

Andrew Loder: A Seventeenth-Century Dorset Attorney

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Throughout the seventeenth century local attorneys were at the centre of community life and local affairs, while many of the contemporary sources for local history have come from their offices and owe their preservation to the lawyers' concern to preserve all kinds of written evidence. A good deal has been written about the background, training and practice of these important figures during the sixteenth century as well as on the emergence of the profession of country solicitor from the eighteenth century, but there have been few studies of attorneys during the seventeenth century, as most published works cover at most only the period before the Civil War or deal with the higher branches of the legal profession.¹ Yet the most superficial acquaintance with contemporary records reveals numerous country attorneys acting as legal advisers, estate managers, town administrators, parish consultants and political agents, as well as being responsible for drawing up wills, leases, agreements and manorial records of all kinds. Later they were involved in banking and money-lending, as well as being enclosure commissioners, turnpike trustees and charity administrators. Such activities provided a secure livelihood and a comfortable life-style, but for most attorneys, they seldom led to great riches. During the seventeenth century and later, however, the profession attracted a good deal of criticism over the excessive number of practitioners, their exorbitant charges, unnecessary delays, and over the popular perception of many attorneys as 'pettyfoggers', that is men who were not over-scrupulous and were given to stirring up trouble in order to be employed in the subsequent legal contest. Such criticism can be found in writers ranging from Evelyn, Fielding and Johnson to the powerful condemnations of Dickens. The following study looks at the remarkable career of one Dorset attorney whose activities give weight to all the criticisms of his profession.

Andrew Loder was a member of a long-established Dorchester family. Early in the seventeenth century Gilbert Loder, a Dorchester lawyer, had contributed to the Reverend John White's schemes for colonisation in the New World, and Loder served as Mayor of

Dorchester in 1648 and 1656.² His son, John, was admitted to Caius College, Cambridge at the age of seventeen in 1643, and during the Commonwealth period he was the minister of Fordington, becoming sufficiently well-known as a preacher to be appointed minister of St Bartholomew at the Exchange in London by Cromwell in 1656.³ Andrew Loder's precise relationship to Gilbert Loder is unclear, but he appears to have been his nephew and to have served his legal apprenticeship in the Dorchester practice. Gilbert Loder died in 1657 and in his will refers to Andrew Loder as 'my kinsman', leaving him a legacy of £5; Andrew is also named as one of the witnesses. There is little evidence concerning his early life, but during the later seventeenth century he rose rapidly to prominence and fortune as a lawyer and public official.⁴

By 1667 Andrew Loder was acting for the Corporation of Dorchester over legal business, and in 1668 he was elected as one of the Capital Burgesses of the town.⁵ Evidence of the extent of his legal work for the Corporation is provided by an account for £244 7s. 1d. which he presented in 1675 for legal suits dating back to 1664.⁶ In 1676 Loder was elected Town Clerk in place of Joseph Darby who was dismissed for neglecting his office and failing to attend the weekly meetings.⁷ Loder was one of the principal inhabitants of Dorchester who signed the Address to Charles II in 1681, and in 1694 he was chosen as Mayor, and his son, Robert Loder, was appointed Town Clerk in his place.⁸

There is evidence of the extent of Loder's legal practice all over Dorset from the 1660s to the early 1680s. Clearly he was highly regarded as a lawyer as he was hired by several gentry families, including Sir John Turberville of Bere Regis; Loder was steward of Cranborne Chase, and of the lands of Sir Richard Mason at Puddletown, Athelhampton and Bardolfston, but as will be shown later, his charges for his legal services were very high and provoked numerous complaints of extortion. He also worked as a tax collector.⁹

Loder's opportunity to rise rapidly in his profession was provided by the Monmouth Rebellion of 1685 and its aftermath. He became notorious as a 'pardon-monger' and profiteer, and in spite of his Puritan family background was quick to extract large sums of money from the distraught relatives of the unfortunate men who, with misguided idealism and in defence of the Protestant religion, had followed Monmouth to the defeat at Sedgemoor and had been condemned to death for their part in the rebellion. Faced with the large number of prisoners awaiting trial in Dorchester, the Crown Prosecutor, Henry Pollexfen, urgently needed assistance in his task, and appointed Loder as his deputy clerk for the Assizes which were conducted by Judge Jeffreys in Dorchester, Exeter, Taunton and Wells during

September 1685. Part of Loder's duties consisted of visiting the prisoners in goal and persuading them that they would save their lives by pleading guilty and asking for mercy, an undertaking which was to prove totally false. The Earl of Ailesbury, who observed these activities, described Loder as a 'very rascal. This fellow . . . went into the prisons, and made the poor people believe that they had nothing [to do] to save their lives, but by pleading guilty'.¹⁰

Further evidence of Loder's methods is provided by Henry Pitman, a surgeon, imprisoned at Ilchester for treating some of the wounded after Sedgemoor. He recorded the appalling conditions in the gaol and the way in which confessions were extorted from the terrified prisoners by promises of the King's mercy to those who confessed their guilt. Those who did found they were very rapidly sentenced when they appeared before Judge Jeffreys, and Pitman related the common expression 'Confess and be Hanged!'. Similar details about the way in which confessions were obtained by false promises of mercy were recorded in the autobiography of the Quaker, John Whiting, who was also imprisoned at Ilchester.¹¹ In Dorchester many of the prisoners were crowded into All Saints' church, during which time considerable damage was done to the interior, and the churchwardens' accounts record that it was Andrew Loder who paid the considerable sum of £13 0s. 6d. in compensation on behalf of the Crown. The conditions in which the prisoners were held can be deduced from the churchwardens' expenditure of 6d. 'for pitch and tar burnt in the church'.¹² The large numbers sentenced to death by Jeffreys and the gruesome haste with which the executions were carried out, together with the hideous accompaniment of cutting up the bodies so that quarters could be displayed throughout the region, naturally created consternation and panic among the relatives of the victims. It was this that enabled Loder and other 'pardon-mongers' to charge large sums for promising to use their influence to obtain reprieves for those whose friends could raise the money. The total number of those who paid Loder can never be known, but some indication of his methods and charges can be obtained from the few examples which subsequently gave rise to legal disputes.

One typical case was that of Thomas Bishop, a fourteen-year-old apprentice at Bridgwater, who had joined Monmouth's army when it arrived there in June 1685. Bishop was captured after the defeat of the rebels at Sedgemoor and was imprisoned at Wells. His uncle, Samuel Bishop, a grocer at Bridport, applied to Loder to secure a pardon for the boy. Loder undertook to do 'soe as hee might be sure of a reward answerable to soe greate a service'. Although pardons could be obtained for £60, Loder demanded £100 and later increased it to £200.

His involvement with the Assizes increased Loder's status in his profession, being described as 'Andrew Loder of Lyons Inn in the county of Middlesex, gent., associate to the Justices of Assize for the Western Circuit'. Lyons Inn was one of the inns of Chancery and favoured by west country legal practitioners. The first instalment of £100 was duly paid by Samuel Bishop to Loder's agent in Dorchester, Thomas Morrice, 'out of a firme beliefe that the said Mr Loder had procured his Majesty's gracious pardon for . . . Thomas Bishop and as a reward for doing the same'. In fact Loder had not obtained any pardon, and young Thomas was eventually discharged under a General Pardon issued by the Crown on 10 March 1686. The details emerge from a suit in Chancery brought by Samuel Bishop in an unsuccessful attempt to obtain repayment of the money he had paid to Loder.¹³

Another example was George Bisse, a nonconformist preacher from Martock, accused of aiding and assisting the rebels, who was imprisoned at Wells. His wife applied to Loder who advised that Bisse should plead guilty and agreed to obtain a pardon in return for £250. When Bisse was sentenced to death at Wells Assizes, Loder increased his demand to £400 which was to be paid to another agent, Symon Harcourt. With the help of Bisse's friends, the money was raised and duly paid to Loder, but, like Bishop, Bisse was not released until the General Pardon of March 1686.¹⁴

Also from Martock was John Gardner or Gardiner, the son of a nonconformist minister who was described as 'a pretended doctor of physick'. He had played a prominent part in the rebellion as an officer in Monmouth's army. After Sedgemoor he remained hidden at Martock having 'safely secured himself from the rage and fury of the prosecutors', in spite of the strenuous efforts made to find him by the royal forces. Gardner's terrified mother, aged seventy took advice from a local gentleman, John Colby, and approached Loder to secure a pardon which he agreed to do for £200. Later the sum was increased to £300, which was handed over at Loder's house in Dorchester. Loder later admitted that the pardon he obtained had cost him only £60, and because of his delay in obtaining it, which he claimed was caused by the Lord Chancellor's illness, the specific pardon was overtaken by the General Pardon. Gardner therefore brought an unsuccessful action against Loder in the Court of Chancery for restitution of his £300, and it is from this suit that the full details emerge.¹⁵

A final example is that of Thomas Lawrence, a property-owner at Winsham, near Chard, who was employed as a bailiff by Henry Henley, the principal landowner in the district. When a party of Monmouth's supporters demanded four of Henley's horses Lawrence had refused to hand them over, but was overpowered by the rebels who made off with

the horses. Lawrence had no other involvement with the rebellion, and stated that he was not 'in any wise aiding or assenting thereunto, but remained quietly and peaceably at home'. His defence was supported by the two churchwardens of Winsham, but nonetheless, he was arrested and condemned to death at Dorchester Assizes. While in Dorchester goal, Lawrence was allowed out by the goaler in order to visit Loder at his house, and agreed to pay £400 to Loder for obtaining a pardon. After some delay, Loder finally obtained the pardon, although not before Lawrence's name was included in a list of six men to be hanged at Wareham, and he was spared only at the last moment.¹⁶

The very high prices which Loder charged to desperate men and their relatives for his services in obtaining pardons was not the only way in which he profited from the Monmouth Rebellion. The pardons saved the lives of those who had been convicted, but did not restore their lands and property which were forfeit to the Crown, and it was Loder who was employed to oversee the sale of these lands. He was, therefore, involved in the sale of lands belonging to Thomas Lawrence in south Somerset and west Dorset, and the lands belonging to George Bisse at Martock, and numerous other properties in various parts of Somerset and Devon. Loder also obtained a grant of the debts and personal estate of several of those convicted of treason, and a royal warrant secured to him all the sums of money which he had received 'under colour of obtaining the King's pardon'.¹⁷

Loder's dealings with the men involved in the Monmouth Rebellion meant that for the rest of his life he was a man of considerable wealth and property. The extent of his legal practice and the distribution of his lands are clear from the numerous legal suits in which he was involved during the 1690s. These included a long dispute over the water for twenty six acres of water meadow on a farm called Trenchfields Durdle at Puddletown which Loder leased and later purchased from Dorothy Roy of Lower Gussage, and a similarly complex action against John Churchill of Dorchester to whom Loder's son-in-law Morgan Harbyn of Dorchester was heavily indebted: at Churchill's suit, Harbyn had been imprisoned, notwithstanding £600 paid by Loder to secure his release.¹⁸ It was also during the 1690s that several persons complained of the exorbitant charges which Loder had made for earlier work. For example, the widow and son of George Daubeney of Winterborne Steepleton complained bitterly during a dispute before the Exchequer Court in 1693 that they had been grossly overcharged by Loder. Likewise in the same year William Walsh, yeoman, and John Rogers Coker, a gentleman of Langton Long Blandford, complained of Loder's charges, as did Robert Browne of Blandford St Mary and John Mitchell of Kingston Russell.¹⁹

Andrew Loder died in 1707 and was buried in All Saint's church, Dorchester. By the time of his death he possessed not only a prosperous legal practice, but property in various parts of Dorset, including tenements in Dorchester, Wareham and Upwey, and lands at Puddletown and Whitchurch Canonorum.²⁰ Whatever his personal view or family background of nonconformity, he had remained untouched by the innumerable tragedies which had befallen Monmouth's followers, and had secured his own wealth upon their misfortunes.

Some evidence of Loder's character and Puritan attitudes appears in his will made in 1702. He desired to be buried privately 'without noise or any charge of mourning whatsoever, unless a pair of Gloves apiece to such as shall carry me to my Grave, the Minister and Clark. All other charges is unnecessary and needless'. He left small sums to the poor of Dorchester, Mappowder and Puddletown 'that have been laborious'. His eldest son, Robert received his chamber at Lyons Inn in London and the lands at Puddletown 'with liberty to make use of the weirs, sluices and hatches at all convenient seasons for watering the lands, and with liberty use the entrance by the Travellers' Rest'. Several other children are mentioned including another son, Andrew, and daughters Anne, Elizabeth, Mary and Martha. Legacies to them included the income from the George Inn in Dorchester and numerous other lands and tenements.²¹

Loder's legal practice was inherited by son Robert who, like his father, was a prominent member of Dorchester society, acting as Town Clerk from 1694 and elected a Capital burgess in 1726. He was also under-sheriff of Dorset. He continued until his death in 1761 to own the George Inn in St Peter's parish, and to hold the land which his father had acquired at Puddletown.²² Andrew Loder's career reveals several details concerning the lower levels of the legal profession during the later seventeenth century. The generally unspectacular and non-litigious nature of much of the work of country practitioners and their involvement in local government, estate management and manorial affairs is evident, as is the readiness of many of their clients to resort to law and to finance the passage of expensive suits through the central courts even over comparatively trivial matters. Access to the London legal scene for a country attorney was possible by membership of one of the inns of Chancery. Loder's activities also show the way in which an unscrupulous and ambitious lawyer could achieve wealth by preying on unfortunate, frightened men and their relatives. If Loder was in any way typical, it explains the low esteem in which the profession was held during the early eighteenth century. Above all, Loder's involvement in the trial of the rebels throws further light on the grisly aftermath of the Monmouth rebellion, and on the tragic fate of those involved through their religious conviction and concern for liberty.

Notes

¹ Examples include C.W. Brooks, *Pettyfoggers and Vipers of the Commonwealth: The Lower Bench of the Legal Professions in Early Modern England* (1986). W.R. Prest, *The Profession in Early Modern England* (1987). R. Robson, *The Attorney in Eighteenth-Century England* (1959).

² *Somerset and Dorset Notes & Queries*, 17 (1923), pp. 107–11.

³ C.H. Mayo (ed.), *Municipal Records of the Borough of Dorchester* (1908), p. 637. Mayo (ed.), *Minute Books of the Dorset Standing Committee 1646–50* (1902), p. 501. A.G. Matthews, *Calamy Revised* (1934), p. 326.

⁴ P[ublic] R[ecord] O[ffice] PROB. 11/262/90, Gilbert Loder's will 1656, proved 1657. Andrew Loder was left a tenement in Wareham by Gilbert Loder. P.R.O. Common Pleas Roll, 2620/1490.

⁵ Mayo, *Municipal Records* . . . , pp. 579, 717.

⁶ D[orset] R[ecord] O[ffice]. Dorchester Corporation Minutes, B2/23/7.

⁷ Mayo, *op. cit.*, p. 461.

⁸ D.R.O. B2/16/6.

⁹ P.R.O. C5/544/34; C9/411/5. *Somerset and Dorset Notes & Queries*, 9 (1905), pp. 88, 167, 210, 314.

¹⁰ Thomas, Earl of Ailesbury, *Memoirs* (1895), I, p. 122. W. MacDonald Wigfield, *The Monmouth Rebellion* (1980), p. 84.

¹¹ H. Pitman, 'A Relation of the Great Sufferings of Henry Pitman, 1689', in C.H. Firth (ed.), *Stuart Tracts* (1903), pp. 431–6; John Whiting, *Persecution Exposed* (2nd Edition, 1791), p. 322.

¹² D.R.O. PE/DO (AS), CW1.

¹³ P.R.O. C7/57/71.

¹⁴ MacDonald Wigfield, *op. cit.*, 116–7; See also *idem.* (ed.), 'The Monmouth Rebels, 1685', *Somerset Record Society*, 79 (1985), p. 15.

¹⁵ P.R.O. C9/248/55.

¹⁶ *Somerset & Dorset Notes & Queries*, 9 (1905), pp. 59–61.

¹⁷ Calendar of Treasury Books 1685–89, VIII, Part IV, (1923), pp. 1894–7.

¹⁸ P.R.O. C2/163/23; C2/164/26; C9/417/114; C9/447/62.

¹⁹ P.R.O. C5/109/23; C7/215/12; E112/641/32; E112/641/33; E112/641/34; E112/642/87; E134/6&7 William III Hilary 9.

²⁰ P.R.O. C7/217/28. *Somerset and Dorset Notes & Queries*, 9 (1905), p. 70.

²¹ P.R.O. PROB. 11/495/146.

²² P.R.O. PROB. 11/182; C6/414/41.