

# SWINNERTON Family History



*Present day Swinnertons in Australia showing the flag!  
Vice President Bill Swinnerton and his family.*

JOURNAL OF THE SWINNERTON SOCIETY

VOLUME 12. No.4

AUGUST 2003

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## SWINNERTON FAMILY HISTORY

VOLUME 12 No.4

AUGUST 2003

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## Foreword – The Chairman

The 2003 AGM was held in Swynnerton on the 7th June, and was a very pleasant affair. Elizabeth and I travelled up to Staffordshire the day before, and on the way stopped for lunch at a National Trust property we knew nothing about, but was conveniently sited on the A50 near Uttoxeter, called Sudbury Hall.

This is a delightful building, and was the home for many centuries of the Vernon family. It was built in the reign of Charles the second, and is largely the creation of George Vernon (1635/6-1702). I discovered that George's great, great grandfather was Sir Henry Vernon (1523-69) who married Margaret Swynnerton of Swynnerton and Hilton in 1547.

The house was transferred to the National Trust in 1967, and the 10th Lord Vernon built himself a new house on the estate. Sudbury Hall is well worth visiting and contains one of the finest staircases of its date in situ, some fine carving by Grinling Gibbons, and there is also The Long Gallery which runs the entire length of the house.

There was a lot to be done in restoring and redecorating Sudbury Hall, and the cost of this was met by the Historic Building Council and Derbyshire County Council, who also created the Museum of Childhood in a wing of the house in 1974. This Museum is a fascinating addition to the house, and is designed to be child friendly, so that children can interact with it. When we were there, we saw a class of children visiting a re-creation of a Victorian class-room. They were all sitting at the old-fashioned desks that perhaps some of you can remember; they were being addressed by a lady, dressed in the costume of the period, who was playing the part of the teacher.

After the AGM on Saturday, and lunch at the Fitzherbert Arms, some of us visited the Dorothy Clive Garden at Willoughbridge, Market Drayton, 15 minutes by car from Swynnerton. This was another delightful surprise, a beautiful garden built on a hillside, and in full flower on a lovely June day. Dorothy Clive was the wife of Colonel Harry Clive, born 1880 and educated at Newcastle-under-Lyme High School. He married Dorothy in 1907. After his military career he became a Deputy Lieutenant of the County. Development of the garden began in 1940, when a disused quarry at the site was cleared to create a woodland garden. Improvements have continued ever since. Altogether a very enjoyable weekend.

*Roger Swynnerton*

## Minutes of the Annual General Meeting of the Swynnerton Society held in Swynnerton on Saturday, 7<sup>th</sup> June 2003.

The Chairman, Roger Swynnerton, welcomed 16 members to the meeting.

- 1.03 Apologies were received from Col. Iain Swynnerton, Col. Jeremy Swynnerton, Timothy Swynnerton, Brenda Morgan, Roy Swynnerton and Geoffrey Swynnerton
- 2.03 The Minutes of the last AGM were taken as read and signed.
- 3.03 Matters arising – none.
- 4.03. Roger Swynnerton reported that the Gathering last year had been successful and he read some of the letters thanking the society for the most enjoyable day.  
The aumbrey had been installed in St. Mary's Church and there had been an opportunity to inspect it before the AGM. The total cost of the work was £851.88 which had been paid for by the Society. The cost was partly met by an appeal to members, and the rest was from Society funds. Letters of thanks had been received from members of the PCC of St. Mary's and from the Rector, the Revd. Barry Brewer. Roy Talbot had started a photographic collection of Swynnerton tombstones and members were invited to contribute to this collection which was now in the archives.  
The autobiography of our former president, Margery Thomas, "Daughter of the Raj" is still in demand and Iain Swynnerton is looking into the cost of reprinting it.  
Sadly, there were deaths to report. Doris Swynnerton, the wife of the Revd. Edward Swynnerton, Chaplain to the Society; Hazel Jones of Canada, who had been an early member of the Society and Bill Swinarton of Canada who had done much work on Canadian and American records of the family. Following the death of Bill, Iain Swynnerton had visited Canada and, with the help of member Kevin Bowers, copied all Bill's work on his computer onto floppy disks. Congratulations were extended to Ernest and Audrey Swynnerton of the Wirral, Cheshire who celebrated their Golden Wedding in December last and to Robert Swynnerton, nephew of the Chairman, who is marrying Bettina Worth in July.  
A plea was made to members to keep the Society informed of recent births, marriages and deaths.

- 5.03.1 Financial Report  
The accounts for 2002 were presented by Keith Livesey.  
(see opposite)
- 6.03 Membership Report Alan  
Jones reported that there were 193 members on the database but 2 had died since it was last updated.
- |                                       |    |
|---------------------------------------|----|
| UK members who have paid subscription | 72 |
| Life Members                          | 3  |
| Unpaid UK members                     | 46 |
| Overseas members                      | 67 |
| Standing orders not identified        | 3  |
- The membership secretary will write to the 46 members who had not renewed their subscription.
- 7.03 Archivist's Report  
In the absence of Iain Swinnerton, there was no report but the chairman said that much of Iain's recent work on Australian Swinnertons had appeared in the last journal.
- 8.03 Election of officers  
The officers of the Council indicated their willingness to stand for re-election. Stuart Limb proposed that they remain in office; this was seconded by Barrie Swinnerton. Keith Livesey agreed to continue as auditor.
- 9.03 Any other business.  
The Revd. Brian Swinnerton informed us that there was a table tomb for Thomas Swinnerton and his wife Anne in St. Mary's Churchyard. Thomas died in 1837 and his wife in 1856. The inscription had become worn over the years and Brian requested that the Council look into the cost of recutting it, with the permission of the church.
- 10.03 Next AGM. This would be on June 5<sup>th</sup>, 2004. The place to be decided on.

STATEMENT OF INCOME & EXPENDITURE FOR THE YEAR ENDING  
31 DECEMBER 2002

<u>Income</u>	
Subscriptions received	1488.98
Sales	82.27
Interest	5.91
Donations for Aumbrey	256.00
Gathering	883.25
Miscellaneous	<u>29.88</u>
	2746.29

<u>Expenditure</u>	
Subscriptions paid*	78.35
Journal printing	364.10
Journal posting	145.34
Other posting	65.21
Stationery	175.75
Gathering	630.00
Printing Trees	195.00
Steeplechase	111.00
Miscellaneous supplies	71.44
Miscellaneous	74.44
Research	403.05
Aumbry	851.88
Expenses ISS	25.00
GS	<u>25.00</u>
	3218.56

Opening bank balance	28.97 dr.	Expenditure	3218.56
Opening balance Bldg Society	1052.67	Closing Bank	117.88
<u>Opening cash in hand</u>	<u>1.85</u>	Closing Bldg Soc.	285.25
Total opening funds	1025.55	Unbanked cheques	<u>40.01</u>
Income	<u>2746.29</u>		
	3771.84		3634.39

Deficit for year 137.15 Total funds in hand at year end 443.14

\* Federation of Family History Societies, Genealogical Research Directory and Guild of One-Name Studies

## EMIGRANTS TO AUSTRALIA – Part 2

The last issue of the Journal, in which I dealt with the Swinnerton family who emigrated from Shropshire to Australia, attracted a great deal of interest especially, not surprisingly, from “Down Under”. I wrote about the Shropshire emigrants first because they had not previously been given much prominence in our journal. They were, in fact, the third family to go (not counting Thomas Swinerton, the Marine) so it is now time to look at the second branch of the family to emigrate which I briefly mentioned in the last issue. – the family of Joseph and Caroline Swinnerton.

Co-incidentally we gained a new member from Australia, Julie Bauer-Belfridge, who is descended from this family. She has sent me a number of photocopies of records which give new information about this second branch of the family to emigrate. These have been most valuable, some have corrected previously incorrect facts that we had, others have thrown new light on descendants we were not previously aware of.

The first indication of the emigration of this family is given by the Reverend Charles Swynnerton in his additions to Volume VII Part II of *Collections for a History of Staffordshire* published by the William Salt Archaeological Society in 1886. In a footnote to the chapter dealing with the Swinnertons of the Yew Tree (written about 1880) on page 171, he says that Joseph Swinnerton, born on 13 March 1803, and married to Charlotte Spencer of Manchester, in December 1823, had four sons, (1) William Walter, (2) Thomas, drowned in Australia, (3) Thomas Poole of Australia, (4) Benjamin of Australia.

He goes on to say that “William Walter Swinnerton, born in Liverpool on the 23<sup>rd</sup> February, 1831, married Julia, a daughter of Thomas Moyles, of Dublin, a solicitor, and died at Bradford on the 13<sup>th</sup> September 1876 leaving four sons – (1) William Thomas, (2) James Henry (3) Walter Joseph, (4) George Frederick, *all I believe now in Australia*, and two daughters Mary Elizabeth and Julia Caroline, now resident at Stone, co. Stafford. (From pedigree *penes* Miss Swinnerton, of Stone)”.

This lady, I believe, was Joseph’s sister Jane and who, if I am correct, would have been 76 or so at the time and, as she would not have seen her family for nearly 40 years when Charles contacted her, may well have had a few lapses of memory.

Certainly, he wasn’t quite right in some of his facts and some of his statements were very misleading. This is particularly so in the case of the family tree which accompanied the chapter! This shows Joseph’s sons to have been James Henry Poole Swinnerton born 19 March 1825, Joseph Swinnerton born ‘at Liverpool’, William Walter Swinnerton born at Liverpool 23

February 1831 and James, drowned when a boy in Australia as well as two daughters Laetitia Poole born 28 September 1826, died at Liverpool 30 March 1831 and Elizabeth born 16 May 1828. There is some confusion here between the text and the tree so we will see if we can ascertain the true facts with the benefit of records available to us that were not available to the Revd. Charles.

Joseph’s wife was, in fact, *Caroline* Spencer not Charlotte. She and Joseph emigrated to Australia from Liverpool in 1841. The passenger list is headed *An alphabetical list of bounty immigrants per the Wallace of 640 tons burthen which sailed from Liverpool on the 18<sup>th</sup> August and arrived at Port Phillip on the ... Nov 1841. Messrs Thomas Goss & Co of Sydney Importers. Messrs Ashurst & Co. Agents. Authority ... 31<sup>st</sup> August 1840.*

It shows that they took with them their children James (17), Betty (13), William (11), Margaret (8), Thomas (5) and Louisa (3). They were numbered 185-192 on the list. Joseph is described as being aged 38, a carpenter and Caroline, 33 - a housekeeper.

What the Revd. Charles did not say was that the marriage of William Walter and Julia Moulds (given by Charles as Mowles) took place in Australia in 1850 and that the Bradford where he died in 1876 was the Bradford in Victoria, Australia, not Bradford, Yorkshire as we had supposed.

Joseph and Caroline had two more children in Australia, Sarah Ann, baptised at Christ Church, Geelong on 10 March 1847 (born January) when Joseph is described as a cabinet maker and a son named Benjamin, originator of a quite considerable family so I will deal with him later.

Joseph died of consumption on the 1<sup>st</sup> March, 1854 at Ashby in the district of Grant, aged 51. Australian certificates and records give very much more detail than ours so his parents are listed as Benjamin Swinnerton and Caroline Swinnerton of Liverpool, England, deceased, and it states that he came from Staffordshire and was married aged 20 at Manchester to Caroline Spencer.

All his children except Joseph are also listed – James Henry (deceased), Laetitia (deceased), Elizabeth (24), William Walter (22), Margaret Ellen (20), Thomas Poole (17¾), Louisa Jane (16), Benjamin (deceased), Benjamin (12½) and Sarah Ann (6). How much easier it would make research if our certificates had this sort of information!

The Benjamin who was marked as deceased was baptised at St. Mary’s, Edge Hill, Liverpool on the 15 August 1841 three days before they sailed but must have died immediately as he was not on the passenger list. How tragic!

His death is not registered in the General Register of Deaths which commenced on the 1<sup>st</sup> July 1837 but presumably they did not have time to do so - at that time, eight days were allowed for the registration.

After four years of widowhood, Caroline, married George Bowman, a widower with three children, at Colac, Victoria in 1858. George was also an

immigrant having been born in Cumberland in 1825, the son of John Bowman, a stonemason.

This was discovered during new research in the published records of Australian Pioneers, which were not available when I first researched this family many years ago, and which have shown many descendants of whom we were not previously aware.

What about the son Joseph who the Revd Charles showed on the tree but was not on the passenger list or on Joseph (senior's) death certificate? I have not, in fact, have found any evidence of his baptism. If the Revd. Charles was right, he would have been born sometime between 1825 and 1831 which would mean he would have been about 16 and 2. Perhaps he was apprenticed and so had to be left behind. We may never know but I believe he may have come out later and be the Joseph R. Swinnerton who married firstly Emily Bonnett at Leichardt in 1856 and had three sons and a daughter and later married a lady named Blanche. Although he appears to have moved to New South Wales, he died at Bradford on the 13 September 1876.

There is also confusion about the boy who was drowned – in the text Charles calls him Thomas but on the tree shows him as James. In fact, it must I think, have been the eldest son James Henry who is listed as deceased on Joseph's death certificate and about whom nothing else is known whereas there is a Thomas (Poole) Swinnerton on both passenger list and death certificate. However, James was hardly a boy as he was 17 when they emigrated. I was sent a tree some time ago which showed James as dying in 1917 so that added to the confusion even more. This is a mystery that needs clearing up.

Thomas (Poole), along with his mother and sister, Sarah Ann, was charged with a serious offence in July 1856 when he was 17 and tried on the 11<sup>th</sup> July at Geelong before His Honour Sir Redmond Barry. Caroline and her daughter were acquitted but he was sentenced to two years "on the roads". Further evidence of his identity appears on his prison record where he is described as having come to Australia on the Wallace in 1841 with parents: having another sister at Geelong and a brother and sister (Mrs Hornley) residing at Ballarat who I have not yet identified but I think it could only be Margaret Ellen as we know the marriages of all his other sisters and they are shown on the tree on the centre page. He obviously learnt his lesson and, after his discharge, became a farmer. He died aged 76 on the 11<sup>th</sup> April 1911 at Geelong and I believe he was the Thomas who married Harriet Hill in 1855. There is no record of any children of the marriage.

One other mystery – in the 1841 census, Joseph Senior is shown as a Blacking Manufacturer and he is also thus described at the baptisms of his children Louisa Jane and Thomas in the registers of Manchester Cathedral in 1839 and on the birth certificate of his son Benjamin in 1842 in Melbourne. How then was he suddenly transmogrified into a carpenter and cabinet maker

when he emigrated? Did he do this to assist his emigration knowing that there was a shortage of these skilled trades? And who was the John Swinnerton described as a blacking manufacturer in Russel Street, Port Phillip in 1847. Is this a mistake for Joseph – Julie thinks it is.

The name Poole, which was apparently given to several children, was from Joseph's mother Elizabeth (née Poole) who was, in fact, Joseph's father's cousin.

The Revd Charles says that William Walter and Julia's first child, William Thomas, was born in Melbourne in 1852 and this is confirmed in the records of Victoria. However, it was not their first child, the records show that they had a son James born in 1851 and this may be where the confusion has arisen. He must have died in infancy because they had another son James Henry born in Stafford, England in 1857. In fact, William and Julia must have returned to England some time between 1851 and 1857 because they had another four children born in England between 1863 and 1868. Most of them appear to have returned to Australia as you will see from the tree.

James Henry, William Walter's eldest surviving son became a printer and I wonder if he was apprenticed to his great-uncle, James, who was the owner and publisher of the *Macclesfield Courier*. He was a very prominent man in the industry and is known as the "Father of the Provincial Press". He was a Magistrate (JP) and Mayor of Macclesfield in 1846. Certainly two of William Walter's other children were born at Macclesfield in the lifetime of their great-uncle who did not die until 1881 (sadly for our records, two months before the Census).

All William Walter's family returned to Australia and I think this must have been some time between 1881 when James Henry's second son William Henry was born in Manchester on the 29<sup>th</sup> June of that year and 1884 when his nephew another William Walter was born and died in Sydney.

The present senior representative of the family is our Australian Vice-President William James Swinnerton, now in his 86<sup>th</sup> year and still going strong. We know the line will be carried on because Bill has two sons and three grandsons one of whom is the well known Australian photographer, Ben Swinnerton. Other members of this family are Julie Bauer-Belfrage, already mentioned and Hope Byrne of New Zealand who is descended from Elizabeth (Emily) the daughter of Joseph and Caroline who married William Henry Cave in 1849 at Melbourne.

However, in the course of these latest researches and with the help of the published Pioneer records for all the Australian states, we have discovered the family of James Henry's younger brother, Walter Joseph who appear to have descendants in Australia today as shown on the tree. My next task will be to try and find them.

In the next issue, we will look at the family of Joseph's youngest son Benjamin.



**THE ARRAIGNMENT and ACQUITTALL of Sr. Edward**

**Mosely**

**BARONET,**

**Indited at the Kings Bench Bar for a Rape, upon the Body of Mistris**

**Anne Swinnerton.**

**January 28, 1647.**

**Taken by a Reporter there present, who heard all the Circumstances thereof,**  
**whereof this is a true Copy.**

**This triall was taken the 28 day of January, in the 23 Year of King**

**CHARLES,**

**An. Dom. 1647.**

Sir *Edward Mosely* Barronet endited for Felony and Rape, upon the Body of one *Anne Swinnerton*, (Wife to one *Mr. Swinnerton*, a Gentleman of *Grays Inne*). This triall was taken the 28<sup>th</sup> day of *January*, in the 23 yeare of King *Charles An. Dom. 1647*, Before Mr Justice *Bacon* and Master Justice *Rolls*, in *Hillary Terme* in *Binco Regis*.

First, Sir *Edward Mosely*, appear'd at the Bar and pleaded not guilty. Then Master *Swinnerton*, and his Wife appear'd to give evidence. Then the Court demanded of Master *Swinnerton* what councill hee had ready to open the Inditement. Master *Swinnerton* answered, that there had been such tampering with him and his witnesses to stop the prosecution, that he could get no Lawyers to open his Wife's case. The Court asked him whether he had spoken with any Lawyers to be his councill. Hee said hee had, but none would undertake it, only Master *Cooke* had promised him that he would open the Inditement for him, but hee appears not, so that by the tampering of Sir *Edward Mosely*, Master *Lowder*, Master *Ia. Winstanley*, Master *Blore*, and Master *Brownell* and twenty more, none would assist him in the maintaining of the Inditement. These Gentlemen before named appeared in Court, and did not deny, but that they did use what means they could (in a faire way) to put up the business, betwixt Sir *Edward Mosely* and Mistris *Swinnerton*, which they conceived they might lawfully doe, believing it not possibly be a Rape, having had intelligence of some former passages in it; Then the Court said, Master *Swinnerton* if you had desired councill, the Court would have assigned you councill. Then Master *Swinnerton* proceeded with his evidence (saying) coming home to my Chamber, about six of the clock in *April 1647*. I found Sir *EDWARD Mosely* came rushing out of my Chamber, and I entering saw my Wife throwne upon the ground; with all her cloathes torne, the Bed-cloathes torne and hanging halfe way upon the ground, my Wife crying and wringing her hands, with her clothes all torne off her head, her wrist sprained, Sir *Edward Mosely* having throwne her violently upon the ground, whereupon (seeing her in this condition ) I asked what was the matter, shee said Sir

*Edward Mosely* had Ravished her, Master *Swinnerton* further enformed the Court, that Sir *Edward Mosely* two or three dayes before he did the Rape, sayd that he would ravish my Wife though hee was sure to be hang'd for it, Then Mistris *Swinnerton* began her evidence, saying, upon my Oath here I swears, That hee sayd he would force mee to my Bed, and then hee swore God damme him; Hee would lie with mee though hee were sure to die for it, Then he takes mee and carries mee to a narrow place, betwixt the wall of the Bed, and with his hands forst my hands behinde mee, and lay with mee whether I would or no; Then Sir *Edward Mosely* interrupted her, saying, did not your Husband come to the Chamber doore at that time you pretended you were Ravished, and knock't at the Doore, and I would have opened the Doore for him, whereupon you sayd it is my Husband; Let the drunken sot stay without, and would not suffer mee to open the Doore, and asked her whether shee did not say so, shee sayd it was false, Then the Court demanded of Master *Swinnerton* what he said to his wife when he found her in this manner, Master *Swinnerton* answered, I sayd that if she were ravished as shee sayd shee was, shee must take her Oath of it, and indite him for it, and if shee did not hee would believe, that shee had playd the Whore with him, and hee would turne her off, and live no more with her, and shee should be Sir *Edward Moselies* Whore altogether, but (sayd hee) being desirous to be further satisfyed in the business I often sought for Sir *Edward Mosely*, but could not finde him, for he had fled away from his Chamber.

One day I met him accidentally in *Holborne*, and desired to speake a word with him, he said he knew my business, but he was in hast and could not stay; Then I told him I had earnest business with him, and I must speake with him, he told me he suspected I had some design to arrest him, and would not be perswaded to stay, then I prest him that if he would goe and drink a cup of Ale with me, he should come in no danger concerning any arrest at all; and if he then would give me satisfaction, I would not prosecute the Law against him; The Court demanded of him what he meant by satisfaction, Master *Swinnerton* answered, onely to know what he could say to excuse himself, the Court said, why, would you believe him before your Wife? Master *Swinnerton* answered, my meaning was, if he could satisfy me that my Wife was consenting to it, I had rather wave the prosecution, then bring my Wife and my selfe upon the Stage, and this was my intent and no other.

Then the Court asked Sir *Edward Mosely* how Master *Swinnerton's* Wife came to be so with her cloathes torne and ruffled in this manner (non but hee and she being in the Roome ) Sir *Edward Mosely* answered, she always went very ill favourdy in her apparrell: Then the Court asked Mistris *Swinnerton* whether there were any in the roome but Sir *Edward* and herselfe, She answered, a little before there was my Maide, but I had sent her to the Bakers house for bread for my Children, and in the meane while he lay me against my will.

Then the Court asked the Maide what shee could say, she said, when I came from the Bakers, and entering into the chamber, I found my Mistris crying, and wringing her hands, saying she was undone; Also I heard Sir *Edward Mosely* say, before I went to the Bakers, that he would lie with my Mistris though he were sure to be hanged for it, and at all times he were wont to be very uncivill and rude when hee came into the Chamber, once hee came into the Chamber when I was there alone, truly I durst not stay in the Chamber, for I always observed, Hee was so lecherously given that any Woman were shee never so meane would serve his turne; At this time hee came into the Chamber a litle before I went to the Bakers, I observed hee would faine have thrown my Mistris upon the Bed when I was there, but my Mistris would not yeeld to it, but grew very angry with him, and said he was a rogue, and spit in his face, yet hee would not let her alone, whereupon I told him, if hee would not be more civill, I would call my Master, and if hee came hee would crack his crowne for using my Mistris so uncivilly, Sir *Edward Mosely* answered hee cared not a fart for my Master, and that for mee I was a base Jade, and he would make mee kisse his, &c. what said the Court, but the Maid having some modesty could not bring it out, then said her Mistris, he said she should kisse something that was about him, what was that the Court againe, Master *Swinnerton* answered, he said he would make her kisse his Arse, then the Court said to the Maide, you must not be so nice in speaking of the truth, being upon your Oath. Mistris *Swinnerton* said, then came Master *Ia, Winstanley* to tamper with me from Sir *Edward Mosely*, and told me if I pleas'd to accept a hundred pounds, I would have it, if I would be reconciled to Sir *Edward Mosely*; Then the Maide said, my Mistris made this answer, shee cared not for Money: Mistris *Swinnerton* said, it is true I said so; and this I said, If Sir *Edward Mosely* would downe upon his knees and consede that he had wronged me, I would not prosecute him; But also I resolved that he should weare a Paper upon his Breast, or upon his Hatt, acknowledging the injury hee had done unto mee: if hee would doe so I would forgive him. Then said shee, Master *Ia. Winstanley* desired to know the place was in the roome where I was ravished; whereupon I shewed him. Master *Ia. Winstanley* answered, this was such a place for such a businesse, that if he had the strongest woman in England, I could ravish her here whether she would or no.

Then the Prosecutors for the King having ended their evidence; The Court asked Sir *Edward Mosely* what hee could say for himself; Hee said hee had many witnesses, and desired that they might be examined what they could say in his behalfe.

Then Master *Kilvert* was called in, who appeared; The Court said, Master *Kilvert* though you be not upon your Oath, you must speake the truth in the fear of God, Master *Kilvert* answered, I know it my Lord; what I shall say here, I speake it in the presence of God, and I shall speake no more then what is the truth: Mistris *Swinnerton* seeing of him, said I hope no body will believe

what this Knave *Kilvert* will say, for he is a Knave knowne to all the Court, and all that heare him. Then Master *Kilvert* went on with his evidence, saying, I thanke God this is the second time I ever came in this womans company; the first time was at the Fleece Taverne in Covent Garden, where shee came to a Dinner to meete with Sir *Edward Mosely*; As soone as shee had set downe at the Table, shee said, that this Roome had bin a very lucky Roome to her, for once before in this Roome, shee had received three hundred pounds for the composition of a Rape, which shee charged a Reverend Divine withall, I shall not stick to name the man, shee said it was Doctor *Belcanquell*; this Doctor I knew him to be a reverend man, and to my Knowledge is long since dead, and in Heaven; and for this Rape; shee said then, shee would not take under two thousand pounds for a composition of Sir *Edward Mosely*, which shee said was little enough, hee having three thousand pounds a yeere; Mistris *Swinnerton* hearing of this clapt her hands at him, and said, he was a Knave, and a Rascal, and all was false which he said.

Then the Court said to her, Mistris *Swinnerton* you should carry yourself soberly and moderately, otherwise you will disparage all your witnesses. Then the Court asked her whether shee did meete at this Taverne (having affirmed before that shee never was in Sir *Edward Moselys* company but in her owne chamber) whereupon shee staggered at it a little and loath to confesse it, at last shee answered, True, shee was there, but this Rascal *Kilvert* had bewitched her to come thither. Master *Kilvert* said further, after shee had sate a while at the Table, she takes her stoole and removes it to sit next to Sir *Edward Mosely*, and there falls hugging and imbracing him; whereupon said hee, surely Lady whereas you say Sir *Edward* hath ravished you I doe believe rather you have ravished him, otherwise you would not make so much of him, so Master *Kilvert* made an end of his evidence.

Then Master *Wood* another witness, said he met her at Islington in Sir *Edward Moselys* company, and there shee confest to him that Sir *Edward Mosely* had many times left the Key of his Chamber with her, to go to him when shee pleased; and shee said, shee had often made use of it. Then said this witness, after I had seriously look'd upon her, and seeing of her a woman of that strength and body, I said, I wondred Sir *Edward Mosely* should ravish her: She said, do you wonder at that, why? Doe you take me behinde the Bed there (there being a Bed in the Roome) and see whether you may not doe it.

Another witness said that shee had confest to him that Sir *Edward Mosely* once lay with her, with her consent; afterwards shee asked him, now what will you my Maide you must give her something? He answered, Ile give her fourty shillings, whereupon shee said, fouty shillings, that's base, you cannot give her lesse then ten pound and a Silke Petticoate; But saith shee, when he went forthe of Doores, shee said he gave her nothing but a Groat, and so basely went his way.

Another Witsse said hee heard her say, (that it being generally knowne that Sir *Edward Mosely* had ravished her) shee was like to loose many of her best customers in Towne.

Another Witness said he heard *Swinnerton* say, that if she would not take her Oath that she was ravished by him she should never be no Wife of his: Afterwards Mr. *Ia Winstanly* was called into the Court, Hee said, tis true shee tooke mee, and shewed mee the place where shee was ravished: Hee wounding how Sir *Edward*, being but a little Man and shee such a lusty Woman should be ravished by him! Why, said shee should you wonder at that? Then shee put her Leg between my Legges, and put other Legge setting her Foote against the Wall, saying how in this posture as you now see mee here, I myselve could ravish any Woman whatsoever.

Another Witsse said, the night before shee went to preffere the Bil of Inditement against Sir *Edward Mosely*, shee confest shee had like to have beene distracted and runne mad, for feare the Grand Jury should finde the Bill. Two other Witsesses affirmed upon their credit, whereas it was said by Master *Swinnerton* and his Wife, That Sir *Edward Mosely* fled from his Chamber immediately after the act was done, They said they had daily recourse to his Chamber, and walkt to and fro with him, sometimes in *Grays* Inne walkes, sometimes to Westminster and to other places in the Towne for six Weekes together, after this pretended Rape, and many times they saw Mistris *Swinnerton* stand at her owne doore looking upon him, as hee past by (which was but six steps from Sir *Edwards* Chamber doore) and never questioned about it, but oftentimes (they said) seeing her stand watching there, they feared shee would go up to him, and tempt him to wickednesse.

Then Evidence being given on both sides, the jury went from the Barre and returned, and gave their Verdict, That Sir *Edward Mosely* was not guilty, Then the Court said Sir *Edward Mosely*, take heede what company you keepe hereafter, let this be a warning to you, you see what danger you bring your selfe to in keeping ill Company.

MVSEVM

BRITAN

NICVM FINIS.

*Imprimatur*

Gilbert Mabbot.

February 8. 1647

I am indebted to Keith Livesey, Roger Swynnerton and Peter Swinnerton for their help in producing this sorry tale. But who were they? "Master" Swinnerton's name is never mentioned and I can find no suitable candidates in our records. If he was a *gentleman of Gray's Inn* one assumes he was a barrister but the printed records do not start until 1745.

## JOSEPH'S GIRL COMES HOME BY Liz Yeandle

I spent my early years on an Exmoor hill farm in Snowdrop Valley. In the garden was a marble bust and I can remember asking my mother about it one day. Her reply was "Oh, your father had a relative who did things like that!". Father sold up and we left the farm (and the statue) in 1957 and I don't suppose I gave it another thought.

On the death of my mother in 1999, I got my hands on as many of the old family papers as I could. My brother and sister are not into family research. In May 2000, I persuaded my husband to humour me and we spent a week on the Isle of Man looking up my Swinnerton ancestors. My great-grandmother was the only surviving daughter of Charles Swinnerton and Mary (née Callister).

We started at the registry in Douglas and then found ourselves in the Manx Museum. Imagine my delight when we went for lunch in the museum restaurant and found many examples of sculptures by Joseph Swinnerton on display there. He was one of Catherine's six brothers and my great-great-uncle.

On seeing his magnificent work, I began to wonder whether that bust was still in the garden on Exmoor and could it, possibly, have been by him. On our return home – we now live back in the same parish in which I grew up – I vowed to track it down. In my childhood memory it was a voluptuous Grecian lady with no arms!

Suffering as I do from West Country lethargy (it must be the cider), it took me until 2003 to do anything about it. It was at a New Year's Eve party and I was chatting to the couple who now farm at my old family home. "You don't have a bust in your garden do you?" I asked them, provoking a ribald response. But yes, they did! We arranged to pop over the following Sunday to have a look.

It was a freezing day and stuck to the frozen soil was the bust of a young girl, broken off her pedestal. On the back was carved *J.W.Swinnerton 1882*. I was so excited. Over tea and Christmas cake in the farmhouse kitchen we discussed our find and parted with the agreement that yes, I would like it back, and no, they would not part with it to anyone else.

As my birthday a week later was something of a landmark – I was going to start receiving my 97p per week pension – my husband bought it for me for my present. What I remembered as a lovely white marble was now black and green and covered in lichen after 50 years in an Exmoor garden.

She was put in the barn and I kept popping out to have another look and show her off to anyone who visited. I couldn't believe my luck. She has now been gently cleaned, without chemicals, and is looking a great deal whiter and healthier, back on her pedestal and sitting on the window seat in our sitting room.

We have seen Joseph's statue of Queen Victoria at Southend-on-Sea, which has been beautifully restored and also his sculpture in the Jesuit church in London's Mayfair. At first we thought ours may have been a young Queen Vic, but now realise her headdress looks very Italian and Joseph did study in Rome. Around her neck is carved a pendant with what appears to be a Maltese Cross on it. I wonder who she can be? If anyone is able to give me any information please get in touch on 01643 831219 or email [liz@westowey.plus.net](mailto:liz@westowey.plus.net).

\* \* \* \* \*

### **THE PERCY-SMITH or INDIA INDEX**

(from a report on the Society of Genealogists printed in *Family Tree Magazine*).

H.Kendal Percy-Smith was a career soldier who was posted to India in 1919. From that day on he became fascinated by the history of the Honourable East India Company. About 1933, he began to compile a card index of births, marriages and deaths of the British in India. In 1949 he was preparing an index to marriages registered in the India Office Records 1698-1900 covering Bengal, Madras, Bombay, Burma, St.Helena, Singapore, Penang, Bencoolen and Macao. It is presumed that these were added to his original index and it is likely that another index to Europeans in Dacca, Bengal compiled by H.E.Stapleton was also added to it.

The index contains data on military officers, military medical staff, civil servants and births, marriages and deaths all culled from a variety of sources. The index has now been microfilmed and is in the Society's library in London. I asked my old friend, Mrs Marguerite Drewitt to check it for me on her next visit and she found just one Swinnerton entry – a record of a marriage on 1<sup>st</sup> December 1892 between Frederick Swynnerton, son of (the Revd.) Charles Swynnerton, a bachelor of full age, artist, of Simla and Louise Oldfield Angelo, spinster of Simla, daughter of Richard Lister Angelo. The witnesses were J.Devine and Amy Webb.

Frederick and Louise, of course, were the parents of our late President Margery Thomas and the grandparents of our Chairman, Roger Swynnerton and members Colonel Jeremy Swynnerton and Timothy Swynnerton.

### **Manchester Cathedral Registers**

Sunday June 17<sup>th</sup>, 1821. Elizabeth, daughter of John and Ellen Swinnerton was baptised

The results of the duke's {John of Gaunt} increased expenditure soon begin to show, for instance in the parliamentary representation of the county: the 5 Lancastrian returns to the Commons all occur after February 1388 while there are only 3 'Stafford' returns in the same period. A less welcome result, however, was the sudden efflorescence of disorder in the north Midlands, in which a small group of new Lancastrian retainers played a major part. The crimes they committed cannot be blamed directly on their new allegiance but they do illustrate the unforeseen and often serious domestic difficulties that were created by John of Gaunt's pursuit of a policy of recruitment to his retinue which laid the greatest emphasis on service abroad and at court, with little consideration for the repercussions of his generosity on county society. The two worst offenders, Sir John Bagot and Sir John Ipstones, already had careers of violence behind them, but their newly acquired Lancastrian allegiance did much to strengthen their position in the area and little to restrain their actions - indeed Ipstones relied on the help of some of his new colleagues like Sir John Cokayn, Sir Thomas Beek, and Sir Philip Okeover, in the prosecution of his feuds. The duke could hardly prevent this but he was, in a sense, as much a victim of his own retainers' attacks as their more immediate opponents. Sir John Bagot added to the growing coolness between Gaunt and the Staffords by becoming embroiled in a feud with one of their retainers, Sir Robert Mauveisin, and Sir John Ipstones was already involved in a long-running dispute with another family of Stafford clients, the Peshales, when he was first retained by the duke. On his return from Spain Ipstones took matters into his own hands by forcibly abducting the heiress to the disputed manors of Hopton and Tene, marrying her to his son, and beginning legal proceedings for the seizure of the Peshale estates. Despite suing out a commission of oyer and terminer, the Peshales were unable to gain any redress in the courts and, faced with a fait accompli, characteristically turned to a violent revenge. **Roger Swynnerton**, uncle of the abducted heiress, murdered Ipstones in a London street in 1394. Like the Workesley dispute in Lancashire, the affair clearly demonstrates how quickly an unresolved local quarrel could escalate into national prominence and how awkward this could prove for John of Gaunt. Although he was hardly responsible for his retainer's crimes, he could not be unaffected by his murder, nor by his own failure to gain any redress for the crime. Ipstones had been an MP in the Merciless Parliament and an enthusiastic supporter of the Appellant regime: his killer,

Roger Swynnerton, appears to have had friends at court, for he was eventually pardoned at the request of Sir Baldwin Raddington, then controller of the household. Political prudence alone dictated that the retainer should go unavenged, but the affair had indicated the limits to the protection that the duke of Lancaster could offer.

\* \* \* \* \*

### FAMILY NOTES

As you will have seen from the minutes of the Annual General Meeting, we have sadly lost another much valued member through the death on the 22<sup>nd</sup> March of Doris, the wife of our Chaplain the Revd. Edward Swynnerton. Born Doris Edith Mealor she had been married to Edward for 54 years.

An enthusiastic supporter of the Society almost from its inception, I well remember her sitting on the settee in my old home at Beech Tree House, Norton nearly 30 years ago surrounded by these three beautiful girls who had obviously inherited their looks and manners from her.

She was always, to use her eldest daughter's excellent description, a vibrant and elegant woman and her presence always enhanced our Gatherings.

We shall miss her very much and send our very sincere sympathy to Edward, Michael, Ena, Paula and Elizabeth.

Since then we have also lost Norman Meek, the father of our Council Member Elizabeth Livesey who died on the 5<sup>th</sup> August aged 93. Some of you will remember that we incorporated his 90<sup>th</sup> Birthday celebrations into our Council meeting at Llandudno. He had been a member of the Society for a number of years and we shall miss seeing him at our meetings. Elizabeth and Keith have our sympathy.

#### Changes of Address.

Colonel Jeremy Swynnerton to 10 Chapman's Piece, Wiutney Street, Burford, Oxfordshire OX18 4 DN.

Keith and Elizabeth Livesey to Craigholm, Bryn-y-Bria Place, Llandudno, Conwy LL30 3AT

Finally, may I remind you that Christmas is just round the corner and we still have stocks of our Silver Jubilee Cards which show a picture of the Banner made to commemorate that great occasion.

They are plain inside which makes them equally suitable for correspondence cards, greetings cards and Christmas cards.

They come complete with envelopes and are available from Keith Livesey whose new address is shown above.

## The Swynnerton Society

A non-profit making organisation devoted to the welfare of Swynnerton Church and the research and publication of Swynnerton Family Records

*Registered as Charity No.518184 in the United Kingdom*

### Officers – 2003-2004

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