

A Will, some edits, an erroneous oath and a court fudge

Francis Ellis, one of the clerks at the Craven Bank in Giggleswick, oversaw his meticulously drawn Will when he was forty six years old. He had been married for twenty two years to Margaret, and they had three surviving sons. The Will was completed on the 29th June 1838. It was witnessed and signed by the Settle solicitor Chris Edmundson, who died soon after in 1839, and also by John Saul Howson.

John Saul Howson signed the Will without printing his name and gave his description simply as 'bankers clerk', with no indication of his future as a senior clergyman. He was pivotal in later developments surrounding the Will, which included a perjurious oath and a bit of prerogative fudging by him and his father to then clear the matter up.

Wikipedia records that John Saul Howson attended Cambridge University between the years of 1837-40. The twenty two year old was presumably taking a break from his studies and earning a little pocket money when he witnessed the Will for the Settle solicitor Chris Edmundson. It is possible that as an educated man he may have been employed to scribe it.

A few years later in 1845, after completing his studies, John Saul Howson followed in his father's footsteps and was ordained into the Church of England ministry. His father was also called John Howson (1788-1859) and was the Giggleswick School curate.

Thirteen years later In the census of 1851 John Saul Howson is 'Principal of the Collegiate Institution in Liverpool', he is single, and staying with his father at his residence at the Craven Bank Giggleswick. His father John Howson is a widower with his occupation as 'curate and second master' at Giggleswick school. His father is 'head' of the household and there are several resident Giggleswick students and two domestic staff also living there. John Saul Howson was not single for long after the census as he married Mary Cropper later the same year in West Derby, Liverpool.

The 1838 Will in its original form was quite straight forward. It gave Francis Ellis's monetary estate to his wife Margaret and his first son John, who was born in 1817, also making them joint executors. There was a provision that the estate should pass first to Margaret for the remainder of her life, and then to John after her death.

Primogeniture, which is custom of the first born legitimate child to inherit the parent's entire or main estate, was a long standing tradition in the United Kingdom particularly within the aristocracy. A year before the Will was drawn Parliament passed the 1837 Wills Act which rationalised various different local court systems. It is possible that Francis was simply responding to current standards by having a primogeniture style Will.

At an unknown time after paying for the expensive document Francis Ellis appears to have had had second thoughts about bequeathing his estate to his eldest son John. The original 1838 Will is overlaid with a number of carefully executed but unprofessional alterations. These are in the form of carefully inked strike-throughs and inserted words using carets. The edits are throughout the two and half page document. Francis Ellis marked each with his initials in the margin of the page.

Francis Ellis's edits had the obvious intention of striking out his eldest son John as joint executor and co-beneficiary of his estate. The edits changed the nature of the Will, leaving the estate to his wife and after her death it to be divided equally between his three sons John, Christopher and Francis. *

An interesting and distinctive aspect to the registered Will is the addition of a three page appendix which records an oath made by George Fletcher on the 10th September 1853 at the York Court. His sworn oath states that he had been a witness at the original Will in 1838 and that the alterations by Francis Ellis had been executed in front of him at that time.

George was eighty one when he made the oath in 1853 and died two years later. He had lived in Grassington until his wife died in the 1840's. He first appeared in Settle by the time of the 1851 census living with his daughter Elizabeth. It is highly unlikely that George was in Settle to witness the 1838 Will.

In 1853 the conspirators Francis and Margaret Ellis and their accomplice George knew that the solicitor Chris Edmundson was long dead. They would have assumed that there was no-one around to question the validity of the edits, when the edits occurred, and who witnessed them, let alone George's dishonest oath.

Francis Ellis, who had worked for the Craven Bank for forty years, died on the 30th January 1854, this was four months after George Fletcher's oath. Francis Ellis died from a 'tumour in the abdomen' aged sixty one. His death certificate was witnessed by his brother-in-law John Steele.

It is likely that Margaret Ellis presented the 1838 Will, along with George Fletcher's erroneous oath of 1853, without any thought about the identity of its second witness on the original Will. Imagine her anxiety when the truth emerged. The signature was from the hand of Reverend John Saul Howson, a notable figure, and son of the Reverend John Howson the court official required to authorise the probate.

The two Reverend's John Saul and his father John Howson must have been quite surprised when they read Francis's amended Will and George Fletcher's supporting oath but took a balanced approach to the situation they were presented with.

Reverend John Howson senior summoned the widow Margaret on the 25th February 1854, he deemed her fit and 'well', and she declared the estate of her husband as being worth less than £300*.

On the 8th April of the same year Reverend John Saul Howson junior hauled the elderly George Fletcher before him. Was that the moment that he revealed his position as the genuine second witness of the 1838 Will? The irony was probably lost on George with threats of court perjury hanging in the air!

Reverend John Saul Howson magnanimously oversaw George adding the words 'not so' and 'or at the time of' at the end of his misjudged oath. The words that were added cancelled the oath's meaning and purpose. George Fletcher's oath now declared that the edits to the Will had 'not so' occurred at the time of the Will's original signing.

Three weeks later on the 29th April 1854 John Howson senior, as court prerogative, completed the process. The estate of Francis Ellis was declared as being worth less than £300* and granted to his widow Margaret ELLIS. Margaret is stated as 'one of the Executors'. Maybe as a nod to the attempt by Francis Ellis to alter his Will, Margaret's son John, who was the other executor in the original Will, was not invited to the proceeding.

Margaret Ellis lived for another seven years, she died without a Will, on the 1st September 1861, her probate was granted to her eldest son John on the 19th September through the Wakefield Court. Her estate with 'no Leaseholds' was valued as 'less than £200'.

- In 1854 money to the sum of £300 has the equivalent value in 2020 of approximately £35,000.

* Francis and Margaret Ellis's three surviving children

Francis Ellis's first son John married Phebe Abbotson on 3rd Feb 1841 in the Catholic Chapel in Kendal, Westmorland. Their daughter Mary was born two years later but Phebe had no more children and died on 19th Jan 1847. Four years later in 1851 John married for a second time to Elizabeth Ann Gibson also in the Catholic Chapel in Kendal. They had the first of their three daughters in 1852. At the time of George Fletcher's oath John had two daughters and no sons.

Francis and Margaret's second son Christopher had three children, the second being a son called Francis who was born 20th Apr 1846. Christopher died on 10th March 1851 and is buried at At Alkelda Parish Church.

Christopher's widow Alice was living in Kendal, a 'widow', 'head of the house' and a 'Linen Draper' in the 1851 Census.

The third son Francis, my ancestor, had seven children. Their first a daughter called Margaret. Their second and third children were sons, Edwin (15 Nov 1849) & Christopher (4th Dec 1851) and would have been born by the time of George Fletcher's oath in 1853.

So if Francis was looking for a male heir both of his younger sons, Christopher & Francis, had sons, but his eldest son John had daughters.