

## APPENDIX 9

### Sir Edward More's daughters' claim against John More II

The Chancery complaint of 1660 was lodged in the name of Havers, Vyne and Moore, Sir Edward's first and third daughters, Alice II and Elizabeth, being already married, and joined - if not actually propelled - in the action by their husbands Thomas Havers of Thelton and Richard Vyne of Westminster.<sup>i</sup> They depone that Sir Edward, having acquired properties on his marriage in 1634, seven years later inherited the estate of his childless uncle Dr John More, being eldest son and heir of Dr John's brother William who predeceased him. In all, Sir Edward held the lordships, manors and rectories at Kirklington and elsewhere in Nottinghamshire, at Thelwall and several other Cheshire locations, and at Mar(tin)scroft in Lancashire. He died in 1644, a little later than his wife and whilst his children were infants, Alice II indeed being not yet eight years old.<sup>ii</sup>

If Dr More left anything to John More II, they contend, it was when *in extremis* and generally incapable. John II took advantage, claiming that Dr More conveyed the estates to him should Sir Edward die without heirs male; accordingly John II took over the tuition and governance of the daughters, and all the documents, stating that Dr More had left each of them no more than £1000 at age 16, with John II obliged to nothing in the meantime other than their maintenance. John II sent the girls to the English convent at Ghent in Flanders with the intent that they be 'Cloistered and immured vpp' - meanwhile he has been enjoying the rentals for the past sixteen years without keeping accounts. John II claims, they say, to have paid off various debts of Dr More, 'whereas in truth there was little or no debts oweinge by the said Dr More at the time of his death' (a highly unconvincing statement in the light of other evidence shown in this essay). They assert that John II has shown them no evidence of any conveyance to him from either Dr More or Sir Edward, and that Sir Edward left them lands in Cheshire in his will.<sup>iii</sup> Sir Edward left personal estate of at least £6000 value between his daughters equally, except for Alice's extra £50. His co-executors William Whitmore and John Minshull both renounced, leaving John II as sole executor: he thereupon 'sinisterly procured and devised one Richard Trevis, yeoman of Kirklington, (now) deceased, of little estate and no kin', to take out letters of administration - the estate remaining unadministered, they say. They wish John II to be put on oath to all of this, and made to reveal his actual educational costs, and whether he undertook to pay the abbess of Ghent £25 pa for each: has he actually paid this and the girls' travelling expenses?

The complaint is silent as to where and how otherwise the four girls have been maintained since leaving school, or how the marriages of two of them have been arranged.

John More II sought the opinion of Sir Charles Dalyson, a serjeant-at law and sometime Recorder of Lincoln.<sup>iv</sup> Dalyson's somewhat muddled opinion reflects the complexity of the legal tangle that successive provisions, claims and events had created. He insists that payment of Dr John's debts and the existing 99 year leases must be given priority over Sir Edward's daughters' entitlements. These, Sir Edward having had no lands other than those passed on by Dr More, are limited to the girls' education and maintenance to age 16 according to the trustees' discretion, and to their £1000 portions. Whilst saying 'yett if the[y] doe nott make competent allowance the Chancerie will force it', he adds that

'If Sir Edward More had noe other land but that mentioned in the deeds of Doctor More, he could not give his daughters any part of it, nor can they have any other provision but there portions; And Education appoynted by the trypartite Indenture And none of that until the debts bee payd.....'

In his answer to the complaint, John More II submits that on Dr More's death on 26 November 1641, his entire estate passed jointly to Edward and himself for 99 years for a peppercorn by virtue of the deathbed settlement made three days earlier. He claims that at that same time the trustees (including Jeffrey Palmer, soon to be attorney-general) <sup>v</sup> made provision for Sir Edward to have the capital messuage of Kirklington and lands worth £200 pa for life, thereafter to pass with lands worth £300 pa to Dame Winifred for her life, and lists the bequests specified above to himself and his brothers and sister.

Dr More's debts, amounting to some £14,000 and scheduled in an annex to the settlement, were to be paid out of the estate: that done, the 99-year term would be voided and the unencumbered estate passed to Sir Edward for life, subject to Lady Winifred's £300 jointure. After that, Edward's and then William II's male heirs were to enjoy life tenure - as neither produced heirs male, the inheritance passed to John II and his heirs male for life, with younger brothers George and Roger and their sons bringing up the rear. The portion for the daughters was to be £3000 at age 16 if only one survived; £2000 each if there were two or three; or £1000 each if all survived, as was the case. Each brother inheriting might grant his wife a jointure of not more than a third. In the event Winifred had predeceased her husband by six weeks.

Since their parents' deaths, John II says, he has maintained each of them to age 16, thereafter paying them interest on their portions - Richard Vyne has received £650 from him. Sending the girls to Ghent was not for the motive alleged, but to meet Dame Winifred's deathbed request at Newark garrison, that with Sir Edward far away they should go there to be educated. Sir Edward, learning of his wife's death only on his return from battle, took to his chamber in shock and died without saying anything about the girls' education.

Whilst on that basis John II might well have expected the support of the Benedictine community at Ghent, the girls - or the two husbands, Havers and Vyne - appear to have persuaded the Abbess, Lady Mary Knatchbull, that they were indeed being stalled by their uncle. In May 1660 she wrote to Lord Chancellor Hyde begging him to ask Jeffrey Palmer, as one of Dr John More's trustees, to come to the aid of 'four orphans miserably oppressed!' Each girl, she says, should have had her £1000 at age 16: the youngest is now 'long past' that, the eldest 'going on' 20 (Alice II was actually 23) - however, 'not a farthing' of this have they received. Whether all the girls had actually left the convent, whether any payments expected by it had been fully met, is not stated. Whether Hyde followed up Lady Mary's entreaty is not known either. <sup>vi</sup>

The Cheshire lands, bought by Dr More from Earl Rivers, did not pass into Sir Edward's hands, John states; the lease of a rectory alleged to be worth £200 pa is only worth a tenth of that, and indeed during the late war dropped to half even of that - which failed to deter Vyne from making trouble over it in his own interests. <sup>vii</sup>

It might be the case, John II says, that Sir Edward left personal estate to his daughters as claimed, but far from being worth £6000, he left insufficient funds to cover his debts - that was why Whitmore and Minshull renounced their executorships.

As for the remarks about Trevis, his co-supervisors considered him competent to administer. John II did sell some of Sir Edward's goods at Newark to ensure that the garrison did not retain them, but he paid Trevis fairly for them - for instance, a crystal watchcase, a gold ring with a green stone, 'a breast jewel with a little bloodstone cut in the form of a hart'; other items and prices are mentioned, and he has receipts, he says. Trevis did put in an account, on 24 November 1652, and John II believes that the complainants have it; he himself is left short by around £5 after paying off the debts.

It is his belief, John II continues, that after Dr John died, Sir Edward converted around £1200 worth of plate and jewels to his own use, using them to pay off personal debts. Not only was Dr John of sound mind and in receipt of good counsel when he made the deathbed settlement, but he, John II, was not privy to the settlement and only became aware of it after Sir Edward died. Edward said nothing to him about being named co-executor, but simply got on with selling lands in Cheshire and Nottinghamshire for large sums, paying off some £2000 of his uncle's debts but letting arrears of interest build up so that the overall position was not improved. John II reckons that Edward sold off £5000 worth of assets over and above what he repaid, which with the £1200 he used to repay debt of his own, totalled £6200 which ought to have been used to pay Dr John's debts. John II concludes this response (possibly somewhat overblown, to match the truculence of the complaint) by stating that, far from having to pay out £4000, he is actually owed £2200: he will therefore pay out no further portions, and prays that the complaint be dismissed with costs awarded in his favour.

Other than an order of 7 March 1661/2 to produce further deeds in support of his stance, no Chancery pronouncement on the case has come to light - after all the written bombast, the matter may have been settled between the parties to avoid the funds at issue from suffering attrition in the form of further legal costs. John II raised the money to pay Havers £101 in accrued interest, and Vine the capital sum of £1000 with accrued interest, at the end of 1661. It was apparently agreed that Bernard Weedon, with his son John the husband of Frances, would be paid £1000 at Michaelmas 1662, but in the event it was paid in instalments during the following spring, with no mention of interest; Havers received his £1000 with further accrued interest in July 1664.<sup>viii</sup> The receipts for these sums do not mention the remaining daughter, Margaret - her portion was utilised in 1662 to entail the manors of Rixton and Glazebrook with other lands in and around Warrington to the younger children or daughters of the marriage.<sup>ix</sup>

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- i TNA C 10/59/73, complaint dated 2 November 1660 and answer; order at IND 1/1594 (A) no. 380
  - ii it has been noted above that Alice was born in April 1637; the pedigree in *The Visitation of Nottinghamshire...*, cit. supra, confirms her as the eldest of the four, so they would all have been under eight when their father died in August 1644. It seems unlikely that their uncle John II, having had so much to do with them, or even his son John III, would have certified a pedigree in 1662 which had the sequence wrong
  - iii HD HEN 6/5 contains a copy of Sir Edward's will, made on 22 July 1644 and proved at Newark upon Trent on 20 November 1646 - an interval of some sixteen months - and records that probate was granted to Richard Trevis, yeoman, Kirklington. The will stipulated that, his debts & funeral expenses discharged, 'all y<sup>e</sup> rest of my goods I give to my executors for y<sup>e</sup> use of my said daughters. And I do make William Whitmore of Leighton esq. my father-in-law and John Minshull of Minshull esq. [Cheshire] Executors of this my last will and testament; and I do make Sir Edward Golding of Colston Bassett in y<sup>e</sup> County of Nttm B<sup>1</sup>, William Thorold and Robert Constable of Hough esqs, and John Moore my brother Supervisors of this my last will & testament'
  - iv NA M 1520 - Dalyson did not date this paper, but clearly it must have been written between 1646 and 1660
  - v and *quondam* chief justice of Chester, who was with Sir Orlando Bridgeman the creator of the device enabling trusts to be formed to preserve contingent remainders - 'English Landownership 1680-1740', H.J. Habbakuk, in *Economic History Review* vol.10, no. 1, 1940. Palmer was married to Margaret, a daughter of Sir Francis Moore of Fawley, Berks., a family with numerous recusant associations, including intermarriage with the Blounts of Mapledurham; see e.g. T. Hadland, *Thames Valley Papists*

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*Reformation to Emancipation, 1534-1829*, 2<sup>nd</sup> edn. p.87, online at [http://hadland.files.wordpress.com/2012/06/tv\\_online.pdf](http://hadland.files.wordpress.com/2012/06/tv_online.pdf) [accessed 10 April 2013]. However once again there is no evidence of kinship with Dr John More's line

- vi *Calendar of the Clarendon State papers preserved in the Bodleian Library*, vol. 5, (ed.) F.J. Routledge, 1970, p.33. I am indebted to the late Dr C.S.L Davies of Wadham College for his very helpful comments on this item. Maybe the girls were not left with too jaundiced a view of conventual life - Alice's son Thomas Havers became a Jesuit, and her daughter Mary a choir nun at Bruges. Elizabeth's daughter Elizabeth Vyne became a choir nun of Mary Ward's Institute at the Bar Convent, York. See the *Who were the Nuns?* database, online at <http://wtn.history.qmul.ac.uk/index.html>, referred to at Part 2, endnote <sup>76</sup>, and *The Chronicles of Nazareth (The English Convent), Bruges:1629-1793*, (ed.) C. Bowden, 2017
- vii the reference is to the lease by Trinity College, Cambridge of the rectory of Langford, near Kirklington (an appurtenance of the prebend of Masham in Yorkshire). Vyne appears to have obtained this lease himself in April 1660. HD HEN 6/5 includes a deed dated 13 May 1666 recording that Vyne passed the lease to Thomas Pepys esq. of Hatcham, Surrey for £300 on stated terms, and a deed of 15 March 1667 by which, through his trustee, Vyne regained the lease for the unexpired period of twenty years. The lease appears to have been traded regularly, the rectory being used as security for loans of £700 - deeds of various dates ensued well into the eighteenth century. Thomas Pepys appears to have been a Puritan cousin of Samuel Pepys the diarist: <http://www.pepysdiary.com/encyclopedia/2541/#discussion> refers [accessed 17 January 2018]
- viii NA M 1494-7 - receipts to John More esq.
- ix *A History of the County of Lancaster*: Victoria County History vol. 3, (ed.) W. Farrer and J. Brownbill, 1907, p. , 334-340 - here it is stated that Margaret's portion was £2000, which seems unlikely - perhaps a bond in that sum was involved. The lack of representations involving her husband Hamnet Massey might also reflect kinship: John II's brother-in-law William Vaudrey's first wife had been a Massey