

Sedgwick vs. Bowes 1682 (TNA, C 9/414/119)

Summary

- Oratrix: Eusebia Sedgwick of Chichester in the County of Sussex spinster executrix of the last Will and Testament of Susanna Sedgwick widow her late mother deceased
- Defendants: Paul Bowes of the Middle Temple London Esq. and Thomas Leech, gent.
- Date: 13 February 1681 [1681/2]
- Dispute: - **Will of Susanna Sedgwick dated 2 September 1673**
 - **her £70 per year out of property in Cambridgeshire is to be sold**
 - **one third to sons Horatio and Edward equally divided**
 - **two thirds to daughter Eusebia when she is 18**
 - **20s to son Thomas for a mourning ring**
 - **20s to daughter Susanna Broad for a mourning ring**
 - **20s to friends James Coggins & wife for 2 mourning rings**
 - **Rest to daughter Eusebia**
 - **Daughter Eusebia executrix**
 - **Susanna Sedgwick died in May 1680**
 - Will proved at PCC by Eusebia (not found there) – but later she asks why she should not prove the will in this court
 - Paul Bowes and Horatio Sedgwick claim the will is invalid
 - Eusebia asks the court to subpoena Paul Bowes and Horatio Sedgwick to answer in person to this suit

Text

To the Right honourable Heneage Earl of Nottingham Lord High Chancellor

1. Humbly complaining shows unto your Lordship your oratrix **Eusebia Sedgwick of Chichester in the County of Sussex spinster executrix of the last Will and Testament of Susanna Sedgwick widow her late mother deceased**
2. That whereas the said Susannah Sedgwick about the month of **September in the year of our Lord one thousand six hundred seventy and three** being of sound & perfect memory and of good understanding did make her last Will and Testament in writing which follows in these words, that is to say
3. Seeing it has pleased God almighty that I should not only live to see Edward Sedgwick late of Grays Inn esq. my dear husband interred but also, the course of nature being inverted, I should outlive nine of my children six sons namely John Joseph Edward and two named Elisha and three daughters two named Elizabeth and one named Jane and one son not surviving his birth four days all dying before their father I Susanna Sedgwick by so many losses in my family and also by my own personal infirmities am seriously admonished to consider my own death to make my last Will and to discharge of such estate as may be most for the quiet and comfort of those my children who shall survive me
4. First my soul I surrender unto God who gave it humbly imploring his infinite compassion that when my last hour shall approach my soul for the merits of my Lord and Saviour Jesus Christ may be carried by his angels into Abrahams bosom to enjoy eternal happiness (my body in the assurance of its resurrection I leave to be privately buried at the discretion of my executrix) And for my estate I do by this my last Will and Testament dispose thereof in manner following

5. Whereas I am seized in fee simple of one rent charge of threescore pounds by the year issuing out of the manor of Grandham otherwise Grandhams with the rights members and appurtenances and out of certain lands and tenements in Shelford Stapleford and Whisleford in the County of Cambridge or out of some of them I do hereby devise the said rent charge to Paul Bowes of the Middle Temple London esq. and Thomas Leech of London gent. and their heirs forever in Trust nevertheless and to the intent and purpose that the said Paul Bowes and Thomas Leech or the survivor of them or their heirs (as soon after my decease as conveniently he or they can, shall sell the said rent charge (all the charges and expenses of the said Paul Bowes and Thomas Leech or either of them concerning the execution of this my last Will being thereout first satisfied and paid to him or them) shall be divided into three equal parts whereof
6. One part I do hereby devise to my two sons Horatio and Edward Sedgwick to be equally divided between them after the time of my decease
7. The other two parts of the three parts I devise to my youngest daughter Eusebia Sedgwick to be paid to her at her age of eighteen years
8. Item my will is and I do hereby devise that if either of my said three youngest children namely Horatio Edward Eusebia or any of them depart this life before his or their part of the said money hereby given to him her or them shall grow and be paid to him her or them by the said Paul Bowes and Thomas Leech or the survivor of them or their heirs or assigns of the survivor of them as aforesaid that then the part and share of such child or children so dying shall go and be paid to the survivor or survivors of my said three children
9. Item my will is that as well the profits of the said rent charge until it shall be sold as aforesaid as also the interest and use that shall grow due for the said money raised by the sale of the said rent charge until the said several parts and sums of money herein before devised shall grow due and be paid accordingly shall be received by the said Paul Bowes and Thomas Leech or the survivor of them and the heirs of the survivor of them to be employed in the education of them and for the benefit of the said Edward Sedgwick and Eusebia Sedgwick and for the increase of their portions
10. Item I give to Thomas Sedgwick my eldest son twenty shillings to buy him a mourning ring
11. Item I give to Susanna Broad widow my eldest daughter twenty shillings to buy her a mourning ring
12. Item I give to my loving friends Mr. James Coggins and his wife twenty shillings to buy them two mourning rings
13. All the rest of my goods chattels and personal estate whatsoever my just debts and funeral expenses first paid and satisfied I do hereby give and bequeath to my said youngest daughter Eusebia Sedgwick
14. Lastly I do hereby make and constitute the said Eusebia Sedgwick my youngest daughter to be the executrix of my last Will and Testament, and the said Paul Bowes and Thomas Leech to be the overseers thereof
15. And I do reserve to myself the power to make and give any other legacies out of my estate by any Codicil hereafter to be made by me and to be added to this my last Will and

Testament as a part thereof and not to make null and void this my last Will and Testament which I will have stand in full force power and virtue

16. Memorandum I give all my goods and wearing apparel and plate to Eusebia Sedgwick my youngest daughter and Executrix notwithstanding any debts or funeral expenses to be paid out of it, it being little worth
17. In Witness whereof I have hereunto set my hand and seal and published and declared this to be my last Will and Testament this second day of September one thousand six hundred seventy three In the year of our Lord Christ one thousand six hundred seventy and three And in the five and twentieth year of the reign of our sovereign Lord Charles the second of England Scotland France and Ireland King defender of the faith etc. Susanna Sedgwick signed sealed published and declared to be the last Will and Testament of the said Susanna Sedgwick in the presence of us Thomas Addams James Coggins
18. And your oratrix further shows that the said **Susanna Sedgwick about the month of May last past** without any alteration of her mind or intentions therein expressed **died**, and your oratrix has proved the said Will in the Prerogative Court of Canterbury and has taken upon her the burden and exertion thereof
19. And your oratrix did intend to execute the powers and authorities therein and thereby given and to sell the said land and pay the legacies thereby likewise given to the several persons in the said will mentioned But so it is, may it please your Lordship, that Paul Bowes of the Middle Temple London esq. and Horatio Sedgwick of the City of London Tobacconist son and heir of the said Susanna Sedgwick by Edward Sedgwick esq. her late husband deceased pretending themselves or one of them to have some right title or interest in the said lands in the will mentioned either as heirs at law to the said Susanna Sedgwick or by virtue of some trust reposed in those or one of them by the said Susanna Sedgwick do give out in speeches some by aids **that the said Susanna Sedgwick made no such will or if she did that she was not compis mentis at the time of the making and publishing thereof** and therefore the said will and all the bequests therein and thereby given are vested in them or one of them by descent as heir at law to the said Susanna Sedgwick or Edward Sedgwick deceased or one of them or by virtue of some trust reposed in the said Paul Bowes by the said Susanna Sedgwick or Edward Sedgwick whereas in truth the said Edward Sedgwick in his lifetime whilst he was of good and perfect memory and in whom the estate in law then was of in and to the said rent charge did by his last Testament in writing give and devise to the said Susanna Sedgwick the said lands in the will mentioned and all his right and title to the same to her and her heirs to do and dispose of the said estate and goods at her will and pleasure And the said Paul Bowes and Horatio Sedgwick by such their pretences do obstruct and hinder your oratrix from executing the trusts in and by the will of the said Susanna Sedgwick reposed and hinder the sale of the said lands and payment of the said legacies
20. In tender consideration whereof and for that your oratrix cannot proceed to examine witnesses to perpetuate the memory of the witnesses to the making and publishing the said will without the aid and assistance of this honourable court requiring them to set forth their corporal oaths what estate title claim or pretence of title they or any or either of them have or has in any of the said lands in the will mentioned and to what part in particular and by what name and may show cause if they can **why your oratrix should not prove the said will** in this honourable court to perpetuate the memory of the witnesses to the same And that your oratrix may be released therein according to equity and good conscience may it

please your Lordship to grant unto your oratrix his Majesty's most gracious writ of subpoena to be directed to the said Paul Bowes and Horatio Sedgwick commanding them at a certain day therein to be limited to be and personally to appear before your Lordship in the high and honourable Court of Chancery then and there to answer all and singular the premises and to stand to and abide such further order and direction therein as to your Lordship shall seem most agreeable to equity and good conscience And your oratrix shall daily pray

W. Killign