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Research Note

From Provincial to Professional: Attorney Robert Kelham (1717–1808) in Eighteenth-century London

ALBERT J. SCHMIDT

Although attorneys were numerous and certainly important in eighteenth-century London, few details have emerged about them as individuals.¹ This paper examines the 'lower branch' of the profession by focusing on the activities of one such person, Robert Kelham, a man of provincial origins whose narrative affords an opportunity to study the successful transition from country to city and the magnetism that drew such people to the capital.² But far from provincial antecedents proving a hindrance to ambition, they in fact acted to his professional advantage.³

The professional world of Robert Kelham had undergone unprecedented change in the half century or so after the Restoration. A burgeoning economy, new wealth and development produced a society of sophisticates obsessed with consumption, entrepreneurs coping with complex transactions and an antiquated state adjusting to an array of problems conditioned by war and peace. It is not surprising that these new societal needs beckoned aspiring lawyers, notably attorneys and solicitors, who inevitably widened the range and often improved the quality of their services. Their payoff came in larger fees, enhanced social status, and respectability.⁴

Professional Life

The Kelham who is subject of this paper made the leap from rural obscurity in the middle of the eighteenth century. Despite a lifelong career in the city, he retained provincial connections which permitted him to combine rent-collecting and wood sales from his country properties with conveyancing, money-lending, and the investing of monies belonging to his one-time neighbours. Somehow, or perhaps because of these separate undertakings, he found the time to engage significantly in scholarship, antiquarian and otherwise. This interplay of London and provincial business, the utilization of old friendships and family in that pursuit, and the juxtaposing of scholarship with professional routine – all of these made Kelham an engaging and even prominent personage in the London legal scene and an exemplar of the eighteenth-century professional.

Robert Kelham hailed from Lincolnshire where Kelhams had lived in and around Allington, Netherthorp, and Gonerby since early in the fifteenth century.⁵ By 1600 the family had scattered throughout the Grantham area. One, a husbandman

named Thomas Kelham, had become a person of substance when he died in 1598. By the end of the seventeenth century his two grandsons, John and Robert, edged the Kelhams toward gentry status. John and his heir, also John, added to their land accumulation around Gonerby.

When young John's daughter Avice married a Robert Hickson in Gonerby, the holding increased still more. That the Hickson co-heiress Mary married Robert III, grandson to the first Robert Kelham, proved still another boon to the Kelham fortunes. Mary's and Robert's son Robert IV (1677–1752), was for more than fifty years vicar of Billingborough, Threackingham, and Walcot.⁶ Although this Robert was of the clergy, he behaved like gentry, adding to his already sizable properties, especially around Gonerby. That he was schooled at Cambridge, reputedly owned a substantial library, and authored a Latin autobiography suggests that he was no stranger to learning and likely had the desire and the means to educate his only surviving son, another Robert, and the subject of this essay.⁷

The Lincolnshire world into which young Robert was born lay at the southernmost part of the county, called the Parts of Kesteven and Holland. It was an area famed more for its pastures – 'the glory of Lincolnshire' – and its game-rich fens than for its arable farmland. The grasses of Kesteven, in which Gonerby and the vicar's other villages lay, were only slightly inferior to those of the Holland fenland, which fetched the highest rents in England. Despite occasional enclosures and drainage, farming in Kelham's youth was nearly as much inhibited by barren heaths and marshland as by pastures and fens. On a human level copyhold cultivators, holding their lands by custom and tending them much as their ancestors had, were equally resistant to change.

After 1750 Kelham's boyhood landscape changed strikingly. The increased profitability of cereals and other crops persuaded landholders to enclose grazing lands for cultivation and reclaim the waste and fens. This new land use spurred the emergence of a mixed farm economy, transforming south Lincolnshire's heaths and wolds from sheep pastures and rabbit warrens into wheat fields. Alongside these newly surveyed fields, toll roads, canals, and grain storage facilities expedited marketing in this increasingly dynamic capitalist economy. Having dispensed with customary modes of tillage, enclosers created circumstances in which copyholders were edged out by leaseholders who employed landless labourers to tend larger domains.⁸ Even farmers who continued grazing their land increased their income from livestock improved through selective breeding and better feeding. Such changes no doubt profited landed proprietor Robert Kelham, who would also have benefited from the new affluence of neighbours who required his professional counsel.

The origins of Kelham's legal establishment in London are obscure, but certainly his positive response to a calling in the law was not unusual for the only son of an affluent father. The legal profession had become what one historian has called a 'haven for the privileged'. Numerous, too, were the sons of clergy drawn to it.⁹ When, therefore, he was admitted at Lincoln's Inn in 1734, it was likely because his father possessed the means to pay the bills.¹⁰ The same considerations governed clerkships, which in London were especially costly.¹¹

A preparatory apprenticeship, intended primarily to regulate and improve the quality of attorneys, had only just been mandated by the Act for the Better Regulation of Attorneys and Solicitors (1729). The Act was intended to impose

professional standards on the 'lower branch' of the English legal profession by stipulating that:

no person ... shall be permitted to act as an attorney ... unless such person shall have been bound, by contract in writing, to serve as a clerk for and during the space of five years, to an attorney duly and legally sworn and admitted ... and examined, sworn, admitted and enrolled.¹²

The records do not mention a Kelham clerkship although he possibly, but not necessarily, served one. After five years – in 1739, the year that the Society of Gentleman Practisers was established – he was admitted and enrolled in the common law courts.¹³ His career and professional standards in London seemingly advanced in tandem.

How Kelham established himself in London is also a virtual blank. Certainly, starting one's own business would have been an expensive undertaking because doing so necessitated reconciling start-up costs with a dearth of paying clients. Entering a going firm, on the other hand, would have been costly as well. In either case, Kelham, or his father, had the means to pay. Also, there is virtually no record of the son's first two decades as an attorney. Whether he had always intended a career in London or had early entertained the notion of returning to Lincolnshire is unknown. Possibly, he remained in the country until his father's death in 1752, managing the family properties.

That for some years before 1760, Attorney Kelham was preoccupied with the politics of the inns of court and with scholarly writing suggests that he used either or both as a vehicle for enhancing himself professionally and even attracting clients. Having become a member of Staple Inn at the time of his enrollment and admission as an attorney in 1739, he subsequently was designated an 'Ancient' and became very much involved in the Inn's governance. In 1758, the same year that he published his first book, he began the first of six elected terms as pensioner; in 1784 he was elected principal. He was, moreover, involved and popular at prestigious Lincoln's Inn, where he was elected senior member seven years prior to his death.¹⁴

Robert Kelham's scholarship distinguished him among eighteenth-century London attorneys; however, as an antiquary he was an anomaly among legal writers of his time. He wrote authoritatively on aspects of the common law, more specifically, the medieval constitution.¹⁵ His most notable historical venture was translating the entire *Britton*, most of which was published in a thin octavo volume in 1762. Kelham's edition of this late thirteenth-century treatise was the first in English, having been preceded by two in law French in 1540 and 1640. Although his printed version did not contain a twenty-fifth chapter, Kelham eventually completed it in manuscript and deposited it at Lincoln's Inn.¹⁶

Kelham also published '*the dissertation of John Selden, annexed to Fleta, translated with Notes*' (London, 1771) and a study of the *Domesday Book* (1788). Unquestionably, his most important later life work was a critically acclaimed *Norman/Old French dictionary* (1779).¹⁷ As its full title suggests, this study required that he probe an array of sources. These antiquarian studies indicate not only Kelham's considerable knowledge of early English law but, to judge from references to Glanvill, Bracton, Britton, and Fleta, his penetrating appreciation of what these thirteenth-century scholars were up to by way of systematizing the law of their day.¹⁸

Writing legal treatises in the eighteenth century was generally perceived as one way for lawyers to earn a living as well as gain a reputation. It is improbable that authoring works did anything for Kelham besides drawing attention to his erudition. How such antiquarian interests related to the copyhold world, which was fast disappearing in his native Lincolnshire, and to the dynamic world of conveyancing into which he had entered is also unclear.¹⁹ In Kelham's case scholarship, like hobnobbing at the inns, would have increased his range of acquaintances among the lawyering crowd.

One publication, notably not antiquarian, conceivably enhanced his reputation as a practicing attorney. This was his *'alphabetical index to all the abridgments of law and equity and to several books of the crown law, conveyancing and practice; chiefly calculated to facilitate the reference to The General Abridgement of Law and Equity by Charles Viner'* (1758). Kelham's involvement with this enterprise could hardly have avoided notice, for Viner had greatly antagonized the printing establishment when he set out to print the *Abridgement* at his own expense thereby excluding the law printer holding the patent for legal publishing²⁰. Viner died in 1756, before the indexing was completed. Whether Kelham's reputation as a conveyancer was a factor in his selection to complete this task, or whether he had been acquainted with Viner and undertook the indexing at the latter's behest is unknown.²¹ This Viner connection possibly identified Kelham with then current attempts to reform legal education.

Kelham's otherwise professional emergence can also be documented from the same year, 1758, that Viner's work was published. Apprenticeship records show that Kelham contracted with a clerk and called 92 Hatton Gardens in Holborn his business address.²² No doubt, he was kept busy attending the usual attorney matters: preparing wills, settlements, and conveyancing. Within a few years of this date, 1762, he was London agent for his Lincolnshire friend, Attorney Benjamin Smith, Sr of Horbling, on the edge of the fen country.²³ Kelham's training enabled him to serve effectively landed proprietors who required drafting of leases, assignments, agreements, and private enclosure legislation. In London he would also have communicated with his client's estate managers back home about matters which he, as a countryman, perfectly understood. As one authority has put it:

The reputations of the most eminent London lawyers fanned-out over the rest of the country vis-à-vis the London agent-country attorney system. The country practitioner retained and took advice from London counsel on the basis of his agent's recommendations. Since the majority of London attorneys in profitable practice conducted agency business on behalf of their country colleagues, we may conclude that their relationship was of mutual advantage. There can be no doubt that the London attorneys were the senior partners because of the large patronage at their disposal.²⁴

As agent for country attorneys Kelham would also have attended his client's causes in the courts in Westminster making sure that no slip ups occurred in litigation.²⁵ Country attorneys in need of counsel relied upon their London brethren who possessed both experience and access. Kelham, for example, not only proffered his own opinions but drew freely upon the expertise of colleagues like William Ainge of Lincoln's Inn.²⁶ Whether Kelham served as agent for other country attorneys besides the Smiths of Horbling is unknown.

Kelham continued in his Holborn address in the late 1770s, when he invited Christopher Johnson from Durham into partnership. In 1790, five years before his retirement, one Alexander Forbes Gaskell joined the firm.²⁷ Robert Kelham was seventy-six when he quit the firm in 1795.

Social Life

An eighteenth-century professional's family life and social relations were often an extension of business. With Kelham it is sometimes, but not always, clear how this was so. For example, it is impossible to discern how his marriage to Sarah (1721–1774), youngest daughter of Peter and Joanna Gery of Bilston, Leicestershire, advanced his career if, indeed, it did. Although the Gerys (Geery, Geary) were an ancient family dating to the time of Edward I, Bilston was a small and inconsequential village.²⁸ In 1564 it contained only five families; in 1630 a John Geery, was one of only three freeholders living there. Presumably, this John was a man of some substance as were his eighteenth-century descendants who resided in both Derby and London as well as Bilston.²⁹ The Bilston holding, which remained in the Gery family, amounted to a 104 acres and a mansion house, at the end of that century. Conceivably, the family branch which resided in London was Peter's, and Kelham's courtship of Sarah resulted from that proximity.³⁰

It is easier to assess the benefits accruing to Robert from the marriage of his and Sarah's daughter, Sarah Augusta. In 1778 she married an ambitious young man of business and good family, Marmaduke Langdale (1756–1832). This son-in-law was variously a distiller and banker but principally a stockbroker in London and land owner in Worcestershire and Yorkshire.³¹ Sarah Augusta's marriage to Langdale possibly offers a clue to Kelham's investing in mortgages and becoming a player in the stock market. Although the exact nature of Kelham's and Langdale's business association remains unclear, the marriage probably fostered their mutual interests. It would have been difficult for young Langdale to resist the favours of the well-connected Kelham, who at the time of his daughter's marriage in 1778 was sixty-one and still very professionally engaged. Kelham's accounts from the 1770s strongly suggest that he was investing for himself and/or his clients. Possibly, Langdale joined Kelham in the mortgage and money markets after the Langdale distillery was destroyed during the Gordon riots in 1780.³²

The Kelham/Langdale enterprise is partially explained by durable country connections. The evidence suggests that he and perhaps his son-in-law were in the stock market not just for themselves but for clients and friends, many of whom were countrymen from Lincolnshire. That Kelham owned numerous properties there – particularly in Billingborough and Great Gonerby – necessitated his keeping very much in touch.³³ His not having removed his father's library from Billingborough also suggests that he retained these local ties.

Above all, Robert Kelham took a keen interest in local charities, particularly education. Besides founding a school, he supported educating poor boys, claiming to have paid regularly £3 each year to fulfill a pledge made by his great uncle, the rector of Coningsby, that twelve of the poorest children in the parish should be taught to read their catechisms. In his will Kelham stipulated that 40s be added annually and 'forever' to the sum committed by his uncle. He directed, furthermore, that monies from his estate be earmarked for founding a school in

Great Gonerby and designated an annual salary of £10 for the school master to teach twelve poor boys 'reading, writing, and accounts', provided that Great Gonerby parish contribute a place for instruction.³⁴ For his native Billingborough he promised the sum of £1 10s annually for the purchase of six New Testaments for the poor students taught in the charity school there and, similarly, that New Testaments, spelling books, psalters, catechisms, and writing paper from what remained of the £1 10s be spent on the Great Gonerby school. Lest his charity be overlooked, he required that 'RK' be stamped on these books.

Such altruism was further evidenced by the attorney's insistence that every other Christmas three poor widows of Billingborough be given 'common cloaks'; moreover, he required that £5 be distributed among the poor of that village, as seen fit by the vicar and his old friend John Pattison. He assigned the same amount to the Great Gonerby poor, as determined by the vicar there and his friend Holland.

Besides educating and clothing the destitute in Lincolnshire, Kelham remembered old comrades and business associates there as he had in London. A gold-headed cane, which had been given to his father-in-law by a Major Goldolphin, he assigned to his 'good friend' John Cragg of Threckingham, who would receive an additional £50 because of the 'assiduous attention' he had paid to Kelham's landed property. That he left remembrance rings to Richard Gough of Forty Hill, John Pattison, and Benjamin Smith, Sr further substantiates his capacity for friendship and gratitude.³⁵

Kelham's most important Lincolnshire contact was Attorney Benjamin Smith. As noted, shortly after Smith had established his firm about 1760, he named Kelham his agent in London. Although Smith occasionally journeyed there to obtain counsel at Lincoln's Inn or attend business in the City, he usually left such matters to his man Kelham while he busied himself drafting parliamentary bills for enclosures and land drainage in south Lincolnshire.³⁶ After all, the services that he required of Kelham related to such matters. As Smith also immersed himself in managing and acquiring copyhold manors, he further drew on both his agent's expertise and easy access to knowledgeable practitioners at the inns of court.³⁷

Kelham's connections in both London and Lincolnshire explain why competent agents and their country counterparts were so crucial to England's economic well being. Provincial attorneys like Smith, heavily engaged as a mortgage lender, were keenly aware who among his clients had accumulated savings available for commercial and industrial ventures; whereas London attorneys like Kelham had the wherewithal to invest these monies to good purpose in the City money market. Such ventures, however hazardous, could be lucrative. With credit unpredictable, country banking primitive, and investments always risky, an attorney, whether in the country or City, who had the trust of both client and broker was a rare and valuable commodity. When such attorney-broker bonds were cemented by friendship and family – as were those among the Kelhams, Langdales, and eventually the Smiths – they counted for much more than merely formal business ties. Such affinity, moreover, sheds light on the City's acquisition of country capital which proved a godsend in fueling England's rapidly growing economy.³⁸

To judge from the Smith accounts, the Kelham-Smith business relationship evolved markedly over the years. Initially, during the 1760s and into the 1770s, Kelham had concentrated on routine lawyer tasks – making journeys here and there, facilitating enclosures, perusing title deeds, drawing up wills and conveyances,

inserting newspaper advertisements, seeking counsel – for all of which he billed Smith modest fees.³⁹ Kelham continued these tasks, but by the mid-1770s and for two decades thereafter he collaborated broadly with Smith in ambitious financial ventures involving Smith's clients. Although Smith's transactions and account descriptions are tantalizingly abbreviated, they do depict these two attorneys' moving astonishingly large sums – variously for stock purchases and sales and services rendered – on behalf of and charged to their Lincolnshire countrymen.⁴⁰

Besides brokering investments for others, these attorneys were players as well. Kelham appears, for example, to have been the single largest investor in south Lincolnshire's Black Sluice drainage project.⁴¹ During Kelham's retirement his accounts in the Smith ledger list fewer ventures; rather they concentrate on services of a personal nature which Smith continued to perform for Kelham. The two men had always engaged in reciprocity of sorts – while Kelham oversaw Smith's affairs in London, the latter attended to certain matters, like wood sales, relating to Kelham's Lincolnshire properties.⁴²

Their friendship and the respect which they had for one another – although they did disagree on occasion – made Kelham and Smith a formidable pair as they balanced conveyancing, enclosing, investing, and lawyer routines for their country clients.⁴³ Although Kelham left the legal matters in the hands of partners Christopher Johnson and Alexander Forbes Gaskell, investments, it seems, devolved to his son-in-law Langdale. The elder Smith, in turn, named Benjamin, Jr his successor. That son directed his clients' investments to the Langdales with the same confidence that his father had to Kelham.

This Kelham-Langdale-Smith nexus took a personal turn when Kelham, or his old firm, helped shape and foster Benjamin, Jr's London clerkship and when the Smiths were brought into the Kelham-Langdale family. In the winter of 1796–97, when young Smith clerked under the tutelage of the partners Johnson and Gaskell, he was often a guest in the Johnson home. There he occasionally encountered Kelham just as he had at social affairs in Lincolnshire. Such meetings suggest that the old partner kept in touch and possibly even favoured the young apprentice with his books and learning.⁴⁴ When Edward Smith (1780–1813), Benjamin, Sr's youngest son, married Sarah Langdale, Kelham's eldest grand-daughter, in 1808, the potential existed for furthering business as well as family ties.⁴⁵ If Sarah brought the Smiths into the family, Marmaduke Robert Langdale, Robert Kelham's eldest grandson, continued the cordial social and lucrative business relationship with Benjamin Smith, Jr.⁴⁶ That for a half century or more Marmaduke Robert enticed Benjamin Smith, Jr. to invest his clients' and his own monies with the Langdales was old Robert Kelham's legacy to both these families.

Conclusion

What sort of person was Robert Kelham? A Langdale memorial purports to answer this question. Making allowances for nineteenth-century memoir boiler plate and the bias of family solidarity, we discern that 'from the earliest period of [his] life he was regarded by all his acquaintances for his gentleness of manners, his strict integrity and his uniform attention to all Christian and relative duties.' His assigning monies to diverse local charities and the coupling of such charities with his church seems to affirm this 'attention to all Christian ... duties'.

Certainly, it is easy to concur with the memorial's conclusion that Kelham 'was blessed with an unusual share of health, having scarcely been confined a day with illness (though for three years past otherwise infirm) and had hardly omitted regularly attending divine service to the last week of his life.'⁴⁷ While the tally of his church attendance is moot, his advanced age in death supports the contention that his was a life of good health.

To judge from his bequests and the manner in which he allocated them among family, Robert Kelham took seriously his patriarchal role. One may further discern, even discounting the formal verbiage of his will, that he had a loving relationship with daughter Avice, for whom he set aside books, music, drawings, paintings, prints, and furniture. Beyond these items, he left her another £100 to acknowledge 'her very affectionate attention to me'.⁴⁸

The Langdale memorial praises Robert Kelham for 'industry and learning'. While such flowery eulogies are sometimes worrisomely exaggerated, there can be little questioning of Kelham's erudition and his very considerable capacity for work. The antiquarian Nichols hailed him as 'my good friend, the late learned antiquary'.⁴⁹ That Kelham undertook what was likely a thankless task (but possibly an act of friendship) of indexing Viner's and other works on conveyancing suggests a certain humility and an infinite patience with detail. The same attributes apply to his devising a Norman-French dictionary, which in the late eighteenth century served little practical need. His researching the niceties of Britton, Fleta, and Domesday Book suggests a devotion to antiquarian scholarship which likely reaped greater rewards in personal satisfaction than money and status. Like scholars of all ages, he was most likely motivated by a love of learning and publishing the results of his labour.

Kelham's involvement in the several inns of court implies that he was a joiner, one who enjoyed a wide circle of professional friends. His designating small legacies for his countrymen in Lincolnshire was matched by the rings of remembrance which he left to partner Johnson, William Townsend (his successor as principal at Staple Inn), John Darby of Gray's Inn, and William Kirkby of the Exchequer Office.⁵⁰

In retirement Robert Kelham chose to remain at his Bush Hill estate in Edmonton, Middlesex. Edmonton, an easy coach ride to London, was a retreat for genteel folk and literati who sought both access to the city and a quiet haven from it.⁵¹ Bush Hill, where Salmon Brook flowed into the Lea, no doubt satisfied Kelham's quest for such quiet retirement. At the time of his death at Bush Hill on 29 March, 1808, Kelham was the oldest living member of the Societies of Lincoln's and Staple Inn.

Although a full reckoning of Kelham's assets and a record of his annual earnings are lacking, some sense of his worth may be inferred from the large sums which passed between him and Benjamin Smith, presumably for investment, and cash amounting to £14,000 plus landed assets, as designated in his will.⁵² He was by early nineteenth-century standards a person of affluence.

Kelham's heir, his attorney son Robert, was evidently unwell at the time of his father's death. In any case, he died childless at 56 in 1811. Possibly anticipating his son's early demise, Kelham had directed that a portion of his estate be transferred 'into the name of Marmaduke Langdale for the benefit of my godson [and grandson] Robert Kelham Langdale and of such other of the children of the said Marmaduke Langdale as I am godfather to as will equal the sum of three

hundred pounds.⁵³ This disposition by the dying Kelham to favour his second grandson and namesake had real consequences after Robert Kelham, Jr's death: Robert Kelham Langdale assumed the Kelham surname and arms by royal license, 19 February, 1812, eventually taking up residence at Bleasby Hall, Southwell, Nottinghamshire, on lands long in the possession of the Kelhams of Lincolnshire.⁵⁴

The Kelham-Langdale-Smith line concluded in the person of Robert Kelham's great grandson, the Rev. Edward Langdale Smith (1812–95) – the son of the Rev. Edward Smith and Sarah Langdale, Robert Kelham's eldest grandchild. Like his father and Kelhams before him, he went up to Cambridge and answered a calling to the church. But unlike his forebears, alas, he produced no heirs.

NOTES

In researching this paper I incurred a special debt to Guy Holborn, Librarian at Lincoln's Inn and Dr Kenneth Dixon of Saffron Walden, Essex.

1. Exceptions are Victor Belcher, 'A London Attorney of the Eighteenth Century: Robert Andrews', *London Journal*, 12 (1986), 40–50; Belcher, *Boodle, Hatfield, and Co: The History of a London Law Firm in Three Centuries* (1985); Judy Slinn, *A History of Freshfields* (1984). A short bibliography of firm histories appears in Slinn, 'The Histories and Records of Firms of Solicitors', *Business Archives: Sources and History*, 58 (1989), 22–32; David Sugarman, 'Simple Images and Complex Realities: English Lawyers and their Relationship to Business and Politics, 1750–1950', *Law and History Review* 11, (1993), 262–63. See also Penelope Corfield and Chris Evans (eds), *Youth and Revolution in the 1790s: Letters of William Patisson, Thomas Amyot and Henry Crabb Robinson* (Shroud, Gloucestershire, 1996). Lists of attorneys appeared in Browne's and later in Clarke's directories, but these reveal little beyond names and addresses. Even the few listings in the *Dictionary of National Biography* and *The History of Parliament* rarely reveal much of a personal nature.
2. See 'From Provincial to Professional: Attorney James Coulthard (1718–86)', unpublished paper available from the author.
3. No study exists relating eighteenth-century attorney Professionalism in London to provincial antecedents although Philip Aylett, 'A Profession in the Marketplace: The Distribution of Attorneys in England and Wales 1730–1800', *Law and History Review* 5 (1987), 1–30 is germane to this discussion. For a more general account on migration and mobility with references to the professions, see Colin Pooley and Jean Turnbull, *Migration and Mobility in Britain Since the 18th Century* (1998), 73, 105. For discussion of a related theme, the cultural repercussions of London's expansion, see Peter Borsay, 'The London Connection: Cultural Diffusion and the Eighteenth-century English Town', *London Journal*, 19 (1994), 21–35.
4. For a recent discussion of professionals in a 'complex and prosperous economy', see Wilfrid Prest, *Albion Ascendant: English History, 1600–1815* (Oxford, 1998), 98–99; Geoffrey Holmes, *Augustan England: Professions, State and Society, 1680–1730* (1982), 135–39. Ambitious young lawyers were especially drawn to England's cities. See Peter Borsay, *The English Urban Renaissance: Culture and Society in the Provincial Town 1660–1770* (Oxford, 1989), 7, 205–06. One branch of the legal profession, the litigators, were denied prosperity when the volume of litigation at Westminster Hall began declining late in the seventeenth century. See Christopher Brooks, *Pettyfoggers and Vipers of the Commonwealth: The 'Lower Branch' of Legal Profession in Early Modern England* (Cambridge, 1986), 75; idem, 'Interpersonal Conflict and Social Tension: Civil Litigation in England, 1640–1830' in *The First Modern Society: Essays in Honour of Lawrence Stone*, A.L. Beier, D. Cannadine, and J. Rosenheim (eds) (Cambridge, 1989), 357–99. See also W.A. Champion, 'Recourse to the Law and the Meaning of the Great Litigation Decline, 1650–1750: Some Clues from the Shrewsbury Local Courts; in *Communities*

- and Courts in Britain 1150–1900*, Christopher Brooks and Michael Lobban (eds) (London, 1997), 179–98.
5. For the Kelhams see Lincolnshire Archives Office (hereafter L.A.O.) *Catalogue*, B.R.A. Kelham, *passim*, and Joan Varley, 'Kelham', in *Archivists' Report* 18 (Lincoln, 1966–67), 29–30.
 6. For more on the elder Kelham, see J. and J.A. Venn, *Alumni Cantabrigienses*, Pt. 1: to 1751, 3 (Cambridge, 1924). Robert Kelham, Jr is listed in the *D.N.B.* His obituary appears in the *Gentleman's Magazine*, 78 (1808), 370. Kelham's great uncle Richard (d. 1719) was vicar at Coningsby (Lincolnshire) earlier in the century.
 7. Robert, Jr. was born 9 November 1717. His two brothers were John, a student of Christ Church, Oxford, where he died unmarried at 25 in 1736, and Richard, who died unmarried at 25 in 1747 (Marmaduke Langdale memorial to Robert Kelham, *circa* 1808). A similar account appears in Kelham's obituary in the *Gentleman's Magazine* and Richard's Roll in The Law Society, Chancery Lane. I am indebted to Oliver Langdale of Highwood Farm, Swerford, Oxon for a copy of the Langdale memorial and to Dr Kenneth Dixon for bringing Richard's Roll to my attention.
 8. For agrarian developments, in general, and up-dated bibliography, see Prest, *Albion Ascendant*, 98–99, 336. For the Lincolnshire exception see B.A. Holderness, 'The English Land Market in the Eighteenth Century: the Case of Lincolnshire', *Economic History Review*, 2nd ser., 27 (1974), 557–76. See also T.W. Beastall, *The Agricultural Revolution in Lincolnshire* (Lincoln, 1979); David Grigg, *The Agricultural Revolution in South Lincolnshire* (Cambridge, 1966); Adrian Hall, *Fenland Worker-Peasants: The Economy of Smallholders at Rippingale, Lincolnshire, 1791–1871* (Supplement Series, 1, of the *Agricultural History Review*, 1992); Steve Hindle, 'Power, Poor Relief and Social Relations in Holland Fen, c. 1600–1800', *Historical Journal*, 41, 1 (1998), 67–96; W.H. Hosford, 'Some Lincolnshire Enclosure Documents', *Economic History Review*, 2nd ser., 2 (1949–50); T.L. Richardson, 'The Agricultural Labourers' Standard of Living in Lincolnshire, 1790–1840: Social Protest and Public Order', *Agricultural History Review*, 41 (1993), 1–19; Joan Thirsk, *Fenland Farming in the Sixteenth-century* (University College of Leicester English Local History Occasional paper 3, n.d.); Thirsk, 'The Fenland, 1740–1870' *The Agrarian History of Lincolnshire from Tudor to Recent Times* (1957); W.H. Wheeler, *History of the Fens of South Lincolnshire* (Boston, 1896).
 9. Holmes, *Augustan England*, 144–45 and Michael Miles "'A Haven for the Privileged": Recruitment into the Profession of Attorney in England, 1709–1792,' *Social History*, 11 (1986), 197–210, *passim*.
 10. According to *The Records of the Honourable Society of Lincoln's Inn*, I: Admission from A.D. 1420–1799 (Lincoln's Inn, 1896), Robert Kelham, age seventeen, was admitted on 8 July 1734 (409 [fol. 144]).
 11. Holmes correctly perceives the 'immense' social implications of this new process in which the expanded professions became 'instruments of social fusion ... [and] a bond that helped more closely to integrate numerous units of local society' (*Augustan England*, 17). Very little has been written about attorney clerkships. See Peter Quennell, *The Prodigal Rake: Memoirs of William Hickey* (New York, 1962); Michael Birks, *Gentlemen of the Law* (London, 1960), 161–80; Robert Robson, *The Attorney in Eighteenth-century England* (Holmes Beach, Florida, 1986); Harry Kirk, *Portrait of a Profession: A History of the Solicitor's Profession, 1100 to the Present Day* (London, 1976), 48–66. See also my 'A Career in the Law: Clerkship and the Profession in Late Eighteenth-century Lincolnshire', *Lincolnshire History and Archaeology*, 31 (1996), 31–45. See also Penelope J. Corfield, *Power and the Professions in Britain 1700–1850*.
 12. The 1729 Act (2 Geo. II c 23, 1728), as quoted in A.H. Manchester, *Sources of English Legal History* (1984), 51–52.
 13. The Law Society Rolls show that Robert Kelham of Staple Inn, gent., was admitted and enrolled on 28 November 1739 before J. Berney. According to Richard's Roll, he was admitted a solicitor in Chancery the same day. Kelham had been admitted to Staple Inn a

- few days earlier, on 24 November. See E. Williams, *Staple Inn Customs House, Wool Court and Inn of Chancery: Its Mediaeval Surroundings and Associations* (1906), Appendix E, 169.
14. Generally, an 'ancient' was a gentleman of the inns of court and chancery, although terms vary slightly in meaning from one inn to another. In Gray's Inn 'ancients' were those eldest in age, but in other Inns the term simply distinguished one who had passed his readings from one who had not, e.g. students or clerks. At Staple ancients were also called grandfellows. From the ancients a principal or treasurer was chosen, usually annually. At Gray's Inn a meeting having to do with money matters was designated a pension or treasury meeting. That Kelham was elected pensioner and principal (Richard's Roll) confirms his prominence in Staple Inn.
 15. Kelham appears to have been well regarded by the antiquary John Nichols who referred to him as 'my good friend, the late learned antiquary' in *The History and Antiquities of Leicester* (London, 1795–1815, 4 vols., 8 parts, 4, 853. The most useful works on eighteenth-century legal literature and the market for it are Michael Lobban, 'The English Legal Treatise and English Law in the Eighteenth Century,' *Iuris Scripta Historica XIII: Law Making and Its Authors* (Brussel, 1997), 69–88 and John Feather, *The Provincial Book Trade in Eighteenth-Century England* (Cambridge, 1985). For a detailed and recent account of seventeenth- and eighteenth-century publishing, including references to works on law, see J. Adrian Johns, *The Nature of the Book: Print and Knowledge in the Making* (Chicago, 1998). Although Richard J. Ross, 'The Memorial Culture of Early Modern English Lawyers: Memory as Keyword, Shelter, and Identity, 1560–1640,' *Yale Journal of Law & the Humanities*, 10 (1998) 239–49, speaks to an earlier period, and contains an excellent discussion on legal antiquarianism.
 16. I.F. Nichols, whose mid-nineteenth century (Oxford, 1865) version of Britton is still standard, admitted that he owed 'much to the industry of Mr. Kelham, who illustrated the portion of Britton which he published in English with very copious marginal notices of authorities of all dates' (lvii, lx). A.W. Simpson ascribes 'the only modern edition' to Nichols without reference to Kelham ('*The Rise and Fall of the Legal Treatise*', 275). I am grateful to Guy Holborn for allowing me to peruse Kelham's manuscript of the twenty-fifth chapter. *The Catalogue of the Manuscripts in the Library of the Honourable Society of Lincoln's Inn* (London, 1838 ff.) confirms the existence in the library of 'a quarto manuscript (Lincoln's Inn Misc. 4) fairly written' (155).
 17. The full title is *A Dictionary of the Norman or Old French Language Collected from Such Acts of Parliament, Parliament Rolls, Journals, Acts of State Records, Law Books, Antient Historians and Manuscripts ... To which are added the Laws of William the Conqueror* (London, printed for Edward Brooke, 1779). Kelham's edition appears initially to have been published by both Brooke and W. Clarke in 1779. An American edition was issued in 1843 when it was appended to Bouvier's *Law Dictionary* (Philadelphia, 1843); more recently it has been reissued by Garland Publications in 'Classics of English Legal History in the Modern Era' (New York, 1981). Whatever its merit, it remained the only such work until recent times. Holdsworth observed in 1938 that a successor dictionary projected by the Selden Society had not yet appeared (*History of English Law*, 12, 177). John Baker recently issued a dissent on its quality, observing that Kelham was more 'interested in old chronicles and literary works than in Year Books, and perhaps half the words he lists will not be found in printed law books at all in the forms in which he gives them'. Kelham, added Baker, took pains to record corrupt and irregular spellings, sometimes at the cost of omitting usual forms. 'They remain of use to the wary scholar but are somewhat dangerous tools to place in the hands of beginners' (*Manual of Law French* [2nd ed., Aldershot, Hants., 1990], 8).
 18. See T.F.T. Plucknett, 'The Harvard Manuscript of "Thornton's Summa" in *Studies in English Legal History* 4, (London, 1983), 1038 for a brief account of Bracton, Britton, and Fleta at the end of the thirteenth century. After Bracton, Britton clearly is more consequential than Fleta. See Frederick Pollock and Frederic William Maitland, *The History of English Law before the Time of Edward I*, 2 vols., (Cambridge, 1968), I, 210.

19. David Sugarman believes that text writing along with journalism and theater were means by which eighteenth-century lawyers typically supplemented their income. He cites Blackstone as one who linked text writing to securing a judicial appointment (pers conversation, 9 March 1999).
20. See William M. Sale, Jr., *Law Printer to the King* (Ithaca, NY, 1950), 134–44 and 355 and Strickland Gibson and William Holdsworth, 'Charles Viner's *General Abridgement of Law and Equity*, 'Proceedings and Papers of the Oxford Bibliographical Society, II (1930), Part IV, 229–325. Holdsworth discusses the problems encountered by Charles Viner in the publication of his twenty-five volume work (1742–53). Viner possessed the means to finance his own publication and evidently earned a profit from this undertaking (*A History of English Law*, XI, 164–67).
21. Kelham's indexing is cited in *D.N.B.* Holdsworth refers to J.D. Cowley (*A Bibliography of Abridgments [S.S.]* lxxvii), who notes that 'Kelham's name was not associated with this index in any work earlier than Clark's *Biblioteca Legum* (1819); but the facts stated about Kelham by Mr Cowley make Clark's statement not improbable.' (See *A History of English Law*, XI, 167, note 7). For more on Viner and his publishing venture, see *ibid*, 163–67.
22. See Public Record Office (P.R.O.), Kew, Apprenticeship/Master Records IR1, 20/157.
23. L.A.O. Smith 11, Firm's Business, Bill Books.
24. M. Miles, 'Eminent Practitioners' in *Law, Economy and Society*, G.R. Rubin and D. Sugarman (eds) (Abingdon, 1984) 487.
25. M. Miles has further observed that investment channels were organized around the relations between country attorneys and their London agents, 'The Money Market in Early Industrial Revolution: The Evidence from West Riding Attorneys c. 1750–1800,' *Business History* (1982), 132. Eleanor and Rex Russell, *Making New Landscapes in Lincolnshire: The Enclosures of Thirty-four Parishes* (London, 1983) discuss the kinds of enclosure procedures which might very well have occupied Smith and Kelham.
26. A note on a scrap of paper used as a bookmark, dated 30 June, written by Kelham in Hatton Garden to his attorney in Horbling, Lincolnshire, Benjamin Smith, and for whom Kelham was agent in London, illustrates the dependency of a country attorney for London expertise. Kelham recalled that on 24 June he had 'seen Sarjt. Hill, and he says if you don't proceed on the replevins, the safest way will be for the guardians to bring an action agt. a non-commoner as they will not be obliged to prove any special damage but that should a commoner bring it, He would not get a verdict unless He prov[e]d some particular damage to himself, and that the same objec[ti]on would lie in a replevin'. See 3 Bl[ask]s[tone], 237 (L.A.O., Smith 11/Firm's Business).
27. *Browne's General Law-Lists* for the years 1779, 1782, and 1785 place Kelham and Johnson in Hatton Gardens. Christopher Johnson, enrolled and admitted to the courts in 1778, came from Durham. Like Kelham, Johnson was admitted to Staple Inn. See Williams, *Staple Inn*, 175 and 138, 141.). Gaskell of Thornhaugh Street, Bedford Square, was admitted and enrolled as an attorney in 1791 (Law List for 1795, which signify Kelham's retirement in 1795 and consequent reordering of the firm's management under Johnson and Gaskell. Johnson died about 1814 and Gaskell in 1817. After Kelham retired the firm moved to Queen's Square, Bloomsbury, early in 1797 (L.A.O. Smith 15, Diary, 28 February 1797).
28. Kelham himself undertook genealogical research that established a Ralph Geri, mentioned in a deed at the time of Edward I, as one of his wife's ancestors (Nichols, *Leicestershire*, 4, 853. Nichols is the source for that which follows about the Gery family). The author acknowledges the assistance of Mike D. Raftery of the Leicester Record Office.
29. Nichols regarded the Thomas Gery (d. 1722), who with his wife was buried in St. Warburg's Church in Derby, as of this branch of the family but identified the Gery who resided in London only as the father of Thomas Lewis Geary, or Gery, recently deceased (Nichols, *Leicestershire*, 4, 853–54). The same author did not establish any connection between the Gery of Bilston and those of Bedfordshire and Swepston, Leicestershire (Nichols, *Leicestershire*, 3, 1041).

30. Kelham married Sarah Gery on 4 December 1752 in the parish church of West Ham in Essex. That his wife was of a Leicestershire family suggests that Kelham might first have encountered her at home, in Lincolnshire; however, their marriage in Essex in 1752 is no less suggestive that both Kelham and Gery were London-based by that date. Their three surviving children were Sarah Augusta (1753–1806), Robert (1755–1811), also a London attorney, and a spinster daughter Avice (1763–1841).
31. For more on the Langdales, see my 'The Smith-Kelham-Langdale Nexus: Country Attorneys, Family Connections, and London Business in the Early Nineteenth Century,' *Lincolnshire History and Archaeology*, 29 (1994), 17–27.
32. The sums of Kelham's monetary transactions increased noticeably from the late 1770s and continued in large amounts until his retirement in 1795. I cannot document Langdale's ventures earlier than 1803, when he was investing for Smith clients in Lincolnshire (L.A.O., Smith 11/Ledgers A-B, 1803, passim). Marmaduke Langdale appears to have operated a distillery with his kinsman Thomas Langdale from at least the early 1790s until 1811. The *London Directory of 1780* lists Thomas as distiller at 26 and 81 Holborn (100). The same for 1791 (90) and 1795 (36), the *Post Office Directory of 1800* (132, and *Kent's Directory for the year 1802* (121) – each lists both Thomas and Marmaduke as distillers of 26 Lower Holborn. The *Post Office Directory of 1811* (181) designates Marmaduke alone as stockbroker as well as continuing both Thomas and Marmaduke as distillers. Thomas Langdale is best remembered as the Catholic distiller whose properties were devastated by Gordon rioters during the summer of 1780. Langdale genealogies cite J. de Castro, *The Gordon Riots* (Oxford, 1926) about Thomas without mentioning Marmaduke. By 1792 Langdale had taken residence at 17 New Ormond Street, his address for residence as well as brokerage business until 1810, when he moved his firm to Capel Court. Langdale became a member of the stock exchange just two years later and a partner in the banking firm of Dixon, Langdale, Dixon, and Brooks in 1825. Guildhall Library MSS, London, Application for Admissions for Membership to Stock Exchange, 17957 (4), 1805.
33. The Kelham repository in the L.A.O., which consists generally of property transactions, yields little of a personal nature.
34. C.C. Wills, R.O., B11/1477, Robert Kelham.
35. *ibid.*
36. See my 'The Country Attorney in Late Eighteenth-Century England: Benjamin Smith of Horbling,' *Law and History Review* 8 (1990), 239–69.
37. William Ainge, mentioned above, was one such member of Lincoln's Inn to whom Smith turned for advice and whose opinions appear in his clerk William Worth's precedent book. Conceivably, his counsel to Smith was facilitated by Kelham, although nothing more is known of him.
38. For more on provincial credit and investments, see my 'Country Attorney,' *Law and History Review* (1990), especially note 21, 260–61. In this respect see B.L. Anderson, 'Provincial Aspects of the Financial Revolution of the Eighteenth Century,' *Business History*, 11 (1969), 11–22; Pat Hudson, *The Genesis of Industrial Capital: A Study of the West Riding Wool Textile Industry, c. 1750–1850* (Cambridge, 1986), 93 ff.; Peter Mathias, 'Capital, Credit and Enterprise in the Industrial Revolution,' *Journal of European Economic History* 4 (1973), 121–43; Mathias, 'The Lawyer as Business man in Eighteenth-century England' in D.C. Coleman and Peter Mathias (eds) *Enterprise and History: Essays in Honour of Charles Wilson* (Cambridge, 1984); and Michael Miles, 'Money Market', 127–46 are especially important.
39. See L.A.O. Smith 11/Firm's Business, Bill and Debt Book, 1761–66. June, 1762 in this account is the earliest Smith reference to 'my agent' Kelham (12–13). That the Smith firm was heavily committed to mortgages and enclosures during these years of Kelham-Smith collaboration is evident both in the Smith accounts, manorial court rolls, and related copyhold documents. The tasks assigned to Kelham by Smith certainly related to such matters, e.g. his involvement in the Pointon enclosure as documented in L.A.O., Smith 11/Bills, 1790–1803 (4), 1–8.
40. The Smith cash books are particularly revealing for the increasingly large sums handled by Kelham and Smith: Cf. L.A.O., Smith 11/Cash Books, 1773–74, 1777–78, 1783–86,

- 1786–89, 1789–94, and even first part of 1794–1807, *passim*. See also Smith 11/Bills, 1790–1803[04], Kelham's account, 1794–1795.
41. L.A.O., Smith 11/Black Sluice Internal Drainage Project, or B.S.I.D., Treasurer's Accounts 1765–1803, *passim* and Smith 11, L.A.O., Smith 11/Douglas Accounts, 1789ff. The elder Ben Smith was Black Sluice treasurer during these years.
 42. Cf L.A.O., Smith 11/Accounts 1797–1807, Kelham account, 543. Smith seems even to have had a hand in sheep sales for Kelham (L.A.O. Smith 11/Bills, 1790–1803[04], 251) Entries relating to Kelham do appear in the Johnson and Gaskell account in 1795 and after (L.A.O. Smith 11/Bills, 1790–1803[04], 260–71). Kelham occasionally appears in the personal diary of Benjamin Smith, Jr after 1795. The Smiths did business with Kelham's old firm until 1817, when Gaskell, the last surviving partner, died.
 43. In L.A.O., Smith 11, Bills, 1773–81, Smith recorded 'Mr. Kelham having altered the draft so that Mr. Rooper sh[oul]d not release & assign the new attachm[en]ts, which I thought he ought to do & Mr. Kelham not agreeing that he sh[oul]d with[ou]t the advice of counsel' (42). Kelham's Lincolnshire connections may have included the prominent London Heathcotes who held properties in Folkingham, Lincolnshire and Normanton, Rutland. Smith's Heathcote accounts suggest that Attorney Benjamin Smith Jr. brokered that family's City investments; moreover, Kelham did engage the one time Heathcote accountant, Thomas Forsyth (L.A.O. Smith 11, Cash Book, 1794–1807, 6 June 1794). The Heathcotes had occupied an important place in the commercial and financial life of London since the first Sir Gilbert Heathcote (1652–1733) had laid the foundation of the family fortunes late in the preceding century. See Geoffrey Holmes and Daniel Szechi, *The Age of Oligarchy: Pre-industrial Britain* (1993), 147.
 44. Presumably, young Benjamin was familiar with Kelham's scholarship. Smith recorded in his diary that he had seen Kelham in both Lincolnshire (18 September 1796) and London (23 December 1796). See my 'A Career in the Law: Clerkship and the Profession in Late Eighteenth-century Lincolnshire,' *Lincolnshire History and Archaeology*, 11 (1996), 29–41.
 45. For more on the marriage of Edward and Sarah and the Langdales generally, see Schmidt, 'The Smith-Kelham-Langdale Nexus: cf.31 17–27.
 46. Marmaduke Robert married (1812) Louisa (1792–1863), the second daughter and co-heiress of George Jourdan of Guilford Street. The younger Langdales resided at 38 Gower Street, Bedford Square, Bloomsbury and Garston House, Godstone, Surrey. Having clerked in his father's brokerage firm as early as 1805, he was partner in the firm by 1815 and probably earlier. (London, Guildhall Library MSS, Applications for Admissions for Membership to Stock Exchange, MS. 17957 (4) 1805: 'My son to act as my clerk. [signed] M[arma]duke Langdale', *ibid* (14), List 8, nos. 16, 17; in 1825 (24) he was listed as partner).
 47. Langdale Memorial to Robert Kelham, as cited above.
 48. Prerogative Court of Canterbury Wills, R.O., PROB 11/1477, Robert Kelham.
 49. *Leicester*, 4, 853.
 50. Kelham's will, as cited above.
 51. *Victoria County History of the Counties of England: History of Middlesex*, 4 (1776), 130–31.
 52. Kelham mentioned in his will that he had given to his daughter Sarah Augusta Langdale £4,000 on her marriage to Marmaduke Langdale and promised another £1,000 within twelve months of his decease. He also had given Sarah and Marmaduke Langdale a marriage portion of another £1,000 plus £50 each as a token of his affection. To his daughter Avice he designated £5,000 for her marriage and other sums amounting to £1,000. Kelham stipulated that his son Robert would inherit his landed property, presumably at least equal in value to the daughter's share. That Robert, Jr lived only a few years after his father's death allowed the succession of real property to pass to Robert Langdale [or Kelham]. Finally, Kelham designated the sum of £300 to those children of Sarah and Marmaduke Langdale 'as I am godfather to'.
 53. C.C. Wills, R.O., PROB 11/1477, Robert Kelham, 353.
 54. L.A.O., Catalogue, B.R.A., Kelham Papers and Richard's Roll, The Law Society.