

Robert Pickering's claim against John More III

Robert Pickering's complaint in Chancery alleges that whereas John II had certified the fifty or sixty leased properties included within the Thelwall estate to be free of any incumbrances beyond what had been stipulated during the sale, Pickering has had a property seized on account of arrears of charges due to the Crown even before the sale, and has been forced to redeem it; leases said to be for a single life have turned out to be for two or three; other costly items are cited. In all, a sum of £500 that Pickering withheld by agreement with John More II to settle any unforeseen outstanding liabilities has proved inadequate. The deal was that, depending on whether the £500 proved to be too much or too little, this withholding payment would be adjusted, and on the strength of that assurance Pickering has paid Charles Pleydell, gentleman of London, several £40 pa rental payments due to him on one of the properties. However, subsequent events involving another Chancery case have revealed that the rental was in fact interest on a debt which More should have cleared.

Pickering – elaborating in great, not to say pruriently excessive, detail the Mores' obligations, the £14,000 burden on Dr More's estate, the entitlements of Sir Edward's daughters and all - avers nonetheless that John II, having inherited his father's assets by descent, should have plenty left over to clear the shortfall Pickering has been left with. He concludes with the stock argument that, being unable to sue John III at common law through lack of documentation sufficient to satisfy the strict rules of evidence, he is compelled to seek a remedy in equity. ⁱ

In his answer of June 1671, John III submits that this is a try-on, seeking to take convenient advantage of his father's death and hence inability to rebut these late-in-the-day claims. He, John III, is aware in general terms of the sale of ten years earlier; he knows that £500 was withheld by Pickering, but has no detailed information on what was and was not involved, having indeed been under age when the sale took place. He did hear of his father, having been 'much damaged' by Pickering's tardiness in paying up, threatening to sue Pickering, who significantly never took out any action against John II during the nine years prior to his death. The Nottinghamshire estates have been settled on him, John III, for life in the course of his marriage settlement rather than by descent, so aren't from his father by descent, or chargeable with any Thelwall estate debts, which he understands Sir Jeffrey Palmer to have discharged anyway. John III therefore seeks that the case be dismissed with costs in his favour. ⁱⁱ

No decision in the case has been found - nor however has any evidence of sales or other fundraising by John III in the immediate aftermath suggestive of a fire sale to pay off Pickering.

i TNA C 5/63/50 dated 16 February 1670/1

ii TNA C 5/63/51 dated 15 June 1671