The Amateur Solicitor in Eighteenth-Century England:
John Cannon of West Lydford and Glastonbury, 1684-1743

By

Christopher T. Hustwick
B.A., University of Alberta, 1990

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

MASTER OF ARTS

In the Department of History

We accept this thesis as conforming to the required standard

[redacted]

Dr. J. Money, Supervisor (Department of History)

[redacted]

Dr. G. Blue, Departmental Member (Department of History)

[redacted]

Dr. T. Cleary, Outside Member (Department of English)

[redacted]

Dr. J. McClaren, External Examiner (Faculty of Law)

University of Victoria

Supervisor: Dr. J. Money

ABSTRACT

In eighteenth-century England very few professions, if any, were the cause of as much scandal and outrage as the lower branch of the legal profession. Especially tarnishing to their reputation were those practitioners whose qualifications were of suspicious origin. Outside of London, away from the governing eye of Westminster, were a number of men who practised law with neither the proper education nor training typically associated with their calling. Numerous legal historians have commented on the notoriety of this fringe-group of pseudo-lawyers, but no attempt has yet been made to study their specific history. With few exceptions, they have either been overlooked or dismissed as pettifoggers and hedge solicitors whose only contribution to society was detrimental at best.

Given the need for a more replete history of the English legal profession, particularly for a period when occupational distinctions were much less clearly defined than they have since become, this paper describes the range of duties performed by one early eighteenth-century amateur solicitor in an attempt to elucidate this hitherto enigmatic, yet infamous branch of the legal profession. It argues that amateur lawyers played a far more significant role in provincial society than is generally assumed; and it recommends a careful reconsideration of the motives behind the later eighteenth-century move for legal reform, and especially the conveyancing monopoly, which continues to be a subject of great controversy to this day.

Examiners:

[redacted]

Dr. J. Money, Supervisor (Department of History)

[redacted]

Dr. G. Blue, Departmental Member (Department of History)

[redacted]

Dr. T. Cleary, Outside Member (Department of English)

[redacted]

Dr. J. McClaren, External Examiner (Faculty of Law)

TABLE OF CONTENTS

LIST OF MAPS

I. INTRODUCTION

On 8 February 1763, the "attornies and solicitors residing in the Cities of Bath and Wells, and the counties of Somerset, Wilts, Hants, and Gloucester, and other Cities and Counties within that part of Great Britain called England," petitioned the House of Commons for a bill to prevent any person who was not a barrister, attorney or solicitor from "drawing, writing, or engrossing, finishing or perfecting, any Deed, Conveyance, Assignment, Mortgage, Lease, ...or any Writing or Instrument whatsoever, to be written or ingrossed on stamps." They began by reminding the House of the rules imposed by the 1729 Regulatory Act, permitting only attorneys and solicitors to sue out process, and of the duty they paid the government to practise. They further argued that "the preparing Conveyances of all Sorts has, time immemorial, been as much the Business of Attornies and Solicitors, as commencing or defending Suits at Law or in Equity, but that Part of the Petitioners' Practise hath of late Years been greatly reduced, by the interference of Schoolmasters, Parish Clerks, and Others, not skilled in such Matters and that the Petitioners apprehend that by passing the said Law, the Legislature intended that the Business and Profession of an Attorney and Solicitor should be conducted by men who had by their education gained knowledge and experience therein and which would prevent the Disorder and Confusion which the property of men would be subject unto under a contrary direction."[1]

While the problem of unqualified practitioners was by no means a dilemma unique to the latter half of the eighteenth century, the 1763 petition did mark the first occasion on which the lower branch of the legal profession banded together to complain about what they considered unfair

---

[1] House of Commons Journal, vol. 29, p. 445.

competition.[2] It was also the first petition relating solely to the issue of regulating conveyancing. How might this early manifestation of professional cohesion among the provincial lower branch be accounted for? What circumstances led to this outburst? And not least, for the purpose of this study, who were these unskilled interlopers the petitioners complained of? That large numbers of men were practising law with little or no previous training, especially in the provinces, the records leave little doubt.[3] Yet, despite their infamy, no attempt has yet been made to study the particular makeup of this fringe group of pseudo-practitioners. Where do they fit within the hierarchy of legal practitioners? What sort of work did they undertake? Who sought their services? What role, if any, did they play in provincial society?

Denounced as 'pettifoggers', 'hedge solicitors' and 'understrappers', amateur lawyers were a diverse group of practitioners who took up legal practise on their own initiative. They had no official court connections. Nor did they possess the training and education normally associated with their calling. Especially damning is their portrayal in contemporary literature, which characterizes them as an unscrupulous horde of knaves and pettifoggers. Henry Fielding, who was no stranger to the legal profession, having attended the Western Assize circuit as a newly qualified barrister in the 1740s, was one of many contemporary writers who blamed amateurs for

---

[2] "Lower branch" is defined as "a convenient collective noun which covers several groups of men with different functions and different forms of structural organization." In particular, it refers to those practitioners who were either attorneys or solicitors. Christopher Brooks, Pettifoggers and Vipers of the Commonwealth: the "Lower Branch" of the Legal Profession (Cambridge: Cambridge University Press, 1986) p.5.

[3] In addition to the 1763 petition, evidence pertaining to unqualified practitioners may be found in the findings of the Parliamentary Committee for the 1729 Regulatory Act in House of Commons Journals, XXI, 236-7. For more on this Act, see above pp. 7-8. For examples of this practise before the Regulating Act, see Dim Sasson, Law-Visions, or, Pills for Posterity, (with) Plain Truth by way of a dialogue between Truman and Skinall, two Attorneys, and Season, a Bencher (1736), p. 8; F. North, The Compleat Solicitor Entring Clerk and Attorney (London, 1683), p. 13.

the opprobrium cast upon lawyers.[4] An excellent example is this hostile sketch, taken from his 1742 novel, Joseph Andrews:

> This Scout was one of those fellows who, without any knowledge of the law, or being bred to it, take upon them, in defiance of an Act of Parliament, to act as lawyers in the country, and are called so. They are the pests of society, and a scandal to the profession, to which indeed they do not belong, and which owes to such kind of rascallions the ill-will which weak persons bear towards it.[5]

A lack of hard evidence, beyond the squibs and stabs made by writers like Fielding, has prevented historians from pursuing the history of amateur lawyers. Unlike the country attorney, and as the tenuous nature of their calling certainly dictated, amateurs did not leave much in the way of working papers or business logs. As a result, they continue to be viewed in an unfavorable light:

> ...nothing did more to jeopardize the repute of the profession at large in Augustan England than the financial machinations of the provincial factotum; and, in particular, the foxy activities of that notorious fringe element, the pseudo-'solicitors'.[6]

While there were, no doubt, a number of real-life counterparts to these shady characters, there is little evidence to suggest that all amateurs were pettifoggers. In his study of the legal profession during the late sixteenth and early seventeenth centuries, Christopher Brooks notes the difficulty in making a precise distinction between professional and amateur, but refuses to dismiss the historical significance of the latter on the basis of insufficient record:

> The number of pseudo-lawyers and the extent of their practises cannot be measured with any accuracy. Nevertheless, they, like the town court attorneys and the semi-

---

[4] A 'pettifogger' is defined as "one who was not over-scrupulous, and given to stirring up trouble in order that he would be employed to settle it" But, from the seventeenth century onward, it was applied universally to anyone who was not considered officially qualified to practise law. R. Robson, The Attorney in the Eighteenth Century (Cambridge: Cambridge University Press, 1959), pp. 137-138.

[5] Henry Fielding, Joseph Andrews (New York: Penguin Books, 1977) Book 4, Chapter 3, p. 269.

[6] Geoffrey Holmes, Augustan England: Professions, State and Society (London: George Allen & Unwin, 1982) p. 159.

> professional court holders, were significant figures in the legal institutions of the localities.[7]

Nor, as Brooks further argues, can they be stereotyped easily. Some amateurs, like Robert and Matthew Crisp, did plague the profession through profiteering and "[playing] fast and loose with other people's money, including that of the crown", while others, like Edmund Cundy, curate of Wortley, went beyond stirring up local disputes and established themselves as competent and reputable solicitors.[8] Also worthy of consideration are the nefarious activities of the bona fide attorneys and solicitors. As the author of a more recent piece on the history of the professions in England has pointed out, there is little evidence to suggest that amateurs were "much more machiavellian" than their qualified rural counterparts.[9] If anything, the notoriety of amateurs demands more academic attention to the fringes of the law, particularly for a period when occupational distinctions were much less clearly defined than they have since become. Using the memoirs of a provincial schoolmaster cum amateur solicitor, this paper will describe the range of duties performed by one early eighteenth-century amateur lawyer in an attempt to elucidate this hitherto unknown, yet obviously significant branch of the legal profession.

---

[7] Brooks, Pettifoggers and Vipers of the Commonwealth, p. 45.

[8] Brooks, Pettifoggers and Vipers of the Commonwealth, p. 47.

[9] Penelope Corfield, Power and Professions in Britain: 1700-1850 (London: Routledge, 1995) pp. 77-78.

II. THE LEGAL PROFESSION DURING THE EIGHTEENTH CENTURY

The early history of amateur lawyers is difficult to ascertain. The absence of any stringent regulations governing the lower branch prior to the eighteenth century makes it hard to distinguish between qualified and unqualified. Only the Bar enjoyed the solidarity of associations like the Inns of Court and the professional status conferred by these associations. The lower branch, and in particular its rural contingent, was "a rabble, needing no qualifications and subject to no control ...anyone could dabble in legal matters and call himself a solicitor."[10] A study of the legal profession between the accession of Queen Elizabeth in 1558 and the outbreak of the Civil War in 1642 suggests that the majority of purely provincial practitioners during this period were considered semi-professionals or amateurs by their London counterparts. They served in a number of local roles as town clerks, clerks of the peace and under-sheriffs, in addition to advising countrymen about the law. Although they were in no way affiliated with the Central Courts themselves, they frequently acted as intermediaries between rural clients and the common lawyers who practised at Westminster as well.[11]

A combination of events, beginning with the dissolution of the monasteries during the sixteenth century, dramatically altered the nature of the English land market and ultimately resulted in a conveyancing boom in the field of real estate. By 1540 the last of the monastic houses had been confiscated and within ten years almost a quarter of the land in England had been transferred from

---

[10] M. Birks, Gentlemen of the Law (London: Stevens & Sons, 1960) p. 132.

[11] C.W. Brooks, "The Common Lawyers in England, c. 1558-1642" in Wilfred Prest, ed., Lawyers in Early Modern Europe and America (London: Holmes and Meier Publishers, Inc., 1981) pp. 50-51.

institutional to private hands.[12] During the Restoration those landowners who had managed to maintain their titles and holdings struggled to protect their property and the land law that developed contemporaneously reflected their concerns. The development of the strict settlement during the latter half of the seventeenth century was perhaps the single-most important catalyst for the increase in conveyancing. By settling property upon trustees for contingent remainders, including those for unborn children, the strict settlement enabled the landowner to control the actions of his heir, essentially making him a tenant for life. As H.J. Habbakuk has commented, the strict settlement

> ...was the safety valve of the landed families. It was parallel in the economic sphere to the process whereby the eighteenth-century rake recuperated his physical strength by some months on a plain diet drinking the waters, and sometimes the two processes were combined.[13]

Lawrence Stone has argued that the strict settlement was, in point of fact, not very 'strict'. According to Stone, there was a certain degree of legal flexibility which allowed settlements to be broken every generation. If, for example, the head of the family (tenant for life) was still alive when the heir (tenant in tail) reached the age of twenty-one, they could break the settlement, allowing each to look after their respective interests. The father could pay off debts and provide for his younger children, while the son could negotiate a new annuity for his maintenance, allowing him to support his family until his father's death. Invariably new debts were charged on the estate and some of the land was either sold or conveyed to trustees to look after earlier debts and obligations. Thus, the true significance of the strict settlement lay in its psychological impact, or rather, in the mind-set that instilled a sense of preservation amongst landed families. Flexibility allowed it to be amicably broken, but moral obligation kept father and son working together in the best long-term

---

[12] Lawrence Stone, An Open Elite? England 1540-1880 (Clarendon Press: Oxford, 1984) p. 30.

[13] H.J. Habakkuk, "The English Land Market in the Eighteenth Century," in eds. J.S. Bromley and E.H. Kossman, Britain and the Netherlands (London, 1960), p. 164.

interests of the family.[14] Another method by which landholders, both large and small, could work around the restrictions imposed by their settlements was by mortgaging their properties. Hence the expression, 'land rich, cash poor.' The mortgage, which had emerged as a long-term instrument for credit at roughly the same time as the strict settlement, provided a viable solution for cash-flow problems and enhanced the already pressing demand for conveyancers. The result was a dramatic increase in the number of men entering the legal profession, the majority of whom flocked to the countryside to capitalize on the booming conveyancing market.[15]

The rapid growth in size of the lower branch between 1660 and 1730 highlighted the disparity between qualified and unqualified lawyers and heightened the need for better regulation, culminating in the Regulatory Act of 1729. In February of 1728, at the assembly of the general Quarter Sessions, the Justices of each of the three Yorkshire ridings presented a petition to the House of Commons complaining of the great number of entering clerks to Prothonotaries, who had hitherto been prosecuting in `trifling actions' with neither the proper education nor experience.[16] Included in the findings of the subsequent Parliamentary Committee was the testimony of witnesses who claimed to know of "several broken Tradesmen and Bailiffs [who] practise as Attorneys, and often set people at Varience,"[17] and that "a great Number of Practisers, who practise in the Country, and have good Business, were never sworn." One witness went so far as to declare that he knew

---

[14] Stone, pp. 76-78.

[15] For more on mortgages, see below pp. 47-50.

[16] House of Commons Journal, vol. 21, p. 236.

[17] House of Commons Journal, vol. 21, p. 267.

one, who is a Farmer, and another a Sailor, and about 20 or 30 more, who practise, and never were sworn."[18]

The subsequent "Act for the better Regulation of Attornies and Solicitors" received royal assent in May of 1729. Foremost in its stipulations was the formal establishment and maintenance of a roll and the exclusion from practice of anyone not enrolled. The requirements for admission were the same for both attorneys and solicitors: a mandatory five year period for articles; an examination performed by a judge prior to admission; a restriction of two articled clerks; and an oath of allegiance.[19] Despite its lofty aspirations, the Act had however only a very limited success. As one historian has commented, "This act, like its predecessors, and most social legislation of the period, laid down the penalties for misbehavior, rather than tried to prevent it."[20] The strongest argument for the limits of its success was the lack of interest in properly examining candidates prior to their enrolment. The judges, whose duty it was to ensure the capability and character of those wishing to enter the profession, still refused to acknowledge the lower branch as a professional body and were remiss in their duties.[21] Another shortcoming

---

[18] House of Commons Journal vol. 21, p. 268.

[19] Prior to the Supreme Court of Judicature Act 1873 attorneys and solicitors were treated as similar but separate groups within the legal profession. As one writer has pointed out, "[T]he solicitor of the Supreme Court was created as an amalgam of the attorney, the solicitor, the proctor and the court official..." Harry Kirk, Portrait of a Profession (London: Oyez Publishing, 1976) p. 1. Solicitors had been on the scene as a distinct group since the early fifteenth century. In the early stages of their evolution, they both assisted attorneys and managed any business which fell outside their scope. Their increasing importance, particularly through their association with proceedings in Chancery, had gained them formal recognition by the seventeenth century. According to the Attorneys Act 1605, attorneys were to have been brought up in the King's Courts, or 'well practised in soliciting of causes,' while solicitors were to be 'of sufficient and honest disposition.' Subsequent intermingling between the two groups slowly eroded the professional division separating them, and, by 1729, sworn attorneys could practise as solicitors and solicitors of five years' standing could practise as attorneys. The five year restriction on solicitors was revoked in 1783 and by 1873 all trace of division had disappeared. Robson, pp. 3-6.

[20] Robson, p. 12.

[21] Kirk, p. 72.

of the 1729 Act was its failure to address the issue of regulating conveyancing, which, despite its traditional association with Counsel, had also become an important and lucrative part of an attorney's practice.

Conveyancing, during the Early Modern period, stood for "not only instruments required on the transfer or mortgage of property, but all that is done in the Conveyancing Room."[22] This included an expertise in drawing up wills and trusts, administering family estates and, most important, money scrivening. According to contemporary literature, a money scrivener is defined as "one who is employed to find out Estates to purchase, or have Money to lay out for some, and borrow for others, and receive fees from Borrower and Lender; and of course are employed to draw securities."[23] The role of the rural money scrivener was similar to that of the London banker. Although banking had been conducted in the capital from the mid-sixteenth century onward, there "was but a handful of bankers in the provincial towns of England and Wales."[24] Consequently, the legal profession, because of its familiarity with local affairs and extensive knowledge of business, was the main channel for credit and capital transfer in the country. As L.S. Pressnell explains in his history of country banking in Great Britain, there were three main outlets for rural savings in the eighteenth century: government securities and trading company stock; land; and transport improvements. Scriveners (or scrivening lawyers, for the two were typically synonymous), because of their specialization in land conveyancing and mortgages, as well as their expertise in the legal formalities required to procure private Acts of Parliament for improvements in agriculture and

---

[22] E.B.V. Christian, Solicitors: A Brief Outline of their History (London, 1925) p. 129.

[23] R. Campbell, London Tradesman (London, 1747) pp. 79-80.

[24] L.S. Pressnell, Country Banking in the Industrial Revolution (Oxford, Clarendon Press, 1956) p. 4.

communications, were particularly significant in the latter two of the three outlets. And, as Pressnell further states, notwithstanding the relatively few surviving accounts of these money-scrivening attorneys, the little evidence that does exist "point[s] unmistakably to the embryo banker."[25] The importance of the attorney-bankers began to wane towards the end of the century with the growth of joint stock banks and the spread of more advanced banking techniques. Pressnell cites the case of Joseph Dickinson of Alston as one of the "last echoes of the union of law and banking."[26] Dickinson, the surviving member of a group of solicitor-bankers who filled in the vacuum left by a series of bank failures in Cumberland during the 1830s, held on till 1890, when he sold out to the Carlisle City and District Banking Company.[27]

Contrary to the claim made by the 1763 petitioners, conveyancing had not always been the business of attorneys and solicitors. Traditionally, it was considered the exclusive duty of the Bar. As one early historian has commented, "[t]o say of an attorney 'he made false writings' was not an actionable slander, for it was not the business of an attorney to make 'writings'"[28] While it seems likely that attorneys assisted in the preparation of simple instruments during the reign of the early Stuarts,[29] by the eighteenth century they had gradually come to share with counsel the preparation of all kinds of deeds. This change was particularly evident in the country, where "conveyancing

---

[25] Pressnell, p.41.

[26] Pressnell, p.44.

[27] Finance and credit are discussed at greater length in Chapter 5.

[28] E.B.V. Christian, A Short History of Attorneys (London: Reeves and Turner, 1896) p. 139.

[29] Symbolaeographia, one the earliest books on conveyancing procedure, was written in 1590 by the Yorkshire Attorney William West. As cited in Kirk, p. 126.

tended to be done locally in the nearest town to the property being transferred or charged."[30] Counsel were too few in number to deal with the increase in conveyancing work, and their services were largely restricted to the more populous rural centres. Also worthy of consideration was the high cost of retaining Counsel, and the labour-intensity of drawing and copying legal instruments. It is quite probable that the same motives that induced them to give up the more laborious parts of litigation to the attorneys, also led them relinquish much of the work associated with conveyancing.[31]

Attorneys and solicitors, on the other hand, appear to have set up office in virtually every parish in the countryside. Phillip Aylett's study of the distribution of attorneys in early eighteenth-century England, which is based on the returns of lawyers made to the House of Commons in accordance with the 1729 Regulatory Act, estimates the total number of lawyers in 1730 at 4600, 3130 of whom resided outside of London and Middlesex.[32] Nearly one-sixth of this provincial contingent lived in places with fewer than 1000 inhabitants, and one-tenth in places with populations below 600. Hence the argument that "early eighteenth-century attorneys were not only predominantly, but in many areas overwhelmingly, bound to the land, to the village and small market-town."[33] According to his map depicting the ratio of lawyers to population, the concentration of attorneys follows an inverted 'T' shaped pattern, which runs east to west along the Channel Coast and north along the Welsh border. Aylett's comparison of this general pattern with a

---

[30] Kirk, p.126.

[31] Christian, A Short History of Solicitors, p.141.

[32] Phillip Aylett, "A Profession in the Marketplace: The Distribution of Attorneys in England and Wales 1730-1800." Law and History Review, no. 5 (1987): 1-30.

[33] Aylett, p. 13.

map depicting the distribution of common field indicates a higher concentration of attorneys in areas with a higher percentage of enclosed fields. In other words, attorneys appear to have been in less demand in areas where much of the land was still held in customary tenure, and in greater demand in areas where land was being improved and consolidated under Parliamentary direction.

Barristers and attorneys were not the only people involved in conveyancing. In London, the lion's share of conveyancing was conducted by scriveners. The Scrivener's Company, one of the capital's minor livery companies, had, from the early fourteenth century, enjoyed a monopoly over the preparation of "all documents, charters and deeds, and all other writings which by the Common Law or Custom required to be sealed."[34] Outside of London, however, the art of scrivening was an unregulated trade. With the exception of a few of the larger provincial centres, like York, there was no need for such a guild. Moreover, as Shepherd's Touchstone of Common Assurances illustrates, those who lived in the country generally had no difficulty in finding someone able and willing to draw up any written instruments they required:

> Considering withal the mischief arising everywhere by the rash adventures of sundry ignorant men that meddle so much in these weighty matters [the common assurances and conveyances of the Kingdom] there being now almost in every parish an unlearned, and yet confident, pragmatical attorney (not that I think them all to be such) or a lawless scrivener, that may perhaps have some law books in their houses, but never read more law than is on the backside of Littleton, or an ignorant vicar, or it may be a blacksmith, carpenter or weaver, that had no more books of law in their houses than they have law in their heads, and yet as apt and able (if you will believe themselves) either to judge of a conveyance, and by the rules of law (of which they are utterly ignorant) to determine the strength and goodness of a title or estate, already made, or to transfer the property of things from man to man as the most learned and best counsellor of them all.[35]

---

[34] James I granted them a charter in 1616. See Christian, A Short History of Solicitors, p.142.

[35] As cited in Christian, A Short History of Solicitors, pp. 140-141. Shepherd was a prolific writer of legal texts, none of which were very significant. The Touchstone was, however, considered particularly significant, but not considered work of Shepherd. The true author, according to Holdsworth, among other legal historians, was the eminent Mr. Justice Dodderidge, BA of Exeter College and esteemed member of the Society of Antiquaries. Dodderidge had written several

Indeed, while attorneys and solicitors in every parish may have capitalized on the lucrative rural conveyancing trade, there was nothing to prevent other, perhaps less qualified, people from augmenting their income in this way. A study of eighteenth-century country lawyers suggests that the well-to-do and parish gentry were not the only people in need of legal services, and for the lower middle and poorer sort, the amateur would have been an affordable alternative to the country attorney.[36] Moreover, as the discussion in Chapter 5 will elucidate more clearly, there was often no need to retain an attorney for simple instruments such as bonds and promissory notes.

The only apparent requirement for establishing one's self in a rudimentary conveyancing practice was the ability to read and write. Reference material, in the form of practise guides and precedent books, was available from the sixteenth century onwards. The progenitor for practical legal literature is Littleton, whose Tenures was the basis for all subsequent texts not only on conveyancing procedure but on common law as well. Littleton was born in Frankly, six miles southwest of Birmingham. The exact date of his birth is unknown, but his reputation as a lawyer began to grow during the 1440s, during which time he held various notable positions including the escheatorship and under-sheriff of Worcestershire. Towards the end of the decade he held the Recordership of Coventry and during the early 1450s he earned the status, first of sergeant-at-law, then of King's sergeant, in addition to being granted the manor of Sheriff Hales in

---

pieces, not only on English law, but also upon topics of history and ecclesiastical law. Included in his library, which was purchased by Shepherd at his death in 1628, was a copy of the Touchstone, which Shepherd later published under his own name. See Holdsworth, A History of English Law (London: Methuen & Co., 1924) vol. 5, pp. 391-392.

[36] Michael Miles, "'Eminent Practitioners': The New Visage of Country Attorneys c.1750-1800" in G.R. Rubin and David Sugarman, eds., Law, Economy and Society, 1750-1914: Essays in the History of English Law (Abingdon, 1984), p. 478.

Staffordshire for his life. In 1466, he became a Judge of the Court of Common Pleas, where he remained until his death in 1481. Tenures was touted as the first great book on English law not written in Latin and wholly uninfluenced by Roman Law.[37] Written in French, it summed up the results of the professional development of land law which, at that time, was considered the most important branch of the common law. Its historical significance, according to Holdsworth, lay in its description of land law "as it existed at the end of a period of continuous and purely logical development, and just before a period when its doctrines were to be profoundly modified."[38] Thus, it helped to bridge the gap between feudal land law and property law, the latter of which was inspired by the growth of the new equitable principles administered in the Chancery.

Littleton's Tenures held its place as the chief work on land law during the sixteenth and seventeenth centuries, but its complexity left the door open to subsequent, simplified interpretations.[39] Equally important were the subsequent collections of conveyancing forms and precedents, which began to circulate during the sixteenth century, beginning with Thomas Phayre's New Book of Presidentes, published in 1543. William West's Symbolaeographia followed in 1590 and, like Tenures, stood the test of time very well, remaining a seminal piece on conveyancing procedure well into the eighteenth century.[40] By that time, however, the

---

[37] Holdsworth, vol. 2, pp. 571-591.

[38] Holdsworth, vol. 2, p. 574.

[39] Several of the later editions of Tenures were printed with wide margins for manuscript notes, which explains Dodderidge's reference to "the backside of Littleton" in his Touchstone. One of the most famous, but equally complicated interpretations of Littleton was Coke's edition, published in 1628.

[40] West was an attorney of the Inner Temple but practised in Rotherham, Yorkshire, where he also held a brief position as advisor to the Earl of Shrewsbury. Kirk, p. 126.

market had been flooded with numerous conveyancing manuals and practise guides, none of which were overly scrupulous in their assessment of formal qualification. In the example of the Compleat Solicitor, the author claims to

> ... see no Reason (as the case stands) why a man of brisk parts (though formerly against his inclination perhaps, or by some cogent necessity put to a trade) may not as well set up for a Solicitor, as some persons (we could name, now in being) have done heretofore with good Success.[41]

This was not to say that the practise of law was open to anyone. The same publication expresses concern for the existence of many "[s]imple fellows who had not wit or honesty enough to learn a mean Trade, and in truth cannot write their own names and yet are accounted brave fellows in that business." Yet, as the author further contends, armed with a copy of his treatise, "no man need despair whom God and nature have blessed with a competency of wit, memory and judgement, and inclinations and industry suitable to his profession." Also worthy of consideration was the market for legal literature. Despite certain ostensible concerns, this wide-ranging group undoubtedly included amateurs. Lawyers continued to write books on manorial laws and customs intended for the use of bailiffs and stewards well into the nineteenth century,[42] and as the preface to the 1695 edition of Covert's Scrivener's Guide illustrates, the entire genre of legal literature, though "chiefly for those who practise the law," was "...useful for all gentlemen."[43] Nor were such sentiments restricted to later works. As the introduction to Phayre's New Book of Presidentes states, "Every person that can wryte and reade and entendeth to have any thyng to do amonge the common weale must of verye need, for his owne advantage,

---

[41] F. North, Compleat Solicitor, 2nd ed., (London, 1683) p. 13.

[42] Aylett, p. 11.

[43] As cited in Birks, p. 82.

applie his mind somewhat unto this kynde of learning."[44]

The appropriation of conveyancing by the attorneys and solicitors appears to have been a peaceful transition. A study of rural practitioners in the West Riding suggests that relations between the Bar and the lower branch remained harmonious, and that the advice of counsel was still sought on matters of legal complexity.[45] By the late eighteenth century, conveyancing was regarded as one of the most important aspects of an attorney's practice, and in the country it had essentially replaced litigation in the majority of practices. Those who had business at Westminister typically retained an agent in London to take care of their affairs. Along with the "de facto" right to draw legal instruments, however, came the burden of competing with the vicars, weavers, blacksmiths, and others, who, unlike the bona fide practitioners, were not required to pay the expensive duties imposed by the 1729 Regulatory Act. Counsel, because of their low numbers and limited accessibility, both geographically and financially, had either tolerated or not noticed the village scriveners and amateur solicitors. Nevertheless, by 1763, the latter had become a problem worthy of official complaint. The 1729 Act had, at the very least, provided a clear distinction between qualified and unqualified, and it was this distinction that the members of the lower branch attempted to apply outside of the courtroom.

---

[44] As cited in Holdsworth, vol. 5, p. 389.

[45] Miles, "Eminent Practitioners", p. 476.

III. JOHN CANNON

> ...and so from a school boy I became a plowboy and from a plowboy an Exciseman and from an Exciseman a Maltster and from a Maltster to an almost nothing except a Schoolmaster, so that I might be called the tennis ball of fortune.[46]

The lack of hard evidence on amateurs should come as no surprise considering the likelihood that practising law was not their principal vocation. As Wilfred Prest points out in Lawyers in Early Modern Europe and America, "lawyers were a large heterogeneous group, ranging from a small elite of advocates to a fringe of obscure part-time practitioners of equally dubious qualifications." But as he further argues, "when part-time occupations were commonplace and vocational specialisation not highly developed, there is often room for doubt about where precisely the line between lawyer and layman was (or should be) drawn."[47] In Gentlemen and the Law, Michael Birks discusses the history of scriveners and points out that it was commonplace for provincial schoolmasters, among others, to augment their income by drawing legal instruments. The advent of the printing press in the late fifteenth century forced provincial scriveners, who lacked the official solidarity enjoyed by their London counterparts, to take up teaching as their primary means of income. Henceforth, scrivening survived in the provinces as merely "an incident of schoolmastering, " and itinerant barristers seldom forewent the opportunity to include among their toasts one to the village schoolmaster whose wills were

---

[46] Somerset Record Office, Ms DD/SAS C/1193/4: Xpovexa seu Annales, or Memoirs of the Birth, Education, Life and Death of Mr. John Cannon, Sometime Officer of the Excise and Writing Master at Mere, Glastonbury and West Lydford in the County of Somerset, p. 162. Subsequent references are to this source unless otherwise indicated.

[47] Prest, Lawyers in Early Modern Europe and America, pp. 12-13.

the cause of much of the local litigation.[48]

In the case of John Cannon, scrivening was a necessary supplement to his otherwise meagre income as a parish schoolmaster and local bookkeeper. His manuscript, Xpovexa seu Annales, or Memoirs of the Birth, Education, Life and Death of Mr. John Cannon, Sometime Officer of the Excise and Writing Master at Mere, Glastonbury and West Lydford in the County of Somerset, offers both a detailed picture of provincial life during the early Hanoverian period and an invaluable portrait of an early eighteenth-century amateur solicitor.

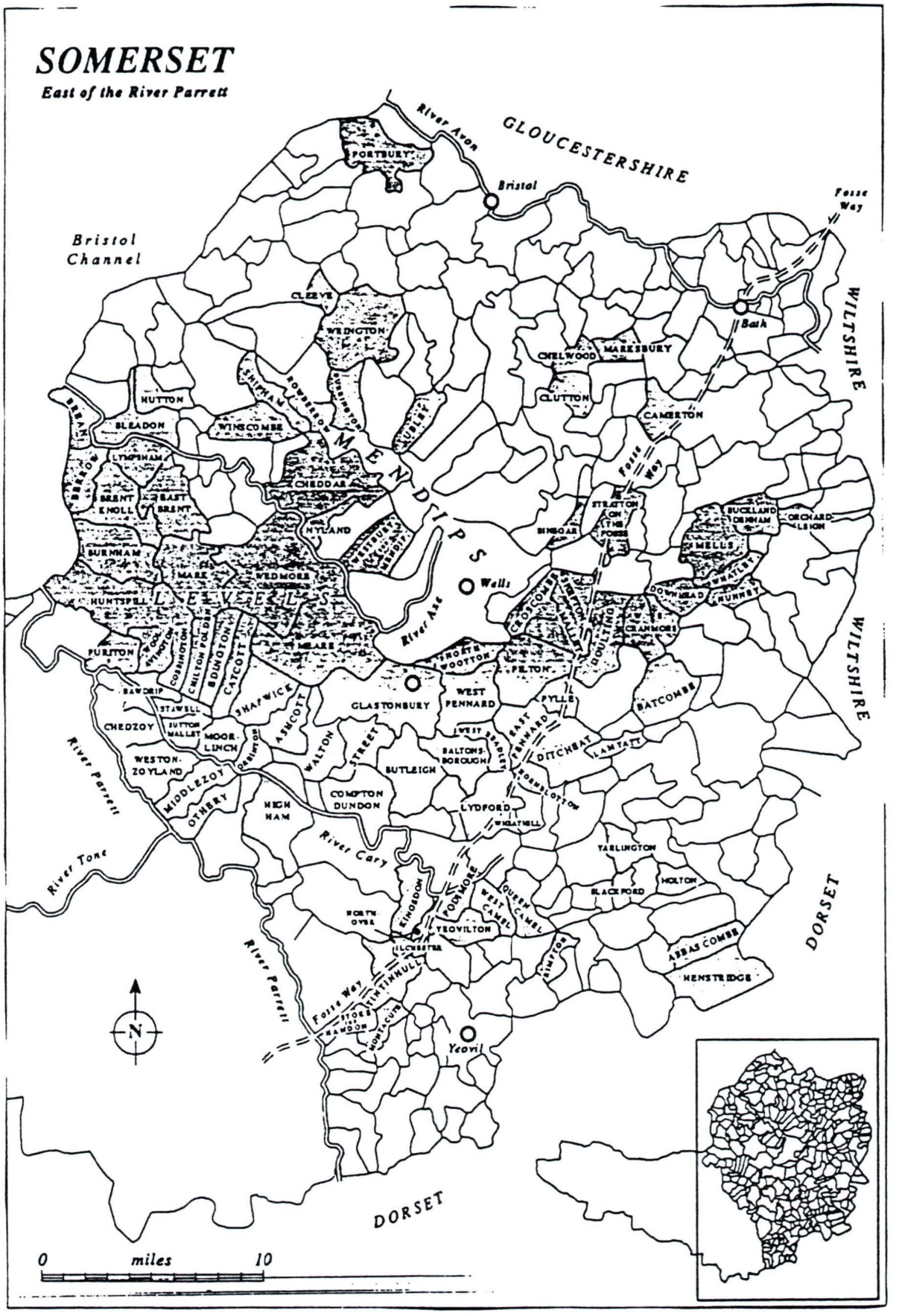
Cannon lived in interesting times and places. He was born in mid-Somerset on March 28, 1684, shortly before the conclusion of the Monmouth Rebellion. His memoirs give out in early 1743, right after the fall of Walpole and before the Jacobite uprising of 1745.[49] His particular locale, which stretched north-north-east from his family home at West Lydford to Glastonbury and, when duty called, further north to Wells, lay on the inland extremity of the Somerset levels, just on the boundary with the higher ground reaching south towards the Dorset border. The local agrarian economy within which Cannon and his kin lived thus combined arable with mixed livestock and dairy farming. It also made for a dynamic political setting during the seventeenth century. Somerset had been one of the most hotly and evenly contested counties during the Civil War and although there had been a great effort, particularly among the gentry, to minimize polarity for the sake of local interest, cultural and political differences did arise.[50] David Underdown's analysis of

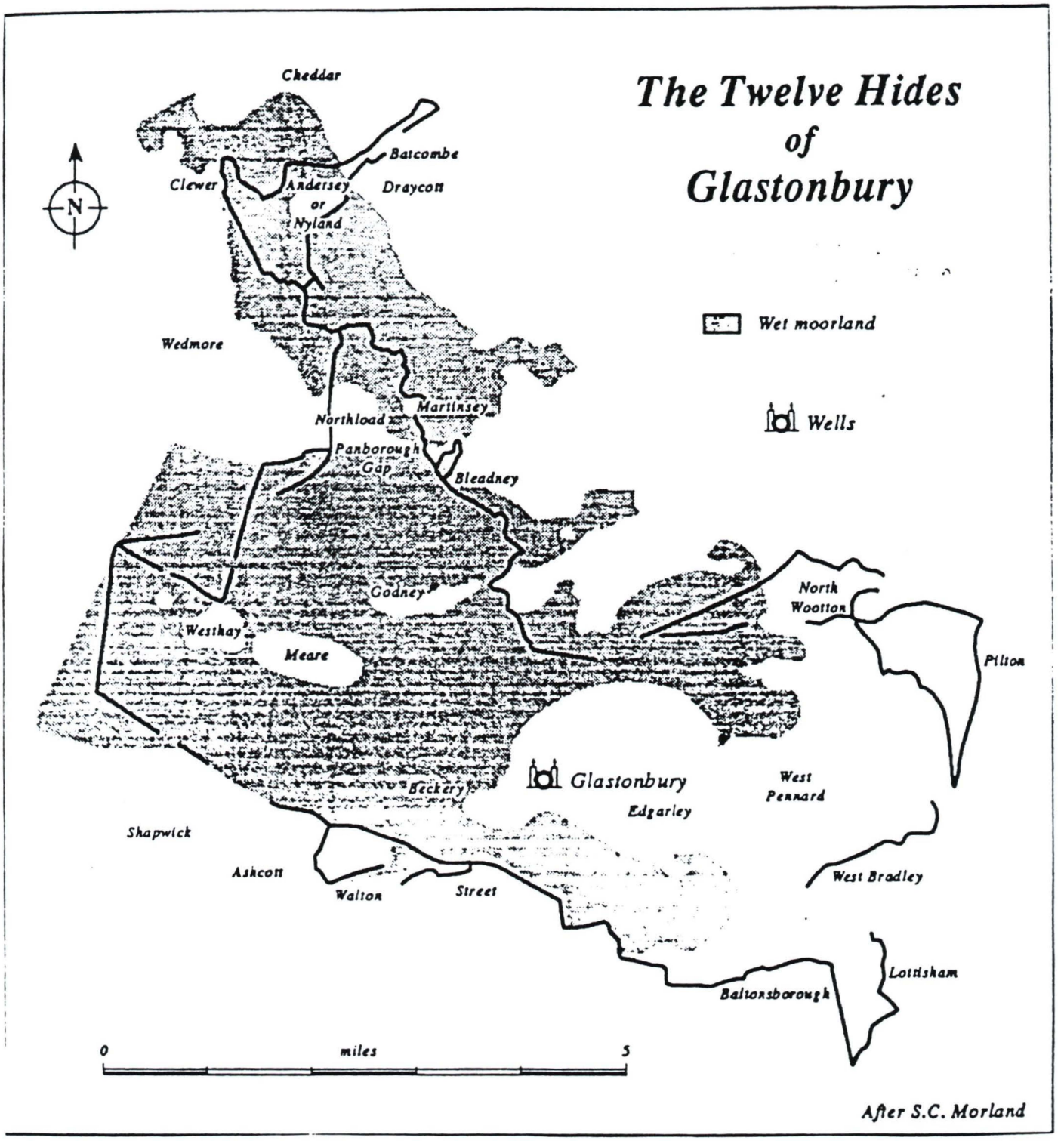
---

[48] Birks, p. 79; and Christian, A Short History of Solicitors, pp. 141-142.

[49] The exact date of his death is unknown but his memoirs taper-off shortly before his sixtieth birthday.

[50] For a detailed discussion on the history of Civil War Somerset, see David Underdown, Somerset in the Civil War and Interregnum (David & Charles: Newton Abbot, 1973).


SOMERSET
East of the River Parrett
Bristol Channel
River Avon
GLOUCESTERSHIRE
Bristol
Fosse Way
WILTSHIRE
Bath
PORTBURY
CLEVE
WRINGTON
CHELWOOD
MARKSBURY
CLUTTON
CAMERTON
HUTTON
BLEADON
WINSCOMBE
SHIPHAM
ROWBERROW
BURRINGTON COMBE
DUBLEY
MENDIPS
BREAN
BERROW
LYNCH
CHEDDAR
BRENT KNOLL
EAST BRENT
NYLAND
STRETTON ON THE FOSSE
BINEGAR
BUCKLAND DENHAM
ORCHARD LEIGH
BURNHAM
MARK
WEDMORE
WESTBURY SUB MENDIP
WELLS
MELLS
WHATLEY
DOWNHEAD
HUNTSPILL
LEVELS
River Axe
CROSCOMBE
SHEPTON MALLET
CLANMORE
PURITON
WOOLAVINGTON
COMBWICH
CHILTON POLDEN
EDINGTON
CATCOTT
MEARE
NORTH WOOTTON
PILTON
BAWDRIP
SHAPWICK
GLASTONBURY
WEST PENNARD
PYLLE
BATCOMBE
STAWELL
CHEDZOY
SUTTON MALLET
MOOR LINCH
ASHCOTT
WALTON
STREET
WEST BRADLEY
EAST PENNARD
DITCHEAT
LAMYATT
BALTONSBOROUGH
WESTON ZOYLAND
PARROTT
BUTLEIGH
River Parrett
MIDDLEZOY
OTHERY
HIGHAM
COMPTON DUNDON
LYDFORD
HORNBLOTTON
WIGGATHILL
River Cary
River Tone
YARLINGTON
BLACKFORD
HOLTON
NORTH CHEW
KINGSDON
FOUR MARKS
WEST CAMEL
QUEEN CAMEL
YEOVILTON
ILCHESTER
PODIMORE
ABBAS COMBE
HENSTRIDGE
Fosse Way
STOKE SUB HAMDON
MONTACUTE
TINTINHULL
Yeovil
DORSET
DORSET
N
0
miles
10


The Twelve Hides
of
Glastonbury
Wet moorland
Wells
Glastonbury
Cheddar
Batcombe
Clewer
Andersey
or
Nyland
Draycott
Wedmore
Northload
Martinsey
Panborough
Gap
Bleadney
Godney
Westhay
Meare
North
Wootton
Pilton
Beckery
Edgarley
West
Pennard
Shapwick
Ashcott
Walton
Street
West Bradley
Lottisham
Baltonsborough
N
0
miles
5
After S.C. Morland

popular allegiance in the West Country during the Civil War focuses on these underlying differences and connects them to agrarian ecology and settlement patterns.[51] Royalist sympathies, according to Underdown's study, tended to be concentrated in the nucleated villages of the chalk downlands where market economy growth and population expansion had little effect on the strength of manorial controls and the bonds of neighbourhood, while Parliamentary influence dominated in the wood pasture textile region of north Somerset and the pasture lands of West Dorset and the Somerset levels, where weak manorial structure was further eroded by rapid population growth, high rates of migration, and vulnerability to food shortages in bad harvest years. In other words, popular allegiance was divided between the stable "chalk" and unstable "cheese" regions. Cannon's home turf, which comprised both, thus straddled the hypothetical border separating Underdown's two ideal types, and the effects of this political and cultural dichotomy are later manifest in Cannon's interaction with his community on both sides of the border. As John Money has pointed out in his study of the Cannon chronicles, "Byegones might be byegones; but when he and his neighbours fell out and came to blows, which was not infrequent, it was to 'Monmouthing times' that they harked back."[52]

Cannon's family history also lends credence to Underdown's argument. His mother's visit to Carisbrooke Castle in 1648 to be touched for the King's Evil by Charles I during his captivity there suggests Royalist leanings,[53] yet the survival of his family's fortunes as substantial

---

[51] David Underdown, "The Problem of Popular Allegiance in the English Civil War," in Transactions of the Royal Historical Society, no. 8 (1981): 69-96; Underdown, Revel, Riot and Rebellion (Oxford: Clarendon Press, 1985); Underdown, "The Chalk and the Cheese: Contrasts among the English Clubmen", Past & Present, no. 85 (1979): 25-48.

[52] John Money, "The Making of a Parish Anglican in the age of the Fiscal Military State: the 'chronicles' of John Cannon of West Lydford and Glastonbury 1684-1743." Unpublished Paper.

[53] Memoirs, pp. 20-21.

graziers and farmers during the Interregnum was achieved largely through the patronage of the famous Parliamentary General and County Committee man, Sir Edward Hungerford. Cannon's father, a yeoman farmer of reasonable means, had served the Hungerfords as Bailiff for Lydford and the neighbouring manor of Lottisham. And, when Lydford was purchased in the early 1700s by the Bristol merchant-financier and Tory M.P., Edward Colston, he transferred his loyalties with no apparent hesitancy. Colston, who was a prime example of the sort of sleeping dog that Walpole preferred to let lie, served as a banker and moneylender to a number of his political allies, especially in Glamorgan.[54] He was also known for his High-Church philanthropy and zeal for the Reformation of Manners and promotion of Christian Knowledge, which had a great influence on Cannon during his teenage years. Colston's son-in-law and manorial successor was Thomas Edwards, who is described by Sedgwick as "a Tory who might often vote Whig." He also succeeded to Colston's Bristol seat from 1713 to 1715, and sat undisturbed as M.P. for Wells from 1719 to 1735.[55]

From his early childhood, Cannon enjoyed an affinity for reading and learning. As a young boy, he was forever shirking his domestic chores to indulge "my darling the delight I took

---

[54] Jenkins, The Making of a Ruling Class: the Glamorgan Gentry 1640-1790 (Cambridge University Press, 1983), pp. 69, 156.

[55] Sedgwick, The House of Commons 1715-1754 (London: H.M.S.O., 1970) vol. 2, pp. 3-4. Cannon, who later assumed his father's manorial responsibilities, had a good relationship with Edwards and was often invited to dine at the manor house. On one occasion, Edwards confided in Cannon his knowledge of insider-trading in the South Sea Company, particularly that of former South Sea Clerk and M.P. for Ilchester, Charles Lockyer. Lockyer, who made a killing on company stock before its plummet, managed to escape with a chest of gold guineas, which as Cannon notes, he was allowed to keep for "private reasons." Lockyer's efforts to invest his fortunes had an inflationary, albeit temporary, on local land values. Cannon himself had turned down a rather inflated offer made by Lockyer on his inherited property at Butmoor. He later regretted it and blamed his family who, for their own selfish reasons, had brow beat him into keeping the property. Memoirs, p. 156.

in my books."[56] Family hardship in the late 1690s brought an end to his short-lived scholastic ambitions and he spent the next ten years begrudgingly developing his husbandry skills. His first attempt to escape the plow with a seagoing mercantile apprenticeship in Bristol was thwarted by his mother, but in late 1705 he determined to qualify for the excise. In 1707, after a year of rigorous study and examination, he qualified as a Field Officer and was posted with the Reading Collection.

The specific details of Cannon's years with the Excise are of little pertinence to this paper and are discussed at length elsewhere.[57] It was, however, during this period that he developed his accountancy skills and first became acquainted with the practical side of the law. Cannon's first exposure to legal proceedings occurred in 1710, when he prosecuted a drunken baker for profane swearing. Despite the defendant's thirteen previous convictions for similar behavior, the mediation proved difficult primarily due to the reluctance of the local constable who, coincidentally, was a tenant of the defendant. Cannon, however, prevailed through the aid of his friend, who just so happened to be the presiding magistrate.[58] In 1713 Cannon was involved in legal proceedings of a much grander nature. He and a fellow officer had successfully apprehended and prosecuted a large-scale Malt Tax fraud perpetrated by members of High Wycombe's mayoral family, the Shrimptons. This, in addition to his prosecution of another member of the Shrimpton clan for using false weights in his tallow chandling business, earned

---

[56] Memoirs, p. 38.

[57] For more on Cannon's years in the Excise, see John Money, "The Making of a Parish Anglican in the age of the Fiscal Military State," unpublished paper; John Money "Teaching in the Market-Place," in J. Brewer and R. Porter, eds., Consumption and the World of Goods (London, New York, 1993) pp. 335-337.

[58] Memoirs, p. 97.

Cannon a commendation from the Commissioners of the Excise.[59] Less than a decade later, shortly before being vetted for a Promotion, Cannon was discharged from the Excise on trumped-up charges of bribery. He returned temporarily in 1729, but never sought permanent reinstatement despite the encouragement of his friends and fellow officers. He spent the remainder of his life applying the skills he had acquired in a variety of roles. Based in Lydford and later, in Glastonbury, where he lodged while maintaining his family at Lydford to preserve their ancestral settlement, Cannon struggled to make ends meet as a schoolmaster, parish clerk, steward, general accountant and "pretty good solicitor" who "had my fees like a lawyer, though not as great."

Before embarking on a discussion of this significant part of his life, Somerset, and especially that part of the county which constituted Cannon's known world, should also be explained within the context of the eighteenth-century legal profession. Although Somerset lay within the attorney-rich belt running along the Channel coast, it did not have as a high a concentration of lawyers as its neighbouring counties of Cornwall, Dorset, Hampshire and Sussex. Statistically, Somerset ranked fourth in the country with 136 enrolled attorneys. In terms of the population to attorney ratio, however, it ranked eighteenth with 1611 people per lawyer at an estimated population in 1731 of 219 154.[60] The relatively lower concentration of attorneys in Somerset may be partially explained by the relatively higher percentage of land held in customary tenure. The enclosure map provided in Aylett's previously mentioned study indicates that ten to thirty percent of the land in Somerset was not enclosed until the mid eighteenth-century, while in the aforementioned neighbouring

---

[59] Memoirs, pp. 105-108.

[60] Aylett, pp. 4-5.

counties, especially Cornwall, Hampshire and Sussex, enclosures had been largely completed by 1700. This enclosure-attorney connection is particularly significant to Cannon's experience. As Aylett points out, "it seems possible that ...the land in common field counties often changed hands without the intervention of a 'professional' lawyer."[61] Indeed, as the enclosure map clearly illustrates, Somerset's highest concentration of common land ran north to south through the middle of the county, from the Dorset border to Bridgwater, where it spreads east and west along the Bristol channel.[62]

Details are lacking concerning Cannon's entry into the law. Written retrospectively, the final version of his memoirs was not completed until the late 1730s. The particulars of his varied work, legal and otherwise, consequently begins to assume a detailed format as he catches up with the present. He appears to have begun supplementing his income with legal writing shortly after his return to Lydford in 1723. Although there is certainly no indication that he had any formal training as a solicitor, his experience in the excise would have equipped him with the basic skills necessary to take up a rudimentary scrivening practise.[63] Also helpful were the numerous books on conveyancing precedent and procedure which he collected and studied throughout his life. Although he does not divulge any specific information regarding these books, one may speculate

---

[61] Aylett, p. 11.

[62] Aylett, p. 12.

[63] One of Cannon's regular duties as an Excise officer was the process of copying-on the Excise General letters, which informed field officers of changes in statutory regulations, duty schedules, etc. These letters, which are the only surviving records of the early Excise in the P.R.O., were issued by the commissioners to each collector, thence copied to each supervisor, until they eventually found their way into each field officer's personal portfolio, where they were supposed to be available for inspection at any time. For more on the duties and general significance of the Excise, see John Brewer, The Sinews of Power: War, Money and the English State, 1688-1783 (Cambridge, Mass., 1989).

that they were along the same lines as those outlined in the previous chapter.[64] He also mentions the existence of his own manuscript of precedents, which he compiled over the course of his career as a legal writer.[65]

Cannon's first regular employer was Andrew Overton, an attorney residing in the nearby Parish of Queen Camel, for whom he performed a variety of tasks, the most important of which was drafting and engrossing mortgages and assignments.[66] Cannon's availability for travel also proved to be an important asset to Overton. In 1725, for example, he acted for Overton as intermediary to oppose a bankruptcy action against one Banks, a butcher in Salisbury. His meetings with the Banks' creditors took him as far afield as Wincaunton, Cucklington, Horsington, Temple and Abbey Combe, Henstridge, Stalbridge and Sturminster. He also travelled to Dorset to attend a general meeting at Sherborne.[67] During his early career at Lydford Cannon clerked in the same capacity for at least four other attorneys - Thomas Willis of Castle Cary, William Wey of Wincaunton, and the Gapper brothers, also of Wincaunton - none of whom proved to be very scrupulous employers.[68] He also clerked briefly, in 1724, under Charles Bull of Compton Pauncefoot, Steward to Mr. Justice Dodington of Horsington.[69] His duties

---

[64] See above pp. 14-15.

[65] Unfortunately, this manuscript does not survive. For specific reference, see Memoirs, p. 272.

[66] Engrossing refers to the preparation of the final handwritten copy of a legal document.

[67] Memoirs, p. 171.

[68] Thomas Willis is listed as being admitted to the Court in Common Pleas. Andrew Overton, William Wey and the Gapper brothers are not listed, but there is a reference to Overton's son, William, also of Queen Camel. See Sheila Lambert, ed., House of Commons Sessional Papers of the Eighteenth Century (Delaware: McGregor & Werner, Inc., 1975) pp. 83, 103.

[69] Although his first name is not mentioned, this was probably George Dodington of Horsington (c.1681-1757). Dodington stood as M.P. for Weymouth and Melcombe Regis, 1730-1741 and 1747-1754. He was returned by his

included "settling [Bull's] stewardship accounts, drawing and engrossing Leases, Conveyances and other Matters and also writing copies and teaching accompts to his four daughters."[70] Bull's untimely death later that same year ended the position, but Cannon continued to manage his affairs for a short while after, including the preparation of his widow's will.

Cannon does not offer much detail on his early career in the law, aside from his mistreatment at the hands of the aforementioned attorneys. Overton, he claimed, was

> ...not the best of paymasters but would screw and pinch and make me do it for little more than half worth, and if I had at any times choice books in the law wch I procured for myself, he would get them into his custody under a pretence of perusing and returning but on the contrary keep them and give me others for them of a former impression and worse bound,[71]

while Thomas Willis is described as being "far inferior in conscience and principle than any of my masters hitherto." He, too, absconded with several of Cannon's books in addition to owing him thirty shillings at his death in 1741.[72] Yet, notwithstanding his rather poor treatment by these men, he did benefit from the experience. As he states in his entry for 1725,

---

second cousin and political protégé, George Bubb Dodington, whose unsuccessful pursuit of peerage earned him the reputation of being "a political gambler, who usually backed the wrong horse." His journals, however, are an important source on the politics and cultural patronage of the age. The Dodington-Bull connection stems from the marriage of Bubb Dodington's uncle, George Dodington of Eastbury, Dorset (c.1658-1720) to one Elinor Bull, daughter of Henry Bull, also an M.P. Sedgwick, vol. 1, p. 615. Bull was also one of the men responsible for getting Cannon's commission with the Excise.

[70] Memoirs, p. 168.

[71] Memoirs, p. 168. Despite his differences with Overton, Cannon did get on well with his wife and children, the eldest of whom, William, eventually replaced Cannon when he returned from school to clerk with his father. Cannon later stayed at the Overton house as a companion to the youngest son, Robert, after Overton's death. His reunion with Robert in October, 1736, suggests that the Overtons may have been recusants with crypto-Jacobite leanings. As Cannon was preparing to depart, Robert and his friend, Mr. Andrewes, a gentlemen Commoner of Baliol, Oxon. who was also in attendance at the house, gave Cannon a book to copy, which contained two letters purportedly from the Duke of Wharton, who had defected, in 1721, to the Jacobite Court in Paris. Memoirs, p. 261.

[72] Memoirs, p. 171.

> ...by this long writing for the lawyers and my books which I bought and my study therein, I became a tollerable Solicitor and understood conveyances and all sorts of writings and got Employed at intervals on mine own account.[73]

Nor did Cannon's growing reputation, both as a legal clerk and accountant, go unnoticed. In the spring of 1726, he was offered a potentially lucrative position as chief steward to local Justice of the Peace, Colonel William Piers. In addition to supervising the Colonel's employees and estates in Bradley, Pennard and Baltonsborough, Cannon was offered a clerkship with "the benefit of Warrants, recogizances and such perquisites and privileges as usually belong to Clerks." Unfortunately, however, Piers never held up his end of the arrangement. When the time came to join his Master at the Assizes in Bridgewater, Cannon was ordered to attend the St. Giles fair at Winchester, Hampshire, to sell a large quantity of cheese.[74]

Notwithstanding his obvious disappointment, Cannon continued with his duties as bailiff, which included supervising the servants and workmen, collecting rents, and paying wages. For the most part he was left on his own, only to receive occasional instructions from London. In his memoirs, he recounts his duties and makes a special point of describing the corrupt, rather Fieldingesque state of affairs that had overrun the Bradley estate:

> Such a crew in one Gentleman's service, I believe, could at that time nowhere be found out- At the same time, they Rogued and Whored one among another in an open and shameless manner, of which I saw an occular demonstration with the husbandman and the dairy maid, the butler and housekeeper, groom and chambermaid, coachman and nurse, and when I threatened to acquaint my Master,

---

[73] Memoirs, p. 171.

[74] Memoirs, pp. 173-174.

> then they would lay their heads and consult how to circumvent my affairs and forge an untruth against me.[75]

The staff problem was further aggravated by Piers' failure to provide Cannon with enough money to cover the costs of running his estate.[76] The situation worsened and, after less than a year, Cannon was relieved of his duties for the mysterious disappearance of a £5 payment for the beancutters. Unable to explain the situation, Cannon again found himself the victim of conspiracy. The perpetrators were Piers' former bailiff, who wished to usurp his old position, and a "cunning and insinuating Priest of Butleigh." According to Cannon, these two had orchestrated the whole affair by seizing his books, including the unflattering descriptions of both his employer and his estates in his private journals, prior to the completion of his accounting entries, and presenting them to Piers's estranged wife, who subsequently dismissed him without his wages.

The Piers-Cannon connection is particularly significant in that Cannon's relationship with his former employer, with whom he continued to deal while acting as a parish clerk for Glaston, offers a worm's eye view of the processes of "Namierite" political accommodation and shakedown in the Walpolean era. Piers stood as Whig M.P. for Wells at every general election except one from 1715-1741. He was consistently defeated at the poll, but returned three times on petition, the last of which was achieved with the active support of Walople.[77] The Corporation, according to one observer, were so incensed at this blatant Court Whig chicanery that "...they summoned their whole

---

[75] Memoirs, p. 174.

[76] The debt problems at Bradley eventually resulted in Piers' arrest.

[77] Sedgwick, vol. 2, p. 347.

force and all their troops, being resolved to carry their Members though they had lost this city ...[and that] Mr. Piers was never chose by this city, yet had been twice duly elected by the House of Commons."[78] Piers' strong Tory background makes his political behavior even more devious. Descended from a leading family of Wells, his relatives included William Piers, Bishop of Peterborough and Laud's successor as Bishop of Bath and Wells in 1632. He made his diocese the most Laudian of all sees in the 1630s, and managed to survive the abolition of the episcopate during the Interregnum, being restored in 1660.[79] Nor, as Cannon's dealings with the Colonel illustrate, was Piers' chicanery restricted to politics. Although he did manage to settle his personal accounts with the beancutters a year after being dismissed, Cannon was still unable to collect his own wages. While attending Piers in the hope of settling the matter, Cannon notes that there was "no redress at all but only fine speeches and wheedling by the Colonel in his home, there being a French teaching master to whom he directed his discourse in French which I understood not."[80]

An undiagnosed ailment during the late 1720s resulted in a temporary hiatus in Cannon's legal career. He continued to teach and act as bailiff, rent collector and general agent for the Manor of Lydford, but his inability to travel seriously hampered his legal work. The only steady client he had was a Madame Mellior from Wheathill, who hired him to draw and engross several leases and "other writings". Cannon's luck turned for the better in 1729 when he was asked by Thomas Prust, an excise officer in the Sherborne district, to take a temporary position with the Wincaunton division. This position lasted for six months and was followed by a second stint of

---

[78] Harley Diary, 25 Mar. 1735, as cited in Sedgwick, vol. 1, p. 318.

[79] David Underdown, Somerset in the Civil War and Interregnum, pp. 22-23.

[80] Memoirs, p. 182.

two months in Byford.

Following the rejection of his second petition for restoration to the excise, Cannon took up one of his more important long-term positions as a bookkeeper for the Bennet family estate at Maperton, near Wincaunton, which lasted from 1730 until 1737. The Bennets were an affluent Bath family whose wealth descended matrilineally. Jane Bennet was the sole heiress of the Chapmans, one of the chief and oldest families in Bath.[81] Her relatives included Henry Chapman, the famous royalist officer who led the resistance outbreaks in Bath during the late 1640s. He had been particularly notable for fostering local support by organising weekly bull-baitings outside the city walls.[82] Phillip Bennet, the first son of Jane and Philip Bennet, inherited the manor of Widcombe and became a significant local political figure.[83] The other Bennet children included Robert, an attorney in Shaftesbury; Thomas, a mariner, "then in the streights"; Strode, a schoolboy; Ann, who married that famous man of Bath, Ralph Allen; Jane, who resided with Philip at Widcombe; and Mary, who remained with the Trustees at Maperton.[84] The principle executive officer was a yeoman farmer by the name of Hercules Hodges, who resided at the Manor House in Maperton. William Plucknett, Herbert Hussey and Nathanial Webb, Esquires, were the other Trustees. Cannon was hired to replace the recently deceased Webb as bookkeeper for the trust, and, under the direction of the others, he was responsible for keeping the daybook, partybook, cashbook and the balance book. He was paid four guineas in advance

---

[81] Sedgwick, vol. 1, pp. 453-454.

[82] Underdown, Revel, Riot and Rebellion, p. 266.

[83] M.P. for Shaftesbury, 1734-35; and for Bath, 1738-1741, 1741-1747. Sedgwick, vol. 1, p. 453.

[84] Memoirs, p. 189.

and "half a guinea for each and every time [he] attended them so long as their Trust continued."[85]

Maperton, which lay just across the Dorset border, was a considerable distance from Lydford. Cannon, therefore, had to plan his visits so as not to interfere with his teaching responsibilities, which proved troublesome to the Trustees. They expected him to come at the drop of a hat and Cannon, who was particularly pleased with his position both financially and socially, had to defer their requests as politely as possible on several occasions.[86] His attendance at Maperton also acquainted him with the aforementioned Wincaunton attorneys- William Wey and the Gapper brothers- for whom he began working in addition to his work for Overton and Willis.[87]

In late 1730 and 1731, he took two more temporary jobs with the excise, the first at Milborn Port and the second at Queen Camel, after which he assumed a teaching position in Mere, about four miles northwest of Glastonbury, where he was also hired to keep the parish accounts for both the Church Wardens and the Overseers of the Poor in exchange for an undisclosed salary. Although he claims to have abandoned all other business to concentrate on teaching and bookkeeping, Cannon did continue to work as a scrivener, drawing bonds and other credit instruments for a number of the local parishioners. He does not however mention doing

---

[85] Memoirs, p. 189.

[86] For an example of this, see Cannon's letter below p. 45.

[87] While working in Wincaunton and Maperton, he, again, refers to himself as "a pretty good solicitor and also a good share of conveyancing." Memoirs, p. 189.

any work for the local attorneys. On Lady Day 1732[88], the parishioners of Mere declined his offer for a contract renewal despite his "willing mind and hearty zeals for the children's benefit" so he took up an offer to organize a school in Glastonbury, whose vestry also hired him to keep the Church Warden and Overseer accounts for the parishes of St. John's and St Benedict's for two guineas per year. [89]

Cannon's move to Glastonbury is significant for two reasons. First, it resulted in a substantial increase in his legal work. Second, it was shortly thereafter that he began the first draft of his memoirs, which, consequently, makes for a more detailed description of his daily routine. Although only a lesser urban centre in Somerset, Glastonbury provided him with a greater pool of potential clients than his previous locations. Of particular importance were the Nicholls brothers, two attorneys who appear to have held a monopoly over the local legal business. Thomas, the elder, began employing Cannon in 1732, and continued to provide him with an abundance of work until the early 1740s. His brother, William, slowly took over the practice and, like Thomas, depended heavily on Cannon's assistance until his mysterious disappearance in 1743.[90]

Like his previous employers, the Nicholls brothers had built the bulk of their practice around the booming provincial mortgage market, and Cannon, who was responsible for drafting and engrossing the majority of their instruments, quickly found himself at the centre of a complex

---

[88] March 25, was observed as a church festival in commemoration of the announcement of the Incarnation to the Virgin Mary. It also marked the Julian New Year, which Cannon took as a lucky sign on account of its' being so close to his birthday.

[89] Memoirs, p. 196.

[90] See below p. 60.

network of land and credit. In 1740, alone, he drafted and engrossed over twenty mortgage deeds and assignments for the Nicholls brothers,[91] in addition to undertaking a number of more specialized tasks at their behest. He prepared their bills, and often assisted in their litigation affairs as well, serving subpoenas, attending clients, writing declarations for county court, and drawing interrogatories and answers for cases in Chancery. On June 21, 1736, he was hired by Thomas Nicholls, in accordance with a mayoral request, to draw "five hues and crys for and after Charles Parker about the murder of [John Parsons] which were sent different ways except one left with the Mayor."[92] In August of 1738, he actually filled in for Thomas and "as attorney gave livery of seisin being joined with William Pearl."[93] He performed another livery of seisin, in 1739, for William. The Nicholls brothers also played an influential role in local administration. Thomas was particularly active in the community and served as both a Church Warden and an Overseer periodically throughout the 1730s. To judge by the work of other legal historians, Thomas' direct role in parochial affairs appears to have been somewhat of an anomaly. According to Michael Miles' study of rural practitioners, attorneys did not usually hold official positions in the parish. They were more likely to hold "unofficial roles" as liaisons between county officials and parish administrators.[94]

---

[91] Cannon cites only those instruments which were of some interest or consequence to him, so an exact number is difficult to determine. For the details of Cannon's conveyancing work for the Nicholls brothers, see Chapter 5.

[92] Memoirs, p. 236. It appears that this instrument was the eighteenth century equivalent of a modern "arrest warrant" or a nineteenth century "wanted poster".

[93] Memoirs, p. 391. A livery of seisin was the appropriate ceremony, at common law, for transferring the corporal possession of lands or tenements by a grantor to his grantee. It was livery in deed where the parties went together upon the land, and there a twig, clod, key, or other symbol was delivered in the name of the whole. Livery in law was where the same ceremony was performed, not upon the land itself, but in sight of it. Pollock and Maitland, The History of English Law (Cambridge University Press, 1968), vol. II, pp. 83-90.

[94] See Miles, "Eminent Practitioners", p. 480.

While clerking for the Nicholls brothers constituted the bulk of Cannon's legal work, he did capitalize on the potential market for himself among those who were unable to afford the services of a bona-fide attorney. As he comments frequently throughout his diary, "my pen being my livelihood I wrote for all as they please for any reasonable matters or reward which I expected." Much of Cannon's routine business, apart from his clerking duties, was adapted to the mixed agrarian economy in which he operated, and thus catered to the seasonal movement of stock between leasehold pastures above the levels and on the levels themselves, which, as Aylett's study indicates, were still largely held in customary tenure. Cannon's clients are described not as freeholders, but as prudent leaseholders involved in commercial agriculture, whose tenancy was predominantly held in the form of lifeleaseholds. Under this system, tenancies were purchased by way of a lump sum or fine, which was determined by the gross value of the holding and the number of years purchase appropriate to the length of term to be granted. Lifeleases were typically granted for 99 years determinable upon three lives, which were usually the lives of the tenant, his wife, and his eldest son. Once a fine had been negotiated and paid, a small annual rent representing only a fraction of the land's annual value was rendered by the tenant. A typical lifeleasehold was negotiated as follows:

> ...drew a contract between Sir Samuel Newman of old palace Westminster, baronet, and Thomas Browning of Butleigh for William Blake, Sir Samuel's bailiff, being twenty acres of meadow near plunging in Streat[sic] parish to let to farm to Browning for 99 years to enter at Lady Day next, fine £240 payable next Christmas both covenant and to draw proper leases by that time. Witnesses to Browning's signing, Mr. William Blake and myself.[95]

The contract was later executed for the lives of Browning, his wife, and one Henry Pope, presumably Browning's uncle, with an annual rent of 20s. The £240 fine was secured with a bond,

---

[95] Memoirs, p. 600.

payable the following Christmas.

Another method of conveyance was to grant a short lease, usually no longer than 21 years, to the tenant. In this case, rather than paying an advance lump sum in the form of a fine, tenants rendered an annual rent, or rack rent, equivalent to the full annual value of the land. This form of tenancy, however, appears to have been far less common among Cannon's countrymen than the lifeleasehold.[96] There are, nevertheless, a few examples of what appears to be rack renting. Take, for instance, Zachary Bayley's Whethill farm, which was advertised to let for £80 to £100 per annum to "one or more what good encouragement in all or any sort of husbandry."[97] The difficulty inherent in Cannon's accounts is distinguishing rack rents from sub-leases. The granting of fresh leases was rare. Automatic renewals on lifeleaseholds were customary and most tenancies were held hereditarily, with an appropriate fine being paid on each life's expiry. Consequently, the majority of conveyances negotiated by Cannon were, technically speaking, actually sub-leases, which were similar to rack rents in that they were usually leased for a short term with an annual rent rendered by the sub-tenant. One method of distinguishing between sub-leases and rack rents is to look for the inclusion of a covenant in the contract regarding repairs and maintenance. In lifeleasehold tenancies, these responsibilities were assumed by the tenant and, should the property

---

[96] Christopher Clay notes that the predominance of lifeleaseholds in the south-western regions of England was a result of the potential financial losses incurred by getting rid of fines. To convert beneficial leases (lifeleases) to rack rent tenancies landowners had to wait for the old leases to expire, which subsequently meant taking a short-term loss in terms of fine renewal payments. The popularity of lifeleasholds during the later seventeenth and early eighteenth centuries may also be attributed to rapid deflation and the succession of agricultural depressions, which made longer lease terms appear more attractive to landlords. For a full discussion of tenancy for life and tenancy for years, see Clay, "Lifeleasehold in the Western Counties of England 1650-1750", Agricultural History Review XXIX (1981): 83-97.

[97] For the details of this particular lease, see Cannon's advertisement below p. 38.

be sub-let, they were typically passed on or, as the following example illustrates, shared by the sub-tenant:

> ...The same day [5 Dec. 1740] drew a lease from Richard Payne to Mr. William Cassell. The premises was a strip call'd Fountain's Wall ...and an enclosure of 5 acres in Common Moor abutting northwards against the said wall ...Term 7 yrs, annual rent £8 15s payable on or about the second day of February yearly, the first payment to be made on the said day 1741 ...lessor to put the fences in tenantable repair at entrance and make a new plank horse bridge out of the commons over the Rhine into the wall and to cleanse, dig and cut the weeds on the said Rhine and pay all taxes and find two men toward carrying earth for six days to fill and level a ditch onto the said commons and pay the lessee 18s for the use of his plow for the said six days in carrying the said earth, and the lessee to pay the rent aforesaid, draw and dig the ditch on the said commons when required and not to convert into tillage anymore than the said wall on which no barley crops is to be in the last year or at his going out or leaving the same and not to commence any wilful [sic] waste and to leave it at the end of the term in the like condition as on entrance.[98]

Similar contracts were negotiated for the pasturing of livestock. Richard Ellis, for example, was charged 2s 6d per beast per week for pasturing his ten oxen on one Horner's property in Southmoor, near Cowbridge. These contracts were usually made on a monthly basis and, as was the case with Ellis' agreement, the price would be reduced or increased according to the season and availability of grass.[99]

Money-scrivening, which will be discussed in greater detail in Chapter 5, was another important aspect of Cannon's private legal practise. He played an integral role in the local money market as a writer of bonds, notes and bills of exchange, in addition to seeking out investors and borrowers on behalf of his clients. Other tasks performed by Cannon on a regular basis include the preparation of informal agreements and general contracts between parishioners such as indentures

---

[98] Memoirs, p. 590.

[99] Memoirs, p. 458.

or articles of apprenticeship; writing formal petitions; copying old deeds and instruments; and writing letters. In 1740, alone, he wrote over fifty letters: business, social, legal and administrative. His clients ranged from the local gardener, John Selwood (alias, "Oxford Jack"), who ordered his seeds and equipment through Cannon, to the parish vestry, for whom he wrote a number of letters to the parishioners of Llangan, Glanmorganshire on behalf of the Davys family for social relief. He also wrote numerous advertisements for the sale and lease of property. Most of his clients were locals, like John Horner, wishing to sell or sub-let small parcels of meadow and pasture land. But he also attracted clients from outside his community, like Zachary Bayley, Esq., who wrote to Cannon from his home in Bowlish to advertise his farm at Whethill. The farm consisted of:

> ...a good dairy, house and outhouses, garden, orchards and other conveniences, 170 acres of meadow and pasture, 33 acres of enclosed arable, all well fenced to be let and entered on next Lady Day, also 12 acres of wheat then growing on the said farm to be sold to the tenant who shall take the whole or any part offering £80 or £100 per annum of the same to one or more what good encouragement in all or any sort of husbandry.[100]

Cannon was also a regular attendant at local disputes, particularly over debt and trespassing, which tended to be settled out of court through private mediation and arbitration. In April, 1739, for instance, he acted as recorder in an arbitration at the White Hart Inn regarding a trespass suit between Thomas King of Edgarsley and John Fussell of Wick.[101] The substance of the case concerned the trespassing of King's sheep in Fussell's pasture, for which Fussell was demanding compensation.[102] Eight witness were examined over a nine hour period and although the matter was

---

[100] Memoirs, p. 595. According to Sedgwick, vol. 2, p. 11, Bayley was the father-in-law of Abraham Elton, one of Cannon's most prominent patrons, which suggests Cannon's use of connection to expand his clientele. For more on Elton, see pp. 52ff.

[101] Memoirs, p. 458.

[102] This sort of dispute was symptomatic of unenclosed parcels of land, where barriers separating contiguous properties were often in poor repair; this being the case with the fence separating the properties of Fussell and King.

awarded in favor of Fussell, the plaintiff, the only people who appear to have benefited in any financial sense were the lawyers, William Nicholls and William Goldfinch.[103] Although aware of his limitations as a legal advisor, Cannon himself occasionally acted as a private mediator in local disputes. In 1736, for example, his services were retained by John Meaker to defend him in a case regarding an alleged account he had with a certain Widow Corp of West Pennard. Corp's lawyer was

> ...one Rufus Aberrow, a petty fogger, and well known to be notoriously given to sow discord amongst neighbours and set them to law, and especially concerning himself with widow women and in the end gripe them by exorbitant demands and bills.[104]

Much to Meaker's delight, and Cannon's expectations, this charge was dropped and the affair ended without further eruption.

Testamentary matters were another of Cannon's specialties. He prepared and amended numerous wills throughout his career, most of them on an emergency basis for clients who were either already on their deathbed or, like Joseph Carde, a sailor bound for Newfoundland, anticipating the possibility of disaster. Complete examples are rare, but those which Cannon does provide, like that of Ann Wrintmore, who kept the White Hart, illustrate the complexity of early eighteenth-century probate work, in addition to being some of the few surviving sources for Somerset wills: [105]

---

[103] Goldfinch was a notable attorney of Wells. His advice was sought both by Cannon and the Nicholls brothers on several occasions. His name is included in the list of attorneys enrolled at the King's Bench, the petty bag in Chancery, and the Court of Common Pleas. Lambert, pp. 50, 95 & 192.

[104] Cannon further condemns Aberrow for his pettifogging with reference to Matthew 23: 4: "Woe unto you Scribes and Pharisees, Hypocrites, for ye devour widows' houses and for a pretence make long prayer: therefore shall ye receive the greater damnation." Memoirs, p. 252.

[105] Much of the records kept at the diocesan registry in Wells were destroyed by enemy bombing in the Second World War.

> [17 Mar. 1741] Made the will of Ann Wrintmore, then weak, which was very long and tedious by reason of her children, who interposed by their cries and howlings but yet finished it viz. To her daughter Jane and her heirs the house she lived in near the upper conduit; to her son John and his heirs the house and premises late Ward's and called the Queen's Head; to her daughter Alice £60, £20 of which shortly after her death and the other £40 at twelve month's end after, and one-seventh part of the household goods including those she had when married to Isaac Court; to her son John also one-seventh part of her goods and the bed and appurtences she then lay on; to her son William £10 in lieu of goods given him in his late father's will; to her grandson Absalom (William's son) £20 at twelve month's end, to be put out at interest for the child's use by the trustees and executrix of her will and his father not to intermeddle therein; to William's wife's child then in the womb, if allotted for life £5, if not then the said Absalom to be put to interest as the other; to her daughter Mary Moor of Birmingham £10 and a silver spoon and to her two children £5 each; to her daughter Ann West £10 and to her then four children £5 each, and to the child in the womb also £5 if for life, if not the other four to share, these grandchildren's legacies to be put out at interest as the other and the respective fathers and mothers not to intermeddle; to Jane all the rest of her goods and credits, and named her sole executrix, and also appointed Mr. Francis Blake and Mr. William Cassell, her trustees, and then executed the same by her mark and seal thus A. Witnessed by Joseph Vincent, William Porch and myself, which I sealed in a cover and the testatrix delivered it to Mr. Cassell who read the same and was pleased with her ordering her substance.[106]

Occasionally Cannon was asked to carry more than ink and paper to perform such duties. In the case of Widow Parfitt's will, he was requested by her eldest son, who awoke him in the dead of the night, to "carry a good staff ...for that his two brothers, Henry and Jonas, did oppose the designs of their Mother, and lay in wait for him or any person that should come about such an affair." Following a brief struggle involving clubs and knives, Cannon was finally able to enter the house and attend to the dying wishes of Mrs. Parfitt, all the while contending with the angry brothers, one of whom repeatedly stormed the doors and windows, "threatening to fire in the house, calling his sick mother whore, devil and other bad expressions."[107] Equally amusing are his comments concerning the inevitable family squabbles which he witnessed, even over the most meagre of

---

[106] Memoirs, p. 634.

[107] Memoirs, p. 166.

legacies. While attending to the will of one Nicholas Lampart in 1738, he observed, "There was in the room with him his three sons Henry, Joseph and John and Mr. Wilkins' son-in-laws with their wives contending for that little the old man had like fowls of the air on a dying sheep."[108] Lampart had been ill for some time, and Cannon's expertise was retained to amend his first will, which had been improperly prepared by "one John Walter, a pretended scrivener." The fact that he was asked to amend wills originally drafted by other scriveners indicates that his knowledge of testamentary matters was highly regarded in the community.

Another significant aspect of Cannon's testamentary work is its illustration of the continuing importance of church courts in parochial affairs at a time when their influence is assumed to have been waning.[109] In the course of his legal career, Cannon became a regular fixture at the ecclesiastical court at Wells where he defended the wills he had prepared. He also corresponded regularly with the registerer, Mr. Hawkins, seeking legal advice and searching wills and trusts in the diocesan registry. His familiarity with both the court and its officials proved a definite asset while working on the Trusts of John Yeoman and Francis Pearl. Cannon's work on Pearl's Trust began in 1736 when he and his long-time companion and client, Thomas Fussell, were requested to attend the principle executor, Thomas Masters, an Innkeeper at Old Down about five miles northeast of Wells, to manage and state the accounts of trust for the children of the Late Francis Pearl.[110] In 1739, Cannon assisted Pearl's eldest son, also Francis, in choosing a new trust and, in

---

[108] Memoirs, p. 397.

[109] Cf. Robson, Birks, and Holmes.

[110] Pearl, a former mayor of Glastonbury, was one of many recipients of Cannon's belligerent criticism. While Mayor, Cannon noted his general ignorance and great vaunting and huffing "as if [he were] the greatest lawyer or orator in the land." Memoirs, p. 207. Cannon had also assisted in appraising Pearl's goods and inventories for the local Church Wardens. Memoirs, p. 230.

1740, he presented the trust accounts to the Consistory Court at Wells, standing in for Thomas Fussell, who was in hiding on account of one of his frequent debt problems. Shortly afterwards Francis Jr. was apprenticed to a saddler in Bristol. In January 1739, John Yeoman, then a minor, hired Cannon to write to the registrar at Wells to obtain the letters of administration to his late mother's effects, she having died intestate, and to choose a new trustee to replace that chosen by his late father's will. The original trustees were David Bell of Glastonbury and Yeoman's uncle, William Hodges of Butleigh, who had prevented Yeoman from possessing his late father's effects. The case was disputed at the Consistory Court and settled in November, 1740, with William Ball, to whom Yeoman had recently been apprenticed, also via Cannon, as his newly appointed guardian.[111]

Further evidence of the continuing significance of ecclesiastical jurisdictions and disputes over them at the local level is exemplified in an altercation between two rival Diocesan Chancellors that delayed court proceedings and halted parish business. On July 17, 1740, during a visitation to Glastonbury by Mr. Simpson, Chancellor of the Diocese of Bath and Wells and his surrogate, Rev. Mr. Wheeler, the late Chancellor, Dr. Thomas Eyres, challenged the authority of Simpson, whom he alleged had usurped his position. According to Eyres, his Chancellorship had been taken for attempting to overhaul the corrupt state of affairs in the Diocese, especially the exorbitant fees charged by the registerers and proctors. Simpson, he contended, was a puppet of the court officials, and therefore his decisions and actions were null and void of legality to the plaintiff and defendant. The conflict was finally resolved with Eyres' reinstatement. Simpson,

---

[111] Yeoman's name is among those listed in cases of intestate wills, Probate Administrators Papers. S.R.O. D/D/Cta/ Y1.

however, did not go unrecompensed. Cannon notes his later appointment as Master of Trinity Hall, Cambridge, and vice-chancellor of the University.

Despite his consummate attention to detail, Cannon offers very little information regarding his fees. The only full example is the following, which he included in a letter to one John Higgins of Bridgwater, dated 15 August, 1738:

1737, January 24th and 25th, for drawing and making your father's will	5s
Ditto, journey by myself and horse hire from Glaston to Southwood thereon	2s 6p
January 26th, ditto, and horse hire to Wells with you and on your request to advise about the same	4s 6p
February 3rd, ditto, my attendance at Southwood being sent for to satisfy you and others concerning the same when Mr. Hughes and others were there. To a book on tenant's law delivered your father,	2s and
if not returned	3s 4p
Total	17s 4p
To the above named book returned	3s 4p
By an easy chair sent to me	12s
Total	15s 4p
Balance due	2s[112]

A comparison of Cannon's fees with those of the Nicholls brothers is difficult to make on the basis of individual services like, say, the preparation of a will. Although he prepared a number of their

[112] Memoirs, p. 388.

bills, he only divulges the aggregate sums, which ranged anywhere from £10 to £300. A better source for comparison are the account books of a Bridgewater attorney who practised during the 1730s. His fee for the preparation of a will was just over ten shillings, roughly double that of Cannon.[113] Based on this difference, one could safely assume that Cannon's services were, indeed, very affordable, even for those who did not have money. In fact, as Chapter 5 will discuss in greater detail, very little money ever passed hands. Credit notes and bonds were commonplace and debts were reassigned on a regular basis as well. Bartering, as the above example illustrates, was also a common method of exchange. Cannon was often paid for his services with whatever his clients could provide, including clothing, thread, foodstuffs and furniture.

Practising law and writing were not Cannon's only pursuits beyond teaching. To eke out even the most meagre of livings in the Augustan countryside required flexibility and a considerable amount of ingenuity. Cannon, having never let his skills as a excise field officer rust, put them to use in a variety ways. When not busy writing or teaching, he managed to find work measuring buildings for repairs and construction, and assessing the quantity and the value of timber stacks. He was also frequently sought to survey local properties for drainage and inventory purposes. When financial pressures relented, which was not very often, he would apply his mathematical skills to more cerebral pastimes like amateur astronomy, the calculations for which are included in his numerous digressions. Bookkeeping, however, was by far his most profitable business apart from legal writing. In addition to his work for the Church Wardens and Overseers, he performed a number of local administrative tasks, such as drawing the assize for bread and assessing the local poor rate. He was also frequently hired to attend the local petty sessions, where he settled the parish

[113] The exact fee was 10s 6p. S.R.O., DD/L 3 42/14 (box 145): Lawyers Account [day] book, 1732-1767.

accounts and drew the nomination warrants for both St. John's and St. Benedict's. During the 1740s, he assisted in leasing the church lands and played an active role in the renovations to St. John's Church, measuring seats and pavement, ordering materials and dealing with the local contractors.

Cannon set great store by his parochial duties, and in particular by his work for the poor. As he wrote to the trustees at Maperton in response to their letter requesting his urgent attendance there, "...I must this next Sunday attend the payment of the poor for without me they can do nothing. If therefore it be not too late I shall wait on you about the latter end of next week being the beginning of February."[114] Cannon's pride in his administrative work is further exemplified in his zeal for the new workhouse, which had been established by the vestry of St. John's in 1734. He drew the relevant notices, assisted in preparing the necessary orders, decrees and rules, and strove to uphold proper administrative standards against the corruption and incompetence of its various governors. Although he notes that it had been set up pursuant to an Act of Parliament, there is little evidence to suggest external pressure from above on the vestry's decision to execute the plan. The fact that the Workhouse Test Act[115], itself, was enacted over ten years earlier indicates that the decision was made to satisfy local concerns, or as Cannon put it, to satisfy the need "for a better and more regular management of the Glaston poor."[116] A house was rented from Mr. John Applin on the north side of High Street in Glaston for a term of six years, but as Cannon noted, it was scarcely sufficient to house a mere third of those in receipt of relief before its establishment. More troubling, however,

---

[114] Memoirs, p. 280.

[115] 9 Geo II, c.7.

[116] Memoirs, p. 202.

was the perennial mismanagement of the workhouse for the first year of its operation, particularly at the hands of its second governor, William Arnold, who Cannon describes as a "mere conceited creature."

Tim Hitchcock and Joan Kent have both looked at the history of the provincial workhouse movement, and while each takes a separate approach in their respective analysis, they appear to arrive at the same general conclusion.[117] Hitchcock's study focuses on the role of the Society for the Promotion of Christian Knowledge (SPCK) in disseminating the distinctly religious ideology behind the movement, and the methods by which they connected the disparate forces and communities at the root of the movement's success. Key to his argument is the limited role played by the state in the movement. The formulation and implementation of Workhouses was almost entirely achieved through the ambition of local officials. The SPCK, which was a voluntary society, had essentially filled in the void left by the state by providing a full range of services to parish governments on matters pertaining to social policy. It operated under the simple principle that "no one could be both devout and lazy."[118] Workhouses thus served two essential purposes: as a deterrent to those seeking social relief and as a strong moral and religious environment for those truly in need of such services. Although Cannon makes no specific reference, the rules under which the St. John's workhouse was established may very well have originated in a SPCK pamphlet, the

---

[117] Tim Hitchcock, "Paupers and Preachers: The SPCK and the Parochial Workhouse Movement," in eds., Lee Davidson, Tim Hitchcock, Tim Keirn and Robert B. Shoemaker, Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689-1750 (New York: St. Martin's Press, 1992): 145-166; Joan Kent, "The Centre and the Localities: State Formation and Parish Government in England," The Historical Journal, 38 no. 2 (1995): 363-404.

[118] Hitchcock, p. 152.

most notable and highly circulated of which was the Account of Workhouses, published in 1725 as a set of instructions and examples for parishes wishing to organize such an establishment.

Kent's study of parochial workhouses is part of a much broader examination of parish government during the late seventeenth and early eighteenth centuries. Using the Parish of Pattingham, Staffordshire, as a case study, Kent looks at the establishment of a workhouse by the local vestry as an indication of the dynamic and often interactive relationship that existed between parish and state. Like Hitchcock, Kent views the implementation of social policy at the parish level as being largely independent of state influence. But, as she further argues, the laws and policies of the state and the interests of the leading parishioners often coincided, giving parish officials adequate reason to enforce such policies in the absence of pressure from above. This appears to have been the case in Pattington's decision to organize a workhouse in 1734. National legislation was adopted, but only because it provided a solution to the rising costs of maintaining the poor, which had more than doubled since the first decade of the century.[119] Whether or not this was the case in Glastonbury's decision is difficult to say without conjecture. However, chronologically speaking, it is equally difficult to refute the similarity between the two cases. And, as Cannon's notes indicate, the monthly relief pay had been reduced by half as a result of the workhouse decision.[120]

One of Cannon's more interesting parochial duties was as a clerk to the local Court of Sewers. The Commission of Sewers was an important local governing body responsible for the

---

[119] Kent, p. 398.

[120] Memoirs, p. 202.

drainage and protection of low-lying fen and marsh lands. Its official organisation dates back to the 1532 Statute of Sewers, which authorized the King to commission a body of persons to govern the sewers of a particular district.[121] The Commissioners were empowered to hold, when and where they saw fit, the Court of Sewers, in which they determined, by verdict of an indifferent jury, the obligations of various persons within the prescribed area or district. Fines were levied for failure to comply with these obligations at each session of the court, which was also responsible for providing an assessment of the local 'sewer' or 'moor rate'. According to Sidney and Beatrice Webb, these courts "belonged essentially to the class of 'ad hoc' bodies, created for some special function, which became a characteristic feature of the local government of the eighteenth and nineteenth centuries."[122] In the case of Somerset, the Commissioners, who were drawn from the principal landowners, formed a virtually permanent governing body. They divided themselves into four groups according to the locality of their lands, each district having its own court. The standing juries of these courts, of which there were several dozen per court, were not indifferent, but were rather selected from the occupiers of the lands and tenements in question. They served in rotation and were presided over by a foreman, who was responsible for overseeing the day-to-day administration of the local sluices, rivers, streams and drainage schemes.[123] Cannon's work with the Session of Sewers, which was held in Glastonbury roughly twice a year for a five year period, brought him into contact with several of the local magnates, including William Piers, Abraham

---

[121] Although the 1532 Statute marked the first formal organisation of these governing bodies, there is evidence to suggest that similar bodies were in existence from the late twelfth and early thirteenth centuries, if not earlier. See Sidney and Beatrice Webb, English Local Government: Statutory Authorities for Special Purposes (London: Longman, Green and Co., 1922) pp. 17-19.

[122] Webbs, p. 22.

[123] Webbs, pp. 39-45.

Elton[124] and Davidge Gould. Gould, a local magistrate, dealt frequently with Cannon while serving as both Overseer and Recorder for Glaston during the late 1730s and early 40s. He was, coincidentally, also a member of Henry Fielding's maternal family, who lived at nearby Sharpham Park.[125] Aside from its general political significance, the Sessions of Sewers conferred certain economic advantages to the host town. Determining its location was the cause of constant feuding between the townsfolk of Glaston and Wells throughout the 1730s. The first Session held in Glaston took place in 1735, and the corollary benefits it brought to the local inn and shop keepers, as well as to the whole town in general, are illustrated by the subsequent efforts of some of the local politicians to drum up advance support to maintain its future visitations.[126] In 1739 the Commissioners, led by Cols. Prowse and Piers, moved the Session to Wells, which, as Cannon noted, "was of great detriment to the town of Glaston." [127]

Aside from his administrative duties, Cannon had built up a strong base of regular clients, for whom he performed a variety of tasks: making shopbooks, balancing account books, and drawing bills and receipts. Isaac Court, who is described as "a man in great trade and circumstances,

---

[124] For more on Elton, see below pp. 51-52.

[125] Although Cannon was familiar with several members of Fielding's circle, including Phillip Bennet and Davidge Gould, the Cannon-Fielding connection is tenuous, at best. There is no indication that Cannon was familiar with Fielding's work, yet, it is quite possible that the two had crossed paths at the Western Assize circuit, which both attended during the early 1740s, Cannon as both a spectator and clerk and Fielding as a newly qualified barrister. Cannon also worked periodically for Hervey Carew Mildmay of Hazelgrove, thought by some to be the inspiration for Fielding's Squire Western. See Martin Battestin, Henry Fielding, a Life (New York, 1989) pp. 272-3.

[126] A good example of this behavior was Thomas Nicholls' attempt, in 1736, to bolster local support by persuading the innkeepers to commit advance funds to secure the next commission of Sewers in Glaston. Memoirs, p. 260.

[127] Cannon, who obviously had a vested interest in the Sessions, blamed its loss on the indolence of the towns people who "...never would contribute for the common good." More intriguing was the alleged political maneuvering of Robert Blake, a Wells innkeeper, which points to the equally important role played by bribery and corruption in determining the location of the Sessions. Blake, according to Cannon, had stocked up on supplies and, fearing his potential loss, prevailed upon Colonel Prowse to have the meeting moved to Wells.

but very illiterate," was one of many local tradesmen who relied on Cannon's services to keep track of their accounts throughout the 1730s and 1740s. Court, along with his brother and three sons, who were equally illiterate despite Cannon's attempts to have them enrolled in his school, ran an extensive family butchering business that catered to markets throughout the western region of the county. They were not, however, the only butchers in town, and to judge by Cannon's accounts, Glastonbury appears to have been a major supplier of mutton, beef, veal and pork. He notes in 1739 that it was "...an ordinary matter to see upwards of 30 horse burthens of such goods go out ev'ry Friday for Shepton Mallet ...ev'ry Tuesday to Somerton Market and Saturdays to Wells Market."[128] Other regular clients of Cannon's included his cousin, Elizabeth Pope, and Mary Down. Pope, who was the daughter of Cannon's mother's youngest sister, hired Cannon to settle all of her financial affairs, including her parish accounts as the overseer for the poor of Lydford,[129] and her various investments in property and mortgages. Down was presumably employed by Elton in some sort of domestic capacity as Cannon mentions settling her accounts for him on a weekly basis.

While Cannon appears to have gotten on well with most of his clients, he seldom forewent the opportunity to poke fun at the ignorance and illiteracy of those clients for whom he did not have the highest regard. When, for instance, Robert Blake, a local innkeeper for whom he harbored a particular disdain, requested that he alphabetize his new shopbook, Cannon could scarcely hold his tongue. Blake, he wrote, "was wholly ignorant of [the alphabet] yet a man in business ...[but] was not the only dunce in this town that employed me, as instances of that kind in these memoirs

---

[128] Memoirs, p. 515.

[129] Pope appears to have wielded a great deal of influence in her community despite her apparent illiteracy- Cannon frequently mentions her signature on legal documents and letters as her 'mark.' For her involvement in the local land and money markets see Chapter 5.

manifestly abound."[130] Nor was Blake the only recipient of Cannon's belligerent criticism. In one of his numerous digressions from daily activities, Cannon paints a rather unflattering portrait of the entire community:

> ...so gross and illiterate are the major part of the Inhabitants that it is to be noted among the Magistry and who also is most grievously infected with this disease, That when a Choice is made of one to bear the office of Proctor or Mayor, it happens sometimes on such who perhaps have some Small Substance in the World, but without Learning , and it is so notoriously gross that they cannot Read a Warrant nor sign their name although writ by a Clerk or penman whom they will employ as their Clerk (which sometime have been my fortune) to write their Summons and write their Name by their order.[131]

All bitterness aside, Cannon did benefit from the shortcomings of his community. For, had it not been for their ignorance and illiteracy, his services would not have been in such demand.

Cannon's affinity for bookkeeping brought him into closer contact with a number of the more prominent locals and ostensibly expanded his growing number of clients. In 1736, he was introduced to Sir Abraham Elton as "one of the best accountants they had in those parts, that his care and indefatigable pains by his method of bookkeeping and a counterpart from his little book was to satisfy every person who was desirous to know or ask any questions in their town affairs."[132] Elton figures prominently in these memoirs. His father, also Sir Abraham Elton, was a dissenter of humble origins, but quickly rose to become one of the greatest commercial magnates of Bristol. He was a pioneer in Bristol's brass and iron industry, as well as a principle owner of the local weaving, glass and pottery works. He was an Alderman for Bristol in 1699, Sheriff from 1702-03, and Lord

---

[130] What Cannon was doing was alphabetically indexing the shopbook, which exemplifies the transition to written practise at the base of the economy. Memoirs, p. 577.

[131] Memoirs, p. 212. His description of Glaston and, in particular, the corrupt state of local government, essentially sets the stage for the ensuing bitter-sweet drama between Cannon and his countrymen.

[132] Memoirs, p. 240.

Mayor for 1710-11. In 1717, he was made a baronet for his services in the rebellion of 1715, and from 1722 to 1727 he sat as Independent Whig M.P. for Bristol. Abraham Elton followed in his father's footsteps as both an industrialist and politician. In addition to serving as Sheriff (1710-11), Lord Mayor (1719-20) and Alderman (1723), he was M.P. for Taunton from 1724 to 1727, and, from 1727 to 1742, he succeeded his father as M.P. for Bristol.[133] Elton's bailiff, Thomas Fussell, relied heavily on Cannon to keep his books, write letters, and manage the estates of his employer. In 1738, Cannon played a major role in the sale of several of Elton's estates at Shapwick, six miles west of Glastonbury. He surveyed the properties, wrote the advertisements and subsequent letters, and drafted the original contracts which he later engrossed under Thomas Nicholls's name. Another of Cannon's more prominent employers was William Strode, Esquire. The strongly puritan Strode family had played a prominent part in Somerset affairs during the Civil War. For example, William Strode of Barrington, a wealthy Somerset clothier, was a deputy lieutenant in the original parliamentary militia organized in March 1642.[134] Cannon was involved in a number of Strode's estate transactions and his chief bailiff and steward, Francis Blake, hired Cannon on a regular basis to write letters, engross instruments and settle his accounts and disbursements. During the late 1730s, Cannon assisted Blake in the sale of a number of Strode's estates at Street, just outside of Glastonbury.

---

[133] Sedgwick, vol. 2, p.11. The Elton family remained powerful in Bristol. Abraham's son, Isaac, was Mayor in 1761 and one of the founders of the first Bristol Bank in 1750. See Pressnell, p. 240.

[134] The other deputy lieutenants were Sir John Horner, Alexander Popham, John Ashe and John Pyne. See Underdown, Somerset in the Civil War and Interregnum, p. 29.

IV. CANNON IN COMPARISON

Throughout his career, Cannon prided himself on his honesty and scrupulous attention to detail. As he wrote in 1736,

> ...I never in all my life out of fear or for favour wrote any instrument, deed, bond, bill or accounts for any person hitherto that employed me but what was the true meaning or sense of the parties' agreement taken from their own mouths only rendering it unto a better sense, style or according to the respective statutes in such case or cases made and provided. Neither had I hitherto been called in question in any court, ecclesiastical or civil or before a magistrate or person authorized by the government or laws of the realm to answer any writing matter, cause or thing which I wrote myself for any person who employed me or set my hand as witness either single or with others or witness to of other clerks or persons writing among the many thousands I had been employed in or concerned for, for which I glorified God my sole director.[135]

He was tempted on several occasions. In February, 1736, for instance, he was approached by Elizabeth Harper to write a false conveyance in the name of her recently deceased husband. Cannon refused the job, setting forth "the odiousness of the fact, and the risque and danger [he] ran in obliging her, but more particularly the discredit [he] should reap by such a base compliance."[136] On another occasion, he was asked to forge rent receipts with the signature of a recently deceased bailiff for his indebted tenant. Upon his refusal, his client offered an additional bribe not to betray him, which he also refused, "choosing with Moses in the Case of himself when come to maturity and the daughter of Pharoah choosing rather to suffer the affliction with the people of God, than to enjoy the pleasures of sin for a season."[137] Similar cases are mentioned throughout the manuscript,

---

[135] Memoirs, p. 240.

[136] Memoirs, p. 224.

[137] Memoirs, p. 224.

along with biblical allusions, which Cannon uses extensively to vindicate his high moral standards and respect for the law.[138] Aside from his reputation, he must have also realized the possible risk to his livelihood, a fear that undoubtedly stemmed from the mistakes that cost him his position with the excise. As Cannon himself might have put it in his typical colloquial rhetoric: "once bitten, twice shy."

Cannon's solicitude may also be attributable to his questionable position as an amateur solicitor. Although he makes no reference to proper qualifications and appears to have had no reservations about his capabilities, he did walk a fine line between scrivener and lawyer.[139] The lack of specific information on amateurs makes it difficult to draw a comparison between Cannon and others of his quasi-professional ilk. One exception is Thomas Turner of East Hoathly, Sussex, whose diary, which extends from 1754 to 1765, bears comparison to Cannon's memoirs in a number of ways.[140] Although a mercer by trade, Turner, like Cannon, constantly sought to extend his activities into other spheres. He kept the village school for a brief time, acted as a parish officer in a variety of capacities, and practised as a local accountant. As a competent and reliable scribe, his advice was also sought "almost in the capacity of an attorney."[141] He both engrossed and

---

[138] Early on in the manuscript, Cannon stresses his reverence for seals, which he took particular care to use on both his letters and legal instruments in order to ensure their validity against counterfeit and defeat. His own cipher or seal consisted of the letters of his name distinguished by ten balls or spots and a Cannon dismounted for the Crest. For a full illustration of his seal, including a more ornate variation he had engraved on his tobacco box, see Memoirs, p. 172.

[139] Despite his attention to recent events, which were often copied verbatim in his numerous digressions, Cannon made no mention of either the 1729 Act, or its subsequent extension in 1739, which, in itself, is illustrative of that Act's failure to have a substantial impact on the provincial legal profession. So far as Cannon's experience is concerned, life and law continued unaffected by the changes that were taking place in the capital.

[140] David Vaisey, ed., The Diary of Thomas Turner 1754-1765 (Oxford University Press, 1984).

[141] Vaisey, p. xxii.

drafted wills, drew petitions and bonds, and assisted his fellow parishioners in local conveyancing transactions. Turner's forte, however, was in the transfer of cash and credit. His shop, which served as a trading hub for customers and suppliers, was the site of numerous credit transactions, and Turner's expertise on money matters was frequently sought by the villagers as well.

While the diary of Thomas Turner indicates that Cannon was perhaps not entirely unique in his role as a general village factotum, how does his experience compare with the much greater pool of detailed work that exists on country attorneys? Albert Schmidt's recent study of country lawyer Benjamin Smith suggests that much of what Cannon did, apart from his clerking for other lawyers, falls well within the range of duties normally performed by a country attorney.[142] Smith, whom Schmidt describes as a "true village solicitor," practised law during the latter half of the eighteenth century in the small village of Horbling about thirty miles south of Lincoln. His bill books, which extend from 1761 to 1798, indicate that he rarely undertook litigation. Instead, the bulk of his work was conducted in the conveyancing room, where he prepared mortgages, wills and settlements; collected rents; prepared leases and managed properties; and, like most country lawyers, spent a great deal of time both drafting credit instruments and collecting the interest and principle accruing from his loans. There is even a striking similarity between Cannon's memoirs and Smith's business log:

> 'Mr. Holt on Mortgaging 2 Houses in Grantham to Mrs. Toller for L150,' 'Mr. Thomas Houlderness on purchasing a Cottage & Land at Stanfield of Mr. Green,' 'Mrs Hutchinson on conveying 50 a. of Land, 3 Cow Com'ons & 50 Sheep Com'ons

---

[142] Albert Schmidt, "The Country Attorney in Late Eighteenth-Century: Benjamin Smith of Horbling," Law and History Review p. 241. For more on country attorneys, see Miles & Robson.

> to John Welbourne of which with other Lands, the late Mrs. Wilkinson made a mort[gage] in Fee to the late Thos Brown Esq.'[143]
>
> This day I surrendered up the deed of gift into the hands of Henry Morris whose property it was and who gave me a general release, which was by him executed and witnessed by Mr. Thomas Banbury and Mr. Thomas Nicholls. At the same time I drew (and was witness to) a note of hand on demand on the said Morris to Mr. Nicholls value L2 10s; also a pair of contracts for Mr. Banbury to one Thomas Parker for the house late Ward's, annual rent L6 10s, term 1 year only, commencing at Lady Day next.[144]

A bit closer to home, at least in terms of temporal and geographic proximity, are the accounts of a Bridgewater attorney, Francis Bradley.[145] His day book, which extends from 1732 to 1738, also suggests that Cannon's practice was not altogether different from that of his qualified counterparts. Unlike Smith, however, Bradley does appear to have derived a significant portion of his income in litigation fees, which illustrates the general decline in importance of litigation to country practitioners towards the end of the century.[146] His work as a conveyancer was, nonetheless, equally important. When not busy preparing for local court suits, Bradley spent a great deal of time drafting mortgages, leases, indentures, wills, etc. He was also a money scrivener, and judging from the numerous bonds he drafted, an equally significant portion of his income was

---

[143] As cited in Schmidt, p. 241.

[144] Memoirs, p. 629.

[145] Cannon and Bradley may have even crossed paths during Cannon's residence at Bridgewater in the early 1720s. One connection that is evident concerns the Brydges family. James Brydges, the 1st Duke of Chandos, was a regular client of Bradley's and while he had no direct connection to Cannon, his son, the Marquis of Carnarvon (1703-27), is mentioned by Cannon as a prospective parliamentary candidate for Bridgwater in 1722. In the event he did not stand, and the election became a three-way race between Thomas Palmer (Recorder for Bridgewater), Bubb Dodington, and William Pitt. After his dismissal, but before the election, Cannon had entertained an offer from Palmer and others to petition Carnarvon, who was also an excise commissioner, for his reinstatement. Cannon, however, declined the offer out of fear being too closely connected to the local political faction. Memoirs, pp. 153-6. For the relevant political history of both the Brydges and the Bridgewater election, see Sedgwick, vol. 1, pp. 314, 500.

[146] See my earlier comments on this trend, pp. 15-16.

derived as a facilitator of loans. Unfortunately, the format of his day book does not allow for a very detailed narrative of his daily activities. Nevertheless, as the following excerpt illustrates, it does provide a useful breakdown of legal fees for an early eighteenth-century attorney:

Mr. Richard Hardwicke's Acc't:

	[£ s d]
A long mortgage ----------	0 18 0
Counterpart----------	0 12 6
Special Bond----------	0 3 0
My Journey to Ware----------	1 1 0
	2 14 6

March 30. 1733 rec'd in full: 2-14-6[147]

While, on the basis of the provided comparison, Cannon's practice does appear to have been very similar to that of the average country attorney, there is one important difference with respect to his money-scrivening activities. Unlike Smith and Bradley, he does not appear to have made any money as a broker of loans. In other words, he was not a person with whom people were accustomed to deposit their money. His role was strictly as a writer of credit instruments. The Nicholls brothers, on the other hand, do appear to have derived a great part of their earnings from negotiating or facilitating loans, as did a number of other locals for whom Cannon did much of the paperwork.[148]

---

[147] Somerset Record Office, DD/L 3 42/14 (box 145): Lawyers Account [day] book, 1732-1767.

[148] Cannon's work as a conveyancer and scrivener is discussed in greater detail in Chapter 5.

The only episode in which Cannon's qualifications are questioned occurred during a dispute with William Nicholls over an outstanding legal bill. Cannon had hired Nicholls to recover a ten shilling debt and although the debt was never recovered, Nicholls charged Cannon thirty shillings in legal fees. Following a brief argument over the bill, Nicholls threatened to prosecute him for unlawfully engrossing and writing on stamps, and attempted to blackmail him into signing a bond "under a great penalty never to Engross or to Write on Stamps anymore."[149] He also threatened to prosecute him for teaching school without a proper license.[150] Cannon, however, dismissed the threats as being yet another of Nicholls's "snares" and the encounter subsided without further repercussion. It is, nevertheless, interesting that Nicholls' threat regarding the stamps is strikingly similar to the objective of the 1763 petition, and to judge by the date, it is quite possible that Nicholls' name may have been on the petition.[151] Cannon's cavalier attitude, however, suggests that Nicholls' outburst was an idle threat. Moreover, as the 1763 petition illustrates, there was in point of fact no law preventing "conveyancers" from writing and engrossing on stamps. Nor did Cannon appear to have any difficulty in acquiring stamps for his documents, either before or after the episode.[152]

---

[149] Memoirs, p. 213.

[150] The licensing of schoolmasters was part of the terms on which the Anglican Church was restored after 1660. By the mid eighteenth century, however, it was more honored in the breach than the observance.

[151] Both Thomas and William are listed as attorneys admitted to the Court of Common Pleas in Lambert, p. 83. William was younger than Thomas and, taking into consideration the fact that Somersetshire practitioners made up a significant portion of the 1763 petitioners, it is possible that his name was on the list. It is also quite possible that Thomas Nicholls, Jr., who followed in his father's footsteps, was also a petitioner.

[152] Nor did he need them very often, as most of his work concerned property under £20 in value, for which there was no need for stamps This limit may, however, have only been applicable to probates. In the case of Lamport's will, Cannon states that the probate was "duly executed in the Bishop's court under the seal of office and being under twenty pound value it was without stamps as usual in such cases." See Memoirs, p. 397.

While Cannon appears to have maintained a clean record, at least so far as his memoirs are concerned, the same cannot be said of the majority of attorneys who employed him. In addition to cheating him out of his wages and stealing his law books, Overton often prosecuted Cannon on behalf of his creditors, as did Thomas Willis and William Nicholls.[153] Even the local Justices of the Peace were crooked in their affairs. Colonel Piers was notorious for leaving his bills unpaid and Cannon's efforts to collect his salary were fruitless, despite the many promises made by his quondam employer.[154] By far the most sinister attorney in Cannon's acquaintance was Thomas Willis's brother, Samuel Willis, whom Cannon refers to as "the Devil Willis." In 1737, he was committed to the fleet for billing a client £260 7s 6p for the recovery of a forty shilling debt,[155] and during the 1740s, he was at the centre of yet another legal scandal, this time involving his late brother's client, John Moore. According to Willis, Moore owed his brother £1500 in outstanding legal fees, and in lieu of which he was demanding a conveyance of their properties.. Cannon was cross-examined about his work for Thomas Willis on behalf of Moore, during which he stated his knowledge of Moore's debt to his late employer, but was unable to determine the exact amount. Shortly thereafter, Willis was wanted for questioning concerning the mysterious death of both Moore and his wife. According to local rumor, he had poisoned the couple after finally inveigling them out of their property.[156]

---

[153] To judge by Cannon's accounts, conflict of interest does not appear to have been a problem among rural attorneys. In other words, his employers did not hesiate to serve Cannon with proceedings while, at the same time, providing him with engrossing tasks.

[154] See above p. 30.

[155] Memoirs, p. 348.

[156] Memoirs, p. 627.

The Nicholls brothers had their fair share of scandal, as well. William was renowned for his 'vile practices', bilking his clients, including Cannon, chiseling them out of money and stirring up trouble between the locals. Thomas frequently abused his administrative positions as Church Warden and Overseer,[157] and during the early 1740s both were involved in an estate dispute in the Court of Chancery concerning the mismanagement of William Phelps's properties in Babcary and Pennard. Phelps had entrusted the management of his estates, valued at £6000, to the Nicholls brothers which they subsequently mortgaged and sold to one James Fisher for £3000. Phelps claimed that his properties were sold on the sly, for a questionable debt, and that the Nicholls brothers had struck a secret deal with Fisher. A year later, William was involved in yet another scandal, this time concerning debt problems of Cannon's childhood peer, Henry Scrace of East Lydford. Scrace, who was in a bind with his various creditors, had hired Nicholls to negotiate a £200 bond to one Thomas Cooth. Nicholls made himself a surety in the bond, collected the money and then kept it for his own use. When Scrace protested, he disappeared to London with both the bond and the money. Scrace was left empty handed and even further in debt, which eventually resulted in his suicide. Nor was Scrace Nicholls' only victim. He skipped out on a number of his outstanding debts, including the £3 he owed Cannon in back wages.[158]

---

[157] See below pp. 73-74.

[158] Memoirs, p. 638.

V. CREDIT

Two of the most pervasive themes emerging from Cannon's memoirs are debt and credit. Cannon, himself, was rarely if ever unencumbered, and, to judge by the variety and quantity of credit instruments he drew, borrowing money and assigning debts, in addition to the nagging threat of arrest, all appear to have been synonymous with provincial life during the early eighteenth century. Hard currency was scarce and seldom passed hands. When it did it was usually in small sums and only when no other alternative or medium was available.[159] The role of the eighteenth-century country attorney as a money-scrivener is well-documented.[160] But, as the following discussion will demonstrate, there was a great deal of moneylending being conducted outside of the sphere of the local attorneys, especially in terms of short-term, unsecured loans. This chapter will examine Cannon's role in the local credit nexus and hopefully provide an idea of the sort of basic activity that was taking place at the grass-roots level of provincial credit and finance.[161] Specifically, it will review the means of credit, the people who sought Cannon's services, and how and why credit was being used.

Although borrowing and lending had become routine in English rural life before 1700, the

---

[159] See below, p. 62.

[160] See B.L. Anderson, "The Attorney and the Early Capital Market in Lancashire" in F, Crouzet, ed., Capital Formation in the Industrial Revolution (Methuen & Co.: London, 1972) 223-255; and M. Miles, "The Money Market in the Early Industrial Revolution: The Evidence of the West Riding Attorneys c. 1750-1800," Business History (July, 1981) 127-146.

[161] To recreate the system of credit in which Cannon lived and operated in its entirety would be difficult to do on the basis of his memoirs alone. If anything, they warrant a more intensive survey of the local probate records like that conducted by B.A. Holderness of the inventories held in the record offices of Lincoln, Norwich, Nottingham, and Leicester. Unfortunately, in the case of the Somerset's records, much of this invaluable information was destroyed during the Second World War.

demand for credit was not particularly acute until the eighteenth century.[162] Developments took place at three levels: public, corporate and private. At the public level, the 'financial revolution' in government funding after 1688 witnessed the birth of a permanent national debt, where future revenues were mortgaged to offset the cost of England's expensive wars.[163] At the corporate level, the rapid expansion of joint-stock enterprises during the late seventeenth and early eighteenth centuries was halted by the Bubble Act of 1720, after which corporate enterprises were restricted to turnpikes and canals.[164] At the private level, the Treasury's failure to accommodate the growing demand for coins during the seventeenth century, coupled with the detrimental effects of the introduction of the gold standard in 1696 on the value of copper and silver coinages, resulted in a monetary crisis in the following century. Simply put, there was not enough hard currency in circulation during the eighteenth century to satisfy the needs of the public; and, while the Home Counties experienced "the mixed blessings of periodic gluts", the Provinces "tended to be starved of small change."[165] Public confidence in coin as a medium of exchange was further eroded by the subsequent proliferation of clipped and counterfeit money, as well as the use of private tokens of questionable worth. Foreign currencies were also commonplace, especially in the port regions where merchants conducted the bulk of their trading business. Of particular importance was the Portuguese moidore. Cannon mentions its circulation within his own community on several

---

[162] B.A. Holderness, "Credit in English Rural Society before the Nineteenth Century," Agricultural History Review, v. 24 (1976) p. 98. See also, Julian Hoppitt, "Attitudes to Credit in Britain, 1680-1790," The Historical Journal, 33, 2 (1990), pp. 305-322.

[163] P.G.M. Dickson, The Financial Revolution in England (1967).

[164] Hoppitt, p. 307.

[165] B.L. Anderson, "Money and the Structure of Credit in the Eighteenth Century", Business History vol. xii, no. 1 (January, 1970) p. 87.

occasions.[166] The result of this crisis was an increased reliance on alternative means of exchange; namely, paper credit, which in the case of Cannon's work was predominantly in the form of bonds and promissory notes.[167]

Promissory notes or as Cannon frequently refers to them, "notes of hand" were the most informal type of loans. Typically a debt without security, the note was an unconditional promise in writing made by one person to another, signed by the debtor, engaging to pay, on demand or at a fixed or determinable time in the future, a sum of money to the bearer or creditor. They invariably involved a small sum of money intended as a short-term loan. Some were drawn in exchange for goods or services, especially by the local farmers in exchange for livestock, while a number were for basic loans of necessity to tide people over during frequent periods of insolvency. Occasionally, they were used as a counter-security on other loans. If, for example, two people entered into an agreement to borrow money from another party, they might enter into a separate agreement between themselves to ensure equal responsibility for the original debt. Notes were also used as a method of assigning debts. It was not uncommon for a debtor to pay off his own debts with a note that entitled the creditor to collect monies from another party. An example of this sort of transaction occurred in 1728 when Cannon approached a Mrs. Roach of West Pennard to collect on a debt owed to him by her deceased brother. Roach ordered, via note, her tenant, John Ridewood, to pay Cannon the 19s debt from his rent dues.[168]

---

[166] While assisting his cousin, Elizabeth Pope, in receiving her rents and drawing receipts for her tenants, Cannon notes the motley assortment of coin then in her possession: "...245 guineas making in the whole £300 in the several sorts of coin viz. £3 12s, five 30s pieces, 12 moiders, [half] moider, and in silver £3 16s 6p." Memoirs, p. 403.

[167] For more on credit instruments, see E. Kerridge, Trade and Banking in Early Modern England (Manchester University Press: Manchester, 1988) pp. 33-44; and Holderness, "Credit in English Rural Society", p. 100.

[168] Memoirs, p. 395.

While notes were essentially a promise to pay, the bond, a far more prevalent form of short-term credit, was an order to pay. Bonds were formal loans charged at a fixed rate of interest (usually around five percent) and enforceable at law, which made them a reasonably secure investment by lenders. They differed from the mortgage in that they were normally without real property as collateral and were usually for less than the sums loaned against real estate. When a large sum of money was involved, property could be set forth in the condition of a bond by way of mortgage, the deed for which was redeemable at the set date. An example of this involved two Baltonsborough yeomen, Richard Grinstead and Thomas Haime, borrowing £100 from Thomas King of Edgarsley, the bond for which was secured by deeds to various plots of land.[169] By the eighteenth century, bonds could be assigned and were occasionally negotiated by groups of borrowers as debentures.[170] A basic bond included the names of the parties involved (obligee and obliger), the amount of the debt, the date or dates for payment, which was usually six months, and, being a sealed document, the date on which it was sealed. For further assurance, parties could enter into what was commonly referred to as a penal bond, wherein the obliger was forced to pay double the amount of the original debt should he or she default on the loan. Although he often refers to them only as bonds, most of Cannon's bonds were, technically speaking, penal bonds. They invariably stated an obligation of double the principle, which was payable with interest six months after the date of the agreement:

> ...drew a single bond from Mr. William Cassell to George George, obligation £100, condition £50 with interest payable the 28th of February following.[171]

---

[169] Memoirs, p. 495. For more on Thomas King, see pp. 71, 73.

[170] A debenture is a bond secured by an indenture containing protective provisions but without a specific lien on any asset. See Holderness, "Credit in English Rural Society," p.100. Today, it is viewed more as a floating mortgage over all the assets of the debtor (usually a corporation).

[171] Memoirs, p. 506.

The obligation could also be made contingent upon certain conditions being met, in which case the contract became a conditional bond. Conditions varied considerably. Some were for the delivery of goods or perhaps a service, while others concerned more complicated arrangements, like the assignment of indentures or support for bastard children. Conditional bonds were also used as security against hurt, loss, or damage. On March 12, 1741, for instance, Cannon was hired to draw an indemnifying bond between Thomas Giblet and his daughter, in which the latter was forced to agree not to

> ask, demand, sue for or recover any rent or arrears of rent of or from him, his heirs, executors, administrators or assigns for any time or term past to this day for his occupying or enjoying the rents, issues and profits of a tenement, dwelling house, orchard & garden in Mere, called "Rushmead", as well as 2 paddocks adjoining called "Cript", one close of meadows in Westmead & one close at Honnegar's.[172]

Security for long-term loans, which typically involved larger sums of money, was satisfied by way of mortgage. Bonds and notes were generally based on personal security, and default was common. Moreover, judgement on default suits in equity, should they get that far, tended to favour the debtor.[173] Consequently, a more tangible form of security was necessary. Traditionally, landowners had sold parcels of their estates outright to settle their accumulated debts, but the widespread emergence of the strict settlement during the late seventeenth century greatly hindered this practice.[174] The mortgage, which had developed into a long-term instrument of debt during the

---

[172] Memoirs, p. 600.

[173] Although such penalties were enforceable in common law, Chancery interpreted them as a nominal sum and generally ruled in favour of the debtor. The creditor recovered only what was owing under the terms of the condition. See B.L. Anderson, "Provincial Aspects of the Financial Revolution of the Eighteenth Century." Business History, xi, i, 1969, p. 13. Given this legal concession in favor of the debtor, one can only speculate on the regular employment of penal bonds. The penalty must have either been a minor technicality in the drafting of bonds, or, as I suspect was the case in Cannon's bonds, those who employed them were either unaware of the favorable judgement or not prepared to pay the high cost taking their case to Chancery.

[174] See my discussion of the strict settlement above pp. 6-7.

same period, remedied this problem. Landowners, large and small, were now offered the alternative of raising money on real security. Those who were heavily indebted could tighten their belts and settle into a long period of retrenchment while still maintaining their family holdings.[175] For lenders, the mortgage was equally significant in that it provided greater security, hence the argument:

> The man who buys land has principal without interest; he who lays out his fortune in the Funds has interest without principal; but he who lends on mortgage has both principal and interest.[176]

There were two dominant forms of mortgage during the eighteenth century.[177] The first was the traditional conveyance of land outright in fee simple from mortgager to mortgagee, with a covenant for reconveyance if the debt was repaid within an agreed schedule of dates. The second, and more popular type of mortgage, involved the grant of a lease to the mortgagee. The mortgager could grant a long lease to the mortgagee with a provision securing possession for himself unless he defaulted. Another method was to grant a lease and, in return, receive a re-grant from the mortgagee, usually in the form of a sub-lease, at a fixed rent, with the provision for the forfeiture of

---

[175] The complexity of early eighteenth century settlements and the significance of the mortgage therein is exemplified in the Pearse settlement, which Cannon privately copied for a Mr. McQuestion. McQuestion had married the widow of John Pearse, Jane Uphill, whose father, John Uphill, had died in 1725. According to the settlement, which McQuestion was obviously researching for his own potential benefit, forty-two acres of arable pasture and meadow had been conveyed to John Uphill and Thomas Sheppard in trust to be used as a jointure for the use and behoof of Jane should she survive her husband. It was also to be used for the heirs of their two bodies lawfully begotten or to be begotten, and for want of issue to pass to Pearse's sister, Elizabeth, and in default of issue to her, to the right heirs of Richard Pearse, the father for ever. Also included in the deed was a notice of John Pearse's mortgaging of a part of the property to Thomas Walker of Shepton Mallet for £140 for a term of 1000 years, subject to redemption on the payment thereof with interest at a certain day therein named, with other conditions and agreements. The original copy of the settlement had been drawn by Thomas Nicholls and witnessed by William Goldfinch. Cannon notes the complexity of the document which took him six hours to copy out in full. Memoirs, p. 418.

[176] Lord Mansfield, as cited in Habakkuk, "The English Land Market in the Eighteenth Century," p. 172.

[177] For a more detailed explanation on mortgages see Anderson, "Provincial Aspects of the Financial Revolution."

the sub-lease if the rent fell into arrears. This last type appears to have been similar to, if not the same as, what Cannon commonly refers to as a deed of lease and release:

> Engrossed a lease and release of a five acre meadow messuage called "Sislington Hampton" in South Brent, and a close called "The Groves" in Mere. This deed was from John Pople of Streat to William Nicholls, the said premises to be held by Nicholls and his heirs forever. Consideration- £42.[178]

Mortgages by way of lease and release gained popularity by the early eighteenth century because they could be raised on both freehold and leasehold property. Hence their predominance among both Cannon's and his employers' clients. The debt was treated as a chattel interest, which could be passed on to the mortgagee's executors who were entitled to collect the debt. In the case of the traditional fee simple mortgage, the security was not normally separated from the debt.

Bruce Anderson's study of the early capital market in Lancashire focuses on the rural mortgage market, "at the centre of which stood the money-scrivening attorney, characterized as much by his familiarity with business practice and local affairs as by his knowledge of the law."[179] The Nicholls brothers were no exception to this rule. Based on the amount of engrossing work they farmed out to Cannon, they were undoubtedly key players in the local mortgage market. They actively sought out investors, negotiated loans, and often invested their own money in mortgages. Although the nature of Cannon's work for them was relegated primarily to the field of long-term lending facilities, one may speculate that their money-scrivening activities also included shorter-term facilities. Most of their clientele were drawn from the local communities surrounding Glastonbury, but there is sufficient evidence to suggest that their services were retained by outside

---

[178] Memoirs, p. 591.

[179] Anderson, "The Attorney and the Early Capital Market in Lancashire." pp. 223-255.

investors as well, particularly for larger loans that were not locally forthcoming. Robert Codrington, Esq. of Bath, for instance, is mentioned as the mortgagee to Humphrey Colmer's properties at Bark's Lane, Baltonsborough. The original mortgagee was one Christopher Lucas and Cannon had been hired to engross the assignment, the principle of which was £300.[180] William Morgan, a London apothecary, provides another example of outside investment in the local mortgage market. He financed a £80 mortgage on William Withers' estate, the location of which is not disclosed. Cannon, who was hired to settle the accounts of the estate, does however note that the debt had, by 1735, accumulated in arrears to the sum of £148 4s 5.5d. It was subsequently transferred to a Mrs. Shepard of Wincaunton for £100.[181]

Once mortgaged, properties tended to remain encumbered, and the debt itself was circulated almost like a form of scrip. The mortgage on Withers' estate, for example, passed through several people in Wincaunton until it found its way into the hands of a local maltster, Robert Wadman.[182] Another example of multiple assignment concerns the estates of one Thomas Looke at Wooton and Thorstcall. They had been originally mortgaged to George Andrews, a Wells mercer, who then assigned them to Ann Bartlett, a widow of Bristol. Bartlett later assigned the debt to William Proves, a clothier of Shepton Mallet, who sold part of the estates to Cannon's cousin, Elizabeth Pope, and part to John Hill of Wooton. The remainder was assigned to George Close for £50.[183]

---

[180] Memoirs, p. 452. The Codringtons were an important Caribbean sugar family who brought their wealth home to Gloucestershire. William Codrington, baronet and M.P. for Minehead, 1737 to 1738, inherited the family fortune, some of which was used to endow All Souls, Oxford, and Eton. Sedgwick, vol. 1, pp. 563-4.

[181] Memoirs, p. 559.

[182] Memoirs, p. 620.

[183] Memoirs, p. 617.

The frequency with which mortgages could be assigned may, in part, be attributable to the terms for repayment, which could be negotiated for periods as long as 1000 years. This enabled the local attorneys, through whose hands they invariably passed, to assign and reassign the same debt to anyone willing or able to assume the risk. This, in addition to the fact that no one ever seemed to get paid, suggests that mortgages, and particularly the multiple assignment, proved a profitable aspect of provincial conveyancing.[184] The debts of Henry Scrace, who is mentioned earlier in relation to William Nicholl's shady dealings, are a case in point.[185] Before the bond scandal, he had hired Nicholls to negotiate an assignment of mortgage on his farm and premises at Lydford, which had been originally mortgaged to Thomas Withy in 1732 for £260. In 1742, after having borrowed an additional £170 from Withy by deed poll and bond, Scrace transferred his debts to one Caleb Dickinson, a merchant of Bristol, for £800, which included an additional loan made by Dickenson to Scrace for £298. Nicholls subsequently negotiated two separate assignments on the same property, one to Ann Collibre of Bath for £600, and another to a Bath syndicate of four investors for £700, on the combined total of which he would have made a healthy percentage as the principal negotiator.[186]

The Nicholls brothers and their clients were not, however, the only players in the community. The local money-market was to a great extent generated by the demand for short-term loans, and in the case of a simple bond or note, there was no apparent need for the legal expertise of

---

[184] One exception concerns the properties of John Sommer in Lydford, which had been mortgaged to Elizabeth Pope for £20. The property was subsequently sold to George Fear for £30, out of which Pope received her principle, but only half her interest. Memoirs, p. 549.

[185] See above p. 60.

[186] Memoirs, p 664.

a professional attorney. Nor, as the bulk of Cannon's scrivening work certainly indicates, was there always a need for financial intermediaries. There was never a shortage of countrymen in need of a small loans, and those who had money to lend did not have to look hard for investment opportunities. A great deal of moneylending was done privately, in the local tavern over a pint of ale, or in the home of one of the parties involved in the transaction. Once an agreement was made, Cannon would be summoned to take down the particulars of the contract, which he would later draw, seal and witness in his own lodgings, in much the same way a modern notary public might be asked to seal a contract for a nominal fee.[187] He did not loan out money himself although he was frequently sought to calculate the interest on the instruments he drew.

Kinship was also important. Borrowing from relatives, both distant and near, was common. Generally speaking, when financial disaster struck, the moral onus was on kin to prevent the eviction or seizure of a relative's goods. Nor, in the event of severe financial difficulties, was it uncommon for relatives to get the family out of debt prison.[188] Cannon's family was no exception. Although it was kinship that originally drove him to join the excise, particularly the limitations imposed on him by his kindred's measures to keep its property intact, the same familial bonds are what brought him home. Throughout his later years, he relied heavily on the good will of his cousin, Elizabeth Pope, not only as a client but also as a benefactor during his own periodic bouts with insolvency. The extent to which he praises her in his memoirs borders on the obsequious, and gaining her favour proved a perennial bone of contention between him and his brother.

---

[187] Unfortunately, Cannon does not disclose his fees for legal writing. If, however, Bradley's fee for preparing a bond (see above p. 57) is anything to go by, Cannon probably would have charged between 1s and 2s, depending on the complexity of the instrument See above p. 57. This estimate is, of course, based on the comparison of their respective fees for preparing a will made above pp. 43-44.

[188] Cf. Hoppitt.

Aside from friends and relatives, there were a number of locals who were known as particularly capable or willing lenders. Pope, in addition helping Cannon in times of need, was always looking for investment opportunities and while much of her savings were tied up in the expansion of her already substantial leasehold estate, she occasionally invested in mortgages as well. Richard Godwin, a good friend and personal creditor to Cannon, also dabbled in the money market, but it is difficult to say whether he actually made a business from lending money out at interest. Thomas Taunton, on the other hand, does appear to have been actively involved in the local money market. He was a neighbor of Cannon's and somewhat of a notable in Lydford. Although there is no detailed reference to his credit dealings, Cannon does mention him as being the chief creditor and mortgagee on a number of estates, particularly in and around Cannon's family home in West Lydford.[189] By far the most conspicuous money-lender with whom Cannon dealt was Thomas King of Edgarsley. King, whom Cannon describes as a "miserly and monied man" despite his being a close friend, lent out large sums of money at interest and employed Cannon to negotiate and prepare his credit transactions. According to his investment portfolio, which is presented in its entirety by Cannon in 1742[190], King loaned out a total of £791 14s over a six-year period. £71 14s were in the form of notes, and £498 in bonds. The remainder was tied up in mortgages.

Very little specific information is divulged concerning the background of these money-lenders. A good part of Pope's wealth obviously came from her jointure. Her husband, Thomas Pope of Butleigh, had died young, leaving his substantial leaseholdings in her name. In addition

---

[189] For more on Taunton, see below p. 72.

[190] Memoirs, p. 644. See appendix I for a full list of King's debtors.

to her jointure, Pope was also the sole heiress to Cannon's maternal uncle, who had built up substantial assets as a miller and grain chandler. As a young man, Cannon appeared to have been first in line in his uncle's legacy, but a falling out over how to plow the fields greatly damaged their relationship and ultimately resulted in Cannon's decision to join the excise. In his study of rural credit in the east Midlands and Norfolk, B.A. Holderness states that widows and single people were in many respects the most intriguing group of money-lenders. And, while both tended to rely on local outlets for their investments, widows had always played an important role in the economics of village life: "her function in redistributing idle capital towards the economically active in the community was by the seventeenth century predicated upon her provision of credit."[191]

The source of Taunton's wealth is more nebulous. As Cannon's replacement as Bailiff for the Manor of Lydford, his income could not have exceeded £10 per year. Yet, he may have made a substantial income from property. There is evidence to suggest that Taunton, whose family are listed as large leaseholders in the Wells Diocesan Register of Papist's Estates, may have been part of a local syndicate involved in the purchase of leasehold properties. In 1724, while still acting as Bailiff for Thomas Edwards in Lydford, Cannon was party to a sale of vacant rentals there to a group of buyers which included Taunton, Thomas Pope (Elizabeth Pope's husband), Cannon's brother and Thomas Hole.[192] Another possibility was that Taunton was using his Lordship's money for his own profit. Bailiffs and land stewards were often in a position of great authority and left to

---

[191] Holderness, "Credit in English Rural Society," p.105.

[192] Memoirs, p. 170.

govern, dispose, let, receive, disburse and pay with little outside intervention. In some cases, as Cannon noted in 1738,

> ...the servant speedily amasseth to himself sufficient to purchase estates and so soon become equal if not exceed their masters in wealth and riches whereby they lay a foundation (though perhaps not always lasting) for their families by which some of their posterity become in time Justices of the Peace and carry the title of an Esquire, or else tradesmen fit to represent some borough in the House of Commons or at least a Mayor in a Corporation.[193]

The source of King's wealth is also questionable. He was the land tax collector or tithing man for Edgarsley, a small township just outside of Glastonbury, so it is quite possible that at least a small portion of his short-term loans were financed through his collections. This sort of administrative abuse was not uncommon and, in point of fact, one may speculate that it was at the base of the country proto-banking system during the eighteenth century. Cannon's experiences as the bookkeeper for the local parishes are redolent with examples of administrative corruption. Thomas Nicholls was notorious for "cooking the books" while acting as overseer and church warden for St. John's parish. On one occasion Cannon actually caught him altering the overseers' accounts in an effort to cover up the monies he had siphoned off as a slush fund for his own political purposes.[194] The episode in question occurred immediately prior to a regular visitation of the Archdiaconal surrogate, Mr. Revd. Wheeler, to verify the Church books. Nicholls, who appears to have been worried about the validity of his expenditures, coerced Cannon into settling the disbursements of the St. John's wardens in such a way as to conceal a £50 reserve, which he

---

[193] Other historians have noted similar trends. The Steward to the Duke of Ancaster also employed his lordship's money for his own credit purposes. See Holderness, "Credit in English Rural Society," p.103.

[194] Memoirs, p. 478.

claimed to be keeping "...for future meetings or as may be said merriments as was accustomed."[195]

A further distinct group of borrowers is more difficult to identify. Debt and insolvency appear to have been common problems among most of Cannon's countrymen. His own frequent inability to collect on his own receivables or borrow money from others often led him to reflect on the poverty of the town, the whole stock of which, as he commented in 1736, "...I believed in general did not exceed £50."[196] To judge by Cannon's records, King loaned money to over twenty-five different people during the previously mentioned six-year period, many of whom, like Richard Grinstead and Thomas Haime, yeoman farmers in nearby Baltonsborough who borrowed over £100 pounds by bond and note, were regular borrowers. Cannon's landlord in Glaston, William Allwood, was another of King's regular borrowers. Both he and his wife borrowed heavily during the late 1730s to stave off other creditors. The rest of King's clients were mercers, tradesmen, farmers and graziers.

Lending money was not the only method of extending credit. The negotiation of deferred payments for goods or services rendered was also quite common. Cannon, whose insatiable thirst for books invariably outweighed his buying power, was forever writing to his various suppliers to stave off his debts. As he comments in 1721, "You might as well take a bear by the tooth as prevail with me to leave off purchasing books." Rent arrears were also an important species of credit,

---

[195] Nicholls' covertness in this matter may, in part, be attributable to the general crackdown on official expenses that began in the late seventeenth century. For a full discussion on this trend, see Kent, pp. 393-394.

[196] Memoirs, p. 239.

particularly during times of crisis or economic duress.[197] Many areas in England were afflicted with severe agricultural depression during the late 1730s and early 1740s and to judge by Cannon's accounts, Somerset was no exception. In the Spring of 1740, for instance, he mentions writing a letter on behalf of William Fly to his landlord in Bristol "excusing his not paying the rent due last Christmas by reason of the many floods he had last year that he could not depasture anything on what he rented for almost five quarters yet promised to bring it to him at St. James's Tide next."[198] In some cases, however, deferred rent was not enough to keep tenant farmers afloat, both literally and figuratively. Such was the case in the Autumn of 1739, when Cannon was requested by Thomas Fussell to write a letter to Sir Abraham Elton concerning the "deplorable case of his tenant at West Hay occasioned by the many floods this year" and to request "His Honor to buy his stock and acquit him of the estate to prevent his ruin with other matters concerning money."[199] This sort of philanthropy was reflective of the symbiotic relationship between landlord and tenant. Cannon was frequently sought to find potential tenants for his clients' properties, and his own frustration in renting out his land at Barton, three miles west of Lydford, suggests that tenants were often difficult to find. Thus, it was probably in the best interests of the landlord to maintain those tenants deemed worthy of support.

The standard view of many economic historians is that credit, and in particular the mortgage market, was instrumental in the development of an early capital market.[200] Whether or

---

[197] Holderness, "Credit in English Rural Society", p.p. 100-101.

[198] Memoirs, p. 547.

[199] Memoirs, p. 511.

[200] See Anderson, "The Attorney in the Early Capital Market in Lancashire" and "Provincial Aspects of the Financial Revolution."

not this was the case in Somerset is difficult to say on the basis of Cannon's experience alone. He was, after all, primarily involved in the negotiation of petty loans and not directly connected to large sources of money. If the entrepreneurial ventures of Abraham Elton in Bristol's pottery, weaving and glassworks are any indication, Somerset's economy does appear to have at least been buoyant enough to support proto-industrial and small-scale commercial ventures.[201] This may help to explain the rapid turnover of his estates at Shapwick.[202] If Cannon's observations on Elton's death in 1742 are anything to go by, he appears to have been using property to amass capital in an effort to keep himself liquid.[203] Notwithstanding these anomalies, the chief focus of Somerset's economy, or at least that part of the county in which Cannon lived, was on agriculture, not industry. Thus, what Cannon's experience provides is a worm's eye-view of a provincial credit system that catered specifically to needs of a predominantly agrarian populace. Within this system, loans tended to be negotiated for two main purposes. First, to supply working capital in the form of land and animal stock. And second, to maintain consumption. The first purpose may be expanded to include tradesmen, like Isaac Court, for whom credit would have been employed to enhance their trade and market. The second, though comparatively trivial, was nonetheless a compelling catalyst in the negotiation of petty credit instruments. Cannon himself frequently borrowed in order to maintain his extravagant spending on books and printed material, and as his comment regarding the townsfolk of Mere indicates, the extravagance of entire towns on festivals and revels was such that they "are reduced in their circumstances but very few, but what have their estates in mortgage or

---

[201] One exception may be the Duke of Chandos, who invested heavily in Bridgwater as a prospective company port and industrial site for his various overseas ventures. See Larry Stewart, The Rise of Public Science: Rhetoric, Technology, and Natural Philosophy in Newtonian Britain (Cambridge University Press, 1992) pp. 355ff.

[202] See above p. 52.

[203] Elton, as Cannon noted, was "...vastly in debt yet still purchased estates in his sons' names." Memoirs, p. 679.

outlivers hands."[204]

For those who tended to overextend their credit, and consequently, for whom debts became increasingly unmanageable, certain options were available. Refinancing, as Henry Scrace's dilemma illustrates, was one method by which one could extricate one's self from pressing debt problems. Oftentimes, however, refinancing could be accommodated within the community. John and Elizabeth Ford, for instance, were able to pay off their debts by conveying their estate at Mere, in trust, to Thomas Rowley, John Westfield, and William Nicholls, all of whom were locals. The fact that they ordered the surplus to be put out on security for the support of Elizabeth and her children also indicates that not all debtors were as irresponsible as Scrace.[205] In the case of Mr. Joseph Bird, whose debt problems offer a revealing example of how small commercial and private credit worked, relief came in the form of benefactors. Bird, a dissenting minister in Glastonbury, had "extravagantly plunged himself" into the books of several creditors to the detriment of his widow and children. Luckily, through the aid of others of his sect, one of whom being "a great man among them at the Charter House square in London", his debts were consolidated and discharged. Bird's benefactors hired George Lloyd, a local mercer, as their agent in Glastonbury, who subsequently hired Cannon to draw a list of the local creditors and organize the debts and compositions, which were set at 10s per pound.[206]

Another option was to sell one's property, which in the case of leaseholds, meant selling

---

[204] This particular statement was made in reference to the people residing in the neighboring town of Mere. See Memoirs, p. 373.

[205] Memoirs, p. 590.

[206] Memoirs, p. 538.

one's hereditary claim. If the lease had not expired, which tended to be the case when debt was the catalyst behind a sale, the new tenant would typically exchange his lives for those of the former tenant. An even exchange of lives would cost the equivalent to one year's purchase or survey of the property. If the purchaser wished to add new lives, the price would increase accordingly. To add two after two, for example, would cost the equivalent to three years' purchase. To add three, six years' purchase, and so on. An outright purchase would cost the equivalent to thirteen years' purchase, which in most cases was equal to the full fine amount.[207] Vacant leaseholds were purchased by way of a fine, which was paid to the landlord.

The sale of property, especially for reasons of debt, was commonplace among Cannon's countrymen. Cannon, himself, was forced to sell half of his inherited estate during the early 1720s to extract himself from both his own debts and those contracted on his late father's estate.[208] William Allwood, who appears to have run into severe debt problems during the late 1730s and early 40s[209], sold his already encumbered properties to clear himself, as did John Fussell, another of Cannon's close friends.[210] Cannon notes that Allwood's financial situation was so poor that "in him might be verified the saying 'Necessitas non habet legem' or 'Necessity knows no laws.'"[211]

---

[207] These prices are based on Cannon's explanation of "the manner of purchasing or fining" settled by the vestry in 1739. Memoirs, p. 496.

[208] Memoirs, p. 158.

[209] See above p. 74.

[210] Fussell's properties were purchased by Thomas Bladen, Esq. Bladen also held the Glastonbury Abbey Estate, which he purchased in the early 1730s from the Duke of Somerset for £12 700. For his political background, see Sedgwick, vol. 1, p. 467.

[211] Memoirs, p. 593.

Generally speaking, leasehold properties tended to be bought and sold within the community, and the buyers were in many cases the same people who invested in mortgages and bonds. The two main purchasers of Cannon's properties, for example, were Thomas Taunton and Elizabeth Pope. Pope was particularly active in purchasing leasehold properties. In October, 1738, for instance, Cannon assisted her in counting out a large sum of money with which she intended to pay a £300 fine on a vacant leasehold held by Thomas Edwards.[212] The Nicholls brothers were also heavy investors in the local land market. Thomas Nicholls, who was somewhat of a slum landlord in Glaston, was especially interested in buying up urban tenements and dwelling houses.[213] Thomas King, on the other hand, appears to have restricted his investments to credit. This may be partially explained by his questionable resource base. If, in fact, he was using his short-term financial leverage as a local tax collector to finance his loans, then it would have been both difficult and suspicious to extend his investments into the purchase of land.

So far as the estates of the landed gentry are concerned, Cannon's records are relatively silent. Consequently, it is difficult to draw a comparison to the rather lengthy historiography on the general drift of property during the eighteenth century.[214] In other words, whether or not the estates of the landed gentry were being expanded at the expense of the small landowners is difficult to say

---

[212] Memoirs, p. 403. For more on Taunton's investments, see above p 72.

[213] Cannon frequently helped Nicholls collect rent on his urban dwelling houses in Glaston. His reputation as a slum landlord stems from his slack attitude towards maintenance, which often got him into trouble. An example of this involved the serious injury of two men from Barton St. David, John Bush and Samuel Chapple. According to Cannon, these two had been drinking at the White Hart in Glaston (one of Cannon's favorite haunts for both work and pleasure) and were riding home when they fell into an unmarked, flimsily covered pit left by Nicholls after draining the cellar of one of his tenements on High Street in Glaston. Memoirs, p. 421.

[214] See in particular the arguments made by H.J. Habakkuk, "English Landownership, 1680-1740," Economic History Review, 1st ser. X (1940); and his later position and response to the debate in the Royal Historiographical Society Transactions, 3 parts, between 1979 and 1982. See also B.A. Holderness, "The English Land Market in the Eighteenth Century: the Case of Lincolnshire," The Economic History Review, 2nd series xxvii (1974): 557-558.

on the basis of Cannon's memoirs alone. Although his accounts of Elton's properties suggest that at least a portion of the larger estates were being broken up and sold, this sort of activity was not necessarily indicative of gentry trends. Elton, as the preceding discussion on Somerset's capital market explains, was primarily an entrepreneur who used land as a speculative trading chip for his commercial and proto-industrial ventures, and, consequently, for whom landed-estate building would have been a low priority. If, however, the investments of people like Pope, Taunton, and the Nicholls brothers are any indication of the overall trend in landownership, a much more exhaustive study of the Somerset land market may reveal that small landowners were, in fact, not being squeezed out of the picture.[215]

[215] Regional studies of land ownership have shown that small landowners survived and even flourished during the eighteenth century. See B.A. Holderness, "The English Land Market in the Eighteenth Century: the Case of Lincolnshire," The Economic History Review, 2nd series xxvii (1974): 557-558; and J.V. Beckett, "The Decline of the Small Landowner in Eighteenth- and Nineteenth-Century England: Some Regional Considerations", Agricultural History Review XLI (1982): 97-111.

VI. PROVINCIAL LAW SOCIETIES

The 1763 petition was referred to a Parliamentary Committee but failed to result in any legislation. The Bar, whose members made up a large part of the Committee, viewed attorneys, solicitors and schoolteachers, alike, as interlopers in the practice of conveyancing and refused to support their cause.[216] The petition was however significant in that its failure was the catalyst that ultimately led to the organisation of the first provincial law societies and the subsequent conveyancing monopoly, which continues to be a subject of great controversy to this day.

Lawyers' clubs had been in existence in the capital as early as 1712, but it is unlikely that they were anything more than informal, convivial gatherings. Nor were they necessarily concerned with the reputation of their profession, as they were known, in the words of E.B.V. Christian, to debate "upon several ways of abusing their clients, with the applause that is given to him who has done it most artfully."[217] "The Society of Gentlemen Practisers in the Courts of Law and Equity", a voluntary society which sprang up sometime shortly before 1739[218], met for quite different reasons. Its members, who were drawn from the elite of London's practitioners, met twice a year in an effort to boost the esteem and reputation of their profession. They declared, at their first meeting, their "utmost abhorrence of all male[sic] and unfair practices," and vowed to do their "utmost to detect

---

[216] Kirk, p.129.

[217] See Christian, A Short History of Solicitors, p. 118.

[218] The earliest record of its proceedings is dated 1739, but it was thought to have been founded during the first decade of the century. See V.I. Chamberlain, "The Early History of the Incorporated Law Society," The Law and Quarterly Review, no. xxix (Jan. 1892) p. 41.

and discountenance the same."[219] Membership did not, however, extend beyond London and its immediate suburbs. Country practitioners were treated as ineligible.

Although the Society's primary concern was to ensure compliance with the statutes already affecting lawyers, they were also successful in the general promotion of the profession's interests. In 1740 they promoted a Bill for regulating trials at Nisi Prius. In 1742 their advice was sought by a member of Parliament to draft a Bill for "the more easy recovery of small debts," and during the 1780s they tried to produce a plan for "lessening the delays and expenses in the Court of Chancery."[220] One of their greatest achievements was the unrestricted right to practise conveyancing in London. In 1748 the Society submitted a draft of amendments to the Parliamentary Standing Committee on expiring laws with their application to further extend the 1729 Act. Included was a proposal that only attorneys and solicitors be able "for profit fee or reward" to draw instruments chargeable with stamp duties. This proposal was met with opposition by the Scriveners Company, whose dwindling city monopoly was mortally threatened by this new intrusion.[221] They reacted by launching proceedings against a London attorney practising conveyancing without being a member of the Company. According to the scriveners, such practise contravened a city by-law that "...no person shall follow any art, trade, occupation, mystery or handicraft without being free of the city."[222] Eleven years of protracted litigation followed, the final

---

[219] Chamberlain, p. 42.

[220] As cited in Birk, pp. 147-148.

[221] The Scriveners Company had been reduced to about fifty members by 1748; its once thriving hall on Throgmorten Street had been sold half a century before. See Christian, A Short History of Solicitors, p. 149.

[222] As cited in Kirk, p. 127.

outcome favoring the attorneys.[223]

While the attorneys and solicitors practising in London had succeeded in their efforts to gain control over the lucrative conveyancing business, the same cannot be said for those who practised in the country. Their attempt, three years after the victory of the London practitioners, did not succeed. Facing Parliamentary indifference and continued competition with unlicensed conveyancers, it was not long before provincial practitioners began banding together in an effort regulate their profession. The first of these early provincial law societies was founded in Bristol in 1770. Yorkshire, Somerset and Sunderland followed suit in 1786, 1796 and 1800 respectively, and fourteen more societies were organized within the first half of the following century.[224] These societies were private organizations and although they bore a striking resemblance to the Society of Gentlemen Practisers, they were in no way affiliated with the London-based group.[225]

As the nature of their unique practice dictated, the primary concern of these provincial societies was the regulation of conveyancing.[226] It comes as no surprise that the inauguration of the Yorkshire society coincided with a bill to impose annual licenses on conveyancers. The bill was

---

[223] A detailed discussion of this legal battle may be found in Chamberlain, p. 44; and Christian, A Short History of Solicitors, pp. 149-153.

[224] Leeds in 1805; Devon and Exeter in 1808; Manchester in 1809; Plymouth in 1815; Gloucester in 1817; Birmingham, Hull, and Kent in 1818; Bolton and Newcastle in 1826; Liverpool in 1827; Carlisle in 1831; Preston in 1834; and Dorset in 1835. Robson, p. 36.

[225] Their similarity to the Society of Gentlemen Practisers stems from the simple fact that they were "groups of men with Common interests meeting together for reasons that were primarily social and convivial, and finding that collectively they were able to do things for their common benefit which as individuals they were unable to accomplish." See Robson, p. 35.

[226] The bulk of litigation was channeled through the Central Courts at Westminster and as the majority of rural practitioners retained the services of a London agent, the backbone of their practise was conveyancing.

enacted by Parliament subsequent to a series of petitions from the practitioners in the courts of law and equity on behalf of themselves and their brethren. Their grievances scrutinized Pitt's new taxation schemes, beginning with the 1784 Stamp Act, which imposed stamp duties only on deeds prepared by attorneys and solicitors. In 1785, to offset the revenue lost as a result of a change in the tax on shops, Pitt introduced a tax on attorneys. The petitioners stated that the stamp duties lessened their profits because they had to pay in advance for the stamps and were unable to recoup the lost interest from their clients. They further argued that neither the Stamp Act nor the 1785 tax extended "to a description of persons who call themselves Conveyancers," and that

> for want of a positive Law restrictive of the practise of Conveyancing many illiterate and unqualified Men have intruded themselves into that Branch of the Profession to the great Prejudice of the Public by the Promoting of litigation and the Disgrace of the Profession of the Law.[227]

In short, attorneys and solicitors found themselves facing substantial fees to practise in competition with men who were not obliged to pay the same and whose clients were exempt from the stamp duty on their transactions.

Although the petition did not result in any immediate changes, in the subsequent statutes conveyancers were included in the imposed taxation and required to take out annual licenses. The concern of the Yorkshire Society was that conveyancers could qualify after only three years, while attorneys and solicitors had to article for five years. The issue was, however, about to be completely resolved. In 1804, in exchange for an increase in both the annual fee and the duty on articles of clerkship, Pitt agreed to incorporate a draft clause submitted by the Society of Gentleman Practisers

---

[227] House of Commons Journals, vol. 41, p. 301.

that imposed a £50 penalty on unqualified conveyancers.[228] Henceforth, conveyancing was restricted to barristers, solicitors, attorneys, notaries, proctors and those agents or procurators with regular certificates. Scriveners and conveyancers were not included.

It was this last provision which resulted in the controversial conveyancing monopoly. Was it introduced and continued for the purpose of revenue generation, or as a safeguard necessary for serving the public interest? So far as the attorneys and solicitors were concerned, men involved in the lucrative and often risky business of buying and selling land were entitled to the same professional representation that had been bestowed upon litigants by the 1729 Regulatory Act. And, justifiably so. Nevertheless, there were a number of underlying motives behind Pitt's acceptance of the 1804 clause which require consideration, not the least of which was Parliament's need to secure revenue to help offset the costs of the colonial rebellion in America.[229] The restriction was, after all, introduced in a Stamp Act and, as one critic has noted, was enforceable only at the instance of the Inland Revenue in addition to remaining part of fiscal legislation until the Solicitors Act of 1932.[230] The motives of the attorneys and solicitors are equally suspect. Notwithstanding their ostensible concern for serving the public interest, the outright dismissal of a profit-oriented motive would be naive. Conveyancing, according to the minutes of the Yorkshire Law Society, had become "the most profitable and agreeable part of the employment now transacted by attorneys"[231] and it was

---

[228] Christian, A Short History of Solicitors, p. 155.

[229] Although both Kirk and Christian look at the costs of the Colonial Rebellion as being the primary motive behind Parliament's need for revenue, 1804 does seems a bit late. Taking into consideration the fact that the rebellion had ended over decade earlier, one could speculate that the continental skirmishes which occurred in the wake of the French Revolution and Napolean's subsequent campaigns may have also spurred Pitt into action.

[230] Kirk, p. 131.

[231] As cited in Robson, p. 40.

obviously a business worthy of protection. Equally questionable is the argument that only attorneys and solicitors could be trusted with matters pertaining to conveyancing. So far as Cannon's experience is concerned, it was the professional lawyers themselves who were responsible for jeopardizing the affairs of their clients. The eighteenth-century move for legal reform was, therefore, perhaps not entirely fueled by the need to protect the interests of the public. Avarice, particularly on the part of the lawyers, was an equally significant, albeit covert, motive behind the conveyancing monopoly and its impact on the legal profession.

VII. CONCLUSION

Cannon's later years were troubled by frequent financial difficulties. Throughout the early 1740s, he complains bitterly about his money problems and his inability "[to] get any of mine own where due nor borrow."[232] From 1739 to 1741, smallpox raged through Glaston, proving detrimental to his teaching and writing. In July, 1739, he comments on the recent violence of the disease, and states, "I never till this time felt worser times and a poorer livelihood in all my life."[233] In the Summer of 1741, he again reflects on his penury:

> for more than ten days past I had not one farthing in my pocket, yet having £8 or £9 due of which I could not get one farthing, such was my low ebb at this time; and the barefaced poverty of the town ...was now manifest.[234]

The arrival of a vagrant schoolmaster in 1742 further aggravated his already tenuous financial situation. The stranger repaid Cannon for the ales he bought 'in gratitude to the profession' by supplanting him from a number of engrossing jobs for William Nicholls. Indeed, even within his own community, Cannon was by no means the only pen for hire, and for William Nicholls, who was indebted to him for previous work, the existence of other writers was more of a blessing than a bane. The memoirs taper off shortly before his sixtieth birthday.[235] No doubt, he died penniless, both in debt and owed money.

---

[232] Memoirs, p. 654.

[233] Memoirs, p. 495.

[234] Memoirs, p. 609.

[235] The formal memoirs end on 22 December, 1742, but there are rough notes that extend to January, 1743. In late December, 1742, Cannon notes the termination of his position as bookkeeper by the town charity due to a lack of funds. Shortly after he closed up his school, paid off the bulk of his outstanding accounts and returned to Lydford for the holiday. He mentions his search for a new contract in Castle Carey and Queen Camel, but the outcome of his

John Cannon was not an attorney. Nor did he ever aspire to that status. By late seventeenth century definition, he was more akin to a scrivener, or one who "engrosses leases, penal bonds, bail bonds, bonds of arbitration and sometimes writes 'a love letter for a servant maid or so.'"[236] Yet, his work on trusts and wills, both in and out of the Ecclesiastical Court at Wells, in addition to the numerous other specialized tasks he performed, indicate that he was more than a mere scribe. He was, as he often described himself, a country solicitor, who, although he had no link to any of the central courts, handled the legal business of others.[237]

Cannon's experience is important for two main reasons. First, it suggests that amateur lawyers played a far more significant role in provincial society than is generally assumed. Popular literature notwithstanding, they were not all pettifoggers using their skills to cheat unwitting clients. If the illicit activities of the majority of attorneys who employed Cannon are any indication of the overall integrity of the profession, proper qualification was not necessarily an indication of forthright legal practise. A dynamic market in the field of conveyancing, coupled with a lack of stringent or effective regulations, had created a demand for cheap legal services. People from all walks of life - farmers, graziers, tradesmen, landowners, widows - were in need of these services and those who could not afford the high fees of a bona fide attorney naturally turned to the amateur for redress. Moreover, at least with regard to Cannon's practice, the local attorneys were among

---

endeavors is not stated. On the final sheet of his rough notes is a biblical denunciation of Mary Down and William Nicholls, the latter of whom had bilked him out of his wages, and he ends by "shaking the dust of Glaston off his feet."

[236] Taken from a 1683 pamphlet entitled "The Broken Merchant's Complaint shows his side of the picture." As cited in Birks, p. 82.

[237] In London, solicitors were, from at least the early seventeenth century, performing in Chancery the same work as attorneys were doing in common law. But, outside of Westminster, the title 'solicitor' was being adopted by virtually everyone who practised law who was not an attorney. See Kirk, p. 15; and Birks, p. 133.

their greatest patrons. At no time during his career as an amateur solicitor was Cannon's private practice, alone, sufficient to sustain him.[238]

Ironically, the same attorneys who appear to have relied on the services of men such as Cannon during the first half of the century, were their foremost opponents during the latter half. Cannon's altercation with William Nicholls, in 1735, over writing and engrossing on stamps foreshadowed the events that were to radically change the nature and regulation of the legal profession in the late eighteenth and early nineteenth centuries.[239] The combination of continuing non-professional competition with a steady increase in professional taxes forced lawyers to organise themselves against the layman interloper. What began as a government effort to canalise proceedings in court ended with the organisation of self-regulating societies, whose primary purpose was to direct non-litigious business, namely conveyancing, into the same professional channel. And in this endeavor, they were ultimately successful. The implementation of a £50 penalty on unqualified conveyancers in 1804 not only brought an end to the era of the scrivening schoolmaster, it also marked the beginning of the modern legal profession in England.

From a broader perspective, Cannon's experience transcends occupational boundaries to reflect the complex origins of the professions themselves. Practising law was only one of the his many pursuits. He was, in essence, a white-collared jack of all trades, and his varied career clearly illustrates both the commonality of part-time professions and general lack of fixed vocational

---

[238] Cannon's dependence on other attorneys is especially apparent during his five-year illness in the late 1720s. Although he continued to teach and draw the odd instrument for a local client, his inability to travel proved a serious detriment to his "clerking" tasks and, consequently, his pocketbook.

[239] See above p. 58.

specialisation in the Hanoverian countryside. As Geoffrey Holmes has commented, grey areas or anomalies were common-place during this period, not only between bona fide professionals and pseudo-professionals, but also between professions and trades and between the professions themselves.[240] Cannon, like Thomas Turner of East Hoathly and undoubtedly numerous other self-styled practitioners, was forced to don more than one vocational hat, and his ability to survive by his wits is a testament to the extent to which basic skills, which most people take for granted today, could carry a man during the early eighteenth century. He had essentially carved out his own semi-professional niche in an environment that was clearly conducive to his general skills. For the local attorneys and parishioners, he was a competent and reliable solicitor; for the local tradesmen and parish administration, he was a diligent bookkeeper; and for the poorly educated and illiterate, he was a welcome intermediary to the world of the written word.

[240] Holmes, p. 7.

APPENDIX I

The following is a list of Thomas King's investments with the names of the debtors, the type of instrument, the reference page number in his memoirs for when the instrument was drawn, and the amount of cash involved:

John Tinney by note, page 238, cash £7.

John Uphill, mortgage, page 268, £10.

William Cassell, bond, page 284, £30.

Mr. Francis Blake and Mr. Wride, bond, page 294, £30.

Edward Martin, mortgage, page 323, £10.

Mr. George Lloyd, bond, page 350, £20.

Robert Hunt, note, page 355, £20.

Robert and Richard Grinstead, bond, page 318, £20.

Richard Ball, bond, page 414, £2.

Robert Hunt, bond, page 441, £10.

John Uphill and Thomas Jacklet, bond, page 468, £6.

William Allwood, mortgage, page 480, £25.

Richard Grinstead and Thomas Haime, bond, page 495, £50

Robert Grinstead, bond, page 495, £15.

Richard Grinstead and Thomas Haime, bonds, page 508, £45.

William Allwood and wife, mortgage, page 533, £15.

William Vale, bond, page 538, £50.

Edward Martin, mortgage, page, £10.

Richard and Thomas Bartlett, bond, 545, £30.

Abraham and Thomas Rowley, mortgage, 545, £40.

Thomas Gilbert, bond, 549, £10.

Elizabeth Roach, bond, 557, £20.

William and Thomas Bartlett, bond, 578, £15.

Edward Martin, note, 583, £4 4s.

Richard Grinstead, note, 583, £10 10s.

Matthew Perry, mortgage, 591, £30.

Richard and Thomas Bartlett, bond, 596, £15.

Mr. George Lloyd, bond, 597, £30.

Richard Bartlett, mortgage, 600, £65.

John Mores and William Rood, bond, 607, £30.

John Cozens and Thomas Bartlett, bond, 607, £60.

Thomas Bartlett, note, 607, £30.

John Tucker, bond, 614, £10.

Elizabeth and Bridget Hill, mortgage, 625, £17.

Total to this 21st May, 1742, £791 14s. This all for Mr. Thomas king as trustee for his nephew, Thomas King a minor.[241]

[241] Memoirs, p. 644.

BIBLIOGRAPHY

A. PRIMARY SOURCES

Bradley, Francis. Lawyers Account [day] Book, 1732-1767. Somerset Record Office, DD/L 3 42/14 (box 145).

Campbell, R. The London Tradesman, being a compendious view of all trades, professions, arts, both liberal and mechanic, now practised in the cities of London and Westminster. Calculated for the information of parents, and instruction of youth in their choice of business. London, 1747.

Cannon, John. Xpovexa seu Annales, or Memoirs of the Birth, Education, Life and Death of Mr. John Cannon, Sometime Officer of the Excise and Writing Master at Mere, Glastonbury and West Lydford in the County of Somerset. Somerset Record Office, Ms DD/SAS C/1193/4.

North, F. The Compleat Solicitor, Ent'ring Clerk and Attorney. 2nd edition. London, 1683.

Sasson, Dim. Law-Visions, or, Pills for Posterity, (with) Plain Truth by way of a dialogue between Truman and Skinall, two Attorneys, and Season, a Bencher. London, 1736.

B. SECONDARY SOURCES

Abel, Richard L. The Legal Profession in England and Wales. New York: Basil Blackwell, Inc., 1988.

Anderson, B.L. "The Attorney and the Early Capital Market in Lancashire." In F. Crouzet, ed., Capital Formation in the Industrial Revolution. London: Methuen and Co., 1972.

Anderson, B.L. "Money and the Structure of Credit in the Eighteenth Century." Business History. Vol. xii, no. 1: 85-101.

Anderson, B.L. "Provincial Aspects of the Financial Revolution of the Eighteenth Century." Business History. Vol. xi, no. 1: 11-22.

Aylett, Phillip. "A Profession in the Marketplace: The Distribution of Attorneys in England and Wales, 1730-1800." Law and History Review, no. 5 (1987): 1-30.

Baker, J.H. An Introduction to English Legal History. Toronto: Butterworths, 1990.

Battestin, Martin. Henry Fielding, a Life. New York, 1989.

Beckett, J.V. "The Decline of the Small Landowner in Eighteenth- and Nineteenth-Century England: Some Regional Considerations." Agricultural History Review XLI (1982): 97-111.

Birks, M. Gentlemen of the Law. London: Stevens and Sons, 1960.

Brewer, John. The Sinews of Power: War, Money and the English State, 1688-1783. Cambridge, Mass., 1989.

Brooks, C.W. Pettifoggers and Vipers of the Commonwealth: the "Lower Branch" of the Legal Profession. Cambridge University Press, 1986.

Brooks, C.W., R.H. Renholz and P.G. Stein. Notaries Public in England since the Reformation. Norwich: Erskine Press, 1991.

Brooks, C.W. "The common Lawyers in England, c. 1558-1642." In, Wilfred Prest, ed., Lawyers in Early Modern Europe and America. New York: Holmes and Meier Publishers, Inc., 1981.

Chamberlain, V.I. "The Early History of the Incorporated Law Society." Law Quarterly Review. No. xxix (January, 1892): 40-47.

Christian, E.B.V. Solicitors: A Brief Outline of their History. London, 1925.

Christian, E.B.V. A Short History of Solicitors. London, 1896.

Clay, Christopher. "Lifeleasehold in the Western Counties of England 1650-1750." Agricultural History Review XXIX (1981): 83-97.

Corfield, Penelope. Power and the Professions in Britain: 1700-1850. London: Routledge, 1995.

Fielding, Henry. Joseph Andrews. New York: Penguin Books, 1977.

Habakkuk, H.J. "The English Land Market in the Eighteenth Century." In J.S. Bromley and E. Kossman, eds., Britain and the Netherlands. London, 1960: 154-173.

Habakkuk, H.J. "English Landownership, 1680-1740." Economic History Review (1940). 1st Series, vol. x.

Hitchcock, Tim. "Paupers and Preachers: The SPCK and the Parochial Workhouse Movement." In Lee Davidson, Tim Hitchcock, Tim Keirn and Robert B. Shoemaker, eds., Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689-1750. New York: St. Martin's Press, 1992: 145-166.

Holmes, Geoffrey. Augustan England: Professions, State and Society, 1680-1730. London: George Allen and Unwin, 1982.

Holderness, B.A. "Credit in English Rural Society before the Nineteenth Century, with special reference to the period 1650-1720." Agricultural History Review. Vol. 24 (1976): 97-109.

Holderness, B.A. "The English Landmarket in the Eighteenth Century: the Case of Lincolnshire." Economic History Review. 2nd series, vol. xxvii (December, 1951), no. 1: 46-55.

Holdsworth, Sir William. A History of English Law. Vols. 1, 6, 15. London: Methuen and Co., Ltd., and Sweet and Maxwell, 1966.

Hoppitt, Julian. "Attitudes to Credit in Britain, 1680-1790." The Historical Journal, 33, no. 2 (1990): 305-322.

House of Commons Journals. Vols. 21, 29 & 41.

Hughes, Edward. "The Professions in the Eighteenth Century." Durham University Journal. New Series, vol. xiii (December, 1951) no. 1: 46-55.

Kent, Joan. "The Centre and the Localities: State Formation and Parish Government in England." The Historical Journal, 38, no.2 (1995): 363-404.

Kerridge, E. Trade and Banking in Early Modern England. Manchester University Press, 1988.

Kirk, Harry. Portrait of a Profession: A History of the Solicitor's Profession, 1100 to the Present Day. London: Oyez Publishing, 1976.

Miles, Michael. "'Eminent Practitioners': The New Visage of Country Attorneys c. 1750-1800." In G.R. Rubin and David Sugarman, eds., Law, Economy and Society, 1750-1914: Essays in the History of English Law. Abingdon, 1984.

Miles, Michael. "The Money Market in the Early Industrial Revolution: the Evidence from West Riding Attorneys c. 1750-1800." Business History (July, 1981): 127-146.

Money, John. "The Making of a Parish Anglican in the age of the Fiscal Military State: the 'chronicles' of John Cannon of West Lydford and Glastonbury 1684-1743." Unpublished Paper.

Money, John. "Teaching in the Market-Place", in J. Brewer and R. Porter, eds., Consumption and the World of Goods. London and New York, 1993: 335-337.

Pollock, Sir Frederic and Frederic William Maitland. The History of English Law. Vol. II. Second Edition. Cambridge University Press, 1968.

Pressnell, L.S. Country Banking in the Industrial Revolution. Oxford: Clarenden Press, 1956.

Robson, Robert. The Attorney in the Eighteenth Century. Cambridge University Press, 1959.

Schmidt, Albert. "The Country Attorney in Late Eighteenth-Century England: Benjamin Smith of Horbling." Law and History Review (Fall, 1990) vol. 8, no. 2: 237-259.

Sedgwick, Romney. The Commons 1715-1754. Vols. I-II. London: H.M.S.O., 1970.

Stewart, Larry. The Rise of Public Science: Rhetoric, Technology, and Natural Philosophy in Newtonian Britain. Cambridge University Press, 1992.

Stone, Lawrence. An Open Elite? England 1540-1880. London and New York: Oxford University Press, 1984.

Underdown, David. Revel, Riot and Rebellion. New York and London: Oxford University Press, 1985.

Underdown, David. Somerset in the Civil War and Interregnum. Newton Abbot: David and Charles, Ltd., 1973.

Underdown, David. "The Chalk and the Cheese: Contrasts among the English Clubmen." Past & Present, no. 85 (1979): 25-48.

Vaisey, David, ed., The Diary of Thomas Turner 1754-1765. Oxford University Press, 1984.

Webb, Sidney and Beatrice. English Local Government. Vols. 1, 4. London, New York, Bombay, Calcutta and Madras: Longman's, Green and Co., 1922.

VITA

Surname: Hustwick Given Names: Christopher T.

Place of Birth: Edmonton, Alberta, Canada

Educational Institutions Attended:

University of Victoria	1994 to 1998
University of Alberta	1987 to 1991

Degrees Awarded:

B.A.	University of Alberta	1991
M.A.	University of Victoria	1998

PARTIAL COPYRIGHT LICENSE

I hereby grant the right to lend my thesis (or dissertation) to users of the University of Victoria Library, and to make single copies only for such users or in response to a request from the Library of any other university or similar institution, on its behalf or for one of its users. I further agree that permission for extensive copying of this thesis for scholarly purposes may be granted by me or a member of the University designated by me. It is understood that copying or publication of this thesis for financial gain shall not be allowed without my written permission.

Title of Thesis:

The Amateur Solicitor in Eighteenth-Century England: John Cannon of West Lydford and Glastonbury, 1684-1743.

Author [redacted]

Christopher T. Hustwick
December 20, 1998