

# **The Lovelace Dispute: Concepts of Property and Inheritance in Fifteenth Century Kent**

P.W. FLEMING

Ever since John Smyth of Nibley chronicled the great Berkeley law suit, the disputes of magnates over landed property have provided historians with a rich fund of colourful and often violent material.<sup>1</sup> This article concerns protagonists who were of lesser status. During the second half of the fifteenth century one branch of the Lovelace family, merchants of London and Kentish gentry, was split by a violent quarrel over the ownership of three Kentish manors. The struggle lasted over forty years. At its heart lay conflicting attitudes towards property and the nature of ownership. One feature of this dispute was the conflict between the primogeniture of common law and the partible inheritance custom of Kent, or gavelkind, by which the patrimony was divided equally between all the sons.<sup>2</sup> To this extent, the Lovelace dispute was peculiarly Kentish, but this is also a story of entails, wills, and enfeoffments to use: the legal webs with which landholders throughout later medieval England sought to bind up their property.

The court of Chancery was the legal forum to which landholders brought cases involving these devices, and the use of Chancery records has made possible the reconstruction of the Lovelace dispute in considerable detail. Those who appeared in Chancery had their stories recorded in English and usually in the form of a straightforward, factual narrative, unlike the formal, almost ritualised Latin of King's Bench and Common Pleas. Occasionally one feels that preserved in the records is a verbatim transcript. Of course, this is not to say that what one reads is the truth: that would be too much to expect in a court of law. The records pertaining to this dispute do not represent an unusual survival: Chancery records form a rich and fascinating body of source material which has yet to be fully exploited.

The dispute had two major phases. The first involved Richard Lovelace the elder's two sons, Richard and John. Their squabble over the manors of Bayford and Goodnestone became embroiled in

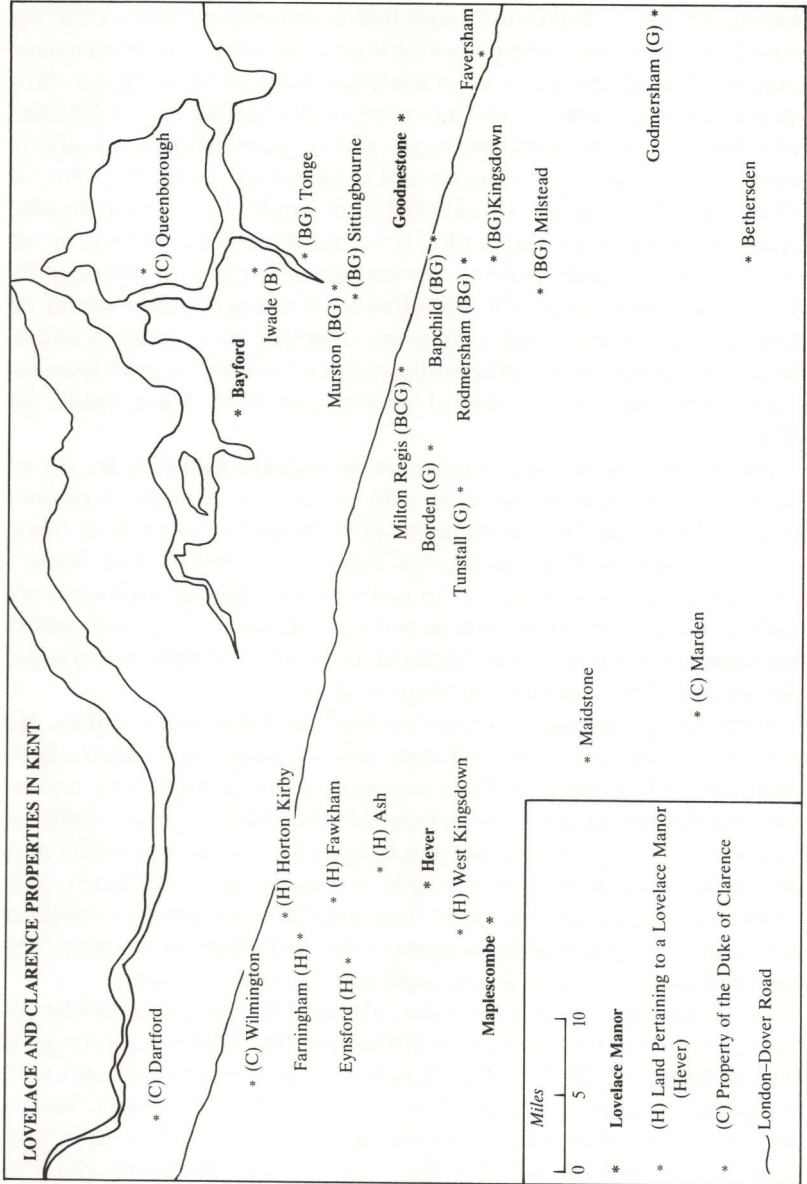
Fauconberg's failed Kentish rising against Edward IV of May 1471, in which the brothers took opposite sides; Richard's support for the rebels led directly to John's triumph in the property dispute. The second phase involved Hever, claimed by Katherine, one of the elder Richard's two daughters, and his third son William.

### **Richard Lovelace's Kentish estates**

In common with many other London mercantile families with surplus capital, the Lovelaces had invested in property in the surrounding counties.<sup>3</sup> Their acquisition of Kentish estates began with the purchase of the manor of Bethersden in 1367 by John, the father of the Richard Lovelace, citizen and mercer of London, with whom the story of this dispute begins. On John's death in 1417 the manor passed to Richard's two elder brothers, Robert and William.<sup>4</sup> The process of property accumulation was continued by Richard. He probably purchased Bayford from the executors of Catherine Savage, the widow of Sir Arnold Savage of Bobbing, at some point between 1436 and 1439.<sup>5</sup> Richard had acquired Goodnestone by 1443. Hever may have come to him from the Penhale family at some point towards the end of the reign of Henry VI.<sup>6</sup> Like so many other Kentish properties held by Londoners, Hever was situated within a day's ride of the city.<sup>7</sup> Bayford and Goodnestone, while being further from London, were scarcely less accessible, for the London to Dover road ran close by them. These were valuable properties. In 1548 the *Inquisition Post Mortem* of John Lovelace, Richard's grandson, valued each of the two moieties of Goodnestone (one held in fee and in chief, the other in gavelkind of the royal manor of Milton) at £4 *per annum*, and valued Bayford at £18 and Hever at £13. 6s. 8d. *per annum*.<sup>8</sup>

### **The dispute over Bayford and Goodnestone**

In May 1463 Richard summoned his feoffees to his house in Queenhithe.<sup>9</sup> He was nearing the end of his life and his affairs had to be set in order. In particular, provision had to be made for the disposal of his three Kentish manors of Bayford, Goodnestone, and Hever. He entailed his eldest son John with his manors of Bayford and Goodnestone. Richard the elder would later provide Hever for his daughter Katherine. Anne, his other daughter, was probably married to Robert Cheyne, the son of Simon Cheyne of Cralle in



Sussex, by 1467; if this marriage had taken place before 1463 she would already have been provided for by the terms of the marriage contract.<sup>10</sup> Had the rules of inheritance been allowed to run their course, all three sons would have received equal shares of Bayford and the moiety of Goodnestone, which were held in gavelkind tenure, with the other moiety of Goodnestone going to John. If Hever was held in gavelkind that too would have been divided between all the sons, otherwise it would have gone to John in its entirety. As gavelkind heirs, the younger Lovelace brothers could have anticipated a sizeable inheritance; now their hopes would be dashed unless they could nullify the effect of their father's entail. William would probably inherit some other Kentish property from his father, but there is no record of any provision being made for Richard.<sup>11</sup>

Richard seems to have anticipated resistance from at least one of his sons, for he insisted that Richard Lovelace the younger be present at the meeting in 1463, perhaps to prevent his son from later being able to claim that he had been disinherited behind his back.<sup>12</sup> Richard the elder's intentions towards his two younger sons are not known, but it is likely that there was already some degree of enmity between himself and his son Richard, if not also William; and if it did not already exist, enmity was soon to erupt.

Richard the younger resolved to frustrate his father's wishes. He seized the deeds to Bayford and Goodnestone from his father's attornies as they were on their way to deliver seisin to John, and he took possession of the manors himself. The elder Richard retaliated by announcing that Katherine was to have Hever. This property may also have been held in gavelkind, in which case Katherine's gain would have been her brothers' loss, and her two younger brothers would have been left with no share of the three Kentish manors. The two Richards, father and son, were never to meet again.<sup>13</sup>

According to his brother John, Richard the younger bribed his father's feoffees to enfeoff him in the manors.<sup>14</sup> All his father could do was bring the curse of God down upon him and reaffirm his wish for John to inherit. On 7 April 1465 Richard the elder made his last will. His most immediate concern was for the creation of a firm position in law from which John could fight his brother's claim as co-heir by gavelkind. By the terms of the will, the feoffees of Bayford and Goodnestone were to entail these manors on John, while Hever was to be entailed on Katherine, with a remainder to John, thereby excluding their brothers. Richard's will would be an important weapon in John's struggle to enforce his claim as heir by entail, and to insure against its misappropriation it was written as a tripartite



indenture. One copy was to be given to John, one to Katherine, and the third counterpart to John Hodges, the rector of St Michael's church in Queenhithe, who was one of the witnesses to the will.<sup>15</sup> Richard the elder probably died in late 1465, and his will was proved the following May. The apparent delay in granting probate may have resulted from an attempt by Richard to contest his father's will.

Following his father's death Richard found himself assailed on two fronts. In the court of King's Bench he was faced with suit for trespass brought by the Cheynes and their associates. The substance of these accusations is not known. They may have been entirely groundless, and made at the behest of John Lovelace, who could make a claim on the Cheynes' sense of familial loyalty through his sister's marriage to Robert Cheyne, the chief plaintiff. The Cheynes' campaign in the courts had begun by April 1467 and continued for at least another year. Their suits followed a consistent pattern: in each term, two suits for trespass would be brought against Richard Lovelace; each time, following his non-appearance, a process of distraint would be initiated against him.<sup>16</sup> The outcome is not known, but in 1469 Richard Lovelace's farmer of Bayford and Goodnestone, Nicholas Newton, was bound in £10 to Robert Cheyne on Richard's behalf, which may indicate that Cheyne secured a favourable verdict.<sup>17</sup>

Meanwhile in Chancery, John Lovelace brought proceedings against his father's allegedly corrupt feoffees, and in October 1468 against Richard himself. According to John, his brother persuaded the feoffees to flee to the liberty of the Cinque Ports in an attempt to avoid the writs of *sub poena* which had been directed against them. On the 24 October judgement was given against Richard Lovelace and John was acknowledged as the rightful heir.<sup>18</sup>

John had proved his right to the manors, but he had yet to secure their possession, and in fifteenth-century England this was seldom easy. In the face of further writs, Richard went into hiding.<sup>19</sup> For the moment, there was stalemate.

With his brother and the Cheynes ranged against him, and making no progress in the courts, Richard realised that alone he had little hope of success. One moiety of Goodnestone was held of the manor of Milton, and Richard turned to the lord of that manor for help. This was none other than George, duke of Clarence.<sup>20</sup> If the power of the King's brother could be brought to bear on his behalf, then Richard would have little to fear from his enemies. He therefore enfeoffed Bayford and Goodnestone on Clarence and seven others, of whom at least four were of the duke's affinity.<sup>21</sup> At some point after the October judgement, a court held at Bayford in the name of the duke of Clarence and his fellow feoffees, to whom Nicholas Newton,

Richard's farmer of Bayford and Goodnestone, attorned.<sup>22</sup> Richard may also have been counting on some measure of support from Richard, earl of Warwick, Clarence's ally and, as warden of the Cinque Ports, a powerful figure in the locality; it may be no coincidence that it was into his jurisdiction that Richard Lovelace the elder's feoffees are supposed to have fled to evade justice.

If Richard expected immediate returns from his alliance with Clarence he was to be sorely disappointed. In late 1468 and early 1469 Clarence had other things on his mind, and he was either unable or unwilling to protect Richard from the processes of law. According to Newton's testimony in Chancery in June 1469, at some time after the Clarence enfeoffment Richard came to him at Bayford and said that his brother John 'sued & vexid hym so sore be occasion of the seid manur that he myght not abyde in the country'. Richard took ship for Calais – another Warwick stronghold, in his role as captain of Calais – but not before arranging for Newton to send him the profits from Bayford and Goodnestone each quarter.

In exile across the Channel, Richard had little option but to hope that Newton would not betray his trust. Newton kept his word, and he resisted John Lovelace's efforts to occupy the manors. In June 1469 John was forced to resort to Chancery once again, and once again the court found in his favour: the judgement of the previous year was reaffirmed, and Newton was instructed to allow John to enter and take the profits of the manors. On its own, it is not clear that this would have had any greater effect than the 1468 judgement, since John had yet to serve his brother with a writ, Newton was still occupying the manors, and in the background lurked Clarence's powerful figure.

In fact, Clarence's involvement was to have profound implications, but not in the way that Richard would have hoped. In July 1469 Clarence, Warwick and Oxford raised open rebellion against Edward IV, and for the next two years the fortunes of Richard Lovelace were to be linked with those of the greatest in the realm.<sup>23</sup> Richard took the opportunity of Clarence and Warwick's brief ascendancy to return to England; he may have accompanied the rebels on their crossing from Calais in mid-July. He certainly threw in his lot with what was undoubtedly a perilous enterprise, but as an exile in Calais there probably seemed little to lose. For a few months the gamble looked likely to pay off. Amid the general lawlessness of the summer of 1469 Richard re-occupied Bayford.

Edward's reassertion of power in October dismayed many of Clarence's supporters, and its repercussions were felt at Bayford and Goodnestone. Richard Hodgekins, one of Clarence's co-feoffees in

the manors, changed sides, and on 23 November he surrendered his interest to John Lovelace's feoffees.<sup>24</sup> That autumn, as power slipped from Clarence's reach and he found himself at his brother's mercy, Richard Lovelace found himself trapped. No longer could he act with impunity, and there were scores to be settled. On 26 January 1470 a commission was issued to arrest Richard and bring him into Chancery. There is no doubt on whose behalf this was done, for with the exception of a serjeant-at-arms, all five of the commissioners were associates of John Lovelace. Richard's response was to fortify Bayford in preparation for a siege. Another commission was issued on 1 February, directing the sheriff of Kent to bring him to justice.<sup>25</sup> The outcome of these events is not known, for after this Richard disappears from view until, probably, 25 September 1470, when there was entered in the Canterbury Chamberlain's Account the record of a payment of £1 to a Captain Lovelas and his company as a inducement not to enter the city. In September 1470, while Edward IV was occupied with rebellion in the north, Warwick and Clarence landed in the West Country seeking to win back the crown for Henry VI. Their landing provoked violent uprisings in Kent: Richard Lovelace was a participant, staking his fortune on Clarence and Warwick, and once again it seemed for a while as if his gamble would pay off.<sup>26</sup>

In the spring of 1471 Edward IV won his decisive victories of Barnet and Tewkesbury. In Kent, Fauconberg led a desperate rebellion against the newly-restored king. By the end of May the defeated Fauconberg supporters, possibly including Richard Lovelace, were dispersed. The day before Lovelace was paid by Canterbury Corporation another captain, Quint, received a similar bribe, and he was beheaded in 1471 as one of Fauconberg's lieutenants.<sup>27</sup> On 8 May 1471 Fauconberg was staying at Sittingbourne, roughly midway between Bayford and Goodnestone, possibly as Lovelace's guest while travelling to London.<sup>28</sup>

On the collapse of the rebellion, the Calais garrison re-crossed the Channel, and in July 1471 was pardoned for supporting Fauconberg. Richard probably retreated with them, as his name appears neither on the lists of those pardoned, nor of those erstwhile rebels who remained in the county to become victims of the 'seson of punyshment of the kentyshmen'.<sup>29</sup> Lovelace was certainly in Calais in 1477, when he was among the *launces a cheval* retained by William, Lord Hastings.<sup>30</sup>

With his brother removed from the scene, John Lovelace returned to Bayford, where he wrote his will on 6 November 1473.<sup>31</sup> He had no children and the manors of Bayford and Goodnestone, for whose

possession he had fought so hard, were to be sold by his executors, to found a perpetual chantry in his burial church of St Michael's, Queenhithe. His wife, Alice Stow, was to have his messuages in Fleet Street and Milk Street. John left bequests to his nephews John and Humphrey Cheyne, and to a number of associates and servants, but there was no mention of either of his brothers. His will had two supervisors: the first was William Nottingham, probably the privy councillor knighted and appointed Chief Baron of the Exchequer six years later: the second, Sir William Hampton, the London alderman, and staunch Yorkist, knighted in 1471 for his part in defending the city against Fauconberg.<sup>32</sup> Nothing is more revealing of the contrasting fortunes of the two Lovelace brothers than the company they kept: Richard moved among the defeated: John among the victors.

After John's death, which occurred in April 1474, Hampton took advantage as supervisor, and purchased Bayford and Goodnestone.<sup>33</sup> Accordingly, at some point before April 1475, the manors were conveyed from the feoffees of John Lovelace to those of Sir William. After some initial resistance Richard Lovelace's feoffees were persuaded – with the aid of another chancery writ – to release their right to the manors.<sup>34</sup> Over a decade of struggle had taken its toll of Richard Lovelace, and now he was at last forced to admit defeat.

Richard had been obliged to turn his back on Kent, but his eyes soon fixed on a military career in Calais. He was to prove far more successful as a soldier than as a litigant. From his employment as a mounted man-at-arms in the late 1470s and early 1480s he went on to be appointed Under-Marshall of Calais.<sup>35</sup> The usual aim of those gentlemen who embarked on a military career was to make their fortune abroad and then return home to spend their remaining years on their estates. Sir Richard's career performance showed the reverse pattern, but he fared none the worse for that.<sup>36</sup> Sir Richard Lovelace died in 1501, wealthy, honoured, but childless, thirty years after he had sought refuge in Calais as a desperate renegade.<sup>37</sup>

### **The dispute over Hever**

William, the third Lovelace brother, took only a minor part in the dispute over Bayford and Goodnestone: his aspirations were directed towards Hever. His sister Katherine had married William Fountayn, a London esquire, by the spring of 1485, when they appeared together as plaintiffs in Chancery.<sup>38</sup> William Lovelace was the defendant, and he stood accused of illegally occupying Hever.

Twenty years after his death Richard Lovelace's progeny were once again squabbling over his inheritance.

How long William had been occupying Hever is not known, but before the Chancery case he had had time to enfeoff the manor to the use of his wife, Laura Peckham, and then to have it conveyed to two different sets of feoffees, probably in order to hamper any attempts to bring him to justice as the original feoffor.<sup>39</sup> He may have disseised his sister long before the matter came to court, and she may have been unable to proceed against him until she had acquired a husband to fight her case. This would have meant that the couple had not long been married in 1485, twenty years after Katherine had been bequeathed Hever. She would have been a far less attractive commodity on the marriage market if William had already usurped her place at Hever, and this could account for any delay in her finding a husband.

The Fountayns won their case, and on 16 May 1485 a writ was issued ordering William Lovelace to put them in possession of Hever.<sup>40</sup> William went into hiding, as his brother had done when faced with a writ to similar effect in 1468, and he caused Hever to be conveyed to yet another group of feoffees. With William in hiding the Fountayns were able to enter Hever, but the Lovelace feoffees had neither given them seisin nor surrendered their rights in the manor, and William and Katherine's position remained vulnerable. On 23 December, perhaps in response to a summons to Chancery on pain of forfeiture issued three days before, William Lovelace, allegedly accompanied by a mob of twenty armed men, stormed Hever and ejected the Fountayns.<sup>41</sup> Over a decade would pass before they were back in the manor.

William Lovelace still had writs to evade, so it was his wife who held court at Hever. According to the Fountayns' testimony in Chancery, the Lovelaces' men not only took the rents and other issues of the manor, but also felled timber, dug up hedgerows and 'wasteth & utterly estrepith the same'; knowing that at any time they could have been expelled, the Lovelaces appear to have embarked on a policy of 'asset-stripping' at Hever.<sup>42</sup> In January 1486 the Fountayns took their case to the court of King's Bench; during the next three years William Lovelace and his associates repeatedly ignored successive summonses.<sup>43</sup> In 1488, possibly as the result of the Fountayn's second Chancery suit brought against William at some point after 1486, the sheriff of Kent was ordered to force Lovelace to restore the Fountayns to the manor.<sup>44</sup> Now effective action was taken against William Lovelace: he was imprisoned in the Fleet in Michaelmas Term 1489, and his associates were outlawed.<sup>45</sup> It is not

known when William was released, but in 1495 he ended his life a free man and, seemingly, still in possession of Hever. In his will William treated the manor as if it were his to bequeath: it was to go to Laura for the term of her life, after which it was to remain to his son John.<sup>46</sup>

Hostilities appear to have been suspended for five years following William's death. Laura may have remained a widow during this period, and her son John may not yet have come of age. Perhaps the Fountayns took this opportunity to regain possession, though only temporarily. Laura married her second husband, Thomas Hilles, within seven years of William's death, and together with John Lovelace they pursued the quarrel every bit as vigorously as had William.<sup>47</sup> John Lovelace was occupying Hever by 1501, and the early years of the new century were marked by renewed struggles between the claimants.

On 1 February 1501 a commission was issued to enforce the judgement given in 1485 that Katherine Fountayn should be put in possession of Hever.<sup>48</sup> Soon afterwards John appeared in Chancery to answer for his actions, but then departed without licence and re-entered Hever in contempt of court. For this he was arrested by a second commission appointed on 30 June, but subsequently released on bail.<sup>49</sup>

Taking advantage of John Lovelace's arrest, the Fountayns re-occupied Hever, but shortly after his release on bail John and his gang entered and plundered the manor. On 22 March 1502 another commission was issued to bring John Lovelace and his adherents into Chancery.<sup>50</sup> During the two days that followed the commissioners' appointment, John Fountayn, Katherine and William's son, was alleged to have taken the law into his own hands by breaking into the house of Thomas and Laura Hilles and assaulting them, possibly on two separate occasions on consecutive nights.<sup>51</sup>

Following the arrival of the commissioners the Fountayns were able to regain possession, for a short while. When it was once again safe to assert himself John Lovelace, together with his mother, his brother William and their adherents, re-occupied the manor and ejected the occupants. On 20 July yet another commission was despatched to put the Fountayns back in their rightful place and to arrest the Lovelace gang.<sup>52</sup> The commissioners succeeded in the first of these objectives, but John Lovelace and his friends remained at liberty and undaunted. William and Katherine Fountayn continued to pursue the quarrel through the law courts. In 1502/3 they again appeared as plaintiffs in Chancery, where they recounted the pressures to which they had been subjected by John Lovelace and Thomas and Laura Hilles.<sup>53</sup> These involved several forced entries

into Hever, during the course of which the Fountayns' lives were put at risk, their servants injured and their goods destroyed, all common in plaintiffs' formal claims at this time, but in this case probably true enough. Simultaneously, the Fountayns issued a writ of *sub poena* to halt a number of assizes of *novel disseisin* arraigned against them, but the outcome is unknown.

The pressure on the Fountayns was maintained. In January 1503 John Fountayn appeared before justices at Maidstone for his alleged misbehaviour during the preceeding two years, and the following month he was indicted to appear in Chancery.<sup>54</sup> Once again, the verdict is not known. Between 1504 and 1514, William Fountayn initiated what proved the last suit against his enemies: his charges in Chancery resembled those of 1502–3. By the time it came to court, William was dead.<sup>55</sup> His widow, now elderly, soon lost and never regained her grip on Hever.

Katherine Fountayn, widow of the city of London, made her will in October 1519.<sup>56</sup> This rather poignant document testifies to the consequences of defeat. In her later years Katherine's son, John, her sole executor, was to arrange her burial where husband William's 'bonys do rest', at St Botolph's, Aldersgate. John received her residual wealth, but the will did not mention property, she lived in rented accommodation and was not rich on her death in November 1519.

Meanwhile, John Lovelace had married and settled at Hever, while also retaining interests in London.<sup>57</sup> During the reign of Henry VIII he was a Kentish JP and sat on the juries which indicted Buckingham and Thomas Culpeper and Francis Dereham.<sup>58</sup> When John Lovelace esquire died at Hever on 6 May 1548, he held landed property in Kent valued by his inquisition *post mortem* as being worth a total of £73. 1s. 8d.<sup>59</sup> This property not only included the manors of Maplescombe and Hever, but also Bayford and both moieties of Goodnestone, one of which he held jointly with Sir Thomas Moyle. It is not known how John had acquired these two manors, both of which appear to have gone out of the family after the death of his uncle and namesake in 1474, but by so doing he had at last re-united his grandfather's inheritance under Lovelace ownership.

## Analysis

The dispute can be seen in several contexts. At one level it occurred because of an old man's spitefulness, or lack of foresight, and because of his sons' resentment. Richard the elder's entail, deprived his

younger son of his gavelkind, thereby enhancing brothers' customary antagonisms.<sup>60</sup> But the entail reflected the Kentish gentry's hostility to gavelkind, which fragmented their patrimonies.<sup>61</sup>

At another level it was the law's muddle which was to blame, by allowing the existence of three conflicting claims to the same piece of property. Disputed entails lay at the heart of numerous family feuds.<sup>62</sup> Leaving aside Hever, whose tenure is uncertain, John Lovelace could have claimed to be the heir to the whole of Bayford and half of Goodnestone by common law, to a third of Bayford and a sixth of Goodnestone by gavelkind, and to the whole of both manors by entail, while each of his brothers was heir by gavelkind to one third of Bayford and one sixth of Goodnestone. If William had any claim at all to Hever, then it would presumably have been as heir by gavelkind.

At yet another level this dispute can be seen as evidence of another kind of struggle, one between 'feudal' and 'capitalist' concepts of property. On the one hand there was the appeal to ancient custom, either in the form of common law or the gavelkind custom of Kent, which saw the ownership of property as being vested in the community – the kingdom or the family – with the individual as merely the medium through which property was passed to another generation. On the other there was the appeal to the more recent idea that the individual should have the right to do as he wished with 'his' property. It was the elder Richard Lovelace's espousal of this latter concept, and his violation of the traditional principle, that brought forty years of discord to his family, and parallel violations had similar results in many other propertied families during the age of 'bastard feudalism'.<sup>63</sup> As always the law limped behind social change; if the gap between social realities and the law reduced, but did not remove the role of law in resolving disputes, one court action rarely satisfied both sides. This also encouraged trials of protagonists' strength, determination, and resourcefulness, commonly through resort to violence. Thus resolution came through wars of attrition, usually involving repeated litigation, together with violent and illegal actions. This occurred in the Lovelace case, but resort to Chancery, as opposed to the common law courts, enabled the legal stipulation of remedies in cases involving entails, and enfeoffments to use. Wills made these devices more secure, and therefore increasingly popular, which accelerated the development of individualistic concepts of ownership.<sup>64</sup>

In situations where claims to property were hopelessly confused, it is perhaps unreasonable to expect the courts to have imposed definitive judgements. However, Richard the elder's intentions were

clear enough, and on several occasions Chancery accepted his will as valid and binding, but ultimately it was only half honoured. His eldest son finally secured what was his right by entail, but his daughter did not. Katherine's claim to Hever was solely dependent on her father's entail, and she had no claim by common law or gavelkind. But her father's initial intention was not to give her Hever; he only did so as an act of retribution. Would William Lovelace have justified his subsequent actions simply on the grounds that it was unnatural for a sister to hold land in preference to her brother, whatever mere legal claim she may have had? And how widely would this view be shared? Katherine's claim to Hever was only ever asserted through her husband: before her marriage she may have been powerless to prevent William Lovelace's occupation, and after William Fountayn's death she seems to have been unable to offer any resistance to her nephew. However seriously Katherine's rights may have been taken, in practice her claim was only defended when it was in the interests of a man to do so.<sup>65</sup>

The tangle of claims was further complicated by the fact that each feoffee had a residuary interest in the property with which he had been entrusted. This was one reason why even the great were prepared to perform this service for relatively humble gentlemen, but the major incentive was the opportunity such arrangements presented to extend to their networks of clientage. In times of political upheaval such expedients could prove dangerous for the feoffor. Kent was not one of those counties under the sway of a local magnate, but even here the influence of dukes and earls could be felt. Richard the younger's enfeoffment of Clarence brought him an ultimately ineffectual ally and caused him to be swept along in the mercurial duke's wake.<sup>66</sup> Richard's involvement in the events surrounding the Readeption was motivated by considerations of self-interest: he sought to exploit the opportunities created by national crises in order to solve his own problems. Opportunism on the part of desperate men has always swelled the ranks of rebellion.<sup>67</sup> In Richard's defence, it could be said that his motives were no worse than those of the greatest protagonists in what became an increasingly blatant and cynical scramble for power.

The Lovelaces combined strong London connections and commercial interests with gentle rank; it was probably not an easy combination. Despite the fact that most of the events in this affair took place in Kent, most of the protagonists were Londoners. Certainly, the Lovelaces married with Kentish gentry families, some of whose members were drawn into the dispute as a result, but marriage is rather a special case. The dowries of rich London merchants'

daughters were welcomed by gentry families whose purses were not as deep as their lineages were long, while merchants may well have been willing to pay over the odds for the prestige of having a county knight as an in-law. Few of the Lovelace feoffees, witnesses or executors were from Kentish gentry families. The Lovelaces were themselves of gentle rank, and they had held property in the county since 1376, but it seems that on the whole the Kentish gentry community still regarded them rather as outsiders. Such exclusiveness made economic sense: it meant that demands for dowries and jointures could be kept high, since they constituted the price of admission to county society, albeit as an associate member. The Lovelaces' relative isolation within the gentry community may have exacerbated the dispute, by making it more difficult for them to settle through formal or informal processes of arbitration by their peers, as was commonly the case in other disputes of a similar nature.<sup>68</sup> A sense of isolation may even have been a factor in Richard the younger's decision to risk open rebellion in 1470–1.

## Notes

I wish to thank Dr Colin Richmond and Professor Ralph Griffiths for their help and encouragement. Unless otherwise stated, all document references are to the Public Record Office.

<sup>1</sup> J. Smyth, *Lives of the Berkleys* ed. J. Maclean, 3 Vols. (1883); A. Sinclair, 'The Great Berkeley law-suit revisited, 1417–39', *Southern History*, IX (1987), pp. 34–50.

<sup>2</sup> F. Hull, 'The customal of Kent', *Archaeologia Cantiana*, LXXII (1958), pp. 148–59.

<sup>3</sup> A. Brown, 'London and north-west Kent in the later middle ages: the development of a land market', *A.C.*, XCII (1976), pp. 145–55.

<sup>4</sup> A.J. Pearman, 'The Kentish family of Lovelace', *A.C.*, X (1893), pp. 185–7.

<sup>5</sup> E.F. Jacob (ed), *The Register of Henry Chichele, Archbishop of Canterbury, 1414–43*. (Canterbury and York Society, 1939), vol. II, p. 547. K(ent County) A(rchives) O(ffice), U1000/7m. 27.

<sup>6</sup> E. Hasted, *The History and Topographical Survey of the County of Kent* (2nd edn., Wakefield, 1972), vol. II, p. 481. K.A.O., U488 m. 3.

<sup>7</sup> F.R.H. Du Boulay, *The Lordship of Canterbury* (London, 1966), p. 148.

<sup>8</sup> C(hancery)142/86/107.

<sup>9</sup> Accounts of the events preceding Richard's death are contained in the testimonies given during the Chancery suit brought by John Lovelace in 1468: C1/31/285–90.

<sup>10</sup> Pearman, *op. cit.*, 190.

<sup>11</sup> C142/86/107, PCC 26 Vox.

<sup>12</sup> C1/31/285, 289.

<sup>13</sup> *Ibid.*

<sup>14</sup> C1/31/285.

<sup>15</sup> PCC 13 Godyn.

<sup>16</sup> KB27/824 Easter 7 Edward IV *rex m.* 47 v.; 825 Trinity 7 Edward IV, civil mm. 9 v., 60 r.; 826 Michaelmas 7 Edward IV civil mm. 2 r., 89 v., 102 d.; 827 Hilary 7 Edward IV *rex m.* 106 r.; 830 Michaelmas 8 Edward IV *rex m.* 9 r.

<sup>17</sup> C1/44/68.

<sup>18</sup> C1/33/30; 31/285–90.

<sup>19</sup> C1/44/69; 53/275.

<sup>20</sup> M. Hicks, *False, Fleeting, Perjur'd Clarence: George Duke of Clarence, 1449–1478* (Gloucester, 1980), p. 209.

<sup>21</sup> C1/44/69; 53/275. These four feoffees were William Knyvet, John Peke and John Brookman esquires, and John Brode. They were among the followers of Clarence and Warwick against whom action was taken in 1471: *C(alendar of) P(ate)nt R(olls)*, 1467–1477, *passim*. Peke had been in Clarence's service since he was a youth, and Knyvet was burgess for the duke's seat of Melcombe: Hicks, *op. cit.*, *passim.*, and J.C. Wedgwood, *History of Parliament: Biographies of the Members of the Commons House, 1439–1509* (London, 1936), pp. 113, 520–1, 671.

<sup>22</sup> C1/44/69; the following two paragraphs are based on the testimonies given during these proceedings.

<sup>23</sup> For the events surrounding the Readeption see C. Ross, *Edward IV* (London, 1974), pp. 126–87.

<sup>24</sup> C1/53/275. Hodgekins' demise and confirmation to John Lovelace is in *C(alendar of) C(lose) R(olls)*, 1468–1476, no. 410.

<sup>25</sup> *C.P.R.*, 1467–1477, pp. 197–8.

<sup>26</sup> C. Richmond, 'Fauconberg's Kentish rising of May 1471', *English Historical Review*, LXXXV (1970), p. 682 n. 2.

<sup>27</sup> *Ibid.*, pp. 676–8.

<sup>28</sup> J.R. Scott, 'Letters respecting Fauconberg's Kentish rising in 1471', *A.C.*, XI (1877), p. 360.

<sup>29</sup> Richmond, *op. cit.*, p. 684, quoting the *Great Chronicle*, and Ross, *op. cit.*, p. 181. *C.P.R.*, 1467–1477, pp. 299 ff.

<sup>30</sup> *Historical Manuscripts Commission, Various Collections*, II (London, 1903), p. 331 and E101/55/10.

<sup>31</sup> PCC 17 Wattys.

<sup>32</sup> For Hampton and Nottingham see Wedgwood, *op. cit.*, pp. 417, 642–3, and for Nottingham see also R. Somerville, *History of the Duchy of Lancaster*, vol. I (London, 1953), pp. 391, 454, 636. Rose, *op. cit. passim*.

<sup>33</sup> For John's writ of *diem clausit extremum*, see *C(alendar of) F(ine) R(olls)*, 1471–1485, No. 225. For Sir William's purchase: C1/53/275.

<sup>34</sup> C1/53/275; *C.C.R.*, 1468–1476, no. 1586.

<sup>35</sup> See above, n. 30 and Pearman, *op. cit.*, pp. 192–3. This appointment may have coincided with his grant of a life annuity of 100 marks, to be paid by the treasurer of Calais, made in March 1485 and reaffirmed in 1492 and 1494: *C.P.R.*, 1476–1485, pp. 85–94, 410, 528, and *C.C.R.* 1485–1500, no. 688. His military career was not confined to Calais. In 1497 he was knighted for his part in defeating the Cornish rebels at Blackheath: Pearman, *op. cit.*, p. 193.

<sup>36</sup> I am indebted to Dr Richmond for this observation.

<sup>37</sup> For his writ of *diem clausit extremum*, 1 April 1501, see *C.F.R.*, 1485–1509, no. 717.

<sup>38</sup> *C.P.R.*, 1485–1494, p. 107; C1/135/105. For the Fountayns of London and Surrey, see *C.P.R.*, 1429–1436, pp. 37, 250, 299, 344–45, 388; 1441–1446, p. 200; 1452–1461, p. 52; *C.F.R.*, 1430–1437, p. 355; *C.C.R.*, 1451–1461, pp. 135, 369, 447. For William and Katherine's London property see their deed of 1487: *C(orporation of) L(ondon)*

R(ecord) O(ffice), Hustings Roll 217, no. 10. Their son, John Fountayn, was described as a gentleman, *alias* citizen and grocer of London in his indictment of 1503: C244/152 m. 25.

<sup>39</sup> C1/310/11. William and Laura may have been married in or before 1472: A.J. Pearman, 'The Kentish family of Lovelace. No. II', *A.C.*, X (1893), p. 54. The Peckhams, like the Cheynes, were a prominent Kentish gentry family.

<sup>40</sup> Referred to in C1/262/32; 310/11 and *C.P.R.*, 1485-1494, p. 107. The rest of this paragraph is based on these sources.

<sup>41</sup> KB9/369 m. 40, and KB27/898 Hilary 1 Henry VII civil m. 14 v.

<sup>42</sup> C1/135/105.

<sup>43</sup> KB9/369 m. 40; KB27/898 Hilary 1 Henry VII civil m. 14 v., 899 Easter 1 Henry VII rex m. 7 v., 904 Michaelmas 2 Henry VII rex m. 27 v., 905 Michaelmas 3 Henry VII rex m. 28 v., 906 Hilary 3 Henry VII rex m. 12 r., 907 Easter 3 Henry VII rex mm. 24 v., 27 v., 38 v., 908 Trinity 3 Henry VII rex m. 23 r. These proceedings were accompanied by the issue of ineffectual writs and destraints for derisory sums reminiscent of the actions taken against Richard Lovelace.

<sup>44</sup> The writ to the sheriff of Kent is K.A.O., U601/24. For the Chancery suit, see above, n. 40.

<sup>45</sup> William's imprisonment is noted in KB29/116, 1 Henry VII m. 5 r., 118, 3 Henry VII m. 24 r.

<sup>46</sup> PCC 26 Vox.

<sup>47</sup> C244/152 m. 25.

<sup>48</sup> *C.P.R.*, 1494-1509, p. 249.

<sup>49</sup> *Ibid.*, pp. 248, 294-5.

<sup>50</sup> *C.P.R.*, 1494-1509, pp. 294-5.

<sup>51</sup> C244/152 m. 25.

<sup>53</sup> C1/262/32.

<sup>54</sup> C244/152 m. 25.

<sup>55</sup> C1/310/11.

<sup>56</sup> C.L.R.O., London Commissary Court Register Bennet, 9171/9 f. 130 v.

<sup>57</sup> Property in Queenhithe and Cripplegate; deeds of 1508 and 1509 (C.L.R.O., Hustings Rolls 235 no. 3, 236 no. 70).

<sup>58</sup> *Letters and Papers, Foreign and Domestic, Henry VIII*, vol. III, pt. i, no. 1284; vol. V, no. 278; vol. XVI, no. 1395(37).

<sup>59</sup> C142/86/107.

<sup>60</sup> Another dispute between heirs by gavelkind and heirs by entail is discussed in R. Jeffs, 'The Poynings-Percy dispute: an example of the interplay of open strife and legal action in the fifteenth century', *Bulletin of the Institute of Historical Research*, XXXIV (1961), pp. 148-64.

<sup>61</sup> P.W. Fleming, 'The character and private concerns of the gentry of Kent, 1422-1509' (unpub. Ph.D. thesis, Wales [Swansea], 1985), pp. 109-10.

<sup>62</sup> J.G. Bellamy, *Criminal Law and Society in Later Medieval and Tudor England* (Gloucester, 1984), pp. 69-71.

<sup>63</sup> G.E. Aylmer, 'The meaning and definition of "property" in seventeenth-century England', *Past and Present*, LXXXVI (1980), pp. 87-97; J.M.W. Bean, *The Decline of English Feudalism: 1215-1540* (Manchester, 1968).

<sup>64</sup> M.E. Avery, 'The history of the equitable jurisdiction of Chancery before 1460', *B.I.H.R.*, XLII (1969), pp. 129-44; N. Pronay, 'The Chancellor, the Chancery and the Council at the end of the fifteenth century', in H. Hearder & H.R. Loyn (eds), *British Government and Administration: Studies Presented to S.B. Chrimes* (Cardiff, 1974), pp. 87-103.

<sup>65</sup> Once again I am grateful to Dr Richmond for his observations on this point.

<sup>66</sup> Dr Carpenter, in 'The duke of Clarence and the Midlands: a study in the interplay of local and national politics', *Midland History*, XI (1986), pp. 23–48, suggests that Clarence was a dismal failure as 'good lord', but Dr Hicks, 'Restraint, mediation and private justice: George, duke of Clarence as "good lord"', *Journal of Legal History*, IV (1983), pp. 56–71, interprets his relative inactivity as evidence of restraint rather than of ineffectiveness.

<sup>67</sup> For another example of this, in relation to Cade's rebellion, see Jeffs, *loc. cit.*

<sup>68</sup> See for example J.T. Rosenthal, 'Feuds and private peacemaking: a fifteenth-century example', *Nottingham Medieval Studies* XIV (1970), pp. 84–90.