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# Reports of Cases in the Court of Exchequer in the Time of King George I (1714 to 1727)

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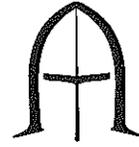
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REPORTS OF CASES  
IN THE COURT OF EXCHEQUER  
IN THE TIME OF KING GEORGE I  
(1714 TO 1727)



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IN THE COURT OF EXCHEQUER  
IN THE TIME OF KING GEORGE I  
(1714 TO 1727)

Volume I:  
Cases 1 to 402

EDITED BY  
W. H. BRYSON

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*This book  
is dedicated to the memory of*

WILLIAM WALLER HENING  
(1767-1828)

*a member of the bar of Richmond, Virginia,  
a law reporter, editor of statutes,  
and legal scholar.*

## PREFACE

This book publishes all of the known law reports from the Court of Exchequer from the reign of King George I, 1714 to 1726, including those in manuscript and those already in print. Most of the ones in print are the short and not very informative reports by William Bunbury. The much more substantial Exchequer reports of Philip Ward and Thomas Browne, which were heretofore unpublished manuscripts, have been conflated with Bunbury's reports and some other miscellaneous case reports.

Philip Ward's reports are published here with the kind permission of Mr. Anthony Taussig, the owner of the single surviving manuscript copy. The reports of Thomas Browne are published here with the kind permission of the Harvard University Law School, the owner of the sole manuscript. We are much in their debt for acquiring these manuscript books, carefully preserving them, and then for making them available to the public in this book.

I would also like to thank the special collection librarians and their staffs at Lincoln's Inn, Harvard University Law School, the University of Virginia Law School, and the University of Richmond Law School for their unfailing courtesies and assistance. I would also like to acknowledge the kind assistance of Rebecca Campbell Cape of the Lilly Library at Indiana University and of Whitney S. Bagnall of the Columbia University Law School library.

## INTRODUCTION

This volume is an edition of all of the cases from the Court of Exchequer during the reign of King George I, 1714 to 1727, which have been found to date. It includes a new edition of the reports already in print as well as those found only in manuscript. The three major sources of reports are those of William Bunbury, Thomas Browne, and Philip Ward. Although Bunbury's Exchequer reports have been in print since 1755, they are somewhat brief, and the manuscript reports of the same cases add considerable information to them.

### The Court of Exchequer

The high court of exchequer evolved within the exchequer department of the English government, the royal treasury, in the middle ages in order to determine legal disputes over the royal revenue.<sup>1</sup> With the rise in international commerce by the English after the defeat of the Spanish Armada in 1588 and the Dutch navy in the middle of the seventeenth century and with the enactment of numerous excise and import taxes, the revenue side of the court became much more important in the time of King George I than it ever had been in the middle ages. Later in the middle ages, the court of exchequer began to hear common law disputes between private persons on the theory that this would assist in the collection of the royal revenue because the plaintiff was a debtor to the crown and, if he could collect his debts, he could then pay his own obligations to the king.<sup>2</sup> In the middle of the sixteenth century, the court of exchequer developed an equity side of its jurisdiction so that it could grant equitable remedies as long as there was some connection to the crown and its revenue.<sup>3</sup> In 1649, by means of fictitious allegations of jurisdiction that could not be challenged in court, the

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<sup>1</sup> See generally J. Manning, *Practice of the Court of Exchequer, Revenue Branch* (2nd ed. 1827).

<sup>2</sup> See generally H. Wurzel, 'The Origin and Development of Quo Minus', *Yale Law Journal*, vol. 49, pp. 39-64 (1939); P. Burton, *Practice of the Office of Pleas in the Court of Exchequer* (1791).

<sup>3</sup> See generally W. H. Bryson, *The Equity Side of the Exchequer* (1975); H. Horwitz, *Exchequer Equity Records and Proceedings 1649-1841* (2001); D. B. Fowler, *Practice of the Court of Exchequer upon Proceedings in Equity* (2nd ed. 1817).

exchequer extended its jurisdiction to all civil cases of common law and equity without limitation.<sup>4</sup>

The court of exchequer was presided over by the chief baron and three puisne barons. When the court sat to hear equity cases, the four barons were joined on the bench by the lord treasurer of England and by the chancellor of the exchequer. However, by the time of George I, the treasury was always in commission and so there was no lord treasurer. In practice, the chancellor of the exchequer never sat, that office being held by Sir Robert Walpole (1676–1745), who was much too busy with the general affairs of the kingdom.<sup>5</sup>

The court of exchequer had concurrent equity jurisdiction with the court of chancery. However, the exchequer was a collegial court of four to six judges, but the lord chancellor decided cases as a single judge. Although the court of exchequer heard revenue, common law, and equity cases, these three jurisdictions were kept separate procedurally and clerically. The barons heard common law cases one day and equity cases another, as did the court of chancery. The court of common pleas and the court of king's bench had no equity jurisdiction.

The judges of the Court of Exchequer during the reign of King George I were generally very good, the most notable being Sir Jeffrey Gilbert (1674–1726). It is interesting to note that there were six chief barons during the short, twelve-year reign of George I. Whereas the chief baron immediately preceding the accession of George I in 1714 was Edward Ward (1638–1714), who held the office for nineteen years, the office was quickly fatal to five of King George's chief barons, the sixth being quickly promoted to the office of Chief Justice of the Court of Common Pleas.<sup>6</sup> Thus, the average tenure was only a bit more than a brief two years. In truth, this is a mere statistical trifle having no bearing on the Court of Exchequer in any way. The business of the court continued in its usual and ancient course regardless of who was sitting on the bench at any particular time.<sup>7</sup>

### William Bunbury

William Bunbury was the second son of Sir Henry Bunbury of Bunbury, Cheshire. He was admitted to St. Catharine's College, Cambridge, on 4 November 1695 and matriculated the next year. He was admitted at the Inner Temple in 1697 and called to the bar of the Inner Temple on 22 June 1702. He was elected a bencher in 1725, reader in 1734, and treasurer in 1737. His legal abilities were also recognized by his appointment as Attorney General of the County

<sup>4</sup> W. H. Bryson, *The Equity Side of the Exchequer* (1975), pp. 25–27.

<sup>5</sup> W. H. Bryson, *The Equity Side of the Exchequer* (1975), pp. 34–63, 170–186.

<sup>6</sup> J. Sainty, *The Judges of England 1272–1990* (1993), p. 97.

<sup>7</sup> For information on the individual judges, see the relevant entries in the *Oxford Dictionary of National Biography* and E. Foss, *The Judges of England*, vol. 8, pp. 8–62 (1864).

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 the Judges of England*, vol. 8, pp. 8–62 (1864).

Palatine of Cheshire. He retired from the practice of law in 1743 and died on 12 September 1748.<sup>8</sup>

Bunbury regularly practiced in the Court of Exchequer. Upon the death of Sir Constantine Phipps in the Long Vacation 1723, he became the postman of the Court of Exchequer, Mr. Lloyd, who was actually the senior barrister in the Exchequer, not regularly attending the Court.<sup>9</sup> As postman, Bunbury had pre- audience of the Attorney General, the Solicitor General, and all other barristers in the Court in common law cases.<sup>10</sup>

## Bunbury's Reports

The majority of the printed cases here come from the reports of William Bunbury, which were first published by his son-in-law, Serjeant George Wilson (d. 1778),<sup>11</sup> in 1755.<sup>12</sup> Bunbury's printed reports date from 1706 to 1741. Lord Mansfield was dismissive of Bunbury's reports.<sup>13</sup> It is true that they are not particularly good; however, they are, in fact, not worse than many other printed reports from the same period. Baron Platt and Baron Parke expressly disputed Lord Mansfield's disparagement of them.<sup>14</sup> Indeed, a comparison with the reports by Thomas Browne and Philip Ward affirms that Bunbury's reports are accurate, though somewhat terse. These reports by Bunbury are important as they were the only collection of printed Exchequer cases from his period of time to the date of this publication. The first editor says that they circulated widely in manuscript and were frequently cited after Bunbury's death before he published them. A few of these manuscripts have survived to the present day:

<sup>8</sup> J. Venn and J. A. Venn, *Alumni Cantabrigienses* (1922), part 1, vol. 1, p. 254; F. A. Inderwick, *Calendar of the Inner Temple Records* (1901), vol. 3, p. 367; *Masters of the Bench . . . of the Inner Temple* (1883), p. 67.

<sup>9</sup> Taussig MS. 311, vol. 1, p. 543.

<sup>10</sup> W. H. Bryson, *The Equity Side of the Exchequer* (1975), pp. 5–6; W. Bunbury, *Re- ports* (1755), preface, p. vii.

<sup>11</sup> Wilson was a prolific reporter and editor of law reports. In addition to the first edi- tion of Bunbury's reports (1755), he edited three volumes of his own reports (1770–1775), the fifth edition of William Salkeld's reports (1773), the third edition of Lord Raymond's reports (1765), and an edition of Sir Edward Coke's reports (1776–1777).

<sup>12</sup> R. W. Bridgman, *A Short View of Legal Bibliography* (1807), p. 42; W. S. Holds- worth, *History of English Law* (1938), vol. 12, pp. 137–138.

<sup>13</sup> *Tinkler v. Poole* (1770), 5 Burrow 2657 at 2658, 98 E.R. 396 ('they are very loose notes' never meant to be published) (*per* Lord Mansfield); see also *Nash v. Nash* (1817), 2 Maddock 133 at 140, 56 E.R. 284 at 287 (a book 'of no great authority') (*per* Plumer); J. G. Marvin, *Legal Bibliography* (1847), p. 159.

<sup>14</sup> *Regina v. Edwards* (1853), 9 Exchequer 32, at 51–53, 156 E.R. 14 at 22–23; see also J. W. Wallace, *The Reporters* (4th ed. 1882), pp. 419–420.

British Library MS. Hargrave 70, ff. 8–85;  
 Harvard Law School MS. 1162 [formerly MS. 1216 and Phillipps No. 9959];  
 Indiana University Lilly Library MS 'Cases in the Exchequer', vols. 5, 6;  
 Indiana University Lilly Library MS 'Process, pleadings', pp. 300–319.

There were several printed editions:

*Reports of cases in the Court of Exchequer, from the beginning of the reign of King George the First, until the fourteenth year of the reign of King George the Second. By William Bunbury Esq. Late of the Inner Temple. Taken in court by himself, and published from his own manuscript by his son in law, George Wilson.* [London] In the Savoy, Printed by Henry Lintot, for D. Browne, J. Worrall; and Thomas Gamul, 1755.

viii, 348, [48] p. 33 cm.

Wilson states in his preface that he did not use any of Bunbury's notes which were not reports of cases. These unpublished notes are in British Library MS. Hargrave 70 and Harvard Law School MS. 1162, and four of them are printed here, i.e. Case Nos. 13, 157, 473, 629.

*Reports of cases in the Court of Exchequer, from the beginning of the reign of King George the First, until the fourteenth year of the reign of King George the Second. By William Bunbury, Esq. Late of the Inner Temple. Taken in court by himself, and published from his own manuscript by his son in law, George Wilson Serjeant at Law.* Dublin: Printed for Sarah Cotter, 1756.

viii, 348, [48] p. 33 cm.

*Reports of cases in the Court of Exchequer, from the beginning of the reign of King George the First, until the fourteenth year of the reign of King George the Second. By William Bunbury, Esq. Late of the Inner Temple Taken in court by himself, and published from his own manuscript by his son in law, George Wilson, serjeant at law. The second edition, revised and corrected, with the addition of many references.* Dublin, Printed for John Rice, 1793.

viii, 348 (i.e. 198), [37] p. 21 cm. Paging irregular, following starred paging of the first edition inset in the margin of the text.

*Reports of cases in the Court of Exchequer, from the beginning of the reign of King George I, until the fourteenth year of the reign of King George II. By William Bunbury Esq. Late of the Inner Temple Taken in court by himself and published from his own manuscript by his son-in-law, George Wilson. The second edition, revised and corrected, with the addition of many references.* London, W. Clarke and sons, 1802.

ff. 8–85;  
formerly MS. 1216 and Phillipps No.

MS 'Cases in the Exchequer', vols. 5, 6;  
MS 'Process, pleadings', pp. 300–319.

*from the beginning of the reign of King George  
the Second. By William  
Bunbury taken in court by himself, and published from his  
own notes. [London] In the Savoy, Printed by  
Thomas Wilson; and Thomas Gamul, 1755.*

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notes. These unpublished notes are in  
Harvard Law School MS. 1162,  
i.e. Case Nos. 13, 157, 473, 629.

*from the beginning of the reign of King  
George the Second. By  
William Bunbury Taken in court by himself, and pub-  
lished from his own notes, George Wilson Serjeant at Law.*

*from the beginning of the reign of King  
George the Second. By  
William Bunbury Taken in court by himself, and pub-  
lished from his own notes, George Wilson, serjeant at law. The  
second edition, with the addition of many references. Dublin,*

Paging irregular, following starred  
margin of the text.

*from the beginning of the reign of King  
George II. By William Bunbury  
taken in court by himself and published from his own  
notes. The second edition, revised and correct-  
ed. London, W. Clarke and sons, 1802.*

viii, 348 (i.e. 198), [37] p. 22 cm. Starred paging of the first edition inset  
in the margin of the text.

*English Reports*, vol. 145, pp. 574–695 (Edinburgh 1914).

### Thomas Browne

Browne is identified as the reporter of a set of law reports that is now in the Har-  
vard Law School Library. In several cases, where he refers to himself, Bunbury  
and Ward refer to Browne but without giving any first name; these cases are:

Attorney General, *ex rel.* Duchess of Buccleuch v. Ayre (1720), Case  
No. 161;  
Sewell, *qui tam* v. Johnson (1721), Case No. 202;  
Cuthbert v. ADean (1721), Case No. 229;  
Dupuis v. Clarke (1722–1724), Case No. 329;  
Goole v. Jordan (1724), Case No. 450;  
Torrent v. Burley (1726), Case No. 611.

There is a reference to 'Mr. Brown's notes' in the case of Wallis v. Pain (1738),<sup>15</sup>  
but the case being quoted is not to be found in the Harvard Law School manu-  
script. Perhaps it is a reference to a case in the now lost earlier volume.

A Thomas Browne and Sir Constantine Phipps (1656–1723) were counsel in  
the Exchequer case of Bennet v. Treppass (26 April 1722), 2 Wood 199, see also  
below, Case No. 307. This is the only evidence so far as to Browne's first name.  
The most likely candidate as author of these reports is Thomas Browne, son and  
heir of Francis Browne, Esq. This Thomas Browne was born circa 1687 and was  
admitted as a student at the Inner Temple on 9 December 1702. He then mar-  
triculated at Brasenose College, Oxford, 23 July 1703 at the age of sixteen. He  
was called to the bar on 8 July 1709, and made a bencher on 3 February 1737/38.  
He died in November 1743.<sup>16</sup>

### Browne's Reports

Harvard Law School MS. 1082 [formerly MS. 1109], in two volumes, is a col-  
lection of cases from the Court of Exchequer. The cases in volume one, pages  
1–275, date from Easter term 1720 to Easter term 1726 and those in volume two,  
pages 1–61, from Trinity term 1726 to Easter term 1729. We know from internal

<sup>15</sup> *Wallis v. Pain* (1738), 2 Comyns 633, 635, 640, 92 E.R. 1245, 1248.

<sup>16</sup> F. A. Inderwick, ed., *Calendar of the Inner Temple Records* (1901), vol. 3, p. 414; R.  
A. Roberts, ed., *Calendar of the Inner Temple Records* (1933), vol. 4, pp. 371, 468; J. Foster,  
*Alumni Oxonienses* (1891), vol. 1, p. 198.

references that there was an earlier volume. Also, on the flyleaf of the first volume is written 'Notes of the practice of [the] Court of Exchequer commencing Pasch. 1720 where the other folio ends.' However, this was lost before what we now have was acquired by Sir Thomas Phillipps (1792–1872).<sup>17</sup> These volumes were once owned by Craven Ord (1755–1832), the Exchequer official and antiquary. Sometime between 1829 and 1832, they were sold to Sir Thomas Phillipps and catalogued as Phillipps No. 4095. They were sold by Sotheby & Co. on 22 March 1895 to Arthur Reader, a London bookseller, and then sold to the Harvard Law School on 20 May 1901.<sup>18</sup>

### Philip Ward

Philip Ward was the fourth son of Sir Edward Ward (1638–1714), who was Chief Baron of the Exchequer from 1695 to 1714.<sup>19</sup> His mother was Elizabeth Papillon Ward (1658–1723), the daughter of Thomas Papillon (1623–1702), a London merchant and politician.<sup>20</sup> Philip Ward was admitted to the Inner Temple on 6 November 1693 and called to the bar on 26 June 1710.<sup>21</sup> He was elected to be a bencher on 3 February 1742/43,<sup>22</sup> but it appears that he declined the honor.

Ward had chambers in the Inner Temple in the King's Bench Building from 1722 to 1726, then in Sir Thomas Robinson's Buildings from 1727 to 1739, and afterwards in Serjeant Hampson's Buildings from 1739 until his death.<sup>23</sup> He became the owner of the manor of Stoke Doyle in Northamptonshire in 1734 upon the death of his older brother, Edward Ward, Jr., and he resided there until his death.<sup>24</sup> He was a close friend of Sir Clement Wearg (c. 1686–1726), the Solicitor General from 1724 until his untimely death in 1726. Wearg left his books and manuscripts to Ward and made him his co-executor. Ward recorded in his reports: 'The solicitor's [Sir Clement Wearg's] will was all of his own handwriting and signed by him 3 October 1723. By his will, he devised to me his manuscripts and books and made me and his wife and brothers executors. "I give all

<sup>17</sup> We would like to thank Sir John Baker for this information.

<sup>18</sup> J. H. Baker, *English Legal Manuscripts in the U.S.A.* (1990), vol. 2, p. 132, nos. 603, 604; Sir John Baker, *The English Legal Manuscripts of Sir Thomas Phillipps* (2008), p. 15.

<sup>19</sup> Many of Chief Baron Ward's reports are printed in W. H. Bryson, ed., *Equity Cases in the Court of Exchequer 1660 to 1714* (2007).

<sup>20</sup> S. P. Menefee and S. Handley, 'Ward, Sir Edward (1638–1714)', *Oxford Dictionary of National Biography*, vol. 57, p. 286. Philip Ward was absent from court the first twelve days of Easter term 1723 because of his mother's death. Taussig MS. 311, vol. 1, p. 481.

<sup>21</sup> F. A. Inderwick, *Calendar of the Inner Temple Records* (1901), vol. 3, pp. 296, 421.

<sup>22</sup> R. A. Roberts, *Calendar of the Inner Temple Records* (1933), vol. 4, p. 456.

<sup>23</sup> R. A. Roberts, *Calendar of the Inner Temple Records* (1933), vol. 4, pp. 84, 141, 165, 171, 398, 559.

<sup>24</sup> *Victoria County Histories—Northamptonshire* (1930), vol. 3, p. 133.

e. Also, on the flyleaf of the first volume Court of Exchequer commencing Pasch. ever, this was lost before what we now pps (1792–1872).<sup>17</sup> These volumes were ), the Exchequer official and antiquary. v were sold to Sir Thomas Phillipps and were sold by Sotheby & Co. on 22 March 1872, and then sold to the Harvard Law

## Ward

Philip Ward (1638–1714), who was Chief Justice of the King's Bench from 1707 to 1714.<sup>19</sup> His mother was Elizabeth Papillon, daughter of Thomas Papillon (1623–1702), a London merchant who was admitted to the Inner Temple on 6 June 1710.<sup>21</sup> He was elected to be a barrister but appears that he declined the honor. He was called to the Temple in the King's Bench Building from 1727 to 1739, and lived in the King's Bench Buildings from 1727 to 1739, and died in 1739 until his death.<sup>23</sup> He bequeathed his property in Northamptonshire in 1734 upon Philip Ward, Jr., and he resided there until his death in 1726. Wearg left his books to Philip Ward, Jr. as his co-executor. Ward recorded in his will that [Wearg's] will was all of his own handwriting. By his will, he devised to me his manors, lands, tenements, wife and brothers executors. "I give all

information for this information.

Ward, Sir Edward (1638–1714)', *Oxford Dictionary of National Biography* (1990), vol. 2, p. 132, nos. 603, 604; *Manuscripts of Sir Thomas Phillipps* (2008), p. 15. Further details are printed in W. H. Bryson, ed., *Equity* (2007).

Ward, Sir Edward (1638–1714)', *Oxford Dictionary of National Biography* (1990), vol. 2, p. 132, nos. 603, 604; *Manuscripts of Sir Thomas Phillipps* (2008), p. 15. Further details are printed in W. H. Bryson, ed., *Equity* (2007).

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my manuscripts and such of my books as he has not already the same to my friend Philip Ward of the Inner Temple" etc.<sup>25</sup> He was also a personal friend of Philip Yorke, Earl of Hardwicke, (1690–1764); they visited each other's country homes,<sup>26</sup> and Ward had the occasion to send to Lord Hardwicke some cases from his father's manuscript Exchequer reports.<sup>27</sup> Philip Ward died at Stoke Doyle on 7 April 1752.<sup>28</sup>

## Ward's Reports

Philip Ward's Exchequer reports are in Taussig MS. 311, which comprises two books. In addition to the self-identification of Philip Ward as the reporter of these cases in his reference to Wearg's will, he is also identified in the cases of *Robinson, qui tam v. The African Company* (1725), Case No. 542; *Spong, qui tam v. Fasting* (1725–1726), Case No. 565; and *Binstead v. Collins* (1727), Case No. 665. Taussig MS. 311 is a professional copy made in the eighteenth century. Volume one, pp. 1–641, contains cases dating from Easter term 1720 to Hilary term 1723/24; volume two, pp. 642–1222 (continuous pagination with volume one), contains cases dating from Easter term 1724 to Hilary term 1728/29. These two volumes were purchased by Mr. Anthony Taussig on 21 June 2001 at the Bloomsbury Book Auctions.<sup>29</sup> From internal references, we know that there was an earlier volume.<sup>30</sup>

The following cases in these volumes have not been transcribed here:

Peachy v. Duke of Somerset (Ch. 1721), Taussig MS. 311, vol. 1, pp. 53–54;

Some earlier Exchequer orders, vol. 1, pp. 173–190;

Child v. Sands (K.B. 1693), vol. 1, p. 295;

<sup>25</sup> Taussig MS. 311, vol. 2, p. 872.

<sup>26</sup> Some correspondence has been preserved in the Hardwicke papers: British Library MSS. Add. 36136, f. 249; Add. 35584, f. 180; Add. 35587, ff. 147, 164, 192; Add. 35589, ff. 202, 208, 311, 336, 342; Add. 35590, ff. 281, 309, 385, 399, 414; Add. 35591, ff. 118–121, 130, 260, 273; see also G. Harris, *The Life of Lord Chancellor Hardwicke* (1847), vol. 1, pp. 88, 475, vol. 2, pp. 54, 344, 416, vol. 3, p. 530.

<sup>27</sup> See *Chapman v. Smith* (1754), 2 Vesey Sen. 506, 515, 28 E.R. 324, 329; letters from Philip Ward to Lord Hardwicke, 30 November 1751, 4 January 1752: British Library MS. Add. 35591, ff. 260v, 273.

<sup>28</sup> G. J. Armytage, ed., *Musgrave's Obituary*, Harleian Soc., vol. 49, p. 202 (1901).

<sup>29</sup> J. H. Baker and A. Taussig, *A Catalogue of the Legal Manuscripts of Anthony Taussig* (2007), p. 122, no. 311.

<sup>30</sup> E.g., in the case of *Payne v. Attorney General* (1721–1722), Case No. 217, Ward refers to "my prior book", and, at the end of *Leslie, qui tam v. Gray* (1724), Case No. 479, there is a cross-reference to book 3.

- Anonymous (K.B. 1723) (affirming an Irish judgment in trover), vol. 1, p. 402;  
Some earlier London cases, vol. 1, pp. 424–480;  
Cornelius v. Cornelius (Ch. 1723), vol. 1, p. 565;  
Whitchurch v. Whitchurch (Ch. 1725), vol. 2, p. 775, pl. 1;  
Some records of nonsuits upon trials on informations, vol. 2, pp. 882–885;  
Keilway v. Keilway (Ch. 1726), vol. 2, p. 904;  
Lord Nottingham v. Inhabitants of Daventry (Duchy 1726), vol. 2, p. 945.

Although Bunbury, Browne, and Ward were working independently in the reporting of Exchequer cases, they were in communication with one another in this endeavor. It is interesting to note that the reports by Bunbury and Browne of the cases of *Minnett v. Robinson* (Ex. 1722), Case No. 360, and *Gold v. Freame* (Ex. 1723–1724), Case No. 376, are exactly the same, and Browne appears to have copied Bunbury's report of *Pearce v. Penrose* (Ex. 1722), Case No. 321. Also Bunbury read Ward's report of the case of *Farwell v. Medcalfe* (Ex. 1723), Case No. 418, and offered a comment which was included in Ward's report. The Exchequer bar at this time was very small, and it must have been quite collegial. These lawyers were daily together in the courtroom, sometimes on the opposite side of a case and sometimes on the same side as co-counsel. Moreover, all three were members of the Inner Temple.