

## **MILES FILBY OF WYMONDHAM, 1691 - 1771 Tree T02**

by John D Filby PhD

If your ancestors come from mid-Norfolk then it is possible that JOHN FFILDBY of Honingham was your “8 times” great-grandfather. He was my 8th great-grandfather.

JOHN, and his wife, ELIZABETH, had 5 sons, WILLIAM, JOHN, THOMAS, EDWARD and MILES, and one daughter, ELIZABETH, all born in the last decade of the Cromwellian period, 1650-1660, or in the first few years of the reign of Charles the Second. Unfortunately, the Honingham Parish Register for most of this period is missing and only the baptism of EDWARD, on 8 March, 1662/3, is still available.

While WILLIAM is my 7th great-grandfather and I have established the unbroken line of my family tree from him to myself, I have also become interested in EDWARD and his 18th Century descendants since, from their Wills, they appear to have been the more wealthy part of the family, and in MILES PHILBY and the tragic curtailment of his particular line. The latter is the subject of this article.

While the baptism of MILES PHILBY is unavailable JOHN and ELIZABETH FFILDBY are recorded as his parents in the Honingham Parish Register at the time of his burial in January, 1691/2. Also, WILLIAM FFILBY of Wymondham in his Will of 16th December, 1676 included MILES in the list of his kinsmen, a list that matched the children of JOHN and ELIZABETH. It appears that WILLIAM was JOHN's brother.

The earliest recorded event of MILES PHILBY is his marriage to ELIZABETH WHARTON at Honingham Parish Church on 22 January, 1685. They had four children, three daughters and one son, MILES. The first two daughters, ELIZABETH and MARY, died very young. The third daughter, ANN, was baptised at Honingham on 10 November, 1689, and MILES, the son, on 10 May, 1691. When MILES was only 8 months old, his father died and was buried at Honingham on 20 January, 1691/2. In his Will MILES left ELIZABETH, his wife, most of his assets for her lifetime with instructions that they were then to pass to his son, MILES. In addition he left £10 to MILES and £40 to ANN when they reached 21 years. He also made a bequest of £5 to WILLIAM WHARTON, his brother-in-law, to assist in supervising MILES and ANN.

Almost exactly 4 years after his death an inventory was made of MILES PHILBY of Honingham's possessions at the time of his death. This was prepared by THOMAS and WILLIAM WHARTON, Grandfather and Uncle, as well as Guardian of MILES' children. The list of Goods and Chattels contained 29 items totalling £82 17s 00d, the largest item being £52 in money. The inventory was dated 2 November, 1695, and signed by EDWARD FFILBY, MILES' brother. Why this inventory was prepared so long after his death is not clear. Maybe it was to establish what was available to meet the bequests in MILES' Will or it could have been triggered by his wife, ELIZABETH's death, which has not been found.

According to Parish Register entries ANN, MILES' daughter, married EDMUND NORRIS of Easton at Honingham Parish Church on 21 September, 1710, or at Hockering on 25 September, 1710! This confusion highlights the unreliability of some registry entries particularly when parishes were part of a joint living and rectors made cross entries, often from memory.

A volume containing abridged Court Books of the Manors of Mattishall, Tuddenham and Hockering, 1740, contains two entries concerning the transfer of Manor Properties from the elder MILES FILBY to his son. The first entry is dated 22 February, 1695, when MILES would have been less than 4 years old. The entry therefore refers to his guardian and grandfather, THOMAS WHARTON. It states:

“FILBY MILES Admitted in Fee after the Death of Miles Filby his Father and under the Guardianship of Thomas Wharton. To One Messuage formerly a Barn and one Rood and a Half of Land adjoining formerly of William Salter afterwards of Mary Richards in Hockering a Street called Beck Street and also To One Acre and Three Roods of Land formerly in Two pieces late of William Albie lying in Hockering between the Land of John Arnold called Burlands on the parts of the Wart and the Land of the Rectory of Hockering in part and the Land of Timothy Wix in part on the part of the East and abutt upon the Land of the said John Arnold on the part of the South and upon the Land late of John Rising in part and the said Rood and a half of Land where the said house is built towards the North. Which Premises The said Miles Filby the Elder deceased together with Elizabeth his Wife took up to Them from the Surrender of John Rising at a Court here held upon Wednesday the Fourteenth Day of October in the year of Our Lord 1691”

The fees paid for these properties appears to be £2 0s 2d !

The second entry is dated 27 June, 1711, and states:

“FILBY MILES Admitted in Fee after the Death of MILES FILBY his father To One piece of Meadow lying in Broad Meadows in Hockering aforesaid containing an Estimation One Acre between the Meadow of the Lord of this Manor towards the South and the Meadow late of James Stoughton Clerk towards the North Which Premises the said MILES FILBY deceased took up to Him and his Heirs at a Court here held the fourteenth day of October in the year of Our Lord 1691 from the surrender of John Rising”.

The Fee involved was £1. The older MILES must have added this property to his estate approximately 3 months before his death but why it took 20 years to transfer it to the son MILES is not known. The delay, and the need for the above inventory, could be indicative of some dispute over MILES' Will.

In the margin of both the entries it is recorded that the properties remained in MILES' estate until, following his death on 15th September, 1771, they were transferred on 30th September, 1771, to ANN NORRIS, in accord with MILES' Will. Finally in October, 1775, the properties were transferred to ANN's daughter, ELIZABETH, wife of WILLIAM LEGGATE, another one of the Beneficiaries of MILES' Will.

On 6 April, 1714, MILES married his cousin, SUSAN FILBY, believed to be the daughter of WILLIAM and ELIZABETH FILBY of Mattishall Burgh, at either Honingham or Mattishall Burgh. The marriage is entered in both registers. MILES and SUSAN had three children ANN, baptised at Honingham on 16 October, 1715, WILLIAM, baptised at Hardingham on 12 April, 1720, and MILES, baptised 22 May, 1725, at Hardingham.

In his Will of 6th May, 1723, WILLIAM FILBY of Mattishall Burgh made a bequest of 10 shillings to his “son” MICHAEL (MILES) FILBY of Hardingham. It was common practice at the time to refer to son-in-laws as “sons” and MICHAEL appears in the Will alongside other son-in-laws. It is also known from his children’s baptisms that MILES was living in Hardingham at the time. By 1729 MILES and his family had moved to Wymondham where he was renting town lands at a cost of 13s/annum. This move appears to have coincided with the start of his rise to considerable wealth as can be seen from his eventual Will. It is possible that he inherited Wymondham property from his Great Uncle NICHOLAS, who had inherited it in January, 1676/7 from his brother, WILLIAM FFILBY of Wymondham. The Wymondham Town Book, 1650 to 1780, records MILES as paying rent of 13s/annum for the use of town lands up to 1760 when his payments were increased to 17s/annum. It was also noted in 1760 that his payments were 2 years in arrears. On 18 August, 1763, a payment of £1 “1s was made by the town ffeoffees to MILES but the accounts do not say what it was for. The last entry referring to MILES was in 1770, shortly before his death when his rent had dropped to 15s/annum.

It was in Wymondham in the autumn of 1737 that tragedy struck the family when first the eldest son, WILLIAM, died, then his mother, SUSAN, quickly followed by her son, MILES, and finally the daughter, ANN, all within one month. They are all buried at Wymondham where a memorial in the floor at the west end of the nave of the Abbey Church commemorates their passing. The inscription reads “Here lie the Bodies of SUSAN ye Wife of MILES FILBY & his three Children who died as followeth Viz. William: his Son Aug 22nd, Age 18; Susan his Wife. Sept 5th 45; Miles his Son Sept 11th 13; Ann his Daughter Sept 15th 21 years, in the year 1737 Miles Filby”. The following year MILES married ELIZABETH DICKS at Kimberley, Norfolk, on 14 February, 1737/8. In the Norfolk Poll Book of 1768 MILES is recorded as living in Wymondham/Carlton Forehoe with freehold in Wymondham. He lived to be 81 years and was buried at Wymondham 15 September, 1771, when “MILES FILBY 1771” was added to the above stone. A plaque placed in the wall of the west tower also commemorates his life.

His Will, dated 14 February, 1759, and proven 17 September, 1771, left his Wymondham properties to his wife, ELIZABETH, for the rest of her natural life with instructions that they were to be sold after her death and £275 of the proceeds distributed as instructed by ELIZABETH in her Will, with the rest divided equally between his kinswomen:-ANN, wife of ZACHARIAH FOX of Ringland; MARTHA, wife of THOMAS LEGGATE of Ringland; ELIZABETH, wife of WILLIAM LEGGATE of Ringland and MARY, wife of THOMAS MACK of Weston. These were MILES’ nieces, the daughters of his sister, ANN, to whom he left his properties in Hockering, the transfer of which was noted in the manorial records described above. MILES also left his properties in Crowthorpe

to his brother-in-law and cousin, MILES FILBY, of Mattishall Burgh on the understanding that he would give £20 to his sister, Bridget. These were children of WILLIAM FILBY who left MILES 10s in his Will above. MILES also left £30 to JOHN FILBY of Hardingham, son of FULLER FILBY and Great Grandson of the same WILLIAM FILBY. He then made bequests of £50 each to his wife, ELIZABETH, his sister, ANN NORRICE, and to THOMAS LEGGATE. His final small monetary bequests were to individuals living in Wymondham and £5 to the poor of the parish. Finally, after a few specific personal property bequests, MILES left the residue of his personal possessions to be equally divided between his above kinswomen.

About 4 years later ELIZABETH died, also to be buried at Wymondham. In her Will she left the £275 bequest from MILES to a number of her relations and other persons in Wymondham. Since MILES died with no male heirs this particular FILBY line died with him and this would have been the end of the tragic story of MILES and his family but for a mystery stimulated by documents, many compiled by SAMUEL FILBY, 1792-1871, that have been seen by the Filby Association's Researchers. These claim that SUSAN, MILES' wife, was not the daughter of WILLIAM FILBY of Mattishall Burgh but of RICHARD FILBY, another FILBY family living in Great Mattishall Burgh.

According to these documents this FILBY family inherited significant properties and lands from the CLERE FAMILY Estates in Norfolk through the marriage of SUSAN's Great Aunt ELIZABETH FILBY to HENRY or EDWARD CLERE. This marriage had no issue thus ending the CLERE family line, and when ELIZABETH died the estates passed by her WILL to her brother RICHARD, SUSAN's grandfather. RICHARD had a single son, RICHARD, who inherited the estates. He had three sons born at Great Mattishall Burgh, ROBERT, 1686, RICHARD, 1688, and JOHN, 1691, and two daughters, SUSAN born 1692 at Great Mattishall Burgh and ELIZABETH born 1693, Thelnetham, Suffolk. Unfortunately, I have not been able to find any evidence at the Norfolk Record Office of Great Mattishall Burgh and this second FILBY family nor do they appear in the existing parish registers or records of Mattishall Burgh (1653 to 1737) or Mattishall (1656-1768). According to the Filby Association Records it appears that ROBERT and RICHARD left Norfolk in the early 1700s and died in Heston, Middlesex in 1740 and 1761 respectively. It is claimed that JOHN also left home when young and died in 1767 but where is not known.

When SUSAN married MILES FILBY it is claimed that she usurped the rights of her older brothers and acquired the FILBY properties that descended from her great aunt ELIZABETH. How she is supposed to have done this while all three brothers were alive is not clear. It is also claimed that when he married, MILES had a middle name, FABLAIN, which he subsequently rejected by "Sign Manual". However, neither his baptism entry in the Honingham Parish Register nor the parish marriage records included this middle name.

Following the death of SUSAN and her family in 1737 it is claimed that MILES FILBY agreed to make his Will in favour of WILLIAM FILBY of Heston, born 1740, whose father, ROBERT, was the son of SUSAN's brother, RICHARD. This WILLIAM FILBY had an illegitimate son, born in 1764, and named MILES, who SUSAN's husband, MILES, is

supposed to have adopted and invested on his behalf in the Bank of England, property from the FILBY ESTATE that he had inherited from SUSAN. At the time of the adoption MILES had already written his Will, which is dated 14 February, 1759, and either intentionally or by oversight he did not modify it to reflect his agreement with WILLIAM. Therefore, when the Will was proven in 1771 WILLIAM of Heston tried to obtain the inheritance through the courts. The documents seen by the Filby Association researchers state that this attempt was contested by ELIZABETH FILBY, SUSAN's claimed sister, at Norwich Quarter Sessions 1771 and that WILLIAM lost the case and had to pay all expenses. The court ruled that the claimed inheritance was proven to be Hereditary Property and therefore could not be Willed away. The two older brothers of ELIZABETH being dead and no other male heir coming forward, the court determined that ELIZABETH was to assume the ownership of the properties. What is not clear is why, if the inheritance was regarded as Hereditary Property, the court did not rule that it should have passed down the male line to SUSAN's older brother, RICHARD, and then to his son ROBERT and hence to WILLIAM of Heston. The inference is the court was not convinced of the accuracy of this line of descent.

But was ELIZABETH, SUSAN's sister? It is claimed that SUSAN's sister, ELIZABETH, was born at Thelnetham, Suffolk, in 1693, and that she subsequently married JOHN MOSS on 23 March, 1711/12. A careful examination of the Thelnetham Parish Register and the Archbishops Transcripts has revealed no entry for the baptism of an ELIZABETH FILBY in or near 1693. The marriage of JOHN MOSS is recorded but his bride was ELIZABETH ISAAC not FILBY. ELIZABETH ISAAC was the daughter of BENJAMIN and MARY ISAAC and was baptised at Thelnetham in January, 1686/7. Further ELIZABETH MOSS, wife of JOHN MOSS was buried 9 September, 1727, so she could hardly have fought the court case of 1771. JOHN MOSS did not remarry and was buried as a widower in April, 1741. JOHN and ELIZABETH did have a daughter ELIZABETH, who was baptised at Thelnetham in April 1714. She married ROBERT FILBY, son of EDMUND and ELIZABETH FILBY, at Palgrave on 4th January, 1734/5. This ELIZABETH was buried at Snailwell, Cambridgeshire, in November, 1788, and therefore could have been the ELIZABETH FILBY who contested the 1771 Court Case. However she could not have done so on the grounds that she was the sister of SUSAN, MILES of Wymondham's wife. It is possible that she could have done so on behalf of her husband whose ancestors go back to NICHOLAS FFYLBYE 1520, and whose line may be linked in some as yet unknown way to the Great Mattishall Burgh family.

So was SUSAN, MILES' wife, the daughter of WILLIAM and ELIZABETH FILBY of Mattishall Burgh, or of RICHARD FILBY and his wife of Great Mattishall Burgh. Unfortunately, it has not been possible to trace the original documents concerning the Great Mattishall Burgh family and hence only the notes made by the Filby Association researchers are available for consideration.

The most significant gap in the case for SUSAN being the daughter of WILLIAM and ELIZABETH is the absence of her baptism. There is however an appropriate 5 year gap in the sequence of WILLIAM and ELIZABETH's 8 children who were baptised between September 1688 and March 1708. The date of her birth is known by her age at the time of her

burial in Wymondham Abbey. Further, WILLIAM's bequest in his Will of 1723 to his "son MICHAEL (MILES) FILBY of Hardingham at a time when it is known that MILES and SUSAN lived in Hardingham fits in with SUSAN being his daughter. Finally the reference in MILES' Will of 1771 to his "brother-in-law" MILES, and his sister, BRIDGET, fit in with WILLIAM and ELIZABETH's other children but not those of RICHARD and his wife. Much of the case for SUSAN being RICHARD FILBY's daughter hinges on the link to "her sister ELIZABETH" and the court case to recover the Filby Estate but it has been proved from currently accessible parish registers that the ELIZABETH who married JOHN MOSS was not a FILBY and hence the link does not exist. Why this error was not uncovered before or during the court case is a mystery or have the facts been misrecorded? Do we have the wrong ELIZABETH?

The documentation seen by the Filby Association researchers contains many apparently authoritative statements including references to court cases. For instance a notebook written by SAMUEL FILBEY records "Mattishall and Calthorpe are small manors and were possessed by Susan Filby and her sister, Elizabeth, and were Willed to Susan's husband, Miles Fablain Filby" However no evidence has been found of SUSAN's Will while those of both MILES and his second wife ELIZABETH are readily available from the usual sources. If MILES did inherit the "Filby Estate" through SUSAN why no mention of it in his Will written in 1759, long before his claimed agreement with WILLIAM of Heston. It has to be noted that SAMUEL, a source of much of the documentation, was a declared bankrupt and very keen to prove that he and his relations should have inherited at least a share of the "Estate". While there is little doubt that the "Filby Estate and Plate" existed there is still considerable mystery as to whether it ever came into the possession of MILES FILBY of Wymondham through his marriage to SUSAN. Family history is seldom an exact science particularly the further back the research takes one. The uncertainties highlighted in this article are typical of those faced during family history investigations and it is left, as always, to the inquisitive reader to reach their own balanced decision.

[N.B. During 2009 further research was be made by Marion Filby and John Filbey, using some of the original documentation loaned to the Filby Association by descendants of Samuel Filbey.]

See results in article entitled..... A Filby Inheritance from the Clere Family