

craftily and subtilly to deceive and defraud the said *N.* in this behalf, the said 100 lb. weight of fine *Turkey Rhubarb*, or any part thereof, to the said *N.* hath not delivered (although he the said *N.* was *always* prepared and ready upon the delivery of the said 100 lb. weight of fine *Turkey Rhubarb* in manner aforesaid, then and there to have paid the said *J.* the said 114 *l.* 19 *s.* which together with the said 1 *s.* paid by the said *N.* to the said *J.* as aforesaid amount to 115 *l.* (that is to say) 23 *s.* for every pound weight of the said 100 lb. weight of the said fine *Turkey Rhubarb*, according to the agreement aforesaid) but the said *J.* hath hitherto neglected and refused, and still doth neglect and refuse to deliver to the said *N.* the said 100 lb. weight of fine *Turkey Rhubarb*.

Count for money had and received.

London, *J. P.* late, *Ec.* was attached to answer unto *W. C.* in a plea of trespass upon the case, *Ec.* and whereupon the said *W.* by *R. B.* his attorney complains, that whereas on the — day of — in the year of our Lord 1734, at London aforesaid, in the parish of *St. Mary Le Bow* in the ward of *Cheap*, in consideration that the said *W.* at the special instance and request of the said *J.* would let to hire, and deliver unto a certain person then and yet unknown to the said *W.* a certain gelding of the said *W.* to ride from London aforesaid to *Highbate* in the county of *Middlesex*, and so back again to London aforesaid, he the said *J.* undertook, and then and there

Declaration on Assumpsit to pay for a gelding let to a third person if he did not return it.
2 R. Raym. 1085.

there faithfully promised the said *W.* to pay him 5*l.* 5*s.* if that person did not return the said gelding to the said *W.* the same day; and the said *W.* doth aver, that he, confiding in the aforesaid promise of the said *J.* afterwards, *to wit,* the same day and year aforesaid at *London* aforesaid, in the parish and ward aforesaid, at the said request of the said *J.* did let to hire, and deliver unto the said person so unknown to the said *W.* the said gelding of the said *W.* to ride from *London* aforesaid to *Highgate* aforesaid, and so back again to *London* aforesaid; and that the said person so unknown to the said *W.* did not the same day, or at any time afterwards, return the said gelding to the said *W.* whereof the said *J.* had notice, and therefore the said *J.* according to his aforesaid promise and undertaking, ought to have paid unto the aforesaid *W.* the said sum of 5*l.* 5*s.* Yet the said *J.* not regarding his aforesaid promise and undertaking, &c.

Trover by assignees of commissioners of bankruptcy.

Wilts, *to wit,* *E. D.* late, &c. and *R. M.* late, &c. were attached to answer *J. G.* and *R. P.* assignees of the debts, goods and chattels of *S. L.* a bankrupt, according to the form of the statutes made concerning bankrupts, of a plea of trespass upon the case, &c. and whereupon the said *J.* and *R.* by *S. S.* their attorney complain, that they the said *J.* and *R.* on the — day of — in the year of our Lord — at *Bradford* in the said county of *Wilts,* were possessed of 30 broad cloths of the value of 600*l.* as of their
OWN

own proper goods and chattels (they being as aforesaid assignees of the debts, goods and chattels of the said bankrupt) and being thereof so possessed, they the said J. and R. the said 30 broad cloths out of their hands and possession casually lost and mislaid; which said 30 broad cloths afterwards, *to wit*, the day and year aforesaid at *Bradford* aforesaid, came to the hands and possession of them the aforesaid E. and R. by finding; and though the aforesaid E. and R. knew the aforesaid cloths to be the proper goods and chattels of the aforesaid J. and R. and to them as assignees of the debts, goods and chattels of the said S. L. the bankrupt, of right to belong and appertain: Yet they the aforesaid E. and R. contriving and fraudulently intending the aforesaid J. and R. of the aforesaid cloths, to deceive and defraud, have not, nor hath either of them delivered the aforesaid cloths, or any of them to the aforesaid J. and R. although they have by them been often requested to deliver the same; but they the aforesaid E. and R. afterwards, *to wit*, the day and year aforesaid at *Bradford* aforesaid, to their own proper use did convert and dispose of the aforesaid cloths, to the damage of them the aforesaid J. and R. 600 l. And thereof they bring suit, &c.

Middlesex, *to wit*, R. W. late of *Westminster* in the county aforesaid, esq; and D. L. late of the same, esq; late sheriff of the county of *Middlesex*, were attached to answer unto J. H. of a plea of trespass on the case, &c.

Declaration at the suit of an infant by his Prochein amy against a sheriff for a false return, where;

*by the plaintiff
was taken on
an attachment
for a rescous.*

Et c. and whereupon the said *J. H.* by *J. H.* who is admitted by his majesty's court here to prosecute for the said *J. H.* who is within the age of 21 years, as the next friend of the said *J. H.* complaineth, that whereas on the 23d day of *January* in the term of *St. Hilary* in the seventh year of the reign of his present majesty, a writ of his said majesty issued out of his said majesty's court of common bench here, *to wit,* at *Westminster* in the said county, directed to the then sheriff of *Middlesex*; by which said writ the said sheriff was commanded, that he should take *J. H.* then late of *St. Giles's* in the said county, scavenger, and *J. D.* if they should be found in his bailiwick, and them safely keep, so that the said sheriff might have their bodies before the justices of his said majesty here, *to wit,* at *Westminster* aforesaid, from the day of *Easter* in 15 days then next following, to answer *T. B.* in a plea of trespass; and also that the said *J.* might answer the said *T.* according to the custom of the said court of Common Bench here, of a certain plea of trespass on the case upon promise, to the damage of him the said *T.* 20*l.* and that the said sheriff should then have there the said writ; which said writ afterwards, and before the return thereof, *to wit,* on the 9th day of *February* in the 7th year aforesaid, at *Westminster* aforesaid, was delivered to the said *R. W.* and *D. L.* then, and until and after the return of the said writ, being sheriff of the said county, to be executed in due form of law; *Yet* the said *R. W.* and *D. L.* then, and until

until and after the return of the said writ, being sheriffs as aforesaid, not regarding the duty of the said office of sheriff of the said county, but contriving and fraudulently intending to injure and oppress the said J. in this particular, afterwards, *to wit*, at the return of the said writ, did falsely, and in deceit of the said court here return to and upon the said writ to the justices of his said majesty here, *to wit*, at *Westminster* aforesaid, that by virtue of his said writ to him directed, he made his warrant directed to S. L. J. D. and R. R. his bailiffs of the hundred of *Ossulston*, jointly and separately to take and arrest the said J. H. in the said writ named, by virtue of which said warrant the aforesaid S. L. afterwards, and before the return of the said writ, *to wit*, on the 1st day of *April* in the 7th year aforesaid, at the parish of *St. Giles's in the Fields* in the said county, within the said hundred of *Ossulston* in the said sheriff's bailiwick, did take and arrest the said J. H. according to the command of the said writ, and then and there kept him in safe custody, until E. H. wife of the said J. H. and the said J. by the name of J. H. &c. and divers other persons unknown to the said then sheriff, and to the said S. L. at the parish of *St. Giles* aforesaid, with force and arms in and upon the said S. L. the said then sheriff's bailiff aforesaid, made an assault, and beat, wounded and ill-treated him, and then and there rescued, and each and every of them did then and there rescue the said J. H. out of the custody of the said S. L. the

said then sheriff's bailiff aforesaid, against the said then sheriff's will, and against the will and without the consent of the said *S. L.* and him the said *J. H.* did permit to go at large where he pleased; and the said *J. H.* did then and there, with force and arms, rescue himself, and escaped out of the custody of the said *S. L.* the said then sheriff's said bailiff, against the said then sheriff's will, and without the consent of the said *S. L.* against the peace of the said lord the king; and afterwards and before the return of the said writ, the said *J. H.* was not found in the said then sheriff's bailiwick, and therefore the said then sheriff could not have the body of the said *J. H.* before his said majesty's justices at the day and place in the said writ mentioned, as by the said writ the said then sheriff was commanded; under pretence of which false return of the said writ, afterwards, *to wit*, on the 23d day of *October* in *Michaelmas* term in the 8th year of the reign of his said majesty, a writ of his said majesty issued out of his said majesty's court of common bench here, *to wit*, at *Westminster* aforesaid, according to the course and usage of the said court, directed to the now sheriff of the said county of *Middlesex*; by which writ the said now sheriff was commanded, that he should not omit because of any liberty in his said county, but that he should take the said *E.* the said wife of the said *J. H.* and the said *J.* if they were to be found in the bailiwick of the said now sheriff, and safely keep them, so that the said now
 sheriff

sheriff might have their bodies before his said majesty's justices here, *to wit*, at *Westminster* aforeaid, from the day of *St. Martin* in 15 days then next following, to answer to his said majesty of certain trespasses, rescues and contempts, certified by the said *R. W.* and *D. L.* late sheriff of the county of *Middlesex* aforeaid to his said majesty's justices at *W.* aforeaid, from the day of *Easter* in 15 days then last past, by virtue of which the said *J.* afterwards, and before the return of that writ, *to wit*, on the 11th day of *November* in the 8th year of the reign of his said majesty, at the said parish of *St. Giles's in the fields* in the county aforeaid, was attached, taken and imprisoned by *M. P.* and *J. S.* the said now sheriff of the said county of *Middlesex*, and kept in prison by them there for a long time, *to wit*, from thenceforth, until the space of 33 hours then next following; and the said *J.* by reason of the premisses, was obliged to appear in the said court here, *to wit*, at *Westminster* aforeaid, at the return of the said writ, to answer to his said majesty for the said trespasses, rescues and contempts as aforeaid returned, according to the exigence of the said writ last above mentioned, and thereupon he the said *J. H.* with one *R. J.* and *W. L.* afterwards, *to wit*, on the 22d day of *November* in the term of *St. Michael* in the said 8th year of the reign of his said majesty, in his said majesty's court here, entered into a recognizance in the said court here, for the personal appearance of the said *J. H.* from the day of *St. Martin* in 15 days

then next following, to answer all such matters as should be then and there objected against the said *J. H.* and especially for his contempt on the rescous of the said *J. H.* returned by the said *R. W.* and *D. L.* the said late Sheriff of *Middlesex* aforesaid, and so from day to day till the said *J. H.* should be discharged by the said court, and not depart the said court without leave of the same court; whereas the said *J. H.* in fact saith, that he is in no wise guilty of the said supposed rescous and contempt lately returned against him as aforesaid, by reason of which false return of the said writ above-mentioned so made by the said *R. W.* and *D. L.* then sheriff as aforesaid, the said *J. H.* not only bore and sustained a long imprisonment as aforesaid, but he hath been put unto divers great colls and expences, amounting in the whole to a great sum, *to wit*, to the sum of 40*l.* to the damage of the said *J. H.* 90*l.* Thereof he bringeth, suit, &c.

Declaration in case for unskillfully managing a ship, whereby she ran against a lighter and damaged plt.'s goods therein.

London, *to wit*, *H. G.* late, &c. mariner, was attached to answer to *T. H.* in a plea of trespass upon the case, and whereupon the said *T.* by *G. N.* his attorney complaineth, that whereas the said *T.* on the 28th day of *December* in the year of our Lord 1735, at *London* aforesaid, was possessed of divers goods and merchandizes, *to wit*, of 1000 baskets of *Denie* raisins, of the value of 360*l.* then laden on board a certain lighter then being in the river *Thames*, and then moored at a certain key adjoining to the said river

Thames

Thames at *London* aforesaid; and whereas the said *H.* upon the said 28th day of *December* in the said year of our Lord 1735, at *London* aforesaid, was possessed of and master of a certain ship or vessel called the *Mary*, then being in the said river *Thames* near the said key; yet the said *H.* not being ignorant of the premisses, but devising and maliciously intending to hurt and injure the said *T.* in this behalf, upon the same day and year above-mentioned at *London* aforesaid, to ill, unskillfully and negligently managed, governed and directed his said ship or vessel, that for want of good care and management of the said *H.* of his said ship or vessel, the said ship or vessel of the said *H.* then and there pressed against the said lighter, and broke one of the sides of the said lighter, whereby the water then and there flowed into the said lighter so laden with the said raisins as aforesaid, and very much damaged and spoiled the said raisins so laden therein, whereby he saith he is prejudiced, and hath damage to the value of 100*l.* and thereof he bringeth suit, &c.

Yorkshire, to wit, *W. J.* innkeeper of a Declaration common inn in *Cloughton* in the county afore- against an inn-
said, was attached to answer *W. K.* of a plea keeper for lo-
of trespass upon the case; whereupon the said sing a horse of
W. K. by *J. U.* his attorney complaineth, his guest.
that whereas by the law and custom of *Eng-
land*, innkeepers who keep common inns to
entertain travellers passing along the country
where such common inns are, and as guests
lodging

lodging in the same inns safely and securely by night and day, are bound to keep, without any loss or dimunition of their goods and chattels being within the said inns, so that by default of such innkeepers or of their servants no damage may in any wise happen to such guests; and also whereas the said *W. J.* on, and long before the 7th day of *November* in the 9th year of the reign of the lord the now king, and on the 1st day of *November* afore said did hold and keep, and yet doth hold and keep a common inn in *C.* afore said, in the county afore said; and the said *W. K.* the said 7th day of *November* in the said inn as a guest did lodge, the said *W. K.* then and there in the said inn having with him a certain mare of the said *W. K.* of the price of 5*l.* yet certain misdoers unknown to the said *W. K.* the said 7th day of *November* at *C.* afore said in the county afore said, in default of due keeping of the said *W. J.* and his servants, the mare of the said *W. K.* then and there put and placed in the said inn, under the custody of the said *W. J.* in the said inn of the said *W. J.* by the said *W. K.* a guest of the said *W. K.* in the said inn, took and carried away, and her detained from the said *W. K.* against the will of the said *W. K.* for a long time, *to wit,* for the space of one month, and then and there did her beat, bruise and lame, so that she became of no value, and other injuries to him did, to the great damage of the said *W. K.* and against the said law and custom. *And also whereas* by the law and custom of *England,* all innkeepers

keepers, who keep common inns to entertain travellers passing along the country where such inns are, and as guests lodging in such inns, all their goods and chattels, and all the goods and chattels being in the lawful custody of such guests, being in the said inns night and day, are bound to keep without loss or diminution, so that for default of such inn-keepers or their servants no damage may in any wise happen to such guests, or to the goods and chattels which are in the lawful custody of such guests within the said inns; and whereas the said *W. J.* on, and long before the seventh day of *November* in the 9th year of the reign of the lord the now king, and on the first day of *November* aforesaid in the same year, in his said inn at *C.* aforesaid in the county aforesaid, in his said inn did lodge the said *W. K.* as his guest, the said *W. K.* then and there having in his lawful custody another mare of *H. H.* then and there being the proper mare of the said *H. H.* of the price of 5*l.* by the said *H. H.* to the said *W. K.* before that time there lent, safely to be redelivered to the said *H. H.* yet certain misdoers unknown to the said *W. K.* the said 7th day of *November* at *C.* aforesaid in the county aforesaid, in default of due keeping of the said *W. J.* and his servants, the said last mentioned mare then and there put and placed under the custody of the said *W. J.* in the said inn of the said *W. J.* by the said *W. K.* a guest in the said inn of the said *W. J.* took and carried away, and her
there

there detained from the said *W. K.* for a long time, *to wit*, the space of 11 days, and her then and there beat, bruised and lamed, so that she became of no value; by reason whereof the said *W. K.* paid the said *H. H.* a great sum of money, *to wit*, 21 s. in satisfaction of the injury done to the said mare; and he the said *W. J.* other injuries did to the said *W. K.* to the great damage of the said *W. K.* and against the said law and custom; whereupon the said *W. K.* saith, that he is injured, and hath damage to the value of 10*l.* and thereof he bringeth suit, &c.

Declaration in trespass for entering and hunting in a chase or warren, and killing game.

Cumberland, *to wit*, *F. T.* late, &c. was attached to answer *W. H.* in a plea wherefore he with force and arms entered into a free chase of the said *W.* at *M.* in the county aforesaid, and without his licence and consent in the same did hunt, and did take, kill and carry away hares, conies, pheasants and partridges; and also wherefore he with force and arms entered into the free warren of the said *W.* at *M.* aforesaid, and without his licence and consent did there hunt, and take, kill and carry away other hares, conies, pheasants and partridges, and other injuries to him did, to the great damage of the said *W.* and against the peace of our lord the king; and whereupon the said *W.* by *T. B.* his attorney complaineth, that the aforesaid *F.* on the ——— day of ——— in the ——— year of the reign of his present majesty, and on divers other days and times between that day and the 1st day of *March* in the ——— year of the reign

reign of his said majesty, with force and arms, &c. entered into the free chase of the said *W.* at *M.* aforesaid, and without his licence and consent did in the same hunt, and did take, kill and carry away hares, *to wit*, 20 hares, conies, *to wit*, 40 conies, pheasants, *to wit*, 20 pheasants, and partridges, *to wit*, 20 partridges; and also that the said *F.* on the said several days and times aforesaid, with force and arms, &c. entered into the free warren of the said *W.* at *M.* aforesaid, and without his licence and consent there did hunt, and did take, kill and carry away other hares, *to wit*, 20 other hares, conies, *to wit*, 40 other conies, pheasants, *to wit*, 20 other pheasants, and partridges, *to wit*, 20 other partridges, and other injuries, &c. to the great damage, &c. and against the peace, &c. whereupon the said *W.* saith that he is prejudiced, and hath received damage to the value of 20*l.* and thereof he bringeth suit, &c.

Derbyshire, *to wit*, *W. L.* late, &c. was * attached to answer *J. T.* of a plea of trespass upon the case, &c. and whereupon the said *J.* by *W. W.* his attorney complaineth, that

* Declaration in case for detaining plt.'s apprentice. Ld. Ch. Just. *Raymond* said, that if a man knows that an apprentice ran away from his master, and he keeps and employs him, the proper remedy is to bring an action for so much money paid to the plaintiff's apprentice in wrong of the Plaintiff. 2 *Lew.* 63. *Ses. Cas.* 292. *Barnard, K. B.* 312.

whereas *W.* the son of *W. M.* of, &c. by his certain indenture bearing date the—day of—in the year of our Lord—at—aforsaid, was justly and lawfully retained in the service of him the said *J.* after the manner of an apprentice, to be instructed in the art of a cutler, which the aforsaid *J.* then used, until the end and term of nine years from hence next ensuing and fully to be complete and ended. And the same *W. M.* the son served for the space of three years and upwards next after the said—day of—in the year aforsaid, in the service of him the said *J.* in his art aforsaid as an apprentice; nevertheless the aforsaid *W. L.* not ignorant of the premises, but contriving craftily and subtilly to deceive and defraud him the said *J.* of the service of his said apprentice, and of all profit, advantage and gain, which he the said *J.* by reason of his apprentice aforsaid should and might have and gain, afterwards during the said term of nine years, *to wit*, on the first day of *July* in the year of our Lord—at—aforsaid in the said county, knowing* the aforsaid *W. M.* the son to be the apprentice of him the said *J.* did wrongfully intice and procure him the said *W. M.* the son to depart from the said service of him the said *J.* which said apprentice of the said *J.* afterwards, *to wit*, the same day and year, by

* In an action for inticing away an apprentice, it must be proved, that the defendant knew he was the plaintiff's apprentice. *S. f. Cas* 292. *pl.* 223. *Earnard.* *K. B.* 312.

reason of the said inticements and procurements of the said *W. L.* without any reasonable or probable cause whatsoever left the service of the said *J.* his master, and absented himself from his said service for a long time, *to wit*, for a month then next following, and the said *W. L.* injuriously detained and kept him the said *W. M.* the son from his service aforesaid during that time, against the will of the said *J.* *to wit*, at — aforesaid, whereby the said *J.* for all that time lost the service of his apprentice aforesaid; *And whereas* the said *W. M.* the son, afterwards, and during his said apprenticeship, *to wit*, on the 2d day of *August* in the year of our Lord — without any reasonable cause or just pretence absented himself from the service of his said master, *to wit*, at — aforesaid; nevertheless the said *W. L.* well knowing the premisses, but contriving and intending further to injure the said *J.* and to deprive him of the further use, service and benefit of his said apprentice *W. M.* the son, afterwards, *to wit*, on the said 2d day of *August* in the year of our Lord — aforesaid, at — against the will of the said *J.* injuriously received the said *W. M.* the apprentice into his service, and detained and kept him from the service of the said *J.* his master for a long time, *to wit*, from thenceforth until the 1st day of *January* then next following; whereby the said *J.* for all that time lost the service of his said apprentice, to the damage of the said *J.* of 4*cl.* And thereof he bringeth suit, &c.

Here.

*Declaration
for taking and
detaining pit.'s
wife.*

Herefordshire, *to wit*, *R. S.* was attached to answer *W. B.* gentleman of a plea, wherefore he took *S.* the wife of the said *W.* and keepeth her taken, &c. and whereupon the said *W.* by *J. C.* his attorney complaineth, that the said *R.* on the first day of *June* in the year of our Lord 1734, at the parish of *Bodenham* in the county aforesaid, took the said *S.* the wife of the said *W.* and keepeth her yet taken, whereby he saith that he is prejudiced, and damnified to the value of 500*l.* and thereof he bringeth suit, &c.

*Declaration
for carrying
away plain-
tiff's wife,
goods and
chattels.*

Suffolk, *to wit*, *M. W.* late, &c. malster, was attached to answer to *S. F.* gent. in a plea, wherefore with force and arms he took and carried away *T.* the wife of the said *S.* together with the goods and chattels of the said *S.* of the value of 500*l.* pounds at *Stowmarket* aforesaid, and detained the said *T.* the said wife of the said *S.* there from the said *S.* a long time, whereby the said *S.* lost the aid, comfort, fellowship, service and assistance of his said wife, and detained for a long time the said goods and chattels, and doth still detain the same, and did other wrongs to the said *S.* to the great damage of the said *S.* and against the peace of his present majesty, &c. And whereupon the said *S.* by *T. K.* his attorney complaineth, that the said *M.* on the 15th day of *May* in the year of our Lord 1733, at *S.* aforesaid in the county aforesaid, with force and arms, &c. took and carried away the said *T.* then and
now

now the wife of the said S. together with the goods and chattels of the said S. *to wit*, a gold watch, a watch-chain and picture set in gold, one pair of ear-rings of gold set with diamonds, two other gold rings, four gowns, four petticoats, one cloth cloak, one velvet hood, 20 holland shifts, two head-dresses of lace, and two other head-dresses of cambrick and lace, of the value of 200*l.* found at S. aforesaid; and detained the said T. the said wife of the said S. there from the said S. a long time, *to wit*, from the said 15th day of *May* in the said year of our Lord 1733, until the 18th day of *October* in the year of our Lord 1735, whereby the said S. during all that time lost the aid, comfort, fellowship, service and assistance of his said wife; and also during all the time aforesaid detained the said goods and chattels, and doth still detain the same, and did other wrongs, &c. to the great damage, &c. and against the peace, &c. whereby the said S. saith that he is injured, and hath damage to the value of 2000*l.* and thereof he bringeth suit, &c.

Devon, *to wit*, G. F. late, &c. was attached to answer E. F. of a plea, wherefore with force and arms he made an assault upon M. the wife of the said E. at K. in the said county, and her the said M. debauched, abused, carnally knew and got with child, whereby the said E. for a long time lost the comfort and affection, and also the
counsel,

counsel, assistance and service of his said wife in his domestic affairs, and did him other wrongs, to the great damage of the said *E.* and against the peace of our lord the king, &c. And whereupon the said *E.* by *T. W.* his attorney complaineth, that the said *G.* upon the 11th day of *November*, 1732, and at diverse other days and times between that day and the 4th day of *October* in the year of our Lord 1733, with force and arms made an assault upon *M.* then the wife of the said *E.* at *K.* aforesaid in the county aforesaid, and her the said *M.* then and there debauched, abused, carnally knew and got her with child, whereby the said *E.* for all the time aforesaid lost the comfort and affection, and also the counsel and assistance, and service of his said wife in his domestic affairs, and did him other wrongs, to the great damage of the said *E.* and against the peace, &c. Whereupon he saith he is injured, and hath damage to the value of 1000*l.* and thereof he bringeth suit, &c. *

Declaration in case for dilapidations in not repairing chancel, &c.

Gloucestershire, *to wit*, *P. L.* late, &c. late rector of the parish church of *B.* in the said county of *G.* was attached to answer to *W. A.* clerk, now rector of that church, in a plea of trespass on the case, &c. and whereupon the said *W. A.* by *T. M.* his attorney complaineth, that whereas all and singular rectors of churches within that part of his

* See more precedents in second volume.

majesty's kingdom of *Great Britain* called *England*, for the time being, ought by law well and sufficiently to repair, support and sustain the chancels of their churches, and the walls and fences of their church-yards, and all and singular the houses, edifices, buildings and structures of and belonging to their rectories, and the walls and fences of their glebe lands thereof, and relinquish, yield up and leave the same without any dilapidations, or want of reparation whatsoever, to their successors, rectors of such churches; and in default thereof are bound and ought to pay and satisfy their successors the full and true value of such dilapidations and want of reparations. *And whereas* the said *P.* was heretofore lawfully instituted, and inducted into the said rectory and parish church of *B.* and on the first day of *November* in the year of our Lord 1733, was the lawful rector thereof, and in right of the said rectory was seized of a mansion-house, called the parsonage-house in the said parish of *B.* with the barns, stables, out-houses, edifices, buildings, yards, courts, gardens and appurtenances thereunto belonging, and also of several pieces or parcels of glebe land parcel of the said rectory, and so continued until such time as herein after is mentioned, and afterwards, *to wit*, on the 25th day of the said month of *November* in the said year of our Lord 1733, freely resigned the said rectory and parish church into the hands of *E.* late lord bishop of *G.* deceased, then or-

dinary of that place, and thereupon the said church being vacant by means of such resignation; and the said *W. A.* afterwards, *to wit*, the 18th day of *December* in the year aforesaid, was upon such vacancy duly presented to the said church, and admitted, instituted and inducted into the same, and became, and hath continued, and now is the lawful rector of the said church, and the next successor of the said *P.* and the said *W. A.* in fact saith, that at the said time of the resignation of the said rectory and parish church by the said *P.* the chancel of the said parish church, and the walls and fences of the church-yards thereof, and the said mansion or dwelling-house called the parsonage-house, part of and belonging to the said rectory, the brew-house thereto adjoining, the barn, the stables, the coach-house, cart-house, the granary, the necessary-house, the chicken-house, and other out-houses, edifices and buildings belonging to the said mansion-house, the mound-walls round the garden and courts likewise belonging to the same house, the stone steps in the said garden and the rails on each side of such steps, and also the walls and fences of the glebe lands, part also of the said rectory, were very ruinous, and greatly dilapidated, and in decay for want of repairs, and were so left by the said *P.* when he resigned the said rectory and church as aforesaid, *to wit*, on the 25th day of *November* in the said year of our Lord 1733. And the said *W. A.* further saith, that the sum of money necessary

to be expended and laid out for the necessary repairs of the said premisses amounteth to, and at the time of the said resignation of the said rectory and parish church by the said *P.* amounted to 200*l.* of lawful money of *Great-Britain*, of which the said *P.* afterwards, *to wit*, on the 20th day of the said month of *December* in the said year 1733, at *B.* aforesaid, had notice: *Nevertheless* the said *P.* intending to defraud the said *W.* in this behalf, the said sum of 200*l.* or any part thereof, or any other sum of money sufficient for the necessary reparation of the said premisses, so left by the said *P.* dilapidated, and in such a ruinous condition for want of repairs as aforesaid, to the said *W.* hath not paid or satisfied, although the said *P.* was afterwards, *to wit*, the said 20th day of *December* in the year last above mentioned, at the said parish of *B.* in the said county of *G.* requested by the said *W.* so to do; but the said *P.* hath hitherto refused, and still refuseth to pay or satisfy the same, or any sum of money whatsoever to the said *W.* for such want of repairs and dilapidations as aforesaid, to the damage of the said *W.* of 200*l.* and thereof he bringeth suit, &c.

Northamptonshire, *to wit*, *T. K.* late, *Declaration in*
&c. was attached to answer to *R. B.* who *prohibition.*
prosecuteth in this behalf as well for the king
as for himself in a plea, wherefore he the said
T. hath followed a plea against the said *R.*
in the spiritual court against the king's pro-
hibition, &c. and whereupon the said *R.*

who as well, &c. by T. S. his attorney complaineth, that whereas the parish of *Towcester* aforeſaid is, and from the time beyond the memory of man was an ancient pariſh, within which pariſh for all that time there was and is an ancient pariſh church and whereas he the ſaid R. B. now is, and for divers years laſt paſt was ſeiſed in his demefne as of fee of and in an ancient meſſuage, with the appurtenances, in the pariſh of *Towcester* aforeſaid, now or late in the tenure or occupation of L. R. and he the ſaid R. B. and all thoſe whoſe eſtates he had and hath of and in the ſaid meſſuage, with the appurtenances, from time beyond the memory of man have at their own coſts repaired one ſeat or form in the ſaid church, which ſeat or form hath been lately taken in and made parcel of a pew in the ſaid church, and therefore have had and uſed for themſelves and family inhabiting in the ſaid meſſuage the ſole and ſeparate uſe of the ſaid ſeat or form, for the hearing and attending of divine ſervice in the ſaid church. *And whereas* all pleas and ſuits of and concerning customs and preſcriptions within this realm, and the cognizance of ſuch pleas and ſuits, ſpecially belong and appertain to his majeſty and his royal crown, and not to the court Chriſtian, and by the common law of the land of this kingdom of *England*, and not by the eccleſiaſtical laws or cenſures, ought to be tried, determined and diſcuſſed, and always hitherto were wont and ought: Nevertheless the ſaid T. K. well knowing the premiſſes, but contriving

triving unjustly to grieve the said *R. B.* and to disherit his said majesty and his royal crown, and to bring the cognizance of a plea which specially belongs to his present majesty and his royal crown to another sort of trial in the court Christian before the venerable *G. R.* doctor of laws, lawfully deputed vicar general in spirituals, and principal official of the reverend father in Christ and lord *R.* by divine permission bishop of *Peterborough*, or his surrogate, hath impeached and controverted his suit, the right, title and possession of the said *R. B.* to the said seat or form, now parcel of the said pew; and although the said *R. B.* hath pleaded and alleged all and singular the matters above by him here suggested in the said court Christian before the said spiritual judge, in maintenance of his said right and possession of the said seat or form in the said pew, and offered to prove the same by inevitable testimony; *Yet* the said spiritual judge wholly refused to admit the said allegation and proof, and the said *T. K.* endeavoureth and daily contriveth to cause the said *R. B.* to be condemned in the premisses in the said court Christian, before the said spiritual judge, in contempt of his said present majesty, and to the manifest damage, prejudice, impoverishment and grievance of the said *R. B.* and against the common law of *England*. And although he the said *R.* afterwards, *to wit*, on the 20th day of *January* in the year of our Lord 1733, at the parish aforesaid, delivered to the said *T. K.* the king's writ of

prohibition to the contrary thereof; Nevertheless the said *T. K.* hath not ceased to follow his said suit in the said spiritual court, but hath since that time prosecuted and still prosecuteth his said suit there, notwithstanding the said writ of prohibition so delivered to him as aforesaid, in contempt of his said majesty, and to the great damage and grievance of the said *R.* and against the said prohibition; whereupon the said *R.* who as well, &c. saith that he is injured, and hath damage to the value of 40*l.* and thereof he as well for the king as for himself bringeth suit, &c.

Declaration in debt for rent reserved by indentures, at the suit of the heir.

Westmoreland, *A. B.* late, &c. was summoned to answer *C. D.* son and heir at law of *E. D.* deceased, of a plea, that he render to him 14*l.* of lawful money of *Great Britain*, which he oweth to, and unjustly detaineth from him, &c. and thereupon the said *C.* by *W. R.* his attorney saith, that whereas the said *E.* in his life-time, *to wit*, on the 24th day of *January* in the year of our Lord 1726, at *Kirby K.* aforesaid, by a certain indenture then and there made between the said *E.* by the name of — (*as in the lease*) of the one part, and the said *A.* by the name of — (*as in the lease*) of the other, the other part of which indenture, sealed with the seal of the said *A.* the said *C.* bringeth here into court, the date whereof is the same day and year, demised, leased, set, and to farm let unto the said *A.* his executors, administrators and assigns, all his the
said

faid *E.*'s burgage house, messuage and tenement, situate, standing and being at or near *Strickland gate end* (so recite the parcels as in the lease) to have and to hold the said burgage house, messuage and tenement, barn, &c. and all and singular other the premisses by the said indenture demised, with the appurtenances (except before excepted) unto the said *A.* his executors, administrators and assigns, from the 2d day of *February* next ensuing the day of the date of the said indenture, for and during and unto the full end and term of 21 years from thence next ensuing and fully to be complete and ended; yielding and paying therefore yearly and every year during the said term, unto the said *E.* his heirs and assigns, the yearly rent or sum of 14*l.* of lawful money of *Great Britain*, at two days or times of payment in the year, that is to say, at *Whitsuntide* and *St. Martin* the bishop in winter, by even and equal portions; the first payment to begin and be made at *Whitsuntide* then next ensuing, as by the said indenture may more fully appear; by virtue of which said demise the said *A.* entered into the said demised premisses with the appurtenances (except before excepted) and was possessed thereof for the term thereof demised as aforesaid, the reversion thereof, with the appurtenances, belonging to the said *E.* his heirs and assigns; and being so possessed, the reversion thereof belonging as aforesaid to the said *E.* afterwards, *to wit*, the first day of *April* in the year of our Lord 1733, at *K.* aforesaid

died seised of such his estate of and in the said reversion, at whose death the said reversion, with the appurtenances, descended to the said C. as son and heir of the said E. whereby the said E. became, and was seised of and in the said reversion with the appurtenances; and being so seised, and the said A. being so possessed of the said demised premises with the appurtenances, 14*l.* of the rent aforesaid, for one year ending at the feast of *St Martin* the bishop in the winter, in the year of our Lord 1734, to the said C. from the said A. became in arrear, and still remain unpaid, whereby an action hath accrued to the said C. to demand and have of the said A. the said 14*l.* yet the said A. (although often requested) hath not yet paid the said 14*l.* or any part thereof, to the said C. but to pay the same to him hitherto altogether hath refused, and still doth refuse, to the damage of the said C. 10*l.* and thereof he bringeth suit, &c.

Declaration in debt for rent reserved by indenture against the assignee of the lessee.

Middlesex, to wit, J. L. late of *Tottenham* in the county of *Middlesex*, esq; assignee of J. S. esq; otherwise lately called J. S. senior, of *London*, esq; was summoned to answer G. B. esq; in a plea, that he tender to him 6*l.* 12*s.* 6*d.* which he oweth to him and unjustly detaineth, &c. and whereupon the said G. by E. B. his attorney saith, that whereas by a certain indenture made at *Tottenham* aforesaid, on the 17th day of *May* in the year 1716, between the said G. by the name of G. B. of *Leatherhead* in the county

county of *Surrey*, esq; of the one part, and the said *J. S.* by the name of *J. S.* senior, of *London*, esq; of the other part, the counterpart of which indenture sealed with the seal of the said *J.* the said *G.* bringeth here into court, bearing date the same day and year, for the consideration therein mentioned he the said *G.* did demise, grant and to farm let unto the said *J. S.* all that mansion-house, messuage, tenement, wash-houses, stables, out-houses, yards, gardens, orchards, fish-pond or canal, with the appurtenances, which were then lately in the tenure or occupation of *R. C.* his under tenants or assigns; and which said mansion-house and premises abutted eastward on a field called the *Royal Field*, belonging to *T. M.* of *London*, goldsmith, westward on *Tottenham* high road, northward on a barn and orchard belonging to the said *G. B.* in the tenure or occupation of the said *W. B.* and southward on a garden belonging to the said *G. B.* in the tenure or occupation of the said *W. B.* and also that little messuage and tenement built upon the wall belonging to the said mansion-house, fronting also upon the high road of *Tottenham* aforesaid, then also in the tenure or occupation of the said *W. B.* his under-tenants or assigns, together with all ways, easements, watercourses, commodities and appurtenances whatsoever to the said mansion-house, messuages or tenements belonging or in any wise appertaining; all which said premises are situate and being in the parish of *Tottenham High Cross* in the
county

county of *Middlesex*; to have and to hold the said mansion-house, messuages or tenements, wash-houses, stables, out-houses, yards, gardens, orchards, fish-pond or canal, and all other the premisses, with their and every of their appurtenances above by the said indenture demised and granted unto the said J. his executors, administrators and assigns, from the feast-day of the Annunciation of the blessed virgin *Mary* last past before the date of the said indenture, for and during and unto the full end and term of 21 years from thence next ensuing and fully to be complete and ended; yielding and paying therefore yearly and every year during the said term unto the said G. his heirs and assigns, the yearly rent or sum of 26*l.* 10*s.* of lawful money of *Great Britain*, on the four feast-days or terms of payment in the year most usual, that is to say, at the feast of the Nativity of *St. John* the baptist, *St. Michael* the archangel, the birth of our Lord Christ, and the Annunciation of the blessed virgin *Mary*, by even and equal portions; the first payment thereof to begin and to be made upon the feast-day of *St. John* the baptist next ensuing the date of the said indenture, as by the said indenture more fully appeareth; by virtue of which demise the said J. entered into the said demised premisses with the appurtenances, and was thereof possessed; and being so possessed thereof, afterwards, *to wit*, on the 1st day of *April* in the year of our Lord 1734, all the said estate, right, title, interest and term of years of the said J. then

to come and unexpired, of and in the said demised premisses with the appurtenances, by an assignment came to the said *J. L.* by virtue of which assignment the said *J. L.* entered into the said demised premises with the appurtenances, and was possessed thereof until the expiration of the said term of 21 years, *to wit*, until and upon the feast of the Annunciation of the blessed virgin *Mary* in the year of our Lord 1737, and 6*l.* 12*s.* 6*d.* of the rent aforesaid, for the last quarter of a year of the said term on that feast became due and in arrear from the said *J. L.* to the said *G.* by reason of which an action accrued to the said *G.* to demand and have of the said *J. L.* the said 6*l.* 12*s.* 6*d.* Nevertheless the said *J. L.* (although often requested) hath not rendered to the said *G.* the said 6*l.* 12*s.* 6*d.* or any part thereof; but hath hitherto wholly denied, and still doth deny to render the same to the said *G.* whereby the said *G.* saith that he is injured, and hath damage to the value of 40*s.* and thereof he bringeth suit, &c.

And the said *J. L.* by *J. D.* his attorney *Plea,* cometh and defendeth the force and injury, *Nothing in* when, &c. and as to the sum of 6*l.* 12*s.* 6*d.* *arrears.* which the said *G.* above by his said declaration supposeth to have been become due and in arrear for the rent of the said premisses from the said *J. L.* to the said *G.* upon the feast of the Annunciation of the blessed virgin *Mary* in the year of our Lord 1737, for the last quarter of a year of the said term on that feast in the said declaration mentioned,
the

the said *J. L* saith that no part thereof is due and in arrear to the said *G.* as the said *G.* by his said declaration above supposeth; and of this he putteth himself upon the country, &c.

*Decl. against
a hundred on
the statute of
hue and cry.*

Stat. of Win-
chester, 13
Edw. 1. st. 2.
c. 1.

Staffordshire, *to wit*, The inhabitants of the hundred of *Pirehill* in the county of *Stafford* were attached to answer as well to our sovereign lord the now king as to *H. W.* who as well for the same lord the king as for himself in this behalf sueth of a plea, wherefore whereas in a certain statute made in the parliament of the sovereign lord *Edward I.* late king of *England*, held at *Westminster* in the 13th year of his reign, (amongst other things) it is ordained, Forasmuch as from day to day robberies, murders, burnings of houses and theft were then more often used than they had been theretofore, and felons could not be attainted by the oaths of jurors, who had rather suffer strangers to be robbed, and to pass without pain, than to indict the offenders, great part of whom were people of the same country; or at least if the offenders were of another country, the receivers were of places near, and they did the same because an oath was not given unto jurors of the same country where such felonies were done; and as to the restitution of damages before that time, no pain had been limited for their concealment and laches; the said lord the late king, for to abate the power of felons, had established a pain in that case, so that from thenceforth, for fear of the pain
more

more than for fear of any oath, they should not spare any, nor conceal any felonies. And the said lord the late king did command, that cries should be solemnly made in all counties, hundreds, markets, fairs, and all other places where great resort of people was, so that none should excuse himself by ignorance, that from thencefore every country should be so well kept, that immediately, upon such robberies and felonies committed, fresh suit should be made from town to town, and from country to country; likewise when need is required, inquest should be made in towns by him that was lord of the town, and after in the hundred and in the franchise, and in the county, and sometimes in two or three or four counties, in case when felonies should be committed, in the marches of shires, so that the offenders might be attainted; and if the country would not answer for the bodies of such manner of offenders, the pain should be such, that every country, (that is to say) the people dwelling in the country, should be answerable for the robberies done, and all the damages, so that the whole hundred where the robberies should be done, with the franchises, being within the precinct of the same hundred, should be answerable for the robberies so done; and if the robbery should be done in the division of two hundreds, both the hundreds, and the franchises within them, should be answerable; and after that the felony or robbery was done, the countries should have no longer space than 40 days, within which
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it should behove them to agree for the robbery or offence, or else that they should answer for the bodies of the offenders, as is plainly contained in the aforesaid statute; *And for that whereas* two certain robbers to the said *H. W.* unknown, on the 5th day of *May* in the 10th year of the reign of the said lord the now king, in the king's high way within the hundred of *Pirebill* aforesaid in the said county of *Stafford*, to wit, at a certain place near *Weston*, commonly called *Wodden Lane*, between *Weston* and *Amerion* in the parish of *Weston* in the said county of *Stafford*, within the hundred of *Pirebill* aforesaid in the county of *Stafford* aforesaid, with force and arms upon him the said *Henry* made an assault, and 25*l.* in money of lawful money of *Great Britain*, of the proper monies of him the said *H. W.* and also a leather purse value 6*d.* of like lawful money of *Great Britain*, of the proper goods and chattels of him the said *H. W.* then and there found, of and from him the said *H. W.* did feloniously take and rob and carry away, against the said peace of our said lord the now king; and the said *H. W.* immediately after the felony and robbery aforesaid done at *Wodden Lane* aforesaid in the said parish of *Weston*, within the hundred of *Pirebill* aforesaid in the county aforesaid, being near the said place where the same felony and robbery so as aforesaid was committed, did make hue and cry of the aforesaid felony and robbery upon him made, and then and there did give notice to the inhabitants of the parish

Stat. 27 Eliz.
c. 13.

rish of *Weston* aforesaid of the same felony and robbery; and did also, with as much convenient speed as might be after the aforesaid robbery on him committed as aforesaid, give notice thereof to *T. W.* then a constable of the said parish of *Weston* aforesaid in the said hundred of *Pirebill*, being near unto the place where the said robbery was committed as aforesaid, and describe in the aforesaid notice to the aforesaid constable, so far as the nature and circumstances of the case did admit, the said felons, and the time and place of the aforesaid robbery; and did also, within the space of 20 days next after the aforesaid robbery committed, cause public notice to be given thereof in the *London Gazette*, and did therein likewise describe, so far as the nature and circumstances of the said case did admit, the said felons, and the time and place of the aforesaid robbery, together with the said money, goods and effects whereof he the said *H.* was robbed as aforesaid, and afterwards did, and before the suing forth of the original writ of him the said *H.* to wit, on the 15th of *October* in the 11th year of the reign of the said lord the now king, he the said *H.* went before the sheriff of the county of *Stafford* aforesaid, and did then before the said sheriff enter into a bond to *T. B.* and *J. G.* then being high constables of the hundred of *Pirebill* aforesaid, in the penal sum of 100*l.* with two sufficient sureties, to wit, *W. L.* of *Newport* in the county of *Salop*, taylor, and *G. J.* of the same place, carpenter, approved by the said sheriff,

Stat. 8 Geo.
2. c. 16.

Stat. 27 Eliz.
c. 13. s. 11.

riff, with condition for securing to the said high constables the due payment of their costs, after the same should be taxed by the proper officer, in case that he the said *H. W.* should happen to be nonsuited, or should discontinue his action to be brought against the said inhabitants of the hundred of *Pirebill* afore said, on account of the afore said robbery; or in case that judgment should be given against him the said *H. W.* on demurrer, or that verdict should be given against him therein, according to the form and directions of the statute in such case lately made and provided; and after the felony and robbery afore said done, and within 20 days next before the day of the suing forth of the said original writ of him the said *H. W.* the said *H. W.* before *T. W.* esq; then one of the justices of our said lord the now king assigned to keep the peace of our said lord the now king, in and for the county of *Stafford* afore said, then inhabiting at *Haywood* in the parish of *Colwick*, within the hundred of *Pirebill* afore said in the county of *Stafford* afore said, was examined upon his corporal oath, according to the form of the statute in that case made and provided, and the said *H. W.* upon his said oath before the said *T. W.* then and there said, that he did not know the parties who had committed the afore said robbery, or either of them; and after the felony and robbery upon him made as afore said, and after the said public notice given of the afore said robbery in the afore said *London Gazette*, 40 days of the suing forth of the

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the said original writ of the said *H.* were past; yet the said inhabitants of the hundred of *Pirehill* aforesaid in the county of *Stafford* aforesaid, have not hitherto made to the said *H. W.* satisfaction for the robbery and damages aforesaid, nor the bodies of the felons and malefactors aforesaid, nor the bodies of either of them, have taken, nor for the bodies of them, nor for the bodies of either of them hitherto have answered, but the same felons and malefactors have permitted to escape, in contempt of the said lord the now king, and to the great damage of him the said *H. W.* and against the said form of the statute aforesaid in the aforesaid 13th year of the reign of the said late lord king *Edward* I. in such case made and provided; and whereupon the said *H.* who as well for the said lord the now king as for himself in this behalf sues, by *R. D.* his attorney complaineth, that certain robbers, *to wit*, two men, to the same *H. W.* unknown, on the aforesaid 5th day of *May* in the aforesaid 10th year of the reign of the said lord the now king, in the king's high way within the hundred of *Pirehill* aforesaid in the county of *Stafford* aforesaid, *to wit*, at a certain place near *Weston* aforesaid, commonly called *Wodden Lane*, between *Weston* and *Amerton* in the parish of *Weston* in the said county of *Stafford*, within the hundred of *Pirehill* aforesaid in the county of *Stafford* aforesaid, with force and arms, *to wit*, with pistols, swords, staves and knives, in and upon him the aforesaid *H.* did make an assault, and 25 l.

in money of lawful money of *Great Britain*, of the proper monies of him the said *H. W.* and also a leather purse value 6*d.* of like lawful money of *Great Britain*, of the proper goods and chattels of him the said *H. W.* then and there found, of and from the said *H.* did feloniously take and rob and carry away, against the peace of our said lord the now king, &c. And the said *H.* immediately after the felony and robbery aforesaid done, *to wit*, on the said 5th day of *May* in the 10th year of the reign of the said lord the now king aforesaid, at *Wodden Lane* aforesaid in the said parish of *Weston* within the hundred of *Pirehill* aforesaid in the county aforesaid, which said place called *Wodden Lane* is, and then was near the said place where the said felony and robbery so as aforesaid was committed, did make hue and cry of the felony and robbery aforesaid upon him made, and then and there give notice to the inhabitants of the said parish of *Weston* of the same felony and robbery; and did also, with so much convenient speed as might be after the aforesaid robbery on him committed as aforesaid, that is to say, on the said 6th day of *May* in the 10th year aforesaid, give notice thereof to *T. W.* then a constable of the said parish of *Weston* aforesaid in the said hundred of *Pirehill*, being near unto the place where the said robbery was committed as aforesaid; and did describe in the aforesaid notice to the aforesaid constable, so far as the nature and circumstances of the case did admit, the said felons and the time and place
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of the aforesaid robbery; and did also, within the space of 20 days next after the aforesaid robbery committed, cause public notice to be given thereof in the *London Gazette*, and did therein likewise describe, so far as the nature and circumstances of the said case did admit, the said felons and the time and place of the aforesaid robbery, together with the said money, goods and effects whereof he the said *H.* was robbed as aforesaid, and afterwards, and before the suing forth of the original writ of him the said *H. to wit*, on the 15th day of *October* in the 11th year of the reign of the said lord the now king aforesaid, he the said *H.* went before the sheriff of the county of *Stafford* aforesaid, and did then before the same sheriff enter into a bond unto *T. B.* and *J. C.* high constables of the hundred of *Pirehill* aforesaid in the penal sum of 100*l.* with two sufficient sureties, *to wit*, *W. L.* of *Newport* in the county of *Salop*, taylor, and *G. J.* of the same place, carpenter, approved by the said sheriff, with the condition for securing to the said high constables the due payment of their costs, after the same should be taxed by the proper officer, in case that he the said *H. W.* should happen to be nonsuited, or should discontinue his action to be brought against the said inhabitants of the hundred of *Pirehill* aforesaid on account of the aforesaid robbery, or in case that judgment should be given against him the said *H. W.* on demurrer, or that a verdict should be given against him therein, according to the form and di-

rection of the statute in such case lately made and provided; and after the felony and robbery aforesaid done, and within 20 days next before the day of the suing forth of the original writ of him the said *H. W.* to wit, on the aforesaid 15th day of *October* in the 11th year of the reign of our said lord the now king aforesaid, he the said *H. W.* before the said *T. W.* esq; then one of the justices of the said lord the now king, assigned to keep the peace of the same lord the now king in and for the county of *Stafford* aforesaid, then inhabiting at *Haywood* in the parish of *Colwick* within the hundred of *Pirebill* aforesaid in the county of *Stafford* aforesaid, was examined upon his corporal oath, according to the form of the statute in that case made and provided; and the said *W. H.* upon his said oath then and there before the said *T. W.* said that he did not know the parties who had committed the aforesaid robbery, or either of them, and after the felony and robbery upon him made as aforesaid, and after the said public notice given of the aforesaid robbery in the aforesaid *London Gazette*, 40 days of the day of suing forth of the said original writ of the said *H.* were past; Yet the said inhabitants of the hundred of *Pirebill* aforesaid in the county of *Stafford* aforesaid have not hitherto made to the said *H. W.* satisfaction for the robbery and damages aforesaid, nor the bodies of the said felons and malefactors aforesaid, nor the bodies of either of them have taken, nor for the bodies of them, nor for the bodies of either of them
hitherto

hitherto have answered, but the same felons and malefactors have permitted to escape, in contempt of the said lord the now king, and to the great damage of him the said *H. W.* against the form of the statute aforesaid, in the aforesaid 13th year of the reign of the said late lord king *Edward* the first in such case made and provided; whereupon the said *H. W.* who as well for the said lord the now king as for himself sueth, saith that he is injured, and hath damage to the value of 40*l.* and thereof he bringeth suit, &c.

Vide stat. 29
Geo. 2 c. 24.
46.

And the said inhabitants of the hundred of *Pirebill* by *H. D.* their attorney come and defend the force and injury, when, &c. and say, that they are no wise guilty of the premisses above laid to their charge, as the said *H. W.* who as well, &c. above complaineth against them: And of this they put themselves upon the country; and the said *H. W.* who as well, &c. doth likewise the same: And thereupon the same *H. W.* saith,

Plea,
Not guilty.

that the inhabitants in the hundred of *Pirebill* aforesaid, where the said robbery was committed, are parties defendants, against whom the said *H. W.* who as well, &c. above in form aforesaid complaineth, and for that cause craveth the writ of the lord the king to be directed to the sheriff of the county aforesaid, to cause to come twelve, &c. of the vicinity of the hundred of *Offlow* in the county aforesaid, which said hundred of *Offlow* is the next hundred in the same county adjacent to the aforesaid hundred of *Pirebill*, to try the issue aforesaid above in form

Issue.
Venire of the
next adjacent
hundred.

aforesaid joined: And because the said inhabitants in the aforesaid hundred of *Pirehill* do not deny this, it is granted to him; therefore the sheriff is commanded, that he cause to come here in eight days of the Purification of the blessed virgin *Mary* twelve, &c. of the vicinity of the hundred of *Offlow*, by whom, &c. and who neither, &c. to recognize, &c. because as well, &c.

Debt.
Qui tam for
keeping a grey-
hound and kil-
ling a hare not
being qualified.

Kent, to wit, *E. L.* late, &c. was summoned to answer to the poor of the said parish of *E.* in the county aforesaid, and to Sir *J. S.* baronet, who sueth in this behalf as well for himself as for the said poor of the said parish of *E.* aforesaid of a plea, that he render to the said poor and the said *J. S.* who sueth as aforesaid, 10 *l.* of lawful money of *Great Britain*, which he oweth to, and unjustly detaineth from them, &c. And thereupon the said Sir *J.* who sueth as aforesaid by *H. C.* his attorney saith, that the said *E.* on the 13th day of *March* in the year of our Lord 1736, at and in the parish of *E.* aforesaid did keep a certain greyhound for the destruction of the game of this kingdom, he the said *E.* then not being a person qualified by the laws of this realm to keep a greyhound for the destruction of the game, against the form of the statute in such case made and provided, whereby, and by force of the statute in such case lately made and provided, an action hath accrued to the said poor of the parish aforesaid, and to the said Sir *J.* who sueth as aforesaid, to demand
and

and have of the said *E.* for his said offence 5*l.* parcel of the said 10*l.* and the said Sir *J.* who sueth as aforesaid, further saith, that the said *E.* on the 30th day of *March* in the year aforesaid in the said parish of *E.* in the county aforesaid, did with a certain greyhound kill one hare, he the said *E.* then not being a person qualified to kill game, against the form of the statute in such case lately made and provided, whereby, and by force of the statute in such case lately made and provided, an action hath accrued to the said poor of the parish aforesaid, and to the said Sir *J.* who sueth as aforesaid, to demand and have of the said *E.* for his said last mentioned offence 5*l.* residue of the said 10*l.* Yet the said *E.* (although often requested) hath not yet paid the said 10*l.* or any part thereof, to the said poor and the said Sir *J.* who sueth as aforesaid, or to either of them; but he to pay the same to the said poor and the said Sir *J.* who sueth as aforesaid, hitherto wholly hath refused and still doth refuse to the said Sir *J.* who sueth as aforesaid, his damage of 10*l.* and thereof as well for the said poor as for himself he bringeth suit, &c.

And the said *E. L.* by *R. P.* his attorney *Plea,* cometh and defendeth the wrong and injury, *Nil debet.* when, &c. and saith that he doth not owe to the said Sir *J.* who as well, &c. the said sum of 10*l.* or any part thereof, in manner and form as the said Sir *J.* who as well, &c. above, thereof complaineth against him: And of this he putteth himself upon the

country; and the said Sir J. who sueth as
aforesaid, doth likewise the same; therefore,
&c.

*Judgment for
not entering
issue.*

And the said Sir J. S. although solemnly
called came not, nor hath entered his said
issue, nor hath further prosecuted his writ;
Therefore he and his pledges of prosecution
are thereupon amerced, &c. and the names
of the pledges of the said Sir J. are, &c.
and that the said E. L. depart without day,
&c. It is also considered, that the said E.
do recover against the aforesaid Sir J. his
damages by reason of the premiffes, to 3*l.*
16*s.* 8*d.* to the said E. by the discretion of
the justices here adjudged at his request for
his colls and charges in this behalf sustained,
according to the form of the statute in such
case made and provided.

*Declaration
for shooting a
greyhound.*

Leicestershire, *to wit*, H. R. late, &c,
was attached to answer B. D. in a plea,
wherefore with force and arms a certain
greyhound bitch, and a certain other bitch
of the said B. of the price of 10*l.* at M.
aforesaid in the county aforesaid, with a gun
he shot at and killed, whereby the said B. not
only lost the said bitches, but also certain
young whelps, *to wit*, five young whelps of
the said greyhound bitch, and certain young
whelps, *to wit*, five young whelps of the
said other bitch, which died for want of the
said bitches to suckle them, *to wit*, at M.
aforesaid; and a certain other greyhound
bitch, and a certain other bitch of the said B.
lately found at M. aforesaid, of the price of

10*l.* he shot at, hit, struck, smote and wounded, by means whereof the last mentioned two bitches afterwards at *M.* aforesaid died, whereby the said *B.* not only lost the said two last mentioned bitches, but also certain other young whelps, *to wit*, five other young whelps of the said last mentioned greyhound bitch; and certain other young whelps, *to wit*, five young whelps of the other of the two last mentioned bitches, which afterwards died for want of the two last mentioned bitches to suckle them, *to wit*, at *M.* aforesaid; and did other wrongs to the said *B.* to the great damage of the said *B.* and against the peace of our sovereign lord the king that now is, &c. And whereupon the said *B.* by *J. B.* his attorney complaineth, that the said *H.* on the 15th day of *January* in the year of our Lord 1736, with force and arms, &c. a certain greyhound bitch, and a certain other bitch of the said *B.* of the price of 10*l.* then found at *M.* aforesaid with a gun he shot at and killed, whereby the said *B.* not only lost the said bitches, but also certain young whelps, *to wit*, five young whelps of the said greyhound bitch; and certain young whelps, *to wit*, five young whelps of the other of the said bitches, which afterwards, *to wit*, the same day and year at *M.* aforesaid died for want of the said bitches to suckle them; and a certain other greyhound bitch, and a certain other bitch of the said *B.* then found at *M.* aforesaid of the price of 10*l.* shot at, hit, struck, smote and wounded; by means whereof the last mentioned

tioned two bitches afterwards, *to wit*, the same day and year at *M.* aforesaid died, whereby the said *B.* not only lost the two last mentioned bitches, but also certain other young whelps, *to wit*, five young whelps of the last mentioned greyhound bitch; and certain other young whelps, *to wit*, five young whelps of the other of the two last mentioned bitches, which afterwards, *to wit*, the same day and year died for want of the two last mentioned bitches to suckle them, *to wit*, at *M.* aforesaid, and did other wrongs to the said *B.* to the great damage of the said *B.* and against the peace of our said sovereign lord the king that now is, whereby the said *B.* saith that he is injured and damnified, to the value of 10*l.* and thereof he bringeth suit, &c.

Plea.
Defendant ju-
stifies as keeper
of a park.

1st Issue.

And the aforesaid *H.* by *S. S.* his attorney cometh and defendeth the force and injury, when, &c. And as to the coming with force and arms, and the whole trespass aforesaid above supposed to be done, except the shooting at, and killing of the said greyhound bitch in the said declaration first mentioned, saith that he is not guilty: And of this he putteth himself upon the country; and the said *B.* likewise, &c. And as to the shooting at, and killing of the said greyhound bitch in the said declaration first mentioned above supposed to be done, the aforesaid *H.* saith, that the said *B.* ought not to have his aforesaid action thereof against him, because he saith, that Sir *W. D.* bart. long before

before the said time, when, &c. and at the same time, when, &c. was, and still is possessed of and in a certain antient park called *B.* park in *M.* aforesaid; in which said park, long before the said time, when, &c. and at the said time, when, &c. were great numbers of deer; of which park the aforesaid *H.* before the said time when, &c. and at the said time when, &c. was keeper, and had the care and custody thereof. And the said Sir *W.* being so as aforesaid possessed of the said park, the said greyhound bitch at diverse times before the said time, when, &c. was used to haunt the said park, and to hunt, chase and drive the said deer, in order to bite, wound and kill them, to the great hurt and damage of the said deer; and at the same time, when, &c. was in the aforesaid park for the purpose aforesaid; whereupon the aforesaid *H.* as keeper and servant of the aforesaid Sir *W.* and by his command, at the said time, when, &c. in the said park, for the preservation of the said deer, there did shoot at, and kill the said greyhound bitch there, as it was lawful for him to do, which is the same shooting at and killing of the said greyhound bitch in the said declaration first mentioned, whereof the said *B.* doth above in that behalf complain against him: and this he is ready to verify: Whereupon he prayeth judgment, if the said *B.* ought to have his aforesaid action thereof against him, &c.

And the said *T. K.* by *C. G.* his attorney *Plea to a prohibition,*
cometh and defendeth the force and injury,
when,

First issue.

when, &c. and saith, that he did not prosecute or follow his said suit in the said spiritual court against the said R. R. against the prohibition of our said lord the king to him directed and delivered in manner and form as the said R. who sueth as well for the king as for himself, by his writ and declaration aforesaid hath above supposed: And of this he putteth himself upon the country; and the said R. who as well, &c. likewise, &c. And for the obtaining the writ of our lord the king of consultation in this behalf, he the said T. saith, that long before the prosecution of the said suit in the said spiritual court against the said R. he the said T. was and now is seised of a certain antient messuage with the appurtenances, in *Park-Lane* in *Towcester* aforesaid, in his demesne as of fee, and that the said pew in the said church of *Towcester* in the said declaration mentioned, was and is an antient pew, without the addition of any seat or form in the said church within the memory of man taken in or made parcel of the said pew; and that he the said T. and all those whose estate he hath in the said messuage with the appurtenances, and their tenants thereof, from the time whereof the memory of man is not to the contrary, have and hath sustained, amended and repaired the said pew as often as need required, at his and their own proper costs, and by reason thereof from the time aforesaid he and they, and such other person and persons as he and they hath and have from time to time licensed to sit there-

in,

in, hath and have used and been accustomed to sit therein to hear divine service and preaching the word of God in the said church as in a pew belonging to the said messuage with the appurtenances, so that no other person from the time aforesaid in time of divine service and preaching the word of God in the said church, hath had any seat or place in the said pew without the licence or against the will of the said T. or of those whose estate he hath in the said messuage with the appurtenances, or of his or their tenants thereof for the time being; neither could or ought such other person to sit therein, otherwise than by such licence as aforesaid. And the said T. saith, that he being so seised of, and dwelling in the said messuage with the appurtenances, the said R. who as well, &c. before the said prosecution in the said spiritual court, *to wit*, on the first day of *April* in the year of our Lord 1733, in time of divine service in the said church, without the licence and against the will of the said T. did intrude himself into the said pew, and disturbed him the said T. and his family and friends then and there being by and with the licence of him the said T. wherefore he the said T. for remedy in that behalf, before the prohibition of our said lord the king to the contrary thereof to him directed was delivered, did institute his said suit in the said spiritual court against the said R. as it was lawful for him to do; without that, that he the said R. who as well, &c. and all those whose estate he had and hath in the said an-

tient

tient messuage in the said declaration mentioned to be then, or late in the tenure or occupation of *L. R.* with the appurtenances, from time beyond the memory of man have at their own costs repaired one seat or form in the said church lately taken in, and made parcel of a pew in the said church, and therefore have had and used, for themselves and family inhabiting in the said messuage, the sole and separate use of the said seat or form for the hearing and attending of divine service in the said church in manner and form as the said *R.* who as well, &c. by his said declaration hath supposed: And this the said *T.* is ready to verify, with this also, that the said *T.* will verify, that the pew in the said declaration mentioned, and the pew in the plea of him the said *T.* beforementioned, is one and the same pew, and not different: Wherefore he prayeth judgment, and the writ of our said lord the king of consultation in this behalf to be granted unto him.

Replication in prohibition.

And the said *R. R.* saith, that the said *T. K.* ought not, for the reason by him alleged, to have his said majesty's writ of consultation in this behalf, because he saith, as before, that he the said *R.* who as well, &c. and all those whose estate he had and hath in the said ancient messuage in the said declaration mentioned to be then or late in the tenure or occupation of *L. R.* with the appurtenances, from time beyond the memory of man have at their own costs repaired

paired one seat or form in the said church lately taken in and made parcel of a pew in the said church, and therefore have had and used, for themselves and family inhabiting in the said messuage, the sole and separate use of the said seat or form for the hearing and attending of divine service in the said church, in manner and form as the said R. who as well, &c. by his said declaration hath alleged: And this he prayeth may be inquired of by the country; and the said F. K. doth the same: Therefore as well to try the said issue, as the aforesaid other issue between the said parties above joined, the sheriff is commanded, &c. *Vide antea fol.*

And the said H. by G. S. his attorney cometh and defendeth the force and injury, when, &c. and prayeth the hearing of the said writing obligatory, and it is read to him in these words, *to wit*, Know all men, &c. [*the obligation*] and he prays also the hearing of the condition of the said writing obligatory, and it is read to him in these words, *to wit*, [*here enter the condition*] which being read and heard, he the said H. saith, that he by virtue of the said writing obligatory ought not to be charged with the said debt, because he saith, that after the 29th day of *September* in the year of our Lord 1664, and before the making the said writing obligatory, *to wit*, on the said first day of *July* in the said year of our Lord 1733, at *Westminster* aforesaid, he the said H. played with the said S. at a certain play with dice called *Hazard*, for diverse sums of money

Plea to a bond that it was given for money won at play.

Stat. 16 Car. 2. c. 7.

ney exceeding the sum of 100*l.* upon tick and credit, and not for ready money; and that he the said *H.* so playing with the said *S.* at the said play, then and there at one and the same time and meeting lost upon credit to and with the said *S.* in the whole a great sum of money, exceeding the sum of 100*l.* *to wit,* the sum of 500*l.* whereof no part was then paid by the said *H.* And the said *H.* afterwards thereupon, *to wit,* on the said first day of *July* in the year of our Lord 1733, aforesaid at *Westminster* aforesaid, made and delivered the aforesaid writing obligatory with the aforesaid condition thereto subscribed for the securing the payment of the said 500*l.* by him the said *H.* so lost; and by the said *S.* so as aforesaid at the said play won of the said *H.* at one and the same time and meeting, upon credit; whereby by force of the statute in such case made and provided the said writing obligatory wholly became and is void, and of no effect in law: And this he is ready to verify: Wherefore he prayeth judgment, whether he ought to be charged with the said debt by virtue of the said writing obligatory, &c.

Replication.

And the said *S.* saith, that by reason of any thing above by the said *H.* in pleading alledged, he ought not to be barred from having his said action against him, because he saith, that the said bond was not given for securing the payment of money won at the said play by the said *S.* of the said *H.* as the said *H.* hath above pleaded: And this he prayeth may be inquired of by the country;