

FAVERSHAM'S COURT OF ORPHANS

By CANON W. TELFER, M.C., D.D.

To the remarkable fund of Faversham municipal records that have been placed under the supervision of the County Archivist, a further addition was made in March, 1966, in the form of a volume known locally as 'the Big Book'. It had been stowed away at the time when the other books and documents were being catalogued. But it is now lodged with the County archives and registered as Fa/Facq 21.

The embossed and clasped cover was not made for the purpose of binding the present contents. These consist of a paper volume, with one watermark throughout, formed of 459 sheets, stitched and pasted down the spine. The number of sheets was apparently determined by the desired thickness of the volume, which would enable it to fit exactly into the back of the embossed cover. This had been gutted of previous contents, except for some end-papers of a different watermark. But the character of the cover suggests that its original contents had been a parchment book. And the book as it is today may be likened to a hermit-crab, quite at home in a shell that was another's.

This rather remarkable piece of bindery seems to have been done to the order of Humphrey Kybett, town clerk, to serve the purposes of a newly-formed special Court set up by the municipality, and called the Court of Orphans. Kybett was, at the time, quite a young man. He evidently thought he was beginning something that would go on indefinitely. For, on the last pages of his book, he ruled columns each headed with a letter of the alphabet. He thought of a day when the book would be full and an index would be made of the contents. What happened was very different. The book is indeed full. But Kybett's hand ceases after 96 pages. The other hands wrote the other way up, and what they wrote had nothing to do with the Court of Orphans. The last entry in Kybett's hand was made in 1595.

In 1577 Kybett was promoted to the office of borough steward. The man who took his place as common clerk wrote minutes of an annual session of the Court of Orphans in 1578. For some reason he filed them with the municipal records (registered J.O.1). He did the same with a set of papers serving as minutes of the annual session of 1580 (registered as J.O.2). The survival of these papers serves to emphasize the fact that Kybett's register is not a minute book. Its purpose was to keep transcripts of bonds taken by the Court from

persons entrusted with the guardianship of orphans. Such bonds were returnable to the parties concerned when their duties had been fulfilled to the satisfaction of the Court. Kybett's register was, in short, a permanent record of all bonds which the Court had exacted. And it was in this light that a clerk at the end of the sixteenth century regarded it. For he wrote out on a single piece of paper (J.O.3) a list of the bonds 'in the booke for orphances'. Actually the register contains other transcripts besides those of bonds. But they are of documents illustrating or supporting bonds. And J.O.3 may have been originally lodged inside the register.

Before he started to transcribe anything, Kybett used the first two sheets of his book to write his own account of the circumstances that led to the institution of the Court of Orphans. He makes it clear at once that it is no new need that is responsible for the new Court. The guardianship of orphans is an age-old concern of Faversham townsmen, and the power to deal with it has been in their hands ever since the 'custumal' given to the town by King Edward I. What had never been found, Kybett says, is a permanent means of securing guardianship for the children left behind by men of substance. At this point Kybett seems to allude to recent attempts to deal with the problem, recorded in the First Wardmote-book (Fa/AC 1).

These were three in number, and seem to date 1548, 1550 and 1560. Yet now, Kybett says, things are as bad as ever they were. People without proper authorization (he calls them 'intermeddlers') insinuate themselves into substantial homes where there are orphan children on the pretence of acting as their guardians, but with the real intention of enriching themselves at the expense of the estate. So, he continues, the time is come to clean the board and start afresh. This is by establishing a standing Court of Orphans. Before following Kybett further, we must consider the question why preoccupation with the orphan question was endemic in Faversham.

A probable answer is that in a small town dominated by an abbey to the exclusion of lay nobles, the community could be only of two classes. There was an upper class of small landowners, yeomen, lawyers and merchants with possessions to leave by will. And there was a lower class that continued at subsistence level. The welfare of the community depended upon members of the upper class, which was conscious of duty owed to the poor. The better-off were remarkable for almsgiving and for the arranging both by town and parish of apprenticeships, which opened the way for those born poor to better themselves. Nevertheless it remained the chief preoccupation of the upper class to secure a place in it for its own children. It expressed the instinct of self-preservation. The man of substance asked himself anxiously 'if I die before my children grow up, how will they fare?' This age-old anxiety

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is now,<sup>1</sup> Kybett says, to be removed by the establishment of this new Court.

Kybett ends with the nearest thing to a minute that his book contains. He says that the Court meets annually on the 30th of September, when it names six commoners, two each from Court street, West street and Preston street, to keep the Court informed in regard to their respective areas. They must report deaths accompanied by wills involving orphans, together with the proving of these wills.

'Appraisers' for the year were also nominated, to act only when the amount or nature of an estate needed investigation. The annual session also named three or four members of the Court to support the Mayor in determining the sum which should be exacted under bond.

Kybett concludes the 'preface' to his register by stating the modest scale of fees payable to himself for transcription. All this has covered four pages, and on the fifth begins the first transcript. The document transcribed is not, however, a bond demanded by the new Court. It was drawn up under a procedure laid down in 1560, according to which three jurats appointed *ad hoc*, with the town clerk, ensured proper guardianship of an orphan by taking the oath of sufficient persons and publishing it in the form of letters-patent.<sup>2</sup> It remains to be seen why the new Court wanted to keep a transcript of this document. But the occasion for making the transcript was clearly the return of the original to the parties who pledged themselves under it. The deed is sealed by Margaret Bradborn, holding a lease for occupation and cultivation of the whole site of the former abbey with the buildings remaining upon it. Her right, she says, is based upon a ruling of Sir Edward North<sup>3</sup> that this lease was hereditary in the male line. She recounts that her husband John Bradborn, recently deceased, had urged her on his death-bed to seek guardians for their son Nicholas, still a minor. They would also help her in her widowhood to protect her rights. She then names four gentlemen who have accepted this double trust. Only one of the four, Robert Fagg, *generosus*, was resident in Faversham. Of the others, *armigeri*, one lived no further off than Boughton-subter-Blean. And it is no wonder that the Wardens of Orphans under the 1560 procedure accepted the trusteeship as sufficient.

The deed is dated 3rd November 1568, and the story it tells is clearly a node in a web of history.

<sup>1</sup> See Fa/AC 1, ff. 97 seqq.

<sup>2</sup> The Custumal of Sandwich, by royal injunction of Edward I, contained provision for regular oversight of orphans which developed under Edward III but came to an end in the 'great sickness' of 1351 (D. Gardiner, *Historic Haven*, 1954, p. 63). A similar story probably applied to other Cinque Ports. What is unique to Faversham is the sixteenth-century revival.

<sup>3</sup> Succeeded Sir Richard Riche in 1544 as Chancellor of the Court of Augmentations of the King's revenues.

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It is now possible to recount that history rather more fully than hitherto. It is as follows:

North had a friend Thomas Ardern for whom, in 1542, he obtained the office of Customer of Faversham. At this juncture the townsmen, liberated from the overlordship of the abbey, were hoping for a Charter that would incorporate them as a free borough. Seeing Ardern to enjoy Court favour, they set about to cultivate his friendship. In 1543 they conferred the freedom of the borough upon him and gave him a place on the Common Council.<sup>4</sup> It is possible that the town knew him before 1542, that he had had to do with the sequestration of the abbey, and that, while serving the Court of Augmentations, he had obtained just such a lease of the abbey site as Margaret Bradborn claimed later. But it is as Customer that he made his mark for in 1545, the year when Henry VIII stayed a night in Faversham on his way to the French war, Ardern received a grant in male tail of a holding at Hernehill called Lambert's Land, a piece of abbey property held by the Crown.<sup>5</sup> The goodwill of the town towards Ardern increased when the desired Charter was received in 1546 and confirmed by Edward VI in November, 1547. In 1548 Ardern was elected Mayor.

It is often difficult to be sure, regarding entries in the First Wardmote-book, to what year they refer. On the verso of f. 49 the finely-written signature of Thomas Ardern is followed by those of all his colleagues. The signatures cover the whole series of seven bye-laws, the last of which ends at the top of the page (f. 49v). It seems reasonable to attribute this body of legislation to the beginning of Ardern's mayoralty. The seventh bye-law is headed 'An Act for Orphans goodes'. But it proves to concern only 'orphans not beyng appoynted to any Gardyens by his father'. In such a case the Mayor and jurats 'or our successors' are to appoint a freeman as guardian. The terms of the trust were made so strict, however, that none was likely to volunteer for the office unless predisposed on personal grounds to help the particular orphans. There is no sign of this bye-law having been effective. But at least it set going again the search for a solution to the guardianship problem.

1548-9 was the summit of Ardern's career. He was in high favour with the town, and made a will leaving five properties to the Corpora-

<sup>4</sup> The later pages of the First Ward-mote book contain miscellaneous additions to the preceding (roughly chronological) records. Dated as for 1544 is the copy of a memorandum concerning a proposed payment to Ardern if he obtained corporate status for the town.

<sup>5</sup> Ardern also received from the King the site and buildings of the Carmelite convent at Sandwich (William Boys, *History of Sandwich*, 1792, pp. 175-8). This proves not only the extent of his services to the King's revenues but also his involvement with the Lord Warden. Water traffic still took place by the Wantsum to the Swale. And Sandwich had, in 1460, been declared the Mother of Faversham (P.R.O.).

tion, money to the parish church, and his interest in the abbey site to his daughter Margaret, whose mother died about this time. North thereupon made Ardern the flattering proposal that he should marry North's stepdaughter, Alice Mirfyn. This seems to have turned Ardern's head completely. He began by a foolish affront to the town that caused his town privileges to be cancelled in anger. He then exposed himself to contempt by his farcical relations with his new young wife. And when the farce ended in tragedy the town officers not only took the person of the murderess but confiscated for the Corporation all the personalties they found in Ardern's house. His supreme folly had been to make a new will making Alice sole heir and executrix. Lambert's Land automatically reverted to the Crown, and the abbey site lease to the impropiator,<sup>6</sup> and the town set out to claim the remaining realties.

It is at this point that our Bradborn document, sealed by Ardern's daughter Margaret, becomes of such interest. For it shows not only that the abbey site lease did come to her, but that this was the consequence of North's contention that, Ardern's second will proving a nonentity, the first will was incontestable. And as the inheritance followed the male line, whatever Ardern willed to Margaret, he willed to the father of her son. Interpretation is thus provided of a document that has hitherto gone uninterpreted. It is a passage in the MS. *Historical Gleanings* written by Edward Crow of Faversham in the mid-nineteenth century, copied from a letter which interested Crow because it contained the inventory of the wardrobe of a sixteenth-century lady. The original letter seems now to have disappeared, but the passage was printed in the *Faversham Institute Journal*, xiii, 565-6. The inventory is only part of a letter addressed by John and Margaret Bradborn to Sir William Brooke, Lord Cobham, Constable of Dover Castle. They beg his help, first to recover from the town Margaret's mother's goods, and then the rest of Ardern's estate. Margaret, the letter recounts, had been married to one John Forthe, whose right it therefore became to claim reversion of Ardern's estate under his will.<sup>7</sup> Forthe died without having succeeded, but Bradborn married his widow and took up the fight. He had been Ardern's deputy Customer and was now Customer in his place. Papers in the town archives (e.g. CPw 2 of 1562 and AZ 10 of 1564) indicate that Bradborn was active in office. Apparently as early as 1551 he was a known person to the Lord Warden. And Cobham must have joined

<sup>6</sup> Sir Thomas Cheyney of Shurland.

<sup>7</sup> Margaret describes herself as Ardern's sole administratrix 'under covert baron', i.e. needing support from her husband. The Bradborns are supported in their plea by T. Finch, T. Kene, C. Crispe, and W. Crowmer (of Tunstall, who appears in 1564-5 as an officer concerned with the fleet).

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forces with North to bring the town to terms with the Bradborns. This was facilitated by the fact that Ardern's will gave the town secure possession of five properties. The Crow letter, however, shows that the Ardern personalities had all been sold, so that compensation had to be paid to the Bradborns. When, later, the town was selling property to meet the expenses of the Hatch suit, only the two principal Ardern bequests were included. The others were probably consumed, at least in part, by the need to pay compensation to the Bradborns. Margaret married for the third time in 1572-3, and this brought about inquests regarding the Ardern heritage.<sup>8</sup> This must mean that Nicholas Bradborn had died while still a minor. And as the letters-patent came into possession of the new Court of Orphans before being given back to Margaret, the Court must have come into existence by 1572 at latest.

The transcripts which follow immediately after the Bradborn document, in Kybett's 'booke for Orphanes', are of two bonds exacted by the new Court from the executors of William Harte whose will was dated 20th January, 1570. One was for the guardianship of two boys to be brought up 'in learning, civil manners and nurture' till they should inherit at the age of 21 years. The other was for their little sister, till she reached the age of marriage. These bonds are dated 3rd April, 1573. More than three years had passed without any action being taken, either under the old or any new procedure, to safeguard these orphans. The activity of the new Court can hardly have dated back more than about six months. And as annual sessions took place on 30th September, that date in 1572 must have been the first formal Court of Orphans. It must soon have become aware that the Harte guardianships were waiting for it. So the executors were summoned, and told that they must seal a bond to pay a forfeit of £40 if they or their proxies did not carry through guardianship of the two boys to the satisfaction of the Court; and another bond of £30 in respect of

<sup>8</sup> In the County archives are JC9, '*An inquisition concerning the estate of Margaret Ardes, daughter to Thomas Ardern*' (1573), and CPw32, '*Copy of writ and return concerning the estate of the late Thomas Ardern*' (1574). Dr. Hull kindly read JC9 for me and says 'it states explicitly that Margaret, daughter and heir of Thomas Ardern, was formerly wife of John Bradborn and is now wife of Richard Ardes'. On 24th March, 1573, Margaret was alive and newly wed. Hasted, Dr. Hull says, gives 18 Eliz. (1575-6) as the year of her death.

The inquisition was by the Mayor as coroner. The writ, on the other hand, was issued by the Lord Warden of the Cinque Ports. His intervention would have been hard to explain without evidence that the *status quo* resulted from the intervention of a previous Lord Warden. In 1551 there had been a grandson of Ardern living. As Margaret can hardly have been born later than 1530, the possibility that she might bear a son by Ardes was not strong enough ground for continuing her use and cultivation lease of the abbey site in 1573. It seems clear that it came to an end then. And in 1577 the freehold of the site and buildings was sold.

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the girl. They could not refuse to be bound, because the Court had power to distrain upon their possessions. The Court also required that these bonds should be made a matter of public knowledge. For this purpose a standard form of Latin letters-patent was devised. And the attesting parties were told exactly what they must do to earn their final release from the forfeit. This inclined them to submit to the continuous supervision of the Court until release was earned. As soon as the bond was sealed, Kybett wrote into his register for the first part of the letters-patent: *Noverint universi per presentes nos . . . teneri et firmiter obligari maiori juratis et Commitati . . . in* (such and such a sum of lawful English money) *et successoribus suis*. In the margin Kybett wrote the names of the orphans. And under the above Latin lines Kybett wrote in English a statement of the condition to be fulfilled for earning release. The margin beside this was left blank for future use. Then the letters-patent were completed with the words *Ad quam quidem solucionem bene et fideliter faciendam obligamus nos et quamlibet nostram personam per presentes sigillo nostro sigillatos*. There followed the date and the names of the Mayor and his colleagues who witnessed the sealing.

On 27th October, 1587, Kybett wrote into the margin of the Condition to the first Harte transcript 'Md. that at a Court holden . . . came Mathew Harte and did acknowledge himself to have receivyd his part and portione according to the Condition'. In the margin of the second transcript is written 'Md. . . . came John Foorte and the aforesaid Dorothy now his wife'. The subscription is 'by me John Foorte'. So, at this date the bonds had been surrendered, and the Court had done its work for these orphans *gratis*.

We have above a pattern of transcript that is repeated over and over again in Kybett's book. And by good fortune we are able to compare with it an actual *Noverint* bond and the condition associated with it. The bond and the Condition are now registered as AZ 27. We see at once that the Latin bond was one document and the English Condition another; a fact hidden by Kybett's habit of sandwiching the Condition between two parts of the bond.

The Condition, in this case, gives us the facts that the testator, James Mason, made his deathbed will on 24th April, 1576, and that he bequeathed £20 to his only son Thomas. The widow was to bring the boy up 'in good education and nurture' till he was 21. If Thomas never reached that age, the money was to be used otherwise. The widow was not to touch it. She had, no doubt, the cottage and a piece of ground, furniture, utensils, and perhaps some stock, and was expected to find subsistence for herself and the boy. If the boy died before her, half the money was to go to the town for poor relief. It was this clause that, no doubt, caused the Condition and bond to be filed in the Treasury

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apart from the other Court papers. And there it lay when the Court was no longer sitting. It was the Condition that carried the bond into its hiding place. The fixing of the Condition took place before the bond was exacted, so that the bond guardians knew exactly what they had to do to earn release. Kybett succeeded in obscuring this fact also.

When a bond was transcribed, a copy must have been made for posting outside the Court hall. The Condition remained known only to the Court and the parties concerned.

Both documents are in another hand than Kybett's; probably that of his successor as common clerk. The bond, dated 25th September, 1578, is witnessed by Christopher Finch, Mayor, John Best, John Webb and Thomas Belk, jurats, Humphrey Kybett, steward, and Thomas Waterman, commoner and of the Common Council. The poor widow, properly called Paulina Mason, could neither write nor pronounce correctly her own name, to judge by the alias Parnella Meason. Arnold Whitlock, her fellow-executor, could not sign his name either. The clerk must have put two dabs of wax for them to make their marks against. Happily, his clerky services would be charged up to the Court. It is quite likely that these humble folk were none the worse for having been put in awe of the Court of Orphans.

On the verso of f. 4 in Kybett's book begins a transcript of two bonds in the standard pattern, which present points of special interest. Both bonds are on behalf of two orphan boys, Edward and Henry, sons of Robert Fagg, whose deathbed will is dated 18th April, 1574. The first bond, for £1,000, is sealed by the highly respected Nicholas Upton and his son John, executors. A second, sealed by Mistress Fagg, for 1,000 marks, was called for because her husband had assigned her an allowance while she saw to the continuance of the schooling of the two boys, then 14 and 12 years old respectively, until they should be ready for the university.<sup>9</sup> They had no doubt been taught for four years already by Elias Mead, former Fellow of St. John's College, Cambridge, who was teaching privately in Faversham. We cannot suppose that the Court fixed such extravagant forfeits because it had doubts of adequate guardianship. They must have meant to honour the testator. Such a gesture would have its point if the Court not only honoured Fagg's memory but looked on him as the originator of the procedure which it was following. It raises the question whether Fagg may not have been the author and establisher of the Court of Orphans. Fagg's personal history fits that possibility. Son of Roger Fagg of Hinxhill, Ashford, Robert was not 21 when his father's will was

<sup>9</sup> Edward Fagg matriculated at St. John's College, Cambridge, in 1576. In 1578 he signed a quittance in Kybett's register as 'Edw Fage'. He was in residence 1578-1580, when he graduated. Henry did not arrive at St. John's.



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proved in June, 1552.<sup>10</sup> But about 1555 he married Elizabeth Finch of Faversham. There may have been an old-standing alliance between Faggs and Finchs, both families being migrants from Sussex. Robert, accompanied by a sister came to live in Faversham, where the Finchs were now a leading family.

Fagg's fortunes were improved by the accession of Elizabeth. He stood well enough among Protestant Kentish gentry to obtain, in 1562, a lease of land held by the Crown out of the endowment of Cole's Free Grammar School, involved in the dissolution of Faversham abbey. The lease was transferable to his son Edward, born in 1560. By 1568, the year in which he became guardian to Nicholas Bradborn, Fagg, on the evidence of the First Wardmote-book, had come to figure as a leading townsman. He was Mayor, 1570-1. Kybett, who became town clerk in 1569, wrote up, with appropriate Latin formulæ, the *Acta* of Fagg's mayoralty into a thin bound octavo volume (Fa.Ac.2,1). It records how Fagg won over the Corporation to continue the fight for Hatch's Charity. But there is no word of a Court of Orphans. And there would not be, if the Court first sat in 1572. In September, 1573, at the close of her Kentish progress, Queen Elizabeth lodged two nights in Faversham. By this time both pieces of Cole endowment land held by the Crown were leased to Fagg. A later (but trustworthy) authority<sup>11</sup> credits him with having solicited the gift of these two pieces of land to the town, so that a Free Grammar School might be re-established. Fagg was buried on 22nd June, 1574, barely over 40. The sincerest honour paid to him by the Corporation was in acting like a team to carry on the policies which Fagg originated.

The question still remains unanswered why they wanted to keep a transcript of the Bradborn document. Perhaps they did not. Perhaps it was only Fagg, moving ahead of the rest towards a new procedure, that asked for the transcript to be made. For him the document had strong personal interest. It represented his schooling in the problems of guardianship. The fact that in 1568 Margaret leased property in Abbey street to Fagg suggests that he had thrown himself heartily into her business. He must then have reflected upon the merits and demerits of the 1560 procedure. It was a merit that it made those chiefly interested in the estate responsible for guardianship. It was a merit to use letters-

<sup>10</sup> Dr. W. E. Church, from his extensive genealogical studies of the families of East Kent, thinks this to be the identity of our Robert Fagg.

<sup>11</sup> Latin verses composed by the Grammar School master in 1620 based on a verbal narrative by Reginald Edwards, then Mayor for the second time, and in 1578 one of the first Free Grammar scholars. Fagg is described thus:

Robertus Faggus generosus qui fuit unus  
Inter juratos, Aonidumque decus  
Hoc ut perficeret, sudavit, sollicitavit  
Possidet aetherei gaudia laeta poli.

The Queen is the probable object of *sollicitavit*.

patent, and so to rouse the interest and vigilance of local people. What it lacked was what Ardern's bye-law supplied, the appeal to Royal Charter powers to control property within the liberty of Faversham. The procedure adopted by the new Court combines the merits of the two earlier provisions. No one else can have seen this as soon as Fagg did. And the Bradborn transcript may therefore be regarded as testimony that the Court of Orphans originated in the experience and reflections of Robert Fagg. The work of the Court did not die with him. Successors kept it active for nearly a decade after his death, despite the fact that it sometimes gave them trouble. Sessions grew more infrequent after 1580 and presently ceased altogether. The long-term reason was the growing strength of the ecclesiastical courts in regard to testamentary trusts. An immediate reason was the coming of a new preoccupation. With the 1580's the Corporation was increasingly concerned with Cinque Port provision of ships of war. And Kybett's attention and abilities were directed to the meetings of the Guestling.

This study of the Court of Orphans may suitably be concluded with two examples of the way in which the Court, after Fagg's death, had to find its way, in cases where the standard procedure was not easy to apply, to attain its essential objective; i.e. to secure the guardianship of orphans involved.

The first is the case of some orphans called Moseley. It came before the notice of the Court just after Fagg's death. On 1st August, 1574, the Court took a bond for 2,000 marks from John Keyes, a Faversham jurat, who was Mayor, 1577-8, and his wife Anne, mother of the four Moseley children. The Court imagined that the estate in which the children were beneficiaries was under the control of John and Anne Keyes; but this was not so. And on 1st August, 1575, the Keyes couple sealed an indenture with the Corporation to administer guardianship of the Moseley children. Kybett transcribed the text of this indenture, which proceeds to recite the history of the children's expectations. In 1563 Lord Henry Cheyney of Shurland, Sir Thomas Cheyney's spendthrift son, sought to raise cash on the security of anticipated rents. He was much in Faversham at this time, where, in November, some of his servants were gaoled for brawling (AZ 4). And in Faversham he found a man ready to accommodate him, named John Bowle or Bull. Cheyney inherited dissolution spoils received by his father from Henry VIII. These included the manor and parsonage of Patricksbourne, held on lease by Mr. John Parker, son (or brother?) of the Archbishop. Cheyney offered Bull forty years' Patricksbourne rent for his cash accommodation. The bargain was embodied in an indenture, the text of which, recited in the Keyes indenture, covers two sheets of Kybett's book. The Moseley orphans were John Bull's grandchildren. Bull willed that each of them should receive 200 marks at



majority. But instead of providing 800 marks, Bull made the bequests a first charge upon the Patricksbourne rents. His half of the original indenture went elsewhere than to Anne Moseley. For the Keyes indenture goes on to tell that Mr. Parker had a copy of the Bull-Cheyney indenture which he lent to Faversham Corporation, promising to transfer his rent-payments to Keyes, who undertakes to administer for the Moseley children in place of Richard Bull. It appears that Richard Bull married Anne Moseley soon after the deaths of William Moseley and John Bull. He was perhaps a kinsman, and may have become bound for guardianship of the orphans under the 1560 procedure. He was Mayor, 1572-3, and must have died very soon after seeing the new Court established. For Mr. Parker said that on 10th November, 1573, the Archbishop directed him to assist Mrs. Bull, a responsibility taken from his shoulders by Keyes.

The long transcript of the indenture between the Keyes couple and the town is followed by a transcript of the *Noverint* bond of the previous August. The Condition only requires Keyes to find 200 marks apiece for Andrew and Arthur, since rent-money to provide payment for the other two was not to hand. But now that the Town was bound to John and Anne Keyes under indenture, the Town had taken responsibility for the payment of Andrew and Arthur. Plate I, made from AZ 30, shows the lengths to which the Corporation thought it necessary to go to clear itself in this matter. No receipt from Arthur survives, although Keyes is credited under the indenture with payment of £96 6s. 8d. (140 marks) towards his legacy. But as Andrew's quitance is dated 2nd December, 1587, it is likely that by that time all clearing up of outstanding Court business was left to Kybett, and that he disposed of 'dead' papers as he thought best. In the margin of the Condition of the Keyes bond, as transcribed in the register, is the note 'Md. 2 December . . . The receipt is in the Treasure house'.

Difficulty of quite a different sort confronted the Court in 1577 on account of the will of Nicholas Tilman of Ewell. In it Tilman invoked the protection of the Court for his orphan children. The difficulty lay in the fact that though he was of moderate opulence, he left only personalties and no real estate. His wealth consisted of household goods, of farm gear, and of stores of produce and stock. He appears to have been an early example of the pure tenant farmer, owning no land himself, paying rent to the freeholder, but having complete freedom in his farming of the land. Lay agriculture improved under the Tudors. Many landowners who farmed their land more successfully than their neighbours contracted to farm land belonging to others. For this work they employed bailiffs, farm servants who worked under their direction. By contrast Tilman farmed the two manors of Ewell and Goodnestone without direction from successive owners. When the Court's appraisers

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arrived to make an inventory of effects, Richard Tilman, brother and executor to Nicholas, convinced them that the only way to get what they sought was to enlist the goodwill and help of the farm servants. This would require their being kept on at a favourable wage dependent on their co-operation. It is to the credit of the Court that it saw the force of this argument. But the consequence was that Richard Tilman went on and on accounting to the Court. His accounts cover 26 out of Kybett's 96 completed pages, and the matter was still fluid when the Court discontinued formal sessions.

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