

C1 /J/ 1/ THOLSELL COURT : ROLLS

Doc. No. **C1/J/1/1**

Description: **THOLSELL COURT ROLL**

Date: **28 Apr 1659 - 4 Oct 1660**

This record of proceedings heard in the Tholsell Court, Dublin, is inscribed on 26 parchment membranes of varying size, but which average 20`` x 10``. The period covered is from April 1659 to October 1660. The record is not continuous, however, and no entries are given for May 1659, for the period August 1659 to January 1659/60 inclusive, for March 1659/60, April 1660 and September 1660. On internal examination, it would appear that the roll is an artificial compilation from a later date, using surviving material, and this would account for omissions already referred to. The roll contains 16 gatherings, consisting of either 1, 2 or 3 membranes. The entries on each separate gathering record the proceedings of one case heard at the Tholsell Court, and where a gathering consists of 2 or 3 membranes, the parchment is fastened at the head with thongs which are also made from parchment. These thongs usually extend across the full width of the membrane and are threaded through a number of small holes pierced in the parchment. The 16 gatherings are then held in a roll by means of a piece of string, which is drawn through holes pierced at irregular intervals in the head of each membrane. For ease of handling, and for improved conservation, this string has now been replaced by a length of linen tape. All entries are inscribed in English.

Membrane No. 1 Thursday, 28 April 1659
Mayor: Peter Wybrants, Esq.
Sheriffs: John Eastwood and Robert Arundell
Case of Alderman John Preston v. Charles Andrews, Merchant,
in a plea of debt of £200 sterling claimed by the plaintiff from
the defendant.

20.5`` x 10.5``

Membranes 2-4 Thursday, 23 June 1659
Mayor: Peter Wybrants, Esq.
Sheriffs: John Eastwood and Robert Arundell
Case of James Smalewood, Esq. v. Samuel Gibbs, Mariner, in a
plea of trespass. (See also: Membrane No. 26, below).

22.5⁰⁰ x 12.5⁰⁰
23⁰⁰ x 12.5⁰⁰
22⁰⁰ x 12⁰⁰

Membranes 5-7

Thursday, 30 June 1659

Mayor: Peter Wybrants, Esq.

Sheriffs: John Eastwood and Robert Arundell

Case of Richard Edwards v. Edward Hartshorne in a plea of debt of £50

sterling claimed by the plaintiff from the defendant.

19⁰⁰ x 10⁰⁰
20⁰⁰ x 10⁰⁰
19.5⁰⁰ x 10⁰⁰

Membranes 8-10

Thursday, 21 July 1659

Mayor: Peter Wybrants, Esq.

Sheriffs: John Eastwood and Robert Arundell

Case of Sir James Ware, knight, v. Richard Tomlinson, gentleman, in a plea of debt of £40 sterling claimed by the plaintiff from the defendant, according to covenants made between them by indenture, but not put into effect.

23.5⁰⁰ x 12.25⁰⁰
22.5⁰⁰ x 12⁰⁰
9.5⁰⁰ x 12⁰⁰

Membranes 11-12

Thursday, 9 February 1659/60

Mayor: Robert Deey, Esq.

Sheriffs: John Price and Hugh Price

Case of Thomas Guggin, Esq. of Lincoln's Inn, London, v. Marie Guggin, widow, administratrix of Vincent Guggin, Esq. deceased, in a plea of debt of £700 sterling owed to the plaintiff by the defendant and unjustly detained by her.

20.5⁰⁰ x 10.25⁰⁰
19.75⁰⁰ x 10.25⁰⁰

Membranes 13-14

Monday, 21 May 1660

Mayor: Robert Deey, Esq.

Sheriffs: John Price and Hugh Price
Case of John Hawkshaw, gentleman, v. Mary Dix, widow and executrix of the last will and testament of Martin Dix, brewer, deceased, in a plea of trespass.

19^{''} x 9.75^{''}

18^{''} x 10^{''}

Membrane 15

Monday, 28 May 1660

Mayor: Robert Deey, Esq.

Sheriffs: John Price and Hugh Price

Case of Robert Hughes, gentleman v. Patrick Russell, gentleman, in a plea of debt of £200 sterling claimed by the plaintiff from the defendant.

18.75^{''} x 10^{''}

Membrane 16

Monday, 4 June 1660

Mayor: Robert Deey, Esq.

Sheriffs: John Price and Hugh Price

Case of Benjamin Reade, citizen and fishmonger, of London v. John Bush of the City of Dublin, merchant, in a plea of debt of £56 sterling claimed by the plaintiff from the defendant.

18.5^{''} x 10.75^{''}

Membranes 17-18

Thursday, 21 June 1660

Mayor: Robert Deey, Esq.

Sheriffs: John Price and Hugh Price

Case of Thomas Wilcox of Stratford-upon-Avon, County of Warwick, yeoman, v. John Cannon of the City of Dublin, merchant, in a plea of debt of £8 sterling claimed by the plaintiff from the defendant.

19.75^{''} x 10^{''}

7^{''} x 10^{''}

Membrane 19

Thursday, 5 July 1660

Mayor: Robert Deey, Esq.

Sheriffs: John Price and Hugh Price

Case of Thomas Hill, of the City of Dublin, gentleman v. Thomas Chabenor of Dublin, in a plea of trespass.

20^{''} x 10^{''}

Membrane 20

Monday, 23 July 1660

Mayor: Robert Deey, Esq.

Sheriffs: John Price and Hugh Price

Case of Thomas Barry of Waterford, gentleman, v. Roger Miles, in a plea of debt of £3-4s. sterling claimed by the plaintiff from the defendant.

20.25^{''} x 10.5^{''}

Membranes 21-22

Not dated [annotated: "Action 28 July 1660"]

Mayor: Robert Deey, Esq.

Sheriffs: John Price and Hugh Price

Case of Thomas Moreton and John Duboys, of the City of London,

merchants v. John Fletcher of the City of Dublin, merchant, in a plea of debt

of £160 sterling claimed by the plaintiffs from the defendant.

20.25^{''} x 10.5^{''}

Membrane 23

Thursday, 2 August 1660

Mayor: Robert Deey, Esq.

Sheriffs: John Price and Hugh Price

Case of John Rowlandson, merchant v. Thomas Orr, of the City of Dublin,

in a plea of debt of £16 sterling claimed by the plaintiff from the defendant.

21.75^{''} x 12^{''}

Membrane 24

Thursday, 23 August 1660

Mayor: Robert Deey, Esq.

Sheriffs: John Price and Hugh Price

Case of Amos Ogden v. William Bray of the City of Dublin, shoemaker,

and Thomas Cleene, do., in a plea of debt of £20 sterling claimed by the

plaintiff from the defendants.

19.5^{''} x 11^{''}

Membrane 25 Not dated. [Deey's Mayoralty, 1659/60].
Mayor: Robert Deey, Esq.
Sheriffs: John Price and Hugh Price
Case of John Borr, of the City of Dublin, merchant v. Michael Hare,
gentleman, in a plea of trespass.

20.75`` x 10``

Membrane 26 Thursday, 4 October 1660
Mayor: Hubert Adrian Verneer
Sheriffs: Thomas Jones and Peter Ward
Directive to Oliver Ward, Marshal of the Tholsell Court, to levy
£105 of the
goods and chattels of Samuel Gibbs, mariner, for damages
owed to James
Smalewood, Esq. (See also: Membranes 2-4, above).

13`` x 12.5``

C1 /J /2 THOLSELL COURT: LIBER QUERELORUM (Complaints Book)

Doc. No. C1/J/2/1

Date: 1 Oct 1616 - 6 Oct 1617

Description: LIBER QUERELORUM (Complaints Book)

Record of pleas heard in the Tholsell Court before John Bennes, Mayor of Dublin, and Sheriffs Simon Malone and Walter Locke.

Latin

1 mss. vol. with original stitching; covers missing; paper with watermark

90 pp

Vol. includes:

- pp 1-3 List of Aldermen, Deputy Aldermen and Constables for the following areas:
Winetavern Street, Fish Street [Fishamble Street], Wood Quay and Dame Street; Bridge Street; Merchant Quay; Cook Street; St. Thomas Street and High Street; Oxmantown
- Not dated
- pp 76-81 Details of "praisements" made by Anthony Enos, sword-bearer, and Richard Proudfoote, marshall. [i.e. appraisements or valuations of debtors' goods for the purpose of distraining therefrom].
Entries in English
- 1 Oct 1616 - 28 Sept 1617
- pp 86-7" A note of such as should beare balls or fyne for the same at Shroftyde 1616". [The medieval Dublin custom of "bearing balls" has never been fully explained. By the early 17th century, it had generally been commuted to a fine].
- p 88 "The members of the forty-eight". [List of Sheriff's Peers; incomplete]
- p 89 Account of fines to be credited to Alderman Richard Barry, Treasurer of the City of Dublin.

C1 /J /2 THOLSELL COURT: LIBER QUERELORUM (Complaints Book)

Doc. No.

C1/J/2/2

Date:

1 Oct 1629 - 27 Sept 1630

Description:

LIBER QUERELORUM (Complaints Book)

Record of pleas heard in the Tholsell Court before Christopher Forster, Mayor of Dublin and Sheriffs Charles Forster and James Watson.

Latin

1 mss. vol. in original vellum binding. Paper with watermark.

124 pp

Vol. includes:

Doodles and draft sentences inside binding and on end-papers

pp 1-4

List of Aldermen, Deputy Aldermen and Constables for the following areas: High Street from "Cross" [i.e. The High Cross] to Rame (sic) Lane; High Street from Rame Lane to Newgate; St. Michael's Lane; Pipe Street and Cook Street; St. Werburgh Street and Stephen Street; (with two others: portion of mss. missing); Winetavern Street to Wood Quay; Fish Street [Fishamble Street]; Copper Alley and Dame Street; Bridge Street; St. Nicholas Street. and St. Patrick Street; Merchant Quay; St. Thomas Street, St. James Street and St. Francis Street; Oxmantown

p 94

"A note of the fines of balles at Shrovetide 1629"
(See also: C1/J/2/1)

p 96

A note of fines received by the Mayor.

pp 97-121

Details of "praisements" made by Anthony Enos, sword-bearer, and John Butcher, marshall.
Entries in English. (See also: C1/J/2/1)

18 Aug 1629 - 22 June 1630

C1 /J /2 THOLSELL COURT: LIBER QUERELORUM (Complaints Book)

Doc. No. C1/J/2/3
Date: 1 Oct 1629 - 25 Sept 1630
Description: **LIBER QUERELORUM (Complaints Book)**

Record of pleas heard in the Tholsell Court before Charles Forster and James Watson, Sheriffs of the City of Dublin.

Latin

1 mss. vol. in original vellum binding. Paper with watermark (as for C1/J/2/2).

64 pp

Vol. includes:
Doodles and draft sentences inside binding and on end-papers.

Doc. No.C1/J/2/4
Date: 1 Oct 1637 - 28 Sept 1638
Description: **LIBER QUERELORUM (Complaints Book)**

Record of pleas heard in the Tholsell Court before James Watson, Mayor of Dublin and Sheriffs Philip Watson and William Bladen.

Latin

1 mss. vol. in original vellum binding.

Crude re-stitching at pp 186-7. Chained paper with watermark

249 pp

Vol. includes:
Doodles and draft sentences inside binding and on end-papers

pp 3-7
List of Aldermen, Deputy Aldermen and Constables of the several wards of the City of Dublin, as follows: High Street from Cross [the High Cross] to Ram Lane; High Street from Ram Lane to Newgate; St.

Michael's Lane; Pipe Street and Cook Street; Skinner's [Row], Castle Street, St. Werburgh Street, St. Bride Street, Sheep Street and St. Stephen Street; Winetavern Street; Wood Quay, High Street, Copper Alley and Dame Street; Bridge Street; St. Nicholas Street and St. Patrick Street; Merchant's Quay; St. Thomas Street, St. James's Street and St. Francis Street; "Donnobrorke" [Donnybrook; 1 constable only; no alderman]; Oxmantown; St. Mary's Abbey

1 Oct 1637

pp 199-236

"Praisements" entered by Francis Ryan, swordbearer, and Robert Blower, marshall. Entries in English.

1 Oct 1637 - 29 Aug 1638

C1 /J /3 THOLSELL COURT : RECOGNIZANCE BOOK

Doc. No. **C1/J/3/1**

Date: **1 Oct 1589 - 28 Sept 1590**

Description: **RECOGNIZANCE BOOK**

Book of recognizances acknowledged in the Tholsell Court before John Forster, Mayor of Dublin, and Sheriffs Mathew Handcok and Thomas Browne.

Records the name and station of the person offering the recognizance, together with the amount involved, and any attendant conditions.

English

1 mss. vol. on chained paper with watermark; original sewing in parchment; covers missing. Includes: 3 parchment guards [cut from older document, c. 13/14 cent.], inserted to strengthen sewing, pp 32-3; centre guard contains portion of text.

60 pp

C1 /J /4 THOLSELL COURT : LIBER MANUCAPTORUM (Bail Book)

Doc. No. C1/J/4/1-3

Date: 1651-2; 1693-4; 1699-1700

Description: LIBER MANUCAPTORUM (Bail Books)

These books record bail granted in the Tholsell Court. Name and station, and occasionally an address, are given for the plaintiff, for the defendant and for the person offering security for bail; in acknowledgement of bail bond, the latter signed or alternatively placed his mark on this record. The standard terminology used throughout the books is as follows: A.B. came and was security "de ad judicat solvendis" (i.e. security for the fine imposed) on behalf of the defendant in the suit brought by the plaintiff. (See also descriptions of the individual books, below).

3 vols.

Doc. No. C1/J/4/1

Date: 16 Oct 1651 - 24 Sept 1652

Description: LIBER MANUCAPTORUM (Bail Book)

Record of bail granted in the Tholsell Court [by Richard Tighe, Mayor of Dublin, and Sheriffs John Browne and Ridgley Hatfield]

English and Latin

1 mss. vol. in original vellum binding, inscribed "Bayl Book 1652" on cover.

Chained paper with watermark.

37 pp (pp 1-20 only inscribed)

Vol. includes:

pp 9, 12, 18

A number of bail bonds inscribed on individual sheets of paper and loosely inserted.

C1 /J /4 THOLSELL COURT : LIBER MANUCAPTORUM (Bail Book)

Doc. No. C1/J/4/2 (formerly MR/23)

Date: 2 Oct 1693 - 28 Sept 1694

Description: LIBER MANUCAPTORUM (Bail Book)

Record of bail granted in the Tholsell Court by Sir John Rogerson, Lord Mayor of Dublin, and Sheriffs John Page and Robert Twigge.

Latin

1 mss. vol. in original tooled leather binding on boards, with contemporary label inscribed: "Liber Manuceptorum Bail Book". Chained paper with watermark.

154 pp (pp 1-88 only inscribed)

Vol. includes:

Doodles and draft sentences inside binding and on end-papers

Memoranda of recognizances pledged on behalf of the defendant as security for the discharge of his debts within one year and a day, in cases where the value of the defendant's possessions is insufficient to clear his debt.

Recognizances are usually pledged by those who are themselves indebted to the defendant. Each memorandum of

recognizance includes a detailed inventory of the defendant's possessions. Entries in English.

For memoranda of recognizances in the following cases, including inventory of "goods and chattels" of the defendant, see:

p 3	James Fletcher, merchant v. Mark Stone, merchant
p 5	William Squire, merchant v. Mark Stone, merchant
p 13	James Fletcher, merchant v. Mark Stone, merchant
p 21	Thomas Ward v. John Davison
p 39	Thomas Ward v. John Davison
p 49	Peter Partington v. Ferdinand Davys

C1 /J /4 THOLSELL COURT : LIBER MANUCAPTORUM (Bail Book)

Doc. No. C1/J/4/3 (formerly MR/24)

Date: 30 Oct 1699 - 24 Sept 1700

Description: LIBER MANUCAPTORUM (Bail Book)

Record of bail granted in the Tholsell Court by Sir Anthony Percy, Lord Mayor of Dublin, and Sheriffs Charles Forrest and James Barlow.

Latin

1 mss. vol. in original tooled leather binding on boards, with contemporary label inscribed: "Baile Booke beginning 1 October 1699 ending October 1700".

Chained paper with watermark.

162 pp (pp 1-132 only inscribed; approx 30 pages severed at end of book)

Vol. includes:

Doodles and draft sentences inside binding and on end-papers

Memoranda of recognizances, including inventory of "goods and chattels" of the defendant, as for C1/J/4/2. Entries in English. For the following cases, see:

pp 7-10	George Lyndon v. Richard Coote
p 17	Peter Dumas v. James Barnago
pp 19-20	Christopher Fitz Symons v. Robert Shaw
p 25	Richard Hutchinson v. [defendant's name omitted]
pp 28-9	Moses Christian v. Charles Hull and John Wind
pp 57-8	Francis Harrison, merchant v. Charles Hill, merchant
pp 73-4	William Wansbrough v. Henry Roe, esq.
pp 75-6	William Burgh, esq. v. Henry Roe, esq.
pp 131-2	John Walker v. James Massie and June, his wife

C1 /J /5 THOLSELL COURT: JUDGMENT BOOK

Doc. No. C1/J/5/1

Date: 9 May 1664 - 19 Sept 1664

Description: JUDGMENT BOOK

Summary record of judgments handed down in the Tholsell Court [by William Smith, Mayor of Dublin, Sheriffs Joshua Allen and Francis Brewster]. Records names of plaintiff and defendant and brief statement of judgment given in each case.

English.

1 mss. vol. in original vellum binding. (See note below).
Chained paper with watermark.

82 pp (pp 1-68 only inscribed)

Note: The binding is formed from a discarded draft of Dublin City Assembly Roll no. 14, m. 33, entries for Michaelmas Assembly 1663 (Doc. no. C1/AR/14). The binding is inscribed on both sides, and includes three entries which were omitted from the final version of the Assembly Roll. The entries which were omitted from the final version are marked with an "X" on the draft. The draft version which survives in the binding of the Judgment Book has been checked against the final version surviving in the original Assembly Roll (C1/AR/14). For ease of reference, it is compared here with Gilbert's transcript (see Calendar of Ancient Records of Dublin, ed. John T. Gilbert, vol. IV, pp 270-75; henceforth Anc. Rec. Dublin). Numbering of entries in text follows Gilbert's.

Text recovered from binding of C1/J/5/1 : (starting inside binding)

Entry No. 2 (summary). Christopher Bennett and Elias Best are chosen masters of the city workes for the next ensueing year. (Identical to entry no. 2 in Anc. Rec. Dublin).

Entry No. 3. List of auditors for the city of Dublin for 1663/4. (Identical to entry no. 3 in Anc. Rec. Dublin).

Entry No. 4. Petition from certain of the commons praying that an allowance be granted to Alderman William Smith, Mayor of Dublin, to support the dignity of his office for the coming year: £400 sterling granted. (Identical to entry no. 4 in Anc. Rec. Dublin).

Transcript of next entry (not in Anc. Rec. Dublin): "Whereas also Sir William Davys Knight, Recorder of the Citty of Dublin, petitioned likewise unto the said Assembly shewing That he had with some trouble of mind observed the Citty to suffer for this longtime under an extraordinairie want of water; That it hath beene A further Addicion of trouble to him to finde the Magistrate of this Citty from time to time to be afflicted wiht the continuall [claimes] of the Cheefe Magistrate of this Kingdome, for not bringing water constantly to this Citty, And more particularly to his Maties Castle of Dublin; And as it had occasioned much of sorrow to the Petitioner, soe had it not a little increased his feares of the forfeiture of the said water which will most [untimely] re-downe in the Consequence thereof to the very great preiudice of this Citty, for the Petitioner is credibly enformed that it appears in the Auncient Records of this Citty, That the said waters were originally graunted to this Citty merely for the better supply of his Maties said Castle with water And it is humbly submitted to the said Assembly what preiudice the want thereof may in A shorte time legally produice unto the said Citty that the Petitioner hath from hence taken occasion to discourse with men skillfull in that profession what the charges would Amount unto to settle the said waters in such a Course as might not onely supply the said Castle but also the said Citty with water constantly, And the Petitioner finds that the same will amount unto the sume of two thousand pounds and upwards, which the Petitioner would be willing to expend if the said Assembly would give him encouragement equall to soe great disbursements on soe necessary and soe good A worke. And for

that this honble Citty may not in the least incurre the future displeasure of the Cheefe Governour of this Kingdome in this particular on the forfeiture of the said water, the Petitioner humbly praied the said Assembly for the reasons already humbly offere that they will be pleased to grant him a Lease for ninety nine years on a fee farme of the said waters att and under some small and easy Rent. And whereas the said Sir William Davys hath preferred his Petition for a grant of the waters of this Citty, which hath already received a great debate at the said Assembly And it being desired that A Committee may be Appointed for the future Consideration thereof, It is therefore ordered and Agreed upon by the Authority aforesaid that the Mayor and Sheriffes, Alderman Tighe, Alderman Hutchinson, Alderman Quin, and Alderman Lewis Desmineeres, And eight of the Commons whome the Commons shall appointe, be A Committee to consider of the premises in the Peticion mencioned. And they to Agree upon the same within tenne daies next after the date [6 spaces left blank] hereof, And that upon the said Agreement between them the Maior to call an Assembly, And what the said Assembly shall doe therein to be as valid and effectuell in the Law as if the same had been past, ratified and made good this present Assembly; Any Law to the Contrary notwithstanding; And that in the meane time the Maior and Sheriffes of the said Citty doe take the best Course they can for the serving of the said Castle with water. The names of the Commons nominated by the Commons are these following: Mr. Thomas Clarke; Mr. John Tottie, Mr. George Howlett, Mr. Christopher Bennett, Mr. Nathaniell Ffowlkes, Mr. George Surdevile, Mr. John Sargeant and Mr. Robert Meade".

Text recovered from binding (inscribed on front):

First entry: petition re provision of convenient quarters for the officers and soldiers of his grace the Duke of Ormonde's horse guard. (Identical to Anc. Rec. Dublin, IV, pp 272-3, entry no. 7).

Second entry: petition from Guild of Butchers re repair of flesh-shambles. (Identical to Anc. Rec. Dublin, IV, pp 273-4, entry no. 8)

Third entry: (not in Anc. Rec. Dublin, IV, and omitted from Assembly Roll 14, m. 33):

"Whereas also Edward Harris petitioned likewise unto the said Assembly Shewing That he was employed to prepare fireworkes in the Citty against the time of the Duke of Ormonde his Graces Coming hither which he accordingly did, being thereunto stirred by the motion of the then Maior and severall of the aldermen, for the more honor of the said Citty The Petitioner further shewed, that he is out of purse for Imployeing of men and other usefull materialls in performance of those fireworkes the summe of twelve pounds sixteen shillings as the Petitioner could make appeare. And forasmuch as the Petitioner further shewed the want of the said money for soe long time would reverte to the Petitioner's ruine if not speedily prevented, He therefore humbly prayed the said Assembly to take some speedy Course for his releise therein, in ordering him satisfaction. It is therefore ordered and

Agreed upon by the Authoritie aforesaid That the Petitioner doe pruve a Certificate from those that employed him And then his Petition shall be taken into further Consideracon”.

Fourth entry (not in Anc. Rec. Dublin, IV, and omitted from Assembly Roll 14, m. 33):
“Whereas also William Harvey, Skavinger, petitioned likewise unto the said Assembly Shewing that on or about the fourth day of August last the horse Guards was drawne off from the Petitioner’s house in Cornmarkett, And the Petitioner’s tennant about the same time departed and removed out of the said house; whereupon the Petitioner sett and lett his said house unto Mr. Samuell Saltoustall of this citty merchant for the yearly rent of fourty pounds ster. for his private dwellinge, Soe that the Petitione pulled downe the old Stables, And did intend to make the yard Convenient for the Petitioner’s owne use. The Petitioner further shewed that an Act of State being sent & delivered unto the late Maior and Sheriffes of this Citty requiring them to provide A Convenient place for A horse Guard within the Citty, The said Maior and Sheriffes commanded the said Petitioner’s house to be the Place for the said horse Guard. And the Petitioner being encouraged And expecting to receive three pounds ster. [as] will be according to a former [text obscure] did thereupon presently builde and furnish Compleate stableing for the standing of threescore horses, which cost the Peticioner one hundred pounds ster and upwards, the which Stabling, And an house for the Guard to lye in, the Petitioner hath untill Michaellmas laste kept in A readinesse for the use aforesaid, And hath received noe pay or satisfaction either for his disbursements or keepeing the same purposely for the said use, besides the losse of a good Tennant, The Petitioner therefore humbly praied the said Assembly to lay downe a Course that the Petitioner might receive such [text is severed at this point, portion missing] Assembly should thincke fit out of the moneys levied & Collected for that purpose. It is therefore ordered”
[parchment severed, text ends here].

C1 /J /6 THOLSELL COURT: BOOK OF RETURNS

Doc. No. C1/J/6/1

Date: 30 Sept 1730 - 24 Dec 1739

Description: BOOK OF RETURNS

Record of actions heard in the Tholsell Court and then returned for trial in higher courts, such as King's Bench, Exchequer and Court of Common Pleas

Latin and English

1 bound mss. vol. in original tooled leather binding on boards. Chained paper with watermark. Binding and contents seriously damaged by rodent attack, portions missing.

178 pp (pp 1-161 only inscribed with incomplete index to names, pp 167-173)

C1 /J /7 THOLSELL COURT : PRECEDENT BOOK

Doc. No. C1/J/7/1

Date: Mid-18th century

Description: PRECEDENT BOOK

A compilation of precedent and practice drawn from proceedings in the Tholsell Court, Dublin. Includes extracts from cases, examples of sentences imposed for specific crimes, and formulae employed when handing down judgment. The volume is written in a number of hands and was probably compiled over a period; the examples are drawn from cases heard between 1722-62.

English and Latin

1 mss. vol. in original binding, tooled suede on boards; chained paper with watermark.

177 pp

Vol. includes:

p 1 Certification that Quarter-Master Edward Conyers subscribed to the Oath of Abjuration in open court.

23 Feb 1722

pp 3-11 Examples of sentences imposed for the following crimes:

- receiving stolen goods knowing them to be stolen; secretly taking them from the person; robbery in a dwelling-house (p 3);
- robbery "in alta via regia" [on the King's highway]; burglary and taking goods; burglary and no goods taken (p 4);
- for usury; for endeavouring to persuade one from the protestant religion (p 5);
- rescue from sheriffs' bailiffs; keeping a bawdy-house (p 6);
- keeping a disorderly house; rescue from a constable; for a rape (p 7);
- for marrying two wives; for inveighing; against an accessory after the felon's convict [ion] (p 8);
- indictment for regrating; against a Papist for carrying arms; against Matthew Hand for usury (p 9);
- against one returned from transportation (p 10);
- case of judgment suspended (p 11)

pp 12-16 Series of recognizances

pp 17-18 Indictments:

- for selling coals with a false measure; for false imprisonment; against a baker for selling corrupt bread; for a riot and an affray (p 17);
- for forging a discharge (p 18)

p 19	Certification that John Hunt Esq. subscribed to the Oath of Abjuration in open court 5 Oct 1742
p 20	Order for transportation of Francis Keary for seven years on conviction of theft of goods to the value of four shillings 22 June 1749
pp 21-2	Form of words: <ul style="list-style-type: none"> - to be used in the imposition of the death sentence; - to be used when ordering a stay of execution if the convict is pregnant
pp 23-48	Blank
p 49	"Demurrer as to variance between the Plaint and Declaration" (an example of how a case may be dismissed on a technicality). Example: Brey at the suit of Cartwright. Not dated
p 50	"Plea - did assume and did not assume in six years". (Operation of limitations). Example: Eustace at the suit of Tray, c. 1744
p 51	Bill of Costs in the case of James Smith v. Elizabeth Maguire Feb - April 1762
pp 52-92	Blank

p 93	Example of formal part of declaration [of complaint] in the King's Bench, County of the City of Dublin Not dated
p 94	Declaration in debt at the suit of executors on account stated after the death of the Testator, and part paid
p 95	Declaration in debt for goods sold and delivered
p 96	Examples: - of warrant for the arrest of a debtor; - of writ for distraining from a debtor's goods and chattels
p 97	Judgment entered against Hugh Darcy for payment of £200 sterling, as by his bond entered in the Court of Exchequer, 10 June 1738
pp 98-103	Examples of declarations: - on a bond in the King's Bench (p 98); - on a penal bill (p 99); - on a bond in the Tholsell (p 100); - cognovit in the Exchequer (p 101); - for money borrowed in debt (p 102); - preamble of declaration at an Attorney's suit to the Barons, etc. (pp 102-3); - against an Attorney of the Exchequer (p 103)
pp 104-127	Blank
pp 128-149	Examples of:

- declaration upon an action in debt where an attachment against goods was brought (pp 128-9);
- form of a Quaker's affirmation (pp 129-30);
- affidavit of a service of subpoena (p 130);
- form of a declaration in the Exchequer; if in custody; and in Common Pleas (p 131);
- declaration for staymakers' work and necessary things provided (pp 134-5);
- declaration against the Indorser of a Promissory note;
- declaration against an indorser of a Bill of Exchange at suit of an Indorsee (pp 136-8);
- declaration for Periwigmaker's work done;
- case of Richard Eustace v. John Fitz Patrick on a plea of trespass;
- declaration against the Acceptor of a Bill of Exchange at suit of Drawer (pp 143-4);
- on a note indorsed (pp 145-6);
- Caps Quoninus and Common Law subpoena (p 147);
- attachment of privilege (p 148);
- return on a scir. fac. (soc) where judgment was first obtained