

THE ELECTION OF GLOUCESTERSHIRE COUNTY CORONERS

1800-1888 PART II

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In Part I, published last year, the author described the background to the election of coroners and the contested elections of 1817 and 1831 for the Gloucester Upper Division and the Stroud East Division respectively.



J. G. Ball, coroner for Stroud East Division,
with thanks to Mrs. J. Pleydell.

THREE UNOPPOSED ELECTIONS TO THE BERKELEY LOWER DIVISION IN 1823, 1855 AND 1875

The fact that there were no contested elections to the above coronership for more than one hundred years might seem to indicate a lack of interest. In fact nothing could be further from the truth. The coroners during this period (who were also family solicitors) held the appointment for many years – William Joyner Ellis (senior) for 33 years, his son William Joyner Ellis (junior) for 32 years and William Gaisford for 20 years. When the coronership became vacant it was either in the first instance contested openly with candidates withdrawing on the nomination day leaving no opposition as in 1823 and 1855 or it was the subject of manoeuvring behind the scenes by the Tory and Whig parties to put forward their own candidates. In the former case the information is available in the local newspapers. In the latter

case⁴⁵ some letters have survived in solicitor's archives giving credence⁴⁶ to the view that a great deal was happening behind the scenes. In both cases the returns to the Home Secretary from the Clerk of the Peace would indicate that the election of the coroner had been unopposed.

When Joyner Ellis senior died in January 1823 there were seven candidates for the vacant post of coroner. They were his son William Joyner Ellis junior, solicitor of Berkeley, John Burrup of Gloucester, John Garlick Ball, solicitor of Minchinhampton, Charles Augustus Helm, solicitor of Thornbury, William Croome, solicitor of Berkeley, William Powell Hartley, solicitor of Bristol and Thomas Weaver, surgeon of Cheltenham. It was also suggested that Henry Jenner of Berkeley would be a candidate. Henry Jenner then intimated that he would withdraw in favour of William Joyner Ellis the son of the late coroner. On 7 February John Burrup withdrew on the basis that two coroners should not reside in the same place and on the following day John Garlick Ball also withdrew giving the reason as 'inconvenient situation of my residence'⁴⁷. An 'Independent Freeholder' wrote that 'locality had nothing to do with it'. A 'Brother Freeholder' said that the office should be held by a lawyer. An 'Acting Magistrate' called for a county meeting. Objections were raised to this suggestion 'Good Heavens! Is the county of Gloucester come to this – that Free and Independent freeholders should be dictated to by an acting magistrate'⁴⁸. On 10 March 1823 it was reported that William Powell Hartley had withdrawn on 5 March as had Thomas Weaver and Charles Augustus Helm. The latter stated that 'success [was] too doubtful to justify my continuing'⁴⁹. The contest remained therefore between William Joyner Ellis and William Croome. It was said that 'a strong contest was expected up to the last moment' and that 'very considerable interest was excited'⁵⁰. When the nomination day came and the Under-Sheriff opened the proceedings by reading the writ de coronatore eligendo, Colonel Berkeley came forward to nominate William Joyner Ellis the son of the late coroner 'a gentleman in every way qualified to fill the office'. The nomination was

seconded by William Goodrich. Mr. James Croome the brother of the other expected candidate William Croome then stood up saying that William Croome had, owing to the intervention of Henry Jenner, decided to withdraw from the contest 'and give no further trouble to Mr. Ellis'. There were no other candidates and a show of hands appeared to be unanimous in favour of William Joyner Ellis. He was duly elected. The editorial comment was to the effect that it must have been highly gratifying to him 'to see a greater number of magistrates and gentlemen of the county assembled than was ever on a similar occasion who were unanimous in favour of his election'⁵¹. It is reported that there was a celebration dinner at the Bell Hotel with 'many loyal and patriotic toasts [drunk] and the company did not separate till a late hour'. William Croome did not, however, withdraw from the contest gracefully. In an advertisement dated 12 March 1823 he referred to Jenner's support for William Joyner Ellis having been obtained 'for valuable consideration' and he went on to say that Ellis had been canvassing the freeholders for upwards of two years.

The next unopposed election for the same jurisdiction was on 3 August 1855, William Joyner Ellis having died the previous month. His deputy was William Gaisford, solicitor of Berkeley who had been mayor of Berkeley in 1853 and was clerk to the Berkeley magistrates. William Gaisford embarked immediately on an election campaign. On 9 July 1855 he issued an address 'To the Nobility, Clergy, Gentry and others the Freeholders of the Lower Division of the County of Gloucester'⁵². He solicited their votes at the forthcoming election at Wickwar on 3 August 1855. He sought the support of the magistrates. He had advertisements inserted in the *Bristol Mercury* for 14, 21 and 28 July 1855⁵³. A total of 6500 election broadsides were printed and men were employed to distribute them – some charged for going round the county twice. It was known that he had substantial support from freeholders and in particular the backing of the magistrates. Tragically his wife died at Bath on 1 August 1855 and this '[cast] a shade upon the proceedings which otherwise promised to be of a jubilant character'. The election itself was held in the late Mr. Ellis's room at Wickwar. It is reported that 'temporary hustings were erected in the centre of the town, the front being tastefully decorated with flowers and evergreens', and the 'proceedings were very quickly gone through'. One of the magistrates, R.J. Purnell, proposed William

Gaisford as coroner for the district. He referred to him as having been clerk to the magistrates and that he had always found him in that capacity 'a most intelligent and pleasing person'. He also pointed out that he was not unacquainted with the duties of the coronership having acted as deputy for the late coroner 'during his last illness with great zeal and ability'⁵⁴. The nomination was seconded by R.P. Davis. John Burrup the Under-Sheriff then asked whether there was any other candidate to be proposed. On no other candidate coming forward he declared William Gaisford to be duly elected⁵⁵. He held the position until 5 January 1875 when he announced to the freeholders that he felt that the time had arrived for him 'to retire into private life'. In his address he said that it had been 'an honour and confidence of which [he had] ever been proud and grateful to [them]'. He went on to say that it had been '[his] earnest desire and endeavour to discharge the onerous and melancholy duties of the most important office with promptitude care and strict impartiality'⁵⁶. He concluded by saying that he had on that day given in his resignation at the General Quarter Sessions at Gloucester as coroner for the Lower Division of the County of Gloucester⁵⁷. In retirement he was to live at Devizes, Wiltshire⁵⁸ and he gave as one of the reasons for his resignation the fact that he had 'ceased to reside in the [Lower Division of the said County of Gloucester] or within two miles of the outer boundary thereof'⁵⁹.

There was a brief announcement in the national press of the unopposed election on 2 February 1875⁶⁰ of Dr. Edward Mills Grace as coroner for the Lower Division of Gloucestershire rendered vacant by the resignation of William Gaisford. From that announcement it might be thought that there had been no interest in the contest. In fact the reverse was the position. It was suggested that William Gaisford had not given sufficient notice of his intention to resign. It was pointed out by a fellow county coroner that he was still coroner despite his resignation until he was removed by a writ de coronatore amovendo⁶¹. Gaisford's deputy was his partner Charles Scott, solicitor of Berkeley and on 10 January 1875 John Gwynne, a Bristol solicitor, wrote to him. He understood that owing to pressures of his private practice Charles Scott did not intend to be a candidate in the forthcoming election. He wanted a liberal candidate. He had 'sounded out' Mr. Cox of the liberal party but 'his business arrangements will not permit it'. Gwynne went on to commend a Mr. Bedell, solicitor of

Bristol 'a very good liberal and has worked well for the party and is in every respect well qualified for the appointment'. Bedell had 'only a small practice'. He might be disposed to apply for the coronership and Gwynne continued by saying that he could arrange for the support of the leading liberals in the district and he thought that the liberal party 'was strong enough to carry it'⁶². He asked Charles Scott if he should approach Bedell. In the meantime one of the county magistrates had written to Charles Scott expressing his disappointment that he was not going to be a candidate saying that he would have been pleased to support him. He said that he was not at the Quarter Sessions on the day of William Gaisford's resignation being announced but informed Scott that 'we may depend upon conservatives starting a man as they try for every post and office they can from parish clerk upwards'⁶³. As it turned out the man they 'started' was the well known Gloucestershire cricketer Dr. Edward Mills Grace. His candidature immediately discouraged others. John D. Trenfield wrote to Scott saying that he had decided not to go forward as a candidate⁶⁴. It appeared that most of the county magistrates were supporting Dr. Grace and were active on his Campaign Committee. The most prominent supporter was the leading Tory magistrate, the Duke of Beaufort, who was a friend of Dr. Grace's father Henry Mills Grace⁶⁵. One young solicitor with liberal inclinations Charles Wintle contacted Scott on the basis that he would be a candidate if '[he] could get sufficient support to warrant [his] doing so'. He asked if Scott and William Gaisford with whom he was on friendly terms would assist him. He referred to the press list of Dr. Grace's Committee and said that had he known of Mr. Gaisford's retirement earlier he could have secured for himself the support of most of the names on that list. He went on to say that he did not think that a medical man 'from want of legal knowledge and especially as to evidence is at all qualified for the office'⁶⁶. Charles Wintle even suggested that Scott should apply for the appointment that it would then be an unopposed election and that he, Charles Wintle would be prepared to act as his deputy and do most of the work for him⁶⁷. It would appear that the proposition was of no interest to Charles Scott who appears to have approached another solicitor, Albert Essery of Bristol. There is evidence that he supplied information as to the vacant coronership to him. Essery thanked him for it, said that he had at once contacted all his friends and 'the leading men of the district' asking for

their support. He also wrote to 'his Lordship at the Castle' asking for permission to name him as Chairman of his campaign committee. He said that if Charles Scott changed his mind and decided to 'go into the field'⁶⁸ he would retire and back him. It transpired, however, that the county magistrates and the landed gentry were overwhelmingly in support of Dr. Grace and at the last minute Albert Essery retired from the contest, which, therefore, became unopposed. On the second February 1875 therefore Dr. E.M. Grace was nominated as the coroner for the Lower Division of Gloucestershire by the Duke of Beaufort seconded by Mr. F. Tagast and declared elected by the Under-Sheriff. Dr. Grace made a speech thanking all his supporters for his election and in particular the Duke of Beaufort as a family friend. It is recorded that 'the proceedings which lasted a very short time [then] terminated'⁶⁹. He held the appointment until he retired in 1911. It is recorded that with his brothers he 'raised Gloucestershire to [a] first-class cricketing county and played for England v. Australia in 1880'⁷⁰. He was the first county coroner to play cricket for England. He combined his cricketing career with his work as Registrar of Births, Marriages and Deaths, as a county coroner for Gloucestershire and as a medical practitioner. He was married four times. He died at the age of 70 on the 20 May 1911 after a long illness and left a substantial estate⁷¹. He is remembered more as a cricketer than as a coroner.

CONCLUSIONS

As custodian of the county rates it was to be expected that when a vacancy for a coroner occurred the county magistrates would play a part in the election process. The foregoing study of certain of those elections indicates that that expectation is at least partially correct. When an election was contested the backing of the magistrates was crucial to a candidate's success in 'bringing in' the freeholders. In the Ball/Bevir election of 1831 it was their hard work in the last two days of the polling that swung the balance in Ball's favour⁷². Sometimes the involvement of the magistrates led to the election campaign having political overtones. The campaign could present an opportunity to test the political alignment of the county⁷³. There could be competing Tory and Whig supporters. Often this was resented by the candidates themselves but it was accepted because prolonged election campaigns and extended polling (nine days in the Cooke election of 1812

and eight days in the Ball election of 1831) made contests expensive. Subscriptions from political parties therefore helped. The magistrates could also influence the outcome of an election by their choice of the place where the polling was to be held. If it was in a remote part of the county it would be difficult and also expensive for candidates to arrange transport for their supporters to vote. Local newspaper reports of contested elections provide vital evidence and in the case of uncontested elections surviving correspondence between local solicitors reveals details of the manoeuvring which took place between rival factions before there was an unopposed election. In these manoeuvrings the county magistrates may be said to have played an important role.

References

- 45 *British Medical Journal* 16 January 1875.
- 46 Records of the coroner for the Lower Division of the County of Gloucester deposited by Scott & Fowler, Solicitors, Berkeley at the Gloucestershire Record Office (G.R.O.) under ref. 41211 (the files cover the period from May 1855-January 1875).
- 47 *Gloucester Journal* 10 February 1823.
- 48 *Gloucester Journal* 24 February 1823.
- 49 *Gloucester Journal* 10 March 1823.
- 50 *Gloucester Journal* 17 March 1823.
- 51 *Ibid.*
- 52 *Gloucester Journal* 28 July 1855
- 53 G.R.O. ref. CO 1/M/1/2. His election expenses amounted to £67.7s.3d.
- 54 *Gloucester Journal* 4 August 1855.
- 55 *Bristol Mercury* 4 August 1855.
- 56 G.R.O. ref. CO 1/M/B/41, CO 1/M/B/37 and CO 1/M/B/38.
- 57 *Gloucester Journal* 9 January 1875.
- 58 He died on 7 December 1880 at Worton House, Worton. Probate of his will was obtained out of the Principal Probate Registry on 7 January 1881 by his sons Rev. Thomas Amyas Gaisford of 2 Devonshire Place, Wells Road, Bath, clerk and Edward Sands Gaisford of 1 Mitre Court Temple in the City of London, Solicitor. Personal estate was sworn at under £10,000.
- 59 G.R.O. ref. CO 1/M/B/38.
- 60 *The Times* 3 February 1875.
- 61 Letter from E. Corron to Charles Scott G.R.O. ref. CO 1/M/B/18.
- 62 Letter from J. Gwynne to Charles Scott G.R.O. ref CO 1/M/B/19.
- 63 Letter from Nigel Kingscote to Charles Scott G.R.O. ref. CO 1/M/B/20.
- 64 The Duke of Beaufort had wanted to purchase medical practices for the Grace brothers. It was he who was instrumental in the presentation of £1458 and a marble clock to DR. W.G. Grace. *The Memorial Biography of Dr. W.G. Grace* (1919) p. 136
- 65 Letter from J.D. Trenfield to Charles Scott G.R.O. ref. CO 1/M/B/21.
- 66 G.R.O. ref. CO 1/M/B/25.
- 67 Letter from Charles Wintle to Charles Scott G.R.O. ref. CO 1/M/B/25.
- 68 Letter from Albert Essery to Charles Scott G.R.O. ref. CO 1/M/B/27.
- 69 *Bristol Mercury* 6 February 1875
- 70 Concise Dictionary of National Biography 1901-1921 Supplement p. 56. Wisden Anthology 1900-1940 p. 395 'But for the accident that his own brother proved greater than himself, E.M. Grace would have lived in cricket history as perhaps the most remarkable player the game has produced'.
- 71 *The Times* 22 May 1911. It is recorded in the Gloucester Probate records that Edward Mills Grace of Park House Thornbury, Gloucester coroner physician and surgeon died on 20 May 1911. Probate was granted on 11 July 1911 to Edgar Mervyn Grace, gentleman and Claude Bernard, surgeon. Effects £6533.2s.9d. Re-sworn £6721.2s.5d.
- 72 *Gloucester Journal* 7 May 1831
- 73 Eastwood op. cit. p.67.