

Reference: C 11/2730/53

Description: Short title: Row v Augier.

Document type: Bill only.

Plaintiffs: John Rowe, esq of Bristol.

Defendants: John Augier, Thomas Edward, Richard Bayly, Thomas Weare and Henry Sampson.

Date of bill (or first document): 1717

Note: The naming of a party does not imply that he or she will appear in all the documents in this cause (after the bill)

Date: 1717

Held by: [The National Archives, Kew](#)

To the Right Honoble William Lord Cowper Baron of Wingham Lord High Chancellor of Great Britain./

Humbly Complaining sheweth unto your Lordship **Your Orator John Rowe of the City of Bristol Esqr.** That in or about Easter Term in the year of our Lord One thousand Seven hundred and sixteen Your Orator exhibited his Bill of Complaint into this Honoble Court in the words or [] effect following (viz.) To the Right honoble Wm. Lord Cowper Baron of Wingham Lord High Chancellor of Great Britain Humbly complaining Sheweth unto your Lordship your Orator John Rowe That **Mary Grant** sometime of the same City Widow deced being in her lifetime possessed of Interest in or Intituled unto a Considerable personal Estate Consisting of and in [deleted] Leases for year & Debts by Mortgage Judgments Bonds/.Simple. Contract and in ready monys Plate Houshold Goods and in other Goods and Chattles amounting to the value of twelve hundred pounds and upwards or some other such Life Sum did on or about the seven and twentieth day of March in the year of our Lord One thousand Seven hundred and three duely make her last Will and Testament in Writing and thereby (among other things) did give as follows (viz.)

Item I Give to my **Grandaughter Mary Baily** three hundred pounds with my Diamond Ring for her sole use and benefit So as no husband that she shall hereafter Marry may have any thing to do therewith. And I do appoint that my Said Grandaughter after Receipt of the said three hundred pounds do put out the same at Interest in some Friend's Names In Trust for her Separate use and receive the Interest of it But if She dye and leave any Child or Children then she is to give the Same to them by such [illegible] and in Such manner as She shall think fit

Item I give to my **Grandaughter Ann Bayly** One hundred pounds for her Sole and Sepaarate use and to be by her disposed of in the Same manner as her Sister Mary is to dispose of her Three hundred pounds Also I give to my said Grand daughter Ann Bayly my Case of Drawers and my Table with a Drawer under it and all my Plate not hereinbefore given or to that effect And hereby made her **Grandson Richard Bayly** (who was **Son of her Son-in-law Samuel Bayly Esqr.** Then of the sd. City of Bristoll but since deced) Residuary Legatee and the said Samuel Bayly Sole Executor in Trust for the said Richard Soon after which the Said Testatrix dyed and her said Executor proved the said Will in the proper Ecclesiaticall Court and had assets Sufficient to pay all her debts Funeral Expenses and Legacys with a Considerable Over plus And the said Samuel the Executor out of the Same took upon

him to lend and place at Interest with his own Brother one Mr **Richard Bayly** then of the Said City Soap boyler and Merchant the Said Legacy of Three hundred pounds upon a Bond only from the last named Richard Bayly to him the said Samuel and to Thomas Edwards of the said City Esqr. And **William Bayly** of the Same City Linnen Draper (another Brother of the Said Samuel's) In Trust for the Separate use of the Said Mary the Legatee and upon the Trusts in the Said Will menconed

And your Orator further Sheweth That a little before the death of the Said Testatrix Your Orator Intermarryed with the Said Mary the Legatee who was the oldest daughter of the Said Samuel Bayly and by her had Issue one Child (viz.) John and no other Sometime after which She the Said Mary the Legatee dyed the Said John her Son then living. But before her death did (as it's pretended) execute Some private Writing bearing date on or about the Fourteenth day of June One thousand Seven hundred and Five and thereby Appoint that the Said Three hundred pounds Should after her death be equally divided between all and every Such Child and Children as She Should leave at the time of her death and to be payd to each of them Severally when and as they attained their Ages of One and twenty years or Marriage which first happened and the Interest thereof to be applied in the mean time for their better maintenance And that if She Should have no Child that Should attain that Age Then the Said Thomas Edwards Richard Bayly Merchant and William Bayly as her Trustees Should pay the Said Three hundred pounds in manner following (viz.) One hundred pounds thereof to your Orator Fifty pounds thereof to her Said Brother Richard Bayly, Fifty pounds thereof to her Mother Mary Bayly And One hundred pounds residue thereof to her Sister the Said Ann Bayly And that the Said Trustees Should deduct out of the first Interest made by the Said Three hundred pounds Two Guineas apiece for their trouble or to that effect

And your Orator further Sheweth That Sometime after the death of the Said Mary your Orator's late wife, the said Richard Baily the Obligor pretended to become Insolvent but having had long and great dealings with Some of his Creditors they advised him to offer to the rest of his Creditors not above Twelve Shillings in the pound And the Said Mr Samuel Bayly (as is pretended) Did readily Agree to the Same, and upon Receipt of no more (as tis said) than after the Said Rate of Twelve Shillings in the pound for the Said Three hundred pounds Did deliver me the Said Bond to the Said Richard Bayly the Obligor to be cancelled, tho' without the Concurrence of the Said Mr Edwards or Mr William Bayly the other Trustees, and tho' the Said Mr Samuel Bayly was at that time only a Trustee for an infant (viz.) Your Orator's Said Son the Said John Rowe the younger who was then of very tender years, and tho' it was at that time very well known to the Said Samuel Bayly and All that were acquainted with the debts and Estate of the Said Richard Bayly the Obliger that he the Said Richard Bayly had then a visible Estate as well in Lands as in Goods and chattles enough to pay all his Creditors Twenty Shillings in the pound with a Considerable Overplus Or at least enough to pay them much more than twelve shillings in the pound

And the Said Richard the Obliger did pay severall of his then Creditors (and among them those who had acted for him as aforesaid in promoting of the Said Composicon or Some or One of them) full Twenty Shillings in the pound or at least much more than Twelve Shillings in the pound of and for their respective debts

And upon and by means of the aforesaid Composicon All or the greatest part of the Said Lands as also a Considerable Personal Estate to the Value together of Severall thousand pounds were Saved to and have ever since been enjoyed by the Said Richard Bayly the Obliger

And therefore upon his the Said Richard's applying about that time to your Orator as Father of the Said Infant to give a Release to him the Said Richard in reference to the Said Three hundred pounds Your Orator refused the same

And the Said Mr Samuel Bayly as a pretence for his accepting the Said Twelve Shillings in the pound and delivering up the Said Bond did intimate to your Orator that he did it only because the Said Richard Bayly the Obliger was his Brother, but that there should be no Loss by Such his delivering up the Said bond or to that effect and the Said Samuel Bayly did Severall times promise and declare to your Orator that he the Said Samuell would make good the deficiency in the Said Three hundred pounds occasioned by the Said Composicon and delivery up of the Said Bond

And your Orator further Sheweth that Sometime afterwards the Said Mr Samuel Bayly dyed but first made his last Will and Testament in Writing bearing date on or about the Twentiyeth day of August in the year of our Lord One thousand Seven hundred and Six and thereby (among other things) did appoint that whatever Loss should happen out of the Said Three hundred pounds should be Supplied by his Executrix out of his Personall Estate and thereof made his wife Mary Sole Executrix And by his Said Will did give to his Said Grandson your Orator's Son Five Guineas to buy Morning And by a Codicill added to his Said Will did give the Sum of Fifty pounds to his (Said) daughter Anne

And further by his Said Will did appoint his Executrix and Overseers therein after named with all the speed they could after his debts and Legacys paid to Compute the Residue of his Personall Estate and to divide the same into two equall parts or Moietys and give one Moiety therof to his Said daughter Ann for her Sole use And appointd his Said Executrix and Overseers to put forth the Same at Interest in their names, but for her use and to pay the Same to her at her day of Marriage or Age of One and twenty years which should first happen

And the other Moiety thereof he appointed his Executrix and Overseers or the Survivor or Survivors of them to lay out in the purchasing Some Messuages Lands Tenements or hereditaments in Fee Simple in their Names and in the Name of the Survivors and Survivor of them And willed that Such Messuages Lands and Tenements when purchased should be settled as near as might be to the uses and upon the Trusts following (that is to say)

In the first place So as that the Rents and Profitts thereof might be reced by his Son Richard during the joint lives of him and his Mother and after the death either of him or his Mother So as that his Said daughter Ann might receive the Rents and Profitts thereof during her life and afterwards to remain to the Issue of her body begotten and to Such other Person and Persons as he had therein before devised his lands in the Parish of Henbury to be by them Severally held and enjoyed in Such manner as the Limitacons of those Lands are appointed

And that until Such Purchase Such Moiety of the Said Surplus money Should be put forth at Interest and the Interest thereof paid to such Person and Persons as ought to have and enjoy the Rents and Profitts of the Lands so to be purchased in case Such Purchase and Settlement were made or to that effect

And of his Said Will did make his Said wife Mary Sole Executrix in Trust for the Purchases therein contained and made his Said Brothers Richard and William Bayly the Said Mr Thomas Edwards and one Mr Thomas Weare (of Bristoll Mercer) Overseers thereof

And your Orator Saith that the uses and Limitacons of the Said Lands at Henbury were by the Said Will To the effect following (that is to say) After the deaths of his the Said Testator's wife Mary, of his Son Richard and his said daughter Anne and the Issue of the body of his Said daughter To his Said **Grandson John Rowe** for his life and after his decease to his Issue in Tayl with diverse Remainders over

And your Orator further Sheweth that after the death of the Said Samuel Bayly the said Mary his Widow and Executrix proved the Said Will and She or the Said Overseers took possession of all his Personall Estate Amounting to much more than Sufficient to pay all his debts and Legacys

Sometime after which the Said Ann Bayly, who was the then only daughter of the said Mary the Executrix and Aunt to the Said Infant John Rowe dyed Intestate and without Issue leaving alive the said Mary her Mother, the Said Richard her Brother, and the Said Infant John Rowe, who was the only Child and Representative of her Said deced Sister Mary and having never reced the Said Legacy of One hundred pounds given her by the Will of the Said Mrs Grant or the Said Case of Drawers and Table or Plate Or the Said Legacy of Fifty Pounds given her by her Said late Fathers Will or any part of the Said Legacys or of any or either of them or any of the Said Surplus of the Said Mr Samuel Bayly's Estate

And your Orator further Sheweth that the Said Mary Bayly the Widow and Executrix did afterwards (and after having taken Letters of Adcon to the Said Ann her daughter) dye but first also made her last Will and Testament in Writing, and thereby Gave to her Grandson the Said John Rowe the Infant One hundred Pounds to be put out in her Executors names till his Age of One and twenty years and then to be payd to him and the Interest thereof in the mean time to be payd to his Father (viz.) your Orator for his use

And made her Son Richard Residuary Legatee and the Said Mr Thomas Edwards and William Bayly and one Henry Sampson (of Bristoll aforesaid Maulster) her executors in Trust for her Said Son Richard

And the Said Executors in Trust or Some or one of them or the Said Richard Bayly the Son took possession of All the Personall Estate of the Said Mary Bayly the Testatrix as also of all the Personal Estate left by the Said Samuel Bayly and Unadministered by her the Said Mary who was his Executrix

And likewise of the Said Mary Grant the Testatrix and of the Said Ann Bayly the Intestate And took out or else **John Augier and Mary his wife** hereinafter named or one of them have or hath Since taken out Adcom de Bonis non es to the Said Anne And the Said Richard Bayly the Son shortly after his Said Mother's intermarried with one **Mary Hayes** after that departed this life without Issue leaving the Said Mary his Widow who lately intermarried with one John Augier of the Said City of Bristol Haberdasher of Small Wares And he hath [] Since the Said Marriage had all the personal Estate of the Said Mary Bayly the Widow as likewise all that was left by the Said Mr Samuel Bayly and Mrs Grant Since which your Orator's Said Son the Said John Rowe the Infant dyed under the Age of One and twenty years and Intestate and without Issue and also without having ever reced the Said Legacy of Three hundred Pounds or the Said Legacy of One hundred Pounds given to him by the Will of the Said Mary Bayly the Widow Or what was given to him by the Will of the Said Mr Samuel Bayly or any part of the Said Legacys or of either of them Or any Share of the Said Severall Legacys of One Hundred Pounds and Fifty Pounds given as aforesaid to the Said Ann Bayly by the Wills of the Said Mrs Grant and Mr Samuel Bayly or any Share of the Said Supluss of his the Said Samuel's Personal Estate Or any Part of the Plate that was the Said Mrs Grants Or any Satisfacon for his Share of the Said Case of Drawers and Table given as aforesaid to the Said Ann Bayly by the Said Mrs Grant's Will Or any thing of what was due to him by the means herein before set forth Nor hath your Orator reced any Satisfacon for any of the Said matters

And your Orator to Intitule himself to All that was due to his said late Son at his death did lately Sue out of the Prerogative Court of Canterbury Letters of Administracon of all the Goods and Chattles Rights and Creditts that so belonged to his Said late Son and hath likewise obtained Letters of Administracon out of the Said Prerogative Court to his Said late wife (As by the same Letters of

Administracon ready to be produced may appear and being thereby becomes Intituled to Such Chattle Estates as belong to them

Your Orator hath applied himself to the Said John Augier Thomas Edwards Richard Bayly William Bayly Thomas Weare and Henry Sampson respectively to have the Said Severall Legacys and the Interest thereof payd to him and to have an Account of all the Plate left by the Said Mrs Grant and of all the Surplus of the Personal Estate of the Said Mr Samuel Bayly and to have his Share of all the Surplus of the Said Personal Estate and of the Said Case of Drawers and Table, which Share your Orator Conceives to be One full third part of the Same (the Said Anne Bayly at the time of her dying so Intestate as aforesaid having left only the Said Mary her Mother, the Said Richard Bayly the Son her only Brother, and but one Representative of her only Sister (viz) Your Orator's Said late Son John Rowe the Infant)

And also to have a certain Bed which your Orator and his Said late wife were in possession of in Highstreet in Bristoll aforesaid by the Gift of the Said Mr Samuel Bayly and his wife and which the Said Mary wife of the Said John Augier got afterwards into her hands and to have other moneys due to your Orator from the Estates of the Said Samuel and Mary Bayly

And your Orator did well hope to have obtained such payment Account and Satisfaction But now so it is may it please your Lordship That the Said John Augier and Mary his wife having entred into a Cominacon and Confederation with the Said Thomas Edwards Richard Bayly Merchant William Bayly Thomas Weare Henry Sampson and diverse other persons to your Orator unknown (whose names when discovered your Orator prays may be Inserted herein with [] words to charge them as defendts hereunto) how to wrong and defraud your Orator in the [illegible] the Said John Augier and the Said other Confederates do refuse to come to any Account with your Orator for or concerning the [illegible] Sometimes pretending that the Said Mary Grant, Samuel Bayly and Mary his widow Or at least She the Said first named Mary did not leave assets to pay all their debts and Legacys Or if they did yet that there was not nor is any Surplus of this Said Samuel Bayly's Personal Estate, Or if there were Assetts with an Overplus Yet that the Same never came to their or either of their hands or Possession And Sometimes the Said Thomas Edwards William Bayly and Henry Sampson do pretend that they never proved the Will of the Said Mary Bayly the Widow or Intermeddled with the Executorship thereof

And do further (as do also the Said Thomas Weare) pretend that they accounted for and payd and delivered up to the Said Richard the Son in his life time All the Personal Estate of the Said Samuel Bayly and of the Said Mary his Widow And yet the Said John Augier and Mary his wife do pretend that such Personal Estates or the greatest part thereof did not come to the hands Custody or power of the Said Richard Bayly the Son nor have or hath as yet come to the hands possession or power of them the Said John Augier or the Said Mary his wife

And the Said John Augier and Mary his wife do likewise pretend that as to the Said Three hundred pounds given by the Will of the Said Mrs Grant the Compositon hereinbefore menconed to have been made by the Said Samuel Bayly with the Said Richard the Obligor was binding upon the Said John Rowe the Infant and ought to be So on your Orator who claims under him

And that by the Said Samuel Bayly receiving no more than Twelve shillings in the pound as aforesaid the Said Sum of Three hundred pounds was reduced to One hundred and eighty pounds and that he the Said John Augier ought to be accountable to your Orator for no more

And that tho' the Said Samuel Bayly did appoint by his Will that whatever Loss should happen out of the Said Three hundred pounds should be Supply'd out of his Estate Yet that he afterwards altered

such appointment And Sometimes they do pretend and insist that after the death of the Said Samuel Bayly there was some Account Stated and adjusted between the Said Mary Bayly the Widow and your Orator

And that in the Debtor Side of Such Account your Orator Suffered an Item to pass Intimating that She was Debtor [To three years and eleven months Interest of the Three hundred pounds reduced to One hundred and eighty due the Four and twentieth of June One thousand Seven hundred and ten by receiving only Twelve shillings in the pound Thirty five pounds and five shillings And that by such Item your Orator did on behalf of the Said Infant Confirm the Said Compositon at least as against your Orator himself and his now Claim

And at other times they do pretend and insist that your Orator's Said late wife having by the hereinbefore menconed Writing of the fourteenth of June One thousand Seven hundred and five appointed that if She Should have no Child that Should live to attain the Age of One and twenty years her Trustees Should pay One hundred pounds of the Said Three hundred pounds to your Orator and Pay the remaining two hundred pounds to Such Persons and by Such Proper rout as is therein and hereinbefore menconed

And that the Said John Rowe the Infant having dyed long before the Age of One and twenty years there is not now coming to your Orator any more than One hundred pounds of the Said Three hundred pounds

And as to the Said Mrs Grants Plate they do pretend that your Orator during the life of the Said Infant and a little before the Intermarriage between the said Richard Bayly the Son and the Said Mary now wife of the said John Augier did give the Said Infant's Share in such Plate to her the Said Mary

Whereas your Orator Saith that the Said Mary Grant Samuel Bayly and Mary his Widow did really leave Assetts behind them to pay all their respective debts Funeralls and Legacys with a Considerable Overplus and [illegible] that there was and is a Considerable Surplus of the Said Samuel Bayly's personal Estate Or there might have been Such Or at least Assetts of the Said Severall Persons Sufficient to Pay all the Said Legacys and the Interest of them respectively if there had not been some Wast or misapplication therof or other default in reference thereunto comitted by the Said Confederates or Some or one of them and particularly in and by expending more in the Funeralls of the Said Mary Bayly the Widow than She directed by her Will which was only Fifty pounds

And that all the Said Severall Assetts and the Said Surplus did come to and do now remane in the hands possession or power of the Said John Augier and Mary his wife or one of them or some of them or of Some Person or Persons by their or one of their delivery or in the hands or power of the Said other Confederates or Some or one of them

And as to the Said Mr Samuel Bayly's having reced no more than Twelve shillings in the pound for the Said Three hundred pounds Your Orator is advised and humbly insists that the Said Samuel had no power to make such compositon in the Case of an Infant He rather for that Lsd might if he had insisted upon it have had full Twenty shillings in the pounds for the Said Three hundred pounds

And as to the Said Amount pretended to be Stated between the Said Mary Bayly the Widow and your Orator and the before mentoned Item therein Your Orator Saith that if there was any Such the Same Amount related for the most part to Some demands which your Orator had in his own right

And your Orator was Surprized in and Suffered Such Item to pass meerly thro' [illegible] and also tenderness to the Said Mary Bayly the Widow, who was then very sickly and infirm and to whom therefore your Orator did very much fear that he should have given some Concern and disturbance that might have been of Ill Consequence to her in her health, if your Orator had at that time insisted upon her making good to the Said Infant out of the Said Mr Samuel Bayly's Estate the full Sum of Three hundred pounds besides your Orator is advised and humbly Conceives that he had no power to bind his Said Son the Infant by any such [illegible] Item or other ways And that as the [] could not be in any ways binding on the Said Infant were he now living. So that it cannot [illegible] or be prejudiciall to your Orator who claims only under his Said Son (viz.) As Administrator to him

And as to the Dispositon pretended to be made by your Orator's Said late wife of Two hundred pounds of the Said Three hundred pounds in Such manner as aforesaid Your Orator is also advised and humbly insists that she had no power to do the Same And that by the Will of the Said Mrs Grant She took the Said Three hundred pounds under a Trust that after receiving the Interest thereof for her own life She Should give and leave the Said Three hundred pounds to her Child or Children without making any further dispercon thereof And that she having by the Said Writing of the Fourteenth of June One thousand Seven hundred and five (if there was such) Appointed that the Said Three hundred pounds Should after her death be equally divided between all and every Such Child and Children as she should leave at the time of her death and to be payd to each of them Severally when and as they attained their Ages of One and twenty years and the Interest thereof to be applied in the mean time for their better maintenance She thereby fully executed the Trust and power reposed in and given to her by the said Mrs Grant's Will and could not go any further in, or by the Said pretended Writing of Appointment

And as to the Said John Rowe the Infant's Share of the Said Mrs Grant's Plate, if there ever was any such Gift made thereof as is pretended to the Said Mary the wife of the Said John Augier Yet your Orator Saith that he had not as he conceived any power to dispose thereof and thereby bind the Said Infant or even your Orator himself who at that time had no Interest therein

And your Orator further Sheweth that if there was any Such Account Stated between the Said Mary Bayly the Widow and your Orator as is hereinbefore menconed there were and are diverse Considerable Omissions therein which Should not have been that is to Say, Severall Sums of money Omitted in the Debtor Side thereof and particularly Several Sums due for Interest of the Said Three hundred pounds which ought to have been inserted therein and allowed by the Said Mary Bayly the Widow But through Oversight Inadvertence and mistake were not so inserted And yet notwithstanding Such Ommission there was and is upon such Account a Balance due to your Orator of Thirty three pounds and ten pence halfpenny or upwards And yet the Said John Augier and the other Confederates do refuse or decline to make good to your Orator any of the Said Omissions or even to pay him the said sum of Thirty three pounds and ten pence halfpenny Or to come to any Account with him for any of the matters hereinbefore Setforth

WHEREFORE all the Said Pretences and Doings of the Confederates are Contrary to Equity and good Conscience and do your Orator great wrong IN TENDER CONSIDERATION whereof and for as much as your Orator's Witnesses who could prove the trueth of the Witnesses are all dead or gone into Parts remote and unknown beyond the Seas and your Orator is Remediless therein by the Strict Rules of the Comon Law of that [illegible] and is Releivable only in a Court of Equity upon the Oaths of the Said Confederates NOW TO THE END THAT the Said Confederates may upon their Severall Corporall Oaths true and perfect Answer make to all and Singular the [illegible] as Distinctly as if the Same were here repeated and (Interrogated?) [torn] And Particularly that they may set forth an Account and Particuler of all the Plate left by the Said Mrs Grant at her death and of the true and full values

thereof and who now hath the same And that they may either admit Assets of the Said Mrs Grant came to their or some one of their hands [torn] to pay all her Debts Funerals and Pecuniary Legacys Or in case of denying the Same may set forth a Particular Account of all her personal Estate and of the full Values thereof and who took and what is become of the Same and what Debts She owed at her death and to whom and how the said Estate hath been Applied

And that they may also admit like Assets of the Said Mr Samuel Baylys Come to their or some or one of their hands As also a Surplus and may set forth what and how much Such Surplus is at the Utmost and how Susch Assets and Surplus have and hath been Applied and Disposed of and who now hath the Same or what is become thereof And in Case of denying that there are or were such Assets that they may then set forth a Particular Account of all the Said Samuel Bayly's Personal Estate which he dyed any ways Interested in and of the Natures, kinds, and true and full Values thereof and how the Same hath been Applied and disposed of and what debts the Said Samuel Bayly owed at his death and to whom and for what and how much is now left of his Personal Estate and where and in whose hands it now is

And further that they may Admitt Assets of the Said Mary Bayly the Widow's come to their or some or one of their hands, Or in case of denying the Same may likewise Setforth a Particular Account of all the Personal Estate which She dyed any way Interested in and what became thereof and who now hath the same and whether there was not more owed how much more in the whole than the sum of Fifty pounds expended in and about her Funerall's And further that if they may discover and set forth the precise times of the respective deaths of the said Mary Grant, Mary the late wife of your Orator, the Said Samuel Bayly Ann his daughter Mary his Widow and the Said Richard his Son

And that the Said Confederates or Such of them as have or hath or had the Personal Estates of the Said Mrs Grant Mr Samuel Bayly and Mary his Widow may be obliged to pay to your Orator the Said full Legacy of Three hundred pounds and all the Arrears of Interest thereof And also to pay to your Orator the Said other Legacy of One hundred pounds (that was given to the said John Rowe the Infant) with Interest for the Same from the time of the death of the Said Mary Bayly the Widow as also one third part of the Said Legacy of One hundred pounds given to the Said Ann Bayly by the Said Mrs Grant and One third part of the Said Legacy of Fifty pounds given to the Said Ann by her Said father Mr Samuel Bayly and Interest for the Said two severall third parts of the said One hundred pounds and Fifty pounds from the respective deaths of the Said Mary Grant and Samuel Bayly and to deliver and make good to your Orator One third part of all the Plate that belonged to the Said Mrs Grant at her death and the hereinbefore menconed Bed which was given to your Orator and his Said late wife by her Said late Father and Mother

And to Account to your Orator for all the Surplus of the Said Samuel Bayley's Personal Estate and that your Orator as Administrator of the Said John Rowe the Infant may have the full benefit of the Will of the Said Samuel touching Such Surplus And that your Orator may be payd all other Moneys anyways due to him on Account of the Premisses (?) and may be further and fully Releived in all and Singular the Premisses (?) According to Equity and good Conscience May it please etc G.Pauncefort ##### As in and by the Said Bill now remaining as of Record in this Honble. Court may more fully appear After exhibiting which Said Bill the Said John Augier and Mary his Wife (who were served the Process of Subpa.) appeared and did put in an answer thereto but Sometime after that the Said Mary Augier dyed and since that the Said William Bayly is also dead whereof (as your Orator is advised) his Said Suit as against the Said Mary the late wife of the Said John Augier and against the Said William Bayly Abated

NOW to the end that the Said Bill Answer and Proceedings may Stand and be revived and in the Same Conditon as before the death of the Said Mary Augier and William Bayly and that the Said Thomas Edwards Richard Bayly Thomas Weare and Henry Sampson may fully answer all and Singular the Premisses and that your Orator may be Releived in all and Singular the Premisses According to Equity and good Conscience May it please your Lordship to grant unto your Orator his Majesty's most gracious Writt of Subpena ad revivend under the Seal of this Honble. Court to be directed to the Said John Augier And also to grant his Majesty Writt of Subpa ad revivend et respendend to be directed to the Said Thomas Edwards Richard Bayly Thomas Weare and Henry Sampson thereby Commanding them by a certain day and under a certain Pains threin to be [illegible] personally to be and appear in this honble. Court then and there to answer all and Singular the Premisses and to Abide Such Order and [illegible] as to your Lordship Shall [illegible] Agreeable to Equity and good Conscience And your Orator shall ever pray

G.Pauncefort

Note: Spelling has been preserved as in the original which is on a single skin written continuously with almost no punctuation. For ease of legibility the transcription has been divided into paragraphs.

Transcribed by Anne M Powers

1 September 2014