

The Contested Will of Lister Holte

Further evidence of the connection between the Lane family and the Newton family, and the reason for the Lane Inheritance

The Lane Inheritance

A significant event in the history of Kings Bromley was the inheritance, in 1794, by Thomas and John Lane of the main part of the Newton family fortune through the will of Elizabeth Newton. This included most of the land in the parish of Kings Bromley, Kings Bromley Hall, the Barbados plantations of Seawells and Newtons and a substantial amount of money. This inheritance was split between the two brothers. It could well be argued that the Ardens of Yoxall were much closer related to the Newtons, and yet they received much less.

As explained in Kings Bromley Historians' publication 'The Lane Inheritance: Kings Bromley and Barbados', John(2) Newton had died without a legitimate heir and his fortune had been inherited jointly by his sisters Sarah, who had married Sir Lister Holte of Aston Hall, and Elizabeth, who was unmarried. In that publication it was noted that there had been a longstanding relationship between the Lane brothers and the Newtons, as follows:

That there was a longstanding relationship between the Newtons and the Lanes cannot be doubted, but how far it reached beyond the professional to the personal is unclear. Seven pieces of evidence about this relationship have so far been uncovered:

- 1 A Mr. Lane was 'personal representative of' Thomas Newton (Elizabeth's uncle) in 1783 when he donated £200 to the poor of the village of Kings Bromley.*
- 2 Between 1777 and 1789 Thomas Lane carried out financial transactions for Elizabeth Newton, probably in the role of her solicitor, for which he charged 12 gns. a year.*
- 3 John Lane assisted John Newton in the trial of Catherine Newton for adultery. He brought John Page, the Newton's groom, to London from Bath to testify at the trial and also paid his expenses.*
- 4 A letter from Charles Simson, a lawyer who was helping John Newton to prepare his case for an Act of Parliament for his divorce, concludes with "I was happy to hear by Mr Lane of Lincoln Inn that you hold pretty well & am with respectful Compliments to Mr T Newton & Mr Lane". This suggests friendly relations between John Lane and John Newton and also that the Lane brothers certainly knew about the divorce proceedings and may possibly have given legal assistance over it to John Newton.*
- 5 The fact that Elizabeth gave money to Jane Mattingley, John Lane's illegitimate daughter, suggests a close personal relationship.*
- 6 The testimony of Heneage Legge about John Lane being a friend, as well as a relation in whom the sisters put the 'greatest confidence'.*
- 7 The last John Lane of Bentley had named one of his sons 'Charles Newton' suggesting that he wished to cement the family relationship.*

In Kings Bromley Historians' publication 'The Scandalous Divorce of John Newton, Appendix 2' more evidence was given as to why the Ardens were partially excluded from Elizabeth Newton's will. The Miss Hardings, Hardens or Ardens are mentioned ten times in the first Doctors Commons trial of Catherine Newton: they were in fact the Miss Ardens, the daughters of John Newton's cousin Henry Arden who lived at nearby Longcoft Hall, just north of Yoxall. At the time of the 'familiarities' Althea Catharina 'Kitty' was 21 and Anne was 27. The evidence given in the trials and divorce proceedings show that the Miss Ardens knew about Catherine Newton's adulterous behaviour and may have even encouraged it; they certainly did not tell John Newton about it, that was done by his sisters. There is no doubt then that John Newton, Sarah

Holte and Elizabeth Newton had no reason to be generous towards a family who may have been complicit in the behaviour of Catherine Newton.

It appears that it was not only the Newtons who felt that the reputation of the Arden girls had been tarnished by the Catherine Newton affair. William Bagshaw Stevens [1756-1800] was headmaster of Repton and Domestic Chaplain to the Burdetts at Foremark. He kept a diary from March 1792 until his death. His social circle included Anna Seward and her friend Kitty (Althea Catharina, Kitty, Kate) Arden, who by the time of the diaries had moved from Yoxall to Willington. At the time of her involvement with the scandalous activity of Catherine Newton at Kings Bromley in 1777, Kitty was 21, so at the start of Stevens' diary she was 36. Stevens was much taken with Kitty, describing her as 'divine' and 'elegant'. Anna Seward, perhaps teasingly, assured the portly and gloomy bachelor Stevens that his regard was reciprocated; in 1792 they were both in a party that visited the Lakes. In his journal (p. 31) he speculates why she was unmarried: "Miss Arden in all her elegance – strange that such a woman should still be a Miss. In her younger days she held her head up too high – after that in Mrs. Newton's affair (vide the trial) she seems to have been too accommodating to her friend, and a Printed account of Indiscretion lasts long and makes a strong impression." Stevens had read the account of the trial (see Historians' publication – 'The Scandalous Divorce of John Newton') and was clearly of the opinion that Kitty's marriage prospects had been seriously compromised by the affair. He worries (p. 517) that the opinion of a friend Mrs. Dodsley (a vicar's wife) might be influenced by Catherine Newton's trial: 'Still anxious to see Mrs. Newton's Trial that she may colour her aversion of Kitty Arden'. (See Kings Bromley Historians Publication 'The Journal of the Rev. William Bagshaw Stevens throws light on the Catherine Newton affair and the Lane Inheritance')

In this document it will be shown that the high regard that the Newtons held the Lanes, particularly John Lane, in was due to his actions in helping Sarah Holte in the chancery case involving the disputed will of her late husband, Sir Lister Holte, who died in 1770.

Sir Lister Holte's Family

Lister Holte had married firstly Lady Anne Legge, youngest daughter of William, Earl of Dartmouth, secondly, Mary, youngest daughter of Sir John Harpur Bart., of Calke, in the county of Derby and lastly, in 1755, Sarah, youngest daughter of Samuel Newton, Esq., of King's Bromley. Sarah's brother was John(2) Newton, who inherited Kings Bromley in 1771, her sister was Elizabeth Newton.



Sir Lister Holte



Lady Anne Legge, 1st Lady Holte



Mary Harpur, Lady Holt (d.1752)
Isaac Whood (London 1688 – London 1752)
Calke Abbey, Derbyshire (Accredited Museum)



Sarah Holte née Newton, 3rd Lady Holte

The Will of Lister Holte

Lister Holte died on the 8th April 1770. Lady Sarah Holte was to receive an annuity of £1500 a year (an increase on the £700 agreed to in her marriage settlement). She also had Aston Hall, the park and five adjoining meadows for her life. Also she was left most of Lister's jewels, the furniture of their apartment and of the green drawing room, his wines and spirits, all of his horses and carriages and £1000 in cash. She lived for another 24 years, but only stayed at Aston Hall intermittently, preferring to stay with her brother John(2) Newton and sister Elizabeth at Kings Bromley Hall or at Bath. (John Newton Lane's 1869 probate still lists one of the rooms in KB Hall as 'Lady Holte's Bedchamber'). A codicil gave £200 to Elizabeth Newton.

His brother Charles inherited the 8000 acres of the Aston estates for life, the library, any money left after the payment of debts, legacies and funeral expenses. He was prevented from increasing his wife's jointure (how much she would get on her husband's death) from £500 per year, but he could raise £10,000 from the estate towards his daughter's marriage portion. This meant that, at the age of 48, Charles moved from being an impoverished younger son struggling to maintain his lifestyle without getting into debt to become a great landowner with a gross income of £7000 per year. However he had to pay off debts of about £14000, and the estates were entailed if he produced no male heir.

Charles had married Anne Jesson in 1755 and they had a daughter, Mary, but no son. Under the terms of the will, the estate was entailed away from Mary to male relatives; this entail is, unusually, recorded on a memorial to Sir Lister on the wall of Aston church:

**To the memory of
Sir LISTER Holte. Baronet
His real estates, after the death of
Charles, his surviving brother,
he entailed successively on Heneage Legge, Esq., and Lewis Bagot, Bishop of St. Asaph,
Nephews of his first wife,
and Wriothesly Digby, Esq., of Meriden, in this county,
on failure of whose respective issue he gave the same to his own right heirs for ever**



Charles Holte



Anne Holte & her daughter Mary

Some of what we know about the Holte family is derived from a book called ‘A History of the Holtes of Aston’, written by Alfred Davidson in 1854. According to Davidson (pp. 44-45):

“The character of Lady (Sarah) Holte and her sister-in-law were not congenial. The former was haughty, cold and selfish; and the high spirit and keen wit of the latter could brook ill the assumption of superiority indulged in by Lady Holte. The foundation of discontent being thus laid, an open quarrel soon ensued, the effect of which speedily became apparent... his infant niece (Mary) was cut off ... Sir Lister had been induced to make this unjust disposition”

However, as pointed out in ‘The Grand Old Mansion’ 1984 written by Oliver Fairclough and published by Birmingham Museums and Art Gallery: “Davidson was far from impartial. His book was dedicated to Charles Holte Bracebridge (Mary’s son), Charles’ grandson and was written with his help and largely from materials he supplied”.

It was clearly the opinion of Davidson that the complex entail was due to the spiteful influence of Sarah Holte, although entails, at this time, were far from unusual. The main reason for them was to prevent the estate falling into the hands of unsuitable or fortune seeking husbands who might marry the heiress. The plot of ‘Pride and Prejudice’, published 1813, revolves around the fact that Mr. Bennet had no son and therefore his daughters, according to an entail, would receive nothing.

The executors of the will were John(2) Newton (Sarah Holte’s brother), Sarah Holte and Fettiplace Nott. Charles, his wife Anne and his daughter Mary considered the will to be unjust but initially did nothing about it. However, on the first of January 1773, nearly three years after Sir Lister’s death, Sarah Holte discovered that the will was being contested.

Documents deposited in the Staffordshire Record Office in 2013 by the last remaining descendant of John Lane throw light upon this Chancery case. They are as yet not properly archived and appear as ‘SRO D7286 Jane Lane Papers June 2013’. The relevant collection of letters is referred to as:

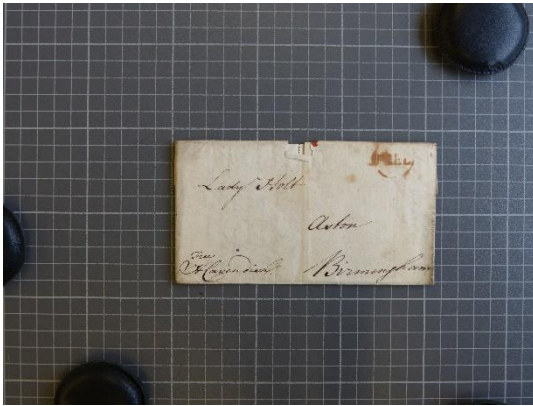
- (4) (bundle with pink ribbon) Miscellaneous correspondence of Lady Holte of Aston Hall [presumably Lady Anne Holte, wife of Sir Charles Holte, 6th Bt.], 1770s. Together with a separate bundle entitled, 'Chancery Suit'.

The letters are, in fact, not the correspondence of Anne Holte, but of Sarah Holte. The bundle entitled 'Chancery Suit' consists of twenty-one letters:

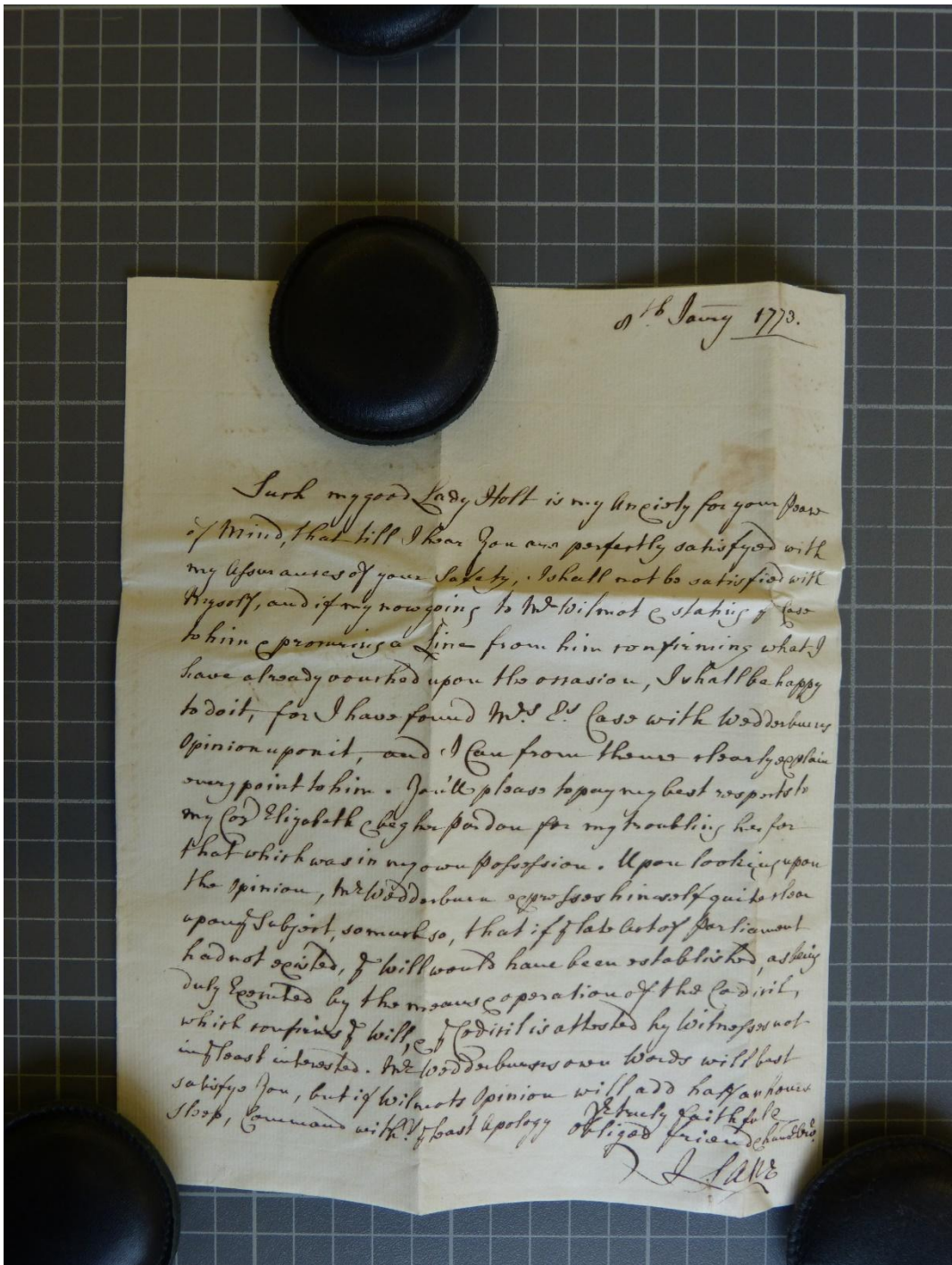
Sarah Holte's Chancery Case

-  1. Some date January 1773 John Lane to Lady Holte
-  2. 4th Dec 1773 Lady Dartmouth to Lady Holte
-  3. 4th Dec 1773 Wilmot to Lady Holte
-  4. 9th Dec 1773 Countess of Dartmouth to Lady Holte
-  5. 9th Dec 1773 Wilmot to Lady Holte
-  6. 11th Dec 1773 John Newton to Lady Holte
-  7. 14th Dec 1773 Wilmot to Lady Holte
-  8. 20th Dec 1773 John Newton to Lady Holte
-  9. 5th January 1774 John Lane to Lady Holte
-  10. 10th Jan 1774 John Lane to Lady Holte
-  11. 15th Jan 1774 John Newton to Lady Holte
-  12. 19th January 1774 Lady Dartmouth to Lady Holte
-  13. 20th Jan 1774 John Lane to Lady Holte
-  14. 22nd Jan 1774 John Lane to Lady Holte
-  15. 27th Jan 1774 John Lane to Lady Holte
-  16. 1st Feb 1774 John Lane to Lady Holte
-  17. 7th Feb 1774 John Lane to Lady Holte
-  18. 15th Feb 1774 John Lane to Sarah Holte
-  19. 5th Mar (maybe) 1774 John Lane to Lady Holte
-  20. 7th Mar 1774 Lady Dartmouth to Lady Holte
-  21. 25th Mar 1775 Sadler to Lady Holte

The letters are quite legible as can be seen from the following example:



Lady Stolt
Aston
From Birmingham



8th Jan'y 1773.

Such my good Lady Stolt is my anxiety for your peace of mind, that till I hear you are perfectly satisfied with my assurances of your safety, I shall not be satisfied with myself, and if my now going to Mr. Wilnot & staying of time to him promising a line from him confirming what I have already overthod upon the occasion, I shall be happy to do it, for I have found Mr. C. Cass with Mr. Waddesburns opinion upon it, and I have from thence clearly explain every point to him. You will please to pay my best respects to my good Elizabeth & beg her pardon for my troubling her for that which was in my own possession. Upon looking upon the opinion, Mr. Waddesburne expresses himself quite else upon a subject, somewhat so, that if it had not been established, as being duly reported by the means operation of the said will, which confirms it will, if it is attested by witnesses not in least interested. Mr. Waddesburns own words will best satisfy you, but if Wilnots opinion will add half an hour to sleep, I am with my best apology obliged friend
J. Stolt

In letter 1, January 1773, John Lane assures Sarah Holte that the contesting of the Lister Holte's will, nearly three years after his death has no chance of success. He had contacted eminent Chancery Lawyer Alexander Wedderburn to give his opinion on the subject way back in Feb 1771; he wrote: "I am of the opinion that this legacy is not void ..."

At the time, John Lane had been concerned particularly with the codicil, because in it Lister Holte had changed the will to include a legacy of £200 to Elizabeth Newton. As we will see, John Lane had 'always' looked after the interests of Elizabeth Newton, and Thomas Lane had acted as her solicitor. John Lane goes on to say:

"Despise them and make their malice the object of your laughter, for believe me your affairs are too well ? sure to be affected by their rancorous baseness of heart"

Letters 2 – 8 establish that Sarah Holte initially tried to use Wilmot, Lady Dartmouth's solicitor, to advise her on the case. Initially Wilmot did not even know Sarah Holte's address, and his letters came via Lady Dartmouth. Wilmot established that although the suit was named 'Sarah Holte vs. Legge, Bagot & Digby' it was in fact brought by her brother-in law Charles Holte. Charles would argue firstly that the will was void and secondly that the payment of Sir Lister's debts should come out of Sarah Holte's legacy as well as his own. Wilmot decided that he could not act for Sarah Holte in the case. She had to find another lawyer. Her brother, John Newton, did not know who to suggest.

She chose John Lane.

Lady Dartmouth wrote to Sarah Holte: "... your Ladyship has certainly done exceeding right in employing Mr. Lane, you certainly have more reason to expect attention and regard to your interests from him than from a stranger".

John Lane wrote to another lawyer (probably Sadler) in letter 9:

"Mr. Nott knows my intimacy with the Aston and Bromley family ... Mrs E. Newton always declared that I must take care of her interest ... and her Ladyship having now also directed her interests to my care".

He also wrote that he, although a barrister himself, had retained Mr. Wedderburn to act for Lady Holte in the Chancery case - Chancery being a specialist area of law. He repeated again that in his and Wedderburn's opinion the case was being brought out of sheer spite by Charles and Anne against Sarah and Elizabeth Newton.

In letter 13 John Lane reckons that he has the case in hand properly:

"I am at last properly informed (I believe) how your affairs stand, and can place Mr. Sadler upon the right course. Tho' Mr. Legge appears to be the party that has put the silly points in issue touching your house & (pr) ?. I learn from Mr. Maddox himself, who is certainly a very eminent Council and respectable character that those points are put in issue at the instance of Sir Charles only. ... It gives me great pleasure to find that Mr. Legge never had a single wish to agitate a single point to your Ladyship's prejudice and your Ladyship must now look over my suspicions for to say truth when I enter into anything with my whole heart I suspect every opponent 'till I am fully convinced and when that period (ends?) I forget that I once suspected at all. Tho' this perhaps seems to indicate a nasty beggarly mind but long experience had proved to me it a necessity John is returned very well and with his ????. Tom and Maria join me in respectful affections".

This letter shows the regard John Lane had for Heneage Legge, who afterwards became a great friend; indeed, John Lane's first son, John Newton Lane, was born at Aston Hall in 1800, after Heneage Legge had inherited it. It also shows how Sarah Holte was well acquainted with John's brother Thomas, who was a London solicitor and Clerk to the Goldsmiths Company and Maria, who married the Rev. John (Jack) Hammond Lucy of Charlecote Hall on 28th April 1788.



John Lane



Thomas Lane



**Maria Lane
(later Maria Lucy)**

The last letter, 15th March 1773, contains the decision of the Chancery Court:

The will was upheld in its entirety. Sarah Holte was to get her £1500 per year, her jewels (especially her favourite pearl necklace) and the use of Aston Hall for life. Elizabeth Newton was to get her £200. Charles Holte would inherit the Aston estates, but was liable for Sarah Holte's £1500 annuity and for the £14000 outstanding debt. Heneage Legge would inherit the Aston estates on Charles' death if there was no male heir (which there wasn't).

After the decision, Sarah Holte had her picture painted by Tilley Kettle, a favourite artist of the Dartmouth family. In it she is wearing the pearls that she had won in the case and is holding an ostrich feather, an iconographic symbol of justice.



The Effect of the Chancery Case on the Lane Inheritance

The fact that the Chancery case was brought by Charles Holte and the crucial part played in it by John Lane is, of course, not mentioned by the partial Alfred Davidson. Therefore, also, this is not mentioned in 'The Grand Old House'.

It is clear that Sarah Holte and Elizabeth Newton owed John Lane a debt of gratitude. So did her brother, John(2) Newton, who used John Lane's expertise in the trial of his wife for adultery in 1781.

After the Chancery case Sarah and her sister Elizabeth continued to live at Aston Hall and Kings Bromley Manor. In 1783, their brother John(2) Newton, died leaving the sisters all his wealth, which included his Barbadian and English estates, including the Parish and Hall of Kings Bromley. From Sarah Holte and Elizabeth Newton's Joint Account Book SRO D6584/A/275, between 1784 to 1794, i.e. after the death of their brother John(2) Newton, it can be seen that the sisters joint income and expenditure ranged from about £5000 to £9000 per annum. Even after paying all their joint living expenses, which will have been mainly the upkeep of Kings Bromley Hall (and possibly Aston Hall), they were able to transfer the following monies to their own individual accounts:

	Elizabeth Newton	Sarah Holte
1785	£857	£857
1786	£1,500	£1,500
1788	£3,500	£3,500
1790	£2,000	£2,000
1793	£3,000	£3,000
1794	£2,500	£2,500
Total	£13357	£13357

After Sarah Holte's death, the balance left in the account on 24th April 1794 was £3466. Between them the two sisters had been able to save, from their joint account £28466, or about £3000 per year. Sarah Holte, in addition to her income from the joint account, had £1500 per annum from the Aston estates. Her income then was approximately £5000 per annum. Elizabeth Newton's was £3,500 per annum.

On 1st April 1794 Sarah Holte died, leaving her entire fortune to her sister. When Elizabeth died eight months later, her will, which had been hurriedly made by Heneage Legge, came into force. As described in 'The Lane Inheritance, Kings Bromley and Barbados', the overwhelming majority of Elizabeth's fortune went to the Lane brothers, John and Thomas.

The research reported here on Sarah Holte's Chancery case gives further evidence on top of that given in 'The Lane Inheritance ...' and 'The Scandalous Divorce ...' as to why Elizabeth Newton and Heneage Legge made sure that it was the Lanes rather than the more closely related Ardens who benefited the most.

Allan Howard, 4th August 2018.