ATTORNEYS AND CLIENTS
IN EIGHTEENTH-CENTURY CHESHIRE:
A STUDY IN RELATIONSHIPS, 1740-1785

By PHILIP AYLETT, M.A., M.Phil.

Our knowledge of the professions in seventeenth- and eighteenth-century England is steadily growing. Several recent studies have shown the importance of professional men—physicians, surgeons, clergymen, lawyers—in both London and provincial society.¹ The "lower branch" of the lawyers, the attorneys, have received a fair amount of attention, interest often centring on their role in finance and economic development.²

We, therefore, know much more than we once did about the lives of attorneys and their careers. There has also been one attempt to discover the social standing of their clients.³ Yet no detailed study has so far been made of the personal and professional relationships between individual attorneys and their clients. No one has examined in detail the changing fortunes of attorneys and whether these may be related to the fortunes of the men who employed them. Such an examination could reveal possible answers to some intriguing questions. Notably, there is the question whether prosperous men would employ one attorney or more. Did clients change their attorneys if they were dissatisfied

¹ Among the most notable are Geoffrey Holmes, *Augustan England: Professions, State and Society, 1680-1730* (1982); Noel and José Parry, *The Rise of the Medical Profession* (1976); Rosemary O'Day, *The English Clergy: the Emergence and Consolidation of a Profession 1558-1642* (Leicester 1979). Place of publication throughout this article is London except where otherwise stated. The author wishes to thank Dr. D.A. Farnie for important suggestions made during the research of which this article is a result, and Miss Glenise A. Matheson, Keeper of Manuscripts in the John Rylands University Library, and other members of the Library staff for invaluable assistance over many years.


with them? What divisions of labour, if any, existed among attorneys?

In order to try to answer some of these questions, this article traces the relationships between a small number of attorneys and some of their clients in Cheshire between 1740 and the end of the eighteenth century. It will outline some aspects of the market for legal services in this rural county, concentrating on landowners and their apparently complex and changing requirements.

The first attorney to be examined is James Tomkinson (d. 1794) of Nantwich and Dorfold, who appears in the pages of Dr. Davies's history of Cheshire agriculture in this period as a clever legal man who in the 1740s and 1750s used his position to build up a substantial rural estate. Acting as attorney to Roger Wilbraham, owner of a long-established estate at Dorfold (only a few miles from Nantwich), Tomkinson was urged in the mid-1740s to arrange a sale of the property. Tomkinson's tardiness spun the affair out for eight years, until in 1754 he purchased the estate himself. In the background was the increasingly difficult condition of Wilbraham's finances. Perhaps Wilbraham was among those affected by agricultural depression, but, whatever the reasons, it is clear that he was in a pitiable state. In a letter of 1745 to Tomkinson he asks for a bill of £100, requested two posts before, to be sent quickly for "I am likely to be in a pretty situation unless you can immediately assist me". Wilbraham had become involved financially with a local trader: "I am inform'd Mr. Mawkin the butcher is very ill. If he shou'd dye I am likely to loose a great deal of money by him. I beg you'l go to him and get me the best security you can for a Butcher's stock is a very moveable one".

The intimacy of the connection between Tomkinson and his client is revealed by the greeting "Dear James" at the beginning of the letter, but Wilbraham's desperation—a case of a disease endemic to 18th-century borrowers and lenders—is demonstrated by the language, with its use of words like "beg". The impres-

sion is that “James” had the upper hand, both personally and professionally, over his landed client. The lowly level at which Tomkinson worked—seeking security for loans to insolvent butchers—is also interesting, especially when contrasted with his later pretensions.

Within a year Wilbraham’s situation had deteriorated. Writing to Tomkinson from London in November 1746,7 he discussed the paying-off of a mortgage on his estate, held by a Mr. Clarke, and asked “I shall be the most miserable creature alive ... I am quite tire’d out with the thoughts of paying interest for so large a sum and having so small an income and therefore beg if you can find any one that will purchase, you’ll make them an offer for I am determin’d to sell it all”.

Another letter beginning “Dear James” contains the familiar Wilbraham vocabulary of supplication, culminating in a request to arrange the sale of an estate—a further twist in a downward spiral. At about this time Wilbraham requested Tomkinson to provide a “particular” to be given to potential purchasers of an estate. Just a month later, still in London, Wilbraham wrote in a different, accusing tone to his attorney Tomkinson8: “I have every day been in hopes of receiving an answer to my last with the particular of my Estate and am sorry to find that that indolence that I so often have accus’d you of still remains”, suggesting that Tomkinson’s tardy response to his client’s requests was no new phenomenon. Indolence was again the underlying accusation in a letter from Wilbraham to Tomkinson written in February 1746/79: “I wish you wou’d write to Mr Mills of Leek about the selling of my Estate, as he is concern’d for Mr Anson and many more rich persons in that part of the world. I shou’d think him a very likely person to get me a purchaser”.

Here Wilbraham was in a sense telling Tomkinson how to do his job, for “Mr Mills of Leek” was undoubtedly the attorney William Mills, admitted under a 1729 Act,10 and the sort of professional contact Tomkinson may have been expected to consult as a matter of course. Wilbraham’s anxiety is revealed by the suggestion that the search for a purchaser should extend as

7 Ibid., Roger Wilbraham to James Tomkinson, 18 November 1746.
8 Ibid., the same to the same, 20 December 1746.
9 Ibid., the same to the same, 12 February 1746/7.
10 2 Geo.II.c.23, An Act for the better Regulation of Attornies and Solicitors.
far as Leek, over twenty miles away in the Pennine foothills. Wilbraham obviously considered that a local buyer might be hard to find. But perhaps of greater importance is the assumption that attorneys would engage in estate agency. In this part of Cheshire and Staffordshire, at least, the gentry clearly expected their attorneys to exchange information about the land market among themselves. With their widespread, and sometimes national, contacts attorneys seem to have provided information like this on a regular basis, and perhaps they acted as the major channel of communication within the property market. Needless to say, this could give them added power over their clients, especially when they were as feckless or as unlucky as Roger Wilbraham.

Tomkinson’s influence over Wilbraham increased in June 1747 when the improverished landowner directed “James” to receive the rents of his Cheshire estate. In March 1747/8 Tomkinson was still refusing to hasten the execution of Wilbraham’s business. This time the latter adopted a more coaxing tone when his anxiety impelled him to write. “Dear James, I have been thus long silent, imagining that the business of the Assizes, had engross’d your whole time, but as the time now grows nigh, that I fix’d for the payment of Clarke’s interest, I thought proper to remind you of it, that the money may be got ready.” This mild hint of inefficiency in the attorney was amplified the following month when Wilbraham wrote to Tomkinson that “to be plagued to death about interest (when if proper measures were taken I have enough to pay everybody and to live comfortably) is the Devil; therefore hope you’ll not fail to enquire which of the Tennants will buy their Leases, and those that won’t to look out for other purchasers”.

“Interest”, a plague that brought many eighteenth-century landowners into prolonged and painful contact with money-scriveners and attorneys, had infected Wilbraham severely. Wilbraham was probably in debt to Tomkinson, and the complexity of the situation was increased by the unsettling thought, expressed here, that the attorney was not being energetic enough in trying to unburden his client of his commitments.
Wilbraham, writing from London, seems to have been in no position to speed his agent’s leisurely progress. Soon, he concluded that he had found the answer to Tomkinson’s dilatory behaviour. He wrote to him from London in the late spring of 1748:15 “you undertake more business than it is possible for any one man to do”. Apart from suggesting that this eighteenth-century attorney at least had a one-man practice, this note indicates that Tomkinson may have been more than usually eager for work, whether at the Assizes or in the humbler business of encouraging tenants to buy up their leases. Or was it simply that Wilbraham misunderstood Tomkinson’s motives altogether? Was Tomkinson deliberately driving his client into debt in order to collect his estate at a good price? The evidence of the 1754 purchase suggests that he might have been. There was certainly nothing inherently problematical about the finances of the Dorfold estate, for it stayed firmly and soundly in the Tomkinson family for ninety years, until a marriage with the Tollemaches merged the lands with the property of that important local dynasty.16 The outlines of the story look clear: the established gentry squeezed out by the clever rapacity of the rising professional, who makes himself in turn a gentleman.

Yet this sketch would not be entirely fair. There are one or two signs that, despite the county’s large numbers of attorneys, this Cheshire lawyer at least was genuinely overworked. Letters from one Samuel Jackson in the summer of 1745 suggest that Tomkinson was behind with his work for another client. One letter, written from Garsington in distant Oxfordshire, showed Jackson’s concern at Tomkinson’s slowness in arranging a land purchase,17 while another, from Jackson at Stisted in Essex,18 begins: “I was in hopes of hearing from you before now, according to yr. promise to Mr Maddock. My going to London is deferr’d this week on that account, because I would willingly be there, will you send ye Bills and Assignment”. Working at such distances must have put a strain on Tomkinson’s resources, and, if there were a number of similar clients, it would not be surprising

16 Davies, op. cit., p. 16.
17 J.R.U.L., R.M., Samuel Jackson to James Tomkinson, 22 July 1745. The purchase seems to have concerned part of Wilbraham’s estate, however.
18 Ibid., the same to the same, 14 June 1745.
that Wilbraham felt himself neglected—although that surely cannot explain the whole of the eight-year hiatus before the 1754 purchase of Dorfold.

There is, however, one truly positive sign in Tomkinson’s favour, one which shows how well-integrated the attorney could become into the life of the country landowner. In Tomkinson’s will, dated 24 February 1755,19 it is noted that, under a recent agreement, Roger Wilbraham, now the former owner of Dorfold, receives an annual sum of £140, the payment to continue until the end of Wilbraham’s life. The generosity of the annuity is shown by comparing it with Tomkinson’s provision of an annual payment to his wife of just £150 after his death. Clearly a man who appreciated fine distinctions, Tomkinson thus made good provision for his “worthy friend” Roger Wilbraham.

Whether Tomkinson’s business during the 1740s reveals him as unscrupulous, overworked, or both, it demonstrates clearly the enthusiasm with which he took on work over a wide range, from transactions at the Assizes to acting as steward on a local estate, from estate agency to conveyancing for a distant or travelling client like Samuel Jackson. The keen attorney could attract to himself a tremendous variety of business, even in a well-attorneyed county like Cheshire. As the later parts of this account make clear, the centre of Tomkinson’s business remained in rural Cheshire, despite an increase in the sophistication of his practice and the inevitable cachet conferred by the landed status he had achieved in 1754. Among his later important clients were the Egertons of Tatton near Knutsford, and his relations with that family will be discussed below.

But James was not the only Tomkinson to serve the Egertons. His nephew William also numbered them among his clients—although, strangely enough, before uncle James came to their service. The next section begins with a discussion of the relations between the Egertons—Cheshire gentry of moderate but growing prosperity—and their varied legal advisors. It shows that there was a degree of competitiveness, fluidity and mobility in the relations between attorney and client in this rural area.

On the other hand, the evidence presented has also shown that the Egertons, with assistance from their attorneys, came to invest in projects that would eventually lead them away from a

19 Ibid., Residuary Papers of James Tomkinson.
dependence on landowning for their income, the Bridgewater Canal being the prime example. The attorneys described here acted as agents of economic advance, although it is difficult to see them as entrepreneurs or the instigators of such advance.

The Egertons, the Tomkinson and other attorneys, 1745-1800

In 1740 the Egertons of Tatton were a fairly ordinary family of Cheshire gentry. Their finances were, under Samuel Egerton (1711-1780), lord of the manor from 1738, recovering slowly from a desperate period in the mid-1730s. Tatton Park (now a National Trust property with about 1000 acres of open parkland) was in 1740 an agricultural township with its farms tenanted, trees lining the lanes and arable farming going on. It had its own Court Baron where agricultural neglect was punished by a fine of 3s. 4d., and there was a fair amount of land changing hands.

These land transactions probably attracted other local attorneys, apart from those who regularly worked for the Egertons, for the township was not completely owned by that family until well after the mid-century and many people from neighbouring townships held land under leases from the Lords of the Manor. To serve the needs of this apparently lively land market and the area’s other business, Knutsford, just on Tatton’s southern boundary, had a respectable number of attorneys. There were five there in 1730, according to Parliamentary Lists:20 John Birch, Thomas Jackson, Jonathan Vernon, Ralph Kinsey and Samuel Wright, described in one list as “late of Clifford’s Inn”.

Samuel Wright (1709?-1791) was, like James Tomkinson, founder of a small dynasty of attorneys. Two of his sons, and at least one of his grandsons, engaged in the same profession.21 Documents from the later 1740s, when Samuel Egerton first began to show signs of having more money to spend, prove that Wright was acting as Egerton’s agent. In a letter to Egerton in London on 30 April 174622 Wright told his client that he had “drawn up an

20 Lists of Attornies and Solicitors admitted in pursuance of the late Act for the better Regulation of Attornies and Solicitors: presented to the House of Commons (1729-30).

21 Law Lists of 1802 and 1820. Information on the Wright family was kindly provided by Mrs. Joan Leach.

account of the arrears now due to you after a deduction of the tenants disbursements for the year 1745 and they amount to £650. ... I shall this afternoon deliver to Thos. Toft a list of the small rents in arrear and collect the larger myself with all possible expedition so as to bring as many as may be into my account."

This is a fairly typical description of the work of the attorney/land agent: the organisation of the collection of rents, the arrear, the temporarily absent landlord, though the size of the arrear does stand out. £650 on an estate that did not extend much further than Tatton itself was indeed a considerable sum. The tedium of the work must have been great. Whether Wright’s toil was worthwhile it is difficult to say, but we do have clear proof that within a year his fellow attorney William Tomkinson was acting as Egerton’s agent, while Wright’s star showed itself as distinctly on the wane. It may have been that there was a period when Egerton used Wright to collect rents in outlying areas and Knutsford itself, while employing Tomkinson in Tatton, but any overlap must have been brief. By 14 March 1746/7 Tomkinson seemed well in command of the situation, as he wrote to Egerton at Tatton: 23

“Sir, I had the Honour of your most kind letter by the last post, which after reading 2 or 3 times with great satisfaction, I burnt according to your directions and am very glad my conduct in that very nice affair met with your approbation”. Already, near the beginning of his employment by Egerton, Tomkinson was being entrusted with delicate confidential assignments. It is difficult to be certain what sort of “nice affair” Tomkinson refers to, but it is clear that his conduct of it earned praise. Approval was something that Tomkinson constantly sought from his client, and, as the evidence below makes clear, he seems usually to have gained it, and the consequent, useful, business contacts.

The uncertainty about the succession of Tomkinson to Wright as Egerton’s agent points up the complexity of the relationship between client and attorney. Although Tatton was by no means a large or very prosperous estate, it did attract two attorneys, neither of them, as we shall see, without fertile contacts elsewhere to provide them with work, but both of them apparently keen to do well for Egerton. Although Wright may have withdrawn voluntarily from his work for Egerton, it seems likely that Egerton actually preferred Tomkinson and was prepared to encourage him

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23 Ibid., 1/1/153, William Tomkinson to Samuel Egerton, 14 March 1746 7.
to take the place of Wright. The tone of the correspondence between Wright and Egerton seems much less warm than that between Tomkinson and Egerton, with Wright's letter of 30 April 1746 starting with the bald, formal "In answer to yours of the 26th I have drawn up an account", while Tomkinson was more garrulous as well as more enthusiastic, with the relaxed "You'll please to let me know your sentiments and give me your directions on this head", and thoughtfully expressing his hope that Egerton's acting as a Commissioner (in what connection it is not clear) will not hasten him in any shape.

If such letters are an accurate guide, then it is likely that Tomkinson was trying hard to displace Wright as Egerton's agent and adviser—and, more important, that Egerton was willing to change. Competition of a primitive kind seems to have existed between these rural legal practitioners, with differences between the approaches of various lawyers being made obvious to their clients, and perhaps even determining their choice. Evidence is presented below which suggests that the Egertons became more and more sophisticated in their employment of legal professionals as their interests grew in complexity and as they became more prosperous. What is significant is that in the 1740s they were still just plain gentry—representative of perhaps several thousands throughout the country—who had nevertheless a choice in legal and estate matters and seem to have exercised it freely. On the other hand, the case of Roger Wilbraham may illustrate the plight of those—perhaps just as well-established in the gentry’s ranks—who were forced by mortgages or other loan debts to remain attached to just one attorney when the market may have offered them apparent alternatives. In this sense the market for legal services could be very imperfect. If, like Wilbraham, the Egertons suffered from agricultural depression, the picture would be even more interesting. Did the years, some of them hard ones, between 1730 and 1750, strengthen the position of attorneys, both as the chief local channel for loans and the agents for many estates? Or did attorneys more often than not temporarily help out their troubled clients, preventing total ruin by calling on funds from more prosperous estates? The pattern of relations between the apparently simple country attorney and his landed clients reveals itself in this instance as complex, intriguing and contradictory.

24 Ibid., 1/1/153, the same to the same, 14 March 1746/7.
William Tomkinson had a very shrewd idea of how to use his landed connections to maximum advantage, and, in these obviously important years of 1745 and 1746, he was moving with apparent smoothness into another worthwhile position within the Egertons’ patronage—the Stewardship of the Bucklow Hundred Court. Holding the Court on a lease from the Crown, the Egertons perhaps did not take it very seriously as a revenue earner or even as a sign of their influence in the area of north and mid-Cheshire which it covered. Yet the Court had its uses, for ordinary men occasionally, for attorneys much more regularly. Significantly, it was the attorney Samuel Wright who held the Stewardship under the Egerton lease in early 1745/6, and William Tomkinson who succeeded him later that year. Thus the apparent legal rivalry of Tatton was extended, with the Egerton influence still strong, into the slightly wider world of the Bucklow Court, with the same triumphant result for Tomkinson.

The Bucklow Court was, like all its equivalents, only competent to try causes worth less than forty shillings. On the first two pages of the 1745/6 section of the Court Book there is the “Table of fees incident due to the Court or allowed thereby...”. The payments range from the 2d. a mile paid to witnesses through 1s. 8d. for an attorney’s retaining fee, to 2s. Od. due to the Steward for a replevin, by which chattels wrongfully distrained were returned to an owner. These small emoluments seem hardly worth the trouble they may have caused, but an attorney in his early years may have found himself able to put together a living from such insignificant sums, like Plumbe of Liverpool. In the Bucklow Court in the 1740s the attorney could appear not only as a representative but also, of course, as Steward, and this no doubt increased its attractions for the mid-Cheshire legal profession. “Birch”—presumably John Birch of Knutsford,—“Hollins”,—perhaps a future agent of Samuel Egerton (see p. 354 below)—and “Cooke” were attorneys involved in causes in Bucklow Court in March 1745/6,

26 John Plumbe (1670-1763) is one of the best-documented of England’s attorneys in this era, and certainly began his career with small fees before achieving a lucrative reputation (Philip Aylett, “The Distribution and Function of Attorneys in the Eighteenth Century, with Special Reference to North-West England” (University of Manchester M.Phil. thesis, 1984), ch. 6).
with the unidentified Cooke appearing for John Coppock, who complained against George Ashley in a plea of trespass on the case "to the damage of 39s."—the usual figure, pitched just below the limit of the Court's competence. This cause unusually brought in another attorney, as the Court Book records:—"13 March 1745. Defendant appear'd by Mr Baxter and confess'd Judgment and Damages 26s. Od. Costs 2d.". "Mr Baxter" is probably to be identified with Robert Baxter of Chester, who was also an attorney of the Great Sessions for the Counties of Flint and Denbigh and a member of an attorney family. On the same day in Bucklow Court, Baxter also appeared for George Ashley in a similar plea of trespass on the case, this time against John Cooke. The outcome was even worse. In this case Ashley confessed judgement and suffered the full rigour of the Bucklow Court thirty nine shillings damages. Presumably Baxter claimed his own fees and expenses, and if he had journeyed from Chester the bill would have been substantial. Ashley must have believed it worth his while to employ Baxter simply to mitigate the severity of the damages, but in one case, at least, the attorney had no effect at all. That Ashley thought the employment of an attorney in this case worth the trouble and expense suggests that there could be a demand for legal professionals even in small actions, and that the demand could make itself felt over quite a wide area of a rural county.

Perhaps we should not be too surprised by Baxter's employment in the Bucklow Court, for there is some evidence that local men found it useful. Firstly, the Court met regularly—every three weeks, according to the custom—so the criticism of the "law's delays" could not be justifiably levelled at it. Secondly, it may well have been a fairly inexpensive way to settle minor disputes. The examples of Salford and Wirral Hundred Courts, both active and vigorous into the nineteenth century,²⁷ show that the north west, including the industrialising areas, was a region where such old legal forms were being used with success. It was cases like that of Allen Booth, complainant against John Yarwood in a Plea of Debt of £1.15 Od. on 14 April 1746, that formed the backbone of the business of the Bucklow Court and gave it its raison d'être, especially in a period when debt was so much a fact of life in communities both sophisticated and simple. According to returns

²⁷ Sidney and Beatrice Webb, The Manor and the Borough (1908), i. 52, 61.
made in 1839, the network of Hundred Courts was extremely patchy,\textsuperscript{28} so it would be unwise to generalise about the effects they may have had on the legal profession across England and Wales, but it is interesting that many of the courts listed as surviving into the nineteenth century were in precisely those counties in which attorneys were numerous in the eighteenth, Gloucestershire and Somerset in particular. Whether the courts simply reflect the litigiousness of the inhabitants or the rapacity of the lawyers, it is difficult to say. Certainly in the Bucklow Courts there are signs that the attorneys themselves played a large part in keeping the tribunal alive when there was little real business to transact. Some meetings in 1746, for instance, saw no causes tried at all, while on 18 September 1746, the first meeting under the Stewardship of William Tomkinson, the Court was graced by a twelve-man jury to hear a solitary case, a plea of debt for ten shillings. No decision was taken by the expanded tribunal, and the whole day must have seemed remarkably pointless to the neutral observer. It seems at least possible that the newly-established Steward was keen to assemble the jury to demonstrate his broad contacts in the Bucklow area and his grasp of court keeping, rather than to carry out justice more effectively.

Yet one should beware of cynically assuming that Tomkinson’s public-relations exercise suggests that he was touting for business in his new Court. Rather the reverse is the case, for it would not have seemed possible for Tomkinson to build up a responsible position as agent to Samuel Egerton while at the same time stirring up dissension among those who may have been Egerton tenants. The court was probably an instrument through which he could build up useful contacts rather than a goldmine of legal fees. Certainly there was no great increase in the number of cases after Tomkinson took over the running of the Court, and, as we shall see, he was evidently above all keen to ingratiate himself with Samuel Egerton. Selfish legal entrepreneurship in Bucklow Court would not have helped him in that attempt.

In the later 1740s Tomkinson set about the tasks associated with his work as an agent for Samuel Egerton. In 1748 and 1749 he was at Strines Hall, near New Mills in Derbyshire, checking on building and fencing for Egerton,\textsuperscript{29} work apparently connected

\textsuperscript{28} Ibid., i. 62n.

with the family’s increasingly expansionist plans. In fact, the links between Tomkinson’s employment and the Egertons’ desire to acquire more land and influence are fairly clear, with these years of the later 1740s seeing the first signs that the family were setting the machinery of expansion in motion. The chief inspiration for the moves probably originated about 1748 with the arrival at Tatton of Francis, 3rd Duke of Bridgewater, Samuel Egerton’s cousin.

Born in 1736, Francis Egerton succeeded to his title aged eleven and came into the Tatton household with other influences—those of the Duke of Bedford and Earl Gower, both relations—trailing in his wake. The effect of the connection on Francis Egerton has been outlined by Malet, but there must have been some influence the other way as well. A modest Cheshire squire, Samuel found himself moving in higher circles than ever before, and involved closely in the administration of the extensive Bridgewater lands in twelve counties. It would hardly be surprising if Samuel were to have ideas above his current station in life, and to become an even more sought-after client for an ambitious attorney.

Underpinning Egerton’s new Bridgewater connections was almost certainly the financial backing provided by Samuel Hill. Hill (1690/1-1758) was Egerton’s uncle and seems likely to have possessed enough money to give him considerable support during the 1740s, although it is not known precisely how and when it was provided. Certainly there is evidence that the young Egerton, who inherited an improverished estate in 1738, was relying on Hill to overcome the difficulties of the 1730s, and there is no doubt that even in 1755, when Samuel Egerton was himself a prosperous forty-four-year old, he was keen to have Hill’s advice and funding for some major land purchases.

Hill’s background is interesting in a number of ways and two of these are important to our understanding of the attorney in the eighteenth century. First, he was one of that large band of English gentry who had experience of life in the Inns of Court, in Hill’s case the Inner Temple. This, along with his other experiences, enabled him to understand a great deal about lending against

30 Hugh Malet, Bridgewater, the Canal Duke, 1736-1803 (Manchester, 1977), pp. 4-6.
32 Manchester Central Library, Egerton Family Deeds, passim.
mortgage and investing in the stocks, and to hold down the office of Registrar of the Court of Admiralty and of the Court of Appeals for Prizes. An M.P. as well as an owner of extensive lands, Hill made the most of a large inheritance from his own uncle, Richard Hill, and it is clear that his legal background was a distinct advantage to him. So, at the base of the Egerton expansion of the mid-eighteenth century there was legal expertise, even if not of a professional kind (although Hill spent something like seven years in the Temple, he does not appear to have been called to the Bar). If it be considered typical of many other connections in the eighteenth century, this Hill-Egerton link suggests how important law could be to the landed classes, and how much of the classes' legal advice might have come from outside the professional ranks. The network of qualified attorneys was certainly supplemented for the poor by "hedge" solicitors, but the informal and strictly unqualified legal knowledge of men like Hill may have been just as important to society's higher echelons. All in all, the evidence points more and more to practitioners in law, formal and informal, having occupied a crucial place in eighteenth-century English society affecting the lives of every class of men to an extent that has not yet been fully appreciated.

The second interesting aspect of Hill's involvement with Samuel Egerton and his apparent financing of part of the family's expansion is the source of his prosperity. Hill moved in sophisticated financial circles. Lending on mortgage to members of the nobility, holding stocks in a variety of companies and at the same time receiving rents from properties in Staffordshire and Shropshire, he maintained all his life a well-balanced portfolio. Compared with him his Egerton relations lived dangerously, relying on rural rents and learning, it would seem, very little from the chance, provided by Hill, to gain a solid background in trade.


34 The kerseymaker David Greenwood acted as hedge solicitor to the famous Yorkshire coiner David Hartley in the 1760s (John Styles, "'Our traitorous money makers': the Yorkshire coiners and the law, 1760-83" in John Brewer and John Styles (eds.), An Ungovernable People (1980), p. 219).

Several times between 1715 and 1755 an Egerton felt the need to apply to Hill for financial support, John Egerton (1679-1724) while building his new Tatton Hall being the first.\textsuperscript{36} Despite the central position of land in the eighteenth-century social scene, it sometimes needed buttressing like this from metropolitan and even cosmopolitan sources to keep country estates viable. Hill’s support for Tatton and his relations was made possible by his superior financial organisation, partly indeed the result of the size of his inheritance from Richard Hill, but partly also the result of his good spread of investments, in which land played an important but not dominating role. It was this that separated Samuel Hill from his Cheshire relations in the early part of the eighteenth century, although later on, importantly, the Egertons learned to diversify their investments, and acquired the means to do so. In the major study of public credit in the early years of the eighteenth-century, P. G. M. Dickson has shown how few landed and provincial men owned significant or even small amounts of stock in Government or related debt.\textsuperscript{37} Later developments—the growth of canals, turnpikes and so on—were a much more provincial phenomenon.\textsuperscript{38} In the history of the Egertons the new investment opportunities opened up by the development of the transport infrastructure play an important role. In this sense the Egertons may be characteristic of many other provincial families for whom diversification of investments might mean greater security of income. For the attorney, whose fortunes were, as we have seen, so firmly attached to the health of the landed interest, the development of these new outlets for funds could be of great importance, bringing a welcome variety of new work. The Egerton attorneys certainly seem to have benefited from the canal boom, and that is more than a little appropriate, for it was Samuel Egerton’s ward, the 3rd Duke of Bridgewater, who received, and continues to receive, much of the credit for the growth of inland navigation.

By 1752, at the latest, there is clear evidence that William Tomkinson was making the most of the opportunity of working for Samuel Egerton, both in expanding his interests in landed property and in cultivating the Duke’s valuable business. One

letter in particular, written to Egerton in 1752, shows how Tomkinson's mind was working. At this time the Duke was sixteen and still very much under the tutelage of Samuel Egerton, who had evidently just returned to London after a trip to see the Duke of Bedford. Tomkinson, writing from his home in Knutsford, begins: "Hon'd Sir, I am much obliged to you for the favour of your letter from Dunstable and am very glad you had so pleasant a time at Woburn and that you were unanimous with respect to your ward. Unanimity in council is not only a very pleasant circumstance but gives strength to any resolution. And I hope the measures intended for his Grace to pursue will answer your designs, and I am very certain, that if they do, they will turn out to his honour and advantage and your credit and satisfaction. I will take care of making up the waste at Turn Meir properly which Geo. Potter will begin upon on Tuesday morning next. The weather is now good and all your hay will be got out of the meadow by the walk this morning and in extream good condition".

The breathless enthusiasm of Tomkinson, the desire to succeed in every aspect of agency work, is hard to miss in these sentences. The grave family adviser, the philosophical solicitor with the florid style, is nicely mixed with the down-to-earth steward, checking on haymaking and developments around a little lake in Tatton Park (Turn Meir). Further down the letter again mixes the significant with the routine aspects of an attorney's work: "I will also take care to provide paint and get your mails [sic] painted as you desire and will endeavour to compleat the purchase of Dolly's share and Mr Vernon's...". The "Dolly" here referred to was Dorothy Heatley, who had a fifth share in Tatton Old Hall and part of the manor's demesne lands and who assigned the share to Egerton in 1753. This hints at the buying-up by Samuel Egerton of large parts of Tatton, a process that continued throughout the 1750s and 1760s and led to the establishment of the present extensive park at Tatton, now owned by the National Trust, who took it over in 1958. The expansion of Tatton was only just beginning in 1752, and Tomkinson was very much part of it. However, there were doubts about his integrity. In a comma-less continuation of an already lengthy sentence, Tomkinson tried to calm fears about his

involvement with "Dolly" and "Vernon" in this matter: "[I] will do all I possibly can to effect it without any regard to any considerations of any of the partys, for I never had nor will have any attachments that could interfere with your inclinations or interest that I would put in competition with 'em or would not give up without a moment's hesitation".

A sentence like this does not suggest that Tomkinson felt himself to be above suspicion in his dealings with Samuel Egerton. The old criticism that attorneys represented both sides of a case to their own great advantage seemed to be very much alive, and Tomkinson does a wordy and unconvincing job in his attempts to calm his client. It seems fairly clear that he was or had been acting for both purchaser and vendor in this matter, and that Egerton or someone close to him was not happy about that. Yet the problem was overcome, and Tomkinson continued to act for Egerton in all sorts of business. The need to begin the alterations at Tatton was paramount, certainly stronger than any of Egerton's doubts about Tomkinson's honesty. The letter of 18 July 1752 also contained more clear evidence of Egerton's desire to reclaim his park: "No inconvenience can arise about your proceedings for a forfeiture of the Parks by your absence, for if the ejectment is serv'd by the last day of this month it will be quite in time and you will I imagine be with us in that time, which, however, I should be glad to know, for, if not, it may be serv'd after the Assizes ...". The "ejectment" is known in law as an ejectio firmae, in effect a trial of the question of title to land. "The Parks" refers probably to the area close to the present Tatton Hall, the area that was the first object of Samuel Egerton's expansionist zeal. The anxiety of Tomkinson to get this right clearly demonstrates the importance of the reclamation of Tatton to Egerton and to his careful attorney.

Within a few lines, however, the letter again turns to the real motivation for both Tomkinson's obsequiousness and, perhaps, Egerton's expansionism—the Duke. "As I have the honour of being employed for the Duke of Bridgwater I shall be much obliged to you if you would present my most humble duty to his Grace and that I am glad to hear he got well to Woburn, etc. And I take this opportunity of thanking you for the honour you did me in bringing me so noble a guest".

At last the letter's tone is completely explained. The thankfulness of Tomkinson, well-connected professionally but practising in a small country town, to the client whose fortunate
family links have delivered him "so noble a guest", is evident. His gratitude almost spills over into mawkishness as the "honours" mount up. The importance of family connections to the eighteenth-century legal man is well demonstrated, as well as the way in which recommendation—so significant to a profession which was not allowed to advertise—played the crucial role. What Perkin has called "a personal system of recruitment"\(^4^0\) worked for attorneys as it did for other men. It is important to stress, however, that the connections were not simply through families. Although Tomkinson benefited from the strong legal background provided by his uncle James, he would not have succeeded with Samuel Egerton if he had not been competent, and perhaps notably more able than the man he seems to have replaced, Samuel Wright. It may well be that Tomkinson's eagerness was better suited to the expansionism of the Egertons in the late 1740s than Wright's more low-key personality. Nor was the letter of 18 July 1752 mere fawning. It showed Tomkinson to be efficient and articulate in his work as well as adept in the use of florid language. No doubt he deserved Egerton's encouragement.

The geographical distribution of the Tomkinson interest clearly shows that James Tomkinson also had confidence in his nephew. He was happy to let William fend for himself twenty miles away, without using any of the Nantwich connections already in existence. Perhaps, too, James considered it prudent to have such a shrewd and determined potential competitor well out of his sphere of influence!

To compare the Tomkinsons at this time—the years between 1750 and 1755—is to see very clearly how adaptable the successful eighteenth-century attorney could be. For both uncle and nephew were doing very well in totally different situations. While James played the impoverished Roger Wilbraham on a long line, waiting, it seems, for the chance to pick up the Dorfold estate, William, with equal effect, was adopting the enthusiasms of the increasingly prosperous and expansive Samuel Egerton and gratefully accepting the opportunity to work for the wealthy Duke of Bridgewater (although it is only fair to point out that Tomkinson was not the only attorney acting for the Bridgewater estate at that time). Thus, two related attorneys working in the

same county could take two very different routes to success, personal and professional. Perhaps it was this adaptability above all that enabled attorneys to survive in roughly static numbers in familiar places while the society and economy around them changed so quickly between the early eighteenth century and the beginning of the nineteenth. Whatever came along, the able attorney could make good use of it—that was very important to his success.

In the mid-1750s, the rate of change in the Egerton estates increased again, and again William Tomkinson responded to the challenge. At Tatton the purchase of leases went on at a steady pace. Tomkinson was involved as a witness to transfer deeds, and certainly drew up some of the documents concerned with these measures of repossession. More important, he continued to act as agent to Egerton in day-to-day matters as the township gradually altered from an agricultural area to an extensive park. Demonstrating his activities at this time is a list of payments, inscribed in his neat hand and relating to the period from 13 September 1755 to 8 November 1756.41 A typical entry runs:

“Paid William Grundy his bill for making cloaths for Thomas Hough by Mr Egertons Order... 16s. 2½d.”

and another:

“Paid John Toft, carpenter, his bill... £3 11s. 9d.”

Yet among these mundane bills, the bills for smiths and bricklayers, there are much more significant entries, like this for 7 June 1756:

“Paid Mr Vernon on account of the consideration for the purchase of his interest in two tenements in Tatton... £20.”

This, a likely reference to the purchase mentioned in the 1752 letter quoted above, shows a small aspect of the whole process of change in Tatton. Another comparable entry (which may refer to similar proceedings outside Tatton) reads:

“June 18 1756. Allowed him [John Bennett] for improvments and as a recompense for quitting this farm before the term expired, £42 19s. 0d.”

The Tatton miller John Babington was leaving his mill early as part of the Tatton changes, and on 29 June he, too, received some recompense:

“Allowed him out of the rent for the last years on his quitting the mill before the year expired... £10 15s. 0d.”

Clearly Tomkinson played an important part in the execution of this gentle transformation of the Tatton landscape, in which good relations seen generally to have been maintained between landlord and tenants.

In the most interesting entry of all, Samuel Wright makes another appearance, this time on the other side of the fence:

“July 16 1756, paid Mr Wright Mr Egerton’s purchase money for the Old Hall and part of the Tatton demesne after deducting £400 I before paid to Mr Heatley and Mr John Egerton for their shares thereof... £400”.

Wright here is acting probably for Edmund Harrison, son of Samuel Harrison who leased Tatton Old Hall in the 1730s, and Heatley and John Egerton (not a close relative of Samuel) were also shareholders of the Old Hall lease. The complexity of the letting was a lawyer’s delight, and so presumably was this process of untangling. Both Wright and the man who appears to have supplanted him must have benefited from these transactions, and they also worked together just a month later when an elaborate chief rent fell due: “August 14, paid Mr Wright 5 yrs. chief rent due to Nathaniel Booth, Esquire, as grantee under the Crown of the lands, etc. formerly belonging to the late Priory of St John of Jerusalem to the present year... 16s. 8d.”.

Such new business also made room for a primitive division of labour among the Knutsford attorneys. Tomkinson seemed to be working informally among the Tatton tenants, arranging for their terms to be ended by agreement for small sums, without the tenants being represented by an agent. Wright, on the other hand, came in when large tenants and large sums were involved, lending formality to the proceedings and balancing Tomkinson’s agency for Egerton. No doubt differences like this could be discerned in series of land transactions from all over the country in the eighteenth century—some areas being more prone to the informal transaction requiring just one attorney, some areas seeing more of the formal, expensive land transfer demanding legal support on both sides. A full analysis of the distribution evidence for attorneys available for the period might reveal a significant relationship between areas where land transactions, perhaps tending to be smaller, could be handled with relative informality by, say, the landlord’s attorney, and areas where attorney
numbers were low. Although that speculative notion could not be proved in the compass of this study, one thing does emerge with certainty: attorneys, both in courts and, as we have seen, in land transactions, were used patchily in rural England. Quite often their services could be dispensed with by one side or another, especially where the employment of a professional was unnecessarily expensive or troublesome. While the market for legal services was clearly a big one in rural England in the eighteenth century, it had its limits. The demand for professional services in the law was diminished both by the extent of “amateur” legal knowledge—like that of Samuel Hill—and, perhaps, by the reputation for pettifogging acquired by a number of attorneys.

Tomkinson seems to have avoided acquiring such a reputation, at least from his important client Egerton. Samuel was even prepared to take him on as a full time agent, as this entry shows:

“November 6 1756. By my sallary for the year 1755 £20.”

Employed by Samuel Egerton and, in all likelihood, by the Duke of Bridgewater, William Tomkinson appears to have been doing very well by the mid-1750s. He was also keeping up his important connections with his uncle James, or so it would seem from this entry for the same date as the above:

“Paid my Uncle by him paid to Mr Sandby and others for you as by account, £8 0s. 1d.”

Small sums like this were usefully paid in the attorney network in the eighteenth century, and the fact that the other attorney was Tomkinson’s uncle no doubt made things even easier. The family connection was useful, but it was only helpful to an attorney’s career if he was able as well as well-connected.

Not surprisingly the success of William Tomkinson was challenged by competitors eager to associate themselves with the Bridgewater-Egerton interest. One such was another attorney, Nicholas Kent of Clifford’s Inn in London, who wrote to Samuel Egerton on a number of matters during the mid-1750s. Kent’s letters suggest that he either had worked or wished to work for Bridgewater and the Egertons, and he reveals himself as jealous of what appears to have been the joint employment of James and William Tomkinson for Bridgewater, at his pocket borough of Brackley in Northamptonshire. One letter begins with Kent’s hearty congratulations to Samuel Egerton, who had just been

elected an M.P., which I was yesterday informed of not only by Mr Cooke but by two franked letters which I yesterday received from the two Mr Tomkinsons—I find they have made a sad bungling peice of work of it at Brackley, and as the Duke of Bedford and Lord Trentham would take the management of that burrough to themselves, which they had no business at all with, I cannot say I am sorry for what has happened. They ought to have left it to you who's proper business it was and I hear the Duke of Bedford has not been very successful in other places....". The electoral "bungling" of the management of Bridgewater's relatives Bedford and Trentham (Gower) led to the loss of one of the two members usually returned by the Bridgewater interest at Brackley, and a substantial loss of face. The criticism of the management of the election could be in no way considered disinterested on Kent's part. Whether he was accusing the Tomkinsons—now working in harness, apparently—of losing the member or not (the syntax is ambiguous at that point), Kent was certainly very keen to ingratiate himself with Samuel Egerton. A letter written to Egerton just over a year later, in June 1755, from Clifford's Inn, shows clearly Kent's keenness to demonstrate his worth. He is referring to the purchase of land and manors in Withington, Heaton Norris and other parts of South Lancashire, embarked on by Samuel Egerton in conjunction with Samuel Hill: "I hope I can congratulate you on the purchase of Heaton Norris, etc., Mr Tomkinson being just now gone up to Mr Mairs to sign and seal, and to pay one thousand pounds of the purchase money, and I do not foresee or apprehend anything that may prevent it. But Mr Tomkinson, when he comes back, will write you a line or two which I doubt not will acquaint you that the purchase is concluded, but he'll scarce have time to tell you much of the particulars. Wherefore to save him that trouble I now acquaint you that the purchase money is thirty four thousand five hundred pounds ...."

The professional rivalry probably present in the letter of 1754 is not perhaps stated so bluntly here, but there is a subtle polite cutting edge to his phrases nevertheless, and a distinct feeling that

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43 J.R.U.L., E.M., 2 1 100, Nicholas Kent to Samuel Egerton, 7 May 1754.
44 Sir Lewis Namier and John Brooke, The House of Commons 1754-1790 (1964), i. 343-4.
Kent is impatient to make a good impression on Egerton. Perhaps Kent, the London attorney, felt it to be unfair that the valuable and important work offered by Bridgewater’s guardian was going to Tomkinson (William was the scion concerned here) rather than to himself, the experienced and well-established metropolitan professional, listed as an attorney in the first great compilation of 1730. It would seem that the ambitious and determined Tomkinsons had between them usurped part of Kent’s work. Unfortunately, we have no idea what work he may have done for Bridgewater in the early 1750s or before, or what may have been lost.

Inspired by this challenge from other attorneys, Kent, in the same letter, enjoyed being the first to tell Egerton of the successful completion of his huge (and, to the family, very important) purchase. Again the attorney’s object was to impress a potential client with his inside knowledge. The letter continues, giving more details:

“The purchaser is to have the rents and profits from Ladyday last—The Yorkshire estate is to be assign’d over, to keep down the growing payments of Lady Bland’s jointure... upon the whole I think the purchase is a very extraordinary good one”.

Showing both detailed knowledge (probably picked up from Tomkinson himself!) and an eagerness to give advice wholly unsolicited (to coin an appropriate phrase), Kent was certainly pushing himself forwards. Like William Tomkinson in 1752, though without the philosophical digressions, Kent was indulging in a sophisticated form of advertising, the only sort customary to men of his profession.

One comment above all shows Kent’s streak of business acumen, already revealed in his attitudes to fellow attorneys. Near the end of the letter he refers to the collusive purchase of the Withington and Heaton Norris properties, in which Samuel Hill played an important role before dying in 1758 to leave Samuel Egerton the inheritor of very extensive lands. Kent saw the purchase as a speculative investment: “shou’d Mr Hill be unwilling to keep it [the Withington/Heaton Norris purchase] I am confident you need not be affraid of takeing it upon yourself soe that you may sell it again to the advantage of several thousands”.

The lands, close to the rapidly-expanding town of Manchester, were seen primarily by Kent, and perhaps by Egerton and Hill, as a purchase offering a prospect of solid capital gain. The
splendours of extensive property, and the social cachet of owning it, did not rate a mention in Kent’s account. Whether Kent was simply reflecting a speculative frame of mind among the Egertons or creating one, this passage shows how the attorney/agent in his advisory capacity could become a man of business in the modern sense, the professional financial adviser quite used to working in a hard commercial environment. Coupled with Kent’s apparent intention of supplanting Tomkinson as Egerton’s agent, this demonstrates how the eighteenth-century attorney could move with some ease in a number of markets, those for professional services and for land in particular. The attorney who advised his clients to make speculative investments would also tend to adopt the same competitive and in some ways commercial attitude to his professional rivals.

The speculative situation in the area south of Manchester in the 1750s was an interesting one. A few miles out, Withington was seeing a slow but definite increase in its weaving trade,46 while Manchester’s population was rising fast. The area purchased remained largely agricultural well into the nineteenth century and even into the twentieth, but the prospects of gain were there in the apparently rising land values, noticeable enough to be heard of in London. Even more interesting, there were at this time further purchases of land in Hulme, very close to Manchester itself.47 The route of the Duke’s canal (under serious consideration by the end of 1758) was to run through the township. The connection between the canal and the purchase is difficult to be sure of, because both the Egerton and the Bridgewater archives seem silent on this aspect of the Duke’s life between 1756 and 1760. It was only in 1757, eighteen months before the petition to Parliament that began the process that would produce the canal,48 that the Duke came into his estates fully and escaped from the guardianship of Samuel Egerton. The question of a three-way collusion —between Hill, who undertook most of the purchases, Egerton and Bridgewater—is an interesting one. Yet more intriguing still was Tomkinson’s part in this. It is clear that both as a conveyancing attorney and a Parliamentary agent he was active at this

48 Malet, op. cit., p. 43.
time, assisting what appears to have been a joint effort on the part of this two clients.

Among the documents left as witness to Tomkinson's career as a Cheshire attorney is one that shows well the range of his work at this time. It is the record of the Court Baron of Tatton and Rostherne, held for Samuel Egerton on 6 August 1756,49 a sign of the agricultural township's soon-to-be-extinguished life in the decade before the park began to take over.

The record notes the presentation of Peter Gaskell "for laying his barn muck in ye Roade on ye north side his barn" and of the Tatton fuller "Samuel Allbison for not falling and ditching his ditch". Tomkinson's energy enabled him to preside over this rustic assembly while in the same year assisting in the purchase of the extensive and expensive south Lancashire lands. Within two years he was giving evidence in Parliament.50 The recipe for success seems to have been an ability to accept such contrasts in working conditions, perhaps more for the contacts they brought than for the remuneration involved.

Although this sitting of the Tatton Court Baron was one of the last of Tomkinson's appearances in the Egerton archives,51 his uncle James became, it would seem, an important legal adviser to the Egertons after 1756. It is important to note, though, that Tomkinson senior was not involved, like his nephew, in the minutiae of agricultural matters. The letters he wrote, for instance, in 1771 indicate that he was at arm's length from the day-to-day running of the Tatton estate, although his concern was with many aspects of landed estates. For instance, in a letter on 20 May 1771 from the Temple in London to Samuel Egerton at Tatton,52 James Tomkinson discussed the estate of the Davenport family, of Capesthorne near Macclesfield in Cheshire:

"I find that Mr Davenport has appointed his relations Mr Clarke of Sutton, Mr Walker formerly of Frogmore near

49 Cheshire County Record Office, Egerton collection: Court Roll of Tatton and Rostherne. DET 32.
50 Malet, op. cit., p. 45.
51 Malet, (loc. cit.) calls William Tomkinson "the Duke's Manchester agent and solicitor".
Windsor, but now of Wootton-Bassett, and Mr Manwaring of Whitmore his executors. The Calveley Estate being about 700L a year he has left to his Grandson Bromley for life and to his issue male . . .”.

This detailed recitation of family financial arrangements comes somewhere between the complexities and expense of the £34,500 Withington/Heaton Norris purchase and the small beer of Tatton township transactions, showing just how many mansions there were in the house of the law practitioner in the eighteenth century. Tomkinson took advantage of his London visit to acquaint his distant client with what would appear to be a potential purchase in Cheshire. In this way he was providing information which the land market needed. With great informality, however, he also included in the letter a discussion of the proper use of some spectacles: “They should be opened, and putt round your wigg”. Trivial as this may seem, it is a clue to the relaxed state of the relationship between attorney and client. Compared with the strained ambition revealed in William Tomkinson’s letter of July 1752, this was confident, the sort of thing expected from a trusted and respected family adviser. Tomkinson, moreover, was happy to give at least the impression that he was in great demand: “I shall leave town tomorrow, but as I must be delayed a little on the road at different places on business, it will be Friday, I believe, before I can reach home”. His grasp of the psychology of client relations was good. Nothing was better calculated to impress a client than the feeling that his professional adviser was sought-after, especially if the demand came not just from Cheshire but from places down the London road.

The treatment was repeated by Tomkinson in another letter in the same year. On 17 August he wrote from his estate at Dorfold to discuss the remission of a “bill for £1000” to Mr. Child as well as £300 and interest “due to you from Mr. Holme”. A receipt of 1770 shows that sums as large as £6,300 were being banked with Child by Tomkinson in Egerton’s name. In keeping with this level of business is a passage in the letter of 17 August which explains, perhaps, why Tomkinson was so busy. “The beginning of this week I went to Norton and from thence to Worsley, intending to wait upon you in my return, but was oblig’d to go on

53 Ibid., letter from the same to the same, 17 August 1771.
54 Ibid., 2/3/481, Receipt.
the Duke's business to Warrington, and from thence to Chester, which prevented my attending upon you, but hope you'll be so good to excuse it". The "Norton" referred to is Norton Priory in Cheshire, scene of a major disagreement in the Duke of Bridgewater's Canal expansion.\textsuperscript{55} Henry Tomkinson, probably James's son, is described by Malet as "the duke's Manchester solicitor",\textsuperscript{56} although it is clear that James was just as closely involved in the Bridgewater work as his son, and Henry's activities are much less well documented. The chief interest in the passage above lies in the indication it gives of the way the "market" for legal services was going in this case. Quite obviously Tomkinson was able to pick and choose his clients, or at least he was able to keep the lesser of two important clients waiting with apparent impunity. Looking back to his early days with Roger Wilbraham, one can see continuity here—in neither case did James seem anxious about the delay, and in neither case could the client do much about it. Far from having to stir up suits like the pettifogging caricature of the eighteenth-century attorney, Tomkinson was well able to take his time about his work and neglect clients tactfully. The Bridgewater business had given him a security and poise that produced an air of suave confidence.

However, it is about the Egerton business that we know most. By 1783 Tomkinson was working for another Egerton, William, originally William Tatton of Wythenshawe, who changed his name on inheriting Tatton from his mother, Samuel Egerton's sister Hester, in 1780. William Egerton (1749-1806) soon set about improving his house, stables and now-cleared park, and the number of receipts and accounts in the Egerton Muniments, which increased from under 700 in the period 1770-1780 to 1000 in the period 1780-1785 alone, bear witness to his energy compared with Samuel Egerton, for many of them relate to planting, to new roads and to brickmaking. Samuel Wyatt suggested plans for a new hall on the same site as the old one and Egerton began to build it.

With such activity in the park, Egerton, when in London, often sought reports from his land steward, John Sherwood. As Miles points out,\textsuperscript{57} the land steward was usually distinct from the court

\textsuperscript{55} Malet, op.cit., p. 119.
\textsuperscript{56} Ibid., p. 125.
steward and again from the agent, especially on big estates. Normally the first would have a good detailed knowledge of agricultural practice, while the second would be a lawyer whose function would be to keep court, and the third would arrange conveyancing and assist with the legal side of relations with tenants and the outside world, and would also be likely to have a legal background. Sherwood fitted well into the category of land steward, this sort of passage being characteristic of his correspondence with Egerton during the latter’s visits to London:58

“The pailing by the fountain house will be finish’d in two days more, we have had so much snow for three or four days this last week that the men could not stand out to do anything. J. Dusbury and some men came on Monday and began trenching in ye wood, the labourers continues guttering in the park”.

This day-to-day narrative really seems rather irrelevant to our discussion of legal services, yet in one sense it is important. If William Tomkinson’s activities in the 1750s are compared with those of Sherwood in the 1780s, it is clear that they were engaged in very similar work—watching the weather, making sure the hay was gathered in and work presses on in the township. Yet there are two major differences, both connected with the change in the Egertons’ circumstances over thirty years. The inheritance of Hill’s estate in 1758, it is fairly certain, improved the finances of the Egerton family, although they had not been poverty-stricken in the mid-1750s. By the 1780s William Egerton could afford to consider employing an architect to draw up very elaborate plans to transform Tatton Hall and could plant thousands of seedlings and young trees in his park.59 The expansionist mood of the 1750s had reached a new height, the park was now bare of tenant farming and the family were well established. This had two effects on the types of adviser the Egertons were retaining. For one thing, they no longer had an admitted, qualified and very articulate attorney merely to keep an eye on the crops and the weather. William Tomkinson in the 1750s seems to have been a jack of all trades, the complete adaptable attorney for town and country, probably acting alone for the Egertons in matters of every sort. Sherwood did just that side of his predecessor’s job that entailed

59 Ibid., 2/3/1239, Receipt for trees and seedlings.
detailed agricultural observations, and his attitude was different from William Tomkinson's. While Tomkinson clearly hoped for preferment from his work and his contacts with Samuel Egerton, Sherwood seemed unambitious, merely content to keep his master informed. There was no talk of "noble guests" in Sherwood's low-key account of farming and landscaping operations. Yet the need was there for legal advice, a need greater now because of the expansion of the Egerton lands into south Lancashire, an expansion that continued in the 1780s. Thus the Egertons required a separate legal man as well as a specialist land steward. In fact the Egertons employed at least two attorneys at this time to work as agents. The greater complexity of their estates inevitably led to more varied work for their advisers and the (beginning of?) specialisation among their attorneys.

The two attorneys concerned were James Tomkinson and John Hollins. Their employment reflects very well the major changes in the Egertons' legal and financial status in the latter half of the eighteenth century. As has been shown above, the Egertons' difficulties of the 1730s were probably caused partly by too complete a reliance on landed income from rents and manorial appurtenances. Greater prosperity, Samuel Egerton's mercantile training, and perhaps cash and land from Samuel Hill, gave them the chance in the later years of the century to widen their portfolio to include both Government stocks and canal shares (although the Bridgewater connection was surely also a major influence on the last-named). Naturally such a widening implied a broadening of the Egertons' requirements, something well reflected in the differing activities of John Hollins and James Tomkinson in the 1780s.

A book of accounts paid for William Egerton by Hollins in 1783 and 1784 shows the type of activity he was involved in. Entries included expenses for courtkeeping: 14 October 1783: "Paid the Jurymens dinners and my own expences at holding your court at Buglawton this Day, 13s. 2d. Paid Charles Atkinson, the Bailiff, his yearly allowance and his dinner and liquor, 6s. 6d."

Buglawton, near Congleton, was a recently-acquired property that could easily be looked after by a fairly local attorney like Hollins, but it was not quite as straightforward as, say, Tatton

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60 Manchester Central Library, Egerton Family Deeds, M31/12/1/68.
and Rostherne had been in 1756. Local knowledge, the entry suggests, could be provided by a Bailiff, so the Knutsford attorney would not have been at a loss. Other entries referred to the arrangements, still working themselves out, by which in the 1760s Samuel Egerton was able to buy up the leases of his Tatton tenants: “December 20th 1783: Paid William Falkner a years rent for his late tenement in Tatton due at Martinmas last, £ 19 5s. 5d”. Thus attorneys played their full part in the easing of the handover from tenant farmers to park-keeping single farmer at Tatton. But Hollins also involved himself in elections: “February 26 1784: Paid for post letters sent to your tenants being at a distance desiring them to reserve their votes in case of an opposition for this County at the expected election 1s. 8d.”. The greater geographical spread of the Egerton territories brought with it more work, even for the local attorney. In a sense his field of work as Egerton’s agent now covered a fair part of the county, although it is not known whether his catchment area extended into the Egerton properties in south Lancashire in addition. Nevertheless, events in the park also had their importance, and sometimes, as in this passage from a letter written in 1784 to Egerton (who was staying in Grosvenor Square, London) Hollins could resemble Sherwood or William Tomkinson: “The weather has been mostly, since you left Cheshire, moderately warm with a good deal of rain, in consequence of which the Park in general, and that part of it in particular that is fenced out for mowing, looks extremely well”.

Egerton’s appetite for information about his park was apparently insatiable, but that may be taken simply as a sign of his enthusiasm for his new property. Certainly he did not seem to wish to blur the distinction in general terms between Sherwood and Hollins. Apart from anything else, Hollins had strictly legal abilities that could come in useful, whereas Sherwood had not. The above letter contains this: “I am very sorry to inform you that some villains, which we cannot find out, made an attempt a few days before Manchester Races to have taken away one of your best bucks, but being discovered after they had shot him they were obliged to leave him and take to their Heels”. Eighteenth-century attorneys were often expected to have some grasp of criminal pursuit, taking informations, and so on.

There is no doubt about the experience and qualities of the other attorney who is known to have worked for William Egerton at this time, James Tomkinson. Now a mature, or perhaps even elderly, attorney, Tomkinson had for some years been employed in a specialist capacity to deal, it appears, with large sums of money in two different types of investment, the stocks and Funds and canals. For the Egertons the evidence is that before mid-century the Funds were either not possible or not attractive, and, of course, canal shares were not available. By the early 1780s the position had changed considerably and the family now had a wide, if not uniformly strong, portfolio to deal with. Tomkinson’s letters in the early 1780s mention several aspects of that portfolio.

Writing from 25 Arundel Street, London in May 1783, Tomkinson told William Egerton of the transactions in the Grand Trunk Canal (Trent and Mersey), in which Egerton had a strong interest. 1783 was a good year for the canal and it seems that its demands for funds were attracting interest among the investing public, who could now begin to be sure of getting a return on their outlay: “Since you left town I received a letter from Messrs. Stevenson and Webb of Stafford, informing me that they had applications to lend money to the amount of £2000 on the Canal, but the mortgages must not exceed £500 each, a copy of whose letter I now enclose you, and also a copy of my Answer—I have now wrote to my son Henry to wait upon you”.

Tomkinson dealt confidently with the relatively new business of canal finance, dealing here with an investment offer, from, presumably, a firm of attorneys in Stafford. The market for canal finance tended to be centred in certain towns—Bristol, Leicester and Coventry, for example, and attorneys perhaps acting for canal companies found it useful to use their network of colleagues in other parts of the country to help them to find investors, or, as here, those willing to exchange an investment for cash. The very local attorney, someone perhaps like Hollins with his Cheshire connections and his fairly ordinary business, would be unlikely to spend too much time on such affairs, especially if there were a

63 Ibid., 2/1/223, James Tomkinson to William Egerton, 14 May 1783.
64 Ward, op. cit., p. 29.
66 Ward, op. cit., p. 140.
large estate close by that offered lucrative work in well-known areas of conveyancing and court-keeping. Certainly Hollins, who was no novice, left the major transactions in the Funds, stocks and canal shares to someone who was maybe more happy with them. It may have been an arrangement that suited both attorneys well. The differentiation of function, including the land steward work of Sherwood, begins to resemble something like the hierarchical management structure found in the larger nineteenth-century estates, although the divisions were not perhaps as rigid and salaries were maybe not paid to any except Sherwood.67

Another, less successful, canal scheme, that for the Chester Canal, also engaged the attention of both Tomkinson and Egerton at this time, as a letter of May 1783 makes clear:68 "The Bill relating to the Chester Canal is preparing, and I shall write to you fully the beginning of the week". In this year of success for the Grand Trunk, the Chester Canal project seemed doomed, and William Egerton, who had inherited the problem from Samuel, was hoping to receive some recompense for the loan finance he had almost literally sunk into this seemingly unnecessary cut.69 Here, again, the sums involved were large, amounting to £19,000, and it is interesting how readily Egerton trusted Tomkinson, whose integrity in his dealings with Roger Wilbraham thirty years before we have had reason to question. Both the banking of large sums—presumably destined for the Funds or stocks—in 1771 and the handling of "£3,300 stock in the reduced annuities" transferred from a Dr. Fountain as mentioned in the letter of 23 May 1783, were matters of great import to Egerton, but by now Tomkinson was obviously widely trusted. Another letter refers to principal sums in a number of stocks amounting to £8,067 15s. 10d., all the subject of transactions carried out by Tomkinson on Egerton's behalf.

What conclusions can be drawn from the evidence presented in this article? Looking back to the questions posed at the outset, it is clear that the first, at least, can be answered in the affirmative. There is no doubt that William Egerton employed a number of attorneys to carry out his legal and estate business, while Samuel

69 Hadfield, op. cit., pp. 44-5 and 167.
Egerton used both Samuel Wright and William Tomkinson. Roger Wilbraham's case, riddled with debt as he was, may be an unusual one in that he was particularly attached to James Tomkinson. And it also seems quite likely that Samuel Egerton parted company with Samuel Wright because he found a more eager and willing agent in William Tomkinson when an active policy of land purchase was called for. Neither of these pieces of evidence is particularly surprising, but they do emphasise the liveliness of the market for legal services offered to the more prosperous of the landowners.

Perhaps more interesting is the division of labour that appears to have grown up between the legal advisers of William Egerton. John Hollins was local and concerned with estate matters, while James Tomkinson prided himself on his important national connections and his familiarity with investment in Government-related securities and in canals. A definite division of labour and function existed between Hollins and Tomkinson; each served a different need in Egerton's increasingly complicated business affairs. While Hollins remained resolutely rural, Tomkinson foreshadowed the modern stockbroker. Each in his own way was responding to changes in investment opportunities for such prosperous men as Egerton.

This picture of a competitive, businesslike profession is admittedly drawn only from a few examples, but it does suggest some interesting lines of future research. It is certain that the eighteenth-century attorney already contained elements of several other later professional men—land agents, stockbrokers, the company secretary, and others. How exactly did the profession move from James Tomkinson to the commercial solicitor of the nineteenth century, the stockbroker of the twentieth? Did the complex and lively market for legal services act as a stimulant to local economies—perhaps through lawyers' consumption? How many attorneys were involved, like William Tomkinson, at the very heart of great and important projects like the Bridgewater Canal? There is much work still to be done on the profound influence of the attorney on eighteenth-century society.