

175/45

# REPORTS

AND

# CASES,

TAKEN

In the time of Queen *ELIZABETH*, King *JAMES*,  
and King *CHARLES*;

Collected and Reported by that Learned Lawyer

## WILLIAM NOY,

Sometimes READER of the Honourable Societic of

## LINCOLNES-INNE,

SINCE

## ATTORNEY GENERALL

to the late KING *CHARLES*.

Conteining most Excellent matter of  
Exceptions to all manner of Declarations, Pleadings,  
and Demurrers, that there is scarce one Action  
in a Probability of being brought, but here it is  
thoroughly examined and Exactly laid.

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*The Second Edition* Corrected and Amended.

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With Two necessary Tables of the Cases and Contents, for the  
Readers ease and benefit.

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LONDON,

Printed by T. R. for Samuel Heyrick at Grays-Inne Gate in  
Holborn. 1669.

Breerton and his Wife.

**T**hey brought an action upon the case upon an Assumpfit to the wife, dum sola fuit against 3. By the Court it was rul'd,

1. That if 3 assume, and one dies, the Survivors shall be charg'd. But if they are alive the action shall be brought against them all.
2. If 3 assume to pay or give, &c. upon request, &c. If the request be made to one of them it is good;

Ayres against Oswell.

**A**n action upon the case for these words, Thou art a Thief, and hast stolen my Appletrees out of my Orchard. By the Court maintainable. But otherwise it had been if he had said, For thou hast stolen, &c.

Brumley against Todd.

**T**. assumes, that if B. marries his servant, &c. that he will give him 50 l. And the Plaintiff in the assumpfit shews, that he had taken the servant to wife, and that the Defendant licet serpius requisit. hath not pay'd, &c. And it was mov'd in arrest of Judgement, That the Plaintiff hath not shewn, that he had given notice of the marriage to the Defendant: And yet Judgement was given for the Plaintiff. And a precedent was shew'd in 34 Eliz. An assumpfit to pay 100 l. at the day of marriage, and no notice was shewn, and yet good, and affirm'd upon error brought.

Stone & alii against Browicke.

**T**wo tenants in Common (And so expressly said in the Declaration throughout) bring an action upon the case against B. for stopping of a River, so that it overflowed the Meadow whereof they were tenants in Common. And well, for that is but a trespass upon the matter; In which they may soyn. But in forgiving of false deeds or slander of title, they ought to sever. For that prejudices them with respect to the Inheritance, and franktenement. And so it was new adjudg'd.

Symonds against Barham.

**E**rror upon a Judgement in the Common Bench in an Ejectione firm. brought by a Garblian in Socage, because he has not shewn in the writ that the heir was within age at the time, &c. But by the Court it is yet good. And Judgment affirm'd. But note that the nonage of the heir appears in the Declaration 14 H. 4. 13 Bre. 471. 17 E. 3. 30. 23 Eliz. C. B. rot, 733, Ass.

Loyds Case.

**A** Rescous was returned against Evanum alias Jevanum Loyd, which appears upon the Citigen. And by the Court the Rescous is naught, because he cannot have two Christian names. *M. 7 Jac. B. R.*

John Rivet against Dowe.

**T**he Lord may distress the Copyholder for the services, or he may sell the Copyholders land.

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