

**REPORTS OF SPECIAL CASES
ARGUED AND DECREED IN THE
COURT OF CHANCERY: IN THE
REIGNS OF KING CHARLES I. KING
CHARLES II. AND KING WILLIAM III**

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Reports of Special Cases Argued and Decreed in the Court of Chancery: In the Reigns of King Charles I. King Charles II. And King William III by Great Britain Court of Chancery

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GREAT BRITAIN COURT OF CHANCERY

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ARGUED AND DECREED IN THE
COURT OF CHANCERY: IN THE
REIGNS OF KING CHARLES I. KING
CHARLES II. AND KING WILLIAM III**

REPORTS
OF SPECIAL
CASES.

ARGUED AND DECREED IN THE

Court of Chancery,

IN THE REIGNS OF

King *Charles* I. King *Charles* II.
And King *William* III.

None of them ever before printed.

Published by W. NELSON,
Of the *Middle-Temple*, Esq.

Ipsæ etenim Leges cupiunt ut jure regantur.

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THE
PREFACE.

IN former Ages, and until the Fall of Cardinal *Wolsey*, the Lord Chancellor of *England* was usually a *Bishop*, or some other Ecclesiastical Person, as a *Dean or Archdeacon*; and sometimes the Great Seal was deliver'd to one of the King's Chaplains, inso-much that the Learned *Glossographer* tells us, there have been 160 *Clergymen* advanced to this Dignity; and that until the 26th Year of the Reign of King *Henry* the Eighth, all the Masters of the *Rolls* were Churchmen.

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The chief Business of the *Court of Chancery*, at that Time, was to mitigate the Rigour of the Common Law, and *Clergymen* were thought sufficiently qualified for that Purpose, who gave Relief according to their several Opinions, in Cases where the Law seemed to bear too hard upon the Complainants; and because they formed their Judgments by no settled or established Rules, therefore we have no Reports of their Decrees.

But when the Business of that Court increased, and Bishops could not attend the Multiplicity of Causes there depending, because of other necessary Avocations for Men of that Order, then another Set of Men, bred up in the Study and Practice of the Common Law, were made Judges of this Honourable Court; and soon afterwards Equity became artificial Reason, and hath ever since such a Mixture of Law in it, that it would be much easier
now

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now for a Lawyer to preach, than for a Prelate to be a Judge of that Court.

And since most decretal Orders are now founded on certain Rules and Precedents, and many intricate Cases are there determined; I think the Reports of such Cases would be as necessary as any other Reports now extant, especially when there is such an eminent Judge of the Court as at this Time, who is as impartial in his Decrees, as he is conspicuous in his Judgment, who never had any Predecessor in that Place superior to him in all those excellent Qualities which are requisite for so great a Minister, (tho' the learned Lord *Verulam* might be equal to him in some,) and who was placed in this high Court for the publick Good, by a Prince who is the true Defender of the Faith, and of the Liberties of his Subjects at home, and a Terror to his Enemies abroad.

Having given this short Account,
why

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why we have so few Reports of Decrees made in this Honourable Court, and the Necessity of more, it may be expected that I should say something of the following Cases, most of which were transcribed from the fair Manuscript of a late Attorney-General, and are supposed to be collected by him for his own Use, amongst many more which have been copied from that very Manuscript, and probably by some of his Clerks; for I find them already printed in the first Reports which were published of this Nature. Some of the latter Cases have been added by one who formerly attended at the Court, which will be found as good, and the whole as useful as any of the *Chancery* Cases already published, and may furnish the Reader with an agreeable Mixture of Profit and Delight.

To conclude: What we have said in the Title Page, that *None of these Cases were ever before printed*, may

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not, perhaps, be literally true as to one or two of them ; yet the Reader is desired to take Notice, that tho' the Causes are between the same Parties, yet the Points here argued and decided have been totally omitted by the former Reporters of them : So that not having interfer'd with the Accounts they have given us, our Reports of those Cases may truly be said to be new, and the rather, because the same Causes, as reported by us, were depending in other Courts.

Names