

PUBLIC RECORD OFFICE

CHANCERY PROCEEDINGS C 12/204/33

Bill of Complaint

Dated 1795

Complainant: William Clulow of Chancery Lane, London

Defendants: Bishop of Bath and Wells

Francis Newman of North Cadbury, Esq., who for many years was a practicing attorney and solicitor.

Summary of case

Francis Newman of North Cadbury claims to hold the right of presentation of the rectory of South Cadbury for life, whereof Francis Barnes clerk lately deceased was the incumbent.

On 10th February 1795 the complainant agreed to buy the presentation for £200. Francis Newman was then aged 79 and Francis Barnes was aged 38.

£50 was paid on 10th February 1795 and the remaining £150 was due to be paid on 25th March. The deed was witnessed by Frances Newman daughter of Francis Newman. There was some doubt over Francis Newman's title to the patronage, and various letters were exchanged. In one dated 21st March 1795 but posted some days later Francis Newman said he could not answer the complainant's questions as he had now moved to Westhouse near Cerne in Dorset. The deeds were then drafted and sent to Francis Newman, but as Francis Barnes the rector fell from his horse and died on 13th April, Francis Newman has not executed the deeds, but has made a new presentation of the living.

Answer by Francis Newman Esq., dated 15 Jan 1796

He confirms that he held the living of South Cadbury, that Francis Barnes was the incumbent and was aged 37, that he himself did discuss the presentation with the complainant, that he was aged 76 not 79 on 10 February 1795, that deeds were prepared, that his daughter Frances Newman was a witness, etc. He agrees that he has not gone ahead with the sale, not because of the death of Francis Barnes, but because he believes that the complainant had made an agreement with Francis Barnes to resign the living for a sum of £1,300, and that the complainant's intimate friend [blank] Hoare was to be presented. On 10th February the Rev. Hoare had agreed to buy Francis Barnes's household goods. Francis Newman believes that the complainant was acting only as agent for Rev. Hoare, and that therefore the agreement is outside the law. Francis Newman wishes to appoint his son in law James Rogers to the living of South Cadbury

Answer by the Bishop of Bath & Wells dated 4th July 1795

The Bishop has not instituted anyone to the living at South Cadbury, but is awaiting the judgement of this court.