

Case

For W. Attry Govt. Opinion  
respecting Petition filed  
claim

Anno 1685

75-423 A

King Charles the Second by Letters Patent bearing Date the 8<sup>th</sup> June 1671 Did Grant unto William Walker and William Tryth and their heirs all that parcell 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 Northwesterly and Northeastwesterly on Mr. Ann Loft Southerly on Morass and Black River, and Southward the Sea To hold to them their heirs and assigns for Ever.

Vide Patent.

William Walker dyed before Tryth without Covering the Rent and left Land his widow who Intermarried with one Edward Ray, and also a Daughter named Patience.

William Tryth, in whom the Estate in Law was vested by Survivorship afterwards by his Deed Poll Dated 3<sup>rd</sup> October 1672 without any Valuable Consideration theron recited Did sell Alon a sign and Butt 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 Colona John Vassall upon Squares Lines from the sea side upwards. To hold to him his heirs Executors Administrators and Assigns for Ever on a Condition expressed in the said Deed that his 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<sup>o</sup> fol 222

Edward Ray afterwards went off this Island and dyed without Issue, never having Conveyed the Estate to his Patience Walker, or paid her the Fifty Pounds Sterling.

William Tryth afterwards by his Deed Poll bearing Date 20<sup>th</sup> May 1685 reciting 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 several Years of the Island and not heard of Did for those Considerations and in Consideration of fifty Pounds to him paid by Thos Hall who Intermarried with said Patience Did Give Grant Bargain alien Conferm and All unto said Thomas Hall and Patience his wife or their heirs and assigns the Promises in Question To hold to them and their heirs for ever,

Vide Deed Lib 16<sup>o</sup> fol 204

Thomas Hall and Patience his wife by their Deed of the 9<sup>th</sup> of October 1687 reciting as therin is recited in Consideration of the sum of One hundred and Eighty pounds Did Grant to said Two parcels of Land (the Promises in Question) to Henry, died in 1690.

N.B. This Deed was proved before a proper Judge, but No Acknowledgment 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 Deed and Left said William Hall their heir at law

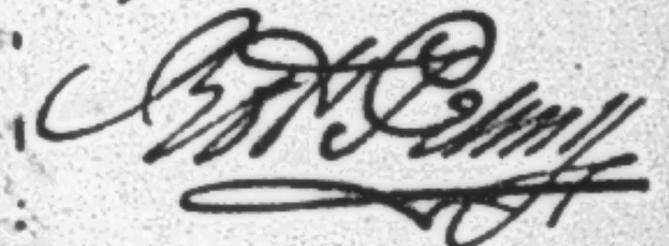
What Estate Patience Hall had in the Promises by virtue of the Above Deeds and how far the land was affected by the Deed of the 3<sup>rd</sup> October 1687.

I apprehend that Patience Hall never had any Estate in the premises. Tryth by his very irregular Deed of the 3<sup>rd</sup> Oct 1672, Conveys to Edward Ray in fee; there is a Recital in the Deed, preceding the granting part, yr Ray had obliged himself

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to Deliver y<sup>e</sup> Land to Patience, when she shd. be of Age: or pay her sixty Pds  
wch I apprehend will not amo<sup>t</sup> to a Condition, or Limitation, of the legal  
Estate: but remained as mere Executory Agreem<sup>t</sup>: if Ray did not pay the s<sup>t</sup> 60<sup>th</sup>  
Pounds, wch only a Court of Equity could Execute: And Fryth could not curse  
in Rays non performance, as for the breach of a Condition, so that Fryths  
Deed of the 20 May 1685 took on us void, the Title being in Ray.

If the legall Estate had passed to Thos. Hall & Patience by Fryths Deed  
of the 20<sup>th</sup> May 1685, they would have taken as Jointtenancy, and the Deed of  
the 3<sup>rd</sup> Oct<sup>r</sup> 1687 would I apprehend, have curried as a Conveyance of Thos.  
Halls Moity, & covered that Jointure, but that Mr. Halls interest would  
not have passed by that Deed, she being Covert & not having acknowledged  
that Deed per<sup>t</sup> but would have descended, to her Heir at Law: But then the position  
ensuing on that Deed - tho it would not Barr Mr. Hall were she living  
on Acc<sup>t</sup> of her Coverture; yet the title for quieting possessions will Barr  
the Heir unless he can bring himself within some of the Provisions wch  
I apprehend Mr. Hall cannot Do.



# **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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