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*Select Cases in the Court of Requests*

A.D. 1497-1569

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# Selden Society

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## SELECT CASES IN THE COURT OF REQUESTS

A.D. 1497--1569

EDITED  
FOR THE SELDEN SOCIETY  
BY  
I. S. LEADAM

LONDON  
BERNARD QUARITCH, 15 PICCADILLY  
1898



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# INTRODUCTION.

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## 1. The Origin and Early History of the King's Court of Requests.

It is observed by Chief Justice Coke that the Court of Requests is unmentioned in any legal treatise, or by any reporter of cases, down to the end of the reign of Henry VIII.<sup>1</sup> This raises a strong presumption against the opinion of Spence, that it had its origin either in the reign of Edward III or of Richard II. The descent from Edward III is sought in a writ or ordinance of 22 Edward III,<sup>2</sup> referring all such matters as were of grace to the Chancellor or the Keeper of the Privy Seal for dispatch. Here, however, the Keeper of the Privy Seal is mentioned as though he were merely the deputy of the Chancellor, whereas, as will hereafter be seen, the Lord Privy Seal was ex-officio President of the Court of Requests. Spence, following Palgrave, leans to the view that the Court came into existence with an order of 13 Richard II,<sup>3</sup> for regulating the Council. The order nominated the Keeper of the Privy Seal, together with such of the Council as should be present for the time being, to be the tribunal for the

<sup>1</sup> Inst. iv. 9, fo. 98.

<sup>2</sup> G. Spence, 'Equitable Jurisdiction of the Court of Chancery,' i. 337. For the original writ see T. D. Hardy, 'Introduct. to the

Close Rolls' (1833), p. xxviii.

<sup>3</sup> *Ib.*, p. 351. See Sir F. Palgrave, 'An Essay upon the Original Authority of the King's Council,' 1834, p. 79.

examination and dispatch of bills of 'people of the lesser charge.' 'From this time,' he says, 'the Lord Privy Seal held a Court of Equity called the Court of Requests.'<sup>1</sup> For this conclusion I can find no authority, and it is directly contradicted by the statement of Coke. Nor does the apologist of the Court of Requests, the learned Sir Julius Cæsar, venture to ascribe to the court over which he presided so high an antiquity. It is true that in the orders of Edward III and Richard II we trace a connexion between the Lord Privy Seal and the application of what were afterwards called the principles of equity to 'poor men's causes,' and that this traditional connexion was maintained after the separate constitution of the court. But it will be observed that the Keeper of the Privy Seal, by the order of Richard II, was to act in conjunction with and presumably as a member of the Council. The orders in fact, so far as they are applicable to the jurisdiction which ultimately became that of the Court of Requests, simply nominated 'the commissions and delegations of the Council from which the Court of Chancery took its rise.'<sup>2</sup> It was as de jure a part of the Council and as such possessing the Council's customary control over civil actions that the legality of the Court of Requests was vindicated by its most learned apologist.

The books of the court testify to its activity from the eighth year of Henry VII.<sup>3</sup> To that sovereign it undoubtedly owes its constitution as a definite tribunal, its judges being thenceforth nominated. Even then, however, they were no more than a standing committee in lieu of the chance attendants at the board of the King's Council.<sup>4</sup> But this comparative permanence ensured the growth of curial traditions and continuity of practice. These were developed and maintained by the legal assessors, who, at first forming but a numerically unimportant portion of the bench, succeeded eventually in absorbing the whole of its active jurisdiction.

As Lambarde has rightly stated, the Court of Requests, as conceived by Henry VII, was a court for civil causes, correspondent to the Star

<sup>1</sup> But this is not what Palgrave says. 'From this delegation to the Privy Seal we trace the authority afterwards claimed by that officer in the Court of Requests.' Essay, p. 79.

<sup>2</sup> R. Gneist (transl. Ashworth), 'Const. Hist. Engl.' 1891, p. 331.

<sup>3</sup> In the first volume, bound not very many years ago, the proceedings have not always been carefully arranged in order of date. It opens 'xii<sup>o</sup> die mensis Februarii anno Regni Regis Henrici septimi nono,' i.e. 1494; but on fo. 149 is an entry

'xxiii<sup>o</sup> die mensis Marci anno &c viiii<sup>o</sup>,' i.e. 1493, and this is the earliest I have found. It is a case of William Bolton against Richard Sutton (probably the co-founder of Brasenose College, Oxford). The quindene of Easter is fixed for the production of the witnesses. The judges are Bathon, P. S., Roffen electus, Janne, Baylye, Middleton, and Rede. See pp. cii-civ and cvi, infra.

<sup>4</sup> Sir J. Cæsar ascribes the change of designation to 'Privy Council' to 33 Henry VIII. (1541-42). P. xxxi, infra.

Chamber, which took cognisance of criminal matters.<sup>1</sup> The members of the court of the Star Chamber furnished, as will hereafter be seen,<sup>2</sup> the judges of the Court of Requests. The Lord Privy Seal, President of the Court of Requests, was also an official of the Star Chamber. And when Wolsey took the further step of seating the Court of Requests permanently in the White Hall of Westminster Palace,<sup>3</sup> the change was expressed to be 'for the expedition of poore mennys causes depending in the sterred Chambre,'<sup>4</sup> i.e. before the Privy Council.

Ancient as the Star Chamber was, the importance of the interests which it assailed and of the factions which it restrained rendered, in Henry VII's judgement, a Parliamentary sanction of its jurisdiction desirable. This it obtained in 1487.<sup>5</sup> But the Court of Requests, established some years later, during an inter-Parliamentary period, was never placed upon a statutory basis. Its natural evolution from the King's Council, and its gradual development from a tribunal constituted by a more or less shifting committee of an itinerant Council into a court with a fixed habitat and permanent and professional judges, preclude the suspicion that its establishment was due to a far-sighted policy of enhancing the royal prerogative. Its title was doubtless borrowed, as Coke tells us,<sup>6</sup> from a similar institution in

<sup>1</sup> 'In that the Bills here be exhibited to the Majestie of the King onely and to none other & in that the Masters of Requests were sworne of the King's Councill and the Place hath continually been served with a Clarke that was ever therewithall one of the clarkes of the King's Priuie Seale, which is yet still the original writ of this Court, it seemeth to communicate with the Starchamber it selfe & to derive her Authorite immediately from the Royall Person and his councill as that doth.' 'Archeion,' p. 224.

<sup>2</sup> Pp. cviii, cix, *infra*.

<sup>3</sup> 'At the upper end of the Great Hall (Westminster) by the King's Bench is a going up to a great chamber called the Whitehall wherein is now kept the Court of Wards and Liveries. . . . And adjoining thereunto is the Court of Requests.' Stow's 'Survey of London,' written in 1598; 2nd ed. 1755, by J. Strype, ii. 630. 'The old Court of Requests which was recently the House of Lords and since the fire has been fitted up as a temporary House of Commons is of majestic size, its entire length from North to South being 120 feet, its breadth 38 feet, and its height proportionate. It obtained the above appellation in consequence of the sittings held there

by the Masters of Requests; officers who were authorised to receive petitions of the subjects for justice and for favour from the King. The building is of very ancient foundation, and if not the original great hall of the Confessor's palace, as was supposed by the late Mr. Capon ("Vetusta Monumenta," vol. 5), it must have been erected in a very early period of the Norman dynasty. This may be decidedly inferred from the bold zigzag ornamental mouldings which surrounded the three windows at the south end. . . . The apartment in which the Lords assembled did not occupy the whole of the interior, some part of the Northern portion having been formed into a lobby communicating with that of the House of Commons.' E. W. Brayley and John Britton, 'History of the Ancient Palace and late Houses of Parliament at Westminster' (1836), p. 422.

<sup>4</sup> S. P. Dom. H. 8, iii. 571. See Appendix A. p. lxxxi, *infra*.

<sup>5</sup> 3 H. 7, c. 2. Pro Camera Stellata.

<sup>6</sup> 'Those which in former times would have this court to be a court of judicature, took their aime from a court in France which is called Curia eorum quos requestarum, i.e. supplicationum palatii magistratos vocamus, apud quos causa eorum

France, where the ancient conception of the king as a dispenser of patriarchal justice lingered longer than in this country. Yet even here, down at any rate to the time of Elizabeth, the form of appointment of a Master of Requests conserved this idea. 'August the seventeenth, 1595,' writes Sir Julius Cæsar in his minutes, 'being the Lord's Day, her Majesty delivered me bills offered to her and received, going to the chapel, and so possessed me of my ordinary place of Master of the Requests attendant upon her person.'<sup>1</sup> Nor was it until 1607 that it was finally laid down as law by Chief Justice Coke that the king in person cannot adjudge any case, either criminal or civil.<sup>2</sup>

Conformably to this origin the Court of Requests, or, as it was at first called, the Court of Poor Men's Causes, attended the royal progresses. An entry in the first volume of its Orders<sup>3</sup> dates from Northampton on September 25, 9 Henry VII (1493). In 1494 it sat at Sheene, Canterbury, Windsor, Langley, and Woodstock, as well as at Westminster; in 1495 at Worcester, Nottingham, Coliveston, and Leicester. At other times the record is simply 'apud Westmonasterium,' i.e. in the king's palace. According to Sir Julius Cæsar the court began to sit regularly in the White Hall in 1496, and this statement is repeated by a MS. intitled 'Collections relating to the Court of Requests,'<sup>4</sup> which gives a list of judges of the court together with the places at which they sat down to 1495. But the books of Orders and Decrees for many years after 1495 prove that the court was still attendant upon the progresses of the sovereign. On April 7, 12 Henry VII (1497), it dates from Shene.<sup>5</sup> On April 19 of the same year it is 'In novo Monasterio iuxta Turrin, London,'<sup>6</sup> possibly because the Tower itself was crowded with suspected partisans of Perkin Warbeck. It is at Greenwich on the 26th of the same month.<sup>7</sup> Nearly twenty years later we find on May 5, 10 Henry VIII (1518), the court is at Woodstock;<sup>8</sup> on December 17 at Greenwich,<sup>9</sup> and there again on February 27, 1519.<sup>10</sup> In volume v. of the Orders and Decrees, which embraces the period between Hilary Term 1523 and Michaelmas Term 1533, I find two places, but two only, at which the court held sittings outside Westminster.<sup>11</sup> They are at Woodstock

tantum agitur qui regis obsequiis deputati vel privilegio donati sunt.' Coke, 'Inst.', Pt. IV. c. 9.

<sup>1</sup> E. Lodge, 'Life of Sir Julius Cæsar, knt.' (1827), p. 18.

<sup>2</sup> Rep. xii. 64. Prohibitions del Roy.

<sup>3</sup> P. 153.

<sup>4</sup> B. M. MSS. Add. 25248, fo. 33 b foll. See Append. B. p. lxxxiii, infra.

<sup>5</sup> Orders and Decrees, vol. i. fo. 45.

<sup>6</sup> Ib. fo. 47.

<sup>7</sup> Ib. fo. 51.

<sup>8</sup> Ib. vol. iv. fo. 95.

<sup>9</sup> Ib. fo. 119.

<sup>10</sup> Ib. fo. 135.

<sup>11</sup> Lambarde, writing in 1591, says: 'Forasmuch as they of this Court have not alwayes had their standing place of resort, but have until the age next before

on November 9, 15 Henry VIII (1523);<sup>1</sup> and Windsor on December 9, 17 Henry VIII (1525).<sup>2</sup> In volume vi. of the Orders and Decrees<sup>3</sup> is a recital under date November 6, 36 Henry VIII (1544), that 'Nicholas Mascall before of the King's letters of priuie seale to hym directed personally appered at Saint Albons & ther vpon consideracons shewed to the Kinges Counsail hade day to hym geuen &c.' A sitting at St. Alban's appears to have been held also in the previous year.<sup>4</sup> But these rare instances serve to prove what at that date had become the rule, that the court sat at Westminster.

Although the statement of Sir Julius Cæsar is thus capable of confutation, the books of Orders and Decrees do disclose a change dating from about the year 1497. In the first volume, which comprises the years 8-14 Henry VII (1493-99) there are frequent examples of sittings during the lawyers' long vacations. For instance, the court sat at Northampton on September 15, 1495,<sup>5</sup> and at Woodstock eight days later;<sup>6</sup> at Winchester September 18, anno 15 (1499); at Easthampstead on October 6,<sup>7</sup> and at Windsor five days later.<sup>8</sup> But in volume ii., which extends from 14 to 17 Henry VII (1497 to 1501), some recognition is accorded to the Law Terms, even though the court continued to hold its sittings during the Long Vacation in places where the king was. The orders for Michaelmas Term, 1497, are endorsed 'Termino Michaelis.'<sup>9</sup> Those for the term following are headed 'Termino Hillarii,'<sup>10</sup> and when we open volume v., embracing the years 14-25 Henry VIII (1522-33), we find the vacations observed. Clearly the professional element was ousting the highly-placed persons who were its nominal associates.

Mention has been made of the assignment by Wolsey to the Court of Poor Men's Causes of a permanent seat of judgement. The date of this document, of which the original is printed in the appendix,<sup>11</sup> is given by the editor of the Domestic State Papers as 1519. It is more probable that the chronicler Hall is correct, there being nothing on the face of the document to determine the year, and that the change was made in 8 Henry VIII, i.e. either in 1516 or 1517. Hall perhaps wrote twenty or thirty years after the event, but the omission from his description of any definite name for this court indicates that it was

this remained and removed with the king whersoever he went.' 'Archeion,' p. 226. This takes us back to about 1530 as the time about which, according to Lambarde's information, the court ceased to be itinerant.

<sup>1</sup> Orders and Decrees, vol. v. p. 41.

<sup>2</sup> *Ib.* p. 59.

<sup>3</sup> P. 360.

<sup>4</sup> See p. xxvii, *infra*.

<sup>5</sup> Orders and Decrees, vol. i. p. 243. Note that the paginations of this volume are confused and conflicting.

<sup>6</sup> *Ib.* p. 249.

<sup>7</sup> *Ib.* vol. ii. fol. 62.

<sup>8</sup> *Ib.* fol. 62 b.

<sup>9</sup> *Ib.* fo. 21 b.

<sup>10</sup> *Ib.* fo. 22.

<sup>11</sup> P. lxxxi, *infra*.

based upon contemporary notes and documents. His account clearly brings out the point that at this period the court was regarded less as a court of law than as one of several committees of the Privy Council acting for the king in the remedy of petitioners' grievances. 'He (Wolsey),' writes Hall, 'punysshed also lordes knyghtes and men of all sortes for ryottes, beryng and mayntenaunce<sup>1</sup> in their countreyes, that the poor man lyued quyetyly, so that no man durst beare for feare of imprisonment, but he himselve and his seruauntes, which were well punished therfore. The poore people perceaued that he punished the ryche, then they compleyned without number and brought many an honest man to trouble and vexacion. And when the Cardinall at the last had perceaued their vntrue surmises & fayned complaintes for the moste parte, he then wexed wery of herynge their causes & ordeyned by the kynges commission diuerse vnder courtes to here complaintes by bill of poore people. The one was kept in the White Hall, the other before the kynges almoner, Doctor Stokesley,<sup>2</sup> a man that had more learning than discrecion to be a judge. The thirde was kept in the lord Treasurer's Chamber beside the Starre Chamber and the iij at the rolles at after noone. These courtes were greatly haunted for a tyme, but at the last the people perceaued that much delay was used in these courtes & few matters ended, & when they were ended, they bound no man by the law; then euery man was wery of them & resorted to the common law.'<sup>3</sup> The animus of the chronicler against the Cardinal leads him unduly to disparage the popularity which, as a matter of fact, we know that the Courts of Star Chamber and of White Hall long afterwards continued to enjoy.

It is possible that Wolsey, in the pursuit of a popular policy, was the deviser of the designation of 'The Court of Poor Men's Causes,' or 'The Poor Man's Court,' as we find it styled by various writers. But to itself the court was the Council—that is, the King's Council. The form used in the earlier books of Orders, Decrees, and Appearances is always the Council or the King's Council. A party to a suit 'comparuit coram Consilio,' though in the fifth volume (1523-1533) when the court was settled at Westminster the form generally runs 'comparuit apud Westmonasterium.' I first find the name 'Court of Requests' in 1529. 'Hereafter folowe the names of such Counsaillours as be appoynted for the heryng of power mennes causes in the Kynges courte of Requestes.'<sup>4</sup> Even here, it will be observed, the fact that the judges are councillors is insisted upon. Nor did this point escape

<sup>1</sup> Offences against the statutes 1 E. 3, st. 2, c. 14 and 7, R. 2, c. 15.

<sup>2</sup> P. cxviii, n. 103, *infra*.

<sup>3</sup> Hall's Chronicle, 8 H. 8, p. 585 (Ed. 1809).

<sup>4</sup> Vol. v. p. 86.

the common lawyers when a century later warfare raged between them and the Court of Requests. 'Upon occasion of a Prohibition sued by Swinfeild executor of Swinfeild against Ivatt to the Court of Requests, Brownloue<sup>1</sup> remembered the Court (Common Pleas) that the Prohibition did not use to stile it by the name of a Court, but did deliver it thus: that the Party did prefer a Bill to the Masters of Requests, and therefore it was appointed that the form should be still observed.'<sup>2</sup> Even the term common in the sixteenth century, 'The King's Court in Whitehall,' or 'The Court of Whitehall,' appears in its earliest form as 'the Kinges Counsaill in the Whytehall.'<sup>3</sup>

An edition of Sir Thomas Smith's 'De Republica Anglorum,'<sup>4</sup> published in 1635, contains a chapter<sup>5</sup> intituled 'The Court of Requests,' which tells us that 'this is called the poore mans Court because there he should have right without paying any money.'<sup>6</sup> It has jurisdiction, he adds, 'over all poore mens suits which are made to his Majesty by supplication.'<sup>7</sup> And Lambarde makes an observation the truth of which will be seen in the pleadings which follow. After recounting the dignity of many of the complainants, he says, 'Howbeit, I doe remember that within these 40 yeares<sup>8</sup> the bills of complaints presented there did ordinarily carry the one or the other of these two suggestions, namely, that the Plaintiffe was a very poore man, not able to sue at the Common Law, or the king's servant, ordinarily attendant upon his person or in his household.'<sup>9</sup>

It is probable that during the reigns of the first two Tudors the Court of Requests endeavoured to maintain these ideals. It served, in a minor degree than the Star Chamber, as a restraint upon the oppressions of the aristocracy. Its permanent establishment was one of those acts of policy which made Wolsey odious to the nobility.<sup>10</sup> After the Cardinal's death, when the State was controlled by the strong hands of Thomas Cromwell, the existence of the court appears to have been accepted as a legal fact, even by the regularly constituted courts of law. If, however, we may trust some expressions of Coke, with the ground of which I am unacquainted, it may be inferred that

<sup>1</sup> Richard Brownlow (1553-1638), Chief Prothonotary of the Court of Common Pleas in 1591 till his death. 'Dict. Nat. Biog.'

<sup>2</sup> Swinfeild's case. Hobart's Reports (1603-1625), 5th ed. 1724, p. 77.

<sup>3</sup> Orders and Decrees, vol. vi. (30-38 H. 8) p. 259; 23 June anno 34 (1542). Here the words 'in the Whytehall' are interlined.

<sup>4</sup> It is remarkable that Sir Thomas Smith himself omitted all mention of this court. The original edition, published in 1583, six years after his death, is silent

upon the subject.

<sup>5</sup> Bk. iii. ch. 7. Blackstone, 'Commentaries' (ed. 1765-69), iii. 50, appears to quote to the same effect from an edition I have not seen.

<sup>7</sup> See p. xiii, n. 6, supra.

<sup>8</sup> His book 'Atheion' was finished in 1591.

<sup>9</sup> Ib. fo. 223.

<sup>10</sup> Articles against Wolsey. S. P. Dom. H. 8, iv. p. 2557. 'We have begun to set up two new courts for the more speedy ridding of suits—one in the Whitehall, the other in the Rolls.'

when towards the close of Henry's reign, the court was composed of professional lawyers, civilians, and canonists, and the judges were styled Masters of Requests, a designation which marks the change, they were not unconscious of the defectiveness of their title to jurisdiction. 'In the reign of Henry 8,' he says, 'the Masters of Requests thought (as they intended) to strengthen their jurisdiction by commission to hear and determine causes in equity. But these commissions being not warranted by law (for no court of equity can be raised by commission) soon vanished, for that it had neither act of Parliament nor prescription time out of mind to establish it.'<sup>1</sup> The historical learning of Coke is not always unimpeachable,<sup>2</sup> and it is possible that he is here ante-dating a later constitutional controversy. But undoubtedly, towards the close of the reign of Henry VIII, social and economic circumstances were contributing to increase the business of the court and to add to its importance.

In the sixteenth century the ancient independence of the tenants of the manorial courts had declined, and their functions had fallen to the finding of verdicts upon matters of fact, the law being declared by the trained lawyers who acted as stewards of the manor.<sup>3</sup> When, at the conclusion of the wars of the Roses, the passion for inclosure set in, and the profitableness of sheep-farming brought a new commercial value to land, it cannot be doubted that gross instances of injustice occurred at the expense of copyhold tenants. From its first institution the new court took these under its protection. Towards the middle of the sixteenth century, when the dissolution of the monasteries had transferred the land to spendthrift and greedy courtiers, and when the rise of prices invited a rise of rent, the services of the court were increasingly invoked. The tenantry, relying on the popular policy of Henry VIII's government, were stubborn in their resistance,<sup>4</sup> while the landowners were accused, and frequently, it may be believed, with justice, of hesitating at neither violence nor chicane to attain their ends. Of these movements the cases here published afford remarkable examples. That the landowners resented the interference by royal prerogative with the action of their manorial courts is certain, and in 1560 we find a protest against it made by Francis Russell, Earl of Bedford. 'I think,' he writes to the Masters of Requests, 'I ought to have the hearing in my manor court of a controversy for the right of copyhold lands held of my manor of Mole,

<sup>1</sup> Inst. Pt. iv. c. 9, fo. 97.

<sup>2</sup> 'Trans. R. Hist. Soc.' 1892, pp. 229, 230, 235.

<sup>3</sup> See 'Trans. R. Hist. Soc.' 1892, pp. 229-35.

<sup>4</sup> See an article by the Editor on the Security of Copyholders in the fifteenth and sixteenth centuries in the 'Eng. Hist. Rev.' for October, 1893.



eo. Herts, but it has been removed thence before you. I therefore beg you will end the same, or dismiss it to my said Court, where justice shall be truly administered, for I am loth to have my tenants troubled with long and chargeable suits.' <sup>1</sup>

It is not surprising that the Protector Somerset, 'the good duke,' the only statesman of his age who, upon the question of the land, was keenly in sympathy with the people, endeavoured to shield them with the aid of the Court of Requests against the excessive exactions and violent expropriations enforced by the landowners. 'The Protector,' says Strype, 'also raised against himself much hard speech for that Court of Requests he set up within his own house, the good intent whereof was to hear poor men's petitions and suits.' <sup>2</sup> And here oftentimes upon examination of their cases and upon the compassion he took of their oppressions, if he ended not their businesses, he would send his letters to the Chancery in their favour; which some judged to be a stopping the course of the courts and endeavouring to warp the judges with whom his letters, they said, would be apt to weigh much.' <sup>3</sup> To this action Somerset is said to have been persuaded by an exhortation of Bishop Latimer. <sup>4</sup>

The exasperation among the landowners which Somerset aroused both by these endeavours to protect the people <sup>5</sup> and by his inclosure commissions brought him to his fall. It must be conceded, too, that it was an act of imprudence on his part to resume that prerogative of personal audience which had, as will hereafter appear, been disused by the actual sovereign for thirty years. But his real offence to the reactionary cabal who opposed him in the Council was his sympathy with the poor and oppressed. Sir William Paget, who represented the moderate opposition, wrote to the Protector a long letter dated July 7, 1549, the burden of which was a censure of the general leniency of his policy, especially in the presence of popular disturbances. After recommending the application of severities, Paget goes on to say, 'By this means you shal deliver the king an obedient realm, and may in the mean time, during your office, be able for the service of the king

<sup>1</sup> S. P. Dom. Addenda, Eliz. vol. ix. No. 54, p. 499. Cf. p. lxxxvii, infra.

<sup>2</sup> His clerk of the court was W. Cecil, afterwards Lord Burghley, who had studied law at Gray's Inn. J. Foster, 'Register of Admissions' (1889), p. 13.

<sup>3</sup> Ecol. Mem. ii. i. p. 284.

<sup>4</sup> 'Latimer's Second Sermon before Edward 6 on March 15, 1549' (Parker Soc., Cambridge, 1844, p. 127): 'Hear them yourself. View your judges and hear poor

men's causes.' Cf. Froude, 'Hist. Eng.' (ed. 1860), v. 123.

<sup>5</sup> The liberality of his policy towards his own tenantry may be seen in 2 and 3 E. 6. c. 12 ('An Acte for the assurance to the Tenauntes of Grauntes and Leases made of the Duke of Somersette's demene Londes') which gives a statutory legality to the duke's extra-legal endeavour to convert his tenants at will at common law into tenants enjoying stability of tenure by copy or lease.

to command what you list; and so shal be able to continue it, if you wil meddle no more with private suits, but remit them to ordinary courses. If you reply, Shal I not hear poor men's cases? Why, Sir, when you send him to the Chancery, do you not hear him? So I do, saith your grace, with a letter. Yea, mary Sir, but this letter marreth al; for it hath a countenance of your grace's favour in the matter.'<sup>1</sup> It may be on account of this practice by the Protector of hearing suits in his own house that the Orders and Decrees at this period are exceedingly few and fragmentary.

The early volumes of the books of the Court of Requests, to apply an anachronistic but convenient name, show that of the councillors nominally appointed to the duty of entertaining these suits, the prelates did not infrequently sit upon the bench. On November 30, 1499, the Bishops of London and Rochester sat, as well as Drs. Janne, Middleton, Nykke, and Baynbrige.<sup>2</sup> On February 22, 1499, the same bishops, the Dean of the Chapel Royal, and Nikkes, Bainbrigge, and Sutton to represent the professional element.<sup>3</sup> On December 2 in the same year a decree is signed by Thomas London and Richard Sutton.<sup>4</sup> Upon March 11, 1500, there were present the same bishops, the Dean of the Chapel Royal, the Dean of York,<sup>5</sup> the king's almoner, the Prior of the Order of St. John of Jerusalem, and Richard Sutton.<sup>6</sup> On March 14, 1502,<sup>7</sup> the Bishop of Rochester (presidents),<sup>8</sup> the Dean of the Chapel Royal<sup>9</sup> and Richard Hatton,<sup>10</sup> distinguished as 'doctors,' George Lord Bergavenny,<sup>11</sup> Morgan Kydwelly,<sup>12</sup> and Richard Sutton.<sup>13</sup> But the tendency of the legal element gradually to extrude the representatives of office has already been discerned, and as the business of the court increased must have become more marked.

<sup>1</sup> Strype, 'Eecl. Mem.' (Oxford 1822), II. ii. p. 437. Although, considering the exceptional position occupied by him, this action on Somerset's part may have been injudicious as Paget complains, it must be said in its extenuation that it was not unusual. Down to a much later date the Domestic State Papers show this practice to have been frequent among persons of rank. In 1561 Francis, earl of Bedford, wrote to W. Haddon, Master of Requests, in favour of two women litigants before the court (S. P. El. Addenda, p. 546). Similar letters are to be found from Sir Francis Walsingham on April 22, 1578 (ib. p. 541); the bishop of Winchester on May 7, 1571 (ib. p. 349); Robert Dudley, earl of Leicester, on May 16, 1571 (ib. p. 350); Sir F. Knollys, Sir James Crofts, and Sir F. Walsingham on April 14, 1578 (ib. p. 540); Robert Dudley, earl of Leicester, again on June 18, 1582

(S. P. El. Addenda, 1580-1625, p. 63); the Lords of the Council on May 6, 1589 (ib. p. 268); King James I. in 1606 (ib. p. 491); Queen Elizabeth on Sept. 26, 1599 (S. P. Dom. El. 1598-1601); Cicely, Lady Buckhurst, on Feb. 1, 1598 (ib. p. 17); Anne, Countess of Warwick, on Oct. 2, 1602 (ib. 1601-1603, p. 247). Cf. App. G. p. xcviii, infra.

<sup>2</sup> Orders and Decrees, vol. ii. fo. 15.

<sup>3</sup> Ib. <sup>4</sup> Ib. fo. 71.

<sup>5</sup> Geoffrey Blythe; see p. cxix, n. 124, infra.

<sup>6</sup> Ib. fo. 91. <sup>7</sup> Ib. fo. 178 v.

<sup>8</sup> See p. cxiii, n. 39, infra.

<sup>9</sup> See p. cxi, n. 15, infra.

<sup>10</sup> See p. cxiii, n. 44, infra.

<sup>11</sup> See p. cxix, n. 116, infra.

<sup>12</sup> Attorney-General to Edward 5 and Richard 3. Created a K.B. in 1501, on the marriage of Arthur Prince of Wales. Haydn, 'Book of Dignities,' pp. 398, 759.

<sup>13</sup> See p. cxiv, n. 57, infra.

Two permanent judges, or, as they were called, 'Masters of Requests ordinary,'<sup>1</sup> began towards the end of Henry VIII's reign<sup>2</sup> to control the work of the court. Somerset's well-intentioned attempt to facilitate the course of justice by recommending litigants to Chancery was possibly prompted by a desire to assist them under a pressure of business, for in 1552 a special commission was issued for the purpose of assisting the two Masters of Requests Ordinary to cope with the mass of business coming before the court.<sup>3</sup>

The difficulties of the Court of Requests were increased with the accession of Elizabeth. Volume xi. of the Orders and Decrees, which opens with Hilary Term, 4 Elizabeth (January 1562), records that at that time there were two Masters of the Requests, Walter Haddon<sup>4</sup> and Thomas Sekeford.<sup>5</sup> But Elizabeth had a passion for progresses, and it was impossible for royalty on progress to avoid the throng of suitors for rights or favours.<sup>6</sup> On the other hand, so much business was now transacted by the court in the Whitehall that serious inconvenience would have arisen from the closing of the court during the months on which the Queen was away from London. The plan was, therefore, hit upon of appointing two Masters of Requests Extraordinary to reinforce the court. Two Masters were then free to be in attendance on the sovereign. Between the duties of the Masters Ordinary and Extraordinary there does not seem to have been any difference, unless it were that the Masters Ordinary went on progress, as may be inferred from the phrase already quoted from Sir Julius Cæsar, while the Masters Extraordinary took their places in the Whitehall.<sup>7</sup>

<sup>1</sup> Robert Dacres (see pp. lxxxv and cxvi. n. 88, *infra*), who died in 1543, is described by himself as 'a tabellis supplicatoriis,' but this is not conclusive, and Sir J. Cæsar elsewhere assigns 4 Edward 6 (1550) as the date at which the title became commonly used. P. xxxi, *infra*.

<sup>2</sup> List J. (p. cii, *infra*) gives the names of four Masters Ordinary under 20 H. 8, but it may be doubted whether they acted together. <sup>3</sup> See App. D, p. xci, *infra*.

<sup>4</sup> See p. cxvii, n. 100, *infra*.

<sup>5</sup> See p. cxvii, n. 101, *infra*.

<sup>6</sup> In volume xi. of the Orders and Decrees I note that the orders for Feb. 3, 6 Eliz., are headed *Apud Hertford*. There is, however, no other place-heading in the book. In the Domestic State Papers (El. Add.), under the date Nov. 12, 1582, is a record which shows the need for the protection of the sovereign by these officials, and reveals the existence of the importunate female litigant in the sixteenth century. 'Hertford Castle. The Council to the Masters

of Requests. As Beatrice Lamb of Scawby, co. Lincoln, has had order long since for her cause in the Court of Requests, but will not be satisfied, and still troubles both Her Majesty and us with her continual clamour, we require you, in Her Majesty's name, not to allow her to enter this castle, and when she next offers to do so, deliver her to the constable of this liberty, and command him to convey her to the next constable in her way homewards.'

<sup>7</sup> In S. P. Dom. El. 1601-3, p. 246, Oct. 2, 1602, in a letter from John Chamberlain to Dudley Carleton, who was then in Paris, is a paragraph 'Dr. Dunn, made Master of Requests for this voyage,' i.e. progress. Now Dunn had been a Master of Requests since 1598 (see p. exxi, n. 145, *infra*). On the other hand, the fly leaf of volume xviii. of the Orders and Decrees, comprising 36-38 Eliz. (1593-96), gives the 'Nomina Consiliarioꝝ Dominae Reginae in Curia Requestarum' as Radulphus Rokebiey, Johannes Heróbert, Willelmus Aubrey &

Elizabeth, however, had no intention of adding to the burdens upon her Civil List. With characteristic parsimony she paid the Masters Extraordinary with expectations, the expectation of succeeding to the reversion of a Mastership Ordinary upon a vacancy. The unfortunate Julius Cæsar, who bitterly complained of his onerous and unprofitable judicial posts, held the unpaid office of Master Extraordinary for more than four years.<sup>1</sup> The pay of a Master Ordinary was £100 per annum.<sup>2</sup>

After the accession of James I. the more reasonable plan was adopted of appointing four Masters of Requests in Ordinary.<sup>3</sup> At this time a vast amount of business, as the Order and Decree books show, came before the court. But the system of progresses still flourished,<sup>4</sup> and demands were occasionally made upon the Masters remaining in London to fill a vacant place in the Court of the Star Chamber.<sup>5</sup> In these distracting circumstances it was natural that complaints should be made of the obstruction of business in the court, largely due to the irregularity of the sittings of individual Masters and the consequent absence of continuity in the practice and orders of the court.<sup>6</sup>

## 2. The Procedure of the Court.

The Court of Requests, as conceived in the time of Elizabeth, was 'a court of conscience, appointed to mitigate the rigour of proceeding in law;'<sup>7</sup> in modern phrase, it was a court of equity. It will be amply illustrated by the cases.

Julius Cæsar. But when that fly-leaf was written we know that Cæsar was only a Master of Requests Extraordinary. Lastly, the full title of the Master Ordinary was 'attendant on the Queen's person.' E. Lodge, 'Life of Sir J. Cæsar,' p. 18.

<sup>1</sup> E. Lodge, 'Life of Sir J. Cæsar,' pp. 15-18.

<sup>2</sup> S. P. Dom. Jas. 1, 1603-10, Sept. 6, 1604. Grant to Sir Daniel Dunn. Master of Requests, of a pension of £100 per annum for life. *Ib.* 1611-18, March 17, 1617. Grant to Sir Lionel Cranfield of an annuity of £100 for his office of Master of Requests and for other services. *Ib.* 1625-26, June 22, 1625. Grant to Sir Edward Powell of the office of one of the Masters of Requests, with an annuity of £100 for life. See also Lodge, 'Life of Sir J. Cæsar,' p. 21.

<sup>3</sup> S. P. Dom. Jas. 1 (1611-18), June 17, 1618, p. 514. 'There are now four Masters of Requests in Ordinary, Sir Christopher Perkins, Sir Sidney Montague, Sir Lionel

Cranfield, and Sir Ralph Freeman.' But I find that in 1626 a return was made to the practice of appointing a Master of Requests Extraordinary. S. P. Dom. Charles 1, 1625-26, p. 362. Dr. Thomas Hyves, the King's Advocate, sworn Master of Requests Extraordinary.

<sup>4</sup> Qu. whether it was on the occasion of a progress that a warrant was issued on July 6, 1603, to certify that the two Masters of Requests and the Attorney-General were not to be debarred access to the King's Privy Chamber. S. P. Addenda, Jas. 1, p. 529. At any rate, the right of access to the sovereign, which was perhaps the secret of Sir John Herbert's advancement (see p. cxx, n. 141, *infra*), must have been highly prized.

<sup>5</sup> See p. cviii, *infra*.

<sup>6</sup> See the letter to the earl of Northampton, p. xcvi, *infra*.

<sup>7</sup> Secretary Walsingham to Thomas Seckford and Dr. Dale, Masters of the Court of Requests. S. P. Dom. El. Addenda, p. 99, Nov. 5, 1583.

Its procedure, Sir Julius Cæsar tells us, 'was altogether according to the process of summary causes in the Ciuill Law.'<sup>1</sup> A petition addressed to the king was followed by an 'answer' on the part of the defendant, with a replication by the plaintiff, a rejoinder by the defendant, and so forth. In the earlier days of the court the pleadings seem frequently to have stopped at the statements of claim and of defence. They were followed by a commission under the Privy Seal, generally issued to magistrates of the neighbourhood, to try the cases and either settle them or report to the Council. Upon this practice grew up one of framing interrogatories by counsel for either of the parties. Eventually the entire bundle of documents was referred back to the court, the parties to the suit and their witnesses apparently examined anew upon the interrogatories, and the judgment of the court finally given. In this way a procedure, originally summary enough when the court was on the spot, became as dilatory as, and where costs were exacted, can scarcely have been less expensive than that of the Star Chamber or common Law Courts.<sup>2</sup> One merit it had which, if we are to credit contemporary writers as well as the probabilities arising out of the irregularity of their pay, was not always present in the Common Law Courts—the judges were incorrupt. Paid as part of the king's household, instead of being charged, as were the judges before Elizabeth, upon the waning revenues of the Staple at Calais, occupying also the considerable position of Privy Councillors, they were not subject to the temptations of the Common Law judges during the reigns of the first three Tudors. This may account for some of the popularity which, as the multiplicity of its business shows, the court actually enjoyed. There were several methods by which a summons for appearance was issued. Of these the most common form was an appearance ordered by writ under Privy Seal, commanding the party summoned to come before the King and his Council. In other cases a bond for appearance was taken. Another course was technically termed 'Proclamation of Rebellion,' the enforcement being arrest by a pursuivant or sergeant-at-arms. This was sometimes effected by commissioners, and was then termed 'Commission of Rebellion.' The defendant was ordered to attend *de die in diem* on the Council until he had filed his

<sup>1</sup> MS. Lansd. 125, fo. 12.

<sup>2</sup> But among the 'Ordinances made by the Lord Chancellor Bacon' in 1618 was one (No. 98) that 'Any man shall be admitted to defend in forma pauperis upon oath, but for plaintiffs, they are ordinarily

to be referred to the Court of Requests or to the provincial councils, if the case arise in the jurisdictions, or to some gentlemen in the country,' &c. John Beames, *General Orders of the Court of Chancery* (1815), p. 44.

answer to the plaintiff's bill, after which he was licensed to depart upon caution *De iudicio sisti et iudicato solvendo*, having nominated an attorney and counsel. The court did not restrict itself in jurisdictional area. It took no account, as did the King's justices on circuit, of county boundaries. It heard cases from the Counties Palatine, from the Cinque Ports, from the Marches of Wales, or of the North, though in some cases it remitted these to be tried by the local tribunals. It was constantly in collision with the courts of Common Law, as is apparent from the common form of plea that 'this suit is determinable at the common law.' It actually took bonds, as its vindicator Sir Julius Cæsar humorously remarks, 'not to sue at common law, (for) good behaviour and the like.'<sup>1</sup> Its injunctions 'to stay the sutes at common lawe' were numerous. They included suits upon bonds or specialties for debt, for performance of covenants, upon leases, upon titles of land, upon actions of the case, for trespass, and debt. Injunctions were also issued to the Courts of the Cinque Ports<sup>2</sup> and to the Courts of the Universities, and all the courts were comprised in the injunctions laid upon defendants not to arrest, sue, or implead the plaintiff during the dependence of his suit in this court, or after judgment given by it. On the other hand, the judges of the court at times, like the Chancellor, consulted the advice of the judges of the Common Law.

### 3. The Constitutional Controversy.

Among the Lansdowne MSS. of the British Museum<sup>3</sup> is a small quarto volume to which reference has already been made. It contains 186 folios in all. The binding is of the last century, and the lettering 'S' J. Cæsar on the Court of Requests.' Of these, folios 1-8 are in MS.; 9-22 in print with MS. interleaved; 23-42 in MS.; 43-162 in print with MS. interleaved; and 163-186 in MS. The handwriting of 1-22 is uniform. On 2-5 are lists of judges in the Star Chamber from 9 H. 7 to 4 & 5 P. & M., and in the King's

<sup>1</sup> Upon this practice the Common Law Courts not unreasonably passed censure. 'In speaking of this case, the Court (Common Pleas) did very much condemn the course used in the Court of Requests in taking bonds of the parties to perform their Decrees made there; for it was said that such bonds were against law, and so it had been oftentimes adjudged.' White and Moor's Case, Hil. 11 Jac. (1614) in the Common Pleas. J. Godbolt, 'Reports' (1652), No. 340, p. 244.

<sup>2</sup> See S. P. Dom. Jas. 1, 1619-23, p. 96, Nov. 20, 1619. The Masters of Requests to Lord Zouch. 'The attorneys are seeking for precedents, but have as yet found none warranting the Chancery of the Cinque Ports to prevent subjects from seeking redress in the Court of Requests.' Edward, Lord Zouch, had been appointed Lord Warden of the Cinque Ports for life in 1615. J. Bridges, 'Hist. of Northamptonshire' (1791), ii. 317.

<sup>3</sup> MS. Lansd. 125.

Court of Whitehall from H. 7 to Elizabeth. The printed title-page is on fo. 6, 'The Ancient State, Avthoritie and Proceedings of the Court of Requests 2 Octob. 1596.' Below a vignette 'Anno 1597.' Ff. 6<sup>b</sup>-8<sup>b</sup>, in the handwriting of Sir Julius Cæsar, give a list of names of judges, noblemen, and others who have been parties to suits in the court, followed by several heads of arguments with references to prove the royal prerogative in the establishment of the court and the jurisdiction of the King and his Council over public and private causes. Ff. 9-22, in the same hand, contain a number of propositions as to the authority and proceedings of the court, with references to the court's books. Ff. 25-27 b contain an epistle dedicatory to Lord Burghley in another hand marked 'Copie,' but signed with an original signature 'Jul: Cæsar.' Ff. 28-32<sup>b</sup>, in a third hand, intituled 'Notes tuchinge suites made & to be made to the Kings Most excellent Maiestie 29 Julii 1604,' classify the matters of which the Court of Requests claimed cognisance. Ff. 33-40, in the same hand, contain 'orders sett downe by his majesty for civility in sittings either in the Cappell or elsewhere in Court primo Januarii 1622.' Ff. 40<sup>b</sup>-42<sup>b</sup>, apparently in the same hand, 'Orders to be obserued in Assemblies of Councell agreed on 7 Novemb. 1630.' The printed fo. next following is numbered by the printer 1, and begins with the invocation 'In nomine Domini nostri Jesu Christi 13 Februarii 1592. Actes, Orders & Decrees made by the King & his Councell, 9 H. 7, remaining amongst the Records of the Court, now commonly called the Court of Requests.' These printed pages (ff. 43-162) are marginally annotated as well as interleaved with MS. notes in the handwriting of the notes to ff. 1-22. On ff. 163-167<sup>b</sup> are 'A commission to certaine Counsellors to heare and determine the suites preferred either to the King or to his Privie Councell,' dated 9 March 6 E. 6, and 'Articles for the manner of the commission,'<sup>1</sup> &c., these two in a fourth hand. The articles are continued on fo. 167<sup>b</sup> apparently in the same hand as ff. 28-42<sup>b</sup>. Ff. 169-178<sup>b</sup> are in the handwriting of ff. 163-167, and are headed 'Herafter followe such orders and Rules,' &c. On f. 179, in a fifth hand, is a writ from the King to the Sheriffs of London fixing times for hearing petitions, and followed on ff. 179-181 by extracts from the Rolls of Parliament. These are continued alternately in the fourth and the fifth hand to f. 183<sup>b</sup>. Ff. 184-186 contain extracts and references upon legal points from divers sources, all in the fourth hand.

The object with which the volume was compiled is set forth in the

<sup>1</sup> Append. D, p. xci, infra.

letter to Lord Burghley, on f. 25, signed by Sir Julius Cæsar, as follows.<sup>1</sup>

‘Myne humble dutie done to yr. Lo<sup>p</sup>. About vij yeares since<sup>2</sup> shortlie after I was made Maister of Requests, I found a great contention on foote betwene the Judges of the Comen pleas and the M<sup>rs</sup> of Requests then being, touching y<sup>e</sup> iurisdiction of her Ma<sup>tes</sup> court at Whitehall; Whereby would haue growne manie bitter inconveniences to her Ma<sup>tes</sup> poore subiects, if y<sup>e</sup> M<sup>rs</sup> of Requests had not quenched y<sup>e</sup> same in tyme, by their owne suffering yet necessary patience & forbearance.

‘To meet which cheife mischeiffs I held it a necessary worke, and A Labor worthie of some thanks to gather into one volume the principall Records of that court from y<sup>e</sup> beginning of that Registrie, nowe dispersed in xvij great volumes in folio, and to make them knowne, that in this Court (as in y<sup>e</sup> Chancery, kings benche, Comon pleas & Exchequer) Acts past might be precedents of things to come. In the perusall and gathering wherof I have obserued, First, the seuerall names wherewith that Court hathe bene termed. Secondly, what y<sup>e</sup> Judges haue bene whoe haue satt in that Court; Thirdly, in what places that Court hathe bene kept; Fowerthly, what forme of proceeding that Court hathe obserued; Fifthly whoe the persons were which haue bene plaintiffs and defendants in that Court; Sixthly, what causes y<sup>e</sup> said court hathe embraced & decreed, And lastly howe y<sup>e</sup> said Court hathe bene accustomed to execute ther orders & decrees, with manie other things worthy of note, not vnproperly to be referred to some of those seauen heads;

‘Wherein as myne intent was, first to satisfie myne owne conscience & to vnderstand what apertained to y<sup>e</sup> place wherein I sitt as a Judge, thereby onely intending y<sup>e</sup> glorie of God, the good of my contrie and the dischargde of A good conscience, and not anie priuate vaine glorie or affected singularity; so I haue desired, that some others (no doubt as well affected as my self) might veiue my Labors, that vpon this ground, they might frame some further building not unworthie the pervsall. And to that purpose, finding it ouerchargeable to write manie Copies, I caused First a breiff table of my Collections, secondly the Collections themselves, to be imprinted, not to the end to make them common but of purpose to deliuer some of them to

<sup>1</sup> The original punctuation is preserved.

<sup>2</sup> Sir J. C. was appointed Master Extraordinary of the Court of Requests on Jan. 10, 1591, Master of Requests Ordinary Aug. 17, 1595, and reappointed by James I May 20, 1603. E. Foss, ‘Lives of the Judges’ (1846-64), vi. 269; E. Lodge, ‘Life of Sir J. Cæsar,’ p. 18.



such, either Counsellors of State or Counsellors at Lawe or suche students of antiquities and of histories, as from whose wisdomes & good observacons either in Lawe, or storie, or antiquities there might be drawne suche admendment of things amisse or addition of things wanting, or iustification of things misconstrued, or explaining of things obscured, or reducing into course things wrested out of course, as might breed hereafter A continewall peace, between y<sup>e</sup> Judges of the Common Lawe & her Ma<sup>tes</sup> Counsell and might without offence of the subjects, establishe her highnes prerogatiue for euer; To the maintenance wherof euery one Sworne of her Ma<sup>tes</sup> counsell is directly tyed by his oathe. And for that your Lo<sup>p</sup> hathe most iustly deserued y<sup>e</sup> most honorable & highe tytle of Pater patrie, and haue for manie yeres (especially theise xvij yeres of my knowledge, since I came to be Judge)<sup>1</sup> bene the Father of Englishse Justice, & my good Lord & onely Maister whome euer I serued and from whome (next to her most excellent Ma<sup>tie</sup>) I acknowledge my self to have Reseuid that poore aduancement in this common wealth which I now enioye; I haue made choice of your good Lo: to be the disposer of these my labors that either vnder your allowance, after your perusall of them, they maie receiue some comfort of further proceeding, or else vpon your mislyke, they maie be committed to y<sup>e</sup> fire, as things vnprofitable for the Common good. But if your Lo<sup>p</sup> being continewally employed in y<sup>e</sup> great affaires of this state, shall finde no leisure to read ouer matters of this nature; then it maie please your Lo<sup>p</sup> that M<sup>r</sup> William Lamberd,<sup>2</sup> whoe is A gentleman of great learning & sincerity, or some other one or more of like sufficiency might be intrated to peruse suche Collections as I haue gathered, both of precedents of y<sup>e</sup> said cort and of express Acts of Parliament, auneynt Records, Histories, & Common Lawe, touching this cause; And thervpon to make report of so muche, as he, or they shall finde proued, that her Ma<sup>tes</sup> Court of Whitehall, maie enioye suche authoritie as to the same of right belongeth. And so humbly craving pardon for this my tedious letter, & the Continewance alsoe, of your L<sup>ps</sup> most honorable fauor towards me I beseech the Almighty to vouchsafe your Lo: A long life

<sup>1</sup> On 9 Oct. 1581 he received his first public professional employment, which was, to use his own words, that of 'Justice of the Peace in all causes of piracy, and such like, throughout the land,' an office no longer known'. . . : on the fifteenth of the same month he was appointed Chancellor to the Master of the royal peculiar of St. Catharine's, near the Tower.' E. Lodge, 'Life of

Sir J. Casar,' p. 11.

<sup>2</sup> The historian of Kent; born 1536; entered at Lincoln's Inn in 1556; author of *'Αρχαιονομία*, sive de priscis Anglorum legibus libri; Eirenarcha, or the office of Justices of the Peace; Archeion, or commentary upon the High Courts of Justice in England; Master in Chancery 1592; died 1601. 'Dict. Nat. Biog. ; cf. p. xii, n. 11, supra.

encrease of Honor, & of healthe, And A full accomplishment of all your Godly desires. St. Catherins<sup>1</sup> this xvi<sup>th</sup> of January. 1597.

‘Your good Lo<sup>ps</sup> most bounden  
Copie<sup>2</sup>

‘JUL. CÆSAR.<sup>3</sup>

‘To y<sup>e</sup> right hon<sup>ble</sup> my singular good Lo. the Lo. Burghley Lo. highe Tresorer of England.’

The materials for the defence being far more abundant than those which furnished the attack, it will best conduce to an understanding of the controversy to which Sir Julius Cæsar refers to set forth the elaborate historical vindication of the constitutional position of the court furnished in this volume. He begins with an appeal to authority, giving in the first place a list of the judges, including many persons of eminence in Church and State,<sup>4</sup> and next of the eminent persons who as suitors had availed themselves of the court's jurisdiction. For these he adduces references to the dates or folios of the court books. 1. A list of ‘Judges of other high Courtes plaintiffs in this Court.’ Of these there are fifteen, but one belonging to the reign of Henry 7, and three to that of Henry 8. 2. ‘Judges of other high Courtes defendants in this Court,’ six cases in number, the earliest being that of Sir John Russell, Knt., Lord Privy Seal, on 4 Feb. 1 E. 6 ((1547). 3. ‘That Noblemen, videl. Barons & of equall or higher degree haue bene plaintiffs in this Court.’ Of these there are sixteen, the earliest being the Lord Zouch on 4 July, 24 H. 8 (1532), one other belonging to the same reign, one to that of Edward 6, the rest to the reign of Elizabeth. 4. ‘That noblemen, videl. Barons & of equall or higher degree haue bene defendants in this Court.’ Of these there are thirty-one, six belonging to the reign of Henry 7, and five to that of Henry 8.

The object with which these lists were drawn up is evident. It was to show that the judges and nobility, representatives of the highest courts of the land, recognised the legality and jurisdiction of the Court of Requests. It is to be observed by the way that the abuse of the ‘Poor Men's Court’ by wealthy and influential plaintiffs, practically unknown in the reign of Henry 7, grew up during the later years of Henry 8. The Court then ceasing to be the summary executor of cheap justice became afflicted with the dilatoriness and expense

<sup>1</sup> The Royal Hospital of Saint Katharine's near the Tower, to which he succeeded as Master in 1596. Lodge, p. 20.

<sup>2</sup> This word apparently in the hand-

writing of the signatory.

<sup>3</sup> Signed in another hand.

<sup>4</sup> See Appendices J, K, L, pp. cii-cx.

which in the sixteenth century, still more than in the present day, weakened the effectiveness of legal remedy. And this perhaps accounts for the larger proportion of distinguished defendants in the reigns of the first two Tudors. Where the court still attracted business was by its readiness to admit plaintiffs *informâ pauperis*.

Fo. 7b.

The fifth head is an argument to prove the identity of the Court of Requests with the King's Council.

It begins, 'This Court of Whitehall (so called 32 H. 8, cap. 9,<sup>1</sup> et 5, Eliz. cap. 9)<sup>2</sup> was called Court of Requests,' a proposition for which it cites references to the court's books. 'Et in termino sancti Michaelis tento apud villam sancti Albani, Curia tenta per consilium Regis appellatur Alba Aula, 15 Nov. 35 H. 8,' which shows that at that time 'Whitehall' like the Star Chamber, had developed into something more than a merely local name. The Judges of the Star Chamber and of Whitehall in 1554 were both called the Queen's most Honourable Council in her Court of Requests or in the Whitehall at Westminster.

The sixth and two following heads address themselves to the constitutional questions involved in the existence of the court and are of sufficient importance to transcribe in full.

6. That the K. of England is the fountaine of all English Justice in all causes, from whence all Judges (be they ordinary or delegates) derive their ordinary or extraordinary authority, no man can denie vpon the paine expressed in 1 Eliz. cap. 1 et 35 H. 8, cap. 1, & it appeareth by Bracton de rer. division: cap. 2 m. 7 et in tract. de actionibus cap. 9 et 10.

Fo. 8.

7. That y<sup>e</sup> K. of England never did nor doth graunt any Jurisdiction to any Court in his Dominions, but so, as hee still reteineth in himselfe & his Counsell attendant vpon his person, a supereminent authority & Jurisdiction over them all, appeareth by K. E. y<sup>e</sup> 1, his booke of lawes (commonly called Britton) fol. 1.

8. That the Jurisdiction of the K. & his Counsell extendeth to the hearing & determining of causes publick, mixt, & private, appeareth as followeth :

1. To prove the Jurisdiction of the K. & his Counsell in publick causes, vide 16 R. 2 cap. 5, et 40 E. 3, 34 D. Amendment 15 ter. Trinit. et vlt. Mart. 1552 in y<sup>e</sup> P. C. booke of 6 E. 6 & throughout that booke, & all the P. C. bookes since that time, et 22 H. 8, cap. 14, et Westm. 2, cap. 22, 13 E. 1, et 13 R. 2, cap. 2, et 4 H. 6,

<sup>1</sup> 'Agens maintenance and embracery, persones as shall procure or commit any byeng of titles,' &c. (1540).

<sup>2</sup> 'An Act for the Punishment of suche

wylfull Perjurye' (1563).

cap. 5, et 33 H. 8, cap. 39, et 10 H. 6, cap. 3, et 37 E. 3 cap. 15, et 9 E. 3 cap. 7, et 1 H. 7 cap. 7, et 31 E. 3, stat. 2 cap. 2, et 20 E. 3, cap. 1 et 3, et 12 R. 2 cap. 10, et 2 H. 5 cap. 1 stat. 2, et 1 H. 6, cap. 1, et 12 R. 2 cap. 11, et 1 et 2 P. & M. cap. 3, et 33 H. 8 cap. 9, et 27 E. 3 cap. 1, et 28 E. 1 artic. super chartas 2, et 7 E. 6 cap. 1, et 25 H. 8 cap. 21, et 33 H. 8 cap. 20, et 33 H. 8 cap. 23, et 4 H. 4 cap. 30, et 11 E. 3 cap. 1.

Fo. 8b.

2. To proue the Jurisdiction of the K. & his Counsell in mixt causes vbi vertitur tam interesse partis lese quam interesse reipublicae vide lib. 43 assisarum 38 et 5 E. 3 cap. 10, et 12 R. 2 cap 11, et 13 H. 4 cap. 7, et 3 H. 7 cap. 1, et 21 H. 8 cap. 20, et 7 et 8 Eliz. in Divers Reports fol. 245 et 5 R. 2 cap. 8, et 33 H. 8 cap. 1, et 2 et 3 P. et M. cap. 2, et 19 H. 7 cap. 18, et 38 E. 3 stat. 2 cap. 1, 2 et 4, et 13 R. 2 stat. 2 cap 3, et 16 R. 2 cap. 5, et 8 R. 2 cap. 4, et 13 H. 4 cap. 7, et 2 H. 5 cap. 8, et 4 et 5 P. et M. cap. 8.

3. To proue the Jurisdiction of the K. & his Counsell in private causes betwene partie & partie, vide 37 E. 3 cap. 18, et 13 R. 2 cap 2, et 17 R. 2 cap. 6, et 20 lib. assisar. 14 et 13 E. 4 fol. 9, et Fitzharb. nat. brev. 233 A. in the writ de ideota inquirendo, et 46 E. 3 tit. forfeiture, in Fitzharb. abridgement 18 et 22 lib. Assisar. placit. 75, et 27 E. 3 cap. 13, et 39 E. 3 fol. 14, et 42 lib. Assisar. plac. 5, et 4 H. 4 Recordes in the Tower, et 8 H. 4 Recordes in the Tower, et 8 H. 6 Recordes in the Tower, et 22 E. 3 Recordes in the Tower, et 35 H. 6 Recordes in the Tower, et 21 H. 8 cap. 13. A notable decree made by the K. & his said Counsell 10 Maii, 1552, in the P. C. booke of 6 E. 6 touching a debt without specialty, it being lost, recovered by a private man against the Duke of Somerset,<sup>1</sup> et 26 Junii, 1551, George Sidenham appeared before the Lls. of the K's P. C. in a cause touching a lordship<sup>2</sup> betwene him & his tenants, sedentibus tunc in Consilio, the L. Tresorer,<sup>3</sup> the L. greate Mr,<sup>4</sup> the L. P. S.<sup>5</sup> etc. as appeareth by the P. Counsell booke of that yere, et 11 H. 7 cap. 25.<sup>7</sup>

The jurisdiction of the King and his Council having been thus established, the next step is to affiliate to the Council 'the Court of Whitehall or Requests.' Of this relationship the first evidence is derived from nomenclature. And first of the King's Council.

Fo. 10a.

<sup>6</sup> That Counsell, which since 33 H. 8 hath bene called commonly the K's P. Counsell, in former times hath bene

<sup>1</sup> Somerset had been beheaded on the previous January 22nd.

<sup>2</sup> Sic. Qu. for 'lawsuit.'

<sup>3</sup> William Paulet, Earl of Wiltshire, afterwards Marquis of Winchester.

<sup>4</sup> John Dudley, Earl of Warwick, afterwards Duke of Northumberland.

<sup>5</sup> John Russell, Lord Russell, afterwards Earl of Bedford.

<sup>6</sup> In MS.

1. Sometimes called the Ks. Counsell without anie other title, as 25 E. 3 cap. 4, et 42 E. 3 cap. 3, et 17 R. 2 cap. 6, et 28 H. 8 cap. 16, et 11 H. 6 cap. 11. West. 2 cap. 49 videl. 13 E. 1, et abridge of stat. tit. Champertie sect. 3 Gilbert Rowbay Clerk of the K<sup>s</sup> Counsell, an. 20 vel 21 E. 1 et 13 R. 2, cap. 2 in question betwiene other Jurisdiccions the K<sup>s</sup> Counsell the Judge, et 4 H. 6 cap 5, et stat. de Exonia 14 E. 1, et 10 H. 6 cap. 3, et 37 E 3 cap. 15, et 9 E. 3 cap 7 et 1 H. 7 cap. 7, et 31 E. 3 stat. 2 cap. 2, et artic. super chartas 28 E. 1 cap. 20, et 2 et 3 P. et M. cap. 2, et 20 E. 3 cap. 1, et 3 et 12 R. 2 cap. 10, et 2 H. 5 cap. 1 stat. 2., et 1 H. 6 cap. 1, et 12 R. 2 cap. 11, et 8 H. 6 cap. 27, et 31 H. 8 cap. 8, et 38 E. 3 cap. 1, 2, et 4 stat. 2 et 3 R. 2 cap 3, et 13 R. 2 stat. 2 cap. 3, et 16 R. 2 cap. 5, et 28 E. 1 artic. super chart. 2, et 13 E. 1, stat de mercat., et 8 R. 2 cap. 4, et 21 H. 8 cap. 13, et 13 H. 4 cap. 7, et 2 H. 5 cap. 8, et 32 H 8 cap. 14, et stat. de finib. levat. 27 E. 1, et The Abridg. of stat. tit. Sherifs sect. 5, et 33 H. 8 cap. 20, et 5 E. 6 cap. 11, et 13 H. 8 cap. 12 the K<sup>s</sup> Graces Counsell, et cap. 23, et 4 H. 4 cap. 30, et 11 E. 3 cap. 1, et 31 E. 3 cap. 9, et 4 et 5 P. et M. y<sup>e</sup> K & Q.C. in y<sup>e</sup> Starchamber.

2. Sometimes called the K's Honorable Counsell, as 25 H. 8 cap. 21, et 19 H. 7 cap. 18, the Lls. of the K<sup>s</sup> Honorable Counsell in the Starchamber at Westminster. Adde 23 El. cap. 6, the Ho. P.C.

3. Sometimes called the K<sup>s</sup> most honorable Counsell, as 22 H. 8 cap. 14, et 24 H. 8 cap. 13, et 33 H. 8 cap. 1, et 3 H. 7 cap. 1, et 21 H. 8 cap. 20, et 2 E. 6 cap. 6, et 33 H. 8 cap. 9, et 27 H. 8 cap. 20, et 21 et 25 H. 8 cap. 2, et 27 H. 8 cap. 26, et 31 H. 8 cap. 10, the K. most ho. C.

Fo. 10 b.

4. Sometimes called the K<sup>s</sup> Counsell attendant on his person, as 33 H. 8 cap. 21, et 33 H. 8 cap. 39, the K<sup>s</sup> most Ho. Counsell daily attendant on his person, et 33 H. 8 cap. 10, the K's P. Counsell attendant on his person. Adde 5 El. cap. 4, the Q<sup>s</sup> P. Councell attendant on her person.

I finde likewise a Counsell, called the K<sup>s</sup> great Counsell, as 37 E. 3 cap. 18 et 28 E. 3 cap. 13 the Great Counsell, & Westminster 2 cap. 22, videl. 13 E. 1, y<sup>e</sup> K. and all his Counsell.

In the above citations it is of interest to note how the later designations reflected in their grandiloquence the tendency to exalt the kingly dignity and prerogative which accompanied the rupture with Rome. The writer next proceeds to connect the Court of Requests with the Council so variously described.

' Reasons to proue that the Court of Whitehall or Requests is a member & parcell of the K<sup>s</sup> most honorable Counsell attendant on his person.

1. The M<sup>rs</sup> of Requests, judges of this Court, are sworne of the K<sup>s</sup> P. or S. Counsell, as appeareth by the oath following in this booke, which my self<sup>1</sup> and my predecessors in this place haue taken.

2. The billes here bee directed to the K. himselfe.

3. Th' apparances here are before the K. and his Counsell.<sup>2</sup>

4. The proces here is sealed with the S. proper to y<sup>e</sup> K<sup>s</sup> Counsell.

5. The Judges here alwaies called in the actes of this Court the K<sup>s</sup> Counsell, or the K<sup>s</sup> honorable Counsell or the K<sup>s</sup> most ho: Counsell; sometimes with this addition, in his Court of Requests or Whitehall.

6. The Register or Clerk here hath alwaies bene a Clerk of the P. S. & of the Counsell.

7. The yere bookes of E. 4 an. Regni 13 fol. 9, et 2 R. 3 fol. 2, touch. relieving of straungers robbed, & all the statutes, giving Jurisdiction to the K<sup>s</sup> most ho. Counsell in private causes, executed by the Judges of this Court, as appeareth by the actes thereof.

8. No Court (vnder the highest Court of Parliament) can re-examine a cause decreed in Chauncery, or discharge a prisoner committed from thence, saving only the K<sup>s</sup> Counsell; but this Court hath done it, as appeareth 1 E. 6 in the records thereof; ergo vide 42 lib. Assisar. plac. 5.

9. No Court (vnder the highest Court of Parliament) hath accustomed to cause noblemen to attend on it de die in diem, & not to depart without license, as namely Dukes<sup>3</sup> Erles Barons & the like, saving onely the K<sup>s</sup> Counsell; but this Court hath alwaies accustomed the same.<sup>4</sup>

<sup>1</sup> See Append. E. p. xciii, and F. p. xcv, infra. This sufficiently identifies the writer as Sir Julius Caesar.

<sup>2</sup> The printed portion of the volume (fo. 160) concludes with examples of process signed by the king himself in the Court of Requests, or otherwise indicating his presence there. To these Sir Julius Caesar apparently attached so much importance that in the margin of the title, 'Processe signed by the king,' he writes 'nota.' Of these I select the earliest and latest cases.

21 H. 7.

'A Commission to heare & determine &c. touching a messe and certaine landes & amercements in Arnall in the county of Nottingham, between Christopher Hides & Margaret his wife pl. and Rob. Jakes

defend. Signed by the king himselfe, & subscribed by G. Simeon, the direction on the back of the bill, being signed by the sayd Simeon, one of the king's counsell of this Court. Feb. 5.'

10 H. 8.

'A Commission to heare and determine &c. touching 10 lib. lands and 20 lib. sterling money betwene Rich. Tipper plaintife, and Jo. Lozenge defendant, signed by the king himselfe, and subscribed by Doct. Veisie the sayd Deane 20 Junii.'

<sup>3</sup> Interlined, and a word following, also interlined, struck through and illegible.

<sup>4</sup> References to the Court's books here follow. There are eight cases, all but the last in date, 5 E. 6, belonging, it is to be noted, to the reigns of Henry 7 and Henry 8.

Fo. 11.

Fo. 162.

10. This Court is one of the K<sup>s</sup> Courts, 32 H. 8 cap. 9, et 5 El. cap. 9, & standeth onely by prescription of the K<sup>s</sup> Counsell, as appeareth by the actes of this Court & the common lawe, it having neither commission vnder the Greate Seale, or act of Parliament to establish it otherwise: but the K<sup>s</sup> Counsell prescribeth onely for it selfe; ergo

11. K. E. 1 in his booke of Lawes (commonly called Britton) reserveth a Jurisdiction to himselfe & his Counsell aboute all the Jurisdictions in his realme, Britton fol. 1, et Bracton de rer. divisio. cap. 2 m. 7, et in Tract. de artic. cap. 9 et 10. But every supreme Jurisdiction containeth in it power for decision of causes publick, mixt & private; & y<sup>e</sup> K<sup>s</sup> Counsell hath not elsewhere then in this Court dealt iudicially in private causes; ergo this Court the K<sup>s</sup> Counsell. \*

12. Some Judges of this Court haue from time to time till 1 El. sat, alternis vicibus, as Judges in the Starchamber, where none may sit as Judges but such as be of the K<sup>s</sup> most ho. Counsell, saving onely the 2 Justices named in y<sup>e</sup> stat. of 3 H. 7 cap. 1, et 21 H. 8 cap. 20. The former is proved by the recordes of both Courts, y<sup>e</sup> Starchamber & Requests.

Fo. 116,

13. The Judges of this Court (nowe commonly since 4 E. 6<sup>1</sup> called M<sup>rs</sup> of Requests) were alwaies numbered and provided for in the bookes of the K<sup>s</sup> howsehold as the K<sup>s</sup> Counsell, without anie distinction or difference of more Counsels than one, as may appeare by the black booke of the said howsehold, & by the titles given vnto them, who then had y<sup>e</sup> carre to take & answere the requests and supplications made vnto the K. vlt. Jan. 27 H. 8, et 28 Junii 33 H. 8, et 6 Nov. eod.

14. Rob. Dacres Esquire in an. 1543 35 H. 8 vsed this title ensueng, as appeareth vnder his owne hand (which I have seene) in the beginning of a booke, Sum Roberti Dacres armigeri serenissimo H. 8 dei gratia Angliæ Franciæ et Hiberniæ Regi à Secretioribus Consiliis necnon a tabellis supplicatoriis.<sup>2</sup> Mr. Dacres of Cheston in Hartfordshire hath y<sup>t</sup> booke.

15. No mans hand but a Counselors can commaund the K<sup>s</sup> P. S. as appeareth by the auncient othe of the Clerks of the P. S. But every of the Judges of this Court his hand commaundeth the s<sup>d</sup> P. S.; ergo

16. That Counsell, w<sup>ch</sup> since 33 H. 8 hath bene called commonly the K<sup>s</sup> P.C. was alwaies heretofore called the K<sup>s</sup> C. without any other

\* 1550. But see p. xix, n. 1, supra.

<sup>2</sup> See p. xi, n. 6, supra; also Append. C, p. lxxxv, and p. cxvi, n. 88.

title, or els entituled the K<sup>s</sup> Ho. or most Ho. C. with this further title sometimes, daily attendant on his person, as appeareth by the stat. imprinted: but y<sup>e</sup> K<sup>s</sup> C. in Whitehall hath all those titles, as appeareth by the recordes of that Court tempore H. 7, H. 8, E. 6, M. 1, et El.; ergo

17. Th' auncient presidents & recordes of every Court are the common lawe of the land for y<sup>e</sup> warranting of like proceadings in that Court, as appeareth at large by the case of the mines in Plowdens commentaries T. M. 9, et 10 El. but the recordes of Whitehall prove the Judges there ye K<sup>s</sup> most Ho. Counsell; <sup>1</sup> ergo . . .'

#### 4. The Common Law Courts and the Court of Requests.

That the Judicial Bench acknowledged, at any rate, the existence of the Court of Requests de facto is shown by copies in Sir Julius Cæsar's hand of letters with regard to its proceedings. They are as follows:—

'A letter <sup>2</sup> written to the M<sup>rs</sup> of Requests for the L. keeper, <sup>3</sup> as followeth. After my verie hartie commendacions: Whereas (as I am given to vnderstand) a cause hath depended before you theise 4 yeres, in w<sup>ch</sup> Laurence Sill was pl. ag. Jo. Mason def. & a decree therein graunted, after w<sup>ch</sup> & before the same could bee executed the s<sup>d</sup> Mason died, so that the pl. was enforced to revive the sute ag. Tho. Gibson & Isabell his wife, y<sup>e</sup> widoe & executrix of the deceased Mason, vppon w<sup>ch</sup> newe bill, (as I ame enforced) order hathe bene delivered

<sup>1</sup> The 'Actes, Orders & Decrees made by the King and his Counsell, 9 H. 7, remaining amongst the Records of the Court now commonly called the Court of Requests,' occupy ff. 43-163. They open with the order of Feb. 12, 9 H. 7, already transcribed from the originals. The book affords internal evidence that it represents selections of Acts, orders, and decrees which it sometimes merely notices, sometimes abridges. For example, 'Anno 33 H. 8, 25 Maii, fol. 62. A matter of promise vpon marriage & of legacie decreed.'<sup>a</sup> 'Anno 23 H. 7, fo. 73. 14 Februarii. In the matter of variance depending &c. betweene Joan Corway, pl. and the reverend father in God Siluester bishop of Worcester it is decreede &c.'<sup>b</sup> The entries in MS. or the interleaved pages of Sir J.

Caesar's copy are evidence that the volume is one of selections. The principle on which these selections are made is apparently to exemplify the matters alleged to be within the jurisdiction of the Court in the earlier printed and MS. portion of the volume. They would seem also to be intended to point to the dignity of the parties to suits in the Court, who evinced thereby their submission to its jurisdiction. For instance, 'Ann. 34 H. 8, 23 Januarii, fol. 146. Eodem (die) Thomas Charleton nomine Mathæi Browne militis comparet &c.'<sup>c</sup> the next entry being '3 Martii, fol. 156. A decree for a poore woman against certaine church-wardens in London for a message, &c.'<sup>d</sup>

<sup>2</sup> Fo. 153.

<sup>3</sup> See next page, n. 2, infra.

<sup>a</sup> This in the originals is a long judgement, covering both sides of the folio, in the case of Everyingham v. Lyeke.

<sup>b</sup> This is abbreviated. The original on fo. 303 runs: 'In the mater of variance depending afore the kinges honorable Counsayll betweene Johanne Corwaye and John hyr some whome she nameth in hyr pretused byll to be complayment with hyr ayenst

the Reuerent fader in God, Siluestre, now bisshop of Worcestre, &c.'

<sup>c</sup> This is an appearance excusing Sir M. B.'s attendance on the ground of old age and infirmity.

<sup>d</sup> A judgement filling the two sides of the folio in the suit of Dacres v. The Churchwardens of St. Sepulchre's, London.



by you that the def. should come in & shewe cause whie the decree should not bee in force. And bycause that further daies bee still given, and y<sup>e</sup> pl. feare infinite delaies, hee hathe so greatly importuned mee, as that I coule not but satisfie his earnestnes. Wherefor I pray you to haue that consideration of the cause, that the man may haue no cause to complaine for want of vndelayed Justice, and that after the manner of your court you will speedily dispatch him, with that favour also (Justice regarded) as the cause requires. And so I bid you most hartely farewell. From Russell howse, this 2 of Febr. 1592.<sup>1</sup>

‘Subscribed, your very loving friend Jo. Puckering C. S.’<sup>2</sup>

The speed with which the court addressed itself to the fulfilment of the Lord Keeper’s desire is shown by a note of extracts which Sir Julius Cæsar has taken from the court’s books: ‘7 Febr. 25 April 18 Junii et 11 Octob: 36 El.<sup>3</sup> decreed ag. an Executor Gibson to pay that w<sup>ch</sup> was formerly decreed against Mason the testator 28 Nov. 33 El.’<sup>4</sup>

The second piece of documentary evidence of the recognition of the Court of Requests is headed ‘A letter written to Her Ma<sup>ties</sup> Counsell of Her Court of Requests from the Justices of the Common plees, to relieue a cause after iudgement & execution in y<sup>e</sup> com. plees, as followeth.’

‘The matter depending in the com. plees betwene Walter Hele pl. & Hugh Wilsdon & Hugh Culme def. in an action of debt of 200 lib. for x of 100 lib. was the last Hillary terme by the consent & as we take it at y<sup>e</sup> request of the s<sup>d</sup> Heles Counsell by order of the s<sup>d</sup> Court referred to the determination & ending of M<sup>r</sup> Justice Periam; Wherevpon at the last assises at Exon both the parties being called before the s<sup>d</sup> M<sup>r</sup> Justice Periam <sup>5</sup> hee thought good that Culme should pay to Hele 120 li. in full recompence of the s<sup>d</sup> debt and penalty of the s<sup>d</sup> bond costes & damages, w<sup>ch</sup> Culme was content presently to haue payed accordingly. But Hele though he werre earnestly requested by the s<sup>d</sup> M<sup>r</sup> Justice Periam to accept thereof, vtterly refused the same; and this Easter terme the s<sup>d</sup> Court of Common plees being verie importunately called on by Hele for execution, could not any longer stay the same, but awarded execution, the rather, for that the s<sup>d</sup> Court thought Her Ma<sup>ties</sup> Court of Requests, being a Court of equity, would as is meete, take such order in the s<sup>d</sup> cause as to conscience should

<sup>1</sup> Le. 1593, N.S.

<sup>2</sup> Sir John Puckering, Keeper of the Great Seal (Custos Sigilli), born 1544; called to the Bar at Lincoln’s Inn, 1567; serjeant at law, 1580; speaker of the

House of Commons in 1584–86 and 1586–87; Lord Keeper, 1592; died, 1596. ‘Dict. Nat. Biog.’

<sup>3</sup> 1594.

<sup>4</sup> 1530.

<sup>5</sup> See next page, n. 2.

apperteine. Vppon w<sup>ch</sup> execution so awarded out of the s<sup>d</sup> Court, the s<sup>d</sup> Culme brought into the said Court the whole condemnation being in all w<sup>th</sup> the costes 206 13 4, w<sup>ch</sup> was presently delivered to Heles Attorney. Thus leaving the s<sup>d</sup> cause to bee further ordered by your good discretions in Her Mat<sup>ies</sup> s<sup>d</sup> Court of Requests w<sup>ch</sup> wee in the s<sup>d</sup> Court of com. plees, being a Court of the common lawe tied to the strict and precise course thereof, could not so well helpe as wee wisshed, so take leaue of you. From Serieants Inne in Flete streete, this 14 of May, 1585.

‘Yo<sup>r</sup> loving frendes.

‘EDMUND ANDERSON.’ WILLIAM PERYAM.’<sup>2</sup>

The third documentary proof<sup>3</sup> of this recognition is dated 26 Junii 1599.

FO. 155.

‘A note out of the Court of Common plees licensing the def. to procure an iniunction in the Court of Requests, in hæc verba.

‘Aston versus Sherborne.

‘Ordinatum est per Curiam 15 die Junii isto eodem termino quod querens procedere non debet ad nisi prius versus def. eo quod apparet Curie hic per examinationem, quod debitum solum fuit intestato in vita sua. Ideo concessum est defendenti ad perquirendum Iniunctionem in Curia Requisitionum per Curiam.’

The fourth is :

‘A letter written to like purpose in the same cause from one of the J. in the com. plees to one of the J. in Whitehall in hæc verba. After my verie hartie commendacions, Whereas one Randoll Asheton a servaunt to her Ma<sup>r</sup> hath procured a sute at the common lawe against this bearer Ewen Sherborne vppon a bill made to one Rich. Brocks for 24 lib. about 18 yeres since, w<sup>ch</sup> money, as this bearer affirmeth, was manie yeres since discharged, & Brockes since gon bankroute, And for that, as hee also affirmeth the profe of the payment of the same money by the circumstances thereof is more apt for hearing in your Court of Requests, then at the Chancery, hee being the Queenes servaunt<sup>4</sup>; Therefore hee hath exhibited his bill against Brocks in the

<sup>1</sup> Sir Edmund Anderson, born in 1530; educated at Lincoln College, Oxford; entered at the Inner Temple, 1550; serjeant at law, 1577; Queen’s serjeant, 1579; knighted and appointed Lord Chief Justice of the Common Pleas, 1582; died, 1605. ‘Dict. Nat. Biog.’

<sup>2</sup> Sir William Peryam, Fellow of Exeter College, Oxford; called to the Bar at the

Middle Temple, 1565; serjeant at law, 1579; Justice of Common Pleas, 1591; Lord Chief Baron of the Exchequer, 1593; died, 1604. ‘Dict. Nat. Biog.’

<sup>3</sup> Also recorded in B. M. MSS. Add. 25248, fo. 58.

<sup>4</sup> See p. xv, p. xi, n. 6, supra, pp. lxxxv, lxxxviii. and p. 17, n. 4, infra.

same Court before you, vpon w<sup>ch</sup> hee can haue no proces without warrant vnder the hand of some of the M<sup>rs</sup> of the Requests. I am therefore to entreate you hereby that you would graunt your warrant to this bearer for proces against Brock vpon the s<sup>d</sup> bill, and for to proceede as in yo<sup>r</sup> iudgements the equity & right of the cause shall fall out to deserue. And so I betake you to the Almightye. Serieants Imme, this 28 April, 1599.

‘Yo<sup>r</sup> very loving friend

‘THO. WALMESLEY.’<sup>1</sup>

It is remarkable that, notwithstanding his evidently laborious searches among the Records of the Court, Sir Julius Cæsar should only have been able to produce these four evidences of recognition, of which the earliest was a century after the date at which the Court stands forth as a distinct and independent tribunal. Nor does the Lord Keeper’s letter amount to more than such a request for the acceleration of proceedings as was frequently addressed in those days by influential personages to members of the bench. The letter of Anderson and Peryam, JJ., by invoking in the name of the Court of Common Pleas the intervention of the Court of Requests, as ‘a Court of equity’ to stay their own common law process is, whatever its worth, a clear acknowledgment of the constitutional legality of the Court of Requests’ procedure. The same may be said of the subsequent documents, also dating from the Common Pleas.

A writer in the ‘Collections relating to the C<sup>t</sup> of Requests,’<sup>1</sup> apparently Sir Julius Cæsar himself, has supplemented the historical and constitutional defence of the Court by a series of arguments of a more personal character under nine heads, as follows :

‘Moreouer if the Court of White hall be no lawfull Court

Fo. 58 b.

‘1. Why hath it continued euer since 9 H. 7 without interruption ?

‘2. Why haue the Judges of the Common Pleas when they were serieaunts & sworne to mainteyne the course of Lawe tooke mens money for drawing bills to be preferred into this Court ?

‘3. Why haue all the learned Judges of the Common Lawe in their serieanty and tyme of practise persuaded their clients theis hundred and ten yeares past to commense causes in that Court ?

‘4. Why haue the Subjects of England thus long been deluded to spend their mony in an vnlawfull Court ?

<sup>1</sup> Born about 1537 ; entered at Lincoln’s Inn, 1559 ; called to the Bar, 1567 ; serjeant at law, 1580 ; Justice of the Common

Pleas, 1589 ; knighted, 1603 ; died, 1612. Foss, ‘Lives,’ vi. 191.

<sup>2</sup> B. M. MSS. Add. 25248.

‘ 5. Why haue the Judges of the Common Pleas recommended sutors to the Court of Requests namelie to procure iniunctions and in the meane tyme stayed the proceedings at the Comon Lawe in that Court ?

Fo. 59.

‘ 6. Why haue the noblemen and the Judges of the one Bench and the other endured the censure and paid that w<sup>ch</sup> hath beene decreed against them in the Court of Whitehall ?

‘ 7. Why haue the Kings & Queenes rainging, in their Proclamations or adiournements of termes respectiuelie, named the Court of Requests or Whitehall, one of the Courts ? <sup>1</sup>

‘ 8. Why hath the wisdom of the whole Land, in parliam<sup>t</sup> assembled in Anno 32 H. 8 (cap. 9) & in Anno 5 El. (cap. 9) called the Court of Whitehall one of the Kings Courts ?

‘ Surely if tyme in all other things iustlie esteemed the daughter of truth, if the learned Judges of former tymes, who haue left vnto vs that learning w<sup>ch</sup> we now haue if we haue any, if the common reputation of the world w<sup>ch</sup> in causes of this nature hath bred this principle receauable for the common good “ Communis error facit Jus,” <sup>2</sup> if the noblest and wisest of this state, if five Kings and Queenes of England successiuelie, if all the three states of England correspondently, and w<sup>ch</sup> is more, if the foure Judges of the Common Pleas, in the tyme of their Serieanty, for a longe tyme respectiuelie haue pleaded causes in the said Court, & allowed the Court of Whitehall for a lawfull Court, I wonder what hath moved them being Judges openlye to protest and mainteyne in publique places, that the Judges of the Court of Whitehall haue no authoritie to sitt, nor to committ any man to prison, and that the same is noe lawfull Court, thereby to giue advantage to the malignant overcuriously to skanne the authority of this Court, w<sup>ch</sup> may prove a dangerous president against the proceedings & Jurisdiction of other Courts. But they are wise and strong in power, and therefore for my parte I will subscribe to their opinion if it may please them to shew mee sufficient reasons how I may doe it without manifest breach of mine Oath here ensuing.’ <sup>3</sup>

Fo. 59 b.

Fo. 60.

The assaults by the Judges of the Common Law Courts upon the authority and jurisdiction of the Court of Requests appear to have begun in 1590, if we may trust a contemporary defence of the Court contained in the volume of collections from which extracts have

<sup>1</sup> The words ‘at Westm<sup>r</sup>’ are added after the note of interrogation, in a smaller and apparently a different hand.

<sup>2</sup> Coke, ‘Inst.,’ iv. 240.

<sup>3</sup> Here follows ‘The Coppie of mine oath when I was sworne M<sup>r</sup> of Requests, Jan. 10, 1590,’ i.e. O.S. See p. xxiv, n. 2. This is Sir J. Caesar. Cf. App. E, p. xcv, infra.

already been taken.<sup>1</sup> This paper<sup>2</sup> professes to give a list of proceedings of which the earliest originated in that year. It is headed 'Prohibitions &c granted out of her Ma<sup>ty</sup>s Court of Comon Pleas to stay the Parties proceeding in her Ma<sup>tes</sup> Courte of Whitehall since the 32<sup>th</sup> yeare of her Ma<sup>ty</sup>s most happy Raigne. The like whereof is not remembered to haue bene done in former tyme.' In another part of the volume the first of these cases is set forth at length as follows:<sup>3</sup>

Duodecimo die Junii Anno Regni Reginae Elizabethæ xxxvj.<sup>4</sup>

'Mathew Locke Esquier Complainant William Parsons defendant. A decree dated 9<sup>o</sup> Februarii 33<sup>o</sup> Elizabethæ after divers contempts by the deft. against the dignitie of this Court for w<sup>ch</sup> the defendant was a long tyme Imprisoned is now confirmed for the pl<sup>tf</sup>s possession of a Messuage in the parish of St. Mary Colchurch in London. The deft. in further manifestacion of his contemptuous disposicion preferes an Informacion into his<sup>6</sup> Ma<sup>ty</sup>s Court of Comon Pleas agst. the Plaintife vpon the statute of Magna Charta and diners other statutes in that case made. For stay of w<sup>ch</sup> proceedings the pl. became suitor to the Lords of the Counsell who required Sir John Popham then Attorney Generall<sup>7</sup> and Sir Thomas Egerton<sup>8</sup> then solicittour to her Ma<sup>ty</sup> to certifie their opinions concerning the proceedings in this Court, whoe vpon due consideracion of the cause did certefie their Lo<sup>pp</sup>s that this Court had dealt in this cause as was convenient and stood with all equity and conscience, And soe thought the pl. ought to be maintained in the possession of the said messuage accordingle. Afterwards it pleased the Lords of the Counsell to signifie to this Cort that the matter should here be proceeded in. Wherevpon after day giuen to the defendant to shew cause why the decree should not be put in execucion; The Court decreed the possession to the pl. and awarded a Commission to the Sherriffes of London to put the Compl<sup>t</sup>. in possession and ordered the deft. to pay him for the meane profitts for foure yeares and a halfe after xv li. the yeare 18 Octobris 36<sup>o</sup> Elizabethæ. A Serieant at Armes was sent to apprehend the defendaunt 19<sup>o</sup> Octobris 36 Elizabethæ. The Serieant at Armes brought him into Court. And then he was ordered to be bound to deliuer possession.'

<sup>1</sup> Sir Julius Cesar, it will have been observed, dates the controversy from shortly after his appointment as Master of Requests, i.e. 1591, and this later date the cases seem to confirm. Cf. p. xxvi, n. 2, supra.

<sup>2</sup> B. M. MSS. Add. 25248, fo. 48b.

<sup>3</sup> Ib. fo. 44b.

<sup>4</sup> 1594.

<sup>5</sup> 1591.

<sup>6</sup> Sic. An indication that this was written temp. Jac. I.

<sup>7</sup> See p. xl, n. 1, infra.

<sup>8</sup> Educated at Brasenose College, Oxford; afterwards at Lincoln's Inn; S.-G. 1581; A.-G. 1592; Master of the Rolls, 1594; Lord Keeper, 1596; created Baron Ellesmere and Lord Chancellor, 1603; Viscount Brackley, 1616; died 1617. 'Diet. Nat. Biog.'

After some three years of litigation, therefore, the Court of Requests through the intervention of the Privy Council remained victorious so far as this case was concerned. But while those proceedings were pending, the Court of Common Pleas on 20 May, 35 Eliz. (1593), granted a prohibition against the plaintiff in the case of Michael Lemmond v. Garret de Malignes,<sup>1</sup> brought in the Court of Requests. Here the Court of Common Pleas maintained its ground, for it does not appear that the Council intervened or that the prohibition was set aside. The Court of Common Pleas took another step in a case *Tatnall v. Gomersall* in 1598. Here, as in *Loeke v. Parsons*, the equities appear to have been with the action of the Court of Requests. The suit in this Court arose out of an obligation of the plaintiff to the defendant in 12*l.* for payment of 6*l.* The plaintiff had paid the debt in instalments, nevertheless the defendant sued on the bond in the Common Pleas. Process was then served upon him by the Court of Requests. He refused to answer, and the Court issued an injunction to him to stay his proceeding at the Common Law. For this action on the part of the Court of Requests its apologist cites numerous examples from its books which may be taken at any rate as precedents. The Court of Common Pleas, however, granted a Prohibition on the ground that a cause first commenced there could not be stayed by any other Court. And the Prohibition, it seems, was enforced.

Meanwhile the Queen's Bench had come to the support of its fellow Court of Common Law. In 1595, in the case of *Hobie v. Higford*, it issued a prohibition after the Court of Requests had decreed in favour of the plaintiff, in a case parallel to that of *Tatnall v. Gomersall*. In 1598 the case, in some manner not stated, came before the Common Pleas, which on 30 October of that year, five days after the issue of its prohibition in *Tatnall v. Gomersall*, granted one also against this plaintiff on the ground that 'the defendant' (i.e. the plaintiff in the Court of Requests) 'impleadeth the plaintiff in a plea of debt in the Court of Requests against the lawes of England.' Again the apologist of the Court of Requests parades the precedents in the books of that Court, 'where,' he adds, 'it may likewise be seene that in theis cases iniunctions have bene graunted to stay the proceedings at the Comon Lawe, w<sup>ch</sup> this Court forbore in this case,' a conspicuous evidence of its growing weakness.

A fundamental power inherent in every Court is that of com-

<sup>1</sup> Gerard Malynes, author of the 'Consuetudo vel Lex Mercatoria,' published in 1622. He died 1641. See 'Dict. Nat. Biog.'

mittal for contempt. At a date unspecified, but some time after Easter Term 1599, the Court of Common Pleas issued a habeas corpus in favour of a person imprisoned by the Court of Requests for this offence.<sup>1</sup> But all the Law Dictionaries, presumably copying Cowel, mention a case heard in Mich. Term of the same year (40 & 41 Eliz.) as finally annihilating its pretensions to a legal existence. This is Stepney's case, the MS. report of which in the Collections of the British Museum<sup>2</sup> supplements in some details the version given in Croke's Reports.<sup>3</sup> It runs as follows.

'Stepney plaintiff in the Court of Common Pleas against Floud Floud<sup>4</sup> def: Term Mich. 40 et 41 El.<sup>5</sup> An attachment went out under the P. S. of the Court of Requests, to take the body of Floud by vertue whereof one Stepneth<sup>6</sup> then Sherriffe of the county of Carmarthen to whom it was directed tooke him, and Floud for his enlargement made an obligation to Stepney the condicion thereof was to appeare before her Ma<sup>tes</sup> Counsell in the Court of Requests, where-soeuer attending her person,<sup>7</sup> and one day lymitted when he should appeare; vpon w<sup>ch</sup> obligacion Stepney bringeth an accion of debt, and the opinion of Anderson and Glanduill was that this processe gave no authoritye to take the body, for that Court hath no such power by common Lawe commission nor statute, but the Sherriffe ought to obey the P. S. w<sup>ch</sup> issueth out of the Courte of Wardes or the dutelie, for they are appointed by the Statute &c. as followeth more at large there<sup>8</sup> and soe Judgm<sup>t</sup> was there giuen against the pl. The cause began in anno 37<sup>9</sup> in the Court of White Hall where Flouds wife sued him for some maintenaunce out of her goods and

<sup>1</sup> Pagan v. Hearne, B. M. MSS. Add. 25248, fo. 52B.

<sup>2</sup> *Ib.* fo. 53B.

<sup>3</sup> Croke's Reports, ed. T. Leach, ii. 647.

<sup>4</sup> *Sic.*

<sup>5</sup> 1598.

<sup>6</sup> In Croke's Reports, l.c., Stephens.

<sup>7</sup> This, as will be seen from the endorsements, 'ubicunque fuerit' was the common form. Croke's Report states the obligation to have been 'to appear before the Queen's Council attending in the Court of Requests at Westminster,' which was the actual practice.

<sup>8</sup> Possibly this refers to Croke's Report, which continues: 'Wherefore they held that this obligation is not within 23 H. 6, c. 10, for the said statute intends only obligations taken by such who are in custody by the course of law. Wherefore this obligation was taken per duress and

so avoidable. And although it was alleged that this obligation is within the statute, in regard the Sheriff took it by colour of his office, although he was not lawfully in custody, it was notwithstanding adjudged for the defendant.' The statute cited is c. 9. in the Statutes of the Realm, which prescribes the form to be taken by the bond for appearance of persons arrested by the Sheriff. 'Et que null Viscount ne null dez Officers ou Ministrez suisditz preigne ou face de prendre ou fair aucun obligacion par aucun cause suisditz ou colour de leur office, sinou tenant seulement a leur mesmez, dascun persone ne pour aucun persone que soit en leur garde par le cours de la ley forsque sur le noun de leur office & sur condicion que la dit prisoner appierga a le jour conteignuz en le dit breve bill ou garraunt requiert.'

<sup>9</sup> 1594-95.

Lands w<sup>ch</sup> she brought to him, and he enoyed in her right, being therto occasioned by his intolerable vsage towards her, and denial to give her any maintenance. The L. Cheife Justice of England<sup>1</sup> vpon complaint made to him, examined alsoe the said cause and ordered it against the said Floud, and sent his Order to the Court of White Hall, that the same by the authority of that Court might be decreed and executed accordingle. The said Court decreed the same for the wife against Floud the husband.

‘The execucion whereof was interrupted as appeareth by the act next precedent of the Common Pleas, till afterwards the said Floud being committed to the Fleete, by order of the Starre Chamber, for certeyne other his misdemeanours, he was alsoe recommended from White Hall to the said Prison.’

The constitutional importance of the decision in *Stepney v. Floud* is more fully brought out in Coke’s account<sup>2</sup> of the judgment. ‘And it was adjudged in solemne argument, that this which was called a Court of Requests or the White Hall, was no court that had power of judicature, but all the proceedings thereupon were coram non iudice, the arrest of Floud was false imprisonment, so as he might avoid the bond by dures at the common law without aide of the statutes of 23 Henry VI, c. 10.’ In the same term, in an action against the Sheriff of London for seizure of goods by commission from the Court of Requests, judgement was given for the plaintiff.<sup>3</sup>

It appears to have been common ground among the legal controversialists of the day that a Court of Law must derive either from an ancient royal grant, from statute or from immemorial custom.<sup>4</sup> A royal grant might take the form of a commission under the Great Seal as to Justices of Assize, Justices of Forest, &c., or it might be by letters patent under the Great Seal, as in the case of the Court of High Constable, the Courts of Fairs and Markets, Court Leets, &c., or by such ancient ordinances as those by which the King’s Bench, Exchequer and other Courts were definitively constituted. To a quasi-Parliamentary origin the Court of Common Pleas was ascribed.<sup>5</sup> The Court of Augmentations derived from 27 Henry VIII, c. 27,<sup>6</sup> the Court of Wards from 32 Henry VIII, c. 46,<sup>7</sup> the Court of First Fruits and Tenths

<sup>1</sup> Sir John Popham, Chief Justice, 1592–1597.

<sup>2</sup> Inst. iv. 9, fo. 97.

<sup>3</sup> *Everingham v. Wats.* in F. Moore, *Cases Collect.*, &c. 2nd ed. 1688, p. 549, No. 735.

<sup>4</sup> Cf. the judgement in *Stepney v. Floud* with the argument of Sir J. Cæsar in App.

E, p. xciv, infra.

<sup>5</sup> ‘*Communia placita non sequantur Curiam nostram.*’ *Magna Charta.* 9 H. 3, c. 11.

<sup>6</sup> ‘An Acte establishing the Courte of Augmentacions.’

<sup>7</sup> ‘The Courte of Wardes.’



from 32 Henry VIII, c. 45,<sup>1</sup> & the Court of Surveyors from 33 Henry VIII, c. 39.<sup>2</sup>

Custom was held to justify the jurisdiction of the Courts of Counties Palatine, of the Stannaries, of the Mayor's Court of London, of Leets, and of the Star Chamber, unquestionably long anterior to the Act of 1487.<sup>3</sup> And at this point is the crucial difference between the assailants and defenders of the Court of Requests. If that court was simply a delegation of the Privy Council, it ranked with the Star Chamber as justified by immemorial custom. If, on the other hand, its constitution by Henry VII or under Wolsey was the establishment of a distinct tribunal, it could plead none of these justifications, having no commission under the Great Seal.<sup>4</sup> Whatever might be said as to its genesis, it is unquestionable that as a matter of fact and practice it had become a distinct tribunal.

This was apparent from the new position as regards the Council, which towards the close of the sixteenth century began to be held by the Masters of Requests. The Privy Council, that is, the acting committee of the King's Council, had now developed into a distinct existence. In a petition for a regulation of their precedence addressed by the Masters of Requests to the King, probably to Charles I,<sup>5</sup> they dwell upon this change. In former days, they observe, the Masters of Requests, or those who under other designations discharged their functions, were members 'of the Privy Councell to the King.' By this they really mean, were members of the King's Council, which in the time of Henry VII was the ordinary term. They are still, they say, sworn in as 'counsellours to Your Majesty,' but this notwithstanding, when James I established precedence among Privy Councillors, no place was assigned to them. Clearly then, whatever their origin, they had become a distinct body from the acting Council. The judges of Elizabeth, therefore, in passing by the plea that they were exercising the customary powers of the King's Council, were right in discarding the pedantry for the actualities of law. And the principle of their decision was re-affirmed under James I in the earl of Derby's<sup>6</sup> case, heard in Hilary Term, 1614. It was then resolved 'that the King cannot grant a commission to determine any matter of equity (over which the Court of Requests claimed jurisdiction), but it ought to be

<sup>1</sup> 'The Court of first fruytes and Tenthes.'

<sup>2</sup> 'The Bill for the establishment of the Courte of Surveyors.'

<sup>3</sup> 'Pro Camera Stellata. An Acte giving the Court of Starchamber Authority to punnyshe dyvers My(s)demeanors.' 3 H. 7,

c. 2.

<sup>4</sup> Note Coke's statement as to this, p. xvi, supra.

<sup>5</sup> See Appendix H, p. xcix, infra.

<sup>6</sup> William Stanley, K.G., sixth Earl, ob. 1642.

determined in the Court of Chancery, which hath had jurisdiction in such case time out of mind, and always such allowance by the law.' The resolution went on to affirm that 'such commissions or new courts of equity shall never have such allowance, but have been resolved to be against law, as it was agreed in Pott's case.'<sup>1</sup>

Defendants now began boldly to defy the Court of Requests, relying upon the support of the Common Law Judges. In the case of *Jukes v. Smith and Gardner*,<sup>2</sup> the defendants were on 21 April, 1600, arrested by order of the Court & brought to Whitehall. 'They were there committed to the Warden of the Fleete, one of them presentlie in Court signifyinge with great scorne of the Court and Judges there and to the verie ill example of all the Barre & standers by, that they had a Habeas Corpus ready to discharge them from that Imprisonment, which presentlie after they deliuered to the Warden of the Fleete, it bearing date 12 Febr. 42 EL.<sup>3</sup> by vertue whereof before Mr. Justice Kingswell<sup>4</sup> he discharged them vpon bonde to appeare at the Common Pleas the next morning. These appearing, 22 April 42 EL.<sup>3</sup> att the Common Pleas were set at liberty, and there openly it was said by the Judges that the decree was against Law and equitie, and that the Judges of the Court of Whitehall had none authoritie either to sitt there or to comitt any man from thence.'

It is clear from this narrative that the doctrine of the illegality of the Court of Requests had advanced in the seven months since June 1599 when, as Sir Julius Cæsar records,<sup>5</sup> the same Court of Common Pleas gave leave to apply for an injunction there. The letter already quoted of 14 May 1585 and the case of *Aston v. Sherborne* in 1599<sup>5</sup> coupled with numerous injunctions, some of which have been mentioned, point to a view current among some of the Judges of the Common Pleas that the Court of Requests was in the nature of an equitable jurisdiction ancillary to the Common Law and to be set in motion by the Common Law Courts. Unhistorical though this conception certainly was, it nevertheless provided a function for the Court of Requests which must have been frequently desiderated by judges whose sense of justice was not contracted within the four corners of pleading and precedent. This justification, however, did not commend itself to the growing school of constitutional lawyers, and a conflict of opinion is ap-

<sup>1</sup> Coke's Reports, xii. p. 357. I have not been able to find Pott's case.

<sup>2</sup> B.M. MSS. Add. 25248, fo. 56.

<sup>3</sup> 1600.

<sup>4</sup> See for Kingsmill. George Kingsmill, second son of Sir John Kingsmill, of Sidmanton, Hants, and grandson of John

Kingsmill, Justice of the Common Pleas 1503-1509. He was called to the bar at Lincoln's-Inn in 1567; was made serjeant-at-law in 1594; Queen's serjeant, 1595; Justice of the C. P., 8 Feb. 1599; knighted 1603; resigned 1606; died April 1606. Foss, vi. 163. <sup>5</sup> P. xxxiv, supra.

parent within the Court of Common Pleas itself. In the case of *Pemer-ton v. Preston* a 'Bill was exhibited to her Majesty,' as the form ran, '17 March 39 Eliz.<sup>1</sup> for the stay of a suite at the Common Lawe vpon a bond of £100 for payment of £52 10s., the suite being commenced against a surety, the debt being formerlie paid by the principall in his life tyme being now deceased. Wherein order was taken 20 April 39 Eliz.<sup>1</sup> and the rather vpon the earnest recomendation of the said cause by the Judges of the Common Pleas to the M<sup>rs</sup> of Requests to relieve & helpe the poore pl. in equitie, since by law the said judges could not. Notwithstanding the said Judges of the Common Pleas granted a Prohibicion 13 Apr. 39 El. against the said plaintiff.'<sup>2</sup> By the decision of 1600 the question may be taken to have been settled, so far at least as the Court of Common Pleas was concerned. We have seen evidence that the same opinion prevailed in the Queen's Bench.

The situation in which the judges of the Court of Requests found themselves is pathetically described by the apologist of the Court.<sup>3</sup> 'By reason of the premises and like both proceedings and speeches often tymes within the space of x yeares last past vsed in the Court of Common Pleas in the open hearing of all comers thither, the Court of Whitehall hath Received a generall and publique disgrace amongst the vulgar sort, and the Judges sitting there onely vpon her Ma<sup>tes</sup> expresse word and comaundement (as their predecessors haue euer done since 9 Henry the 7 as appeareth by the acts of that Court relying much vpon the Judgm<sup>t</sup> and censure of such fower Reuerend Judges<sup>4</sup> as the Court of Common Pleas doth afford), are fearefull to sitt any longer as Judges in Whitehall where

' Their sittings are not warranted

' Their decrees cannot be executed

' Their authorities are contemned

' Their Prisoners are discharged by Habeas Corpus

' Their sutours proceedings are stayed by Prohibicions

' Their Orders scorned & publicly slandered

' Themselves unmeasurable toiled without profit, yea to their great hinderance, and w<sup>ch</sup> is most of all, subiect in the censure of foure graue Judges to most severe punishment as mad busybodies that sit in places of Judgment without warrant of Lawe.'

<sup>1</sup> 1597.

<sup>2</sup> B. M. MSS. Add. 25248, fo. 51b. There seems some confusion in the dates, for, according to the text, the recommendation to the Court of Requests was subsequent to the prohibition. Qu. whether 20 April

should be 20 March.

<sup>3</sup> B. M. MSS. Add. 25248, fo. 57.

<sup>4</sup> They were Anderson, C.J., John Glanvill, George Kingsmill, and Peter Warburton. Foss, v. 411.

Undaunted by this trying situation the judges of the Court of Requests struggled on. They were sustained by the countenance of the Court and of all who favoured the exaltation of the prerogative. On the other hand, the judges of the King's Bench began to vie with those of the Common Pleas in raining Prohibitions upon the unhappy Masters of Requests. A list of these 'Since his Mat<sup>ties</sup> Raigne,' compiled during the life of James I, is given in the MS. already so largely drawn upon. These assaults were reinforced by the great authority of Coke, who in 1606 was made Lord Chief Justice of the Common Pleas and at once assumed an attitude antagonistic to the prerogative and assertive of the independence of the bench. One Robotham, imprisoned by the Court of Requests for contempt, was released from the fleet and "comanded by the Lord Cooke to bring his accion of false Imprisonment."<sup>1</sup> Even false swearing in this court received protection from the judicial bench. 'It was resolved by all the Justices of England in the Star Chamber (in 1607) in the case of one Paine of Middlesex who was sued there for perjury in the Court of Requests . . . that this perjury was not punishable, for it is but a vain and idle oath & not a corrupt oath, because the Court of Requests have nothing to do with nor can examine titles of land, which are real and are to be discuss'd & determin'd in the King's Courts. Quod nota.'<sup>2</sup>

The cases of Prohibition discernible in the Law Reports<sup>3</sup> show the Court of Requests still endeavouring to assert itself, it can scarcely be doubted with the support of the high prerogative party, as late as 1640. In Michaelmas Term of that year, in the King's Bench, 'Calmady prayed a Prohibition to the Court of Requests, for that in an action of Trover for divers goods, after verdict and judgement in this Court (the K. B.) & affirmed in a writ of error, the defendant surmised matter of equity & that he was surprised in the trial & had not his witnesses there. . . . Whereupon a Prohibition was granted, and the Court resolved that so they would always do, whenever any exhibited bills were after verdict and judgement.' In view of precedents, especially that of *Jenoar v. Alexander*,<sup>4</sup> heard in 1613, this was an audacious attempt at reaction. The very last case reported<sup>5</sup> is

<sup>1</sup> B. M. MSS. Add. 25248, fo. 48.

<sup>2</sup> Paine's case. Mich. 5 Jac. B. R. Yelverton's Reports, 3rd ed. (1735), p. 111. Somewhat differently reported in Godbolt (1652), p. 216, No. 308. It is perhaps with reference to this case that Coke denies that the punishment of perjury in this Court by the statutes 33 H. 8, c. 9, and 5 Eliz. c. 9 thereby gives it jurisdiction of judicature. 1 Inst. iv. 9, fo. 98.

<sup>3</sup> Croke's Reports, Car. i. p. 595.

<sup>4</sup> In the case of *Jenoar v. Alexander* in the Common Pleas heard in M. T. 11 J. 1 (1613), it was held 'that a Prohibition lies to a Court of Equity when the matter hath been once determined by law.' See also *Austen v. Breerton*, quoted in *Calmady's case*, heard in 40 Eliz. (1598). Godbolt's Rep. p. 208, No. 297.

<sup>5</sup> From the various seventeenth-century reports I have collected the published cases of prohibitions to the Court of

that of *White v. Grubbe*, heard in the Common Pleas in Trinity Term, 17 Charles I (1641), in which a prohibition was granted to the Court of Requests because the case was 'in the nature of a debt upon account, of which a court of equity hath no jurisdiction, for by such means the king should lose his fine, the defendant should be put to another answer upon his oath, and which is above all, they would refer the merits of the cause to others and according to their certificates make a Decree, so that by this means they would create courts of equity without number.'<sup>1</sup>

Historians have been puzzled to account for the energy and persistence of the attack by the Common Law Judges upon the claims to jurisdiction of the Court of Requests. According to Sir F. Palgrave<sup>2</sup> the Court of Requests was associated with the use of torture. This he believes to have been the real cause of the determined hostility of the judges, torture being unknown to English law.<sup>3</sup> I have not come across any document showing torture to have been part of the proceedings of the court, but there is evidence that persons occupying the position of Masters of Requests were present at the infliction of torture in cases where they were acting upon special commissions.<sup>4</sup> On the other hand,

Requests. Of these the principal, over and above those already dealt with, are as follows. In *Wormleighton v. Hunter*, heard in the Common Pleas in Hilary Term 11 James 1 (1614), a prohibition issued against a co-surety on a bond who had sought contribution from his co-surety in the Court of Requests. (Godbolt's Reports, No. 338, p. 243.) In the same term, and also in the Common Pleas, in the case of *White and Moor*, a defendant in an action in the Common Pleas, after judgement against him, 'exhibited an English bill into the Court of Requests to overthrow the judgement and to stay execution. Upon a motion for a prohibition, it was granted by the Court of Common Pleas, 'because the Plaintiffe there by practice did endeavour to subvert a judgement given at the Common Law' (ib. No. 340, p. 244). In *Penson v. Cartwright*, heard in Easter Term 12 James 1 (1616), in the King's Bench, prohibition was prayed to the Court of Requests 'for that they there intermeddled and would determine matters of legacies. And it was held by the whole Court, that if they of the Court of Requests ought not to hold plea thereof, this Court (notwithstanding itself cannot hold plea thereof) may well prohibit that and other courts from holding plea of such things, for this Court is to

take cognisance of all other inferior Courts, and to correct all errors and proceedings in them.' Croke's Reports, iii. p. 345. In *Jobbins' case*, heard in the King's Bench in Easter Term, 17 James 1 (1619), 'prohibition was prayed to the Court of Requests for that Jobbins, administratrix, sues in that Court complaining that she had taken administration of her husband's goods, thinking that he was out of debt, unless for small sums which he owed to labourers and that she had paid those debts and other the like and so administered the goods, and afterwards actions of debt upon specialties were brought against her; whereupon she prayed an injunction, and had it; & upon this matter a prohibition was granted.' Ib. p. 535.

<sup>1</sup> March's Reports (2nd ed. 1675), p. 102. In the preceding year a prohibition had been granted by the Common Pleas to the Court of Requests in a case of account between two executors for an unlawful sequestration of lands. Ib. p. 99.

<sup>2</sup> Sir F. Palgrave, 'Essay on the Authority of the King's Council,' p. 100.

<sup>3</sup> Fortescue *De Laudibus*, c. 22. Coke Inst. ii. 48.

<sup>4</sup> Jardine goes so far as to say that 'from the earlier instances of torture mentioned (by him), it seems to have been considered necessary that one of the Masters of Re-

it is difficult to believe that judges who could pronounce and even, like Coke, descant approvingly upon the horrible infliction of the *peine forte et dure*, would have ventured to brave the disfavour of the court<sup>1</sup> on account of an incident which, while it must have been rare, if indeed it ever occurred in the Court of Requests, was too familiarly employed by the Council to have provoked an overwhelming repugnance. There is another and much more commonplace reason suggested by an inspection of the Court of Requests' books of Orders and Decrees. To judge from the extraordinary volume and multiplicity of its business the Court of Requests in the time of Elizabeth was a great success. I have been at the pains of counting the number of its orders, apart from decrees, during the month of November, 37 Elizabeth (1594). The volume (18) and the term were selected at random, except as belonging to the years when the conflict was in full vigour. The court sat twenty-three days, and made 336 orders, an average of over 14 orders a day. I am not aware from what sources, after the fall of Calais, the salaries of the Common Law judges were paid, but it is highly probable that, like many other officials, they were largely dependent upon fees, and that these fees were numerous and exorbitant. It may also well be that the tendency to refine pleadings and multiply distinctions which for two centuries and a half later accompanied the developement of English law drove suitors to the more intelligible and cheaper<sup>2</sup> procedure of the Court of Requests. Some strong inducement must have been at work inviting litigants to fill its cause lists. And after the Courts of Common Law had done their worst, by impugning its authority and invalidating its decisions, the Court of Requests could still produce its crowded volumes of Orders and Decrees as evidences of its popularity and as justification of its continued existence.

quests should be present at examinations by torture . . . in order that the rules prescribed by the civil law for the management of such examinations should be duly observed.' This statement is scarcely justified, seeing that there are only two examples in the warrants printed by him, one of them dated September 15, 1571, directed to Sir Thomas Smyth and Dr. Wilson, 'one of the Masters of our Requestes,' the other dated June 16 of the same year, to 'one of the Masters of Requestes' and two others (D. Jardine, 'On the Use of Torture' (1837), pp. 64, 78). It is said that Dr. Thomas Wilson, who was actively engaged in the examination of prisoners implicated with the Duke of Norfolk, 'actually resided for a time in what he terms the Bloody Tower, in order to facilitate his operations' (Cooper,

'Ath. Cant.' i. 435).

<sup>1</sup> In Croke's Reports (Car. I.) Calmady's case, M. T. 16 Car. I. (1640), in the K. B. occurs the following passage. 'In 40 Eliz. in this court (Q. B.), Austen v. Breerton (3 Leon. 229) in an action & judgement for the plaintiff, the defendant sued in the Court of Requests to be relieved. This court upon examination did bail the party, and Sir Thomas Gawdy was convented before the Queen for it; yet, notwithstanding, it was held good enough, and Breerton was enforced to satisfy the said judgement.' Sir T. Gawdy became a justice of the Q. B. in 1574 and died 1589. 'Dict. Nat. Biog.'

<sup>2</sup> See the complaint at the beginning of Append. G, p. xcvi, *infra*.

### 5. The Decline and Fall of the Court of Requests.

In his history of the Court of Chancery Spence affirms that 'this court continued to be resorted to down to the 41st Elizabeth when it ceased to exist, having been virtually abolished by a decision of the Queen's Bench.' Palgrave, though less explicitly, conveys the same impression.<sup>1</sup> This is an example of the mistakes which may be made by writing down as history the natural inferences of minds steeped in the constitutionalist prepossessions of a later age. The review of the cases of Prohibition which has just been made, to say nothing of the Order Books of the Court itself, proves this statement to be wholly erroneous. The Caroline judges were more subservient than those of Elizabeth, and with the growth of the party of high prerogative the language employed by the Common Law Courts of the Court of Requests had manifestly abated in vigour.<sup>2</sup> The Court of Requests not only maintained its existence, but flourished exceedingly. With the accession of the Earl of Manchester<sup>3</sup> to the office of Lord Privy Seal in 1627 a new spirit was infused into it. It was no longer necessary, as it had been twenty years before, for the well-wishers of the Court humbly to suggest to the nominal chief judge of the Court that he should 'grace and honour the Court sometimes with his presence, especially at the hearing of the principall causes.'<sup>4</sup> The Lord Privy Seal, reviving the precedents of Henry VII, habitually took his seat as president of the Court. There were some who scoffed both at the Court and its president,<sup>5</sup> but the crowded order books attest its general popularity. Even cases affecting the interests of the Church began to find their way into the Court, until Charles I., doubtless at the instance of the hierarchy, forbade it to take cognisance

<sup>1</sup> History of the Equitable Jurisdiction of the Court of Chancery, i. p. 352. Essay upon the original authority of the King's Council, p. 99.

<sup>2</sup> Even Coke, after declaring it to be unconstitutional, does not advocate its abolition; only its regulation by constitutional authority. His conclusion is, 'And although the law be such as we have set down, yet in respect of the continuance that it hath had by permission and of the number of decrees therein had, it were worthy of the wisdom of a parliament both for the establishment of things for the time past and for some certaine provision with reasonable limitations (if so it shall be thought convenient to that high court) for the time to come: et sic liberavi animam meam.' Inst. iv. 9, 98.

<sup>3</sup> Henry Montagu. He was appointed to this office on June 30, 1627, and was

the last Lord Privy Seal of the reign. 'Dict. Nat. Biog.'

<sup>4</sup> See the letter to Lord Northampton, App. G, p. xevi, infra.

<sup>5</sup> S. P. Domestic Charles I. (1634-35), Sept. 25, 1635. 'Henry earl of Manchester to Secretary Windebank. The Secretary is let to know that at a public meeting at Hatfield, co. Hertford, in presence of all the gentlemen there, it being in debate how particular men should be rated for the ship-money, Mr. Taverner, the man whom heretofore they had in question at the Council Table, scornfully said, if any men were unequally rated, the Court of Requests was a fit court to relieve him in, as being a court of such business. And being reproved for his terms, as not fit for him to deride that court, nor the lord who sat there, answered, None should be his school-master.'

of them.<sup>1</sup> There was evident ground for the statement of Clarendon that 'the earl of Manchester, the Lord Privy Seal, had raised the Court of Requests to as much business as the Chancery itself was possessed of.'<sup>2</sup>

Blackstone,<sup>3</sup> with more caution or more knowledge than Spence, affirms that the Court of Requests was 'virtually abolished' by the statute 16 Charles I, cap. 10. This passed in 1640. It is intituled 'An Act for the Regulating the Privie Councill and for taking away the Court commonly called the Star Chamber.' The first section abolishes the Star Chamber. By the second, the like jurisdiction of the Courts of the Presidents and Councils of the Marches of Wales and of the North, of the Court of the Duchy of Lancaster and of the Court of Exchequer of the County Palatine of Chester was taken away. No mention is made of the Court of Requests as such. Blackstone, however, evidently regards it as covered by the words of sections 1 and 3 following: 'And forasmuch as the Councill Table hath of late times assumed unto it selfe a power to intermedle in Civill causes and matters onely of private interest betweene party and party and have adventured to determine of the Estates and Liberties of the Subject contrary to the Law of the Land and the Rights and Priviledges of the Subject by which great and manifold mischeifes and inconveniences have arisen and happened and much uncertainty by meanes of such proceedings hath bene conceived concerning Mens Rights and Estates For settling whereof and preventing the like in time to come . . . Be it likewise declared and Enacted by Authoritie of this present Parliament That neither his Majestie nor his Privie Councill have or ought to have any Jurisdiction power or authority by English Bill Petition Articles Libell or any other arbitrary way whatsoever to examine or drawe into question determine or dispose of the Lands Tenements Hereditaments Goods or Chattels of any of the Subjects of this Kingdome But that the same ought to be tried and determined in the ordinary Courts of Justice and by the ordinary course of the Law.' Heavy penalties were laid against great officers of State and others offending against the Act, and every person committed

<sup>1</sup> S. P. Dom. Charles I. (1638-39), Dec. 30, 1638. 'Secretary Coke to the Masters of Requests. His Majesty has taken notice of petitions passed by you which concerned Church causes, wherein for want of information from those prelates whom the causes concerned, things have passed to the prejudice of the Church. You are hereafter to present no petition concerning business reflecting upon the Church without giving

His Majesty knowledge thereof and moving for a reference therein either to the Metropolitan or the Diocesan to whose cognisance it may belong.'

<sup>2</sup> Quoted by H. W. Seton, 'Early Records in Equity' (privately printed), Calcutta, 1842, p. 18. The editor has not been able to verify the reference to Clarendon.

<sup>3</sup> Commentaries, 1st ed. 1768, Bk. III. ch. iv. p. 50.



contrary to the Act was entitled 'without delay upon any pretence whatsoever' to have a Habeas Corpus.

It has been remarked that in this statute the Court of Requests is not so much as mentioned. In the next place, assuming it to be aimed at in the words 'English Bill'<sup>1</sup> and 'Petition,' both of which specially applied to the Court of Requests, the direction of the assault is entirely changed from that of half a century before. The resolutions of the judges which have already been quoted<sup>2</sup> treated the Court of Requests as a new tribunal, and carefully abstained from entering upon the debateable and dangerous ground of the legal jurisdiction of the Privy Council. But undoubtedly the real objective of the Act of 1640 was the tyrannical and odious Star Chamber, on which the acting Council, by whatever name it might be styled, never relaxed its grasp. A Bill to abolish the Star Chamber therefore necessarily took the form of a regulation of the powers of the Privy Council, and since both the preamble and the operative part of the Act applied to the procedure alike of the Star Chamber and of the Privy Council,<sup>3</sup> quite outside the Court of Requests, it is an arguable point whether the Court of Requests was within its purview. That this was the opinion entertained by the law officers of the Crown may perhaps be inferred from the fact that while the Star Chamber was abolished *de facto* as well as *de jure*, the Court of Requests maintained its activity without, so far as I have been able to discover, any attempt to enforce the Act against it.

<sup>1</sup> It should be mentioned that the preamble of this Act, after the Great Charter and various other statutes, recites the 36 E. 3. c. 15 'That all pleas which shall be pleaded in any courts before any the king's Justices or in his other places or before any of his other ministers . . . shall be entered and inrolled in Latine.' It will have been observed that the official endorsements and sometimes the orders of the Court of Requests conformed with the law in this respect. The statute of Edward 3 specially provided that the conduct of the trial should be in English.

<sup>2</sup> Pp. xl, xliv, *supra*.

<sup>3</sup> It must be remembered that the Council had always retained its judicial functions, quite irrespective either of the Star Chamber or of the Court of Requests. The justification of this was that it afforded a resort to those who could not otherwise obtain justice. This is well brought out in the memorandum by Sir John Herbert, who had been a Master of Requests, when made Secretary of State in 1600 (see *Append. F.* p. xcvi). By this means the sovereign had frequent opportunities of

intervening in the private affairs of the aristocracy, while 'the poorer sort' who approached the Council were directed to the Masters of Requests. An instructive example of the inter-connexion between the Privy Council, when acting as a judicial tribunal, and the Court of Requests occurs in a letter of June 23, 1592, from Henry Lord Hunsdon & Thomas Lord Buckhurst to the Masters of Requests, asking, as commissioned by the Privy Council to hear a cause, for some depositions which had been taken in the Court of Requests. On this Sir John Herbert and Sir J. Cæsar note that as the Privy Council are members of Her Majesty's Council appointed for private suits and requests, they think their lordships may command the clerk of the Privy Seal appointed to keep the records of the Council to appear and to bring with him such depositions as they think necessary.' The Domestic State Papers contain numerous cases in which the king and the Privy Council entertain private suits. Cp. S. P. Dom. Addenda, 1580-1625, May 6, 1589, p. 268; p. 491, 1606 (?). S. P. Dom. Car. I. 1637, p. 184, June 3, 1637.

The last two of the volumes of Orders and Decrees are numbered 102 and 103. Of these volume 102 is fragmentary. It begins with 28 April, 18 Charles I (1642). The folio which should continue an order made on the 17th of May of the same year is missing. An examination of the contents of the volume discloses the crowded condition of the cause list at this period. I have counted 556 orders made, being all contained in what remains of this volume between the 28th April and 17th May, 1642, about sixteen days' sittings. This is pretty well for a Court which according to Blackstone had been 'virtually abolished' two years before, and according to Spence had ceased to exist for nearly half a century! The names of the judges present are entered at the head of each day's sittings. They vary in number, being sometimes two, sometimes three, occasionally four. But the conspicuous industry of the Lord Privy Seal stands recorded as justifying the encomium of Clarendon. At no one of these sittings did he fail to preside. In the volume of Orders for Trinity Term, 18 Charles I (1642), which is the latest of the entire number, the press of business appears to have continued the same. Here, however, and it is probably a sign of the troubles of the times, we find one Master<sup>1</sup> sitting. In this volume, which is also fragmentary, the latest entry, upon a loose leaf, is Wednesday, 17th July (1642). This was little more than five weeks before the outbreak of the Civil War by the assemblage of the royal forces at Nottingham.

The cause, therefore, of the disappearance of the Court of Requests must be sought elsewhere than as has hitherto been done, in the Act of 1640. Among the public, with whom the 'ungodly jumble' of the law had become a by-word, the Court of Requests probably had more friends than foes. No doubt it was regarded with disfavour by the judicial bench and viewed with suspicion by those who, irritated by the constant encroachments of the prerogative, discerned in it a possible engine of tyranny. But, after all, this dislike and distrust had not been sufficiently active or influential to secure its inclusion among the other courts expressly mentioned in the statute. *Expressio unius est exclusio alterius.*<sup>2</sup> Had it been seriously in contemplation to abolish this court, three words would have done it. I am inclined to infer that but for the Civil War the court would have continued to flourish. But with the withdrawal of the Privy Seal, under which its process issued, it lost its legal machinery. Its Masters, too, were naturally attached to the royalist party. One of them, Sir Thomas Ryves, was

<sup>1</sup> E.g. on 22 and 23 June Thomas Aylisbury; on 25 June 'Dector Mason.'

<sup>2</sup> Coke upon Littleton, 210a.

knighted by Charles I for his services in the field; another, Sir Thomas Ayilisbury, the father-in-law of Clarendon, died in exile at Antwerp. Neither Parliament nor the Protector was disposed to revive the creation of an unconstitutional exercise of prerogative. The Court of Requests was not abolished. It died a natural death. It is true that under the Protectorate we find mention of officials designated by the familiar title of Masters of Requests. It is, however, evident that these were employed not in deciding matters in litigation, but in investigating petitions for personal satisfactions. Such, no doubt, had been the function of Sir John Winter, Secretary and Master of Requests to the Queen, whose salary was fixed at the liberal sum of £200 per annum, double that of the Masters of Requests in Ordinary.<sup>1</sup> We find, for example, a petition from Margaret, Countess of Worcester,<sup>2</sup> to the Protector, to which Mr. Lisle Long, Master of Requests, returns answer that his Highness is informed she is not in want.<sup>3</sup> In 1655 "Mr. Bacon, his Highness Master of Requests, attending at the door and being called in, delivered by his Highness's order several petitions about prisoners referred to Council.<sup>4</sup> On 2nd October of the same year John Sadler and Nathaniel Bacon, Masters of Requests, were appointed with other judges upon a commission to inquire into an alleged grievance of the inhabitants of Guernsey,<sup>5</sup> & Jersey.<sup>6</sup> The salary awarded to Nathaniel and Francis Bacon, Masters of Requests, was fixed in 1656 at the rate of £500 per annum each,<sup>7</sup> which clearly points to the former emoluments of the office as consisting for the most part of fees.

It is evident that with the Restoration some expectation was afloat of a revival of the Court of Requests. Petitions are found in the State Papers for appointments as Masters of Requests, or for confirmation of appointments alleged to have been made, presumably during the Civil War or by Charles II in exile.<sup>8</sup> The four Masterships of Requests in Ordinary were immediately filled up, and qualified candidates for the office of Master Extraordinary were still forthcoming.<sup>9</sup> In 1662 an Order in Council was made, upon a petition of the Masters of Requests, that they should be allowed to sit in the Chapel Royal, as

<sup>1</sup> S. P. Dom. Charles I. 1637-38, May 11, 1638, p. 428.

<sup>2</sup> Daughter of Henry O'Brien, Earl of Thomond, and second wife of Edward Somerset, second marquis of Worcester. Apparently she styled herself countess to disarm hostility, her husband's father having been created marquis by Charles I at Oxford, on 2 Nov. 1642 for his military services against the Parliament.

<sup>3</sup> S. P. Dom. April 27, 1654.

<sup>4</sup> *Ib.* 1655, p. 340.

<sup>5</sup> *Ib.* Oct. 2, 1655, p. 363.

<sup>6</sup> *Ib.* July 15, 1656, p. 19.

<sup>7</sup> *Ib.* Dec. 2, 1656, p. 182.

<sup>8</sup> S. P. Dom. Charles II. May (?), 1660, pp. 111, 113.

<sup>9</sup> June (?), 1660, S. P. Dom. Charles II. p. 106.

formerly, below the King and his Council, but in the same seat.<sup>1</sup> They, no doubt, found ample occupation in dealing with the petitions of those whose sufferings and services during the Civil War had entitled them to some compensation at the hands of the restored sovereign,<sup>2</sup> a subordinate branch of their traditional functions.<sup>3</sup> As judges their glory had departed. Charles II was too well advised to imperil a yet unsettled throne by an exercise of prerogative which would have excited lively apprehension throughout the country. If, it would have been asked, the King despite the decisions of the judges of Elizabeth and in the face of the Act of 1640 could re-establish the Court of Requests, then why not the Star Chamber? The Masters of Requests, therefore, were forced to content themselves with the humdrum but constitutional round of duties of which a specimen is to be seen in the appendix.<sup>4</sup>

#### 6. The Books of the Court of Requests.

For the period prior to the accession of Elizabeth, within which the present selection of cases is confined, there are eight volumes of Orders and Decrees made in the Court of Requests and two of Orders, Decrees, and Appearances. In a list at the Public Record Office, printed in 1881, they are classified as follows:—

Number.	Nature of Book.	Date.	Remarks.
1	Orders and Decrees.	8-14 H. 7	
2	"	14-17 H. 7	
3	"	17-23 H. 7	Bad condition.
4	"	7-11 H. 8	Much decayed.
5	"	14-25 H. 8	
6	"	30 H. 8 & 1 E. 6	
7	"	32-37 H. 8	Much decayed.
8	"	38 H. 8, 6 E. 6, & 1 & 2 P. & M.	
9	Orders, Decrees, and Appearances.	6 E. 6 & 1 & 2 P. & M.	
10	"	2 & 3 & 4 & 5, P. & M.	Much decayed.

There are 208 volumes in all, the latest going down to Trinity Term, 18 Charles I, 1642. It will be observed that there are three unfortunate gaps in the reign of Henry VIII, viz. 1509-15, 1521-23, and 1533-39. In the reign of Edward VI they extend from 1547 to 1553. There are no volumes for 1 and 2 Mary (July 19, 1553, to July 24, 1554), nor for 3 and 4 Philip and Mary (July 25, 1556, to

<sup>1</sup> S. P. Dom. Charles II. Aug. 3, 1662, p. 453.

<sup>2</sup> July 25, 1666. Order in Council that the Secretaries of State and Masters of Requests are henceforward to bestow no

almsmen's places in the King's donation, except on those maimed in his service at sea. *Ib.* p. 575.

<sup>3</sup> See p. xcii, *infra*.

<sup>4</sup> *Append. I, p. c, infra.*

July 5, 1557), nor for 5 and 6 Philip and Mary (July 25, 1558, to November 17, 1558). Notwithstanding the existence of three volumes of Orders, &c., belonging to the reign of Henry VII, the number of cases recorded in this period which have survived is exceedingly small. This indicates an early carelessness of records aggravated, doubtless, by the itinerant habits of the Court. At a later period, after the accession of Elizabeth, a system was introduced of entering the proceedings in draft books, which were afterwards written up into volumes kept with perfect method and neatness. Many of these later volumes, however, have been hopelessly injured by accident and decay. It remains to add that the documents of the Court are still in a chaotic confusion. They have been roughly sorted out for the purpose of cataloguing the names of the parties to the suits, the dates, and the subject matter of dispute. But as the pleadings have very frequently become separated, and the documents number thousands, it has been impossible for the editor in many cases to recover the whole of them, though it is not improbable that they exist, perhaps mixed up with the papers of other suits. It is much to be desired that a systematic re-sorting of them should be undertaken, and that the whole of the documents belonging to each suit should be collected together and catalogued anew.

### 7. Other Courts of Requests.

Besides the King's Court of Requests, or the Court of Whitehall, there was established in the City of London by an Act of Common Council, another Court of Requests 'commonlie called the Court of Conscience in the Guild Hall.' The date of its establishment was February 1, 9 Henry VIII (1518).<sup>1</sup> This was, therefore, probably one of the courts which owed its origin to Cardinal Wolsey.<sup>2</sup> Its jurisdiction extended to small debts, the maximum being 40s., in dispute between citizens and tradesmen of London. Its judges were 'two aldermen & foure ancient discreete commoners.'<sup>3</sup> Originally established as an experiment, to last for two years,<sup>4</sup> as it proved a success its existence was maintained. In the time of James I, however, which was an age of legal chicane, it was found that creditors or their attorneys, for the sake of multiplying costs, preferred to sue in the courts of Westminster. The statute 1 James I,

<sup>1</sup> Recital of the preamble of 1 James I, c. 14.

<sup>2</sup> See p. xiv, *supra*.

<sup>3</sup> Preamble of 1 James I, c. 14, 'An Acte for Recoverie of Small Debtes and relievinge

of poore Debtors in London.'

<sup>4</sup> Repealed by 3 James I, c. 15 (1606) ('An Acte for the recovering of Small Debtes and for the relieving of poore Debtors in London'), which substituted fresh regulations.

c. 14 (1604) was passed to stop this practice, and was the first Act of Parliament giving legal validity to a Court of Requests. But no similar court was originally established by statute prior to 1 William and Mary, session 1, c. 18, which founded 'courts of conscience' for Gloucester and Bristol.<sup>1</sup> It does not, however, appear that this Act ventured to revive the ancient title. By 22 George II, c. 47, this was done on the establishment of a Small Debt Court for Southwark, under the style of 'The Court of Requests for the town & borough of Southwark.'<sup>2</sup> 'A Court of Requests for the City and Liberty of Westminster' was authorised in the following year<sup>3</sup> and a number of similar courts were subsequently established in various parts of the country.<sup>4</sup> At a later date the name was borrowed by the East India Company, which established Courts of Request in each of the three Presidencies.

### 8. Observations on the Cases.

The core of this volume is to be found in the four cases touching the tenure of land. They are 'The Inhabitants of Burnam, Somerset, v. Fynes' (p. 62), 'Kent and others v. Seyntjohn' (p. 64), 'Foreacre and others v. Frauncys' (p. 101), and 'The Inhabitants of Whitby v. York' (p. 198). These cases present various aspects of the great agricultural revolution that set in towards the close of the Wars of the Roses and increased in force during the reign of Henry VIII. Accompanying this revolution, the economic causes of which are not for discussion here, a great change took place in the relations of landlord and tenant. The landlords, whose rapacity was whetted by the passion for extravagance which accompanied the accession of Henry VIII,<sup>5</sup> endeavoured to extend their territorial rights. Where their tenants held at will at common law, as was the case with the large class who were originally 'bondmen in blood,' occupying lands on the demesne,<sup>6</sup> they evicted them and drove them into the towns. Where their tenants held by custom or copy they had resort, as

<sup>1</sup> 'An act for erecting Courts of Conscience in the cities of Bristol & Gloucester & the Liberties thereof.' I have not been able to find a copy of this Act, of which an abridgement is printed in J. D. T. Pratt, 'Abstract of the printed Acts of Parliament for the establishment of Courts of Requests in England & Wales' (1824) p. 11.

<sup>2</sup> Pratt, p. 18.

<sup>3</sup> *Ib.* 33.

<sup>4</sup> See Pratt's Abstract; also J. D. Keane, 'Courts of Requests,' 3rd ed. (London) 1845.

<sup>5</sup> Cf. S. P. Dom. H. 8, iv. 5750. p. 2560. 'We have put so importable charges to the noblemen in the king's name, what in his wars & what in his triumphings, that some have been constrained to mortgage their land, some to sell it outright, some to obtain the king's letters to go a-begging in the realm' (Lord Darcy's 'Remembrances' against Wolsey).

<sup>6</sup> See 'Trans. R. Hist. Soc.' 1892, pp. 196-9, by the writer.

will be seen in these pages, to legal chicane. On the other hand, the tenants opposed a stout resistance and found support in the royal prerogative. The policy of Henry VII had been to play off the official class against the hereditary nobles,<sup>1</sup> and though he passed the Act of 1489<sup>2</sup> with the object of restraining inclosure, a search of the Exchequer Rolls reveals that he allowed it to remain inoperative. The new policy of relying on the people against the aristocracy was the creation of Wolsey, and the first eminent example of it was the fall of the most tyrannical territorial magnate of his day, Edward Stafford, Duke of Buckingham.<sup>3</sup> To the support of this policy the Court of Requests and the Star Chamber were alike invoked—the Court of Requests in purely civil issues, the Star Chamber where broils and violence had accompanied the progress of the changes known to the advanced agriculturists of the day as ‘*approvalment*,’ ‘*improvement*,’ or ‘*surveying*.’ The process of these tribunals was summary, simple, honest, and cheap, as contrasted with a common law procedure which was dilatory, complex, frequently corrupt, and consequently expensive. The common law courts also, at their best, had a natural leaning to the landlords’ side. It was from the landed aristocracy that the judges sprang, and the juries, as the pleadings in this volume sometimes disclose, were alive to the consequences of a verdict against powerful neighbours. Sensible of the force of these accumulated prepossessions against their interest, the tenantry instinctively threw themselves upon the Crown.<sup>4</sup> They confronted their oppressors with stubborn resistance and made common cause of their imperilled interests. The time, no doubt, had arrived for a substitution for the elasticity of traditionary tenures of the exact definitions of law; but the support which the tenantry received from these extraordinary tribunals must undoubtedly have aided them in modifying, in a direction favourable to their claims, the new relations which were the outcome of the conflict.

At the very time when the social conflagration involved in these changes was at its height, fresh fuel was thrown into the flames by the dissolution of the religious houses. This being followed within a few years by alterations in the value of the precious metals, a visionary

<sup>1</sup> ‘He kept a strait hand on his nobility and chose rather to advance clergymen and lawyers, which were more obsequious to him but had less interest in the people.’ F. Bacon, ‘Hist. of Henry VII.’ (Ellis and Spedding’s ed.), vi. 242.

<sup>2</sup> 4 H. 7, c. 19 (‘Agaynst pullyng down

of Tounes’).

<sup>3</sup> See ‘Trans. R. Hist. Soc.’ 1892, p. 189. See also p. lxi, n. 3, *infra*.

<sup>4</sup> ‘Never did any government strain the legislation more resolutely in their [the labouring classes] favour.’ Froude, ‘Hist. Eng.’ ii. 449.

regret for the lower rents and prices<sup>1</sup> of a previous economic condition attached itself to the reminiscence of the ancient ecclesiastical landlords.<sup>2</sup> As a matter of fact, at a time when the progress of the agricultural revolution had become of sufficient importance to arrest the attention of the Government and had led to the Inclosure Commission of 1517, but when prices were stationary or falling, the ecclesiastical landlords, if they had not been worse, had not been on the whole perceptibly better than their lay neighbours.<sup>3</sup> But both classes of landlords alike exhibited remarkable anomalies in the value assigned by them to their land;<sup>4</sup> for uniformity in rents, as in prices, is less to be looked for in a mediæval civilisation than under those modern facilities of transport and intercourse which extend the horizon both of landlord and tenant. Under any circumstances, therefore, the transfer from ecclesiastical to lay owners, or even from one class of lay owners to another, would be accompanied in individual instances by enhancement of rents or more rigorous insistence upon proprietary rights.<sup>5</sup> As actually happened, the transfer occurred at a moment when the impoverishment of the landlords by foreign wars, taxation, and extravagance, and the enrichment of the commercial classes in a period of internal peace, had created a new order of men whose instinct was to become possessors of land and to treat their acquisitions not simply as an accession of feudal dignity but as an investment to be made remunerative.<sup>6</sup>

<sup>1</sup> 'The worlde is chaunged from that it  
hath bene  
Not to the better but to the worse farre;  
More for a penyse we have before scene  
Then nowe for fowre penyse, whose list to  
compare.

A rent to reyse from twentie to fiftie  
Of Powndis (I meane) or shealingis whither:  
Fynnyng for the same vnreasonablye  
Sixe tymes the Rent: add this together  
Muste not the same great Dearth bringe  
hither?—Sir W. Forrest, 'Pleasant  
Poesy' (1548), E.E.T.S. 1878, p. xcvi.

<sup>2</sup> 'And yet where the cloysters kept  
hospitality, let out their fermes at a reason-  
able pryce, norghed schools, brought vp  
youth in good letters, they (the new land-  
owners) did none of all these things.' T.  
Becon, 'Jewel of Joy', ib. p. lxxvii.

<sup>3</sup> See 'The Domesday of Inclosures' of  
1517 and 1518 (1897), i. 65, edited by the  
writer. See also W. Roy's 'Satire against  
Caid. Wolsey' ('Harl. Misc.' 1812, ix. 1).

'Ede me and he nott wrothe  
For I saye no thyng but trothe.'

P. 64:

'The abbeyes then, full of covetyse  
Whom possessions could not suffyse

Ever more and more enroaehynge  
After they had spoyled gentill men  
They undermynded husbunde men,  
In this manner them robberyng:—  
Where a ferme for xx li. was sett  
Under xxx they wolde not it lett  
Raysynge it up on so hye a some  
That many a goode husholder  
Constrayned to geve his ferme over  
To extreme beggary did come.'

<sup>4</sup> See the table in 'Domesday of In-  
closures,' i. 66.

<sup>5</sup> In some cases the raising of rents by  
the new owners was by way of equivalent  
for the remission of services exacted by  
the monasteries. See the petition to  
Cromwell of the tenants of Over and  
Wererham, in the manor of Vale Royal,  
Cheshire. S. P. Dom. H. 8, xiii. ii. 1199.

<sup>6</sup> In 1535 Cromwell was contemplating  
an Act 'that merchants shall employ their  
goods continually in traffic and not in  
purchasing lands . . . and that no merchant  
shall purchase more than 40 lands by the  
year' (S. P. Dom. H. 8, ix. 725, ii.). 'Wor-  
shipful men taking of farms' was alleged as  
one of the causes of the Northern rebellion  
of 1537 (ib. xii. 392).



Of such a class was Sir John York, whose dealings with his tenants at Whitby furnish us with one of those rare desiderata,<sup>1</sup> a statistical account of the changes over which we read so many unsatisfactorily vague lamentations. And though indeed, in point of time, York's particular instance can have supplied no example to two other defendants, Fynes and Seyntjohn, it is quite evident from their cases that the new spirit had infected the country gentry.<sup>2</sup> The last-mentioned case further discloses an attempt on the part of a religious house to anticipate dissolution, and at the same time, by an increasing liberality of administration, to increase its popularity with its dependents. In so doing the Abbot of Ramsey emulated the example of many of his brethren who foresaw a struggle between the clergy and the Crown.<sup>3</sup>

The case of the Inhabitants of Burnam (Somerset) v. Richard Fynes (p. 62) turns back the page of manorial history and shows the gradual development of copyholders' rights. At some time before the memory of man, as the legal formula phrases it, the manor had been, as usual, divided into three parts: the land in demesne; the land in villenage, or customary land; and the wastes or uncultivated land. On the land in demesne were tenements which went by the name of 'old astre,'<sup>4</sup> that is, probably, small garden plots originally occupied by the bondmen of blood who cultivated the lord's 'bordland' round his house.<sup>5</sup> In course of time, by processes which I have traced elsewhere,<sup>6</sup> these bondmen had acquired an interest in their holdings, and, subject

<sup>1</sup> 'Too reyse his Rent alas it needethe not,

Or fyne texacte for tenure of the same  
Fowefold double, it is a shrewde lot  
To the greate hynderaunces of some  
menne's name

I knowe this to be true.'

Sir W. Forrest, 'Pleasaunte Poesye,' p. xcv. Cf. Latimer, 'Sermons' (Parker Society), p. 99: 'That here before went for twenty or forty pounds by year . . . now is let for fifty or a hundred pounds a year.'

<sup>2</sup> 'I confesse that some of vs that had landes given vs by the kinges highnes that belonged heretofore to Abbayes and priories and were neuer surreyghed to the vttermost before, or otherwise descended vnto vs, haue enhanced [many] of them aboue the old rentes; yet all that amounteth not to half the landes of the Realme.' The Knight in 'The Commonweal of this Realm of England' (ed. E. Lamond, 1893), p. 39.

<sup>3</sup> S. P. Dom. H. 8, xiii. ii. 352. Sir Ric. Lyster to Cromwell: 'The monastery of Romsey, hearing they are in danger of suppression, are making leases and alienating their goods' (September 15, 1538) (cf. ib. ix. 808, x. 164; ib. xiii. i. 573).

Cromwell to the Abbot of —: 'The wilful waste and spoil that has lately been made in many Abbeyes, as though the governors of them minded only their own dissolution' (ib. xiii. ii. 528, 2). John Freman to Cromwell: 'They leave neither demesnes unlet nor honest stuff in their houses' (ib. 527). John Gostwyk to Cromwell: 'The warden (of the Grey Friars in Bedford) had sold his house the Sunday before for 440 to Sir John Seynt John' (October 3, 1538) (cf. ib. 1153). The gentry, it is but fair to say, were equally eager for a transaction. On March 27, 1536, the Prior of Bridlington wrote to Cromwell: 'We are much troubled by gentlemen in our county for the denial of such farms as we may not forego easefully' (ib. x. 501; cf. ib. 164, ix. 808, xiii. i. 101, 102). The sharp practices of the monks have been passed over by the learned apologist of the monasteries, Dr. F. A. Gasquet.

<sup>4</sup> See p. 63, n. 1, infra.

<sup>5</sup> In the case of Foreacre v. Frauncys 'le olde Court place' is old astre. Cf. p. 166, infra.

<sup>6</sup> 'Trans. R. Hist. Soc.' 1892, pp. 196-206.

to the services or rent reserved to the lords, occupied their time in cultivation for their own benefit. When, however, they had ceased to be household dependents of the lord<sup>1</sup> the 'old astre' became insufficient for their maintenance,<sup>2</sup> and they received from the wastes of the manor a supplementary grant of 'overland'<sup>3</sup> to be held with it. According to the complainants, Fynes, 'for a singuler luere & profitte to him selfe & to one or towe more,' had resumed the overland and evicted the tenants. Unfortunately we are without the statement of defence, but it may be surmised that it was based upon the averment that the land, being part of the lord's waste,<sup>4</sup> was held at will at common law,<sup>5</sup> and was not customary<sup>6</sup> land. In that case the act of the defendant's father could not have converted it from its primitive legal character. The law, as it stood in the sixteenth century, is explicitly laid down in an Act of Parliament<sup>7</sup> passed in the interests of the tenants for dealing with a similar case. The Duke of Somerset had let his 'demeane landes barton landes overlandes or borde landes,' by copies of Court rolls drafted upon the precedents of those in force upon the respective manors; 'whereas of truethe noe custome or usage can or maye by the lawes of this Realme be annexed or knytt to any meases landes tenementes or hereditamentes letten or to be letten by cōpye of Courte Rolle to anye person or persons, albeyt these words "secundum consuetudinem manerii" be rehersed and expressed in the saide Courte Rolle or coppie thereof had or made, excepte that the same meases landes tenementes or other hereditamentes so letten be old Customarie or Coppiholde Landes and have byne used by all the tyme whereof memorye of manys not to the contrarie to be letten or demysed by cōpye of Court rolle or other wise at the will of the Lorde accordinge unto the custome of the said Honor or Mannor; And for that cause, such and those leases demyses and grauntes made or to be made for terme of lyfe or lyves by cōpye of Courte Rolle of demeane or barton landes or other the said landes, and not being old Customarie or Coppiholde Landes, nor havinge any lyverey or season of the same, byne by the lawes of this Realme of noe better force then leases made or to be made onlye

<sup>1</sup> See 'The Last Days of Bondage in England,' L. Q. R. 1893, pp. 352-3, by the writer.

<sup>2</sup> P. 63, *infra*. 'The old astres be but small holdinges & be not sufficient to mainteyn a plow & to bere & sustein the charges of the occupiers & tenauntes of the same without the sayd overland,' &c.

<sup>3</sup> Cf. p. 105, n. 5, *infra*.

<sup>4</sup> Observe that in *Foreacre v. Fraunceys* (p. 163) land 'ex antiqua tenura' is distinguished from land 'ex dominicis,' of which the growth of population probably

caused the cultivation after the establishment of the doctrine that the wastes were the lord's demesne.

<sup>5</sup> See C. J. Elton, 'A Treatise on Commons and Waste Lands' (1868), p. 216. 'Trans. R. Hist. Soc.' (1892), pp. 254-7. See also the form of admission, on p. 146, *infra*.

<sup>6</sup> Cf. p. 105, n. 5, *infra*.

<sup>7</sup> 2 & 3 Ed. 6, c. 12 (1548), 'An Acte for the assurance to the Tenauntes of Grauntes and Leases made of the Duke of Somersettes demene Landes.'

for and duringe the will and pleasure of the leassors and grauntors thereof, at and by the common lawe.'

From a legal point of view, the less oppressive action attributed to the defendant Fynes of excluding copyholders and freeholders from the 'greate waste grownde or common called the brode Warthe,' was the more serious. It is to some extent in his favour that, so far as appears by this petition, none of the freeholders alleged to have been aggrieved sought legal redress. Their rights were protected by the Statute of Merton, by which the lord inclosing the wastes was bound to leave them pasture sufficient, together with free ingress and regress.<sup>1</sup> But it was not until the time of Elizabeth<sup>2</sup> that the Statute of Merton was held to apply to copyholders. Copyholders were, however, allowed to claim common against the lord by custom,<sup>3</sup> and this is the foundation of the plaintiffs' case here. The dispute shows the progress of the economic movement and illustrates its contemporary description by Fitzherbert. 'And so it was of old tyme that all the landes, medowes and pastures lay open and vnclosed. And than was theyr tenementes moche better cheape than they be nowe, for the mooste parte of the lordes have enclosed their demeyn landes and medowes, and kepe them in seueraltie, so that theyr tenauntes haue no commyn with them therin. And also the lordes haue inclosed a great parte of theyr waste groundes and streytened theyr tenauntes of theyr commyns therin, and also haue gyuen licence to dyuers of theyr tenauntes to enclose parte of theyr errable landes and to take in newe intackes or closes out of the commens, payenge to theyr lordis more rent therefore, so that the commen pastures waxen lasse and the rentes of the tenauntes waxen more and more.'<sup>4</sup>

The next case is that of the inhabitants of Abbot's Ripton against Sir John and Oliver Seyntjohn (p. 64). On the first blush it appears to have been one of those in which the transfer of a landed estate from the possession of a great corporation, such as the Abbey of Ramsey, and later the Crown, to the hands of individuals involved a change to the

<sup>1</sup> 20 H. 3, c. 4. 'Si autem recognitum fuerit per assisam quod querentes sufficientem habeant pasturam cum libero ingressu et egressu, sicut predictum est, tunc licitè et liberè faciant domini commodum suum de residuo, et recedant de illa assisa quieti.'

<sup>2</sup> I have a note of this case, but have not been able to verify it. According to Coke's rule, copyholds would be within the statute. 'When the Act is generally made for the good of the commonwealth, and no prejudice may accrue by reason

of the alteration of any interest, service, tenure or custom of the manor, there usually copyholds are within the purview of such an Act' ('Co. Copyh.' § 53). And so it has frequently been held that the Statute of Merton applies to copyholders. See C. J. Elton, 'Treatise on Commons' (1868), pp. 208-226.

<sup>3</sup> C. J. Elton, 'Law of Copyholds' (ed. 1893), p. 249. Cf. id. 'On Commons and Waste Lands,' p. 217. 'Trans. R. Hist. Soc.' 1892, p. 210.

<sup>4</sup> 'Surueyenge,' p. 12.

tenants of lawless oppression in lieu of an easy security. The case presented was that the new landlord had by force and threats robbed the occupiers of their copies, and had substituted leases for comparatively short terms. Against those who showed front the common law of Westminster was set in motion, and they were treated as trespassers. This was just such a case as called for the protecting prerogative of the Crown.

The threatened tenants, however, first brought their case before the manorial court. Here they had the advice of the steward, one Thomas Fitzhewghe. Fitzhewghe, clearly committed to the side of the landlord, recommended surrender to the terms offered by the Seyntjohns, 'to relynquyshe their coppie holddes beyng allwayes voydable in the law at the wyll of the lord.'<sup>1</sup> As a matter of fact, their copies being, as will presently be seen, fraudulent, Fitzhewghe was right; but the word 'allways' suggests that he perhaps endeavoured to persuade the tenants that the phrase 'at the wyll of the lord' meant that copyholders were no better than tenants at will at common law.<sup>2</sup> If so, he attempted to persuade them of an untruth and failed to do so.

The substantial point of Seyntjohn's defence was that the copies were not 'tyme oute of mind'—a condition which has already been seen to be essential to their validity at law—but had come into existence twenty years before. There were also pleaded certain acts of 'waste'<sup>3</sup> committed by the complainants, not as avoiding their copyholds, the legality of which would have been thereby admitted, but as an equitable justification of their eviction as tenants at will at common law, A suggestion of conspiracy<sup>4</sup> in the procuring of 'one commen purse' is also thrown in.<sup>5</sup>

The depositions, while they afford an interesting review of the

<sup>1</sup> The real meaning of the phrase is, as Coke puts it, 'His (the copyholder's) commencement is at the will of the lord.' Cf. 'Wright on Tenures' (1730), p. 228.

<sup>2</sup> On the difference see 'Trans. R. Hist. Soc.' 1892, pp. 186, 236-247. I may here cite Littleton. 'Et divers diversites y sont perenter tenant a volonte qui est eins per lees son lessour par le cours del comen ley et tenaut solumques le custome del manor en la fourme avaundit.' 'Tenures,' ed. Tomlins (1841), § 82.

<sup>3</sup> On the law of waste as affecting copyholds at this period see 'Trans. R. Hist. Soc.' 1893, pp. 128-30.

<sup>4</sup> The law of conspiracy was 33 E. 1, st. 2 (1305): 'Conspiratours sont ceux qi se entrelient per serement covenant ou per autre alliaunce qe chescun eidera & sustendra

autri emprise de . . . fausement mover ples.' In this connexion the Act 1 R. 2, c. 6 (1377) also applied, which is recited to have been passed for the suppression of those who 'se coillient ensemble a grantz routes, & sentrelient par tiel confederacie que chescun aidra autre & contrester leurs seignours a fort mayn.'

<sup>5</sup> This frequently occurs among the disputes between the landlords and the people at this time. In an action brought in the Star Chamber by John Mulsho, a wealthy landowner of Northants, against the inhabitants of Thingden for riotous destruction of his inclosures, complainant says: 'The inhabitants of the said hole town of Thingden aforesaid contrary to your peace lawes and statutes dyuers and sundry tymes

history of the manor, incidentally throw light upon points of English history. Extracts from the Court Rolls of the time of Richard II<sup>1</sup> disclose in detail, upon a small stage, the steps by which the Great Pestilence of 1349 led to the villeins' rising of 1381. The tenantry of the Abbey of Ramsey had perished wholesale. The land was left, when the pestilence had abated, with no hands to plough it. The landlords, having it in hand, were ready enough to deal leniently with their tenants, to whom, both bondmen and customary tenants, was offered by competing owners the alternative of migrating to other estates upon more favourable terms of tenure.<sup>2</sup> But evidently, when a generation had passed away, the population had begun to renew its numbers.<sup>3</sup> The landlords then pressed the tenants to reconstruct the ruined houses, and amerced them on default in the manorial court.<sup>4</sup> The tenants, on the other hand, had tasted the sweets of independence,<sup>5</sup> and in 1391 and 1392 we find symptoms of restiveness under the obligations of forced labour.<sup>6</sup> The result was, that in 1471 all the tenants were copyholders.<sup>7</sup>

The effects of the Wars of the Roses upon the fortunes of the English peasantry is one of the disputed topics of English history. Historians of repute have maintained that the struggle was a duel between aristocratic factions and their immediate retainers, and that the country population remained aloof from and unaffected by it.<sup>8</sup> It would be hazardous to infer the ravages of war, from the fact that in October 1468 a circular notice was sent to all the tenants of Abbot's

vnlawfully doth assemble themselves and doo confederate and comynate them selues ayenst the said John Mulsho their land lord and calle comen counceilles and parves and make a comen purse among them promising all of them to take parte with other saing that xx<sup>li</sup> of them would spend xx<sup>li</sup> score poundes ayenst the said John Mulsho contrary to your lawes and statutes,' &c. This was in 1530, and was heard by More as Chancellor. *Star Ch. Proceedings*, Bdl. 26, No. 250, MS. R. O.

<sup>1</sup> See p. 89, n. 4, *infra*. For the history of the neighbouring manor of King's Rippon, also belonging to the Abbot, with extracts from its Court Rolls, see the volume of the Selden Society for 1889, 'Select Pleas in Manorial Courts,' edited by F. W. Maitland, pp. 99-129.

<sup>2</sup> 1 R. 2, c. 6 (1377). 'Les villeyns & terre tenantz en villenage, qi deyvent services & custumes a lour seigneurs, out ore novelment retret et treint de jour en autre lour custumes & services duez a lour ditz seigneurs per comfort & procurement dauters lours conseilours meynours & abettours en paisi qont pris

louer & profit des dites villeyns & terre tenantz,' &c. Here 'villeyns' are the 'pure villeins' (Britton, III. ii. 12) or bondmen by blood and tenure, the 'terre tenantz en villenage' being those villeins not by blood, who became called, at a later date, 'copyholders.' See '*Trans. R. Hist. Soc.*' 1892, pp. 198-202.

<sup>3</sup> 'The tables of Sussmilch afford continual proofs of a very rapid increase after great mortalities.' T. R. Malthus, '*Essay on the Principle of Population*' (6th ed. 1826), i. 520.

<sup>4</sup> See p. 89, *infra*.

<sup>5</sup> The rising of 1381 had been serious in Huntingdonshire. See a grant, dated Nov. 28, 1382, by Richard 2 to the burgesses of Huntingdon of the goods and chattels of the rebels in that town, and two other grants (Dec. 5, 1381, and another of 1382) in recognition of the town's loyalty. E. Griffith, '*Anc. Records of Huntingdon*' (1827), pp. 58-61.

<sup>6</sup> P. 90, *infra*.

<sup>7</sup> P. 81, *infra*.

<sup>8</sup> J. R. Green, '*Hist. of the English People*,' Bk. v. ch. i.

Ripton to repair their tenements by the Christmas following.<sup>1</sup> But the deposition of William Warwyck,<sup>2</sup> that the country was impoverished in the spring of 1471 by the invading forces of Edward IV, brings home to us the fact that in barbarous ages the operations of war are never carried out without infinite suffering to peaceful non-combatants. The Wars of the Roses occupied a space of time less protracted and an area less extensive than those of the Thirty Years' War in Germany: but in both contests were mercenary soldiers, and the licence known to have accompanied the employment of such forces in the one case was probably not altogether absent from the other.

Very remarkable in the face of this misfortune to the tenantry was the conduct of the Abbot William Witlesey. Times had changed in a hundred years, and the landlords were again in a position to assert their powers. He impeached the copyholders of waste, by which they forfeited their copyholds,<sup>3</sup> and he then put in their places tenants at will at common law.<sup>4</sup> This was one of those oppressive proceedings founded upon the strict letter of legal justice, which explains the animosity sometimes felt against clerical landowners.<sup>5</sup> It would be interesting to learn from comparison with the Court Rolls of other manors, whether this tyranny was commonly practised by other landlords. The motive of it was not perhaps mere lust of power. The great movement of inclosure was in progress. To hold the tenants at will would be materially to facilitate its operation.<sup>6</sup>

For a third and last time are the changes of the outer world mirrored in the Court Rolls of the Abbey. In 1520 dissolution was already casting its shadow before it. Persons of high religious conviction, like Margaret Countess of Richmond, and Fisher Bishop of Rochester, had dissolved religious houses and applied their revenues elsewhere.<sup>7</sup> It was time to undo the work of half a century before and to reinstate the ecclesiastical landlords in the affections of their tenants. In 1520, therefore, Abbot Wardeboys instructed his officers to grant

<sup>1</sup> P. 91.

<sup>2</sup> P. 81.

<sup>3</sup> See 'Trans. R. Hist. Soc.' 1893, pp. 128-31.

<sup>4</sup> P. 81, *infra*.

<sup>5</sup> E.g. S. P. Dom. H. 8, vi. 298 (1533), a bundle of complaints against the Abbot of Pershore, involving several charges of interfering with rights of common. *Ib.* x. 216 (1536). J. Musard, monk of Worcester, to Cromwell: 'He (the abbot) and his predecessor have taken 200 or 300 acres of land from the tenants to enlarge his parks without our prince's licence, but still makes some of them pay as much or more rent than they did before.' A

chapter on the unpopularity of the monasteries arising from such causes, and from their activity in commerce, would furnish an illuminating supplement to Dr. F. A. Gasquet's recent apology.

<sup>6</sup> See 'Trans. R. Hist. Soc.' 1892, pp. 219-21.

<sup>7</sup> F. A. Gasquet, 'Henry VIII. and the English Monasteries' (1895), ch. ii. pp. 62-6. The 14th article of Wolsey's impeachment charges the Cardinal with having raised the rents of the lands received by him through the suppression of religious houses so as to make it impossible for them to be farmed with profit. *Ib.* p. 108.

copies to the tenants. The tenants were, not unnaturally, suspicious and at first refused to take them. They were 'persuaded' under threats of eviction,<sup>1</sup> and their experience that the Abbot had meant well by them rallied them in defence of their new rights against the lay intruders of a quarter of a century later.

That some copyholders existed before this date appears from the evidence of Thomas Bulleyn,<sup>2</sup> who speaks of five in 1494. These were presumably copyholds for lives or for terms. It is a fair inference that had they been larger estates the grant would have been extracted from the Court Rolls; for the complainants claim, for some of them at any rate, copyholds in fee simple.<sup>3</sup> It is very significant that the first extract produced from the Court Rolls, showing the grant of a copy in fee simple, belongs to the year 1530,<sup>4</sup> after Wolsey's dissolutions had given the religious houses warning of what was imminent. And the evidence of the complainants' own witness, John Sewester, points the same way. He was steward from 1535 to 1539. 'And as many (copies) comenly as did chaunche to fall and to be graunted in this deponentes tyme he being steward there, this deponent made the copies to theym and to theyr heyres to holde after the custome of the said mannur at the wyll of the lord and so had maistr Rowlett that was last steward,' &c.<sup>5</sup> The greater number of the copies produced dated, in fact, from 1535.<sup>6</sup> In 1534 Cromwell's commissioners had begun their visitation.

The Crown, which appears to have always administered its landed property upon liberal traditions,<sup>7</sup> abstained from raising any question as to the legality of the new copies. The question, however, once raised, was too clear to have but one issue. The tenants were constrained to revert to their prior and legal status of tenants at will. Nevertheless, it is characteristic of the spirit of the Government that the judges of the Court put effective pressure upon the landlords to grant to four of the complainants, who made their submission, a lease for years upon reasonable rent.<sup>8</sup>

The exclusion of two out of the three remaining plaintiffs was perhaps justified by their conduct during the dispute. Coke lays down 'if a copyholder committeth waste voluntary or permissive, that this is a forfeiture ipso facto.'<sup>9</sup> As an example of such waste, Watkins adduces 'if he fell timber, except for the necessary botes or estovers,

<sup>1</sup> Pp. 78-9, *infra*. Cf. p. 81.

<sup>2</sup> P. 78.

<sup>3</sup> P. 65.

<sup>4</sup> P. 93.

<sup>5</sup> P. 87.

<sup>6</sup> P. 100.

<sup>7</sup> See 'Trans. R. Hist. Soc.' 1892, pp. 199, 236. Cf. also p. 198, *infra*.

<sup>8</sup> P. 101, *infra*.

<sup>9</sup> 'Complete Copyholder' (ed. 1673), p. 163. On the possible existence of exceptions to this rule, see 'Trans. R. Hist. Soc.' 1893, pp. 128-130.

unless he be warranted by a special custom.'<sup>1</sup> These general statements of the law are shown by the pleadings to have applied to the case before us, though in point of date they are posterior. The complaint and the replication both abstain from claiming a common of wood or a right 'to waste or spoyll' the copyholds. Their claim, although it is not set forth in full, is clearly intended by the expression in the replication as 'lauffull was and ys for them to doo,' to have applied only to the customary or common law rights. 'To every tenant for life, the law as incident to his estate without provision of the party giveth him three kinde of estovers, that is, housbote which is twofold, viz. estoverium aedificandi et ardendi, ploughbote that is estoverium arandi, and lastly haybote, and that is estoverium claudendi, and these estovers must be reasonable, estoveria rationabilia.'<sup>2</sup> . . . And the same estovers that tenant for life may have, tenant for years shall have.'<sup>3</sup> As, however, woods are of very different values, it is evident that the cutting down of timber trees for firewood would not be within this last limitation. Coke lays down that 'oak ash and elm be timber trees in all places.'<sup>4</sup> . . . To cut them down is waste, and if he (the tenant) suffer the young germins to be destroyed; this is destruction.'<sup>5</sup> Though one of the complainants' witnesses, John Faunt, attempted to set up a general custom to cut wood growing on the copyholds (p. 75), this was at once restricted, by the witness who followed, to house-bote (ibid.). Thomas Bell set up a claim to fell maple, hazel, and thorn, expressly excluding oak and ash<sup>6</sup> (p. 86). These being the customary rights as claimed by the witnesses, the evidence shows how greatly they were exceeded. Symon Kent had cut down 'xviij trees, some ashes and some elmes beinge of xxx<sup>th</sup> yeres growyng.' Further, he had expended it upon his own freehold, and not in repair of his copyhold tenements (p. 84). William Stokeley had cut down young oaks—ten upon one occasion (p. 86); William Baxter had consumed his wood, sixty trees, small and great (p. 85), and had his 'housen fallen downe' (p. 86); Kent's wife had cut down and burnt, apparently in pure bravado, trees twenty years old (p. 85); and William Byrde had felled eight young springs (p. 85) and other

<sup>1</sup> C. Watkins, 'On Copyholds' (ed. 1825), p. 399. Botes, such as house-bote, plough-bote, hedge-bote, &c. 'Housebote signifies Estovers, or an allowance of necessary timber out of the lord's wood for the repairing or support of a house or tenement.' Cowel, 'Interpreter,' ed. 1727. Estover is the French equivalent (see ib.).

<sup>2</sup> 'Coke upon Littleton,' 41 b; Bract.

lib. 4, fo. 222, 231, 232, and vid. fo. 136, 137; Fleta, lib. 4, c. 19, 25, 26, 27.

<sup>3</sup> 11 Co. 46.

<sup>4</sup> Cf. p. 126, *infra*.

<sup>5</sup> 'Coke upon Littleton,' 53 a.

<sup>6</sup> In the case of the tenants of Bradford, oak and ash were specifically excepted from the general licence to fell wood. See p. 126, *infra*.



timber (p. 86). It does not appear clear that any of these acts was done upon the common heath, where some right to fell perhaps existed.<sup>1</sup> The tenants, especially the Kents, had indulged, not in the exercise of common law or customary rights, but in the licence of private war. The exclusion of W. Yong from the amnesty enjoined by the Court, and the inclusion of W. Byrde, must have been for considerations which do not appear on the face of the evidence. But neither side could complain that, on the whole, justice was not fairly meted out, or that those excluded from the benefits of the judgment suffered unmerited wrong.

In the case of *Foreacre v. Frauncys* (p. 101) the underlying economic conflict between landlord and tenant is again discernible under the legal questions raised. Each party is seen desiring a more precise definition of its rights and a definition in its own interest. The legal points raised were four. In the first place, the copyholders claimed a right to surrender their customary holding in their lifetime to a nominee of their own who should be admitted by the lord upon payment of a stint or certain fine. To this the defendants advanced the reasonable plea that as the complainants enjoyed, at most, a term for their own lives, they could not grant any further term to others. In 1615 this precise case was tried at common law with reference to the alleged custom of the manor of Beaminster in Dorsetshire. It was held that, where the party in that case brought an action against the lord for refusing to admit him to the copyhold upon such nomination, the action would not lie.<sup>2</sup> Had the tenants been copyholders in fee, their claims would have been good in law.<sup>3</sup>

The second point was a claim of Freebench for widows, with a 'dum casta' clause, in respect alike to customary and demesne lands, upon a fine of 1d. The case upon which the dispute arose was that of the widow of a tenant who had held two tenements. Of these one was 'overland,' as to which we have already witnessed one struggle.<sup>4</sup> The wastes, out of which the overland was taken, were 'in contemplation of law parcel of the demesnes of the manor.'<sup>5</sup> It has already been seen that tenants of demesne, other than lessees, were tenants at will at common law. To the demesnes in dispute immemorial custom did

<sup>1</sup> See William Warwyck's evidence, p. 81.

<sup>2</sup> F. Moore, 'Cases Collect and Report' (2nd ed. 1688), p. 842.

<sup>3</sup> In 45 Eliz. (1602-3), in the Q. B. 'in Powell & Peacock's case, it was adjudged that a custome that a copyholder in fee might nominate his successor & so in

perpetuum was a good custome.' Supplement to 'Coke's Complete Copyholder' (1673), p. 94.

<sup>4</sup> P. lviii, *supra*.

<sup>5</sup> C. J. Elton, 'Commons and Waste Lands' (1868), p. 216.

not attach,<sup>1</sup> whereas 'freebench is a customary right.'<sup>2</sup> On general grounds, therefore, as well as on the evidence adduced from the Court Rolls, this claim was negatived by the judgement.

The third point was the claim that on the decease of the widow of a tenant the custom of borough English obtained and applied, in default of sons, to daughters. Mr. Elton quotes the custumal of the neighbouring manor of Taunton-Deane, which is to the same effect as that advanced here.<sup>3</sup> It is to be observed, however, that the original custom, as stated by Littleton, is less extensive. 'Ascuns burghs ont tiel custome que si home ad issue plusors fils et morust, le puisne fils enheritera tous les tenements que fueront a son pere deins mesme le burgh come heire a son pere per force de custome; et tiel custome est appel burgh English.'<sup>4</sup> It does not appear that the defendants contested the validity of this larger custom, to which Mr. Elton gives the name of 'junior-right,' in the case of customary lands. Conformably to the reasoning advanced in the case of freebench, the judgement (p. 170) excluded its application from the case of the demesnes.<sup>5</sup>

Over all these topics of controversy hovered another—the fine payable to the lord on a change of tenancy. According to the tenants, it was a 'stint fine,' i.e. fixed. It was admitted by them that appearances were against this contention, but the changes were not unreasonably ascribed to the negligence of the tenants and the compulsion of the lords. An artful confusion of the fines with the heriots had also obscured the amount taken as fine (p. 115). How important this point was can readily be understood by those who know how universal at this period were the complaints against excessive fines.<sup>6</sup> A fine, as Coke said some years later, might be 'incertus,' but it must be 'rationabilis.' Reasonable was what was customary, and customary was what was reasonable.<sup>7</sup> In early times it would appear that the homage had some voice in their assessment, and indeed, in occasional instances, this practice continued to the time of Coke. But this case is an example of the usage which, it can scarcely be doubted, had grown since the inclosing movement,<sup>8</sup> and the fine payable was

<sup>1</sup> See 2 & 3 E. 6, c. 12 ('An Acte for the assurance to the Tenauntes of Grantes and Leases made of the Duke of Somersettes demene Landes').

<sup>2</sup> C. Watkins, 'Copyholds,' ii. 65.

<sup>3</sup> 'Origins of Eng. Hist,' p. 194.

<sup>4</sup> 'Coke upon Littleton,' 110 b.

<sup>5</sup> For a discussion of the origin of Borough English, see C. J. Elton, 'Origins of Eng.

Hist.' pp. 191-221; id. 'Law of Copyholds' (1893), pp. 128-133, and the authorities there cited. 'A great part of Somerset' was under Borough English (Elton, 'Origins,' p. 188).

<sup>6</sup> Pp. 103 and 198-200, *infra*.

<sup>7</sup> See Glanvill, x. 4.

<sup>8</sup> Further as to fines, see 'Trans. R. Hist. Soc.' 1892, p. 249.

adjudged to be determined, not by the collective body of the Court, but by the lord face to face with the isolated and unprotected tenant.<sup>1</sup>

The history of this manor as it emerges from the entries in the Court Rolls reflects, like those already examined, the social and economic changes of the country at large. Observe the date (1353) of the first concession by the lord, the written limitation of customs and services. The Crown had long set the example,<sup>2</sup> but the efficient cause in this case can hardly have been other than the dearth of labour following upon the Great Pestilences.<sup>3</sup> A time came elsewhere when written records such as this were destroyed by the insurgent villains.<sup>4</sup> It is not unlikely that those manor rolls which were most obnoxious were the earlier ones which recorded how many of the customary tenants were bondmen in blood, 'talliabiles de alto & basso ad voluntatem domini.'<sup>5</sup> In this case it appears that a previous lord, Thomas de Symeswurthe, had forced the customary tenants to cultivate the demesnes.<sup>6</sup> The customs enrolled by Simon de Meryett were rightly acknowledged to be concessions and as such preserved, and even the overland, it is stated, had 'been ever letten by cople.'<sup>7</sup>

It appears to have been about the year 1542 that William Frauncys began to tighten the lax bonds of usage which had hitherto controlled the manor.<sup>8</sup> The change of policy had no connexion with the rise of prices following the debasement of the coinage, since debasement only began in 1544.<sup>9</sup> It was simply part of the general unrest in landlord and tenant alike, due to the spread of improved agricultural processes and a consequent higher value attaching to land. In this case we note again, as in that of Abbot's Ripton, the independent attitude of the homage and their repeated refusals to obey the steward at the manor courts.<sup>10</sup> The lord of the manor, within the tether of his legal rights, seized the copyhold of Foreacre, the leader of the

<sup>1</sup> 'He hath said that the greatest trouble he had in those affairs was to satisfy some greedy lords, or rather ladies of manors, in setting the fines and in being in some measure an executioner of their cruelty upon poor men.' Roger North, 'Life of Lord Keeper Guilford' (ed. 1890), i. § 26, p. 31.

<sup>2</sup> See 'Trans. R. Hist. Soc.' 1892, p. 222, by the writer.

<sup>3</sup> 'The plague first attacked England in the autumn of 1348.' It apparently lasted till 1350. See F. A. Gasquet, 'The Great Pestilence' (1893), p. 71. For other instances of its devastation and the consequences, see W. Cunningham, 'Growth of English Industry and Commerce' (1896), p. 332.

<sup>4</sup> See E. Powell, 'The Rising in Suffolk,' 'Trans. R. Hist. Soc.' 1894, pp. 221, 225;

J. R. Green, 'Hist. of the English People,' ch. iii. They 'fired the houses of the stewards and flung the rolls of the manor courts into the flames.' Cf. T. Walsingham, 'Gesta Abbatum Sancti Albani' ('Rolls Series,' 1867), iii. 308, 328.

<sup>5</sup> Placit. Abbrev. (1811), T. T. 30 Ed. 1; Northt. p. 240. The Abbot of St. Albans was forced to grant general charters of manumission. 'Gesta,' iii. 331.

<sup>6</sup> P. 128. This looks as though there was an insufficiency of labour, perhaps owing to a pestilence. I have, however, failed to discover the date of this lord of the manor.

<sup>7</sup> P. 129.

<sup>8</sup> P. 119.

<sup>9</sup> J. E. T. Rogers, 'Hist. Ag. and Prices,' (1882), iv. 194. <sup>10</sup> Pp. 111, 121, 122.

recalcitrants, as a forfeiture, and threatened to do the same to the rest. Nevertheless the judgement expressly protects the tenants against the consequences of their default.<sup>1</sup> Clearly the reliance of the tenantry upon the leaning of the King's tribunal in their favour was not without good cause. That the action of the lord of the manor was disliked by the older or more conservative of the country gentry appears from the letter of Sir Thomas Denys to the Council, following upon his attempt at intervention with Frauncys on behalf of the tenantry.<sup>2</sup>

Incidental points of interest which have no strict relation to the issue may be noted. The distinction between the customary tenants in bondage—i.e. on land liable for villain services—and the 'nativi domini,' is maintained in the custumal and in the actual transactions of the Court's business.<sup>3</sup> The responsibility of the tithing-men (decennarii) is laid down. They are, as a partial reward for their services, to be free from both the Hundred penny and Peter's penny. The nativi have to pay head money (capitagium),<sup>4</sup> and the identification of this with the Hundred penny, or poll tax to the sheriff or lord of the Hundred,<sup>5</sup> throws a new light on this exaction. The customary tenants may not allow their sons to take orders, nor marry their daughters outside the manor without licence. The provisions for the reeve's board present a curious picture of mediæval householding.

Sir John York, merchant of London, was one of the new men whom the dissolution of the monasteries brought to the front as purchasers of land. The case of the Inhabitants of Whitby v. York (p. 198) has this peculiar value, that it reduces to figures the universal complaints of the rise of rents. Accepting the sums total of the old and new rents given on p. 200, the increase was no less than 122·48 per cent., and this was quite independent of a further total of £23 15s. 8d. exacted by way of fine upon the change of lord. In these exactions, as appears from the judgement of the Court, Sir John York had been guilty of illegal extortion. The complainants being copyholders and leaseholders, their rents were already fixed for terms of years. In order, however, to secure the presumption of law in his favour, Sir John had by threats got possession of the leases.<sup>6</sup> By these surrenders the

<sup>1</sup> P. 172.      <sup>2</sup> P. 122.

<sup>3</sup> Pp. 126, 127.

<sup>4</sup> P. 127. Cf. the 'Political Science Quarterly' (1893), p. 656, 'Villainage in England,' by the writer.

<sup>5</sup> P. 127. Cf. p. 160, where 20d. is paid as a fine for living outside the manor. Note the forfeiture of John Bowrynge for non-residence (p. 163).

<sup>6</sup> This seems to have been a common

proceeding; cf. the allegations of the Rippon tenants on p. 65, supra. On Jan. 27, 1538, Anthony Roke writes to Wriothesley, giving an account of his taking possession, on behalf of Wriothesley, of the newly granted monastic manors. He adds: 'I play your chancellor, sealing these new indentures openly in court, and none stick to bring in their convent seals and receive yours.' It may be that this proceeding was not always

tenants had become tenants at will at common law. Imprisonment was threatened them as the penalty of holding out against the new conditions of tenure. Nor was the menace an empty one. By a charter of Henry III the franchise comprised 'infangtheof.'<sup>1</sup> The lord therefore had the right to the custody of a prison, and the general rule that 'the lord might keep those in his prison whom he could judge in his court'<sup>2</sup> might perhaps have been stretched to include these recalcitrants.<sup>3</sup> At any rate, the petitioners alleged that their apprehensions had driven them to hiding.

That Sir John York was a man of a grasping disposition may be inferred from a comparison of this with the next action, *Uvedale v. York*, in which he was defendant (p. 201). The Abbey of Byland, which had been re-founded in January 1537, had in the following November granted a lease of its coal and lead mines in Netherdale, Yorks, to the plaintiff's father, John Woodall, alias Uvedale, at a rent of 15 per cent. of the gross winnings, the lessors to find the necessary timber. In June 1553 York had recently come into possession of the manor, the monastery having been dissolved in 1538. He not only refused to supply the timber, but seized thirty-six loads of lead ore, the property of the plaintiff. After an arbitration he refused to carry out the award. His substantial defence is not disclosed, his plea being in the form of a demurrer.

The two cases of bondage<sup>4</sup> reveal that even as late as the middle of the sixteenth century serfdom was still a reality in England.<sup>5</sup> Sir Edward Gorge, lord of the manor of Walton, Somerset, sent to buy an ox of the plaintiff, William Netheway. The price alleged to have been agreed upon was 26s. On demand made for payment Sir Edward, for some reason unexplained, refused to pay, and claimed the plaintiff as his bondman. He further asserted a legal right to his goods, and threatened to seize the lands held by him of other men. Thereupon the plaintiff repaired for redress to the Court of Requests.

It does not appear from the plaintiff's petition whether or not he

for purposes of extortion, but to obtain a documentary proof of the 'attornment' of the customary tenants, and thereby an acknowledgment and completion of the legal right of the new landlord. See 'Trans. R. Hist. Soc.' 1892, p. 214.

<sup>1</sup> Dugdale, 'Monast,' i. 414, 415.

<sup>2</sup> F. M. Nichols, Britton, i. p. 47, n. c.

<sup>3</sup> There was precedent in the action of Edward Stafford, Duke of Buckingham, who during the Chancellorship of Warham (1504-15) confined twelve persons who refused to pay rent for land to which he

laid claim. See 'The Last Days of Bondage in England,' 'L. Q. R.' 1893, p. 364, n. 1, by the writer. During Wolsey's Chancellorship (1515-29) he set the Court of Chancery at defiance, imprisoning five of his tenants, who had been successful in litigation with him, in one of his castles in Wales. MS. R. O., Star Chamber Proceedings, Bundle 21, No. 179.

<sup>4</sup> Pp. 42, 48.

<sup>5</sup> For a discussion of the general subject see 'The Last Days of Bondage in England' 'L. Q. R.' 1893, p. 348, by the writer.

held land of Gorge, either as a customary tenant or as a tenant at will. If either, the inference from Gorge's threat 'that he wold sease his landes that he hyld of other men,' is that his tenure was a customary one. The seizure threatened would have been within the lord's legal right, while he would be legally unable to 'derogate from his own grant' by seizing customary land held of himself, save for breach of custom.<sup>1</sup> It is clear, however, that the lord claimed rights over the person of the plaintiff as his bondman in blood ('nativus domini'), and therewith over his goods and chattels.<sup>2</sup> Herein lies the point of the further threat 'that he (Gorge) wolde feche hym att an horse tayle and make hym to tvrne a broch in his kechyn.' In an 'exceptio villenagii' a lord was held to prove that the person claimed 'est soen astrier et demourant en son villenage,'<sup>3</sup> where Selden explains 'astrier' as 'in the lord's dwelling house.' Similarly, in the case of a claim by the Duchess of Buckingham to certain persons as bondmen and villains regardants of her manor of Rompney, near Cardiff, evidence was put in 'that the pleyntiffes and others ther bloode and Auncestours have vside to do sarvice at the commaundement of the late Duke and his auncestours in carying of wodde and other Busynes aboute the sayde Duke's house.'<sup>4</sup>

Whatever the legal rights of the lord might be over the goods and chattels of his bondmen in blood, it is evident that public opinion forbade their plenary enforcement. 'Tallages' and 'ameracements' had, as long before as the time of Chaucer, practically taken their place.<sup>5</sup> And even Chaucer censures those lords 'that bireven here bondemen thinges that they never gave hem.'<sup>6</sup> Fitzherbert denounces the same practice as 'extorcion or bribery,'<sup>7</sup> using the last word in its archaic sense of robbery. It is intelligible, therefore, how the bondman Netheway was in the position to sell an ox of the value of 26s., and how the petitioners in the case of *Burde v. the Earl of Bath* (p. 48) had

<sup>1</sup> See *ib.* p. 360.

<sup>2</sup> This confirms the 'Mirror.' 'Nota que velleins ne sont my serfs. . . . Ceux ne poent rien purchaser, forge al oes lur seigneur' (ed. W. J. Whitaker, 1895, p. 79). In an avowry for a heriot, *Y. B. E. T. 13 E. 3, p. 234* (ed. L. O. Pike, 1885), occurs this statement of the law; 'Trewith, arguendo "Vous savez bien que par ley de tere tut ceo que le vileyn ad si est a soun seigneur."<sup>3</sup>

<sup>3</sup> Britton, ii. 155.

<sup>4</sup> This was in 1527. See *S. P. Dom.* H. 8, iv. 3447. The case is printed at length by F. J. Furnivall, 'Introduction to Ballads from Manuscripts' (1868), i. 11 foll.

<sup>5</sup> See Chaucer's homily of 'The Persones Tale.' 'Thurgh this cursed synne of avarice (and) of covettise comen these hard lordschipes, thurgh whiche men ben distreyned by talliaiges, custumes and cariages more than hir duete or resoun is; and eek they take of hir bondmen ameriments, whiche mighten more resonably ben cleped extorcions than ameriments. Of which ameriments and raunsoninge of bondemen some lordes stywardes seyn that it is rightful, for as muche as a churl hath no temporel thing that it ne is his lordes, as thay seyn.' G. Chaucer, 'Works,' ed. W. W. Skeat, 1894, iv. 618. <sup>6</sup> *Ib.*

<sup>7</sup> 'Surueyenge,' ch. 13, p. 31 (ed. 1539).

been the victims of a legal spoliation to the alleged amount of no less than £400, representing some £4800 of our money.

The certificate of the commissioners in *Netheway v. Gorge* (p. 44) shows that in point of law the claim of the lord was good. While the defendant proved the bondage in blood of persons of the same name in the fourteenth century, from whom the plaintiff seems to have been presumed to descend,<sup>1</sup> the plaintiff could only establish the manumission of collateral ancestors. Nevertheless the royal commissioners strained the prerogative in favour of the plaintiff, and put pressure on the defendant to pay the value of the ox. It is characteristic of the temper in which even a bondman, in reliance upon the king's tribunals, could confront his oppressor, that the plaintiff declined mere restitution and insisted on costs and damages. Unfortunately the case ends for us at the moment when the parties are to appear before the Court.

The other case of bondage, *Burde v. the Earl of Bath* (p. 48), exhibits on the part of the defendant an obstinacy and recalcitrance unusual under the strong hand of Henry VIII. On August 14, 1535, the Earl, by his agents, seized from the plaintiff goods to the alleged value of £400. Here was no pretence of purchase, as in the former case. It was simply the legal spoliation of bondmen denounced by Fitzherbert.<sup>2</sup> Four years seem to have passed, the plaintiff being probably deterred from seeking redress by the unavoidable expense attendant upon proceedings in London.<sup>3</sup> On September 19, 1539, he petitioned the Council of the West, under the presidency of the first Lord Russell. The Council promptly ordered restitution of the chattels seized. The Earl not only disregarded the order, but apparently (for the MS. is here mutilated) effected a further seizure in October 1540. Thereupon the Council of the West ordered obedience to the former decree. The Earl offered a passive resistance. Plaintiff then petitioned the king, and on February 15, 1541, the order was repeated by a writ of Privy Seal from Hampton Court (p. 54). The Earl remained obdurate. Plaintiff then procured another writ of Privy

<sup>1</sup> A dangerous inference; cf. Fitzherbert, 'Surueyenge,' 'There be many freemen taken as bondemen, and their landes and goodes taken fro them, so that they shall not be able to sue for remedy to proue themselfe fre of blode. And that is moste commonly where the free men haue the same name as the bondmen haue.'

<sup>2</sup> 'Howe be it in some places the bondemen continue as yet the whiche me semeth is the greatest inconuenience that now is

suffred by the lawe. That is, to haue any christen man bounden to an other, and to haue the rule of his body, landes and goodes, that his wyfe, chyltren and seruantes haue laboured for all their life tyme to be so taken, lyke as and it were extorcion or bribery.' 'Surueyenge,' ch. 13, p. 31 (ed. 1539).

<sup>3</sup> See the bills of costs on pp. 38, 188 and 191.

Seal, directed to the Justices of Assize, to compel obedience to the orders of Council. The Earl defied the justices, and for the third time plaintiff had recourse to the king. On this last occasion the effectiveness of the Privy Seal was sharpened by the threatened imposition of a fine of £200 in the event of disobedience. Plaintiff's goods were restored him in 1544, and for seven years he enjoyed freedom from molestation. But the Earl was biding his time. Reckoning doubtless on immunity at the hands of the reactionary landowners who had deposed Somerset from the Protectorate, on April 25, 1551 he seized horses and cattle of the plaintiff. The plaintiff again petitioned the king in his Court of Requests. In this suit the Earl's defence is preserved, and may be inferred from the petition of the plaintiff (p. 55) to have been the same as that dismissed at the former hearing. His plea was that his ancestor who had enfranchised the ancestor of the plaintiff had exceeded his legal rights; for that, being but a tenant in tail and therefore only in enjoyment of a life estate, he could only enfranchise for the term of his own life.<sup>1</sup> The rest of the proceedings, with the exception of an interlocutory order, are unfortunately lost.

The fifteenth and sixteenth centuries were marked in the internal history of the towns by the growth and decline of the gild system, and the struggles which accompanied the process. Of the two gild cases in this volume, the first, that of *Petyrson v. Fredryk and others* (p. 29), discloses nothing of the points at issue between the parties, owing to the absence of the statement of defence. But it shows the existence of a sick and burial society of Flemings,<sup>2</sup> which probably disappeared in the general spoliation of 1547.<sup>3</sup> Whether the petitioner was unjustly used or this was an example of the oppressive action of corporations which had already become, according to Bacon, 'fraternities in evil,'<sup>4</sup> remains uncertain.

The complaint in the case of *Emlyn and another v. Whittingham* (p. 46) presents some rather exceptional features. If we may judge from the Acts of Parliament of the fifteenth and sixteenth centuries,

<sup>1</sup> I have not been able to discover any case turning upon this point, but if the obiter dictum of Ashton or Aysheton, J., in the Common Pleas in E. T. 1455 be sound law, then the plea was invalid. 'Celuy que est un fois fait frank ne puit estre par comon entendre fait villein' (Y. B. E. T. 33 H. 6, p. 13). From the undisguised leanings of the courts in favour of enfranchisement, this is what might have been expected ('Trans. R. Hist. Soc.' 1892, pp. 205, 206).

<sup>2</sup> A similar gild of French handicraftsmen, held in the Black Friars, received a grant of incorporation in 1532. S. P. Dom. II. 8, v. 766 (7).

<sup>3</sup> 1 E. 6, c. 14, 'An Acte wherby certaine Chauntries Colleges Free Chapelles and the Possessions of the same be given to the kinges maiestie.'

<sup>4</sup> 'Hist. of Henry VII.' 'Works,' vol. vi. p. 223 (Ellis and Spedding's ed. 1870).



the general policy of the town guilds was exclusiveness, with the object of limiting the number of their members.<sup>1</sup> The goal ultimately aimed at by this was the maintenance of prices. A statute was passed in 1437 expressly to restrain guilds from making ordinances with this object, 'encountre le commune profit du people.'<sup>2</sup> This being a failure was succeeded in 1504 by the statute 'De privatis et illicitis statutis non faciendis,'<sup>3</sup> restricting the powers of the guilds to fix the prices of wares. The guilds then sought to indemnify themselves by raising the fees due on admission of apprentices, and so checking competition and raising prices by limitation of output. This was suppressed by the Act 'For Apprentices,' passed in 1536.<sup>4</sup> The only resource remaining was to increase their revenue by enlarging their borders, which in this case we find the weavers of Lincoln endeavouring to do.<sup>5</sup> It is possible that the defence, unfortunately missing, was a general claim of right for freemen to weave independently of the guild. Such a struggle occurred in London in 1351 when the citizens endeavoured to force the immigrant Flemings to belong to the Weavers' Guild. Lincoln, by a charter of 1199, claimed the customs of London.<sup>6</sup> In the London case the king in 1363 interposed to allow the foreign weavers to found a guild of their own.<sup>7</sup> On the other hand, down to the sixteenth century the citizens of London asserted their right to add weaving to other industry practised by them, but subject to the customary contributions to the Weavers' Guild.<sup>8</sup>

The case of the Mayor and Citizens of Exeter (p. 3) is interesting as throwing a sidelight on a phase of the internal history of the city

<sup>1</sup> See 'Liber Custumarum' (ed. H. T. Riley, 1860), i. 424 (temp. Ed. 2).

<sup>2</sup> 15 H. 6, c. 6.

<sup>3</sup> 19 H. 7, c. 7.

<sup>4</sup> 28 H. 8, c. 5.

<sup>5</sup> That this was a common occurrence and was already (in 1549) exciting the adverse criticism of economists, appears from the dialogue between the Doctor and the Capper in 'The Common Wealth of this Realm of England' (Cambridge, 1893), p. 129. 'I haue knowne goode workemen, as well symthes as weavers, haue come from strange parties to some cities within the Realme, intendinge to set theire craftes, and because they were not free theare, but specially because they were better workmen than was anie in the towne they could not be suffered to worke theare. Such incorporation had those misteries in those townes, that none might worke theare in theire facultie, except they did compound with them first.'

<sup>6</sup> 'Rotuli Chartarum' (1837), p. 5. Cf.

F. W. Maitland, 'Select Pleas' (1887), p. 39.

<sup>7</sup> W. Cunningham, 'Growth of English Industry' (3rd ed. 1896), p. 341; T. Madox, 'Firma Burgi,' (1726) 283; H. T. Riley, 'Memorials of London Life' (1868), 306, 331.

<sup>8</sup> See 37 E. 3, c. 6, also the 'Ordinationes Telariorum' (28 Ed. 1), 'Liber Custum.' i. 121. A very interesting case of about the year 1518 is to be found among the MSS. of the Star Chamber in the Record Office, in which the Weavers' Company of London sued a grocer for setting up Weaving without licence of the Weavers' Company. In this case the bailiffs of the Weavers had refused the licence, though the defendant, as he alleged, had tendered his contribution. It is to be noted, as perhaps bearing upon the bailiffs' action, that the fee farm of the London weavers was then only 2*s.* a year (Star Chamber Proceedings, Bundle 19, No. 266). In 1156 they had been rated at £12 ('Pipe Coll.' p. 4; W. Cunningham, p. 646).

which was common in the fifteenth century to other English towns. Exeter had long been the scene of violent struggles for power between the commons and the governing class, who represented 'the vse and laudable custom . . . in wold tymes vsed.' The quarrel, which began in 1339 with 'impetuous clamours' by the people against the constant re-election of one or two men as mayors,<sup>1</sup> had lasted until the advent of Henry VII in 1497, the year after a fresh outburst of party violence. The final victory of the oligarchical party was assured by the charter of July 10, 1498,<sup>2</sup> on which the plaintiffs in this case rely.<sup>3</sup> In addition to this struggle another had been contemporaneously carried on between the mayor and corporation on one side and the powerful guild of the tailors upon the other, which claimed to be free from the civic jurisdiction and immediately dependent upon the Crown. Here again the mayor and corporation had been victorious in 1482, the Crown having begun to entertain dislike of the democracies of the boroughs. Evidently the same struggle was being renewed in the election of the mayor of the staple. The Staplers were the companies of merchants enjoying the monopoly of exporting the principal raw commodities of the country, viz. wool, woollens, leather, tin and lead.<sup>4</sup> These monopolies were created for fiscal purposes, the wool &c. being weighed and the customs paid at the staple towns, from which they were exported abroad. The mayor of the staple, jointly with the customers, was responsible to the Crown for the quantities shipped and duties charged. Of these staple towns Exeter was one.<sup>5</sup> After some changes of policy<sup>6</sup> Calais was in 1465 finally made the sole staple town,<sup>7</sup> and staple wares were ordered to be shipped only from those towns in England where the king had his beam, his weights, and his customers, viz. Poole, Southampton, Chichester, Sandwich, London, Ipswich, Boston, Hull, Lynn, and Newcastle.<sup>8</sup>

By this statute the staple of Exeter, in common with that of Bristol and other towns, was deprived of its original function.<sup>9</sup> But

<sup>1</sup> Mrs. J. R. Green, 'Town Life in the Fifteenth Century' (1894), ii. 170; E. A. Freeman, 'Exeter,' ch. viii.

<sup>2</sup> R. Izaeke, 'Hist. of Exeter' (1731), p. 99.

<sup>3</sup> P. 4, *infra*.

<sup>4</sup> S. H. 6, c. 17.

<sup>5</sup> See the 'Ordinance of the Staples,' 27 E. 3, st. 2, c. 1 (1353); 38 E. 3, st. 1, c. 7 (1364); 43 E. 3, c. 1 (1369).

<sup>6</sup> See W. von Oehenkowski, 'Englands wirtschaftliche Entwicklung' (Jena, 1879), pp. 187, 202; G. Schanz, 'Englische Handelspolitik' (Leipzig, 1881), i. 330, 331.

By 12 R. 2, c. 16, it was enacted 'que lestaple soit remuee de Midelburgh a Caley's,' by 14 R. 2, c. 1 (1390), that it should be in the English towns specified by the Act of 1353. In 1398 the staple was again at Calais, 21 R. 2, c. 17 (cf. 27 H. 7, c. 2).

<sup>7</sup> 4 E. 4, c. 2.

<sup>8</sup> 4 E. 4, c. 3.

<sup>9</sup> This may perhaps have been the cause of the amalgamation at Bristol of the mayoralty of the staple with the mayoralty of the town of Bristol. 'Ricart's Kalendar' (Camden Soc. 1872), p. 74.

there yet remained the tribunal of the staple, with its mayor and two constables, who by the Ordinances of 1353 were empowered to take recognisances of debts under seal and generally to administer the bankruptcy laws of the town.<sup>1</sup> They also tried commercial cases by the law merchant,<sup>2</sup> and employed officials named 'correctors' to register commercial contracts.<sup>3</sup> There remained to them, therefore, the trans-action of much important business. A statute further provided that the constables of the staple should be elected by the commonality of the merchants of the staple town, and that no mayor of the staple should hold the office over one year except after submitting to re-election.<sup>4</sup> According to the complaint of the Mayor and Corporation of Exeter, the election of John Bonyfaunt as mayor of the staple had been unaccompanied by the customary publicity, and had been in fact a nomination by the outgoing mayor of the staple and of the two constables of the staple, one of whom was the nominee's brother. It is evident from the language of the complainants that the nominated mayor of the staple had been one of the democratic party of 1496, and that this nomination or election was a fresh uprising against the now strengthened oligarchy. They allege that he had unsuccessfully solicited a former mayor of the staple to issue to him blank charters or recognisances of debt, possibly with the object of laying his political opponents by the heels during some of the civic contests. In his place the mayor and corporation petition for the royal sanction to the election, which they declare to have been lawfully held, of one William Frost, a 'yeoman of the Crown.' This person was the representative of the triumphant oligarchy of 1497, and was selected by the king himself, about whose person he held an office, as mayor of the city for that year.<sup>5</sup> John Danaster, whom they recommend as first constable of the staple, evidently belonged to the same faction, having been in the same year nominated first of the four bailiffs of the city.

An appeal upon such issues to a monarch of Henry VII's temper could have but one result. In 1499 the case was remitted by the Council to the mayor who had succeeded the original complainant and the Common Council. From the number of these, however, were excepted the persons interested in the dispute, together with John Atwill, whose election as mayor for the fifth time (in 1496) had occasioned the disturbances which led to the charter of 1498.<sup>6</sup> In

<sup>1</sup> See 27 E. 3, st. 2, c. 9.

<sup>2</sup> Ib. c. 8.                      <sup>3</sup> Ib. c. 22.

<sup>4</sup> Ib. c. 21, 'esluz par la Communalte des Marchants du dit lieu; et que nul

Meire ne teigne loffice outre un an sil ne soit de novel eslu par la Commonalte de Marchants, sibien estranges come denzeins.'

<sup>5</sup> Izacke, p. 98.

<sup>6</sup> Ib. p. 97.

effect, the oligarchs were constituted judges in their own cause. Within two months John Bonyfaunt was making his submission to the King's Council, and his election was declared void. It was expressly provided, however, that his legal acts as mayor of the staple should be valid. To the Earl of Devon and Sir William Huddesfeld, formerly Attorney General, was entrusted the task of examining whether malpractices, such as those alleged as having been formerly contemplated by Bonyfaunt, had accompanied the issue of recognisances. And so the triumph of the oligarchy of Exeter was complete.

The case of *Lewes v. the Mayor and Bailiffs of Oxford* (p. 173) is another phase of a similar struggle. The town of Oxford claimed the right common to feudal lords of compelling the residents within its walls to grind their corn at its mills, called the Castle Mills. The plaintiff, irritated by the excessive toll which he alleged to have been demanded, and also by the miller's peculations, paid to the bailiffs a fine for permission to grind his corn elsewhere, the fine being extorted from him by the seizure of his sacks. He sought, therefore, an injunction against the bailiffs. The peculations of the town miller were established by several witnesses. While the case was before the Court the plaintiff continued to send his corn elsewhere, viz. to the mills at Hinksey, Itfey, and Holywell. The suit, however, had roused the temper of the town officers, the bailiffs, and they seized the plaintiff's carts on their return to the city. They even threw the miller of Holywell into Bocardo, the town gaol, and their violence towards the plaintiff was such that he was compelled to take refuge in the country.

The bailiffs in the first place demurred to the jurisdiction of the Court, not on account of its unconstitutional character, but because the city had, by charter, the right to determine it in the Mayor's Court.<sup>1</sup> They went on to plead that the Mayor and Corporation of Oxford have from time immemorial held of the king by a fee farm, the amount of which is unfortunately omitted. This, in the presentments at the Eyre of 1285, is set down as £63 0s. 5d. per annum.<sup>2</sup> In the pleadings of 1608 it is stated at £55 6s. 8d. per annum.<sup>3</sup> The bailiffs were the officials responsible to the Crown for this payment. They are called by Mr. Boase<sup>4</sup> 'royal officers,' as practically they were, and 'they had the custody of offenders,' which was the justification of their imprisonment of the miller. The judgement is missing, but from a minute<sup>5</sup> con-

<sup>1</sup> The town claimed 'generally the customs of London.' J. E. T. Rogers, 'Oxford City Documents' (1891), p. 187. <sup>2</sup> *Ib.* p. 210.

<sup>3</sup> *Ib.* p. 287. Rogers observes on p. 285 that the 'fee farm-rent of the mills must

be distinguished from the fee farm-rent of the town' (£55 6s. 8d.) (*ib.*).

<sup>4</sup> 'Oxford' (*Historic Towns Series*, 1893), p. 43.

<sup>5</sup> Rogers, 'Oxford City Documents,' p. 293.

tained among the papers of the similar suit in 1606, it appears that the Court of Requests, on the proof of the dishonesty of the town millers, delivered a decision compelling the plaintiff to take his corn to the town mills, but empowering him to employ other millers to grind it there. By this compromise the rights of the Crown and the equity of the case were both provided for.

There are two cases in which the ancient abuse of purveyance appears. Of these the first is *Daryngton v. Chapman* (p. 60), where the Mayor of Cambridge was called upon to provide mastiffs for the king. Unless this came within the statute of 1300,<sup>1</sup> this would seem perilously near unlawful purveyance.<sup>2</sup>

It does not, however, appear from the proceedings what the defence of the recalcitrant Mayor of Cambridge was. Probably it was a claim for Cambridge as a university town to exemption from all purveyance.<sup>3</sup>

In the other case, that of *Gunne v. Fletcher* (p. 186), it appears incidentally that the king's fletcher, acting upon a commission of purveyance, paid the market price for the feathers bought by him, a probably exceptional incident. But that purveyance was at that time exercised oppressively to the subject appears from the Act in restraint of it, passed only three years later.<sup>4</sup>

The case of *Smyth v. Elyot* (p. 13) is interesting as an example of the chicane habitually practised under cover of the laws against usury. The plaintiff and his wife had borrowed of the defendant's brother the sum of £25 upon mortgage of four houses in St. Clement Danes parish. The covenants were that the mortgagors should occupy the houses at a rent of five marks (£3 6s. 8d.) a year, and that within ten years they should pay the mortgagee £40 and receive a reconveyance of the estate. At this time the usury laws had been recently rendered more stringent by the reactionary legislation of Cardinal Morton, whose ecclesiastical prejudices had not yielded to the more liberal expositions of the canon law of usury beginning to claim a hearing on the Continent.<sup>5</sup>

<sup>1</sup> 28 E. 1, c. 2. 'E des prises quil ferront par mi les pais, demanger ou deboyure, & autres menuz necessaires par hostel,' &c., confirmed by 4 E. 3, c. 4 (1330).

<sup>2</sup> Declared to be felony by 4 E. 3, c. 4. An Act of 1445 (23 H. 6, c. 1) gave an action of debt against the purveyors. A further Act of the same session (c. 13) empowered mayors &c. to compel redelivery of goods so purveyed by arrest and imprisonment, and awarded treble damages to the injured party.

<sup>3</sup> In 2 & 3 P. & M. c. 15, it is recited

that the towns of Oxford and Cambridge, and five miles round, are free by custom from purveyance of victual.

<sup>4</sup> 2 & 3 E. 6, c. 3, 'An Acte towchinge Purveyors.'

<sup>5</sup> See W. Endemann, 'Studien in der romanisch-kanonistischen Wirthschafts- und Rechtslehre' (Berlin, 1874), i. 39, 43. Morton's principle was 'that every law should be consistent with the law of God,' i.e. with the Canon Law. Lord Campbell, 'Lives of the Chancellors' (2nd ed. 1846), i. 431.

The Act of 1495<sup>1</sup> repealed a previous Act, also passed under Morton's influence in 1487,<sup>2</sup> which had already proved a failure. The new Act laid down 'that all maner of persone or persones lending money to and for a tyme, taking for the same lone any thing more<sup>3</sup> besides or above the money lente by wey of contracte of covaunte at the tyme of the same lone.<sup>4</sup> . . . And that every persone and persones len(d)ying or taking any money to eny persone or persones to a certeyn tyme, and takith londes tenementes or any heredytamentis or other bondes for perfite suretie and sure payment of his or their money lent at the tyme assigned without any condicion or aventure, and also at the tyme of the same lone or taking of the said money covaunteth appoynteth or contracteth covaunten appoynten or contracten that he or they that so lend or take money shall have the revenues and profites of the londes tenementis or hereditamentis of him that so boroueth or taketh money by a certeyn tyme ;<sup>5</sup> that then every persone hereafter upon any of the premysses convicted forfeite the moite of the value in money of the seid money goodes catelles merchaundises as is abovesaid so solde or lente, after such value as they be sold or lent for after any fourm aforseid ; wherof the king shall have the oone moite of the same forfeiture & the partie that will sue the other moite, and if no man will sue then the king to have the hole ; and this sute for the seid penaltie and forfeiture to be aswell at the king's sute as at any other that woll sue by informacion in any of the kingis courtes of recorde.' It is difficult to see how the covenants set forth in the case could be squared with these comprehensive prohibitions. Richard Elyot, serjeant-at-law, who, presumably as his brother's heir, had come to represent the mortgagee, affirmed the whole transaction to be 'a corrupte bargeyn fynabyll' to the king, as indeed it probably was. Acting upon this opinion, he appears to have laid an information

<sup>1</sup> 11 H. 7, c. 8, 'An Acte agaynst Usurye.'

<sup>2</sup> 3 H. 7, c. 5, 'An Acte agaynst usury and unlawfull bargaynes.'

<sup>3</sup> 'Die Kirche ergriff von der Vorschrift mutuum date nihil inde sperantes dergestalt Besitz, dass sie bald sich nicht mehr mit dem bloßen Moralgebot begnügte, sondern daraus ein Rechtsgebot zu machen suchte.' W. Endemann, 'Studien,' i. 10.

<sup>4</sup> According to the strictest canonists, interest was only permissible on the ground of 'damnum emergens,' to which was afterwards added that of 'lucrum cessans.' As 'damnum emergens' was not ascertainable at the time of the loan, no covenant could be then legitimately made for interest. Hence this clause of the Act. On the Con-

tinent, especially in Germany, the modifying doctrine that the *damnum emergens* or *lucrum cessans* might be calculated beforehand and agreed upon had fairly established itself at this date. See Endemann, 'Studien,' ii. 252 foll.

<sup>5</sup> Risk was held a ground for compensation in the form of a return over and above the sum lent. Gain without risk was usury. Hence the Canon Law, here followed by the Act, forbade the mortgagee to take the fruits of the land mortgaged in addition to the capital sum lent. 'Antiehrliche Benutzung eines fruchttragenden Pfandes . . . war nach kanonistischen Begriffen nicht möglich.' Endemann, 'Studien,' ii. 337. See also W. J. Ashley, 'Economic History,' I. ii. 425.

against the mortgagors and, it may perhaps be inferred from the complaint, to have recovered damages, apparently violating at least the spirit of the maxim of law laid down by Coke, 'Nullus commodum capere potest de injuria sua propria.'<sup>1</sup> He further entered into possession, presumably for breach of covenant, and refused to accept a tender of £40 made by the friends of the mortgagor. It is unfortunate that the statement of defence is missing, and that we are at a loss to know by what procedure the serjeant procured the plaintiff's imprisonment. The case, as presented by the plaintiff, affords an illustration of the vanity of usury laws, and of the legal chicane and fraud which we know from contemporary sources to have been rampant in the sixteenth century.<sup>2</sup>

The losses entailed upon individuals in consequence of successive tamperings with the coinage are disclosed by the case of *Bostock v. Crymes* (p. 191). A proclamation was put forth in 1552, the object of which was to readjust the exchange and lower prices<sup>3</sup> by rating the coinage more nearly to its intrinsic value. The testoon, or shilling, was to be taken at 9d., and the fourpenny bit as threepence. To the creditor who was paid before the proclamation, this was evidently a loss of 25 per cent. It was the same to the debtor, who after the proclamation could only discharge his debts in money which had cost him a shilling in goods or labour, but had now to be parted with as ninepence. A sharp country attorney of a debtor resident in Cheshire, having presumably heard of the proclamation in Cheapside about half-past ten o'clock in the morning of Thursday, July 9,<sup>4</sup> hurried down to St. Lawrence Lane, where the creditor Crymes lived, and tendered him the amount of the debt in coins reckoned at their customary value. The news, however, had travelled faster than the attorney,<sup>5</sup>

<sup>1</sup> 'Coke upon Littleton,' 148 b.

<sup>2</sup> The methods of evasion described by Bentham are shown, by the writer's investigation of the Rolls of the Court of Exchequer, to have flourished during the sixteenth century. See 'Defence of Usury,' Letter viii. 'Works' (1843), iii. 13.

<sup>3</sup> This was a dominating anxiety among the statesmen and economists of this period. The measure taken in 1552 was recommended, with the reasons for it, by William Lane, merchant of London, in a lucid and interesting letter to Cecil, dated Jan. 18, 1551 (S. P. Dom. E. 6, xiii. 3, MS. R. O.). Lane says: 'In the mene tyme and owte of hand for gods sake forward summ remedy . . . that we the merchants cary nat awaye oll owre ryche mony and leve the

base mony here styll and that onsse the exesse of the private gayne in quynnye to other men, supposed as to the kyngde, maye be takyn awaye and also owre bare quyne of whyte mony callyd doune to xv<sup>s</sup> the pound wyche altho' hyt be not I now yet wyll hyt do grete sarvys for the tyme and kepe owre golde here & also kepe many thynges at astaye wyche elles wyll come to a mesere.'

<sup>4</sup> This date (see p. 195) settles a doubtful point, the proclamation itself, in the Society of Antiquaries, being undated. The proclamation was drawn up on July 2, and a week allowed for its transmission to all parts of the country. See R. Ruding, 'Annals of the Coinage' (3rd ed. 1840), i. 320, n. 5.

<sup>5</sup> This seems the most probable story, as

and Crymes refused to accept the debt except as rated by the proclamation. Bostock, the attorney, thereupon lodged a petition in the Court of Requests to compel Crymes to accept payment at the old rate. The result is missing.

The last case in the volume is again illustrative of the confusion and ruin arising out of interference by Government with the course of trade. Since the Treaty of Utrecht in 1474,<sup>1</sup> the expression of the gratitude of Edward IV for their assistance in the recovery of his throne in 1471,<sup>2</sup> the Hanse, Easterlings, or Merchants of the Steelyard, as they were variously named, had enjoyed valuable commercial privileges. These, which had long been in jeopardy, were withdrawn in 1552, and the ruin of the original purchaser of the cloth in dispute, a Hanse merchant 'of greate welthe,' was a consequence. The creditor then sought to shift the responsibility on the plaintiff in the present case by a suit in the Court of Requests. In this he was unsuccessful, and after a lapse of seventeen years, according to the plaintiff's story, brought a fresh action founded upon the same transaction.<sup>3</sup> The defence is missing.<sup>4</sup>

The remaining cases—with the exception of *Jettour and others v. the Mayor of Hull* (p. 35), which is sufficiently elucidated in the notes—are selected as giving a picture of the ordinary transactions of daily life, and need no special comment. The bills of costs on pages 38, 188, and 191 are of interest as showing that, with the best of intentions, it proved impossible to make litigation a cheap luxury.

In publishing these selections the judgement of the Editor has been largely guided by the sense that it was desirable to print as much of a case as possible. The papers appear to have been catalogued as they happened to be handled, with the result that the original chaos has been diminished but not remedied. It will be seen, for instance, that the case of *Jettour* (alias *Cotter*) and *others v. the Mayor of Hull* is made up out of two independent bundles. Similarly with *Burde v. Earl of*

told by the witness Thomas Brende (p. 195). Woodall's evidence (p. 192) that the tender was made between seven and eight in the morning is in itself unlikely, since Crymes would then have had no justification in refusing the tender, and is uncorroborated.

<sup>1</sup> B. M. MSS. Lansd. 170. ff. 234-5.

<sup>2</sup> See p. 81, n. 1. *infra*.

<sup>3</sup> There was no statute of limitation, nor if there had been would it necessarily have

extended to the Court of Requests or to transactions of this class. See 21 Jas. I. c. 16, § 3 ('An Acte for lymytacion of Accions and for avoyding of Suites in Lawe').

<sup>4</sup> The only clue to the date of this document is the reference to the withdrawal of the privileges of the Hanse seventeen years before. I have taken this to mean the decree of 1552, and not the final rescission under Elizabeth.



Bath (pp. 48, 54). Besides this difficulty the Editor has had to contend with that arising from the loss or defacement of some of the books of orders and decrees. The copyhold cases are among the few which it has been possible to present entire from plaint to judgement.

In giving biographical details of persons whose names appear in the text, the Editor has selected only a few relative particulars in the case of those whose careers are well known or are accessible in the pages of the 'Dictionary of National Biography.' On the other hand, where persons who played a considerable part in their day have fallen into oblivion, he has thought it desirable to give fuller details of their lives. Instances of this are the Pollards (p. 50, nn. 4, 5) and W. Fermour (p. 173, n. 4).

The Editor is under many obligations to the courtesy of Mr. E. SALISBURY, of the Public Record Office, for facilities of access to the papers, and for assistance kindly rendered in deciphering faded parts of the documents. He also desires to thank Professor F. W. MAITLAND, of Cambridge, for valuable suggestions.

I. S. LEADAM.

March 31, 1898.

## 9. Appendix to the Introduction.

A.<sup>1</sup>

S. P. Dom. H. 8, iii. 571 (MS. R. O.).

For the expedition of poore mennys causes dependyng in the sterred Chambre It is ordred by the moste Reuerend father &c Thomas Lorde Cardinale chaunceler of Englund & thother lordes of the kinges mooste honorable<sup>2</sup> that thes causes her mentioned shalbe herd & determined by the kinges councei-lours here vndre named Thewhich councei-lours have appoincted to sitte for the same in the White haule here at Westminster, vnto the which place the pleasure of the saide mooste Reuerent father &c & thother &c is that the

<sup>1</sup> See p. xi, supra.

<sup>2</sup> Sic. 'Council' omitted.

saide poore suytters shall resorte before the saide commissioners for the decision & determinacion of their saide causes as apperteineth where they shall have helyng with expedicion.

That is to say

Mylorde of Westminster<sup>1</sup>  
 Mr. Deane of Paules<sup>2</sup>  
 My lorde of sainte Johns<sup>3</sup>  
 Sir Thomas Neyle<sup>4</sup>  
 Sir Andrewe Windesore<sup>5</sup>  
 Sir Richard Weston<sup>6</sup>  
 Mr. Doctor Clerc<sup>7</sup>  
 Mr. Rooper<sup>8</sup>

<sup>1</sup> See p. 98, n. 4, *infra*.

<sup>2</sup> Richard Pace, born c. 1482; educated at Queen's College, Oxford; envoy to the Swiss, 1515; Dean of St. Paul's, 1519; Reader in Greek at Cambridge, 1520; Ambassador to Rome 1521, to Vienna 1523; died 1536. 'Dict. Nat. Biog.'

<sup>3</sup> Sir Thomas Doewra, Prior of the Knights of St. John, 1501; Ambassador to France, 1510, 1514 and 1518, to the Emperor, 1521; died 1527. 'Dict. Nat. Biog.'

<sup>4</sup> See p. cxv, n. 75.

<sup>5</sup> Sir Andrew Windesore, Keeper of the Great Wardrobe under H. 7 and H. 8 (S. P. Dom. H. 8, i. 5490); a friend and trustee of the will of Edmund Dudley, attained in 1510 (ib. 1212, 1484, 1965, 5427); a Commissioner of the Navy (ib. 5316, 5317); 'learned in the Temporal law' (Wolsey to H. 8, Aug. 1517, ib. ii. App. 38); a Commissioner for Inclosures, 1517; created a Baron, 1529; died 1543. See further, 'The Domesday of Inclosures' (1517, 1518), by the writer, i. 75.

<sup>6</sup> Sir Richard Weston or Weyston, nephew of Sir William Weston, Grand Master of St. John of Jerusalem, and son of Edmund Weston, of Boston (O. Manning and W. Bray, 'Hist. of Surrey,' i. 135). At the accession of Henry 8, Weston was lieutenant of the castle and forest of Windsor, a post to which he had been appointed by Henry 7, and in which he was confirmed by the new king (S. P. Dom. H. 8, i. 1705). On May 26, 1509, little more than a month after Henry's accession, he received three grants: first, the keepership of the park of Hanworth, Middlesex, with the farm of the manor of Cold Kennington; second, the stewardship of the lordships of Marlow, Bucks, Cokeham and Bray, and Stratfield Mortimer, Berks; third, the governorship for life of Guornsey, Alderney, Sark, &c., as

held by Edmund Weston and Thomas St. Martyn, deceased (S. P. Dom. H. 8, i. 92, 93, 94). On June 28 following he was made steward of the manor of Flamsted, Herts (ib. 231). He was soon afterwards nominated a Squire of the Body, and received the grant of a wardship on Aug. 16 of the same year and another on Jan. 28, 1510 (ib. 424, 828). On Feb. 14, 1510, he first appears on the commission of the peace for Berkshire (ib. 885), on which he was frequently afterwards nominated. On the following Aug. 11 he received a grant of the manor of Utton Pole, Berks (ib. 1207), and a licence to freight a ship with wools, to be shipped through the Straits of Morocco, i.e. probably to Italy, where he could secure a higher price than in the Calais market through which all wools were compelled to pass. In April 1512 Henry lent him £250 (ib. ii. p. 1455). He was present among the gentlemen attending the marriage of Henry 8's sister, the Princess Mary, to Louis 12 of France, on Oct. 9, 1514 (ib. i. 5483), and was knighted about the same time (see ib. 5684). On Dec. 19, 1515, he was appointed keeper of le Mote Park in Windsor Forest (ib. ii. 1304). In 1516 he was attached to the Royal Household as a knight of the Body (ib. 2735). On March 3, 1517, he was appointed steward of the lordship of Caversham, Oxfordshire (ib. 2983), and on the following June 19 keeper of the royal swans on the Thames (ib. 3380). On Jan. 26, 1518, he was made keeper of the chase of Cranborne [? Cranborne] (ib. 3904). In the following September he was one of the 'gentlemen of the palace' assigned to attend on the French ambassadors (ib. 4409). On the following Dec. 1 he received a grant of another wardship (ib. 4620). His frequent signature (lic Weyston) to the grant of wardships, and acquisition of them

## B.

In the British Museum is a bound folio MS. 'Collections relating to the Court of Requests, temp. Ed. VI.—Jas. I.'<sup>1</sup> It opens as follows :

## Court of Request

Richard Oseley Esquire an Auncient Clarke of the King and Queenes Counsell in their Court of White Hall being Required about xix yeares since<sup>2</sup> by the then Lord Treasurer<sup>3</sup> of England to signifie his knowledge of the Antiquitie & Authoritie of that Courte, answered as followeth, amongst other things.

Fo. 1.

And whereas your Lordshippe demaunded of mee what Commissions they had that sate there, and what Antiquitye the Court was of, I humbly say, that for Commissions I never heard or knew of any but from the Princes mouth onely, And for the Antiquitie, I by tradition from my Mr & vncle my predecessour received that he did never know the beginning of the same, for it never was in question in his tyme, but that he did know one William Lacye to be Clarke of the same Comsell in King R. 3. histyme. And that he continued about 2 or 3 yeares in H. 7<sup>th</sup> tyme And dyed and was buried in a Religeous house (called Rowneivall)<sup>4</sup> And that after his

Fo. 1 b.

for himself, was due to his office of keeper of the king's wards (ib. iii. 206, 16). On Oct. 2, 1518, he was a signatory of the Treaty of Universal Peace (ib. 4469), and two days later of the treaty of marriage between the Princess Mary, daughter of Henry 8, with the Dauphin (ib. ii. 4475). He accompanied Nicholas West, Bishop of Ely, on his embassy to France in 1519 (ib. iii. 9, 57). On May 20, 1519, he received promotion at Court (ib. 246) and was granted an annuity of £100 for life (ib. 278, 20). His 'wages' at Court, as Knight of the Body, in 1520 were £100 a year (ib. 1114, 1121, 10; iii. p. 1538). He attended the Field of the Cloth of Gold in 1520 as the knightly representative of Hants (ib. pp. 240, 243), was present at the meeting of Henry and Charles 5 at Grave-lines (ib. 906), and was a witness to the treaty signed at Greenwich between the King and the Emperor on April 12, 1520 (ib. 739, 2, 741). He appears to have been in Henry 8's confidence (ib. 1233), and was a

member of the Privy Council (ib. 1266). He was afterwards Treasurer of Calais and sub-Treasurer of the Exchequer. His only son, Sir Francis Weston, was convicted of adultery with Queen Anne Boleyn and executed in 1536 (O. Manning and W. Bray, 'Hist. of Surrey' (1814), iii. 122). Sir Richard died between 1540 and 1547.

<sup>1</sup> See p. cxiv. n. 64.

<sup>2</sup> William Rooper or Roper (1496-1578), eldest son of John Roper by his wife Jane, daughter of Sir John Fineux, Chief Justice of the King's Bench; Clerk of the Pleas and prothonotary of the K.E. in 1523; biographer of his father-in-law, Sir Thomas More; died 1578. 'Dict. Nat. Biog.'

<sup>3</sup> M.B. Add. MSS. 25, 248. On fo. 39<sup>b</sup> is apparently a draft or copy, prior to Sir J. Caesar's corrections, of the printed portion of his book, ff. 9-21<sup>b</sup>

<sup>4</sup> I.e. 1573.

<sup>5</sup> Lord Burghley.

<sup>6</sup> The hospital of St. Mary Rowneival,

decease M<sup>r</sup> Robert Sampson (who was my vncles M<sup>r</sup>) was a Clarke there. And after a few yeeres King Henry the Seventh seeing his Court pestered with sutours and sometymes out of due season, His Highnes did appoint divers of his Counsell to keepe termes in this White Hall as they now doe, and as in Registers may appeare. And I of mine owne knowledge did know in King Henry the viij<sup>th</sup> tyme, One Pheysey<sup>1</sup> then Bishop of Execeter to bee sent downe by the Kings Matie to be the first<sup>2</sup> president in the Marches of Wales who (amongst others) had before beene one of His Highnes Counsell in this Court. It should seeme that this Lacy had beene of some continuance in the same office for he was of good age when he died, And the tyme alsoe when he served was in division between the two Howses of Lancaster and Yorke (as your Lordshippe doth better know than I doe). By we<sup>ch</sup> means the Actes of the Counsell were not soe exactly kept and conserved as they are now by meanes of her Maties most blessed and peaceable Government whose prosperous estate I beseech God it may continue to the worlds end.

FIG. 2.

FIG. 2b.

My good Lord if it might please your Lordshippe to call one John Vavasor of New Inne gent. he can report of his owne knowledge what records of Pleadings he did find in the Tower of London for Mr. Henry Denny touching a cause in contencion between the Abbatt of Waltham, and a great noble man pleaded shortlye after the Conquest before the king then raining and his Counsell. Mr. Vavasor did see the Copies of divers pleadings touching a matter before the then King and his Counsell Pleaded by the Abbot of Waltham against a Duke or a great Lord who was then Lord of Cheston. Mr. Henry Denny did shew the same pleading vnto him. They were had out of the Tower of London shortly after the Conquest. A<sup>o</sup> 1591.<sup>3</sup> The 4 of February 34 Elizabeth.

a cell to a Priory of that name in Navarre.' It was founded by William Marshall, Earl of Pembroke, temp. Hen. 3. It occupied the site on which Northumberland House, Charing Cross, afterwards stood. It was suppressed by Henry 5, together with the alien priories, but re-founded as a fraternity by Edward 4 in 1476. It was finally dissolved by Henry 8. W. Maitland, 'Hist. of London,'

p. 1345.

<sup>1</sup> John Veysey, alias Harman. See 'Trans. R. Hist. Soc,' 1894, p. 98.

<sup>2</sup> This is a mistake. The first President was William Smyth, bishop of Lincoln, in 1501. R. Churton, 'Life of Bishop Smyth' (Oxford, 1800), p. 57.

<sup>3</sup> I.e. O.S.

C.<sup>1</sup>

Hereafter<sup>2</sup> followe such orders and Rules as are appointed by the Kinges Ho. Counsell to be observed and kept in all manner of causes & suites afore them, to be heard in the court of Requests, w<sup>ch</sup> hereafter consequentlie ensue founde written in an old paper booke written by Robert Dacres esq<sup>r</sup> P. C. to the K. H. 8 and M. of Requests a<sup>o</sup> R. dicti Regis 35.<sup>3</sup>

First that all makers of Bills brought into the same Court subscribe their names, both to answers, Replicacions and Reioynders, and euery person onyting the same to repaie the fee by him receaued to the parties thereby hurte and damnified. And in case the same maker for lack of learning or knowledg shall otherwise penne or sett forth any poore mens causes contrarie to the truth or matter afore him shewed in writing, or other good or sufficient informacion to him evidentlie geuen, wherby the parties so greued shall be compelled of reason to reforme and make newe matter by that occasion onlie; then the maker to repaie his fee receaued, w<sup>th</sup> such other chardges as shall be thought requisite for his negligence or remisse doeing in that behalf.

2. Item that euerie person vpon his appearance by the Kinges Privie Seale, or otherwise bring their answer at the daie to them assigned by the Court. And in like case the Replicacion and Reioynder, and euerie partie that not performing to paie the partie thereby offended viij<sup>d</sup> by the daie, to be satisfied and deliuered immediatlie into y<sup>e</sup> Court, and so consequentlie for euery daie so assigned as aforesaid. The Court dayes therefore appointed of common course to be Mondaie and Wensdaie and Fridaie. Those dayes to be peremptorie to all parties for bringing their said answers Replicacions and Reioynders; the same to be brought in their proper persons, and not by their Counsell learned, considering that therby arise chardges without neede.

3. That all gentlemen w<sup>ch</sup> bringe Complaintes to the Kinges Grace or his Counsell, not being his Graces howsehold, servants attendant vpon his person,<sup>4</sup> having landes to the yearlie value of . . .<sup>5</sup> Or all such other persons that haue goodes and chattells to the somme of . . .<sup>6</sup> be remytted to the common lawe, and in default of remedie there, to the Kinges high Court of Chauncerie, considering their suites to be greatlie to the hinderance of poore mens causes admitted to sue to the Kinges Grace, and that all such persons be tried by their oathes, touching their laudes and goodes.

Fo. 170.

<sup>1</sup> From Sir Julius Cæsar on the Court of Requests. MS. Lansd. 125, p. 169. Transcribed also in 'Collections relating to the Court of Requests,' MS. B. M. Lansd. 25248. See p. xxxi, supra.

<sup>2</sup> I.e. following a number of excerpts from 'books of the Common Law & the Statutes affording evidence dating from the reign of Edward III, of the supreme judicial authority of the King's Council.' As this subject

has been adequately discussed by Hallam, Palgrave, and other writers, it has not been thought necessary to deal with it in this introduction. The selections have therefore been omitted.

<sup>3</sup> 22 Ap. 1543-21 Ap. 1544.

<sup>4</sup> Cf. pp. xv, xxxiv, supra, and p. lxxxviii, p. 17, n. 4, infra.

<sup>5</sup> Left blank in MS.

4. Item that all persons contemning the Kinges Privie Seale to them deliuered be from henceforth chardged and chardgable w<sup>th</sup> the payment of the second processe against them sued out in defaulte of their apperaunce if due prouf doe appeare of the first deliuerie made accordinglie. And if not, then the plaintiff to stande to his owne chardges.

Fo. 170 b.

5. Item that all gentlemen being learned in the Kinges lawes having any cause for their clients to be heard and determined by the Kinges Counsell keepe three dayes appointed afore them, sitting the Courte, so that therby their Clientes may not be chardged w<sup>th</sup> double fees in default of their Counsell learned or of themselves for lacke of solliciting of them, vpon the danger that may therof followe and ensue, w<sup>th</sup> the payment of such Costes as shall be assessed to be paie by the offenders.

6. Item that all persons presenting Complaintes to the Kinges Grace or his Counsell, w<sup>ch</sup> prosecute not the same during the space of one whole terme neither by himself neither his Counsell learned, nor sheweing cause sufficient to the Contrarie be compelled to paie the defendantes Costes, and the matter remitted to the common lawe.

Fo. 171.

7. Item it is ordered that noe person after his apperaunce made before the kinges counsell, departe before his answeare made and to them presented, and licence to them geuen in the Courte where they shall in like case enter the name of his Attorney and Counsell learned to speake in his absence, so therby noe delaie from henceforth be made and vsed to the hurte and preiudice of any partie, whether he be plaintiff or defendante, that so wilfullie departeth noe licence had, w<sup>ch</sup> daylie is vsed to the great hinderance and delaie of poore mens causes. And euerie offender in this behalf to be chardged w<sup>th</sup> such Costes as by the Kinges Counsell shall be awarded.

Fo. 171 b.

8. Item that all persons w<sup>ch</sup> refuse or wilfully disobaie any decrees made by the Kinges Counsell supposing them to haue matter or title sufficient to disprove the same; be vpon the said surmise so alleadged chardged to paie all such Costes as in the decree were awarded, and that done to be heard accordinglie. And in case the matter prove not sufficient in discharge of the said decree then the partie to be compelled to paie all such other Costes, as by the Counsell shall be awarded afore his departure out of the Court or such other punishmentes as may be thought convenient for his Contempt in that behalf comytted and done, And over this, that the same partie so disobeying as aforesaid be examined who was his Counsellor or provoker to doe the same. And that proved and founde, the Counsellor to be compelled to paie all such Costes as shall be awarded and further to be punished as by the Counsell shall be devised.

Fo. 172.

9. Item that all bills presented and brought afore the Kinges Counsell, whereby yt may be knowne or seene, that the plaintiff nor his ancestors haue not bene possessed of such landes, as are in the same complaint specified by the space of <sup>1</sup> the same parties and the matter by them brought to be remytted to the common lawe, and the Court therof to be discharged forever. The parties in such case are to be examined by their oathes.

<sup>1</sup> Blank left in MS.

10. Item that all persons wittinglie of their owne knowledg, w<sup>ch</sup> doe of their wilfull mindes provoke and bring afore the Kinges Counsell such causes as against them haue bene determined, either by the Courtes of the Kinges common lawes, the Courtes of Chauncerie Starre Chamber or otherwise by their owne releases w<sup>th</sup> warrantie and such like matter being against them a sufficient barre in the lawe, as now is daylie practised by wilfull persons be discharged of their suites and commanded to paie the parties Costes being so greeved and wilfullie vexed without iust cause. Ne also that noe woman being vnder Covert baron, their husbandes neither blinde ne lame be suffered to sue afore the Kinges Counsell, but such persons to be sequestred considering their importune and vnreasonable requestes daylie vsed to the hinderance of good matters.

11. Item that all bills concerning Copie hold landes (noe default alleadged against the Lord or his Steward) be alwayes remitted to the Lords officers of the mannour, wherof the landes are holden, there to be tried according to the custome of the same. And if default be supposed against the Lord or his Steward, then a Commission to be awarded to some indifferent gentlemen by the Counsell nominated to sitte with the Steward for knowledg of the truth in that behalf.<sup>1</sup>

12. Item that all persons w<sup>ch</sup> vpon their requestes, or suites made to the Kinges Counsell, doe obtaine and haue processe to them graunted and made vnder the priue seale doe fetch, and sue to the Clerk of the Courte for the same at tyme convenient and in default therof if the partie sufficient made processe to remayne aboute the space of one terme, the suter therof to be charged w<sup>th</sup> the payment of the fees due to the Clerk.

Fo. 173.

13. Item yt is finallie ordered by the Kinges Counsell, to thintente that all manner of causes afore them depending may be well and indifferentlie heard without any exclamacion, or intervyptions of any persons standing, or being present at the hearing of the same that they and euerie of them not being Counsellours in the same cause, doe keepe silence without intervypting therof, vntill such tyme, as order in that behalf be had or taken, vpon the daunger and perill that by the said Kinges Counsell againste the offendours from tyme to tyme, shall be by their discretions ordered and decised for their condigne punishmentes in that behalf.

Of the above articles the first appears to be an honest endeavour to keep down the cost of legal proceedings and to protect illiterate suitors against a form of legal chicane, the multiplication of proceedings with a view to the increase of costs. The same motive, to avoid 'charges without neede,' governs the second article excluding Counsel from the delivery of pleadings into Court. It would have been interesting to know the yearly value of lands or the sum of personalty which by the third article was fixed as the line qualifying litigants as poor men for the right to sue. In this article is also to be noticed the definition of the King's servants as 'attendant vpon his person.' It seems to follow from this that the appearance, already

<sup>1</sup> But the practice temp. Eliz. seems to have been otherwise. See the Earl of Bedford's letter, p. xvi, supra.

noticed, of judges as plaintiffs, in all instances after the date of these articles, must have been by a removal of the cause on the part of the defendant from some other Court. If, however, by a legal fiction the judges were taken to be within the restriction, it is evident that its elasticity must have rendered it of little effect. Assuming the patriarchal view of kingship to have suggested the systematisation of royal justice, as traditionally practised, by the constitution of this Court, it is intelligible that the king's household should be privileged. It was an age of progresses, and the royal attendants would have enjoyed but rare opportunities to settle their differences either in the Courts at Westminster or in the Assize Towns. The fifth article is another attempt to limit costs by curtailing the privilege of Counsel, maintained to the present day, of accepting fees without attending a case. To be logical, however, the Court should have empowered Counsel to recover fees where services had been rendered. The sixth like the twelfth article is an endeavour to check 'the law's delays' by insisting that a case entered should be carried through with expedition on the part of the litigants. The rule would have been more impressive had not the later records of the Court shown it choked with business, a fact of which we have already had an illustration.<sup>1</sup> The seventh article directed 'against the great hinderance and delaie of poore men's causes' by the wilful absence of defendants, taken in conjunction with the 'contemning the Kinges Privie Seale' mentioned in the fourth article seems to hint at a disposition to contest the powers of the Court which came to a head under Elizabeth. It may be inferred from the language of the eighth article upon contempt of Court that this resistance was fomented by the Bar who are thereby held responsible for their clients' contumacy. The ninth article perhaps refers to those copyhold cases which, as we know, crowded the Court. They frequently arose out of endeavours on the part of the copyholders to transform copyholds for lives into copyholds in fee and on the part of the lords to repossess themselves of land which had descended in the families of copyholders for generations that they might grant it out upon leases reserving rents commensurate with the improved agricultural values. The tenth article seeks to protect the poor litigant against a vexatious invocation of the process of the Court upon matters already determined at Common Law or in Chancery. The multiplication of suits was a favourite engine of oppression in days of imperfectly defined limitations of jurisdiction on the one hand and chaos of local franchises on the other.<sup>2</sup> The eleventh article is an indication of the diminished influence of the tenants of the manorial courts which becomes evident in the fifteenth century. With that decline, as I have elsewhere shown,<sup>3</sup> came a corresponding enlargement of the protective power of the Crown. But the intrusion of Crown commissioners between the judge of the Court and the Lord's tenants was a new invasion of manorial rights

<sup>1</sup> See the letter of Lord Keeper Puckering, on p. xxxii, *supra*.

<sup>2</sup> It seems sometimes to have been resorted to by poor litigants and to have been favoured by the readiness of the Courts to allow appearances 'in forma pauperis.' See the numerous actions

brought by a copyhold farmer Henry Selby against John Mulsho, the lord of the manor of Thingden, in 1526-34, 'Security of Copyholders in the Fifteenth and Sixteenth Centuries,' *Eng. Hist. Rev.* 1893, p. 692, by the present writer.

<sup>3</sup> *Trans. R. H. S.* 1892, pp. 228-246.



which could not fail, as the event proved,<sup>1</sup> to provoke the resentment of the landowners.

As a matter of theory only certain persons and causes were entitled to come before the Court, though these classes were so large and so elastic that not many desiring to be suitors could have been excluded. 'The persons plaintiffs and Defendants betweene whom they (the Court) judged, were alwayes either priuiledged as officers of the Court, or their seruants, or as the king's seruants or necessarie attendants on them; or els where the Plaintiffs pouertie, or mean estate was not matchable with the wealth or greatnes of the Defendant, or where the cause was specially recommended from the King to the examination of his Councell; or causes concerning Vniuersities, Colleges, Schools, Hospitales and the like.'<sup>2</sup> The other categories of causes cognisable by the Court are distributed by Sir Julius Cæsar among the cross divisions of Maritime, Ecclesiastical, Temporal, and Ultramarine, 'but properly of Temporall causes, and onely of the other sort, as they are mixt with Temporall.'<sup>3</sup> These which would otherwise absorb the whole jurisdiction both of Admiralty & Common Law are limited in a MS. note that such causes 'triable by the common lawe are not to bee determined in this Court, vnles there bee some matter of equitie in them not remediable in their proper Courts; videl: to remidie fraudes, breach of trust, extremity of common lawe, or vndue practises,' an apparent encroachment upon the province of the Chancery. We shall see presently that it is also embraced Criminal Law.

The extensive powers thus assumed by the Court are set out by Sir Julius Cæsar with the references showing that they had actually been enforced. Questions of title to and possession of land, especially as to copyholds, fines and commons, tithes, annuities, trusts, extents, debt with specialties and without, executorships and administratorships, contracts, villainages, watercourses, leases, covenants generally, highways, wardship, dower, jointure, escape, forfeitures to the king by recognisance or otherwise, riots and routs, forgery and perjury, where goods were seized as forfeited by the lord of any manor, or by force, cosenage or dishonest dealing, questions affecting the conduct of executors, questions of marriage settlements of lands or goods, suits for money due upon account or received by the defendant to the plaintiff's use, damages claimed for injuries sustained from violence—all these were tried by the Court of Requests.

9 Martii 6<sup>o</sup> Ed. 6<sup>o</sup>.

A Commission to certaine Counsellours to heare and determine the suites preferred either to the King or to his Prīue Counsell.

FO. 163.

Edward the vj<sup>th</sup> &c. To our trustie & right welbeloued Cosen & Counsellour John Earle of Bedford<sup>5</sup> keeper of our Prīue Seale, our right trustie and right welbeloued Counsellour Sir Thomas Darcy knight of our order

<sup>1</sup> See p. xvii, supra.

<sup>2</sup> Sir J. Cæsar, fo. 12. References to the Court's books are given for these propositions.

<sup>3</sup> Fo. 12<sup>b</sup>.

<sup>4</sup> 1552.

<sup>5</sup> See p. 55, n. 1, inf.

Fo. 163 b.

L. Darcy Chichey<sup>1</sup> L. Chamberlaine of our howse, Sir George Brooke knight of our order, L. Coblam,<sup>2</sup> the right reuerend father in God Nicholas Bishop of London,<sup>3</sup> our trustie and right welbeloued Counsellours Sir John Mason<sup>4</sup> and Sir Phillipp Hoby<sup>5</sup> knightes, and our trustie and welbeloued John Cocke<sup>6</sup> and John Lucas<sup>7</sup> Esquires Masters of our Requestes ordinarie greeting. Whereas through the great number of suites and requestes which be daylie exhibited vnto vs, and the importune calling on of the suitors of all sortes the Counsellours of our priue Counsell have heretofore and yet be often tymes so encombred and overchardged as they cannot so well attend the great and waightie causes of our Estate Royall as were requisite, We minding the redresse therof, and being also desirous that suiters of all sortes aswell our owne subiectes as strangers, making their suites vnto vs or our Councell of estate may haue speedie answers, and be reasonable dispatched without longe delai trusting in your approved wisdomes discretions, and vprightnes haue appointed you our speciall Commissioners for the hearinge examining and ordering of all the suites and requestes aforesaid and such other suites as to you altogether eight seauen, sixe five or fower of you shall be exhibited. And because the suites and requestes commonlie exhibited be of such seuerall natures as doth require seuerall orders and directions, We haue caused certaine speciall instructions signed with our owne hande to be made for the manner of your proceedinges & ordering of all sortes of matters according to their seuerall natures. Wherefore our pleasure and expresse commaundement is, that following th'order which we haue by our said instructions appointed you eight, seven, sixe, five or fower of you shall from henceforth diligentlie applie thorder and speedie dispatch aswell of all such suites and requestes as remayne not yet ordered, as also of all others that from henceforth shall in forme aforesaid be made and presented, straightlie chardging and commaunding all Iustices, Mayors, Bayliffes, Sherifes and other our officers ministers and subiectes, that they and euerie of them be to your ayding and assisting in th'execucion of this our Commission, as they tender our pleasure and will answere to the contrary. In witnes &c. Teste Rege apud Westmonasterium 9<sup>o</sup> die Martii Anno Regni Regis Edwardi sexti sexto.

Fo. 161.

Per ipsum Regem.

<sup>1</sup> Lord Darcy of Chiche. co. Es-cx, 5 Ap. 1551; K.G.; died 1558. Nicolas, 'Hist. Peerage.'

<sup>2</sup> Eighth Lord Cobham; K.G.; died 1558.

<sup>3</sup> Ridley, born c. 1500. Fellow of Pembroke Hall, Cambridge, 1524; master, 1540; bishop of Rochester, 4 Sept. 1547; of London, 12 Ap. 1550-53; burnt at Oxford, 16 Oct. 1555. 'Dict. Nat. Biog.'

<sup>4</sup> Sir John Mason (1503-66), Fellow of All Souls College, Oxford, 1521; Secretary to Sir T. Wyatt, ambassador to Spain, 1537-41; Clerk to the Privy Council, 1543;

Ambassador to France, 1550; Privy Councillor, 1550; Master of Requests, 1551; Chancellor of the University of Oxford, 1552; Ambassador to the Emperor, 1553-56; died 1566. 'Dict. Nat. Biog.'

<sup>5</sup> Sir Philip Hoby or Hoby (1505-58), gentleman usher to Henry VIII., knighted 1544; Master of the Ordnance, 1545; ambassador to the Emperor, 1548 and 1553; to France, 1551; Privy Councillor, 1552; died 1558. *Ibid.*

<sup>6</sup> See p. cxvii, n. 94.

<sup>7</sup> See p. cxvii, n. 96.

D.<sup>1</sup>

Articles<sup>2</sup> for the manner of the commission directed to certaine of the Privie Councill and others associat vnto them for the hearing and deternyng of certaine requestes made as hereafter followeth.

Fo. 164 b.

The L. Priney Seale  
 The L. Chamberlaine  
 The L. Cobham  
 The Bishop of London  
 Sir John Mason  
 Sir Phillipp Hobie  
 Mr. Cocke  
 Mr. Lucas.

The said Commissioners shall heare all such suites as shall come to the M<sup>rs</sup> of Requestes handes from the Kinges Ma<sup>tie</sup> or by th' order of the priuie Councill for the State or such as shall be presented and deliuered by any suitors to the same Commissioners being assembled to sitte.

The M<sup>rs</sup> of the Requestes or one of them shall make declaracion of the suites to the rest of the Commissioners when they be assembled beginning in order with such suites as be deliuered to them in order first (except there be any that seeme to concerne the state of the Kinges Ma<sup>tie</sup>) or that is or ought to be kept secret and those suites shall be first considered and deliuered to one of the two principall Secretaries to be declared to the priuie Councill assembled for the state.

Fo. 165.

Item vpon th' other suites heard and vnderstod as many of the same as be determinable in any Courtes of equitie, or may be by honest gentlemen and Justices of the Countie convenientlie determined shall be distributed thether by indorsing vpon the bills of the same suites wordes of direction for that purpose, with the handes of two of the Commissioners, and the M<sup>rs</sup> of the Requestes or one of them, and the daie and place of the expedicion therof, orrells in cases to them thought requisite, the said Commissioners or sixe of them may write their letters to the same Courtes or gentlemen and Justices for th' expedicion and good order of the same suites.

Item such suites as be made for to haue payment of any sommes of money out of the Kinges Ma<sup>tes</sup> Coffers for any debt alleadged to be due to them shall as cause requireth be participated to the Commissioners for th' order of the reuenues and for calling in of debtes and vpon answere or allowance had from them or by their order, or otherwise knowledg certainenlie had of the due therof, the same requestes shall be expedited and paid by warrant signed with sixe of those Commissioners handes at the least being assembled, or otherwise the suite to be determined yf noe cause be of the payment therefore, and such other suites as be made of peticion for

Fo. 165 b.

<sup>1</sup> See pp. xix, xxiii, supra.<sup>2</sup> Also transcribed in 'Collections rela-

ting to the Court of Requests.' B.M. MSS. Add. 25248.

rewards of service shall be so considered, that there be iust reportes made of the parties worthines from them, vnder whom they doe or haue served, by reason of which service the petition is made.

And in those and all other they shall consider by their wisdomes that the parties may be relieued and helped as reason is observing comon orders, as nigh as convenientlie may be th'auoyding of the Kinges Ma<sup>tes</sup> chardge.

Item they shall participat to the Commissions appointed for the furtherance of penall lawes all such complaintes as be made against any manner of person for the breaking of the same penall lawes or proclamacions for seeing that the same suites haue likelihood of truth for th'auoyding of causeles vexacions or troubles.

Fo. 166.

Item they shall provide that noe manner of booke of any graunt shall be preferred or allowed by them to be had to the Kinges Ma<sup>tes</sup> Signature, but that the same bill or booke shall be subscribed with the hande or handes of some ordinarie officers of the place or Court to the which the same booke shall be directed from the Signature, and remaine of recorde, or be otherwise expedited to th'intente that the laudable order of writing of the same be not abused to the damage or deceit of the King; and if the same cannot convenientlie be so subscribed for lacke of such officers in progresse tyme, then two of the Commissioners wherof one to be M<sup>r</sup> of Requestes shall subscribe the same.

And if any letter or booke shall be thought meete to the said Commissioners to passe to the Kinges Ma<sup>tes</sup> Signature, the said Commissioners or sixe of them shall signe a brief or docquet in paper contayning th'effect of the same booke or letter, which docquet with the booke shall be ioyntlie presented to the Kinges Ma<sup>tie</sup>.

Fo. 166 b.

Item the M<sup>rs</sup> of the Requestes shall keepe an ordinarie booke of th'expeditions of their sittings, and speciallie observe the names of all such as shall receane any benefit of the Kinges Ma<sup>tie</sup> with the brief cause of his suite graunted, that his Ma<sup>tie</sup> may therby with the more equalitie distribute his benefites vpon knowledg had who hath receaued the same benefites.

Item the same Commissioners shall diligentlie cause all false clamors to be punished, and th'obstinat and shameles haunTERS of the Court to be bannished.

Item in suites for Almes mens roomes in the Kinges Ma<sup>tes</sup> colledg and Cathedral churches, yt shall be a sufficient warrant for the graunting of the same being voyd to haue a bill therof subscribed by three of the said Commissioners, wherof one to be of the M<sup>rs</sup> of the Requestes, and those bills to be assigned at the tyme of th'assemblies, and the grauntes to be made onlie to poore men, and speciallie to men hurte & lamed in the Kinges Ma<sup>tes</sup> service.

Fo. 167.

Item the said Commissioners shall also cause certifiat to be made to them of the state and number of the same roomes from tyme to tyme as they shall see occasion.

Item they shall sitte nowe in the beginning as often as they shall see yt to be needfull, but afterwarde they shall sitt but once in the weeke, if the quantitie of the causes requireth not necessarily otherwise.

Provided alwaies that the said Commissioners shall not by any parte of their Commission, or by their instructions preiudice th<sup>e</sup> authority of the L. Chauncellour, or any other Courtes or places ordinary for Justice.

It is to be observed that whereas the name of Sir George Brooke is included in the original Commission, it is not in the Articles. In other respects the Articles appear to represent the 'speciall Instruction' spoken of in the Commission. Apparently the two Masters of Requests were overwhelmed by the multiplicity of business. The King therefore fell back upon the judicial authority inherent in the Privy Council, nominating six assessors. Their first duty was to systematise and reduce the arrears by remitting to Chancery or to special commissions in the locality in which the proceedings arose all cases so determinable. They were empowered to sit continuously until they had overtaken what remained of the business. Their essential character as a delegation of the Privy Council was marked by the instructions in accordance with which they were commanded to advise the King upon his grants.

## E.

21 H. 7.<sup>1</sup>The oth ginen to the Kings Counsell Judges of this Court.<sup>2</sup>Fo. 154.<sup>3</sup>

Yee shall be faithful and true Counsellour to our Soueraigne Lord, Henrie by the grace of God &c. and to his Counsell shall bee diligently attendant, and due and diligent attendance ye shall giue to the same, and in every matter touching our sayd Soueraigne Lord his honourable suretie, or profit that shall come to your knowledge, or that shall be commoned or treated in his Counsell, ye shall to the best of your wisdome giue plaine and true counsell; Not letting so to do for meed, dread, fauour or affection, of any person of what degree or condition soeuer he be. The kings counsell, as long as it is ordeined to be counsell yee shall conceale and keepe secret, without disclosing it to any person though he be of the same Counsell, if it touch him, & that he haue not bene made priuie thereto. And if there shall come any thing to your knowledge that may be hurtful, preiudicial or dishonourable to our sayd Soueraigne L. ye shall let it to the best of your power, and assoone as yee goodly may, shewe it to our sayde Soueraigne Lord, or such of his Counsell, as ye shall thinke will shew it to him, All which premisses, and every of them, ye shall well and truly keepe & obserue, so God you helpe and all Saints, and by his holy Evangelists by you bodily touched. fol. 56. In an olde booke of Presidents remaining amongst the Records of this Court.

The copie<sup>4</sup> of mine oath when I was sworne M<sup>r</sup> of Requestes 10 January 1590.<sup>5</sup> You shall swaere to be a true Counsellour to the Queenes Ma<sup>tie</sup> (as one of her M<sup>rs</sup> of Requestes). You shall not knowe or vnderstand

Fo. 174.

<sup>1</sup> Aug. 22, 1505—Aug. 21, 1506.<sup>2</sup> MS. Lansd. 125. This page printed.<sup>3</sup> See p. xxx, supra.<sup>4</sup> MS. Lansd. 125 in MS.<sup>5</sup> Old style. This identifies the writer as Sir Julius Caesar: see E. Lodge, 'Life of Sir J. Caesar,' p. 18.

of any manner of thing to be attempted done or spoken against her Ma<sup>tes</sup> honour, crowne or dignitie Royall; but you shall lett and withstand the same to the vttermost of your power; And either doe or cause yt forthwith to be renealed either to her Ma<sup>tes</sup> self, or to the rest of her privie Counsell. And you shall to your vttermost beare faith and true alleaunce to the Queenes Ma<sup>tie</sup> her heires and lawfull successors, and shall assist and defend all Jurisdictions, prehemincences & auctorities graunted to her Ma<sup>tie</sup> and annexed to the Crowne, against all forreyne Princes persons, prelates or potentates &c by act of parliament or otherwise. And generallie in all things, you shall doe as a true Counsellour ought to doe to her Ma<sup>tie</sup>. So God you help, and the contentes of this booke.

Actum Richmondie die et anno prædictis, tunc et ibidem præsentibus Sir Christofer Hatton<sup>1</sup> Lord Chauncellour, William L. Burghley,<sup>2</sup> L. Threr, Charles L. Howard,<sup>3</sup> L. Admirall, Henry L. Hunsdon,<sup>4</sup> L. Chamberlaine, Thomas L. Buckhurst,<sup>5</sup> Sir Thomas Henneadg<sup>6</sup> knight, vicechamberlaine, Mr. Wolley<sup>7</sup> & Mr. Fortescue<sup>8</sup> esquires of her Ma<sup>tes</sup> most ho: privie Counsell, And Mr. Anthony Ashley<sup>9</sup> Clerk of the said Counsell.

Fo. 184.

Rosse. All Courtes in England haue their beginning by one of these three wayes. 1. By graunte from the King. 2. By Parliament, 3. By vse and custome.

1. By graunt from the King and that three waies. 1. By Commission, as Justices of Eire, Justices of Assise, Justices of Oyer and terminer, Justices of nisi prius, Justices of Forest, and high commissioners. 2. By particuler lettres patentes, as the Court of high Constable, the Court Marshall, the Courtes of marketes newly erected, Courtes of faires, and Courtes leetes. 3. by generall constitution & ordinance. So Edward the 1. King of

<sup>1</sup> Sir C. Hatton (1540-91), of the Inner Temple, gentleman pensioner to Elizabeth, 1564; Privy Councillor, 1578; one of the commissioners for the trial of Mary Queen of Scots, 1586; Chancellor, 1587; K.G. 1588; died 1591. 'Diet. Nat. Biog.'

<sup>2</sup> See p. exxiv, n. 182, infra.

<sup>3</sup> The Admiral commanding against the Spanish Armada; eldest son of William, first Lord Howard of Effingham; born 1536; created Earl of Nottingham, 22 Oct. 1596; died 1624. 'Diet. Nat. Biog.'

<sup>4</sup> Henry Carey, son and heir of William Carey, by Mary, daughter of Thomas Boleyn, Earl of Wiltshire, sister of Queen Anne Boleyn the mother of Queen Elizabeth; created Baron Hunsdon of Hunsdon, co. Herts, 13 Jan. 1559; K.G.; died 1596. H. Nicolas, 'Historic Peerage.'

<sup>5</sup> Thomas Sackville, created Baron of Buckhurst, co. Sussex, 8 June, 1567; afterwards Earl of Dorset; K.G.; died 1608, *ibid*.

<sup>6</sup> Sir Thomas Henneage, eldest son of Robert Henneage of Lincoln, auditor of the Duchy of Lancaster, M.P. for Stamford, 1553; Boston, 1563; Lincolnshire, 1571 and 1572, and Essex from 1585 till his death. A courtier in great favour with Elizabeth;

died 1595. 'Diet. Nat. Biog.'

<sup>7</sup> John Wolley, M.A. of Merton College, Oxford, succeeded Ascham in 1569 as Latin secretary to Queen Elizabeth (S.P. Dom. El. vol. xlix. 66, p. 331). Prebendary of Wells in 1569, though a layman, and Dean of Carlisle, 1578 (Acts of Privy Council, 2 January 1578). Sworn of the Privy Council, Sept. 30, 1586 (S.P. Dom. El. vol. xciv, 65, p. 364). Chancellor of the Garter, 1589 (*ib. vol. cccxlii. 96, p. 592*). He was also Keeper of the Records of the Court of Augmentations (*ib. vol. cclvi. 85, p. 184*), and Clerk of the Pipe (*ib. cp. ib. vol. cexli. 124, p. 213*). He was a commissioner to try Mary Queen of Scots in 1586, and was knighted in 1592. He died at Pyrford, Surrey, where he had a seat, in 1596. A. Wood, *Fasti Oxon. i. 154*.

<sup>8</sup> Afterwards Sir John Fortescue, eldest son of Sir Adrian Fortescue. He was tutor to Queen Elizabeth, whose second cousin he was. Chancellor of the Exchequer, 1589; died 1607. 'Diet. Nat. Biog.'

<sup>9</sup> Of Wimborne St. Giles, Dorsetshire; born 1551; made a baronet by James I. in 1622; grandfather of the first earl of Shaftesbury; died 1627. 'Diet. Nat. Biog.'

England erected the Kinges Bench, the Exchequer, and other Courtes as appeareth by Britton.

2. By Parliament, as the Court of common ples by the statute of Magna Charta, 9 H. 3. cap. 11. *communia placita non sequantur Curiam meam*, the Court of Augmentacions by 27 H. 8 cap. 27, the Court of Wardes by 32 H. 8. cap. 46, the court of first fruites and tenthes, eod. cap. 45 and the court of Surveyors by 33 H. 8. cap. 39.

3. By vse and custome, as the Courtes of Counties Palatine, of Chester, Durham and Lancaster, the Court of Stammeries in Cornewall, the Mayors Court in London. So divers men have leetes by prescription. So the high Court of Parliament. So the Chauncerie, as yt appeareth by 28 E. 1. cap: 5.<sup>1</sup> So the Court of Starre chamber by 3 H. 7 albeyt yt was not then first instituted nor established for before that tyme, viz<sup>t</sup> 2 R. 3 fol. 9 yt is said that the King called into his inward Starre chamber divers Justices, and demanded divers questions of them. So by custome and vse the Court of Requestes is established, in the which causes brought before the Kinges Counsell were discussed. And as the Kinges Counsell hath power in the Starre chamber to examine criminall causes, so in this Court the said Counsell examineth private causes betwene partie and partie. Which court being first established for the ease of suitors, and having nowe contynued euer since 8 H. 7. is by contynuanee of tyme fullie ratified & confirmed, without assistaunce of the Kinges graunt or Parliament.

Fo. 181 b.

F.<sup>2</sup>

Tytles of matters whereof I am charged to haue regard as a Counsellor and Secretary.<sup>3</sup>

Memorandum. That all causes to be treated on in Counsell and resolved are ether only for her Maiestie or betwixt Party and Party, or betwixt some party (ether subiect or stranger) and the Queenes maiestie.

The first doth handle principally questions and consultacions of State growinge from forrayne Advertismentes, or some extraordinarie accidentes within the Realme.

The second (between party and party) are verie seldome heard particulerly, but rather ended by overrulinge an obstinate person, whoe is made to acknowledge his fault, or els the parties are remitted to some Court of Justice or equity, or recommended by some lettres to some Justices in the country to compounde the differences ether by consent of the Partyes or by direction. Or if the cause be great the (lords) to write letters to some principall persons to haue some circumstances better understood and examyned concerninge matter of fact, whereof the Counsell cannot be so well informed when they haue only the suggestions of one partie agaynst an

<sup>1</sup> 'Le Roi voet qe le Chauncelerie e les Justices de soen banc lui suivent.'

<sup>2</sup> See p. xxx, supra.

<sup>3</sup> S. P. Dom. El. vol. cclxxiv. 118. (Memorandum by John Heibert.)

other, vpon which report it often happeneth that quarrelles and differences are taken vp by the Counsayle, when it appeares clerely who is in default.

When there is any thing in question wherein the Queen is a Party, it is commonly ether the by<sup>1</sup> breach of Peace or for some other Tittle.

If ther be breach of peace the lordes do ether punishe the offendour by commitment, or doe referre the matter to be further provided in, in the Starchamber, where great Riottes and Contemptes are punished.

If it be matter of Tittle, then the lordes refer it to the Queenes learned counsell, and recommend the same to the Judges care.

If there be some suites to the Queene of poore men, then doe the lordes indorse their petitions with their opinions and recommend the dispatch to the Secretarie, or for the poorer sort to the Master of the Requestes.

*Endorsed.*—26 Sep<sup>r</sup>. Matters whereof there is to be taken regard by a Counsellour and Secretary matters of State.

G.<sup>2</sup>Fo. 2 b.<sup>4</sup>Courts of Equity. To the Earle of Northampton.<sup>3</sup>

## Observations of the proceedings in the Court of Requests.

Concerning  
the Billles  
there ex-  
hibited.

In this Courte many Bills haue bene exhibited without Advice of Counsell or subscription by any Counsellour but framed by some Attourneye, Solicitour Clerke or Scrivenour.

Herevpon it happeneth that many of their Bills are very Imperfect, some of them insensible and doe conteyne matter determinable at the Common Law.

Vnto the Bills the defendants Counsell doe demurre in lawe and then they Spyne and Trifle out one or two termes about the exceptions for the wearing and discomfort of the Clyents who knowes that this debate is not touching the Substance of the Cause but for matter of forme.

And if the Courte doe ouer rule the demurrer or that the defendant doe wave his advantages against the Bill, and doe put in his Answere whereby the cause proceedeth to Commission hearing and decree, yet the defendant finding the decree against him, to prevent execution therevpon will obtayne a prohibition at the Common Law vpon Informacion that the matter of the Bill and decree is determinable at the Comon Law, whereby the Subject is much grieved and the Court reproached and disgraced.

Fo. 3 b.

<sup>1</sup> Sic; 'by' inserted with a caret.<sup>2</sup> See pp. xlvi, n. 2. xlix, n. 4, supra.<sup>3</sup> Henry Howard, earl of Northampton, K.G. (1540-1614); second son of Henry Howard, earl of Surrey, and younger brother of Thomas Howard, fourth duke of Norfolk;

created earl of Northampton 13 March, 1604; Lord Privy Seal 29 Ap. 1608. 'Dict. Nat. Biog.'

<sup>4</sup> Collections relating to the Court of Requests, B.M. MSS. Add. 25248. In the same hand as fol. 1-2 b.



The Imitation of the course in Chancery removeth this Inconvenyence where no Bill is Received without subscription of a Counsellour at Law, who for his credit sake will take Care that the Bill be perfect and that the Surmyses thereof be agreeable to the course of the Court, otherwise the Bill (w<sup>ch</sup> is the foundation of the cause) being insufficient he can obteyne no decree at all and besides he is lyable to the costs of the Court.

The Orders of this Court doe often skirmish and encountereth with other vpon these causes following.

Concerning  
the orders  
there.

1. First by reason of private motions for some of the Courts.

Fo. 4.

2. Secondly, for that the last order doth not recite the former neither yet the matter Informed nor the Reasons that begate the Order as is most necessary for the vnderstanding of the Court and of continuall vse in Chauncery.

3. Thirdly for that there is not one person certeyne that doe alwayes sit Judge there, but they sitt by turnes and by starts.

Herevpon it followeth that the Counsell finding an Order against his Clyent, and happily iustly conceived, takes opportunity to move the Court in the absence of the Judge that made the order against him, and vpon some Coulerable pretence obteynes another Order, then Contrary or much Crossing the former Order, for that the Judge was not Informed of the last Order Neither doth the last Order conteyne vpon what Reasons the same was made.

Fo. 4. b.

The incerteinty of a person to sitt alwayes Judge in the Court is a great Cause of the facilitie and multiplicity of Orders, for it cometh often to passe that Counsell moveth in a cause wherein severall former Orders have been made, and those graunted by severall Judges, so that these Orders are not pursuing each other but differing and not tending to the conclusion of the cause but to the lengthninge out and delay of the same for the great vexation of the Subiect.

Besides for want of one person certeyne to sitt as Judge in the Court a cause at the hearing is much confounded with sundry Orders w<sup>ch</sup> also perplexes the vnderstanding of the Court, Whereas if one person sitt alwayes as Judge, he can easily Remember the passages and former Orders in the Cause And the matter will appeare more readily for his capacity. And thereby he will be the better prepared for a speedy & direct Course of Justice.

Fo. 5.

And further where dyvers sitte as Judges in a Court by turnes and tymes at their pleasures, the Clyent finds the way more easy for obteyning fauour in the hearing of his Cause.

This Court doth often suffer Counsell to excepte to their decrees, and to move that they may be qualified, or changed at least in some parte thereof w<sup>ch</sup> beinge graunted, their decree is suspected, and much Impeached, for thereby it ensues that there is no certaine end of Causes.

Concerning  
Decrees in  
the Court.

Whereas in the Chancery the decrees there pronounced are finall, and the Court suffereth no man to speake against any decree or to exhibit any Bill to reurse a decree, vntill the decree be performed, nor yet then to

Fo. 5b. exhibit any Bill to reuersè a former decree but vpon new matter not conteyned in the former Bill or proofes.

This also comes to passe through the interchangeable sittings of the Judges, and their ouermuch facility or affection to grace & gratifie their friends.<sup>1</sup> But this makes the Clyent to murmure, for that he findeth no end of his Cause, and the Court to be contemned.

Besides at the hearing of a cause the Judge will often demaund the opinion of some at the Barre touching question in Law which doth much Impaire the Estimacion & Reuerence of his Court.

Concerning  
References.

It is often vsed by the Court that when a Cause hath long depended and is ready for hearing and some tymes heard, the Court doth many tymes referre the hearing and ending of this Cause to Knights and Gentlemen in the Countrye, whereby the Clyent who offers<sup>2</sup> long suite and great expences in the cause expected a finall end thereof receiveth onely an Order an Order<sup>3</sup> of Reference for an arbitrary end in the Countrye by persons who many tymes vnderstand not the Cause.

Fo. 6.

This sometymes proceedeth from the Counsell who finding that the Cause will be decreed against his Clyent Aduiseth him to labour to some of the Court that the Cause may be referred to some in the Country of purpose to tyre the Adnerse partie, or to gaine something by the Composicion.

This Reference sometymes also proceedeth from the motion of the Court, who finding that the decree wilbe frustrate by a prohibition are contented to declyne their disgrace therein by making these References; but herewith the Subjects is much grieved, and is better satisfied with a decree against him vpon a Judiciall hearing then with such a Reference, for such an end the Clyent could haue had in the Country before he began his suite or spent any money in the Law.

Fo. 6b.

Concerning  
the Attour-  
neyes of  
the Court.

The Attourneyes and Examiners of the Court are meane, Ignorant & of meane estimacion and such for the most part neither know nor observe the Orders of that Court or of the Chancery, for these Attourneyes are meane Not trayned vp in the Court, but such as comes in by deare purchase, who to grace themselves, and gaine Clients, doe often contest with the Counsell at the Barre, & doe make a confused noise and a clamour in the Court, without any Reuerence or respect of the Judges.

The Court suffering this vnseemly behaviour in the Attourneyes doth make Cousell of Accompt vnwilling to come thither and much detracteth from the dignity of the Court.

Fo. 7.

Whereas the Order of other Courtes is, that Attourneyes are silent, vnlesse they are questiond, & serue onely to Informe the proceedings of their Clyents Causes, and the course of the Court.

Concerning  
allowance  
in forma  
Pauperis.

Licences to sue in forma Pauperis are there too frequent before the Court be sufficiently Informed of the just Cause of their Complaint wherevpon it followeth that hee that sues in forma pauperis bringeth vpp three or foure deff<sup>tes</sup> out of the remote partes of the Realme, and there keepe them long in suite, and in the end no Cause or matter appeareth to the Court to give them

<sup>1</sup> See p. xviii, n. 1, supra.

<sup>2</sup> Sic. Qu. for 'after.'

<sup>3</sup> Sic, repeated.

Reliefe. And yet the defendant is without any Remedy for his great Costs and Charges, whereas if the Court would not allow any but vpon Certificate from three Justices of the Peace adioyning, or vpon some other Examination that his Cause of Complaint is Just and alsoe of his disability this would prevent much vexation.

Fo. 7 b.

But the great and mayne blemish of this Court is the frequency of Prohibitions which are graunted against the Orders and decrees of this Court proceeding partly from the Causes aforesaid and others.

Prohibitions.

These defects and blemishes were easily cured, if it pleased your Lordshippe to grace and honour the Court sometymes with your presence especially at the hearing of the principall Causes, and that hee who did alwayes sitt there as Judge, did give your Lordshippe a daily accompt of the proceedings and accurrences<sup>1</sup> of the Court, for this Court well ordered would be much to the honor of his Ma<sup>tie</sup> and to the ease and contentacion of his Subjects.

The Remedy for these inconveniences.

For albeit the Court of Chancery is now furnished with Judges of great justice wisdom & learning, Neuertheles the Clerks of that Court who buy their places at great Rates, and ought to Ranke their Clyentes Causes for hearing according to their dependencies in Court, doe now sell their hearings at excessive Rates whereas in this Court the Clyente hath his Cause heard at the motion of his Attorney or Counsell, w<sup>ch</sup> is but a final charge to the Subjects.

Fo. 8.

II.<sup>2</sup>

To the King's most Excellent Majesty. The humble Petition of the Masters of Requests to your Majesty.

Most Gracious Sovereign

Whereas there hath lately some Question arisen about the placing & precedency of y<sup>e</sup> Masters of Requests to your Majesty Though for our own parts we hold our selves contented with our present Condition yet we think it our bounden dutys for the honour of your majesty in the place wherein we serve about your royal Person and for the Countenancing of so Publick ministers of Justice, we holding the place of Judges of Equity under your Majesty in the Common wealth, in all humility to besech your gracious determination and decree therein.

We find amongst the records of your Majesty's Court of Whitehall that in y<sup>e</sup> times of divers Kings of this Realm those that then supplyd the same place of Judicature w<sup>ch</sup> the Masters of Requests now do were of the privy Counsell to the King.

<sup>1</sup> Sic.<sup>2</sup> B.M. MSS. Add. 6297, p. 303. Petition of the Masters of Requests to (Charles I.?) relating to precedency. See p. xli, supra.

The masters of Requests at this day take the Oath of Counsellours to your Majesty at the Counsell Board & have no other authority for the Executing of the places of Judges of Equity but as Counsellors to your Majesty, all Bills in the Court of Whitehall being preferred to your Majesty alone, and by the Custom of that Court a master of Requests hand is a warrant to your Majestys privy Seal.

By his late Majestys decree & establishment of precedency the privy Counsellours of his Majesty his heirs & Successours the master of the Rolls & the Judges & Barons of the Exchequer by reason of their hon<sup>ble</sup> Employment of State & Justice have their Places ascertained. How far your Majesty will please to allow the masters of Requests the Quality & Priviledge of the one or of the other or of Both we humbly submit it to your majestys wiser Judgement. The state of France from whence it is thought the title of M<sup>r</sup> of Requests hath been taken up in this kingdom place the M<sup>rs</sup> of Requests near the premier presidents in the Courts of Parliament and we humbly beseech your Majesty will please to be informed what hath been the ancient Usage here.

We will trouble your Majesty with no further Reasons but most humbly prostrate ourselves our Conditions & Estates at your Majestys feet and pray for your long life & happiness.

I.<sup>1</sup>

A note of sundry petitions to King Charles II. in his Court of Requests.

Sir John Berkenhead, knight, M<sup>r</sup> of Requests.

Audience at Whitehall, March 7<sup>th</sup>, 1666<sup>g</sup>.

## PETITION OF

## KING'S ANSWER.

- |                                                                                                                                  |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1. John Wynyard, for Reversion of his Place as keeper of the Parl <sup>t</sup> Chamber, to his wife.                             | 1. Granted; if in king's gift, and not in L <sup>d</sup> High Chamberlain's. |
| 2. Captain William Gardner, for y <sup>e</sup> next poor knight of Windsor's Place.                                              | 2. Granted; after such (if any) Reversion is filled.                         |
| 3. William Griffith, for his services and expenses in His Maj <sup>ties</sup> Service under Mr. Coventry <sup>2</sup> in Sweden. | 3. Granted; a Privy-Seal for £100.                                           |
| 4. Yeomen of the Guard, to assign a Summ of y <sup>e</sup> £30,000 given to the Guards out of Poll-Money.                        | 4. His Majesty will give them a good share of y <sup>e</sup> said £30,000.   |
| 5. Robert Bishop, for a small Personal Estate left by Isaac Pluvier an Alien Dutchman.                                           | 5. Granted.                                                                  |

<sup>1</sup> E.M. MSS. Lansd. 958, fo. 12-14. See p. lii, supra.

<sup>2</sup> Henry Coventry. Ambassador to Sweden in September 1664-1666.

## PETITION OF

## KING'S ANSWER

6. John Lacy, for y<sup>e</sup> Reversion of y<sup>e</sup> keeping of y<sup>e</sup> lions after Mr. Marsh.

6. Granted.

7. Thomas Frere Ship-chandler, for a Fly-boat of 220 Tuns.

7. Left to y<sup>e</sup> Com<sup>rs</sup>. And he shall have his money.

8. Adrian Bulter y<sup>e</sup> King's Cabinet-maker, for £80 for work.

8. M<sup>r</sup> of Requests to finde out some way for present payment, except Privy-Purse, where there is no money.

9. Thomas Frere, Ship-chandler, for leave to erect a convenient Store-house for Merchants powder.

9. Granted; if Com<sup>rs</sup> of Navy think fitt.

10. Henry Loader (His Maj<sup>ties</sup> Anchor-smith) that £1972 lately ordered him may be admitted part of his payment for security of y<sup>e</sup> Excise at Bristol.

10. Referred to the Lord Treasurer.

11. Francis Pardy, for a Lease within three years expired in North-hamptonshire.

11. Referred to M<sup>r</sup> Solicitour to see if inconvenient for His Maj<sup>ty</sup>. And if not, granted.

12. S<sup>r</sup> George Reeves for £1000 Fine sett by y<sup>e</sup> House of Commons on Thomas White.

12. Granted, when it comes to the King.

13. S<sup>r</sup> Ernestus Byron, for the Escheatours place of the Barbadoes Void by his Brother-in-law's Death.

13. Granted, if not within y<sup>e</sup> grant of y<sup>e</sup> L<sup>d</sup> Willoughby.<sup>1</sup>

14. George Rodney, Esq<sup>r</sup> for Trees or Money to repair Lindhouse in New Forest.

14. Referred to y<sup>e</sup> L<sup>d</sup> Treasurer to finde a way for y<sup>e</sup> speedy repair.

15. Major Richard Jones, for 20<sup>d</sup> per diem Pension to be paid by S<sup>r</sup> Stephen Foxe.

15. Granted; if S<sup>r</sup> Stephen Fox have any of that Money; and he to assign the Garrison.

16. Cap<sup>t</sup> Robert Davies, for y<sup>e</sup> same Pension.

16. The same Answer.

17. Richard Vaughan, a poor Knight of Windsor, having lost his eyes, to live with his friends, who will take care of him.

17. Referred to y<sup>e</sup> Dean of Windsor,<sup>2</sup> if y<sup>e</sup> Rules of y<sup>e</sup> Order will permitt to grant it.

18. John Wilson, for an empty Hoy of 25 Tuns.

18. Referred to y<sup>e</sup> L<sup>ds</sup> Com<sup>rs</sup> for Prizes.

19. John Singleton, of His Ma<sup>ties</sup> Musick, for some of his Arrears.

19. His Maj<sup>ty</sup> will take order for speedy payment; & M<sup>r</sup> Singleton in y<sup>e</sup> interim to finde somewhat in His Majestie's gift.

<sup>1</sup> Robert Bertie, eldest son of Montagu Bertie, Earl of Lindsey. Both father and son held the office of Lord Great Chamber-

lain. Nicolas, 'Hist. Peerage.'

<sup>2</sup> Bruno Ryves, D.D., 1660-71. Le Neve.

## PETITION OF

## KING'S ANSWER

20. Sir Hugh Middleton, to be commended to y<sup>e</sup> Lord Major &c<sup>a</sup> to be Treasurer of y<sup>e</sup> Coal Money.

21. Francis Creighton, for pardon of Man-slaughter in Scotland 2 years since.

22. Robert Douglas for pardon of Man-slaughter in Scotland.

23. Capt<sup>n</sup> Thomas Writtle, for one of two small vessels, prizes, called The Leyden, or y<sup>e</sup> yacht Eeles.

20. One named to the Place before y<sup>e</sup> Parl<sup>l</sup> prorogued: but His Maj<sup>ty</sup> will doe him a far greater courtesy.

21. Referred to L<sup>d</sup> Lauderdale, to Report.

22. Referred to L<sup>d</sup> Lauderdale, to Report if y<sup>e</sup> state of the Date be true.

23. His Majesty is engaged to y<sup>e</sup> Lords Com<sup>rs</sup>.

*Endorsed.*—Memoir of Sir J. B's Audience at White(all) March 7<sup>th</sup>, 166<sup>2</sup>.'<sup>1</sup>

J.<sup>1</sup>

FO. 124. A note gathered out of certen olde Registers remayninge amongst the recordes of the Courte of Requestes of the names of suche Counsaylors as were appointed for the hearinge of causes in the same Courte in the tyme of Kinge Henry the VII<sup>th</sup> King Henry the VIII<sup>th</sup>, etc.

Anno vij. H. vij<sup>mi</sup> 1

Bathon P. S.<sup>2</sup>  
 Roffen elect.<sup>3</sup>  
 Janne<sup>4</sup>  
 Baylye<sup>5</sup>  
 Myddleton<sup>6</sup>  
 Blythe<sup>7</sup>  
 Warham<sup>8</sup>  
 Lovell<sup>9</sup>  
 Reede<sup>10</sup>  
 Dymmöcke<sup>11</sup>  
 Mr. Arundell<sup>12</sup>  
 Guilforde<sup>13</sup>

Anno ix. H. vij<sup>mi</sup> 14

Dns. P. S.<sup>2</sup>  
 Decanus Capelle<sup>15</sup>  
 Dns. Daubeny<sup>16</sup>  
 Wareham<sup>8</sup>  
 R. Braye miles<sup>17</sup>  
 Empson<sup>18</sup>

Anno ix. H. vij<sup>mi</sup> 19

Dns. P. S.<sup>2</sup>  
 Sarum<sup>20</sup>  
 Roffen<sup>3</sup>  
 Decanus Capelle<sup>15</sup>  
 Dns. Senescallus<sup>21</sup>  
 Braye<sup>17</sup>  
 Lovell<sup>9</sup>  
 Reede<sup>10</sup>

Anno ix. H. vij<sup>mi</sup> 11

Custos P. S.<sup>2</sup>  
 Sarum<sup>20</sup>  
 Roffen<sup>3</sup>  
 Decanus Capelle<sup>15</sup>  
 Sheffielde doctor<sup>22</sup>  
 Mayowe doctor<sup>23</sup>  
 Comes Kancie<sup>24</sup>  
 Braye<sup>17</sup>  
 Lovell<sup>9</sup>  
 Reede<sup>10</sup>  
 Mordaunte<sup>25</sup>

<sup>1</sup> B.M. MSS. Burghley Papers. xii. p. 124.

Anno ix<sup>o</sup> H. vij<sup>ni</sup> 14

Epus. Bathon<sup>2</sup> continue  
 Epus. Exon.<sup>26</sup>  
 Epus. Roffen<sup>3</sup>, continue  
 Dns. Prior sci. Johis Hierusalem<sup>27</sup>  
 Dns. de Daubney<sup>16</sup>  
 Dns. de Broke<sup>28</sup>  
 Dns. Willmus Hussey<sup>29</sup>  
 Robertus Reece<sup>10</sup>  
 Johes Kingesmeil<sup>30</sup>  
 Andreas Dymmoc<sup>31</sup>  
 Reginaldus Braye<sup>17</sup>  
 Ricus. Gilforde<sup>13</sup>  
 Thomas Lovell<sup>9</sup>  
 Janne<sup>4</sup>  
 Ainesworth<sup>32</sup>  
 Warham<sup>8</sup>

} milites continue

} Doctores.

Decanus Capelle<sup>15</sup>  
 Decanus de Windesor<sup>10</sup>  
 Decanus sci. Stephani<sup>43</sup>  
 Ricus. Myddleton<sup>6</sup>  
 Ricus. Fytz James<sup>39</sup>  
 Ricus. Hatton<sup>44</sup>  
 Willmus. Tunstall<sup>45</sup>

A<sup>o</sup> Supraco.

Decanus Capelle<sup>15</sup>  
 Digbye miles<sup>46</sup>  
 R. Ridon<sup>47</sup>

A<sup>o</sup> xij. H. vij<sup>is</sup>

Epus. London<sup>49</sup>  
 Roffen electus<sup>50</sup>  
 Decanus Capelle<sup>15</sup>  
 Ricus. Hatton doctor<sup>44</sup>  
 Carolus Somerset miles<sup>51</sup>

A<sup>o</sup> xiiij H. vij<sup>is</sup>

Anno x<sup>o</sup> H. vij<sup>is</sup> 33

Epus. Bathon P. S.<sup>2</sup>  
 Epus. Roffen<sup>3</sup>  
 Decanus Capelle<sup>15</sup>  
 Presidens Collegii Magdalene Oxon<sup>23</sup>  
 Raynolde Braye<sup>17</sup>  
 Thomas Lovell<sup>9</sup>  
 Mayowe<sup>34</sup>  
 Myddleton<sup>6</sup>  
 Lovell<sup>9</sup>  
 Wyotte<sup>35</sup>  
 Marten<sup>36</sup>  
 Dns. Derbye<sup>37</sup>  
 Dns. Dawbney<sup>16</sup>  
 Turbervile<sup>38</sup>  
 Fytz James<sup>39</sup>  
 Dymmocke, solico<sup>31</sup>  
 John Morgan<sup>40</sup>

Epus. Dunelmen<sup>53</sup>  
 Epus. London<sup>49</sup>  
 Decanus Capelle<sup>15</sup>  
 Nickes Doctor<sup>54</sup>  
 Viscount Welles<sup>42</sup>  
 Dns. Dacres<sup>55</sup>  
 Ricus. Pole miles<sup>36</sup>  
 Sutton iurisperitus<sup>57</sup>  
 Robertus Shirburne<sup>58</sup>  
 Robertus Myddleton<sup>6</sup>

A<sup>o</sup> xiiij H. vij<sup>is</sup>

Anno xj<sup>o</sup> H. vij<sup>is</sup> 41

Thomas Roffen<sup>3</sup>  
 Dns. Welles<sup>42</sup>

Epus. London<sup>49</sup>  
 Epus. Roffen<sup>50</sup>  
 Decanus Capelle<sup>15</sup>  
 Janne<sup>4</sup>  
 Martine<sup>36</sup>  
 Myddleton<sup>6</sup>  
 Nickes<sup>54</sup>  
 Bainebrige<sup>60</sup>  
 Ricus. Sutton iurisperitus<sup>57</sup>

} doctores

The names of suche Counsaylors as did sytt in the Courte of Requestes in the tyme of Kinge Henrye the vij<sup>th</sup>.

Anno liij H. vij<sup>is</sup> 61Thomas Wolcye, elemosinarius<sup>62</sup>

Ricus. Rawlens, elemosinarius<sup>65</sup>  
 Rogerus Lupton, prepositer \* de Eaton<sup>66</sup>

Anno xj H. vij<sup>is</sup> 63Johes. Clerke decanus Capelle<sup>64</sup>Anno xvij<sup>is</sup> 67Doctor Bonar<sup>68</sup>

\* Sic.

The names of such counsaylors as were appointed to sytt together dayly in the Kinges Court of Requestes.

Anno xx<sup>o</sup> H. viij<sup>o</sup>  
 The Bisshoppe of Lyncolne<sup>70</sup>  
 Doctour Sampson, deane of the  
 Chappell<sup>71</sup>  
 Doctour Wolman<sup>72</sup>  
 Doctour Rowland, vicar of Croydon<sup>73</sup>  
 Doctour Lupton<sup>66</sup>  
 Doctour Cromer<sup>74</sup>  
 Sir Thomas Nevell, knyghte<sup>75</sup>  
     Sulyarde<sup>76</sup> }  
     Sainte Jermyne<sup>77</sup> }  
 Thabbott of Westm<sup>r</sup><sup>78</sup>  
 The Bisshoppe of St. Assaphe<sup>79</sup>  
 The Lorde of St. Johns Jrlm.<sup>80</sup>  
 Sir John Husseye<sup>81</sup> }  
 Sir William Fitzwillm.<sup>82</sup> } knightes  
 Sir Roger Towneshende<sup>83</sup> }  
 Sir Nichas. Hare before he was  
 Justice in Wales<sup>84</sup>  
 Sir Robert Sowthewell<sup>85</sup> }  
 Sir John Tregonwell<sup>86</sup> }  
 Willm. Peter, doctour<sup>87</sup> }  
 Robert Dacres, esquier<sup>88</sup>  
 Epus. Westm<sup>r</sup><sup>89</sup> }  
 Epus. Roffen.<sup>90</sup> }  
 Willmus. Petro<sup>87</sup> }  
 Sir Nichas. Hare returned from  
 Wales<sup>91</sup>

Tempore Edwardi Sexti.  
 Sir Nichas. Hare<sup>84</sup> }  
 John Cockes, Esquier<sup>92</sup> }  
 Epus. Westm<sup>r</sup><sup>89</sup>  
 Doctor Mey, Deane of Paules<sup>93</sup>  
 Doctor Tregonwell<sup>86</sup>  
 Doctor Cooke, Deane of Tharches<sup>94</sup>  
 Doctor Reede<sup>95</sup>  
 John Cockes, esquier<sup>92</sup>  
 John Lucas, esquier<sup>96</sup>  
 Doctor Meye, Deane of Paules<sup>93</sup>  
 Doctor Tregonwell<sup>86</sup>  
 Doctor Cooke<sup>94</sup>  
 Doctor Reede<sup>95</sup>

Tempore Regine Marie.  
 Thomas White, knight<sup>97</sup>  
 John Throckmarton, esquier<sup>98</sup>  
 Doctor Boxoll<sup>99</sup>  
 Sir Richarde Reede<sup>95</sup>

Tempore Regine Elizabeth.  
 Walter Haddon, esquier, doctor of  
 lawe<sup>100</sup>  
 Thomas Seckford, esquier<sup>101</sup>  
 The Bisshoppe of Rochester<sup>102</sup>

FO. 126.

The names of suche Counsaylors as satte in the Courte of Requestes in the tyme of Kinge Henrye the Seaventhe.\*

Epus. Bathon<sup>2</sup>  
 Epus. Exon.<sup>26</sup>  
 Epus. Roffen.<sup>3</sup>  
 Dns. prior sci Johis<sup>27</sup>  
 Dns. de Daubenev<sup>16</sup>  
 Dns. de Brooke<sup>28</sup>  
 Dns. Willms. Hussey<sup>29</sup>  
 Robertus Reede<sup>10</sup>  
 Johes. Kingesmill<sup>30</sup>  
 Andreas Dymmoeke<sup>31</sup>

Reginaldus Braye<sup>17</sup> }  
 Ricus. Gilfforde<sup>13</sup> } milit. continue  
 Thomas Lovell<sup>9</sup> }  
     Turberville<sup>38</sup> }  
 Thomas Janne<sup>4</sup> }  
     Aynesworthe<sup>32</sup> } doctores  
     Warham<sup>8</sup> } continue  
 Thomas Roffen.<sup>3</sup>  
 C. Somersett, miles<sup>51</sup>  
 Ricus. Hatton<sup>44</sup>

\* Another paper in a very similar hand, but in different ink, indorsed 'Counsellours

sitting in ye court of Requestes. Tempore Regis Henrici Septimi.<sup>2</sup>



Robertus Myddleton<sup>6</sup>  
 Ricus. Fitz James<sup>39</sup>  
 Epus. London<sup>49</sup>  
 Dns. Welles<sup>42</sup>  
 Dns. Daeres<sup>55</sup>  
 Ricus. Pole, miles<sup>56</sup>  
 Decanus Capelle<sup>15</sup>  
 Ricus. Mayoe<sup>23</sup>  
 Epus. Dunelmen.<sup>2</sup>  
 Epus. London<sup>49</sup>  
 Viscounte Welles<sup>42</sup>  
 Dns. Daeres<sup>55</sup>  
 Ricus. Pole, miles<sup>56</sup>  
 Decanus Capelle<sup>15</sup>  
 Sutton iurisperitus<sup>57</sup>  
 Nickes, Doctour<sup>54</sup>

Thomas Roffen<sup>3</sup>  
 Ricus. Fitz James<sup>39</sup>  
 Johes. Morgan<sup>10</sup>  
 Martin<sup>36</sup>  
 Willms. Grevile<sup>103</sup>  
 Thomas Roffen<sup>3</sup>  
 Dns. Welles<sup>42</sup>  
 Decanus Capelle<sup>15</sup>  
 Decanus de Windesour<sup>40</sup>  
 Decanus Seti Stephani<sup>43</sup>  
 Ricus. Myddleton<sup>6</sup>  
 Ricus. Fitz James<sup>39</sup>  
 Ricus. Hatton<sup>44</sup>  
 Willms. Tunstall<sup>45</sup>

} doctores.

The names of suche Counsaylours as sate in the Courte of Requestes in the tyme of Kinge Henry the eighte.\* Fo. 128.

Doctor Veysey, Epus. Exon<sup>104</sup>  
 Doctor Stokesley, Epus. London<sup>105</sup>  
 20 H. 8.  
 Epus. Lyncolne<sup>70</sup>  
 Epus. Assaphen<sup>79</sup>  
 Dns. Abbas de Westm<sup>r78</sup>  
 Dns. Seti Johis. Jrlm.<sup>80</sup>  
 Decanus Capelle<sup>71</sup>  
 Doctor Wolman<sup>72</sup>  
 Doctor Rowlande<sup>73</sup>  
 Doctor Lupton<sup>66</sup>  
 Doctor Cromer<sup>74</sup>  
 Thomas Nevill<sup>75</sup>  
 Johes. Husseye<sup>81</sup>  
 Willms. Fitzwillms.<sup>82</sup>  
 Rogerus Townesende<sup>83</sup>

} milit.

Sulyarde<sup>76</sup>  
 St. Jermyne<sup>77</sup> } ordinar.  
 Thomas Wolsey,<sup>62</sup> Elemosinar.  
 Thomas Englefeilde,<sup>106</sup> miles ordinar.  
 Robertus Sowthwell,<sup>85</sup> miles ordinar.  
 Robertus Bowes,<sup>107</sup> miles ordinar.  
 Robertus Daeres,<sup>88</sup> ar. ordinar.  
 Doctor Petres<sup>87</sup>

Tempore Edwardi Sexti.

Doctor Thirlebie, Epus. Westm.<sup>89</sup>  
 Doctor Meye, Decanus seti Pauli<sup>93</sup>  
 Nichus. Hare, miles<sup>84, 91</sup> } ordinar.  
 Johes. Cockes, armig.<sup>92</sup>  
 Doctor Tregonwell<sup>86</sup>  
 Doctor Cooke<sup>94</sup>  
 Doctor Reade<sup>95</sup>  
 Johes. Lucas, armig. ordinar.<sup>96</sup>

\* Another paper in a similar hand indorsed 'Counsaylours sitting in y<sup>e</sup> court of Requestes Temporibus Regni Henrici Octavi et Edwardi Sexti.' An outer sheet is indorsed 'The names of suche Counsaylours as did sitt in the Courte of Requestes in the tyme of King Henry the vij<sup>th</sup>, King

Henry the vij<sup>th</sup>, King Edwarde, Quene Marye, and the Quenes Ma<sup>tie</sup> that nowe ys Quene Elizabetheth.' In another hand, 'Ab Octauo Henrici vij<sup>mi</sup> ad 12 Elizabetheth. Judges in y<sup>e</sup> Court of requestes mccccclxix. Requestes. Ireland. W<sup>m</sup> Shelly, mint.'

## K.

Fo. 8.	A Memoriall of the names of such Counsellours as have beene appointed by the late Kings and Queenes of this Realme, to sitt for the hearing of Causes in this Court of Whitehall, Commonly called the Court of Requests.*	
Fo. 8. b.	Tempore H. 7.	D. Wilts <sup>163</sup>
	Epus. Bathon, P. S. <sup>2</sup> Custos et presidens	Decanus de Windesour <sup>140</sup>
	Reffen. Elect. <sup>3</sup>	Decanus sci. Stephani <sup>143</sup>
	Janne <sup>4</sup>	Ricus. Hatton <sup>144</sup>
	Baylye <sup>5</sup>	Willus. Tunstall <sup>145</sup>
	Middleton <sup>6</sup>	Vicecamerarius <sup>164</sup>
	Blythe <sup>7</sup>	Somerset, miles <sup>51</sup>
	Wareham <sup>8</sup>	Digby, miles <sup>16</sup>
	Lovell <sup>9</sup>	R. Rydon <sup>17</sup>
	Rede <sup>10</sup>	Epus. Dunchmen. <sup>53</sup>
	Dymmocke <sup>11</sup>	Nycks, doctour <sup>54</sup>
	Arundell <sup>12</sup>	Viscount Welles <sup>142</sup>
	Guilford <sup>13</sup>	D. Dacre <sup>55</sup>
	Epus. Exon <sup>26</sup>	Ricus. Pole, miles <sup>56</sup>
	Epus. London <sup>19</sup>	Sutton, iurisperitus <sup>57</sup>
	Dns. Prior sci. Johis. <sup>27</sup>	Robertus Shireburne <sup>58</sup>
	Dns. de Daubeney <sup>16</sup>	Baynebrige <sup>60</sup>
	Dns. de Broke <sup>28</sup>	G. Symeon <sup>15</sup>
	Dns. Willus. Hussey <sup>29</sup>	Edmundus Dudley <sup>165</sup>
	Johis.† Kingsmell <sup>30</sup>	R. Dury,† miles <sup>118</sup>
	Reginaldus Bray, <sup>17</sup> miles Custos ro-	E. Vaughan <sup>126</sup>
	tutorum	
Fo. 9.		Tempore H. 8.
	Aynsworth, doctour <sup>32</sup>	T. Wolsey, Elemosinarius <sup>62</sup>
	Decanus Capelle <sup>15</sup>	J. Clerke, deane of y <sup>e</sup> Chappell <sup>64</sup>
	Empson <sup>18</sup>	Rich. Rawlens, Almoner <sup>65</sup>
	Dns. Senescallus <sup>21</sup>	Roger Layton, Provost of Eaton <sup>166</sup>
	Sheffield, doctour <sup>22</sup>	Edmond Boner <sup>68</sup>
	Mayowe, doctour <sup>23</sup>	The Bishop of Lincolne <sup>70</sup>
	Comes Cane. <sup>24</sup>	Sampson, Deane of the Chappell <sup>71</sup>
	Mordaunt <sup>25</sup>	Doctour Wolman <sup>72</sup>
	Presidens Collegii Magdalene Oxon <sup>25</sup>	Doctour Rowland, vicar of Croydon <sup>73</sup>
	Wyot <sup>35</sup>	Doctour Cromer <sup>74</sup>
	Marten <sup>36</sup>	Sir Tho. Nevill, Knt. <sup>75</sup>
	Dns. Derby <sup>37</sup>	W <sup>m</sup> Sulyard <sup>76</sup>
	Torbervill <sup>38</sup>	Saint Jermin <sup>77</sup>
	Fitz James <sup>59</sup>	Thabbot of Westm. <sup>78</sup>
	J. Morgan <sup>40</sup>	The Bish. of St. Asaph <sup>79</sup>

\* B.M. Add. MSS. 25248, fo. 8.

† Sic.

The Lord of St. Johns Jerusalem<sup>80</sup>

Sir John Husse<sup>81</sup>

Sir W<sup>m</sup> Fitzwilliam, Knt.<sup>82</sup>

Sir Roger Towneshend, Knt.<sup>83</sup>

Sir Nichols. Hare<sup>84</sup>

Sir Robt. Southwell<sup>85</sup>

Sir John Tregonwell<sup>86</sup>

Wm. Petre, Doctour<sup>87</sup>

Robt. Dacres, Esq.<sup>88</sup>

Epus. Westm.<sup>89</sup>

Epus. Roffen.<sup>90</sup>

Sir Robert Bowes<sup>107</sup>

Jo. Vesey, decan.<sup>104</sup>

Johis. \* Gerbert, Ar.<sup>167</sup>

John Stokesley<sup>105</sup>

Inglefeild<sup>106</sup>

Ricus. Epus. Chichester<sup>71</sup>

Tho. Thirleby<sup>89</sup>

Edw. Carne<sup>131</sup>

Tho. Dacres, Esq.<sup>168</sup>

Nichus. Bisshoppe of Worcester<sup>169</sup>

Tempore Edw. 6.

Sir Nichus. Hare<sup>84</sup>

Jo. Cokkes, Esq.<sup>92, 134</sup>

Epus. Westm.<sup>89</sup>

Doctour Mey, Deane of Paules<sup>93</sup>

Sir Jo. Tregonwell<sup>86</sup>

Doctour Cooke, Deane of the Arches<sup>94</sup>

Doctor Reede<sup>95</sup>

Sir Roger Towneshend<sup>83</sup>

John Lucas, Esq.<sup>96</sup>

Tho. Bp. of Norwich<sup>132</sup>

Sir Rich. Reede, Knt.<sup>95</sup>

Willm. Cooke, Esq.<sup>94</sup>

To the above lists may be added

Sir William Cecil<sup>182</sup>

Sir John Forteseue<sup>183</sup>

Tempore Regis Phi. et R<sup>ec</sup> Marie.

Sir Tho. White<sup>97</sup>

Jo. Throckmorton,<sup>98</sup> Ar.

Doctour Boxoll<sup>99</sup>

Sir Rich. Reede<sup>95</sup>

Tempore Regine Elizabethæ.

Walter Haddon<sup>100</sup>

Tho. Sokford\*, Jur. per.<sup>101</sup>

Tho. Wilson<sup>136</sup>

Sir W<sup>m</sup> Gerard<sup>137</sup>

Lewes, doctour<sup>138</sup>

Valent. Dale, d<sup>r</sup><sup>139</sup>

Rd.† Rokeby, iurisperitus<sup>110</sup>

Jo. Herbert, Ar.<sup>111</sup>

Julius Cæsar, legum d<sup>r</sup><sup>112</sup>

Willms. Aubrey, legum d<sup>r</sup><sup>143</sup>

Rogerus Wilbraham, mil.<sup>144</sup>

Daniell ‡ Dun, mil.<sup>145</sup>

Xoferus Parkins, mil.<sup>146</sup>

Tempore Regis Jacobi.

Thomas Smith, miles<sup>170</sup>

Johes. Dacombe, miles<sup>171</sup>

Radulphus Winwood, miles<sup>172</sup>

Sydneus Mountagu, miles<sup>173</sup>

Robertus Naunton, miles<sup>174</sup>

Lionellus Cranfield, miles<sup>175</sup>

Radulphus Freeman, miles<sup>176</sup>

Johes. Sucklin, miles<sup>177</sup>

Edwardus Powell, mil. & Baron<sup>178</sup>

Johes. Cooke, mil.<sup>179</sup>

Tempore Regis Caroli.

Thomas Aylesburie, Baronet<sup>180</sup>

Robertus Mason, Legum doctour<sup>181</sup> §

Fo. 9 b.

\* Sic. † Sic, for Ralph. ‡ Sic, for David. § In another hand.

## L.

fo. 3. 'The names of such as have sat in the Star chamber since the 9 yere of K. H. the 7 & vntill the 4 & 5 of P. & Mary.'\*

	9 H. 7. <sup>14</sup>	14 H. 7. <sup>30</sup>
	Episcopus Exon. <sup>2</sup> custos P. S. †	Episcopus Londinensis <sup>49</sup>
	Episcopus Roffensis <sup>3</sup>	Episcopus Roffensis <sup>50</sup>
	Dominus Prior Sancti Joannis <sup>27</sup>	15 H. 7. <sup>113</sup>
	Dominus Brooke, <sup>28</sup> Senescallus Hospitii, <sup>21</sup> L. Stuard <sup>108</sup>	Episcopus Roffensis, <sup>115</sup> Regii Consilii Presidens
	Dominus Gulielmus Hussey, <sup>29</sup> Primarius Justiciarius	G. Bergavenny armiger <sup>116</sup>
	Reginaldus Bray, <sup>17</sup> miles, Cancellarius Ducatus Lancastrie	21 H. 7. <sup>117</sup>
	Rich Guilford, <sup>13</sup> miles	Robert Drury, <sup>118</sup> miles
fo. 4.	Tho. Lovel, <sup>9</sup> miles, Thesaurarius Hospitii	20 H. 8.
	David Williams, Custos Rotulorum <sup>109</sup>	Episcopus Lincolniensis <sup>70</sup>
	Doctor Aynsworth <sup>32</sup>	Doctor Wolman <sup>72</sup>
	Decanus Capelle Regie <sup>15</sup>	Tho. Nevil, <sup>75</sup> miles
	10 H. 7. <sup>33</sup>	Abbas Westmonasteriensis <sup>78</sup>
	Doctor Mayo <sup>34</sup>	Jo. Hussey, <sup>81</sup> miles
	Doctor Hatton <sup>44</sup>	Wil. Fitzwilliams, <sup>82</sup> miles
	Jo. Morgan, Armiger <sup>110</sup>	Roger Townsend, <sup>83</sup> miles
	Rich. Fitzjames, Armiger <sup>111</sup>	29 H. 8. <sup>119</sup>
	11 H. 7. <sup>41</sup>	Episcopus Cicestriensis <sup>71</sup>
	Doctor Hoton <sup>112</sup>	33 H. 8. <sup>120</sup>
	12 H. 7. <sup>48</sup>	Jo. Tregonwell, <sup>86</sup> Armiger, J.S.C., A.A. <sup>121</sup>
	Dominus Presidens Consilii Regii <sup>2</sup>	6 E. 6. <sup>122</sup>
	13 H. 7. <sup>32</sup>	Nicholaus Hare, <sup>84</sup> miles. M <sup>r</sup> Rotulorum
	Episcopus Londinensis <sup>49</sup>	Jo. Tregonwell, <sup>86</sup> miles
	Decanus Capelle Regie <sup>15</sup>	Wil. Cooke, <sup>94</sup> Ll. D., J.S.C., A.A.
	Doctor Christofer Middleton, <sup>113</sup> J.S.C., A.A.	1 Mar. <sup>123</sup>
	Dominus Prior Sancti Johannis <sup>27</sup>	Tho. White, <sup>97</sup> miles
		3 et 4 P. et M.
		Jo. Boxal, <sup>99</sup> Secretar. Principalis

I find vpon serch that the persons aboue named haue sat in the said Court, & so of record it appeareth. Willus. Mill. A copy of his certificate to me ‡ R.R. Eliz. 37<sup>o</sup>, 3 Mart.§

All & every of the aforementioned Judges in the Starchamber sat also alternis vicibus in the said yeres respectively in the K<sup>s</sup> Court at Whitehall, or where-

\* B.M. MSS. Lansd. 125, fo. 3. Sir J. Caesar's book.

† Privati Sigilli.

‡ i.e. Sir Julius Caesar.

§ 1595.

soever the K. helde his Counsell for the hearing of private causes betwene partie & partie, as appeareth by th' actes of the s<sup>d</sup> Court.\*

Over & besides th' aforementioned these following sat as Judges in the K<sup>s</sup> Court of Whitehall, as Counselors to y<sup>e</sup> K.

Fo. 4 b.

Tempore H. 7.

The B. of Bath<sup>2</sup>  
 The L. Dawbeney<sup>16</sup>  
 S<sup>r</sup> Andrew Dimock,<sup>31</sup> knight  
 D. Warham<sup>8</sup>  
 D. Martyn<sup>36</sup>  
 Wil. Grevile<sup>103</sup>  
 Rd. † Shirborne,<sup>58</sup> Ar.  
 D. Benbrike<sup>60</sup>  
 Charles Somerset,<sup>51</sup> Ar.  
 D. Hicks, † B. of Norwich<sup>54</sup>  
 Decanus Eboracensis<sup>124</sup>  
 George § Simeon,<sup>125</sup> Ar.  
 Edward Vaughan,<sup>126</sup> Ar.  
 S<sup>r</sup> Rob. Reade,<sup>10</sup> knight, C.J. of C.P.  
 Vicecomes Wells<sup>42</sup>  
 S<sup>r</sup> Rich. Pole,<sup>56</sup> knight  
 Jo. Wats,<sup>127</sup> clericus  
 Th' Erle of Kent<sup>24</sup>

Edward Carne<sup>131</sup>  
 Rob. Southwell,<sup>85</sup> Ar.  
 Dns. Prior sancti Joannis<sup>60</sup>  
 Jo. Stokesley,<sup>105</sup> D. y<sup>e</sup> K<sup>s</sup> Almoner  
 Rob. Dacres,<sup>88</sup> Ar. P.C.

Tempore E. 6.

The B. of Norwich<sup>132</sup>  
 Wil. Mayo,<sup>133</sup> D. Deane of Paules  
 Jo. Cocks,<sup>134</sup> Ar.  
 Jo. Lucas,<sup>96</sup> Ar.

Tempore Marie.

Jo. Throgmorton,<sup>98</sup> Ar.

Tempore Eliz.

Walter Haddon,<sup>100</sup> LL.D.  
 Tho. Seckford,<sup>101</sup> Ar.  
 The B. of Rochester, L. Almoner<sup>135</sup>  
 Tho. Wilson<sup>126</sup> LL.D.  
 Valentine Dale,<sup>133</sup> LL.D.  
 S<sup>r</sup> Wil. Gerrard,<sup>137</sup> knight  
 David Lewes,<sup>138</sup> LL.D., J.A.A.  
 Rafe Rokeby,<sup>140</sup> Ar.  
 Jo. Herbert,<sup>141</sup> Ar.  
 Wil. Awbrey,<sup>143</sup> LL.D.  
 Jul. Cæsar,<sup>142</sup> LL.D., J.A.A. & knight  
 Roger Wilbraham,<sup>144</sup> knight  
 Daniel †† Dun,<sup>145</sup> Doctor of lawe & knight  
 Christofer Perkins,<sup>146</sup> D. of lawe & knight

Tempore H. 8.

Tho. || Benbrike,<sup>128</sup> AB of York.  
 Jo. Veisie,<sup>104</sup> Decanus Capelle  
 Jo. Gilbert.,<sup>129</sup> Ar.  
 D. Rowland,<sup>73</sup> Vicar of Croydon  
 D. Lupton,<sup>66</sup> Rogerus P. of Eaton \*\*  
 D. Cromer<sup>74</sup>  
 D. St. iermine<sup>77</sup>  
 The B. of St. Assaph<sup>79</sup>  
 The B. of Chichester<sup>71</sup>  
 Tho. Thirleby,<sup>89</sup> <sup>126</sup> Ar.  
 Edmond Bonner,<sup>68</sup> D.

Fo. 5 b.

It appeareth likewise by the signing of the billes for P. S. that these following were Judges in this Court in the yeres ensueng respectively, over & besides the abouenamed.

Fo. 5.

George § Simeon<sup>147</sup> in 21, 22 et 23 H. 7,<sup>148</sup> et 16 et 17 H. 8<sup>149</sup>  
 Wil. Atwater,<sup>150</sup> & Jas. Denton,<sup>151</sup> & Jo. †† Dalby,<sup>152</sup> & Rich. Sutton,<sup>57</sup> & Edward Higgons,<sup>153</sup> in 1, 2, 3, 4 et 5 H. 8,

\* This in the same hand, but in a different ink: apparently added later.

† Sic, for Robert. ‡ Sic, for Nicks.

§ Sic, for Geoffrey.

|| Sic, for Christopher.

\*\* The words after Lupton in another ink.

†† Sic, for David.

‡‡ Sic, for Thomas.

Sr Tho. Love<sup>19</sup> Treasurer of y<sup>e</sup> K. howsehold in 7 H. 8.  
 Rich. Rawlins,<sup>65</sup> Eleemosynarius Regis in 8 H. 8.  
 Tho. Cheiney,<sup>154</sup> in 11 H. 8.<sup>153</sup>  
 Jo. Clerk,<sup>64</sup> Decanus Capelle, in 12 H. 8,<sup>156</sup> et 14 H. 8.<sup>157</sup>  
 Thomas,<sup>49</sup> B. of London, 13 H 8.<sup>158</sup>  
 Rich.<sup>39</sup> B. of Rochester, Rob.\*<sup>159</sup> Sampson,<sup>71</sup> & Tho. Hobby,<sup>160</sup> 18 H. 8.<sup>161</sup>  
 Wil. Atwater,<sup>150</sup> 16 et 17 H. 8.<sup>149</sup>  
 Sr Wil. Suliard, knight<sup>162</sup>

\* Sic, for Richard.

## M.

### Notes on the lists of Judges of the Court of Requests.

<sup>1</sup> August 22, 1492—August 21, 1493.

<sup>2</sup> Richard Foxe, Lord Privy Seal, 1487-1516; Bishop of Exeter, 1486; translated from Exeter to Bath and Wells, May 4, 1492; Bishop of Durham (see list J. Burghley papers, p. cii, supra) 1494-1501, of Winchester, 1501-28. (Le Neve, 'Fasti'; 'Dict. Nat. Biog.')

<sup>3</sup> Thomas Savage, LL.D., Bishop of Rochester, 1492; cf London, 1496; Archbishop of York, 1501. Died, 1507. (Ib.)

<sup>4</sup> Janne or Jane, Thomas, Fellow of New College, Oxford, 1454; Bishop of Norwich, 1499. The 'Dict. of Nat. Biog.' says: 'in 1494-5 he obtained a seat in the Privy Council.' This entry antedates his appointment by two years. Died, 1500. (Ib.)

<sup>5</sup> John Bailly or Baylye, Chaplain to Henry VII, and Canon of Windsor in 1486 ('Campbell's Materials for Hist. of Henry VII,' i. 339); Ambassador to Brittany in the same year (ib. pp. 508, 516). Privy Councillor in 1488 (ib. ii. 365).

<sup>6</sup> If this be the Richard Middleton who appears under 11 Henry VII, I have entirely, failed to identify him, but I suspect 'Rieus' there to be a mistake for Robertus, entered so under 13 Henry VII, i.e. Robert Middleton, LL.D., Prebendary of York, 1491; and of Lichfield, 1497, and Dean of the collegiate church of Leicester, much employed by Hen. VII in diplomacy (Le Neve, 'Fasti,' i. 597). Robert Middleton, LL.D., and Edmund Martyn, LL.D., are recorded in Pat. Roll 15 H. VII, pt. i. m. 13, to have issued a decree in a civil cause. This would be about 1498 or 1499. In list L., p. cx, supra, Sir J. Cæsar mentions a Dr. Christopher Middleton as a judge in the Star Chamber; see n. 113 infra, The list J., on p. cv, supra, gives both a Robert and a Richard M.

<sup>7</sup> Geoffrey Blythe, LL.D., of King's College, Cambridge. Prebendary of York in 1493; Dean of York, 1497-1503; Ambassador to Ladislaus II, King of Hungary and Bohemia, in 1502; Bishop of Lichfield and Coventry, 1503. Died, 1531. ('Dict. Nat. Biog.')

<sup>8</sup> Warham, William, Fellow of New College, Oxford, 1475; LL.D. and Practitioner in the Court of Arches, 1488; ordained, 1493; Master of the Rolls, 1494-1502; Bishop of London, 1502; Lord Chancellor, 1503; Archbishop of Canterbury, 1504. Died, 1532. (W. F. Hook, 'Lives of the Archbishops of Canterbury,' vol. vi.)

<sup>9</sup> Lovell, Sir Thomas, of Lincoln's Inn, appointed Chancellor of the Exchequer for life, 1485; Speaker of the House of Commons, 1485-88; Treasurer of the Household, 1500; K.G. 1503; High Steward of the Universities of Oxford and Cambridge, 1504. Died, 1524. ('Dict. Nat. Biog.')

<sup>10</sup> Rede, Reede or Reade, Sir Robert, of Lincoln's Inn, Sergeant-at-law, 1486; Justice of the King's Bench and a Knight, 1495; Chief Justice of the Common Pleas, 1506. Died, 1519. ('Dict. Nat. Biog.')

<sup>11</sup> Dymmocke, Sir Andrew. See note 31, p. cxii. infra.

<sup>12</sup> Arundell, John, of Exeter College, Oxford; Dean of Exeter, 1483-96; Bishop of Lichfield and Coventry, 1496-1502; of Exeter, 1502-4. ('Dict. Nat. Biog.')

<sup>13</sup> Guilforde, Sir Richard, Chamberlain of the Exchequer, and Master of the Ordnance,

1485, described as a 'King's Counsellour' in 1486 (Campbell, *Materials*, ii, 38). Died on a pilgrimage to Palestine, 1506. ('*Dict. Nat. Biog.*')

<sup>11</sup> August 22, 1493—August 21, 1494.

<sup>12</sup> Simeon, Geoffrey, Fellow of New College, Oxford; Proctor of the University, 1478; Prebendary of Lincoln, 1485; Dean of the Chapel Royal in 1491 (Churton, '*Life of Bishop Smyth*,' p. 178, n.); Prebendary of York, 1504; a Trustee of the will of Henry VII in 1504; Dean of Lincoln, 1506. Died, 1508. (Ant. Wood, '*Ath. Oxon.*' ii, 734. Le Neve, '*Fasti*,' iii. 484, 212; ii. 169, 140, 33. Churton, '*Life of Bishop Smyth*,' p. 247.)

<sup>16</sup> Daubeny, Giles, Lord, esquire of the Body to Edward IV; attainted by Richard III in 1483; made Master of the Mint by Henry VII in 1485; created Baron and K.G. in 1486; Ambassador to Maximilian, King of the Romans, in 1486; and to France, 1487; to Brittany in 1490; and to France in 1492; Chief Justice of the Royal Forests, South of Trent, 1493. Died, 1508.

<sup>17</sup> Bray, Sir Reginald, Steward of the Household to Margaret, Countess of Richmond, Henry VII's mother; pardoned for treason by Richard III, 1483; privy to the plot of Bishop Morton and the Duke of Buckingham to place Henry VII. on the throne; Under Treasurer of England; Chancellor of the Duchy of Lancaster; a Knight and a Privy Councillor, 1485; supposed to have designed Henry VII's chapel at Westminster, and the nave and aisles of St. Mary's, Oxford. Died, 1503. (Campbell's '*Materials*'; '*Dict. Nat. Biog.*')

<sup>18</sup> Empson, Sir Richard, a barrister; Speaker of the House of Commons in 1491-2; knighted 1504; High Steward of the University of Cambridge, 1504; Executor of Henry VII's will; attainted and executed, 1510. He was the partner with Edmund Dudley in the extortions practised for the benefit of Henry VII. ('*Dict. Nat. Biog.*')

<sup>19</sup> August 22, 1493—August 21, 1494. It will be observed that this year is divided into four periods, which probably correspond with the four Law Terms, Hilary (Jan. 23 or 24—Feb. 12 or 13); Easter, which began on the Wednesday fortnight after Easter Day (April 19) and ended the following Monday three weeks; Trinity, which began on Wednesday after Corpus Christi Day and ended on the ensuing Wednesday fortnight; and Michaelmas Term, which began on October 9 or 10, and ended on November 28 or 29 (J. J. Bond, '*Hand-book of Dates*'). In confirmation of this it will be observed that the name of the Lord Seneschal does not occur after the first term, when Fitzwalter had probably already incurred suspicion (see note 21, *infra*).

<sup>20</sup> John Blythe, Bishop of Salisbury; Warden of the King's Hall, Cambridge, 1488; Master of the Rolls, 1492-94; Bishop of Salisbury, February 23, 1494; Chancellor of the University of Cambridge, 1493-5. Died, 1499. ('*Dict. Nat. Biog.*')

<sup>21</sup> John Ratcliffe, Lord Fitzwalter or Fitzwanter, son of Elizabeth Baroness Fitzwalter in her own right; was appointed Steward of the Household and Seneschal in 1485 (Campbell, '*Materials*,' i. 92). Attainted in October, 1495, for taking part in the conspiracy of Perkin Warbeck; beheaded at Calais, 1496. ('*Dict. Nat. Biog.*') But Sir J. Caesar's List (p. cviii, *infra*) gives Dominus Brooke, Senescallus hospitii, for this year, who, however, appears in this list as Dominus de Broke simply. See the last term of this year. Cp. also n. 19, *supra*.

<sup>22</sup> William Sheffelde, LL.D., Prebendary of York, 1483-85 (Le Neve, '*Fasti*,' iii. 187); Treasurer of York, 1485-94, ib. 162; Dean of York, 1494. Died, 1496, ib. 125.

<sup>23</sup> Richard Mayowe, or Mayew, D.D., Fellow of New College, Oxford, President of Magdalen, 1480-1505 (Le Neve, '*Fasti*,' iii. 561; R. Chandler, '*Life of William Waynflete*' (1811), pp. 145, 260); Ambassador to Spain in 1490; Chaplain to Henry VII in 1490; Campbell, '*Materials*,' i. 508; ib. 513; Bishop of Hereford, 1504. Died, 1516. (Le Neve, i. 467.)

<sup>24</sup> Edmund Grey, second Earl of Kent, succeeded his father in 1489; commanded the English Army in France in 1491. Died, December 21, 1503. ('*Dict. Nat. Biog.*')

<sup>25</sup> Mordaunte, Sir John, Member of Parliament for Bedfordshire and Speaker of the House of Commons, 1487; Serjeant-at-Law, 1495; Chief Justice of Chester, 1499; knighted, 1503; High Steward of the University of Cambridge and Chancellor of the Duchy of Lancaster, 1504. Died, 1504. (*Ibid.*)

<sup>26</sup> Oliver King, Fellow of King's College, Cambridge, Chief Secretary in French for life

to Edward IV in 1476, and to Henry VII in 1485; Envoy to France in 1485; Dean of Hereford, 1487; Archdeacon of Taunton, 1489; Bishop of Exeter, 1493; translated to Bath and Wells in 1495. Died, 1503. ('Dict. Nat. Biog.')

<sup>27</sup> John Kendal, nominated Grand Prior of England June 20, 1489. Died, 1501. (W. Porter, 'Hist. of the Knights of Malta,' 1858, ii. 284.) The John Kendall, an attainted Yorkist, whose manors in Gloucestershire were forfeited to the Crown in 1486 (Campbell, 'Materials,' i. 536; ii. 236, 397), was Secretary to Richard III. and was killed at Bosworth. See R. Davies, 'Extracts from Municipal Records of York' (1843), p. 134.

<sup>28</sup> Sir Robert Willoughby, first Lord Willoughby de Broke, marched from Bosworth to suppress the Yorkists in Yorkshire. (Campbell, 'Materials,' i. 1.) Knighted, 1485; appointed Receiver of the Duchy of Cornwall in the same year (ib. 47). Lessee for twelve years from 1486 of all gold, silver, lead, and copper mines in Cornwall and Devon; described as a 'King's Councillor' June 20, 1486, when he received a grant of the manor of Castlecary, Somerset, forfeited by Lord Zouche for treason (ib. 467); a Commissioner of Musters for Somerset in December 1488, when he is described as Sir Robert Willoughby de Broke (ib. ii. 385), in which style he was summoned to Parliament in 1492, but in January 1488 he is styled Lord Broke, and described as steward of the King's household (ib. 282). He died in 1503. (H. Nicolas, 'Historic Peerage,' 1857, p. 512.)

<sup>29</sup> Sir William Hussey, Lord Chief Justice of the King's Bench; a member of Gray's Inn. As Attorney-General in 1471 he impeached the Duke of Clarence for treason; Serjeant-at-Law 1478; Chief Justice 1481. Died towards the end of 1495. ('Dict. Nat. Biog.')

<sup>30</sup> See p. 12, n. 3, *infra*.

<sup>31</sup> Sir Andrew Dymmock, Solicitor-General November 15, 1485 (Campbell, 'Mat.' i. 163); Receiver in Lincolnshire of the Duchy of Lancaster, 1488 (ib. ii. 375); a commissioner of sewers for Lincolnshire in the same year (ib. 311); second Baron of the Exchequer May 2, 1496. Died, 1501 (?). (Foss, 'Lives of the Judges,' v. 48.)

<sup>32</sup> Henry Ainesworth, LL.D., Prebendary of Lincoln, 1483 (Le Neve, 'Fasti,' ii. 155); Received (March 1, 1486) the grant for life of the office of Secondary in the office of the Privy Seal at a salary of 40*l.* per annum (Campbell, 'Mat.' i. 328); a commissioner to negotiate a treaty with Scotland in June 1486 (ib. 480), with Brittany in July of the same year (ib. 508, 515), with Spain in March 1488 (ib. ii. 273), and again with Brittany in December 1488 (ib. 378).

<sup>33</sup> August 22, 1494-August 21, 1495.

<sup>34</sup> This is the President of Magdalen Dr. Mayow, who appears by name lower in this list. The transcriber evidently was ignorant that the two entries stand for the same person. See n. 23, *supra*.

<sup>35</sup> Probably Henry Wyotte or Wyot, described as 'clerk' in a grant of the office of bayliff of the lordship of Conisborow, co. York, January 23, 1487 (Campbell, 'Materials' &c. ii. 112). He was, perhaps, employed in the Embassy to Brittany in 1486, for a grant of forfeited houses, &c., in London, dated February 3, 1487, is stated to have been 'in consideration of services in England and beyond the seas' (ib. 116). In 1487 he became Clerk of the Jewels to the King (ib. 296), and in 1488 Clerk of the Mint and Usher of the Exchange (ib. 305). Later in the same year he was employed in connexion with the repair of Norwich Castle (ib. 393). He was again dispatched to Brittany in 1489 (ib. 446).

<sup>36</sup> Richard Marten or Martyn, Archdeacon of London, 1469; a King's Councillor in Wales and Chancellor of the Marches of Wales for life, 1471; Ambassador to Burgundy, 1472; Master in Chancery, 1471-77; Archdeacon of Hereford and Lord Chancellor of Ireland, 1477; Bishop of St. David's, 1482; resigned or deprived by Richard III, 1483; resigned or deprived of his Chancellorship, 1485 (Campbell, 'Materials,' i. 22); Fellow of Eton College, 1499. Died, 1503. (Cooper, 'Athene Cantab.' i. 521.)

<sup>37</sup> Thomas Stanley, second Baron Stanley, created Earl of Derby October 27, 1485; Lord High Constable; K.G. Died, 1504. (H. Nicolas, 'Hist. Peerage,' p. 153.)

<sup>38</sup> Sir John Turberville or Turbervill, knighted at Bosworth (W. C. Metcalfe, 'Book of Knights,' p. 11); Constable of Corfe Castle, September 25, 1485 (Campbell, 'Materials,' &c., i. 61); Coroner and Marshal of the King's household in same year (ib. 64); High Sheriff of



Somerset and Dorset, 1487 (ib. ii. 147) ; grantee of Lands in Cornwall (ib. 186) ; and North Hants (ib. 187) in the same year ; Commissioner of Musters for Dorsetshire in 1488 (ib. 385).

<sup>39</sup> Richard Fitzjames, Fellow of Merton, Oxford, 1465 ; Warden, 1483-1507 ; Commissary (= vice-chancellor) of the University of Oxford, 1481, 1491, 1492, and 1502 ; Almoner to Henry VII, 1495 ; Bishop of Rochester, 1497 ; of Chichester, 1504. Died, 1522. (' Dict. Nat. Biog.')

<sup>40</sup> John Morgan, LL.D., of Oxford ; made Dean of St. George's, Windsor, by Henry VII, in 1484 ; and also Dean of the Collegiate Church of St. Mary's, Leicester, in the same year. In this last grant he is described as ' the King's Clerk and Councillor ' (Campbell, ' Materials,' &c., i. 597) ; Clerk of the Hanaper ; Bishop of St. David's, 1496. Died, 1504. (' Dict. Nat. Biog.')

<sup>41</sup> August 22, 1495-August 21, 1496.

<sup>42</sup> John, first Viscount Welles, K.G., second son of Leo de Welles, sixth Baron Welles, of a Lancastrian family. He was knighted by Henry VII on his landing at Milford Haven (Metcalf, ' Book of Knights,' p. 9). In 1485 he, as ' John Welles Knt. Lord Welles,' was granted the office of Constable of Rockingham Castle with other preferences, and in 1486 he is described as ' John Viscount of Wellys ' (Campbell, ' Materials,' i. 482) although Nicolas assigns his peerage to 1497, the date of his summons to Parliament (' Historic Peerage,' p. 503). Having married Cecily Plantagenet, daughter of Edward IV, he is described in 1486 as ' the King's uncle ' (Campbell, ' Materials,' &c., ii. 78), in a grant inter alia of the revenues arising from the subsidies and aulnage of cloths in North Hants and Rutland. He was a Commissioner of Sewers for Lincolnshire, and also of Musters for the expedition to Brittany in 1488 (ib. 311, 384). He was on the commission of the peace for Essex (ib. 478) and North Hants in 1489 (ib. 480). Died, 1498. (Nicolas, ' Historic Peerage,' p. 504.)

<sup>43</sup> Edmund Martyn, LL.D. ; Envoy to treat with the Hanseatic League at Antwerp, in 1491 (Cooper, ' Ath. Cantab.' i. 523) ; Clerk of the Hanaper, 1493 (Pat. Roll 8 H. VII. pt. ii. m. 18) Master in Chancery, 1495 (Haydn, ' Book of Dignities') ; Dean of St. Stephen's, 1496 (Churton, ' Life of Bishop Smyth,' p. 478). Died, 1507. (Cooper, l.c.)

<sup>44</sup> Richard Hatton, Fellow of King's College, Cambridge ; Chaplain to Henry VII ; described in December, 1486, as ' Doctor of Laws,' and appointed a commissioner to treat, with Maximilian, King of the Romans (Campbell, ' Materials,' ii. 77) ; Master in Chancery, 1497-1504 ; Ambassador to the Low Countries and Scotland in 1499 ; Provost of King's 1508. Died, 1509. (Cooper, ' Athene Cantab.' i. 13, 523.)

<sup>45</sup> William Tonstall or Tunstall, Esquire, received in 1485 a grant of the farm of the manor of Northstead, near Scarborough (Campbell, ' Materials,' &c., i. 177). He was also made Constable and Warden of Scarborough Castle, and on March 29, 1489, received a license to transport wool-skins and wool (ib. ii. 434). I find no other person of the name, but it does not appear that he was a doctor of laws. Qu. whether William is a mistake for Cuthbert ? The two were first cousins. T. D. Whitaker, ' Hist. of Richmondshire ' (1823), ii. 270.

<sup>46</sup> Sir John Digbye, of Eye-Kettleby, Leicestershire ; knighted at the battle of Stoke by Henry VII, in 1487 ; Knight-Mareschal of the Household. Died, 1533. (Brydges, ' Collins' Peerage,' v. 350. Metcalf, ' Book of Knights,' p. 17.)

<sup>47</sup> Robert Ridon, clerk ; Fellow Ambassador to Spain in 1490 with Mayowe (see n. 32, supra) ; Clerk of the Council in 1508 (S. P. Dom. H. 8. i. 209). Died, 1509. (Ib. 588.)

<sup>48</sup> August 22, 1496-August 21, 1497.

<sup>49</sup> Thomas Savage, translated from Rochester, 1496 ; see n. 3, supra.

<sup>50</sup> Richard Fitz-James, Warden of Merton College, Oxford ; see n. 39, supra.

<sup>51</sup> Sir Charles Somerset was an illegitimate son of Henry Beaufort, Duke of Somerset (Campbell, ' Materials,' &c., i. 380), attainted 1461, and beheaded 1463. In 1485 the attainder was reversed (ib. 120). In 1486 Sir Charles Somerset ' made knight by the Duke of Austria at or before this tyme ' (1485) (' Metcalf,' p. 11), was captain of the King's Guard and the grantee of large estates in Northants and Hunts, forfeited by Lord

Lovell, William Catesby, and others (Campbell, 'Materials,' i. 380); in 1488 he was made Admiral of the Fleet (ib. ii. 251) and captain of the 'Sovereigne.' In 1491 and 1502 he was ambassador to Maximilian; K.G. 1496; married Elizabeth, daughter and heir of William Herbert, Earl of Huntingdon; summoned to Parliament as Lord Herbert, 1509; Earl of Worcester, 1514. Died, 1526. (Brydges, 'Collins' Peerage,' i. 224-7.)

<sup>52</sup> August 22, 1497–August 21, 1498.

<sup>53</sup> Richard Foxe, translated from Bath and Wells, 1494; see n. 2, supra.

<sup>54</sup> Richard Nickes, Nix or Nykke, LL.D., of Trinity Hall, Cambridge, Vicar-General to Richard Foxe, then Bishop of Exeter, in 1493, and to Foxe as Bishop of Durham in 1495; Dean of the Chapel Royal in 1498; Bishop of Norwich, 1501. Died, 1535. ('Dict. Nat. Biog.')

<sup>55</sup> Thomas Dacre, Lord Dacre of Gillesland, alias of the North, and Thomas Fenys or Fienes, eighth Lord Dacre (of the South), must have been both young men, their wardships having been granted in 1486 (Campbell, 'Materials,' i. 317, 339). Thomas Fienes, Lord Dacre, was summoned to Parliament in 1495; Thomas Dacre, Lord Dacre, not till 1509. Probably the former was the peer mentioned here, Thomas Dacre, Lord Dacre, being employed in the North as Warden of the Marches (ib. ii. 187). Thomas Fienes, Lord Dacre, was active in suppressing Perkin Warbeck's insurrection in 1496-97. He died in 1534. ('Dict. Nat. Biog.')

<sup>56</sup> Sir Richard Pole, son of Sir Geoffrey Pole, whose wife, Edith St. John, was half-sister to Henry VII's mother, Margaret Beaufort; a landed gentleman of Buckinghamshire; made K.G. by Henry VII, and married 1491-94 to Margaret, Countess of Salisbury, daughter of George Plantagenet, Duke of Clarence. Died, 1505. ('Dict. Nat. Biog.,' where see Pole, Margaret.)

<sup>57</sup> Sir Richard Sutton, one of the founders of Brasenose College, Oxford; probably born soon after the middle of the fifteenth century; a Barrister of the Inner Temple; first appeared as a member of the Privy Council February 3, 1498. Died, 1524. (R. Churton, 'Life of Sir R. Sutton.')

<sup>58</sup> Robert Shirburne, Sherburne or Sherborne, a prebendary of St. Paul's as early as 1469 (Le Neve, 'Fasti' (ii. 411); Treasurer of Hereford, 1486 (ib. i. 489); Prebendary of Lincoln, 1488, ib. ii. 167; preferred by the Crown to another prebend at St. Paul's in 1490 (Campbell, 'Materials,' ii. 502); Archdeacon of Buckingham (Le Neve, ii. 69) and Huntingdon (ib. 52) in 1496; Dean of St. Paul's 1499-1505 (ib. 313); Bishop of St. David's, 1505 (ib. i. 300); translated to Chichester, 1508; resigned and died, 1536, ib. 248). See also Wood's 'Ath. Oxon.' ii. 746. In Sir J. Caesar's list L, p. cix, supra, the name appears by mistake as Rd.

<sup>59</sup> August 22, 1498–August 21, 1499.

<sup>60</sup> Christopher Bainebrige or Bainbridge, LL.D., Provost of Queen's College, Oxford, 1495; Dean of York, 1503-07; Master of the Rolls, 1504; Dean of Windsor, 1505; Bishop of Durham, 1507; translated to York, 1508; Ambassador to Pope Julius II, 1509; Cardinal, 1511. Died of poison in Rome, 1514. ('Dict. Nat. Biog.')

<sup>61</sup> April 22, 1512–April 21, 1513.

<sup>62</sup> Thomas Wolsey or Wolsey, the celebrated Cardinal; Dean of Lincoln, February 2, 1509; Almoner to Henry VIII, November 8, 1509. Died, 1530.

<sup>63</sup> April 22, 1519–April 21, 1520.

<sup>64</sup> John Clerke, Clerc, or Clerk, B.A. of Cambridge, 1499; LL.D. of Bologna; Archdeacon of Colchester and Dean of Windsor, 1519, and Dean of the King's Chapel in 1519-22; Ambassador to Rome, 1521, 1523, and 1527; to France, 1527; Master of the Rolls, 1523; Bishop of Bath and Wells, 1523. Died, 1541. ('Dict. Nat. Biog.')

<sup>65</sup> Richard Rawlens or Rawlins, D.D., Fellow of Merton College, Oxford, 1480; Warden, 1508; King's Almoner, 1509; Bishop of St. David's, 1523. Died, 1536. ('Dict. Nat. Biog.,' (See G. C. Brodrick, 'Memorials of Merton,' p. 162.)

<sup>66</sup> Roger Lupton, Provost of Eton, Bachelor of Laws of Cambridge, 1483; Canon of Windsor, 1500; Fellow and Provost of Eton, 1504; Clerk of the Hanaper, 1509; King's Chaplain, 1510. Died, 1540. ('Dict. Nat. Biog.')

<sup>67</sup> April 22, 1526–April 21, 1527.

<sup>68</sup> Edmund Bonar, Boner, or Bonner, of Broadgates Hall, Oxford, LL.B., 1519; D.C.L., 1525; Chaplain to Cardinal Wolsey, 1529; Ambassador to Rome, 1532; to the Emperor, 1538 and 1542; Bishop of Hereford, 1538; of London, 1539. Died, 1569. ('Diet. Nat. Biog.')

<sup>69</sup> April 22, 1528–April 21, 1529.

<sup>70</sup> John Longland, D.D., Fellow of Magdalen College, Oxford; Principal of Magdalen Hall, 1505; Dean of Salisbury, 1514; Canon of Windsor, 1519; Confessor to Henry VIII and Lord Almoner, 1521; Bishop of Lincoln, 1521; Chancellor of the University of Oxford, 1532. Died, 1547. ('Diet. Nat. Biog.')

<sup>71</sup> Richard Sampson, B.C.L. of Trinity Hall, Cambridge, in 1505; D.C.L., 1513; Chaplain to Wolsey and Vicar-General of Wolsey as Bishop of Tournay, 1514–17; Dean of St. Stephen's, Westminster, 1516; Archdeacon of Cornwall, 1517; Ambassador to the Emperor, 1522–25, and in 1529; Dean of Windsor, 1523; of Lichfield, 1533; of St. Paul's, 1536; which last preferment he held till 1540, with the Bishopric of Chichester (1536); translated to Coventry and Lichfield, 1543. Died, 1554. ('Diet. Nat. Biog.'; Le Neve, 'Fasti.')

<sup>72</sup> Richard Wolman, LL.D. of Corpus Christi College, Cambridge; a learned ebanist; Chaplain to Henry VIII, 1526; Prebendary of St. Paul's, 1527; Dean of Wells, 1530; Master in Chancery, 1529–36; Canon of Windsor, 1533; a member of the Privy Council and one of the Masters of Requests. Died, 1537. (Cooper, 'Athen. Cantab.' i. 63; Haydn, 'Book of Dignities.')

<sup>73</sup> This Dr. Rowland must be Rowland Philips, D.D. He was elected Warden of Merton, 1521; resigned, in 1525; Vicar of Croydon, 1522. ('Diet. Nat. Biog.'; Brodrick, 'Memorials of Merton,' p. 163.)

<sup>74</sup> Dr. Cromer. The only person of this name who appears to have been a doctor of any faculty mentioned in the 'S. P. Dom.' is a Walter Cromer, alias Gryme, M.D., Cromwell's physician and a clerk in orders, but who is expressly described as a Scotsman, and who could not therefore have been a member of the Privy Council. (See 'S. P. Dom.' Henry VIII, iv. 6151; v. 233; xiii. i. 91, &c.) He was made a Prebendary of Norwich in 1538 (ib. 1115 [4]). There was also Sir William Cromer, or Crowmer, of Dunstal, Kent, a military man (vol. i. 664, 685, 3428, &c.); a John Cromer, or Crowmer, a magistrate of Kent (ib. v. 1694; ii. 119 [13], &c.); besides a Jos. Crowmer and a Thomas Crowmer (ib. iii. 1036 [20], &c.), probably related both to Sir W. Crowmer and also to George Crowmer or Cromer, Archbishop of Armagh, 1522–42 (see ib. vii. Append. 30). But none of these answers to the description of 'Dr.', and none seems to have been a member of the Privy Council. On the other hand, we find in 'S. P. Dom.' Henry VIII, x. 724, Dr. Edward Crome, 'parson of Aldermarie, London,' written 'Crowemer,' and this is in all probability the person intended here. He was a Fellow of Gonville Hall, Cambridge, D.D. in 1526. He was patronised by Queen Anne Boleyn, and was a member of the reforming party. I have not found any record of his being sworn of the Privy Council. ('Diet. Nat. Biog.')

<sup>75</sup> Sir Thomas Nevell, Neyle, or Nevill, fifth son of George, second Baron Bergavenny; Speaker of the House of Commons, 1514; appointed in 1517 a commissioner to inquire into enclosures in Middlesex; a member of the Star Chamber in 1519. Died, 1542. ('Diet. Nat. Biog.')

<sup>76</sup> Sulyarde. See p. 43, n. 1.

<sup>77</sup> Christopher Sainte Jermynne or Saint-German, 'a counsellor of note' (Wood); the author of the legal treatise, 'Doctor and Student,' published in 1523. Died, 1540. ('Diet. Nat. Biog.')

<sup>78</sup> John Islip, elected in 1500; a member of the Privy Council, 1513. Died, 1532. ('Dugdale Monast.' i. 277; 'Diet. Nat. Biog.')

<sup>79</sup> Henry Standish, D.D., Provincial of the Franciscans. He became celebrated by his defence of the jurisdiction of lay tribunals over criminous clerks in 1515. In 1518 he was made Bishop of St. Asaph by Henry VIII, in opposition to the wishes of Cardinal Wolsey. In 1523 he was Ambassador to Denmark. He was an opponent of Colet and Erasmus. He died in 1535. (Cooper, 'Athen. Cantab.' i. 55.)

<sup>80</sup> Sir William Weston, Grand Prior of England, 1527. Died, 1540. (W. Porter, 'Hist. of the Knights of Malta,' ii. 285.)

<sup>81</sup> Sir John Hussey or Hussey, eldest son of Sir William Hussey, Chief Justice of the King's Bench. Under Henry VII he became Comptroller of the Household. He was a member of the Privy Council early in the reign of Henry VIII, and summoned to the House of Lords as Lord Hussey in 1529. He attached himself to the party of the Princess Mary. He was executed in 1537 on suspicion of being concerned in the Lincolnshire rising. ('Dict. Nat. Biog.')

<sup>82</sup> Sir William Fitzwilliam, younger son of Sir Thomas Fitzwilliam, of Aldwarke, Yorks, W.R.; intimate from childhood with Henry VIII; knighted, 1513; Treasurer of Wolsey's household, 1518; Ambassador to France, 1518; Vice-Admiral, 1519; K.G.; Ambassador to France, 1526, 1529 and 1533; Chancellor of the Duchy of Lancaster, 1529; Lord Privy Seal, 1533; Lord High Admiral, 1536; Earl of Southampton, 1537. Died, 1542. ('Dict. Nat. Biog.')

<sup>83</sup> Sir Roger Townshende, eldest son of Sir Roger Townshend, Justice of the Common Pleas, of Raineham, Norfolk. He was thrice Sheriff of Norfolk; was knighted in 1525; and appointed a Privy Councillor and a Master in the Court of Requests in 1529. He died in 1531. (Blomefield, 'Hist. Norfolk,' vii. 132.) In list K, p. evii, supra, he is misplaced under Edward VI.

<sup>84</sup> See p. 174, n. 2. As Sir Nicholas Hare was not knighted nor made a Master of Requests till 1537, this entry shows that all these appointments must not be referred back to 1528-29. He was appointed Chief Justice of Cheshire and Flintshire in 1540. ('Dict. Nat. Biog.')

<sup>85</sup> Sir Robert Southwell or Southwell, of the Middle Temple, second son of Francis Southwell, Auditor of the Exchequer to Henry VIII. This mention of him as a Master of Requests as early as 1528-29 antedates his appointment to that office, recorded by Foss as first mentioned in 1541. Master of the Rolls, 1547-1550. Died, 1559. (Foss, v. 329.)

<sup>86</sup> Sir John Tregonwell, of Tregonwell, Cornwall, D.C.L.; Judge of the Admiralty Court, 1524-42; King's Proctor at the hearing of the divorce from Katharine of Aragon in 1529; Master in Chancery, 1533; Commissioner for a peace with Scotland, 1534; Commissioner of the Great Seal, 1550; knighted, 1553; Sheriff of Yorks and Somerset, 1551. Died, 1565. (C. S. Gilbert, 'Historical Survey of Cornwall' [1817], ii. 285-7.)

<sup>87</sup> William Petre, Fellow of All Souls', 1523; D.C.L. till 1533 (cp. n. 84, supra). His name is repeated, perhaps as indicative of his new official position of Master in Chancery, to which he was advanced in 1536. As he was knighted in 1543, the second entry must refer to a period prior to that date. Privy Councillor, 1545; died, 1572. ('Dict. Nat. Biog.')

<sup>88</sup> Robert Dacres, a nephew of John Taylor, LL.D., Master of the Rolls ('S. P. Dom.' H. VIII, iv. iii. App. 133); son of Henry Dacres, Alderman of London. Commissioner of Gaol Delivery for the Western Circuit in 1527 ('S. P. Dom.' Henry VIII, iv. 3213, 28, and in 1528; ib. 3991, 3). In the Commission of the Peace for Herts in 1528 (ib. 5083, 4); in 1531 (ib. viii. 119, 11); in 1532 (ib. 1694); in 1537 (ib. xii. ii. 1150, 41); in 1539 (ib. xiv. i. 1056). Secretary to the Compter, the reversionary title to which he seems not to have resigned at Wolsey's request in 1527, although promoted by him with that understanding to the office of Clerk of Assize (ib. iv. iii. App. 133; cf. xiii. i. 581). Apparently a landowner in Herts as early as 1536 (ib. xi. 506, p. 234; cf. the Commissions of the Peace, supra). A creditor of the King in 1536 (ib. xi. 1419, 1538; xiii. i. 34). Received in 1538 a grant of the Manor of Cheshunt, Herts (ib. 581; ib. ii. 74, 37; R. Clutterbuck, 'Hist. Herts,' ii. 100). In this grant he is described as Robert Dacres, of London. In 1542 he received grants of land at Fingringhoo, West Mersey, &c., Essex (P. Morant, 'Essex,' i. 415, 426). He was a Privy Councillor. Died, 1543.

<sup>89</sup> Thomas Thirleby. See p. 123, n. 1.

<sup>90</sup> As this name follows that of the Bishop of Westminster, who was consecrated 19 December, 1540, it probably is that of Nicholas Heath, elected to Rochester, 1540, and translated to Worcester, 1543. (Le Neve, 'Fasti,' ii. 569. See further, p. 98, n. 3.)

<sup>91</sup> After 1545. ('Dict. Nat. Biog.')

<sup>92</sup> This is perhaps John Cocchys, D.C.L., Canon of Salisbury, Vicar-General to Cranmer, but he died February 1546, so that, if this identification be correct, his name is here out of place, as also in list K, p. cvii, *supra*. See further n. 134, p. cxx, *infra*. Wood, 'Fasti Oxon.' i. 23. There seems to have been a Mr. Cox, Master of Requests in 1553 ('Acts of Privy Council,' p. 289); but *quæ* whether this was another mode of writing Cooke (n. 94, *infra*). If so, a mistake has been made in the Christian name.

<sup>93</sup> See p. 191, n. 1, *infra*.

<sup>94</sup> William Cooke, Coeke, or Coke, Dean of the Arches, 1545; Judge of the Prerogative Court of Canterbury, 1548-58 ('Acts of Privy Council,' 27 Dec. 1558); Master of Requests, 13 March 15 $\frac{1}{2}$  (ibid. p. 410); Judge of the High Court of Admiralty, 1554. Died, 1558. (J. Haydn, 'Book of Dignities' [1890], p. 420.)

<sup>95</sup> Sir Richard Reede, or Rede, born 1511; Fellow of New College, Oxford, 1528; D.C.L. 1540; knighted and appointed Lord Chancellor of Ireland, 1546; removed and made Master of Requests in England, 1548. Died 1579. ('Dict. Nat. Biog.')

<sup>96</sup> John Lucas 'of the Temple' first appears in the State Papers (Domestic) in a letter from Lord Chancellor Audeley to Cromwell in 1537, recommending him as Solicitor-General, where he is described as 'a right well learned and discreet person' ('S. P. Dom.' Henry VIII, xii. ii. 1160). Having failed to obtain this office he procured a joint grant with Thomas Pope of the office of Clerk of the Crown in Chancery in February 1538 (ib. xiii. i. 384, 101), and in June of the same year was put upon the Commission of the Peace for Essex (xiii. i. 1309, 24). In 1548 he bought of the Crown the chantry of Hedingham, Essex (Strype, 'Memorials,' II. ii. 403). He was one of the commission appointed in 1551 to compile a body of ecclesiastical law (Strype, 'Cranmer,' i. 192, 388, and 'Memorials,' II. ii. 205), and upon another commission in 1552 'for the collection of church stuff, plate, jewels, ornaments, &c.' ib. 210; was one of the Privy Council who signed the instrument of Edward VI limiting the succession to the Crown (ib. Cranmer, 912). Died, 1556. (Ib. 'Memorials,' III. i. 500.)

<sup>97</sup> Sir Thomas White first appears in the State Papers (Domestic) as co-grantee with Thomas Wrothesley, clerk of the Signet, of the reversion of the offices of Coroner and King's Attorney in the King's Bench in March 1538 ('S. P. Dom.' Henry VIII, xiii. i. 646, 23). As Master of Requests he was knighted at Queen Mary's coronation, Sir Thomas White, Lord Mayor of London, being also knighted on the same occasion. (Metcalfe, 'Book of Knights,' pp. 220, 110.)

<sup>98</sup> See p. 197, n. 6, *infra*.

<sup>99</sup> John Boxall, D.D., Fellow of New College, Oxford, 1542; Secretary of State to Queen Mary; Dean of Ely, Prebendary of Winchester and Warden of Winchester College, 1554; Member of the Privy Council, 1556; and Master of Requests in the same year. Dean of Peterborough, Norwich, and Windsor, 1557; Secretary of State, 1557, being the first appointed by letters patent. Died, 1571. ('Dict. Nat. Biog.')

<sup>100</sup> Walter Haddon, born 1516; LL.D. of King's College, Cambridge, 1549; Vice-Chancellor of the University, 1549-50; Regius Professor of Civil Law, 1551; Master of Trinity Hall, 1552; unconstitutionally appointed by the Crown President of Magdalen College, Oxford, 1552; retired, 1553; Advocate of the Arches Court of Canterbury, 1555; admitted a member of Gray's Inn, 1557; returned to Parliament for Thetford, Norfolk, 1558; Master of Requests, 1558; Ambassador to the Netherlands, 1565. Died, 1572. ('Dict. Nat. Biog.')

<sup>101</sup> Thomas Seckford. Presumably one of the Sekfords of Sekford, Suffolk (W. C. Metcalfe, 'Visitation of Suffolk,' 1561, p. 64). Admitted to Gray's Inn, 1540 (J. Foster, 'Register of Admissions' [1889], p. 13). An official of the Court of Wards (Strype, 'Annals,' II. i. 419 and III. i. 200, and 'S. P. Dom.' El. Addenda [1581], p. 46, [1586] p. 180). He was long a Master of Requests, the earliest notice of him in this capacity being in 1570 (ib. p. 208), the latest in 1585 (ib. p. 165).

<sup>102</sup> The successive bishops of Rochester during the reign of Elizabeth were Edmund Gheast or Gest, 1560-71; Edmund Freake, 1572-75; John Pierse, 1576-77; and John Yong, 1578-1605. I have failed to discover that any one of these acted as Masters of Requests. See n. 135, *infra*.

<sup>103</sup> William Grevile. Presumably the William Grevile of Lennington, Gloucestershire, who became a Serjeant at Law in 1504 and a Justice of the Common Pleas in 1509. He died in 1513 (Foss, 'Lives,' v. 182). Foss apparently knows nothing of his having occupied this office.

<sup>104</sup> John Veysey or Vesey, alias Harman, LL.D., sometime Fellow of Magdalen College, Oxford, Dean of Windsor, 1515; Bishop of Exeter, 1519-1554. He was dean of the King's Chapel in 1514-1519, and is styled in list K, p. cvii, supra, 'decanus.' See further 'Trans. R. Hist. Soc.' 1894, p. 278.

<sup>105</sup> John Stokesley or Stokeslie, Principal of Magdalen Hall, Oxford, 1502-05; chaplain to Rd. Foxe, Bishop of Winchester; Ambassador to the Pope and Emperor, 1529; Bishop of London, 1530. Died, 1539. (A. Wood, 'Ath. Oxon.' ii. 748.) Cp. p. xiv, supra.

<sup>106</sup> Sir Thomas Inglefeild or Englefield, Reader of the Middle Temple and Serjeant at Law, 1520; King's Serjeant, 1523; Justice of the Common Pleas, 1526-37 (Foss, 'Lives,' v. 160).

<sup>107</sup> Sir Robert Bowes, a military commander and lawyer. Warden of the East and Middle Marches of Scotland, 1550; Member of the Privy Council, 1552; Master of the Rolls, 1553. Died, 1554. ('Dict. Nat. Biog.')

<sup>108</sup> See n. 21, supra. 'Senescallus Hospitii,' 'Steward of the Household.'

<sup>109</sup> David Williams or William, Master of the Rolls, 1487. Foss infers from the appointment of his successor on May 5, 1492, that William died before that date; but if this list be correct, he must have been acting as a judge in 1493-94 (Foss, 'Lives,' v. 80).

<sup>110</sup> I am inclined to think this a mistake made by the transcriber of the list, who evidently read 'ar' for 'cler,' and that this is John Morgan, LL.D., afterwards Bishop of St. David's, see n. 40, supra. In the 'Materials' for the reign of Henry VII a John Morgan is made Clerk of the Parliaments in 1485 (Campbell, i. 79), but the omission of 'clerk' after his name is by no means conclusive evidence that he was a layman, since the future bishop is styled 'John Morgan' simply when appointed to the deanery of Windsor in the same year (ib. p. 91). The subsequent entry strongly confirms my conclusion.

<sup>111</sup> See last note. This is the Richard Fitzjames of n. 39, supra.

<sup>112</sup> Obviously Dr. Richard Hatton. See n. 44, supra.

<sup>113</sup> There is some confusion about the Middletons; see n. 6, supra. At any rate, it is clear that there was more than one of the name upon the Council, and Sir J. Caesar may be right in his identification of the Privy Councillor and Judge of 1497-98 with Christopher Middleton; but from the frequent mentions of Robert Middleton, LL.D., in Rymér's 'Fœdera' and elsewhere about this time, I incline to think this is a mistake and that Christopher belongs to the next generation. In 1511 we find Christopher commissary of John, Earl of Oxford, Great Chamberlain and Lord High Admiral, in which capacity he makes a judicial decree in the Court of Admiralty, 'S. P. Dom.' Henry VIII, i. 1928. In March 1515 he was made a commissioner of oyer and terminer for piracy, being then described as 'Bachelor of Law,' ib. ii. 235, and he received a similar commission, directed to Christopher Middelton, LL.B., deputy of the said Earl (Oxford) in the Court of Admiralty in January 1516 (ib. 1429). On May 29, 1519, he was appointed a commissioner to hear and determine civil causes between French and English, being then styled 'vice-admiral' (ib. iii. 272). In 1519 he is called 'deputy to the Cardinal,' and proofs of depredations at sea are ordered to be brought to him (ib. 375). In 1527 he was appointed a commissioner to make inquisition into piracies, &c. (ib. iv. 3747), and 'Dr. Myddylton,' probably the same person, appears as a commissioner upon an ecclesiastical inquiry in 1535 (ib. ix. 52 iii.). As judge of the High Court of Admiralty he was succeeded by John Tregonwell (see n. 86, supra) in 1524. Possibly he was Dean of the Arches, for I take the letters after his name to stand for 'Judex summus Curie (de) Arcubus (et) Admiralitatis.' This interpretation is confirmed by the fact that William Cooke, after whose name the same letters stand (n. 94 supra), is known to have been both Dean of Arches and Judge of the Admiralty.

<sup>114</sup> August 22, 1499-August 21, 1500.

<sup>115</sup> Richard Fitzjames, see n. 39, *supra*; but I have not found any other evidence that in this year he became Lord President of the Council.

<sup>116</sup> This is obviously a mistake for George (Neville), Lord Bergavenny, and confirms my view of the similar cases in notes 110, 111, *supra*. This was the third Lord Bergavenny, born about 1471, succeeded to the title in 1492; K.G. 1513. If this identification and list be correct it is clear that he was sworn a member of the Privy Council of Henry VII, and not, as the 'Dict. of Nat. Biog.' apparently implies, for the first time in 1513. Died 1535. ('Dict. Nat. Biog.')

<sup>117</sup> August 22, 1505-August 21, 1506.

<sup>118</sup> Sir Robert Drury, of Lincolnshire, barrister-at-law; Speaker of the House of Commons 1495, being knight of the shire for Suffolk. This antedates his membership of the Privy Council, which the 'Dict. of Nat. Biog.' assigns to 1526, by twenty years. Died 1536. ('Dict. Nat. Biog.')

<sup>119</sup> April 22, 1537-April 21, 1538.

<sup>120</sup> April 22, 1541-April 21, 1542.

<sup>121</sup> See n. 113, *ad fin.*

<sup>122</sup> June 28, 1552-June 27, 1553.

<sup>123</sup> July 19, 1553-July 24, 1554.

<sup>124</sup> It is not possible to say with certainty for whom this is intended. The Deans of York during the reign of Henry VII were Robert Bothe, 1477-88; Christopher Urswick, LL.D., 1488-94; William Sheffield, LL.D., 1494-96 (see n. 22, *supra*); Geoffrey Blythe (see n. 7, *supra*), 1497-1503; Christopher Baynbrigg, LL.D., 1503-07, who may be excluded from consideration, as his name appears above, and James Harrington, 1508-12 (*Le Neve*, 'Fasti,' iii. 125). A comparison with the other lists leads to the conclusion that this is either Sheffield or Blythe.

<sup>125</sup> A mistake for Geoffrey Simeon, cler. Cf. n. 110, *supra*. For G. S. see n. 15, *supra*.

<sup>126</sup> Edward Vaughan, LL.D. of Cambridge; Prebendary of St. Paul's, 1493; Archdeacon of Lewes, 1509; Bishop of David's, 1509. Died, 1522. (Cooper, 'Ath. Cantab.' i. 26.)

<sup>127</sup> John Watts, or Wattys, D.D., was a vice-chancellor of the University of Oxford in 1463. See C. W. Boase, 'Regist. Univ. Oxon' (1885), p. 34. H. Anstey, 'Munimenta Acad.' (1868), p. 699. There is no account of him in Ant. Wood, nor of any clerk of this name in the Domestic State Papers.

<sup>128</sup> A mistake for Christopher. See n. 60, *supra*.

<sup>129</sup> John Gilbert, on the Commission of the Peace for Devonshire in 1509 ('S. P. Dom.' Henry VIII, i. 699), 1510 (ib. 917), 1511 (ib. 1503), 1512 (ib. 3566, 3589, 3605), 1513 (ib. 3938, 4539), 1514 (ib. 4783, 5220), 1515 (ib. ii. 625, 709), 1517 (ib. 3485), 1524 (ib. iv. 137, 18), 1526 (ib. 2002, 6), 1529 (ib. 5510), 1530 (ib. 6803), 1532 (ib. v. 1694), 1535 (ib. viii. 149, 58), 1536 (ib. x. 1256, 53), 1538 (ib. xiii. i. 1519, 30), 1539 (xiv. i. 1354, 24). In 1511 he was a Justice of Assize for the Norfolk Circuit (ib. i. 1490) and also a Commissioner of Array for Devonshire (ib. 1812). Before 1516 he was Escheator for Devon (ib. ii. 2518) and third on the sheriff roll for Devon in that year, his name not being pricked (ib. 2533). On May 28, 1517, he was nominated one of the seven commissioners appointed to inquire into inclosures in Devon and Cornwall (ib. 3297). In 1524 he was a Commissioner to collect the subsidy for Devon (ib. iv. 547). In 1533 he was present at the delivery by Henry VIII of the Great Seal to Sir Thomas Audeley (ib. vi. 73) and in the same year was appointed a Commissioner to make an inquisition post mortem for Devonshire (ib. 929, 6). This is the last mention I find of him in the State Papers.

<sup>130</sup> 'Ar.' is obviously a mistake for 'cler.' See ns. 110, 126, *supra*.

<sup>131</sup> Sir Edward Carne, D.C.L. of Oxford, 1524; Ambassador to the Low Countries, 1538 and 1541; Master in Chancery, 1538-39; returned to Parliament for Glamorgan-shire, 1554; Ambassador to Rome, 1555. Died at Rome, 1561. (Haydn, 'Book of Dignities,' p. 394. 'Dict. Nat. Biog.')

<sup>132</sup> Thomas Thirleby, translated from Westminster, 1550. See p. 123, n. 1, *infra*.

<sup>133</sup> William Mey or Meye. See p. 191, n. 1, *infra*. In Sir J. Caesar's list L, p. cix, *supra*, the name is incorrectly given as Mayo. Cp. list K, on p. cvii.

<sup>134</sup> So many mistakes have been made of 'ar.' for 'cler.' that I cannot help suspecting that this may be John Cocks, cler. and refers to an ecclesiastic of prominence at this period. John Cocks, LL.D., first appears in the 'State Papers' (Domestic) as Commissary to William Warham, Archbishop of Canterbury in 1525. ('S. P. Dom.' Henry VIII, iv. i. 1518.) He was Canon of Salisbury in 1527 (ib. iii. 3307). In 1532 he was made vicar-general of the Archbishop of Canterbury by Henry VIII (ib. v. 1326), during the vacancy of the See after the death of Warham, of whom he was one of the executors (ib. vi. 300, 18). In 1535 he was Chancellor to Cranmer and also held a living at Medeley in Kent (ib. ix. 445). Cranmer in his capacity as visitor of the College appointed him in 1541 as a member of a body of Commissioners to visit All Souls' College, Oxford, then alleged to be abandoned to riotous living (Strype, 'Cranmer,' i. 130). In 1543 he was appointed to inquire into certain charges against Cranmer (ib. pp. 170-2). Whose Vicar-General he became in the same year and also Dean of the Arches Court. See further n. 92, *supra*. I suspect 'esquier' there has been translated from 'ar.' in this list. If this identification is correct he is only postdated by one year, since he died in 1546. In list K, p. cvii, a graver misplacement occurs, that of Sir Roger Townshend; see n. 88, *supra*.

<sup>135</sup> The addition of the words 'L(ord) Almoner' does not afford any help to the identification of the bishop intended. (See n. 102, *supra*.) Bishop Gest was Lord Almoner from 1560 to 1572, Bishop Freake from 1572 to 1576, and Bishop Piers from 1576-78.

<sup>136</sup> Thomas Wilson, LL.D. of King's College, Cambridge, D.C.L. of the University of Ferrara. A refugee abroad during Mary's reign. Appointed Master of Requests by Elizabeth; Master of St. Katharine's Hospital; returned to Parliament for the borough of Michell, Cornwall, in 1563; and for Lincoln in 1571 and 1572; Ambassador to Portugal, 1567; to the Netherlands, 1574, 1576 and 1577; Secretary of State and Privy Councillor, 1577; Dean of Durham, 1580. Died, 1581. (Cooper, 'Ath. Cantab.' i. 434.)

<sup>137</sup> Sir William Gerrard or Gerard, a barrister of Gray's Inn, 1546; member of Parliament for Preston, 1553; Chester, 1555-72; vice-president of the Council in Wales, 1562; Lord Chancellor of Ireland, 1576; Master of Requests, November 23, 1579. Died, 1581. ('Dict. Nat. Biog.')

<sup>138</sup> David Lewes or Lewis, Fellow of All Souls' College, Oxford, 1541; D.C.L. 1548; Principal of New Inn Hall, 1545-48; Master in Chancery and Master of Requests, 1552-3; member of Parliament for Steyning, 1553; Monmouth, 1554; Judge of the Admiralty, 1558; Principal of Jesus College, Oxford, 1571. Died, 1584. ('Dict. Nat. Biog.')

<sup>139</sup> Valentine Dale, D.C.L., Fellow of All Souls' College, Oxford, 1542; LL.D. of Cambridge, 1562; Ambassador in Flanders, 1562-31; in France, 1573-76; Dean of Wells, 1575; member of Parliament for Taunton, 1558; Chichester, 1584; Taunton, 1589; Judge of the Admiralty Court, 1585; a judge at the trial of Mary, Queen of Scots, 1586; an Ambassador to the Prince of Parma in 1588. Died, 1589. ('Dict. Nat. Biog.')

<sup>140</sup> Ralph Rokeby, of Lincoln's Inn, barrister-at-law; Chief Justice of Connaught, 1570; Master of Requests, 1576. Died, 1596. See further p. 203, n. 5, *infra*.

<sup>141</sup> Sir John Herbert, of Swansea or Neath, 'a man of very ordinary abilities' (S. R. Gardiner, 'Hist. Jas. I.' i. 181); student of Christ Church, Oxford, 1555; B.C.L. 1565; an advocate of Doctors' Commons; returned to Parliament for Grampound, 1587; Galton, 1589; Christchurch, 1593; Bodmin, 1598; Glamorgan, 1601; Monmouthshire, 1604-11; appointed Master of Requests by Elizabeth; sent on a diplomatic mission to France in 1598 (A. Wood, 'Fasti Oxon.' i. 188); to Germany in 1600 ('S. P. Dom.' El. p. 415) and 1603 ('S. P. Dom.' Add. Jas. I. p. 501); made second Secretary of State in 1600 ('S. P. Dom.' El. p. 439); active in putting down the rising of Essex in 1601 (ib. p. 575); knighted in 1602 (ib. p. 246); keeper of the Signet to the Council of the North



( ' S. P. Dom. ' Jas. I. (1603-10), p. 63; a Commissioner to make examination of seminary priests in 1606 (ib. p. 330). Died, July 1617 (ib. 1611-18, p. 476). See J. Foster, ' Alumni Oxonienses ' (1891-92). See also Append. F, p. xcv, supra.

<sup>112</sup> Sir Julius Caesar, son of Queen Mary's physician; born, 1558; graduated B.A. of Magdalen Hall, Oxford, 1575; LL.D. of Paris, 1581; Judge of the Admiralty Court and Master in Chancery, 1584; Master of Requests Extraordinary, 1591; Ordinary, 1595; knighted, 1603; Chancellor and Under Treasurer of the Exchequer, 1606; Master of the Rolls, 1610; Member of Parliament for Reigate, 1588; Windsor, 1597 and 1599; Middlesex, 1614; Malden, 1620. Died, 1636. ( ' Dict. Nat. Biog. ')

<sup>113</sup> William Awbrey or Aubrey, D.C.L. Born, 1529; Fellow of All Souls' College, Oxford; Principal of New Inn Hall, 1550; Professor of Civil Law, 1553-9; Master in Chancery; Vicar-General to Archbishop Grindal; Chancellor to Archbishop Whitgift; Master of Requests in Ordinary. Died, 1595. ( ' Dict. Nat. Biog. ')

<sup>114</sup> Sir Roger Wilbraham, second son of Richard Wilbraham, of Nantwich; founder of the family of Wilbraham of Dorfold, which Sir Roger bought from the Bromleys (G. Ormerod, ' Hist. Cheshire [1819], ' iii. 184). Admitted at Gray's Inn, 1576 (J. Foster, ' Gray's Inn Register ' [1889], p. 49). He first appears in the ' State Papers (Domestic) ' as a Master of Requests in 1601 (p. 563). Before 1603 he was also keeper of the Records in the Tower, an office he exchanged in that year for an annuity of 100*l.* per annum ( ' S. P. Dom. ' Jas. I. p. 15). He was knighted by James I, together with his colleague at the Requests, Sir J. Caesar, May 20, 1603 (Metcalf, ' Book of Knights, ' p. 143). On March 8, 1614, he obtained a grant in reversion of the office of Constable of Chester Castle for life ( ' S. P. Dom. ' Jas. I. p. 226). He died in August 1616 (ib. p. 390), leaving three daughters ' heirs to 4,000*l.* a year ' (ib. p. 426).

<sup>115</sup> Sir David (not Daniel, cf. p. xx, n. 2), Dun, Dunn, or Donne, D.C.L., of All Souls' College, Oxford; Principal of New Inn, 1580; Dean of Arches and Master of Requests, 1598; Master in Chancery about 1601; knighted 1602; member for the University of Oxford, 1603 and 1614. Died 1617. ( ' Dict. Nat. Biog. ')

<sup>116</sup> Sir Christopher Perkins or Parkins, born about 1547, B.A. of Oxford, 1565; for a time a Jesuit; ambassador to Denmark, 1591 and 1598; to Poland, 1592; to the Emperor, 1593; and the Hanse Towns, 1595; Dean of Carlisle, 1595; admitted member of Gray's Inn, 1597; returned to Parliament for Ripon in the same year; for Morpeth, 1604-11; knighted, 1603; Master of Requests, 1617. Died, 1622. ( ' Dict. Nat. Biog. ')

<sup>117</sup> George Simeon. I can find no trace of any person of this name in the materials for the history of Henry VII, nor in the ' S. P. Domestic ' for Henry VIII, nor in Cooper, ' Ath. Cantab., ' nor A. Wood, ' Ath. Oxon. ' I am induced to think that ' George ' is a mistake for Geoffrey, and that 16 & 17 Henry VIII is a mistake for Henry VII. See notes 15 and 125, supra.

<sup>118</sup> August 22, 1505-August 21, 1508.

<sup>119</sup> August 22, 1524-August 21, 1526.

<sup>120</sup> William Atwater, born about 1440; Fellow of Magdalen College, Oxford, 1480, and probably Wolsey's tutor, D.D. 1493; Vice-Chancellor of the University, 1497, and 1500-02; Dean of the Chapel Royal, 1502; of Salisbury, 1509; Bishop of Lincoln, 1514. Died, 1521. ( ' Dict. Nat. Biog. ')

<sup>121</sup> James Denton, Fellow of King's College, Cambridge; Doctor in Canon Law of the University of Valencia; of Cambridge in 1505; Dean of Lichfield, 1522; Chancellor to the Council of Wales, 1526; Died, 1533. (Ibid.)

<sup>122</sup> Jo. Dalby is probably a mistake for Thomas Dalby, LL.B., Archdeacon of Richmond, Yorks. He appears, though a chaplain of Henry VII (A. Wood, ' Fasti Oxon. ' i. 5) to have been attached to the Yorkist party, and was excepted, together with their leaders, from the General Pardon granted at the accession of Henry VIII ( ' S. P. Dom. ' Henry VIII, i. 12, ii.) This exception was removed in June, 1510 (ib. 1115), and in 1511 we find him a royal chaplain (ib. 1637). Although the Court of Requests is not mentioned, it is possible that the letter of Cardinal Bainbridge, Archbishop of York, to Henry VIII, written from Rome, June 18, 1514, and complaining that his servants ' were troubled by

Master Dolby,' refers to some proceedings before him (ib. 5169). He was made Prebendary of Southwell in 1505 (Le Neve, 'Fasti,' iii. 427); of York in 1506 (ib. 205); and Archdeacon of Richmond (Yorks), in the same year (ib. 140). In 1517 he was appointed one of the Royal Commissioners to inquire into inclosures in Yorkshire ('S. P. Dom. Henry VIII, ii. 3297). He was also Provost of St. John's, Beverley; Treasurer of the Household to Thomas Savage, Archbishop of York, and Dean of the Chapel to Henry VIII's son, the Duke of Richmond (A. Wood, l. c.). He died January 26, 1526. (Le Neve, 'Fasti,' iii. 140.)

<sup>153</sup> Edward Higgins, LL.D., made a Master in Chancery, 1512 ('S. P. Dom.' Henry VIII, i. 3056), to which office it appears hereby that he added that of Judge of Requests from 1509-13. In 1513, being chaplain to Henry VIII, he was appointed Dean of the College of St. Mary, Shrewsbury (ib. 4184), an appointment he resigned in 1527 (ib. ii. 3227). In 1518 he became a Canon of St. Stephen's, Westminster (ib. 4298, iii. 2373). He was still a Master in Chancery in 1529 (ib. iv. 5666). In 1533 he became a Prebendary of Lincoln (Le Neve, 'Fasti,' ii. 124). On January 18, 1538, he wrote to Cromwell excusing inattention to business on the ground of a fever ('S. P. Dom.' Henry VIII, xiii. i. 103). His death occurred in the same month (ib. 190, 21).

<sup>154</sup> Sir Thomas Cheiney or Cheney, K.G., of Shurland, Kent; Sheriff of Kent, 1515-16 ('S. P. Dom. Henry VIII,' ii. 1120); returned to Parliament for Kent in 1552, 1553, 1554, and 1558; Constable of Queenborough Castle; Governor of Rochester Castle; Lord Warden of the Cinque Ports; and Treasurer of the Household to Henry VIII, Edward VI, and Elizabeth. Died, 1558. (E. Hasted, 'Hist. of Kent' [Canterbury, 1782], ii. 661.)

<sup>155</sup> April 22, 1519-April 21, 1520.

<sup>156</sup> April 22, 1520-April 21, 1521.

<sup>157</sup> April 22, 1522-April 21, 1523.

<sup>158</sup> April 22, 1521-April 21, 1522.

<sup>159</sup> This is obviously a mistake for Richard Sampson. See n. 71, supra.

<sup>160</sup> Sir Thomas Hobby or Hoby, of St. John's College, Cambridge; born, 1530; knighted, 1566; ambassador to France, March, 1566. Died in Paris, July, 1566. ('Dict. Nat. Biog.')

<sup>161</sup> April 22, 1526-April 21, 1527. This date evidently refers to R. Sampson.

<sup>162</sup> See p. 43, n. 1, infra.

<sup>163</sup> D(ominus) Wilts. Edward Stafford, second Earl of Wilts; succeeded to the peerage 1473; summoned to the first Parliament of Henry VII in 1485, in which year he appears to have come of age (Campbell, 'Materials, &c.', i. 120, 239); a Commissioner of Musters for Northants in 1488 (ib. ii. 385); and on the Commission of the Peace for the same county in 1489, ib. p. 481. Died, without issue, 1499, when the Earldom became extinct (Nicolas, 'Hist. Peerage.')

<sup>164</sup> Vicecamerarius. I have not been able to identify this personage. Possibly it was an office held by W. Tunstall.

<sup>165</sup> Edmund Dudley. Probably a grandson of John Sutton, Baron Dudley; studied law at Gray's Inn; is said to have been made a Privy Councillor at the age of twenty-three, and in this capacity acted in concert with Empson in extorting fines for the king's benefit; Speaker of the House of Commons, 1504; convicted of constructive treason in 1509; attainted and executed, 1510. ('Dict. Nat. Biog.')

<sup>166</sup> Roger Layton. This appears to be a mistake for Lupton. See n. 66, supra. No person of the name of Layton was Provost of Eton. Cp. List J. sub anno xi. H. 8. p. ciii, supra. See T. Harwood, 'Alumni Etonenses' (1797).

<sup>167</sup> John Gerbert. A mistake for John Gilbert. See n. 129, supra.

<sup>168</sup> Thomas Daeres, Esq. The only person of this name in the 'Domestic State Papers' of Henry VIII, appears to have been a 'bastard brother of Lord Daere (ib. xii. ii. 696 [2]), who was an officer on the Scottish borders in 1537 (ib. 249 [3, ii. 6]), and resident in Cumberland (ib. xiv. i. 320). He is perhaps the same as the Thomas Daeres, who in 1535-37 was a captain in Ireland (ib. ix. 98, 147, x. 30, xi. 934). It may be that the 'Esq.' is a mistake added to the signature of Thomas (Fienes, Lord

Daere, who was a minor in 1535, but was summoned to Parliament in 1536. He was executed for murder in 1541. Nicolas, 'Historic Peerage.' A third alternative supposition is that the name 'Daeres' has been repeated, as in the case of John Cokes in List J, p. civ, supra, and the wrong Christian name carelessly prefixed.

<sup>169</sup> Nicholas, Bishop of Worcester, i.e. Nicholas Heath, elected in 1543. See further, p. 98, n. 3, infra.

<sup>170</sup> Sir Thomas Smith, LL.D., born in 1512 or 1514 (his father was High Sheriff of Essex and Herts in 1538); Scholar and Fellow of Queens' College, Cambridge, and Professor of Greek in that University; D.C.L. of Padua; Dean of Carlisle; as a colleague of Cecil Master of the Requests to the Protector Somerset, 1547; Provost of Eton in the same year; Secretary of State, 1548; Ambassador to the Emperor, 1548; to France 1551, 1559, 1562, 1567, 1568, and 1571; Privy Councillor, 1571. Died, 1577. (T. Harwood, *Alumni Etonenses*, p. 4.)

<sup>171</sup> Sir John Dacombe or Dackombe, appears to have been a dependent of Carr, Earl of Somerset. He was made a Master of Requests in November, 1613. ('S. P. Dom.' *Jas. I.*, 1611-18, p. 206.) In the same year, through Somerset's influence, under the style of John Dackombe, of the Savoy, he received a grant of lands in Essex (November 22, 1613), *ib.* p. 212. In January, 1614, he received a grant of annuities of 4,500*l.*, 300*l.*, and 2,205*l.*, for providing French and Gascony wines for the household for twenty-one years (*ib.* p. 220). This was in trust for the Earl of Somerset, on whose attainer it was declared forfeited in November, 1616 (*ib.* p. 410). On June 8, 1616, John Chamberlain writes to Dudley Carleton, 'Sir John Dackombe knighted, and made Chancellor of the Duchy of Lancaster, though he was opposed because he was guilty of foul dealings about the pardon of the Earl of Somerset' (*ib.* p. 372). In a later letter Chamberlain says that his promotion was 'by means of the Prince, or rather of Sir George Villiers' (*ib.* p. 373). He died January, 1618. (*ib.* p. 518.)

<sup>172</sup> Sir Ralph Winwood, born about 1565; B.C.L. of Magdalen College, Oxford; Ambassador to Holland, 1603; knighted, 1607; Secretary of State, 1614. Died, 1617. (A. Chalmers, 'Biog. Dict.', 1812-17.)

<sup>173</sup> Sir Sidney Montagu, son of Sir Edward Montagu, of Boughton, Northants, and grandson of Lord Chief Justice Sir Edward Montagu. One of his brothers was James Montagu, Bishop of Winchester (d. 1618), and another, Sir Henry Montagu, Lord Chief Justice of the King's Bench. (Wood, 'Ath. Oxon.' ii. 853.)

<sup>174</sup> Sir Robert Naunton, born 1563; elected Fellow of Trinity College, Cambridge, 1585, and of Trinity Hall, 1592; Proctor, 1601; returned to Parliament for Helston, 1606; Camelford, 1614, and the University of Cambridge, 1621, 1624 and 1625; knighted, 1624; made Master of Requests in 1616, on the death of Sir Roger Wilbraham ('S. P. Dom.' *Jas. I.*, 1611-18, p. 616); Secretary of State, 1618-23; Master of the Court of Wards, 1623. Died, 1635. ('Dict. Nat. Biog.')

<sup>175</sup> Sir Lionel Cranfield, a successful merchant adventurer; born, 1575; became a favourite of the Duke of Buckingham, through whose influence he was knighted in 1613 and made a Master of Requests in 1617 ('S. P. Dom.' *Jas. I.*, 1611-18, p. 448); Master of the Court of Wards, and Chief Commissioner of the Navy, 1619; a Privy Councillor in 1620; created Lord Cranfield and Earl of Middlesex, 1622; impeached, 1624. Died, 1644. ('Dict. Nat. Biog.')

<sup>176</sup> Sir Ralph Freeman, made Master of Requests in 1618 ('S. P. Dom. *Jas. I.*, 1611-18, p. 511); auditor and afterwards 'master-worker' of the Mint. He was still a Master of Requests in 1642, as the Order Books show. Died some time after 1663. ('Dict. Nat. Biog.')

<sup>177</sup> Sir John Sucklin, or Suckling, of Whitton, Middlesex, Secretary of State, 1622; Controller of the Household to James I and Charles I; father of Sir John Suckling, the poet. (Wood, 'Ath. Oxon.' iii. 803.) See next note.

<sup>178</sup> Sir Edward Powell, of Penkelly, co. Hereford; created a baronet in 1622 ('S. P. Dom.' *Jas. I.*, 1619-23, p. 335); made Master of Requests (extraordinary) in 1622, on the surrender of the office by Sir John Suckling (*ib.* p. 365); married Mary, daughter of Lady Vanlore (*ib.* 1640, p. 605); lent 3,000*l.* to the King, for which a warrant of repayment was issued in 1644 (*ib.* 1644, p. 294).

<sup>159</sup> Sir John Cooke or Coke, born 1563; Fellow of Trinity College, Cambridge, 1583; Deputy-Treasurer of the Navy, 1591; returned to Parliament for Warwick, 1621; St. Germans, 1624-25; the University of Cambridge, 1626 and 1628; knighted, 1624; Secretary of State, 1625. Died, 1644. ('Dict. Nat. Biog.')

<sup>160</sup> Sir Thomas Aylisbury, born 1576; educated at Westminster School and Christ Church, Oxford; secretary to Lord High Admiral the Earl of Nottingham; made Master of Requests and Master of the Mint, 1627; became through his daughter, Lady Clarendon grandfather of Anne Hyde, first wife of James II. Died at Antwerp, 1657. ('Dict. Nat. Biog.')

<sup>161</sup> Robert Mason, LL.D., Fellow of St. John's College, Cambridge; 'secretary to the late Duke of Buckingham' ('S. P. Dom.' 1629-31, p. 114), and Treasurer to the Navy; Proctor of the University of Cambridge in 1619 (Le Neve, 'Fasti,' iii. 622); Chancellor of Winchester; Judge of the Vice-Admiralty for Hants and the Isle of Wight ('S. P. Dom.' 1637, p. 352). Died, 1662. ('Dict. Nat. Biog.')

<sup>162</sup> Sir William Cecil, afterwards Lord Burghley, 'Master of Requests to the Lord Protector' in 1549 ('S. P. Dom.' E. 6, Addenda, p. 401); educated at St. John's College, Cambridge; entered at Gray's Inn, 1541; Custos brevium in the Court of Common Pleas, 1547; Privy Councillor and Secretary of State, 1550; knighted, 1551; in retirement under Mary; reappointed Secretary of State, 1558; Master of the Court of Wards, 1561; Speaker of the House of Commons, 1563; created Lord Burghley, 1571; K. G., 1572. Died, 1598. ('Dict. Nat. Biog.')

<sup>163</sup> Sir John Fortescue, of Shirburn, Oxfordshire, tutor to Queen Elizabeth, to whom he was related through the Boleyns; keeper of the Great Wardrobe, 1558; returned to Parliament for Wallingford, 1572, afterwards for Buckingham and Middlesex; Privy Councillor and Chancellor of the Exchequer, 1589; Master of Requests about the same time; Chancellor of the Duchy of Lancaster, 1601; a member of the Star Chamber, and an Ecclesiastical Commissioner. Died, 1607. ('Dict. Nat. Biog.')

<sup>164</sup> Sir Arthur Duck, D.C.L., Fellow of All Souls' College, Oxford, 1604; returned to Parliament for Minehead, 1624 and 1640; Master of Requests about 1625; a member of the Ecclesiastical Commission, 1633; Master in Chancery, 1645. Died, 1648. ('Dict. Nat. Biog.')

<sup>165</sup> Sir Thomas Ryves, D.C.L., Fellow of New College, Oxford, 1598; Advocate of Doctors' Commons, 1611; Master of Requests Extraordinary, 1626; fought for Charles I; knighted, 1644. Died, 1652. ('Dict. Nat. Biog.')

## COURT OF REQUESTS

LACY *v.* SAYVIL.<sup>1</sup>

To the King our souerain lord.

1497      Greuously complaynyng shewith vnto your highnesse your most humble subget Thomas Lacy of your countie of York squier. How that the Moneday next befor the fest of Allhalowen <sup>2</sup> last passed oon John Sayvil bastard, accompanied with certain indisposed personnes to the nombre of four score or theraboutes arrayed in maner of werre that is to say with bowes arrowes bills swordes and other inuasible wepyns by the vnlieful procuring and special commandement of Sir John Sayvil <sup>3</sup> Knight came in riotous wise vnto the township of Southwrom within your honour of Pontfreit bilonging to your said suppliant who holdeth the same of your grace as of your Duchie of Lancastre and there with . . .<sup>4</sup> and riot toke oxon kyne horses and other catailles above the nombre of lxx, and thaym drove out of your said honour vnto a place of his own called Illingworth within . . .<sup>4</sup> lordship of Wakefeld where he pynded <sup>5</sup> thaym. Wherupon your said oratour sent vnto the Shirif for a replevie and leyd in suertie to pursue your lawes ayenst the said sir John Sayvil and John Sayvil Bastard for the wrongful taking of the said catailles, the which replevie was deliuered to the same sir John who after the sight therof

<sup>1</sup> Mr. Hunt's Calendar, Bundle 2, No. 80.

<sup>2</sup> Nov. 1.

<sup>3</sup> Sir John Sayvil had received (Nov. 29, 1485) a grant of the office of feodary within the Honour of Pontfract for life (Campbell, 'Materials for Hist. of Hen. 7,' i. 592), and this dispute perhaps turned upon conflicting jurisdictions. Sir J. S. had been a trusted supporter of Richard 3, who

made him Governor of the Isle of Wight (ib. 167), but he was probably one of those who deserted to Henry 7, for immediately upon his accession that king heaped honours and emoluments upon him (ib. 55, 338, 517). He was appointed sheriff of York and of York Castle on Nov. 5, 1485. He died in 1509 (S. P. Dom. H. 8, i. 54, 1301).

<sup>4</sup> MS. mutilated.

<sup>5</sup> Impounded.

deliuered it ayen to the bringar and refused to deliure the said cataill but thaim deteyne<sup>1</sup> stil in manifest contempt of your lawes and to thexpresse wrong and great vexacion of your said besecher. Furthermore the said John Sayvil bastard with al the forsaid riotoux personnes to the more greuous offense of your said lawes came to a ground of your said suppliantes the Moneday abonesaid and there with force and riot pulled down a pale conteynyng four hundreth fote. And yit nat satisfied with these vnlieful demeanynges the said bastard, with the said companye entred riotously the same day into a close of your said oratours, within the said township and brake down the hegges of the same, like as othre tymes hertofore he did in other his closes. And yit of mor crneltie he mysentreatith the seruauntes and tenauntes of your said suppliantes by fereful manaces and othre wise that thay darre nat for daunger of thaire lifes goo to thaire parisshe churches ner to othre thaire lieful businesses nat onoly for thaire inward hevinesse and importable hurt, but also to the pernicieux example and great audacite of othre like indisposed personnes yf these enormites shuld passe vnpunished as God defende. Wherefore it may like your highnesse tendrely considring the premisses to commande the said sir John and the said bastard by your most honerable lettres vpon a reasonable peyn to restore al the said catailles to your said suppliant or to his assigne and also to appere byfore your highnesse and most discrete counsail in the Oeptas<sup>2</sup> of saint Hilary next cummyng to answer to the pointes and articles befor touched with the circumstances, And in the mean season to suffre the seruauntes and tenauntes of your said oratour to goo vnto diuine seruice and other their [law]ful<sup>3</sup> occupacions without any bodyly hurt or manaces according to your lawes. And he shal euer pray God for the blessid preseruacion of your moost noble and Roial estate.

Inde emanerunt<sup>1</sup> litere p[riua]ti sigilli vj die Decembris  
anno xiiij<sup>o</sup> Henrici vij<sup>i</sup> ad comparandum in octauis  
Hillarii vbicunq; &c.

*Endorsed.* Thomas Lacy querens Johannem Sayvelle.

A lettre to sir John Sayvel knyght to obey the kinges write of repleyve apon suertie tanswer.

Thomas London.<sup>4</sup>

<sup>1</sup> Sic.

<sup>2</sup> Apparently for Utas, the eighth day of the feast, i.e. the seventh day after the feast, or Jan. 20, 1498.

<sup>3</sup> Word half obliterated by careless imposition of R. O. stamp.

<sup>4</sup> I.e. Thomas Savage, Bp. of London, 1496-1502.

ORDERS AND DECREES.<sup>1</sup>

Vltimo die Januarii anno xiiij.<sup>2</sup>

Thomas Lacy habet dicto primo die Februarii proximi ad probandum riotam per eum allegatam versus Johannem Sayvel aut per testes uel per inquisitionem captam coram iusticiariis pacis in Comitatu ubi committitur riota et hoc sub periculo cause sue huiusmodi.

<sup>3</sup> Secundo die Decembris anno xv.<sup>4</sup>

Johannis<sup>5</sup> Lacy contra Sayvile. Partes predictæ habent diem xv<sup>am</sup> Hillarii proximi ad producendum evidencias in causa inter vos mota et ad ulterius procedendum, Videndum in ea causa et ad examinandum per Brianum Palmes.<sup>6</sup>

<sup>7</sup> iiii<sup>o</sup> die Decembris anno xv.<sup>8</sup>

Dimissus est Johannes Sayvile miles ab ulteriori comparicione coram consilio domini Regis in causa contra eum mota per Johannem Northend Johannem Lacy Nicholaum Stansfeld Johannem Gledyll Johannem Gibson Elizabeth Lakwod Johannem Grenwodd et Johannem Sutcliff et omnes alie cause committantur examinacioni consilii iurisperiti domini Regis ibidem fore determinande. Et admissus est Johannes Hasily(oode)<sup>8</sup> attornatus pro dicto Johanne Saivile milite casu quo &c cum clausula de Ratum habiturus & iudicia sisti & iudicatum soluendum si &c.

## PETITION OF THE MAYOR AND CITIZENS OF EXETER.

To the Kyngewre soverayn Lord.

1498 In most humble wyse shewith vnto your highnysses your true and faithfull Subiettes Richard Unde<sup>10</sup> mayour of your citie of Exeter and

<sup>1</sup> Vol. i. fo. 48.

<sup>2</sup> 1498.

<sup>3</sup> Vol. ii. fo. 71.

<sup>4</sup> 1499.

<sup>5</sup> Sic.

<sup>6</sup> Probably Brian Palmes of Naburn, co. York, father of Brian Palmes, who, in 1510, as 'Brian Palmys jun.', became a serjeant-at-law. Sir B. Burke, 'Landed Gentry,' sub Palmes.

<sup>7</sup> Vol. ii. fo. 72.

<sup>8</sup> MS. mutilated. I cannot identify this person.

<sup>9</sup> Mr. Hunt's Calendar, Bundle 2, No. 134.

<sup>10</sup> The name is not very clear. In R. Izacke, 'Ant. of Exeter,' London, 1724, p. 103, it is given as R<sup>d</sup>. Undy for the year 1498. But in the royal confirmation of his election as mayor of the Staple of Exeter, dated 26 Aug. 16 H. 7 (1500), it is spellt Unde. Pat. Roll 16 H. 7, pt. 1, m. 19

his brethern citezens and inhabitantes of your saide cite that where your saide highnyse atte your last beyng atte your said cite<sup>1</sup> for a fynall pease Restfulnyse and comyn wele of your said cite by the advyse of your most honorable and discrete counsell ordeyned enacted and stablissed that xxiiij of the most hablyst citizens of your saide cite shuld be of the comyn Councell of your saide cite for terme of their lyvez in lyke fourme and in lyke wyse as arre the Aldermen of your cite of London the which xxiiij citezens before reherced for the time beyng shuld have full auctorite and power yerly to electe and cheuse of them sylfe a mayer iiij Ballyuys and other officers<sup>2</sup> accordyng to the vse and laudable custom of your saide cite of Excester in wold tymys vsed and that no man of yvell name and fame shuld be elect or chosyn to bere eny office or Rule within your saide cite vppon payne of your most and high displeur as in your saide honorable ordynaunces more playnly it doith appere So it ys gracious souerayn lord that oon Robert Newton<sup>3</sup> that last occupied the last yere as mayer of your Stapell within your saide cite hauyng the seal of office of your said stapell there in his custody and keypyng by subtyll and crafty meanys beryyng vnlaful favour vnto oon John Bonyfaunt<sup>4</sup> of your saide cite of Excester hath of late certified into your Chauncery that the said John Bonyfant to be maier of your said staple and oon Robert Bonyfant<sup>5</sup> his brother and one Harry Faux to be constables of the same Staple lafully to be elect and chosyn for this yere folowyng contrary to all the gode order and vse that ever hath ben vsed with in your saide cite before thys tyme and therupon the same John Bonyfant hath priuely optayned your letters patentes<sup>6</sup> agayn the wyll of all your Oratours and citizens nether your saide Oratours hauyng eny vnderstandyng of eny suche eleccion Wher the vse and custome of your saide cite hath ben and yet is that all your saide Oratours and their predecessours burgesses of your saide Staple shuld be lafully warnyd viij days before the saide eleccion and that the same eleccion shuld be made openly in the Yeld hall of your saide cite of Exeter. And over that the lawdable custome and vsage of the same your saide cite ys that no man shuld be mayer of your said Staple there but yf he hath ben mayer of your saide cite before. And for asmoche as the

<sup>1</sup> In 1497, on the occasion of the dispersion of Perkin Warbeck's forces. R. Izaeke, 'Antiquities of Exeter' (1731), p. 98.

<sup>2</sup> The charter is printed by Izaeke, *ib.* p. 99.

<sup>3</sup> Died Mayor of Exeter in 1503, *ib.* p. 104.

<sup>4</sup> Bailiff of Exeter in 1486 and 1505, *ib.* pp. 94, 105.

<sup>5</sup> Bailiff of Exeter, 1489, 1499, *ib.* pp. 95, 103.

<sup>6</sup> Enrolled on the Patent Roll of 14 H. 7, pt. 3, m. 18, dated 18 Oct. (1498).



saide John Bonyfant was neuer mayer of your saide cite but euermore a trobelys man and also a man of yvell name and fame and before this tyme hath been reproved in many dyuers poyntes of falshode And over that hath been the mover Sterer and causer of grete variance and discorde within your saide cite and dayly malyngneth agayn your saide Oratours entending to distroy the comyn wele of your saide cite for asmoche as he for his Infamousse name and yevyll dispocicion was by your saide hyghnesse and the lordys of your most discret and honorabele Councell refused and vtterly discharged to be eny of the saide xxiiij of the comyn Councell of your saide cite also the saide John Bonyfant hath callid to hym the saide Robert Bonyfant to be oon of the saide Constables of your saide staple the which Robert of late subtilly and vntruly sollicid<sup>1</sup> and provokyd oon John Calwodeley<sup>2</sup> late mayer of the Stapell of your saide cite to haue made blanke Chartours<sup>3</sup> vnder the seall of your saide Staple in grete nombre Whereby yf the same John Calwodeley had bene of lyke dispocicion it mouth have brought yn many a true man besides his godys and landys agayn al right and concience the which Almighty God forbede. Please it therefore your saide highnyssse of your most habundant grace and blessed dispocicion these premysses tenderly considered for asmuche as the saide John Bonyfant intendith the breche of your saide ordynance and also the vexacion and trobill of your said Oratours to order and to provide suche a direccion by the advyse of your most honorable councell Whereby the saide John Bonyfant may be discharged of the occupacion and exersice of the mayeralte of your saide staple within your saide cite of Exceter and of the custody of the seall of the same staple and over that William Frost<sup>4</sup> oon of your Yomons of the Crowne may have and enjoy the same office as he is therto lafully electt and chosyn and John Danaster<sup>5</sup> and Rafe Pudsay<sup>6</sup> to be constables of the same staple so that from hens forth your saide Oratours may lefully quietly and pesibly make yerly there free election as they have in wold tymys vsed to doo and thys for the love of God and in the way of Charite and your said Oratours shall evermore pray to God for the long contynauce of your most Royall estate.

*Endorsed.* xviiij<sup>o</sup> die Novembris anno xiiij<sup>o</sup> H vij.<sup>7</sup>

<sup>1</sup> Sic.

<sup>2</sup> Mayor of Exeter, 1495, 1501, and 1507, Izacke, p. 103.

<sup>3</sup> Presumably recognisances of debt; cp. Bracton, II. xvi. (fo. 33b): 'Item privatarum (chartarum) alia de recognitione pura vel conditionali.' See 15 R. 2, c. 9 (1391) as to the method prescribed for taking these recognisances.

<sup>4</sup> The nominee of the King in 1497, and the third Mayor of Exeter in 1503. 'The plague of pestilence reigned excessively,' Izacke, pp. 98, 104.

<sup>5</sup> Died the second Mayor of Exeter in 1503, ib. p. 104.

<sup>6</sup> Bailiff of Exeter, 1497, ib. p. 96.

<sup>7</sup> 1498.

ORDERS AND DECREES.<sup>1</sup>Decimo die Februarii anno xiiij.<sup>2</sup>

Johannes Bonefaunt comparuit virtute brevis de priuato sigillo sub pena v<sup>th</sup> li. et habet ad comparendum diem lune proxime ad respondendum bille querele contra eum propositum et sic de die in diem quousque &c sub eadem pena.

<sup>3</sup> xxv<sup>te</sup> die februarii a<sup>o</sup> xiiij.<sup>2</sup>

Causa in controversia inter maiorem & inhabitantes ville de Excetre contra Johannem Bonyfaunt de & super eleccione maioris stapule facta committatur examinacioni maioris<sup>4</sup> ville de Excetre ac ceterorum de xx<sup>ti</sup> quatuor eiusdem ville de communi consilio extra Johannem at will Robertum Newton Johannem Danastre et Radulphus Pudsay ad examinandum an idem Johannis Bonyfaunt sit abilis ad exercendum officium maioris stapule uel non ac eciam elleccio sic habita de eodem Johanne sit habita secundum consuetudinem ex antiquo ibidem vsitatam et ad certificandum consilio domini Regis secundum comperta in eadem.

<sup>5</sup> xxix<sup>mo</sup> die Aprilis anno xiiij.<sup>2</sup>

Johannes Bonyfaunte personaliter comparens coram consilio domini Regis libere concessit deliberare in manus comitis Devon,<sup>6</sup> et Willelmi Huddesfeld<sup>7</sup> militis literas patentes sibi factas de & super officio maioratus stapule ciuitatis Exon ac comitatus Devon & Cornubie quumcunque ad hoc requisitus fuerit citra festum penticost proximum prouiso quod acta & recogniciones per eum et suis<sup>8</sup> officarios legitime accepta inter partes ibidem rat(a) & stabile<sup>8</sup> fiant ad effectum constituetum.<sup>8</sup> Et deinde ad procedendum ad elleccionem noui maioris secundum consuetudinem dicte ciuitatis et super inde fiant litere dicto comiti Devon et Willelmo Huddesfeld militi tam ad recipiendum dictas literas patentes et ad examinandum acta & recognicionem coram prefato Johanne habitas vocatis partibus et ad ratificandum eadem pro effecta constituecionum<sup>8</sup> quam ad discernendum novam elleccionem fieri alterius maioris secundum

<sup>1</sup> Vol. ii. fo. 30 (14-17 H. 7).    <sup>2</sup> 1499.<sup>3</sup> Vol. ii. fo. 34 b.<sup>4</sup> Nicholas Hamlyn. Izacke, p. 103.<sup>5</sup> Vol. ii. fo. 48.<sup>6</sup> Edward Courtney, created Earl 1485; died 1509.<sup>7</sup> Sir W. Huddesfeld or Huddersfield of Shillingford, Devon, admitted to Lincoln'sInn. 1457, Attorney-General to Edward 4, 1481; superseded by the Protector Richard, 28 May 1485, in favour of Morgan Kydwelwy (see p. xviii, n. 11, supra); called serjeant in 1 H. 7, but exempted from taking the office (Campbell, Mat. i. 398); died 1499. Foss, 'Lives,' iv. 397, 470; R. Polwhele, 'Hist. of Devon' (1797), i. 265 n.    <sup>8</sup> Sic.

consuetudines diete ciuitatis. Aceciam ad recipiendum de Roberto Newton sigillum dicti officii.

TUCKER v. HALLE.<sup>1</sup>

A. To the Kyng our soueraigne lorde.

1504 In moste lamentable wyse shewyth and compleynyth vnto your excellent Highnesse and noble grace your true and faythefull liegeman Subgiēt and dayly Oratour John Tucker of your Cite of London Coriour of the age of lxxiiij yeres and more, That where your saide Highnesse the xiiij day of the moneth of May yn the sixth yere of your moste noble reygne <sup>2</sup> of your habundant grace by your gracious lettres patentes ensealed redy to be shewed at the humble peticion of your saide Oratour yave and graunted vnto him free liberte and licence to exercice vse and occupy diyng of leddir and hides yn Reed Colour withoute any penaltie or ynterrupeion, togedir with his owne occupaicon of Coriours,<sup>3</sup> duryng youre pleasure as yn your saide gracious lettres of licence more plenyly yt apperythe, It ys soo moste victorius prynce and good and gracious soueraigne lorde that your saide Oratour vpon hope and truste of your saide gracious licence boughte and purveyed asmoche stuffe and ymplementes necessary for the coloring and perfeccion of the saide Reed as coste hym beside his hovse cc *li.* sterlynges and more, and sone aftirward that notwithstanding oon John Halle now dede than beyng oon of the Sargeantes of sir William Capell knyghte that tyme maire of your saide noble Cite of London,<sup>4</sup> thurgh the commaundmentes and confortes of the same sir William and of William Milborne, than chambreleyn<sup>5</sup> of your saide Cite, takyng no regarde vnto your saide gracious lettres of licence nor also regarde vnto your noble commaundment yevyn by your other gracious lettres vnder your signet and signe Mannell came vnto the house of your saide Oratour yn the parysshe of Saynte Sepulere withoute Newgate of your saide cite and there and than caused oon William Rotherey and other to breke the house of your saide Oratour and to cary and convey away alle his goodes to the value of ccc *li.*

<sup>1</sup> Mr. Hunt's Calendar, Bundle 3, No. 198.

<sup>2</sup> 1504.

<sup>3</sup> By the Act 1 H. 7, c. 5 (1485), intituled 'Tanners,' it was provided 'que null Coriour dez quirs preigne sur luy de corier ascun hyde de quir mez tiel quel est sufficialment tanne, sur peyn de perder pur chescun hyde issint corie iij*s.* iij*d.*' Cp. 37 E. 3, c. 6.

<sup>4</sup> Sir W. C. was Mayor in 1503. The licence, it appears from the expression 'vpon hope and trust,' had not yet been issued.

<sup>5</sup> This office was generally held for life (W. Maitland, 'Hist. London' (1772), ii. 1206), but as appears from this pleading Milborne had been displaced.

and more, and beside that caused hym to be broughte to prison, and laide vpon hym the commaundement of the saide sir William Capell late maire whiche sir William and the saide late Chambrleyn afftirward spake with your saide Oratour and saide vnto hym that your highnesse had noon auctoryte to graunte or gyf any suche licence withyn your forsaid cite. And where as your saide Oratour at the desire of William Stele your Sadillar hadde begon to colour dyvers reed hides for your noble vse, and with the same Sadillar hadde desired yn your gracious name licence of the saide maire and Chambrleyn to fynysse them, yt ys soo gracious prince that the saide mair and Chambrleyn wolde not consent therto, but manassed and thretened to ley them fast yn pryson, soo that your saide besechar when he was at large toke sayntewary and lost his goodes, and toke such a grete thoughte whiche cast hym ynto suche dyuers sekenes that he felle blynde, and ever sythen he hathe ben blynde and ys lyke to be vttrily vndoon yn this worlde withoute that your moste noble grace haue pite and compassion vpon hym yn this his grete age and poverté. It may therfor please your excellent Highnesse and noble grace of your blessid disposicion the premisses tendrely considered, and for asmoche as your saide Oratour ys not of habilite and power yn goodes to sue for his remedy yn this bihalve accordyng to the course of your Comen lawes, to sende your gracious lettres of commaundement vnto the forsaid sir William Capell late maire and William Milborne late Chambrleyn charging them by the same to ordeyn and see that the executours of the Testament of the forsaid John Halle make vnto your saide Oratour playne satisfaccion and payment aswele for his forsaid goodes takyn from hym as for costes and lossis by reason of the premissis by hym had and susteyned thurghe his wrongfull vexacion, orelles that the saide executours and the said late Maire or Chambrleyn at a certeyn day appere bifore your highnesse and your moste noble Counsell there to answer vnto the premissis. And thlis at the Reuerence of God and yn wey of charyte. And your saide Oratour duryng his lyfe shalbe your true bedeman and shalle specially pray to God for the preseruacion of your moste noble and Royall astate long to endure yn as grete comfor.e joy and felicite as evir did any christen prynce.

*Endorsed.*<sup>1</sup> John Tukker coriore London xxvii<sup>o</sup> die Nouembris.

Partes defendentes tenentur ad comparandum vbicunque in die Veneris proxime.<sup>1</sup>

Tucker versus executores Johannis Halle.<sup>1</sup>

<sup>1</sup> Each entry in a different hand.

B. Thanswere of John Woodeale and William Mede executours of the Testament of Johane Halle executrice of the Testament of John Halle to the bille of Complaynte of John Toker Coryoure.

The saide Executours seyen that the saide bille is vntrue contrived and feyned for vexacion and trouble and also is vncerteyn and insufficient to be answered vnto, and the mater therof is determynable at the commen lawe and not in this Courte. And to any mater in the saide bille conteyned the saide Executours be not bounden nor compellable by any lawe therto to make any answeere. And for then-sufficience therof the saide Executours prayen that the saide bille may abate. Neuerthesse for declaracion of trouthe in the premysses the saide Executours seyen : That sir John S——<sup>1</sup> knyghte Sir John Fyneux<sup>2</sup> knyghte the kynges chef justice, sir William Capell, sir Robert Sheffelde,<sup>3</sup> and divers other the kynges Commyssioners of Sewers by vertue of the kynges lettres patentes sewed<sup>4</sup> viewed and caused to be made curraunte the water and diche that commeth from Flete brigge oute of Thamyse and ebbeth and floweth vnto Holborne brigge accordyng to the tenour and vertue of the saide lettres of Commyssion to them directed, and the saide Toker iiii oxen hides of leder, and as many Calf Skynnes or therabout cast and leide them in the saide water, to the great hurt and befowlyng of the saide water to the noyaunce of the kynges people contrarie to the kynges lawes and the lawes of this Citie. Wheruppon the saide John Halle beyng a Sargeaunte of the saide sir William Capell thanne Maire of the saide Citie, and also one of the saide Comyssoners toke the saide hides oute of the saide water and leide them in a Constable hous there and shewed this to the saide John Toker and his mysdemeanare therynne, and advised hym to goo and speke with the Maire therfor and to entrete hym for to have agen his saide hides, whiche so did. And after the laboure of the saide Toker to the saide Sir William Capell made the saide Toker hadde his saide hides and skynnes ayen. And the saide Executours further seyen that the saide Toker and one John Daumeye were bounden in thescheker by Recognisaunce for one Groue

<sup>1</sup> MS. mutilated.

<sup>2</sup> Born about 1441; Justice of the Common Pleas, 1494; Chief Justice of the King's Bench, 1495; died 1525. Foss, v. 164.

<sup>3</sup> Recorder of London, 1497, in which year he was knighted; W. C. Metcalfe, 'Book of Knights' (1885), p. 30. There is a gap in the City Records of the recordership between 1483 and 1508 (Stow's

'Survey,' 6th edit. 1752, ii. 242), in which last year Sir Robert Sheffield vacated the office. He was Commissioner of Sewers for Lincolnshire, Notts, Northants, Hunts, and Cambs. in 1509. S. P. Dom. H. 8, i. 663. Speaker of the House of Commons in 1512, ib. 2082. See further 'Trans. R. Hist. Soc.' 1894, p. 303.

<sup>4</sup> Apparently for 'sewered.'

thenne the kynges eschetoure of Bukingham in a certein somme of money vppon a certeyn condicion whiche the saide eschetour per-  
 formed not and for fere therof the saide Toker fled to Saint Bartil-  
 mewes to Sayntwarye vnto suche tyme that the saide John Dauncey  
 and oder of the suerties of the saide Eschetour hadde paide the saide  
 somme of money. And the saide Executours sayen that if the saide  
 Toker was had to pryson it was for his defautes and noon obedyence  
 to the saide sir William Kapell thenne Mair. Withoute that that the  
 saide John Halle came vnto the hous of the saide Toker and caused  
 William Rotherey in the saide bille named to breke the house of the  
 saide Toker or to carye or convey goodes of the same Toker to the  
 value of ccc *li.* and more, or that the saide Halle regarded not the  
 kynges lettres signed with his Signe in maner and fourme as in the  
 saide bille is surmyttad. And withoute that the saide Halle caused  
 the saide Toker to be broughte to pryson or leide vppon hym  
 the said Mayres commaundement to the knowlege of the saide  
 Executours, and yf the saide Toker was broughte to pryson and the  
 saide Maires commaundement leide vppon hym it was for his mysde-  
 meanure and disobedience to the saide Maire accordyng to the lawes  
 and Customes of the saide Citie as the saide Executours suppose.  
 And withoute that that any thyng of substaunce and materiall in the  
 saide bille supposed is true oder thenne in this Aunswere is alleged to  
 the knowlege of the saide Executours. Alle whiche maters they  
 bene redy to approve as this courte wolle awarde and prayed<sup>1</sup> to be  
 dysmyssed oute of this Courte with their reasonable Costes and  
 damages susteyned for their wrongfull vexacion in this behalf. And  
 that the saide Toker may be punysshed and imprysoned to fyne and  
 ransom for his saide suyte of Complaynt whiche is ayenst the kynges  
 lawes and estatutes in suche case purveyed and made, consideryng  
 specially that noon suche sute lieth nor oughte to be taken ayenst the  
 said Executours for any suche defaute doon by their saide Testatour  
 yf he had any done as he did not to the knowlege of the saide  
 Executours &c.<sup>2</sup>

HIDE v. CATESBY.<sup>3</sup>

To the King our souverain lord.

1508-29 In moost humble wise sheweth and complayneth vnto your high-  
 nes your pore subgiet and dailly Oratour Nicholas Hide late household

<sup>1</sup> Sic.

<sup>2</sup> The orders and decrees for this period  
 are lost.

<sup>3</sup> Mr. Hunt's Calendar, Bundle 4, No.

seruaunt to John Catesby of Thorp Ludenham<sup>1</sup> squier at the wages of xxvj s. viij d. by the yere with oon lynerye conteynnyng thre yerdes brode clothe, at ij s. viij d. the yerde: soo it is gracious Lord that your Oratour at the tyme of his departure from his said late maister by his licence, was behynde vnpaied of his wages for oon half yere, that is to saye, xiiij s. iij d. and of his said lyuery for the hool yere to the value of viij s., whiche sommes of money he hath dyuers and many tymes demaunded of hym, and at all seasonnes by facinges and bra-cinges<sup>2</sup> hath been kept from the same and soo as yit is and euer shalbe oonles your grace prouyde his remedie in that behalf. Wherefore the premisses graciously considered, and inasmouche as your oratour is and shalbe without remedie herin by course of the commen lawes, It maye please your Highnes that by oon of your officers at armes or otherwise as shall please your grace, the said John Catesby being dailly the moost parte of this terme in your palois at Westminster maye bee called before your honourable Counsaile and not to departe from the same to suche season as your oratour shalbe asser-teyned howe to bee answered and paied the said money and for his aforesaid lyuerye accordingly. And the same your oratour shall especyally pray to God for your blisshed preseruacion and moost royall estate long to endure.<sup>3</sup>

*Endorsed.*—Nicholaus Hyde uersus Johannem Catesby.

SMYTH v. ELYOT.<sup>4</sup>

Jhesu.

A.

Vnto the kyng our sovereyn lorde.

1509 Moste lamentably schewyth vnto your grace your dayly beedman Wyllyam Smyth who hath bene peasibly possessyd of iij tenementes llyunge yn the parysh of seynte Clementes without the Tempyl bare the terme off xij yeres as yn hys demener<sup>5</sup> a fee by the gyffite yn hyr wedowhod off Alys late the wyffe off your sayd orator tyll one Rychard

<sup>1</sup> Thorp Lubenham, partly in Leicester-shire, partly in Northants. John Catesby alienated it to Thomas Griffith or Griffin, Esq., some time prior to 1530. Nichols' 'Leicestershire,' ii. 710. It lies about fifteen miles N.E. of Ashby St. Legers, the seat of the great family of Catesby in Northants. This John Catesby is perhaps the John Catesby of Oldthorp or Althorp, Northants, a little to the S.E. of Ashby St. Legers, who sold his manor to the Spencers in 1508. He was the second son of John

Catesby of Ashby St. Legers, esquire, and if this identification be correct, he perhaps retired to Thorp Lubenham after leaving Althorp. The date of this suit would then be between 1508 and 1530.

<sup>2</sup> To brace, to swagger. 'Facing and bracing,' Holinshed, 'Chron. Ireland,' p. 63. Halliwell, 'Dictionary of Archaic Words,' &c. (1850), *sub* Brace.

<sup>3</sup> No further proceedings found.

<sup>4</sup> Mr. Hunt's Calendar, Bundle 2, No. 89.

<sup>5</sup> Sic for 'in his demesne as of fee.'

Elyot sargaunt yn your law<sup>1</sup> by faynyd accyonys off trespace & yndytmentes & by surmyse off xl li. lente by syr Wylliam Elyot hys brother vnto the sayd Alys vppon a corrupte bargeyn fynabyll vnto your grace for the whyche trobyllys my lord Chaunceler comaundyd the Examynacyon vnto the master off the Rollys now bysschop off Yorke<sup>2</sup> & to master Kyngysmell<sup>3</sup> whyche iuggys awardydyd<sup>4</sup> that your sayd orator schulde suffer the sayd Rychard Elyot to have the sayde londes & tenementes tyll he had the sayd xli. & the frendes of your sayd orator at dyuers tymys hath offeryd the sayd Rychard Elyot the sayd xli. & he wyll not haue yt, but ryatybly came with xl personys & brake vp the dorys off your sayd orator & toke bothe londes & goodes & specyalteys & sente your sayd orator to preson & ther kepte sore hurte & with grete fetteres a longe tyme tyll he was compellyd by force off ynpresonment to sealle a Realeasse & a quetance & ouer that condempnyd your sayd orator yn x li. for keypyng off hys awne lande whyche x li. your sayd orator hath payd, that notwythstanding your sayd Richard hath brought your sayd orator to outlawry by the whyche your pore orator ys dystroyd by them that schuld geve beste ynsampyll and neuyr dare come oute off seyntory onles yt may please your graeyus hyghnesse to graunte your sayd orator your graeyus pardon off fre coste and your moste graeyus comaundment to the sayd Rychard Elyot to take hys sayd xli. & to restore your sayd orator hys sayd londes & goodes a cordyng with ryght & good concyence at the reuerence off God and yn the way of cheryte.

*Endorsed.*—Willelmus Smyzth contra Eliott.

B. Thys ys the yndentur that Syr Wylliam Elyot wolde have had preseruyd by Wylliam Smyth & Alys hys wyffe with the oblygacyonys folowynge.

This Indenture<sup>5</sup> made the xij day of February in the xiiij yere of the raigne of Kyng Henry the vij<sup>6</sup> betwene Alys Yerman of the parisshe of Saynte Clement withoute Templebarre in the subbarbys of London wydowe and Wylliam Smyth of the said parisshe mercer of the

<sup>1</sup> Richard Elyot was appointed serjeant-at-law April 28, 1509, S. P. Dom. H. 8, i. 10.

<sup>2</sup> I.e. Christopher Bainbrigg. This fixes the date of the petition as after Dec. 12, 1508, when he became Archbishop of York. Foss's 'Lives,' v. 35.

<sup>3</sup> John Kyngysmell or Kingsmell, appointed a Justice of the C. P. July 2, 1503; died

probably in 1509. His association in this case with Richard Elyot, as serjeant-at-law, disproves Foss's conjecture that he died before the accession of Henry 8 (April 22, 1509). Foss's 'Lives,' v. 158.

<sup>4</sup> Sic.

<sup>5</sup> This is a paper not indented, but apparently a copy of an original.

<sup>6</sup> 1498.



oon partie and Willyam Elyott of London Clerke of the other partie, Wytnasseth that the said William Elyott haue grauntyd and letten to ferme vnto the said William Smyth and Alys all suche londes and tenementes as the said Alys hath solde vnto the said William for the terme of x yeres yerely paying therfor vnto the said William Elyott v markes egally to be paid at iiij vsuall termes of the yere that ys to say at the Fest of Mydsomer Myhelmas<sup>1</sup> Cristemas and Ester after the custume of London dewryng the said x yeres, all maner of quyterentes and other charges and also sufficiently and wele to repayre the said Tenementes in all maner of thinges dewryng the said x yeres and so at thende of x yeres to leve the said tenementes wele and suffycently repayed vnto the said William Elyott or his assignes and yf any faute be in payment in parte or in all by vj wekes after any of the said dayes of payment or doo nott suffycently repayre the said tenementes that then it shall be leefull vnto the said William Elyott or his Eyers or his assignes to reentre into the said Tenementes & them to enjoye in his former astate and the said Alys & William to putoute this Indenture not withstondyng. More yt ys covenautyd & gravntyd betwene the said William Elyott & William Smythe & Alys that<sup>2</sup> the said Willyam Smythe or Alys wyll geue vnto the said William Elyott or to his assignes xl *li.* sterlyng at any tyme within the said x yeres that then the said Willyam Elyott or his Eyers or assignes shall make and delyuer vnto the said William Smyth and Alys as good & sufficient astate in the lawe of the said tenementes as the lernyd Councell of the said William Smyth & Alys shall devyse at the cost of the said Willyam Smyth & Alys. Provyded allwaye that the said William Smyth or Alys wyll or syll<sup>3</sup> the said tenementes or any parcell of them after that to any persone that then the said William Elyott his eyers or assignes shall haue the said tenementes for xl *li.* & a good and sufficient astate therof to be made vnto hym as can be devysed by the lerned Councell of the said William Elyott or his Eyers or assignes &c.

A.—Nouerint vniuersi &c. nos Willelmum Smyth ciuem & mercerium Londonii & Aliciam vxorem eius teneri & firmiter obligari Willelmo Elyott in centum libris sterlingis &c.

B.—Noverint vniuersi &c. me Willelmum Elyott Clericum teneri & firmiter obligari Willelmo Smyth ciuis<sup>1</sup> & mercerio Londonii & Alicie vxori sue in centum libris sterlingis &c.

A.—The condiccion of this obligacion ys suche that yf the within-bound Alys & William make or cause to be made a sufficient astate in

<sup>1</sup> Sic.

<sup>2</sup> Apparently 'if' omitted.

<sup>3</sup> Evidently an omission here.

the lawe of her iij Tenementes withoute Templebarre by Mydsomer next commyng that then this obligacion to stonde as voyde or els to stond in his full strength and vertue.

B.—The condicion of this obligacion ys suche that yf the within boundyn William Elyott pay or cause to be paid vnto the forsaid William Smyth & Alys xxv *li.* sterling by Whitsontyde next commyng & also make or cause to be made a sufficient astate in the lawe at any season within x yeres folowyng after the date of thies presentes vpon the payment of *xli.* by the said William Smyth or Alys vnto the said William Elyott then this obligacion to stand voyde &c. vt supra.

This byll wytnasseth that I William Elyott haue receivid of Alys Yerman iij dedes & fyne pertaynyng vnto sertayne londes of hers withoute Temple barre & vpon the said Euydences I haue deluyered vnto the said Alice xx *s.* In witnes wherof I haue wrytt this byll with my owne hande.

Wyttnesses sir Wylliam Lynton & John Dent.

C.—Thys bill wytnyssyth that I Wylliam Elyot haue received of Alice Jermon iij dedes & fyne perteynyng vnto certeyn londes of hers withoute Temple barre & vpon the . . .<sup>1</sup> euydences I haue deluyered vnto the seid Alice xx *s.* In wytnes [wher]eof<sup>1</sup> I have wryte thys byll with my owne hand.

JOYCE *v.* TOLY AND ANOTHER.<sup>2</sup>

A. To the moste Reuerend father in God Thomas Cardenall Legatt de latere.<sup>3</sup> Archebyshop of York and Chaunceler of England.

1518 Lamentably sheweth and compleyneth vnto your noble grace your poore Oratour and dayly Bedeman John Joyce of Kyngesbryge in the countie of Deuon Shomaker that where one Robert Tolly of dampnable envy malyngnyng your seid compleynaunte a iij yeres past moste falcely and vntruly sued oute of the kynges chauncery a wrytte of supplicauit<sup>4</sup> ayenst your seid besechour Wheruppon your seid besechour was arrested and so brought to the Sheryffes Warde and there in warde styll remayned vnto such tyme as your seid Oratour was feyne for fere of further inconvenyence to seale an obligacion to the seid Robert Tolly of the some of *xli.* for the payment of *xl s.* So it is gracious lorde for no payment of the seid *xl s.* the seid

<sup>1</sup> MS. mutilated.

<sup>2</sup> Mr. Hunt's Calendar, Bundle 13, No. 32.

<sup>3</sup> Wolsey, already Cardinal Archbishop

of York, and Chancellor, was appointed Legate in 1518.

<sup>4</sup> See p. 16, n. 1, infra.

Robert Tolly of late brought an accion of dett in the Common Place ayenst your seid besechour and theruppon was attached by one John Puttysham of Est Alyngton in the seid countie nowe Baylyffe errand vnto Thomas Denys knyght Sheryffe of the seid countie<sup>1</sup> and there extorciously kepte your seid besechour in warde vnto suche tyme as he contented and payde vnto the seid John for his fees ix s. contrary to a statute made in the xxij yere of the Reigne of blessyd kyng Herry the vj<sup>te</sup> ayenst all Sheryffes vndersheryffes Baylyffes and other offyceers for takyng of excesses<sup>2</sup> fees as in the seid statute with a penaltie of xl *li.* more at large appereth<sup>3</sup> in grevous contempt of oure souereigne lorde the kyng and grete violacion of his lawes and to the grete punyshment and hynderaunce of your seid besechour bothe of his body and of his goodes and euery day more and more onles your gracious fauour be to hym the soner shewed in that behalfe. In tender consyderaacion wherof in somoche as your seid oratour is not of poure to sue for his remedy by due course of the Common lawe that it may please your grace of your moste habondaunte charyte withoute further processe to commaunde the seid Robert Tolly insomoche as he is now present at this terme to appere before your grace and other of the kynges honorable Councell in the Whitehall and there to answer aswell to all the seid premisses as to abide thorder and iugement of your noble grace. And furthermore gracious lorde that it may please your grace to graunte vnto your seid besechour the kynges wryte of subpena to be directed to the seid John Puttysham commaundyng hym personally to appere before your grace and other of the kynges Councell in the seid Whitehall at a certeyn day and vnder a certen payne in the same by your grace to be lymytte and sette and there to answer aswell to the seid penaltie of xl *li.* as to abyde thorder and iugement of your noble grace as you shall think to stond with ryght and conscience and your seid besechour shall dayly pray to God for your noble Estate long to endure.

*Endorsed.* Johannes Joyce versus Robertum Tolly et Johannem Puttysham.

Committitur domino Decano capelle regie<sup>4</sup> et aliis De Consilio.

<sup>1</sup> Sir Thomas Denys was Sheriff in 1518 (S. P. Dom. H. 8, ii. 4562), in 1522 (ib. iii. 2667), and in 1527 (ib. iv. 3581). The date of these proceedings is probably 1518. See the note on Sir J. Shilston, *infra*. See also pp. 50, n. 3, and 122, n. 2.

<sup>2</sup> *Sic.*

<sup>3</sup> 23 H. 6, c. 9.

<sup>4</sup> John Veysey, alias Harman or Hermon, LL.D., Chairman of Commissions into

Inlosures in 1517 and 1518; Bishop of Exeter, 1519. See 'Transactions of the R. Hist. Soc.' 1894, p. 278, n. Veysey was employed on the Inclosure Commission during the summer and early autumn of 1518. As Wolsey was appointed legate May 17, 1518 (S. P. Dom. H. 8, ii. 4193), this case probably belongs to the close of that year.

- b. The aunswere of Robert Toly to the bill of complaynt put ayenst hym by John Joyce.

The said Robert Toly seweth that the said bill is vncerteyn & insufficient and procured of malice & evill wyll & for none other cause and also the mater in the same bill is mater determynable at the Comyn lawe wherof he praieth allowance and thauauntage therof to hym said if he be compellid to make fether aunswere then he saieith that he beyng sworn emonges other men at Kyngesbrige at the Courte of the Archedekyn of Totnes holdyn & kepte at Kyngesbrygge aforsaid presented & shewed accordyng to his Othe as trouth was that the said John Joyce kepte evill rule & evill gouernance in his house as fornyeacion with oone Alice Polyng for the which presentement made the said John Joyce offten tymys gave him grete thretenynges & put hym in daunger & fere of hys lyff. Wheruppon the same Robert Toly purchassed a writt of supplicauit<sup>1</sup> oute of the kynges Courte of Chauncerie ayenst the said John Joyce for sauffgard of his Body & for fere of his lyff. Whervppon the said John Joyce made Interession to sir John Shilston<sup>2</sup> knyght to be at an ende with the said Robert Toly and offered to seale hym a generall acquytance and to geve hym xl s. in amendes for his costes to be paid at certeyn daies at whose instance & desire the said Robert Toly toke a generall acquytance to hym made & sealed by the said John Joyce of his own free wyll writyn with the hand of William Hullmore of Totnes and delyueryd in his presence and afterward the same John Joyce of his own freewyll made & settled an obligacon of x*li*. to the said Robert Toly for suertie of paiement of xl s. at certeyn daies nowe paste to be paid wherof as yet is no peny paid, wherfor the said Robert Toly pursuyd an accion of dett ayenst hym vppon the said obligacion at the commyn lawe as lafull it was for hym to doo, vppon which proces he was attached by his Body, which was but lawfull and as for paiement of any fees by the said John Joyce to the Shireff or to any of his Bailliffes the said Robert Toly had no medlyng therewith. Withouthe that the said Robert Toly of

<sup>1</sup> A writ by which the Lord Chancellor, in the exercise of his Common Law jurisdiction, took security for the peace. G. Spence, 'Equitable Jurisdiction of the Court of Chancery, London,' 1846. i. 630. 'It is directed to the Justices of Peace of the County and Sheriff, and is grounded upon the Statute 1 E. 3, c. 16, which

ordains that certain persons in Chancery shall be assigned to take care of the peace.' Cowel. s.v.

<sup>2</sup> Sir J. Shilston was in the commission of the peace for Devon in 1515, and sheriff of the county in 1515-16. S. P. Dom. H. 8, ii. 625, 1120. He was presumably here appealed to in his magisterial capacity.

any envie or malice vntruly suyd the said John Joyce by supplicait or otherwise in maner as by his Bill<sup>1</sup> complaynt he hath surmyttid. All which mater &c.

AMADAS *v.* WILLIAMS AND ANOTHER.<sup>2</sup>

A. To the king our s[ouer]ain<sup>3</sup> lord.

1519<sup>4</sup> Lamentably complaynyng shewith vnto your Highnes your true and faithfull seruauant John Amadas yoman of your most honourable garde.<sup>5</sup> That where as oon John Williams Churchwarden of the parishe church of Tavestok in your countie of Devon and other of the substanciall personnes of the same parishe hertofor instauntly desired and required hym to bye for them a crosse for their church of Siluer and gilte in London, vpon whoes request and desire and vpon their promes to haue payment therfore, that is to say, an old crosse of siluer and the residue in redy money, your said seruauant bought for them a crosse of siluer and gilt weyeng twelf score and four vneces at *v. s. i. d.* the vnce summe lxij *li. iiij. d.* whiche crosse by your said seruaunt so bought and deliuered to the said churchwarden and other the substanciall of the same parishe, who promysed hym the said old crosse and payment of the rest in redy money within viij dayes aftre. How be it now most gracious souerain lord the churchwardens and parissoners now refuse and denye to deliuer the said old crosse or any parte or parcell of the money for the same new crosse to your said seruauant whiche amountith to lxij *li. iiij. d.* to his expresse wrong and grete hinderance onles youre grace be vnto hym mercifully shewed in this behalf And forasmoche as your said oratour can haue no remedie against them by your comen lawe,<sup>6</sup> It may therfor please your Highnes of your most noble and habundaunt grace having tendre consideracion vnto the premisses to adresse your most gracious lettres vnder your pryvy seel vnto the said John Williams and John Goodstoke now churchwardens ther commaunding them by the same to come and personally appere afor

<sup>1</sup> 'of' omitted.

<sup>2</sup> Mr. Hunt's Calendar, Bundle 9, No. 76.

<sup>3</sup> MS. mutilated.

<sup>4</sup> The date on the endorsement of the other petition of J. A. is 'xj<sup>o</sup> die Julii a<sup>o</sup> xi<sup>o</sup>.' This is probably the reign of Henry 8. J. A. received a pension of *6d.* a day, and a grant of the havenship of Cornwall on July 22, 1517. S. P. Dom. H. 8, ii. 3501.

Robert Amadas, goldsmith of London, was master of the mint, which perhaps accounts for the transaction, assuming the two to have been related; *ib.* 284, 4263, &c.

<sup>5</sup> His qualification to sue in this Court. See *Introd.*, pp. xv, xxxiv, lxxxv, lxxxviii, lxxxix, *supra*.

<sup>6</sup> But see p. 196, n. 3, *infra*.

your Highnes and your most discrete Counsaill taunswer to the premisses. And he shall euer pray for your most noble and Royall Estate.

*Endorsed.* Committitur domino decano capelle<sup>1</sup> regie et aliis de consilio.

[*In another hand.*]

Fiat priuatim sigillum ut infra petitur ad comparandum vbicunque octabis Trinitatis proxime & sub pena *eli*.

John Gylberd.<sup>2</sup>

B.      Thauswer of John Williams to the byll of complaynt of John Amadas.

The said John Williams sayeth that aboute the xv dayes before the Fest of the Natyuyte of oure Lorde God last past<sup>3</sup> the seid John Amadas by the exortacion of certen honest men of the seid parische brought a crosse of siluer & gilte to the seid parissshens weyng xij score vnecs & aboue and ther shewid the seid crosse in the seid parische churche dyuers holydays to thentent to knowe whether the seid parissshens wulde bye the seid crosse or nott. And so aboute a moneth after the seid Fest of the Natyuyte of oure Lorde, the seid John Amadas desired the parissshens to haue an aunswer of the seid parische and seid farther that if they wulde haue the seid crosse they shuld paye to the seid John Amadas for euery vnce v s. j d.<sup>4</sup> at the whiche tyme Nicholas Yeo esquier William Hawkyns Richard Hawke & Richard Mayo & the more parte & most substancyall men of all the seid parische wer contentyd to haue the same crosse & to paye for euery vnce therof v s. j d. and that the seid John Amadas shulde haue in payement a crosse of syluer not gilte at the price of iij s.<sup>5</sup> the vnce or asmoche as coude be dulye provyd that euery vnce was worthe and the seid crosse of syluer to be delynered to the seid John Amadas within viij dayes then nexte folowyng and the residue ouer & aboue the value of the seid crosse to be payed to the seide John Amadas in redy money within the seid viij dayes whiche crosse of syluer & gilte was delyured by the seid John Amadas to me the seid

<sup>1</sup> See p. 33, n. 2.

<sup>2</sup> See p. cxix, n. 129, supra.

<sup>3</sup> Dec. 25, 1518.

<sup>4</sup> In 1501 silver-gilt staves for Church use were sold at Oxford at 4s. 6d. per oz. In 1520, a silver salt with a gilt top was sold at Cambridge at 3s. 6½d. per oz.

Rogers, 'Hist. Ag.' iii. 375, 376. The price was therefore high.

<sup>5</sup> The decennial average price per oz. of silver plate for 1511-20 was 3s. 9½d. Rogers, 'Hist. Ag.' 488. The valuation was, therefore, low.

John Williams then beyng warden of the seid church by thassent & agrement of the seid parisshe to thuse of the seid Church whiche crosse ther remaneth in the seid church to thuse of the same church and also the seid John Williams sayeth that the seid crosse of syluer yet remayneth in the seid Church & he knowith nott that the seid crosse of syluer was euer delyured to the seid John Amadas nether that any somme of money was payed to the seid John Amadas for the seid crosse of syluer & gilte. And also the seid John Williams sayeth that he not<sup>1</sup> warden at this tyme of the seid church of Tavystoke but the seid John Gascote namyd in the seid byll of compleynt is nowe warden of the seid church & was made warden of the seid church in the Sondaye before the Fest of the Natyuyte of Seint John Baptist<sup>2</sup> last past. All whiche maters the seid John Williams is redy to prove as this Courte wull awarde and prayeth to be dysmyssed oute of the same with his resonable costes & charges susteyned in that behalfe.

c. The answer of John Gooscott to the bill of compleynt of John Amodas.

The seid John Gooscott seith that the seid bill of compleynt is insufficient & vncerten in the lawe to be answered vntruly feyned to vex the seid defendaunt contrary to right & good consciens of the whiche he prayth allowauns and if he be ferther compelled to answer the seid defendaunt seith by protestacion that he Knewe of none suche request or desire made by the churchwardens or any of the substauncyall of the seid parisshe to the seid John Amodas for to bye a newe crosse of syluer in London as he hath allegged and if any suche request or desire were made it was made by certen persons to the nombre of vj or viij & not by the hoole inhabitauntes & rulers of the seid parisshe and also if there were any promyse made to the seid John Amodas that he shulde have the crosse of siluer that before that tyme apperteigned to the parisshe church for that crosse that he brought out of London & the ouerplus in redy money, that promyse was made to hym by certen persons not hauyng the hoole power or auctorite that to doo without the assent of the hoole parisshe and not by the agrement of the hoole inhabitauntes of the seid parisshe and for answer the defendaunt seith that long tyme sith the seid promyse to the seid compleynaunt was made the seid compleynaunt of his parte & dyuers of the substaunciall inhabitauntes of the seid parisshe of the other parte by the mediacion of the right reuerent father in

<sup>1</sup> Sic.

<sup>2</sup> The feast of the Nativity of St. John Baptist is June 24.

God Richard abbot of Tavystok<sup>1</sup> & John Rowe sergeaunt at the lawe<sup>2</sup> agreed & condiscended that the seid compleynaunt shulde clayme no farther promyse of the seid parissshioners for to haue the crosse of silver that before that tyme belongyd to the parisshe churche or els any money in payment for his newe crosse but that the seid crosse before apperteynyng to the churche shulde be delyuered to certen persons and they within a yere next after shulde fynysse & gilte the seid crosse at ther propre costes & charges and the stuffe therof to be sterling, To the whiche agrement the seid compleynaunt accorded. The which mater the seid defendaunt is redy to prove as this Court will awarde and prayth to be dismysed with his reasonable costes in that behalf susteyned.

D. The replicacion of John Amadas to the Answer of John Guscotte.

The seid John Amadas sayeth in all thynges as he hathe seid in his byll of compleynt and that the seid John Amadas was desired to bye a crosse of siluer and gilte for the churche of Tavystoke by dyuers of the most substancyall men of the same parische as in the seid byll is alleggid and Furthermore the seid John Amadas seith that vpon a monycion & warnyng of the vycar of the seid Churche of Tavystoke openly in the pulpytte to the parissshens of the same and also wher the most substancyall men of the same parische wer warned by the warden of the seid Churche to assemble to gether and make aunsver to the seid John Amadas whether they wulde haue the seid Crosse or nott, and theruppon aboute a moneth after the Fest of the Natiuite of oure Lorde last paste when the hole parissshens wer assembled to gither vpon a holydaye betwyn matens & masse, the seid parissshens made aunsver that they wulde haue the seid Crosse and to paye for the same *v. s. i. d.* for every vnce and farther promysed that the seid John Amadas shulde haue the seid crosse of siluer that before belongyd and apperteigned to the seid Churche at the value of

<sup>1</sup> Richard Banham, 1492-1523. 'Dugd. Monast.' ii. 492.

<sup>2</sup> John Rowe appears in the commission of the peace for Devon in 1509, and frequently afterwards. S. P. Dom. H. 8, i. 699, &c. Also for Cornwall, ib. ii. 687, and for Exeter in 1537, ib. xii. ii. 1850 (30). In 1510 he became a serjeant-at-law. Haydn, 'Book of Dignities.' In 1533 he, together with Thomas Cromwell and eight other

persons, obtained a lease for twenty-one years from Sir John Daunce and John Hales, surveyors of crown lands, of all the lead mines in Dartmore forest at a rent of a tenth of the metal found, his interest in which he relinquished in favour of Cromwell. S. P. Dom. H. 8, vi. 1457, 1176. Nominated a member of the newly formed Council in the West in April 1539 (xiv. i. 743).



ijj s. every vnce orelles for asmoche money as coude be duly provyd that the vnce was worthe and that the same crosse and the residue of the same money ouer and above the value of the seid crosse shulde be delyuired and payed to the seid John Amadas within viij dayes then nexte folowyng. Without that the seid John Amadas after the seid promyse made to hym of the delyuere of the seid Crosse by the seid parissshens and payement of the seid money was euer agreid and condiscended that he shulde clayme noo farther promyse of the seid parissshens for to haue the seid Crosse of syluer or any payement of money for the same, but the seid John Amadas sayeth that if John Gardyner Thomas Burges John Cole & Richard Langbroke wuld haue ben bounde by their dede obligatorye in the somme of one *cli.* to the right reuerend fader in God Richard Abbott of Tavystoke John Rowe seriaunt at the lawe Nicholas Yeo and William Hawkyns vpon this condicion that if the seide Crosse of syluer brought to London & ther provyd & made good & lawfull syluer and after to be gilted att the Costes and charges of the seid John Gardyner Thomas Burges John Cole & Richard Langbroke without farther charges of the seid parissshens and the seid Crosse so gilted to be brought & delyuired to the seid parissshens within a yere nexte after the Fest of the Natyuite of oure Lorde God last past then the seide John Amadas promysed to take ayen the newe crosse of syluer & gilte brought from London by the seid John Amadas without requireng any farther payement of any money of the seid parissshens and the seid John Amadas sayeth that ther was neuer any suche obligacion made to the seid abbott John Rowe & other as is abouesaid. Without that that after the promyse of the delyuere of the seid Crosse of siluer to be made to the seid John Amadas by the seid parissshens the seid John Amadas made any other promyse then is abouerehersyd all whiche maters the seid John Amadas is redy to prove as this Courte wull awarde and prayeth that he maye be payed & recompensid for the seid Crosse of siluer & gilte whiche the seid parissshens bought of the seid John Amadas.

E. The Interogatoryes of the parte of John Amadas ayenst John Guscotte.

In primis whether the seid parissshens wer agreid by the most substancyall & the more parte of the seid parishe to haue a crosse of siluer and gilte of the seid John Amadas payeng therfor *v. s. i. d.* for euery vnce.

Item whether the seid John Amadas shuld have an olde Crosse of siluer that before belongid to the seid Churche in parte of payment of the same to the value of iij s. the vnce or asmoche as coude be duely provyd that the vnce was worth, and the same Crosse & the money ouer and above the value of the seid Crosse shuld be payed to and deluyred vnto the the<sup>1</sup> seid John Amadas within viij dayes nexte after the seid agreement.<sup>2</sup>

AMADAS AND ANOTHER *v.* BULLEWIKI AND OTHERS.<sup>3</sup>

F. To the kyng oure Soueraign Lorde.

1519 Humbly shewith vnto your Highnes youre faithfull seruauant and daily oratour John Amadyez one of<sup>1</sup> yomen of your moste honorable garde and one of the parissbens of the churche of Seint Eustas in Tavystoke and John Williams Warden of the same churche that wher John Bulwyke of Plymmouth within the seid countye of<sup>1</sup> Goldesmyth receyvid of the Warden & parissbens of the same churche ecc. vnces of Sterlyng siluer good and lawfull for to make therof a Crosse of siluer for the seid parishe whiche John Bulwyke made a Crosse of syluer of the same weight and deluyred the same to the seid parissbens whiche syluer is nott lawfull nor sterlyng as the seid John Bulwyke receyved by the value of viij *l.* in euery vnce whiche amounteth to the somme of x *li.* to the great hurte and damage of your seid Oratours & the seid parissbens and the seid John Bulwyke hathe gevyn certen rewardes to John Couche Thomas Burges John Durrant Richard Langbroke & John Cole for the mayntenaunce of the seid John Bulwyke in his vntreuth and howe be it youre seid Oratours haue often tymes required the seid John Bulwyke to content & satisfye the seid parissbens for ther hurte & damages that they haue susteyned by reason of the vntrewe makying of the seid Crosse yet that to do the seid John Bulwyke att all tymes hathe refused and yet doeth refuse contrarye to all right & goode consciens. In consideracion wherof pleas it your Highnes of your moste habundaunt grace to graunte your gracyons letters of privy Seall to be directed aswell to the seid John Bulwyke as to the seide John Couche Thomas Burges John

<sup>1</sup> Sic.

<sup>2</sup> The answers to these interrogatories

have not been found.

<sup>3</sup> Mr. Hunt's Calendar, Bundle 9, No. 76.

Durrant Richard Langbroke & John Cole & euery of them to apper before your most honorable Councell at a certen daye & vpon a certen payne by your Highnes to be lymytted and your seid Oratours shall daily pray to God for the preseruacion of your most Royall estate long to endure.

*Endorsed.* Committitur decano capelle regie et aliis de Consilio. Amidas querens Johannes Bulwyk defendens & alii.<sup>1</sup>

Data securitate decretum est privatum sigillum fieri ut infra petitur ad comparandum vbicunque octabis Trinitatis<sup>2</sup> proxime sub pena *cl*i.

xj<sup>o</sup> die Julii anno xi<sup>r</sup>.<sup>3</sup>

Decretum est privatum sigillum fieri directum Johanni Guscote & Johanni Bulwyke ad comparandum vbicunque xv<sup>ma</sup> sancti Michaelis proximi cum cruce in billa specificata et hoc sub pena *cc*li.

John Gylberd.<sup>4</sup>

g. The aunswer of John Bullewike to the bille of complaynt of John Amadas and John William.

The said John Bullewike for aunswer saith that the said bille ys insufficient to be aunswered vnto the mater theryn containyd, onely fayned of malice to putte hym to vexacion coste & troble without any cause of ryght and cannot by thys honerable court of ryght be putte to aunswer vnto the said bille of complaynt seuyd in the name of the said John Amadas & John William considering that the accion of ryght yf any wrong be doyn pertayneth vnto one John Guscotte nowe beyng warden of the church of Tauystoke Neuerthelesse for declaracion of the trougth the said John Bullewike for aunswer saith that it was couenaunted & graunted as it apperyth by indentures of covenantes made bytwene one John Coych then beyng warden of the said Church Nicholas Yeo John Amadas dwelling at Court Yatte<sup>5</sup> & William Howkens to vse of the said paroch of Tauystoke of the one partie and the said John Bullewike of the other partie which forsaid indentures weire made the firste yere of the raigne of our soueraigne lorde the kyng that nowe ys<sup>6</sup> & by the said indentures it was couenaunted & graunted that yf the said John Bullewike made or causaid to be made a greatt Crosse of good sufficient stuffe of siluer or worth iij

<sup>1</sup> This line in a different hand.

<sup>2</sup> 26 June.

<sup>3</sup> 1519.

<sup>4</sup> See p. cxix, n. 129, supra.

<sup>5</sup> Yat, gate. Halliwell.

<sup>6</sup> 1509.

schillengges & ij *d* sterling euery vnce and also yf the said John Bulle-  
 wike delyuered the said Crosse soe made vnto the said Warden or to hys  
 assigne withyn the yere next insuyeng the date of the said indentures &  
 vppon snych delyuere of the said Crosse made by the said John Bulle-  
 wike it was ferthermore couenaunted that the said Warden with the  
 persons aforesaid beyng then dwellyng withyn the said paroch schuld  
 duely at there libertie sarych and prove withyn one yere next insuyeng  
 the maykeng & delyuere vnto the said warden of the forsaid Crosse &  
 yf any fawte cowdebe duely proved & founde yn the makyng or yn  
 the stuffe of the said Crosse withyn the said one yere that then vppon  
 notice therof made vnto the said John Bullewike it was couenaunted  
 & graunted by the said indentures vppon payne of a hundred pondes  
 sterling that the said John Bullewike schuld make agayn the said  
 Crosse sure & sufficient & yf noe defawte cowde not be duely proved  
 & founde yn the said crosse withyn the said one yere it was ferther-  
 more couenaunted that the said indentures with a obligacion wheryn  
 the said John Bullewike with other stode boundyn to the vse of the  
 said paroch schuld be voide & of nane affecte. All whiche forsaid  
 couenauntes & premyses the said John Bullewike hath performed.  
 With that he wylle awarre <sup>1</sup> that the said warden nor noe nother  
 person for the said paroch neuer founde fawte yn the makyng nor stuffe  
 of the said Crosse withyn the said yere nor it doith. All which for-  
 said maters the said John Bullewike ys redie to awarre <sup>1</sup> as thys  
 honerable court wylle awarde & prayth to be dismysaid therof with  
 hys resonable costes & charges sustayned to hym yn thys behalf.

ii. The replycacion of John Amydas and John Williams to  
 thaunswer of John Bulwyke.

The seid John & John sayen that the said byll is certen and suffi-  
 eyent to be aunswerid vnto and the mater therin conteyned is of  
 trouthe and nott fayned to put the seid John Bulwyke to vexacion &  
 trobull and also the seid John Amadas & John Williams sayen that  
 the seid John Williams was warden of the seid Churche at the tyme  
 of the makyng of the seid byll and they knowe nott that the seid John  
 Guscotte is nowe warden and though the seid John Guscotte be nowe  
 Warden of the seid Churche of Tavystoke yet the seid John Bulwyke  
 ought to be putt to aunswer therto, for that the seid byll was well  
 commenyed and ther sute is for & to the vse of the seide Churche and  
 moreouer the seid John & John sayen that they know nott of any

<sup>1</sup> Aver.

suche Indentures of couenaunt made betwyn the seid John Cowche & other to thuse of the seid parishe of Tavystoke and the seid John Bulwyke and if ther wer any suche Indentures made the seid John and John sayen that the couenautes comprised in the seide Indentures to be performed of the parte of the seid John Bulwyke wer not performed by the seid John Bulwyke accordyng to the seid Indentures and also the seid John Amadas & John Williams sayen that they knowe nott whether the wardens or the parysshens of the seid parishe of Tavystok founde any defaute in the makyng of the seide Crosse or in the stuffe of the same within one yere nexte after the delyuere of the seid Crosse to the seid parissshens or nott and though noo defaute wer founde in the makyng of the seide Crosse nether in the stuffe of the same within the same yere, yet the seid John Bulwyke is not discharged of his vntreuth & deceptfull makyng of the seide Crosse but only of the penaltye comprised in the said obligacion specified in the seid aunswer. And for asmoche as the seid John Bulwyke hath not denyed but that he receyvyd of the Wardens & parischens of the seid Churchc ccc. vneces of sterlyng syluer good & lawfull to make a Crosse therof, and also the seid John Bulwyke hathe not denyed but that the siluer of the Crosse whiche he delyuired to the seide parissshens is vnlawfull & not sterlyng nether so good in value by viij *d.* in euery vnce as he receyvid of the seid parissshens whiche amountith to the somme of x *li.*, the seid John Amadas & John Williams prayen that the seid John Bulwyke may make recompence to the seid parishe aswell of the seid x *li.* as for the losces that the seid parissshens haue for the fasshyon of the seid Crosse, whiche amountith to the somme of xx markes or therabout, and also to be punysshed for his disceyte & vntrouthe in example of other suche offenders & mysdoers.

I. The Reiounder of John Bullewike to the replicacion of John Amadas & John Williams.

The said John Bullewike saith that hys aunswer ys sufficient mater of barre & determynable at comon law & ferther saith and auerith euery thyng yn hys said aunswer byfore alleged to be true and ferthermore saith yn as much as it ys not denyed but that the said John Guscotte ys nowe warden of the said Churchc of Taunstoke and also that the said indentures of couenautes for the makyng of the said Crosse weire made bytwene the said John Coych & other to the vse of the said paroche & the said John Bullewike. All which forsaid couenautes comprisaid yn the said indentures the said John

Bullewike hath performed and also ys confessaid that the said John Amadas and John Williams are nott Wardens of the said Church nor none of them the said John Bullewike praith as he hath praid to be discharged out of thys honorable court with hys resonable costes & charges sustayned to hym yn thys behalf.

- j. The answer of Thomas Burges Richard Langbroke & John Coll to the bill of complaint of John Amadas & John Williams.

The said Thomas Burges Richard Langbroke & John Coll saith that the seid bill of complaynte is vncertyn and insufficient in the lawe to be aunswerid vnto for that one John Gooscott was warden of the said Church of Tauystock at the tym of the commensying of the said bill and yet ys and not the saide John Williams namyd within the said bill nor yet the said John Amadas & so the saide bill ought by the lawe to abate in so moche as ther ys no warden of the saide churche namyde in the saide bill and also for that that non of the Comens ought to be namyd with the wardens of the said churche of which mater the said defendauntes prayith for to have avantage and askith iugement of the said bill and prayth to be dismyssid with ther costes in that behalf susteignyde and if they be further compellide to aunswere for the declaracion of the fether trewith for aunswere they saith that the said defendanntes tok nor receyuyde no sommes of money nor yet no other thyng in valewe of the saide John Bullock for to mayntenew hym in his vntrewith in maner and forme as the saide complaynauntes by ther saide bill have surmiside nor the saide defendauntes haue not maynteignyde the said John Bullock in his vntrewith ayenst the saide complaynauntes in maner and forme as they by ther saide bill haue alleggide all whiche maters the saide defendauntes be redie to prove as this Court will awarde and askith iugement of the saide bill and praith to be dismysside with ther reasonabell costes in that behalf susteignyde.

*Endorsed.* John Amadas et alius querentes Thomam Burges et alios.

- k. The Replicacion of John Amadas & John Williams to the answer of Thomas Burges Richard Langbroke and John Cole.

The said John Amadas & John Williams sayen that the seide byll is certein and sufficyent to be aunswerid vnto and that the seide John

Williams was warden of the seid Churche of Tavystoke at the tyme of the makyng of the seide byll and not the seide John Gustoke as is alleggid in the said aunswer and though the seid John Amadas be namyd in the byll with the seid John Williams Warden of the seide Churche yet the byll is goode & suffeyent & ought not to abate for that their compleynt & suyte is for the vse & behofe of the seide Churche; and farthermore the seid John & John sayen in all thynges as they haue seyde in their byll of Compleynt and that the seide defendauntes receyvid money & rewardes of the seide John Bulwyke to maynteign hym in his vntrouth & mysdemeanour and also the seid defendauntes have mayntened the seid John Bulwyke in his vntreuth ayenst the seid compleynauntes in maner & fourme as they haue alleggid in their byll of Compleynt.

L. The Interogatories for the parte of John Amadas & John Williams ayenst John Bulwyke Thomas Burges Richard Langbroke & John Cole.

In primis if the seid John Bulwyke receyvid of the Wardens of the Churche of Tavystok ccc vnces sterling of good & lawfull siluer to make a Crosse for the seid parische.

Item if the Crosse whiche the seid John Bulwyke delyuired to the seid parische wer good & sterlyng siluer or not And if it wer nott good sterlyng siluer how moche it was worse in eury vnce then the sterlyng siluer.

Item if the seid Thomas Burges Richard Langbroke & John Cole mayntened the seid John Bulwyke in his vntreuth ayenst the seid compleynauntes in the false makyng of the seid Crosse as is alleggid in the seid byll of Compleynt.

*Endorsed.* { Williams Webbe.  
John Williams.  
Henry Langesord.

m.<sup>1</sup> Answers to the above Interogatories.

Robert Cowper of . . . dun<sup>2</sup> Goldesmyth sw[orne] . . .<sup>3</sup> Bulwyke receyved of the Churche wardens of Tavys[toke]<sup>3</sup> ccc vnces sterlyng of good & lawfull syluer to make a Crosse saith vpon his<sup>4</sup> that he knoweth

<sup>1</sup> Head of document torn off.

<sup>2</sup> Mutilated, qu. London.

<sup>3</sup> Mutilated.

<sup>4</sup> Sic, 'oath' omitted.

not of the recepte thereof, but he sayth that he hath seen the same Crosse made by the said John Bulwyke and hath taken asay of the same and somme of the syluer thereof ys worsse in a pounce weight by iij s. viij d. then sterling money and somme therof worsse by vj s. viij d., and to the residue of the Interogatories he knoweth not.

Per me ROBERT COWPER.

. . .<sup>1</sup> saithe vpon [his o]the he knoweth well that ther was delyuered to John Bulwyke ceiiij<sup>xx</sup> vnecs of siluer by the parissshens of Tauistoke wherof ther was aboute viij or x vnecs that the said Bulwyke alowed the said parissshens viij d. in an vnec wherwith the spyll<sup>2</sup> of the crosse was made and he hathe herde diuers goldesmythes & other men say that the Crosse made by the same Bulwyke was not worthe paste viij grootes the vnnee wheirvpon the hole parissshens afterward excepte a certain of theym wer frely agreed to the byeng<sup>3</sup> of of<sup>4</sup> a newe Crosse whiche was broughte whome by John Amadas vpon a bargayne by hym made whiche this deponent saythe after his estimacion all the parissshens wold haue byn contented & so wer all then beyng in the churche excepte suche as wer mooved to the contrary by Thomas Burges Rychard Langbroke and John Cole with vj moo or theraboutes of theyr affinite whiche haue byn causers of the breche of the mater nowe in variaunce to the whiche bargayne this deponent was priue at the making & that it was agreed by the substaunciall of the parissshens that the said John . . . . .<sup>5</sup> to the Churche . . . . .<sup>5</sup> payment . . . . .<sup>5</sup> to the value of iij s. the vnec or forasmuch . . . . .<sup>5</sup> could be duely proved that the vnec was worthe and the same Crosse & the money ouer and aboue the value of the said Crosse should be payed & delyuered vnto the said John Amidas within viij dayes next folowyng the agreement then made at whiche tyme the newe Crosse broughte by the said Amidas was delyuered to John Williams then beyng churchwarde and mor knoweth not.

Per me WILLIAM WEBBE.

John Williams of Tavistoke of thage of l yeres or theraboute sworn and examined agreeithe in al thynges touchyng the bargan made for the newe crosse as Webbe hath said. At the whiche tyme

<sup>1</sup> MS. mutilated.

<sup>2</sup> Spill, the stalk of a plant. Devon, Halliwell, s.v.

<sup>3</sup> 'making' struck through.

<sup>4</sup> Sic.

<sup>5</sup> MS. mutilated.



Rychard Langbroke was present and was not disagreed nor nothyng said to the contrary and further examined of and vpon al other the Interogatories sayth as William Webbe hathe saide and that the said Thomas Burges Rychard Langbroke and John Goole do maynteigne the said Bulwyke in his vntrothe as fore as this deponent can perceyue for they disagre to the bargaine made and non other but suche as they move therto . . . . .<sup>1</sup>

AMADAS *v.* BULLEWIKE.<sup>2</sup>Eodem Die.<sup>3</sup>

1519 Johannes Bulwyke comparuit virtute breuis de priuato sigillo ad sectam Johannis Amidas et habet ad respondendum bille in die Veneris proxime et sic ad comparendum ut supra. Simili modo comparent Thomas Burges Ricardus Langbroke et Johannes Coole et habent ad respondendum et ad comparendum ut supra.

Eodem die comparuit Johannes Gostoke comparuit<sup>4</sup> virtute breuis ad sectam predicti Johannis et habet ad respondendum ut supra. Postea vero primo die Julii anno supradicto Johannes Williams comparuit virtute breuis ad sectam Johannis Amidas et habet ad comparendum ut supra. Eodem die admissi<sup>4</sup> sunt partes predictae comparere coram consilio domini Regis in causa contra eos mota ex parte dicti Johannis Amidas per Johannem Radford atturnatum & eorundem cum clausula de iudicio sisti et iudicata soluenda si &c Et hoc sub pena *xl li.*<sup>5</sup>

PETYRSON *v.* FREDRYK AND OTHERS.<sup>6</sup>

A. 'To my lorde Cardinallis grace.'

1521 'In mooste humble wise beseching your good grace your humble Oratour & feithfull and<sup>4</sup> bedman Cornelus Petyrson Ducheman That where as he hath contynued brother of the bretherhed of Seynt

<sup>1</sup> MS. mutilated.<sup>2</sup> Orders & Decrees, Vol. iv. p. 164.<sup>3</sup> This refers back to p. 163, 'xxix die Junii,' and p. 161, 'anno xj<sup>o</sup>,' i.e. June 29, 1519.<sup>4</sup> Sic.<sup>5</sup> There are no more entries relating to this case in vol. 4, and the orders and decrees for 12 and 13 H. 8 are lost.<sup>6</sup> Mr. Hunt's Calendar, Bundle 7, No. 125.

Barbara by the space of x yeres, and hath truly payed for his incommyng and all other duties and charges as it is yerely ordeyned for the mayntenaunce of the same brotherhed according to the Rollis and bokes of the same. And fether gracious Lorde it is provided that if any of the brethern of the same bretherhede shall happe to falle in pouertie siknes or bedred That than he or they so being shall wekely have oute of their boxes and Tresoure xx *d.* to susteine their poore lyves And at their decease to be honestly brought to be buryed with dirige and Masse of Requiem And every brother to offer whiche offering is for the same oportunitie to awge<sup>1</sup> their bretherhed. And where now of late certeyn presumptuose and maliciose persones of the same bretherhed entending to breke the good ordre biforseide, and to exclude and put owte your seid bedman frome the seid Bretherhed so that your seid besecher can not haue nor enjoy the custome of the seide bretherhede according to the effect of the Bokes and Rollis of the same. Wherfor to thentent that right equite and good ordre may be had and fromhensforth vsyd in the seid Bretherhed, It may therfor please your grace of your benigne charite To graunte your moost gracious lettres of commission to be directid to certeyn indifferent persons straungiers dwelling and enhabited in London To calle before theym the Wardeyns of the seide Brotherhed accordingly to make aunswer to the premisses And fether the same commissioners to settle suche ordre therein as your seid bedman may be taken and admytted a brothre and to enjoy all the customes and privileges of the same. Orellis the seid Wardeyns to restore vnto your seid bedman all suche somes of money as they haue received for his admission and yerely paymente by hym made for the same Bretherhed with his reasonable costes and charges. This gracious lord in the honour of God And he shalbe your daily bedman duringe his life.'

*Endorsed.* Fiat Commissio Keston Fredrik Petrus<sup>2</sup> Flemyng Gwerdiani Fraternitatis Sancte Barbare infra London Jaspar Arnord Michaelis<sup>2</sup> Euerard Tylman Scole & Antonio<sup>2</sup> Dey Zelandrie ad audiendum & determinandum causam infra scriptam. Sin autem ad certificandum domini<sup>2</sup> Regis<sup>2</sup> a die Michaelis archangeli in xv dies proximos futuros. Per Breve.

B.—<sup>3</sup> Henricus dei gracia Rex Anglie & Francie & Dominus Hibernie Dilectis & fidelibus suis Keston Fredryk Petrus<sup>2</sup> Flemyng

<sup>1</sup> Qu. whether this is a case of phonetic spelling for 'towards,' or 'awge' is another form of 'avage,' used verbally in the sense of to contribute, &c. See Halliwell *sub* 'avage.' I am indebted to Professor Mait-

land for the suggestion that it is perhaps a coined word from the Latin *augere*, the original running 'ad augendum fraternitatem.'

<sup>2</sup> Sic.

<sup>3</sup> This, like the preceding endorsement,

Gwerdianis Fraternitatis sancte Barbare infra London et Jaspare Arnold Michaelis<sup>1</sup> Euerard Tylman Scole & Antonio Deye Zelandrie. Sciatis quod assignauimus vos quatuor vel duos vestrum ad inquirendum & examinandum viis & modis quibus melius sciueritis vel potueritis de & super querela in billa hiis presentibus annexa contenta & specificata & eandem querelam iuxta sanas discreciones vestras determinandum. Sin autem vos quatuor vel due<sup>1</sup> vestrum consilium nostrum apud Westmonasterium a die Michaelis Archangeli in xv dies proxime futuros de omni eo quod inde feceritis reddatis cerciores remittentes nobis tunc billam predictam vnacum hoc breui et ideo vobis quatuor vel duobus vestrum intendamus<sup>1</sup> quod circa premissa diligenter intendatis ac ea faciatis & exequamini cum effectu. Teste me ipso apud Westmonasterium viij die Julii anno regni regis Tercio decimo.<sup>2</sup> TONEYS.<sup>3</sup>

MYDDLEWOD v. ABBOT OF WHITEBY.<sup>4</sup>

A. To the Kynge our Souereign lord.

1531 In most humble & lamentably wyse compleynyng sheweth vnto your Hyghnes your true Subiett & dayly Orator Roger Myddlewod gentyllman, That where your seid orator beyng a poore seruyng man<sup>5</sup> and also hauyng butt fewe frendes to truste vnto for his luyng, to his greate costes & charges dyd apparell hym selffe meate & conuenient for a seruyng man and also indeuered hym selffe to the beste & vttermost of his power to be with some honourable man or other substauncyall & honest man in seruyce to thentent he therby myght haue some honeste luyng and also be well brought vppe in his othe.<sup>6</sup> By reason wherof your seid oratour hadd greate offers & requeste of

appears to have been copied from a draft by some clerk imperfectly acquainted with Latin. To the document is attached a fragment of the original Privy Seal, with the letter H still visible.

<sup>1</sup> Sic.<sup>2</sup> 1521.

<sup>3</sup> Presumably Robert Toneys or Tunneys, a prebendary of Lincoln and Sarum, much employed in legal business by Henry 8. S.P. Dom. H. 8, i. 5282, ii. 1076. In ib. ii. 3437 he attested the Treaty (5 July 1517) between Henry, Maximilian, and Charles, Prince of Castille, and is there described as 'Robert Toneys clerk, canon of the metropolitan Church of York, LL.D., and notary public,

by whom the present instrument was drawn up in conjunction with William Burbank, LL.B.' His preferment at York dated from June 14, 1516. Le Neve, 'Fasti,' iii. 180, where he is wrongly spelt Toney. At this time he was one of the clerks in Chancery, S.P. Dom. H. 8, iii. 1083, and Wolsey subsequently (1523) appointed him to the lucrative office of clerk of the Hanaper, ib. 2987. No further proceedings found.

<sup>4</sup> Mr. Hunt's Calendar, Bundle 6, No. 174.<sup>5</sup> The words 'not borne to eny landes or heredytamentes' struck through.<sup>6</sup> Youth.

dyuerse worshippfull men and was requyred to be in seruyce of dyuerse of them promysyng hym greate wages for his seruyce. So itt is most gracyous souereign lord one John Hexsam abbott of the monesterye of Whytby in the county of Yorke<sup>1</sup> heryng that your seid orator was mynded to goo vnto seruyce and also perceuyng that he hadd many greate offers of wages tended vnto hym by dyuerse & sundrey worshippfull & honeste persons and that he the seid abbott had greate nede of a seruante, the same abbott about v yeres past requyred your seid oratour to be reteyned in seruyce with hym for certen yeres seying & feithfully promysyng vnto your seid oratour thatt he wold gyue & paye vnto your seid orator iiij markes<sup>2</sup> yerely for his wages as longe as your seid oratour wold abyde in seruyce with hym. Wher upon your seid orator trustyng to the seid fayre promyses & agrement of the seid Abbott was content & agreed to be in seruyce with the seid Abbott for the seid yerely wages of iiij markes and then & there at Whytby aforseid came & entred into the seruyce of the seid Abbott accordyngly and was so reteyned with the seid abbot in seruyce & serued hym by the space of iiij yeres & aboue duryng all which tyme your seid orator coude receyue ne gett of the seid abbott eny parte of his seid yerely wages but at all suche tymes that your seid orator dyd require of the seid abbott his seid wages the seid abbott with flateryng and disceytfull wordes dyd att all tymes promyse & seye vnto your seid orator that he shuld be pleased & well payde euery penny therof & moche more for his good seruyce, yet notwithstanding your seid orator duryng all the seid iiij yeres coude nott haue ne receyue of the seid abbott eny parte of his seid wages. By occacion wherof your seid orator was ronne farre in dett, and his rayment & apparell sore worne & spent and ther upon for greate necessaryte your seid orator after the seid iiij yeres expyred & ended departed & went out of & from the seruyce of the seid abbott and albeit that your seid Orator hath often & sundrey tymes desyred & instantly requyred the seid abbot to content & paye vnto your seid orator his seid yerely wages of iiij markes amountyng in the hole to the somme of *xli. xiiij s. iiij d.* which to do the seid abbot hath at all tymes contrary to his seid promyse of his malycious & cruell mynde wrongfully refused & denyed & yet doth contrary to all right & good conseyens, and for asmoche as your seid orator is a poore seruyng man & of very smalle substaunce & in maner brought vnto greate pouertye by the vnlawfull meanes of the seid abbot, and

<sup>1</sup> John Topcliffe, alias Hexham, elected 1527, resigned 1537. 'Dugd. Monast.' i. 408.

<sup>2</sup> 2*l.* 13*s.* 4*d.*

the seid abbot beyng &<sup>1</sup> man of greate substaunce & power & also greatly borne & frended within the seid cuntrye and also perceyueth that your seid Orator hath noo especialtie ne wrytyng prouyng the seid contracte nor that he can haue eny indyfferent tryall there, Wherefore your seid Orator is without remedy for thopteynyng of his seid wages by the due course & ordre of the Comen lawe & otherwyse onles your most gracyous aide & socoure be vnto hym shewed in this behalfe. In consyderacion wherof it may please your grace the premysses considered to graunte vnto your seid Orator your most dredd wrytte of pryuate seale to be dyrected vnto the seid abbot commaundyng hym by the same personally to appere before your highnes & your moste honourable Counsell at a certain day & upon a certeyn peyne by your highnes to be lymyted then & there to make answer to the premysses & further to be ordred theryn as shall accorde with right & good consyens. And your seid Orator shall dayly pray to Jhesu for the preseruacion of your most ryall grace longe to endure.

*Endorsed.* Myddlewod uersus Abbatem de Whytby.

Fiat priuatum sigillum ut petitur ad soluendum debitum vel aliter ad concordandum cum querente aut ad comparandum per se vel atturnatum suum sufficienter instructum xv<sup>a</sup> Trinitatis proxime sub pena *c li*.

Rich. Sampson<sup>2</sup> Dean.

xxiiij<sup>o</sup> die Junii anno regni regis xxiiij<sup>o</sup>.<sup>3</sup>

Certificate was made afor the Kinges Consaill by Sir Robert Constable<sup>4</sup> Knight that the parties her specified haue by theyr assentes compromitted theyr cause to the determinacion of the lorde of Northumberland<sup>5</sup> and ther vpon the parties licensed to departe at theyr liberties.<sup>6</sup>

<sup>1</sup> Sic.

<sup>2</sup> Appointed Dean of the King's Chapel of St. Stephen's, Westminster, probably through Wolsey's influence, in 1516. Ambassador to the Emperor, 1522-5. Dean of Windsor, 1523. Ambassador to the Emperor, 1529. Dean of Lichfield, 1533. Bishop of Chichester and Dean of St. Paul's, 1536. Bishop of Coventry and Lichfield, 1543. Lord President of Wales. Died 1554. 'Dict. Nat. Biog.'

<sup>3</sup> 1531.

<sup>4</sup> One of the leaders of the Pilgrimage of Grace in 1536. Born about 1478; hanged at Hull for high treason in 1537. 'Dict. Nat. Biog.'

<sup>5</sup> Henry Algernon Percy, sixth earl of Northumberland, born c. 1502. Steward of the Honour of Holderness, 1527, and Lord Warden of the East and West Marches in the same year; died 1537. 'Dict. Nat. Biog.'

<sup>6</sup> Each of the above endorsements and the signature in a different hand.

B. Thawnsere of John thabbot of Whitby to the fenyd bill of Roger Midyllwood.

The said abbott saith that the Bill of complayntt is insufficientt in lay<sup>1</sup> to be aunsweryd vnto and the matteres therein contenyd fenyd of evyll wyll only to putt the said abbott to charge & for non other cause. Neuertheles yf the said abbott shalbe compellyd fether to aunswere by order of this Courtt than for aunswere the said abbott saith that he the said abbott, by dyners the frendes of the said complainant was greatly laborid to taikē to service the said Roger Mydyllwood. The said abbott aunswering the said Roger was a gentylman, a man of fortty merkes<sup>2</sup> londes or more, and that he wold thinke evyll with suche small wages as the hows of Whitby myght bere,<sup>3</sup> neuertheles to suche tyme as the said Roger dyd provyde hym of a better service, the said obbott said he wold be contentyd that the said Roger com to his howse, and suche waiges as was accostomyd to gyve to other seruauntes, the said abbott atthe medyacion & greatt labour of the said Roger & other his frendes & of pittye to suche tyme the said Roger myght be resonably provydyd in service with any other person of more ablyte & that wold gyve hym higher waiges, the said abbott was contentyd to taikē to seruice the said Roger & to gyve the said Roger the waiges of the howse accostomyd to be gyvyn to all other seruauntes doying seruyce to thabbott his predicessors or brederyn of the said howse of Whitby, whiche waiges accostomyd was forttye Shillinges by the yere and for so many yeres as the said Roger dyd serve & do seruyce to the said abbott, the said abbott at two tymes in the yere accostomyd to pay waiges, that is to say at the feste of Penticost & Martynmas by evyn porcions, dyd pay the said Roger his said waiges, and after the said abbott and the complaynauntt agreid that the said Roger shuld be cummyng and goyng & to haue for his waiges only thurteyn shillinges & foure pence by the yere and no more, and to nowē of laitt the saith abbott haith paid the said xiiij s. iijj d. to the complaynauntt in full contentacion of the waiges of the complaynauntes. With owt that that the said abbott did reteyn the said Roger for any suche somme of foure merkes as by the said bill vntrewly is surmyttyd, and with owt that that the

<sup>1</sup> Anglo-Saxon form, perhaps intended for the Anglo-Norman 'Ley,' law.

<sup>2</sup> 26*l.* 13*s.* 4*d.*

<sup>3</sup> As a matter of fact the Abbey was one of the great religious houses. Its gross rental, according to Speed, was 50*l.* 9*s.* 1*d.*

per annum (John Speed, 'History of Great Britaine,' ed. 1650, p. 826 b.). Its revenues were seized by the king in 1537 for alleged complicity in the Northern rebellion. 'Dugd. Monast.' i. 408.

said abbott maid euer any laibour to haue the said complaynauntt in seruice or was destytute of any suche seruauntt, and with owt that that the said abbott doith owe vnto the said complaynauntt any suche waiges as by the said fenyd bill also vntrewly is surmyttyd, and with owt that that any thing in the said fenyd bill of the complaynaunttes is trewe<sup>1</sup> oder than ys confessed & avoided or trauersyd ys trewe,<sup>1</sup> all which matteres the said abbott is redy to prove as this Courtt shall award & prayith to be dismyssid owtt of the same with his resonable costes & charges susteynyd in this behalf.

## ORDERS AND DECREES.:

xxj<sup>o</sup> die Junii anno regni regis xxiiij<sup>o</sup> viz. xv<sup>a</sup> Trinitatis.

- 531 Henricus Duvē<sup>3</sup> monachus nomine Abbatis de Whitbye in comitatu Eboracensi personaliter comparuit apud Westmonasterium die et anno supradictis ad sectam Rogeri Middlewod et habet diem sibi datam ad respondendum bille in diem Veneris proxime et sic ad comparendum de die in diem donec et quousque aliter habet in mandato per consilium predictum et hoc sub pena predicta.

JETTOUR AND OTHERS *v.* HULL, MAYOR OF.<sup>4</sup>

- A. The replicacion<sup>5</sup> of John Jettour John Colby & other the Inhabitauntes of Leystoft Kyrkeley & Pakefyld to the aunswer of the Mayer<sup>6</sup> and Aldermen of the Towne of Hulle.

- 1533 The seid John Jettour John Colby & the other Inhabitantes of the seid Townes of Leystofte Kyrkeley & Pakefyld seye & auerre all & every thing conteyned in their seid byll of Complaynt to be goode & true in all poyntes. Withought that that any of the marchauntes of the seid Townes of Leystoft Kyrkeley & Pakefyld or of any of them when they haue reparid to the seid Towne of Hulle with their slyppys ladyn with heryng & their in the haunyn at an anker haue at any

<sup>1</sup> Interlined.

<sup>2</sup> Vol. v. p. 269.

<sup>4</sup> Mr. Hunt's Calendar, Bundle 3, No. 249.

<sup>3</sup> Qu. whether this is the Henry Davell also called De Vall, who was eiected Abbot in 1538, and who finally surrendered the house to the King Dec. 14, 1540. Dugdale, *l.c.*

<sup>5</sup> The previous pleadings have not been found.

<sup>6</sup> James Johnson, J. Tickell, 'History of Hull' (1798), ii. 675.

tyme pryvylye & craftely solde eny Barrelles<sup>1</sup> of heryng oughte of their shippys withoutt eny notyisse or knowlege by them geuyn therof to the seid mayer & offycers of Hulle for the tyme beyng in maner & forme as in the seid aunsewer ontruly is aledgid and withoutt that that eny of the kynges subiectes haue be bygyled & disseuyd by their bying of eny barrelles of heryng of eny of the seid marchauntes of the seid Townes of Leystoft Kyrkeley & Pakefyld as in the mesurs & contentes of the seid Barrelles of heryng or in the qualites & goodenes of the same in maner & forme as in the seid aunsewer ontruly is aledgid and withoutt that that it hathe byn vsid within the seid Towne of Hulle withoutt tyme of mynde that nomaner of marchaunte shulde sell eny heryng oughte of eny shippe their before that the heryng ware layde alonde to be sene by the officers of the same Towne of Hulle in maner & forme as in the seid aunsewer ontruly is aledgid And withoutt that that the seid marchauntes of the Townes of Leystoft Kyrkeley & Pakefyld haue vsid withoutt tyme of eny remembraunce to the contrarye whenne they haue reparyd their seluys with their shippys & heryng to the seid Towne of Hulle haue vsid there to selle their seid heryng in the seid Towne vpon the seid toe market dayes & not at no other days withoutt paieng monney for that libertie in maner & forme as in the seid aunsewer ontruly is aledgid and withoutt that that it hathe byn vsid within the seid Towne of Hulle that if eny Stranger did bargeyn & selle eny heryng within the seid Towne of Hulle & that if they did selle eny heryng at eny other days thanne on the seid market days that thenne they shulde paye for euery laste<sup>2</sup> of heryng solde at suche tyme besyde the market days the somme of *ij s. iiij d.* towards the Reparacions of the gettys & wallys aboughte the said havyn in maner & forme as in the seid aunsewer ontruly is aledgid And withoutt that that it hathe be of longe tyme vsid that if eny Stranger with eny heryng thether reparyng wolde hyre eny house or shoppe within the seid Towne that thenne he shulde not opyn hys wyndowe to selle his seid hering & wares excepte he did agre therfor with the officers of the same Towne of Hulle for the tyme beyng for the summe of *iiij s. iiij d.* ouer & beside the Ferme of the same shoppe in maner & forme as in the seid aunsewer ontruly is aledgid for the seid compleynauntes seye that in tymes paste tylle nowe of late yeers whenne they haue reparid to the seid Towne of Hulle with their seuerall shippys lacyd

<sup>1</sup> A barrel of herrings was thirty gallons by 2 H. 6, c. 14. Rogers' 'H. A.' iv. 582.

<sup>2</sup> A last of herring contains twenty

cadets or ten thousand, every thousand ten hundred, and every hundred six score, 51 H. 3, St. 2, c. 2. Cowel, 'Interp.' s. v.



sumtyme with xxx<sup>ti</sup> leste of heryng euery of them & aboue ware wouste to paye for their lybertyes & sale then their vsid but only the summe of vj s. viij d. at the moste for all their hole marchaundyses and fether they seye that the takyng of the seid iij s. iiij d. of euery marchaunte thether reparyng to selle their heryng for openyng of their wyndowes within the seid Towne haue be but of late tyme takyn by the mayer & officers within the seid Towne of Hulle for the tyme beyng by their exstorte power withoutght eny grounde or cause resonable and fether the seid compleynautes saye that is to seye the seid John Jettour & the other inhabitautes dwellyng within the Towne of Leystoft that they doe holde their tenementes & londes of sir Wylliam Kyngston knyghte<sup>1</sup> & Dame Mary his wyfe<sup>2</sup> as in the righte of the seid Dame Mary as of their manour of Leystoft the whiche manour ys auncient demene<sup>3</sup> and that all the Tenautes within the seid manour haue vsid withoutght tyme of mynde to plede & to be impledyd within the same manour by pety writte of righte close<sup>4</sup> for all maner of pleys<sup>5</sup> towelchng their landes & Tenauncies beyng parcell of the same maner<sup>6</sup> by reson wherof they owe to be quytte of all maner of Tollys Customes & other exaccions for the sale of all their seid wares & marchaundyses in all markettys & faiers within this Realme of Ingland and also the seid John Colby & other Inhabitautes of the Townes of Kyrkeley & Pakefylde saye that they arre dwellyng within the halfe hundred of Mutford & that they holde their seuerall Tenementes & londes of the seid sir Wylliam Kyngston & Dame Marie his wyfe as in the righte of the seid Dame Marie as of their manour of Mutford & that the seid manour & all the Tenauncies & londes holden of the same arre auncient demene<sup>7</sup> & that the seid Tenautes haue vsid withoutghte tyme of eny remembraunce to the

<sup>1</sup> Constable of the Tower, d. 1540. 'Dict. Nat. Biog.' s. n.

<sup>2</sup> Daughter of Sir Richard Scrope of Upsall, Yorks, and widow of Sir Edward Jerningham of Somerleyton, Suffolk, second wife of Sir W. K. Ib.

<sup>3</sup> For 'Ancient Demesne,' see 'Trans. R. H. S.' 1892, p. 199.

<sup>4</sup> Breve paruum de recto. 'A writ of right close is a writ directed to a lord of Ancient Demesne and lieth for those which hold their lands and tenements by charter in fee-simple or in fee-tail, or for term of life or in dower, if they be ejected out of such lands, &c., or disseised. In this case a man or his heirs may sue out this writ of right close, directed to the lord of the Ancient Demesne, commanding him to do him right, &c., in his Court.' Britton, cap.

120 in fine; also Fitzherbert, 'Natura Brevium,' fol. 11 et seq. Cowel, 'Interp.' s. v. Recto. See further 'Trans. R. H. S.' 1892, p. 252.

<sup>5</sup> 'Socage en ancien tenure est a tenir en ancien demesne ou nul briefe courte forsque le petit brief de Droit Clos.' Fitzherbert, *l.c.*

<sup>6</sup> Lowestoft, in Domesday Lothn Wistoft in the manor of Gorlesum. Terra Regis. A. Suckling, 'Hist. Suffolk' (1846-48), ii. 59.

<sup>7</sup> Terra Regis, Domesday. Held by Edmund de la Pole temp. H. 7, and after his attainder granted June 15, 1509, to Edward Jernyngham and Mary his wife. A. Suckling, 'Hist. Suffolk,' i. 274. Kirkiey and Pakefield are mentioned in Domesday as within the manor, *ib.*

contrarie to plede & to be impledid within the same manour be pety writt of righte Close for their Tenementes & londes forseid & by reson therof they owe to be quytte of all maner of Tollys & Customes & suche other exaccions in all parties of Ingland for their byng & sellyng of their marchaundyses and for asmyche as the seid mayer & aldermen haue confessid in their aunswer the wrongfull takyng aswele of the seid *ij s. iiij d.* for euery leste of heryng as also *ij s. iiij d.* for openyng of their seid Shoppe wyndowes Wherfor they praye that the seid mayer & aldermen may be ponysshid. Withought that that eny other thyng conteynid in the seid aunsewer of the seid mayer & aldermen materyall to be replyde onto is true in eny other wyse thanne is aunswerid confessid & auoydid or elles trauersid in this Replicacion. All the whiche maters the seide Complaynautes arre redy to proue as this Curte wulle awarde & praie as in their seid bill of compleynt they haue praide &c.

Termino Trinitatis anno Regni Regis Henrici octaui xxv<sup>o</sup>.

1533 B. Costes and chargis susteynid by John Colby gentleman and Robert Hoddes for & in the name of the Inhabitauntes of Leystoft and Pakefelde ayens the Mayer of Hulle and his brotherne.

In primis for Ryding from Leystoft to London John Colby & Robert Hoddes & their seruauntes for their owne costes and their seruauntes by the space of <i>ijj dayes iiij<sup>xx</sup></i> & <i>x myle</i> <sup>2</sup> . . . . .	<i>xiiij s. iiij d.</i>
Item for their owne costes & their seruauntes wyth their horce at London by the space of <i>xxi days</i> at <i>xij d.</i> euery daye . . . . .	<i>iiij li. iiij s.</i>
Item for Ryding whome ageyn to Leystoft . . . . .	<i>xiiij s. iiij d.</i>
Item for their Councelles fees with Attornys fees . . . . .	<i>xx s.</i>
Summa . . . . .	<i>vj li. x s. viij d.</i>

<sup>1</sup> 1533.

<sup>2</sup> Distance by road 114 miles. 'Paterson's Roads,' ed. E. Mogg, 1829, p. [53].

COTTER *v.* MAYOR &c. OF HULL.<sup>1</sup>

‘The reioyner of the meyer & Aldermen of hull to the  
replycacon of John Cotter John Colles & other.’

1533

‘The seyde meyer & aldermen seyn that yt hath ben of longe  
tyme vsyd & accustomed withyn the seyde Town of hull that euery  
merchaunt not beyng burgeis nor ffremman of the seyde Town repayr-  
ynge & comynge thether with any herynge to be sold shuld pay  
ij s. iiij d. for euery last therof toward the reparacon & meynテナunce of  
the Gettes & walls about the seyde havyn<sup>2</sup> and also that euery stranger  
that wold opyn any shopp for sellynge of any wares shuld pay  
ij s. iiij d. to the offycer of the seyde Town & farder more seyn & auerre  
euery artycle & clause in ther seyde answer comprysyd or conteyned  
to be trewe. Without that that yt hath ben vsyd in tymes past tyll  
nowe of late yeres when the seyde compleynautes repayred to the  
seyde town of hull wythe ther seuerall shyppes ladyn somtyme with  
xxx last of herrynges somtyme with mor vsyd to pay onely vj s. viij d.  
for ther hoolle merchaundyse or that the same ij s. iiij d. hath ben takyn  
of late onely by the extort power of the seyde mayer & offycers of the  
seyde Town of Hull for the tyme beyng in maner & forme as in the  
seyde replycacon ys surmysed, and wythowte that that the seyde now  
compleynautes or any of them hold any landes or tenementes of the  
seyde Sir William Kyngeston & of Marye hys wyffe as in the ryght of  
the seyde dame Marye in auneynt demeane in maner & forme as in  
the seyde replycacon ys allegyd and albeyt that yfe any of them hold  
any suche landes or tenementes of the seyde sir William & dame  
Marye in auneynt demeane, yet they owght to pay aswell all maner of  
customes to ouer soueryng lord the kynge in euery havyn Town as  
alle maner of tolles in any other place for alle maner of merchaundyse  
bought or sold by any of them except yt be of any suche thynges  
bought by them as nessessary for ther own howshold or for suche  
corne or other thyng sold by them as growyth or elles ys brought vp  
of the seyde ground so holdyn<sup>3</sup> & also yt aperyth by the confessyon of

<sup>1</sup> Mr. Hunt's Calendar, Bundle 8, No. 78.

<sup>2</sup> See the Letters Patent granted to Hull 21 June, 24 H. 8 (1532), and repealed by 24 H. 8. c. 15 (1533): ‘An Acte concernyng

the repelyng of certen Letters patentes graunted unto the Mayre Burgesys and Comynaltie of the Towne of Hull.’

<sup>3</sup> This contention does not seem to be borne out by Fitzherbert, who gives the

the seyd now compleynautes that longe tymes past they have vsyd to pay vj s. viij d. to the offycers of the seyd town of hull for xxx last of herynge brougnt to the seyd Town to be sold wher by yt aperyth playnly that they by ther seyd lyberte of aunyent demegn yf any suche they have owght not of ryght to be dyschargyd of the seyd tolles & customes whych have ben gatheryd & lewyd by a longe tyme & season vpon a resonabyle grownd & cause. Without that any thyng materyall or answerabyll allegyd in the seyd replycacon other then ys befor in this reioyner confessyd & auoyded or trauersyd ys trew all whych matere they ben redy to auerre as thys court wyll award & domandyn jugement & prayn as they have don befor in ther answer.'

ORDERS AND DECREES.<sup>1</sup>viiij<sup>o</sup> die Julii anno Regni Regis xxv<sup>to</sup>.

1533 Johannes Lambert de hulle in com. Ebor. generosus personaliter comparuit coram consilio domini Regis apud Westmonasterium die et anno supra datis et recognouit se debere dicto domino Regi *xl li.* sterlinges soluendas ad vsum dicti Regis in festo Sancti Michaelis proxime futuro post datum presencium nisi &c tunc &c.

writ directed on behalf of tenants in Ancient Demesne to the bailiffs or mayor or others desiring to make them pay toll as follows: 'Rex balliuis A. de J. Salutem. Cum secundum consuetudinem regni nostri haecenus obtentam & approbatam, homines & tenentes de antiquo dominico corone Anglie quieti sint et esse debeant a prestatione tolonei per totum regnum nostrum, vos nihilominus homines & tenentes de manerio de S. quod est de antiquo dominico corone Anglie, vt dicitur, ad toloneum vobis de bonis et rebus suis in eadem villa prestandum grauiter distringitis, & ipsos ea occasione multipliciter inquietatis, minus iuste, ad graue dampnum ipsorum hominum & tenentium, & contra consuetudinem predictam sicut ex querela sua accepimus, et quia eisdem hominibus & tenentibus iniuriam nolumus in hac parte, vobis precipimus quod si ita est, tunc ab huiusmodi distractionibus et inquietationibus eisdem hominibus et tenentibus ea occasione de cetero inferendis desistentes, ipsos de huiusmodi toloneo vobis de bonis et rebus suis predictis in eadem villa prestando quietos esse permittatis, iuxta consuetudinem predictam & distractionem si quam, &c., predictam, &c.' Tottell's ed. Lond. 1588, fo. 228. Upon this writ Fitzherbert

comments as follows, raising the precise point in this case: 'Et appert auxi que tiels sera quietis del toll pur lour bienz & chateux geux ils marchandise oue auters sibien comme pur lour auters biens, car le bref est general. pro bonis & rebus suis, &c.' *Ib.* fo. 228 a.

It is not improbable, however, that the case was decided adversely to Fitzherbert's opinion (see p. 41, n. 2, *infra*), and Coke limits the right just as the counsel for Hull sought to do. In his enumeration of the six privileges of Tenants in Ancient Demesne he says: '3. They are free & quiet from all manner of tols in fairs and markets for all things concerning husbandry and sustenance.' In 1578-9 the privilege was further curtailed by a decision in Ward's case in the Queen's Bench, 20 Eliz., in which Lowestoft was again interested, 'where it was adjudged that the privilege of Ancient Demesne does not extend to him that is a merchant, or that trades and gets his living by buying & selling, but the privilege was annexed to the person in respect of the land.' 'Law Dict.,' T. Cunningham, 1771. I have not been able to find the passage in Hutton's Reports.

<sup>1</sup> Vol. v. 486, 14-25 H. 8 (June 1523-Nov. 1533).

The condicion of this Recognisaunce ys suche that if the mayor of the towne of Hull the aldermen & comonaltie of the same doo sende vpe and cause tapper afor the Counsaill at Westminster in crastino animarum next comyng on person as attorney sufficiently auctorised vnder theyr comen seale to make aunswer vnto suche a bylle as ys exhibite befor the said counsaill in the name of diuerse of thinhabitantes of the Towneshippe of leystofte in the countie of Suffolk then this Recognisaunce to be voyde or els to stande &c.

Quarto die Nouembris anno regni regis xxv<sup>to</sup>.<sup>1</sup>

1533 Georgius Matheson<sup>2</sup> mercator et Robertus Kemsley nomine maioris et communitatis ville de Kyngston super Hull ut attornati eiusdem ville personaliter comparuerunt coram consilio domini Regis apud Westmonasterium die et anno predictis virtute recognicionum coram dicto consilio ad instanciam inhabitantium de Leystofte & ceteris et habent diem eis datam ad respondendum bille in x<sup>mo</sup> die mensis instantis et sic ad comparendum de die in diem donec et quousque aliter habent in mandato per consilium predictum et hoc sub pena in Recognicionibus specificata.<sup>3</sup>

<sup>1</sup> Vol. v. p. 500.

<sup>2</sup> Sheriff of Hull in 1510; Mayor in 1514, 1522, and 1528. J. Tickell, 'Hist. of Hull,' ii. 675.

<sup>3</sup> I have been unable to discover the judgement in this suit, but it is probable that it was in favour of the town of Hull, since an Act of Parliament abolishing the exactions complained of was passed in the session held in February 1536. This Statute (27 H. 8, c. 3) is intitled, 'An Act for avoyding of exaccyons taken at Kyngston upon Hull.' The preamble is as follows: 'Where upon complaynt made in this present parliament by the kyngis poore subjectis, and namely the poore fyshermen inhabytyng upon the costys of the see within the Counties of Norfolk and Suffolk, which use comonly to conuecte and convey theyr heryng sproutys and other fysh to the towne of Kyngston upon Hulle, there to be utterid and soide to other the Kyngys subjectys wyllyng to bye the same, It dothe evydentlie and playnly appere that suche grete and intollerable exaccions customes and tolles be demanded levyed and takyn of them for theyr said heryng and other fysh by the rulers and offycers of the said Towne, that onles some spedy remedy be for them providid in that behalf a grete nombre of them shalbe dryven of

necessite to absent them selves from theyr said market of olde tyme contynued and holden at the said Towne, where most comonly afore tyme a grete nombre of the Kyngys subjectis and namelye of the northe parties of this Realme haue usid to provide them selfe of theyr heryng and fysh, which fynally shalbe be not only the utter impoverysshyng and undoing of the seid poore fyshermen inhabytyng within the seid Counties of Norfolk and Suffolk but also a greate incomberance to all suche the Kyngis subjectis of the said northe parties as afore tyme comonly have usid to provide ther heryng and fysh at the said towne for the mayntenance of ther Householde.' To remedy these mischiefs, the Act provided that the inhabitants of Norfolk and Suffolk should thereafter be permitted to sell their fish toll-free between 1 Nov. and 25 March, every vessel above 20 tons burden paying 6s. 8d., and below 20 tons burden paying 5s. The vendors were to be well treated, and the mayor and officers of the corporation were not to abuse their right to fix prices by setting unreasonable prices on the fish, subject to a fine of 20l. upon complaint made to the Chancellor and Privy Council. Provided, that none but freemen of Hull should be allowed to sell fish there by retail.

NETHEWAY v. GORGE.<sup>1</sup>

A. To the Kynge our souereygne lord.

1534 'In moost petuose maner complaynyth vnto your moost noble hyghnes your trewe and feythfull subiect and legeman William Netheway of Walton in the countie of Somerset husbandman that wher of late oon Edward Gorge Knyght<sup>2</sup> of the sayd countie sent his seruaunt callyd John Ballard vnto your humbly besecher to by of hym an oxo ffor his sayd master his howsholde youre sayd suppylant was ther with contentyd to sell hym an oxo pryse xxvj*s*. Whiche oxo your sayd suppliant delyuered to the sayd John Ballard to the vse of his sayd master, whiche oxo the sayd Ballard receyvyd att the same pryse and when your sayd besecher demaundyd of the sayd Edward his money for the sayd oxo the sayd Edward fierr byyond good ordere of knyghthod and good grayte to that degre & ordre apperteynyng in moost ragyouse maner sayd vnto your poore Oratur theis wordes in effect folowyng that is to saye Thow schalt have noo money of me ffor that oxo butt sweryng grete and detestable othis that he wolde have your sayd humble subgett his goodes ffor that he toke hym as his bondman and that he would sease his londes that he hyd of other men and kepe them deweryng his lyfe and that he wolde ffeche hym att an horse tayle and make hym to tvrne a broch in his kechyn and ferder with lyke ffurye sayenge to youre suppliant ij or iiij tymes he wolde thrust a dagger thoroght his chekes by occasyon of whiche crewell & extreme demenour youre seyde humble suppliant nott yett recompensyd ffor the sale of the sayd oxo and beyng soo thretenyd in forme aforsayd darnot nor knowyth nott what to doo or howe to goo or labor abowte his besyne ffor the lyyng of hymselfe his powre wyffe & syxe powre chyldern lest that the seyde sir Edward wolde take or imprison hym ffor a bondman, your sayd suppliant & his auncetors beyng ffreemen and of free

<sup>1</sup> Mr. Hunt's Calendar, Bundle 5, No. 21.

<sup>2</sup> Sir Edward Gorge, or Gorges, of Wraxall, Somerset, eldest son of Sir Edmund Gorges, K.B., by Anne, daughter of John Howard, Duke of Norfolk (J. Collinson, 'Somerset,' 1791, iii. 157), was knighted in 1513 for his conduct at Flodden. W. C. Metcalfe, 'A Book of Knights,' p. 57.

He was High Sheriff of Somerset and Dorset in 1514. S.P. Dom. H. 8, i. 5561. In December of the same year he was granted the office of bailiff of the Manor of Portbury, Somerset, ib. 5667; a grant renewed to him in 1525 and 1538, ib. iii. 1377, 28, and xiii. 1115, 60. In 1529 he served as High Sheriff of Devon, ib. iii. 6072, 9.

condicion and neuer bond to the sayd Sir Edward nor none of his auncestours ffor the which pleasith hit your hyghnes in consyderacion that your sayd humble subgett is a very powre man and nott able to trye for his sayd libertie and dutie in the premysses declared with the said sir Edward by the ordre of the comen lawe the sayd Sir Edward beynge a man of grett allyauns myght and pover in the sayd countie pleasyth hit youre grace in the waye of cherytie to graunt vnto your humble supplyant Your gracious letters of prevy seale to be directid to the sayd Edward, commandyng hym be the same to appere before youre moost honerable counsell att a certeyne daye and vnder a certeyne payne there to answer to the premysses and youre sayd humble supplyaunt schall dayly pray to gode ffor Your moost noble & Ryall astate longe to indewer.<sup>1</sup>

*Endorsed.* Committatur causa ista Henrico Capell militi et Johanni Ken armigeris ad examinandum testes de articulis infrascriptis et super responsionibus exhibitis finaliter detur partibus vocatis aliter ad certificandum consilio Domini Regis juxta comperta in scriptis xv<sup>a</sup> pasche proximi iniurgendo partibus ad comparendum eodem die sub pena *clii*.

William Sulyard.<sup>1</sup>

[*In another hand.*]

Nethyway uersus Gorge.

B.

By the king.

Trusty and welbiloued we grete you well. And by the contynue of a bille herin closed ye may perceyue the complainte of William Nethewaye against Edward Gorge Knight. Wherupon we trusting in your wisdomes and indiffrences woll and desire you that by auctoritie herof calling the said parties afore you with their witnesses in our name and vpon the aunswer of the defendaunte to you exhited,<sup>2</sup> ye woll groundely examyne the said witnesses by their othes in fourme of lawe sworne vpon the contentes of the said bille and aunswere with the circumstances therof, Endeavouring you therupon to sette suche finall ordre and determynacion therein as maye stande with our lawes and iustice, so that for lak of due administracion therof in your defaulte the said William shalhaue no cause reasonable eftsones to retourne vnto vs

<sup>1</sup> Sir William Sulyard, 'a person of great repute in the law, and one of the Governors of Lincoln's Inn in 23 H. 8' (1531-32).

grandson of Sir John Sulyard, Justice of the King's Bench, who died in 1488. Foss's 'Lives,' v. 75.

<sup>2</sup> Sic.

for further remedie in this behalf. And if ye cannot conueniently so doo, that than ye certifie vnto vs and our Counsaile the trouthe and plaines of the matier in writing vndre your seax by the quindezine of Ester next comyng, Yeving Iniunccion in our name vnto the said parties vpon paine of *c li.*, to bee and personally appere afore vs and our said Counsaill at the same daye, to thentent that we may further do therin as the case shall rightfully require. No failling herof as<sup>1</sup> tendre our pleasure and the auancement of iustice. Yeuen vndre our priue seel at our Manour of Westminster the vj daye of Februaire.<sup>2</sup>

R. TURNOUR.<sup>3</sup>

To our Trusty and welbiloued sir Henry Capell<sup>4</sup> knight and John Kene<sup>5</sup> squier.

Respondeant xv Pasche.

c. The certyficathe of sir henry capell knyght & John Ken esquier vpon a comyssion to them dyrectyd by vertue of the kinges prevy seale.

The x<sup>th</sup> daye of marche the xxv<sup>th</sup> yere of the raigne of our soueraigne lorde kinge henry the viij<sup>th</sup><sup>6</sup> we the comyssioners aboueseid by vertue of the kinges mooste honorable prevy seale to vs dyirected beryng date the vj<sup>th</sup> daye of february the xxv<sup>th</sup> yere of our saide soueraign lorde the king called before vs at Tycknam yn the countie of Somerset Sir Edward Gorge knight yn the saide prevy seale named whiche exhibyted before vs ij Court Rolles for his eydence wherof one was yn paper & the other yn parchement wherin was contayned amonges other presentmentes as hereafter folowithe.

Wraxall. Curia ibidem tenta x<sup>o</sup> die mensis Februarii anno regni regis Edwardi tercii xxxj<sup>o</sup>.<sup>7</sup>

Preceptum est capere Nicholaum filium Nicholai Byrmore Johannem & Robertum Nethway & Ricardum Alexander natiuos domini qui fugerunt.

Wraxall. Curia ibidem tenta die Jovis proximo ante festum sancti Barnabe apostoli anno regni regis Edwardi tercii post conquestum xxxij<sup>o</sup>.<sup>8</sup>

<sup>1</sup> Sic.

<sup>2</sup> 1534. See C. infra.

<sup>3</sup> See p. 54, n. 3, infra.

<sup>4</sup> Sir Henry Capell, son and heir of Sir Giles Capell, Knt. of Rainhill, Essex, by Isabel, daughter and co-heiress of Richard Newton of East Harptree, Somerset, who died in 1500 (Collinson, iii. 588). Isabel Capell died in 1516, S. P. Dom. H. 8, ii. 2158. On the commission of the peace for Somers-

set in 1532 and 1535, ib. v. 1694, viii. 149 (79). Knighted June 8, 1533 (ib. vi. 601). Connected through the Newtons with the family of Gorges, Collinson, l.c.

<sup>5</sup> Or Ken, of Kenn, Somerset, Collinson, iii. 592. A commissioner for the subsidy in Somerset in 1523. S. P. Dom. H. 8, iii. p. 1366. Again in 1524 (ib. iv. p. 236).

<sup>6</sup> 1534.

<sup>7</sup> 1357.

<sup>8</sup> June 1, 1358.



Ad istam diem venit homagium & liberavit domino corpora Willelmi Nethwaye & Willelmi Southbroke Natiuorum domini qui per longum tempus se longauerunt de domino.

And fethermore the saide sir Edward Gorge vpon xvij yeres past toke John Nethwaye Wylliam Nethwaye & Thomas Nethwaye vucles vnto the saide Wylliam Nethwaye supplicant & chalengyd them as his bondemen whiche at the same tyme by award made by the lorde John Grey & his wyffe<sup>1</sup> compounded with hym for certeyn sommes of money and thes be all tharticles & proves that the saide sir Edward Gorge brought before vs the saide comysshioners.

And the saide Willyam Nethwaye supplycant for his parte brought before vs the same daye Thomas Hort of Walton Walter Wylliams of Yeatton Thomas patche of Clyvedon Raffie Barret of Weston John Gage of Walton John Barre of Tycknam John Cotterell of portyshed John Marleborowe of Ken Wylliam Sporyor of Clyvedon John George of Tycknam John Kyng of Clopton John Bayly of Tycknam John lewys of Tycknam Jamys Portroye of Kyngeston Robert Raynold of Tycknam John Ady of Walton Walter Davys of Tycknam Thomas Raynold of Clyve Margarete Ayshe of Tycknam Thomas Arthur of Kyngeston in the countie of Somerset beyng of the age from 1 to lxxx yeres whiche hath depose before vs vpon there othes that they neuer hard before the tyme that the saide sir Edward Gorge knight toke & seased the aboue named John Nethwaye Wylliam Nethwaye & Thomas Nethwaye that the saide Wylliam Nethwaye supplycant nor none of his auncestours shold be bond to the saide sir Edward Gorge nor to no other of his auncestours.

And fethermore the saide sir Edward Gorge knight offerid and was contentyd at our moyssons & desires to delyuer the saide supplicant the price of his oxen and to take an end with hym the whiche the saide Willyam Nethwaye supplicant refused to do oneles that he

<sup>1</sup> Lord John Grey was brother of Thomas Grey, second marquis of Dorset. He was a captain of ordnance in 1513 (S.P. Dom. H. 8, i. 4632), his 'wages' being £60 16s. 8d. per ann., ib. ii. 1465. He was present at the marriage of the Princess Mary, the king's sister, 9 Oct. 1514, ib. 5483. In 1516 he received a grant and an annuity of £20 from the king (ib. ii. 2736, p. 874, cp. ib. iii. 999); he was, together with his wife, at the Field of the Cloth of Gold in 1520 (iii. pp. 240, 245) and at the meeting of Henry 8 and Charles 5 in the same year (ib. 906). His brother, Lord Dorset, writing to Henry 8 on 15 Ap. 1523, describes him as ill with the gout (ib. 2955, ii.). In that year he

became surety in 500 marks for the appearance of the Earl of Kildare, ib. 3053. He was also a commissioner for the subsidy of 1523, in Northants (ib. 3282, cp. 3088), and in 1524 (ib. iv. p. 238, cp. ib. 9677). He appears to have been in receipt of an annuity of £6 6s. 8d. from Edward Stafford, duke of Buckingham (ib. p. 1522). In the scarcity of 1527 he was a commissioner for the search of concealed corn in Northants (ib. 3587). His name then disappears from the Domestic State Papers. The name of his wife I have failed to discover. She was constantly in attendance at Court. See supra (cp. ib. iii. 896).

myght haue a greate somme of money for amendes & towards his costes, which the saide sir Edwarde Gorge refused to do Whervpon no end cowde be taken and so we haue gyvyn inyoncyon to the parties to appere accordyng to the tenure of the saide prevy seale.<sup>1</sup>

EMLYN AND ANOTHER *v.* WHITTYNGHAM.<sup>2</sup>

Gild of Weavers of Lincoln.

'This ys the aunswer<sup>3</sup> of Roger Whittingham to the bill of compleynt of Symon Emlyn and henry Sharp.'

(After 1536-37) 'The seid Roger saith that the seyd bill of Compleynt ys vncerteyn and insufficient to be aunswerd to in asmoch as it is suyd ioyntly in the name of both the compleynautes where it ought by the lawe to haue been sued in seuerall billes and not ioyntly in on byll wherfore he prayeth that the seid bill may abate. And the aduantage therof to hym saved for the true declaracion of the trowth in this behalf and for aunswer he seith that as to the force of armes riot malice pretended assaute affray betyng woundyng and all other mysdemenours supposed to be commytted and doon agenst the kynges lawes and peax that he is in no wyse giltie in maner and fourme as in the seid bill of compleynt is surmytted. And as touchyng the imprisonment of the seid Roger seyth that there hath been wardeyn and felawship of weuers out of tyme of mynd in the cite of Lincoln<sup>4</sup> and that they and there predecessours by all the seid tyme have had gild and customes and liberties to the same belongyng. And all person or persons which vse or doo weve any maner of cloth within the seid cite or the precynctes of the same by the space of xij myles that he or they soo doyng shalbe free of the said gilde and felawship of weuers and also be contributarie to there actes and ordenaunces and to pay a certeyn<sup>5</sup> for the kynges fee ferme to the seid felawship yerely for the same. And if any person or persons doo to the contrarie or wilbe obstinate and disobey the same contribucion and ordenaunces by them soo made then to ponysshe hym or theym soo offendyng accordyng to there good rules and ordenaunces in that behalf prouyded. And he saith that the felawship of weuers aforesaid and there predecessours by all

<sup>1</sup> No minutes of the case have been found among the orders and decrees. With the papers is a letter signed Henry Longe referring to another case.

<sup>2</sup> Mr. Hunt's Calendar, Bundle 8, No. 211. H. S.

<sup>3</sup> The plaint has not been found.

<sup>4</sup> Stated by T. Allen, 'Hist. of Lincoln' (1834), i. 118, to have been incorporated in 1389, but see next page, n. 1.

<sup>5</sup> Sic, substantive omitted.

the seyd tyme haue vsed to pay the kyng and to his noble progenitors yerely in fee ferme *vj li.*<sup>1</sup> of lawfull money of Englonf for the same. And further the seyd Roger seyth that the seyd compleynautes dwell within a quarter of a myle of the seyd Citie and within the franchese and liberties of the same And howe that they haue vsed to weve and make cloth there by the space of x yeres or therupon, and howe that they haue been often and many tymes required by the seyd company and felawship of weuers to be bretheren of the seyd Gild and contributorie to the seyd payment of syx poundes for the kynges fee ferme which to doo at all tymes they haue refused, wherfore the seyd felawship and companye accordyng to there seyd liberties and custumes out of tyme of mynd vsed they sett vpon euery of the seyd compleynautes for his contribucion *xij d.* by the yere like as all other brethern of the seyd felawship were and be set at which yerely summe of *xij d.* was vnpaid by the space of *vj* or *vij* yeres or thereabout and many tymes demaunded and required of the seyd compleynautes and they and eyther of them vtterly denyed payment therof, wherupon seuerall plentes of debt in the name of our souerayn lord the kyng that nowe is was taken agenst them in the Guyld hall of the Citie of Lincoln afore the Maire Aldermen and Shirrifs of the seyd City for the same wherupon processe was awarded out of the seyd court directed to Thomas Holme then beyng Constable there to arrest and attach the seyd compleynautes to aunswere to our seyd souerain lord vpon the seyd pleyntes ; by force wherof the seyd constable the seyd Roger commyng in ayde of the seyd constable in executyng of his office arrested the seyd compleynautes as lafull was for hym to doo wherupon the seyd compleynautes incontynently found suerties to aunswer to the seyd pleynt accordyng to the kynges lawes, which is the same imprysonment and witholdyng in prison in maner and fourme as the seyd compleynautes in their seyd bill of compleynt haue alleged. Without that that he ys giltie of any thyng conteyned in the seyd bill in any other maner or fourme than he by this ansuer hath alleged. All which maters the seyd Roger is redy to prove as this Court will award and prayth to be dismyssed with his resonable costes and charges for his wrongfull vexacion and trouble by hym susteyned in this behalf.<sup>2</sup>

<sup>1</sup> This was the sum paid as long before as 1131. Pipe Roll, 31 H. 1 (Record Commission, 1844, &c.), p. 109; W. Cunningham, 'Growth of English Industry

and Commerce' (ed. 1896), p. 646.

<sup>2</sup> No further proceedings in this case have been found.

BREWERS, &c., OF HOLBOURNE *v.* WILLIAM BOBYE.<sup>1</sup>xvij die Nouembris a<sup>o</sup> &c. xxxj<sup>o</sup>.

1539 Be it remembred that the cause in controuersie dependyng at the comen lawe betwene the Brewers and other inhabitauntes in Holbourne ayenst on William Bobye for the withdrawyng and keypyng from theym the water beyng in the well or dike at Holbourne nere Grayes Inn, from whence hertofore the same brewers and all other the kings subgiettes haue vsed to haue and cary water at theyr pleasours without interrupcion ys nowe by the kinges counsaill considering the withdrawyng the same to be moche hurtefull and preiudiciall to the forsaid brewers & inhabitauntes with other inconveniences that in default and forlacke of the said water myghte folowe & ensue Ordred that two labores by the said Counsaill appoynted shall immediately make vpon the hede of the said dike or welle after suche rate & manner that it may holde and kepe water as afor the brekyn vpe of the same it dide. And so the said Bobye it to suffer to contynue and remaine without brekyng or any other hurte doyng to said hede other by hymself or any other by his procuryng to the contrary to whome it ys commaunded by waye of Iniunccion vpon payne of *eli.* that he notonly obserue the same but also peasibly and quietly permitte & suffer the said Brewers to passe and repasse to the same well & the water to fette & carry at theyr pleasour whiche haue layed afor the said Counsaill xx s. in gaige for consideracions shewed to be deliuered as shalbe appoynted by theym. And in like caas shall suffer all other the kings subgiettes to take water ther as a fortyme hathe byn accustomed vnto suche tyme the same variaunce be ended and determined by thorder of the kings lawes or otherwise. This to be done it ys commaunded to the said Boby vpon payne aforsspecified and suche other punysshement that in default thereof may folowe & ensue.<sup>2</sup>

JOHN BURDE AND ANOTHER *v.* EARL OF BATH.<sup>3</sup>

A. 'To the king our souerain lorde.'

1540 'In mooste lamentable wyse shewith and pituously complaynethe vnto your magestic your dailly oratours and pore subgiettes John Burde thelder and John Burde the yonger. That where oon flowke

<sup>1</sup> Mr. Hunt's Calendar. Bundle 12, No. 224.

<sup>3</sup> Mr. Hunt's Calendar, Bundle 12, No. 7 (cf. Bundle 5, No. 145).

Bourgehier late Lorde ffytzwaren<sup>1</sup> great grauntfader vnto the right honourable Lorde John nowe Erle of Bathe<sup>2</sup> pretended and claymed oon Richard Burde Auncetour vnto your graces pore oratours and also vnto oon John Burde<sup>3</sup> & John Burd<sup>3</sup> William and John sonnes of the said Richard Burde<sup>3</sup> to be his villayns appendante vnto his manour of Holle<sup>4</sup> in your countie of Devon and after the said fflowke late Lorde ffitzwaren for great sommes of money vnto hym paide by the said Richard Burde auncettour vnto your graces oratours by his dede redie to be shewed sygned with his hande and sealed with his seale of Armes of the said fflowke whose date is the xvij<sup>th</sup> daie of October in the xvij<sup>th</sup> yere of the Reigne of King Edwarde the iij<sup>th</sup><sup>5</sup> and <sup>6</sup>manymyse and clerly discharge of almaner seruitude and bondage the said Richarde Burde Auncetour vnto your graces said oratours John, John, William and John sonnes of the said Richarde and also there sequele then begoten and thereafter to be begoten, as more playnly apperithe by the said dede of manumisse. By force wherof the said Richard Burd, John, John, William and John sonnes of the said Richarde and all there Issues of their bodies and sequele haue enjoyed his & their goodes and cattalles termes and ffermes, and also haue enjoyde the privilage, benefite and firedome of there bodies discharged of all seruitude as your graces ffre subgiettes without any interupcion of any person or personnes vntill nowe of late that is to saye aboute the xiiij<sup>th</sup> daie of Auguste in the xxvij<sup>th</sup> yere of your graces excellent Raigne<sup>7</sup> that oon Xrofre prowse namyng hym self oon of the offirces<sup>8</sup> and seruauntes of the right honourable John late Erle of Bathe decessed<sup>9</sup> nothing regardyng the said manumission nor yet noon other manumission made by his Auncestours to dyuerse and many other your graces poore subgiettes then and at other tymes toke from your said oratours and other your graces said subgiettes the value of ffoure hundrithe poundes in goodes. Wherupon your said oratours and other of your graces said subgiettes havyng suche manumission as is afforsaid the xix<sup>th</sup> daie of September in the xxxj yere of your graces noble Reigne<sup>10</sup> exhibited their bill of petieon conteynyng the premysses vnto the Righte honourable Lorde Russell<sup>11</sup>

<sup>1</sup> Fulke Bourchier, second Lord Fytzwaren, or Fitzwarine, died Sept. 12 (19 E. 4), 1479.

<sup>2</sup> John Bourchier, second earl of Bath, succeeded to the title on the death of his father, April 30 (31 H. 8), 1539, died 1560. Collins, ix, 450.

<sup>3</sup> Interlined. The text read originally 'John, John, William,' &c.

<sup>4</sup> Now Holne.

<sup>5</sup> 1478.

<sup>6</sup> Sic, apparently a clerical error for 'did.'

<sup>7</sup> 1535.

<sup>8</sup> Sic.

<sup>9</sup> John, third lord Fytzwaren, created earl of Bath July 9 (28 H. 8), 1536, died April 30 (31 H. 8), 1539.

<sup>10</sup> 1539.

<sup>11</sup> Sir John Russell, created Lord Russell March 9 (30 H. 8), 1539, President of the counties of Devon, Cornwall, Somerset, and Dorset in 1540. Collins, i, 267. See further p. 55, n. 1, infra.

then being Lorde presydent of your graces mooste honourable counsaill in the West parties and other of your graces said counsaill then in that parties. By whom it was ordered and decreede that the deffendautes in the said peticon shulde restore vnto the playntiffes in the same all suche parcelles of goodes and cattalles expressad in the same peticon and that your graces said oratours and other playntiffes in the same peticon shulde be noo ffruder vexed nor troubled vnto suche tyme as the deffendautes in the same peticon coulde shewe better cause then they than dyd, whie your graces oratours oughte not to bee at rest. And further mooste redoughted and souerain Lorde dynerse of the seruautes of the righte honourable Lorde John nowe Erle of Bathe at Holl within your graces said countie the Tuysdaye next after the feast of Saynt Mychell tharchaungell last past notwithstanding the . . .<sup>1</sup> afforsaid. Wher-uppon your said oratours vpon prepetition<sup>2</sup> made vnto Sir Thomas Denys knyghte<sup>3</sup> sir hugh Pollard<sup>4</sup> knight, Richard pollerd<sup>5</sup> and John

<sup>1</sup> MS. mutilated.

<sup>2</sup> Apparently a word coined from the *ἄρα εἰρημίων* 'prepeto', to strive diligently after. Festus, 'De Verborum Significatione,' s.v. *praepetes*, p. [182]. Ed. Valpy, 1826.

<sup>3</sup> Sir Thomas Denys of Holcomb-Burnell and Bicton, Recorder of Exeter in 1537, S. P. Dom. H. 8, xii. 754; chancellor to Queen Anne of Cleves, ib. xiv. ii. 572 (1, 3, viii. 4). See further, pp. 15, n. 1; 122, n. 2.

<sup>4</sup> Eldest son of Sir Lewis Pollard, one of the Justices of the Common Pleas in 1514 (Foss, v. 227). A commissioner of subsidy for Devon in 1523 (S. P. Dom. H. 8, iii. ii. p. 1361), and 1524 (ib. iv. i. 547); in the commission of the peace for Devon in 1529, 1530, 1532, 1535, 1539 (ib. iv. 5510, 6803 [4], v. 1694, viii. 149 [58], xiv. i. 1354 [24]); sheriff of Devon in 1535-36 (ib. ix. 914 [22]), and again in 1539-40 (xiv. ii. 619 [38]); knighted on Feb. 20, 1536 (ib. x. 337); a commissioner for the defence of the coast in 1539 (xiv. i. 398); employed in the same year to take surrender of religious houses (ib. 491); nominated a member of the newly formed Council in the West, April 1539 (ib. 743); apparently a supporter of the Catholic reaction in 1554 (S. P. Dom. 1547-80, p. 56).

<sup>5</sup> Ric. Pollard, younger brother of Sir Hugh Pollard (S. P. Dom. H. 8, xiii. i. 416; T. Westcote, 'View of Devonshire in 1630' (Exeter 1845), p. 493), in commission of the peace for Devon in 1532 (ib. v. 1694); an official of the Exchequer in 1534 (ib. vii. 1691); and appointed by Cromwell a visitor of religious houses in that year (ib. App. 37, cp. xi.

1430 [3], xii. i. 1307, ii. 82, 92, 144, &c.); 'an especial favourer of Cromwell' (Sander quoted by Gasquet, 'Hen. 8 and the English Monasteries,' ii. 353); in the commission of the peace for Devon in 1535, 1536 (S. P. Dom. H. 8, viii. 149 [58], ib. x. 1256 [53]); appointed Remembrancer of the Exchequer May 4, 1535 (ib. 802 [14]); a commissioner to Calais in the same year, probably on financial business (ib. 1083); 'in good favour' with Cromwell in 1536 (ib. x. 416); a commissioner to inquire into the Northern rebellion (ib. xi. 841), and into the Lincolnshire rebellion in 1536 (ib. 853-4); a creditor of the king 'contented to forbear unto a longer day' in the same year (ib. 1419); a commissioner to survey Crown lands in 1537 (ib. xii. i. 539 [40]); and in the same year a grantee of an annuity charged on the customs and subsidies of the port of London (ib. [44]); one of the King's general surveyors in the same year (ib. ii. 44); and in this office superintended the destruction of many of the Northern monasteries (ib. ii. 432, 489); and those of the Eastern counties (xiii. i. 192); and of the West in 1539 (xiv. i. 324); on the commission of the peace for Middlesex in 1537 (ib. ii. 1008 [31], 1539, xiv. i. 1354 [11]); Sheriff of Devon for 1537-38 (ib. ii. 1150 [18]); and for the city of Exeter (ib. [30]); in 1538 received a grant of Combe Martin, and a correspondent of Lord Lisle says of him that he 'rules all now in Devonshire' (xiii. i. 514); was active in the destruction of the shrine of St. Thomas of Canterbury in Aug. (ib. ii. 30); and of St. Swithun at Winchester in Sept. 1538 (ib. 401); nominated a member of the

Rowe<sup>1</sup> Sergeaunte at the Lawe concerning the same, they therupon directed their lettres of comendacion vnto the said John nowe Erle of Bathe, wherby they did aduertise hym to restore your said oratours vnto their said goodes and cattalles according to the said ordre and decree, whiche refused and yet dothe so to doo. In consideracion wherof it maye please your magestie of your moost haboundaunte grace pitie and charitie to graunte your graces lettres<sup>2</sup> of priue seale to be directed vnto the said John nowe Erle of Bathe commaunding and enioynng hym by virtue of the same immediatly vpon the syghte therof to restore your said oratours vnto all their said goodes and cattalles with their reasonable costes and damages to them in that behalf susteigned. And that also that your graces said oratours maye from hensforthe remayne in goddes peax and yours and firely to enioye all their goodes and cattalles as your graces subgietes of righte oughte to doo. And your said oratours shall daily praye &c.’

*Endorsed :*

xiii<sup>o</sup> die februaryi a<sup>o</sup> regni regis xxij<sup>o</sup>.<sup>3</sup>

‘It ys ordered by the kinges honorable consaill that a dedimus potestatem<sup>4</sup> be directed to the Justices of Assise in the countie of Devon to take thaunswer of the within named Erle vpon his othe in forme of lawe suorne. And further ordred that the said commissioners callinge afore theym the complaynautes shall take bonndes obligatory of euery of theym to yelde and agayne redeliuer the goodes whiche the said Erle hathe caused to be taken frome theym if they be founde to be vilayns to the maner within writen. And the said Erle to paye to theym the charges of the kinges priue seale to

newly formed council in the West in April 1539 (xiv. i. 743); chief steward of the Marquis of Exeter’s forfeited lands in March of the same year (ib. 651, 47); was a principal witness against the Abbot of Glastonbury, 1539 (ib. ii. 399, 531). The Dom. S. P. for H. 8 have not been carried to a later date, and as his name does not appear in those of Edward 6 he probably died between 1540 and 1547.

<sup>1</sup> See p. 20, n. 2, supra.

<sup>2</sup> Sic, repeated.

<sup>3</sup> This must be a mistake for xxxij<sup>o</sup>, i.e.

1541, since the petitioners cite Lord Russell’s judgment as anno xxxj. The second seizure of the plaintiffs’ goods must therefore have been early in October, 1540. The King’s Commission (C.) is Feb. 15, 1541.

<sup>4</sup> ‘A writ or commission to one or more private persons for the speeding of some act appertaining to a judge, or a Court.’ J. J. S. Wharton, ‘Law Lexicon,’ ed. J. S. Will, 1876. Presumably this writ was directed to the Judges because quoad this suit of which the council had seisin they were but private persons.

the said Erle directed the retourne of the commission to be mense pasche proximi.<sup>7</sup>

William petre.<sup>1</sup>

*There is also endorsed, upside down and evidently by error*

Responcio  
Comitis  
Bathon.

B. 'The aunswer of John Erle of Bath to the byll of complaynt of John Burde thelder & John Burde the younger.

'The seid John Erle of Bayth sayth that the seyde byll of complaynt ys uncertyn & insuffeyent in the lawe to be aunsweryd vnto for dyuers materz theryn apparaunte. Neuerthelesse all the advauntagez of the ynsufficiency of the seyde byll to hym sayde sayth that the seyde compleynautes be namyd John Beard thelder & John Beard the younger & not John Burde the elder and John Burde the younger as is alleggyd in the seyde byll of complaynt & further for answer sayth that one Wylliam Bourgehuy & Thomasyne hys wyf<sup>2</sup> as in the ryght of the sayde Thomasyne were seysid of & in the maner of Holme, with ther appartenauncez in ther demean as of fee as in the ryght of the seyde Thomasyne vnto the whyche maner amonges other thynges the seyde Ryehard Burd named indede Beard, hys auncesters & blode with ther sequell haue been vyllayns regardaunt vnto the seyde manour of tyme owte of mynde and the seyde Wylliam & Thomasyne so seysid at Westminster in the terme of Ester the xxj yere of the raygn of the late kyng of Englonde kyng henry the syxt<sup>3</sup> a ffyne was leuyd betwyne Nycholas Aysheton Robert Jock & other compleynautes & the seyde William Bourgehuy & Thomasyne hys wyff defendautes amonges other thynges of the seyde manour of Holme with ther appartenauncez by whyche ffyne the seyde William & Thomasyne knoleggyd all ther ryght of & in the seyde manour to the seyde Nycholas Robert & other namyd in the seyde ffyne & to the heyrez of the seyde Robert as that the seyde Nycholas Robert Jock & other had of the gyfte of the seyde William & Thomasyne for which ffyne & concord the seyde Nycholas Robert & other namyd yn the seyde ffyne grauntyd & renderyd amonges other thynges all the seyde manour of holme with ther appartenauncez to the seyde Wylliam &

<sup>1</sup> See p. cxvi, n 87, supra.

<sup>2</sup> See p. 57, nn. 2, 3, infra.

<sup>3</sup> 1443.



Thomasyne To haue & to holde to the seyd Wylliam & Thomasyne & to the heyrez of ther bodyes lawfully begoten & for defaute of suche yssue the remainder ouer as by the same fyne moer playnly apperyth of recorde by reason wherof the seyd Wylliam & Thomasyne were therof seysid in ther demean as of fee tayll by forme of the seyd gyfte and after the seyd Wylliam & Thomasyne dyed after whois death the seyd manour of Holne with ther appurtenaunces discendyd vnto one ffolke Bourchyer late lorde ffytz Warryn as son & heyr of the bodyez of the seyd William & Thomasyne lawfully begoten by reason wherof the seyd ffolke entryd into the seyd manour and was therof seysid in his demean as of fee tayll by forme of the seyd gyfte & so seysid therof dyed seysid after whois deth the seyd manour of Holne with the appurtenaunces dyscendyd & of righth ough to dyscende vnto the seyd John late Erle of Bayth menyonyd in the seyd byll as son and heyr of the seyd ffolke who entryd into the said manour & was therof seysid in his demean as of fee tayll by forme of the seyd gyfte & also was seysid of the seyd compleynautes as vyllayns regardautes to the seid manour after whois deth the premyssis dyscendyd to the seyd nowe Erle as son & heyre of the seyd John by reason wherof the seyd now Erle entryd into the seyd manour of Holne with the appurtenauncez & therof is seysid in hys demean as of fee tayll by forme of the seyd gyfte & by vertue therof he the seyd now Erle claymyth the seyd compleynautes as vyllayns & bond men regardautes vnto the seyd manour of Holne & thervpon causyd seyser to be made of ten kyen three oxen one heyffer oone Erlynge & xj Shepe parcell of the goodes of the seyd compleynautes as lawfull was for hym to doo. Without that that the seyd ffolke manumysid or dyscharged the seyd Rychard Burde named in dede Beard & all his yssue & sequell of all maner of Servytude or bondage or that the seyd Rychard or any of hys yssue or sequell at anytyme nyoied any such privylage or benefyte of ffredom or were dyscharged or manumysid by any suche graunte of manumysyon in maner & forme as untrewly is surmysid in the seyd byll of complaynt or that the seyd ffolke of rygth ough to make any such graunte or manumysyon other then duryng hys lyf yf any such were or that the seyd Crystofer-prowse toke any suche goodes from the seyd compleynautes by the commaundement of the seyd now defendaunt or that any other thyng comprised in the seyd byll of complaynt beyng materyall to be answered vnto not answerid confessid & avoydyd denyed or trauersid is trew all whiche mater the seyd defendaunt is redy to auer as thys honorable Courte wyll award & prayeth to be

dysmyssid owte of the same with his reasonable coste expens & chargez for his wrounfull vexacion susteynyd in that behalf.'

c.

By the King.

Trusty and welbiloved we grete you well, and woll and desyre you that ye by auctoritie herof doo not only call afore you in our name our right trusty and right welbiloved cousen therle of Bathe and to receyve his aunswer to the bill herin closed vppon his othe duely taken, But also that ye in likewise call afore you the compleynautes in the saide bill named, and vppon the delyuery and restitution to them made by the saide Erle of such thair gooddes as lately hath been from them taken whiche we by our former lettres to hym heretofore addressed have commanded hym to doo, ye then take bondes obligatory or other assurances of the said parties for redelyuery of the same gooddes, if the saide Erle duely and sufficiently prove afore our counsaill the saide compleynautes to be his villayns appendaunt to his manour of Holle in the countie of Devon, and so accomplishing our pleasour as above said, to certifie vs and our counsaill in the White Hall at Westminster in writing vndre your sealles of the same aunswer by you taken with your further procedinges in this behalf in the monse of Ester nexte commyng without fayling thus to doo as ye tendre the quietnes of our subiectes and the preferment of iustice. Yeven vndre our prive Seal at our honour of Hamptoncourte the xv<sup>th</sup> of February the xxxij<sup>th</sup> yere of our Reigne.<sup>1</sup> <sup>2</sup>

R. TURNOUR.<sup>3</sup>

BURDE v. BATH, EARL OF.<sup>4</sup>

d.

'To the Kynge our Souerigne Lord.'

1551 'In most humble wise showythe and complaynethe vnto your highnes your ffeithfull subiecte and dayly oratour John Burde that where the right honorable erle of Bathe hath many tymes heretofore & yet doyth clayme your your <sup>5</sup> said orator to be his bondman, and by coloure therof aboute a xj yeres past one Christofer prouse &

<sup>1</sup> 1541.

<sup>2</sup> The further papers of this suit have not been found, but the history is given in D. following.

<sup>3</sup> Richard Turnour, a clerk of the Privy Seal. S. P. Dom. H. 8, xii. i. 1103 (15); cf. p. 175, n. 4, *infra*.

<sup>4</sup> Mr. Hunt's Calendar. Bundle 5, No. 145.

<sup>5</sup> Repeated.

John halffeaere by the cummandement of the said Erle wrongfully toke from your oratour dyuers of his goodes and cattalles ffor reformacon wherof your said oratour exybeted one bylle of complaynt to the right honorable Erle of Bedforde Lorde prevye seale that now ys then Lorde presydenste of the west parties <sup>1</sup> & other the kynges comyssyoners there ageynste the said Christofer prouse and John halffeaere for the wrongfull takynge of your oratours said goodes & cattalles whervnto they made aunswere that your said Oratour was bondman to the said Erle of Bathe & vyllayne regardent to hys manour of holme yn the countie of Deuon & that by his lordisshippes comaundement they toke the same goodes & cattalles as lafull hyt was for theym to doe, whervnto your Oratour repplyede that he was free & of free estate and nott vyllayne whervvpon they weire at issue, and vvpon the delyberatt herynge of the matter forasmych as your said Oratour showede ffourthe to the seid lorde prevye seale & to other the kynges comyssioners there that your said oratour ys manumyssyd & made free as by the dedes of manumyssyon therof sealed wyth the seales of the Auncestors of the said Erle of Bathe more at large dyd playnlye appeare, whervvpon the said lorde presydenste and the said other comyssioners ordered & decreed that your said Oratour shulde be restorede to the said goodes and cattalles and also be yn rest and quyetnes tyll suche tyme as better matter weire showede and that nott wythstandynge, most gracious lorde, the said erle of Bathe styll detaynede & kepte the said goodes and cattalles whervvpon your said Oratour after the said lorde prevye seales departynge from the west parties was drevyn to repayre to Sir Thomas Denys <sup>2</sup> Knyght & other Comyssioners yn the said west parties, whervvpon at the sute of your said Oratour<sup>3</sup> then wrote theire letters to the said Erle for the delyuery of the said goodes and cattalles whiche hys lordisshipp lyttyll regarded, whervvpon your said Oratour made humble petycion to the late kyng of flamous memorye Henry the viij<sup>th</sup> your highnes ffather & obteynede his gracious letters vnder his graces prevye priue <sup>4</sup> seale directed vnto the said Erle of Bathe, wyllynge & commandynge hym by the same to delyuer your Oratours said goodes & cattalles, and yet the same letters nott wythstandynge, the sayd Erle refused soe to doe, by reason wherof your said Oratour was drevyn to obteyn other letters vnder the previe Seale of the said late kyng directed to the Justices of assice yn the said Countie of Deuon auctorysynge them by the same nott only

<sup>1</sup> John Russell, first earl, diplomatist and soldier, Lord High Admiral, 1540-42; Lord President of the Council of the West, 1540; Lord Privy Seal, 1542; Earl of Bedford,

1550; Ambassador to Spain, 1554; died 1555. 'Dict. Nat. Biog.'

<sup>2</sup> See p. 15, n. 1, p. 50, n. 3, and p. 122, n. 2.

<sup>3</sup> Sic, 'they' omitted.

<sup>4</sup> Sic.

to wylle and requyre the said Erle of Bathe to delyuer the said goodes and cattalles & to take bondes of hym by his dede obligatory for the true performance of the same, butt also to take aunswere of the said Erle to the bylle of Complaynte of your said Oratour. Whervppon the said Justices of assice dyd aduertise the said Erle and that notwithstandinge the said Erle refused soe to doe whervppon your said Oratour was drevyn eftesons to make suete vnto the said late kynge & obteynede his maiesties letters once ageyne directed vnto the said Erle that his lordishipp vpon the payne of the forfeiture of too hundred poundes to his highnes<sup>1</sup> by vertue of whiche letters your Oratours said goodes & cattalles weire delyuered whiche longe suete was to the greate hynderance and ympouerysshynge of your said Oratour, howe be yt after thesaid longe suete endyd as ys afforsaid your said Oratour possessed all his goodes and cattalles yn quyetnes by the space of sevn yeres vntyll nowe of late most drade soueraigne lorde that is to saye the xxv daye of aprylle yn thys presente fifte yere of your maiesties Reigne<sup>2</sup> one John wolcott Reve of the said manour of holme John Reynolde John Shapter otherwise Bukler<sup>3</sup> Stuarde of the said manour by the commandement of the said Erle distrayned & toke awaye from your said Oratour the number of xi hedde of cattle of his owne proper goodes and cattalles that is to saye one horsse and one gyldinge vij keyne and too bullockes whiche weire all the lyve cattalles that your said Oratour hadde, the said geldynge stone horsse and fyve of the said keyne strayed awaye from theirer fellowes & came home ageyne to the howese of your said Oratour and the other ij keyne the said John woulcott John Reynoldes and John Shaptor alias Butler<sup>3</sup> doe styll detayne & kepe notwythstandynge request made to theym for thesame, butt aunswere your Orator that he shulde seeke the best counsell he coulde gette whyche ys a greate troble to your graces said Oratour beyng but a poore man, and yslyke to be hys vtter vndowynge, onlesse your graces accustomed mereye & petie be vnto him showed yn thys behalffe. In consyderacon wherof hit may please your highnes to graunte your most drede letters of prevy Seale to be directed vnto the said John woulcott John Reynoldes John Shaptor alias Butler cummandynge thym by vetue<sup>3</sup> therof personally to app[ear]<sup>4</sup> before your highnes & your most honorable Counsell dayly attendaunt vppon your Ryolle person at a certeyn day & vnder a certeyne payne vnto theym by your highnes [and your]<sup>4</sup> seid counsell to be lymytted therre & then to aunswere vnto the premysses & fferther

<sup>1</sup> Sic, apodosis omitted.

<sup>2</sup> 1551.

<sup>3</sup> Sic.

<sup>4</sup> MS. mutilated.

to stande & obey all suche order theryn as vnto your maiestie & your said counsell [sh]all<sup>1</sup> seme most mete to stande with equitie justice & good conseyence, and your said poore subiecte shall according to his most bounden duety daily praye vnto god for the longe contynuaunce of your highnes Riolle astate longe to indure to the pleasure of God.'

*Endorsed.*—Byrd versus Walcott Reynoldes & alios.

E. 'The Aunswere of John wolcott John Reynoldes and John Shapter alias Butler to the byll of John Burde alias Berde.'

'The said defendauntes for aunswere sayen that Nycholas Aysseton Robert Joece wylliam hyndeston and John Wydeslade were seysed that is to saye the sayd Robert in his demesne as of ffee and the sayd Nicholas Wylliam and John Wydeslade in ther demesue as of ffreholde of and in the Mannour of Holne in the Countie of Deuon, whiche said Nycholas Robert Wylliam and John Wydeslade and all they whos estate they hadde in the said Mannor were and haue byn tyme oute of mynde whereof ther is no memorye of man to the contrarye seysed of the Auncesters of the said compleynaunt and of his Bloude as vyllaynes and nyeffes regardauntes to the sayd Mannor of Holne And they beyng thereof so seysed by godde matter of Recorde gaue the sayd Mannor wyth thappurtenaunces amongst other Mannors londes and tenementes vnto Wylliam Bourchyer knight lorde ffytz warryn<sup>2</sup> and to the Ladye Thomasyne his wyf<sup>3</sup> and to the heires of ther ij bodyes lafullye begotten, By fforce whereof the sayd Wylliam lorde ffytzwarreyn and the ladye Thomasyne were thereof seysed in there demesne as of ffee tayll And they beyng thereof so seysed dyed of suche estate thereof so seysed By and after whose death the said Mannor wyth thappurtenaunces amongst other dyscendyd and came and of right ought to dyscend and come vnto ffoulke Burghelyer knight lorde ffytzwarreyn as sonne and heyre of the bodyes of the saide lorde wyllum ffytzwarreyn and ladye Thomasyne lafullye begotten, By force whereof the sayd lorde ffoulke ffytzwareyn entryed into the sayd Mannor wyth thappurtenaunces and was thereof seysed in his demesne as of ffee tayll, And he beyng thereof so seysed dyed of such estate thereof by protestacion seysed<sup>4</sup> by and after whos death the

<sup>1</sup> MS. mutilated.

<sup>2</sup> William Bourchier, first Lord Fitzwarine of this family, summoned to Parliament, 27 H. 6. Third son of William Bourchier, Earl of Ewe, by Anne, daughter and heir of Thomas of Woodstock, Duke of Gloucester. Collins, ix. 450.

<sup>3</sup> Daughter and heir of Sir Richard Hankford, kt., and sister and heir to Fulke Fitzwarine, ninth Lord Fitzwarine, who died temp. H. 4. Nicolas, 'Hist. Peerage.'

<sup>4</sup> 'Where a man pleadeth a thing which he dares not affirm or that he cannot plead for fear of making his plea double, as in

sayd Mannor wyth thappurtenaunces dyscendyd and came to the right honorable John late <sup>1</sup> Erle of Bathe as sonne and heyre of the sayd Lorde ffolke ffytzwarryn, By force whereof the sayd John late Erle of Bathe entryd into the sayd Mannor with thappurtenaunces and was thereof seysed in his demesne as of fee tayll, And he beyng thereof so seysed dyed thereof by protestacion <sup>2</sup> so seysed, After whos death the sayd Mannor wyth thappurtenaunces dyd dyscende and comme to the right honorable John nowe Erle of Bathe as sonne and heyre of the sayd John late Erle of Bathe. By fforce whereof the sayd nowe Erle entryd into the sayd Mannur wyth thappurtenaunces and was thereof seysed in hys demesne as of fee tayll. And the said defendantes namyd in the sayd Byll of complaynt at or nere the daye & tyme mencyoned in the said Byll as seruauntes to the said nowe Erle and by his commaundement dyd take awaye the gooddes and catalles of the sayd compleynaunte inelaymyng and seysyng the same to thuse of the said nowe Erle for that that the said complaynant is vyllayn regardaunte to the seyd mannor of Holne. Withoute that that the said manumyssyon mencyoned in the byll so made by the Auncesters of the said nowe Erle whose heyre he is, ys of anye force in lawe to dyscharge the vyllynage and bondage of the bloudde of the said complaynants ayenst the said nowe Erle forasmyche as the said Auncester whiche made the saide manumyssyon had nothyng in the said manur but in tayll at the tyme of the said manumission made &c. Or that anye other materyall thyng in the said Byll of complaynt mencyoned and not by this aunswere suffycyentlye confessyd avoyeded trausersyd or denyed is trewe. All whiche matters the said defendantes are redye to auerre and proue as this honorable Courte shall awarde and prayen to be dysmysed oute of this honorable courte with ther resonable costes and charges by them susteyned in that behalf.'

ORDERS AND DECREES.<sup>3</sup>Eodem die (Primo die Julii a<sup>o</sup> sexto<sup>4</sup>).

1552 Berde contra comitem de Bathe.

Be it remembered that the kinges counsaill vpon consideracons to theym shewed towchyng the suete of John Berde & William Berde

title to land by two descents, the defendant must plead one of them and put the word "protestando" instead of "dicit" as to the other, that such a one died seised &c.' G. Jacob, 'Law Dictionary' (1732), *sub*

<sup>1</sup> 'Protestando.'<sup>1</sup> 'Nowe' is struck out and 'late' substituted.<sup>2</sup> See p. 57, n. 4.<sup>3</sup> Vol. viii. p. 26.<sup>4</sup> 1552.

ayenste the erle of Bathe for and towchyng the clayme of Bondage in trauerse ys nowe ordred that the playntyffes apper afor the said Counsaill in crastino Animarum to folowe and prosecute ther suete in that mater orels the said lorde to be dismissed of any further suet afore the said [Coun]saill in that behalf herafter.<sup>1</sup>

BURGES v. LACY.<sup>2</sup>

A.

To the King our soueran lord.

? Before  
1541

In moost humble vise shewith & complayneth vnto your grace your dayly Oratour sir William Burges preest That where he hathe contynued in seruice with oone maistres Luce Lacy<sup>3</sup> of the said cite by the space of oone hole yere according to his promise & couenaunt and nowe at hys yeres ende wold lawfully departe for hys most proffet, so it is most gracious lord that the seid maistres Luce wrongfully & vntruely surmyseth that your seid oratour shuld graunte to serue her a nother yere whyche is vntrue & but mater fayned of malis as your seid oratour can & wyll evidently prove & iustfyie by sufficient Recordes & proves and ouer thys gracious lord the same maystres Luce of her Ryall power without cause or mater of right wrongfully with holdeth & kepeth from your seid oratour all hys quartier wagys xiiij s. iij d. and his gone the pryse ther of is xx s. iij s. iij d. and hys letturys of his ordurys contrary to right and god conscience. Please it there fore your noble grace the premissis tendyrly to consider and that your seid oratour is but lately comme to the cite and haue small aquayntaunce & very few friendes and also is of none power to sue for his right & remede by the course of the lawe of your most godly & blessid disposicion and at the Reuerence of God & in the way of charite to commande the seid mastres Luce personally to appere before your grace there to aunswere to the premissis & ferther to be orderyd in the same as by your grace shalbe thought most according with right lawe equitie iustice & good conscience and your seid oratour shall dayly pray to God for your prosperous and state longe to endure.

*Endorsed.* Burges querens Lacy.

<sup>1</sup> No further minutes found.

<sup>2</sup> Mr. Hunt's Calendar, Bundle 6, No. 101.

<sup>3</sup> The will of Luce Lacy, of the parish of

St. Anthonym, Watling Streate, London, was proved in 1541. Challenor Smith, 'Index to Wills Proved in the Prerogative Ct. of Canterbury' (Index Society, 1895), p. 321.

B.           Thaunswere of Luce Laey to the bill of complaint of Sir  
William Bruges prest.

The said Luce saith that the said bill of complaint is vntrew vnerten and vnsufficient to be aunswered vnto and the mater therein conteyned determynable by cours of the comen law wherof she praith allowance. Notwithstanding for the ferther declaracion of the trowth the said Luce saith that for a trowth the said sir William was in seruis and Reteyned with the said Luce for ij yeres and the said sir William promisid couenaunted and graunted to serue the said Luce by the space of ij yeres and not for one yere in maner and forme as is in the said bill specified. And as towching the said wages and gowen the said Luce saith that she is and at all tyme hath ben redy to deliuer hit to the said sir William so that the said Sir William will doo his seruis according to the couenaunt made with the said Luce. Without that that eny thyng effectuell in the said bill conteyned is trew otherwise then is specified in this present aunswere. All which maters the said Luce is redy to prove at<sup>1</sup> this court will award and paieth<sup>2</sup> to be dysmysed owte of the same with her resonable costes for her wrongfull<sup>3</sup> and troble in that byhalf.<sup>4</sup>

DARYNGTON v. CHAPMAN.<sup>5</sup>

A.                                           To the Kyng our Souereign lord.

1541    In moste humble wyse complayneth and shewyth vnto your maieste your seruant and subiet Rychard Daryngton oone of<sup>6</sup> footmen<sup>7</sup> Wher your Heythnes by your most gracijs letters of comysson vnder your Seall before this deputed and assigned your sayd Subiect to take for your maieste bandoges<sup>8</sup> or mastives by vertew of wyche your most gracijs letters of comysson and accordyng to the tenor of the same your said oratour in May last past came to oon John Chapman then & yet mayor of your towne of Cambrige requyring and desyryng hym in the name of your maieste and by vertew of your sayd grasijs letters of comysson wyche your sayd Seruant and

<sup>1</sup> Sic, for 'as.'

<sup>2</sup> Sic, for 'paieth.'

<sup>3</sup> No further proceedings found.

<sup>4</sup> Mr. Hunt's Calendar, Bundle 4, No. 226.

<sup>5</sup> A word, presumably 'your,' deleted.

<sup>6</sup> See p. 17, n. 5, supra.

<sup>7</sup> Band- or bond-dog, 'a dog tied or chained up, either to guard a house or on account of its ferocity; hence generally a mastiff, bloodhound,' J. A. H. Murray 'New Engl. Dict.,' Oxford, 1888, s.v.



subiet then and ther shewed to the sayd John Chapman mayor<sup>1</sup> to haue for your grace fouer bandoges in your sayd towne of Cambrige of the wyche bandoges the sayd John Chapman then was & yt<sup>2</sup> is owner of oon of them whose request and desyre in your gracious name the sayd mayor lytyll or nothyng regarded but in skorne sent a chyld with your sayd seruantt in to the said towne for the execucion of your comysson so that by the necelegene and lyght demenour of the mayor your sayd servant and subiet was not only dissapoynted and mocked of suche bandoges as he shold have had in the sayd towne for your grace but also the sayd John Chapman in no wyse wold permyt your sayd orator to haue for your maieste hys one bandoge. Wherfor your sayd seruand and subiet for the execucion of your gracious comysson delyuered to the sayd John Chapman the same your sayd comysson requyryng hym in your gracious name that your grace<sup>3</sup> pleasure shold be observyd with spede that is that he to gether with your sayd letters of comysson shold with all expedycon send to your grace his bandoges and thre other suche as your sayd seruand and subiet then named to hym beyng within the sayd towne wyche to doo the sayd John Chapman nothing regardyng but obstynatly and proudely not only reteynyth in his handes your sayd comysson but also hath not send to your grace the sayd doges in derigacon of your maieste and in a yll example of your gracious subietes for reformacon wherfore yt may pleas your heythnes to graunt your gracious letters of privy seall to be dected to the sayd John Chapman comaundyng hym by vertew of the same personally to apere before your honourable counsell in your Whyte Hall att Westminster att a certen day and vpon a certen payn by your maiestie to be lemytted ther to aunssuer to the premysses. And your sayd orator shall daly pray to our Lord for the most Royall estate of your exelent heythnes long to conteneu to his most blessed pleasure.

CURSON.<sup>4</sup>

#### ORDERS AND DECREES.<sup>5</sup>

Eodem Die (xxviiij die Junii a° xxxiiij° 6°).

Johannes Chapman maior ville Cantabrigie personaliter comparuit coram consilio domini Regis die et anno predicto virtute brevis

<sup>1</sup> John Chapman was Mayor of Cambridge in 1541, as appears from the entry of his appearance (see below). He had been Coroner of the liberties of Cambridge in 1532 (S.P. Dom. H. 8, v. 838, 1), and on the commission of the peace for the borough in 1537 (ib. xii. 1150, 22).

<sup>2</sup> Sic, for 'yet.'

<sup>3</sup> Sic.

<sup>4</sup> Robert Curson, of Lincoln's Inn, appointed second Baron of Exchequer 1547, died c. 1550. Foss, v. 300.

<sup>5</sup> Vol. vii. 32 H. 8—1 Ed. 6. This volume has presumably been rebound since the list of 1881. See p. lii, supra. <sup>6</sup> 1541.

de privato sigillo sub pena *cl. ad sectam Ricardi Daryngton et . . .*<sup>1</sup>  
 . . . . . et hoc sub . . . .<sup>2</sup>

INHABITANTS OF BURNAM (SOMERSET) *v.* RICHARD FFYNES.<sup>3</sup>

‘To the Kynges moste Roialle maiestie our  
 Souerian lorde.’

1543 ‘In moste humble wise complayneth & sheweth vnto your moste excellent and Roialle maiestie your true & faithfull subiectes and daylye orators the inhabitantes & dwellers of the perishe of Burnam in your county of Somerset and tenautes bye copie of courte rolle vnto Richard ffynes of Broughton in the County of Oxforde esquier latlye warde vnto your grace. That where one Edwarde ffynes late of Broughton in your sayd countie esquier decessyd & father vnto the sayd Richard ffynes was seasyd in his demeane as of fee of & in the maner of Burnam aforesayd within the whiche maner is a greate waste grownde or comon called the brode Warthe<sup>4</sup> wherin aswell your sayd orators beinge cople holders of the sayd maner as ther predecessors occupiers of the tenementes & holdes that your sayd suppliantes do now holde & occupie by copie of courte rolle by their seuerall rentes of the lorde & owner of the sayd maner of Burnam as also diuerse other gentilmen beinge freeholders & holdinge their freholdes of the sayd maner haue vsed tyme owt of mynd to haue common in the sayd brode warthe for their catell as the contrey can testyfy therabowte. And where also the sayd Edwarde ffynes owner of the sayd maner for diuerse greate summes of money to him payed in the name of fynes & incoms<sup>5</sup> granted to diuerse persons of the sayd parishe diuerse parcellles of the demeane landes of his sayd maner called & knowen ther by the name of Vuerland<sup>6</sup> which Vuerland hathe ben tyme out of mynd vsually let & granted by copie of courte rolle to the tenautes therof for like astates as the tenementes & other landes longynge to the

<sup>1</sup> Obliterated.

<sup>2</sup> No further proceedings found.

<sup>3</sup> Mr. Hunt's Calendar, Bundle 8, No. 135. This Richard Fynes (called Lord Say) died in 1579. G. Lipscomb, 'Bucks,' ii. 470. The manor came to this family by marriage with that of Wykeham, temp. H. 6. Collinson's 'Somerset,' i. 180.

<sup>4</sup> Warth. In Herefordshire, a flat meadow

close to a stream. Halliwell.

<sup>5</sup> I.e. the fine at the incoming, 'ad ingressum,' frequently called a 'gressom,' or 'gressum.'

<sup>6</sup> Apparently an erasure here, as though the transcriber had had a difficulty with the original. The name, as presently appears, was 'ouerland' In modern typography 'Uverland.'

same called olde astre<sup>1</sup> hath ben let & granted for asmiche as diuerse of the sayd tenementes & holdes called the olde astres be but small holdinges & be not sufficient & able to mainteyn a plow & to bere & sustain the charges of the occupiers & tenauntes of the same without the sayd ouerland annexed & adioined vnto the same wherby the tenementes & howses be the better susteyned & hospitalite amonges them the better mayntened & supported the lordes rentes the better payed & his fynes for estates & entres in to the same dayly increased. So it is most gracious soueren lorde that sithe the sayd Richard ffines hathe sued liuerie owt of your graces handes of the said maner by means of sinistrie & ill counsell entendinge the vtter vndoinge of your said poor subiectes for a singuler lucre & proffitte to him selfe & to one or towe more at a courte there laity holden hath not only discharged diuerse of your saied subiectes of ther ouerland granted vnto them by the said Edwarde ffynes his father as shall & may apere by ther seuerall copies but also hathe taken from your said orators & other his freholders the said common called the brode warthe & discharged them of the common in the same And the same brode warthe entendit he for his own singuler lucre & proffit to dike & enclose & to make seuerall & to graunte & let the same to ferme & holy to expelle & exclude your pore subiectes their children & posterite from ther lawfull common in the same contrare to equite & right & conscience And for asmiche as diuerse of your pore subiectes wolde not assent to haue the said common enclosed & made seuerall but resisted & did withstande the same the said Richarde ffynes hathe lately vexed them by subpenas & sued them in your high courte of chauncerie for the same entendinge therby to putte your said oratours to trouble vexacion & coste & therby vtterly to vndoo your sayd pore suppliantes so that they shall not be able to leue<sup>2</sup> & paye ther duties to Gode & vnto your grace & vnto him for ther said holdes onles your moste excellent maiestie beinge moved with your accustomed mareye & pitie be graciou vnto them in this behalfe hit may therefore please your highnes to directe your graciou lettres missyves vnto the sayd Richard ffynes commaundinge him by the same to permitte & suffre your said suppliauntes to haue hold & enioy ther sayd common in the said brode warthe as they & their predecessors heretofore haue hitherto vsed the same and to haue holde & enioye soche ther ouerlandes quietly accordinge to their copies and to surceasse & withdrawe his suit in the chauncerie ayenst your pore

<sup>1</sup> Astre, a hearth; the holding at will by a villain in blood on the demesne. See P. Vinogradoff, 'Villainage in Eng-

land' (1892), p. 56; 'Trans. R. Hist. Soc.' 1892, p. 200.

<sup>2</sup> i.e. levy.

subiectes and no farder to sue vexe nor inquiett them for the same or ells to appere before your grace & your honorable counsell at a certen daye to answer vnto the premisses and thervpon suche farther direction & order to be taken in the premisses as shall & may stand with equitie right & conscience. And your said subiectes shall dayly praye vnto Gode for the preseruacion of your moste noble & roiall estate longe to endure.

MAWDLEY.<sup>1</sup>

*Endorsed.* Inhabitantes de Burnham versus Ricardum ffynes armigerum.

This mater ys dependyng in the Chauncerie at the sewte of parte of the complaynants.

Thinhabitauntes of Burnham agayne Mr. ffynes.

ORDERS AND DECREES.<sup>2</sup>

Eodem die (xxvj<sup>o</sup> die Januarii a<sup>o</sup> xxxiiij<sup>o</sup>).<sup>3</sup>

Ricardus ffynes armiger personaliter comparuit coram consilio domini Regis apud Westmonasterium die et anno predictis virtute brevis consilii domini Regis ad sectam tenencium de Burneham in comitatu Somerset.

KENT AND OTHERS INHABITANTS OF ABBOT'S RIPTON  
v. SEYNTJOHN.<sup>4</sup>

A. To the kyng oure soueraigne lord.

1543-44 'In most humble and peteous case complaynyng shewen vnto your excellent highnesse your pore dayly oratorys and true and faithfull subiectes Symon Kent William Byrde Thomas Yong William Yong William Baxster Thomas Rogar and William Stokeley tenauntes and inhabitauntes of the lordshipe callede Abbates Ripton in your countie of huntyngton parcell of the landes and possessions of the late monastery of Ramsey in the seid countie now dissolyde ;<sup>5</sup> That

<sup>1</sup> Presumably signature of counsel. I have not been able to identify this person.

<sup>2</sup> Vol. vii. p. 147, 32 H. 8—1 Ed. 6.

<sup>3</sup> 1543.

<sup>4</sup> Mr. Hunt's Calendar, Bundle 7, No. 10. 35-36 H. 8.

<sup>5</sup> Ramsey Abbey was surrendered 22 Nov. 31 Hen. 8 (1539). The possessions of the Abbey at Abbot's Ripton are given in Dug-

dale as follows: 'Monast.' ii. 588.

Ripton Abbatis Manerium cum Wenyngton Esthorppe.

Redditus Assise libere Tenentium . . . . .	£0	4	2½
Redditus Assise Custumarie Tenentium . . . . .	20	9	9
Redditus Tenentium ad voluntatem . . . . .	1	13	4

wher your seid oratorys and other the most parte of the tenauntes and inhabitauntes of the seid lordshipe alwaies hertofore tyme out of mynde haue peasablie vsed and accustomede to haue holde and enjoye their seuerall holdinges and Tenauncies by copie of courte Roll to them and to their heires in fee symple or for terme of yeris or for terme of liff or lyfes after and according to the aunciente and laudable vsage and custome of the said manour or lordshipe paying the rentes customes and seruices due for the same to the chieffe lorde tharof aswell in the tyme while the seid late monastery contynuede as synce the dissolucion therof while the seid lordshipe was and contynuede in your graces handes and possession without lett vexacon or destourbaunce vntill now of late that is to saye abowte twoo yers last past that on sir John Seynt John knight to whos handes and possession the seid lordshipe by reason of an Exchange therof to hym made by and from your highnesse is now come, Who syns his entre into the same of his greate myght and powere withoute any iuste cause or grounde resonable contrary to the seid auncient vsage and custome, of his insaciablie covetous mynde and for his own singulere luere and aduauntage by compulsion threatynge and other sinistre and vnlauffull meanes hath gotten into his handes many copies of courte rolles of the seid lordshipe wherby diuerse of the seid tenauntes helde thar seide seuerall tenauncies to whom he now hath grauntede the same by seuerall Indentures of lease for terme of yeris graittie raysing and enhauncynge the rentes due and reseruyde for the same to ther greate hurte and empouerysshinge and by force and colour wherof he wolde in likewise cause and compell your seid oratores and all other tenauntes of the seid lordshipe so to do to ther like hurte and empouerysshynge. And for that they nor any of them wolde be agreable so to doo the same sir John Seynt John of his further euell and vncharitable mynd entendinge to fatigate oppresse and subdue your seid oratores and the seid other tenauntes and the rather to compell them to agre to his sed couetous and vnresonable appetite hath now of late not onlie entrede vpon the falowe of the seid William Stokeley one of your seid oratores and deuourede eatten and consumede with his cattall the gresse pasture and seuerall medowis of the same Wylliam and hath beaten and stryken the seruauantes and cattall of the same William in such wise that the same William dare not for feare and daungere of his liffe travaile and laboure abought his lauffull and necessarie affaires and businesse in the cuntre ther but also hath attemptide and pursued diuerse accions of trespasse agaynst them for the kepinge and occupacion of their seid tenauncies

byfor your Justices of your commyn beanche in Westmynster and hath caused them to be attachede vpon the same, and nat so contentede but myndyng to put them to further vexacion and trouble wrongfullie nat onlie hath discountynuede the same accions and no further will procede therin, but also hath causede and proceurede one Olyvere Seynt John Sonne and heire apparaunte of the seid sir John<sup>1</sup> to attempte and pursue sundry accions of trespas byfore your seid Justice in the seid benche agaynst your seid oratorys which Olyvere procedith in the same agaynst your seid oratorys entenyng wrongfullie to condempne them in the same accions agaynst all right and good conscience and to the greate losse empouerysshinge and vter vndoing of your said oratores in this worlde for euer onles spedy remedy be by your highnesse providede in this behalffe. In tender consideracion and for remedy wherof and forasmuch as your seid oratores being but verey pore husbondmen having wiffes and many children to susteyn and who haue paide greate sommes of money aswell for fynes & incomes at the first entre in to ther seid holdinges as also bestowede greate coastes and charges in and vpon the reparacions and newe buyldinges of the premisses. ben not able nor of power to trye with the seid sir John Seynt John and Oliuer beinge gentilmen of greate londes possessions and substaunce and in greate estimacyon and auctoryte in the countre ther, for ther remedie by the due course of your Commen lawes: It may therfor please your highnesse to graunte your gracyous lettres vnder your preve seale to be directed to the seid sir John and Oliuer commaundyng them

<sup>1</sup> The identification of this personage is rendered difficult by the circumstance that three in succession bore the same name. Of these the eldest was Sir John St. John, knighted in 1488, whose mother Margaret, sister and heir of John Lord Beauchamp of Bletsoe, became by her second marriage with John Beaufort, duke of Somerset, the mother of Margaret, countess of Richmond, and therefore grandmother of King Henry 7 (Collins's 'Peerage,' ed. Sir E. Brydges, London, 1812, vi. 741). He was one of the executors of the countess of Richmond in 1509 (S. P. Dom. H. 8, i. 406). His son, Sir John St. John, knighted in 1497 (Metcalfe's 'Book of Knights,' p. 27), was a knight for the Body in 1516 (S. P. Dom. H. 8, ii. 2735). The first Sir John St. John appears to have died in or before 1528 (ib. iv. 4993, 4). This, the second Sir John St. John served as High Sheriff for Beds in 1529-30 (ib. 6072, 9), and for Beds and Bucks in 1534 (ib. vii. 1498, 13); and in 1528 his eldest son John was returned to

Parliament as burgess for Bleching Lee (Bletchingly), (ib. iv. p. 2691). At the Coronation of Anne Boleyn in 1533 Sir John St. John and John St. John were both in attendance as members of the household (ib. vi. 562, i. ii.). Sir John was entrusted with the duty of suppressing the Lincolnshire rising in 1536 (ib. xi. 844, 1972, 1103), though he was 'a man of gentle nature' (ib. xii. i. 810). In 1540 he was one of the knights appointed to meet Anne of Cleves (ib. xv. p. 5), and in the same year was a commissioner of gaol delivery for the Norfolk circuit (ib. 282, 6). On 3 June 1540 he received grants of land in Bedfordshire previously the property of the priories of Chicksand and Harwold (ib. 831, 16). The eldest son John St. John having died some time after 1539 (ib. xiv. ii. 236 [p. 74]), the second son Oliver, the second defendant in this action, became his father's heir. This Oliver was created in 1559 Lord St. John of Bletsoe (Collins, l.s.c.).

and either of them by the same vpon a certeyn payn by your highnes to be lymyttede nat onlie personallie to appeare byfore your highnesse and your honorable counseill attendaunte vpon your most Roiall person at a certeyn day by your highnesse to be prefixed ther to answer to the premisses and to suffere and abyde such ordere and direccion theryn as shall stond with right equitye and good conscience, but also that they the same sir John and Oliuer nor eny of them nor any other person or persons for them nor in ther namys or the name of eny of them nor by their or any of their assent commaundemente or procuremente in the meane tyme do procede eny further in the said accions or any of them agaynst your said oratores or any of them. And your said Oratorys shall dailie pray to God for the prosperyte & preseruacion of your most Roiall maiesty long to Reigne and endure.'

*Endorsed.* Thinhabitauntes of Abbottes Ripton against Sir John Seynt John.

Primo die februaryi, anno xxxv<sup>to</sup>.<sup>1</sup>

Committatur causa ista ex assensu partium Thome Hutton & Thome Hall armigeris ad examinandum veritatem secundum consuetudinem manerii finaliter. Detur partibus vocatis cum testibus aliter ad certificandum consilio Domini Regis iuxta compertum inscriptis xv<sup>a</sup> pasche proxime [in]iungendo partes ad comparandum eodem die sub pena *et li*.

Robert Bowis.<sup>2</sup>

Olinerum Saint Johns

Oliuerum Saint Johns armigerum continuatur causa

Thinhabitauntes of Abbottes Ripton rustice

B. 'The Answer of Olyver Seint John Esquier Sonne & heyre Apparant to sir John Seynt John knyght to the byll of complaynte of Symon Kent william Byrde Thomas yonge William Baxter Thomas Roger and William Stokeley.'

'The said defandant saythe that the said bill of complaint is vntrewe and insufficyent in the lawe to be answered vnto and the matter therein conteyned devised onely of malice to putt the said defandant to vniuste costes vexacion and trouble. Neuertheles the aduantage of the insufficyencye thereof to the said defandant at all tymes hereafter saved, The said defandant for answer saythe that

<sup>1</sup> Feb. 1, 1544.

<sup>2</sup> See p. cxviii, n. 107, supra.

within shorte space after that the said manur of Abbottes Rypton came vnto the handes of the said sir John Seynt John by exchange from the kynges maiestye, The said sir John Seynt John at a cowrt holden in his name at Rypton aforesaid vpon commynycacion hadd betwext one Thomas fitzhewghe<sup>1</sup> gentleman at that tyme Steward of the said cowrte and other the tenauntes of the said mannur of Rypton dyuerse of the said tenauntes disclosed vnto hym howe that the moste parte of the coppie holldes within the said manur dyd begyn but within the space of theis xx<sup>ti</sup> yeres past.<sup>2</sup> Whereuppon the said Thomas fitzhewghe advised them to sewe vnto the said sir John Seynt John and to relynquyshe their coppie holldes beyng allwayes voydable in the lawe at the wyll of the<sup>3</sup> lord and to take their ffermes by Indenture for terme of yeres. Whereunto the moste parte of the said tenauntes wer veye agreable and accordenglie vppon their sewte the said sir John Seynt John dyd lett vnto asmanye of the tenauntes as dyd repayre vnto hym which wer vnto the nombre of xij or xiiij persones their senerall ffermes by Indenture for the terme of xl<sup>te</sup> yeres. And the said William Stokeley one of the said complaynauntes and all the residewe of the said ffermers, except the residewe of the said complaynauntes have in lyke mannur surrendred and yelded vpp their coppie holdes vnto the said sir John Seynt John and submytted them selfes to stand to his ordre desyrenge to take the same by Indenture for terme of yeres. And forasmoche as the said complaynauntes pretendyd to holde their coppieholdes by myght and strengthe and to waste and spoyle their coppie holdes And to cutt downe suche wood and trees as wer and be growynge vpon the same<sup>4</sup> have not onely stubbernelly and ffrowardlye refused to agree to the same resonable ordre and ffascion that the Residewe of the said tenauntez have done but also have labored procured and done asmoche as in them is to cause the Residewe of the tenauntez there and their neibors to relynquyshe their said resonable agrementes. And have procured one commen purse to be ordeyned to geyther one common stock to thentent obstynatlye to defend their peruerse and ffroward appetitez And to enioye their voyde coppie holdes maugre of the lordes hedd Therefore the said sir John Seynt John perceyvenge the vntrewthe and obstynatye of the said complaynauntez entered in to the coppie holdes of the said complaynauntez beyng

<sup>1</sup> Commissioner for gaol delivery for Hunts, 1538. S. P. Dom. H. S. L. & P. xiii. i. 190, 34.

<sup>2</sup> Cp. 2 & 3 E. 6, c. 12.

<sup>3</sup> For a discussion of this see 'Eng. Hist.

Rev.' viii. 688, and 'Trans. of the Royal Hist. Soc.' 1892, pp. 219-221.

<sup>4</sup> For the law of Waste as affecting copyholds at this period, see 'Trans. Royal Hist. Soc.' 1893, pp. 128-130.



voyde by the ordre of the lawes of this Reallme.<sup>1</sup> And vpon one Regresse made therinto by the said complaynautes the said sir John Seynt John pursewed one Accion of trespas agaynst the said complaynautez at the kynges commen lawes as lafull yt was for hym to do. And after suche tyme as the said Manur was appoynted vnto the said defendand and vnto Agnes his wiffe<sup>2</sup> for the preferment of her Joyntor by his said ffather, The said defendand perceyvenge the said complaynautez to contynewe in their obstynatye and pernerse mynd discharged the said complaynautes from their occupacion of their seuerall ffermes beyng but his tenauntez at wyll.<sup>3</sup> And vpon the regresse of the said complaynautez the said defendand hath pursewed one Accion of trespas agaynst them at the kynges commen lawe as lawfull it was and ys for hym to do. Without that the said complaynautez or any of them or any other whose estate they or any of them pretendethe to haue in their said seuerall ffermes haue holden their said seuerall ffermes by coppie of cowrte rolle tyme owte of mynd<sup>1</sup> as in the said byll of complaynt is vntrewlye alleged. And without that that any other thyng conteyned in the said byll of complaynt materyall to be answered vnto And in this answer not suffyeyntlye traused or confessed and avoyded is true. All whiche matters the said defendand is reddye to averr and prove as this honorable court shall award. And prayethe to be dismyssed owte thereof with his resonable costes and damages for his wrongfull vexacion susteyned in this behalf.'

T[este] F. MORGAN.<sup>4</sup>

- c. 'The replicacion of Simon Kent and others of the tenants and inhabitantes of the lordshipe callide Abbottes Ripton to the answere of Oliuer Seynt John squyer.'

'The seid compleynautes seyn and euery of them saithe that ther seid bill of complaynt is trewe and sufficient in the lawe to be answeride vnto and the matere therein conteynede nat deviside for eny suche intente or purpose as in the seid answere vnrulye is surmysede.

<sup>1</sup> Cp. 2 & 3 E. 6, c. 12.

<sup>2</sup> Daughter of John Fisher, Esq., and grand-daughter and heir of Sir Michael Fisher to large estates in Bedfordshire. Born 1526. Brydges, Collins's 'Peerage,' vi. 741.

<sup>3</sup> For a discussion of this see 'Eng. Hist.

Rev.' viii. 688, and 'Trans. of the Royal Hist. Soc.' 1892, pp. 219-221.

<sup>4</sup> Francis Morgan of Kingsthorpe, Northants, and of the Middle Temple; serjeant-at-law, 1555; justice of the Q. B., 1558; d. Aug. 19, 1558. Foss's 'Lives,' v. 385.

And further auerith all and euery thinge and thinges in their seid bill of complaynte to be good and true and that the seide answere is vntrue vncerteyn and insufficiente in the lawe to be repliede vnto Neuerthelesse the aduantage therof to them and euery of them sauide sayen and euery of them seith that the seide complaynauntes and their Ancestores and all they whois estate they haue in the premisses tyme out of mynde haue peasablie vside and accustomede to haue holde occupye and inioye the same scuerallie by copie of courte roll to them or their heires in fee simple fee taile for terme of life or lyves or yeres at the will of the lorde of the same premisses for the tyme beinge in manere and forme as in their seid bill of complaynte is allegide and that the seid sir John Seynt John synz his entre in to the seid lordshipe of Abbot Ripton haith gotten in to his handes and possession dyuerse of the seid copiez of courte roll and haith made dyuerse and seuerall leases of the premisses by indenture and therof hath greatlie enhauncide the rentes to the greate ympouershing of the seid tenauntes and wold compell the seid complaynauntes and also dyuerse of the tenauntes of the seid lordshipe to take ther fermys and tenementes with their appurtenaunces by like lease in maner and forme as in their seid bill of complaynt is compryside. Without that that dyuerse of the seid tenauntes discloside vnto the said Stuarde that the most parte of the said copie holdes dide begynne but within the space of xx<sup>th</sup> yeres than last past or that the most parte of the seid tenauntes ware agreable to relinquishe their seid copiez and to take the premisses by indenture otherwyse than byfor is reherside, or that the seid Stocley, one of the seid complaynauntes or any other of the seid complaynauntes euer surrenderid or gave vpe their seide copie holdes to the seid sir John Seynt John in maner and forme as in the answere is allegide. And yf they dide as they dide not to the knowlege of the complaynauntes yet it is not materiall to the seid complaynauntes for asmuch as euery copie holdere may surrendere his copie holde at his pleasure. Without that the seid complaynauntes pretendide to holde ther seid copie holdes by myght and streynight or to wast or spoyll the same or to cutt down any wood or treez growing vpon the premisses or any parcell therof otherwise than lafull was and ys for them to doo or haue procuride the residue of the tenauntes their and their neighbours to relinquishe their seid agreement or procuride any common purre for such entent or purpose as in the seid answere vntulie is mencionide and without that that eny other thing in the seid answere compryside other than in this replicacion is confesside denyede or

trauersede is true all which materes the seid compleynautes are redy to auer and prove as this honorable court shall awarde and prayen as they before haue preid.'

D.

By the King . . . <sup>1</sup>

'Trusty and welbiloued we grete you well and by the contynue of a certeyn byll of complaynte with thanswere and Replicacyon therunto annexed whiche we send vnto you herein conteyned ye maye perceyue a matier in sute and varyaunce apendynge afore Vs and our counsaile bytwene one Symon Kent and other playntiffes ayenst John Seynt John knight and Olyuer Seynt John defendautes wherypon we confyngge in your approued wisdomes and indifferences for the due administracyon of Justice woll and desire you that by auctoritie herof callinge afore you in our name the said parties with their witnesses ye doo groundely examyne the verite and truthe of the matier accordynge to the custome of the manour with all the articles and circumstances of the same endeveryngge you therupon fynally to ordre and determyne the same yf ye can and if through the thobstynacye of eyther of the said parties ye cannot conveniently so doo Then we woll ye doo certifye vnto our said Counsaile by your writinges sealid in the White Hall at Westminster in the quindecym of Easter next commynge <sup>2</sup> the veraye truthe and playnes of the matier like as ye shall fynde by your said examynacyons yevynge Iniunceyon in our name to euery of the said parties to bee and personally appere afore our said Counsaile at the same deye vpon peyne of *e li*. To thentent we by thaduise of our said Counsaile maye farther doo therin as to righte and good justice shall apperteyne Not faillinge herof as ye tendre our pleasure and the preferment of justyce. Yeuen vndre our priue Seale at our Palois of Westminster the first daye of February the xxxv<sup>th</sup> yere of our Reigne.' <sup>3</sup>

*Endorsed.* Tenentes de Abbottes Rypton

The Excecuyon of this Comission appereth in these secdulles hervnto annexyd.

<sup>1</sup> MS. illegible.

<sup>2</sup> April 27, 1544.

<sup>3</sup> 1544.

E.<sup>1</sup> Interrogatories for witnessse to be examynede on the partie of Simon Kent and other agaynst Sir John Seynt John knyght and other.

i. Inprimis Wether the tenentes and inhabitance of Abbot Ripton within the countie of hunt haue tyme out of mynde vside to haue ther seuerall holdes by copie of courte roll to them and to their heires in fee simple for terme of yeres or liffe according to the custome of the manere aforseid.

ii. Item Wether the seid tenauntes or any of them were euer vexide or troublide for ther seid copie holde landes duryng the tyme the seid manere was in the handes of our soueraigne lorde the king.

iii. Item Wether any of the copie holders of the said manere haue surrenderide ther copie hold landes to the said sir John Seynt John or to Oliuer Seynt John his sonne yf they haue Wether they dide it frelie or by compulcion or for what consideracion they surrenderide it and how many of the tenauntes haue surrenderide ther seid copie holde and what are ther namez that haue surrenderide.

iiij. Item Wether the seid sir John Seynt John or the seid Oliuer haue enbauncide the rentes of the seid manere synce it came to ther handes and yf they or eny of them haue to what value.

v. Item wether the seid sir John Seynt John or the seid Oliuer haue enteride on the landes of eny of the seid copie holderes and yf they or any of them haue vpon which of the tenauntes landes and wether they enteride peasablie or with force.

vj. Item wether the seid sir John Seynt John or the seid Oliuer or any of them have taken or destroyde the heye corn or gresse of eny of the tenauntes of the seid manere and yf they or eny of them haue whois and what it is they haue taken or destroyde or to what value.

vij. Item wether the seid sir John Seynt John or the said Oliuer haue vexide or sude the said tenauntes or eny of them for ther seid copie holde landes synce it cam to ther handes. Yf they or eny of them haue by how many seuerall accions and in what courte.

viii. Item wether the tenauntes of the seid manere may lauffullie fell the timbre and other wood on ther copie holde landes growing.

ix. Item whether the seid sir John Seynt John or the seid Oliuer

<sup>1</sup> There is a duplicate of these interrogatories with the names of the witnesses in document F. written after the respective

items, on which they there gave evidence. It is endorsed 'Mr. John Sewster' (see p. 87, n. 2).

or eny of them or eny other in ther name or by their procurment or by the procurement of his or ther bayleve haue compellide eny of the tenauntes to geue vp ther copies and yf they haue how many of the tenauntes and what were ther names.

**F.** 'The deposicyons of certeyn wytnessys takyn at Abbottes Rypton within the Countye of Hunt[ingdon] byfore Thomas Hutton<sup>1</sup> and Thomas Hall<sup>2</sup> Esquyers the xvij<sup>th</sup> daye of Aprill the yere of the reign of our soueraign lord Henry the Eight by the grace of god kynge of England france & Irland defendour of the ffayth & in Erth of the Churche of England & also of Irland supreme head the ffyve & thryttye<sup>3</sup> by vertue of a Commission to theym direct from the Kynges maiestye for the parte of Simon Kent & other complaynauntes.'

John Pakey of Old Hurst Clerk of the age of lxxv yeres sworne & examyned vpon his oyth sayth that he hayth knowen the manour of Abbot Rypton by the space of ffyfte yeres and that he was Rydyng Steward of the landes that belonged to the layt monasterye of Ramesey and many tymes by reason therof he was present with the Steward that kept courtes aswell in this shyre of Hunt[ingdon] as Bedford Shyre Hertforth Shyre & other Wher as any landes belongyd to the said monasterye And therupon examyned of the ffyrst article & Interrogatorye directtly sayth, That he knewe that the comen vsage & custome was ther at that tyme that some & maney of the tenauntes of Rypton tooke dyuers landes, videlicet, thayr holdes by cople of Court Rolle some for terme of lyff some for terme of yeres and some to thaym and to thayr heyres & assignes and payd thayr ffynes renttes & other customes as yt was agreyd betwyn the lord & tenaunt and thervpon occupied thayr landes accordyngly. And all suche wood as greywe vpon thayr cople holdes they dyd & myght fell & haue thaym without lett or interupeion of the Abbot or of his Offycers. And to the ij<sup>de</sup> Article he sayth that he neuer knewe any man trobelyd for thayr cople hold land in Rypton, nether whyles the manour was in the Kynges maiestyhes handes nor whyles yt was in the Abbottes handes.

To the iij<sup>de</sup> iiij<sup>th</sup> v<sup>th</sup> vj<sup>th</sup> vij<sup>th</sup> viij<sup>th</sup> & ix<sup>th</sup> articles this deponent can nothyng saye of his own knowlege.

Wylliam Sylke of Benwyke in the countye of Cantebr[idge] clerk being of the age of lx yeres & more sayth that he was rydyng Steward

<sup>1</sup> See p. 77, n. 1.

<sup>2</sup> See p. 77, n. 2.

<sup>3</sup> 1544.

of Ramsey by the space of xvj yeres sworn & examyned vpon his oythe sayth to the ffyrst article of Interrogatoryes as the ffyrst deponent hayth said concernyng the holdyng & takyng of copy hold landes. And moreover he sayth that he hayth seayn bokkes and recordes maid in Kyng Edward dayes the thyrde at suche tyme as Shedyngton,<sup>1</sup> Butterwyk & Stowe wer abbottes of Ramesey<sup>2</sup> that the tenementes & land in Rypton byforesaid wer lettyn by cople of Court Rolle as is byforesaid & deposed.

To the second article he sayth as the ffyrst deponent hayth said and to all the other articles he can nothyng saye.

Richard Button of Steple Gyddyng in the said Countye of hunt gent. of the age of ffyfte yeres sworn & examined to the ffyrst Interrogatorye sayth that he was audytour & clerk of the Courtes at Ramesey and the landes & tenementes in Rypton not being no parcell of the demauns hayth beyn lettyn by cople of Court Rolle to the tenauntes for terme of yerys and in his tyme about xiiij or xiiij<sup>3</sup> yeres sythens he knewe certayn of the cople holders ther that theye dyd renewe thayr copleys viz. wher they wer maid to thaym for terme of yeres they repewyd thaym to be maid to thaym & to thayr heyres & assignes for euer after the custome. And ffurther he sayth that ther was a blak Bokk of the Register callyd a Garseyn<sup>4</sup> Bokk & in that Bokk is registryd & enteryd maney copleys that belongyd to the said Monasterye of Ramsey To all the other Articles the said deponent can nothyng say.

Maister John ffaunt of Burwell in the Countye of Cant[eb]ridge clerk of the age of xlj yeres sworn & examyned sayth to the ffyrst article that he hayth knowyn for hys tyme landes letten by copie hold in Rypton after dyuers sortes & costomes as the ffyrst deponent hayth said and he saith he hayth seayn dyuers old Bokkes from the dayes & reign of kyng Richard the second & so hetherto Bokkes wherin was registryd dyuers cople hold land lying in Rypton byforesaid & in other places wher the Abbot hadd landes and some for terme of lyffe, some for terme of yeres & some to thaym & to thayr heyres Which Bokkes wer callyd the Bokkes of Garseyns<sup>1</sup> & ffynes to the which Bokkes this deponent hadd accesse & hadd thaym in his keapyng

<sup>1</sup> In Dugd. 'Mon.' ii. 550 the name is given as Shenynghton, and that this is correct appears from the Patent Roll giving the royal assent (28 July 1349) to his election. See 'Cartul. Monast. de Ramseia' (1893), iii. 197.

<sup>2</sup> See p. 88, n. 2.      <sup>3</sup> L.e. 1531 or 1530.

<sup>4</sup> From *gersuma*, used in English medieval law for 'fine': 'unde in venditionum

formulis et locationum chartis hæc aut similia verba pro more inserta: Pro tot solidis vel tot libris in Gersumam solutis vel traditis.' Du Cange, ed. L. Favre (Niort, 1885), sub 'Gersuma.' In the 15th century the form 'garsum' is found; see F. H. Strattmann, 'Middle English Dict.' (ed. H. Bradley, Oxford, 1891) sub 'Garsuma.'

by reason he was rydyng Steward of the landes belongyng to Ramescy.

And to the other Articles this deponent can nothyng saye, But to the viij<sup>th</sup> article concernyng ffellyng of woodes he sayth that the tenauntes by cople ther wer accostomyd in his tyme to kytt fell & sell wood growyng vpon thayr Cople holdes to thayr own vse without any interrupcyon.

John Martyn of Saynet Ives husbandman of the age of xlviij yeres sworn & examyned vpon his oyth he being Baylif of Rypton xv yeres sythens by the space of vij yeres<sup>1</sup> sayth that all the tenementes in Rypton & Wenyngton<sup>2</sup> savyng iij or iiij tenementes wer lettyn by Cople to the tenauntes after dyuers sortes as is byforesaid.

And to the viij<sup>th</sup> article this deponent sayth that the Cople holders dyd kytt fell & sell the tymbre & wood growyng vpon thayr cople hold land so that they dyd & shold imploye the said wood or somuch other tymbre or wood vpon the buydynges of his or thayr own houses.

Thomas Danyell of Lytle Raveley husbandman of the age of lxviij yeres sworn & examyned sayth to the ffyrst article that for the tyme & space of xx<sup>ti</sup> yeres last past ther hayth beyn accostomeably landes lettyn to the tenauntes of Rypton by cople hold as is byforesaid and byfore that tyme some was lettyn by cople & some not as this deponent sayth.

And to the seconde article he sayth ther was noo interrupcyon in the kynges tyme nor in the Abbottes tyme neyther for thayr holdes ne for thayr woodes and to all the other Articles he canne nothyng saye.

Robert Danyell of the age of lxij yeres sworn & examyned sayth that he hayth knowen dyuers cople holdes in Rypton viz. xl yeres sythens & more as John Pell John Byrt of the Greyn & other many moo & some he hath knowen to hold at wyll.

To the second article this deponent sayth that in harvest last he sawe oon William Smyth Baylyf of Rypton and Wylliam Andrewe household seruaunt to Sir John saynt John knyght loodyng of Wylliam Stokeleys corn that grewe vpon his cople hold land and intendyd to cary yt awaye and ther vpon come Stokeley & his wyffe & sonne with hym & seing thaym lodyng his corne sayd they shold cary no corne of his of of that ground & pullyd of the Sheyffes of Barley of the carte sweryng a great oythe that he wold rather dye than they shold carye any corne of of that ground and so by persuasion of sir John Danyell

<sup>1</sup> I.e. 1522-29.

<sup>2</sup> A hamlet in the parish of Ripton.

chaplajn the said Andrewe said, Smyth we wyll goo hens for I se weall I cannot ffylfyll my maisters commaundment onles murder shold ensewe which I wyll not doo lett my maister doo with me what he wyll.

Item to the Interrogatorye concernyng compulsion & threttes by sir John Seynt John his offycers & seruauntes as by his Steward, master Spenser requyryd the tenauntes to delyuer in such copyes as they hadd orelles bidd thaym avoyde out of the Court for the<sup>1</sup> shold here noyne of the secrettes of this Court without they wyll so doo, and that they shold sawe thayr land but they shold not mawe yt with maney other thretyng and vnfyttyng wordes.

John Walgayt of Raveley of the age of lvi yeres sworn & examyned sayth that he was present at Rypton when sir John Saynt John sent ij of his seruauntes whos name this deponent knowyth not and dischargyd Wylliam Stokeley from aryng<sup>2</sup> of parte of his cople hold land lying in the Est ffield and this was doyn by the commandment of sir John Saynt John thayr maister as the said seruaunt said.

And Thomas Danyell byfore sworn deposedyth the same.

Wylliam ffolbeck of Rypton of the age of lxviiij yers sworn & examyned sayth that he hayth knowen dyuers copyes takyn within this xxij<sup>3</sup> yeres bat as for elder copyes he knewe but iij or iiij. And as for the compulsion he sayth as Robert Danyell hayth said in all thynges.

Wylliam Lucey of Rypton of the age of ffyftye yerys and Wylliam Yong of the age of xxvj sworn and examyned sayth that the Bayliff of sir John Saynt John arestyd certayn pease of Wylliam Baksters and afterward by indifferent persones they wer layd in an indifferent place to such tyme as the partyes myght be agreyd but after that the said Baylyf causyd the same pease to be tressyd & sold parte of thaym viz. a bushell or ther about.

They<sup>4</sup> said Wylliam Lucey & Wylliam Yonge<sup>4</sup> sayth that the said William Bakster maid & cokkyd certayn haye vpon his own ground and after that the said Smyth being baylyff to maister Saynt John caryed yt away agayn right & conscience.

The Whiche all and singuler the premisses Wee the aboue namyd Thomas Hutton & Thomas Hall Esquyers the kynges maiestyes commissioners certyfeyth to the Kynges honorable Counsell of his

<sup>1</sup> Sic.

<sup>2</sup> I.e. since 1522.

<sup>3</sup> Earing, i.e. ploughing. See Halliwell, s.v.

<sup>4</sup> Interlined.



maiestyes Court holden in the Whyt Hall at Westminster. Yevyn vndre our sealles & subscribed with our handes accordyngly.

(Signed) THOMAS HUTTON,<sup>1</sup>  
THOMAS HALL.<sup>2</sup>

- G. 'The deposycions of certayn wytnessys takyn at Abbottes Rypton within the countye of Hunt[ingdon] byfore Thomas Hutton and Thomas Hall esquyers the xvij<sup>th</sup> daye of Aprill the yere of the reign of our soueraigne lord Henry the Eight by the grace of God kyng of England france & Irland defendour of the ffayth and in Erthe of the Church of England & also of Irland supreme head the ffyve and thryttee<sup>3</sup> by vertue of a commission to thaim direct from the kynges maiestye for the parte of Syr John Saynt John knyght & Olyuer Seynt John esquier defendauntes.'

Wylliam Byrde of Abbot Rypton byforesaid of the age of iiii<sup>xx</sup> yeres sworn & examyned vpon his oyth sayth to the ffyrst Article that he hayth maid his abode in Rypton by the space of xxx yeres and about xxiiij<sup>th</sup> yeres sythens<sup>4</sup> a certayn woman callyd mother Greyn desyryde this deponent to haue his counsell howe she myght doo to renewe hir old copie that she hadd of the abbot of Ramsey and he said he

<sup>1</sup> Thomas Hutton, in the commission of the peace for Cambridgeshire in 1524, and frequently afterwards (S. P. Dom. H. 8, iv. 137, 10, &c.), and a commissioner to collect the subsidy for the same county in 1524 (ib. p. 237); a commissioner to make an inquisition post mortem in 1527 (ib. 3324, 6). He is entered as liable for a fine for knighthood in 1536, in the style of Thomas Hutton of Dry Drayton, Cambs. (ib. x. 1257, x.). The fine appears to have been incurred by his refusal of the honour, for his name is subsequently recorded without the title (ib. xii. 1150 [22], &c.). He served as High Sheriff of Cambs. and Hunts in 1538-39 (ib. xiii. ii. 967, 26), was commissioner of gaol delivery for Ely 6 Feb. (ib. xv. 281. [22]) and for Cambridge Town 9 June, 1540 (ib. 831, 29). He presumably died before 1547, as his name is not to be found among the Domestic State Papers of that date, and those for 1541-47 have not yet been published.

<sup>2</sup> Thomas Hall was a commissioner of sewers for Hunts in 1534 (ib. vii. 1026, 34), and an active magistrate, enjoying the confidence of Cromwell (ib. viii. 450, xii. i. 692), being in the commission of the peace

for the county (ib. 142 [38], &c.). He appears to have taken part in the visitation of the nunnery of Hinchinbrook in Dec. 1535 (ib. ix. 1009). He was soon afterwards appointed Receiver to the king in Lincolnshire (ib. xii. i. 676). He is frequently styled Dr. Hall, but I cannot find either from Wood ('Ath. Oxon.'), Cooper ('Ath. Cantab.') or Boase ('Registum Univ. Oxon.') that he took a degree at either of the English Universities. In 1538 he was made the King's Receiver-General of the possessions of the rebels attainted for the late rebellion in Lincolnshire, Notts, and Rutland (ib. xiii. i. 1115, 9). He obtained a grant of some of the lands of Haverholme Priory, Lincolnshire, in 1538 (ib. xiv. i. 1355, p. 608), and was put on the commission of the peace for the Parts of Kesteven in 1539 (ib. ii. 619, 11). On 12 June, 1540, he received a grant of land in Lincolnshire (ib. xv. 1032, 26) and was a commissioner of assize for Lincolnshire (Kesteven) on the 2nd July of the same year (ib. 942, 12, cp. 282, 6). His name does not appear among the Domestic State Papers of Edward 6.

<sup>3</sup> 1544.

<sup>4</sup> 1520

wold aske counsell of other cople holders & she said that she knewe no moo copies in this town but that of byrs oonly and this deponent knewe noo moo cople holders at that tyme. And flurther after that tyme the Abbot sent his offycers to keap court at Rypton and at that tyme the offycers persuadyd the tenauntes to take thayr holdes by cople of Court Rolle or Elles the abbot shold make other prouision for the said land and more this deponent cannot saye.

Robert Boston of Rypton of the age of iiiij<sup>xx</sup> yeres sworn & examynynd sayth that about xiiii<sup>r</sup> yeres sythens <sup>1</sup> at which time he came fyrst to Rypton he knewe but as William Byrde hayth deposyd concernyng mother Greyn cople. But he sayth that Simon Kent bought his cople about xiiii<sup>2</sup> sythens <sup>3</sup> vpon oon Stowke and william Bakester bought his cople about v yeres sythens.<sup>4</sup> And to the seconde Article he can nothyng say.

Thomas Gostlyn of Rypton of the age of lv yeres sworn & examynynd sayth that he tooke a cople about xiiii<sup>r</sup> or xv<sup>5</sup> yeres sythens and held the said land by the space of of <sup>6</sup> iij yers byfore he tooke yt by cople which cople he surrenderyd vnto the handes of sir John Saynt John and he knowyth of no moo copies and as concernyng Simon Kentes cople he sayth as Boston hath deposyd.

Thomas Bell of Rypton of the age of lx yeres sworn & examyned who hayth beyu in this parishe of Rypton by the space of xl yeres and he neuer knewe no moo copies in Rypton at that tyme he came thether,<sup>7</sup> but mother Greyns cople layt wyff to Wylliam Pell. But within this xvj yere <sup>8</sup> he hayth knowen many moo copies to haue beyu takyn of the lord of Rypton and this deponent took oon copy hym self to hym & his heyres which he surrenderyd to the Baylyf to the vse of the lorde at the desyre of the Baylyff rather then then <sup>6</sup> he wold goo to the lawe with the lorde & therevpon he delueryd his said cople whervpon the lord promysed hym a leasse by his Baylyf of his said cople hold land and as concernyng Simon Kentes cople hold he sayth as the other deponentes hayth said.

Thomas Bulleyn of Rypton husbandman of the age of lxij yeres sworn & examyned sayth that he haith beyu at Rypton by the space of ffyfte yeres and at that tyme <sup>9</sup> he knewe but v cople holdes in Rypton viz. John Pell, Wylliam Adam, Richard Weston, Richard Plume & John Lyndsey which wer maid long sythens But within this

<sup>1</sup> 1520.

<sup>2</sup> Sic, 'yeres' omitted.

<sup>3</sup> 1530.

<sup>4</sup> 1539.

<sup>5</sup> 1530 or 1529.

<sup>6</sup> Sic, repeated in MS.

<sup>7</sup> 1504.

<sup>8</sup> I.e. since 1528.

<sup>9</sup> 1494.

xx<sup>ti</sup> yeres<sup>1</sup> this deponent knewe many tenementes to be lettyn by copye and this deponent hadd ij copyes hym self oon of x s. rent by yere & the other of xxxv s. rent by yere which ij copyes the Baylyf persuadyd this deponent to delyuer to the lordes vse or elles he wold not haue receyvyd his rent and therefore this deponent thrwe<sup>2</sup> or kast the said copyes to the Baylyf & badd hym take thaym & the Devyll withall.

Item he sayth that the copye holders haue always kytt down woodes growyng vpon thayr copye holdes without interrupteyon & caryed away the same wood & inyoyd yt to thayr awn vse.

John Bagley of Wellyngton<sup>3</sup> of the age of liij yeres sworn & examynyd sayth he neuer knewe no copyes but within this xx<sup>ti</sup> yeres<sup>1</sup> sayyng Pelles copy and Adams copye.

John Adleyn of Rypton of the age of xlvij yeres sworn & examynyd sayth that he hayth knowen that ther hayth beynd copye holders in Rypton by the space of xl yeres<sup>4</sup> and within this xx<sup>ti</sup> yeres verry maney copye holdes letten.

Item to the seconde article he sayth he neuer knewe no men troblyd nor interuptyd of thayr copye holdes nor for thar wood but nowe of layt sythens the manour of Rypton came to the handes & possession of sir John saynt John.

Item to the iij<sup>de</sup> article he sayth that maney were compellyd to surrender & gyve vp thayr copyes by threttes & manyshynges of sir John Saynt Johnes offycers for they wer threttynyd that yf they sewe they shold not mawe thayr grayn.

Item to the iiij<sup>th</sup> article he sayth that dyuers Renttes be inhawnsyd some to xl d. some to v s. some to xiiij s. iiij d. & some more or lesse, but what value yt amountyth to in the hoille he knowyth not.

Item to the v<sup>th</sup> article he sayth that the seruauentes of sir John Saynt John dyd dryve Stokeleys horse & his seruauent of & from Wylliam Stokeley<sup>5</sup> land but that the said Stokeley dyd regresse agayn to the same landes & occupye the said landes for the which Olyuer Seynt John Esquyer hayth Stokeley in sewt at this present tyme.

Item to the vj article he sayth that sir John saynt John his seruauentes dyd tedre & stayk thar horses vpon vj hawyns<sup>6</sup> of Stokeleys being his senerall copye hold groundes and distroyd the grasse growyng vpon the same.

Wylliam Betryche of Rypton of the age of lj yeres or ther about &

<sup>1</sup> Since 1524.

<sup>4</sup> I.e. since 1504.

<sup>6</sup> Hawyn, to have. 'Arch.' xxx. 408. Halliwell's 'Dict.' s.v. Here apparently 'holdings.'

<sup>2</sup> Sic, i.e. threw.

<sup>3</sup> Sic.

<sup>5</sup> Query Ellington.

hayth dwelt in Rypton by the space of xvij yeres & knewe many copye holdes takyn in that time.

To the second article he neuer knewe no interrupcyon of the copy holdes in Rypton but nowe in sir John Saynt John<sup>1</sup> tyme, and he sayth that dyuers of the tenauntes hayth gevyn vp theayr copyes but the nombre he knowyth not.

Robert Quene of Rypton of the age of xlv yeres sworn and examyned sayth that he knewe dyuers copy holdes as Pelles and Yonges, about xxx<sup>ti</sup> yeres sythens<sup>2</sup> and he hayth knowen dyuers copyes takyn within this xx yeres.<sup>3</sup>

Item he sayth that Wylliam Stokeley, Wylliam Lucey, Wylliam ffolbeck, John Brown, John Jordayn, John Read, Wylliam Otey, Laurance Carter, John Gostlyn in the name of Thomas Bell, Wylliam Tomkyn, William Betryche, Edmond Tomkyn, Robert Queyn, John Hygden, Wylliam Tame, Thomas Bulleyn & other dyd surrendre thayr copyes vpon this consideraeyon that sir John Saynt John dyd promyse thaim to make thaim leasses by Indentur yf they wold take thaim for the terme of xl yeres.

Item to the iiiij<sup>th</sup> article he sayth he paith more rent by xij d. in the rent of xxx s. for that he hadd rather paye xij d. more rent yerely than to pay a great ffynne and to all the other articles he can nothyng saye.

The Whyche all and singler the premisses Wee the above namyd Thomas Hutton & Thomas Hall Esquyers the kynges maiestyes Commyssioners certyfyeth to the Kynges honorable Counsell of his maiestyes Court holden in the Whyt Hall at Westminster Yevyn vndre our sealles & subscribed with our handes accordyngly.

(Signed)

THOMAS HUTTON.

THOMAS HALL.

- ii. Depositions takyn at Westminster the xxij daye of Januarie a<sup>o</sup> Regis xxxvj<sup>i</sup> H. viij.<sup>4</sup> on the behalf of Symond Kent & others ageynst Sir John Saynt John knight & others.

<sup>4</sup> William Warwyck of Vpwood in the countie of Huntyngton husbondman of the age of lxiiij yeres or there abowtes sworn vpon his othe sayth that he was borne in Abbotes Rypton & dwellyd there all his lyff tyme tyll yt was withe in this fyve yeres. And his ffather

<sup>1</sup> Sic.

<sup>2</sup> Since 1524.

<sup>3</sup> 1514.

<sup>4</sup> 1545.

dwellyd in the same towne lxxj yeres. And saythe that the Abbottes of Ramsey dyd alwayes graunte forthe copies to dyerse of his tenauntes to theym & to their heyres for ever after the custome of the manour, wherof this deponentes mothers ffather callyd John Wodkoeke had one. And one William lynsey of Abbotes Rypton had another. And John hys sone enioyed yt after his deathe & the said John solde his cople to one Nicholas Aberye which was clereke of the same towne. And this deponent rememberythe that dyerse other had copies to theym & their heyres for ever after the custom of the Manour as the Westons, Plomes, and of the Styles, with manye others. And further saythe that nowe in his tyme the Abbott did graunte copies to one William Adams & another to one John Pelle, & to their heyres after the custome of the manour. And after that there came plentie of tenauntes and then they were dryven to take copies of the Abbot for feare of puttyng forthe. And further examined saithe that he hathe hard hys father saye, that before the batayle whiche was callyd Ester Daye ffield, all the tenauntes of Abbottes Rypton were copie holders & held of the Abbot of Ramsey. And the Northen men laye there so long before the ffield was fflowghten that they impoverysed the country.<sup>1</sup> And the tenauntes were fayne to yeld vp their cople holdes, for that they were not hable to repayre theym.<sup>2</sup> And then came other tenauntes & occupied theym as tenauntes at wyll & they had the Rentes abatyd. And ffurther saythe that duryng the tyme that the landes were in the kinges maiesties handes the tenauntes were never vext nor trowbelyd. And sythens the tyme that the landes came to Sir John Saynt Johns handes, the said Sir John Saynt John hathe raysed the Rentes of as many of theym as hathe takyn their landes by lease of hym, and will not suffer the tenauntes to ffield & enioye the woodes & trees abowte theyre yardes, and their woodes in the comen hethe, whiche this deponent hathe alwayes knowen to be comen to the tenauntes, And never denyed them by anny officer tyll nowe. And further saythe that he hathe knowen his ffather & dyerse other of the tenauntes, that hathe feld some yeres xx<sup>ti</sup> lodys of wood a peece of theym in the comyn hethe, and solde yt to whome that would bye ytt & he that woulde

<sup>1</sup> The battle of Barnet was fought on Easter Day, 1471. The term 'Northern men' is explained by a letter from Rd. Earl of Warwick to Hy. Vernon on March 25, 1471. 'In asmoche as yonder man Edward, the kinges oure souverain lord gret enemy rebelle and traitour, is now late arrived in the north parties of this land

and comyng fast on Southward accompanied with Flenynges, Esterlinges and Danes, not exceeding the nombre of all that he ever hath of ij ml. persones, nor the contre as he commeth nothing falling to him,' &c. MSS. D. of Rutland; Hist. MSS. Comm. xii.; Rep. pt. iv. p. 3.

<sup>2</sup> See p. 68, n. 4, supra.

paye for the ffellynge shuld haue yt & they were never denyed nor rebukyd for theyr so doynge. And further he knowithe not as he sayth.'

*(Signed with a mark.)*

I. To the kynge our Soueraigne Lorde.

In moste humble<sup>1</sup> shewethe and complayneth vnto your moste noble and Abundaunte grace your dayly oratour Olyver Seynt John Esquyer Sonne and heyre apparaunt of sir John Seynt John knyght That wheare as Symon Kent William Byrde Thomas Yonge Wylliam Baxter Thomas Roger and Wylliam Stokeley of Abbottes Ryppton in the Countie of Huntyngton tenautes to your said Oratour exhibed a byll of compleynt vnto your moste noble grace pretendinge that your said Oratour shulde wrongefullye putt them owt of their pretensed coppye holdes in Abbottes Ryppton afforsaid contrarye to your Gracis lawes and the custome of the said mannour there Whereunto your said Oratour made answer and they haue replied vnto the same and a comyssyon was awardecde thereuppon to certen gentylnen in the said countie of Huntyngton to examyne certen Interrogatories annexed to the same, So itt is moste gracious Soueraigne Lorde that the matter thus dependinge vndeterminede before your honorable Councill the said Symon Kent Wylliam Byrde Thomas Roger William Folbeck and William Yonge and other by their commaundement of their frawerde and perverse mynde in contempte of your said lawes haue at seuerall tymes cutt downe dyuerse trees of asshe and wyche growinge within and vppon the said mannour of Abbottes Ryppton to the number of iiii<sup>xx</sup> trees and above to the greate hurte and dysshenherytaunce of your said Oratour and to the evyll and perilous Example of other lyke offendours yf the same shulde not be condynglye punysshede and redressed. In consideracon whereof it maye please<sup>2</sup> your Highnes of<sup>2</sup> your moste noble and abundaunte grace to grawnte your gracis letters vnder your gracis pryvey seale to be dyrected vnto the said Symon Kent William Byrde Thomas Roger Wylliam Folbeck and William Yonge enioynenge them by the same that they shall nott fromhensforthe cutt downe or cause to be cutte downe any trees growinge vppon the premisses vntyll suche tyme as the matter maye be further herde and determinede by your gracis councill, And further commaundyng them by the same personallie to appere before your moste noble grace or your most honorable

<sup>1</sup> Sic, 'wise' omitted.

<sup>2</sup> The words 'your Highnes of' struck through.

councell at a certen daye and vnder a certen payne therein to be conteynede than and there to make answer vnto the contempt afforsaid, and to abyde suche further order and dyreceon concernynge the same as by your moste gracious councell shall be thawght to stande with ryght and conscience. And your said oratour shall dayly praye to God for the preseruacion of your moste noble grace longe to prospere and contynewe.

F. MORGAN.<sup>1</sup>

J. . . . .  
 . . .<sup>2</sup> Rypton in the County of . . . . .

Imprimis what nombre of trees the said Simon Kent hathe fellede or cutt downe within the manor of Abbottes Rypton aforsaid syns the xxvij<sup>th</sup> daye of Januarie in the xxxv<sup>t</sup> yere of the Raigne of our Soueraigne Lorde Henry the viij<sup>th</sup><sup>3</sup> by the grace of God kynge of Englande Fraunce and Irelande defendour of the faithe and in Erthe of the churche of England and Irelande the supreme hedd, and in what place the said trees dyd growe.

Item of what age and valewe the said trees so fellede or cutt downe were of and after what manner the said Simon dyd occupie or bestowe the said trees.

Item what nombre of trees the said William Byrde hathe fellede or cutt downe within the manner of Abbottes Rypton aforsaid syns the said xxvij<sup>t</sup> daye of Januarie in the said xxxv<sup>t</sup> yere of the raigne of our said Soueraigne Lorde kynge Henry the viij<sup>th</sup> and in what place the said trees dyd growe.

ij. Item of what age and valewe the said trees so fellede or cutt downe were of and after what manner the said William dyd occupie or bestowe the said trees.

ij. Item what nombre of trees the said William Stokeley hathe fellede or cutt downe within the manner of Abbottes Ripton aforsaid syns the said xxvij<sup>t</sup> daye of Januarie in the said xxxv<sup>t</sup> yere of the Raigne of our said Soueraigne Lorde kynge Henry the viij<sup>th</sup>, And in what place the said trees dyd growe.

iv. Item of what age and valewe the said trees so fellede or cutt downe were of and after what manner the said William Stokeley dyd occupie or bestowe the said trees.

iv. Item what nombre of trees the said William Baxter hathe fellede or cutt downe within the manner of Abbottes Rypton aforsaid

<sup>1</sup> See p. 69, n. 4, supra.

<sup>2</sup> Head of MS. mutilated.

<sup>3</sup> 1544.

syns the said xxvij<sup>t</sup> daye of Januarie in the said xxxv<sup>t</sup> yere of the raigne of our said Soueraigne Lorde Kyng Henry the viij<sup>th</sup> and in what place the said trees dyd growe.

iv. Item of what age and valewe the said trees so fellede or cutt downe were of and after what manner the said William Baxter dyd occupye or bestowe the said trees.

k. Deposicons takyn at Westminster the xxvj daye of Januarii a<sup>o</sup> Regni Regis Henrici viij xxxvj<sup>1</sup> &c. on behalf of Oliuer Saynt John Esquyer agaynst Simon Kent William Birde & others of Abbotes Ripton.

Robert Boston of Abbotes Ripton in the countie of Hunt[ingdon] husbandman of the age of lxxxij yeres or there abowtes sworn & examined sayth vpon his othe deposithe & saythe that Symon Kent hathe felld and cut downe vpon the Thursdaye before Candlemas daye laste past<sup>2</sup> within the manour of Abbotes Ripton in a close callyd Pottars close xvij trees some ashes & some elmes beinge of xxx<sup>th</sup> yeres growyng with all other kindes of wood growinge there in the hedge rowes & others<sup>3</sup> groves and dyd carye the same wood the space of iij dayes to Kentes owne grounde, & bestowed no parte thereof on Olyver Saynt Johns grownde, but what valor the wood was of this deponent knowithe nott. And ffurther saythe that after Candlemas last past the sayd Symon Kent ffelld xij trees more the first weke in Lent last past in the same grounde as ij or iij of the xij men<sup>4</sup> dyd informe this deponent, but what valor they were of this deponent knoweth nott. And further he saythe that Symon Kent dothe waste vpon the sayd Olyver Saynt Johns grownde & hathe lett fall downe in decaye a bakhouse a maulte howse & the kechyn, whiche the xij men hathe diuerse tymes presentyd & yet yt ys nott amendyd and more he saythe that he hathe warnyd William Byrd & his servaunt also that they shulde fell no more wood in Olyver Saynt Johns ground, whiche William Byrd hathe diuerse tymes syns Candlemas last past feld diuerse kyndes of trees & before Candlemas, but to what namber or valor he knowithe not but the xij men hathe fownde hym to doo wast & spoyle the grounde, and further examined this deponent saythe that William Stokeley hathe ffelld certeyn young ockes & other woodes but to what valor or namber he knowithe nott but he saythe that they were felld syns whysontyd last past and further examined saythe that William Baxter hathe ffelld myche wood both yong and olde of the

<sup>1</sup> 1545.

<sup>2</sup> 2 Feb. 1544.

<sup>3</sup> Sic.

<sup>4</sup> I.e. the jury of the manor court



lordes next a close callyd Harpps, to the number of lx or more small & great and hathe lett fall downe & decayed a hawle house & a chymyne & twoo chambers withe loftes over theym, whiche hathe bene founde by xij men. And he hathe bene warnyd by the xij men to repayer theym but hetherto he would not, so that nowe they be downe to the hard grownd. And further this deponent knowith not towching the Interrogatoris.

*(Signed with a mark.)*

Wyllyam Butterege of Welington<sup>1</sup> in the Countie aforesayd husbondman of the age of lj yeris sworn & examyned saythe that in Hillarii Terme last past before this, Symon Kents<sup>2</sup> wyf comandyd certeyn laborers dweling there in the towne & other of hyr seruantes to fell woode in and abowte a close callyd Pottars close of xx<sup>ti</sup> yeris growghe but what number or valor they were of he knowithe nott but they caryed yt of of Olyuer Saynt Johns grownd to one maister Bolles grownde & there burnyd yt. And further examyned saythe that William Byrd fellyd & causid to be fellyd xij or xiiij trees of a small valor, whiche did growe in a close callyd Eastroppe whiche this deponent estymethe were worthe xvj d. And further saythe that towchyng William Stockley he knowithe nothing nor towching William Baxter, and further he knowithe nott.

*(Signed with a mark.)*

Thomas Bell of Wellington<sup>3</sup> in the parishe of Abbottes Rypton in the Countie of Huntyngton husbondman of the age of lxij yere or there abowtes sworn & examyned saithe that Simon Kent before Candelmas daye last past had done great waste in felling of woode whiche grewe in Pottars Close & abowte the close but what valor they were of or what number he knowithe nott. And further saythe that he hathe hard his neyghbours saye that Symon Kent hathe fellyd syns Candlemas last paste<sup>4</sup> wood in the same grownd & caryed yt of of the lordes grownd & bestowed yt at his plesure but none vpon Oliver Seynt Johns grownd, & also hathe lett fall downe & decayed the lordes howsing. And further saythe that William Byrde causid laborers ther in the same towne to fell & cutt down viij yong Sprynges abowte Allhaloutyd last past the valor wherof he knowith not.<sup>5</sup> Also he saythe that William Stokeley fellyd in a place callyd Bugg Grene one

<sup>1</sup> Qu. Ellington.

<sup>2</sup> The words 'fellyd wood' here struck through.

<sup>3</sup> Qu. Wenynghon or Wennington.

<sup>4</sup> The words 'other wood' here struck through.

<sup>5</sup> The words 'to the valor of xj d.' struck through.

okke or twayne syns Midsomer last past and the baylyf toke hym fellyng of theym whiche rebukyd him & he answeyrd that he woulde doo yt & take yt as his owne in the comyn, whiche this deponent saythe was never vsid nor senné in his tyme to be done with owte the lordes licence, but he saythe that maple, hasell, & Thorne they may fell yt as comyn but neyther oke nor ashe. Also further he saythe that he dothe & hathe hard saye that William Baxters grownde ys sore wasted as the wood consumed & howsen fallen downe, whiche this deponent hathe knowen a plentyfull grownde of woud and the howsinge tenaunt lyke, but what woud he hathe fellyd this deponent knowithe nott, nor further can depose.

*(Signed with a mark.)*

Robert Quene of Wellington aforesayd howsbandman of the age of xlvi yerés sworn & examyned saythe that Symon Kent hathe fellyd syns Candlemas day last past xiiij trees which were sparr ware but what they were wourthe This deponent knowithe nott but he saythe they were ashe & wyche for this deponent dyd se theym & tell theym & more that were fellyd before that tyme, of xx<sup>ti</sup> yerés growing or there abowtes. And further sayethe that William Byrd hathe fellyd syns all haloutyd dyuerse trees wherof this deponent tolde before Christmas last past ix & syns that tyme he hathe fellyd more but the nomber or valor of theym this deponent knowithe not. Also he hathe hard saye by his neyghbours that William Stokeley hathe ffellyd about x<sup>ne</sup> yong Okkes in a platte of grownde callyd Buk Grene. Also he saythe that William Baxter hathe made grete waste in the lordes grownde as consumyng of woodes and decaying of hys howses, but to what valor this deponent knowithe not nor can depose.

*(Signed with a mark.)*

- L. ‘Deposicions takyn at Westminster the vij daye of Maye on the behalf of Symond Kent and others tenauntes of Abbotes Rypton ageynste sir John Saynte John and others.’

John Sewster of Steple Morden in the countie of Cambrige gentilman of the age of xliij yerés or there abowtes sworn and examined the vij daye of Maye in the xxxvj yere of the reign of our moste dradd souerayn lord king henry the viij<sup>th</sup> by the grace of God king of England france & Ireland defendor of the faythe, and in erthe of the cyrche of England and also of Ireland the supreme hedd. To the first of the Interrogatoris to hym mynistréd deposithe and

saythe that by the tyme & space of iij or iiij yeres next before the dissolucion of the late monasterye of Ramsey in the countie of huntingdon & for the tyme & space of ij or iij yeres next after the dissolucion of the sayd late monastery the sayde deponent saythe that he was steward and keper of the courtes of all the manors & possessions of the saide late monasterye within the Realme of Englande, and by reason of that office, this sayd deponent dyd kepe dyuers & sondry courtes at the manor of Abbotes Ripton. And there this deponent did see & peruse as he had cawse many of the copenes of the tenauntes of that manour, and many of theym were made to theym & to theyr heyres & many for terme of lyffe, and some of theym as dyd concerne any landes that was appoyntyd to any of the monkes being officers of the sayd late Abbey were made but for terme of yeres or lyves. And the sayde deponent saythe that he by occasions of serches made for the determynacion of titles of copenes holdys that dependyd in that courte in suyte before hym often tymes betwenne partys he fownde & dyd see as yt wyll appere by the serche of the olde courte Rolles of the said manour dyuers copenes made in his predecessors tymes being stewardys in the office before this deponent was steward of the said Abbey, as in Mr. Rowleyss tyme Mr. John Wyndes tyme and &<sup>1</sup> in one Graues tyme he fownde many copenes to diuerse tenauntes there to theym & to theyr heyres & some for terme of lyffes. And as many comunly as dyd chaunche to fall and to be graunted in this deponentes tyme he beinge steward there, this deponent made the copenes to theym and to theyr heyres to holde after the custome of the said mannur at the wyll of the lord and so had maistr Rowlett, that was last steward of the same possessions before this deponentes tyme made copenes also to dyuerse of the saide tenauntes and to theyr heyres as this deponent perceyvyd by the president courte Rolles that he had made and were delueryd to this deponentes handes at his firste comynge to the sayde offyce and appon like tenures by copenes in a maner all the possessions of the saide late Abbey in the countey of Huntynghdon were latt in this deponentes tyme & as well in the late Abbotes tyme as in the tyme the possessions therof remayned in the kinges hande. And more this deponent rememberyth not.

Per me JOHEM SEWESTER.<sup>2</sup>

<sup>1</sup> Sic.

<sup>2</sup> John Sewester, a gentleman of Hertfordshire, one of those 'appointed by the king to abide in their countries to keep good order in the absence of the rest of the noblemen' during the Northern rebellion of 1536 (S. P. Dom. H. 8, xi. 580, 4).

He was in the commission of the peace for that county in 1537 (ib. xii. ii. 1150, 41, &c.), and again both for that county and also for Hunts in 1538 (ib. xiii. i. 646, 34, 51). In 1539 he seems to have been associated with Thomas Hall (see above, p. 77, n. 2) in dealing with the property of the attainted

x. 'The certifiat of Nicholas Luke<sup>1</sup> one of the Barons of the Kynges Exchequer & Thomas Hutton Esquier to the Kynges most honorable Counsayll by vertue of a commaundement from the seid Counsayll to vs the said Nicholas & Thomas made & dyrectyd for to vue serche & oucrsee certayn Courte Rollis belongynge & pertaynyng to the maner of Abbattes Rypton in the Countie of Huntynghdon and to certifye & make report of all suche mater as we shall see & perceave in the said Courte Rollis conserynge the custum of the said maner for the contynuans of the copyhold Tenure within the said maner by vertue wherof we the seid Nicholas & Thomas have serched and overseen certayn Courte Rolles by one Mr. Olyver Seynt John Esquier to vs exhibeted the true effectes wherof particulerlye herafter folowythe. In wytnesse wherof we the seid Nicholas & Thomas to this present Boke haue sett owre handes.'

Tempore regis Ricardi secundi.<sup>2</sup>

Abbottes Rypton.

Memorandum.—At a Court holden at Abbottes Rypton 'Sabbato proximo post festum sancte luce Euangeliste primo Ricardi secundi.'<sup>3</sup> And ther ys no maner of mencon made of the deathe of eny copyholder nor of eny takyng of eny copyhold tenure Surrender nor eny other thyng for eny suche purpos.

Memorandum.—Ther was a court holden at Abbottes Rypton the ffryday in the vygill of all Seyntes anno vj<sup>to</sup> Regis predicti.<sup>4</sup> And in the same ys nothyng mencioned as ys aforscid.

rebels in Lincolnshire (ib. xiv. i. 346), and in the same year was a commissioner of gaol delivery for Herts (ib. ii. 619, 57, cp. xv. 282, 95). He was a large purchaser of Church lands after the Dissolution. See Append. ii. to the 10<sup>th</sup> Rep. of the Deputy Keeper of the Public Records, pp. 267-8. S. P. Doan. H. 8, xv. 831, 45, 49. His name does not appear in the Domestic State Papers of Edward 6, and the intermediate papers have not yet been printed.

<sup>1</sup> Only son of Sir Walter Luke, Justice of the K. B., who died 1544. Appointed Third Baron of the Exchequer in 1540; died 1563. Foss's 'Lives,' v. 515.

<sup>2</sup> The succession of the Abbots is given by Sir W. Dugdale as follows ('Monast.' ii. 550):—

Robert de Nassington, 1312-49.

Richard de Shenynghon, 1349-79.

Edmund de Elyngton, 1379-1396.

Thomas Butturwyk, 1396-1419.

John Tychemarsch, 1419-1434.

John Croyland or Crowland, 1434-1436.

John Stowe, 1436-1439.

Unknown.

William Witlesey or Wytlesley, 1468-1473.

John Wardeboys, 1473-1488.

John Huntington, 1488-1506.

John Wardeboys *alias* Lawrence, 1507-1539.

The last abbot 'was very forward in procuring not only his own abbey to be surrendered to the king's use, but in influencing others to submit.' Willis, 'Mit. Ab.' i. 156; cp. S. P. Dom. H. 8, xiii. ii. 612.

<sup>3</sup> Oct. 1377.

<sup>4</sup> Oct. 1382.

Memorandum.—At a Courte holdyn at Rypton aforseid the wedynsday in the fest of Mary Magdalen in anno sexto Regis predicti<sup>1</sup> ther is nothyng mencióned consernynge eny copyhold tenure as ys above seid.

Memorandum.—At a courte holdyn at Rypton aforseid the Saterdag next before the fest of Seynt Denys a<sup>o</sup> viij<sup>o</sup> Regis predicti<sup>2</sup> ther is nothyng consernynge eny copyhold tenure as is above seid otherwyse then that wase presentyd at the same courte after this<sup>3</sup> sorte & wordes videlicet quod Willelmus Smythe & Willelmus Martyn amerciantur ad ix d. pro eo quod dicti Willelmus & Willelmus non venerunt ad arandum terram domini quum summoniti fuerunt. Et quod Johannes Atchurche & Johannes Banke amerciantur ad iiij d. pro eo quod non venerunt ad opus domini quum summoniti fuerunt. Et quod Andreas Colyar Johannes Scotlond & Johannes Prycke fecerunt vastum super dominium domini de domibus ruinosis.<sup>4</sup> Ideo quilibet in misericordia iij d.<sup>5</sup> Notandum Buke is a bondman as apperithe ad curiam tentam apud Rypton predictam anno quarto henrici quarti<sup>6</sup> post. Nota Johannes Prycke est natiuus in sanguine ut apparet ad curiam tentam apud Rypton anno viij<sup>o</sup> henrici quarti<sup>7</sup> proxime sequenti.

Memorandum.—At a Courte holdyn at Rypton aforseid the Wedynsday next after the fest of Seynt Benedyct anno decimo Regis predicti<sup>8</sup> ther wasse nothyng presentyd concernynge eny copyhold tenure otherwyse then is presentyd as ys aforseid of John Prycke pro vasto super dominium domini de domibus ruinosis vide amerciatu ut supra &c.

Memorandum.—At a courte holden the Saterdag ante festum Simonis & Jude anno xj<sup>o</sup> Regis predicti<sup>9</sup> presentatur in his verbis videlicet quod Johannes Steven qui de domino tenuit vnam virgatam & dimidium terre obiit post vltimam curiam & datur de hariet v.s. And no other thyng ther mencióned concernynge eny copyhold tenure.

Memorandum.—At a courte ther holden the ffryday in vigillia

<sup>1</sup> July 1382. The order is irregular, and 'sexto' is perhaps by mistake for 'septimo,' i.e. 1383.

<sup>2</sup> Oct. 1384.

<sup>3</sup> Here fol. 1 ends and is signed 'Thomas Hutton.'

<sup>4</sup> These ruined houses, as also the refusals of services, are probably the consequences of the Great Pestilence of 1349. This carried off Abbot Nassington on 10<sup>th</sup> June ('Chron. Abb. de Ramsey,' p. 345). It so thinned the numbers of the tenants of the abbey that the Crown accepted a compromise of a portion only of the temper-

alities due to it during the vacancy.

<sup>5</sup> Among the Ministers' Accounts in the Record Office (Q. R. Mins. Accis. Genl. Series 874, no. 9) is a set belonging to a Ramsey manor at this time. Many holdings are said to be in hand on account of the pestilence and in one place 22 virgates of land for the same reason.' F. A. Gasquet, 'The Great Pestilence,' London, 1893, p. 136.

<sup>6</sup> Cp. p. 68, n. 4, supra.

<sup>7</sup> Sept. 30, 1402–Sept. 29, 1403.

<sup>8</sup> Sept. 30, 1406–Sept. 29, 1407.

<sup>9</sup> March 1387.

<sup>10</sup> Oct. 1387.

sancti Martini anno xv<sup>mo</sup> Regis predicti<sup>1</sup> ther ys nothyng presentyd nor mencioned conserynge or provyngne eny copyhold tenure.

Memorandum.—At a courte holden at Rypton aforseid the Thursday next after Seynt Martyn anno xvj Regis predicti<sup>2</sup> ther wasse presentyd in theis wordes videlicet quod Willelmus Martyn fecit vastum super Dominicum domini de domibus ruinosis. Et habet dictus emendare sub pena x s.<sup>3</sup>

Memorandum.—At a Courte holden at Rypton aforseid the Thursday after the ffest of all Sayntes anno xviii<sup>o</sup> Regis predicti<sup>4</sup> ther wasse presentyd that dyuers were amerced quia non venerunt ad metendum bladum domini in autumnno ad opus domini. Et quia non venerunt ad arandum terram domini ad opus domini quum summoniti fuerunt. Et quod Johannes West qui de domino tenuit vnam virgatam terre obiit post vltimam curiam. Et datur de harriet v s. And no other thyng conserynge eny Copyhold Tenure. Nota this West is a bondman as apperithe a<sup>o</sup> xj<sup>o</sup> Regis Edwardi quarti.<sup>5</sup>

Memorandum.—At a courte holden at Rypton Sabbato in vigillia Apostolorum Simonis Jude a<sup>o</sup> xxi<sup>o</sup> Regis predicti<sup>6</sup> ther wasse presentyd that dyuers wasse amercyd for that they dyd not bynd the lordes corne and also that they dyd not ere the lordes lond and that summe sholde have ffonde ij men & ffounde but one man to worke in harvest. And no other thyng conseryng eny copyholde tenure.

Tempore Regis Henrici quarti.

Memorandum.—At a courte holden at Rypton aforseid in vigillia<sup>7</sup> proxima post ffestum Apostolorum Simonis & Jude anno quarto Regis predicti<sup>8</sup> ther ys nothyng mencioned nor presentyd conserynge or towchyng eny copyhold tenure. And ys presentyd that ther wasse many bondmen of blode videlicet Johannes Saven Johannes Atwell Johannes Martyn Andreas Martyn Ricardus Martyn Simon Lewe Robertus Lewe, Johannes Lewe ac Willelmus Lewe Johannes Colyer Philippus Bucke margareta thedleborow uxor Colyer.

Memorandum.—That Bucke is in a presentment before in anno octauo Regis Ricardi secundi<sup>9</sup> predicti.<sup>10</sup>

Memorandum.—Ad curiam tentam apud Rypton die veneris post festum sancti martini anno viij<sup>o</sup> Regis predicti<sup>11</sup> presentatum fuit quod

<sup>1</sup> Nov. 11, 1391.

<sup>2</sup> Nov. 1392.

<sup>3</sup> Here fol. 2 ends and is signed 'Thomas Hutton.'

<sup>4</sup> Nov. 1394.

<sup>5</sup> March 4, 1471–March 3, 1472.

<sup>6</sup> Oct. 1397.

<sup>7</sup> Sic.

<sup>8</sup> Oct. 1402.

<sup>9</sup> Oct. 1384.

<sup>10</sup> Here fol. 3 ends and is signed 'Thomas Hutton.'

<sup>11</sup> Nov. 1406.

Johannes Bebles demisit terram natiuam Willelmo Wattes sine licencia domini. Ideo in misericordia. Et Johannes Churche & alii habent domos ruinosas. Ideo in misericordia domini &c. And ther be named & presentyd the persones above said to be bondmen. And Philippus Bucke Ricardus hubberd Ricardus Pryek Thomas Pryeke.

Memorandum.—Ad curiam tentam apud Rypton predictam die veneris proxima post festum sancti michaelis archangeli anno xij Regis Henrici quarti predicti<sup>1</sup> Thomas Dade presentatur fore natiuus domini in sanguine. Johannes helland similiter. And no other thyng concernyng eny copyhold tenure.

Tempore Regis Edwardi quarti, &c.

Memorandum.—Ad curiam tentam apud Rypton predictam die lune post festum sancte fidis virginis anno primo Regis predicti<sup>2</sup> presentatum est quod predicti homines fuerunt natiui domini in sanguine. Et insuper Johannes Wattes Johannes Cobbe & Thomas Balett fore natiui in sanguine. And no other thynge provyng or concernyng eny copyhold tenure.

Memorandum.—Ad Curiam tentam apud Rypton predictam die sabati proximo post festum sancti<sup>3</sup> fidis anno vij<sup>o</sup> Regis predicti<sup>4</sup> ther is nothyng presentyd but the names of the bondmen aforseid concernyng eny copyhold tenure.

Memorandum.—Ad Curiam tentam apud Rypton predictam die martis proximo post festum sancti michaelis Archangeli anno viij Regis predicti.<sup>5</sup> And ther is a peyn layd to all the tenauntes of Rypton aforseid that they & eury of theym shall repayre theyr tenementes ante festum Natalis Domini tunc proximum. And no other thyng presentyd or mencionyd but the names of bondmen towchyng or consernyng eny copyhold tenure.<sup>6</sup>

Tempore Regis henrici vij.

Rypton Abbatis.

Memorandum.—Ad Curiam tentam ibidem in festo sancti luce Euangeliste anno secundo Regis predicti.<sup>7</sup> Et ad curiam tentam ibidem die Jovis proximo post festum sancte Etheldrede virginis,<sup>8</sup> anno xij Regis predicti.<sup>9</sup> Et ad curiam ibidem tentam die sabbati ante festum sancte Etheldrede virginis<sup>8</sup> anno xv<sup>mo</sup> Regis predicti.<sup>10</sup>

<sup>1</sup> Oct. 1411.

<sup>2</sup> Oct. 1461.

<sup>3</sup> Sic.

<sup>4</sup> Oct. 1467.

<sup>5</sup> Oct. 1468.

<sup>6</sup> Here fol. 4 ends and is signed 'Thomas

Hutton.'

<sup>7</sup> Oct. 18, 1486.

<sup>8</sup> Probably the translation of St. Etheldreda, i.e. Oct. 17.

<sup>9</sup> 1496.

<sup>10</sup> 1499.

Et ad curiam ibidem tentam die sabbati proximo post festum sancti Michaelis Archangeli anno xvj<sup>mo</sup> Regis henrici vij predicti.<sup>1</sup> Et ad curiam tentam ibidem die sancti hugonis anno xij<sup>o</sup> Regis predicti.<sup>2</sup> Et ad curiam tentam ibidem in festo sancti Dionisii anno xvij<sup>o</sup> predicti Regis henrici vij<sup>3</sup> ther is nothyng presentyd or mencionyd concernynge eny copyhold tenure but only this presentment folowynge in theis wordes. Ad hanc curiam tentam apud Rypton predictam in festo sancti Dionisii predicti anno xvij<sup>mo</sup> predicto venit Willelmus hobson & sursum reddidit in manus domini per virgam duo messuagia cum duabus virgatis terre ut dominus faceret voluntatem. Ideo preceptum Balliuo respicere in quo statu predicta messuagia stant. Et Thomas Wynwycke similiter sursum reddidit in manus domini per virgam vnum messuagium cum duabus virgatis terre & dimidio ut dominus faceret voluntatem suam. Ideo preceptum Balliuo videre ut supra.

Tempore domini Regis henrici octaui.

Abbottes Rypton.

Memorandum.—At the Courte holden ther the Saturday before the ffest of the Apostolles Symon & Jude in the thyrd yere of the raigne of the kynge aforseid<sup>4</sup> ther is nothyng mencionyd nor presentyd concernynge eny copyhold tenure.

Memorandum.—At the Court holden ther the Saterdag before the ffest of Saynt Martyn Episcopi anno secundo Regis predicti<sup>5</sup> ther ys nothyng presentyd consernynge eny copyhold as ys aforseid.

Memorandum.—At the Courte holden ther the Saterdag before the ffest of Seynt Luke Euangelyst anno vj<sup>o</sup> Regis predicti<sup>6</sup> And at a courte holden ther the Saterdag next after the fest of Saynt Luke anno vij<sup>o</sup> Regis predicti<sup>7</sup> And at a courte holden ther the Saterdag next after the ffest of Saynt Michell the Archaungell anno viij<sup>o</sup> Regis predicti<sup>8</sup> And at a court holden ther the Tuysday next before the ffest of Saynt Michaell tharchaungell anno xvj<sup>o</sup> Regis predicti<sup>9</sup> Et ad curiam ibidem tentam in erastino sancti Leonardi Abbatis anno xix<sup>mo</sup> Regis predicti<sup>10</sup> Nor in eny of theis Courtes ther ys nothyng presentyd consernynge eny copyhold tenure as ys above seid.<sup>11</sup>

Abbottes Rypton.

Memorandum.—Ad Curiam ibidem tentam octauo die Octobris

<sup>1</sup> Oct. 1500.

<sup>2</sup> Nov. 17, 1497.

<sup>3</sup> Oct. 9, 1501.

<sup>4</sup> Oct. 1511.

<sup>5</sup> Nov. 1510.

<sup>6</sup> Oct. 1514.

<sup>7</sup> Oct. 1515.

<sup>8</sup> Oct. 1516.

<sup>9</sup> Sept. 1524.

<sup>10</sup> Nov. 1527.

<sup>11</sup> Here fol. 5 ends and is signed 'Thomas Lutton.'



anno domini Regis henrici octavi xxij<sup>do</sup><sup>1</sup> ther ys presentyd as herafter folowythe scilicet Ad hanc Curiam venit Johannes Jurden & cepit de domino vnum tenementum cum terra & pertinentiis eidem pertinentibus nuper in tenura henrici waller habendum &c eidem Johanni heredibus &c. Reddendo inde per annum xvjs. Ideo &c meremium de proprio percipiendum &c ij s. iij d.

Ad hanc Curiam venit Johannes Roger & cepit de domino vnum cotagium cum pertinentiis nuper in tenura Johannis Wygyn tenendum sibi &c Reddendo inde per annum ij s. &c. And no mo thynges concernyng eny copyhold Tenure.

Memorandum.—Ad Curiam ibidem tentam die Jovis proximo ante festum sancti Michaelis Archangeli anno dicti domini Regis henrici octavi xxij<sup>to</sup><sup>2</sup> ther is presentyd theys thynges folowyng in theis wordes videlicet quod Johannes Smyth tenens per copyam obiit post vltimam curiam Ideo preceptum Balliuo seisire quousque &c. Scilicet Ad hanc curiam Johannes Blunte capit de domino duas clausuras in Estthorpe<sup>3</sup> vocatas le busshe close & all the mote close cui dominus concessit &c habendum sibi &c sicut placet domino reddendo inde domino per annum xs.

Ad hanc curiam Ricardus Smyth & Alicia vxor eius cepit de domino vnum messuagium cum croft adiacente & octo acras terre iacentes in Calowe Croft quibus dominus concessit &c habendum iisdem & assignatis suis pro termino vite eorumdem & alterius eorum diutius viuentis ad voluntatem domini secundum &c Reddendo inde annuatim domino xs. &c.

Tempore Regis henrici vij<sup>to</sup>.

Memorandum.—Ad Curiam tentam ibidem in die sancti Simonis & Jude anno Regis henrici<sup>1</sup> xxy<sup>to</sup><sup>5</sup> & anno domini Johannis Wardeboys Abbatis xxvij ther is mencionyd theis thynges folowyng in theys wordes. Videlicet Willelmus Warwyke cepit extra manus domini vnum messuagium cum vna virgata terre & dimidia terre & prati cum pertinentiis cui dominus concessit inde seisinam habendum &c sibi heredibus & assignatis suis ad voluntatem domini secundum consuetudinem manerii Reddendo inde domino per annum &c xxij s. iij d. & faciendo omnia alia onera consueta &c & dat domino de garsumo &c.<sup>6</sup>

Scilicet Compertum est per homagium quod Willelmus Curties extra curiam sursum reddidit in manus Willelmi Stokley Tenentis huius manerii vnum messuagium cum xj acris terre nuper in tenura Roberti

<sup>1</sup> 1530.

<sup>2</sup> Sept. 1532.

<sup>5</sup> Oct. 28, 1533.

<sup>3</sup> Part of the hamlet of Wenington, see p. 64, n. 5, supra.

<sup>4</sup> Blank in MS.

<sup>6</sup> Here fol. 6 ends and is signed 'Thomas Hutton.'

Battes ad opus & vsum Cuthberti Bagley cui dominus concessit seisinam habendum & tenendum sibi heredibus & assignatis suis ad voluntatem domini secundum consuetudinem manerii reddendo inde domino annuatim ad terminos vsuales viij s. & faciendo omnia alia onera &c & dat domino de fine &c.

Memorandum.—Ad curiam tentam ibidem xxvij<sup>o</sup> die mensis Octobris anno Regis henrici viij<sup>mi</sup> xxvj<sup>to</sup><sup>1</sup> ther wasse taken & presentyd theis thynges ffollowynge.

Scilicet videlicet Ad hanc Curiam Venit Robertus Steuene & cepit extra manus domini vnum Tenementum cum duabus virgatis terre & cum duabus clausuris nuper in tenura Thome ffolygge cui dominus concessit seisinam habendum & tenendum sibi heredibus & assignatis suis ad voluntatem domini secundum consuetudinem manerii reddendo inde per annum ad terminos vsuales dicte ville xxx s. & faciendo omnia alia onera seruicia & consuetudines inde prius debita de jure & dat de garsumo ut in capite Et fecit domino fidelitatem &c.

vj s. viij d.

Scilicet ad hanc curiam venit laurencius Carter & cepit extra manus domini vnum messuagium cum vna virgata terre duabus clausuris & octo le Ieys apud Esthcrppe cui dominus concessit seisinam habendum & tenendum sibi heredibus & assignatis suis ad voluntatem domini secundum consuetudinem manerii reddendo inde domino annuatim ad terminos vsuales dicte ville xx s. & faciendo omnia alia onera & seruicia &c. Et dat de Garsumo<sup>2</sup> vt in capite & fecit domino fidelitatem &c.

vjs.

Ad hanc curiam venit Elizabet Carter & cepit extra manus domini vnum cotagium cum pertinentiis cui dominus concessit seisinam habendum & tenendum dicte Elizabet Carter durante tempore vite sue & post decessum suum dictum cotagium remaneat Laurencio Carter heredibus & assignatis suis ad voluntatem domini secundum consuetudinem manerii reddendo inde domino annuatim ad terminos vsuales dicte ville ij s. Et fecit<sup>3</sup> omnia alia seruicia & onera &c. Et dat de garsumo vt in Rotulis curie & fecit domino fidelitatem &c.<sup>4</sup>

Scilicet ad hanc curiam venit Thomas Gostlyn & cepit extra manus domini vnum messuagium cum vna virgata terre & duabus clausuris nuper in tenura Johannis Browe cui dominus concessit seisinam habendum & tenendum sibi heredibus & assignatis suis ad voluntatem domini secundum consuetudinem manerii Reddendo inde domino annuatim ad terminos vsuales dicte ville xxij s. iij d. Et faciendo

<sup>1</sup> 1534.

<sup>2</sup> See p. 74. n. 4. supra.

<sup>3</sup> Sic.

<sup>4</sup> Here fol. 7 ends and is signed 'Thomas Hutton.'

omnia alia onera &c & dat domino de fine vt patet in capite & fecit fidelitatem. v s.

Ad hanc curiam venit Johannes Bagley & cepit extra manus domini vnum cotagium cum tribus quarteriis virgatis terre cum vna clausura nuper in tenura Johannis Scott cui dominus concessit seisinam habendum & tenendum sibi heredibus & assignatis suis ad voluntatem domini secundum consuetudinem manerii reddendo inde domino annuatim ad terminos vsuales diete ville xiiij s. Et faciendo omnia alia onera & seruicia &c. Et dat domini de garsumo ut in capite & fecit fidelitatem domino &c. iiij s. iiij d.

Rypton Abbatis.

Ad hanc Curiam ibidem tentam viij<sup>o</sup> die Octobris anno Regis henrici v<sup>1</sup> xxj<sup>o</sup><sup>2</sup> ther wasse theis entrez made in fleyes wordes ffolowyng videlicet.

Scilicet Ad hanc curiam ibidem tentam Johannes Burde cepit de domino vnum messuagium cum terra & prato eidem pertinentibus nuper in tenura Roberti Asshebe tenendum sibi heredibus & assignatis suis ad voluntatem domini secundum consuetudinem manerii reddendo inde domino annuatim ad terminos vsuales ibidem xl s. Et faciendo omnia alia onera & seruicia & consuetudines inde debita meremio pro reparacione inde omnino excepto finis x s.

Scilicet Ad eandem curiam Willelmus Stokley cepit de domino vnum messuagium cum duabus clausuris ac aliis suis pertinentibus nuper in tenura Gregorii frostt tenendum sibi heredibus & assignatis suis ad voluntatem domini secundum consuetudinem manerii reddendo inde domino annuatim termino consueto ibidem xxij s. iiij d.<sup>3</sup>

Scilicet Ad eandem curiam Cutbertus Bagley cepit de domino vnum tenementum cum terra & prato eidem pertinente nuper in tenure<sup>1</sup> Nicholai kynge tenendum sibi heredibus & assignatis suis ad voluntatem domini &c reddendo domino xxvj s. viij d. & ffaciendo omnia alia onera &c meremio omnino excepto finis—xij s. iiij d.

Scilicet Ad eandem curiam predictus Cutbertus cepit vnam clausuram cum dimidia virgata terre vocate Wyslond cum omnibus aliis suis pertinentiis nuper in tenura Nicholai kynge tenendum sibi heredibus & assignatis suis ad voluntatem domini &c reddendo inde vj s. finem.

Scilicet Ad eandem Curiam Willelmus Tomkyns cepit de domino

<sup>1</sup> Sic.

<sup>2</sup> This is clearly a copyist's blunder. The Abbey was surrendered Nov. 22 (31 H. 8), 1539. Dugdale, 'Mon.' ii. 588. The

date should be 'Henrici viij xxxj<sup>o</sup>,' i.e. Oct. 8, 1539.

<sup>3</sup> Here fol. 8 ends and is signed 'Thomas Hutton.'

vnum cotagium vnum quarterium terre nuper in tenura Willelmi Adams tenendum sibi hereditibus & assignatis suis ad voluntatem domini secundum &c. Reddendo inde domino iij s. vj d. finis iij s. iij d. meremio<sup>1</sup> percipiendo de domino &c.<sup>2</sup>

*Endorsed.* 'Rypton Abbatis.'

'The effect of dyuers Courte roulles holden at Rypton afforseyd towchyng eny cople hold Tenure to be within the same.'<sup>3</sup>

*Endorsed.* Rypton Abbatis.

The effect of dyuers Courte roulles holden at Rypton afforseyd towchyng eny cople hold Tenure<sup>4</sup> to be within<sup>5</sup> the same.

#### DECREES AND APPEARANCES.<sup>6</sup>

Primo die febr. a<sup>o</sup> regni regis xxxv.<sup>7</sup>

Memorandum that the cause betwene thinhabitauntes of Abbotes Rypton and sir John Saintleger<sup>8</sup> ys ordered by the counsaill that the tenauntes yet remaynyng in debte for the rent of ther tenementes shall befor Shrosty<sup>9</sup> next commyng truely content and pay the rerages of the same without other delay and further that non of the said complainantes shall make or cause to be made any maner of waste to be don vpon ther land duryng the suete of ther case vpon the perill & danger that may therof folowe and ensue.

xij<sup>o</sup> die maii a<sup>o</sup> regni regis (xxxvj<sup>o</sup>).<sup>7</sup>

The tenauntes of Rypton herde.

The cause betwene the tenauntes of Abbottes Rypton ayenst Oliuer Saint Johns ys continued vnto Thursday next commyng than the mater to be hearde so that the complainantes geue warnyng vnto the defendant or his counsaill.

xvj<sup>o</sup> die Maii anno xxxvj<sup>o</sup>.<sup>7</sup>

Memorandum that the cause dependyng in trauserse betwene all suche persons being tenauntes of Rypton whiche nowe complayne ayenst Oliuer Saint Johns touchyng certain suche cople holdes as ar

<sup>1</sup> 'Excepto' struck through.

<sup>2</sup> Here fol. 9 ends and is signed 'Thomas Hutton.'

<sup>3</sup> There is a less carefully written copy of the above extracts from the Court Rolls signed Nycholas Luke, Thomas Hutton.

<sup>4</sup> Word illegible.

<sup>5</sup> Interlined.

<sup>6</sup> Vol. vi. pp. 322, 339, 343, 357, 370.

375, 383, 392 (30-38 Hen. 8). The entries are printed as now bound, but appear sometimes to have been bound out of order of time.

<sup>7</sup> 1544.

<sup>8</sup> Sic.

<sup>9</sup> This word is not to be found in Halliwell, Skeat, or Stratmann. It is presumably a corruption of Shroffs- or Shroves tide.

nowe in trauerse betwene theym ys nowe ordred that the said Oliuer shall suffer the said tenauntes peasably to holde and enyoie their possession of the said holdes & landes without any his interrupcion to the contrary theym vnto suche tyme further order & direction be therein taken by the said Counsaill whiche haue commaunded the tenauntes not to fell ne cute downe any greate tymbre growyng vpon the premisses ne otherwise make any wylfull waste and further haue commanded & ordered that the said Olyuer shall withdrawe & surseace all maner his suettes and accions at the commyn ayenst the complaynantes commensed duryng the tyme aforsaid and to deliuer vnto theym all stresses lately taken from theym or any of theym.<sup>1</sup>

Eodem die.<sup>2</sup>

Tenauntes of Rypton v. Seint John.

Memorandum that the mater in trauerse betwene the tenauntes of Abbates Ripton and sir John Saint John knight and Oliuer hys sonne yt ys nowe by the counsaill vpon<sup>3</sup> assent of the lerned counsaill of bothe parties continued vnto the morowe of All soules daye next commyng.<sup>4</sup> So that the meane tyme Nicholas Luke baron of thechequier and Thomas Hutton squier may duely and substancially examine all suche auncient courte Rolles as belonge vnto the manor of Ripton aforsaid and the playnes of the same so to certifie vnder their scales at the aforsaid day to thentent further order ther vpon the sight therof may be had and taken.

Eodem die.<sup>5</sup>

Tenauntes of Rypton.

Memorandum that the cause betwene the tenauntes of Abbotes Rypton ayenst sir John Saintjohns knight ys by the kinges counsaill continued vnto thutras of Saint Hillary next commyng<sup>6</sup> & in the meane tyme they to obserue and holy kepe suche former direccions as was made touchyng this mater And also further ordred that all suche witnesses as any of the parties entende to vse in this behalfe be broughte and examined at the daye aforsaid which ys peremptorily

<sup>1</sup> The above entire order is struck through.

<sup>2</sup> I.e. vltimo die Junii anno regni regis xxxvj<sup>to</sup> (1544).

<sup>3</sup> Doubtful. MS. indistinct.

<sup>4</sup> 3 Nov. 1544.

<sup>5</sup> I.e. xxvj<sup>to</sup> die Nouembris anno xxxvj<sup>to</sup> [(1544)].

<sup>6</sup> 20 Jan. 1545.

geuen so that noo further delaies be had in deferyng of the heryng of the mater by any of the said parties.

xvj<sup>o</sup> die Maii.<sup>1</sup>

Memorandum that the sute dependyng in trauerse betwene all suche persons beyng tenauntes of Ryp-ton whiche nowe complayne ayenst sir John Sainst John knight and Oliuer Sainst Johns squier touchyng suche customary landes as ar in trauerse betwene theym ys nowe ordered by the kinges counsaill with thassent of the lerned counsaill of bothe parties that the said defendauntes shall peasably permitte and suffer the complaynauntes & euery of them quietly to enyoie theyr tenementes and holdes without any lett or interrupcion to the contrary vnto such tyme further order & direccion be therin taken by the said counsaill whiche also haue ordred that the tenauntes shall pay the rentes nowe due by the Wennysday in the Wytsonweke weke next commyng the same recepte not to be preiudiciall to the lorde ne the tenauntes for the payment of the same and the said defendant to deliuer all suche goodes as lately wer taken frome the said tenauntes or their premisses<sup>2</sup> and further ordered that the said tenauntes ne the<sup>2</sup> defendauntes afor the tyme the said cause be determined shall fell or cute downe any great okes or other trees growyng vpon theyr closes or pastures ne non other wode excepte busshes which they comynly haue vsed to haue for bruyinge & bakinge or stoppyng of gappes and also that the forsaid defendauntes surcease and withdraw al maner of accions & sutes by theym or eny of them commensed at the comyn lawes nor otherwyse trouble the said complaynauntes touchyng the premisses vnto the tyme afor specified This order to be obserued and kepte it ys accorded by the said counsaill vpon the danger that in defaulte therof may folowe & ensue.

NICO WIGORN.<sup>3</sup>

THO. WESTM.<sup>4</sup>

EDWARD CARNE.<sup>5</sup>

<sup>1</sup> I.e. 36 H. 8, 1544.

<sup>2</sup> Doubtful. MS. indistinct.

<sup>3</sup> Nicholas Heath, translated from Rochester March 22, 1544, deprived 1551, restored 1553, Archbishop of York 1555, Chancellor 1556-8, d. 1579. Foss, 'Lives,' v. 377. He appears as Episcopus Roffensis in the list of Judges on p. civ.

<sup>4</sup> Thomas Thirlby, S.T.P. Bishop of

Westminster 1540-50. Le Neve, 'Fasti,' iii. 346.

<sup>5</sup> Presumably this is the diplomatist, though he appears about this time to have been resident ambassador in the Low Countries. The name recurs in signature to a statement of defence in Uvedale v. York, p. 205. See also the list of Judges on p. cvii, and p. cxix, n. 131, supra.

Eodem die.<sup>1</sup>

Tenauntes of Abbottes Rypton.

Memorandum that the cause betwene the tenauntes of abbotes Rypton ayenst Mr. Saint Johns knyghte ys ordred by the counsaill that the parties with ther counsaill after the furste daye of the next terme whiche ys peremptorily appoynted for heryng of the same case & that the said tenauntes then brynge all suche courte Rolles and copyes as they haue in iustificacion of theyr titles without fayling herof at ther perills, at the whiche tyme the complaynants appered not, yet of further grace, the said counsaill haue geuen theym daye ouer vnto the xxvij<sup>th</sup> day of Aprill viz. Tuesday next commyng then the parties tapper at whiche daye the tenauntes appered and then brought non other mater then afor was shewed wherfor vpon consideracions shewed the heryng of the mater ys yet respited to the commyng of Mr. Hare<sup>2</sup> or some other counsaill <sup>3</sup> lerned <sup>3</sup> appoynted for the same.

Eodem die.<sup>4</sup>

det[ur] tenauntes de Abbottes Rypton . . .<sup>5</sup> Saint Johns.

Memorandum that the cause betwene the tenauntes of Abbottes Rypton ayenst Mr. Saint Johns ys continued vnto Satturday next commyng then the parties tapper with theyr counsaill for heryng of the mater.

xv<sup>th</sup> die Maii anno r. regis xxxvij<sup>mo</sup>.<sup>6</sup>

Whereas matier in varyaunce bytwene syr John Seynt John knight and Olyver Seint John Esquier some and heire apparaunte of the said syr John Seynt John parties defendauntes and Symon Kent, Wilyam Byrde, Thomas Yonge, William Baxter, Thomas Roger and William Stokesley compleynauntes hathe depended afore the kinges honorable covnsaill for the tryall of the Intereste, Righte and Title of certen messuage landes and Tenementes in Abbottes Rypton in the covntie of Hunt[ingdon], whiche the said parties compleynauntes doo clayme and pretende to holde to theim and to their heyres of the said syr John Seynt John and Olyver his sonne as of the manour of Abbottes Rypton aforesaid, somtyme parcell of the possessions of the late Monasterye of Ramesey in the said countie of Hunt[ingdon]

<sup>1</sup> Referring to another memorandum. April, 37 H. 8 (1545).

<sup>2</sup> I.e. Sir N. Hare, apparently as legal assessor. See p. 174, n. 3, infra.

<sup>3</sup> Interlined.

<sup>4</sup> I.e. quinto die Maii 1545. <sup>5</sup> Illegible.

<sup>6</sup> 1545. 'Decrees and Appearances,' Vol. vii. p. 240.

now dissolved and gyven by the kinges maiestie vnto the said syr John Seynt John and to his heyres in exchange and recompence of and for other landes and tenementes of the said syr John Seynt John, fforasmoche as it dothe manyfestly appire vnto the said counsaile vpon the sighte of suche copies as were broughte and shewed forthe before them on the bihalfe of the said Symon Kent and others the parties compleynautes, of the whiche copies the oldest therof whiche was but oone copye onlye shulde seme to be made in the xxi yere of kinge Edwarde the fourthe,<sup>1</sup> And yet the same to be graunted but for terme of liffe, And that the copies whiche were made vnto the said compleynautes were made but in thies kinges dayes, And the more parte of them sins the xxvij yere of the kinges maiesties reigne,<sup>2</sup> And that also the Residue of the Inhabytautes and Tenautes of the said manour of Ryp-ton besides the said compleynautes perceavyng their copie holdes to be of no auneynt foundacyon nor of litle effecte in the lawe, haue surrendred their said copies and taken their ffermes by Indenture of the said syr John Seynt John for terme of yeres, So that there was no matier of Substaunce brought before the said counsaile to approve the said copies graunted vnto the said compleynautes to bee of any force or strengthe in the lawe, Therefore it is ordred and decreed by the same counsaile That the said syr John Seynt John and Olyuer Seynt John and their heyres and assignes shall fromme hensforthe well and quyetly haue, holde and enioye the said mesuages, ffermes, landes and tenementes now beinge in the possession of the parties compleynautes, To graunte and lett the same to ferme to whome it shall please the said John or Olyver or their heyres or assignes, and that the said compleynautes and euery of them shalbe fromme hensforthe excluded and barred to have or demaunde any Righte Tytle or Interest . . .<sup>3</sup> to the said seuerall pretensed copieholdes or vnto any parcell of them and th(at) the said compleynautes and euery of them shalle fromme hensforthe peasablye . . .<sup>3</sup> (pe)rmitt and suffre the said syr John Seynt John and . . .<sup>3</sup> their heyres and assignes and all suche other . . .<sup>3</sup> John Seynt John or O(lyver) . . .<sup>3</sup> heires or . . .<sup>3</sup> to ferm . . .<sup>3</sup> vnto . . .<sup>3</sup> (oc)cupie . . .<sup>3</sup> hegge . . .<sup>3</sup> ap(on) the . . .<sup>3</sup> sayng(e) that it shalbe lawfull vnto the said compleynautes and to their fermours to enhabitte in their said howses, and to take and carrye awaye suche corne as they have now sowen vpon any parcell of the premisses, at all tymes tyll and vnto the feaste of Saynte Michaell the archaungell next commynge,

<sup>1</sup> March 4, 1481—March 3, 1482.

<sup>2</sup> April 22, 1535—April 21, 1536.

<sup>3</sup> MS. mutilated.



Payeng vnto the said John and Olyver, or their heires or assignes, all suche Rentes and Arreragies of Rentes as shoulde have been due vnto them at the said feaste of Saynte Michaell the Archaungell if this present decree had not been made, But not in any wise to entremedle with the ffallowe, nor such grasse and haye as by the custome of the said manour is accustomed to be letten, and to goo or be occupied with the fallowe. Neuertheles, by the medyacion of the said Counsaile and by the assent of the said syr John Seynt John and Olyver, It is ordred and decreed that the said syr John Seynt John and Olyver vpon the humble suite and submyssion of the said Wyllyam Baxter, Willyam Birde, Thomas Yonge, and Thomas Roger, shall make vnto the said Willyam Baxter, Willyam Byrde, Thomas Yonge, and Thomas Roger, oone lease of their seuerall fermes and holdynges in Rypton aforesaid, for suche nombre of yeres, and for suche Reasonable Rent, as shalbe vpon communycacion bytwene them had, reasonablye accorded and agreed, And it is farther ordred and decreed that in caas the Baillif or the seruauentes of the said syr John Seynt John, or Olyver have any of the goodes, corne, or cattall of any of the said compleynautes remayninge in their handes not yet to the said compleynautes delyuered, That then the said John or Olyver shall cause the same to be redelyvered vnto the Owner therof, or the said Owner therof to bee otherwise reasonablye recompensed for the same before the said feaste of Saynte Michaell the Archaungell, excepte that there shall appire some reasonable cause whye the same oughte not so to bee performed nor executed.

FOREACRE AND PERSON, CUSTOMARY TENANTS OF BRADFORD  
(SOMERSET) *v.* FRAUNCYS.<sup>1</sup>

A. To the kyng oure soueraigne lorde.

1544 In moste humble wise complaynyth & schewith vnto youre heighnes youre poore Subiectes Thomas Foreacre & Richarde Person of Bradeforde<sup>2</sup> yn youre countie of Somersett Customarie Tenautes of the manour of Bradeforde with yn youre countie aforesaid in the name of them self and all other customary tenautes of the same manour of

<sup>1</sup> Mr. Hunt's Calendar, Bundle 10, No. 174.

<sup>2</sup> About four miles S.W. of Taunton.

Bradeforde. That where one William Fraunces<sup>1</sup> & Richard Warre<sup>2</sup> esquyers are owners & lordes of the said manour of Bradeford afore-said within which said manour are dyuers & soundrie laudable vsages & customes which haith byn vsed with yn the said manour the tyme oute of memorie of man amongst which said customes haith byn vsed by all the same tyme that euerye Tenaunt of the said manour may yelde geve & graunte his customarie tenement or holde commynly called a bargayn with thappertenaunces to euery person & persons as schall pleyse hym & the same to haue after the deceste of the bargayner, By this waye & meane that is to say the said Tenaunte & tenauntes to surrender it by geving or yeldyng of one moote or strawe yn to the handes of one of the tenauntes of the said manour to the vse of hym that schall haue the reuersion of the said bargayn and the same person to whom suche yeldyng is made schall haue the same by the said custome when it schall falle by the surrender deith or Forfature of the person that did so surrender it, and the person that schall haue the said reuersion by the (said)<sup>3</sup> custome schall come yn to the Courte & take the same of the lorde accordyngly doying & payng therfore suche services & fyne as are of olde dew & accustomed, And ferder soueraign lorde it is also vsed with(in the said m)<sup>3</sup>anour that if any tenaunt of the said manour deceste with oute yeldyng his tenement or ferme that then his wiff schall come yn to the courte of the said manour to haue the same her tenement duryng . . .<sup>4</sup> as long as sche contynewith sole & chaste doying & payng for the same such Rentes & customes there of old tyme dewe. And ferder it is also vsid with the said manour that if any such tenaunt of . . .<sup>4</sup> make no suche surrender that then after his deceste & after the deceste of his wiff the yongest man childe of any suche tenaunt of the said manour schall after the deceste of the said tenaunte haue his said f . . .<sup>4</sup> customarye holde, and if there be no man childe that then the yongeste woman childe yn like maner schalbe admytted to suche tenement after the custome afore said: So it is moste gracious soueraign lorde . . .<sup>4</sup> (sa)id William Fraunces & Richarde Warre will yn no wise admytted<sup>5</sup> or allowe the said auncient customes & vsuages of the said manour there vsed as is before allegyed, but dayly

<sup>1</sup> Of the family of Fraunceis of Combe-Flory (see p. 151, *infra*), about seven miles W. of Taunton, an ancient house descended from the Fraunceis of Bolham in the county of Devon. J. Collinson, 'Hist. of Somerset' (1791), iii. 248.

<sup>2</sup> Richard Warre, eldest son and heir of Thomas Warre of Hestercombe, Somerset,

and lord of the manors of Hele, Chipleigh, Tolland, Milverton, Hinton-Crofte, Grenevyleswyke, Brushford, Banwell, Lovelinch, &c., died 44 Eliz. (1602). Collinson, iii. 260.

<sup>3</sup> Conjectural. MS. mutilated.

<sup>4</sup> MS. mutilated.

<sup>5</sup> Sic.

threttenyth your said poor . . .<sup>1</sup> put them oute of there said customary tenementes & bargayns withoute any forfature therof comytted by them, and albe it youre poore subiectes & all other tenauntes there haue at all ty(mes) . . .<sup>1</sup> contente & pay to them there said rentes & all other customes there dewe but that to reseceyve they haue at all tymes denyed & refused and sythens the feaste of the annunciacon of our ladye in lente last<sup>2</sup> . . .<sup>1</sup> suffered there said rente to remayn yn there said tenauntes handes, and also soueraign lorde the said William Fraunces & other persons by his commaundment of late entred yn to a parcell of gronde of . . .<sup>1</sup> (sub)biectes called Milhammys & then & there did take too coltes & too mares price of ix<sup>3</sup> li. & with oute any juste cause the same there toke & caried away & yet with holdyth & deteynyth the same contrary to . . .<sup>1</sup> (cu)stomes lawe & good consyence, and where as also one Thomas Person was seaisid & had to hym after the custome of the said manour one cotage with thappurtenaunces lyeng with yn the said manour & so sei(sed) . . .<sup>1</sup> (ace)ordyng to the custome there vsed surrendered the same by the yeldyng of one moote yn to the handes of one William Scote tenaunt of the said manour to the behouff of one Richard Person one of your said subiectes & son to the said Thomas Parson, which surrender was presented by the homage of the said lordshipp at the Courte nexte ensueng the deith of the said Thomas Person, & the said lordes had an heriot by the deith of the said Thomas of the value of xxxij s. & iiij d., and albeit the said Richarde haith often tymes comme to the said lordes & offered them the olde fyne for the said cotage accordyng<sup>4</sup> the custome of the said manour & requyred a copie & to be admytted tenant therof, which to do the said lordes haue denyed onles the said Richarde wold make suche grett excesse fyne therof as they haue therupon sett clere contrary to the custome of the said manour, by reason therof the said William Fraunces haith now entred yn to the said cotage & wrongfully expelled & put oute the said Richarde from the same & the said cotage there now doith occupie & the profyttes of the said cotage not only takyth & conuertith to there awne proper vse, but also takyth the yerely rent dewe for the same contrary to all quyte & good conscience. Maye it therefore pleyse your graeyous hieghnes the premyssis considered to graunte to your said poore Subiectes your graeyous write of prvie seale to be directed to the said William Fraunces & Richarde Warre commaundyng them & euerye of them by the same personally

<sup>1</sup> MS. mutilated.<sup>2</sup> March 25, 1543.<sup>3</sup> Either ix. or x., the MS. being mutilated.<sup>4</sup> Sic.

to appere before your hieghnes & your most honorable Counsell yn youre gracis honorable Courte of requeste yn the White Halle at a certeyn day & vnder a ceteyn<sup>1</sup> payn by your hieghnes to be lymyted & appoynted & then & there to make answere vnto the premyssis & ferder to stande to abide & obey all such order & iugement concerning the premyssis as schalbe thought by your gracys hieghnes & your moste honorable counsell most resonable accordyng to right equitye & justice & your said poore Subiectes schall dayly pray to God for the preservacon of your most Roiall estate longe to endure.

R. C.<sup>2</sup>

*Endorsed.* (Tenen)tes de Bradley<sup>1</sup> uersus Fraunces.

xj<sup>o</sup> die Februarii anno regni regis xxxv<sup>o</sup>.<sup>3</sup>

Committatur causa ista ex consensu partium Reuerendo in Xpo patri episcopo de Bath<sup>4</sup> & Hugoni Paulet<sup>5</sup> militi Willelmo Porteman seruienti ad legem<sup>6</sup> & Thome Dier<sup>7</sup> armigero uel tribus eorum ad recipiendum responsum Ricardi Warre super iuramentum suum et etiam ad examinandum veritatem de omnibus articulis infraspacificatis et super inde finaliter determinandum partibus vocatis cum testibus iuratis alioquin ad certifiandum consilio domini Regis iuxta

<sup>1</sup> Sic.

<sup>2</sup> Initials of counsel; possibly Robert Curson of Lincoln's Inn, appointed a Baron of the Exchequer in 1547. Foss, v. 300. His name appears in full, 'Curson,' on the pleadings in *Daryngton v. Chapman* (1541), p. 61.

<sup>3</sup> 1544.

<sup>4</sup> William Knight, LL.D., who had been much employed by Henry 8 in diplomatic missions abroad. He held the see from 1541-47. See 'Dict. Nat. Biog.' *sub* Knight.

<sup>5</sup> Sir Hugh Paulet, eldest son of Sir Amias Paulet (d. 1538). Sir Hugh was knighted in 1537. He was a military commander, and for twenty-four years after 1539 Governor of Jersey. He sat in the Parliament of 1572 for Somerset. He was lord of the manor of Sampford-Peverel, Devonshire, and held lands at Upercroft and Combe, Somerset; d. c. 1572. See *ib. sub* Paulet.

<sup>6</sup> William Porteman, Reader in the Middle Temple 1532 and 1540, King's Serjeant Nov. 23, 1540, Justice of K. B. 1546, C. J. of Q. B. 1555, d. 1557. Foss's 'Lives,' v. 387. He was from time to time in the commission of the peace for Somerset. 'Dict. Nat. Biog.' *sub* Portman.

<sup>7</sup> Thomas Dyer, one of the stewards of the King's chamber. In 1532 he received

a grant of an annuity for life out of the manor or lordship of Charleton Camvyle super Horethowdon, Somerset (S. P. Dom. H. 8, v. 1370 [16]), and shortly afterwards a lease of the manor itself (ib. 1693 [1]). In 1539 he and his wife Frances for 280*l.* received a grant in fee of the reversion of a lease of lands in Essex, granted by the monastery of Bylegh (ib. xiv. i. 904, 11), and he appears in the accounts of the Court of Augmentations in the same year as a purchaser of monastic lands (ib. ii. 236 [p. 72]). He was a creditor of Cromwell for 5*l.* 12*s.* 6*d.*, 'which he lent my lord' in 1539 (ib. 782 [p. 342]). In the same year, perhaps through Cromwell's influence, he obtained a grant of an annuity of 3*l.*, issuing from certain lands in Westbucham and Netheraxe, Somerset, together with the wardship and marriage of John, son and heir of William Thornborowe, the late owner (ib. 435 [37]). He was knighted in 1546 (Metcalf, 'Book of Knights,' p. 91). He was concerned with the settlement of the Protector Somerset's colony of Flemish refugees at Glastonbury (S. P. Dom. E. 6, v. xiii. 74 [p. 37]). The last mention of him in the State Papers is in 1558, when he is described as of Sharpam, Somerset (S. P. Dom. Mary, Addenda, vol. viii. 125 [p. 483]).

compertum conscriptis et subscriptis xv pascce proxima iungendo<sup>1</sup>  
partibus ad comparandum eodem die sub pena cli.

ROBERT BOWIS.<sup>2</sup>

B. The awnswer of William Frauncys to the bill of complaynt  
of Rychard Foureacre & Rychard Person.

The seyd defendaunt seythe that the said bill of complaynt ys  
false & vntrew & the mater ther in conteyned alonly fayned &  
ymagened to the intent to put the said defendaunt to vexacion costes  
and charges and is mater also determinable at the comen law and  
not in this honorable Courte wherunto he praythe to be remytted.  
Neuerthelesse the aduantage therof to him beyng always saued  
therfor declaracon of the trothe he sayth that tru hit is that the said  
defendaunt and the said Rychard Warre be seased of & in the said  
manor of Bradford wherof the said parcell of grounde called  
Mylhammys is parcell in ther demean as of fee of the whiche said  
parcell of ground called Milhammys the said Thomas Fouracre one  
of the said complaynantes was seased for terme of his lyffe by copie  
of courte rolle of the said manor after the custome of the said manor,  
and they so beinge therof seased at a courte holden within the said  
manor the last day of Maye last<sup>3</sup> past the hole homage of the said  
manor beinge then sworn presentyd the dethe of one Rychard Rows-  
well beinge at the tyme of his dethe a customary Tenaunt of a certeyn  
Tenement parcell of the said manor wherin he at the said tyme of his  
dethe dwellyd, And that the said Rychard Rowsewell at the tyme of  
his dethe was Tenaunt by copie of courte rolle of the said manor of  
another Tenement parcell of the said manor called Parkes & Furlonges,  
and that Alyce Rowsewell wedow late wyffe to the said Rychard  
Rowsewell ought to haue bothe the said twoo Tenementes duringe her  
wydowed<sup>4</sup> Iyving chaste by the custome of the said manor, Whervppon  
one John Warre beinge then steward of the same manor declared vnto  
the said homage that the said Tenement called Parkes & Furlonges  
was parcell of certeyn land lyenge within the said manour called  
ouerland<sup>5</sup> the whiche land no wedow ought by the custome of the said  
manour to haue any parcell therof duringe her wydowed,<sup>6</sup> and the

<sup>1</sup> Sic; for iniungendo.

<sup>2</sup> Sir Robert Bowis, Bowes, or Bowys,  
born c. 1495, d. 1554, a military commander  
and lawyer; Master of the Rolls in  
1553. See 'Diet. Nat. Biog.' sub Bowes.

<sup>3</sup> 31 May, 1543.

<sup>4</sup> Sic.

<sup>5</sup> Of the adjacent manor of Taunton, Col-  
linson says: 'In this manor there are two  
sorts of lands, Bondland and Overland; The  
Bondland is that whereon there have been

and commonly are ancient dwelling-tenements, and is held by a customary fine and rent certain, paying heriots and doing other suits and services to the same belonging. The Overland is that whereon in ancient time there were no dwellings, and is held by a fine and rent certain and fealty; but the tenants thereof pay no heriots, and do no other customs, suit, or service for the same.'

<sup>6</sup> History of Somerset<sup>1</sup> (1791), iii. 233.

said Steward said to them that the said Alyce ought not therfor to haue the said tenement called Parkes & Furlonges duringe her wydowed, and then the said Steward commaunded them to present all other maters that they hade founde worthy to be presentyd, and for that that the said stuard wold not allow & graunt forthwyth that the said Alyce shold haue & enioye the said Tenement called Parkes & Furlonges duringe her wydowed accordinge to theyr surmysed custome all the said homage wherof the said Thomas Fouracre one of the said complaynautes beinge the cheyfe contemptuously refused to present other materiall thinges & cawses the whiche they then had found worthy & mete at that tyme to be presentyd at the said courte, and in despyte of the said courte then also the same hole homage maliciously departyd, and after at a nother courte ther somoned to be holden within the said manor the eight day of July last<sup>1</sup> past the said complaynautes & dyuers other Tenautes of the said manor declared & said vnto the said defendaunt that the custome of the said manor was that euery customary Tenaunt of the said manor mought yeld his Tenement to whom so euer he wold payenge therfor vnto the said defendaunt & the said Rychard Warre beinge lordes & owners of the same manor a steynt fyne, and also that euery wedow after the dethe of her husband being Tenaunt at the tyme of his dethe of any tenement or other lande parcell of the said land called ouerland lyenge wythin the said manor & also parcell of the said manor, ought to haue the same Tenement duringe her wydowed, and ferdermore yf ony Tenaunt of any Tenement or land beinge parcell of the said manor do dye havinge no wyffe at the tyme of his dethe & that hathe not yeldyd the same Tenement in his lyffe tyme to another person that then the yongest son yf ony suche be of the same Tenaunt and yf he haue no sone the yongest doughter ought to haue the same Tenement payng therfor to the lordes and owners of the same manor for the tyme beinge a steynt fyne, & required the said defendaunt forliewythe to graunte & allow to them the said three maters, Wherunto the said defendaunt sayd then to them that the custome of the said manor was not soo nor hit had neuer byn so vsyd within the said manor, and also the said defendaunt seyde to them that when so euer those said maters or any of them should happen to cum & be in varyaunce betwyn hem & any of the said Tenautes that hit shold be then tryed by the law and accordinge vnto the same be dyrectyd & ordyred. And ferder he said that in the meane tyme that all other maters shold be vsed & contynued accordinge to the

<sup>1</sup> 1543.

custome of the said manor, and then the steward according to the forme of the law began to kepe the said courte & caused an Oyes to be made and so he contynned the kepinge of the same courte in dew order & forme vntyll that the said Tenautes showld be sworn to ynquere accordinge to the vsage of all courte barons & other courtes to be holden & kepte within ony manor or lordship, And then the said stuard called the said Thomas Foureacre one of the said complaynautes and all other Tenautes of the said manor to be sworn to inquere as they ought to doo, The whiche to doo the said complaynaunt and all other the said Tenautes of the said manor obstynatly & sturdly then & ther refusyd, & said that vnlesse the said defendaunt & the said Rychard Warre wold graunte them forthewythe & immedyatly that they showld haue and enyoie the commodytie of the said thre matters accordinge to their senester clayne & former request that they ne any of them would be sworn at that courte but wold departe & so theryppon the said complaynautes & all the other Tenautes aforesaid in dyspyte of the said courte departyd owt of & from the said courte, and after at another courte ther holden wythin the said manor the thyrd day of January last past <sup>1</sup> the <sup>2</sup> hole <sup>2</sup> homage <sup>2</sup> of <sup>2</sup> the said manor wherof the said Thomas Foureacre beyng cheyfe, by the same Thomas Foureacre, Henry Waye, Peter Ley & Thomas Davy, as foremen of the said homage, beyng sworn, <sup>2</sup> presentyd <sup>2</sup> that <sup>2</sup> at the said courte ther holden within the said manor the said last day of Maye the said homage for the cawse aforesaid dyd refuse to present, & departyd also owt of the said <sup>2</sup> courte <sup>2</sup> as <sup>2</sup> is <sup>2</sup> aforesaid <sup>2</sup> and . . . <sup>3</sup> at the said courte ther holden the said viij day of July the said homage for the causes aforesaid refusyd to be sworn & departyd also eftesones owt of the said cour(te) . . . <sup>3</sup> . . . <sup>3</sup> maner & forme as is aforesaid, by force whereof & for that the said homage refusyd to present & also refusyd to be sworn, and ferdermore departyd owt of & from the said courtes in maner & forme as is aforesaid the said defendaunt commaundyd Hugh Sampford his seruaunt to entre into the said parcell of grounde called Mylhammys in the name & behalfe of the said defendaunt & to clayme & sease that same grounde to his vse as a forfeiture, by force of whiche commaundement the said Hugh Sampford as seruaunt to the said defendaunt & by his commaundement aforesaid entred into the said parcell of grounde & that claymed & seasyd to the vse of the said defendaunt & toke two coltes & two mares ther damages

<sup>1</sup> 1544.<sup>2</sup> MS. mutilated, but words restored from

the same defence put in by R. Warre.

<sup>3</sup> Both MSS. here mutilated.

fesaunt & them inpoundyd in a lawfull pounce wythin the said countie, as lawfull was for hem to doo, The whiche said coltes & mares remayneth in the same pounce, for that the said Thomas Fourcacre hath not nor will as he sayth fetche them owt of the same pounce by wryte of replegiare <sup>1</sup> according to the order of the law, And ferdermore the said defendaunt seythe that the said Thomas Person was possessed of the said cottage with thappurtenaunces & that same helde by copy of courte Rolle of the said manor for terme of his lyfe after the custome of the same manor, and he so beyng therof possessyd dyed, after whose dethe the said cottage with appurtenaunces reuertyd & came into the handes & possessyon of the said defendaunt by force wherof the said defendaunt entred into the said cottage wythe thappurtenaunces & the yssues rentes & proffytes therof haue taken as lawfull was for hem to doo, wythout that hit hath byn vsyd tyme owt of mynde that every Tenaunt of the said manor mought yelde gyve & graunte his customary Tenement to suche persons as shuld please hem to haue the same Tenement after the decesse of the Bargaynor by suche waye & meane & in maner & forme as is allegyd in the said bill of complaynt, or that any suche fyne hath byn vsyd & accustomed to be payd to the lordes & owners of the said manor vpon any suche surmysed yeldyng. And the said defendaunt seythe that the said surmysed yeldyng of the said Tenementes within the said manor by the Tenautes of the same Tenementes, yf any suche were, ys of no effecte in the law, for he saythe that the said Tenautes of the said Tenementes within the said maner be but Tenautes of a bond tenure & hold the same Tenementes by copy of courte rolle but for terme of their lyves at the most after the custome of the said manor, And hit is agaynst all law reason equite that they that haue but estate for terme of lyves should graunt any ferder or gretter estate then for terme of their own lyves, wherfor the said surmysed custome & vsage yf any suche were as in dede there is not, beinge bothe agaynst the law & reason also ys voyde & of no effecte in the law. And ferder the said defendaunt seythe that when so euer any Tenaunt of the said manor wolde graunte over his estate of & in any Tenement that he had ther wythin the said manor to any other person that he to whom any suche graunt hath byn made hath euer vsed to agree with the lordes & owners of the said manor to pay to them such fynes & suche somes of money for the fynes as the said lordes &

<sup>1</sup> Replegiare de averiis, a writ brought by one whose cattle are distrained or put in the pound upon any course by another person

on surety given to the Sheriff to prosecute or answer the action at law. Fitzh. 'Nat. Brev.' 68. G. Jacob, 'Law Dict.' (1732.)



owners of the same manor wold haue, aswell for the chaunge of the Tenauntes therof as also for a ferder estate therof to be hade yf they wold haue ony suche ferder estate, or that the same person to whom ony suche yeldyng as is aforsaid hathe byn made hathe vsed to haue the same Tenement so yeldyd to hem in maner & forme as they haue allegyd in the said bill of complaynt, or that ony wedow woman after the dethe of her husband beinge Tenaunt of ony Tenement or lands called ouerland parcell of the said manor ought to haue the same Tenement or lond duringe her wedowed by the custome of the same maner, or that the yongest son or the yongest doughter yf ther be no sone of ony Tenaunt of ony Tenement parcell of the said manor ought to haue the same Tenement that the said Tenaunt helde & hade in his lyffe for a stent fyne by the vsage & custome of the said manor but he saythe that the yongest son of the said Tenauntes yf they haue ony & yf not ther yongest doughter ought by the custome of the said manor to haue the said Tenementes after the dethe of their fathers agreynge with the lordes & owners of the said manor for the same & so payng to them therfor as the said lordes & owners of the same manor wolde haue payd therfor. And ferdermore the said defendaunt seythe that euer sythen the said forfeitures of the said Tenementes of the said manor commytted by the Tenauntes therof as is aforsaid, That the said defendauntes & the said Rychard Warre haue refusyd the said Rentes goyng owt of the same Tenementes to be payd to them by the handes of the said Tenauntes for that that they wold not by the accepting of the said Rentes affirme the said Tenauntes to be Tenauntes of the said Tenementes at any tyme after the said forfeitures of the said Tenementes by them commytted as is aforsaid, wherby they mought by the law be concludyd to take & haue aduauntage of the said forfytures or that the said defendaunt & the said Rychard Warre thretenethe the said Tenauntes to putt them owt of ther said holdinges & custumary Tenementes wythout ony forfeiture by them commytted or in ony other maner or for ony other cause then for the said forfeitures as before is alleged, or that ony other materyall thinge conteynyd in the said bill not confessyd nor trauersed & avoydyd is<sup>1</sup> this aunswere ys tru, all whiche matiers the said defendaunt is redy to auer as this honorable Courte shall award and prayeth to be dysmysyd owt of this Court wythe his Reasonable costes & charges by hem susteynyd in this behalffe. R. C.<sup>2</sup>

<sup>1</sup> Sic, for 'in.'

<sup>2</sup> See p. 104, n. 2, supra.

- c. The Aunswere of Rycharde Warre to the byll of com-  
playnt of Rycharde Foureacre & Rycharde Person.

*A copy of the document v. mutatis mutandis.*

*Endorsel.* The tenauntis of Bradford against Mr. Fraunces &c.  
Continuatur est<sup>1</sup> ista causa.<sup>2</sup>

The xiiij<sup>th</sup> daye of May anno xxxvj<sup>to</sup>3 it ys agreed and by kinges  
consaill ordered touchyng the fine in certente nowe as trauerset that  
the complaynantes shall shewe the certente by name of v tenementes  
and what the fynes in certente therof be. And ouer this that the  
tenautes of the maner within named shall paie all suche rentes as  
were due at the feaste of Thannunciacion of our Lady laste paste and  
befor with tharreraiges of the same reseruyng vnto the defendants all  
maner of advauntages notwithstanding the Recepte of the said Rente  
and Arrerages.

- d. The Replicacion of Thomas Foureacre Henry Waye and  
all other the Custumarye Tenautes of the Manour of  
Bradforde.

The seyd Thomas Foureacre & Henry Waye wyth other the cus-  
tumarye tenautes of Bradeford afforseyd seyen that the seyd Byll of  
Compleynt ys certeyn & trewe and the matter therein conteyned ys  
determinable yn this honorable courte & not feyned nor imagyned to  
put the seyd Defendautes to vexacon costes nor charges nor for any  
suche Intente nor porpose And the compleynautes for Replycacion  
seyth & averryth all and euery thyng mencyoned yn the seyd byll of  
compleynt to be good & true yn maner & forme as in there seyd  
Byll of compleynte ys truely allegyd. And further seyen that at the  
seyd courte holden wythyn the seyd manour the last day of May men-  
cyoned in the seyd answere the holle homage of the seyd manour  
beynge then ther sworne And wherof John Rowswell Thomas Webber  
& all other the Tenautes there presentyd amonges other thynges the  
deathe of one Richard Rouswell beynge a customarie tenaunte as well  
of a tenemente parcell of the seyd manour wherin he dwellyd at the  
tyme of his death as of another Tenement also parcell of the seyd  
manour callyd Parkes & Furlonges & that ther was an herryott due  
by his death to the lord of the seyd manour which was an oxe price  
thirty three shyllinges & foure pence which was to the seyd lordes

<sup>1</sup> Sic.

that of the entry which follows.

<sup>2</sup> This line in another hand, the same as

<sup>3</sup> 1544.

truely contentyd & payd. And further they presentyd that Alyce Rouswell wydowe late wyffe to the seyde Richard ought to have by ther seyde custome of the seyde manour both the seyde tenementes duryng her wydowhed she levynge chaste which seyde juste matter so by the homage presentyd the seyde John Warre then beyng steward there of the seyde manour wolde yn no wyse receive nor take the same unlesse the seyde homage wolde leve oute of their presentement the seyde wydowys astate of & yn the seyde Tenement callyd Parkes & Furlonges which was clere contrarye to ther seyde lawdable vsage & custome of tyme out of memorye of man vsyd & allowyd. Wherfore and because ther was no other matters nor thynges to ther knowlege materiall to be presentyd at that tyme nor at lest no thyng nor thynges proponyd vnto the seyde homage by there seyde steward which they thought yn ther cons(cience) <sup>1</sup> (t)o <sup>1</sup> be true therfore the seyde holle homage wythout any further presentement makynge pondering their othes to be kepte true yn euery thyng fyrm & stable departyd as well & lefull yt was for them to do. And the seyde . . . <sup>2</sup> wythin the space of vij days next & imedyately followyng the forseyd Court holden wythin the seyde manour as ys aforseyd sommoned and warned a newe court at which seyde court so sommoned the forseyd Thomas Foure(acre) <sup>1</sup> . . . <sup>2</sup> (o)ther <sup>1</sup> the tenauntes of the same manour apperyd and at such tyme as the steward of the seyde courte commandyd the seyde Tenauntes to be sworne they answeryd & seyde that at the last court holden wythin the seyde manour of Bradford) <sup>1</sup> (th)e <sup>1</sup> seyde homage was ther then sworne to enquire for the Lordes and vpon that othe so by them taken they inqyred & at the same courte made presentment & relacon of the matter geven them yn charge to the seyde steward which (w)old <sup>1</sup> not then receive ther seyde presentment and for that that of the charge geven to them at the same court they were not as yett dyschargyd they seyde were nowe redy to geve there verdytt of the premysses efftesones requyryng the steward to receive the same, whyche to do he all ways denyed clerely contrary to the vsage & custome of the seyde manour of Bradford forseyd. Wherfore the homage then departyd. WITHOUT that that the seyde Thomas Fouracre or the seyde holle homage or any of them contemptuysly refuseid to present any materyall thynges & causes which the seyde homage had founde or that the seyde Thomas Fouracre & all the hole homage or any of them eyther at the seyde fyrst curt or at the secunde maliciysly departyd in dyspyte of the seyde court or obstinatly or sturdily refused to be sworne at the seyde last court in manour & forme as yn the seyde answer ys

<sup>1</sup> Conjectural. MS. mutilated.

<sup>2</sup> MS. mutilated.

slaundersly & vntreuly surmysed & allegyd, And wythout that that euer hit was presentyd by the seyde Thomas Foureacre Henry Waye Peter Ley & Thomas Davye that the seyde homage of the seyde court for the causes meneyoned yn<sup>1</sup> seid answere refusyd to be sworne to presente & departyd out of the same court yn manour & forme as yn the seyde answere ys also vntreuly allegyd, And for that the seyde defendaunt hath confessyd his entre ynto the seyde grounde callyd mylthams which vpon his matter apperyth without tytle or good cause, And also hath confessyd the takyng of the seyde too coltes & ij mares and the wytholdyng of them also wythout cause, The seyde Thomas Foureacre prayeth aswell restytucion of the seyde grounde as of his bestes with his resonable damages for the wrongefull<sup>1</sup> taken & longe detaynyng of the same, Also the seyde Richard Person prayeth that forasmoeche as the seyde defendaunt hath confessyd yn his seyde answere the seasyn & possession of the seyde Thomas father to the seyde Richard of the seyde cotage wythapportenaunces accordyng to the custome of the seyde manour & the surrender therof made by the seyde Thomas ynto the handes of the seyde Wylliam Scote tenaunte of the seyde manour to the vse & behouffe of the seyde Richard Person by the yeldyng of a mote accordyng to the custome of the same manour and made presentment of the same, & the receytt of the herryott after the deythe of the seyde Thomas & the proffere made by the seyde Richard to the seyde defendaunt of the olde & accustomed fyne due of the seyde cotage that he may be therunto restoryd & that<sup>1</sup> may have the same at the lordes handes by cople of court rolle accordyng to the custome of the same manour paynge therefore the fyne & doynge the servyses of olde due & accustomed wythyssues & proffettes confessyd to be taken by the seyde defendaunt euer sethyns the deyth of the seyde Thomas Person his father, also the seyde Thomas Fouracre, Henry Waye & all other the tenauntes ther averre & seye, that yt hath byn of olde custome vsyd wythyn the seyde manour that eury wydowe after the deathe of her housbonde beyng tenaunte shall come to the court next folloyng & be taken tenaunt duryng her wydowed by the knowlege of a penyne, by the olde vsuable custome of the seyde manour, And therupon to make an yeldyng yf she lyst as ys aforseid by the deliuyeryng of a mote to any of the seyde tenauntes to the vse of them whom shall please her accordyng to the custome forseid Also by the same custome yf no yeldyng be made the yongyst sone or yongyst dorder & yf ther be no sone after the<sup>1</sup> of the father or mother ought to to<sup>1</sup> have the tenement or bergen of his father or mother so departyd

<sup>1</sup> Sic.

by the olde fyne Without that hit hath byn vsyd of olde wythin the seyde manour that the son or dofter of any tenaunt ther of the seyde manour shuld paye or ought to paye to the seyde lordes for ther fathers tenement or bargeyn such somes of money as yt shall please the seyde lorde or lordes of the seyde manour to aske or demaunde yn manour & forme as yn the seyde answer ys also vntruely allegyd And wythout that yt hath by <sup>1</sup> of old vsyd wythin the seyde manour that when so euer any tenaunt of the same manour wolde graunt ouer his astate, that such person to whome the graunt hath byn so made haue ener agreyd wyth the lordes & oners of the same manour to paye vnto them such sommes of money for ther fynes as the seyde lordes and owners wold haue yn manour & forme as yn the seyde answer ys also vntruely surmysed & allegyd, And wythout that any materiall thyng or thynges yn the seyde answer allegyd & in the replycacon not confessyd voydyd denyed or trausersyd ys true all which matters the seyde compleynantes are redy to prove as thys honorable court shall awarde & prayth that the seyde defendaunt may be compellyd to receve ther rentes of ther seyde tenementes & that they may inyoe ther seyde laudable customes And fether prayth as yn the seide byll of compleynt they haue prayd.

R. C.<sup>2</sup>

- e. Intirrogatoryes concernynge a matter nowe dependynge yn varyaunce yn our souereigne lorde the kynges honorable court of Whyte Hall betwene Thomas Fouracre Henry Waye & other the custumarye tenauntes of Bradford beyng pleyntyffes & Wylliam Fraunces & Richard Warre defendauntes Wherevpon the wytnesses of the seyde Thomas Henry Waye & other the tenauntes there to be examyned.

i Fyrste to enquire whether the custome of the seyde manour of Bradford ys & tyme out of mynde hath byn that euery tenaunt beyng a custumarye tenaunte of the same manour may yelde graunte & surrender his custumarye tenaunte <sup>1</sup> or bargayne ynto the Lordes handes or ynto the handes of any custumarye tenaunte of the same manour by one note to the vse & behouffe of any of the chylder or any other such persons as shall please the tenaunte ye or no.

ij. Item whether by the same custome any custumarye tenaunte of the seyde manour may surrender as ys aforesyd one acre parcell of his seyde custumarye tenement or bargayn to the vse & behouffe of enye of his chyldern or to any suche person or persons as shall hym please and to such vse that the seyde person to whome such yeldynge

<sup>1</sup> Sic.

<sup>2</sup> See p. 104, n. 2.

ys made shall have the seyd acre so yeldyd by the same custome together wyth the reuercion of the same tenement or bargeyn when hit shall falle by the surrender deth or forfeiture of hym that dyd surrender yt ye or no.

ij. Item whether by the same custome the person or persons to whome such surren(der) (b)e<sup>1</sup> shall come vnto the lordys courte of the same manour & take the same tenemente or bargayn of the lorde accordynge to ther surren(er)<sup>1</sup> (so)<sup>1</sup> made by cople of court rolle, payng therfore an vsuall fyne of olde accustomyd—ye or no.

iiij. Item whether any such surrendere hath byn of late made & copleys grauntyd accordynge—ye or no—& yf there hath byn by what lordes the seyd copleys hath byn grauntyd, howe maynye hath byn so graunted & what fynes the seyd grauntes haue payed.

v<sup>th</sup>. Item yf such customarye tenaunt dye without yeldynge then whether by the same custome his wyff comyng to the lordes courte and proferryng her peny for one knowelege shall have her seyd housbondes tenemente with his appurtenaunces duryng her wydowhed & so longe as she lyvyth chaste paynge therfore such rentes & customes of olde due & accustomyd—ye or no.

vj<sup>th</sup>. Item yf such customarye tenaunt dye without yeldyng & havynge no wyff or after her decesse, whether by the same custome the seyd tenauntes yongystes son shall have his seyd tenement that was his fathers paynge therfore to the lorde the vsuall fyne of olde ther accustomyd—ye or no. And yf hit be, whether yt ys yn lyke manour for the yongyst dauffer yf any such tenaunt have any dauffer—ye or no.

vij<sup>th</sup>. Item whether any such wedowes astate or the yongyst son & dauffer have byn admytted tenauntes by the lordes of the seyd manour—ye or no yf any such hath byn howe many they were, and by whome they were so admytted.

viiij<sup>th</sup>. Item by howe longe the seyd custome so vsyd wythin the seyd maner hath conteyned wythout any interrupcion of any of the seyd lordes of the seyd manour.

ix<sup>th</sup>. Item whether any of the seyd lordes of the same manour have euer denyed the seyd customes or no. And yf they have byn denyed what customes they were & by whome they were so denyed.

x<sup>th</sup>. Item whether before this tyme the seyd lande callyd ouerland by the same custome hath byn lett by cople or no & howe longe yt hath byn vsyd.

xi<sup>th</sup>. Item whether the wydowe after the death of her housbonde

<sup>1</sup> Conjectural. MS. mutilated.

beyng tenaunt may lawfully yelde her lande to whome shall please ner duryng her wydowed or no.

xij<sup>th</sup>. Item whether the seyde Wylliam Fraunces esquier dyd euer allowe the forseyd custome at any tyme sens his entre ynto the same manour or no.

R. C.<sup>1</sup>

*Endorsed.* Interrogaturis ex parte querentis.

F.<sup>2</sup> John Hurman of Bradford h(usbandman) of the age of lxx yeres or ther aboute beyng tenaunt to Mr. Fraunces.

To the fyrst Interrogatory he sayth as John Wey<sup>3</sup> hath said.

To the second he sayth as Wey hath said.

To the thyrd artycle he saith that the custome of old hath byn that they shulde haue ther tenementes for a vsuall fyne, but he saith that by the neclygens of the tenauntes & by the compulsyon of the lordes the fyne hath byn sumtymes alteryd, and also he sayth that sumtymes the fyne & the heryats be put togethers yn the copy wherby the fyne hath byn raysyd. Also he sayth that the old custome hath byn that for a hole yeard land he shuld paye iiij li. to fyne & for xv acres tene-ment<sup>4</sup> xls.

To the iiij<sup>th</sup> article he bryngyth forth ij seuerall copyes one made to hym self by Nycolas Fraunces esquier, & to<sup>5</sup> the other made before that tyme to Agnes Hyndeborough by John Fraunces esquier which seuerall copyes be entered before word by word.

To the v<sup>th</sup> & vij<sup>th</sup> articles he sayth as Harry Wey<sup>6</sup> hath sayd.

To the vij<sup>th</sup> he sayth that he hath knowne dyuerse wydows admyttyd to ther wydows estate by a peny accordyng to the custome aswell yn the tyme of Nycolas Fraunces father to this defendaunt, as yn the tyme of the sayd Wylliam Fraunces defendaunt. And also he sayth that one Johan, now lyuyng beyng the yongest dowghter to one John Hawkyns deceasyd & now wyff to one Thomas Davy was admyttyd to the tenement of the sayd John Hawkyns her father as yongest dowghter to hym in the tyme of Nycolas Fraunces esquier father to the sayd defendaunt.

To the viij<sup>th</sup> & ix<sup>th</sup> he sayth that the said custome withyn the sayd manor hath contynued tyme out of mynd without Interruptyon vntyll

<sup>1</sup> See p. 104, n. 2.

<sup>2</sup> The sheets on which are these answers to interrogatories are clearly an entirely different document from L, and apparently represent the draft depositions of witnesses whom it was not found necessary to produce

before the commissioners.

<sup>3</sup> This witness's evidence is missing.

<sup>4</sup> MS. ten.

<sup>5</sup> Sic.

<sup>6</sup> See the evidence taken before the Commissioners, L. p. 134, *infra*.

now of late yn the tyme of the said defendaunts who do deny the tenauntes of all the said custome.

To the x<sup>th</sup> he sayth as Henry Wey<sup>1</sup> hath sayd.

To the xj<sup>th</sup> he sayth that the wydow after the death of her husband beyng tenaunt may lawfully yeld her land to whom shall please her to apoynte duryng her wydowhood payng the acustomyd fyne.

To the xij<sup>th</sup> article he sayth that the said Wyllyam Fraunces syns he was lord of the sayd manor hath alowed & admyttyd the said custome to dyuerse persones as the sayd He(nry) Wey before hath sayd.

Ex parte defendaunt.<sup>2</sup>

To the fyrst second thyrd fourth & fyth he sayth as he hath aunsweryd before.

To the vij<sup>th</sup> & vij<sup>th</sup> he sayth yn all thyng as Harry Wey<sup>1</sup> hath sayd.

Robert Mere of Bradford h[usbandman] of the age of lx yeres or ther aboute tenaunt vnto Mr. Warr & Mr. Fraunces sworne & examynyd saith vpon hys oth.

To the fyrst & second Interrogatory he saith as John Hurman hath sayd.

To the ij<sup>th</sup> he sayth that they ought to have an acustomyd fyne & whether it hath byn broken or no he can not tell.

To the iiij<sup>th</sup> he saith that he hath knowne dyuerse surrenders & grauntes made but whether it was for the old fyne or no he knowyth not.

To the v<sup>th</sup> & vj<sup>th</sup> he saith yn euery thyng as is conteynyd in the sayd artycles.

To the vij<sup>th</sup> he saith that dyuerse wydows now alyue haue enjoyed wydows estate yn ther bargayns & haue byn admyttyd by a peny accordyng to the custome of the sayd maner but he rememberyth not yonger son nor yonger dowghter that haue byn admyttyd tenauntes or enjoyed ther bargaynes.

To the viij<sup>th</sup> & ix<sup>th</sup> he sayth as John Hurman hath said.

To the x<sup>th</sup> xi<sup>th</sup> & xij<sup>th</sup> he saith as Hurman hath sayd.

Ex parte.<sup>2</sup>

To the fyrst second thyrd fourth & fyth he said as Hurman hath sayd.

To the vi<sup>th</sup> & vij<sup>th</sup> he sayth he knowyth nothyng.

<sup>1</sup> See the evidence taken before the Commissioners, L. p. 134, *infra*.

<sup>2</sup> See document c, p. 120, *infra*.



Robert Smyth of Turle<sup>1</sup> h[usbandman] of the age of lx or ther about tenaunt to the bysshop of Wynchestre sworne & examynyd sayth vpon hys othe.

To the fyrst & second he sayth as John Hurman hath sayd.

To the thyrd he sayth that he hath herd Sir Richard Warr<sup>2</sup> saye that he neuer alteryd the fyne ther but he knowyth not that they shulde haue any stent fyne ther.

To the iiij<sup>th</sup> he knowyth nothyng.

To the v<sup>th</sup> Interrogatory he sayth yn euery thyng as is conteynyd yn the sayd Interrogatory.

To the vi<sup>th</sup> he knowyth nothyng.

To the vij<sup>th</sup> he sayth he hath knowen dynerse wydows hath byn admyttyd accordyng to the custome, but as for the yonger soumes & yonger dowghters to be admyttyd he knowyth not.

To the viij<sup>th</sup> & ix<sup>th</sup> artycles he sayth he hath herd that the sayd custome hath contynued by the space of ix score yeres or ther aboute.

To the x<sup>th</sup> & xj<sup>th</sup> & xij<sup>th</sup> he sayth he knowyth nothyng.

John Byrte of Hylbysshopes b[usbandman] of the age of lx yeres or ther about tenaunt to the bysshop of Wynchestre<sup>3</sup> sworne & examynyd sayth vpon hys oth.

To the fyrst & second he sayth that he hath herd saye yn euery thyng as Hurman hath sayd.

To the iij<sup>de</sup> & iiij<sup>th</sup> ar[icles] he sayth that yn the lyff of sir Rychard Warr<sup>2</sup> he being a mason workyng yn his howse he herd my lady Warr wyf<sup>4</sup> to the sayd sir Rychard & Robert Pery hys seruaunt demaund of the tenauntes of Bradford more mony to the fyne then had byn vsyd to be payd for ther bargaynes before.<sup>5</sup>

Wherypon the sayd tenauntes made sute to the sayd sir Rychard Warr, and he sayd that he wolde not rayse ther fynes nor breke ther custome for half hys land.

<sup>1</sup> Now Trull, about three miles east of Bradford.

<sup>2</sup> Sir Richard Warr, grandfather of the Richard Warre, Esq., already mentioned (p. 102, n. 2, supra); created a K.B. at the marriage of Prince Arthur in 1501 (Collinson's 'Somerset,' iii. 261); appears in the commission of the peace for Somerset in 1509 and constantly after (S. P. Dom. H. 8, i. 287, &c.). He was High Sheriff of the County in 1511-12 (ib. 1949) and again in 1539-40 (Collinson, l.c.). In May 1522 he was appointed a member of a commission of inquiry into a complaint by a mason against the Prior of Taunton (S. P. Dom. H. 8, ii. 2274). In 1530 he was one of a

commission to inquire into Cardinal Wolsey's lands in Somerset. He died in 33 H. 8 (1541-42). His eldest son and heir, Thomas Warre, died in the following year.

<sup>3</sup> The manor of Bishop's-Hull belonged to the see of Winchester. Collinson, iii. 255. Cf. p. 131, n. 1, infra.

<sup>4</sup> Joan, daughter of Sir John Hody, chief baron of the Exchequer, Sir Richard's second wife.

<sup>5</sup> *This sheet endorsed.* Bradford ex parte tenencium comyssyon.

Deposycons of the parte of Thomas Foureacere & other playntyffes ageynst William Fraunces and Rychard Warre Esquyeres defendauntes.

To the v<sup>th</sup> & vj<sup>th</sup> articles he sayth by reporte of others yn euery thyng as is conteynyd yn the sayd Interrogatory and to the Resydw of the article he knowyth nothyng.

John Gill of Hylbyssshopes h[usbandman] tenaunt of Mr. Tanfeld of the age of 1 yers or ther about sworne & examynyd sayth vpon hys oth.

To the fyrst second iij<sup>de</sup> iiij<sup>th</sup> v<sup>th</sup> & vj<sup>th</sup> articles he sayth that one Rychard Bluet <sup>1</sup> steward of the sayd manour reportyd yn the presence of thys deponent & others, that the custome of Bradford was better then the custome of Taundeane, <sup>2</sup> for he sayd that they myght yelde ther land to whom so euer it pleasyd them by the lordes assent, & surrender an acre drawing the reuersyon, & that ther wydows shulde haue ther wydows estate payng a peny acording to the sayd custome, & that the yongest son & yongest dowghter of the tenaunt wher ther is no yeldyng before shulde enjoye the tenement. Also he sayth that one Harry Tanner had a yeldyng acording to the same custome as he hath herd saye, & that sir Rychard Warr toke an yeldyng of a bargayn yn Bradford beyng parcell of the sayd manour & afterward the sayd sir Rychard Warr graunted the sayd Bargayn to an other man for xl marks & dyd put yn to the copy but vj<sup>th</sup> acording to the old fyne, and to the resydw of the articles he knowyth nothyng.

Wyllyam Hyte of Hylbyssshopes tenaunt to the bysshop of Wynchestre of the age of 1 yeres or ther about sworne & examynyd sayth vpon hys othe.

To the fyrst second iij<sup>de</sup> iiij<sup>th</sup> v<sup>th</sup> & vj<sup>th</sup> he sayth yn euery thyng he hath herd saye as is <sup>3</sup> is conteynyd yn the sayd Interrogatories, and farther he sayth that Wyllyam Hyte hys father had a bargayn yn Bradford which he grauntyd to Edmond Roper, and at the tyme of the graunt hys father promysyd hym that he shulde paye no more mony to the fyne for it then he payd hym self for the fyne, & yf he payd any more then hys father sayd that he wolde pay it hym self for Roper, whervpon the said Roper dyd cum to the Court of Bradford & dyd take the bargayn ther at the same fyne that Wyllyam Hyte hys father payd for it, but what the fyne was he knowyth not. And farther sayth that one John Hawkyns yeldyd hys land to one Johane hys dowghter whych afterward toke to husband one Thomas Davy & hath now contynually the possessyon of the same. And to the resydw of the articles he knowyth nothyng.

<sup>1</sup> Richard Warre had married Catharine, daughter of Sir Roger Blewett of Holcombe in the county of Devon, lord of North Petherton (Collinson, iii. 262). The steward was, therefore, probably a connexion by marriage.

<sup>2</sup> I.e. Taunton-Deane. This manor 'extends over five Hundreds and no less than twenty-six parishes, besides the town of Taunton.' C. J. Elton, 'Origins of English History' (1882), p. 194.

<sup>3</sup> Sic.

Thomas Slye of Westbucklond tenaunt to the bysshop of Bathe, & of the age of lxx yers or ther about sworne & examynyd sayth vpon hys oth.

To the fyrst second & iij<sup>de</sup> he sayth that the custome is that they may yelde ther land to whom so euer shall pleise them, by an acre drawyng the reuersyon, but whether the yongest son or yongest dowghter shall clayme it by the custome he knowyth not, & farther sayth that one Anstyce Brecher dyd yelde a tenement parcell of the said manour to Agnes her seruauant, whych Agnes toke thought for.

To the fourth he sayth that yn the tyme of sir Rychard Warr, Nycolas Fraunces & Wyllyam Fraunces now defendants he bath knowne dyuerse surrenders & yeldynges made of the whych many of them have byn taken acordyng to the old fynes & some of the fynes haue been raysyd.

To the v<sup>th</sup> & vij<sup>th</sup> he sayth yn euery thyng as is conteynyd yn the sayd Interogatoryes.

To the vij<sup>th</sup> he sayth that all wydowes haue byn admyttyd to ther wydowes estate by a peny, and that the yongest son or yongest dowghter wher no yeldyng is owght to have the tenement, but he sayth he knowyth of none such.

To the viij<sup>th</sup> & ix<sup>th</sup> articles he sayth that the custome of the said monour hath euer so contynued without any interuptyon vntyll now of late yn the tyme of the sayd Wyllyam Fraunces who doth denye the sayd tenauntes all the sayd customes.

To the x<sup>th</sup> he sayth that the landes callyd ouerland by the same custome hathe euer byn let by copy & that the wydows haue enoyed ther wydows estate vpon the same aswell as vpon the old auster.<sup>1</sup>

To the xj<sup>th</sup> he sayth yn euery thyng as is conteynyd yn the sayd article.

To the xij<sup>th</sup> he sayth that the sayd Wyllyam Fraunces dyd euer alowe the foresayd customes syns hys entre yn to the sayd manor vntyll now of late abovt a ij yeres past.

### Ex parte.<sup>2</sup>

To the fyrst second thyrd iiij<sup>th</sup> & fyfte he sayth as he before hath sayd To the vi<sup>th</sup> & vij<sup>th</sup> he sayth yn euery thyng as Thomas Davy<sup>3</sup> hath sayd.

<sup>1</sup> I.e. aster, land of the lord's demesne. See *Villainage in England*, 'Pol. Science Quarterly,' Dec. 1893, p. 663, by the writer;

P. Vinogradoff, *Villainage in England*, p. 56.

<sup>2</sup> See document G., p. 120, *infra*.

<sup>3</sup> See pp. 140-142, *infra*.

Symon Farwell of Hylbysshopes, tenaunt to the bysshop of Wynchester of the age of xl yeres or ther about sworne & examynyd sayth vpon hys othe.

To the fyrst & second he sayth yn euery thyng as is cont ynyd yn the said Interrogatory.

To the thyrd Interrogatory he sayth that he thynkyth ther shulde be a vsuall & stent fyne yn the sayd manour but he sayth it hath byn sumtymes raysyd by the lord & other hys offycers.

To the iiij<sup>th</sup> Interrogatory he knowyth nothyng.

To the v<sup>th</sup> he sayth by reporte yn euery thyng as is conteynyd yn the sayd article.

To the vij<sup>th</sup> he sayth by reporte yn euery thyng as is conteynyd yn the sayd article.

To the vij<sup>th</sup> he sayth that the wyf of Thomas Davy was admyttyd tenaunt acordyng to the custome as yongest dowghter to her father. And farther he sayth by Reporte that wydows shulde haue ther wydowes estate yn the ouerland as well as yn the old aster<sup>1</sup> & farther he knowyth not.

g. Interrogatoryes of the part of William Fraunces & Richard Warre esquyers defendauntes agaynst Thomas Fowreacre & others plentyffes.

i. Fyrst whether by the custome of the manor of Bradeforde the Tenauntes of the seid manor may surrender ther customary Tene-mentes vnto the handes of ony other customary Tenaunt of the same manor by one mote to the vse & behowffe of ony other person or nay.

ij. Item whether the seid Tenauntes may surrender ther seid Tenementes into ther lordes handes to the vse of ony other person by the seid custome without agreyng therfor with the same lordes at ther pleasure or not & what persons haue inoyed the same tenementes so surrendred without agreyng with the seid lordes therfore.

ij. Item whither the seid Tenauntes haue vsed to haue the seid Tenementes vppon ony suche surrender as is aforeseid payng to the seid lordes but a steynt or certeyn fyne.

iiij. Item whither the wedow women of the seid manor tyme owt of mynd haue vsed & owght to haue certeyn land called ouerlond after the deith of ther husbondes duryng ther wydowed by the seid custome of the seid manor or not.

<sup>1</sup> See p. 119, n. 1.

v. Item whither the yongest sone or the yongest dowghter of any of the seid Tenauntes yf they haue no sone haue vsed to haue the seid customary Tenementes after the dethe of ther fathers & mothers beyng tenauntes therof, payng therfor to the seid lordes but a steynt & certeyn fyne, or not.<sup>1</sup>

vj. Item whither the seid Tenauntes of the seid maner beyng sworn to present all thynges worthy & mete to be presentyd at a courte ther holden within the seid manor the last day of may anno xxxv<sup>to</sup> Henrici Octavi<sup>2</sup> &c refused to present eny thyng that was then to be presentyd by them or not & yf they dyd for what cawse they dyd hit.

vij. Item whether the seid Tenauntes at a courte somoned to be holden within the said manor the viij day of July anno xxxv<sup>to</sup> Henrici viij<sup>2</sup> &c refused to be sworn to inquire of such thynges as they before that tyme haue vsed to be sworn to inquire of by the custome of the said manor, & wold not at that tyme be sworn, but departyd owt of & from the seid court vnswoeren, or not, & yf they so dyd, wherfor they dyd hit & for what causes & porposes they dyd hit.

R. C.

*Endorsed.* Interrogatories ex parte defendants et auxi deposicions examinandum sur susdits les articles.

н.<sup>3</sup>—Robert Rowsewell John Rowsewell Thomas Jamys & Thomas Davy sworne & [examynyd]<sup>4</sup> [say]<sup>4</sup> that by the commaundement of the lordes steward ther was a court summonyd [to be]<sup>4</sup> kept [at]<sup>4</sup> Bradford the thyrde day of January last past, wherupon thes deponentes & all other tenauntes of the sayd maner the same day commaundyd the Reve to pele the bell agaynst the courte acording to ther custome, and after an oey<sup>5</sup> made ther & fynes & proseses callyd & the homages callyd both of Bradford & Heale to gethers & sworne before John Warr steward & also the Reve sworne ther for hys offyce they had ther charge gevyn to them vpon ij poyntes folowyng, the fyrst is why they had not made ther whole presentment at a court holden ther the last day of maye yn the sayd xxxv<sup>th</sup> yere of the Raygn of the kyng,<sup>6</sup> the second poynt was, why they wolde not be sworne at the next court holden ther the viij<sup>th</sup> day of June folowyng yn the sayd xxxv<sup>th</sup>

<sup>1</sup> All the above five interrogatories are struck through by three vertical lines.

<sup>2</sup> 1543.

<sup>3</sup> These depositions apparently deal with the uncancelled part of G, viz. vj and vij. They are a distinct document from L,

which contains the answers to the whole body of the defendants' interrogatories as given before the Commissioners. See p. 115, note 2 to F, supra.

<sup>4</sup> Conjectural. MS. mutilated.

<sup>5</sup> Oyez.

<sup>6</sup> 1543.

yere. Wheryppon the sayd tenauntes gave aunswer that it was don because the lordes & ther offycers wolde not alow ther yeldyng stent fynes & wydows estates yn the ouerlandes whych they ought to haue by the custome, and therefore they consyderyng that ther othes & charge restyd to present nothyng but the trueth accordyng to ther custome and ther customes beyng denyed to them they departyd so from thes sayd ij courtes, saying also that by ther custome they ought to haue but ij courtes yn one yere & then vpon the sayd presentment made by them at the sayd thyrd court they were bydden to departe immedyatly, & then it was sayd to them also by Mr. Mychaell Mallet beyng ther yn the Behalf of the sayd lordes that they shuld take the sayd thyrd court for no court.

1.—Yff hyt maye please your good lordshipp and other off the kynges maiestys ryght honorabell counsell to be aduertysed that apou complaynt made to me twehmonethes past by the customary Tenauntes off the manor off Bradford, Wherof master Warre & master Frances be lordes, off certene wronges dune to them agaynst the old custome off the sayd manor, I dyd wryte vnto master Frances they myght enioye ther old customes & vsages as they and all other leke Tenauntes have vsed tymes past, and for the same in advoyding off ther further vexacyon costes and charges they wer content to geue to him a conveyent pleasure as by me shuld be thought resonable, wherto he wold not assent, but wold attempt the lawe agaynst them. Whych matter I do perceue nowe depindythe before your lordshipp & other the kynges counsell, wherein as ther customary boke & coppys doo appere vnto me, vnder your favors I thingke the sayd poure Tenauntes hetherto susteyne grett wronges, as more att large maye appere vnto you in a byll off arteycles here in enclosed, where in hyt dothe appere aswell what bond seruyce they doo vnto their lordes, as also what benyficyall customes they shuld have & vse for the same, whych customes in my opynyon their lordes be aswell bounden to suffer them to enioye as otherwyse to charge & force them to doo their bond seruyce, whych I doo not dowt but your good lordshipp & other off the counsell concyderyng ther poverty & long vexacyon wyll marcyfully wey accordyng, as knowethe the holy Trynyte into whose tucyon I comnytt you. Wrytten the xix<sup>th</sup> off Januarii.<sup>1</sup>

Yours to command

THOMAS DENYS.<sup>2</sup>

<sup>1</sup> Le. 1544.

<sup>2</sup> Sir Thomas Denys, b. c. 1480, d. c. 1560, according to some lists seven, accord-

ing to others nine, times High Sheriff of Devonshire, knighted about 1515 (S. P. Dom. H. 8, ii. 625); Commissioner of

*Endorsed.* To the Ryght reuerent father in God my lord bysshopp off Westminster<sup>1</sup> and syr Robert Bowys<sup>2</sup> knyght and euery off them.

<sup>3</sup> Here after foloythe the benyfycyall customes apperteynyng vnto the Tenautes off the manor off Bradford in the Countye of Somerset.

Fyrst the custumare Tenaunttes off Bradford haue vsed as hyt appereth by ther coppys that yff anny take the reuerecyon off anny off ther Tenures the Tenaunt shall surrender oon acre parcell off the Tenure to the vse off hym that takethe the reuerecyon. Whych surrender shall drawe all the reuerecyon off the tenement vnto the grauntee off the reuerecyon, and that the fyne therfore to the lord shalbe no more then hathe byn in other takynges before off the reuerecyon off the same tenure off old tyme accustomed.

Item hyt apperethe by ther coppys and customary boke that they shuld paye noo heryottes but after the dethe off the tenaunttes, where as the Lordes nowe takethe heryottes fourthe with off the grauntee off the reuerecyon apon the surrender off oon acre as above sayd contrary to the sayd custome.

Item that after the dethe off anny wydoer or wydow ther youngest sonne or youngest doughter shall haue the Tenement off hys father and mother, paying no more to the lord for a fyne then after the custome off the sayd manor.

Here after folowethe the bond seruices that the Tenaunttes off the manor off Bradford ar bownde to doo for & in coneyderacyon off ther above sayd benyfycyall customes.

Item att the change off euery lord when soo euer the nue lord or his depute cummythe to take possessyon off the manor aforesayd, the hole homage shall cumme in open Courte and doo fealte vnto the lord and geue hym ij s. for a knowledge.

Item the tenaunttes ar bounde not to sell ther horssees oxen and swyne off the male kynde wythout the lordes lycens, yff the lordes wyll by them and geue asmytche as a nother wyll.

Assize at Exeter in 1533 (ib. vi. 544); recorder of Exeter 1514-44; much employed by Cromwell (ib. xiii. i. 453, ii. 1280, f. 35, xiv. i. 398), to whom in 1538 he wrote a characteristic letter disavowing imputations of disloyalty and of opposition to the King's supremacy (ib. xiii. i. 12<sup>o</sup>); appointed a member of the Council in the West in 1539 (ib. xiv. i. 743); chancellor of Anne of Cleves in 1539; a grantee of monastic lands (ib. xiv. ii. 236; Dugd.

'Monast.' iii. 376). Cp. pp. 15, n. 1; 50, n. 3, supra. See further 'Dict. Nat. Biog.' *sub* Dennis.

<sup>1</sup> The Bishop of Westminster was Thomas Thirlby, 1540-50. In 1550 he resigned the bishopric and was translated to Norwich, and thence to Ely in 1554. He was deprived in 1559, and died at Lambeth in 1570. Dugd. 'Monast.' i. 280; Le Neve, 'Fasti,' i. 342.

<sup>2</sup> See p. 105, n. 2.

<sup>3</sup> On a separate paper.

Item the tenaunttes ar bounde to fynde the lord a Reve and ij Tythyng men sutche as the homage shall answeere for att ther perell.

Item the tenaunttes there shall not cause ther sonnes to resceue holly orders nor marry their daughters owt off the lordshipp wythout the lordes lycens.

Item they ar bounde to paye vnto the lordes certene mone callyd hundred pence and also Peters pence, whych mone they paye att this daye amountyng to ix s. iiij d. sterling by the yere or ther abovttes.

Item in coneyderacyon also to enioye pesably their above sayd customes hyt apperethe in their customary boke that oon John off Montague,<sup>1</sup> sumtymes lord off Bradford, granted vnto hys customary tenaunttes that they shuld nott be charged wyth noo nue wrongfull seruyce, and for the same graunt and to thentent they myght pesably contynue in ther old seruyce wythout Extoreyon or wrongfull com- puleyon they gave vnto the lord and to hys heyres xx s. yerely, whych rent they paye att thys daye over and besydes the yerely rentt off assyse off the sayd manor.

*Endorsed.* Articles approving custom.

J.—HEC<sup>2</sup> SUNT CUSTUME ET CONSUETUDINES CUS-  
TUMARIORUM DE manerio de Bradforde tenencium in Bondagio  
ab antiquo vsitate que custume et consuetudines Symon de Meryett<sup>3</sup>  
dominus de Bradforde vult et concedit pro se heredibus vel assignatis  
suis esse firme et stabiles et non vltius oneratis customaryiis manerii  
predicti imperpetuum. DATUM apud Bradforde die lune in festo  
Natiuitatis beate Marie Virginis anno Regni Regis Edwardi tercii a  
conquesto xxvij<sup>o</sup><sup>4</sup>

videlicet

IN PRIMO aduentu noui Domini dicti Manerii venientis in  
propria persona seu per alium notum locum eius tenentem ad  
seisinam ibidem debito modo capiendum et curiam in forma iuris  
tenendum totum homagium eiusdem Manerii veniet ibidem et faciet  
domino fidelitatem et dabunt ei nomine recognicionis duos solidos  
monete in partibus illis tunc vsualis tantummodo et non plus.

<sup>1</sup> Probably John de Montacute, second son of William de Montacute, first earl of Salisbury, who died 1344.

<sup>2</sup> Sic.

<sup>3</sup> Simon de Meryet of Hestercombe inherited the manor of Hestercombe in 19 E. 3 (1345). Elizabeth Meryet, the heiress of

the Meryets, married John La Warre temp. R. 2, and in 15 R. 2 (1391-92) the land of the Meryets, on the death of her father, Sir John Meryet, passed to the family of La Warre. Collinson, 'Hist. of Somerset,' iii. 259.

<sup>4</sup> Sept. 1353.



ITEM post decessum cuiuslibet Tenentis in bondagio habentis vna aueria. Dominus eiusdem manerii habebit suum melius auerium nomine herietis. Etsi nullum habeat auerium viuum Dominus habebit loco herietis duos bussellos frumenti, si tenens ille frumentum habeat. Et si nullum frumentum habeat in domo nec in campis Dominus nihil percipiet nomine herietis. Et eadem consuetudo est de viduis decedentibus et huiusmodi tenencias possidentibus.

ITEM cum vir habens vxorem ac possidens huiusmodi tenenciam decesserit tunc vidua illa vna cum homagio eiusdem manerii pro eadem mancipientes<sup>1</sup> ad dictum tenementum competenter sustentandum et reuenciones et seruicia inde debita et consueta fideliter faciendum veniet ad proximam curiam in eodem manerio tenendam et recipietur ad dictum tenementum tenendum absque fine inde domino faciendo, et si retinebit illud tenetur per totam viduitatem suam dum tam de corpore suo casta ac continens vidua permanserit. Set si de carnali copula in fornicacione seu in adulterio deprehensa conuicta fuerit, tunc dictum tenementum capietur in manus domini et sic remanebit donec ipsa voluntate domini super hoc fuerit consequuta.

ITEM si viduarius seu vidua tenens in bondagio pueros habeat, junior masculus dictorum puerorum post decessum dicti viduarii patris sui vel dicte vidue matris sue possidebit tenementum dicti decedentis per finem inde domino faciendum secundum consuetudinem eiusdem manerii. Et si masculus puer nullus sit tunc iunior, de femellis eodem modo debet admitti ad huiusmodi tenementum secundum consuetudinem antedictam.

ITEM omnes tenentes dicti manerii habentis<sup>1</sup> porcos inter festum sancti Michaelis et festum sancti Martini<sup>2</sup> proxime sequens per aliquod tempus ab hora nona diei dicti festi sancti Michaelis vsque festum sancti Martini dabunt domino nomine pannagii proquolibet poreo superannato ijd. et proquolibet hoggotis id. et pro porcello seperato<sup>1</sup> a lacte obolum. Set si lactantes fuerint porcelli ad festum sancti Martini nihil dabunt de pannagio pro eisdem. Et si aliquis dictorum tenencium conelauerit porcos seu hoggetos vel porcellos a lacte separatos tunc illi porci hoggeti et porcelli sic ut premittitur conelati ad voluntatem domini erunt. Et pro pannagio antedicto omnes porci dictorum tenencium cuiuscunque etatis fuerint ibunt in omnibus boscis ac campis et terris dominicis ibidem per totum tempus antedictum absque attachiametis et absque amerciametis preter in gardino domini.

<sup>1</sup> Sic.

<sup>2</sup> Sept. 29 Nov. 11.

ITEM omnes custumarii predicti in bondagio debent communicare cum omnimodis animalibus et pecoribus suis pascendo illa omni tempore anni in omnibus viis dicti manerii absque calumnia preter in vna via nominata Long lane scilicet a Badinghulle Stighele<sup>1</sup> vsque terram gardinariii.

ITEM omnes predicti tenentes possunt disponere et facere de arboribus quibuscunque in tenementis eorum crescentibus ac existentibus ad voluntatem eorum quicquid viderint melius expedire scilicet preter de quercubus et fraxinis quas non debent prosternere sine licencia domini seu Balliui sui, nisi pro housebote<sup>2</sup> et heybote<sup>3</sup> videlicet pro edificacione ac reparacione domorum carrorum carectarum carucarum cum apparatu et pro aliis necessariis ad dicta tenementa spectantibus.

ITEM quilibet dictorum tenencium si indigeat potest tradere terram suam vicinis suis ad colendum et ad campipartem set non extraneis.

ITEM omnes tenentes predicti debent eligere ex sibi<sup>4</sup> ipsis vnum prepositum competentem eorum periculo ad seruendum domino in eodem manerio in officium prepositure cuius actibus respondere veluit et etiam duos decennarios pro duabus decennis dicti manerii scilicet Bradforde et Hele eodem modo debent eligere. Et iidem decennarii respondere debent pro toto homagio in quibuscunque curiis hundredis et comitatibus quancunque et quotienscunque necesse fuerit pro eorum communibus negotiis. Etsi dicti decennarii seu totum homagium amerciamenti<sup>4</sup> fuerint in communi tunc iidem decennarii leuare debent huiusmodi amerciamenta communia scilicet vterque de decennariis sua propria et erunt quieti de hundredo tam et peterspeny et vterque eorum habebit vnum porcum quietum de pannagio. Et predictus prepositus habebit iij<sup>or</sup> porcos de panagio quietos et percipiet de domino singulis annis sex solidos monete pro seruicio suo in denariis vel nomine allocancie responsi sui sex solidos monete tunc ibidem vsuales<sup>4</sup> habebit etiam vnum afferum ad fenum domini in yeme et in pastura domini in estate et erit quietus de hundredpeny et peterspeny et erit Stempnefry<sup>5</sup> cum venerit ad molendinum dum fuerit prepositus. Habebit similiter comestum suum sumptibus Domini in mensa cum Balliui dicti manerii toto tempore utriusque seminis tam hyemalis quam quadragesimalis et similiter toto tempore autumpnalis. Etsi

<sup>1</sup> I.e. stile, A.S. stigel. W. W. Skent, 'Etymological Dict.' 1882, s.v.

<sup>2</sup> See p. lxiv. supra.

<sup>3</sup> I.e. Haie-bote, or permission to take thorns to repair hedges.

<sup>4</sup> Sic.

<sup>5</sup> A.S. stemn, a period of time, Bosworth.

So used in Wilts, Halliwell. 'In Cornwall a day's work is called a stem,' ib. The word stempnefry means probably exemption from a money payment representing a day's work; cf. the use of 'boon,' to mend highways and 'boons,' highway rates, i.e. rates representing the boon.

dominus eiusdem manerii ibidemprehendinauerit, seu moram traxerit predictus prepositus manducabit in aula domini ad mensam officiorum per totam moram domini ibidem. Etsi nuptie facte fuerint in dicto manerio preposito non invitato nec supplicato ad communium seu ad comestum, tunc idem prepositus habebit de eisdem nuptiis vj d. secundum consuetudinem dicti manerii.

ITEM omnes Natiui domini ibidem masculi siue tenentes fuerint siue non cum fuerint etatis duodecim annorum et amplius venient in plena curia et domino facient fidelitatem et quilibet eorum portabit domino annuatim ad festum purificacionis beate Marie<sup>1</sup> 1 d. de capitagio qui dicitur the hundredpenie quamdiu vixerint et venient ad curiam domini ibidem bis per annum scilicet ad curiam de Hocked<sup>2</sup> et ad curiam sancti Michaelis.<sup>3</sup> Sed si graui infirmitate detenti vel alia rationabili de causa impediti fuerint ita que ad dictas curias venire non poterunt et sic presentatum fuerit per decennarium etsi homagium manucapere pro eis voluerit ad ducendum illos ad proximum Lawe Daye sequentem, tunc venient dum absentes allegaturi causam absentie eorum et si rationabilis fuerit recedant absque amerciamentis et predicti garciones non tenentur venire ad hundredum forinsecum nec vidue dicti manerii.

ITEM garciones Natiui de Haderdone<sup>4</sup> etatis predictae venient ad curiam domini apud Bradforde et facient domino fideliter<sup>5</sup> et quilibet eorum dabit domino ad illum eventum j d. et nunquam plus nec amplius venire tenentur ad dictam curiam.

ITEM quilibet vir tenens in bondagio post mortem vxoris sue non plus dabit pro peterspenie nisi obolum dum viduarius extiterit, eodem modo est de viduis que non plus dabunt ad peterspenie quam obolum. Sed vidue nihil dabunt ad hundredpenie. ITEM equi boues et porci masculi ditorum customariorum in dicto manerio eisdem pullonati et vitulati seu porcellati et ibidem nutriti non vendantur absque licentia si dominus illos emere voluerit et pro eisdem sicut vnus extraneus tantum dare voluerit.

ITEM non licebit dictis customariis filios suos ad sacros ordines recipiendos mittere nec filias suas extra dictum manerium maritare absque licentia. Sed infra id manerium bene possunt illos maritare absque licentia.

ITEM tempore domini Johannis de Mountagewe<sup>6</sup> recordatur vt<sup>6</sup> veri domini dicti manerii sex customarii tunc tenentes in bondagio ne

<sup>1</sup> Feb. 2.

<sup>2</sup> Hock Tide began on the fifteenth day after Easter Day.

<sup>3</sup> Sept. 29.

<sup>4</sup> Now Heatherton, a park about a mile S.W. of Bradford.

<sup>5</sup> Sic, apparently for fidelitatem.

<sup>6</sup> Reading doubtful.

onerentur<sup>1</sup> de nouis seruiis iniuriosis sed quod obseruentur in antiquis custumis ac seruiis supradictis et quod per eadem serucia antiqua absque extorcione ac compulsione incuriosa pacifice ducantur imperpetuum dederunt predicto domino suo xx s. annuatim ad festum sancti Michaelis<sup>2</sup> vna cum redditu eiusdem termini soluendos et sic iunguntur cum predicto redditu et ideo redditus illius termini plus est in tanto quam redditus alicuius alterius termini.

SERUCIA compulsina seu extorciones per cohercionem quorundam dominorum contra consuetudines manerii de Bradforde antiquas nouiter interducta—videlicet. Per cohercionem Thome de Symeswurthe aliquamdiu domini dicti manerii coacti fuerunt primo customarii eiusdem manerii ad arandum warectandum et rebinandum secundum exigencias seosone seu temporis totam terram dominicam Apud Bradforde arabilem, scilicet vnusquisque eorum secundum quantitatem tenure sue. Sed nihil deberent arare nec aliquid intrromittere de terris domino accidentibus Racione Warde seu per viam adquisicionis. Et percipere debent pro qualibet acra arrure vj d. Et similiter pro qualibet warectatione vj et pro qualibet acra rebinata v d. Item cariabunt blada et fenum cum carceis et carectis<sup>3</sup> et percipient pro caruca viij d. per diem & pro carecta vj d. per diem.

*Endorsed.* Bradforde. Ex parte Willelmi Fraunces & Ricardi Warre armigerorum defendentium.

## K.

Ex parte querentes.<sup>4</sup>  
The three first articles of customes ar verified by an olde custumarie made anno xxvij Edwardi iij.<sup>5</sup>

Henry Way custumary tenaunt deposith this first article.

Thomas James eodem modo.

Thomas Davy tenaunt eodem modo.

John Rosewell tenaunt eodem modo.

Thomas Webber eodem modo.

Robert Smythe of Turle<sup>6</sup> tenaunt to the

Bryef of the matter dependyng in variaunce betwene the tenauntes of Bradford compleynauntes and Willyam Fraunces and Richard Warre defendants.

The claymes of the said custumarye tenauntes of Bradforde

First their copies befor lyff and they clayme to yelde or surrender ther hoole bargaynes or one acre

Ex parte defendentium).

The defendauntes to disprove the yeldyng shewith that one bargayne was forfeit by cause it was solde without the Lordes licence anno xxvij<sup>7</sup> Henrici viij.

And also shewith a Court Roll anno xx<sup>8</sup> Edwardi iij<sup>9</sup> that after the dethe of one of the tenauntes the bargayne remayned in the lordes handes and comaundement given to the Bailiff to

<sup>1</sup> Apparently an omission of a verb here.

<sup>2</sup> Sept. 29.

<sup>3</sup> Perhaps caruca here = a four-wheeled waggon, as distinguished from a carecta which had two wheels.

<sup>4</sup> Sic.

<sup>5</sup> 25 Jan. 1352—24 Jan. 1353.

<sup>6</sup> See p. 117, n. 1.

<sup>7</sup> April 22, 1533—April 21, 1534.

<sup>8</sup> March 4, 1480—March 3, 1481.

Bisshop of Wynchester eodem modo.

Symond Farewell tenaunt to the Bisshop eodem modo.

Willyam Hite tenaunt to the Bishopp.

John Coll, John Scote, Thomas Slye.

therof to thuse of any of ther childerne or of any other persons to haue the same acre with the reuercion of the Residue when it falleth by death of hym that surrendred or by his forfeiture.

provyde a newe tenaunt.

Henry Way deposith also this ij<sup>d</sup>e article and that x wydowes enoye the same att this day within the said manour and it hathe byn allowed in the tyme of Richard Warre, Sir<sup>1</sup> Nicholas Fraunces and Willyam Fraunces defendant.

Thomas James eodem modo.

John Rosewell eodem modo.

And if the tenaunt dye without yeldyng havyng wyff and childe his wiff shall have the bargayne without any fyne duryng tyme she lyveth chast and maye yelde it at her pleasure.

To dysprove Ouerlande.

The defendautes shewe dyerse copies made of Overland to hold after the custome of Overland.

Nota for it provith it custumarie.

Henry Waye deposith also this Article.

Thomas James deposith the same.

And John Rowsewell eodem modo and shewith that the wiff of Thomas Davy hadde her fathers bargayne in the tyme of Nicholas Fraunces.

And if the tenaunt have no wiff and have childern his yongest son or daughter shall have the bargayne by fyne accordyng to the custome.

Henry Waye deposith this article and that Ouerland hathe been euer letten by copye.

Thomas James eodem modo.

John Mere eodem modo.

Robert Smyth eodem modo.

Robert Rowsewell eodem modo.

The said tenautes clayme wydowes estates in the ouerland of the same Manour as-well as in ther hester<sup>2</sup> and also all other like customes.

To dysproue stynt fynes.

They defendautes shewe dyerse copies differyng in the fynes but neuer one witnessith but one tha(t)<sup>3</sup> folowith.

<sup>1</sup> Sic.

<sup>2</sup> I.e. Aster.

<sup>3</sup> MS, tha.

Henry Waye deposith this article and that some tyme it hathe been changed.

Thomas James eodem modo, and bryngeth furth tenne copies provyng the same and the yeldeng of an acre drawing &c and saith that syns it hathe been enlarged as he thynkith by compuleion of the Lordes and his officers.

The Customary prouyth a fyne accordyng to the custome The said Tenautes clayme to have copies att ther Lordes handes apou surrenders or after the dethe of ther aunceters paing therfore a vsuall or comon fyne callid a stynt fyne.

Thomas Davy tenaunt deposith that all though it be trewe that they shulde paye butt stynt fynes yet hathe Tenautes beyn dyfferred from ther bargaynes vntill they made the officers ther freendes and geve also by compuleion to the lorde more money then the accustomed fynes.

John Rosewell deposith eodem modo and that Richard Warr knyght bought a bargayne and sold it to Roper for xl<sup>th</sup> markes and entred the olde fyne in his Copie viz. iiij li. and shewith v. copies prouyng the stynt fyne.

Howe long thes customes have contynued and by what lordes they have been allowed broken or denied.

Robert Smythe of Turle tenaunt to the Bisshopp of Wynchester saith that he harde Richard Warr saye he neuer altered fyne.

Willyam Holcome deposith ther is no stynt fyne.

John Hite and Thomas Slye and all herevnder wrytten to the contrary.

John Rosewellsaith the olde fyne for a yarde of lande shulde paie iiij li. and for xv aeres xl s.

Thomas Webbe deposith the stynt fyne and also Robert Merc.

Nota also that ther is two copies of ix<sup>th</sup> generall bargaynes prouyng stynt fynes.

Henry Waye deposith that the defendant hath admytted Thomas Molyns, John Hyndeborowgh, Walter Colyns Thomas Hyndeborow Hugh Wyldcokes with other, and also hathe admytted one Thomas Shute to have an yeldyng apou the same fyne his father paid afore hym.

Nota the said tenantes paye yerly xxx. over ther Rent to the Lorde for the advoyd- yng of exacon as apperith by ther custumary.

John Gill of Hibbishopes<sup>1</sup> huse deposith he harde Richard Blewid Stuard of the manour saye that the customes of this manour were better then the customes of Taundene.

Nota the Customary makith no mencon of Overland.

Pro parte defendentium.

Henry Waye deposith that at the same court the homage presentid one Alice Rosewell to have her wydowes estate in the Ouerland accordyng to the custome and the Stuard refused to receive it and for that cause they departid and refused to present other thinges, and saieith that the Tenantes ought to appere butt att ij Courtes in the yere and att the court holden the viij day of July they wolde have byn sworne if their customes were to them allowed and for denyell therof they departid.

Thes defendants clayme thes custumarie landes by forfeiture of ther Tenautes and allegith the cause.

First that thes Tenautes at a Court holden within the said manour the last day of Maye anno xxxv<sup>to 5</sup> Henrici viij refused for to present for the lordes thinges worthie to be presented and from the said Court contemptuosly and malyciously departid. And in like maner att an other Court holden the viij day of July then next folow- yng they refusid to be to be<sup>6</sup> sworne and to present for the Lorde and in like maner departid.

Mighell Malett<sup>2</sup> gentleman deposithe the refusell of the Tenautes to be sworne att the said Courte more vehemently then<sup>3</sup> and so doith John Warre<sup>4</sup> the Stuarde ther, and other ij witnesses.

Thomas Davy deposith moche like cause of refusell to be swourne and of the departyng.

And att the thirde Courte holden their iij<sup>d</sup> die Januarii anno Henrici viij. xxxv<sup>to 7</sup> the homage being of

<sup>1</sup> Sic. Now Bishop's Hull, about a mile W. of Taunton. Cf. p. 117, n. 3, supra.

<sup>2</sup> Probably a connexion of Richard Warre, whose mother was Joan, daughter of William Malet of Emmore.

<sup>3</sup> Blank in MS.

<sup>4</sup> For this John Warre see p. 147, n. 3, infra.

<sup>5</sup> 1543.

<sup>6</sup> Sic. repeated.

7 1544.

Robert Rowell, the said Tenautes presented the cause of their refusal to be sworne and the cause of their departing.

*Endorsed.*—A breff of the mater inter les plaintiffs et les defendants pleynement declare ut infra.

L.<sup>1</sup> Examination taken the xxix<sup>th</sup> daie of Marche anno regni regis Henrici viij xxxv<sup>to 2</sup> before vs William Busshopp of Bath,<sup>3</sup> Hughe Pallet<sup>4</sup> knight, William Porteman,<sup>4</sup> & Thomas Dier<sup>4</sup> esquier commissioners appoynted betwen Thomas Foureaere and Richard Parsune playntiff and William Fraunces and Richard Warr defendantes.

Primus Henri Waye of Bradford husbandman tenaunte to Mr. testis. Warre of thage of lx yeres sworne and examined by the said commissioners saieth vppon the interrogatories<sup>5</sup> as foloweth.

j. To the first interrogatorie he saieth that the custome of the manor of Bradforde for the tenautes there is and tyme owt of mynde hath been according as is specified in the said article.

ij. To the seconde Interrogatorie he saieth the custome is that the tenant may surrender according as is declared in the same article.

ijj. To the thridde Interrogatorie he saieth that somme tymes the landes of the said manour hath been letten to the tenautes of the said manour by there accustomed fynes and sometymes hit hath been lett for moore.

iiij. To the iiij<sup>th</sup> he saieth that one<sup>6</sup> Stalynges was possessed of a tenement in the saide manour according to the custome in the tyme of William Fraunces defendant and surrender<sup>7</sup> an acre of the said tenement drawing the reuersion of the residew after his decesse to one Thomas Aplys by reason wherof the said Thomas doth now

<sup>1</sup> This document which is endorsed 'Depositions' is quite distinct from the sheets of answers to interrogatories (F), which perhaps represent evidence in the hands of the parties not produced before the Court.

<sup>2</sup> 1544.

<sup>3</sup> This name interlined in the same

hand. See p. 104, n. 4, supra.

<sup>4</sup> See p. 104, nn. 5, 6, 7, supra.

<sup>5</sup> See document E, p. 113, supra. The interrogatories on both sides to which this and the following relate are now put vivâ voce before the commissioners.

<sup>6</sup> Blank in MS.

<sup>7</sup> Sic.



enjoye the said tenement but what fyne he payed for hit he can not tell And saieth that the said Aplys hath a copie therof made by the said defendant. And he saieth further that one John Hyndborowe, Walter Collyns, Thomas Hyndeborowe and Huge Wileockes with other do now hold theyre tenementes vppon lyke surrenders made in the tyme of the said William Fraunces but what fynes any of theym payed therfore he can not tell. And he saieth also that one William Hynde toke a lyke surrender of an acre in the tyme of Nicolas Fraunces fether to the said William Fraunces and enjoyeth the same vnto this daie, but what he payed to fyne therfore he knoweth not.

v. To the fifte he saieth the wydowes of the said manour haue enjoyed theyr tenementes in maner and forme as is specified in the said v<sup>th</sup> interrogatorie And he saieth that there be xij wydowes in the same manour that so do enjoye the same at this daie.

vj. To the vj<sup>th</sup> he saieth that the custome of the said manor is that the yongest some or yongest doughter, if the tenaunte that dieth haue no sonue and die without anye yelding made to any other, shall haue and enyoie the tenement paying no more therfore than the vsuall and accustomed fyne.

vij. To the vij<sup>th</sup> Interrogatorie he saieth he hath herd saie that the yongest son and yongest doughter hath be admitted to theyre tenementes in fourm as is specified in the same, but he saieth he knoweth no suche in hys tyme. And further he saieth that in the tyme of sir Richard Warre knight deceased Nicolas Fraunces and the said William Fraunces diuerse wydows now lyving to the nombre of xij or moo haue be admitted tenauntes and haue enjoyed theyre tenementes with thappurtenauntes during the tyme of theyre wydowhedes according to the said custome.

viii<sup>th</sup> ix. To the viii<sup>th</sup> & ix<sup>th</sup> he saieth the said custom hathe been euer vsed and never denyed by any of the lordes of the said manour but nowe of late in the tyme of the said defendauntes who doth nowe denye to the said tenauntes all theyr said customes except the enjoying of the wydows estates vppon the customarie tenementes.

x. To the x<sup>th</sup> he saieth that the over landes of the same manour haue be vsed to be letten by the copie of the court rowles tyme owt of mynd And that the wydowes haue enjoyed theyr estates in the same as they have done in theyr customarie tenementes vnto now of late that hit hath been denyed by the said defendauntes.

xj. To the xj<sup>th</sup> he saieth the wydowe after the dethe of her husband being tenaunte may lawfulle yelde her lande to whome hit shall please her during her wydowed.

xij<sup>th</sup>. To the xij<sup>th</sup> he saieth that the said William Fraunces hath allowed one Thomas Shute to haue one acre of the yeldinges of William Shute his father her lyving drawing the reuersion of the residu after the deth of his said father, for the same fyne that his father payed befor.

The said Henrie Waye examyned vpon certein Interrogatories ministred by the said defendauntes <sup>1</sup> saieth.

j. To the first Interrogatorie he saieth as he saied befor.

ij. To the seconde he saieth that they tenauntes maye surrender at theyre pleasure to anye persone agreing with the lordes reasonable according to theyre olde customes.

iiij. To the iiij<sup>de</sup> Interrogatorie he saieth that dyverse of the tenauntes haue enjoyed the tenementes by surrendre as is aforesaid summe paying tholde fyne and summe more, but he supposeth that the Lorde owght to take no more but theyre custome.

iiij. To the iiij<sup>th</sup> he saieth that the wydows haue vsed to have the overland during theyre wydowed as they haue had the olde Aster.

v. To the v<sup>th</sup> he saieth as he hath answered to the thrid article of thinterrogatories ministred by the said plaintiff.

vj. To the vj he saieth at the same courte holden there the last of May the xxxv<sup>th</sup> yere of our soveraign Lorde <sup>2</sup> they presented one Alice Rowshell to have her wydowes estate in the over landes according to theyre custome, which the stewardes did refuse to receaue, And for that cause they tenauntes <sup>3</sup> refused to presente any other thynges whiche they shuld have presented.

vij. To the vij<sup>th</sup> he saieth that they tenauntes by theyre olde custome owght to appere but ij courtes in the yere that is after Estur and Mighelmasse and that at a courte holden there the viij daie of Julie the yere aforesaid when the saide tenauntes were required by William Fraunces to be sworne to enquere vpon such thynges as they shuld be charged with all at the courte they said tenauntes made answer that if they might haue theyre customes for theyre yeldinges the stente fynes, and the wydows estates vpon the over landes allowed that then they were content to make an ende of the foresaid courte holden ther the last day of May before that, And vpon the denyall of theyr saide requestes by the said William Fraunces they departed and wolde medle with nothing further concernyng the saide courte.

2. testis.

j. Thomas James of Bradford husbandman customarie tenaunt of

<sup>1</sup> See Documents G. p. 120, supra, and E, p. 113, supra.    <sup>2</sup> 1543.    <sup>3</sup> Interlined.

thage of lx yeres tenaunt to Mr. Frauncis and Mr. Warre sworne and examined saieth that he hath dwelled in the said manor by the space of xl yeres, and he saieth that the custome is in everie thinge as is conteyned in the first interrogatorie.<sup>1</sup>

ij. To the seconde Interrogatorie he saieth that all thinge is true therein conteigned according as Henrie Waye hath deposed.

ij. iiij. To the iiij<sup>de</sup> and iiij<sup>th</sup> Interrogatories he saieth in maner and fourme as therein is conteigned and bringethe forthe x diverse copies for thapproving of the stent fyne and for yelding of one acre drawing the reversion of the residue which copies doth folowe.

Ad curiam manerii ibidem tentam penultimo die Maii anno regni regis septimi<sup>2</sup> post conquestum Anglie xvij<sup>o</sup><sup>3</sup> sic irrotulatur: Ad hanc venit Thomas James et cepit de domino videlicet de Nicholao Fraunces armigero vnam acram terre vocate Rome acre parcellam illius tenementi quod Thomasia<sup>4</sup> Large vidua modo ibidem tenet; continet ferlingum<sup>5</sup> terre cum pertinentiis quam dicta Thomasia<sup>4</sup> nuper in curia sursum reddidit in manum domini ad vsum Willelmi Large iam defuncti, attrahendo sibi reuersionem integri tenementi predicti cum acciderit vt post mortem rursus redditum vel forisfacturam predictae Thomasie<sup>4</sup> Large vidue Tenendum dictam acram eidem Thome James attrahendo sibi residuum integrum tenementi cum acciderit vt supra secundum consuetudinem manerii predicti per redditus consuets et seruicia inde debita et de iure consueta cum acciderint vt supra. Et dat domino de fine pro dicta reuersione in hac forma habendum xli s. viij d. solvendos infra proximum comptum. Et sub hac forma admissus est tenens per occupationem illius acre. Et fecit fidelitatem &c.

Et vterius in eadem curia ex consensu dicti domini sic conuenit inter pefatam Thomasiam et Thomam James quod dictus Thomas James habebit occupationem dicti tenementi cum pertinentiis ad libitum et voluntatem dicte Thomasie in omnibus, illa camera in australi parte aule omnino predictae Thomasie reseruata et excepta ac etiam liberum introitum<sup>6</sup> et exitum<sup>6</sup> ad aulam dicti tenementi toties quoties ei placuerit capiendum ibidem omnimoda aisiamente sine impedimento vel contradictione dicti Thome James seu assigna-

<sup>1</sup> See Documents E, p. 113, and G, p. 120, supra.

<sup>2</sup> Sic, Henrici omitted.

<sup>3</sup> 1503.

<sup>4</sup> Thomas with an abbreviating mark. In the following entry Thomasia in full.

<sup>5</sup> In Domesday Book and thence onwards the common Latin for furlong is "quarentina," and this tells us of furrows

(ferlingi) that are 40 perches long' (F. W. Maitland, 'Domesday and Beyond' (1897), p. 373). The 'furlong was currently equivalent to the Latin "cultura," or strip in the common-fields' (ib. 380). See further, Coke, 'Inst.' i. 5 b; H. Spelman, Glossary, sub 'Acre'; and Du Cange, sub 'ferlingus.'

<sup>6</sup> Sic. Apparently for 'libero introitu reseruato,' &c.

torum suorum. Et dictus Thomas James quamdiu dictum tenementum sic occupauerit supportabit omnia onera redditus et seruicia dicti tenementi domino ex antiquo incumbentia. Et insuper reddet siue dabit annuatim dicte Thomasiae quamdiu dictum tenementum sic occupauerit iij s. legalis monete Anglie ad quattuor anni terminos principales ibidem vsuales equis portionibus solvendos vel xij s. iij d. ad placitum et voluntatem dicte Thomasiae durante tota vita sua. Et si dictus Thomas conuentiones predictas non compleuerit in omnibus tunc dicta Thomasia ad statum suum pristinum restituetur.

Ad curiam manerii ibidem tentam xv die Aprilis anno regni regis Henrici vij post conquestum Anglie xiiij<sup>to</sup> <sup>1</sup> Irrotulatur: Ad hanc curiam venit Thomasia <sup>2</sup> Large vidua et sursum reddidit in manum dominorum videlicet Michaelis Fraunces ac Roberti Stowell armigerorum Johannis Carnyck clerici et Johannis Moor de Columpton <sup>3</sup> feoffatorum ad vsum dicti Nicholai vnam aream terre vocatam Bineacre parcelam illius tenementi quod de dicto domino tenet ad voluntatem ad opus et vsum Willelmi Large filii dicte Thomasiae attrahendo eidem Willelmo residuum integrum tenementum predictum cum pertinenciis cum acciderit vt post mortem sursum redditum vel forisfacturam predictae Thomasiae. Et quo venit dictus Willelmus et dat dominis predictis de fine pro statu et ingressu suo habendo in dicta acra pro reuersione totius integri tenementi cum acciderit vt supra xlvj s. viij d. soluendos infra proximum compotum Tenendum dictam acram terre eidem Willelmo simul cum reuersione predicta cum pertinenciis cum acciderit vt supra ad terminum vite sue secundum consuetudinem manerii per redditus consuetudines et seruicia inde prius debita et de more consueta Insuper licentia per dominum occupare residuum vel parcelam dicti tenementi cum dicto tenemento ad eius libitum et voluntatem Et sub hac forma admissus est inde tenens per occupationem dicte acre attrahendo residuum cum acciderit et fecit fidelitatem etc.

Et vterius in eadem curia licentia domini petitur et optenta sic conuenit inter prefatam Thomasiam et Willelmum videlicet quod dictus Willelmus potest occupare tenementum predictum cum dicta Thomasia ad eius libitum et voluntatem in omnibus excepto tamen quod dicta Thomasia habebit principalis <sup>4</sup> cameram in australi parte aule dicti tenementi pro se separatim cum libero introitu et exitu ad eandem ac eum liberum introitum et exitum ad aulam dicti tenementi capiendi ibidem omnimoda aisiamenta temporibus congressus sine im-

<sup>1</sup> 1499.

<sup>2</sup> In full.

<sup>3</sup> The manor of Allen Peverell in the parish of Columpton was granted by

Henry VIII. to Richard Moore. D. Lysons 'Devonshire' (1822), p 127.

<sup>4</sup> Sic.

pedimento vel contradictione dicti Willelmi. Et dictus Willelmus reddet et acquietabit dicte Thomasie quamdiu dictum tenementum sic occupauerit de omnibus oneribus redditibus & seruiciis dominis dicti tenementi ex antiquo incumbentibus necnon reddet siue dabit per quarterum dicte Thomasie xij d. legalis monete anglie et sic <sup>1</sup> dictus Willelmus et Thomasia supradictam conuentionem concordare non possunt quod tunc dictus Willelmus reddet annuatim pro pensione dicte Thomasie xij s. iij d. durante vita sua. Et si non tunc dicta Thomasia ad pristinum suum statum restituatur.

Ad curiam termini Michaelis ibidem tentam tertio die Septembris anno regni regis Ricardi tertii primo <sup>2</sup> irrotulatur: Ad hunc diem venit Agnes Hindborowe que de domino videlicet Johanne Fraunces armigero tenet j tenementum contenens dimidiam virgatam terre cum pertinenciis suis secundum consuetudinem manerii ibidem vnam acram terre parcella <sup>3</sup> tenementi predicti sursum reddidit in manum domini ad opus Johannis Hyndeboroghe vnde accidit domino de herietto prout patet per finem sequentem. Et super hoc venit idem Johannes et dat domino de fine iij libras tam pro herietto predicto quam pro statu suo et ingressu habendo predictam acram vna cum reuersione tenementi predicti cum omnibus suis pertinentiis tenendum sibi ad terminum vite sue secundum consuetudinem manerii ibidem cum post mortem sursum redditum sine forisfacturam predictae Agnetis acciderit per redditus consuetos et seruicia inde prius debita et consueta. Et in hac forma per predictam acram idem Johannes admissus est inde tenens. Et fecit domino fidelitatem.

Ad curiam manerii ibidem tentam xix<sup>o</sup> Maii anno regni regis Henrici vij xxij<sup>o</sup> <sup>4</sup> sic Irrotulatur: Ad hunc diem venit Johannes Hurman et cepit de domino videlicet de Nicholao Fraunces armigero j tenementum continens dimidiam virgatam terre cum pertinenciis quod Alicia Hindboroghe nuper vxor Johannis Hindeboroghe prius ibidem tenuit Tenendum sibi ad terminum vite sue secundum consuetudinem manerii per redditus consuetudines et seruicia inde debita et consueta. Et dat dicto domino tam pro statu et ingressu suo in predictis habendo quam pro herietto dicte Alicie modo vxoris dicti Johannis Hurman relaxando iij li. solutas pre manibus.

Et sub hac forma admissus est inde tenens, et fecit fidelitatem.

Ad curiam manerii ibidem tentam xxij<sup>o</sup> die Aprilis anno regni regis Edwardi quinti primo <sup>5</sup> Irrotulatur: Ad hunc diem venit Johannes Mawen et dat domino videlicet Johanni Fraunces armigero de fine xliij s. iij d. pro statu suo et ingressu habendo in j tenementum ex

<sup>1</sup> Apparently for 'si.'

<sup>2</sup> 1483.

<sup>3</sup> Sic.

<sup>4</sup> 1507.

<sup>5</sup> 1483.

antiqua tenura vocatum Cokes : continet j ferlingum <sup>1</sup> terre cum suis pertinenciis simul cum sex acris terre de Overland in Badwell dicto tenemento ab antiquo adiacentis Tenendum sibi dictum tenementum necnon dictas sex acras terre cum pertinenciis ad terminum vite sue secundum consuetudinem manerii ibidem per redditus consuetos et seruicia inde prius debita et consueta. Et sub hac forma admissus est inde tenens. Et fecit domino fidelitatem.

Ad curiam manerii ibidem tentam primo die Maii anno regni regis Henrici vij xix<sup>o</sup> <sup>2</sup> sic irrotulatur : Ad hunc <sup>3</sup> venit Willelmus Normann et dat domino videlicet Nicholao Fraunces armigero de fine xliij s. iij d. pro statu suo et ingressu habendo in vno tenemento ex antiqua tenura vocato Cokes : continet j ferlingum terre cum suis pertinenciis cum sex acris terre de Overlandes in Badwell dicto tenemento ab antiquo adiacentis Tenendum sibi dictum tenementum necnon dictas sex acras terre cum pertinenciis ad terminum vite sue secundum consuetudinem manerii ibidem per redditus consuetudines et seruicia inde prius debita et consueta Et sub hac forma admissus est inde tenens Et fecit domino fidelitatem &c.

Ad curiam termino Michaelis ibidem tentam xiiij<sup>to</sup> die Octobris anno regni regis Henrici vij primo <sup>4</sup> sic irrotulatur : Ad hunc diem venit Anastasia filia Johannis Rowsewill junioris et dat domino de fine xl s. pro statu suo et ingressu habendo in j. tenementum vocatum Thetchers cum suis pertinenciis tenendum sibi ad terminum vite sue secundum consuetudinem manerii ibidem per redditus consuetos et seruicia inde prius debita et consueta Et per dominum concessum est Johanni Rowsewell de Bradford dictum tenementum cum suis pertinenciis tenere occupare et manere <sup>5</sup> durante minori etate predictae Anastasie Et in hac forma admissus est inde tenens.

Ad curiam manerii ibidem tentam xxv<sup>o</sup> die Octobris anno regni regis Henrici vij xxij<sup>to</sup> <sup>6</sup> sic irrotulatur : Ad hunc <sup>3</sup> venit Thomas James et cepit de domino videlicet de Nicholao Fraunces armigero illud tenementum cum pertinenciis continens ferlingum <sup>1</sup> terre vocatum Thatchers quod David Hewell prius ibidem tenuit Tenendum sibi dictum tenementum cum pertinenciis ad terminum vite sue secundum consuetudinem manerii per redditum consuetos et seruicia inde prius debita et de more consueta. Et dat domino de fine pro statu et ingressu suo in predictus habendo xls. Ac eciam predictus Thomas dat dicto domino pro licentia sibi habenda moram trahendi extra tene-

<sup>1</sup> See p. 135, n. 5, supra.

<sup>2</sup> 1501.

<sup>3</sup> Sic, ' diem ' omitted.

<sup>4</sup> 1485.

<sup>5</sup> To manure, i.e. cultivate. Not in Du Cange.

<sup>6</sup> 1507.

mentum predictum xx d. consuetudine manerii ad hoc in contrario vsitata in aliquo non obstante. Et sub hac forma admissus est inde tenens et fecit fidelitatem.

Ad curiam manerii ibidem tentam xvij die Marci anno regni regis Henrici vij xvij<sup>o</sup> <sup>1</sup> sic irrotulatur : Ad hanc venit Willelmus Shutes et cepit de domino videlicet de Nicholao Fraunces vnam acram terre vocatam Bohey acram parcellam illius tenementi continentem ferlingum <sup>2</sup> terre cum pertinenciis in Hele quod Johannes Chaplen modo de dicto domino ibidem tenuit quam quidem acram dictus Johannes Chaplen in eadem curia sursum reddidit in manus domini ad vsum dicti Willelmi attrahendo sibi reuersionem integri tenementi predicti cum acciderit vt post mortem sursum redditum vel forisfacturam dieti Johannis Chaplen Tenendum eidem Willelmo dictam acram una cum reuersione integri tenementi cum pertinenciis cum acciderit vt supra ad terminum vite sue secundum consuetudinem manerii predicti per redditus consuetos et seruicia inde prius debita et consueta cum acciderit vt supra. Et dat domino de fine pro statu et ingressu suo in predictis habendo xl s. Et sub hac forma admissus est tenens per occupationem illius acre terre et fecit domino fidelitatem.

Ad curiam manerii ibidem tentam xxvj<sup>to</sup> Aprilis anno regni regis Henrici viij xxix<sup>o</sup> <sup>3</sup> sic irrotulatur : Ad hanc curiam venit Thomas Shute et cepit de domino videlicet Willelmo Frauncys armigero ex traditione sua propria reuersionem vnus tenementi modo in tenura Willelmi Shute patris sui Habendum et Tenendum reuersionem predictam ac tenementum predictum cum suis pertinenciis prefato Thome Shute ad Terminum vite secundum consuetudinem manerii ibidem cum post mortem sursum redditum dimissum vel forisfacturam predicti Willelmi Shute patris sui acciderit per redditus et seruicia inde prius debita et de more concessa. Et predictus Thomas dat domino de fine pro tali statu et ingressu habendo xl s. quos soluit dicto pre manibus Et sic admissus est inde tenens vt in reuersionem. Et eius fidelitas respectuatur quousque acciderit.

WILLELMUS FRANCS.

And further he saieth that the stent fynes haue be <sup>4</sup> sometyme enlarged, which he thinketh haue been by reason of forfet or by compulsion of the lordes and his officers.

v. To the v<sup>th</sup> Interrogatorie he saieth it is true lykwise as Henrie Waye hath deposed.

<sup>1</sup> 1502.

<sup>2</sup> See p. 135, n. 5, supra.

<sup>3</sup> 1537.

<sup>4</sup> Sic.

vj. To the vj<sup>th</sup> Interrogatorie he saieth as the said Henrie Way hath predeposed.

vij. To the vij<sup>th</sup> he saieth that he knoweth diuerse wydows that haue be<sup>1</sup> admitted tenauntes and had theyre wydowes states<sup>2</sup> according as is specified in this Interrogatorie. And further he saieth that the younger sonne and younger doughter owght by the custome to be admitted for tholde stynt fyne, and that he knoweth Thomas Dauye wiff<sup>3</sup> being the yongest doughter to John Hawkins decessed nowe<sup>3</sup> luyng admitted to her bargayne according to the custome, but whether she had hit for the stynt fyne or no he can not tell.

vij. ix. To the viij he saieth the said customes haue euer continued without any disturbance and not interrupted by any of the lordes of the manour vnto the tyme of William Fraunces now lord ther.

x. To the x<sup>th</sup> he saieth as Henrie Waye before examined hath deposid.

xj. To the xj he saieth hit is true that is conteigned in his Interrogatorie.

xij. To the xij<sup>th</sup> he saieth that the said William Frances sith his entringe in to the said manour hath alawed the foresaid customs and taken surrenders vppon them vnto nowe of late tyme that he doth denye the Tenauntes to haue diuerse of the said customes.

The same Thomas James examined vppon the Interrogatories of the defendauntes<sup>4</sup> doth aunswere and deposith as foloweth.

To the first ij<sup>de</sup> iij iij and v<sup>th</sup> he saieth as the said Henrie Waye hath deposed.

To the vj<sup>th</sup> and vij Interrogatories he saieth as is declared in the depositions of Thomas Dauye the witness vnder examined which Thomas wrote as the said wrote<sup>1</sup> all the maner of theyre presentmentes and departing from they<sup>1</sup> cowrtes and the causes wherfore the homage departed.

Thomas Daue of Bradford husbandman tenaunte aswell to Mr. Fraunces as to Mr. Warre of thaige of xl yeres sworne and examined vppon the parte of Thomas Foreacre and other the Inhabitauntes there saieth as foloweth.

i. To the first Interrogatorie<sup>5</sup> he saieth that the custome is in

<sup>1</sup> Sic.

<sup>2</sup> ' Estates ' originally written, but the first ' e ' struck through.

<sup>3</sup> These words interlined.

<sup>4</sup> Document G, p. 120, supra.

<sup>5</sup> Document E, p. 113, supra.



maner and forme as conteigned in the said first Interrogatorie and as Henrie Waye hath deposed.<sup>1</sup>

ij. To the ij<sup>de</sup> <sup>2</sup> he saieth that it is true lykewise as is declared there.

ijj. To the iij<sup>de</sup> <sup>2</sup> Interrogatorie he saieth that although he it is true that thinhabitauntes of the said manour ought to haue theyre bargens after tholde stent fynes of olde tymes vsed, yet he saieth that they haue be dyverse tymes differred from theyr estates or bargens vnto suche tyme as they being poore men and not willing to stryve with theyre lordes were enforced to make thofficers of the Lordes theyre frendes and to giff theym sometyme a noble for theyre Labour, and afterward to gyff to the lord sometyme a noble or more above thaccustomed stynte fynes because they wold haue theyre right with quietnesse <sup>3</sup> in the tyme of Nicolas Fraunces <sup>3</sup> but he bileaveth they tenauntes had wronge in that behalf.

iiij. To the iiij article <sup>2</sup> he saieth as Thomas James his aforewitnessse hath deposed before to the seconde Interrogatorie and reserveth the prove therof to the copies shewed and exhibit by the saide Thomas James.

v. To the v<sup>th</sup> article <sup>2</sup> he saieth that all in this article is true and <sup>4</sup> Henrie Waye hath deposed.<sup>1</sup>

vj. To the vj<sup>th</sup> Interrogatorie <sup>2</sup> he saieth he beleaveth this Interrogatorie be true and further he saieth he married one Hawkins daughter which was the yongest daughter of Hawkyns by whome he owght to haue his bargeyne. And he saieth he could not comen to his state in his bargeyn vnto suche tyme as he gave to one Samford than offycer vj s. viij d. to bringe hit to passe And as he remembreth he gave to the Lord v li. for a fyne where before the stynte fyne was but iiij li.

vij. To the vij<sup>th</sup> Interrogatorie <sup>2</sup> he saieth he hath knowen many wydowes admitted to theyre fermes and bargens within the said manour as is expressed in this Interrogatorie, and he saieth that the yonger sonne or yonger daughter of diuerse tenauntes hath be admitted after tholde custome to theyre tenement but he can not tell whether they haue had it for the olde stynte fyne or no, but he saieth he hath herd saie they owght to haue hit.

viii. ix. To the viij and ix Interrogatories <sup>2</sup> the said customes of the manor hath be obserued and kept at all tymes withoutt interruption of any of the lordes vnto the tyme of William Fraunces and Mr. Warr now lordes of the manour.

<sup>1</sup> Document I, p. 132, supra.

<sup>2</sup> Document E, p. 113, supra.

<sup>3</sup> These words interlined.

<sup>4</sup> Sic.

x. To the x<sup>th</sup> article <sup>1</sup> he saieþ that the Landes called over Landes by the same custome hath ever be let by copie with the customarie landes and that the wydowes haue had theyre over landes with theyr customarie landes lykewise.

xj. To the xj<sup>th</sup> Interrogatorie <sup>1</sup> he saieþ that the wydowe after the deth of her husband being tenaunte may lawfully yelde her tenement to whome hit please her after her wydowing without the lordes licence and without paing of any fyne.

xij. To the xij<sup>th</sup> Interrogatorie <sup>1</sup> he saieþ that the said William Fraunces sith his entre in to the said manour hath allowed the foresaid olde customes at somme tymes. and at other tymes he hath broken theym ayenst the will of the Tenauntes.

The said Thomas Davye examined vpon the interrogatories purposed by the said defendauntes <sup>2</sup> saieþ as foloweth.

To the first ij<sup>de</sup> thridde fourthe and fyfte he saieþ as the said Henrie Waye hath before deposed.

To the vj<sup>th</sup> and vij<sup>th</sup> interrogatorie this deponent saieþ as was conteigned in a scedule of paper by hym showed theeffect whereof foloweth that the tenauntes of the said manour of Bradford had a commandement of the Lordes of the manour aforesaid that is to saie Mr. William Fraunces and Richard Warre esquier to appere at the cowrte at Holie ride <sup>3</sup> tyde last past <sup>4</sup> according to the custome And so they did and after they were sworne they gave theym charge to present nothing but all thing of truth according to right, and so they did, and then they <sup>5</sup> saide homage comme in to gif aunswere and ij men gave aunswere for the residue according to the custome by thassent of thole homage that is to saie John Rowsewell and Thomas Webber. Than the stuard demaundet whether there was any customarie tenaunte deadde sith the last cowrte And than they presented the deth of Richard Rowsewell. Than the stuard enquired what advantage the Lorde shuld haue by his deth, than for his heriot had an oxe price xxxij s. iiij d. which was contented and payed : furthermorer enquired who that they founde tenaunte, they presented the wydowe after custome and maner which the steward graunteth the bargeyn which she dwelleth in. Ferthermore she hathe an other bargeyn which she holdeth after custome and <sup>5</sup> maner whiche is called Parks

<sup>1</sup> Document e, p. 113, supra.

<sup>2</sup> Document g, p. 120, supra.

<sup>3</sup> Sic, for 'rude' (rood).

<sup>4</sup> Sept. 14, 1543.

<sup>5</sup> Sic.

and furlonges, and tenaunte <sup>1</sup> presented her tenaunte lyke maner, but he wold not take her tenaunt according to tholde custome. Than the stuard commaunded that the homage shuld present ferther, and let that mater passe. Than the homage demaunded whether that he wold alowe her wydowe estate other no according to the custome, and he gaue aunswere no. Wheruppon they considering theyre othes that they shuld present nothing but all of truthe, and forbecause they wold not alowe wydaws estates which is contrarie to the custom and was neuer seen the homage departed. And within viij daies folowinge the tenauntes had a commandement of the lordes aforesaid to appere at an other cowrte, and so they did to there commandement. Than wold they haue them sworne ageyn. And ther was one of the lordes hym self personallie videlicet William Fraunces. Further the homage had a comunicacion with hym selfe of dyvers maters belonging to theyre customes, whiche he wold in no wise alowe after custome and maner as hit hath been of old, which hath been vsed tyme out of mynde. Wheruppon the homage departed agene Wheruppon he hath promised all the homage to dryve them owt of theyre bargens and to make forfet of all, and will take no rent of them, and hath not sith owre Ladie daye in Lent. Also the said tenauntes have sent hym his rent by honest men with the reave and he will not receave hit.

Johannes Rowsewell of Bradford customarie tenaunte of Bradford to Mr. Warre one of the lordes of the said manour of thage of xlvijth <sup>2</sup> yeres sworne and examined vpon thinterrogatories purposed by the partie playntiff <sup>3</sup> saieth as foloweth.

j. ij. To the first and seconde Interrogatorie he saieth as he Henrie Waye hath deposid before.

ijj. To the thridde he saieth that somme tymes the fynes of the tenementes haue be augmented frome tholde stynte fyne by inforcement of the lorde and his officers but that hath not be done by the consent of the hole tenauntes which he thinketh to be necessarie to be had, if the custome and stynte fyne shuld be chaunged

iiij. To the iiij<sup>th</sup> he saieth that sir Richard Warre knight late one of the lordes of the manour of Bradford did take one tenement there parcell of his landes by surrender to hym self and afterward the said sir Richard Warre did sel the saide bargyn or tenement to one Roper for the fyne of xl markes or there abowte. And that the saide sir

<sup>1</sup> Sic, apparently 'tenantry.'

<sup>2</sup> Sic.

<sup>3</sup> Document r, p. 113, supra.

Richard Warre did expresse vpon the said copie made to Roper but iij li. whiche was tholde stent fyne of the same. And in further affirmaunce<sup>1</sup> the said v<sup>th</sup> article he shewed and brought forth the v. seuerall copies of the tenour folowing.

Bradforde Warre. Ad curiam legalem Manerii ibidem tentam xiiij<sup>o</sup> die Nouembris Anno Regni Regis Henrici vij quarto<sup>2</sup> sic irrotulatur: Ad hanc curiam venit Editha Atwey que de domino tenuit vnum tenementum continens dimidiam virgatam terre ex antiqua tenura cum pertinenciis. Vnam acram terre parcellam tenencie predictae sursum reddidit in manus domini ad opus Johannis Atway vnde accidit domino de herieto prout patet sine sequenti et super hoc venit iidem<sup>3</sup> Johannes Atway et dat domino de fine xlvj s. viij d. tam pro herieto predicto quam pro statu suo et ingressu habendo in predicta acra terre vnam reuersione sibi habenda in tenemento predicto cum suis pertinenciis, Tenendum sibi ad terminum vite sue secundum consuetudinem Manerii ibidem per redditus et seruicia inde prius debita et consueta cum post mortem sursum reddicionem siue forisfacturam Edithe Atway acciderit. Et in hac forma admissus est inde tenens per predictam acram terre nomine Reuersionis predictae. Et fecit domino fidelitatem. Datum per copiam Rotuli die et anno supradicto.

Bradforde ,,<sup>4</sup> Ad curiam Manerii ibidem tentam ibidem<sup>5</sup> xv<sup>o</sup> die Aprilis anno Regni Regis Henrici vij<sup>i</sup> xiiij<sup>o</sup><sup>6</sup> sic irrotulatur: Ad hanc venit Johannes Norton et cepit de domino videlicet de Nicholao Frauncis ac de Roberto Stowell Johannis<sup>3</sup> Moore de Columpton et Johannis<sup>3</sup> Carnicke clerici<sup>3</sup> feoffatorum ad vsum dicti Nicholai vnum cotagium cum pertinenciis quod Johannes Poore prius ibidem tenuit Tenendum sibi dictum cotagium cum pertinenciis ad terminum vite sue secundum consuetudinem manerii per Redditus consuetos et seruicia inde prius debita et de more consueta. Et dat domino de fine ij s. iij d. soluendos infra proximum compotum. Et sic admissus est inde tenens et fecit domino fidelitatem.

Bradforde hele<sup>7</sup> scilicet. Ad curiam Manerii ibidem tentam xiiij<sup>o</sup> die mensis Aprilis anno Regni Regis Henrici vij<sup>i</sup> nono<sup>8</sup> sic irrotulatur: Ad hanc venit Johannes Powre et cepit de domino videlicet Nicholao Fraunces ac Johanne Carnicke clerico Roberto Stowell armigero et Johanne Moore de Columpton feoffatis ad usum dicti

<sup>1</sup> Sic, 'of' omitted.

<sup>2</sup> 1491.

<sup>3</sup> Sic.

<sup>4</sup> Le. Warre.

<sup>5</sup> Sic, repeated.

<sup>6</sup> 1499.

<sup>7</sup> Hele is about a mile and a half N.E. of Bradford, in the direction of Taunton.

<sup>8</sup> 1494.

Nicholai vnum cotagium cum suis pertinenciis quod Johannes Milward prius ibidem tenuit Tenendum sibi ad terminum vite sue secundum consuetudinem manerii per redditus consuetos et seruicia inde prius debita et de more consueta. Et dat de fine iij s. iij d. soluendos infra comptum et sic admissus est inde tenens et fecit domino fidelitatem.

Bradforde & Heale. Ad curiam manerii ibidem tentam ix<sup>o</sup> die Julii anno Regni Regis Henrici viij<sup>ui</sup> xxv<sup>to</sup> <sup>1</sup> sic irrotulatur : Ad hanc curiam venit Nicholaus Atway et cepit de domino videlicet Ricardo Warre milite ex tradicionem sua propria vnum tenementum continens dimidiam virgatam terre cum suis pertinenciis nuper in tenura Alicie Atway matris sue habendum et tenendum tenementum predictum cum suis pertinenciis prefato Nicholao Atway ad terminum vite sue secundum consuetudinem manerii per redditus et seruicia inde prius debita et de more consueta. Et dat domino de fine pro tali statu et ingressu habendo xlj s. viij d. soluendos prout patet billa domini. Et sic predictus Nicholaus admissus est inde &c.

Bradforde et Heale. Ad curiam Manerii ibidem tentam xxvij<sup>o</sup> die octobris Anno Regni Regis Henrici viij<sup>ui</sup> xxv<sup>to</sup> <sup>1</sup> Et <sup>2</sup> sic irrotulatur : Ad hanc curiam venit Thomas Applyn et cepit de domino videlicet Willelmo Frauncis ex tradicionem sua propria Reuersionem vnus tenementi et vnus cotagii cum pertinenciis modo in tenura Johannis Stallyns habendum et tenendum sibi ad terminum vite sue secundum consuetudinem Manerii ibidem cum post mortem sursum reddicionem dimissionem vel forisfacturam predicti Johannis Stallyns acciderit per redditus et seruicia inde prius debita et consueta. Et dat domino tam iij li. iij s. iij d. pro finem <sup>2</sup> quam xx s. pro herieto Johannis Stallyns—cij s. iij d. Et sic admissus est inde tenens ad j acram vocatam Holdiche attrahendo sibi Reuersionem integri Tenementi et cotagii predicti secundum consuetudinem manerii ibidem soluere finem predictum prout patet billa domini.

WILLIAM FRAUNCYS.

v. To the v<sup>th</sup> <sup>3</sup> he saieth as Henrie Waye his predeponent hath said before.

vj. To the vj<sup>th</sup> <sup>4</sup> he saieth that the yongest sonne or yongest daughter if there be no sonne shuld haue the bargeyne if there were no yeldyng made before payng tholde stent fyne for the same, but he saieth he hath not knowne so <sup>2</sup> admitted there in his tyme, because that

<sup>1</sup> 1533.

<sup>2</sup> Sic.

<sup>3</sup> P. 133, supra.

<sup>4</sup> Document e, p. 114, supra.

comenlie there is surrendre made before by the tenautes in theyre lyves.

vij. To the vij<sup>th</sup> he saieth in lyke maner as Thomas Dave<sup>1</sup> hath before deposed.

vij. ix. To the viij<sup>th</sup> and ix<sup>th</sup> he saieth that the customes above deposed haue be peaxable obserued tyme owt of mynde vnto the tyme of William Fraunces now lorde there.

x. To the x<sup>th</sup> he saieth as Thomas Davye his predeponent hath before said<sup>1</sup> and in ferther prove of the said article he shewed a copie of the lorde of the Manour in these wordes videlicet.

Ad curiam manerii ibidem tentam sexto die Maii anno regni regis Henrici vij<sup>ij</sup><sup>ui</sup> decimo<sup>2</sup> sic irrotulatur: Ad hunc<sup>3</sup> venit Ricardus Rowsewell et cepit de domino videlicet Nicholao Fraunces armigero quandam parcelam terre dominicalis vocatam Parkes cum pertinenciis simul cum aliis parcellis terre de terra dominicali vocata Furlonges cum suis pertinenciis que Thomas James sursum reddidit in manus domini ad vsum dicti Ricardi Tenendum sibi dictam parcelam terre cum pertinenciis vt overland ad terminum vite sue secundum consuetudinem manerii per redditus consuetos et seruicia inde prius debita et de more consueta Et dat domino de fine pro statu et ingressu suo predicto habendo xx s. Et sub hac forma admissus est inde tenens et fecit fidelitatem.

xj. xij. To the xj and xij<sup>th</sup> he saieth as Thomas Davye his predeponent hath said before.<sup>1</sup>

The said Rowsewell being examined vpon thinterrogatories of the defendautes<sup>4</sup> saieth as foloweth.

To the said Interrogatories he being examined saiethe as is before deposed by his said felowes above rehersed, and as it is conteigned in the bill or writting of the saide Thomas Davye before shewed in this behalf.<sup>5</sup>

Thomas Webber of thage of lx yeres customarie tenaunte to Mr. Warre in the manour of Bradford sworne and examined as foloweth.

j. ii. iij. iiij. To the first ij<sup>de</sup> and iij<sup>de</sup> iiij<sup>th</sup><sup>6</sup> he saieth as John Rowsewell his predeponent saieth And further he saieth that the tenement wherin he now dwelleth in Bradford was surrendered to sir Richard Warr knight by a mote by one Myller than tenaunte of the

<sup>1</sup> Pp. 140-142.

<sup>2</sup> 1518.

<sup>3</sup> I.e. diem.

<sup>4</sup> Document G., p. 120.

<sup>5</sup> Pp. 142, 143, supra.

<sup>6</sup> Interlined.

same, which sir Richard War sold the same bargeyn to one John Roper for what fyne he can not tell. And afterward this deponent toke the saide bargeyn of Roper by surrender and payed to the said sir Richard Warr for a fyne vj li. as appereth by his copie shewed in his examination whiche vj li. as the same Roper shewed vnto this deponent was tholde stynte fyne.

To the v<sup>th</sup> and residue of the said Interrogatories he saieth and agreeth with John Rowsewell as he hath before deposed in all thinges.

The said Thomas Webber examined vppon the Interrogatories of the defendauntes saieth vnto all tharticles thereof as Thomas Davyes his feaue before examined doth depose.

Deinde xxx<sup>o</sup> Marcii anno regni regis Henrici 8 xxxviii<sup>1</sup> Michael Mallet<sup>2</sup> generosus Johannes Warre<sup>3</sup> Chapleghe<sup>3</sup> generosus<sup>4</sup> Johannes Inglisthe yoman<sup>1</sup> et Hugo Sampford generosus testes per defendentes super eorum interrogatoriis producti iurati et examinati dixerunt et deposuerunt vt in quibusdam scedulis eorum propriis nominibus signatis coram nobis exhibitis et dimissis constat. Quas deposiciones virtute iuramentorum suorum nos dicti commissionarii recepimus. Et statim Ricardus Warr Armiger<sup>4</sup> exhibuit responsum suum in pergameno scriptum, quod supplicationi responsioni et replicacioni a curia domini nostri regis nobis transmissis annectimus.

Michael Malet of Pruston Torell<sup>5</sup> in the countie of Somerset gentleman sworn & examyned seith that he was present at Bradeforde in the seid counte the viij<sup>th</sup> day of July last past<sup>6</sup> wher & at which tyme ther was a court somoned to be holden by William Fraunces &

<sup>1</sup> The pleadings show that this should have been xxxv, i.e. 1544.

<sup>2</sup> See p. 131, n. 2, supra.

<sup>3</sup> The eldest son of Sir Richard Warre by his second wife Joan Hody. See p. 117, n. 3, supra. At this time J. W. was steward of the manor. See p. 131, supra, and p. 149, infra.

<sup>4</sup> 'Armigeri primarii hodie censentur qui sunt pro Principi corpore selecti. Secundo Equitum Auratorum filii natu maximi & eorum itidem filii maximi successive. Tertio loco habentur filii natu maximi minorum filiorum Baronum & aliorum superioris ordinis, quando autem primogeniti masculi deficiunt, deficit una cum illis titulus. Quarto ordine sunt quibus Rex ipse cum titulo insignia donat, aut Armigeros creat, collum torque SS. vel signaticeo argenteo & candidis & argentatis calcaribus exornans, unde hodie in occidentalibus Regni partibus vocantur Whitespurses, ad discrimen Equitum Auratorum qui auratis calcaribus uti solent; horumque primogenitis titulus solummodo competit. Quinto loco Armi-

geri habentur quicunque aliquo superiori publico in Republica munere funguntur, vel Principi honestiori conditione famulantur. Sed hoc Armigeri nomen, quod olim officii tantum fuit, inter dignitatis titulos regnante Ricardo secundo primum irrepsit.

<sup>5</sup> 'Generosi vel promiscue nobiles sunt, qui natalibus clari aut quos virtus aut fortuna e faece hominum exulit.

<sup>6</sup> 'Plebei sive Yeomen, quos alii Ingenuos, lex nostra homines legales dicit, & ex agris, quos optimo jure tenent, quadraginta ad minimum solidos quotannis colligunt.' Guil. Camdeni 'Britannia' (Amsterdam 1639), p. 71.

The assignment of 'Armiger' to the eldest and 'generosus' to the younger son is testimony to the accuracy of Camden's account of the usage.

<sup>5</sup> Torrel's-Preston, Collinson, 'Hist. of Somerset,' iii. 16. It now appears to form part of Preston Bowyer, about seven miles W. of Taunton.

<sup>6</sup> 1543.

Richard Warre Esquyers lordes of the manor of Bradeforde aforesaid, at which tyme before that the court was begone dyuers of the tenautes of the seid manor seid vnto the seid William Fraunces that euery Tenaunt of the seid manor mowght yeld his Tenement parcell of the seid manor to whom so euer hit wolde please hem payeng therfor vnto the lorde therof a steynt fyne by the custome of the seid manor, And also that euery wedow after the dethe of her husband tenaunt of ony Tenement of Querlond within the seid manor owght to haue the same tenement duryng her wydowed by the custome of the seid manor. And ferdermore that yf ony tenaunt of ony tenement parcell of the seid manor dyed without yelding the same tenement in his lyffe to a nother person, that then his yongest sone, or his yongest daughter yf the same tenaunt haue no sone, owght to haue the same tenement, payeng therfor to the lorde therof a steynt fyne, Whervnto the said William Fraunces awnswered & seid, that all & euery of the same maters was contrary to the custome of the same manor, & that they owght not to haue ony of those maters by the custome of the seid manor, & seid ferder that whensoeuer ony of those maters showld happen to cum in varyaunces & in debate between hem & ony of the seid tenautes that then the law showld determyne hit, & in the mean tyme he seid that he wold that all the seid tenautes showld doo in all other maters as they had vsed before that tyme to be done thereyn. Wheruppon the seid Tenautes seid that yf the seid lordes wolde not graunt & allow the seid maters as they demaunded that they would not be sworn at that court, & theruppon this deponent exhortyd the seid tenautes to be sworn & to doo ther duties in all other maters as they owght to doo, & to suffer these maters that were then in varyaunces to be tryed by the order of the law when tyme shall happen, & ferder declared vnto them that althowgh the lordes of the seid manor wolde not graunt & allow the seid maters vnto them the which owght to be graunted & allowed yf ther seid custome soo were, yet that notwithstanding they cowld not lawfully refuse to be sworn at the seid court, & that yf they dyd so refuse to be sworn that then therby they wolde put them selfes in more daunger then they dyd knoo of. All this notwithstanding for that that the lordes aforesaid would not then forthwith graunt & allow to the seid tenautes the seid three maters they refused to be sworn then & so departyd thens owt of the seid court. And after at another court ther holden the iij day of January last past<sup>1</sup> the seid tenautes beyng sworn presentyd in the presens of this deponent that for the cawse aforesaid the seid tenautes refused

<sup>1</sup> 1544.



to be sworn at the seid court ther somoned to be holden the said viij<sup>th</sup> day of July<sup>1</sup> in maner & forme as is aforeseid. And ferdermore they presentyd ther also in the presens of this deponent that at a nother court ther holden the last day of May last past<sup>2</sup> the said homage beyng sworn presentyd by Thomas Webber & John Rowsewell the dethe of one Richard Rowsewell Tenaunt custumarye of a certeyn Tenement that he at the tyme of his dethe dwellyd in within<sup>3</sup> the seid manor & also tenaunt by copy of courte Rolle of a nother tenement ther called Parkes & Furlonges, And that Alice Rowsewell wedow late wyffe to the seid Richard Rowsewell ought to haue bothe the seid twoo Tenementes duryng her wydowed by the custome of the seid manor wherevnto John Warre then steward awnsvered that the said Alice Rowsewell ought not to haue the said tenement called Parkes & Furlonges duryng her wydowed by the custome of the seid manor for that the seid Tenement was ouerlond, whereof noo woman owght to haue her wydowes estate, And therfor commaundyd them to passe that mater ouer & to present the Resydw that they had found worthy to be<sup>4</sup> presentyd at that tyme and for that the seid Steward wold not allow & graunt that the seid Alice Rowsewell shold haue the seid tenement called Parkes & Furlonges duryng her wydowed the seid homage then departed owt of the seid court & wolde present no more & more he knoweth not.

Per me MICHAELM MALET.

John Warr of Chyplegh<sup>5</sup> yn the County of Somerset gentleman of thage of xlviij yeres sworn & examynyd the day & yer abovewryten sayth upon hys othe that he beyng stuerd of the sayd maner off Bradford kept a Courte at the same maner the last day of maii last past<sup>1</sup> at whych Courte the homage off the sayd manor by John Rowsewell & Thomas Webber presentyd the deth off one Richard Rowsewell & that at the tyme off his deth he held off William Fraunces one of the lordes of the sayd maner one tenemente with hys appurtenaunces accordyng to the custome of the sayd manor &c & apou that Alyce wyff off the sayd Richard was acceptyd as tenaunt off the sayd tenement duryng hyr wydowed but was not admyttyd tenaunt for that she was not then present yn the Courte.

And at the same tyme they presentyd ferther that the same Richard at the tyme of hys deth dyd hold of the sayd lordes certeyn parcellis of ouerland callyd Parkes & Furlonges & presentyd the cleyme

<sup>1</sup> 1543.

<sup>2</sup> 1544.

<sup>3</sup> Sic.

the rest being in dorso.

<sup>4</sup> Here at foot of leaf is 'verte folium.'

<sup>5</sup> See p. 147, n. 3, supra.

of the sayd Alyce hys wyff to have the sayd parcells of ouerland duryng her wydowed. But thys deponent refusyd to admytt her tenaunt theroff for that hyt was ouerland as ys aforeseyd vntyll such tyme as sche schold agree wyth the lordes therfor. Wherapon the sayd holle homage beyng examynynd what other thyng they hadd to present seyde that yff the sayd Alyce were not admyttyd tenaunt off the sayd ouerland, they wold make no ferther presentment & evyn so departyd yn Contempte of the sayd Courte. Also the sayd deponent seyth that apou the viij day of June then next folowyng<sup>1</sup> he somonyd a nother Courte to be holden at the sayd manor at wch tyme the hole homage beyng assemblyd at the place wher the Courte ys accostomyd to be kept the oyez be<sup>2</sup> made accordyng to the order & vsage off the sayd Courte thys deponent callyd the sayd tenauntes to the boke to be sworne accordyng to theyr custome, & then the<sup>2</sup> askyd the sayd William Frances the lord beyng present whyther he wold allow the sayd wydowys estate yn the sayd ouerland & he sayd he wold not so allow her onless sche wold agre with hym. Wherappon all the hole homage vtterly refused to be sworne & so ageyn departyd yn contempte of the sayd Courte.

Item he sayth further that he somenyd the sayd tenauntes to another Courte to be holden yn the sayd manor the iij day off Januarii last past, at whych Courte they wer all sworne & then the sayd deponent chargyd theym apou theyr othes to present whyther they dyd refuse to make theyr full presentment at the sayd Courte ther holden the last day off Maii & for what cawse & they confessyd that they departyd from the Courte before they hadd made ther hole presentment for that that the sayd deponent wold not admytt Alyce Rowsewell to her wydowys estate yn the sayd ouerlandes callyd Parke & Furlonges & they beyng ferther examynynd wherfor they refusyd to be sworne at the Courte ther holden the viij day off June<sup>1</sup> before rehersyd say that for as much as the sayd lord wold not graunt the sayd wydowes estate & other customes by theym chalengyd they refusyd to be sworne & departyd the Courte.

PER ME JOHANNEM WARRE.

John Inglysse of Netylcombe yn the sayd countey yoman off the age off xxxiiij yeres sworne & examynynd the day & yer above wryten sayth upon hys othe that he was present at the Courte holden at Bradford the last day off Maii last past & affirmyth all thynges before deposed by the sayd John Warr concernyng the doying at the same

<sup>1</sup> 1543. The pleadings show that 'June' should be 'July,' see p. 107. *supra*.    <sup>2</sup> Sic.

Courte to be true but as concernyng the demeanur off the sayd tenauntes at any other Courte ther syth that tyme he knowyth nothyng theroff.

Per me JOHANNEM ENGLISSIE.

Hugh Samford seruaunte of William Fraunces off Colme Floley<sup>1</sup> yn the sayd county gentleman off the age of lxiii yeres sworne & examynyd the day and yer abovewryten sayth apon hys othe that he was present at all the sayde iij Courtes before spoken off yn the deposycyon off John Warr & affirmyth the saying off the said John Warr yn euery thyng as hyt ys before deposed to be true.

Per me HUGONEM SANFORD.

William Holcomb of Morton yn counte of Deuon yoman of thage lx deposid & sworne sayth that he was vnder steward to master Richard Bleuatt the space of xvj yer and he neuer knew tenaunt of the same manor of Bradford to haue ther tenement at eny stent fine but that the said tenauntes did allwey agre wyth the lordes of the same manor at the lordes pleasur and ferther the said deponent knowyth not.

Per me WILLELMUM HOLCOMB.

*Endorsed.* 'Depositions.'

M. Copies of Court Rolls put in on behalf of the defendants.

Curia legalis termini Sancti Michaelis archangeli tenta ibidem die Jovis in festo Sancti Michaelis monte<sup>2</sup> anno regni regis Henrici sexti post conquestum Anglie tricesimo nono.<sup>3</sup>

1. Et quod Johannes Pury qui de domino tenuit videlicet de Roberto Warre<sup>4</sup> armigero vnum tenementum vocatum a ferthyng tenement cum suis pertinenciis diem suum clausit extremum vnde accidit domino de herieto vna equa deliberata super quo venit Agnes relecta<sup>5</sup> dieti Johannis & clamauit dictum tenementum ad terminum vite sue & ei conceditur secundum consuetudinem manerii dum sola &e Set ad hunc diem venit Johannes Gibbon & dat domino videlicet Roberto Warre armigero de fine lxiijs. iiij d. pro statu & ingressu habendo in toto predicto tenemento cum pertinenciis Tenendum eidem Johanni ad terminum vite sue secundum consuetudinem manerii per

Brauford

To dysprove  
the yehlyng  
& the stent  
fyne

<sup>1</sup> See p. 102, n. 1, supra.

<sup>2</sup> Dedicatio S. Michaelis in monte Tumba.  
Oct. 16.

<sup>3</sup> 1460.

<sup>4</sup> Sheriff of Somerset and Dorset, 36 H. 6  
(1457-58); died 5 E. 4 (1465). Collinson,  
iii, 260.

<sup>5</sup> Sic.

eadem reddicionem & seruicia que predictus Johannes Pury facere & reddere solebat Itaquod predictus Johannes Gibon permittit dictam Agnetam possidere & habere aulam & cameras in oriente parte dicti tenementi ac pomarium & dimidiam partem vnus parui gardini ibidem & soluendum dicte Agnete annuatim ad terminum vite sue xij s. iij d. ad quatuor anni terminos per equales porciones ac vnum plaustratum focalium annuatim et sic admissus est inde tenens & fecit domino fidelitatem.

Finis ijij li.  
ij s. iij d.

vij<sup>o</sup> die Aprilis.

Bradford

2. Curia manerii ibidem tenta <sup>1</sup>xj<sup>mo</sup> die Octobris<sup>1</sup> anno regni regis Henrici septimi quintodecimo.<sup>2</sup>

Ad hanc curiam<sup>3</sup> venit Johannes Hervo Et cepit de domino videlicet Ricardo Warre<sup>4</sup> armigero j tenementum cum suis<sup>5</sup> pertinenciis de antiquo astro quod alicia Gibyns vidua prius ibidem tenuit Tenendum sibi dictum tenementum cum pertinenciis ad terminum vite sue secundum consuetudinem manerii per reddicionem consuetudines & seruicia inde prius debita & de jure consueta. Et dat domino de fine pro statu & ingressu suo habendo lxxij s. iij d. vna solucio pre manibus xxvj s. viij d. ad festum omnium sanctorum tunc proxime sequens xxvj s. viij d. & residuum inde solutionis est ad festum Pasche tunc proxime sequens Et sic admissus est inde tenens Et fecit domino fidelitatem &c.

Finis ijij li.  
xij s. iij d.

Bradford

3. Curia manerii ibidem tenta termini sancti Michaelis videlicet die Lune proximo post festum sancte fidis<sup>6</sup> virginis anno regni regis Henrici sexti post conquestum xx<sup>o</sup>.<sup>7</sup>

<sup>8</sup>Ad hanc venit Johannes Aysheomb tenens de Johanne Warre vnum tenementum continens j ferdellam<sup>9</sup> terre & perticam cum pertinenciis de antiquo secundum consuetudinem manerii & sursum reddidit j acram terre de eodem tenemento iacentem in le Shilfe ad opus Roberti Ayshecomb attrahendo eidem Roberto residuum tenementum predictum cum acciderit post mortem dicti Johannis Et super hoc venit predictus Robertus et dat domino de fine xlvj s. viij d. tam pro predicta acra terre quam predicto tenemento sibi habendo secundum consuetudinem manerii cum post mortem predicti Johannis acciderit per redditus & consuetudines inde debitas & consuetas soluendo finem cum curia Et fecit domino fidelitatem.<sup>8</sup>

<sup>1</sup> Struck through.

<sup>2</sup> 1499.

<sup>6</sup> Oct. 6.

<sup>3</sup> 'Curiam' struck through.

<sup>7</sup> 1441.

<sup>4</sup> Son and heir of Robert Warre. He married Joan, daughter of Lord Stourton; died without issue, 22 E. 4 (1482). Collinson, l. c.

<sup>8</sup> This entry struck through.

<sup>5</sup> 'Suis' struck through.

<sup>9</sup> 'Ferdella terre,' quarta pars virgatae terre. Du Cange, quoting Spelman. The virgate was an indeterminate area generally between 25 and 40 acres.

4. Curia legalis manerii ibidem tenta die lune xij<sup>o</sup> die mensis Maii anno regni regis Henrici sexti xxvij<sup>mo</sup>.<sup>1</sup> Bradford

Robertus Ayshecomb filius Roberti Ayshecomb dat Roberto Warre armigero de fine xx<sup>ti</sup> mareas pro ingressu & statu habendo in j tenemento cum pertinenciis vocato Gardyners continente dimidiam virgatam<sup>2</sup> terre quod Johannes Person prius tenuit Tenendum eidem Roberto secundum consuetudinem manerii per redditus & seruicia inde debita & consueta soluendo finem cum curia per plegium Roberti Ayshecomb senioris Et fecit domino Roberto Warre fidelitatem. Finis xx mareas

Curia legalis termini Hokkes<sup>3</sup> ibidem tenta die Lune ante festum omnium sanctorum<sup>4</sup> anno regni regis Henrici sexti xxxvij<sup>o</sup>.<sup>5</sup> Bradford

5. <sup>6</sup>Ad hanc curiam venit Robertus Ayshecomb Junior per prepositum attornatum suum & sursum reddidit in manus domini videlicet Roberti Warre armigeri vnum tenementum continens j ferdellam<sup>2</sup> terre cum pertinenciis vocatum le Longhouse & aliud tenementum continens dimidiam virgatam terre cum pertinenciis vocatum Gardyners ad opus Johannis filii Willelmi Rowsewell & herieta inde sunt infra finem inferius ex conuencione facta super quo venit predictus Johannes & dat domino de fine x li. vna solucio domino in manibus iij li. tam pro herieto predicti Roberti hac vice relexato<sup>7</sup> quam pro ingressu habendo in dicta ij tenementa cum pertinenciis Tenendum eidem Johanni secundum consuetudinem manerii per redditus & seruicia inde debita & consueta soluendo de fine xx s. ad festum Natiuitatis Domini extunc proxime sequens<sup>8</sup> & xl s. ad festum Pasche tunc proxime sequens<sup>9</sup> xx s. ad festum Natiuitatis sancti Johannis Baptiste extunc proxime sequens<sup>10</sup> & xl s. ad festum Sancti Michaelis extunc proxime sequens<sup>11</sup> per plegium Willelmi Rowsewell. Et fecit domino fidelitatem.<sup>5</sup> Finis cum herieto x li.

6. Curia termini Hokkes<sup>3</sup> ibidem tenta die Lune vj<sup>o</sup> die Junii anno regni regis Henrici sexti post conquestum septimo.<sup>12</sup>

Johannes Vintshade qui tenet j tenementum continens dimidiam virgatam<sup>2</sup> terre secundum consuetudinem manerii venit in plena curia & sursum reddidit j acram terre inde iacentem in le Shilfe in manus Johannis Warre<sup>13</sup> domini ad opus Johannis Phelpott & Alicie Finis 1 s.

<sup>1</sup> 1449.

<sup>2</sup> See p. 152, n. 9, supra.

<sup>3</sup> Hock Tide began on the fifteenth day after Easter Day.

<sup>4</sup> The words 'Martis secundo die mensis Maii' struck through.

<sup>5</sup> Oct. 1458.

<sup>6</sup> Struck through.

<sup>8</sup> Dec. 25, 1458.

<sup>9</sup> March 25, 1459.

<sup>10</sup> June 24, 1459.

<sup>11</sup> Sept. 29, 1459.

<sup>12</sup> 1429.

<sup>13</sup> Father of Robert Warre, above mentioned. This John Warre was the son of Richard la Warre and grandson of the John la Warre who by his marriage with Elizabeth Meryet had brought the estate to the la Warre family. The John Warre of this text married Joan, daughter and heir of John Combe of Dalwood, Dorsetshire. He was high sheriff of Somerset and Dorset in 2 H. 5 (114-15) and 3 H. 6 (1127-28).

vxoris sue tenendum eisdem secundum consuetudinem manerii ut pro antiqua consuetudine Et pro hac concessione habenda dat domino de fine xl s. solutos cum curia. Et sic predictus Johannes admissus est tenens &c.

Bradford

Curia termini Hokkes<sup>1</sup> ibidem tenta die Martis viij<sup>o</sup> die Maii anno regni regis Henrici sexti post conquestum xiiij<sup>o</sup>.<sup>2</sup>

Finis xx li.

vij. Johannes Phelpott qui tenet de domino Johanne Warre j tenementum continens dimidium<sup>3</sup> virgatum terre quod Johannes Vytshade<sup>3</sup> nuper tenuit in Bradford venit in plena curia per Thomam<sup>4</sup> attornatum domini ac attornatum ipsius Johannis Phelpott & tenementum predictum curie reddidit ad vsum Willelmi Rowswell & Elene vxoris sue & Johannis filii eorundem junioris vnde accidit domino pro sursum reddicione predicta j bos precio. Et super hoc venit predictus Willelmus Rowswell et cepit de domino totum predictum tenementum cum omnibus suis pertinenciis habendum & tenendum predictum tenementum cum pertinenciis prefato Willelmo Elene & Johanni secundum consuetudinem manerii successiue per redditus et seruicia inde prius debita & consueta. Et pro hac concessione habenda dat domino de fine xx li. soluendos ad festum Natiuitatis sancti Johannis Baptiste proxime futurum<sup>5</sup> x li. et ad festum Natiuitatis sancti Johannis Baptiste extunc proxime sequens<sup>6</sup> xx li. Et sic &c.

8. Curia termini Hokkes ibidem tenta die Lune v<sup>o</sup> die Maii anno regni regis Henrici vj post conquestum xvj<sup>o</sup>.<sup>7</sup>

Finis vj li.

Quod Stephanus Atway qui tenet de domino Johanne Warre j tenementum continens dimidiam virgatum terre diem suum clausit extremum vnde accidit domino videlicet dicto Johanni de herieto suo j vacca que liberatur ad expressum diem apud Heystercomb. Et super hoc venit Johannes Atteway filius predicti Stephani & cepit de domino predicto tenementum predictum continens dimidiam virgatum terre cum pertinenciis tenendum sibi secundum consuetudinem manerii per redditus & seruicia inde prius debita & consueta. Et pro hac concessione habenda dat domino de fine vj li. xij s. iij d. soluendos ad festum Pentecoste proxime futurum xx s. et ad festum Natiuitatis sancti Johannis Baptiste extunc proxime sequens<sup>8</sup> xx s., ad festum sancti Michaelis archangeli tunc proxime sequens xx s. et ad festa Natiuitatis domini Pasche & Natiuitatis sancti Johannis Baptiste extunc proxime sequentia lx s. equaliter et ad festum sancti Matthei<sup>9</sup> extunc proxime sequens xij s. iij d. Et sic admissus &c.

<sup>1</sup> See p. 153, n. 3, supra.<sup>2</sup> 1436. <sup>3</sup> Sic.<sup>4</sup> Blank in MS.<sup>5</sup> June 24, 1436.<sup>6</sup> June 24, 1437.<sup>7</sup> 1438.<sup>8</sup> June 24, 1438.<sup>9</sup> Sept. 21.

Curia manerii ibidem tenta ix<sup>o</sup> die Julii anno regni regis Henrici vij<sup>mi</sup> xxv.<sup>1</sup> Bradford

9. Ad hanc curiam venit Nicholaus Atway et cepit de domino videlicet Ricardo Warre milite extradicione sua propria vnum tenementum continens dimidiam virgatam terre cum pertinenciis nuper in tenura Alicie Way matris sue habendum & tenendum tenementum predictum cum suis pertinenciis prefato Nicholao Atwey ad terminum vite sue secundum consuetudinem manerii per Redditus & seruicia inde prius debita & consueta. Et dat domino de fine pro tali statu & ingressu lxxj s. viij d. solutos prout patet per billam domini. Et sic predictus Nicholaus admissus &c.

Finis liijl.  
vj s. viij d.

Curia termini Hokkes<sup>2</sup> ibidem tenta die Lune primo die Junii anno regni regis Henrici sexti post conquestum xj<sup>o</sup>.<sup>3</sup>

10. Thomas Keyle qui tenet de domino Johanne Warrej tenementum secundum consuetudinem manerii venit in plena curia & sursum reddidit in manus domini j acram terre iacentem apud v plouglond<sup>4</sup> parcelлам tenementi predicti ad opus Johannis Hyndburgh vnde ut &c. Et super hoc venit predictus Johannes & cepit de domino Johanne Warre acram predictam vna cum reuersione tenementi predicti cum acciderit cum<sup>5</sup> post mortem vel reddicionem predicti Thome acciderit<sup>5</sup> habendum & tenendum sibi predictam acram terre in mediatate<sup>5</sup> vna cum reuersione residui tenementi predicti cum acciderit ut supradictum est secundum consuetudinem manerii redditus inde facienti redditus<sup>5</sup> & seruicia sicut predictus Thomas nunc reddere et facere solet. Et cum dicta reuersio acciderit admittetur tenens in curia. Et pro hac concessione habenda dat domino de fine xlvj s. viij d. vnde soluit pro manibus xx s. et residuum ad diem soluendum infra tempus compoti. Et sic admissus est inde tenens &c pro predicta aera terre tantum.

Finis xlvj s.  
viij d.

Curia Manerii ibidem tenta ij<sup>do</sup> die Aprilis anno regni regis Henrici vij<sup>mi</sup> xij.<sup>6</sup> Bradford

11. Ad hanc curiam venit Johannes Hyndburgh & sursum reddidit in manus domini videlicet Ricardi Warre vnam acram terre de tenemento suo quod de dicto domino tenet vocatum v plouglond ad opus Willelmi Hyndburgh filii sui attrahendo eidem Willelmo reuersionem tocius integri tenementi predicti cum pertinenciis cum acciderit ut post

Finis liij s.  
iii. d.

<sup>1</sup> 1533.

<sup>2</sup> See p. 153, n. 3, supra.

<sup>3</sup> 1433.

<sup>4</sup> 'Eight acres make a ploughland,' W. Sheppard, 'Of the office of Clerk of the Market,' &c., London, 1665, p. 23; but the

measure was, in fact, indeterminate, depending upon the custom of the country, which, no doubt, was ultimately based on the fertility of the soil.

<sup>5</sup> Sic.

<sup>6</sup> 1498.

mortem sursum reddicionem vel forisfacturam predicti Johannis. Super quo venit predictus Willelmus et dat domino de fine iij<sup>or</sup> marcas tam pro ingressu habendo in dictam acram terre quam pro reuersione tocius integri tenementi predicti cum pertinenciis cum acciderit ut supra Tenendum eidem Willelmo dictam acram terre simul cum reuersione predicti tenementi cum pertinenciis cum acciderit ut supra secundum consuetudinem manerii per redditus consuetudines & seruicia inde prius debita & de jure consueta. Et sic idem Willelmus admissus est tenens pro predicta acra terre vocate v plouglond & fecit domino fidelitatem &c.

12. Curia termini Hokkes<sup>1</sup> ibidem tenta die lune xxviii<sup>o</sup> die Maii anno regni regis Henrici vi<sup>ti</sup> post conquestum octauo.<sup>2</sup>

Finis vj s.  
viiij d.

Ad istam venit Johannes Parsons & cepit de Johanne Warre vnum duorum ibidem molendinorum suorum aquarum vocatum Bradford mill quod Thomas Raule nuper tenuit cum cursu aquarum secta<sup>3</sup> multura<sup>4</sup> tenencium & omnibus aliis proficiis & commoditatibus dicto molendino spectantibus Tenendum sibi & habendum secundum consuetudinem manerii per redditus & seruicia inde prius debita & consueta. Et predictus dominus inuenit eidem Johanni maeremium sufficiens de tali sicut in eodem manerio inueniri poterit pro reparatione & sustentacione dicti molendini tocies quociens necessaria fuerit ex deliberacione domini vel heredum suorum qui pro tempore fuerint Et pro hac concessione habenda dat domino de fine vj s. viij d. solutos pre manibus. Et sic admissus est tenens Et iuratus est &c.

Bradford

Curia legalis termini Hokkes<sup>1</sup> ibidem tenta die Lune xij<sup>o</sup> die mensis Maii anno regni regis Henrici sexti xxvij<sup>o</sup>.<sup>5</sup>

Finis xl s.

13. Rogerus Person dat domino Roberto Warre acram terre de fine xl s. pro ingressu habendo in j molendino aquatico vna cum secta<sup>3</sup> tenencium ad dictum molendinum pertinente & pistarum<sup>6</sup> dicto molendino spectante quod Johannes Person pater eius Rogeri pretenuit Tenendum eidem Rogero secundum consuetudinem manerii reddenti inde annuatim xxvij s. ad terminos solucionis redditus ibidem vsuales. Et fecit domino fidelitatem.

14. Curia manerii ibidem tenta ij<sup>do</sup> die Maii anno regni regis Henrici viij<sup>mi</sup> primo.<sup>7</sup>

Ad hanc venit Alexander Bowryng et cepit de domino j molendinum bladritie<sup>8</sup> vocatum Bradford mill simul cum vj aeris terre de

<sup>1</sup> See p. 153, n. 3, supra. <sup>2</sup> 1430.

<sup>3</sup> I.e. Secta ad molendinum. <sup>4</sup> Seruitium quo feudatarii grana sua ad domini molendinum ibi molenda perferre et consuetudine astringuntur. Du Cange, s.v.

<sup>5</sup> 'Quod molitori ex frumento quod molit praestatur.' Id. s.v.

<sup>6</sup> 1449. <sup>7</sup> Sic. <sup>8</sup> 1509.

<sup>8</sup> A ἀπασί εἰρημέριον, presumably meaning 'for corn-grinding.'



ouerland vocate Milhams quam Johana Bowryng vidua mater predicti Alexandri prius tenuit Tenendum sibi ad terminum vite sue secundum consuetudinem manerii predicti per redditus consuetudines & seruicia inde prius debita & consueta. Et ex conuencione facta cum domino facta <sup>1</sup> tenetur sumptibus suis propriis de nouo edificare vnam domum sufficientem duarum copellarum <sup>2</sup> super dicta terra vocata Milhamys infra annum & dimidium sub pena xv s. domino forisfactorum. Et dat domino de fine pro statu & ingressu suo in predicto habendo vj li. xiiij s. iiij d. in hac forma soluendos videlicet in festo sancti Michaelis archangeli proximo xxxiiij s. iiij d. & sic annuatim de anno in annum ad eidem <sup>1</sup> festum sancti Michaelis xxxiiij s. iiij d. quousque dicta summa vj li. xiiij s. iiij d. plenarie fuerit satisfacta & persoluta. Et sub hac forma admissus est &c.

Finis vi li.  
xiiij s. iiij d.

To dysprove the wydowes estate yn the ouerland by the varyaunce of the custome betwyne the old aster & the ouerland.

Curia Manerii ibidem tenta ij die Aprilis anno regni regis Henrici <sup>Bradford</sup> vi<sup>mi</sup> xiiij<sup>o</sup>.<sup>3</sup>

Ad hanc venit Johannes Hyndburgh & sursum reddidit in manus domini videlicet Ricardi Warre armigeri vnam acram terre vocate Hawsclade de tenemento suo apud le More quod de dicto domino tenuit ad opus Willelmi Hyndburgh filii sui attrahendo eidem Willelmo reuersionem tocius integri tenementi predicti cum pertinenciis cum acciderit ut post mortem sursum reddicionem vel forisfacturam predicti Johannis. Super quo venit predictus Willelmus et dat domino de fine iiij li. tam pro ingressu habendo in dicta acra terre quam pro reuersione tocius integri tenementi predicti cum pertinenciis cum acciderit ut supra per redditus consuetudines & seruicia inde prius debita & consueta. Et super eundem finem concessum est eidem Willelmo quod habeat reuersionem ij clausorum terre de Ouerlond quorum vnum vocatum Fotelond continet v acras terre & dimidiam & aliud vocatum Le Furlong continet iiij<sup>or</sup> acras partim de Ouerlond & reuersionem iiij<sup>or</sup> acrarum partim de ouerland que omnia & singula eidem <sup>1</sup> Johannes modo ibidem tenet Tenendum eidem Willelmo secundum consuetudinem de ouerlond cum acciderit ut post mortem sursum reddicionem vel forisfacturam predicti Johannis per redditus & seruicia inde prius debita & de iure consueta Et sic idem Willelmus pro predicta acra terre vocata Hawsclade admissus est &c.

Ouerlond

<sup>1</sup> Sic.      <sup>2</sup> MS. copell. Not in Du Cange. Qu. 'couples.'

<sup>3</sup> 1498.

Curia legalis termini Hokkes<sup>1</sup> ibidem tenta die Martis ij<sup>do</sup> die mensis Maii anno regni regis Henrici sexti xxxvj<sup>to</sup>.<sup>2</sup>

Thomas Walshman dat domino videlicet Roberto Warr armigero de fine xiiij s. iiij d. solutos eidem domino in manum pro ingressu habendo in j vno<sup>3</sup> clauso terre de Ouerlond vocato Litelbadenhill continente j acram cum quodam puteo eidem clauso annexo & pertinente quod Johannes Person quondam tenuit Tenendum eidem Thome secundum consuetudinem de Ouerlond reddenti inde annuatim xiiij d. ad iiij<sup>or</sup> anni terminos principales equis porcionibus. Et fecit domino fidelitatem &c.

Ad hanc curiam venit Willelmus Raule & sursum reddidit in manus domini videlicet Roberti Warre j tenementum continens v acras terre cum pertinenciis in Bradford de antiquo astro ad opus Thome at Lane vnde accidit domino de herieto j bos precii. Et idem Willelmus sursum reddidit in manus domini ad opus predicti Thome iiij<sup>or</sup> acras terre de Ouerlond in le Furlonges iiij<sup>or</sup> acras terre de ouerlond in Milhamys & iiij acras terre de Ouerlond in Hethfild. Super quo venit predictus Thomas et dat domino de fine xxiiij s. iiij d. solutos dicto domino in manibus pro ingressu habendo in dictum tenementum & ouerlond cum pertinenciis Tenendum eidem Thome dictum tenementum cum pertinenciis secundum consuetudinem manerii Et ouerland predictum cum pertinenciis secundum consuetudinem de ouerland per redditus & seruicia inde debita & consueta Et fecit domino fidelitatem &c.

Bradford

Rogerus Person dat domino videlicet Roberto Warre armigero de fine iiij li. vnam solutam domino predicto in manibus lx s. pro ingressu habendo in ij clausa terre de ouerlond quorum vnum vocatum Gengeslond continet v acras & aliud vocatum Cosynhill continet iiij acras que Johannes Person quondam tenuit die quo obiit ut presentatum est per homagium Tenendum eidem Rogero secundum consuetudinem de ouerlond per redditus & seruicia inde debita & consueta soluenti xx s. de fine predicto ad festum Natiuitatis sancti Johannis Baptiste proxime futurum Et fecit domino fidelitatem &c.

Curia legalis termini Michaelis ibidem tenta die Lune proximo ante festum omnium sanctorum anno Henrici vj<sup>ti</sup> xxxvij<sup>o</sup>.<sup>4</sup>

Ad hanc curiam venit Willelmus Grigge per prepositum attornatum suum & sursum reddidit in manus domini videlicet Roberti Warre armigeri vnum clausum terre de ouerlond continens iiij<sup>or</sup> acras vocatum Smale mede ad opus Thome Brecher. Et super quo venit pre-

<sup>1</sup> See p. 153, n. 3, supra.

<sup>2</sup> 145s.

<sup>3</sup> Sic.

<sup>4</sup> Oct. 145s.

dictus Thomas & dat domino de fine xiiij s. iiii d. solutos eidem domino in manibus pro ingressu habendo in dictum clausum cum pertinenciis Tenendum eidem Thome ad terminum vite sue secundum consuetudinem de ouerlond per redditus & seruicia inde debita & consueta Et fecit domino fidelitatem &c.

To dysprove the yeldinge the defendauntes shewyth forthe Courte Rolles wherin ys inrolled as yt folowyth.

Ad curiam ibidem tentam xxvij<sup>mo</sup> die Octobris anno regni regis Henrici viij<sup>mi</sup> xxv<sup>to</sup> <sup>1</sup> irrotulatur inter alia sic. Bradforde & Heale

Et quod Willelmus Myddelham qui de domino videlicet Willelmo Frauncys armigero tenuit j tenementum vocatum Fyveacre tenement statum suum inde vendidit & sursum redidit <sup>2</sup> cuidam Roberto Slade licencia domini inde non optata; Ideo consideratum est per homagium quod forisfecit statum suum tenementi predicti. Et precatum est proposito pro nouo tenente providere, vnde proclamacio facta fuit in curia.

Ad curiam manerii ibidem tentam penultimo die Maii anno regni regis Henrici vij<sup>mi</sup> xvij<sup>mo</sup> <sup>3</sup> irrotulatur inter alia sic. Bradforde & Heale

Ad hanc venit Sibilie Large vidua nuper vxor Willelmi Large & dat domino videlicet Nicholao Fraunces armigero de fine xlvi s. viij d. pro reuercione illius tenementi cum pertinenciis continentis ferlingam <sup>1</sup> terre quod Thomasia Large vidua modo ibidem tenet que <sup>5</sup> quidem reuercionem <sup>5</sup> dictus Willelmus iam defunctus prius de dicto domino cepit Tenendum eidem Sibilie ac proximo marito suo. Et sic admissa est tenens in reuercione per occupationem vnus acre parcelle dicti tenementi vocati Romer secundum consuetudinem manerii & fidelitas respectuatur quousque dictum maritum acciperit.<sup>2</sup>

Ad curiam termino Pasche ibidem tenta xxj<sup>mo</sup> die Aprilis anno regni regis Edwardi iij<sup>ti</sup> xx<sup>mo</sup> <sup>6</sup> irrotulatur inter alia <sup>2</sup> sic. Bradforde & Heale

Et quod Johannes Langley qui tenuit de domino j tenementum cum pertinenciis continens quinque acras ex antiqua tenura vocatum Langoockes secundum consuetudinem manerii ibidem diem suum clausit extremum vnde accidit domino de herieto j vacca precii x s. & reinstauracio <sup>7</sup> domus apud Combe flory.<sup>8</sup> Et super hoc dictum tenementum reinstauratur in manibus domini vnde precatyr proposito domini providere inde tenentem.

<sup>1</sup> 1533.

<sup>2</sup> Sic.

<sup>3</sup> 1503.

<sup>6</sup> 1480.

<sup>4</sup> Sic. See p. 135, n. 5, supra.

<sup>5</sup> Sic. The MS. being originally written 'que quidem reuercio,' and the accusative subsequently inserted at the end of the last word.

<sup>7</sup> An unique word, apparently meaning 'surrender,' though it may mean 'repair.'

<sup>8</sup> This shows the lord to have been Frauncys. See pp. 102, n. 1, and 151, supra.

Bradforde &  
Heale

Ad curiam legalem termini sancti Michaelis ibidem tentam die Lune proximo post festum sancti Martini anno regni regis Henrici sexti xxvj<sup>to</sup><sup>1</sup> irrotulatur inter alia sic.

Ad hanc curiam venit Johanna Cockes que tenet de Roberto Warre armigero domino medietatis de Bradforde & Heale secundum consuetudinem manerii j tenementum cum pertinenciis et sursum redidit<sup>2</sup> in manus eiusdem Roberti j acram terre de dicto tenemento vocate Brode acre ad opus Juliane filie eius. Super quo venit dicta Juliana & dat dicto domino de fine xxvj s. viij d. pro ingressu habendo in dicta acra terre, cum pertinenciis tenendum eidem Juliane & marito suo primo secundum consuetudinem manerii trahendo eisdem Juliane & marito suo primo residuum dicti tenementi cum acciderit per redditus et seruicia inde debita & consueta soluenti finem cum curia & fecit domino fidelitatem.

Bradforde &  
Heale

Ad curiam ibidem tentam xxv<sup>to</sup> die Octobris anno regni regis Henrici Septimi xxij<sup>3</sup> irrotulatur inter alia sic.

Ad hanc venit David Howell qui de domino tenuit j tenementum continens ferlingam<sup>4</sup> terre cum pertinenciis vocatum Thatchers & illud tenementum sursum reddidit in manus dicti domini ad vsum Thome James vnde accidit domino de herieto vna vacca precii viij s. Et super hoc venit predictus Thomas & cepit de domino dictum tenementum cum pertinenciis Tenendum sibi ad terminum vite sue secundum consuetudinem manerii predicti per redditus consuetos & seruicia inde prius debita & consueta. Et dat domino de fine pro statu & ingressu suo in predicto habendo xl s. & non ultra ad presens quod erat nisi solo modo cambicione nominis Et sub hac forma admissus est inde tenens & fecit fidelitatem Et insuper pro xx d. domino solutis iuxta finem predictam licenciam per dominum moram trahere extra tenementum predictum consuetudine manerii in contrario vsitata in aliquo non obstante.

Bradforde &  
Heale

Ad curiam termino Hokedaye<sup>5</sup> ibidem tentam die lune proximo post festum sancti Barnabe anno regni regis Henrici sexti xxij<sup>to</sup><sup>6</sup> irrotulatur inter alia sic.

Johannes Bonde dat Roberto Warre armigero domino medietatis manerii de Bradforde de fine xij li. vj s. viij d. pro reuerencie habenda in toto illo tenemento cum pertinenciis in Bradforde quod Willelmus Orcharde & Editha vxor eius modo tenet eidem Johanni & Juliane vxori eius secundum consuetudinem manerii statim cum post mortem

<sup>1</sup> Nov. 1447.<sup>2</sup> Sic.<sup>3</sup> See p. 135, n. 5, supra.<sup>4</sup> 1507.<sup>5</sup> The second Tuesday after Easter week. Cowel, 'Interpreter,' s.v.<sup>6</sup> June 1446.

predictorum Willelmi & Edithe acciderit per redditus & seruicia inde debita & consueta cum licencia manuoperandi dictum tenementum cum pertinenciis licencia predictorum Willelmi & Edithe ad hoc prius optenta soluendo de fine predictas vj li. in die sabbati proximo ante festum sancte Margarete proxime futurum <sup>1</sup> & vj li. vj s. viij d. viz. lxiijs. iiij d. ad festum Purificacionis beate Marie tune proxime sequens <sup>2</sup> & lxiijs. iiij d. infra annum a dato istius curie per plegium Willelmi Ayshecombe Roberti Ayshecombe & Willelmi Brounynge.

In eadem curia irrotulatur inter alia sic.

Bradforde &  
Heale

Adhuc vnum cotagium cum pertinenciis vocatum Dendyll quod Johannes Ayshecombe nuper tenuit de Roberto Warre reinstauratur in manus domini quousque &c.

Ad curiam ibidem tentam iij<sup>o</sup> die Junii anno regni regis Henrici viij terci<sup>o</sup> <sup>3</sup> irrotulatur inter alia sic :

Bradforde &  
Heale

Et quod Agnes Fraunkelyn vidua que de domino tenuit j cotagium cum pertinenciis recessit a cotagio predicto & nichill accidit domino de herietto quia nihil in bonis. Et super hoc venit Stephanus Harres & cepit de domino dictum cotagium cum pertinenciis tenendum sibi ad terminum vite sue secundum consuetudinem manerii per redditus consuetudines & seruicia inde prius debita & consueta. Et dat domino de fine pro statu & ingressu suo in predicto habendo vj s. viij d. soluendos infra proximum computum. Et sic admissus est inde tenens & fecit fidelitatem.

Ad curiam ibidem tentam xxvij<sup>mo</sup> die Januarii anno regni regis Henrici viij<sup>ui</sup> xxj<sup>mo</sup> <sup>4</sup> irrotulatur inter alia sic :

Bradforde &  
Heale

Cum in curia precedente preceptum fuit Johanni Grenewaye moram trahere super tenementum suum quia de domino videlicet magistro Fraunces vnum tenementum apud Dolbury <sup>5</sup> secundum consuetudinem manerii ibidem <sup>6</sup> & moram trahit extra sed homagium dicit quod predictus Johannes Grenewaye tenementum illud sursum reddidit cuidam Willelmo Chaplyn sub condicione quod inde haberet voluntatem domini prout patet per scriptum dicti Johannis Grenewaye in curia ostensum cuius datum est x<sup>mo</sup> die Octobris anno domini millesimo quingentesimo xxvij<sup>o</sup>. Et preceptum prefato Willelmo facere finem cum dicto domino citra proximum Pentecosten cuius sursum reddicione & fine factis accidit domino de herietto xx s. in pecuniis numeratis ex conuencione prius facta.

<sup>1</sup> July 1446.

<sup>2</sup> Feb. 2, 1447.

<sup>3</sup> 1511.      <sup>4</sup> 1530.

<sup>5</sup> Now Doherry, about half a mile S.E. of Bradford.

<sup>6</sup> 'Habet' or 'tenet' omitted.

To dysprove the fynnes to be stent & serten the seyde defendauntes shewyth forthe Court rollys wherein hyt ys inrolled as yt folowyth.

Bradforde &  
Heale

Ad curiam ibidem tentam xxj<sup>mo</sup> die Aprilis anno regni regis Edwardi iiiij<sup>ti</sup> xx<sup>mo</sup> <sup>1</sup> irrotulatur inter alia sic :

Et quod Johannes Langeley qui tenet de predicto domini vnum cotagium cum suis pertinenciis secundum consuetudinem manerii ibidem ac per redditus consuetudines & seruicia inde prius debita & consueta diem suum clausit extremum vnde accidit domino de herietto vna vacca precii x s. et liberatur ad staurum <sup>2</sup> domini et quod dictum cotagium cum pertinenciis reuertit in manus domini quia ex consuetudine ibidem Johanna filia dicti Johannis primus <sup>3</sup> habere debet faciendo domino sicut aliquis alius vult inde facere.

Bradforde &  
Heale

Ad curiam ibidem tentam vj<sup>to</sup> die Aprilis anno regni regis Edwardi iiiij<sup>ti</sup> xiiij<sup>to</sup> <sup>4</sup> irrotulatur inter alia sic :

Ad hunc diem venit Benedictus Ryder & dat domino videlicet Nicholao Fraunces armigero de fine xxvj s. viij d. pro statu & ingressu suo habendo in j clausum terre ex dominicis domini continens quinque acras vocatum Furlonge ac pro statu & ingressu suo habendo in j clausum terre ex dominicis domini vocatum Bradeforde Parke continens xx acras nuper in tenura Johannis Norton habendum & tenendum predicta ij clausa terre ex dominicis cum pertinenciis suis prefato Benedicto ad terminum vite sue secundum consuetudinem manerii ut ouerlonde reddendo inde annuatim domino xxv s. videlicet pro dicto clauso quinque acrarum v s. & pro predicto clauso xx acrarum xx s. ac omnia alia consuetudines & seruicia inde prius debita & consueta. Et in hac forma admissus est inde tenens & fecit domino fidelitatem.

Finis xxvj s.  
viij d.

Bradforde &  
Heale

Ad curiam ibidem tentam vj<sup>o</sup> die Maii anno regni regis Henrici octauo nono <sup>5</sup> irrotulatur inter alia sic :

Ad hanc venit Ricardus Rowswell & cepit de domino ex sursum reddicione Thome James quandam parcelam terre de terris dominicis vocatis lo Parkes cum quadam parcella terre dominicalis vocate Furlonges vnde accidit domino de herietto ut quod de terris dominicis scilicet dat domino de fine pro statu & ingressu suo in predictis habendo xx s. et sub hac forma admissus est inde tenens & fecit fidelitatem.

Finis xx s.

Bradforde &  
Heale

Ad curiam ibidem tentam vltimo die Septembris anno regni regis Henrici viij<sup>ti</sup> iiiij<sup>to</sup> <sup>6</sup> irrotulatur inter alia sic :

<sup>1</sup> 1480.

<sup>2</sup> Apparently for 'stallum,' stable, or more generally, 'locus ubi quis habitat.' Du Cange. The word 'staurum' stands for 'store' in

the sense of supply, not in that of place of supply. See Du Cange, s.v.

<sup>3</sup> Sic. <sup>4</sup> 1474. <sup>5</sup> 1517. <sup>6</sup> 1512.

Ad hanc venit<sup>1</sup> Robertus Lonerell cepit de domino j cotagium iuxta cimiterium ibidem quod Johannes Bowrynge nuper ibidem tenuit & illud forisfecit in manus domini quia non moram corporalem traxit super eundem,<sup>2</sup> Tenendum eidem Roberto ad terminum vite sue reddendo inde annuatim Nicholao Fraunces armigero & heredibus suis vj s. ad iiij<sup>or</sup> anni terminos principales equis porcionibus soluendos ac alia consuetudines & seruicia inde prius debita & consueta vbi ex antea solebat reddere nisi solomodo iij s. per annum. Et dat domino de fine pro statu & ingressu suo in predictis habendo iij li. vj s. viij d. Et sub hac forma admissus est inde tenens & fecit fidelitatem.

Increm-  
tantu redit.  
iij s.

Finis iij li.  
vj s. viij d.

Ad Curiam ibidem tentam xv<sup>to</sup> die Octobris anno regni regis Henrici viij<sup>ti</sup> xij<sup>o</sup> <sup>3</sup> irrotulatur inter alia sic :

Bradforde &  
Heale

Ad hanc venit Johannes Colles & cepit de domino illud cotagium cum pertinenciis quod Robertus Lonerell prius ibidem tenuit Tenendum sibi ad terminum vite sue secundum consuetudinem manerii per redditus consuetudines et seruicia inde prius debita & de iure consueta. Et dat domino de fine pro statu & ingressu suo in predictis habendo x s. & non ultra ad presens quia erat nisi solomodo cambicio<sup>4</sup> nominis vnde soluetur infra proximum comptum vj s. viij d. & residuum inde ad placitum domini Et sic admissus est inde tenens & fecit fidelitatem.

Finis x s.

Ad Curiam ibidem tentam vltimo die Septembris anno regni regis Edwardi iiij<sup>ti</sup> xij<sup>o</sup> <sup>5</sup> irrotulatur inter alia sic :

Bradforde &  
Heale

Et quod Johannes Person clericus vicarius de Bradforde<sup>6</sup> et dat domino videlicet Nicholao Fraunces armigero de fine vj li. xij s. iiij d. pro statu & ingressu suo habendo in 3<sup>7</sup> tenementa cum pertinenciis ex antiqua tenura in Bradforde nuper in tenura Juliane Walsheman ac in certa parcella terre & parci ex dominicis domini in Badenhyll & in j acra parci in Bradforde more nuper in tenura dicte Juliane habendum & tenendum predictum tenementum cum suis pertinenciis ac predictam terram & pareum dominicalem cum suis pertinenciis ut predictum est prefato Johanni ad terminum vite sue secundum consuetudinem manerii per redditus consuetudines & seruicia inde prius debita & consueta. Et in hac forma admissus est inde tenens & fecit domino fidelitatem.

Finis vj li.  
xij s. iiij d.

Ad Curiam termino Michaelis ibidem tentam v<sup>o</sup> die Octobris anno regni regis Edwardi iiij<sup>ti</sup> xv<sup>mo</sup> <sup>8</sup> irrotulatur inter alia sic :

Bradforde &  
Heale

Ad hunc diem venit Johannes Person clericus qui tenet de domino videlicet Nicholao Fraunces armigero j tenementum cum suis pertinenciis ex antiqua tenura prius in tenura Juliane Welsheman

<sup>1</sup> Interlined for 'ad quod' struck out.  
Hence 'cepit' without a conjunction.

<sup>2</sup> Sic. <sup>3</sup> 1521.

<sup>4</sup> Cambicione would be the general form.

<sup>5</sup> 1473.

<sup>6</sup> Verb omitted.

<sup>7</sup> Sic. in Arabic numerals. <sup>8</sup> 1475.

ac certam parcelam terre & prati ex dominicis domini in Badenhyl & j acram prati in Bradforde more nuper in tenura diete Juliane secundum consuetudinem manerii ibidem illud sursum reddidit in manns domini ad opus Johannis Godfraye vnde accidit domino de herietto j equus castratus & deliberatur domino et super hoc venit idem Johannes Godfray et dat domino predicto de fine iijj li. pro statu suo & ingressu habendo in predicto tenemento cum pertinenciis suis ac in predicta parcella terre & prati ex dominicis domini cum suis pertinenciis prout antedictum est tenendum sibi ad terminum vite sue secundum consuetudinem manerii ibidem per redditus consuetudines & seruicia inde prius debita & consueta Et in hac forma admissus est inde tenens & fecit domino fidelitatem et inuenit plegio Johannem Bowrynge.

Fines iijj li.

Bradforde &amp; Heale

Ad Curiam ibidem tentam xvij<sup>o</sup> die Octobris anno regni regis Henrici vij xj<sup>mo</sup> <sup>1</sup> irrotulatur inter alia sic :

Ad hanc curiam venit Robertus Hynde & cepit de domino videlicet de Nicholao Fraunces ac de Roberto Stowell Johanni Carnycke clerico & de Johanne More feoffatis ad vsum dicti Nicholai reuercionem j tenementi cum pertinenciis in Hele quod Johanna Hynde mater predicti Roberti modo tenet Tenendum sibi dictam reuercionem cum acciderit ut post mortem sursumreddicionem vel forisfacturam predictae Johanne ad terminum vite sue secundum consuetudinem manerii per redditus consuetudines & seruicia inde prius debita & de jure consueta Et dat domino de fine pro predicta reuercione habenda xlvi s. viij d. in hac forma soluendos videlicet ad festum Inuencionis sancte crucis tunc proxime futurum <sup>2</sup> xx s. & residuum inde ante proximum computum tunc proxime sequentem ac licencia per dominum occupare dictum tenementum cum dicto tenemento ad libitum & voluntatem dicti tenentis & non aliter ac occupare dictam querreriam lapidum ad opus suum proprium & non aliter & sic admissus est inde tenens in reuercione per occupacionem acre vocate querre acre attrahendo sibi integram reuercionem cum acciderit.

Fines xlvi s. viij d.

Bradforde &amp; Heale

Ad Curiam ibidem tentam nono die Aprilis anno regni regis Henrici viij<sup>ni</sup> xvij<sup>mo</sup> <sup>3</sup> irrotulatur inter alia sic :

Ad hanc Curiam venit Robertus Hynde qui de domino videlicet Nicholao Fraunces armigero tenet j tenementum cum pertinenciis in Heale continens j ferlingam <sup>4</sup> terre secundum consuetudinem manerii ibidem & inde sursum reddidit Willelmo Hynde filio suo j acram terre vocate Estwarth acre attrahens <sup>5</sup> sibi reuercionem integram tenementi predicti Et dat domino de fine pro tali statu & ingressu habendo

<sup>1</sup> 1495.<sup>2</sup> May 3, 1496.<sup>3</sup> 1520.<sup>4</sup> See p. 135, n. 5, supra.<sup>5</sup> Sic.



iiij li. & admissus est inde tenens in predicta acra terre & fecit domino fidelitatem. Finis iiij li.

Ad Curiam ibidem tentam xvij<sup>mo</sup> die Marcii anno regni regis Henrici vij<sup>mi</sup> xvij<sup>mo</sup> <sup>1</sup> irrotulatur inter alia sic: Bradforde & Heale

Ad hanc venit Johannes Cornyshe & cepit de domino j tenementum continens ferlingam <sup>2</sup> terre apud Stowforde cum pertinenciis quod Anastasia Rowswell vidua ibidem prius tenuit Tenendum sibi ad terminum vite sue secundum consuetudinem manerii per redditus consuetudines & seruicia inde prius debita & de iure consueta Et dat domino de fine pro statu & ingressu habendo xl s. solutos pre manibus Et sub hac forma admissus est inde tenens & fecit fidelitatem. Finis xl s

Ad Curiam ibidem tentam xxj<sup>mo</sup> die Octobris anno regni regis Henrici vij<sup>mi</sup> octauo <sup>3</sup> irrotulatur inter alia sic: Bradforde & Heale

Et quod Johannes Cornyshe qui de domino tenuit j tenementum cum pertinenciis continens ferlingam <sup>2</sup> terre vocate Cockes obiit citra proximam Curiam vnde accidit domino de herietto j bos precii xx s. & deliberatur domino. Et super hoc venit Robertus Rowswell & cepit de domino dictum tenementum cum pertinenciis Tenendum sibi ad terminum vite sue secundum consuetudinem manerii per redditus consuetudines & seruicia inde prius debita & de iure consueta & dat domino de fine pro statu & ingressu habendo iij li. Et sic admissus est inde tenens & fecit fidelitatem. Finis lx s.

Ad Curiam ibidem tentam xiiij<sup>o</sup> die mensis Aprilis anno regni regis Henrici vij nono <sup>4</sup> irrotulatur inter alia sic: Bradforde & Heale

Ad hanc venit Robertus Scote & cepit de domino videlicet Nicholao Fraunces <sup>5</sup> ac Johanne Carnyeke clerico Roberto Stowell armigero & Johanne More de Columpton j tenementum cum pertinenciis in Hele quod Johannes Brecher prius ibidem tenuit Tenendum sibi ad terminum vite sue secundum consuetudinem manerii per redditus consuetos & seruicia inde prius debita & de iure consueta. Et dat de fine quam pro herietto liij s. iiij d. in hac forma soluendos videlicet ad festum sancti Michaelis archangeli tunc proxime futurum <sup>6</sup> xxvj s. viij d. & residuum inde ad festum Inuencionis sancte crucis tunc proxime sequens <sup>7</sup> Et sic admissus est inde tenens & fecit fidelitatem. Finis & heriettum liij s. iiij d.

Ad Curiam ibidem tentam x<sup>mo</sup> die Maii anno regni regis Henrici vij xxvij<sup>mo</sup> <sup>8</sup> irrotulatur inter alia sic: Bradforde & Heale

Ad hanc Curiam venit Willelmus Skotte & cepit de domino videlicet Willelmo Fraunces armigero ex tradicionem sua propria reuercionem j

<sup>1</sup> 1502.

<sup>2</sup> See p. 135, n. 5, supra.

<sup>3</sup> 1516.

<sup>4</sup> 1494.

<sup>5</sup> Ar., i.e. armigero, struck out. See p. 117, n. 4, supra.

<sup>6</sup> Sept. 29, 1494.

<sup>7</sup> May 3, 1495.

<sup>8</sup> 1535.

Finis &  
herietum  
iiij li. x s.

tenementi cum pertinenciis continentis j ferlingam<sup>1</sup> terre modo in tenura Johanne Skote matris sue habendum & tenendum reuercionem predictam ac tenementum predictum cum suis pertinenciis prefato Willelmo Skote & vxori sue ad terminum vite eorum cum post mortem sursumreddicionem dimissionem vel forisfacturam predictae Johanne Skote acciderit secundum consuetudinem manerii ibidem per redditus & seruicia inde prius debita & consueta. Et predictus Willelmus Skote dat domino de fine tam pro herietto dicte Johanne Skote quam pro tali statu & ingressu habendo de & in premissis supradictis iiij li. x s. solutas prout patet per billam domini inde factum.<sup>2</sup> Et sic predictus Willelmus Skote admissus est inde tenens ad j acram premissorum vocatorum Northey attrahendo sibi reuercionem integram tenementi predicti & fecit domino fidelitatem et licencia eis trahere moram extra dictum tenementum cum pertinenciis consuetudine manerii in aliquo non obstante.

To dysprove the wydowes estates in ouerlond duryng theyr wydowhode & also to dysproue serten other customes cleymyd by the seyd pleyntyffes the seyd defendauntes shewyth forthe.

Fyrst, a Custumarye indentyd beryng date die Lune in festo natiuitatis beate Marie Virginis anno regni regis Edwardi tercii a conquestu xxvij<sup>mo</sup>,<sup>3</sup> wherin yt apperyth as folowyth in hec verba.<sup>4</sup>

Bradforde &  
Heale

Ad Curiam ibidem vj<sup>o</sup> die Maii anno regni regis Henrici octauu nono<sup>5</sup> irrotulatur inter alia sic :

Ad hanc Curiam venit Ricardus Rowsewell et cepit de domino ex sursumreddicione Thome James quandam parcellam terre de terris dominicis domini vocatis le Parkes cum quadam parcella terre dominice vocate Furlonges vnde accidit domino de herietto nichill quia de terra dominicali sed dat domino de fine pro statu & ingressu suo in predictis habendo xx s. Et sub hac forma admissus est inde tenens & fecit fidelitatem.

Prailforde &  
Heale

Ad Curiam ibidem tentam xxv die Octobris anno regni regis Henrici vij<sup>mi</sup> xxiii<sup>o</sup><sup>6</sup> irrotulatur inter alia sic :

Ad hanc venit Willelmus Pers et cepit de domino illud mesuagium vocatum le Olde Court Place quod Johannes Skebowe prius ibidem tenuit Tenendum Tenendum<sup>7</sup> sibi ad terminum vite sue ut antiquum

<sup>1</sup> See p. 135, n. 5, supra.

<sup>2</sup> Sic.

<sup>3</sup> Sept. 8, 1353.

<sup>4</sup> A space is left here evidently for the extract, which, however, was not inserted.

The customary is presumably document j.

<sup>5</sup> See p. 124, supra.

<sup>6</sup> 1517.

<sup>6</sup> 1507.

<sup>7</sup> Sic, repeated.

astrum secundum consuetudinem manerii sub condicionibus sequentibus videlicet quod ipse sumptibus suis propriis faciet de nouo ibidem domum siue mancionem honeste & illam reparabit durante vita sua in omnibus salvo tamen quod tenentes ab antiqua consuetudine onerari debent sufficienter coepere <sup>1</sup> domum predictam cum stramine tocies quociens opus fuerit & insuper conuenit cum dicto domino propter facturam mesuagii predicti quod j puerorum dicti Willelmi quem ipse in vita sua domino dominare voluerit prout decessu <sup>2</sup> dicti Willelmi tenebit & gaudebit dictum mesuagium siue mansionem ad terminum vite sue secundum consuetudinem <sup>3</sup> ut prefertur soluendo siue dando domino pro statu & ingressu suo habendo eum sic acciderit xx d. & non est heriectabilis & sub hac forma dictus Willelmus admissus est inde tenens & fecit fidelitatem.

Ad Curiam ibidem tentam xv die Maii anno regni regis Henrici viij<sup>mi</sup> xiiij<sup>to</sup> <sup>4</sup> irrotulatur inter alia sic :

Bradforde & Heale

Ad hanc <sup>5</sup> venit Johannes Sholer & sursumreddidit in manus domini quandam parcellam terre de ouerlonde vocatam le Parkes continentem per estimacionem v acras terre & ultra : accidit domino de heriecto quia de terris dominicis. Et super hoc venit Robertus at Mere et cepit de domino dictam parcellam terre cum pertinenciis de cetero adiacentem tenementum suum Tenendum sibi ad terminum vite sue secundum consuetudinem manerii ut ouerlonde per redditus consuetudines & seruicia inde prius debita & consueta & dat domino de fine pro statu & ingressu suo in predicta habendo xxxij s. iiij d. solutos pre manibus. Et sic admissus est inde tenens et fecit fidelitatem.

Ad Curiam ibidem tentam vj<sup>to</sup> die Aprilis anno regni regis Edwardi iiij<sup>ti</sup> xiiij<sup>to</sup> <sup>6</sup> irrotulatur inter alia sic :

Bradforde & Heale

Et ad hunc diem venit Benedictus Ryder & dat domino videlicet Nicholao Fraunces armigero de fine xxvj s. viij d. pro statu & ingressu suo habendo in j clausa terre ex dominicis domini continente quinque acras vocata Furlonges ac pro statu suo & ingressu habendo in j clausum terre ex dominicis domini vocata Bradforde Parke continente xx acras nuper in tenura Johannis Norton habendum & tenendum predicta ij clausa terre ex dominicis cum suis pertinenciis prefato Benedicto ad terminum vite sue secundum consuetudinem manerii ut Ouerlonde reddendo inde annuatim domino xxv s. videlicet pro dicta clausa quinque acrarum v s. & pro dicta clausa xx acrarum xx s. ac omnia

<sup>1</sup> Sic, an unusual form for cooperire, to roof.

<sup>2</sup> This word is interlined. The original text ran 'prout dictus Willelmus.'

<sup>3</sup> 'Manerii' struck through.

<sup>4</sup> 1522.

<sup>5</sup> 'Curiam' struck through.

<sup>6</sup> 1474.

alia consuetudines & seruicia inde prius debita & consueta. Et in hac forma admissus est inde tenens & fecit domino fidelitatem.

*Endorsed.* Copyes of Court Rolles.

DECREES AND APPEARANCES.<sup>1</sup>

Sex<sup>to</sup> die Maii a<sup>o</sup> xxxvj<sup>o</sup>.<sup>2</sup>

Memorandum. That the cause betwene the tenauntes of Bradford ayenst Maister ffraunces & other ys ordred by the counsaill vpon consideracions to theym shewed that the parties apper afor theym vpon Wennesday next commyng then to the mater without any further delay.

ix<sup>o</sup> die Maii a<sup>o</sup> xxxvj<sup>o</sup>.<sup>3</sup>

Memorandum. That the cause betwene the tenauntes of Bradford complainantes ayenst maister ffraunces & Ric Ware ys nowe ordred by the kynges counsaill that the said tenauntes shall paye suche heriotes as ar dew and doo all other suche services which ar not nowe in traourse with the paymentes of the rentes now also due & the reraiges of the same shal excepte & take without anny danger or preiudice therof to ensue to the said ffraunces warre and so frome tyme to tyme to paye allmaner duetes due duryng the tyme the same mater ys dependyng in traourse whiche nowe by assent of the parties ys continued vnto the xv<sup>e</sup> of Saint Michell next commyng<sup>3</sup> for the further determinacion of the mater now in traourse, and not ended And afterward viz. xxviij<sup>o</sup> Junii it ys ordred by the Counsaill vpon resonable consideracions to theym shewed that notwithstanding the daye afor limited which nowe cannot be obserued by the defendants therfor the same nowe ys continued vnto thutias of saint hillary next commyng<sup>4</sup> then the parties taper.

ix<sup>o</sup> die febr. a<sup>o</sup> xxxvj<sup>o</sup>.<sup>5</sup>

Memorandum. That the cause in contencion dependyng afor the kynges honorable counsaill betwene William ffraunces and Richard Ware squires and the tenauntes of Bradford ys ordered by the said counsaill that the said ffraunces and Ware shall brynge afor theym at Westminster the tresemayns<sup>6</sup> of Ester next commyng all suche auuncient Courte Rolles and Recordes specifying & declaryng suche costumes as hertofoer hathe byn had and made in the tyme of Edward the iij<sup>de</sup> litell afor or after betwene the lordes then owners of the same, and the tenauntes ther and also the particion made betwene the said lordes

<sup>1</sup> Vol. 6, Hen. 8. 30-38, pp. 336, 341, 382, 392.

<sup>2</sup> 1544.

<sup>3</sup> Oct. 13, 1544.

<sup>4</sup> Jan. 20, 1545.

<sup>5</sup> 1545.

<sup>6</sup> This word does not appear in any dictionary.

of the maner to thentent<sup>1</sup> the same may<sup>1</sup> to shew the<sup>1</sup> said<sup>1</sup> particion indyfferently at whiche daye . . . .<sup>2</sup> in the name of the forsaid tenauntes<sup>2</sup>

Quinto die Maii anno supradicto xxxvij.<sup>3</sup>

Memorandum that the cause betwene the tenauntes of Bradford ayeuste Mr. ffraunces ys by assente continued vnto Thursday next commyng then the parties tapper for heryng of the matter without any further traite of tyme in this behalf.

Duodecimo die Maii anno regni regis xxxvij<sup>mo</sup>.<sup>3</sup>

<sup>4</sup>Where there hath of long tyme depended before the kinges honorable Counsaile in the white hall at Westmynster, a matier in variaunce bytwene the customary Tenauntes of the manour of Bradford in the countie of Somerset parties compleynauntes of the oone partie, and Willyam ffraunces and Rychard Warre Esquiers, lordes and oweners of the said manour parties defendauntes of that other partie, as by the bill of complaynte exhibited by the said Tenauntes to the kinges maiestie, and the answer of the said defendauntes thervnto made playnlye appireth, and after diuerse perfect Issues had and ioyned bytwene the said parties by their pleadinges, diuerse witnesses have ben examyned, and therapon the matiers beinge at diuerse and seuerall tymes harde & examined, and ripely perceyved, aswell vpon the sighte of diuerse writings as by the said deposicions, it is ordred and decreed articularlye as herafter ensuith, Imprimis where thesaid Tenauntes who holde their customary Tenementes for life or lyves pretende that after their decesses their wives during their widowhoodes and lyving chastlye shulde have holde and enioye the same customary Tenementes during their said widowhoodes and lyving chastlye, which custome the said Tenauntes pretended to have taken place aswell for suche demesne landes & Tenementes whiche have been graunted by the lordes of the said manour to holde by copie of courte rolle amongst other customary landes and tenementes,<sup>5</sup> And forasmoeche as it appireth by a fayre customary booke indented, made in king Edwarde the thred his yeres<sup>6</sup> that the customes therein specified that doo gyve the said Tenauntes any Benefite or advauntage, doo extende onlye to the customary landes and Tenementes, and not to any parte of the demesne landes and tenementes of the said

<sup>1</sup> Interlined.

<sup>2</sup> Obliterated.

<sup>3</sup> 1545.

<sup>4</sup> Vol. 7, pp. 238A, 238, 238B, 239. A copy of this judgement is among the documents filed in the case. The original judgement is here transcribed, and the

lacuna supplemented from the copy in square brackets.

<sup>5</sup> The copy here adds 'beyng parcell of the said manor as also for the same customary landes & tenementes.'

<sup>6</sup> See Document 3, p. 124.

manour, It is therefore ordered and decreed that frome hensforthe the widowes of suche Tenautes shall not clayme the same demesne landes and tenementes by reason of any suche pretended custome, but that it shall and maye be lefull to the lorde or lordes of thesaid manour to graunte the same demesne landes at every advoydaunce herafter to be had of a Tenaunt at his or their wille or pleasure, and where likewise the Tenautes of thesaid manour pretende by the custome of the said manour that the yongest sonne of the same Tenautes, and for wante of Sonnes the yongest daughter of the said Tenautes shulde haue and enioye the said demesne landes and tenementes graunted as is aforesaid vpon and after the dethe of their father or mother, whiche custome woll in no wise be maynteyned and proved by the said customary booke Indented as is aforesaid ne yet sufficiently proved by witnesses, It is therefore ordred and decreed that fromme hensforthe it shall and maye be lefull to the said lord and<sup>1</sup> lordes of the said manour for the tyme beinge vpon every advoydaunce of thesaid demesne landes and Tenementes to graunt the same demesne landes and tenementes at his or their will or pleasure, and that suche yonger sonne or daughter sh[all in nowise]<sup>2</sup> fromme hensforthe bee admytted tenaunt by any such pretence[d custom in and to]<sup>2</sup> the said demesne landes and tenementes excepte that such son or [dowghter can agre]<sup>2</sup> with the lorde [or lordes of the said manor for the tyme beyng for the opteynyng]<sup>2</sup> of the same demesne londes and tenementes to be taken vp and graun]ted fromme [the same lorde or lordes at the will and pleasure of the same]<sup>2</sup> lorde or [lordes of the seid Manor]<sup>2</sup>

Item where the said Tenautes pretende that the yonger sonne or yonger daughter shulde be admytted to the said customarye Tenementes apon and after the death of their father or mother payinge therfore a certeyne and a stente fyne, and for the proufe therof it is alleaged of the parte of the said Tenautes that it appireth by the said writing made in Kinge Edward the threde his yeres, wherin the said customes of the said manour be declared that the yonger sonne or yonger daughter shulde bee admytted Tenautes to the said customarye Tenementes payenge their seuerall fynes accordinge to the custome of the said manour, wherby it is not proved the said fynes to be stente and certeyne, nor the said compleynautes coule not declare the certeynte of the said fynes, And sins the tyme of the making of the said writinge declaringe the said customes, the said fynes hath been diuerse and many tymes vncerteyne, that is to wite, somtyme more and somtyme lesse, and also that there hath been

<sup>1</sup> The copy has 'or.'

<sup>2</sup> MS. mutilated.

diuerse grauntes made by the lordes of the said manour, And therupon the ordes of the said manour hathe taken greater fynes for diuerse of the said customarie Tenementes at oone tyme then at other as by diuerse courte rolles shewed by the said defendauntes to the saide counsaile, wherof some beare date in Kinge henry the sixte his tyme, and some in Kinge Edward the iiij<sup>th</sup> his tyme, Kinge Richarde the thirde his tyme, Kyng Henry the vij<sup>th</sup> his tyme, and in the Kinge his tyme that now is, wherby it appireth that vpon the grauntes made by the lorde or lordes of the said manour of the said customarye tenementes, greter fynes have been made and taken at oone tyme more then at an other tyme in suche sorte as the Tenauntes could reasonablye agree with the lorde of thesaid manour or with his officer for the tyme beinge, for the same fyne or fynes as by the same courte rolles appireth, Therefore it is ordred and decreed that frome hensforthe the yongest sonne or the yongest doughter according to their seuerall interestes shalbe admytted tenauntes for the said customarye Tenementes to the said lordes payenge such reasonable fynes for the same as suche sonne or doughter maye reasonablye agree with the lorde or lordes of the said manour for the same. Item where the saide Tenauntes doo also pretend by the custome of the said manour that theye may yelde over their tenementes to any parsonne or parsones by surrendre into the lordes handes and that the lorde or lordes of the said manour shall take a certeyne and a stent fyne for the same and therapon the same parson or pa[rsons]<sup>1</sup> en[ioye]<sup>1</sup> the same accordinglye whiche yeldinge by the waye [of surrendre is not]<sup>1</sup> waraunted by the said writinge indented declaringe [the said customes as by]<sup>1</sup> the same writinge playnly apperith ne yet [sufficiently proued by witnes]ses<sup>1</sup> It is [therefore]<sup>1</sup> ordred and decreed [that the lorde or lordes of the said manor for the tyme beyng shalnot]<sup>1</sup> in [anywise here after be bounde by reason of any suche pretended c]<sup>1</sup>ustome [to graunt any of his seid Customary landes and tenementes ne yet]<sup>1</sup> any of [the said Demesne lordes and tenementes to any suche parson or]<sup>1</sup> parsones to whome any suche yeldinge by the waye of surrendre shalbe made as is aforesaid, but onlye at the wille and pleasure of the said lorde or lordes of the said manour for the tyme beinge, and to take such fyne or fynes as the partie to whome such yeldinge shall happen to be made, can agree with the lorde for the same. Item where the said defendauntes being lordes of the said manour have pretended and alleaged before the said counsaile that they have good and iuste cause to take and

<sup>1</sup> MS. mutilated.

sease into their handes all such copie holde landes and Tenementes as the Tenauntes of the said manour doo seuerally hold of them by copie of Courte Rolle as well for that that the said Tenauntes have hertofore refused to be sworne in the Courte to have been holden at the said manour, and there to enquire and present suche things as they were accustomed to enquire of, and therapon to make presentment accordingly, and also for diuerse other causes of forfeitures, yet neuertheles it is ordred and decreed by thassentes and consentes of the said defendauntes by the mediacyon of the said counsaile, that the said defendauntes, their heires nor assignes shall not in any wise take any maner of Benefite or adantage of any cause of forfeiture growen before the date of this present decree but that the said Tenauntes shall enioye all their saide customarye tenementes accordinge to the custome of the said manour, the said causes of forfeiture in any wise notwithstandinge. And it is also ordred and decreed by thassentes of the said defendauntes that suche tenauntes as have any of the said demesne landes and tenementes to them or any of them graunted either by the said defendauntes or by any of their Auncestours being lorde or lordes of the said manour, that they shall enioye the same demesne landes and tenementes according to their seuerall grauntes to them and euery of them hertofore had or made onles some iuste cause of forfeiture and seasour of and in the said demesne landes and tenementes shall growe to the said defendauntes their heires and assignes after the making of this present decree. Provided allwaies that the wyves of suche tenauntes as now do lyve and holde the said demesne landes by cople of courte Rolle by reason of any suche grauntes hertofore made as is aforsaid, shall not in any wise clayme nor have their widowes estate in and to the said demesne landes and tenementes after and upon the dethe of their husbandes and this present decree and euery article therein conteyned to be truly obeyed and accomplished of all and euery of the said parties as they woll aunswere at there extreme perille vntill the said compleynauntes haue shewed [and duly proved a]<sup>1</sup> better title for and concernynge the matiers [conteyned in ther]<sup>1</sup> said bill of [comp]<sup>1</sup>laynte.

<sup>1</sup> MS. mutilated.



LEWES V. MAYOR & BAILIFFS OF OXFORD.<sup>1</sup>

A. To the King our souerain lord.

1545 Humbly com[p]laynyng<sup>2</sup> shewith vnto your excellent highnes your poore subiect and daily oratour John Lewes of Oxonford Baker. That where as he . . .<sup>2</sup> tymes diseeyued in the grynding of his corne at the Castell mylles in Oxford aforesaid by excesse taking of Tolle and . . .<sup>2</sup> hath refused to bring his corne to the same milles to be grounde, And hath vsed euer sithens to carye his said corne to other . . .<sup>2</sup> where he hath been and is better serued, For the whiche cause so it is gracious souerain lord that the Baillifes of the said Towne . . .<sup>2</sup> contente that your said oratour shulde so do haue not only heretofore without any auctoritie taken from your oratour both his Corne and . . . the same deteyned to their owne vse without any recompence making for the same, But also the Baillifes now being haue . . .<sup>2</sup> your said oratour to agree with them and to geve them money for his libertie to grynde where he list,<sup>3</sup> to thexpresse wrong of your said . . .<sup>2</sup> to his vndoing if remedie by your maiestie be not the soner prouided, It maye therefore please your highnes of your most habundant . . .<sup>2</sup> to direct your most honorable lettres vnto the maier and Baillifes of your said Towne of Oxford commaunding them therby vnder a . . .<sup>2</sup> payne by your highnes and your most honorable Counsaill to be lymitted, that they from hensforth do not vsurpe vpon your said oratour . . .<sup>2</sup> none oth[er] of your graces subiectes contrary to right, but that they maye peasibly enioye thei[r]<sup>2</sup> fredome and libertie according to justice A[n]d<sup>2</sup> y[ou]r said oratour shall daily praye to God for the prosperous preseruacion of your maiestie long to endure.

*Endorsed.* 'Fiat commissio Willelmo Fermour<sup>4</sup> et James

<sup>1</sup> Mr. Hunt's Calendar, Bundle 10, No. 170.

<sup>2</sup> MS. mutilated.

<sup>3</sup> 'That by a Custome alwayes vsed in the said Towne of Oxon all common bakers should and alwayes haue vsed to grinde their corne at the said (Castle) mills and not elsewhere vpon payne that if any common Baker grind his corne els where than at the said mills the same or the meale thereof is to be seized as forfeited to the complainants or their fermors: except licence haue bene given to grinde elsewhere in case when for want of repara-

tion or otherwise they could not there be served. That in such cases of exception a Baker desiringe licence to grind elsewhere should tender to the Complainants or their Fermors a penny called a grist penny and soe should have licence.' Complaint of the Mayor, &c., of Oxford against Poye and others, in 1608. Oxford City Documents, edited by J. E. T. Rogers, 'Oxford Hist. Soc.' 1891, p. 287.

<sup>4</sup> William Fermour, of Somerton, Oxon, second son of Thomas Ricards alias Fermour, Fermour being the name of his mother, an heiress; appointed coroner and attorney

Berry<sup>1</sup> Armigeris ad audiendum et determinandum causam istam si poterint ali(o)quin ad certificandum quindena Michaelis proximo Termino.<sup>2</sup>

NICH. HARE.<sup>3</sup>

B.

By the King.

Trustie and welbiloued we grete youe well. And by the continue of a bill herein inclosed ye maye perceive the complaint of our subject

in the King's Bench June 1, 1509 (S. P. Dom. H. 8, i. 122). In the commission of the peace for Oxfordshire in 1511, 1512, 1513, 1514, 1522, 1524, 1525, 1526, 1531, 1532, 1536, 1537 (ib. i. 1745, 3015, 4559, 5506, iii. 2415, iv. 137 [12], 1049 [24], 2002 [11], v. 119 [54], 1694, xi. 1217 [20], xii. ii. 157); and for the town of Oxford in 1512 (i. 3546, 1516, ii. 2292, 1535, viii. 149 [52]). In January 1512 he received a grant from the King of a moiety of the forfeited manor of Somerton (i. 2055), and in 1516 a pension of £10 per annum for life (ii. 2736). On July 12, 1512 he sold the manor of Pinchpolles, Berks, with lands in Westbrook and Farnham in that county, to Sir Richard Sutton for the endowment of Brasenose College (Churton's 'Life of Sir Richard Sutton,' p. 424). He was a commissioner of subsidy for Oxfordshire in 1523 (iii. p. 1362) and 1524 (iv. p. 234), and in the latter year a collector for the county of the loan for the war with France (iv. 214). In 1530 he was made a commissioner of gaol delivery for Oxon and Berks (iv. 6490 [20]). In the same year he was employed as a commissioner to make inquisition of Wolsey's possessions in Oxfordshire (ib. 6516). As 'clerk of the Crown' he was the official who discharged Wolsey's prebend and made out his pardon (ib. 6748 [15]), and for his services during 1530 was granted a reward of £100 on May 16, 1531 (ib. v. 240). In 1533-34 he served as High Sheriff of Oxfordshire (ib. vi. 1481 [29]). In 1536 he was employed, as in the case in the text, under a Privy Seal, i.e. by the Council or the Court of Requests, as a commissioner to ascertain the facts in a lawsuit (ib. ix. 139). In the same year he was commanded to attend the King with thirty men raised in Oxfordshire to act against the Northern rebels (ib. xi. 580 [2]). He enjoyed the confidence of Cromwell, and in June 1537 was commissioned to inquire into allegations of treasonable language and demeanour on the part of the Abbots of Eynsham and Osney (ib. xii. i. 127). In June he was investigating accusations against other prisoners in Norwich Castle (ib. xii. ii. 68), unless this was the W. F. of East Barsham, Norfolk,

belonging to another family. F. Blomefield, 'Hist. of Norfolk' (Ed. C. Parkin, 1807) vii. 56. In August he was in Oxfordshire (xii. ii. 518; cf. xiii. i. 735). In July 1538 he was appointed a commissioner of Oyer and Terminer for treasons on the Oxford Circuit (ib. xiii. i. 1519 [14]), and again in February 1539 (ib. xiv. i. 403 [17]). In the latter year he was also nominated to attend the duke of Norfolk at the reception of Anne of Cleves, but his name upon the list is struck through (xiv. ii. 572, 3, iv.). He was commissioner of musters for the Hundred of Powghley, Oxfordshire, in 1539 (ib. xiv. ii. App. 15), and as such provided '10 men furnished' (ib.). In the same year, under the names and designation of 'William Fermour, king's servant, and Elizabeth his wife,' an annuity was granted of £20 (xiv. i. p. 595; cf. ib. ii. p. 73). This was his fourth wife, Elizabeth, daughter of Sir William Norryse. The Domestic State Papers at present published end with 1539, and I have not ascertained whether, like his brother Richard, he subsequently suffered from Cromwell's displeasure for conservatism in matters of religion. For the story of Richard Fermour, the ancestor of the Earls of Pomfret, see Collins's 'Peerage,' ed. E. Brydges, iv. 199; Churton's 'Life of Sir Richard Sutton,' p. 443; 'Dict. Nat. Biog.' William Fermour died Sept. 20, 1552. Collins, l.c.

<sup>1</sup> All that I can find recorded of this person is that he bought a wardship of the king in 1516. S. P. Dom. H. 8, ii. p. 1488.

<sup>2</sup> 13 Oct. 1545.

<sup>3</sup> Sir Nicholas Hare, eldest son of John Hare, of Homersfield, Suffolk, Reader of the Inner Temple, 1542, knighted Oct. 18, 1537, and appointed one of the Masters of Requests in the same year. Chief Justice of Cheshire and Flintshire from 1540-45. Speaker of the House of Commons 1539-40. Reappointed a Master of Requests in 1552. Master of the Rolls Sept. 18, 1553. Died 1557. 'Dict. Nat. Biog.' He appears, however, to have been acting as a Master of Requests in 1549. Acts of Privy Council, 1547-50, pp. 353, 358, 410.

John Lewes of Oxonford Baker against the Maier and Baillifes of our said Towne of Oxenford. Wheruppon we trusting in your wisedomes and indifferene woll and desire youe that calling the said parties before youe in our name ye woll groundlye examyn them vppon the contentes of the said bill with the circumstaunces therof endeavoring you theruppon to sett suche fynall ordre and determinacion therein as maye stand with our Lawes and iustice, So that for lack of due administracion therof in your defaultes the said John shall haue no cause reasonable eftsones to return vnto vs for further remedye in this behaf. And if ye cannot conveniently so doo that th[en]<sup>1</sup> ye certifie vs and our Counsaill attendant on our person in the white hall at Westminster in the quindecim of Seint Michele Tharchangell next ensuing, the trouth and playnness of the mater vnder your signes and seales, To thintent we maye further doo therein as the case shall rightfullie require, And that youe conforme youe thus to doo as ye tendre our pleasour and the preferment of Justice. Yeuen vndre our pryvye seal at our manour of Horseley<sup>2</sup> the vij<sup>th</sup> daye of July in the xxxvij<sup>th</sup> yere of our Reign.<sup>3</sup>

E. CLERKE.<sup>4</sup>

To our trustie and welbeloued William Fermour and James Bery Esq. &c. &c.

*Endorsed.* Exicucio<sup>5</sup> istius comissionis patet in quadrata cedula<sup>6</sup> huic comissioni annexa.

Responsio Willelmi Fermour & Jacobi Bury Comissionariorum infrascriptorum.

c. To the king our most gracious soueraign lorde.<sup>7</sup>

Humble complaynyng shewith vnto your excellent highnes your pore subiect & dayly orator John Lewes of your towne of Oxford,

<sup>1</sup> MS. mutilated.

<sup>2</sup> West Horseley, held by Henry Courtney, Marquis of Exeter, beheaded in 1538. Upon his attainder it passed to the Crown, and was granted to Sir Antony Brown in 1548. Manning and Bray, 'Hist. Surrey' (1814), iii. 39.

<sup>3</sup> 1545.

<sup>4</sup> In S. P. Dom. H. 8, xii. i. 1103 (15) is a grant dated April 1 (28 H. 8), 1537, to Edmund Clerke, 'to be a clerk of the Privy Seal upon the next vacancy by death or otherwise of Ric. Turnour, Rob. Forthe, Th. Jefferrey, or John Hever, now having the same rooms.' Cf. ib. xiii. i. 19, and xi. 1455, 1456, which show him to have been

a dependent of Wriothlesley. He is described in ib. ix. App. 14 as of Micheldever. He appears to have retained his office as clerk of the Privy Seal as late as 1570. S. P. Dom. Addenda 1566-79, pp. 8, 208, in which vol. his christian name is incorrect'y indexed as 'Edw.'

<sup>5</sup> Sic.

<sup>6</sup> Presumably document v, p. 177, infra.

<sup>7</sup> An amended plaint inserting the names of the bailiffs. The endorsement, dated 27 March 1546, was perhaps added after the return made by the Commissioners some time in February of the same year. On the other hand, from the omission in the king's letter of 8 July 1545 (document v) to

baker That where as he being dyvese tyme dyseeved in the grinding of his corne at the castell mylles in the said towne of Oxford, by excesse taking of tole & otherwise, hath refusid to bring his corne to the same mylles to be ground and hath vsid ever sythens to cary his said corne to other mylles where he hath been and is better serued for the which cause, So it is gracious soueraign lorde that the Balifes of the said Towne not contented that your said oratour shuld so do haue not only heretofore without any auctorite, taken from your said oratour both his corne and his sakes & the same deteyned to their own vse withoute any recompence making for the same, but also the balyfes now being haue compelled your said orator to agree with them & to gyve them mony for his libertye to grynde Where he lyste to the expresse wronge of your said orator and to his vtter vndoing forever yf remedy by your Maiestie be not the soner provided, yt may therefore please your highnes of your most haboundant grace to direct your most honorable lettres of pryvy seale vnto Thomas Malysson and William Tyleok balifes of your said Towne of Oxford comanding them therby vnder a certen payne by your highnes & your most honourable Counsell to be lymtyed that they from hensforth do not vsurp vppon your said orator nor other of your gracious subiectes contrary to right but that they may peasably enioy there fredome & liberte according to justice & your pore orator shall dayly pray to God for the prosperous preseruacion of your maiestie longe to endure.

*Endorsed.* xxvij<sup>o</sup> die Marciij<sup>o</sup> anni regni Regis Henrici octauij<sup>o</sup>.<sup>1</sup>

Decretum est per Curiam fieri versus infra nominatos Thomam Malysson & Willelmum Tileok ad personaliter comparandum coram Consilio domini Regis in le Whight halle xv<sup>ma</sup> pasche proxima ad respondendum &c. sub pena c. li.

NICH HARE.<sup>2</sup>

Expeditum apud Grenewiche xxvij<sup>o</sup> die marciij Anno regni Regis H. viij xxxvij<sup>mo</sup>.<sup>1</sup>

Per W. Clerc.<sup>3</sup>

recite the names of the defendants, it may be inferred that this amended plaint was filed at a later date. Possibly indeed, seeing that the recital of the next document follows that of the original plaint and is of a date subsequent to 10 February 1546, this

amended plaint may belong to the date endorsed upon it, viz. 27 March 1546.

<sup>1</sup> 1546.

<sup>2</sup> See p. 174, n. 3, *supra*.

<sup>3</sup> Serjeant-at-arms. S. P. Dom. H. 8, xii. ii. 1060, p. 373.

d.<sup>1</sup> . . . Oxford and Islyp in the Countie of Oxon the iiiij<sup>th</sup> day of September <sup>2</sup> and the x<sup>th</sup> day of February in the xxxvij<sup>th</sup> yere <sup>3</sup> of the reign of our soueraign lorde Henry the [ei]gh[t]h <sup>4</sup> [b]y <sup>4</sup> the grace of God of England & Ireland kyng Defender of the Fayth And in Erthe of the Church of Englande and of Ireland Supreme Headd Before William Fermour and James Bury the Kynges Maiesties Commys-sioners assigned and apoynted for the matter in variance betwene John Le[we]s <sup>4</sup> of the citie of Ox[fo]r[d] <sup>4</sup> Baker playntyff of the one partie, And the mayre & Baylyffes of the said Citie defendants of thother partie.

Thomas Pole of the citie of Oxford Playstrer of the age of lx<sup>ti</sup> yeres sworne and exhamend Deposith therewyth vppon his othe that now of late he sawe the meale of the said plaintiff brought . . . e <sup>4</sup> to the said plaintiff his f <sup>4</sup> . . . whiche the said plaintiff said shulde haue byne ij quarters of meale, And when this Deponent sawe yt mesured in the presentes of the myller of the Castell mylles whiche grounde the sa[id] <sup>4</sup> meale, And ytt lackett one hole Busshell of meale, And at an other tyme thys deponent was desyred to se the mesuryng of an other gryste of meale of the said plaintiff And likewise ther lacked an other Busshell of meale that the said plaintiff owght to haue hadd besyde the tolle &c.

Roger Gretwich of said Citie Taylour of the age of li<sup>i</sup> yeres sworne & exhamend saith & deposith vppon his othe that he was present at the metyng of all the said meale aswell at the goynge forth of the Corne of the plaintiff to the Castell mylles as also at the cummynge home of ytt in meale And syth in all and euery thyng as the said Thomas Pole hathe before deposyd.

John Hylle of the said Citie Baker of theage of li<sup>i</sup> yeres sworne & exhamend Deposith & saith apon his othe that he knewe Robert Frewen of the said Citie Baker beyng his maister, That at euery gryst almost th[at] <sup>4</sup> he grounde at the said mylles, that his said maister lackett at the leyst half a stryke <sup>5</sup> of meale, And colde neuer perceyve how yt was conveyde, <sup>6</sup> But only by some Suttell crafte of the miller that noman colde perceyve But by them of the same crafte of myllers.

John P . . . <sup>4</sup> of the said citie hathe confessed before vs the said commysioners that he was called to the mesuryng of one of the

<sup>1</sup> This paper is much mutilated and damaged apparently by wet.

<sup>2</sup> 1545.

<sup>3</sup> 1546.

<sup>4</sup> MS. mutilated.

<sup>5</sup> A strike = a bushel. Halliwell.

<sup>6</sup> 'Convey the wise it call,' Shaksp. 'Merry Wives,' i. 3.

grystes of the said plaintiff att whiche tyme he lackyd one stryke of meale, And the seid plaintiff colde haue no recompence for the said meale &c.

John Pye nowe beyng one of thalthermen of the said citie hathe lykewise confessed before vs the said commyssioners that in a certen Gryste which he putt to the said mylles [to]<sup>1</sup> be grounde, Att the cummyng home of hys meale he lacked one bussell of meale. Howbeytt vpon complaynte therof made to the said Baylyffes he was restored therof ayens &c.

Edward Huntt of Kytlington<sup>2</sup> in the said countie Baker late occupyeng bakynge in the said Citie saith and complayneth to vs the said commyssioners that he was mysvsed by the said Bayliffes and myllers for the tyme beyng accordyng to thys bill of complaynte hervnto annexed<sup>3</sup> &c.

Also the said Roger Gretwich and one Richard Fallowes of the said Citie a Journey man to Bakers Crafte Sworne & exhamend Deposed & said vpon their othes that the xxij<sup>th</sup> day of January last past they were bothe presentt with the [a]fforsaid<sup>1</sup> plaintiff, And John Hewett now beyng myller of the said castell mylles at the metyng of one Gryste of meale of the said plaintiff, And then & there the said plaintiff dydd accompte and recon with the said myller how moche meale he lacked of dyuers of his grystes sith Cristmas last past. And then the said myller colde not denye yt But dydd confesse to thies Deponentes that the said plaintiff dyd lacke v Busshelles of Whete of his dutye, And graunted to pay hym therefore heraftir when he shulde be able, And they desyred thies Deponentes to wytnes the same, And the said Richard Fallowes knowyth all this to be trewe, for that he was att the mesuryng of all the saide Corne & meale with the said plaintiff & myller &c.

Hanmow<sup>4</sup> a Bedle to the vniuersitie and inhabitaunt in the said citie And Thomas Pole afforsaid sworne and exhamend deposith vpon their othes, that they weyre att diuers other tymes to the mesuryng of the s[aid]<sup>1</sup> plaintiffs grystes cummyng frome the said mylles sith Cristmas afforsaid, And they haue reconed the hole losse of the said plaintiffs meale together And do well remembre that the said plaintiff hath lackett in all the said tymes xv Busshelles of Whete at the leyst of his dewe grystes besyde the Tolle &c.

John Rope of the said citie skynner of theage of xliiij yeres sworne

<sup>1</sup> MS. mutilated.

[ford.

<sup>2</sup> Now Kidlington, five miles N. of Ox-

<sup>3</sup> See document e, p. 180, infra.

<sup>4</sup> Reading doubtful. MS. scarcely legible.

There was a well-known Oxford family in the fourteenth century named Handlow or Handlo. See A. Wood, 'Survey of Oxford' (1890), ii. pp. 468, 9.

& examened deposith upon his othe that this vj<sup>th</sup> Day of February last past he was called to the mesuryng of xx<sup>ti</sup> Busshell of Whete of the said plaintiff whiche was delyueryd to the said mylles And at the mes[uryng]g<sup>1</sup> theroff at the cummyng [hom]e<sup>1</sup> of the said whete, ytt lackett ij busshelles of meale of the said plaintiff dutie, whiche he myght haue hadd att other mylles yf he hadd byne truly handled &c.

Also the forsaid Thomas [P]ol[e]<sup>1</sup> telder with Thomas Pole his sone of thage . . . ij<sup>th</sup> yer[es]<sup>1</sup> Depose & saye that the last day of January aforsaid they were called to the mesuryng of one quarter of Whete, whiche was delyueryd by the said<sup>1</sup> . . . [to th]e said mylles And at the cummyng home th[eroff]<sup>1</sup> they saw it lacked iij pykes<sup>2</sup> meale of the said plaintiffs dutie &c.

And farther all thes[e]<sup>1</sup> . . .<sup>1</sup> vppon their concience that the said plaintiff bakyd truely for the uniuersitie citie & contrie at the leyst vj quarters of W[hete]<sup>1</sup> Wherein they exteme playnly that the said plaintiff losyd . . . Busshelles of Whete at the leyste whiche he myght haue at the said mylles beyng truly vsed.

And further the said James . . .<sup>1</sup> Richard Fallowes beyng at the mesuryng ij<sup>1</sup> quarters of W[hete]<sup>1</sup> of the said plaintiff w[hic]h<sup>1</sup> was grounde at a mylle called Hynkesey mylle And at the cummyng home of the meale theroff the seid plaintiff had xvij busshelles of meal of the said ij quarters and as well all . . .<sup>1</sup> beyng truly vsed.

John a Novon of thage of 1<sup>st</sup> yeres sworne & examind [be]yng<sup>1</sup> a myll[er] . . . lez mylles . . . grynid at the . . . saith & profith [vpon h]is<sup>1</sup> othe that vppon Christmas eve last past when the said plaintiff cold not be serued at the said castell mylles for lake of water and therefore . . . said citie with . . . whete of the said plaintiff. And bryngyng the meale therof home through the said citie on William Tyl[cock]<sup>1</sup> [Bay]lliff<sup>1</sup> of the said citie . . . . Iffeley mille . . . [too]ke<sup>1</sup> away fro this Deponent the said quarter of whete then beyng in meale And yet [ret]ayne . . . by virtue of their lyberties as then . . . . claymeth &c.

William Norres of the said Citie mercer of the age of 1 . . . James Clerke of the same Citie Capper of the age of xxxij yeres And the said Roger Gretwiche saith and deposith vppon their othes that the vj day of October last . . . the said plaintiff had v<sup>th</sup> Quarters of Whete whiche was grounde at the said Hynkesey mylle, And at the bryngyng home of the said meale in a carte by a carter of . . . one Thomas Malyson nowe beyng one of the Bayliffes of the said Citie dyd by violence take fro the said carter all the said meale as a thying

<sup>1</sup> MS. mutilated.<sup>2</sup> Peck, i.e.  $\frac{3}{4}$  of a bushel in all.

forfytte to them by Reason . . . their clayme of privyledge. And then & there the said Baylyff by greatt force [and]<sup>1</sup> violence toke the said plaintiff and haled hym through the Stretes of the said Citie toward their prison called Boke Ardowe<sup>2</sup> puttyng hym in jepardy of lyve and calling hym [per]jured<sup>1</sup> and faulce forswarne harlott to their Citie, with many other abbrobio[v]s<sup>1</sup> & malicious Wordes, And thretynges say[ing]<sup>1</sup> here he shulde remayne in Ward . . . .<sup>1</sup> colde nott haue all the said corne agens but by means of maister Fermour, whiche sendeth a seruaunt to Oxford to the s[ai]d<sup>1</sup> Baylyffes for the delyverye therof &c.

Per me WILLELMUM FARMOUR.

Per me JACOBUM BURY.

Also syth the tyme of thies deposicions taken and our letter<sup>3</sup> made the said Baylyffes haue taken away one quarter of Whete meale frome the myller of Hollowell mylle cummyng home to the said plaintiffs howse in Oxford And then & there with great forse [and]<sup>1</sup> violence toke the said myller by the necke putting a dagger to his . . . saying with abbrobrous and malicious Wordes yf he Refused to goo with the[m]<sup>1</sup> he shulde haue no other prest but that dagger And so halyd hym t[o] . . . prison and there Remayned by the space of ij oweres. And after that . . . the said Baylyffes dothe detayne all the said mayle as a thyng forfytte and all thus the said myller hathe confessed to be trewe before William Freurt of the said citie alderman and Randulph Walker yoman w[ith] dyuers other &c.

E. Complaynythe vnto youre maystershype Edwarde Hunte baker nowe dwellyng at Kytlyngton and late off Oxford that wheare as the sayd Baker hathe beyne mysused & his mealle oftyntymes tacon away at the Castell mylles in Oxford by the myllers and Baylyffes for the tyme beyng, And there off haythe complaynyd hym Dyuers & sondry tymes vnto Thomas Elwes & Richard Whyttyngton then beyng Baylyffes off Oxfford afforesayd & mayster off the sayd mylles to haue Remydy thereof, & yit culd haue none wherefore the said Edward dyd grynd his corne at the said Kytlyngton mylle,<sup>4</sup> And as hys seruand was cummyng to Oxford wythe hys mealle, the sayd Baylyffes mett with hym by the way owte off the Lyberties off Oxford by great force & vyolence towke for hys sayd seruaunt all hys mealle whyche con-

<sup>1</sup> MS. mutilated.

<sup>2</sup> Bocardo. See Boase, 'Oxford,' p. 44.

<sup>3</sup> The letter (document c, p. 184, *infra*) was written after the first sitting at Oxford, on 4 September 1545, and presumably document e is the evidence given at the sitting

at Islip, on 10 Febr. 1546, which Hunte was afraid to give *in extenso* at Oxford. See the heading of document b, p. 177, to which document e was probably once attached.

<sup>4</sup> See Mrs. B. Stapleton, 'Three Oxfordshire Parishes' (Oxford, 1893), p. 50.



teynd v busshelles of wheat mealle Whyche was to the valew of x s. & also ij sackes whyche was worthe ij s. whyche was off the goodes off thys playntyff, And then thys sayd Playntyff myssyng hys sayd seruaunt & mealle went toward the sayd Kytlyngton, & so met with the sayd Baylyffes comyng to ward Oxford with hys sayd seruaunt & mealle, & then & there the sayd Baylyffes with malysshysus & froward wordes dyd drawe out there weapons at the sayd playntyffe sayng that he shulde well knowe & fynde what a falsse harlot he was to the sayd cyttie of Oxford & privelydge, for gryndyng off hys corne fro the sayd Castyll mylles, And then with force dyd stryke the sayd playntyffe vnto the grownde & there had slane hym yff a colyer & other people had not cum to helpe hym, And thus Done they towke all the said mealle And sackes wythe them as a thyng forffyt & hathe occupyed it to theire owne eusse & the sayd playntyffe ys cleare wythe owt Remydie for lack off Justyce in the premysses In so moche that the sayd playntyffe was compellyd to for sayke the sayd Towne off Oxford to hys vtter vndoing for euer ones yt may please youre good maystershpy to provyde some Remydy in thys behalffe.

F.<sup>1</sup> . . .<sup>2</sup> [an]swer<sup>2</sup> of Thomas [M]al[y]sson and Will[iam]<sup>2</sup> T[yl]kot<sup>2</sup> to the Bill of Complaynt off John Lewes.

The said defendauntes seyen that the said Bill of Complaynt is incerten & insufficient in the Lawe to be aunswere vnto & procured alone to thentente the said compleynant wold withdrawe the grinding of his corne from the seyde milles called the castell mylles contrary to Right and equite and contrary to his othe made when he was freed of the said Citie of Oxford and contrary to the aunycent Custome of the said Citie. And further they seyen that of the mater of the said Bill of complaynt the trew . . .<sup>2</sup> the aboue<sup>3</sup> is determinable within the said Citie before the Meyre there for the tyme being wher all accions aswell Reall as personall & all other ki . . .<sup>2</sup> within the precinct of the said Citie of Oxford ought aswell by the aunycent Liberties of the said citie as by aunycent vsage tyme owt of mynde vsed therto . . .<sup>3</sup> ther to be h[ea]rd<sup>4</sup> & d[eter]mynd<sup>4</sup> & not ells where ~~The Suburbs of the same.~~<sup>5</sup> And for asmyche hit apperethe by the said bill of Complaynt tha[t]<sup>4</sup> the griuances<sup>3</sup> & wr[ong]es<sup>2</sup> alleged by the sayd byll of Complaynt as supposed to be committed & don within the precynct of the seyde Citie of Oxford & within the Lym[itt]es<sup>4</sup> of the said [Cit]ie<sup>2</sup> [by]<sup>2</sup> the said

<sup>1</sup> This MS. is mutilated, and in some parts illegible, apparently owing to the action of damp.

<sup>2</sup> MS. mutilated.

<sup>3</sup> Doubtful. MS. scarcely legible.

<sup>4</sup> MS. partially legible.

<sup>5</sup> Sic. <sup>2</sup> So struck through in MS.

Defendautes proven<sup>1</sup> that the said mater may be Remitted to be tryed there and that they may be dismissed owt of this Court without makyng any fether aunswere Never[theless]<sup>2</sup> iff they shalbe compelled to make fether aunswere to the said bill of complaynt then the seid Defendautes for aunswere ther vnto seyen that the seid Citie of Oxford about a foure yeres last past<sup>3</sup> was by our Souerygne Lorde the kynges Hyghnes that now is made a Citie and the same before that tyme was an auneynt T[ow]ne<sup>2</sup> & castel by the name of the towne of Oxford and hathe ben encorporate tyme out off mynde by the name of Meyre & commonaltie [of]<sup>2</sup> the same . . . [th]en<sup>2</sup> endowed by the kynges most noble progenitours with duees & sundry Liberties pryveleges & fraunchises and the meyre & comynaltie ther<sup>3</sup> hathe & [h]oldethe<sup>2</sup> & tyme owt of mynde have had and holden the seid Citie & Suburbes of the same of the Kynges Highnes and off His most noble progenitours . . . fee<sup>4</sup> farme payng therfore yerly into the Receyte of thescheker the som off<sup>5</sup> whiche feeferme is borne & paid by the baylyfes of the said Citie for the tyme beyng & they are yerly charged with the payment theroff. And for the payment thereof the said meire and commynaltie haue & enioye divers landes and tenementes withein the said Citie & suburbes & other casualties Rysing within the same and the said defendautes seyen that the said meyre & commynaltie be & tyme owt off mynde haue ben seased of the moyte off the said milles called the Castell milles in thereir demean as of fee, as in the ryght of ther Corporacion & and of the moyte of the Tolle and other profittes belongyng to the same. And fether they seyen that all the inhabitautes within the said Citie & Suburbes beyng freemen of the said citie ben bounden as well by ther othes taken when they be admytted to enioy the fredome of the said citie as also by the auneynt custom vsed ther tyme out off mynd to grynde their Corne at the said milles peyng a certen toll for the gryndyng theroff as hathe ben accustomed and fether they seyen that at all suche tymes as any of the said inhabitantes hath ground ther corne from the said milles and the same knowen & perceyved they haue ben for that offence greuously amercyd and fether they seyen that at suche tymes as any suche inhabitautes haue ground his or there corne away from the said milles and the same myght be taken by the baylyfes of the said citie for the tyme beyng or by there officers as<sup>4</sup> comyng from gryndyng that then hit shuld be lawfull for the baylyfes there to haue & take the said Corne & to enioy the same as beyng forfeyt to the seid

<sup>1</sup> MS. partially legible.

<sup>2</sup> MS. mutilated.

<sup>3</sup> Sept. 1. 1542. Rym. Fed. xiv. 754.

<sup>4</sup> Doubtful; MS. scarcely legible.

<sup>5</sup> Blank in MS.

towne. And further the said defendauntes sayen that they beyng elect baylifes of the said Citie for this present yere havynge perceyved that the said complaynaunt being an inhabitant within the said Citie & a freeman off the same and a comen Baker<sup>1</sup> hath at sundry tymes this present yere prevely withdrawen his sute from the said milles & ground his Corne away from thence haue gentelly admonysshed hym to reforme hym selfe offering hym that iff he could perceiue any default to be in the miller in the gryndyng of his corne or else in excessiue taking of Tolle that they wold recompence hym for hit to the vttermost, And also offered hym to take suche a miller to grynde ther in the said milles as the said complaynaunt wold hym selfe provide & they wold content & pay hym his wages withe divers other gentell offers for ryght and equitie to be admynistred vnto hym concernyng the gryndyng of his corne suche as no reasonable man wold refuse, yet that notwithstanding the said complaynaunt off his wilfull & couctous mynde perceyving corne to be dere this yere<sup>2</sup> and that he might haue his corne grounden at other milles for a porcion off monney without payeng of any Tolle hathe stille withdrawen his Corne from the said mylles gryndyng at other. Wherapon the said defendauntes beyng compelled aswell for the sayyng of the Liberties of the said Citie as well for sayyng of them selves from losses & damages beyng charged to pay the fee farne to the kynges Highnes this present yere and all by certentye that they may gather towarde the payment theroff will not amount to the som of the sayd ferme by a good sum of m[on]ne]y<sup>3</sup> but the greatest parte theroff restethe to be leuiyd of the proffetes of the said mills leyd at divers tymes wache to take the corne off the said complaynaunt . . .<sup>4</sup> certen other mylles & divers<sup>3</sup> at sundry<sup>3</sup> ty[m]es<sup>3</sup> . . .<sup>4</sup> the said corne, and yet neuertheles at divers suche tymes apou Sute made by the said complaynaunt and his freyndes vnto them and vpon promise made [by]<sup>4</sup> the said complaynaunt that he wold amend and grynd at the said mylles accordyng to his dute they haue delivered hym his corne ayens. W[her]eas<sup>5</sup> hit is alledged in his said bille of complaynt that the said defendauntes haue compelled the said complaynaunt to agree with them and to give them monney for libertie to grynd wher he lyste to that the said defendauntes aunswere that they neuer toke any monney of the sayd Complaynaunt nor receued any of hym for

<sup>1</sup> I.e. not privileged; see p. 185, n. 2, *infra*. It was upon the plea of privilege that the similar case in 1608 went against the city.

<sup>2</sup> The average price of wheat in 1545 was 15s. 6½d. as compared with 9s. 0¼d. of

the previous year and with an average of 10s. 8d. for the decade 1541-50. Rogers, 'H.A.' iv. 288, 292.

<sup>3</sup> Doubtful; MS. scarcely legible.

<sup>4</sup> MS. illegible.

<sup>5</sup> MS. mutilated.

any suche purpose, but they sey that the said complaynaunt hathe made sute with them divers tymes to haue lycence to grynde a way at his pleysour and hathe offered to give them monney therfor, whiche to do they haue refused considering with them selves that his example shuld give corage and mynyster occasion to other to procure the like lycence wherby by successe of tyme the sute to the said milles myght be lost and consequently thenhabitauntes of the said Citie that shalbe Baylyves of the said Citie in tyme to come beyng charged by ther office to pay the kynges fee farme shalbe onded<sup>1</sup> bounden. Without that that the said complaynaunt hathe ben deceyved in the gryndyng of his corne at the said milles by excessyve taking of Tolle or otherwise to the knowelige of this defendauntes And without that that any other thing alledged yn the said bill of Complaynt<sup>2</sup> . . .<sup>2</sup> material other then ys by this aunswere sufficiently aunswered vnto confessed and avoyded or traused is trew all whiche mater the said defendauntes are redy to aver a[s]<sup>3</sup> this Court will awarde and prayen to be dismissed owt of the same withe ther costes and charges by them susteyned in this behalfe.

*Endorsed* Lewes versus Balliuos Oxon.

g. Right Worshipfull oure duty remembryed yt may plese your mastership to be aduertesyd that in accomplysshing of [the]<sup>3</sup> kynges maiesties comysson to vs dyrectyd concernyng John [Lewes]<sup>3</sup> of the cite of Oxon baker, & the mayer & ballies of the same cite, whe acordyng to oure bounden deuties satt at Oxford the iiij<sup>th</sup> day of September last past then & ther beyng before vs the said comiscioners bothe the said parties, wher whe then examend sarten wytnes at whiche tyme complaynt was made onto vs that sundry persons were then come to depose before vs for the parte of the said John Lewes, whiche durste natt tary ther to be examynd be reson of grett opprobrious wordes and thretes gevyn ther on to them be the citizens saieng they were but false harles<sup>4</sup> with other rebukefull wordes & that they shulde know right well &c. Wheroppon some departyd from theis onexamynd & wolde nott be founde no more that daye & other persons ther were that were aferd to come before vs within the Citie desyng vs then to poynt some other indyffrent place owte of the Citie & they wolde come before vs wheroppon whe then appoynted to sytt at Islyp

<sup>1</sup> Doubtful; MS. scarcely legible.

<sup>2</sup> MS. illegible.

<sup>3</sup> MS. mutilated.

<sup>4</sup> Halliwell, s.v. 'harle,' gives 'three

hounds, Oxon.' Apparently the word here means 'hounds.'

& so dyd as dothe apere &c. Howbeytt the day of oure comyseon was then expyred whiche now lythe in you to order att your plesure requireng your mastership this to infourme my lordes & masters with your mastership assosyatt & so whe comytt you to Almyghty God Who long preserue your mastership to hys plesure. Wryten in haste be your owne to comawnde.

WILLIAM FFERMOUR.<sup>1</sup>

JAMYS BURYE.

*Endorsed.* To the Ryght Worshipfull Sir Nycholas Hare Knyght, one off the kynges maiesties Councillors be this youen.<sup>2</sup>

WHYTTING V. COOKE.<sup>3</sup>

- A. Depositions<sup>4</sup> takyn at Westminster the xj daye of Februarii anno &c. xxxvj<sup>to 5</sup> on the behalff of Raulf Cooke defendant ageynst John Whytting.

1545 Thomas Smythe of the Citie of London Fletcher of the age of xl yeres or there abowtes sworn & examyned vpon his othe deposithe & saythe that towching the firste article he knowithe nothing but by Reporte of an honeste man callyd Cristofer Woodward of Glowcester Flecher & Father in lawe to Rauffe Cooke whiche dyd tell the kinges Flecher withe this deponent & others that his sone in lawe had bargayned withe one John Whytting for xx<sup>li</sup> thousand Fethers, & had sent theym to Brystowe from Glowcestre & that the said John Whytting had refusyd theym at Brystowe, whervpon the Fethers were sent ageyn to Glocester. But this deponent rememberythe nott whether that he sayd that the holle contente of xx<sup>m</sup> fethers were delyneryd or nott. But he saythe that vpon Cristofer Woodwardes informacion the kinges Flechers

<sup>1</sup> Obviously written in haste by W. F.

<sup>2</sup> I have not been able to find the judgement delivered in the Court of Requests, but a summary of its effect is contained in the 'Oxford City Documents,' edited by J. E. Thorold Rogers, 1891, p. 293:—

"Order in the Court of Requests. Vide the order in the Court of requests 38 Hen. 8 at the suite of Lewes by which he was allowed in respect of falsehood proued in Towne Millers to bringe other Millers to those Mills to grind his Corne paying toll to the Bayliffs.

"Vide also Indenture dated 20 Martii

Anno Eliz 11<sup>o</sup> Lewes being a priuiledged \* man acknowledgeth the custome to bind him, and tooke licence for 14 li. Rent to grind elsewhere before that he had sued in the Court of Requests and was ordered to grind at the said mills."

<sup>3</sup> Mr. Hunt's Cal., Bundle 13, No. 113.

<sup>4</sup> The pleadings have not been found.

<sup>5</sup> 1545.

\* Privileged persons appear to have consisted of (1) Bakers for the University, and (2) Copyholders of 'mannors therabout.' Rogers, 'Oxford City Documents,' pp. 264, 268, 269.

comandyd that the same Fethers shulde be sent vpp to London by vertue of theyr comission, for the tryall to knowe whether they were good & sufficient or nott, whervpon they were sent vpp & when the kinges Fletchers & others of the cytie withe this deponent had sene them, they dyd allowe them to be accordyng to hys bargayn. And there vpon the kinges Fletcher tooke theym by commission for the kinges maiestie & payd to Raulf Cooke xvij d. for a m<sup>1</sup> <sup>1</sup> as John Whyttyng should have payd and Further this deponent knowith nott.

*(Signed with a mark.)*

John Storkey of the citie of London Flecher of the age of xxxij yeres sworn & examyned vpon his othe saythe to the first article he knowithe nothing but to the other he saythe that those fethers that were browght vpp to London & reportyd to be refusyd by John Whyttyng, were good and lawfull fethers for theyr occupacion, whervpon this deponent being warden of the occupacion of the Fletchers & the kinges Fletcher withe others toke the same Fethers by vertue of comission for the kinges Maiestis vse & behalf, and payd to Raulf Cooke for everye thowsand xvij d. and Further this deponent knowithe nott.

By me JOHN STORKEY.

Thomas Wynckfield of London Fletcher of the age of xxxij yeres sworn vpon hys othe saythe that he dwellyd withe one Cristofer Woodward father in lawe to Raulf Cooke defendand a yere & more withe hym & hys wiff and saythe that after Easter laste paste this deponent being at woreke in a chamber ther cam John Wyttyng of Brystowe to hys maisters howse in Gloucester for certayne Fethers whiche he had bowght of Raulf Cooke, whiche Fethers were redye for to be delyueryd, and when he had sene them forthe of a bagge in a chamber he refusyd them & dyd trede them downe the stayres withe his Fette. And further this deponent saythe that there was all the holle content of xx<sup>ti</sup> thousand redye for hym, whiche he refusyd and immedyatlye John Wytting went vpp in to thys deponentes maisters chamber where his maister ley syke & servyd a subpena vpon hym & when he had donne he went his waye & withe in a monethe after this deponent dyd Trusse vpp the same Fethers & sent them vpp to London, but by a caryar of Glocester. And further this deponent knowithe not.

*(Signed with a mark.)*

<sup>1</sup> Feathers seem generally to have been sold by weight. Rogers, 'H. A.' iv. 275.

Thomas Dennyng of the Citie of Glowcestre Fletcher of the age of xxxiiij<sup>th</sup> yeres sworn & examined vpon hys othe deposite & saythe, that abowte our Ladys day in Lent was a Twelmonethe<sup>1</sup> Christofer Woodward father in lawe to Raulf Cooke dyd promyse to John Whyttyng nowe complaynaunte that he woold provide for the said John Whytyng xx<sup>th</sup> m<sup>l</sup> Fethers redye for the said Whyttyng ageinst a certayn daye in Gloucester in the behalf of Raulf Cooke nowe deffendant, and the said Christofer Woodward so dyd accordyng to hys promes and whan John Whyttyng cam to Gloucester to Woodwardes howse he demandyd his Fethers & Christofer Woodward lyeng on hys deathe bed answeyrd hym that they were redye in hys owne bagge whervpon John Whyttyng went vp into another chamber where the fethers were & in presence of this deponent he put hys hand in to hys bagg where the Fethers were & lokyd vpon a handfull of theym & lyked theym nott whervpon he showke theym forthe of hys bagg & toke yt with hym & went hys waye, and shortely after the same fethers whyche John Whyttyng refused were sent vp to London by the caryars of Gloucester and when they came to London they were takyn as good & lawfull Fethers for the kynges maiestie and the kynges officers payd the same price for theym that John Whyttyng shuld haue payd. And further this deponent knowithe nott, as he saythe.

(Signed with a mark.)

B. Interrogatories on the part of Rauff Cooke ayenst John Whytyng.

Fyrst Whether the seid Rauff Cooke was redy & offered to delyuer vnto the seid John Whytting xx<sup>th</sup> thousand fethers att Gloucetter and whether the seid John Whytting refused to receve the same or

Item whether the seid fethers were good & lauffull fethers for Flechers occupacion or nott.

Item whether the same fethers so refused by the seid Whytting were taken by warrand to the kynges vse by the kynges Fletchers or nott and whether the kynges fletchers paid the price for them as moche as the seid whittyng should haue don accordyng to his bargayn if he had taken the same or nott.

The names of the wytnesses { THOMAS SMYTHE.  
JOHN STERKY.  
THOMAS WYNFELD.

Endorsed. Cooke querens Whytyng.

<sup>1</sup> March 25, 1544.

## c. A bill of the plaintiff's costs.

Item imprymis for the Kynges preyue siell vij s. .	vij s.	
for my byll and my consell v s. which dose mont .	v s.	
for the copy of ys answer viii d. which amont .		viiij d.
for my ryplycasyon ij s. which amount . . .	ij s.	
for the copy of ys rygender viij d. . . .		viiij d.
+ <sup>1</sup> for the draying of the interrogatorys j s. . . .	j s.	
+ for my cost comyng vp & down at meysomer terme vij days viij s. which dose amount . . .	viij s.	
+ for my cast beyng there viij deys viij s. . . .	viij s.	
+ for my horse hyre v s. which mont . . . .	v s.	
+ for my cost at michellmas terme for vj days comyng vp & downe viij s. . . . .	viij s.	
+ & for vij days that I dyd tary here vij s. . . .	vij s.	
for a comesson iij s. viij d. which amount . . .	iiij s.	viiij d.
for the reytorn of my comeysoners man . . . .		iiiiij d.
+ for my costes at ester terme comyng iij days which ys iij s. which dose amount . . . .	iiij s.	
+ for my beyng here viij days viij s. . . . .	viij s.	
for the copy of the deposyssyons iij s. iiiij d. . . .	iiij s.	iiiiij d.
+ for the cost & chargys when the comeyshinours dyd sett which dyd cost xiiij s. iiiij d. which amontt .	xiiij s.	iiiiij d.
+ for rydyng to Gloseter when that I shold a reyseyve my feythurs which cast me iij s. iiiij d. . . .	iiij s.	iiiiij d.
+ & for rydyng to Gloseter after ester for my feythurs iij s. iiiij d. which dose amount . . . .	iiij s.	iiiiij d.
+ and for sendyng of my seruand to Gloseter for my feythurs which dyd cost ij s. amont . . . .	ij s.	

taxatur xxs.

iiiiij li. xij s. 8 d.

d.<sup>2</sup> xvij die Maii anno regni regis xxxvij<sup>o</sup>.<sup>3</sup>

Wher vpon disclosyng and heryng of the mater in trauerse betwene John Wyting of Bristowe partie complaynaunt ayenst Rauff Coke of Worcester defendant for & consernyng a bargayne and sale made by the defendaut to the complaynaunte for the number of xx<sup>th</sup> thousande fethers for the some xxx s. payed vpon thagrement of the said bargayne

<sup>1</sup> Marked + in MS.<sup>2</sup> Mr. Hunt's Cal., Bundle 4, No. 122.<sup>3</sup> 1545.



as by the byll of the forsaid John Whyting resyting the same further ys declared It ys nowe seen to the kinges consaill vpon heryng of the wites brought on the behalf of the forsaid parties that the said defendaunt dide not accomplishe ne truely performe his said conuenaunte accordingly as by the testimony and sayng of the said wites playnly appereth. In consideracion wherof and for that the defendaunt dide receyue & hade of the complainante the forsaid some of xxx s. accordyng to the agrement made and therfor had nother fethers nor yet his money to hym repayed but by occasion of the same hathe byn compelled to his costys and chauges to sue to the kinges consaill for the same They haue nowe ordred that the forsaid Rauffe Cooke shall immediatly vpon sighte herof not only pay to the complainante the said xxx s. by hym receyved in forme aforsaid but also paye to the forsaid Whitynge xx s. to hym awarded for and towardes his costes susteigned in suete of this mater. This order to be obserued and kepte without fraude or colucion ther to be made by the defendaunt it ys commanded vnto hym vpon the daunger that therof may folowe & ensue.

This order was accomplisshed the xx<sup>th</sup> day of the moneth aforsaid and the money payed afore the consaill & eche partie acquited other.

ORDERS AND DECREES.<sup>1</sup>Eodem die.<sup>2</sup>

The cause betwene John Whyting plaintiff ayenste Rauff Cooke defendant ys ordred that bothe parties with theyr counsaill apper for the heryng of theyr mater vpon Fryday next comyng so that noo delaye then be made by eyther of theym to the contrary vpon payment of suche costes as shalbe in defaulte therof sessid & awarded.

YONG v. NORTH.<sup>3</sup>

To the Kyng owr soueran Lord.

1551 In most humble wise showith & complenyth vnto your highnes your pore subyet Herry Yong that where one Richard North & one Anthony Eden seruaunt vnto Edmond [Copp]yndale fatherinlawe vnto your seid orator the first daye of Nouember in the third yere of

<sup>1</sup> Vol. vi. p. 396.<sup>3</sup> Mr. Hunt's Cal., Bundle 16, No. 70.<sup>2</sup> *Le. nono die Maii anno &c. xxxvij<sup>o</sup> (1545).*<sup>4</sup> MS. mutilated.

owr soueran lord the kyng that nowe is<sup>1</sup> cam[e]<sup>2</sup> [. . .] o<sup>2</sup> your seid orator at Yorke then & ther showing vnto your seid orator how that the seid Edmond Cppyndale had bargaynd and sold vnto the seid North vj fothers of lede for the somme of xxxj li.<sup>3</sup> and further declaryng vnto your seid orator that the will and mynde of the seid Cppyndale was that your seid orator shuld resseve of the seid North x li. parcell of the seid xxxj li. and therof to make the seid North acqytans and then your seid orator to be bound by his bill vnto the seid North that the seid Cppyndale shuld delyuer to the seid North the seid vj fothers of lede wherapon your seid orator gyffing credans vnto the seid Edon & North ressevid the seid x li. and also made a bill in your orator<sup>4</sup> name for the delyuere of the seid lede as is aforseid to the seid North where of truyth the seid Cppyndale neuer concludid upon any suche bargayne with the seid North yet that not withstanding your seid orator hath often tymes requyred the seid North of the delyuere of his seid bill yet that to delyuer he vtterly refusith sayng that he will sew your seid orator for the delyuere of the seid lede apou the seid bill to the gret vndoing of your seid orator except your highnes fauor be vnto hym shown in this behalf. In consideracion wherof it maye please your Highnes to graunt your lettere of privy saile to be directid vnto the seid North commandyng hym by the same personally to appere before your most honorable Counsell at Westminster attendyng vpon your person at a serten daye & vnder a serten payn by your highnes to be lymytted ther to answer vnto the premisses and after to abide suche decre & order as your seid Counsell shall take in this behalf and your seid orator shall daily praye to God for your noble estate long to endure.

FORSTER.<sup>5</sup>

*Endorsed.* Apud London ix<sup>o</sup> die Maii anno regni regis Edwardi vj<sup>ti</sup> quinto.<sup>6</sup>

Fiat priuatum sigillum versus infranominatum Ricardum Northe ad personaliter comparendum comram<sup>4</sup> Consilio domini Regis le Whyte Halle apud Westmonasterium xv<sup>na</sup> Michaelis proxima<sup>7</sup> sub pena c li.

NICHOLAS HAR.<sup>8</sup>

<sup>1</sup> 1549.

<sup>2</sup> MS. mutilated.

<sup>3</sup> The price of the fother in pigs in 1550 is given by Rogers as £5 10s. 6d. 'H. A.' iv. 486. For the fother see p. 204, n. 1.

<sup>4</sup> Sic.

<sup>5</sup> Counsel's signature. I have not been able to identify the person.

<sup>6</sup> 1551.

<sup>7</sup> Oct. 13, 1551.

<sup>8</sup> See p. 174, n. 3.

## Defendant's Bill of Costs.

“Charges of Rychard Northe merchand in Yorke concernyng the mater in traves betwyxt henry yong plantyff & northe defendant.

Fyrst my charges frome yorke to london beyng ix <sup>xx</sup> mylles	xv s.
My charges home . . . . .	xv s.
My costes here x days . . . . .	xx s.
My man a lawe . . . . .	vi s. viij d.
Charges in thys covrt . . . . .	ii s.

Summa lvij s. viij d. tax ad xx s.

WILLIAM MEY.<sup>1</sup>”

*No other proceedings found.*

BOSTOCK v. CRYMES.<sup>2</sup>

A.<sup>3</sup> Interrogatoryes to be mynystred vnto the wyttesse to be brought in on the parte and behalff of Hugh Bostock partie complainant agaynste John Crymes partie defendant concernyng the tender of the some of xij li. iij s. made by the said Hugh for and in the name of John Alexander of the Nantwiche in the Countie of Chester.

1552 In primis whether the said Hugh Bostock before the kynges maiesties firste proclamacion made concernyng the falle of certayn of his Maiesties Coyne, dyd come to the said John Crymes beyng in his shoppe at London, and then and there declaryd vnto the said John Crymes that he had broughte xij li. iij s. from the said John Alexander to be paid to the said John Crymes, and wylled the said John Crymes to receyve the same or not.

Item whether that the said Hugh at the same tyme wolde haue countyd owte the said some of money to the said John in the said shoppe or not.

Item whether the said John Crymes dyd thervpon denye to receyue the said some, and wolde not suffer the said Hugh to compte owte the said some of money vnto the said John Crymes or not.

<sup>1</sup> This is the signature of William Mey, then dean of St. Paul's and a Master of Requests (see p. cvii), Archbishop elect of York, died 1560. 'Dict. Nat. Biog.'

<sup>2</sup> Mr. Hunt's Cal., Bundle 14, No. 28.

<sup>3</sup> The statements of claim and defence have not been found.

Item what manasyng or thretenyng wordes dyd the said John Crymes then & there speake to the said Hugh Bostock.

*Endorsed.* Bostock versus Crymes.

B. Depositiones capte apud Westmonasterium xxj die Junii anno regni Regis Edwardi vj sexto<sup>1</sup> ex parte Hugonis Bostocke versus Johannem Crymes.

William Woodall of the Holt in the Countie of Denbigh in Northe Walles of the age of xl yeres or ther aboute sworne & examynyd deposith & vpon his othe saithe that that<sup>2</sup> he was present when that Hugh Bostocke came to the Shoppe of the sayd John Crymes beyng in his sayd Shoppe in London & then & there declaryd vnto the sayd John Crymes in the heryng & presens of this deponent that he had brought vnto the sayd Crymes xiiij li. iij s. frome John Alexander & desyryd the sayd Crymes to receyue the sayd xiiij li. iij s. whiche tender was made between vij & viij of the clock in the mornyng the same day before the first proclamacion of the fall of money was made and that the seyde Hugh Bostock wolde haue countyd & tolde oute the sayd xiiij li. iij s. in the sayd Shoppe but the sayd John Crymes dyd refuse to receyue the sayd xiiij li. iij s. nor wold suffer the sayd Bostock to counte or tell out any money ther layng his hand vpon his dagger byddyng the sayd Bostocke gytt hym oute of his Shoppe orells he wold bryng hym oute callyng hym Chorlle & other probriouse wordes whiche nowe he dothe not well remembre & otherwyse he cannot depose.

*Signed with a cross.*

Richard Lambley of Aldersgate Strete in London yoman of the age of xxxvj yeres or ther aboute sworne & examynyd deposith & vpon his othe saithe that he was present when the sayd Hugh Bostocke came to the Shoppe of the sayd John Crymes in Saynt Laurence lane and ther in the heryng & presence of this deponent & other the sayd Hugh Bostock declaryd vnto the sayd John Crymes that he had brought vnto hym xiiij li. iij s. frome John Alexander & wolde haue payed the sayd sum vnto the sayd Crymes but the sayd John Crymes dyd refuse to receyue it & wold not suffer the sayd Bostock to tell out the sayd xiiij li. iij s. but callyd the sayd Bostock this deponent & other that came with the sayd Bostock vyllaynes & sayd other opprobrious & thretenyng wordes & dryve them oute of the sayd Shoppe insomuche

<sup>1</sup> 1552.

<sup>2</sup> Sic.

that this deponent supposyd that the sayd Crymes wold have stryke som of them that were thier present he was in suche a rage and bad them gytt them out of his Shoppe orelse he wold send them goyng. And saith that the sayd Hugh Bostocke tenderyd the payment of the sayd xiiij li. iij s. vnto the sayd John Crymes in the same mornyng before the proclamacion was first made concernyng the falle of the money for after that the sayd Bostock had bene with the sayd Crymes he went vnto onne Master Whetston of Shepesyde & payed vnto the sayd Whetston xx li. for the sayd John Alexander in the presens of thys deponent & comyng oute of the sayd Whetstons house the first proclamacion was in proclamyng in Chepesyde & more he cannot depose.

RICHARD LAMLAY.

c. Interrogatories to be ministred in the parte and behalfe of John Crimes against Hughe Bostocke.

Fyrste whether the said Hugh Bostock plaintiff was lawfully deputed by Alexander to paye the said monye to the said John Crymes and whether he stondest bound to the said Alexander to paie over the same as he hath supposed in his said byll.

Item whether the said Bostock ded tender the money before the proclamacion publissed or after & yf it were after whether he proferid to paie it after ix d. the testorne or after xij d.

Item whether the said Bostock shewid forth anie monye when he came to profer it and yf he ded whether he shewid the bage wherin it was conteynid & whether he opened the bage & put forth the monie or not.

Item whether John Crimes was redie & wold haue receuid the said some of xiiij li. iij s. after ix d. the testorne or not.

Item whether the said John Crymes said he wold not receiue the monie after xij d. the Testorne bycause of the proclamacion all redie proclamid or that he said to the said Bostock 'I rede the get the owt of my shoppe or I wyll send the owt & thou shalt count no monye thier' or what woordes was betwen the said Crymes and Bostock.

Item whether the said Bostock proferid to paye it after ix d. the testorne or not & abowt what hower the tender was made & how longe after the proclamacion was made.

Endorsed                    THOMAS BRENDE }  
                                         EDWARD TOWE    } jurati sunt Testes.

In another corner                    Crymes.

d. Depositiones capte apud Westmonasterium xiiij die Maii anno regni regis Edwardi vj sexto<sup>1</sup> ex parte Johannis Crymes versus Hugonem Bostocke.

Edward Towe of Bassynges Hall<sup>2</sup> in London Clotheworker of the age of xlv yeirs or therabout sworne & examynyd deposithe & by vertue of his othe saithe that he knowithe not whether the sayd Hughe Bostocke was laufully deputyd by John Alexaunder to pay any sommes of money to the sayd John Crymes for the sayd Bostocke shewyd forthe no letter of deputatione made by the sayd Alexaunder in his sight for payment of any money nor cannot tell whether the sayd Bostocke stode bounde to the sayd Alexaunder to pay ouer the sayd somme of xiiij li. iij s. to the sayd Crymes, but this deponent saithe that he was present when the sayd Bostocke came vnto the shope of the sayd Crymes after that the proclamacion was publisshyd that shillynges shoulde go after the rate of ix d. the pece & the grote iij d.,<sup>3</sup> and offerd to pay vnto the sayd Crymes xiiij li. iij s. after the rate of xij d. the testone howe be it the sayd Bostocke neyther shewyd forthe the money nor bagge wherin it was conteynyd. And this deponent saithe that the sayd John Crymes was redy & wolde haue receyvyd the sayd somme of xiiij li. iij s. after the rate of ix d. the testone accordyng to the proclamacion but the sayd Crymes refusyd to receyve the sayd somme of xiiij li. iij s. after the rate of xij d. the testone and saithe that the sayd Crymes dyd speke no suche wordes vnto the sayd Bostocke that is to say 'I rede the gytt the oute of my shoppe or I wyll send the oute & thowe shalt counte no money here,' nor no suche lyke wordes, for the sayd Bostocke neyther countyd any money ther nor shewyd forthe any. And this deponent saithe that the sayd Bostocke dyd not tender to pay the sayd money after the rate of ix d. the testone to the sayd Crymes but sayd he wold pay none except the sayd Crymes wolde receyve the sayd somme accordyng to the rate of xij d. the testone and this deponent saithe that he cannot tell aboute what ower the sayd tender was made but suer he is that it was after the proclamacion was publisshed & more or other wyse he cannot depose.

By me EDWARD TOWE.

Thomas Brend of London Seryvener of thage of xxviij yeres or more sworne vppon the holy evagelist and examyned by vertue of his

<sup>1</sup> 1552.

<sup>2</sup> So named from the family of Bassing, which during the reigns of John, Henry III. and Edward I. filled a succession of civic offices. Bassingshall was the principal

house in Basinghall Street, and also gave its name to the ward. W. Maitland, 'Hist. of London' (1779), ii, p. 788.

<sup>3</sup> Proclamation of July 9, 1552. R. Ruding, 'Annals of the Coinage,' i. 320, n. 5.

othe sayth that he being in the dwelling house of oone John Crymes in Seint Lawrens Lane of London on Thursday being the ix<sup>th</sup> day of July anno domini 1551 aboute certeyn wrytinges that the said deponent had made for the said Crymes and in the meane season their came oone into the house of the said Crymes and brought with hym vnder his arme a lether bagge with money as I supposed saying that he came from oone Alexander and had brought certeyn money to pay to the said Crymes, then the said Crymes saide ‘ yf thou wilt pay it as it is now proclaymed I will receyve it; that is to say, the testerne at ix d. and the grote at iij d. orels I will receyve none of the,’ and then the said Bostok said that the money was not proclaymed and wold not so pay it, then the said Crymes badd hym goo out of his house and shortly after his commyng out the proclamacion was a reding in the strete, and thys was spoken and done aboute half an owre after x of the cloke, whyche tyme I knew the proclamacion was proclamed in Chepeside before this deponentes commyng to the said Crymes house, and also the said deponent by vertue of his othe sayeth that he saw no money told nor shewed forth at that tyme, and also the said deponent supposeth and saith that, it was aboute half an howre after the proclamacion was, that the said Bostok offred the money after xij d. the Testerne to the said Crymes, and also the said Crymes said so far as I can remembre that he knew hym not to be any detter of his, and more this deponent is not in remembraunce of at this tyme.

Per me THOMAM BRENDE.

#### ORDERS AND DECREES.<sup>1</sup>

xxvij<sup>o</sup> die Maii a<sup>o</sup> sexto (E. 6.)<sup>2</sup>

Eodem die.

The cause at the sute of Hughe Bostocke ayenste Annyslowe<sup>3</sup> and Crymes ys by order of the counsaill continued vnto thutais of the holie Trinite next commyng<sup>4</sup> then the plaintiff to replie without other delay.

primo die Julii a<sup>o</sup> regis sexto.<sup>2</sup>

Eodem die.

The cause at the sute of Hughe Bostocke plaintiff ayenste Ayenste<sup>5</sup> Thomas Anneslowe & John Crymes defendants ys by order of the Counsaill continued vnto the morowe after St. marten next then & ther the parties tapper & poplicacion to be made in that case without delai aleged in stave of the suit by eyther of the parties.

<sup>1</sup> Vol. viii. fo. 20 b.

<sup>2</sup> 1552.

<sup>3</sup> No other proceedings found, and it is doubtful whether this is the same case.

since the name of Anneslow does not appear in the other papers, and there is nothing to show that he was joined as defendant.

<sup>4</sup> 19 June 1552.

<sup>5</sup> Sic.

DREWE AND ANOTHER V. WILKYN.<sup>1</sup>To the Queene our most drad soueraigne  
Lady

1553 In most humble wise complayning shewyn unto your Excellent Highnes your poore subiectes and faithfull suppliauntes Jhon Drewe and Robert Melwaye nowe churchwardens for the tyme being of the parishe of Backechild<sup>2</sup> in your Highnes countie of Kent. That where the parsonage of the sayed parishe (before tyme of memory of eny man) was and yet is appropriated to the dean & chapter of Chichester in your Highnes County of Sussex and thereby is become parcell of the possessions of the sayed dean & chapter,

In and vpon whiche parsonage so appropriated (alwaies tyme out of memory it hath byn vsed) that foure quarters and a halff of barly yerely euery yere upon the fridaye next before the feest of Easter comenly callyd goode fridaye were frely delyuered by the farmers & oocupiers of the sayed parsonage at the barnes floure of the sayd parsonage vnto the handes of the churchwardens of the sayed parishe for the tyme being and the sayed churchwardens then & there ferthwith have vsyd to delyuer and distribute the sayed foure quarters & a haulff of barly according to theire discrecions with the consent & aduise of others honest men of the parishe aforesaied, vnto the poore people of the sayed parishe resorting thither for that same almes to the great releif & succore of the treu pouertie of the parishe aforesayed. So it is most drad soueraigne lady that one Salmon Wilkyn nowe farmer of the sayed parsonage imagyning to defraud & withdrawe the sayed charitable almes tyme out of mynd vsed (of his insaciabie auerice) by the space of twoo yeres last past wrongfully without any iust cause hath withholden the sayed yerely almesse of foure quarters & a haulff of barly & refuseth to delyuer the same by reason wherof for that the certenty of the commencement of the sayed yerely almesse (whether it grewe first apon thappropriacion of the sayed parsonage or other composicion before tyme of mynde had) vnto your sayed poore suppliauntes nowe is unknowne and also for that thoffice and corporacion of churchwardens which your sayed poore suppliauntes in the sayed parishe doo nowe exercise & serve (by the rigor of the common lawes) doth not extend to claime and demaund (suche a kynd of inheritans as this is)<sup>3</sup> therefore your sayed suppliauntes & theire successors

<sup>1</sup> Mr. Hunt's Cal., Bundle 25, No. 152.<sup>2</sup> Now Bapchild.<sup>3</sup> 'Les Churchwardens ne poient pre-

scriber dauer terres al eux et leur successeurs, car ils ne sont aseun Corporation dauer terres, mes par biens pur leglise.'



are without remedy for recouery of the same, to the most cruell oppression of all the pouertie of the sayed parishe and agaynst all right equite and good consciens onlesse your Highnes mercy to them be extended in this behaulff. In consyderacion whereof maye it please your most excellent maiestie of your accustomed pittye & bening<sup>1</sup> grace to graunt your most drad lettres of priue seale to be directed to the sayed Salmon Wilkyn commaunding hym by the same personally to appere afore your Highnes counsell in your court of requestes at a certayne daye & vnder a certayne payne in the same to be lymited then & there to awnswere to the premisses and that thereupon suche order & direccion maye be taken by your sayed counsell consarning the premisses as maye stand with right & eqytye. And your sayed suppliantes together with all the inhabitantes of the sayed parishe according to theire bounden deutys shalbe most specially bounden to praye to Allmighty God for the preseruacion of your maiesteis most roiall estate.

MANWOOD.<sup>2</sup>

*Endorsed.*<sup>3</sup> Securitate capta decretum est privatum sigillum fieri ut infra ad comparendum in octauis Sancti Hillarii proximi<sup>4</sup> sub pena c. li.

Thomas Whyte<sup>5</sup>

John Throkmarton.<sup>6</sup>

Drewe et Melwey      Drewe & Melwey  
Versus Salmon.      uersus Sahnnon.

The Churchwardens & poore people of Backechild Kent.

P. 37, El. B. enter Longley and Meredine. H. Rolle, 'Abridgment' (1668), p. 393; cf. Coke, Inst. i. 1, 3a, c. Rent 'savoured of the reality;' cf. ib. i. 2, 20a; H. Finch, 'Description of the Common Laws' (ed. 1759), [149 b].

<sup>1</sup> Benign.

<sup>2</sup> Probably Roger Manwood, Justice of the C. P. 1572; Ch. B. Exch. 1578. He was a native of Sandwich, of which he was appointed recorder in 1555. Foss's 'Lives,' v. 516.

<sup>3</sup> Each endorsement in a different hand.

<sup>4</sup> 20 Jan. 1554.

<sup>5</sup> 'For Thos. White and Thos. Wriothesley, clerk of the Signet. Grant in survivorship of the reversion of the offices of coroner and King's attorney in the King's Bench, granted to W. Fernour by patent, 1 H. 8, on surrender of patent Jan. 4 (27 H. 8), 1536, granting the reversion to the said Thomas Wriothesley alone.' xiii. i. 646 (23); cf. ib. x. 226 (1). This is not improbably the same person who in

1553-4 was a Master of the Court of Requests, and, as we know from the lists of judges in that Court (see pp. civ, cvii, cviii), a knight. He was a different person from the Sir Thomas White, also knighted in 1553, who was in the same year lord mayor of London. The Master of Requests was a Reader of the Inner Temple in 1542 and Benchet in 1555. 'Calendar of the Inner Temple Records' (ed. F. A. Inderwick, 1896), i. pp. 132, 178.

<sup>6</sup> John Throkmarton, seventh son of Sir George Throkmarton, Knt. of Coughton, Warw., 'master of the Requests to Queen Mary, Justice of Chester, and in 1565 vice-president of Elizabeth's Council in the Marches of Wales.' He received as a grant from Queen Mary the manor of Feckenham, Worcestershire. He was knighted by Queen Elizabeth in the first year of her reign. He died May 22, 1580. T. Nash, 'Worcestershire' (1781), i. 440; W. Dugdale, 'Warwickshire' (1765), p. 527; S. P. Dom. Addenda, 1547-65, p. 574.

ORDERS AND DECREES.<sup>1</sup>

Termino hillarii  
 anno Regni Marie  
 dei gratia Anglie  
 ffrancie et hibernie  
 Regine &c. primo.<sup>2</sup>

xxij<sup>o</sup> die Januarii a<sup>o</sup> predicto.

Eodem die.

Salmon Wilkin personaliter comparuit coram consilio domine Regine apud Westmonasterium ad sectam Johannis Drewe et Roberti Melwaye et habet diem sibi datum ad respondendum bille in die Jouis proximi et sic ad comparendum de die in diem donec et quousque &c. et hoc sub pena in breui specificata.<sup>3</sup>

INHABITANTS OF WHITBY v. YORK.<sup>4</sup>

“ T(o the)<sup>5</sup> Quenes highnes our moste dreade  
 Souereyne ladye and to her most honorable  
 Councell.”

1553 Lamentably compleynynge Shewithe vnto your highnes, and to  
 +<sup>5</sup> Counceill your poore obedient Subiectes and daylie oratours  
 poore husbandemen the + of halesgarthe and Stenseker<sup>6</sup> in  
 Whitby Strande in the Countie of Yorke, That the saide Inhabitauntes  
 late beinge Tenauntes of the dissolved monestery of Whitbye (afore)  
 saide, after yt was comen into the handes of our late sovereyne lorde,  
 king henry + and after that yt did come to thandes and possession  
 of the late duke of Northombre(land)<sup>7</sup> and of late purchased of him  
 by one Sir John Yorke knight, who is now in possess(ion) of the  
 premisses, whiche sayd Sir John Yorke hath lately ben therr and  
 kepte Court on the saide premisses, at two sondry tymes, whiche saide  
 Sir John Yorke of his extort power and might, and by great & sore  
 Threttenynges of the saide Tenauntes and Inhabitants their and by  
 other meanes, hathe gotten from them all the lea(ses) (that were in  
 their) custodies and possession, and vnreasonably hathe reysed, an(d)  
 + + + + Rentes, and excessyvely hathe gressomed,<sup>8</sup> ffyned, pyllyd

<sup>1</sup> Vol. ix. p. 195.

<sup>2</sup> 1554.

<sup>3</sup> No further entries found.

<sup>4</sup> Mr. Hunt's Cal., Bundle 23, No. 13.

<sup>5</sup> + MS. mutilated; ( ) conjectural.

<sup>6</sup> Now known as the township of Hawsker-cum-Stainaere in the Liberty of Whitby-strand. J. A. Sharp, 'New Gazetteer,' London 1852 (Whitby).

<sup>7</sup> John Dudley, created duke 11 Oct. 1551, beheaded 22 Aug. 1553.

<sup>8</sup> The 'gressom' (ad ingressum) was properly on the entry of the tenant. As an exaction upon change of lord, as in this case, it was an incident of northern, not of southern copyhold (C. J. Elton, 'Law of Copyholds,' 1883, p. 171). By a decision

and + + + + + makithe inquiry all aboute for your poore oratours with grea(t) + + + + + do supposse yf he coulde fynde them, he wolde ley th + + + + + because they shulde not be able to exhibite this ther bill of C(omplaint) + + + + + and your saide Councell, how he hathe ffyned them and Raysed + + + and yerely Rentes, yf your said oratours shulde still beare and paye + + + appere by a bill herevnto annexed your oratours ha(nde)s or markes therto + + of tholde rentes the new by (t)hem to be paide vnto the said Sir John (Yorke) + + + + (t)hereby shalbe vtterly vndone in this w(orld) + + + ffavour helpe and succour with spedy remedy + + consideracon of the premisses and forasmuche as Your saide oratours and auncestours of y(our) saide poore oratours, haue holdyn and inioyed the premisses accordinge to the olde auncient custome olde Rentes and olde fynes, as hervnder yt may playnly apere, without enhansinge, or raysinge without vexacon or troble, And in consideracon also, that the said Sir John Yorke is a man of power and might, landes, goodes, and possessions + + greatly friendid, and your poore oratours beinge soore aferyed to be imprisoned by him,<sup>1</sup> and also very poore men men <sup>2</sup> and not able to sue agaynst him nor hathe no remedy but onely to sue + + + + + majestie of your moost gracious goodness + + + + + said Councell, To call before your Maiestie (and) your saide C(ouncell) + + And to take order in the premisses, that your poore oratours accordinge to Justice Right and Good Conscience maye peasably enioy all the premisses payenge ther olde accustomed Rentes & fynes, accordinge as they and their Auncestours have done, tyme out of mynde of man. And your saide poore oratours shall daylie pray to God for the prosperous preseruacon of your maiestie in your mooste Royall Estate longe to Reigne, And for Your mooste honorable Councell longe to contynewe.

*Endorsed.* + + <sup>3</sup>

xxj October.<sup>4</sup>

The Tenautes and Inhabitautes of Stenscker and Halkergarthe <sup>5</sup> in Whitby strande in the Countie of Yorke desire to haue Sir John Yorke caled before the Counsaile & to take ordre that your orators may haue + + + +

temp. Elizabeth, this last form of 'gressom' was restricted to cases where the change of the lord was the act of God ('Coke upon Littleton,' 74).

<sup>1</sup> As a matter of fact, as they probably very well knew, York was at this time in prison in the Tower for complicity in

Northumberland's plot against Mary's succession. He was released October 18, 1553. (Wriothesley's 'Chronicle,' p. 92; 'Chronicle of Q. Jane,' &c. p. 32.)

<sup>2</sup> Sic, repeated. <sup>3</sup> MS. illegible.

<sup>4</sup> 1553. <sup>5</sup> See p. 198, n. 6, supra.

## The Names of the tenautes of halkegarth &amp; stanseker.

	The old Rent.	The new Rent	& the fyne.
ffirst John Coward . . .	xxiiij s. . .	iiij li. xvj d. . .	xxxiiij s. iiij d.
De henry Russell . . .	xliij s. xj d. ob. . .	iiij li. viij s. iiij d. . .	iiij li. vj s. viij d.
De elisabeth postgate, wedow	xviiij s. x d. . .	xlj s. v d. . .	xviiij s.
De thomas Robynson . . .	xij s. xjd. ob. . .	xl s. vij d. . .	xxxiiij s. iiij d.
De John Robynson . . .	x s. ij d. . .	xxxiiij s. iiij d. . .	xxxiiij s. iiij d.
De James Browne . . .	xvj s. jd. . .	xxxvj s. x d. . .	xxiiij s. vj d.
De Robert lyne . . .	xvj s. iiij d. . .	xxxiiij s. x d. . .	xiiij s. iiij d.
De John Nattris . . .	vij s. viij d. . .	xv s. . .	x s.
De Robert Stor . . .	xxiiij s. v d. . .	l s. ij d. . .	xv s.
De thomas Coward . . .	xiiij s. ix d. . .	xxxj s. . .	ij s. vj d.
De thomas hodshon . . .	xx s. v d. . .	l s. viij d. . .	xxiiij s.
De Wylliam Walker . . .	vij s. iiij d. . .	xvij s. . .	v s.
De henry tomson . . .	xj s. ij d. ob. . .		
De henry Couerdail . . .	xv s. . .	xxxvj s. . .	xj s. viij d.
De Nicholus Grame . . .	xxij s. vj d. . .	xlvj s. viij d. . .	iiij s.
De Wylliam Postgate . . .	xxviij s. vij d. . .	iiij li. vj s. viij d. . .	xxiiij s. vj d.
De Wylliam Brown . . .	xiiij s. iiij d. . .	xxvj s. viij d. . .	xxiiij s. x d.
De Robert Jefrayson . . .	xiiij s. . .	xxx s. . .	iiij s. iiij d.
De William Bois & Robert Jefrason . . .	xxxviij s. viij d. . .	iiij li. vj s. viij d. . .	xiiij s. iiij d.
De Robert Barker . . .	xiiij s. vj d. . .	xxx s. . .	ij s. viij d.
De Xrofer Jefrayson . . .	x s. viij d. . .	xxvj s. viij d. . .	iiij s. iiij d.
De Ric. colson & Isabell col- son wedow . . .	xxxj s. . .	iiij li. ij s. . .	
De Robt. Sutton & Kateryn Sutton wedow . . .	xxiiij s. iiij d. . .	liij s. iiij d. . .	xxxvj s. viij d.
De thomas postgate yonger & henry Russell . . .	xxvij s. vj d. . .	iiij li. vj s. viij d. . .	xxxviij s.
De thomas postgate thelder . Suthwait house.	xviiij s. iiij d. . .	xlvj s. viij d. . .	xxiiij s. iiij d.
De Robt. huntrodes . . .	l s. ij d. . .	v li. xvj s. viij d. . .	vij s.

at lammas last past<sup>1</sup> my ladieyorke,<sup>2</sup> at Whitbie, ernestlie demaundyd of the seyd Robt. michelmes ferme before hand, in somuche he durst not hold it but payd it to her, the summe of . . . lviij s. iiij d.

De Wylliam Jakson, likewise paid xx s. for his ferme aforehand

De Maryonhuntrodes, wedow l s. ij d. . . v li. xvj s. viij d. vij s.

Summa xxviij li. xix s. viij d. ob. Summa lxiiij li. ix s. ix d. Summa xxiiij li. xv s. viij d.

*Endorsed.* Billa versus Yorke.<sup>3</sup>

<sup>1</sup> 1 August 1553.

<sup>2</sup> Anne, daughter of Robert Smyth of London, Esq., and widow of — Paget (Harl. Soc.' i. 81), but, according to another pedigree, Paget was her second husband (ib. xvi. 357).

<sup>3</sup> Sir John Yorke or York, son or grandson of Sir Richard York, mayor of the staple of

Calais (cp. Harl. Soc. supr. cit.), himself a merchant of London (S. P. Dom. H. 8, ix. 263 and 217). He was in 1550 Treasurer of the Mint in Southwark (S. P. Dom. E. 6, x. 45, cf. p. 203, infra). He died 1569 (ib. xv. 99). For further particulars of the family see R. Davies, 'Extracts from the Municipal Records of York' (1843), pp. 122-4.

ORDERS AND DECREES.<sup>1</sup>

xliiiij<sup>o</sup> die Octobris anno Regni Regine Marie primo.<sup>2</sup>

Be yt Remembrid that the cause brought afore the Quenes Counsaill in her maiesties Courte of Requestes at the sute aswell of Robert Stor as William Poskett and William Browne Tenauntes to syr John Yorke Knight in the Lordeshipp of Whytbye in the Countie of Yorke Ys Nowe Orderid by the saide Counsaill by thagrement of the saide syr John Who hathe promised that the saide parties afore named and euery of them shall haue and quietly enioye theyr tenementes and holdes During the yeres and termes in theyr leases and copies yet enduring payeng theyr Rentes and ffermes accustomed without any his intervpeion to the contrary or anye other by him or in his name or procurement.

UVEDALE v. YORK.<sup>3</sup>

## A. To our dreade soueraine Ladie the Quene.

1554

In most humble wyse complaynith shewith vnto your highnes your graces subiecte & seruauante Auere Vuedale,<sup>4</sup> That whear the late Abbott & convent of the late dissolved monasterie of Bylande<sup>5</sup> in your graces countye of Yorke by their deede indentid vnder their convent seale bearinge date the last daye of November in the xxix<sup>th</sup> yere of the raigne of our soueraine Lorde Kynge Henrye the Eight<sup>6</sup> dyd demyse graunt & to ferme lett to John Vuedale Esquier<sup>7</sup> all their mynes & myneralls of leade & cooles within their late manor at

<sup>1</sup> Vol. ix. p. 173 b.<sup>2</sup> 1553.<sup>3</sup> Mr. Hunt's Cal., Bundle 22, No. 4.

<sup>4</sup> The petitioner Avery or Alvered Uvedale, of Marrick, co. York, was the son and executor of John Uvedale or Woodall (see n. 7). In 1551 Avery Uvedale is styled in Letters Patent 'Serjeant at law & one of the gentlemen ushers of our chamber.' This explains his description of himself as 'servant' to the Queen. For further particulars of him see J. B. Nichols, 'Collectanea Topographica et Genealogica' (London, 1838), vol. v. pp. 246-53. The name was written variously as Uvedale, Vvedall, Vuedale, Woodall, &c., Vuedale being simply the old typography for Uvedale.

<sup>5</sup> On the 30<sup>th</sup> Jany. in the 28 of H. 8 (1537) Byland Abbey was by the king's Letters Patent preserved from the dissolution of the

lesser monasteries and re-founded; but in the 30<sup>th</sup> of H. 8 (1538) it was surrendered, the Abbot and monks receiving pensions. The site and most of the demesne lands were granted in the 32<sup>nd</sup> of H. 8 to Sir William Pickeringe, knt., in whose family they continued in the reign of Queen Elizabeth. Dugd. 'Monast.' v. 345. But see page 203, n. 2.

<sup>6</sup> 1537.

<sup>7</sup> John Uvedale, which name he adopted in lieu of his patronymic 'Woodall,' appointed in 1516 writer of the pells in the Exchequer (S. P. Dom. H. 8, ii. 1. 2736), became secretary to Queen Anne Boleyn in 1533 (ib. vi. 299, 1176). Doubtless through her influence he obtained, in that year, in conjunction with Cromwell and others, a twenty-one years' lease of the lead mines of Dartmoor

Netherdale in the Countye aforesaid to haue occupye and inioye to the saide John Vuedale his executors and assignes for and duryng the full terme of xl yeres then nexte foloyng and after the said John Vuedale made his last wyll & testament and of the same made the said Avere Vuedale his sone his executor & dyed, and the saide layte Abbote and conuent by there saide ded indented gaued and graunted to the said Auerye Vuedale his executors and assyngnes all manar of necessaric tymbre for makyng workyng and vpholdyng of the said mynes & mynerals and of either of them duringe the said terme of xl<sup>th</sup> yeres to be taken of the woodes standyng & growing within anye place of the said manor at Netherdale at the sight and delyuerie of the Kepar of the same woodes as often as neade shulde require; paying therefore yerelye vnto the said Abbott & conuent & their successours at the grownde where the said Leade ewre or cooles bee or shalbe dygged or gotten three lodes of Ewre of Coole or Leade at & of euery xx<sup>th</sup> lodes there gotten accordinge to suche weight & measure as neretofore it hathe ben accustomed to be delyuered within the said manour or lordship. And by the said Indenture it was provided that if the said John Vuedale his executors or assignes at anye tyme during the said terme of fourtye yeres shulde leaue of & not intromytte or putt in vse the said misterie or occupacion of gettyng of leade or cooles within the said manor by the space of ij whole yeres to githers, That frothensforth the said lease shuld cese & be determined. So it is most gracious soueraine Ladie that of late your said subiecte & seruauante at & by his great costes & charges in mynyng there hathe gotten xxxvij<sup>th</sup> lodes of leade Ewer; <sup>1</sup> which xxxvij<sup>th</sup> lodes one Sir John Yorke knyght<sup>2</sup> who hathe purchased the inheritauce of the said

Forest (ib. 1176, 1457), though this was not his first mining venture, for in 1529 he obtained a lease from the Crown of all iron and coal mines in the waste of the manor of Barnard's Castle, Durham (ib. iv. iii. 5336). He was secretary to the Council of the duke of Richmond, son of Henry 8, in 1536, and afterwards secretary to the Council of the North (S. P. Dom. H. 8, xi. 164, 4, xii. i. 615, 917, &c.). He was a commissioner for the trial of the Northern rebels in 1537 (ib. 1207 [1]), and a member of the Council of the North in the same year (ib. ii. 914). He was a zealous supporter of Cromwell's ecclesiastical policy (ib. xiii. ii. 534), and was a commissioner to take surrenders of religious houses in 1539 (ib. xiv. ii. 141, 147, 175, 663, 671). Under Ed. 6 in 1547 he was Treasurer of the garrisons of the North (S. P. Dom. E. 6, Addenda, pp. 335, &c.)

in which capacity his name appears for the last time in the S. P. Dom. in 1548 (ib. p. 384). He is described as 'late Treasurer in the North' in the Acts of the Privy Council for Jan. 28, 1549-50. His death probably occurred early in 1550. His will was proved by the plaintiff in this case on 2 March 1550.

<sup>1</sup> 'The load of Lead doth consist of 30 Formells.' A Formell was 'six stone except two pounds & every stone doth consist of 12 pound . . . by which the sum in the Formell is 70 lb.' W. Sheppard, 'Of the Office of Clerk of the Market, &c.' London, 1665, p. 55, citing a 'Tractatus de Ponderibus & Mensuris,' temp. Ed. I., B.M. Cotton MSS. In this case then the yield was 675 cwt. of lead.

<sup>2</sup> For Sir John Yorke or York see p. 200, n. 3.

manor<sup>1</sup> mynes & mynerals aforesaid about the feast of Saint John Baptist last past<sup>2</sup> wrongfullye & without anye good colour of Tytle tooke awaie the said xxxvj<sup>ti</sup> lodes of Ewer out of the possession of your said subiecte & seruaunte. And moreover whear your said subiecte hathe of late had & and yet hathe great neade of woode and tymbre for the making woorkyng & vphoklyng of the said mynes & mynerals, and hathe diuerse & sundrie tymes made seuerall requestes aswell to the said sir John Yorke as to the kepars or officers of the same woodes for the delyuerie of necessarie tymbre for the said mynes and mynerals, yet aswell the said sir John Yorke as the said kepars & officers to delyuer anye tymbre or woode for the same to your said subiecte & seruaunte haue alwaies hitherto & yet doo refuse with that your said subiecte & seruaunte wyll auerr that aswell the said John Vuedale his father after the said lease of the premisses to him made at anye tyme during his lief, nor your said subiecte & seruaunt neuer sythens the deathe of the said John Vuedale hathe successed or lefte of the vse exercise & ocupacion of the said misterie or ocupacion of mynerie & gettynge of Leade or coles by the space of ij whole yeres together but hathe yerelye & continuallye exercised & vsed the same without anye suche intermission. And wheras vpon the contraversie & of the said matter before this tyme moved betwene your said subiecte & seruaunte & the said sir John Yorke the same matter was by their bothe assentes referred to the hearing & order of Robert Brooke Esquier Sergeant at the Lawe & Recorder of London<sup>3</sup> and Rafe Rowkebye Esquier serient also at the Lawe<sup>4</sup> who vpon the hearinge of the discourse of the said matter toke order that the said sir John Yorke sholde derecte his letter to his offycers at Netherdale aforesaide aswell for the restytucion and redelyuere of the said xxxvj<sup>ti</sup> lodes of leade vre as for suffycient tymbre for the making and vpholdenge of the saide mynes and mynerales, the said sir John Yorke

<sup>1</sup> The grantees of this manor upon the Dissolution appear to have been Richard Seven and George Buck (App. II. to the 10th Rep. of the Deputy Keeper of the Public Records, p. 267), but it was purchased by Sir J. York from Sir Thomas Gresham, T. D. Whitaker, 'Hist. of Richmondshire' (1823), ii. 111.

<sup>2</sup> June 24, 1553.

<sup>3</sup> Robert Brooke of the Middle Temple became Recorder of London in 1545, and sat for the City; serjeant-at-law Oct. 17, 1552; Speaker April 2, 1554; C. J. of the Common Pleas Oct. 8, 1554; died Sept. 6, 1558. Foss's 'Lives,' v. 361.

<sup>4</sup> Ralph Rokeby, of Lincoln's Inn, made serjeant-at-law in 1552. He belonged to a family of the N. E. of Yorkshire (S. P. Dom. H. 8, xiv. i. 652, 7), and a letter written to Cecil by James Pilkington, Bp. of Durham in 1561, recommending him for a place in the Council at York, describes him as 'of a good house, religious, honest, and zealous,' which sufficiently accounts for his receiving no judicial promotion under Q. Mary (S. P. Dom. E. 6, Addenda, p. 511). He became Master of St. Katharine's near the Tower some time before 1580 (S. P. Dom. E. 6, vol. cxxxviii. 34).

nevertheles refused to subscribe the saide letter conterary to his owne said submission, soo that youre said subiecte and seruant is not only gretely damnyfed by the said extorte iniurie of the said sir John Yorke to him doon by the takinge awaye of the said xxxvj<sup>ti</sup> loodes of leade Ewre wherof your said subiecte might haue gathered & gotten vij fowther<sup>1</sup> of leade which is nowe worthe to be soule for viij li. euerye fowther,<sup>2</sup> but also for lacke of the said tymbre to him to be ministered & delynered in fourne aforsaid dothe daylye & shall daylye lose his profytt, of the said mynes & mynerals which els he shulde haue taken & gathered toghether. In consideracion wereof & for asmuche as your said subiecte is seruauante to your Highnes<sup>3</sup> & also not able to maynteyne his sute against the said sir John Yorke at the comen lawe, It may therefore please your excellent highnes of your abundante grace to graunte your graces wrytte of pryvie seale To be directed to the said sir John Yorke commaundyng him therbye forthwith personallye to appere before your Highnes & your honorable Counsell in your Courte of White Haule to make answer to the premisses & there to stande to suche ordre & direction as by your Highnes & your said honorable counsell shalbe therin taken. And your said subiecte & seruauante shall daylye praye to God for the most noble and prosperous Reigne of your Highnes longe to endure.

FULLERE.<sup>4</sup>

*Endorsed.* Vuedale versus York.

*In another hand.* Vuedale versus Johannem Yourk militem.

b. Thauswer of sir John York knight to the bill of complaynt of Aveye Vuedale.

The said defendaunt by protestacion not knowing any parte or substance of the matters mencioned in the bill of complaynt to be

<sup>1</sup> A fother or fodder of lead weighed 20 cwt., but it seems to have varied by the custom of the country. In London it was 19½ cwt. or 2,184 lbs.; in Hull 2,340 lbs.; in Northumberland 21 cwt. W. Donisthorpe, 'A System of Measures,' London, 1895, p. 209.

<sup>2</sup> This is probably an exaggerated estimate, even allowing for discrepancies in the fother. Rogers returns no prices between 1550, when it was £5 10s. 6d., and 1556, when it was £6 16s. The average for this decade was £6 19s. 6d., in itself a great advance on the average of £4 15s. 2d. for 1541-50. 'H. A.' iv. 486, 488.

<sup>3</sup> The sovereign's servants had a right

to audience in the Court of Requests. See p. 17, n. 5, *supra*.

<sup>4</sup> Probably John Fuller, elected Reader of the Inner Temple in 1550 and 1556; a Bencher in 1553; Treasurer, 1559, 1560 and 1561. F. A. Inderwick, 'Calendar of the Inner Temple Records,' i. (1896), pp. 157, 158, 170, 187, 202. In the Hist. MSS. Comm. (1888), Cal. of MSS. of Lord Salisbury, Pt. II, p. 214, No. 632 is a letter from John Fuller to Lord Burghley, dated Oct. 12, 1578, describing the proceedings in a Chancery suit begun in Mich. Term 13 Eliz. (1570) between Aveye Uvedal, plaintiff, and John Fuller, defendant, and asking to have it referred to Burghley's decision.



true, for aunsver saith that the said byll of complaynt is incerten and insufficient in the lawe to be aunsweyrd vnto, and that the matteres therin conteynyd be onely contrived feynyd and imagyned of malyce agaynst the said defendaunt to thentent to put the said defendaunt to Costes Expences vexacyon and troubles without any juste grounde or cause reasonable, of the insufficiency wherof he demaundith Juggement. And if the same matteres were true as they be not in dede yett the same be matters determynable at the common lawe and not in this honorable courte, wherunto the said defendaunt prayth to be remytted. All whiche matters the said defendaunt is Redy to averr and prove as this honorable Courte shall awarde, And prayth to be dysemyssyd with his reasonable Costes and charges for his wrongfull vexacion by hym in this behalffe susteynyd.<sup>1</sup>

CARNE.<sup>2</sup>

GUNNE v. FLETCHER.<sup>3</sup>

To our soveraigne ladie the Quenes moste excellent Maiestie.

1569 In mooste humble wise complayninge shewith vnto your Highnes your poore subiecte and daylie Oratour Richard Gunne of Duresley in the Countie of Glocester clothier That whereas one Richarde Fletcher of Strowedewater in the said countie of Glocester clothier aboute eaightenth yeres last paste<sup>4</sup> did bargaine and sell vnto one Hillarius Vansoile estranger and Marchaunte of the styllyard in London foure and twentie brode clothes called stoppliste reddes<sup>5</sup> for the price of one hundred sixe and thyrty poundes or there aboutes, parte whereof the said Richard Fletcher did then presentlie receive of the said Hillarius Vansoile, and toke assuraunce of the said Hillarius Vansoile for the full payment of the residue to be paid at certaine dayes and tymes as betwene them was then agreed vpon, And afterwarde the liberties and customes of the company or felloweshippe of the marchauntes of the stylliard being resealed<sup>6</sup> the said Hillarius Vansoile did breake and was banqueroute, wherevpon the said Richard

<sup>1</sup> No further proceedings found. It is possible that Sir John York's real defence was based on the Act 31 H. 8, c. 13 § 5, which avoided all leases or grants made by the abbots &c of houses dissolved within a year before the dissolution, of lands not usually let to farm or not reserving the old rent ('An Acte for Dissolution of Abbeys').

<sup>2</sup> This is the signature of Sir Edward Carne, the diplomatist, who had returned to

England about this time and acted as Master of Requests (see p. cxix, n. 131, supra). See further in the case of Kent and others v. Seyntjohn, p. 98, n. 5, supra.

<sup>3</sup> Mr. Hunt's Cal., Bundle 25, No. 240.

<sup>4</sup> 1551.

<sup>5</sup> See p. 208, n. 2, infra.

<sup>6</sup> Decree of the Privy Council, Feb. 24, 1551-52. This decree was annulled by a convention dated 24 October 1553. B.M. MS. Lansd. 170. fo. 238.

Fletcher demaunded paymente for the said clothes at your said subiectes hand, and exhibyted his bill of complaynte into this your highnes courte, surmisinge moste vnrullie the clothes to be bought by the said Hillarius Vansoyle as factour vnto your said subiecte, and vnto the vse of your said subiecte, and that he had receaved fyftie poundes percell of the said hundred sixe and thirtie poundes by the appoyntment of your said subiecte, and that your said subiecte did often tymes promese hym payment of the resydue of the said hundred sixe and thirtie poundes, and that the said clothes came vnto the handes of your said subiecte Richard Gunne accordinge to the entent of the forsaid bargaine, and that your said subiecte did openly avowe that the said Clothes were his and had boughte them, and paid for the dressinge of them, and shipped the same over the see, as his owne proper goodes, and paid custome for them accordinglie,<sup>1</sup> all which matters were moste false and vnrue surmises as afterwarde did manifestelie appere vnto this your Highnes court, vpon the answere of your said subiecte, for in trothe the said clothes at that tyme beinge and lyinge in the custodie and keapinge of one Margarette Bourne wydowe were sold vnto the said Hillarius Vansoyle then beinge a marchaunt straunger and one of the company or Fellowshipe of the styllyard in the cite of London<sup>2</sup> to his owne only vse and behoof, but for what sommes of money or vpon what dayes of payment the said clothes were then sold your said subiecte dothe not knowe, but vpon the foresaid surmised bill of complaynte and by the speache of the said Richard Fletcher, for your said subiecte was not presente at the makinge of the said bargaine nor yet privie or consentinge therevnto, but then was at Duresley in the said countie of Glocester where duringe the tyme of his abode the said Richard Fletcher told vnto your said subiecte that he had solde foure and twentie brode clothes vnto the foresaid Hillarius Vansoyle which were then lyinge at the house and in the kepinge of one Margaret Bourne and also requested your said subiecte at his comminge to London that he would receive the

<sup>1</sup> This was an important point in determining the ownership, for in 1536 whereas English exporters paid 2s. 4d. a cloth in 'whole grain,' i.e. dyed scarlet, the merchants of the Steelyard or Hanse paid 2s. only. See G. Schanz, 'Englische Handelspolitik,' ii. 6 (Leipzig, 1881). There was, therefore, no object in this case in shipping them in an English exporter's name unless they were really his. Cf. 1 H. 8, c. 5 ('An Acte for the Trewe Payment of the Kinges Customes').

<sup>2</sup> Next to this lane (Cosin Lane), on the

east is the Still-house or Still-yard, as they term it, a place for Merchants of Almaine, that used to bring hither as well wheat, rye and other grain, as cables, ropes, masts, pitch, tar, flax, hemp, linen cloth, wain-scots, wax, steel, and other merchandises.' Stow, 'Survey,' i. 520. 'Der Name rührt angeblich daher, dass dort die aus Deutschland eingeführten Tuche "gestalt," d. h. gestempelt, wurden.' Meyers 'Konversations-Lexikon' (Leipzig, 1897), sub 'Stabilhof.'

said clothes of the said Margaret Bourne and delyuer them vnto the said Hillarius Vansoyle. And after that your said subiecte had returned home againe into the Citie of London the said Hillarius Vansoyle comminge vnto your said subiecte, did like wise declare vnto hym that he had bought of the said Richard Fletcher the foresaid foure and twentie clothes, and that the said Richard Fletcher requested that your said subiecte wold fetch the said clothes from the said Margaret Bourne, and to pay her for the Tackinge and lyinge of the same clothes there, and the said Hillarius Vansoyle at the same instaunte tyme did desyer and requeste your said subiecte to send the said clothes (when he had receaved them of the said Margaret Bourne) vnto the howse of one Jacob Vanhowe marchaunte Straunger then dwelling in the Tower streate in London, and the said Hillarius Vansoyle then gave vnto your said subiecte eaight shillinges to pay vnto the said Margaret for the Tackinge and lyinge of the said clothes, wherevpon your said subiecte knowinge the said Hillarius Vansoyle to be a great occupier and reputed and esteemed within the citie of London to be a man of greate welthe, meaninge to satisfie the requeste of the said Richard his neare kynseman (accordinge to his appoyntement and accordinge to the requeste of the said Hillarius Vansoyle) went vnto the said Margaret Bourne, who then declared vnto your said subiecte that the said Richard Fletcher at his beinge with her in London appoynted her the said Margaret Bourne to delyver to your said subiecte the said clothes for the behoof of one Hillarius Vansoyle marchaunt of the Stylyard, and that your said subiecte should pay vnto the said Margaret for the tackinge and lyinge of the said clothes, whiche said clothes your said subiecte did then receave and paid vnto her for the tackinge and lyinge<sup>1</sup> of them eaight shillinges, which the said Hillarius had before that tyme delivered vnto hym, whiche said clothes your said subiecte presentlie vpon the receyte of them, did cause to be sent and conveyed (accordinge as he was willed and appoynted by the said Hillarius) vnto the howse of the said Jacob Vanhowe in Tower Streate aforesaid. And whether the said Hillarius Vansoyle did ever paye and satisfie the said Richard Fletcher for the said clothes or no your saide subiecte dothe not knowe, all whiche foresaid matters your said subiecte did alledge then in his answere that he put into this your maiesties courte to the then surmised bill of complainte of the said Richard Fletcher as most playnlie vnto this Courte it dothe and may appere, wherevpon the said Richard Fletcher did then surcease and gave vpe his said sute to

<sup>1</sup> I.e. steeping in lye.

trouble your said subiecte any further therein, which is seaventene yeres paste<sup>1</sup> or more vntill nowe of late that the said Richard seinge that he could not prevaile against your said subiecte in his former suite haue through synister practise and indirecte meanes confederated together with one George Fletcher his brother that the said George should take vpon hym that nyne of the said clothes were his (where before in his surmised bill of complainte the said Richard Fletcher claymed all to be his owne), and he the said Richard Fletcher to be vsd as a wittenes in the matter. So it is if it may please your Highnes that the said George Fletcher by this synister practise and subtyll confederacy betwene his said brother and hym haue commenced an accion against your said subiecte in London, and there haue declared againste hym supposinge that were he was possessed of nyne brode clothes called Stoplist redde<sup>2</sup> whiche by casualtie were loste and are nowe come vnto the handes and possession of your said subiecte, wherein trothe your said subiecte never had any suche clothes of the said George Fletcher, nor yet of the said Richard Fletcher, nor never boughte or sould with either of them, or had other dealinges with them, but onlie that he did receave the foresaid foure and twentie clothes of the said Margaret Bourne, which the said Richard Fletcher had sould vnto the said Hillarius Vansoile, which your said subiecte conveyed vnto the foresaid Jacob Van Howe, according vnto the appoyntment of the said Richard Fletcher and requeste of the said Hillarius Vansoyle who had bought the same, but your said subiecte feareth the lesse that the said Richard Fletcher vpon the triall of the matter should come in and geve corrupte and vniuste evidence to cause the jury passe againste hym and also to put hym in daunger of the said clothes which he never had, whiche would be vnto your said subiecte a greate hynderaunce: In tender consideracion whereof and for as muche as the matter hath bene begonne firste in this your highnes Court, where he should haue had his iuste remedie yf any suche matter had bene true, And for as muche as your said subiecte shall stonde in greate daunger vpon the trial in London for that he supposeth the wittenes wilbe parcial and affectionated<sup>3</sup> and that witteneses of your said subiecte nowe dread to prove that your said Subiecte when he receaved the said clothes of the said Margaret Bourne and deliuered them over vnto the said Hillarius Vansoyle was

<sup>1</sup> 1552.

<sup>2</sup> I do not find this variety of cloth mentioned in Rogers, 'H. A.' iii. iv., nor in S. W. Beck, 'The Draper's Dictionary' (n.d.).

<sup>3</sup> Perhaps because of the extreme un-

popularity of the Hanse in London. See the 'Informacion of thenglisshe merchantes against the merchants of the Stilliarde,' Dec. 1554. S. P. Dom. Mar. iv. 36.

by the appoyntment of the said Richard Fletcher which he now denyethe contrarie to equitie and good consciens, And for that your said subiecte can not compell the said Richard Fletcher and George Fletcher to answere vpon their othes vnto the premisses by order of the common lawe of this Realme. May it therefore please your Highnes to graunte vnto your said subiecte your Maiesties mooste gracious Writte of privie seale and Iniunction to be directd vnto the said Richard Fletcher and George Fletcher commaundinge them and either of them thereby to be and personallie appere before your Highnes in your mooste gracious Courte of Requestes then and there to answere the premisses, And also that they nor either of them doe attempte pursue prosequute or proceade in any accion or accions sute or sutes at the common lawe or in the marches of Walles for the said clothes, but that they and either of them doe stand and abide suche order and direccion herein as by your Highnes shalbe thought to stand withe equitie and good conscience. And your said subiecte accordinge to his bounden dutie shall dailie praie to Almightye God for the preservacion of your Highnes mooste prosperous Raigne withe muche joye and felicitie long to continewe.

WIKES.<sup>1</sup>

*Endorsed.* Gunne querens Fletcher defendens.<sup>2</sup>

<sup>1</sup> Probably counsel's signature. I can find no particulars of this person. There was a Gloucestershire family of the name of Wikes or Weekys, one of whom, Nicholas Wykes, was on the commission of the peace for 1540. S.P. Dom. H. 8, xv. 282, 35.

Sir R. Atkyns, 'Gloucestershire,' 207; S. Rudder (1779), 297. This is perhaps Thomas Wykes, admitted to Lincoln's Inn May 2, 1557. Linc. Inn Admission Register (1896), i. p. 64.

<sup>2</sup> No further proceedings found.



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\* For further information on these Records, see the valuable and learned "Guide to the Principal Classes of Documents preserved in the Public Record Office," by S. R. SCARGILL-BIRD, F.S.A. (London: Eyre & Spottiswoode, 1897.)

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The Society has also contemplated the collection of materials for an ANGLO-FRENCH DICTIONARY, for which practical instructions have been kindly drawn up by Professor Skeat. The Council will be glad to receive offers of help in this collection with a view to future publication.

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# Selden Society.

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FOUNDED 1887.

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1. The Society shall be called the Selden Society.

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6. The President, Vice-Presidents, and Members of the Council shall be elected for three years. At every Annual General Meeting such one of the President and Vice-Presidents as has, and such five members of the Council as have served longest without re-election, shall retire. For the purpose of this rule the existing President shall be deemed to have been elected for three years from March 1895, one Vice-President from March 1896, and the other Vice-President from March 1897.

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16. An Annual General Meeting of the Society shall be held in March 1896, and thereafter in the month of March in each year. The Council may upon their own resolution and shall on the request in writing of not less than ten members call a Special General Meeting. Seven days' notice at least, specifying the object of the meeting and the time and place at which it is to be held, shall be posted to every member resident in the United Kingdom at his last known address. No member shall vote at any General Meeting whose subscription is in arrear.

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*March 1897.*

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