

Savadge (Savage) vs, Barnes. There are 2 jpegs of the Bill (complaint) and Answer. Note that they didn't add them to the online 'Documents Online'.

The Complaint being Barnes family members on vellum (hide). It doesn't show the reverse (obverse) side of the documents which I want to question, as sometimes that side contains notes.

The Bill of Complaint's vellum has creases, and text on the right margin is degraded and leather darkened with folds. I have no way of knowing if in person one would be able to lift the folds and read. I have the same problem with the Doyley vellum document. The vellum creases and folds all throw off the lines. However, I am able to get the drift and figure out who is married to whom. I'll transcribe as much as possible.

The Barnes' girls complaint is a bit upsetting. Apparently Simon Barnes failed to administer faithfully and did not abide by the will of his father Henry. And it say that a week or so after the will was proved, Simon had the co-executor, the widow Elizabeth, relinquish all her rights and titles. These daughters had to marry impoverished relying on the payments to be made, and the youngest daughter (#6) has no marriage chance or prospects now due the failure of Simon; while Simons living very well. It was a lot of money that Simon held back - I think L 14,000 pounds, as well as lands, jewels etc. This must be why Simon shows up in the Archive catalogue wheeling and dealing as he was using the money owed the other 8 family members - and during the Commonwealth era.

The Answer (reply) was the first image and was written on stationary vellum or paper and in much better shape.

Font Verdana, 10pt)

1656. Savadge (Savage) vs Barnes. Translation for Ed. 25-June-2013.

Catalogue Reference: C 6/133/201 Description: Short title: Savage v Barnes. 1656.

Scans of Two documents being:

Document 1. The Bill of Complaint, dated xxxth (30th) December 1656 re the will of Henry Barnes dated 1646, and, failure of brother Simon Barnes to administer the will of Henry Barnes and his personal estate of £14,000. Six months after probate, Widow Elizabeth Barnes agreed with Simon to relinquish and revoke her rights and title.

Sarah and Susannah lately married destitute without their portions, which damaged them, and their younger sister has no marriage handwritten in ink on both sides of one legal sheet of vellum (hide), legally lined for use. Document is creased and age-toned with deep browning on sides, with some loss of text. Appears vellum was either torn for a wax seal tag, or torn because

the wax seal was roughly removed. The left margin has stitching holes indicating the vellum was at an earlier date bound into a court book.

Document 2. Defendant's answer to the Bill of Complaint. Date 15-January-1656/57.
Handwritten in ink on one side of one sheet of paper.

THE DEFENDANT SYMON BARNES' ANSWER TO BILL OF COMPLAINT

01. [Upper left corner: Sworn the 15 th of January 1656
02. 166) [shakey signature of:] Wm Hannston
03. The Demurrer and plea of Symon Barnes Defendant to the Bill of Complaynt of John Savage and Elizabeth his wife
04. Martha Barnes [,] John Godden & Marie his wife [,] Edward Turner and Rebecca his wife ; P [plaintiff?] Henry Croft & Susanna his Wife & John Dalton & Sarah his wife Complts
05. [One word left of center:] Hales
06. [Modern document number written in pencil:] 201
07. The said Defendants by protestacon not confessing or acknowledging any the matters or things in the Said Bill of Complaynt conteyned to be true in Such sort
08. manner and forme as in the Said Bill of Complaynt is conteyned ffor Demurrer thereunto this Defendant said That the Complaynants Said Bill of Complaynt being to
09. be releived ffor severall legacies therein respectively mencōned to be given unto them by the last Will and Testament of Henry Barnes ffather of this Defendant deceased as
10. in the Said Bill is Sett forth ffor which Said Legacies the Complaynants ought not to sue in thee Honorable Court ffirst ffor that by the orders and rules of this honorable Court
11. any rules and orders and Ordinance lately made by hi Highness the Lord Protector and his Counsell noe person or persons ought to sue for legacies in this honorable Court
12. or in any other manner than att the Comon lawe. And therefore the said Complaynants ought not to sue this Defendant for their legacies pretended by the said Bill to be due to them

13. in this honorable Court. Secondly the Complaynants are sixe in number and sue for sixe severall legacies or dutie Sett forth by the said Bill severally and respectively to be given to the said

14. Complaynants Elizabeth Martha Mary Rebecca Susanna and Sarah daughters of the said Henry Barnes by the last Will and testament of the said Henry Barnes Which said legacies

15. or duties being by the Complaynants owne showeing due and payable att severall tymes unto the said severall Complaynants And the said Complaynants suing by thier said Bill in

16. a joynt manner and the said Bill being joyntly putt into this honorable Court by the Complaynants for sixe severall duties or legacies The same not having dependance or Coherence one

17. upon another the same suit hath occasioned the said Bill to be of an Extraordinary length Conteyning forty sheets of paper whereby this defendant is much charged and dampuified

18. Contrarie to the inst proceedings and rules of this honorable Court. Thirdly That the said Complaynants doe sue this defendant in this honorable Court ffor the performance

19. of the last Will and Testament of the said Henry Barnes wherein there appeares noe equitie in this honorable Court to ground any releise for the Complaynants And

20. rather ffor that hee this Defendant did never gainesay or hinder the performance of the said Will But intends to performe the same according to the said Testators Will at the

21. Said Testators estate can be be gott in. And the said Complaynants by their said Bill doe sett

22. he hath done And this defendant saith hee is and wilbe ready to pay the residue of their said legacies in due tyme as the said Testators estate can be gott in ffor all which reasons

23. this Defendant doth demurre in Lawe and demaundeth the Judgement of this honorable Court wheather hee shalbe compelled to make answere to the said Bill of Complaynt. And for the plea to the said

24. Bill hee this defendant saith That the said Complaynants have already commenced a suit against him this Defendant before the Judges or Commissioners for probate of Wills to compell this

25. Defendant to exhibite an Inventoery of the said Testators estate which Suit is yett depending [i.e., pending] And nowe the Complaynants exhibite their Bill in this honorable Court for the same matter which

26. this Defendant humbly conceives and is advised by his Counsell Stands not with the rules of Lawe and Justice That the Defendant should be sued and presented att one tyme in twoe severall

27. Courte for one and the same thing ffor which cause alsoe hee this Defendant humbly prayeth and demaundeth The Judgemt of this honorable Court whether hee shall be compelled to answere the

28. Said Bill as to the said matter. And for further cause of demurrer this Defendant alsoe saith It appeareth by the Complaynants owne shewing what the estate of the said Testator did amount unto

29. and the particulars wherein the same did consist are sett forth in the said Bill of Complaynt as by the said Bill is particularly expressed And which the Complaynants pretend and sett forth

30. came to this Defendants hands wch by the Complaynants owne shewing if the same were true) (amounts to much more then what the Complaynants pretend is due to them And yett the said

31. Complaynants pretend in their said Bill that they cannott proceed att lawe for want of discovery of Assets what of the Testator estate is come to this defendants hands and yett in the said Bill the said

32. Complaynants sett forth That the said Testators estate soe sett forth by them and come to this defendants hands is sufficient to pay their said legacies Soe that by the Complaynants owne shewing there needs noe farther discovery of the said Testators estate to enable the

33. shewing there needs noe further discovery of the said Testators estate to enable the Complaynants to sue att lawe for their said legacies Then what the said Complaynants hands sett forth by

34. their said Bill. And yett the said Complaynants say That if this Defendant hath exhibited or shall exhibite an Inventory of the said Testars estate the same will prove to be imperfect

35. and untrue by reason of divers concealments Omissions and undervalue acōns wth seemes to be an unusuall foretelling of what neither is nor is intended to be. And the Inventorie of the said

36. Testator's estate is & ought proply [properly] to be exhibited in the Court for probate of Wills and not in this honorable Court. And whereas the said Complts by their said Bill pray this defendt may sett forth

37. whether the said Testator made a Will and made this defendant and Elizabeth his mother Executor , And whether they or this defendant did not prove the said Will and wheather this Defendant did not

38. wholly take upon him the Execucon thereof when as the said Complaynants by their said Bill doe positively and affirmatively sett forth that which they desire to knowe and would have this Defendant did not

39. discover upon oath By ^which impertinent and improy Chardge [charge] in the said Bill and divers other of the like nature The said Bill being framed and stuff [stuffed] wth divers Impertinencies repetitōns and repugnancies

40. whereby the said Bill is become of an extraordinary & unusuall length. And for thee causes alsoe thi defendt humbly conceiveth hee may demurre in lawe And humbly demaundeth the Judgement of this honorable

41. Court whether hee shalbe compelled to answer the said Impertinencies repetitōns and repugnancies. And whereas the said Complaynants pray in their said Bill That this defendant should sett forth

42. what messuages lands and Tenements the said Testator had and held by lease and leases att the tyme of his death and the value thereof. Which Chardge is alsoe impertinent ffor that the Complaynants doe

43. not by their Bill intitl themselves to the Said leases. And if the Said Complaynants Title were any at all to the said leases either by the said Testators Will or otherwise yett the Said Complts

44. if there were any - - - any Such thing as in truth there is not) were releiveable att lawe and not in this honorable Court And the rather for that the said Complts doe not sett forth in their Said Bill

45. of Complaynt any want of deeds leases or assignements of any Such messuages or Tenements nor doe not complayne of any want of the Said Will of the Said Testator whereby the said Complts

46. intitl themselves to what they seeme to sue for if they have any title att all ffor all which reasons aforesaid this Defendant doth demurre in lawe and demaundeth the Judgement of this honble

47. Court wheather hee shalbe compelled to answer to the said Bill , And prayeth hee may be hence dismissed wth his reasonable Costs and chardges in this behalfe second fully susteyned.

48. [Signature:] Ja: Winstanley