person whose name shall have been inserted in our Burgess list may object to any other person as not being entitled to have his name retained in the said Burgess list and every person so objecting shall on or before the day and last year. Aforesaid give to the said Richard Willan or the said George Allison (Whichever of them shall be acting on the premises) and also give to the person so objected to or leave on the premises for which he is said to be rated in our Burgess list notice thereof in writing which said notice she specify the name of such person so objected to and describe him as he is described in that Burgess list in a list and shall also specify the name of such objector and state his place of abode and the property for which he is said to be rated in the said Burgess list and the said Richard Willan or the said George Allison (whichever of them shall be acting on the premises) shall include the names of all persons so claiming to be inserted in the said Burgess list in a list and shall also include the names of all persons so objected to as not entitled to be retained in the said Burgess list in another list and shall cause copies of our several last mentioned lists to be fixed on or near the said door or to said building called the Market House or in some other public and conspicuous situation within the Borough during eight days next before the fourth day of November One Thousand Eight Hundred and Sixty Seven and shall likewise keep a copy of each

of our last mentioned lists to be perused by any person without payment of any fee at all. Reasonable hours during the eight days (Sunday excepted) next proceeding the day and year last aforesaid and shall also deliver a copy of each of our last mentioned lists to any person requiring the same on payment of a sum not exceeding one Shilling for each copy.

And We Do Hereby Appoint: our trusty and well beloved Henry John Trotter of the ***** Temple, Barrister at Law and in case of his death inability, incapacity, refusal or default then our trusty and well beloved George Brown of the Ribble Temple, Barrister at Law to revise that same Burgess list as well or the said list of claimants and the said list of previous objected to in a manner directed in the said Acts on the Sixteenth day of November One Thousand Eight Hundred and Sixty Seven, or on such other days and at such times as the trusty John Trotter or the said George Brown (Whichever of them shall be acting on the premises) shall from time to time appoint so that no day after the day and year last aforesaid shall be appointed on which to revise or continue to revise such lists.

And We Do Hereby Direct ; the said Richard Willan or the said George Allison (Whichever of them shall be acting on the premises) to make out a Burgess Roll (in alphabetical lists) of the Burgess in each of the said Wards to be called Ward lists of the Burgess of the Borough and to cause such Burgess Roll to be completed on or before the twenty third day of November One Thousand Eight Hundred and Sixty Seven and that our Burgess Roll of the Burgesses of the Borough entitled to vote is the choice of Councillors, Assessors, Auditors, of the Borough and the Wards thereof respectively of any election or elections which may take place in our Borough before the first day of November in the year One Thousand Eight Hundred and Sixty Eight.

And We Further Will Grant And Declare : That the said Richard Willan or the said George Allison (Whichever shall be acting in the premises) shall cause to be written or printed copies of the said Burgess Roll and shall deliver such copies to all persons applying for the same on payment of a reasonable price for such copy.

And We Further Will Grant And Declare : that the first election of the Mayor Aldermen and Councillors, auditors and Assessors for the Borough shall be respectively holden as follows (that is to say) that the first election of Councillors for the Borough shall be holden on the third day of December One Thousand Eight Hundred and Sixty Seven and upon the first day of December One Thousand Eight Hundred and Sixty Eight and on the same day every succeeding year our third part of the whole number of the Councillors for the Borough shall go out of Office, and in the said year One Thousand Eight Hundred and Sixty Eight those who shall go out of Office shall be the Councillors who were first elected under the provisions of the Charter by the smallest number of votes and in the year One Thousand Eight Hundred and Sixty Nine, those who shall go out of Office shall be the Councillors who were first elected under this Charter by the next smallest number of votes, the majority of the whole Council always determining when the votes for any such person shall have been equal who shall

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Be The person or persons so to go out of Office, and there after those who shall go out of Office, shall always be the Councillors who have been for the longest time in Office without re election.

Provided Always : that any Councillors so going out of Office shall be capable of being forthwith if then qualified as provided by the said Acts. And that the first Aldermen of the Borough shall be elected and assigned to their respective Wards on the Twelfth day of December One Thousand Eight Hundred and Sixty Seven. And the Councillors immediately after the first election of Aldermen shall appoint who shall be the Aldermen who shall go out of Office according to the said Acts upon the Ninth day of November One Thousand Eight Hundred and Sixty Eight and there after whose who shall go out of Office shall always be those who have been Alderman for the longest time without re election; and that the first Mayor of the Borough shall be elected from and out of the Aldermen and Councillors of the Borough on the Twelfth day of December One Thousand Eight Hundred and Sixty Seven. And that the first election of Auditors and Assessors for the Borough and the several Wards thereof shall take place on the fourth day of March One Thousand Eight Hundred and Sixty Eight.

And We Do Hereby Appoint : our trusty and well beloved John Hardcastle Bowman of the said Town of Darlington Esquire and in case of his death inability, incapacity, refusal, or default that our trusty and beloved George Webster of the same Town Esquire to act as returning Officer at our first election of Mayor, Aldermen and Councillors of the Borough and the several Wards thereof, And at any subsequent election of Mayor, Aldermen, and Councillors which may take place or which it may be necessary to hold before a valid election can be held under and according to the provisions of the said Acts.

And We Do Also Hereby Appoint ; the Mayor of the Borough to be elected at our first election of Mayor as aforesaid to act as returning officer at our first election of Auditors and Assessors for the Borough and the several Wards thereof and at any subsequent election of Auditors and Assessors which may take place or which it may be necessary to hold before a valid election can be held under and according to the provisions of the said Acts with the same powers respectively as by the same Acts are given to the Mayor and Assessors and to the Aldermen and Assessors at elections of the Councillors of the Boroughs named in the Schedules to the said Act, passed in the session of Parliament held in the Fifth and Sixth years of the Reign of His Late Majesty King William the Fourth for the regulation of municipal Corporations in England and Wales

And We Further Will Grant And Declare : that at our first elections of Mayor, Aldermen and Councillors respectively the said John Hardcastle Bowman or the said George Webster (whichever of them shall be acting in the premises) and at our first elections of Auditors and Assessors respectively the said mayor shall respectively have not and exercise all the powers and authorities which in or by the said Acts are given to or invested in the Mayor of any Borough

And We Further will Grant And Declare : that the said Richard Willan or the said George Allison (whichever of them shall be acting in the premises) shall before or at our first election of Councillors do all our matters and things which by an Act passed in the twenty Second year of our Reign instituted ‘An Act to accord the law relating to Municipal

Elections' The Town Clerk of any Borough is required to do before or at election of Councillors of and for our Borough and that our first election of Councillors shall be had and held in all respects in the manner ***** in and by the last ***** Act

In Witness : whereof ***** our ***** to be made patent *Witness* ourself at our ***** Palace at Westminster ***** Thirtieth day of September One Thousand Eight Hundred and Sixty Seven in the twenty First year of our Reign.

By Her Majesties Command

Transcribed from the original Charter by
David Allaway, Mayoral Support Officer.

(***** Words that could not be clearly transcribed)

[\(Link to Photos of Charter\)](#)