

Lawyering and Politics in Lincolnshire: the Smith-Heathcote Connection, 1760s to 1850s

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This paper considers a law firm founded in rural England some two and a half centuries ago and the political implications of one of its client relationships. The attorneys were the Benjamin Smiths, father and son, who laboured in and around Horbling and Donington, on the edge of the fens in south Lincolnshire and who on occasion counted London as part of their catchment area.¹ Among their clients were the affluent and politically-connected Heathcote family, based principally in London but also in Rutland and eventually Lincolnshire. These two families were linked and more importantly exemplify what is frequently proclaimed but rarely cited – the political role played by country attorneys in that watershed century, 1750 to 1850.

When Benjamin Smith Sr (1731-1807) undertook lawyering in Horbling about 1760, pastures rather more than arable farmland distinguished the region.² Although these grasslands, called the best in England, fetched top rent in the county, they underwent profound change after mid-century: farmers and grazers, driven by even greater profits and aided by new technologies, enclosed their land, reclaimed the waste and fens, and built turnpikes and canals to facilitate transport. Consequently, surveyed fields, and new roads and farm buildings replaced heath and wold, helping to transform sheep pastures and rabbit warrens into glimmering fields of wheat.

The elder Attorney Smith became very much party to this managing, conveying, and enclosing landed properties, and enhancing such infrastructure as turnpikes and fen drainage – all of which increased the land's worth. Most importantly, he performed as a quasi-banker in arranging credit for the investment needs of would be 'improvers' or venture capitalists.³ Such enterprise increased not only old Benjamin Smith's wealth and status but made him a power broker who fostered the political as well as entrepreneurial ambitions of the landed elite. A

* This paper is dedicated to the late David Gould-Smith (1927-2008), son of the last Smith partner in B. Smith & Co., Horbling and Donington, Lincolnshire. I am greatly indebted to David and his wife Shirley for the papers and photographs which they placed at my disposal for writing about this law firm's history.

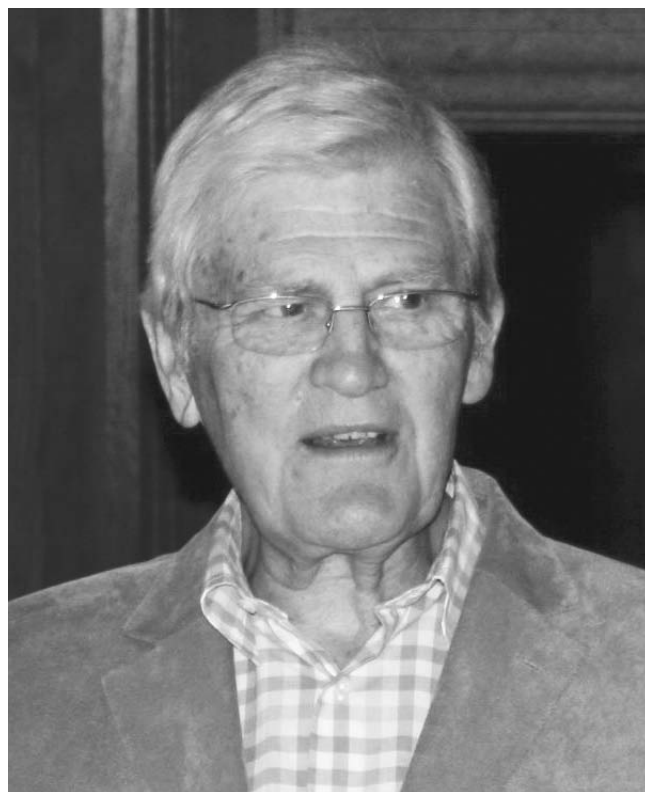


Fig. 1. David Gould-Smith (1927-2008).

younger Benjamin Smith would build upon his father's accomplishments by connecting with City (*i.e.* London) bankers and lawyers on a social as well as professional level. There was much truth in Sir Charles Anderson's oft-quoted remark that 'the county of Lincoln is ruled chiefly by agents and attorneys, and that in no other county have they such power'.⁴

Benjamin Smith Sr combined his many talents to qualify as estate steward, banker, investment counsellor as well as attorney. Whatever his enterprise was labelled, it invariably was involved with landed property. Working out of a small shed behind his Red Hall mansion in Spring Lane, Horbling, he routinely served improver landlords by looking after their holdings – that is, collecting rents, selling wood, keeping accounts, convening copyhold courts, attending land tax meetings, and, of course, keeping an eye on turnpikes, irrigation, drainage, embankments, timber, waste, and much more. In time he became lord of his own copyholds, enjoying nearly as much the camaraderie at court banquets as the power and profits derived from amassing and selling land. Smith's lawyer routine – conveyancing, drawing up of agreements, enforcing them, and lending money – especially, by holding mortgages and notes – all mirrored the wants and needs of his clientele.

Once established as an attorney, Smith became a valued facilitator for a coterie of gentry and affluent farmers and grazers – improving their land, developing the region, investing their new wealth through his London connections, and always protecting property rights. That he won their respect for dependability is evidenced by his having been named clerk to numerous local bodies – a

self-help undertaking for policing and prosecuting felons charged with property crimes,⁵ enclosure, turnpike, and drainage commissions, and notably clerk to the boards of local charities. His allegiance to the landed interests was absolute, as articulated when he once promised Lord Willoughby to use 'my utmost endeavours to prove to your Lordship you have not made an improper choice. I will have an Eye to your Lordship's interest & *hope by my Impartiality*, [author's italics] to please not only your Lordship but the rest of the proprietors, too'.⁶

Managing the finances of select clients, many of whom were close friends, proved lucrative as well as neighbourly for both Smiths. As lawyer/banker/broker, they created bonds of trust and won client gratitude, notably when investments earned handsome dividends. Daniel Douglas of Folkingham, one such patron of the elder Smith, championed him for diverse clerkships and nominated him (unsuccessfully) for the turnpike commission. For good measure, Douglas bequeathed Smith £800 when he died in 1795. In return both Smiths looked after the Widow Douglas and tended her finances for the many years after her husband's demise. They showed the same concern for the Widow Forsyth (after husband Thomas' death in about 1801), for the Widow Brownlow Toller, and cantankerous old Edward Brown (1748-1841), whose mother was a Toller. Mrs Toller was a dear friend of Elizabeth Fryer Smith, Benjamin Sr's wife. The Browns, who had launched Smith Sr in the law and estate management about 1758, were wealthy Horbling area landowners. On one occasion the long-living Brown made an outright gift of £5,000 to Smith Jr with a promise (which he broke) of more after death. Like his father, Benjamin II tailored his services to accommodate the needs and wishes of such clientele. Small wonder that both Smiths became political and social fixtures in south Lincolnshire.

While Benjamin Sr was, no doubt, pleased that his eldest surviving son, Benjamin Jr (1777-1858), elected to join him in the firm, he could hardly have foreseen that this youth who apprenticed in the firm in the 1790s would eclipse him in affluence and as a venture capitalist, political strategist, and cosmopolite.⁷

Antithetical to the stereotypical plodding, pettifogging country lawyer, Benjamin Smith Jr was every bit as shrewd as his father but far more complex. He was, indeed, a mass of contradictions: as a young man he was plagued by illness, real and imaginary and yet possessed of unusual stamina and drive for hard work in advanced age; parsimonious and fretful about money problems, he invariably was successful in enterprise and acquisitiveness and generous in philanthropy; often ill-tempered, argumentative, self-righteous and snobbish he proved capable of random kindness, loving deeds and great sensitivity; religious and humble (a consistent church-goer) before his God, he was by his own admission given to 'vicious [i.e., impure] thoughts', sinning by glimpsing a female or two (as he put it), and having had an affair with his housekeeper; desirous of quitting business while still in his forties, he undertook his most arduous tasks when in

his seventies; often depressed as a young man, he was strikingly at peace with himself and friends in his advanced years. This remarkable mellowness was enhanced by the love bestowed upon him by nieces, nephews and the children of his late partner. He had a special affinity for birds, always awaiting the coming of the swallows. His interests were wide-ranging – the theatre, music, and travel. The Great Exhibition extravaganza in the twilight of his life lured him on several occasions.

Although thoroughly a countryman and professionally immersed in country issues, Benjamin Jr moved effortlessly in London business and social circles, especially by the 1820s. His doing so, markedly contrasted with the rustic image projected by his father. While the latter had largely (but not exclusively) predicated his lawyering on land and estate matters, the son divided his between such country concerns such as land values and money ventures in the City. In all, Benjamin Smith Jr can be characterized, like his father, as one who worked tirelessly and effectively in behalf of his clients, notably the propertied ones. Whether his mood of the moment was petulant or amiable, parochial or cosmopolitan, one thing was certain: he had always to be in control.⁸

The younger Smith had exhibited from the time of his lawyer apprenticeship in London in the 1790s a curiosity about a world beyond Horbling. It was an interest further stimulated by many subsequent business trips to London and by the myriad social/ client contacts whom he made there.⁹ So it was that London business on one hand and local politics and parliamentary electioneering on the other brought him into direct contact with the politically ambitious Heathcote family.

Who were the Heathcotes? When the historian John Brewer observed that 'the greatest wealth was to be made in government finance', Sir Gilbert Heathcote (1652-1733), the first baronet and founder of the family dynasty and fortunes, came to mind.¹⁰ He was at once an architect of the Bank of England, director of the East India Company and widely regarded as England's richest commoner, worth £700,000.¹¹ Son John (c.1689-1759) became heir to his properties and personal fortune and despite his residing in Normanton, Rutland became MP for Grantham, Lincolnshire in 1715. He validated his country image in 1752 when he acquired the Conington estate in Huntingdonshire, which he settled on a second son.¹²

Meanwhile, the Heathcotes entered onto the Rutland/Lincolnshire stage in earnest by the late 1720s. In 1729 Sir Gilbert, first baronet, purchased what became the family base, the Normanton estate in Rutland; shortly afterwards he acquired a sizable holding in the Lincolnshire market town of Folkingham.¹³ That the Heathcotes acquired this south Lincolnshire property proved crucial to the political strategy pursued by the family for the next century. Folkingham lay on the main north/south road between Bourne and Sleaford. Graced by Georgian facades lining both the east and west sides of its elongated and sloping plaza, it allowed for an intersection in the lives of the Heathcotes and Smiths.¹⁴

This Smith/Heathcote relationship appears to have begun with the 3rd baronet, another Sir Gilbert (c.1723-85), in the mid 1760s. Although he had a brief stint in parliament, he was a reluctant player. His biographer observed he had initially turned down a seat offered him in 1756 but sat for Shaftesbury in 1761. Never having spoken in the Commons, he chose not to stand again. In any case, it was his Lincolnshire property not political ambition that prompted his engaging the elder Smith early on.

This connection, first evidenced in 1765 in the Smith firm's Brownlow Toller account, appeared merely as a property transaction involving Sir Gilbert Heathcote among others.¹⁵ In subsequent years Smith was listed variously as a steward of Heathcote copyholds.¹⁶ One could go on.¹⁷

Both Benjamin Smiths entered into more informal and expansive ties with the 4th baronet, another Sir Gilbert, who succeeded in 1785.¹⁸ While their attorney routine regarding copyhold courts, tithes, enclosures, and the like continued, the connection took on several new aspects. One of these was the fast friendship which developed between the Smiths and Heathcote estate steward Thomas Forsyth, a nexus which fostered business and political ties. That Forsyth resided in Folkingham, well within the catchment orbit of the Smith firm in Horbling, obviously played well.¹⁹ Another matter that affected the Smith linkage with the Heathcotes was young Ben's exercising his mount with the Heathcote troop, which guarded Lincolnshire's coast against a French Revolutionary incursion.

These altered circumstances became evident in 1794 when Sir Gilbert, taking advantage of the Heathcote command of the local troop, catapulted himself into the Lincolnshire political arena in pursuit of a parliamentary seat. The cavalry presence had obvious political implications: although nominally a safeguard against the French, it served also as a stern reminder to a sullen local populace – abused by improvers and impoverished by poor harvests – that violence or destruction of property would not be tolerated.²⁰

Despite his highly visible soldiery, Sir Gilbert was unsuccessful in the 1794 election; two years later, however, he presumed to overcome a deficiency in experience and a dubious residency. The political landscape also favoured him. Since 1761 a Whig and an independent had divided the county seats. That Sir Gilbert Heathcote eliminated the Whig, Sir John Thorold, effectively made him a winner on his second try.²¹

Collaboration more than copyhold management bonded the two families. In 1796 Heathcote enlisted the services of fledgling, nineteen-year old law clerk, Benjamin Smith Jr who had attracted Heathcote's attention variously – in working out with the Heathcote troop and cavorting with its officers.²² Moreover, he evidently was point man in fulfilling a contract forged by the elder Smith and Forsyth as early as late 1794, one which provided for clothing and probably victualing the Heathcote volunteer cadres.²³

In any case, young Smith began politicking for Sir Gilbert that spring, in 1796. Possibly, Heathcote perceived in Ben the political savvy and high energy level required of a good campaigner. The latter thriving in this new world of electioneering, detailed his routine:

[BSD 25 May] Rode to Swaton, Helpringham, and Hale in morn to get votes for Sir Gilbert Heathcote; [29 May] Father to Folkingham to see Sir G. Heathcote; [30 May] Worth to Donington to get people to go to nomination at Lincoln on Thursday [2 June].²⁴ I to Swaton, Helpringham & Sleaford; Father & I dined at Folkingham with Sir Gilbert H. [31 May] Father and I to Folkingham after breakfast. I to Aslackby, Dunsby for votes...[1 June] Father & I to Folkingham tonight.²⁵

The night before the 2 June nominations the Smiths dined with Sir Gilbert, Forsyth, Captain Williams of the troop, and others and spent the night in Folkingham in order to have an early start for Lincoln. Next morning the Smiths, joined by their patron Edward Brown, rode in a chaise to Lincoln to choose among Sir John Thorold, Robert Vyner, and Heathcote. Thorold's withdrawal, noted above, virtually assured Heathcote's victory. After dining at the Reindeer in Lincoln with a Heathcote crowd, the Smiths, returned with Brown to Folkingham where they spent the night.

When the elder Smith fell ill on 5 June [BSD], his son substituted for him, dining with Sir Gilbert at Folkingham that evening. On the 7th, election day, young Benjamin returned by chaise to Lincoln for the voting, which was won handily by Vyner and Heathcote. Ben stayed for Sir Gilbert's victory celebration afterwards, revelling at the Reindeer until near midnight. Two days later he joined the cavalry contingent in welcoming Sir Gilbert to Folkingham. These proved heady days for a young law clerk newly immersed in the pool of parliamentary politics.²⁶ In such a way Benjamin Smith II and Sir Gilbert forged a lifelong friendship.

Although Heathcote won re-election in Lincolnshire in 1802 and again in 1806, his decision to retire in 1807 allowed the Whig Charles Pelham to succeed him. There is no mention of Ben Smith's role in any of these contests. We know only that he did continue exercising with the Heathcote cavalry until at least the end of 1798.²⁷ Inasmuch as Smith was settling into managing the firm and attending personal problems related to his wife's and father's deaths in 1806 and 1807, he may simply have begged off politicking.

The political landscape of Lincolnshire changed markedly during these years of war with Napoleonic France. An emergent Toryism divided the county's parliamentary representation, resulting in a dualism which would last for nearly three decades. Sir Gilbert's political priorities changed, too. He quit Lincolnshire after his run in 1806: beginning in 1812, he stood for Rutland and continued doing so until bowing out of politics altogether in 1841.²⁸ So it was that his and Benjamin Smith Jr's (henceforth, Benjamin Smith) collaboration in politics ended before it had hardly begun.

In the election of 1818 Whig Charles Anderson Pelham, Lord Yarborough's son, and the Tory Charles Chaplin Jr vied for Parliamentary seats against the Whig Sir Robert

Heron (1765-1854), who ran as an independent. The election is remembered as one in which large landowners thumped lesser ones. In the June 1818 election which saw considerable cross-party voting Heron was the loser to both Pelham and Chaplin.

That no Heathcote stood in that election did not preclude politicking, crucial at that, by Ben Smith. What is surprising was his determined opposition to Heron, the nominal Heathcote candidate.²⁹ Cognizant that his partisan actions would be controversial, Smith observed [BSD 24 December, 1817]: ‘I expect fully that Sir Gilbert Heathcote will quarrel with me for not voting...with Heron and I am determined not to sacrifice my principle for Him.’ Smith was also ‘angered [BSD 20 January, 1818] about schoolmaster Bloodworth’s ringing bells for Heron.’ On election day [BSD 28 June] Smith ‘rode to Lincoln....[Had] ‘breakfast at the Saracen’s Head and polled for Pelham & Chaplin’. Later in the day ‘Heron gave up the contest.’

Heron reacted angrily, both to what he regarded as Heathcote’s meagre support and Smith’s energetic opposition. Said he:³⁰

At the last election, I lost a very great number of votes from the long and unaccountable supineness of Sir G. Heathcote. He was zealous at last, when it was too late; and when his inactivity had afforded an excuse for persons connected with him, to espouse the opposite interest; amongst them, Smith, of Horbling, an attorney, probably carried against me more votes than any other individual in the county.

There is no indication that Smith’s opposition to Heron had any lasting effect on his Heathcote connection. In 1820 Smith made himself available to the 4th baronet’s aspiring son, Gilbert John (1795-1867), when he stood for Boston. This latest Heathcote did, indeed, win the seat which he held more or less continuously until 1832. In that year he switched from Boston to Lincolnshire South for which he stood until 1841. Upon his father’s retirement in that year he succeeded to the latter’s Rutland seat, which he retained until 1856.

Olney calls Gilbert John a very moderate Whig who ‘left his seat for Boston to come forward for South Lincolnshire only when it appeared that an expensive contest was almost certain regarding the former, and very unlikely in the latter’.³¹ He seemed not to have excited his constituents wherever he stood despite his name and connections. Indeed, with respect to Gilbert John tenantry support exhibited its limits.³²

Benjamin Smith’s ties with the younger Heathcote were more formal than those with his father, the 4th baronet. Once (as noted below), they even became contentious. With regard to his role in the 1820 election Smith left a very sparse account. For the most part, his diary tells of the Smith operatives’ comings and goings – to an inn, to banker and power broker Will Garfit’s place in Boston, to Horncastle, or even to the Heathcote seat in Rutland. They met for dinners and breakfasts up to election day. Rather than clarifying Smith’s role in the 1820 election, these entries simply show that he was very much involved with cronies like Will Garfit and Jo Rawnsley.³³ Whether he worked the behind-the-scene magic that had so enraged

Heron two years earlier or merely assigned himself a lesser role is hard to say.

The decade of the 1820s proved a busy one for Smith, although his paper trail lead variously, not to just the Heathcotes.³⁴ Having terminated his partnership with William Worth Jr of Bourne in 1817, Ben Smith welcomed clerk Benjamin Wilkinson as a partner in 1823 and in 1825 built a new office in Horbling.³⁵ In the meantime, he continued, perhaps even increasing, his investments in the City, notably through the aegis of his in-law kin, the Marmaduke Langdales.³⁶

Then, too, he became much absorbed, not always happily, in family matters. After having lost his mother in 1820, he fell out with sister Elizabeth and her new husband, with his brother Francis, and even with deceased brother Edward’s widow Sarah. This Sarah problem did not, as noted above, prevent his doing business in the City with both her father Marmaduke Sr and brother Marmaduke Robert Langdale. However much these family matters took an emotional toll on Benjamin, his very real loneliness was assuaged by marriage in 1821 to long-time friend and client Frances (‘Fanny’) Graves (1780-1859).

Although Smith left no electoral paper trail for most of the 1820s, he was the recipient in mid-decade of what he regarded an uncommonly generous act by Sir Gilbert. This narrative began in London on Friday morning, 9 September 1825 when Smith boarded the Albion Steam Packet to the coastal resort town of Margate. From there he journeyed on Saturday to Sir Gilbert’s nearby on a mission to which he attached extraordinary importance – one of prevailing upon Heathcote the bestowal of the living in Rippingale on his good friend, indeed, probable kin, the Rev. Waters. Because the parish of Rippingale, largely owned by Heathcote, was in the Smith firm’s fenland catchment area, he knew it well. In turn, Smith had methodically worked out an arrangement whereby the rectory incumbent, the Rev. Charles Douglas, would be relocated to Ireland. Smith spared no effort pressing Sir Gilbert for this favour: he dined with him and Lady Heathcote and even returned next evening for dinner again. Heathcote found Smith’s proposal, one spelled out in detailed legalese, acceptable. In mid November [BSD 14 November-19 November] Smith journeyed to London again, this time with the Rev. Waters and his family – to celebrate this successful quest for the rectory. As he left London on the [BSD] 19th he chortled that ‘This journey was principally for Waters.’ To hear Smith tell it, what he accomplished was no small matter: ‘All my dealings & money matters with Waters have furnished me much congratulations....It has however placed Waters in a situation he could little have expected.’ At the very least, this episode indicates the abundant good will and trust existing between Smith and Sir Gilbert and Smith’s acceptance in the Heathcote family circle.³⁷

Until the late 1820s Benjamin Smith Jr had left few clues regarding his reactions to the great events of the day. The goings on in France during the 1790s, the Napoleonic imperium and the Vienna peace afterwards passed

unmentioned. Even when exercising with Heathcote's troop, he said nothing about either the French threat or domestic discontent. He seems largely to have set ideology aside while electioneering for the moderately liberal Heathcotes – that is, until the eve of Reform Bill agitation. By the late 1820s Smith began to show a continuing dread of disorder and its dire political implications. It was reflected in his worry about the 'agitation which settlement of the Catholic problem had produced' [BSD Summary, 1829] and in the July Revolution in France. Although his political evolution did not portend political disengagement between Smith and Gilbert John Heathcote, the makings were there for future disagreement. Smith was notably upset regarding the problems befalling English agriculture – summer heat and winter cold, drought, food scarcity, the impact of grain prices on landlord and tenant alike, and that familiar and sinister visitor in such hard times, civil disorder.³⁸ In 1830 he gave full vent to his apprehension about rural disorder closer to home, noting that

the acts of incendiaries in several counties have been a most dreadful evil & appalling to the stoutest heart that at Quenborough the last day of the year has been the first in this immediate neighbourhood. Many a time since 1814 have I expressed uneasiness & serious fears that public disturbance & mischiefs would shake the kingdom. Palpably it is the hand of God upon us & his wrath is sore upon us but we richly deserve it. (BSD Summary, 1830).

He remained equally fearful at the end of the next year:

My mind was very much through the year considerably uneasy at the state of public affairs & especially the lower orders being turbulent & dissatisfied & I may be said to have passed a year of disquietude on this account [BSD Summary, 1831].

Money matters, too, were disquieting for Smith. Although affluent by standards of his time, he never missed an opportunity to worry about the money market and his own finances. The 1825 financial crisis, which occurred when he was much engaged with the Langdales, caused him special uneasiness and no doubt played on his politics:³⁹

The abundance of money & every species of speculation were such as to induce one to fancy it would soon be scarcely worth any interest were quite annoying But tho[ugh] I have remarked upon the plenty of money in the spring yet the sad & most distressing reverse which occurred in December caused me many severe pangs for though I shall probably not lose but by the Funds (yet that heavy) the fear & dread of other evils & the great consequent difficulty to procure money alarmed me much. The last year was closed with a remark on my continued good fortune & increase of riches & if I have not the same observation now to make yet how many evils may I probably have escaped & how much I on many accounts to be thankful for – who can tell – O God [BSD Summary, 1825].

He conjectured a year later, in 1826, that the

extraordinary stoppage of all public & private credit which took place toward end of last year cast a sad gloom on the commencement of this.... I experienced a heavy loss in the summer by sale of my funded property (BSD Summary, 1926).

Smith was no remote observer during these uncertain years in Britain. He was in London three times in 1831, three again in 1832, and four the following year. He was genuinely disturbed by what he perceived as anarchic agitation for parliamentary reform: The 'elections for Parliament in August, caused much confusion throughout the country & I fear the times are pregnant with some

fearful event.' [BSD Summary, 1830] That he had been in London during October-November 1830 [BSD], made him eye witness:

On November I was in London at the meeting of Parliament, & the riots there and in other places & expectation of very serious disturbances in London from the king declining to go to dine with the Lord Mayor were truly alarming but it passed off better than was thought would be & the resignation of the Duke of Wellington soon afterward had a tendency to allay the ferment. But riots were very general in various parts of the kingdom & dreaded in this county....

While still present in London [BSD 2 November], he remarked on the King's going to the House of Lords and observed that there was

some rioting in afternoon. [On BSD 8 November] I intended to return Home but the panic occasioned by the king's not going to dine with Ld Mayor induced me to remain till Wednesday. Funds fell much.

As fearful as Smith had been with the Reform Bill and the disorder surrounding it, he gamely reconciled himself to its enactment into law by the end of 1832:⁴⁰

The passing of the Reform Bill on 7 June a most important event. It was stopped in the House of Peers in May & the Ministry about to resign & had not the House passed it. The consequences must have been terrible & yet what will they be now it has passed. God only knows whether good or evil [BSD Summary, 1832].

Passage of the Reform Act in that election year doubtless enabled the Whigs in Lincolnshire to sweep the field. In north Lincolnshire these were the Yarborough interests in the person of Charles Anderson Worsley Pelham; in the south of the county Heathcote carried the Whig banner while Sir William Amcotts Ingilby and Henry Handley, a Sleaford banker's son, won election as reformers. Benjamin Smith's nemesis Sir Robert Heron, still wary of Heathcote and no doubt of Smith as well, supported Handley.

Whatever his reservations about the Reform Act, Smith did elect to work in 1832 for reform-minded Gilbert John Heathcote, who stood this time for his father's Lincolnshire South seat.⁴¹ Although Smith made himself available to talk politics with both Heathcotes since the previous election,⁴² his active campaigning for Gilbert John lasted only from late June to mid December.⁴³ Smith's diary was once again a record of comings and goings. On 10 December Smith and Wilkinson rode to Sleaford to settle on final arrangements for the election. On election day itself, a week later, Smith left home at 8:30 in the morning with Gilbert John Heathcote, ate in Sleaford, and returned to Horbling that evening.

The nature of electoral practice and the Smith firm's accommodating to the Heathcote election mode emerges more clearly in 1832 from Smith's accounts than from his diaries.⁴⁴ For example, he hired the Holbeach solicitors Johnson and Sturton to assume the usual election tasks of compiling lists of registered voters, most notably, those who had promised to vote for Heathcote. These lists, when forwarded to Smith-Wilkinson, helped them refine their tactics. There were additional payments to the firm to cover the expenses incurred in authorizing diverse campaign rituals and festivities. These were of a kind described so colourfully by Frank O'Gorman and

commonplace in pre-Reform electioneering.⁴⁵ In this case they included Heathcote payment not only for canvassing and voter lists but for inn bills, ale, wine, meals, standard bearers, flags and hauling. These accounts also recounted Smith/Wilkinson's plying a select electorate with food, drink and entertainment in exchange for their vote. This election, in which Heathcote prevailed, won grudging satisfaction from Smith: 'First election under Reform Bill....Occupied much time & very much trouble & expense, too, but we were gratified at election'.⁴⁶

Still, Smith would have to work harder, or at least heed those nuances reflecting a new era in elections. We cite Olney again: 'The evidence for Lincolnshire suggests that in general Whig landlords wielded their influence with more tact and caution than their opponents'. Sir Montague Cholmeley's letter to G. J. Heathcote regarding the 1832 election seems to herald this change:⁴⁷

I shall be very happy to give you one of my votes, and I have this day written to my tenantry to say I should be glad if they could conscientiously do the same, though I should not demand it of them against their consciences. I have however not the least doubt you will get them all if you can find time to canvass them.

Smith's politicking took a turn away from electioneering even while he was heading into the 1832 election. In that year he and partner Benjamin Wilkinson founded what would become the regions' premier conservative newspaper, the *Lincolnshire Chronicle*.⁴⁸ This paper articulated the partners' or, more likely, Smith's politics. Opinion was shaped more by reaction to Reform Bill agitation and rural disturbances than electioneering for a Whig moderate.⁴⁹ Historian R. J. Olney has minced no words critiquing the *Chronicle*. 'For those farmers who wished to read the newspapers and yet remain bigoted and servile there was always the *Lincolnshire Chronicle*. Founded by a group of gentry, solicitors, and others in 1833, its object was to advocate Protestant and protectionist opinions in the county, and its ambition to counter the influence of the *Stamford Mercury*.'⁵⁰

Because this *Chronicle* venture kept Smith busy, very busy – hiring an editor, reacting to violence (e.g. a devastating fire in January, 1843 [BSD Summary, 1843]) done to his plant, and likely attending editorial matters – he also contemplated retirement.⁵¹ To do so necessitated his finding his replacement, a search which proved arduous and concluded in disappointment and even anger. Although Benjamin Wilkinson was politically active and young George Wiles a very willing junior member in the firm, neither possessed any real political clout.

In the mid 1830s, when Smith began talking of retirement, he evidently foresaw young Tom Garfit (1815-88) of Boston as a future leader of the firm.⁵² Besides pleasing his good friend and political ally Will Garfit, Smith likely imagined the banker's third son a force in south Lincolnshire politics. Considering, also, the effectiveness of the Garfit/Smith team in past Heathcote elections, a Garfit in the firm promised a healthy impact on this vital connection. This said, in the end hiring Garfit

represented a failed stratagem by Smith whose patience during the long courtship wore thin; Garfit, in turn, may have become wary of Smith's overbearing ways.

The pursuit of Garfit lasted off and on until early 1842. Initially, young Garfit did what clerks in the Smith firm routinely did – attend the Lincoln Assizes, copyhold courts, Cowley charity meetings and dinners, and much else – often with partner Wilkinson. But matters did not proceed smoothly even at the outset: Smith confided in his diary on [BSD] 3 October 1838 that 'T. Garfit left us. Sorry to lose him.' Just over a year later [BSD 2 January, 1840] Smith mentioned that Garfit came for dinner and stayed the night. Since Smith again expressed a wish that spring to retire [BSD 5 April, 1840] – to 'think more on eternity' – he may have revisited luring Garfit into the firm. At the annual Black Sluice summer meeting [BSD 14 July, 1840] in Boston he called on the Garfits, but nothing came of it, least of all hiring Thomas. Early in 1841 Smith again pleaded exhaustion: 'I was...so hampered that I said it should be my last year of business.'⁵³ He was also 'much distressed about money matters' [BSD 21 March, 1841]. and about Wilkinson's health.⁵⁴ Some or all of these factors prompted Smith's making a final effort at enticing Garfit into the firm. Here is how he told it [BSD 28 October]: 'Mr Garfit, Senior & Thomas Garfit and Mr Wilkinson dined with me – on making terms for partnership.' But once again Smith proved overly optimistic, for next morning Garfit objected to aspects of the terms upon which seemingly there had been agreement. Smith grumbled that Garfit's actions 'annoyed me' and admitted to being 'rather uncomfortable' about him [BSD 31 October, 1841]. By year's end Smith had enough and expressed the fullness of his pique:

The communications with Mr Garfit during the end of this summer and year for a partnership and my retiring were not of any agreeable nature & terminated in a complete breach from his high and very extraordinary conduct [BSD Summary, 1841].

The first days of 1842 saw continuation of the partners' displeasure. After Garfit and Wilkinson had argued on [BSD] 3 January Smith complained that 'Garfit [was] still agitating' the next day. Smith's two meetings with Garfit Sr [BSD 10 January and 11 March] apparently ended the matter; Smith made no further mention of it.

Meanwhile, in 1835 and in 1837, Smith had again agreed to work for the re-election of Gilbert John Heathcote. These contests continued Whig dominance in Lincolnshire South in the persons of Heathcote and Henry Handley. Despite Heathcote's 'moderate views', the agricultural interest of which Smith was a party held firm on protection, that is, retention of the Corn Laws.⁵⁵

Although details of Smith's electioneering for Heathcote in 1835 once again are lacking, it bespeaks continuity with that of 1832. Smith travelled to Sleaford [BSD 16 April, 1833] to meet about the Corn Laws, Heathcote being there; Wilkinson went to Sleaford to meet with Heathcote [BSD 13 January, 1834]. General Thomas Birch Reynardson (1773-1847) of Holywell, Smith's friend and political ally, and Heathcote called on Smith [BSD 14 February, 1834].

That BSD registered no contact between Smith and Heathcote for nearly a year (they dined together BSD 2 January, 1835) suggests that their ties were business-like, geared toward elections. Over a week later Smith went with Heathcote to the elections at Sleaford. As Smith told it: '[They] went in their carriage, my own following. Dined & event went off well.' [BSD 13 January, 1835] A contemporary perception of this Smith-Heathcote nexus was evidenced by old Edward Brown who wished the candidate well and expressed 'friendly affection towards you in which I know my good friend Mr Smith will readily participate with me. I am in a state of bodily debility, but not so of mind.'⁵⁶

Olney provides a context of players and prospects for the election of 1837 which proved the next and final electoral under-taking between Smith and Heathcote. 'In Kesteven Heathcote's position looked better than it had for some years. Developments in Rutland, where the Exeter interest was threatening old Sir Gilbert Heathcote's seat, roused his son to exert himself for his party, and his conduct won the approbation even of Heron.'⁵⁷

As in 1832, Heathcote's expenditures for the election of 1837 provide a fuller picture of Smith/Wilkinson's election tactics than did the former's diary narrative. A document labelled 'Mr Smith's Account of Expenses Election 1837', similar to Smith's for 1832, enumerates charges for brandy, wine and whatever else was required to keep the electorate amused and perhaps numbed.⁵⁸ After the 1837 election Benjamin Smith remained in touch with both Heathcotes – Sir Gilbert and his son Gilbert John. With the former, preoccupied with Rutland politics, his ties were social, although land and investments always played prominently in their discourse. Meetings with Gilbert John – business or not, in London or Lincolnshire – were invariably coloured by politics: Smith's attending the Bourne Sessions on [BSD] 16 October 1837 to meet with General Reynardson and Heathcote is a case in point. In London during the early summer, 1838 [BSLJ 15-30 June] to care for business, Smith called on Gilbert John on the [BSLJ] 19th in Hereford Street, and on the [BSLJ] 21st he dined with the Heathcote family, which included Gilbert John's brothers Lionel and Henry, as well as William and Mark Garfit.

This 1838 trip typified Smith's London sojourns. Besides cavorting with the Heathcotes he made the rounds of banks and business associates as well as his circle of friends/clients. He invariably conducted business with his agent William Tooke (of Tooke and Carr) in Russell Square; afterwards he dined with the Tooke family, also in Russell Square. On such visits he never failed seeing his banker kin the Langdales (doing business, dining, taking tea, and even sharing their family pew at St Giles on Sunday mornings). He routinely called on his old friend and political mentor General Reynardson, who had once in a gesture of friendship presented Smith with his beloved little dog Spot. By mixing business with pleasure Smith called attention to the interconnectedness of social/business and country/city relations. He personified the crucial linkage of country attorneys, less parochial

than often portrayed, in the countrywide chain of credit and investment.

Electoral successes and social conviviality notwithstanding, Smith pondered against further canvassing, admitting to fatigue. As it happened, Heathcote made the decision easier for him: he chose not to stand for South Lincolnshire in the next election, opting instead for his father's Rutland seat. Sir Gilbert had decided to quit the Commons altogether.

Although Smith had talked retirement from business for nearly a decade, he had not taken steps to do so. By 1843 he had to contend with two new obstacles. The first was the debilitating illness of partner Benjamin Wilkinson; the second, complicated litigation involving Black Sluice Drainage which Smith was obliged to argue in the House of Commons. While Wilkinson's condition had no direct bearing on Smith/Heathcote relations, the Black Sluice Drainage litigation did and in a most unexpected way.

Long afflicted with an assortment of ailments, Partner Benjamin Wilkinson suffered, in 1846, a stroke which left him mentally impaired until his death in 1848. Even afterwards, Smith had to contend with the Widow Wilkinson whose erratic behaviour caused him much anguish. Fortunately, he found in George Wiles an able successor to Wilkinson and one who was consistently on hand to ease the elder partner's burden.⁵⁹

Black Sluice bore even more heavily on Smith than his partner's demise. As clerk to the drainage commissioners, he argued in the Commons a case regarding fen drainage for the residents of Folkingham and Spalding. For many years this undertaking was a local matter; however, by the mid 1840s it acquired a broader audience. In seeking to improve the fenlands between Boston Haven and Bourne, as well as navigation through them, Black Sluice commissioners sought parliamentary acceptance. When the bill for such improvements was brought before the Commons, it fell to Smith to win approval.⁶⁰

In achieving it Smith, by then nearly seventy, made numerous trips in 1844-46 to London to consult with engineers and counsel and, of course, argue the case.⁶¹ There were many, many disappointments. The bill initially failed in the session of 1845 not just because of opposition by the upper districts but because of a miscalculation, possibly Smith's, in the levels. These delays notwithstanding, the Private Act of Parliament was approved in 1846.

The case tested not only Smith's physical stamina but caused him much mental anguish, especially when he clashed with those critical of his handling the case. During the heated discourse which ensued Smith fell out with two Black Sluice commissioners – and then with none other than Gilbert John Heathcote himself.

Aside from ill-will generated during the course of the litigation, Smith endured additional mortification when rhetoric at the conclusion of the case focused on whether he was deserving of gratitude for his services or blame for the miscalculation and resulting delay. Smith's supporters

memorialized him with a window in the Horbling parish church; his detractors, in dissenting, voted to withhold his stipend and even the monies he owed creditors.⁶² These motions and amendments critical of Smith's work were offered by Commissioners William Parker of Hanthorpe and Kingsman Foster, Rector of Dunsby and resolutely endorsed by G. J. Heathcote.⁶³

In his action Heathcote especially enraged the ever-sensitive Smith. In London politicking for the bill during the late spring [BSLJ 31 May-21 June, 1845] Smith penned [BSLJ on 6 and 17 June] in his journal that:

Mr Heathcote manifested every bad feeling towards us [and his] conduct was censurable in the highest degree & we very much fear his versatile, hypocritical, & selfish conduct.

After returning home from London Smith called on Heathcote [BSD 29 June, 1845] and 'spent with him considerable time' with no resolution of their differences. Labouring on Black Sluice throughout 1846, Smith in London [BSLJ 3-18 June] wrote [11 June] to Heathcote, presumably to discuss the case. The next day two advocates for Smith 'went to Heathcote who expressed himself determined on opposition'; Smith complained of sleeplessness and that he was 'much depressed at my state of affairs'. But then on the 15th 'we have got through Committee much better than I expected & extremely well' despite Heathcote's 'most shabby & mischievous conduct'.

A month later, on 16 July, Smith (BSLJ 9-18 July, 1846) again called on Heathcote 'whose manner was confused with measured expressions of civility. I left him with the feeling of [a] double-dealing mischievous person'. Although these two long-time collaborators did not readily resolve their differences, Smith persevered. During a trip to London two years later [BSLJ 29 May-5 June, 1848], he again engaged Heathcote, but to no avail. Smith remained 'very much annoyed' by Heathcote's 'insinuating that I acted dishonourably' [2 June].

Despite this ill will between Smith and Heathcote, the former maintained his longstanding friendship with his father, the 4th baronet. Old Sir Gilbert, having grown weaker, was now devoting time mostly to his horses. Even in [BSLJ 20 November] 1846 Smith had commented: 'Went...to Durdans. Called on Sir G. Heathcote who[m] I saw in a bad state of health & seemingly spirits, too. I was disappointed in my visit.'⁶⁴

Although Sir Gilbert had long since removed himself from Lincolnshire politics, he remained Smith's client regarding his holdings in that county and his London investments. Moreover, theirs was a lasting friendship which made Smith always a welcome family guest whether at Margate/Ramsgate years earlier or at Durdans, where the 4th baronet died on 26 March 1851.

Smith's ties with Gilbert John, now 5th baronet, improved markedly during the year of his father's death.⁶⁵ The two met in London on 16 June 1851 [BSLJ 10-21 June] after which Smith returned two nights later to dine with the entire Heathcote family at the new Sir Gilbert's place. Brothers Lionel and Henry and Lady Heathcote, among others, were there. To quote

Smith, it was 'all very pleasant.' Smith's presence at this family affair suggests that the breach between him and Gilbert John was effectively healed or, at least, papered over. Heathcote returned this visit on 25 August of the same year [BSD 1851], dining with Smith and staying the night. 'Pleasant enough,' Smith again offered.

In the early 1850s the aging attorney was as much as ever engaged with and offering his best advice to the Heathcotes. His pessimistic survey of England's economy, doubtless an apt characterization of those grim years, was encapsulated in his [BSD] diary summary for the year 1850.

This has been a year of extreme anxiety & to many of ruin. The increase in value of agricultural produce has produced much ruin. Taking possession of mortgaged property & people going to America have been very frequent. I have been compelled to take various property in mortgage to me. The deficient crops from blight in this year has been so general that I know not how occupiers are to pay Rent & we must fear the great extension of deep distress. I was the means of various People going from this Parish to America such as we were glad to get rid of & more will I hope go in the spring tho at a heavy expense to me.

What Smith had to say about that year served as a basis for the latter day counselling which he proffered to both the 4th and 5th baronets in four letters dated between 1851 and 1853. The attorney's indispensable knowledge of country matters – notably the law of landed property, land values, and crop prices – was as timely to the Heathcote cause as had been his political stratagems of a half century or so earlier.⁶⁶ Then, too, there is no denying the special warmth with which he addressed his old friend.

The one to Sir Gilbert John on 21 April 1853 may well have been his last to a Heathcote, for he wrote the final entry in his sixty-year chronicle on 14 January 1854, just before suffering a massive stroke. This was the affliction which necessitated his withdrawal from the firm in favour of partner George Wiles. While there is no reason to doubt that Heathcotes remained clients of Benjamin Smith's successors, the firm was reinvented in the partnership of Wiles and Chapman. Benjamin Smith lingered in a paralyzed state until 1858; Gilbert John Heathcote, 5th baronet, meanwhile, was elevated to the peerage (1856) as Baron Aveland – this before his own death in 1867.

The Smith/Heathcote nexus embraced the economies of town and country and impinged on the politics of a nation. In marrying politics to affluence in that transforming century, 1750-1850, they were exemplars, if not exceptions. The attorney and the baronet performed like successful politicians in our own time, understanding perfectly the rewards accruing from managing the delicate balance between money and politics and discerning truth in that aphorism that 'all politics is local'.

Notes

1. I have covered aspects of the Benjamin Smith firm's history in local history journals: 'From Victorian Lincolnshire to *L'Epoque de Worth* in Paris' *Lincolnshire Past & Present*, 67 (Spring, 2007), pp.13-19. 'The Smith firm's partners and their times: a postscript', *Lincolnshire History and Archaeology* [hereafter cited as *LHA*], 39 (2004), pp.46-51; 'Partners and their times: the Smith firm in history', *LHA*, 37 (2002), pp.34-43; 'Lawyer professionalism in rural England: changes in routine and rewards in the early nineteenth century', *LHA*, 32 (1997), pp.25-39; 'A career in the Law: clerkship and the profession

- in late eighteenth-century Lincolnshire', *LHA*, 31 (1996), pp.29-41; 'The Smith-Kelham-Langdale nexus: country attorneys, family connections, and London business in the early nineteenth century', *LHA*, 29 (1994), pp.17-27. For the most part I do not duplicate here bibliography cited and illustrations displayed in these earlier works.
2. I discuss the elder Benjamin in 'The country attorney in late eighteenth-century England: Benjamin Smith of Horbling', *Law and History Review*, 8.2 (Fall, 1990), pp.238-71.
 3. For the notion of 'improvement' generally, see Robert Friedel, *A Culture of Improvement: Technology and the Western Millennium* (Cambridge, MA, 2007); Sarah Tarlow, *The Archaeology of Improvement in Britain 1750-1850* (Cambridge, UK, 2007) is germane to the time and place of this paper.
 4. As quoted by B. A. Holderness, 'The English land market in the eighteenth century: the case of Lincolnshire,' *Economic History Review*, second series, 27 (1974), p.574. Note also R. H. Olney, *Rural Society and County Government in Nineteenth Century Lincolnshire* (Lincoln, 1979), p.47: Attorneys with capital to deploy and with a detailed knowledge of the local economy were in a good position to become country bankers, and several did so in Lincolnshire, especially before the growth of joint-stock banking. Olney further cites Benjamin Smith of Horbling as one who 'combined a legal practice with banking.' See also Peter Mathias, 'The lawyer as business man in eighteenth-century England' in *Enterprise and History*, edited by D. C. Coleman and Peter Mathias (Cambridge, 1984).
 5. See, generally, 'Good Men to associate and Bad Men to conspire: associations for the prosecution of felons in England, 1760-1860' in Douglas Hay and Francis Snyder, *Policing and Prosecution in Britain 1750-1850* (Oxford, 1989), pp.113-70. As the topic pertains to the Smith firm see Lincolnshire Archives Office (hereafter cited as LAO), Smith 11/Falkeingham Association.
 6. LAO, Smith 5/Enclosures, Helpringham, Smith to Willoughby, 16 June 1773.
 7. See my 'Smiths of Horbling: county attorneys', *Huntington Library Quarterly*, 54 (1991), pp.143-76. R. H. Olney observed that 'perhaps the last Lincolnshire legal family to rise into the gentry during the nineteenth century were the Smiths of Horbling. Benjamin Smith, whose business had included banking as well as legal work of many kinds, died in 1858 leaving £140,000. His nephew Henry had acquired an estate of over 3,000 acres by the 1870s' (*Rural Society*, p.43).
 8. Smith's personal attributes and doings have been culled from Benjamin Smith Diaries (BSD) (LAO Smith 15) and Benjamin Smith London Journals (BSLJ), both formerly the property of H. A. G. Smith. BSD have been deposited in the LAO Although the present whereabouts of Smith's BSLJ is in question, this author retains a photocopy of it. Mr H. A. G. Smith also possesses or possessed Henry Smith's diaries (HSD), which provide fascinating vignettes of 'Uncle' Benjamin Smith II's last years. Whenever a specific date is mentioned in this piece, I have cited either BSD or BSLJ.
 9. See 'Smith-Kelham-Langdale nexus', pp.17-27. Transacting business in the City necessitated Smith's having a reliable agent for attending legal matters, collecting and paying bills and expediting investments; a stationer to undertake less complicated kinds of legal work; and brethren at Lincoln's Inn to provide counsel. In matters of money-lending and investment Smith relied on his agent and reliable bankers and stockbrokers. Whatever his business in the City, he not infrequently took time to enjoy the arts, music, theatre, and the Zoological Gardens, frequented the Crystal Palace, joined the Statistical Society, listened to his favourite preachers and made endless social and business calls.
 10. John Brewer, *The Sinews of Power: War, Money and the English State 1688-1788* (Cambridge, MA, 1990), p.209. Brewer continued: 'The typical eighteenth-century loan manager and contractor was a man with good banking and mercantile connections and, like Heathcote, ought be a Bank of England or an East India Company director.'
 11. Neil R. Wright *Lincolnshire Towns and Industry 1700-1914*, History of Lincolnshire, XI (Lincoln, 1982), p.14.
 12. John Habakkuk, *Marriage, Debt, and the Estates System: English Landownership 1650-1950* (Oxford, 1994), p.577.
 13. The Wynnes had resided at Folkeingham Manor until the early eighteenth century when that family disposed of it to the Heathcotes. Such purchases aroused Pope, who railed loudly against the moneyed buyers of estates:

'Heathcote himself and such large acre men
Lords of fat Evesham and of Lincoln Fen.'

 (Habakkuk, *Marriage, Debt*, p.565). J. V. Beckett also notes that 'Londoners continued to play "a surprisingly important role" in the eighteenth-century Lincolnshire land market', mentioning among others Sir Gilbert Heathcote who dabbled, *The Aristocracy in England 1660-1914* (Oxford, 1986), p.76.
 14. Although the Heathcotes spent precious little improving the town's appearance, the handsome Greyhound Inn on the north end of the square proved an exception. This massive edifice, which became the magistrate's court, dominated the lesser structures surrounding it. In so doing it partially shielded old St Andrew's Church, where Benjamin Smith Sr and his wife lay buried.
 15. LAO Smith 11/Firm's Business, Bill & Debt Book, 1761-66, p.47.
 16. Compare LAO Smith 4/Manorial. Further, in 1769 Benjamin Smith Sr is listed as deputy steward of Baston Manor to Thomas White, steward to Sir Gilbert Heathcote, Lord. In 1779 the Smith firm lists charges incurred by the same Sir Gilbert for holding court in the manors of Coningsby, Cherry Willingham, and Bicker/Kirkby Underwood, Hacconby, and Rippingale. In 1791 Smith is listed as steward to the 4th baronet Heathcote of Thurly Manor.
 17. See LAO Smith 11/Firm's Business, Bills, 1773-81; Bills, 1781-91; Debt Book, 1783-97, *passim*.
 18. The new Sir Gilbert (1773-1851) was the first son of Sir Gilbert, 3rd baronet and Elizabeth, daughter of Robert Hudson of Teddington, Middlesex.
 19. Benjamin Smith Jr noted as early as 20 November 1794 [BSD] that he and his father had dined with Mr Forsyth in Folkeingham. BSD indicates further meetings with Forsyth in November 1795 and April 1796. These Forsyth visits, which included both Smiths, often combined business and pleasure over tea or dinner, as on [BSD] 19-21 and 23-24 April 1796. These Smith/Forsyth visits continued after the Forsyths retired to Wimpole Street, London; indeed, Smith Jr occasionally visited the Widow Forsyth for some years after Thomas' death about 1801.
 20. The Smiths would have sided with the Heathcotes and the propertied class, generally, in addressing problems of this sort. A letter to Sir Gilbert Heathcote in 1794 suggests that the perceived domestic peril was central to current thinking: '[I] think you have done very right in relinquishing your pretensions to represent the County of Lincoln in parliament for the present in order to preserve the peace of the county, so desirable an object at all times, but particularly at this Juncture' (LAO 3 Ancaster 9/4/4, Letter from Willoughby de Broke, Stratford-on-Avon, 4 September 1794). The case that the volunteer movement of the 1790s was aimed at domestic radicalism has been made by a number of scholars, for example, J. R. Western, 'The volunteer movement as an anti-revolutionary force, 1793-1801', *English Historical Review*, 71 (1956), pp.605-14. For rural protest in Lincolnshire, see T. L. Richardson, 'The agricultural labourers' standard of living in Lincolnshire, 1790-1840: social protest and public order', *Agricultural History Review*, 41 (1993), pp.1-19. For a brief account of Heathcote's representation of Lincoln in Parliament, see *The History of Parliament: The Commons 1790-1820* edited by R. G. Thorne, 5 volumes (1986), IV, pp.171-73.
 21. The Lincolnshire Whig political scene about 1800 was, besides Heathcote, graced by MP Robert Vyner, the Pelhams, Monsons and Thorolds.
 22. The intertwining Smith/Forsyth and Smith/Heathcote relations, ambiguous in part, must at times be left to conjecture. It is reasonably clear, however, that evolving social/business ties brought the Smiths and Heathcotes together politically. The key to Smith/Heathcote ties appears to have been the former's connection with the Heathcote troop. As early as 13 November 1794 [BSD] young Benjamin Smith and his father dined with Bourne and Folkeingham officers. Again, on 2 April 1795 [BSD] Benjamin Jr, after exercising with the troop, joined his father and others for tea and supper with a Captain Robinson at the Richardson home in Folkeingham. These occasional dinners with officers of the troop and young Benjamin's exercising with the cavalry were crucial in cementing the Smith/Heathcote connection. Ben was seventeen years old when he began drilling, which continued intermittently for at least the next four years, until 1798. Only his absence in London [BSD late 1796-1797], when he was enrolled as an attorney, interfered.
- It is not clear just how the command of the troop was divided between Captain John and Sir Gilbert Heathcote. If the 4th baronet

- did not actually command the troop, he was near at hand in doing so. For example on [BSD] 7 July 1795, when Smith exercised with the troop, Sir Gilbert, Lady Heathcote and Captain John were present as well.
23. BSD reveals that clerk Benjamin Smith went to Bourne on 15 December 1794 to meet with the captains and Forsyth in order to settle accounts for the troops. Then, again, he and his father met with Forsyth next 6 May for the same purpose. On 11 August 1796 [BSD] Ben and his younger brother Edward ("Ned") rode to Folkingham where he met two associates of their father about clothing the troop.
 24. 'Worth' was William Worth Sr, senior clerk and later a partner. His son, William Worth II followed the same course; his grandson was the 'father of haute couture' in Paris. See my 'From Victorian Lincolnshire to *L'Epoque de Worth* in Paris'.
 25. For readability, I have taken the liberty to spell out that which Smith abbreviated.
 26. Smith was enrolled as an attorney on [BSD] May 1797. See my 'A Career in the Law'.
 27. That Smith's diaries are missing between 1799 and 1817 makes tracking his political ventures difficult during those years.
 28. See Heathcote's obituary in *Gentleman's Magazine* (1851), pp.549-50.
 29. Besides the Heathcotes, the most prominent Lincolnshire political families in the early nineteenth century included the Ellisons, Massingbirds, Custs, Handleys, Garfits, Tennysons, Chaplins, Thorolds and Herons. (Olney, *Rural Society*, ch.4 and *Lincolnshire Politics 1832-1885* (Oxford, 1973), ch.9. Thorne, *Commons, 1790-1820* contains brief biographies of Robert Heron, Robert Vyner, Charles Chaplin I and II, John Thorold and Richard Ellison.
 30. Robert Heron, *Notes* (Grantham, 1850), p.97. See Thorne, *Commons*, 4, pp.188-91 for a brief account of Heron in Parliament.
 31. Olney, *Lincolnshire Politics*, pp.100-01; see also G. J. Heathcote's obituary in *Gentleman's Magazine* (October, 1867), p.534.
 32. J. V. Beckett has written that 'In rural South Lincolnshire prior to the 1832 contest, Sir Montague Cholmeley told G. J. Heathcote that he had written to his tenants requesting a vote for Heathcote's candidacy, but that he was not ready to demand it from them against their consciences, although he was sure they would vote as directed if properly canvassed. Lincolnshire landlords could not always deliver votes to candidates, before or after reform, especially if their political allegiance wavered.' *Aristocracy in England 1660-1914*, pp.442-43.
 33. For examples, early on 5 March Smith and his friend Jo Rawnsley went in a chaise to Normanton (the Heathcote seat in Rutland) about the Boston election. The next day, about 4a.m., he went home with Rawnsley. After breakfast Heathcote and others arrived; Smith and Rawnsley followed them to Boston. 'Was at Red Lion. Dined with a large Party at Will Garfit's.' On the 7th, they attended election in Boston church and then again called on Heathcote at Garfit's. 'About three that afternoon they left Boston for Horncastle.' Will Garfit II (1775/76-1856) was of the prominent Boston banking family and both a business and political crony of Smith. See A. R. Maddison, *Lincolnshire Pedigrees*, 4 volumes (1906), IV, pp.1300-02 for the Rawnsley genealogy.
 34. It is difficult to determine the degree to which Ben Smith participated in Heathcote political ventures in Boston during the 1820s. In BSD 9 June 1826 Smith noted that he and partner Wilkinson 'went to Boston election' and 'dined with Mr Heathcote & Henry Garfit & others'. Clearly, he kept in touch whether a player or not.
 35. For more on the dissolution of the partnership with Worth, see LAO, Smith 15/3/3, 5 & 7, BSD, October, 1817 or my 'Lawyer Professionalism', p.35, n.30.
 36. The Smiths became connected with the Langdale banking family through the marriage of Edward Smith, Benjamin's youngest brother, to Sarah Langdale. This tie, which did much to facilitate Benjamin's London investment business, proved very lucrative and helps explain Benjamin's numerous trips to London. For details of this relationship, see 'The Smith-Kelham-Langdale nexus', *passim*.
 37. That Benjamin Smith Sr's sister married one Henry Waters suggests that 'Mr Waters' was kin. The sources for this Waters' episode are varied: Adrian Hall, *Fenland Worker-Peasants: The Economy of Smallholders at Rippingale, Lincolnshire, 1791-1871*, supplement series I, of *The Agricultural History Review* (1992) is a mine of information about the parish which was 96.1% owned by Sir Gilbert Heathcote (p.26). The details of the agreement between the Rev. Charles Douglas and Benjamin Smith regarding Waters and the Rippingale living and Douglas' accepting preferment in Ireland may be found in an opinion by a Counsellor A. Merewether conveyed to Smith by London agent Took. I discovered this document, dated 8 October 1825, in the papers of the late Harry Bowden and have a photocopy of it. I have not been able to determine the present whereabouts of the original. The narrative of the Waters quest for the Rippingale living and Smith's intervention with Sir Gilbert Heathcote is derived exclusively from BSD September-December and Summary, 1825, *passim*. BSD after 1825 indicates that when this carefully constructed arrangement began to unravel, Smith had second thoughts about having been so involved.
 38. He deplored, for example, drought and winter cold in which cattle died of hunger in [BSD Summaries, 1826 and 1827]; heavy rains and flooding [BSD Summary, 1828]; and the poor harvest [BSD Summary, 1829].
 39. See 'Smith-Kelham Langdale nexus' cited above n.1.
 40. Smith pondered the consequence of this political upheaval into the next year: 'The first meeting of the reformed Parliament in February must be an interesting subject of remembrance but whether of good or evil time only & an overruling Providence can show. I pray it may be for Good' [BSD Summary, 1833].
 41. Gilbert John Heathcote sat for Boston from 1820 to 1831, for Lincolnshire South from 1832 to 1841, and for Rutland from 1841 to 1856, *obit.*, *Gentleman's Magazine* (Oct. 1867), p.534.
 42. He mentioned communicating with Sir Gilbert on 8 November 1830; Sir Gilbert and Gilbert John on 16 June and Gilbert John again on 20 June, 1 September 1831, and 22 May 1832 (BSD).
 43. L.A.O Smith 15/BSO, 26 June 1832. Elections were 17 December.
 44. LAO Ancaster/3 ANC/9/13/79.
 45. L.A.O. Ancaster/3 ANC/9/13/224-B, Smith's *Accounts for Elections in Lincolnshire, 1832: Payments on Account - (Gilbert) John Heathcote*. See Frank O'Gorman, 'Campaign rituals and ceremonies: the social meaning of elections in England 1780-1860', *Past and Present*, 135 (May 1992), pp.79-115 and *Voters, Patrons and Parties: The Unreformed Electorate of Hanoverian England, 1734-1832* (Oxford, 1991), pp.106-71, especially chapter 3, on the processes of electoral politics.
 46. BSD Summary, 1832.
 47. Olney, *Lincolnshire Politics*, p.34.
 48. The founding meeting occurred on 22 June 1832 in Stamford.
 49. The first issue of the *Lincolnshire Chronicle* appeared 4 January 1833. The supplement of the centennial issue of *Lincolnshire Chronicle and Leader*, April, 1933, contained a reprint of this first edition.
 50. Olney, *Rural Society*, p.161.
 51. Smith seriously considered retiring (for the first time) about 1834. He noted in BSD 2 February 1834 that he was 'not very well & very tired of too much employment'.
 52. Garfit appears for the first time in BSD 6 November 1834.
 53. BSD 15 March 1841.
 54. Smith recorded in BSD 15 March 1836 that Wilkinson had fallen from his horse; on BSD 17 July 1837 he became seriously ill from what Smith called bilious attacks.
 55. See Olney *Lincolnshire Politics*, pp.103-08.
 56. LAO, Ancaster/3 ANC/9/14/338, 3 July 1837.
 57. *Lincolnshire Politics*, pp.112-13.
 58. LAO Ancaster/3 ANC 9/14/278.
 59. In 1843 Wilkinson briefly suffered paralysis. His mental lapse in 1846 caused Smith to describe his condition in August as having become 'very violent with me and quite mad'. He was subsequently removed to the insane asylum in Lincoln where his illness grew progressively worse. He died 15 January 1848. Wiles, who succeeded Wilkinson as partner, eventually took over the firm in 1854 when Smith himself was unable to continue. I have discussed this transition in detail in 'The Smith Firm's Partners' pp.46-47.
 60. 9 & 10 *Vic. C.* 297.
 61. During the years 1844-46 Smith, a beneficiary of early train travel, journeyed to London six times in 1844, nine in 1845 and eight in 1846. Smith discusses this litigation in his BSLJ during these years. The standard work regarding Black Sluice is W. H. Wheeler, *A History of the Fens of South Lincolnshire, Being a Description of the Rivers Witham and Welland and their Estuary, and an Account of the Reclamation, Drainage and Enclosure of the Fens Adjacent Thereto* (second edition, London/ Boston, 1896), pp.243-89.
 62. The resolution of gratitude, introduced by Richard Groom of Cavendish Square, London, deputy of Thomas Stirling Mann,

Commissioner, read as follows: 'Resolved by Groom and seconded by Mr Calthrop that the best thanks of the Commissioners are due and are hereby tendered to the Clerk [Benjamin Smith II] for his zealous and able services in soliciting the Bill introduced by the Commons in the present session of Parliament.' It was further determined that Smith be paid what was owed him, including the debts he had incurred, Long Minutes of the A. G. M. (Bowden Transcripts, Annual General Meeting) held at Bourne, July 1845.

63. The dissenting amendment, moved by Parker and seconded by Foster read 'that the particular resolution now before the meeting be not entertained'. After this amendment was lost and the resolution carried by 27-7, Groom further resolved 'that the failure of the Bill is not in any degree attributable to Mr Smith as there was no reasonable ground for suspicion that the levels were erroneous.' After another dissenting amendment was rejected, this resolution also carried 27-7 (Bowden Transcripts, Long Minutes of A.G.M., Bourne, July 1845). Smith's animosity toward Parker and Foster, so stridently stated in his diary, spanned the years 1842-48. Despite his introducing resolutions critical of Smith, Parker's own diary entries were significantly less contentious than Smith's. Finally, Parker recorded that at the Black Sluice meeting on 13 March 1848 'the proceedings passed off satisfactorily and pleasantly and Mr Smith and myself shook hands, thus ending our long standing animosity and no doubt properly so.' (LAO, Diary of William Parker of Hanthorpe, 1831-1857, vol.2, p.847.) In May (BSD 15 May 1848) Smith penned that Parker and his wife had visited him and wife Fanny in Horbling...the 'first visit since our reconciliation'.
64. BSD 16-21 November 1846. Durdans was near Epsom, in Surrey.
65. They seemingly had failed to resolve their differences in 1849-50. In any case Heathcote was not at home when Smith called in London on 17 June 1849 and 20 June 1850. Although Heathcote called on Smith on 22 June 1850, Smith did not elaborate (BSLJ 18 to 25 June).
66. Three letters were addressed to old Sir Gilbert shortly before his death and a fourth was written to his son the new 5th baronet some two years later, in April 1853. In the first to the ailing Sir Gilbert (LAO, 3 ANC 9/15/67, 12 February 1850) Smith concurred with Heathcote that land values were greatly depressed: 'It is certain ... that landed property is now considerably reduced in value and in this county and neighbourhood particularly it is with difficulty it can be sold and I consider it has decreased in value one fourth from that it was worth three years since. There is a great want of money among the usual land buyers....and many little people having heavy mortgages on their property are emigrating.'

The second to Sir Gilbert (LAO ANC 9/15/67, 28 February 1850) written just a few weeks later, appears to have been in response to a continuing query about determining land values. To this Smith replied that doing so was difficult because of the current depression in land values, but he did note that 'There is a general poverty among those who were buyers and mortgagees in various cases must taken possession – bad seasons and other causes producing low prices with the mad speculations of some years past have produced a state of things that few or none have contemplated – and if Mr Disraeli and his Party should succeed in deranging the public finances who can tell what mischief may be created...'. Smith dismissed the notion that stamps on conveyances and mortgages, though high, should not prevent sale or mortgage of property. He closed on what was for him an optimistic note: 'I sincerely regret the present state of agricultural prices yet still I have hope – and when all things come around we shall be found in a more healthy state and even you may in great measure change your feeling towards Sir R[obert] P[eel] – pray excuse me.'

The third (LAO ANC9/15/61, 3 February 1851) to Sir Gilbert, just a month before the 4th baronet's death, was an update on the prognosis regarding land values offered a year earlier. Again Smith, ever gloomy, offered that 'everything around us looks very dark. The price of land and has certainly fallen nearly a third from what it was 5 or 6 years ago – certainly 1/4 but generally I believe 1/3 – and there is scarcely another purchaser than the mortgagee.' He spoke further of the depressed price of grain and other crops and the demoralized 'occupiers' many of whom 'talk of emigrating as has been the case with mortgagors.' His last words, were of a personal nature but unclear: 'I hope you will have....Mrs Heathcote & family quite well

through this extraordinary winter. I have been too much occupied and I am sorry to say chiefly from the distress of the times.'

The fourth letter (L.A.O., 3 ANC 9/15/41, 21 April 1853), addressed to Sir Gilbert John, had to do simply with stamp duties, which evidently were unclear to the 5th baronet. Once again Smith stated his belief that 'neither conveyances [n]or mortgages are now heavily taxed, which reductions have also considerably reduced the expense in conveying property and also in mortgaging. Essentially, Smith's response was a tutorial on stamp duties which he concluded by sending a printed list of them and a handful of newspaper clippings. His final citation was generally less gloomy than usual: 'The Budget appears to be pretty well approved – at least *The Times* seems so to report it.'