Common Place Book of
Sir William Burrell Bt LLD

This volume contains reports of proceedings in the Ecclesiastical Courts (Arches, Prerogative, Consistory of London, Admiralty, Delegates) from 1765 - 1769. - and 1796.

This, I believe, is the work of Sir William Burrell, who practised at Doctors Commons from 1760. He was Chancellor of Worcester & Rochester.

J. Edenborough 1905.

Arches Ct.
Mich: Term: Easter
2 Geo: 3
Hay. Judge.

Delabay agt Price
Stevens ..... Townsend

Appeal from Hereford on the Admon of an Alton

Dr Wynne.

Ch: Wns Accounts

I am counsel for Geo Price, in the original Business of passing Ch: Wns Accounts from 1761. to 62., on the refusal to allow them, on 11 July 62. He had a Citation agt the Accountant, to shew Cause, with Intimation &c. The Pltf Proctor exhibited the Account, the Defts gave an Allegation objecting to sundry Items, viz. £ 3. 7. 6. paid to an Attorney, & 12d for the Promoters Expences, stating these Expences are not incident to the Office of Ch: Wn, & that the Suit agt Delabay (for recovering 120£ poors money out of his Hands, for want of Security) was carried on agt the Approbation of the Ves. at a public meeting - Mr Price made Oath of the Expenditure, & it was protested, that the Sp: Ct has no Jurisdiction in passing Accounts, but this was overruled upon

Pltfs Delabays Proctor

The Proctor for the Promoter pleaded that the Bond of 120£ was given by Mr Delabay in 1758, & that Mr Price was required by some of the Pishrs to call in the Bond from Delabay, his personal Security being deemed insufficient, that he gave Mr Hulsel orders to call it in, & had spent more than was charged, & ought to be paid the Attorneys Bill & his own Expences -

When Mr P. was Ch: Wn 1761 the 2d time of his being Ch: Wn -

The opponents Proctor gave an Allegation pleading that the Vestry was held in consequence of Public Notice, that the Order of Vestry was 13 April 1762 &c. the Charge in Question of £ 3. 4. 6. on 3 May. 1762.

not to proceed at Law agt Ch: Wn -

The Pish at first appeard under Protest to the Jurisdiction - They said The Eccles: Ct is only to receive the Acct when audited, not to audit it - The Money left to the Poor of the Pish is lent by the Minister, Vestry &c to Delahay on his Bond, on advice that it was in improper hands, Proceedings were commenced during the Subsistence of the Bond

they have pleaded an Order of Vestry, instead of wch they shd plead the Notice to the Ch: Wn, of their Sentiments, my Objection is that their Plea is out of time, wch must be fatal, otherwise, a Suit may be protracted for ever. This is an intended Suit, has been delayd 2 Years, Delahay has subscribed the Order of Vestry, he was unwilling to part with the Money - No Direction subsequent to Price's leaving the Office, can operate. A Ch: Wn is bound to take care of the Poors Money

Law. Judge — a Plea to verify an Alton admitted must also be admitted of course —

I am clear the Ch: Wn did well, the Bond is given to him (in 1754) he shd take care the Money is secured - NB The whole depends on the Order of Vestry in April 1762, I do not see how I can reject a Plea to verify an Alton that is not appealed from, wch being admitted, this follows of course.

Dates in an Alton are material — I admit the Alton, give no Costs till the end of the Suit, & retain the Cause. A Ch: Wn is a burthensom Office, & must be supposed intended as a charge to all

2 Geo 2. Exch: Haughton
Cal. Ch: Wns of St Albans
Wood Street v Kendrick
Cal.
M. 3 G 2. Ch: Wns of
Hammersmith. Hutton
v Robinson —

13. Geo. 2. Lee. C. J. Adams v Rush

A Prohibition was granted after Sentence allowing the Ch: Wns Accounts, & an Appeal to the Arches; for by the Ct, the Sp: Ct has no Jurisdiction to settle Ch: Wns Accounts.

7 Geo. 2. D Hardwick. C. J. Wainwright v Bagshaw

A Prohibition granted, for the Vestry, not the Ordinary is to take the Accounts. He can only give a Judgment quod computent —

Prerogative. 2 Seb.

On Grant of Admon de Bonis non —

2. Wh: Representative of the Husband, or next of Kin of Wife is entitled to Admon of Goods left unadministred by the Husband?

No 2

Walton v Jacobson
Stevens Jun: ... Collings

Sept: 1758. Letters of Admon of the Goods of Hester Walton was granted to her Husband Jn Walton, who having intermeddled, died, leaving part unadministred. he made a Will, therein appointed his Bro: Tho: sole Extor & Resid: Legr. 21 July 63. Tho: proved the Will & Jas Will

14 Dec: CA. Theodore Jacobson Esq & Edel Engel Verpoorten, the Uncle & Aunt & only next of Kin of Hester the Intestate, by special Proxy renounced Admon de Bonis to her & consented that Tho shd be granted to Tho: the Brother of John

15 Dec: Tho: was sworn Admor, but the Admon was stopped in the Office by Caveat — then Theodore Jacobson appeard in Person, retracted his renunciation, made Collins his Proctor, & prayd, Admon of the Goods of L.W. left unadministred by her Husband, might be granted to him as Uncle & next of Kin, Stevens dissenting & alledging, J. had no Interest — Collings now sets forth that J. has an Interest in Goods left L.W. by the Wills of Sir Gilbert Heathcote, Dame Anne Jacobson, her Mother & Grifather, this Stevens denys & alledges, that

NB He was Ch: Wn again in 1761, he took proper legal Measures for securing the Money He was empowered by one Vestry, & the whole depends &c