

**Dawgs vs. Bowes 1683** (TNA, C 5/470/53)

## Summary

- Orator: Thomas Dawgs in Newgate street in the parish of Bishops Hatfield in the County of Hertford gent.
- Oratrix: Eusebia [Sedgwick] his wife
- Defendants: Paul Bowes of the Middle Temple London Esq. and one Thomas Leech (since deceased)
- Date: 1683
- Dispute: - Susanna Sedgwick bequeathed to the defendants, in Trust until the marriage of her daughter Eusebia, lands worth £60/yr., they paying £700 to James Pallavicine and his children  
- By a marriage settlement of 5 June 1682, these lands should be transferred to Thomas Dawgs  
- When it came to executing the transfer, Paul Bowes suddenly demanded an additional payment of 40 guineas

## Text

Right honourable Francis Lord Guilford Lord Keeper of the Great Seal of England

1. Humbly complaining shows unto your Lordship your orator **Thomas Dawgs in Newgate street in the parish of Bishops Hatfield in the County of Hertford gent. and Eusebia his wife** that **Susanna Sedgwick (your oratrix's late mother deceased) by her last Will and Testament** in writing
2. devised unto **Paul Bowes of the Middle Temple London Esq.** and one Thomas Leech (since deceased) and their heirs one or **rent charge of three score pounds** And **issuing out of certain lands in the said Will mentioned in Trust** for your said oratrix and her heirs but **chargeable with payment of seven hundred pounds to one James Pallavicine** and his children or to that effect as by the said Will relation being thereunto had more at large it does and may appear
3. And your orator shows that upon treaty of marriage between your orator and oratrix your orator was made acquainted with the devise of the said annuity or rent charge aforesaid and was told that the said annuity or rent charge (chargeable as aforesaid) would be assigned and conveyed to your orator in case the said marriage took effect
4. And in consideration thereof your orator came to an agreement with the friends and relations of your oratrix to make a jointure and settlement upon your oratrix and the issue of the said marriage
5. And the said marriage being concluded upon between your orator and oratrix by and with the consent of your oratrix's relations your orator went to the said Paul Bowes (the said Thomas Leech being then dead) And acquainted him with the marriage agreement and the jointure and settlement your orator was to make And desired to know of him if he would assign the said annuity or rent charge in case the said marriage should take effect
6. And the said Paul Bowes declared he should be very ready so to do
7. And thereupon by **articles of agreement tripartite** bearing the date the **fifth of June** in the thirty fourth year of the reign of his now Majesty [**1682**] made between your orator of the first part your oratrix (by the name of **Eusebia Sedgwick of the city of Chichester in the**

**County of Sussex spinster)** of the second part and the said **Paul Bowes and Richard Robinson of the city of Chichester aforesaid gent.** of the third part

8. It was covenanted and agreed between the said parties to the effect following (that is to say) That your orator for himself and his heirs executors and administrators did covenant promise and grant to and with the said Richard Robinson his executors and administrators That your orator his heirs executors and administrators in case the said marriage took effect should and would within three months next ensuing the solemnization of the said marriage at the proper costs and charges of your orator convey surrender procure admittances and assure by good **surrender** admittances conveyance and assurance in the law **lands and tenements of the clear yearly value of three score and five pounds** freed and discharged from all encumbrances whatsoever to the use of your orator for & during his natural life & from and after his decease to the use and behoofe of your oratrix his then intended wife during her natural life for her jointure & in full of her dower & pretence of dower & thirds at the Common Law and from & after the decease of your orator and oratrix then to the first son of your orator to be begotten on the body of your oratrix & the heirs male of such first son and for want of such issue to the second third fourth fifth son and every other son & sons of your orator begotten on the body of your oratrix and the heirs male of every such son and sons successively one after another according to their priority birth and seniority of age And for want of such issue male then to the first daughter of your orator to be begotten on the body of your oratrix his said then intended wife and to the heirs male of such first daughter and for want of such issue to the second third fourth fifth son and every other daughter & daughters of your orator begotten on the body of your oratrix and the heirs of such daughters successively according to their seniority of age & priority of birth And for want of such issue female then to the only use and behoofe of the right heirs of your orator forever
9. And then the said articles reciting that whereas **one annuity or rent charge of three score pounds per annum was devised unto the said Paul Bowes and Thomas Leech deceased and their heirs by the last Will and Testament of Susanna Sedgwick mother of your oratrix** chargeable with the **payment of seven hundred pounds to James Pallavicine** and his children
10. The said **Paul Bowes** by and with the direction and appointment of your oratrix testified by being a party thereto did in and **by the said articles** for himself his heirs executors and administrators covenant grant and agree to and with your orator and his heirs that **if the said intended marriage should take effect** that he the said Paul Bowes and his heirs should and would at the request costs and charges of your orator **convey** and assure unto your orator and his heirs the said **annuity or rent charge of sixty pounds per annum chargeable with the payment of seven hundred pounds as aforesaid** as in and by the said articles relation being thereunto had it does and may appear more at large
11. And your orator and oratrix further show unto your Lordship that **shortly after the execution of the said articles the said marriage** between your orator and oratrix **took effect** And though your orator might immediately thereupon have required the said Paul Bowes to have conveyed the said annuity or rent charge to your orator according to the articles yet your orator did forbear so to do till hope & made the settlement by the said articles agreed upon with settlement your orator has since made accordingly

12. And afterwards your orator desired the said Paul Bowes that he would convey the said annuity to your orator and his heirs according to the said articles in execution of the trust reposed in him which he declared himself very ready to do
13. And thereupon your orator (having given the said Paul Bowes his fee for that purpose desired him to make a draught of the conveyance which he did accordingly and the said draught was agreed to be by your orator and the said Paul Bowes And then the same was by the joint consent of your said orator and the said Paul Bowes ordered to be engrossed in parchment and was engrossed accordingly and wax put thereto And the said Paul Bowes seemed as if he was very willing and ready to execute the same
14. Yet so it is may it please your Lordship that notwithstanding your orator gave the said Paul Bowes a fee of forty shillings for his drawing the said conveyance And likewise gave him his fee upon executing the said articles
15. Yet when the said conveyance was agreed engrossed and prepared and all things ready for sealing as aforesaid the said **Paul Bowes did refuse to execute the said conveyance unless your orator would give him forty guineas** for his consent he pretending there was so much due to him but for what he would not nor yet will tell your orator
16. And does still refuse to execute the said conveyance or to make any conveyance of the said rent charge or annuity to your orator unless your orator will give him forty guineas on some other great fund for doing thereof which as your orator is advised is contrary to all equity and good confidence the said Paul Bowes being only de?sted as aforesaid and having been well paid already for what pains or trouble he was at in execution of the said ? And therefore he ought to execute the said conveyance without any further time of advantage to himself
17. Also which **refusal of the said Paul Bowes to execute the said conveyance has been greatly to your orator's prejudice and damage** your orator having made agreement for sale of his interest in the said annuity or rent change which he cannot execute and perform until the said conveyance be executed to your orator by the said Paul Bowes and the purchase money in the meantime lies dead and the purchase will make your orator allow interest for the same till the conveyance can be made to him according to your orator's contract with him whereby and for want of the said purchase money for your orator occasion your orator is greatly damnified
18. In tender consideration whereof and forasmuch as **your orator has no means to compel the said Paul Bowes to execute the said conveyance** (which is yet in his custody) according to the trust reposed in him and his agreement aforesaid save by the aid of this honourable court (to the end therefore that the said Paul Bowes may answer the presents and may be decreed forthwith to execute the said conveyance and make satisfaction to your orator for the damages he has sustained or shall sustain for want of the execution thereof as aforesaid
19. And that your orator may have such further relief in the presents as shall be agreeable to equity and good conscience may it please your Lordship to grant unto your orator his Majesty's most gracious **writ of subpoena** to be directed to the said Paul Bowes and the rest of the confederates hereby commanding them and every of them to appear to answer all and singular the presents And further to stand to and do? such further order or orders as to your Lordship shall seem meet And your orator shall ever pray etc.