

REPORTS,

O F

Diverse Choice CASES in LAW.

TAKEN

By those late and most judicious *Prothonotaries* of the *Common Pleas*,

{ RICHARD BROWNLOW, }
& } *Esq^{rs}.*
{ JOHN GOLDESBOROUGH. }

WITH

DIRECTIONS HOW TO

proceed in many Intricate Actions, both Reall and Personall, shewing the Nature of those Actions, and the Practice in them; excellently usefull for the avoyding of many Errours heretofore committed in the like Proceedings; fit for all Lawyers, Attorneys, and Practisers of the Law.

Also a most Perfect and exact Table, shewing Appositely the Contents of the whole Book.

Solon: Συμβολεῦε μὴ τὰ ἤδυσα ἀλλὰ τὸ καλῖσα.

L O N D O N,

Printed by *Tho: Roycroft*, for *Matthew Walbancke*, at *Grays-Inne Gate*, and *Henry Twyford*, in *Vine Court* in the *Middle Temple*, 1 6 5 1.

ciall pleading he might have beene helped and save his common, for this was common Appendant, see 4. *Coke*, *Tirringhams Case*, 37. 6.

Hillary 8. Jacobi 1610. *In the Common Bench.*

Cartwright against Gilbert.

IN Debt upon an obligation with condition to be and perform an Arbitrement to be made, the Arbitrators award, that the Defendant should make Submission, and should acknowledge himself sorry for all transgressions and words, at or before the next Court to be held in the Mannor of P. And for the not performance of that Award, the Plaintiff brought this Suit, and the Defendant in Barr of this, pleads that at the said next Court, he went to the Court to make his submission and to acknowledge himself greived according to the Award, and was there ready to have performed it, but further he saith, that the Plaintiff was not there to accept it, upon which the Plaintiff demurred; and it seemes to *Coke and Foster* that the Defendant hath done as much as was to be done of his part; and for that, that the Plaintiff was not there ready to accept, the Defendant was discharged, for this submission is personall, and to the intent to make them freinds, and for that both the parties ought to be present. But *Walmesley and Warburton* seemed, that it might have been very well made in the absence of the Plaintiff, as well as a man may submit himself to an Arbitrement of a man which is absent, for this is only to be made to the intent to shew himself sorrowfull for the Trespasses and words, which he hath made and spoken, and it was not argued but adjourned till the next tearme, and the Justices moved the parties to make an end of that, for that it was a trifling Suit.

Hillary 8. Jacobi 1610 *In the Common Bench.*

Sir Edward Ashfeild.

SIR *Edward Ashfeild* was bound in an obligation by the name of *Sir Edmund*, and subscribed that with the name of *Edward*, and in Debt brought upon that, he pleads (it is not his Deed) and it seemes to all the Justices that he might well plead that, for it appears to them that he is not named *Edmund*, and the originall against him, was, *Command Edward*, otherwise *Edmund*, and this was not good, for a man cannot have two Christian names, and if judgment were given against him by the name of *Edmund*, and the Sheriff arrest him by

by *Captus*, that false imprisonment lies against him: But if he have a name given to him, when he was christened, and another when he was confirmed, he shall be called and known by the name given unto him at the time of his confirmation, and not by the first, see, 11. R. 2. Grants 9. Ed. 3. 4. 12. R. 2. Fcoffments 58. See Perkins fol. 8. b 9. a. Grants, 10. Eliz. Dyer, 279. 4.

Hillary 8. Jacobi 1610. In the Common Bench.

Styles against Baxter.

Styles brought an Action upon the case against *Baxter* for calling him perjured man, the Defendant justified that he was perjured in such a Court, in such a deposition, and so pleaded that certainly, and it was found for the Defendant at the *Nisi prius*, and Judgment was given accordingly, and the Defendant afterwards published the same words of the Plaintiff, upon which he brought a new Action for the new publication, in which the Defendant pleaded in Barr the first Judgment, upon which the Plaintiff demurred, and it was adjudged without any Contradiction; that it was a good Barr.

Hillary 8. Jacobi 1610. In the Common Bench.

Andrews against Ledlam in the Star Chamber.

Andrews exhibited his bill in the Star Chamber against *Ledlam*, & the matter, *Andrews* being a rich Usurer, delivered to *Ledlam* being a Stryaner, one thousand pound, to be employed for him for Interest, that is, for ten pound for the use of every hundred pound for every year, *Ledlam* being a Prodigall man, as it seemes, spent the Money, and delivered to *Andrews* diverse severall obligations, every of them containing thre severall persons, well known to be sufficient, being some of them Knights, others Gentlemen, and Esquires of great Estates, and the other good Citizens without exceptions, were bound to *Andrews* in two hundred pound for the payment of one hundred sixty pound to *Andrews* at a day to come within six Moneths then next comming, as *Andrews* had used before to lend his Money, and delivered the Obligations with Seales unto them, and the names of the parties mentioned to be bound by that subscribed, and his own name also subscribed as witnessing the sealing and delivery of them, as a publique Notary, as the good and lawfull obligations of the Parties which were mentioned in them, where indeed the parties mentioned in them, had

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