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Chancery. The Chancery can give leave. *Ordered* to report as in L. J., XV. 457. (Pet. Book.)]

449. Nov. 25. Moore's Estate Act.—Draft of an Act for enabling Francis Moore, Esq., to sell the Manor of Bayhouse and lands in West Throok, in the county of Essex, and to purchase other lands in lieu thereof. [Read 1^a this day; Royal Assent, 24 Feb. 1691-2. (L. J., XIV. 662; XV. 93.) 3 & 4 W. & M. c. 31 in Long Calendar. Com. Book, Dec. 1 and 10.]

450. Nov. 25. Shatterden's Estate Act.—Amended draft of an Act to vest the Estate late of Henry Drax, Esq., deceased, in Thomas Shatterden, Gent., and to enable the said Thomas Shattenden and others, to whom the said estate is devised, to make a Jointure. The Lords' Amendments are to enable Thos. Shatterden to appoint to his wife during her life any part of the premises not exceeding 1,000*l.* a year, and to limit all the Jointures in being to 1,500*l.* a year. (Com. Book.) [Read 1^a this day; Royal Assent, 24 Feb. 1691-2. (L. J., XIV. 662; XV. 63.) 3 & 4 W. & M. c. 43 in Long Calendar.]

Annexed:—

(a.) 15 Dec. Lords' Amendments in Committee. [Made and reported this day. Com. Book. L. J., XIV. 687.]

451. Nov. 28. Albury and North Mims Act.—Amended draft of an Act for enfranchising several copyhold Lands and Tenements holden of the manors of Albury and North Mims in the county of Hereford. [Read 1^a this day; Royal Assent, 24 Feb. 1691-2. (L. J., XIV. 664; XV. 93.) 3 & 4 W. & M. c. 17 in Long Calendar. The Amendment is purely clerical. *Mr. John Duncombe* for the copyholders and *Mr. William Vernon* for the L. President prayed the passing of the Bill. Com. Book, 5 Dec.]

Annexed:—

(a.) Breviate of the Bill.

452. Nov. 30. Pote v. Pote and another.—Petition and Appeal of Thomas Pote, Gentleman. Complains of a Decree of the Lords Commissioners of 14 Nov. 1691* giving to Elizabeth Pote for life certain lands called Gannacott and Blagdon, in the county of Devon, settled on her as a jointure by her late husband Leonard, Petitioner's elder brother. Petitioner claims under an entail, the said Leonard having died without issue. *Signed* by Appellant; *Countersigned* by J. Somers and William Williams. [Read this day. Cause heard and Decree affirmed 7 Jan. 1691-2. L. J., XIV. 665; XV. 20. The proceedings at the hearing are not recorded in MS. Min.]

Annexed:—

(a.) 14 Dec. Answer of Elizabeth Pote, Widow, and John Raw, Gent. Appellant's father was seized of the estate not in tail but in fee, and granted Appellant an annual rentcharge out of it of 12*l.*, which he has continued to receive since his father's death. The estate was settled on the Respondent Elizabeth, the eldest daughter of Edward Pyne, Esq., on her marriage with Leonard Pote, in consideration of her portion of 700*l.* and upwards, and Appellant, who engrossed the very marriage settlement, never pretended any entail to hinder its effect. Leonard, who was a barrister, well knew his title, and often declared there

* 2 Vernon, 239.

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was no entail. By his will he devised the entire inheritance to the Respondent Raw, who has paid the legacies charged upon the estate, and has since, on his marriage with Mary, the daughter of Thomas Kelly, Esq., settled the inheritance on the issue of that marriage. Appellant obtained a verdict at the trial on the ejectment by means of a pretended deed of entail, alleged to have been made on his father's marriage. Prays that the Decree for confirming the jointure may be established, and the Appeal dismissed with costs. *Signed* by Respondents. The counter-signature of Nicholas Hooper is copied. *Endorsed* as brought in his day.

(b.) 16 Dec. Petition of Appellant for an early day for hearing. L. J., XIV. 689.

453. Nov. 30. Shepheard v. Wilkins and others.—Petition and Appeal of Samuel Shepheard. The Respondent Wilkins, the Master and part owner of the "Ann and Mary," agreed to ship Petitioner's wines at Bordeaux at a freight of 3*l.* per tun, but on arriving there, he took advantage of the fear of a war with France, and demanded a rate of 10*l.* After two unsuccessful actions by Wilkins on his return, Petitioner brought a Bill against him in Chancery to discover the agreement, and the Court, on 9 Nov. 1689, having ordered a trial at law on the single point whether there was an agreement for the lower or the higher rate, a verdict was twice found for Petitioner, with which verdicts the Court, on a Bill being brought by Wilkins, refused to interfere. The other owners then brought a new Bill against Petitioner, and, for a colour, made Wilkins a defendant, falsely suggesting that he had made but a faint prosecution, and the Lords Commissioners pronounced a decretal order for a new trial at the King's Bench in a new action to be brought in Wilkins' name on the point already tried. Prays that this decretal Order may be reversed. *Signed* by Appellant; *Countersigned* by W. Thompson and Wm. Whitelocke. L. J., XIV. 665. [The Cause was heard, C. Justice Holt having been ordered to attend (L. J., XV. 23) on 15 Jan. 1691-2. *Serjeant Thomson* (for Appellant) opened the case. *Mr. Finch* (for Appellant): We appeal from the decree upon the action to be tried in the King's Bench, whether 3*l.* per tun or 10*l.* per tun in January 1688, which was the rate all over the Exchange. We show our verdicts; that is a flat bar. We are sent to this trial after our witnesses are dead. *The Solicitor-General* (for Respondents): We had a proper Bill in Chancery, and this direction for a trial was just and equitable. The Master has a proper remedy at law for the freight. The owners have no recovery in law but in equity. *Mr. Trevor* (for Respondents): There was no such agreement in writing. We have writing to show there was no such agreement. We have another writing that exactly falsifies his answer under his own hand by two witnesses. They offer to prove a Paper read in Chancery, but could not for Wilkins (*sic*). Counsel withdrew. *Ordered* that the Decree shall be reversed. (MS. Min.; L. J., XV. 31.)]

Annexed:—

(a.) 14 Dec. Answer of Samuel Stanier, John Morgan, Abel Ward, John Pettit, and Richard Meriwether and Naomi, his wife. No such agreement for 3*l.* per tun was ever made with Appellant by the Respondents Stanier and Morgan, who repudiated it in a letter to Wilkins and instructed him to get the highest freight he could. Respondents brought their Bill against Wilkins and the Appellant and the other freighters, not having