be Exor, is, that She had in the Will made her, sufficient amends for her trouble, without leaving her any thing more.

Judge D.r Hay

It is admitted on both Sides, that the Deed made the Wife of 1761, & 2 Codicils without date; it dont appear when the Exors have taken Probate; the Suit is brought by Marg.t Church who is confessd to be a Legatee in 300£ Stock, & the Exors offer to pay it; but there is a Legacy likewise of all in the House." the Question arises upon the Construction of those Words. It is clear, from the Context of the Will, the Deed meant to benefit her Servant more than the 300£, She meant an actual Benefit, by substituting her to the Exors, who would have been entitled to any eventual lapsed Legacy; the Ct should follow the Intention of the Testator, & the better to find out that, should take the whole together, especially where the Person is inops Consilii; By the Words All in the House, considering the Testatrix, as I do, why sh.d I restrain them to the Money or Household Goods; there may be Cases where it is very proper to restrain; By Stock, she means, Money, as, "300£ Stock for my Funeral." I must have special Terms to lead me to the Restriction of a general Term; which sh.d take place for the Benefit of a Legatee, unless some Special Circumstances are shewn, of the Deed meaning to restrain it to a particular Species; Here the Deed clearly designed the Reverse; in my Apprehensions, All must be taken in the greatest Latitude, to comprehend every thing in the House, be it what it will, under the favorable Circumstances Church is in — Now for the 2d Expression — She is very accurate in distributing her Fortune; She adds the Legacies of Morell & Laurence to the 100 left to Weathersby; she then gives the 2 Legacies to her; the Doubt arises on the word, Other, whether She thereby meant to exclude the 200£ or the whole; She c.d not mean to exclude the 100£ in the Will; It w.d be a strange Construction to say, she meant eventually 500 to M.rs Church, & yet exclude her from M.r Weathersby's Legacy: where there is a doubt I sh.d give such a Construction to the Words, as will carry the Deed's meaning; I conceive the Legacies now lapsed, shall go to Marg.t Weathersby, & not into the Residue, & if any others shall lapse hereafter they shall go to M.r Church; the Words will admit of this Construction; the Qu: is, why M. Weathersby's Legacy sh.d not go to Church, as well as those that lapse hereafter? It appears to me, that the whole Benefit sh.d go to Church. I think this, the more so, as she gave a Legacy to each Exor & therefore did not mean to benefit them beyond what She had specifically bequeathed them, appearing to have no particular Regard for them; I think Marg.t Church is entitled to the whole she has sued for. —

The Words comprehend every thing in my House at the Testators death.

Are the Articles admissible?

Ibid

Fuller — No 164 — The Office of Judge promoted by Burr. v Pearsall — **Adderley**

D.r Calvert — D.r Harris

D.r Harris

I am Council in behalf of the Rev.d Pearsal Rector of Abt whom M.r Burr has articled for non Residence, & we are now before you upon the Admission of the Articles; the Statute having rendered the Deft liable to Punishment in the temporal Ct for Non Residence, I sh.d conceive you cannot proceed agt him for Eccles: Censure; besides a Rector is not obliged to Residence; had he a Vicar, had he a Curate,

If the Duty was neglected, the Charge sh.d state it; the Citation appears to have been served on the very Living where he was actually Resident; Let them shew what Punishment can be inflicted; they sh.d set forth, that he is obliged to Residence; I must object to the Jurisdiction, by insisting they cant sue in the Sp.l Ct where the Statute has given a Remedy in the Temporal Cts.

D.r Calvert — In Middleton v Croft, the Question of Residence was not in Issue. Could a Statute by enacting a Penalty of not exempt a Minister (who is guilty of a great Misdemanor) from the Jurisdiction of the Ordinary; It has been asserted, that a Vicar only, & not a Rector, is obliged to reside, the Oath of Residence is the Reason assigned; this is a Mistake, for by the General Law Rectors were bound to reside, before Vicars were known, with whom the Ecclesiastical Law being unacquainted, a Particular Law was necessary, to bind Vicars also; but Rectories were never intended to be Sine Cura; the Prayer is that he may be punished according to the Exigency of the Law, & the nature of the Offence

Judge D.r Hay... Rector is as much bound to Reside as the Vicar; it w.d be strange, if the Ecclesiastical Ct was to declare the Contrary; if the Doctrine contended for by the Pltfs Council is true, let them try to avail themselves by a Prohibition; when Articles are promoted I am obliged to receive them; a Difficulty arose about granting the Letters of Request, I wish all those who reside in different Jurisdictions were equally difficult in granting them; I think the general Prayer is very proper, & see no Objection to admitt the Articles as laid . . .

Articles admitted as laid

Ibid — **Stevens** — No 165 — **Charter v Darcy** falsely called Charter — **Holman**

D.r Burrell

D.r Burrell

1763. Julian Charter was cited by Wm Charter to answer in a Cause of Jactitation in the Consistory of Sarum; She appeared & justified it, by averring a Marriage, in proof of which She exhib.d a Certificate, the Judge, on her making Oath of such marriage, dismissed her from the Suit, from that Sentence M.r Charter appeal'd to the Ct of Arches.

1764. 3 July. The Appeal was pronounced for.

1765. 1 S. Hil. T. The Deft gave an Allon, stating her Case viz.

1759. M.r Charters Courtship at the beginning of that Year

1759. 24 July, Their Marriage at Galway by y.e Rev: M.r Lewin

1 Oct.r Their 2d Marriage at Crupseen by the Rev: M.r Mills

Their Cohabitation with Reputation, Constant owning of Deft: by Pltf as his Wife, & a Litterary Correspondence, between them, & also between him & her Relations, wherein he styles himself her Husband, & subscribes himself Son or Brother, when he writes to her S.r & M.r Bro.rs & Sisters. On this Plea 3 W.s have been examined

1 Stephen Darcy, Bro: of Deft: who deposes to his Sister renouncing the Errors of Popery, & conforming to the Protestant Religion, by performing all the Requisites prescribed by the Statutes: i.e. by reading her Recantation at S.t Johns .... Church Limerick 2. July 1759, & Receiving the Sacrament at S.t Munchins Church Limerick on Sunday 15. July, in Dep.ts Presence; taking the Oaths at an Adjournment of the Quarter Sessions (Tu: 17 July) for y.e City & Co of Limerick, & subscribing the Declaration; & recording a Certificate thereof in the Rolls Office Dublin.) he likewise says, he was present in S.t Nicolas Church Galway, when y.e Rev: Napper Gifford the Minister published the Banns, between W.m Charter & Julian Darcy, & declared it to be the 3d & last time of asking; he says he was present at the 2d Marriage at the Swan at Crupseen, when y.e Rev: Anth.y Mills performd

Q. Is the Deft married? Q. Was S. [illegible] with the Requisites prescribed by the Laws & Statutes relative to renouncing Popery & conforming to the Protestant Religion?