Landed families in the past were faced with the problem of maintaining the integrity of the estate whilst providing for children other than the heir. The strategies adopted to solve this problem could affect family structure and relationships, as well as playing a major part in the fortunes of the family. This essay looks at the way in which one family, the Cornwall-Leghs of High Legh, Cheshire, tried to resolve the tensions set up by the demands of maintaining the status of the lineage, when the resource that conferred that status, land, was limited. It forms part of a wider study on the inheritance patterns of the north-west from the thirteenth to the twentieth centuries that is being undertaken at the John Rylands Research Institute, and it illustrates some of the themes that will be developed in more detail as the project progresses.

The question has been asked whether ‘the gentry were the hard-headed defenders of their estates and lineage that they are usually shown to be?  


PEDIGREE OF THE CORNWALL-LEGHS OF EAST HALL, HIGH LEGH, CHESHIRE

Adam
   c.1230
Hugh m. Beatrice?
John m. Joan Somerville
   m. c.1312
   John David William Hugh of Northwood
John m. Margaret Wasteneys
   m. c.1366 d. c.1378
Hugh m. Isolda Bromley
   b. c.1367 d. 1402
   John m. Isabella Poole
   m. c.1406
   Henry m. 1? 2. Ellin Bruen
   m. 1449
   John Nicholas m. Matilda Legh
   d. c.1447 m. 1464
Ralph d. 1501
   Thomas m. Margaret Chollerton
   b. c.1480 d. 1530
   Robert m. Alice Starkey
   m. c.1526
   Thomas m. Isabel Trafford
   d. 1590
   Robert m. Eleanor Spurstowe
   m. 1540 d. 1552
   Elizabeth Daniel m. George
   m. 2 Anne Booth d. 1600
   Thomas m. Townsend Brooke
   d. 1629
   Henry m. Dorothy Turner
   b. 1615 m. 1630 d. 1651
   George m. Frances Brooke
   b. 1597 d. 1649
   George m. Hannah Morgell Elizabeth
Richard m. Mary Legh of Adlington  
1 son 3 daughters  
d. 1705  
m. 1665  
d. 1700

Henry m. Lettice Brooke  
3 daughters  
b. 1679  
m. 1701  
d. 1757

George m. Anna Maria Cornwall  
3 daughters  
2 sons  
b. 1703  
m. 1730  
d. 1780

Henry Cornwall m. Elizabeth Hopkinson  
b. 1734  
m. 1761  
d. 1791

George John m. Mary Blackburne  
Henry Cornwall  
b. 1768  
m. 1803  
d. 1832  
b. 1785–1856  
d. 1856

George* m. Louisa Taylor  
Henry m. Mary Williams  
Richard m. Tomasine Sedley  
b. 1804  
m. 1832  
d. 1876  
b. 1811  
b. 1806  
d. 1873  
b. 1813  
d. 1846  
d. 1876  
b. 1818  
d. 1876  
b. 1836  
7 others

Henry Martin  
Gertrude Mary m. Charles Walker  
Hubert Sydney  
b. 1839  
b. 1839  
b. 1858  
d. 1905  
d. 1893  
d. 1926

Charles m. Geraldine Shuldham  
Charles m. Dorothy Scott  
b. 1876  
b. 1903  
d. 1934

* From this date all the sons had the surname Cornwall-Legh.
Indeed, the documentary sources such as enfeoffments, entails and marriage settlements which are often our only evidence of family relationships in the past show an inequitable division of resources between the heir and his siblings. These documents show marriage as a business enterprise and suggest that individual sentiment was sacrificed for the benefit of the family and the lineage. Loyalty to lineage cut across all other obligations. It did not depend on homage, oath or fealty. It could not be entered into as a contract or bond, but was immutable. Furthermore, it was part of a collective responsibility. Personal gain or loss reflected on the family, whilst the family helped to define the individual’s status in society. It was the juxtaposition of the collective nature of family obligation with the status and power conferred by land which led to the tensions between the desire to do right for every member of the family and to keep the family land intact.

The success or failure of the family in maintaining a balance between family and land can best be examined by looking at marriage and inheritance patterns. These in turn illustrate relationships within the family, and the family’s wider socio-economic horizons. Overall, a study of inheritance patterns in the past may make it possible to re-examine one of the most important theses on family relationships – that propounded by Lawrence Stone. Stone takes an evolutionary view of the history of the family. He maintains that significant changes took place over time in family relationships and functions. The early modern family unit was a move towards an intense nuclear family, a move away from the medieval extended family. As affectionate marriages, emotional involvement and better child-care developed, so the old obligations to a wider kinship network diminished. Stone, therefore, sees family relationships in terms of change. Others argue for continuity. Houlbrooke, for example, sees the modern family as having deep roots in the past. This paper seeks to cast some light on these competing theories in the context of the Cornwall-Leghs’ experience. More specifically it will look at the way in which the estate was built up and maintained, the implications for conjugal affection in this, and how younger sons fared in a system which passed the main inheritance to the eldest son.

The Leghs, or Cornwall-Leghs as they are now known, occupied East Hall, one of the two manors in the township of High Legh in Bucklow Hundred, Cheshire, for nearly 800 years, and they are still living in the neighbourhood today. The earliest record of their holding land in High Legh is c.1230 when Adam Legh was granted half a bovate of land in the township. He regranted this to his son Richard

7 CL Bundle 1, Doc. 2, c.1230. Quitclaim from Ralph de Kauernith to Adam de Legh.
in c.1245, and throughout the late thirteenth and early fourteenth centuries the family consolidated and extended their holdings in High Legh and elsewhere in Cheshire. This was accomplished through a combination of marriage and purchase. Richard, for example, was granted all the Hulgreve lands in High Legh when he married Margery Hulgreve in c.1250. In c.1312 his nephew John brought one-seventh of the manor of Alpraham into the family when he married Joan Somerville, one of the co-heiresses of Mathew, lord of Alpraham. John further extended the family holdings in High Legh when he acquired land in the hamlet of Northwood. In 1348 he leased this to his son Hugh, thus helping to found the cadet branch of the Leghs of Northwood who were to inherit the main estate in the sixteenth century.

During the late thirteenth and early fourteenth centuries the Leghs concentrated on building up their estates, and they avoided political involvement or military enterprise. Hugh Legh, the holder of East Hall in the late fourteenth century, was to change this. He became one of Richard II’s bodyguard, retained at a fee of £5 for life, and he was rewarded for his service with the escheatorship of Chester in 1397. His loyalty to Richard led him to join the rebel army against Henry IV, and he was killed at the Battle of Shrewsbury in 1403. His service to Richard did nothing to extend the family estates, but in 1406 his son John’s marriage to Isabella Poole brought Capenhurst in the Wirral to the family. John’s great-grandson Ralph was to be the last direct-line male heir. He died without issue in 1505, and Thomas Legh of Northwood inherited the estate.

In the sixteenth century the Leghs were intimately connected with the Brookes of Norton. Sir Richard Brooke purchased Norton Abbey in 1545. He was indirectly related to the Leghs by marriage and the two families were to be inter-related for the next three centuries. Thomas Legh junior married Townsend Brooke in 1596 when he was fourteen. The marriage settlement granted him the High Legh estate jointly with Townsend, whilst his father, George Legh,
reserved £60 worth of land for himself.\textsuperscript{16} In c.1596 George Legh’s second marriage, to Anne Booth of Barton in Irlam, extended the family’s interest into Lancashire. Anne’s lands in Barton, Openshaw and Manchester were inherited by her son by George Legh, whilst Thomas the son of the first marriage inherited the main estate.

Although George Legh of Barton was an avowed Parliamentarian, his nephew Henry Legh of High Legh tried to remain neutral during the Civil War. He was fined £1,000 in 1646, but produced evidence that he had tried to surrender his arms. In 1656, an order in Council freed him from any payment ‘because of his inoffensive carriage and heavy debts’.\textsuperscript{17} Henry married a Lancashire heiress, Dorothy Turner of Sefton in 1630,\textsuperscript{18} but despite a generous marriage settlement the debts remained, and the family were to be in straitened circumstances throughout the seventeenth and eighteenth centuries.\textsuperscript{19}

The union with the Brookes of Norton was further strengthened in 1702 when Henry’s grandson, also named Henry, married Lettice Brooke. He extended the estate by purchasing the manor of Thornton-le-Moors in 1758.\textsuperscript{20} From 1729 to 1783 the central core of the estate in High Legh was extended by the gradual purchase of the land from the Gleave estate in the township.\textsuperscript{21} Henry’s son George married Anna-Maria Cornwall, the only child of Baron Cornwall of Burford, Shropshire. Their eldest son bore the name Cornwall-Legh, but it was not until the next generation but one that all the sons were called Cornwall-Legh. The girls remained plain Legh. Ten children survived to adulthood from this generation, which did nothing to help the family’s finances in the early nineteenth century. Despite the high rate of survival the family was to face a series of demographic crises in the late nineteenth century. George Cornwall-Legh, the direct line heir, died without issue in 1876, and the estate passed to his nephew, Henry Martin Cornwall-Legh, the son of George’s second brother Henry. In 1905 he too died without issue, and his cousin Hubert, son of the third brother, inherited. Eventually, in 1926 the estate came to Hubert’s brother Sydney. He too died childless and the present Cornwall-Leghs at High Legh are the descendants of Henry Martin’s twin sister Gertrude Mary. Although the direct line failed, the family name and the family land stayed together. Unlike many landed families the Leghs never had to resort to judicious name changes to maintain a continuity of landholding.

\textsuperscript{16} CL Bundle 7, Doc. 181, 1596. Settlement made previous to the marriage of Thomas Legh and Townsend Brooke.

\textsuperscript{17} M.E. Everett Green (ed.), \textit{The calendar of the proceedings of the committee for compounding, 1643–1660} (London, 1889–92), 1175.

\textsuperscript{18} CL Bundle 8, Doc. 201, 1630. Articles of agreement on the marriage of Henry Legh and Dorothy Turner.

\textsuperscript{19} E.g., CL Bundle 10, Docs. 237–247.

\textsuperscript{20} CL Misc. deeds relating to Thornton-le-Moors. Bundle 4, Docs. 839–51.

\textsuperscript{21} CL Deeds relating to the Gleave family. 2 Bundles, Docs. 464–99.
This short outline of the Cornwall-Leghs' history shows them to be deeply rooted in Cheshire. Until the eighteenth century they married into similar gentry families in Cheshire or neighbouring Lancashire, and they were related to most of the landed families in the neighbourhood. Although the estate contracted in the early twentieth century, the family still held the same central core and can be presumed to have maintained a successful balance between family and land.

It is obvious from the brief history of the family that in the early period the Leghs extended their holdings by marriages to heiresses. John Legh's marriage in c.1312 to the Somerville co-heiress is a good example of this. It might also be seen as an example of the good of the family over-riding individual feeling, when to quote Stone, 'Property and power were the predominant issues which governed negotiations for marriage . . .'. Stone sees this attitude changing in the sixteenth century; a change symbolized by the statement in the 1549 Prayer Book that the motives for marriage should include 'mutual society, help and comfort . . . ' as well as the prevention of fornication and the procreation of children. Yet at the same time society was becoming increasingly patriarchal and women were not only expected to love and cherish their husbands, but to be even more subordinate to them. Change to a more equitable distribution of power within marriage and mutual affection came in the 1680s, and the companionate marriage of today followed. Stone also builds a model of 'mating arrangements'. These too change over time: at first others arranged the match without the parties' consent, then the parties had the right of veto over the choice, then the individual made the choice but others' wishes were deferred to, and finally there developed the freedom of choice of partner we have today. It is the model of 'mating arrangements' that is the concern of this article. 'Mating arrangements', however, could have long-term implications for conjugal affection.

One of the problems in assessing the degree of affection before or during a marriage is the lack of sources that reveal such feelings. The marriage settlement is often the only surviving source referring to a marriage, and is a legal document, couched in legal terms. The language of the settlements suggests a hard-headed businesslike approach in which marriage was a market where children were bought and sold, but we do not know the emotions and feelings that lie behind the formal phrases. Furthermore, if we assume that Stone's first phase of the model is correct (marriages arranged by others without the consent of the parties), and consider the early marriages in the Legh

22 Stone, *Family*, 70-1.
23 Ibid., 101.
24 Ibid., 20.
25 Ibid., 22.
26 Ibid., 182.
family, we find that most marriages were made with neighbouring gentry. It was unlikely that the couple were unknown to each other. Indeed, it was possible that they had known each other from early childhood, and had expressed a preference for one mate over another. The couple also had to give consent to their marriage, or it was not valid in the eyes of the church. Written into the Leghs' marriage settlements in the fifteenth century is the phrase 'if it be pleasing to the maid' or 'to the joy of the lady', suggesting that rather more than mere consent was sought.

It is also possible to consider the settlements in another light. Not only did they benefit the groom's family, but they assured the future for the bride. Such provisions were not necessarily the result of a hard-headed approach, but could be legal expressions of a genuine concern for the bride's welfare. From the fifteenth to the nineteenth centuries the bride usually brought a cash portion into the groom's family. In return certain lands were put aside to provide an annuity for her should she survive her husband. This was a jointure, given in lieu of the one-third of the husband's estate that the widow could claim as common-law dowry. In theory it helped to keep the estate intact. In practice a series of long-lived dowagers could seriously impair an estate's economic viability. The Northwood Leghs faced such a crisis in the 1480s as the estate was not large enough to support the three jointures for which it was liable. In 1484 the eldest son was granted lands to be held at a future date when his grandmother's death released them.

The amounts paid in the form of portions and jointures in the Legh family varied from a portion of 35 marks and a jointure of 10 marks in 1378, to a portion of 50 marks in 1445, rising to a portion of £600 and a jointure of £40 in 1596. Factors such as the age of the woman must have been taken into account when making the jointure. The jointure was, however, an effective provision for the bride as it took precedence over all other claims on the estate. This can be seen in practice as late as 1908 when the holder of the estate tried to evade payment to his predecessor's widow. He was told by the family

28 E.g., CL Bundle 5, Doc. 117, 1463. Agreement made on the marriage of Nicholas Legh. Or CL Bundle 5, Doc. 145, 1502. Agreement made previous to the marriage of Robert Legh to Alice Starkey.
29 CL Bundle 5, Doc. 136-42. Deeds relating to land in Northwood.
30 CL Bundle 3, Doc. 63, 1368. Agreement made between Margaret Legh and William de Bromlegh.
31 CL Bundle 4, Doc. 91, 1445. Indenture between John Hollins and Henry Legh.
32 CL Bundle 7, Doc. 181, 1596. Articles of agreement between George Legh and Thomas Brooke of Norton.
solicitors Potts and Gardner that ‘Mrs. Legh’s jointure is the first charge on the estate and has priority over your own life estate’.

In the earlier period the evidence from the Leghs’ marriage settlements suggests that even if the match was planned by others it required the agreement of the parties concerned. However, from the sixteenth and seventeenth centuries come two marriages of minors which were arranged primarily to benefit the family. After the Leghs of Northwood inherited the High Legh estate they were involved in litigation with Randle Spurstowe over the rights in some tenements in High Legh. The dispute was resolved in 1540 by marrying Robert Legh’s grandson Robert to Randle’s daughter, Eleanor. Both were minors and Randle was to provide maintenance for them until they came of age. Robert, the grandfather, would supply ten marks worth of land for Eleanor for life with reversion to her husband’s family. Randle would get the disputed property for his life, with remainder to Robert the younger and Eleanor’s lawful male heirs. There is no mention of consent in the contract, and written into it is a clause that if either or both of the parties were to die before the marriage, siblings were to be substituted. It was the fact of the marriage that was important, not the individuals involved. Robert and Randle could be categorized as heartless in using these children as pawns. Whether any conjugal affection developed between Robert and Eleanor from such an unpromising start we cannot tell, but they were to produce a large family. The other marriage in which the individual feelings of the heir probably took second place to the good of the family was in 1630. Henry Legh, another minor, married the Lancashire heiress Dorothy Turner of Sefton. Henry’s marriage was to help the Leghs recoup some of their economic losses. They were heavily in debt at the time with a mortgage of £440 on High Legh, and Henry’s newly widowed mother was struggling to pay off her late husband’s debts.

A similar situation occurred a hundred years later when George Legh married Anne-Maria Cornwall. We do not know how far the match was arranged, but we do know that the couple met in London. The main object of the marriage was to pay off some of the £8,000 in debts built up by George’s father. There is a schedule of these attached to the settlement, so there is little doubt of the ultimate destination of the portion. The Cornwalls, however, were crafty and paid the portion in bonds, notes of hand, and securities which had to be called in before the debts could be paid. It was not until George’s father had surrendered the manor of High Legh to him that articles of agreement were signed between George, Anna-Maria and George’s father

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33 Unlisted CL MSS, part of National Register of Archives deposit.
34 CL Bundle 7, Doc. 155, 1540. Deed between Robert Legh and Randle Spurstowe.
35 CL Bundle 8, Doc. 201, 1630. Articles of agreement on the marriage of Henry Legh and Dorothy Turner.
whereby George agreed to pay certain sums of money to his father to help settle the debts.\textsuperscript{36}

We do not know how far this marriage was an individual choice undertaken with the agreement of the family, but there is a group of documents from the early nineteenth century which gives the background information to a marriage; such information is tantalizingly missing in the other examples. In 1827 when he was visiting Paris, another George Legh fell in love with a young English woman. The letters he wrote to his father breaking the news to him, and his father’s replies, have survived, as well as the negotiations surrounding the marriage settlement. These give an excellent insight into the feelings of both parties, and show both change and continuity in relation to the other marriages discussed. George had freedom of choice, but maintained that he would not marry without his father’s hearty consent. He was marrying for love, but asked his father to draw up a settlement for him. His father meanwhile made discreet enquiries about the lady, found she was relatively well connected, and opened negotiations with her uncle, Sir Hubert Taylor. The manoeuvring between the parties and the final settlement show total continuity with the past. Cash and getting the best deal were uppermost in the minds of all the parties. George’s father warned him that not only was he too young to marry, but the marriage would leave George the younger a poor man as his father was unable to make them a large allowance. He could not give hearty consent to the marriage and advised George not to enter into a formal engagement or compromise his honour in any way. The bride’s father, on the other hand, could not believe his luck, and wanted the marriage to take place as soon as possible. The negotiations over the settlement were protracted and involved. The settlement was not complete a week before the wedding, and there was talk of postponement from the Legh’s legal adviser. However, the couple were married in the British Embassy in Paris on 5 July 1828.\textsuperscript{37} The marriage settlement set up a series of trusts. The manors of High Legh and Thornton were put in trust with use for the joint lives of George and his father and their heirs male. From this an annuity of £800 was to be raised if George’s wife survived him; a further trust made provision for any children George and his wife might have, other than the eldest son. Other trusts provided for George’s brothers and sisters from the manors of Barton and Openshaw and property in Lymm. George’s mother was to get an annuity of £400.\textsuperscript{38} The estate was tied up in the nineteenth century much as it had been in the preceding centuries, but the correspondence between father and son gives us a

\textsuperscript{36} CL Bundle 10, Docs. 237–47, 1729–1739. Deeds covering the marriage of George Legh and the settlement of High Legh.

\textsuperscript{37} CL Bundle 12, Docs. 274–5, 1828. Marriage settlement and certificate of George Legh and Louisa Taylor; and High Legh 11, Box 11, Bundle of letters marked ‘Private correspondence’.

\textsuperscript{38} CL Bundle 12, Doc. 274, 1828.
deeper insight into the circumstances of the marriage. George was infatuated. He wanted his father's consent but would probably have married without it, whilst his father loved him dearly and was genuinely concerned for his happiness. If, as in the earlier matches, we had only the marriage settlement we would consider this to be an arranged match, undertaken for the good of the family and lacking in individual affection. It shows that we cannot make generalizations on the evidence of settlements alone, but must try to see what might lie behind the legal terminology.

The marriages considered so far have been marriages made by the heir to the estate. There was no compulsion to make a settlement when the younger sons married as they were provided for in the eldest son's settlement; and, while the heir sacrificed individual choice for the family, he was rewarded with the greatest share of the family estate. This unequal division of resources could mean that the younger sons were in no position to marry at all and they also suffered financial hardship. Such a situation has the potential for disrupting family relationships by creating a class of discontented men who resented their elder brothers' better fortune.

When looking at provisions made for the younger sons we come face to face with the crux of the problem facing landed families. In order to keep the family land intact the inheritance of it was vested in a single heir. This meant that the younger sons had to be provided for without diminishing the property or the status of the family name. Younger sons, Stone writes 'might be regarded as no more than a tiresome drain on the economic resources of the family'.39 They could either become downwardly mobile or disaffected hangers-on in the family home. On the other hand, strenuous efforts could be made to provide for these sons and real affection could exist between brothers. Furthermore, demographic factors could dramatically alter their fortunes.

The first evidence in the Legh documents of the privileged position of the eldest son is c.1295 when Hugh Legh granted John 'his first-born' all his rights and interests in High Legh.40 It was John's marriage that was to provide a bargaining counter for his own younger sons. His eldest son, also named John, granted the Alpraham land to his younger brother David, and, when he died, to another brother, William. William commuted this to an annuity of 100s. from lands in High Legh in return for waiving rights in Alpraham to his eldest brother, who had been granted most of the East Hall land between 1336 and 1347.41 However William, the younger son, continued to hold land in High Legh.

The growing importance of maintaining the patrimony is illustrated by a change in provision made for daughters and younger sons

39 Stone, Family, 87.
40 CL Bundle 2, Docs. 30, 33, 40, 1336–47. Grants to John Legh.
41 CL Bundle 2, Docs. 35–6, 1340. Grants and agreements between John and William Legh.
in the late fourteenth century. Before that they were likely to be granted land and set up as landholders in their own right. After the mid-fourteenth century daughters were usually given cash portions, and younger sons received annuities. Does this mark a development in the concept of lineage and land, and a change in family relationships with a decline in individual sentiment and a growth of collective responsibility? Once the chance to hold land was withdrawn from them the younger sons were faced with alternatives of finding an heiress to marry, losing status by entering a trade, or becoming a client of their elder brother or some other overlord. However, life was a lottery and the youngest son could experience a dramatic change in fortune and inherit the estate. This happened to Nicholas Legh. In a deed dated 1449 his eldest brother John was named heir, whilst Nicholas, in the first instance in the Legh documents of cash rather than land being given to younger sons, received an annuity of £12.42 By 1464, when Nicholas married Matilda Legh of West Hall, he was the heir to the East Hall estate with an annuity of 100 marks a year, and lands held jointly with Matilda worth £112 per annum.43

The first mention of future provision for daughters comes in the 1540 Legh-Spurstowe marriage settlement. Thomas Legh’s daughters, the groom’s aunts, were to share a portion of 20 marks when they married, and the groom had to agree to feed and clothe his sister, who was to have the option of whether or not she lived with him.44 Similarly, Thomas’s will made provisions for his younger brother, his younger son and the latter’s children. Thomas’s younger brother lived in Alpraham, and his sons were apprenticed to trades in London.45 This social mobility may show loss of status, but at this time it does not seem to have been important as the families kept in touch. The mid-sixteenth century, however, was to see a gradual change in the self-perception of landed families. Documents from the 1540s onwards invariably give the status of the parties, indicating a heightened appreciation or rank and status. Joan Thirsk discussed this in the 1987 Neale Lecture, and in an earlier paper she demonstrated how primogeniture produced a body of disaffected younger sons who, in the late sixteenth and seventeenth centuries, were becoming increasingly articulate about their plight.46 Younger sons bore the family name, but lacked the resources to maintain their status.

The Leghs, however, did not experience this, due mainly to an unusual solution created by George Legh’s second marriage to Anne Booth of Barton, which provided a substantial landed estate for their

42 CL Bundle 4, Doc. 96, 1449. Settlement of the High Legh Estate.
43 CL Bundle 5, Doc. 117, 1463.
44 CL Bundle 7, Doc. 155, 1540.
45 CL Bundle 7, Doc. 189, 1589. Will of Thomas Legh.
son. The relationship between this son and his elder brother seems to have been cordial, and even though George the younger was a landholder in his own right, his father and elder brother granted him an annuity of £30 from High Legh when he came of age. \(^{47}\) When George the father died, Thomas the elder son freely renounced any right he may have had in Barton through his father. \(^{48}\) Harmonious relations were reinforced when George junior married the half-sister of Thomas's wife, who was also the niece of George senior's third wife. Furthermore, relations between the Leghs of Barton and the Leghs of High Legh continued to be supportive. George settled a manor in Yorkshire on Thomas's son, Henry; and Elizabeth, George of Barton's daughter, lent Henry's son money to pay Henry's debts. When Elizabeth died this debt was still unpaid and the interest on it was left to Henry's sister. \(^{49}\) The Barton estate was united with the main estate when George's son died without issue in 1674. There can be little doubt that it relieved many of the tensions that might have occurred if George had been left a landless younger son.

The gap in resources between the landless younger son and the heir is demonstrated by Henry's marriage settlement of 1630 in which he received an annuity of £200 but his brother received only £10. \(^{50}\) In 1675 Henry's younger son received an annuity of £20. He was prepared to take a cut of £8 in this to help to pay Henry's debts, and his sisters agreed to waive their annuities. All agreed they would take no action against their elder brother for non-payment so that their father could die with dignity. \(^{51}\) The heir had to shoulder considerable burdens but the rest of the family were prepared to make sacrifices to help him. This does not suggest internecine strife or rampant discontent but affectionate, caring filial and fraternal relationships.

The desire to keep the family land together was furthered in the late seventeenth and eighteenth centuries by the use of strict settlement as a means of transferring property. Strict settlement became common law in 1697. It tied up the estate by restricting inheritance to named successors and their legal heirs. It assured the patrimony and at the same time made legal provision for daughters and younger sons through a series of trusts which were limited in time. \(^{52}\) Over the last three decades the role of these settlements in the rise of great estates had been the subject of considerable debate. Sir John Habakkuk, the chief protagonist, saw strict settlement as instrumental in this by restricting the sale of land, limiting encumbrances on

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\(^{47}\) CL Bundle 8, Doc. 192, 1616. Grant to George Legh.

\(^{48}\) CL Bundle 8, Doc. 194, 1617. Release from Thomas Legh.

\(^{49}\) CL Bundle 9, Doc. 220, 1689. Will and probate of Elizabeth Legh.

\(^{50}\) CL Bundle 8, Doc. 201, 1630.

\(^{51}\) CL Bundle 8, Docs. 212-14, 1678-79. Articles of agreement and release between Henry Legh and his children.

the estate, and protecting the integrity of the estate for the future. He argued that the portion money that came into a family on marriage was used to buy more land and thus facilitated the accumulation of land into the hands of the very wealthy. Christopher Clay, however, questioned amongst other things whether the portion was used to buy land. He suggested that it usually went to pay debts or other portions, and that the purchase of land was more dependent on current interest rates. John Beckett pointed out that much land was reserved from strict settlements for the holder to sell or mortgage as required, and Lloyd Bonfield argued that strict settlement did not protect the estate for more than one generation as fathers were likely to die before the eldest son was married, or the direct male line might become extinct and the estate would then be inherited in fee simple with full powers of disposition. Bonfield claims that in order to prevent this the estate had to be resettled in the life of the present tenant, but such settlements were rare. The role of strict settlement in the accumulation of land is a wide issue, beyond the limited scope of this paper. Great estates in single blocks are rare in Cheshire. Nevertheless, landholders were just as concerned to protect their estates as those who held large swathes of Northamptonshire or Bedfordshire. The Leghs made strict settlements on the marriage of the eldest son throughout the eighteenth century.

The main issues to be considered in strict settlements are the intentions behind them compared to what happened in practice. On the one hand the makers of the settlements were protecting name and land, as well as providing for daughters and younger sons. In the short term these settlements would seem to resolve the tensions between the heir and his siblings. Furthermore, the amounts set aside for daughters and younger sons were finite. For example, in the settlement in 1701 on the marriage of Henry Legh to Lettice Brooke £1,000 was to be divided between their daughters and younger sons. In their son George’s settlement of 1730 £4,000 was to be divided between future children of the marriage on a sliding scale, whilst in George’s son’s settlement £5,000 was to be provided for younger sons and all daughters. In all cases a ceiling was placed on the amount put


55 CL Bundle 9, Doc. 226, 1703; CL Bundle 10, Doc. 239., 1730. Settlement made on the marriage of George Legh to Anna Maria Cornwall.
aside for children other than the heir. Thus it would seem that there was a degree of economic forward planning and settlements were drawn up in relation to the value of the estate. In practice the effect was cumulative and expensive. Henry's father died in 1705. His three unmarried daughters had not been paid the £2,000 portions which they should have been paid when they came of age. Henry and Lettice had three daughters and two sons. By the mid-1730s the estate had eight adult dependents who were owed over £16,000 in unpaid portions. Four of these were still unpaid when Henry's grandson married Elizabeth Hopkinson, a Yorkshire heiress, in 1761.56 These settlements were one reason behind the Leghs' heavy debts in the eighteenth century.

The annuities granted to younger sons in the eighteenth century were far from generous. At the end of that century Henry Cornwall-Legh, the younger son of Henry and Elizabeth Hopkinson, was granted an annuity of £30.57 In the previous generation the younger son had stayed on at High Legh without taking up a profession, but Henry was sent to Cambridge to read law. There is a packet of papers in the Legh collection concerning Henry which illustrates the burden placed on the eldest son. The law did not agree with Henry, especially as he had a speech impediment and was unlikely to succeed at the bar. In 1793 he wrote to his elder brother asking him to get permission from their mother for him to enter the army. His brother, George John Legh, wrote: 'The objects to be considered in the case of any younger son are first his own inclinations and then to judge how far the inclinations are to be encountered and most by considering if he is likely to get forward in the profession, or if the money laid out at first will bring in good interest'.58 Obviously it was considered that Henry's enlisting would be a good investment. In fact he was killed at Montego Bay in Jamaica two years later. George John was left to pick up the bill. Henry left copious debts. He thought he had a credit of £1,045, but part of this imaginary credit came from the portion that he should have been paid when he came of age. He optimistically put this at £4,000. In reality it was £8,000 to be divided between him and his four sisters. In all he owed over £5,000.59 George John profited from his experience with Henry. His marriage settlement in 1803 set aside £2,000 to start younger sons in a trade or profession. In the same settlement, however, the manor of Thornton was settled on the eldest son for life, thus enlarging the gap between him and his brothers.60 We have reached another change in attitude towards and by younger

56 CL Bundle 10, Doc. 254, 1761. Settlement made on the marriage of Henry Legh and Elizabeth Hopkinson.
57 Ibid., n. 56.
58 CL High Legh 11, Box 18. Bundle of papers marked Henry Cornwall Legh.
59 Ibid., n. 54.
60 CL Bundle 12, Doc. 273, 1803. Marriage settlement of George John Legh and Mary Blackburn.
sons. No longer did they rely on the settlement for their sole income. All of George John's younger sons entered professions. The dispersal of younger sons into the army or professions weakened family ties in the late nineteenth century, although the Leghs had a strong tradition of effective and affectionate filial and fraternal relationships. The family acted as a unit. Responsibility to it was many-sided. Children were as responsible to parents as parents to children, elder brothers cared for their younger brothers and sisters, and cousins of cadet branches of the family helped the main line. Younger sons maintained their status and through demographic fortune eventually inherited the estate.

The Leghs were successful in maintaining the integrity of their estate with little internal tension in the family, although in the early twentieth century the family estate contracted. The heir kept the central core at High Legh but the rest was dispersed. Relationships in the family between parents and children, brothers and sisters, and cousins were generally caring, harmonious and affectionate. The family kept a balance between land and children, using the legal framework of property law to do this. Although this framework gave the eldest son an advantage, as we have seen he had responsibilities to the family and estate that placed great burdens on him. It was necessary for him to make a wise marriage, perhaps against his own inclination, in order to bring more property or cash into the family. Although the documents recording these marriages suggest little conjugal affection, in most cases we lack the background information for the matches. The fuller documentation for the nineteenth century suggests that more sentiment may lie behind them than is apparent. Furthermore, the Leghs lived in an extended family household until the dispersal of the younger sons in the late nineteenth century. Of the two models of family form discussed at the start of this paper the Leghs conformed most closely to the idea of a continuity of family form. They had a long tradition of extended and caring family relationships. Obligation to relatives other than the nuclear family or husband, wife and children continued to be important in the family into the twentieth century. We do not see the evolutionary process in family relationships that Stone suggests, but neither do we see the modern nuclear family form as having deep roots in the past. Such a form emerged late in this family. Thus, neither of the models is totally applicable to the Leghs. Finally, we have to ask whether this family can be used as a model for relationships in other landed families. Regretfully the answer is no. Work on families from the same area - for example the Masseys of Sale and Tatton or the Brookes of Mere - reveals violent and unstable family relationships, riven by marital dispute, sibling rivalry and litigation. There is no evidence here of loyalty to name or lineage, or the family estate. Further research will show which family pattern is the more typical.