

In Chancery.

1869. No. 63

Filed, 28th May, 1869.

LORD CHANCELLOR.  
Vice-Chancellor JAMES.

Fos 30.



Between FREDERICK SIPPENS TURNER and  
ELIZABETH his Wife - Plaintiffs

and

THOMAS ROWING BRASNETT  
SARAH CHRISTIANA BRASNETT  
BENJAMIN MATTHEWS and MARY  
ANN his Wife and  
ARCHIBALD ROWING  
Defendants.

BILL OF COMPLAINT.

To the Right Honorable WILLIAM PAGE Baron  
HATHERLEY of Down Hatherley in the County  
of Gloucester Lord High Chancellor of Great  
Britain.

Humbly complaining shew unto his Lordship Frederick Sippens Turner of Hingham in the county of Norfolk Farmer and Elizabeth his Wife the above named Plaintiffs as follows :—

1. Rowing Brasnett late of Deopham in the county of Norfolk Yeoman deceased duly made his will dated the 19th of March 1842 which was in the words and figures following that is to say :—

“ I Rowing Brasnett of Deopham in the county of Norfolk Yeoman  
“ (although in good health) yet considering the uncertainty of this life  
“ Do make and publish my last will and testament in manner following  
“ (that is to say) First I give and devise unto Sarah my loving Wife



“ for and during the term of her natural life All the rents or profits  
 “ of which I die ceased and also all my furniture plate glass and linen  
 “ in my said dwelling house situated in Deopham aforesaid for the said  
 “ term and after the decease of my said Wife as soon as conveniently  
 “ can be my executor is authorized and empowered to sell all and every  
 “ of my messuages lands tenements and hereditaments whatever situated  
 “ lying and being in Deopham aforesaid for the best price or prices that  
 “ can be obtained for the same And my will is that the receipt or  
 “ receipts of my executor shall be good and valid discharges for the  
 “ same at law and in equity and that such purchaser or purchasers shall  
 “ not be accountable any further for such consideration money or moneys  
 “ to any person or persons whatsoever for any cause or reason whatever  
 “ And the money or monies arising by or from such sale or sales  
 “ together with the rents and profits thereof untill sold (after deducting  
 “ all costs charges disbursements and expences attending the execution  
 “ of the trusts hereby in them reposed) I give in the manner following  
 “ To Archibald Brasnett my Son the sum of £100 to Elizabeth the  
 “ Wife of Frederick Sippens Turner my Daughter the sum of £150  
 “ during the term of her natural life and the remainder to be equally  
 “ divided between my four children (that is to say) John Jolly Brasnett  
 “ or his assigns Mary Ann the Wife of Benjamin Matthews during the  
 “ term of her natural life then to her children in equal shares Archibald  
 “ Brasnett and Elizabeth the Wife of Frederick Sippens Turner during  
 “ the term of her natural life and after her decease her share or part to  
 “ be divided into three equal shares one share thereof to John Jolly  
 “ Brasnett or his assigns one other share thereof to Mary Ann Matthews  
 “ or her children and the remainder to Archibald Brasnett And lastly  
 “ I appoint Sarah my loving Wife and John Jolly Brasnett executrix  
 “ and executor of this my last will and testament.”

2. The said Testator died on the 19th day of April 1842 without  
 having revoked or altered his said will. The said Testator left his  
 Widow Sarah Brasnett and his four children named in his said will that  
 is to say the said John Jolly Brasnett (his eldest Son and heir at law)  
 Archibald Brasnett the Plaintiff Elizabeth Turner the Wife of the Plaintiff  
 Frederick Sippens Turner and the Defendant Mary Ann Matthews the  
 Wife of the Defendant Benjamin Matthews him surviving. The said will  
 of the said Testator was on the 17th day of October 1842 proved by the  
 said Sarah Brasnett and John Jolly Brasnett in the proper Ecclesiastical  
 Court.

3. The said Testator at the time of his death was possessed of  
 certain personal estate of very small value and was also seized of  
 or entitled to certain freehold and copyhold messuages lands and  
 hereditaments at Deopham in the county of Norfolk subject to three  
 several mortgages for securing the repayment with interest of divers  
 sums amounting in the whole to the sum of £1,500 or thereabouts.  
 The said Testator was also at his death indebted to various other persons  
 in divers sums of money.



4. The said Sarah Brasnett and John Jolly Brasnett possessed themselves of the personal estate of the said Testator and applied the same or a certain part thereof towards the payment of the said Testator's funeral and testamentary expenses and debts but such personal estate was insufficient for the payment thereof and some of the said Testator's debts including the said mortgage debts are still unpaid.

5. The said Sarah Brasnett on the death of the said Testator entered into possession and receipt of the rents and profits of the said Testator's real estate and continued in such possession and receipt until the time of or shortly before her death hereinafter mentioned and she thereout paid and kept down the interest on the said mortgages until the time of or a few months before her death.

6. The said John Jolly Brasnett died on the day of April 1868 intestate leaving two children and no more him surviving that is to say the Defendant Thomas Rowing Brasnett his only Son and heir at law and the Defendant Sarah Christiana Brasnett both of whom have attained the age of twenty one years. The Defendant Thomas Rowing Brasnett is the heir at law of the said Testator. The Defendant Mary Ann Matthews who has been married many years to the said Benjamin Matthews has six children and no more namely Frederick Rowing Matthews Thomas Brasnett Matthews Bridget Mary the Wife of Charles May (late Bridget Mary Matthews Spinster) Anna Maria Matthews Charles Matthews and Sarah Matthews all of whom have severally attained the age of twenty one years. The Plaintiff Elizabeth Turner who has been married many years to the Plaintiff Frederick Sippens Turner has no child.

7. The said Sarah Brasnett died on the 10th day of February 1869 having duly made her will and thereof appointed the Defendant Archibald Rowing and James Feltham executors and the same was duly proved by the said Archibald Rowing alone in the Norwich District Registry of Her Majesty's Court of Probate on the 30th day of April 1869 the said James Feltham having in due form of law renounced the probate and execution thereof and the Defendant Archibald Rowing thereby became and he is now the legal personal representative of the said Sarah Brasnett and also of the said Testator Rowing Brasnett.

8. The said John Jolly Brasnett duly accounted with the said Sarah Brasnett for all his receipts and payments on account of the real and personal estate of the said Testator up to the time of the death of him the said John Jolly Brasnett and there is now nothing due from the estate of the said John Jolly Brasnett to the estate of the said Testator.

9. By an indenture dated the 27th day of April 1844 and made and executed between and by the said Archibald Brasnett therein described of Mattishall in the county of Norfolk Miller of the one part and the said John Jolly Brasnett therein described of North Tuddenham in the county of Norfolk Farmer of the other part the said Archibald Brasnett in consideration of the sum of £65 sterling to him paid by the

said John Jolly Brasnett as therein mentioned assigned to the said John Jolly Brasnett his executors administrators and assigns absolutely the said legacy of £100 so given to the said Archibald Brasnett as aforesaid by the said will of the said Testator Rowing Brasnett in remainder after the decease of his said Widow Sarah Brasnett as aforesaid with power to the said John Jolly Brasnett to receive and give discharges for the same.

10. The Plaintiffs are desirous that the real estate of the said Testator should be sold and the moneys to which the legatees under or by virtue of his said will are respectively entitled as aforesaid should be raised and paid to them but the Plaintiffs are advised that under the circumstances herein appearing there is no person competent to sell the said real estate except under the direction of this Honorable Court.

PRAYER.

The Plaintiffs pray as follows:—

1. That the trusts of the will of the said Testator Rowing Brasnett may be carried into execution and his real and personal estate administered by and under the direction of this Honorable Court.
2. That (if necessary) some proper person may be appointed to receive collect and get in the rents and profits of the said Testator's real estate.
3. That for the purposes aforesaid all proper accounts may be taken enquiries made and directions given and that the costs of the said suit may be duly provided for.
4. That the Plaintiffs may have such further and other relief as the nature of the case may require.

The Defendants to this bill of complaint are—

THOMAS ROWING BRASNETT  
SARAH CHRISTIANA BRASNETT  
BENJAMIN MATTHEWS and MARY ANN  
his Wife and  
ARCHIBALD ROWING.

WILLIAM NORTON LAWSON.

NOTE.—This bill is filed by Messieurs WHITES' RENARD and FLOYD of Number 28A, Budge Row Cannon Street in the city of London Agents for Mr. JAMES FELTHAM of Hingham in the county of Norfolk the Solicitor for the Plaintiffs.