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Edwin James (1812-82): actor, barrister, politician and his connections with Southampton Liberalism in the mid nineteenth century

Edwin John James came from a well-connected legal family. His father - John James (c.1784-1852) – was one of the secondaries of the City of London (equivalent to sub-sheriff in county jurisdictions). He is said to have “relinquished one of the largest and most lucrative practices” in the city to take office (*Morning Chronicle*, 23 July 1852). His mother – Caroline James, *nee* Caroline Combe - was niece to Harvey Christian Combe (1752-1818), alderman (1790-1817), sheriff (1791-2) and lord mayor (1799-1800) of London and MP for the City (1796 – 1817). A Whig in politics, he was a friend of Richard Brinsley Sheridan and C J Fox (his fourth son was christened Charles James Fox) and part of the Prince of Wales's circle. Amongst the cousins of Caroline were Harvey Combe (1782-1858), high sheriff of Surrey in 1831, and Boyce Combe (1790-1864), barrister, bencher of Gray's Inn and for over 30 years a Metropolitan Police magistrate.

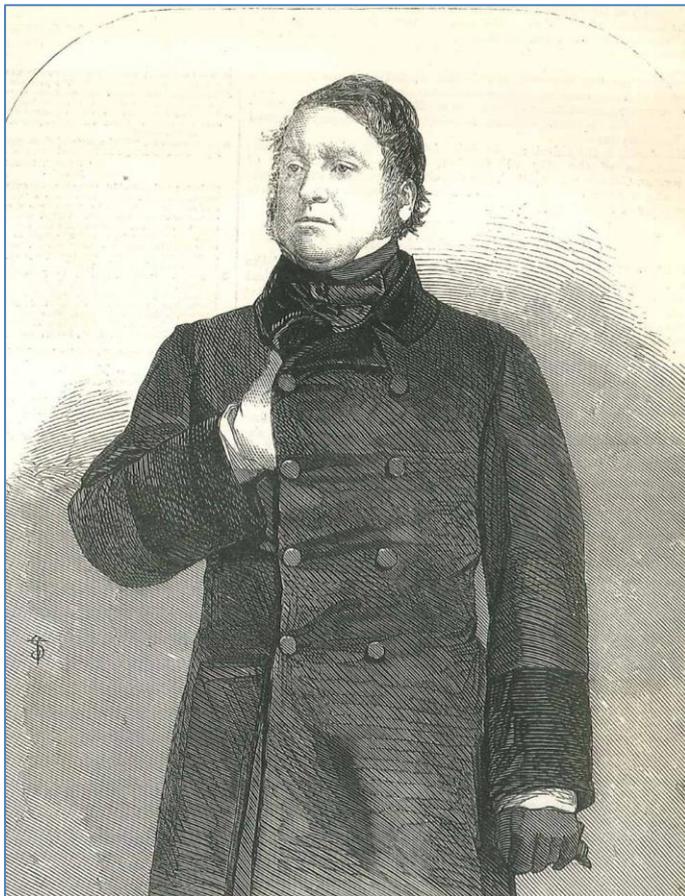


Fig. 1. Edwin James as MP for Marylebone.
Engraving (after a photograph by John Watkins) in
Illustrated London News, 30 April 1859, page 429

Edwin James as the eldest son was predestined for the law. However, after a private education, he entered the stage, learning his craft in small private theatres in London before moving to Bath to study under John Cooper, then manager of the Theatre Royal. Cooper was later an actor and impresario on the London stage (*Oxford dictionary of national biography*). Edwin failed to cut the mustard as an actor, and his father paid for him to be enrolled at the Inner Temple. He was called to the bar on 30 June 1836. He immediately went on the Home Circuit, where he quickly built up an extensive and lucrative practice in both civil and criminal law. In December 1853 he took silk as a Queen's Counsel. James's practice was not based on a deep knowledge of the law. It was based on forensic and brutal skills of cross-

examination, native wit and theatricality. He was "a capital man to a jury", playing on innate prejudices and preconceptions. He had almost a monopoly of that sort of practice which fills the columns of the daily papers: "leader in all actions for seduction, breach of promise of marriage, assaults, and false imprisonment, and in all cases which involved the reputation of an actress or a horse" (*The Spectator*, 8 February 1862). Charles Dickens based the unscrupulous and ambitious London barrister Stryver – the employer of Sydney Carton - in A

Tale of two cities on Edwin James. “Mr Stryver, a man of little more than thirty, but looking twenty years older than he was, stout, loud, red, bluff, and free from any drawback of delicacy, had a pushing way of shouldering himself (morally and physically) into companies and conversations, that argued well for his shouldering his way up in life” (*All the Year Round*, volume 1, page 145, 11 June 1859). The original attribution was made by Edmund Yates in *His recollections and experiences* published in 1884. He remembered James as “a fat, florid man, with a large bland face”.

Edwin James first came to the notice of Southampton Liberals in May 1842. The general election of July 1841 left a legacy of parliamentary enquiries and court cases. James was involved, as junior defence barrister to Matthew Davenport Hill, in a case heard before the Court of Exchequer in May 1842 in which the assignees of the now bankrupt proprietors of the Star Hotel – Liberal party headquarters in the election - sued the defeated Liberal candidates for £653.4s.2d in unpaid bills. The Star had been an open house for much of the election, where, to quote the evidence of one of the hotel’s waiters, “the tap ran faster than they did” (*The Standard*, 17 May 1842). Sir Frederick Thesiger, later solicitor general and attorney general in Peel’s administration, led for the plaintiffs. The verdict went against the Liberal candidates, Captain Charles Mangles and Edward John Hutchins.

Edwin James was building a reputation as a parliamentary counsel, appearing in a string of disputed election cases from the mid-1840s: Wigan (1846), Bewdley, Bodmin, Cheltenham, Dublin City, Lancaster (1848), City of London (1849), Aylesbury, Harwich (1851) and, following the 1852 general election, Blackburn, Derby, Cork, Monmouth, Liverpool, Southampton, Peterborough, Bury, Clitheroe, Huddersfield, Mayo, Rye, Cambridge, Maldon, Sligo Borough, Tynemouth, Kingston-upon-Hull, Harwich, Guildford, Dungarran and New Windsor. The petition against the return of the Liberal candidates for Southampton – Brodie McGee Willcox and Sir Alexander Cockburn - was the most complex of the petitions arising from the 1852 election. A run of the mill petition in origin – the defeated Tories merely asking that the result be nullified – it was transformed into a case of national interest by the appointment of Sir Alexander Cockburn as attorney general in January 1853 and his return for the borough in an uncontested by election the same month. This meant that, whatever the result of the parliamentary enquiry, Cockburn would remain as the sitting member for Southampton. The constitutional niceties that this threw up made it - to quote Alexander Cockburn, himself a parliamentary counsel of great experience - “altogether an unprecedented case, a case of some singularity and ... of a very anomalous character” (*Morning Chronicle*, 25 February 1853). The petition was heard in February 1853 and resulted in the rejection of the petition and confirmation of the election result. It was a case that did much to raise James’s profile on the parliamentary circuit.

Two years later Edwin James was leading defence attorney in the case of ‘Bradshaw *versus* the proprietor and publisher of the *Hampshire Independent*’, heard before the Lord Chief Justice in the Court of Exchequer on 26 June 1855, with Sir Frederick Thesiger leading for the plaintiff. The case originated in a petty party election squabble over the vacant chaplaincy of Southampton Workhouse in February 1855. The successful candidate, the Reverend George Bradshaw, was charged by Timothy Falvey, editor of the *Hampshire Independent*, with using treachery, falsehood and deceit to obtain his victory. Bradshaw sued the proprietor and publisher of the *Independent* - Thomas Leader Harman and Henry Pond respectively - for £2,000 in damages, a sum which if awarded would have bankrupted the newspaper. The case quickly became of national interest, with the freedom of the press at issue. Defence documents are preserved in Hampshire Archives and Local Studies (4M92/G71-2). They

include James's brief of 58 folios. The Southampton newspapers – Liberal and Tory – united in their condemnation of the Reverend Bradshaw and delighted in the grilling he received from James in the witness box. The reporter of *Hampshire Advertiser* (30 June 1855) rejoiced in “the writhing condition of the plaintiff under the hands of Mr James.... ‘Much sharper than a serpent’s tooth’ must have been the punctures experienced during that six hours trial”. The reporter of the *Hampshire Independent* captured the moment when, doubtless using techniques learnt on the stage, James launched into “a capital ventriloquistic imitation of the pompous and peculiar way in which the witness [Bradshaw] answered the last question”. The costly and politically divisive case ended in a tame compromise mediated by the two leading counsel. Bradshaw thought this a betrayal, a denial of his right to have a jury of twelve men good and true to decide the case. In this sense, the trial was a victory for the Liberals and their counsel Edwin James. It was later said that James returned his legal fees at the conclusion of the case (*Hampshire Independent*, 6 December 1856: evidence of John Traffles Tucker).

Edwin James had for the previous five years been looking to enter parliament. In February 1850 he is mentioned by the *Globe* as a possible Liberal candidate for Canterbury in alliance with Frederick Romilly (quoted in *Worcestershire Chronicle*, 27 February 1850). In July 1850 he is linked with Chester, following a vacancy caused by the elevation of Sir John Jervis to the chief justiceship of common pleas. He was subsequently linked with Cambridge town (August 1854), Rochester (April 1855), Southwark (October 1855) and, in late 1856, with Kingston-upon-Hull. This was a constituency whose politics he knew well. Three years earlier he had unsuccessfully defended James Clay – the Liberal candidate in 1856 - before a House of Commons select committee appointed to hear a petition against his return in the 1852 general election on grounds of bribery. Clay was the natural successor to William Henry Watson, MP since 1854, on his elevation to the judicial bench as baron of the exchequer. Edwin James issued his first election address on 6 November 1856, the day on which Watson's resignation was announced and a day before Clay issued his first address. James argued that his former client's deselection in 1853 made him ineligible to become a member before a new parliament was convened: if elected, he would not be able to take his seat. The intervention was doomed from the outset. Edwin James was too obviously a place hunter, a man “dying for an opportunity to bring himself under the notice of the Premier [Palmerston], who has the opportunity of distributing judicial prizes” (*Hull Packet*, 14 November 1856). He was too closely allied with an administration whose centralizing tendencies were increasingly at variance with municipal autonomy. To quote from a squib published by the *Hull Packet*:

True as the sunflower to the sun,
JAMES turns his face to PALMERSTON!

His argument on Clay's ineligibility also fell foul of the new legal consensus that the 1854 Bribery Act had resolved the anomaly of deselected MPs being unable to stand in the same parliament.

The prospect of a seat at Southampton came about through the unexpected death of Sir John Jervis, chief justice of common pleas, at his house in Eaton Square on 1 November 1856. By the etiquette and practise of the profession the attorney general (Sir Alexander Cockburn) had first refusal of the office. This would inevitably produce a by election in Southampton. On the first intimation of a vacancy, Edwin James had hurried to the Reform Club in Pall Mall to inquire of Brodie McGee Willcox as to his chances of succeeding Cockburn. Told that the succession was virtually assured to Captain Charles Mangles (defeated candidate in 1841 and with strong commercial interests in Southampton), James returned to his barren labours in

Hull. The sudden departure of Mangles, hounded out of town for his connection with the monopolistic London and South-Western Railway, left Southampton an open borough. Seven Liberal candidates were named in the *Morning Chronicle*, 20 November 1856. Six can be identified (a seventh, 'Gambier', is a mystery). Sir John Easthope, Bart (1784-1865) had in earlier days been a political heavyweight - chairman of the London and South-Western Railway, proprietor of the *Morning Chronicle*, MP for St Albans, Banbury and Leicester, founding angel of the *Hampshire Independent* and candidate for Southampton in 1835 -, but defeat in the Bridgnorth election of 1847 seemed to mark the end of his political career. The Honourable Philip Pleydell-Bouverie (1788-1872) was a London banker, a commissioner of lieutenancy for the City of London, high sheriff of Somerset 1843-4, a county magistrate for Berkshire and Wiltshire and brother of the politically radical 3rd Earl of Radnor (William Pleydell-Bouverie). He had represented Cockermouth (1830-1) and Downton (1831-2) in the pre-Reform House of Commons but subsequent attempts to enter the reformed House (Devizes in 1835 and Somerset West in 1847) ended in failure. He was elected a county member for Berkshire in March 1857. Edwin Chadwick (1800-90) was making the first of his "embarrassingly abortive attempts to find a parliamentary seat" (*Oxford dictionary of national biography*). He withdrew from the contest after a partial and delayed canvass, begun on 18 November. He was to stand for Evesham in 1859 and Kilmarnock in 1868, but on each occasion finished bottom of the poll. Gillery Pigott (1813-75) was a successful barrister on the Oxford Circuit, appointed a counsel to the Inland Revenue in 1852 and a serjeant-at-law in February 1856 (*Oxford dictionary of national biography*). An active candidate for Southampton, he was simultaneously "coquetting with the electors of Banbury" to succeed Henry William Tancred, MP for the borough since 1832, at the next dissolution (*Hampshire Advertiser*, 15 November 1856). The *Morning Chronicle*'s list is completed by Thomas Mathias Weguelin (1809-85), who we shall meet later, and Edwin James.

Sir Alexander Cockburn accepted the office of chief justice of common pleas on Thursday 13 November 1856. The next day - "taking time by the forelock" (*The Standard*, 15 November) - Serjeant Pigott was in Southampton, his address in the hands of the printers by evening. He was accompanied by two of his brothers: Francis Pigott of Heckfield Heath, a county magistrate, MP for Reading (elected in 1847) and unsuccessful contestant for Winchester in 1841 and the Reverend Paynton Pigott, rector of Ellisfield, in north-east Hampshire, between 1837 and 1885. The serjeant soon realized that Liberal favours had been bestowed on another and withdrew. He was later to succeed brother Francis as MP for Reading in October 1860 and in 1863 was appointed a judge in the Court of Exchequer and knighted. The chosen one was Edwin James. His candidature was announced on Saturday 15 November, the very day that the *Hull Packet* published his undying pledge to stand the Hull election. James had the support of the *Hampshire Independent*, an editorial of 15 October praising him -in the convention of the day - as a talented man entirely free from local vested interests. He was a natural successor to Cockburn: his legal familiar, an ally in many celebrated court cases including the trial in May 1856 of William Palmer, the 'Rugeley poisoner', and a fellow counsel before numerous House of Commons election committees. Edwin James acted as escort to Cockburn on his appointment, on 12 November, as a serjeant-at-law, a highly ceremonial prelude to the more substantive appointment the next day. James too was thought by some to be about to follow Cockburn's rise through the legal profession. He had been appointed recorder of Brighton on the town's incorporation in 1855 and was a possible contender for the recordership of Bristol, soon to be vacated by Cockburn. Speculation on the distribution of legal office after Jervis's death saw, amongst other combinations, Sir Richard Bethell succeed Cockburn as attorney general and James succeed Bethell as solicitor general (*Morning Post*, 14 November 1856). However, as with the candidature of Captain Mangles,

the Liberal establishment in Southampton had miscalculated the mood of the party. Many believed that a commercial town like Southampton should be represented by a man of commerce. This produced the sixth candidate named by the *Morning Chronicle*. Thomas Mathias Weguelin was the most successful Baltic merchant of the day, a governor of the Bank of England and the nominee of the Liberal government. He was supported by the most vocal of the anti-Mangles activists.

The first selection meeting was called for Wednesday 19 November 1856. Open to the full Liberal electorate it was held in the Riding School in Carlton Place, the largest indoor venue in the town. Edwin James, Serjeant Pigott and Thomas Weguelin were invited to speak, but the invitations were so manipulated that only James received his in time. He did not disappoint. His speech was carefully tailored to meet the expectations of his audience. He spoke in favour of the ballot, the extension of the franchise and the total abolition of church rates. He rewrote his own history to make himself more acceptable to his audience. "I am myself sprung from the working classes, and I am one of them (cheers). I have been the architect of my own fortune, and my own position (cheers)". He deflected criticism of Cockburn's support for the government's police bill – seen as a threat to municipal independence – by arguing that Cockburn had done all he could to remove the clauses obnoxious to the people of Southampton. Finally, James stoutly defended the role of lawyers in Parliament, specifically referring to the support of local lawyer MPs in defence of the Mudlands against the aggrandizement of the Southampton Dock Company. He deflected hecklers with ease:

A Voice: Why did you leave the electors of Hull?

Mr James: Because he liked them better (laughter and cheers)

Timothy Falvey was predictably enthusiastic: "A more manly, straightforward, and talented address, we will venture to say, was never delivered before any constituency" (*Hampshire Independent*, 22 November 1856). The meeting however descended into shambles when James sat down. The supporters of Weguelin – convinced that he had been shut out by a shabby trick – demanded that the meeting be suspended until their candidate could be heard. James, realizing that any endorsement by the meeting would be meaningless, supported the subsequent motion to reconvene the meeting.

The adjourned meeting, arranged for Tuesday 25 November, was an omnishambles. The Riding School was a seething mass of the disaffected, swelled allegedly by thugs dragged from the docks, and whipped up to violence by Tory agitators such as John Zimmerman. Estimates put the attendance at between 3,000 and 4,000. The reporter for the *Hampshire Independent* was so wedged in on the temporary platform – three waggons placed end to end and covered with wooden boards – that he could barely see what was happening. The pro-James faction immediately lost control of the agenda. Harman had opened proceedings the previous Wednesday. The first speaker at the postponed meeting was William Lankester, one of Weguelin's chief supporters, who claimed the right as proposer of the motion for adjournment. So it was that Weguelin took the floor before James. He attacked the role of lawyers in Parliament, blaming them for the increasing centralization of government. He spoke of the right of commercial towns to be represented by commercial men. He met objections that he had no trading interests in the town with the argument that MPs should represent not simply places but classes and interests. The meeting had been lost by the time that James took the floor. Fighting among the audience delayed his speech by half an hour. When he did speak he was continually interrupted. A reporter on the *Hampshire Advertiser*

noted that, his speech concluded, James sat down “much fatigued and annoyed”. The show of hands was inconclusive but the chairman of the meeting Alderman Henry Desautoy – a member of James’s election committee - declared James to be the appointed Liberal candidate. The platform party, along with the majority of their supporters, now left. The pro-Weguelin supporters led by James Pegler, James Charles Cox and Dr Francis Cooper immediately reconvened the meeting, with Joseph Clark as chairman. The new speakers, given the field to themselves, turned on James as a lawyer brought down to Southampton by treachery and as a place-hunter who would act in Parliament in the same professionally mercenary way that Cockburn had done. The town would be the laughing-stock of the country if they were to descend from Cockburn to James. The charade ended with a clear vote in favour of Thomas Weguelin as the appointed Liberal candidate.

The impasse was broken in the early hours of Wednesday 26 November. The events of the night and their consequences were later recounted by Richard Andrews, chairman of James’s election committee and his successor as Liberal candidate for the borough:

The second meeting at the Riding School came soon afterwards, and the scenes which occurred there were an everlasting disgrace to those who caused them. Mr James was so discouraged that at one o'clock in the morning he called him [Andrews] into his bedroom, and said he did not like it, and it was a state of things to which he was unaccustomed. He [Andrews] told him he must expect such things in election contests, and recommended him either to abandon the contest altogether or to pledge himself to go to the poll (hear, hear). He never saw Mr James, nor heard of him, from that day to this. There were some telegraphic messages down on the Thursday night, Friday night, and Saturday night, and they bore up with the disappointment until the Monday, when they had worked themselves up to such a pitch that they could not longer stand it, and inquiries were made in all directions why he (the Mayor) did not become a candidate (cheers) (*Hampshire Independent*, 20 December 1856: speech to Liberal supporters at the Royal York Hotel on 15 December).

The *Hampshire Advertiser* used a foxhunting analogy to explain James’s flight: "after being hunted by the Liberal pack within an ace of his life, [he] at length made his escape from 'the clamour of the noisy hounds', and went away to cover, broken in wind and spirit". Three months of relentless electioneering followed as the new writ had to await the reconvening of parliament after the Christmas recess. Victory went to Thomas Weguelin, with a small majority over the Tory Sir Edward Butler and Richard Andrews, now a broken man, last in the poll.

Edwin James quickly refound his parliamentary ambitions. The following month he was, albeit briefly, a candidate at Greenwich (*Morning Chronicle*, 5 December 1856). In the next two years he was reported as being connected with half a dozen constituencies (Reigate in autumn 1858 can be identified). But he never went to the poll and was gaining the reputation as a “runaway candidate” (*Brighton Gazette*, 7 October 1858). It seemed as though his political influence was to be confined to the election committee. In Cockburn’s absence he was the parliamentary counsel of choice, responsible (according to the *London Illustrated News*, 30 April 1859) for unseating 27 sitting members returned at the general election in March 1857. Events however took a sudden, unexpected twist. Marylebone became vacant in early February 1859 on the resignation of Viscount Ebrington. Major Frederick Romilly (brother of the master of the rolls Sir John Romilly and the successful candidate in James’s first election contest in February 1850) was the nominee of the aristocratic cabal that ran the

borough. James stood against him as the champion of the “well-known spirit of independence” of the borough: “Are you going to have the Reform Bill of 1832 bartered away by an arrangement in a drawing room?” This clearly struck a chord in the borough for, after a canvass of little more than seven days, James took the seat with a majority of 3,376 in an electorate of 10,157. Edwin James took his seat in the House of Commons on 28 February, a mere twelve days after his introduction to the borough. The Liberal administration immediately harnessed his talents. His first speech was to open the resumed debate on the parliamentary reform bill, speaking in support of Lord John Russell's motion to enfranchise £6 tenements in towns. It was the revival of an old political alliance. James had been a member of Russell's committee during the July 1847 election for the City of London.



Fig. 2.

James had been in the House of Commons only a few weeks before a general election was called. He was comfortably re-elected but the expense of two elections so close together, estimated at £7,500, was a considerable drain even for a man of James's earning potential. Marylebone was one of the most prestigious of the English constituencies and its new member could claim to be the most popular man in the country. Preferment seemed only a matter of time. In December 1859 Charles Villiers, president of the Poor Law Board and a well-informed London society insider, urged Palmerston to make James solicitor general *vice* Sir Henry Singer Keating: "the appointment of a man undoubtedly competent, of very popular opinions with an extremely popular constituency would have more than the usual effect ... when we are about to meddle with the representation" (E D Steele, *Palmerston and Liberalism, 1855-1865*, 1991). James was estimated to be earning £7,000 *per annum* (*Oxford dictionary of national biography*). He courted international publicity. In autumn 1860 he spent six weeks of the parliamentary vacation campaigning with Giuseppe Garibaldi in southern Italy. An engraving of James “in his half-military,

half-navvy equipment”, was published in the *Illustrated London News*, 13 October 1860 (figure 2).

James resigned from the House of Commons on 10 April 1861, days before *The Times* revealed details of years of professional malpractice, financial misappropriation and intimidation. Once the allegations were made public he was thrown out of two of the most exclusive clubs in London - Brooks's and the Reform – and barred by royal decree from

practice at the bar: the only Queen's Counsel to be so dishonoured. An internal investigation by benchers of the Inner Temple revealed a trail of corruption going back to the Horsham by election of 1847. James here acted as agent to John Jervis junior, standing his first election, the son of the attorney general Sir John Jervis, who had personally appointed James to run his son's election. James had recently acquired property in the neighbourhood, including a house (The Nunnery) at Rusper. Jervis was successful at the polls but the result was subject to a House of Commons select committee. It was clear that the attorney general would be implicated in electoral malpractice and it fell to James to shield the senior law officer of the crown. An agreement was reached with the committee whereby charges of gross bribery were withdrawn provided that the son admitted the less serious charge of treating. Those charged with bribery were not named. As part of the settlement James was to pay £1,500 towards the cost of the petition: an agreement on which he wretched and which, being outside the law, was unenforceable. There was a subsequent private legal case in March 1849 when Sir John Jervis and Edwin James were charged at Lewes Assizes with bribery and the protection of bribery arising from the by-election. The case against James filled 379 pages of manuscript. Government influence again came to bear and the judge directed that the allegations be withdrawn before the case came before the jury.

On 6 March 1855 Edward Crauford, MP for the Ayr Burghs and a bencher of the Inner Temple, moved that a select committee of the House of Commons be set up to enquire into the appointment of James as recorder of Brighton. Crauford cited as evidence of James's unfitness both the Horsham by election and the almost unprecedented failure of the benchers of the Inner Temple to elect James one of their number after his appointment as a Queen's Counsel. Benchers were responsible for the professional conduct of the members of their chamber. The motion was comprehensively defeated, with Crauford's being the only vote in its favour. Sir Alexander Cockburn, now attorney general in place of Jervis, gave James the unconditional support of the government, denouncing "with much indignation the attempt to affix a stigma upon the character of an honourable man" and disingenuously arguing that James had not been rejected as a bencher because he had never been proposed. Members ordered that the motion be erased from the journals of the House of Commons.

It was a confidence sadly misplaced. The Inner Temple enquiry found three cases of culpable malfeasance. The first was a £35,000 debt to the Earl of Yarborough, accumulated since 1849 when James had represented the Earl's brother, Captain Dudley Pelham, at a by-election in Boston. The second was a £20,000 debt to William Henry Fryer, a Wimborne attorney who was said to have financed James's parliamentary adventures. Much of the money had been advanced in the hope of legal advancement for himself and of clerical advancement for a brother-in-law, an Anglican minister. Fryer purchased The Shrubbery in Cliddesden Road, Basingstoke in 1869. The third involved Henry Ingram, proprietor and manager of the *Illustrated London News* and MP for Boston since 1856. He was defendant in a fraud case brought by Vincent Scully in December 1858. His cross-examination by James, counsel for the plaintiff, was so severe that it left Ingram "in a state of totally shattered nerves and utterly broken down". Ingram advanced James £1,250 before the subsequent re-trial on promise of an easier cross-examination. The enquiry was a landmark in the reform of the English legal system, and helped to end the unrestricted deregulation of the legal profession that had allowed Edwin James such freedom (W Wesley Pue, 'Moral panic at the English Bar: paternal v commercial ideologies of legal practice in the 1860s' in *Law and Social Inquiry*, Winter 1990).

Edwin James faced debts of almost £100,000 and appeared before the Court of Bankruptcy on 15 May 1861. He sought protection under what was commonly called 'The Gentleman's Act' (7 and 8 Victoria, *cap* 70), whereby non-traders could avoid the preliminaries of a debtor's prison and the Insolvent Debtors' Court. However, the act was by now almost a dead letter and his petition was dismissed the following month. His options exhausted, James fled to the continent. In July 1861 he married the heiress Marianne Crosier. Sceptics thought that his motives were purely pecuniary. In November 1861 he went to New York, where he resumed his legal career as a member of the New York bar. He took out American citizenship in 1866. He re-entered the world of the theatre, as actor (appearing at the Winter Garden Theater in New York), journalist (associate editor of the *New York Clipper*, the first American newspaper to be devoted to the entertainment industry) and publicist (press manager and friend of Adah Isaacs Menken, poet, painter and actress famed for her sensual portrayal of Mazeppa in the play by Henry M Milner and often regarded as the first Broadway star). Thomas Leader Harman – now himself an exile in the United States - reported the breakdown of James's marriage in a letter to an old political ally, Edward Harrison: "I intended to have told you that there has been a row between Edwin James and his wife. They have been living separate for some months, and the lady is suing for a divorce on account of the gentleman's misbehaviour" (Hampshire Archives and Local Studies 4M92/G8/37: letter from Boston, 6 January 1863). James returned to London in 1872, where he attempted to clear his name and to resurrect a legal career. These came to nothing. He died penniless in London on 4 March 1882.

An essay on Edwin James demands an unconventional ending. In 1857 the Reverend Finney Belfield, a Devon clergyman, brought an action in the Court of Common Pleas against Richard Andrews for the refund of the cost of a pony phaeton. He alleged that the carriage had not been made to order: it was too heavy, the rumble too high and was impossible for a lady to get into. The case was heard on 14 February, the week of the Southampton by-election. Edwin James led for the defence. Politics is politics, but not when there is a jury to sway and a commercial reputation to defend.