

Rose Taverner: Actions in the Court of Chancery

All documents referenced are in the National Archives, Kew, Richmond, London.

1. Robertson v. Rose Taverner

C 1/1259/14

[1549?]

To the right honorable Sir Richard Rych knight
Lord Rych and Lord Chauncellor *of* England

In most humble wyse sheweth and *complayneth* vnto *your* honorable lordshipe *your* dally orator Anthony Robertson of Boston in the countie of Lincoln that whereas *your* said orator and one William Kydd of Boston aforesaid by their obligacion and dede obligatorye war bounden vnto one John Taverner in thesome of xxli to be payed at a certen daye conteyned in thesaid obligacion and dede obligatorye as by thesame dede obligatorie more planly it dothe appere The *which* said some of xxli *your* said orator dyd truly content and pay vnto thesaid John Taverner abowte vij yeres nowe past And at the tyme of the payment of thesaid some of xxli thesaid John Taverner hadd not then thesaid dede obligatorie redy to delyuer vnto *your* said orator Neverthelese he dyd then faithfully promyse vnto *your* said orator that he wold seke vp the said dede obligatorie and the same delyuer vnto *your* said orator in shorte tyme after And *your* said orator knowing thesaid John Taverner to be a verye honest man and havng an especyall trust and confidens an his wordes and promyse was then contented to departe *without*e thesame obligacion and to take thesame of thesaid John Taverner at a nother tyme when it shuld fortune hym to fynde it And after thesaid John Taverner dyd make great serche amongst his wryttinges And especyally for thesame obligacion to thintent he wold thesame have delyuered vnto *your* said orator according vnto his promyse and as of ryght he ought for to do / The whiche obligacion thesaid John in his lyffe tyme cold never fynde And after thesaid John dyed thesaid obligatorie not delyuered vnto *your* said orator And so it is nowe ryght honorable Lord that one Roose Taverner late wyf of thesaid John Taverner admynystrix *[sic]* of the goodes and catalles of thesaid John Taverner here husband who verye *prevelye* and craftelye hadd imbessellyd thesaid obligacion from thesaid John Taverner hyr late husband and thesame in his lyffe did secretlye kepe hath nowe of late *commensed* and taken here accion of dett vppon thesaid obligacion as admynystrix *[sic]* vnto thesaid John Taverner agaynst *your* said orator And for that *your* said orator hath not any acquyttanse or especyaltie of thesaid John Taverner to testyfie the payment of thesaidsome of xxli therfore *your* said orator can not nowe mynyster or plede any matter in barre of [i.e. to prevent] thesaid accion of dett a[1]thowghe [although] the money nowe demaunded by the said Rose Taverner was truly contented and payd vnto thesaid John Taverner in his lyffe Wherefore *your* said orator is now lyklye to be doble charged *with* the payment of thesaid some conteyned in thesaid obligacion onles *your* good lordshipe moved *with* pyttie and for the thadvancement of justice do provide some spedye remedy vnto *your* said orator in the *premysses* In consideracion wherof it may ples *your* honorable lordshipe the *premysses* considered to graunte the Kinges most graciose wrytte of subpena to be dyrected vnto thesaid Roose Taverner *commaunding* here by *vertue* of thesame and vnder a certen payne in thesame to be conteyned that she hereafter do not only no further *prosecute* hyr said accion of dett vppon thesaid obligacon against *your* said orator but also that she do *personally* appere before *your* honorable lordshipe in the Kinges most honorable courte of chauncerye at a *certen* daye and vnder a *certen* payne by *your* good lordshipe to be lymytted

and appoynted then and their to aunswere vnto the *premysses* and therin to abyde suche order as to *your* honorable lordshipe shalbe thowght consonante to equitye & conshiens And your said orator shall dally praye to Almyghtie God for the *preseruacion* of *your* good lordshipes estate longe to contynew /

Gerat¹

C 1/1259/15

Smyth
Judd

Thaunswere of Rose Tauernor *defendant*
to the vntrue bill of *compleynt* of
Antony Robertson *compleynant*

The sayd *defendant* seyth that the sayd bill of *compleynt* is vntrue incerten & insufficient in lawe to be aunswere vnto ^{and} dyvysid of purpose to molest vexe & dysquyete the sayd *defendant* without any just grounde or cause & the matter therin conteyned vppon the *compleynantes* owen confession deternynable at the comen lawe of the realme & nat in this honorable courte Wherfore the sayd *defendant* prayth to be dysmysyd with her resonable costes in this behalf susteyned Neuerthelesse if the sayd *defendant* shalbe compellyd by thorder of this honorable courte to make any further aunswere to the sayd insufficient bill then the sayd *defendant* thaduantage of the insufficiencie of the same bill to this *defendant* always savyd for further plee & aunswere to the sayd bill seyth that the said *compleynant* & William Kydde named in the sayd bill aboute six yeres past or therapon were & yet ben ioyntly & seuerally bounden by their wrytyng obligatorie to the sayd John Tauernor named also in the sayd bill in the somme of twentie poundes of lafull money of Englund whiche xx^{li} the sayd *compleynant* dyd owe to the sayd John long tyme before the making of the sayd wrytyng obligatorie and for asmuche as the sayd William was bounde by the said wrytyng obligatorie as a plegge and suertie for the said Antonye The same Antonye was therefore bounde ouer by his wrytyng obligatorie in the somme of xl^{ti} poundes to the sayd William Kydde to stand ~~har~~² harmlesse the same William his executors & admynistrators ayenst the sayd John Tauernor his executores & administrators of & for the sayd former wrytyng oblygatorie ^{and} of the sayd somme of xx^{ti} poundes wherin the said Antonye & William were & ben ioyntly & seuerally bounden as abouesayd which somme of xx^{li} mencioned in the said former wrytyng oblygatorie the said John Tauernor soundry tymes requered the same Antonye to paye to the same John And the said Antonye apon euery request then made of the said xx^{li} by the said John faithfully promysed payment therof to the sayd John at dyuers & soundry dayes betwext them appoynted for the payment of the same at whiche dayes the said Anthony woldnot pay the same but deferred & delayed the same John with faier wordes & fayned promyses & excuses the space of ij yeres or therapon after the tyme that the sayd somme of xx^{ti} poundes was due and payable to the said John And the said John Tauernor before the payment of the sayd xx^{ti} poundes or any parte therof to hym hade or made dyed intestate After whose decesse for that this *defendant* was the wiff of the sayd John the admynstracion of the goodes cattalles & dettes of the sayd John was therefore by the ordenary³ of the dyoces of Lyncoln lafully commytte to the sayd *defendant* as by the *letteres* of administracion of the said ordynary rady to be shewed pleyntly may appere by force wherof the sayd *defendant* hath lawfully administryd the goodes & cattalles of the

¹ Sir Gilbert Gerard?

² Deleted at the end of a line because of lack of space.

³ = the bishop.

sayd John as admynstratrixe to the said John her late husband & hathe soundry tymes demaunded the said xx^{ti} poundes of the sayd Antonye nowe commplaynant & the said Antonye albeyt he knoweth the same to be his very dett & due & oweng to the said defendant as admynstratrixe to her said late husband yet the sayd Anthonye to paye the same or any part therof hath always refused & yet doth Wherapon the said defendant hath commenced and pursued an accion of dett upon the said wrytyng obligatorie of xx^{ti} poundes ayenst the sayd compleynant as administratrixe of ^{the goodes & catalles of} her said late husband *without* that that the sayd Anthonye nowe compleynant dyd at any tyme contente & pay to the sayd John Tauernor the sayd xx^{li} or any parte therof as in the said bill is allegged / or that the sayd John Tauernor dyd at any tyme promyse or sey vnto the sayd commpleynant that he woold seke vp the said dede obligatorie & the same delyuer to the sayd commpleynant as in the said bill is also vntulie allegged or that the sayd John made serche amongst his wrytynges for the sayd oblygacion or wrytyng obligatorie to thentent he wold haue delyuered the same to the sayd commpleynant accordyng to his promyse / as in the said bill is allegged or that the sayd John ought of right to haue deliuered the same dede and wrytyng obligatorie to the said compleynant as in the said bill is allegged / or that the sayd John in his liffytyme could nat fynde the said obligacion / or that the said defendant imbesyllled the said oblygacion from the said John as in the said bill is allegged or dyd secretly keape the same from the said John as in the said bill is vntulie allegged or *without* that / that any other matter or thyng in the said bill mencioned matteriall to be aunswere vnto & herin nat aunswere vnto confessed & avoided or elles trauersed is or ben true all whiche matters the said defendant is ready to averre & proue as this honorable court shall awarde & prayth ^{as} she before hath prayed

Smythe

TNA C 1/1259/16

Gerrerd & Browne
Garth

The Replycacion of Anthony Robertson to the aunswere of Rose Tavernor

Thesaid complaynaunte saieth in all and euery thinge as he before in his said bill of complante hath saide and allegyth all and euery thing & matter mencyoned and specyfied in his said byll of complant to be good juste and trew in maner and fourme as he in his said bill of complaynte hath sayd and declarred And further saieth that there ys moche vayne and voyde matter conteyned in thawnswere of thesaid defendaunte whervnto this compleynaunte nedeth not to repley / *Without* that that thesaid compleyn[au]nte by fayre wordes and fayned promyses by thespace of twoo yeres dyd delaye thesaid John Taverner of and for the payment of thesaid some of xxli conteyned in thesaid obligacion after the tyme thesame was dew and payable as in thesaid aunswere it is vntully allegyd / Or that thesaid John Taverner dyed before thesaid some of xxli was to hym satsfyed and payid for thesaid complaynaunte saieth that he dyd truly content and pay thesaid some of xxli vnto thesaid John Taverner in his lyffe tyme in suche maner and fourme as in his said bill of complaynt yt is allegged And *without* that that the said some of xxli is dew and owing vnto thesaid defendaunt as admynstrixe vnto thesaid John Taverner or otherwise Or that thesaid xxli ys nowe the verye dett of this compleynaunte as in thesaid aunswere yt ys vntully allegyd And forasmuche as thesaid defendaunt in hir said aunswere hath fully confessed the havying and deteyning of thesaid obligacion the whiche justely appartayneth vnto this compleynaunte for that he hath trully satsfyed and payd thesaid some of xxli as afforesaid therefore thesaid compleynaunte prayeth that thesaid defendaunt by the order of this honorable courte may not only be enjoyned and commawnded to delyuer thesaid obligacion vnto this compleyn[au]nt but also that she may lykewise be commawnded to

surcese and *withdrowe* hyr said sute whiche she hath unjustely taken and commensed against thesaid complayn[au]nte vponn thesaid obligacion against all right and conshiens And *without*e that that any other thinge materyall in thesaid aunswere to be replyed vnto whiche here in this replycacion is not confessed and avoyded denyed or *traversed* ys trew. All whiche matters this compleyn[au]nte ys redye to *avere* and prove as this honorable courte shall awarde And prayeth that he maye have delyuery of thesaid obligacion *with* his costes and expensis in this sute susteyned &c

Gerrald

TNA C 1/1259/17

To the right honorable *Sir* Richard Ryche knight Lord Ryche and
Lord Chauncellor of England

In most humble wise sheweth and compleyninge vnto *your* good lordshipe *your* dally orator Anthonye Robertson of Boston in the countie of Lincoln / That where *your* said orator hertofore hath commensed a sewet before your honorable lordshipe in the kinges high courte of Chauncery against one Rose Tavernor late wif and admynystrix of one John Tavernor late of Boston deceased for and conserninge one obligacion or dede obligatorie of xxli wherin *your* said orator and one William Kydd of Boston afforesaid war ioyntelie bounden vnto thesaid John Taverner for the payment of thesaid xxli at a certen day conteyned in thesaid obligacion or dede obligatorie as by thesame more planly it doth appere Whichesaid some of xxli right honorable lorde was contented satisfied and payd vnto thesaid John Taverner in his lyffe tyme by *your* said orator at Mighelmas terme holden then in the towne of Saint Albons in the xxxv yere [1543] of the late king of famosse memorye henry theight deceased / Wherapon thesaid John Tavernor then not having thesaid dede obligatorie of xxli redy to delyuer to *your* said orator apou the payment of thesaid xxli / he dyd faithfully promyse to sek vpp thesaid dede obligatorie and thesame delyver vnto *your* said orator in shorte tyme after And *your* said orator knowinge thesaid John Taverner to be an honest man and havinge specyall trust and confidens in his wordes was then contented so to do Insomoch right honorable lorde thesaid John Taverner dyd afterward delyver thesaid dede obligatorie to one Petter Claye then beyng theseruante of thesaid John Tavernor to thintent thesaid Petter Claye shuld delyver thesame to *your* said orator as an acquytaunce in full contentacion and payment of thesaid xxli (so before contented and payd) whichesaid Petter Claye hadd thesame dede obligatorie in his costodye for theintent afforesaid abowte the space of ij or iij daies / And for that thesaid Claye colde not convenyently mett *with* *your* said orator by all thesaid tyme he dyd redelyver thesaid dede obligatorie vnto his said master John Taverner agane (who receyved thesame) And so it fortuneth that shortely after thesaid John Tavernor to dye / yoursaid orator havinge no knowleg of his seknes / And nowe right honorable lord cometh thesaid Rose Tavernor as admynystrix to heresaid late husbonde and fyndeth thesaid dede obligatorie vncancelled and commensed an accyon of dett against *your* said orator and thesaid William Kydd at the comen lawe of this realme / And wolde enforce yoursaid orator to be doble charged in the payment of thesaid dede obligatorie of xxli for that *your* said orator hath not any acquittan[ce] or especialtie of thesaid John Tavernor to testifie the payment of thesaid some of xxli by reason wherof yoursaid orator can not nowe mynyster or plede any matter in barre of thesaid accion of dett commensed by thesaid Rose Tavernor against yoursaid orator / So that yoursaid orator is clerly *without*e remedy by thedew order and course of the comen lawe of this realme / And for that *your* said orator hath heretofore made humble sewet before *your* honorable lordship and hath by *vertue* of the kinges supena brought vp thesaid Rose Tavernor to aunswere a bill in the Chauncery

(exibited by *your* said orator against here) before *your* lordshipe nowe redy depending conferminge thesame matter and so far in issew that thesaid Rose Tavernor and *yoursaid* orator dyd joyne in *commission* toguyther apon certen interrogatories mynstred aswell on the bihalf of thesaid Rose as on the bihalf of *your* said orator and the same *commission* fully certified in the bihalf of *your* said orator for the dew proffe of the contentacon and payment of thesaid xxli mencyoned in thesaid dede obligatorie / Wheras appon the settinge of thesaid *commission* thesaid Rose Tavernor beyng sent for by thesaid *commissioners* obstynately refused & denyed other to appere before thesaid *commissioners* or to bryng witnesses to prove good the interrogatories mynstered on the bihalf of thesaid Rose Tavernor *performinge* thesame / And all was no more right honorable lorde but to delaye and deffer the matter *commensed* against thesaid Rose in this honorable courte / That in the meane tyme the comen lawe myght have proceded to the condempnacion of *yoursaid* orator for thesaid xxli In consideracion of the premissis right honorable lorde that it myght ples *your* good lordshipe to graunte the *kinges maiestes* most graciose write of iniuncion to be directed to thesaid Rose Tavernor *commawndinge* and enyoininge here by *vertue* therof in thesome of CClⁱ [£200] to staye and surses thesaid sewet so *commensed* by thesaid Rose Tavernor at the comen lawe against *your* said orator and thesaid William Kydd for thesaid dett of xxli as also *commawndinge* thesaid Rose *personally* to appere before *your* good lordshipe in the *kinges* most honorable courte of Chauncery then and there to give here attendaunce vnto soche tyme as *your* good lordshipe wolle appoynte the herring of thesaid matter so hertofore beyng *commensed* before *your* honorable lordshipe and further that thesaid Rose Tavernor may stonde to suche order conserninge the *premysses* as to *your* good lordshipe shall seme to stonde *with* equitye and consiens And *your* said orator shall dallye praye to Almightye God for *your* good lordshipe longe in honor & helth to contyne

C 33/5, f.180

Chancery Orders and Decrees, 'A' book: Hilary term, 1550

http://aalt.law.uh.edu/E6/C33no5/IMG_8350.htm

[f.177: Post terminum *videlicet* xiiij^o die Februarij]

[After the term, namely the 14th day of February.]

Inter Robertson *querens*
et Taverner *viduam defendentem* }

Conceditur breue de iniuncione *versus defendentem* in forma sequenti Rex Rosie Taverner vidue ac *attornati* sue *attornatis* et *consiliarijs* suis *quibuscumque* & *eorum cuilibet* salutem / Quibusdam *certis* de causis coram nobis in *Cancellaria nostra* *propositis* vobis et *cuilibet vestrum* sub pena centum *librarum* de *terris* et *catallis vestris*. et *cuiuslibet vestrum* ad opus *nostrum* leuandum firmiter iniungendum *precipimus quod* nec tu / tu *prefate* Rosia nec vos vos *prefati* *attornati* et *consiliarij* nec aliquis *vestrum nomine* *predicte* Rosie aliqui' *accionem* seu *processum* alicuius *accionis* de *placito debiti* viginti *librarum*. *Processura iuratam iudicium* aut *execucionem* inde *versus* *Anthonium* Robertson et *Willelmum* Kydd coram *iusticiarijs* *nostris* de *Communi Banco* nec alibi vllo modo *prosequamini* nec *prosequatur* aliquis *vestrum* aliquo modo donec et quousque *materia* coram nobis in *dicta Cancellaria nostra* &c Et *vlterius* tibi tu *prefate* Rosie sub pena *predicta* *precipimus quod* *omnibus* alijs *pretermissis* et *excusacione* *quacumque* cessante in *propria persona* tua &c [*viz.* tua sis coram nobis in *dicta Cancellaria nostra*] *immediate* &c Et *habeas* ibi hoc breue Teste Rex apud *Westmonasterium* xxix^o die *Januarij* anno *regni Edwardi* vj^{ti} quarto [1550]

Powle

[Between Robertson, complainant,
and Taverner, widow, defendant.]

Let a writ of injunction be granted against the defendant in the form following: The King to Rose Taverner, widow, and to her attorneys and counsel whomsoever, and to each one of them without distinction, greeting. For certain causes set forth before us in our Chancery, we command you and any of you, under pain of one hundred pounds of your land and chattells, and each of you, being firmly enjoined to uphold our work, that neither you, you the aforesaid Rose, nor you, you the aforesaid attorneys and counsel, nor some one of you in the name of the aforesaid Rose shall pursue any action or proceed with any action concerning the plea of debt of twenty pounds. About to go forward is a jury trial, or the execution thereof against Anthony Robertson and William Kidd before our justices of the Common Bench. Neither elsewhere are you [plural] in any way to proceed, nor is any one of you to proceed in any other way as long as and until the matter has been before us in our said Chancery, etc. And furthermore to you, you the aforesaid Rose, under the aforesaid pain we order that, laying aside all other things and all excuses whatsoever, [you be] in your proper person, etc. [*viz.* before us in our said Chancery], immediately, etc. And have you there this writ. Witness the King at Westminster, the twenty-ninth day of January in the fourth year of the reign of Edward the Sixth [1550].

Powle]

C 33/5, f.208

Chancery Orders and Decrees, 'A' book: Easter term, 1550

http://aalt.law.uh.edu/E6/C33no5/IMG_8378.htm

[f.206v: Die lune *videlicet* quinto die Maij]

[Monday, namely the 5th day of May.]

Inter Robertson *querentem* } It ys ordered that the *plaintiff* shall putt hys byll into this court
et Taverner *defendentem* } to morowe *without* further delaye /

C 33/5, f.222

Chancery Orders and Decrees, 'A' book: Easter term, 1550

http://aalt.law.uh.edu/E6/C33no5/IMG_8393.htm

[f.221: Die mercurij *videlicet* xiiij die Maij]

[Wednesday, namely the 14th day of May.]

Inter Robertson *querentem* } *Publicacio conceditur inter partes predictas ex assensu*
et Taverner *defendentem* } *attornati coram Powle et Judd /*

[Between Robertson, complainant, } Publication is granted between the parties with the
and Taverner, defendant: } assent of the attorney before Powle and Judd.]

C 33/5, f.273

Chancery Orders and Decrees, 'A' book: Michaelmas term, 1550

http://aalt.law.uh.edu/E6/C33no5/IMG_8444.htm

[f.272v: Die lune videlicet xx^o die Octobre]

[Monday, namely the 20th day of October.]

Inter Robertson *querentem* } Materia inter eos audietur die Jovis proximo post meridiem
et Taverner *defendentem* } apud Rolles /

[Between Robertson, complainant, } The matter between them will be heard next Thursday
and Taverner, defendant: } afternoon before Rolles.]

C 33/5, f.283

Chancery Orders and Decrees, 'A' book: Michaelmas term, 1550

http://aalt.law.uh.edu/E6/C33no5/IMG_8454.htm

[f. 282v: Die lune xxvij die Octobre]

[Monday, the 27th day of October.]

Inter Robertson *querentem* } The hering of this matter is deferrid vntill *crastino*
et Rosam Taverner } Purificacionis next commyng and a *subpena ad audiendum*
viduam defendentem } iudicium is graunted against the said *defendant* to apere in this
court the said *crastino Purificacionis* at her perill /

[Between Robertson, complainant, } The hearing of this matter is deferred until the morrow of
and Rose Taverner, } the Purification next coming and a [writ of] subpoena to
widow, defendant: } hear judgement is granted against the said defendant to
appear in this court the said morrow of the Purification
at her perill.]

C 33/5, f.358

Chancery Orders and Decrees, 'A' book: Hilary term, 1551

http://aalt.law.uh.edu/E6/C33no5/IMG_8495.htm

[f.356: Die Jouis xxix^o die Januarij]

[Thursday, the 29th day of January.]

Inter Robertson *querentem* et } *Willelmus Osborne affidauit deliberacionem breuis de*
Taverner *defendentem* } *subpena defendentis ad audiendum iudicium* Powle

[Between Robertson, complainant } William Osborne has pledged the delivery of the writ of
and Taverner, defendant: } subpoena to hear judgement to the defendant Powle]

2. Robertson v. Salmon and Hodge

C 1/1379/48
[9 or 10 October 1554]

To the Right Honorable Lord the Byshope of Wynchester Lord Chaunclor of Englonde⁴

In most humble wyes suite and complaynethe vnto *your honorable lordshype your humble orator* Anthonye Robertsons of Toft⁵ in *the counnte* of Lyncoln esquyr that whereas *your late*⁶ orator and one Wylliam Kydde of the towne and counte aforseyd stonde bounden vnto one Johne Tauernor of the Towne of Bostone in the countie afforseyd *gentleman* in one synge oblygacyone for payment of xx^{li} *which* xx^{li} was payede in Mychaelmes terme howlliley, [= wholly] at Saynt Albonis in anno xxxv^{ti} Henrici Regis Octaui [1543] by the handes of one Thomas Paynell Esquyr vnto one Christofer Smythe of the Excchekquir *gentleman* to the only veste of the seyd Johne Tauernor Wher vppone the seyd Johne Tauernor after he hadde by the letters of the sayd Chrystofer Smythe intellygence of the payment of the seyd xx^{li} the seyd John Tauernor shortly after delyuered the forseyd oblygacyon vnto one Peter Claye *serunant* [sic] vnto the seyd Johne Tauernor *commaundyng* the seyd Peter to delyuer the seyd oblygacyon vnto *your lordshyps seyd orator* as a full aquyttall of and for the seyd xx^{li} And the seyd Peter Clay hauyng the seyd oblygacyone in hys custodye by the space of certayne dayes by the deliuereye of hys seyd *master* to the intent to delyuer vnto *your lordshyppes orator* the forseyd oblygacyone but the seyd Peter not metyng *with* ether of theme dyd bere the seyd oblygacyone into the studye of hys seyd *master* and left yt amvng other wrytynges tyll he myght haue oportunyte to delyuer the sam[e] accordyng as he was by hys seyd *master* *commandyd* and so loked the dore of the seyd studye and browght the key to hys seyd *master* who by pervsyng of other wrytynges mysplaced the seyd oblygacyon so that whane the seyd Peter Clay should have hadd the seyd oblygacyone to delyuer accordyng to the trust in that behallf to hym commytted he could not fynde the same *which* was the onlye occasyone [= reason] that the seyd oblygacyone was not delyuered vnto *your seyd orator* and shortly after yt chaunced the forseyd Tauernor to dye makyng one Rose hys wyf hys only and sole admynistryx The seyd Rose afterward fyndyng the seyd oblygacyone dyd put the same in sevt [= suit] in the Commvne [= Common] Law agaynst *your lordshypes seyd orator* ande by the same occasyone the forseyd Rose hadd lyke to haue condempned *your said orator* Wher uppon he sowght hyr remodye befor the Lord Chaunclor and hadd an iniunctyon and hadd the same matter examyned by *commysyone* and the seyd Rose Tauernor joined in *commysyone with your seyd orator* allso and att the syttyng of the seyd *commysyone* the seyd Rose obstynatly refused to apper before the seyd *commysyioners* and wold bryng in no wytnese for the tryall of hyr part so that *your seyd orator* hathe suffycyently proued the payment of the seyd oblygacyon by dyuers wytneses Wher vppone a wryt ad audiendum iudicium was graunted owt of the Hygh Cowrt of Chauncery for the seyd Rose *personally* to appeare before the Lord Chaunclor in the seyd cowrt at a certayn[e] day *prescrybed* in the seyd wryt as by *matter* of record mor playnely dothe appear *Which* wryt was delyuered vnto the seyd Rose *Which* Rose before the day of appearaunce fell vere sore syke and *your seyd orator* by report of hyr seyd neyghburs *percevyng* the seyde Rose more lyke to dy then to lyue cam vnto one *master* Fasset Bachelor of Dyuny[t]e ande now one of the Quenes *maiesties* chapleynes and att that tyme hyr gostly father And *your seyd orator*

⁴ Stephen Gardiner (c.1495x8–1555).

⁵ Probably Fishtoft, near Boston (rather than Toft, Lincolnshire, which is more than 25 miles from Boston).

⁶ ‘Late’ is probably a reference back to Robertson’s previous action against Rose, C 1/1259/14–17 above.

requyred *master* Fasset to go *with* hyme and other her neyghburs honest *persones* to move hyr as towchyng the *premysses* And the seyde Rose beyng examyned by *your lordshyppes* seyde orator in the *presence* of the seyde *master* Fasset Stevyne Mychell John Parrow *with* Stephen⁷ Salmon *which* Salmon marryed one of hyr dowghters and ys one of the *executors* to the seyde Ros The seyde Ros att the same tyme hauyng concyens on the wrongfull trvble and vexacyone *which* she hadd put *your lordshyppes* orator vnto att the same then seyde [‘]Haue not yow the same oblygacyon yet yf ye haue yt not I shall cause yt to be sentfor to my sune⁸ att London that ye may have the same delyuered[’] And *your lordshyppes* seyde orator thereby thowght the sute clerly to be determyned and no more to be revyued [two or three illegible word(s)] most hynorable lord the seyde Ros beyng dede the seyde Stephen⁹ Salmon and one Richard Hoges of London *which* had the custody of of [*sic*] the seyde oblygacyon beyng *executors* vnto the seyde Ros contrary to the *commaundment* of the seyde testator hathe revyued the seyde sut by the way of accyone in the *Commvne Lawe* And for as muche as *your lordshyppes* seyde orator by order of *Commvne Law* ys not hable to plead any thyng in dyscharge of the seyde oblygacyone *without* a suffycyent aqyttaunce *which* *your* seyde orator hathe not to plead he ys therfor lyke to be condempned to hys great hyndrence agaynst all right and concyences yf remedy be not provyded in thys behallf Yt may therfore please *your* good lordshype ether by prosses [= process] of inivnctyone [= injunction] or other wayes to inyoynne [= enjoin] the *executors* of the seyde Rose that nether they theyr *attorneyes* counselors nor assyngnes proced any forther in the seyde actyone att the *Commvne Law* vnto suche tyme as forther order be taken therin before *your* lordshype and also to graunt the [Ends here.]

C 33/11, f.219

Entry in ‘A’ book of Chancery Orders and Decrees, Michaelmas term, 1554

http://aalt.law.uh.edu/M/C33no11/IMG_9709.htm

[f.218v: Die Mercurij decimo die Octobris]

[Wednesday, the 10th day of October.]

Anthony Robertson *plaintiff*
The *executors* of Rose
Taverner *defendant*

} A writt of iniuncioun is awardid against the said *defendant* ther counsellors & *attorneyes* *commaunde*ng them by the same vpon payne of one hundreth poundes to surcesse ~~Thaccion euery of them~~ to the *prosecucion* of thaccion of the said *defendant* against the said *plaintiff* at the *Common Lawe* vntill further order be therin taken by this corte /

Poule

⁷ ‘Stephen’ is in darker ink over an erasure.

⁸ Presumably meaning son-in-law.

⁹ Corrected as before.

[f.216v: Die Mercurij x^{mo} die Octobris]

[Wednesday, the 10th day of October.]

Anthony Robertson *plaintiff*
 The executors of Rose
 Taverner *defendant*

} A writt of iniuncioun is awardid against the said *defendant*
 ther counsellours and attornies comaunding them by the
 same vppon payne of one hundrith poundes to surcesse the
 prosecucion of thaccion of the said *defendant* against the
 said *plaintiff* at the Comon Lawe vntill further order be
 therin taken by this court / Powle

C 1/1379/49

[Hyde?]¹⁰
 Walro[n]d

Thanswer of Stephen Salman to the bill of complaynt of Anthony Robertson

The said Stephen Salman saving to hym thauantage of the insufficiency of the same bill of complaynt for answer saith that true it is that the said complaynant and William Kydde namyd in the bill of complaynt stode bounden to John Taverner namyd in the same bill of complaynt in one sengle obligacon of the some of xx^{li} to be paid att a certeyn daie as is specified in the same bill of complaynt And after the said John Taverner died intestate after whose deathe thadmynistracon of the goodes and catall [*sic*] of the said John Taverner were by the ordenary *commyttid* to Rose his wife namyd in the said bill / After the death of the *which* John Taverner she opteynyde and gate¹¹ into her handes and possession the obligacon before recitid And she so having the said obligacon in her handes did as admynistrace of the goodes and catall of her said late husbond commence an accon ^{of dett} of the some of xx^{li} agaynst the said complaynant before the late kynges iustices of his comyn place att Westminster perposing and intending to haue iustly and truly recouered the same dett of xx^{li} agaynst the said complaynant And the said complaynant meanyng craft and sotelty and to delaye the said Rose in her said sute did *persue* a bill of complaynt in the kynges most honorable Court of Chauncerye before the Lord Chauncellor of Englund then being agaynst the said Rose wherin was conteynynd in effect the surmysid and faynyd matters specified in the bill of complaynt nowe *persuyd* by the said complaynant agaynst the said *defendant* and thervpon opteynyd a writt of iniunccon out of the said Court of Chauncerye agaynst the said Rose wherby she was *commaundid* to stay in her said sute and no farder to *procede* therin vntill such tyme as she was licencid by the Lord Chauncellor of Englund then being so to do And thervpon she staid in her said sute att the comyn lawe and did no farder *procede* therin And after the said Rose made her last will and testament and by the same did constitute ordeyn and make the said *defendant* and Richard

¹⁰ The name is essentially illegible and hardly clearer in C 1/1379/50.

¹¹ = gat, got.

Hodge namyd in the said bill of complaynt her executours and died After whose deth the said defendant and the said Richard Hodge *provid* the said last will and testament before the ordenary and toke vpon them the execucon of the same and having the said obligacon in their handes haue of late as executours to the said Rose commenciid an accon of dett of the said some of xx^{li} vpon the said obligacon agaynst the said complaynant before the quenes iustices of her comyn place att *Westminster* intending to recouer the same dett of xx^{li} according to thorder of the comyn lawes of this realme And the said complaynant meanyng craft and sotelty and to delaye the said defendant and the said Richard Hodge in their said sute att the comyn lawe as he did the said Rose in her said sute hath exhibitid the said bill of complaynt in the said Court of *Chauncerye* agaynst the said defendant and the said Hodge *perporting* in effect the matter *specified* in the said *former* bill of complaynt *persuyd* by the said complaynant agaynst the said Rose And thervpon hath opteynyd a writt of iniuncon out of the said Court of *Chauncerye* agaynst the said defendant and the said Richard Hodge wherby they be inioinyd vpon a payne to stay their said sute at the Comyn Lawe agaynst the said complaynant vpon the said obligacion by meyns wherof they suffre myche delaye to their grete hurt losse and hyndrance *Without* that that the said xx^{li} *specified* in the said obligacon was paid in Michilmas Terme holden at *Saint Albons* in the xxxvth yere of the raigne of the late Kyng Henry the viijth by thandes of Thomas Panell esquier namyd in the said bill vnto xpoffer Smyth of thexchequer *gentleman* to thuse of the said John Taverner / or that the said John Taverner had any intelligens by *lettres* or otherwise from the said xpoffer Smyth of the *payment* of the said xx^{li} / or that the said John Taverner delyuered the said obligacon to Peter Claye namyd in the said bill *seruante* to the said John Taverner to delyuer the same to the said complaynant as a full acquitance for the said xx^{li} / or that the said Peter Claye had the said obligacon in his custody for any such intent or *purpose* as is *specified* in the said bill or that the said Peter Clay did beare the said obligacon into the study of the said John Taverner his maister and laft the same there emong other writings vntill he myght haue oportunyte to delyuer the same to the said complaynant / or that the said Peter Cley was *commaundid* by his said maister to delyuer the said obligacon to the said complaynant or that the said John Taverner mysplacid the said obligacon or that there was any trust commyttid by the said John Taverner to his said *seruante* for the delyuere of the said obligacon to the said complaynant as is *specified* in the said bill or that the said Rose after the deth of the said John Taverner her late husbond did obstinately refuce to appere before the *commyssioners* *specified* in the same bill or that the said complaynant hath sufficiently *provid* the *payment* of the said xx^{li} as is *specified* in the said bill of complaynt or that the said Rose in her sicknes or otherwise said or reported the wordes mencionyd in the said bill of complaynt that is to saie / [‘]haue not you the said obligacon yet yf you haue it not I shall cause it to be sent for to my sonne att London that ye may haue the same delyuered[’] or that the said defendant and *Richard Hodge* or any of them contrary to the *commaundment* of the said testatrice haue revivid the said sute by accon att the comyn lawe but the said defendant saith that he and the said Hodge haue nowe of late commenciid an accon of dett of the said some of xx^{li} vpon the said obligacon agaynst the said complaynant before the iustices of the comyn place att *Westminster* as lefull was for them to do In the *which* sute they be staid by reson of the said writt of iniuncon as aforsaid And *without* that that any other thing effectuell or materiell in the said bill of complaynt alledgid and not heare sufficiently confessed and avoidid denyed nor trauersid is true All *which* matters he is redy to auere as this court will award and praith to be dismyssid *with* his costes and charges by hym sustaynyd in this behalf

Hyde[?]
Walrond

Thanswer of Richard Hodge to bill of complaynt of Anthony Robertson

The said Rychard Hodge saving to hym thauantage of the insufficiency of the same bill of complaynt for answer saith that true it is that the said complaynant and William Kydde namyd in the bill of complaynt stode bounden to John Taverner namyd in the same bill in one sengle obligacon of the some of xx^{li} to be paid att a certeyn daie specified in the same bill of complaynt / And after the said John Taverner died intestate after whose deth thadmynistracon of the goodes and catall of the said John Taverner were by thordenary commyttid to Rose his wife namyd in the same bill After the deth of the *which* John Taverner she opteynyd and gate into her handes and possession the obligacon before recitid And she so having the said obligacon in her handes did as admystrace of the goodes and catall of her said late husbond commence an accon of dett of the said some of xx^{li} agaynst the said complaynant before the late kynges iustices of his comyn place att Westminster perposing and intending to haue iustly and truly recouered the same dett of xx^{li} agaynst the said complaynant And the said complaynant meanyng craft and sotelty and to delaye the said Rose in her said sute did persue a bill of complaynt in the kynges most honorable Court of Chauncery before the Lord Chauncellor of Englonde then being agaynst the said Rose wherin was conteynyed in effect the surmysid and faynyd matters specified in the bill of complaynt nowe persuyd by the said complaynant agaynst the said defendant And thervpon opteynyd a writt of iniunccion out of the said Court of Chauncery agaynst the said Rose wherby she was commaundid to staie in her said sute and no farder to procede therein vntill such tyme as she was licensid by the Lord Chauncellor of Englonde then being so to do And thervpon she staid in her said sute att the comyn lawe and did no farder procede therein And after the said Rose made her last will and testament and by the same did constitute ordeyn and make the said defendant and Stephen Salman namyd in the said bill of complaynt her executours and died After whose deth the said defendant and the said Stephen Salman provid the said last will and testament before thordenary and toke vpon them the execucon of the same and having the said obligacon in their handes haue of late as executours to the said Rose commenciid an accon of dett of the said some of xx^{li} vpon the said obligacon agaynst the said complaynant before the quenes iustices of her comyn place att Westminster intending to recouer the said dett of xx^{li} according to thorder of the comyn lawes of this realme And the said complaynant meanyng craft and sotelty and to delaye the said defendant and the said Stephen Salman in their said sute att the comyn lawe as he did delaye the said Rose in her said sute hath exhibitid the said bill of complaynt in the said Court of Chauncery agaynst the said defendant and the said Stephen Salman perporting in effect the matter specified in the said former bill of complaynt persuyd by the said complaynant agaynst the said Rose And thervpon hath opteynyd a writt of iniunccion out of the said Court of Chauncery agaynst the said defendant and the said Stephen Salman wherby they be inioynyd vpon a payne to staie their said sute att the comyn lawe agaynst the said complaynant vpon the said obligacon by meanys wherof they suffre myche delay to their grete hurt losse and hyndrance Without that that the said xx^{li} specified in the said obligacon was paid in Mychilmas Terme holden att S^t Albons in the xxxvth yere of the raigene of the late Kyng Henry the viijth by thandes of Thomas Panell esquier namyd in the said bill vnto xpoffer Smyth of thexcheker gentleman to thuse of the said John Taverner / or that the said John Taverner had any intellegens by *lettres* or otherwise from the said xpoffer Smyth of the payment of the said xx^{li} or that the said John Taverner delyuered the said obligacon to Peter Clay namyd in the said bill seruante to the said John Taverner to delyuer ^{the same} to the said complaynant as a full acquittance for the said xx^{li} / or that the said Peter Clay had the said obligacon in his

custody for any such intent or *perpose* as is specified in the said bill / or that the said Peter Clay did beare the said obligacon into the study of the said John Taverner his maister and laft the same there emong other writings vntill he myght haue oportunyte to delyuer the same to the said complaynant / or that the said Peter Clay was commaundid by his said maister to delyuer the said obligacon to the said complaynant / or that the said John Taverner mysplacid the said obligacon / or that there was any trust *commyttid* by the said John Taverner to his said *seruante* for the delyuere of the said obligacon to the said complaynant as is specified in the same bill / or that the said Rose after the deth of the said John Taverner her late husband did obstynately refuce to appere before the *commyssioners* specified in the said bill / or that the said complaynant hath sufficiently *provid* the payment of the said xx^{li} as is surmysid in the said bill of complaynt / or that the said Rose in her sicknes or otherwise said or reported the wordes mencionyd in the said bill of complaynt that is to saie, [‘] haue not you the said obligacon yet if you haue it not I shall cause it to be sent for to my sonne att London that ye may have the same delyuered[’] / or that the said defendant and Stephen Salman or any of them contrary to the *commaundment* of the said testatrice haue revidid the said sute by accon att the comyn lawe But the said defendant saith that he and the said Stephen Salman haue nowe of late commencid an accon of dett of the said some of xx^{li} vpon the said obligacon agaynst the said complaynant before the iustices of the comyn place as lefull is for them to do / In the *which* sute they be staid by reson of the said writt of iniunccion as aforesaid And *without* that that any other thing effectuell or materiell in the said bill of complaynt alledgid and not heare sufficiently confessed and avoidid denyed nor trauersid is true All *which* matters he is redy to auere as this court will award and praith to be dismyssid *with* his costes and charges by hym sustaynyd in this behalf

C 1/1379/51
[early 1555?]

Cavell
Powle /

The Replycacyon of Anthony Robertson to the Awnsweare of Rychard Hodge./

The sayde complaynant sayethe and averrethe hys sayde byll of compleynte and every thyng thereyn conteyned to be true yn manner and forme as yn the same byll ys alleged, And further for replycacyon sayethe that the sayde xx^{li} specyfied yn the sayde obligacyon was payed to the vse of the sayde Taverner at the tyme and place and yn suche forme as yn the sayde byll of compleynt ys alleged, And that the sayde Taverner had yntellygens thereof, And that the sayde John Taverner delyvered the sayde oblygacyon to the sayde Peter Claye as a full acquyetans for the sayde xx^{li} yn manner and forme as yn the sayde byll ys alleged, And that the sayde complaynant hath suffycyently approved the payment of the sayde xx^{li} yn forme aforesayde, And that the sayde Rose yn her sayde late syckenes wylled that the sayde obligacyon shoulde be delyvered vnto the sayde complaynant yn manner and forme as yn the sayde byll ys alleged, And that the sayde defendant hath *commensed* the sayde sute agaynste the sayde complaynant of hys owne hedd contrary to the wyll and mynde of the sayde testatrix as ys also alleged yn the sayde byll, *without* that that any other matter yn the sayde awnsweare alleged materyall to be replied vnto and not yn thys *presente* replycacyon suffycyently traversed confessed and avoyded or denyed ys true all *which* matter the sayde complaynant ys redy to averre and prove as thys honorable corte shall awarde, and prayethe as he yn hys sayde byll of compleynt before hath prayed. /

Cavell

C 1/1379/52
[early 1555?]

The Replicacion of Anthony Robertson to the Aunswer of Stephen Salmon : /

Cavell
Powle /

The said compleynant sayth in all and euery thing as he in his said bill of compleynt hathe said & nameth all & euery thing and matter mencioned specified and conteyned in the same / to be good iust & true / in manner & forme as he in the same hath alleged / And further sayeth that ther is in the said aunswere conteyned moche vayne & voide matter countryued & invented to thentent to put the said compleynant to iniust vexation / sayth that *without* that / that the said compleynant for eny craft subilltie or delaie did *persue* a bill of compleynnt against the said Rose Tauerner in the highe court of the Chauncerye a for the Lord Chauncelor of England then being / but only for due remedy to be had ther / for that that the said xx^{li} was paied to the said John Tauerner namyd in the said aunswer afor his death and yet after demaunded by the said Rose as administratrixe of the goodes of the said John her husband by reason of opteyning of the said obligacion made for payment of the same xx^{li} vncancellid as is aforsaid / and thereupon had an iniuncion awarded against the said Rose as now the said compleynant hathe against the said defendaunt vpon good and iust cause exhibited a bill / and therupon according to right hathe opteyned out of the said Court of Chauncery a like iniuncion to the said defendaunt / And *without* that that the same iniuncion is opteyned vpon eny crafte or delaie but for the causes aforsaid or *without* that that the said some of xx^{li} is owing to the said defendaunt as executrix of the last will & testament of the said Rose administratrixe of the goodes and catalles of the said John Tauerner or otherwise for the said compleynant sayth that the said Rose confessed of her death bed that she was of the same sufficiently aunswered and paied as in the said bill of compleynnt by the said compleynant is trulye alleged or that the said xx^{li} is the very debt of the said compleynant as in the said aunswer is vntrulye alleged / And for as moche as the said defendaunt in his said aunswer hath fully confessed the havng & deteyning of the said obligacion the *which* iustly apperteyneth vnto the compleynant for that he hathe truly satisfied & paied the said some of xx^{li} / Therefor the said compleynant prayth that the said defendaunt by the order of this honorable court may not only to be inyoyned & commandyd to delyuer the said obligacion vnto the compleynant but also that they maie be likewise commandyd to surcease & nomore to sue *which* thay haue vniustly taken & commensyd against the said compleynant vpon the said obligacion against all right & consyence and *with* out that that any other thing \wedge ^{materiall} in the same \wedge ^{aunswer} is to be replied vnto *which* here in this replicacon is not confessed & avoied denyed or trauersed is true / All *which* matters the compleynant is redy to aver & pro[u]e as the honorable courte shall award And prayeth that he may haue delyuery of the said obligacion *with* his costes expensis in this sute susteyned / Cauell

C 33/11, f.317

Entry in 'A' book of Chancery Orders and Decrees, Hilary term, 1555

http://aalt.law.uh.edu/M/C33no11/IMG_9809.htm

[f.316v: Die Veneris viij die Februarij]

[Friday, the 8th day of February]

Antony Robertson *plaintiff*
Stevyn Samond & Roger
Hodge *defendants* } A comission is awarded to Leonard Erby esquire & Thomas
Mehewe & Robert Bryan or two of them texamyn [= to
examine] witnesses on the behalf of the *plaintiff* xv^a pasche
next *commyng* / Poule

C 33/12, f.326

Duplicate entry in 'B' book of Chancery Orders and Decrees, Hilary term, 1555
http://aalt.law.uh.edu/AALT2/M/C33no12/aC33no12recto/IMG_0328.htm

[Date omitted]

Antony Robertson *plaintiff*
Stevyn Samond and Roger
Hodges *defendants* } A comission is awarded to Leonard Irby
[blank line]
to examyne witnessses [sic] on the behalf of the *plaintiff* xv
pasche next *comyng* / Poule

C 33/11, f.383v

Entry in 'A' book of Chancery Orders and Decrees, Easter term, 1555
http://aalt.law.uh.edu/M/C33no11/IMG_9875.htm

[f.383: Die Martis xiiij die Maij]
[Tuesday, the 14th day of May]

Antony Robertson *plaintiff*
Richard Hodge &
Stevyn Sammon *defendants* } *Tercio Trinitatis* next *commyng*e is gevyn to the *defendant*
to retourne a *comission* which hath issued out of this court
for the *examinacion* of witnesses on his behalf, at his *perill* /
Walrond

C 33/12, f.395v

Duplicate entry in 'B' book of Chancery Orders and Decrees, Easter term, 1555
http://aalt.law.uh.edu/AALT2/M/C33no12/bC33no12verso/IMG_0843.htm

[f.394v: Die Martis *videlicet* xiiij die Maij]
[Tuesday, namely the 14th day of May]

Anthony Robertson *plaintiff*
Richard Hodgis and
Stephen Samon *defendants* } *Tercio Trinitatis* next *comming* is gevyn to the *defendant*
to returne a *comission* which hath issued out of this court
for the *exa[m]inacion* of witnes on his behalf, at his *perill* /
Walrond

C 33/13, f.10v

Entry in 'A' book of Chancery Orders and Decrees, Trinity term, 1555

http://aalt.law.uh.edu/M/C33no13/Part%201/IMG_9931.htm

[f.10: Die Jouis *videlicet* xx die Junij]

[Thursday, namely the 20th day of June]

Antony Robertson *plaintiff*
Richard Hodgis and
Steven Samon *defendants*

} Publicacion is graunted betwene the said *parties* the laste
day of this terme

Walrond

C 33/14, f.11v

Duplicate entry in 'B' book of Chancery Orders and Decrees, Trinity term, 1555

http://aalt.law.uh.edu/AALT2/M/C33no14/bC33no14verso/IMG_3163.htm

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Walronde