

Wilson vs. Swift 1650 (TNA, C 7/380/133)

Summary

Orators: John Wilson of the City of Chester the younger gent. and Marie his wife, 'infants' i.e. both under 21

Defendants: Dorothy Swift, David Bennett, Richard Chapman

Date: ? ? 1650

Dispute: - Marie wife of John Wilson of Chester, gent is the daughter of Thomas Eccleston the elder citizen of London and innholder
 - A marriage was arranged by Thomas Eccleston and Isaac Swift citizen of London and haberdasher between Marie and Isaac's son Thomas [2 Dec 1648, St Peter, Paul's Wharf, London]
 - Marie was to have right to a farm in Eynsham, Oxon for her lifetime
 - Isaac Swift died [27.07.1648 St. Martin Ludgate, London]
 - Thomas Swift [09.07.1650 St. Martin Ludgate, London]

Text

To the Right honourable ????

1. Humbly complaining unto your Lordship your orators **John Wilson of the City of Chester the younger gent. and Marie his wife** Infants under the age of one and twenty years by Thomas Eccleston the elder citizen & Innholder of London father of the said
2. Isaac Swift late Citizen haberdasher of London left his house & family at Ludgate hill London and repaired to the said Thomas Eccleston his house in Kentish Town & there
3. Thomas Eccleston in so much that the ... the said **Thomas Eccleston had but one sole daughter your Oratrix Marie** he the said Isaac made another ...
4. Marriage the said **Thomas Eccleston did send and deliver unto the said Isaacs wife Frances & insto?ed several great trunks filled with linens ...**
5. **Furniture divers parcels of plate & other things of the value of two hundred pounds** at the least to be safely ? for the said marriages he the said Isaac Swyfte ? his one ? freely offer...
6. Settle ? he ? ? **Ensham in Oxenfordshire upon your oratrix Marie for her life** ? ? ? of Dorathe his then wife and for some such an estate from the Earl of Derby whose inheritance the same was at
7. To settle & assure the same **farm** upon your oratrix Marie for her life And the said Isaac Swift did promise that if the said marriage did take effect he ? ? pass over unto his said son Thomas and your oratrix Marie ? ? ?
8. **Houses ? at Ludgate Hill** now divided into two which he ? from the Masters & Company of Merchant Taylors London for diverse years yet in being but also all the hatters haberdashers Cupboard? & therein
9. Said **shop being of the value of four hundred pounds** at the trusts which he then assigned And then also promised that he would loan or trading himself & **turn over unto his said son and David Bennett his then** ? ?

10. Being four years or thereabouts ? ? his indentures & bonds unto him the said Thomas Swift with which offers promises and the said ??ake your oratrix Marie her said father Thomas Eccleston was so well ? that he
11. Marie worth is 4 hundred pounds and accordingly did charge sunder with payment thereof & sealed a rent charge of thirty four pounds per annum unto the said Thomas Swift & your oratrix Marie to be paid them during his the said Thomas Eccleston life
12. Unto the said Thomas Swift's debt of two hundred & sixty pounds owing unto him by one Peter Wyne gent And would after his death give unto them the said Thomas Swift & Marie the said trunks linen plate goods
13. diverse other things also All which promises (saving the settlement of the said farm at Ensham which the said Isaac Swift ? a further time for alledging he must surrender his only lease & put your oratrix ? there ? ? ?
14. **either side and writings contained & sealed thereupon and shortly after the said marriage was had & solemnized between the said Thomas and your oratrix Marie** And the houses shop apprentice and goods the one ? ? ?
15. And the said **Thomas Swift and your oratrix Marie lived very comfortably together but before your oratrix Marie her life was put into the said lease at Ensham according to the agreement in that behalf so made he the said Isaac Swift died**
16. **Of goods cattle and chattels money golden rings jewels plate household stuff and implements of household to the value of three thousand pounds at the least being sufficient to discharge all his debts legacies and funeral expenses**
17. The said **Dorothy late wife of the said Isaac either as administratrix or otherwise possessed herself of all and singular the goods and estate of the said Isaac and ought either to put your oratrix Marie her life into the said farme at Ensham or unsi?**
18. And your orators further show that **within one year next after the marriage between your orator & Marie the same Thomas Swift he the said Thomas fell sick and weak** And the said Dorothy his mother and many of her children lived in house
19. Said Thomas her son at which time the said Dorothy Swift and the said David Bennet **your oratrix Marie being young and not versed in the said trade They the said Dorothy Swift and David Bennet sold up the ha?s and most of t?**
20. Own rates and disposed of the money to their own private uses **And the said Thomas Swift growing weak and wholly sensible The said Dorothy his mother came in a cunning manner unto him** and with dissembling tears to ? ?
21. **Him what great estate your oratrix Marie was like to carry away with her hands ingeniously? And importuned him to seal unto her son bonds or writtings as though he owed her money when indeed and truth he owed her nothing**
22. Him ? own and childrens tables and otherwise **And in his said weakness procured him to seal certain bonds unto her of great sums when he was hardly sensible** but what in certain your orators are not able to express And **shortly after**

23. ? ? husband **Thomas Swift died** at Chiswick near London **possessed of** goods cattles and chattels money gold plate jewels household stuff and implements of household hats bands taffeta debts bills bonds spect^al? ? books ? ?
24. To the value of **six hundred pounds and** of and in the interest and term of ? in the said **hou^s? Shops at Ludgate Hill now divided being worth two hundred pounds** at the least no way indebted to any person what soever By and after ?
25. **Eccleston your oratrix Marie her father being weak and not able to look after your oratrix Marie her estate sent some of his friends** unto your said oratrix to whom go the taking of letters of Administration of her late husband's estate (her self which when t
26. She came unto your oratrix Marie and used these or the like words in effect unto her **My dear child meddle with none of them but trust me with thy estate and I will be as tender over thee as it they were my own natural daughter And if the**
27. **Of Administration of thy husband's and my son's estate and relinquish she the same I will do it to thy best advantage and profit.** With which fair speeches can promises of the said Dorothy, **your oratrix was persuaded** And ? her trust
28. Dorothy ? she would have dealt faithfully with your oratrix did refuse to take letters of Administration **did suffer her the said Dorothy to take letters of Administration of your oratrix's said husband's estate.** By ? ? she the said ?
29. Of all the said **estate your oratrix Marie her said late husband being sufficient to discharge all his just debts and funeral expenses and much more, and thereby had and possessed the said Thomas Eccleston's trunks and chests so ?**
30. Possession And between the time of **your oratrix Marie her said late husband's death which was about the first day of June last** and the time of **your orators' intermarriage together, which was about the first day of November last,** your oratrix ? in
31. ? And she the said **Dorothy and the said David Bennet did sell and convey secretly out of the shop most of the prime wares in the shop** and converted the money to their own uses And privately ? or traffic ? with such as best ? ?
32. Bennett **goods at unfair less rate than they were worth and undervalued the remainder of the said Thomas Swift's estate that they had not conveyed away and much they omitted** and did not value at all And they put twenty pounds ? upon the said ho? ? ?
33. And term then in being which is worth two hundred pounds at the least And exh? ? and ? ? inventory of your oratrix Marie her said husband's estate And in ? and **illegal manner broke open and appraised the said Thomas Eccleston ? ? ?**
34. ? Isaac nor Thomas Swift ever had any property And in opening thereof **conveyed away all the plate of sixty pounds value and ? of the best of the linens of the value of two hundred pounds** and upwards and not only so but she ? ? ?
35. **And received from the said Thomas Eccleston your oratrix Marie her annuity** of thirty four pounds per annum being eight pounds ten shillings the quarter for one half year being **seventeen pounds** and converted the same to her own use ? ? ?

36. That about the second day of November last your orators intermarried together by reason whereof your said orator and oratrix are in equity lawfully entitled to all and singular the goods cattles and chattels rights and credits of the said Thomas Swift ? ? ?
37. Of seventeen pounds part of your oratrix Marie her annuity And the said Thomas Eccleston was so well pleased with your marriage that he presently by good assurance in law did convey and ? unto your said orators the said ? ? ?
38. At Ludgate Hill by reason whereof your orators were lawfully entitles thereunto and the said farm at Ensham for your oratrix her life as aforesaid And the said house land and shops at Ludgate Hill and the lease? Of years then ? and all ?
39. Cattles and chattels and personal estate of the said Thomas Swift But now so it is right honourable that the **said Dorothy Swift having gotten into her hands custody and possession all and singular the deeds ? and writings ? ? ?**
40. **Said farm at Ensham but also the houses and shops at Ludgate Hill with all the debtbooks books of account** and specialties and having by prentize? and combination with the said David Bennett and one Richard Chapman? Posse? ? ?
41. Conveyed away all and singular the goods and estate of the said Thomas Swift and also of the said trunks linens plate and goods so conveyed unto your said orators by the said Thomas Eccleston and of all the writings and Acts Pleas if ? of marriage ?
42. The appretize? His indentures and bonds? And also of the said seventeen pounds annuity intending utterly to overthrow your orators, and to deprive them of all their means of livelihood they the said Dorothy Swift and ? Bennett and ?
43. Chapman in a most ? manner cast your orators out of the possession of their one house and shops at Ludgate Hill into the street and the said Dorothy presently gave the said Bennett his indenture bank bonds asayer's dish? ? ?
44. And put him in possession of the said shops and wares and promised him one of her daughters in marriage to conceal her dealings with your orators and would not suffer them to carry away their own wearing apparel ? ? your said ?
45. Have both by themselves and friends in gentle and friendly manner desired the said Dorothy Swift to cause your oratrix Marie her life to be put into the said farm at Ensham according to the agreement of marriage aforesaid or pay ? orators the
46. Thereof in money and to deliver up unto your orators the pec?ble possession of the said houses and shops at Ludgate Hill and the writings thereof and to give and render unto your orators a just and perfect account of ? of the ?
47. Thomas Swift and to employ the same for your orators use according to her? And promises made to your oratrix Marie when she consented to her taking letters of administration And redeliver unto yo? ? ?
48. Seventeen pounds annuity she by her unduly received being your oratrix Marie her own proper money And to restore unto your said orators the plate linens and other goods taken so unlawfully out of the trunks ? ? the said ?

49. So conveyed unto your orators by the said Thomas Ecclestonas as a ? and so ?? whereunto she has no color? Of right at all and was so sensible ?? of your orators' title delivered part thereof and promises the rest ? ?
50. The premises tenderly considered and for that your orators for want of the said deeds articles of agreement and writings they not knowing the ? rates and contents thereof And of witnesses to prove the many ? ?
51. Said Dorothy the same being & made in private and such as were present thereat are either dead or gone beyond the seas are ? remedyless for any relief in the premises at and by the strict course of the Common Law an? ? ?
52. This most high and honourable Court of Equity where your orators hope they the said Dorothy Swift David Bennett and Richard Chapman will in answer hereunto upon their corporal oath confess the truth in the premises to be ? whereby ? ? ?
53. May be induced to order her the said Dorothy Swift to cause your oratrix Marie her life to be put into the said farm at Ensham or good satisfaction in money paid to your orators therefore And them the said Dorothy, Bennet and Chapman ? ? ?
54. ? ? of the said houses and shops at Ludgate Hill or answer unto your orators the full value thereof and discover upon their oaths what goods hats and commodities have been secretly sold and conveyed out of the said sh? ? ?
55. ? ? ? what values as well in the lifetime of the said Thomas Swift as ? his death and what goods not valued at all, and render unto your orators a perfect account thereof according to the trust in her reposed and her ? ? ?
56. So to? ? repaid unto your orators the seventeen pounds so by her unduly received as aforesaid ? no way belonged unto her And may restore the rest of the plate and goods taken out of the said trunks, so conveyed to your orators by ? ? ?
57. On the full and ? ? ? thereof And to the ? your said orators may be relieved ? all and every the promises according to justice and equity, May therefore please your Lordship to grant unto your orators a writ of subpoena to be directed to ? ? ?
58. Bennett and Richard Chapman ? ? ? ? them ? of them at a certain day and ? ? ? therein to be limited to ? personally ? before your Lordship in the High Court of Chancery at Westminster then and ? ? ?
59. ? ? corporal oaths to answer to all and singu?? ? ? and further to ? to ? ? ? further and other ? and ? herein as to your Lordship shall seem most agreeable, to right ? and good con? ?
60. ? ? ? ? ? ? ?

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