THE LAWYER

Aristocratic activity—whether concerned with the management of landed estates or with governmental affairs—grew apace between the middle of the eighteenth century and the middle of the nineteenth. As to the management of the landed estate, it is clear that some families vastly increased the size of their possessions through marriage, inheritance, and purchase; and that many landed families were touched by the increasingly scientific aspect of agriculture, with its new enclosures and new methods of cultivation. As to government, it grew in volume and diversity, both in the localities and at Westminster. A justice of the peace and a Member of Parliament had more to know and more to do in 1830 than in 1760.\footnote{On the changing position of the Member of Parliament, see R. Pares, \textit{King George III and the Politicians} (Oxford, 1953), p. 204.}

Aristocratic affairs thus grew more burdensome. The ability of landowners to carry such burdens may well have diminished, if it had not been for the emergence of the modern professional spirit which invigorated old professions and created new ones.

I

Professor T. H. Marshall has pointed out that in early times the professions were gentlemanly occupations, in the sense that
they were leisurely pursuits free from excessive labor. So thought at a later time Sir Walter Elliot in Jane Austen's *Persuasion*. That gentleman was of the opinion that the naval profession was a deplorable one, in fact not a profession at all: not only did it elevate people in society but "it cuts up a man's youth and vigour most horribly." Mrs. Clay's reply to Sir Walter was most illuminating: "is not it the same," she asked, "with many other professions, perhaps most others? . . . even in the quieter professions, there is a toil and a labour of the mind, if not of the body, which seldom leaves a man's looks to the natural effect of time." Mrs. Clay was a better observer of society than Sir Walter; professional types of an older time were giving way to types better suited to the strenuous life of nineteenth-century England.

The extent to which the new professional life was immersed in laborious activity was one of its characteristic features. It was taken for granted—by Lord Eldon, for example—that young men underwent "privations" in order "to get forward in professions." But having undergone privations and labors, they no longer ran the risk of being thought wanting in gentility; instead their labors might confer gentility. Devotion to the discipline of a professional calling had come to be looked upon as labor of a special sort. As Lionel Trilling has put it, "in nineteenth-century England the ideal of professional commitment inherits a large part of the moral prestige of the ideal of the gentleman."

This transformation in English professional life had significant consequences for English society. In the long run it would lead to the destruction of the old order: an aristocratic society resting on hereditary privilege and personal ties had little in common with the impersonal ideals of professional excellence.


and effort. But in the short run, before English society was thoroughly suffused with the professional ethos, the old order in some ways stood to benefit from the new professionalism.

It may be said to have benefited in two ways. First, it found in the new professionalism—as in the old—articulate defenders of aristocracy, generating not social antagonism but social cooperation. A recent study of the attorney in the eighteenth century puts forward this thesis convincingly. Dr. Robson contends that the professions by the end of the eighteenth century "had gained much, and stood to gain much more, so that for the moment their influence was exerted to strengthen society, not to weaken it."

This the government may have understood in 1792 when it made use of attorneys throughout the country to report examples of seditious literature.

The second way in which aristocracy benefited was by finding assistance in the execution of its business. The clergy of the Church of England, for example, aided substantially in the business of the localities. They worked harder after 1770 than before—as Miss McClatchey's study of the Oxfordshire clergy suggests—and they worked at things useful to landowners. It has been noted that the eighteenth century saw a remarkable growth in the work of the justice of the peace. A sizable portion of the entire Commission of the Peace was clerical; in some counties at the end of the eighteenth century, such as Cambridgeshire, the working justices were almost all clergymen.

It was not altogether an accident that the chief manual on the justice of the peace was written by a Cumberland clergyman, the Rev. Richard Burns.

Equally important for the business of the localities was the

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* Order Books, Cambridgeshire Quarter Sessions.
assistance rendered by the lawyers—both barristers and solicitors. Property in land in the eighteenth century increasingly generated legal business; the century has been called “the great age of conveyancing.” 10 Rural enclosure, the exploitation of mineral lands, and the increased use of strict family settlement prompted landowners to resort more frequently to men trained in the law. Not unnaturally they were tempted to make their lawyers their estate agents, their “man of business” as they often called them.

II

The man of business was usually a solicitor, but he was sometimes a barrister. If the latter, he was likely to be at the head of a great estate. The solicitor served on the large or small estate, and might be either the chief agent or a subordinate. Most often perhaps the coveted positions went to a lawyer in London; but provincial lawyers, usually country solicitors, did much landed business, and sometimes on the great estates.

How large a proportion of landed estates had lawyers associated in one way or another with their day-to-day administration it is impossible to say. It has recently been stated that the proportion was small, since the eighteenth century witnessed the emergence of the specialized estate agent, who presumably ousted the lawyer-agent. 11 While it is true that the eighteenth century witnessed the emergence of this agent, it is no less true that he took a long time in establishing himself on the majority of English landed estates.

Even though one must rely on fragmentary and unstatistical evidence, it would seem safe enough to conclude that the lawyer-agent, was found on the majority of landed estates in

the early nineteenth century. In the first place, examples are readily come by. It would be idle to list them here; perhaps enough of them are cited throughout this work. In the second place, handbooks on estate administration from the beginning of the eighteenth century to the latter part of the nineteenth agree that lawyers are commonly found administering estates. Finally it would seem reasonable that landowners recruited many of their agents from the ranks of the lawyers, for the legal profession provided an adequate number of the qualifications necessary for administering landed estates.

This last, however, was both frequently and emphatically denied. The authors of handbooks on estate administration almost invariably deplored the employment of solicitors as agents on such grounds as that they neglected their estate business for other kinds of business, and that they knew little about agriculture. Landowners and statesmen like Lord Shelburne in the eighteenth century and Sir Robert Peel in the nineteenth found solicitors wanting in integrity. “The scourge of all that is honest or good,” Shelburne once declared of them; “no man has a lower opinion than I have” of the motives of country attorneys, Peel once confessed.

What does one make of such criticism? Plainly it is far too sweeping. Unfortunately it is impossible to know in detail how well or how badly many lawyers performed their tasks as estate agents; therefore whatever general statements one ventures about them should be tentative and qualified. But on balance a case might be made that lawyers employed in estate management proved useful rather than harmful to landowners.


To begin with Lord Shelburne's complaint that solicitors lacked integrity. It is true that there was in the early nineteenth century a solicitors' underworld fully deserving an unsavoury reputation. Dickens immortalized it in the persons of Dodson and Fogg. Sir George Stephen, himself once a solicitor, freely admitted to its existence: there are solicitors "whose manners would exclude them from our servants' hall, and whose characters would compel us to count our spoons, if by any accident they gained admission there. It is but too true that we have among us a large body of adventurers, who have little education, less principle, and neither capital nor connexion." Such men, Sir George continued, fed upon the unfortunate and the criminal, "the inferior tradesman trembling on the verge of bankruptcy . . . the ruined spendthrift . . . thieves and pickpockets." 14

As Stephen explained, however, this business was fortunately but a part—the "inferior" part—of the business of the solicitor's profession. Writing in 1839 he looked back on the past fifty years as a time that witnessed a remarkable growth of new and more respectable kinds of business. Merchants, landowners, and public companies—all had come increasingly to need the solicitor's services; the varied business of the nation touched more and more on points of law. The business of the solicitor was thus purified and elevated—to use Stephen's words—and this in turn led to the recruitment of "many young men from that rank of life, who, less than half a century ago, would have spurned the calling as derogatory to their birth." 15 Stephen thus went beyond what men had begun to say of the solicitor's profession at the end of the eighteenth century, when (as Dr. Robson has pointed out) they were beginning to make a distinction between an elite of respectable solicitors and the less reputable majority. 16 Forty years later, according to Stephen,

15 Ibid., II, 7.
respectability was the mark not of a minority of the profession but of the majority.

By the mid-century, if not earlier, public opinion seems to have agreed with Stephen. The signs were various. Knighthoods were being offered to solicitors, Stephen himself being among the first to be so honored. Novelist also testified to the solicitor's respectability. Surtees, who had been articulated to a solicitor, found "the blacksheep of the profession . . . so small a proportion compared to the white." Trollope, whose novels were thickly populated with solicitors, declared in The Eustace Diamonds, "There is no form of belief stronger than that which the ordinary English gentleman has in the discretion and honesty of his own family lawyer." In Doctor Thorne (published in 1858) Trollope has Mortimer Gazebee, the London solicitor, embark on what was still a bold and unconventional enterprise, the wooing of an aristocratic lady.

In real life, at almost the same time, Lady Charlotte Guest—by then Lady Charlotte Schreiber—was contemplating the marriage of her daughter to Richard Du Cane, the family solicitor. "I did not feel at all sure," she observed, "whether her brothers and sisters and her other friends would have been pleased with the union, on account of his profession"; and when the Earl of Carlisle—who also employed Du Cane—first saw the young people together, Lady Charlotte thought that his Lordship raised his eyebrows. Nonetheless the marriage took place.

Perhaps the weightiest commendations of the solicitor appeared in the Saturday Review and The Times. The 1850's witnessed some resounding scandals involving solicitors, the most notorious probably being the case of Henry and Cheslyn

17 Stephen was knighted on Queen Victoria's accession; see article in D.N.B.
18 R. S. Surtees, Plain or Ringlets, chap. 25.
19 A. Trollope, The Eustace Diamonds, chap. 10.
20 A. Trollope, Doctor Thorne, chap. 38.
Hall of New Boswell Court, Lincoln's Inn. They were said to
“have abstracted the money of their credulous clients . . . pre­
tended to effect mortgages which they did not effect . . . sold
out stock which they had no authority to sell out . . . ren­
dered false accounts, cooked and spiced in a manner which
would have satisfied the critical palate of Mr. George Hudson
himself.” 22 This offence, however, only prompted an ener­
getic endorsement of solicitors as a profession. The Saturday
Review, which was given to measuring its words, spoke out
strongly.23

The solicitors of the higher order are men of conspicuous in­
telligence, honour, and cultivation; the body to which they belong
absorbs a much larger part than the Bar does of the money paid
by the country for legal assistance & advice; and their fitness for
employment is guaranteed by a bona fide examination, the absence
of which is steadily degrading the Bar. Their designation as the
‘lower’ branch of the legal profession would be a mere conven­
tionalism, if it were not that there are certain walks of practice
which lead an attorney deeper into the dirt than a barrister can
easily go.

The Times echoed the Saturday Review: “it has always been
with us a matter of surprise that where such unbounded con­
fidence is placed in the probity, the accuracy and the diligence
of a class of men, there are so few defaulters to their trust.” 24

A further and more chronic complaint than the solicitor’s
lack of integrity was his technical inadequacy as a land agent.
This is a more difficult matter to deal with. It is clear, however,
that on certain levels of estate administration the solicitor’s
performance was in fact adequate. Where his functions were
managerial, as on large estates where he acted as auditor or
supervisory agent and had available the expert advice of resi­
dent land agents who did the specialized out-of-door work, the
solicitor (and the barrister-auditor as well) was likely to dem­
onstrate his usefulness.

22 The Times, Jan. 30, 1858.
24 The Times, Jan. 30, 1858.
Walter Bagehot who was (among other things) a serious student of what he called the “art of business” would not have found this surprising. “Success depends,” he once wrote about business, “on a due mixture of special and non special minds.” He offered the example of the London joint-stock bank which was managed “by a board of persons mostly not trained to the business, supplemented by, and annexed to, a body of specially trained officers, who have been bred to banking all their lives.” The great success of these banks, according to Bagehot, was the result in large part of their having non-special minds at the top of the administrative structure, thereby diffusing throughout its length and breadth “a greater and more flexible knowledge” than would otherwise have been possible. It might be argued that the solicitor and the barrister—both of whom had non-special minds in that they were not bred to farming—often did for the great estate what Bagehot’s directors did for the joint-stock bank. At any rate, most of the auditors described in detail later in this chapter served their employers well.

But there were exceptions. A notorious one was that of the Robsons, London solicitors, who acquired something of a reputation for presiding at the dissolution of landed families. They were solicitors to the Grenvilles (the first and second Dukes of Buckingham), and in charge of their estates. In the voluminous Stowe MSS there is no indication that the Robsons ever proposed a reform of the administration of the estates although few great estates were managed in so slovenly a fashion. But such lack of ingenuity and enterprise was anomalous, certainly on the large estates.

At a lower level—that of the country solicitor who was in charge of several small estates and who received only such assistance as was furnished by bailiffs—there may well have been more reason for complaint. Early in the eighteenth century Edward Laurence, author of The Duty and Office of a

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26 Sackville MSS, Lord West to his mother, Nov. 10, 1852.
Land Steward, wrote of country attorneys who do "nothing else but attend the Court-keeping and collecting of Rents; by which means the Tenants have taken the advantage of doing what they would with their Farms, quickly lessening the Value of the Estates by Over-Ploughing etc." 28 In 1868 William Sturge, a well-known land agent and surveyor, declared, "By far the greater part, probably, of the landed property of England is under the management of Solicitors who are usually little more than receivers." 29 It would be surprising if there was not some truth in these complaints, if solicitors were not sometimes perfunctory, if they were not sometimes seriously deficient in their knowledge of farming.

More evidence about the work of solicitor-agents on this level would be helpful. We know, however, that some owners of small and middling estates much valued their solicitor's services. The Lincolnshire squire, Sir Robert Heron, had little but praise for his Newark solicitor and agent, W. E. Talents.30 Another Lincolnshire landowner, Lord Monson, in declaring his gratitude for his solicitor's services—the London solicitor, Gem—specified the usefulness of his agricultural knowledge. As Lord Monson observed to his son on one of Gem's inspections of the estate, "Gem has been busy and of great service—he has walked about all over the estate—explored the drains, seen how they were working." 31

Was Gem's farming knowledge unusual among solicitors? We are probably predisposed to think it was. This predisposition may be a consequence of the stubborn belief that agriculture and commerce were very different pursuits in nineteenth-century England, that the countryside and the town were sharply divided, that they were at once hostile and antithetical societies. Since solicitors were often townsmen, we

29 W. Sturge, The Education of the Surveyor, address to the Institution of Chartered Surveyors, 1868.
30 Sir R. Heron, Notes (London, 1851), p. 234.
31 Monson MSS, Lord Monson to eldest son, Feb. 28, 1848.
are prone to conclude that they had little to do with the countryside and, having little to do with it, knew little about it. Some such notion may be at work in shaping our views on solicitors as estate agents and farmers; if it is, our views might well do with some re-examination.

It is obvious, of course, that the two Englands—that of the countryside and that of the towns—were in some respects distinct and separate. But it would be seriously misleading to envisage them as in all respects different and therefore as deeply divided. There was much in the business of agriculture which was akin to the business of manufacture. Being a great industry, moreover, agriculture supported a varied society, consisting not only of farmers, laborers, and landowners but of members of the professional and semi-professional classes as well: surveyors, land agents, bankers, lawyers, etc. These last might well move freely in both town and countryside, being in this respect amphibious like the aristocracy.

Presumably the technical aspects of farming offered a less formidable obstacle than they might to-day. Fashionable journals like the Quarterly and the Edinburgh Review published serious articles on deep draining and soil chemistry. As the Quarterly reviewer declared in 1849, "In England everybody farms. Prince Albert farms, the Lord Chancellor and the Attorney-General farm; the Duke farms; Admiral Sir Charles Napier farms; Sir Benjamin Brodie farms; the Speaker farms; the ex-Premier farms." The list could easily have been lengthened with less distinguished names: such as John Arthur Roe buck, the Radical barrister, who was a breeder of pigs; or, if drawn up earlier, with such names as George Webb Hall, the Bristol solicitor, who was a leading breeder of Merino sheep.

Webb Hall offers a revealing example of the solicitor im-

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32 _The Edinburgh Review_, Jan., 1845, article entitled "Progress of Scientific Agriculture."
33 _The Quarterly Review_, Dec., 1849, article entitled "Agriculture—Drainage."
mersed in the affairs of town and countryside. He seems to have had two careers. The first was in Bristol, and of the sort which Dr. Robson has held up as typical of the respectable solicitor of the day. At an early age he was appointed Chief Clerk to the Court of Requests in the city. Later he became solicitor to the Corporation of Bristol, a post which he held for a quarter of a century. In addition he was agent of the Bristol Dock Company, and was instrumental in securing the passage of parliamentary acts for the improvement of the port and harbor; as one obituary put it, "few were better qualified to surmount those numerous obstacles which are frequently opposed to the progress of such bills."

Webb Hall's second career was that of a large-scale farmer who specialized in woolgrowing and agrarian politics. In 1798 or 1799 he leased Leigh Court, an estate not far from Bristol; and two years later he took a second farm near Uxbridge, Somerset. Towards the end of the war he took still another farm, Sneed Park in Gloucestershire, where he spent his last years. He was said to occupy at one time nearly 2,300 acres, and to have invested by 1814 £20,000 in agricultural improvements. Through connections in the Spanish wool trade Webb Hall began to purchase Merino sheep for his farms, and by importing directly from Spain through the port of Bristol he was able to collect a large flock in a short time. On his Uxbridge farm alone it was said that he had 3,000 Merinos, thereby making him probably "the largest Merino flockmaster in the kingdom."

The vicissitudes of Merino wool in particular, and the decline of agricultural prices in general, took Webb Hall into agrarian politics. When he began his career in politics is not known, but by 1815 as a critic of the Corn Law he was writing letters under the pen name of "Alpha" to the Farmers' Journal. Soon he gathered about him some of the leading woolgrowers like

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85 See D. Spring and T. L. Crosby, "George Webb Hall and the Agricultural Association," The Journal of British Studies, Nov., 1962, from which this account of Hall is drawn.
86Bristol Journal, Feb. 23, 1824.
the Ellmans, father and son, organizing in 1817 what was probably the first local protectionist society in England, and two years later what was certainly the first national farmers' movement, the Loyal and Constitutional Association of Agriculturists. Its particular plan of increasing protection proved impracticable, and the Association virtually vanished by the time of Webb Hall's death in 1824. But he and his Association had set a precedent for later farmers' organizations, and had helped to prompt a protracted national debate on the merits of agricultural protection.

When H. H. Smith, agent of the Marquis of Lansdowne, wrote his manual on estate management in 1898 he noted the decline in the number of solicitors employed as land agents which (in his opinion) set in after 1870. Smith ascribed this decline to two things: the marked growth in estate business, and the founding of the Institution of Surveyors in 1868 which became a sort of training school for professional land agents and greatly increased their supply. These developments would suggest that before 1870, the needs of estate management being what they were and the supply of agents being what it was, the solicitor as agent served a useful purpose, even though the performance of his tasks may not always have satisfied the highest of professional standards, even though not every solicitor became like John Hawkins of Hitchin a very proficient farmer.

It was E. P. Squarey, a land agent and not a lawyer, who testified to the Richmond Commission when asked what he thought of lawyers as agents, "There are very many lawyers who are good judges of land, who are good judges of their business . . . I have known many lawyer agents who do their work remarkably well, and do it to the satisfaction of their clients and to their tenants as well."

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Apart from their integrity and a reasonable acquaintance with agriculture, many solicitors commended themselves to landowners on other grounds. Knowledge of the law of real property was plainly one of these. It was a subject whose mysteries were vast and forbidding and on which landowners were exceedingly dependent, especially in connection with that private constitution for a landed family known as strict family settlement. Still another was the central place in local society held by many solicitors. In Richard Jefferies' *Hodge and His Masters* there is a vivid account of this place. To the solicitor's office, he wrote, "the entire round of country life comes," and in its japanned deed boxes lie the "written counterparts" of the surrounding hills and fields. A man so situated was likely to be useful in the conduct of elections, and the landowner was often involved in politics as much as in agriculture. All these things may help to explain the persistence of the solicitor in the hierarchy of estate management until so late in the nineteenth century.

III

It might profit us at this point to scrutinize the life and work of a single solicitor, agent to a great estate: Christopher Haedy, chief agent to the Dukes of Bedford from 1838 to 1859. Of his birth, social origins, and education, very little is known. Periodicals dealing with the law and the legal profession—like the *Solicitors' Journal* and the *Law Times*—failed to mention him in the year of his death, although they published obituaries of lawyers in less responsible positions. It is known, however, that he was employed in the Bloomsbury office under the sixth Duke and his auditor, William Adam, and that the latter recommended Haedy as his successor. For two decades after 1839 Haedy formed an effective partnership with the seventh Duke—one notable in the long history of the Russell estates.

The details of this partnership are far more accessible than the details of Haedy’s biography. Indeed it would almost seem that Haedy had no life apart from the varied concerns of an agent-in-chief. He held two offices simultaneously: that of auditor for all the estates and that of agent for the Bloomsbury estate. The office of auditor might mean many things, as the remainder of this chapter will indicate. At all times, of course, it entailed an auditing of estate accounts; but in addition to this, Haedy took charge of the day-to-day administration of the Russell estates. He served no other master than the Duke of Bedford, and his remuneration was probably £1,800 a year and a London house.41

There is little doubt that he was well worth his large salary. Like many of his contemporaries he was a highly energetic and industrious man. He kept up a voluminous correspondence with the agents of the country estates, even with the bailiff of the Woburn home farm, and his correspondence with the Duke was also large. On the Bloomsbury estate, by his own account, “there is scarcely a day in which they [the tenants] do not occupy several hours, and I make a point of personally hearing all complaints and . . . hearing all they have to say.” 42 Elsewhere on the Russell estates, he made periodic inspections: “where large work is under way, or being proposed or completed.” 43 On one such visit to Woburn he was invited to dine with the Duke and his family. Haedy characteristically excused himself:

To make the most of my time when I am at Woburn I make use of the morning for out of door work and the Evening for pen and ink work. I find it necessary to make somewhat copious memorandums of my proceedings for further reference, and that and answering my letters make the loss of more than one or two Evenings inconvenient.44

41 After Haedy’s death the office of auditor was separated from that of the London agent, the salary of the first becoming £1,000 and of the second, £800 and a house.
42 Bedford MSS, Haedy to 7th Duke, July 5, 1841.
43 Ibid., Haedy to 7th Duke, Aug. 3, 1840.
44 Ibid., Haedy to 7th Duke, Oct. 12, 1841.
Haedy's labors revealed an impressive grasp of detail. Nothing seems to have been too trivial for him. He made all the arrangements for the sixth Duke's funeral, down to deciding what servants were to wear mourning and what tenant farmers were to be invited.\textsuperscript{45} When Victoria and Albert visited Woburn in the summer of 1841, it was Haedy who determined the order of procession, and hired London detectives to keep an eye out for London thieves.\textsuperscript{46} When he and the Duke undertook their investigations into the consumption of wax candles, it was Haedy who made minute comparisons between candles recommended to him at two shillings one pence a pound and those purchased for the Duke's houses at three shillings a pound: "By way of trial," he wrote to the Duke, "I have bought a pound of each. I cannot detect any difference in their appearance except that those supplied to your Grace have patent wicks . . . I am now trying them to see whether there is any difference in the material of which they are made." \textsuperscript{47}

His knowledge of persons and of their duties on the estate was minute. There was the fat porter at Woburn who was given to falling asleep; the chief clerk in the Tavistock office who held up business; and Elizabeth Wire, the Woburn laundry maid, who was worn out by her labors. He knew with nicety what domestic servants could be expected to do—even apparently in the lower reaches of that elaborate world. A stillroom maid, he explained to the Duke, was the housekeeper's maid; she assisted the housekeeper, and when Woburn was occupied made the toast and the tea for the family and visitors, and made gruel for poor lying-in women. The confectioner, he added, made preserves and pickles. And the laundry maids would under no circumstances assist the housemaids or vice versa.\textsuperscript{48}

Detail, however, did not bemuse Haedy. His conduct of

\textsuperscript{45} \textit{Ibid.}, Haedy to 7th Duke, Oct. 31, 1839.
\textsuperscript{46} \textit{Ibid.}, Haedy to 7th Duke, July 9, 1841.
\textsuperscript{47} \textit{Ibid.}, Haedy to 7th Duke, March 8, 1843.
\textsuperscript{48} \textit{Ibid.}, Haedy to 7th Duke, Nov. 13, 1839.
estate policy showed that flexibility which Bagehot found in the management of joint-stock banks by non-special directors. He was quick, for example, to sense the disadvantages of a landowners' vendetta against the railways, and in 1840 advised the Duke to support the building of railways in the West Country.\textsuperscript{49} His mind moved with ease from one department of estate affairs to another, from railways and mining in the West Country to building in Bloomsbury or to draining in the Fens. London solicitor though he was, Haedy was also enough the countryman to discuss rural business knowledgeably with the Duke and his agents.

He was at the same time—much to the Duke's good fortune—fully aware of the relative values of urban and rural land, of how much more profitable urban land was to its owner than rural. Once when discussing the high cost of improvement on a Devon farm, Haedy observed:

This is a strong instance to show how small must be the value of land, viewed as raw material to be manufactured into farms at such great cost, and how much more nearly the right to it of its possessors must approach to a manufacturer's right to the goods he has fabricated than is generally supposed. It exhibits too the striking difference in respect to the cost of farming them, of a landed Estate and an Estate in London, the former being made in a great degree by the outlay of the Landlord's capital and the latter at the cost of the Tenants, expended nevertheless advantageously to themselves.\textsuperscript{50}

Not surprisingly Haedy's management of the London estate was such as to ensure the Russells' prosperity. It has been seen in the previous chapter that without Haedy's intervention the Duke might well have sold some part of the London property to pay off encumbrances. Haedy was also responsible for abolishing the taking of fines on the London estate—a practice which on many estates led to the consumption of capital as

\textsuperscript{49} Ibid., Haedy to 7th Duke, July 21, 1840.  
\textsuperscript{50} Ibid., Annual Reports, 1849.
income. And finally it was Haedy who saw through to its completion the last important addition to the London estate—Bedford New Town. He was responsible for its quick completion and for its being laid out in squares and wide streets—both of which objects were obtained by advancing money to the builders. Somewhere on those valuable London acres—if on nothing more than a street sign—it would have been appropriate to inscribe Haedy’s name. When Haedy retired at Christmas 1858 and handed over the auditorship to his successor (T. T. Wing, a London solicitor), he made his final report to the Duke of Bedford. He began by listing all the principal transactions which had been recently completed—the new lease of the Great Devon Consolidated Mines, the new railway in the West Country, and the new street from St. Martin’s Lane through Rose Street to Bedford Street. He went on to assure the Duke that payments for all the next year’s transactions that could be foreseen were provided for. In a farewell note he added:

Your Grace’s Estates having been relieved from the heavy pressure of the Incumbrances to which they were subject, and being under the care of Agents under whose management they are sure to prosper and with all of whom I have had every reason to be satisfied . . . I retire from the Auditorship with the pleasing consciousness that your Grace’s Estates and affairs are in a condition as prosperous as can well be desired.

Complacent as this last statement may sound, it was probably not seriously inaccurate as a summing-up of Haedy’s career. What informed that career? Some notion of what moved Haedy may be got from George Eliot’s Middlemarch where she explains what “business” meant to Caleb Garth—a character modeled on her land-agent father, Robert Evans. Business for Garth was a word to be uttered with “peculiar reverence”;

51 Ibid., Haedy to 7th Duke, May 5, 1840.
52 Ibid., Annual Reports, 1851.
53 Ibid., Annual Reports, 1858.
it signified the "myriad-headed, myriad-handed labour by which the social body is fed, clothed and housed"; and Garth's divinities therefore were "good practical schemes, accurate work, and the faithful completion of undertakings: his prince of darkness was a slack workman." His imagination responded to schemes for "better land drainage, solid building, correct measuring, and judicious boring (for coal)." 54 By business he "never meant money transactions but the skilful application of labor." 55 Not as indifferent as Garth to the financial side of business, Haedy worshipped the same divinities; like him he combined "a reverential soul with a strong practical intelligence." 56 In this combination both Garth and Haedy displayed something that was characteristic of nineteenth-century professional life, among the established as among the near professions.

For Haedy there was but one world—that of business. So far as one can see, he was completely absorbed by it. Garth recognized the existence of other worlds; but Haedy barely mentioned them in his correspondence with the Duke. A reading of his letters, mainly written in the years 1839-46, gives no indication of the high political excitement of these years. The Duke sometimes discussed such political questions as Corn-Law repeal, but Haedy merely listened and went on with what presumably was to him of greater consequence—some current piece of business on the estate.

According to Haedy the conduct of business was never so businesslike as in his own day. He was inclined to speak with a trace of condescension of the "old school": men of business who lacked his own degree of enthusiasm for rational organization—for dispatch, system, and centralization. He got rid of the chief clerk in the Tavistock office whose accounts were "more in arrear than was desirable or consistent with the quicker manner in which Business is now generally con-

55 Ibid., chap. 56.
56 Ibid., chap. 24.
ducted." Gradually he imposed on the Russell estates a more centralized direction of affairs. Quite early he put auditing on a quarterly basis; he made accounting more particular on the side of payments; and he set on foot a system of estimating outgoings in advance. Not until the end of his regime did he establish so thoroughgoing a system of centralization that gross receipts were sent to London; previously the agents had remitted only the net receipts, net after payments for estate upkeep. Probably this reform would have come sooner if Haedy had not been confronted by such formidable and trusted subordinates as Tycho Wing, the agent on the Fen estate, who was known as King of the Fens.

For Haedy as for Garth a "slack workman" was the "prince of darkness." Haedy was therefore indignant—more so than the Duke—at the thought of the corrupt but longstanding custom among domestic servants of taking tips from tradesmen who supplied the Duke's household: "the vicious principle," as he called it, "of allowing a Servant to receive presents from those whom he is to look after, and whose weights quantities and prices and the quality of whose Articles, he is to check." With the same distaste he criticized the Duke's forester at Woburn:

he may not have activity enough to enter upon a new system, especially one at variance with what appears to have been the principle on which he seems to have acted, namely, that the men under him should earn as good wages and at as little Labour as possible. Not that I suppose he has ever proposed to himself this, as his plan of proceeding. But he is a man of a quiet, easy temper and he has lived in times when much error prevailed on the subject of the employment of Labourers.

Accordingly Haedy looked upon the tenant farmers much as he did upon anyone else—as men who were to be assessed

57 Bedford MSS, Annual Reports, 1851.
59 Bedford MSS, Haedy to 7th Duke, March 10, 1843.
60 ibid., Haedy to 7th Duke, April 26, 1841.
by their skill and industry in their particular line of business. Of all the farmers on the Russell estates, the Devon farmers were most often the object of his strictures. Not only was the layout of their farms and farm buildings miserably inadequate—for which they were only in some degree responsible—but they were ignorant of the best farming practices. "A large portion [of them] require teaching," he informed the Duke, "Mr. Benson does all he can to teach them. Making manure, growing green Crops, and keeping Cattle in the winter, all points they were wholly defective in." 61 Haedy himself drew up a form of agreement which might help Benson to drive his lessons home: "it will serve to point out to the Tenants what they are to do and what they are to avoid doing." 62

Not surprisingly, when an opportunity arose of ridding the estate of a slovenly tenant, Haedy was inclined to take it. He would take it even though the tenant had been on the estate for a long time. The Tophams, for example, were a tenant family long associated with the Woburn estate whom the Woburn agent wanted to get rid of. They appealed to the Duke, justifying the renewal of their lease on the ground that an uncle would provide the necessary farming capital. The Duke promised them a reconsideration of their case. "It is one of those distressing cases," he wrote to Haedy, "in which feeling or compassion are pulling one way, against feeling and duty to the Farm on the other . . . Of course, I had rather keep the son of an old Tenant, if I can do so consistently with my duty to that part of the Estate." 63 Haedy, however, did not waver. Getting rid of a bad tenant, he told the Duke, "is a salutary warning to other tenants." 64 The Tophams left Woburn.

Aged tenants of long standing on the estate were sometimes granted a pension—probably if they had no prospects of family

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61 Ibid., Haedy to 7th Duke, Sept. 16, 1842.
62 Ibid., Haedy to 7th Duke, Sept. 14, 1840.
63 Ibid., 7th Duke to Haedy, Feb. 21, 1841.
64 Ibid., Haedy to 7th Duke, Feb. 25, 1841.
assistance. It would appear that Haedy acquiesced in this policy, although he seems to have been motivated largely by the idea that such philanthropy was justified by its prudence. When aged tenants on the Thorney estate were removed and pensioned off, Haedy observed to the Duke, "Some allowance of this kind is always well made when it brings about the beneficial results of exchanging a bad Tenant for a good one." 65

If Haedy disliked a slack tenant, he disliked equally a slack landowner; if he expected tenants to do well by the land and the estate, he expected landowners to do the same. As was noted earlier, he and the Duke were much concerned about the cost of building. But as Haedy himself once admitted, the Duke paid more for his farm buildings than most landowners did; the buildings were constructed in a more durable fashion, and they were fitted out more generously. 66 In all probability Haedy waited on his country agents to advise him on how the farms were to be rebuilt, but he plainly agreed with them that the building was to be done well, that dukes should maintain high standards.

Taking such a view of the duties of landlord and tenant, it followed that Haedy desired to see the relations of the Duke with his tenants put on a more systematic and businesslike footing in respect of buildings, repairs, and leases. Haedy’s object was to shift the responsibility for repairs to the tenants’ shoulders—"which [as he told the Duke] cannot be done till the buildings are either rebuilt or put into a state to justify calling upon the Tenants to keep them in repair." 67 Once the buildings were put in such a state, the Duke’s responsibility would extend no further than conducting a semi-annual inspection of the buildings and warning tenants of what needed doing. If they ignored the warning, the Duke would undertake the repairs, and the tenant would be charged interest.

Tenants’ leases were to be adjusted in the same spirit. The

65 Ibid., Haedy to 7th Duke, Nov. 8, 1839.
66 Ibid., Annual Reports, 1853.
67 Ibid., Haedy to 7th Duke, April 15, 1840.
Dukes of Bedford—"acting under the advice and following the practice of their great Friend Mr. Coke of Holkham"—had been long concerned to grant leases and assure their tenants fixity of tenure. In 1822, when old leases were running out, new leases had been granted for fourteen years. But the stress of agricultural depression had rendered them embarrassing by 1830: "The Duke was at that time continually teased by complaints and applications for abatement of rent, which were met in one way or another; probably not one agreement made in 1822 was carried out so far as payment of the rent then agreed upon." In 1836, therefore, the term of years had been reduced to seven, and it being a time of severe depression, rents had been fixed at a low level. But times had suddenly improved and "the Tenants had a lucky turn in their favour." Such was the background for the innovations which Haedy set about in 1843.

What he—and the Duke as well—sought for at this time was to avoid the experience of the previous two decades: "to give the Tenants certainty of tenure," but to avoid "the inconsistency of the Landlord being held bound for the whole period of the term while the Tenants played fast and loose and always sought for an abatement of rent on every adverse occasion, no matter how trifling that was." The plan which they adopted provided long leases of varying lengths—twelve, sixteen, or twenty years—subject to quadrennial revision of rentals according to the price of corn, and shorter leases of seven or eight years with fixed rents. Tenants were encouraged to choose the long lease. This plan, among other things associated with Woburn, won the commendation of James Caird in his famous survey of English agriculture.

In all this Haedy plainly assumed that a businesslike Duke and his businesslike auditor should resist unreasonable demands.

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68 Ibid., Annual Reports, 1862.
69 Ibid.
70 Ibid.
71 Ibid.
and insist on businesslike transactions. Yet on occasion one is led to wonder how consistently businesslike Haedy was. When Ampthill—Lord Holland's estate adjoining Woburn—was up for sale, Haedy sneered at London bankers like Samuel Loyd and Baron Rothschild for contemplating its purchase "on the principle of receiving a given percentage on every hundred pounds of purchase money." When Haedy himself made a higher offer—on the ground that Ampthill's rents were low and its timber valuable—he prefaced the offer "by saying that I was not going to make such an offer as a man from the Stock Exchange might make but one which one nobleman might make to another." It may well be that this was little more than a touch of snobbery which Haedy felt befitting—or perhaps required of—the chief agent to the House of Russell.

Haedy's attitude to the low rate of return on the Duke's investment in agriculture gives one rather more reason to wonder. It seems that he never protested about it. Perhaps he had early concluded that the return on the country estates was of little moment given the immense value and profitability of the urban estate; that Bloomsbury, in short, could quite easily subsidize Woburn's farming. Also he may well have agreed with the Duke that low agricultural profits were justified by perpetuating the distinctive society of the countryside; that it was an obligation of the Duke of Bedford to bring the best farmers to his estate by providing them with the most up-to-date equipment. So far as is known Haedy never recorded such opinions—perhaps because he took them so much for granted.

IV

It was noted earlier in this chapter that the chief agent to a great estate was sometimes a barrister. For example, the wicked

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73 Bedford MSS, Haedy to 7th Duke, May 25, 1841.
74 Ibid., Haedy to 7th Duke, May 21, 1841.
Marquis of Hertford was served by John Wilson Croker; the pious Lady Olivia Sparrow by Alexander Haldane. The Lambtons employed Henry Stephenson, the Spencers John Shaw-Lefevre, the Cavendishes James Abercrombie, the Russells George and William Adam, the Fitzwilliams Francis and Daniel Maude, the Somersets Serjeant Ludlow, the Granvilles Loftus Lowndes, and the Leveson-Gowers, Howards, and Wards—James Loch.

That sharp-tongued nobleman, Lord Shelburne, in denouncing lawyers had denounced the barrister-auditor as well as the solicitor: “of all the follies,” he once wrote, “the greatest is that, which formerly was practised and is still continued in some great families, that of having some considerable lawyer or some eminent man of business at a considerable salary to audit your accounts.” But this ill repute seems to have gone no further than Lord Shelburne. When John Lockhart was looking about for a profession in 1826, Sir Walter Scott recommended the Bar to him: “there are so many things which a man of talents and character may do in that line without being an actual pleader. . . . Auditorships etc. are often casting up.” That they were, had something to do with the social status of barristers: as Tocqueville put it, “they constituted, as it were, the younger branch of the English aristocracy.” Moreover, barristers often received the sort of technical training that solicitors received. Complaints were uttered in the mid-nineteenth century that barristers were “grievously deficient as jurists . . . mere legal mechanics”; but this may have been an advantage rather than a disadvantage so far as their managerial function was concerned.

As the four case studies that follow reveal, the managerial

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75 Fitzmaurice, Life of Shelburne, II, 347.
function of the barrister-auditor varied considerably. Of the four—Daniel Maude, Henry Stephenson, Alexander Haldane, and James Loch—the last came closest to Haedy's detailed, day-to-day administration of a landed estate. Haldane's auditorship was scarcely an auditorship at all—in large part because of the peculiar personality of his employer. Stephenson's auditorship was perhaps typical of what most barristers did who served as estate agents.

Daniel Maude, who came of a long established Yorkshire family, succeeded his father, Francis Maude, in the office of auditor to the Earls Fitzwilliam. He was called to the Bar in 1829 when aged twenty-eight, having graduated from Cambridge four years earlier, and thereafter having been a Fellow of Caius. During the 1830's he was on the Northern Circuit, and was appointed stipendiary magistrate in Manchester by Lord John Russell; he was in the public eye during the Chartist riots in Manchester in August, 1842. About that time he took over his father's work on the Fitzwilliam estates, although he remained on the Manchester bench until 1860. There is no evidence that he was employed by a landed family other than the Fitzwilliams; and it would seem that soon after the fifth Earl's death in 1858 he left their employ and migrated to the South where he became stipendiary magistrate in Greenwich, dying there in 1874.

Of the several barrister-auditors examined here Maude had the least to do with the day-to-day administration of his employer's estates. Each of the Fitzwilliam estates had its own agent, responsible for (among other things) the keeping of accounts. The Yorkshire and Irish accounts were sent to Wentworth Woodhouse for auditing and the Milton accounts to

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82 Venn, *Alumni Cantabrigienses*. 
Milton House. Once a year Maude visited these places to serve (as he once put it) as "a check on your Lordship's behalf against the steward." This annual auditing, however, did not bring forth a comprehensive report by Maude, as it did on some other estates; Haedy, for example, drew up a very detailed annual report. Nor did Maude's auditing provide a single balance sheet for the entire estate. As noted earlier, it was left to Earl Fitzwilliam himself to draw up a sketchy balance sheet. Presumably this was the way the Earl wanted things done.

Maude was, however, drawn into affairs, for the Earl sought his advice on minor as well as major matters. He thus gave his opinion on the painting of estate buildings, and on how best to keep the peace in the Wentworth Woodhouse estate office. He also gave his opinion on the reliability of the manager of the Earl's iron works, on the legal arrangements for the sale of the Derwent Navigation, and on the advisability of buying Foxley, an estate owned by the Earl's friend, Sir Robert Price. In short he acted as the Earl's principal adviser in the administration of his estates, and there came a time when he began to offer advice without its being solicited.

It was the subject of expenditure—particularly that incurred by the collieries on the Wentworth Woodhouse estate—that drew his critical attention. Wentworth Woodhouse was in some respects a curiously administered estate. Its agent in the 1830's and '40's was a Barnsley solicitor, William Newman, who collected the rents, kept the accounts, and did the legal business. The chief enterprise on the estate was that of the collieries, in which large investments had been made in the first half of the nineteenth century, and from which by the 1850's came a large part of the gross income. But important as the collieries were, Newman was not responsible for their operation. Instead

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83 Milton MSS, Maude to Earl Fitzwilliam, Oct. 30, 1847.
84 These are to be found in the Milton MSS.
they were in the charge of Joshua and Benjamin Biram, father and son, who were at one and the same time house stewards in Wentworth Woodhouse and colliery engineers in the estate mines. The collieries had begun as a department of the household administration, like the home farm, and so they had remained. Until the fifth Earl's death, the colliery accounts were kept in the household account books, together with statements on the purchase of tea and calico; and the Birams managed the domestic servants while they pondered the problems of ventilating the mines.

The largest item of expenditure on the Wentworth Woodhouse estate was in the colliery department. In all probability it soon caught Maude's eye; there is evidence that he doubted Biram's judgment at least as early as 1849. Three years later, perhaps sooner, Maude flatly accused Biram of extravagance; he was conscientious enough, Maude admitted, but was given too much freedom. What Maude came close to saying was that the Earl was the real culprit. In 1855 he came to the point. "I have long thought," he wrote to the Earl, "that your affairs required a more vigorous treatment than you have been disposed to give them." His example of laxity in estate management was Newman's lack of authority over Biram. Newman had agreed with Maude that certain items of Biram's expenditure were extravagant. "My obvious question to him was, why had he sanctioned them? The answer was that he had no control over them." Maude feared that "this want of proper check" was universal on the Fitzwilliam estates: "each departmental head does what seems to him good in his own eyes. The result must be extravagance."

This was bold enough, but Maude went even further. He proposed that the Earl follow the example of his son, Lord Milton, and bring in someone to look closely into expenditure—as Lord Milton had done when he took over the management of

86 Milton MSS, Maude to Earl Fitzwilliam, July 3, 1849.
87 Ibid., Maude to Earl Fitzwilliam, Nov. 26, 1852.
88 Ibid., Maude to Earl Fitzwilliam, Dec. 20, 1855.
the Irish estate. More intrepidly still, he pointed an accusing finger at the Earl's personal expenditure: what need had he for a menagerie considering the shortness of his visits to Wentworth Woodhouse? Apparently the Earl did not welcome his auditor's unsolicited advice; for in his next letter Maude hastened to explain that he was chiefly concerned with Biram's expenditure, not the Earl's, and he dropped the subject of a general overhaul of estate outgoings. Presumably he never ventured such criticism again. Being the Earl's junior both in age and in years of experience on the Fitzwilliam estates, Maude may have found it especially difficult to act as the Earl's tutor. Whatever the reasons for its being so, his auditorship was of limited scope, the most limited of the four examples considered here.

Henry Stephenson (1789?–1858), auditor to the Earls of Durham, had a mysterious and colorful background. Some thought he was the illegitimate son of a Duke, although they differed as to whether his father was the Duke of Norfolk or the Duke of York. He became a Chancery barrister—not a very good one, it was alleged—and man of business to the Duke of Sussex. In the 1830's he entered the civil service as Commissioner of Excise, and later became a Commissioner of Internal Revenue which position he held from 1849 to his death. He moved freely in Whig aristocratic society, eventually winning the hand of Lady Mary Keppel, daughter of the Earl of Albemarle, thereby becoming brother-in-law to Coke of Norfolk—much, it was said, to Coke's chagrin. In 1826 he had become the Earl of Durham's auditor, thus be-

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93 The *Creevey Papers*, II, 97.
gining a long career in the service of the Lambton family which ran simultaneously with his career in the civil service.94

From the very start of his employment in the Lambton family, Stephenson did the kind of work which Maude had never done for the Fitzwilliams. He was brought in at a time of serious financial embarrassment, expressly to inquire closely into the Lambton affairs. He was nothing if not thorough: estate administration, the collieries, the Earl’s personal finances, all were minutely surveyed. The collieries, being the source of the largest part of the Lambtons’ income, received special attention; operating costs were analyzed, and proposals made as to their reduction. As for the Earl’s personal expenditure, Stephenson unlike Maude took the bull by the horns. He pre­scribed retrenchment: therefore the Earl should live abroad, and spend no more than £8,000 a year; building at Lambton Castle must be suspended, and the domestic staff reduced.95

This was the kind of thing which Stephenson put into his annual reports—of which, unfortunately, only two survive (for the years 1834 and 1835), together with a special report for 1849 occasioned by the second Earl’s coming of age. Stephenson himself described his reports as concerned with “every material transaction, stating the annual expenditure on items—the profits of the collieries—of the Estate—every variation of debt—by increase or decrease—and also general and material remarks touching the condition of affairs.” These reports, he added, “form I hope and believe a tolerably correct annual history of all essential particulars and transactions.” They were not as voluminous as Haedy’s reports, but their usefulness was beyond question.

For about a quarter of a century Stephenson audited the Lambton accounts and drew up his annual reports. The day-to-day business was left to a resident agent, Henry Morton;

94 The material on Stephenson used here is to be found at greater length in D. Spring, “Agents to the Earls of Durham in the Nineteenth Century,” Durham University Journal, June, 1962.
95 Lambton MSS, Stephenson to Lord Durham, May 4, 1827.
Stephenson himself resided in London, coming North only for special need. In London there was occasional legal business, such as the vexing matter of the Chancery suit instituted by the Earl's aunt which was fought to the House of Lords.\textsuperscript{96} There was also some political business: finding suitably Whiggish candidates for the parliamentary seats of county Durham; and more important, keeping government in mind of the needs of coal owners whenever legislation was considered touching on their affairs, that is legislation which dealt with railways, coal duties, or church leases.\textsuperscript{97} Stephenson seems to have done more of this than Maude ever did.

Stephenson's retirement from the auditorship in 1853 remains in some obscurity. One might guess that advancing age alone accounted for it. But there is evidence to suggest that increasing strain between Morton, the resident agent, and himself also played a part. Stephenson had brought Morton along, possibly at the very start bringing him to the Earl's attention, instructing him in the best mode of keeping accounts, and commending him to the Earl as having "every disposition and great capabilities to do full justice to your affairs."\textsuperscript{98} As the years went on, Morton's pupilage ended; he began to differ with Stephenson on the vital subject of colliery management. The falling coal prices of the 1840's had made Stephenson a pessimist about the future prosperity of the coal trade, and reluctant to expand colliery concerns; Morton remained an optimist, and his views—which turned out to be the correct ones—prevailed, for the Earl came to his support. In a sense, perhaps, Stephenson had reformed the Lambton administration so well that it was able to dispense with him. For some time after his retirement, it would seem, his place went unfilled.

To find Alexander Haldane (1800-1882) in this gallery of barrister-auditors is a trifle startling. For it was Haldane whom

\textsuperscript{96} The Law Reports, House of Lords, vol. 6, Durham v. Wharton.
\textsuperscript{97} See D. Spring, "The Earls of Durham and the Great Northern Coal Field," The Canadian Historical Review, Sept., 1952.
\textsuperscript{98} Lambton MSS, Stephenson to Lord Durham, April 12, 1833.
the Provost of King’s once described as “that odious Scots bigot . . . who edited the Evangelical rag, the Record.” 99 In the 1820’s, like many an enterprising Scot before him, Haldane came up to London from Edinburgh University to qualify as a barrister at the English Bar. Being the nephew of Robert and James Haldane (and their eventual biographer) he moved in evangelical circles, among men like Edward Irving, Joseph Wolff, and Henry Drummond. The last—banker, Member of Parliament, and religious eccentric—convened annual conferences from 1826 to 1830 at his Surrey country house, Albury, where biblical prophecy was the chief topic. Presumably Haldane found Drummond too extravagant and breaking with him founded the Record. It would seem that he was never its editor, although he wrote a great deal for it and was one of its proprietors. In later life Haldane and his wife—in their London house—“were among the first to set the example of the Drawing-room meetings for religious and benevolent objects.” 100

Through his circle of religious acquaintance Haldane eventually found employment as auditor to Lady Olivia Sparrow. That formidable lady was one of the grandes dames of Evangelicalism, an intimate of Wilberforce and Hannah More. She was well enough acquainted with Haldane in 1847 to speak favorably of him as a good lawyer and “nephew to the writer on Romans.” 101 The next year Lady Olivia’s daughter, the Duchess of Manchester, died—thus setting on foot a long and bitter litigation between Lady Olivia and her son-in-law. Early in 1849 she sought Haldane’s professional advice about her daughter’s will—and in the next year he became her auditor.

100 This biographical information is to be found in a sketch of Haldane’s life originally published in the Record, and later added to the ninth edition of A. Haldane, The Lives of Robert Haldane of Airthrey and his brother James Alexander Haldane (Edinburgh, n.d.).
101 Kimbolton MSS, Lady O. Sparrow to Duchess of Manchester, July, 1847.
He described himself as "a Chamber counsellor and the greatest part of the business relates to wills conveyances marriage settlements, etc. It also comprehends the office of auditorship, that is the oversight and management of property." Lady Sparrow's estates in Huntingdonshire and Essex—the main estate being in the former county—returned a gross rental of something like £11,000 in 1850; and Haldane assured her that "several moderately large Estates" employed barristers as auditors and that doing so would save her thousands. With characteristic unctuousness he added: "My prayers on your behalf must ascend with my gratitude to the Giver of all good, accompanied with the earnest desire to render any little knowledge or talent I possess useful to you and yours."

Haldane's auditorship lasted about eight years. Before his time the auditorship was in the hands of a London solicitor who examined the accounts annually, and reported generally on the resident agent's work. The latter was caught pocketing some part of the rents, and Haldane reluctantly took over his duties, including those of receiver. Partly because Lady Olivia deeply resented the failure of the litigation with her son-in-law, for which she blamed Haldane, and partly because of the unusual nature of the auditorship, Haldane eventually fell out with Lady Olivia, being for a time threatened with a suit in Chancery alleging misapplication of rents.

The peculiarities of his auditorship were bound to make for trouble. In the first place, Haldane did without a resident agent. By all accounts the farming on the Sparrow estates was backward, and Haldane confessed to being ill-informed about agriculture. He therefore requested that a Mr. Beadel be hired to act as a kind of consulting land agent, to inform him about agricultural affairs "on which as a barrister I professed my in-
ability adequately to advise.” This arrangement did not prove satisfactory. Although Beadel attended the audit dinners and gave technical advice to the tenants, and although something was done to improve the most dilapidated farms, the absence of a resident agent on so large an estate was felt.

In the second place, it was illogical to combine the offices of receiver and auditor. It meant in effect that the estate went without a genuine audit of its accounts, relying instead upon a mock audit by Lady Olivia to whom Haldane’s clerk explained whatever she wanted to know. All went pleasantly enough until Lady Olivia’s suspicious nature was aroused by rumors circulating in Huntingdon that she was in Haldane’s power. She then became convinced—apparently without ground—that Haldane had used £7,000 of her money without her knowledge, and had falsified the wood and manorial receipts.

Haldane denied everything; Lady Olivia, he said, was the victim of a “delusive panic.” A bill of complaint was filed in Chancery, to which Haldane made a lengthy reply. He was removed at the end of 1858, and the old system of resident land agent and London solicitor-auditor was restored. Some months later Lady Olivia’s friends and family persuaded her to drop the charges. Haldane had the last word:

Poor Lady Olivia! I feel much for her, and as was observed by one who knows her well that she should be so near to the eternal world and still so occupied with “business, business, business.” Happy should I be to learn that she was beginning to fix her thoughts more directly upon the things of Heaven.

Of the four barrister-auditors described here, James Loch was the only one to achieve the distinction of being noticed by The Dictionary of National Biography. Haldane perhaps

106 Ibid.
107 Ibid.
108 Ibid., Haldane to Lord Ossulston, Sept. 16, 1858.
109 Ibid., In Chancery: Lady O. Sparrow v. Haldane.
110 Ibid., Haldane to Lord Ossulston, Sept. 16, 1858.
111 Ibid., Haldane to Rev. E. Selwyn, March 12, 1859.
should have been similarly distinguished, although not for his auditorship but for his career in religious journalism. Loch, however, was the king of auditors in the first half of the nineteenth century, and nothing else need have justified his inclusion. He came in the course of time to serve the Duke of Sutherland, the Earl of Ellesmere (Lord Francis Egerton), the Howards of Castle Howard, and other great families. The name of Loch seems to have been a kind of household word in the highest circles of aristocracy. When the Dowager Duchess of Bedford sought advice, she consulted James Loch: "she could not possibly have a better or more able adviser," she was told, her informant being Christopher Haedy.\footnote{Bedford MSS, Haedy to 7th Duke, May 1, 1840.}

Lord Wharncliffe's eldest son urged him to bring Loch to Wortley to look into the family finances: "a few minutes conversation with him would be worth guineas of manuscripts."\footnote{Wharncliffe MSS, Wh. M. 434, Eldest son to Lord Wharncliffe, Sept. 11, 1829.} Ralph Sneyd referred to him as "Loch the infallible."\footnote{Sneyd MSS, R. Sneyd to Earl of Clare, Sept. 9, 1846.} When Parliament wished the benefit of expert knowledge on the working of entail and family settlement, it brought James Loch before its Select Committee.\footnote{B.P.P., Report from the Select Committee on the Bill for altering the law concerning Entails in Scotland (1828, VII).}

Of Scottish origin like Haldane, Loch came of quite another Scottish milieu: not the evangelical–prophetic milieu of Carlyle and Irving but the rationalist milieu of the Edinburgh reviewers. A contemporary and intimate of Brougham and Horner, he attended the University and the Speculative Society, and wrote for the \textit{Review} in its early numbers. In that of July, 1804, he was responsible for the article on the Rev. W. Tennant's \textit{Indian Recreations: Consisting chiefly of Strictures on the Domestic and Rural Economy of the Mohammedans and Hindoos}.\footnote{R. H. M. Buddle Atkinson and G. A. Jackson, \textit{Brougham and His Early Friends: Letters to James Loch 1798–1809} (London, 1908), 3 vols., II, 129–30; III, 278–79.} This was a subject nicely suited to a Scottish in-
tellectual of Loch’s sort, a pleasant opportunity to dwell on the material backwardness of Indian agriculture, the moral turpitude of the Hindu, and the defective economics of the East India Company’s monopoly. The last was deemed unwise on Loch’s part, although it followed naturally enough, as he pointed out, from Adam Smith’s teachings. But Brougham warned him that the “politics” of his article were “decidedly wrong”—by which he seems to have meant that Charles Grant, a director of the East India Company and a leading member of the Clapham Sect, did not like them. Possibly Brougham knew more of the great world than Loch did and had already found it a leading principle of life that impecunious young lawyers ought not to offend influential people. He advised Loch not to divulge the authorship of the article.117

Loch did not take the high road to London as soon as Brougham and Horner did. Until he was called to the English Bar as a conveyancing barrister in 1806, he remained in Scotland, improving the Blair Athol estate which belonged to his uncle, William Adam. In 1808 Adam brought to his notice a post with Lord Grenville, a sort of secretaryship responsible for communicating with the press: “it is,” Adam wrote, “in respectability from the very great confidence it produces with persons of the Highest Consideration not ineligible.” 118 This was an entree to public life not unlike that which Brougham had found with Lord Holland and the Whigs. For reasons that are unknown Loch chose to avoid a career so much in the public eye. Shortly afterwards—perhaps again with the aid of his uncle who was auditor to the Dukes of Bedford—he became auditor to Lord Stafford (later the Duke of Sutherland).

In 1820 Loch published a report on the first decade or so of his management; it was entitled An Account of the Improvements on the Estates of the Marquess of Stafford. Generally speaking, the report made two points worthy of notice here—

117 Ibid., II, 143–45.
118 Ibid., II, 295.
both of which underlay the practical policies of those who administered landed estates in the nineteenth century, especially the agents. The first point was the wisdom and necessity of improvements—that is, of those several expedients publicized by such agricultural reporters as Arthur Young and William Marshall to heighten the productivity of landed estates. Loch wrote of their necessity rather like a modern economist propounding the gospel of development to backward nations; Lord Stafford’s Scottish estate was a little like darkest Africa. Outmoded tenures were an institutional obstacle to progress; housing and sanitation were primitive; famine was periodic; and poverty and indolence were chronic.

The second point made was that a policy of agricultural improvement was a matter not only of profit for a landowner but of duty as well. But which in fact was more important, or how great were the demands of duty if profits should fall, neither Loch nor the land agents who shared his opinions made clear. This is a subject which will be pursued in the next chapter; here it may suffice merely to quote Loch:

To better their condition however; to raise them from such a state of continual poverty and occasional want; to supply them with the means, and to create in them the habits of industry, was, and is the bounden duty of every such property. And it was not less their duty to do so, because the same arrangement, which was calculated to produce this salutary effect, was at the same time the best suited to increase the value of their property, and to add to the general wealth of the community. The greater the means, and the more extensive the influence of the proprietors, the more were they called on for this exertion, as well for the sake of their own people, as an example to others. None felt the full extent of this obligation more than the proprietors of the estate of Sutherland. But such an attempt was one not to be undertaken without much consideration; and when fully determined on, it was not a matter to be easily accomplished.¹¹⁹

Such detailed considerations as Loch took in managing Lord Stafford’s estates before 1820 do not emerge in his report sufficiently to assess his capacities as a supervisory agent. The Ellesmere MSS do, however, provide materials by which an assessment may be made. In them there are a number of letters for the years 1837–46, mostly written by Loch to Lord Francis Egerton, later first Earl of Ellesmere, which throw some light on his conduct of business. Lord Francis had inherited a highly diversified estate, comprising canals, mines, and farms. In its administration, which Loch oversaw, the farms constituted a separate department, as did the canals and mines, each with its own agent.

There is much that reminds one of Haedy in Loch’s conduct of affairs—much that they shared in common with the chief agents on other great estates. There was the same grasp of detail, the same desire for businesslike subordinates, the same flexibility and soundness of judgment. The journal of his tour of the Worsley farms in 1843 clearly reveals Loch’s attention to detail: he is seen estimating repairs on Thomas Smith’s farm, “one of the most industrious tenants on the estate”; catching out another tenant, William Smith, who “I fear... is a little of a speculative turn, his steam churning machine was not in order”; and visiting Sarah Sneaden in her new house, who “says she has no money to purchase grates.”

Canal affairs were looked into with equal minuteness: when superfluous workmen needed turning away, each case was closely examined; when costs were scrutinized, economies were found in the purchase of oats for the canal horses, obtaining them on contract “on the same principle that the Army is supplied.”

Loch chose his subordinate agents with care. When he chose a “deputy superintendent” for the management of the canal, he looked out for the best available man, finding him in the employment of Lord Dudley, and offering him an attractive

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120 Ellesmere MSS, Loch to Lord F. Egerton, Aug. 15, 1843.
121 Ibid., Loch to Lord F. Egerton, Nov. 10, 1837.
salary. Lord Dudley had paid him £1,000 a year, with house, coals, and traveling expenses; Loch offered him £1,200 and the same perquisites "which of course includes the horses he uses for business." 122 Loch was aware that the Secretary of the Liverpool and Manchester Railway, Henry Booth, received £1,000 a year without perquisites. He was plainly in the market for the best man he could get.

For Loch as for Haedy the old school of business needed remodeling. On entering Lord Egerton’s service Loch decided to reform the system of accounting as soon as it was possible, although seeing no harm in its continuance for a while “as it is clear that they [presumably the subordinates on the estate] are all very much alarmed and on the alert.” 123 He proposed that the administration be divided into distinct departments; that the profit and loss of every unit, down to the last coal pit, be clearly accounted for; and that agents be allowed to keep in their hands only such moneys as were remitted to them for authorized expenditures. 124

The soundness of Loch’s judgment in affairs was perhaps best demonstrated in his management of the canal. Chief among the profitable enterprises on the estate, it earned large clear profits year in and year out, sometimes as high as £80,000; 125 Loch had reason to describe it, as he once did, “as a subject of infinite importance to Lord Stafford and his family.” 126 But in 1830, with the coming of the railways, and the Liverpool and Manchester Railway in particular, the canal was faced, according to widespread belief, with the threat of being overwhelmed by competition. Loch, however, never shared this belief. “It is still,” he assured Huskisson, “a matter for serious investigation and of doubtful result whether they [the railways] will carry heavy and bulky goods, cheaper than canals,

122 Ibid., Loch to Lord F. Egerton, Jan. 30, 1837.
123 Ibid., Loch to Lord F. Egerton, April 2, 1837.
124 Ibid., G. S. Smith to Loch, Sept. 20, 1837.
125 Ibid., Estate Accounts. This was the profit for 1824.
126 Add. MSS, 38,758, folio 76, Loch to Huskisson, Dec. 25, 1829.
and especially unless speed is to form an item in the calculations."

By 1845 the Earl of Ellesmere had joined the ranks of the pessimists, and was complaining to Barry, the architect, "that I own the last canal or nearly which can be said to exist in England, and I do not suppose anybody in Manchester would give me three years purchase for the article." Loch, however, had in the intervening years only slightly changed his ground. "Long canals," he assured the Earl, "if not too circuitous, having no local trade, will cease or become Railways. Short canals such as the Bridgewater with a very large local trade will continue to flourish. It has now a vast trade." And in fact, in 1837, when the Earl died and Loch himself was dead, the canal still earned £40,000 clear. Several decades later when it was sold, it fetched a great deal more than three years' purchase. Keeping it in a profitable state was probably no easy matter. There were endless negotiations fending off competing railways and canals, and Loch must have had his anxious moments. He told the story—possibly a revealing one—of how during negotiations with the Old Quay Company he had "dreamt for three nights successively and three times every night that I have got into the barge on the Canal and have been forcibly taken and put on board a passage boat on the old Quay."

Like Haedy's, Loch's world of business extended to agricultural affairs—but he was probably a better farmer, more experienced, less conventional than Haedy. He seems to have relied less than Haedy on the advice of his subordinate agents. Indeed, in some important matters the initiative came wholly

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127 Ibid.
128 Ellesmere MSS, Lord F. Egerton to Barry, Oct. 20, 1845.
129 Ibid., Loch to Lord F. Egerton, June 10, 1844.
130 Earl of Ellesmere's Succession Duty Account, 1857.
131 The Earl of Ellesmere's canals were eventually purchased by the Midland Railway for £1,100,000; see B.P.P., Report of Royal Commission on Depressed Condition of Agricultural Interests (1882, XV), p. 63.
132 Ellesmere MSS, Loch to Lord F. Egerton, Jan. 8, 1844.
from Loch. It was on his instigation alone, for example, that the system of corn rents—by which rents were regulated according to the price of corn—was early established on the Ellesmere estate. On the subject of draining—which so concerned and sometimes bemused farmers and landowners in the 1840's—Loch also spoke with confidence. He drew diagrams for the land agent of what needed doing; and his observations on the controversy between shallow and deep drainers were refreshingly eclectic. He agreed with Josiah Parkes about the proper depth to drain, but would have nothing to do with Parkes's dogmatizing on the one-inch pipe.

Loch as man of business had the habit of authority—even with his employer. It is hard to conceive of Haedy's supervising the Duke of Bedford's personal expenditure as closely as Loch did Lord Francis Egerton's. He warned about extravagance in church building, the Egertons being zealous church builders. When Lord Francis threatened to overspend generally, Loch brought him up short, although adding the comforting assurance that “your Lordship may depend on my apprizing you at the earliest possible period when I shall be able to report that I see your affairs quite safe up to the end of the year, and when you may again increase your outlay.” It may be that the Duke of Bedford was less the spender than Lord Francis and therefore offered Haedy less provocation. But even if Haedy had been provoked to offer such advice he would scarcely have dared compliment the Duke—as Loch complimented Lord Francis—on “the straightforward manly and sound manner in which you express yourself in regard to the temporary derangement of the financial measures contemplated.”

133 Ibid., Loch to J. Haynes, Aug. 2, 1841.
134 Ibid., Loch to P. Rasbotham, Jan. 19, 1846. For Josiah Parkes's ideas on draining, see his evidence in B.P.P., Report of Select Committee (H. of L.) to enable Possessors of Entailed Estates to charge . . . for the Purpose of Draining (1845, XII), p. 11.
135 Ibid., Loch to Lord F. Egerton, April 5, 1844.
136 Ibid., Loch to Lord F. Egerton, April 9, 1844.
But Loch was, after all, the king of auditors. And besides he was a Member of Parliament and a cultivated man. He was the friend of Huskisson, Peel, and Brougham. He was a director of the English Historical Society, and sprinkled his letters to Lord Francis with erudite bits of etymological lore.\textsuperscript{137} In cultivation he was his employer’s equal; in business, his master and tutor. Such men demonstrated the power of professional excellence, and in time would cast doubt by their mere existence on the purported excellences of a hereditary aristocracy.

It may well be that after Loch’s death in 1855 the race of barrister-auditor, never a very numerous one, dwindled away. The growth in social status of the solicitor may have been a factor at work. Some great families like the Fitzwilliams had looked upon the solicitor as a tradesman, fit to move in circles no higher than those found in the steward’s room, and therefore unfit to serve as agent-in-chief of a great estate; but by the second half of the nineteenth century, as was noted earlier, it was becoming increasingly difficult to entertain this social prejudice. More important, both the barrister-auditor and the solicitor may have suffered at the hands of a new competitor, the professional land agent. Henry Morton’s victory over Henry Stephenson on the estate of the Earls of Durham may have had more than local significance.

\textsuperscript{137} Ibid., Loch to Lord F. Egerton, Feb. 5, 1846.