of the Laws agt Roman Catholics, which yours Ldps very well know, & which, as I said before, are rigid, severe, & penal, & it wd be misspending your Ldps time, to me further to shew they are so.

The Order or Decree before your Ldps has assumed 2 Points of Law, wch ought at least to have been discussed before they were taken for granted; i.e. That Children of Roman Catholics in Ireland, are to be deemed Catholics, until by a Conformity, (prescribed by these Laws to be necessary to certain purposes only) they appear to be Protestants; I shall not give any Opinion, as to these Points, for the Reasons before mentioned; It is sufficient in this Case to say, that they are doubtfull, & as they were not debated but taken for granted, the Order appealed from, is on that Account, erroneous & unjust:

A 2d Ground of Error in this Case, is, that the Respondt himself, is a Papist according to his own Doctrine; for he is a Son of Catholic Parents, & yet he has not laid before your Ldps any Evidence, of his having enrolled his Certificate, (supposing such Enrolment was necessary) or having been educated a Protestant from the Age of 12 Years according to the Act 6 Geo 3. admitting that this Act related to the Point in question, or to the Stat: of Queen Anne, wch I deny, for the 6 Geo. 3. has no more relation to the Statutes of Queen Anne, than it has to any Act made 500 Years ago; they are not so much as taken notice of, in it; & therefore the Resp: ex ore suo stands condemned.

A 3d Ground of Error, in this Order, is, that a Court of Equity ought not to have directed a Tryal, in a matter wch is merely a Question of Law; & then he cited the Case of Swan & St Stephens Hospital before their Ldps in March 1760, & the Case of Vane & Fletcher 1 Peer Wms and he said, that Tho Swan was one of those odious Informers yet the Respts Case is more unfavorable, because from the same lucrative & mercenary motive, the Resp: commenced no Suit agt Mr Meade, his Uncle, in his Life time; but admitted his Uncle's Capacity to take the Estate, & even assisted him in the partition of it; if the Resp: had commenced a Suit in the Life time of the Testator he wd then have been able to answer for himself; now he is dead, this Suit is brought, wch ought not to be encouraged; the Resp: with a very bad Grace has at this day recourse, to the last Century, to find out a dead man's Religion, to whom he expected to have been Heir, & would now in his Grave impeach it; who as it appears in evidence, had taken the Oaths, been a Barrister at Law, a Justice of the Peace, & Justice of Oyer & Terminer, appointed by the Government of that Kingdom, & was a Colonel in the Militia, & lived a faithfull Subject to his death; However, tho, the Resp: comes with so bad a Grace before your Ldps, you will not deprive him of any benefit, wch he may expect, & therefore you will be pleased to order, that the Resps Bill be retained for 12 Months, with Liberty for the Resp: to bring his

Action at Law, if he thinks proper, & that the Order appeal from be reversed; wch was ordered accordingly.—

Observations on the Statutes 2 & 8 of Anne.

In these Statutes there are only 4 Clauses, wherein the enrolling a Certificate is expressed to be necessary.

1. The eldest Son of a Papist to make his father Tenant for life. 2 Anne § 4
2. For the eldest Son to become a Protestant within a Year after his Fathers death . . . . . Sec. 14 . . .
3. For a younger Son of a Papist to obtain a maintenance from his Father . . . . . 8 Anne Sec. 3 . .
4. For the Wife of a Papist to get maintenance if she become a Protestant . . . . . Sec. 18 . .

And the reason of making it necessary in the two first Cases, is to record the Incumbrances affecting the Estates of Papists . .

And in the two last Cases, to give the Court of Chancery a Jurisdiction to compell a discovery by Bill, nor was there a Case ever determined, wherein the enrolling a Certificate was resolved to be necessary, wherein it was not expresly required . .

Enrolling the Certificate is not required, to enable a Person subscribing a declaration, & taking the Oaths, (& so becoming a Protestant) to be a Guardian . . . . . 2 Anne Sec. 15 . .
Nor to purchase Lands of Inheritance . . . . . Sec. 8 . .
Nor to enable Papists to inhabit houses in Limerick or Galway. Sec. 24 . .
Nor to qualify Papists to vote at Elections . . . . . Sec. 27 . .
Nor to enable Papists to present to a Church Living . . . Sec. 28 . .

The Statute 2 Anne Sec. 27. requires only a General Qualification from all Papists. Viz: to subscribe the Declaration, & take & subscribe the Oaths of Abjuration &c . . . .

The Statute 8 Anne ch. 3. was made to amend the Statute 2 Anne The 8 Anne Sec. 14. making it necessary to enroll the Certificate in the 4 Cases abovementioned, only; & does not extend to any of the other Cases alluded to, by these Statutes . . . . . .

Prerogative Trin: T. Bye Day. — Bishop — Dr Marriott & Wynne — Dr Harris

No 166 — Clouds v Davis & Robinson. — Fountain — Dr Harris & Burrell

Q. Wn Will obtained by fraud, or Imposition, was died of sound & disposing mind

Dr Harris . . . . Hannah wife of Jn Clouds late of Mayland Point, in the Parish of Westham, Essex, but at Hummerston in the pish of Hackney in Midx died, is the Testatrix; She had beside her Husband, 2 Brothers, viz Joseph, who also neglected & deserted her; the Husband appears to have been a bad man, & to have used his Wife ill, who therefore lived seperate from him; in 1762. Wm Butler Bro: of the Testatrix died intestate, possessed of a large personal Estate, wch vested in Jos: Butler his Brother, & Jn Clouds in right of his Wife Hannah; on this Occasion, Jos: Butler took some Care of his Sister, by persuaded John Clouds to settle a Proportion of his Share, on his Wife; who accordingly agreed to settle 1/3 of his Moiety on her; & 15 Aug: 1764. an Indre quadripartite, was executed, between Jn Clouds of the 1st part; Hannah Clouds of the 2d Jos: Butler of the 3 Lewis Davis & Jn Robinson of the 4th part; by which it was agreed H. C. sh: live seperate from J. C. who sh transfer into the Names of J. B. & J. R. Hannahs Trustees 5000£ (being 1/3 of his moiety of 30000£ part of the personal Estate of W. B. actually divided) for her Separate use exclusive of her Husbands Controul, & for such Uses, as H. C. by Deed or writing, under her Hand & Seal, attested by 3 or more credible Wn: or by her last Will & Testament in writing, duly executed, sh dispose, limit & appoint. In virtue of this Indre, H. C. on the 3d Nov. 1764, made her last Will & a duplicate thereof, attested by 3 Wn & appointed L. D. & J. R. (2 of the Trustees, named in the Indre) her Exors & Resid: Leg: who had assisted her (when she was in the utmost distress deserted by her Husband & Brothers) with their own Charity, & also pro-