

The CASE of John Halsfall, Esq; and others, who have a Bill under Consideration in Parliament, to Enable them to sell Lands, &c. for Payment of Debts and Portions. In REPLY to the Printed Case of Daniel Arthur Mannocke.

WHEREAS a Paper is Printed, Entituled the Case of *Daniel Arthur Mannocke*, Merchant, in relation to the Bill now under Consideration, to enable *John Halsfall*, Esq; and others, to sell certain Lands and their Appurtenances in *Charlewood* and *Horley* in the County of *Surrey*, and also the Advowson of the Rectory of *Charlewood* aforesaid, for Payment of Debts and Portions; which Paper containing the said *Daniel Arthur*'s pretended Claim to the said Premises, and it appearing designed to hinder the passing the said Bill into an Act, the Petitioners for the said Act, by way of Reply to the said Paper, do humbly offer as followeth, (*viz*).

THAT the said Petitioners Case, as set forth in their said Bill now printed, doth contain a full and plain Title to the said Petitioners in Law and Equity, by Conveyance in Fee from Sir *Andrew King*, *Benjamin Hinton*, and *Daniel Arthur*, Father of the said now Mr. *Arthur*, to, and to the Use of *Francis* late Earl of *Longford*, for 5000 *l*. Purchase Money paid by the said Earl, under whom the said Petitioners claim by the said Earl's Mortgage to *James Halsfall*, Esq; for 4000 *l*. Money really lent, and paid above twenty nine Years since, whereupon 5558 *l*. and upwards, for Principal, Interest and Coists, after great Delays and Opposition from the said Earl, and those claiming the Equity of Redemption under him, hath been reported and decreed due to the said Petitioners in *Chancery*, and the Defendants foreclos'd of all Equity of Redemption, and a Bill of Review thereof dismiss'd, as sufficiently appears by the said printed Bill. Whereby also it fully appears,

That the said Petitioners, by the said printed Bill, do not deny the Subjects Right of Appeal to the Right Honourable the House of Lords, but only complain of the ill Use made of it by the Defendants in *Chancery*, who well knowing the said Petitioners, for want of the said Mortgage-Money, were reduc'd almost to a starving Condition, threaten'd and industriously spread abroad that they would bring an Appeal, whereby all Purchasers were deterred, being only with Design to extort Money from the said Petitioners, who can have no other Relief but by petitioning for the said Act, and the only Means to hasten the said Appeal, if any is intended to be brought whilst the said Act is in Progress, for which the said Defendants in *Chancery*, are, or may be now as well prepared as they were for the said Bill of Review, or ever can be, it being well known that they can offer no other Matter in Evidence but what was in the said former Cause: And it also appears that it being now above two Years since the said Dismission in *Chancery*, in all which time the said Defendants in *Chancery* have so obstructed the Sale of the Premises, without bringing any Appeal in either of the two last Sessions of Parliament as they might, they ought not to have or crave any longer or further time, or to be left to their own Pleasure, for at their Pleasure it may be twenty nine Years more before the said Petitioners may receive their Money, all which being from the extrem Circumstances of this particular Case can be no Argument against the general Right of Appeals.

AND whereas by the said printed Case of the said now Mr. *Arthur*, it is suggested that the said Mr. *Arthur* his Father did convey the said Premises to the said Earl *Francis*, in Trust for him the said Mr. *Arthur* the Father, who in pursuance of pretended Articles made a Settlement on the said now Mr. *Arthur*; the said Petitioners do averr and are ready to prove that the said Purchase-Conveyance to the said Earl *Francis* being by Deed enrolled in *Chancery*, was expressly to the sole use and behoof of the said Earl *Francis* and his Heirs, without any Trust or Proviso whatsoever, and for 5000 *l*. paid by the said Earl *Francis*, and that thereupon as well the said Purchase-Deeds as all other the Deeds of Titles then extant were delivered unto and were in the Custody of the said Earl *Francis*, until the said Mortgage to the said *James Halsfall*, and then delivered to him, being universally allow'd as the best or only full Badges and Evidences of the sole Ownership of any Estate, and that otherwise no Subjects can be safe in Titles. All which Original Deeds, Evidences and Writings, the Petitioners are ready to produce, when and as the Honourable the Parliament of *Great Britain* shall in their great Wisdom direct and appoint.

AND whereas by the said printed Case of the said now Mr. *Arthur*, it is most untruly suggested that the said *James Halsfall*, and those claiming under the said Mortgage to him for thirty Years, had received 350 *l*. per Annum out of the said Premises: It is directly contrary to the Proofs and Reports made in *Chancery*, and Decreed and Enrolled, and upon the said Bill of Review Confirmed; by all which it fully appears that those claiming under the said Mortgagee did never receive half 350 *l*. per Annum after due Deductions for Taxes, Repairs, and other incident Charges, nor have they been in Possession near 30 Years; and there is now above 5558 *l*. really remaining Due to them as aforesaid.

AND as the said Petitioners, by the known Course of Proceedings in Parliament, are oblig'd before a Committee to prove all recited in the said printed Bill; so the Petitioners hereby humbly offer to prove all hereby averred, being in Truth what also sufficiently appears by the Bill.

To all which material Particulars, the said now Mr. *Arthur* ought to have given full and plain Answers, and the rather as by his said Case he seeks to subvert the said Mortgage Security for 4000 *l*. Money lent above twenty nine Years since, for which hath been continual Prosecution to solemn Hearings and Decrees, and ought at least to have stated a better clear Title to himself, with offers to Prove the whole to a Committee, and the rather as the said Petitioners for want of their Money are in so calamitous a Condition; especially also as his said Case seems address'd to so wise and high an Authority as the Parliament of *Great Britain*; but on the contrary, the said now Mr. *Arthur* seems to content himself with confident Affirmations without any Proof, and at the same time discloses and acknowledges other Matters inconsistent with any such Relief as he seeks, *viz*. That the said Mr. *Arthur* the Father, having notice of the said Earl's Mortgage for 4000 *l*. as a pretended Breach of Trust, had received Satisfaction by the said Earl's conveying to him of an Estate in *Whitefriars* in *Dublin*, of the Value of 4000 *l*. which had been ever since enjoy'd by the said Mr. *Arthur* the Father, and his Family, and as by his said Case he hath confessed Notice to the said Mr. *Arthur* the Father, of the said Earl's Mortgage and pretended Breach of Trust, he and all those claiming under him thereby, and by the Rules of the Court of *Chancery* were obliged to take Notice of the said Bill to foreclose them, and of all Proceedings thereupon, and also of the said Bill of Review.

AND forasmuch as in all this time, being above twenty nine Years, the said Mr. *Arthur* the Father, or Son, have never made any Claim in the said Court of *Chancery*, by Bill or otherwise, which if they would have had any Relief in *England*, they ought to have done for such their Laches and Negligence for above twenty nine Years; by the Law and Rules of all *English* Courts they ought to be barred of all Relief, for an Account of Rents and Profits or otherwise; and which at present may justly be used as a farther Evidence of such plenary Satisfaction to the said Mr. *Arthur* the Father, that he and his said Son have for so many Years wholly acquiesced, and never claimed any Title to the Premises.

AND forasmuch also as the said now Mr. *Arthur*, upon so untrue, incoherent and obscure Pretences, concludes his said Case with a Prayer or Hope that the said Bill should not pass into an Act: The said Petitioners, for all the Reasons aforesaid, humbly Hope and Pray that the said pretended Case and Matters therein may be wholly rejected, as inconsistent with the Honour and Dignity of Parliaments, and that the said Bill for the Relief of the Petitioners may be passed into an Act of Parliament, as by the Petition of the said Petitioners was pray'd.

