Law reform, the root-cause of all political change in nineteenth-century Brit-
aain, required institutional change, policy redirections, and political forces capa-
ble of effecting it. With the judiciary in a most conservative mood about its need,
thanks to the lead given by Lord Chief Justice Ellenborough and Lord Chancel-
lor Eldon, law reform both necessitated parliamentary reform, and got caught 
up in the larger reform agenda of party politics. In this environment, it ran the 
risk of being either overlooked or an all-consuming concern, depending on the 
Government, spirit of the times, and political leadership. Henry Brougham, law 
reform's most persistent advocate, saw to its progress despite the Ministry, prior-
ities, and personalities of the day, a process which politicized the judiciary, in-
creased ministerial sensitivities, and undermined parliamentary support. By the 
time of Lord John Russell's Administration, law reform had become Parlia-
ment's primary concern despite the antipathy of Lord Chancellor Cottenham, 
the Whigs, and ministers to it, induced largely because of their hostility to now 
ex-Chancellor Brougham. The death of Cottenham merely compounded Rus-
sell's difficulties. The appointment of a reform-minded Chancellor would just 
weaken Government control of change still further, while a conservative judge 
on the Woolsack promised confrontation with Brougham and the forces he repre-

this institutional position, it was hardly surprising that Russell tried to complete as Prime Minister what he had started as Home Secretary under Lord Melbourne: to whittle away Brougham's power. The Criminal Law Commission, that Sir James Graham had revived during Peel's Administration from the ministerial tasks that Russell had delegated it, was finally ended despite Brougham's protests. Brougham was no longer invited to hear cases before the Privy Council. Russell tried to reduce Brougham's policy-making by setting a deadline upon proposals that the Commons would consider from the Lords, and by trying to accomplish more through the prerogative.

The trouble with Russell's efforts was that while they did produce some results, they did not eliminate Brougham's leadership role and potential. Brougham just redoubled his efforts to regain the initiative. No sooner had Russell appointed Wilde to the Woolsack than Brougham took his complaints of the Crown, Whigs, and Bench in law reform to the public. In two letters to Lord Denman which appeared in The Times, Brougham discussed their motives, organization, and qualifications in performing their role in most bitter terms. He was most opposed to Wilde's appointment, of course. In terms reminiscent of his criticism of Lord Lyndhurst on the Woolsack during Wellington's Administration when he did not suit his purposes, Brougham asked petulantly: 'What security shall we have against unfit men being placed at the head of the law, and at the head of the Lords, to preside over their appellate jurisdiction?' This was unfair to Wilde. While he, as an attorney, emphasized just those characteristics which were often lacking in Brougham's behavior — i.e., a total commitment to any evidence, argument, or procedure which would win his case — he too had been willing to defend unpopular clients like Queen Caroline, Daniel O'Connell, and Thomas Hansard. In fact, Wilde's strengths as a barrister had led Brougham to hire him in 1846 at the Westmorland Assizes to defend his title to Brougham Hall, the family residence near Penrith. Descendants of James Bird, from whom Brougham's great grand-uncle had bought the 'Bird's Nest', had tried to regain it _manu-forti_, but Wilde won the verdict by proving that Brougham's family had a clear title to it by continuous occupancy of over sixty years.

The thrust of Brougham's complaints, however, went far beyond the usual ones of a personal nature, based upon petty jealousy, as the support of The Times and The Morning Chronicle indicated. They essentially concerned how the Ministry was organized, inclined, and prepared to effect legal reform. As he wrote to the just-retired Lord Chief Justice, conditions were very bad, and were apt to get worse before they got better. The unacceptable character of this situa-

2. See his letter to the Chancellor of the Exchequer, offering £20,000 out of his own pocket to pay for its restoration: _House of Lords Sessional Papers, 1850_, vol. IX, p. 2.
3. Russell used Royal Commissions to try to effect reforms at Oxford and Cambridge, and to plan the Exhibition of 1851.
8. See its coverage of the difficulty, starting with the Sept. 13th issue.