

Christopher Tye: Actions in the Court of Chancery

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

1. Brydgewater v. Tye

C 1/1403/49

[1556]

To the Ryght reuerend Father yn god Nycolas Archbysshop
of yorke ys grace & lord Chaunceller of England¹

In moste humble wyse sheweth and complayneth to your Ryght honorable grace *your* dayly orator And pore Bedeman John Brydgewater *parson* of the *paryshe* churche of yelyng [Yelling] yn the countye of huntynghton that wheras *our* souereygn lady the Quenes maiestys that nowe ys was seased as of Fee yn the Ryght of her ymperyall crowne of thys realme of the Advousyon And patronage of the *paryshe* churche of yelyng Aforeseyd / And hyr grace so beyng therof seased the seyde benefyce ded become voyde yn the Fyrst yere of her hyghnes Reygne² by depryvacion of the laste yncombent thereof And After hyr hyghnes presented yn the seyde fyrst yere of hyr hyghnes Reygne your pore oratour to the ryght reuerend Father John Whyte by godes *permyssyon* then bysshop of lyncolne And ordynary of the same advousyon by whom your seyde pore orator was Admytted ynstytuted & ynducted *parson* of the seyde churche So yt ys Ryght gracios lord that one Crystofer Tye Docter of Musyck dwellynge yn the Ile of Ely yn the countye of Canbrydge of hys owne wrong *without* ony coler or tittle hath entred ynto the seyde *parsonage* And Ayenst All ryght equitye and consyence deteyneth and kepeth the possessyon of the seyde *parsonage* From your seyde orator And the yssues and *proffetes* thereof Rysynge cumyng and growyng dothe *perceyve* and take to hys owne vse to the great ympoueryshement of *your* seyde complaynaunt by reason whereof your pore bedman ys ynforced to encurre the daunger of the lawe of none resydence vpon the seyde benyfyce And Farther your besecher saythe that through the seyde defendauntes wrongfull deteynyng of your pore oratores benefyce the cure of the seyde *paryshe* of yelyng hath remayned And yett ^{dothe remayne} vnserued to the great dysquetyng of the enhabytaunce of the seyde towne [&] to the great daunger and perell of ther sowles *contrary* to the dutye of your pore oratour to the great greffe of hys consyens / May yt therefore please your Ryght honorable grace the *premyss* tenderly consydered to Awarde the Kyng & Quenes mayestyys wrytt of Inyouncon to the seyde Cristofer Tye comaundyng hym by the same vpon A certene payne by *your* grace tobe lymyted that nott only he but All other that kepe the possessyon of the seyde benyfyce to hys vse do ymmedyatly Avoide & departe from the same Wherby your pore oratour may Accordyng to ryght equitye & good consyens vse & quyetyly possesse the seyde benyfyce vntell suche tyme as the matter byfore *your* good grace yn the kynges & Quenes mayestyys most honorable courte of Chauncery At A day by *your* good lordshyp *prefyxed* be throughly examyned as shall Accord wythe equitye and consyence & your graces oratour shall dayly pray to god for the *preseruacion* of your graces Estate long *prosperusly* to contynue

Andrew [illegible]

¹ Nicholas Heath, Archbishop of York, was Lord Chancellor of England from 1 January 1556 to 17 November 1558.

² 6 July 1553 to 5 July 1554.

A barely legible writ of dedimus potestatem, dated 8 November 1556.

Philippus & Maria Dei gracia Rex & Regina Anglie Hispaniarum Francie vtriusque Sicilie Jerusalem & Hibernie Fidei Defensores Archiduces Austrie Duces Burgundie Mediolani & Brabancie Comites Haspurgi Flandrie & Tirolis dilecti sibi Roberto Steward clerico & Roberto Payton armigero salutem Cum [? ... ?] clericus quandam[?] in[?] petitionem coram nobis in cancellaria nostra versus Cristoferum Tye nuper exhibiuit quodque eidem Cristofero per breue nostrum nuper preceperimus quod esset coram nobis in dicta cancellaria nostra ad certum diem iam preteritum petitioni predictae responsurus ac idem Cristoferus adeo impotens sui existat quod vsque curiam cancellarie nostre predictae ad responsionem suam eidem petitioni faciendam absque maximo corporis sui periculo laborare non sufficit vt accepimus Nos statui eidem Cristoferi pie compacientes atque de fidelitatibus vestris plenius confidentes dedimus vobis potestatem & auctoritatem ipsum Cristoferum de & super materia petitionis predictae diligenter examinandi responsionem suam super eadem recipiendi & in scriptis redigendi Et ideo vobis mandamus quod ad certos diem & locum quos ad hoc prouideritis ad prefatum Cristoferum accedatis si commode ad vos laborare non posset ac ipsum Cristoferum de & super materia petitionis predictae super sacramentum suum tactis per vos prius coram vobis sacrosanctis dei euangeliis corporaliter prestandum diligenter examinetis dictamque suam responcionem recipiatis & in scriptis redigatis. Et cum illam sic ceperitis eam nobis in cancellariam nostram predictam cum tenor[e pref]ato ac nomine attornati illius ad lucrancrandum [recte: lucrandum] vel perdendum in premissis in quindena sancti hilarij proximo futuro vbicumque tunc fuerint sub sigil[is] vestris clausis distincte & aperte mittatis & hoc breue Teste nobis ipsis apud Westmonasterium viij die Nouembris Annis Philippi [et] Marie trio & quarto

Magistro Hare

[Philip and Mary, by the grace of God King and Queen of England, Spain, France, both the Sicilies, Jerusalem and Ireland, Defenders of the Faith, Archdukes of Austria, Dukes of Burgundy, Milan and Brabant, Counts of Habsburg, Flanders and Tyrol: to our beloved Robert Steward, clerk, and Robert Payton, esquire, greeting. Whereas [John Brydgewater], clerk, showed a certain petition before us in our chancery against Christopher Tye, and of which we have recently informed the same Christopher by our writ which was to be answered before us in our said chancery on a certain day now past: the same Christopher appears so weak that he is unable to travel all the way to our aforesaid court of chancery to make his response to the same petition without great danger to his body, as we have accepted. We, duly having pity on the condition of the same Christopher, and trusting fully in your faithfulness, give you power and authority to examine diligently the very same Christopher about and on the matter of the aforesaid petition, to receive his response on the same, and to put it down in writing. And therefore we command you that at a certain day and place which for this purpose you will have provided, you will go to the aforesaid Christopher since he cannot conveniently travel to you, and [there] you are diligently to examine the very same Christopher about and on the matter of the aforesaid petition, he, standing bodily before you, having previously taken his oath by touching the holy gospels of God. And you shall receive his spoken response and put it down in writing. And when you have accordingly taken that, you are to send it to us in our aforesaid Chancery with the aforesaid information, and the name of that attorney who will plead³ in the foregoing, and this writ, within fifteen days of Saint Hilary next coming, wheresoever it⁴ will then be, sealed under your seals distinctly and openly. Witness by ourselves, at Westminster, the eighth day of November in the third and fourth years of Philip and Mary.

Master Hare.]

³ Literally 'for gain or loss'.

⁴ Literally 'they', meaning the King and Queen, since the Court of Chancery was theoretically held in their presence.

C 1/1403/51

A second copy of Brydgewater's bill of complaint, perhaps a copy sent with the above writ to Steward and Payton, since it is not addressed.

In moste humble wyse shewyth and complaynyth to youre right honorable grace your dayly Orator and poore bedman John Bridgewater parson of the parishe church of yelyng yn the Countye of huntynghton That whereas our soueraigne ladye the Quenes Maiestie that now is was seaisid as of Fee yn the right of her imperiall crowne of the Realme of the advowsyon and patronage of the parishe church of yeling afforesaid / and her grace so being thereof seaisid the said benyfyce did *Becomme* voyde yn the first yere of her highnes raigne [^]by deptryvacon of the last incombent thereof and after her highnes presentid in the said first yere of her highnes raigne [your] poore Orator to the right Reuerend Father John White by godes permyssyon then buisshop of lyncoln and Ordynary of the same advowsyon by whome your pore [^]Orator was admytted ynstituted & inductid parson of the said church, So yt is right gracyous lorde that one Cristofer Tye Doctor of Musicke dwelling in the Ile of Ely in the Countye of Cambridge of his owne wrong without any couler or title hath entred in to the said parsonage & agaynst all right equitie and conscyence detayneth and kepith possessyon of the said parsonage frome youre said Orator and the yssues and *profittes* thereof rysing cummyng and growyng doth perceyve and take to his owne vse to the great impouerishment of youre said complaynaunt by reason wherof your poore bedman ys ynforcid to incur the daunger of the lawes of non resydenge vpon the said benyfyce and further your besecher saith that throughe the said defendaunt wrongfull detaynyng of your poore Orators benyfyce the c[u]re of the said parishe of yelyng hath remayned and yett dothe remayne vnservid to the grete disquieting of the inhabitaunce of the said Towne to the grete danger and *perill* of thir soules contrary to the dewtye of your pore Orator to the grete grieff of his conscyence / Ma[y] yt therfore please your right honorable grace the *premisses* tenderly consydered to awarde the King and Quenes maiesties Writt of Iniuncion to the said Cristofer Tye *commaunding* hym by the same uppon a certeyne payne by your grace to be lymtyd that not onely he but all other that kepe the possessyon of the said benyfyce to his vse do immediately avoyd and *departe* frome the same where by your poore Orator maye according to [right] equitie and good conscyence vse and quietly possesse the said benyfyce vntill suche [^]tyme as the mater byfore your good grace yn the king and Quenes Ma[yestyes] most honorable courte of Chauncery at a daye by youre good lordshipp *prefyxed* be thoroughly examyned as shall accord with equitie and conscyence and your graces [Orator] shall dayly pray to god for the *preseruacion* of your graces estate long *prosperously* to contynue.

C 1/1403/52

The Answer of Christofer Tye to the Byll of Compleynte of John Bridgewater Clerk

The saide *defendaunt* sayth that the saide byll of compleynte is *vncerten* & insufficiente in the Lawe to be answered vnto and the *matter* therin conteyned vntrue & grownded agaynste him by the saide *compleynaunt* onelie of malice & evill will without enie good or iuste grownde to the intente to moleste vexe and trouble the saide *Defendaunt* and to put him to expences *costes* & *chardges* in the Lawe & for none other intente or purpose And that the *matter* therin conteyned (if it were *matter* of truth as it is not[)] is *determinable* at the *commen* Lawe, & not in this honorable *courte*. Whereunto the saide *Defendaunt* praythe to be remitted / Neuerthelesse if by the ordre of this honorable *Courte* the saide *defendaunt* shalbe compellyd

to make farther answer vnto the saide vncerten & ynsufficiente byll (the insufficiencie thereof to him alwayes hereafter saved) the saide *defendaunt* for answer & declaracion of the truthe of the matter comprised in the saide byll of compleynte Saythe that well & true it is that *our* saide souereigne Ladie the Quenys *Maiestie* was seased of the saide advouson & patronage of the saide Church of yealinge mencioned in the saide byll of compleynte as of fee And hir grace so beinge therof seased, the saide benefice did become voyde in the firste yeare of hir highnes Reigne by deprivation of the Last incumbente thereof apon whiche deprivation hir *Maiestie* presentid the saide *compleynaunt* in the saide firste yeare of her Reigne vnto the saide John White as byshopp of Lincoln & ordenarie of the same advouson by whome the saide *compleynaunt* was admitted instituted & inductid *parson* of the saide Church of Yealinge in maner & forme as before is alledgid in the saide byll of compleynte / And the saide *compleynaunt* so beinge therof admitted instituted and inductid by his dede indentid bearinge date the vijth Daye of Octobre in the seconde & thirde yeares of the Kinge and Quenys *Maiesties* Reignes that nowe are⁵ did demise graunte & to *terme* lette vnto the saide *Defendaunt* the saide *parsonage* of Yealinge with all the glebe lande ther vnto belonginge with all maner of Tithes penciones oblacions offeringes frutes obventions emolumentes & *profittes* therunto belonginge *with* all and singler their *appurtenaunces* To haue and to houlde the saide *parsonage* glebe lande thithes pencions porcions offeringes with all and singler their *appurtenaunces* vnto the saide *defendaunt* from the feaste of Seinte Michell Tharchangell laste paste before the date of the saide Indenture vnto thende and terme of three yeares then nexte followinge and so from three yeares to three yeares vnto the ende & *terme* of nyne yeares then nexte followinge & fullie to be complete and endid yeldinge & payinge therfore yearelie vnto the saide *Compleynaunt* his successors & assignes xx^{li} of good & Lafull Money of Englande withe diuerse other covauntes articles & agrementes of the parte of the saide *defendaunt* to be performed comprised & specified within the saide Indenture as by the same more at Lardge shall and maye well appere by force of whiche Lease the saide *defendaunt* entred into the saide *parsonage* and other the *premisses* *with* the *appurtenaunces* And therof was & yete is Lafullie possessid and the issues & *profittes* therof *comminge* did *perceyve* & take as lafull it was for him to do without that y^t the saide *defendaunt* of his owne wronge without enye color of title hathe entrid into the saide *parsonage* or kepithe the possession therof from the saide *compleynaunt* or the issues & *profittes* therof risinge *comminge* or growinge dothe *perceyve* & take to his owne vse to the greate impouerishemente of the saide *complainaunt*, or that the saide *complainaunt* is enforced by the said *defendaunt* to incurre the daunger & penaltie of the lawes of non residentes uppon the saide benefice otherwise then by vertue & color of the saide lease / Or that through the saide *defendaunt*s wrongfull deteyninge of the saide *compleynaunt*s benefice the cure of the saide *parishe* of yealinge hathe remayned or yete dothe remayne vnservid to the greate disquietinge of the *onhabitaunt*s of the saide Towne as in the saide byll of compleynte is by the saide *compleynaunt* most vntuelie is allegid & surmised / Or that eny other matter or thinge alledgyd in the saide byll materiall to be answered vnto whiche here in the answer is not confessid avoyded denied & traversed is true All whiche matter this *defendaunt* is readie to averre & *prove* as this honorable *Courte* maie awarde / And praythe therfore to be dysmissyd oute of the same *with* his reasonable *costes* & *chardges* in y^t parte susteyned.

G Freuyle

⁵ 7 October 1555.

To the most Reverent Father in god nyclas Archbusshopp of
York and Lord Chauncelor of England

In most humble wise complayninge showyth vnto *your* grace *your* poore and daylie Oratour John Brydgewater Clerke *parson* of the Rectorye or *parsonage* of yelinge in the Countye of huntington That wher as *your* oratour Beinge *parsonne* of the Rectorye aforesaid by his dede Indented bearinge date at yelinge aforesaid the vii daye of Octobre in the secound and thirde yeres of the Raigne of our soueragn lord and Ladye Phyllypp and marye demised and graunted all his said Rectorie or *parsonage* with all tythes *presentes* offringes oblacions obuencions emolumentes comydyties and profytes to the same apperteyninge or in any wyse belonginge vnto one xpofer Tye of the Countye aforesaid *gentleman* for tearme of certen yeres reseruinge vnto *your* oratour in certen yere the Rent payable at the Feaste of Saint Mychaell tharchangell and thannuncyacion of our ladye by euen porcions vpon condycion That yf the rent were Behind vnpaid in parte or in all at any feast of the foresaid Feastes that then yt sholde be lauffull to *your* said oratour into the *premisses* to reenter and the same holly to haue agayne and repossede as in his *former* estate as by the said lease therof made more playnlye doth and may appeare All which rectory or *parsonage* the said Tye occupied and enioyed sythens the tyme of the demyse aforesaid vntyll the feast of thannuncyacion of *our* ladye last past which was in the third and fourthe yere of the Kinge and queanes *maiesties* Raigne duringe which tyme *your* oratour receyved no rent nor penny therof At which day *your* oratour came to the said Rectorye and ther demaundyd aswell the rent behind for that *present* yere as the hole arrerages Incurred before tyme and due vnto *your* said oratour by reason of his said *parsonage* And the said Tye nor no man for hym was ther to payd yt by force wherof *your* oratour entred into the Rectorye and other the *premisses* as laufful was for hym to doe After whiche reentre the said Tye wrongfullye of his extorte power *your* oratour dyd expell and put furthe \wedge^{and} with the lyke wronge and force the same doth detayne and kepe receyvinge and takinge the tythes frutes offringes oblacions and all other profytes to his owne vse wythout any thinge yeldinge or payinge for the same \wedge^{to} *your* oratour contrarye to all right equitye and good conscyence and to *your* oratours vtter Impoueryshement and vndoinge For asmuche as *your* said oratour ys a poore man havinge no other benefice or lyvinge for his mayntenaunce and sustentacion but onlye the same *parsonage* and the said Tye beinge not onlye a man of greate substaunce and Ryches in those partyes but also well frinded and alyed for that he is not able to sue for his remedye at the comon lawe not onlye for that he lackyth habylitye and Ryches but also $\wedge^{\text{for lacke}}$ of any indifferent tryall therefore the *premysses* tenderly consydered It may please *your* grace to graunte the kinge and queanes *maiesties* wryt of Iniunncion to be dyrected to the said xspofer Tye not onlye comaundinge hym vpon payne of too hundreth poundis by *virtue* of the same to avoyd the possessyon of the *premisses* and quyetlye to *permyt* and suffer *your* oratour the same to enioye accordinge to his Right and tytle but also \wedge^{to} paye vnto *your* said oratour all such somes of money as to hym ys due for the Rent of the said *parsonage* And further comaundinge hym by the same *personall* to appeare before *your* grace in the kinge and Quenes most ? and honorable Courte of Chauncerye at a certen day by *your* grace to be lymyted then and after to make aunswer vnto the *premisses* And to abyde such order and dyreccion therin as by *your* grace shalle thought to stand wyth right equitye and good conscyence And *your* said oratour shall Daylye praye for *your* grace in honour and helth longe to contynue

Price

The right-hand edge of the document is dirty and faded with resulting loss of legibility

[] tytyngton [?]

Jurata coram Baron

Thanswere of Cristopher Tye to the byll of complaynte of
Jhon Brydgewater Clerck

The said *defendant* sayth that the byll of complaynte is vntrewe vncertein and insufficente in the lawe to be aunswered vnto and the matters therin conteyned are fayned ymagyned and dyuisid by the sayd complaynante agaynste the sayd defendaunt only of malyce to the entent to moleste vexe and trouble the sayd defendante and to put him to costes chargis and expensis in the lawe and for no other intente or purpose And yf the matters conteygned in the sayd byll of complaynte be matters of truethe as they be not yet are they determinable and ought to be determyned by the comon lawe and not in this honorable Court wherfore the said *defendant* prayeth to be remytted Neverthelesse yf the same defendante shall be compelled by the order of this honorable court to make aunswer [?] to the sayd fayned and insufficente byll of compleinte then the aduantage of the insufficiency therof to the sayd *defendant* at all tymes hereafter [reserved?] [?] he sayeth that trew yt is that the said complaynante beinge parson of the rectory or parsonage of yeling in the countye of Huntington by his dede Indentid bering date the vijth day of octobre in the secunde and thirde yeres of the reygnes of *our souereyn lord & lady the King and Quenes maiesties* that [now is?] did dyuyse and grante all his said Rectory or parsonage of Yelinge aforesayd *with* all tythes fruytes offeringes oblaciones obuencions emolumentes comodities and prof[ittes] to the same perteyning or any wyse belonginge to the sayd *defendant* for terme of certeyn yeres reseruinge vnto the said complaynante [?] said dayes [and?] as in the said byll of complaynte is conteygned and as by the said leaze redy to be shewid in this honorable court more at lengthe dothe appere [And he?] sayth that trewe yt is that in the said lease there is conteynid such a condicion for the payment of the sayd rent at the feastes mencioned in the said byll of complaynte and for answer ther vnto the sayd *defendant* sayth that he all wayes hauynge a regarde to the contynuaunce and mayntenaunce of his sayd [?] sithens his first possession and ocupacion of the said parsonage hath payd the rente reseruyd vnto the same leaze And that the sayd complaynant hath accepted and receyuid the sayd \wedge^{rent} accordinglye as by his acquytance redy to be shewid in this honorable court beringe date the [?] daye of [?] in the [blank] yeres of the king and quenes maiesties raygnes that nowe ys more playnlye it dothe and maye appere and the said *defendant* sayth that at the sayd feast of the Annunciacion of *our lady* mencioned in the said byll complaynte the said *defendant* was in and vpon the Rectory or parsonage of Yelynge aforesaid all the same daye and \wedge^{at} the laste instant of the same wyth the said rent reseruid in the said leaze redy to haue paid the same And the said *defendant* [?] and offre vnto the said complaynante his said rente at the said fest or at any tyme before to him then dewe And the said complaynante [hath? ?] denyed to receue the same but the said *defendant* sayth that the said complaynante is dowble beneficed and of greth ryches and wealth and for [?] *defendant* is but a poore man he therefore sekith synysterly ways and meanes to cause the said defendante to forfayt his lease to thintent that [?] complaynant for his \wedge^{further} greth[?] gayne advantage and lucre may make some other lease of the said parsonage to some other person wherevpon [?] complaynant groundeth his suite and the said *defendant* sayth that he is redy to pay the said rente yf the said complaynant will receiue [?the said?] [?] without that, that the said complaynant at the said

feaste of thanuncgacion in the said daye in the said third and fourthe yeres of the Kinge and Quenes maiesties Raynes that now is came into the said Rectory and there demaundid as well any rent behinde [?] present [?] as the arrerages incurred before tyme and *without* ^{that} there was any such arrerages dewe vnto the said *complainant* as he in his byll of complaynt [?] And *without* that ^{that} the said *defendant* nor no man for him was vpon the Rectory at the said and feastes of the Anunciacion of *our* lady and [?] redy to paye the said rent that there was dewe to be payde as the said *Complaynante* vtterly in the said byll of Complaynte hath alledged or by force therof the said complaynante entred into the said Rectory and other the said *premysses* or that it was lafull for him so to doo And *without* [that?] the said *defendant* after such supposed entre made by the said complaynant as he surmyseth he the said *defendant* of his extorte power did expell or put [out?] of the *premysses* or wyth force dothe deteiyn and kepe the same in taking the tythes fruytes offeringes oblacions or other *profyttes* to his owne vse *without* payenge any rent or otherwise than by force of the said leaze as lawfull is for him to do and wythout that the said *defendant* as of any such abylyte wealth or ryches as the sayd complaynante in his said byll of complaynte hath alleged and *without* thatt that the said *defendant* is highly frended in this countye wheare he dwellyth that by meanes therof the said complaynante shall not have in the said country an indyfferent triall as [the?] said complaynante in his byl of complaynte slaunderslye hath alleged and *without* that that any other [?] and conteygned in the said byll of compleynte materiall and effectuall to be answerid vnto and in this answere not sufficiently answeyrd confessed avoyded trauersid or denied is true all which matters the sayd *defendant* is redy to averre as this honorable *court* will awarde and prayith to be dysmyssed *with* his reasonable *costes* and *charges* in this behalf wrongfully susteynid

C 33/15, f.160v

Entry in 'A' book of Chancery Orders and Decrees, Hilary term, 1557

http://aalt.law.uh.edu/M/C33no15/IMG_0383.htm

[f.159v: Die Jouis *videlicet* quarto die Februarij]

[Friday, namely the 4th day of February]

John Brydgewater clerk <i>plaintiff</i> Cristofer Tye <i>defendant</i>	}	Tewisdaie nixt is geven to the playntif to replie orels to paie <i>costes</i> as this court shall award	Miesent
---	---	--	---------

C 33/16, f.159v

Duplicate entry in 'B' book of Chancery Orders and Decrees, Hilary term, 1557

http://aalt.law.uh.edu/AALT2/M/C33no16/bC33no16verso/IMG_3918.htm

[f.158: Die Jouis quarto februarij]

[Friday, the 4th of February]

John Bridgewater clerk <i>plaintiff</i> Cristofer Tye <i>defendant</i>	}	Tewesdaie next is geven to the plaintiff to replie or els to paie <i>costis</i> as this court shall award	Miesent
---	---	--	---------

C 33/15, f.173

Entry in 'A' book of Chancery Orders and Decrees, Hilary term, 1557

http://aalt.law.uh.edu/M/C33no15/IMG_0396.htm

[f.172v: Die Jouis *videlicet* xj die Februarij]

[Friday, namely the 11th day of February]

John Bridgewater *plaintiff* }
xpofer Tye *defendant* }

The playntif is adiudgid to paie vnto the *defendant* xx^s
for his costes for want of a replicacion Miesent

C 33/16, f.172

Duplicate entry in 'B' book of Chancery Orders and Decrees, Hilary term, 1557

http://aalt.law.uh.edu/AALT2/M/C33no16/aC33no16recto/IMG_3611.htm

[f.171v: Die Jouis xj^{mo} februarij]

[Friday, the 11th of February]

John Bridgewater *plaintiff* }
xpofer Tye *defendant* }

The *plaintiff* is adiudgid to paie vnto the *defendant* xx^s
costis for want of a replicacion Miesent

2. Tye v. Clere

C 3/181/55 (page 1)

Probably early November 1568: see Chancery Decrees and Orders (C33/37 and 38) below.

To the Right honorable *Sir* Nicholas Bacon knight
Lord Keper of the great Seale of England

In moste humble wise sheweth and complayneth vnto *your* lordshipp *your* poore and daylie Oratour xpofer Tye doctor of musike That whereas Thomas Saye of Colchester in the Countie of Essex and Johane his wife were by iust & lawfull conveyans in the lawe ioyntlie seased in their demeane as of fee symple of and in one messuage or *tenemente* in colchester aforesaid *with thappurtenaunces* And they beinge so therof ioyntlie seased the said Thomas died & the said Johane hym over lyued and held her self in the said *tenemente* and was thereof sole seased in her demeane as of Fee symple And the said Johane so beinge thereof seased did afterwardes at Colchester [] of and die thereof seased After whose ^{death} the *premisses* [dis]cended and came and of right ought to discend & come vnto *your* said Oratour as sonne and next heire of the said Johane by vertue wherof *your* said Oratour entred into the said *premisses* & is now of the same Lawfullie seased in his demeane as of Fee symple So it is aright h[on]orable Lord that after the death of the said Thomas Saye dyvers *evidences* *escriptes* & *writinges* concernynge the *premisses* are casuallie come vnto the handes of one Beniamyn Clere of Colchester aforesaid by meanes whereof ^{it is [?] lie [?] abrode that} the said Beniamyn hath made & conveyed

[d]yvers & sundrye secrett estates of the *premisses* vnto dyuers persons vnknowne to yor said Orato^r whereby thenterest right title & possession of *your* said Oratour is greatlie flowndered & in tyme to come like to be ympeched & in perill to the great daunger of disenhereyson of *your* said Oratour And albeit that *your* said Oratour hath dyuers tymes syns the deathe of said Johane required the delyverie of all the said evidences of the said Beniamyn yet he the same to delyuer hath al[way]es denyed & yet doth denye contrary to all Lawes equitie and good consciens And forasmoch as *your* said Oratour doth not knowe the contentes of the said evidences nor whether they be [con]teyned in bagge boxe of chest *your* said Oratour is *without* all remedy by thorder of the *commen* lawes of this realme onles *your* honorable favour be therein to hym shewed Yt may therefore please *your* honour the *premisses* tenderlie consyded to graunt y^e Quenes Maiesties most gracious writt of subpena to be directed vnto the said Beniamyn Clere comaundyng hym thereby *personallie* to appeare before *your* good Lordshipp in the highe Courte of Chauncerye at a certeyne daie & vnder a certeyne payne by *your* good lordshippe to be lymyted & appoynted then & theire to aunswere vnto the *premisses* and to abide such further order therin as shalbe thought good by *your* good lordshipp And *your* said Oratour shall dayly praye to god for the *prosperous* estate of *your* honour longe to contynew
 Gardyner

C 33/37, f.285

Entry in 'A' book of Chancery Orders and Decrees, Michaelmas term, 1568

http://aalt.law.uh.edu/Eliz/C33no37/IMG_5350.htm

Sabbati xx^o die nouembris 1568

[Saturday, the 20th day of November 1568]

...

Christofer Tye <i>plaintiff</i> Beniamyn Clere <i>defendant</i>	}	The said <i>defendant</i> hathe made othe that he cannott make answer to the bill of the <i>plaintiff</i> [for] wante of his evidences / Therefore he is respected to make his said answer vntill oct Hilarij Powle
--	---	--

C 33/38, f.280v

Duplicate entry in 'B' book of Chancery Orders and Decrees, Michaelmas term, 1568

http://aalt.law.uh.edu/Eliz/C33no38/bC33no38v/IMG_6578.htm

Sabbati xx^{mo} Novembris 1568

[Saturday, the 20th of November 1568]

...

Christofer Tye <i>plaintiff</i> Beniamyn Clere <i>defendant</i>	}	The said <i>defendant</i> hath made oth that he cannot make answer to the bill of the <i>plaintiff</i> for want of his evidences Therefore The said <i>defendant</i> is respected to make his said answer vntill oct Hillarij Powle
--	---	--

The Aunswere of Beniamyn Clere defendaunt
to the bill of complaint of xpofer Tye compleynaunt

The said defendaunt not confessyng or acknovledging any thing effectuall or materiall in the said bill of complaint conteyned to be true in such maner and Forme as in the same bill of complaint is alledged, For aunswere to the said bill saieth That the same Thomas Seye namyd in the said bill of complaint was souly seased in his demeane as of Fee of and in the same mesuage or tenement *with thappurtenaunces* comprized in the said bill by the feffment of one John Coole, And so beyng thereof seased died of such estate thereof seased, by and after whose deceesse the same mesuage or tenement *with thappurtenaunces* discended and came and of right ought to discende and come vnto John Seye of Salcote in the countie of Essex as brother and heire of the said Thomas Seye For th[at] the same Thomas died *without* heire of his body lauffully begotten, by Force whereof the same John Sey entred into the same mesuage or tenement *with thappurtenaunces*, And was thereof seased in his demeane as of Fee, And the same John Seye so being thereof seased did thereof eneffe one Jherome Songer gent, by Force whereof the same Jherome Songer was thereof seased in his demeane as of Fee whose estate in the same *premisses* the said defendaunt now hath and enjoyeth to hym and to his heires by good and sufficyent conveyance in the lawe, And the same defendaunt so beyng thereof seased did vpon certeyn consideracions lesse the same *premisses* to the same Johanne namyd in the said bill of complaynt mother of th[e said] complaynaunt for terme of her liff by Force whereof she was thereof seased in her demeane as of freeholde the *Revercion* thereof to the said defendaunt belonging / And afterwardes the same Johanne of the same estate died seased, After whose deceesse the same defendaunt entered into the same *premysses* and was and is thereof lawfully seased in his demeane as of Fee, And the profittes thereof taketh to his owne vse as lawful is for hym to do, And ^{as} to such evidence *chartres* and other wrytinges concernyng the *premysses* which are come to the handes of the said defendaunt / The said defendaunt kepeth the same for the preservacion of his said lawful and rightfull estate interest and title in the *premysses* as lawful is for hym to do without that that the same Thomas Seye and Johanne his wiff were seased of any such ioynt estate in the *premysses* as in the said bill of complaint is most vntruly surmysed. Or that the same Johanne eyther helde her selff in or was by right of *Survivor* seased in her demeane as of Fee, Or of such estate died / seased accordyng as in the said bill of complaint is vntruly alledged, Or that after the deceesse of the same Johanne the *premisses* discended and came or of right ought to descende and come to the said complaynaunt as sonne and nexte heire vnto the same Johanne, Or that the same complaynaunt was or is of the same *premysses* lawfully seased in his demeane as of Fee accordyng as in the sayd bill of complaint is alledged / And without that any other thing or matter in the said bill of complaint conteyned beyng effectuall or materiall to be aunswere vnto and in this Aunswere not sufficyently confessed and avoyded, traversed or denyed is true, All whiche matters the said defendaunt is redy to averre and prove as this honorable courte shall awarde,. And demaundeth Judgement and prayeth to be dismysed with hys reasonable coostes and expences wrongfully by hym susteyned in this behalff /

R Gyne[?]

C 33/39, f.4v

Entry in 'A' book of Chancery Orders and Decrees, Easter term, 1569

http://aalt.law.uh.edu/Eliz/C33no39/IMG_6713a.htm

[f.3: Jovis xxvij^o die Aprilis]

[Thursday the 28th day of April]

Christofer Tye *plaintiff* } Thursday next is daye geven to the *plaintiff* to replie / Orelles
Beniamyn Clere *defendant* } to paye costes as this corte shall awarde / Powle

C 33/40, f.3v⁶

Duplicate entry in 'B' book of Chancery Orders and Decrees, Easter term, 1569

http://aalt.law.uh.edu/Eliz/C33no40/bC33no40v/IMG_8264.htm

[Thursday 28 April, but the heading with this date is omitted from the book]

Christofer Tye *plaintiff* } Thursdaie next is daye geven to the *plaintiff* to replie / Or eles
Beniamyn Clere *defendant* } to paie costis as this court shall awarde / Powle /

⁶ The 'A' and 'B' books of the Chancery Decrees and Orders have been checked for the following three months. There is no further mention of the Tye v. Clere action.