A Tale of Two Fortunes

Picture this: you have a long lost relative who dies and leaves you a fortune. Can this really happen? This is the story of how a little known event in the 1840s changed the lives of two Glemsford sisters, Susan and Sarah Humm, for ever.

Family History

First, a little family history. Susan and Sarah's parents were John Humm and Mary Ann Turner who married on 5 Nov 1792 in Glemsford.[1] Mary Ann died in 1835,[2] and John Humm in early 1851.[3]

Susan and Sarah were the only two of John and Mary Ann's children to survive into mature adulthood.

By all accounts the family was poor - when Susan was baptised in 1793 they were receiving parish relief,[4] but by Sarah's baptism two years later the parish register no longer recorded whether families received this relief[5] so we can only speculate about whether matters had improved or not.

Decades later, in the 1841 census, father John, a worsted weaver, was living on Hunts Hill with his daughter Sarah Oakley, also a worsted weaver, and her children Matilda, Isabella, and James.[6] In 1848 John, by then an old man, was an inmate in the Sudbury Union Workhouse.[7] John was buried, having died of stomach cancer while still an inmate of the workhouse, in Glemsford on 11 Mar 1851.[8] [This workhouse is now Walnut Tree Hospital, just west of St Gregory's Church.]

His older daughter, Susan, married Zachariah Slater, a labourer, in Glemsford on 30 Sep 1810.[9] They had seven children John (1814-1814), John (1815-), Joseph (1818-), Naomi (1823-1891), George (1827-), James (1831-), and David William (1833-).[10] Susan died a natural death on 9 Apr 1860.[11] In the 1841 census Zachariah was an agricultural labourer in his late 50s.[12] He died of 'hydrothorax' [fluid on the lung] on 7 Apr 1848.[13]

The younger daughter, Sarah, married James Oakley, also a labourer, in Glemsford on 26 Mar 1815.[14] They had six children George (1815-1815), Matilda (1819-), William (1821-1822), William (1823-), Isabella (1826-), and James (1833-).[15] Sarah died of 'climacteric decay' [dementia] on 17 Apr 1867.[16] In the 1841 census James was an agricultural labourer in his late 40s.[17] He died of 'senectus' [old age] on 25 Mar 1879.[18]

Normally this would have been the whole story: that they all lived and died in the village where they were born, leaving little impression on the historical record like so many other rural families. But events were to take a very different turn for them.

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Two Enigmatic Wills

The first hint that something unusual happened to the sisters was found in the wills left by James Oakley and Susan Slater.

James wrote his will on 9 Feb 1869.[19] It was a simple will leaving everything to his eldest son William, but contained the telling words 'I devise all my lands tenements and real estate at Glemsford or elsewhere ...'. This does not sound like the will of an agricultural labourer.

Susan, a widow, wrote her will on 20 Dec 1851. More complex than her brother-in-law James' will, it also contains telling words '... the other land and buildings thereon which I purchased of James Allen...', which again does not sound like the will of the wife of an agricultural labourer.[20]

Where They Lived

In the 1851 and later censuses the Slater family members Susan and her adult children Naomi, John, Joseph, James and George all lived as immediate neighbours at the south end of Hunts Hill, along with her brother-in-law James Oakley.

The 1840 Tithe Apportionments map and award for Glemsford[21] shows that a number of cottages at the south end of Hunts Hill were owned by James Allen (the man from whom, according to her will, Susan had bought land and buildings) with two of the tenants named as John Humm and James Oakley.

In other words, the Slaters had bought and lived in something like a family compound just north of the Baptist burial ground,

Two Very Different Censuses

The census returns for 1841 and 1851 also confirm a change in status.

Year	Slaters	Oakleys
1841	Zachariah Slater was an Agricultural Labourer	James Oakley was an Agricultural Labourer
1851	Zachariah Slater died before 1851; his widow Susan was of 'Independent Means'	James Oakley's occupation was 'Independent'

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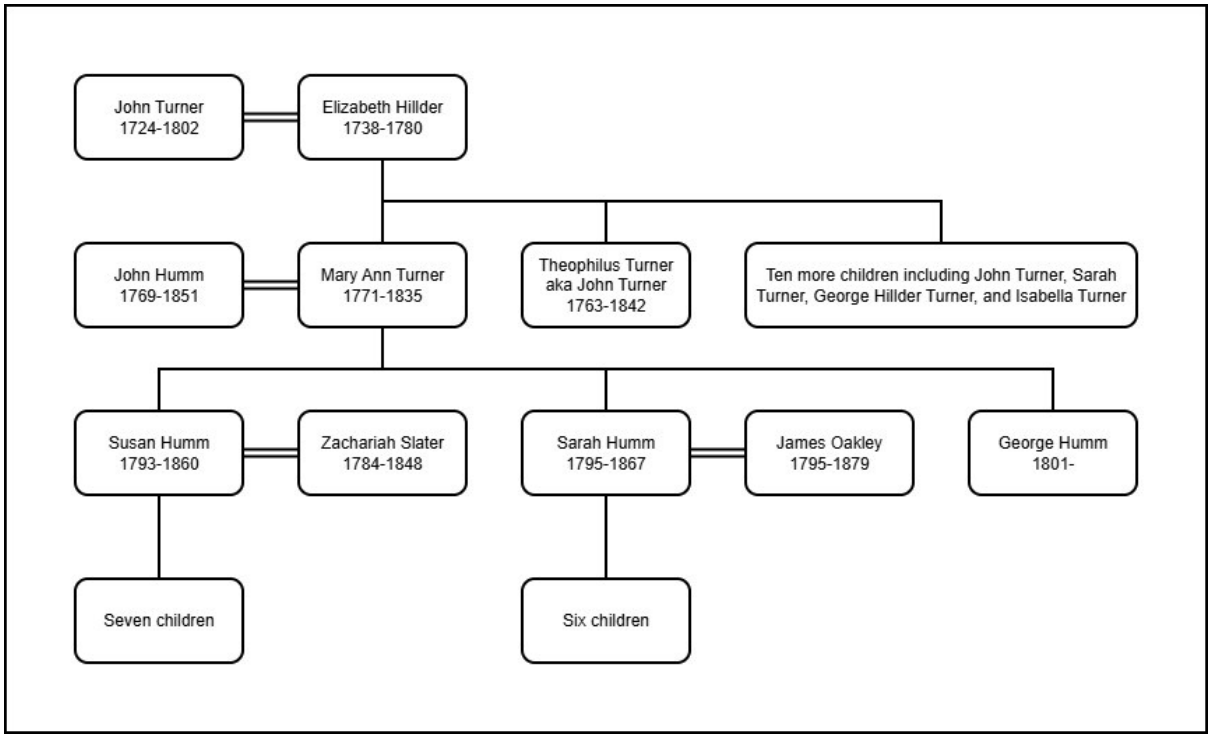
The Plot Thickens

Clearly something changed between 1841 and 1851. But what? The answer to this lay hidden, just waiting to be discovered, at The National Archives in Kew, in the records of a Chancery Court case, filed in 1846, which concluded just in time for Christmas 1849.

This case was filed by a group of relatives, most of whom were living in Suffolk:

- George Hillder Turner and Isabella Dersley who were the youngest brother and sister of Mary Ann Turner, Susan and Sarah's mother,
- Henry Turner who was the son of Mary Ann's oldest brother John,
- Ann Shinn, Elizabeth Peverett, Sarah Snare, and Robert Lingwood who were the children of Sarah Turner who was another sister of Mary Ann,
- and, of course, Susan Slater and Sarah Oakley, the daughters of Mary Ann.

These plaintiffs all claimed they were the only next of kin of Theophilus Turner, who was the brother of George Hillder Turner and Isabella Dersley, and therefore had a right to his estate after he had died in London in early 1842. But there was a fly in the ointment, and it was quite a large fly: the man who had died had used the name John Turner, not Theophilus, was single, had not left a will, and had been declared a lunatic before his death. The change to his first name meant that no next of kin had been found, and his estate was unfortunately now the legal property of the Crown, specifically Queen Victoria.



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It was a very substantial estate, worth over £60,000 at the time. This is over £6 million in today's money. The Queen would not want to hand this back, and every member of the legal team that had declared that John Turner had no next of kin would have a strong incentive to stand by their guns.

Filing this case was a particularly bold move for the plaintiffs because all of them were poor rural folk with little social status, and they were challenging the legal establishment and the monarch, in order to claim back what they considered to be their property. The odds would be stacked against them.

The Chancery Court Case

The plaintiffs filed their case on 19 Mar 1846 in the form of two large sheets of parchment filled with closely packed details.[22] The defendants were the Attorney General, and George Maule who was the Treasury Solicitor and who had been awarded Letters of Administration to John Turner's estate late in 1843.

The case was heard in Vice Chancellor Knight Bruce's court, a reformer who wanted to shake the Chancery Court out of its long-established lethargy; this aspect of his personality will turn out to be important to the case.

Knight Bruce thought the case was worth considering and instructed all parties to respond to the claims in writing. Within two months George Maule had responded, dismissing their claim that John Turner and Theophilus Turner were the same person, and revealing that in 1843 and 1844 he had sold the whole of John Turner's estate and the proceeds had been banked.

The next stage was to instruct Sir George Rose, a legal master of the court, to investigate in detail whether John Turner and Theophilus Turner were the same person, and to prove who all his next of kin were. Starting in July 1846, and lasting until July 1847, Sir George cross examined 46 witnesses in order to assess whether the claim was true, eventually concluding in his November 1847 report "upon due consideration [of the evidence] I am of opinion that Theophilus Turner is not the same person as John Turner".[23] Oh, and Sir George boasted that he had not even bothered trying to identify the next of kin!

Normally that would have been that – case closed. But, again, not this time. Vice Chancellor Knight Bruce was not happy with how the evidence presented had been considered by Sir George and, wanting to avoid conflict, and possibly with his future

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career in mind, opted to push the case upstairs: he called for a jury trial in the Court of Queen's Bench to decide whether Theophilus Turner and John Turner were the same person.[24] This case had thus suddenly changed from being a matter of agreement between the parties into a legally binding judgment.

The trial took place in July 1848. It generated a lot of popular interest – after all, here was a group of ordinary people from Suffolk challenging the Queen! Newspaper reports were syndicated the length and breadth of the country as people waited for the verdict. Finally on 13 Jul 1848 the verdict was in. The jury had decided that Theophilus Turner and John Turner *were* the same person. The plaintiffs *did* have a right to his estate. The public gallery erupted.

Vice Chancellor Knight Bruce was proud that his hunch had been right, even saying he always knew the claim was true.

> "It is an old saying, that the events of real life are much more improbable than those related in novels and fictions".[25]

The onus now was on George Maule and his team to legally prove who were Theophilus' next of kin, and to account for every penny of his estate. Of course, legal costs and taxes would eat away some its value.

Between November 1848 and May 1849 Treasury Solicitor staff visited parishes across the country checking parish registers and interviewing witnesses leading to 32 affidavits being sworn as to the births, marriages, and deaths, of possible next of kin.[26] This work turned up one extra person in the form of John Sheppard Turner, who was Henry Turner's much older half brother, bringing the total number of next of kin to 10.

The fortune, by now whittled down to £46,000 after legal costs and tax, was split five ways:

- 1/5th each to Theophilus' brother George Hillder Turner and sister Isabella Dersley,
- 1/5th to the children of Theophilus' oldest brother John, split equally between John Sheppard Turner and Henry Turner,
- 1/5th to the children of Theophilus' sister Sarah Turner, split equally between Ann Shinn, Elizabeth Peverett, Sarah Snare, and Robert Lingwood,
- and 1/5th to the children of Theophilus' sister Mary Ann, split equally between Susan Slater and Sarah Oakley.

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After a long court battle lasting nearly four years, Susan and Sarah eventually each received the princely sum of £4,575 15s 11d, paid to them in December 1849, just in time for Christmas. In today's money that is over £500,000. At a time when a Kensington town house cost £1,000, and a rural cottage with a parcel of land cost £200, this was a fortune.

Susan Slater put some of her share to good use, buying six cottages in Glemsford for her immediate family and herself. But what Sarah Oakley did with her share is less clear – her husband left properties in his will, but what and where remains a mystery.

Epilogue

As an example of not giving up in the face of intimidating opposition, these events are hard to beat. If anybody reading this is descended from Susan or Sarah Humm I would love to hear from you.

Julian Luttrell

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[2] Burial of Mary Humm, 1835, Glemsford Burials Register 1813-1875, Page 66, Entry 525, Suffolk Archives, FL575/4/1/4/1.
[3] GRO Civil Death Registration of John Humm, Sudbury, Q1 1851, Vol 12, Page 352.
[4] Baptism of Susan Humm, 1793, Glemsford Baptisms and Burials Register 1783-1805, Suffolk Archives, FL575/4/1/1/3.
[5] Baptism of Sarah Humm, 1795, Glemsford Baptisms and Burials Register 1783-1805, Suffolk Archives, FL575/4/1/1/3.
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[7] John Humm Chancery Court Affidavit, ibid.
[8] Burial of John Humm, Glemsford Burials Register 1813-1875, Page 117, Entry 929, *Suffolk, England, Church of England Deaths and Burials, 1813-1999* dataset, database with images, www.ancestry.co.uk, citing Suffolk Archives FL575/4/1/4/1.
[9] Marriage of Zachariah Slater and Susan Humm, 1810, Glemsford Marriages Register 1809-1824, Page 5, Entry 13, Suffolk Archives, FL575/4/1/3/4.
[10] Children's baptisms 1814-1833, in Long Melford, Suffolk, Independent Births and Baptisms (1785-1822), The National Archives, RG 4/1854, and Glemsford Baptisms Register 1813-1850, Suffolk Archives, FL575/4/1/2/1.
[11] GRO Civil Death Registration of Susan Slater, Sudbury, Q2 1860, Vol 04a, Page 269.

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[15] Children's baptisms 1815-1833, Glemsford Baptisms Register 1813-1850, Suffolk Archives, FL575/4/1/2/1.
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[19] James Oakley will, 1869, probate 1879, www.probatesearch.gov.uk.
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[22] Original pleadings, 19 Mar 1846, The National Archives, C 14/608/T22.
[23] Chancery Master's Report, 29 Nov 1847, The National Archives, C 38/2006.
[24] Vice Chancellor Knight Bruce, Chancery Court transcript, 27 Jan 1848, The National Archives, TS 11/71 Part 1, Item 2.
[25] Vice Chancellor Knight Bruce, Chancery Court transcript, 1 Aug 1848, The National Archives, TS 11/71 Part 2, Item 1.
[26] These affidavits are not filed with other affidavits but can be found in Chancery Master's Documents, The National Archives, C 119/731.

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