

# ELECTING A VICAR

## PAINSWICK'S OLD PATRONAGE

### And the Result of Polls

FOR an unknown period, but at any rate for more than 155 years, up till exactly a century ago, Painswick parishioners themselves held the patronage of the living. This meant that whenever a vacancy occurred there were elections that were not always carried out just as they should have been, until, in 1839, the advowson was sold to a Mr. Biddle, of Stroud. The present patron is the Lord Chancellor.

An indication of the kind of thing that used to happen was recounted in the "Gentleman's Magazine" for 1794, when it announced the death of the Rev. John Moseley, "near 90," who had held the living since 1779. The report states: "The living is in the gift of the parishioners, and whenever a vacancy happens there is generally a strong contest. About thirty years ago, when Mr. Moseley was elected by vote, the contest ran so high that it was near ten years before the vicar was established in the living. The bishop found himself under the necessity of appointing curates during that period."

#### CHIEFEST AND DISCREETEST

Some details of this interesting and apparently somewhat disconcerting form of patronage was contributed by Sir Francis Hyett to "Gloucestershire Notes and Queries" in 1890.

In this valuable article Sir Francis said he was unable to learn when the choice of their vicar was first entrusted to the parishioners of Painswick, but it was some time before 1684. By an indenture dated March 1st of that year, one George Clarke, heir of the surviving trustee, conveyed the right of presentation to new trustees upon trust that they

"do and shall, as often as occasion shall require, present some fit person or persons, such as the inhabitants and parishioners of the said parish of Painswick, or the major part of the chiefest and discreetest of them should nominate to the said vicarage."

#### AN ALTERATION

These trusts were, it seems, explained Sir Francis, altered (or attempted to be altered) on a subsequent appointment of new trustees; for by a deed dated October 30th, 1810, it was provided that "the inhabitants and parishioners who should have received Sacrament in the Church of Painswick within one year before the vacancy, or the chiefest and discreetest of them."

Here, indeed, was a possible source of dispute. Mr. Moseley, it appears, was presented to the living by the trustees, although another clergyman had been elected by the parishioners. A suit in equity was instituted to establish the election of the last-named, but was abandoned, and this, Sir Francis presumes, was the litigation referred to in the comment from the "Gentleman's Magazine" mentioned above.

#### TRUSTEES AND PARISHIONERS

The story can best be continued in Sir Francis' own words:

"Mr. Moseley died October 14th, 1794, and at a parish meeting on the Thursday following the selection of his successor was fixed for January 5th, 1795. The candidates were the Rev. John Fcaron and the Rev. Charles Palmer. The poll was kept open until January 11th and Mr. Fcaron was nominated by a majority of 251, but the trustees refused to present him, and a bill was filed to compel them to do so.

#### PAUPERS, SERVANTS AND INFANTS

"In their answer, relying on the precedent at Mr. Moseley's presentation, they claimed the right to nominate without interference of the parishioners, on account of the vagueness of the terms of the trust

They also alleged that at Mr. Fcaron's election, non-ratepayers, paupers, servants and infants had voted, and that the conduct of the election had been disorderly.

"The suit was heard February 2nd and 4th before Chief Baron MacDonald, who, in giving judgment for the plaintiffs, described the words 'chiefest and discreetest of them' as a 'badge of antiquity,' and said that the only construction he could put upon them was, that 'chiefest' meant those who paid parish rates, and the 'discreetest' those who had attained 21 years of age."

#### FOUR CANDIDATES

The "Gloucester Gazette" of Friday January 23rd, 1795, also referred to the election of Mr. Fcaron, and named other candidates not mentioned by Sir Francis. The "Gazette" stated:

"On Friday last the poll for the election of a vicar of Painswick in the room of Mr. Moseley was finally closed, when the numbers were:—Mr. Fcaron, 944; Mr. Palmer, 693; Mr. Wallest, 63; Mr. Ellis, 22; majority in favour of Mr. Fcaron 251."

#### "RIOT AND DISORDER"

The last election Sir Francis Hyett recalled in "Notes and Queries" was on June 23rd, 1823 "when the successful candidate was the Rev. Robert Strong, and his opponent the Rev. William Knight. . . . According to parochial tradition the 'treating' which took place at this election surpassed anything revealed by parliamentary election petitions of later days. It was doubtless mainly owing to scandals on this occasion that steps were taken to obtain, by the aid of Parliament, some improvement in the mode of presentation. Accordingly an Act (1 Vict. cap. 15) was passed on June 11th, 1838, entitled 'An Act for the Sale of the Advowson of Painswick in the County of Gloucester.'"

The preamble stated that

"the existing method of electing a vicar has been found to be productive of riot and disorder, and to be in many respects inconvenient, and the same is detrimental to the interests of the said parish and injurious to the cause of religion."

The result of this Act was given by the "Gloucester Journal" of May 4th, 1839:—"The perpetual advowson and next presentation to the vicarage of Painswick was sold pursuant to advertisement on the 19th April. We understand it was knocked down to Mr. Biddle, of Stroud, at the low sum of £2,530."

#### SUBSEQUENT HISTORY

At that time the income of the benefice was estimated at about £600 per annum, and Sir Francis Hyett related how, after the death of the then vicar, Mr. Strong, Mr. Biddle presented his son, the Rev. John Biddle. "Subsequently it was sold for £2,500 to Mr. Barnard, who sold it to the trustees of the Hon. and Rev. Percy George Willoughby, for £5,000. Mr. Willoughby, after spending £1,000 on the vicarage-house, sold the advowson for £6,000 to Henry McCrea, Esq., who, in 1876, presented his son, the Rev. Henry Herbert McCrea."