

THE LOVESY FAMILY OF CHARLTON KINGS

by Joan Paget

The Ashley manor court books date from 1742 and there are 297 loose admissions, 1697-1742 (1). Members of Charlton Kings Local History Society have been working on these, among other records, in an effort to trace their village's past.

Since court books deal only with copyhold property, it is necessary to supplement the information in them from other sources. In tracing the lands held by the Lovesy family, I have used the following additional sources - wills, transcribed by Mr Eric Armitage (2), deeds abstracted by Mary Paget (3), parish registers and tombstones and memorials in the parish church and churchyard, most useful for the verification of dates. It is helpful to use these additional sources because lands of the manor of Ashley have no clear geographical division from lands of the parent manor of Cheltenham. For example, at the court held on 21 April 1854, Miss Elizabeth Lovesy (the third lady of that name to whom reference will be made) was admitted to "two ridges or selions of arable land ... situate ... in a certain field called Reyeworth" on the surrender of Henry Walsh of Oxford and Iffley and Susannah his wife. In fact the lady had bought a substantial messuage (called at that date Charlton Villa), as the deeds show; however, the house and front garden lay in the manor of Cheltenham, the back garden in the manor of Ashley, and land on the east side was freehold. Thus the entry in Ashley manor court book gives an incomplete picture of the transaction, although it does say that the two ridges had been incorporated into a garden.

The entries in the court books relating to property held by the Lovesy family illustrate all the activities of the manor court - admissions, surrenders, and mortgages. The Lovesys were not of old Charlton Kings stock, but came into the manor because Elizabeth Whithorne married William Lovesy sometime in the 18th century; and on 31 October 1797 the court book shows that John Whithorne, Elizabeth's brother, surrendered land in Castlefield and the house known as the Knapp and Penn to their use. The Whithornes had been considerable landholders in Charlton Kings from the 15th century but when John Whithorne senior died in May 1797, he had only two surviving children, the John and Elizabeth mentioned. John the younger was probably a widower and certainly childless.

In his will dated 2 August 1814 and proved in 1816, John Whithorne divided his property between his sister Elizabeth and two of her sons, Conway and William Whithorne Lovesy.

These lands fell into three main blocks. The first was in the area of Coxhorne, including the house, then known as Coxhorn Farm, and a considerable area of land. This they regarded as their chief property. It was left to the eldest son, and in all that followed it was the one property which was never mortgaged. The second block centred on New Court at Moorend; and the third was the area mentioned above surrendered to William and Elizabeth Lovesy. There was also a parcel of land called Overbury's Piece lying on Cudnall Bank. Under the will, Conway Whithorne Lovesy was to have Coxhorn Farm with all that belonged to it, whether buildings or land, and all the lands in Charlton Kings which he held as his uncle's tenant at the date of the testator's decease. He was also to receive three closes; two, known as Broad Ditch and Little Howbreach, were meadow or pasture, and the third, called the Hitchings, was arable. The other nephew William Whithorne Lovesy was left a number of parcels of land in the area of Little Herberts. Much of this area falls in the manor of Cheltenham and therefore outside the scope of the Ashley manor court books. In any case, the devisee died single and intestate and his property fell to Conway as his eldest brother and common law heir. All other properties in Charlton Kings, whatever their nature, John Whithorne left to his sister for life and on her decease to Conway Whithorne Lovesy her son.

In 1816, Overbury's Piece (which Elizabeth Lovesy held for life) was farm land of no great value. This was changed in 1825 when the new turnpike from Cheltenham to London was cut across the field, making Overbury's Piece an obvious site for building development. The will was proved in 1816, the road was cut in 1825, and in 1826 Elizabeth Lovesy at last claimed admittance. The dates speak for themselves. Elizabeth did not claim the land until she wished to sell it off as building plots. The court books shows eight surrenders of plots in Overbury's Piece in the next three years. In all these transactions, Elizabeth acted jointly with her son Conway because her interest was for life only.

One entry that for 16 November 1826, is typical of these surrenders. Elizabeth Lovesy and Conway Whithorne Lovesy, in consideration of 10s paid to Elizabeth and £125 paid to Conway by William Baldwin of Charlton Kings, coal merchant, at the request of William Baldwin, severally surrender to the use of John Prince in trust for Baldwin, a parcel of ground in a field called Overbury's Piece in Cudnall "on part whereof William Baldwin hath lately erected a messuage - with out offices, which he now occupies, containing in front of the New Turnpike Road from Cheltenham to London forty one feet, in depth N-S on the east side one hundred and ten feet, on the west side eighty two feet, and bounded on the north by land belonging to Mr Gale, on the south by the New Turnpike Road, on the east by land and premises belonging to Theodore Gwinnett Esq., and on the west by land belonging to Walter Lawrence Esq., to which Elizabeth Lovesy was admitted tenant at a court held on February last on her claim as devisee named in the Will of John Whithorne late of Charlton Kings".

This abstract raises a number of interesting points. In the first place it shows that a nominal value was put on Elizabeth Lovesy's life interest and there may have been a private agreement between mother and son which does not appear in the court book. Secondly, and most importantly, it shows that the manor court was being used to register, rather than make, a change in tenancy. This was one of the chief functions of a manor court by the late 19th century; where copyhold land was concerned, it was a cheap and easy way of making a legal land transfer and establishing a title. William Baldwin was already in occupation of his new messuage and out-offices. John Prince was the developer, and since the land was surrendered to his use in trust for the occupier, there must have been articles of agreement between them which had not yet been completed. John Prince appears in a similar capacity in other surrenders, and all the premises with which he was connected were of a similar type - small business developments which the new road made possible, and, hopefully, profitable. By plotting these surrenders on a map, it is possible to make a fairly accurate plan of the area and to recognise the plots, and indeed some of the buildings. William Baldwin's messuage and out-offices are almost certainly a builder's yard.

The Lovesy holdings in Castlefield were next in importance after Coxhorne and a large percentage of the entries in the court books deal with them. An earlier improvement to the London road had divided the Whithorne land into Upper and Lower Castlefields and a small parcel called the Hundred Acres. The house known as the Knapp and Penn included a barn, stable, garden, orchard, and other closes. In 1807 William Lovesy died, so by the time she took up her inheritance in 1826, Elizabeth Lovesy had been a widow for many years. In that year, to establish a clear title to her own property, she went through a legal procedure called suffering a recovery to the use of herself and her heirs - another example of the way in which a manor court could be used to establish a clear title - and then surrendered the whole property to Samuel Lovesy of Cheltenham, who may have been her brother-in-law, and John Packwood, who was certainly a solicitor, in trust for her children. This setting up of a trust was very usual and the court books show many instances. After her death, Conway Whithorne Lovesy was to have part of Lower Castlefield, in length 114 yards in front next the turnpike road, running from the end of the bridge crossing the mill stream in an easterly direction, and in depth from the turnpike road in a straight line to the east end of a small grove in a field adjoining the mill stream, with a messuage built thereon and intended as a public house (probably the house later known as Conway House, now The Close). Richard Lovesy of Newent, surgeon, Thomas Lovesy, Samuel Lovesy, and Elizabeth Lovesy the younger, spinster, were each to receive one undivided fifth of The Knapp, and the remaining fifth was to be sold and the proceeds invested for the benefit

of Margaret, who had married William Ireland Newman, a farmer of Walton Hill, Glos. William Lovesy, to whom his uncle had left land, was already dead, and on 13 February 1827 Thomas Lovesy died. His memorial in the church shows he was a Lieutenant in the Royal Navy. He was unmarried; apart from a few small legacies including £100 to his sister Margaret, he left his real estate to be divided equally between his brothers. One would dearly like to know what had been happening in the family, as Thomas stated in his will that he was leaving no more to his sister Margaret because of the great expense he had been put to on her behalf and that of her husband. He stipulated that whatever happened, none of his property was to pass to his sister Elizabeth or any of her children. Unfortunately, this is not the sort of question court books can answer.

It appears from the court books that Conway Whithorne Lovesy attempted to consolidate the family lands which were scattered. At the court held on 26 February 1830 he disposed of certain outlying properties and in their place acquired others contiguous with Coxhorne. Conway and his wife Margaret with the consent of Elizabeth his mother, in consideration of £275, surrendered to the use of Charles Cooke Higgs a messuage or farm called Sturmys at Neast End (East End), a close of meadow or pasture adjoining the farm house, and an inclosure of land called Ballingers, to which Elizabeth was admitted on 27 February 1826 under the will of John Whithorne. The land thus surrendered was under four acres in extent. There had once been considerably more attached to the farm, so what it amounts to is that the Lovesys kept the bulk of the land but surrendered the buildings for which they had no use. At the same court, in consideration of £1559, Charles Cooke Higgs surrendered to the use of Conway Whithorne Lovesy inclosures of meadow called Hanging Hill, New Loons or Lands, Sunday's Bush, and Crows Nest, and a parcel of land called Barlands which was reputed to be in the manor of Ashley though four ridges were reputed to be in the manor of Cheltenham - another example of the confusion of the manors. Perhaps Conway had difficulty in raising the money he needed for this and other transactions, for in 1831 the court book shows that the newly acquired fields, together with Kite Hill and Gunners Breach (which had been left to William Lovesy but on his death had passed to Conway) were mortgaged to John Buckle of Treddington.

Elizabeth Lovesy the elder died on 15 March 1835. On 30 April in the same year Samuel Lovesy and John Packwood, in consideration of £40, surrendered to the use of Conway Whithorne Lovesy one undivided fifth part of and in the inclosure called Castlefield; and in a separate transaction at the same court the trustees, in consideration of £260, surrendered to his use all that undivided fifth part of the messuage called the Knapp and Penn and also a close of meadow called King's Mead. In fact, as the deeds show, this property was let and what Conway received was one fifth of the income.

Before this date the trustees had raised several mortgages on different parts of the estate. These mortgages were held by James Fallon, and by Thomas Quarington (a Whithorne connection). Then on 20 July 1835 Samuel Lovesy of Cheltenham and John Packwood as trustees, Conway Whithorne Lovesy as part owner and Margaret his wife, Richard Lovesy of Newent surgeon, James Fallon and Thomas Quarington as equitable mortgagees, and Elizabeth Lovesy of Cheltenham spinster (Conway, Richard, and Elizabeth being beneficiaries under the trust) in consideration of £372 1s. 8d. paid by Conway (£134 11s 8d to Richard, £134 11s 8d to Fallon, and £102 18s. 4d to Elizabeth) in full for the absolute purchase of their shares and in full discharge of the mortgage, severally surrendered to the use of Richard Lovesy in trust for Conway Whithorne Lovesy, Castle field and the capital messuage called Conway House; and in a separate transaction on the same day, the Knapp and Penn.

A year later, on 7 July 1836, Richard Lovesy by direction of Conway Whithorne Lovesy, in consideration of £100 paid by William Hathaway, yeoman, surrendered to use of Joseph Overton of Apperley gentleman in trust for Hathaway, the parcel of land containing 28 perches which was known as the Hundred Acres. It became the site of the house now called Hilden Lodge.

In the last month of the life of Conway Whithorne Lovesy the elder, there was a rather curious transaction. At the court held on 28 October 1846 he, very belatedly, claimed admittance under his uncle's will to a small close of pasture called Howbreach. In the same court he surrendered this piece of land to the use of William Heathorn, in consideration of £50. This was done at the direction of John Packwood, who was sole acting devisee in trust of the will of John Bastin, who was the devisee of Richard Bastin of Charlton Kings yeoman, who on 6 May 1821 had contracted with Conway Whithorne Lovesy for the purchase of the plot described and paid the purchase money, but to whom no surrender was made. It was also at the direction of Joseph Cooper Straford of Cheltenham, who, shortly after the death of John Bastin, contracted to purchase the land from John Packwood as devisee but who agreed to relinquish in favour of William Heathorn. This is one example of the manor court being used to clear a title. Lovesy could not surrender land to which he had not been admitted, therefore the court could not take cognizance of any of the other transactions. To clear the title, Lovesy had first to claim his inheritance and then for a nominal sum surrender it to the use of the man who, in fact, but not in law, had already bought it. The question arises why Lovesy had not claimed admittance earlier. It is not possible to be certain but the account of the transaction says that Richard Bastin had been in possession of it for many years, first as the tenant of John Whithorne, and then as owner. It is possible that everyone had got so used to Richard Bastin holding the land that his lack of a clear title was ignored.

In November 1846 Conway Whithorne Lovesy the elder died. His will is dated 3 February 1838 and there is a codicil dated 7 April 1845. He appointed three trustees, Richard Lovesy of Cheltenham esq., William Bennett of Syde esq. and Edmund Dean of Weston co. Hereford clerk. He divided his property between his wife Margaret, his four sons and his four daughters. Not all the properties mentioned in the will are copyhold of the manor of Ashley - some are in Cheltenham manor and some, as in part of Castlefield, are freehold.

Mrs Margaret Lovesy had the right to occupy Coxhorne House or any other house, paying rent and keeping the house insured and repaired. She had absolute use of all provisions and wine, and the household stuff in the house. The trustees were to pay any charges on the messuage and to pay her £500 per annum clear.

John Whithorne Lovesy inherited Coxhorne House and so much land forming part of the Coxhorne estate as lies on the west side of the watercourse running from the London Road near Coxhorne House south to a barn called Hill Barn, and comprising the whole pasture called Kitewell, and the tithes of such premises. (It is outside the scope of this essay, but Coxhorne was charged with a yearly stipend of £40 to the perpetual curate of St. Mary's church Charlton Kings, of which Conway Whithorne Lovesy was lay impropriator.) If John died without issue, the property was to come to Conway Whithorne Lovesy II, and this indeed did happen.

Conway Whithorne Lovesy II was to have Hill Barn and the three pieces of arable land near the barn called Hill Pieces, as well as land lying to the north of the London Road called Bearlands (or Barlands), and all the messuages in Charlton Kings occupied at the time by the Rev. James Walker, with the tithes.

Richard Whithorne Lovesy was to inherit properties in the vicinity of Ham which were mainly in the manor of Cheltenham and therefore outside the scope of the Ashley manor court book.

Samuel Whithorne Lovesy received the Knapp, a cottage, and nearby land, with the tithes.

Elizabeth Lovesy was to inherit Ham House (in Cheltenham manor) and a messuage and building called Moor End, land let to Admiral Mansell at a rent of £20 per annum, and various cottages in that area. Part of the Moor End land had already been surrendered to use of Friend Cregoe, to form part of the garden of Moorend Park.

Georgiana Lovesy inherited Conway House, a malthouse and premises at Moorend let at £70, land and cottages in Pumphreys Piece let at £15, and another cottage let at £21.

Much of Louisa Lovesy's inheritance did not lie in Ashley manor, but Timbercombe and Kite Breach certainly did .

Fanny Margaret Lovesy received Waterloo Cottage in Church Street, various other cottages and gardens, a piece of pasture called Broad Ditches, and another called Alexanders near Timbercombe. The rents she would receive from these premises were not as great as those received by her sisters, but as a make-weight she was to have all great and small tithes or modus, or corn rent charges. Tithes were regarded as a form of personal property.

The residue was held in trust to pay issues to Margaret Lovesy for life, and then to be divided among the children as tenants in common.

The codicil, besides appointing new trustees, dealt with Conway Whithorne Lovesy I's interests as lay impropiator of the church, and changed Georgiana's inheritance. Instead of the cottage let at £21 per annum and tithes, the trustees were to raise £4000 out of the residuary estate and pay her £400 a year for life.

The next series of entries in the court book are endorsed in the margin with the following note by the Steward "The surrenders of E 49 and 50, although absolute in form, were in reality conditional, the same as E 47, and Bathe's Devisees were admitted as therein in one surrender and transferred all by direction of Lovesy's Devisees E 190 p.179 M.P." The numbers have been added in the margin in pencil in the same hand and refer to an Index.

E 47 states that at a court held on 28 March 1848 lands previously surrendered to John Buckle of Treddington were now surrendered to Richard Garlick Bathe of Purton co Wilts, subject to the same terms, but with the addition of Kite Hill, The Mead, and Gunner's Breach.

E 49 surrendered to use of Richard Garlick Bathe Upper and Lower Castlefield, the Hundred Acres and Conway House.

E 50 is a surrender by Richard Lovesy of all the Knapp and Penn complex.

The court held on 10 March 1855 was largely devoted to business connected with the hereditaments of the Lovesy family. Richard Garlick Bathe had died, and his devisees John Brown of Purton co Wilts, Edmund Naunton Ruck of Down Ampney, William Brown of Aldbourn co Wilts, and William Potts Bath of the London Tavern in the City of London, claimed and were admitted to the lands Bathe had held on mortgage. They then, in a number of separate transactions, disposed of them as follows-

i) land at Ravensgate and Little Herberts were surrendered to the use of Robert Grant of Money Musk, Aberdeen, and William Fielder Croome of Bagendon to secure £7350 at 4% interest (the rate of interest payable in all these Lovesy mortgages is unexpected, for most mortgages in the court books carry an interest of 5%).

ii) the Knapp and Penn and Castlefield west of the turnpike, adjoining the house, were surrendered to the use of the Rev. William Lutener of Harthill Rectory, co Chester, clerk (it is interesting to note how many clerics appear in the court books as lending money on mortgages, it was considered a far safer investment than putting money in a Bank, for the mortgagee was bound to receive back the principal or foreclose on the property). This was to secure £2560.

iii) a cottage near Conway House and land was surrendered to the use of Thomas Packer Walter Butt of Grovefield near Cheltenham, Charles William Lawrence of Cirencester (a solicitor) and the Rev. John Burrell Hayley of Brightling Rectory co. Sussex, clerk, to secure £1280.

However, not all the mortgaged lands passed out of the control of the family. Georgiana Lovesy had married John Bykyn, and he took up the mortgage on Conway House and the part of Castlefield lying on the east side of the turnpike, for £900. These lands were Georgiana's inheritance, so her husband was safeguarding them.

In the same court, the trustees of the Lovesy estates claimed admittance to various properties, including the malthouse and premises at Moor End, in the occupation of Charles Turk, as devised to Georgiana, and parcels of land mainly in the Ravensgate and Timbercombe areas to which Conway Whithorne Lovesy I had not claimed admittance in 1831.

The mortgages must have been a heavy charge on the estates, and not all were paid off. In the court of 21 August 1861 William Fielder Croome, the sole surviving devisee of Richard Garlick Bathe, and the Lovesy trustees, by direction of Conway Whithorne Lovesy II, tenant for life, in consideration of £600 paid to Croome by direction of the trustees, surrendered to use of George Pendull Mason of Chathwell Hall, Prittlewell co. Essex, in absolute purchase, Barlands or Bearlands and the coppice attached to it. So that mortgage was paid off but Barlands was lost to the family.

On 2 September 1865 Conway Whithorne Lovesy II and the surviving trustees under his father's will, paid off the £1750 to the Rev'd John Burrell Hayley, and with the consent of Louisa Partridge (Conway's widowed sister who under the will was tenant for life) surrendered Kitebreach to Sir William Russell (the lord of the manor) in consideration of £290. Louisa had left Charlton Kings and at this time was living in Harrow in a house she had called "Whithorne".

Sir William Russell lived at Charlton Park and was engaged on building up his estates. The entries referred to as E 190 p.179 in the Steward's note quoted above show this. At the court of 16 October 1866 William Fielder Croome, the last holder of the Lovesy mortgages, in consideration of payment and discharge to him of the principal of £7356 and interest, at the request of the trustees under the will of Conway



Whithorne Lovesy I, surrendered a number of parcels of land, including Hanging Hill, Woolen Breach, Ravensgate Leasow, Strouds, and Hither Strouds, to the use of Russell. In other words, the mortgagee had foreclosed and the lands were sold.

Finally, in the same court, the trustees in consideration of £3000 paid to William Fielder Croome by Sir William Russell, in discharge of the mortgage, surrendered New Loons, Sundays Bush, Crows Nest, Kitehill, the Mead, and Gunners Breach, with the remaining part of Kitewell, now part of Poultbrook, Stubbs Grove and the Coppice and Hill Piece "to the intent that the copyhold tenure of the premises now surrendered be absolutely merged and extinguished in the freehold ..... and shall remain part of the demesne lands of the lord of the manor". Here is an example of the manor court being used to make a change in the nature of tenure in such a way that the property is henceforward outside the competence of the manor court.

That appears to be the last entry relating to the Lovesy family. Conway II died in 1885. He had had a son Conway Whithorne Lovesy III, who died as an infant. No other names appear on the family tomb. Louisa had a son but he died childless, leaving his property to his Aunt Elizabeth.

The entries in the court books relating to this family show all the activities of a manor court. They show what can be learnt from such sources. They also show how partial that information is, even when supplemented from the will books and deeds. The actions are there, but not the motives for the actions.

### References

1. Gloucestershire Record Office D109/1-6, 17
2. Ibid D109/9-10
3. Ibid D181 III T 15; deeds of "Charlton Villa" seen by kind permission of Mrs Littlewood.