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Alexander Forrester's Chancery Reports (1732-1739)

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**ALEXANDER FORRESTER'S
CHANCERY REPORTS
(1732-1739)**

Edited by

W. Hamilton Bryson

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PRE

Alexander Forrester has been
since his own time, and his
published not by his own intenti
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to publish here the remainder o
chancellorships of Lord King, L
all very good equity judges, esp
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Inn for permission to publish th
and his colleagues at the library
courtesies. Also, I would like
University of Richmond and at
manuscript was typed by Eliza
particular acknowledgement.

INTRODUCTION

ALEXANDER FORRESTER

Alexander Forrester was born around 1711, probably in France. He was the son of Andrew Forrester and Jean Cunningham Forrester, Scots Jacobites, who had gone into exile with King James II. He entered the Inner Temple in 1727 and was called to the bar in 1731. He began his reports in early 1732. He was made a bencher on 27 November 1762.¹ He had a large law practice in the Court of Chancery, the House of Lords, the Privy Council,² and the Board of Trade. One of his regular clients was the duke of Bedford.³ In 1754, he represented the lower house of the General Assembly of Virginia in a very contentious dispute before the Privy Council against the Lieutenant Governor of Virginia over fees for putting the seal to royal patents.⁴ At the time of his death, he had chambers at 6 New Square, Lincoln's Inn.⁵ He was a member of Parliament from 1758 to 1774, where he was an adherent to the duke of Bedford's party. He died unmarried on 2

¹ R. A. Roberts, *A Calendar of the Inner Temple Records* (1933), vol. 4, pp. 167, 242, 244, vol. 5, p. 150.

² See J. H. Smith, *Appeals to the Privy Council from the American Plantations* (1950), *passim*.

³ H. Walpole, *Memoirs of the Time of George III* (D. Jarrett, ed., 2000), vol. 2, p. 136.

⁴ *Acts of the Privy Council of England, Colonial Series* (J. Munro, ed., 1911), vol. 4, pp. 232-235; J. P. Greene, 'The Case of the Pistole Fee: The Report of a Hearing on the Pistole Fee Dispute Before the Privy Council, June 18, 1754,' *Virginia Magazine of History and Biography*, vol. 66, pp. 399-422 (1958) (Forrester's argument is printed at pp. 415-419).

⁵ J. Browne, *General Law List for the Year 1779* (3d ed. 1778), p. 9; *Ibid.* (7th ed. n.d.), p. 14.

July 1787 in London at the age of 76¹ and was buried in the vault of the Temple Church.²

FORRESTER'S REPORTS

Lincoln's Inn MSS. Misc. 52 and Misc. 54.

These two books, which are a set, were given to Lincoln's Inn in May 1844 by William Selwyn (1775-1855).³ They contain Alexander Forrester's reports of cases in the Court of Chancery dating from 1732 to 1739, some of which have been printed already, as follows.

- LI MS. Misc. 52, pp. 1-45, first printed below.
- LI MS. Misc. 52, pp. 45-166, *Cases tempore Talbot*, pp. 1-153, 25 E.R. 626-713.
- LI MS. Misc. 54, ff. 1-21, *Cases tempore Talbot*, pp. 153-217, 25 E.R. 713-745.⁴
- LI MS. Misc. 54, ff. 22-65, first printed below.

Lincoln's Inn MS. Misc. 359.

This is the same as LI MS. 52, pp. 1-88, i.e. Case Nos. 1-21, below, and *Cases tempore Talbot*, pp. 1-58.

¹ L. B. Namier and J. Brooke, *The House of Commons, 1754-1790* (1964), vol. 2, pp. 451-453.

² K. A. M. Esdaile, *Temple Church Monuments* (1933), p. 90; H. G. Woods, *Register of Burials at the Temple Church 1628-1853* (1905), p. 74; R. A. Roberts, *A Calendar of the Inner Temple Records* (1933), vol. 5, p. 501.

³ J. H. Baker, *English Legal Manuscripts* (1978), vol. 2, p. 94.

⁴ Note that the case of *Tanner v. Morse* (Ch. 1733), LI MS. Misc. 52, p. 45, is printed out of order at *Cases tempore Talbot* 284, 25 E.R. 779, and the case of *Wheeler v. Trotter* (Ch. 1736), Case No. 22, LI MS. Misc. 54, f. 15, was omitted.

Lincoln's Inn MS. Misc. 509.

This book includes Case Nos. 1-21, *Cases tempore Talbot*, pp. 1-217, 25 E.R. 626-713.

Lincoln's Inn MS. Misc. 393.

This is an unbound assembly of several booklets, including *Cases tempore Talbot*, pp. 1-21, 25 E.R. 626-713, and *Cases tempore Talbot*, pp. 1-58, 25 E.R. 713-745.

British Library MS. Hargrave 1000.

This book includes Case Nos. 1-21, *Cases tempore Talbot*, pp. 1-3, 1-58, 284.

Cases in equity during the time of Lord Bathurst, with tables of the names of cases in equity during the time of Lord Bathurst, In the Savoy, Printed by Henry Waller, 1753.

vi, 286, [18] p. 32 cm.

Lord Bathurst observed that Forrester's reports.¹ This is a copy of the manuscripts.

Cases in equity during the time of Lord Bathurst, with tables, of the names of cases in equity during the time of Lord Bathurst, In the Savoy, Printed by and for Thomas Waller, 1753.

vi, 286, [18] p. 32 cm.

Cases in equity during the time of Lord Bathurst, with tables of the names of cases in equity during the time of Lord Bathurst, matters. The second edition, with notes. [London] In the Savoy, Printed by and for Thomas Waller, 1753.

vi, 286, [18] p. 32 cm.

¹ J. Worrall, *Bibliotheca Legum Angliæ, A Short View of Legal Bibliography* (1841), p. 100.

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R'S REPORTS

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26-713.

Cases *tempore* Talbot,
713-745.⁴
, first printed below.

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tempore Talbot, pp. 1-58.

e House of Commons, 1754-1790 (1964),

hurch Monuments (1933), p. 90; H. G.
mple Church 1628-1853 (1905), p. 74; R.
Temple Records (1933), vol. 5, p. 501.

manuscripts (1978), vol. 2, p. 94.

Morse (Ch. 1733), LI MS. Misc. 52, p.
tempore Talbot 284, 25 E.R. 779, and the
) , Case No. 22, LI MS. Misc. 54, f. 15,

Lincoln's Inn MS. Misc. 509.

This book includes Case Nos. 1-24, below, and Cases
tempore Talbot, pp. 1-217, 284.

Lincoln's Inn MS. Misc. 393.

This is an unbound assemblage of Forrester's reports in
several booklets, including Case Nos. 1-18, 22-25, below,
and Cases *tempore* Talbot, pp. 3-28, 38-58, 111-217.

British Library MS. Hargrave 152.

This book includes Case Nos. 19 and 21, below, and Cases
tempore Talbot, pp. 1-3, 10-20, 27-29, 38-58, 65-116,
284.

*Cases in equity during the time of the late Lord Chancellor Talbot
with tables of the names of cases and principal matters. [London]
In the Savoy, Printed by Henry Lintot for T. Waller, 1741.*

vi, 286, [18] p. 32 cm.

Lord Bathurst observed that only pages 1-217 are
Forrester's reports.¹ This is confirmed by an examination
of the manuscripts.

*Cases in equity during the time of the late Lord Chancellor Talbot
with tables, of the names of cases, and principal matters. [Dub-
lin], Printed by and for Thomas Bacon, 1742.*

vi, 286, [18] p. 32 cm.

*Cases in equity during the time of the late Lord Chancellor
Talbot: with tables of the names of the cases and principal
matters. The second edition, with many references, and large
notes. [London] In the Savoy, Printed by Henry Lintot for T.
Waller, 1753.*

vi, 286, [18] p. 32 cm.

¹ J. Worrall, *Bibliotheca Legum Angliae* (1788), p. 238; R. W. Bridgman,
A Short View of Legal Bibliography (1807), pp. 55, 126.

Cases in equity during the time of the late Lord Chancellor Talbot with tables of the names of cases and principal matters. The 3rd ed., with references to the proceedings in the court, and to later cases, by John Griffith Williams. London, Printed by A. Strahan and W. Woodfall for Whieldon and Butterworth, 1792.

xv, [1], 286, [*287]-*297, 287-316 (i.e. 420) p. 25 cm. Paging irregular, following paging of earlier edition inset in the margin of the text.

The Preface to this third edition states 'The following collection of cases is well known to have been taken from the notes of Mr. Forrester . . . and . . . originally published . . . without the sanction of the author's name.'

John Griffith Williams was born around 1760, the son of John Williams of Ruthin, Denbighshire. He entered Queen's College, Oxford, on 30 October 1778 at the age of eighteen. J. Foster, *Alumni Oxonienses* (1888), part 2, vol. 4, p. 1566. He was called to the bar at Lincoln's Inn on 4 February 1784. *Records of the Hon. Soc. of Lincoln's Inn* (1902), vol. 4, p. 239. He is last mentioned in J. Browne, *General Law List for the Year 1799*, p. 43. He died insolvent in 1799, before 6 November 1799, when his chambers in Lincoln's Inn were rented to a new tenant. Lincoln's Inn MS. Searles Court Books (E2A2), vol. 2, p. 31. I would like to thank Guy Holborn, the Librarian of Lincoln's Inn, for this information.

Cases in equity during the time of the late Lord Chancellor Talbot with tables of the names of cases and principal matters. The third edition, with references to the proceedings in the court, and to later cases, by John Griffith Williams. Dublin, Printed by Henry Watts, 1793.

ix, [5], 313 (i.e. 416) p. 22 cm.

English Reports, vol. 25, pp. 626-745 (1903).

Forrester never intended for his reports to be published. However, he lent them to a friend, whose clerk, a Mr. Ridge of the Middle Temple, made surreptitiously a copy of part of them

and sold them to the bookseller. Waller discovered that his work was a Waller in the Court of Chancery the publication.² However, he after the books to be sold.³ The high quality was immediately recognized, and there one by John Griffith Williams notable for its scholarly erudition not mention Forrester's authorship tionally that they were made by 'Forrester's Reports'.⁴

¹ J. W. Wallace, *The Reporters* (4th ed. Richardson (1770), Ambler 694, 695, 2

² *Forrester v. Waller* (13 June 1741 (1765), 2 Eden 327, 328, 28 E.R. 924, 2303, 2331, 98 E.R. 201, 216.

³ See *Gee v. Pritchard* (1818), 2 Sw

⁴ J. G. Marvin, *Legal Bibliography* argument in *Harrison v. Field* (1795), 2 *Heard v. Stanford* (1736), *Cases tempore*

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and sold them to the bookseller, T. Waller.¹ When Forrester discovered that his work was about to be published, he sued Waller in the Court of Chancery and got an injunction restraining the publication.² However, he afterwards relented and allowed the books to be sold.³ The high quality of these reports was immediately recognized, and there were several later editions, the one by John Griffith Williams (c. 1760-1799) in 1792 being notable for its scholarly erudition. Although the first editions did not mention Forrester's authorship, it was well known internationally that they were made by him, and they are often cited as 'Forrester's Reports'.⁴

¹ J. W. Wallace, *The Reporters* (4th ed. 1882), p. 508. See also *Maclin v. Richardson* (1770), Ambler 694, 695, 27 E.R. 451.

² *Forrester v. Waller* (13 June 1741), as noted in *Osborne v. Donaldson* (1765), 2 Eden 327, 328, 28 E.R. 924; *Millar v. Taylor* (1769), 4 Burrow 2303, 2331, 98 E.R. 201, 216.

³ See *Gee v. Pritchard* (1818), 2 Swanston 402, 426, 36 E.R. 670, 678.

⁴ J. G. Marvin, *Legal Bibliography* (1847), pp. 183, 399; e.g. Copland's argument in *Harrison v. Field* (1795), 2 Va. (2 Washington) 136, 138, citing *Heard v. Stanford* (1736), Cases *tempore* Talbot 173, 25 E.R. 723.