

BUILDING A FORTUNE: PHILIP CASE, ATTORNEY, 1712-1792¹

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SUMMARY

Probably the best-known fact about Philip Case, attorney and four times mayor of King's Lynn, is that at his death in 1792 he had 'a very large sum of money said to be over £100,000 in the Funds'.² With regard to his total direct investments this is a serious exaggeration, but including his extensive interests in land his total estate did roughly equal that figure. How could a lawyer of modest origins, based in a provincial town and an agricultural county, manage to build up a fortune which in his retirement brought him in little short of five thousand pounds each year, an income adequate for a minor peer? The answer can be found from exhaustive analysis of his successive cash books which survive in the Norfolk Record Office and which cover the last fifty years of his long life.

Beginnings

Philip Case, the son of Thomas and Esther Case of Great Fransham in central Norfolk, was born in 1712, the youngest of eight children of whom three had died in infancy. The Case family had lived around Great Fransham and neighbouring Necton for more than a century: Thomas was a farmer but some Case relatives were tanners. Philip's eldest brother, Edward, had been born in 1691 and a second brother, Thomas, followed two years later. His sisters Esther and Mary were also substantially older. Both Edward ('Neddy') and Thomas junior stuck to the land, the former as agent for the second and third Viscounts Townshend at Raynham and later as tenant farmer at Appleton, and the latter at Great Fransham itself. Both were to be of some importance to Philip in his later career. While Thomas senior (died 1741) and his wife (died 1736) were buried at Great Fransham they had previously retired to live at Saham Toney, a few miles to the south. By then both daughters had married, Esther in 1725 to the Reverend Daniel Burslem, rector of Great Fransham, and Mary, at a date unknown, to 'Brother E. Young', a farmer of nearby Shipdham.

Philip is said to have gone to the grammar school at Downham Market,³ some twenty miles south-west of Great Fransham, but the first contemporary reference to him found after baptism is in the national register of apprenticeships where he is recorded as having been apprenticed in 1728 to Edward Bradfield, attorney of Lynn, for five years at a premium of one hundred pounds.⁴ While this was a normal amount to be required of a provincial legal pupil, it shows that Philip's parents were not poor. Bradfield was at that time the town clerk of Lynn, an important office in the administration of that richly-endowed port town which carried little in the way of salary but which afforded a constant stream of fee-yielding legal work. This practice would have provided excellent professional training, but in 1729 Bradfield became involved in a bitter dispute with the town council when two merchant aldermen accused him of malpractice. He was removed from his office of town clerk and promptly brought actions for reinstatement in the court of King's Bench against both the town and his successor, Councillor Robert Underwood. In these actions he failed after a drawn-out series of writs, counter writs and hearings typical of 18th century legal process, while Philip's apprenticeship was transferred to Underwood.⁵

Although apprentice lawyers in London had a reputation for idleness and dissolution those in the provinces were often worked hard, each being frequently the only clerk and assistant available to his principal, customarily a sole practitioner.⁶ Yet Philip found time for study: his legal notebooks from that period survive and in them he has copied out or summarised many hundreds of legal precedents, carefully indexed using a system now obscure.⁷ And while there is no other record of his doings during his apprenticeship it seems clear that he must have impressed several leading citizens, for he was made a freeman of the town by purchase almost immediately on the expiry of these articles. By the 1720s freedom was no longer an essential qualification to enable a person to trade within the town, but it continued to carry certain privileges including the much sought-after right to vote at Parliamentary elections. It also qualified the holder for selection by the aldermen to serve on the town council in the junior rank of councillor, an office seen as a burden by some but highly valuable to an aspiring lawyer with its automatic and regular contact with the richest and most influential of the town's leaders. While many became free in Lynn either by right of birth or having completed a seven year apprenticeship in the town, and at any one time there might be some three hundred freemen amongst a population of around seven thousand, purchase was only available to those whom the council approved. Moreover the fee charged to Philip, expressed archaically as twenty nobles (£6 13s 4d), was low by comparison with fees charged to merchants new to the town. Yet more persuasive evidence of the esteem in which he was held was his elevation to the council on the very day he received his freedom, virtually unprecedented for one both so young and an outsider.⁸

Philip began his practice in 1733 immediately on expiry of his apprenticeship, having obtained practising certificates as an attorney for both the Courts of Common Pleas and King's Bench. Three years later he obtained an equivalent certificate to practise as a solicitor to the Court of Chancery. On the latter occasion two of his guarantors were James Hoste of Sandringham, an influential landowner, and Andrew Taylor of Swaffham, previously mayor of Lynn. An even more significant guarantor was barrister John Turner 'the younger', last of the Turner family which had dominated Lynn political life for fifty years. This John, soon to succeed to the family baronetcy, was son of John Turner, Collector of Customs, alderman and previous mayor, and nephew of old Sir Charles Turner, brother-in-law to the great Sir Robert Walpole, and with the latter, one of the two MPs for the town. Philip was moving in the right circles.⁹

In practice

There is little evidence concerning Philip's practice and clientèle before 1742 when his first surviving cash book begins. That the practice was prospering is evident from the fact that he took on at least three apprentices of his own, Samuel Hawkins in 1734, Martin Cobb in 1737, and Carlos Coney in 1742. Premiums were £125, £168 and £200 respectively, the rising rate evidence of increasing reputation.¹⁰ Copies of isolated fee notes reveal that he was already acting for certain landowners, including Sir Cyril Wyche of Hockwold who owned a large estate at Gaywood just east of Lynn, and John Turner — from 1739 Sir John, MP and owner of the Turner estate at Warham near Wells.¹¹ By then or soon after he was also acting for the third Viscount Townshend at Raynham as steward of his various manorial lordships; Brother Edward's position as Townshend's land agent may have been the key to Philip obtaining these posts.¹² Manorial stewardships, which involved holding annual courts to deal with copyhold successions and fines, became something of a speciality for Philip, who was still acting as such, although usually through a deputy, within a year or two of his death. Working for landowners,

and especially acting as steward, involved much travelling around the county. In his younger days Philip normally rode, but sometimes a charge for a chaise appear in his bills of costs and in later life he owned a coach.

By 1742, in addition to his landed clients, he was in contact with most of the leading Lynn citizens of the day. These included wine merchants James Fyssh and James Boardman, Mary, widow of mayor Samuel Browne, the leading merchant and shipowner of the previous decade, and other prominent or rising merchants such as Benjamin Nuthall, Walter Robertson, William Mixon, Hubert Flierden and Walter Kirby. It is often impossible, however, to be certain exactly what the relationship was. While on a minority of occasions he was clearly receiving fees for work done, many client transactions appear to be of a financing nature, either placing money on behalf of clients or borrowing or lending on his own account. The clearest detail of his legal practice comes from the bills to him from Thomas Watts who acted for him in the early 1770s as copy clerk and engrosser. Watts charged, item by item, for parchment and paper, and in some cases detailed what had been copied or engrossed. He may not have worked exclusively for Philip, but did much for him and on occasion accompanied him on visits to clients. It can be seen that Philip dealt in virtually every branch of law that the merchants of the town or the gentry of the surrounding countryside might require. In addition to the drawing of wills there were debtors to be pursued, title abstracts, conveyances, leases, mortgage and marriage settlements to be drawn up, the endless manorial courts to be held, rents to be collected and bankrupt estates to be administered. As examples of Watts's more lengthy narratives:

9/11/1773 To making out a fair account from one you sketched out, of the Debts of Mr Tho Young decd. paid by you his exor placing the items according to the dates which was very tedious & took a long time as the account is very long.

28/12/1773 Drawing a conveyance by lease and release from B Nelson to Jo Peckover & William Nelson of all his Real & separate personal estate in trust of all his separate creditors

27/6/1775 To my journey with you to Hockwold Wilton to make Mr Wyche's will where we staid all night & until the next evening 7 o'Clock but he altered his mind and postponed your making it until next Tuesday at Stoke.

Such items were routine. How many more complex cases Philip was engaged in is uncertain since the few surviving bills of costs may not be typical. The affairs of Mr Isaac Emerson over a thirteen-year period from 1745 may scarcely be described as such. While it is hard to deduce from the bill what exactly was going on, it may be the story of breaking an entail by a collusive action between Emerson on one side and Sir Jacob Astley Bt, Dame Sarah Astley, the Misses Elizabeth and Christiana Bedingfield, Mr Calvert, merchant James Robertson, and Emerson's son on the other. The names of several lawyers and counsel appear and at a later stage Lord Orford was joined in the action. There were several hearings in court and witnesses had to be examined as far away as Gloucestershire. Another party to this or to some parallel action was Mr Guybon, bearer of an ancient Lynn name, who was living in Ireland where it was going to be necessary to obtain English witnesses to his affidavit. Philip charged £371 5s 2d to cover all this in a bill twenty-two pages long, but a large portion of the total represented court and counsels' fees and other disbursements that Philip had advanced from his own pocket.¹³

Another case regarding which much detail survives concerned the intestate estate of Robert Knopwood of Thuxton. Here the sole infant child appointed Andrew Taylor and Philip as his guardians but this arrangement had for some reason to be altered, and Philip was then appointed receiver of the estate by the Court of Chancery. In this capacity he collected rents and debts over a period of three years from 1754 to 1757 and arranged for his brother-in-law Young to supervise the running of a farm which formed part of the estate. From the moneys realised investments were made on behalf of the beneficiary and payments were made for his

maintenance — he was eighteen when Case was appointed and proved capable of a fair degree of expense! When the son became of age lengthy accounts were called for by the court and there were considerable complications of cross-funding. The final accounting was settled by some form of adversarial action in court. The legal costs of the whole affair, where realisations never exceeded £4,000, were at least £700, but of this only some £200 was a fee or salary for Philip for his 'trouble'.¹⁴

At first the practice was run from home, although a clerk was employed. In the early 1750s this was Philip's nephew and former apprentice Tommy Case, elder son of brother Thomas. By 1759 Robert Whincop, another attorney, was paying the expenses of an office for which Philip reimbursed him but it is unclear whether this was also a room at Philip's house or some separate premises. Later on there is no evidence of a clerk (except for Watts in early 1770s) and little of an office. By 1779, by which time he was 67, Philip had largely retired from general practice and Whincop was the successor to much of his routine work. Philip's own volume of fee income declined and his work was largely confined to continuing appointments as steward, trustee or executor — for example he was an executor of the will of the third Viscount Townshend, which involved him in much correspondence even in extreme old age. Nevertheless he retained two important offices, the Clerkship of the Peace for the county of Norfolk and the Comptrollership of Customs for Lynn, Wisbech and Wells.

The main duties of the Clerk of the Peace (Philip became a deputy in the 1730s and obtained the main appointment in 1760) were to organise the county Quarter Sessions and to advise the magistrates attending. However the work extended at times to acting as prosecutor, as when 'Lord Townshend employed at his own charge Mr Case the Deputy Clerk of the Peace to indite ... [some opportunist pettifoggers who were themselves indicting butchers and tanners under obsolete statutes]'.¹⁵ His income from this source was erratic, perhaps no more than £100 per annum on average, and he held a separate fund of 'county' money from which he sometimes borrowed in excess of sums due to him. The Comptrollership was usually a sinecure given that the actual duties — acting as an auditor of the day-to-day work of the Customs officials in the three ports — was invariably carried out by deputies. The posts were remunerated by fees on ancient scales based on the port throughput, the deputies deducting a portion for themselves and accounting quarterly for the balance. Philip's income from this source averaged some £250 per annum from his appointment in 1754, tending to increase when the ports prospered in times of peace. Despite being a sinecure, there is evidence that Philip took some interest in port accounting procedures, as with his enquiry to the Bristol deputy comptroller in 1761 regarding the form of certain returns required by Customs in London.¹⁶

In 1758 Philip had received a long letter from the Lynn deputy detailing certain malpractices by the Collector, Charles Turner, and his deputy but he seems to have taken little notice.¹⁷ However it was these very same malpractices which formed the basis for Philip's eventual break with the Turner faction in 1766, at which time he admitted to Charles Townshend that he had been remiss in not earlier paying sufficient attention to what was going on. In the light of the earlier information he had received this seems ingenuous: it is the one occasion when it is possible to see Philip as negligent or worse. His change of heart was prompted at least in part by the fact that his new son-in-law Samuel Browne was particularly aggrieved by the conduct of Charles Turner, who had for long refused to pay merchants cash from Customs money for export bounty on corn as the law required but instead bought up their entitlements personally at a severe discount. But as he observed it would have been little use, and indeed highly dangerous, to complain so long as the Turners retained political influence in London.¹⁸

It has been said that an 18th-century provincial attorney led a comparatively idle life.¹⁹ This was clearly not true of Philip whose work led him all over the west of Norfolk quite apart from frequent visits to London to meet London agents, clients or counsel, at a time when the coach journey could be expected to take over sixteen hours. Yet aside from his professional work and the management of his growing collection of landed property, Philip through all his adult life served as councillor, later alderman, of Lynn, and four times as mayor, responsibilities — especially those of mayor — demanding heavily of his time. Aldermen were *ex officio* magistrates, and in that capacity ran the judicial system of the borough and supervised the system of poor relief. They were also usually appointed to such offices as harbour commissioners, and commissioners under the various Acts that governed the river navigations and organised the sea defences of the area. Philip served in all these capacities, as well as serving as commissioner under more than one local enclosure Act. He was also engaged at times in lobbying and petitioning of and liaison with Parliamentary managers which led up to local Acts, or which organised the opposition to those put forward which were felt to threaten in some way the interests of the town.

Most of the letters in the surviving correspondence are to Philip, rather than by him, and some of those from him are merely drafts, although possibly also serving as copies in those days before carbon paper. So it is hard to discern much concerning his personality, especially as even the more fluent of his letters are of a purely professional nature. If his character has nevertheless to be judged from only these, then he must necessarily be seen as somewhat humourless and severe. His response to the fourth Viscount Townshend — who had sacked him from his posts as steward soon after succeeding to the title — is a model of injured dignity. His attempts to pacify a Paston client who objected to the apparently excessive costs of repairs allowed against his rents show him as remarkably patient, as do, by implication, the references to his care in looking after her husband's estate contained in some long and wearisome letters from a widowed Mrs Lowe. Mr Clutterbuck, a model client who paid his large bill by return, was fulsome in his praise of Philip's work in connection with an estate of which Clutterbuck was residuary legatee, the services provided (but not specifically charged for) including hospitality at home for Clutterbuck when he came from London to visit Lynn. In the pursuit of debtors he could be relentless. Some pathetic (or at least inventive) letters of excuse for delay in payment by persons owing money to the Browne estate are merely endorsed by Philip with 'shuffle' or 'more shuffle' and in response he threatened bailiffs. But would not every client prefer his solicitor to be firm in pursuit of his interest?²⁰

Domestic life and family

In the year that his practice began Philip married Pleasance, daughter of Dr Hepburn, a physician practising at Lynn. Apart from two who died in infancy three children, all girls, were born to Philip and Pleasance; a second Pleasance ('Pleasy') in 1737, Hester ('Hetty') in 1739, and Sarah ('Sally') in 1746. Their progress through childhood and adolescence can be seen from cash book entries recording clothing, schooling including lessons in writing and French, more lessons in dancing and the harpsichord (the latter from Dr Charles Burney, then organist at Lynn) and, later, journeys to Norwich and the purchase of jewellery. In 1754 there was smallpox at Lynn and Pleasy was ill. Dr Hepburn and his son-in-law Dr Lidderdale both attended while a Hepburn daughter Isabella (half sister to Pleasance) acted as nurse. In normal 18th century middle-class style Pleasance managed the household and gave birth to the children, otherwise making little impact on the surviving record until her death on 28 March 1777. When Philip travelled to London on business, or to Harrogate or Bath for his health,

Pleasance stayed at home. She stayed at home too when Philip took Pleasy and Hetty to London for the coronation of 1761 and to South Wales in 1763 to visit his client Sir Edward Williams of Llangoid Castle, and even when he took Sally to Bath in 1776. In fact staying at home is her sole activity evidenced by the cash books since Philip customarily left a round sum of cash with her to meet expenses in his absence.

All three daughters married well by Lynn standards. Their marriages were important events for Lynn as well as for the family itself. The first, Hetty's wedding on 2 April 1764 with Samuel Browne, was an alliance with perhaps the grandest merchant family of the town, itself allied closely with the equally prominent Everards through marriage and partnership. Moreover the young Samuel Browne and his older brother-in-law Edward Everard II were combining as a new political force in opposition to the previously dominant Turners and their many allies, of whom Philip had been one. An acrimonious break between Philip and Sir John Turner followed not long after. The bride's dowry of £5,000 was largely settled by offset from loans made previously by Philip to the firm of Everard Browne but Samuel received a hundred guineas in cash as a present towards his expenses and Hetty twenty more as 'pocket money on her going home with her husband'. 'Home' was the grand Browne mansion in Lath Street. Within four years there were three grandchildren, another Pleasance, another Hester, and lastly an infant Samuel.

The next wedding, Pleasy's with Thomas Bagge in July 1768, must have been overshadowed by Hetty's death in the preceding January and was followed only a few weeks later by the death of the infant Samuel Browne. It came too only four months after the notorious disputed Lynn election of that year in which Philip, Browne and Bagge had been closely involved in an attempt — which narrowly failed — to replace Sir John Turner as MP by Crisp Molyneux. The marriage portion of £5,000 was the same as for Browne, and some of it had to be advanced before the marriage to enable Bagge, still relatively junior in the town's merchant hierarchy, to purchase sufficient property to fund the jointure required under the marriage settlement.²¹ The new home on this occasion was also in Lath Street, just a few doors from the Brownes but less grand and purchased by Bagge shortly before the marriage. There were several children from this marriage including two sons, who continued the growing Bagge business after the death of their father; by this time it was already one of the three largest in the town.²² Thomas Bagge became something of a favourite with his father-in-law: in 1774 Philip gave him two hundred pounds 'which I think he deserves'. In Philip's last years Thomas was managing his affairs and wrote up the cash books, which had fallen into arrears.

In 1779 Sally became the second wife of Anthony Hamond of Westacre, a large estate some ten miles to the east of Lynn. This time the dowry was £10,000 but this was never paid in cash; instead Hamond received £400 per annum as interest on the capital sum.²³ As from the date of the Hamond wedding Philip commenced an annual payment to Thomas Bagge of £200 per annum, in effect increasing the principal sum of the original dowry. No retrospective adjustment was made in respect of Browne, whose wife was long dead and who was probably thought quite rich enough already. Sally, as mistress of Westacre, had married into the 'county' and so had made in some ways a socially better marriage than her sisters who had married working merchants, but it may be doubted whether she was any better-off materially. There were five children from this marriage.

After the death of Hetty Browne her two daughters were brought up in the Lath Street mansion in the care of their aunt Marshall, widowed sister of their father. Samuel Browne himself died in 1784 and thereafter Philip, who was one of three executors, took a considerable

interest in the girls who were nineteen and seventeen in that year, and especially in their prospects of marriage which, as heiresses to £40,000 each, were obviously excellent.²⁴ The results, in social terms at least, were all that could be expected, Pleasance marrying Mr Edward Pratt of Ryston Hall and Hester Mr Jacob Astley of Melton Constable, both from the very cream of Norfolk gentry. When Philip died each girl (or rather the trustees of her marriage settlement) received a further £10,000 from his estate. Unfortunately Philip, whose consent to the marriages had been specifically required under the terms of Browne's will, had also taken it upon himself to approve the terms of the marriage settlements without consultation with, or authority from, the other executors. A private Act of Parliament was necessary after his death to allow the surviving executors to implement the terms of the settlements.

Despite his climb, and those of his children and grandchildren, to Norfolk's social heights Philip maintained close contact with his Case relations and Hepburn in-laws. He had frequent business dealings with his brother Thomas until the latter's death in 1760. Both his brothers stood surety for him in 1754 in connection with the Knopwood receivership. Not only was Thomas's eldest son taken on as apprentice and later clerk, but political contacts were lobbied on behalf of the younger son James who went first to sea on a merchantman and later entered the navy. Both these nephews in later life were appointed councillors at Lynn, almost certainly through their uncle's influence. Other nephews were given advice if not financial help. Some children and grandchildren of Philip's sisters required and received help from Philip, both financially and in the exertion of influence. For example Philip, interceded with Viscount Townshend in 1762 to place Esther's son Tommy Burslem as vicar of East and West Rudham, and gave financial help to his children after the vicar's early death in 1771. Thomas Young, who had married Esther's daughter Dolly, died insolvent, £700 owing to Philip not being recovered for over twenty years, and then only from a legacy left by Philip to Dolly's children inflated by the same sum for that specified purpose. The Case brothers shared equally in the cost of maintaining in the Norwich Bethel Hospital one Henry Case, 'a lunatik'. Philip also had financial dealings with his brother-in-law Samuel Harvey, a Norwich dyer, and money was lent to or borrowed from his wife's half sisters Mrs Harvey and the Misses Isabella and Pleasance Hepburn.²⁵

Property

Philip acquired a large house at Baxter's Plain towards the eastern extremities of the built up area of Lynn at the time of his marriage in 1733.²⁶ Despite his later acquisition of a country seat at Stradsett, this town house remained his principal residence throughout his long life. He also bought certain other property within the town for in later years he paid poor rate on a separate coach house and received rent for some land and a ropewalk. As a lawyer very largely concerned with property matters Philip was in an excellent position to be aware of land coming onto the market. As soon as his practice was well established, and for many years thereafter, he took every opportunity to buy what his finances and credit would permit, not hesitating to borrow if necessary. Appendix 1 summarises his net expenditure on land purchase over some forty years as extracted from his cash books.

By reference to a map of western Norfolk it can be seen that the acquisitions fall into four main categories: those centred on Stradsett itself, well south of Lynn near Downham Market; those in the parishes of Grimston, Gayton Thorpe and East Walton, which lie close together about seven miles east of the town, mainly purchased from Edward Spelman; the late acquisition of the Gaywood estate close to the east of Lynn from the heirs of Sir Cyril Wyche,

much of which has subsequently become built over and become part of Lynn itself; and some scattered properties in West Suffolk and in the Fens which were resold during Philip's lifetime.²⁷

Twice at least in the 1760s Philip made attempts to summarise his property holdings in terms of the rent receivable from the various tenancies, and totals from these are included in Appendix 1.²⁸ There are obvious anomalies — such as the receipt of some rent from Gaywood at a time when there is otherwise no indication of property owned there — but overall rentals bear a reasonable relationship to the known costs of the property. The rents shown are those receivable: in several cases rents were substantially in arrears at the time the summaries were made out, and his cash income from rents in any given year varied greatly from what might have been expected, quite apart from normal deductions for repairs and land tax. There were outgoings too in respect of the East Walton properties in the form of rentals, as sections were leased from the dioceses of Norwich and Ely and from Christchurch in Oxford. In the last few years of his life Philip assigned the rents from the eastern properties to Anthony Hamond (with whose own estates they marched) for an annual payment of £1,100 (cash £700 and a cessation of the interest of £400 which had been paid on Sally's dowry). Part of this land was already charged to Hamond as security for the dowry and all was being left to the Hamond family under Philip's Will.²⁹

The land left to the Hamonds did not contain any substantial structures apart from farm houses, farm buildings and cottages and a leased rectory, but the estates at Stradsett and Gaywood each included a manor house. Philip spent money over the years on maintaining and improving Stradsett, where he spent occasional short periods in residence, and there is no indication that the house was ever let. However an inventory at his death shows that it was barely furnished as compared with the house at Lynn, and it would seem that it was treated rather as a second home for holidays, with staff normally confined to a caretaker.³⁰ Gaywood, which was not owned until Philip's last years, was probably let, but both Stradsett and Gaywood became 19th-century homes for branches of the Bagge family, which inherited both these estates as well as the property in Lynn itself and all personal property and investments subject only to payment of cash legacies.

The greater part of the properties at Stanton and Bardwell (in West Suffolk), for which only a small cost is recorded, may have come to Philip *via* his wife on her father's death. That at Hockwold (well south of Lynn on the edge of the Fens) had certainly been a Hepburn property as Philip bought it from his in-laws: the land was copyhold when purchased by him, but he bought the freehold once all was in his hands before selling the whole only three years later. The property at Walpole, in Norfolk Marshland, would seem to have been a speculation although held for eleven years. No receipts of rent have been identified for any of these properties at any time.

The source of a fortune

When Philip married and began his practice in 1733 he can have had but modest financial resources. How he found the money necessary to finance his early practice or to pay for the house in Lynn is unknown. It might have come on mortgage, either from family sources or elsewhere, but any debt had been paid off by 1742. No marriage settlement has been traced, and it is unlikely that any substantial sum came from such a source: the Hepburn family was not rich and Dr Hepburn had other daughters to provide for. By the 1750s he was lodging with Philip's family and the most that may have been received at his death was some share in the Suffolk properties referred to above. Nor does it seem that much can have come from Philip's own

parents, whose farm had been taken over by Philip's brother Thomas. Searches in the Canterbury and Norwich registers have failed to reveal any wills of the older generation of Cases or Hepburns.

Yet when the first of Philip's surviving cash books begins in mid-1742 it can be seen that his financial affairs were already complex. The books record his dealings in cash and bills of exchange, usually but not always distinguishing between them. They show his own receipts from fees, rents and interest, loans made or repaid to him and money received on behalf of clients and others. The payments include disbursements on behalf of clients, remittances to them or to their agents, purchases of property, costs of property maintenance, interest and rents paid, loans advanced by him and repayments of loans, and his personal and family expenses. The quality and extent of the descriptions range from the very detailed to the impenetrably terse. These books were not his only financial records although, apart from some isolated loose papers, they are the only part to survive. There are no posting folios recorded in the cash books and no indication that there was a full set of double-entry books, from which a trial balance either was or could have been extracted. However he certainly kept some form of ledger, individual client files and a fee register or day book, since there are occasional references to them in the cash books. Indeed it would have been impossible to carry on his affairs without additional records given the complex transactions he carried on with or on behalf of his clients. Now in their absence there are inevitably serious gaps in our understanding of some important matters.³¹

The cash books are only moderately well kept. His writing is small and crabbed. He often seems to have written up the book some time after the events recorded. Sometimes he has added a remembered entry by interlining, and one may find an entry such as, 'Lent to Mr X long since'. On occasion he cannot adequately explain a minor difference when comparing the book balance with the cash held. Once at least a payment for over two hundred pounds is entered twice, implying that some receipt has been overstated or that a column has been wrongly cast. He was careless in keeping his figures in regular columns, which must have made it harder to cast them correctly. However he can be seen to have been meticulous in those of his calculations which can easily be checked.

A major part of Philip's business involved handling clients' money. He procured loans on their behalf, administered the estates of those deceased or insolvent, collected rents and interest and acted as stakeholder in property transactions. Not all this money passed through his cash books, but much did. Today's lawyers are subject to strict rules designed to prevent any one client inadvertently financing another or the lawyer himself. Separate bank accounts must be used to segregate client money and each individual client's account must always be in credit. No such rules were observed by Philip who cheerfully borrowed from clients both with — and probably often without — their knowledge or consent and sometimes lent to them. Most moneys went into the same pot, making it hard for the researcher today always to know whose they were. Sometimes Philip makes a clear note, sometimes not. Running balances certainly existed for some major clients such as Sir Cyril Wyche, whose estate at Gaywood Philip managed, collecting rents, making disbursements for repairs and intermittently remitting sums to Sir Cyril. The latter sometimes made formal interest-bearing loans to Philip, and on occasion Philip placed Wyche money at loan with a third party, but more usually a running balance must have subsisted with no indication in the cash books of how it stood at any given moment.

The many complications render detailed analysis for an extended period somewhat treacherous. Nevertheless it has been attempted in order to produce the approximate summary

of lifetime savings shown in Appendix 2. The one entirely firm figure is the value of Philip's cash and investments at death since these were clearly summarised in an inventory taken by his executors, his sons-in-law Thomas Bagge and Anthony Hamond, totalling approximately £42,000.³² About half this sum was in the form of twenty-five loans at interest secured on mortgages, personal bonds or notes ranging from £70 owing from his sisters-in-law to £2,500 due from John Hemington, another Lynn attorney. In addition £10,000 was deposited with merchants W. & T. Bagge in which Thomas Bagge was a partner, £7,000 lay on deposit with the Lynn branch of Gurney's Bank, £1,440 had been invested in various turnpike and harbour securities, £2,100 represented interest in arrears on the various loans and £1,588 was found in the house in the form of cash and bills of exchange. To this must be added the net sum he had expended on properties of £44,000 (see Appendix 1), £500 for the value placed on household goods and £11,000 paid out as dowries and other major gifts (£26,000 total gifts less £15,000 dowries unpaid at death) to produce a grand total of lifetime savings of £97,500.

An attempt was then made to apportion this considerable total to the periods in which it arose. The method used was to work back, year by year, from the position at death in an attempt to trace from the cash books the origin and build-up of each loan and investment. This is relatively easy for the last ten years of Philip's life, but becomes increasingly difficult with each further year of regression due to the admixing of clients' and other moneys coupled with the often cryptic narrative for many entries. Philip never operated a bank current account of his own — in the most active years of his career there was no bank in Lynn — but 'banked' with the general merchanting firms of his sons-in-law, at first with Everard Browne and later with W. & T. Bagge, obtaining from them bills on Childs Bank in London in order to make his own payments and depositing with them bills received which in general they deposited with Childs.³³ But he also had loan accounts with both firms ... and bought from them building materials, household coal and wine. These transactions add to the puzzles set by the cash books. However despite all difficulties it has been possible to analyse the build up of Philip's fortunes to successive ten-year periods from 1753 subject to an overall unidentified difference of £6,000, less than ten per cent of the value accumulated. For earlier years the task proved impossible other than by making an approximate assessment of his net worth at the end of 1752 by which time, however complex his dealings, it is clear that he had only recently begun to accumulate on a substantial scale.

The conclusions to be drawn are undramatic. There is no reason to suppose that Philip started his career with any substantial capital or received at any time any major inheritance. Nor (as his contemporaries may have suspected) did he become rich from any single transaction or series of transactions in land.³⁴ His realised property profits were modest in the context of his total wealth since in the main he bought to hold rather than to resell. Certainly he bought land cheaply by comparison with its value at his death, taken at a conservative twenty-five years purchase of the net rents: this unrealised gain, assessed at £27,000 as shown in Appendix 2, accounts for about one quarter of the total estate left to his heirs. However the main source of his eventual fortune was his saving of a large and increasing proportion of his income. By 1752, after twenty years in practice, including those years in which his earnings from fees would have been at their highest, he had saved some £15,000, an average annual rate of £750. But Appendix 3, a series of approximate income and cash flow statements at ten year intervals, shows that by 1759 he was already saving at double that rate. While his standard of living no doubt rose over time, the effect on costs was mitigated as his family contracted and during his last decade he lived alone except for servants. And as surplus income was invested in land or loans, income from interest and rents rose to produce ever-increasing annual surpluses.

In the 18th century naval fortunes might come from prize money; India might bring extraordinary wealth to those nabobs who survived to return to England; political influence might bring a lucrative government job. For lawyers, despite a system which ensured that they had plenty of work, opportunities were less dramatic. Peter Earle has shown that the steady accumulation of wealth through savings from income was a regular feature of the finances of the London middle classes in the 18th century.³⁵ How else indeed could fortunes be built up by professional people in a time of low inflation? In the next century, once again in a period without an income tax, it could be observed of a fictional merchant 'that he was very rich, the result of prudence and economy — not that he was stingy, but his income outstripped his expenses, and money, like snow, rolls up amazing fast.'³⁶ Philip Case — competent, hardworking and respected, but careful too — would have understood.

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1 Main sources:

a) The majority of what is known about Philip Case is to be found in the Bradfer-Lawrence collection in the Norfolk Record Office, and particularly within that section known as the Case MSS. These records represent a lifetime's collection by the late H.L. Bradfer-Lawrence of material relating to King's Lynn and its inhabitants and neighbourhood, with particular reference to Philip Case and to the Bagge family. Nevertheless the records concerning Case can be but a small fraction of the correspondence and accounts that he initiated or received during his long life, having been built up mainly — as Bradfer-Lawrence described in a note on the collection — from only a selection of such papers as had survived into the 20th century in Bagge family records and in the offices of Lynn solicitors. The most useful of all the collected materials are Case's cash books from 1742. (NRO BL IIIa; Case MS 5, 1-3 and 6, 1-2) Except where specifically stated all financial (and much other) information has been derived from these.

b) Bradfer-Lawrence himself treated of Philip Case in a published essay (H.L. Bradfer-Lawrence, 'The Merchants of Lynn', in Clement Ingleby ed., *A Supplement to Blomefield's Norfolk*, 1929). Some parts of the published material differ from facts to be found in the collection or in contemporary sources and others cannot be verified. In the former case the published essay has been ignored; in the latter it has been accepted and the essay quoted as the sole source.

c) Information on the Case family comes from the parish registers of Great Fransham, Necton and Great Rudham, all in the Norfolk Record Office and from NRO MS 1943. Further information appears in Walter Rye, *Norfolk Families* (1913).

d) The prime source of information concerning the governance of the town of King's Lynn is the series of Hall Books, the corporation's minute books complete for the 18th century, held in the municipal record room in the Guildhall which is administered for the local authority by the Norfolk Record Office.

e) General studies of the profession of attorney in the 18th century with particular emphasis on their position in society include Robert Robson, *The Attorney in Eighteenth Century England* (1959) and Michael Birks, *Gentlemen of the Law* (1960). Surviving records from attorneys' offices have more commonly been used as source material for studies of their clients than to provide accounts of individual attorneys or their practices. An important exception is M. Miles, *Eminent Attorneys, Some Aspects of West Riding Attorneyships c.1750-1800* (Birmingham PhD, 1983) which provides both a useful overview of the activities of attorneys generally and more detail of certain of those practising in one area than the limited material surviving for Philip Case can match.

2 Bradfer-Lawrence, 200

3 Bradfer-Lawrence, 192

4 Public Record Office IR1 49/40

5 King's Lynn C7 series, 1729 to 1731 *passim*; Bradfer-Lawrence, 192

6 Birks, Chapter 8

7 NRO BL VIIIb, Case MS 31

8 KL C7 series, 25 December 1733

- 9 NRO BL VIIc, Case MS 24/7
- 10 NRO BL VIIc, Case MS 24/4 and PRO IR1 50/129. Carlos Coney was son of client Robert Coney and later practised in Lynn as an attorney. £200 was a very high premium for articles outside London.
- 11 NRO BL VIIc, Case MS 24/9
- 12 The earliest example found so far of Case acting as a Townshend steward dates from the 1740s (Court book for West Raynham, NRO MC 1450)
- 13 NRO BL VIIc, Case MS 24/9 and NRO BL VIb(1), Case MS 21/1
- 14 NRO BL IXa, Case MS 36/2
- 15 R.W. Ketton-Cremer, *Country Neighbourhood* (1951), 167
- 16 NRO BL IIIb, Case MS 9/1, letter 27 June 1761
- 17 NRO BL IIIa, Case MS 19, 425 et seq.
- 18 NRO BL IIIb, Case MS 9/4, letters 244 & 245
- 19 Birks, chapter 9 dealing primarily with a Warwickshire man. But the West Riding attorneys studied by Miles were busy indeed.
- 20 NRO BL IIIa, Case MS2 (Townshend and Paston correspondence; NRO BL IIIa, Case MS 3 (Clutterbuck); NRO BL IIIa, Case MS 28/6 (Browne estate).
- 21 NRO BL X 18, Part 2, Case MS 42/1
- 22 J. M. Barney, *The Merchants and Maritime Trade of King's Lynn in the Eighteenth Century* (University of East Anglia PhD, 1997), chapter 4.
- 23 NRO BL X 18, Part 2, Case MS 42/2
- 24 NRO BL X d8; NRO BL IX d15; NRO BL IIIa, Case MS 3, 19 August 1788
- 25 There are numerous references to family members throughout the cash books and also in correspondence. See for examples NRO BL IIIb, Case MS 9/4, letter 242 and NRO BL IIIa, Case 1/1
- 26 Bradfer-Lawrence, 192. See also Ketton-Cremer, 203.
- 27 Details of the purchase in 1760 from Spelman, whose estates were heavily mortgaged to the Sun Life Company and others, are contained in NRO BIR 31. In his essay Bradfer-Lawrence stated that Case acquired estates at Middleton and adjoining parishes from the Mostyn family in 1761. In an address to the Norfolk Archaeological Society in 1926 he had stated that Case bought the Middleton estate from the Mostyns in 1766 naming the price at £18,000. While Case was certainly instrumental in the sale of that estate to Benoni Mallet in 1766 at a similar price, I have found no evidence in his cash books that Case ever owned the property himself (he may perhaps have done so as trustee), and it is not mentioned in his Will.
- 28 NRO BL VIIc, Case MS24/8
- 29 NRO BL VIIc, Case MS 24/10
- 30 NRO BL VIIc, Case MS 24/11
- 31 One rough notebook (NRO BL VIIIa, Case MS 25) c.1740 may be an early version of his ledger, but covers a very short period and not all known transactions.
- 32 NRO BL VIIc, Case MS 24/11
- 33 Details of the workings of Bagges' banking arrangements with Childs are in Barney, Appendix 3.
- 34 Walter Rye, a century after the death of Case observed that he '...bought much land when it was cheap, and made a large fortune' (Rye, entry for Case family). Bradfer-Lawrence's assertion that Case and some Lynn merchants were investing in piracy in the later 1740s results from misinterpreting the word 'adventure' in connection with some small and apparently unremunerative investments in transatlantic shipments that Case made in conjunction with his brother and brother-in-law and merchant Thomas Alderson.
- 35 Peter Earle, *The Making of the English Middle Class* (1989), 137-141
- 36 R.S. Surtees, *Handley Cross* (1854), 71.

Appendix 1: The Properties of Philip Case (continued)

| Year | Total £ | Bagge inheritance | | | Hamond inheritance | | Properties resold in lifetime | |
|---------------------------------------|----------------|---|-------------------------------------|---------------------|--------------------|-------------------------------------|-------------------------------------|----------------|
| | | Stradsett/ Crimplesham Fincham £ | Gaywood/ Mintlyn/ Bawsey £ | King's Lynn £ | Grimston £ | Gayton Thorpe & East Walton £ | £ | £ |
| Received from Hamond | -400 | | | | | | | |
| | <u>29,208</u> | <u>9,060</u> | | <u>1,000</u> | <u>5,525</u> | <u>13,813</u> | <u>-400</u> | <u>-190</u> |
| 1764 | | 472 | 81 | ? | 377 | 1,260 | | |
| 1765 | -1,300 | | | | | | | -1,300 |
| 1766 | 75 | 4,100 | | | | 75 | | |
| | <u>4,100</u> | <u>4,100</u> | | | | | | |
| Ex Saffery (rectory, manor, advowson) | 600 | | | | | | | |
| Ex Munnings | | | | | | | | |
| | <u>32,683</u> | <u>13,760</u> | | <u>1,000</u> | <u>5,525</u> | <u>13,888</u> | | <u>-1,490</u> |
| 1767 | | 602 | 84 | 38 | 377 | 1,298 | | |
| 1768 | -1,800 | | | | | | | -1,800 |
| 1771 | 35 | | | | | 35 | | |
| 1773 | 175 | 175 | | | | | | |
| 1774 | 21 | 21 | | | | | | |
| 1776 | 1,100 | | | | | | | |
| 1779 | 84 | | | | | | | |
| 1780 | 100 | 100 | | | | | | |
| 1781 | 817 | | | | 817 | | | |
| 1784 | 105 | 105 | | | | | | |
| 1785 | 208 | 208 | | | | | | |
| 1786 | 7,500 | | 7,500 | | | | | |
| 1789 | 2,600 | | 2,600 | | | | | |
| | <u>107</u> | <u>107</u> | | | | | | |
| Totals | <u>£43,735</u> | <u>£14,476</u> | <u>£10,100</u> | <u>£1,000</u> | <u>£6,342</u> | <u>£15,107</u> | | <u>-£3,290</u> |

Appendix 2: Philip Case — Lifetime Financial Summary

| | <i>Total</i> | <i>Cash</i> | <i>Landed property</i> |
|---|---|----------------|------------------------|
| | £ | £ | £ |
| SAVINGS FROM INCOME | | | |
| From commencement of practice in 1733 to opening of first satisfactorily analysable cash book in 1753 | | | |
| Net financial assets at end 1752 | | 3,000 | |
| Expenditure on property prior to 1753 | | 12,000 | |
| | | <u>15,000</u> | |
| Savings as obtained from annual cash book analyses. | | | |
| Ten year periods to: | | | |
| 1762 | | 8,500 | |
| 1772 | | 15,500 | |
| 1782 | | 21,000 | |
| 1792 (death) | | 30,000 | |
| Overall difference on reconciliations. This represents unexplained receipts and and apparent excesses of loan repayments received over advances made and of client moneys received over amounts paid out. | | | |
| | | 6,000 | |
| | | <u>96,000</u> | |
| LEGACIES RECEIVED | | 1,500 | |
| LIFETIME SAVINGS | 97,500 | 97,500 | |
| COST OF REAL PROPERTY, LESS SALE PROCEEDS OF LAND SOLD | | -44,000 | 44,000 |
| | <u>97,500</u> | <u>53,500</u> | <u>44,000</u> |
| APPLIED IN MARRIAGE SETTLEMENTS AND OTHER GIFTS | -26,000 | -26,000 | |
| | <u>71,500</u> | <u>27,500</u> | |
| CAPITAL APPRECIATION OF PROPERTIES | 27,000 | | 27,000 |
| REALISED PROPERTY PROFITS | 3,000 | | 3,000 |
| VALUE OF ESTATE AT DEATH | <u>£101,500</u> | <u>£27,500</u> | <u>£74,000</u> |
| PERSONAL ESTATE | | | |
| Loans, other securities and cash | 42,000 | | |
| Household valuation | 500 | | |
| | <u>42,500</u> | | |
| Unpaid dowries due to sons-in-law | 15,000 | | |
| | <u>£27,500</u> | | |
| LAND | | | |
| | valued at 25 times <i>net</i> rentals of c. £2,800 p.a. plus £4,000 for houses and land in own occupation | | |

Appendix 3: Philip Case: Summaries of Income, Expenditure and Cash Movements

| | 1759 | 1769 | 1779 | 1789 |
|---|--------|--------|--------|--------|
| | £ | £ | £ | £ |
| INCOME | | | | |
| Fees | 883 | 514 | 388 | 351 |
| Interest received/-paid | 195 | -185 | 323 | 1,509 |
| Rents, less deductions for tax and repairs | 1,147 | 2,042 | 1,996 | 2,586 |
| Sale of timber | 23 | 36 | 43 | 156 |
| Legacies | — | — | — | 5 |
| | 2,248 | 2,407 | 2,750 | 4,607 |
| EXPENDITURE | | | | |
| Domestic and general | 515 | 651 | 624 | 732 |
| On property | 263 | 173 | 397 | 31 |
| Professional costs | 107 | 13 | 11 | 30 |
| Gifts | — | — | 27 | 35 |
| | 885 | 837 | 1,059 | 828 |
| SAVINGS FROM INCOME | 1,363 | 1,570 | 1,691 | 3,779 |
| CASH EXPENDITURE ON PROPERTY ACQUISITIONS | -1,000 | — | -84 | -107 |
| INFLOW/OUTFLOW ON LOANS SECURITIES AND CLIENT MONEYS | -97 | -1,744 | -1,624 | 1,695 |
| OPENING CASH BALANCE | 35 | — | — | — |
| CLOSING CASH BALANCE | 301 | 277 | 260 | 1,454 |
| | — | — | — | 6,821 |
| NET CASH INFLOW/OUTFLOW | £266 | -£174 | -£17 | £5,367 |