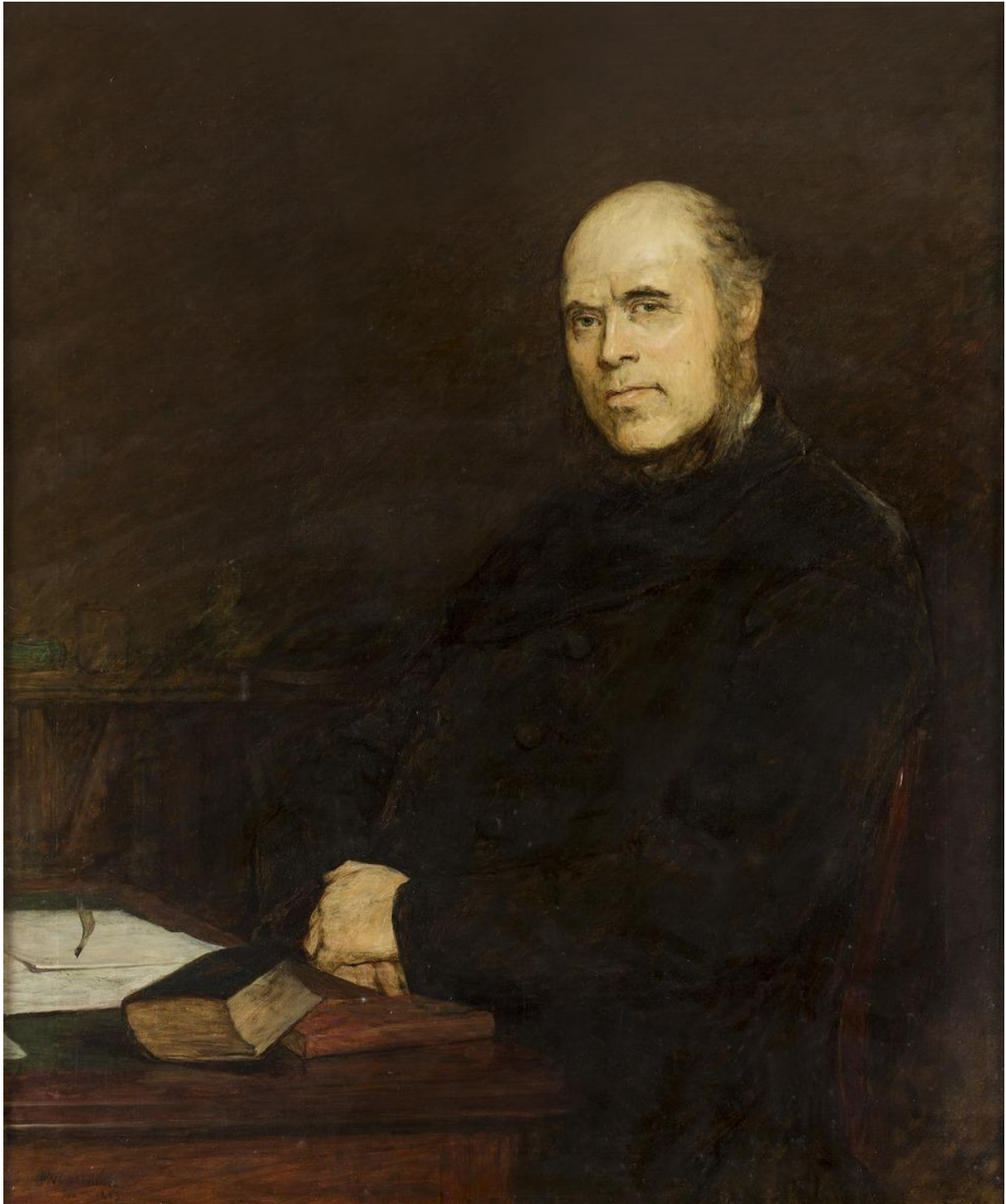


Sir Thomas Thornton, LLD, solicitor, Dundee



There was a time when solicitors were often referred to as writers, procurators, law agents or advocates (as in Aberdeen) and also more simply as *men of business*. The difference was not merely nominal or a matter of choice: there appears to have been a group of what are now referred to as solicitors whose professional business went beyond the narrow, or what might be called the technical, side of legal practice. They were in fact practitioners of outsourced government, and demonstrated entrepreneurship, with risk-based activities with commercial outcomes.

Thomas Thornton was born in Forfar in 1829, attending the burgh school. At the age of fifteen he started work in a solicitor's office in Edinburgh and also attend law classes at the university there. During that time he also spent some time in the offices of the secretary to the North British Railway Company, which led to important connections for years afterwards.

Thornton was considered a brilliant student, but some health problem thwarted the ambition to train for the Scottish bar. He was able continue to qualify as a solicitor and did so. In 1851 at the age of twenty-one he became managing clerk in the office of Christopher Kerr, one of Dundee's principle solicitors. Thornton remained there for six years, a time when Kerr was 'conjunct' Town Clerk, with another local solicitor. Thornton at the very least would have had some insight into local government then and its relationship to central authority, as well as the workings of the market for legal work.

In 1857 James Pattullo, who was a decade or so older than Thornton, had been in partnership with another who left Dundee. He and Thornton entered into a legal partnership, and the firm of Pattullo and Thornton operated from 1 Bank Street, Dundee and established themselves as one of the leading law firms in Dundee over the next twenty-five years with a large private family business.

The firm also acted as agents for the Caledonian Insurance Company, and the English and Scottish Law Life Assurance Company. The partnership retained the position as agents to the Dundee Cemetery Company, of which Pattullo was a chairman. Thornton became clerk to the Forfarshire Prison Board about 1857 and also became legal adviser to the North British Railway Company in Dundee sometime in the early 1860s.

In 1863 a meeting took place in Thornton's office to plan the bridging of the Tay at Dundee and, with the support of the North British Railway Company, the project began to be realised. In an obituary in the *Scottish Law Review*, Thornton was described as having first conceived of the idea of such a bridge and to having 'initiated and carried through all the earlier bills incidental to this great undertaking'.

After the Tay Bridge disaster of 1879 Thornton handled, on behalf of the company, the compensation claims for the relatives of the victims and settled all of them out of court. As a result of his reaching compromise on claims, none arising from the collapse went to court. This approach was beneficial to the railway company: 'the total compensation paid was probably less than the expenses of a few litigants'.

Pattullo and Thornton had other commitments: Thornton became the first clerk to the Dundee Gas Commission in 1868 and had to negotiate the transfer of the gas works from private to public control, a task occasioned, it was said, with much acrimony. He was appointed clerk to Dundee Police Board and Police Commissioners in 1870 at a time when a great many civic improvement schemes were contemplated and it proved to be a position which allowed him to demonstrate his skill in drafting bills and successfully piloting them through parliamentary committees.

As with the difficult negotiations for the gas supply, Thornton was instrumental in the transfer of the water supply to public control and also responsible for acquiring the Loch of Lintrathen on favourable terms to put an end to the so-called 'water war' which had bedevilled Dundee for many years. He was also made the first clerk of the newly-formed Dundee School Board in 1873, assessor to the Judges of the Police Court in 1874, a director of the Prison Aid Society in 1874, a justice of the peace connected with the Dundee district in 1876.

The partnership of Thomas Thornton and James Pattullo ended in 1881, probably as a result of a pre-arranged commitment to the business for a specified term. Thornton formed the new firm of Thomas Thornton, Son, and Company, with his son, William. He established the new business with, as

managing clerk from Pattullo and Thornton, James Burnet. This new firm set up office at 15 Albert Square, Dundee. Pattullo had been born in 1818 but he was still engaged in business as he was joined by his nephew, Henry A. Pattullo, in the new firm of J and H Pattullo which carried on business from 1 Bank Street, Dundee.

Thomas Thornton, Son, and Company continued the connection with the Caledonian Insurance Company, the English and Scottish Law Life Assurance Company and the Northern Assurance Fire and Life Insurance Company, by acting as their agents and also took on further agencies for Northern Marine Insurance Company briefly, and Queen (Fire and Life) Assurance Company.

Thornton's new firm took with it from the previous firm the representation of the Dundee Mortgage and Trust Investments Company, and the Dundee Land Investment Company, and afterwards becoming the solicitors for the newly-formed Alliance Trust Company Limited.

Thornton continued to accumulate a wide range of responsibilities: temporary sheriff substitute, 1884-1889 and honorary sheriff substitute, 1890-1903; clerk to the Visiting Committee for Dundee Prison, 1884-1903 and clerk to the Forfarshire Lunacy Board, 1887-1903.

Along with these official posts, Thornton also became an honorary vice president of the Dundee Boys and Girls Religious Association, 1882-1887, becoming its president, 1887-1889 and he served as a director of the Dundee Mission to the Outdoor Blind, 1882-1903.

He was an active supporter of the Liberal Party appearing on local political platforms for many years, and for a short while in the late 1870s acted as honorary secretary of the Dundee Liberal Association. He further showed his commitment to the Liberal Party as agent for George Armitstead who became MP for Dundee in 1880. Thornton was also asked to run for Parliament for the Montrose Burghs and Dundee in 1885, but declined the offer.

Thornton also interested himself in the field of education, as clerk to the school board gave him an intimate knowledge of the various education acts. He was consulted by Miss Baxter and Dr Boyd Baxter about the establishment of University College in Dundee and was apparently offered, but declined, the post of secretary. He did, however, represent the college on the Court of the University of St Andrews and was a member of the Council of University College, elected by the governors from 1884 and became a life governor himself in 1886. He also established at his own expense a lectureship in law at University College.

For his many public services the University of St Andrews conferred upon him the degree of LL.D in 1891. Further recognition of his pre-eminence in educational matters came with his appointment as clerk to the Secondary Education Committee for the Burgh of Dundee. In 1893 his fellow citizens presented him with his portrait painted by William Quiller Orchardson, reproduced above. It is not certain what the book to hand is, although it might be the *Dundee Directory* which in effect outlined his fiefdom.

In 1893 Thornton was appointed town clerk and the post was amalgamated with many of the offices he already held, mentioned above as reported in the *Dundee Directory*. Thornton was allowed to carry on his private business in view of the fact that the salary he accepted for the combined offices was much less than the salaries and fees formerly paid to him by the various bodies. In 1894 he was knighted for his services in the domain of municipal government.

It was Sir Thomas who drafted the bill which led to Dundee becoming a County of a City in 1894. He then became one of its Justices of the Peace and soon after was made a Deputy Lieutenant and also clerk of the Lieutenancy of the County of the City of Dundee.

He took on further commitments after becoming town clerk: vice president of the Dundee Home Mission Union, clerk to the Manual Instruction Classes, trustee of Dundee Liberal Club, various offices in the Faculty of Procurators and Solicitors in Dundee, vice president of the Aged Christian Friend Society of Scotland (Dundee Auxiliary), honorary secretary of the Victoria Hospital for Incurables, president of the Edinburgh Medical Missionary Society (local branch) and honorary secretary of the Dundee Consumptive Hospital. He was also often in demand as an arbiter when strikes occurred.

About the same time that Thornton was appointed town clerk, he negotiated the purchase of Thornton Castle, Laurencekirk. He made no claim to a direct connection to the original owners of the same name. He had been spending part of the year in country properties like Wemyss Hall, Fife, and Middleton, Forfarshire, but his castle represented a permanent home away from his town house in Dudhope Terrace, Dundee. The train connection allowed him to spend four days at business in Dundee and Friday to Monday in his castle.

He collapsed in April 1903 and died a short time afterwards. His funeral service was at the St Paul's United Free Church, Dundee (of which he was both a member and an office-bearer), and he is buried in the Western Cemetery, Dundee. He left an estate valued at £173,205 2s. 5d, a modern equivalent is difficult to assess but it does seem to be many millions.

Sir Thomas was not universally popular and he was regularly lampooned in a local publication (available from 1897 to 1901), *'The Wasp "The Dundee Flagellator"'* which referred to him as 'his corpulency' and regularly caricatured him wearing a comical-looking smoking cap. Even one of his obituarists noted that he could 'ill brook opposition or criticism' and that he had 'the force and *brusquerie* that characterised a masterful nature'. Notable was the observation that 'it was not in accordance with his nature to harbour petty spite. His enmities were on a colossal scale'.

His biographer characterised him as 'a bold and resolute pleader, often a daring man of affairs, an astute lawyer, an ever vigilant adviser, and also – be it remembered – the friend of the poor and needy for whom he pled'. He also noted that 'as clerk to the Police Court ...he was invariably both wise in guidance, and merciful to offenders. He tried to help the Magistrates not only to be just and equitable in their sentences, but also to aid the criminals to reform'.

It would be too much to try to reach meaningful and lasting conclusions on the basis of this note about an individual who commanded such powerful forces, political and legal, in one city. Some comment is justified though: Thornton exercised his knowledge and skill as a solicitor and as man of business in the context of the prevailing *laissez faire* economy in an expanding industrial society that presented a vast array of opportunities. His ubiquitous civic involvement was somewhat democratic but mainly, it would seem, patrician.

The business and other ventures of Sir Thomas exude a willingness to confront matters with inherent risk in various forms. His declining of an offer in 1885 to stand for a seat in Parliament, a contest which he surely would have won, suggests a balancing of risks and gains. In the febrile politics of the time, and a split in the Liberal Party over Ireland, there was perhaps little for him to gain, and his success in politics might merely have been limited and jeopardised his place in Dundee and east central Scotland. It is not too idle, however, to speculate what Sir Thomas might have achieved had he gone to the Bar.

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Acknowledgments:

(i) Sources

(1895-1896) 3 Scots Law Times pp. 89-91; (1903-1904) 11 Scots Law Times pp. 9-10; (1903) 19 Scottish Legal Review pp. 137-139; the list of details of subscribers to the cost of the Albert Institute, Dundee: [McManus Subscribers :: McManus 168](#)

(ii) Painting

Dundee City Council, Art Gallery Collection.

(iii) Publication

This paper appeared on the *Scottish Legal News* website as a two part publication:

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