

**SELECT CASES ARGUED AND ADJUDGED
IN THE HIGH COURT OF CHANCERY:
BEFORE THE LATE LORDS
COMMISSIONERS OF THE GREAT SEAL
AND THE LATE LORD CHANCELLOR
KING, FROM THE YEAR 1724 TO 1733**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649700615

Select Cases Argued and Adjudged in the High Court of Chancery: Before the Late Lords Commissioners of the Great Seal and the Late Lord Chancellor King, from the Year 1724 to 1733
by Steuart Macnaghten

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

STEUART MACNAGHTEN

**SELECT CASES ARGUED AND ADJUDGED
IN THE HIGH COURT OF CHANCERY:
BEFORE THE LATE LORDS
COMMISSIONERS OF THE GREAT SEAL
AND THE LATE LORD CHANCELLOR
KING, FROM THE YEAR 1724 TO 1733**

SELECT CASES

ARGUED AND ADJUDGED IN THE

High Court of Chancery,

BEFORE

THE LATE LORDS COMMISSIONERS OF THE GREAT SEAL

AND

THE LATE LORD CHANCELLOR KING,

FROM THE YEAR 1724 TO 1733;

WITH TWO TABLES, ONE OF THE NAMES OF THE CASES AND THE OTHER
OF THE PRINCIPAL MATTERS.

BY

A GENTLEMAN OF THE TEMPLE.



The Second Edition:

WITH

EXPLANATORY NOTES AND REFERENCES TO FORMER
AND SUBSEQUENT DETERMINATIONS.

BY

STEUART MACNAGHTEN,

OF THE MIDDLE TEMPLE, ESQUIRE, BARRISTER-AT-LAW.

LONDON:

V. & R. STEVENS AND G. S. NORTON,
Late Booksellers and Publishers;

(Successors to the late J. & W. T. CLARKE, of Portugal Street.)
26, BELL YARD, LINCOLN'S INN.

MDCCL.

LONDON:
STEVENS AND CO., PRINTERS, BELL YARD,
LINCOLN'S INN.

PREFACE.

IT has been the object of the Author of the following Notes to the Second Edition of "THE SELECT CASES IN CHANCERY," to present to the Student of Equity an elementary exposition of some of its leading principles, which are to be found in the original text; and he ventures to hope that, in the hands of those more advanced, the value of the Reports will not be diminished by the addition of the Notes.

S. MACNAGHTEN.

*Old Square, Lincoln's Inn,
October, 1850.*



A TABLE

OF

THE NAMES OF THE CASES.

- Appleyard v. Wood, 42.
Ashton v. Dawson and Vincent, 14.
- Bacon v. Harris, 2.
Baker v. Rogers, 74.
Barker v. Gyles, 17.
Bell v. Spereman, 59.
Betesworth (Dr.) v. Dean and Chapter
of St. Paul's, 66.
Bilson v. Saunders, 72.
Birmingham School, 36.
Blacklock v. Barns, 53.
Blackway v. Earl Strafford, 57.
Barroughs v. Jemineau, 69.
- Chandos (Dux) v. Talbot, 24.
Chancy v. Wootton, 44.
Child v. Pitt, 16.
Christmas v. Christmas, 20.
Clavering v. Clavering, 79.
Clerke v. Jackson, 52.
Colchester v. Colchester, 13.
Cole v. Ramney, 62.
Combs, 46.
Coppin v. Coppin, 28.
Cox v. George, 11.
Crull v. Dodson, 41.
- Dalton v. Dalton, 13.
Degg v. Earl Macclesfield, 44.
Devonshire (Dux) v. Atkins, 71.
Dews v. Brandt, 7.
Duffin v. Furnace, 77.
——— Du Rhone, 76.
- Eden v. Foster, 36.
Edwards v. Heather, 3.
Eldred v. Child, 49.
Evelyn v. Evelyn, 80.
- Feltham v. Feltham, 15.
- Finckle v. Stacy, 9.
Floyer v. Sydenham, 2.
Franklin, 47.
Freak, 47.
Fryar (Sir John) v. Vernon, 5.
- Gardiner v. Painter, 65.
Gibson v. Scudamore, 63.
Grenon v. Rawson, 57.
- Harnard v. Webster, 53.
Harvey v. Woodhouse, 80.
Hayward v. Colley, 24.
Hill v. Filkin, 22.
——— Hill, 13.
Hindford (Earl of) v. Decosta, 4.
Hornsby v. Hornsby, 73.
Huet v. Lord Say and Seal, 53.
Hughes v. Games, 62.
- Jackson v. Jackson, 81.
Jordan v. Foley, 19.
- Keech v. Sandford, *62 1228*
- Lanney v. Lanney, 48.
Lethullier v. Lord Castlemain, 60.
Lewen v. Lewen, 14.
Limax, 4.
Lucy (Lord) v. Watts, 1.
Lysons v. Vernon, 25.
- Mascarte v. Gibson, 50.
Mosene, 45.
- Nutt v. Burrell, 1.
- Ord v. Smith, 9.
- Packenham v. Bland and Hoskins, 42.
Paxton, 53.

<i>Pemmont v. East India Company</i> , 12.	<i>Stevens v. Craven</i> , 41.
<i>Piggot v. Morris</i> , 26.	<i>Teasdale v. Teasdale</i> , 59.
<i>Popping</i> , 48.	<i>Thomas v. Puddlesbury</i> , 51.
<i>Proctor v. Warren</i> , 78.	<i>Thorn v. Pitt</i> , 54.
<i>Pugh v. Ryal</i> , 40.	<i>Townesend v. Lawton</i> , 71.
<i>Rakestraw v. Brewer</i> , 55.	<i>Turner v. Turner</i> , 49.
<i>Rawson v. Turner</i> , 42.	<i>Webber v. Taylor</i> , 52.
<i>Richards v. Cock</i> , 12.	<i>Weston v. Cartwright</i> , 34.
<i>Richardson v. Mitchell</i> , 51.	<i>Whitacre v. Whitacre</i> , 13.
<i>Robinson v. Savile</i> , 61.	<i>Whitlock</i> , 46.
<i>Rogers v. Rogers</i> , 81.	<i>Wilson v. Dabbs</i> , 50.
<i>Savile v. Savile</i> , 32.	<i>Wise</i> , 46.
<i>Sepalino v. Twitty</i> , 75.	<i>Withrington v. Banks</i> , 30.
<i>Shepherd v. Beecher</i> , 43.	<i>Wood</i> , 46.
<i>Snape v. Fardon</i> , 6.	<i>Yates v. Compton</i> , 54.
<i>Soam v. Danvers</i> , 20.	

INDEX

TO

THE NAMES OF CASES CITED.

- ACHERLEY v. Roe, 228.
 Ackers v. Phipps, 235.
 Ackroyd v. Smithson, 232.
 Adair v. Shaw, 178.
 Adams v. Adams, 64.
 ——— v. Weare, 13.
 Adderley v. Dixon, 58.
 Addis v. Campbell, 27.
 Ainslie v. Medlicott, 78.
 Aldborough (Earl of) v. Trye, 26, 27.
 Allen v. Arno, 209.
 ——— v. Macpherson, 140.
 Allfrey v. Allfrey, 50, 102, 103.
 Allum v. Fryer, 157.
 Alsager, *Ex parte*, 162.
 Amory v. Brodrick, 18.
 Amphlett v. Parke, 16.
 Anderson v. Anderson, 67.
 Andrew v. Andrew, 203.
 Andrews v. Lockwood, 159.
 ——— v. Palmer, 38.
 Angell v. Angell, 37.
 Angel v. Smith, 169.
 Anonymous, 19, 45, 55, 79, 81, 136, 206.
 Anson v. Towgood, 28.
 Antrobus v. Smith, 210.
 Appleby v. Duke, 58.
 Archer v. Hudson, 122.
 Arnold v. Chapman, 233.
 Ashby v. Ashby, 136.
 Askew v. Townsend, 159.
 Athol (Earl of) v. Derby (Earl of), 22.
 Atkinson v. Baker, 198.
 Attorney-General v. Baxter, 65.
 ——— v. Boulbee, 65.
 ——— v. Brettingham, 111.
 ——— v. Buller, 111.
 ——— v. Cashel (Corporation of), 111.
 ——— v. Comber, 64.
 ——— v. Dulwich College, 109.
 ——— v. Foord, 111.
 ——— v. Foundling Hospital (Governors of), 109.
 ——— v. Hinxman, 65.
 ——— v. Ironmongers' Company, 65.
 ——— v. Kerr, 111.
 Attorney-General v. London (Corporation of), 44.
 ——— v. Lucas, 11.
 ——— v. Newark-upon-Trent (Mayor &c. of), 111.
 ——— v. Pargeter, 111, 112.
 ——— v. Peacock, 64.
 ——— v. Plymouth (Corporation of), 111.
 ——— v. Ray, 38.
 ——— v. Vigor, 123.
 ——— v. Warren, 111.
 Attwood v. Small, 14, 49.
 Austen v. Halsey, 90.
 BABINGTON v. Greenwood, 51.
 Backhouse v. Middleton, 156.
 Baddeley v. Curwen, 11.
 Badger v. Ford, 177.
 Baggett v. Meux, 68.
 Baker v. Hart, 44.
 Bala v. Newton, 209.
 Balfie v. Lord, 34.
 Bannatyne v. Leader, 9.
 Barker v. Dumeres, 18.
 ——— v. Greenwood, 118.
 ——— v. Harrison, 48.
 Barnard v. Pumfrett, 174.
 ——— v. Young, 145.
 Barnesley v. Powel, 140, 141.
 Barnsdale v. Lowe, 38, 39.
 Barret v. Beckford, 148.
 Barrington v. Tristram, 201.
 Barra v. Jackson, 194.
 Barry v. Harding, 225.
 Barrymore v. Ellis, 68.
 Bartholemew's Trust, *In re*, 43.
 Barton v. Tattersall, 168.
 Bate v. Bate, 12.
 Bates, *Ex parte*, 129.
 ——— v. Dandy, 136.
 Batt v. Cathertson, 137.
 Battersbee v. Farrington, 219.
 Batty v. Chester, 14.
 Beahie v. Dodd, 67.
 Beard v. Westcott, 64.
 Beatson v. Beatson, 210.
 Beauchamp v. Huntley (Marquis of), 194.
 Beavan v. Carpenter, 39.