

CHAPTER IV

THE COURT OF QUARTER SESSIONS: OFFICIALS AND PROCEDURE

Lord lieutenant—Sheriff—Under-sheriff—Chairman of Quarter Sessions—Grand Jury—Unpaid officials: High and petty Constables—Paid officials; Coroner—Clerk of the Peace—Treasurer—Surveyor—Court procedure.

FREDERICK AUGUSTUS, fifth Earl of Berkeley, combining in himself the highest civil and military offices—Lord Lieutenant of the county and of the cities and counties of Gloucester and Bristol, Custos Rotulorum and Vice Admiral of Gloucestershire, Keeper of the Forest of Dean, and Constable of the Castle of St. Briavels—makes an impressive figurhead to county government in eighteenth century Gloucestershire. The lord lieutenancy was a position of dignity and prestige, a prize held successively by the greatest families in the county in the eighteenth century, Lord Ducie, Lord Chedworth, Lord Norborne Botetourt, the Earl of Berkeley. When, in 1810, the office became vacant, Spencer Perceval wrote to Earl Bathurst: "You have beyond all comparison the first claims upon me for the lord lieutenancy of Gloucestershire. You know as well as me and better, the degree of inconvenience in not considering the wishes of the Duke of Beaufort, and you shall decide the question who shall have it."¹

Berkeley was at heart a military man,² and his civil duties apparently interested him little: "Tho' his lordship is lord lieutenant, and custos rotulorum of G—shire, he pays very little attention to the county business, leaving it to those wise heads, the gentlemen of the quorum: nor does he attempt signaling himself in the senate, rightly judging that the good of the nation must there prevail, when so many learned sages have taken it in hand."³ He made only very occasional appearances on the Bench. With an efficient deputy in the Clerk of the Peace, he was free to play his part where it was most needed, in the military organisation of the county, and was only too thankful to leave the day-to-day working of county government in other hands.

One step lower in the county hierarchy came the high sheriff. "Commisimus tibi custodiam comitatus nostri"—by the wording of the letters patent of the office, the sheriff was the king's representative in the shire, and promised in his oath of office to promote the royal profit in all things and to preserve the king's rights, and all that belonged to the Crown.⁴ He was in theory what the writers of the legal manuals call him, the governor of the county: he collected the royal dues, accounted for the issues, fines, and ameracements, arranged for the election of the knight of the shire, attended the judges, executed the writs and commands of the king's courts, impanelled the juries, and kept the book of the freeholders, all ministerial duties which have been characterised as "by nature exacting and wearisome, from the large amount of routine involved".⁵ He was appointed yearly by the crown from a list of three names. Although nomination took place at a meeting of the Exchequer,⁶ the county seems to have been consulted. Nathaniel Winchcombe noted in his diary for November 15th 1790: "At Mr. Hyett's abt. Nomination to sheriff." This list, commented George Augustus Selwyn, "is extremely impartiall, containing persons of all Characters and Circumstances".⁷ It went to the Clerk of Assize, and from there the decision lay out of the hands of the county.

Originally the office had commanded greater respect, but already by the seventeenth century it had become onerous as well as honourable, and men avoided it when they could.⁸ There can be no doubt about the hatred of the country gentlemen for this "expensive and troublesome office"⁹ in the eighteenth century. As the time of the appointment grew closer there were cries of indignation and alarm, outraged surprise and grovelling excuses. Poverty was the most frequent excuse, and men would plead "a wife, a large Family, and only a small Estate".¹⁰ With greater subtlety Thomas Jones pointed out to Sir John Dutton that he himself might be the sufferer: "My circumstance in life is but small compared with so high an office, and being likewise burdened with a numerous family, and having no Friend to fly to for relief but yourself, I should take it as the greatest Favour if your Honour could think of one way or another to have me excused."¹¹ The storm of protest which began in a grumbling letter to a neighbour, ended, not infrequently, in a desperate appeal to some influential member of the aristocracy, or the holder of some high office. "I saw your name in the lists of sheriffs for Gloucestershire, as you have acquainted me by letter," wrote Michael to Howe Hicks, "and I immediately upon Receival of yours this day wrote to my old friend the Bishop of Winchester and inclosed your letter to him; The Answer, as soon as I hear the result

from the Bishop, I shall send immediately to you, which I flatter myself will be to your satisfaction, as the Bishop was Praeceptor to the present King, and is still often with him."¹² A month later he was able to write and congratulate him "on his successful escape from office". George Augustus Selwyn, however, was not prepared to exert himself for his nephew, Thomas Winstone of Stapleton. He obviously thought a year of office would not harm the young man: "He is in very considerable Circumstances, but whether those, or his Economy, be greatest, I cannot certainly say." He therefore refused to lift a finger to save him: "His making a figure is so much my inclination that my friendship for him in that will be suspended."¹³ When the blow fell it could only be accepted with resignation: "Your prediction that I should serve as *Constable* for Gloucestershire has proved not unfounded," wrote Charles Henry Tracy to John Parsons, and added grimly, "I hope at least we shall have a jolly day . . ."¹⁴

The office involved its holder in great expense, not least on account of this "jolly day". The outlay necessary for a great cavalcade and for the entertainment of the Judges of Assize proved extremely heavy. The bills soon mounted up: fees for the ringers, trumpeters and javelin men; the repair of the banners; the annual refurbishing of the liveries; payments for the use of the city drums and music; smaller items, such as 6/6 for the barber dressing the javelin men, or 2/- "for the two Jaulins that ware broke"; the hiring of the coaches and the lodgings, and, above all, the unstinted dinners, where drink flowed freely for everyone: "Beer, Ale, and Cyder" for the servants, and "3 Dozen of Wine sent for the Judges".¹⁵ Charles Henry Tracy, in the midst of these arrangements, wrote desperately: "I am quite undetermined respecting a conveyance for their lordships, I do not like to take any coach down. Could I hire or borrow such a thing about the Town or Neighbourhood of Gloucester? . . . Mr. Williams my under-sheriff was in Town a few days ago—I desired him to imploy all the Tradesmen at Todington to make the liveries . . . I understand that you thought it was my intention to proceed to Gloucester from Todington in *state*, but I not being *over fond* of that sport shall beg to be excused that ceremony."¹⁶ The sheriff continued to be responsible for giving the Justices dinner at Quarter Sessions until Epiphany 1802,¹⁷ and for providing lodgings for the Judges until 1816, when the first payment from the county funds was authorised.¹⁸

Since the gaol was in theory the king's, the sheriff was responsible for the state of the prisons and the treatment of the prisoners. In fact, as Howard found, this was generally neglected, and sheriffs

would excuse themselves from this part of their duty on account of the expense, trouble, and short duration of the office, or because they feared the consequences of inspecting the prisons.¹⁹ Those with some slight conscience evidently found it sufficient to scatter a guinea or two, without going near the place;²⁰ the majority, to judge by the appalling conditions recorded by Howard and Paul, were content to do nothing at all. If, towards the end of the century, a new note of responsibility was beginning to creep in with regard to this aspect of the office, it may well have been the result of Paul's work and personal example. In 1789 we find Sir William Codrington impressing upon John Blagden Hale the importance of serving the office: "The having a Good Sheriff for the next year may be of very great benefit to the county and with little or no trouble to himself. I allude to the police of the new prisons, the Plan of Regulations is already prepared, and if properly carried into effect the first year the business will go smoothly afterwards. Sir G. Paul is indefatigable, and would spare no pains of his own to do anything you might wish of him . . . if you are sheriff for the next year I am satisfied we shall receive many material advantages. Our Prisons will be well Govern'd, We shall have Fewer Criminals, and every body will applaud the Police of Gloucestershire . . ." ²¹

William Lewis, writing a few days later to Hale on hearing that he was likely to be appointed took the more usual standpoint, and advised him that if there was no escape, he should make up his mind to get a good Deputy who would take most of the business off his hands.²² This presented no difficulty. In fact, applications for the post would begin as soon as the list of nominations was announced. "Seeing your name as one of the persons nominated for sheriff for this county," wrote William Vizard to Nicholas Smythe, "have taken the liberty of addressing you to solicit favour of you to appoint me your Under-Sheriff in case of the office of High Sheriff being placed on you the year ensuing, though" he added, torn between sympathy for Smythe and the desire for the post, "I think it not using you well, as part of your family was appointed to the office so lately".²³ Although there was no continuity of tenure, the office was kept among a small number of the leading solicitors. Robert Pleydell Wilton agreed to serve in 1788 in order to keep out some unwelcome outsider: "Some Attornies in Gloster have prevailed on me to accept the Terms offered rather than the Business of Under-Sheriff should fall into the hands of one strongly suspected who seems not quite so pleasant to the Gentlemen of the Profession as he ought to be."²⁴ The agreement was confirmed by deed of covenant,²⁵ and the retiring under-sheriff got in touch with his

successor and handed over the business. "I understand that Mr. Smith of Nibley has appointed you his under-sheriff," wrote Robert Pleydell Wilton to William Vizard: "There are Writs daily coming into my office which of course the late sheriff cannot execute, (and therefore be pleased to inform me whether I shall send such writs to you), and as the Turnover of the County Gaol is a serious consideration I shall be glad to see you to Morrow to receive the key, and execute the deeds usually prepared on that purpose."²⁶ These men were experienced and could relieve the new sheriff of the petty cares of office. Vizard could soon inform Nicholas Smythe that he was in touch with his agents for the necessities for swearing him into the office.²⁷ Within a week the trials of his office were fully upon him: "I am pestered with Writs daily, and know not what to be at—With respect to Javelins, Jury Box, Candlesticks etc. and other necessities at the Assizes you need not put yourself to any expense on that account (except the trimmings for the Javelins which if you will furnish me with the colours of the livery I will take care to produce in good time."²⁸ Later it would be his duty to guide the sheriff through the intricacies of Assize procedure, explaining the rules of court, advising him about such matters as the jury: "The Additional Gentlemen to the Grand Jury must be submitted to your own Noble and Generous Mind, so Extensively known and Applauded. This is not Mentioned from the Gilded Motive of Adulation and Compliment, But from Your Innate Disposition to Do Everything that is Honourable."²⁹

The sheriff also handed over the keeping of his own court, the shire court,³⁰ to the under-sheriff, and to the county bailiff, another annual appointment, who acted as the crier of the court. It was nominally while holding this court, "the immemorial assembly of the county",³¹ that he made his return to the Lord Chancellor's writ for the election of two knights of the shire. It was, however, mainly important as a court for the recovery of small debts, and although the Webbs have spoken of its workings as "dilatatory and expensive, often leading to extortion and oppression by unscrupulous litigants and attornies", it was still, in the 1830s, issuing about two thousand summonses or writs annually and sitting for thirteen days a year.³²

There are only very occasional references to the "sheriff's officers" whom the sheriff or under-sheriff might appoint whenever they thought necessary. The Order Book for Trinity 1790 records the payment by the Treasurer of £2.12.0. to Robert Bennett, for going into Oxfordshire for six days, in an attempt to catch a burglar. The high bailiffs of hundreds and franchises, although theoretically

officers appointed by, and subservient to, the sheriff, will be considered later, for it is clear by this time that they had really become officials of the court of Quarter Sessions, and that, as Peyton puts it, "the Justices regarded them as a species of errand boy".³³

But neither the *Custos Rotulorum* nor the sheriff played any very great part in day-to-day matters of county government. The Court of Quarter Sessions holds the centre of the stage—an assembly in Gloucestershire, perhaps not as magnificent as the descriptions of contemporary legal handbooks might suggest, but certainly more impressive than the Webbs would allow.³⁴ Between fifteen and twenty Justices met four times a year in Gloucester for sessions which lasted two or three days. Earlier in the century there was still a good deal of informality about these meetings. We have a very vivid picture of the scenes in court from the diary of a clerical Justice, the Rev. Francis Welles, who attended sessions regularly between 1715 and 1756.³⁵ On January 15, 1722, for example, he recorded: "Mr. Cox being laid up with gout, and no other Justice there at the beginning but Mr. Archdeacon and myself, we had no Chairman. Mr. J. Stephens of Lippincott came a little before dinner, and Mr. Kingscoat appeared next day, but Mr. Archdeacon at last went into the chair the 2nd day so he was chairman iff anybody. We had very little business; not one appeal but an adjourned one; we burnt three in the hand; nothing that I observ'd material was debated, or came before us." Numbers were usually small, and it was obviously exceptional when, at Trinity 1744, there were as many as twenty on the Bench the first evening, or when the presence of the aristocracy added lustre to the Court: "It was a great session from the number of Noblemen and gentlemen that appeared. My Lord Berkeley and Lord Ducey were there, and dined with us." It seems to have been a social, almost festive occasion, and the routine court business only began after a dinner, which it was expected that the sheriff would provide. Welles grumbled bitterly at being defrauded of it in January 1732, because the new sheriff was not yet sworn, and the old one expected, or pretended to expect, to be suspended at any moment. In 1788-9 the actual dinners cost 2/6 each, but with liberal additions of wine, punch and toddy, cider, beer, fruit, tea, and coffee, the total expenses for the year came to £63.³⁶ Certain, and from the sheriff's point of view much-needed, reforms were effected in 1802. It was resolved at the Epiphany sessions of that year that the magistrates should raise a fund by paying one guinea per head "to provide a proper Table during sessions". The Clerk of the Peace was ordered to provide a dinner at 4/- per head,

and, a further reminder that this was a social occasion, non-Justices might attend on payment of half a guinea.³⁷

After dinner the first business of the Court was to choose a Chairman who would keep order, give the charge to the Grand Jury, and pronounce the sentence of the Court. In Welles' time the choice seems still to have been rather haphazard, and a typical entry reads: "I was forced to be Chairman myself this session, there being only the Archdeacon and Mr. Guise beside in court and both declining it; and Mr. Thomas Cook, who came in before the charge was given, likewise refusing it."³⁸ Later in the century however the court seems to have slipped silently into the practice of permanent chairmanship.³⁹ This undoubtedly contributed much to the smooth working of the court, and Thomas Lloyd Baker appreciated its importance: "If there is to be a fresh Election twice a year we shall be eternally squabbling and no one will take it. If sometimes one man is to take it, and sometimes another the business will often be done absolutely ill, and never so well as it might be because it will sometimes fall into two hands, and where it is in good, even the good one will not have prepared himself for the business of those particular sessions at which he will have to preside. I am decidedly for a permanent one, and think Sir George Onesiphorus Paul a good man for it . . ."⁴⁰

Foley's charges to the Grand Jury give us some idea of the duties the Chairman took upon himself, and the state of mind he looked for in the lesser members of the court. Foley made this the occasion for a fine display of topical rhetoric with a strong moral note: "I recollect that I am addressing myself to Britons, whose characteristic it ever was, and I trust ever will be, to reject every idea of indulging themselves in the superfluities, nay even in the comforts and conveniences of life, until they have first supplied the necessities of their Neighbours and Countrymen."⁴¹

In the body of the Court stood the men to whom this oratory was addressed, some of them officials, the coroner, the high and petty constables, others freeholders, impanelled as members of the juries.

Until 1835 the device of presentment and trial remained "a method of securing in each district the fulfilment of local obligations, the provision of local requirements, and the performance of local services",⁴² and the juries formed an integral part both of the Court of Quarter Sessions and Assizes. Three types of jury were, or might be, summoned to attend Quarter Sessions, but two had by this period largely fallen into abeyance. The hundred jury (or petty jury of inquiry and presentment) consisted of twenty-four men impanelled from every hundred to present the nuisances and delin-

quences of their locality. In the sixteenth and seventeenth centuries they had been regularly summoned by the sheriff; after the Restoration they were little used, and by the end of the eighteenth century they had disappeared altogether. Of the petty jury even less is known. Its members had one duty only: to declare the guilt or innocence of those put to trial; and they might even be chosen from among the men in court whenever they were needed. The grand jury consisted of substantial farmers and yeomen, whose presentment was still required in theory before the Justices could undertake the repair of roads, bridges, or any county buildings. A little relaxation was allowed by the Act of 1768, by which sudden repairs, up to £30, could be ordered in an emergency by two Justices. In 1812 a further concession was made, and ordinary repairs up to £20 might be executed without a presentment.⁴³ In practice, however, this was becoming a formality, and the presentments were generally prepared beforehand by the Justices or the surveyor, for instead of this antiquated and cumbersome judicial procedure, direct administration by the Justices themselves was becoming increasingly common. It is hardly surprising that men should resent being called from their farms to spend two or three days in court, without any remuneration, to listen to the lengthy and flamboyant oratory of the idealist Foley, or the zealot Paul; hear the criminal bills of indictment and either return them as "billa vera" or throw them out, "ignoramus", and finally make a presentment which in fact amounted to little more than a formal technicality.

A jury book was carefully kept, recording whenever a juror served (since no one was expected to serve more than once in three years) and in Michaelmas 1781, as a further safeguard, the Clerk of the Peace was ordered to deliver a complete list to each new sheriff of all those who had served on the grand or petty juries. Non-attendance was fined by the comparatively heavy sum of 40/-, but whenever they could men tried to escape this unpopular obligation. Some appealed to the local Justice: "My neighbour Mr. Emerson is sommoned upon the Jury for the sessions," wrote Henry Creswicke to Thomas Parry, the under-sheriff in 1795, "but being in a line of business that it is impossible for him to attend, begs of me to write to you to see if you can get him excused . . ." ⁴⁴ Others turned to their doctors. Thomas Baynton, a Bristol surgeon, for example, certified that Robert Willis of Hanham was unable to attend the jury "without danger to himself", and others produced statements that they were "just recovering from a severe Fitt of the Gout", or "upwards of sixty years of age, and hath been for several years past very low and infirm, and not able to take the Journey to

Gloucester".⁴⁵ The news that Thomas Spiers was due to serve was received with dismay at Clifford Chambers in 1789: "He has Practised as a Farrier and Cow Leech for Upwards of Twenty Years and generally with good success and there is no Person in this Part of our Neighbourhood so well qualified for that Practice, and as his Estate is Mortgaged one, and so far distant from Gloucester, hope he may be excused serving the office of Cheife Constable."⁴⁶

The high constables and bailiffs⁴⁶ and the petty constables must have made an impressive phalanx. It is typical of the ever-growing importance of the high constables that by the eighteenth century they were appointed by the Justices in Quarter Sessions, although the eight still chosen in their own court leets stood as a reminder of the earlier practice.⁴⁸ Joseph Higgs the Gloucestershire Clerk of the Peace who wrote a manual for Justices⁴⁹ listed the persons excused from serving the office: "Ministers of the Church of England, Physicians, Apothecaries, Lawyers and such as shall convict any Persons of Housebreaking in the Parishes where the felonies are committed; churgeons within Ten Miles of London." There were still many therefore, on whose shoulders this onerous office might fall. On the whole they were drawn from the lower middle class, what one high constable called "substanceall people". Out of the county's total of forty-five more than half were likely to be yeomen. Of the rest, a few might call themselves "Gent.", there were generally one or two connected with some of the upper grades of the woollen industry, woolstaplers, cordwainers, or mercers, and the rest represented a fair cross-section of the local professions, maltsters, victuallers, inn-keepers, a soapboiler or a horsedealer, an ironmonger or a dairyman. There seems to have been no rule about length of service, and men apparently held office for several years. When they retired they would present their local Justice with a list of three possible successors to be chosen at Quarter Sessions.⁵⁰ Such a method probably lent itself to abuse, for it was modified at Michaelmas 1783, when high constables were ordered to give fourteen days' notice before every Michaelmas Sessions to persons whom they intended to return so that they might appear at Quarter Sessions to protest. Few men can have looked upon the office with any pleasure. Service was compulsory and entailed loss of time and heavy expense with small hope of repayment. Allowance was made to them only for the performance of certain duties. The Treasurer's accounts include payments for conveying prisoners to gaol, and for apprehending and conveying vagrants, and also for the execution of such war-time statutes as the supplementary Militia Act, or the Act for raising men in the counties for the navy.⁵¹

At Common Law the high constables were conservators of the peace and the Court in 1801 reminded them of their extensive powers in this respect, and of their duty to prevent, or at least suppress, all riots. In calling them their "immediate and proper officers" the J.P.s were using a phrase capable of almost unlimited interpretation and expansion. As Burn recognised: "The truth of the matter seems to be this: the far greatest part of the business of high constables at this day is not at all appropriated to them as high constables, but only as officers to execute the precepts of the Justices of the Peace, which any other person may do as well as they." If, at the end of his year of office, any high constable could honestly make return, "I have executed all the Justice of the Peace's Warrants, and have kept His Majesty's peace" the office can have been no sinecure. They executed many of the writs, the venire facias's, the capias's, the distringas's issued by the Clerk of the Peace, presented any local roads or bridges in need of repair, and made out the lists of all those eligible for jury service. Any increase in the administrative work of Quarter Sessions laid yet more duties upon them. The Justices turned to them in 1787 for example, to put into execution the proclamation against vice and immorality, and drew up careful instructions for them about the frequent inspection of public houses, the arrest of felons and rogues, and measures against profane cursing and swearing. In 1786 they were responsible for procuring returns of charitable donations, and in 1795 they put into execution the Act for raising men in the counties for the Navy. Perhaps the most important part of their work lay in the supervision of the levying and collection of the county rate. This was apportioned among all the parishes of the county, each paying its accustomed quota. The high constables were responsible for making the amount known to every parish, collecting it from the petty constables, and bringing it with them to Quarter Sessions. After July 1785 they were liable to be proceeded against if they failed to pay on the first day of sessions. After 1801, by an even more stringent ruling, they might not be discharged from office until they had produced the treasurer's receipts for all the county rates ordered to be collected by them in their hundred. If any high constable failed to appear at all at Quarter Sessions to report on the performance of his duties he was liable to indictment for not "making return of the process of this court, and doing such other things as by the nature of his office it is his duty to do".

In 1788 when they were putting into execution the proclamation against vice and immorality, Quarter Sessions considered these officials, upon whom the success of the movement so largely depended.

Great evils, they declared, arose from the appointment of improper persons, "from their disregard to their oath of office when appointed; and the neglect of the duties of their station on which the preservation of good order materially depends". Cases such as that of the fraud of the high constable of Pucklechurch who enriched himself out of the county rate are rare.⁵² More often these men were simply unused to the responsibilities of office. Remarking, "It is, I believe no New Thing for a Constable to blunder in the Execution of his office", Lord Chedworth wrote to tell the Rev. Charles Coxwell that as the constable had failed to take an inventory of the goods he distrained, a case should be dropped, since "a Lawyer of not the most respectable character in the Neighbourhood of Cheltenham would take advantage of the least informality or irregularity in the Proceedings".⁵³ On the whole, however, most of them seem to have carried out their duties to the best of their ability, and only too rarely received the public acclamation they deserved. A notice in the *Bristol Gazette* of 1788, speaking of the "diminution of irregularity and misbehaviour" in Stroud, claimed "the present High Constable has proved that our laws give full powers for the suppression of every enormity where the execution of them is consigned to men of spirit and integrity;—men who place not their happiness in indolence and ease, but in every exertion which can promote the welfare of the community".⁵⁴

Although the high constable was perpetually reminded that he was the servant of the Justices, he had at least the satisfaction of knowing that he too had an underling, the petty constable, appointed either by the manorial court, or by two Justices, whose duties were similar to his own at the parish level. He too was, first and foremost, a conservator of the peace, an aspect of his duty of which the Rev. Charles Coxwell had to remind Mr. Franklin: "You should consider that the office you hold as constable requires you more especially to preserve the Peace, and not provoke a Breach of it either by Words or Actions—I cannot but remark that, lightly as you treated the Hurt which J. Hamblin received from your kicks, the Marks of them are so visible, and Black upon his Thigh, as to shew they must have been given with great violence, and not by mere Accident . . ." ⁵⁵ He was expected to levy the county rate upon his own parish, to execute the orders and warrants of the Justices, and to attend meetings held periodically by the high constables and make presentments there. After a year of office he also handed in lists of names of three possible successors: "John Kidman haveing served one year Constable for the parish of Wheatenhurst Do Desire to be Discharg'd, and do here return Three Persons for you to

Choose One"; "It was agrade at the parish church of Whaddon that one of the undernamed persons should serve the office of Petty Constable."⁵⁶ Both high and petty constables were no doubt thankful to be relieved of office. Yet this "numerous, but rough and ready outdoor staff"⁵⁷ formed an indispensable part of local government.

It is something of a relief to turn from these unpaid officials to those with salaries, or at least fees, and to find that the office of coroner was sufficiently popular to be the occasion for a spirited contest.⁵⁸ There were four for the county, elected by the freeholders and holding office for life, whose duties consisted of holding inquests in cases of death in suspicious circumstances, and committing for trial at the Assizes persons judged guilty of murder or manslaughter by the jury. The notebook of William Phelps, coroner for twenty years, shows him making three or four inquests monthly and travelling distances of up to twelve miles.⁵⁹ These were professional officers who served for fees, and presented bills at Quarter Sessions on all inquests.⁶⁰

Another popular office, also carrying fees, was that of the Clerk of the Peace,⁶¹ appointed by the Custos Rotulorum.⁶² He generally gave the place to a personal friend, which probably explains why Robert Young, the Gloucestershire Clerk of the Peace from 1742 to 1781, is found sharing a house in Paris with Frederick Augustus Berkeley in 1765. From 1781 to 1801 the office was held by Anthony Austin, a Justice, and deputy-lieutenant, and also probably a good friend of the Berkeley family, since by a codicil to his will he left £100 to the earl's eldest son.

In practice, however, all the work was done by a deputy,⁶³ a man more qualified to help the Justices in the routine work of the court, in drawing up indictments, arraigning prisoners, making out warrants and orders, entering the jurors' names, entering judgements and keeping the records of the court. He was himself an attorney, and used to such work, we find him in correspondence before any Quarter Sessions with others of his profession, advising some young solicitor "when at a loss respecting the practice of the Quarter Sessions," or helping another with his case: "As the intire records of the indictment *must be copied verbatim* and annexed to the writs to be returned, it will take some time at the Clerk of the Peace's office, to make the copies—I mention this that you may hurry the business and lose no time."⁶⁴ He was also the keeper of the records, and the publicity agent of the Court. He kept in his office⁶⁵ the order and minute books, the sessions rolls and other court papers, taxation returns and enclosure awards. He frequently received applications to inspect enclosure awards, or to hunt for a Justices' Dedi-

mus, and sometimes he himself might be called upon to search the records for precedents.⁶⁶ Of greater importance was his work in making the orders of the Court known to the officials concerned, whether this meant sending out copies of the 1788 resolutions to all the Justices in the Commission, printing and delivering five hundred copies of the instructions to the high and petty constables in 1802, distributing the new lists of fees to Acting Justices and their clerks in the same year, or sending out five hundred "large orders" to petty constables to bring in lists of freeholders to serve on juries.

The first extant treasurer's accounts date from 1726, but it appears from the Order Books that treasurers, holding office over a period of years, had been appointed since the end of the seventeenth century.⁶⁷ They were always Justices, frequently some of the most important figures on the Bench. Between 1775 and 1800, for example, they included Sir George Onesiphorus Paul, Benjamin Hyett, Sir William Guise, and Michael Hicks-Beach. But, as with the Clerk of the Peace, most of the work was in fact performed by a deputy, who held the office for several years. Until 1809, when it was increased to twenty guineas, the salary was no more than twelve guineas a year, with an additional five guineas for making out and printing the abstract of the accounts. The yearly audit of these accounts, generally held at an adjourned sessions at the house of the deputy treasurer himself, Henry Wilton, seems to have been an informal occasion, to judge by such entries as £3 to "Mr. Yearsley for Entertainment of the Magistrates upon the Examination of Treasurer's Accounts last year".

Since 1739 one rate only had been levied on every county, in place of the earlier separate rates for various purposes.⁶⁸ Lump sums were apportioned among all the parishes of the county, each contributing its accustomed quota according to immemorial usage. These were ordered at every sessions, and the high constables were then responsible for collecting the amounts for their respective hundreds. Every sessions was marked by the great number of cases of appeals against the inequalities of the rotas in various parishes—appeals that are understandable enough, for as Paul declared vigorously: "The ratio by which a County Rate is levied, is, of all others, the most inequitable . . . inasmuch as the proportion of a parish is not augmented in consequence of the increase of its rental by building or other improvement,—or becoming the residence of opulence, or the seat of commercial wealth, nor diminished in consequence of a deterioration. The parish of Clifton, covered as it now is, with magnificent houses, pays 3s. 10d. as it did almost two

centuries ago when it was a bare common field, whilst the deserted Manor of Sudeley still pays its 11s. as in the days of its splendour."⁶⁹ At the beginning of the eighteenth century the rate might be as little as £100; at its close it was frequently £1,500 or £1,800. Paul in 1803 spoke of this "continued, accumulating rise", and illustrated it by showing the five-yearly average expenditure of the last twenty years:

1784	£2,202
1789	£4,805
1794	£5,208
1800	£5,965 ⁷⁰

Paul estimated that the expense of the militia and other military services during the war ending 1783 was not more than £321 a year, and that, during the Napoleonic wars, this had become £773—a burden which he thought pressed unfairly on the county: "I am sorry to observe that, by the Militia Act lately passed, the principle of charging this branch of the military service on the *provincial* instead of on the *national* purse is still further (in my opinion very irrelevantly) extended."⁷¹ The amount spent on county bridges varied from year to year, sometimes merely the sixteen guineas paid to the road surveyor, sometimes, when some major undertaking was on hand, a hundred pounds or more.

The successful financing of the building of the reformed gaols was a personal triumph for Paul. He took a profound, expert interest in all financial matters,⁷² and in 1783, when he first spoke of the project, he presented the county with a scheme for raising the necessary sums by a loan on the credit of the county rate, "whereby the interest only being charged on the tenant, the amount will not exceed his equitable proportion". The money was therefore raised on sureties bearing simple interest, and £2,000 charged annually on the rate to pay the interest and to secure a fund for the redemption of the principal sum borrowed. This proved entirely successful. In Paul's obituary notice *The Gloucester Journal* praised his achievement: "Thro' his unwearied attention this was effected at a comparatively low expence, nor did the public ever FEEL the burthen."⁷³

It is extremely difficult to obtain any picture of that other salaried official, the county surveyor.⁷⁴ Early in the eighteenth century, surveyors were appointed for the several county bridges in any year in which the court considered some supervision or repairs necessary,⁷⁵ with no payment beyond that of their expenses. Even at

the end of the eighteenth century the attitude of the court remained so casual that when Joseph Harford wrote to Quarter Sessions enclosing plans and estimates of Stapleton Bridge from the surveyor, Mr. Aust, the Justices preferred to consult a certain Mr. Wheeler, and accepted his plan for "The Building of an entire New Bridge, but with circular instead of Elliptical Arches".⁷⁶ But then these surveyors do not seem to have been particularly reliable men. Two builders, John and William Boulton, wrote to John Blagden Hale in 1792 "soliciting a second Benefaction towards the Expence of Building the Bridge on the Road from Wickwar to Upton", since they were much out of pocket, "And the Reason of Our being led into and Error by Jn^o. Hoskins, the Surveyor by failing from his Word in the Assistance he promised."⁷⁷ It is surprising to find such a state of affairs in an otherwise enterprising and efficient county.⁷⁸ As late as 1826 the Justices clearly preferred to maintain control themselves even if they followed the surveyor's advice: "Mr. Collingwood, the County Surveyor, having made a report that it was absolutely necessary a new bridge should be erected at Preston-on-Stour, ordered that the building of the said bridge be placed under the direction and superintendence of the Rev. Charles Jefferson, whose orders the county surveyor shall obey."⁷⁹

New officials, new duties placed on old officials, the steadily increasing business which came before the court, all demanded the smooth working of the machinery of Quarter Sessions itself. The diary of the Rev. Francis Welles gives a picture of the informality of the court at the beginning of the century. The standing orders entered at the beginning of the 1702-13 Order Book confirm this impression: "While any business is in agitation in the Court, noe other motion be made until That be determined, or put off, and the Justice of the Peace be required not to speak publicly with other men in Court during ye agitation of any business to the disturbance of the Court." The order books of 1714-24 show little method or arrangement of business. But from 1714 the rulings of the Court recorded in a note-book, "Points of Practice", show the growth of a more business-like procedure, with a regular time-table for sessions. It was ordered, for example, in 1786, that all appeals were to be entered before midday on Tuesday, and in 1778 that all traverses should be entered with the Clerk of the Peace before the sitting of the Court on Wednesday morning, "That the Court may be able to form Judgement of the Business to be transacted". An example of a much needed reform was the order passed in Michaelmas 1793 by which warrants against persons indicted by the court were issued by the Clerk of the Peace, and directed to the high con-

stables. Before this the process list had been sent to the sheriff, and the bailiffs to whom it was addressed frequently neglected to summon the persons "whereby the Business of this Court has been retarded, and the persons indicted have not known thereof for several years".

An adjournment, attended by four or five magistrates, was held after most Quarter Sessions at this time, generally at the King's Head or the offices of the deputy-treasurer, Henry Wilton, in Gloucester. Apart from the annual audit of the treasurer's accounts at Easter, there was no regular programme of business, and anything remaining or arising from the previous sessions might be settled: the discharge of insolvent debtors, the appointment of high constables, the diversion of a highway, removal orders. Occasionally an adjourned session might be called in some emergency, as at Epiphany 1800, to consider the Duke of Portland's letter about means of relieving poor at times of high prices of bread.

At the same time the Justices were developing the habit of settling much of their business in committees. These were generally short-lived, appointed to deal with some particularly important question, such as the reform of the prisons or the building of a new Shirehall, though some also dealt with routine affairs, especially financial matters. A small group of Justices audited the treasurer's accounts yearly, and at Michaelmas 1790 it was ordered that "all Persons having any claims or demands on this Court shall produce such Accounts to a committee appointed by the Court at or before 1 p.m. on Tuesday afternoon, and no accounts to be passed or allowed after that time in any sessions without leave of the Court." Some committees consisted of the whole Bench. After reading the proclamation of 1787, for example, the court resolved that "a previous Meeting be held at the Grand Jury Room at 6 o'clock on the Monday Evening preceding the Epiphany sessions, as a committee to prepare a plan to be laid before the Bench the following day, and that such committee do consist of all acting Magistrates inclined to attend". Others were merely two or three Justices, settling some particular question, as in 1806 when three of them were ordered to report how far the county rate was liable to payments in connection with the Militia Laws. Only two committees, those on the prison reform and the rebuilding of the Shirehall, appear to have kept minute books. Immediately after Paul's address to the Grand Jury in 1783 on the question of prison reform, a committee was set up consisting of all the acting magistrates, with Paul as their elected chairman. Fifteen or twenty met at frequent intervals until April 1785, when, having drawn up a bill for the county, they re-

signed and were superseded by the commissioners appointed under the Act.⁸⁰ Membership remained largely the same. Paul was again elected Chairman, and, for the next six years, they proved themselves an active and important body. They met every two months or so, presented annual reports to Quarter Sessions, appointed a treasurer who handled the financing of the new prisons, dealt with the day-to-day problems of building, until, after the completion of the prisons in 1791, they laid "a statement of their proceedings, and an account of the expence" before the county.⁸¹

Drawing together the rather haphazard reforms passed during the century, the Bench in 1801 published "Resolutions, Rules and Orders of the Court of General Quarter Sessions for the County of Gloucester". The existing rules, the Justices declared, "having been made at different periods, and on the spur of the occasion, are often imperfect and contradictory to each other". Having investigated the records, they had expunged many of the ancient rules "either as obsolete, unnecessary, or ill-suited to the dignity of the Court", or, in cases of contradiction, "only retained those which seemed best adapted to promote the purposes of public justice". Administrative and judicial business were now carefully separated, and the former dealt with first in a room at the King's Head or some other inn. On Wednesday at 8 a.m. the Court opened to discuss and settle any general business that remained unfinished, and then at 10 a.m. the Justices proceeded to the Booth-hall to hold open court there in the prescribed manner. They insisted upon the careful keeping of records, and business always began by reading a record of the proceedings of the previous day. Orders for the behaviour both of the officials, and of those attending the court, were carefully laid down; times at which they were all expected to attend were publicly announced in the newspaper; coroners, high constables, and keepers of the prisons by 10 a.m. on Tuesday, the grand and petty juries, anyone prosecuting appeals, and all witnesses by 10 a.m. on Wednesday; persons with presentments to make or wills to prefer before the Grand Jury were ordered to attend the Clerk of Indictments at his office at an early hour on Wednesday morning "in order that the Grand Jury may not be unnecessarily delayed in proceeding on their duty". The Resolutions concluded by setting out rules of practice for all acting magistrates about their most common local duties, and then gave detailed orders for all the hierarchy of local officials considered in this chapter.

NOTES

¹ Spencer Perceval to Earl Bathurst, 11 July 1810, HMC Bathurst, p. 143.

² See pp. 127-30 for a discussion of his duties in connection with the militia.

³ *Town and Country Magazine*, April 1773, p. 121.

⁴ Burn, *op. cit.*, IV, p. 294.

⁵ S. A. Peyton, *Minutes of Proceedings in Quarter Sessions for Kestevyn and Lincoln, 1674-95*, intro. p. xvi.

⁶ Nomination took place yearly on the morrow of All Souls at a meeting of the Exchequer at which the Lord Chancellor or Lord Keeper of the Privy Seal, the Lord Chief Baron of the Exchequer, and the Chief Justices of both Benches were present. The list of nominees was sent to the Privy Council, and there the King pricked the names of those to be appointed. After nomination the sheriff-elect put in sureties at the Exchequer for the due making of his account. He then applied at the Office of the Six Clerks in Chancery for his patent, which was usually issued about November 6th, together with the writ of discharge of his predecessor. Ratcliffe and Johnson, *op. cit.*, VIII, p. lxi. A list of sheriffs for the county may be found in PRO Lists and Indexes, 1898, IX, p. 53.

⁷ Selwyn to Lord Hardwicke, 3 Nov. 1748, BM Add. MS 35, 603, f. 55.

⁸ We find in 1640 a letter which might well have been written any time a hundred years later, acknowledging "with much thankfulness the favor you have done to my son in keeping him from the shreevewick this year. It manifesteth you have not forgotten the old love betwixt your father and me, which argues a generous heart in you." SP 16/448/4. Willcox, *op. cit.*, p. 40, note 5.

⁹ The phrase is Lord Orford's, in a letter to Stephen Cotterell, 21 Nov. 1791, PRO PC.1.18.A22.

¹⁰ Robert Tracy to Lord Hardwicke, 29 Oct. 1746. BM Add. MS 35, 602, f. 222. Thomas Daunt, on finding his name in the Gazette, wrote in haste to Lord Hardwicke: "It is become almost a custom in this country to saddle the expence on families that can't bear it, and Obliges me to discover my Circumstances, which consist chiefly in Woods, at present a Drag, my landed estate scarce three hundred pounds a year, with an encumbrance." 17 Nov. BM Add. MS 35, 603, f. 260.

¹¹ 7 Nov. 1749, GRO D678/57D. Quite apart from the expense the very idea of office filled some men with horror: "Mr. Nash is a Clothier, and a Man of Great Trade and Fortune, but of so retired a turn, and so very shy that I know it would make him the most miserable of creatures." Lord Ducie to Lord Hardwicke, 12 Dec. 1746, BM Add. MS 35, 602, f. 237.

¹² 1763. St. Alwyn papers, PPC/131.

¹³ Selwyn to Lord Hardwicke, 3 Nov. 1748, BM Add. MS 35, 603, f. 55.

¹⁴ 2 March 1800, GRO D214/191.

¹⁵ The following, from his personal account books, GRO D589, gives Paul's expenses in 1780:

Dinner at the Gloucester Assize	£45. 0. 0.
Javelins	£20. 0. 0.
Ringers	£ 3. 3. 0.
Hosier	£11. 0. 0.
Javelins cleaned	£ 2. 8. 0.

THE COURT OF QUARTER SESSIONS: OFFICIALS AND PROCEDURE

Cloth liverys	£21. 0. 0.
Cloth for bailiffs	£ 5. 0. 0.
Banners	£ 5. 0. 0.
Job Horses	£21. 0. 0.
Yellow Cloth	£ 4. 2. 3.
Second dinner	£42. 0. 0.
Ringers	£ 3. 3. 0.
Coachman	£ 4.15. 0.
Chaplain	£10.10. 0.
Javelin Men Board	£25. 4. 0.
Ringers at Gloucester	£19.18. 0.
Advertisements elections	£ 3.12. 6.
Express on the Dissolution	£ 5. 5. 0.
Dissolution	£ 5. 5. 0.
	£257. 5. 9.

¹⁶ Tracy to John Parsons, 2 March 1800, GRO D214/88.

¹⁷ See pp. 90-1.

¹⁸ Until 1816 they were lodged in a house near the Shirehall. In Trinity 1816 George Meadows, later described as a hairdresser, was paid £30 "as a gratuity for the accommodation afforded to the Judges of Assize at his Lodging House."

¹⁹ "I have often inquired of Gaolers whether the Sheriffs, Justices or Town-Magistrates inspected their Gaols. Many of the oldest have answered, "None of those Gentlemen ever looked into the dungeons or even the wards of my Gaol." Others have said, "These Gentlemen think that if they ever come into my Gaol, they should soon be in their graves." . . . Now if Magistrates continue thus negligent of their duty, a general thorough reformation of our Prisons must be despaired of." *State of the Prisons*, 1777, p. 66.

²⁰ A notice in the *Glos. Journal* for 8 June 1776 reads: "The Debtors and other Prisoners thank Sir George Smith, Sheriff, for his benefaction of 3 Guineas, distributed among them by the under-sheriff."

²¹ 26 Nov. 1789, GRO D 1086.

²² 7 Dec., 1789, *ibid.*

²³ 5 Dec., 1787, GCL JF. 6. 71(2).

²⁴ Wilton to William Vizard, 18 Feb. 1788. GCL JF. 6. 71(7).

²⁵ The under-sheriff formally promised to attend the Assizes, Gaol Delivery, and Quarter Sessions, to keep all Torns, Leets, Law Days, County Courts, and other courts of the Sheriff, to deliver the Quietus roll, and hand over all the prisoners in the gaol to the succeeding sheriff, and "in a full, ample and beneficial a manner to all intents and purposes as any sheriff, or under-sheriff of the county hath hertofore justly and lawfully . . . enjoyed the same".

²⁶ 15 Feb. 1788, GCL JF. 6. 71(6).

²⁷ 12 Feb. 1788, GCL JF. 6. 71(2).

²⁸ 18 Feb. 1788, GCL JF. 6. 71(7).

²⁹ William Robins to Thomas Kemble, 22 Sept. 1753, GRC D190a.

³⁰ It is interesting to note that the shire (or "county") court in Gloucestershire still meets to elect new verderers for the Forest of Dean. For a description of the recent election, see Anthony Scott, "The Election of a Verderer for Her Majesty's Forest of Dean, held at Shire Hall, Gloucester, on the 18 November 1952" *BGAS LXXII*, 1953, pp. 144-50.

³¹ Webbs, *op. cit.*, p. 290.

LOCAL GOVERNMENT IN GLOUCESTERSHIRE

³² The number of suits in 1836 was 2,111; 1837, 2,011; 1838, 2,317; PP 1839 XLIII, p. 13; PP 1840, XLI, pp. 40-2. Edward Blossome in 1833 was critical of its workings; PP 1833, XXII, p. 21A. It has not been possible to trace any records or papers of the court.

³³ *Op. cit.*, p. xi.

³⁴ Webbs, *op. cit.*, p. 424.

³⁵ Printed extracts from this diary are to be found in the *Law Magazine*, 1861-2, Nos. XXI, XXII and XXIII, pp. 125-42, 247-91; 99-126. The original diary has never been traced, see Webbs, *op. cit.*, p. 352, note 1.

³⁶ These details come from the accounts of Mrs. Thompson, the cook, GCL JF. 9. 367.

³⁷ GRO Pamphlets QS/16. The Rev. Henry Gorges Dobyys Yate noted in his diary for 24 March 1780; "Accompanied my Br. to the public dinner at the spring sessions at Glostr. of which he was steward."

³⁸ Epiphany 1727.

³⁹ The Order Books make no reference to the chairman as such but it seems safe to assume that his is the underlined name which always heads the list. Sir William Strachan was chairman from 1773 to 1778; between Thomas Hayward, Sir Charles Barrow and Sir William Guise; from 1780 to 1785 it was Alexander Edgar; then Dodington Hunt for eleven years, and finally from 1796 to 1800 it seems to have been shared between Charles Tirrell Morgan and the Rev. John Foley, the one a practising barrister, the other one of the most able of clerical Justices.

⁴⁰ Thomas Lloyd Baker to the Rev. William Lloyd Baker, 22 Jan. 1805. Lloyd-Baker Papers.

⁴¹ Charges Addressed to the Grand Jury, 1798-1804.

⁴² Webbs, *op. cit.*, p. 446.

⁴³ Webbs, *op. cit.*, p. 451. See the QS Rolls. The following may be taken as typical: "We Doe presente that Part of the Cheapster Bridge which lye in the county of Gloucester, as by the Evidence before us, by the surveyor of the said Cheapster Bridge, as being Ruinious and out of Repair". Q/SR 1779 B.

⁴⁴ 12 Jan. 1795, GRO Q/SR 1795 A.

⁴⁵ See the sessions rolls for these years, particularly 1795.

⁴⁶ High constable's returns. GRO Q/SP. 1789.

⁴⁷ The terms high constable & bailiff are used as almost equivalent expressions for the same office, the principal official of the hundred.

⁴⁸ They had all originally been appointed at the Court leets of the hundreds, liberties or franchises. The *Nomine Ministrorum* of 1790 lists those courts where the practice still continued: Henbury, Barton Regis Lidney, Cirencester, Cheltenham, Pucklechurch, Lower Westminster and Tubbalstone. A note is preserved on the sessions Rolls for Epiphany 1785 that on January 10 Thomas Martin of Aston Underhill yeoman, chosen high constable of Tubbalstone Hundred, took the oath before Charles Welch, steward of the court of Bickford.

⁴⁹ *A Guide to Justices, or Modern English Precedents for the Direction of Justices of Peace and Their Clerks*. By Joseph Higgs Gent. who has been Clerk to the Commission of the Peace, from the Reign of Charles the Second to the present time. 1750.

⁵⁰ Many of these returns are preserved on the Sessions rolls.

⁵¹ In 1836 the office still remained unpaid. "In some counties indeed (as in Gloucester and Surrey) no remuneration of any kind is allowed, the office being considered compulsory". A Worcestershire magistrate reported that "in

THE COURT OF QUARTER SESSIONS: OFFICIALS AND PROCEDURE

the county of Gloucester *nothing*, and in that of Worcester only 1s per precept was allowed for the very responsible duty of collecting the County Rates". PP 1836, XXVII, 37.

²² 16 July 1816. Order Books. Quoted Webbs, *op. cit.*, p. 500, note 4.

²³ 13 March 1793. GRO D269/91.

²⁴ 10 April 1788. Webbs, *op. cit.*, p. 496, note 2.

²⁵ ND. GRO D269/57.

²⁶ GRO Q/SR 1785 B.

²⁷ Webbs, *op. cit.*, p. 489.

²⁸ The address of John Whitehorne junior, to the Gentlemen, Clergy and Freeholders of the county, soliciting their votes, on the death of William Phelps is pasted on the back of an examination in the Quarter Sessions rolls for 1793.

See also the advertisements inserted in the *Glos. Journal*. For a short historical sketch of this, which was one of the most ancient offices, see J. C. Cox, *3 Centuries of Derbyshire Annals*, 1890, Vol. I, pp. 66-8.

²⁹ GCL 15411. 1772-1792.

³⁰ At Michaelmas 1789 it was ordered that these were to be presented on Thursday morning, the Third day of Sessions, and the Warning was given that payments were to be made only for calling *nearest* coroner. For their Fees and Allowances under 1 Vict. c.68 see Returns Relating to Coroners Acting in England and Wales, PP 1840, XLI, p. 12.

³¹ The fees ordered in 1714 were repeated throughout the century, and were reprinted in the Resolutions of the Court in 1802 (p. 14). Edward Bloxsome in 1818 said that the fees during the seventeen years and a half that he had been in the office average £140, in the aggregate £2,450. PP. 1818, XV, p. 131. Return of Fees payable to and received by Clerks of Peace to Counties.

³² 37 Hen. VIII. This was an appointment for life. He might however be discharged by the Justices in Session for misbehaviour. J. C. Cox, *op. cit.*, p. 26.

³³ Appendix to Report from Select Committee on County Rates, PP 1834, XIV, p. 85.

³⁴ Correspondence of Edward Bloxsome, 1801-3, GRO Q/CF1/1.

³⁵ A committee which investigated the county records in 1804 spoke of £10 being allowed for fitting up an office in 1710, and a new one being built in 1790 at a cost of £168. Bills for paving and pitching the street before the office recur frequently among the Quarter Sessions orders.

³⁶ At Michaelmas 1791 he was ordered to examine whether at any time the hamlet of Southwick & Park in Tewkesbury were exempt from bridge money.

³⁷ The earliest reference to the county Treasurer comes from the first Order Book, of 1671.

"It is ordered by ye Court That ye Auditing of ye Accompt of Mr. William Lambe the Treasurer of this County for this last yeare be referred to William Stratford, Thomas Smyth and Christopher Cole Esqr's, whose Audit and accompt shalle the said Treasurers discharge." He held office until 1673, when he was ordered to hand over "a Coppy of his Accompts and all papers, Books, rates and other things now in his hands concerning the office" to his successor. It would seem that already the post was being held by some official deputy, for Lambe's name does not appear among the list of Justices, and at the following sessions it was ordered "That Mr. Lambe the late Treasurer be continued Surveyor of Over Bridge."

³⁸ In February 1739 the House of Commons received a petition from the

Justices of Middlesex complaining of the difficulty of levying these separate rates. The committee investigated the matter, and a result of their report, the Act 29 Geo. II c. 29 ordered the county rate to be collected for all purposes by the High Constables and paid to treasurers appointed at Quarter Sessions. This fund was to form the county stock, and the Treasurer was to make payments from it for county purposes, as directed by the Justices. Ratcliffe & Johnson, *op. cit.*, V, p. xxxii. Webbs, *op. cit.*, p. 498.

⁶⁹ *Shire Hall Address* 1803, p. 29, footnote. Ten years later he was still pleading against the assessments to the county rate as an "outrage to equity, . . . and contrary to all modern principles of taxation". "From my earliest interference in the business of the county, I have urged objections against charging a fund raised on the occupants by ancient proportions—as recorded in the earliest sessions books"—with the cost of great public improvements in the county. *Doubts Concerning the Expediency*, 1813, p. 35.

⁷⁰ *Shire Hall Address*, 1803, pp. 42-3. The Treasurers accounts themselves give the details of the yearly expenditure. The printed extracts run only from 1784. There is a gap in the actual original accounts between 1773 and 1797, and the ledgers do not begin until 1797. From 1792 evidence is also available from Parliamentary returns. The Appendix to the Report from the Select Committee on the Expenditure of County Rates, PP 1825, VI, pp. 186-7, gives the figures under about twenty heads. In the Returns Relative to Poor Rates, County Rates, Highway Rates, and Church Rates, PP 1839, XLIV, they are analysed under five heads: bridges, gaols, prisoners, criminal prosecutions, constables and vagrants. All these, when studied in detail, bear out Paul's conclusions.

⁷¹ The following items occur in the accounts of a typical war year:

Execution of General Militia Laws	£42
" " Supplementary Militia Laws	£145
" " Act 37 Geo III for raising men for Army & Navy	£ 12
" " Act 25 Geo III for raising men for Navy	£ 50
Maintenance of families of ballotted men, & of substitutes in Gloucestershire militia.	£1813

⁷² See, for example, the eighteen different ways of raising money set out in the Appendix to his *Doubts concerning the Expediency* . . . 1813.

⁷³ 25 Dec. 1820. S. J. Griffiths & T. D. Fosbroke in their histories of Cheltenham & Gloucester both make similar comments: That this was conducted "at so trifling an expence to the county as 1/2d in £ yearly". Fosbroke, p. 435.

⁷⁴ There are no papers, notebooks or accounts surviving, and the only information about the office comes from occasional references in the Order Books, or sessions rolls.

⁷⁵ Sometimes it was even more casual. It was ordered in 1698 for example "That the Treasurer of the County Stock doe take care of the repayre of Over Bridge from time to time dureinge their yeare at the charge of this County," and there are sometimes references at this date to borrowing money from one of the Justices to pay for repairs.

⁷⁶ GRO Q/FC/1.

⁷⁷ 29 Jan. 1792. GRO D1086.

⁷⁸ The situation in regard to the county surveyor seems to have varied greatly from county to county. The records of the Worcestershire Records office, for example, reveal no trace at all of any such post there. Cf. Shropshire, where Telford was the county surveyor from 1787 until his death in 1834. He completed his first bridge for the county in 1790, altogether he built

THE COURT OF QUARTER SESSIONS: OFFICIALS AND PROCEDURE

forty-two bridges (including Buildwas Bridge, the second bridge ever to be built of cast iron), was engineer of the Ellesmere Canal, worked on the new Shrewsbury gaol, and built the new church of St. Mary Magdalene, Bridgnorth in 1792. (I am indebted to Miss M. Hill, the Shropshire County Archivist, for this information.) Or see J. Simmons, "A Leicester Architect 1732-1814", in *Parish and Empire, Studies and Sketches*, 1952, for a discussion of the work of John Johnson, for thirty years surveyor to the county of Essex.

⁷⁹ Trinity 1826. Quoted Webbs, *op. cit.*, p. 520-1.

⁸⁰ "The Committee, so appointed, entered on their duty with an alacrity that did them honour . . . an act was obtained under their direction, by which their original appointment was superseded; and *Their* responsibility to the public rests solely on the propriety of this single measure." Call of a General Meeting of the Nobility, Gentry and other Contributors to the County Rate of the City of Gloucester for the purpose of receiving a statement of the proceedings of the committee appointed by the General Meeting held 6 Oct. 1783. Paul, *1792 Address*, p. 8.

⁸¹ The Minute Book of: Proceedings of the Commissioners appointed by the Act for building a new Gaol, Penitentiary House, and certain new Houses of Correction for the county of Gloucester and for regulating the same. 1783-1825. GRO Q/AG 7.

CHAPTER V

THE GOVERNMENT OF THE COUNTY: IN AND OUT OF SESSIONS

Local courts—The work of Quarter Sessions: poverty and highways—Prison reform—The organisation of Petty Sessions—Brewster Sessions—The magistrate out of sessions—Distribution throughout the county—The Justices' clerk—Routine duties—War-time and the militia.

QUARTER SESSIONS was still not the sole instrument of local government at this period for manorial and municipal courts remained active and important throughout the eighteenth century.¹ The manorial courts settled actions between tenants and dealt with the common nuisances presented by the leet jury: obstruction of roads, encroachment on the commons, the failure of the surveyor of the highways to cut the hedges. They also appointed the petty constables and other officials, such as heywards, for the coming year. The vale of Berkeley, for example, possessed an impressive hierarchy of closely inter-related courts: the "court of the Hundred and Honour of Berkeley", held twice a year for the whole area; the halimotes (either the yearly general halimotes, or the special halimotes for some urgent business), held in the several manors of the hundred; and finally, the borough court of Berkeley and Wotton.²

The county court, whose jurisdiction extended over the whole county except the Seven Hundreds of Cirencester, was still held, nominally by the sheriff, for the recovery of civil debts under 40/-. No court records remain, and little is known of its workings, but it seems to have been quite active.³

Eight of the high constables were still appointed in the hundred courts,⁴ and even in other cases it is remarkable, as the Webbs have pointed out, that though appointed by the J.P.s, in theory the confirmation of the lord of the manor was required, and the wording therefore still ran, "until the Lord of the Leet shall hold his court, and appoint another in his stead".⁵ The hundred courts in private hands are difficult to distinguish from courts of liberties and fran-

chises. At Grumbald's Ash the Duke of Beaufort held a half-yearly court to appoint constables and haywards and to try petty debt cases.⁶ Though such small courts had no more than a minor role to play in local government they seem to have served their immediate purpose well enough. Of the hundred court of Thornbury, with its power of recovering small debts and of arrest, the deputy clerk of the peace declared in 1833: "its utility benefits the hundred very much".⁷ Most important was the court of the seven hundreds of Cirencester which formed "a liberty practically equivalent to being a district county".⁸ It was held every three weeks under its steward the Earl of Bathurst, for all personal actions and debts under 40/-. In 1792, by the Act 32 Geo. III c. 77, a Court of Requests was created in its place, under seventy-five commissioners, thirty-eight appointed by the earl as lords of the hundreds, and thirty-seven concerned in the Act, who were to fill the vacancies among themselves by co-option.⁹ It alone of all the hundred courts had the power to commit to prison for a period not exceeding forty days.¹⁰

The Court of Sewers had an organisation more nearly comparable to that of Quarter Sessions. The sheriff was officially connected with the Court¹¹ and many Justices were also commissioners. The issuing of a commission earlier in the eighteenth century followed very similar lines to that of the commission of the Peace. A petition of 1727 criticised a "New List" which omitted Lord Berkeley and several other gentlemen of distinction and considerable fortune, and Sir James Dutton wrote in 1737 to Lord Hardwicke to say that, since the Tories were presenting a list, they might intersperse a few Whigs among their own names, "but not enough to do any harm".¹² The Court had a salaried clerk; several surveyors, paid officials responsible for their several districts, and two treasurers, who dealt with the assessments, which were reckoned on the tithing, not the parish, and collected by the petty constables. Courts held twice a year, generally at an inn at Thornbury, were attended by a jury charged "to survey the Wells, Banks, Bridges, Gutters, Sewers, Mills, Locks . . . and other impediments and Annoyances, and to present to the Commissioners all Persons who have been negligent in the Reparation of the Premises".¹³ The amount of land under the control of the Court had been steadily increasing since the seventeenth century until by 1803 12,000 acres came under their management.¹⁴ In 1800 a new commission was obtained at a cost of £94, a new clerk elected with a salary of £42, two treasurers and six surveyors were appointed, and a general purposes rate levied of 4d per acre.

The boroughs of Gloucester and Tewkesbury had their own

Benches, entirely independent of the county, a privilege which, on one occasion a Tewkesbury Justice felt called upon to defend warmly. "I have to inform you," he wrote to the deputy clerk of the peace, "That the Justices of the county are expressly prohibited by our charter from interfering in anything arising within this borough, and that an Action will be brought by the Corporation against any person who shall execute within this borough any process from the County Sessions."¹⁵ Correspondence between the Gloucester city and county Benches during this period seems to have dealt with nothing more serious than a claim from the city Justices for some compensation for their activity in searching for rogues and vagabonds, at Kingsholm, Over and Maisemore in 1786.¹⁶

But neither of these two Courts of Quarter Sessions could rival the county Bench which, sitting quarterly at the Boothhall in Gloucester, dealt with every aspect of county government down to the minutest detail. The best picture of the work of the Court comes from a study of the order and minute books, and the sessions rolls.¹⁷ The most striking feature, already hinted at in the previous chapter, is the enormous growth in the amount of business which came before the Court. The total number of cases dealt with during this period shows a steady increase: from 1775-9 they averaged 109 annually, and they amounted to thirty-nine per session in 1775. By 1795-9 this had grown to 214 annually, and to sixty-two per session in 1795. In the mid years of the century Joseph Higgs, in the preface to his manual for Justices, could write: "I have been pretty full on the heads Excise, Game, Poor and Tithes, as Precedents Thereon are in most general request."¹⁸ Fifty years later his list would have been much longer, due partly it is true to war-time government, but also to an actual growth in routine business. The licensing of a Nonconformist chapel, the inspection of a madhouse at Stapleton, bounties to flax growers, the repair of a stretch of road, a bastardy appeal, the licensing of an ale-house, a case of embezzlement, permission for a French priest to hold services for the Roman Catholics at Cheltenham, a never-ending stream of appeals against removal orders—the business of the Court is bewildering both in its range as in its amount.

The treatment of poverty naturally formed the major concern of Quarter Sessions.¹⁹ "To make the poor at the same time industrious, frugal, and comfortable, is a most desirable object, and the endeavour to accomplish it, a duty too obvious to be mistaken,"²⁰ wrote the Rev. Thomas Rudge in 1807. To a certain extent the poor helped themselves. Benefit clubs and provident societies were estab-

lished in almost every small town, and in all parts of the manufacturing districts. By 1803 according to the returns made in that year, there were 263 societies in the county, containing 19,606 members. But the main burden of poor relief still fell upon the rates, and the cost of maintaining them rose steadily during the period. Of the total expenditure of the county, the large proportion went in outdoor relief, £92,726 compared with £16,318 on indoor relief, in 1803. This together with the £4,370 spent on lawsuits, removals, and the expenses of the overseers, brought the total for the county to £113,415, an amount which shows a considerable advance on the £64,895 average annual expenditure twenty years earlier.

In the execution of the poor law during this period Gloucestershire had no outstanding contribution to make, and the Elizabethan mechanism of county and parish had to suffice.²¹ In the only important order passed by the Bench during the period, the magistrates followed the example of the rest of the country in establishing, in 1796, a table of allowances showing "what should be the lowest weekly income of the Industrious Poor from 8 lbs of Bread at 2/2d, this scale being formed by allowing the father of a family 1/- per week for articles of general necessity, and a woman 8d, adding the costs of 8 lbs. of bread for every member of the family".²² Basically each parish was working out its own solutions to the problem of poverty under the supervision of the Bench. The great majority of the paupers, 11,851 out of 13,708, received outdoor relief. The county contained no large-scale houses of industry, and only a few instances occurred of a junction of parishes under Gilbert's Act. The smaller parish workhouses varied enormously from one village to another. Rudge complained that there were still many for the indiscriminate reception of those chargeable to the parish, which were farmed by keepers under contract, a method "fraught with mischief moral and political".²³ This farming, however, might not necessarily be bad. At Minchinhampton in 1791 the overseers were careful to lay down detailed regulations for the keeper, not only in the matters of food and clothing, but in the prevention of swearing, and in the supervision of church attendance. He was paid at a rate of 1/11d per head, and received in return all the earnings of the house, always most carefully controlled.²⁴ Most workhouses came under the benevolent eye of the local squire or parson, who was in a position to exercise some sort of patriarchal vigilance over them. At Forthampton, where James Yorke, the Bishop of Gloucester, had his country house, the workhouse established for the care of the aged, infirm, and orphans contained an infirmary for the sick, and separate rooms for the children; and "all the healthy mess

together and carry on the work of the house the Garden and Manufactory in common, and assist each other Humanely and Cheerfully".²⁵ Some of these houses where the poor were put to work seem to have proved economically profitable. The occasional references in the parish Vestry Minutes of the overseers' accounts to expenditure on pin-making at Frampton workhouse, or to spinning hemp and flax at Minchinhampton, or carding in the woollen areas, in total show that £379 expended in purchasing materials for employing the poor in 1803, brought in £1,771 from their labour.

The rulings of Quarter Sessions in cases of uncertainty or dispute provided a measure of supervision and control over the working of the Poor Law as a whole. Any individual who thought that the officers of the parish had charged their account "unreasonably and extravagantly"²⁶ or who had a grievance "touching an overcharge made upon me in respect of my tithes and estate"²⁷ might bring the case to court, and ask for an examination of their books. These, and the great mass of litigation between one parish and another, particularly in the appeals against removal orders, meant that the court was in a position to ensure at least a minimum of justice.

After Poor Law appeals, highway orders formed the largest proportion of business at Quarter Sessions. The slow judicial procedure for the repair of roads might drag on for session after session. The parish would be indicted for neglect, and found guilty; respited to give it a chance to repair; a fine would be imposed, frequently quite heavy, as much as £100 on a small village, levied on all the inhabitants, or to be raised by "distress and sale of goods and chattels" of any refusing or neglecting to pay. Finally the court would examine the accounts of the laying out of the fines, and hear a report from two Justices who had viewed the completed work.²⁸

The liability of the Bench for the county bridges seems to have been in as confused a state as the position of the surveyor himself. The principle had been laid down in the Act 22 Henry VIII that, unless it could be proved by prescription or tenure that a parish or private person was responsible, all bridges were chargeable to the county rate. No list of such bridges exists for the eighteenth century,²⁹ but it seems that the county was taking over, or at least paying part of the expenses, of an increasing number. Over Bridge was certainly a county bridge, and the repairs of one hundred yards of road there were discharged out of the county rates.³⁰ Chepstow, Bilton, and Keynsham had all been repaired by the county since the late seventeenth century.³¹ An estimate for repairs at Keynsham and Bilton in 1784 said that these bridges had been

kept in repair until 1771 by the county, which allowed a mason, John Rogers, £4 a year for his work. Now, thirteen years later, the commissioners of the Bristol Turnpike road promised to repair them if they were allowed £50, and to keep them in repair for the future on payment of £4 a year—an arrangement which still seems rather casual.³² £20 was allowed towards the repair of Traitors Bridge, St. Philip & St. Jacob, but the court would not allow it to be a county bridge, for they said it had been built twenty years before by private persons for their own estates. In 1784 the inhabitants of Maisemore were still uncertain of the interpretation of a private Act passed in 1777, until an eminent K.C. maintained that, since one clause read "from and after the passing of this Act nothing herein contained shall extend to determine who is, or are, liable to rebuild and repair the said bridge", it should in fact be called a county bridge.³³ The arrangement for the repair of any of these bridges remained equally uncertain; and presentment by individual Justices, by the Grand Jury, or by the surveyor alone, seems to have been used indiscriminately.

More significant in the development of local government than these routine duties were the beginnings of some social reforms in other spheres.

The greatest achievement of eighteenth century Gloucestershire lay in the reform of its prisons, under the inspiration and leadership of Sir George Onesiphorus Paul. When Howard visited Gloucester in 1777 he found appalling conditions in the old castle down by the river, which served the county as a gaol,³⁴ and Paul, six years later, bore out his report. He found a building in desperate need of repair, the floors so ruinous that they could not be washed, the nightroom so unsafe that prisoners were secured by a great chain passed through the centre brick of their fetters and padlocked to the walls. Here hardened criminals mingled with those confined merely on suspicion, and men were not separated from women. No provision was made for the sick: many, used to a vigorous life, and now chained down into utter inactivity, succumbed to illness, especially the particularly malignant form of typhus known as gaol-fever. In an outbreak at Christmas 1778 eight prisoners died; in a more violent epidemic just before the Assizes in 1783 fourteen perished, and others, discharged from prison, carried back the deadly infection to their native villages. In the half dozen little Bridewells scattered up and down the county, the situation was even worse. Howard's report on St. Briavels is typical: "No yard: no water: no allowance: no firing. One of the two sickly objects I found there had been confined a twelvemonth, and never

once out of that dismal room." At Berkeley he found the prison "quite out of repair—only one room for men and women: no chimney; yard not secure: no water: no straw". At Cirencester the prisoners were confined in a small room above a shop because the yard was not safe enough to use, and at Winchcomb the keeper confessed "he should be obliged to put irons on all the prisoners to secure them".³⁵

Howard's visit stimulated the first tentative efforts at reform. The mayor and corporation of Gloucester secured an Act to rebuild the city gaol, and Robert Raikes tried to introduce certain improvements into the county prison. Paul however set before himself and the county the task of a thorough-going reform.³⁶ His speech as Chairman of the Grand Jury at the Lent Assizes in 1783 marked the beginning of "Thirty years of unsparing personal toil". He organised to this end all the machinery of the county, preparing resolutions for his fellow-Justices and presentations for the Grand Jury, delivering fervent orations at every local assembly, and later publishing his speeches as reports and pamphlets.

In 1784 he drafted a special bill for the county, and the building of the gaol began immediately. Despite many vicissitudes, opposition from the promoters of the Stroudwater canal,³⁷ the bankruptcy of the surveyor, and the paralysis of the architect William Blackburn,³⁸ it was opened in 1791. It stood as a concrete expression of the principles for which Paul had fought. In the place of the old, indiscriminate mingling of all the prisoners, the building provided for the different treatment of the three main classes of inmates: first, a gaol for prisoners before trial, felons under sentence of death, and debtors, in which there was no authority for corporal or coercive punishment; secondly, a Penitentiary in which punishment took the place of transportation, and lastly, a House of Correction for petty offenders, intended "to check the early dawnings of vice".³⁹ There was only one chapel and one Infirmary, otherwise the prisoners were kept entirely separate. Paul's original plan, of dividing the Penitentiary prisoners into three classes, and gradually mitigating their punishment, was later abandoned when he discovered that "the Impression made on their minds during their former term of seclusion was immediately obliterated by idle conversation". He therefore imposed a regime of separate sleeping, and separate employment, broken only by daily chapel, and half an hour's exercise in the yards in the evening under the supervision of an officer.⁴⁰

The day-to-day working of the gaol may be seen in the carefully kept journals of the prison officials. Paul realised that the success

of this system depended in the last resort on the officials themselves, and he quoted with approval Howards's remark: "I have often wished that the gentlemen would make rules for the conduct of the gaolers, as well as of the prisoners." One of the greatest evils of the old system had been the fact that the gaoler received no salary, and that the post had attracted "low-bred, mercenary and oppressive fellows . . . who have less regard for the life of a poor prisoner than for the life of a brute,"⁴¹ and remorselessly extracted all the fees possible for food, bedding, and light. From the first Paul laid it down as a cardinal principle: "THE EFFECT OF THIS MUNIFICENT EFFORT OF THE COUNTY DEPENDS ON YOUR CHOICE OF KEEPER."⁴² The keeper was now paid regular wages, bound by detailed regulations, and ordered to present a record of his work to Quarter Sessions. A chaplain attended daily to read prayers, and the surgeon cared for any who were ill. Due attention was paid to cleanliness, warmth, and ventilation, matters hitherto almost entirely neglected.

The county had also been building four new Houses of Correction, at Lawford's Gate, Northleach, Littledean, and Horsley, similar to the Gloucester Penitentiary, but on a smaller scale. Each had a keeper's house with a magistrates' committee room, a turnkeys' lodge with baths and fumigating rooms, infirmary, and chapel, separate courtyards, dayrooms and a cell for each prisoner. Offenders were divided into four classes, and subjected to the appropriate discipline: vagrants and convicted offenders to labour proportionate to their age and force, separated if possible; men charged with offences less than felony worked in association, and the women were generally employed in cleaning the prison and doing the washing for the prisoners. In 1809 Paul could hold up the Horsley House of Correction as "the most neatly kept, and best managed of any in this, or probably in any other county".

In 1791 the proposals of the Gloucestershire Act were embodied in a general Act for the whole country, a measure which the Webbs consider "a high water-mark in the conception of prison discipline which was not again reached until the Act of 1835".⁴³ Paul's elaborate *'Rules, Orders and Regulations for the Controul and Government of Prisons'*, which went through five editions, set out the principles of prison discipline in full detail, and enabled Benches elsewhere to follow the same plan of reform. The royal family showed its interest: King George and Queen Charlotte came to see the building in progress, and Prince William of Gloucester sent a donation of a "Ten Pound Note for the Use of the Prisoners". In 1812 James Neild declared "the Prisoners exhibit the highest

pitch of perfection in polity I ever witnessed".⁴⁴

This was the greatest achievement of the Gloucestershire Justices, sitting as a Bench. But local government did not end with Quarter Sessions. Much was done less formally, in the principal inn of a country town, or in the front parlour of a magistrate's house. Justices had been assigned to special divisions, within the county by an order of the Privy Council in 1605: "Every such division to be so made as none be driven to travel seven or eight miles." They were to assemble midway between the general Quarter Sessions, and were to "appoint a clerk to keep notes of their proceedings at these assemblies". In 1631 printed books of orders and directions were sent out, and the Justices were commanded to give monthly accounts of their proceedings. After the Restoration these quarterly district meetings proved insufficient, and their place was taken by private sessions or monthly meetings.⁴⁵

It is unusual for rural counties to possess their original petty sessions minutes books, and until more records come to light in Gloucestershire it is only possible to present a tentative sketch of the situation in the county.⁴⁶ The Order Books of the late seventeenth century include many orders, referring to "the severall Justices of the Peace in their severall divisions", which suggest that some sort of organisation had already developed. From certain petitions asking that business might be transferred to another division, it appears that these coincided with the hundreds. A petition from Marshfield (in the hundred of Thornbury) at Trinity 1724 set forth "the great Expense and Trouble they have been att from time to time in travelling near twenty miles to ye Pettit Sessions held for Thornbury Division",⁴⁷ and asked leave to apply to the Justices of Grumbald's Ash for their parish business, "being the most adjoining hundred to them, and much nearer than any of the Justices acting within the hundred of Thornbury".⁴⁸ The orders of the Court insisted that these divisions should be respected,⁴⁹ and the Rev. Francis Welles seemed to take it as almost a personal insult that a case concerning a recruiting party had been dealt with elsewhere. "Mr. Delabere and I were Justices of that Division," he noted angrily in his diary, "and to aggravate the crime both at Cheltenham then holding a Petty Sesssions when this transaction happened; and yet, without bringing him before us they had taken him not only out of our Division but out of our county into the county of the city of Gloucester."⁵⁰

The greater demands laid on the Justices at the end of the eighteenth century, especially their increased work after the 1787 proclamation, and the newly opened prisons in 1791, led to some

tightening up of this system. Apparently much remained to be done, since the Justices found it necessary to include among their resolutions of 1787: "That it be recommended to the magistrates of the country to establish a fixed and periodical petty session in their respective districts, so regulated that the gentry and clergy of the neighbourhood may be induced to attend them. . . ." And twelve years later they were still urging the same point: "It appearing to be essentially necessary to the enforcing obedience to the laws, and the carrying any useful system of reform into effect, that regular petty sessions should be held in each district, it is therefore recommended to the Magistrates of this county to confer with each other, and to establish certain Periodical Sessions to be holden as frequently as is consistent with their own convenience, and the accommodation of the public may require."

But, as H. J. Pye, writing his manual for Justices out of sessions in 1803, recognised: "These are now furnished in the metropolis by the diurnal sittings of the police officers; but the obtaining them in the country, where justices are scattered at a distance from each other, has been sometimes a matter of difficulty from which much inconvenience has been experienced by the neighbourhood."⁵¹ It is therefore interesting to watch the establishment of a petty sessions in the populous woollen district around Uley. The Rev. W. D. Tattersall, rector of Wotton-under-Edge, turned to the Rev. William Lloyd Baker for support, and Baker replied, in November 1781, having considered the matter: "I feel less disinclined to it—My taking it for granted that you intend to support it with your usual energy, and inclination to act with you, are without flattery, the principal motives of my acquiescence. But," he added, "we cannot bear the burthen without further assistance. Let me know who will act with you, and what has occurred to you as to meetings, and the other matters which will be more particularly necessary in the infancy of the business." As plans went forward more problems arose, especially about the places and times of meetings. Lloyd Baker hoped that one would always be held at Wotton, but recognised that Uley and Dursley together would probably produce an equal amount of business. Tattersall had originally proposed a weekly meeting but Lloyd Baker pointed out that no meetings were held anywhere more often than once a fortnight, in general once a month. His main concern arose however because of their total inexperience, and he was worried lest "we may become quite ridiculous by giving out that we shall do things at one meeting which we may be obliged to alter at the next. I wish therefore that every necessary inquiry may be made by each of

us, and then let us meet to adjust a plan to fit equally as far as possible the convenience of each individual among ourselves."⁵²

Before the reorganisation under the Act 9 Geo. IV "for the better regulation of Divisions in the several counties of England and Wales" which created nineteen clearly marked divisions,⁵³ there seem to have been twenty-four sessions, although it is difficult to say how many of these were fully organised, and how many little more than the old random meetings of casual pairs of Justices described by the Webbs.⁵⁴ An undated book found among the papers of the Clerk of the Peace gives a list of twenty-four.⁵⁵ The areas covered by any petty sessions vary enormously in size. Some, like Horsley, contain only five parishes, while others, especially on the Cotswolds, might stretch for miles. Whatever may have been the earlier practice, these divisions disregard the boundaries of the hundreds. Newent, for example, contained parishes in Botloe, Westminster, Dudstone and King's Barton, and the Duchy of Lancaster; Cheltenham—Tewkesbury, Clure, Rapsgate, Dudstone and King's Barton.

In the Houses of Correction petty sessions were held in a committee room specially designed and built for the purpose. Elsewhere proceedings were more informal, and the magistrates met at some well recognised local inn. "There is a very neat inn at Kingscote," the Rev. William Lloyd Baker told the collector of excise, "which I believe I have pointed out to you as the place where most of the meetings of the Gentlemen in this neighbourhood are held."⁵⁶ The best organised petty sessions generally arranged a regular timetable for their business. Horsley, for example, in 1808, resolved to meet six times a year,⁵⁷ and also made definite orders about the procedure at these meetings. The clerk was to attend at 10 a.m.; the business to be entered on punctually at 11 a.m., and none to be done which was not brought before the Justices, or entered with the clerks before 2 p.m. Any high or petty constables, or other officers who failed to attend were to be regarded as disobeying summons. A book of record of all the business had to be kept by the clerks. Some sessions seem to have had a permanent chairman. Thomas Lloyd Baker, when resigning in 1838, told Lord Clifford that Mr. Veele had been the original chairman, that there had been a gap after his death, "till one day on going there I was told that they had talked it over in my absence, and had agreed that it would be better to have a Chairman—that I was the oldest Magistrate in the hundred, and that they all wished me to take it". Now, when gout was putting an end to his long record of service, he hoped that they would choose a successor: "It is

impossible that things can go on so well with a frequent change of chairman as they do now that one has it who will be always at his post."⁵⁸

The clerkship to petty sessions was an important and responsible position, whose holder, according to Pye, "will certainly be one of the first in point of character for legal skill and integrity . . . selected from the attorneys who are employed by those gentlemen in their private concerns".⁵⁹ A list of 1798 shows that they were all local attorneys, men with official and legal connections with most of the activities of their neighbourhoods, the Turnpike Trust, Land Tax assessments, and militia meetings. They were paid officers, to whom Quarter Sessions made extra allowance for any additional work placed upon them. Quarter Sessions also found them an excellent channel for sending orders and instructions to local magistrates,⁶⁰ and it was ordered at Michaelmas 1787, "That a copy of every Act of Parliament be sent to the Clerk of every Petty Sessions or District Meeting for the Use of Magistrates attending thereat, to be preserved for the public use, and transferred to his successor."⁶¹

Had the diary of the Rev. Francis Welles survived we should have a detailed account of the business of petty sessions earlier in the century, for he divided his pages into two, and devoted the first column to his work in petty sessions. This however was lightly dismissed by the author of the articles based on the diary which appeared in the *Law Magazine* of 1861. "It is in the second column (i.e. that dealing with Quarter Sessions) that we must look for matter that is more interesting and important." The first apparently was concerned with disputes between husbandmen and labourers, differences between masters and apprentices, the correction of wayward servants, the issue of orders for the removal of paupers—matters "chiefly remarkable as showing the rough and ready mode in which the law then administered the rod to her disobedient servants".

The diary of Nathaniel Winchcombe, at this period, unfortunately contains little more than a formal record of his attendance at the local petty sessions, held at Frocester and Cainscross alternately on the first Tuesday of every month or at Stroud four times a year. He mentions the names of the other magistrates present, from which it appears that numbers averaged three or four and that on the rare occasions on which there were as many as five or six this was due to its combination with a meeting of the Land Tax collectors. Here overseers were appointed, rates signed, accounts allowed and surveyors examined about their roads.

Quarter Sessions recognised this as a valuable means of controlling local officials, and included among the 1788 resolutions "That at the sessions directed for the swearing in of officers they deliver to each a printed copy of instructions concerning their office, and that they exhort them to a diligent execution of their duty."

At the "Brewster Sessions", held every September for the licensing of alehouses, the Justices addressed a great crowd of local publicans, receiving their formal recognisances, binding them to good behaviour, and renewing their annual licences—licences which might be granted only by the Justices in the division. In 1788, as part of the movement for reform of manners, Quarter Sessions ordered that Magistrates in their respective districts should hold sessions previous to the general licensing day, sometime in August, at which all applications for licences should be received, and they made it a condition of the granting of a licence that public houses should close at 9 p.m. in summer, and 10 p.m. in winter, and that no one except travellers should be served on Sundays "until after the evening service", and then only until 8 p.m.⁶² In 1791 a resolution, signed by eighteen magistrates was published, stating that any magistrate convicting and punishing any unlicensed person would be indemnified and supported by the magistrates subscribing to the resolution.⁶³ The Resolutions of 1801 contained an Appendix devoted to "the Licensed Alehouses in the county" which included regulations against Sunday opening; the harbouring of quack-doctors and mountebanks; cock-fighting, bull-baiting, and illegal horse-racing; the giving of short measure etc. etc.

Ultimately the success of these measures lay with the individual Justices, for they were resolutions and not laws: "Licensed Alehouse keepers are bound by their recognizance to the observance of good rule and order, which said rules and orders are not defined by statute but are left to the discretion of the Justices."⁶⁴ Most magistrates recognised this as one of the most serious problems in their local work. As the Rev. William Lloyd Baker explained to Mr. Nicholas: "You know me situated in a populous clothing country, and you also know that where the lower class of people can get money they will spend it in liquor, and play off every manœuvre to check the laws," the dangers lying, as he knew only too well, not so much in drunkenness as in "the riotous and illegal meetings" held at these small beer-houses. The alehouse keeper was a tough customer. The lengths to which publicans in the clothing areas were prepared to go is well illustrated by an episode at Tetbury in 1787. After a Vestry meeting in June of that year, at which it was decided to petition the Justices to end the licences

of six small alehouses, the Vicar's wife received a letter warning her that her husband "be not forward to put the Publick Houses down, as a friend I write this for I was at a place and heard that if he was the only Person that desired of it is (sic) life and property should soon be at an end. . . ." In the end however nothing worse occurred than the burning down of his barns.⁶⁵ One is tempted to wonder how much such men were moved by the flood of oratory with which Paul, as a veteran of forty years' standing, addressed them in 1819: "A cautious and respectable Publican, who has a pride in the good order of his House—and who possesses a spirit to enforce it—is a Character useful to the community . . . Whilst, on the other hand, the keeper of a Public House, who—from sordid views—either negligently tolerates, or wilfully and wickedly encourages, the rogue and vagabond—the idle and dissolute—the seditious and the disaffected—to congregate in his house; *there* to PLAN, and *thence* to ISSUE TO COMMIT—their misdeeds, has to answer to the Magistrate and to his country, for the evil consequences which ensue."⁶⁶

Yet, in spite of all these developments of new sessions, officials, and procedures, the Justice himself, serving his immediate locality and acting privately in his own home, remained personally responsible for much of the success or failure of local government in the countryside. Some Justices appear to have put this side of their duty first, and to have been content to act in their local areas, rarely or never joining their fellow magistrates on the Bench at Gloucester. Among those whom Nathaniel Winchcombe mentions in connection with the local sessions are several whose names never appear in the lists of attendances at Quarter Sessions and many cases dealt with at Quarter Sessions were presented by men like John Scott, John Shepphard, or Charles Trubshaw Withers, who practically never appeared on the Bench at Gloucester themselves.

Even so the county suffered from a shortage of magistrates: "It appears from reports made to this Bench that many parts of this county must be deprived of the benefit of Quarter Sessions from a deficiency of acting Justices to undertake the duty; whilst many gentlemen whose names are in the commission of the peace reside in the district *without qualifying themselves* to act as magistrates." Their distribution throughout the county presented a problem, one that frequently came up when the inclusion of new names for the Commission of the Peace was under discussion. The Bishop of Gloucester told Lord Hardwicke in 1744 of "The great want we are in having some Person constantly residing within this place in the commission of the Peace—Dr. Atwell is ill, Mr. Savage is

here only three or four months in the winter."⁶⁷ Lord Berkeley forwarded a petition to the Lord President of the Council in 1791 from Nathaniel Winchcombe and some of the "respectable clothiers of his district": "He is the only Acting Magistrate that resides and attends to the business constantly in the most populous trading parish in the county, in the Parish alone is ten thousand inhabitants, and in the two hundreds of Bisley and Whitstone it is computed that 60,000 inhabitants are living, he is the only Magistrate that resides and does the business constantly, in the summer months there are three more gentlemen that assist him."⁶⁸ The shortage was most serious in the clothing areas, with their great restless industrial populations, in the Forest with its tradition of lawlessness, and in the town of Cheltenham which had grown in fifty years from a straggling village street to a fashionable town.⁶⁹ The Rev. John Foley found his proximity to the Forest increased his work. As he told the Marquis of Worcester in 1801: "the contiguity of my situation to the Forest of Dean, and the infirm state of health of the acting Magistrates resident up on the spot, has for some time past occasioned me to have variety of applications for parochial relief from Persons resident within the Forest".⁷⁰

Thomas Estcourt, in an account he sent to the Home Office after quelling a riot at Tetbury, explained that he was sent for, "*being the only Magistrate living within Ten miles of the place*".⁷¹ The presence of a magistrate in the immediate neighbourhood meant not merely that disturbances were stamped out quickly, but that they were less likely to occur. A pamphleteer describing the riots at Newent in 1805 declared that, had not the resident magistrates "been out of Newent for some months, I have reason to believe the enemies of peace and religion would never have dared to violate both as they have done".⁷² During a quarrel between the neighbouring parishes of Frampton and Slimbridge Lord Berkeley appealed to Nathaniel Winchcombe to use his position to prevent this developing into a serious affair: "I know that a leading Gentleman in a parish, with sense and understanding above the rest of the parish, may very often prevent obstinate Farmers and others from continuing a dispute. . . ."⁷³

A study of the distribution of J.P.s throughout the county shows that there were large areas covered only by one resident magistrate. The position was worst in the Forest of Dean where Roynon Jones at Lydney and Charles Edwin at Hewelsfield were the only men available for that part of the Forest stretching from St. Briavels to Ruardean, and in the heart of the Cotswolds where there were only half a dozen men for the hundreds of Bradley,

Kiftsgate, and Slaughter. As a result some men were heavily over-worked, while others might send only one case to Quarter Sessions in five years. The most active magistrates at this period were Samuel Hayward, Thomas Crawley-Boevey, and Joseph Pyrke in the Forest of Dean, and John Shepphard and Thomas Bush who covered a part of the Cotswolds stretching from Tetbury to Bainton. An analysis of the cases dealt with by the Bench makes clear the complete lack of any systematic organisation of local business among the magistrates. In a typical instance, of two cases of removal from Minchinhampton at Easter 1786, the first was handled by Thomas Bush and John Shepphard, the second by Sir G. O. Paul and Thomas Pettat. The one exception was the group of six or seven J.P.s near Bristol, where two or three always acted together, and had their orders made out by the clerk whom they appear to have employed in common.

In theory the Justices acting out of sessions dealt with two main branches of business, described by Pyc: the first, "merely ministerial, acting under the Common Law, or such statutes as relate to the preservation of peace. . . . In the second he acts under particular statutes, uniting in himself the power of judge and jury."⁷⁴

In practice we must imagine the Justice sitting in his front parlour, possibly assisted by his clerk, dealing to the best of his ability with the varied cases brought before him, and frequently finding that sound common sense, and a personal knowledge of the situation, stood him in better stead than any technical legal learning. Here the petty constable would bring any whom he knew, or suspected, of being vagrants, paupers, poachers, thieves, deserters, the mother of a bastard child, a weaver who had embezzled yarn. The magistrate had then to set about unravelling all the petty crime of the neighbourhood: cases of assault and threatened murder; a man in unlawful possession of "two guns, and two dogs called pointers"; the selling of unlicensed beer; a scribbler who took wool from a wool-loft—cases such as Nathaniel Winchcombe dealt with in 1790.⁷⁵ Probably many set aside one room of the house for "Justice business", as the Hyetts did at Painswick House. Thomas Lloyd Baker wrote to his father in 1801 that he had fulfilled his commission: "and had chosen him a spring lock for the door of his Justice room". By the time his family had increased to twelve the Rev. Charles Coxwell found it necessary to write to the Bishop of Gloucester, and ask for leave of non-residence at Barnsley: "My office as a Justice of the Peace necessarily brings many Persons on that Business to me. This in a small House would

be attended with considerable inconvenience, and obstruct those services I would wish to render to the public while my Health and strength will permit."⁷⁶ The Rev. John Foley would have sympathised. In speaking of the Poor Law, when he was addressing the Grand Jury at Epiphany 1800, he had occasion to remark that the greater part of his mornings was frequently taken up in adjusting disputes concerning poor relief.⁷⁷

Some lightened this burden by employing a clerk—a man difficult to trace, and even more difficult to assess fairly. He was the butt of contemporary satires, held up as a heartless scoundrel:

“Nor leave thy venal clerk empower’d to hear
The Voice of Want is sacred to *thy* Ear
He, where no Fees his sordid Pen invite,
Sports with their Tears, too indolent to write;
Like the fed Monkey in the Fable, vain
To hear more helpless Animals complain.”⁷⁸

In an attempt to safeguard against the exaction of extortionate fees the Gloucestershire Justices settled a table of fees to be taken by clerks, at Epiphany 1717—the first county to do so.⁷⁹ In 1753, in order to secure a similar protection elsewhere, Parliament ordered every Bench to draw up a schedule, confirm it at a subsequent sessions, and submit it to the Assize Judges for confirmation. The list is long: sixpences, shillings and half crowns were demanded for warrants of summons, for information taken in writing, for examinations of pauper settlements, for swearing a tythingman, for warrants of hue and cry. . . . This remained in force until 1801 when a new table was made, printed, and publicly exhibited, and the clerks were warned “to answer the same at their peril”.

It is difficult to say how far these were observed, for the clerk proves an elusive figure. We know that the Rev. Charles Coxwell's clerk performed his duties faithfully, for some of his bills have been preserved.⁸⁰ George Hardwicke too seems to have had a reliable man: “My old *Trusty* Hicks is at length Become so incapacitated that I am obliged to Appoint another clerk as his successor,” he told John Blagden Hale in 1794, “and have fix'd on the Bearer, of whose Abilities and Assiduity I have many years experience. He happens too, to be the object of old Hicks wishes. . . .”⁸¹ In one case it seems that a group of Justices shared a clerk for the examinations and indictments, preserved among the Assize records, in the Public Records Office, of Richard Bayly, Bowles Scudamore, William Hayward Winstone, and the Rev. J. A. Small, are made

out in the same concise legal hand, with careful flourishes, and regular phrasing. Some managed without a clerk. "Some few Justices in different parts of this county have made a practice of officiating as their own clerks," reported the *Gloucester Journal* in 1788, but with the unfortunate result that, as they declined "from motives of liberality" to take the accustomed fees, this had encouraged applications "on matters extremely frivolous".⁸² The Rev. Charles Jasper Selwyn had his own use for the money he accumulated in this way. A note in his will reads: "Whatever cash may happen to remain in the fund which I have usually called my Sunday school fund, and which has arisen and does arise, from such fees of Justice business and the like, I have appropriated in my life time to the benefit of the Sunday schools in Blockley."⁸³

But the Justices' duties did not end with making orders and presentments, or taking examinations in their Justice room. They had also to check road and bridge repairs, supervise the new Houses of Correction, deal with any local disturbance—all matters which often took them far from home. A study of the surviving turnpike trust records shows that practically every Justice served on at least one trust. Some, like Sir John Guise, were regular attenders at all the ones in the neighbourhood, Northgate, Maisemore, Maisemore Bridge and Over. This was another heavy addition to their duties. It was unpaid work, the trustees were expected to defray all their own expenses, meetings were often at a distance. It is hardly surprising to find that Richard Selfe of Cirencester pleading to the Rev. Charles Coxwell one January "The days being so short, I must be excused attending at Bibury".⁸⁴

In 1798 twenty-three out of the forty-five commissioners for land tax in the county were J.P.s.⁸⁵ Even though the government kept control of taxation firmly in its own hands it could not dispense with the services of the Justices. The Receivers General were appointed by the Treasury⁸⁶ and under them came the commissioners whose duty it was to supervise the local assessment and collection. Assessments might be revised by the commissioners who had absolute authority to settle appeals. They frequently arranged their meetings to follow on immediately after Quarter Sessions. Robert Robbins wrote to tell John Blagden Hale that the next general meeting for the commissioners for the sale of the land tax fixed for April 4th 1799 had been transferred to April 3rd as it seemed likely that there would be little business at Quarter Sessions, and those commissioners who were magistrates would not want to be detained in Gloucester longer than was necessary.⁸⁷ Often land tax business was combined with petty sessions business.

Nathaniel Winchcombe for example notes a land tax meeting held with a petty sessions at Stroud on June 28th 1783, or records the presence of the collectors at a petty sessions at Frocester on December 3rd 1783. In 1798 this system of officials was used for the levying of Pitt's Income Tax. This, as the authority on the subject has said, "represents a rudimentary system of national management".⁸⁸ The J.P. himself, unaware of these implications, can only have seen it as one more addition to his extra-sessional duties.

We know from his diary how much of Nathaniel Winchcombe's time was taken up with such duties. He records frequent navigation and turnpike meetings; a journey to Eastington to settle about the bridges over the brook; a militia meeting at Stroud; dinner with Mr. Hicks before surveying a bridge together; a prisoner to be discharged at Horsley House of Correction; five successive meetings of the commissioners of land tax in February 1798. His troubles at Horsley after he and William Lloyd Baker had been forced to dismiss the turnkey were described by the latter writing to Sir George Onesiphorus Paul: "This however is only a part of our grievances, the prison being very full and among others two deserters sent by Mr. Estcourt, you may suppose Cunningham coops them up charmingly [this later crossed out, and "takes good care of them" substituted]. We thought it would be a good scheme for the future to have a bell to rouse the village in case of escapes. We therefore made the order first, and then, like good Generals, proceeded to examine the feasibility of it, when behold our poor bell was cracked, and could not be heard beyond the walls."⁸⁹

The Rev. Charles Coxwell kept no diary or regular record of his work, but from the miscellaneous papers he left we can see an even more vivid picture of the life of the conscientious local magistrate. He claimed in his charming 'Narrative of his Life' that in his "Department as a Magistrate he was accessible to All; and gave the meanest complainant a patient hearing; in every case which would admit of it, he inclined to Mercy, and never signed but with Reluctance, a Warrant of Commitment to prison."⁹⁰ Signing his orders "Minister & Magistrate" he ruled his village in both capacities, and would order his churchwardens "to see that no persons are tipling at the Public House during the time of Divine Service, or using unlawful pastimes in the streets or elsewhere in the parish". From 1770 until 1816, when he was its treasurer, he kept meticulously careful accounts of the Arlington turnpike. He recorded the quarterly meetings, the repairs to the gates and toll-houses, the yearly auction of the tolls—which was

apparently a social occasion for he notes the payments in 1805 of thirteen shillings "for 3 Bowls of Punch to encourage the Bidders for the Tolls, many attending for that purpose".

Having a noble lord only a mile or two away increased Coxwell's work and added to his troubles. Though apologising profusely for being so troublesome, Lord Chedworth wrote frequent letters insisting on a closer attention to the Game Laws: "I understand there are now Eight Poachers of Rissington joined to buy a Gun, which they use by turns on my Manor, and in Summer they Fish. . . ." ⁹¹ Even a fellow magistrate did not spare him: "I am sorry to find that you have not proceeded to the conviction of George Fletcher," wrote William Baker from Dowdeswell, "as it is utterly impossible for me (having my house full of friends) to go to Ablington again, I shall be much obliged by your putting as speedy an issue as possible to this business as I am determined at all costs to make an example of him." ⁹²

War-time duties added heavily to the demands made upon the Justices. ⁹³ Many were deputy lieutenants; ⁹⁴ others were officers in the North and South Gloucestershire battalions. ⁹⁵ In peace time these battalions were exercised for twenty-eight days in May and June annually, the former at Cirencester, the latter Gloucester. A notice appeared in the *Gloucester Journal* every May giving notice of the dates, and threatening a fine of £20 for non-appearance. Returns were later made to Quarter Sessions, and entered in the Order Books certifying the completion of the statutory length of time. Much of the month spent under canvas was in fact passed in balls, dinner, and tea-drinking, and service in peace time therefore cannot have been an entirely unpleasant duty. "We have here at present the Players and Puppet Shows, and almost every Night a Rout," Robert Jackson reported to his sister in 1760. He went on, "Sir William Codrington has his Hounds which afford us some sport as this is a fine Hunting Country, and the Dogs are very good." When they changed their quarters he told how "My Lord Bathurst insists that we all call and refresh ourselves at his House, we have therefore the most imaginable prospect of a pleasant march." ⁹⁶ But in war-time a rather more serious attitude prevailed. Berkeley, showing an activity in military affairs which was where his real enthusiasm lay, was writing continually to the government about numbers, arms, training, promotions, not only of the two original battalions, but of the supplementary militia raised in 1796, and the great number of volunteer companies.

Much of the routine work connected with the organisation of the militia could be left to the Clerk of the Peace. He was respon-

sible, for example, for transmitting to the government an account every January of the qualifications of the militia officers, so that copies might be laid before Parliament,⁹⁷ and for forwarding lists of the names of clerks to the sub-division meetings.⁹⁸ Responsibility for other matters fell to Berkeley: the interpretation of a clause of the Militia Act concerning "the respective places of Arms";⁹⁹ the deficiency of subalterns in both battalions;¹⁰⁰ the refusal of the printer of the county newspaper to insert advertisements about public meetings because he was not paid for his former printings, and until this was settled "the Public business as directed by the Act of Parliament cannot be done";¹⁰¹ the shortage of field officers by 1798 when the south battalion, in ten companies, was a thousand strong.¹⁰²

The raising of the supplementary militia in 1796 presented Berkeley with an additional problem. He was critical of Portland's plans for the country as a whole, and therefore wrote to him with alternative suggestions which, however, were rather coldly received, since, as Portland pointed out, although another arrangement might suit some particular counties better, the original plan must be kept to if the whole country were to be called out.¹⁰³ A detachment of officers and men from the two original battalions was needed to train the supplementary militia, and before long this presented further difficulties. Who was responsible for the repair of the arms? Did the government, or the men themselves, pay 2d a day to the landlords when they were quartered in Gloucester for their twenty-eight days' exercise? The original plan, decided at a meeting of the lieutenantancy at Gloucester in December 1796, had been to train six hundred men for the supplementary militia, three hundred at Gloucester, and three hundred at Cirencester.¹⁰⁴ But by January 1779,¹⁰⁵ numbers had already grown to 1,700, and a year later Berkeley, finding it necessary to form a third battalion, wrote to Lord Ducie to tell him that it would consist of 730 men, and that he was only waiting for the king's warrant to call them out to assemble at Gloucester, where the 85th Regiment would drill them.¹⁰⁶

When, their patriotic zeal still unsatisfied by these measures, each locality tried to make its own contribution to military defence, the local landowners were called upon to undertake much of its organisation. Among the first to enrol themselves were "a small but firm number" under the leadership of Powell Snell, who lamented that "the same constitutional zeal found in most of the counties of England hath not hitherto been roused in Gloucestershire".¹⁰⁷ This was soon followed by the publication of a broadside

from Stow in September 1796 stating their intention of raising a troop of yeomanry cavalry "who may be duly enrolled and disciplined, so as to repel any outrageous insult offered to the Laws and Constitution of this Realm".¹⁰⁸ Practically every small town or largish village followed this inspiring example, and by 1806 forty companies had been formed in the county. They varied in size and composition; each drew up its own rules, furnished its own uniforms, settled the terms within which it was prepared to serve, "at this present crisis when an implacable Enemy threatens our very existence and when its principles, still more fatal than its arms, have fomented a Rebellion in the sister kingdom."¹⁰⁹ Their enthusiasm was not the less sincere because it remained sternly practical. The promoters of Dymock's scheme could declare with pride that it was based on the most fervent desire of serving their king and country with the least possible prejudice to their private concerns.¹¹⁰ The company at Henbury and Westbury, "composed entirely of respectable farmers and gentlemen", were prepared to patrol and guard the two parishes from nightly depre-dations, but "the constant attention their Farms require would render it utterly impossible for them to quit their homes upon every little appearance of Riot or Tumult".¹¹¹ Similar reservations were made by the body of cavalry enrolled at Cainscross which were ready to serve anywhere within the hundreds of Longtree, Bisley, and Whitstone, but "as the subscribers, by far the greater part, are personally extensively engaged in professional or commercial concerns from which they cannot long absent themselves without *incalculable* loss and inconvenience, they have reason to presume the Government will not disapprove of their confining their services to the Limits of these Populous Districts."¹¹²

In addition to drawing up the rules governing the company, and training and exercising the men, the landowners might also expect to bear a large proportion of the expense themselves. The government allowed certain arms and accoutrements to every corps;¹¹³ the provision of everything else fell upon the members, and those who were wise resolved to avoid "all unnecessary expence in their dress and appointments, and all profusion and excess at their meetings".¹¹⁴ Uniforms always proved a most expensive item, though by the time his tailor had finished with them Benjamin Hyett felt able to congratulate himself on the appearance of his troop: "They appeared last night in their new Cloaths, with which I think they make a very respectable appearance. . . . Our Tayler seems to have made them much better than I expected." The rules they drew up reflect the landowners' patriarchal concern as much

for the spiritual well-being of his men as for their outward appearance. At Frampton-on-Severn Nathaniel Winchcombe ordered: "Every Member appearing in his uniform must be perfectly *clean*, his hair combed and properly cut, his shoes blacked and every part of his dress decent and in order." He insisted that "the officers pledge on their honour that they will behave as Gentlemen to every member of the corps", and levied fines on any man cursing, or swearing, seen drunk in uniform, "laughing, talking, going out of the ranks, or being wilfully inattentive when on duty". His final proposition concluded on a generous note: "The Commanding Officer will be ever ready to receive with attention any well meant hints, and if it should appear to him to be for the benefit of the corps he will be happy in considering it".¹¹⁶ A neighbouring Justice was apparently much impressed, for he and his lieutenant wrote to Winchcombe in August 1798 asking for permission to study and copy his articles, which they wished to adopt for their own troops.¹¹⁷ For these companies remained very much in the hands of the local magistracy. Their express purpose was "to form a respectable body of Housekeepers to aid and assist the Magistrates", since, as the Lechlade corps put it, "the greatest part, if not all, of our soldiery, will for a long time be stationed round the outward parts of the kingdom, and by that means the Magistrates of the interior parts may be unsupported, and the lives and property of the well disposed unprotected".¹¹⁸ The Rev. John Foley advised his local company that they should maintain a constant communication with the magistrates so that in the case of any disturbance they might act together swiftly to restore order.¹¹⁹

War-time only increased the duties of an office which Bohun had once called "This Honourable and Troublesome Employment". The position of J.P. carried with it over a large proportion of the population far-reaching powers. It might have encouraged lesser men to irresponsible action, to gain some material reward for an otherwise onerous office. But, quietly and faithfully fulfilling their arduous tasks, whether at Quarter Sessions, in their own parlour, at some local inn, or at the head of the local volunteers, the Gloucestershire Justices raised the office to a status which commanded the respect of their contemporaries. "I admire the man who serves his country where there is no prospect of remuneration," wrote one local clothier. "This is the most honourable function which in my opinion any man can attend to, as it is that which preserves order in society without private interest or reward."¹²⁰

NOTES

¹ Some of the smaller courts, like the court Baron of Norton Kings, dealt almost exclusively with property transactions, and exchange of land. See Court Book, GRO D 109/1. Others, like Chipping Sodbury, met yearly, tried suitors absent from court, and dealt with offences concerning roads, wastes, commons and ditches—Court Book GRO D 247/14.

² See Webbs, *Manor & Borough*, pp. 36-8. PP 1840, XLI, p. 40-1.

³ PP 1840, XLI, pp. 40-2.

⁴ See p. 104, note 48.

⁵ Webbs, *op. cit.*, p. 122, note 5.

⁶ PP 1840, XLI, pp. 42-3.

⁷ See answers of Edward Bloxsome, Deputy Clerk of the Peace, Appendix 5th Report Commissioners on Courts of Common Law 1833, PP 1833, XXII, p. 21A.

⁸ K. J. Beecham, *History of Cirencester*, 1887, pp. 162-70.

⁹ PP 1840, XLI, pp. 44-5.

¹⁰ PP 1833, XXII, p. 21A.

¹¹ In 1738 William Williams told Thomas Stephens "the Sheriff is obliged to attend the Commissioners during Court, but our commissioners are content with the attendance of one of his bayliffs in his stead". GRO D.745.

¹² BM Add. MS. 35, 692, ff. 73 and 493.

¹³ Higgs, *A Guide to Justices*, 1750, p. 283. The Minute Books run from 1583 to 1848. GRO D72.

¹⁴ The 8,865 acres for which the commissioners were responsible in the seventeenth century had increased to 22,000 acres by the twentieth as a result of reclamation, according to an estimate of Miss Helena Hadley, whose notes are among the Webbs MSS., Vol. 122. Rudge gives a detailed table of the 12,130 acres under the management of the commissioners in 1803. The lands stretched from Over, just north of Gloucester, to Patchway and Kings Weston in the very south of the county. *History of the County of Gloucester*, I, p. xxvii.

Since 1930 the Commissioners have been replaced by the Drainage Board which now controls two hundred lined miles of "rhines" (the local word for ditches or dykes). Lewis Wiltshire, *The Vale of Berkeley*, 1954, p. 88.

¹⁵ Samuel Trueman to Edward Bloxsome, 17 July 1806. GRO Q/CC 2.

¹⁶ GRO Q/SR 1786 A.

¹⁷ The Gloucestershire Order Books run from 1672; the Minute Books from 1781, and the Sessions Rolls from 1728.

The Order Books here begin comparatively late. Wiltshire, whose records date from 1575, is the earliest. The North Riding of Yorkshire has a book of orders and Minutes intermixed commencing Easter 1605. Other early Order Books include the West Riding 1611; Somerset 1613; Staffordshire 1619; Hertfordshire 1624; Warwickshire 1625; Shropshire 1638. After this come Essex 1651; Surrey 1659; Parts of Kesteven 1674; Bucks 1678; Northumberland 1680; Northampton 1685; Worcester 1696. Ratcliffe & Johnson, *op. cit.*, I, p. xv.

Much valuable information about the routine workings of the Court is to be found on the sessions rolls, on which are preserved the actual removal

LOCAL GOVERNMENT IN GLOUCESTERSHIRE

and bastardy orders; the accounts of the keeper of the gaol; Sacrament certificates; reports of the inspection of Stapleton madhouse; certificates from Justices who have viewed a road or bridge under indictment, etc.

¹⁸ Higgs, *op. cit.*, p. 4.

¹⁹ The standard work on the subject is, of course, the Webbs' *The Old Poor Law*. See also F. M. Hampson, *The Treatment of Poverty in Cambridgeshire, 1597-1843*, Cambridge 1934, which includes a detailed bibliography of both contemporary and modern works.

²⁰ *General View*, p. 343.

²¹ C.f. Nottinghamshire, Chambers, *op. cit.*, p. 47.

²² The scale is set out in the finance minute book. GRO Q/FC/131.

²³ *Op. cit.*, p. 348.

²⁴ Minchinhampton Vestry Minute Book, 1786-1802, GRO P217.

²⁵ Yorke papers, Forthampton court. Although it is considerably beyond this period, some mention should be made of the Uley experiment of Thomas Barwick Lloyd Baker, a descendant of the Rev. William Lloyd Baker mentioned in this study, who in 1830 drew up strict rules as to regimens, which were later included in the Poor Law Reform Act. See Webbs, *The Old Poor Law*, I, p. 258.

²⁶ GRO Q/ST 1780 B.

²⁷ GRO Q/SR 1780 C.

²⁸ The actual reports are preserved on the Sessions Rolls. For example, at Trinity 1777 William Sandford and Samuel Blackwell reported on the Quenington stretch of the Burford-Cirencester road, which had formerly been "very ruinous, miry, foundorous, and in great Decay for want of due Reparation and Amendment thereof," but they now found "in good and sufficient repair from such Amendment." GRO Q/SR 1777 C.

²⁹ The earliest list is that compiled by George Riddiford in 1873. GRO Q/CI 2.

³⁰ Appendix to Report from Select Committee on Expenditure of County Rates. 1825, VI, p. 844. This was the only length of road in Gloucestershire for which the county was responsible.

³¹ The earliest references are Chepstow, Epiphany 1681; Bilton, Epiphany 1684; Keynsham, Michaelmas 1685.

³² GRO Q/SR 1784 B.

³³ GRO Q/SR 1784 D.

³⁴ See Howard, *The State of the Prisons in England and Wales*, 1777, pp. 343-6. He found little improvement after a second visit in 1783. Cf. 3rd ed., pp. 362-6.

³⁵ Howard, *State of the Prisons*, 1777, pp. 347-9.

³⁶ For a fuller discussion of Paul's work on the reform of the prisons see my article, "Sir George Onesiphorus Paul", *Gloucestershire Studies*, pp. 195-225.

³⁷ See correspondence of Paul and Samuel Smith 1786, Thames and Severn Letterbooks, 109, p. 21.

³⁸ See Gaol Commissioners Minute Book, 1785-1825, GRO. Gabriel Arnold Rogers, who had undertaken to build the Northleach, Littledean and Horsley Houses of Correction went bankrupt in 1789, and when sued proved most pugnacious, "taking every step to aggravate Damages, and give needless trouble".

³⁹ *A State of the Proceeding on the subject of a Reform of Prisons within the County of Gloucester*, 1785, p. 6.

THE GOVERNMENT OF THE COUNTY: IN AND OUT OF SESSIONS

⁴⁰ From evidence given before the 1811 Committee on Laws Relating to Penitentiary Houses, PP 1811 III, p. 5-92.

⁴¹ *Gentleman's Magazine*, XXVIII, 1767, p. 340.

⁴² *Address to His Majesty's justices of the peace for the county of Gloucester, on the administration and practical effects of the system of prison regulation established in that county, 1809*, pp. 57-8.

⁴³ Webbs, *English Prisons under Local Government*, 1922, p. 41.

⁴⁴ T. Neild, *State of the Prisons*, 1812, p. 249.

⁴⁵ The position after 1690 is discussed by the Webbs, *op. cit.*, p. 396 ff. For the seventeenth century see M. S. Gretton, *Oxfordshire J.P.'s in Seventeenth Century*, pp. lxxxiii-lxxxv. W. B. Willcox, *Gloucestershire 1590-1640* has nothing to say on the subject: "I have omitted petty sessions entirely because the material contains only passing reference to them." p. 65, note 73.

⁴⁶ There are no eighteenth century minute books in the county. The earliest record appears to be the notes included in the Horsley House of Correction Visiting Magistrates' minute book from 1808. The Webbs apparently made a search in 1906, and Sir Francis Hyett wrote to Sidney Webb in that year: "There has never been any provision for the safe custody of the Petty Sessional Minute Books and papers, and they have remained in the possession of the Clerk for the time being. On the appointment of a new clerk they were not transferred to his successor, and on his death they were no doubt regarded as mere lumber." 2 December 1906. Vol. 124, Webbs' MSS notes, L.S.E. A questionnaire sent out in the autumn of 1954 to the Justices' clerks has produced no further results.

⁴⁷ E.g. Trinity 1689: "It is the opinion of this Court that the severall J.P.'s in their severall Divisions may signe Rates for the Poore." The extraordinary fragmentation of the Gloucestershire hundreds is clearly shown on Greenwood's map of the county 1824. The origins of these anomalies lies far back in the Anglo Saxon or medieval period.

⁴⁸ Similar petitions from Yate to Rockhampton in 1720 and 1721, asked permission to attend another, more convenient, hundred, instead of being bound to travel ten and twelve miles respectively.

⁴⁹ E.g. An order of Epiphany 1717 declared that "the good rules & orders of this Court by which alhouses were only to be licensed by Justices in their Divisions "have been defected by severall persons procuring licences from Justices of other Divisions," and said that any licensed out of the Division should be suppressed.

⁵⁰ *Law Magazine*, 1861, XI, p. 282-4.

⁵¹ H. J. Pyc, *Summary of the Duties of a Justice of the Peace Out of Sessions*, 3rd ed., 1817, intro, p. xii.

⁵² Lloyd-Baker papers.

⁵³ Bibury

Berkeley, Wotton & Dursley

Cheltenham

Cirencester

Forest

Gloucester

Grumbalds Ash

Horsley

Lawford's Gate

Ford or Winchcombe

Kifesgate

Northleach

Newent or Botloe

Stroud

Stow

Tewkesbury

Tetbury

Thornbury

Whitstone or Whitminster

GRO Q/PI/18.

LOCAL GOVERNMENT IN GLOUCESTERSHIRE

⁸⁴ *op. cit.*, p. 406.

⁸⁵ Berkeley	Newent
Campden	Newnham
Cheltenham	Northleach
Cirencester	Sodbury
Coleford	Stroud
Dursley	Tewkesbury
Fairford	Whitminster
Gloucester	Wotton
Horsley	Stow
Lawford's Gate	Tetbury
Lydney	Thornbury
Moreton-in-the-Marsh	Winchcomb

GRO Q/CP/5/1.

⁸⁶ William Lloyd Baker to Mr. Nicholas, 5 July 1800. Lloyd Baker papers. Several of these inns are noted in a list at the back of a Minute Book. GRO Q/FC/1.

Bull Inn, Fairford	George Inn, Stroud
Bell Inn, Chipping Sodbury	Bear Inn, Newnham
White Lion, Wotton-under-Edge	Plough Inn, Cheltenham
Swan Inn, Thornbury	George Inn, Frocester

"The petty sessions must be considered rather as a voluntary meeting of magistrates than as a court specifically recognised by law. It has neither a regular establishment of officers, nor fixed periods of assembling, nor any formal or authentic memorial of its proceedings. . . . Many remonstrations are made against the sittings being held at public houses, and of the want of regularity in the proceedings." Report of the Commissioners on County Rates, 1836, XXVII, p. 32.

⁸⁷ On the Monday of the week preceding the Epiphany Quarter Sessions, for the audit of prison accounts, and other business.

On the Thursday of Easter week, for audit and to appoint overseers.

On the Monday of the week preceding Midsummer Quarter sessions, for audit and other business.

On the second Tuesday in September for licensing public houses.

On the Monday preceding Michaelmas Quarter Sessions, for audit and other business.

On the Monday following Michaelmas Quarter sessions, to appoint the surveyors of highways.

Horsley Justices Visiting Book, 1792-1823. GRO Q/Gh.

⁸⁸ Thomas Lloyd Baker to Lord Clifford, May 1838. Lloyd-Baker papers.

⁸⁹ *Op. cit.*, Intro, p. xiv.

⁹⁰ E.g. at Michaelmas 1747 "it was resolved to allow the Clerks of Petty sessions Two Guineas for Attendances at Meetings of Justices to execute this last Act for raising Men in the Counties for the Navy and Army, 2/6d for each Certificate of Men entered, and Bounty agreed on."

⁹¹ GRO Q/FC/1. This order appears in the Minute Books. It is not formally recorded in the Order Books.

⁹² *Bristol Gazette*, 24 January 1788. Webbs, *The History of Liquor Licensing*, p. 60.

⁹³ GRO Q/SR 1791 C.

⁹⁴ 1802 Resolutions—Appendix on Alehouses.

⁹⁵ Letter from the inhabitants of Tetbury to Lord Sidney asking His

THE GOVERNMENT OF THE COUNTY: IN AND OUT OF SESSIONS

Majesty to grant free pardon to the accomplices who will give information in this case. PRO HO 42/12.

⁶⁶ Later in the speech he held up the example of the North as an awful warning of what might occur: "Gentlemen, you are now to learn from me, that throughout the Northern Manufacturing Districts, the passions and prejudices of the Working class . . . have been excited to a state of vengeful hostility against the Class of Employers . . ." *Felix Farley's Bristol Journal*, 25 September 1819.

⁶⁷ 1 June 1744, BM Add. MS, 35, 601, f.319.

⁶⁸ Berkeley to Lord President of the Council, 18 November 1791. Privy Council papers, PRO P.C.I.A.26. 1792(2).

⁶⁹ In his *History of Cheltenham*, Norman says: "At one period the only Justice of the Peace for the entire neighbourhood was T. De la Bere Esq." Fanny Burney speaks of him as "the chief magistrate of Cheltenham". William Prinn and his son-in-law Dodington Hunt of Charlton Kings were, however, quite close.

⁷⁰ GRO D421/X5.

⁷¹ PRO HO 42/12. See V, p.

⁷² GCL (H) c.8.7.

⁷³ 1806. GRO D149/F7.

⁷⁴ H. J. Pyc, *op. cit.*, p. xi.

⁷⁵ As well as recording his attendances at the local sessions, Winchcombe noted in his diary the cases with which he dealt at home. This is the nearest example we have in Gloucestershire at this period (apart from the Rev. Francis Welles diary, 1715-1756) of a Justice following Edmund Bohun's advice to enter all the warrants he granted in "a Paper Book to be kept for that purpose". "Some may imagine that this keeping of a Book is very troublesome, but if they would try it they would find the contrary when the Art of making short Entries is once learned; & yet, if it were, the Use would outweigh the Labour . . . And if, just upon a sessions, they be all read over, he shall have a Prospect of all he hath done that Quarter; which will be of great use." *The Justice of Peace, His Calling and Qualification*, 1693, p. 152.

⁷⁶ 8 August 1803, GRO D269, Acc 283, No. 219.

⁷⁷ *Charges delivered to the Grand Jury*, pp. 28-9.

⁷⁸ Langhorne, *The Country Justice. A Poem*, 1784, pp. 11-12.

⁷⁹ They ordered that, since many clerks did not know what fees to take for warrants, indentures of apprenticeship, alehouse licences, and other parochial business, a schedule should be printed and sent, both to the Justices, and also to the Overseers who were to enter them in the parish books. Devonshire settled a similar table in 1737. See Webbs, *op. cit.*, p. 416, note 2.

⁸⁰ Among a bundle of examinations taken before Coxwell are scraps of paper containing bills, of which this is typical:

16 Feb. 1799.

To Mr. Coxwell's clerk.

Information against Thos. Holyoake	1. 0.
summons	1. 0.
conviction	1. 0.
warrant of distress	1. 0.
swearing constable to return of summons	6d.

4. 6.

GRO D 269, Acc 283, No. 91.

LOCAL GOVERNMENT IN GLOUCESTERSHIRE

- ⁸¹ 31 July 1784. GRO D 1086.
- ⁸² 25 February 1788.
- ⁸³ Somerset House, 1794, f.584.
- ⁸⁴ 8 January 1798. GRO D269/16.
- ⁸⁵ PRO E 182/357.
- ⁸⁶ In the middle of the eighteenth century this had been a matter of aristocratic nomination, but according to Charles Edwin, Berkeley forfeited this privilege because of the contempt with which he treated the Secretary's letter and it was therefore given instead to the two county members. Charles Edwin to John Parsons, 27 May 1794, GRO D214/156. Earlier in the century appointment to this profitable, and politically important office, had led to many conflicts in the county. A typical incident is described by Sir John Guise, *Memoirs of the Family of Guise*, ed. G. Davies, Camden Soc., 3rd ser. XXVIII, 1917, p. 147.
- ⁸⁷ 26 March 1799, GRO D1018.
- ⁸⁸ Hope-Jones, *Income Tax during the Napoleonic Wars*, Cambridge, 1930, p. 18.
- ⁸⁹ 23 August 1794, Lloyd-Baker papers.
- ⁹⁰ Beale-Brown papers.
- ⁹¹ 4 December 1798, GRO D269, 91.
- ⁹² 16 Sept. 1788, GRO D269, 91.
- ⁹³ 2 September 1779, GCL J.R. 5.32.
- ⁹⁴ Letters from Berkeley recommending the addition of new names to the lists of Deputy Lieutenants are to be found among the Home Office papers. Their numbers were greatly increased in war-time. Three lists sent in on 3, 15 and 24 November 1796 respectively, contain the names of eleven Justices: Sir William Guise, Michael Hicks-Beach, Charles Tirrell Morgan, George Talbot, Joseph Harford, Charles Joseph Harford, Thomas Walker, Richard Nelmes, Joseph Pyrke, Lord Bathurst, Sir G. O. Paul. HO 42/39.
- ⁹⁵ Two typical lists, those of 1776 and 1790, show a proportion of 11 out of 17, and 10 out of 16 respectively.
- ⁹⁶ GRO D151/131.
- ⁹⁷ A circular letter sent to all the Clerks of the Peace in 1790 reminded them of their duty in this matter by the act 26 Geo. III, c.107, s.13, HO 51/8, p. 17.
- ⁹⁸ These lists show the same local attorneys, men such as Charles Latcham, George Merrick, William Stevens, or John Knight, playing their part here as in so many other spheres of local government. See the names, for example, in the list sent up by Perry, 17 February 1798, HO 42/42.
- ⁹⁹ 3 December 1792, HO 42/23.
- ¹⁰⁰ 13 October 1799, HO 42/48.
- ¹⁰¹ 6 September 1798, HO 50/314.
- ¹⁰² 16 January 1793, HO 50/19.
- ¹⁰³ 30 December 1796, HO 43/8 P.292.
- ¹⁰⁴ Berkeley to Portland, 16 December 1796, HO 50/26.
- ¹⁰⁵ Berkeley to Portland, 26 January 1797, HO 50/27.
- ¹⁰⁶ Berkeley to Ducie, 3 May 1798, GRO D340/C33.
- ¹⁰⁷ Powell Snell, heading thirteen names, to Berkeley, July 1795, HO 50/335.
- ¹⁰⁸ HO 50/335.
- ¹⁰⁹ Hampton Volunteers, HO 50/335.
- ¹¹⁰ HO 50/42.
- ¹¹¹ George Parkes to Berkeley, 10 April 1801, HO 50/335.

THE GOVERNMENT OF THE COUNTY: IN AND OUT OF SESSIONS

¹¹² Paul to Berkeley, 4 May 1798, HO 50/335.

¹¹³ Portland sent Charles Joseph Harford a list of the arms and accoutrements allowed by the government:

12 Carboniers per troop.	Cartridge box and strap.
1 broadsword.	Waist belt for pistol.
1 pistol.	Holsters for (i) pistol
1 sword.	(ii) horse shoes.

³¹ March 1797, HO 43/9, P.134.

¹¹⁴ Longtre, Bisley and Whitsonc Cavalry, GNQ I, pp. 424-6.

¹¹⁵ Benjamin Hyett to Nathaniel Winchcombe, 30 Aug. 1798, GRO D149/997.

¹¹⁶ GRO D149/997.

¹¹⁷ Benjamin Hyett to Nathaniel Winchcombe, 30 Aug. 1798, GRO D149/997.

¹¹⁸ 12 April 1798, HO 50/335.

¹¹⁹ HO 50/42.

¹²⁰ R. O. Cambridge to Nathaniel Winchcombe, 29 October 1719. GRO D149/F6.

CHAPTER VI

CENTRAL AND LOCAL GOVERNMENT

Judicial control—Assizes—Taxation under control from London—Returns—Intermittent government pressure—Relations in war-time—Correspondences—Emergencies—1795 crisis—The promotion of local Acts.

IN theory, the relations of local Benches with the central government seem extensive.¹ Not only were the Lord Lieutenant, the Sheriff, and the Justices royal officers, who received instructions from the Privy Council or the Judges of Assize and were removable by government order, but they were subject in the exercise of their jurisdiction to common law, and counties, hundreds, and parishes could be indicted and fined for failing to do their duty. The Court of King's Bench ordered them to perform their duties by writs of *mandamus*, called up cases heard by them by writs of *certiorari*, prevented them from exceeding their jurisdiction by writs of prohibition. Proceedings before the courts of common law remained the only way in which Justices could be forced to perform their duties, and their activities could be controlled. As Holdsworth has said, "It was the continuous control exercised by the courts of common law over all the units of local government, from the lowest to the highest, which was the principal factor in securing the regular working of these units within their appointed spheres, and in determining their relations to the central government."² The many duties imposed on the court of Quarter Sessions by common law or by statute, could be enforced by presentment and indictment, by means of criminal information, or by prerogative writs, and in addition any private citizen could bring in a civil action. Disputes between different units of local government, particularly between parish and parish, might be settled by an appeal to the courts. The Rev. Charles Coxwell was only too well aware that local lawyers would not spare him if they ever found him guilty of the least informality or irregularity in his proceedings.³ In practice the courts refused to interfere with the exercise by the Justices of any discretionary powers entrusted to them, provided that their dis-

cretion was exercised honestly. The principle was laid down by Lord Mansfield in 1780: "No Justice of the Peace ought to suffer for ignorance when the heart is right. On the other hand, when magistrates act from undue, corrupt, or indirect motives, they are always punished by this Court."⁴

A number of cases were in fact removed from Quarter Sessions to King's Bench during this period. Some were merely concerned with decisions in cases of such routine matters as highway, settlement, and removal orders; others, of greater interest, laid down certain general principles concerning the procedure of the court. The tricky and much-disputed question of the areas of jurisdiction for the licensing of ale-houses was settled by ruling of the Solicitor General in 1770: "I am of opinion that a Licence granted at any other time or place than at the general meeting of the Justices acting in and for the Division, pursuant to the 26 Geo. II is void."⁵ In 1779 the J.P.s were told that they were bound to receive an appeal against a removal order if it was offered at the next sessions, even if no notice of it had been given previously, and that they had been at fault in adjourning it until a later sessions.⁶ In 1784, in an appeal against a poor-rate, King's Bench quashed an order of the Bench which had exempted stock-in-trade and personal property from the charge.⁷

The Assize Judges had been employed since the time of James I as what Hamilton has called "inspectors of the country Justices". They were directed to inquire during their circuits into the manner in which the Justices exercised their functions. Matters of county business, such as those relating to rates and assessments, were referred to them, and orders upon these affairs were frequently issued by them.⁸ The Assizes, held twice a year, were an important occasion in the county, as much a social event as a judicial event, though perhaps Gloucester could hardly vie with York's three weeks of "dancing and provincial joy".⁹ Justices and attorneys in their official capacities, together with members of the aristocracy and landowners serving on the Grand Jury, would spend several days in Gloucester; Assizes thus became a common meeting place.¹⁰ "I imagined you would go to the Assizes at Gloucester, which was the reason of my not answering your letter", Thomas Blagden excused himself to John Blagden Hale in August 1786. "I have been awaiting the official announcement of Assize week before I plan my entertainments elsewhere," William Hayward Winstone told his daughter Lucy. He evidently made this the occasion for a family party, for after the Summer Assizes of the same year he reported: "Mrs. W. and Albinia were much interested in some

of the trials, and were very Persevering in their attendance at Court."¹¹

The Assizes were held every March and August until the early years of the nineteenth century, when, because of the pressure of business in the county, Gloucestershire was placed at the end of the Oxford circuit.¹² "From the iniquity of our county and the consequent pressure of business in both courts We are now in the habit of Concluding the Circuit, and have forfeited our former rights of Precedence," complained William Hayward Winstone.¹³

The opening of the court made an impressive scene. The procession left the Judges' lodgings¹⁴ accompanied by the trumpeters, javelin men, banners, and the city band. A note from one undersheriff to his successor in 1803 gives a vivid description of the setting in the court:¹⁵ "In the Hall, Silence is the Grand Object. Near your own chair have Richd. Day to cry Silence, whose voice will command it.

"Place 2 Javelin Men at proper Distances in each Gallery with Directions to keep silence there.

"The javn. Men are apt to go away under Pretence of Refreshment—you shod. caution them from going otherwise than one or two at a Time, and that the judges will certainly fine them if they are remiss in keeping silence.

"Let them order people in the Body of the Hall to take off their Hats which by checking them talking loud will contribute more to silence than any thing will.

"It will be proper for the Sheriff and yourself to be particularly punctual in attending the Judges to a moment of the Time they appoint to go to the Hall. Mr. Justice Lawrence is very early and extremely punctual himself—the Javelin Men shod. have the same caution to be in readiness."

The Judges of Assize were more than superior judges to whom any particular difficult criminal case might be referred. It was their duty, as agents of the central government, to control and advise the Bench and to inform the Justices of government policy and orders. Unfortunately no text of an actual speech has been preserved for the later eighteenth century, and there is therefore nothing comparable to those so carefully recorded by Welles.¹⁶ Before setting out from London the Judges had received detailed instructions concerning the charge they were to give the Court in this opening speech. For example, in 1781, they particularly emphasised that the Justices should take great care to execute the laws against murder and robbery, especially murder by poisoning, and highway robbery, both of which had recently shown an

alarming increase. They should also make an example of persons guilty of unlawful gaming, rioting, and disturbing the public peace, and ensure that the recent proclamation for preventing and punishing immorality and profaneness was read and enforced. Whenever the government undertook some special campaign the Judges had an important part to play in putting it into effect. Thus in 1781 it seems that the government, no doubt under the influence of Howard's publications, were turning its attention to the question of conditions in the prisons, for the final minute of that year commanded them to enquire into the state of the gaols, to use their utmost endeavour to reform any unlawful practices and abuses that they might find, and to direct the Grand Juries to enquire into such abuses and to present any guilty gaolers.¹⁷ In 1787, when launching the reforming movement against vice and immorality, the Privy Council register records for June of that year: "Command all our Judges of Assize to give strict charge at their respective Assizes for the due Prosecution and Punishment of all persons that shall presume to offend in one of the crimes aforesaid, and to read the proclamation in open court before the charge is given."¹⁸

Any important administrative orders passed by Quarter Sessions had to be confirmed at the Assizes. The regulations for the government of the new prisons, or the table of fees for Justices' clerks, for example, were laid before them. Nor was their assent by any means assured. A note scribbled in the margin of the finance minute book reads: "Memdn.—on the Rules being laid before the Judges they disapproved of the Rules for Shaving the Prisoners Heads, and intimated that their Power extended to the Confirming, and not altering of any Rules, recommended that the same should be amended by the Justices which was accordingly done, and a further order made at the Epiphany Sessions for presenting the same to the Judges at the Spring Assizes."¹⁹ But the main work of Assizes remained judicial, and all the more serious criminal cases were dealt with here: murders, horse-stealing, embezzlement, house-breaking, highway robbery, "One Board as Shocking as the other in Criminality" declared William Hayward Winstone, "example seems to have lost its influence with the rising generation . . . they are still proverbially iniquitous, and the Judge was even more lenient than I am afraid they will be hereafter found to deserve."²⁰ Yet, transportation for life, regardless of age or sex, was an all too common sentence, and the Minute Books conclude the account of every Assize with the names of two Justices appointed to contract with persons about transporting the convicted prisoners.²¹

The supervision and control exercised by the Assize Judges raises two fundamentally important questions: Had the government any consistent policy towards the localities? If so, how far was it in a position to put it into effective operation?

The Court of Quarter Sessions formed the main channel by which the government made its orders known to the country at large. Recent statutes were read at the opening of every sessions, and were later bound and preserved for the use of the court. The Clerk of the Peace sometimes included among his bills one for his trouble in arranging and looking up these Acts in order to have them bound, correspondence concerning some missing Acts, and letters to the King's Printers for numbers to complete the set. It was not until 1797 that the government first allowed copies of sets of statutes for the use of the magistrates themselves.²² A memorandum for Michaelmas 1797 records: "Read the Duke of Portland's letter of the 24th June last. Ordered that a copy of every Act of Parliament be sent to the Clerk of every Petty Sessions or District Meeting for the use of the Magistrates attending thereat, and to be preserved for the public use, and transferred to his successor." After this, "Time and Trouble in sorting and distributing the public general Acts to the magistrates" forms one of the most common items among the bills of the Clerk of the Peace. Occasionally individual magistrates might write to him for some particular Act, as when in Trinity 1803 he was in correspondence with the King's Printers respecting Acts for Mr. Paul, Mr. Hawker, and Mr. Lucas.²³ Quarter Sessions was also responsible for making new statutes known to the county or at least to those whom they specially concerned. Most Acts were published in the *Gloucester Journal* for three successive weeks; some were printed as broadsides and distributed. It was ordered, for example, at Trinity 1791, that the Clerk of the Peace should cause a printed paper containing the several sections of the new Corn Act about the sale of meal, flour, malt, and bread to be posted up in the market towns of Cirencester, Stow, Tetbury, and Tewkesbury, to prevent the dealers from incurring penalties. At times these new proclamations or acts were accompanied by a circular letter addressed to the Justices and intended to stir them to greater activity. This occurred fairly frequently during this period, sometimes as the result of a threatening crisis, such as the corn shortage of 1795, sometimes in a more general attempt to draw attention to matters of immediate concern. Thus in 1775 the Privy Council wrote to all Custodes Rotulorum asking them to recommend in the strongest manner possible to all Justices that they should be specially vigilant in issuing out their warrants to search for any rogues and vagabonds

within their respective jurisdictions.²⁴ Another order of the same year ran very similarly, commanding the Justices to attend at the next Quarter Sessions in order to consider not only the state and conditions of the bridewells of the county, but to enquire into the conduct and management of their respective keepers.²⁵ An emergency might call for an immediate adjourned sessions, as in January 1800, when, less than a fortnight after the Epiphany sessions, the magistrates met at the King's Head as a result of a letter from Portland asking them to consider the distress caused by the rising prices due to the recent bad weather. During the corn shortage of 1795-6 a letter from Portland, together with the Minutes of the Council, and the resolutions of both Houses concerning the emergency measures to be taken were printed and distributed to all acting magistrates who were asked to affix them to the church doors, or to take similar means of publicising them. The year 1787 saw a movement of reform set on foot when the Privy Council resolved to check "the progress of Impiety and Licentiousness, and the Deluge of Profaneness, Immorality, and every kind of Vice."²⁶ Berkeley received six copies of this proclamation, with a letter from Lord Sidney asking him to convene the local magistrates, encourage them to put these laws into execution, and stir the officers under them to a greater activity. At the following Michaelmas sessions the magistrates passed a series of orders for the county, which were printed and circulated. These represent the most serious attempt made during this period to follow the lead of the government. But almost all such efforts were short lived. A year later there would be silence on the subject, and whether the government was satisfied or not with the local activity which has resulted, it let the matter drop. Indeed it could do little else for it had no machinery with which to sustain any long campaign.

The increasing frequency of government intervention at the end of the eighteenth century was due in part to the recognition that the local benches constituted potential sources of information on all manner of questions, from poor law expenditure and charitable donations, to friendly societies or the state of the crops. In 1795 Berkeley received a letter from the Duke of Portland asking him to call a meeting of the magistracy of the county in order to obtain from them an account of the produce of the late crop of grain compared with the produce of a fair crop in an average year. At Quarter Sessions it was decided to consult the farmers and any others with a knowledge of husbandry in every parish.²⁷ The J.P.s had then to set about collecting the information from their neighbouring villages. George Hayward and Nathaniel Winchcombe seem

to have prepared a regular itinerary so that they might attend all the local meetings. They ordered the ministers and churchwardens of Berkeley to meet them at the Golden Cross at Cainscross by ten in the morning as they had to leave at eleven in order to hold a similar meeting at another place.²⁸ The local clergy and farmers however, unused to such demands, regarded them with a suspicion that was still not allayed six years later when similar information was again demanded. "The farmer is apprehensive," wrote the Rev. John Foley, "that the Government may compel him to bring his corn to market at an unprofitable season, that his landlord may raise his rent, his parson call for a higher composition for tithes, the overseer assess him more to his poor rates, the highway surveyor advance him in proportion." At South Cerney the farmers declared "they would not furnish the government with any account of the produce of their farms unless they were compelled". Despite this, reasonably accurate returns were made for the county.²⁹

On the whole, the making of returns in these years fell upon the Clerk of the Peace. In 1795 for example he was asked by Portland, the Home Secretary, to make out a list of the names and places of meetings of friendly societies which had been allowed by the J.P.s under an act of the previous year, and to add the rules and regulations which governed them.³⁰ Sometimes he might work through the overseers, as in 1777, when he transmitted to the government information on the state of the poor, sometimes through the high constable, as in 1786, in connection with a survey of charitable donations in the county. Such extra work did not go unpaid. The treasurer was ordered to pay the Clerk of the Peace £47 for transmitting the returns to the House of Commons in 1777, and the fees for every return in 1786 were carefully laid down: 1/- to the Clerk of the Peace, 1/6 to the high constable, and 6d to the Justice's clerk. Returns of the price of wheat, rye, barley, oats, and beans from the principal market towns had been sent up to the Treasury since 1768, and duplicates were transmitted to the Clerk of the Peace. In 1789, after the act of that year for the better regulation of the import and export of corn and grain, the magistrates at an adjourned sessions nominated eight towns from which prices were to be taken,³¹ and allowed the collectors so much per return. An act of 1795 "for the more effectual prevention of the use of defective weights and balances" appointed inspectors in every hundred, who were to be paid for their services, the amount being left to the discretion of the Justices, though it was not to exceed 10/6 to the inspector, and 2/6 to his assistants.

In time of war or national emergency the relations of central and

local government naturally became much closer. During the French Revolution and the Napoleonic Wars the county was expected to play its part in the government campaign against sedition and treasonable practices. The magistrates were in fact only too quick to deal with anything they regarded as suspicious. They reported to Portland some threatening letters of 1795: "No king but a constitution, down down down o fatall day high caps and proud hats for ever down down we all . . . You blood thirsty crows do you think you can carry your Property?"³² In May 1798 the Rev. William Lloyd Baker felt bound to tell Portland that as a magistrate he had had information from different people that a certain Mr. Underwood of Cam was preparing a great many suspicious weapons for some West India merchants of Bristol who were to export them in such a way that they would be captured by the enemy. After further careful investigation he was able to satisfy his Lordship that the suspicion had been unfounded, but, begging him to "excuse an error on the side of caution, circumstanced as we are at present" he gave him further information in case another examination of Underwood's books and papers should be found necessary.³³ Rather different was the report from the Rev. Benjamin Grisdale of the appearance of seditious societies in his neighbourhood, at whose meetings "many inflammatory and seditious discourses were held, tending to hold up to the hatred and contempt of the Auditors, all monarchical and ecclesiastical Establishments, under the terms of Kingcraft and Priestcraft." Portland clearly took this more seriously for he ordered him to take depositions in writing from anyone who might have knowledge of the proceedings of the society, and if, in the course of enquiry, any persons be found who might be induced to introduce themselves into the meetings he was authorised to make any advances of money to them, whatever he thought fit, and draw the amount from the Under Secretary of State.³⁴

The presence of a number of state prisoners in the Gloucester gaol during war-time necessitated instructions from Westminster and equally frequent reports from the county. Directions were sent down with every prisoner. John Binns,³⁵ for example, committed for treasonable practices in May 1799, was ordered to be kept alone, to read any non-political books, to have ink and paper if watched, and to be given $13/4$ weekly for his maintenance which he might spend as he liked.³⁶ Later that year Portland told the chairman of the Bench, the Rev. John Foley, that Binns might be allowed mathematical instruments.³⁷ The complaints of the prisoners, and the solutions proposed by the Bench, constitute a large proportion of the correspondence. In May 1800 the state prisoners complained of

the prison food, and a few days later the magistrates were forwarding new proposals to Portland for his approval. Binns in 1799 had some extremely spirited grievances; not merely 'the capricious insults which under the name of Punishments I receive of the Governor', but that he was kept in his cell without breakfast until 1 p.m., "the Law has nowhere sanctioned either the torturing of my Body, or the irritation of my Mind".³⁸ Extra prison officials had to be appointed to deal with these increasing numbers and the Justices were instructed to choose proper and discreet persons, "as the due care of these prisoners will necessarily occupy much of your time".³⁹

Intermittent, spasmodic, and uncoordinated though the government's intervention undoubtedly was at this time, yet there seems to have existed much more of a positive relationship between the two than most writers would allow. Dowdell has concluded that "there was danger in action, but little, if any, in inaction. The Justice worked, so to speak, under negative but not under positive supervision. Here was a powerful incentive to a laissez-faire attitude."⁴⁰ Professor J. D. Chambers indeed has gone so far as to say: "It (i.e. the county) was now left to live its own life, free not only from control from the centre, but even from guidance and supervision."⁴¹ But the relationship should be seen less in institutional than in personal terms. English society at the end of the eighteenth century was still sufficiently small for men to know each other. Thus the magistrates turned to the government for help and advice, and were equally prepared to discuss the government's actions when they felt it necessary. In fact, where the aristocracy were concerned, relations reached the point at which the Duke of Portland felt called upon to restrain the Duke of Beaufort from too frequent correspondence about details: "I must beg leave to submit to you that should a practice be introduced of referring to His Majesty's Ministers, or through them to the Law Officers of the Crown, upon every matter of doubtful construction, a principle would be introduced which would be very injurious and derogatory to the respectability which now belongs to the Magistracy of the county."⁴²

Much of this correspondence inevitably was merely concerned with problems arising from such routine matters as the regulation of the prisons, pardons for prisoners, the transportation of convicts. Typical are letters from Berkeley on behalf of the sheriff asking for the removal of the convicts in the county gaol,⁴³ or from Lord Surrey as a result of the representation to the Grand Jury at Assizes that the prisoners sentenced to transportation were so numerous and desperate that it was impossible to ensure their safe custody;⁴⁴ petitions from individual magistrates asking for pardons for certain

prisoners, or an appeal from Paul against any leniency: "This woman is a bold and determined Housebreaker, and I fear beyond the power of reform. I think Botany Bay a more proper place than being at large in this kingdom."⁴⁵ Government enquiries about prisoners might be answered by formal certificates from the Clerk of the Peace or by a personal note from the chairman of the Bench: "I refer'd to my Calendars and Notes, and could find no such Name as James Clarke."⁴⁶ The progress of the reform of the prisons was reported informally at the end of official letters. Paul, for example, when sending a list to Evan Nepean, Secretary of State, of female convicts to be transported in 1786, added: "On the part of the County I am greatly obliged to Lord Sidney for his Disposition to promote our present undertaking—nothing shall be wanting on my part to give Effect to his Lordship's good intentions."⁴⁷ And in 1792, when writing to report that there were thirteen prisoners awaiting transportation in the gaol, he took the opportunity to give Henry Dundas his comments on the working of the new prison: "It is very nearly filled with the Penitentiary prisoners. At best it is difficult to bring transports to the Rules necessary to be observed in that prison, and there are two or three so desperate that solitude will not avail—The Effect of Solitude on the Mind arises from the Prospect of its Continuance, as they expect daily removal they brave all we can do."⁴⁸

Whenever any emergency demanded a close co-operation between the central and local governments, Westminster and Gloucestershire worked well together. Such occasions were unfortunately only too frequent, for with three great areas of unrest in the county, trouble was constantly flaring up. The reputation of the Forest of Dean for lawlessness was well founded. Even the Rev. John Foley, their good friend, commented bitterly that "the distress of the Foresters arises from their attachment to a life of independence and plunder."⁴⁹ The workers in the clothing districts, with their precarious, hand-to-mouth existence, found rioting their best means of protest in times of unemployment and food shortage. The Rev. William Lloyd Baker and his family were often forced to live in a state of emergency at Uley for it was not uncommon to see the house of a neighbouring clothier burned or pulled to the ground. "I have a bell to ring," he declared, "the rope of which communicates with every staircase in the house, and which in a calm day is within the hearing of more than 6,000 people, including all ages and sexes. Nay, with a proper current of wind, it is occasionally heard at Frocester which is five miles distant."⁵⁰ In the south of the county the Kingswood colliers were affected by any unrest among the

Bristol workers, and a rising there which included the whole area could quickly assume threatening proportions.

Disturbances ranged from the threats of a madman to burn the houses and assassinate any of the local nobility and gentry who failed to deposit large sums of money with him,⁵¹ to such a large-scale organisation as that of the weavers in the crisis of 1802-6 when they joined with Wiltshire and Somerset, employed a solicitor, and proved themselves capable of making efficient financial arrangements. Destruction of tollgates was now much rarer than in the earlier years of the century. The only reference at this time comes in a letter from the Mayor of Bristol in 1793 reporting to Dundas the restoration of calm after riots which had destroyed the tollgates.⁵² Excise officers however might still expect rough treatment from unwilling tax-payers, possibly confinement underground in the Forest of Dean,⁵³ or threats: "Your House will be made a Dunghill of, and your Carcises sent to the Devil for a Firebrand, We are 50 of us ready to put this our Desine in Execution."⁵⁴

The riots of the Kingswood miners often proved serious. In 1792, for example, they struck, demanding 2/- a week more wages. When this was refused they not only prevailed on all other miners within six or eight miles of the city to join them, but marched through Bristol to Bedminster and Ashton in Somerset to persuade or if necessary compel the miners there to stop working and join their confederacy.⁵⁵ The most serious riots among the workers of the cloth industry took place in 1756 and in 1802-3, both large-scale, highly organised risings.⁵⁶ The last twenty-five years of the eighteenth century were a time of comparative peace, with only occasional outbreaks as a constant reminder of the unrest lying dangerously near the surface. In the depression of 1792 eighty weavers assembled near the house of a Horsley weaver, charged him with working below the common price, and forced him to take his chain back to Daniel Lloyd, the clothier from whom he had received it. When their prisoner escaped and took refuge with his brother-in-law, the weavers began unroofing and pulling down the house, "... behaving in a riotous and Tumultuous Manner, and one of the persons present first ordering silence did declare that not one stone of his house (meaning Mr. Lloyd's) should be standing upon another by tomorrow two-o'clock."⁵⁷ In 1797 Berkeley wrote to inform Portland of an increasingly alarming situation: several clothiers in the neighbourhood had told him that unless the circulation of cash to pay their workers happened within the week, since none of the county bankers were issuing, a great body of workmen would assemble to riot.⁵⁸ The whole county was affected by the

scarcity of provisions and the high price of grain in the autumn of 1800, and the spring of 1801. In Kingswood the colliers and some of the poorer inhabitants of Bristol attempted to intimidate any farmers or others supplying the market with provisions, and to lower the price of all articles.⁵⁹ Berkeley found that the poor in the manufacturing districts were threatening to assemble and compel the farmers to sell wheat at a price they would fix.⁶⁰ The free miners were always quick to rise in defence of anything they regarded as an infringement of their rights, and when Lord Gage stopped up a coal pit in 1794 they immediately took the law into their own hands, and set about destroying his property there.⁶¹ In these situations the local magistrates did what they could. Portland told the Rev. Joseph Atwell Small in April 1801 that he hoped the very judicious handbill which he had distributed would effectually convince the lower classes that nothing was to be obtained by a repetition of their riotous proceedings.⁶² Such measures alone however were unlikely to quell a riot, and ultimately the magistrates turned for help to the central government or to military authority. Magistracy and military together proved most effective. After one rising Portland was able to tell Major General Rooke that he had received a representation from the magistrates praising the able assistance Rooke had given them.⁶³ In war-time the magistrates might call the militia to their aid. Thomas Lloyd Baker, speaking of the presence of the volunteers at Dursley during the times of scarcity, told his father: "It was certainly said, 'If it was not for you cavalry, we *would* have provisions cheaper,' of course implying they would riot." But the usefulness of local men in putting down disturbances among their neighbours, with whose grievances they must often have sympathised, was limited. In any case, as Lloyd Baker said: "I think it probable that our present men thought when they became soldiers of fighting nothing but the French, and therefore did not approve of that very disagreeable service, quelling riots."⁶⁴ The militia itself, in fact, was frequently involved in, or even caused, rioting. In 1797, for example, after the supplementary militia had finished their twenty-day training at Gloucester the publicans claimed threepence a day for every man's beer, and detained their arms until they were paid. A serious riot took place after one sub-division meeting for hearing appeals to the new supplementary militia, and Berkeley had to write to Portland on behalf of the magistrates of the district to ask for a troop of horse to attend at the next meeting.⁶⁵

The amount of correspondence asking for military aid, or reporting on its successful appearance, is therefore hardly surprising.

After receiving a letter from Berkeley in which he had spoken of a "riotous disposition" at Stow, Portland applied to the Duke of York to order the commanding officer of the district to which Gloucestershire belonged to send a troop of cavalry so that the magistrates might have their support in their attempts to preserve peace; and he authorised Berkeley, or any other magistrate, should further force be needed, to apply to Rooke whom he had ordered to give every possible assistance to the civil powers.⁶⁶ On such occasions the military placed themselves entirely at the service of the magistracy. As Lord Suffolk put it to the Mayor of Bristol in 1777: "The Commanding Officer is ordered to follow your directions in any service he may think necessary."⁶⁷ The experience of Thomas Estcourt at Tetbury shows how powerless a magistrate might be without this support. He failed in his attempt to "collect a number of the stoutest and most discreet active men in the town to be sworn in as constables" for he found "that either from fear, or from coinciding in opinion with the populace" no-one was prepared to act. Only when he had called out the troops, and "had paraded them a few minutes in the Market Place, and then sent them to the guard room to be ready if necessary" was he able to collect any constables "that at last had courage to show their faces under the protection of the military". And, he concluded, although the worst of the rising was over "their Resentment remains unabated", adding, "I believe all will now go on very quietly provided the Soldiers remain at Tetbury, but from the present disposition of the town I am persuaded that nothing else but Military force will be sufficient to preserve the peace of the town."⁶⁸

The unrest and rioting of 1795, due to the shortage of corn in that year, were the most severe and prolonged disturbances that the county had to face in the latter years of the eighteenth century. The distress of this year later became proverbial:

"In last hard winter—who forgets
The frost of ninety-five?
Then all was dismal, scarce and dear
And no poor men could thrive
And husbandry long time stood still
And work was at a stand."⁶⁹

Everywhere the poor, driven to desperate measures, were taking the law into their own hands. At Uley they threatened: "We have all redy 5000 sworn to be true to the last, and We have 5000 of ball redy, and can have powder at a word," though when between three

and four thousand met on Hampton Common they clearly lacked any appointed leader or concerted plan of action.⁷⁰ At Tewkesbury quantities of wheaten flour were seized from the barges at the quay.⁷¹ In the south "the great body of colliers employed in the district of Coalpit Heath have positively determined to give meeting to the greater body of colliers throughout Kingswood in order to commit depredations".⁷² The Forest of Dean miners not only attacked houses (including that of the local magistrate),⁷³ and prevented barges laden with corn from coming up the Wye,⁷⁴ but visited all the towns in their neighbourhood, and sold flour, wheat, and bread belonging to the millers and bakers at reduced prices.⁷⁵

In their own localities the magistrates were acting with the local gentry to establish funds, and charities to relieve the immediate distress. Provisions were sold cheaply or given to the poor. At Dursley, for example, meat and soup were given to the inhabitants from money subscribed by the local clothiers.⁷⁶ At Uley, William Lloyd Baker and several others bought different sorts of provisions to sell the poor.⁷⁷ Thomas Estcourt could tell Lord Verulam that attempted acts of outrage "have been defeated of their intended effects as well by the country being prepared to repel them, as by the liberality of the several parishes who universally have supplied the poor with 8 lbs. of brown bread for 13/-, which has taken away all pretence for complaints".⁷⁸ All ranks, from the highest downwards, were encouraged to use bean-flour, and to mix barley with wheat for bread.⁷⁹ Rooke praised the activity of two local Justices: "By the exertion of the Rev. Dr. Small and Haynes, two magistrates for the county of Gloucestershire, no unlawful meetings have taken place or seem likely," and he commended "the spirited conduct of Messrs. Harford, Haynes, and Walker, by which the assembly of colliers and others on Rodway Hill dispersed without fatal consequences".⁸⁰ At such times however, it was "the timely appearance, and temperate, steady behaviour of the military force" which really saved the situation.⁸¹ The presence of the Essex Fencibles was particularly welcomed in the Forest of Dean: "The company rendered very important services on the many very trying occasions when we were reduced to the necessity of calling them out". The magistrates praised the commanding officer for his "serious and humane expostulations with several very large and dangerous Mobs assembled at different times, from whom much More Mischief was expected".⁸²

After one riot in the Forest of Dean, Portland wrote to Berkeley assuring him that "every support which the executive government could afford to the Magistrates who exerted themselves on that occasion shall be immediately given".⁸³ This is very much the theme

of all the correspondence of these months. The central government took the locality into its confidence, explaining its problems and the policy it was trying to follow;⁸⁴ the magistrates in return made their views known at Westminster. Paul, taking upon himself the role of spokesman of the Bench, wrote to Lord Liverpool in July 1795. He recognised how important it was that the government should have accurate knowledge of local conditions: "The Government must have the *best* Information, they must know what is *reasonable* Apprehension, and what is *reasonable* Hope." His description of the state of Gloucestershire was supported by a thorough acquaintance with the relevant Acts, and, critical of the measures already passed, he had alternative suggestions to make: "Immediate *Benefitt* from Importation as a supply of the Markets on the present Exigency is, I fear, out of the Question. But future *Benefitt* will be a consequence if the Corn is thereby kept at home, and the Price lowered by a Competition even after the Harvests. . . . Is it possible to prevent the use of flour as Paste for the upholsterers, starch, soldiers' powder etc.—But of these the Magistrates can have no Controul without a Proclamation." His main concern was that at times of emergency such as these, the local Benches should work in close co-operation with Westminster: "Your Lordship will perceive that this Application is made with a Purpose that the public proceedings of this County should be in consistency with the Views and Expectations of the Government."⁸⁵

When 1795, the year of crisis, is considered in detail, it becomes apparent that there were two sides to this relationship, that the Bench was by no means the passive partner, but that the county had its own suggestions, sometimes its own solutions, to make towards solving the problems of local government. Local Acts, in fact, far outnumber general public acts in the eighteenth century. Ninety-nine were passed for Gloucestershire during this period, the great majority concerned with enclosure, poor law, roads, and canals. Only one act, the Gaol Act of 1785, was promoted by the whole Bench, but from the first moments of their initiation local acts become the concern of the local gentry at home, and of the M.P.s and peers who helped to shepherd them through Parliament. "I sincerely wish the enclosure may take place to your satisfaction, but in my opinion the proportions given for the tithes may endanger the success of the bill in the House of Lords," Lord Surrey advised James Dutton in 1781.⁸⁶ Friendly correspondence and advice beforehand did much to smooth the passage of a bill. The choice of a solicitor was also important. It was usual to employ some local attorney instead of, or possibly as well as, the parlia-

mentary agents.⁸⁷ Powel Snell, concerned with the enclosure of Arlingham, recommended John Parsons as a man who had already carried many of these bills through Parliament, and by understanding the procedure so well would save them much trouble and attendance themselves in London.⁸⁸ Thomas Welles later turned to Parsons for advice about reliable London agents, preferably men with a considerable practice in the House.⁸⁹ At Westminster the bill would almost certainly be presented by a member for the county, and one or two Gloucestershire M.P.s would be included on its committee.⁹⁰ Its progress through both Houses was closely followed in the county. "I am drawn to fight an Unpleasant Battle with my Neighbour," William Hayward Winstone told his daughter, "our Mushroom Lord of the Manor and two rascally Attornies have presented their petition to parliament, and it must be my business to Oppose it with my best Exertions."⁹¹ Sometimes there were still private amendments or personal clauses to be added. Thomas Lloyd Baker told his father he hoped to be able to introduce certain new clauses at the third reading of the Cerney enclosure bill.⁹² Thomas Pearce, reporting the progress of the Gloucester and Berkeley Canal bill, told Nathaniel Winchcombe there seemed to be no objection from the committee to his personal clause: "I do not write to any Gentlemen on the subject of this Clause as it is one which was suggested by you only, and I apprehend the way in which it now stands will fully answer the Purposes you intended."⁹³ Thomas Perry sent regular reports of a bill concerning the Wotton Grammar School to John Blagden Hale in 1799. The petition was to be presented on April 29th, and their London agent, Smith, had already spoken to one or two Lords who would press the Chancellor for its allowance. But in thinking that they would come before the committee by the following week he was unduly optimistic, and a few days later he was writing to say that it was now postponed for a fortnight, and that Smith would require the majority of the Trustees to come up to town on the preceding day. A week later, after further delays, he reported: "The Lords have been good enough to name no earlier Day for the Committee on the Schools Act than Friday the 24th—I cannot harbour an Idea of being here idle all the intermediate time, and will be off tomorrow afternoon, and home Sunday—having engaged to be returnable on the 22nd when the Trustees must also be up, in order to be sworn on the 23rd preparatory to attending the committee on the 24th."⁹⁴ The committee books for these local acts have not survived for the House of Commons, but it is interesting to see from those of the Lords, the numbers of local gentry, clergy, attorneys, and farmers

who were making the journey to London in order to be examined and to give evidence before the House.⁹⁵

This succession of local acts meant work for the local attorneys, forced a journey to London on the squires or yeomen giving evidence at the bar of the House, increased the duties of the Gloucestershire M.P.s and encouraged the peers to take an active part in affairs at Westminster. Such acts, the majority of them stereotyped measures concerning an enclosure or a turnpike trust, were the work of men with an intimate knowledge of their local problems, and the solutions they required, and the routine measures which they produced did much to ensure the smooth functioning of the most immediate questions of county life. On one occasion during this period however the county tackled a reform of major importance and the act became the concern of the whole Bench. In 1785 the bill for the reform of the county prisons was drafted by Paul and the gaol committee. Printed copies were left at the office of the Clerk of the Peace to be delivered to all acting magistrates, and perused by all persons assessed to the county rate. The draft was then approved by the committee, and the local members were asked to carry the bill through the House. This represented an experiment based on much careful thought and study.⁹⁶ When, by 1791, the newly built Penitentiary clearly showed the successful working of the reformed system, these proposals were embodied in a general Act so that the country as a whole might benefit from Gloucestershire's experience. The result was a measure which the Webbs have called "a high watermark in the conception of prison discipline which was not again reached until the Act of 1835".⁹⁷

The most striking feature which emerges from this consideration of the relations of the central and local governments is their closeness, the amount and the frequency of the co-operation and correspondence between the two, in routine matters as well as emergencies, and in a purely informal as well as a strictly official way. It also becomes clear that to a large extent initiative lay with the localities. The government might use the local Benches increasingly for such matters as returns of accurate information, and might urge that closer attention should be paid to certain administrative orders. But it is difficult to discern any matter on which they held, or tried to put into force, any consistent policy. The movement for prison reform in Gloucestershire for example, originated not with the orders given to the Judges of Assize in 1781, but with Paul's speech to the Grand Jury in 1783. For the next eight years, under Paul's leadership, the Bench worked out its own solution to one of the most pressing of contemporary problems, and in doing so, made an

important contribution to the movement for social reform in general.

NOTES

¹ W. S. Holdsworth, *History of English Law* 1903, X, p. 238.

² *Ibid.*, p. 243.

³ See pp. 56, 126.

⁴ R. v. J.P.s of Gloucestershire, *King's Bench Reports*, Douglas I, pp. 190-1.

⁵ Papers concerning the case may be found GRO D149X4.

⁶ R. v. J.P.s of Gloucestershire, *King's Bench Reports*, Douglas I, pp. 190-1.

⁷ R. v. Dursley, *Ibid.*, Dunford and East, VI, pp. 53-6.

⁸ A. H. A. Hamilton, *Quarter Sessions from Queen Elizabeth to Queen Anne*. 1878, p. 66. Among the orders of the Privy Council in June 1605 was the following: "That the Justices of Assize do at every Assizes inform themselves as well by the Clerks of the Peace, Constables of the Hundred, as otherwise, what services have been performed by every Justice of the Peace since the Assizes last before . . . and who hath been negligent in doing their duty therein, and to make relation thereof to the Lord Chancellor, and his Lordship thereupon to make it known to his Majesty and his Council aforesaid." Although this extreme paternal vigilance was scarcely maintained a hundred and fifty years later, the principle of supervision remained.

⁹ "We have been at the Assizes at York for 3 weeks, where there is always a great deal of dancing and provincial joy". Sidney Smith to Lady Grey, 27 March 1821, *The Letters of Sidney Smith*, ed. Nowell C. Smith, 1953, I, p. 337.

¹⁰ A list of forty-nine names for the summer of 1775, headed by Viscount Tracy, contains all the leading county families, including some like the Colchesters of Blathways who had no representative on the Bench at this time, many of the most important clothiers, Shepphards, Dallaways, Pettats, and a number of men from Bristol, such as Matthew Erickdale of Clifton or John Farr of Stapleton. A second list, the jurors impanelled, gives the names of the twenty-three chosen to serve.

¹¹ 19 February 1815, GRO D123/F4.

¹² Lists of dates and places for the holding of Assizes are to be found in the Miscellaneous Notebooks, PRO Assizes, 4/23. The Assize Minute Books for the Oxford Circuit run only from 1803. The Crown Books begin in 1656. They however give only a very formal account of the proceedings: the names of the Judges are given, but the presence of the Justices is not recorded; cases, with the judgements, are summarised, and orders for the transportation of felons are set out. See PRO Assizes 2/23-7, 1775-1805. The bundles of Assize indictments, PRO Assizes 5/95-120, 1775-1800, contain the actual examinations and information taken before the J.P.s; recognisances to keep the peace; certificates of the levying of goods and chattels; the commission of the Judges; lists of those eligible to serve on the Grand Jury.

¹³ 19 February 1815, GRO D123/F4.

¹⁴ These lodgings were situated somewhere near the site of the present Shirehall. The house, according to Edward Bloxsome in 1841, "never belonged to the county, nor did the county until 1816 ever contribute towards the expence, which was wholly borne by the Sheriff until that period." Edward

LOCAL GOVERNMENT IN GLOUCESTERSHIRE

Bloxsome to Charles Bathurst, 14 October 1841, GRO Q/AJ. After 1816 the court paid £30 annually for the expenses of the lodgings. *Appendix to Report from the Select Committee on County Rates*, PP 1834, XIV, p. 286.

¹⁵ GCL JF 6.70(30).

¹⁶ One speech which apparently much impressed him was an "excellent charge" on the subject of religion in 1740. "He say'd denying a God or his Providence was blasphemy at the Common Law and that there were too many practical Atheists everywhere, but whether there were any speculative Atheists he would not say. He thought the being of a God as demonstrable as any proposition in Euclid." *Law Magazine*, 1861, XII, pp. 118, 257.

¹⁷ PRO SP 37/15, No. 486.

¹⁸ 1 June 1787, PRO PC 1/A 15.

¹⁹ GRO Q/FC/1. The order is dated 1811.

²⁰ 17 August 1815. GRO D1 23/F4.

²¹ Lists of persons convicted before the Judges of Assize, and recommended for transportation are to be found among the Home Office papers. Typical is one of 1785 with seven names, of which two were of women convicted for stealing lambs. HO42/6.

²² It is surprising to find that no steps were taken by the government on this matter until so late a date. In Warwickshire the Bench had ordered the Clerk of the Peace in 1790 to obtain copies of the statutes, and of Burn, for the magistrates out of sessions, "as there is no regular mode of communication by which the Justices are made acquainted with the laws they have to enforce." Styles, *op. cit.*, p. 21.

²³ Sessions Bill Book, GRO Q/FC/1/1.

²⁴ 1 December 1775, PRO PC 2/119.

²⁵ *Gloucester Journal*, 25 September 1775.

²⁶ 1 June 1787, PRO PC 1/A15.

²⁷ The Clerk of the Peace sent out a circular on behalf of the Justices to all ministers and churchwardens, asking them to consult the Farmers and other Gentlemen acquainted with the customary Business of Husbandry within their parishes. GCL JF.10.4.

²⁸ GRO D149/25.

²⁹ W. Minchinton, "Agriculture in Gloucestershire during the Napoleonic Wars," *BCAS*, LXVIII, 1949, p. 167.

³⁰ 12 January 1795, HO 43/6/141.

³¹ Viz. Gloucester, Dursley, Stow, Northleach, Cheltenham, Cirencester, Tetbury, and Tewkesbury. 26 December 1789.

³² The Rev. William Lloyd Baker to Portland, October 1795, HO 42/36.

³³ 2 May 1798, Lloyd-Baker papers.

³⁴ Portland to Grisdale, 1 August 1799, HO 43/11.

³⁵ John Binns, 1772-1860, journalist and politician. A member of the London Corresponding Society, in 1797 he hired a large room in the Strand for political debates, making a charge of one shilling for admission. He was arrested in 1798, and sent to the Tower. At Maidstone he was tried for high treason but acquitted. Shortly afterwards he was arrested, sent to Clerkenwell prison, and later transferred to Gloucester where he remained until March 1801, when he embarked for America. D.N.B.

³⁶ Portland to the keeper of the gaol, 9 May 1799, HO 43/11, P151.

³⁷ *Ibid*, P261.

³⁸ 25 December 1799, PRO PC. 1.45.A.164.

³⁹ 10 May 1800, and 16 May 1800, HO 43/11, PP 459, 491.

CENTRAL AND LOCAL GOVERNMENT

- ⁴⁰ *A Hundred Years of Quarter Sessions*, p. 15.
- ⁴¹ *Op. cit.*, p. 45.
- ⁴² 31 December 1796, HO 43/8/305.
- ⁴³ Berkeley to Sidney, 22 June 1784, HO 42/4.
- ⁴⁴ 25 July 1784, HO 42/5.
- ⁴⁵ Paul to Evan Nepean, 26 October 1786, HO 42/9.
- ⁴⁶ Dodington Hunt to Evan Nepean, HO 42/18.
- ⁴⁷ Paul to Evan Nepean, 1786, HO 42/9.
- ⁴⁸ Paul to Henry Dundas, 5 April 1792, HO 42/20.
- ⁴⁹ J. Foley to the Marquis of Worcester, 1 March 1801, GRO D421/X5.
- ⁵⁰ 30 November 1793, Lloyd-Baker papers.
- ⁵¹ Edward Shepphard to Lord Grenville, 1793, HO 42/26.
- ⁵² HO 42/26.
- ⁵³ See an account of a riot in 1763 in protest against the unpopular cider tax, GNQ IV, p. 585.
- ⁵⁴ Addressed to Mr. Barrett, Collector of Excise. Dated from Kingswood, 20 April 1776, PRO SP 37/11, No. 335.
- ⁵⁵ Capt. George Monrat to Henry Dundas, 9 August 1792, HO 42/41.
- ⁵⁶ These are discussed in my article, *Gloucestershire Studies*, *op. cit.*, pp. 254-8.
- ⁵⁷ *Gloucester Journal*, 26 March 1793.
- ⁵⁸ 3 March 1797, HO 42/40.
- ⁵⁹ Portland to Rooke, 9 April 1801, HO 43/12.
- ⁶⁰ Berkeley to Portland, 17 September 1800, HO 43/12.
- ⁶¹ Charles Edwin to John Parsons, 27 May 1794, GRO D124/323.
- ⁶² 17 April 1801, HO 43/12/330.
- ⁶³ HO 43/12/528.
- ⁶⁴ 19 June 1802, Lloyd-Baker papers.
- ⁶⁵ Berkeley to Portland, 3 February 1797.
- ⁶⁶ 14 December 1796, HO 43/8.
- ⁶⁷ 12 January 1777, PRO SP 37/12, No. 457.
- ⁶⁸ Estcourt to Portland, HO 42/20, i.e. 1792.
- ⁶⁹ These lines were written in praise of a local miller who ground his grain, and "With steadfast hand refus'd to touch Beyond his lawful gain." *The Miller of Gloucestershire*, BM 11621.b.10.51.
- ⁷⁰ The Rev. William Lloyd Baker to Portland, October 1795, HO 42/35.
- ⁷¹ Henry Fowke to Portland, 25 June 1795, HO 42/35.
- ⁷² Christopher Haynes to Rooke, 13 March 1795, HO 42/29.
- ⁷³ Berkeley to Portland, 20 March 1795, HO 43/9. He described the "daring and outrageous attacks" on the house of Joseph Pyrke.
- ⁷⁴ Sir George Cornwall wrote to Portland in July describing the great want in Monmouth, Abergavenny, and Hay because the colliers would not allow anything to come up the river until they were sufficiently supplied.
- ⁷⁵ This alarmed the mayor of Gloucester, not only because "the stocks of flour are now so low," but "add to this the future mischief which must unavoidably arise from the apparent facility with which they can get together, and put such projects into practice." John Turner to Portland, 4 August 1795, HO 42/35.
- ⁷⁶ GCL R.F. 11561.
- ⁷⁷ HO 42/36.
- ⁷⁸ 12 August 1795, *HMC Verulam*, p. 158.
- ⁷⁹ William Lloyd Baker to Mr. Bourt, 28 March 1796. Lloyd-Baker papers.

LOCAL GOVERNMENT IN GLOUCESTERSHIRE

⁸⁰ Rooke to Portland, 18 March 1795, HO 42/34.

⁸¹ Thomas Walker to Portland, 11 May 1795, HO 43/34, thanking him for sending a battalion of the East Devon Militia.

⁸² John Matthews to Berkeley, HO 50/335.

⁸³ 20 November 1795, HO 43/9.

⁸⁴ See for example the letter from Portland to the Mayor of Gloucester, 4 July 1795, for a full discussion of the government's problems. "It is difficult to know in what manner to convey any quantity of wheat for the use of the more interior parts of the kingdom. . . . It is more natural to expect that by sending supplies to the coast, some part thereof may pass into the interior counties, or that at least the quantities which might otherwise be brought to the coast from these counties will be preserved therein for the supply of the inhabitants." HO 43/6.

⁸⁵ 10 July 1795, BM Add. MS 38, 230 F.223.

⁸⁶ GRO D678.

⁸⁷ A witness before the House of Commons committee on private bill legislation said: "The parliamentary agent is superior to the country solicitor as to his knowledge of parliamentary proceedings; but you cannot infuse the facts of an intricate case into the mind of parliamentary agent he has so many of these cases. . . . Therefore he insists upon having his client at his elbow when the bill is committed." PP 1863, VIII, p. 326. Quoted, Holdsworth, *op. cit.*, XI, p. 336.

⁸⁸ GRO D18/333.

⁸⁹ 4 August 1794, GRO D214/219.

⁹⁰ A study of the Journals of the House of Commons shows that every Gloucester MP was concerned with at least three or four bills concerning the county every year, which would seem to suggest their frequent attendance at the House.

⁹¹ W. H. Winstone to Mrs. William Forster, 2 December 1814. GRO D123/F4.

⁹² 30 May 1808, Lloyd-Baker papers.

⁹³ 17 August 1798, GRO D149/997.

⁹⁴ GRO D1086.

⁹⁵ The names of the local attorneys appearing most frequently: Henry Wilton, Conway Whitehorne, John Parsons, John Vizard. The J.P.s include Paul, in connection with the reform of the prisons, the Rev. J. A. Small, the division of the parish of St. James in 1787, and the Rev. Thomas Leigh, the enclosure of Adlestrop 1775.

⁹⁶ Webbs, *English Prisons under Local Government*, p. 41.

⁹⁷ See my chapter on Paul, *Gloucestershire Studies*, *op. cit.*, pp. 205-209, for a full discussion of the sources of Paul's theories on prison reform.

CONCLUSION

THE end of the eighteenth century had seen the emergence of the two new ideals in English local government, and indeed in English society as a whole, which were to be of the utmost significance for the nineteenth century. Firstly, the awakened social conscience, so well symbolised by Sir George Onesiphorus Paul in his lifelong devotion to the cause of prison reform, was the herald of that Victorian moral earnestness which was to demand improvement in all spheres of life, private as well as public. Secondly, the introduction of a more professional approach towards the conduct of affairs was to lead ultimately not only to the abandonment of clumsy and out-moded procedure but also to the introduction of more highly centralised government. The history of the development of the Bench in the nineteenth century, with which this study is not concerned, is largely determined by the working out of these two forces. But the most surprising aspect of that development is the strength of the magistracy to resist the forces of change. From the 1830's on, with the coming of the railways, the cheap press, the telegraph, the growth of public opinion, and above all, the growing acceptance of the principle of representative institutions, it would seem that the Justice of the Peace and the traditional form of Quarter Sessions were being challenged on all sides. Yet the J.P. continued throughout the nineteenth century much as he had always done, and even the County Councils Act of 1888 left the personnel of the Benches largely unchanged. How could it come about that the Justice should survive so triumphantly in a world in which it would seem that he was becoming an increasingly anachronistic figure?¹

The answer of course cannot be found unless the Bench is seen as part of the local society from which it is drawn. And here again the strength of that society can only be fully appreciated by the study of a single county in detail. The most striking conclusion which emerges from work on Gloucestershire in the late eighteenth century is the extent to which this was a society whose doors were open to all newcomers, provided that they had acquired a certain

¹ See Esther Moir, *The Justice of the Peace*, 1969, chapter 6.

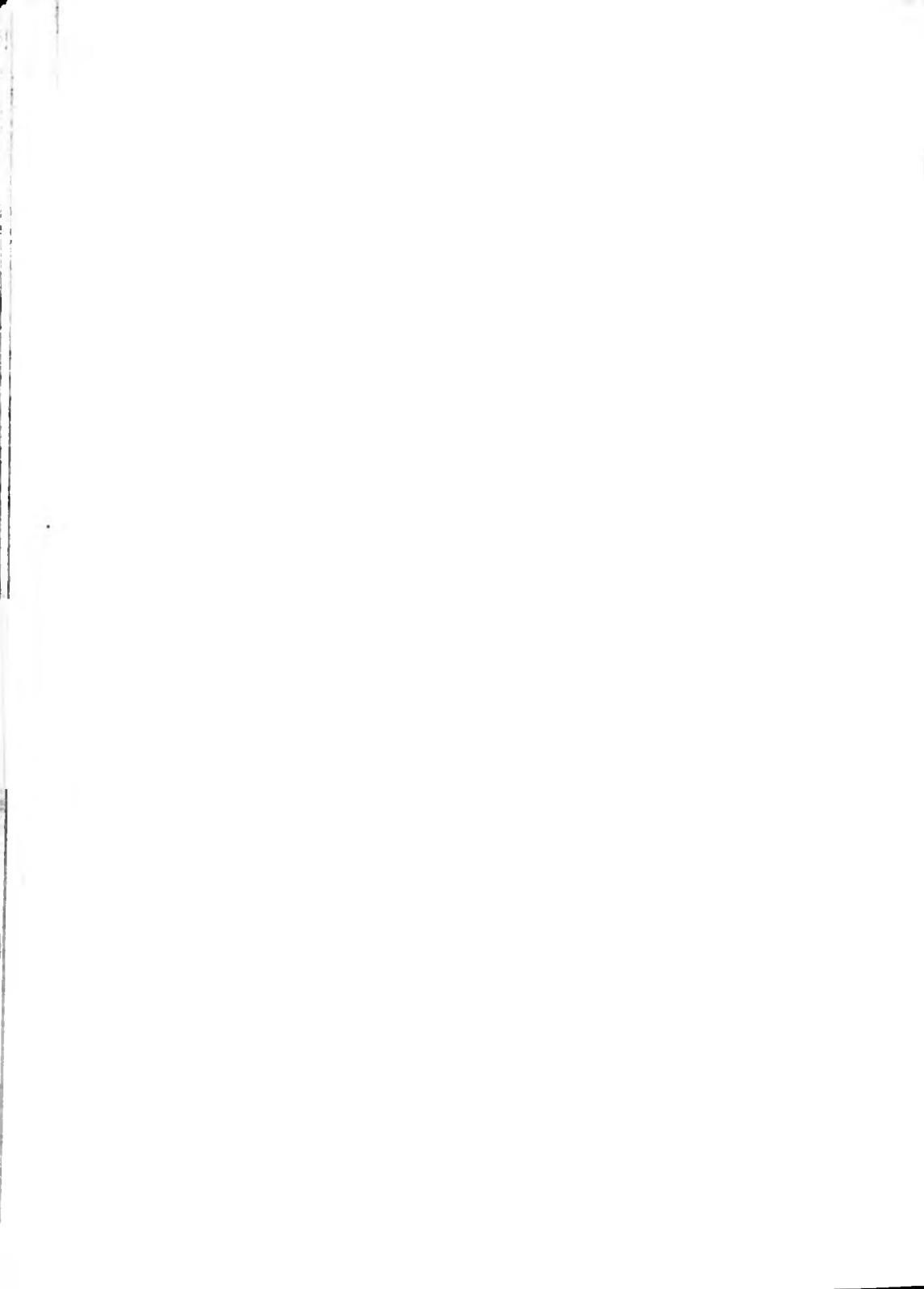
degree of wealth and property. The tradition which would equate the country Justice with the bucolic landowning squire dies hard. But just as it has always been true of English society in general that it was never a closed caste, and that each generation saw the entry of the *nouveaux riches* (even though this may also have been lamented in each generation by the prophets of woe who saw it as something new and painful), so the Bench has welcomed those who have made their fortunes in trade or industry, in cloth or coal, or even carpets and beer. The new commercial and industrial forces and the new men they brought with them were quickly assimilated to the old. For the ownership of land carried with it certain obligations just as it commanded a certain respect, and the new men entered fully into their heritage, generally only too willing to accept the burdens and the responsibilities as part of the ordered way of things.

The result was that the Bench of Justices proved itself intensely resilient in the face of change. The county Benches were always able to reflect the structure of the counties which they served (Gloucestershire illustrates this extremely well), and this was to be a great source of strength when economic developments were breeding new business men, of whatever form, even faster than ever before. The county itself still commanded an intense loyalty: again Gloucestershire shows just exactly how deep those ties ran, and in what affection one's native shire was held. In the face of such feelings it was only natural that the Justices should be recognised as the rightful local governors, and ideas about the introduction of stipendiary magistrates met with determined opposition. Finally, the idea of the hierarchical society died hard. Even though class divisions were beginning to make themselves felt in the more highly urbanised and industrialised part of England, the old sense of belonging to a society consisting of mutually dependent ranks still ran deep throughout much of the countryside. The society which has been described in these preceding pages was based on common knowledge and affection, obligations and responsibilities. The tenacity of that world in spite of all the industrial progress and technological advance of the nineteenth century, reflects the deep roots built up during the past. Gloucestershire may here be taken as a microcosm of English society in general. It shows both the flexibility and the resilience of landownership within one county, and goes far to explaining exactly how that strength was built up.

The Bench reflects the local society from which it is drawn and can only be appreciated when seen in the context of that society. This is central to any full understanding of the development of

CONCLUSION

the magistracy in this country. The Justice of the Peace himself then ceases to be that textbook figure or that literary caricature, the Tory fox-hunting local squire largely concerned in promoting his own interests, and becomes instead a much more complex figure, but one commanding a greater respect. "The whole Christian world hath not the like office as justice of the peace if duly executed," wrote Sir Edward Coke in the early seventeenth century. It is due to men like Sir George Onesiphorus Paul and his fellow Justices on the Gloucestershire Bench that the office of Justice of the Peace has remained through six centuries a unique and successful institution.



APPENDIX I

THE J.P.S OF GLOUCESTERSHIRE, 1775-1800

NOTE: Families: I Medieval.
 II Fifteenth century.
 III Sixteenth century.
 IV Seventeenth century.
 V Eighteenth century.
 VI Clothiers.
 VII Bristol origins and connections.

Attendance: 3 Three or more sessions annually.
 2 Two or more sessions annually.
 1 Once a year.
 .5 Once in two years.
 -.5 Occasional attendance.

LTA: Land Tax Assessments for 1800.

Aristocracy	Attendance	Property	LTA 1800
Duke of Beaufort	-.5	Badminton, Kingswood, S. Wales	£681
Earl of Berkeley	-.5	St. Briavels, Cam, Uley, Wotton, Sussex, Surrey, Middlesex	£698
Earl Bathurst	-.5	Cirencester, Notts, Derby, Surrey, Apsley House, London	£352
Lord Ducie	-.5	Tortworth, Woochester, King's Stanley, etc., Manchester	£429
Lord Clifford	1	Laurence Weston, Hanbury, Stowick	£385

LAY J.P.s Name	Attendance	Family	Profession	Property	LTA
Anthony Austin 1746-1800	.5	VI	Clothier	New Mills, Wotton-under-Edge.	£21
Isaac Austin	.5	VI	Clothier	New Mills.	—
Jeremy Baker	1	VII	Linen-draper	Westbury on Trym	£67
Sir Charles Barrow 1707-1789	3	II	Banker	Lawrence Weston	£48
William Bateson 1729-1819	-.5	IV	M.P., Glos. city	Minsterworth	£15
William Bayly	-.5	III		Bourton on the Hill	£97
Samuel Blackwell	.5	V	M.P. for Cirencester. 1774-85	Fretherne, Wheatenhurst	£28
William Buckle	-.5	VII		Williamship Park, 1768.	£46
Thomas Bush 1700-86	1			Ampney St. Peter, St. Mary & Crucis, Poulton, Wilts.	£13
Robert Campbell	3	V		The Mythe, nr. Tewkesbury, Hardwicke	£200
William Bromley Chester	2	II		S. Cerney, Minety. Cricklade	£214
Sir William Codrington 1719-92	2	II	M.P. for Beverley 1747-61; Tewkesbury 1761-9	Chalworth & Eisey, Wilts.	£170
Sir Thomas Crawley-Bovey	2	IV		Creed's Place, Upton	£82
Estcourt Cresswell	.5	V	M.P. for Cirencester 1768-74 1818-41	St. Leonard's, 1770.	£27
Henry Creswicke	.5	VII		Almondsbury, Tockington, Yate.	
				Doddington, Marshfield, Sodbury, Barbadoes, Barbuda	
				Flaxley, 1647	
				Littledean, Westbury	
				Arlington, Abington	
				Pinney, Wilts.	
				Hanham Abbots, Oldland	

Name	Attendance	Family	Profession	Property	LTA
Joseph Cripps 1765-1847	1	III	Brewer & Banker. M.P. for Cirencester 1806-12; 1818-41	Cirencester	£57
Thomas Baghot de la Bete 1729-1821	3	IV		Southam, Bishops Cleeve, Prestbury	£146
James de Visme	2	V		Newent, Upleadon	£19
Alexander Eógar	2	VII		Almondesbury	
Charles Edwin	-5		1787 Chief Forester in Fee	Clearwell, Hewelsfield, St. Briavels	£116
Thomas Estcourt	-5	I	M.P. for Cricklade	Shipton Moigne, Westonbirt, Newington Bagpath	£146
Thomas Farr	-5	VII	Bristol merchant	Blaise, 1762	
Thomas Griffin	2	VI	Clothier	Stroud mill	£14
Sir William Guise	3	I		Lower Lypiatt	
Sir John Guise 1733-94	2	I		Elmore, Rendcomb, Brockworth; Kennet & Auberry, Wilts.; St. George's, Hanover Square	£336
George Hardwicke	-5	VII	Doctor	Higham, Lossington, Rudford	£191
Joseph Harford 1741-1802	1	VII	Merchant Banker	Chipping Sodbury, Horton	£28
Charles Joseph Harford	1	VII	Capt., 12th Royal Lancers	Stapleton, Henbury, Thornbury	£43
Winchcombe Henry Hartley, 1740-94	5		M.P. for Berks 1776-84 and 1790-4	Little, Old & Chipping Sodbury	£62
Thomas Haynes	-5	II		Donnington & Bucklebury, Berks.	£45
Thomas Hayward	3	IV		Wick & Abson Awre, Ashetworth, Harpury, Quetgly	£70

Name	Attendance	Family	Profession	Property	LTA
Samuel Hayward	3	IV		Twigworth, Sandhurst,	£106
Charles Hayward	2	IV		Churchdown, Hucclecote Norton, Longford	£51
Sir Howe Hicks 1727-1801	1	III		Wolstrop, Ashelworth	£55
William Hicks 1754-1835	3	III		Witcombe, Shurdington, Maisey Hampton	£39
Michael Hicks-Beach d. 1830	1	II	M.P. for Cirencester, 1794-1818	Badgeworth Williamstrip Park, 1788 Netheravon, Wilts.	£213
John Hollings	3	VI	Stroud mercer	Bevenstone, Southrop, Queenington	£28
Doddington Hunt 1744-1803	3	V	Barrister, Inner Temple	Pitcombe Painswick, Edge	£78
Benjamin Hyett 1743-1810	1	IV	Student, Lincoln's Inn	Charlton Kings, Sandford, Somerset	£251
Nicholas Hyett 1709-77	-5	IV	Inner Temple	Painswick Bentham	£29
Robert Jackson	-5	VII		Upton St. Leonard's Longney	
Roynon Jones	-5	III		Sneed Park Westbury on Trym	£28
Nigel Kingscote 1720-73	-5	I	Half-pay capt., 56th Regt. of Foot	Nass, Lidney Kingscote Side, Newington Bagpath	
Robert Kingscote	-5	I	Regular army	Kingscote Side, Newington Bagpath	£99
Charles Henry Leigh	-5	III		Adlestrop, Broadwell Longborough	£155
Thomas Masters 1744-1823	.5	III	M.P. for county, 1784-96	Cirencester Almondesbury fr. 1782	£254

Name	Attendance	Family	Profession	Property	LTA
Thomas Mee	3	V		Tuffley Down Hatherley Fairford	£67 £1
Charles Tirrell Morgan 1743-1805	2	III	Barrister		£7
Richard Nelmes	-5	I		Ham, Breadstone, Berkeley	£13
John Parker	1	III		Hasfield	£34 £92
Sir George Onesiphorus Paul, 1746-1820	3	VI		Cowhoneybourne Rodborough	£29
Samuel Peach	5	V	London silk- merchant	King's Stanley Whaddon, Tockington	£27
Thomas Pettat	5	VI	Clothier	Stonchouse King's Stanley	£109
William Prinn	1	IV		Westal	£67
Edmund Probyn	-5	III		Uphatherley Newland	£6
Joseph Pyrke	1	IV		Huntley, Longhope Littledean	£38
Richard Selfe	-5	VI	Clothier	Abenhall	£26
John Selfe	-5	VI		Cirencester	£36
Philip Shepphard	1	VI	Clothier	Minchinhampton	£57
John Shepphard	-5	VI	Clothier	Avening Floxley	
George Skipp	-5	IV		Littledean	
John Small	-5	IV		Cirencester Snowshill	

Name	Attendance	Family	Profession	Property	LTA
Powell Snell	.5	V		Guiting Power Westcott	£46
Sir William Strachan	3	V		Churchdown	£36
George Talbot	2	V	Doctor	Guiting Temple Gt. Barrington, Rissington	£15
Robert Timbrell	.5			Cirencester	
Thomas Tyndale	-.5	V	Merchant	Westbury on Trym	
1722-94				Lawrence Weston	
William Veel	3	I	Barrister	Yate	£42
1761-1820				Alkington	
Nathaniel Winchcombe	3	VI	Clothier	Frampton-on-Severn Stroud, Pakenhill	£100
William Hayward	1	IV		Stapleton	£38
Winstone				Tockington	
Henry Wyatt	1	V	Brewer	Pakenhill, Stroud	£15
John Webb	2		M.P. for Glos. City, 1780-95	Norton Court	
1730-95					
Francis Boughton	-.5				
William Yarnon Mills	1				
Thomas Walker	-.5				
John Wall	.5				
George Trubshaw Withers	-.5				

CLERICAL J.P.s Name	Atten- dance	Family	University Career	Living	LTA
William Barry	1	VII	BA, Dublin 1747 MA, Cantab. 1750 DD, 1771	St. Peter's, Bristol	£13
James Benson	3	V		Siddington £210 Standish £230; Sopperton Chancellor of Diocese, 1775-85 Rudford, 1761-88, £80	£18
Charles Bishop	2	V	BA, Oxon. 1750	Lower Guiting, 1777-80; Badgeworth, 1779-80, £80; Elkstone, 1779-88, £100 Ozleworth, 1788-1820	£26
Lewis Clutterbuck	2	III	Kings, Cambridge, 1784-5; Pembroke, Oxon., 1789		£28
Thomas Chamberlayne Coxe	1	IV		N. Cerney, £300; Avening, £200	
Charles Coxwell 1740-1829	1	III	BA, Oxon. 1760	Barnsley, £180 Badgeworth, £120; Coberley; Marsdon Maysey	£65
John de la Bere 1751-1810	-5	IV	BA, Cantab. 1776	Collesbourne, 1782-9, £45 St. Barrington, 1784-1810, £75	—
Benjamin Field 1712-81	1	V	BA, Oxon. 1735 MA, Cantab. 1750	Mickleton, 1746-81, £80 Ashton-sub-Edge, 1750-82, £80	£32
John Foley	3		BA, Oxon. 1764	Newent, £350	£30
Benjamin Grisdale	2	V	BA, Oxon 1764 Fellow of Queens 1767	Chidworth, £70; Withington, £500	
Peter Hawker	1	VI	MA, Oxon. 1754	Hampnett, £160	£14
George Hayward	3	IV	MA, Oxon. 1755	Frocester, £50 Nymphsfield, £60	£12
John Hippisley 1736-1822	.5	V	MA, Oxon. 1759	Stow, £400	£2

Name	Attendance	Family	University Career	Living	LTA
William Holwell	I	V	MA, Oxon. 1748 BD 1760 proctor 1758	Thornbury, £200 Oldbury on Severn, £50; 1776, Prebendary of Exeter Wynford	£10
Isaac Webb Horlock	-.5	V	BA, Oxon. 1776	Broadwell, Adlestrop, £350;	£45
Thomas Leigh	.5	III	Balliol BCL 1763	Longborough, £50	£24
William Lloyd Baker	3	V		Baunton, 1784-1810, £500;	£38
Joseph Martin	.5	V	BA, Cantab. 1774	Pendock, Worcs., 1785-91; Little 1810; Ledbury, Hfids., 1795-1828 Preb. of Exeter, 1796-1815 Weston-sub-Edge, £500	£19
John Pelly	I	V	St. Mary Well Oxon., BCL		£41
Stephen Phillips	3	V	Christchurch 1734	Bisley, 1740-82, £150 Lossington, 1735-82, £32	£3
Samuel Pickering	2	V	MA, Oxon. 1772	Bishops Cleeve, £500	£65
William Sandford	2	V	Balliol 1732	Hathertop, £160	£8
Charles Sandford	I	V	BA, Cantab. 1773 1774-6, Fellow Sidney, Sussex 1776-81, Fellow Trinity Hall	Ampney Crucis; Ampney St. Mary Awre & Blakeney, 1780-1826, £120 Tiricy, 1788-1826; 1813, Chancellor, Bath & Wells; 1815, Archdeacon of Wells	£15
Charles Jasper Schwyn	-.5	IV	Christchurch, 1749	Beverstone, 1767, £240	£34
Joseph Attwell Small	I	IV	Exeter, Oxon. 1768 Fellow 1770-8 BD 1781	Blockley, Worcs., 1761; Preb. of Salisbury, 1775 St. James, Bristol Burnsall, Yorks. 1794, Preb. of Gloucester; Preb. of Bristol	£8

Name	Attendance	Family	University Career	Living	LTA
William Dechair Tattersall 1752-1829	1	V	Christchurch 1774	1778, Wotton, £100	£1
John Warren 1730-87	3	V	Christchurch 1752 DCL 1762	Ripple, Worcs. Preb. of Gloucester, 1761-87	£5
William Shippen Willes 1763-1822	1	V	Christchurch 1784	Breme Uphill, Somerset; 1794, Preb. of York	£2
Reginald Wyniatt	1	I	Worcester, Oxon., 1761	Stanton, £180 Snowshill, £85	£101
Henry Gorges Dobyens Yate 1753-1812	3	I	St. John's, Oxon., 1774; BCL 1781 DCL 1797	Bromesberrow Arlingham; Treitherne; Frampton Preb. of Hereford	£15

LIST OF SOURCES

- I MANUSCRIPT MATERIAL.
- II PRINTED SOURCES.
 - Gloucestershire: 1. County Histories.
 - 2. General Works.
 - 3. Biographical.
- III THE WORKS OF SIR GEORGE ONESIPHORUS PAUL.
- IV PARLIAMENTARY PAPERS.
- V MISCELLANEOUS.

LIST OF SOURCES

I. MANUSCRIPT MATERIAL

1. GLOUCESTER RECORDS OFFICE.

(i) *Estate and Family Records.*

Bragge Bathurst	D.421.
Clifford.	D.149.
Coxwell.	D.269.
Ducie.	D.340.
Guise.	D.326.
Hale.	D.1086.
Hyett.	D.6.
Kingscote.	D.471.
Leigh.	D.612.
Parsons.	D.214.
Paul.	D.589.
Probyn.	D.23.
Sherborne.	D.678.
Winstone.	D.123.

(ii) *Official Records.*

- Quarter Sessions Order Books, from 1672. Q/SO.
 Quarter Sessions Rolls, from 1728. Q/SR.
 Quarter Sessions Minute Books, from 1781. Q/SM.
 Nomina Ministrorum. SN 1/1.
 Jury Books, from 1743. Q/SJb.
 Sessions Bill Book, 1801-1806. Q/CF 1/1.
 Book of Orders and Precedents. Q/CP/1.
 Returns of High Constables, from 1771. Q/SP.
 General memorandum and minute book. Q/FC/1.
 Abstracts of Treasurers' Accounts, from 1784. Q/FAa.
 Treasurers' Accounts, 1797-1808. Q/FA C/2.
 Treasurers' Ledgers 1797-1802. Q/FA L.
 Gaol Order Book, 1789-1802. Q/AG 11.
 Journals of prison officers; governor's from 1795; surgeon's from 1791. Q/Gc.
 Horsley Visiting Magistrates Order Book, 1792-1823. (From 1808 the Horsley Petty Sessional records are included among the gaol orders.) Q/Gh.
 Land Tax Assessments, 1780, 1800. Q/RE6.
 A Register Book of Popish Estates in the County, 1716. Q/RRp.

LIST OF SOURCES

2. PAPERS IN PRIVATE HANDS.

Coxwell. Journal of the Rev. Charles Coxwell.

Major G. A. Beale-Browne, Haselton House, Haselton, near Cheltenham, Glos.

Lloyd Baker. Letterbooks and correspondence of the Rev. William Lloyd Baker, and his son Thomas Lloyd Baker, from 1780.

Miss O. Lloyd-Baker, Hardwicke Court, near Gloucester.

Hicks-Beach. Correspondence, surveys, and rentals.

The Rt. Hon. the Earl St. Aldwyn, Williamstrip Park, Coln St. Aldwyn, Cheltenham.

Yorke. Correspondence of Mary Yorke; a few letters of James York, bishop of Gloucester, 1780-2.

Gerald Yorke, Esq., Forthampton Court, near Tewkesbury, Glos.

3. PUBLIC RECORD OFFICE.

Estreat of Fines, 1775-1800, E 362/105-130.

Privy Council Registers, from 1775. PC 2/118.

Privy Council Minutes, PC 4/6.

Privy Council Unbound Papers, PC 1/18/A22; PC 1/19/A26; PC 1/40/A132, 133, 164.

Letters and papers, 1775-1782, SP 37/11-15.

Domestic Entry Books, 1782-1800. HO 43/1-12.

Domestic Correspondence, 1782-1800. HO 42/1-49.

Military Correspondence, HO 50/1-10.

Militia Correspondence, HO 50/17-29.

Volunteers Correspondence, HO 50/40-47.

Supplementary Volunteers Correspondence, HO 50/335.

Military Entry Books, HO 51/1-12.

Assizes—Crown Books, Oxford Circuit, 1775-1805, Assizes 2/23-27.

Assizes, Indictments, Oxford Circuit, 1775-1800, Assizes 5/95-120.

Receivers' Accounts, subsidiary documents, 1770-1800 (from 1798 these contain the Income Tax returns), E/182/351-358.

GLOUCESTER CITY LIBRARY.

(i) *Gloucestershire Collection.*

Sheriff's and under-sheriff's papers, 1761-1804. JF 6.70 (1-31).

Correspondence, minutes of meetings, lists of subscribers, bills, etc., of woollen manufacturers, 1802-06. JF 13.27 (1-153).

Cash book of William Phelps, coroner, 1772-93. 15411.

Bills for the Justices' dinners. JF 9.367.

LOCAL GOVERNMENT IN GLOUCESTERSHIRE

Subscription lists, nominations, etc., for the Tetbury races, 1789-95.
HF 300.2.

(ii) *Diocesan Records.*

Institutions, sequestrations, etc., 1753-84. 292A.
Institutions, ordinations, 1768-89. 304.
Survey of the diocese, 1768-80. 381.
Survey of the diocese, 1789.

(iii) *Gloucester Journal*, 1775-1800.

LIBRARY OF THE DEAN AND CHAPTER OF GLOUCESTER CATHEDRAL.
Register of pupils, King's School, Gloucester.
Borrowers' book, Dean and Chapter Library.

GLOUCESTER PROBATE REGISTRY.

Wills. Dodington Hunt 1804.
 Thomas Pettat 1804.
 Thomas Mee 1813.
 Henry Wyatt 1817.

BRITISH MUSEUM.

Hardwicke and Newcastle collections.

LONDON SCHOOL OF ECONOMICS: BRITISH LIBRARY OF POLITICAL AND
ECONOMIC SCIENCE.

Webbs' MSS notes, R.Coll. Coll.V.
Court of Sewers, Vol. 122.
Quarter and Petty Sessions, Vol. 123.
Town and parish records, Vols. 124-6.

SOMERSET HOUSE.

Wills.

HOUSE OF LORDS.

Committee books on local acts, 1775-1800.

SELECT BIBLIOGRAPHY ON LOCAL GOVERNMENT

- BEARD, C. A., *The Office of a Justice of the Peace in England, in its origin and development*, New York, 1904. Although this is dated it can still serve as a good general introduction.
- CHAMBERS, J. D., *Nottinghamshire in the Eighteenth Century—A study of life and labour under the squirearchy*, London, 1932, 2nd ed. 1966. Interesting for comparative purposes.
- DOWDELL, E. G., *A Hundred Years of Quarter Sessions: the government of Middlesex from 1660 to 1760, with an introduction by Sir W. Holdsworth*, Cambridge, 1932. Deals with the magistracy in an urban situation.
- HAMILTON, A. H. A., *Quarter Sessions from Queen Elizabeth to Queen Anne*, London, 1878. This is a pioneer work on the J.P.s using local sources, mainly Devonshire records.
- HAMPSON, E. M., *The Treatment of Poverty in Cambridgeshire 1597-1834*, is a most important regional study of the workings of the poor law.
- HOLDSWORTH, Sir W., *A History of English Law*, London, 1887. Provides quite the clearest survey of the judicial aspects of the Justices' work.
- MOIR, ESTHER, *The Justice of the Peace*, Pelican Books, 1969. A general survey of the changes in the Bench of magistrates from the fourteenth century to the present day.
- OSBORNE, BERTRAM, *Justices of the Peace 1361-1848*, Shaftesbury, 1960. A mine of antiquarian information with little attempt to discuss or interpret the development of the magistracy.
- STYLES, P., *The Development of County Administration in the late XVIIIth and early XIXth centuries, illustrated by the Records of the Warwickshire Court of Quarter Sessions 1773-1837* (Dugdale Society Occasional Papers), Oxford, 1934.
- WARD, W. R., 'County Government 1660-1835', *Victoria County History of Wiltshire* 1957, V, pp. 170-95.
- WEBB, S. and B., *English Local Government from the Revolution to the Municipal Corporations Act: the Parish and the County*, London, 1906. Indispensable if only for the sheer amount of factual information. As reformers their conclusions about the Bench are perhaps unnecessarily harsh, and they fail to put the

LOCAL GOVERNMENT IN GLOUCESTERSHIRE

- institutions of local government against the social background of their day.
- The Story of the King's Highway, 1913, is still the most comprehensive study of the subject.
 - The Old Poor Law, 1827. Contains a vast amount of detailed information and must remain the basis of all further studies.
 - English Prisons under Local Government, 1922. A short but clear general account.
 - The Manor and the Borough, 2 vols., 1924. Still remains the only general account of municipal local government.
- WILLCOX, W. B., Gloucestershire. A Study in Local Government, 1590-1640, Yale, 1940.

A great number of counties are in process of printing their Quarter Sessions records. These vary enormously in value. Amongst the best is that for Warwickshire, edited by S. C. Ratcliff and H. C. Johnson. So far nine volumes have appeared covering the years 1625 to 1696. The several introductions form a most useful study of the Bench in the seventeenth century.

PRINTED SOURCES

1. COUNTY HISTORIES.

Gloucestershire.

- ATKINS, Sir Robert, The Ancient and Present State of Gloucestershire, 1712.
- RUDDER, Samuel, A New History of Gloucestershire, 1779.
- BIGLAND, Ralph, Historical, Monumental, and Genealogical Collections, Relative to the County of Gloucester, printed from the original papers of the late Ralph Bigland, Garter principal King of Arms, 1791.
- RUDGE, Rev. Thomas, The History of the County of Gloucester; compressed, and brought down to the year 1803.
- FOSBROOKE, Thomas Dudley, Abstracts of Records and Manuscripts respecting the County of Gloucester; formed into a History, Correcting the very erroneous accounts, and supplying the numerous deficiencies in Rob. Atkins, and subsequent writers, 1807.

LIST OF SOURCES

2. GENERAL WORKS.

- BADDELEY, Welbore St. C., *History of Cirencester*, 1924.
- BEECHAM, K. J., *History of Cirencester and the Roman city of Corinium*, 1887.
- BENNETT, James, *History of Tewkesbury*, 1830.
- BLACK, Clementina, ed., *The Cumberland Letters: Being the Correspondence of Richard Dennison Cumberland and George Cumberland between the years 1771 and 1784*, 1912.
- BLACKER, Rev. Beaver H., and PHILLIMORE, W. P. W., ed., *Gloucestershire Notes and Queries*, 1881-96, Vols. I-VIII.
- BRAINE, A., *History of Kingswood forest: including all the ancient manors and villages in the neighbourhood*, 1891.
- BREWER, J. N., *Delineations of Gloucestershire; being views of the principal seats of the Nobility and Gentry*, 1825-7.
- CANNON, John, 'Gloucestershire Politics, 1750-1800,' *BGAS* 1960, LXXIX, Part II, pp. 293-97.
- CAVE, C. H., *A History of Banking in Bristol*, 1899.
- CHARLTON, T., and MILTON, D. M., *Redland, 1791 to 1800*, 1952.
- ELLACOMBE, Rev. H. T., *History of the parish of Bitton*, 1881-3.
- FINBERG, H. P. R., *Gloucestershire: The Making of the Landscape*, 1955.
- FISHER, P. H., *Notes and Recollections of Stroud*, 1871.
- HART, C. E., *The Free Miners*, 1953.
- HART, Gwen, *A History of Cheltenham*, 1965.
- JENKINS, Rhys, 'The Copper Works at Redbrook and at Bristol,' *BGAS*, 1942, LXIII, pp. 145-68.
- KERR, Russell J., 'The Customs of the Forest of Dean,' *BGAS*, 1921, XLIII, pp. 63-79.
- LATIMER, John, *The Annals of Bristol in the Eighteenth Century*, 1893.
- LEE, Rev. Alfred T., *History of the Town and Parish of Tetbury*, 1857.
- MARSHALL, William, *The Rural Economy of Gloucestershire*, 2 vols., 1789.
- MINCHINTON, W. E., 'Agriculture in Gloucestershire during the Napoleonic Wars,' *BGAS*, 1949, LXVIII, pp. 165-84.
- 'The Beginnings of Trade Unionism in the Gloucestershire Woollen Industry,' *BGAS*, 1951, LXX, pp. 126-42.
- 'Bristol—Metropolis of the West in the Eighteenth Century,' *Trans. Royal Hist. Soc.*, 1954, 5th ser. 4, pp. 69-91.
- MOIR, Esther, 'Sir George Onesiphorus Paul,' *Gloucestershire Studies*, ed. H. P. R. Finberg, 1957, pp. 195-225.

LOCAL GOVERNMENT IN GLOUCESTERSHIRE

- 'The Gentlemen Clothiers: a Study of the Organization of the Gloucestershire Cloth Industry, 1750-1835,' *Ibid.*, pp. 225-67.
- 'The Gloucestershire Association for Parliamentary Reform,' *BGAS*, 1956, LXXV, pp. 171-93.
- 'The Cloth Mills of the Stroud Valley,' *History Today*, May 1959, IX, No. 5, pp. 319-26.
- NICHOLLS, H. G., *The Forest of Dean, an historical and descriptive account*, 1858.
- Iron Making in the Forest of Dean*, 1866.
- PLAYNE, A. T., *History of the parishes of Minchimhampton and Avening*, 1915.
- TANN, Jennifer, *The Gloucestershire Woollen Mills*, 1967.
- 'Some Problems of Water Power—a study of Mill Siting in Gloucestershire,' *BGAS*, 1965, LXXXIV, pp. 53-78.
- TATE, W. E., 'Gloucestershire Enclosure Acts and Award,' *BGAS*, 1943, LXIV, pp. 1-71.
- TURNER, George, *General View of the Agriculture of the County of Gloucester*, 1794.
- RUDGE, Thomas, *General View of the Agriculture of the County of Gloucester*, 1807.
- VICTORIA COUNTY HISTORY OF GLOUCESTERSHIRE, II, 1907.
- WEARE, W. E., *Burkes's Connection with Bristol*. Bristol, 1894.

3. BIOGRAPHICAL.

- BRADNEY, J. A., *Genealogical Memoranda relating to the Families of Hopkins of Llanfihangel Ystern Llowern co. Monmouth; and Probyn, of Newland, co. Gloucester*, 1889.
- CODRINGTON, Rev. R. H., *Memoir of the Family of Codrington, Didmarton, Frampton-on-Severn, and Dodrington*, *BGAS*, XXI, 1898, pp. 301-45.
- CRAWLEY-BOEVEY, A. W., *The "Perverse Widow", Being passages from the life of Catharina, wife of William Boevey, Esq., with genealogical notes on the family*, 1898.
- DURANT, Horatia, *The Somerset Sequence*, 1951.
- FENWICK, T. Fitz-Roy, and METCALFE, W. C., ed., *The Visitation of the County of Gloucester, 1682-3, 1884*.
- FINBERG, H. P. R., 'Berkeley of Berkeley,' *Gloucestershire Studies*, 1957, pp. 145-59.
- 'Kingscote of Kingscote,' *Ibid.*, pp. 159-74.

LIST OF SOURCES

- HANKEY, J. A., *History of the Apsley and Bathurst Families*, 1889.
- HARFORD, Alice, *Annals of the Harford Family*, 1909.
- HICKS-BEACH, Mrs. William, *A Cotswold Family: Hicks and Hicks Beach*, 1909.
- HYETT, F. A., and AUSTIN, R., *Supplement to the Bibliographer's Manual of Gloucestershire Literature, being a classified catalogue of biographical and genealogical literature relating to men and women connected with the county of Gloucester*, 1915.
- HYETT, F. A., *The Hyetts of Painswick, 1907*. (7 typewritten copies distributed among members of the family.)
- LOWE, Robson, *The Codrington Correspondence, 1743-1851*, 1951.
- MACLEAN, Sir John, and HEANE, W. C., ed., *The Visitation of the County of Gloucestershire, 1623, 1885*.
- PARKER, George, 'Tyndall's Park Bristol, Fort Royal and the Fort House therein', *BGAS*, LI, 1929, 123-41.
- SHERBORNE, Lord, *Historical and Genealogical Memoirs of the Dutton Family of Sherborne in Gloucestershire, as represented in the Peerage of England by the Right Hon. the baron Sherborne*, 1899.
- SMITH, W. J., 'The Rise of the Berkeleys: An Account of the Berkeleys of Berkeley Castle 1243-1361', *BGAS*, LXX, 1951, pp. 64-81; LXXL, 1952, pp. 101-22.
- WATERS, G. E. C., *Genealogical Memoirs of the Chester Family*, 1881.
- WILLIAMS, W. R., *The Parliamentary History of the County of Gloucester, 1213-1898*, 1898.
- WITCHELL, M. E. N., and HUDLESTON, C. R., ed., *Account of the Principal Branches of the Family of Clutterbuck, from the sixteenth century to the present time*, 1924.

THE WORKS OF SIR GEORGE ONESIPHORUS
PAUL

I. PRISON REFORM.

A State of Proceedings on the Subject of Reform of Prisons, within the County of Gloucester, 1783, pp. 58.

A second edition: Considerations on the Defects of Prisons, and their Present System of Regulation, submitted to the attention of the Gentlemen of the County of Gloucester, in the Course of their Proceedings on a Plan of Reform, 1784, pp. 88.

A third edition: Proceedings of the Grand Juries, Magistrates, and other Noblemen and Gentlemen, of the County of Gloucester,

on Designing and Executing a General Reform in the Construction and Regulation of the Prisons for the said county, 1808, pp. 88.

Thoughts on the Alarming Progress of the Gaol Fever, 1784, pp. 40.

An Address to the Magistrates of the County of Gloucester, assembled at their Michaelmas Quarter Sessions, 1789, on a Motion, to Consider the Appointment of Officers—and of Adopting Regulations for the Government of the New Prisons building within the County; Delivered by Sir George Onesiphorus Paul, bart. at the Request of the Justices assembled at the preceding Trinity Sessions; and Printed by the special order of the court, for the Consideration of the Magistrates, Previous to further Proceedings on the Subject, 1789, pp. 142.

General Regulations for the Inspection and Controul of all the Prisons, together with the Rules, Orders and Byc-laws for the Government of the Gaol and Penitentiary House, for the County of Gloucester, made, published, and declared at a general or Quarter Sessions of the Peace, holden by adjournment on the 15th of July; before Dodington Hunt, Chairman . . . and confirmed by the Judges of Assize, at the Assizes for the said County, on the 6th day of August, 1790. pp. 84.

An Address Delivered at a General Meeting of the Nobility, Gentry, Clergy, and Others, Assessed to the County Rate for the County of Gloucester, Convened by the High Sheriff, for the Purpose of Receiving a Statement of the Proceedings of the Committee Appointed to Carry into Execution the Resolutions of the said County to Rebuild the Gaol and Bridewells thereof:—and held on Monday the 9th July, 1792. pp. 72.

Address to His Majesty's Justices of the Peace for the County of Gloucester, on the Administration and Practical Effects of the System of Prison Regulation, established in that County Delivered at the Epiphany general Quarter Sessions, 1809. pp. 158.

Rules, Orders, and Regulations, for the Controul and Government of Houses of Correction Revised, and Recommended to the Magistrates of the County of Gloucester; with Abstracts of the Laws relating thereto, 1810. pp. 32.

II. LUNACY REFORM.

Minutes of Proceedings relative to the Establishment of A General Lunatic Asylum, near the City of Gloucester. Including a Digest of a Scheme for such an Institution: Addressed to a General Meeting of Subscribers, held at the Gloucester Infirmary, the 14th of July, 1794. pp. 70.

LIST OF SOURCES

A Scheme of an Institution, and a Description of a Plan, for a General Lunatic Asylum, for the Western Counties, to be built in or near the City of Gloucester, Unanimously approved of at a General Meeting of the Subscribers to the Fund for carrying such a Design into execution, held at the Infirmary at Gloucester, on the 14th day of July, 1794.

Suggestions on the Subject of CRIMINAL AND PAUPER LUNATICS, addressed by Sir George Onslow Paul, bart., to Earl Spencer, His Majesty's Principal Secretary of State for the Home Department, 1806. PP 1807 II, pp. 82-8.

Observations on the subject of Lunatic Asylums, addressed to A General Meeting of Subscribers to a Fund for building and establishing A General Lunatic Asylum, Near Gloucester, Held at the Gloucester Infirmary, On the 26th day of October, 1812. pp. 55.

Doubts Concerning the Expediency and Propriety of immediately proceeding to provide A Lunatic Asylum . . . for the County of Gloucester, Under the powers of 48th Geo. III, c. 96. At the direct charge of the ordinary County Rate, as now assessed. Addressed to His Majesty's Justices of the Peace for the said County, Assembled at their Epiphany General Quarter Sessions, On the 12th Day of January, 1813. pp. 48.

III. OTHER WORKS.

Communication of the Method invented for the Ventilation of Hospitals, etc., Transactions of the Society for the Encouragement of Arts, XIX, 299-330.

Observations on the State of the Gloucester Infirmary, as reported by the Committee of Governors appointed to examine into the income and expences of the same; and on the propriety and Expediency of adopting The Regulations, proposed by the Committee, and recommended by The Quarterly General Court, Held on the 6th of October offered to the consideration of The Special General Court Held on the 22nd November, 1796. pp. 64.

Observations on a Bill before Parliament "For facilitating the Division and Inclosure of Waste Lands and Commons, by Agreement amongst the Parties interested etc." Addressed to the Chairman of the Select Committee of the House of Commons, to whom the same was referred on the 29th March, 1796. pp. 61.

An Address delivered at a General Meeting of the County of Gloucester; convened by the High Sheriff, and held on Tuesday, January 11, 1803; for the purpose of considering the necessity or expediency of Erecting a New Shire-Hall for the said County; or

of adopting such measures as the dilapidated state of the present Booth-hall might require. pp. 128.

MISCELLANEOUS.

Resolutions, Rules, and Orders for the Court of the General Quarter Sessions for the County of Gloucester, with an Appendix containing Instructions to Licensed Publicans, Constables, and Overseers of the Poor, 1802.

Charges delivered to the Grand Jury at the General Quarter Sessions of the Peace for the County of Gloucester, by the Rev. John Foley, A.M., Chairman. Preface by the Rev. William Lloyd Baker, 1804.

The Journal of a Gloucestershire Justice, 1715-56, *Law Magazine*, XXI, 1861-2, pp. 125-42; XXII, pp. 247-91; XXIII, pp. 99-126.

Reports of Cases Determined in the Court of King's Bench:—

Henry Cooper, 1774-8.

Sylvester Douglas, 1778-85.

Dunford and East, 1785-1800.

Report of the Commissioners appointed to enquire into the State and condition of the Woods, Forests, and Land Revenues of the Crown, and to sell or alienate Fee Farm and other Unimprovable Rents. JHC 1788, XLIII, pp. 559-632.

PARLIAMENTARY PAPERS.

Population.

Abstract of Answers and Returns pursuant to the Act 41 Geo. 3 for taking an account of the Population of Great Britain in 1801. 1802, VI.

Forest of Dean.

1st and 2nd Reports of the Dean Forest Commissioners to the Lords of the Treasury, 1835, XXXVI, 29.

3rd, 4th and 5th Reports of the Dean Forest Commissioners to the Lords of the Treasury, 1835, XXXVI, 115.

4th and 5th Reports, 1835, XXXVI, 151.

1st Report Dean Forest Commissioners, 1839, XXIX, 563.

2nd Report, 1840, XXVIII, 381.

3rd Report, 1841, XII, 193.

Woollen Industry.

Minutes of Evidence taken before the Committee to whom the

LIST OF SOURCES

Bill respecting the Laws relating to the Woollen Trade is committed, 1802-3, VII.

Report and Minutes of Evidence on the State of the Woollen Manufacture of England, 1806, III.

Report from the Assistant Hand Loom Weavers' Commissioners, V, W. A. Miles, The West of England and Wales, 1840, XXIV, 373.

Local Government.

Returns of fees payable to and received by the Clerks of the Peace, 1818, XV.

5th Report of Commissioners on Courts of Common Law, 1833, XXII.

1st Report to the Commissioners appointed to inquire into Municipal Corporations of England and Wales, 1835, XXIII.

Returns Relating to Courts of Request, County Courts, Hundred Courts, and Borough Courts, 1839, XLIII.

Report from Committee on Expenditure of County Rates, 1825, VI.

Report from Committee on Expenditure of County Rates, 1835, XIV.

Report from Commissioners on County Rates, 1836, XXVII.

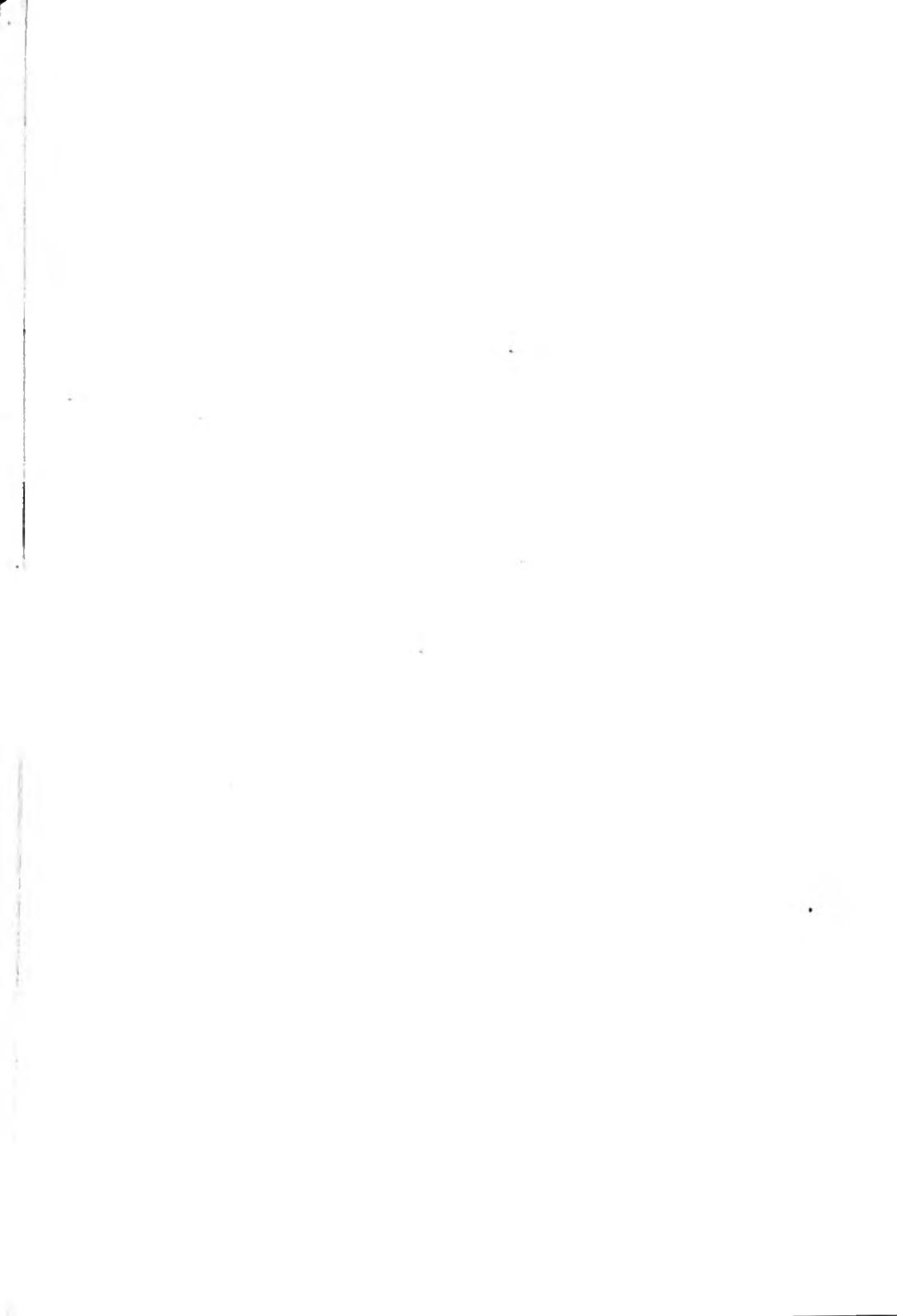
Returns Relative to the Poor Rates, County Rates, Highway Rates and Church Rates, 1839, XLIV.

Returns Relating to Courts of Request, Courts of Conscience and Courts having Jurisdiction in Personal Actions, 1840, XLI.

Reports containing Evidence from Sir G. O. Paul.

Report from Select Committee on State of Lunatics, 1807, LI.

Report from Committee on Laws relating to Penitentiary Houses, 1810-1, III.



INDEX

A

Abbenhall, 48
 Abson, 49
 Adeane, Matthew, 57, 68
 Adlestrop, 28, 47, 61, 158 n.95
 Almondsbury, 49
 Ale-houses, 120-1, 139
 Alveston, 49
 Arlingham, 153
 Arlington, 126
 Assizes, 87, 91, 96, 124, 138, 139-42, 146
 Austin, Anthony, 51, 78 n.34, 79 n.43, 96, 164
 Austin, George, 12, 36 n.36, 38 n.81
 Austin, Isaac, 51, 78 n.34, 79 n.43, 164

B

Badminton, 20
 Baker, Jeremy, 51, 78 n.33, 79 n.44, 164
 Barnsley, 62, 123
 Barrow, Sir Charles, 32, 59, 68, 73, 77 n.31, 78 n.41, 104 n.39, 164
 Barrow family, 47, 69
 Barry, Rev. William, 78 n.33, 169
 Bathurst, Charles Bragge, 41, 68
 Bathurst, Earl of, 28, 32, 46, 78 n.35, 85, 109, 127, 136 n.94, 163
 Bathurst family, 15 n.11, 21, 35 n.17, n.18, 46, 69
 Bayly, John, 46
 Bayley, Richard, 124
 Bayley, William, 78 n.35, n.38
 Beaufort, Duke of, 30, 31, 41, 46, 73, 78 n.35, 81 n.103, 85, 108, 146, 163

Beaufort family, 20-2, 31, 34 n.11, 35 n.15, n.16, 46, 57, 69
 Benson, Rev. James, 54, 55, 60, 65, 77 n.31, 169
 Berkeley, 24, 108, 114, 133 n.53, 134 n.55, 144
 Berkeley family, 20, 31, 46
 Berkeley, Frederick Augustus, Earl of, 30, 34 n.8, n.9, 42, 43, 44, 46, 68, 72, 76 n.25, 78 n.35, 85, 96, 109, 122, 127, 128, 136 n.86, 143, 146, 148, 149, 163
 Berkeley, George Cranfield, 31, 34 n.8
 Bibury, 125, 133 n.53
 Bishop, Rev. Charles, 55, 78 n.32, 169
 Bishop's Cleeve, 49, 53
 Bisley, 122
 Bitton, 9, 27, 49, 59
 Blackwell, Samuel, 23, 32, 48, 61, 78 n.33, 79 n.42, 132 n.28, 164
 Blaise, 28, 51
 Bridges, 98-9, 112-3, 125
 Bristol, xiii, 2, 3, 4, 5, 6, 8, 9, 11, 24, 28, 49, 51-2, 69, 73, 123, 145, 148, 149
 Bush, Thomas, 51-2, 78 n.33, 79 n.44, 123, 164

C

Cainscross, 119, 129, 144
 Cam, 20, 24, 46, 145
 Campbell, Robert, 77 n.31, 79 n.42
 Canals, 2-3
 Chairman of the Bench, 73, 91
 Champion, William, 9, 28
 Cheltenham, 1, 2, 3, 27, 29-30, 33, 37 n.66, 104 n.48, 118, 122, 133 n.53, 134 n.55, n.56, 156 n.31
 Chester family, 24, 32, 49-50, 51

LOCAL GOVERNMENT IN GLOUCESTERSHIRE

- Chester, William Bromley, 31, 32, 63,
77 n.32, 78 n.41, 164
- Chipping Sodbury, 49, 131 n.1, 134
n.55, 134 n.56
- Clifford Chambers, 93
- Cirencester, 2, 4, 5, 10, 21, 22, 28, 30,
32, 47, 48, 52, 53, 69, 104 n.48,
108, 114, 125, 126, 128, 133 n.53,
134 n.55, 142, 156 n.31
- Clerk, Justices', 123, 124-5, 144
- Clerk of the Peace (or deputy), 44,
76 n.25, 85, 92, 96-7, 99, 110, 118,
127, 142, 144, 147, 154
- Clifford family, 23, 46
- Clifford, Lord, 19-20, 45-6, 63, 69,
78 n.33, n.39, 118, 163
- Clifton, 51, 97
- Cloth manufacture, 10-14, 24-6, 148
- Clutterbuck family, 24-5, 51
- Clutterbuck, Rev. Lewis, 54, 58, 72,
78 n.32, 81 n.103, 169
- Coal mining, 6-8, 20, 59
- Codrington family, 28, 32, 47, 59,
81 n.103
- Codrington, Sir William, 32, 59, 60,
63, 71, 75, 77 n.32, 78 n.41, 88,
127, 164
- Coleford, 34 n.4, 134 n.55
- Commission of the peace, 39, 44, 76
n.25
- Coroner, 96
- Cotswolds, 1, 4, 5, 11, 14, 118, 122-3
- Coxe, Rev. Thomas Chamberlayne,
54, 55, 78 n.33, 169
- Coxwell, Rev. Charles, 55, 60, 62, 65,
69, 78 n.33, 82 n.116, 95, 123-4,
125, 126-7, 135 n.80, 169
- Crawley-Boevey family, 23, 47
- Crawley-Boevey, Sir Thomas, 77 n.32,
78 n.39, 123, 164
- Cresswell, Estcourt, 48, 78 n.34, 79
n.42, 164
- Creswicke, Henry, 52, 78 n.34, 79
n.44, 92, 164
- Cripps, Joseph, 52, 57, 59, 60, 78
n.33, n.38, 169
- Cumberland, Rev. Richard, 19, 26-7
- D
- Delabere family, 48, 54
- Delabere, Rev. John, 54, 78 n.35, 169
- De la Bere, Thomas Bagehot, 38 n.83,
60, 69, 77 n.31, 78 n.39, 135 n.69,
165
- de Visme, James, 23, 48, 77 n.32, 79
n.42, 165
- Dodington, 28, 47
- Dowdeswell, William, 32, 69, 83-4
n.143
- Down, Ampney, 19
- Driffield, 26
- Ducie, Lord, 19-20, 42, 46, 47-8, 54,
69, 72, 73, 78 n.35, n.39, 85, 128,
163
- Dursley, 10, 24, 117, 134 n.55, 149,
151, 156 n.31
- Dutton family, 23, 32, 47, 48
- Dutton, James, 20, 30, 32, 42, 109,
152
- Dutton, Sir John, 30, 31-2, 41, 43,
63, 86
- Dymock, 129
- E
- Eastington, 24, 126
- Edgar, Alexander, 77 n.32, 79 n.44,
104 n.39, 165
- Edwin, Charles, 21-2, 35 n.15, 38 n.81,
43, 60, 69, 78 n.34, n.37, 81 n.103,
122, 136 n.86, 165
- Elmore, 46, 55
- Enclosure, 4-5, 61, 62, 152, 153
- Estcourt family, 23, 46, 48, 69
- Estcourt, Thomas, 38 n.81, 60, 61,
62-3, 72, 73, 78 n.34, n.40, 122,
126, 150, 151, 165
- F
- Fairford, 134 n.56
- Farr, Thomas, 51, 69, 78 n.35, 79
n.44, 168
- Field, Rev. Benjamin, 55, 78, n.33
- Flaxley, 7, 23, 47
- Foley family, 8, 33 n.1, 69
- Foley, Rev. John, 61, 73-5, 77 n.31,
104 n.39, 122, 123, 130, 144, 145,
147, 169
- Forest of Dean, 1, 2, 3, 6-8, 13, 20,
34 n.4, 103 n.30, 122, 147, 151

INDEX

Forthampton, 37 n.66, 48, 111
 Framilode, 9
 Frampton Cotterell, 9
 Frampton-on-Severn, 24, 46, 112, 122,
 130
 Frenchay, 27
 Fretherne, 57
 Frocester, 119, 126
 Fromebridge, 3, 9

G

Gage family, 19, 34 n.4, 37 n.56, 149
 Game Laws, 127
 Gaol, *see* Prisons
 Gloucester, 1, 2, 3, 6, 9, 10, 27, 30,
 32, 33, 46, 49, 55, 68, 69, 73,
 100, 109-10, 113, 115, 126, 128,
 133 n.53, 134 n.55, 139, 145, 149,
 156 n.31, 158 n.90
 Gloucester and Berkeley canal, 2, 153
 Griffin, Thomas, 51, 77 n.32, 79 n.43
 165
 Grisdale, Rev. Benjamin, 64, 78 n.32,
 81 n.103, 145, 169
 Grumbald's Ash, 109, 116, 133 n.53
 Guise family, 23, 31-2, 46, 58
 Guise, Sir John, 57, 60, 69, 77 n.31,
 78 n.40, 125, 136 n.86, 165
 Guise, Sir William, 58, 59, 60, 69, 70,
 77 n.31, 78 n.40, 97, 104 n.39,
 136 n.94, 165

H

Hale, John Blagden, 57, 68, 88, 99,
 124, 125, 139, 153
 Hardwicke, George, 53, 78 n.35, 124,
 165
 Hardwicke, Lord, 42, 44, 69, 109, 121
 Harford, Charles Joseph, 51, 78 n.33,
 79 n.44, 136 n.94, 137 n.113, 165
 Harford family, 28, 51
 Harford, Joseph, 28, 52, 65, 68, 69,
 78 n.33, 79 n.44, 99, 165
 Hartley, Winchcombe Henry, 78 n.34,
 79 n.42, 53, 60, 63, 72, 165
 Hawker, George, 29, 142
 Hawker, Rev. Peter, 66, 78 n.33, 169
 Haynes family, 49, 69

Haynes, Thomas, 59, 78 n.35, n.41,
 151, 165
 Hayward, Charles, 77 n.32, 78, n.39
 Hayward family, 48, 54, 69
 Hayward, Rev. George, 54, 77 n.31,
 169
 Hayward, Samuel, 60, 77 n.31, 78
 n.39, 123, 166
 Hayward, Thomas, 77 n.31, 78 n.39,
 104 n.39, 165
 Henbury, 104, n.48, 129
 Hicks family, 23, 47, 58
 Hicks-Beach, Michael (formerly
 Michael Hicks), 48, 57, 58, 62,
 72, 78 n.33, n.38, 86, 97, 136
 n.94, 166
 Hicks, Sir Howc, 60, 78 n.33, n.38,
 86, 166
 Hicks, Sir William, 63, 66, 72, 77
 n.31, 78 n.38, 166
 High constable, 93-6, 108-9, 118, 144
 Highways, 1, 112, 132 n.28
 Hippisley, Rev. John, 73, 78 n.34,
 82 n.106, 169
 Holbrow family, 24, 51
 Hollings, John, 52-3, 77 n.31, 79 n.43
 Holwell, Rev. William, 52, 55, 65,
 66-7, 71, 78 n.33, 82 n.116, 170
 Horsley, 72, 115, 118, 126, 132 n.38,
 133 n.53, 134 n.55, 148
 How, John Baron Chedworth, 19-20
 Hunt, Dodington, 53, 58, 60, 63, 77
 n.31, 77 n.42, 104 n.39, 139 n.69,
 166
 Huntley, 59
 Hyett, Benjamin, 53, 58, 63-4, 65, 78
 n.33, n.41, 86, 97, 129, 166
 Hyett family, 23, 46, 58, 69, 123, 133
 n.46
 Hyett, Nicholas, 45, 53, 63, 68, 78
 n.35, n.41, 166

I

Iron mining, 6-8, 59

J

Jones, Roynon, 58, 78 n.35, n.38, 122,
 166

LOCAL GOVERNMENT IN GLOUCESTERSHIRE

Juries, 91-3, 108, 109, 113

J.P.'s—

appointment, 40-2
 qualifications, 39-40
 numbers, 44-5

K

Keynsham, 9, 112, 132 n.31
 Kingscote, 23, 24, 46, 118
 Kingscote family, 23, 46, 69
 Kingscote, Nigel, 78 n.35, n.40
 Kingscote, Robert, 60, 72, 78 n.35,
 n. 40, 81 n.103, 166
 Kingswood, 8, 9, 20, 27, 147, 148,
 149, 151

L

Land tax, 119, 125-6
 Lawford's Gate, 115, 133 n.53, 134
 n.55
 Leigh, Charles Henry, 78 n.35, n.38,
 166
 Leigh family, 23, 29, 47, 54
 Leigh, Rev. Thomas, 54, 56, 61, 64,
 78 n.34, 158 n.95, 170
 Leonards Stanley, 24
 Licensing, 120-1, 139
 Littledean, 115, 132 n.38
 Lloyd, Daniel, 36 n.36, 148
 Lloyd Baker, Thomas, 43, 72, 76 n.26,
 91, 118, 123, 149, 153
 Lloyd Baker, Rev. William, 27, 43,
 55, 65, 66, 72, 76 n.26, 77 n.31,
 117, 118, 120, 126, 132 n.25, 145,
 147, 151, 170
 Lord Lieutenant, 22, 41, 85, 138
 Lydney, 7, 46, 104 n.48, 122, 134
 n.55

M

Maisemore, 110, 113, 125
 Marshfield, 116
 Martin, Rev. Joseph, 55, 60, 72, 78
 n.34, 170
 Masters family, 23, 32, 47, 69
 Masters, Thomas, 32, 58, 63, 78 n.34,
 n.38, 81 n.103, 166

Mee, Thomas, 70, 73, 77 n.31, 79 n.42,
 167

Military force, 149-51
 Militia, 98, 100, 106 n.71, 127-30, 149
 Mills, William Yarnton, 73, 78 n.33,
 n.37, 81 n.103, 168
 Minchinhampton, 11, 111, 112, 123
 Mitcheldean, 48
 Morgan, Charles Tirrell, 53, 60, 63,
 77 n.32, n.38, 104 n.39, 136 n.94,
 167

N

Nelmes, Richard, 72, 78 n.35, n.40,
 136 n.94, 167
 Newent, 23, 61, 118, 122, 133 n.53,
 134 n.55
 Newnham, 10, 134 n.55, 134 n.56
 Norfolk, Duke of, 19, 32, 34 n.4, 46
 Northleach, 10, 115, 132 n.38, 133
 n.53, 134 n.55, 156 n.31
 Norton Kings, 131 n.1

O

Over, 110, 112, 125
 Overseers, 119, 144

P

Painswick, 27, 46, 123
 Park End, 7
 Parker, John, 60, 78 n.33, n.38, 167
 Paul, Sir George Onesiphorus, xiv,
 31-2, 50, 58-9, 60, 61-2, 63, 64,
 65, 68, 70, 75, 77 n.31, 79 n.43,
 88, 91, 97, 98, 100-1, 113-6, 121,
 123, 126, 136 n.94, 147, 152, 154,
 167, 181-4
 Paul, Sir Onesiphorus, 25, 29-30, 50,
 51, 69
 Peach, Samuel, 24, 52, 78 n.34, 79
 n.42, n.44, 167
 Pelly, Rev. John, 53, 78 n.33, 170
 Pettat, Thomas, 51, 79, n.43, 126,
 167
 Petty constable, 94-6, 108, 109, 118,
 123

INDEX

- Petty sessions, 116-20, 126-7
 Chairman, 118
 clerkship, 119, 142
 Phelps, William, 17 n.73
 Phillimore family, 24
 Phillips, Rev. Stephen, 54, 60, 77 n.31,
 170
 Pickering, Rev. Samuel, 53, 78 n.32,
 170
 Pitt, John, 53, 69
 Playne, William, 25
 Politics, 31-2, 41-2, 44, 67-72, 109
 Poor Law, 63, 110-2, 124
 Portland, Duke of, 128, 142, 143, 144,
 145-6, 151
 Prinn family, 23, 48, 69
 Prinn, John, 23, 36 n.34, 48
 Prinn, William, 78 n.33, n.39, 135
 n.69, 167
 Prisons, 87-8, 98, 100-1, 145-7
 Probyn, Edmund, 59, 60, 69, 78 n.35,
 n.38, 167
 Pucklechurch, 95, 104 n.48
 Purnell family, 9, 51
 Pyrke family, 48
 Pyrke, Joseph, 78 n.34, n.39, 81 n.103,
 123, 136 n.94, 157 n.73, 167
- Q
- Quarter sessions—
 popularity of, 43
 attendance at, 44-5
 dinner, 87, 90-1
 business at, 110
 Quorum, 40, 76 n.6, 85
- R
- Rate, county, 94, 95, 97, 112
 Redbrook, 9, 59
 Riots, 94, 122, 147-51
 Roads, 1, 92, 108, 125
 Rodborough, 11, 29
 Ruardean, 122
 Rudhall family, 10
- S
- St. Briavels, 113-4, 122
- Sandiford, Rev. Charles, 45, 56, 60,
 64, 77 n.31, 170
 Sandford, Rev. William, 54, 56, 78
 n.32, 132 n.28, 170
 Sapperton, 2
 Scott, John, 121
 Selfe, Richard, 78 n.35, 79 n.43, 125,
 167
 Selwyn, Rev. Charles Jasper, 55, 58,
 60, 72, 78 n.35, 125, 170
 Selwyn, George Augustus, 29-30, 42,
 86, 87
 Severn, River, 2, 6
 Sewers, Court of, 109
 Shepphard, Edward, 4, 12, 29, 38
 n.81, 51
 Shepphard, John, 78 n.34, 79 n.43,
 121, 123, 167
 Shepphard, Philip, 51, 167
 Shepphard, William, 12
 Sherborne, 4, 47
 Sheriff, High, 23, 86-90, 109, 138
 Slaughter, 123
 Slimbridge, 122
 Small family, 48, 154
 Small, John, 43, 63, 78 n.33, n.39, 167
 Small, Rev. Joseph Atwell, 55, 64, 68,
 69, 78 n.33, 124, 149, 151, 158
 n.95, 170
 Snell family, 49, 69
 Snell, Powell, 65, 72, 78 n.34, 79 n.42,
 128, 153, 168
 Southam, 48
 Southwell family, 48, 58
 Stonehouse, 11
 Stow, 129, 133 n.53, 142, 150, 156 n.31
 Strachan, Sir William, 23, 48-9, 77
 n.31, 79 n.42, 104 n.39, 168
 Stroud, 3, 10, 11, 27, 52-3, 95, 119,
 126, 133 n.53, 134 n.55, 134 n.56
 Stroud Valley, 10-14, 24-5, 27
 Stroudwater canal, 2-3, 114
 Surveyor, 98-9, 106 n.78, 112-3, 119
- T
- Talbot, George, 53, 57, 59, 60, 63,
 69, 77 n.32, 79 n.42, 136 n.94, 168
 Tattersall, Rev. William Dechair, 26,
 54, 55, 60, 67, 76 n.26, 78 n.33,
 117, 171

LOCAL GOVERNMENT IN GLOUCESTERSHIRE

- Tetbury, 10, 30, 120, 122, 123, 133
n.53, 134 n.55, 142, 150, 156 n.31
- Tewkesbury, 2, 10, 27, 28, 30, 32,
34 n.4, 49, 68, 69, 73, 110, 133
n.53 134 n.55, 142, 151, 156 n.31
- Thames and Severn canal, 2-3
- Thornbury, 66, 109, 116, 134 n.55,
134 n.56
- Timbrell, Robert, 78 n.34, n.37
- Todington, 19, 87
- Tracy, Charles Henry, 87
- Tracy family, 19, 69
- Tracy, Robert, 44
- Treasurer, 93, 94, 97-8, 100, 105-6
nn.67-70, 144
- Turnpike trusts, 1, 113, 119, 125, 126
- Tyndale family, 51
- Tyndale, Thomas, 52, 60, 78 n.35, 168
- U
- Uley, 4, 10, 11, 20, 24, 27, 36 n.36,
117, 132 n.25, 147, 150, 151
- V
- Vale of Berkeley, 4, 20, 108
- Vale of Gloucester, 1, 3-4
- Veel, William, 77 n.31, 78 n.38, 118,
168
- W
- Wallington, John, 44, 51
- Warmley, 9, 28
- Warren, Rev. John, 54, 55, 56, 59,
64, 72, 77 n.31, 171
- Webb, John, 46, 59, 77 n.32, 78 n.37,
168
- Welles, Rev. Francis, 90-1, 116, 119,
140
- Westbury-on-Trym, 49, 129
- Weston-sub-Edge, 53
- Wheatenhurst, 46, 95
- Whitshed, James, 32, 53
- Whitstone, 122, 133 n.53
- Wick, 27, 49, 59
- Willes, Rev. William Shippen, 55,
78 n.33, 171
- Winchcomb, 114, 133 n.53, 134 n.55
- Winchcombe, Nathaniel, 50, 58, 72,
77 n.31, 79 n.42, 86, 119, 121,
122, 123, 126, 130, 142, 153, 168
- Winstone, William Hayward, 29, 30,
78 n.33, n.39, 124, 139, 140, 141,
153, 168
- Withers, George Trubshaw, 78 n.35,
n.37, 121, 168
- Woodchester, 11, 50, 58
- Wotton-under-Edge, 10, 20, 26, 28,
36 n.36, 54, 67, 108, 117, 134
n.55, 134 n.56, 153
- Wyatt, Henry, 52, 78 n.33, 79 n.42,
168
- Wynniatt, Rev. Reginald, 58, 78 n.33,
171
- Y
- Yates family, 54, 69
- Yate, Rev. Henry Gorges Dobyns, 55,
56-7, 64, 73, 77 n.31, 104 n.37,
171
- Yorke, James, Bishop of Gloucester,
27, 111-2, 121, 123
- Yorke, Mary, 30, 31-2

