

Cato

For Mr. Cady's Govt. Opinion
respecting Petition for
claim

King Charles the Second by Letters Patent bearing Date the 8th June 1671 Did Grant unto William Walker and William Fryth and their heirs all that parcel of Land containing one hundred and Twenty Acres Situate Lying and being near the Black River Mouth in the parish of St. Elizabeth bounding West Northerly and Northeasterly on M^{rs} Ann Tost. Southerly on Morass and Black River, and Southwesterly on the Sea To hold to them their heirs and assigns for ever.

Vide Patent.

William Walker Dyed before Fryth without Covering the Jointure and left Jane his widow who Intermarried with one Edward Ray, and also a Daughter named Patience.

William Fryth, in whom the Estate in Law was vested by Survivorship afterwards by his Deed Poll Dated 3rd October 1672 without any Valuable Consideration Therein Expressd. Did Sell Alien assign and sett over unto said Edward Ray his heirs and assigns Ninety Acres of said One hundred and Twenty Acres that is to say half an Acre at the Rivers Mouth, and the rest as agreed, Upon to be laid out by Colonel John Vassall upon Equall Lines from the Sea side upwards. To hold to him his heirs Executors Administrators and assigns for ever on a Condition Expressd in the said Deed, that the said Edward Ray should Deliver said Land into the possession of her the said Patience Walker Daughter of said William Walker, when she should be of Age, or to pay her fifty pounds Sterling

Vide Deed Lib 1. fol 222

Edward Ray afterwards went off this Island and Dyed without Issue, never having Conveyed the Estate to said Patience Walker, or paid her the fifty pounds Sterling.

William Fryth afterwards by his Deed Poll bearing Date the 2nd May 1685, revoking the Above Patent, and Deed that neither of the aforesaid Conditions were performed, said Patience Walker having been long ago of Age and Edward Ray having been severall years of the Island and not heard of since those Considerations and in Consideration of fifty pounds to him paid by Tho^s Hall who Intermarried with said Patience Did Give Grant bargain alien Confirm and sell unto said Thomas Hall and Patience his Wife or their heirs and assigns the Premises in Question To hold to them and their heirs for ever,

Vide Deed Lib 16. fol 204

Thomas Hall and Patience his wife by their Deed of the 9th of October 1687, revoking as therein is recited in Consideration of the sum of One hundred and eighty pounds Did Grant &c. said two parcels of Land (the Premises in Question) to Henry Hall in fee.

NB. This Deed was proved before a proper Judge, but no Acknowledgement appears to have been made by the said Patience that the same was Executed voluntarily and without the Coercion of her husband, nor is there any receipt for the Consideration money.

Thomas Hall and wife are both Dead and left Issue William Hall their heir at Law

What Estate Patience Hall had in the premises by Virtue of the Above Deeds and how far the same was affected by the Deed of the 9th October 1687.

I apprehend that Patience Hall never had any Estate in the premises. Fryth by his very irregular Deed of the 3rd Oct 1672, Conveys to Edward Ray in fee; there is a Recital in the Deed, preceeding the Granting part, that Ray had obliged himself

Quod

to Deliver y^e Land to Patience, when she sho. be of Age: or pay her sixty P^{rs}
wch I apprehend will not amo^t to a Condition, or Limitation, of the legal
Estate: but remaine as meer Executory Agreem^t: if Ray did not pay the sixty
Pounds, wch only a Court of Equity could Execute: And Fryth could not enter
in Rays nonperformance as for the breach of a Condition, so that Fryths
Deed of the 20 May 1685 I took on as Void, the Title being in Ray.

If the legall Estate had passed to Tho^s Hall & Patience by Fryths Deed
of the 20 May 1685, they would have taken a Jointenancy, and the Deed of
the 3 Oct^r 1687 would I apprehend, have enured as a Conveyance of Tho^s
Halls Moiety, & covered that Jointure, but that M^r Halls interest would
not have passed by that Deed, she being covert & not having acknowledged
that Deed & yett would have descend^d to her Heir at Law; But then the position
ensuing on that Deed - tho it would not Barr M^r Hall were she living
on acco^t of her Coverture; Yett the Acts for quieting possessions will Barr
the Heir unless he can bring himself within some of the provisions wch
I apprehend M^r Hall cant Do.

W^m P^ratt

Hall Family Papers and Sugar Plantation Records

1709 - 1892

MSS.0220

Oversize: FB-226-21

**LEGAL DOCUMENTS - Cases with Legal
Opinions - Case involving the property of Patience
Hall - Opinion by Robert Penny, circa 1747**



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