

PUBLIC RECORD OFFICE

CHANCERY PROCEEDINGS

C 11/625/31

Bill of Complaint

Dated 23 Nov 1742

Complainants:

Richard Newman of Horsington co. Somerset and Thomas Newman of Colefoot co. Gloucester, two of the brothers of Henry Newman otherwise Henry Mompesson Newman late of South Cadbury co. Somerset, clerk, deceased, which Richard Newman is also administrator of the goods and chattels of the said Henry Newman unadministered with his will annexed,

John Baily of South Cadbury clerk and Eleanor his wife and Walter Bruton of Sutton Montague co. Somerset, clerk and Anne his wife, which said Eleanor and Anne are sisters of the said Henry Newman deceased

That in or about Trinity Term 1740 your orators and oratrixes exhibited their bill of complaint in this honourable court against:

Anthony Wickham (the late husband and administrator of Jane his late wife deceased, late Jane Newman and the widow and executrix of the said Henry Newman deceased),

Francis Newman Esq., (another of the brothers of the said Henry Newman deceased),

Thomas Brodrep and George Dodington Esqs (the trustees named in the marriage settlement of the said Henry Newman Esq.)

Thomas Wickham clerk and Elizabeth his wife (mother of the said Jane Newman formerly Jane Wickham),

Francis Newman the younger,

Ann Newman,

Charles Newman and

Henry Newman

who are all and only the sons and daughter of Charles Newman gent deceased who was also another of the brothers of the said Henry Newman deceased, and Eleanor Newman widow (the mother and administratrix of the said Charles Newman deceased).

To be relieved touching the several matters therein contained, to which Bill the said several defendants being served with process of subpoena to appear and answer the same they the

said defendants did respectively appear and put in answers thereto except the said defendant Eleanor Newman

And afterwards the said Bill was amended by Order dated 11 March, as in and by the said Bill, Answers and other proceedings in this cause now remaining as of record in the honourable court, relation being thereunto respectively had, it doth and may more fully and at large appear

And your orators and oratrixes further show unto your lordship that before any further proceedings were had in the said cause the said defendant Eleanor Newman widow the mother and administratrix of the said Charles Newman deceased departed this life (to wit) on or about the [blank] day of [blank] last past whereby the said cause as to her became abated and since her death the said defendant Francis Newman the younger has procured Letters of Administration to be granted to him out of the proper ecclesiastical court of the effects and personal estate of the said Charles Newman his late father deceased unadministered by the said Eleanor Newman whereby your orators and oratrixes are become entitled to revive the said cause and proceedings against the said Francis Newman the younger.

To the end therefore that the said cause and proceedings so abated by the death of the said Eleanor Newman with respect to her as aforesaid may stand and be revived against the said Francis Newman the younger, and be in the plight and condition as the same were in at her death

Or that the said Francis Newman the younger may show cause to the contrary if he can. May it please your lordship the premises considered to grant to your orators and oratrixes his majesty's most gracious writ of subpoena to revive and answer to be directed to the said Francis Newman the younger thereby commanding him at a certain day and under a certain pain therein to be limited personally to be and appear before your lordship in this honourable court and then and there true distinct and perfect answer to make to all and singular the premises

And further to stand to and abide by such order and decree therein as to your lordship shall seem meet

And your orators and oratrixes shall ever pray the, etc.