

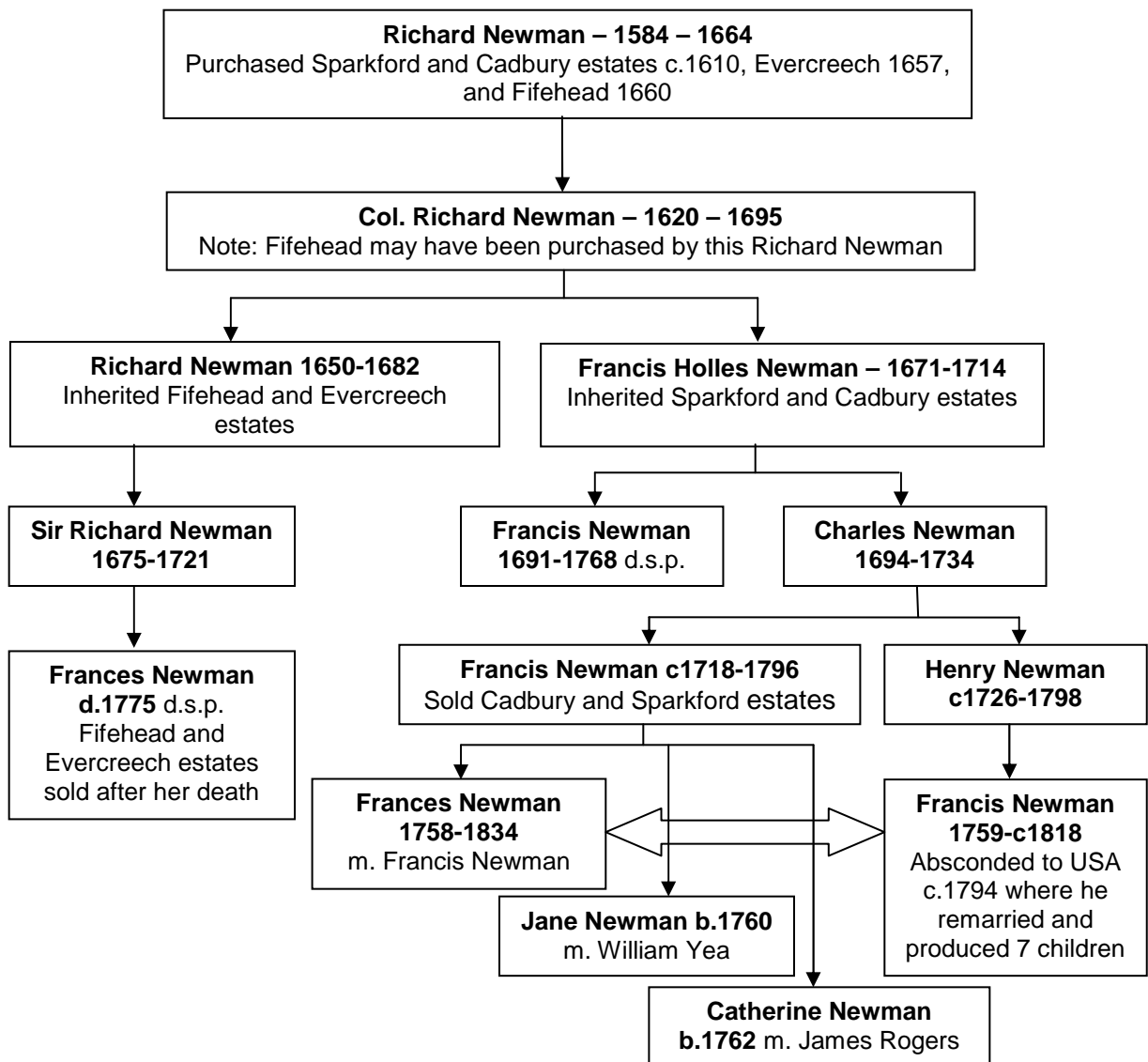
### Why did the Newmans sell their last estate of Cadbury Court? How Chancery Court records helped to solve the riddle.

The Oct 2006 edition of the NNS Chronicle (No 53) contained an article titled “The Colourful Life of Francis Newman”. This new article by the same author covers some of the material from that earlier article, but it also includes new information that has been recovered or discovered during the intervening 5 years. It also highlights the usefulness of Chancery Court records for revealing family information from long ago.

The main characters in the story are these:

- Francis Newman ‘the elder’ c.1720 – 1796, the last owner of Cadbury Court;
- Francis Newman ‘the younger’ 1759-c.1818, nephew and son-in-law of the above Francis Newman ‘the elder’;
- Frances Newman 1758-1834, daughter of Francis ‘the elder’ and first wife of Francis ‘the younger’.

The ‘tree’ below shows these and other members of the family whose names appear in the text.



## **Introduction**

Sometime in the summer of 1796, Francis Newman 'the elder' sold Cadbury Court, the last of the West Country estates that had been held by the Newman family since the early 1600s. With a few furnishings and family heirlooms, he moved to the Dorsetshire village of Piddletrenthide where he settled into a cottage which he shared with his eldest daughter, Frances, for the few remaining months of his life.

Why did he sell up and leave? What were the circumstances that surrounded his decision? A veil of mystery has hung over these questions for over two centuries. Two very different stories were handed down through two distant and long-separated branches of the family. Each attempts to explain the circumstances surrounding the loss of the family fortune, but neither tells the whole story.

## **Background**

The story of the estates begins perhaps as far back as 1610, when Richard Newman of Fifehead (1584 – 1664) purchased the estate of Sparkford Manor and the two estates of South and North Cadbury. It has been speculated that the funds used to purchase these estates came from Richard's second wife, Elizabeth de Guise Perry, of Castle Kenn, Somerset, sole heiress of the fortune of Christopher Perry and Elinor de Guise, but if this was the case then the purchases must have taken place after 1620, the year that she married Richard.

Whatever the date of their purchase, these estates together with those of Evercreech (purchased c. 1657) and Fifehead Magdalen (finally purchased in 1660 after having been leased by the family for over 250 years) were handed down to Richard's son, Col. Richard Newman. This Col. Richard Newman gained fame by fighting with King Charles II at the Battle of Worcester in 1651 and then assisting the king to escape capture after his defeat by the Roundheads. For these deeds Col. Richard was imprisoned by Cromwell. He was later released, presumably after the Restoration of Charles II who rewarded him with a royal augmentation to the Newman Coat of Arms (perhaps with some financial augmentation as well).

On Col. Richard Newman's death in 1695, the Fifehead and Evercreech estates passed to his grandson Sir Richard Newman of Evercreech Park (1675 – 1721), while the Sparkford and Cadbury estates were inherited by his only surviving son, Francis Holles Newman (1671 – 1714). When the last of Sir Richard's three children (who are memorialized in the Newman chapel in the Fifehead village church referred to in NNS Chronicle #73, Oct 2011) died without issue in 1775, the Fifehead and Evercreech estates passed from the Newmans to one Sir James Langham.

Francis Newman 'the elder' was the grandson of Francis Holles Newman. He inherited the Sparkford and Cadbury estates in 1768 when his uncle (another Francis Newman and eldest son of Francis Holles Newman) died childless.

Around 1756, Francis 'the elder' married Jane Sampson who produced three daughters: Frances (1758 – 1834); Jane, b. 1760 who married William Walter Yea in 1783; and Katherine, b. 1762, who married Rev. James Rogers in 1793.

Francis Newman 'the younger' was the nephew of Francis 'the elder', being the son of his brother Henry Newman (c.1726 – 1798). In or around 1778, Francis 'the younger' married his first cousin Frances, eldest daughter of Francis 'the elder', thereby becoming the natural inheritor of his uncle's estate.

## The Two Hypotheses

As mentioned, there are two hypotheses that attempt to explain the circumstances surrounding the disposal of Francis Newman's estates. The first of these came down through my branch of the family to the effect that Francis 'the younger' was:

"...committed for crime to the High Court, found guilty and migrated to America where he died in 1817 without male issue" and that "the North Cadbury estate was sold in 1799 to James Bennett of London to pay Francis's debts".

My understanding was that Francis's "crime" was associated with gambling debts, as supported by a story from another source that he was incarcerated in debtors' prison and that Frances, his wife, had to plead with her father to mortgage his estates in order to pay Francis's debts and gain his release. However, little evidence has so far emerged that supports this story.

The second of the two family "histories" surrounding the loss of the Newman estates, offers a more colourful story. In this narrative, Francis 'the elder' takes the role of villain and his nephew, Francis 'the younger', becomes the innocent victim who lost out on his inheritance. In this version, Francis 'the elder':

".... lived a life of extravagant pleasure. He had three daughters: the eldest, Frances, fought with her father, eloped and married her cousin Francis at Piddletrenthide, co. Dorset in 1778. On May Day 1788, the two younger daughters were married in a lavish double wedding at North Cadbury, probably in the fashionable rococo style, to Rev. James Rogers of Newnton, Wiltshire, Vicar of South Cadbury, and to Sir William Yea, baronet of St. James, Taunton.

Fond of gambling, alone in a large house (his wife had predeceased him in 1784), and with mounting debts, Francis lost his house and everything he owned in an all-or-nothing gambling session one luckless evening in 1789/90. Disowned by his flamboyant younger daughters, he evidently now became reconciled to his elder daughter Frances and nephew Francis at Piddletrenthide, spending his remaining years with her on the Piddle River. He died there on Christmas Day 1796. His only surviving grandchild from the ill-fated union of daughter and nephew was Frances Charlotte, who married Robert Cox, an alderman of the City of London and Justice of the Peace. The younger Francis, perhaps seeing his own fortune on the wane, deserted for a new life in America."

There is a corollary to this story along the lines that Francis 'the elder' was convinced Britain was on the verge of collapse under revolutionary forces akin to those that were then being unleashed against the aristocracy in France, causing him to become so pessimistic about the future that he saw his estates as a liability and was glad to be rid of them.

## The Facts

As might be expected, neither story is accurate, though the first runs closer to the facts (as they are now known) than the second.

A fully factual account of the circumstances surrounding the loss the Newman estates remains elusive, but Chancery Court records provide important clues as to the nature of the family's problems. And indeed, it appears that the problems were largely internecine within the family.

It is useful to know that in May 1784, a month after the christening of his third child, Francis 'the younger' left Frances his wife and began living with another woman by the name of Lydia Sheridan, wife of a Major Henry Fortick Sheridan who was at the time serving with the New York Volunteers – an American Loyalist regiment that

formed part of the British Army during the War of Independence. It seems that the couple lived together in Chelsea, London, until early 1785 when they moved to Caen in France where it was reported that in August that year (perhaps erroneously) that Lydia gave birth to a child by Francis. Shortly afterwards, in November 1785, his wife Frances gave birth to her fourth and last child, Augusta Katherine Newman. It appears that Francis remained in France for the six months of Augusta's short life, she being buried in North Cadbury in May 1786. Shortly after, in Aug 1786, Lydia Ferguson gave birth to Francis's first surviving son, Jean Elisabeth Francois Georges Newman, at the Château de Dorne in France.

The marriage problems between the cousins Francis and Frances are witnessed by a Bill of Complaint with the Chancery Court dated Nov 1786, when Frances Newman, wife of Francis Newman the younger, her 'infant' daughter Frances Charlotte Newman, and Francis Newman the elder lodged a complaint that Francis 'the younger' had deserted his wife and was living abroad [in France] without paying her £100 annuity from rents from some 600 acres of farm lands in Sparkford and South Cadbury that Francis 'the elder' had made over to Francis 'the younger' for the specific purpose of providing an annuity for his daughter Frances, "independent and exclusive from her husband". The case was long and complex and it dragged on at least until Oct 1789 when Francis 'the younger', responded to the charges against him, claiming amongst other things that he had indeed arranged payment of at least £100 per year to his wife up until May 1786, but that the child (Augusta) who was born the preceding year was not his child. He also attested to the fact that he had been arrested by two of his creditors in or around 1783, making it likely that he was indeed imprisoned for debt. However there is no clear evidence that his wife was involved in paying his debts in order to free him, beyond Francis's claim that she and he had jointly applied for a mortgage over the lands in their possession in order to raise £500 to pay his creditors. The final outcome of the case is not known, but it reveals much information about the actions of, and the frictions between, family members.

Further evidence of intense family friction is revealed in another Bill of Complaint that was lodged with the Chancery Court, also in October 1789, against Francis 'the younger', this time by James Rogers and his wife Catherine (Frances's sister) who claimed that in 1788 Francis 'the younger' had "pretended" to be entitled to the inheritance expectant on the death of his uncle Francis 'the elder', and had thereby agreed in writing to sell this to them for the sum of £6,922 - the inheritance consisting of "the reversion, remainder, and inheritance expectant on the death of Francis Newman". The dispute appears to have arisen when Francis reneged on the agreement. In response, Francis admitted that "being much distressed for money, he was desirous of disposing his right title and interest in and to the said premises in order to raise money to supply his then occasions". However he entered into the agreement in the belief that the rental value of the estates did not exceed the sum of £450 p.a. and had subsequently discovered that he had been deceived about this, and defended himself on the basis that James Rogers had taken advantage of his situation.

Further evidence is gained from a subsequent Chancery Court case, this time brought by Francis Newman 'the younger' and three London merchants against James Rogers in November 1791. Here, we discover that Francis's co-complainants are in fact his creditors, and that since the 1789 hearings, there had been several revised agreements reached between Francis Newman and James Rogers, each of which had fallen by the wayside. In May 1791, they agreed to execute their agreement, but James Rogers put it off with frivolous excuses, after which Francis entered into a complex agreement with his three creditors by which he sold the lands

in Sparkford and South Cadbury to them, through which they (the creditors) would become entitled to the purchase money promised by James Rogers. However, 12 months later in May 1792, James Rogers responded that some of the properties which he had agreed to purchase in 1786 were already encumbered (or mortgaged), claiming that Francis 'the younger' was guilty of fraudulent misrepresentation.

How this legal tangle was unravelled is not known, but the case against Francis 'the younger' seems pretty clear – that he got himself into debt and endeavoured to sell his inheritance in order to clear these debts. How the properties eventually ended up in the hands of the Bennett family (who went to the trouble of expunging all Newman memorials from the North Cadbury church) remains a mystery to be solved.

### **Post Script**

The stories of some of the characters in this short tale are worth recounting briefly: Francis 'the elder' died within a few months of leaving his home at Cadbury. His daughter Frances (the estranged wife of Francis 'the younger') lived alone in Piddletrenthide until she died in 1834. Her only surviving child, Frances Charlotte Newman, married Robert Albion Cox, an Alderman of London.

Sometime in 1787 Francis 'the younger' returned to England, but subsequently set sail for America with Lydia Ferguson. By one account in 1789 he had established himself a farmer at Port Tobacco, Maryland, but this rather conflicts with Chancery Court evidence that he was in England in both 1789 and 1791. It also seems that he was in England in 1792 when his daughter Elizabeth Rachel Newman was born (presumably to Lydia Ferguson) and in 1794 when he signed a will in London. But by 1796 he had settled in the US, having purchased the La Grange Estate in Maryland where Lydia Ferguson died in August of that year aged just 38. She is buried in Baltimore.

It is not known whether or not Francis wedded Lydia Ferguson, but two years after her death he married Elizabeth Hannah Friers (or Fryers) of Rhode Island. Since there is no evidence of him divorcing his cousin Frances, this marriage may have been bigamous. Notwithstanding, Francis and Elizabeth had five children, whose Newman descendents are spread over the USA and probably beyond. Until very recently the descendents of Lydia's son, Jean Elisabeth Francois Georges Newman, knew nothing of Francis's prior life in England or the circumstances of his arrival in the US. Indeed he retains pride of place as their family's founder and patriarch. One of his descendents even wrote a historical novel called "The Beast, The Sheep, and The Chariots," (first published in 1921) based on her knowledge of the life of Francis 'the younger' – the title presumably being taken from a verse in the Book of Revelations, rather than from any specific association with her ancestor(!)

Jean Elisabeth Francois Georges Newman (sometimes referred to as Francis) became an artillery officer in the U.S. Army and moved with the army to New Orleans. During the War of 1812 he commanded Fort Petit Coquilles and participated in the repulse of the British invasion of Louisiana in 1815. It is not known whether or not his father, "Francis the younger", participated in this war against his homeland, but it appears that he assumed the rank of Colonel and had his portrait painted wearing the uniform of a US Army Infantry officer from the War of 1812 (see below). Francis signed his last will and testament in September 1817, and died the following year. His will made no mention of his first wife Frances or her surviving daughter.

As for the small assortment of family heirlooms that Francis 'the elder' carried away with him from Cadbury on that sad day in 1796, it transpires that he bequeathed these to his grandson Francis, son of his youngest daughter Catherine and her husband James Rogers, on condition that he adopt the Newman name. The lad

thereafter took the name Francis Newman-Rogers, and the heirlooms were passed on through his Newman-Rogers descendents until disposed of recently at auction. Amongst the auctioned items were two portraits of Francis 'the elder', one of which is reproduced below.

### **Conclusion**

The moral of the story (if there is one) is that much can be discovered by genealogists through researching the records of the Chancery Court since it was frequently used for the settlement of financial disputes of this nature. Not only have they revealed the nature of the Newman family disputes discussed here, but have revealed many relevant dates, particularly those defining the movements of Francis 'the younger', such as when he travelled to France and when he returned to England.

For the uninitiated, Chancery records are difficult to find and difficult to interpret. In this case, specialist help was provided by researcher Susan Moore who found and interpreted the Chancery Court records mentioned here.

By coincidence, Susan lives in Gould's House in Horsington, Somerset, which was once owned by one of Francis Holles Newman's sons, Richard Newman of Horsington (1697 – 1767) and his wife Mary, née Bull. Susan Moore therefore has a special interest in researching Newman family history.

Susan Moore, who specializes in Chancery Court research, may be contacted at [susan@susanmooreresearch.co.uk](mailto:susan@susanmooreresearch.co.uk).

For more information about Francis 'the elder', his daughter Frances and her husband Francis 'the younger', see [www.newman-family-tree.net](http://www.newman-family-tree.net).

*(see over for illustrations)*



*Portrait of Francis Newman 'the elder'.  
18th century English School,  
Oil on canvas, Unsigned 30 x 25ins*



*Portrait of Francis Newman 'the younger'  
wearing the uniform of a US Army Infantry  
officer in the War of 1812*



*The Tudor North Frontage of Cadbury Court much as it was in the days of Francis Newman 'the elder' and probably much as it had been when the estate was purchased by Richard Newman in 1610 or 1620. However, the South Frontage is been much changed, having been extended in the Georgian style by the Bennetts who took ownership of the property in 1796.*