

Antecedents

1.1 The Scruttons

Biographical sketches of T.E. Scrutton usually refer to him as the son of a “prosperous shipowner”.¹ It has always seemed fitting that England’s greatest shipping lawyer should himself be the scion of a shipping family, but the professional and personal achievements of Scrutton’s forebears extended far beyond the operation of a successful shipping line.²

Although it would have been a matter of indifference to him, T.E.’s origins can be traced with some certainty back to Robert Scrutton of Ipswich, a tailor.³ Robert of Ipswich’s two sons, Robert and James, came to London, and James was apprenticed to a Henry ffrome, a stationer, for seven years from 1 July 1783, becoming a freeman through the Stationers’ Company in September 1790.⁴ By 1801, James had been admitted as a “sworn” or licensed broker by the Alderman’s Court of the City of London,⁵ with “Richard Carter, Citizen & Apothecary” as his surety, his address given as 18 Robinson’s Road, Kingsland.⁶ In 1802 he joined the firm of Ellis, Scrutton & Co. stockbrokers.

¹ See e.g. *Oxford Dictionary of National Biography* entry by F.D. Mackinnon, revised by Hugh Mooney (2004).

² This account is principally drawn from the following sources: “A brief summary of the history of Scrutton, Sons & Co.” by Mr M.C. Halliday, contained in the Scrutton Family Papers (“Halliday”); *The Scruttons: A Summary of Family History* (1966) by Janet Scrutton (Scrutton’s daughter) and Ronald Lidstone (“*Family History*”); Mary Midgley, *The Owl of Minerva* (2005), Chapter 2; and A.E. Jeffrey, *The History of Scruttons: Shipbrokers and Shipowners, 1802–1926 and Stevedores, Master Porters and Cargo Superintendents, 1890–1967* (“Jeffrey”) (1970). Halliday and Jeffrey were both former senior executives in Scruttons Ltd.

³ LMA COL/CHD/FR/02/1127, admission of James Scrutton to Freedom of the City of London. *Family History* traces them back further, with somewhat less certainty, to 1494.

⁴ James Scrutton became a liveryman on 2 April 1811: Archives of the Worshipful Company of Stationers and Newspaper Makers.

⁵ See LMA Information Leaflet No 15, “Sworn Brokers’ Archives”.

⁶ See LMA/COL/BR/02/6215.

In 1793, James married Susannah Urquhart, daughter of Alexander Urquhart, who had interests in shipping and shipbroking and was involved in trade to the British West Indies. In 1802, Alexander's son Thomas founded the firm of Urquhart and Hope with John Hope, a firm of ship and insurance brokers and merchants on commission which traded from 19 Finch Lane, Cornhill. Hope and Urquhart subscribed the original capital of £1,000 in equal shares, but James Scrutton made a significant contribution.⁷ With these funds, the firm purchased "a desk, two stools, two chairs, a bookcase, a washhand basin with jug, scrubbing brushes and flannel, a knife, a decanter with tumbler and 300 printed cards" – and were ready for business.

Their first ship out was the *Adelphi*, which sailed in October 1802. In July 1803, the firm moved to 7 St Michael's Alley, and Urquhart and Hope became underwriting members of the Lloyd's insurance market. By 1813, they had interests in eight ships, all employed on the West Indies trade, carrying molasses, sugar, rum and, on at least some occasions, slaves on the homeward trip.⁸

1.2 Thomas Scrutton: "Thomas the elder"

James Scrutton's third son was Thomas Scrutton ("Thomas the elder"), born in 1797 in Ratcliffe.⁹ When he was seven, Thomas the elder's father was killed in a riding accident. With Alexander Urquhart's support, Thomas the elder was placed in Christ's Hospital School in 1806, and remained there until he was fourteen years old. The fact that he obtained a place at Christ's Hospital is itself some evidence of the straitened position in which James's death had left the family: it was a rule of the school that "no child will be admitted whose parents or next friends are not, in the opinion, of the Council of Almoners, in need of assistance towards his education and maintenance".¹⁰ However, Thomas the elder was not devoid of useful connections: the school was open to the children of freemen of the City, its costs met by benefactors, many of them

⁷ £400 of Hope's share and £100 of Urquhart's. £1,000 would be worth about £32,000 in 2012: National Archives currency converter.

⁸ Jeffrey records insurance for a cargo of slaves in the firm's archives. See also Roderick Braithwaite, *"Strikingly Alive": The History of the Mill Hill School Foundation 1807–2006* (2006) ("Braithwaite"), p. 87: "a line with its roots in slaving".

⁹ LMA COL/CHD/FR/02/1504. He was admitted to the Freedom of the City of London by patrimony through the Stationers' Company in April 1824.

¹⁰ G.A.T. Allan, *Christ's Hospital* (1984), p. 10.

aldermen or liverymen to whom the Scruttons and the Urquharts would have been well known. An early beneficiary of the charity of others, Thomas the elder,¹¹ and in particular his son Thomas Urquhart Scrutton, were to repay that debt many times over.

Thomas the elder joined the partnership of Urquhart and Hope (now Urquhart, Hope and Scrutton) in 1825, becoming an underwriting member of Lloyd's the same year. He was also admitted as a "sworn broker", with James and Francis Urquhart as his sureties.¹² The partnership became Urquhart and Scrutton on John Hope's retirement the following year.¹³ This was not a propitious time to enter the partnership – the falling price of sugar led the firm to reduce the size of their fleet, and for ten years from 1832 the firm had no ships at all. Thomas the elder became the sole owner of Urquhart and Scrutton in 1840, at which point the firm was operating as ship- and insurance brokers, but still with no ships of its own.¹⁴ He was soon to change this state of affairs. The firm bought the brig *Queen of Britain* in 1843, to be joined by a second ship, the barque *Paragon*, in 1853. By this time, the firm was operating from premises at 3 Corbet Court, Gracechurch Street.¹⁵

Despite his Church of England education at Christ's Hospital, Thomas the elder became "a very active member of the Congregationalist Church". The Congregationalist Church was one of the Nonconformist churches which emerged from the tradition of Puritan dissent in England: a tradition which was anti-episcopal and scripture-centric, with individual churches enjoying considerable autonomy.¹⁶ The non-denominational churches had been the object of much oppressive legislation in the period from the Restoration to the Glorious Revolution: for much of that period, all forms of Nonconformist worship had been illegal. A gradual extension of tolerance followed, particularly under the Hanoverians, but the Test Act continued to disqualify Nonconformists from all

¹¹ It was said of Thomas the elder that he "lived in E[ast] London to help E[ast] London": Ernest Hampden-Cook, *The Register of Mill Hill School, 1807–1926* (1926) ("Hampden-Cook"), p. 70.

¹² His admission record gives his address as 7 St Michael's Alley, Cornhill: see LMA/COL/BR/ 02/6126.

¹³ *The Times*, 3 May 1826.

¹⁴ *Post Office London Directory* 1841, Parts 1 and, 2: entries for Thomas Scrutton and Urquhart and Scrutton.

¹⁵ The address given in Thomas Urquhart Scrutton's admission to Freedom of the City of London in October 1856: LMA/COL/CHD/FR/02/1894. See also *Post Office London Directory* (small edn) 1852, entry for Scrutton and Sons Shipbrokers.

¹⁶ See generally R.W. Dale, *The History of English Congregationalism* (1907) ("Dale").

positions of public trust, and the Conformity Act excluded them from the universities of Oxford and Cambridge.

The late eighteenth and early nineteenth centuries saw the evangelical revival: a significant increase in the number of those adhering to the various Nonconformist churches.¹⁷ The Protestant Society for Religious Liberty was formed in 1809 – with John Wilkes as one of its honorary secretaries – and it campaigned, with considerable success, for the repeal of the penal laws to which the Nonconformists were subject.¹⁸ For this new generation of Congregationalists, “The ideal Christian man was one who avoided ‘worldly’ amusements, and freely spent his time and strength in religious works.”¹⁹

1.3 Thomas Urquhart Scrutton: “Thomas the younger”

In October 1828, Thomas Urquhart Scrutton (“Thomas the younger”, T.E.’s father) was born. He was Thomas the elder’s second son and one of six children altogether.²⁰ In 1807, the Protest Dissenters’ Grammar School was founded by a number of influential merchants to educate those “excluded from the Church of England by their conscientious convictions”. The school was to be a grammar school for the sons of Protestant Dissenters whose educational options were limited by the fact that “the other public schools were practically Church of England seminaries, to the exclusion of dissenters”.²¹ It was established in the country, at Mill Hill in Hendon, to avoid the “dangers, both physical and moral, awaiting youth while passing through the streets of a large, crowded, and corrupt city”.²² Half of the school’s initial intake came from business backgrounds, a third from professional backgrounds, and about a sixth from the retailer class.²³

Thomas the younger was sent there in September 1840, one of an intake of ten boys, and he remained there until December 1842,²⁴ although his connections with the school were to continue until his death

¹⁷ Dale, p. 573. ¹⁸ The various reforming measures as set out in Dale, Book VI, Chapter 1.

¹⁹ Dale, p. 592.

²⁰ The eldest son, Alexander Scrutton, was born in 1797. He became a stockbroker and did not join the family firm.

²¹ Norman G.B. James, *The History of Mill Hill School 1807–1907* (1909) (“James”), p. 5. See also “School of enlightenment”, Chapter 1 of Braithwaite.

²² James, p. 17, quoting the committee formed in 1806 with a view to the establishment of the school.

²³ Braithwaite, p. 45. ²⁴ Hampden-Cook, p. 70.

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in 1896. His brother Alexander followed as one of only four boys who started in March 1844, staying at the school until September 1849.²⁵ The ethos of the school clearly had a significant effect on Thomas the younger. As he arrived, the school had narrowly escaped closure when one of its founders demanded repayment of his capital.²⁶ However, he was there in the time of one of Mill Hill's most successful headmasters – Thomas Priestley. A report to the governors of this period records "the sense of religious duty, the tone of morality, and the good order and discipline existing among the pupils".²⁷ A school prospectus notes that

if the average occupation of a week's school-time be taken at a maximum of forty-two hours, fifteen of them will be found appropriated to the languages of Greece and Rome, eight to Mathematics, three to Geography, three to Writing, five to the English language and history, five to French, two to German and one to a Biblical lecture.

Fitting those forty-two hours in required a full day: the boys rose at 5.30 in summer and six o'clock in winter, lessons continuing in the afternoon to 4.30 and 5.30 respectively, with an hour's preparation after tea. Sunday comprised an hour and a half in chapel in the morning, exercises in the catechism in the afternoon and a short supervised walk "with work on the scriptures or other strictly permitted 'Sunday reading' up to and beyond Tea".²⁸

Described as "magnificently built and full of vitality", Thomas the younger joined the family partnership in 1850, together with Samuel Linder, who was married to Thomas the elder's daughter, Susannah. In consequence the partnership was renamed Scrutton, Son & Co. When Thomas the elder's younger son, James, also joined the partnership in 1857, the firm added an "s", becoming Scrutton, Sons & Co, and so it remained to its dissolution.

It was only in 1854 that the firm expanded its shipping interests, adding a further eleven ships in the two years before T.E.'s birth, all taking advantage of improved trading conditions in the West Indies, and

²⁵ Hampden-Cook, p. 81.

²⁶ The fortuitous onset of a sudden illness led him to reduce his demands on his deathbed. The founder in question was Mr Bacchus. This affair occurred shortly after the school had purchased an inn which adjoined its grounds, the events being the subject of some school light verse: "Twere well to confess the result of our sin, / Lest our Temperance friends should attack us. / For we no sooner purchased the 'Three Hammers Inn', / Than we nearly were ruined by Bacchus".

²⁷ James, p. 132. ²⁸ Braithwaite, p. 75.

the improved price of sugar, molasses and rum, with occasional voyages to West Africa and South America. By 1861, Thomas the elder was living in 2 East India Road in Poplar – in “a large Georgian house, surrounded by large gardens and an orchard” – and Thomas the younger nearby in 11 East India Road, both giving their occupations in that year’s census as shipbrokers.²⁹ The success of the firm enabled Thomas the elder to acquire a second home on the Isle of Wight called “Copsefield”. The firm continued to expand, with twenty ships by 1866, thirteen of them built for the firm, all of them sailing ships. A sailing ship could make only one round trip a year to the West Indies, and each arrival and departure must have been an occasion of note in the Scrutton household, as must the grounding of one of those ships, the *Stirlingshire*, off Ireland in 1865 with the loss of six crew.³⁰ The rituals, rewards and risks of the maritime adventure would have been very familiar to the young T.E.

In September 1854, Thomas the younger married Mary Hickman, daughter of a Norwich Congregational minister.³¹ The union was preceded by anxious correspondence on the part of Miss Hickman and her brother as to Thomas the younger’s intentions and the place which Miss Hickman would have in the wider Scrutton family’s affections.³² When Thomas the elder collapsed inspecting ships at the dock in 1867, Thomas the younger took over the firm. The family lore suggested of Thomas the younger that “he had made a considerable mess of the family finances”, and was “not a very careful businessman”,³³ although it is not clear whether this criticism was justified. He moved the firm’s offices to Mincing Lane in 1871, and to 9 Gracechurch Street in 1873, at which point the firm reached a never-to-be-surpassed twenty-three ships. Two more Scruttons joined the partnership: James Scrutton, T.E.’s cousin, and Frederic, his brother, in 1877. The dominant question for the firm was whether to make the move from sail to steam, a transition which required enormous capital. All the sailing ships were gone by 1884, and over the

²⁹ 1861 Census returns.

³⁰ See reports in *Lloyd’s List* for 31 January and 1 February 1865, and *The Times* of 1 and 2 February 1865. The incident does not appear to have become part of the firm folklore, however. Halliday, writing in the 1960s, stated, “in the 82 years of the firm’s ownership of sailing vessels, only one was lost by marine peril, the barque ‘Saint Vincent’ [with] no casualties”.

³¹ Norwich Register 1854, Vol. 4b, p. 271.

³² Correspondence in family papers made available to me by Dr Mary Midgley, hereafter “Scrutton Papers”.

³³ Midgley, p. 44; *Family History*, p. 30.

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period from 1880 to 1884, the firm built or bought nine steamers. When, in the preface to the first edition of his work on charterparties,³⁴ T.E. stated,

The last twenty years have seen what almost amounts to a revolution in the shipping trade. Steamers have supplanted sailing vessels ... The mighty power of steam enables regular voyages to be calculated on, while the large amount of capital invested in a steamer and the keen competition it meets compel the shipowner to take advantage of every hour and minute that can be saved in its employ,

he knew of what he wrote.

Thomas the younger and the new generations of Scruttons expanded the firm's activities into other areas: by 1882 not just shipowning and shipbroking, but insurance broking and marine salvage surveying.³⁵ In 1871, the Scruttons were still living in the East India Road,³⁶ with Thomas the younger's sister Mary a member of their household. In late 1881 or early 1882, they moved to a new house in Buckhurst Hill, Essex – named “Copsefield” after Thomas the elder's house on the Isle of Wight.³⁷ T.E.'s daughter suggested that this generation of the family spoke “broad cockney”.³⁸

The dynamism of the Scrutton business was matched by Thomas the younger's impressive devotion to social causes. It is now difficult to establish the full range of his commitments, but their scale is clear: the Register of Mill Hill School records that he was “a member of 50 committees and was remarkable for his resourcefulness and strength of purpose”.³⁹ An obituary in the *Mill Hill Magazine* recorded that “twenty societies of one kind or another occupied his attention and owed him their allegiance”.⁴⁰ Amidst these competing demands, it is unclear quite how much time he was able to find for home life and his family.

Thomas the younger's charitable works embraced a number of spheres of activity,⁴¹ but educational causes predominated. This reflected the

³⁴ The Contract of Affreightment as Expressed in Charterparties and Bills of Lading (1886).

³⁵ *Post Office London Directory* 1882, Part 3. ³⁶ 1871 Census entry.

³⁷ *Kelly's Directory of Essex* 1882. ³⁸ Midgley, p. 29.

³⁹ Hampden-Cook, p. 70. ⁴⁰ *Mill Hill Magazine* (MHM), April 1896.

⁴¹ For example, a subscription to the Reformatory and Refuge Union (*The Times*, 8 May 1856); contributing to the Central Relief Fund and the London Congregational Relief Committee (*The Times*, 31 January 1863); support for the Poplar Hospital for Accidents (*The Times*, 28 July 1865), the Infant Orphan Asylum (*The Times*, 16 November 1867) and the Poor of the Isle of Dogs (*The Times*, 26 November 1867); chairing the management committee of the East London Hospital for Children and Dispensary for Women (*The Times*, 28 April 1873); the publication of a Christian monthly magazine – whose

particular passion of Congregationalists for popular education: initially on the basis that the state should play no part in the provision of education, but after the Elementary Education Act 1870, in many instances by way of involvement in the school boards thereby established, in an effort to ensure that such religious instruction as took place was non-denominational in content.⁴²

Thomas the younger's involvement included support for "Ragged Schools" – charitable schools for the poor, established with strong support from the Nonconformist religions, which were educating 26,000 children in 1867.⁴³ In 1854, Parliament passed the Reformatory Schools Act,⁴⁴ under which existing or newly established reformatories could be certified by the Home Secretary, and to which children convicted of criminal offences could be sentenced. One such school was the Home in the East Reformatory School for Boys in Old Ford Road, Bow,⁴⁵ which was certified on 29 November 1855 as a reformatory for fifty boys. Thomas the younger was its honorary secretary, and later its governor.⁴⁶ He was an elected member of the first London School Board, representing the Tower Hamlets division from 1870 to 1882, in which capacity, as will shortly be seen, he had a close involvement in "industrial schools" for truancing and criminal boys. He was also one of the founders and the first treasurer of Milton Mount College,⁴⁷ a boarding school founded in 1871 at the instigation of the Rev. William Guest, a minister of the Congregational Church in Gravesend, to educate the daughters of Congregationalist ministers. Thomas the younger was the treasurer of the school from its foundation until 1889. At his instigation, a school magazine was started in 1874, supported by his undertaking to cover any loss in respect of the issue of the first 500 copies.

However, Thomas the younger's most lasting contribution to the field of education was to be made to Mill Hill School, which was

demise is recorded in the *London Gazette* for 19 November 1878, at p. 6239; founding the London Schools Swimming Club (*The Times*, 23 October 1882); and chairing the Local Marine Board for the Port of London (*The Times*, 26 September 1887).

⁴² Dale, pp. 646 and following.

⁴³ C.J. Montague, *Sixty Years of Waifdom: or, the Ragged Schools Movement in English History* (1969).

⁴⁴ 17 & 18 Vict. C86.

⁴⁵ *3rd Report of Inspectors of Reformatory Schools*, [2688] H.C. (1860), xxxv; *Returns of Aided or Supported Schools* H.C. 495 (1871), lvi.

⁴⁶ See for example the *Post Office London Directory* 1882, Part 3.

⁴⁷ For the following see Hilda Harwood, *The History of Milton Mount College* (1959).

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destined to owe its very existence to him.⁴⁸ In the 1860s, Mill Hill was heading for financial ruin, with a falling roll and rising debts, and the effects of a long period of misadministration.⁴⁹ A meeting of old boys at Radley’s Hotel held to consider the school’s plight led to the formation of a committee of six, with Thomas the younger at the fore.⁵⁰ It was resolved that the school should apply to the Court of Chancery to rearrange the trusts on which it was based and to appoint new trustees.

Support for the school was solicited from old pupils and influential persons felt to be sympathetic to the school’s ethos. A new trust was formed, with Thomas and his brother Alexander among the trustees. New capital of £9,635 was raised – nearly £430,000 in 2012 terms – £175 (£8,000 in 2012 terms) coming from Thomas himself. The old school closed in July 1869, and a new foundation opened on 7 October, with only thirty-four boys: the public were informed that the school had been “reconstituted . . . on the model of the great public schools of England and will be conducted on broad and liberal principles”.⁵¹

By 1873, there were 135 names on the school roll. It was not all smooth sailing thereafter – numbers continued to vary, and when the school hit the hundred mark again in September 1893, it was the third occasion on which Thomas the younger had seen the school pass the century during his period of association with it. But never again was the school’s existence threatened as it had been in 1866. In addition to over thirty years as treasurer, Thomas the younger was also a life governor and president of the Old Millhillians Club, and he endowed a writing prize. Writing in memoriam, the *Mill Hill Magazine* noted that

Mill Hill was his chief care. His thoughts were most with his old school, and his best powers were put forth in her service . . . For those . . . who knew and worked with him in days that seemed to be darkening towards failure, for those who felt the power of his indomitable purpose, when wheels were deep in mire and ways were choked with rock, there is a grateful sense of thanks that death should have passed him by till the times of trouble were over and the fair way reached again.⁵²

⁴⁸ See generally James and Braithwaite. ⁴⁹ James, p. 205 and following.

⁵⁰ Braithwaite, p. 79. ⁵¹ *The Times*, 24 July 1869.

⁵² *MHM*, 1896. To like effect, Hampden-Cook, p. 70: “an ever zealous and ever generous friend”.

1.4 The young T.E.

Such was the household into which T.E. was born in August 1856. He had one brother – Frederic Scrutton – who was born in 1859, two sisters dying in infancy. The Scrutton Papers contain a fascinating glimpse of the early T.E., in letters he wrote home to his parents when aged eight whilst staying with his mother’s family in Norwich (whether for a holiday or on a more permanent basis is not clear). Religion appears to have loomed large in his childhood: one letter to his mother records, “I went with Aunt to the Cathedral yesterday. I went in the morning to Alexander’s Chapel. In the evening I went to a chapel a little way down the road”.⁵³ Discipline was firm: in a letter sent a few days before, he informed his father, “I am not to run my hoop in the streets or in Donehan Road or else I shall be taken up and my hoop broken to pieces”.⁵⁴ And T.E.’s accumulation of prizes and relentless energy are evident in this early letter to his mother from the same period: “I have got a certificate. I went to Aunt Ruth’s on Saturday. I am getting on very well. I cannot write any more as I am in a hurry”.⁵⁵

T.E.’s early education came at a boarding preparatory school called The Wick in Hove, which he attended until 1870.⁵⁶ The school, located at Wick House in Furze Hill near Brighton, had been the site of an “academy for young gentlemen” from 1829 to 1833 which is said to have been the inspiration for Dr Blimber’s Academy in Charles Dickens’s *Dombey and Son*.⁵⁷ A school was restarted by the appropriately Dickensian Mr A.S. Creak M.A., Trinity College, Cambridge, who leased the building on 25 March 1864 and was proprietor–headmaster until 1886. An advertisement in *The Times* declared, “Boys prepared for the Universities, Army, Navy and other examinations. Junior Boys prepared for the Public Schools”.⁵⁸

Nothing is known of T.E.’s time there, save that this early exposure to a Trinity College man does not appear to have left any lasting animus to that institution.

⁵³ T.E. to “my dear Mama”, 15 January 1865, Scrutton Papers.

⁵⁴ T.E. to “my dear Papa”, 10 January 1865, Scrutton Papers.

⁵⁵ Undated letter to “my dear Mama”, Scrutton Papers.

⁵⁶ Hampden-Cook, p. 133. The 1871 census lists the fourteen-year-old T.E. as a “scholar” living at Mill Hill, Hendon.

⁵⁷ For this and following see Judy Middleton, *The Encyclopaedia of Hove and Portslade*, Vol. XV (2002), pp. 84–6.

⁵⁸ *The Times*, 16 September 1882.