

Liber FF peruse the said petition and the papers thereunto annexed and informe himselfe of all the particulars therein contained and make report thereof unto his Lōpp with his Opinion touching the same and what is thereupon fitt to be directed
February xviiith MDClxvii: William Talbot, by his Lōpps Comand.

May it please y^r Lord^p.

In Obedience to y^r Lordships Ord^r of the eighteenth of this instant February I haue perused the within written Petition together with the severall papers thereunto annexed and have informed my selfe so farr as I cann of all the particulars contained therein, And as to the said particulars I find.

1^o That the pet^r did employ the within named John Bateman as his Factor or Agent as in the petition is suggested.

2^o That the said Bateman did purchase lands in y^r Lōpps province of Maryland with the proper monyes of the pet^r.

3^o That the said Bateman dyed seized of the said Lands and likewise dyed possessed of divers great summes of monyes belonging to the pet^r and with scüll effects purchased with the pet^{rs} monyes. But what certaine suñe or summes of monyes the pet^r intrusted his said Factor or what was paid for the purchase of the said lands or how the Conveyances of the same were taken, or of what summes of monies or effects the said Bateman died so possessed are particulars Only proper to come in proof in y^r Lōpps Court of y^r said province when the pet^r shall apply there to be relieved.

4^o That the Other particulars mentioned in the petition are proved by the papers annext to the petition.

Upon all which so farr forth as concerneth the title of the said lands purchased And the pet^{rs} estate in the hands of the said Bateman at his death and the proceedings which have been in y^r Lōpps provincially Court of y^r said province in relation to the premisses so farr as they are certified in the papers annext as aforesaid I humbly Offer my Opinion unto y^r Lōpp as followeth.

First I humbly conceive That if the Conveyances of the Lands purchased by Bateman with the petitioners monies were taken in the name of Bateman Only then the estate thereby conveyed to Bateman was meerey in trust for the pet^r and his heirs and ought in equity by the said Court (which Court I take to have cognizance of matters of equity as well as matters of Law) to be decreed to the petitioner
[p. 638] and his heirs accordingly when the matters of fact shall appeare unto the said Court, my Reasons are 1^o Because this is the Constant and Knowne rules of equity in all Our Courts of equity in England 2^o And this ought much more to be a Rule of equity in y^r Lōpps said province for the secureing and encourageing of trade For if a Factor shall be allowed to dispose of his masters estate there in the purchacing of lands there And that there be no way by Law or equity to