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# The Evolution of Gloucester's Government: A.D. 96 -1835<sup>1</sup>

by Alan Sparkes

With the Cotswolds to its east and the highlands of the Forest of Dean to its west, Gloucester is located on the broad plain of the Severn Vale, the whole area being described as a 'threefold landscape (of) forest, vale and wold'.<sup>2</sup> Gloucester's social, economic and political development owes much to its position on the river Severn. From the Dobunni settlement of *Cair Glou*, to the Roman *colonia* of *Glevum*, to the Anglo-Saxon sub-capital of *Gleaweastre* and the Norman royal borough of *Glowecestre*, Gloucester's location on a low point of the river Severn represented an important strategic position, providing access into South Wales.<sup>3</sup> Whilst 'that was always its importance and the reason for its being', the site also came to represent a natural hub for river trade and access to inland markets.<sup>4</sup>

## From Early Settlement to Shire Town.

Gloucester's location rendered it a significant administrative centre through its long history. Despite the earlier existence of *Cair Glou* also referred to as 'Caer Glowe, the fair or bright city',<sup>5</sup> Gloucester's origins may be dated to A.D. 96 when the Roman administration founded the settlement of *Glevum*, thereby commanding a strategic crossing point into South Wales.<sup>6</sup> *Glevum* eventually enjoyed the status of a *colonia* or 'chartered city', providing it with the officers and rank to administer local government.<sup>7</sup> However, Roman influence declined with the occupying force's departure in the fifth century and *Glevum* decayed.<sup>8</sup> Yet its streets and the walls surrounding them remained to influence, 'in no small measure,' the physical development of the town for more than a millennium.<sup>9</sup> However, the town's return to administrative prominence was more immediate. In 577, Anglo-Saxon warriors led by Cuthwine and Ceawlin of Wessex, defeated the Britons of the region at the battle of Dyrham in the "Cotswold heights".<sup>10</sup> Consequently, '(o)n that day it may be said that *Glevum* died and Gloucester was born'.<sup>11</sup> Indeed, Gloucester became one of three 'provincial sub-capitals' alongside Bath and Cirencester within an emerging Anglo-Saxon heptarchy.<sup>12</sup> Within a century of the battle of Dyrham, Gloucester came under the control of the kingdom of Mercia. The Mercian king, Ethelred, delegated Gloucester to Osric, the under-king of the *Hwicce* who made the town "the seat of a great religious foundation" by establishing the Minster of St. Peter.<sup>13</sup> During the next four centuries Gloucester benefited from the attention of successive Mercian rulers who sought to consolidate its strategic position. In the tenth century Ethelfleda, lady of Mercia founded a second Minster of St. Oswald and sought to raise Gloucester as a focal point of resistance from the incursions of the Danes, thereby enhancing its administrative, religious and military status.<sup>14</sup>

By 1036 Gloucester had a corporate body of some description centring on the more wealthy members of the community and during the reign of Edward the Confessor was considered to be 'an antient borough, whose inhabitants were titled the burgefes of the town of Gloucester'(sic).<sup>15</sup> Despite its modest size and limited economic activity, the Anglo-Saxon *burg* emerged as the county town of Gloucestershire following the division of Mercia into shires in the early eleventh century.<sup>16</sup> Subsequently, the town was the venue for a number of royal councils, which between 1043 and 1062 met nine times in Gloucester, possibly at the royal palace at Kingsholm, the origins of which have been ascribed to the Mercian kings.<sup>17</sup> Thus, a close connection between the Anglo-Saxon kings and Gloucester was established.

## From Domesday to Embryonic Self-Government.

By the time of the Norman Conquest Gloucester's established royal links combined with its developing economy, which was founded on iron-working, cloth-making and leather trades, to render the town one of only three in the county displaying urban characteristics.<sup>18</sup> At the time of the Domesday Survey, commissioned at Gloucester by William I in 1085, this urban community consisted of some 612 burgesses who held their land either directly from the Crown or from some twenty-five other lords who constituted the leading inhabitants of a population of approximately 3,000 people.<sup>19</sup> Gloucester was defended by walls, that owed their origins to Roman *Glevum*, and its religious status was derived from the Anglo-Saxon minsters. By the end of the century some ten churches have been identified as being within 'the

king's soke at Gloucester', not only fulfilling religious needs, but also secular functions such as the witnessing of contract signing, debt settlement and oath taking.<sup>20</sup> The precise origins of these churches are obscure, but some formed the basis of an emerging parochial system such as a church built by King Athelstan, which later became the parish church of St. John the Baptist.<sup>21</sup> The operation of a mint near the town's centre and the use of a royal palace in Kingsholm enhanced the economic and social status of a town, the welfare of which rested on its strategic position. The Normans were not slow to recognise the importance of Gloucester's location and the rapid construction of a castle at Barbican Hill not only consolidated the town's dominance of the Severn crossing, but also rendered the town 'unchallenged as the focus of shire administration'.<sup>22</sup> For, while the borough's administration was carried out by a royal reeve for the Crown, custody of the castle was given over to the hereditary sheriffs of the county. Beginning with Roger of Gloucester, the office passed through four generations of the family, during which time these hereditary sheriffs consolidated their positions by building a new castle, acquiring the office of royal constable and generally enjoying a degree of autonomy which effectively raised their status to that of 'lords of the borough', until Henry II revoked their privileges in 1143.<sup>23</sup>

It was during the reign of England's first Plantagenet king, Henry II that the burgesses of Gloucester first began to secure freedom from direct royal administration by a series of royal charters which granted them a number of liberties, including control over the town's courts, revenues and trade.<sup>24</sup> In 1165 the first charter of liberties was granted to Gloucester's wealthier merchants and tradesmen, entitling these burgesses, on payment of a fine, to farm the royal revenues of the town in place of the royal reeve.<sup>25</sup> These revenues included 'the landgavel, profits of court and market tolls', but 'the vagaries of royal favour' saw the fee-farm removed and returned to the burgesses of Gloucester on a number of occasions in the next half century, each return being accompanied by another fine.<sup>26</sup> This vulnerability enhanced a borough hierarchy based on wealth, for not only did the wealthier burgesses meet the fine in varying proportions, but they also had to meet the fee-farm, which was set annually by the Crown and was due to the royal exchequer regardless of the amount of money collected in the town.<sup>27</sup> The shire reeve still exercised considerable influence over Gloucester, for his extensive responsibilities included collecting fines and taxes, preserving order, enrolling juries, arresting wrongdoers, maintaining gaols and enforcing court decrees made within his province.<sup>28</sup> Nevertheless, the charter of 1165 represented a highly significant privilege at the time, such liberties having been bestowed on only three other communities during Henry's reign.<sup>29</sup>

Assumption of the fee-farm by Gloucester's burgesses undermined the influence of the royal reeve, but it was King John's charter of 1200 that significantly advanced the town's progress towards a coherent form of self-government and basic constitution founded on the burgess community and centring on the role of the bailiffs.<sup>30</sup> Granted to the burgesses, the charter referred to them collectively as 'our burgesses of Gloucester of the merchants' guild', which consisted of those inhabitants with full burgess rights and represented the regulating body of Gloucester's commercial life.<sup>31</sup> Those with full burgess rights, the freemen body, jealously controlled admission to the freedom of the borough, which was gained by patrimony, payment of a fine or apprenticeship. The freedom came to represent an essential qualification for many important economic and political privileges and while the methods of admission would be extended over time, its importance remained for many centuries to come.<sup>32</sup> In 1295 the boroughs of England and Wales began to send representatives to Parliament and Gloucester's first M.P.s were Henry le Chaunger and Roger le Heberer, one of the borough's bailiffs.<sup>33</sup> For the next 537 years the election of Gloucester's M.P.s rested in the hands of the freemen electorate.<sup>34</sup> The charter of 1200 not only re-affirmed the liberties first granted in 1165, but among other privileges, also gave the burgesses the right to elect two bailiffs from their number and freedom from having to plead in courts outside of the borough. Elected annually by their peers, the bailiffs were empowered to preside over the hundred or borough court which, by virtue of Gloucester's status as a hundred, represented the 'principal organ of government' of the town at that time, meeting on a weekly basis.<sup>35</sup> In addition to hearing pleas and witnessing property transactions, within a century of the charter, the court was also the venue for the formal admission of new entrants to the freedom of the borough, who took an oath and were thus granted membership of the town's merchants' guild.<sup>36</sup> However, there were significant restrictions to the burgesses' authority. For example, St. Peter's had become a Benedictine abbey in 1022 and did not constitute a part of Gloucester in

administrative terms.<sup>37</sup> The abbey was a distinct community, which co-existed with the town, and its chief representative, the abbot, commanded complete obedience from the abbey's population.<sup>38</sup> Steadily acquiring lands, the abbey simultaneously enclosed its precinct within a wall, which extended to some thirteen acres by the early thirteenth century and by the reign of Richard III, was second only to the Crown as the principal landlord in Gloucester.<sup>39</sup> While tension between the abbey and Gloucester's burgesses frequently resulted in disputes over grazing rights, rents, properties and other such matters the burgess community still represented the primary governors of a borough, the boundaries of which were shown in 1370 to include 680 acres and an estimated population of 4,000 people.<sup>40</sup> As the bailiffs established their role as the primary representatives of the town's administration and of its burgess community, their position was further enhanced as justices of the peace following a charter in 1398.<sup>41</sup>

### **From Full Municipal Stature to the Siege of Gloucester.**

On 2 September 1483 Richard III granted to Gloucester by Letters Patent a charter of incorporation which bestowed important political, economic and civic privileges on the minority burgess community.<sup>42</sup> The granting of such a charter was common practice by this period and represented the culmination of the progressive acquisition of freedom from direct royal administration, which in Gloucester's case had first begun in 1165 and was its 'crowning point...of a long progress to full municipal stature'.<sup>43</sup> This charter of England's final Plantagenet king bestowed on Gloucester the status of a county in its own right.<sup>44</sup> Yet, Gloucester's crowning point was much enhanced by the 'almost unprecedented concession' of having incorporated within its jurisdiction the hundreds of Dudstone and of King's Barton, which were known as the 'inshire'.<sup>45</sup> Thus, the charter established the town as a distinct entity of local self-government, with a jurisdiction that extended far beyond the borough boundaries. Its terms were unequivocal, directing Gloucester 'together with all the townships and hamlets in the hundreds of Dudstone and King's Barton...be incorporated in fact and in name as one entire county, entirely distinct and separate from and no parcel of the county of Gloucestershire'.<sup>46</sup> The inshire covered more than forty-five square miles including over thirty hamlets and villages and was to be the cause of much conflict between Gloucester's civic leaders and the landowners of the inshire, who along with the county justices resented the newly imposed authority of Gloucester over such a large area, which had formally fallen under the shire's administration.<sup>47</sup> While the shire courts were still held in Gloucester by virtue of the town's continued status as the county town of Gloucestershire, its sheriff was excluded from interfering in Gloucester's affairs. Under the charter of 1483, the various responsibilities of maintaining law and order passed to the Gloucester bailiffs William Francombe and John Poole 'and all their successors' by virtue of the office of bailiff being combined with that of sheriff.<sup>48</sup> The charter's provisions represented another significant addition to the bailiffs' privileges, but the status of Gloucester's principal officers was simultaneously eclipsed. For the charter also gave Gloucester a legal corporate identity 'by the name of 'the mayor and burgesses of the town of Gloucester''.<sup>49</sup> Specifying the provision of a mayor, twelve aldermen, two sheriffs and a coroner, the charter empowered the burgesses to choose from their own number twelve aldermen whom, once elected, held their office for life and were to act as magistrates for the newly created county.<sup>50</sup> One alderman was to be annually elected as mayor by his peers and twelve prominent burgesses, thereby becoming '(t)he leading citizen' of the borough.<sup>51</sup> The bailiffs continued their presidency over the hundred court but were now joined by the mayor, the first being John Trye.<sup>52</sup>

Under the auspices of the charter, the hundred court was displaced as the principal organ of the town's government, which quickly emerged and established itself in the form of a common council.<sup>53</sup> By 1484 the council, headed by the mayor and consisting of the eleven strong aldermanic bench, also consisted of twenty-two common councillors drawn from the burgess community and the full council consisted of forty members, including the two sheriffs and four stewards.<sup>54</sup> The charter established Gloucester as a legally corporate person, endowing it with a common seal, perpetual succession, the ability to sue and be sued, to hold lands and property and to create bylaws for the government of the borough.<sup>55</sup> This corporate body manifested itself in the form of the common council with the authority to manage the town's affairs on behalf of the incorporated burgess community. These affairs came to include, among other things, civic ceremonies and events, the management of communal property, the maintenance of streets and public buildings and of the borough's water supply.<sup>56</sup> Furthermore, the corporation's influence over the town was compounded not only by the aldermen's role as J.P.s, but also by virtue of the council's authority to

appoint the minor officers who would oversee the watch in each of the town's wards. These 'beadles, sergeants, constables and petty constables', were drawn from their respective parishes and it was they upon whose shoulders rested the practical application of maintaining safety, order and the law.<sup>57</sup> Once established, the full council effectively excluded the wider burgess community for new councilmen, who were also elected for life, were co-opted and voted onto the corporation by the full council and only senior councilmen who had served two terms as sheriff could fill vacancies on the aldermanic bench. Thus, in common with many other corporations, Gloucester's governing body quickly emerged as an oligarchical form of closed corporation.<sup>58</sup> Co-option to the common council and self-election within its ranks produced a political and religious homogeneity, which was the cause of much acrimony between those excluded from the council and those who effectively excluded them. In common with many other municipal corporations, such as Bristol and Leicester, Gloucester's municipal government was theoretically in the hands of its corporation, which consisted of all those holding burgess or freemen status in the town. In practice any form of active decision-making was restricted to the common council by virtue of its closed structure.<sup>59</sup>

By the early sixteenth century the corporation had extended its influence into many areas of borough life. Trade regulation and protection of burgess status continued to be administered through the hundred court and its bi-annual frankpledge jury, but their status was being steadily reduced as the common council increasingly assumed an executive position over frankpledge jury regulations and also began directing procedural regulations of the hundred court.<sup>60</sup> Subsequently, admission to the freedom passed from the wider control of the freeman body into the hands of the much more exclusive common council. Furthermore, by the seventeenth century the methods for admission were extended to include admission by gift, thus empowering the corporation to create honorary freemen.<sup>61</sup> This proved to be a useful but highly controversial tool in parliamentary elections, as the borough's freemen held the franchise.<sup>62</sup> Notwithstanding this controversial aspect of the freedom, admission also gave the corporation a modest but regular source of revenue.<sup>63</sup> However, a much more substantial source of revenue came from the corporation's management of communal property and its role as the trustee of many bequests willed to Gloucester, which often provided income in the form of rents or leases and increasingly occupied much of the council's time.<sup>64</sup>

Nevertheless, the growing burden of communal responsibilities, which included the leasing of town property, the regulation of common land, the levying of taxes and the promulgation of ordinances to regulate the welfare of Gloucester's community, drew heavily on corporation funds.<sup>65</sup> When the diocese of Gloucester was created in 1541, the ancient town became a city and the continuing population growth of this new city resulted in its administration becoming an increasingly complex and demanding affair. For, despite the latter sixteenth century outbreaks of bubonic plague, Gloucester had an estimated 4,600 inhabitants by 1603, which grew to 5,000 within seventy years.<sup>66</sup> With much of the population's livelihood centring on a declining textile and capping industry, the provision of social welfare and the administration of law, order and justice became an increasingly pressing issue. Yet, despite the council ordinances, much of the day-to-day administration of these affairs was left to the officers of the parish vestries. Nevertheless, the corporation's growing burden of responsibilities was marked by the increased importance of the offices of steward (or chamberlain), town clerk and recorder.<sup>67</sup>

It was during the English Civil Wars that Gloucester's strategic importance once again came to play an important role in its fortunes, being situated between Worcester, Bristol and access to Wales.<sup>68</sup> As the country descended into civil conflict, Gloucester's support for the Parliamentary cause had combined with its emergence as a puritan stronghold, although the extent of this feeling has since been debated, and once Bristol fell to King Charles I in July 1643 Gloucester's leaders made 'every preparation...for an obstinate resistance'.<sup>69</sup> Consequently, on 10 August 1643, Charles I, having arrayed his forces to the north of Gloucester, summoned the city to surrender to the royalist forces. The Somerset herald John Philpot read out the summons at the Tolsey, the seat of Gloucester's government. Its rejection some two hours later by Colonel Massie (or Massey) the governor of Gloucester's garrison force, the mayor, aldermen and some leading citizens marked the beginning of a protracted siege, which began with the destruction of 200 houses and the parish church of St. Owen.<sup>70</sup> Yet the political repercussions of Gloucester's Roundhead

sympathies were also damaging to the city. The Restoration had a long-term impact on the government of Gloucester and despite the corporation's professed delight with Charles II's 'blessed Return', its disloyalty was not forgotten.<sup>71</sup> Not only was much of the city's defending walls destroyed on the King's orders, but more significantly the inshire was returned to the county and the corporation was subjected to a purge, which began under the provisions of the Corporations Act of 1661.<sup>72</sup> Thirty-five corporation members were expelled in an eight-month period which precipitated an influx of many of the long excluded county gentry to the corporation's ranks.<sup>73</sup> Retribution was not confined to Gloucester and extended to a precautionary re-modelling of 'most of the corporate towns in the kingdom', in an attempt by Charles II to reign-in the liberties of the boroughs.<sup>74</sup> Thus, Gloucester's charter of 1483 was surrendered to the King, who issued a new one on 16 November 1665, which was again exchanged for another charter in 1672.<sup>75</sup> Although the charters confirmed Gloucester's loss of the inshire and further consolidated the new-found advantages of the county gentry's access to corporate office in the city, Gloucester retained many of the liberties and privileges that existed prior to the civil wars. Despite the purge, which challenged the privileges long granted to the corporation, its homogeneity persisted. County gentry may have replaced city Puritans but the narrow oligarchy remained. The aldermen acting as J.P.s continued to play a central role in the provision and administration of local justice, which had been considerably enhanced by the granting of Gloucester's own quarter sessions in 1605.<sup>76</sup>

### **From the Restoration to the Early Nineteenth Century.**

Despite the oligarchical nature of the corporation, it was not immune from internal division as the mayor and aldermanic bench increasingly overshadowed the common council. Nevertheless, the corporation was able to develop along the lines of a narrow political, religious and social spectrum for not only were undesirables excluded, but also many were prohibited from undertaking various civic offices due to the financial burdens which accompanied the posts. By the eighteenth century city notables were once again firmly in control of the corporation, which was dominated by those with Whiggish proclivities.<sup>77</sup> By this time the numerous responsibilities imposed on the civic leaders by the Crown compounded the growing complexity of providing for an expanding population. Consequently commissions of improvement were created by Parliamentary Acts, the first being in 1750, in order to supplement corporation and private initiatives for the provision of public amenities.<sup>78</sup>

By the nineteenth century Gloucester had long been established as a local and regional hub for trade.<sup>79</sup> Indeed, the relative decline of the city's manufacturing industries, which had begun to accelerate at the turn of the century, was compensated by an active embracement of its natural market position, and local improvements often initiated by private investors and active participation of the corporation aided this process.<sup>80</sup> As the 1,500 people employed in Gloucester's pin making industry plummeted by over 75% between 1802 and 1833, so the city was compensated by numerous improvements in transport facilities, thereby bolstering its position as a regional market, distributive and service centre.<sup>81</sup> The protracted development of a canal between Berkeley and Gloucester, established under an Act of Parliament in 1793, was given new life two decades later with the opening of a tram-road between Gloucester and Cheltenham.<sup>82</sup> Founded under the name of the Gloucester and Cheltenham Railway Company the new tram-road established a link between Gloucester's quay, the new canal basin and Cheltenham.<sup>83</sup> Furthermore, the long awaited opening of the canal on 26 April 1827 meant imported goods from overseas, particularly Spain and Portugal, whose access to the city's quay had previously been restricted by the treacherous waters of the Severn above Berkeley, could now circumvent the problem by using the canal.<sup>84</sup> Thus a direct link between the Bristol Channel and the West Midlands was established, with Gloucester acting as its hub. This helped to counter challenges to its strategic position posed by improved trade routes at Bristol, Haw and Tewkesbury. New turnpikes, such as the one connecting Gloucester to Stroud in 1818 also stimulated Gloucester's economy. Between 1802 and 1822 Gloucester's principal coach offices grew from two to five in number, providing thirty-seven services between London, Bristol, Birmingham, Coventry and South Wales with almost '100 coaches a day passing through the city' by the end of the decade.<sup>85</sup> The improved road system also enhanced Gloucester's market economy, handling produce and livestock for twenty-four market towns in the region. Consequently, in 1823 a new cattle market was opened, furnishing the corporation 'with an important source of revenue' and consolidating an earlier reorganisation of Gloucester's market places, which included facilities in Eastgate Street and Southgate

Street.<sup>86</sup> As improvements in regional communications enhanced Gloucester's natural market position, Adam Smith's observations of the phenomenon in the preceding century seem particularly apt. 'Good roads, canals and navigable rivers, by diminishing the expense of carriage, put the remote parts of the country nearly on a level with those in the neighbourhood of a town: they are, upon that account, the greatest of all improvements'.<sup>87</sup> Indeed, the early nineteenth century saw Gloucester enter a period of activity and growth and relative prosperity, which extended well into the Victorian era.

## Conclusion

As Gloucester entered the nineteenth century its corporation was by no means democratic, nor was it ever intended to be.<sup>88</sup> This was neither unusual nor controversial and was the manifestation of the Crown's pragmatic desire to devolve administration as much as possible to the local level.<sup>89</sup> Therefore, the concentration of that local authority into the hands of a relatively small group ensured manageability and stability.<sup>90</sup> Furthermore, notions of political rights were of little consequence for the majority of burgesses compared to the legal and economic advantages bestowed upon them by charters of incorporation. Nevertheless, Gloucester's incorporation in 1483 established a form of local government, which was to persist, largely unaltered, until the introduction of the Municipal Corporation Act in 1835.

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- <sup>3</sup> For an account of the Dobunni tribe, who inhabited much of what is now Gloucestershire, see Darvill's chapter on "The Kingdom of the Dobunni (c 100 BC – c AD 50)" in Darvill, T. *Prehistoric Gloucestershire* (Gloucester: Alan Sutton, 1987) pp.155-176; Reference to *Gleaweastre* and *Glowecestre* is made in Fullbrook-Leggatt, L. *Anglo-Saxon and Medieval Gloucester* (Gloucester: Jennings, 1952) p.6.
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- <sup>5</sup> \_\_\_ *Hunt and Company's Directory and Topography for the Cities of Gloucester and Bristol* (London: B.W. Gardiner, 1849) p.9.
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- <sup>18</sup> Herbert. *V.C.H. Vol.IV*. p.13.
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- <sup>20</sup> Herbert. *V.C.H. Vol.IV*. p.292; Waters, G. *King Richard's Gloucester: Life in a Mediaeval Town* (London: Gloucester Reprints, 1983) p.35.
- <sup>21</sup> Counsel, G.W. *The History and Description of the City of Gloucester* (Gloucester: J. Bulgin, 1829) p.141.
- <sup>22</sup> Herbert. *V.C.H. Vol.IV*. p.13.
- <sup>23</sup> *Ibid.* p.19.
- <sup>24</sup> *Pers Comm.* Dr. John Jurica. Gloucestershire Record Office. 10 November 2003.
- <sup>25</sup> Sparkes. 'Municipal Corporation'. p.13.
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- <sup>29</sup> Fullbrook-Leggatt. *Anglo-Saxon and Medieval Gloucester*. p.35.
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- <sup>31</sup> Jurica, J. (ed) *A Calendar of the Registers of the Freemen of the City of Gloucester 1641-1838* (The Bristol and Gloucestershire Archaeological Society: Gloucestershire Records Series Volume 4, 1991) p.xi.
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