

**Catalogue of Dampier Manuscripts: Dampier - House of Lords**

MS #	Date	Case	Court	Reported	Type 1	Type 2	Notes
1	June 2, 1794	<i>Gibson v. Hunter</i>	House of Lords	6 Bro. P.C. 235,255	Bill of exchange	Fictitious payee	This case was the last of a series of cases dealing with bills of exchange with fictitious payees, most involving the firm of Livesey & Co., including the case of Minet v. Gibson. Brown, at 235-38, gives an extremely lucid and helpful summary of these cases and the issues presented. Dampier's packet says on the folded caption: Judgment affirmed, June 2, 1794. Ld Chancellor & Ld Kenyon being of opinion with the defendant in error; Ld Thurlow with the plt in error. (Thurlow ceased being Chancellor in January 1793, but he would still have been, of course, in the House of Lords.) The reports in Brown adequately summarize the printed briefs of the parties. There are extensive ms notes in Dampier's packet, however, which I have copied, as the issues in these cases are tangled and important, and these notes may be worth transcribing. One folded paper in particular seems to be a full judicial opinion, perhaps by Kenyon, with notes of the views of other judges following, tho in difficult handwriting. On the fifth column of notes in this paper is the following: "To this opinion the counsel for the plaintiff excepted and the case having been argued at your Lordships bar you have been pleased to propose to us the following question: 'Whether the circumstances mentioned in the bill of exceptions be sufficiently relative to the propositions therein also mentioned, viz: "that the defendants in the action knew that the name Fletcher was fictitious or that the defendants had given an authority to Livesay & Co. to draw bills upon the defendants in the original action payable to fictitious payees," so as they ought to have been received and left to the jury as evidence thereof.'"
1a	April 27, 1785	<i>Foley v. Burnell</i>	House of Lords	4 Bro. P.C. 341, 315	Will	Estate	Fat packet, with ms notes. Caption note: The judgment was affirmed with 50L costs without suffering it to be argued, 27 April 1789. It was affirmed on a speech made by Ld Bathurst stating that the point had already been decided between the same parties, & therefore should not be suffered to be discussed again. Many ms notes stuffed into the PB (not copied). Also included is a printed report of <i>Foley v. Grant</i> , heard at the bar of the H of L 23 Feb. 1784, of which there is no record in the printed reports, at least not in the ER index. Interesting ms note on the folded caption of the '84 case: "On the argument of this cause in the House of Lords the following judges attended: Gould, Willes, Nares, Eyre, Perryn & Heath; & on the 27 <sup>th</sup> April, Perryn being ill signified his opinion against the decree, & all the other judges except Gould delivered their opinions against the decree, & Gould for it: But notwithstanding that, on a speech of the Chancellor's, the decree was affirmed, tho' there was a great attendance of Lords & 3 out of 4 were for reversing it, as it was said. The Chancellor allowed that the vulgar & not the technical sense of the words must prevail, but he said the plate &c was annexed to the estate, & must go along with it. [NB. I think it was annexed to the possession of the house & not to the legal limitations of the estate.]" The printed arguments of both sides were copied in order to allow a full understanding of this case.
1b	15 May, 1787	<i>Pugh v. Goodtitle</i>	House of Lords	3 Bro. P.C. 454	Will		No ms notes, save on caption – the judges all agreed that the words in the will were good words of purchase.
1c	30 May, 1794	<i>Rex v. Hollond</i>	House of Lords	5 T.R. 607	Pleading		No ms notes, not in House of Lords printed reports.
1d	20 February, 1799	<i>Drummond v. Drummond</i>	House of Lords	6 Bro. P.C. 601	Claim of title		James Drummond, claiming title of Earl of Perth etc. No notes.
1e	7 May, 1795	<i>Cavan v. Doe, d. Pulteney</i>	House of Lords	6 Bro. P.C. 176	Lease		No ms notes.
1f	7 June, 1799	<i>A.G. v. Menzies</i>	House of Lords	8 Bro. P.C. 168	Distilleries		Brief ms notes.
2	26 May, 1794	<i>Lonsdale, Earl of v. Littledale</i>	House of Lords	5 Bro. P.C. 519	Suit against peer		Lots of ms notes. Not copied.
3		<i>Case of Pedigree of Thomas Stapleton</i>	House of Lords	Unreported			Many ms notes, not copied.
4	2 May, 1796	<i>Mayor, etc. of London v. Mayor, etc. Of Lynn Regis</i>	House of Lords	7 Bro. P.C. 120	Toll		No ms notes.
5	16 May, 1796	<i>Troward v. Calland</i>	House of Lords	8 Bro. P.C. 71	Advowsons		Some ms notes, copied, as this case is also in Lawrence's notes that have been transcribed for the Selden Society's main series volume 128. Did not copy the printed briefs of the parties, as they are fully given in Brown's report.
7	9 June, 1797	<i>Edgar v. Miller</i>	House of Lords	6 Bro. P.C. 530	Bounty, herring		Many ms notes. Not copied. Question of bounty on herring from Scotland.

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8	20 November, 1795	<i>Chandos v. Brydges</i>	House of Lords	7 Bro. P.C. 505	Estate		No ms notes.
9	26 June, 1797	<i>Ord v. Buck</i>	House of Lords	8 Bro. P.C. 106	Custom, mills		On the folded caption: "If there be a custom within a manor for the tenants thereof to bring all their corn, which they should use & spend ground within their houses to the manor mills to be ground, it is a question to be decided by a jury as a matter of fact whether this custom extends to flour use by the tenants & bought by them after its being ground." And at the bottom: "Affirmed. " Then: "On a 2 <sup>nd</sup> trial a special jury at York summer assizes 1800 found a verdict in favor of Mr. Neville & Term following the Court made a decree in favor of the appellants & directed the respondents to pay all the costs. Lord Kenyon assisting the Chancellor of the Duchy." And along with the printed report of the H of L case are two additional packets: one entirely of ms notes, quite a batch, perhaps all part of the case of Neville v. Buck, which is shown as a caption on one paper. Second additional packet is the case from the Duchy of Lancaster, The Attorney General v. Buck, made up entirely of ms notes, also quite a batch. Within is a ms version of Corte v. Birbeck before Lord Mansfield. That I copied because of a vague memory of a case in Lawrence's notes where M sat in the Duchy of Lancaster. See Brown's report – much debate about whether there is any question of fact to go to a jury about the custom.
10	5 April, 1798	<i>Wallis v. Duke of Portland</i>	House of Lords	8 Bro. P.C. 161			No ms notes.
11	26 January, 1798	<i>Jones v. Martin</i>	House of Lords	8 Bro. P.C. 242			No ms notes.
12	19 June, 1800	<i>Knight v. Halsey</i>	House of Lords	8 Bro. P.C. 233	Custom, tithes		Lots of ms notes – a question of tithes & custom. Judges opinions are given in the notes, plus a full draft opinion, similar to the ms notes in Gibson v Hunter, above. Because the issue is specialized, the ms notes here were not copied.
13	July 7, 1800	<i>Moore v. Denn, d. Mellor</i>	House of Lords	7 Bro. P.C. 607	Life estate	Will	Caption: "An estate for life only passes under a devise of all the rest of my lands, tenements, & hereditaments after payment of my debts & funeral expenses." Judgment reversed July 7, 1800 & that of K.B. affirmed. Lots of ms notes, including another draft opinion. That opinion was copied due to the following note inside: "This opinion was not delivered, as upon the meeting of the judges on the day appointed before they were into the house of Lords the C.B., Barons Hotham & Thompson & Heath, J. thought the judgment of the K.B. right, tho' the C.B. said that he could not distinguish the case from that of Doe v. Richards. Heath said he at first thought it a condition, but he had altered his mind, & he put the case which may [be] found in Cro: El: 288, Martindale v. Martin, to show it was no condition, but said if it was not for the weight of authorities on which persons had acted in purchasing estates he should have been of opinion that hereditaments was the same as inheritance – it was all descended from the ancestor to heir, but he thought himself pressed by the weight of authority. On this, Rooke, J, said he should not alone oppose the opinion of all the other judges, as it could make no difference in the judgment which would be given in the H. of Lords. In consequence of this conversation, McDonald, C.B., shortly delivered the opinion of the judges to be that the judgment of the Exchequer Chamber should be reversed, and that of the K.B. affirmed."
14	June 29, 1801	<i>Earl of Strathmore v. Bowes</i>	House of Lords		Will	Codicil report	[there are six reports of the case of the Countess of Strathmore v. Bowes in several reports, surely related]. Caption: "A codicil report listing a will of lands may by reference to that will pass only the lands which were devised by the will, although without such reference the codicil would pass lands purchased subsequent to the will." Case to be heard at the bar of the H of L 23 April 1801. Then: "Affirmed June 29 <sup>th</sup> . Lord Eldon, Chancellor, Roslin & Alvanley speaking in favor of the affirmance. Lord Thorlow not assenting but not in terms dissenting. All the judges present: McDonald, CB, Hotham, B, Heath, J, Thompson, B, Rooke, J, Le Blanc, J, Chambre, J, & Graham, J, agreeing in opinion that the after-purchased lands did not pass. No ms notes.

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15	6 February, 1801	<i>Goodtitle, d. Sweet v. Herring</i>	House of Lords	1 East. 264	Inheritance		No printed report, no ms notes. Headnote describes another inheritance dispute. Nothing copied.