Social Policy, Welfare Innovation & Governance in England: The Creation and Implementation of Gilbert’s Act 1782

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Social Policy, Welfare Innovation & Governance in England: The Creation and Implementation of Gilbert’s Act 1782

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A thesis submitted in fulfilment of the requirements of The Open University, Milton Keynes, for the degree of PhD.

School of History, Faculty of Arts and Social Sciences, The Open University, Milton Keynes. February 2020.
Abstract
The thesis takes a piece of domestic legislation and uses it as a lens to examine the mechanisms of the state in the period 1765-1834. First, by explaining the process through which the Better Relief and Employment Bill 1781, after that known as Gilbert's Act, from its sponsor backbench MP Thomas Gilbert, was created, approved by parliament, and became law. Secondly, by the way, this welfare legislation was adopted and implemented at a local level, through a micro-political case-study of Gloucestershire parishes utilising its provisions. Thirdly, examining how and why those parishes thereafter abandoned the legislation. Following the Act through its lifecycle, using a more extensive range of source material than previously used, it provides an innovative perspective on governance in the period.

Section 1 elucidates how social policy bills became law in a period when the central government withdrew its interest from domestic concerns. It portrays the symbiotic relationship between national and local interests and how Gilbert, could create an effective campaign within parliament and across England by utilising correspondence and emerging print culture, which focused on local interests, particularly magistrates, to develop and drive reform. Section 2 looks at its impact and focuses on 15 Gloucestershire parishes who implemented the Act and depicts a matrix of elements acting as drivers to its adoption, often instigated by magistrates. However, magisterial support for the adoption of Gilbert’s Act or magistrates ongoing encouragement did not ensure strict compliance with its provisions. Instead, the manifestation of the Act was highly variable. It facilitated cooperation with magistrates in executing welfare administration in some instances. Section 3 shows the end of Gilbert’s Act in Gloucestershire was associated with the Sturges Bourne Acts and Poor Law Amendment Act. It was again influenced by local magistrates.
Acknowledgements
I want to thank my supervisors, Professor Paul Lawrence and Dr Donna Loftus, for their guidance, criticism, and patience. Thanks also to my PhD colleagues in History and Classics at the Open University who have supported and encouraged, and Marie-Claire Leroux for sorting out all my odd admin requests.
Thanks, are also due to the ever-helpful staff of the Gloucestershire Archives.
Finally, an enormous debt is owed to my family. To my husband and my daughters for putting up with me and believing this was a good idea. It is dedicated to you.
Abbreviations:

TNA The National Archives
BL British Library
GA Gloucestershire Archives
BA Bristol Archives
CJ House of Commons Journals
LJ House of Lords Journals

Quotations:
The punctuation, capitalisation and spelling of the original has been followed.

Capitals:
Capitals are kept to a minimum.

Lower case has been used for titular offices, institutions, government departments, etc: the archbishop of Canterbury, chancellor, duke of York, earl, king, prime minister, houses of parliament, opposition.

‘A bill’ and ‘an act’ but ‘the Bill’ and ‘the Act’ when specific.

Note member of parliament, but MP; houses of parliament, but the House.
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Introduction

*On every account... this Act requires especial attention.*

In 1782, a bill entitled the Better Relief and Employment of the Poor was passed by both houses of parliament and became legislation. The new Act became known as Gilbert’s Act, after its sponsor Thomas Gilbert, a backbench MP with a long-standing reputation as a poor law reformer. This was the culmination of over twenty years of work. The legislation became associated with what has been called ‘a new wave of humanitarian feeling’ towards the poor at the end of the eighteenth century. It provided a framework for the delivery of welfare, and, even amongst its detractors, was later described as ‘the most carefully devised, the most elaborate and perhaps the most influential, for good and evil, of all the scores of Poor Law Statutes between 1601 and 1834.’ However, the process which created this piece of social policy remains little understood and its impact on the ground largely overlooked in the historiography of the poor law.

This thesis examines the process of the creation and implementation of Gilbert’s Act, enabling a better understanding of how the English state functioned at the national and local level. It does this first by examining the process through which the legislation was enacted. This is studied in a broad context taking a long temporal perspective, encompassing both the detail of the parliamentary process and political

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campaign at the periphery, together with the political, societal and cultural changes which shaped them. Secondly, the impact of Gilbert’s Act is considered in a Gloucestershire case-study. It explores why the Act was adopted in local parishes and unions (this also includes a reflection on its statistical significance). It then investigates how, thereafter, it was interpreted by those parishes and why it came to be abandoned by them.

The thesis will show the symbiotic relationship between national and local interests and how Thomas Gilbert, after a twenty-plus year political apprenticeship, fashioned a successful campaign within parliament and the provinces. He employed correspondence and the developments in print, and focused on local interests, particularly magistrates, to create and drive social policy reform. On the ground, the statistical impact of Gilbert’s Act in Gloucestershire was more significant than could have been predicted. Locally the implementation of the Act was often associated with the aspirations of the judiciary. However, while some parishes adapted or twisted the provisions of the Act, others embraced its tenets with enthusiasm. Its demise in the county was presaged by the Sturges Bourne Acts 1818-19. Later, in 1834, its use was quickly terminated after the enactment of the Poor Law Amendment Act, a process also connected with magistrates’ wishes.

This introductory chapter will first consider relevant historiographical debates (including that on the old poor law, local government and magistracy). Next, it will move to outline literature pertinent to the creation and implementation of Gilbert’s Act and the deficits therein. The objectives and design of the thesis are then discussed; this includes the rationale for choosing Gloucestershire as the basis for the
implementation case-study. The chapter closes with a consideration of the sources and methodology applied in the thesis.

Debating the Old Poor Law

Over time, there has been a wealth of methods applied to the study of the English poor laws. When the first histories of the old poor law were written, they presented it in a very straightforward manner, focused initially on the statute book and case law to capture legal and administrative changes, and then subsequently moved on to explore its operational aspects. For example, Sir George Nicholls, a stalwart of the Poor Law Commission, produced a classic text which provides a highly comprehensive listing of all the relevant legislation from the reign of George I (1714) to Victoria (1853). Although rich in detail on a large number of statutes enacted during that period, Nicholls’s text represented these as a linear progression from a jumbled morass of laws towards the all-encompassing unity of the 1834 Poor Law Amendment Act. In this context, he was thus naturally negative in tone about the pre-1834 poor laws. The tone was both informed and influenced by the Report of the Royal Commission of 1834. It did much to convince contemporary opinion of the evils of the old system. Indeed the ‘Whig’ perspective and tone of Nicholls’s account has endured in the subsequent literature well into the twentieth century.\(^5\)

Sidney and Beatrice Webb produced a monumental work based on a detailed examination of parish records charting 400 years of poor law history.\(^6\) Another notable example was Dorothy Marshall’s classic text on poverty in the eighteenth century.

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These studies were essentially narratives focused on the operation of the poor laws and not the experiences of the poor themselves. While several valuable local studies followed these works, these remained resolutely ‘top-down’ in perspective and maintained the emphasis on the perceived failure of the system of the poor laws before 1834.  

Since the 1960s views of the old poor law have shifted becoming ‘revisionist’ when compared to earlier perspectives. These more positive interpretations followed from the ideological backdrop of the establishment of the modern welfare state in the mid-twentieth century and particularly the publication of a highly influential article by the economist Mark Blaug in 1963. Blaug sought to demonstrate that rather than exacerbating the economic crisis as suggested by the Poor Law report and early commentators such as the Webbs, the supplementation of wages by outdoor relief under the old poor laws, had been a reaction to it. Indeed, ‘considering the quality of social administration in the day, it was by no means an unenlightened policy.’ The publication of this article ‘marked the beginning of a revisionist analysis of outdoor relief.’ Subsequently, there has been an active debate on the economic effects of the

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9 The term is borrowed from G. Boyer who used it in his book from 1990 to differentiate the more positive views of historians on the economic impact of the poor law and specifically outdoor relief which followed Blaug’s influential article. It has been applied in a more general sense to reflect more optimistic interpretations of social policy and poor law than were expounded by the Webbs, which likewise followed the 1960s. G. Boyer, *An Economic History of the Poor Laws, 1750-1850* (Cambridge: Cambridge University Press, 1990), pp.2-3.
old poor law, particularly the impact of outdoor relief and settlement upon the
economic development of the country at the end of the eighteenth century.\textsuperscript{13} For instance, George Boyer has argued that: ‘the widespread adoption of Speenhamland policies was a rational (i.e., a profit-maximizing) response by grain-producing farmers to changes, in the economic environment of the late eighteenth-century.’ The utilisation of which allowed them to secure adequate peak season labour.\textsuperscript{14}

By the mid-1990s the fiscal debate was focussing on the connection between poor relief and England’s rapid economic development at that time. Peter Solar claimed that not only was poor relief a contributing factor to such development but that it was ‘integral’ to it. Solar contended the English poor law system was unique in Europe, being both ‘uniform and comprehensive’ and ‘relatively generous and certain in its benefits’. He opined that it promoted economic development by acting as a safety-net which encouraged marriage, the birth of children and a wage-earning culture, lessening the imperative for land ownership and thereby fostering new employment structures.


At the same time, he argued that society’s elites, who had ‘a direct pecuniary interest in ensuring that the parish’s demographic and economic development was balanced’, encouraged economically beneficial migration through judicious use of the laws of settlement. Solar’s ideas have elicited a strong negative response in some quarters, not least from Steven King, who has characterised them as; ‘based upon an inadequate appreciation of the diversity and complexity of poor relief as practised in England prior to 1834’. For example, King argued Solar emphasised the uniformity both in organisation and benefit of a relief system, whereas there were, in fact, substantial regional differences across the country. Similar criticisms could be made of more recent work by Larry Patriquin, whose examination of the English welfare system from a Marxist standpoint, argues that its presence provided a sufficient balm to ensure a peaceable transition to capitalism. Solar and Patriquin are not the only researchers to emphasise the generosity and wide-ranging nature of parish assistance during the period before 1834. King is

17 Patriquin’s arguments are similarly pretexted on the idea that the English model was unique as well as generous and consistently applied. L. Patriquin, Agrarian Capitalism and Poor Relief in England, 1500-1860: Rethinking the Origins of the Welfare State, (Basingstoke: Palgrave Macmillan, 2007).
18 Keith Snell described the system as being, ‘[a] mini welfare state, offering generous, comprehensive security and relief’. K. Snell, Annals of the Labouring Poor (New York: Cambridge University Press, 1985), p.5. See also A. Digby, Pauper Palaces (London: Routledge & Kegan Paul Ltd, 1978). Within the more optimistic literature, recent studies have become more nuanced. For example, Susannah Ottaway while discussing the more benign nature and increasing scope of relief given to the old, also identifies that relief was more generous in particular regions. S. Ottaway, The Decline of Life: Old Age in Eighteenth-Century England (Cambridge: Cambridge University Press, 2004). Samantha Williams, likewise, identifies a more generous attitude to the aged, however, relief required supplementation from other sources. Williams, Poverty Gender and Life-Cycle under the English Poor Law.
also part of a growing number who believe that the situation in thousands of English parishes was much more complicated, altering over time (particularly in the late eighteenth and early nineteenth centuries) and with a distinctively regional aspect.  

In a book published in 2000, King wrote that parishes in the south and east of the country ‘put in place a wide definition of entitlement and that the communal welfare system granted more substantial nominal allowances to people than did communities in the North and West.’ Moreover, interventions were earlier, and fewer applications were turned down. In the north and west of England, he stated that communities ‘had a narrower definition of entitlement and devoted fewer resources to the communal welfare framework, not because they had insufficient money nor because there was no significant demand for welfare, but simply because the local elite chose not to.’

Towards the end of the eighteenth century, economic changes and growing demands were indeed necessitating a change in the structure of relief. However, relief was given, whether through in-relief or out-relief, ‘the total welfare package was rarely enough to guarantee subsistence. The poor thus had to engage in a complex strategy of ‘making-do’. 

This making-do could require supplementing relief through a variety of sources. The ‘structure’ of this recourse to supplementation has been called the ‘mixed economy’ of social welfare and has been explored by John Broad, using case studies of three

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20 King & Hirst, Poverty and Welfare in England, p.257. 

21 Ibid, p.258.
parishes. In these, he observed that; ‘a raft of security for most rural families’ was provided by parochial assistance coupled with a complex mix of customary and charitable resources. Over time, Broad found that circumstances changed, particularly during the Napoleonic wars and the scale of poverty increased, placing non-state resources under considerable pressure. Ultimately the contribution of the charitable sector was reduced and marginalised when compared to input from poor relief. Thus, the parochial economy of welfare moved from one which enabled independence to one ‘directed overwhelmingly at penury and subsistence.’

This aspect of the historiography demonstrates the limitations of poor relief and also begins to illustrate the fact that the poor were not merely passive beings but were active agents in attempts to improve their situations. At present, this line of thought is providing a rich vein in the debate. It also reflects changes within historical thinking more generally, which now seeks to explore ‘history from below’, a perspective within the discipline which has been growing steadily in popularity since the 1960s and 70s.

During the last three decades, there has consequently been the development of three interrelated areas of critical engagement. First, there is the consideration of who, in reality, the poor were and within this an acknowledgement of the importance of life cycle poverty, those periods in an individual’s life when poverty became more

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23 Broad, ‘Parish Economies of Welfare’.

likely. Secondly, expanding on the ideas already expressed, that parish relief represented only one facet within a household’s domestic budget and that life for the poor was characterised by an economy of makeshifts, a concept which explores the totality of financial strategies that the poor used to survive. Finally, enlarging on ideas of the pauper as an active agent, the sphere of micro-politics, and how the poor and parochial authorities jointly ‘negotiated’ relief.

One of the most important ways the labouring poor could exhibit their agency was in their success or otherwise at negotiating parochial relief at times of crisis. This aspect, explored in recent studies of micro-politics, is described as providing, ‘some of the most stimulating research undertaken in the last 15 years to the poor laws.’

One particularly noteworthy contribution has been a collection of articles edited by Tim Hitchcock. This volume, while illustrating the experiences of the poor, ‘vividly demonstrates the nature and significance of the politics of parish relief.’ Specifically designed to expose those aspects of the debate which had been

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27 Williams, Poverty Gender and Life-Cycle under the English Poor Law, p.10.


neglected, namely, ‘the material resources available to labouring men and women
and the strategies they developed, at an individual rather than collective level, in
order to obtain the help they required from the various networks of authority that
shaped their lives.’ By the judicious use of hitherto under-utilised evidence,
particularly pauper letters, contributors elucidate not only what society felt like from
below, but also aspects of shift and life-cycle poverty.

The most detailed of the studies of micro-politics to date is probably Steve Hindle’s
*On the Parish?* It examines, the interactions and power play inherent within the
organisation of poor relief stressing the role of negotiation, rather than direction from
above. While emphasising agency, Hindle remains pessimistic in tone writing ‘it is
important to recognize the inequalities with which the parish relief system was
saturated, and which inhibited the extent to which paupers might gain access to the
circuits of authority.’ Makeshifts and negotiation with parish authorities were
ways that the labouring poor exercised agency, but the power in that relationship did
not rest with the poor.

Although recent decades have largely foreground pauper agency, treatments utilising
a ‘top-down’ approach still provide a vein in the historiography of poor law policy

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31 There has been a growing use of pauper letters in the years since this publication helped in no
small part by the work of Thomas Sokoll on Essex. T. Sokoll, *Essex Pauper Letters, 1731-1837*
(Oxford: Oxford University Press, 2006). For example, P. Jones, ‘”I Cannot Keep My Place Without
Being Deascent”: Pauper Letters, Parish Clothing and Pragmatism in the South of England, 1750–
1830’, *Rural History*, Vol. 20 No 1 (2009), pp.31–49; P. Sharpe ‘The Bowel of Compation’: A
Age in Poverty the Records of Pauper Letters 1780-1834 127-154 in Hitchcock, *Chronicling Poverty*.
32 S. Hindle, *On the Parish?: The Micro-Politics of Poor Relief in Rural England C1550-1750* (Oxford:
and implementation. Contributions include the role played by ideology within the setting of policy and the part performed by society’s elites in their creation and implementation. One of the most original and controversial insights is provided by Lorie Charlesworth’s book, Welfare’s Forgotten Past. Charlesworth writes, ‘historical readings of poor law have developed conventions and orthodoxies that [mis]understand its legal nature, arrived at by extensive archival study conducted without legal knowledge.’ In her analysis of the 1601 Act and subsequent settlement legislation, the settled poor had a legal right to relief, a point, according to Charlesworth, historians had been generally unable to identify, in ‘an orthodoxy of denial’. The interpretation has been criticised by some historians, including Steven King and Peter Jones, who argued that; ‘a right to be considered for relief did not equate to a right to receive it.’ Despite these reservations, they acknowledge that


‘Charlesworth’s placing of the law once more at centre stage is an important
development of the poor law historiography.’ The engagement is, indeed,
important. It is from here that so much information about the lives of the poor
originated and from which narratives of pauper agency are gleaned. Legislation
ultimately underpinned the context in which these exchanges were made.

Charlesworth is not the only one to engage with the topic of legislation. Joanna
Innes, in particular, has done much to illustrate the development of eighteenth-
century social policy, its political and cultural milieu. She has highlighted the
central role of parliament as a mechanism able to respond to the needs and
innovations of the localities. Innes has also stressed the importance of backbenchers
(MPs who had no post within the government or opposition) in introducing social
legislation, mainly without government or executive support. In her account, she sets
herself squarely against the influence of the Webbs, whose downbeat assessment of
the role of the state had ‘dominated thinking about many aspects of eighteenth-
century English Government for several decades’ and did much to stifle debate in
that quarter. Innes also emphasises how impactful the legislation could be, noting
that although several notable examples of workhouses were created before the
passing of the Workhouse Test Act in 1723; ‘after the passage of the Act, a trickle

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38 Jones & King, Obligation, Entitlement and Dispute, p.3
39 For example, information about paupers is often drawn from vestry and magistrate records.
40 Much of this is brought together in her collected work, Inferior Politics. J. Innes, Inferior Politics; J.
Innes, ‘The “Mixed Economy of Welfare” in Early Modern England: Assessments of the Options from
Hale to Malthus (C1683-1803)’, in Charity, Self-Interest and Welfare in the English Past, ed. M.
See also S & Webb, English Local Government: Vol. 1: The Parish and the County (London: Longman,
turned into a powerful current."\textsuperscript{42} However, while showing that the relationship between the centre and the local was dynamic and two-way, there remains considerable ambiguity about how the relationship worked, particularly concerning the creation of legislation. For example, Innes does not address the role of print in policy creation.

Local Government & Role of the Magistracy

David Eastwood has argued that the roles of both central and local government developed significantly during the eighteenth century. While the centre was increasingly looking outward with a fiscal-military bias, ‘local government independently augmented its scope and deployed new resources to ameliorate or contain burgeoning social problems, notably poverty, vagrancy, crime and lunacy.’\textsuperscript{43} Eastwood explained that the changes at the local level were not a facet of the fiscal-military bias at the centre, but were ‘the complex counterpoint between centre and locality’ and ‘an increase in governance rather than a transfer of power between centre and localities.’\textsuperscript{44}

Of singular significance to these developments in the English state, and providing ‘a crucial pivot’ to it, was the Georgian magistrate who provided an important link between central and local government. Domestic policy was primarily devolved to the localities to administer. It rested under magisterial supervision. Thus, county JPs assumed responsibility for aspects as diverse as upkeep of bridges and the welfare of the aged, on top of their traditional remit of law and order. These ‘rulers

\textsuperscript{42} Innes, ‘Parliament and the Shaping of Eighteenth Century English Social Policy’, p.73.
\textsuperscript{44} Eastwood, Government and Community in the English Provinces, p.18.
of the county’ were described in an earlier work by Eastwood as ‘much the most important figures within English counties, upon whom the whole weight of local government ultimately rested.’

Within the milieu of local government, the poor law was of supreme importance and described by Eastwood as ‘the normative political institution in rural England.’

Consideration of the part played by magistrates in this context has over the last few decades focused on certain areas, particularly settlement entitlement, or is used to provide background detail or anecdote to poor relief. Important studies on the history of the poor law, such as the *Solidarities of Strangers* by Lyn Hollen Lees have barely referenced the role justices played. It may have led to gaps and uncertainty about the part played by magistrates in relief administration. Indeed, Peter King noted in a recent article on pauper appeals, a lack of engagement on the topic since the 1960s meant historians were now ‘extremely ambivalent’ about the impact of appeals to relief administration. Consequently, there is great potential in further examination of the role of magistrates in respect to poor relief.

The last researcher to consider the full scope of the role played by magistrates in welfare was Peter Dunkley 40 years ago. According to him, the system ‘provided

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48 Hollen Lees, *The Solidarities of Strangers*.

substantial opportunities for magistrates to direct the administration of relief. In doing so, they were not obliged to refer to a higher authority in London. This discretion was particularly exercised after 1795 when war and famine brought with it acute distress, and magistrates in a number of counties responded by adopting Speenhamland bread scales. Whether these methods were adopted, and to what extent JPs were restricted in their activities or more generally exercised power to direct strategy, depended on several factors and is still largely conjecture. Eastwood points out ‘it was far from clear that they [magistrates] had any authority to require parishes to adopt particular policies towards the poor.’ Indeed, Dunkley in his assessment did not draw on recording from parishes or from summary courts, despite emphasising their importance. Instead, he relied wholly on government reports although concedes ‘this material precludes the precision in interpretation that can be achieved through grass-roots research on original parish documents.’ While Dunkley indicates the potential of justices with respect to poor law, there is much more which could be achieved by looking at sources closer to the ground.

Unsurprisingly, magistrates are more closely associated with, and are more deeply embedded within, the literature on the application of criminal justice. In this context there has been considerable interest in magisterial judicial ‘discretion,’ in the execution of their duties which at times precipitated activities which may not have

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53 Dunkley ‘Paternalism, the Magistracy and Poor Relief in England, 1795-1834’, p.385.
been entirely legal. These freedoms fostered particular repercussions such as the local or decentralised way legislation or practice could be influenced or made. Peter King describes how ‘within the court system itself, justice was often shaped and remade from the margins-in the lower, more locally based and least centrally supervised courts.’

Allied to this there has been a recent burgeoning of literature which focuses on justices in proceedings at a summary level. Here they provided mediation and arbitration in cases, to such an extent, that they provided a filter, easing pressure on higher courts. In the discharge of this, magistrates delivered a system that was both flexible and adaptive, in order ‘to provide useful solutions to problems based on notions of policy, of justice and of the need to keep the peace in the communities whose members brought cases to them.’ What is more, not only did magistrates use discretion in their interpretation of the law, but they did so with little oversight, which should have been provided by the body of the King’s Bench. Douglas Hay has demonstrated, that supervision by the King’s Bench was rarely utilised and, even

54 Gwenda Morgan and Peter Rushton’s article on one particular magistrate, Edmund Tew, is a fascinating insight into summary level justice in action. This included doing things which he was not legally empowered to do. G. Morgan & P. Rushton, ‘The Magistrate, the Community and the Maintenance of an Orderly Society in Eighteenth Century England, Historical Research, Vol. 76 No. 191 (2003), pp.54-77. King makes a similar point, for example, the tendency of magistrates to deal with cases of theft at summary level. King, Crime and Law in England, p.8.

55 Innes also identifies magistrates as one of three sources of policy initiative which came from outside central government (along with backbenchers and associations). King, Crime and Law in England, p.61; Innes, ‘Parliament and the Shaping of the Eighteenth-Century English Social Policy’.


when it was, magisterial ignorance, illegal commitments to gaol and malicious refusal of bail were tolerated. Consequently, the ‘King’s Bench effectively protected the action of most provincial justices from being questioned, curbed or controlled by those whom they judged.’ These findings have implications for other areas of the justices’ role. It seems credible that if they applied discretion with little supervision in respect to criminal justice, they could, just as easily, apply the same to their administration of the poor law, just as Dunkley suspected.

Gilbert’s Act

In the late eighteenth century, the state was developing fast. Revolutionary and continental wars abroad placed new stress on national and local structures which were themselves dealing with fresh economic and societal pressures. In this environment, parliament and local interests (backbencher and magistrate) worked effectively to create legislative solutions to meet the necessities. The magistrate was often the link between the national and local state. A constant, he provided a linchpin within the system while helping to ensure its continuity by being a catalyst for change and adaptation. However, fissures later opened as justices became associated in parochial politics with interference and a lack of fiscal constraint. A backlash came with new legislative mechanisms to limit the power of magistrates over vestries. Finally, the central government came to realise it was inadequate to

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59 Dunkley suggests this may have been an unfair assessment as bread scales were less generous post-war and magistrates came to question its value. Dunkley, The Crisis of the Old Poor Law, p.66. See also Dunkley, ‘Paternalism, the Magistracy and Poor relief in England’ and Poynter, Society and Pauperism, pp.10-13.

60 These included the use of select vestries and assistant overseers from Sturges Bourne legislation. For a background to this act, which was instigated by a backbencher, William Sturges Bourne. See D.
rely on magistrates, and it may need to lend a helping hand if such measures were ever going to address social problems adequately. Against this context, Gilbert’s Act 1782 was created, implemented and foundered.

While legislative activism and the importance of backbench MPs is acknowledged with respect to the creation of social policy in the eighteenth century, there is still much we do not know about the process. Innes suggested some reasons why backbenchers were inspired to sponsor reform, broadly how they could go about doing so, and what obstacles lay before them.  

However, she did not provide a fleshed-out example. We do not know the nuance of how it was practically achieved. Moreover, there are elements upon which Innes is ambivalent, for example, whether opposition or support to social reform was affected by political affiliation. There are elements upon which she does not fully engage, which may have had a significant impact, such as the role of newspapers. Although Innes makes some distinction between the early and latter part of the century, there is also not a distinct sense of how things changed over time. However, she did identify Thomas Gilbert, as one of a type of backbencher who did engage in the practice of policy creation. He sponsored welfare reforms, consulted with magistrates, adapted his plans and although failed to secure a comprehensive reform became an acknowledged expert in the field of the poor law. Thus, the three decades of Gilbert's parliamentary career and various reform attempts provide an ideal opportunity to observe the process of policy creation up close. Indeed, his career made up of

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success, failure and abandoned attempts make him a unique prospect in this regard. His method, which involved consultation with magistrates, also provides an opportunity to observe the relationship between the local state and the centre.

Innes argued that the legislation arising from the process she described could be impactful. Gilbert was successful only once. The resultant Act was a piece of permissive legislation (meaning that parishes could, but need not, opt in to its provisions). Its permissive nature has meant that historians have tended to doubt the impact of Gilbert’s Act. The Webb’s stated that by 1830 only 924 parishes of the country’s approximately 15 000 parishes had adopted the Act, forming 67 unions. These were characterised as predominately rural and geographically restricted.62

Low adoption figures are also noted by a number of historians, including Norman Longmate, Steven King and Anthony Brundage.63 While acknowledging similar figures, Innes is benign in her assessment, stating ‘though not providing a basis for the comprehensive unionization Gilbert aimed at, it did provide a basis for extensive local action.’64 A careful examination of local sources within Gloucestershire immediately suggests Gilbert’s Act adoptions have been missed.65 Indeed, not only

62Webb, English Local Government: English Poor Law History: Part 1, p.275. Other authors, while acknowledging the limited take-up have had different perspectives on the geographical distribution, particularly Peter Mandler, ‘take-up was almost exclusively in urban industrial areas apart from a unique cluster in East Anglia.’ Nicholls, A History of the English Poor Law, p.91; Mandler, ‘The Making of the New Poor Law,’p.133.
64Innes, Inferior Politics, p.99.
does it highlight take-up in an area (the south-west) not previously identified by the Webbs but in a manner, as individual parishes, that they did not anticipate.

In 2017, Samantha Shave’s book, *Pauper Policies*, partially addressed the potential underrepresentation of Gilbert’s Act adoptions by conducting a study of the impact of the legislation on the south coast of England. Her investigation focused on parliamentary returns and a ‘strategic approach’ to local sources to indicate potential sites. The findings suggest that, indeed, the take-up of Gilbert’s Act was higher than had previously been thought.\textsuperscript{66} However, Shave’s study encompassed localities already associated with the legislation. She also caveats her findings by stating she ‘does not attempt to provide a definitive list.’\textsuperscript{67} The overall number, regional distribution and typography of Gilbert’s Act adoptions therefore still needs to be reconsidered. However, this aspect requires careful handling. While an understanding of the number of places which adopted a piece of permissive legislation offers a convenient measure of its impact, its implementation was shaped by local interpretation.\textsuperscript{68} Adoption could mean many different things in practice.

Despite Charlesworth’s appeal for historians to engage with legal structures, recent work continues to side-line it in favour of work on pauper agency. The book by Shave is, therefore, welcome as it has begun to address this imbalance.\textsuperscript{69} Employing a ‘policy approach’, it devotes a chapter to Gilbert’s Act, in a piece that


\textsuperscript{67} Shave, *Pauper Policies*, p.63.

\textsuperscript{68} Many would probably still agree with J.R. Poynter assessment that, ‘Only by courtesy could poor relief be described as a system before 1834, being rather a multitude of practices within (and sometimes without) the framework of a complicated aggregation of law’ Poynter, *Society and Pauperism*, p.1.

\textsuperscript{69} Shave, *Pauper Policies*. 
looks at how relief policies were created, adopted, implemented and discarded under the old and new poor laws. The section on Gilbert’s Act is thus part of a larger whole. Shave is selective in her depiction, elaborating at length on the question of statistical significance based on numbers of adoptees and whether or not workhouses administered under Gilbert’s Act were appropriately used for the vulnerable poor (as was specified under its provisions).

While Shave’s insight is welcome within the historiography of the poor law, her aspiration is limited. There is considerable further latitude for the consideration of Gilbert’s Act within a broader context. The administration of poor relief was the bread and butter of parochial, and to a large extent, of county government. A new reflection upon the micro-politics associated with the implementation of Gilbert’s Act, and mindful of how it worked practically in conjunction with other aspects of local governance, could provide valuable insight into the operation and impact of local government. Indeed, perhaps it is a requisite. Embedded in the legislation were changes to the mechanisms through which the local state was organised. In Innes’s words ‘it provided a framework that permitted the establishment, without further resort to parliament, of a new, rate supported local authority.’

Also worthy of consideration is the role of magistrates (the link between the national and local government) who had an important supervisory role within local government. They played a part in the creation of Gilbert’s Act. They were critical too in its implementation. Shave only engages with the role played by justices in describing their duties under the Act’s provisions, and not by reference to what they

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70 Innes, Inferior Politics, p.99.
actually did. It is unsurprising given the ambivalence of most historians on the role of magistrates in relief administration. Yet, she and they, thereby, miss much. The adoption and operation of the framework were predicated on magisterial co-operation. It required their authorisation and (it was hoped) they would be brought into the administration of poor relief. An analysis of the role of justices in the implementation of Gilbert’s Act would provide some further insight into what they did under the old poor law. However, this could also be considered in a broader aspect. For example, while the legislation required the sanction of local justices, it also required the consent of the majority of ratepayers at a parochial level. It needed impetus, forethought and negotiation with various elements and thus the potentiality for the exercise of magisterial power to direct policy (something Dunkley suggests justices were increasingly apt to do). Such activity also portrays local government in action, and it highlights the increase in governance at a local level. A study of Gilbert’s Act offers an opportunity to examine the influence of justices in two neglected spheres, that of local government and through their role in its creation that of parliament.

Objectives & Design

This thesis is a case study through which two inter-related political settings, parliament and the parish, are examined to investigate, describe and appraise the making and influence of An Act for the Better Relief and Employment of the Poor, more popularly known as Gilbert’s Act, passed in 1782. In this way, Gilbert's Act becomes a lens through which to examine the Georgian state at a national and local level to better understand the creation and implementation of social policy and the mechanisms of government more broadly. The study concentrates on the closing
years of the old poor law between 1782 and 1834. It is dependent on qualitative research, an interpretive approach and focused on primary source material, much of which has not been used in connection with research into Gilbert's Act, social policy or government during the period.

Section 1 of the thesis provides, for the first time, an in-depth analysis of the context, evolution, enactment and early influence of Gilbert’s Act. It analyses and interprets the process of its creation in detail, thereby illuminating the relationship between the centre and periphery, and the dynamics of social policy creation. Consideration is given to Gilbert’s treatises on poor relief, his correspondence, and the literature produced by his direct contemporaries. While giving weight to his own words and explanations, his actions are also examined in great depth. Gilbert’s use of burgeoning print culture is a feature, a consequence of both the growing prevalence and sophistication of printed media and the method he employed utilising the developments to engage in a dialogue with the political classes and grow support within parliament and extra-mural to it. This section carefully places these elements in the context of each other. For example, it recognises his pamphlets were not produced in isolation but were related to factors such as recent feedback, what was going on in parliament, and whether parliament was in or out of session. The concept print culture used in the thesis recognises a relationship between the printed word, its creation, dissemination and consumption and its impact, in this instance, in particular, in a political context.

Gilbert’s poor law crusade is considered over twenty-five years, tracking his growth as a parliamentarian by his failures and successes. This long view allows for the
better identification and impact of trends, such as the development of parliamentary reporting, the reviewing press and increase in provincial newsprint.

Sections 2 and 3 examine the operation of Gilbert's Act in Gloucestershire, a county never studied in relation to this Act. Section 2 looks at the circumstances and reasons for the adoption of the legislation and how it was subsequently implemented. It includes consideration of whether the number of adoptees of Gilbert’s Act in the county was statistically significant. The analysis does not assume parishes followed the tenets of the Act in their adoption or implementation. It focuses on the various points of compliance and divergence with its provisions. Those involved in the administration and other notable stakeholders are identified and discussed extensively to add analytical depth. This approach is unusual but proved crucial because the interpretation of Gilbert's Act on the ground was often predicated on the aspirations of particular magistrates or groups of magistrates. Consideration of Gilbert's Act is likewise made in conjunction with the broader context of local government in some parishes, as this was also pertinent to the implementation of the legislation. The thesis recognises that the poor law was not administered in isolation to other aspects of governance. Section 3 examines the circumstances which persuaded parishes to stop using Gilbert’s Act. The role of magistrates was again significant as were the legislative reforms of Sturges Bourne and the Poor Law Amendment Act, the influence of which is discussed in depth.

The micro-political study of the implementation of Gilbert’s Act is based on a sample from Gloucestershire. This county was chosen for several reasons. No comprehensive consideration of local government in the county has been done since
Esther Moir’s work in the 1960s. No in-depth or county-wide study of the operation of poor relief under the old poor law in Gloucestershire has been attempted. It is not a county generally associated with innovation in poor relief, such as Norfolk with the Incorporation movement. It was not linked with the creation of Gilbert’s Act. Within the literature, it is not one in which the take-up of the legislation is identified. Yet, in 2008, Shave published an article in which she argued that Gilbert’s Act had a more significant impact on the ground than had been previously suggested. It implied there was great potential to the further analysis of the Act in places not traditionally associated with it. Research undertaken before the thesis indicated the county had both good poor law records and, indeed, several Gilbert’s Act parishes (which had been mentioned, although not developed upon by several theses and an article). Added to this, in 1807 Thomas Rudge had observed that in Gloucestershire there was ‘a few instances of a junction of parishes under what is called Gilbert’s Act.’ Therefore, there was the likelihood of finding further implementation of the legislation within the county and the means with which to investigate it.

Furthermore, Gilbert’s Act was intimately connected with the magistracy. It was created with the help of justices across the country, and in its tenets they were drawn into poor law administration. It made sense to recognise this within the choice of locale for an examination of its effect, especially when acknowledging its impact.

71 Moir, Local Government in Gloucestershire.
72 Digby, Pauper Palaces.
73 Shave, ‘The Welfare of the Vulnerable in the Late Eighteenth and Early Nineteenth Centuries’.
may have been overlooked. Gloucestershire, the Webbs felt ‘was distinguished for the efficiency with which its county business was carried on.’\textsuperscript{76} In 1787, inspired by the Royal Proclamation against vice and immorality, the quarter sessions directed that regular sessions were to be held in each district. In this way, the petty sessions already established within the early seventeenth century, became formalised and work extended.\textsuperscript{77} One of the potential outcomes of an organised local presence (which was indeed realised) was the adoption and implementation of Gilbert’s Act. In addition, from the late eighteenth century the county became associated with social policy, albeit regarding prison reform, promoted by the indomitable justice Sir George Onsiphorus Paul. Moir noted, through this work ‘the Gloucestershire Bench was to be amongst the first body of men to take effective action to relieve the wretched state of one of the most ill-treated and neglected elements of eighteenth-century society.’\textsuperscript{78} One may have expected an enlightened county bench would be receptive to a well-devised act which enhanced magisterial influence, on a subject which was of broad interest to them. For these reasons, Gloucestershire was chosen.

Sources & Methodology

Studies of the operation of national and local government during this period are challenged by the limitations of the available primary source material. However, a particular innovation of the thesis has been the exhaustive range of source material used.

\textsuperscript{76} Webb, \textit{English Local Government: Vol. 1: The Parish and the County}, p.430.
\textsuperscript{77} Moir, \textit{Local Government in Gloucestershire}, pp. 116-120; Webb, \textit{English Local Government: Vol. 1: The Parish and the County}.
\textsuperscript{78} Moir, \textit{Local Government in Gloucestershire}, p.74. See also Chapters 5 and 6.
The first half is taken up by an analysis of the creation of Gilbert's Act. Although it would be easy to think of this as a process contained within parliament, requiring source material drawn mainly from that context, this would be wholly inadequate. This assessment begins in the 1760s, whereas parliamentary reporting was restricted until the 1770s and during Gilbert’s successful campaign in the 1780s still developing. Much was destroyed by a fire at Westminster in 1834, including the committee minutes associated with Gilbert’s bills. Instead, evidence for the political campaign is drawn from across the country. It includes official parliamentary sources such as the journals of the house of commons and the house of lords, works by parliamentary reporters (such as John Almon), pamphlet literature, correspondence, the reviewing press and the London and provincial newsprint. The online database House of Commons Parliamentary Papers was used to retrieve parliamentary sources. Other repositories are outlined below.

Newspapers were prominent, both within the metropolis and in the provinces for reporting the campaign, marketing Gilberts work and pamphlets and reaction to it (such as in correspondence written to newspaper editors). It helped to fill in the gaps and provide depth to more ‘official’ parliamentary recording. While newspaper titles and interest in political debate mushroomed over these years, they have been utilised throughout. However, reflecting both the development of newsprint and the growing sophistication of Gilbert's campaign over the period, its use was transformed. There was undoubted bias, selectivity and error. However, these sources were used in collaboration, with care and sometimes highlighted in the text to mitigate the worst effects, and to emphasise the possible manipulation of the press by Gilbert’s campaign and its opposition (particularly in Yorkshire). It included identification of
familial connections between Gilbert’s publisher and part of the supportive London press.

Several digitised repositories of newspapers were utilised. The most important of these was the Burney Newspaper Collection and the British Newspaper Archives. The former provided the most comprehensive coverage of the London papers and the latter of the provincial press, throughout Gilbert’s parliamentary career.\textsuperscript{79} Gilbert’s Act was enacted before the establishment of newspapers such as \textit{The Times} and \textit{Observer}. The Burney Collection and the BNA were not without their problems. For example, there were gaps in the date coverage of some titles. While this was not inherently problematic due to the full range of titles accessible, it was necessary to consider the enactment in the context of the leading Gloucestershire newspaper, the \textit{Gloucester Journal}.\textsuperscript{80} It was pertinent as the implementation of the Act was considered in the context of the county. Unfortunately, while both databases had holdings of the \textit{Gloucester Journal} during the late eighteenth century neither covered the critical period 1781-1782. It necessitated the examination of the title on microfiche at Gloucestershire Archives. Keyword searches were made of the digital databases to find evidence of marketing and news reporting. Sometimes the findings were so numerous (such as associated with the advertising of a tract) a geographical cross-section was used within the footnotes.

Other printed media was also employed, particularly political pamphlets, both Gilbert’s own and those of others. In all, 10 works published by Gilbert were

\textsuperscript{79} A few provincial titles of limited date range are also included in the Burney Collection.

\textsuperscript{80} It was necessary to highlight any close connection between the county and the creation of Gilbert’s Act.
examined from the 1760s-1780s on the topic of social policy, including two anonymously published. Writers have always been selective in their examination of Gilbert’s work missing the nuances of how the author adapted his plan. For example, in the period 1781-2 Gilbert published three pamphlets and a fourth the following year. All presented different versions of his scheme. However, researchers have tended to reference only one, *Plan for the Better Relief and Employment of the Poor*. The selectivity has meant that some of his work has been ignored or wholly misrepresented. The analysis of Gilbert’s titles, with

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81 T. Gilbert, *A Bill Intended to be Offered to Parliament, for the Better Relief and Employment of the Poor, within that Part of Great Britain Called England* (London: s.n., 1775); T. Gilbert, *A Plan of Police: Exhibiting the Causes of the Present Increase of the Poor and Proposing a Mode for Their Future More Economical and Effectual Relief and Support with Objections to the Plan Stated and Answered by Thomas Gilbert* (London: G & T. Wilkie, 1786); T. Gilbert, *Considerations on the Bills for the Better Relief and Employment of the Poor Intended to be Offered to Parliament this Session* (London: G & T. Wilkie, 1787); T. Gilbert, *Heads of a Bill for the Better Relief and Employment of the Poor, and for the Improvement of the Police of this Country; Submitted to the Consideration of both Houses of Parliament* (Manchester: Harrop, 1786); T. Gilbert, *Observations on the Bills for Amending and Rendering More Effectual the Laws Relative to Houses of Correction* (London: G. Wilkie, 1782); T. Gilbert, *Plan for the Better Relief and Employment of the Poor; For Enforcing and Amending the Laws Respecting the Houses of Correction and Vagrants; And for Improving the Police of this Country* (London: G. Wilkie, 1781); T. Gilbert, *A Plan to Amend and Enforce the Act of 23 Geo. III. For the Better Relief and Employment of the Poor* (s.l.: s.n., 1783); T. Gilbert, *Supplement to Mr. Gilbert’s Plan and Bills for the Relief of the Poor* (London: s.n., 1764). (Attributed to Thomas Gilbert); *A Scheme for the Better Relief and Employment of the Poor* (London: s.n., 1765). (Attributed to Thomas Gilbert).

82 One further publication is attributed in error. See fn. 84.

83 For example, Shave, *Pauper Policies*, p.57-8.

84 Gilbert published several works in 1781. One of these titles, *A Plan of Police*, has erroneously been given the speculative date of 1781 by the British Library, English Short Title Catalogue, Eighteenth Century Collections Online and several authors. My reasons for this supposition are numerous. Firstly, there is no date printed in the publication itself. Unlike the other titles by Gilbert published in 1781, it was printed privately and was not cited, advertised or reviewed in the provincial or London press during that year, neither was it critiqued in pamphlet form. Henry Zouch, a long-time opponent of Gilbert, published a title during the period 1781/2. This work, *A Few Words in Behalf of the Poor, Being Remarks Upon a Plan Proposed by Mr Gilbert* (London: G. Robinson, 1782), presents no critique of Gilbert’s *Plan of Police*. It is instead a response to Gilbert’s three bills being considered by parliament and fundamentally the ‘Plan’ as published in Gilbert’s *Plan for the Better Relief and Employment of the Poor*, to which Zouch made direct reference, including providing page numbers for the parts of it he quoted and took issue with. *Gilbert’s Plan of Police* 1781 was not listed in Frederick Eden’s 1797 listing of social policy publications which, instead, refers only to a later 1786 edition. Crucially, the text is the same in the 1781 and 1786 versions up to page 24 where the earlier abruptly ends. The content does not relate to Gilbert’s other published writing or his political campaign in 1781. However, it does make sense in the context of his later writing and campaigning in 1785/6. Given Gilbert’s plans continuously
consideration to the parliamentary timeline and broader events, proved instructive in highlighting his methods and motivations at critical points in time. Pamphlet literature on the general topic of poor law had significance within Gilbert’s political campaigns. It was especially true of that in support or critical of his work. Gilbert’s writing was a reaction or reflection of the work of others. It changed over time, so these pamphlets are carefully set within the context of the publication of his work. Like Gilbert’s own scheme the objections and support articulated changed tack, and titles proliferated reflecting developments in print more broadly. Frederick Eden’s 1797 ‘catalogue of publications in the English language on subjects relative to the poor’, which listed 282 works arranged chronologically from 1524 to the 1790s, was evolved through the 1760s to 1780s, it is illogical for him to have published the same ‘plan’ five years apart. There is also a disconnect between his assessment of the problem, in the Plan of Police attributed to 1781, and other works published in 1781. For example, he puts the cost of welfare at 2.5 million in Plan of Police 1781 whereas in the other 1781 works it is 2 million. The Plan of Police he published in 1786 states the amount at 2.5 million, which again is inconsistent as he was contending the cost was rapidly rising (so it would not be both 2.5 million in 1781 and 1786). There is also no response or contemporary reference to Gilbert’s Plan of Police until 1786. It is likely Plan of Police (1781) was a privately distributed version of a text he was using to solicit feedback before publication, in June 1786 (in enlarged form to include a Q & A based on that feedback). This would be commensurate with his modus operandi and highly probable considering the publication of a speedy reply to the 1786 edition made in August 1786 (by Thomas Mendham, who was not an MP, and which was advertised in Norfolk Chronicle, Saturday 5 August 1786), indicating that, before its official publication in 1786, Plan of Police was being widely circulated, and the so-called 1781 edition was that text.

The British Library also gives a speculative 1781 publication date for Heads of a Plan of Police; this title is also likely to have been miss-designated, probably because of the confusion over the date for Plan of Police.


Gilbert, A Plan to Amend and Enforce the Act of 23 Geo.
examined.\textsuperscript{85} This presented what was described at the time as a ‘copious and correct’ bibliographical resource.\textsuperscript{86} Apposite titles identified were accessed using Eighteenth Century Collections Online or Google Books.\textsuperscript{87} These databases were also examined for titles and articles in the reviewing press, which appraised Gilbert’s work or the polemics which critiqued them.

In order to capture the broadest possible undigitized archival material, the online search facilities of TNA were used. Discovery, the TNA’s catalogue provided a means to simultaneously interrogate over 2500 archives within the UK, for material which referenced to Gilbert’s campaign.\textsuperscript{88} Although laborious, searches were made using the terms ‘Thomas Gilbert’, ‘Poor Bill’, ‘Plan for the better relief’, and similar which were filtered, by period, to show entries that could be pertinent. In some cases, there were hundreds of hits, and the catalogue descriptions were then read, and items of specific interest followed up. Contact was made to archives holding the material, and if on that consultation the item was deemed relevant to the campaign, it was copied and sent. Where reference was made to primary source material within biographical accounts of Gilbert’s life, these sources were also reviewed.

Fortunately, while little remains of Gilbert’s personal correspondence, outside topics


\textsuperscript{87} ECCO and Google Books provided straightforward online full-text images of all the texts and editions needed within this research. These were downloaded, stored and retrieved as required. An alternative would have been to use the bibliographical database, the English Short Title Catalogue, to locate physical copies, microfilm or digital versions. As digital sources were the preferred mode, it proved easier to use ECCO and Google Books, particularly as the digital versions signposted by ESTC were only those provided by ECCO and Google. However, it is important to recognise ESTC provides rich bibliographic detail not offered by the latter, which are catalogues of titles rather than bibliographies. It would be possible for a title to be listed on ESTC but not be on ECCO or Google.

\textsuperscript{88} For further information on Discovery at TNA see \url{https://www.nationalarchives.gov.uk/help-with-your-research/discovery-help/what-is-discovery/} [accessed 25 June 2020].
of his estate management, this approach revealed material including letters (his own
and others who referred to the campaign) and even a pamphlet, not previously
examined, and otherwise unavailable.  

A small amount of correspondence about Gilbert’s campaign or from Gilbert in
support of his campaign was also found in the British Library. These helped to
elucidate what was happening outside the more obvious chain of events, visible in
the commons or lords journals, particularly in the 1760s when parliamentary
reporting was less prevalent. Gilbert’s published works also made useful reference
to his own campaign. However, the cross-referencing of Gilbert’s writings revealed
that he was an unreliable witness to his work. The manipulation of division figures,
for example, illuminating previously unseen facets of his personality, something too
readily taken at face value by researchers since. Other sources included
contemporary journals and even slightly later political commentaries. These
illuminated elements overlooked in subsequent assessments such as Gilbert’s early
solicitation of High Sheriffs in counties across the country.

89 The sources located included the pamphlet *Animadversions on the Poor Bill*. While the title was
mentioned in contemporary press reports as being distributed around the Lords at Gilbert’s Act’s
final reading, is not listed by the ETSC. However, a copy is available at an archive in Somerset.
Somerset Heritage Centre, Taunton, *Animadversions on the Poor Bill 1782* (DN\DN/524).
90 This included the letters of Henry Pelham-Holles, the duke of Newcastle, which bore witness to his
role in the opposition to Gilbert during the 1760s. *BL, Correspondence of the Duke of Newcastle,
1760-1768* (MS 32966).
91 Gilbert stated his 1765 poor law bill lost on a division of 59 to 66. The Webbs amongst others
highlighted this, but the Bill failed on a division of 49 to 26. While the division numbers are not
recorded in the *Journal of the House of Lords*, it was reported in the press. For example, *The Scots
Magazine MDCCLXVI* Vol. XXVIII (Edinburgh: W. Sands, A. Murray and J. Cochran, 1766), p.428; *The
Gilbert, *Considerations on the Bills for the Better Relief and Employment of the Poor*, p.4; Webb,
92 The letter is reproduced in C.D. Breeton, *An Inquiry into the Workhouse System and the Law of
Maintenance in Agricultural Districts* (Norwich: J. Hatchard, 1826), pp.43-44. However, it is
otherwise lost. No only does it evidence a moment early in his career where Gilbert appealed to
For Sections 2 and 3, which comprise of an examination of the implementation and eventual termination of Gilbert’s Act in Gloucestershire, sources were once again comprehensive. It included material produced by local state apparatus such as vestry minutes, overseers’ accounts and magistracy records, from the petty and quarter sessions. These sources have not been digitised and were accessed at Gloucestershire Archives (now Gloucestershire Heritage Hub) and Bristol Archives. The latter held sources for parishes in south Gloucestershire that had been within the historic county boundary. Some poor law records at Bristol were destroyed by enemy bombing during World War II but fortunately the effect on Gilbert’s Act parishes was marginal. These sources were supplemented by local print media such as pamphlets, guidebooks, trade directories, histories and especially newspapers such as the Gloucester Journal and Cheltenham Chronicle. The breadth of material was necessary because of the variation in quality across the whole sample.

Given that parishes were selected on their application of Gilbert’s Act and not by the availability of the source material, this presented particular problems. Predictably, perhaps, the source material was more prevalent in the larger population centres, such as Cheltenham and Cirencester. Cheltenham, a fashionable and rapidly growing spa, also benefited from the availability of several local papers which regularly reported on aspects of local government, including vestry proceedings.93 It provided a unique insight as it allowed for vestry recording to be juxtaposed with newspaper reports of the same events. It is not an approach which has been utilised outside forces for assistance in legislative endeavours, but it is something he did not repeat. Nor was it a device used by other social reformers of the period.

93 These were the Cheltenham Chronicle and Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette.
in other examinations of Gilbert’s Act implementation, although given the detailed depiction that was thereby possible it would be worth replicating.

Unfortunately, no newspaper titles were located in other Gloucestershire parishes which had adopted Gilbert’s Act. The dominant county title, the *Gloucester Journal* mostly did not report on the acts of local government in small parishes, such as those which generally adopted Gilbert’s Act locally, but it did carry invitations to submit tenders to farm the poor. However, the *Gloucester Journal* and other local papers did provide comment on the poor law in general, which helped inform Section 3’s discussion about the local abandonment of Gilbert's Act. This was used mindful of the political bias which particularly characterised discussion in the period up to and immediately after the enactment of the new poor law. Local newspapers were accessed using the British Newspaper Archive. There were problems associated with this, as there were some gaps in date coverage, for example, with the *Gloucester Journal* during the 1820s. Not all local titles were available in the database. It was mitigated as necessary using Gloucester Archives or county libraries which provided access to additional titles. An interesting perspective was also given by national and provincial papers outside the county, particularly when nationally the former Gilbert’s Act parish of Cirencester became associated with an early workhouse scandal under the new poor law.

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94 For example, the *Cheltenham Looker-On* was examined at Cheltenham library.
95 The furore was caused by a dietary so strict inmates in the Cirencester Poor Law Union workhouse were given one-third less solid food than they were in London. Newspaper coverage on this occasion included: *The Times*, Monday 27 November 1837, Wednesday 29 November 1837, Wednesday 7 February 1838, Friday 12 March 1841, Thursday 24 February 1842; *Reading Mercury*, Saturday 12 August 1837; *London Evening Standard*, Tuesday 8 August, Monday 27 November 1837, Friday 24 February 1843; *Berkshire Chronicle*, Saturday 12 August 1837; *Blackburn Standard*, Wednesday 16 August 1837; *Hull Packet*, Friday 18 August 1837; *Bolton Chronicle*, Saturday 19 August 1837, 7 April 1838; *Leeds Intelligencer*, Saturday 26 August 1837; *Leeds Times*, Saturday 2 September 1837; *Northern Liberator*, Saturday 24 February 1838.
Consideration of some smaller parishes was reliant on scant parochial recording and in some instances reference to parishes is therefore brief. However, the effect of this was often mitigated using other sources. These included materials drawn from the parish or county but also from the central executive. It comprised of poor law returns; correspondence sent from Assistant Commissioners and parishes to the Poor Law Commissioners in London; annual reports of the Poor Law Commissioners; and other intelligence, such as Town and Rural Queries. In Fairford, a retrospective account of local poor law administration given in 1836 to the Poor Law Commissioners in London was used to flesh out the overseer accounts and papers, the only other available parochial source. Correspondence of the Poor Law Commissioners was accessed at TNA, while government sources were retrieved online through the House of Commons Parliamentary Papers.

The approach recognised that Gloucestershire’s parishes did not exist in isolation from broader trends and events. It was not just in respect to significant changes such as the enactment of the Poor Law Amendment Act, but to the trend towards using workhouses in deterrent relief models which preceded it. Furthermore, an examination of parishes alongside other adoptees (particularly where there was temporal alignment to their adoption of Gilbert’s Act), in conjunction with the identification of shared stakeholders and reflection on their broader activities, provided a more nuanced understanding of administrations than has been possible. For example, the consideration of the judicial practice of individual magistrates

96 In Newland, parish recording was limited to a few overseers’ papers only. In Winterbourne, there was no surviving parish recording but the magisterial recording showed the parish had adopted Gilbert’s Act. GA, Resolution of Winterbourne Parish to Provide a Workhouse and Adopt the Provisions of Gilbert’s Act 1810 (Q/RW/1); GA, Newland Overseers Papers (P227 OV 9/2).

97 GA, Fairford Overseers Accounts and Papers, 1795-1809 (D1070/IX/12); TNA, Correspondence with Cirencester Poor Law Union 1834-1842, 9 January 1836 (MH12/3980).
helped properly contextualise the decisions they encouraged at the vestry. This
approach recognised that micro-political activities are more than the sum of
exchanges and decisions which took place in a contained geographical and social
sphere. It also acknowledged that stakeholders were not restricted to a particular
arena. Magistrates did not merely operate in a court, nor did they limit their
interventions to specific vestries. Each parish, likewise, presented a unique
environment but did not exist in isolation. Thus, while the same magistrate or
administrative objective may have swayed several parishes, outcomes on the ground
could still be different.

The broad methodology applied to this discussion of Gilbert’s Act implementation is
challenging. Shave’s recent examination of Gilbert’s Act implementation, although
ostensibly based on several counties in southern England, is focused on one
workhouse for Easebourne Union. It is undoubtedly due to the availability of source
material and presents one solution to the challenge. It may have merit, but the task
of extracting evidence for the smaller parishes where evidence was seemingly scarce,
while harder, produced some of the most exciting findings. It was here where
power rested more readily in the hands of a few magistrates and where its impact
was most extensive.

The breadth of material together with the method applied uncovers the process of
social policy creation and implementation and makes the following examination
unique. The treatment shows the Georgian state at a different angle and in some
respects under a sharper lens and, perhaps more than anything, it depicts Thomas
Gilbert and his legislation in a new light.
Section One: The Creation of Gilbert’s Act

During the eighteenth century, the government at Westminster became increasingly preoccupied with augmenting military and fiscal structures and gradually withdrew its interest from domestic social policy which was instead delegated to local magistrates to administer. At the same time, local government bodies were themselves strengthening their resources to meet burgeoning social problems. As these were delineated by legislation, recourse to parliament was necessary to endorse local initiative and gain further powers. Thus, domestic legislation initiated by the administration became limited, while backbench MPs could fill the gaps by proposing their legislative solutions to social and economic issues.¹

The process by which social policy became law is still little understood, especially the role played by forces outside Westminster and how this changed over time. By reflecting on the career of an individual, such as Thomas Gilbert, it is possible to explore fully, for the first time, these processes and examine the interaction between the local and national contexts and how this was driven and affected by cultural change. This work is built upon the foundations created by Joanna Innes almost 30 years ago; before whom knowledge of this legislative activism was limited (possibly due to the historiographical concerns carried from earlier generations which meant historians were not looking for it).² The first objective of this section is, therefore, to offer an illustrative examination of the complicated and lengthy procedure by which

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² Ibid.
social reform, during the second half of eighteenth century, could find its way onto
the statute book, or the reasons that accounted for its failure to do so. It
demonstrates, as Innes surmised, it was feasible for this to be initiated and networked
through one person. However, while she discusses this activism largely in broad
terms, this analysis, presents an exhaustive examination of the enactment of one
piece of social policy, bringing new insights to the formation of social policy.

Crucially, in taking a long view of over 20 years and considering the role played by
forces outside Westminster; the impact of developments in print to political
campaigning and the rise of a participatory political culture is also described and
assessed. The analysis of the role of the press deployed here is entirely new in this
context. Little-used resources such as the provincial newsprint are extensively
explored, and Gilbert’s pamphlets examined carefully, and for the first time set
correctly in the context of his political campaigns (1764-5, 1775-6, 1781-2).
Juxtaposing the political backdrop of their publication, their content, marketing and
press reaction, this section provides a unique insight into political campaigning
during the period.

The second objective of this section is to show the intent behind Gilbert’s bills, so
that its adoption and success or otherwise can be more readily judged, and a
balanced assessment of Gilbert’s achievement made. Samantha Shave, who has
recently attempted to reappraise the impact of Gilbert’s Act, has tried to address the
background to its enactment but is ambivalent. She states, ‘the creation and passage

www.history.ac.uk/ihr/focus/welfare/articles/shaves.html [accessed 1 December 2014].
of the Act… was not a clear-cut exercise’; and the reason for Gilbert’s interest in poor law ‘is unclear.’ While she identified ‘an evolution in Gilbert’s ideas about the purpose of the workhouse… it is unclear what the cause was.’ Instead, Shave is happy ‘to decipher the aims of Gilbert’s reforms from his plan and the legislation itself.’ This thesis takes a much more robust approach. It examines his pamphlets on the poor law from the 1760s to the mid-1780s, some of which have been ignored or misrepresented. To decipher his ‘real’ intentions, these are then placed in the context of both his actions, the various campaigns and the political environment.

This section, therefore, centres on the political context; the background of the backbench MP Thomas Gilbert, the long evolution of Gilbert’s Act, including unsuccessful legislative attempts and the minutiae of the final campaign. From the examination a complex picture emerges. The campaigns show how its sponsor dealt with changing political and societal contexts, particularly with developments in print and with his own burgeoning experience and reputation. It portrays the symbiotic relationship between national and local interests in the state and how Gilbert could create effective campaigns within parliament and across England by utilising correspondence and emerging print culture, which focused on local interests, particularly magistrates, to develop and drive reform. The provisions of the legislation were the result of a collaborative effort between Gilbert at Westminster and political classes especially magistrates at the political margins.

The section begins with a discussion on the role of the Commons (1.1) and a synopsis of the old poor law (1.2). It will then look at the background of Thomas

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4 Shave, Pauper Policies, pp.56-7.
5 Shave, Pauper Policies, p.58.
6 See Introduction fn. 84.
Gilbert (1.3) examining his tactics and broad motivations, and those necessitated by the late eighteenth century setting. Section 1.4 deals with the evaluation of his first legislative ventures in poor law in 1764/5 and 1775/6, the process he adopted and the reasons why he was not successful. The rest of the section provides an in-depth analysis of the genesis, enactment and initial success of Gilbert’s Act. This begins in 1.5 with a consideration of the formative stages in the 1780-1 parliamentary session. Section 1.6 examines his first and most influential welfare pamphlet and use of print media, before the ideological background to the plan is considered in-depth in 1.7. The successful end to this campaign is examined in 1.8. The section ends (1.9) with a consideration of the early impact of Gilbert’s Act and his ill-judged later campaigns.

1.1 The House of Commons

After the political settlement brought by the Bill of Rights 1689, the houses of parliament met annually and for longer sessions. The increase in parliamentary time consequently meant it was able to enact a much higher level of legislative activity than had been previously possible. It would be wrong to interpret this as a planned growth in the scope or remit of the state per se on the behalf of successive governments, as the majority of legislation was personal or local, and individual members, such as Thomas Gilbert, initiated much of it. Such ‘public’ legislation as was passed was not necessarily the result of political agendas produced by ministers unless inspired by military or fiscal need. Peter Thomas has observed, ‘opposition and independent members could introduce and often carry public legislation of

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7 See Hoppit, ‘Patterns of Parliamentary Legislation, 1660-1800’.
national importance.’ The situation is complicated and requires qualification. The country may have possessed fiscal and taxation structures of unique size and efficiency, but according to some readings it was reluctant ‘to bring other areas into the framework of systematic state policy.’ So, while legislation burgeoned in respect to some areas, ‘any attempt by government to implement a systematic domestic policy remained anathema.’ However, according to Innes, between 1690 and 1790 about 1,000 social policy bills were introduced to parliament of which around 500 passed into law. As the government withdrew or was absent from social policy, parliament became the focus of activity most especially through individual backbenchers.

The process of law-making was the same for all bills: - they had to pass three readings and a committee stage in both the house of commons and Lords before receiving royal assent. Despite this, how any piece of welfare reform, general or local, was conceived and passed into law remains essentially abstruse. There were, according to Peter Thomas, 14 stages at which debates and divisions could occur during the passage of a bill through the house of commons alone. At any of these points, it could face opposition and barriers to its passage. A backbench MP

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8 Thomas, House of Commons in the Eighteenth Century, p.45.
10 Innes classifies these as ‘all measures relating to civil or criminal law, or civil administration’ and excludes ‘private and local measures, all fiscal, military and naval measures; all constitutional and religious reforms; all forms of economic regulatory regulation.’ Innes, ‘Parliament and the Shaping of the Eighteenth-Century English Social Policy’, p.69.
needed to attract support from enough parliamentary colleagues and Lords to secure a majority, a process beset with difficulty as it may require backing from those across a political divide. Such support could be affected by other factors. Deciphering the enactment of a bill through these complex stages from available sources is problematic. As Paul Langford has succinctly put it, ‘neither House recorded its debates, made a practice of printing all its Bills, codified its procedure and standing orders, or concerned itself very much about the image which it presented to the public.’ 14 The journals of both the House of Lords and House of Commons which provides the primary resource on Commons activities during the mid-eighteenth-century lack detail and can be inaccurate.15 A fire also destroyed the houses of parliament in 1834, taking with it large swathes of records such as committee minutes, which ‘has robbed historians of so much information that many assume only aspects of parliament’s history can be studied with profit.’16 

To mitigate this, as far as possible, this section utilises a broader range of sources than has typically been deployed in the work of Innes and Julian Hoppit, whose broad subject focus enables them to concentrate upon government sources.17 The focus on Gilbert’s activities will, therefore, include official sources such as the journals of the house of commons and the house of lords, works by parliamentary reporters (such as John Almon), pamphlet literature, correspondence, the reviewing

15 For example, Hoppit, Innes & Styles, ‘Towards a History of Parliamentary Legislation 1660-1800; Hoppit, ‘Patterns of Parliamentary Legislation’. As described later the House of Commons Journals in their account Thomas Gilbert’s early legislative attempts provide only partial information leaving out debates and divisions which need to be collaborated by other sources.
17 Innes herself has acknowledged the importance of more extensive sources, noting ‘it is possible to gain some insights into the character of discussion [ ] from parliamentary diaries, correspondence, and newspaper reporting from the 1770s.’ Innes, ‘Parliament and the Shaping of the Eighteenth-Century English Social Policy’, p.85.
press and provincial newspapers. These include the letters of politicians like Henry Pelham-Holles, the duke of Newcastle, and Horace Walpole, and industrialist Matthew Boulton, which are all considered for the first time in the context of Gilbert’s parliamentary career.

1.2 Old Poor Law

_There certainly is a great defect in the Poor Laws, or in the execution of them, or some how or another._

One of the most important areas of local government in this period was the English welfare system, known as the ‘poor law.’ By the late eighteenth century, the system which Gilbert sought to reform, was based on legislation passed in the reign of Elizabeth I. Under this provision, amended by subsequent settlement legislation, every parish was responsible for maintaining its own settled poor, paid for by local taxation through the mechanism of the ‘vestry’, a committee of parish ratepayers, onto whose shoulders control over a wide range of local government was devolved. However, while parishes were expected to put the able-bodied poor to work and support those unable to maintain themselves, the actual arrangements were primarily left to the communities themselves to plan. While most organised welfare through unpaid parish officials, called overseers, it was also popular to contract provision out

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18 It is interesting to note that Innes suggests that insights from the press are only possible from the 1770s. This has not been this author’s experience in researching Gilbert’s 1765 Bill. Innes, ‘Parliament and Eighteen-Century English Social Policy’, p.85.
19 A Letter to Thomas Gilbert, Esq; MP on his Plan for the Better Relief and Employment of the Poor (London: Richardson & Urquhart, 1782), p.3.
20 Anthony Brundage acknowledges there was earlier legislation but ‘the Elizabethan Poor Law was the first to set up a mandatory system of publicly financed poor relief throughout England and Wales.’ For background information on the legal frame of the old poor law see: - Peter Slack, _The English Poor Law, 1531-1782_ (Cambridge: Cambridge University Press, 1995); Anthony Brundage, _The English Poor Laws, 1700-1930_ (Basingstoke: Palgrave, 2002). Jonathan Healey provides an interesting description of the arrival and growth of poor relief in Lancashire in Chapter 2 _The First Century of Welfare: Poverty and Poor Relief in Lancashire 1620-1730_ (Woodbridge: Boydell Press, 2014).
to what was known as a ‘farmer of the poor.’ Vestries and overseers were themselves bound in varying degrees (depending on local circumstances) to magistrates. In the context of poor relief, local magistrates were supposed to sign off overseer appointments, audit accounts and provide an appeals function.

From the late seventeenth century, new ways of delivering relief particularly in the form of workhouses became popular, and, according to Dorothy Marshall, developed into ‘the favourite panacea for all the social ills of the eighteenth century.’ This trend was recognised in law, by the Workhouse Test Act 1723, which specifically allowed parishes to set up a workhouse without recourse to a local act. Provisions of the Act rested on a 'test' of need which only offered relief in the workhouse. The assumption was that only those in greatest need would accept relief thereby reducing cost. There was also an expectation that the work done in the workhouse could be used to generate a profit or at least mitigate the cost of care. The success of the model varied greatly. Workhouses were increasingly prevalent throughout the eighteenth century; however, in practice what constituted such an institution ranged hugely in size, design and ethos. Not all parishes chose to provide all or even part of their relief in this way.


22 The Workhouse Test Act (9 Geo. I C.7) influenced by workhouse contractor Matthew Marryott who helped to establish many institutions in the East Midlands between 1718 and 1723 following his original success in Olney, Buckinghamshire. According to Tim Hitchcock ‘Matthew Marryott was the most important individual involved in the early workhouse movement. It is questionable whether the movement would have flourished as it did without his enthusiasm and expertise.’ T. Hitchcock, ‘The English Workhouse: A Study in Institutional Poor Relief in Selected Counties, 1696-1750’ (Unpublished Doctoral Thesis, University of Oxford, 1985), p.113. See section 2.

23 For example, in Sidney and Beatrice Webb’s ground-breaking study of the old poor law they identified that workhouses of the eighteenth century differed ‘in their conception and in their administration, indefinitely one from another’ although they were able to deduce six major objectives for their use. S and B. Webb, *English Local Government: English Poor Law History: Part 1. The Old Poor Law* (London: Longmans Green, 1927; repr. Redditch: Read Books Ltd, 2011), pp.219-220. This is revealed very clearly in the overseers’ returns of 1777 which Gilbert himself helped
As the eighteenth century progressed, the system became potentially more elaborate with some parishes offering nursing and medical care, subsidised housing, pensions and much more besides, based upon local need and inclination. Some regard this flexibility as a significant benefit of the old poor law; Keith Snell described the system as being, ‘[a]mini welfare state, offering generous, comprehensive security and relief.’  

Recently studies have become more nuanced. For example, Susannah Ottaway, while discussing the more benign nature and increasing scope of relief given to the old, also identifies that relief was more generous in particular regions. Samantha Williams, likewise, determines a more liberal attitude to the aged; however, relief required supplementation from other sources.  

However, the provision was shaped locally, it required payment, and in the last half of the century, it became increasingly evident that nationally the cost of welfare had significantly risen. There was a debate on how best to deal with the issue (the work of Thomas Gilbert became part of this). The primary system had been intact for over a century, but Tudor England was gradually giving way to an increasingly urbanised and industrial Hanoverian period. Added to this the population was rising and continental wars brought additional strain.  

In this context, magistrates could have a crucial role as their position in local governance offered them an opportunity to direct relief to mitigate social problems.

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initiate. In Gloucestershire the 32 operational workhouses had capacities ranging from 8 to 450 inmates. In the 1803 returns the number of workhouses in Gloucestershire had risen to 54, the number of inmates in each ranging from 0 to 308. Abstract of Answers and Returns under Act for procuring Returns Relative to Expense and Maintenance of Poor in England (London: House of Commons Papers, 1803-4), pp.169-189; Abstract of the Returns Made by the Overseers of the Poor (London: House of Commons Papers, 1777), pp.57-62.


25 For a full discussion on the historiographical debate on the old poor law please see the introduction.


However, they could have very different perspectives to parochial bodies, and it was uncertain whether they could compel parishes to apply initiatives. Magistrates aspirations were also not restricted to their immediate locale. They are already acknowledged in historiographical debate as important engines of reform to criminal law. While scholars have tended to focus on their operational role in welfare and not on the influence they may have had in the creation of the legislative framework; their role was potentially significant. Thomas Gilbert recognised their importance to making social policy, and in later campaigns adapted appropriately to engage with them to harness their influence to the benefit of his political campaigns. The deficit in historiography regarding the role of magistrates in this context will, thus, be addressed in section 1.5-1.8.

1.3 Thomas Gilbert

Mr. Gilbert. This gentleman, than whom few have ever proved themselves more useful in the House of Commons.

To fully understand an MP’s success or failure in his legislative endeavours, it is helpful to know something of his background and what type of member he was. It is particularly true for Thomas Gilbert because, in his poor law campaigns, he was not representing a group or patron, and the impetus, planning and execution came from

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himself. Gilbert’s Act was also a reflection of how its sponsor dealt with the times in which he operated, so his life forms an essential context to the creation of the Act. Unfortunately, there has been no published biography of him; however, many biographical notes have appeared in print. Although some require revision, they at least ensure the broad sweep of his life is well known, but what exists tends to focus on single elements, such as his work as a land agent. A close examination of these snippets together with a new assessment of primary sources reveals an ambitious, driven but pragmatic man with an eye for detail.

Thomas Gilbert was born the son of a Staffordshire yeoman in 1719 or 1720. He received a legal education, but rather than develop a career at the bar, became a land agent for Granville Leveson-Gower, Earl Gower and from 1763 a parliamentary MP representing his patron’s interests. His rationale for leaving the bar is somewhat ambiguous. While his obituary writer inferred (and historians have since argued)

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32 R. S. Tompson, ‘Gilbert, Thomas (bap.1720, d. 1798)’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, September 2013 [http://www.oxforddnb.com/view/article/10703, accessed 29 September 2017]. This text requires updating, considering new material within this thesis but also because of subsequent work by other authors on Gilbert and because Thompson has not fully engaged with the content he references, and thereby makes factually incorrect assertions. For example, in alluding to the parliamentary session ending 19 July 1781 Tompson states ‘These bills made little progress, in spite of an assiduous pamphlet campaign, which included three pamphlets written by Gilbert himself.’ However, by 19 July 1781, only one of the three pamphlets referenced had been published and only just. It was months before the others went to print. The last title was also not published until the following year. Furthermore, it had also not been Gilbert’s stated intention for a welfare Bill to be enacted in the session, and it had been intentionally withdrawn from a third reading. See Section 1.5, 1.6 and 1.8. Other examples include Tompson’s assertion that Gilbert produced A Collection of Pamphlets Concerning the Poor which has been successfully refuted by Innes and his statement Gilbert’s last foray into welfare in 1788 ‘only had a first reading’ is incorrect. See Section 1.9 and J. Innes, ‘Gilbert, Thomas (c. 1720-98)’, *The Biographical Dictionary of British Economists*, 2004, online edn. 2010 [https://www.oxfordreference.com/view/10.1093/acref/9780199754717.001.0001/acref-9780199754717-e-212, accessed 29 June 2017]. Other biographical notes include: - R.G. Thorne, *The History of Parliament: the House of Commons 1790-1820* Vol IV (London: Secker & Warbury, 1986), pp.22-23. L. Namier & J. Brooke, *The History of Parliament: The House of Commons 1754-1790* Vol II (London: HMSO, 1964), pp.499-501. The lack of a full account has drawn comment. A.W. Coats, ‘Economic Thought and Poor Law Policy in the Eighteenth Century’, *The Economic History Review* Vol. 13 (1960), p.46; J. Innes, *Inferior Politics Social Problems and Social Policies in Eighteenth-Century Britain* (Oxford: Oxford University Press, 2009), pp.193-4; P. Slack, *The English Poor Law, 1531-1782* (Cambridge: Cambridge University Press, 1990), p.57 fn.13.
that it was due to his limited success in legal practice, it may otherwise be characterised as an astute career move. A legal background was a considerable asset in a steward or land agent, making his skill highly lucrative. Meanwhile, patronage from the right employer could also offer potential business opportunities. Gilbert proved to be an able agent, but surprisingly given his later reputation, in the context of his estate management, there was no evidence of a ‘humanitarian’ predisposition. Instead, he was driven by ‘a new commercial attitude’, his ‘Gilbertian management’ style ‘ensuring that the landlord received his due, using the law if necessary, to see that his full rights were exercised and sparing little time for laxity or sentimentality.’

A pious man, Gilbert’s Christian faith was similarly unencumbered by sentimentality. It was observed ‘never did a man take more pains, by both precept and example, to inculcate a proper sense of the importance of a religious life.’ On his retirement, Gilbert built a chapel ‘in order, that the inhabitants of his neighbourhood might have an opportunity of serving their maker.’ On entering, worshipers were told the ‘founder’s mind’ had been inspired ‘to erect a chapel to reform mankind.’

Gilbert inherited an estate at Cotton in Staffordshire from his father, who had developed the property's mineral assets over many years. Thus, he had, by his early twenties, interests in lead and copper mines, smelting mills and quarries. While still

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33 Obitsaries include: - Staffordshire Advertiser, Saturday 12 January 1799; The Gentleman's Magazine 1798 vol. 68 part 2, p.1146. His lack of acumen at legal practice providing the spur for his work as a land agent is suggested by: - P. Lead, Agents of Revolution (Keele: Centre for Local History University of Keele, 1989). p.43.
35 Derby Mercury, Thursday 3 January 1799.
36 Ibid.
37 The inscription from St, John the Baptist, Cotton is quoted by H. Malet, Bridgewater, The Canal Duke, 1736-1803 (Manchester: Manchester University Press, 1977), p.36.
engaged in legal practice, Gilbert expanded his industrial interests. As Ross Wordie observed, despite his background ‘Gilbert was first and foremost a businessman.’ He was forward-thinking, often working with his brother, John, he readily utilised new technologies and recognised the value of transport networks to industrial development. His role, for Gower, was that of ‘legal advisor and financial director’ for his business interests. However, at times Gilbert invested in initiatives alongside and later took on the development of their shared commercial ventures.

For example, improving mineral extraction on Gower’s Lilleshall estate, Thomas and John Gilbert leased the workings and took 50% of the profit. Through a significant investment in the Trent and Mersey Canal, Gilbert acquired an equal number of shares as his sponsor, in the process becoming chairman of the canal company. While directly profiting from it, he was also able to use the new canal network to the benefit of his other business concerns. As an MP, he further facilitated these commercial interests by sponsoring the requisite legislation. Due to his long association with canal and turnpike development, Gilbert is identified as a catalyst to early industrial development. There are suggestions that he and his brother, ‘warrant greater recognition for their enormous contribution.’ This facet of his career is sometimes overlooked by commentators focusing on his contribution to social policy, but these interests and personal traits helped to form his poor law legislation. For example, his experience as an entrepreneur meant he understood the condition of...
'underemployment' which was then addressed in his legislation. The connection between his interests, personality and legislative attempts is discussed at length later.

Thomas Gilbert’s parliamentary career strengthened his connection with Gower’s interests and offered further opportunities for his business interests and the accumulation of social status. However, it was not merely his parliamentary patron whose commercial concerns he represented. As a Lichfield MP, he had a close association with Birmingham and the industrialist and engineer, Matthew Boulton, which has not been considered by researchers. His correspondence with Boulton indicates that between the 1760s-1790s the men assisted each other to their mutual advantage. Gilbert supported and advised him about legislation in parliament, and Boulton acted in a like manner on the topics of mining and engineering to Gilbert’s economic benefit. These actions also forwarded the interests of the king, George III, and Gilbert’s political patrons, no doubt to Gilbert's further advantage.

Gilbert’s support for such measures as the Birmingham Assay Act in 1773 meant he sometimes acted as a de facto or ‘virtual’ MP for the town. It may have been critical in the area’s economic development particularly as it did not have an MP until 1832. The Assay Act has been described as ‘a great symbol of the success of

45 Their correspondence is preserved in the Birmingham Archives, Birmingham, Letters and Papers of Matthew Boulton, 1760-1809 (MS3782/12).
46 Paul Langford has previously identified, ‘One of the most effective parliamentary lobbies’ of the period ‘was the great combine of landowning and manufacturing interests which stretched from the west Midland through the Potteries to Cheshire and south-east Lancashire’ of which this must have been a value part. P. Langford, ‘Property and “Virtual Representation” in Eighteenth-Century England’, The Historical Journal Vol. 31 (1988), p.110.
47 This included taking Boulton’s advice on ‘cleansing and repairing Lock Grate and such things’ on behalf of the king, George III, for which he had previously been charged £4-5000. Boulton advised simply employing a master smith to do the task at a fraction of the fee.
new provincial manufacture against the backward monopoly interests of London companies.' 49 These actions no doubt further underscores his credentials as a spur to early industrialisation in England.

However, Thomas Gilbert’s interests went beyond economic development or his ‘intent on making money.’ 50 He was according to Innes part of a ‘subset of MP s; a corps of active backbenchers... [who] played a prominent part, both in promoting and in committee vetting of local acts and in the same roles in relation to general measures bearing on domestic government.’ 51 Unlike most of his colleagues, he was willing to give speeches, stand up in debate and take part in committees. 52 Evidence from the House of Commons Journal also suggests that he was often present at the end of the parliamentary session when many were disappearing back to their estates. 53 His legislative pursuits were broad. In 1776, for example, while introducing canal, turnpike and poor law legislation, he was also involved with a petition for paving and lighting Westminster, and legislation regarding the residences of clergymen, deer stealing, divorce and the immigration status of a Henry Zinck. 54

In assessing why backbench MPs brought forward bills on social policy, Innes argues some were merely being good constituency MPs or driven by a wish to promote the public good; others sought personal prestige or money. 55 The rhetoric used by Gilbert would suggest he was driven by the public good. However, the

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49 Bruland & O'Brien, From Family Firms to Corporate Capitalism, p.46.
50 Lead, Agents of Revolution, p.151.
52 For example, Thomas Gilbert was mentioned on 32 dates by the CJ Vol. XXXII in the session November 1768- May 1769, alone, in respect of his work within the Commons whereas Thomas Anson, his fellow Lichfield MP, is not mentioned once in the session. See also Thomas, House of Commons in the Eighteenth Century, pp.231, 239.
54 CJ Vol. XXXV.
reality is more complicated. These social, religious and economic issues were broadly welcomed, albeit with little enthusiasm by most of Gilbert’s colleagues.\footnote{Thomas, \textit{House of Commons in the Eighteenth Century}, p.126; J. Innes, ‘Parliament and the Shaping of the Eighteenth-Century English Social Policy’, \textit{Transactions of the Royal Historical Society}, 5\textsuperscript{th} ser., 40 (1990), p.85.}

Yet, they also tended to be treated as non-partisan political topics which nonetheless could have an impact in the country and enhance a personal reputation. It was one of the reasons he chose to focus on welfare reform and to campaign for it so voraciously.

Gilbert’s participatory approach may also show he was ‘following the tradition of the House that Members should make available the benefit of their professional knowledge and experience’, which according to Peter Thomas ‘is apparent in the contribution of many lawyers.’\footnote{Thomas, \textit{House of Commons in the Eighteenth Century}, p.241.} However, while many MPs were lawyers like Gilbert, not all gave their expertise as wholeheartedly. There were, also, limitations to Gilbert’s parliamentary participation which other lawmen did not observe.\footnote{One comparison could be made between Gilbert and Edward Thurlow. Both men trained as lawyers and were members of the Inner Temple. They were elected to Staffordshire constituencies from 1765, under the patronage of prominent Bedfordites, a political faction led by John Russell, the duke of Bedford, and gave their first political speeches in 1766, against the Repeal of the Stamp Acts. The politically strident Thurlow ended his career as lord chancellor. See R. Gore-Browne, \textit{Chancellor Thurlow: The Life and Times of an Eighteenth-Century Lawyer} (London: Hamish Hamilton, 1953).} He was reluctant to become embroiled in divisive political questions, such as the conduct of prime minister, Frederick North, Lord North’s administration respecting the American Revolutionary Wars.\footnote{See section 1.4.} On the one occasion when he did so publicly, he ‘took the House by surprise.’\footnote{On this occasion in 1778 he had gone against the advice of Gower, he suggested a committee should be formed to look into government expenditure on the American war, and proposed a new tax on sinecures to help reduce cost and check abuse L. Namier & J. Brooke, \textit{The History of Parliament: the House of Commons 1754-1790} Vol ii (London: HMSO, 1964), pp.499-501. See also, 59}
Instead, contemporaries noted he enjoyed a reputation for ‘impartiality and attention,’ something Gilbert also cultivated privately.\textsuperscript{61} For example, when Matthew Boulton sent him a gift, the MP wrote to him asking for its cost so he could pay him back; otherwise, he felt compelled to return it.\textsuperscript{62} Gilbert’s private correspondence with Charles Jenkinson, Secretary at War, similarly, reveals him as an MP ready to take up cases from ex-servicemen and their families.\textsuperscript{63} After Gilbert’s death, a neighbour observed that he had been ‘averse to avarice, he never contended to profit with anyone, but he was anxiously zealous for what he esteemed honest and right.’\textsuperscript{64} Gilbert conducted himself as a man of virtue. He tried to find consensus and shied away from confrontation, but, despite this, he was able to become involved in the full political life of the Commons.

To this end, he was a pragmatic and tactful political operator. It is demonstrated by an episode in 1775 when Boulton raised a petition in Birmingham in support of the government’s coercive policies, during the American Revolutionary Wars. Boulton had gone against the consensus of the town’s manufacturers who had jointly endorsed a petition in criticism of the administration. His counter-petition provoked a furious debate and calls for an inquiry into its creation.\textsuperscript{65} Gilbert was unaware of Boulton’s involvement until it was presented to the Commons. He voted against it, but he stopped short of endorsing the inquiry which could otherwise have implicated Boulton further. In voting against the application, Gilbert may or may not have

\textsuperscript{63}\textit{BA}, Letter. Thomas Gilbert (London) to Matthew Boulton 1 May 1771 (MS3782/12/23/200).
\textsuperscript{64}\textit{BL}, Correspondence with Charles Jenkinson 1780-1786 (MSS 38201).
followed his conscience: his parliamentary patron, Gower, was a supporter of the administration. However, he nevertheless felt the need to explain his actions to Boulton adopting a conciliatory tone. He described his surprise at seeing Boulton’s name attached to the petition and carefully avoided reference to the fierce condemnation of him within the debate; discussing at length his stance on the inquiry and commiserating on how the press had reported the affair.  

As Innes has described him, Gilbert was undoubtedly ‘able and industrious' and certainly more proactive than most of his direct contemporaries. He was, in some respects, the epitome of the traditional view of an eighteenth century MP, being the representative of a landed interest, but he was still his own man. His social policy campaigns were expressed by him individually and not in collaboration with a collective movement or organisation, such as the S.P.C.K or reformation of manners. It was a conscious move and guided by his principal underlying motivation (examined later), ambition. Although Wordie discussed Gilbert within the context of estate management, his description of him is well-drawn, when he describes ‘a figure ahead of his time, more typical of the early Victorian period, something of the stern paternalist, outwardly a man of principle but with an undercurrent of enlightened self-interest in the background.'

Thomas Gilbert was a noteworthy politician. However, his parliamentary reputation was secured, not on the broad legislative activities described herein, but on his legislative endeavours in welfare reform. It is surprising given his success in

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66 BA, Letter. Thomas Gilbert (Cotton) to Matthew Boulton (Soho) 8 February 1775 (MS3782/12/24/17).
67 Innes, ‘Gilbert, Thomas’.
68 Gower did not try to stifle Gilbert’s legislative ambitions and in the early campaign examined in section 1.5 worked in its support.
69 Wordie, Estate Management, p.258.
obtaining many local and private acts and the decades of mostly unsuccessful campaigning to reform the poor law. However, it reflects the importance and complexity of the topic and energy and ingenuity of the Lichfield MP.

1.4 Unsuccessful Poor Law Bills

_The intended Bill is pregnant with more evils than advantages to the community; and that particularly the poor, themselves would be great sufferers of it._

While hundreds of social policy bills were passed during the period, hundreds also failed. A general reform of the welfare system, such as that aspired by Thomas Gilbert, was beset with hurdles. This section discusses the problems encountered by this type of reform and the specific ways Gilbert began to try and circumvent them. These methods were developed over his early parliamentary career and through legislative failure but reached a high state of elaboration and success in 1782. The perspective of these misfires gives an in-depth and instructive expose of the legislative process of the period. According to Hoppit, only around 4% of bills which were successfully enacted in the period 1760-1800 were to do with ‘social issues’. The general poor laws bills which did pass into statute were likely to be those of a limited nature and often built on local experience. The Workhouse Test Act passed in 1723 was based on the experience of Matthew Marryott in Buckinghamshire. Under his deterrent model, the workhouse provided the only parish relief available to the poor. The resulting legislation was a permissive act, that offered parishes a legal framework to provide a

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71 This has been abstracted form the fact 6.1% were of bills introduced into parliament were to do with social issues and of these 64.9 % were successful. J. Hoppit, ‘Patterns of Parliamentary Legislation’, pp.119-121. Check source to see if he quotes the precise %.
73 Webb, English Local Government: English Poor Law History, p.120.
workhouse without the need for a private act, and delivered a great stimulus to the creation of workhouses thereafter. However, social reformers, such as Thomas Gilbert, who pressed for general legislation to create a uniform system, based on new structures of authority, found a far less receptive audience for their legislative attempts.

In some respects, the development of social policy was different in the period of Gilbert than the period before, or after. It included the importance of individual backbenchers in the instigation of reform and the non-partisan manner in which the business was enacted.\(^{74}\) The reliance on backbenchers is one reason why previous commentators, such as Sidney and Beatrice Webb, assumed legislation on social policy passed in the period was of poor quality, but this is to negate the effectiveness of some of the bills passed by backbenchers; and there was little alternative.\(^{75}\)

Between 1765 and 1782, the central government through the Board of Trade (under whose auspices the poor law fell), had disengaged from the topic, not merely from initiating reform but also in the collection and recording of information. Indeed, within the Board, the importance of the actions of individual MPs on the poor law was also acknowledged. In 1780 John Pownall a 30-year veteran of the board conceded ‘he could not find they had done anything, he naturally looked to (as the public at large did) …Mr Gilbert’ and ‘who upon that subject was the only board of trade he knew of.’\(^{76}\)

1.4.1 Better Relief and Employment Bill 1765

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\(^{75}\) Innes discusses the views of the Webbs and the legacy their influence had on perceptions of social initiated by backbenchers. See Innes, Inferior Politics, pp. 22-6.

Thomas Gilbert entered parliament as MP for Newcastle-under-Lyme in November 1763. The session was short, but the new member rapidly established himself in the House of Commons. By the end of the year, he had sat on a committee looking into the poor of St Sepulchres, London. In January 1764, he was on another looking into extensive problems with the administration of the poor in Gloucester. Those chosen for select committees were typically MPs with personal experience or interest in the subject matter. As Gilbert’s constituency had no geographical connection to either place, it is likely the latter formed an essential part of his selection. However, there was, as yet, no sign of ‘the real benevolence of his heart’ which later commentators noted with respect to his poor law endeavours, rather he was by nature a moderniser, and motivated and ambitious. His participation was also not untypical as lawyers and magistrates often dominated parliamentary debates on social policy. Indeed, the issue was only one of several social, religious and economic subjects, which demanded his time, and Gilbert’s participation in poor law endeavours during the session was limited.

The catalyst for Gilbert’s first incursion into poor law reform was probably the publication of Richard Burn’s *History of the Poor Laws* in spring 1764. Not only did Burn present a history of welfare but also an exposé of schemes to reform it,

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81 For example, when the Gloucester committee reported back to parliament, Gilbert was not among those asked to pen a new bill. CJ Vol. XXVIII, p.851. There were several select committees formed on the subject of poor law administration in various places in which he did not participate. For example, Samford, Wangford and Blything. CJ Vol. XXVIII, pp.792-3, 818.
82 The tract was published in March 1764. R. Burn, *History of the Poor Law: with Observations* (London: H. Woodfall, 1764). Newspaper advertising included: Ipswich Journal, Saturday 7 Jan., 7 Apr. 1764; Derby Mercury, Friday 23 Mar., 6 Apr. 1764; Newcastle Chronicle, Saturday 21 Apr. 1764; Scotsman Magazine, Sunday 1 Apr. 1764.
including Samuel Cooper’s plan of 1763 which extolled the benefits of incorporating, sub-divisions of counties known as hundreds, and the creation of workhouses on the model used extensively in Suffolk. 83 Burn had become a celebrated legal writer after the publication of Justice of the Peace and Parish Officer in 1755. 84 He stated his ‘principal design’ in this book was ‘to excite attention.’ 85 He observed, ‘something in the poor laws is wrong; which the wisdom of parliament for ages hath not been able to set right.’ 86 During the 1760s, political pamphlets provided the primary medium for discourse on social policy, but the output of titles had yet to reach its zenith. Burn’s pamphlet was a parliamentary call to arms for a generalised reform and a repository of essential information on how to execute it.

In early 1764, parliament was also considering welfare matters, albeit in a local context following a plethora of petitions and bills of Incorporation for various hundreds in Suffolk. 87 These factors proved a heady combination to a progressive man wanting to make an impact as a politician, and thus stimulated a response from Gilbert during the recess in the form of a pamphlet, although one published anonymously. It was his first on any topic and the first of many on poor law reform. 88 His title, Scheme for the Better Relief and Employment of the Poor, was a

83 Burn, History of the Poor Law, pp.200-1.
84 R. Burn, Justice of the Peace and Parish Officer (London: A. Millar, 1755).
85 Burn, History of the Poor Law, preface.
86 Gilbert later referred to his correspondence with Burn. It is possible that this started as far back as the 1760s. Burn, History of the Poor Law, p.134; T. Gilbert, Considerations on the Bills for the Better Relief and Employment of the Poor Intended to be Offered to Parliament this Session (London: G & T. Wilkie, 1787), p.13.
88 By December 1764 there is some evidence Gilbert had additionally written a pamphlet on plans for a Trent and Mersey canal. This pamphlet if it existed has not survived. Lead, Agents of Revolution, p.72.
direct homage to those seven local Suffolk Acts prefixed, *An Act for the Better Relief and Employment of the Poor* passed in the preceding months.  

The anonymising of the pamphlet was a calculated move. Hannah Barker suggests the use of a pseudonym implied the writer ‘was not speaking for him or herself but as the representative of a wider social group’. This circumspection was necessary, in this context, given Gilbert’s lack of experience and the assimilation of the current trends, which were expressed within the text. Gilbert’s previous involvement in the creation of legislation had been primarily made up of local acts about canals, and despite the immense economic impact of these laws the jump to planning a national welfare system, so quickly after entering parliament, was highly ambitious. Anonymity also provided protection against criticism and censure from peers. Gilbert used the device until he had secured enough approbation and confidence to publish using his own name. He was not the only writer on the poor law to use this expedient. Despite the move, the publication is suggestive that during his first session, he settled upon poor law reform as the basis for his future parliamentary career.

Gilbert’s pamphlet followed a similar pattern employed by him later. It started with lament for the distress of the poor, despite large sums spent on welfare, and alluded

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91 One social policy commentator, Henry Zouch published one version of a pamphlet anonymously in 1775, when it was well received, an updated version appeared under his own name. *Remarks upon the Resolutions of the House of Commons with Respect to the Poor, Vagrants, and Houses of Correction* By a Justice of the Peace (1775); H. Zouch, *Remarks Upon the Late Resolutions of the House of Commons Respecting the Proposed Change of the Poor Law* (Leeds: G. Wright, 1776).
to deficits in current legislation and its operation on the ground. Unsurprisingly the scheme was not an original one. Instead, parts of the plan ‘[had] been collected from the labours of those gentlemen who have employed their thoughts and pens upon this subject.’ In many respects, the scheme mirrored the model used in East Anglia and plans which had featured in Burn’s book. His associates in parliament, to whom the pamphlet was directly addressed, probably identified his plagiarism. MP Thomas Carew noted at the next parliamentary session he would not show Gilbert a tract as he ‘apprehended Mr Gilbert has seen it as the plan of the hospital is exactly the same.’ Here then was an attempt to gain support through the utilisation of the most up to date ideas, a scheme broadly based on an already proven plan, but it was nonetheless bold to upscale this to the whole country. Utilising the ideas of others was also a way to make up for the paucity of his own.

Gilbert’s plan proposed the repeal of current legislation and its replacement by one act. The country was to be divided into districts, under the supervision of men of property acting as guardians, some of whom were to become directors more involved in the supervision of its administration. Each district was to have: - a ‘House of Industry’, a hospital for the maintenance of the old, sick and infirm who could not work; a workhouse for the able-bodied and a house of correction for the vagrant and

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92 A Scheme for the Better Relief and Employment of the Poor (1764). This was followed in 1765 with an updated version in which ‘upon mature consideration’ Gilbert stepped back from making the plan compulsory instead leaving it to the discretion of the district. He also no longer pressed for the repeal of the poor laws. A Scheme for the Better Relief and Employment of the Poor (London: s.n., 1765).

93 Ibid, preface. This factor was also not lost on Gilbert’s contemporaries, MP Thomas Carew, for example, deducing the influence of an earlier scheme by the earl of Shaftsbury published ten years earlier. Somerset Heritage Centre, Taunton, Copy Letter to Sir Charles Kemeys Tynte Referring at Some Length to Gilbert’s Scheme for the Poor, 1765 (DD\TB/17/5).

94 Somerset, Heritage Centre, Letter from Thomas Carew to Sir Charles Kemeys Tynte, dated 21 January 1765 (DD\TB/17/5). It is likely that Carew was referring to the plans of Samuel Cooper, Definitions and Axioms Relative to Charity, Charitable Institutions, and the Poor’s Laws (London: W. Sandby, 1764). See also Burn, History of the Poor Law.
idle. Under the scheme, there were arrangements for medical care, and it also encouraged the use of charity funds to defray the cost of welfare. As a preparatory step, the pamphlet suggested a nationwide survey to facilitate the better division of counties into districts.

Gilbert wrote to High Sheriffs in various counties during July 1764 enclosing copies of his pamphlet. The letter was a bid to solicit support from local interests for a general act to be introduced in the following parliamentary session. It also sought to encourage the prerequisite groundwork necessary for the implementation of the scheme by planning the partition of counties. This bid to galvanise local support from interest outside parliament also featured in Gilbert’s next legislative attempt. Although this kind of solicitation was not distinct to his campaigns, he was to take it to high levels of refinement. At this stage, however, Gilbert was not requesting direct feedback on his plan from beyond parliament, as he did later, possibly due to his confidence, inexperience or faith that his applications to parliamentarians and the passage of the Bill would allow enough opportunity to shape it further. It is as well to observe that throughout his career, Gilbert’s legislative attempts to reform the poor law were as a result of his personal instigation rather than the encouragement of another person or movement. However, he invariably honed his bills in light of comment and the political realities of the moment. It is likely he felt it was important that it represented a consensus. Thus, when Gilbert produced a new

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95 This is reproduced in C.D. Breeton, An Inquiry into the Workhouse System and the Law of Maintenance in Agricultural Districts (Norwich: J. Hatchard, 1826), pp.43-44.
edition of his pamphlet the following year, it had been moderated. Consequently, given ‘it was a work attended with so much difficulty … upon mature consideration, [it was] thought proper to make gradual advances.’ Most significantly, the plan was no longer compulsory, and repeal of the poor laws was not mooted.97

The following parliamentary session started in January 1765. Just seven days into it, parliament ordered an investigation, through a select committee, to look into the operation of the poor law. The Common’s Journal does not record the initial motion, but to have supported the move the House would have to be convinced of discernible abuse or continued need.98 It is likely that Gilbert’s scheme, which had earlier been ‘humbly submitted to the consideration of His Majesty and the two Houses of Parliament’, contributed to this recognition.99 Indeed, although he was not named amongst those asked to make up the committeemen, later commentators placed Thomas Gilbert as its instigator.100 Private correspondence between MPs Carew and Sir Charles Kemeys Tynte dated January 1765 also describes it as ‘Mr Gilbert’s scheme for the poor.’101

Unusually, ‘all the gentlemen of the Long Robe’ were asked to attend the committee.102 The term, ‘Long Robe’, alludes to all members employed in the legal profession, and as a trained lawyer this included Gilbert himself. The report from the committee was made on 22 January after parliament had been in session only two

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97 A Scheme for the Better Relief and Employment of the Poor (1765), preface.
98 The only recording of this in the Journals is the order to create the select committee. CJ Vol. XXX, p.30. The use of a committee as a precursor to bringing in a general poor law bill was not new, see for example the efforts of Sir Humphrey Mackworth. Hitchcock, ‘The English Workhouse’, p.36-39.
99 A Scheme for the Better Relief and Employment of the Poor (1764), title page; A Scheme for the Better Relief and Employment of the Poor (1765), title page.
101 SHC, Copy Letter to Sir Charles Kemeys Tynte (DD\TB/17/5).
further days. In view of the considerable remit and the number of resolutions
brought to the Commons, it is credible that the committee relied heavily on Gilbert’s
work and he was in no small measure directing the proceedings, particularly as its
recommendations, such as the division of counties into districts and the
establishment of a hospital, workhouse and house of correction in each one, closely
resembled those contained in his pamphlet.\textsuperscript{103}

Use of lawyers and magistrates, with direct experience of the poor law and local
government, particularly its eminent chair William Blackstone, ensured any debate
within the committee was well-informed, even if Gilbert defined its agenda. MPs
with experience sponsoring the Suffolk Incorporation Acts were also present,
including Lord Orwell, the one MP examined by the Lords on Gilbert’s Bill.\textsuperscript{104} The
process undoubtedly gave the measure more authority than Gilbert could have
achieved on his own at this point in his career. The newspapers covered events only
casually, reflecting the substantial restriction on parliamentary reporting which
persisted in the 1760s. ‘We are informed’ began accounts in several provincial
newspapers, ‘that a scheme is on foot [sic] to take the Government of the Poor out of
the Parish Officers Hands’.\textsuperscript{105} The London press likewise carried oblique accounts,
but clearly, there was some anticipation of a possible overhaul of the poor law.\textsuperscript{106}

During its passage through the House of Commons, Gilbert was conspicuous by his
low profile. One possibility is that he was relying on the experience of other
backbenchers, or those with established reputations, perhaps giving flesh to the

\footnotesize\textsuperscript{103} CJ Vol. XXX, p.36; A Scheme for the Better Relief and Employment of the Poor (1764).
\footnotesize\textsuperscript{104} LJ Vol. XXX, p.113.
\footnotesize\textsuperscript{105} For example, Derby Mercury, Friday 25 January 1765; Bath Chronicle & Weekly Gazette, Thursday
31 January 1765; Newcastle Chronicle, Saturday 2 February 1765.
\footnotesize\textsuperscript{106} St. James’s Chronicle or the British Evening Post, 7-9 February 1765; Public Advertiser, Monday 11
February 1765.
pamphlet’s stated wish to gain the patronage of others and through them ‘graft’ a scheme on to its proposals. It may have been astute too, given the potentially divisive nature of parliamentary politics, which during the 1760s was dominated not by ‘party’ affiliations, but by groups which formed around prominent Whigs, such as John Russel, the duke of Bedford and Charles Watson-Wentworth, the marquis of Rockingham. Only when there was a resolution to present a bill was Gilbert named, albeit amongst a list of ten men asked to prepare it. During the first and second readings, the *House of Commons Journal* does not indicate any dissension within the Commons. On 14 February 1765, it was committed to a committee of the whole House for consideration. The chairmanship was then entrusted to MP Edward Kynaston, like Gilbert, a supporter of the incumbent administration.

Chairmanships were usually arranged in advance, and it was usual for someone closely connected with the Bill to act as chair, but in this case, Kynaston had no visible prior association to it. It was probably an astute move as the chair could not take part in the discussion or propose motions, giving Gilbert more flexibility behind the scenes. Despite his later assertion that there was broad approbation for the Bill in the House of Commons, there were several attempts to kill it off, as well as a move, on its third reading, to insert a clause which would have severely stifled its impact.

When a committee of the whole House was called to debate the Bill, on 20 February, 107

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107 Interestingly the edition of Blackstone’s Commentaries came out in 1765 in which he was critical of the use of workhouses. Later critiques of Gilbert sometimes referenced this work, for example, E. Jones, *Observations on the Scheme before Parliament for the Maintenance of the Poor* (Chester: J. Poole, 1776), p.13.


109 A three-month delay was raised on the 7 and 18 March 1765 to ensure it would be out of time to be passed during the session. Neither motion was put to a division. However, an amendment ‘by way of a ryder (sic), providing that no parish shall be included in the provisions of the Act, but with the consent of the majority of the parishioners paying the poor rates was put to a division. It was rejected by 155 votes to 9. CJ Vol. XXX, pp.232, 259-60. Gilbert later observed, ‘The Bill, after full consideration, passed the House of Commons, with very little opposition.’ Gilbert, *Plan for the Better Relief and Employment of the Poor*, p.2.
a ‘Call of the House’ was executed immediately before it. According to Peter
Thomas, ‘in theory an order for a Call was made whenever attendance was markedly
poor; but every motion for a Call seems to have been made explicitly in anticipation
of some particular business.’110 While opposition members typically utilised these
moves, in this instance the motion was seconded by the prime minister, George
Grenville himself. 111 It may be that the call was used to underscore the support the
Bill had from the administration. Unfortunately, as it progressed this meant it
became a potential flashpoint, amongst opposing Whig factions.

On 18 March 1765, Gilbert was ordered to take the Bill to the Lords. By the time
the Bill moved to the upper House, it was, indeed, in jeopardy. On its first reading
John Perceval, earl of Egmont ‘set fire to it’ in a speech and followed it up yet again
at its second reading. 112 Even before it had been committed in the Lords, the
regional press was predicting the Bill’s failure. 113 Gilbert later commented it was
unsuccessful because of ‘some circumstances unconnected to its merits’. 114 The
Bill’s loss in the Lords was not due to what it said per se although many found it
objectionable. Instead, the Lords ‘voted against the proposals as a means of
expressing their distaste for the incumbent ministers and their loyalty to the king.’ 115

p.16.
113 The Bill received its second reading in the Lords on 28 March and was not committed until April
but on the 25 March the Salisbury and Winchester Journal reported: ‘We are well assured, that the
Bill, which has been some time under consideration, for the relief and employment of the poor,
throughout England, will not pass into law, this session.’ Salisbury and Winchester Journal, Monday
25 March 1765. It was also reported by Bath Chronicle and Weekly Gazette, Thursday 28 March
1765; Newcastle Chronicle, Saturday 30 March 1765.
114 T. Gilbert, Considerations on the Bills for the Better Relief and Employment of the Poor Intended to
be Offered to Parliament this Session (London: G & T. Wilkie, 1787), p.4. Also quoted by Frederick
Davies, 1797), p.362.
115 M.W. McCahill, 'The House of Commons in the 1760s' in C. Jones, Pillar of the Constitution: The
During March 1765, the king, George III, had decided to rid himself of his prime minister, Grenville, and the melee subsumed this Bill. Hence, it was the king’s friend Egmont who raised the initial cry against it in the Lords. One can only assume that Gilbert’s early direct appeals to the king for his approbation to his measure had not met with success. Despite the backing of the prime minister and duke of Bedford who tried to secure its support in the Lords, the debate on the Bill became, according to contemporary commentator Horace Walpole, ‘a pitched battle between Lord Bute and Lord Holland on the one hand, and the Bedfords and Grenville on the other’. Moreover, ‘all the world knew’ it. However much the Lords objected to its content they would not have attacked the Bill with such hostility if Grenville had the favour of the Crown. Unfortunately for Thomas Gilbert, the faction of the Bedfords and Grenville were in decline. The incident elucidates the complexity of the political backdrop and the strictures placed on local interests: here was a piece of social policy introduced by a backbencher in collaboration with the legal profession, based on a proven model, which gained the support of both the administration and the lower House, yet was still lost. Its loss demonstrated Grenville’s administration was on a downward spiral. It also showed that in this milieu government backing was not necessarily a positive, and in fact, could act as a hindrance.

These factors aside, it is also true that the choice of this legislation as a battleground was greatly assisted by what the Bill said. It is this factor which could have secured

116 McCahill, ‘The House of Commons in the 1760s’, p.175.
the opposition of the relatively large number of independent MPs and Lords.

According to Innes ‘probably the most ambitious measures’ of social policy, which were introduced in the eighteenth century, were those which attempted wide-ranging reform of the poor laws. 118 The Better Relief and Employment Bill of 1765 was amongst the most radical as it was an attempt to introduce a uniform system with new units of local government and government officers. Correspondence of Henry Pelham-Holles, the duke of Newcastle, examined in this context for the first time, seems to substantiate this. Newcastle wrote to Thomas Secker, the archbishop of Canterbury, on 31 March, ‘It seems to me a great alteration of our constitution. I don’t like the erecting new corporations and new jurisdictions.’ His concern was so pronounced about Gilbert’s Bill; the ex-prime minister also predicted ‘if I know anything of country affairs and the disposition of gentlemen and considerable farmers in the counties. I think this Bill will set all the counties in England in a flame.’ 119 While the measure may have been well devised, its wide-ranging remit raised the instinctive opposition of those in the upper House. Newcastle articulated these concerns to the archbishop of Canterbury and to Robert Hay-Drummond, the archbishop of York, and asked them for their support and exertion of influence over the spiritual Lords, to encourage them to vote against the Bill. 120 If he had another ulterior political motive, as part of the official opposition, he was careful not to articulate it.

In the event whether wholly motivated by disapprobation of the thrust of the measure or not, he raised less than half the opposition to it. This indicates that even if the

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119 BL, Correspondence of the Duke of Newcastle, 1760-1768 (MS 32966 f.131).
120 BL, Correspondence of the Duke of Newcastle, 1760-1768 (MS 32966 f.131 & f.144).
opposition of Newcastle and his group was ideological, and that seems unlikely, factional infighting was more influential in its failure.\textsuperscript{121}

It is interesting to note, within both the press and Newcastle’s correspondence, Gilbert himself was not identified with the Bill. Indeed, later press reports seemed to suggest it was a government measure.\textsuperscript{122} The association between Gilbert and the Bill was only clearly referenced in a narrow political circle. In the 1780s, with a more established reputation and his increasing proficiency in the use of print to advance his aims, together with the proliferation of pamphlets as a genre of social agitation, the growing reach of the provincial press and increasingly sophisticated political reporting, the connection between Gilbert and the reform was unequivocal. However, given the realities of politics in the 1760s Gilbert’s management of the early political campaign, such as keeping his name out of the limelight was still adroit. Better to rely on the reputation of others until his own was secured. He was also still learning his craft. The campaign demonstrated that even if a bill had significant support, parliamentary conditions also needed to be right. Later Gilbert was more sensitive to this nuance and more effectively mitigated its effects. He achieved this by using statistical evidence to support his case and more efficiently garnered backing outside parliament, primarily from magistrates, to add momentum to his campaigning inside the House. Characteristic of his growing sophistication was the fact that, in hindsight, Gilbert was selective in the presentation of events surrounding the collapse of his 1765 poor law Bill. Probably to augment his status, he stated, in a later pamphlet, it failed on a division of 59 to 66.\textsuperscript{123} Researchers have

\textsuperscript{121} McCahill, ‘The House of Commons in the 1760s’, p.175.
\textsuperscript{122} One correspondent to the Public Advertiser praised government ministers for their ‘uncommon dispatch of most weighty and momentous concerns’ including the introduction of Gilbert’s Bill, Public Advertiser, Friday 22 March 1765.
\textsuperscript{123} Gilbert, Considerations on the Bills for the Better Relief and Employment of the Poor, p.4.
tended to take these figures at face value. In fact, careful examination of the evidence shows, that on 22 April 1765 the demise of the Better Relief and Employment Bill was the result of a motion passed by 49 to 26 to re-commit the Bill. As the recommitment was postponed for two months, and thereby after the parliamentary session had closed, the Bill was lost. Therefore, not only was the majority much clearer than Gilbert had asserted but the House was a good deal quieter. He may have been confused with numbers from an earlier division on 2 April which had been defeated in his favour, but it is more likely given his political craftsmanship in the run-up to another legislative attempt, a positive spin on a previous one resonated better.

1.4.2 An Aborted Attempt 1775-1776

In the 17 years between the failure of Thomas Gilbert’s first general poor law Bill in 1765 and the success of his next, he did not lose contact with the topic. In 1773 he spoke in support of a bill on parish annuities for the elderly. At the same time, he announced his intention to create a bill ‘to strike at the very root of an evil which most of all contributes to the ruin of the laborious poor…ale-houses.’ Although

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125 The Bill was lost on a motion to postpone its re-commitment. While the Commons votes were officially published in the period the Lords were not; it meant Gilbert could adapt the numbers twenty years later without worrying too much about the figures being fact-checked. However, the division was reported by several press outlets during 1766. For example, The Scots Magazine MDCCLXVI Vol. XXVIII (Edinburgh: W. Sands, A. Murray and J. Cochran, 1766), p.428; The London Magazine or Gentleman’s Monthly Intelligencer Vol. XXXV (London: R. Baldwin, 1766), p.395. See also LJ Vol. XXX, p.146.


he did not bring in a bill in 1773, on 27 March 1775, Gilbert made an impassioned speech to the Commons to reopen the debate on the state of welfare administration. While he expressed ‘no partiality to any particular plan,’ he nonetheless made his opinion clear.

Thereby, a committee was formed to procure information from JPs and review and consider the poor laws. The plan was to introduce a bill in the following session. The committee reported back, during April and May 1775, with a number of resolutions which signposted the direction the legislation should take. These unsurprisingly reflected the thrust of Gilbert’s own views. At the end of the session, in order ‘to explain such parts as may not be clearly comprehended under the short description contained in the Resolutions,’ Gilbert published his *Observations upon Orders and Resolutions of the House of Commons, with Respect to the Poor, Vagrants and Houses of Correction.* At his own expense, the pamphlet was printed in anticipation of two new bills in the next session. Many provincial papers announced Gilbert’s intention of sending copies to members of both houses of parliament and Clerks of the Peace across the country, for distribution to local justices. The scheme centred on reviving the ethos of the ‘law of Elizabeth, according to its original intent, without introducing any new principles.’

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128 In Gilbert’s speech he stated had ‘long expected that some gentleman of far superior abilities would have and consequence…would have resumed consideration of this most important subject; but as this has not happened, I am desirous…to submit my thoughts.’ *The Parliamentary Register; or History of the Proceedings and Debates of the House of Commons* Vol. I (London: J. Almon, 1775), pp.370-374. See also *CJ* Vol. XXV, p.230.
132 As reported in the provincial press; for example, *Chester Chronicle*, Monday 5 June 1775; *Bath Chronicle & Weekly Gazette*, Thursday 1 June 1775; *Ipswich Journal*, Saturday 3 June 1775. During Gilbert’s campaigning between 1765 & 1787 he devoted considerable amounts of money to the printing, advertising and circulation of his pamphlets.
133 Gilbert, *Observations upon Orders and Resolutions of the House of Commons*, p.3.
continued, ‘the great alteration by the proposed plan will be, maintaining and employing the poor within houses to be provided for their reception…; and the introducing two descriptions of officers viz. governors and guardians, in order to facilitate the execution of it.’

Since 1765, Gilbert had gained confidence and possibly something of a reputation. His pamphlets were no longer published anonymously and more widely distributed, and from the outset he was identified within the press with the proposed legislation. It was in marked contrast to 1765 when one correspondent to the Public Advertiser had mistakenly praised government ministers for their ‘uncommon dispatch of most weighty and momentous concerns’, including the introduction of Gilbert’s Bill. In response to his current legislative endeavour, Gilbert was subject to a good deal of reaction in print, in pamphlet literature, reviews and correspondence to newspapers. Although similar in thrust to his earlier scheme, the criticism was as a result made far more publicly visible. One warned the plan ‘appears too hazardous to be carried into execution.’ Another ‘the intended law, will contribute rather than, to augment than alleviate the general distress of the unfortunate poor.’ Some responses focused on comments about the proposed

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134 Gilbert, Observations upon Orders and Resolutions of the House of Commons, p.4.
135 For example, in the reporting of the formation of the committee to investigate the poor laws following his speech on 27 March 1775. Shrewsbury Chronicle, Saturday 1 April 1775.
136 Public Advertiser, Friday 22 March 1765.
137 Thoughts on the Present State of the Poor, and the Intended Bill for Their Better Relief and Employment. By a Kentishman (London: N. Conant, 1776); Jones, Observations on the Scheme; Remarks upon the Resolutions of the House of Commons with Respect to the Poor, Vagrants, and Houses of Correction. By a Justice of the Peace (London: Nichols, 1775); H. Zouch Remarks Upon the Late Resolutions of the House of Commons Respecting the Proposed Change of the Poor Law (Leeds: G. Wright, 1776) [Please note this was an updated version of a text Zouch published anonymously the previous year]; R. Burn, Observations on the Bill Intended to be offered to Parliament for the Better Relief and Employment of the Poor (London: Cadell, 1776).
A different perspective of the plan can be seen in J. Brand, Observations on Some of the Probable Effects of Mr Gilberts Bill (London: J. Robson, 1776). Correspondence to newspaper included a letter from ‘An Old Overseer’ to Leeds Intelligencer, Tues 18 June 1776.
138 Thoughts on the Present State of the Poor, p.47; Remarks upon the Resolutions, p.5.
scheme. Others also suggested different legislative solutions. Gilbert’s writings and the commentaries published on them engaged in a vibrant public debate on social policy, which while often focused on a parliamentary resolution, by the developments in print, such as the increasing number of provincial newspapers, was now taking more shape and building momentum in the country.\footnote{139}

Gilbert would later put a positive gloss over the events. Even at the time, he reported it ‘had been generally approved of; that several objections had been stated against it; that nevertheless let gentleman differ about the mode, they were universally united in the principle.’\footnote{140} As much of the criticism of Gilbert’s scheme now explicitly referred to him, it associated him in the ‘public’ mind with the topic of poor law reform. His posthumous reputation was secured by it, despite the extensive work he was still engaged in on inland navigation and roads. The planned bills were, however, not introduced. Alfred Coats has suggested that this was due to the preoccupation of the committee with the acquisition of data.\footnote{141} However, another reading is that feedback convinced Gilbert that the plan, or more likely, the timing was not yet sufficiently right.

The American Revolutionary War had broken out at the end of April 1775. Consequently, parliament was called back early from the recess. The war dominated the following session. Gilbert published his intended Bill at the end of the year, planning to introduce it to the House shortly.\footnote{142} In the preamble, he directly

\footnote{139} The effect of these developments is examined in depth in 2.2.  
\footnote{140} As reported in Stamford Mercury, Thursday 22 February 1776; Bath Chronicle & Weekly Gazette, Thursday 22 February 1776; Norfolk Chronicle, Saturday 24 February 1776.  
\footnote{142} In the pamphlet Gilbert dated the introduction 18 November 1775. T. Gilbert, A Bill Intended to be Offered to Parliament, for the Better Relief and Employment of the Poor, within that Part of Great Britain Called England (London: s.n., 1775).
addressed its detractors conceding that ‘this Bill has many defects’, but emphasised the support it had from the Speaker, Sir Fletcher Norton, and other members.\textsuperscript{143} He invited MPs to consider the Bill and suggested it could be amended before it was presented to parliament. To counter some of the objections, he then outlined several elements specifically addressed to answering them.\textsuperscript{144} Opposition from pamphleteers or fellow backbenchers is, therefore, unlikely to have precipitated the change. However, his relationship with prime minister Lord North’s administration was different from the one he had had in 1765 with Grenville’s. He had already demonstrated he had misgivings about their handling of the American colonies. Yet, his political patron, Granville Leveson-Gower, Earl Gower, who controlled Gilbert’s parliamentary seat, was in Lord North’s cabinet and supported North’s administration.\textsuperscript{145} The advantage of his connection to both in the ensuing parliamentary campaign was thus likely to be compromised. Moreover, the appetite within the Commons for wholesale welfare reform in the maelstrom of war would have been adversely affected. As Innes has additionally observed ‘somewhat more acts were passed in years of peace than in years of war.’\textsuperscript{146} Gilbert’s plan for large institutions was costly. Fiscally the military demands would have been identified as more critical and pressing. He had almost enacted a bill, in 1765 during peacetime, and since then the country had not been embroiled in a significant conflict. He was now a more experienced legislator and no doubt a more adept judge of the political mood. While it is only possible to surmise Gilbert’s reasoning at this juncture, this

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\begin{itemize}
\item \textsuperscript{143} Ibid p. VI.
\item \textsuperscript{144} Ibid p. VI.
\item \textsuperscript{145} See section 1.3 for a discussion of the relationship between Gilbert and Earl Gower.
\item \textsuperscript{146} Innes, ‘Parliament and the Shaping of the Eighteenth-Century English Social Policy’, p.69 fn 14.
\end{itemize}
}
pragmatic MP cannot have failed to have recognised the further hindrance these circumstances contributed to his aspiration.

Although the moment may not have been advantageous for a poor law bill, the work during the session to provide information of workhouses administered under local acts (and later poor law returns from remaining parishes) proved useful in subsequent legislative attempts. Gilbert had broached the importance of collecting information during the 1760s, but it was only during the 1770s that he was able to give this structure. According to Sidney and Beatrice Webb, the Gilbert’s Poor Law (Returns) Act passed in 1776 gives ‘our earliest firm ground’ on the scale of the amounts raised and spent in providing poor relief, and they fuelled a nationwide debate.147 Gilbert followed this Act with another in 1786. It had an expanded remit to collect data for 1783-1785 and was allied with enquiries to capture parochial charity expenditure on the poor.148 The figures showed rapidly increasing welfare spending from just over £1.5 million in 1776 to over £2 million by 1784.149 These returns, collected from overseers in every parish across the nation, are important because the move implied that parliament needed information about the fiscal expenditure of local government bodies. Before 1776 statistics were ‘little more than guesses.’ Gilbert identified this needed to be addressed.150 The collected data

148 These returns were called the ‘Gilbert Returns’ by Anthony Brundage who further writes they provided ‘the first national database of relief statistics which might be used by subsequent reformers.’ A. Brundage, The English Poor Laws, 1700-1930 (Basingstoke: Palgrave, 2002), p.22. See 26 Geo. III C.56.
150 Webb, English Local Government: English Poor Law History: Part 1, p.152. Their importance was understood by backbench MP George Rose who sponsored the next poor law returns in 1803.
was to feature in his further attempts in the 1780s, to understand the poor law ‘problem’ and to inform his solution.

It has been argued that general bills on the poor law were the most ambitious examples of social policy brought before the House during the later eighteenth century. It was this which made them prone to failure. The experience of the legislation planned by Thomas Gilbert in the period 1763-1776 demonstrates the reality was more complicated; the successful enactment of a bill was not just linked to its aspiration. A bill could face opposition related to its scope, but this depended in major part on the background context of the moment. The 1775 plan was just as bold as Gilbert’s previous Bill, but a more pronounced groundswell of opposition accompanied it. The heightened hostility was due to several reasons: - the proliferation of pamphlets as a genre of social agitation, the growing reach of the provincial press and increasingly sophisticated political reporting. It was also affected by the structure of politics, and the influences brought to bear at a given moment. In the 1760s, George III’s frustration with his prime minister helped facilitate the demise of Gilbert’s Bill. In the 1770s, war in America meant the mood within the House was not conducive to enacting a comparable plan. The demise of a bill was more than the sum of its opposition, and its journey from inception to ascent did not take place within a Westminster vacuum.

Later in Gilbert’s parliamentary career, his opinion would be sought by the prime minister, William Pitt, who would find his efforts on poor law less successful than this erstwhile backbench MP, according to Eastwood primarily because of

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opposition from magistrates.\textsuperscript{152} With the central executive focused elsewhere, some local representatives remained compelled to fill the void to deal with burgeoning social problems. In some respects, they were better equipped as Pitt’s experience attests. Although unsuccessful during the 1760s and 1770s Gilbert had gained confidence and experience and ultimately this would be rewarded albeit by partial success in the following decade.

1.5 The Gilbert’s Act Campaign: 1780-1

\textit{Various are the schemes which have been proposed for rendering the maintenance of the poor less burdensome; several of which have been carried into execution, but without having the desired effect. This Herculean task is, therefore, still to be performed}.\textsuperscript{153}

By 1781 it had been five years since Gilbert’s earlier attempt to reform the poor laws. The gap had provided opportunity for his own investigation and reflection. He listened to his critics and consequently adapted his plan markedly for this campaign. The new scheme was again based upon the reoccurring themes in the current literature and reflected a more ambivalent attitude towards the use of workhouses, as revealed by, amongst others, Burn and Blackstone. Although the background conditions, according to some historians, provided ‘a supportive moral and parliamentary context’, the process was, both protracted and contested within parliament and in the country.\textsuperscript{154} However, this time Gilbert, drawing on changes in print, effectively harnessed the power of local interests and extra parliamentary


\textsuperscript{153} Such was the opinion of a commentator in a review of a title by Richard Burn in 1776. \textit{The Critical Review: or Annals of Literature} Vol. 41, p.401.

forces to overcome obstacles and to form a welfare bill and successfully navigate it through parliament.

Gilbert’s Act considered in the context of its creation was successful, in the sense that, it represented the limit of what was possible to achieve in social policy in the period. However, Thomas Gilbert was not a straightforward humanitarian. His methods and motivations set him apart from contemporaries, such as John Howard. The following sections show that he was now a skilled political operator, who personally created the new campaign informed by political expediency which focused on gathering opinion and support not only from within parliament but crucially from extra-parliamentary forces across the country. It allowed him to do two things. By soliciting popular input, he was able to refine his Bill to a more practicable and politically palatable form, and secondly, by harnessing backing beyond Westminster, he could apply pressure onto MPs in its support. The resultant act was made in a collaborative process. It furthered Gilbert’s political career. In a broader context, the campaign also demonstrated the growing politicisation of the nation, and how intrinsic the burgeoning print culture had become.

On 22 May 1781, Thomas Gilbert introduced a bill into the House of Commons. It was widely reported in the press. Since the 1770s parliament had taken a more relaxed view of the publication of their debates; consequently, while only eliciting a

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156 For example, Kentish Gazette Saturday 26 May 1781; Hampshire Chronicle, Monday 28 May 1781; Leeds Intelligencer, Tuesday 29 May 1781; Hiberian Journal or Chronicle of Liberty (Dublin) Wednesday 30 May 1781; Bristol & Bath Chronicle, 31 Thursday May 1781. As well as in London: - Morning Chronicle and London Advertiser, Wednesday 23 May 1781 who judiciously followed this campaign with further reports on Friday 1 June 1781, Saturday 2 June 1781, Saturday 15 December.
few lines in the official reporting through the *House of Commons Journals*, coverage in the *Parliamentary Register*, ran into several pages.\(^{157}\) The *Parliamentary Register* had been started in 1774 by John Almon as a vehicle for publishing parliamentary debates. Its coverage helped to ensure a more general understanding of the plan was rapidly spread with Gilbert’s name unequivocally attached.

The speech accompanying the Bill was ‘of considerable length’, and well-planned given its complexity and the fact that MPs were not permitted to read their speeches from prepared notes.\(^{158}\) Following the prerequisite candour at his ability to undertake such a monumental task, Gilbert described the poor law and its current problems. He referred to the 1765 poor law Bill he sponsored and admitted ‘he took a part in with many other gentlemen’. But, while the objectives of the two Bills were aligned, he argued ‘circumstances required the new one addressed them by a more economical plan.’\(^{159}\) Possibly Gilbert was distancing himself and the new proposal from what had gone before. By doing so, he was also addressing earlier criticisms (although surprisingly he referred only very briefly to his poor law returns of the 1770s). Instead of requiring large and expensive buildings, workhouses would be more modest by being confined to the aged, infirm and impotent. In preference to administrative units based on counties, hundreds or districts, he suggested ‘several parishes’ could join to offer better economy.\(^{160}\) His rhetoric emphasised that the new Bill would build directly upon the provisions of the *Workhouse Test Act (9 Geo. I C.7)*, ‘to render [the provisions] …more beneficial to the public, more

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158 *Hampshire Chronicle*, Monday 28 May 1781. According to Peter Thomas, ‘The rule of standing, the need often to shout rather than talk, the reliance on memory- all meant that speaking in the House involved physical and mental strain…Most speeches were therefore very brief.’ Thomas, *House of Commons in the Eighteenth Century*, p.206.
conducive to the Health and Comfort of the Poor, as well as more convenient to the several Parishes and Places where the same shall be enforced and executed.'\textsuperscript{161} This new Bill was not mooted as a radical departure or innovation, rather as an improvement which would not add to the taxation burden. This subtle distinction would make the scheme immediately less sensational and its ascent into law more likely. It is also interesting to note, on this occasion, Gilbert did not feel the necessity first to make a case for reform of the poor laws using a parliamentary committee. It implied that the ‘case’ was already apparent but is likely to have also reflected Gilbert’s confidence that he had enough political influence to no longer require the ploy.

The reporting of the speech provided circulation of Gilbert’s latest thoughts on a bill. However, he was clear, on being questioned about its necessity and timing, that it was not his intention for the Bill to become ratified in the present session.\textsuperscript{162} Instead ‘he wished to have it printed, that the House might form their minds upon it previous to their next meeting.’\textsuperscript{163} He was not seeking its enactment, rather it was a gambit, to kick-start political debate. It was not a common tactic. The Commons was reluctant to waste time on measures which were likely to fail, and it was, therefore, a sign of Gilbert’s standing he was not given short shrift and it could proceed.\textsuperscript{164}

On this basis, leave was given to introduce the Bill, and by May 25 1781, the measure had quickly passed through two parliamentary readings and the committee

\textsuperscript{161} A Bill (with the Amendments) for the Better Relief and Employment of the Poor (London: House of Commons Papers, 1781), p.2. See also The Parliamentary Register Vol. III, p.374.
\textsuperscript{162} This cross-examination was made by Sir George Yonge.
\textsuperscript{163} Gilbert made this clear during the initial debate in the House of Commons on 22 May 1781. The Parliamentary Register Vol. III, p.375. This was also reflected in the newspaper reporting.
\textsuperscript{164} Thomas, House of Commons in the Eighteenth Century, p.48.
The second reading, ‘the customary stage for the main debate on the principle of a bill’, thus passed without issue. The Bill was not presented for a third. Like Gilbert had planned, it did not become law during that parliamentary session. As it was introduced very late, it was in any event unlikely to have passed. However, it allowed MPs the opportunity to consider both the principal of the Bill at the readings and the minutiae of the text during the committee stage. It also provided an opportunity for members to amend the text. The extensive reporting of the proposal and its planned consideration in the following session also implied to a broader audience that its sponsor was receptive to feedback. The message was undoubtedly enhanced by the fact Gilbert enjoyed a reputation as a social reformer. The Gentleman’s Magazine now likened his efforts and ‘public spirit’ to the prison reformer, John Howard and suggested he deserved the ‘thanks of this country.’

The preamble to the primary campaign was well-considered. Unlike earlier campaigns, Gilbert was not preoccupied during this session pushing through a large number of local acts, on behalf of his political patrons or his own business concerns. A few weeks before his motion, he had flatly refused to go back to the issue of taxing placemen, a topic which had previously demanded his attention. In this session, he had time to devote to questions about which he was presently concerned. The gap between this and his earlier legislative attempt had also provided an opportunity for investigation and reflection. Later in 1781, he observed he had undertaken the ‘arduous task’ to ‘to investigate the causes and point out the

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165 CJ Vol. XXXVIII, pp.482, 484 and 488.
166 Thomas, House of Commons in the Eighteenth Century, p.50.
167 Gentleman’s Magazine, and Historical Chronicle 1781 Vol. LI, p.529. A comparison was also made by others such as Whitehall Evening Post, 25-27 September 1781.
168 As suggested by consideration of entries in the House of Commons Journals.
remedy of this evil [poverty]’ during the period.\textsuperscript{170} Given the speed of events, this must have included preparation of material for print. The initial groundwork was well planned and executed, but the timing was not the best. The American Revolutionary War was into its sixth year, but during 1780 and most of 1781 the English army under General Cornwallis was doing better. The administration under prime minister, Lord North, was consequently more confident.\textsuperscript{171} Nonetheless, foreign wars required higher tax revenues at home, and anything identified with increasing the tax burden was likely to be met with derision. The moment may not have been the most opportune, but to Thomas Gilbert, it felt necessitous. He later reflected, ‘I could not prevail upon myself any longer to postpone the subject…having found after waiting many years that no other gentleman was inclined to undertake it, nor any plan proposed…by those who are at the head of our public affairs.’\textsuperscript{172} The allusion to waiting for a governmental response is surprising given the fact administrations throughout the eighteenth century tended not to lead on aspects of social policy. However, it may have helped to underscore the lack of a practical alternative to himself and further account for his frustration and compulsion to act.

In the short weeks which followed, before the close of the parliamentary session on 18 July 1781, Gilbert was still working hard on the project. He corresponded with at least one government minister to gain further perspectives on his proposals. Since the Better Relief and Employment of the Poor Bill had been published (after the committee report), Gilbert added plans for two other bills addressing vagrancy and

\textsuperscript{170} Gilbert, Plan for the Better Relief and Employment of the Poor, p.1.
\textsuperscript{172} Gilbert, Plan for the Better Relief and Employment of the Poor, p.30.
houses of correction.\textsuperscript{173} His speech on 22 May had suggested the need for legislation on these subsidiary aspects, and early approbation of this may have encouraged him to extend his proposal. Indeed, some of the provincial press reporting of this speech decided to focus on his comments on houses of correction at the cost of commentary on his plans for the more ‘deserving’ poor.\textsuperscript{174} These add-ons could have provided the impetus to seek ministerial approval, but given the uncertainty of the prevailing political environment directly ascertaining ministers’ views was undoubtedly a pragmatic approach. However, as social policy was devolved to the localities to administer there was a distinction between Gilbert’s courting of local interests and magistrates who had direct experience of the poor law, and government ministers who did not. Ministers characteristically had little by way of staff or resources to compensate for this, but they had political influence. Gilbert identified that both elements were necessary at this stage for legislative success.

By the end of the parliamentary session in July 1781, and following early feedback, Gilbert had already moderated his plans for the \textit{Better Relief and Employment Bill}. For example, a clause regarding ‘sub-visitors’ had been dropped.\textsuperscript{175} He had also

\textsuperscript{173} During the session Gilbert had written to Charles Jenkinson, the Secretary at War in the government of Lord North. Jenkinson wrote back on 2 June 1781 with a suggestion which Gilbert later incorporated into a bill addressing vagrancy. Gilbert was given leave to introduce a bill on vagrancy just a few days later 12 June 1781 and between 14 & 19 June 1781 the Bill passed through two readings and the committee stage. Gilbert also was given leave to introduce a bill on houses of correction 1 June 1781 which received its first two readings on 6 & 8 June 1781 and on 11 June it completed its committee stage. Gilbert’s plans for three bills were fully explained in his following pamphlet published in the summer. BL, Correspondence with Charles Jenkinson September 1780-November 1781 (MS 38308); CJ Vol. XXXVIII, pp.502, 504, 507, 510, 512, 516, 520, 529. Gilbert, \textit{Plan for the Better Relief and Employment of the Poor}.

\textsuperscript{174} For example, coverage in the \textit{Leeds Intelligencer} said nothing in its coverage about workhouses, the deserving poor etc. and instead dedicated its coverage to Gilbert’s plans for houses of correction and abolishing the ‘farming’ of the poor. \textit{Leeds Intelligencer}, Tuesday 29 May 1781. Similar treatments also appeared in \textit{Hibernian Journal; or Chronicle of Liberty}, Wednesday 30 May 1781 and \textit{Kentish Gazette}, Saturday 26 May 1781.

\textsuperscript{175} The Bill had been amended in committee and a clause about a post called ‘sub-visitor’ had been removed. A \textit{Bill (with the Amendments) for the Better Relief and Employment of the Poor}. 

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introduced two interrelated bills which had like the poor law Bill progressed rapidly but were not brought for a third reading. This revision of both his method to achieve and the design of his social policy would continue apace during the recess and into the next session of parliament. It would take his public consultation to new levels of elaboration, trying to gain a consensus and the support necessary to push through a plan.

1.6 The Influence of Print Culture: *Plan for the Better Relief & Employment of the Poor*

*Mr Gilbert’s plan for the better relief and employment of the poor, is the work of long unremitting attention, and discovers great knowledge of a very difficult subject.*

The closing of the 1780-81 parliamentary session did not herald a lull in the momentum of Thomas Gilbert’s present campaign to reform the laws affecting the administration of the poor. The London and provincial news-press continued to report on his intended Bills weeks after the start of the summer recess, despite the lack of new intelligence from Westminster.

So that his plan was ‘more circulated and thoroughly understood’ Gilbert published a pamphlet. It was announced in late June and early July 1781 as the session closed.

*Plan for the Better Relief and Employment of the Poor* outlined both his current

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178 Provincial reporting included: - *Leeds Intelligencer*, Tuesday 31 July 1781; *Bath Chronicle & Weekly Gazette*, Thursday 2 August 1781; *Ipswich Journal*, Saturday 4 August 1781. Reports in London’s *Public Advertiser* included: - Friday 27 July 1781; Saturday 28 July 1781; Tuesday 31 July 1781; Tuesday 28 August 1781; Saturday 1 September 1781.
ideas on social reform and the text of the Bills he intended to introduce in the following session. His goals were ‘compelling every poor person to labour who is able to work; to take proper care of all those who are not so’ and ‘to reform the dissolute, and refractory, by punishments well-adapted to their offences.’ It would be achieved through a prudent economy and addressed by three separate Bills directed to the better relief and employment of the poor, houses of correction and ‘rogues, vagabonds and beggars.’

Political pamphlets ‘were written to inform and influence opinion’ in this period according to Alan Downie. However, Gilbert’s use of them, at this time, was somewhat different:

The utmost of my wishes are that the plan and Bills may be considered, during the course of the summer, by the Members of both Houses, and particularly those of the long robe; and also by magistrates and others, conversant in the subject; and that they may be fairly and candidly discussed.

He was seeking, through this tract, certainly to appraise the political classes of his plan but also to debate and revise it by inviting ‘correction and amendments.’ He would present the amended Bills to parliament the following session unless the scheme was found deficient, in which case he aspired to ‘be the means of producing some others, better digested and adapted to the purpose.’

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180 Gilbert, Plan for the Better Relief and Employment of the Poor, pp.1-2.
181 Gilbert, Plan for the Better Relief and Employment of the Poor, pp.3-4.
183 Gilbert, Plan for the Better Relief and Employment of the Poor, p.30.
Although historians have analysed the text of the pamphlet itself, its immediate historical context and impact on the public sphere have not been examined. This may be unsurprising, as Downie suggests ‘assessing the efficacy of a particular polemic is singularly problematic…it is rarely possible to document the definable alteration in political consciousness resulting for the publication of a particular pamphlet.’ Nonetheless, it is argued here that this tract and the two which followed were influential enough to greatly facilitate this legislative endeavour.

Several factors contributed to this. Firstly, the context had changed much over the twenty years Thomas Gilbert had been a parliamentary MP. Publishing was booming in the late eighteenth century fuelled in part by the growing interest in, and appetite for, political debate. Plan for the Better Relief and Employment of the Poor was part of the burgeoning political pamphlet genre. Gilbert adapted his approach to suit the changing environment. The title was published by George Wilkie, from the heart of London’s printing district at St. Paul’s. From 1781, Wilkie published almost all Gilbert’s works on social policy.

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185 For example, in the work of Samantha Shave who is one of the few historians to have written about Gilbert’s work. Shave, Pauper Policies; S. Shave, ‘Poor Law Reform and Policy Innovation in Rural Southern England, c1780-1850’ (unpublished doctoral thesis, University of Southampton, 2010); S. Shave, ‘The Welfare of the Vulnerable in the Late Eighteenth and Early Nineteenth Centuries: Gilbert’s Act of 1782’, History in Focus, 14 (2008). www.history.ac.uk/ihf/focus/welfare/articles/shaves.html [accessed 1 December 2014].

186 Downie, ‘Public Opinion and the Political Pamphlet, p.552.


was important. Books published outside London were unlikely to be widely commercially successful; 'the English book trade revolved very largely around the activities of the London publishers, and nationwide distribution was generally possible only through their widespread and long-established networks of provincial distributors and retailers.'\(^{189}\) Previously, Gilbert’s privately published pamphlets had limited circulation. Crucially too, as the extent to which a book was advertised was directly informed by its publisher’s appraisal of its likely market, Wilkie resoundingly supported Gilbert’s commercial potential.\(^{190}\) The tract was consequently extensively promoted in newspapers across England.\(^{191}\) It has been suggested that the way books were advertised, and the trade’s relationship with provincial newsprint ‘encouraged people to perceive book advertisements as “national news”’.\(^{192}\) The press collected and reported London news about which their readership wanted or needed to know, juxtaposing it with notices about publications, hence inclined readers to see both as objects which required their appraisal and as topics of debate. Thus, Gilbert’s pamphlet had the potential to itself become news. The line between what was and what was not news became blurred during the summer. For example, a number of London newspapers intersected their


news reporting with comment and feedback on Gilbert’s scheme, often starting with the same tag line, ‘A hint to Mr Gilbert’. The publicity was invaluable.

Gilbert’s pamphlet was advertised in the provincial press with listings for London outlets, but also the names of a large number of local booksellers from which it was available throughout the country. The advert in the Bath Chronicle & Weekly Gazette, for example, listed outlets in Bristol, Bath and Wotton, and advised readers, it was available in ‘all the booksellers within the circuit of this newspaper.’ As many eighteenth-century booksellers also provided library services, circulation was potentially wider still.

Whereas in the 1760s pamphlets provided the main or only medium for debate on social policy, by the 1780s, this had changed with the expansion of the press. Thus, the extensive advertising and distribution of the pamphlet also facilitated its critique by the burgeoning number of periodicals that offered reviews of printed works.

This both further transmitted its core ideas and conveyed Gilbert’s petitioning of outside forces. The influential, Monthly Review observed, ‘we consider ourselves highly pleased with the liberal conduct of Mr Gilbert, in inviting the assistance and emendations of others.’ The ‘assistance and emendment’ of others quickly

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193 Public Advertiser Tuesday 28 August 1781; Saturday 1 September 1781; Whitehall Evening Post, 29-31 August 1782; Morning Chronicle and London Advertiser, 19 September 1781.
194 Bath Chronicle & Weekly Gazette, Thursday 26 July 1781.
195 For instance, of the three booksellers mentioned in Bath Chronicle & Weekly Gazette, Thursday 26 July 1781, Thursday 26 July 1781 at least one (Pratt and Clinch) also operated library services. Bath Chronicle and Weekly Gazette, Thursday 17 February 1780, Thursday 03 February 1780.
197 Monthly Review; or Literary Journal 1782 Vol. LXVI, p.312. This was endorsed by the likes of M.O.C in Kentish Gazette, Saturday 24 November 1781. Earlier comment also reflected approbation of Gilbert’s active requests for feedback. For example, E. Jones Observations on the Scheme before Parliament for the Maintenance of the Poor (Chester: J. Poole, 1776), p.2. Antonia Forster describes
followed. Letters were written, some printed quickly in the press or later published as pamphlets. One early example printed in the *Morning Herald*, praised the politician’s personality but had dire reservations about the plan stating, ‘I condemn [it] as a perfect mockery of the public feelings.’

The provincial press was particularly important in several respects to Thomas Gilbert’s crusade. The news reporting of the parliamentary campaigns, local reaction to it and the marketing of his published works all contributed to its dissemination into a broader sphere across the English counties. It was in this arena that the plan would be applied. Newspapers were an accessible information resource to local elites, although the majority of provincial titles produced fewer than 2000 copies total readership was much broader than the numbers suggest. Slowly newspapers would become the dominant form of political print. However, the relationship between Gilbert and the press, at this time, was a complicated one, and it could work in support or against him. The *Leeds Intelligencer*, founded in 1754, was one of a growing number of weekly regional newspapers making their mark and feeding the national appetite for political news which it gathered (like many) mainly from the London prints. The paper reported the progress of Gilbert’s campaign

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198 *Morning Herald and Daily Advertiser*, Saturday 8 September 1781.
inside parliament and within the county largely without judgement on its premise, perhaps mindful not to take an overtly political stance for fear of alienating its readership.\textsuperscript{203} However, the paper did not carry advertisements for Gilbert’s pamphlet while advertising several polemics against it.\textsuperscript{204} It also fully reported the strong objections to the plan expressed by the Yorkshire bench.\textsuperscript{205} Possibly due to an increased consensus within the county or to the fact the campaign was over, the Intelligencer’s criticism of the MP’s social reforms later was passionate (and factually incorrect), following his elevation to the post of Chairman of the Ways and Means Committee:

This person is well known by the name of POOR GILBERT from having made many repeated attempts to reform the poor laws, by which he brought great expense and trouble on every parish throughout the kingdom…it is certain that one or more of his Bills would have actually been carried into a law had it not been for the timely and spirited exertions of the worthy Magistrates of the West-Riding of Yorkshire.\textsuperscript{206}

However, there is some evidence to suggest that Gilbert’s publisher, whether it was on the cognisance of the MP himself or not, may have directly manipulated at least part of the London press coverage to contribute to a more positive effect. Gilbert’s publisher, George Wilkie was a brother to Thomas, who from 1781 was the

\textsuperscript{203} The most unequivocal was On Tuesday 31 July 1781 when it reported ‘Mr Gilbert’s intended Bills for the reformation of the poor laws promise, some effect.’ See also reports of Leeds Intelligencer, Tuesday 29 May 1781, Tuesday 1 January 1782, Tuesday 5 February 1782, Tuesday 2 April 1782, Tuesday 21 May 1782, and Tuesday 18 June 1782. On Tuesday 12 March 1782 they carried an advert for a pamphlet which was critical of Gilbert’s planned reforms.

\textsuperscript{204} The Intelligencer advertised Henry Zouch’s vehement A Few Words on Behalf of the Poor and his anonymously penned critique. Leeds Intelligencer, Tuesday 12 February 1782, Tuesday 12 March 1782.

\textsuperscript{205} Leeds Intelligencer, Tuesday 16 April 1782.

\textsuperscript{206} This followed a news report the previous week: Leeds Intelligencer, Tuesday 8 June 1784.
publisher and printer of the *London Chronicle*.\(^{207}\) It had been established in 1757. Reportedly, Samuel Johnson’s paper of choice, the newspaper aspired to impartiality and ‘had no ambition to be of political importance.’\(^{208}\) Nonetheless, it was later the first English paper to publish the American Declaration of Independence.\(^{209}\) Five years on, in 1781 from the same address, and presumably the same press, Gilbert’s pamphlets were printed.\(^{210}\) Later the brothers collaborated on the publication of his tracts.\(^{211}\) The *London Chronicle* was the first to inform the public of Gilbert’s intention to publish his plan and it was the first to advertise the text.\(^{212}\) It also judiciously published correspondence in support of the Bill when its success looked threatened.\(^{213}\) While the influence of the paper within the campaign is difficult to qualify it was at the very least symptomatic of a well-orchestrated campaign.

Gilbert was acutely aware of the prejudices and concerns of his target audience. In the reviews of his tract, Gilbert’s objective of delivering cost savings on poor relief

\(^{207}\) Thomas Wilkie took over from his father John in March 1781 according to the different print acknowledgments given in the paper for the editions for 15-17 March 1781 and 20-22 March 1781. John Wilkie had also been supportive of George Wilkie’s printing business and carried adverts in the *Chronicle* for his output, for example Rev. A. Maddock, *Popish Tyranny and Cruelty Exemplified* advertised March 1-3 1781. See also J. Raven, *The Business of Books: Booksellers and the English Book Trade 1450-1850* (New Haven: Yale, 2007), p.184.


\(^{210}\) The *London Chronicle* base was at 71, St. Paul’s Churchyard which from at least the publication of Gilbert’s third pamphlet that year was also George Wilkie’s. T. Gilbert, *Observations on the Bills for Amending and Rendering More Effectual the Laws Relative to Houses of Correction: For the Better Relief and Employment of the Poor: and for Amending and Rendering More Effectual the Laws Relative to Rogues, Vagabonds, Beggars, and Other Idle and Disorderly Persons* (London: G.Wilkie, 1782).

\(^{211}\) The collaboration was at least from the publication of Gilbert, *A Plan of Police* (1786).

\(^{212}\) *London Chronicle* informed its readers ‘Mr Gilbert having been repeatedly applied to by many of his friends to publish his great Plan’ that it was ‘now in the press and will be finished in a few days’. *London Chronicle*, 28-30 June 1781. This was later picked up by the *Morning Chronicle and London Advertiser, Thursday 12 July 1781*. The *London Chronicle* also appears to have been the first newspaper to carry adverts of the fully published text. *London Chronicle*, 17-19 July 1781.

\(^{213}\) For example, *London Chronicle*, 8 -10 January 1782.
met with a receptive audience. *The London Magazine* commented, ‘there is scare a householder…who does not feel the oppressions of parish law particularly in the heavy taxes arbitrarily imposed upon him, by ignorant selfish vestries for church and poor rates.’ However, although commentators praised the author’s intentions and often described the plan in detail, they tended to be ambivalent in their assessment of the solution presented. Instead, this was left to the judgement of their readers or the wisdom of parliament. The *Gentleman’s Magazine* observed as the plan ‘will soon undergo the review of much better and more competent judges, we shall wave at present at entering into further particular, admiring only the public spirit which has induced the author.’ In many respects, this was in keeping with the ethos of the early reviewing press and certainly on a subject which could be construed divisive perhaps a careful assessment was *de rigueur*. However, the placement of the review within the text of some of these monthlies did portray the high-value judgements by editors to Gilbert’s work. The *Monthly Review* appraised important texts within the main article section at the front of the publication while consigning the majority to the ‘catalogue’ section later. This was irrespective of the length of the review itself. In Gilbert’s case *Plan for the Better Relief* was reviewed in the ‘article’ section along with his supplement to it despite this latter text only warranting three

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The circulation of the *Monthly Review* alone was 5,000 by 1797 and total readership far larger.\(^\text{218}\)

Unsurprisingly the proposal, possibly as Gilbert had envisioned, also prompted a number of pamphlet responses. In an anonymously written tract, entitled *A Letter to Thomas Gilbert*, the author, possibly a magistrate from the Hull area, doubted the effectiveness of larger workhouses instead recommending parochial institutions run as deterrents for the able-bodied.\(^\text{219}\) Like many, despite his reservations he still admired Gilbert’s work on welfare, finishing his text ‘it is happy, however, for the country, that there is one among the great number of our Legislators that will take any trouble about it.’\(^\text{220}\) This was not true of Yorkshire magistrate, Henry Zouch, one of Gilbert’s sternest and longest-serving critics.\(^\text{221}\) His indictment, which may have stemmed in part to his connections with Gilbert’s parliamentary opposition, drew comment as according to one contemporary source it had a ‘degree of harshness that borders upon cynical moroseness.’\(^\text{222}\) Zouch disagreed with Gilbert

\(^{217}\) The *Monthly Review*’s great rival the *Critical Review* was similarly organised, but the review of Gilbert’s pamphlet was placed in the catalogue section. *Monthly Review; or Literary Journal* 1782 Vol. LXVI, p.44-46; *The Critical Review; or Annals of Literature* Vol. 52, p.69


\(^{219}\) The author alluded to personal experience and referred to the Hull area. *A Letter to Thomas Gilbert, Esq; MP on his Plan for the Better Relief and Employment of the Poor* (London: Richardson & Urquhart, 1782).


\(^{222}\) It is possible that Zouch was inspired in his critique by more than the ideas of Gilbert alone as he had close connections with Charles Watson-Wentworth, the marquis of Rockingham, part of the Whig opposition to prime ministers George Grenville and Lord North whom Gilbert had supported. Zouch was chaplain to the marchioness of Rockingham and acted as Rockingham’s political agent. *Monthly Review; or Literary Journal* 1782 Vol. LXVI, p.312; T. Wrangham, *The Works of Rev. Thomas Zouch* (London: Thomas Wilson, 1820), p.366; H. Braithwaite, *Romanticism, Publishing and Dissent*: 97
on the cost and effectiveness of the current system. He made a clause by clause
critique of the Plan for the Better Relief and at times employed florid language to
embellish his stance. For example, on the concept of providing a workhouse for the
impotent:

In the boasted land of freedom, in a country where humanity is one great
leading feature in the character of its inhabitants, is it consistent to force the
poor, under particular descriptions, at a great distance perhaps from the
places where they have long lived with, comfortably and with credit…to be
promiscuously huddled together, in one common Hospital, to be there
confined, without a prospect of being ever restored to liberty? And this for no
offence, unless to be poor is to be criminal. 223

These pamphlet responses to Plan for the Better Relief and Employment of the Poor
were themselves advertised and reviewed, raising the profile of Gilbert's plan
further.224

Other commentators were publicly supportive of Gilbert’s scheme. One, M.O.C
from Maidford, Northamptonshire addressed his fellow JPs in a letter published by
the Kentish Gazette. In it he recommended the plan as deserving their ‘most zealous
support’, suggesting magistrates discussed it at their next quarter sessions before
commending it to their MP. He proposed the Bill would be ‘instrumental in

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Zouch, A Few Words in Behalf of the Poor, pp.7-8

The review of Zouch’s tract, for example, was reviewed in the same volume of Monthly Review as
Gilbert’s Plan for the Better Relief albeit consigned to the 'catalogue' section. Monthly Review; or
Literary Journal 1782 Vol. LXVI, p.312.
bestowing life, health and comfort to the numberless objects that are now pinning under the united affliction of misery, vice and despair.’

It is interesting to note that M.O.C. was speaking to magistrates in a county where he was not resident, whether he was visiting or if he similarly directed correspondence to other newspapers is difficult to deduce. Barker suggests a pseudonym inferred the writer was attempting to speak on behalf of a social group. Whether the device made M.O. C’s standpoint on the Bill any more credible is impossible to establish.

Gilbert’s pamphlet quickly drew comment in broader works on poverty. In John M’Farlan’s weighty book, *Inquiries Concerning the Poor*, published in the following year, M’Farlan conceded the plan ‘is the work of long unremitting attention, and discovers great knowledge of a very difficult subject’ but whilst hoping the Bill would see the better execution of the law argued that the reliance on poorhouses ‘will never answer the ends proposed.’

Thomas Gilbert’s campaigns changed to reflect the changes in print culture. The campaigning so transformed meant the dissemination of his ideas on social reform was wider than ever before. While providing a catalyst for debate, he attempted, through this published work, the delicate balancing act of both shaping opinion and continuously assimilating it into his scheme. This was one way he was able to draw input from across the country into his campaign. Certainly, the publication of his pamphlet fuelled discussion throughout the country and added momentum to the parliamentary campaign, which started again in the autumn. Despite a mixed response, it is clear Gilbert now enjoyed an erstwhile reputation for social policy.

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225 *Kentish Gazette*, Saturday 24 November 1781.
226 Barker & Burrows, *Press, Politics and the Public Sphere*, p.94.
that itself provided leverage. His methods of public consultation and revision in this regard also gained him plaudits.

1.7 The Ideological Dimension?

Since his first poor law Bill in 1765, Gilbert’s plan was much adapted. His very first pamphlet in 1764 had advocated the repeal of the current poor laws; the compulsory division of counties into districts and the creation of large houses of industry which accommodated all the poor, albeit divided into different classes. His ideas in 1781-2 centred on single parishes, or combinations of them, voluntarily endorsing the Bill’s provisions. Under the scheme, the able-bodied were found work while the workhouse was reserved only for those unable to support themselves through their labour, for reasons of age or infirmity. Consideration of matters arising from the settlement of the poor was now excluded from his proposals as these had been ‘well reconciled and reduced to a great degree of certainty.’

The scheme described in this pamphlet had ‘been much improved by the observations and assistance of many respectable Members….and many hints and observations which I have been favoured with from other gentlemen.’

Thomas Gilbert’s proposal was, once again, not original. He, himself, observed in the text of his plan; ‘these Bills have nothing new to render them exceptional; they are grounded on the present laws with alterations only tending to enforce them.’

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229 Gilbert, Plan for the Better Relief and Employment of the Poor, p.4.
Instead, it drew heavily on the public debate on welfare, which Gilbert used to frame a politically acceptable reform (and then offered to the country for refinement).

Nonetheless, it is possible to deduce the sway of a few individuals. Preeminent amongst these is the magistrate Dr Richard Burn, whose text *History of the Poor Law* probably inspired Gilbert to action in 1764. Frederick Eden inferred that Gilbert’s provisions in the 1780s which reduced the influence of overseers were shaped by the opinions of Burn, who had penned a commentary on Gilbert’s legislative plans in 1776. In 1787, Gilbert corroborated this by stating that their ideas on the subject had ‘much correspondence.’ Writing in 1853, George Nicholls also deduced the impact of Burn on both Gilbert’s low opinion of overseers and the faith both had in the restorative influence of magistrates. Nicholls observed ‘this need not excite surprise, for both Dr Burn and Mr. Gilbert were active magistrates…they would both naturally feel that the more they and men of their position possessed, the more good would be done.’

Recent commentators, such as Shave, have argued Thomas Gilbert was probably not an active magistrate, citing the lack of personal anecdote in his commentaries. However, a careful reading of his pamphlet literature reveals this is not necessarily true. It is correct, Gilbert did not make heavy reference to his own practice, but this was probably to emphasise that his plan was a collaborative effort. While he may have been its sponsor, this did not mean he assumed ownership of the plan.

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234 Shave *Pauper Policies*, p.56.

235 For example, Gilbert, *Observations on the Bills*, p.4.
Instead, this experience assisted in sifting through the ideas and experience of others. For example, in the case of Burn, while his scheme incorporated many of his thoughts, there were some differences. Although now agreeing on issues such as the high cost of county workhouses, the necessity to remove settlement clauses and the need to limit overseer input; their plans on how to make a change in practice were contrasting. Burn advocated a simple plan based on the employment of a salaried overseer to manage poor relief, whereas, Gilbert put his faith in a tiered management structure of visitors, guardians and governors administering an elaborate plan. Moreover, while part of Gilbert's scheme now directly dealt with beggars, it was something which Burn argued needed addressing before any reform of the poor laws.236

To what degree Burn’s writings provided the basis of Plan for the Better Relief and Employment of the Poor is impossible to decipher accurately. However, Gilbert’s plan indicated that the promotion of one model, even from the respected Burn, could not provide the solution. Instead, he chose to present a social policy based on the broadest consensus within the political classes, for within parliament or the localities there was no unanimity on the best solution to the problems brought by the relief of the poor.237 As the Bill’s author, he was furthermore able to create and adapt reform which would be acceptable in the context of parliament.

While Gilbert was selective in his use of Burn’s magisterial writings, there is no doubting his solicitation and admiration of magistrates, and their influence more

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236 Both men recommended enforcement of the laws on begging; Gilbert suggested a more conciliatory approach with a period of clemency. Gilbert, Plan for the Better Relief and Employment of the Poor, p.19-20.

237 This was consensus largely from within his own magisterial class rather than also with smaller ratepayers who tended to dominate parish vestries.
generally on his plan. He wrote ‘it is an office of great trust and importance, upon which the well-being of this country, in a great measure, depends.’ Gilbert was a lawyer by training. He respected magisterial and legal opinion, but magistrates could draw upon direct administrative experience at the ground level. It is unsurprising, therefore, he utilised those elements who were most expert in the process of the law as regards welfare. In the absence of proactive and knowledgeable central government support, it was one way of ensuring the resulting legislation was workable. Drawing magistrates into the process of the creation of legislation would also have positive benefits on their support and acquiescence when the policy was implemented. As David Eastwood has also observed, ‘unambiguously, magistrates saw themselves as part of a national polity.’ At the county level, through the quarter sessions and Assizes, they were a link between local and national government. Poverty was also a personal concern for many magistrates. Thus, appeals for their assistance in the creation of social policy are likely to have fallen on fertile ground. Gilbert's consultation skilfully tapped into and benefited from this resource. It later included the representations magistrates could make to their MPs.

According to Gilbert’s *Plan for the Better Relief and Employment of the Poor*, the ‘evil’ of the current system was that despite the considerable cost of poor relief ‘we see the poor, after all these expenses, distressed, begging and starving.’ The causes of this were ‘idleness, profligacy and a relaxation of the laws.’ The remedy,

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238 Gilbert, *Plan for the Better Relief and Employment of the Poor*, p.27.
240 According to Peter Dunkley this drew on humanitarian impulses and was expressed by efforts to gain greater control the apparatus of poor relief. This may have been something that Gilbert directly tied into his plan by attempting to draw magistrates into more direct participation in the management of poor relief through the role of Visitor to the Poor. See Chapter 3 of Dunkley, *The Crisis of the Old Poor Law*.  

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according to Gilbert’s pamphlet, must be ‘labour, industry, under a vigorous and spirited execution of the laws, with some amendment.’

Thus, part of both the problem and the solution was legislative and administrative. Deficiencies in the legal framework required mitigation by a new act and administrative whereby lacklustre implementation was replaced by an active regime. In both aspects, Gilbert’s proposed Bills thus pertained to magistrates as representatives of the legal profession and, in their local government role, as administrators. While historians have referenced several influences on the creation of welfare reform at this time, particularly the influence of economic thought, humanitarian impulse and moral concerns, it is possible the Bills were not shaped by ideas per se but rather by feedback drawn from magisterial experience of the operation of the law.

Twentieth-century researchers have deduced the influence of economic thought in Thomas Gilbert’s social policy. The other causes and solutions of the present ‘evils’, presented in the model above, namely the idleness and profligacy of the poor, undoubtedly appear imbued with economic concerns, particularly when they appear remedied ‘under’ the proposed legislation by labour and industry. However, it is complex. While the rhetoric of the pamphlet implies laziness and licentiousness were intrinsic traits of the poor, it also recognised that those who were not physically

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241 Gilbert, Plan for the Better Relief and Employment of the Poor, p.1.
242 Dorothy Marshall suggested that Gilbert’s later Act exemplified new humanitarian thought and criticism of the administration of the poor law particularly by overseers. Marshall, The English Poor in the Eighteenth Century, pp.13-14. The idea of a more sympathetic elite emerging during the period is explored by Paul Langford. See Chapter 10, P. Langford, Polite and Commercial People, 1727-1783 (Oxford: Clarendon, 1989). This was also expressed by contemporary commentators. One anonymous writer blaming rising welfare costs, in part, on ‘the wider diffusion of civilisation within a few years past, and the improved humanity of parish officers, and others concerned in dealings with or the care of the poor.’ Considerations on the Late Increase of the Poor Rate, and on Mr. Gilbert’s Plan for the Relief and Support of the Poor (Norwich: W. Stevenson, 1786), p.3.
able to support themselves through work required particular assistance and those physically able to work but who were not able to procure it, likewise, required help to do so. By inference, there were thus circumstances by which the poor bore no responsibility for their condition and poverty could be a temporary state of affairs. This nuanced understanding of the nature of poverty was only recently being articulated by contemporary economic writers, such as Adam Smith. However, Gilbert’s scheme was no wholesale ratification of all of Smith’s ideas. Gilbert was realistic in what he could do. Smith endorsed the free mobility and circulation of labour as a requisite for economic growth, prosperity and the reduction in levels of poverty. The Acts of Settlement and the poor laws presented a significant barrier to this which required dismantling. This issue affected the availability of labour, something which an industrialist such as Gilbert readily understood. However, the issue was highly contentious, and instead provisions regarding settlement were removed from Gilbert’s plan, undoubtedly because it would have rendered the passage of his Bill more problematical. When he had tried to discuss the issue in earlier plans in the 1770s, he had received many objections.

244 There were also other progressive elements within the plan which demonstrated a good understanding of economic issues. One such was the sublimation of wages if labourers’ wage levels were below subsistence level. Gilbert’s Act enshrined this provision in legislation for the first time and allowed the Speenhamland system to develop, something which some researchers later condemned but according to the work of George Boyer assisted the development of a wage economy. Nicholls, A History of the English Poor Law, p.90; Webb, English Local Government: English Poor Law History: Part 1, pp.219-220, pp.172-3; G. Boyer, ‘An economic model of the English Poor Law circa 1780-1834’, Explorations in Economic History, Vol. 22 No. 2 (1985), pp.129-167; G. Boyer, An Economic History of the Poor Laws, 1750-1850 (Cambridge: Cambridge University Press, 1990); G. Boyer, ‘The Old Poor Law and the Agricultural Labour Market in Southern England: An Empirical Analysis’, The Journal of Economic History, Vol. 46 No. 1 (1986), pp.113-135.

245 However, if Gilbert were receptive to Smith’s ideas, this would not have provided help with regards to the creation of his scheme because political economists, as yet, gave little by way of instruction in how to best to make social policy. A. Smith, An Inquiry into the Nature and Causes of the Wealth of Nations (London, 1776); Cowherd, Political Economists and the English Poor Laws, p. Xiii.

246 For example, Remarks upon the Resolutions of the House of Commons with Respect to the Poor, Vagrants, and Houses of Correction. By a Justice of the Peace (London: Nichols, 1775); E. Jones,
Six months after the publication of his first pamphlet of the current campaign, when commenting on the efforts of another backbencher to reform removals, the papers reported a speech in which he said ‘he felt no part of the poor laws more hard to see a remedy for…Perhaps the Honourable Gentlemen could, and he trusted would, find what he had not been able to do so, an adequate remedy in this case.’

Contemplation of the issue had ‘claimed more than a usual share’ of his time. His colleague ultimately failed in his legislative attempt, perhaps as Gilbert, himself, could have predicted. It was then an astute decision by Gilbert especially given he was urged to address the issue in some quarters. He had an awareness of economic topics which were politically debated, such as wage rates, mobility and unemployment and was able to draw upon his entrepreneurial experience. However, he was always a pragmatist. His actions were guided by this, rather than current economic ideology.

Consequently, Gilbert’s plan also portrayed fiscal anxieties throughout, but these again pre-eminently reflected practical working concerns. The cost of welfare was ‘immense…advancing, in a very rapid and alarming degree’ and called for ‘some speedy and effectual interposition and relief.’ Its resolution required ‘prudent economy to guard against every imposition and unnecessary expense.’ Gilbert’s ‘prudent economy’ was something which characteristically typified his governmental and business interests. In the more challenging economic backdrop of the 1780s,
described by Gilbert as ‘our present national calamities’, it is unsurprising his new plan was predicated on keeping expenditure lower than suggested by his earlier schemes.\textsuperscript{252} His preface further indicates that the poor law returns which he had initiated in the 1770s had also encouraged him to find more economical solutions.\textsuperscript{253} Surprisingly, he did not quote any figures from the returns or refer to them throughout the pamphlet after the preface. Indeed, it was not until his last campaign that he started to effectively use returns from the 1770s and those he sponsored from the mid-1780s as evidence to support his supposition.

Despite the fiscal restraint embedded within the pamphlet, there was no dichotomy between his planned parsimony and aspiration to better provide for the aged, infirm and impotent. Gilbert observed within a workhouse setting, the able-bodied ‘disturb the peace and quiet of the old and infirm and generally consume the best provisions.’\textsuperscript{254} For this reason, under this model, the able-bodied were excluded from workhouses. He also condemned the practice of ‘farming out’ the poor, the system of contracting out poor relief to a third-party, a measure often introduced to save money, that he stated had been ‘grossly abused.’\textsuperscript{255} These circumstances have led some commentators to emphasise Gilbert’s humanitarian credentials, but this needs careful consideration.\textsuperscript{256} As Coats has argued, ‘those who were most active in

\textsuperscript{252} Gilbert talked about the need for economy at great length within the preface of his plan. Gilbert, \textit{Plan for the Better Relief and Employment of the Poor}, pp.1-4. See also A Scheme for the Better Relief and Employment of the Poor (1764); A Scheme for the Better Relief and Employment of the Poor (1765).

\textsuperscript{253} Gilbert, \textit{Plan for the Better Relief and Employment of the Poor}, p.2-3.

\textsuperscript{254} Gilbert, \textit{Plan for the Better Relief and Employment of the Poor}, p.7.

\textsuperscript{255} Ibid, pp.6-7.

promoting reform were far from being uncritical defenders of the poor.’

Indeed, Simon Deveraux has highlighted that within the 1780s the celebrated humanitarian William Wilberforce actively campaigned ‘to impose the extraordinary stigma of post-mortem dissection upon executed felons.’

Gilbert’s views as expressed within Plan for the Better Employment and Relief of the Poor, likewise, reflected different aspirations inspired by impulses which at times seem conflicting. Innes suggests that regarding social policy, ‘some men who distinguished themselves by promoting general measures were men the general tenor of whose lives suggests that they were governed by a strong sense of public-duty, sometimes founded in religious convictions.’

Gilbert was a religious man whose benevolence was publicly identified. However, he was not above accepting sinecures or appointments which had large salaries attached. Indeed, his activities in the latter stages of this campaign suggest his primary motivation in seeking reform was his political ambition.

In trying to find an ideological framework, Coats suggests there was not necessarily a contradiction between humanitarian and economic influences. Rather solutions such as Gilbert’s represented a ‘discriminatory approach’ which were ‘more “sympathetic” in the sense that there was a genuine effort to grasp the nature of these problems, and to prescribe remedies that were workable.’

This may seem to go some way to offer an overarching set of influences. However, it as well to observe in the broad context of the campaign, and indeed throughout his reforming endeavours, Gilbert was quick to adopt, drop or amend provisions. Even those

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257 Coats, ‘Economic Thought and Poor Law Policy in the Eighteenth Century’, p.44.
260 Coats, ‘Economic Thought and Poor Law Policy in the Eighteenth Century’, p.44.
things he railed against he was prepared to later embrace if the enactment of his
reform, thereby, became more likely. He was not merely using his discernment to
formulate the best solution.

Gilbert’s broad approach resonated with those of his contemporaries, such as Jonas
Hanway, who were likewise identified as humanitarians. However, there were many
things which set him apart. Hanway was a London gentleman, who became
associated with a number of causes, including the plight of poor children in the
capital. Hanway used bills of mortality to demonstrate a link between death rates
and geography and earned the admiration and help of a group of parliamentarians to
drive a reform. John Howard, the Sheriff of Bedfordshire, who became associated
with penal reform, also researched the experience of prisoners both at home and
abroad. Like Gilbert, both these men developed a considerable knowledge basis to
evidence problems and highlight solutions penning pamphlets to support their case.
These campaigns were similarly focused on achieving a legislative outcome.

However, neither was an MP. While Hanway’s many philanthropic endeavours
suggest a concern with alleviating individual abuses to achieve better outcomes,
Gilbert aspired to overhaul an entire welfare system. The full scope of his ambition,
fully exposed later in this section, exceeded that of these contemporaries. Unlike
both, he planned and personally enacted each part of a campaign both inside and
outside parliament. The highly elaborate way Gilbert effectively networked and
consulted with interests inside parliament and extramural to it, also set him apart. It
probably explains why Hanway, although successful in some instances, also failed to
arouse public interest on several other issues.
However, one thing that both Hanway and Gilbert converged was on the use of a concept only beginning to achieve parlance in the 1760s, the idea of ‘police.’

The full title of Gilbert’s tract was, *Plan for the Better Relief and Employment of the Poor; For Enforcing and Amending the Laws Respecting the Houses of Correction and Vagrants; And For Improving the Police of this Country.* In an eighteenth-century context, ‘police’ did not refer solely to an agency which governed law and order, but rather to a more general view of the state. Under this, the role of the state was ‘to regulate broad aspects of communal existence with the aim of establishing the moral order, security and the maximisation of national resources.’

In the context of this pamphlet, by ‘police’ Gilbert was referring to the structures which governed welfare, peace and order. Most notably the parish vestry and quarter sessions and its officers, predominantly magistrates and overseers. It was an attempt to regulate the activities of the poor to attain an ideal of social order. According to Francis Dodsworth, in the context of England 1780-1800, contemporary commentators employing this term, ‘sought to reform the structure of government, introducing regularity and uniformity, principally through better systems of “superintendence”’. These aspirations went beyond movements such as the reformation of manners which also gained momentum during the 1780s. Instead, rather than seeking the promotion or validation of existing structures, the intention was to overhaul them. According to Gilbert, workhouses had succeeded in places where ‘gentlemen respectable in their neighbourhood’ had overseen them ‘but in others, where inspectors have not been so strict, impositions have crept in, and

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rendered them less beneficial. In his poor reform, this was to be achieved through salaried officers (guardians) under the oversight of magistrates within new larger governmental forms, wrought by unions of parishes. His workhouses were refuges for those who could not support themselves, but this was in a framework of control. According to Andrew Todd Harris, Gilbert’s use of the concept of police in his social reforms demonstrates drivers which were both humanitarian and repressive.

Perhaps this brings us back to Coats’ suggestion of a ‘discriminatory approach,’ or more likely to the fact that the significance of Gilbert’s plans did not lie in their originality or ideological context, rather that they were sympathetic to practicalities and political reality. In the pamphlet, Plan for the Better Relief and Employment of the Poor, he was able to synthesise a wide range of opinion which reflected social, economic but pre-eminently operational concerns. It presented a scheme that had the potential to be workable and politically acceptable. Gilbert’s humanitarian credentials, as expressed in this text, may need qualification but it was as he had conceived, an influential publication and a central component within this campaign.

1.8 The Gilbert’s Act Campaign: 1781-2

Mr Gilbert’s Bill for the regulation of the parochial poor will now soon pass and then adieu to the present shocking system! 

The second phase of campaigning for Gilbert’s Act began during the parliamentary session of 1781-2. Thomas Gilbert commenced it in his characteristic considered way, but as the session progressed, he became more anxious and desperate to ensure

264 Gilbert, Plan for the Better Relief, p.3.
265 Harris, Policing the City, p.43.
266 Norfolk Chronicle, Saturday 16 February 1782.
his Bills carried. His solicitation of popular support in the country became even more important to give the campaign momentum in parliament.

The session opened on 27 November 1781. According to newspaper reports early the next week he quickly announced his intention to the House to revive his poor law Bill.\footnote{Manchester Mercury, Tuesday 4 December 1781; Stamford Mercury, Thursday 6 December 1781.} Two weeks into the new session, Gilbert asked leave to bring it in.\footnote{CJ Vol. XXXVIII, p.625.} At the same time notices were placed in a large number of provincial newspapers. They advertised his intention to present three amended Bills following ‘the favourable reception’ to his original scheme, together with the publication of a supplement to it. The plan included a bill on vagrancy and another on houses of correction.\footnote{T. Gilbert, Supplement to Mr Gilbert’s Plan and Bills for the Relief of the Poor (London: G. Wilkie, 1781). For example, Norfolk Chronicle, Saturday 29 December 1781; Ipswich Gazette, Saturday 29 December 1781; Oxford Journal, Saturday 29 December 1781; Derby Mercury, Thursday 20 December 1781; Bath Chronicle and Weekly Gazette, Thursday 27 December 1781; Stamford Mercury, Thursday 27 December 1781.} The timing was in many ways unfortunate given news of the surprise defeat of General Cornwallis at Yorktown reached London on 25 November 1781. However, by that time Gilbert’s campaign had already gained traction.

The notices, for Supplement to Mr Gilbert’s Plans and Bills for the Relief of the Poor, emphasised the support the plan had received and the extent to which its author had listened and improved the Bill through the ‘hints and observations’ of ‘many respectable noblemen and gentlemen.’ In the text of the pamphlet, Gilbert elaborated on this by referring to conversations with ‘many’ MPs and significantly ‘correspondence with many respectable magistrates in different counties’.\footnote{Gilbert, Supplement, p.3.} From
here on, provincial JPs formed the focus of Gilbert’s efforts outside parliament, and, in turn, provided most of the extra-parliamentary support in the campaign.

Designed as an add-on to his previous pamphlet and not as a standalone work, the format of the supplement stressed the changes with a clause by clause breakdown of revisions and an accompanying index. It was delivered free to those who had already purchased the original plan. New purchasers of *Plan for the Better Relief and Employment of the Poor* also received a copy of the supplement. While his *Plan* was an attempt to garner both support and feedback from across the political classes, *Supplement* was instead an update on a work in progress and proof that he was delivering on the collaboration he had promised. The plan was amended, sometimes in ways which caused him some ambivalence. For example, despite wishing ‘to guard against the introduction of salaries, thinking they may afford temptations’, he added clauses respecting the payment of salaries. However, it was ‘in the best manner, I can to render them effectual and prevent abuse.’ 271 Unsurprisingly, there were also, some changes to the role of magistrates who now had to adjudicate matters such as whether parishes were ‘large and populous’. 272 It demonstrated the feedback had adapted the proposal, and it also highlighted why other areas of it had not changed. Where there was no broad accord, such as on issues over the settlement or removal of paupers, and so as not to inhibit his chances of legislative success, he did not tackle the problem. Likewise, he did not seek controversy by making the plan compulsory. Instead, provisions could only be applied with local agreement.

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271 Gilbert, *Supplement*, pp.4-5.
At the same time as publishing his new work, Thomas Gilbert was trying to maintain political support by conducting meetings on the issue with the prime minister, Lord North.\(^{273}\) North’s position in the Commons was now precarious after the controversy over his administration’s handling of the American War. Gilbert had voted with the government and against a motion to end the war on 15 December.\(^{274}\) His political patron, Earl Gower, had resigned from the cabinet in 1779. Gower was rumoured to have conspired to unseat the prime minister, but despite this Gilbert still felt North’s support was worth pursuing.\(^{275}\) However, the PM would not support the Bill unless he could be assured it would prevent poor rates from rising; a circumstance which Gilbert ‘had unaccountably omitted, though it made a principal article in the Bill he had formerly introduced.’\(^{276}\) Probably as a result of the reticence of North and to allow time to create momentum outside parliament, the Bills were not presented for some time.

Instead, Gilbert turned again to magistrates. In early January several newspapers were reporting ‘the Justices of the Peace in most parts of England, at the General Quarter Sessions in January, are determined to request the especial attention of their representatives in parliament to Mr Gilbert’s Bills.’\(^{277}\) ‘Eboracensis’, wrote to the *London Chronicle*, thanking Gilbert publicly for the ‘candid and judicious attention’ he had given to his private correspondence concerning the Bills and announced his


\(^{275}\) Thomas, *Lord North*, p.120.

\(^{276}\) *Leeds Intelligencer*, Tuesday 01 January 1782.

\(^{277}\) For example, *Newcastle Chronicle*, Saturday 2 January 1782; *Northampton Mercury*, Monday 14 January 1782; *Leeds Intelligencer*, Tuesday 1 January 1782; *Cumberland Pacquet & Ware’s Whitehaven Advertiser*, Tuesday 8 January 1782.
support. In Northampton, however, the magistrates felt the issue was ‘of so much consequence to the landed interest of this county, [that they] have deferred their opinion till the next Lent.’ According to Gilbert’s own reporting, there was no opposition to any of his Bills at their second reading, the usual moment for significant debates on the principle of a bill to take place. It might, therefore, be assumed that for the moment, the magisterial influence carried significant weight.

There was then another protracted interval between the reading and the committee’s report. In 1765 the first committee on Gilbert’s poor law Bill had been convened 17 January and reported back the following week. On this occasion almost a month passed before Harbord reported to the House on 27 February 1782. The choice of the ‘thoroughly independent’ Harbord as chairman was probably made by Gilbert to underscore its bipartisan credentials against a turbulent parliamentary backdrop. However, trying to improve the likelihood of success by keeping himself out of ‘politics’ became increasingly challenging. Gilbert absented himself from the House during early February possibly trying to refrain from being drawn into the political maelstrom, but his patrons applied pressure on him to return.

Back in the Commons, in the space of one week, he voted with the administration and then twice against them on a motion against the war, the last of which was on the day Harbord reported back on his poor law Bill. Gilbert appeared conflicted in his views. While opposing the administration’s position on the American War, he nonetheless opposed a motion of no confidence in early March instead urging men of

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278 *London Chronicle*, 8 -10 January 1782.
279 *Northampton Mercury*, Monday 21 January 1782.
280 No division was recorded in the *House of Commons Journal* at the second reading. Gilbert, *Observations on the Bills; CJ Vol. XXXVIII*, p.659.

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all political persuasions to work together ‘without which he thought this country could not be saved.’

It was a delicate balance. Gilbert could not afford for his reform to become so closely identified with the administration it was once again used as a political football, but he had openly solicited prime minister Lord North’s support of his poor law reform. All three Bills were indelibly connected with him now, casting all his parliamentary actions in sharp relief. The image he tried to keep up, on the issues of the American War and Lord North, was, therefore, one on the moral high ground, declaring he was voting only as his conscience dictated.

He was at pains not to antagonise any support his reforms had on either side of the Commons. Instead, Gilbert turned yet again to the country for support to add energy to his parliamentary campaign. He wrote to the county benches across the country, enclosing copies of the three newly amended Bills.

News reports from Yorkshire showed the West Riding magistrates, probably influenced by Zouch, did not support the plan, because of ‘the great additional expense’ and ‘oppressive’ nature of the proposal. However, elsewhere there was evidence of the success of Gilbert’s methods and the support of magistrates for his scheme. The Chairman of the Hampshire magistrates wrote to him, giving his support and that of his fellow JPs ending ‘[I] return to you thanks for your zeal in serving the public and candour by giving every individual an opportunity of making

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285 Gilbert himself wrote ‘A larger number [of Bill s] than usual have been printed, in order to circulate them among the magistrates.’ Gilbert, Observations on the Bills; CJ Vol. XXXVIII, p.867. In Yorkshire individual magistrates were asked to give their opinion at a prearranged meeting during the quarter sessions. Leeds Intelligencer, Tuesday 2 April 1782.
286 Henry Zouch was listed amongst the magistrates present at the meeting having previously published a critique of the plan earlier in the year. Leeds Intelligencer, Tuesday 16 April 1782.
their observation.’ He also noted that many had already read Gilbert’s previous pamphlet. 287

To glean further political support and to address economic concerns, Gilbert produced the third pamphlet in nine months.288 He was entirely focused on his goal and seemed determined not to leave things to chance or be deflected by the ongoing political crisis. The new pamphlet, Observations on the Bills was unequivocal; the scheme was ‘of the greatest national importance.’289 The plan was offered again to the country during the Easter recess in 1782. Gilbert promised, any ‘errors and defects’ identified in the holiday would be corrected ‘as soon as possible’ after parliament reconvened.290 Then, the Bill, he affirmed, ‘may go as perfect to the house of lords.’291 This was pertinent because the effect of Gilbert’s solicitation of extra-parliamentary support is likely to have proven less useful in persuading the unelected Lords to vote in its favour. The best he could hope for was that the revisions, which had been made with the assistance of those outside of Westminster, had made the Bill politically acceptable to peers inside it.

Observations appealed to the concerns of the nation and to a growing number of politicians who were arguing for fiscal restraint. The tax burden of the poor was, it was claimed, ‘enormous.’ ‘The great objects of this Bill’ declared the pamphlet ‘are to make better provisions for the poor, at much less expense to the parishes.’292

288 It is difficult to pinpoint its exact publication date but given references in the text itself it was between 5 March and the start of the Easter recess at the end of the month. The pamphlet was advertised in the press from 28 March. Lord North’s government fell 27 March. Gilbert, Observations on the Bills; Derby Mercury, Thursday 28 March 1782.
289 Gilbert, Observations on the Bills, p.3.
290 Ibid.
291 Ibid.
292 Gilbert, Observations on the Bills, p.5.
'Economy is the great object in every part of the Bill.' In a move probably designed to reiterate the plan’s money-saving credentials and undoubtedly due to magisterial influence, the short introduction to the Bill clauses began with a significant change of direction. Up to this point, Gilbert had been vehement in his condemnation of the contracting out of poor relief known as ‘farming the poor’. He now conceded although ‘great inconveniences’ had been found with it ‘under the inspection of gentlemen of the parish… [it could] have a very good effect.’ He thus suggested this could continue under his proposed Bill but under very close scrutiny. Indicative, of the plan’s constant revision, one amendment contained in the last pamphlet, which stipulated voting rights were reserved for those with rateable property values over £20, was reversed in the pamphlet back down to property valued over £5. Gilbert did not explain the move and it likely did not reflect anything other than feedback. However, it may have been significant as the reduction of rateable value increased the number of those eligible to vote. It potentially made the adoption of Gilbert’s Act more problematic (as more votes in its favour were thereby required), and it could have diluted the impact of the propertied elites who Gilbert was trying to draw into the supervision of poor relief. Yet, he did not express any such ambivalence possibly because the change ensured there would be a broad consensus amongst local ratepayers and any opposition by its adoption would have been negated.

293 Ibid, p.6.
295 Gilbert, Observations (1782), p.6; Gilbert, Supplement (1781), p.11.
During the Easter break magistrates in various parts of the country again considered the Bill.296 *Observations* was extensively advertised.297 The notice in the *Derby Mercury* went so far as to say that it was on sale by J. Drewry in Derby ‘and all other booksellers in the country.’298 Gilbert’s endeavours and the participation of outside forces also ensured MPs were very aware of this campaign, and the topic was identified as an important one. Thus, MP, John Pennington asked the gentlemen of Cumbria through the press, their ‘opinion’ of the Bill so ‘he may know what part to take.’299

Circumstances quickly changed upsetting Gilbert’s plans. Within days of the publication of *Observations*, at the end of March 1782, the prime minister, Lord North gave his resignation to George III. It heralded the return of Charles Watson-Wentworth, the marquis of Rockingham, as head of a new administration. Rockingham’s group had actively campaigned against Gilbert’s earlier Bill in 1765. However, times had changed. While in the opposition, politicians in the new administration had campaigned and endorsed the ‘economical reform’ agenda. It was a movement associated with Edmund Burke who had now been given a post in the ministry. This program advocated reducing sinecures and cutting administrative waste. These views resonated with Gilbert’s own. He had independently suggested a tax on placemen in 1778, and later argued he had inspired Burke’s Establishment

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296 For example, Leeds Intelligencer, 2 April 1782.
297 To name just a selection: - Derby Mercury, Thursday 21 March 1782; Ipswich Journal, Saturday 30 March 1782; Oxford Journal, Saturday 30 March 1782; Northampton Mercury, Monday 1 April 1782; Stamford Mercury, Thursday 4 April 1782; Norfolk Chronicle, Saturday 6 April; Manchester Mercury, Tuesday 16 April 1782.
298 Derby Mercury, Thursday 21 March 1782.
299 Cumberland Pacquet, & Ware’s Whitehaven Advertiser, Tuesday 2 April 1782.
Bill of 1780, designed to cut sinecures. It was something Burke refuted.  

If Gilbert did not get on with political personalities in the new administration, there was at least common ground between them. He might hope to emphasise the fiscal merits in his legislative output against the tax-squandering measures of North’s regime. Undoubtedly, Gilbert also had one eye on his future political career.

Following the feedback from *Observations* and Gilbert’s letters to Clerks of the Peace, amendments were required to the Bills. As suggested by *Observations*, the three Bills were thus recommitted in mid-April. After that, the Bills followed different paths. Gilbert may have hoped for a quick resolution in committee for the *Better Relief and Employment of the Poor Bill*, but due to his desire for perfection, it did not happen. The *House of Commons Journals* show the committee made a report, but the Bill went back to committee for changes delaying the matter until mid-May. On the 16 May 1782, Gilbert tried to add further amendments after its second re-commitment and before a third reading. The Speaker, Charles Cornwall, was unhappy at the break in protocol and pushed for the Bill to go back to committee. Gilbert, apparently aware that further postponement could mean the death knell for the Bill given the proximity to the end of the session, then spoke

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301 Burke mocked Gilbert directly in a speech on a clause for abolishing the great wardrobe (Gilbert’s own post). Cobbett reported ‘he [Burke] took up his minutes of the enumeration of the great wardrobe, stated by Mr Gilbert, and in the vein of the richest ridicule animadverted on each, keeping the committee in roar almost the whole time...’ Burke also labelled Gilbert’s Vagrancy Bill as ‘inhuman’ and attacked it in ‘very severe terms’ in debate in June. Cobbett, *The Parliamentary History of England* Vol. XXI, p.542; *Kentish Gazette*, Wednesday 12 June 1782.


303 The vagrancy Bill was lost in the Commons in June. Report amongst others by: - *Kentish Gazette*, Wednesday 12 June 1782; *Norfolk Chronicle* Saturday 15 June 1782.

304 A report from the committee was made on 6 May. On 10 May it was ordered the report required further consideration. This took place on 15 May, but further consideration was ordered for the following day. *CJ* Vol. XXXVIII, pp.980, 996, 1007.

305 *CJ* Vol. XXXVIII, pp.1009-10.
According to the *Caledonian Mercury* and echoed in the reports of others:

To this imposition of the Chair, Mr Gilbert opposed the necessity and importance of the subject. He said it had been put off from time to time; and he had always given way, whenever any more important business interfered. But he thought the present a very favourable opportunity, and appealed to the candour of the House, whether the infinite trouble he had taken in the matter did not entitle him to some share of their indulgence and attention.

In the event, Gilbert won the motion, and the Bill was engrossed on 16 May 1782. The amendments were added to the Bill which was now in its final form. The MP was at this moment particularly tenacious in defending it. As it was at the end of two years’ work, this was hardly surprising, but it was his continued revision of the Bill to make it 'perfect' that had placed it in jeopardy.

What influence the new administration had is difficult to deduce due to the paucity of evidence, but the fact the Commons agreed with Gilbert and not Speaker Cornwall shows his high reputation and the success of the campaign. One MP said, ‘he thought it would be treating the pain and trouble so laudably exerted by his honourable friend with too little respect to recommit the business now.’

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307 *Caledonian Mercury*, Monday 20 May 1782.

308 Forty years later an observer argued that this point was conceded because ‘if they were any longer to throw obstacles in the way of accomplishment of the plan and ardent wishes of this veteran member, he must sink into his grave a broken-hearted martyr to this good cause.’ Rev. C.D. Breeton, *An Inquiry into The Workhouse System and the Law of Maintenance in Agricultural Districts* (Norwich: J. Hatchard, 1825), p.47. *Caledonian Mercury*, Monday 20 May 1782.
Although the Bill had passed the Commons, albeit, with some difficulty, Gilbert understood opposition could still consign it to failure in the upper house, as had happened in 1765. As the prime minister Rockingham led the new administration from the Lords, not the Commons as had Lord North, this is not unsurprising. The *London Chronicle* reported that in the run-up to their deliberations on it, a pamphlet entitled *Animadversions on the Poor Bill* was circulated amongst the Lords predicting ‘the ruin of the land’ should it be passed. The pro-Gilbert newspaper accused the author of the tract as being ‘prejudiced’ and ‘ignorant’ of the text.\(^{309}\) However, Gilbert’s deft management of the campaign had already born fruit as there was little opposition in the chamber (despite a political upset at the end of the session caused at the sudden death of Rockingham on 1 July). Thus, the Bill which had been adapted and supported by many across the country passed into law just as the session closed.\(^{310}\)

The ascent of the Bill into law marked the successful conclusion of a well-organised campaign, which had taken strength from forces in the country, particularly magistrates, during a tempestuous political backdrop within the walls of Westminster. However, the Act passed without notice in the press, perhaps deflected by broader political events. Thomas Gilbert had high hopes. At the end of *Observations*, he had written ‘this Bill is likely to be well received; and as it will be

\(^{309}\) *The London Chronicle*, 8-11 June 1782. A copy of this pamphlet has survived in Somerset Heritage Centre with an accompanying letter which accuses the Bill of being ‘oppressive and fruitful of bad consequences tending to subvert part (or at least the economical part) of our constitution.’ The critique itself, written in the third person, imagines Gilbert never ‘intended the ruin of the land, or the landed interest but rather to favour another interest’ however the plan would lead ‘to those fatal and inevitable consequences.’ The implication drawn by the writer is that there was too much power vested in the office of the visitor and by default magistrates at the expense of inhabitants and parishioners. *Somerset Heritage Centre*, Taunton, Animadversions on the Poor Bill 1782 (DN\DN/524).

\(^{310}\) 22 Geo. III c.83.
adopted in many parishes, it is not doubted but it will soon become very general, when the good effects of it shall be known by experience.  

He had no reason to believe given the meticulous way the Act was crafted with the complicity of magistrates, that when it went back to them, his endeavour would be rewarded by popularity in the country. However, this outcome was to prove in the short-term, at least, elusive in his eyes.

More tangible than the immediate impact of the new legislation, that was to become popularly known as ‘Gilbert’s Act’, was the effect of this campaign on his political career. The Bill had gained royal assent on 10 July 1782. By 1 August, Thomas Gilbert was appointed to implement a key part of the new prime minister, Earl Shelburne’s, economical reform agenda, conducting an inquiry into government places and pensions. He had the necessary expertise to execute Shelburne’s plan. However, the campaign for his social reform crucially had raised his profile, reaching its climax during Shelburne’s tenure as Home Secretary. Gilbert’s welfare reform had amplified his economical reform credentials, and his ideas on the inadequacies of the poor law system also seemed to resonate with Shelburne’s

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312 According to contemporary observer Horace Walpole, Gilbert ‘executed it not only with severity but brutality’. This created resentment and it was remarked that whilst ‘Gilbert had formerly made laws for the poor [he was] now making poor for the laws.’ One epigram Walpole quoted ran ‘Nor is state-scavenger so inexpert; as not to make new on removing old dirt. No catcher of vermin destroys the whole race; Gilbert took away twenty to get one good place; for what’s sin in a sinner in saints is but grace. Reformation’s a trade that enriches the cunning, From Luther to Barre, from Calvin to Dunning.’ H. Walpole, *Journal of the Reign of George the Third, from the Year 1771-1783* Vol. II (London: Richard Bentley, 1859), pp.595-6. See also Namier & Brooke, *The History of Parliament: The House of Commons 1754-1790* Vol II, pp.499-501 and J. Norris, *Shelburne and Reform* (London: Macmillian, 1963), pp.179-185.
313 John Norris suggests whilst Gilbert had relevant experience, Shelburne was also seeking to gain Earl Gower’s support for his ministry. However, as Shelburne failed to secure Gower’s support but continued to assist Gilbert’s progression, it is likely Gilbert secured this on merit. Norris, *Shelburne and Reform*, 179.
own. Had the new ministry continued beyond eight months Gilbert would have been rewarded with a new office of ‘Superintendent of the Household and Paymaster of the Civil List’ for which he had the support of both Shelburne and the treasury. However, despite losing out, his value was now confirmed. In 1784 he was awarded the lucrative and important post of Chairman of the Ways and Means Committee, the critical committee responsible for raising money, usually through duties or taxation, to meet the needs of the government activities.

1.9 The Early Impact: 1782-1792

_There are not many instances of its being enforced, although the provisions are in general admitted to be very prudently and wisely adopted._

Towards the end of the 1783 parliamentary session, Thomas Gilbert produced his fourth and last pamphlet on the topic of his 1782 welfare reform. The title, _A Plan to Amend and Enforce the Act of 23 Geo. III. for the Better Relief and Employment of the Poor_, has been overlooked by commentators since. By the time of its publication, he was aware that the implementation of the new legislation was not progressing in the way he had anticipated. Gilbert had expected the Act would become instantly popular, having confidence that the legislation framed with the input of magistrates would on its release become generally utilised by them. In the event, however, given his active participation in the Commons, he was well aware

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314 Shelburne wrote, ‘The agricultural poor are dying through want, the prey of every disorder which results from poverty, filth, cold and hunger, with laws intended for their relief, but so ill adapted to the present state of things and so shamefully executed.’ E. Fitzmaurice, _Life of William, Earl of Shelburne_ Vol. 2 (London: McMillian, 1876), p.353.
316 For further information on this committee, see Chapter 4 of Thomas, _House of Commons in the Eighteenth Century._
317 T. Gilbert, _A Plan to Amend and Enforce the Act of 23 Geo. III. for the Better Relief and Employment of the Poor_ (s.l.: s.n., 1783), pp.8-9.
318 22 Geo III C.83. The pamphlet was _A Plan to Amend and Enforce the Act of 23 Geo. III. for the Better Relief and Employment of the Poor_ (s.l.: s.n., 1783).
local acts to regulate the poor were still regularly being brought before parliament, and parishes were thus actively, not merely passively, choosing to ignore the ready model provided by his Act.\footnote{For example, from Forehoe, Norfolk (1783); Shrewsbury (1784); the hundreds of Tunstead and Happening, Norfolk (1785). There were two counter petitions against this latter act in support of the status-quo which baulked at the cost. One petition was made by 'owners and occupiers...perfectly satisfied in their present situation, and fully persuaded it will not be for the interest of the said Hundreds at large to be incorporated.' \textit{CI} Vol. XXXVIII pp.152, 279, 297, 321, 323, 929-930, 954; \textit{CI} Vol. XXX, pp.651, 841, 857, 906.} As local acts required both time and money to enact and, on occasion, failed to be passed, this may have been especially galling.\footnote{For example, the failure of the local act at Launceston in 1784 necessitated another local act to rectify its debts. \textit{CI} Vol. XXXVIII, p.919; \textit{CI Journal} Vol. XXX, pp.103, 264.} The pamphlets, press coverage, and circulation of both the Bill and the resulting Act suggested the low implementation was not due to the ignorance of the legislation in the country. Indeed, his 1781 tract \textit{Plan for the Better Relief and Employment of the Poor} was still featuring in book reviews as late as 1785.\footnote{\textit{The Town and Country Magazine: or Universal Repository of Knowledge, Instruction and Entertainment} Vol. XVII (London: A. Hamilton, 1785), p.73.}

His new publication attempted to make the adoption of the Act more attractive by suggesting some improvements while stopping short of a ‘compulsive clause’ to make its implementation obligatory.\footnote{Not only were there suggestions for making the Act easier to adopt but elements which raised further capital in support of welfare provision to make it more appealing. Quote: - Gilbert, \textit{A Plan to Amend and Enforce the Act}, p.10.} As the justification for creating local acts was often rising poor rates, and Gilbert himself was especially sensitive to the economics of poor relief, it is perhaps unsurprising that it contained suggestions for an additional provision to offset the cost of welfare. However, the MP was in this pamphlet consciously taking a step back by leaving it to fellow MPs to take up his recommendations and bring in a new bill to amend Gilbert’s Act. More significantly, within a year of its royal assent, he seemed to suggest his legislation may have already failed, by writing that the proposed amendments could provide
'some remedy…until a change of system and the abolition of a great part of the present poor laws can be procured.'\textsuperscript{323} In the event, despite its circulation among MPs, no alteration to Gilbert’s Act was introduced for several years, because no one was willing to step up. Gilbert himself was occupied in a new role for the new prime minister, Earl Shelburne, and 1784 by another appointment, for yet another PM, William Pitt.\textsuperscript{324}

Despite its sponsor’s quick disillusionment, it would be wrong to write-off his legislation at this early stage. In 1784 when seeking to create a bill, to amend their corporation of the poor, the inhabitants of Exeter produced a plan which both drew on and acknowledged the influence of Gilbert’s Act.\textsuperscript{325} Likewise, while creating a new incorporation under a local act in 1785, the Norfolk hundreds of Tunstead and Happing ‘echoed Gilbert’s Act in its provision that the Justices could order the parish officers to direct occupiers to find work for the unemployed poor.’\textsuperscript{326} This clause was also added to an amending act of another Norfolk incorporation. The Tunstead and Happing Incorporation was the last such creation in the county, and thereafter unions were instead made under Gilbert’s provisions, at Bawdeswell in 1785, Booton in 1786 and Acle and Oulton in 1792.\textsuperscript{327} Early in the 1790s the Norfolk quarter session also requested that its county MPs raised an amendment to the 1723 Workhouse Test Act allowing them to order out relief “in the same manner

\textsuperscript{323} Gilbert, A Plan to Amend and Enforce the Act, p.15.
\textsuperscript{324} In 1784, Pitt made the controversial move of making Gilbert chairman of the fiscally important Ways and Means Committee.
\textsuperscript{325} At a Meeting of the Committee of the Constitutional Society…A Plan for the Framing a Bill to be Presented to the Honourable House of Commons from the Citizens of Exeter, united under the Stile and Title of the Constitutional Society, for Redress of the Grievances and for Improving the Present System of the Exonian Poor Laws (Exeter: Exeter Constitutional Society, 1784).
\textsuperscript{327} A Gilbert union was also founded at Brinton in 1783. Bawdeswell Gilbert union served seven parishes and Booton served two, Brinton three, Acle seven and Oulton two. Digby, Pauper Palaces, pp.46-7.
as under Gilbert’s Act.”

It is interesting to note also that in 1787 Gilbert was, by way of contrast, praising the success of Norfolk’s incorporation movement and emphasised its influence within the creation of his subsequent plans.

Notwithstanding the dearth of evidence, there are indications of a slow but steady growth in the take-up of Gilbert’s Act outside of East Anglia. According to a recent study by Shave, by 1792, a total of 68 parishes had formed into Gilbert unions or singularly adopted the provision, across West Sussex and Surrey. By way of comparison, the Workhouse Test Act 1723 in its first ten years is likely to have accounted for the establishment of over one hundred, mostly parochial, workhouses across the country. By combining Shave’s figures with those from Norfolk, it is possible to identify, in only three counties, almost 90 parishes with Gilbert’s legislation in its first ten years. Therefore, it seems credible that taking England as a whole, given Shave’s study was limited to the South of England, the initial impact of both acts in terms of the number of parishes utilising the legislation was broadly comparable. No early Gilbert’s Act adoptees have been previously identified for Gloucestershire, the county whose implementation of the legislation is examined in

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329 T. Gilbert, *Considerations on the Bills for the Better Relief and Employment of the Poor Intended to be Offered to Parliament this Session* (London: G & T. Wilkie, 1787), pp.18-23.
330 Figures given are for ‘eventual number of parishes’ as Shave was not able to provide numbers for all the initial formations. However, as she did not accurately date the adoptions affecting three other unions and two Gilbert parishes there may have been more adoptions within the period 1782-1792 in these counties. S. Shave *Pauper Polices: Poor Law Practice in England, 1780-1850* (Manchester: Manchester University Press, 2017), pp.64-65.
331 Writers such as Rosemary Sweet and Sidney and Beatrice Webb suggest around a hundred workhouses were created using the legislation during the following decade. In the absence of any reliable statistics these are estimates. Paul Slack suggests the number could have been as high as seven hundred. Webb, *English Local Government: English Poor Law History*, p.121; R. Sweet, *The English Town 1680-1840: Government, Society and Culture* (London: Pearson, 1999), p.102; P. Slack, *The English Poor Law, 1531-1782* (Cambridge: Cambridge University Press, 1990), p.34.
332 This comprises of 68 parishes identified by Shave’s assessment and 21 parishes which had formed into several Gilbert Unions noted by Anne Digby in Norfolk by 1792. Shave, *Pauper Polices*, pp.64-65; Digby, *Pauper Palaces*, pp.46-7.
the section which follows. Some researchers identify the Workhouse Test Act as having a significant impact. Innes, for example, credits it with turning the establishment of workhouses from ‘a trickle into a powerful current’. Consequently, it is possible that if Gilbert been able to take a longer view in his assessment in 1783 his conclusions, and indeed the outcomes of his 1782 legislation, may have been very different.

During the mid-1780s Gilbert was kept busy in his role as chairman of the Ways and Means Committee. However, he was not able to remove himself entirely from the issue of poor law reform for long. Thus, by 1786, he was again personally directing a campaign to amend the poor laws. It began in May with the circulation among MPs of a new plan for the better regulation of the poor. It was followed by the presentation of two new bills. One bill to collect returns about charitable donations to the poor and the other to gather information from overseers on welfare expenditure. Both moves were a necessary precursor to the full consideration of the plan in the following session.

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334 In 1784, he became involved with an amendment to revise his 1782 houses of correction legislation, an act which he had introduced in association with his poor law Bill. It was not a protracted campaign. On 22 July 1784 he introduced the Bill, and by 13 August he had reported back from the Committee and was instructed to take the Bill to the Lords. It received its royal assent on 19 Aug. *The Parliamentary Register; or History of the Proceedings and Debates of the House of Commons* (London: J. Debrett, 1781-1796) Vol.XVI, p163; *CJ* Vol. XXXX, pp.433, 441. For the effect of this amendment see S. McConville, *A History of English Prison Administration* (Abingdon: Routledge, 2016), pp.93-94.
335 Gilbert described the early campaign in a later pamphlet: - T. Gilbert, *Heads of a Bill for the Better relief and Employment of the Poor, and for the Improvement of the Police of this Country; Submitted to the Consideration of both Houses of Parliament* (Manchester: Harrop, 1786), p.31. See also: - *Bath Chronicle & Weekly Gazette*, Thursday 25 May 1786; *Chelmsford Chronicle*, Friday 26 May 1786; *Norfolk Chronicle*, Saturday 27 May 1786; *Stamford Mercury*, Friday 26 May 1786; *Ipswich Journal*, Saturday 27 May 1786; *Northampton Mercury*, Saturday 27 May 1786; *Manchester Mercury*, Tuesday 30 May 1786; *Leeds Intelligencer*, Tuesday 30 May 1786.
Over the summer a new pamphlet called *Plan of Police* was published. In it Gilbert projected the cost of welfare had risen by two-thirds in less than ten years, blaming a growth in alehouses, imprisonment of small debtors and bad parenting. The solutions presented made no reference to his previous legislative attempts and were particularly wide-ranging. They extended from reductions in alehouses and a reform of the law on small debtors to an elaborately drawn overhaul of the welfare system, involving county level welfare funds administered by district and county committees. Although this campaign followed a similar pattern to its predecessor, this new tract was not as well written and considered as his publications had been in the past. It was something Gilbert was himself aware, describing himself in the third person, he wrote, ‘[the author] is sorry he has not had leisure to digest it more perfectly, but he was desirous of hastening it to the press.’ He was in poor health; ‘Consequently not able to take a laborious part in this business, [I am] therefore obliged to call upon, and indeed to solicit the exertion of zeal and superior abilities of other gentlemen to conduct and bring it to perfection.’ Perhaps, also reflecting this ill-health, or at the very least that excessive work demands were causing him to make mistakes, the lord chancellor, alluding to the Lords making correction to another of Gilbert’s bills, quipped ‘you have been a long time, Mr Gilbert wishing

336 Gilbert, *A Plan of Police* (1786). Advertising included: *Chelmsford Chronicle*, Friday 30 June 1786; *Ipswich Gazette*, Saturday 1 July 1786; *Northampton Mercury*, Saturday 1 July 1786; *London Chronicle*, 4-6 July 1786. Frederick Eden’s catalogue of welfare publications suggests that there were two editions of the pamphlet published during 1786, as the title was listed twice. If this is correct it is likely the second edition appeared in September as the plan’s content was quoted extensively in the press during the month. For example, *Kentish Gazette*, Friday 1 September 1786; *Bath Chronicle and Weekly Gazette*, Thursday 14 September 1786; *Manchester Mercury*, Tuesday 12 September 1786. See F. Eden, *The State of the Poor: A History of the Labouring Classes in England*, Vol. III (London: J. Davies, 1797), p.cccixxii There was very quickly a pamphlet response: T. Mendham, *The Counter Plan with Observations and Unanswered Objections to the Plan of Police* (Norwich: Crouse, 1786) which was sold in London by Gilbert’s own publisher G & T Wilkie. See *Norfolk Chronicle*, Saturday 5 August 1786.


for a good *House of Correction*, and now I congratulate you on having found one.\[^{340}\]

Despite these setbacks, as with his previous campaign, the publication precipitated meetings of magistrates in various parts of the country.\[^{341}\]

Whether his health recovered, or no one was willing to take on the campaign, Gilbert found himself penning, yet another, pamphlet on the topic of social policy. The text, *Heads of a Bill for the Better Relief and Employment of the Poor*, was circulated amongst members of both houses of parliament.\[^{342}\] It contained details of a specific bill, hugely ambitious in scale, ‘to make and establish one rule of police.’\[^{343}\] It met its detractors head-on by having ‘all the objections I had heard’ stated and answered.\[^{344}\] Its clauses went far beyond poor relief. Consequently, there were additional provisions to establish a fund created by money raised from a tax on dogs, Sunday tolls and fines from an array of misdemeanours. It was planned to be used to encourage the establishment of Sunday schools and friendly societies; fund hospitals and to provide for the education of the poor. Several other stipulations concerned the regulation of alehouses, charity, small debt, crime and vagrancy. This was a radical agenda which would change the role of the state in English society.

The campaign quickly gathered momentum, when the next parliamentary session started in January 1787. In quick succession, Gilbert produced another pamphlet and a new edition of *Heads of a Bill*, this time for ‘general circulation’, notably to the

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\[^{340}\] As reported by *Newcastle Courant*, Saturday 22 July 1786; *Caledonian Mercury*, Monday 17 July 1786.

\[^{341}\] For example, in Wiltshire where magistrates decided although the plan had many objects worthy of attention, they also had concerns on its practicalities and postponed their appraisal. *London Chronicle*, 19-22 August 1786.


The new publication, *Considerations on the Bills for the Better Relief and Employment of the Poor*, dealt directly with Gilbert’s previous legislative attempts. It emphasised the continuity between his 1765 plan, which had only narrowly been defeated, and the current one. The 1782 Act, was characterised as ‘a temporary expedient, to afford some relief to distressed parishes, until an act upon a more general and extensive plan could be procured.’ While, this had not been Gilbert’s stated aspiration in 1781/2, in this way the tract dealt directly with the inconvenience of Gilbert’s Act’s perceived limited impact. It also added, that, in the intervening period, there had been ‘an expectation that some more general, salutary and comprehensive system would shortly take place.’ By contrast, the unsuccessful 1765 Bill, upon which he was now building a new one, received a positive reappraisal.

Unsurprisingly, while many commentators railed against the poor rates, the new plan raised many objections surrounding its financial burden, the extent of its provision and general practicality. One Essex magistrate wrote, ‘your plan appears to me

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345 T. Gilbert, *Heads of a Bill for the Better Relief and Employment of the Poor, and for the Improvement of the Police of this Country; with a Supplement: Submitted to the Consideration of both Houses of Parliament* (London: G & T Wilkie, 1787); Gilbert, *Considerations on the Bills*, p.7. The new publications were jointly advertised. For example, *Newcastle Courant*, Saturday 31 March 1787; *Manchester Mercury*, Tuesday 27 March 1787; *Hereford Journal*, Thursday 22 March 1787; *Norfolk Chronicle*, Saturday 24 March 1787.

346 Gilbert, *Considerations on the Bills*, p.5.

347 Gilbert, *Considerations on the Bills*, p.5.

348 As discussed in earlier Gilbert both over-emphasised the number of Lords who voted upon the Bill and under presented the margin in its failure.

349 This includes a letter to the Kentish Gazette where correspondent ‘N.E.’ wrote ‘I apprehend in a short time [the plan] would make things much worse than they are now’. *Kentish Gazette*, Friday 9 March 1787. The *Norfolk Chronicle* featured a three-instalment response by ‘Farmer Hodges’. Influence was again brought to bear by long-term critic Henry Zouch which was remarked on at length by an anonymous writer who wrote in support of the plan. *A Letter to Thomas Gilbert, Esq; on His Intended Reform of the Poor Laws. By a Country Gentleman* (London: J. Debrett, 1787), pp.14-17. Much of the rest of the pamphlet took issue with the individual objections expressed by Zouch. Pamphlet responses in support and against included: - *A Summary View of the Objects and Beneficial Provisions in Mr. Gilbert’s New Bill* (London: J. Debrett, 1788); ‘A Comparative View of Mr Gilbert’s Bill and the Plans Proposed in this Work’ in H. Lewson, *Inferior Politics: or, Considerations*
objectionable as a machine too various, and complex in the movements required." 350 This response seems to have encouraged Gilbert to take things more slowly, as the first Bill was presented to the Commons late in the session for the express purpose of allowing MPs time to consider it.351 Another bill was not introduced until 1788, when one was presented and circulated amongst members.352 Despite a spirited defence, however, Gilbert lost this at its second reading, after the Easter recess, in a quiet house, on an amendment carried by 44 votes to just 10.353 While fellow MPs ‘extolled the industry and benevolence of Mr Gilbert’ and his ‘commendable diligence’, the framework was a step too far.354 Indeed, some of the reporting infers a bitter opposition to it. Mr Young ‘thought it so objectionable in all its clauses that no amendments… could render it worthy the attention of the House.’355 Mr Drake ‘had turned his heart inside outwards’ trying to convince Gilbert to drop the Bill.356 The failure was not unexpected. Some writers had believed from the outset the Bill would not gain enough parliamentary support. One remarked to Gilbert, ‘I may safely predict [the parliamentary debate] will extend no further than a general eulogy

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350 Dudley, Cursory Remarks on Mr. Gilbert’s Last Bill, p.3.
351 As reported by Ipswich Journal, Saturday 2 June 1787; Oxford Journal Saturday 2 June 1787; Manchester Mercury, Tuesday 5 June 1787.
352 As covered amongst others by Norfolk Chronicle, Saturday 15 March 1788; Northampton Mercury, Saturday 15 March 1788; Ipswich Journal, Saturday 15 March 1788.
353 Leeds Intelligencer, Tuesday 22 April 1788.
354 Ibid. Also covered by other papers such as Sheffield Register, Yorkshire, Derbyshire, & Nottinghamshire Universal Advertiser, Saturday 26 April 1788 who reported Gilbert was asked to withdraw his Bill whereupon the gallery of the House of Commons was cleared for Gilbert’s last defence and the Bill’s final vote.
355 Gazetteer and New Daily Advertiser, Friday 18 April 1788.
356 Whitehall Evening Post, 17-19 April 1788.
on your good intentions. The loss of the Bill, so early in its passage, is surprising considering how adept Gilbert had previously been in gauging the political mood. A plan, so ambitious, was likely to have met more fervent opposition than he had formerly encountered, but he chose not to temper its provisions or to postpone further his efforts. Some circumstances were different. Potential support may have been drawn to a new plan by John Acland, which suggested an alternative to state provision to the poor, through compulsory contributions to a national friendly society. Alternatively, Gilbert’s reputation and position may have convinced him that he had the authority to sway opposition, despite the plan’s broad ambition. At any rate, on this occasion, Gilbert’s parliamentary campaign was ill-judged. It is necessary to remark that while commentators commended his long-term efforts, none appeared to make explicit reference to Gilbert’s Act itself.

Gilbert may have inadvertently contributed to lowering take-up of Gilbert’s Act by his early frustration and the creation of new plans to better regulate the poor law. The new legislative intervention appears to have been inspired by dissatisfaction, and the campaign which accompanied it, both inside and outside parliament, was not as well-conceived as previously. By becoming so synonymous with an act which popularly bore his name and within two years consigning all previous plans (and by default his own) as ‘either impracticable or inadequate,’ meant few could feel confident in Gilbert’s 1782 scheme. It was only exacerbated by a new design for reform which did not draw heavily from it. At the very least, Gilbert’s new

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357 Others envisaged interference from ‘persons who raise objections, from various motives, and to answer different purposes.’ Dudley, Cursory Remarks on Mr. Gilbert’s Last Bill, p.28; A Letter to Thomas Gilbert (1787), p.6.
359 Gilbert, A Plan of Police (1786), p.5.
intervention may have confused; indeed, observers of the most recent campaign could have been forgiven for assuming Gilbert had no previous legislative success. Nonetheless, Gilbert’s Act remained on the statute book, and despite later negative assessments by historians, it was soon adopted. Indeed, the Act may have been expected to have a prolonged transition period before its effects became visible. In no way did the first ten years portray its failure, despite the best efforts of its creator.

1.10 Conclusion

This analysis elucidates what has in the past been described as the ‘profoundly obscure’ way social policy found its way onto the statute book in the latter half of the eighteenth-century. Gilbert’s reform attempts reveal the importance of local interests as a dynamic force in the legislative process. Also apparent is the crucial significance of the personality and commitment of MPs like Gilbert, who understood the parliamentary system and knew how to harness the power of provincial and sectional forces to achieve social reform.

During the two parliamentary sessions 1780-1 and 1781-2, backbench MP Thomas Gilbert turned to local interests, most often magistrates, when his parliamentary campaign to make poor law reform was at risk or needed momentum. He also utilised their knowledge and experience, to try to make sure the legislation was practical and had the support of those who would initiate and manage it at the local government level. This communication, achieved through direct correspondence and political pamphlet material, was enhanced by Gilbert's use of the burgeoning print culture. In these respects, on this occasion he executed a highly proficient campaign.

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360 For example, Felix Driver noted ‘the [Gilbert’s] Act was not immediately popular.’ F. Driver, Power and Pauperism: The Workhouse System 1834-1884 (Cambridge: Cambridge University Press, 1993), p.44
The achievement of Gilbert’s campaign would not have been possible twenty years before. By taking a long view it has been possible to examine how he assimilated the changing political and societal contexts, but particularly the developments within print and the opportunities this gave him to extend his reach and address the political classes directly and more fully. Gilbert’s use of pamphlets was not to passively appraise the public of his plan (as others attempted to do); rather, it was to dynamically exchange ideas with them. The impact of this work was bolstered by his publisher. Wilkie cultivated his commercial potential in ways that were both overt, such as through broad advertising and the publishing of a supplement which was made gratis, and subtle through his leverage of coverage in the London Chronicle. The reviewing press contributed substantially to the spread of Gilbert’s plan. The London and provincial newsprint were used to the best possible effect, the distinction between ‘news’ and ‘marketing’ of the political campaign blurred in the debate. In this exchange with his public, Gilbert was by the 1780s advantaged because of his own experience and reputation, but he was successful because he recognised this was a participatory political campaign, and he listened and adapted. Commentators were aware of this process. As one put it, Gilbert was appealing to ‘the collective wisdom of the Nation… to devise some plan.’\textsuperscript{361} The political culture had been harnessed by a shrewd politician to achieve a successful outcome against significant odds. It points to the embryonic democratisation of political life and how individuals hundreds of miles from Westminster, could and did shape social policy.

However, the analysis also shows that the progress of Gilbert’s poor law legislation in 1782, as well as 1763-1776, was affected by party affiliations and the events of

\textsuperscript{361} A Letter to Thomas Gilbert (1787), 24.
the moment. Innes is correct in writing, ‘neither support for nor opposition to particular measures of social policy necessarily reflected other political commitments in this period. However, neither was activity of this kind always politically innocent.’\textsuperscript{362} Yet, she does not go far enough in her assessment of the impact this could have. In both, the level of influence was shaped by what was going on in the immediate political background. In 1782, the turbulent political environment and Gilbert’s attempts to ingratiate himself with the new regime under the marquis of Rockingham benefitted the outcome as did his singlemindedness. In the hands of any other backbench MP in 1782, the likelihood of success would have been severely diminished.

The strength of Thomas Gilbert’s plan was not its originality but that it was sympathetic to the political realities. Despite the best efforts of this examination (and by the few historians such as Coats who have tried) to find a distinct ideological underpinning for Gilbert’s Act; there is not one. The best which can be mooted in Gilbert’s case was that he was able to embrace the broadest range of opinion and social prejudice as possible in his plan. He was not a philosophical man, but he was a practical one. By making this act permissive and focusing on particular elements, he was receptive to the pervading mood. Influential magistrate and legal writer, Burn, had argued that the failure of many of the proposals to amend the poor laws during the century was that they tried ‘too much at once.’\textsuperscript{363} It is as well to remember that this was the first successful general reform of the poor law since the Workhouse Test Act in 1723.\textsuperscript{364} However, within Gilbert’s legislation, there was at least a

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\textsuperscript{362} Innes, ‘Parliament and the Shaping of Eighteenth-Century English Social Policy’, p.82.  
\textsuperscript{363} Burn, History of the Poor Law, p.202.  
\textsuperscript{364} Slack, The English Poor Law, p.35.
\end{flushright}
sophisticated understanding that welfare was so intrinsic to local government that meaningful reform of the poor law could only be achieved through changes to the mechanisms of the state at the parish level. It is necessary to acknowledge that the central government was also unlikely to have been successful in carrying through a more radical policy, even if they had the resources or impetus to create one.

Despite his subsequent unhappiness at its limited impact, a more radical bill would not have been successful at this juncture, something which his later experience also attests. As Slack argues, ‘it needed another generation of rising rates to bring a parliament of landowners and magistrates to the point of change; and even in the 1830s it is debatable how much they welcomed it.’\(^{365}\) At any rate, in its first ten years the Act was as influential as any permissive act could have been expected to be, perhaps more so considering how it affected other legislation. It is unfortunate, Gilbert’s testimony and actions prejudiced the future outcome of his legislation and coloured the perceptions of later researchers, something this thesis has now addressed.

The duration of Gilbert’s campaigns was significant, and it shows parliament could sustain its interest in a bill beyond one session. Indeed, it did not need to be in session for legislative impetus and influence to be exerted. However, despite the adeptness shown in the 1781-2 campaign particularly in his use of the press, Gilbert prolonged and endangered it by numerous amendments while he strived for unanimity in the text of the Bill. His faith in magistrates and the influence of them, in part, explains the duration of the campaign. The reliance upon magistrates within its provisions, however, had repercussions and limitations on the implementation of

Gilbert’s Act. It frustrated its sponsor when they did not respond in the way he anticipated and led to another albeit ill-judged campaign. In a political context broadly reliant on individual backbenchers or magistrates to provide successful reform outcomes, this was not unsurprising.

In the next section, the implementation of Gilbert’s Act on the ground is fully examined elucidating the complexity of implementing welfare reform when magistrates and other stakeholders were introduced at a parochial level.
Section Two: The Implementation of Gilbert’s Act

*The parish of Cheltenham shall from henceforth adopt, in all respects the provisions rules, orders and regulations and comply with all the requisites prescribed by the said Act.*

Writing in the years immediately following the passing of Gilbert’s Act, some commentators seemed to confirm Thomas Gilbert’s initial feeling and observed that it had had little impact. In 1797, Frederick Eden noted; ‘few incorporations of parishes have taken place.’ A few decades later, George Nicholls wrote that only 67 unions of 924 parishes had been formed under the legislation. Subsequently, these figures came to be repeated by Sidney and Beatrice Webb, who additionally argued that the geography of the adoptions was highly specific. Adoptees, they believed, were; ‘practically all rural in character; the great majority in south-eastern England, East Anglia and the Midlands, with a few in Westmorland and Yorkshire; none at all in Wales, in the west or south-west of England, or north of the Tees.’ With such endorsement, these statistics then came to be replicated within the literature through the next 90 plus years, sometimes by writers referring to the Webbs as the source, but at other times not, and always repeated as a simple incontrovertible truth.

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1 GA, Cheltenham Vestry Minutes 1794-1822, 23 April 1811 (P78/1 VE 2/2).
Where Nicholls acquired his statistics and whether the Webbs merely repeated his figures is not acknowledged in either text. Yet, it has done much to perpetuate the argument the legislation had little impact on the ground. For example, Steven King noted that it was ‘hardly testament to a momentous change.’ Most commentators have also assumed the Act would only have been used by parishes when combining into unions and not by parishes acting on their own. Only slowly have these contentions been challenged.

To date, there are only two studies which have dealt with the implementation of Gilbert’s Act in any depth. They were undertaken by Anne Digby, who focused on Norfolk, and Samantha Shave who looked at the south of England (covering West Sussex, Suffolk, Surrey, Hampshire, Dorset and Somerset). However, in neither case was Gilbert’s Act the author’s primary focus. Digby’s study, now over forty years old, looked at incorporations of the poor and Gilbert Unions and the impact of the new poor law. Shave devoted a chapter to Gilbert’s Act in a recent book that examines how relief policy was shaped and implemented under the old and new poor law. Alongside these treatments a few local studies have identified further adoptees but mostly just in passing. In this way, despite the assertion of the Webbs that no Gilbert parishes or unions existed in the south-west, three Gilbert parishes in

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7 This perception that Gilbert’s Act was only applicable to unions of parishes is still being perpetuated by historians. For example, A. Eccles, Vagrancy in Law and Practice under the Old Poor Law (Oxford: Routledge, 2016), p.121.
Gloucestershire have been detected since the 1960s.\(^9\) However, there is much we still do not know with respect to the implementation of Gilbert’s Act.

This part of the thesis moves from the apex of the state to the parish, the smallest unit of local government, to consider the impact of the legislation on the ground. It identifies 15 Gloucestershire parishes which implemented Gilbert’s Act and depicts a complex matrix of elements acting as drivers and inhibitors to adopting the legislation, often instigated at the behest of magistrates. It bolsters the contentions of Shave, that the number of Gilbert parishes and unions has been under-estimated and that its geographical spread was more extensive than hitherto believed. The section also shows, however, that researchers (including Shave) are continuing to misinterpret the underlying reasons why many parishes moved to adopt the legislation; and, more fundamentally, how it was then implemented. For example, although Digby found Gilbert unions in East Anglia were ‘exemplified’ by ‘the combined objectives of humanity to the poor with economy for ratepayers’, in Gloucestershire aspiration was variable.\(^10\) While some adapted or twisted its use in ways which would have been anathema to its sponsor, others embraced its tenets with enthusiasm. In some parishes, its impact went beyond relief provision, as it became a source of civic pride or part of a campaign of social control. The Act facilitated cooperation with magistrates in executing welfare administration, in some instances. However, in others it demonstrated the traditionally held perspectives of


\(^10\) Digby, Pauper Palaces, p.46.
historians, by portraying the fissures opening between local government bodies and JPs. Thus, the role of local magistrates was significant both in the legislation's enactment and in its implementation. It shows that magistrates’ influence was applied strategically and operationally in the implementation of Gilbert’s Act. Thereby, demonstrating their impact was more pervasive than previously acknowledged in studies of local governance.

This section is a case-study of the implementation of Gilbert’s Act in Gloucestershire. It begins with a short description of the county looking at its geography and economy (2.1). It is followed by an account (2.2) of the local application of the old poor law. After these three sections look at how Gilbert’s Act was implemented. In 2.3, the methodology employed in the study is described, particularly how Gloucestershire’s Gilbert parishes were identified. The extent the Act was adopted is then discussed. Section 2.4 looks at the reasons why the Act was adopted and suggests several new perspectives. In 2.5, the operation of the legislation in Gloucestershire parishes is examined in detail.

2.1 Gloucestershire in 1800

The historic county of Gloucestershire was bounded on the north and north-east by Worcestershire and Warwickshire; on the east by Oxfordshire and the south-east by Berkshire and Wiltshire. To the south, it encompassed the city of Bristol and was bordered by Somerset and the Bristol Channel; and to the west and north-west by the Welsh county of Monmouth and English county of Hereford.

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11 For example, Digby noted that in Norfolk the hostile public opinion towards magistrates inhibited them from exercising their powers in respect to the poor law. Digby, *Pauper Palaces*, p.49.
Gloucestershire had specific geographical features which influenced its social and economic development. These provided three contrasting physical regions, traditionally described as the ‘wold’, ‘vale’ and ‘forest’.\textsuperscript{12} To the east was the wold. The hills of the Cotswold extend from north to south providing pastures that supported sheep farming, and from the sixteenth-century waterpower that fostered woollen cloth manufacture. By the time Gilbert’s Act was enacted, cloth production was dominated by the area around Stroud, at the confluence of five valleys.\textsuperscript{13}

The vale was focused on the valley formed by the River Severn. Here the ports of Gloucester and Bristol were important centres for trade and industry. The River linked them with Tewkesbury, Worcester, Stourport and Shrewsbury giving the county a key position in the West Midlands before the canals and railways diversified communications. The county’s agricultural production was centred in the vale and was dominated by grain but included milk, cheese, bacon, and cider. From here the county largely supplied the city of Bristol with provisions.\textsuperscript{14} The vale was circled in the west by the forest, or specifically the Forest of Dean, where there was little land under cultivation. Instead, it was noted for its coalmining, ironworks and timber used in shipbuilding. A sizeable extra-parochial area dominated it. The Forest was according to the county’s first history a ‘notorious harbour for robbers.’

\textsuperscript{12} For example, these descriptors are used by the earliest county historians such as Samuel Rudder. S. Rudder, \textit{A New History of Gloucestershire} (Cirencester: Himself, 1779). Also using the same designations Ester Moir provides a useful economic history chapter in her account of the county. See E. Moir, \textit{Local Government in Gloucestershire 1775-1800: A Study of the Justices of the Peace} (Bristol: Bristol and Gloucestershire Archaeological Society, 1969), pp. 1-18.
\textsuperscript{13} Rudder, \textit{A New History of Gloucestershire}, p.60.
\textsuperscript{14} Rudder, \textit{A New History of Gloucestershire}, p.64.
Two centuries later local historians were still characterising it as ‘the most backward part of the county.’\textsuperscript{15}

Thus, Gloucestershire at the end of the eighteenth century supported a diverse economy. The employment of able-bodied men was equitably split between agricultural and non-agricultural labour.\textsuperscript{16} The farming sector was varied and productive. The county’s woollen cloth industry was nationally important and supported several allied trades such as wool combing and stocking-frame knitting. Next in consequence was iron manufacture in the Forest of Dean. Other industry included pin-manufacture at Gloucester; and smaller concerns noted by the late eighteenth-century county historian Samuel Rudder included fine papermaking at Winchcombe; edge-tool manufacture and carpet making at Cirencester; felt-hats at Frampton-Cotterell; and brass-making at Bitton.\textsuperscript{17}

While the period 1782-1834 saw an economic change and the county experienced both industrial and agricultural destitution, it was not on the scale felt by other counties, where the economy was dependent either on agriculture or on industry. With the variety in its industrial sector, some protection was afforded county-wide when the effects of industrial development in other parts of the country began to impact the county’s industrial base.\textsuperscript{18}

\textsuperscript{17} Rudder, A New History of Gloucestershire, pp. 63.
\textsuperscript{18} Alongside the decline of the Gloucestershire woollen trade with competition from West Riding and Lancashire was the industrial development of the iron industry in the Forest of Dean. W. Page, A History of the County of Gloucester: Vol. II (London: Archibald Constable, 1907), pp.127-172, 193-198.
2.2 Gloucestershire & the Old Poor Law

_The poor are maintained at a heavy expense through the county… the late period of scarcity brought with it more ill consequences, than merely resulted from the dearness of provisions: it obliged many to apply for parochial relief, who before had felt a conscious pride of independence._19

Steven King, in his regional assessment of poverty and welfare, places Gloucestershire in the west of England. This region he surmised was one in which relief was overall less generous, and entitlement criteria more strictly applied than in the south and east. By contrast, areas in East Anglia and south-east England, more commonly associated with the adoption of Gilbert’s Act are characterised as more benign and with more costly regimes.20 Generally, King’s evaluation does appear correct. In 1803, Gloucestershire’s poor rates were an average of 3/5 in the £ versus a countrywide average of 4/4 while in Norfolk the rate was 5/5.21 Likewise, expenditure per head on workhouse provision in Gloucestershire was £8.15.9 and for out-relief £2.12.7, while in Norfolk, the corresponding figures were £11. 5. 1. and £3.4. 22 Welfare reform was not associated with Gloucestershire either by contemporaries or later by historians. Esther Moir, for example, observes that between 1775 and 1800 ‘in the execution of the poor law … Gloucestershire had no outstanding contribution to make, and the Elizabethan mechanism of county and parish had to suffice.’23 The Gloucestershire bench offered little by way of policy direction, their only incursion being the adoption of a Speenhamland scale of

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19 Rudge, _General View of the Agriculture of the County of Gloucester_, p.346.  
20 King, _Poverty and Welfare in England 1700-1850_.  
22 _Abstract of Answers and Returns_, pp.188, 344.  
allowances in 1796, which followed the model set throughout the rest of the country.24

However, the county did follow broad trends in the eighteenth century, and consequently, workhouses became an increasingly common relief mechanism. In 1776, six years before the creation of Gilbert’s Act, poor law returns show that in Gloucestershire, there were 32 workhouses. Adjacent counties had between 12 and 73. Thus, regionally it was not exceptional in the extent it employed or did not employ indoor relief.25 The number who used workhouse provision was proportionately less than in East Anglia where Gilbert’s Act became more frequently linked.26 However, in line with the rest of the country, the number of parishes or places utilising workhouses rose steadily across and had reached 54 by 1803. It included five parishes which had adopted or would later adopt Gilbert’s legislation.27

The cost of welfare also rose sharply (as it did across the country), and continued to do so throughout the Napoleonic Wars, rising from £53,812 in 1776 to £112,831 (on the settled poor alone) by 1803.28 However, resources were varyingly applied and had different fiscal repercussions on the ground. For example, Littledean and neighbouring Flaxley, in the county’s Forest of Dean, both provided out-relief in 1803, yet the relief cost per head per annum at Flaxley was £2 and at Littledean over

25 In Wiltshire there were 40 workhouses, Somerset 73, Worcestershire 21, Oxfordshire 25, Warwickshire 29 and Herefordshire, 12. Abstracts of the Returns Made by the Overseers of the Poor, (London: House of Commons Papers, 1776).  
26 By the beginning of the nineteenth century approximately half of all parishes in Norfolk had access to a workhouse, compared to about one in eight in Gloucestershire. Digby, Pauper Palaces, p.34.  
27 These parishes were Newnham, Painswick, Mitcheldean, Cheltenham and Cirencester. The workhouse at Westbury-on-Trym was also under construction. In Oxfordshire the comparable county figure was 38, Somerset 60, Wiltshire 41, Worcestershire 41, Herefordshire 20 and Warwickshire, 42. Abstract of Answers and Returns, pp.170-188, 200, 408, 448, 548, 572, and 584.  
28 Abstract of Answers and Returns, p.188; Report from the Committee Appointed to Inspect and Consider the Returns Made by the Overseers of the Poor, in Pursuance of Act of Last Session (London: House of Commons Papers, 1777), p.539.
Furthermore, despite a very similar economic backdrop, the cost of welfare at Flaxley seemed to have risen 265% since the mid-1780s, but at Littledean the figure appeared to have risen much more steeply, to 379%. Decision-making at the parochial level made outcomes highly variable.

In the early years of the nineteenth century, the upward pressure on relief expenditure and the proliferation of workhouse provision continued. According to the 1818 poor law returns ‘seventy-five parishes or places relieve the greater part of their poor in workhouses.’ However, those receiving help in Gloucestershire’s institutions, generally, represented only a small part of the total number in receipt of relief. Furthermore, there was a distinction between the number of parishes with access to a workhouse and the number of such institutions. For example, Gloucester workhouse served a total of ten parishes, while Bristol’s provided for nineteen. In fact, Gloucestershire had 47 workhouses. What constituted one varied hugely. The largest, institution at Bristol, accommodated 377 adults, while those at Gotherington and Southam with Brockhampton each housed only a single person. Oldland declared it had no workhouse yet still provided statistics of the number of

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29 Littledean expenditure on relief was £236 on 71 individuals and Flaxley £138 spent on 56. The number relieved permanently was similar at 48 and 46 respectively. The county average was £2 12s 7d per head. There were also huge variations how the poor rates were applied the St. Briavells hundred: - Flaxley charged 2s in the £, Abenhall 6s 2d, Mitcheldean 6s 6d for houses and 4 s 6d for land and Littledean 9s 6d. Abstract of Answers and Returns, pp.172-4, 188.

30 Littledean’s total spend on welfare rose from £63 to £239 and Flaxley rose from £52 to £138. Abstract of Answers and Returns, p.172.

31 By 1815 Cheltenham, Cirencester, Westbury-on-Trym and Winterbourne had already adopted Gilbert’s Act. Westbury accommodated 79 adults in the community and 43 in the workhouse. At Cirencester it was 156 outside and 73 in the workhouse and Cheltenham 193 versus 46. At Winterbourne no one was relieved in a workhouse. Abridgment of Abstract of Answers and Returns Relative to Expense and Maintenance of Poor in England and Wales, (London: House of Commons Papers, 1818), pp.147, 151, 154, 160. According to Anthony Brundage only 1 in 12 relief recipients were receiving indoor relief nationally. Brundage, The English Poor Laws, p.40.

32 Abridgment of Abstract of Answers and Returns, p.158.

33 Figures given for 1815. Abridgment of Abstract of Answers and Returns, pp.149, 159.
inmates their workhouse accommodated.\textsuperscript{34} The problem at Oldland probably lay with the definition of what constituted a ‘workhouse’. Thomas Gilbert assumed that such institutions would provide board, lodging and support to inmates who in return, would work and adhere to a strict set of rules. However, in parishes across the country, institutions varied and in all likelihood many (particularly smaller establishments) merely provided accommodation.

These various factors begin to illustrate the challenge to researchers of analysing early statistics. The poor law returns, even those promoted by Thomas Gilbert himself, also asked different questions at different times, making comparisons problematic. The number of places and parishes as recorded in the various returns for Gloucestershire also fluctuated, making the cross-identification of each unit of poor law administration difficult.\textsuperscript{35} Furthermore, the government sometimes made conclusions which appear unfounded. It included the statement that in Gloucestershire only two parishes or places ‘farmed’ (contracted out) their welfare, despite not having asked this specific question. The responses received from overseers were, at times, also inaccurate.\textsuperscript{36} For example, the poor return from Newent states it did not have a workhouse in 1803, a false assertion according to the

\textsuperscript{34} Declared in returns for 1803. \textit{Abstract of Answers and Returns}, pp.180-1.

\textsuperscript{35} The 1803 returns listed Awre and Bledisloe separately but they were recorded together in returns for 1776 and 1818. Both settlements were tithings in Awre parish and administered jointly over the entire period under the auspices of the Awre vestry. Across Gloucestershire as whole 399 separate parishes and places were recorded for the county in 1803 versus 378 in 1776. There are also geographical anomalies, for example information about Chalford and Minchinhampton was represented with figures for Little Barrington a parish over 25 miles away. \textit{Abstract of Answers and Returns}, pp.170-1, 188; \textit{Abridgement of Abstract of Answers and Returns}, pp.144-5, p.154; GA, Awre Vestry Minutes 1770-1846 (P30a VE 2/1).

\textsuperscript{36} Along with problems highlighted in Awre there were others: - totals should have been provided from 1776 and 1786 returns to give comparison in 1803, instead the parish provided some round figure estimates for Bledisloe and the total poor law expenditure figure was left blank for 1776. The return also suggests that despite raising £165 from the rates, welfare expenditure for Awre itself in 1803 was only £44. It seems improbable that the parish would spend only a quarter of its revenues but unfortunately overseer’s accounts have been lost. \textit{Abstract of Answers and Returns}, pp.170-1.
vestry records of the period.\textsuperscript{37} Whether from accident or design, the combined result is that statistical abstracts need to be used with caution, wherever possible in conjunction with other primary sources for verification.

Notwithstanding these problems, the published returns do demonstrate the same upward pressure on welfare budgets and increased use of in-relief solutions witnessed across the country as economic restructuring, population growth and the Napoleonic Wars placed enormous burdens on the administration of local government across England. Despite the lack of poor law innovation in Gloucestershire it was these challenges that contributed to some parishes to look for new solutions. One such was the framework provided by Gilbert’s Act.

2.3 Gilbert’s Act Parishes and Unions in Gloucestershire

As Gilbert’s Act was a permissive act, parishes had to ‘opt-in’ to its provisions. According to the legislation, this would be achieved after a two-thirds majority of ratepayers had voted in favour of its adoption following a public meeting. It then had to be further endorsed by the local magistrates. An appendix to it also stipulated the form this adoption should take, and the wording magistrates should use for their consent. However, not all adoptees or magistrates recorded either the meetings or their decisions in the manner Gilbert specified. The situation becomes complicated when consideration is made to the reasons behind such decisions. These invariably

\textsuperscript{37} E.A. Christmas has also suggested that Awre likewise had an operational workhouse that was missed by the 1803 returns. Conversely, some parishes also provided a range of information not requested. In Newent’s case, the local authority told the government that they were administered under Gilbert’s Act. Abstract of Answers and Returns, pp.170-4.; GA, Newent Vestry Minute Book, 1768-1818 (P225 VE 2/1). See also A.R.J. Jurica, A History of the County of Gloucester: Vol. XII (Woodbridge: Boydell and Brewer, 2010), p.73; E.A. Christmas, ‘The Administration of the Poor Law in Some Gloucestershire Unions, 1815-1847’ (Unpublished Thesis, University of Bristol,1973), p.64.
involved highly specific local factors which either acted as an incentive to adopt the regime or as deterrent or hindrance against it.

Other enabling acts, such as the Sturges Bourne Acts 1818 and 1819, likewise had specific adoption criteria but their tenets were simpler than Gilbert’s Act.\(^{38}\) In 1796, William Young observed of it, ‘I have to regret that its provisions of regulations are so complex, its economy so problematical, and its whole machinery so confused and difficult to manage, as prevents its being generally adopted to the exclusion of more pernicious establishments.’\(^{39}\) However, problems arising from its complexity were later circumvented by an amendment promoted by another MP magistrate, Samuel Whitbread, in 1809/10.\(^{40}\) The change, which was observed by Nicholls, but overlooked by subsequent historians, gave magistrates the power to order the application of Gilbert’s provisions in any workhouse within their jurisdiction.\(^{41}\) Magistrates were also invested with powers of ‘visitors to the poor’ to inspect the conditions under the legislation, and they could also change the workhouse terms if they thought fit. Even the highly judgemental Nicholls concluded that ‘this extension of the principal and provisions of Gilbert Act may at the time have been useful in checking abuse.’\(^{42}\) Although not explicitly referred to within the documentary evidence from Gloucestershire, it would be surprising if an immediate local surge in adoptions were not in some way a consequence of this reform. Indeed, as all but three take-ups in the county happened after it, the evidence could be described as compelling. As magistrates could now order the application of the Act,

\(^{38}\) 58 Geo. III C.3 and 59 Geo. III C.12.
\(^{39}\) Young, Considerations on the Subject of Poor Houses, p.29. This is also suggested by Shave as a reason why the legislation was not more widely adopted. Shave, Pauper Policies, p.72.
\(^{40}\) CJ Vol. LXV, p.371, 379, 408. The act referred to is 50 Geo. III C.50.
\(^{41}\) Nicholls, A History of the English Poor Law, p.144.
\(^{42}\) Nicholls, A History of the English Poor Law, p.145.
this circumvented the need to hold a public meeting and the other prescriptions required under the original legislation. It makes adoptions both less easy to detect by researchers and, given the changes which could be ascribed, potentially diluted when applied. These new magisterial powers make identification of the later adopters of Gilbert’s Act potentially problematic, not just in Gloucestershire but across the country.

Although the amendment is likely to have increased the influence of magistrates, parishes were already likely swayed by JPs. In many communities magistrates not only had judicial and administrative powers in local government but also wielded economic and societal influence as lords of the manor, members of the clergy, prime land and business owners. Given these circumstances, one may have expected magistrates to have drawn much interest from researchers. However, outside of issues of legal settlement and pauper appeals, there remains considerable doubt about what they may or may not have done in respect to the poor law. It is as well to recall that Gilbert, through his reform, attempted to bring magistrates directly into the administration of poor relief and thus theoretically their impact could be significant.

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43 This factor is examined at length in the parish case studies which follow.
In her short account of Gilbert’s Act, Shave attempts to identify parishes and unions in Wessex and West Sussex, by examining the returns of the government’s Town and Rural Queries collected in the 1830s and combining it with local government recording and correspondence from Assistant Poor Law Commissioners. For rural parishes, she focuses on question 22, which asked respondents to indicate whether they had a workhouse. Her emphasis on workhouses is apposite; although Gilbert’s Act provided a framework for welfare based on both indoor and outdoor provision, most of its clauses dealt directly with or were associated with, supporting a workhouse. These included the provision for parishes to join to form unions of parishes or to borrow capital. Consequently, the existence of a workhouse is a definite physical marker of the potential take-up of Gilbert’s Act by a parish or union.

In this study, identification of adoptees similarly involved a preliminary investigation of those Gloucestershire parishes with a workhouse in operation. However, rather than starting with Town and Rural Queries which contained information from a small minority of the county’s parishes, the identification of workhouses focused initially on the 1803 and 1818 poor law returns; which contained responses from approximately 400 places. Given the problems inherent in returns (discussed in 2.2), they were used in collaboration with local histories and archival searches of vestry minutes and overseers accounts for references to workhouses. The towns of Tewkesbury, Gloucester and Bristol, were immediately excluded as these were administered under local acts.

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47 There were approx. 400 separate parishes and tithings within Gloucestershire during the period.
In all, 66 parishes out of approximately 400 were identified in Gloucestershire with access to a workhouse during the period 1782-1834. These were all investigated to locate evidence of Gilbert’s Act adoption. Proof of uptake was found in vestry minutes, Assistant Poor Law Commissioners’ correspondence, magistrate records and poor law returns. The adoption of the Act was noted only in parishes where there was direct evidence that the parochial government identified itself as applying the provisions. The use of ‘guardians’, ‘visitors to the poor’ or the selective use of a workhouse by the vulnerable, which could be interpreted as evidence of a Gilbert application, was deemed inadequate unless there was corroborating evidence. So, while the study found one workhouse manager, Richard Elmore, farmed the poor of at least seven different parishes and a number of them did adopt Gilbert’s Act, it is not assumed that the remaining two did, because of the lack of proof. These parishes were, therefore, excluded.

After an investigation, 15 parishes were identified as applying Thomas Gilbert’s legislation, in 13 separate institutions. The parishes were: Abenhall, Arlingham, 

48 The following parishes were identified with workhouses, investigated and deemed not to have applied Gilbert’s Act (or there was insufficient evidence to support the assumption)—Aldworth, Alkington, Avening, Berkeley, Bishops Cleeve, Bisley, Bledington, Bourton-on-the Water, Cam, Charlton Kings, Chipping Campden, Coaley, Cobberley, Dursley, Dymock, Eastington, Forthampton, Frampton Cotterell, Frampton-on-Severn, Gotherington, Hartpury, Horsley, Kings Stanley, Kingswood, Leonard Stanley, Mangotsfield, Minchinhampton, Moreton-in-Marsh, North Nibley, Prestbury, Rangeworthy, Randwick, Rodborough, Ruardean, Siston, Slimbridge, South Cerney, Southam & Brockhampton, St Philips & St Jacob, Stapleton, Stoke Orchard, Stonehouse, Stroud, Tetbury, Thornbury, Twyning, Uley, Westbury-on-Severn, Westerleigh, Wickwar, Winchcomb, Woodmancote, Wotton-under-Edge.

49 GA, Leonard Stanley Vestry Minutes 1819-1890, 25 September 1823 and 4 October 1824 (P201 VE 2/1); GA, Eastington Overseers Accounts 1777-1825 28 June 1825 (back page); GA, Eastington Overseers Accounts 1777-1825, 6 July 1824 (P127 OV 2/2); GA, Littledean Vestry Minutes 1811-1830, various including 15 April 1825 (P110/VE/2/1); GA, Abenhall Vestry and Annual Parochial Church Minutes (P1 VE 2/1); GA, Flaxley Overseers Accounts including Occasional Vestry Minutes 1788-1891 (P145 OV 2/1).

50 In neither case do the vestry minutes or contracts make explicit reference to Gilbert’s Act. Eastington parish later joined the Wheatenhurst Poor Law Union but there is no correspondence between parishes within that union and the Poor Law Commissioners until 1843.
Awre, Cheltenham, Cirencester, Fairford, Flaxley, Littledean, Mitcheldean, Newland, Newent, Newnham, Painswick, Westbury-on-Trym and Winterbourne.

After their identification, these parishes were further examined using more extensive contemporary sources to try to uncover the reason behind their decision to adopt Gilbert’s Act. This examination included an analysis of the main stakeholders behind the policy. In this context they proved principally but not exclusively, to be magistrates on the ground. While enough evidence was found to illustrate the micro-political activities in the majority of cases, in three, there was a lack of source material to provide context to the adoption of Gilbert’s Act. These, the parishes of Arlingham, Newland and Winterbourne were thus excluded from further assessment.51

In Gloucestershire adoptees primarily utilised the legislation as individual parishes and did not, therefore, form unions. However, Abenhall and Flaxley used the workhouse at Littledean and, in so doing, formed what they believed to be a union. It was the only titular Gilbert union in Gloucestershire. The county’s experience is significantly different from the traditional view of Gilbert’s Act which assumed parishes always formed unions.52 The temporal distribution of Gloucestershire

51 Evidence for the adoption at Winterbourne is provided by a magistrates’ resolution and for Arlingham comes from the observations from the Assistant Commissioner, Robert Weale who likewise noted the Gilbert’s adoptions for Awre, Littledean, Flaxley, Abenhall and Mitcheldean for which there is additional evidence, elaborated within this section. Evidence for Fairford which likewise has no vestry minutes is provided by correspondence from the parish to the Poor Law Commission prior to creation of the new poor law union in 1836 and several entries in the overseer’s accounts which directly reference the Act. At Newland, where primary sources are scant, evidence is provided by notes and a copy of the contract signed with the farmer of the poor in 1821 which refers explicitly to the workhouse being run under the rules and regulations of Gilbert’s Act. GA, Resolution of Winterbourne Parish to Provide a Workhouse and Adopt the Provisions of Gilbert’s Act 1810 (Q/RW/1); TNA, Correspondence with Cirencester Poor Law Union 1834-1842, 9 January 1836 (MH12/3980); TNA, Correspondence with Westbury-on-Severn Poor Law Union 1835-1842, 7 September 1835 (MH12/4236); GA, Fairford Overseers Accounts and Papers, 1795-1809 (D1070/IX/12); GA, Newland Overseers Papers (P227 OV 9/2).

52 In 1835 Assistant Poor Law Commissioner, Robert Weale identified whilst the Act had been applied in Littledean no union had been formed. The arrangement between the three parishes was
adoptions also runs counter to experience elsewhere. In Norfolk, the first wave of adoptions came into effect during the first three years after its enactment in 1782. There was then a second wave in 1792 and finally a ‘major period’ of adoptions in 1801-8.\textsuperscript{53} In Shave’s study of southern England, there was initially a slow start, but then an increase with the most popular decade being the 1790s.\textsuperscript{54} By contrast, in Gloucestershire, the use of the legislation came about somewhat later. Adoptions were made in the period 1800-1823 and mainly in three waves; 1800-3, 1810-11 and finally in 1822-3.

Across the county, workhouses were distributed in clusters. The first of these was in the south of Gloucestershire, in the vale, around Bristol, particularly to the east of the city. There was another to the west of the county, in the mining and iron district of the Forest of Dean towards the Welsh borders. The largest concentration was to the west in the cloth manufacturing parishes around Stroud, where employment was especially susceptible to cyclical booms and slumps.\textsuperscript{55} In the Cotswold area, workhouses were almost absent.

The Gilbert parishes, identified in the county, only partially reflect this pattern with the majority clustered in the Forest of Dean, two just north of Bristol and three on the edge of the Cotswold area.\textsuperscript{56} Of these, Cheltenham and Cirencester were the largest population centres to use the Act.\textsuperscript{57} Significantly, perhaps, these towns were

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\textsuperscript{53} Digby, Pauper Palaces, p.47.
\textsuperscript{54} Shave, Pauper Policies, p.70.
\textsuperscript{56} Census figures accessed from www.visionofbritain.org.uk [accessed 12 April 2018]
\textsuperscript{57} The population of Cheltenham was 8,325 in 1811 having more than doubled in the previous ten years. Cirencester’s population was 4,540.
also those with the largest populations outside of Gloucester, Bristol and Tewkesbury, whose poor were administered under local acts and Stroud at the epicentre of the cloth producing area. While the Stroud area had the largest concentration of workhouses overall; Gilbert’s Act was only adopted, in the district, by the small town of Painswick.

Only a minority of the 47 workhouses in Gloucestershshire identified, in 1818, adopted Gilbert’s Act, but it was a significant minority. However, these figures relate to the high point in Gilbert adoptions and do not necessarily reflect their relative size or organisation. What precise proportion of Gloucestershire workhouses were administered under Gilbert’s Act, at any one time, is difficult to assess due to the ambiguity in the source material. Regimes also changed over time. Some workhouses were abandoned. In the Forest of Dean hundreds of St. Briavells, there were no institutions recorded in the returns of 1776. However, by 1803 there were three, at Newland, Mitcheldean and Ruardean. In 1818, the establishment at Ruardean had disappeared, and another added at Abenhall, which became defunct by the time the parish adopted Gilbert’s Act in 1823, for reasons that are difficult to deduce.

Consequently, Gilbert’s Act adoption figures for Gloucestershire cannot be definitive. However, the numbers appear to be comparable to those in the other counties examined by Shave’s recent study. Defining adoptions as either Gilbert parishes or Gilbert unions, she found nine in West Sussex, 17 in Hampshire, eight in Surrey, and two each in Dorset and Wiltshire.\textsuperscript{58} The equivalent figure for

\textsuperscript{58} Shave, \textit{Pauper Policies}, p.63.
Gloucestershire is 13. In terms of mere numbers of adoptions, the Act, therefore, had a more significant impact in Gloucestershire than has previously been anticipated. The lower numbers for West Sussex and Surrey in the south-east make this even more surprising, given that these areas are traditionally associated with the legislation. However, these facts do not compare the actual numbers of poor people in the different counties who would have been the beneficiaries of these Gilbert’s Act regimes. Unfortunately, these figures are not provided by Shave. However, an examination of the 1821 census for Gloucestershire, the decade which provided a highpoint of Gilbert’s Act adoptees, suggests the legislation was utilised by parishes with a combined population in excess of 40 000 or by approximately 12% of the county population.59

2.4 The Decision to Adopt

The committee also recommends that means be taken for providing a Guardian who shall have a salary...and a Visitor of the intended Poor House and the adoption of such other provisions as are appointed by the 22 G. 3. C.83.60

Due to a ‘lack of explicit documentary evidence,’ Shave makes the ‘tentative’ suggestion that there were probably two reasons why places chose to adopt Gilbert’s Act; to provide better care to the vulnerable and save money on relief provision.61 This study has found similar challenges to apply in Gloucestershire with respect to primary sources. Even when extensive evidence of a decision remains, discussions preceding the event are not documented. The resolution to adopt Gilbert’s reform

59 This figure, 40 211, is based on the populations of the 15 parishes which had all adopted Gilbert’s Act by the early 1820s. The figures can only be approximate due to ambiguities surrounding the point at which some parishes stopped using the legislation. The total population of the ancient county of Gloucestershire was 332 316. Figures from http://www.visionofbritain.org.uk [accessed 16 September 2019].
60 GA, Awre Vestry Minutes 1770-1846, 18 January 1822 (P30a VE 2/1).
61 Shave, Pauper Policies, pp.66, 68-9.
was not always immediately recorded, and the documentation may not have survived. In some cases, the actual date of a decision is, therefore, impossible to determine. Thus, conclusions on the motives of adopters are challenging to infer. Nonetheless, by piecing together data from local government and broader contemporary printed and manuscript sources and focusing on both the parish and individual stakeholders, this section demonstrates several additional motives to those already suggested by Shave. It also adds extra definition and nuance to those she proposes. These stimuli are divided into broad headings: - 2.4.1, ‘A Method to Cut Cost’ where Gilbert’s Act was adopted to reduce the cost of welfare; 2.4.2, ‘A Scheme to Provide Better Poor Relief and to Improve Moral Behaviours’ when the Act was used to enhance the care given to the poor or to improve public morality; 2.4.3 ‘A Device for Providing Indoor Relief’ where Gilbert’s legislation was embraced in order to facilitate use of a workhouse and finally 2.4.5 ‘A Mechanism for Magistrates to Exercise Control’ when the Act was utilised to assist a power-grab by magistrates of the administration of the poor.

2.4.1 A Method to Cut Cost

Parochial relief was paid for through locally set and raised taxes. It was then administered by largely unpaid parish officials who were also ratepayers. Parish authorities were therefore very anxious to control ongoing costs. Although vestries were involved with conducting other aspects of local governance, poor relief was usually their most significant expenditure and welfare was their pre-eminent concern. It is likely, therefore, that any mechanism identified with reducing welfare cost would be highly attractive. The only authors who have examined the operation of Gilbert’s Act in-depth suggest economy was the primary motivation for those
parishes which joined together in unions. This view is predicated on the view that ‘the parish was too small to achieve administrative efficiency or financial economy in the management of the poor.’\textsuperscript{62} However, the experience in Gloucestershire suggests a more complex picture.

In the mid-eighteenth-century Cheltenham had been a village, but by the early nineteenth century, it was a fashionable spa town and expanding, according to Pigot’s Directory 1822, ‘with a rapidity almost incredible’.\textsuperscript{63} Local government in the town had struggled to keep up with the problems raised by a population doubling every ten years; problems which were probably exacerbated, until the turn of the nineteenth century, by a lack of magistrates.\textsuperscript{64} However, the attractions of the town meant it did have a relatively large number of permanently resident gentry and professionals, a factor which was to prove beneficial.

The adoption of Gilbert’s Act was preceded, not by a new or renewed commitment to providing relief through a workhouse, but by a financial crisis in the town’s governance. According to one historian, the vestry had built a workhouse and the town commissioners a prison, neither of which local authority could afford to maintain. The situation was then worsened by the cost (£500) of a new town survey to provide the basis of the poor rate.\textsuperscript{65} Vestry minutes reveal an endorsement of the Gilbert legislation in 1811 after a protracted enquiry into the parish debts which utilised the expertise of magistrate James Agg, attorney Richard Pruen and ‘eloquent advocate of all local improvements,’ Thomas Gray; all of whom were to feature in

\textsuperscript{62} Digby, \textit{Pauper Palaces}, p.32.
\textsuperscript{63} Pigot’s Directory Gloucester Directory 1822-3, p.47.
\textsuperscript{64} Moir, \textit{Local Government in Gloucestershire}, p.122.
the operation of Gilbert’s Act going forward. There was an auxiliary enquiry ‘into the present state of the management of the workhouse and particularly to enquire who are the persons at present inhabiting the same as parish poor and how far they are proper objects of admission to the House.’

A contemporary tourist guide declared that by 1812 the vestry’s debts had reached £1,580, while ‘the poor were murmuring for the want of proper relief.’ Furthermore, ‘this alarming state of things induced the parish to adopt the provisions of the Act of parliament made in the 22nd year of George III. Chap.83 [Gilbert’s Act].’ According to a correspondent in the local newspaper, Thomas Gray originally proposed Gilbert’s Act and suggested several of copies of the Act ‘to be sent for’ to be used by the committee. Once adopted, its ‘salutary effect’ was the discharge of liabilities and stabilisation of rates, and ‘the employment and comfort of the poor in the House particularly attended to, those who need assistance out of the House properly relieved.’ The cumulative effect suggests some civic pride in the ability of the town to both manage significant debt while adequately providing for the poor under Gilbert’s framework.

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67 GA, Cheltenham Vestry Minutes 1794-1822, 14 August 1810, 21 August 1810, 11 September 1810, 23 April 1811 (P78/1 VE 2/2).
68 The details of the debt were subject to a lot of letters to the local newspaper when the extent of the debt became widely known. J.K. Griffiths, A General Cheltenham Guide (Cheltenham: The Chronicle, 1818), p.124; Cheltenham Chronicle, Thursday 29 April 1813, 6 May 1813, 20 May 1813, 27 May 1813.
69 Cheltenham Chronicle, Thursday 6 May 1813.
The potential cost benefits of Gilbert’s Act regarding raising capital and controlling ongoing expenditure were well understood in Gloucestershire, but there were other less tangible concerns which influenced parish vestries.

2.4.2 A Scheme to Provide Better Relief and Improve Moral Behaviours

Along with the anticipated cost benefits of Gilbert’s Act, the motivation to provide better provision to the poor is identified as a factor which promoted the legislation.71 However, as discussed earlier, Thomas Gilbert’s aspirations were more complicated than pure altruism. While he hoped the Act would indeed improve the relief given to the poor, it was within a framework of strict controls to either encourage or to punish certain behaviours amongst the lower orders.

At the ancient borough and market town of Newent to the north of the county, the date for the adoption of Gilbert’s Act is unclear but by 1803 it was operating under its provisions.72 From 1798 to 1800, the vestry had made efforts to relieve economic distress in some creative ways which resonated with the spirit of Thomas Gilbert’s framework and would have made a move to embrace it a logical next step. These included the creation of a soup kitchen and a shop selling subsidised food.73 It also involved the appointment of a paid parish official, redolent of Gilbert’s guardian of the poor, who was responsible for finding the poor employment and ensuring paupers received the ‘value of their work’ and ‘if they earn not sufficiently to

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71 Digby, Pauper Palaces, p.46; Shave, Pauper Policies, p.68.
72 It was reported in returns from 1803 that the parish had adopted Gilbert’s Act. Unfortunately, there are gaps in vestry minutes, and no recording was made 1801-1804. It has been noted that many of its original records were burnt on the orders of the rector in 1877. Abstract of Answers and Returns, p.172; GA, Newent Vestry Minute Book 1768-1818 (P225 VE 2/1); A.R.J. Jurica, A History of the County of Gloucester: Vol. Xii (London: Boydell & Brewer, 2010), p.73.
73 GA, Newent Vestry Minutes 1768-1818, 10 January 1800, 2 May 1800, 9 November 1800 (P225 VE 2/1).
maintain themselves...augment by way of bounty on relief.’ These moves were not merely altruistic but portrayed a grave concern, as Thomas Gilbert had himself expressed, with maintaining order and encouraging the morality of the labouring classes. This parish official was to ensure that those receiving relief ‘be kept clean’ and ‘well behaved to each other and if any transgress, he shall minute their faults and report them.’ Strictures in the workhouse were even stronger. If anyone ‘profanely curse or swear or appears to be in liquor’ they were to be placed in the stocks.  

The pre-occupation with both these facets was undoubtedly related to the presence in the vestry of clerical magistrate and chair of the Gloucestershire bench, the Rev. John Foley. Shortly before the realignment of poor relief by the vestry, Foley had addressed the Gloucestershire Grand Jury. He argued, ‘decorum, industry, and subordination’ were virtues they must seek in the poor; ‘the sins of idleness and ignorance’ must be replaced by ‘habits of industry and attention’; the importance of ‘obedience and submission of parents and superiors’ was emphasised again and again, for ‘on a due sense of these society depends for its subsistence.’ However, this was not merely about oppressive control:

Discriminate between those who become poor through age, infirmity, a numerous family or the visitation of heaven and those made so by their own profligacy, dissipation and idleness, put a stigma on the latter but only til they show symptoms of reform: alleviate the sufferings of the former, by every mode which is tenderness, can invest or humanity suggest.

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74 GA, Newent Vestry Minutes 1768-1818, 24 April 1798 (P225 VE 2/1).  
75 Quoted in Moir, Local Government in Gloucestershire, p.74.  
76 GA, Papers Concerning the Affairs of the Late John Foley of Newent (D3549/22/1/7).
Foley’s address, which was later published, spoke to magistrates directly on the topic of the poor. ‘I shall make no apology for submitting my ideas to you upon the subject trusting that they may…be of some service and may be the means of relieving your rates and improving the condition of the poor.’ \footnote{GA, Papers Concerning the Affairs of the Late John Foley of Newent (D3549/22/1/7).} The lecture was mainly a philosophical discourse on the social and moral causes of poverty, which also commended the need for effective relief. It alluded to a practical solution, and as such Newent was the likely test case. While there is no mention in the address of Gilbert’s Act, the rhetoric used demonstrates a similar analysis of the problem and its possible solution. Foley died in 1803, and his obituary refers to his benevolence and humanity together with a ‘very accurate knowledge of the statute laws of this country.’ \footnote{The Gentleman’s Magazine and Historical Chronicle for the Year 1803, Vol. LXXIII (London: Nicols, 1803), p.1189.} By taking up Gilbert’s Act at this time, the parish was utilising a fully legitimised regime. It may have been this which finally convinced Foley and the vestry to take a further step.

Newent provided attention to the comfort and morals of the poor before the adoption of Gilbert's Act. However, in other places, it became considered during the planning or renovation of the workhouse, which followed the adoption of the legislation. At Westbury, for example, this is reflected in the attention to detail taken by the vestry. It included inspecting the site of the new workhouse and ‘considering the description of paupers likely to inhabit the House (many of them being very aged and several of them cripples) the House should be erected as near to the church as the situation of the ground will admit.’ Not only did the vestry order mattresses to be made of horsehair and not flock or straw, which would have been cheaper, but they also
specified the amount of hair and then physically examined the mattresses before authorising their use. 79

2.4.3 A Device for Providing Indoor Relief

The most pronounced cluster of Gilbert’s Act adoptees in Gloucestershire was in the Forest of Dean coal and iron districts and the adjacent rural areas. Many living in the parochial and vast extra-parochial forest area claimed the right to dig coal and ore, a circumstance which helped to stifle capitalist industrial development. The economic commentator Thomas Rudge observed (of these so-called free-miners) in 1807 ‘they are a species of adventurers without capital, few of the modern improvements can be expected to take place.’ 80 Despite the economic boons the Forest provided to the inhabitants, the parishes which adopted Gilbert’s Act were small and had economically vulnerable populations. Several provided substantial poor relief to people living in extra-parochial areas within the Forest. 81

In 1822 and early 1823, five of these settlements, Awre, Mitcheldean, Littledean, Flaxley and Abenhall, all contiguous to the eastern edge of the extra-parochial area, adopted the (by then) 40-year-old Gilbert’s Act provisions. The neighbouring parish of Newnham at the same time also re-confirmed an earlier commitment to do the same, and on the western edge of the extra-parochial area, Newland was also abiding by the provision in 1821. 82 Given the timing and their geographical proximity, this decision was not coincidental, and, by implication, all these decisions were

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79 BA, Westbury-on-Trym Minutes and Proceedings, 2 March 1804, 8 May 1804 (P.HTW/OP/2(a)).
80 Rudge, General View of the Agriculture of the County of Gloucester, p.21.
82 It is possible Arlingham a parish for which no implementation evidence remains also adopted provision at this time.
motivated by the same thing. The process taken in each case is difficult to deduce, but evidence suggests that each parish was influenced by several key people towards a mutual objective. For example, vestry minutes show that some of these parishes took advice about the legislation from the same Newnham based attorney, Thomas Lucas, or that he was at least a signatory to the decision to adopt the Act.\(^{83}\) Abenhall, Flaxley and Mitcheldean also consulted him, but a direct connection between him and their use of Gilbert’s Act has yet to be established.\(^{84}\) More visible and pertinent, however, local magistrates, particularly Rev. Charles Sandiford, Rev. Charles Crawley, Joseph Pyrke and Maynard Colchester, were highly instrumental in the process. In all cases, the impetus to adopt Gilbert's Act was a move to obtain or refit a local workhouse.

At Awre, a committee under the leadership of the vicar and magistrate, Rev. Sandiford was charged with ‘investigating the general state of the poor and other matters affecting the interests of the parish.’\(^{85}\) In January 1822, it recommended establishing a workhouse, but only after Lucas was consulted was Gilbert’s Act mooted and endorsed.\(^{86}\) According to one local history, ‘the measures reflected a sharp rise in the number of paupers.’\(^{87}\) While the decision to use indoor provision

\(^{83}\) Whilst he was signatory at the initial public meeting in Newnham in 1815, he was consulted by Awre in 1822. In Littledean he facilitated the move to a point before the vestry became frustrated with him and instead consulted Richard Elmore. GA, Newnham Order Book 1813-1838, 19 October 1815 (P228 VE 2/1); GA, Awre Vestry Minutes, 1770-1846 9 January 1822 & 18 January 1822 (P30a VE 2/1); GA, Littledean Vestry Minutes 1811-1830, such as 7 May 1822, 2 June 1822 (P110/VE/2/1).

\(^{84}\) References are made periodically to the payment of ‘law expenses’ to Lucas in Abenhall. For example, GA, Abenhall Vestry and Annual Parochial Church Meeting Minutes 7 January 1824 (P1/VE/2/1). In the Mitcheldean and Flaxley overseers accounts there are references to payments to Lucas throughout the period. GA Mitcheldean Overseers’ Receipts and Bills 1750-1855 (P220 OV 2/4); GA, Flaxley Overseers Accounts including Occasional Vestry Minutes 1788-1891 (P145 OV 2/1).

\(^{85}\) GA, Awre Vestry Minutes 1770-1846, 4 December 1821 and 9 January 1822 (P30a VE 2/1). Charles Sandiford was held in high esteem according to his obituary. The Gentleman’s Magazine Vol. XCVI Part 1, pp.474-475. For further context see Moir, Local Government in Gloucestershire 1775-1800.

\(^{86}\) GA, Awre Vestry Minutes 1770-1846, 9 January 1822 and 18 January 1822(P30a VE 2/1).

may well have arisen from concerns arising from fiscal expenditure on welfare; there was no specific reason to endorse Gilbert’s Act to establish a parish workhouse. Three miles away, at the small market town of Newnham, also in January 1822, Sandiford’s fellow cleric and magistrate Rev. Charles Crawley and JP Maynard Colchester, signed the vestry book, ‘considering the parish of Newnham aforesaid to be of magnitude sufficient to have a workhouse provided within it for the reception and Employment of the Poor and to adopt the said Act [Gilbert’s Act ]… Do hereby give our approbation and consent to such resolutions pursuant to the directions of the said Act...’ This intervention seems to have been precipitated by the resignation of the guardian of the poor during the previous month. However, there was no necessity per se for these magistrates to ratify the pre-existing Gilbert’s provision.

At Littledean, later in the year, the stimulus to use the Act was again preceded by the decision to create a workhouse. Some frustration was expressed towards the previous conduct of attorney Lucas in the disposal of accommodation used to house the poor and to purchase a new workhouse, and this may account for the fact Richard Elmore, a workhouse governor from Stonehouse, was instead consulted on adopting the framework. However, the decision to utilise the legislation had already been made. Resident magistrate and owner of the Littledean estate, Joseph Pyrke, was created treasurer of the committee to oversee the execution of the work and the

88 The creation of a parochial workhouse was allowed under the provisions of 9 Geo. I C.7 also known as the Workhouse Test Act or Knatchbull’s Act.
89 GA, Newnham Order Book 1813-1838, 21 December 1821, 26 December 1821, 14 January 1822 (P228 VE/ 2/1).
90 Newnham originally adopted Gilbert’s Act in 1815. The guardian, Thomas King, had been in post since the beginning. GA, Newnham Order Book 1813-1838, 19 October 1815, 21 December 1821 (P228 VE 2/1).
91 There was no previous workhouse identified at Littledean but rather ‘lodging houses for the poor.’ GA, Littledean Vestry Minutes 1811-1830, 7 May 1822, 2 June 1822, 12 June 1822, 12 November 1822, 22 November 1822 (P110/VE/2/1); Abstract of Answers and Returns, p.172.
adoption of Gilbert’s Act.\textsuperscript{92} Within three months of Elmore’s contract to farm the poor at Littledean, Flaxley and Abenhall had also agreed with him to provide for their poor using the workhouse at Littledean.\textsuperscript{93} The signatories at the vestry meeting in Flaxley, which decided to adopt Gilbert’s Act included no fewer than three JPs. The participation of these three, Colchester, Rev. Crawley and Sir Thomas Crawley-Boevey, was probably required to guarantee ratepayer compliance in this tiny parish, with a population of only 196.\textsuperscript{94} Given the tight timeframes and creation of a workhouse at Littledean, which was too large for its needs, this had likely been the original plan. Subsequently, Elmore was consulted at Mitcheldean shortly after it ordered a refit of its workhouse, and later Newnham contracted with him to provide for their poor relief.\textsuperscript{95} Most likely, therefore, the local plan of indoor relief under Gilbert’s Act, encouraged by magistrates and potentially facilitated by Lucas, was to use the expertise of Elmore across the six parishes of Littledean, Flaxley, Abenhall, Mitcheldean, Newnham and Awre.

The adoption of Gilbert’s regulation required magisterial endorsement, but the experience in the Forest of Dean also shows that magisterial approval was often needed to get it proposed. The take-up of Gilbert’s Act locally was very late in the timescale of the old poor law, and this can be explained, in part, by the shortage of available local JPs into the early nineteenth century.\textsuperscript{96} By 1822, however, there were

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\textsuperscript{92} GA, Littledean Vestry 1811-1830, 22 November 1822, 8 January 1823, 5 March 1823 (P110/VE/2/1).
\textsuperscript{93} GA, Littledean Vestry 1811-1830, 5 March 1823 (P110/VE/2/1); GA, Abenhall Vestry and Annual Parochial Church Meeting Minutes (P1/VE/2/1); GA, Flaxley Overseers Accounts Including Occasional Vestry Minutes 1788-1891 (P145 OV 2/1).
\textsuperscript{94} Only Colchester was a ratepayer. Whilst Colchester and Crawley featured in a number of vestry meetings in the area Crawley-Bovey did not. GA, Flaxley Overseers Accounts Including Occasional Vestry Minutes 1788-1891, 8 April 1823 (P145 OV 2/1).
\textsuperscript{95} GA, Mitcheldean Vestry Minutes 1822-1830, 23 February 1823, 5 March 1823 (P220 VE 2/4); GA, Newnham Order Book 1813-1838, 1 March 1825 (P228 VE 2/1).
\textsuperscript{96} Moir, \textit{Local Government in Gloucestershire 1775-1800}, p.122.
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a total of five magistrates resident in these six small parishes. Colchester, Crawley-Boevey and Pyrke were also the principal landholders in Littledean, Flaxley, Abenhall and Mitcheldean and their involvement also provided further leverage over the local communities.97 These local elites were small, close-knit and these magisterial families enjoyed cordial relations.98 Rev. Crawley and Sir Crawley Boevey were brothers. This group of magistrates had jurisdiction over an area with an historic reputation of independence, lawlessness and riot.99 Samuel Rudder noted that ‘this country was formerly so intirely [sic] covered with wood, so dark and terrible, and the roads so intricate, from their often crossing each other, that it rendered the inhabitants barbarous.’100 In the scattered settlements of the extra-parochial Forest of Dean areas, the usual controls of local government often did not apply, and residents likely had an even greater disdain for authority. The homes of the resident magistrates had been attacked in the recent past, and it is probable that to this point, the few locally based magistrates had been careful not to invite further trouble.101 By 1822-3, circumstances had changed, and there was a cohesive judicial presence who were facilitating the encroachment of the traditional commoning and mining rights of the Foresters. The authority of the state was thus in the ascendant.102 It allowed magistrates, and indeed vestries’ more latitude to direct welfare policy.

98 H.G. Nicholls, The Personalities of the Forest of Dean (London: John Murray, 1863); Herbert, A History of the County of Gloucester: Vol. V.
100 He also noted, in these observations made in 1779, that the people still ‘boast of their independency.’ Rudder, A New History of Gloucestershire, pp.37-8.
101 According to the Pyrke family in 1863 magistrate Joseph Pyrke Senior had shots fired into his bedroom at Littledean during rioting in 1795. Nicholls, The Personalities of the Forest of Dean, p.67.
The direction chosen was to utilise Gilbert’s Act to provide indoor provision. Section 2.5 demonstrates that once implemented, the provisions of Gilbert’s Act were adapted on the ground. It could be construed that despite consultation with experts and collusion with magistrates, these parishes may have misunderstood what the Act was about, but it is more credible that the framework was intentionally used to exploit particular facets within it. Indeed, local relief administration shows a good deal of 'discretion' in the execution of the law. For example, despite the practice of ‘badging’ the poor (the seventeenth-century legislative requirement that welfare recipients wear a badge on their right shoulder) being banned in 1810, some Forest parishes insisted on continuing its use for many years.103 This discretion, when applied to Gilbert’s Act, does not negate the fact that these parishes identified a need which the provisions of the Act would fulfil. However, it does mean that the ‘impact’ of the legislation needs qualification.

One of the aspects of Gilbert’s Act, which made it attractive was undoubtedly the ability to ‘farm’ workhouse provision. On its adoption Awre, Littledean with Abenhall and Flaxley and Mitcheldean immediately farmed their welfare provision for the first time. It is also conceivable that another facet of the Act, the raising of money may also have been an essential reason for using it. A Gilbert parish was empowered to borrow money on the security of the poor rates to a level equal to the sum of those raised in the previous three years.104 The establishment of a workhouse or a renovation of an existing one was an expensive undertaking and, no doubt a cash

104 It is possible that at Winterbourne, this also provided the motivation as the resolution to adopt the Gilbert’s Act alludes to the fact there was no current workhouse but there were plans to create one. GA, Resolution of Winterbourne Parish to Provide a Workhouse and Adopt the Provisions of Gilbert’s Act 1810 (Q/RW/1).
injection, possibly a large one would have been beneficial. Unfortunately, little of
the associated material which could confirm this supposition has survived.

However, in Littledean a declaration of trust signed by magistrate and treasurer,
Pyrke, reveals that the vestry was ‘lent and advanced’ £300 by Lucas to buy and fit
out a workhouse. It was secured not against the rates but against property, including
accommodation previously used to accommodate the poor.105

To the north of Bristol, in Westbury-on-Trym the link between adoption, workhouse
provision and the benefits of borrowing under the regime were made explicit. After
baulking for years, despite the ‘ruinous’ condition of their previous poor house, in
January 1801 the vestry decided:

That in erecting any new buildings for the use of the poor, the parish should
adopt the provisions of an Act commonly called Gilbert’s Act; whereby they
will be enabled to raise the money in such a manner as to pay off the same by
instalments and by that means lessen the burthen to the present occupiers.106

Two months later, the parish formally adopted the legislation, and preparations for a
new workhouse finally began, five years after the vestry had originally discussed the
idea of creating one.107 Meanwhile, in the Cotswold town of Fairford, it is probable
that the vestry also needed Gilbert’s Act to raise the funds necessary to realise their
ambition to establish a workhouse. In 1794, the parish vestry had resolved to apply

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105 The vestry minutes indicate Lucas provided the monies through a mortgage. GA, Declaration of
Trust 4 July 1822 (D1438/Box/4/9); GA, Littledean Vestry Minutes 1811-1830, 12 June 1822
(P110/VE/2/1).
106 BA, Order Book containing a copy of the Poor House Minutes 1796-1805, 14 January 1801
(P.HTW/OP/2(b)).
107 BA, Minutes and Proceedings Respecting the Establishment of a Workhouse (P.HTW/OP/2a).
to parliament for a private act to create a workhouse.\textsuperscript{108} It was not followed through, but by the end of 1797 Fairford had a workhouse operating under Gilbert’s Act.\textsuperscript{109} The parish was thereby spared the considerable cost of making a private act, taking advantage of what has been described as Gilbert’s Act ‘rate-payers’ do-it-yourself kit.’\textsuperscript{110}

In all these parishes, Gilbert’s Act was attractive, perhaps particularly so to magistrates, because of what it offered regarding the facilitation of workhouse provision. This interest, however, was probably stimulated by particular clauses of the Act, and not its more general requirements. Despite similarities at the outset, the experience of parishes outside the Forest of Dean diverged from those within it. The provision at Westbury remained altruistic, while Littledean (with Abenhall and Flaxley) employed deterrent measures, not just to keep welfare costs under control, but to actively reduce them. It is as well to observe, the magisterial influence over the Littledean Gilbert union endured until the enactment of the New Poor Law. This aspect is examined later.

2.4.5 A Mechanism for Magistrates to Exercise Control

Under Gilbert’s Act provision, JPs were necessary to give approval before local adoption of the legislation could take place. In Gloucestershire, magistrates were also habitually instrumental in precipitating the action. However, in several places, magistrates additionally demonstrated a strong and sustained interest in the administration of poor relief throughout the use of Gilbert’s Act, which went beyond

\textsuperscript{108} GA, Directions for Making a Poor’s rate and Other Matters Relative to the Poor, 1794 (D269B/F19).
\textsuperscript{109} GA, Fairford Overseers Accounts, 1795-1809 (D1070/IX/12).
their traditional role and exceeded even Gilbert’s aspirations. In Cirencester, the
degree was such that the mechanisms Gilbert’s Act provided to exercise or extend
magisterial control are likely to have provided a significant driver to its adoption.
Later, when the provision was no longer fit for purpose, magistrates at Cirencester
instead grasped new legislative frameworks provided by the Sturges Bourne Acts
and particularly the Poor Law Amendment Act with intensity. Thus drawn into
welfare administration, their participation continued for decades.

Adoption of Gilbert’s Act at Cirencester was not preceded by a new commitment to
indoor relief or a financial crisis above those generally felt in the county and
elsewhere arising from the protracted continental war. The workhouse had been in
existence since 1725 without interruption and the new regime, although fully
enacted, was not associated with inward investment to improve workhouse
conditions. Before the move to Gilbert’s Act, magisterial influence in the
administration of the poor law had not been significant, but after that, it appears to
have defined it. For the next decade, several members of the judiciary, at any given
time, carefully observed and directed the administration of the poor in the town.
Conceivably, acquirement of the titles of ‘guardian’ ‘visitor’ or ‘treasurer’ under the
Gilbert Act framework allowed their interventions the guise of legitimacy which
they may not have otherwise enjoyed. However, if the vestry was unhappy with the
new interest or its persistence; it chose not to show it. This acquiescence was
undoubtedly affected by the presence at the vestry of one JP, Joseph Cripps.

Cripps had an erstwhile local reputation for altruism, a government report noted his
Cirencester cloth manufactory was ‘conducted on the humane feeling of giving

See section 3.
employment to the poor, rather than for profit.'

His interest in social policy began early. As a young man, he had attempted to farm the town’s poor. He became a magistrate and an MP, for the borough (1806-1812 and again in 1818-1841), guardian under Gilbert’s Act for many years and the first chair of the Cirencester Poor Law Union. Cripps was vocal on the topic of welfare reform throughout his parliamentary career. He sponsored welfare bills, including new legislation regulating parish apprenticeships that increased magisterial supervision. On behalf of magistrates, he defended against a bill which threatened Speenhamland type subsidies because it “prescribed actual starvation and neither magistrates nor parish officers could enforce it.” He was no doubt supported by his brother, magistrate Edward Cripps, who was guardian over the entire duration of the Gilbert’s Act regime. Other, magistrates taking roles included perpetual town curate and Rev. Henry Pye, who was the visitor of the poor for many years. Indeed, only the very last visitor, Thomas Byrch, cannot be identified to have been a magistrate. He was, however, a notable political supporter of Joseph Cripps; an ally perhaps trusted to execute the administrative plans of others.

113 GA, Cirencester Minutes, 29 April 1791 (P86/1 VE 2/1).
116 GA, Cirencester Vestry Minutes, including 27 April 1810, 30 March 1812, 24 April 1813, 22 April 1814, 14 April 1815, 11 April 1816 (P86/1 VE 2/1). See also GA, Nomina Minstrorum (Q/SN/3). Byrch was visitor of the poor from 1822-1827 cannot be identified as a magistrate. Other magistrates assuming the role of visitor, were Edward Wilbraham who acted as guardian and then visitor; and Robert Bennett Croome. GA, Cirencester Vestry Minutes (P86/1 VE 2/1); D.R. Fisher, The History of Parliament: The House of Commons 1820-1832 Vol II (Cambridge: Cambridge University Press, 2009), pp.405-407. For a list of local magistrates see GA, Nomina Minstrorum 1819 (Q/SN/3).
For Gilbert, the role played by the judiciary was integral to the success of the poor law. Hence within his reform, not only did adoption require magistrates’ consent, but he attempted to draw them more fully into welfare administration. This faith was perhaps unsurprising, they were men of his class onto whose shoulders supervision of poor relief already sat. The alternative presented by overseers was unsatisfactory. As he observed the magistrate ‘is an office of great trust and importance, upon which the well-being of this country, in a great measure, depends.’

At Cirencester, it was realised at their commitment to its adoption and throughout the years of its usage. However, like other Gloucestershire parishes this may not have been in strict accord with the Act itself.

Next, this analysis follows these Gilbert parishes through implementation, and it is clear that different initial objectives subsequently led to radically different outcomes on the ground. Assessing the effects of Gilbert’s Act on the inhabitants of adopting parishes is at least as complex ascertaining the reasons for its initial adoption.

2.5: The Operation of Gilbert’s Act

Unfortunately, the good features of such a Bill in parliament often evaporate with its enactment as a statute, whilst the evil that it does, in its general influence upon public opinion lives after it.

The Webbs argued whatever reform a parish adopted for poor relief provision, it would shortly fizzle out or be corrupted in a real-world setting. More recently, Steven Hindle, similarly reflecting that statutes were often adapted locally on their implementation, wrote an entire book ‘on the assumption that statutory provision was not invariably reflected in, and indeed was frequently modified by social

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119 Gilbert, Plan for the Better Relief and Employment of the Poor, p.27.
practice.' The previous section suggested that parishes adopted Gilbert's Act in Gloucestershire for a variety of different reasons. This section similarly highlights that when the Act was implemented and put into operation, its application was also highly variable, even between geographically adjacent places. In some parishes the operation of the Act could in certain respects be predicted from their original aspirations for it. Elsewhere, however, circumstances dictated otherwise, or aspirations were to change.

The section 2.3 identified 15 parishes which adopted Gilbert’s Act in Gloucestershire. They were: Abenhall, Arlingham, Awre, Cheltenham, Cirencester, Fairford, Flaxley, Littledean, Mitcheldean, Newent, Newland, Newnham, Painswick, Westbury-on-Trym and Winterbourne. In this section, the focus will move to the subsequent operation of the Act in these parishes. The sources utilised are broader than those used in earlier examinations, by historians such as Digby or Shave, who have tended to focus on government recording at a local and national level. Instead, newspapers, pamphlets, trade directories, and even travel guides are examined alongside vestry minutes, overseers’ accounts and central government returns to reconstruct and to nuance the administration of these places under Gilbert’s Act.

Uniquely in an assessment of Gilbert’s Act, this investigation has also included some research into the backgrounds of individual stakeholders in the vestry, where these individuals are significant within the administration of the old poor law.

The parishes examined in this analysis will vary slightly from those considered in 2.4. This is due to the availability and quality of relevant primary sources. In Awre

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for example, while vestry minutes elaborate relatively expansively on the take-up of Gilbert’s Act, later references to its administration are almost entirely absent. For this reason, the parish will not feature within this analysis. By contrast, the neighbouring parish of Mitcheldean is highlighted in more detail due to its expansive recording of poor law administration post the adoption of Gilbert’s Act. Newland, also in the Forest of Dean area, will be considered briefly as source material exists only in the form of one contract. A lack of any vestry minutes and insufficiency otherwise explains the reason why the Cotswold town of Fairford will not be assessed. However, the operation of Gilbert’s Act in another Cotswold town, Painswick, will be examined in this section, after its absence from 2.4. Thus, the progression from adoption to operation is not observed in every parish. However, the implications of the inclusion of three parishes and the exclusion of two are unlikely to be significant given the overall number of parishes analysed and the variation in practice noted.

Given the variability of surviving records it is also not possible to analyse the same thing in all cases, but the evidence can be used to highlight a range of different things. The sources have therefore been mined for what they can reveal about the implementation of Gilbert’s Act in the various parishes which applied it. This section does not attempt to describe the entirety of relief practice on the ground but focuses primarily on notable points of compliance and divergence, illuminated by the material.

While parishes are categorised into subgroups depending on how they implemented Gilbert’s Act, there remains considerable variation within them. This classification

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122 This is because its use of the legislation was so brief.
into subsets has been informed solely by the material found, and no attempt has been made to shape the evidence into pre-defined thematic, even considering the classifications previously given to adoption reasons. The text is necessarily descriptive in its analysis.

The two following sub-sections look at parishes where its implementation was in line with Gilbert’s Act provisions. The first, 2.5.1, ‘Success of the Propertied Classes’ displays the importance the political classes, particularly magistrates, had in the implementation of Gilbert’s Act. The second, 2.5.2, ‘Better Care to the Vulnerable’ shows how altruistic Gilbert’s regime could be in implementation. The final sub-sections highlight parishes where implementation diverged from the Act. 2.5.3, ‘Deterrence’ demonstrates how the legislation could be distorted, with the collaboration of magistrates, in operation to embrace a deterrence approach to welfare. In these Forest of Dean parishes (Abenhall, Flaxley and Littledean) Gilbert’s Act had been promoted to provide a workhouse. Finally, 2.5.4, ‘Local Adaption’ displays how the operation of the legislation could alternatively be moulded around the local vestry’s needs and ethos and not Gilbert’s Act provisions. The parishes examined include Mitcheldean; a Forest parish where adoption had been promoted by magistrates pushing indoor relief (and who later supported a deterrent regime). However, the vestry had, instead, adjusted their poor relief administration to fit parochial need.
The popular Regency town of Cheltenham adopted Gilbert’s Act with gusto, fully utilising its provisions and very quickly successfully achieved its local objective of cutting its considerable poor-law debt. This was achieved with the support of local elites and magistrates who were prepared to participate fully at vestry meetings.

In 1813, the Cheltenham Chronicle reported on its front page that hundreds of people had attended a vestry meeting to discuss the success of the regime. There were, however, a few dissenting voices ‘who came with a view to abolish this excellent system and replace things on the same footing as formerly the consequences of which, it was most evident, would be fatal to the parish.’ As the tone of the reporting suggests, these dissenters were admonished. When one speaker suggested he could achieve further savings if allowed to farm the poor, the condemnation from the assembly was palpable:

We were rejoiced at the spirit which immediately manifested itself in no small number of the most respectable characters in the town, - FARM THE POOR! FARM THE POOR! Echoed from several quarters, “No! could the parish save 1000l. per ann. [sic] By so disgraceful a plan, it shall never meet with our support…we will never permit the unfortunate poor of Cheltenham to be leased or farmed, to any character whatever.”

This lengthy article dwelt not merely on the positive cost benefits of the regime, but also its promotion of industry while maintaining the poor in a ‘very comfortable manner’. ‘It was very earnestly requested by Captain Gray [the outgoing visitor of the poor] and the gentlemen of the parish present, that every person would go to the poor house and see the condition in which it was now kept as they were sure it must be highly gratifying.’124

The management of the poor was ostensibly subject to the oversight of gentlemen who embodied the ethos of Gilbert’s original aspiration of fiscal restraint within a ‘benevolent’ system which encouraged higher standards of morality amongst the poor. While the annual Easter vestry, where officials were selected and improvements discussed, attracted great attention, the day-to-day administration of welfare fell to the guardian and visitor of the poor, but this likewise attracted a few inches of press recording. The system was a source of civic pride which along with the continued reporting of the Cheltenham Chronicle no doubt helped to perpetuate interest locally in welfare across the three decades of the Gilbert regime.125 The guardian also seems to have facilitated this by publishing his annual statements of expenditure and income, which also invited favourable comment.126 Even the governor of the workhouse, who probably came from more lowly origins seemed to

124 Cheltenham Chronicle, Thursday 22 April 1813.
125 The tory Cheltenham Chronicle established in 1809 was generally ‘conspicuous for its zeal and impartiality’. Its support of the regime was visible not just in its reporting but in correspondence to the paper and books published under the Chronicle’s banner. See for example Cheltenham Chronicle, Thursday 6 May 1813; A New Guide to Cheltenham and its Environ (Cheltenham: John Lee, 1837), p.219; I.K. Griffiths, A General Cheltenham Guide (Cheltenham: The Chronicle, 1818), p.124-5. See also Gloucester Journal, Saturday 27 February 1841.
126 There are surviving statements at Gloucestershire archives for years ending 1815, 1817-1822 and 1832. GA, Cheltenham Printed Annual Accounts of the Guardian of the Poor (P78/1 VE 2/4); Cheltenham Chronicle, Thursday 13 May 1813.
have enjoyed a good reputation. In 1835, Assistant Poor-Law Commissioner Robert Weale had no problem identifying the town’s administration with Gilbert’s Act, a contrast to parishes in the Forest of Dean which had to convince him of their affiliation with it.

In keeping with the legislation, the workhouse had no able-bodied inmates and instead they received outdoor relief. The institution was described as ‘well managed’, as was the school where the workhouse children were educated. The population of Cheltenham was, in fact, larger than the other Gilbert parishes in the Forest of Dean or at Painswick. Its workhouse population was consequently also larger, accommodating between 40 and 104 inmates in the period 1815 and 1832.

It also had the added benefit of being a purpose-built workhouse rather than an adapted residential building. Although the printed rules of the institution do not survive, given the strict adherence to the legislation in other respects, it is most likely Gilbert’s own rules were respected. The poor inmates of the house were expected to work. The profits were used to partially offset the cost of their care. As was the case with Gilbert’s regimes at Cirencester and Westbury-on-Trym, inmates were paid gratuities for this labour, which included making mops and heading pins.

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127 On his death in 1828, his death notice in the local paper was placed alongside that of gentry and aristocracy and warranted a few lines of appreciative text. The text observed he discharged his duties for many years ‘in the most exemplary manner.’ *Cheltenham Chronicle*, Thursday 14 May 1828.

128 TNA, Correspondence with Westbury-on-Severn Poor Law Union 1835-1842, 7 September 1835, 23 September 1835 (MH12/4236); TNA, Correspondence with Cheltenham Union 1834-1838, 15 October 1835 (MH12/3912).


130 GA, Cheltenham Printed Annual Accounts of the Guardian of the Poor (P78/1 VE 2/4).

131 GA, Cheltenham Printed Annual Accounts of the Guardian of the Poor (P78/1 VE 2/4).
The administration at Cheltenham, directed as Thomas Gilbert had intended, was nonetheless atypical in the zeal which accompanied its implementation. For example, the post of governor of the workhouse was decided by ‘election’ in 1828 after the death of a ‘most respected’ former incumbent, Nicholas Cook. The *Cheltenham Chronicle* published the election pledges of the candidates on its front page and followed it a few weeks later with a letter from the successful appointee which gave his ‘sincere thanks’ to those who supported him.\(^ {132}\) The same consideration applied to the yearly nomination of the visitor of the poor and the guardian. The names put forward for the posts were decided at a public vestry held every Easter and the successful incumbent selected by magistrates.\(^ {133}\) At times, these appointments were signed off by no fewer than four magistrates rather than the pre-requisite two.\(^ {134}\) It was then subject to a report and comment by the *Cheltenham Chronicle*.\(^ {135}\)

The widespread interest in welfare at Cheltenham continued throughout the life of the regime. It meant that occasionally issues were highlighted which may, in other circumstances, have been dealt with out of the public eye. At all times, the magistrates were keen to perpetuate the belief that this was an effective regime and in this they remained keenly supported by the *Cheltenham Chronicle*. Allegations in 1828 about the distribution of ‘unwholesome bread’ were reported in the press but found to have no foundation by magistrates who instead praised the guardian of the

\(^ {132}\) By December 1828 he had resigned and there was another vestry meeting. This time four names were submitted to the magistrates to decide. *Cheltenham Chronicle*, Thursday 28 February 1828, Thursday 20 March 1828; Thursday 25 December 1828.

\(^ {133}\) *GA*, Cheltenham Vestry Minutes, 1794-1822 (P78/1 VE 2/2).

\(^ {134}\) For example, *GA*, Cheltenham Vestry Minutes, 1794-1822, 26 March 1822 (P78/1 VE 2/2).

\(^ {135}\) For example, *Cheltenham Chronicle*, Thursday 6 May 1813, Thursday 14 April 1814, Thursday 10 April 1828, Thursday 7 April 1831 Thursday 26 April 1832.
poor and notified the complainant he was deceived. In 1829 accusations again surfaced after the suicide of an able-bodied pauper but were again rejected. A month later, no less than eight magistrates vouched for the conduct of the guardian, which led the vestry, albeit at a bitterly contested meeting, to rule against most of their own appointed committee which had found that he had acted fraudulently in his post. Both Cheltenham newspapers carried coverage and appealed for forbearance and calm. The *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette* noted the behaviour of the two hundred attendees thus: ‘we are sorry to say was not characterised by the interchange of friendly feeling which ought to exist in the town of Cheltenham.’

This close oversight and public focus helped to ensure that the poor law was administered relatively efficiently, and that public morality was encouraged. For example, an Irishman, whose wife was receiving medical attention on the parish, was witnessed expressing his intent to abandon her. Brought to the attention of the visitor, he was ordered into custody. On the same day he was seen by magistrates:

and by way of saving the parish from unnecessary burdens, and to encourage a laudable desire in the prisoner to provide for his own family, and practice the habits of industry, he was sentenced to a month’s training and education at the treadmill in the House of Correction.

The issues of bastardy and settlement identified as a problem necessitated heavy use of parish constables and the custody facilities of the watch-house. In 1828 the

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136 *Cheltenham Chronicle*, Thursday 31 January 1829, Thursday 7 February 1829.  
137 *Cheltenham Chronicle*, Thursday 21 May 1829.  
138 *GA*, Cheltenham Vestry Minutes, 1822-1858, undated April 1829 (P78/1 VE 2/3).  
139 *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, Monday 22 June 1829.  
140 *Cheltenham Chronicle*, Thursday 5 February 1829.
Cheltenham Chronicle recorded that several defaulters of bastardy pay were committed to prison.\textsuperscript{141} Bastardy payments and fines were a helpful way to offset the cost of welfare while encouraging the acceptable behaviours expected both within the propertied and labouring classes by a town sensitive to promoting itself to ‘polite’ society.

Despite embracing Gilbert’s Act so wholeheartedly, from 1820 Cheltenham vestry used it in conjunction with the Sturges Bourne Acts and thereby an ‘Assistant Overseer’ was employed to collect in the rates.\textsuperscript{142} The partial use of the Sturges Bourne framework, which provided an alternative method to Gilbert’s Act, demonstrates how poor-law provision could be adapted on the ground. It is an interesting development for several reasons. There was, and remains, an erroneous belief that the legislation could not be adopted at the same time as Gilbert’s Act.\textsuperscript{143} Painswick, for example, clearly adopted one act and then the other, without the implementation of the first impinging on the second.\textsuperscript{144} Cheltenham’s use of the Sturges Bourne Act is all the more surprising given it was otherwise compliant to Gilbert’s Act. However, the collection of poor rates was locally problematic, and the guardian was not empowered under the Gilbert provisions to undertake the function.\textsuperscript{145} The appointment of an assistant overseer who could be, therefore, was

\textsuperscript{141} Cheltenham Chronicle, Thursday 17 January 1828.
\textsuperscript{142} The Sturges Bourne Acts were first used in 1820 but suspended between 1825 and 1827. The selection of the assistant overseer was also reported by the Chronicle. For example, Cheltenham Chronicle, Thursday 10 May 1827, 17 May 1827 GA, Cheltenham Vestry Minutes 1794-1822, 15 June 1820, 22 June 1820, 14 June 1821, 13 December 1821 (P78/1 VE 2/2); GA, Cheltenham Vestry Minutes 1822-1858, 18 August 1825, 1 September 1825, 22 September 1825, 10 May 1827 (P78/1 VE 2/3).
\textsuperscript{144} GA, Painswick Vestry Minutes 1817-1827, 31 March 1823 (P244 VE 2/17).
\textsuperscript{145} 22 Geo. III C.83. Clause VII.
highly attractive. The role of this post-holder consequently did not impact upon the activities of the guardian, who under Gilbert’s framework would have received rate money from the overseers. It merely added an extra layer of bureaucracy. However, it does evidence the fact that even where there was compliance with Gilbert’s Act, the regime could still be adjusted to suit the local circumstances.

In the last days of the old poor law, the town remained proud of its Gilbert regime. In 1834 hundreds of votes were still being cast in the annual selection of parish officers. The *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette* stated the system existed in ‘such perfection’ it ‘must inevitably silence all objections.’ While other towns did not dwell on the heady heights of their administrative perfection under Gilbert’s Act, the regime was still embraced and fully utilised in other places. One such location was the town of Newent.

Newent, located close to the border with Worcestershire and Herefordshire, was then a town of several thousand inhabitants. Emulating Cheltenham, it had pretensions to be an elegant spa and even drew some favourable comparisons with its more illustrious Gloucestershire compatriot. The motivation to adopt Gilbert’s Act at Newent had come not from a desire to cut costs but at the instigation of magistrate John Foley and from the wish to encourage moral behaviours and to treat the deserving poor well. The Gilbert regime in Newent predated that of Cheltenham by

146 In 1826, after the previous assistant overseer was sacked, the vestry specifically considered appointing an additional guardian to collect in rates but realised that under the legislation they couldn’t. *GA, Cheltenham Vestry Minutes, 1822-1858*, 23 November 1826.

147 A total of 539 votes were cast on the selection of the parish surgeon on division. The guardian and visitor to the poor that year had not been subject to a vote as no other names were put forward. *GA, Cheltenham Vestry Minutes, 1822-1858*, Easter Tuesday 1834 (P78/1 VE 2/3).


149 *Pigot’s Directory Gloucester Directory 1822-3*, p.61.
some ten years and, like Cheltenham, it persisted in its use of the Act until the introduction of poor law unions under the Poor Law Amendment Act. The regulatory regime of guardian and visitor were maintained throughout. However whereas, the visitor to the poor changed annually in Cheltenham, in Newent, although re-appointed annually, the post was generally entrusted to Joseph Hankin and later briefly to his son Thomas, of Newent’s Scarr Estate. It may have been due to the deftness with which these men carried out the task, but as the post was unpaid and undoubtedly arduous, the vestry certainly also benefited from their public-spiritedness. Indeed, the visitor and guardian were often commended by the vestry in respectful tones, describing both visitor and guardian as ‘Gentleman.’ Later accounts also credit the regime as ‘successful’ under the Hankins in controlling costs.

Thomas Gilbert was well aware of the critical importance of the oversight provided by visitors whom he hoped would also be a magistrate, or at the very least, a man of ‘credit and consequence’ and ‘a fit and discreet person of good character and considerable property.’ After the legislation’s enactment, Gilbert became especially frustrated at magistrates for their unwillingness to embrace this public service. While the Hankins were not JPs, they were men of consequence within their community. It is likely Hankins senior became a visitor to the poor while the

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150 With a brief interruption Joseph Hankin was visitor (often combined with treasurer) to the poor from at least 1804-1822. Thomas Hankin was visitor in 1832. Joseph Carless was for many years selected as guardian. Jurica, A History of the County of Gloucester: Vol. Xii, p.73; GA, Newent Vestry Minute Book, 1768-1818 (P225 VE 2/1); GA, Newent Vestry Minutes, 1819-1836 (P225 VE 2/2).
151 For example, GA, Newent Vestry Minutes 1768-1818, undated 1804, 1805, 1806, 24 April 1810 (P225 VE 2/1).
153 Gilbert, Plan for the Better Relief and Employment of the Poor, pp.45, 47.
vestry was under the oversight of John Foley, the chair of the county bench. After Hankins was appointed, the vestry went to great lengths to ensure their compliance with poor law legislation, to such an extent that for several years, they felt compelled to annually note the discrepancies between Gilbert’s Act and 54 Geo. III C. 91 concerning the dates required for the appointment of parish officers. During the brief absence of Hankins from his post in 1817, strict observance to Gilbert’s Act auditing practice ceased leading to ‘improper custom.’ The fulfilment of these ‘salutary provisions’ was later reinstated by the vestry, who ordered the guardian to apply penalties on local tradesman who did not comply. In order to further realise their legal obligations concerning parish governance, in 1819 the vestry decided ‘it would render the parish acts more plain and simple if The Treasury Act, The Bastardy Act, The Present Relief Act, The Weekly Pay Act, and The Apprentice Act were kept in separate books’ so they resolved to purchase them. Unsurprisingly resident magistrates, Rev. Richard Onslow, and Thomas Richard, likewise performed their obligations under the legislation and provided support on specific issues when required. They were also physically present at most vestry meetings during the operation of Gilbert’s Act, thus providing constant magisterial oversight. Rev. Onslow, in particular, took his obligations seriously and on his

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155 For a discussion of Foley’s influence on the vestry see 2.3.
156 For example, GA, Newent Vestry Minutes 1819-1836, 13 April 1819, 20 April 1820, 28 March 1822 and continued to be referred to until 21 April 1835 (P225 VE 2/2). See also 22 Geo. III C.83. Clause XIV.
157 GA, Newent Vestry Minutes 1768-1818, 31 March 1817 (P225 VE 2/1); GA, Newent Vestry Minutes 1819-1836, 26 March 1819 (P225 VE 2/2).
158 GA, Newent Vestry Minute Book 1768-1818 (P225 VE 2/1); GA, Newent Vestry Minutes 1819-1836 (P225 VE 2/2). Issues were dealt with by the vestry in collaboration with magistrates, such as on vagrancy 4 April 1820, 5 June 1823.
retirement as vicar in 1832, a subscription in his name was used to provide coals to the poor.\textsuperscript{160}

As in Cheltenham, compliance with Gilbert’s Act was accompanied by attempts to police the community morally. However, the Newent vestry also undertook benevolent actions which engendered the spirit as endorsed in the writings of Gilbert.\textsuperscript{161} Consequently, at times of high food prices in 1810, 1814 and 1830 they acted to subsidise foodstuffs and provide provisions to the poor.\textsuperscript{162} In 1810, to directly counter shopkeeper profiteering, Hankins brought flour to sell to the poor at market price. The vestry gave him thanks and asked him to continue, promising to underwrite any losses out of the rates.\textsuperscript{163} As these shopkeepers were ratepayers themselves, the needs of the wider community were put ahead of the financial aspirations of a few local businesses. It was perhaps also a subtle underscoring that the power lay with the magisterial classes and not small businesses. Thomas Gilbert was suspicious of overseers. These parish officers were primarily drawn from the ranks of farmers and shopkeepers. Gilbert, instead, sought to mitigate their influence by bringing local elites into welfare administration.\textsuperscript{164} However, it is unlikely the experience in Newent of drawing the propertied classes into the management of poor relief was merely down to Gilbert’s direct influence. Instead, it was evidence of a

\textsuperscript{160} Onslow signed his ‘cordial concurrence’ of vestry proceedings in retrospect if illness prevented his attendance \textit{GA, Newent Vestry Minutes 1819-1836}, 30 March 1829, 29 August 1830, 22 December 1830, 4 April 1831, (P225 VE 2/2).

\textsuperscript{161} This included the perusal of fathers of illegitimate children which as at Cheltenham was also used to offset

\textsuperscript{162} \textit{GA, Newent Vestry Minutes 1768-1818}, 17 June 1810, 23 January 1814, (P225 VE 2/1); \textit{GA, Newent Vestry Minutes 1819-1836}, 10 January 1830 (P225 VE 2/2).

\textsuperscript{163} \textit{GA, Newent Vestry Minutes 1768-1818}, 17 June 1810 (P225 VE 2/1).

\textsuperscript{164} In a pamphlet written to promote his legislation he had stated ‘it is to be lamented that the persons generally appointed to that office are so unequal to the trust.’ In this Gilbert reflected the feelings of many magistrates. This is discussed further in section 1.6. Gilbert, \textit{Plan for the Better Relief and Employment of the Poor}, p.9.
paternalistic mindset locally, which for many years had framed their response to poverty.\textsuperscript{165} It also helps explain why Newent was possibly the longest Gilbert’s Act adoptee in Gloucestershire and why they did not alter any of the Act’s provisions. In its operation of Gilbert’s Act, the town embodied both Gilbert’s concerns for the moral policing of the poor and for a regime where both budgetary responsibility and humanitarianism were finely balanced. Rooted in Foley’s aspirations for magistrates and welfare it had informed their adoption of the legislation. It was achieved with the support of local elites and magistrates who were prepared to participate fully at vestry meetings. The vestry, possibly as a consequence, remained mindful of its legislative responsibilities.

At the Cotswold market town of Cirencester, Gilbert’s Act was adopted to allow magistrates exercise more power over the administration of welfare. In consequence, JPs were more in evidence in the day-to-day running of poor relief in the town than in any other Gilbert parish in Gloucestershire, and possibly under any regime anywhere in the county. No fewer than five magistrates were present at the public meeting which endorsed the Act.\textsuperscript{166} Several were usually present at vestry meetings, and all but one visitor to the poor was a magistrate.\textsuperscript{167} Magistrates also took on the role of guardian and treasurer. Preeminent amongst these was the Cirencester MP, businessman philanthropist and sometimes chair of the Gloucestershire bench, Joseph Cripps. He was a vocal and active parliamentarian with a keen interest in social policy. He drew on his experience as an active

\textsuperscript{165} See 2.4.2.

\textsuperscript{166} These magistrates were: Joseph Cripps, Henry Pye, Richard Selfe, Edward Wilbraham and William Lawrence. GA, Cirencester Vestry Minutes, 27 April 1810 (P86/1 VE 2/1).

\textsuperscript{167} Henry Pye was visitor 1810-1818, William Wilbraham 1819-20 and Robert Croome 1820-20. Thomas Byrch visitor of the poor from 1822-1827 cannot be identified as a magistrate. All three are listed as JPs in 1819. GA, Cirencester Vestry Minutes, (P86/1 VE 2/1); GA, Nomina Minstrorum, 1819 (Q/SN/3).
magistrate in his parliamentary work and sponsored legislation which increased magisterial power over aspects of social policy. He was ‘hands-on’ throughout the regime at vestry meetings and as treasurer from 1810, despite many other commitments.

It is perhaps unsurprising that this level of magisterial influence should have outcomes in the town’s governance. It was particularly noteworthy in the vast amounts spent on legal expenses, which in 1815 equated to 20% of the money spent by them on relief. In context, this was over 6% of the county total for legal expenses that year whereas the town overall only spent 2.5% of the county total on relief. In 1781, Gilbert observed workhouses ‘have succeeded very well, in places where they have been duly attended by Gentlemen respectable in their neighbourhood.’ Although ‘respectable’ men were drawn into the governance of welfare in the town, the provisions of Gilbert’s Act were still adapted, and from 1812 the management of the poor was delegated to a governor of the poor, William Chamberlain. Thus the function of the magistrate ‘guardians’ was likely to have been more supervisory rather than operational. A further alteration was made in 1818 when Chamberlain was appointed as a salaried overseer to collect in the rates. Three magistrates witnessed this order despite its ambiguous legal basis.

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169 In 1815, Cirencester spent £2,513 on poor relief and £506 on legal expenses. The county totals were £135, 579 and £8, 176. Abridgement of Abstract of Answers and Returns, pp.146-7.

170 Gilbert, Plan for the Better Relief and Employment of the Poor, p.3.

171 Two magistrates Thomas Masters and Edward Wilbraham were acting as guardians, and fellow magistrate Henry Pye was visitor to the poor. GA, Cirencester Vestry Minutes, 15 May 1811 (P86/1 VE 2/1).

172 GA, Cirencester Vestry Minutes, 17 April 1818 (P86/1 VE 2/1).
Indeed in 1827-8, Gilbert’s Act was quietly dropped, and an assistant overseer nominated. It is likely that the vestry was thereby adopting the Sturges Bourne Acts, but this was not made explicit. The relevant vestry order was signed off by two magistrates, but it was in their capacity as vestrymen and not as JPs. The usual pre-requisites in adopting the Sturges Bourne Acts, including a vote by ratepayers, were not observed. The close involvement of magistrates did not, therefore, always ensure adherence to the provisions of the law.

Significantly, this section has shown that a considerable magisterial influence was often brought to bear both strategically and operationally at a parish level under Gilbert’s Act. This power, when exercised, was much more extensive than historians have previously acknowledged but its exercise was highly variable depending on the context of the individual parish. This offers a challenge to the traditional historiographic analysis of the role of magistrates within the implementation and operation of poor relief, which either described their role in a line or two by way of background or focussed on specific areas, such as when disputes occurred. It also transcends the somewhat vague statements sometimes applied. Anthony Brundage, for example, noting, ‘oversight by magistrates was by no means negligible’ and Steven King suggesting magisterial activity in this

173 These were Henry Pye, Joseph and Edward Cripps.
174 The magistrates present were Joseph Cripps and William Lawrence. GA, Cirencester Vestry Minutes, 20 June 1828 (P86/1 VE 2/1).
regard had a regional component without providing evidence. In the context of Gloucestershire, Esther Moir’s study of magistrates and the local government 1775-1800 suggested local JPs provided supervision of poor relief only within the context of the quarter sessions in cases of dispute or uncertainty. These views are not borne out either in the above discussion or in the parishes of Littledean, Abenhall and Flaxley discussed shortly.

Further, in the case of Cheltenham, Newent and Cirencester magisterial interventions appear to have been welcomed by the vestries, even within the context of the 1820s and 1830s, when writers have often highlighted division between them. The experience in these places also undermines the assumption that magistrate influence always ran counter to the fiscal economies put in place by vestries. Whether these expressions were fostered here because of their application of Gilbert’s Act is problematic, but the Act put mechanisms in place which if applied helped to facilitate these outcomes. The parishes investigated were not markedly economically or demographically aligned, but united by the fact they had access to magistrates and people of the ‘better sort’ who were willing to engage with the provision of poor relief. Notably, all three towns were the location of a petty sessions. The actions of these JPs, for the most part, was independent of the quarter sessions; instead, these men were operating autonomously or with colleagues from the petty sessions and crucially within the vestry itself. Perhaps this helps to

179 For example, the population of these parishes at the point of their adoption of Gilbert’s Act was Cirencester 15,562, Cheltenham 12,098 and Newent 8,487. At other parishes where there was magisterial intervention but where implementation was adapted had a tendency, in Gloucestershire at least, to have tiny populations. For example, Newnham 1,012, Littledean 807 and Flaxley 196.
explain why historians have previously missed the breath of these interventions and might also suggest that concentrating wholly on areas outside of vestries has hamstrung perceptions of the level of magisterial influence for generations. Despite primarily utilising the provisions of Gilbert’s Act, under the observation of magistrates, these parishes were still able to apply small adaptions to suit their circumstances.

Experience at Westbury-on-Trym, examined next, suggests that regimes which generally utilised the provisions of the Act were not necessarily welcoming of magisterial input.

2.5.2 Better Care to the Vulnerable? Westbury-on-Trym

An agricultural community only four miles from the city of Bristol, Westbury-on-Trym had particular economic problems. The wealth of Bristol acted as a magnet for inward migration, but the city itself employed strict measures to manage the inflow of people. On its periphery, Westbury had to confront the results of this amongst the poor. Consequently, the parish had to provide relief for to up to three times as many who did not have legal settlement, compared with those who did. 181 Despite these pressures, traditionally according to Dorothy Marshall ‘as far as its own parishioners’ were concerned their treatment was ‘generous and sympathetic; it represents, possibly the best that a parish could do.’ 182 The vestry in Westbury had been keen to use the financial powers of Gilbert’s Act to facilitate the provision of

indoor relief, and in its early preparations to create a workhouse had been
fastidious. The parish administration continued in the same meticulous way during
its operation and, in most respects, the regime aligned itself with the provisions of
the legislation. The vestry also appeared to embody Gilbert’s ‘great objects…to
make better provisions for the poor, at much less expense to the parishes.’

The new workhouse, the only purpose-built Gilbert’s Act institution in the county,
did not receive its first inmates until 27 August 1804. It was four years after the
building of a workhouse was agreed and eight years after it had first been
considered. This can be partly attributed to the fact the Westbury authorities did
not baulk at the cost or time investment required to provide a quality building with
excellent furnishings. In these arrangements the vestry was influenced by the
example set by the parish of Boldre in the New Forest. There, its local promoter the
Reverend William Gilpin had written a pamphlet published in 1796 trumpeting its
success, that was subsequently commented on within the vestry recording at
Westbury. Although seeking to emulate Boldre’s workhouse which was designed
to facilitate ‘airiness’ and the health of inmates. Westbury parish went further and
spent four times as much on building and fitting its workhouse. This was despite the

183 This is exemplified in their provisions issue book, which depicts the weighted daily consumption
of individual foodstuffs and other provisions at the workhouse. BA, Provision Issue Book, 1804-1815
(P/HTW/OP2(f)).
184 T. Gilbert, Observations on the Bills for Amending and Rendering More Effectual the Laws Relative
to Houses of Correction: For the Better Relief and Employment of the Poor: and for Amending and
Rendering More Effectual the Laws Relative to Rogues, Vagabonds, Beggars, and Other Idle and
185 While the Cheltenham workhouse was planned to the vestry’s specification, this took place
before they adopted the Gilbert legislation. BA, Westbury-on-Trym Order Book, 1 May 1805
(P.HTW/OP/2(b)).
186 J. Walter, T. Robbins & W. Gilpin, An Account of a New Poor House Erected in the Parish of Boldre
(London: Philanthropic Reform, 1796).
fact that both workhouses accommodated a comparable number of inmates.  The Cheltenham built a larger institution a little later but at a cost of over £1,000 less. The emphasis at Westbury was on quality and value for money. It was unlike many institutions elsewhere which were planned and delivered at the lowest possible cost and in the quickest possible time. For example, in ordering the furnishings, the committee directed the bedsteads to be made of iron. The number, width and length of the beds was considered, and a detailed order produced. The attention also extended to the mattresses. These were to be made of horsehair and not the usual flock [wool refuse] or straw, which would have been cheaper. The vestry also specified the amount of hair and the size of the mattresses and then physically examined them before authorising their use. Over £160 was spent on mattresses and bedding alone. A further £111 expended on ironwork which included the bedsteads, grates and fenders. Although comparisons are difficult, the expenditure was certainly significant. Twenty years later, an entire workhouse was budgeted to be created in the Littledean for £300. Substantial sums were also spent on the rest of the furniture, furnishings and household items. It included £3 for a dial clock, £6 on cutlery and £2 on ‘towelling’, which may have referred to table-napkins

187 It is interesting to note that at Boldre, the workhouse was only reckoned to have cost £800 while Westbury paid £3587. Boldre accommodated between 29 and 40 inmates a comparable number of residents to Westbury. Westbury’s workhouse population was noted in their provisions book. Gilpin, An Account of a New Poor House Erected in the Parish of Boldre, pp. 3,5; BA, Westbury-on-Trym Provision Issue Book, 1804-1815 (P/HTW/OP2(f)); BA, Westbury-on-Trym Order Book, 1 May 1805 (P.HTW/OP/2(b)).

188 Cheltenham vestry paid £2578. In 1819 the workhouse at Cheltenham housed 75 inmates in the year ending 1819 while Westbury’s held up to 42. Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws (London: House of Commons Parliamentary Papers, 1834), Appendix B Part 2, p.206; G.M. Hart, A History of Cheltenham (Oxford: Leices

189 BA, Westbury-on-Trym Minutes and Proceedings, 2 March, 8 May 1804 (P.HTW/OP/2(a)).

190 BA, Westbury-on-Trym Order Book, 1 May 1805 (P.HTW/OP/2(b)).

191 GA, Declaration of Trust 4 July 1822 D1438/Box/4/9; Littledean Vestry Minutes 1811-1830 P110/VE/2/1.
or cloth used at mealtimes. Throughout its life, the workhouse and its furnishings were further repaired and maintained.

Outside the new Westbury structure, the attention and expense continued. The building stood in several acres. On its completion, it was enclosed by a boundary wall. A paved courtyard was added along with a well, stabling, pigsties and a wash house. Over £50 was also spent on setting up the land as a productive ‘kitchen’ garden. The ground was well prepared. Large amounts of topsoil and dung [20 loads] had been brought in, and the ground dug over. It was fenced and areas sectioned. ‘Roots, plants and seeds’ together with a ton of seed potatoes purchased. Pots, wheelbarrows and tools were also supplied.192

This attention to detail was to pay dividends for the material comfort of workhouse inmates but also the parish purse. For example, the house was often self-sufficient in vegetables adding fresh produce into the diet of inmates which was often missing in dietaries in other institutions. In many years the excess was sold, offsetting some of the cost of provisions.193 Even in its first year, the garden yielded 99 sacks of potatoes 3000 cabbages and various winter greens valued at almost £40. 194 The garden was also home to pigs that were fattened and sold at market.

The success of the Boldre workhouse was, in part, enabled by an orderly regime and the ‘kind and friendly’ manner of its master and his wife. At Westbury, this was duplicated under the auspices of John Player, who acted as governor for the entire duration of the workhouse before 1834. Player and his wife were praised for looking

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192 BA, Westbury-on-Trym Order Book, 1 May 1805 (P.HTW/OP/2(b)).
193 BA, Westbury-on-Trym Receipt and Expenditure Book 1818-1835 (P.HTW/OP/1 (g)).
194 BA, Westbury-on-Trym Order Book, 1 May 1805 (P.HTW/OP/2(b)).
after their charges with ‘becoming humanity’ and with reforming them to a ‘set of orderly people.’ This was entirely commensurate with Thomas Gilbert’s aspiration of encouraging moral behaviours in the poor. It was also something the vestry appreciated in their staff often commending them for their ‘indefatigable exertions’ and rewarding their efforts with a financial bonus. On Player’s death, the press called him ‘much respected by all who knew him’ and noted his longstanding employment ‘the duties of which station he has faithfully and honestly served.’

While it is difficult to assess the nature of the regime, what evidence remains suggests some leniency and benevolence on behalf of Player. In 1805, an inmate, John Hughes, was ordered in front of magistrates after becoming ‘much intoxicated’ and ‘much abusing the master and mistress’ on returning to the workhouse after ‘errands.’ Two weeks earlier he had also lost his beer and tobacco allowance through disorderly conduct, similarly after performing errands. After that, no pauper was allowed to leave the workhouse without permission from the guardian or visitor. Possibly Player had been too forgiving or soft.

The liberal regime at Westbury is probably best exemplified from the evidence available about the workhouse diet. Records of the provisions consumed there suggest that food at the workhouse was ample and at times even excessive. For example, on Christmas Day 1808, each inmate was reckoned to have consumed above 1lb beef and over 2 pints of beer. At other Gilbert’s Act workhouses, meat was generally confined to two or three times a week, but at Westbury, it was usually eaten every day. Inmates also had a daily ration of sugar, butter, milk and tea. These

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195 Report dated Easter 1806. BA, Westbury-on-Trym Order Book (P.HTW/OP/2 (b)).
196 For example, BA, Westbury-on-Trym Order Book, 7 May 1805 (P.HTW/OP/2(b)).
197 Cheltenham Chronicle, Thursday 28 January 1828.
198 BA, Westbury-on-Trym Minutes and Proceedings (P.HTW/OP/2(a)).
items were probably not restricted to the sick considering the quantities consumed and the small number of inmates.\textsuperscript{199} By contrast, they were heavily rationed or even absent in other Gloucestershire Gilbert institutions at the time.\textsuperscript{200} Variability in the weight of provisions consumed, despite mostly static numbers of inmates, implies that strict rationing was not observed here. Frederick Eden described the meals of poor labourers generally in the south of England during the late 1790s as consisting of ‘dry bread and cheese from week’s end to week’s end.’\textsuperscript{201} By the vestry’s return to \textit{Rural Querries}, the diet of local labouring families was ‘wretched’ in 1834 and consisted of bread, cheese, bacon, potatoes, and home-grown produce.\textsuperscript{202} By contrast, the food served in the workhouse was well in excess of both. The diet has led one local historian to state ‘it would, paradoxically, have been possible for someone to die of obesity in the workhouse.’\textsuperscript{203}

Despite this largesse in the supply of provisions, the Westbury workhouse administration was still evidently able to strictly control expenditure. Two years after the workhouse had opened, the parish reckoned it had saved over £1,600 in the costs of their poor relief. The savings the visitor noted ‘are nearly trebled to that of the Boldre Poor House and perhaps cannot be paralleled in any parish in the kingdom.’\textsuperscript{204} In its first few years, Westbury undoubtedly benefited merely by the

\textsuperscript{199} \textit{BA}, Provision Issue Book, 1804-1815 (P/HTW/OP2(f)).
\textsuperscript{200} At Cirencester, meat was only served twice a week. Inmates did not have allowances for sugar, butter or tea. Milk was provided to the sick or infants only on order of the apothecary. \textit{GA}, Draft Agreement for Maintaining the Poor in Cirencester Workhouse (D1070/I/43).
\textsuperscript{202} \textit{Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws} (London: House of Commons Parliamentary Papers, 1834), Appendix B.1 Part 2, p.206
\textsuperscript{204} \textit{BA}, Westbury-on-Trym Order Book, 1 May 1805 (P.HTW/OP/2(b)).
physical presence of a workhouse. As Eden observed, ‘the way in which these workhouses, on their first establishment, effected a reduction in parochial expenditure was by deterring the poor in making applications for relief.’

However, costs at Westbury were held down in the long-term. In the year ending 1815, even amid war, total expenditure on relief was £1072 compared with £1045 for 1803. The use of pauper labour partly offset expenditure here. The large garden also meant that the house was at times self-sufficient in vegetables. The administration was also assisted by the fact that those who took the role of guardian did so gratis. In Cheltenham, for example, the guardians commanded salaries of up to £150 per annum. Even in 1832 an advert, ironically for the sale of the estate of Sir Lippincott deceased (a former guardian to the poor) saw fit to mention that ‘being situated in the parish of Westbury-on-Trym the poor rates are remarkably low.’

The ability to control expenditure and the poor rates did not lead to limiting the needs of the poor in the eyes of the vestry, even in circumstances when cuts were required, or a relief recipient was undeserving. As the visitor to the poor noted in 1834 ‘great attention’ was paid to the circumstances of the poor, ‘but relief from absolute want cannot be withheld from the undeserving.’ In 1820 after a cost-

206 Note figures quoted in 1803 are for Westbury, Shirehampton and Stoke Bishop tythings which were subsequently listed together under Westbury. Abstract of Answers and Returns, p.178; Abridgement of Abstract of Answers and Returns, p.150.
207 BA, Westbury-on-Trym Receipt and Expenditure Book 1818-1835 (P.HTW/OP/1 (g)).
208 GA, Cheltenham Printed Annual Accounts of the Guardian of the Poor (P78/1 VE 2/4).
209 Bristol Mirror, Saturday 23 June 1832.
cutting exercise at the workhouse the visitor reported a ‘considerable saving’ had been achieved ‘without at all abridging the real comforts of the poor.’

It is possible that as part of a programme of fiscal restraint or as a happy by-product of ensuring only the impotent were maintained in the workhouse, workhouse numbers were also kept down, thereby saving money. Inmate numbers at Westbury rarely fluctuated to any significant degree until the latter stages of the Napoleonic Wars caused numbers to climb more steeply. Even then, it was not to the levels experienced elsewhere. At Westbury, there were usually around 30 inmates, which during the war rose to over 40. After that, numbers returned to pre-war levels. At all times, numbers remained well below capacity. Given the detailed planning of the workhouse, which included a census of existing paupers appropriate to a Gilbert’s Act institution, it is unlikely the vestry built a premise disproportionate to its needs. Instead, enquiries were made into the circumstances of each person seeking relief and, as Thomas Gilbert had hoped, such information was taken into consideration, and the most appropriate were offered provision in the workhouse. Consequently, not all the vulnerable were accommodated within the workhouse, and many received out-relief. In 1822, able-bodied families were ordered to vacate parish owned cottages in order to make way for the aged who may otherwise have required support. The accommodation was then provided to them rent-free. Others in receipt of relief were also offered the housing, but a proportion of their parish pay was deducted. Outdoor relief was also provided in other ways, including medical care.

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211 BA, Westbury-on-Trym Order Book, 20 June 1820 (P.HTW/OP/2(b)).
212 BA, Westbury-on-Trym Order Book (P.HTW/OP/2 (b)).
213 Gilbert, Plan for the Better Relief and Employment of the Poor, pp.8-9.
214 These finding replicates Shave’s experience in Wessex. For example, Shave, ‘Poor Law Reform and Policy’, p.109; Shave, Pauper Policies, pp.81-2, 88.
215 BA, Westbury-on-Trym Order Book, 9 August 1822 (P.HTW/OP/2 (b)).
The cumulative result was that in the Westbury workhouse, there were always more beds to inmates, and thus unlike other workhouses, there was no necessity to share beds.\textsuperscript{216} It may have benefited the individual paupers within the institution as there was the potential of maintaining personal space, but given the lack of a full inventory and specification for the workhouse, a nuanced understanding of its internal arrangements can only be conjecture.

A Gilbert Act workhouse was intended to accommodate ‘none but the aged, infirm and impotent who are not able to maintain themselves by their labour.’ Nonetheless, paupers were ‘to be employed in doing as much work as they can.’\textsuperscript{217} While, for the most part, the circumstances of individual inmates are not noted at Westbury, its yearly reports provide their names and ages, and this shows that sometimes adults under 60 were resident. It is likely, however, that there were appropriate reasons for this. Reports also refer to those who died during the year and the amounts earned by each inmate. The inmates worked irrespective of age, but work was tempered to their ability. For example, John Hughes aged 87 earned 12 shillings for his work in the year ending 1826. Conversely, Ellen Woodruffe and Mary Jones both under 60 earned nothing that year, presumably because they were not physically able to.\textsuperscript{218} The deaths of working-age adults in the workhouse also imply that they were there because they were sick and unable to work.\textsuperscript{219}

\textsuperscript{216} The parish had purchased 52 bedsteads over half of which were doubles. Numbers in the workhouse do not appear to have exceeded 42. BA, Westbury-on-Trym Order Book, 11 November 1803 (P.HTW/OP/2 (b)). See also yearly reports.
\textsuperscript{217} Gilbert, \textit{Plan for the Better Relief and Employment of the Poor}, p.7.
\textsuperscript{218} BA, Westbury-on-Trym Order Book, 26 August 1826 (P.HTW/OP/2 (b)).
\textsuperscript{219} For example, in 1829, two deaths of inmates aged 33 and 27 were noted. BA, Westbury-on-Trym Order Book, 7 August 1829 (P.HTW/OP/2 (b)). There is an exception in the case of long-term resident Catherine Joyner who was both working age and able to work. Any conclusions in respect to her are again supposition, but she may have had a mental illness or learning disability which while
The care of the young is difficult to evaluate. The children had to work and, like adults, were rewarded with money proportionate to the value of their labour. It included the young, such as Elizabeth Pyle aged five who earned a nominal amount in 1830. The parish also provided apprenticeships but did not appear to have made any provision for education within the workhouse per se, although the children probably did attend Sunday school, as they did at Boldre. The educational provision was indeed not as developed nor considered as vital as it was in some other Gilbert’s Act workhouses such as at Cheltenham. However, it should be noted that there were no provisions in the Act itself to provide education.

Assessments about the treatment of paupers outside the workhouse are also difficult to gauge. Surprisingly perhaps, it was one aspect where provisions at Westbury diverged from Gilbert’s Act, as it was never part of the regime in Westbury to provide relief to the able-bodied in employment. This facet of the legislation was deeply contentious as it had allowed the making up of wages to subsistence levels. Later commentators have blamed this for providing a basis in law for the development of the Speenhamland system and the vast increases in the relief burden. The administration at Westbury asserted in 1834 that they had never used it ‘being considered unsound and impolitic.’ By this point in time, incursions by

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220 BA, Westbury-on-Trym Order Book (P.HTW/OP/2 (b)).
221 BA, Westbury-on-Trym Order Book, 6 August 1830 (P.HTW/OP/2 (b)).
222 In Alverstoke children within the workhouse, both boys and girls attended a local school. Education was ‘an important aspect of life within the workhouse and was regarded as an investment for the future.’ S. Shave, ‘The Welfare of the vulnerable in the late eighteenth and early nineteenth centuries: Gilbert’s Act of 1782’, History in Focus, 14 (2008), www.history.ac.uk/ihr/focus/welfare/articles/shaves.html [accessed 1 December 2014].
224 Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws (London: House of Commons Parliamentary Papers, 1834), Appendix B Part 4, p.206.
magistrates were generally becoming resented, although still welcomed in many of Gloucestershire’s Gilbert parishes, and developments such as the Speenhamland system associated with their involvement. While Thomas Gilbert had sought to improve governance by bringing in more magisterial oversight to bear into poor law administration, at Westbury at the closing of the old poor law, the visitor and guardians tried to distance themselves from their influence. Instead, they noted ‘the magistrates have had the good sense to forbear the interfering with the strict but just and legal arrangements of the Visitor and Guardians of the Poor, who have attentively and fearlessly done their duty.’

In the 1960s, the historian M.S. Moss declared that the regime was so good ‘even today it would be unlikely for an old person in a geriatric ward to receive such good treatment.’ While this is probably something of an exaggeration, the administration at Westbury workhouse, was generous in the context of the time. Although not observing a strict fiscal restraint as such, the administration was nonetheless successful in keeping the poor rates down, perhaps managing to square Thomas Gilbert’s conflicting aims of better relief to the poor and delivering economies through an efficient organisation. However, even here, the regime diverged slightly from the Gilbert Act legislation by not allowing the making-up of wages to subsistence levels. In other parishes, however, the provisions of the Act were twisted almost out of recognition.

\footnote{Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws, p.206.}
\footnote{Moss, ‘The Building of, and Subsequent Running of Westbury-on-Trym Workhouse’, p.172.}
2.5.3 Deterrence: Littledean, Abenhall & Flaxley

*The establishment is conducted under the 22 Geo. Or Gilberts Act in consequence of the Rules and Regulations for the Management of the House being taken from the schedule of that Act. But there is no union under that Act nor are any of its provisions in use.*

In late 1822 the populous village of Littledean in the rich coal and iron ore region of Gloucestershire on the Welsh border adopted Gilbert’s Act. Early the following year, the nearby communities of Abenhall and Flaxley entered into a contractual arrangement with the Littledean vestry for the use of their workhouse, and separately with their ‘farmer’ of the poor, Richard Elmore, to provide their parish poor relief.

The same regime was applied to the poor of all three settlements. The administration of welfare in this union, while styled as complying with Gilbert’s Act, was designed to curb relief applications by offering help only in the context of a workhouse. In all likelihood, this expression of Gilbert’s Act had been the ultimate aspiration of the local magistrates who had introduced the legislation as a device to provide indoor relief.

Elmore directly facilitated this use of the workhouse as a deterrent. Already an experienced workhouse governor, it is likely he had an established reputation when the Littledean vestry approached him directly with a request to advise them on their adoption of Gilbert’s Act and ‘also respecting taking the poor to farm under the said Act’.

Very quickly, the decision was then made to contract with him to farm their

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227 TNA, Correspondence with Westbury-on-Severn Poor Law Union 1835-1842, 7 September 1835 (MH12/4236).
228 GA, Abenhall Vestry and Annual Parochial Church Meeting Minutes (P1/VE/2/1); GA, Flaxley Overseers Accounts including Occasional Vesty Minutes 1788-1891, 8 April 1823 (P145 OV 2/1); GA, Littledean Vestry Minutes 1811-1830, 22 November 1822, 3 December 1822, 10 December 1822, 5 March 1823 (P110 VE 2/1).
229 Unfortunately, there are no available records for Stonehouse parish to deduce Elmore’s past performance as a workhouse governor or farmer of the poor. GA, Littledean Vestry Minutes 1811-1830, 22 November 1822 (P110 VE 2/1). Elmore went on to farm Leonard Stanley from 1823; Eastington in 1824 and Newnham by 1825. These parishes were not contiguous. GA, Leonard
poor at a cost lower than they had paid for relief seven years previously. As the vestry had, in the preceding few months, tried to cut the relief they paid to many paupers for no stated reason, the implementation of Gilbert’s Act was anticipated to continue a campaign of welfare cuts. It was an aspiration that Elmore delivered. The amount spent on the contract reduced year on year from £240 in 1822/3 to £165 in 1828/9. It is likely to have ensured the longevity of the arrangement, although the relationship was sometimes strained between vestry and contractor.

The arrangements for poor relief in Abenhall, Littledean and Flaxley diverged from the stipulations of the Act in several respects. The smaller parishes paid a flat fee to the Littledean vestry, to rent a part of their workhouse and to Elmore to look after their poor. Under the Gilbert regime costs were required to be shared equitably by parishes entering into a union. Neither Abenhall nor Flaxley nominated a guardian, an essential requirement under Gilbert provision. In practice, all supervisory arrangements, such as the nomination of a visitor of the poor, were left to Littledean vestry to arrange. For all practical purposes, once contracts were

Stanley Vestry Minutes 1819-1890, 25 September 1823 and 4 October 1824 (P201 VE 2/1); GA, Eastington Overseers Accounts 1777-1825, 28 June 1825 (back page), 6 July 1824 (P127 OV 2/2); GA, Newnham Order Book 1813-1838, 1 March 1825 (P228 VE 2/1).

230 The new contract was for £240. According to the poor law returns the parish spent £268 on relief in 1815. GA, Littledean Vestry Minutes 1811-1830, 22 November 1822 (P110 VE 2/1); Abridgement of Abstract of Answers and Returns Relative to Expense and Maintenance of Poor in England and Wales, (London: House of Commons Papers, 1818), p.146.

231 They also stopped paying relief to one mother ‘as Thomas Baldwin will take to the child’. GA, Littledean Vestry Minutes 1811-1830, 3 September 1822 (P110 VE 2/1).

232 GA, Littledean Vestry Minutes 1811-1830, 22 November 1822, 25 March 1828 (P110 VE 2/1). Tensions rose sporadically, for example, in 1823 the vestry wrote to Abenhall and Flaxley as Elmore had declined ‘our terms’ on renewing his contract. However, six days later a new contract was signed extended to 15 months, allowing him to set up a pin manufactory and no longer obliging him to cover the cost of settlement appeals. Tension seems to have built about the payment of medical expenses and his instance not to give outdoor relief. GA, Littledean Vestry Minutes 1811-1830, 24 December 1823, contract dates 31 December 1823 (P110 VE 2/1).

233 Shave likewise found ‘unofficial agreements’ between some parishes surrounding a Gilbert’s Act workhouse. Shave, Pauper Policies, p.70-1.

234 22 Geo. III C.83. Clause XXIV.
agreed, they stepped back from the responsibilities of providing for the poor. This relinquishing of responsibility was also present in the attitude of all three vestries to contract renewal. Under Gilbert’s Act, contracts were subject to annual review by magistrates. However, in 1825 and then again in 1828 the three parishes entered first into a three and then a five-year agreement with Elmore, albeit with the cognisance and approval of magistrates.235

Gilbert anticipated that local magistrates would be drawn into the management of the poor law on the implementation of his Act.236 The signatories at the adoption of Gilbert’s Act in Flaxley included three magistrates, Maynard Colchester, Rev. Charles Crawley, and his brother, Sir Thomas Crawley-Boevey.237 However, after Gilbert’s Act was endorsed and initial arrangements made, direct magisterial involvement, beyond the examination of overseers’ accounts, only persisted in Littledean, under Joseph Pyrke.238 The affairs of these JPs were intimately connected. Between them, Pyrke, Colchester and Crawley administered the proceedings of the petty sessions at nearby Newnham, making extensive use of the House of Correction at Littledean while they did so.239 In 1822 Crawley was also

235 GA, Littledean Vestry Minutes 1811-1830, 23 March 1825, 25 March 1828 (P110 VE 2/1). See also 22 Geo. III C. 83, Clause II.
237 Only Colchester was a ratepayer. Whilst Colchester and Crawley featured in a number of vestry meetings in the area Crawley-Boevey did so only rarely. GA, Flaxley Overseers Accounts Including Occasional Vestry Minutes 1788-1891, 8 April 1823 (P145 OV 2/1). See also Herbert, A History of the County of Gloucester: Vol. V, pp.138-150.
238 The only exception to this was after its adoption of Gilbert’s Act every few years, Thomas Crawley-Boevey attended the yearly selection of overseer at Flaxley. GA, Flaxley Overseers Accounts Including Occasional Vestry Minutes 1788-1891, 25 March 1828 (P145 OV 2/1).
239 GA, Memorandum of Convictions, 1828-1834 (For example, Q/PC/2/48/A1-2,11,13-117; Q/PC/2/48/B3-4, 7,17; Q/PC/2/49/C8-10; Q/PC/2/50/A1, 3; Q/PC/2/52/A8-9,11-15; Q/PC/2/52/C31-39; Q/PC/2/54/A62-64). See also GA, Littledean House of Correction Day Book (Q/GLI/3/1) which lists those committed and discharge by which magistrate.
both visiting magistrate and briefly chaplain to the House of Correction.\textsuperscript{240} At Littledean, itself, Colchester was Lord of the Manor, Pyrke had a substantial estate and Crawley-Boevey had significant financial interests.\textsuperscript{241} All three were ‘verderers’, appointed for life to administer ‘forest law’ within the Forest of Dean.\textsuperscript{242} Pyrke was well-known by the vestries and inhabitants of all three places. The Pyrke family monument in Abenhall church boldly reminded the local populous the family had been “in the neighbourhood since the Conquest.”\textsuperscript{243} It is probable, given the well-ordered arrangements between the three parishes, the details were pre-negotiated between these fellow magistrates, and they left Pyrke to supervise them. His oversight of the arrangements continued throughout the Gilbert’s Act provision and helped to reinforce the strict regime applied. For example, he ordered the commitment of inmates to the nearby gaol for up to three weeks for derelictions of the workhouse rules.\textsuperscript{244} From 1828, he was designated as a ‘visiting magistrate’ to Littledean workhouse on behalf of the union.\textsuperscript{245} Two years later, he became a guardian when all three parishes were absorbed into the new Westbury Poor Law Union. Any deviation from the provisions of Gilbert’s Act on the ground would have had the acquiescence of at least Pyrke as a magistrate.

\textsuperscript{240} J.R.S. Whitting, \textit{A House of Correction} (Gloucester: Alan Sutton, 1979), p.92; See also GA, Littledean House of Correction Day Book (Q/GLI/3/1).
\textsuperscript{241} Herbert, \textit{A History of the County of Gloucester}: Vol. V, pp.163-4.
\textsuperscript{242} There were only four serving verderers at any one point. The other serving verderer during the 1820s was Sir Berkeley William Guise whose estate lay outside of the immediate vicinity of the Gilbert adoptees within the area. \textit{Gentleman’s Magazine} 1873 Vol. X, pp.439-443; J. Burke, \textit{Dictionary of the Landed Gentry of Great Britain and Ireland} Vol. II (London: Henry Colborn, 1847), p.1089; H.G. Nicholls, \textit{Personalities of the Forest of Dean} (London: John Murray, 1863), pp.25, 39, 67.
\textsuperscript{243} Moir, \textit{Local Government in Gloucestershire 1775-1800}, p.48.
\textsuperscript{244} Examples include 3 December 1825, 18 January 1826 GA, Day Book (Q/GLI 3/1).
\textsuperscript{245} GA, Littledean Vestry Minutes 1811-1830, contract with Elmore dated 7 May 1828 (P110 VE 2/1). See also TNA, Correspondence with Westbury-on-Severn Poor Law Union 1835-1842, 7 September 1835 (MH12/4236).
The most significant point of divergence to the provisions of Gilbert’s Act was that the Littledean workhouse was not used to provide care exclusively to the vulnerable but everyone given relief.\(^{246}\) This would have been an anathema to Thomas Gilbert and forbidden in the text which declared ‘no person shall be sent to such poorhouse, except such as are become indigent by old age, sickness or infirmities, and are unable to acquire a maintenance by their labour.’ \(^{247}\) There were specific reasons for this. Gilbert believed the mixing of different ‘classes’ of pauper would mean they would become ‘very ill-accommodated.’ Explicitly, ‘the clamorous and orderly always make confusion; disturb the peace and quiet of the infirm, and generally procure the best provisions.’ \(^{248}\) The Littledean union was in no way the only Gilbert union to believe that admitting other classes of inmate was in any way in opposition to the Act. At Bedworth Gilbert Union, in Leicestershire, the visitor on being questioned about the presence of an able-bodied family in the workhouse, ‘avows and vindicates this practice as consistent, in his opinion with the terms of the Act.’ \(^{249}\) The critical caveat was ‘in his opinion.’

This interpretation aligned perfectly with an eighteenth-century model, promoted by the Workhouse Test Act 1723 (7 Geo. II C.7), whereby the workhouse provided the only parish relief available to the poor. The benefit endorsed was ‘the ideas which they excited in the poor spurred on many to labour for a livelihood’ and so

\(^{246}\) GA, Littledean Vestry Minutes 1811-1830, contract dated 10 December 1822 (P110 VE 2/1). It was replicated within the contract signed with Abenhall. GA, Abenhall Vestry and Annual Parochial Church Minutes, 5 March 1823 (P1 VE 2/1).

\(^{247}\) 22 Geo. III C.83. Clause XXIX.

\(^{248}\) T. Gilbert, *Plan for the Better Relief and Employment of the Poor; For Enforcing and Amending the Laws Respecting the Houses of Correction and Vagrants; And for Improving the Police of this Country* (London: G. Wilkie, 1781), p.7.

\(^{249}\) *Accounts and Papers of the House of Commons* Vol. 45 (London: House of Commons Papers, 1843), p.43; Admission of the able-bodied into Gilbert’s Act workhouses has also been observed by researchers, for example, Wells, ‘Poor Law Reform in the Rural South East,’ p.88.
discouraged them from seeking assistance from the parish. In the closing years of the old poor law, the use of workhouses as part of a deterrent regime again gained some traction as a concept, not least inspired by the work of magistrate John Thomas Becher. In Nottinghamshire, Becher made use of Gilbert’s Act to incorporate 49 parishes into the Thurgarton Gilbert Union and then exploited the provisions of the Workhouse Test Act to apply a deterrence regime. Coincidentally, it was in the same year that Littledean adopted Gilbert’s Act. However, while the use of both acts was noted at the time in connection to Thurgarton, this was not in itself deemed problematic. It was only later that the Webbs used this example to depict the failure of Gilbert’s Act, particularly how its provisions could easily be ‘perverted.’ Becher did not directly influence the Littledean Union - his experiment was publicised later. However, changing societal attitudes to poverty and the workhouse were shaping the perceptions of the elites on the ground across the country, and with it their local responses to Gilbert’s Act. As such, Littledean and Thurgarton were symptomatic of a general trend towards using workhouses as part of a deterrent regime in the closing years of the old poor law, much in response to this shifting context.

There were specific local circumstances why deterrence was acutely attractive in this locale. In particular, areas adjoining all three settlements formed the extra-parochial

255 The most prominent example of a deterrent workhouse in Gloucester was in Uley. Its promoter was local magistrate J.H. Lloyd Baker. It is possible Pyrke and Lloyd Baker knew each other, but any connection between the administrations of Littledean or Uley is likewise problematic. Webb, English Local Government: English Poor Law History, pp.254-260.
Forest of Dean which were outside the control of standard parish governance.\textsuperscript{256} The population of this area was rapidly expanding.\textsuperscript{257} It bought further pressures to bear as it necessitated the support of the poor who were not legally entitled to relief under conventional settlement arrangements. The Littledean overseer, James Rene, reported to a parliamentary commission ‘that his parish relieved many Foresters who were not parishioners; if they are in want, they fall to the nearest parish and they consider themselves bound to relieve them.’\textsuperscript{258} If relief in this cluster were made particularly unattractive, many Foresters would look elsewhere. However, this is not a full explanation in itself as Westbury was also forced to relieve large numbers of people from outside the parish but was able to provide a more altruistic response. Instead, local forest circumstances were more complicated. It is most likely the deterrent regime used was part of a response by local magistrates, especially Pyrke, Colchester and Crawley-Boevey, upon whom forest law was also invested, to manage and marginalise the traditionally rebellious forest population. This, again, highlights the significant role of JPs. Throughout the 1810s and 1820s, there was considerable encroachment upon the independence and traditional rights of the Foresters over the resources of the extra-parochial area by the enclosure of thousands of acres of trees and new tree plantations. At the same time, the legislative power of verderers was strengthened.\textsuperscript{259} All of these magistrates were intimately connected

\textsuperscript{256} Herbert, \textit{A History of the County of Gloucester:} Vol. V, p.169. For a discussion on the extent of this area see pp.300-325.

\textsuperscript{257} Herbert, \textit{A History of the County of Gloucester:} Vol. V, pp.300-25

\textsuperscript{258} The Third Report of the Dean Forest Commissioners to the Lord Commissioners of the Treasury (London: House of Commons Papers 515, 1835), p.28.

\textsuperscript{259} This was underscored by the establishment of churches for the first time from 1816, but it was not until 1844 that the area was brought under full parochial control. C. Hart, \textit{The Verderers and Forest of Dean Laws} (Lydney: Lightmoor Press, 2005), Chapter 6; H.G. Nicholls, \textit{The Forest of Dean: A Historical and Descriptive Account} (1858; repr. Milton Keynes: Dodo Press, 2010), pp.80-105; Nicholls, \textit{The Personalities of the Forest}, pp.25, 39. See also J. Wood, \textit{The Laws of the Dean Forest} (London: H. Sweet, 1878), pp.43-73.
with this process and assumed several different judicial and administrative roles across both the parochial and extra-parochial Forest area. The parishes of Abenhall, Flaxley, Littledean and Mitcheldean were especially sensitive to forest issues as they lay in the hundred of St Briavels. As such their inhabitants enjoyed the same traditional rights as extra-parochial Foresters. While the mineral resources below ground and financial benefits from the Forests and wastes above have not been quantified, it is likely to have been significant given the subsequent backlash. It came in the form of a full-scale riot of thousands of Foresters against the impingement on their traditional liberties in 1831 and probably explained why in Mitcheldean, examined next, the vestry went on the legal offensive against Colchester directly afterwards. The implementation of Gilbert’s Act in this union suggests it could have been an additional mechanism used by these JPs to control the increasing extra-parochial Forest populations on the borders of the three parishes, where their control was most marked. The extra-parochial (and to an extent parochial) Forest populations were hugely independently minded, but economically highly vulnerable. The actions of these magistrates eroded their very ability to survive, while relief (also ostensibly under magisterial supervision) was made abhorrent to them.

The success of the deterrent regime at Littledean, continued into the 1830s, the erosion of the traditional forest way of life along with it. This workhouse’s achievement was vested for a long time in their contractor, Richard Elmore, but his

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260 Crawley-Boevey, Maynard Colchester and Pyrke were both magistrate Verderers. Crawley-Boevey and Colchester were also commissioners directly overseeing the new plantations. They had large landholdings and some control over locally significant industries such as ironworking. Nicholls, The Personalities of the Forest, pp.25, 39.

261 GA, Mitcheldean Vestry Minutes 1830-1852, 18 April 1832, 21 April 1832, 3 August 1832, 21 September, October 1832, 7 December 1832, 4 January 1833, 24 May 1833 (P220 VE 2/5).
tenure was not always secure. Each time his contract was renewed, there were issues which required resolution. These seem to have arisen from his aggressive negotiation tactics with the vestry. However, they appear to have been resolved to their mutual satisfaction. It was undoubtedly because Elmore continued to keep costs down while the vestry ‘provided for him’ a pin manufactory in the workhouse from which he kept all the profits. Indicative of the prevailing attitude to the local poor, the vestry also conceded:

He shall be permitted to send any number of children to the house not exceeding six who has a knowledge of the business, in order to instruct others during the said term provided such children when competent to other situations so as not to remain in the parish of Littledean after they are fourteen.

However, Elmore’s contract was not renewed in 1833 for reasons not immediately clear but may have been related to his increasingly strained relationship with the vestry, in particular with magistrates. The next contract contained a new clause directing the contract holder, James Ross, to ‘obey, perform, fulfil and keep such rules orders and directions as shall or may be made by his Majesty’s Justices’. A slight softening was evident in the issue of outdoor relief to the sick. However, only on receipt of a ‘weekly certificate’ and ratified by ‘the medical gentleman appointed by the said parish and stating that the said party is incapable of being removed to the workhouse’ was it payable. The deterrent regime thus continued through to the

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262 In 1828, his contract was renewed and extended to five years in March 1828 by August he was still refusing to sign his contract over the issue of medical expenses and a request to pay a pauper out relief. The vestry called a public meeting before issues were resolved. 263 GA, Littledean Vestry Minutes 1811-1830, 23 March 1825 (P110 VE 2/1). 264 As contained in the new contract with Abenhall and largely replicated by the contract with Flaxley. Unfortunately, vestry minutes and contracts are not available for Littledean itself after 1830. GA, Flaxley Overseers Accounts Including Occasional Vestry Minutes 1788-1891, (P145 OV 2/1); GA, Abenhall Vestry and Annual Parochial Church Minutes (P1 VE 2/1).
end of the old poor law. It is clear from the communications of Ross and the three
vestries with the Assistant Poor Law Commissioner that those involved in
administering the poor law believed that relief was provided under Gilbert’s Act
until the formation of the new Westbury-on-Severn Poor Law Union.265

The outcome of this ‘Gilbert’ regime could, in some respects, be predicted. Across
the three parishes, the control of poor law expenditure was remarkable and
consequently contracted over the period to 1834 when countywide it was rising
steeply. At Abenhall the amount spent on relief was £278 in 1815, but by 1834 it
was only £159. At Flaxley poor relief was £167 in 1815, reduced to £95 by 1834
and in Littledean itself, on the same basis, it was £261 and ultimately down to
£165.266 Fiscal restraint and sound money management was an essential aspect of
Gilbert’s aspirations for his legislation. However, he did not see them as mutually
exclusive to providing quality care to the vulnerable. The fact that the success
of Littledean workhouse, according to one researcher, ‘probably assisted’ to a reduction
in the population of Flaxley and Littledean between 1821 and 1831 would not have
squared with his more altruistic aspiration. 267

Thus, the organisation of welfare in this part of the Forest did not resemble the
provisions of the legislation which had been implemented. Nevertheless, the
arrangements had the complicity and encouragement of local magistrates. It is not
surprising as the county judiciary were mostly unsupervised, allowing them
autonomy in their administrative as well as their judicial duties. It permitted

265 TNA, Correspondence with Westbury-on-Severn Poor Law Union 1835-1842, 7 September 1835,
23 September 1835 (MH12/4236).
266 Account of Money Expended for Maintenance of Poor in England, 1829-1834 (London: House of
Commons Papers, 1835), p.65; Abridgement of Abstract of Answers and Returns, p.146.
267 E.A. Christmas, ‘Administration of the Poor Law in some Gloucestershire Unions 1815-1847’
magistrates like Pyrke to use their discretion in interpreting legislation, like Gilbert’s Act, and even utilising it as part of an arsenal of measures for enacting social control. It may be no coincidence that the populations of these parishes, where the ethos of the legislation was effectively so perverted, were only a fraction of the size of those of Cheltenham, Newent, and at Cirencester, where magisterial input was associated with regimes which fully complied with the legislation. They were also geographically remote and the vestries thus more susceptible to their direct influence. The 12 poor ratepayers of Flaxley effectively had no choice when magistrates held not merely judicial but economic, societal and, with Charles Crawley holding the curacy, even spiritual power over them. However, the use of the workhouse-test at Littledean was also indicative of a trend towards deterrent regimes and therefore local particulars combined here with a broader shift to reinterpret Gilbert’s Act. The Littledean experience was not unique, and it represented only one aspect in the broad continuum of Gilbert’s Act interpretations. Elsewhere magisterial interventions were more restricted or more opposed.

2.5.4 Local Adaption: Mitcheldean, Newnham & Painswick

_The strictures of statute law...were only one version of poor law and welfare reality._

The small market-town and parish of Mitcheldean bordered Littledean, and likewise, lay on the periphery of the extra-parochial Forest of Dean. The town was in decline, its manufacturing base gone and increasingly bypassed by traffic on the important trade route between Gloucester and Monmouth ‘from the shameful neglect of forest roads.’ Its vestry had ostensibly succumbed to the same magisterial pressure as

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269 H. Skrine, *Two Successive Tours Throughout the Whole of Wales* (London: Elmsley & Bremner, 1798), p.7. See also H. Skrine, *The British Tourist; or Travellers Companion, Through England, Wales,*
Littledean to use Gilbert’s Act in the promotion of workhouse relief. However, unlike its neighbour, it did not adopt Gilbert’s Act and then apply a deterrent regime. While compliant (seemingly) with JPs at the point they adopted the Act, the vestry then consulted with Richard Elmore, the farmer of the poor at Littledean; but instead contracted with a local man. He provided a system which was adapted to fit local needs as defined by the vestry (not local magistrates).²⁷⁰

In some respects, the regime more closely allied with the actual provisions of Gilbert’s Act than the Littledean union. The contract here was reviewed annually and was generally put out to tender, the outcome of which was subject to the approval of magistrates. However, successful bidders seem to have been, for the most part, local tradesmen and not professional or quasi-professional managers of the poor, such as Elmore, which were the preference under the model.²⁷¹ The tender was not always won by the lowest bidder, which resulted on one occasion in approval of a significantly higher one. When the vestry did take its lowest option, as in 1824, additional security was sought as a pre-requisite to concluding the contract.²⁷² When the contractor absconded in 1832, the individual providing the security was obliged to complete it.²⁷³ These arrangements suggest other concerns.

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²⁷⁰ They contracted with Thomas Wheelan or Wheeldon. GA, Mitcheldean Vestry Minutes 1822-1830, 5 March 1823, 17 March 1823 (P220 VE 2/4).
²⁷¹ According to Pigot’s Directory Gloucestershire 1830, Thomas Wheelon contracted in 1823 and 1825 was a shopkeeper; Thomas Merriman hired in 1831, 1833 and 1834 was a baker. GA, Mitcheldean Vestry Minutes 1822-1830, 19 March 1823, 20 April 1831, 26 March 1833, 25 March 1834 (P220 VE 2/4).
²⁷² The lowest bid was not taken in 1825 and 1831 and when the vestry did accept it in 1824 the minutes state William Davies and Nathaniel Williams ‘do agree to become bound in a bond to the churchwardens and overseers of the poor of the parish of Mitcheldean for the due performance of the contract entered into by Charles Smith...’ GA, Mitcheldean Vestry Minutes 1822-1830, 17 March 1824, 29 March 1824, March 1825, 20 April 1831 (P220 VE 2/4).
²⁷³ GA, Mitcheldean Vestry Minutes 1822-1830, 2 November 1832 (P220 VE 2/4).
possibly of a more altruistic nature, were being considered along with the cost. It was undoubtedly challenging since the town had been in economic decline from the 1770s and demand for welfare locally was burgeoning.\textsuperscript{274}

According to the first contract agreed after the parish had adopted Gilbert’s Act, the only support available was in-door relief at the parish workhouse. This is likely to have been a vestige of the magisterial attempt to get the town to fall into line with the Littledean union. Their attempt failed, and outdoor relief continued.\textsuperscript{275} The contractor, Thomas Wheeldon, used other properties belonging to the parish alongside the workhouse, in his capacity as welfare administrator, facilitating much flexibility in the provision provided.\textsuperscript{276} While it is not possible from the records to prove the workhouse was used only for the old, the sick and orphaned children (as stipulated under Gilbert’s Act provisions) given the contractual arrangements and a tiny number of inmates it was probably reserved the vulnerable. Whereas appraising the standard of care within the workhouse is similarly tricky, the consideration given to one albeit atypical pauper, Ann Bailey or Bayley, infers a level of sensitivity at least within its administration. However, her class background may have influenced this.

Ann Bailey had a mental illness, possibly the result of a nervous breakdown. She occupied two rooms in the workhouse from March 1828 or possibly earlier.\textsuperscript{277} The

\textsuperscript{274} Herbert, \textit{A History of the County of Gloucester}: Vol. V, p.189.
\textsuperscript{275} At times, the farmer was reticent to pay outdoor relief and the vestry was obliged to order the contractor to do so. \textit{GA}, Mitchelldean Vestry Minutes 1822-1830, 17 March 1823, 22 December 1823, 2 March 1825 (P220 VE 2/4).
\textsuperscript{276} The use of these properties is difficult to ascertain. They were occupied and described as ‘poor houses’, but the residents were not in receipt of relief. It is probable therefore they were used to provide low rent or rent-free accommodation to households vulnerable to destitution. \textit{GA}, Mitchelldean Vestry Minutes 1822-1830, 21 March 1823, 17 March 1824 (P220 VE 2/4).
\textsuperscript{277} \textit{GA}, Mitchelldean Vestry Minutes 1822-1830, 19 March 1828, 5 April 1829 (P220 VE 2/4).
contractor ‘was not to interfere’ with her and ordered to supply her with coal. An inventory of her goods at the workhouse is extensive and show she was a woman of means. At this stage of her illness, her residency there was by way of safe refuge. However, her health deteriorated at the end of 1829, and she was then locked in a room. She later broke out, was returned to the institution and finally, her behaviour necessitated a commitment to Gloucester Lunatic Asylum. She recovered sufficiently by 1832 for preparations to be made for her return to her home. ‘Her clothes were aired, her house whitewashed, cleaned and warmed through and coal brought.’ However, there was an unspecified “complaint”, and instead, she remained confined to the asylum. Nevertheless, the vestry continued to show an interest in her condition. For example, in 1833, one of the churchwardens was asked to call into the asylum and ascertain how she was.

Despite the town’s economic decline and increasing relief costs, in the early 1820s community cohesion was strong. The town was small with a population of 556 in 1821 and circa 9 in the workhouse and 30 on out relief. Its government overseen by an engaged community of ratepayers whose decisions, overall, suggest a level of assertiveness along with compassion. One local study noted, ‘it is a tribute to the

278 The inventory includes brass candlesticks, looking glass, feather bed, mahogany table, punch bowl among many other items. Inventory dated 13 October 1829 GA, Mitcheldean Vestry Minutes 1822-1830 (P220 VE 2/4).
279 GA, Mitcheldean Overseers Accounts 1790-1828 (P220 OV 2/1); GA, The Poor in Mitcheldean 1660-1834, compiled by B.S. Smith as Tutor of University of Bristol Extra-Mural Class, 1962 (P220 MI4).
280 GA, The Poor in Mitcheldean 1660-1834, compiled by B S Smith as Tutor of University of Bristol Extra-Mural Class, 1962 (P220 MI4).
281 GA, Mitcheldean Vestry Minutes 1830-1852, 26 March 1833 (P220 VE 2/5).
vestry…that they did not shelve their responsibilities.’ 283 For example, in 1829, moved by the ‘present state’ of Thomas Gibbs in gaol at Gloucester, the vestry petitioned the Board of Excise ‘to mitigate the fine levied on him.’284 Then again in 1831, when dissatisfied with the conduct of a contractor, the vestry at first referred the issue to magistrates and then engaged a firm of attorneys.285

The vestry’s confidence was occasionally conflicted. In June 1831, 2000 people rioted in the Forest over several days, causing extensive damage. It was reported, by a Mitcheldean correspondent to the local press some rioters had offered to surrender ‘but the magistrates refused anything like compromise.’ This civil disturbance precipitated a government inquiry to consider the claims of the disgruntled local population at the encroachments on their traditional rights.286 The lord of the manor at Mitcheldean, and local magistrate, Maynard Colchester, was directly associated with these grievances in his capacity as both forest commissioner and verderer. Along with fellow local magistrate, and chair of the bench of Newnham petty sessions, Rev. Charles Crawley, he dealt with rioters during the disturbance. He then tried a number of the resultant cases at the petty sessions.287 Colchester and Crawley were also both on the grand jury and witnesses at the main trial which opened after Crawley had preached a ‘very appropriate’ sermon to fellow JPs attending worship

283 GA, The Poor in Mitcheldean 1660-1834, compiled by B S Smith as Tutor of University of Bristol Extra-Mural Class, 1962 (P220 MI4).
285 GA, Mitcheldean Vestry Minutes 1830-1852, 29 April 1831, (P220 VE 2/5).
286 Hart, The Verderers and Forest of Dean Laws, p.104; Nicholls, The Forest of Dean, pp.104-5; Cheltenham Chronicle, Thursday 16 June 1831; Warwick & Warwickshire Advertiser, Saturday 18 June 1831. Although the Forest riots did not involve machine-breaking, the forest rioters may have been influenced by the Swing riots that had taken place during autumn and winter 1830, certainly, the Forest riots exhibited the same resistance to authority. See C. Griffin, ‘Swing, Swing Redivivus, or Something after Swing?’ International Review of Social History Vol. 54 No. 3 (2009), pp. 459-497.
The actions of both magistrates could be considered at least potentially prejudicial to those committed to trial. It is as well to note, Crawley’s brother was also High Sherriff of the county. Shortly after these circumstances played out, the Mitcheldean vestry, no doubt influenced by the turn of events, ordered a survey of Colchester’s land when ‘discrepancies’ were found in the parish map and measurement of his estate. This act was immediately provocative to him. Perhaps it is no surprise that the episode precipitated internal disagreement at the vestry. Colchester engaged a firm of solicitors to raise a complaint, but the vestry retaliated by engaging their own. Once the parish was measured, and rateable values reassessed, the vestry found great objection to it and decided to disregard the assessment. Only to reverse the decision subsequently. The vestry also took issue with the surveyor’s bills and debated both issues for months. Finally, vestry divisions led to an application by them to the King’s Bench for a final decision. Although divided on this issue, the vestrymen were not cowed by magistrates, such as Colchester, and directed welfare as they saw fit. It was at odds with the experience of other Gilbert adoptees in Gloucestershire including those in the immediate environ where the Act’s take up, and in some cases implementation, also demonstrated the strength of magisterial influence.

In Mitcheldean, the vestry under Gilbert’s Act tried to delicately balance their welfare and community obligations and concerns with providing value for money.

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288 *Cheltenham Chronicle*, Thursday 18 August 1831.
289 GA, Mitcheldean Vestry Minutes 1830-1852, 7 February 1834 (P220 VE 2/5).
290 GA, Mitcheldean Vestry Minutes 1830-1852, 18 April 1832, 21 April 1832, 3 August 1832, 21 September 1832, October 1832, 7 December 1832, 4 January 1833, 24 May 1833 (P220 VE 2/5).
291 The sticking point was churchwarden Duncombe Pyrke and Edwin Bennett overseer. No direct familial link can be established between him and Joseph Pyrke magistrate living in Littledean although Joseph Pyrke did have a son and grandson also called Duncombe Pyrke. GA, Mitcheldean Vestry Minutes 1830-1852, 30 May 1834 (P220 VE 2/5).
Only after relief costs rose significantly did the parish heavily utilise removal orders. Charitable provisions under the management of the vestry partially offset the cost of welfare for the young, which also ensured both education and apprenticeships were well provided.\textsuperscript{292} Apprentices were mostly placed with masters outside the parish boundaries by parish officers mindful of future expenditure.\textsuperscript{293} Mitcheldean’s arrangements broadly aligned with Gilbert's provisions given apprenticeships were encouraged under the legislation. The coordinated use of charity and poor relief were also very much in keeping with his aspirations.\textsuperscript{294} Both, however, are likely to have been the result of practical concerns rather than Gilbert’s work.

Although Thomas Gilbert was circumspect in his writings on the role of vestries, the tenets of the Act, which encouraged the use of paid officials, boards of guardians and more active participation of magistrates, clearly anticipated reduced vestry influence on the operation of the poor law. At Mitcheldean this was not the case during the implementation of Gilbert’s Act. Like magistrates, vestries could choose to apply the provisions of the legislation or not, and any decision was subject to adjustment to better suit their requirements. For example, Mitcheldean initially used ‘guardians’ not to direct poor relief but merely ‘to inspect (when they think proper) into the management of the poor with respect to cleanliness and good order.’ Moreover, the

\textsuperscript{292} Other Gloucestershire Gilbert parishes did not provide for the education of children. For example, Newent with a population four times higher, had no day schools. It was stated in a government report, ‘the poor have not sufficient means of education and are desirous of possessing them.’ \textit{A Digest of Parochial Returns Made to the Select Committee Appointed to Inquire into the Education of the Poor: Session 1818}, Vol. I (London: House of Commons Papers, 1819), pp.304, 323; N.M. Herbert, \textit{A History of the County of Gloucester}: Vol. V (Oxford: Oxford University Press, 1996), p.193; GA, The Poor in Mitcheldean (P220 Mi4).

\textsuperscript{293} GA, The Poor in Mitcheldean (P220 Mi4).

\textsuperscript{294} Gilbert was aware of the benefits of utilising local charity, for example noting in 1781, ‘there are also some cases where particular provisions are wanted to the sick, infirm and diseased poor. I wish to attain the great objects as much as possible, without loading the parishes with too great an expense…I have conceived hopes of drawing a considerable supply for these purposes from the charities.’ Gilbert, \textit{Plan for the Better Relief and Employment of the Poor}, p.10.
vestry did not appoint one paid guardian but rather eight unsalaried vestrymen to the

task.295 Later the title was instead applied to their farmer of the poor. 296 At no
point did they utilise the role of ‘visitor’. Under the legislation, the role of the
guardian was the routine operation of welfare and carried out under the scrutiny of a
visitor to the poor. Since the parish had previously appointed a ‘guardian’ to the
workhouse from 1791-1802 and in 1823 and a ‘guardian’ to inspect cleanliness and
order it is possible the title had no direct relation to the adoption of Gilbert’s Act but
was simply a word popular within local government lexicon. It was certainly not the
only Gloucestershire parish where a ‘guardian’ was used outside the context of
Gilbert’s Act.297

Any resemblance between the provisions of Gilbert’s Act 1782 and welfare
 provision in Mitcheldean may have merely been chance. Its adoption of the
legislation was the result of initial pressure by JPs and on which they were unable to
fully capitalise. As a parish, in implementation if not in adoption, mostly
independent of the judiciary, Mitcheldean was able to direct welfare according to the
wishes of the vestry. Five miles south of Mitcheldean and bordering Littledean, the
town of Newnham also highly adapted the provisions of Gilbert’s Act, but the micro-
political setting was different.

Standing on the River Severn, Newnham had been an ancient borough of some
significance; one of only five Gloucestershire boroughs during the reign of Edward I.

295 GA, Mitcheldean Vestry Minutes 1822-1830, 5 March 1823 (P220 VE 2/4).
296 As time progressed the farmer of the poor was sometimes referred to in the minutes as guardian.
For example, GA, Mitcheldean Vestry Minutes 1822-1830, 2 March 1825, 25 March 1825 (P220 VE
2/4).
297 This included in nearby Westbury on Severn and in Leonard Stanley where Richard Elmore was
contracted to manage the poor. GA, Westbury-on-Severn Churchwardens Minutes but Also
Containing Vestry Minutes, 1748-1837 (P354/ CW 2/2); GA, Leonard Stanley Vestry Minutes, 1819-
1890 (P201 VE 2/1).
However, during the subsequent centuries the parish had ‘lost their charter’. By 1779 river trade had become inconsequential and its market was ‘not much used’. Its inhabitants clung to the vestiges of former times by continuing to elect a mayor and aldermen to the late eighteenth century, although they had no authority. During the time of its implementation of Gilbert’s Act the town was thus much diminished from its former glories. Unlike Mitcheldean, Abenhall, Flaxley and Littledean, it lay outside the St Briavels hundred and its inhabitants did not enjoy traditional rights provided by the forest. The presence of the petty sessions and its geography outside of St Briavels may account for the reason why although a commitment to Gilbert’s Act was made at the same time as other parishes in the Forest, no deterrent regime was required. Gilbert’s Act was, instead, subject to local adaption.

At Newnham, the guardian’s role, initially, was confined to supervising the workhouse and the parish did not appoint a visitor to the poor. The vestry which met monthly ordered out relief and dealt with the administration of pauper apprenticeships, bastardy and settlement issues which otherwise could have been the jurisdiction of guardian and visitor. In 1823, once poor relief was contracted out, the guardian’s role was thereby defunct, and its use dropped. However, the vestry did not relinquish its oversight of welfare and after a brief interlude, persisted in ordering some out relief. It continued through the duration of Gilbert’s Act. Furthermore, the vestry worked with local magistrates on some aspects of welfare provision and seemingly enjoyed a closer and more harmonious relationship with the bench than

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298 Rudder, A New History of Gloucestershire, p.571; The decline continued see Pigot’s Directory Gloucestershire 1842, p.123.
299 Rudder, A New History of Gloucestershire, p.571.
300 For example, GA, Newnham Order Book 1813-1838, 5 April 1826, 3 May 1826 (P228 VE 2/1).
Mitcheldean. It was probably facilitated by the presence of the sessions within the town which was presided over by the Gilbert’s Act supporting JPs, including Rev. Crawley.

One result of the administrative dovetailing of vestry and sessions was the rigour with which Newnham applied its legal prerogatives, from Gilbert’s Act and other legislation, to run a regime of fiscal restraint and regulate the moral conduct of the poor. Magistrates were ready at or in support of the vestry. At one vestry meeting, in November 1816, it ordered attendance of poor families to apprentice the children out to local trades; the overseers to ‘carry Elizabeth Henry to the magistrates at their next meeting that she may be apprenticed out’; a warrant made against the father of an illegitimate child and enquiries into the settlement of two men. Finally, they ordered Esther Coleman's relief stopped, ‘if she cannot maintain herself and family she must come to the workhouse; their reason for doing this [ran the minutes] is that she bears a most infamous character and it is doubtful whether the relief is not misapplied.’

The illusion to Coleman having dependents implies she may not have been a suitable inmate of the workhouse under Gilbert’s regime proper, where access to the workhouse should have been restricted to the old, sick and orphaned children. The threat of the workhouse in Newnham was used in other situations to improve moral behaviours. In one extreme example, the vestry tried to bring a prosecution for bigamy against one pauper woman, Sarah Milwater, and used all means in their power to remove the rest of her family, ‘to prevent her continued notorious profligacy of conduct and imposition on the parish.’ While Thomas Gilbert undoubtedly aspired to encourage certain behaviours through the operation of

301 GA, Newnham Order Book 1813-1838, 5 November 1816 (P228 VE 2/1).
302 GA, Newnham Order Book 1813-1838, 5 June 1821 (P228 VE 2/1).
the poor law that included the ‘reform [of] the dissolute and refractory by punishments well adapted to their offences’, this was using a house of correction. His workhouses were by contrast designed as refuges for the vulnerable.\textsuperscript{303}

Early commentator, George Nicholls argued that as access to a Gilbert administered institution was restricted to the vulnerable, ‘the house is therefore strictly a poor house, and to designate it a workhouse seems a misnomer,’ perceiving that such groups were unlikely to be able to work.\textsuperscript{304} The surviving fragmentary pauper listings for Newnham suggest the majority of those in the local workhouse were women and dependent children.\textsuperscript{305} Assisted by a workhouse population which included able-bodied mothers, there was an expectation, borne out in practice that inmates worked. While the residents at Littledean were engaged in pin manufacture, at Newnham work included spinning, weaving, carding and tanning probably reflecting the economies of their immediate environ.\textsuperscript{306} For Thomas Gilbert, there was no contradiction between utilising workhouse accommodation for the vulnerable (who were no longer able to support themselves within the community) and an expectation that they would work. While the type of inmates at Newnham and Littledean workhouse may not have strictly complied with Gilbert’s Act stipulations, they did at least, fulfil the essential criteria of a ‘workhouse’.

However, Gilbert also demanded that within his system the vulnerable, including children, would be treated humanely. In Newnham, by contrast, the care of children

\textsuperscript{303} Gilbert, \textit{Plan for the Better Relief and Employment of the Poor}, pp.1-5.
\textsuperscript{304} Nicholls, \textit{A History of the English Poor Law}, p.90.
\textsuperscript{305} GA, Newnham (Undated) List of Paupers Including Workhouse Inmates (P228 OV 9/4); GA, Newnham Weekly Quantities of Bread and Bacon and Includes Names of Paupers Entering or leaving the workhouse, 1821-1823 (P228 OV 9/3).
\textsuperscript{306} Newnham Workhouse Ledger, 1815-1821 (P228 OV 9/2); Littledean Vestry Minutes 1811-1830, 24 December 1824, 23 March 1825 (P110/VE 2/1); Herbert, \textit{A History of the County of Gloucester: Vol. V}, pp.166-8.
was, at times, inadequate. There were no stipulations for the education of children under Gilbert’s Act but apprenticeships at an appropriate age, with some protections put in place, were encouraged. In one of his pamphlets Gilbert wrote, ‘it seems to be a duty incumbent on the visitor to be very cautious in the choice of masters for these poor children’, and he added that the arrangements should be ‘inspected’ for the duration of the apprenticeship.\textsuperscript{307} Within the text of Gilbert’s Act itself, the visitor of the poor was responsible for ensuring children were ‘properly treated’.\textsuperscript{308} At Newnham, there was a lack of educational opportunities and pauper children, as could have been expected under the Act, were instead apprenticed out, with magistrate approval. However, this was often done at the minimum legal age. There was also no visitor of the poor to oversee their treatment. Arrangements show a disregard for safeguarding. It is demonstrated in 1821 when magistrates ordered that \textit{anyone} paying rates above a level ‘should have an apprentice put to them.’ It led to the allocation of a relatively large number of pauper children from the workhouse and the community, following a ‘ballot.’ Vestry minutes suggest there was some negotiation with ratepayers in taking apprentices, and some likely took the children under pressure as magistrates could order fines.\textsuperscript{309} One girl, apprenticed at nine, was quickly abused and returned to her family, who were given extra relief for her care. Magistrates intervened applying a fine on the perpetrator. The vestry followed with another stopping short of prosecution due to his remorse but deferred final judgement to the magistrates.\textsuperscript{310} Again the complicity of magistrates failed to ensure Gilbert’s provisions were followed. In this instance, the failsafe placed

\textsuperscript{307} Gilbert, Plan for the Better Relief and Employment of the Poor, p.49.
\textsuperscript{308} 22 Geo. Ill C. 83. Clause XXX.
\textsuperscript{309} Hindle, On the Parish, p.203.
\textsuperscript{310} GA, Newnham Order Book 1813-1838, 21 August 1821, 4 September 1821, 25 October 1821 (P228 VE 2/1).
within the regulations to protect the vulnerable were ignored with unfortunate results.

Thomas Gilbert suggested that parishes with small populations nearby, such as Newnham and Mitcheldean, should form unions, stating ‘where there are a number of small parishes or townships lying near each other, I think uniting them for the purposes of this Act is a mutual advantage.’ He positively encouraged the use of the framework for singular parishes where the parish was ‘large and populous, having upon average not less than eighty or a hundred [sic] persons fit to be sent to the poor house.’ However, the Gilbert’s Act framework was one which parishes opted-into and there was nothing to stop them using it irrespective of their circumstances. The local magistrates, as evidenced by Maynard Colchester’s confrontation with the vestry, did not weld enough power over Mitcheldean’s parish authority to direct any union with Littledean unless the vestry was likeminded. At Newnham, Gilbert’s Act provision pre-dated its adoption elsewhere in the area by several years, and there may have been no identified need, by the vestry or local magistrates, for it to collaborate in a union. The inclusion of these parishes within the Littledean, Abenhall and Flaxley union given their proximity and interest in Gilbert’s Act, would have made sense under the Act’s provisions. Instead, Mitcheldean and Newnham persisted with individualised parochial relief solutions, despite their insistence relief was administered under Gilbert’s Act. There was nothing to prevent

parishes like Mitcheldean and Newnham adapting or ignoring the Act’s mechanisms as they saw fit.\textsuperscript{312}

Despite the discretion which Mitcheldean and Newnham used in respect to their implementation of Gilbert’s Act, it was sufficiently successful for them to continue in its use until the Poor Law Amendment Act of 1834. However, this was not always the case. In Painswick, in the county’s cloth producing area to the east, use of the legislation only persisted, at most, for six years until the parish adopted the Sturges Bourne Act mechanism of a select vestry.\textsuperscript{313} Even within the period of Gilbert’s Act implementation, a commentator has observed the ‘beginnings’ of a select vestry.\textsuperscript{314} It is possible too that the vestry’s self-identification with the provision was also further short-lived. Specific note to the legislation is restricted to its endorsement at a public meeting in 1817.\textsuperscript{315} The effect of Gilbert’s Act was both brief and shallow.

It was the only adoptee in this manufacturing region, an area traditionally prone to cyclical booms and slumps and, by the time of its Gilbert Act adoption in 1817, undergoing tremendous economic pressure from the competition by mills in Yorkshire. The vestry was fighting to control poor law expenditure and in that year struggling to collect in the poor rates.\textsuperscript{316} The mechanisms applied to its organisation of poor law had, since 1741, swung between reliance on a paid official, often called a

\textsuperscript{312} Shave, similarly, has shown how in Wessex enabling legislation, like Gilbert’s Act, ‘could be adapted to suit the challenges faced in particular local contexts.’ Webb, \textit{English Local Government: English Poor Law History}, p.276; Shave, \textit{Pauper Policies}, p.98.

\textsuperscript{313} GA, Painswick Vestry Minutes, 1808-1817 21 August 1817 (P244 VE 2/16); GA, Painswick Vestry Minutes 1817-1827, 31 March 1823 (P244 VE 2/17).


\textsuperscript{315} GA, Painswick Vestry Minutes, 1808-1817 21 August 1817 (P244 VE 2/16); However, the parish persisted in its use of a ‘guardian’ for several years. GA, Painswick Vestry Minutes 1817-1827, 23 March 1818, 25 March 1819, 3 April 1820, 25 March 1822 (P244 VE 2/17).

\textsuperscript{316} GA, Painswick Vestry Minutes 1808-1817, 14 August 1817 (P244 VE 2/16).
general overseer, to unpaid overseers. The use of a salaried officer to dispense poor relief was not new. It is most likely that the Act’s adoption was merely a convenient way of legitimising a method used before. Indeed, as the public meeting at which the legislation was adopted quickly followed a vestry consultation with magistrates ‘on the propriety of appointing a general overseer,’ it was more than likely. It was the only point at which magisterial influence was evident, and it was based solely on the provision of legal advice.

There is no evidence to suggest that after adopting the legislation, there was any significant change of regime excluding the appointment of a guardian. It is pertinent to add that the guardian, appointed throughout Gilbert’s Act in Painswick, was Daniel Spring, who in 1813 and 1814 was employed as a general overseer before poor relief had last reverted back to the control of overseers. There was no visitor to the poor, and although the vestry appointed a treasurer, by the time of the Sturges Bourne’s legislation, Spring oversaw every aspect of poor relief, bar collecting in the rates. He was also responsible for several other parochial duties, some of which like beadle enjoyed an additional salary. Thomas Gilbert was highly critical of poor relief systems which placed excessive power in the hands of individuals without proper oversight. The 1782 Act contained measures to restrict the possibilities of corruption with paid officials who operated under the supervision of a visitor to the poor, as opposed to a system which relied on unpaid overseers who both collected in rates and distributed relief. Painswick relied heavily on its guardian, Spring, and it is likely welfare administered by him was unfettered by interest or control from the

318 GA, Painswick Vestry Minutes, 1808-1817, 14 August 1817 (P244 VE 2/16).
319 GA, Painswick Vestry Minutes, 1808-1817, 19 April 1813, 11 April 1814 (P244 VE 2/16).
320 GA, Painswick Vestry Minutes, 1817-1827, 25 March 1819 (P244 VE 2/17).

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vestry. Perhaps unsurprisingly, significant misappropriation of funds came to light, when the select vestry was installed. Spring eventually paid back almost £400.  

This parish had no interest in or allegiance to the Gilbert’s Act regime. Their adoption of it was purely a practical exercise to endorse a previous model. Consequently, its effect was fleeting and superficial.

At Newland, on the western edge of the extra-parochial Forest of Dean but divorced from the other Gilbert’s Act forest adoptees, the use of Gilbert’s Act was by contrast possibly locally unique. The vestry intended to run the workhouse ‘according to such of the Rules and Regulations of the Act of 22nd Geo 3rd as are hereunto annexed’ but ‘under a select vestry.’ The administration of poor relief was thereby ostensibly organised under both Gilbert’s Act and the Sturges Bourne Acts. Given the lack of any evidence of the explicit adoption of either piece of legislation it maybe magistrates had merely ordered the use of Gilbert’s Act workhouse provisions under the amendment to the Act passed in 1810. As Newland had a summary court, like the Gilbert’s Act parishes of Newnham, Newent, Cirencester, Fairford and Cheltenham, magisterial input into local relief administration is as likely as it was in those parishes. However, a further inference is difficult (despite the similar temporal, economic and societal circumstances with other forest adoptees) because of a dearth of primary evidence and the implementation of

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321 GA, Painswick Vestry Minutes, 1817-1827, 5 February 1824, 4 March 1824, 6 May 1824, 21 October 1824, 11 November 1824 (P244 VE 2/17); GA, Painswick Select Vestry Minutes, 1823-1832, 15 May 1823, 26 May 1823, 9 June 1823 (P244 VE 2/3).

322 Recently, Graham Rawson has found that the West Riding township of Rigston was similarly both part of the Gilbert Union of Carlton and administered under a Sturges Bourne select vestry. GA, Newland Overseers Papers (P227 OV 9/2). G. Rawson, ‘Economies and Strategies of the Northern Rural Poor: The Mitigation of Poverty in a West Riding Township’, *Rural History*, Vol. 28 No. 1 (2017), pp.69-92.

Gilbert’s Act was different to other adoptees and likely influenced by different magistrates.

Reassessments of the old poor law have highlighted its flexibility as an asset to the delivery of relief. In some places, it appears the implementation of Gilbert’s Act was likewise used flexibly. Sometimes this adaption of Gilbert’s Act was with the collusion of magistrates and sometimes without.

2.6 Conclusion

The adoption of Gilbert’s Act in Gloucestershire parishes raises several issues. The use of the Act in this geographical area is unexpected, and the number of adoptees identified remarkable, given the traditional perspectives. Historically, writers have suggested that the creation of unions defined the application of the Act, but in Gloucestershire, it is primarily characterised by single parishes. In each case of adoption, the local decision to use Gilbert’s Act involved a complex mix of elements which acted as drivers. The discussion illustrated that adoption involved much more than either a push for welfare economies through parishes forming unions, or a parochial aspiration to give better relief. However, these no doubt played their part.

324 This has been emphasised by commentators and in several local studies. For example, M. Daunton, Progress and Poverty: An Economic and Social History of Britain 1700-1850 (Oxford: Oxford University Press, 1995); E. Langton, ‘The Geography of Poor Relief in Rural Oxfordshire 1775-1832,’ in Obligation, Entitlement and Dispute under the English Poor Laws, eds. P. Jones & S. King (Cambridge: Cambridge Scholars, 2015); T. Sokoll, ‘Families, Wheat Prices and the Allowance Cycle: Poverty and Poor Relief in the Agricultural Community of Ardleigh 1794-1801,’ in Obligation, Entitlement and Dispute.

325 Digby likewise notes flexibility in some parishes under Gilbert provisions in Norfolk in the final years of the old poor law, including Hindolveston ‘in which the poor house was occupied by homeless families, the governor of the poor house worked as a farm servant of the clergyman, and the poor law guardian and visitor no longer relieved the poor.’ Digby, Pauper Palaces, p.47.
The Gilbert framework was an attractive mechanism to provide a workhouse; it could be used to control costs or offset them, as a means for magistrates to increase their administrative control or to set the direction of policy. Adoptees recognised the legislation could be used flexibly. It may have made its application even more appealing. This was probably enhanced by the 1810 amendment which allowed magistrates to order Gilbert’s Act provisions to be applied or to adapt them should they wish. Parishes could choose several other legislative structures to administer welfare, such as through a private act or (from 1818/19) through the Sturges Bourne Acts. The choice to use Gilbert’s Act instead was a positive decision.

The centrality of magistrates was highlighted throughout the Act’s adoption process, but judicial use and ambitions for it were various. Above all, adoption of Gilbert’s Act provided magistrates with a mechanism to adapt poor law provision, if they saw fit to, in such a way as to preserve or augment their local authority. However, only a minority of JPs chose to use the Act, despite what appears to be early and robust encouragement from the chair of the bench himself, John Foley. Instead, it was the result of a few magistrates using their influence and judgement, no doubt much as they did with their judicial responsibilities.

The implementation of Gilbert’s Act in Gloucestershire did not result in the application of a uniform welfare regime. On one level, this analysis, therefore, confirms recent historiography by demonstrating the inherent flexibility within the old poor law. Except it does more. It emphatically corroborates it since it even applied where parishes adopted the same permissive act on top of the mandatory poor law ‘framework’. This adaption has repercussions for assessments of the take up of permissive acts or local acts pertaining to poor relief. The analysis has shown
that it is inadequate to rely on adoption statistics without also understanding what went on at an operational level. Tangentially the examination of Gloucestershire parishes also demonstrated that other permissive acts, such as the Sturges Bourne Acts, could likewise be adapted. Moreover, several pieces of permissive legislation could be used at the same time.

The one aspect where all the adoptees in Gloucestershire were broadly aligned with Gilbert’s Act was in the diminishment of the role played by overseers. Gilbert had believed overseers, the parish officers responsible for the collection of poor rates and the distribution of relief, were ‘unequal to the trust’ placed within them. He observed a ‘great part of the distress of the poor, and of the profusion of expense, arises from this cause.’\(^{326}\) Under the Act’s provision, their role was reduced to the collection of the rates only. In this respect, Gloucestershire parishes complied, although the distribution of relief was thereafter entrusted to a guardian, governor or farmer of the poor depending on local arrangements.

The Webbs argued whatever reform or ‘recondite purpose’ was applied to a workhouse, it ‘would pass away; and under the direction of the common type of Overseer, Justice of the Peace or apathetic governor or Guardian of the Poor… [the reform] would be given up and the General Mixed Workhouse, with all its horrors of promiscuity, oppression and idleness, would again emerge.’\(^{327}\) Things did not necessarily play out in this way in the Gloucestershire parishes which adopted Gilbert’s Act. The parishes largely professed their allegiance to the legislation over several decades. Of course, their interpretation of it may or may not have been in


line with the provisions. It is unsurprising given the various motivators in play which influenced its application.

Additionally, the inconsistency in the application of Gilbert’s Act in adjacent settlements illustrates that this went down to the individual parish level. It is not enough, therefore, like King to observe a regional level variation in the management of the poor law. Furthermore, Shave’s argument that regional differences in poor relief administration are better characterised by the information exchange between parishes which created ‘islands of parishes dotted throughout England that were providing relief in similar ways’ is also problematic.\textsuperscript{328} The cluster of Newnham, Mitcheldean and Littledean with Abenhall and Flaxley, adopted Gilbert’s Act for the same reasons (and in short succession) probably inspired in part by an exchange of information and yet provision developed differently.

However, the most significant impact of this section is upon our understanding of the operation of the old poor law more generally, and specifically, the role of magistrates. As Peter King has lately observed, in a piece on pauper appeals, ‘recent scholars have paid little attention to the JPs’ role, mentioning it in passing but not evaluating it in detail while at the same time remaining extremely ambivalent about its potential impact.’\textsuperscript{329} Despite magistrates being a potent force in developing Gilbert’s Act, integral in the provisions and its adoption, and implementation in many places, Shave’s study of the legislation (the most recent prior to this thesis) fails explicitly to engage directly with the role of magistrates.\textsuperscript{330} It is perhaps puzzling, too, with the new historiographic strand on the micro-politics of poor relief

\begin{footnotesize}
\begin{enumerate}
\item Shave, \textit{Pauper Policies}, p.250.
\item See Shave, \textit{Pauper Policies}, p.32.
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\end{footnotesize}
that more emphasis or attention should not have been directed to the role of magistrates. However, given the significant weight to the consideration of the poor themselves in recent historiography, a necessary corrective to years of neglect, perhaps it is unsurprising.\footnote{Hindle, On the Parish; L. Hollen Lees, The Solidarities of Strangers: The English Poor Laws and the People, 1700-1948 (Cambridge: Cambridge University Press, 1998); T.Hitchcock (Ed), Chronicling Poverty: The Voices and Strategies of the English Poor, 1640-1840 (Basingstoke: Palgrave Macmillan, 1997).} This section has appropriately considered the role of magistrates and has demonstrated the significant impact they had on the operation of the poor law in Gloucestershire under Gilbert’s Act. It was nonetheless highly variable and individualised. It did not ensure strict compliance with the law, nor did it prove a corrective to abuse. This finding resonates with Peter Dunkley’s assessment, of forty years ago, that under the old poor law, magistrates ‘repeatedly ignored statutes limiting the control of the bench to specific aspects of administration, and private meetings of local magistrates often proceeded without compunction to formulate extra-legal and even illegal policies.’\footnote{P. Dunkley, ‘Paternalism, the Magistracy and Poor Relief in England, 1795-1834’, International Review of Social History, 24 (1979), p.377.} According to Dunkley economic pressures after the 1790s prompted more significant numbers of magistrates to intervene in relief administration and ‘by 1832 the English magistrate was no stranger to the operation of the poor laws.’\footnote{Dunkley, ‘Paternalism, the Magistracy and Poor Relief’, p.381.} However, possibly due to his reliance on central government reports, Dunkley failed to identify the breadth of these interactions. Specifically, their participation at parish vestries and in day to day operation, not merely (as Peter Mandler characterised magisterial input) ‘pronouncements from the Bench…honoured primarily in the breach.’\footnote{P. Mandler, ‘The Making of the New Poor Law Redivius’, Past & Present, Vol. 117 (1987), p.133.} Thus, magistrates such as Charles Crawley could potentially direct parish administration from the vestry, petty session, quarter session, pulpit and even their parlour. It
suggests, therefore, that much further consideration needs to be made to correctly understand the workings of the old poor law and local government more broadly.
Section Three: The End of Gilbert’s Act

We might here enter into a detail of the working of our unions, and state facts upon which is founded our conviction of the superiority in every respect of our unions compared with those constituted under the New Poor Law...Gilbertize the New Poor Law!

The previous section carefully scrutinised the implementation of Gilbert’s Act in Gloucestershire. Its practice was found to be characterised by a diversity of application and in most parishes the strong influence of magistrates in the administration of local welfare was observed. This section also considers Gilbert’s Act within the context of Gloucestershire but focuses on the circumstances which precipitated parishes to decide to discontinue its use. Once again, this experience challenges the current understanding of the implementation of Gilbert’s Act and demonstrates that there was a diversity of experience and practice across England, which makes blanket statements regarding its eventual passing unhelpful. In the context of Gloucestershire, it was the enactment of new legislation, firstly the Sturges Bourne Acts (discussed in 3.1) but notably the Poor Law Amendment Act (examined in 3.2) which heralded the immediate end of Gilbert’s provisions. It was different to parishes and unions elsewhere in England which persisted, sometimes for decades, in its use. It was, once more, resident JPs who hastened a regime change on the ground in Gloucestershire.

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1 Reporting of a public dinner of the Alstonefield and Brassington Gilbert Incorporations, Derby Mercury, Wednesday 12 October 1842.
3.1 The Influence of Sturges Bourne Acts

Several of Gloucestershire’s Gilbert’s Act adoptees later implemented the provisions of another permissive reform, the Sturges Bourne Acts. These Acts were created against the background of a depression which followed the end of the Napoleonic Wars in 1815, after a parliamentary select committee on the operation of the poor laws formed under backbench MP and chair of the Hampshire bench, William Sturges Bourne.²

The Acts according to David Eastwood, ‘sought to remodel administrative practice without challenging the principle of local management or existing assumptions about pauper entitlement.’³ They did, nonetheless, provide mechanisms for parishes to restrict relief, through the appointment of a select vestry and assistant overseer to better regulate relief and mitigate against the effects of rocketing poor rates. Voting rights at the vestry were also weighted according to a ratepayer’s property value with owners of property with the highest values acquiring up to six votes.⁴ The cumulative effect of this restrained and well-judged reform was while it ‘was hardly an administrative revolution… few parishes remained untouched by the legislation of 1818-19.’⁵ The early impact of the legislation was significant, if only by sheer

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⁴ Independent female ratepayers were given voting rights under the legislation, but this has rarely drawn much comment. Exceptions include - C. Rallings & M. Thrasher, *Local Elections in Britain* (London: Routledge, 1997), p.27.
⁵ In some respects, fellow backbencher MPs and poor law reformers, William Sturges Bourne and Thomas Gilbert, were similar figures. Sturges Bourne mirrored Thomas Gilbert’s ability to judge the mood of the country. Both men understood the importance of qualitative data and designed provisions which fit around the pre-existing parochial framework. Sturges Bourne’s interventions have been described ‘the high point of backbenchers’ influence in the shaping of poor law policy’ in much the same way Gilbert best epitomised their influence in the context of the late eighteenth century. Eastwood, ‘Men Morals and the Machinery of Social Legislation’, pp.200; D. Eastwood,
weight of numbers. By 1822, across the country, 2,006 places were reported to be utilising a select vestry, and 1,979 had employed an assistant overseer. In Gloucestershire, the figures were 47 and 54 respectively.⁶

After the Sturges Bourne legislation had been on the statute book for several years, it began to be used by the Gilbert parishes of Painswick, Cirencester and Fairford, in preference to Gilbert’s Act.⁷ It is possible that this came about as the success of restrictive practices encouraged within its framework began to have an impact on local poor rates. Indeed, the potential reduction in expenditure on poor relief has been identified as the prime motivation for its adoption nationwide.⁸ In the Cotswold agricultural area, the town of Tetbury was one of the few parishes outside of Cirencester and Fairford with a workhouse. Tetbury formed a select vestry very quickly after the enactment of the Act on 22 April 1819 (possibly influenced by the presence in the town of MP Thomas Escourt who had helped create the legislation).⁹

Poor relief had cost £2,081 in 1818 but, after that, it contracted and by 1821 had been cut to £1,398. In neighbouring Cirencester, by contrast, the rates continued to

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⁶ The returns do not provide separate figures for those who used both mechanisms and therefore, it is difficult to approximate the overall situation. Samantha Shave discusses other problems with these returns. *Select Committee on Poor Rate Returns 1819-22* (London: House of Commons Parliamentary Papers, 1822), pp.5, 21; S. Shave, *Pauper Policies: Poor Law Practice in England 1780-1850* (Manchester: Manchester University Press, 2017), pp.116-18.

⁷ Unfortunately, the exact date Fairford moved to Sturges Bourne cannot be verified but is likely to have been c. 1821. The town thereafter used an assistant overseer to administer its poor relief. Please see section 2.4. For Fairford, see TNA, Correspondence with Cirencester Poor Law Union 1834-1842, 9 January 1836 (MH12/3980).

⁸ Shave, *Pauper Policies*, p.120.

⁹ Estcourt owned Estcourt House, Tetbury. He was MP for Devizes, where he owned another estate, and was part of the Select Committee into the Poor Laws which Sturges Bourne chaired. He helped Sturges Bourne to write the legislation. GA, Tetbury Overseers Accounts, 1813-1844, 22 April 1819 (P328/a OV 2/3); D.R. Fisher, *The History of Parliament: The House of Commons 1820-1832 Vol V* (Cambridge: Cambridge University Press, 2009), pp.48-54.
climb.\textsuperscript{10} However, as with the adoption of Gilbert’s Act, more generally, there were other influencing factors.

While some of the Sturges Bourne provisions diminished the potential role of magistrates, for instance, by the requirement to have appeals authorised by two rather than one JP, the framework still allowed them substantial leeway to influence the administration of poor relief. Indeed, in some places, magistrates have been identified as contributing to its popularity, and conversely to causing its failure, Samantha Shave, for one, noting ‘magistrates could make or break a select vestry.’\textsuperscript{11} The introduction of plural voting also reinforced the political power of the propertied classes over smaller ratepayers within the vestry. In some places, the use of the Sturges Bourne legislation was directly ordered by magistrates. In East Sussex, the bench of the Battle petty sessional division ‘effectively imposed Sturges Bourne rules on all [twenty-four] component parishes.’\textsuperscript{12} A magistrate could also assume direct control of a select vestry as its chair.\textsuperscript{13}

Within Gloucestershire, however, the effect of magistrates in the support of the Sturges Bourne Acts was more subtle. At Cirencester, magistrates under Gilbert’s Act provision influenced poor relief through their participation at the vestry meetings and appointment as officers.\textsuperscript{14} Magistrates slowly endorsed the take-up of the Sturges Bourne mechanism of an assistant overseer in the vestry following

\textsuperscript{10} Select Committee on Poor Rate Returns 1819-22, pp.55, 56.
\textsuperscript{12} R. Wells ‘Poor Law Reform in the Rural South East,’ p.81.
\textsuperscript{13} In the non-Gilbert parish of Bisley in Gloucestershire, magistrate Rev. Thomas Keble became sometime chair of the select vestry when he moved into the parish. GA, Vestry and Select Vestry Minutes, For example, 12 March 1829, 26 March 1829, 1821-1829 (P47 VE 2/4).
\textsuperscript{14} See section 2.4.
protracted consideration. 15 The process took over a year, allowing JPs to gradually step back from direct involvement, while maintaining their oversight of parish administration at parochial meetings, usually through the presence of Joseph Cripps, who was now sometime chair of the Gloucestershire bench. 16 As with the implementation of Gilbert’s Act in many Gloucestershire parishes, the process of adoption and implementation under Sturges Bourne was not the one prescribed within its provisions. In Cirencester, there was no affirmative vote by local ratepayers and magistrates did not feel compelled to duly authorise its usage, probably as they were already fully complicit within the decision. In the early 1830s magistrates took greater control of the vestry by way of a chairmanship, used for the first time, presumably to govern vestry proceedings. In this capacity, either Joseph Cripps or clerical JP Henry Pye usually presided. 17 The adoption of the Sturges Bourne mechanism of an assistant overseer together with tighter control of vestry meetings presented a change in strategy by Cirencester based JPs. However, elsewhere their judicial colleagues continued to support Gilbert’s Act and new adoptions, with magisterial approbation, persisted into the 1820s.

At Painswick, the influence of magistrates was hitherto more oblique. Gilbert’s Act had been adopted in the year before the enactment of Sturges Bourne’s first welfare reform, on a recommendation made by JPs at the Stroud petty sessions. The vestry

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15 GA, Cirencester Vestry Minutes, 28 April 1827, 27 May 1827, 16 October 1827, 25 January 1828, 28 May 1828, 20 June 1828 (P86/1 VE 2/1).
16 Cripps worked with Sturges Bourne on a bill in 1819 to amend the settlement laws (after deciding against sponsoring his own bill on consultation with Sturges Bourne) at the same time Sturges Bourne was creating bills to which he gave his name. It can only be assumed at the time Cripps felt further regulation was not required, at least within the context of Cirencester, or bore some pique towards Sturges Bourne for disagreeing with him in a debate. Cripps was not on Sturges Bourne’s select committee looking into the poor law. CJ Vol. LXXIV, p.514. See also Morning Chronicle, Friday 21 May 1819, Thursday 10 June 1819; Public Ledger and Daily Advertiser, Thursday 10 June 1819.
17 GA, Cirencester Vestry Minutes (P86/1 VE 2/1).
had subsequently devolved the administration of parish poor relief to their Gilbert’s Act guardian, Daniel Spring.\textsuperscript{18} Spring had not been subject to the oversight of a visitor to the poor as prescribed under the Act’s provisions and had largely been left to conduct welfare as he saw fit. In the months immediately before the take-up of the Sturges Bourne mechanism of a select vestry, in March 1823, it had been evident all was not as it should be.\textsuperscript{19} A scandal involving the condition of a pauper sent to Gloucester Infirmary was only narrowly avoided.\textsuperscript{20} Also, the necessity to raise several additional rates may have alerted the vestry to the possible syphoning of local funds, which were later uncovered on the departure of Spring.\textsuperscript{21} In any case, Gilbert’s Act provision had probably never been fully embedded in the parish.\textsuperscript{22} In consequence, the opportunity presented by an alternative Act to place welfare administration under a small committee proved too attractive, ‘it being thought by this meeting that the parish business would be better conducted.’\textsuperscript{23} It may have also been motivated by a new presence in the vestry room, William Henry Hyett, who had moved to the village in 1822. One of the presiding magistrates at the nearby,
Stroud petty sessions, Hyett was advising the vestry over legal matters within the meetings from 1823. A noted Whig, he was to become an MP in the reformed parliament of 1832. In 1826 the select vestry decided, ‘in consequence of various impositions practised by paupers,’ to appoint an assistant overseer charged with providing relief to paupers under the committee’s orders. However, the select vestry proved to have no more longevity than Gilbert’s Act, and in 1827 it was discontinued only to be reinstated in 1831, under the authority of Hyett.

Unfortunately, the lack of primary resources for Fairford makes an analysis of the reasons behind their move from Gilbert’s Act to the Sturges Bourne Acts challenging to judge. However, consideration of other Gilbert parishes reveals another permutation. The Sturges Bourne Acts were employed in some other places, including Cheltenham and Newland selectively, in collaboration with Gilbert’s Act to improve the administration of poor relief. At Cheltenham, the mechanism of an assistant overseer was used to support the regime by collecting in rates while Newland utilised a select vestry to provide additional oversight. Roger Wells also observed this cherry-picking of provision, across both frameworks in the south-east of England. The usage of Sturges Bourne in this way demonstrates, again, the flexibility with which legal frameworks were used. Indeed, in all likelihood, the

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24 Hyett attended some vestry meetings from September 1822. On the death of the curate, he referred the vestry to ‘the late decree in the case of Palmer against Webb and Fearson against Webb.’ GA, Painswick Vestry Minutes, 1817-1827, 19 June 1823 (P244 VE 2/17); His presence at vestry meetings is noted, for example at GA, Painswick Vestry Minutes, 1817-1827, 25 September 1822, 18 December 1822, 19 June 1823, 27 June 1823 (P244 VE 2/17). He was a magistrate from 1821 GA, Oaths of Qualification, 1810-1837 (Q/JQ/1/3).
25 GA, Painswick Select Vestry Minutes, 1823-1832, 23 October 1826 (P244 VE 2/3).
26 GA, Painswick Select Vestry Minutes, 1823-1832, 29 March 1827, 28 April 1831 (P244 VE 2/3).
27 See section 2.4. The Newland workhouse was at the neighbouring settlement of Coleford. Assistant Commissioner, George Clive, was scandalised by the treatment of a mentally ill inmate who had been resident in the institution for 48 years. After he spoke to magistrates, the ‘poor wretch’ was sent to Gloucester Lunatic Asylum. The Second Annual Report of the Poor Law Commissioners for England and Wales (London: House of Commons Papers, 1836), p.365.
28 Wells, ‘Poor Law Reform in the Rural South East,’ p.89.
same flexibility was also present in the administration of the Gloucestershire towns of Tewkesbury, Gloucester and Bristol whose poor relief was organised under local acts.

However, the attraction of the Sturges Bourne mechanism, whether used flexibly or not, was insufficient to convince most Gilbert’s Act adoptees (or supportive JPs) within the county to adopt it. At Westbury-on-Trym, local magistrates did not intrude upon the administration of poor relief, and no doubt connected to their tight oversight and fiscal control maintained throughout the Gilbert regime, the parochial authority was not assuaged. In 1832, in their third decade using Gilbert’s Act, when asked directly whether the parish was using a select vestry or assistant overseer, the guardians and visitor to the poor responded, ‘No, the parish is incorporated under 22 G. III [Gilbert’s Act] and constant attendance is weekly given with an unquestionably good effect.’ In the Forest of Dean, local magistrates with connections to Littledean, Flaxley and Abenhall had, in 1822, encouraged the adoption of Gilbert’s Act thereby ignoring the newly enacted Sturges Bourne Acts.

The introduction of the Sturges Bourne Acts did not stop take-up of Gilbert’s Act as adoptions continued into the 1820s. However, it certainly would have acted as an inhibitor, and parishes which may otherwise have continued its use stopped doing so once this alternative was available. It is necessary to observe, however, that no parish merely dropped Gilbert’s Act. Rather, in each instance, parishes adopted a legislative alternative and thus remained convinced by the efficacy of statutory solutions. Given the magisterial influences at Cirencester and Painswick, perhaps

29 See section 2.4.
this is unsurprising. While the use of both acts in some places diluted their impact, it was another legislative change which proved the death knell to both frameworks in Gloucestershire.

3.2 The Impact of the Poor Law Amendment Act

In Gloucestershire, the allegiance of parishes to the provisions of Gilbert’s Act (and the Sturges Bourne Acts) quickly evaporated with the enactment of the Poor Law Amendment Act of 1834. The new poor law was an attempt to overhaul the administration of the English welfare system. Henceforth, relief was to be offered through workhouse provision only, provided by a central institution of unionised parishes. The regime was based on a principle of ‘less eligibility,’ whereby relief was designed to provide paupers only with that sufficient to bring them to a level on par with the poorest labourer. The new unions came under the direction of a centralised board of control in London. The Act did not, however, repeal Gilbert’s Act nor did it overturn those incorporations of the poor which had been established by local acts. Therefore, those parishes administered by Gilbert’s Act were beyond the jurisdiction of the Poor Law Commissioners in London. It immediately proved problematic to Commissioners, and they complained, in their first annual report that those places where relief had been administered under such arrangements:

    have been so mischievous in their operation and are so much at a variance with the principles established under the Poor Law Amendment Act, that we
have invariably felt it our duty to…advise the immediate dissolution of the
unions formed under the authority of those Acts.\textsuperscript{31}

Despite these calls, Gilbert unions and parishes across the country resisted the
pressure to comply. In the West Riding, there was both a sustained commitment to
Gilbert’s Act and a resistance to the provisions of the Poor Law Amendment Act. It
delayed its implementation in some places into the 1860s.\textsuperscript{32} Historians have tended
to assume this was universal amongst Gilbert unions and parishes after 1834,
Kenneth Morgan, for example, stating that ‘the commissioners lacked the statutory
power to act in parishes that came under Gilbert’s Act, and so these parishes
remained outside of the framework of the New Poor Law.’\textsuperscript{33} However, in
Gloucestershire, outside of Bristol city’s incorporation of the poor, all parishes and
townships quickly abandoned their previous provision and were swiftly formed into
16 unions, a process completed by April 1836.\textsuperscript{34}

In its quick response to unionise, Gloucestershire responded in a like manner to
much of southern and eastern England.\textsuperscript{35} There was also no groundswell of popular
opposition against the new legislation although there was some divergence in

\textsuperscript{31} The First Annual Report of the Poor Law Commissioners for England and Wales (London: House of
Commons Papers, 1835), p.13
\textsuperscript{32} In the West Riding of Yorkshire, continued allegiance to Gilbert’s Act meant the operation of new
poor law was sometimes postponed until the 1860s. It occurred, even, in parishes where the terms
of Gilbert’s Act had been adapted operationally on the ground. The town of Rigston which formed
part of the Carlton Gilbert Union was also administered under a Sturges Bourne select vestry. G.
Rawson, ‘Economies and Strategies of the Northern Rural Poor: The Mitigation of Poverty in a West
\textsuperscript{34} The Second Annual Report of the Poor Law Commissioners, pp.522-25. Bristol remained
administered under a local act for decades after 1834. D. Englander, Poverty and Poor Law Reform in
\textsuperscript{35} S. King & D. Hirst, Poverty and Welfare in England 1700-1850: A Regional Perspective (Manchester:
opinion from the county’s political elites.\textsuperscript{36} From its enactment, there was even some anxiousness from magistrates resident in the ex-Gilbert parishes of Fairford and Cirencester to get things moving.\textsuperscript{37} In Cirencester, magisterial interest in poor law provision was also positively invigorated by the new regime, after several years of more ‘arm’s length’ supervision following the employment of an assistant overseer. Former Gilbert’s Act guardian and treasurer, MP and Justice of the Peace, Joseph Cripps, became chair of the new Board of Guardians of the Cirencester Poor Law Union, one of 16 \textit{ex-officio} magistrate guardians.\textsuperscript{38} A few months into its implementation, Cripps declared in the Commons ‘no Bill ever did or could have worked better than it had in the union in which he lived.’\textsuperscript{39} Local magistrates in their desire to exercise their power over the new apparatus overstepped their prerogatives by delaying the election of guardians to the board. It precipitated the Commissioners to remind them to do so with haste.\textsuperscript{40} Indeed, the enthusiasm with which the Union adopted the new regime meant that at times they took the new ethos to its extreme, particularly by adopting a dietary so strict inmates were fed one third less solid food than paupers in London Unions. The meagre dietary was reported countrywide but particularly drew comment in the \textit{Times} and north of England, as part of the anti-new poor law rhetoric.\textsuperscript{41}

\textsuperscript{37} For example, \textit{TNA}, Correspondence with Cirencester Poor Law Union 1834-1842, 19 September 1834, 23 March 1835, 25 November 1835 (MH12/3980).
\textsuperscript{38} \textit{GA}, Cirencester Poor Law Union Minutes, 22 January 1836 (G/CI/8a/1).
\textsuperscript{39} \textit{London Evening Standard}, Tuesday 28 February 1837.
\textsuperscript{40} \textit{TNA}, Correspondence with Cirencester Poor Law Union 1834-1842, 2 April 1836 (MH12/3980).
\textsuperscript{41} The Cirencester workhouse dietary was created by a committee of guardians in November 1836. It was then published and drew comment for many years and even became embroiled in a campaign directed against Home Secretary, John Russell, who was MP for neighbouring Stroud. At times, comment was factually incorrect (such as by stating Russell’s constituency was part of the Cirencester Union). Gloucestershire newspapers were quiet on the subject but in 1838 the anti-Whig \textit{Gloucestershire Chronicle} stated it had been ‘so much deprecated in the public papers’ and
While the Cirencester Poor Law Union was made up of two parishes, Cirencester and Fairford, which had previously withdrawn from Gilbert’s Act, in other areas, parishes still using Gilbert’s provisions likewise had little reticence in submitting to the new legislation. In the proposed Westbury-on-Severn Poor Law Union, almost half of the parishes, comprising of Abenhall, Awre, Flaxley, Littledean, Mitcheldean and Newnham, were Gilbert parishes. While there was some opposition expressed at the first meeting with the Assistant Poor Law Commissioner, Robert Weale, the main point of contention was not the affiliation of parishes to Gilbert’s Act but rather the contract with James Ross, the farmer of the poor, for the nominal Gilbert union of Littledean, Abenhall and Flaxley. Ross was contracted for five years in 1833.

Weale was unsure how to respond to this and contacted the Commissioners for their advice. Fortunately for the Assistant Commissioner, it was resolved within a few weeks, by the appointment of Ross as a relieving officer for the new union. Of the five magistrates’ resident within the union, three JPs comprising of Rev. Charles Crawley, Maynard Colchester and Joseph Pyrke, had been instrumental locally at the adoption and implementation of Gilbert’s Act. The three readily took new roles as ex-officio guardians dominating the early meetings and new arrangements. Crawley

\[42\text{TNA, Correspondence with Westbury-on-Severn Poor Law Union 1835-1842, 7 September 1835, 30 September 1835 (MH12/4236).}\]
was given the post of chairman of the new board and was to be followed a few years later by Maynard Colchester. Both incumbents and the union of guardians, in general, were deemed both locally and by the Poor Law Commissioners to be entirely successful. The mechanism of poor law administration continued to be used by participating magistrates to address issues of wider purport, ‘believing that the most important objects of that act [the Poor Law Amendment Act] are to promote the good morals and industrious habits of the people.’ It, therefore, legitimised a campaign against the ‘Beer Bill’, an issue close to Crawley’s heart.

At Cheltenham, Robert Weale met early with parochial officers and resident magistrates anticipating resistance but happily reported ‘not one word was said in opposition to it, but union approved, much was said in commendation.’ After a further meeting with magistrates, he was able to state a ‘complete revolution has taken place in the public mind and the measure is no as palatable as it was the reverse.’ Reflecting on JPs in Gloucestershire, in the Poor Law Commissioners second annual report, he admitted that ‘many of their body, who have been individually opposed to the principle of the new measure, have nonetheless, in their

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43 Both Crawley and Colchester were lauded at celebratory dinners reported in the press. The Commissioners wrote to the board congratulating their success noting ‘these results are attributable to the zeal and unanimity with which the board of guardians have carried into effect the regulations.’ This letter the Board had inserted into the local press. It is worth noting the third JP, Joseph Pryke, also took an active part on the board as its vice-chair. GA, Westbury-on-Severn Poor Law Union Minutes, 29 September 1835, 10 January 1836 (G/WE 8a/1); Gloucester Journal, Saturday 7 January 1837, Saturday 13 May 1837, Saturday 29 December 1838; Gloucestershire Chronicle, Saturday 2 April 1836, Saturday 2 April 1842; Christmas, ‘Administration of the Poor Law in some Gloucestershire Unions 1815-1847’, p.125.

44 Crawley reported to the second poor law commissioners report, as chairman of the Westbury-on-Severn Union but clearly referencing his work as a magistrate, ‘The beer and cider shops are the bane of this country; they have not decreased and the difficulty of enforcing our rules, with regard to them, can only be known to those who see their incessant mischief.’ The Guardians under his auspices later sent a letter to the Home Secretary setting out their opposition to the ‘Beer Bill’ which was also published in the Gloucester Journal, Saturday 24 March 1838. The Second Annual Report of the Poor Law Commissioners, p.364.

45 TNA, Correspondence with Cheltenham Poor Law Union 1835-1842, 15 October 1835, 24 October 1835 (MH12/3912).
magisterial capacity, lent their assistance to carry its provisions into effect.  

However, the erstwhile Weale also suggested to his superiors in London, after his second meeting with magistrates in Cheltenham, that given their large numbers, it would be prudent to increase the number of locally elected guardians. Elected guardians sought to increase the number of representative guardians the following year, and sought and received clarification from the Poor Law Commissioners relative to the voting rights of *ex-officio* guardians who were ‘occupying furnished lodgings.’ Yet, the presence of magistrates remained strong and Robert Capper, who had been supportive of the Gilbert regime, became chairman of the new board of guardians. The influence that a large number of *ex-officio* magisterial guardians provided was to prove critical a few years later in ensuring a new workhouse was eventually built.

Thus, Gloucestershire magistrates, who had previously supported Gilbert’s Act implementation had no qualms in administering the new system and regularly took the chairmanship of the newly-formed boards of guardians in their area. They were

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46 *The Second Annual Report of the Poor Law Commissioners*, p.334.
47 TNA, Correspondence with Cheltenham Poor Law Union 1835-1842, 24 October 1835 (MH12/3912).
48 GA, Minutes of the Cheltenham Poor Law Union, 23 June 1836, 21 July 1836 (G/CH 8a/1).
49 Capper was elected again as chairman in 1837. Other Cheltenham magistrates who had previously been supportive of the Gilbert’s Act regime likewise became *ex-officio* guardians including, Henry Norwood Frye, James Agg and James Clutterbuck. GA, Minutes of the Cheltenham Poor Law Union, 19 November 1835, 6 April 1835 (G/CH 8a/1). See also TNA, Correspondence with Cheltenham Poor Law Union 1835-1842 (MH12/3912); GA, Cheltenham Vestry Minutes 1794-1822 (P78/1 VE 2/2); GA, Cheltenham Vestry Minutes 1822-1858 (P78/1 VE 2/3).
50 Christmas, ‘Administration of the Poor Law in some Gloucestershire Unions 1815-1847,’ p.125.
51 Of the Gilbert parishes in operation in 1834:- Awre, Abenhall, Flaxley, Littledean, Mitcheldean and Newnham were part of the Westbury-on-Severn Poor Law Union under the chair of magistrate Charles Crawley; Cheltenham was part of the Cheltenham Poor Law Union under JP Robert Capper; Newent was part of the Newent Poor Law Union under magistrate Osman Ricardo; Arlingham was part of the Wheatenhurst Poor Law Union under John Lloyd Baker; Westbury-on-Trym and Winterbourne were part of the Clifton Union under the auspices of Rev. W. Mirehouse. See above & GA, Wheatenhurst Poor Law Union Minutes, 23 September 1835 (G/NH/8a/1); GA, Newent Poor Law Union Minutes, 25 September 1835 (G/NE/8a/1); *The Third Annual Report of the Poor Law Commissioners for England and Wales* (London: Charles Knight, 1837), p.118. The chairmanship of
not locally unusual in this respect. In those areas like Westbury-on-Trym where magistrates had been more hands-off, local JPs likewise became chairs of the boards. Magistrates, in Gloucestershire, thus dominated operations during the formative years of the new poor law. It was not coincidental that the boundaries and location of the new unions often resembled the petty sessional divisions. In neighbouring Oxfordshire, unions likewise were ‘largely coterminous with existing Petty Sessional divisions,’ and similarly once established JPs tried to bring them more into line. Thus assumptions that the new unions were generally formed around market towns or shaped by local aristocratic estates needs nuancing. A notable exception in Gloucestershire was, however, provided by the Forest of Dean where the presence of the sizeable extra-parochial Forest area prevented the creation of a single Forest of Dean union. The Forest Division of the petty sessions was able to mitigate this geography by holding sessions at both the Gilbert parishes of Newnham on the eastern side of the Forest extra-parochial area and Newland on the western edge. It was impossible in a poor law context. Furthermore, the relative inaccessibility of Newnham created logistical problems which ultimately precipitated the creation of a poor law union centred on Westbury-on-Severn. JPs presiding at the Newnham petty sessions, however, assimilated the change and were still able to dominate the

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Gloucestershire Poor Law Unions predominantly by magistrates has been noted by Christmas, ‘Administration of the Poor Law in some Gloucestershire Unions 1815-1847,’ p.125.

Christmas, ‘Administration of the Poor Law in some Gloucestershire Unions 1815-1847,’ p.121.

B.K. Song, ‘Continuity and Change in English Rural Society: The Formation of Poor Law Unions Oxfordshire,’ English Historical Review Vol. 114 No. 456 (1999), p.337. At Cirencester once the Poor Law Union had been established the Cirencester JPs then sort to revise the boundary of the Cirencester petty sessions to incorporate three small parishes which had been previously in Stroud division so that both petty sessional division and Poor Law Union aligned perfectly. Gloucester Journal, Saturday 11 November 1837.

As has been suggested by historians such as Kenneth Morgan. Morgan, The Birth of Industrial Britain, p.73.

Once established there were also Christmas, ‘Administration of the Poor Law in some Gloucestershire Unions 1815-1847,’ p.121.

GA, List of Divisions (Home Office) 1825 (Q/CR/22/1).

Christmas, ‘Administration of the Poor Law in some Gloucestershire Unions 1815-1847,’ p.121.
proceedings of the new union. Newland and the several other remaining Forest parishes, on the other side of the extra-parochial area, were incorporated into the Welsh Poor Law Union of Monmouth.58

It is perhaps no surprise that the crumbling of the Gilbert provisions in any parish was not preceded by an affirmative vote from ratepayers in support of its dismantling. Instead, it was immediately enacted on an Assistant Commissioner’s preliminary investigations which were invariably met with a broadly warm reception from local magistrates. Weale had no doubt who had facilitated the realisation of the Poor Law Amendment Act in Gloucestershire.

I cannot but attribute much of the success which has attended my endeavours to the zealous co-operation which I have uniformly met with from the magistrates who, feel deeply interested in a measure which they believe will affect an improvement in the moral and social condition of the poor.59

The personal attributes of Weale also helped facilitate a smooth transition. According to one Gloucestershire historian, ‘Weale gave much the same “luminous speech” on each occasion to explain the changes in the system of administration and to allay people’s anxieties and prejudices.’60 His stress that the new regime would maintain order and encourage the morality of the labouring classes (above mention of a reduction in poor rates) was likely to have resonated particularly with local magistrates. More generally this was further enhanced by the diplomacy of Assistant Commissioners covering the county and their willingness to accommodate local

58 The Second Annual Report of the Poor Law Commissioners, p.535.
59 The Second Annual Report of the Poor Law Commissioners, p.334.
60 Christmas, ‘Administration of the Poor Law in some Gloucestershire Unions 1815-1847, p.119.
wishes in the organisation and make-up of local unions.\textsuperscript{61} It countered some of the initial concerns expressed in Gloucestershire on the relinquishment of local control.\textsuperscript{62} Also, Weale at least did not encounter particularly paternalistic landowners which caused Assistant Commissioners problems elsewhere.\textsuperscript{63}

Salaried and unsalaried parish officials, such as visitors and guardians, who had served under Gilbert’s Act regimes, also had few problems either being employed under the new system or in utilising a regime, designed to be opposed to Thomas Gilbert’s provisions. In this way, workhouse governors and guardians were often retained as relieving officers.\textsuperscript{64} The former visitor to the poor under Gilbert’s Act in Cheltenham, James Fisher became an elected guardian and vice-chairman of the board of guardians of the Cheltenham Poor Law Union.\textsuperscript{65} In Newent, the long-time guardian, Mr Wood, became ‘auditor’ to the Newent Poor Law Union.\textsuperscript{66} In this way, there was a good deal of continuity in personnel if not in ethos between the implementation of Gilbert’s Act under the old poor law and the Poor Law Amendment Act under the new.

\textsuperscript{61} For example, accommodating the request by Fairford to be included in the Cirencester Poor Law Union.
\textsuperscript{62} The \textit{Gloucestershire Chronicle}, for example, stated ‘We would therefore simply observe that the granting to Ministers the control of parochial officers is to grant them the control of Electoral Register; in other words, it is to surrender to their impartial views and disinterested surveillance the whole county representation of the empire!’ \textit{Gloucestershire Chronicle}, Saturday 1 March 1834.
\textsuperscript{63} Shave, \textit{Pauper Policies}, p.171.
\textsuperscript{64} The same was true for officers employed under Sturges Bourne arrangements. In Cheltenham, for example, both Peter Butt, guardian of the poor, and John Cooke, assistant overseer, had their posts reappraised and became a relieving officer and collector of the poor rates respectively. Former workhouse governor William Jones was retained as governor of the workhouse. TNA, Correspondence with Cheltenham Poor Law Union 1835-1842 (MH12/3912); GA, Cheltenham Poor Law Union Minutes, 3 December 1835, 10 December 1835 (G/CH 8a/1).
\textsuperscript{65} Fisher was elected visitor from 1827. GA, Minutes of the Cheltenham Poor Law Union, 19 November 1835, 6 April 1837 (G/CH 8a/1); Cheltenham Vestry Minutes 1822-1858 (P78/1 VE 2/3).
\textsuperscript{66} \textit{The Second Annual Report of the Poor Law Commissioners}, pp.336-7.
Why magistrates and vestries which had been supportive of Gilbert’s Act were so receptive to the new system is complex. In areas where Gilbert’s Act has been more readily associated, such as East Anglia, the Act tended to be characterised by unions of large numbers of parishes or larger towns. There was strength provided by these numbers. It added potential complexity to the arrangements for its dismantling as the dissolution of a union was determined by a majority vote (not something adhered to in Gloucestershire). It provided some defence against pressure by Assistant Commissioners on the ground. According to Anne Digby, in Norfolk, Gilbert Unions ‘delayed his [Assistant Commissioner, Edward Parry’s] work, although they did not provide a permanent constraint’ due to their ‘moribund condition.’ It was only the small Brinton Gilbert union which had any longevity after 1836, spared by the Astley family who blocked attempts to dissolve it, and the convenient fact the Poor Law Board ‘forgot its existence.’ In Gloucestershire, the one titular Gilbert union was tiny, made up of just three parishes and the majority of Gilbert parishes had small populations. Many parishes had only adopted Gilbert’s provision in the previous 10 to 15 years and this together with the adaptions made to the Act on the ground meant that culturally at least Gilbert’s Act was probably not as deeply embedded as it was elsewhere. However, this also meant that if parishes were at all unhappy with their Gilbert Act arrangements, they had no qualms about abandoning the provision, but this was something only a minority did.

The pressure of rising poor rates undoubtedly provided one of the most significant spurs to adapt welfare provision nationally. However, poor relief expenditure overall was reasonably well controlled in Gloucestershire, costing 8/4 per head in

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68 Digby, *Pauper Palaces*, p.60.
1833-4. In Norfolk, by contrast, the charge was 15/9.\textsuperscript{69} In Gloucestershire’s Gilbert parishes, the ready acquiesce to the new regime was not solely due to dissatisfaction with the rising poor rates or even the potential savings. In 1836, the clerk for Newent Union pointed out that while some parishes in the union had recorded significant cost savings, at Newent, a Gilbert parish for over 30 years, ‘the poor rates had been so judiciously expended previous to the formation of the union, the saving does not appear so great.’\textsuperscript{70} Cost reductions in the new Cheltenham Union, dominated by the Gilbert’s Act township of Cheltenham which had been administered under Gilbert’s Act for decades, were likewise low when compared to results across the county. Before 1834 the cost per head was already well below the Gloucestershire average at 3/6 probably reflecting the astute organisation of provision under Gilbert’s Act.\textsuperscript{71}

Yet, by 1834, it was recognised in Gloucestershire the poor laws were generally not working. The Gloucestershire Chronicle complained ‘the farmer in England, is ground by the poor laws, the profits of his labour snatched from himself and his family, to support the burthens that ought to be borne by others besides himself.’\textsuperscript{72} However, there was ambivalence towards the redress proposed. The Gloucestershire Chronicle, first observed ‘we do not know what to think of it’; later, probably influenced by its anti-Whig leanings, the paper argued ‘it will increase fearfully the

\textsuperscript{69} The Third Annual Report of the Poor Law Commissioners, p.134
\textsuperscript{70} The Second Annual Report of the Poor Law Commissioners, p.336.
\textsuperscript{71} The reduction recorded by the Cheltenham Union was 18\% when compared to an average taken in the three years preceding the formation of the union. The Third Annual Report of the Poor Law Commissioners, p.33; see also C. Seal, ‘Poor Relief and Welfare: A Comparative Study of the Belper and Cheltenham Poor Law Unions, 1780 to 1914’ (unpublished doctoral thesis, University of Leicester, 2009), p.68.
\textsuperscript{72} Gloucestershire Chronicle, Saturday 29 March 1834.
expense ...and the misery and destitution of the labourer.' In Cheltenham, the principles of the Bill had the ‘approbation’ of the *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette* but ‘not the provisions some of which are crude and anomalous.' While the *Cheltenham Chronicle* summarised both the Commissioners report and a clause by clause breakdown of the Poor Law Amendment Act, as well as extensive reporting of its enactment, it made no actual judgement on its tenets. It was a prominent local issue, Craven Berkeley MP, of the newly created borough of Cheltenham, felt compelled to publish a letter in the *Cheltenham Chronicle* explaining his decision to excuse himself from an important local function, because he had to attend the Bill’s committee stage, ‘I consider the subject of such paramount importance that I should not fulfil the duty I owe to my constituents were I to absent myself on that occasion.’ The only other parliamentary borough also a Gilbert parish (albeit now under Sturges Bourne) in Gloucestershire, was at Cirencester, where MP and influential magistrate, Joseph Cripps contributed to the parliamentary debate and acted as teller for one of its amendments.

The quick assimilation of the new provision by Gilbert’s Act parishes in Gloucestershire was not due to cost pressures or ‘dissatisfaction’ *per se* with the old regime. Gloucestershire magistrates, both those who supported Gilbert’s Act and

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73 The paper observed on its third reading, the Bill was ‘one of the most arbitrarily unjust and inhuman that ever stained the journals of the British House of Commons.’ *Gloucestershire Chronicle*, Saturday 10 May, 5 July, 12 July 1834.
74 *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, Monday 5 May 1834.
75 *Cheltenham Chronicle*, Saturday 3 April, 1 May 1834.
76 He was supportive of the new measure and defended it on the hustings in 1837. *Cheltenham Chronicle*, Thursday 22 May 1834; *Gloucester Journal*, Saturday 29 July 1837.
77 *CJ* Vol. LXXXIX, p.588; His contributions were recorded in the press for example by *London Courier and Evening Gazette*, Friday 18 April 1834; *Morning Post*, Tuesday 10 June 1834, Wednesday 13 August 1834
those who did not, were instead receptive to the change and once committed, gave it their wholehearted support and attention. It was not associated locally with a diminishment of their powers. Indeed, it gave magistrates the leeway to extend their powers, particularly as chairmen of the new boards of guardians over a wider geographical area. Some JPs in Gloucestershire had encouraged the adoption and became involved in the implementation of Gilbert’s Act because of the rights the legislation gave them. On the surface at least, the Poor Law Amendment Act was another way to exercise the same.

Once operational in Gloucestershire, the new poor law generally ceased to be a political issue. No matter what opposition was continuing to take place elsewhere, Weale was able to report in October 1837 no riot or disturbance had taken place in his districts as a result of the new provision. At the Westbury-on-Severn Union, magistrate Joseph Pyrke proposed a motion which was passed by the new board of guardians within a few weeks of its creation. It stated the operation of the new poor law was ‘unconnected with party politics’ and directed the clerk to the board to destroy any newspapers sent for their attention ‘as tending to disturb that uninterrupted harmony and unity of purpose which has hitherto subsisted amongst them.’

Despite the success in counties like Gloucestershire, nationwide, the Poor Law Commissioners remained concerned about Gilbert’s Act, and stated, in 1836, ‘there is nothing which at present opposes any very material obstruction to our course but the existence of the Gilbert’s Act’s Unions.’ To highlight the success of the new

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79 GA, Westbury-on-Severn Poor Law Union Minutes, 11 October 1836 (G/WE 8a/1)
80 The Second Annual Report of the Poor Law Commissioners, p.8.
system over Gilbert’s provision, and thereby encourage its demise, their second report listed a number of places where considerable cost savings had been achieved, on its dismantling. None of these was in Gloucestershire. Conceivably, it could be because Weale (and other Assistant Commissioners who unionised the county to a lesser degree) did not refer to Gilbert parishes or unions in their statements to the report, unlike their fellows. Nor were they referred to in any subsequent report. There may have been a good reason as Gloucestershire’s Gilbert Act parishes were by comparison more amenable and the uptake within the county proportionally smaller than it was, for example, in East Anglia. However, Weale’s correspondence, reveals uncertainty about the Gilbert parishes he found in the Forest of Dean and could suggest ignorance of the tenets of the legislation. He may have been reluctant to make a statement to the report or draw particular reference to, something he was not wholly confident in reporting. At the same time as he was unionising 170 parishes in Gloucestershire, Weale was also bringing together 475 parishes in Somerset where there were no Gilbert parishes or unions. So the nine parishes and one union he found using Gilbert’s Act in Gloucestershire may have formed the extent of his familiarity. Whatever his knowledge of the legislation, there is no doubt his report also fitted the narrative that in the immediate region, the new regime was successful and continuing apace. The lack of comment had implications. The attention given to Gilbert’s Act in particular regions by the Poor Law Commissioners reports helped the later identification of the Act in a narrow geographical context.

81 The Second Annual Report of the Poor Law Commissioners, p.9.
82 The Second Annual Report of the Poor Law Commissioners, p.509; Shave, Pauper Policies, p.63.
One year into the new regime, the board of guardians of Cheltenham Poor Law Union was happy to report that the vulnerable, one of the primary concerns of Gilbert’s provisions, were ‘better taken care of,’ under the new system than they had been under Gilbert’s Act.\(^{83}\) In a similar vein, Charles Crawley reported on behalf of the Westbury-on-Severn Union, ‘their wants and comforts are now better regarded than ever; their board of guardians is composed of men of the most humane and Christian feelings.’\(^{84}\) At Clifton Union, however, which included Winterbourne and probably the most altruistic ex- Gilbert parish of Westbury-on-Trym, the feeling was altogether more guarded on the question of whether the vulnerable were better provided. The Union reported the change was ‘none whatever,’ under the new regime.\(^{85}\)

3.3 Conclusion

In 1868 Gilbert’s Act was finally repealed. Few seemed to mourn its demise. In West Yorkshire where Gilbert’s provisions persisted in use, the *Leeds Mercury* noted that the repeal of a system ‘so full of evils’ meant that those local parishes incorporated under it could ‘begin life afresh.’\(^{86}\) By then its reputation had been tarnished by decades of spin from the central poor law authorities against the previous regime. Although, some ratepayers within the Carlton union spoke-out in its support concerned by the spectre of increased cost under the new poor law, the union was quickly dissolved.\(^{87}\) In Gloucestershire, the abolition of the Act passed

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\(^{83}\) *The Second Annual Report of the Poor Law Commissioners*, p.339. See also section 2.4.

\(^{84}\) *The Second Annual Report of the Poor Law Commissioners*, p.364.

\(^{85}\) TNA, Report of State of District under Mr Weale's Charge, 21 October 1837 (HO-73-53-83).

\(^{86}\) *Leeds Mercury*, Thursday 3 September 1868.

\(^{87}\) *Leeds Mercury*, Friday 18 September 1868.
without any comment in the press. Indeed, there was no perceptible legacy left within the county.

The implementation of Gilbert’s Act in Gloucestershire had been at first slightly weakened by the Sturges Bourne Acts from 1818 and then quickly terminated by the creation of a compulsory system in 1834. It may seem surprising as most places which adopted it had remained committed to it until the intervention of Assistant Poor Law Commissioners. The critical element was the magistracy. Local JPs were pivotal in the implementation of enabling welfare legislation in Gloucestershire, of which Gilbert’s Act and the Sturges Bourne Acts were prime examples. However, the compulsory element of the Poor Law Amendment Act now more forcefully encouraged them to engage, even if Gilbert’s Act was not explicitly repealed. It is perhaps ironic that Thomas Gilbert had himself anticipated the success of his mechanism only after it became obligatory. The Gloucestershire magistrates did as they were asked in 1835/6 even if as individuals they had reservations about the new system. Perhaps, the opportunity to retain, or more likely extend, their local influence was too attractive. Moreover, traditionally, there was a close relationship between Gloucestershire’s magistracy and the central government. However, while they may have been compliant to the central government, it did not stop JPs, who had been previously supportive of Gilbert’s Act, from continuing to exercise their influence over welfare on the ground in a way they thought most appropriate.
Conclusion

This thesis provided, for the first time, a detailed examination of the passing of Gilbert’s Act. In doing so, it built on and extended Joanna Innes’ work on the formation of social policy by scrutinising the process through which legislation was created in this period to a higher degree than previously attempted. By the incorporation of elements, such as the press coverage, the analysis was new. The welfare reform campaigns of Thomas Gilbert were considered, through an extended period, in connection with his writings, the political debate and print culture. The thesis demonstrated that he creatively used print and ideological movements of the time to great effect. The examination has implications for our understanding of the legislative process in the late Georgian period, particularly the importance of the role of extra-parliamentary forces, such as magistrates, in the creation of domestic policy and the significant influence of printed media within this.

The problem presented by ‘the poor’, Thomas Gilbert declared in 1781, would require resolution through ‘spirited execution of the Laws, with some few amendments.’¹ He appointed himself the ‘arduous task’ to ‘investigate the causes and point out the remedy.’² Gilbert believed that social problems required statutory solutions. However, the legislation this would-be reformer proposed was not his creation; he was instead a conduit through which parliamentary and extra-parliamentary forces were brought together to make a change. The reform of the poor laws was his long-term aspiration borne not of compassion but an eye to advancement. In this respect, he was different from social reformers of the period

¹ Gilbert, Plan for the Better Relief and Employment of the Poor, p.1.
² Gilbert, Plan for the Better Relief and Employment of the Poor, p.1.
like John Howard, with whom contemporaries compared him. He was not a humanitaria. The comparison, however, does not compare like with like. Howard tried to influence the legislature from outside. Gilbert created reform from within parliament.

Through the first twenty years of campaigning Gilbert was persistent and patient, assimilating the ideas and practise of others, gathering statistical information and acquiring a considerable evidence base from which he honed his plans. There was not one ideology which underpinned his actions. Rather, he used his discrimination to try and capture a consensus. The scheme changed markedly between the 1760s and the 1780s, reflecting amongst other elements a growing ambivalence towards the efficacy of workhouses. Feedback was actively solicited, often from magistrates, and the detailed plans reappraised again and again. The evolution of his ideas is captured for the first time. The process it reveals challenges the primacy of ideology as a motivation for policy creation in the period. Gilbert’s persistence helped him to acquire a reputation as a poor law reformer, which he used to good effect until 1782. He was pragmatic enough to modify his campaign tactics to match the background environment and was realistic enough to shelve reform during the 1770s until a more opportune juncture. However, his poor law campaigns after 1783 indicate he had somewhat lost his way and was no longer attuned to public opinion.

However, to that point he was supremely sensitive to the changing context. His practise so analysed is a study of parliamentary-craft and tactics. It is perfectly exemplified by the Bills he presented to parliament 16 years apart in 1765 and 1781. The optimism of peacetime at the end of the Seven Years War in the 1760s met with an all-encompassing wholly progressive plan. However, the later Bill, drafted
against a background of the American Revolutionary War, was altogether more
tentative and fiscally restrained. It is personified too by his shifting behaviour,
which moved from the reticence in his opening gambits on a bill’s introduction to
pugnacity if his reform came under threat or outcomes were not impactful.
Throughout his political life, Thomas Gilbert assimilated the developments in print
and political reporting, and used the new opportunities presented by this to the best
effect. He could be manipulative of his political past also and appears, in this
respect, to have been successful in duping later commentators.

Propelled by political ambition and indomitable self-belief he took advantage of the
political realities of late eighteenth-century Britain to both create political campaigns
and legislation which were suited to the veracities of the times. In this respect, he
succeeded against significant odds. Indeed, given how rarely would-be reformers
achieved anything more than local measures, he could be considered an exemplary
reformer. The campaigns also had a broader political significance. Gilbert drew
elements of the public into the political process surrounding the enactment of
Gilbert’s Act. These external forces were gathered to exert pressure upon
Westminster, especially when the Bill was in jeopardy. Without his use of the
growing participatory political culture to shape his bill and bolster parliamentary
support, it would not have carried. In this way, the campaigns evidenced the
embryonic democratisation of political life. Gilbert was wholly aware of what he
was doing, although he would not have identified the process in democratic terms. It
was instead a necessary action to gain legislative success.

The analysis of the first section of this thesis could be expanded in several respects.
While it showed how Gilbert’s campaigns had changed markedly from the 1760s-
1780s, it could be developed by comparison with the earlier legislative campaigns of MPs William Hay, Sir Richard Lloyd and Wills Hill, earl of Hillsborough. It would make it possible to flesh out ideas about the changing relationship between policy creation, print culture and campaign tactics discussed. Another possibility would be to consider more thoroughly the interactions between magistrates and the government and parliament; for example, to analyse the role played by the magistracy, collectively or individually, in the creation of domestic policy. This likely became more important as communication was opened by the expansion of print in the period (for example, by the increasing number of political pamphlet titles) which had previously only been possible by correspondence and meeting face-to-face.

In political terms, the 1782 Act it was his supreme achievement. Its realisation on the ground in social policy terms, however, was much more ambiguous.

The second part of the thesis provided a very detailed analysis of the adoption and implementation of Gilbert’s Act in Gloucestershire. It identified 15 parishes where Gilbert’s Act was adopted, which suggested as much as 12% of the county’s population had their poor relief administered under the legislation. The assessment showed that statistically, it had more impact and was more geographically dispersed than traditional assessments have suggested. This reflected the recent work of Samantha Shave. However, the examination revealed that it was much more common for parishes in Gloucestershire to adopt the legislation as an individual parish and not in combination with others. It has implications on the historiography of the poor law; historians have often assumed Gilbert's Act adoptions would be characterised by parishes becoming unionised. Moreover, while Gilbert himself
suggested that larger parishes could successfully adopt the legislation; several small
Gloucestershire parishes successfully did so. A closer examination of other counties
would be required to see if this was specific to Gloucestershire.

Shave surmised parishes adopted the legislation to cut costs or had an aspiration to
improve welfare standards. This more focused investigation in Gloucestershire,
suggests that although these were a factor, there were other motivators. For
example, in some parishes it was about the creation of a workhouse. However,
whatever the motivation, JPs were highly influential throughout the adoption
process, something which Shave does not address in her assessment. Magistrates
were also integral to the termination of Gilbert’s Act on the ground. It has
implications for how other permissive acts have been used. Indeed, the thesis has
illuminated aspects of poor law management which have been acknowledged but not
adequately examined for decades. Significantly, how and why magistrates used their
administrative powers.

In poor law policy terms, magisterial interventions have been characterised as taking
place at the county level, through the quarter sessions. Esther Moir, for example,
characterised the poor law interventions of Gloucestershire magistrates wholly in this
context. However, magistrates directing poor law policy within the county, acted
virtually independently of larger jurisdictional entities such as the quarter sessions
and were unbound to their edicts. Despite being chairman of the county bench, Rev.
John Foley’s recommendations about welfare to the Gloucestershire Grand Jury
seem to have only influenced his own parish. The single exception, to the more
typical and successful localised mediations, was a direction from the quarter sessions
that brought the county into line with the rest of the country in endorsing a
Speenhamland table of allowances. In the context of Gilbert’s Act, Gloucestershire magistrates acted at petty sessions but most often at vestries to significant effect to guide parishes towards Thomas Gilbert’s legislative framework. If the poor law was the most critical aspect of local government at this time, then there is a misconception about the significance of the quarter sessions or, at the very least, we need a more credible and diffuse definition about local government in the period. The situation in the Forest of Dean was particularly complicated. Here local JPs were frequently verderers and therefore had two judicial roles. To these were added posts of forest commissioners which likewise impacted local government.

As Gilbert's Act was designed to ensure the active participation of magistrates, in the management of poor relief, it is unsurprising that this was the outcome. Therefore, ready access to members of the judiciary primarily characterised Gilbert’s Act adoptees. By implication, parishes without resident or accessible JPs were less likely to adopt the framework. Take-up was thus assisted by a growing number of local justices throughout the period. It would have contributed to the late take-up of Gilbert’s Act in Gloucestershire. Peter Dunkley also suspected that from the 1790s ‘magistrates in large numbers moved to control directly relief distribution to avert intolerable economic pressure on the poor.’ However, this was not observed within this context.

The influence of magistrates on parish welfare did not mean the provisions within the legislation were followed. Instead, it had many permutations. The expression of Gilbert’s Act may or may not have been in line with its tenets, depending on the

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3 GA, Speenhamland Scale of Poor Relief Adopted at Michaelmas Quarter Sessions, 1795 (PS/GL/M1a/3).
perspective of individual JPs and the power they were able to weld over local communities and vestries, in particular. In Gilbert’s model, magistrates provided a supervisory role by authorising agreements but were meant as visitors of the poor to directly ‘visit, inspect and superintend.’ In Cirencester, this proved possible. In contrast, in other parishes such as Newent and Cheltenham, Gilbert’s default suggestion of ‘some other fit person’ of means and integrity was used. However, further communities, such as Painswick and Mitcheldean, entirely bypassed the provision for a visitor to the poor. Either because they resisted their influence or no magistrate was accessible or desired to intercede, no member of the county bench impacted upon poor law administration after the adoption of Gilbert's Act. Even when magistrates did it did not mean provisions were applied.

Perhaps this was predictable. Dunkley suspected, magistrates acting mainly autonomously (as they did in Gloucestershire) ‘might dispense with even the pretence of legality in administering relief’. Indeed, this was the case in several Gilbert Act parishes in Gloucestershire where, despite endorsing its use, magistrates (and parish vestries) were not constrained by its provisions. It was particularly evident in the Forest of Dean where some JPs acted collectively to use Littledean workhouse as a deterrent in a manner contradictory to the directions of Gilbert’s Act. It is unlikely the magistrates themselves would have felt this was an inappropriate use of the legislation; instead of the appropriate use of their discretion.

Magistrates within Gloucestershire were not a class apart from their judicial colleagues elsewhere. It is likely that their practise of Gilbert's Act was replicated

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5 Gilbert, Plan for the Better Relief and Employment of the Poor, p.46.
6 Gilbert, Plan for the Better Relief and Employment of the Poor, p.4
across the country. However, this analysis cannot exhibit the degree to which magisterial influence was applied without Gilbert's Act. Some magisterial adaption of the Sturges Bourne Acts was also found in Gloucestershire. On the other hand, Gilbert’s Act (and the Sturges Bourne Acts) did not provide legitimacy without which interventions were not made. This is shown to significant effect in the work of Gloucestershire JP, John Lloyd Baker. Baker was able without the use of permissive statute to overhaul the welfare provision at the village of Uley to significant effect. The experiment used their workhouse as a test of need and was eulogised by the Royal Commission’s Report in 1834. 8 Assistant Commissioner, J.W. Cowell, noted ‘the parish of Uley in Gloucestershire appears to afford the most striking example of any with which I am acquainted of the benefits which the workhouse plan of administering the poor laws is capable of conferring upon the labouring class as well as the ratepayers.’9

The implementation of Gilbert’s Act was a collaborative enterprise between local bodies, contractors and parish officials (both paid and unpaid), under legislation for welfare which was delegated out from the central government. There were no regulatory or procedural means to ensure compliance, such supervision as was provided by magistrates was wholly inadequate as they were often the instigators of its adaption and prepared to legitimise anything they themselves supported. Magisterial (and parochial) discretion was more important than the Gilbert Act provisions. The trust which Thomas Gilbert put in magistrates to apply his framework was misplaced.

8 Report from His Majesty's Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws (London: House of Commons Papers, 1834), pp.619-631.
However, most Gloucestershire Gilbert Act adoptees were ‘successful’ enough to be continued until terminated by the creation of the new poor law unions. The few parishes who ceased its implementation previously, adopted another permissive act, portraying a belief in legislative frameworks even if they were not prepared to adhere to them. From 1834 magistrates on the ground were critical in making the new poor law successful. Their contribution to the unionising of the county acknowledged by Poor Law Commissioners in London. It did not make any difference whether parishes had formerly used Gilberts Act or not. Even in Cheltenham where the Assistant Commissioner anticipated significant opposition from magistrates, concerns seemingly evaporated, and JPs grasped (as they did in every other former Gilbert’s Act parish) opportunities provided in the new framework to dominate Boards of Guardians. Incredibly, local justices continued in their attempts to adapt the new legislation on the ground, as they had done in the past. It was to prove less productive.

This examination suggests more consideration is still required to better understand how magistrates exercised agency in particular contexts; their varying priorities and how they used the differing sources of their power. Allied to this what accounted for the varying pliability of the communities over which they presided. This would have repercussions the understanding of magistrates' role but also to the working of the state and governance and society more broadly.
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