

PUBLIC RECORD OFFICE

CHANCERY PROCEEDINGS - ORIGINAL DOCUMENTS

C12/31/16

Bill of Complaint

Dated: 11 July 1764

Complainant: Lord Francis Seymour

Defendants: Duke of Somerset
Francis Newman

Abstract

Edward Duke of Somerset, the complainant's grandfather made his will in his then name of Sir Edward Seymour of Maiden Bradley co. Wilts on 3 October 1745. He granted to the complainant who was the younger son of the testator's eldest son Edward Seymour Esq. afterwards Edward Duke of Somerset £2,000. He left his residue to his eldest son, the complainant's father, Francis Seymour and William Seymour, two other of his sons. William Seymour died in his father's lifetime. On the death of the Duke of Somerset, the complainant's father (who became Duke of Somerset) and Francis Seymour proved the will and possessed themselves of their father's personal estate, which would have exceeded all his legacies by several thousand pounds. All the legacies were paid except the £2000 due to the complainant.

The complainant's father died having appointed Edward his eldest son (the complainant's brother) as his executor. Edward proved his father's will and took over the executorship of his grandfather's will. He made his will and appointed Mary Bally wife of John Bally Esq. his sole executrix and made a codicil before he died on 25 December 1761, but some dispute has arisen over the validity of the codicil. A suit was brought in this court, and as yet probate has not been granted to Mary Bally but a special administration to the personal estate and effects of the said Francis Seymour until such time as the validity of the same codicil shall be determined has been granted to Francis Newman of Cadbury co. Dorset Esq., by virtue of which he has possessed himself of, amongst other things, the estate of the complainant's grandfather.

The complainant would like to receive his legacy.

[No reference to Francis Newman personally, or to his family or lands]