

BRETT NETTER: COURT CASE

Be it Remembred that by an Inquisition taken at West Malling in this County / taken the Eleventh day of Aprill in the 19th year of the Reign of our Sovereign Lord King Charles the 2nd in the year of our Lord one / thousand six hundred and seventy before Sir Roger Twisden, Knight & Bar^t, Sir John Marsham Knight & Barr^t, Sir Maximillian Dalison, Francis Twisden Esquier., Robert ... alias Quinton, William Selby and Richard Brewer, Gentlemen. By virtue of a Commission / under the Great Seal of England to them & others directed for the execution of a Statute made to address the misemployment of Lands, Goods and money / given to Charitable uses. It was found that Edward Goddin al^s Godwyn late Citizen and haberdasher of London before his death / being seized of diverse Lands and Tenements in New Romney al^s Romney, Tenderden, Woodchurch and of Twenty Acres of Marsh Land in Ivy / Church in Romney Marsh in this County by the last Will and Testament in Writing dated the Eighth day of february in the fourteenth year of his said / Majesties Reign whereof he made Brett Netter his Son in Law Executor Did devise and bequeath the said Twenty Acres in Ivy Church to the Charitable uses in these words expressed. **Item.** I give and bequeath to the said Brett Netter and his heirs **All** those twenty Acres of / Marsh Land situate lying and being in Ivy Church in Romney Marsh in the said County of Kent late in the Tenure or occupation of Mathew Goble or his Assigns / to the Intent and purpose that the said Brett Netter and his heirs and assignes shall thereout for ever thereafter yearly pay unto the Churchwardens and Overseers / of the poor for the tyme being of the parish of Snodland in the said County of Kent one Annuity or yearly Rent of Tenn Pounds of lawful Mony of England with / one five pounds thereof the said Churchwardens and Overseers of the poor of the said parish of Snodland for the tyme being shall yearly put foster One Poor Child / Male or Female lawfully born in the said Parish to be Apprentice to some honest Trade and calling and shall also yearly every yeare Give unto one other Poore / Child born in the said parish and that is already or hereafter shall be out to prentice by the said Parish at such tyme as such poore Child shall come out of his tyme / and shall have served as an Apprentice in some honest Trade or calling the sum of ffive pounds the remainder of the said Tenn pounds for and towards their / Trade and Calling **And** to the further intent and purpose that the said Brett Netter and the Heires and Assigns should thereout also for ever hereafter yearly pay unto the Churchwardens and Overseers of the poore for the Tyme being of the said / Parish on Birling in the County of Kent aforesaid One other / Annuity or yearely rent Charge of Tenn pounds of like lawfull money of England to the like intent and purpose That the Churchwardens and Overseers of the said parish of

Birling for the tyme being shall yearly and every year put One poor Child Male or Female lawfully born in the said parish to be an Apprentice to some / honest Trade and Calling And shall likewise Give with him her or them Five pounds of the said Tenn pounds per Annum to put him or her to be an Apprentice as aforesaid And shall also yearly and every yeare give unto one other poor Child born in the said Parish of Birling and that is or hereafter shall be out to prentice by the said parish at such Tyme as such poor Child shall come out of end tyme and shall have served as an Apprentice in some Honest Trade and calling the sum of ffive pounds the Remynder of the last mentioned Tenn Pounds per Annum for and towards the Setting up of his or her said Trade and Calling And shall likewise Give with him her or them Five Pounds of the said Tenn pounds per Annum to put him or her to be an Apprentice as aforesaid And shall also yearly and every yeare give unto one other poor Child born in the said parish of Birling and that is or hereafter shall be put to prentice by the said parish at such Tyme and such Poor Child shall come out of the tyme and shall have served as an Apprentice in some Honest Trade and calling the Sume of Five pounds the Remynder of the last mentioned Tenn Pounds per Annum for and towards the Setting upp of his or her said Trade and Calling. **And** that the said Edward Goddin als Godwyn afterwards dyed and that the said Will was proved in the Prerogative Office the Twentieth day of May One thousand Six hundred sixty two And the said *Brett Netter* was sworn to the True Execution thereof And that the said *Brett Netter* taking notice of the said Charitable device after the Death of the said Testator enjoyed the said Marsh Land and for two years paid to the Churchwardens of the said parishes respectively for the use aforesaid the Sume of Five pounds a year to each parish. But afterwards failed to pay the same so as on the Twentieth day of May ensueing there would be in Arrears the sume of Fourscore pounds of the said yearly payment. **Whereupon** the said Commissioners / having heard the said *Brett Netter* and Examined and Considered the matters in the said Inquisition found By virtue of the said Statute and Commission and the power to them thereby given did Order Adjudge and Decree **That** the said Annuity of Twenty pounds per Annum shoukd be from thenceforth be yearly paid unto the Churchwardens and Overseers of the poor for the Time being of the said parishes of Snodland and Birling at or in the Church Porches of the said Parishes respectively upon the Monday that shall yearly come in the Whitsun Weeks That is to say Tenn pounds part of the said Twenty pounds to be paid to the Churchwardens and Overseers of the poor for the time being of the parish of Snodland between the hours of nine an Tenn of the said Whitsun and Tenn pounds of the part of the said Twenty pounds to be paid to th **And** if shall happen that the said Annuities of Tenn Pounds and Tenn pounds to be behind and unpaid in part or in all

to the said Churchwardens and Overseers respectively at the Times and places aforesaid by the space of Tenn days beyond the time on which it ought to be paid as aforesaid That the said *Brett Netter* his Heirs and Assigns should pay to the said Churchwardens and Overseers of the poor for the Time being respectively the Sum of Tenn shillings *Nomine Pence* for every month that the said Tenn pounds respectively should be in Arrear and unpaid *toties quoties* [=as necessary] **And** that the said *Brett Netter* should forthwith after notice of the said / decree pay to the Churchwardens and Overseers of the said parishes of Snodland and Birling the sume of Eighty pounds by the said Inquisition found / to be in Arrear and unpaid to be by the said Churchwardens and Overseers respectively Employed and bestowed according to the Charitable uses in the said parishes / of Snodland and Birling aforesaid by them expended in suing for the said Commission and in the presentation of the said Inquisition and decree **And** / that the said Churchwardens and Overseers of the poor for the time being respectively should from time to time upon payment of the said severall Tenn pounds give to the said *Brett Netter* his heirs or Assigns Acquittances in writing under their Hands and Seals purporting a receipt of the same Tenn pounds respectively and should upon receipt thereof Charge the said severall Sums of Tenn pounds in the Church Bookes respectively and how the same should be expanded and therof give an Account yearly to the Justices of the Peace of the said County, as in the other expences of the Poor is usual. Against which Inquisition and Decree the said Brett Netter exhibited his exceptions in the High Court of Chancery, unto which exceptions the Churchwardens and Overseers of the Poor of Snodland and Birling on behalf of the Poor of the said Parishes filed their answer and witnesses were examined which said exceptions answer and depositions remain upon record in the aid Court. **Whereupon** on Thursday the 9th day of April in the Twentieth year of his Majesty's Reigne the whole matter was heard and debated at Westminster in open Court before the right Han^{ble} Sir Orlando Bridgman, Lord Keeper of the Great Seal of England and upon hearing what could be alleged on either side, the Court held the exceptions to be insufficient. And did thereupon order and adjudge the same to be over-ruled and that the decree made by the said Commissioners to all matters, save only the costs thereby decreed, should stand ratified and confirmed by the authority and decree of that Court, to be observed and performed by the said exceptant his heirs and assignes, having the Premises devised by all parties concerned to all intents and purposes according to this Tenor and true meaning thereof. And that the exceptant should pay unto the said respondents the arrears before mentioned of the said annuity. And continue the future payments thereof according to the will of the Donor.