

An edition of the depositions from  
EDC 2/6, deposition book of the  
Consistory Court of Chester,  
September 1558 – March 1558/9

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Master of Archives and Records Management

2010

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14,081 words, exclusive of footnotes, bibliography and appendices

## Acknowledgements

The enjoyment I have had working with the records of the Chester consistory would not have been possible without the help and guidance of all the staff at Cheshire Record Office. The assistance of staff at the British Library has also been invaluable in completing this study when a move for work meant leaving the north-west. I would like to thank my supervisor Paul Booth for his guidance, understanding, encouragement and reassurance in undertaking this work, and my manager and colleagues for putting up with my mind sometimes being in sixteenth-century Chester rather than twenty-first century Brent during summer 2010.

I must also acknowledge the encouragement of the Victorian local historian, F.J. Furnivall, whose book *Child Marriages, Divorces and Ratifications* is dedicated to “the Antiquaries of Cheshire, in the hope that they will at once hang one of their number, to encourage the rest forthwith to print all the depositions and other valuable material in the Diocesan Registry at Chester which they have so long and so culpably left in MS. only.” This study makes but the smallest of inroads into such a task, but I hope it may encourage others to make more use of these fascinating resources without recourse to such drastic measures!

## Summary

This study examines a section of one of the depositions books of the Consistory, or bishop's court of the diocese of Chester, covering a 6-month period from September 1558 - March 1559. The depositions books record the sworn evidence, or depositions, taken in the cases, or 'causes,' which were heard in the court. They are one of the most complete extant series of records produced by the consistory, and are a valuable resource for research in a wide range of fields, from the scope and extent of church jurisdiction in the lives of the laity to the language of the vernacular, recorded in witnesses' depositions, as well as local and family history.

The depositions are recorded in a combination of Latin and English, and several different hands, of varying ease of reading, and together with their fragile state of preservation, this can make them a daunting resource for the researcher. This study aims to provide an introduction to the books and to the church courts of the time by providing a transcription of the depositions in a given period and using this to consider the workings and the role of the courts, and the causes they typically heard. I hope that by making the depositions more accessible to a general audience in this way, this study will increase interest in these fascinating documents and motivate future investigations and research.

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## Chapter 1: Introduction

This short study centres on an English transcription of a section of one of the depositions books of the Consistory Court of the diocese of Chester, covering a 6-month period from September 1558 - March 1559.<sup>1</sup> The consistory was the diocesan or bishop's court, which heard both disciplinary cases brought by the church relating to public morality and religious observance, and litigation suits brought by one party against another, and the depositions are the evidence given in the course of these cases, or 'causes'.

Church court records, which survive in greater or lesser numbers for most of the English and Welsh dioceses, are a fascinating but underused resource. They have often been used as the basis of scholarly research, but due to their having been written partly or entirely in Latin, at least until the 18<sup>th</sup> century, and to the complexities of the record-keeping practice which created them, church court records can seem a forbidding resource to many researchers. Furthermore, many church court records, of which Chester's are a typical example, were stored for decades or centuries in damp, dirty and disordered conditions in cathedral muniments rooms or other unsuitable stores, causing damage and deterioration which has made them even less accessible to researchers. Before their transfer in 1962 to Cheshire Record Office as the diocesan archive, the Chester consistory records,<sup>2</sup> including the deposition books, were held in four rooms in the abbey gateway, where, as late as the mid-20<sup>th</sup> century, individuals carrying out a survey for the Church of England found that "[f]urniture and documents...are overlaid with a thick coating of greasy dirt" which "has been found to cause actual illness."<sup>3</sup>

The surviving consistory records are therefore generally in poor condition, and many series are not complete. The extant series of deposition books<sup>4</sup> covers only a relatively short period, and all have been extensively damaged by damp and dirt, meaning that several volumes require remedial conservation work. Each volume is bound in codex form, made up of a number of sections of folios, with sewn bindings. It is unclear whether they were originally bound with boards and a spine, but if so, these do not survive, and many of the sections of folios have separated. Except where there has been extensive penetration of moisture, and around the page edges, the paper is generally in relatively good condition, though the most water-damaged pages are liable to disintegrate when

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<sup>1</sup> See 'Editorial Conventions,' p.32-33 for further information on dates and calendars.

<sup>2</sup> CRO. EDC, Consistory Court Records, 16<sup>th</sup> century-20<sup>th</sup> century.

<sup>3</sup> *Survey of Ecclesiastical Archives: report of the Committee appointed by the Pilgrim Trustees in 1946 to carry out a survey of the provincial, diocesan, archidiaconal and capitular archives of the Church of England* (Pilgrim Trust: London, 1952), 'Chester,' p.3

<sup>4</sup> CRO. EDC 2. Deposition Books, 1529-1574.

handled. It is hoped therefore that this transcription will allow researchers to become more familiar with the typical work of the Chester consistory court during the reformation period and the records it generated, and encourage future efforts to make this richly informative series of records more accessible to all, through conservation to stabilise the records, and further transcription work.

The litigation and correction business of the church courts, into which depositions give but a glimpse, was only a part of their work. A substantial proportion consisted of non-contentious actions including the admission of clergymen to benefices and the issuing of licences and dispensations: however, this study focuses specifically on depositions due to the insight they provide into important events and activities in the life of the laity in the Tudor period, including evidence on disputes over marriage, will-making and defamation, and why these were of such importance. Chapter 5 will look in more detail at the different types of causes heard. Studies of church courts have often concentrated on the work which saw them nicknamed ‘bawdy courts’ - the role of the church in bringing charges and imposing penances for fornication and other ‘immoral’ behaviours - but this study aims to illustrate the importance of the church courts as a counterpart to the secular courts in hearing cases brought between parties, and settling disputes. Since most disciplinary cases were dealt with without the use of witnesses (see Chapter 3), deposition books demonstrate this arbitrational aspect of their jurisdiction, and are therefore an important source in understanding the important position held by the church courts in the life and experiences of the laity. As Christopher Haigh writes, “The manuscripts of the bishop of Chester’s consistory have been almost entirely neglected...[b]ut the records can yield evidence on a wide range of topics, for the cases which came before the consistory covered almost every aspect of the community’s life.”<sup>5</sup>

The deposition books were only one part of the wealth of documentation generated by the consistory court (detailed in Chapter 4), and record the evidence of witnesses called in the hearing of causes. The extant records of the court for this early date are relatively sparse; no citation books survive for the sixteenth-century, and records such as the cause or court papers, which were “formal documents submitted to or issued by the court...used by the parties to introduce their arguments, and by the court to embody its findings and rulings,” only survive in very limited numbers for this period, with only two such papers existing for the 6-month period in question.<sup>6</sup> The depositions can be used to reconstruct what they might have contained. They show how the jurisdiction of the church extended into many areas of the life of the laity, and, though it has been argued that there

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<sup>5</sup> C.A. Haigh, ‘Slander and the Church Courts in the Sixteenth Century’, *Transactions of the Lancashire and Cheshire Antiquarian Society*, Vol. 78, 1975, p.1

<sup>6</sup> CRO. EDC 5/19/1. Libel in tithe cause, 20 Feb 1558/9.  
CRO. EDC 5/19/2. Libel in tithe cause, 8 Mar 1558/9.

was resistance to the way the church exercised its power over the communities and individuals it governed, and imposed its influence to proscribe certain 'immoral' behaviours, the depositions illustrate that the church courts were actually widely used by members of the laity as a means of settling disputes and upholding publicly approved standards of behaviour. This short period, chosen from one book in the series, gives a snapshot into the work of the Chester consistory court, and the scope and extent of diocesan jurisdiction in Chester.

As well as offering scholars an insight into the place of church courts in the Tudor world, the depositions are also of great interest as a record of the language and 'voice' of the people. The standardised responses that are often found in several depositions relating to the same cause indicate that they are probably not completely verbatim transcripts of the evidence, since "the scribe may well have tidied up the language, and made it nearer to the written form."<sup>7</sup> However, it is possible to see variations in the language and level of detail used by deponents, suggesting that they do attempt to record the words and idiosyncrasies of speech of each deponent as far as possible. This makes deposition books a record type of particular importance to social historians and those interested in language and the spoken word. Though the place of purely oral testimony in official and business matters had long-since been superseded by the creation of evidential records, record-keeping practice in early-modern Europe was still concentrated on legal and administrative business, such as land conveyance and state matters.

Though literacy levels were increasing during this period, writing materials such as paper, parchment, quill and ink were still relatively expensive, and the skill of writing was still limited to a relatively small number of trained scribes and other professional clerics, who generally wrote at least partly in Latin, the language of learning and official business; so the mundanities of everyday life, particularly of the lives of women, were not usually seen as worthy of being recorded in writing. The historic record which has survived from this period in archives and record offices is therefore biased towards a centralised, 'official' view, and tends to follow particular structures and language conventions. For example, though there was "undoubtedly a good deal of regional variation in the language spoken in England in the Early Modern period,"<sup>8</sup> this is not apparent in many written records, which follow standardised and legal forms. The depositions are therefore of significance as records that 'give voice' to ordinary people, including many female deponents, recording aspects of the lives, activities and opinions of individuals from across the social spectrum, which might otherwise have been lost to the historic record; whilst also illustrating the highly standardised nature

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<sup>7</sup> Charles, Barber, *Early Modern English* (Edinburgh University Press: Edinburgh, 1997), p.29

<sup>8</sup> *Ibid.*, p.10

of official record-keeping in their structure and use of Latin. The short period considered in this study, for example, contains the evidence of a cross-section of people, some of whom can be identified from other records as prominent members of the community, alongside others whose very existence may not be recorded anywhere else. It is interesting to compare, for example, the formality of the language of a notary public, giving evidence in a testamentary cause,<sup>9</sup> and the statements, strewn with dialect words, given by labourer parishioners of Prestwich in a defamation suit.<sup>10</sup>

The deposition books are also an important resource for the study of both family and local history. The recording of baptisms, marriages and burials in parish registers had only been made mandatory twenty years before the date of these depositions, by Thomas Cromwell in 1538; many of these early registers do not survive, and those that do are not always complete, meaning that researchers must turn to other sources in order to follow a family line further back. Many of these depositions allow the reconstruction of family relationships, particularly in matrimonial disputes over consanguinity, and testamentary evidence where the relationships of those present at the will-making are often described, and so may be valuable in genealogical research. Other depositions, particularly those in tithe disputes, attest for example to the cultivation of particular crops in a parish, or the local geography of an area, making them useful to both local and agricultural historians.

This study has chosen to focus on a 6-month period from September 1558 - March 1559, which is transcribed in its entirety (with English translation of the Latin sections) in Appendix 1. Previous studies of the Chester consistory deposition books such as *Sin and Society in the Seventeenth Century*<sup>11</sup> or *Child-Marriages, Divorces and Ratifications*<sup>12</sup> have focussed only on one or two types of causes heard in the court, and used the evidence of these selected causes to draw conclusions on the character and moral values of the parties to such causes. Furnivall, for example, selected depositions from divorce causes in EDC 2/7<sup>13</sup> to illustrate his contention that children were frequently forced into 'marriage' in the diocese of Chester during the 1560s. I hope that by presenting *all* the depositions for this (short) period in their entirety, this study will give a measured overview of typical causes brought before the consistory, and some understanding of the role of the court and its work, and provide a basis for future investigations and research. Furthermore, where

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<sup>9</sup> CRO. EDC 2/6, Deposition book, Nov 1554-Nov 1560. f.229v.

<sup>10</sup> CRO. EDC 2/6. f.252-252v.

<sup>11</sup> John Addy, *Sin and Society in the Seventeenth Century*, (London, 1989)

<sup>12</sup> F.J. Furnivall, *Child-Marriages, Divorces, and Ratifications &c. in the Diocese of Chester, 1561-6* (London, 1897)

<sup>13</sup> CRO. EDC 2/7, Deposition book, Nov 1561-Mar 1565/6.

previous studies, such as Furnivall's, have provided transcriptions of depositions, they have rarely provided translations of the Latin sections, assuming readers' familiarity with the language: though they are generally quite formulaic in structure, being able to read the Latin parts of the depositions alongside the English helps to provide a fuller understanding of the text, so I hope that this transcription will help make the depositions accessible to the widest possible readership, even those with no knowledge of Latin.

The particular period covered by this study was chosen to allow consideration of the religious upheaval of the Tudor period on the church courts, since it encompasses the death of the Catholic queen Mary and accession of her Protestant sister Elizabeth.

## Chapter 2: The diocese of Chester in the reign of Mary

At the time these depositions were made, Chester was still a relatively new diocese. It had been established by letters patent of Henry VIII, dated 4 August 1541,<sup>14</sup> from the Archdeaonries of Richmond and of Chester, with its administrative centre on the site of the recently dissolved monastery of St Werburgh's in Chester, in the far south of the diocese. The new diocese was the third largest in England, also covering parts of north Wales, and included the whole of Cheshire and Lancashire and parts of Yorkshire, Westmorland, Cumberland, Flintshire and Denbighshire. Stretching from prosperous, growing towns such as Chester and Manchester to the still sparsely-populated moorlands of the northern counties and their relatively impoverished inhabitants, the huge size of the diocese, 120 miles long at its longest part, and 90 miles wide at its widest, made its administration from the episcopal seat at Chester a difficult undertaking from the start.

Though the Church undoubtedly already played a significant role in the everyday lives of the laity prior to the establishment of the diocese, it has been suggested that "the North West had been on the periphery of the ecclesiastical structure;"<sup>15</sup> so the first Bishop of Chester, John Bird, had to impose an effective system of administration on the diocese in some respects from scratch. This followed the hierarchical model of all English diocesan administrations, where the bishop devolved power to appointed clerical officials, but was also probably influenced by financial constraints. The new diocese had been endowed with the revenues of the archdeaonries from which it was formed, but unlike most of the older sees, this income came mostly from 'spiritual' revenues comprising donations, bequests, commutations and tithe income, rather than from more lucrative land-holdings, probably due to an unwillingness of the Crown to give up property rights gained at the Dissolution. At its establishment, therefore, the net income of the diocese was around a third of the average income of the older dioceses.<sup>16</sup> These financial difficulties were probably an influence in Bird's decision not to establish two salaried archdeaons, as was usual in most dioceses, but instead only to institute a number of rural deans, with administrative powers which would normally have devolved to the more elevated archdeaons. The archdeaonries were vested in the bishop until appointments were made by Bird's successor, George Cotes, but though later archdeaons gained power through other contemporaneous appointments, the posts themselves were sinecures. Though officially the archdeaons of Chester and of Richmond (effectively the north and south of the

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<sup>14</sup> R.H. Morris, *Chester, A Diocesan History* (London, 1895), p.102

<sup>15</sup> C. Haigh, 'Finance and administration in a new diocese: Chester, 1541-1641', in *Continuity and Change: Personnel and Administration of the Church of England, 1500-1642*, ed. R. O'Day & F. Heal (Leicester, 1976), p.150

<sup>16</sup> *Ibid.*, p.145

diocese), they had no jurisdiction *per se*, as in other dioceses, but instead were instituted as canons of Chester Cathedral.

The religious upheavals of the 16<sup>th</sup> century did not help the financial woes of the bishops of Chester. The 'counter-reformation' undertaken by Mary upon acceding to the throne in 1553, to reverse many of the changes made to church practice under Henry VIII and Edward VI, required enforcement on the part of the ecclesiastical authorities, giving the church more work and resulting in a depletion of its resources. In Chester, the low diocesan revenues combined with these new drains on finances and a period of rapid national inflation in 1556-1557 resulted in the need for a substantial royal grant to be made to the see in February 1558, under the bishopric of Cotes' successor, Cuthbert Scott, instituted in 1556.<sup>17</sup> Scott's earlier career, particularly as Vice-Chancellor of Cambridge University from 1555-1556, had been notable for his involvement in the burning of relics of Protestant martyrs,<sup>18</sup> and due to his vocal opposition to religious legislation proposed by the new queen Elizabeth in 1559, he was imprisoned and deprived of the see of Chester in 1561.<sup>19</sup>

However, on the evidence of the depositions, the religious turmoil that characterised the Tudor period seems to have had little impact on the daily life of the laity of Chester at this time, or at least the legal cases, or 'causes' in which they were they were involved. Nor, apparently, were the Romanist leanings of the spiritual head of the diocese reflected in the causes heard in the consistory court, none of which in this period are related to religion or religious practice. This short study covers the 6-month period before and following Mary's death in November 1558, and the absence of depositions relating to alleged heresy or religious unobservance by clergy or laity suggests that there were no cases judged serious enough to be heard through the lengthier plenary proceedings which generated depositions. Though Lancashire, part of the diocese of Chester, was to become a notable area of recusancy in later centuries, the evidence of this glimpse into the Chester consistory court certainly supports the notion that the work of the church courts was, at this time of social and religious upheaval, "a significant area of continuity for the English population."<sup>20</sup>

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<sup>17</sup> Ibid., p.155

<sup>18</sup> Francis Gastrell, *Notitia Cestriensis, or Historical Notices of the Diocese of Chester* (Manchester, 1845), p.7

<sup>19</sup> K.R. Wark, *Elizabethan Recusancy in Cheshire* (Manchester, 1971), p.1

<sup>20</sup> Simon Marsh, *Popular Religion in Sixteenth-Century England* (London, 1998), p.108

### Chapter 3: Church administration and church courts

The violence of the theological and doctrinal schisms which had developed across Europe during the 15<sup>th</sup> and 16<sup>th</sup> centuries, and for which many across England and Wales were martyred during this turbulent period, can perhaps be seen as a counterpoint to the relative solidity and lack of change in the administration of the English church, both internally, and in the way it exercised its spiritual jurisdiction over the laity through the church courts. The hierarchical structure of ecclesiastical administration and the practice of canon, or church, law had remained largely unchanged since the twelfth and thirteenth centuries,<sup>21</sup> and the system existed alongside the temporal administrative and legal system alongside which it had developed. The temporal law, exercised in the civil courts, concerned itself with criminal matters such as theft and assault, whereas the church courts, and the administrative system that maintained them, concerned themselves with the spiritual and moral welfare of the populace. Although the power and influence of church courts was perhaps already waning due to the breakdown of the religious uniformity from which their authority stemmed, and was to diminish hugely over the following centuries, during the sixteenth century, they formed an important part of the legislative landscape of the time. At a time when “government, whether royal or seignorial, was largely channelled through legal forms...[where] the boundaries between judicial and administrative action were far less clearly drawn than is the case today,”<sup>22</sup> the role of the law, and of litigation in interpreting that law, in society at large and in the everyday lives of the people should not be underestimated. Though the jurisdiction of the church courts was principally over ecclesiastical and spiritual matters, it extended to many aspects of the day-to-day life of the laity. As will become clear through the examination of the Chester depositions, a large proportion of lay society must at one time or another have had contact with the courts, whether as a deponent, defendant or plaintiff, or have been familiar with the minor court officials as they travelled the diocese.

#### How and why causes were brought

By the sixteenth century, it has been suggested that “the upholding of the rights and position of the institutional church was conceived of as an end in itself,”<sup>23</sup> rather than as a means to ensure the spiritual well-being of the laity, but whatever motivated the work of the church courts, they were concerned particularly with ensuring: the upkeep and reverential treatment of the fabric of the church; correct observance and attendance to the mass and liturgy; and that standards of

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<sup>21</sup> R.N. Swanson, *Church and Society in Late Medieval England* (Oxford, 1989), p.158

<sup>22</sup> Martin Ingram, *Church Courts, Sex and Marriage in England, 1570-1640*, (Cambridge, 1987), p.27

<sup>23</sup> Robert E. Rode, Jr., *Ecclesiastical Administration in Medieval England* (Notre Dame, Indiana, 1977), p.71

religious and pastoral care were upheld by the clergy and observed on the part of the laity, as well as that tithes and other fees due to the clergy were paid in full. In addition, the granting and administration of probate also fell to the church courts, and, perhaps as importantly as the business brought by the church, the courts were widely used by the laity as a method of litigation to settle disputes.

The administrative system on which the courts were founded varied from diocese to diocese (and in some 'peculiar' jurisdictions which did not fall under any one diocese, the administration and the courts themselves formed their own localised structures), but generally followed similar lines. At the lowest level, administrative jurisdiction was exercised by 'visitations' undertaken by the rural deans, at which the visitor, at the head church of a deanery, would meet with the clergy and lay representatives of each parish, who would answer detailed questions, or interrogatories, on the state of the church and its property, and the behaviour and morals of the clergy and parishioners. Archdeacons, generally higher-ranking than the rural deans, of whom there were normally one or two in each diocese, would also hold annual visitations, with the bishop himself, more senior still, (theoretically) holding triennial visitations throughout the diocese. Matters of concern raised at the visitation might be dealt with there and then, perhaps by an order to carry out repairs to the church, but would more usually result in the bringing of a cause in the church court. This would result in the matter being referred up the hierarchy, either to the court of the archdeacon, or that of the bishop, normally known as the 'consistory,' and held in a fixed location, usually within or close to the cathedral. Appeals on the ruling of the consistory might be referred to the next hierarchical level, the provincial courts of Canterbury (the Court of Arches) and York. Further appeals to the papal court, or *Curia Romana*, which had overseen the lower levels of jurisdiction before the reformation, had been forbidden in a 1534 Act of Parliament.

This duplication of courts within the same diocese could lead to problems of competition for business between the archidiaconal and consistory courts, but this was not a problem in Chester, where the unusual position of the archdeacons meant that they did not hold their own courts as in many other dioceses. The hierarchy was further simplified in Chester, as although separate rural deans did exist at this period, by the end of late sixteenth century the diocesan chancellor held most of the rural deaneries in plurality, thus reducing the number of separate jurisdictions. Causes arising from visitations or brought by an aggrieved member of the laity would therefore always be heard at the consistory – though, in fact, as I will discuss below, the archdeacons of the diocese of Chester actually played an important role within the bishop's consistory court.

The causes heard in the ecclesiastical courts were of two kinds. Office cases (those brought *ex officio*) were instigated by the Church's own officials, arising from matters discussed at visitations, or perhaps in direct response to common rumour,<sup>24</sup> and dealing with the discipline of the clergy and spiritual or moral offences of the laity. Instance causes were those brought by a lay party - the *pars actrix*, or plaintiff, against one or several others - the *pars rea*, or defendant(s) - in which the role of the court was to settle disputes *ad instantium partium*, or indeed, often simply to act as an arbitrator, facilitating an out-of-court settlement. Instance causes may be seen, therefore, as the equivalent of civil business in the secular courts, but would only be heard in a church court if the dispute was considered to have some moral aspect to it. This combination of pastoral and legal considerations has led Rodes to suggest that the church courts' "aspirations were too high for a practical choice of goals or an expeditious handling of business,"<sup>25</sup> but since the number of instance suits brought at the Chester consistory actually doubled between 1544 and 1594,<sup>26</sup> it is clear that they were generally believed to offer an effectual means to pursue litigation. One might question why plaintiffs brought cases in the church rather than secular courts, given the additional suggestion of moral judgment, but it has been suggested that as well as being relatively "speedy, flexible, inexpensive and readily understandable,"<sup>27</sup> the proceedings of the courts were seen, at the very least, as an effective arbitration service in settling disputes, and indeed that "in terms of fairness to plaintiffs and defendants it [canon law as practised in the church courts] was in some ways superior to common law."<sup>28</sup>

The distinction between the types of causes was not clear-cut, and causes brought *ex officio promo*, where the church authorities acted on behalf of a third party (as opposed to *ex officio mero*, brought on their own volition) can be indistinguishable from instance causes. Matrimonial consanguinity suits, for example were sometimes brought by one party looking to annul a marriage, but could also be reported at visitation and promoted to plenary hearing.

### **Sentencing and resolution**

Some commentators have pointed out that the church courts were relatively powerless, and therefore ineffectual in their aims of preventing moral and spiritual transgression and reinforcing the power of the Church through the punishment of these offences. They did not have the power to

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<sup>24</sup> Swanson, *Church and Society in Late Medieval England*, p.165

<sup>25</sup> Rodes, *Ecclesiastical Administration in Medieval England*, p.149

<sup>26</sup> Haigh, 'Slander and the Church Courts', p.2

<sup>27</sup> Ralph Houlbrooke, *Church Courts and the People during the English Reformation, 1520-1570*, (Oxford, 1979), p.271

<sup>28</sup> Ingram, *Church Courts, Sex and Marriage in England*, p.8

make arrests nor to imprison people, and though some punishments such as whipping were corporal, most were concerned with public humiliation and spiritual censure. Penances imposed by the courts could involve an act of public repentance whilst marked as a sinner through clothes or symbols, or excommunication. Excommunication carried practical and social consequences, since excommunicates could not inherit under a will, be married in church or buried in consecrated ground, or sue at common law,<sup>29</sup> although it was generally imposed by the church courts only for a set period, rather than permanently, and so its value in punishing determined recidivists is questionable. As the breakdown in religious uniformity during the sixteenth century weakened the effective spiritual threat of these sanctions, it has been suggested that by the date of these depositions, and certainly by the end of the century, the courts were increasingly seen as toothless, irrelevant and outdated. However, office causes, from which punishments of this sort might be given as sentences, were only one aspect of the courts' work. Study of the ecclesiastical courts has often concentrated on the more salacious aspects of their work – the causes relating to fornication and adultery, for example, which tended to be brought *ex officio* – but a substantial proportion of their work was in instance causes, which, as discussed above, actually increased in number over the course of the century, indicating that they continued to be seen by the laity as both functional and fair in the service of litigation. In fact, where a complete set of court records exists, many causes are only recorded as far as the publication of evidence, no sentence having been recorded, suggesting that in many cases the court acted merely as an arbitrator before the matter was settled out of court.

### **Court officials**

Before I move on to an examination of Chester consistory itself, it may be helpful to give a brief outline of the officials of a typical bishop's or consistory court. The court was presided over by the chief judicial official of the bishop, or official principal: by this date, as at Chester, this was often held in combination with other roles by an official known as the chancellor. These might be laymen trained in the civil law, or members of the clergy with legal training; and they were able if they wished to depute a 'surrogate' to perform their duties for them, usually a lawyer or a local clergyman.<sup>30</sup> Of almost equal status and pay with the judge was the registrar (or register), a public notary responsible for the record-keeping of the court and the preparation of the multitude of documents involved in the process of a cause. This post was also usually held by life patent, and so was of considerable status and influence within the diocese. Aside from the scribes and deputies

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<sup>29</sup> Swanson, *Church and Society in Late Medieval England*, p.179

<sup>30</sup> Robert E. Rodes, Jr., *Lay Authority and Reformation in the English Church* (Notre Dame, Indiana, 1982), pp.175-6

employed by the registrar, the other court officials of note were the apparitors, who travelled throughout the diocese to deliver citations to appear in court, and called witnesses on court days. The parties in the causes were represented by advocates and proctors, men of legal training, gained either through university study or apprenticeship, roughly equivalent to barristers and attorneys respectively.

Fees, which were used to finance the running of the courts, were charged to defendants in office causes as well as both parties in instance actions – though defeated defendants were usually liable for the bulk of the plaintiff's fees. They were therefore payable by both guilty and innocent parties, but this was common to the contemporary civil courts, and in an era when, as I will discuss further later, maintaining a good name was of paramount concern to all members of society, "the conventional wisdom was that anyone who had given cause for suspicion had to be prepared to pay the costs of vindicating his reputation."<sup>31</sup>

The ecclesiastical courts have sometimes been portrayed, particularly in early studies of their work, as corrupt. The apparitors, as relatively lowly, poorly remunerated officials who were able to complete and issue blank citation forms, may have been open to bribery, but since most of the officials, including the official principal or chancellor and the registrar, were paid (relatively handsomely) through the court fees, there would have been comparatively little motivation for significant levels of corruption, and modern commentators have tended to conclude that there is little evidence to suggest it.

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<sup>31</sup> Ingram, *Church Courts, Sex and Marriage in England*, p.54

## Chapter 4: Chester consistory court and its records

### The officials of the consistory

From the erection of the see, the position of chancellor of the diocese of Chester was held by George Wilmesley (als. Wilmslow), a member of the influential Cheshire Savage-Wilmesley family, half-brother to Edward Bonner, bishop of London, and illegitimate son of George Savage, rector of Davenham, himself an illegitimate son of Sir John Savage of Clifton. No patent showing his appointment as chancellor survives, but in October 1541 his commission as vicar-general and official principal to John Bird was registered in the consistory,<sup>32</sup> and references to him in leases and elsewhere as both commissary-general and chancellor show that in Wilmesley, the formerly three roles were combined in the latter one of chancellor. After the previous post-holder resigned the position on receipt of the large sum of £114 from Wilmesley,<sup>33</sup> he also assumed the position of Register General of Chester by the issue of a patent by Bishop Bird in 1544, which in practical terms made Wilmesley as powerful as the bishop himself. As well as the right to sit as judge for the sessions of the consistory, as registrar he would have been responsible for the appointments of many of the minor officials of the court, as well as having benefited financially through a salary; court fees (in 1555, these were 33d per cause as judge and 11<sup>1/2</sup>d as registrar<sup>34</sup>); and his extensive speculative leasing of tithes and church lands during his time as Chancellor.

However, though it is likely that Wilmesley was still nominally chancellor of Chester by the time of these depositions in 1558-9, he had lost much of his monopoly of diocesan power under the Marian regime. Having married during the reign of Edward VI (and fathered at least one bastard child as well as five legitimate offspring),<sup>35</sup> and used his considerable power personally to profit from the leasing of lands and positions, his dominance was unacceptable to Bird's successor, George Cotes – although his influence does appear to have protected him from dismissal, unlike Bird himself, who was deprived in 1544 due to his own marriage. Though the patent for his appointment does not survive, it is likely, from the evidence of later patents, that Wilmesley's appointment as chancellor was a life patent, and so Cotes was not able easily to remove him without scandal, but he

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<sup>32</sup> C.A. Haigh, 'A Mid-Tudor Ecclesiastical Official: The Curious Career of George Wilmesley' in *Transactions of the Historic Society of Lancashire and Cheshire*, Vol. 122, 1971, p.6

<sup>33</sup> Gastrell, *Notitia Cestriensis, or Historical Notices of the Diocese of Chester*, p.23

<sup>34</sup> Haigh, 'The Curious Career of George Wilmesley', p.9

<sup>35</sup> Lander, Stephen, 'Church Courts and the Reformation in the diocese of Chichester' in *Continuity and Change: Personnel and Administration of the Church of England, 1500-1642*, ed. R. O'Day & F. Heal (Leicester, 1976), p.236

chose to appoint two new diocesan officials in whom he vested successively more of the power once held by Wilmesley.

The archdeaconries of Chester and Richmond had since the creation of the diocese both been held by the bishop of Chester, but in late 1554 Cotes made new appointments to the posts, Robert Percival as Archdeacon of Chester, and John Hanson (als. Hampson) as Archdeacon of Richmond.<sup>36</sup> As discussed above, these posts in themselves held no jurisdictional authority (though they were rewarded by a £50 salary, and it seems likely that Hanson is identifiable with the John Hanson who was instituted to the parish of Bawden, or Bowden, near Manchester, in October 1556,<sup>37</sup> where the rectory had once been leased by Bishop Bird to George Wilmesley).<sup>38</sup> However, by 1555, Hanson had begun regularly to preside as judge of the Consistory, officially as Wilmesley's deputy: and in the interim before the appointment of a new bishop following Cotes' death in December of that year, the administration of the diocese fell to Hanson, not Wilmesley, through his role as commissary to the archbishop of York. The new bishop, Cuthbert Scott, who was instituted in 1556, appointed Robert Percival as commissary-general and official principal of the consistory court, and although he did not appoint a new vicar-general, by the end of 1557 Wilmesley appears to have become marginalised within the consistory, no longer sitting as judge in any causes, and probably acting only in his role as registrar.<sup>39</sup>

Although Percival had been appointed as official principal, in practice Hanson appears to have presided as judge over the majority of the causes in the following years, until 1559 when he was deprived of the archdeaconry. It appears that Bishop Bird had collated a John Horleston as Archdeacon of Richmond sometime before his death, whose claim against Hanson for the benefice was heard by royal visitors in October 1559, following which Hanson was deprived in favour of Horleston.<sup>40</sup> Percival and Scott were also deprived by the new queen Elizabeth in 1559 on account of their Catholicism. During the 6-month period of this study, between September 1557 and March 1558, all the causes for which depositions are recorded were heard before Hanson.<sup>41</sup>

Although neither of the two archdeacons held their own jurisdictions, a separate court in Richmond was held under the archdeacon or a commissary of the bishop. Though the Chester consistory court nominally had jurisdiction over the whole diocese, this Archdeacon's court

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<sup>36</sup> John Le Neve, *Fasti Ecclesiae Anglicanae, 1541-1857, XI*, compiled by compiled by J.M. Horn et al, (London, 2004) pp.46-48

<sup>37</sup> CRO. EDA 1/1, Bishop's Act Book, 1502-1576.

<sup>38</sup> George Ormerod, *The History of the County Palatine and City of Chester* (London, 1882), p.113

<sup>39</sup> CRO, EDC 2/6.

<sup>40</sup> Le Neve, *Fasti Ecclesiae Anglicanae, XI*, p.48

<sup>41</sup> CRO, EDC 2/6.

exercised a co-ordinate jurisdiction with the Chester consistory: the extant records of the consistory show that the majority of the cases heard in the cathedral city were from the southern parishes of the huge diocese, with those from the north being heard at Richmond. Although it was officially subordinate to the consistory, which resulted in the occasional intervention of the diocesan Chancellor, the Richmond court exercised concurrent jurisdiction, and appeals were more likely to be heard at the archdiocesan court at York than at Chester.<sup>42</sup> The records of the court are held at Lancashire Record Office,<sup>43</sup> and would certainly merit further study, though unfortunately few cause papers and no deposition or act books survive from this date, meaning it would be difficult to establish through the records whether Hanson's intensive period of work in the Chester consistory had any impact on the work of the Richmond court or the number of causes heard there.

The consistory courtroom which survives in the main body of Chester Cathedral, in the space beneath the south-west tower, was only installed in the mid-seventeenth century, but its layout and location had probably changed little in the intervening century. We may suppose, therefore, that causes which generated these depositions in 1558-9 were heard by Hanson, seated on a raised dais, with the registrar – presumably Wilmesley or a deputy - and perhaps scribes seated at a table before which the plaintiff and defendant stood. There was never a jury present, as in civil cases.

### **The proceedings of the court**

However, not all the business of the court was executed in the courtroom itself. Proceedings followed a number of stages, which according to legal theorists were either 'plenary' or 'summary' in form. Summary proceedings were undertaken for simpler causes, usually disciplinary office suits: the defendant would attend the court in response to a citation and respond in his or her own words to the charge, or articles. If the response, which would be paraphrased and entered in the court record, amounted to an admission, the defendant would be given one of the available punishments – such as a warning or a penance: if the charge was denied, he or she might be put to purgation to warrant against perjury, or let go. Purgation required the defendant to produce a number of compurgators (almost invariably neighbours) to swear to his or her good name – though this was not sworn evidence as such, and so would not be recorded in the deposition books.<sup>44</sup>

Summary causes did not require the testimony of witnesses, and were shorter and less complex, resulting in the production of less documentation. Causes which involved the hearing of depositions – that is, those which are recorded in the depositions books – were of the longer,

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<sup>42</sup> Catalogue note, searchroom handlist for collection EDC, at CRO, p.1.

<sup>43</sup> LRO. ARR, Records of the Archdeaconry of Richmond, 1530-1861.

<sup>44</sup> Swanson, *Church and Society in Late Medieval England*, p.176

plenary form. They are generally instance causes, brought by one party against another, and would involve a number of stages. Firstly, the plaintiff would produce letters of proxy, stating their case and which proctor or proctors would represent them, following which the court would produce citations requiring both parties and witnesses to attend a certain sessions of the court. A libel would then be drawn up, detailing the plaintiff's allegations, and supported by attestations, the statements of the witnesses, or deponents, for the prosecution. The defence would submit responsions, or counter-statements, in answer to these allegations, as well as interrogatories – questions to be put to the deponents for the prosecution, challenging their evidence. Typically, these would include questions about the deponent's relationship to the parties in the cause and whether they were giving evidence under duress. The defending proctor might also submit articles of exception, which outlined reasons the deponents might not be trusted, such as their close relationship to the plaintiff, or bad reputation. The prosecution could then respond in turn with responsions, attestations, interrogatories or articles of exception, and so on until the judge was satisfied that he had heard enough evidence to support his judgement, or, more likely, the case was dropped or settled out of court.<sup>45</sup>

### **The hearing and recording of depositions**

Depositions, though in some ways equivalent to a modern witness statement, and evidence given under cross-examination, differ in that they were not made in the public arena of the court. Testimony was taken individually and confidentially, without representation, outside of the court, by the judge or by a court-appointed examiner, who would question the deponent on the content of the articles submitted by the plaintiff. The resulting depositions were taken down by a scribe or deputy registrar in a 'foul draft' before they were copied out in a standard format into the deposition book, read out in court and signed by the witness<sup>46</sup> (though signatures only appear in a minority of the depositions recorded in EDC 2/6). In fact, the apparently hastily written and ill-formed hand in which many of the depositions in this volume are recorded suggests that in many cases no draft was made, but that instead depositions were recorded (theoretically) verbatim as they were given. In the section examined in this study, for the 6 month period of September 1558-March 1559, most of the depositions appear to have been written out in fair copy (though not without errors), probably from a draft, as they are in a more 'official,' and certainly more easy-to-read, secretary hand, whilst only a few are recorded in a rushed and scrawled manner; though all appear to be substantially similar in their structure and contents. The deposition book also includes

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<sup>45</sup> J.S. Purvis, *An introduction to ecclesiastical records* (York, 1953), p.64

<sup>46</sup> Anne Tarver, *Church Court Records: an introduction for family and local historians* (Sussex, 1995), p.18

two loose sheets which were never part of the codex binding, and have been numbered in accordance with where they were inserted in the book (as f.243/1 and f.249/1 respectively). Both are included in the transcription in Appendix 1; they are in the same scrawled, rough hand, and include a page of questions to be asked at interrogatory, and a loose page recording depositions, which leads one to speculate that the deposition at least was a draft, originally intended to be copied into the book in fair copy at a later date.

The procedure was that each article should be read out and responded to in turn: this is reflected in the structure of some of the depositions recorded in EDC 2/6, but others suggest that the examiner read all the articles first, before requiring a statement which responded to all the points raised. The deponent would then be asked to respond to any interrogatory or articles of exception which had been submitted, and these are invariably recorded in the form of a list of responses to each point. All this information is recorded in the deposition books in a standardised form, with an introductory statement giving details of the cause for which the depositions are made; followed by the name, age and residence of the deponents, how long they have known the parties involved and their main statement; followed by the answers to the articles or interrogatories.

The depositions and answers are recorded in macaronic form – that is, in a mix of Latin and English. In general, the Latin appears to have been used for the administrative detail identifying the cause and the deponent, for interrogatories and other questions posed by the examiner, and for the standardised recording of oaths and other court business. However, the use of Latin does not necessarily imply that it was actually spoken by the examiner or other court officials: indeed, the highly standardised nature of the Latin sections probably suggests that it was not actually spoken at any point in proceedings. Business was almost certainly conducted entirely in the vernacular, but Latin was still the language of education and of official record, and in common with other courts of the period, “the formal instruments and records were at least in part *written* in Latin.”<sup>47</sup>

The structure of the information recorded in the deposition books is also revealing. The depositions recorded in each book are chronologically sequential, so the fact that the depositions of different witnesses for the same cause are not always grouped together suggests that deponents could delay a cause by not appearing in court on the day for which they were cited, and their evidence would have to be recorded on an ad hoc basis when they did turn up to the court. In more than one case, one deposition is separated by several folios from the others relating to the same cause: for example, where a deposition in the defamation suit of Kathryn Hoghton is found in the

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<sup>47</sup> Ingram, *Church Courts, Sex and Marriage in England*, p.47

middle of evidence relating to the testamentary cause of Elisabeth Burdman.<sup>48</sup> Some depositions also raise the question of how strictly examiners adhered to the requirement for confidentiality in the hearing of depositions. The depositions would be read aloud in open court in the court term set for the reading of the testimony, and in theory this should have been the first time the parties and any other deponents present heard the substance of the depositions. However, whilst deponents in a number of the causes considered here state that they cannot elaborate on their evidence, since they have not heard the statements of other witnesses, some deponents are recorded asserting that they agree with someone who has deposed before, suggesting some familiarity with the evidence of other witnesses.

The depositions were often the last detailed record to be produced in a particular cause. In most causes for which the extant records allow the progress of the suit to be followed from the publication of the libel onwards, the proceedings are only recorded up to the reading of the depositions. This certainly suggests that the publication of the depositions in court often heralded the end of a suit, either through a swift judgement based upon the weight of evidence, or indeed because the parties chose to settle their dispute out of court after hearing the testimony of all the witnesses.

Another interesting characteristic of the depositions is the sheer number. Since it is arguably true, as Rodes points out, that “[o]nce the written record was made up, it is hard to see how one man’s determination of the truth it indicated was better than another’s,”<sup>49</sup> the number of deponents who appear in some causes, giving almost identical testimony, can seem excessive. At least three or four witnesses appear in the majority of the causes from the short period examined here, and in one testamentary dispute, eight separate deponents gave evidence on the making of the will in question. The general tendency towards calling numerous witnesses appears to support the contemporary view that court officials created work for themselves to generate fees. John Parkhurst, bishop of Norwich, 1560-1575, revealingly complained that in his own consistory, “citations were often made out by scribes without authorization by the judge, ‘who upon hearing thereof might and ought to move the parties to quietness.’”<sup>50</sup>

### **The record-keeping of the consistory**

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<sup>48</sup> CRO. EDC 2/6, f.247

<sup>49</sup> Rodes, *Ecclesiastical Administration in Medieval England*, p.145

<sup>50</sup> Ralph Houlbrooke, ‘The decline of ecclesiastical jurisdiction under the Tudors’ in *Continuity and Change: Personnel and Administration of the Church of England, 1500-1642*, ed. R. O’Day & F. Heal (Leicester, 1976), p.247

However, one might think that the scribes and other officials of the court were already burdened with quite enough without making more work for themselves. Even excluding the records of their non-contentious work, such as the issuing of marriage bonds and licences, and other diocesan administration overseen by the consistory, the record-keeping practice of the court resulted in the creation of huge series of records relating to the causes heard. The quantity of papers generated in the course of plenary proceedings for a single instance cause could be vast, and “[t]he course of justice was inevitably hampered by rudimentary and cumbersome filing systems, by the need for every instrument and record to be laboriously written out by hand, [and] by the slowness with which the messengers of the courts travelled.”<sup>51</sup> When a libel was submitted and citations sent out for the attendance of the defendant and witnesses, the citations were recorded in a book, and the libel would form part of the cause papers, which would include all the supporting papers, including interrogatories, articles and exceptions, as well any copies of documents such as leases which might be generated to support the cause. In addition to the citation books, cause papers and the deposition books, the main record of the proceedings would be made in the act book, which often duplicated information found in the former series. Canon law required that every court should employ “a notary or two other suitable men to record all the acts of that court: the citations, the constitution of proctors, the petitions, the exceptions and so forth.”<sup>52</sup> In some cases, the act (or court) book, would give a relatively full record of the proceedings, including the outcome of the case; in others, it would be no more than a basic outline of the main ‘acts,’ or stages of the suit. As discussed above, causes were often completed shortly after the publication of the depositions in court. Where a sentence was passed, this would usually also be recorded in the act book, although in many cases, it appears that the parties would choose to settle the matter between themselves, since no judgement is recorded.

Although the church courts were seen as relatively efficient, dilatory proceedings were by no means unusual, particularly in more complex causes in which numerous interrogatories and exceptions were required to be answered in addition to the basic testimony of several witnesses. Parties who wilfully held up the progress of a suit could be required to pay their opponent’s expenses, but nonetheless, the progress of a cause, or *processus*, could take time, and generate a great deal of records: “occasionally the papers generated were so prolific that they were bound together into book form, with the title ‘*processus X, contra Y*’ on the front.”<sup>53</sup> The judgements resulting from office cases would usually result in the passing of a sentence of penance or

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<sup>51</sup> Ingram, *Church Courts, Sex and Marriage in England*, p.34

<sup>52</sup> Richard Henry Helmholz, *Marriage Litigation in Medieval England* (Cambridge, 1974), p.7

<sup>53</sup> Tarver, *Church Court Records: an introduction for family and local historians*, p.7

excommunication, which would also be recorded in a book: these do not directly fall under the scope of this study, since no depositions would be taken in summary proceedings, and in any case, the penance books for the diocese of Chester do not survive earlier than the seventeenth century.<sup>54</sup>

### **What can be learned from the deposition books?**

The depositions, then, represent only one part of the court record generated by plenary proceedings at Chester consistory, but for the sixteenth-century at least, they are amongst the most complete and consistent extant series of consistory records. Originally the cause or court papers<sup>55</sup> which were produced in support of one or both parties' cases, would have given the most detail on each suit, but very few survive from this early period, and those that do survive do not comprise the full set of supporting papers for each cause. In fact, for the six-month period in question only two documents survive in the Chester cause papers which relate to the cases in the deposition book, both libels in tithe suits<sup>56</sup> (although supporting documents for a further two causes have been copied up in the bishop's register - these are noted as footnotes in Appendix 1).<sup>57</sup> A court, or act, book which covers the period in question does survive; as discussed, this was intended to provide a daily record of proceedings and the 'acts' or stages of a cause. It is written in Latin and gives the names of plaintiff and defendant, as well as the type of cause.<sup>58</sup> However, though the court books also sometimes include other details of the *processus*, the information does not appear to be recorded in a standardised way, as it is in the deposition books. Therefore, despite, some repetition of information where several deponents gave similar testimony in a cause, for the period in question (1558-1559), the deposition book EDC 2/6 gives the fullest and clearest record of the causes being heard at the consistory.

The specific detail of the testimony recorded in each cause is often fascinating, but the information recorded in this and the other deposition books also provides more general insights into mid-Tudor society, and reveals a great deal about both the key events and day-to-day routine of the lives of the populace. It has been observed that "[p]eople from a very broad social spectrum, including some of the middling and lower ranks and excluding only the very poor, had recourse to

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<sup>54</sup> CRO. EDC 6, EDX, Penance and excommunication books, 1606-1786.

<sup>55</sup> CRO. EDC 5. Court papers, 1525-1860.

<sup>56</sup> CRO. EDC 5/19/1, Libel in tithe cause: Richard Marbury gent., farmer of tithes of Appleton in the parish of Budworth v. John Clayton of Appleton gent, 20 Feb 1558/9.

CRO. EDC 5/19/2, Libel in tithe cause: Thomas Amery, rector of Warrington in the county of Lancs. v. Roger Yate, John Bothe and Robert Raffeson of Bruceheth in Fernehed in same parish, 8 Mar 1558/9.

<sup>57</sup> CRO. EDA 2/1, Bishop's register, Apr 1525-Mar 1575.

<sup>58</sup> CRO. EDC 1/15, Court Book, 1557-1560.

the law,”<sup>59</sup> and depositions in EDC 2/6 seem to support this view. They include, for example, evidence given in a testamentary suit disputing the will of a servant, Thomas Skelicorne, who “had no other goodes to fulfill and performe the said legacies but onlie the Childes part left to hym by his father before decessed;”<sup>60</sup> despite the apparent poverty of the testator, his friends and family still chose to go to litigation to settle their dispute. The importance of legal process and institutions in sixteenth-century society has already been discussed in Chapter 3, and this readiness to litigate, despite the costs and time involved, seems to be typical of its time. It has been suggested that this was due to “a rising tendency for quarrels to be decided by force of argument rather than by force of arms,”<sup>61</sup> as well as a more educated populace, aware of their rights under law and how they could use them to their own ends, whether it was to annul a marriage or dispute a will.

One cause recorded in the deposition book does suggest, however, that the social status (and presumably wealth) of the parties involved could have an effect on court procedure. The introduction to the depositions in the testamentary suit regarding the will of Fulke Dutton (an alderman and former mayor of Chester,<sup>62</sup> and clearly a man of some social standing) records that the cause proceedings were “held before reverend father Cuthberte, by permission of god bishop of Chester,”<sup>63</sup> rather than Hanson or indeed Wilmesley. Unfortunately, no evidence survives of whether Scott’s involvement in the cause was motivated by personal interest in the cause, perhaps as a friend of the late Dutton, or a payment on behalf of one of the parties disputing the will to secure the most senior figure in the diocese as a judge: but it certainly seems to suggest that court practice varied according to the parties involved.

Both the language and the content of the depositions examined in this study suggest a third factor in this litigiousness – the importance given to the concept of ‘reputation,’ and the importance of being seen to uphold the values of the local community and thereby one’s own ‘good name and fame’. Each deposition concludes with the deponent swearing the truth of his or her testimony on his or her ‘good repute,’ and in several causes, deponents state that the beliefs that support their evidence are based on the ‘common rumour of the country’. The general impression given by the depositions is of a society which functioned in small community groups, where the proximity to their neighbours in which people lived their lives meant that everyone knew each other’s business and family history (illustrated by the testimony of deponents in matrimonial consanguinity causes, discussed in Chapter 5). Many deponents are acquainted with both the plaintiff and defendant of

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<sup>59</sup> Ingram, *Church Courts, Sex and Marriage in England*, p.28

<sup>60</sup> CRO. EDC 2/6, f.251v.

<sup>61</sup> Haigh, ‘Slander and the Church Courts’ p.11

<sup>62</sup> CRO. AB 1, [Chester] Assembly Minute Book, 1539-1624.

<sup>63</sup> CRO. EDC 2/6, f.227

the cause, and it is interesting to speculate what effect the outcome of cause proceedings would have had on the relationships within a small community and the 'common rumour' concerning both the parties and the deponents after the cause was over. Of course, it is true that by their nature, depositions and other court records are likely to lend disproportionate weight to these considerations, and one must question how representative of society as a whole the portrayal of Tudor life described in the testimony of deponents really is. However, though we must be cautious about the conclusions we draw from the depositions, they offer firm evidence of the place of the church and of canon law in regulating and controlling key events and processes in the lives of the laity.

## Chapter 5: Causes

The jurisdiction of the church courts extended to many aspects of life in the Tudor period, from the institution and licensing of the clergy and the monitoring and regulation of their behaviour, to the issuing of marriage licences and granting of probate, and the moral proscription of the behaviour of the laity. As discussed already, particular attention has often been paid by scholars and historians to the 'office' causes which resulted from the citation of a person for immoral behaviour, which covered activities ranging from non-attendance or lack of reverence at church to incontinent living and fornication, and the penances which were passed in sentencing these malefactors.

However, this study concerns itself with a different, though related, aspect of the role of the church courts, that which they played in arbitrating and settling the disputes of the laity in instance causes. These fall into a few main categories: matrimonial suits; testamentary disputes; slander and defamation; and tithe suits. In general, it was these which resulted in the taking of depositions, and it is therefore these causes which are recorded in the deposition books: though without the other records of the court, which as mentioned above are in most cases missing for the period in question, it is unclear whether some of the causes in this 6-month period relate to instance suits, brought by one party against another, or are in fact promoted office causes, brought by the church on the findings of a visitation. This is particularly the case with the matrimonial causes for which depositions have been recorded.

### **Matrimonial suits**

Though the sixteenth-century Church was clear that the union of marriage should be conducted and sanctified by the church, and by the 1550s a public declaration preceded by banns was becoming the norm, marriage law in England and Wales had evolved from a fusion of Saxon decrees and constitutions, papal legates and decisions made by church synods, and folk tradition, and the legal background to the marriage contract was ambiguous and confusing. Canon law had developed certain principles on the grounds of which marriages could be declared void due to a legal defect or nullified at the instance of one spouse – though not strictly comparable with the modern conception of the word, these were known as divorce causes. Restrictions included a minimum age of 12 for girls and 14 for boys, and prohibitions on times of the year, such as Lent and Advent, and times of the day, as well as the degree of relatedness, or consanguinity, of the parties. However, until 1645 all that was required for a marriage to be valid was a mutual exchange of vows (the 'plighting of troth') to the effect that they would remain faithful as husband and wife and that there was no legal impediment to their marriage. This was usually in front of witnesses, often directed by a third party,

with a ceremonial taking of hands or 'handfasting.' It is apparent from these depositions that the parties to these informal ceremonies would endeavour to perform these using similar language to the official Church service, presumably with the idea that this would give them a greater validity - one deponent, for example, testifies to the following words being used: "I margarett take the Thomas to my weddid husband, to have and to hold, for better for worse, in sicknes and in healthe, as hollie Church will hit ordeyne and therto I plight the my trouthe."<sup>64</sup> Nonetheless, church officials encouraged the couple to formalise the arrangement in church soon afterwards, in front of the community, in order to reduce the risk of either party renouncing or denying the consensual contract. In the deposition book, two deponents testify in the cause of Hugh Heildes against Margaret Linacre of Eastham, widow, that she trothplighted with him in their presence but attempted to dissuade him from attending church with her to formalise the marriage.<sup>65</sup> If, as seems quite possible, this is the same Margaret Linacre against whom another cause is brought a few pages earlier by Thomas Bildon,<sup>66</sup> with whom she also trothplighted in front of witnesses, using the 'official' words above, her reluctance to have either 'marriage' formalised seems understandable.

The Church's recognition of many informal ceremonies of this type as valid and lack of clear guidance on the matter meant that there was not always agreement on the actual point at which a marriage commenced: "[p]ossibilities were the betrothal, the espousal, the point during the ceremony when the celebrant declared the couple man and wife; and the sexual union – the physical consummation of the marriage."<sup>67</sup> Both betrothal, an agreement between the bridegroom and the bride's family, and espousal, an agreement between the (potential) spouses, were often seen as contractually binding arrangements, so that a subsequent marriage of either party to someone else could be declared invalid due to the existence of a previous contract. To further complicate matters, an espousal of future words (i.e. 'I will') had a different status to an espousal of present words (i.e. 'I do'), whereby the former was only rendered a marriage by subsequent consummation or ceremony, while the latter was an actual and valid marriage. Though increasingly rare by the mid-Tudor period, this situation allowed the betrothal of children to be judged a legal and valid marriage. This kind of arrangement between families seems generally to have been undertaken for social or financial gain through dowries or expected inheritances; for example, in the divorce cause of Thomas Barowe against Alice Barowe, whose age at contracting is in question, Alice is recorded as stating that "the said mariage was made betwixe the said Thomas and her by the mediatioyn of the father of the said

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<sup>64</sup> CRO. EDC 2/6, f.257

<sup>65</sup> CRO. EDC 2/6, ff.259r-260v.

<sup>66</sup> CRO. EDC 2/6, ff.257-257v.

<sup>67</sup> Colin R. Chapman, *Marriage Laws, Rites, Records and Customs*, (Dursley, 1996), p.32

Thomas onlie to gett monie of her father.”<sup>68</sup> The deposition books and other court papers naturally record only disputed marriage contracts and general conclusions on marriage practice may not be drawn from them. It has been suggested that “annulments or renunciation of matches made under the age of consent...were more common...in the diocese of Chester [than elsewhere],”<sup>69</sup> with the implication that this practice of ‘child-marriage’ was relatively common, even as late as the mid-sixteenth century: but social historians have generally concluded that “it was tacitly accepted throughout society that matrimony should be reserved for those of the age of discretion, and most people married much later than the legal threshold,” on average in their mid-to-late twenties.<sup>70</sup>

Children who had been betrothed in this way had the option to object to and be released from the marriage upon reaching the age of majority (as long as the marriage remained unconsummated). In the divorce cause of Thomas Merkinfeld and Isabella Inglebie, the parties appear to have attempted to ensure that the ‘divorce’ was granted by providing deponents who gave evidence not just to their minority at the contract, but also their degree of consanguinity.<sup>71</sup> The Church prohibited the marriage of kindred based on those relationships identified in the book of Leviticus, and marriages within the fourth degree of consanguinity (blood relatedness) or of affinity (relatedness through sexual union, by which a man and woman became ‘one flesh’) were pronounced to be null. From the notion of baptism as a new birth, spiritual affinity, that is, relation through godparent to godchild was also included. The restrictions had been tightened under statutes issued by Henry VIII to assist in the cause of his first divorce, from his brother’s widow, Catherine of Aragon, but these had been repealed by her daughter, Queen Mary,<sup>72</sup> and from the accession of Elizabeth during the period of this study, the restrictions were relaxed further until “by 1563 the range of prohibited degrees had been drastically reduced to something close to the situation which prevails today.”<sup>73</sup> The ‘degree’ of consanguinity was calculated either by adding the number of steps between each partner and their common ancestor, or by generation, meaning that only couples with a common ancestor five generations before could marry; and the calculation of affinity was more complex still, involving both degree and genus of the relationship.<sup>74</sup> Whatever the validity of her disputed contract with Thomas Bildon, Margaret Linacre, apparently a serial bride, was apparently aware of the restrictions on affinity: Thomas Bradfolde states in his deposition that in establishing

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<sup>68</sup> CRO. EDC 2/6, f.242v. (See also depositions at ff.254v.-255.)

<sup>69</sup> Margaret Lynch, et al., *Life, Love and Death in North-East Lancashire, 1510-1537: A Translation of the Act Book of the Ecclesiastical Court of Whalley* (Manchester, 2006), p.35

<sup>70</sup> Ingram, *Church Courts, Sex and Marriage in England*, p. 129

<sup>71</sup> CRO. EDC 2/6, ff.236-237

<sup>72</sup> Chapman, *Marriage Laws, Rites, Records and Customs*, pp.10-11

<sup>73</sup> Ingram, *Church Courts, Sex and Marriage in England*, p. 145

<sup>74</sup> Chapman, *Marriage Laws, Rites, Records and Customs*, (Dursley, 1996), pp.36-7

her freedom to marry, she “said that none of her sisters was ever Contract to any man afore the[y] were married.”<sup>75</sup>

In a small and relatively static population, the rules must severely have restricted local choice of spouse, and it is likely that many marriages were undertaken in pretended or real ignorance of such relationships. The discovery could provide a useful excuse for a spouse who wished to dissolve a marriage as illustrated by the Merkinfeld/Inglebie case, but previous studies suggest that episcopal dispensations to permit or confirm otherwise illegitimate marriages of this kind were frequently sought, and indeed that charging for the granting of such dispensations was often seen as a useful source of income for the diocesan coffers.

### **Testamentary disputes**

As well as providing fascinating details on the practice of marriage in the north-west during the mid-sixteenth century, the depositions recorded in EDC 2/6 also include many relating to testamentary disputes, which give an insight into the process of will creation, of how and when wills were usually written and witnessed, as well as into the care of the dying and management of death. Increased levels of literacy during the sixteenth century, and a growing middle class with goods of sufficient value to bequeath in a will, led to an increase in the number of wills being written, and a subsequent increase in work for the church courts, since they granted probate as well as hearing testamentary causes. Probate, the legal permission given to the executor to administer the estate of the deceased, was granted by the officials of the probate court (separate from the consistory court, and held both at Chester and Richmond) provided they were satisfied that the will, and any codicils that had been added, were valid and that the document submitted for approval was the final will and testament of the testator.

The 1540 Statute of Wills allowed anyone over the age of majority to make a will provided they were not a lunatic, traitor, heretic, prisoner or slave<sup>76</sup> – though since married women were prevented by law from owning property of their own, it is almost certain that a record of a female making a will relates to a widow or unmarried woman – which might fall into one of three categories. Holographic wills, those written by the testator himself (and therefore in his hand), had to have been witnessed by three credible witnesses, and the testimony of at least two of these was required for probate to be granted; appending a codicil to the will had the same requirements. In some cases, the testator would ask a third party, usually someone of learning and status, such as an

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<sup>75</sup> CRO. EDC 2/6, f.257v.

<sup>76</sup> Mark Herber, *Ancestral Trails*, (London, 2004), p.214

attorney, schoolmaster, or priest, to act as an amanuensis and write the will for them, which would usually involve at least one initial visit before the will was drawn up elsewhere and brought to be read before the testator in the presence of witnesses for signing and sealing. The testator would usually also repeat the words 'I publish this my last will and testament' to legally confirm that he or she was 'of sound mind.'<sup>77</sup> The third type of will was known as a nuncupative, or spoken, will; these were valid only when made *in articulo mortis*, 'on the point of death,' when the testator was too ill to write the will themselves or to employ a third-party to do so. The testator was required to state their bequests verbally in front of three witnesses who were aware that the testator was making their will, and the will would be written down and signed by the witnesses as soon as possible after his or her death.

Wills could be disputed in the consistory both before and after the granting of probate, for a number of reasons, including disputes over tithes or other debts owed by or to the deceased, non-payment of legacies by the executors, questions over the legal validity of a will or a codicil, or disputed inventories or accounts of the deceased's estate. The deposition book EDC 2/6 provides examples of such causes, often in great detail since, at least in the section of the book with which this study concerns itself, many more deponents appear to have testified in the course of testamentary causes than other types of cause. Those of higher status, and with more goods and chattels to leave, would often write a will whilst in full health, and update it regularly, but in many cases, testators left it until they felt that they were close to death. Depositions in several of the testamentary causes recorded suggest that questions over the mental capacity of the dying man or woman were often invoked by those seeking to dispute the will. The first interrogatory put to deponents in the cause of the will of Jane Tilsley, for example, apparently concerned whether she was of sound mind at the time that she dictated it – it is unclear whether she was able to sign it or not before her death, so the question of whether the will was nuncupative, or simply written by a third party also appears to be central to the dispute.<sup>78</sup> In other causes, it is not the will itself that is at issue, but the behaviour of the executor(s) in withholding legacies or otherwise not administering the will properly. A person entitled to a legacy could sue in the consistory to collect it, as in the cause of Thomas Warburton against Agnes and Robert Scott. Deponents in the case testify that having been named, together with her son Robert and two others, as an executor for the will of her husband James, Agnes has 'meddled' with her husband's goods and not paid certain legacies: "Agnes Scott havynge the most parte of the goodes of the said James Scott has refused to pay the said legacie accordinge to the Contentes of article whereas Robert Scott the other executor if he had the

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<sup>77</sup> Tarver, *Church Court Records: an introduction for family and local historians*, p.57

<sup>78</sup> CRO. EDC 2/6, ff.221v.-225v.

goodes wold have paid hit.”<sup>79</sup> The church courts also provided a forum in which to settle the question of the administration of the estate of anyone who had died intestate. In the cause brought on behalf of Emme Griffiths, deponents testify that following disagreement on the matter, she and other family members have consulted with the parson, curate, and other members of the local community to decide that she should be the one to administer the estate of her husband Thomas, who died without making a will.<sup>80</sup>

Testamentary suits are an interesting illustration of the interaction of spiritual and temporal legal systems. William Bulloke, a public notary employed by the former mayor Fulke Dutton, states that in the rewriting of his will, Dutton had taken advice from the Master Recorder of Chester, who had greater knowledge than Bulloke of “what the temporall law will”: though probate and the settling of testamentary disputes was the jurisdiction of the church, the legalities of bequests were still defined by the secular authorities. The depositions in testamentary suits are also of particular interest in the testimony they provide of the role of women in both making and administering wills, and in caring for the dying. First-hand accounts of the lives of ‘ordinary’ (rather than upper-class or aristocratic) women from this period are relatively scarce, and though these depositions concern only a specific event in their lives, they show women not simply in the background of the activities of their male relatives, but emerging from the testimony as people in their own right, entrusted in several wills with the role of executor. However, their secondary place in society is still clear: it is clear from the depositions that only unmarried or widowed women, whose legal identities had not been subsumed to those of their husbands, were able to undertake these responsibilities. Testimony is given, for example, that in naming her executors as Dorithe Brerton and Marie Standishe, Jane Tilsley said “she wold have ^them^ for the[y] were without husbandis;”<sup>81</sup> where the suit involves married women, such as the dispute over the administration of the goods of Thomas Griffiths, intestate, husbands (in this case of of Agnes Benet and Jenet Robinson) must act “for and in the names of ther wives.”<sup>82</sup>

### **Tithe causes**

The majority of the causes for which depositions are recorded in the 6-month period chosen for this study are disputes relating to two particular important events in the lives of the sixteenth-century laity – marriage, and death (or what followed from it). The two other significant categories of cause

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<sup>79</sup> CRO. EDC 2/6, f.249v. (See also ff.250-250v.)

<sup>80</sup> CRO. EDC 2/6, ff.242v.-244

<sup>81</sup> CRO. EDC 2/6, f.225

<sup>82</sup> CRO. EDC 2/6, f.243

that are found in the Chester depositions may be seen as relating to the daily lives of the people of the diocese and the communities in which they lived: tithe disputes and defamation suits.

As well as earning income from the glebe lands which were set aside for his use, the rector or vicar of a parish received tithes from his parishioners. The payment of tithes to the Church was standard practice – though perhaps reluctantly undertaken - throughout England and Wales from the tenth century until the Tithe Commutation Act of 1836, when they were replaced with annuity payments. A tithe was the tenth part of the crops or other goods produced by every parishioner, usually paid in kind, and could be collected only once a year for each category of produce (though payments were made throughout the year due to the differing harvest times for different crops). Tithes could also be demanded from those parishioners not directly involved in agriculture, at the rate of one tenth of their pure profits, so the payment of tithes was a significant part of the lives of all but the very poorest in society. Each parishioner was responsible for separating off the tenth part of his produce, at which time the tithe part became the personal property of the parson or rector, whose responsibility it was personally to collect or to arrange collection of the tithe goods before they deteriorated, to be stored for his own use or sold.

Alternatively, some parsons who were unable to devote the time required for tithe collection could instead accept a payment of an agreed amount in lieu of tithes, a *modus decimandi*, either customary, and used throughout the parish, or prescriptive, decided by an agreement called a composition made with a particular parishioner. Clergymen could also choose to rent out the right of collection of tithes, to so-called ‘farmers of tithes,’ which allowed them to receive the monetary benefits but to “avoid the sensitive problems of inspections of crops and the labour of their eventual collection.”<sup>83</sup> The inspection and collection of tithes certainly seems to have been the source of much dispute, and tithe causes heard in the consistory usually stemmed from such altercations. If the parishioner failed to separate the tithe of the harvest or livestock yield ready for collection, or to inform the rector or farmer of tithes of the separation, or if there was disagreement over the whether it amounted to a full tenth part, the grower could be sued for double value. In the cause of Tristram Coke, farmer of tithes under William Hill, parson of Malpas, against William Carison, for example, it is claimed that the Carison did not separate the tithe hay as he should have done. The deposition of Thomas Dodd alleges that “William Carison caused to be cutt downe... thre day mathe of medowinge... wherof he knowis this deponent sawe hym carie hit all away levyng no tithe behynd hym to his owne use.”<sup>84</sup>

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<sup>83</sup> Tarver, *Church Court Records: an introduction for family and local historians*, p.101

<sup>84</sup> CRO. EDC 2/6, f.240v.

The tithe suits recorded in the 6-month period of this study are an interesting illustration of how well-informed smallholders were of their rights under the law, and how willing they were to defend these rights in the consistory. The sixteenth-century saw an increase in the enclosure of open fields, and in recognition of the efforts and time involved in converting formerly barren common land to productive arable under private cultivation, two Acts had been passed under Edward VI, stating that no tithes should be paid on the produce of the land until “seven years next after such improvement.”<sup>85</sup> This legislation is invoked by William Rogerson, being sued by John Brerton for unpaid tithe, who in his personal responson states that “he did wholie take to his owne use [his crop of oats] and disposed hit at his pleasure as he thinkes he lawfullie mighte’ by reason the said ground is barren and waste grounde and so by the Statute discharged for seven yeres.”<sup>86</sup>

The evidence given in tithe causes gives an insight into the relationship between the church in the form of local incumbents, and the local community, and the conflicts that could arise from the demands imposed by the church. The depositions are particularly rich in detail relating to the reclaiming and enclosure of common land, and often give the names of a number of parishioners, and the names and location of disputed land, as well as the crops or livestock raised on it and their estimated value. Such depositions are therefore of great value to local and agricultural historians.

### **Defamation and slander**

One can also find details of the life of the local community in the evidence recorded in the course of defamation causes. Depositions are recorded for only three such causes in the section of EDC 2/6 with which this study concerns itself, but the fact that the causes were brought at all demonstrates the importance which people attached to their good reputation, and the importance of defending it in court. Since causes in the consistory had to have a moral element, parties wishing to pursue a defamation cause had to produce witnesses to demonstrate that they were of good character, and that the slander or defamatory words had resulted in the loss of this reputation: particular offence was caused by insults to the sexual propriety of the plaintiff. Importance was also attached to the circumstance under which the slander had been spoken, since the more people who could be shown to have heard it, the greater the damage to the slandered person’s good name. Since by the mid-sixteenth century slander could also be prosecuted in the civil courts and damages awarded, instances brought in the consistory imply that the plaintiff was not seeking monetary reparation, but rather a sentence involving the public humiliation of a penance, or merely a public apology and the consequent restoration of the injured party’s good name in the eyes of the

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<sup>85</sup> Tarver, *Church Court Records: an introduction for family and local historians*, p.105

<sup>86</sup> CRO. EDC 2/6, f.237v.

community: and it has been suggested that “the use of these courts may have provided an informal system of social control on sexual behaviour and reputations in a gossip-laden society.”<sup>87</sup>

It is clear that plaintiffs were ready to incur the costs of bringing a cause, which were chargeable to both parties, in order to protect their reputation, even at the risk that by doing so they could damage it further if the judgement found against them. For example, in the cause brought by Elisabeth Holden against Thomas Langley, whilst the deponents seem to agree that she is a woman of generally good repute and an honest woman, they testify that she was not slandered by Langley, and Walter Rowell deposes that since her complaint is unfounded “he dois thinke the saide elisabeth Holden puttis the said Thomas Langley to troubles and Costis.”<sup>88</sup> Furthermore, the testimony of deponents in the cause of Lady Cicely Langley against Dorethe Rostorne hints that the threat of public censure and payment of court fees was no deterrent to some angry or recalcitrant offenders. Three deponents give evidence that Rostorne, enraged by a boundary dispute, publically slandered both Lady Langley and others, and when challenged repeated the insult and told the witnesses to go home and repeat it to their mistress Lady Langley.

Such behaviour suggests that though a high value was clearly placed on the consistory court as a forum for arbitration and the resolution of disputes, its power to actively influence the conduct and restrain the malefactions of the laity was limited.

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<sup>87</sup> Tarver, *Church Court Records: an introduction for family and local historians*, p.114

<sup>88</sup> CRO. EDC 2/6, f.255v. (See also ff.255-256).

## ***Editorial conventions***

The deposition book is macaronic in form – that is, written in both Latin and English, often alternating between the language used several times within a short paragraph or even line. The Latin sections of the text, which have been translated, are shown in italics, and the English in standard type. The names of deponents are generally distinguished from the body of the text by being written in a larger, bolder hand, and this has been shown in the transcription by the use of underlining. In the translation modern spellings have been used throughout, and first names rendered in their English form (for example, *Jacobus* as James), but all surnames and place-names are unchanged. Some names are spelt in a number of variants within a single deposition, and these are rendered as in the original text. Names of deponents and the parties to each cause have been indexed in Appendix 2, using the most frequently-used spelling where there is variation within the text (where depositions in the same cause are not all grouped together in the book, several folio numbers may be given). Where given place-names differ from the modern spelling, I have suggested the most likely identification of the place in footnotes. Where dialect or obsolete words are used, dictionary definitions are supplied.

In common with most documents of the same date, many words are abbreviated: where English words have been extended this has been done in accordance with how they are spelt if they are written in full elsewhere, or otherwise in the modern form of the word. Two sets of letters – i and j, and u and v – are used somewhat interchangeably in documents of this period, one or the other chosen in each case for ease of writing or because of its place in the word. Furthermore, lower-case c and t are often indistinguishable. I have therefore chosen, for ease of reading, to conform to modern usage in transcription, giving, for example, ‘Interrogatory’ and ‘Jane’ for words which in the original appear to have the same initial letter. Apparently unnecessary marks of suspension, which were often used for words written in English that would be extended in Latin form, are rendered by adding an apostrophe at the end of the word.

Some punctuation has been added for the sake of clarity in the translated sections, but any punctuation marks shown in the original English can be assumed to have been given by the scribe. However, marks such as line-fillers have not been included since they have no bearing on the meaning of the text or ease of understanding. Where words have been struck through this has been footnoted, giving the un-extended deleted letters or words, and any insertions have been shown by means of ^^.

Dates, values and other numbers are shown extensively, both in words and in roman numerals. Arabic numerals are rarely used in documents of this period, so in accordance with convention, and to preserve the original form of the text as far as possible, the roman numerals (and the superscript endings of ordinal numbers) have been left as in the original – though, interestingly, given the rarity of their usage in official documentation, Arabic numerals *are* used in the scrappy, possibly draft, papers inserted in the book, and have been transcribed as such.

Until 1752, the New Year was celebrated on the feast of the Annunciation on 25 March, rather than 1 January, meaning that the change from one year to the next was recorded from 25 March. The period chosen for this study is the six months up to the end of the 1558 – that is, from September 1558 to what we would now render as 24 March 1558/9 or 1559, but the dates are given as in the original, showing cases in January, February and March 1558. It may also be of note that where land units are given in acreages in tithe disputes, these are unlikely to be statute acres: local measures were widely used throughout Britain, including in Cheshire and South Lancashire. The Cheshire acre, for example, was 2 statute acres and 16 perches.<sup>89</sup>

Finally, in a few cases, the page has been marked or damaged in such a way as to obscure or obliterate words, or certain words are simply illegible in the hand used in the rough, apparently draft sections. Where possible, these have been supplied through extrapolation, and this has been marked by the use of round brackets, (). Where the missing portion remains unknown, the lacuna is represented by three adjacent points, ... Any other editorial notes are given as footnotes.

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<sup>89</sup> C. Stella Davies, *The Agricultural History of Cheshire* (Manchester, 1960), p.viii

## **Appendix 1: Transcription**

### **f.221 verso**

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*this has been made following the examination of witnesses upon the petition summons on behalf of Jane Singleton & gilbert Halsall gentleman held before master John Hanson etc xxii<sup>do</sup> day of september 1558<sup>mo</sup>*

*James Spencer parishioner of Halsall,<sup>91</sup> where he was born, you are<sup>92</sup> aged I<sup>t</sup> years, has known the plaintiff for xii years and known gilbert Halsall x being examined upon the Contents of the charges in the petition summons on behalf of the said Jane Singleton presented in Court he says on the strength of his oath he pledges that on Michaelmas day nowe comynge' shalbe v<sup>t</sup> yere he this deponent beinge desired by Jane Singleton to go with her to Duggus<sup>93</sup> Chapell was present in the Chapell Yarde of Duggus aforesaide where gilberte Halsall met with the saide Jane Singleton & there contractid matrimonie betwixe them together the saide gilberte takinge Jane bie the hande & saide I gilberte take the Jane to my weddid wife & therto I plighte the my trothe and so drawnyge handes the said Jane lykewise joyning handes to gether with the said gilberte said I Jane take the gilberte to my husbunde & therto I plight the my trothe and these wordes spoken they said gilberte & Jane kissed to gether *Interrogated who was present with him at the time these words were spoken he says that Percyvell Hekell**

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<sup>90</sup> The final interrogatory answers of the previous cause are shown at the top of the page, but this edition begins from the first deposition of a new cause, which begins around halfway down the page.

<sup>91</sup> Halsall, parish and village in SE Lancashire, NW of Ormskirk. [*Gazetteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1966), p.315]

<sup>92</sup> Scribe's error? The Latin is given as *ibidem oriundus etates te I<sup>t</sup> annorum* – the *te* (accusative form of you), appears to be redundant here.

<sup>93</sup> Possibly 'Douglas:' the River Douglas or Asland, which rises near Wigan and flows NW to the Ribble estuary. [*Gazetteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1966), p.216]

**f.222**

*Peter Jompe Richard Rumor James Brickstell and others the names of whom he does not know Interrogated further for the suit what time this said marriage was Contracted between the said gilbert and Jane he says, as he reckons, About the second hour before noon on the day before named*

*this has been made following the examination of witnesses in the testamentary cause of Jane Tilsley before master Hanson xxij<sup>do</sup> of september the Year of the lord One thousand five hundred and Fifty eight*

*Charles Hope* parishioner of Eccles where he was born, aged xl' years knew Jane Tilsley deceased xx years, is Examined upon the will ^of the said Jane^ and the Contents of the same presented in Court which is the true and legitmate Will this he says on the strength of his Oath he pledges, that that is the true will of the said Jane Interrogated how he knows this This deponente sais that a servaunte of the said Jane came and desired hym in her mistresses name to come to her and be present at the makinge of her will to whom this deponent answered *as he declares* that he durste not Come thither for the displeasure of Mister Thurston Tilsley his master and land lorde except she opteyned his lycence and immediatlie after the said Jane send Jane Massie gentelwoman to this deponent which shewed hym that Mister Thurston Tilsley was Content that he shuld come to speake with the said Jane Tilsley for that on tyme and so this deponent cominge to the house at Wardley where the said Jane Tilsley lay sicke in her bed he found Thomas Waren writinge the will of the said Jane Tilsley and was present and hard the said Jane makinge all the bequestes that is from this ^clause^ Conteyned in the will *Thus* I geve and bequethe to my six daughters all the silver sponis that I have for the later end of the said will exhibit in *the court* and that done he hard redd ^all^ the hole will that is exhibit in judgement with the Nominatioyn of her executors and all the legacies Conteyned therin bie the request and desire of the said Jane Tilsley wherbie this deponent knowis *as he declares* that this will exhibit in Court is the ^true &^ perfitt will of the said Jane Tilsley

*At Interrogatory*

*At the first interrogatory he responds that the said Jane Tilsley was of healthy memory at the time she Made her will and he knows this* for she spake as a woman of perfitt remembrance in makinge her bequestes Conteyned in the said ^will^ and desyringe this deponent to beare record to the same *and furthermore says* that the said will was made betwixe ix<sup>t</sup> & xi<sup>t</sup> of clocke the v<sup>th</sup> day of Augst & that the said Jane the testatrixe died about ij<sup>t</sup> of the clocke at afternone ^of the same day^ as he supposeth

**f.222 verso**

*At ij<sup>d</sup> Interrogatory* This respondent sais that the saide Testament was written in the life tyme of the saide Jane Tilsley bie Thomas Waringe the v<sup>th</sup> day of August as before he has deposed in the presens of george Entwissell Thomas Waringe the writer & this deponente Dorithe Brerton, Marie Standishe, Anna Massie Alis Worsley, Alis Yate, Pernell Moreton with othears whose names he remembres not

*At iij<sup>t</sup>* This deponent says that when the testament of the said Jane Tilsley was redd before her and at her request ther was named in the said will Dorithe Brerton and Marie Standishe to be her executors to the heringe of this deponent (*as he declares*)

*At iiij<sup>t</sup> he refers himself to his former depositions*

*At v<sup>t</sup> he refers also to his depositions*

*At vj<sup>tum</sup>* this deponent sais that this will exhibit in *court* is the tru will of the said Jane and not altered nor Chaunged sins the deathe of the said Jane to his knowledge

*At vij<sup>t</sup>* this deponent sais that the said Jane did here her said will red by her owne speciall desire as required this deponent george entwissell Thomas Waringe<sup>94</sup> and all other women before mentioned in the ^seconde^ Interrogatie to beare witnes and testyfie the same

*At viij<sup>t</sup>*<sup>95</sup>

*At ix<sup>t</sup>* this respondent answers & deposes as before he has deposed

*At x<sup>m</sup> he responds by denial to each one*

*At the last he responds by denial to each one*

<sup>96</sup>*At vxiiij<sup>t</sup>* this respondent sais that the will exhibit & red before hym at the tyme of his examinatioyn is the tru will of the said Jane and not altered in any pointe or article to his remembraunce but what will of the said Jane is registred he knowis not

*by me Charles Hope*<sup>97</sup>

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<sup>94</sup> Struck through: James Scolles.

<sup>95</sup> Struck through: he answeres and deposes as before he has answered and deposed to the Contents of the said. There is also a mark of insertion (^) in the margin, but no associated text.

<sup>96</sup> Mark of insertion (^) in the margin, but no associated text.

<sup>97</sup> Signature.

**f.223**

<sup>98</sup>*James Scolles parishioner of Oldom*<sup>99</sup> where he was born, aged xl years, knew Jane Tilsley testatrix <sup>100</sup>xviiij<sup>t</sup> years, is examined upon the will of Jane Tilsley and the Contents of the same presented in court he says and deposes that this is the true will of that Jane Tilsley Interrogated how he knows this This <sup>101</sup> ^deponent^ sais that he was present at Wardley upon a Friday the v<sup>th</sup> day of August last past as he remembers with mistress Jane Tilsley <sup>102</sup> bewtixe x<sup>t</sup> and xi<sup>t</sup> of the Clocke afore none of the said day & hard Charlis Hope & Thomas Waringe say to the said Jane these wordis followinge mistress we have written that ye Comanded us to do <sup>103</sup> ^over a said will<sup>104</sup> will hit please you that yt shalbe redd and she said yea I pray you and so hit was so redd Conteynyng in hit bothe touchinge the nominatioyn of the executors and the legacies in all pointes as is mentioned in the will exhibit in court and red before this deponent *at the time of his examination* and after the readinge of the said will this deponent sais the said Charlis Hope and Thomas Waringe asked the said Jane Tilsley whether she wold have any thinge more added or putt in to her said will to whom the saide Jane answered no for with that she had done she was contentid with and nowe I <sup>105</sup> will go die

*At Interrogatory*

*At the first Interrogatory he says that Jane Tilsley was of healthy memory at the time she Made her will & further he sais that after her will redd she lyved about ij<sup>t</sup> howres after*

*At ij<sup>d</sup> this respondent sais that the testament of the said tilsley was put in writinge before her death ^& red before her^ the v<sup>t</sup> day of August as before he has deposed and as this respondent hard say Thomas Waringe did write hit & that hit was red in the presens of this deponent george entwisell, charlis hope Thomas Waringe Anne Massie Dorithe brenten Marie Standishe, alis yate with other whose names he remembers not*

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<sup>98</sup> Struck through: Thoms.

<sup>99</sup> Probably Oldham, S.E. Lancashire, near Manchester. [*Gazetteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1963), p.522]

<sup>100</sup> Struck through: xxijj.

<sup>101</sup> Struck through: *rndet'*.

<sup>102</sup> Struck through: at what &.

<sup>103</sup> Struck through: will ^yt please you to heare hit & red^ you Jane any more set or put in yor.

<sup>104</sup> Struck through: said will to whom the said Jane answered no I have done and that I have done and am pleased with all and immediatlie the said Thomas Waringe.

<sup>105</sup> Struck through: have.

**f.223 verso**

*At iij<sup>t</sup>* this respondent sais that when the testament of the said Jane Tilsley was redd afore her dorithe Brertin & Marie Standishe was named her executores in the said will to the knoledge & heringe of this deponent

*At iiij<sup>t</sup>* this respondent sais that he hard the will of the said Jane red afore her with the which she did ratifie and was Contented withall as before he has deposed

*Ad v<sup>t</sup> he refers himself to his former depositions*

*At vij<sup>t</sup>* this Deponent said that ther is no parte nor parcell of the will of the said Jane touchinge her legacies & nominatioyn of her executors altered nor Changed to the knoledge of this deponent but it is the same that was red before the said Jane in her life tyme & red before hym in the tyme of his examinatioyn

*Likewise vij<sup>t</sup>* this respondent sais as before as he has deposed that the will of the said Jane was redd before her in her life tyme to the heringe of this deponent but whether she did ratifie the same bie her signe or seale he knowis not nor yet <sup>^</sup>he remembres not<sup>^</sup> whether she required any witnes to testifie her said will

*At viij<sup>t</sup>* this respondent sais that he brought in the will of the said Jane Tilsley in to the Courtes to be registered which as <sup>106</sup>percyves syns was dated the viij<sup>t</sup> day of August which was online bie the faulte of the writer for hit was made bie the said Jane the v<sup>t</sup> day of August & red before her as before he has deposed so that to the effecte of the legacies & nominatioyn of the executors named in the will there is no alteratioyn but the same that was red before the testatrixe & the same that nowe is redd to hym at the tyme of his examinatioyn

*At ix<sup>t</sup> he responds and deposes as at the first deposition*

*At x<sup>tum</sup> he responds by denial to each one*

*At the last he says yt he is tenant and servaunt to marie Standishe on of the executors*

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<sup>106</sup> Presumably 'as he Percyves'.

**f.224**

*Thomas Waringe Chaplain of gosenose*<sup>107</sup> where he was born, aged xxxj<sup>t</sup> years, knew Jane Tilsley ii<sup>t</sup> years, is examined upon the will of the said Ja(ne) Tilsley and the Contents of the same presented in court and read before him at the time of his deposition This deponent sais that it is the true will of Jane Tilsley deceased *giving reason for what he says* This deponent sais that the v<sup>th</sup> day of August about ix<sup>t</sup> of Clocke of the same day he was called to Come and speake with his mistress Jan(e) Tilsley at whose comynge the said Jane willed hym to sett pen[ne] Inke and paper to make her will and to call in her daughters and others to be present at the same which thinge the deponent did *as he declares* and that the said Jane Tilsley bie great deliberatioyn made her will and named the executors and did all other thinges as is Conteyned in the same will exhibit in *the court* for he sais that is was nere iij<sup>t</sup> howres spare or she fynished her said will that this deponent wrote and toke grett respyte in<sup>108</sup> declaratioyn of the same and firther this deponent sais that when he had written the will of the said Jane he this deponent red hit openlie before her and other of the wittnesses beinge there present she the said Jane approving and Confimyng all the Contentis therof and saynge it is well nowe am I content to dye

*At Interrogatory*

*At first he says that ^the said Jane Tilsley^ was of healthy memory at the time she Made her will & that the said Jane after the will was fynshed lyved nere hand ij<sup>t</sup> howres*

*At ij<sup>d</sup> he sais that the will of Jane Tilsley by hym this deponent ^was made & put in writinge^ the v<sup>th</sup> day of Auguste in the presens of george entwis[ell] Marie Standishe, Dorithe Brerton Anne Massie Alis Yate Pernell Moreton alis Tilsley alis Worsley which were present at the begynninge of the will untill hit was fynished savyng that Anne Massie departed out of the Chambre nowe & then to fett her mother drinke & suche other thinges as she lacked besydes that this respondent sais that Charlis Hope came in to the Chambre before the Testament was fullie fynshed & as he remembres at that tyme that he was writinge thes legacie to Alis Worsley or there about*

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<sup>107</sup> Possibly Goosenarh, parish and village in N. Lancashire. [*Gazetteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1963), p.297]

<sup>108</sup> Struck through: mak.

**f.224 verso**

*At iij<sup>t</sup>* this respondent sais that Jane Tilsley named Dorithe Brerton and Marie Standishe her executors & bie those names and asked they said Dorithe & Marie whether they wold be her executors & they were pleased with the same

*At iij<sup>tum</sup>* this respondent answers to the Contentes of this Interrogatorie as he has answered to the Contents of the ij<sup>t</sup> interrogatorie namelie in that part who were present at the will makinge of the said Jane Tilsley

*At v<sup>t</sup>* he this respondent sais hit was written even as the said Jane did utter it touching the nominatioyn of her executors & Legacies

*At vj<sup>tum</sup>* he responds in the negative for he sais that he unadvisedlie had put in the viij<sup>t</sup> day of August for the v<sup>t</sup> day and before he did rede hit openlie to her he perceyvng the falte did put forthe the iij<sup>t</sup> prickes<sup>109</sup> that made hit viij<sup>t</sup> and red hit to the said Jane & those that were present the v<sup>th</sup> day of Auguste

*At vij<sup>t</sup>* he refers himself to his former deposition saynge also that the said Jane did require the witnes as ther did come in before her will was made perfitt to testifie the same

*At viij<sup>t</sup>* he this respondent sais that the will that <sup>110</sup>was red to hym at the tyme of his examinatioyn is the tru will that the said Jane caused to be made & not altered in any pointe or article touchinge the day of the makinge therof the nominatioyn of her executors & the legacies & bequestis but what will is <sup>re</sup>gistered in the Courte he knowis not

*At ix<sup>t</sup>* he answeris to the Contentes herof as before he has answerid

*At x<sup>tum</sup>* he sais he has a bequeste lefte in the will of the said Jane as on of her servauntes & otherwise he has not

*At the last he responds by denial to each one*

Thomas Waryng<sup>111</sup>

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<sup>109</sup> prick, (n.): 2. a. A small indentation or mark on a surface made with a pointed tool; (also) a point or other mark made with, or as with, a pen, pencil, etc.; a spot, a dot. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>110</sup> Struck through: the.

<sup>111</sup> Signature.

**f.225**

*Anna Massie* parishioner of Werington<sup>112</sup>, aged xxxij<sup>t</sup> years, knew Jane Tilsley who was her mother being Examined upon the will of the said Jane Tilsley and the Contents of the same produced in court and read before this<sup>113</sup> at the time of her examination says on the strength of her Oath she pledges that this is the true will of this Jane her mother, giving reason for what she says This deponent sais that she was present when the said will of her mother was made and harde the Contents of the same red before her said mother with the which she was pleased

*At Interrogatory*

*At the first she says that the said Jane was of healthy memory at the time that this will was Made and that he said mother lyvddij<sup>114</sup> ij<sup>t</sup> howres after the said Testament was fynshed or there about*

*At ij<sup>d</sup> this respondent sais that her mothers will was put in writing before her deathe bie Thomas Waringe apon a Friday the v<sup>th</sup> day of August last paste beinge present at the redinge therof all suche witness as rehersed in the ij<sup>t</sup> Interrogatorie of Thomas Waringe*

*At iij<sup>t</sup> this respondent sais that the said Jane named Dorithe Brerton and Marie standishe her executors saying she wold have ^them^ for the were without husbandis*

*At iiij<sup>tum</sup> this respondent sais that the will red before her in the tyme of her examinatioyn is the tru will of her mother Jane decessed with the which she was Contented at the tyme of the redinge therof before sufficient witness*

*At v<sup>t</sup> she answeris as before she has answered*

*At vj<sup>t</sup> this respondent sais that this will red before her at the time of her examination is the true will of her mother & not altered in any parte or parcel*

*At vij<sup>t</sup> she responds as she has before deposed*

*At viij<sup>t</sup> this respondent sais that the will rid before her at the time of her examination is the tru will of her mother decessed and not altered in any point touching other the day of the date the nominatioyn of the executors or the legacies & bequestis but what will is registred this respondent knowis not*

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<sup>112</sup> Probably Warrington, parish and borough between Liverpool and Manchester. [*Gazeteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1966), p.706]

<sup>113</sup> Presumably 'this deponent'.

<sup>114</sup> Scribe's error: presumably 'lyved'.

**f.225 verso**

At ix<sup>t</sup> this respondent sais that the witness were required bie her mother at the tyme of the making of her will

At x<sup>im</sup> this respondent sais that she has a legacie in the will as is mentioned in the same howbeit she sais she will not say Contrarie to the truthe for all her mothers goodes

At the last she sais she is suster to the executors named in the said will

*this was made following the examination of witnesses in the divorce cause of Roger Vale against Elisabeth Vale defendant held before master Robert Percival on the ...<sup>115</sup> day of September 1558<sup>o</sup>*

*Ralph Holm ...<sup>116</sup> parishioner of Bowdon where he was born, aged around l years has known Roger Vale xx<sup>t</sup> years and Elisabeth Vale alias Worthgnton xlj<sup>t</sup> years*

At the first article this deponent sais that <sup>117</sup> the contentis off this article is true, and that Roger Vale alias Wirthgton has...<sup>118</sup> Wiff bie married together the said Roger and Elisabeth standing alied (at) the secondth and seconde <sup>119</sup> degre off affinitie *being Interogated how he knows this*, this deponent sais that Roger

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<sup>115</sup> This cause is recorded in a scrawling, illegible hand, and the date is indecipherable.

<sup>116</sup> This word is indecipherable.

<sup>117</sup> Struck through: word unclear.

<sup>118</sup> These two words are indecipherable.

<sup>119</sup> Struck through: drre.

**f.226**

Vale thelder had ij<sup>t</sup> doggtres' the on called Elisabeth Vale, and the other called maude Vale, *and* tow<sup>120</sup> sistris off the which Elisabeth Vale beyng married to geffreye Barlow came issue maude Barlow the which maud Barlowe was married to Roger<sup>121</sup> Vale *whom this concerns*, And off Maud Vale married to James Worthngton came Roger Worthngton which roger Worthngton<sup>122</sup> married the<sup>123</sup> said Elisabeth Wor:thngton *whom this concerns* so that the said Roger Vale<sup>124</sup> and Elisabeth articulate Ar att the<sup>125</sup> seconde and seconde off affintitie And this deponent did know...well the...<sup>126</sup>apon both parties

*At ij<sup>d</sup> and iij<sup>t</sup> and at the contents of the same he refers himself to what he has before deposed at the first article*

*At v<sup>t</sup> he says his good name rests upon this, for as he Confesses he is not instructed or hired nor is he related by affinity, nor does he care etc*

*Joanne Massie parishioner of north(wich)<sup>127</sup> where she was born, aged around xxxvj<sup>t</sup> years, has known the parties since her Infancy*

*At the first article<sup>128</sup> she says the contents of the same to be true, giving reason for what she says this deponent sais that there was on Roger Vale the elder which had issue tow<sup>129</sup> doggthers'*

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<sup>120</sup> Scribe's error: two.

<sup>121</sup> Struck through: Barlow de.

<sup>122</sup> Struck through: I.

<sup>123</sup> Struck through: said.

<sup>124</sup> Struck through: articulate.

<sup>125</sup> Struck through: ij<sup>t</sup>.

<sup>126</sup> This cause is recorded in a scrawling, illegible hand, and these words are indecipherable.

<sup>127</sup> Northwich, town SE of Warrington and ENE of Chester. [*Gazeteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1966), p.515]

<sup>128</sup> Struck through: this *et ad ca.*

<sup>129</sup> Scribe's error: two.

**f.226 verso**

Elisabeth married unto geffrey barlow and maud which was married unto James Worthgton and the said Elisabeth had issue bie geffrey Barlow<sup>130</sup> maud Barlow which maud was married unto the said Roger Vale, *whom this concerns*, And off the said maud Worthgnton came Roger Worthgnton which Roger had married Elisabeth Worthgton who was Wiff unto the said Roger Vale articulate so that the said Roger and Elisabeth stand att the second and second degree off affinities, And this deponent sais he did knowe all the parties sav of Roger Vale th elder *otherwise, she does not know what is deposed*

*At ij<sup>d</sup> and iij<sup>t</sup> articles and the contents of the same she refers herself to what she has deposed before*

*At v<sup>th</sup> she says what she has deposed before to be true, she is not instructed or hired nor is she related by blood or affinity nor does she care*

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<sup>130</sup> Struck through: his.

**f.227**

*this was made following the examination of witnesses in the testamentary cause of Fulke Dutton<sup>131</sup>  
<sup>132</sup>late Alderman of the city of Chester held before <sup>133</sup>reverend father Cuthberte, by permission of  
god bishop of Chester, the first day of October 1558<sup>to</sup>*

*Thomas Monkesselde* parishioner of St Michael in the City of Chester aged lxiij<sup>t</sup> years, knew fulke dutton for xl years, being examined upon the will of the said fulke dutton and the Contents of the same presented in Court ^and which was read before the said deponent at the time of his examination^ This deponent sais that it is the saide testament that he did se Master Foulke Dutton in his life tyme callinge for penne and Inke subscribe the <sup>134</sup>same <sup>135</sup>and put to his seale & at whose requeste he this deponent likewise wrote his owne name therfor which he recognyses at the tyme of his examinatioyn to be his owne hand And for the more this Deponent declaringe more particularlye this matter sais bie the vertue of his othe that a monethe hence or thereabout <sup>136</sup>ther came to hym on of Master Duttons serventis and in his Masters name as he saide that he this deponent should come and speake with hym which comyng to the said Foulke Dutton to his house found hym in his ynner Chamber with whom was Master Randull Bambell and William Bulloke and there the said Master Foulke Dutton shewed and declared to this deponent (*as he declares*) that the cause of his sendinge was that he had made his <sup>137</sup>will and testament and that he this Deponent with other shuld testise and beyre wittnes to the same that hit was his <sup>138</sup>will which he sealed and subscribed at that present *Interrogated further if the said will of Fulke Dutton was read before him at the time of his deposition he says it had not been:* but this deponent sais that he did se the testament that is exhibitted in Court to the which he had subscribed his name to hit openlie upon the bord even the selfe same hand that appeareth to hym nowe to the which he did se as before he was deposed Master Foulke Dutton subscribe his owne name and seale the same and afor the said Master Foulke Dutton had done he this deponent sawe Master Randull Bambell subscribe his name to the saide testament and after hym he this deponent And then

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<sup>131</sup> Several versions of the will of Fowke Dutton of Chester, draper and alderman, 1558, have been copied into EDA 2/1, Bishop's Register, 1525-1575.

<sup>132</sup> Struck through: word unclear.

<sup>133</sup> Struck through: *Iuro' Ro.*

<sup>134</sup> Struck through: ^& put^.

<sup>135</sup> Struck through: and at the said Mr Fou.

<sup>136</sup> Struck through: he was send for.

<sup>137</sup> Struck through: last.

<sup>138</sup> Struck through: last.

**f.227 verso**

and then<sup>139</sup> William Bulloke in the name of edwarde Yardley *chaplain* which could not write but was there present at that tyme and besyde theym Hughe Williams and William Bulloke subscribed ther names to the said Testament in the presens and sight of this deponent (*as he declares*) beinge all and singuler required in generallie to do and testifie the same *Interrogated upon the Codicil and the Contents of the same he says he does not know he deposes that he is not joined by blood or affinity and is not instructed or suborned nor does he care which party is successful<sup>140</sup> and what sentence is made*

Thomas Monkysselde<sup>141</sup>

*Hugh Williams parishioner of saint peter in the City of Chester where he has lived x<sup>t</sup> years, knew Fulke Dutton for xi<sup>t</sup> years is Interrogated upon the will of ^Fulke Dutton^ and the Contents of the same presented in Court* This deponent sais that on<sup>142</sup> came for hym in Master Foulke Duttons name to come and speake with hym which comynge to his house found the said Master Foulke Dutton in his parlor and shewed this deponent with other that there were then present that hit was mete for every man to be readie when god did call for hym wherfore ^the said Foulke Dutton saide^ I have made my will to the which I pray you to beare wittnes unto And this deponent firther sais that ther bye even the same writinge that is exhibitt in *Court* for his will ^lay^ openlie upon the table in the parlor to the which this deponent sawe Master Foulke Dutton seale and subscribe his name somewhat with a quaveringe hand as he thought at that tyme & afterwardes desired theym that wer present to subscribe ther names therunto and to beare witnes that yt was his will and as this deponent sais first he required Master Rendall Bambell with others as ther Degre was to subscribe ther handes to the will at that present were these persons Rendall Bambell Thomas Monkisselde and William Bulloke for edwarde Yardley bycause he could not write this deponent and

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<sup>139</sup> Repetition of 'and then' from previous side.

<sup>140</sup> Literally 'nor does he care who is the winner' (*nec Curat de victoria*).

<sup>141</sup> Signature.

<sup>142</sup> Struck through: of.

**f.228**

William Bulloke *and this is all deposed as he saw and heard and as by his knowledge (as he declares) Interrogated if the details of this will were read before the said Fulke Dutton and the named witnesses at the time that they subscribed their names he says that it was not: Interrogated upon the Codicil of the said Fulke presented in court he says that he was not present nor does he know anything that is deposed of the Contents of the same, he is not instructed or suborned*<sup>143</sup> *nor does he care which party is successful provided that Justice is done*

*by me Hugh Williams*<sup>144</sup>

Edward Yardley *Chaplain of the parish of saint Michael in the city of Chester aged xxxij<sup>i</sup> years and more knew Fulke Dutton xx<sup>ti</sup> years Examination on the will of Fulke Dutton and the Contents of the same presented in Court* This deponent sais that a monethe or there about before the departure of Master Foulke Dutton he the said Foulke Dutton send for this deponent bie his sonne John' to come and speake with hym which comynge to his house founde the said Master Foulke Dutton in his parlor there and then beinge present Master Rendall Bambell Thomas Monkisselde and William Bulloke and Hughe Williams to whom the said Foulke Dutton declared that he had made his will which was Conteyned in writinge<sup>&</sup><sup>145</sup> <sup>^</sup>lay<sup>^</sup> openlie before them on the borde in the parlor desyringe the fornamed persons to witnes to the same when they were called and to subscribe ther names to the said writinge And this deponent <sup>^</sup>sais<sup>^</sup> that to the selfe same writinge Master Foulke Dutton putt to his seale and after callinge for penne and Inke putt to his hande and so desired the other beinge then witnes to put ther handes to the same<sup>146</sup> to the which at the sight of this deponent the before named Master Randull Bambell did subscribe his name with Thomas Monkisseld Hughe Williams and William Bulloke And this deponent firther sais that he beinge required by Master Dutton to subscribe his name and shewinge hym that he could not write the said Foulke Dutton asked hym whether he were Content that William Bulloke shuld write his name with the which this deponent was Content <sup>^</sup> & therupon William Bulloke wrote this deponentes name<sup>^</sup> And all these thinges

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<sup>143</sup> Struck through: *non Consang'*.

<sup>144</sup> Signature.

<sup>145</sup> Struck through: word unclear.

<sup>146</sup> Struck through: which.

**f.228 verso**

to be done this deponent deposis bie vertu of his othe in his presens to his heringe sight and knowledge and he this deponent frimlie belevis *as he declares* that this testament which is exhibited in Court givent for the last will of Master Dutton is the same <sup>147</sup> bie all his notinges and markinges that was sealed in the lyfe of tyme of Master Foulke Dutton and bie hym and other witnes before named subscribed *being Interrogated upon the Codicil annexed to the will of the said Fulke Dutton he says that he knows nothing nor is able to depose on the contents of the same he is not instructed or Hired or corrupted and does not care etc*

Master Randall Bambell parishioner of Saint Oswald in the City of Chester knew Fulke Dutton xl years, *being examined upon the will of the said Fulke Dutton and the Contentes of the same presented in Court* This deponent sais that at the request and desire of Master Folke Dutton a thre wekis or a monethe before his departure as he taks hit he this deponent came to the house of the said Master Folke Dutton where he found hym in his parlor and when Thomas Monkisseld Edward Yardley *Chaplain* Hughe Williams & William Bulloke were come thither all to gether the said Folke Dutton declared to them that the Cause of ther sending for was that where he had made his will that they shuld bere witnes of the same and of his doinges there and where ther was lyinge <sup>148</sup> apon his Table a certen writinge which the saide Folke Dutton said was his will he first sealed the same and after callinge for penne and Inke subscribed his name therto and then callinge by name this deponent (*as he declares*) desired hym likewise to subscribe his name the which he did (*as he declares*) and dois acknowledge the selfe same hand

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<sup>147</sup> Struck through: the.

<sup>148</sup> Struck through: a sete of paper.

**f.229**

to be his owne which he did write at that tyme and nowe <sup>^is^</sup> at the present testament *presented in Court* and afterwarde he did se Thomas Monisseld at the requeste of Master Dutton & Hughe Williams subscribe ther owne names and where Edward Yardley Cappellano could not write William Bulloke at the request of Master Folke Dutton and of the said Edward wrote <sup>^in^</sup> the said Edwardes name and laste of all the said Folke Dutton called for William Bulloke and desyred hym to write his name therto for he said he was a notarie and stode for xii<sup>th</sup><sup>149</sup> <sup>150</sup> the which testament this deponent sais was not red bie fore them at that tyme but bie all tokins & notice that he hathe and bie his owne hande writinge and others he verilie belevis that this will exhibit in *Court* is the same will that Master Folke Dutton in his life tyme did declare to be his will which lay open upon his Table to the which he this deponent did subscribe with others, *of the Codicil and of the Contents of the same he does not know what is deposed as he declares he is not instructed or hired etc*

Randall Bamwyll<sup>151</sup>

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<sup>149</sup> The meaning of this phrase or notion (i.e. 'he stode for xij<sup>th</sup>') is unknown.

<sup>150</sup> Struck through: bi.

<sup>151</sup> Signature.

**f.229 verso**

*William Bulloke of Goresserd<sup>152</sup> in the County of Denbigh, Public Notary, where he has lived for xvij<sup>t</sup> years and before that time in the City of London and is aged xlij<sup>t</sup> years or thereabouts appears as a Witness free from Conditions on Oath and is examined upon the will of Fulke Dutton, draper, Alderman of the City of Chester late deceased and upon his bodily health and upon the merits of the Codicil annexed to his will* This deponent saithe that in the latter ende of August last beinge about a monethe before the departure of Foulke Dutton out of this present lyfe he the said Foulke required this deponent to come and write his will And upon his request so indede to this deponent upon a Saterday beinge the xxvij<sup>t</sup>he day of August he this deponent promysed to come to hym the Monday then next followinge At which day beinge the xxix<sup>th</sup> day of Auguste he this deponent came to Chestre and Master Fowlke Dutton delyvered this deponent his will in writinge beinge of this deponentes hand writinge afore tyme and declared to this deponent that he wolde have it written agayne for certen legacies which he wolde have in hit and named the same whereapon he this deponent toke the Copye and wrott the will in paper accordinge to the mynde of the said Foulke Dutton And saithe when he had written the same he brought the former will to the same Foulke and the will newe written and the said Foulke Dutton caused the ould to be burned and saide That newe written will was & shuld be his laste will for because that all therin conteyned was as he had willed hit And firther examined upon the

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<sup>152</sup> Possibly Gorsedd, locality in Whitford and Ysceifiog parish, now in Flintshire. [*Gazeteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1966), p.298]

**f.230**

presences of mynde of the said foulke saiethe bie vertue of his othe that he the said foulke was at that tyme in as perfitt mynde and of as good memorie as ever he knewe hym at any tyme but that he was payned in his legge he knoledged hym selfe to be verye harthole<sup>153</sup> bie all his doinges And saiethe hit so appered to all men that came to vysite hym *being Examined if this will was a fair copy,<sup>154</sup> and perfect* This deponent saiethe hit was a full playne and perfitt Testament and but in ii<sup>t155</sup> or thre legacies varyenge from the other will whiche was then burned Moreover this deponent saiethe that when he had brought the same will redye written to master fowke dutton and he had perused the same Master dutton did send for Randull Bamvile Yardley<sup>156</sup> Monxselde and others whose names be in the will And declared to them that that was his last will and testament And in the presence of them and this deponent he the said fowke dutton did put his seale to the same his Testament and subscribed his name with his owne hand and required them to sett ther handes to the same who at his request set ther names (suche as colde write) with ther owne handis This deponent further saithe that he had written the same Testament of the said foulke Dutton every yere over bie the space of thes fowre last yeres And saiethe the

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<sup>153</sup> heart-whole, (a.): 1. Uninjured at the heart; having the spirits or courage unimpaired; undismayed. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>154</sup> *mundum*: literally, 'clean'.

<sup>155</sup> Otiose superscript 't'.

<sup>156</sup> First name omitted.

**f.230 verso**

first tyme that he this deponent wrot the same will of Fowke Dutton he asked hym what Counsell he had in the drawinge of the same who answered and saide he had the opynon of Master Recorder of Chester and dyverse other whereapon this deponent was the gladder to do hit for that there were and be weightie matteres in the will And this deponent can<sup>157</sup> small skylle what the temporall lawe will in suche matteres And saiethe the said Fowke Dutton did alwaies make his will and renued in the same suche legacies as he thought good and godlye and never Chaunged his executores nor overseers *Giving the grounds by which he knows* saiethe he dothe well knowe hit for he this deponent wrott the same iiij<sup>or</sup> tymes *as he deposed before* And further saiethe bie vertue of his othe that the testament which was exhibited before my Lord of Chestre the last day of Septembre and left in *the Court* beinge written in paper Conteyninge iiij<sup>or</sup> shetes with a Codycill annexid is the selfe same Testament which fowke Dutton did subscribe and seale with his owne hande and seale to the which this deponent and other witnes named in the same have also put ther names beinge therunto required by the said Fowke Dutton to be witnes of that his

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<sup>157</sup> Presumably should be 'can show small skylle', or similar.

**f.231**

very facte *Being examined upon the Codicil annexed to the will aforesaid* This deponent saiethe bie vertue of his <sup>158</sup> Othe that the Codycell annexed was written bie this deponent at the speciall request of the said fowke Dutton and the legacies therin Conteyned gevyn by hym the said fowke with which he willed his executores named in his testament to which the Codycell was annexed to stand overale and charged as with the Contentes of his testament and saiethe he this deponent was required by the said fowke to write the same Codycell as he was to write his testament And was present with other witnes named in the Codycell when fowke dutton did sett his seale to the Codycell and subscribed the same his owne handis for this deponent delyvered hym penne and Inke to do the same and sett waxe to hit and this deponent with the witnes then present seinge that done at the request of the said fowke dutton to beare witness to the same Codycell beinge then annexed to the forsaid will and Testament of the said foulke dutton

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<sup>158</sup> Otiose mark.

**f.231 verso**

*John Ridley* parishioner of saint peter where he has lived for viij<sup>t</sup> years knew Fulke Dutton <sup>159</sup> for viij years and more is examined upon the Codicil <sup>160</sup> annexed to the present will of Fulke Dutton and presented in Court and the Contents of the same This deponent sais that about a fortnight afore the departure of Master folke dutton as this deponent remembres the said Master foulke dutton send for hym this deponent Richard Davye and John' ap Richard servautes to the said Master Foulke Dutton where at this Commandment they comynge into his parlor he declared to them beinge then in his full and perfitt memorie (*as he declares*) that beside his testament he had made a Codicill which was parte of his will as he saide and in the which Codycell he had made certen bequestes & desired them <sup>161</sup> to set to their handes and <sup>162</sup> when they were called to testifie the same to be his acte and his dede examined bie vertue of his othe whether the said Codicell & the Contentes therof was red before hym and other of his fellowes at that tyme then beinge ^present^ he this deponent sais no but this deponent sais that he sawe the said Master foulke dutton seale and subscribe to the same and after ward William Bulloke which was there present at the same tyme and then afterward he this deponentwith other of his fellowis as before he has said and therbie he fermelie and stable belevis that this is the same Codicell which is exhibit in judgment which was sealed & subscribed bie his Master foulke dutton and afterwardes bie <sup>163</sup> hym and cause he knowis his Masters hand and seale & his owne and other of his fellowis *he is not instructed or hired or Corrupted and does not care etc*

by me John Ridley<sup>164</sup>

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<sup>159</sup> Struck through: ix<sup>t</sup>.

<sup>160</sup> Struck through: *pnte tes*.

<sup>161</sup> Struck through: when they were called.

<sup>162</sup> Struck through: to testifie the same.

<sup>163</sup> Struck through: them.

<sup>164</sup> Signature.

**f.232**

*Richard Davye parishioner of saint Peter in the City of Chester aged xxii<sup>t</sup> years knew Fulke Dutton for seven years and more, Being examined upon the Codicil annexed to the will of Fulke Dutton and upon the Contents of the same presented in Court* This deponent sais that about a fortnight afore the departure of Master Folke Dutton his Master he sent for John Ridley and this deponent & John' ap Richard keypyng his shoppe to come to hym to his parlor where they all there beinge present the <sup>165</sup> found with the saide Master Folke Dutton ther Master William Bulloke which as they might perceyve had written up a Codicell in a pece of paper of his said Masters ^will^ and that this deponent knowis (*as he declares*) for biecause the said Master Folk Dutton toke the same writinge and sealed hit & subscribed his name in ther presens sayinge that hit was a parte of his will and willinge them hereafter when they wer called to testifie that hit was his acte and his dede and for ther better remembraunce that they should subscribe ther owne name to the same which they did ^with William Bulloke also^ <sup>166</sup> (*as this deponent declares*) and knowis that hit is the same writinge <sup>167</sup> that is exhibit in *Court* which his Master Folke dutton did seale and subscribe and that he and his fellowis put to ther names *being Examined furthermore on this writing whether the Codicil which was made was read before him at that time, which was made void at the making of the will, he says no* but <sup>168</sup> he sais as he has said before that this is ^the^ writinge that his Master he and his other fellowis subscribed ther names unto *he is not instructed or guided or suborned etc nor is he hired etc*

by me Richard<sup>169</sup> Davies

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<sup>165</sup> Struck through: said.

<sup>166</sup> Struck through: as.

<sup>167</sup> Struck through: wherunto his.

<sup>168</sup> Struck through: as.

<sup>169</sup> Signature.

**f.232 verso**

*John ap Richard parishioner of Saint Peter of the City of Chester aged xx<sup>t</sup> years knew Fulke Dutton x<sup>t</sup> years, being examined upon the Codicil annexed to the will of Fulke Dutton presented in Court and the Contents of the same presented in court* This deponent said that about a fortnight afore the departure of Master Foulke Dutton his master he sent for John Ridley and this deponent John' Ridley and Richard Davye his fellowis wer called in to the parlor of the said Master Foulke Dutton where <sup>170</sup> he sittinge with William Bulloke at the table & havynge this same writinge that is *presented in Court for the Codicil of Fulke Dutton* lying before hym declared unto hym this deponent & his other two fellowis that that was parte of his will to the which he did desire this deponent & his other two fellowis to put to ther hands And to testifie the truthe when they were called *and furthermore he says* that he sawe his master Folke Dutton seale the the <sup>171</sup> same and subscribe his name therunto And after his Master William Bulloke subscribed his name and so did he this deponent and his two fellowis And therbie he dois knowe that this Codicell exhibit in *Court* is the true Codicell of Master Folke Dutton his Master *he is not instructed or hired or suborned*

*by me John Richards*

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<sup>170</sup> Struck through: he s.

<sup>171</sup> Repetition.

**f.233**

*this was made following the examination of witnesses upon the exception on behalf of Kat' Hoghton' & ^witnesses^ on the bond of Thomas Hoghton' held before master John Hanson master of arts etc, vij<sup>to</sup> October the Year 1558<sup>172</sup>*

*Master John Osboston esquire parishioner of Blackburne where he was born, aged Ij<sup>t</sup> years and more has known Kat' Hoghton' xx<sup>t</sup> years and more and Thomas Hoghton' since <sup>173</sup> infancy*

*At the first exception* This deponent sais that Anne Procter alias Hoghton' articulate is a grete and nere frend to Thomas Hoghton' articulate & bastard suster to the said Thomas as she is commonlie named & taken but whether she be a witnes singuler or otherwise dois varie or depose uncertayne in her Testimonie ^he^ knowis not *as he declares* but referrethe that to her examinatioyn

*At ij<sup>d</sup>* This deponent sais that bie the Common name & fame of the Cuntreie that Alis singleton articulate is suster to Thomas Hoghton' *who is brought as plaintiff* but whether she be ennymye to Kataryn Hoghton' or what she has deposed in the matter this deponente knowis not <sup>174</sup>

*At iij<sup>t</sup>* This deponent sais he cannot depose of no parte of the Contentes of this article bie the reason that he neyther knois not nor has hard what Anne' Procter & Alis Singleton has deposed before the Judge in this matter but in ^concernynge^ that this deponent refferis hym selfe to ther depositions

*At the last he says what he has deposed before to be true and his good repute labours upon it, he is not instructed etc.*

John Osabston<sup>175</sup>

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<sup>172</sup> Supporting documents for the divorce cause of Kat' and Thomas Hoghton' have been copied into EDA 2/1, Bishop's Register, Apr 1525-Mar 1575, ff.98-99.

<sup>173</sup> Struck through: *annis*.

<sup>174</sup> Mark – meaning unclear.

<sup>175</sup> Signature.

**f.233 verso**

*The same Master John Osbosten esquire is examined upon the matter of Kat' Hoghton of her good fame presented in Court by depositions on the strength of his oath for as follows At the first article of the said matter and of the Contents of the same he deposes and says he knows nothing*

*At ij<sup>d</sup> article* This deponent cannot tell nothinge <sup>176</sup> ^apon the Contentes of this article for bie cause he knowis not what<sup>177</sup> ^ar^ brought in apon the parte of Thomas Hoghton' articulate nor yet what they have deposed in the Cause savyng yt that he <sup>178</sup> has deposed in the mater Exceptyne that Anne' Procter and Alis singleton be bastard sisters to the said Thomas Hoghton' articulate & so comonlye taken

*At iij<sup>t</sup> articularum* This deponent sais bie vertue of his othe that he nother knowis nor never harde before the tyme of his examinatioyn that the said Kat Hoghton' was culpable or fawtie ^or so named^ which Guy Holland or any other person in brekinge her wedlocke be<sup>179</sup> nor yet crediblye thinke or belevis that thinge to be true but that she has bene & is a woman of muche honestie & good conditioyn to this deponentes knowledge & so taken & reputed as fersorthe<sup>180</sup> as ever he did knowe or se

*Ad iij<sup>tum</sup> <sup>181</sup>* he refers himself to what he has formerly deposed in the Contents of the iij<sup>s</sup> article

*At the last he says what he has before deposed to be true and his good repute labours upon it etc*

John Ostabson<sup>182</sup>

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<sup>176</sup> Struck through: agaynst.

<sup>177</sup> Struck through: the.

<sup>178</sup> Struck through: knowis.

<sup>179</sup> Scribe's error: presumably 'he'.

<sup>180</sup> Presumably forsooth, (adv.): 1. In truth, truly. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>181</sup> Struck through: *dicit*.

<sup>182</sup> Signature.

**f.234**

*personal Responcion of William Carison ^held before master Hanson^ upon the libel bond on behalf of Tristram Coke against the same William Carison in a cause of withholding<sup>183</sup> xv<sup>to</sup> day of January 1558<sup>o</sup>*

*At the first petition he believes the Contents of the said petition to be true*

*At ij<sup>d</sup> petition* This respondent sais and belevis that <sup>184</sup> the halfe of all and Singular Tithes of all maner kinde as well of tithe hay and otheres growinge and remyninge with in the parishe of Malpas belonginge to Master William Hill as parson of the halfe parte of the Church of Malpas<sup>185</sup> and to his fermores (or fermores in the right of the halfe parte of the saide Church except the saide parson or his fermores have made any bargayne agreement or Compositioyn for any parte of the said Tithe belonginge to them This this respondent sais and belevis that Tristram Coke fermor under neithe <sup>186</sup> Master William Hill parson of Malpas beforesaid has agreed and Consented that Master Randull Brerton esquier shuld have all the Tithe Hay growinge within the demeane of the said Master Randull Brerton aforsaide by reason wherof this respondent belevis that the tithe hay of the demeanes of Master Randull Brerton before named belongithe to hym the saide Master Brerton by vertue of the said agreement

*At iij<sup>t</sup> petition* this respondent sais that he belevis that the parsons for the said halfe parte have bene in peaseble possession to receave ther Tithes and so likewise Master Hill parson ther nowe or his fermores are and ought' to be if they have made no other bargayne or agreement of the right' to the Contrahrye

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<sup>183</sup> Presumably meaning the withholding of tithes.

<sup>184</sup> Struck through: all.

<sup>185</sup> The parish of Malpas had two rectors between 1225-1885, perhaps due to the medieval division of the manor of Malpas: each was therefore 'parson of the halfe parte'. [M. Shaw and J. Clark, *Cheshire Historic Towns Survey: Malpas – Archaeological Assessment* (Cheshire County Council & English Heritage, 2003), pp.4-5]

<sup>186</sup> Struck through: under.

**f.234 verso**

*At ij<sup>tam</sup> petition he believes the Contents of the said petition to be true*

*At v<sup>t</sup> he responds and says that he has not heard the Contents of these statutes mentioned in the said petition but refers himself to his oath in this matter*

*At vj<sup>tam</sup> petition this respondent sais that he knowis not howe many day mathe<sup>187</sup> of medowinge in the year or any of the monethes libellate he caused to be Cutt downe in edges medowe libellate with in the saide parishe of Malpas but this respondent sais and belevis that of he had iiij<sup>or</sup> lode of hay of that which was cutt downe in the saide meadowe the which whollie and the tithe therof he toke to his owne use by the gifte of his Master Randull Brerton esquier before named in whom as he belevis remaynes the righte' of the tithe hay growinge in the said medowe by reason of the grement before named and otherwise he belevis not the article to be true*

*At vij<sup>t</sup> petition this respondent belevis that the tithe hay of the said iiij<sup>or</sup> lode as before he has answered which he lawfullie toke away bie the gifte of his Master Randull Brerton aforsaid was worthe ij<sup>s</sup> and otherwise he does not believe the Contents of the said petition to be true*

*At viij<sup>t</sup> this respondent<sup>188</sup> belevis that the tithe hay articulate was required by Tristram Coke fermor to Master William Hill aforsaid to be delyvered*

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<sup>187</sup> math (n.): 1. 'a mowing; the action or work of mowing; that which may be or has been mowed; the portion of a crop that has been mowed. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>188</sup> Struck through: sais.

**f.235**

At ix<sup>t</sup> this respondent sais that ther was no tithe hay ^articulate^ delyvered to Tristam Coke by this respondent nor his servauntes for bicause this respondent belevis as before he has answered the right' therof remaynes in Master Randull Brerton which gave to this respondent (*as he declares*) the tithe of the said hay by which graunt' he this respondent toke the tithe away as he thinkes he might' lawfullie do

*At x<sup>men</sup> petition he believes the Contents of the said petition to be true in all its parts*

*At the last petition he gives Credit to what has been Credited and denies what has been denied and his good repute does not labour upon<sup>189</sup> Belief and denial of what has been credited*

*this was made following the examination of witnesses upon bond of exception<sup>190</sup> on behalf of Kat' Hoghton' against witnesses brought on behalf of Thomas Hoghton' held before master John Hanson  
master of arts xix<sup>o</sup> day of January 1558<sup>o</sup>*

*Christopher Walmsley parishioner of Blakburne<sup>191</sup> aged lxix<sup>t</sup> years or more has known Kat' Hoghton' xiiij<sup>t</sup> years and Thomas Hoghton' since boyhood*

*At the first exception* This deponent says that by the report of the Cuntrye Alis Procter is sister to Thomas Hoghton articulat wherbie he thinkes by nature and kinde that the said Alis dois favor her brother and his Causes but whether she be enymye to Kat Hoghton' or no this deponent knowis not (*as he declares*) and as regards the rest he refers himself to the Oath and depositions of the said Alice

*At ij<sup>t</sup>* This deponent said that bie the Comon fame and reporte of the Cuntrye Alis Singleton is sister to Thomas Hoghton'and so taken and reputed but whether the said Alis Singleton dois varye or is Contrarie to Anne Procter in her depositions this deponent knowis not but referris hym selfe to her *depositions otherwise he does not know what is deposed*

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<sup>189</sup> Struck through: *non*.

<sup>190</sup> Struck through: *ob con*.

<sup>191</sup> Blackburn, parish and borough in mid-Lancashire, E of Preston. [*Gazeteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1966), p.71]

**f.235 verso**

*At iij<sup>t</sup> exception* this deponent sais that he has not hard of the depositions of Alice Singleton and <sup>192</sup>^Anne^ Procter and therbie he knowis not what they two have deposed but in that referris hym selfe to ther depositions

*At the last he says that what he has before deposed is true; he is not instructed or hired or related by affinity or by blood*

*The same Christopher Walmsley is examined before the justice for the aforesaid Kat' Hoghton' presented against Thomas Hoghton' etc*

*At the first article he does not know of the said matter of the Contents of the same, as he says*

*At iij<sup>d</sup> article he refers himself to the depositions of the said witness and the Oath in her case*

*At iij<sup>t</sup> article* This deponent sais that sins the tyme of his knoledge that he has hard of the said Kat' Hoghton' he has taken her to be a gentlewoman of good and honest name and fame and so this deponent sais that the said mistress Kat' Hoghton' has bene and is so taken to this deponents knoledge of the inhabitauntes where she did dwell and neuer slaundred of any Cryme to his knoledge untill this tyme and further this deponent sais and takis hit in his Conscience that she is not giltie of this Cryme that is laid agaynst her

*At iij<sup>tum</sup> article* this deponent sais as before he has deposed that he thinkes and Credible belevis that the said Kat' Hoghton' is not Culpable of the Cryme that is nowe here laid agaynst her and further he thinkes that the said Kat' with a pure Consciens may make her lafull purgatioyn therof

*At the last he says what he has before deposed to be true he is not related by affinity or suborned or related by affinity<sup>193</sup> etc*

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<sup>192</sup> Struck through: Jane.

<sup>193</sup> Repetition.

**f.236**

*this was made following the examination of witnesses called upon the libel on behalf of Thomas Merkinfeld against Isabella Inglebie ^in the divorce cause^ brought before master John Hanson xix<sup>o</sup> d(a)y January 1558<sup>o</sup>*

*Matthew Redman parishioner of Harwood<sup>194</sup> in the diocese of York aged xxviii<sup>2</sup> years and more has known Thomas Merkinfeld for vii<sup>t</sup> years and more and Isabella Merkinfeld for vii<sup>t</sup> years or thereabouts*

*At the first article* This deponent sais to the Contentis of this article that Master Thomas Merkinfeld and Isabell Inglebe were married to gether but what age either of the said parties were at the <sup>195</sup> tyme of the said marriage or howe longe sins hit is that they were married this deponent knowis not *as he declares*

*At ij<sup>t</sup> article and of the Contents of the said article he deposes that he knows not*

*At iij<sup>t</sup> articulum he deposes that he does not know of the contents of the same as he says*

*At iiij<sup>t</sup> article* This deponent sais to this<sup>196</sup> knowlege that for the space of this iiij<sup>or</sup> yeres the said Thomas and Isabell were Cohabitant at no tyme together

*At v<sup>tum</sup> article* this deponent said that for the space of this iiij<sup>or</sup> yeres to his knowlege the said Thomas and Isabell have not cohabit to gether nor he knowis not that ever they had any Carnall dole<sup>197</sup> together or have ratafied the mariage sins the came to the yeres of Consent

*At vi<sup>tum</sup> article* this deponent said this article to be true *giving reason for what he says, he says* that John' Norton and Jane Norton were brother & sister which John' had bie his lawfull wife a doughter named Margaret which Margaret was married to Thomas Merkinfeld and betwixe them had Issue Thomas Merkinfeld articulate and Jane Norton before named did mary Sir William Mallerye knight' betwixt whom they had Issue Anne Mallerye that did Marrie Sir William Ingleby knight' and they said Anne and William had Issue Isabell Inglebe articulate *and thus the said* Thomas Merkinfelde and Isabella Ingleby *are touched respectively in the third and iij<sup>o</sup> degrees of Consanguinity* and farther this

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<sup>194</sup> Possibly Harwood Dale, parish in North Riding of Yorkshire, near Scarborough, or Harewood, parish and village in West Riding of Yorkshire, N. of Leeds. [*Gazeteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1966), pp.321 & 324]

<sup>195</sup> Struck through: t.

<sup>196</sup> Possibly scribe's error, for 'his'.

<sup>197</sup> dole, (n.) (7): dealing, intercourse. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

deponent sais did kno John' Norton and Jane which were they stocke of <sup>198</sup> whom Thomas and  
Isabell articulate discendes and likewise all the other stocke of them

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<sup>198</sup> Struck through: T.

## f.236 verso

*At vij<sup>t</sup>* This deponent thinkes crediblie that the said Thomas Merkinfeld never favored Isabell Inglebie articulate as his wife and that for the space of this iij<sup>or</sup> yeres as before he has deposed they said Thomas and Isabell have not Cumpanied together as man and wife

*At the last he says what he has before deposed to be true and his good repute labours upon this, he is not instructed or hired, he says he is related by blood both to the said Thomas Merkinfeld and the said Isabelle*

*George Norton parishioner of Wathe<sup>199</sup> in the County<sup>200</sup> of York aged xxvj<sup>t</sup> years or thereabouts has known Thomas Merkinfeld xx<sup>t</sup> years and Isabella Inglebye for eight years*

*At the first article* This deponent sais that as he has ^hard^ reported by the frendes of bothe parties the said Thomas Merkinfeld and Isabell Ingleby were maried together when the said Thomas was under xiiij<sup>t</sup> yeres old and the said Isabell not xij<sup>t</sup>

*At ij<sup>t</sup> article* This deponent sais that he has hard the said Thomas Merkinfeld after he came to xiiij<sup>t</sup> yere old say that he could not fantisie<sup>201 202</sup> the said Isabell as his wife<sup>203</sup> nor so wold not take her or use her as his wife and he this deponent Credeblie belevis that ther was never Carnall dole betwixe the said parties *as he declares*

*At iij<sup>t</sup> article he says what he has first deposed in the first article and furthermore says* that he has hard the said Thomas ^say^<sup>204</sup> Merkinfelde that he was Compelled bie his frendes to marie the said Isabell

*At iij<sup>tum</sup> article* This deponent sais that for the space of this viij<sup>t</sup> or ix<sup>t</sup> yeres the said Thomas and Isabell have not Cohabit together to his knowledge *as he declares*

*At v<sup>t</sup> article he says and at the Contents of the same, he says what he deposed first of the Contents of the other articles*

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<sup>199</sup> Possibly Wath, near Harrogate; Wath, near Ryedale, North Yorkshire; Wath-in-Nidderdale, North Yorkshire; or Wath-upon-Dearne, South Yorkshire. [*Gazeteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1966), p.709]

<sup>200</sup> Struck through: *dict.*

<sup>201</sup> Presumably *fantasy*, (v.): 3. To take a fancy or liking to; to be favourably inclined to; to fall in love with. Also with *inf.*, to 'take it into one's head' (to do something). [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>202</sup> Struck through: *his.*

<sup>203</sup> Struck through: *an.*

<sup>204</sup> Scribe's error: presumably 'Thomas Merkinfelde say.'

**f.237**

At <sup>205</sup>vij<sup>tum</sup> article he says the Contents of the said article to be true Being interrogated on what he knows of this This deponent sai(s) that John' Norton of Norton Conieres<sup>206</sup> esquier and Jane Norton were bretherne & sister and John' Norton had Issue bie his lawfull wife Margarett Norton which ^Margaret^ was married to Thomas Merkinfeld esquier <sup>207</sup> ^which Thomas and Margaret had Issue^ Thomas Merkinfeld articulate and Jane Norton sester to the said John' Norton married Sir William Mallerye of Studeley<sup>208</sup> knight' which Jane and Sir William had Issue Anne Mallery which Anne was married to Sir William Inglebye of Ripley knight which be the lawfull parents of Isabell Ingleby articulate and so hit apperethe that the said Thomas Merkinfeld and Isabelle Inglebe articulate be of the thridd and thridd degrees of Consanguinitie and this deponent sais that he <sup>209</sup> knowis well the stockes from where the said Thomas Merkinfeld and Isabell Ingleby came of for bie cause the forsaied John' Norton was his grandfather and so he standes to bothe partes articulate in <sup>210</sup> degrees of Consanguinitie

At viij<sup>t</sup> he says what he has deposed before in his depositions pleading the cause, referring himself to them

At the last he says what he has deposed before to be true and his good repute labours upon this, he is not instructed or suborned and is indifferent in who he favours nor cares which party is successful or what is the Sentence

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<sup>205</sup> Struck through: ix<sup>t</sup> articulum.

<sup>206</sup> Norton Conyers, parish near Ripon, Yorkshire. [*Gazetteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1963), p.515]

<sup>207</sup> Struck through: father to.

<sup>208</sup> Near Ripon, Yorkshire. [*Gazetteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1963), p.652]

<sup>209</sup> Struck through: this deponent.

<sup>210</sup> Struck through: like.

**f.237 verso**

*personal Responson of William Rogerson upon the libel on behalf of John Brerton farmer<sup>211</sup> of the parish church of Saint Mary upon the hill of the city of Chester held before master Hanson xxv<sup>to</sup> day of January the Year of 1558<sup>o</sup>*

*At the first petition he responds and believes the Contents of the said article to be true*

*At ij<sup>d</sup> petition he responds and believes the Contents of the said article to be true*

*At iij<sup>t</sup> petition he responds and believes the Contents of the said article to be true*

*At iiij<sup>t</sup> petition he believes furthermore the Contents of the same article to be true*

*At v<sup>tam</sup> petition he responds that he has heard of such Statutes*

*At vj<sup>tam</sup> petition he does not believe the Contents of the said article to be true*

*At vij<sup>t</sup> petition* This respondent sais that upon the said parcell of ground called moston grene articulate which he belevis to be within the parishe of Saint Maries and not <sup>212</sup> the parishe of Backford in the yere and on of the monethes libellate he did sowe two acres or there about with otis the ^tithe wherof^ he did wholie take to his owne use and disposed hit at his pleasure as he thinkes he lawfullie mighte' by reason the said ground is barren and waste grounde and so by the Statute discharged for seven yeres wherof this respondent sais that that was the first yere of his Sowinge upon the said ground

*At viij<sup>t</sup> petition* this respondent sais that likewise <sup>213</sup> in the yere and on of the monethes libellate he did sowe upon the parcell of ground called moston grene about two Acres with barlie and likewise toke all ^the tithe^ to his owne use by reason that he was discharged for payinge any tithe by the statute as before he has answered to the Contentes of the seventhe positioyn

*At ix<sup>t</sup>* this respondent sais that in the yere and on of the monethes libellate he did Sowe about two Acres with barlie in the parcell of ground called moston grene and no more the which barlie growinge therof he Converted to his owne use as he did in the two yeres before mentioned & for the same causes Contened in his answeres to the vij<sup>t</sup> and viij<sup>t</sup> positioyns

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<sup>211</sup> That is, farmer of tithes of the parish.

<sup>212</sup> Struck through: ^the^ of Backford.

<sup>213</sup> Struck through: and.

**f.238**

*At x<sup>ma</sup> petition* This respondent said that he dois thinke that the yere libellate apou the ground sowen with Otis on Moston grene he gathered together and had about fore score hattockes<sup>214</sup> or half thrases<sup>215</sup> levyng no tith therof to the parson of Saint Maries nor to his fermor bie reason he this respondent thinkes hym selfe that he is not bounden therunto but discharged bie the statute as before he has made answer

*At xj<sup>ma</sup> petition* this respondent sais that in the yere of our Lorde articulate and apou the ground libellate he had iiij<sup>or</sup> score half thraves of barlie or therabout and lafte no tithes to the parson or his fermor bicause he thinkes hym selfe discharged therof bie vertue of the Statute as before he has answered

*At xii<sup>t</sup> petition* this respondent sais and belevis that in the yere of our Lord and apou the ground libellate he had about iiij<sup>xx</sup> score<sup>216</sup> and fyve of alfe thraves or ther about of barlie and that he lefte no tith therof to the parson bie reason he this respondent takes hit not due but discharged bie the statute as before he has answerid *and otherwise he does not believe the petition to contain the truth*

*At xiiij<sup>t</sup> petition* This respondent sais and thinkes that the valure of the tith of the othis sowen in the yere and apou the ground libellate which he lawfullie toke away as he sais bie reason of the Statute was worthe to his Judgement vj<sup>s</sup> viij<sup>d</sup> *and otherwise he does not believe the petition to contain the truth*

*At xiiij<sup>tam</sup> petition* This<sup>217</sup> ^respondent^ sais he dois thinkes that the valure of the tith of the barlie sowen apou the ground and in the yere libellate was worthe to his estimacioyn v<sup>s</sup> *and otherwise he does not believe the Contents of the said article to be true*

*At xv<sup>t</sup> petition* This respondent sais and belevis that the valure of the tith barlie growinge apou moston grene in the yere libellate was worthe vj<sup>s</sup> viij<sup>d</sup> *and otherwise he does not believe the Contents of the said petition to be true*

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<sup>214</sup> haddock (dial.): 2. a. A shock of standing sheaves of corn, the tops of which are protected by two sheaves laid along them with their bottoms in contact in the centre, and their heads slanting downwards, so as to carry off rain. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>215</sup> thrave, threave: 1. Two shocks or stooks of corn (or pulse), generally containing twelve sheaves each, but varying in different localities; hence used as a measure of straw, fodder, etc. [Ibid.]

<sup>216</sup> The superscript 'xx' in the line above represents 20, a score, making this redundant.

<sup>217</sup> Struck through: deponent.

**f.238 verso**

*At xvi<sup>tum</sup> petition* this respondent sais that he toke away the hole tithe or tenthe part of barlie in the yeres libellate against the fermores mynde as he thinkes he might' lauffullie bie reason the were not due to be paid the parson or his fermor bie the Statute as before he has answered

*At xvij<sup>t</sup> petition* This respondent sais that he did not pay Tithes to the parson of saint Maries or his fermor bie reason he was not bounden therunto but discharged bie the Statute as <sup>^</sup>apperis<sup>^</sup> in his answeris before recited

*At xix<sup>t</sup> petition* This respondent sais that <sup>218</sup>he belevis that he is a parishioner of Saint Maries and <sup>219</sup>not of Backford and of the diocese of Chestrie and of the same Jurisdiction

*At the last he credits what has been Credited and denies what has been denied and his good repute does not Labour upon <sup>220</sup>beliefs and denials of what has been Credited*

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<sup>218</sup> Struck through: th.

<sup>219</sup> Struck through: of the.

<sup>220</sup> Struck through: *non*.

**f.239**

*this was made following the examination of witnesses on behalf of Henry ap John ap Christopher and the articles of partnership against John Phelippes held before master Hanson master of arts, Archdeacon of Richmond xx<sup>mo</sup> January 1558*

*Ralph Broughton' Esquire parishioner of Shocklage<sup>221</sup> aged <sup>222</sup>xlviij<sup>t</sup> years of age is examined upon the allegation on behalf of Henry ap John and the articles of partnership presented in Court, he says on the strength of the Oath he pledges that Henry John ap Christopher Elisabeth daughter of<sup>223</sup> John ap Christopher William ap John' ap Christopher et Mercelly daughter of John ap Christopher by the report of the Cuntre were borne of Margaret daughter of Ieuan ap Jolley but as he has also hard reported they were gotten ^& borne^ by John' ap Christopher ap Jenken and the said Margarett in adultrye and to all the residewe of the allegatioyns exhibit in Judgment he referris hym selfe to the Lawe*

*Thomas Maddocke parishioner of Holzt aged xl<sup>224</sup>ij<sup>t</sup> years is examined upon the Contents of the allegation on behalf of Henry ap John' and the articles of shared ownership presented in Court, he says on pledging his Oath that bie the Comon name and fame of the Cuntre <sup>225</sup> Henry John' Christopher Elizabeth <sup>226</sup> daughter of John' ap Christopher William ap John ap Christopher et Mercly daughter of John ap Christopher were children gotten ^and borne^ betwixe John' ap Christopher and Margaret daughter of Ieuan ap Jolley in adultry but whether the said Margaret died and lefte Mavanwey daughter of John' ap Christopher her executrix in her testament which died before the provinge of the same this deponent knowis not and as regards the other Contents of the said allegation he refers himself to his oath on his part*

**f.239 verso**

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<sup>221</sup> Shocklach, Cheshire. [*Gazetteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1963), p.617]

<sup>222</sup> Struck through: xx lv.

<sup>223</sup> This is abbreviated to vζ, for 'verch', Welsh for daughter.

<sup>224</sup> Struck through: iij<sup>t</sup>.

<sup>225</sup> Struck through: E.

<sup>226</sup> Struck through: ap.

*this was made following the examination of witnesses*

Malpas

*Thomas Dodd* parishioner of Malpas where he was born, aged lx<sup>t</sup> years, has known Master William Hill for xij<sup>t</sup> years and known Tristram Coke his farmer, and William Carison since boyhood

*At the first article he Says the Contents of the said article to be true, giving reason for what he says*  
This deponent sais that he is Tenant to Master William Hill apon ^on Tenement of^ his part of the parsonage ground of Malpas and payes hym rent therfore and other his tithes as other parishioners dois

*At ij<sup>t</sup> article and iij<sup>t</sup> articles and the Contents of the same* This deponent sais that he has bene a parishioner of Malpas by the space of xxx<sup>tie</sup> yeres and by all that space he has bothe knowne and sene the parsons for the halfe part of Malpas wherof nowe Master William Hill is parson by them selfe ther proctores or fermores to have receyved all maner of Tithes of <sup>227</sup> what kinde soever the were of growinge and remyninge within the said parishe of Malpas for ther halfe parte in the right of the Churche and so likewise the tithe hay of the half parte growinge within the said parish of Malpas for he this deponent has paid the tithe hay growinge apon his ground within the said parishe and likewise has sene other of the said parishioners do and farther he sais that in the tyme of Doctor Brerton which was parson of Malpas <sup>228</sup> predecessor to Master William Hill nowe parson of Malpas he was fermor bie the space of xv<sup>t</sup> or xvj<sup>t</sup> yere of the tithe hay for that halfe parte and did gather the same without any lett or disturbaunce of any bodie

*At iiij<sup>t</sup> and v<sup>t</sup> articles he refers himself to the Contents of the said Statutes*

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<sup>227</sup> Struck through: no.

<sup>228</sup> Struck through: *dici*.

**f.240 verso**

*At vi<sup>tum</sup> article* this deponent sais that in the yere and on of the monethes libellate he knowis that William Carison caused to be cutt downe forthe of the ground called edgis medowe beynge within the parishe of Malpas thre day mathe of medowinge as he Judgis the same the hay wherof he knowis this deponent sawe hym carie hit all away levyng no tithe behynd hym to his owne use

*At vii<sup>t</sup> article* This deponent sais that he thinkes the value of the tithe of the thre mathe of medowinge taken away by William Carison was worth xij<sup>d</sup> and so this deponent wold have geven hym for hit and no more

*At viij<sup>t</sup> article ^and ix<sup>t</sup> articles^* This deponent sais that Tristram Coke fermor under Master William Hill of the tithe hay of Malpas told to this deponent that he had required the servauntes of William Carison to leve the tithe hay of edgis medowe and the said he wold not

*At x<sup>t</sup> he says the Contents of the said article to be true*

*At the last he says what he has before deposed to be true and his good repute labours upon this, he is not instructed or hired nor related by affinity or by blood he does not Care etc*

*Ralph Dodd parishioner of Malpas where he was born, aged xx years has known Master William Hill rector of a half of Malpas for xij<sup>t</sup> years and Tristram Coke for iij<sup>t</sup> years and William Carison for xiiij<sup>t</sup> years*

*At the first article* this deponent sais that bie the comon name fame & report of the Cuntrie he dois kno that Master William Hill is taken for parson of the halfe parte of the Malpas and by hym or his fermores receyves the profites therof

**f.241**

*At ij<sup>d</sup> article et iij<sup>t</sup> articles* This deponent sais for the space of this x<sup>t</sup> yere dwellinge within the parische of Malpas has sene and Percyved all maner of tithe Corne and tithe hay paide of the Inhabitauntes within the parish of Malpas to the proctores and serviores of Master William Hill nowe beyng parson there

*At iij<sup>t</sup> and at v<sup>t</sup> he refers himself to the Statutes*

*At vj<sup>t</sup> article* He in everything and by all he says Agrees with Thomas Dodd who has been called to witness before him

*At vij<sup>t</sup> article* he says he does not know what is deposed

*At x<sup>t</sup> he says the Contents of the said article to be true*

*At the last he says what he has deposed before to be true and his good repute labours upon this, he is not instructed or hired nor related by blood nor does he care etc*

*this was made following the examination of witnesses in the testamentary cause of William Huntingdon held before master John Hanson master of arts etc iij<sup>t</sup><sup>o</sup> day of February the Year 1558<sup>o</sup>*

*Thomas Hickcoke* parishioner of saint Oswald in the city of Chester where he was born, aged xix<sup>t</sup> years is Examined upon the nuncupative will<sup>229</sup> of William Huntingdon deceased and the Contents of the same presented in Court says on pledging his oath<sup>230</sup> that the last will was the first of the deceased being Interrogated how he knows this This deponent sais that he awaited apon the vicare of Saint Oswaldes at that time he went to<sup>231</sup> ^an oile^ William Huntingdon<sup>232</sup> and when that he had done the Servyce he asked hym whether he was Contentid with that Testament that he had written before for hym to the which the said William answered yea and then the said vicare aske hym whether he wold geve any thinge to his owne doughter there beinge present and to her Children and the said William said no but that he wold have his wife to have the on parte and his doughter Elisabeth the other parte after his buriall and his other legacies discharged *there being present then*

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<sup>229</sup> Literally, 'from strength' (viribus testamenti). That is, a will made when the testator was bed-ridden, in poor health and lacking in strength; a nuncupative will.

<sup>230</sup> Struck through: That.

<sup>231</sup> Struck through: annoyle.

<sup>232</sup> Struck through: to ge.

*sir Roger Benet vicar of Saint Oswalds ^Richard^<sup>233</sup> Cowper John Huntingdon<sup>234</sup> and Alice Huntingdon*

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<sup>233</sup> Struck through: *Johanne*.

<sup>234</sup> Struck through: *Johanne Hampston*.

**f.241 verso**

*Alice Huntington* parishioner of saint Oswald in the city of Chester aged lx<sup>t</sup> years is Examined upon the nuncupative will of William Huntington and the contents of the same presented in Court <sup>235</sup>in the same says on pledging her Oath that this is Last Will of William Huntington, giving reason for what she says This deponent sais that she was presente with the vicare of Saint Oswaldis when the vicare of Saint Oswaldis did recite to hym the legacies and bequestis that are expresse in this Testament and aske hym whether he was Contentid that the said bequestis shulde stand and the said William Huntington said yea Then the said vicare askid hym who shuld have the residowe of his goodes and the said William said that his wife shuld have the on halfe and his doughter the other halfe and therwith the vicare departed and incontinent<sup>236</sup> the said vicare came agayne to the said William Huntington and declared to hym that he perceyved that he had two doughteres wherbie he wold knowe which of the said two doughteres shuld have the other halfe which his wife and the forsaide William answered to the vicare that Elisabeth his doughter in lawe shulde have the other halfe with her mother Then as there beinge present Ellyn his other doughter which desired hym to be good father to her and to her Children And firther this deponent sais that he the said William Huntington named his wife and Roberto Tottie his executores and Richard Cowper to be the overseer of his will there being present then with this deponent the said Roger Benet, John Huntington, Thomas Hickcoke, Helena Cowper with others

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<sup>235</sup> Struck through: *et Contentes*.

<sup>236</sup> Presumably incontinent, (adv.): a. Straightway, forthwith, at once, immediately, without delay. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

**f.242**

*si<sup>237</sup> Roger Benet Clerk, vicar of the parish church of saint Oswald in the city of Chester aged lx<sup>ta</sup> years is examined upon the nuncupative will of William Huntington and the Contents of the same presented in Court says on pledging his Oath that he beyng vicare of Saint Oswald was sent for to William Huntington of Oraball to geve hym his rightis' and after that he had ministred the sacrament to hym, the said William desired hym to make his will and this deponent said that he had not paper and penne and Inke redie there yet the said William Huntington desired hym to here his legacies and bequestis and so to marke hit and put hit in writing when he came home which he this deponent did and the said bequestis and legacies with the naming of the executores with the overseers in his will was as is Conteyned in this will exhibit in Judgement saving that he the said Huntington named at that present tyme the residewe of his goodes to be devided betwixe his wife and his Childe and this deponent sais that afterwardes he came to the saide William Huntington and did anoynte hym and after that done this deponent asked the said Huntington whether he wolde alter any parte of his will before made to the which he answered no, & willed this deponent to repete that which was his will to hym which he did and then this deponent beyng in dout to which Childe he lefte the halfe part of his goodes with his wife havynge a naturall doughter and a doughter in lawe therefore he asked the Testator to which of his <sup>238</sup> said daughters his Children he lefte hit untill, and the said William answered to his doughter in lawe Elisabeth Thes beyng present at this tyme *together with this deponent* Richard Cowper John Huntington Thomas Hickcoke alis Huntington widowe of Chestrie and his owne doughter Heylena Cowper for whom this deponent moved her father the said William Huntington by her procurement to leave her sumwhat of his goodes and to her Children and the said William would not but said he had paide to her husband all his mariage good and more*

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<sup>237</sup> *dominus*: used as a courtesy title for a beneficed cleric without degree. [Gooder, E., *Latin for Local History* (Longman: London, 1978), p.134]

<sup>238</sup> Struck through: Child.

**f.242 verso**

*personal Responcion of Alice Barowe alias Carter held before justice John Hanson upon the libel on behalf of Thomas Barowe presented the eighth day of February the Year 1558<sup>o</sup>*

*At the first petition she acknowledges the Contents of the said article to be true*

*At ij<sup>d</sup> petition* This respondent sais that after the said marriage of the said Thomas Barowe did never favor her this respondent as his wife nor she hym as her husband nor yet ther was never Carnall dole betwixe them nor as ferre as she dois beleve the said mariage was made betwixe the said Thomas and her by the mediatioyn of the father of the said Thomas onlie to gett monie of her father as by the sequele of the matter she Credible belevs

*At the last she gives Credit to what has been credited, and denies what has been denied and upon no Beliefs and <sup>239</sup>^Confesses^ her good repute <sup>240</sup>labours upon beliefs*

*this was made following the examination of witnesses upon a matter of exception presented in Court on behalf of Jenett<sup>241</sup> griffiths held before master Hanson xi<sup>mo</sup> day of February 1558*

*James Pembleton* parishioner of Bidston where he was born, aged lx<sup>t</sup> years has known the parties on both sides since childhood, being Interrogated upon the Contents of the matter of the exception bond in Court, on behalf of the said emma griffithes This deponent sais by vertue of his othe that he was desired as a neybor to emme griffithes to come with her and be a witnes of a grement to be made betwixt her and Agnes Benett and Jenett Robinson and ther two husbandes for the goodes of Thomas Griffithes of Bidston beinge dede intestate which <sup>242</sup>parties did mete in Bidston and the said emme' griffithes for her part did electe and Chose for her Arbitores John Benett and Harrie Wade and James Benett the husband of Agnes Benet and John' Robinson husband to Jenet Robinson did Chose in the name of ther forsaid wifes and for ther part as Arbitores in that matter george Sherloker and gilberte Houghe and bothe the said parties were sworne apou the Hollie evangelist by Sir Arthur Swifte parson of Hawarden ^as he takis hit, or els by sir James Smithe^ to stand and abide the ordre

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<sup>239</sup> Struck through: *negates*.

<sup>240</sup> Struck through: *non*.

<sup>241</sup> Scribe's error: The depositions in this cause suggest that this name should read 'Emme Griffiths.'

<sup>242</sup> Struck through: *mett*.

## f.243

that those <sup>243</sup> named persons did Condiscend and agre unto Concernyngeth who shuld have the administratioyn of the goodes of the said Thomas griffithes which fornamed <sup>or</sup> persons goyninge together at that present tyme made a finall ende in the said matter for ever <sup>244</sup> betwixe the saide parties and Callinge them together at that tyme did declare that they were fullie agreed and Condiscended that emme griffithes shuld take the administratioyn of the goodes of Thomas griffithes and the said emme shuld geve <sup>s</sup> a pece to Jamis Benet and John Robinson in the name of ther wives and firther that the said emme shuld gyve of the said goodes <sup>li</sup> <sup>vj</sup> <sup>viiij</sup> <sup>d</sup> toward the findinge<sup>245</sup> of a bastard sonne of Richard griffithes and other <sup>li</sup> <sup>vj</sup> <sup>viiij</sup> <sup>d</sup> to go forward with the saide bastarde Child <sup>^</sup>to be delivered to the next of his kynne<sup>246</sup> with which agrement bothe the said emme griffithes and James Benett and John' Robinson were agreed to stand to and at all these thinges before rehersed bothe for the chosinge of the Arbitratores as sweringe of the parties and award geven bie the said Arbitratores the agrement therunto afterwardes of the said parties this deponent sais bie the vertue of his othe that he was present at and did here and knowe thes thingis to be true

*Henry Wade parisioner of Bidston where he was born aged* <sup>247</sup> *lviiij* <sup>t</sup> *years has known both parties since their Infancy, being Interrogated upon the contents of the matter of exception presented in court on behalf of emma griffithes* This deponent sais that after the deathe of Thomas griffithes ther was strift<sup>248</sup> betwixe emme griffithes Agnes Benett Jenett Robinson and ther two husbandes who shuld have the administratioyn of the goodes of Thomas griffithes aforsaid and therapon hit was agreed betwixe the said parties that the shuld Chose <sup>or</sup> indifferent men betwixe them and metinge at the <sup>249</sup> Church of Bidston emme griffithes did Chose for her partie John' Benett and this deponent and Jamis Benett and John' Robinson for and in the names of ther wives Agnes and Jenet did chose and electe there for the arbitores george sharlocker and gilberte houghe and <sup>250</sup> the said parties did

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<sup>243</sup> Struck through: forsaid present.

<sup>244</sup> Struck through: and.

<sup>245</sup> finding, (vbl.n.): 4. a. The action of maintaining or supporting (a person or an institution). [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>246</sup> This appears in the left-hand margin, but is marked by an arrow in the text indicating a superscript addition.

<sup>247</sup> Struck through: v.

<sup>248</sup> strift, obs.: The action of striving; an instance of this; also, contention, strife. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>249</sup> Struck through: tyme.

<sup>250</sup> Struck through: did.

not onlie promysse but were sworne by the hollie evangelist <sup>251</sup> there and then to abide the order  
and the award that the said iij<sup>of</sup> men did geve apon this matter whereapon this deponent

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<sup>251</sup> Struck through: to abide.

**f.243 verso**

being on of the Arbitores with the other ther cominge together were agreed that Emme' griffithes shuld have the administratioyn of the goodes of the said Thomas griffithes Committed to her and for the same she shuld give forthe of the saide goodes xx<sup>s</sup> a pece to James Benett and John' Robinson for<sup>252</sup> ther wives and beside that she shuld pay firthe of the said goodes iii<sup>li</sup> vj<sup>s</sup> viij<sup>d</sup> toward the fynding of a bastard sonne of the said Richard Griffithes and other iii<sup>li</sup> vj<sup>s</sup> viij<sup>d</sup> to go forward with the said Child to be paide to the next of his kynne and this deponent sais that after the said Arbitatores were agreed together apou this pointes as aforsaide They called the parties together before Sir Arthur Swifte parson of Hawerden and Sir James Curat at Bidston and shewed and declared to the said parties the award that they were agreed on with the which ^words^ at that tyme both the saide parties were verve well agreed unto as ^hit^ appered to this deponent at that tyme *as he says*

*Thomas Benet parishioner of westkirkbie<sup>253</sup> where he has lived for vij<sup>t</sup> years has known the parties on both sides for xvi<sup>t</sup> years and more being Interrogated upon the Contents of the matter presented in Court on behalf of emme griffithes* This deponent sais that he was present at Bidston where as emme griffithes and James Benet, John'Robinson for and in the name of Agnes and Janet ther wives in pacyfyenge the Strife and varlance<sup>254</sup> that was betwixe them for the goodes of Thomas griffithes decessed did Chose betwixe them Henry Wade John Benet' giberte Houghe' and george sharlocker to be arbitores and do rightes' by the said matter and did promysse and were sworne<sup>255</sup> to abyde the order and the award of the forsaide iiiij<sup>or</sup> persons which after the said persons were agreed they did call before them in the presence of master parson of Hawarden and sir James Curat of Bidston the before named emme griffithes James Benett and John' Robinson and there declared to them that the award and agreement was that emme griffithes shuld have the administratioyn of the goodes of Thomas griffithes decessed comitted to her<sup>256</sup>

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<sup>252</sup> Struck through: and.

<sup>253</sup> West Kirby, on the Wirral in Cheshire. [*Gazetteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1966), p.716]

<sup>254</sup> Presumably 'violence'.

<sup>255</sup> Struck through: by the parson of Hawarden.

<sup>256</sup> The deposition continues on f.244: this follows the transcription of the inserted sheet which has been numbered 243/1.

**f.243/1**

Interrogatory (?)<sup>257</sup>

- 1 Were you presentt when Henry Allen made his laste Will and testamentt
- 2 Whom were presentt besides you, and what tyme of daye was hit
- 3 Whom made he his executores, & Whom wrote his testamentt
- 4 Whether was there any clause or article lafte unwritten in his testamentt yt should have byne written, and what was ye same clause
- 5 Whether was his will yt his brother Richard shuld have the one halff of his goodes, ys his wyff did agarre <sup>258</sup> or yt his brother shuld have ye <sup>259</sup> ^same^ goodes forthwith after his deathe...<sup>260</sup>his Wyff did Contyrve wydd
- 6 Whether did he saye yt his brother shuld have ye keypyng of his childe yt was onborne' at ye tyme he made his Will, or yt he shuld have ye...<sup>261</sup>of his sonne John or yt he shuld ...<sup>262</sup>of his nevue Anne wyde his nevue...<sup>263</sup>

**p243/1 verso**

- 7 Was it his will yt his brother Richard (shuld have) oversight of ye one half of his goodes...<sup>264</sup> of hit; and take his sone from ye mother (after his) deathe
- 8 Whether spake ye said Henry Allen at ye makynge of his testamentt anythynge of his wyffe beinge with childe
- 9 Whether willid he yt Richard Allen shuld have ye keypyng of ye childe when it shuld be borne or ye mother to kepe

these Interrogatories besyde ye others before for Richard Allen to be examined upon

Knowe you of any other Willes or testamenttes or <sup>265</sup> Copies of Wills and testamenttes, of Henry Allen other then ye testamentt yt you have provid

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<sup>257</sup> These interrogatories are written on a loose sheet inserted in the book, in a rough hand, and this word is illegible.

<sup>258</sup> Struck through: of yf she dyd not agarrrie.

<sup>259</sup> Struck through: shuld.

<sup>260</sup> The page is damaged at the edge, and this word is missing.

<sup>261</sup> This word is missing.

<sup>262</sup> These words are missing.

<sup>263</sup> It is possible that words are missing here due to the damage to the page edge.

<sup>264</sup> The page is damaged at the edge, and this word(s) is missing.

<sup>265</sup> Struck through: of.

**f.244**

and for the same the said emme shuld pay to the before named James and John' for ther wives xx<sup>s</sup> a pece over and beside iij<sup>li</sup> vj<sup>s</sup> viij<sup>d</sup> for the fynding of the bastard sonne of Richard griffithes and other iij<sup>li</sup> vj<sup>s</sup> viij<sup>d</sup> to go forward with the saide Childe at all which doyngis <sup>266</sup>before by hym deposed by the vertue of his othe he was present *as he says*

*John Gill* parishioner of Moreton where he has lived for xx<sup>t</sup> years, aged lxij years<sup>267</sup> has known the parties of both sides since Infancy, being Interrogated on the Contents of the matter presented in Court on behalf of emme griffithes This deponent said that John Benet' was on of the Omperis<sup>268</sup> with others and made agrement betwixe Emme griffithes Agnes Benet and Jenet Robinson and ther husbandes for the goodes of Thomas <sup>269</sup>griffithes decessed and willed this deponent to testifye the same of his report if he were called <sup>270</sup>for the declamatioyn therof

*this was made following the examination of witnesses upon bond of exception on behalf of Thomas Leftwiche against certain witnesses brought ^on behalf of^ Kat' Starke<sup>271</sup> alias Leftwiche held before master John Hanson master of arts xv<sup>to</sup> day of February 1558<sup>o</sup>*

*William Yeton* parishioner of Davenham aged lxi<sup>t</sup> years

*At the first exception* This deponent sais that he knowis that Thomas Buckley articulate and Kat' Holford alias Leftwiche be of the thrid and iij<sup>th</sup> degre of Consanguintie *giving reason for what he says* <sup>272</sup>for he said Maude Buckley that was maried to on ^Master^ Holforde and Arthure Buckley were bretherne and sister <sup>273</sup>which Maud had issue bie the said master Holford Sir George Holford knight' and of Sir George came Arthur Holford <sup>274</sup>base sonne to the said Sir George whose doughter was Kat' Holford articulate and Arthure Buckley hath to the said Maude had Issue Richard Buckley father to Thomas Buckley articulate wherbie this deponent said that he knowis that the said Kataryn and Thomas Buckley articulate be of the thrid and iij<sup>th</sup> degre And concernynge the other part of the exceptioyn *he deposes he does not know as he declares* for biecause that he knowithe not the depositions of the said Thomas Buckley

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<sup>266</sup> Struck through: the.

<sup>267</sup> 'lxij' and 'annorum' have been elided, and there is a superscript mark shown to separate them.

<sup>268</sup> I.e. 'umpires'.

<sup>269</sup> Struck through: Benet.

<sup>270</sup> Struck through: th.

<sup>271</sup> Scribe's error? Later depositions suggest that this should read 'Holford alias Leftwiche.' Alternatively, Starke may be a third surname by which Kathryn Holford/Leftwiche was known.

<sup>272</sup> Struck through: he did.

<sup>273</sup> Struck through: and.

<sup>274</sup> Struck through: gent.

**f.244 verso**

*At ij<sup>d</sup> exception* this deponent sais that John' Holford is brother to the said Kataryn bothe by fatheres side and motheres side as the comen fame & name of the Cuntrie rennes for Arthure Holford was ther father and toke them for his Children duryng his life and this deponent thinkes that he dois favor the Cause of his sister as hit were his owne matter or cause *and he deposes that he does not know of the remaining part of the exception but refers himself to the depositions of the said John Holford and to his Oath*

*At iij<sup>t</sup> exception* he sais that edward buckley and Kat' Holford stand at the second and iij<sup>th</sup> degre of Consangnyntie as before he has deposed for Maud Buckley and Arthure Buckley were brether and sister and of Maude Buckley and Arthure came the Issue by hym supplied in the first article and by that he dois knowe that the said edward buckley and Kat' Holford be in the second and iij<sup>th</sup> degre and firther he sais that he dois knowe that edward buckley is tenant to John' Holford brother to the said Kataryn<sup>275</sup>

*At iij<sup>tam</sup> exception* This deponent sais that he dois knowe by comen name and fame of the Cuntrie that Elisabeth Jeynson is mother to the said Kat' Holford articulate and so is taken named and reputed wherbie he credible belevs that the said elisabeth as muche as liethe in her dois favor her doughteres cause *and as regards the remaining part of the exception he deposes that he does not know*

*At v<sup>tam</sup> exception* he says that he deposes he does not know of the Contents of the exceptions of the said others because he deposed first and refers himself to them At the last he says what he has deposed before to be true and his good repute labours upon this, he is not instructed or held or in service or related by affinity or by Blood nor does he care etc

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<sup>275</sup> Struck through – word unclear.

**f.245**

*Thomas Melington* parishioner of Davenham where he was born, aged 1x<sup>f</sup> years

*At the first exception* This deponent said that Thomas Buckley of gagbroke<sup>276</sup> and Kat' Holford alias Leftwiche stand at the thrid and iiiij<sup>th</sup> degre of Consanguinitie and that he knowis very well *as he declares* rekunynge from the Stocke that Maude Buckley and Arthure Buckley were brether and sister<sup>277</sup> which Maude was maried to Master Thomas Holford by whom she had Issue Sir George Holford knight' and of Sir George came or discended Arthure Holford which was father to Kat' Holford articulate, and of Arthure Buckley brother to the said Maude discended Richard Buckley father to this Thomas Buckley articulate wherbie he knowis evidentlie that the said Thomas and Kat' stand at the thridd and iiiij<sup>th</sup> *and as regards the remaining part of the exception he deposes that he does not know*

*At ij<sup>d</sup> exception* This deponent sais that bie the comen name and fame of the Cuntrie John' Holford and Kat' articulate be named brother and sister and gotten betwixe Arthur Holford and Elisabeth Jeynson and so keptt and brought up with the said Arthure and Elisabeth in his lifytyme wherbie he dois<sup>278</sup> ^beleve^ that the said John' Holford dois favor the Cause of his father and<sup>279</sup> nature and reason requireth *and as regards the remaining part of the exception he deposes that he does not know*

*At iij<sup>f</sup> exception* This deponent sais that Edward Burkley and Kat'<sup>280</sup> Leftwiche be in the second and iiiij<sup>th</sup> degre of Consanguinitie reckoninge and accountinge that Maude<sup>281</sup> Buckley and Arthure Buckley were brother and sister and of Maude ^and Arthure<sup>282</sup> discended the persons before mentioned to the Contentes of the first exceptioyn And firther he sais that he knowis that edward buckley is<sup>283</sup> tenant to John Holford brother to the said Katarin *and as the other contents of the said petition he deposes that he does not know, as he says*

*Atd iiiij<sup>tam</sup> exception* this deponent sais that Elisabeth Jeynson articulate is mother to the said Kat' Holford alias Leftwiche and so is<sup>284</sup> named and reputed in the parishe of Davenham and other placis

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<sup>276</sup> Gagbroke/Gaybroke – I have been unable to identify this with a modern place name within the old diocese of Chester.

<sup>277</sup> Struck through: of.

<sup>278</sup> Struck through: favor.

<sup>279</sup> Scribe's error? Presumably 'as nature and reason requireth.'

<sup>280</sup> Struck through: Buckley be.

<sup>281</sup> Struck through: and.

<sup>282</sup> Inserted in left-hand margin.

<sup>283</sup> Struck through: brother to John'.

<sup>284</sup> Obliteration: word unclear.

to the heringe of this deponent and as mother to the said Katarin he crediblie belevis that she favores her Cause *and as regards the remaining part of the exception he deposes that he does not know, as he says*

*At v<sup>tam</sup> exception and of the Contents of the same he knows not because he does not know of the other depositions because he deposed first*

*At the last he says what he deposed before to be true and his good repute does not<sup>285</sup> labour upon this, he is not instructed or hired or held or related by Blood etc*

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<sup>285</sup> Scribe's error? Presumably this should be 'his good repute labours upon this.'

**f.245 verso**

George Key<sup>286</sup> parishioner of Davenham where he was born, aged 1 years and more

*At the first exception* this deponent sais that he knowis that bie the Credible report of the Countrie that Thomas Buckley and Kat' Holford alias Leftwiche stand at the thridd and iiiij<sup>th</sup> degre of Consanguinitie which report this deponent thinkes to be true *as he declares and as regards the remaining Contents of the said exception he deposes that he does not know*

*At ij<sup>d</sup> exception* This deponent sais that in the parishe of Davenham and other places to the heringe of this deponent John' Holford and Kat' Holford be brother and sister and gotten betwixe Arthure Holford and Elisabeth Jeynson and this deponent thinkis the said John' Holforde favores the Cause of his sister as hit were his owne *And as regards the remaining Contents of the said exception he deposes that he does not know, as he says*

*At iij<sup>t</sup> exception* This deponent sais that he has hard reported that edward Buckley and Kat' Holford alias Leftwiche articulate stand at the second and iiiij<sup>th</sup> degre the which he belevis to be true and firther this deponent sais that the said edward buckley is tenante to the John' Holford brother to the said Kat' and dwellis apon his landes

*At iiiij<sup>tam</sup>* This deponent sais bie the Comon name and fame of the Cuntrie is taken to be mother to the said Kat' Holford alias Leftwiche wherbie this deponent thinkis this deponent sais he thinkes she gretlie favores the Cause of her said doughter *and as regards the remainder he deposes that he knows nothing as he says*

*At v<sup>tam</sup> he says and deposes that he was the first to depose and knows nothing of the others*

*At the last he says what he has before deposed to be true and his good reput labouris upon this, he is not instructed or hired or held or related by blood or affinity nor does he care etc*

George Hilton parishioner of Davenham where he was born, aged xxxiiij<sup>t</sup> years

*At the first exception he Agrees with everything and by all in the evidence of george Key*

*At ij<sup>d</sup> exception* This deponent sais that for the space of this xx<sup>t</sup> yere he has bothe hard and knowne within the parishe of Davenham that John' Holford and Kat' were named brother and sister and so either of them has called<sup>287</sup> & taken other wherbie this deponent thinkis that the said John' Holford

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<sup>286</sup> Struck through: *etates l annorum et.*

<sup>287</sup> Struck through: other.

dois favor the said Kat' cause of as his sister *and regarding the remaining contents of the said exception he deposes that he does not know*

**f.246**

*At ij<sup>t</sup> exception he says that he has heard from what others relate that Edward Buckley and Kat' Holford alias Leftwiche are in ij<sup>do</sup> and iij<sup>to</sup> degrees of Consanguinity And farther this deponent sais that he knowis verylie that the said Edward Buckley is tenant to <sup>288</sup> John' Holford brother to the said Kat' Leftwiche*

*At iij<sup>t</sup> exception This deponent said the comen report with in the parish of Davenham and other placis is to the heringe of this deponent that Elisabeth Jemson articulate is mother to the saide Kat' Leftwiche and therefore he thinkis verylie (as he declares) that the said Elisabeth Jemson favores the Cause of he<sup>289</sup> said doghter as muche as liethe in her and he deposes that he knows nothing else*

*At v<sup>tam</sup> he deposes that he deposed first and does not know of the others*

*At the last he says what he deposed before to be true and his good repute labours upon this, he is not instructed etc, he is not held*

*this was made following the examination of witnesses in the testamentary cause of Elisabeth Burdman held before master John Hanson xxj<sup>mi</sup> February the Year 1558<sup>o</sup>*

*John Burdman parishioner of Deane where he was born, aged xxij<sup>t</sup> years is Examined upon the testament of Elisabeth Burdman and the Contents of the same presented in Court and read before this deponent at the time of his examination he says by virtue of his Oath he pledges that it is the last will of Elisabeth Burdman deceased being Interrogated how he knows this This deponent sais that he was with the said Elisabeth his sister when she lay sicke in his motheres house and was required bie her the said Elisabeth to make her last will and testament which at her request this deponent did (as he declares) and did putt hit in writinge which was redd before her in her life tyme after he had written the same the which the said Elisabeth did ratifie and allowe bothe touchinge her executores and the legacies expersed in the said testament which is ^agreable^ on all pointes to the will presented in Court there being present then with this deponent bothe at the makinge of the will and the readinge of the same Thomas Derbyshire <sup>290</sup>^Margery^ Burdman and Elisabeth Burdman mother to the testatrixe ^and William Burdman with her^ and at the onlie readinge of the said testament with thes before named ther was present Lettice Burdman & eleyne Hickson with otheres*

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<sup>288</sup> Struck through: the.

<sup>289</sup> Scribe's error: presumably 'her.'

<sup>290</sup> Obliteration: word unclear.

**f.246 verso**

*Thomas Derbyshire* parishioner of Deane where he has lived for xij<sup>t</sup> years and more, aged xxxj<sup>t</sup> years being Examined upon the nuncupative will of elisabeth Burdman and the Contents of the same presented in Court and read before him at the time of his examination he says on the strength of his Oath he pledges that this is the true will of the said elisabethe Burdman deceased, giving reason for what he says This deponent sais that he was required by Jamis Mershe on of the executores named in the said testament to go with hym to Elisabeth Burdman which was disposed to make her will which goinge with the said Jamis to the house of Elisabeth Burdman mother to the <sup>291</sup> testatrixe <sup>292</sup> where she lay sicke and found her brother John' readie to take a note of the said elisabeth his susteres will which wrote accordinge to her assignment all the legacies experssed in this will redd before this deponent at the tyme of his examinatioyn as also namynge of her executores and Therefore this deponent sais that he beyng present at the makinge of the will as also at the readinge after he knowis this will presented in Court to be the true will of the said elisabeth deceased being Interrogated who was present with him at the time of the making of this will he says James Mershe John Burdman and Elisabeth Burdman and Richard Farnworthe with others

*Richard Farnworthe* parishioner of Deane where he was born, aged xlij<sup>t</sup> years being Examined upon the nuncupative will of elisabeth Burdman and the Contents of the same presented in Court and read before this deponent at the time of his examination he says on the strength of his Oath that this is the final will of the said elisabeth Burdman, giving reason for what he says that he beyng with the said Elisabeth the testatrixe to visitt her the night before she made her will he this deponent was desired by the said elisabeth to come the morowe followinge & to here her will made and to beare wittnes of the same which this deponent did and there the said Elisabeth did make the bequestis and legacies conteyned in the will exhibitt in Judgement with namynge of her executores all the which doynge at the request of the said elisabeth was putt in writinge by John' Burdman her brother and afterwarde redd afore her with the which the said elisabeth was Contentid to the heringe of this deponent and in the presence of hym and elisabeth burdman mother to the said testatrixe John' Burdman James Mershe Thomas Derbyshire and others

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<sup>291</sup> Struck through: T.

<sup>292</sup> Struck through: wher.

**f.247**

*this was made following the examination of witnesses upon the matter on the bond upon the go(od)repute of Katarine Hoghton'<sup>293</sup> held b(efore) justice John Hanson xxij<sup>de</sup> day of February 1558<sup>o</sup>*

*William Inett<sup>294</sup> ^sheriff^ of the City of Chester where he has lived for <sup>295</sup> years, aged xl years has known Kat' Hoghton' for xxj<sup>t</sup> years and he has known Thomas Hoghton' her husband around xxj<sup>t</sup> years*

*At the first article he says that he does not know what is deposed*

*At ij<sup>d</sup> article he does not know what is deposed and the contents of the same because he does not know which witnesses deposed in this way*

*At iij<sup>t</sup> article<sup>296</sup> This deponent said he belevis the Contentes of this article to be true, giving reason for what he says that he was two yeres (in the house of Sir Richard Hoghton') or ther aboutes whereat that tyme the said Kataryn Hoghton' sojourned with her father in lawe and by all that tyme beyng Conversant<sup>297</sup> and in housholde with her never perceyved other by lokinge word or dede faultie<sup>298</sup> in open Cryme and namelye in suche as is pertended agaynst her but that she was honest and vertuous as ever he sawe woman*

*At iiij<sup>t</sup> article This deponent sais to the Contentes of this article in every thinge as he deposed and said to the Contentis of the thrid article and moreover for the honestie and vertue that he knowis in her the said Kataryn he would be one of he Compurgatores hym selfe and firther he thinkes the said Cataryne may have ynowe to do in the Cuntrie where she dwellis*

*At the last he says what he deposed before to be true, and his good repute labours upon this, he is not instructed or Hired nor does he Care etc.*

*this was made following the examination of witnesses<sup>299</sup> in the testamentary cause of elisabethe Burdman held as above etc*

*William Burdman parishioner of Deane where he was born, aged xx<sup>t</sup> years, being examined upon the will of elisabeth Burdman which was read before this deponent at the time of his examination, he*

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<sup>293</sup> Struck through: *contra Thomas Hoghton.'*

<sup>294</sup> Presumably William Ince, sheriff of Chester 1558-9. [AB/1, Assembly Book, 1539-1624. CRO]

<sup>295</sup> No number given – presumably a blank was left to be filled in at a later date.

<sup>296</sup> Struck through: *dicit.*

<sup>297</sup> Struck through: *with her.*

<sup>298</sup> Presumably 'faultie'.

<sup>299</sup> Struck through: *ex parte.*

says<sup>300</sup> *that this is the will and true testament of elisabeth Burdman his sister deceased and giving reason for what he says* this deponent sais that he was present when the testament of his suster elisabeth was redd before her the which she ratified and approved *and that this will presented in Court and read before him at the time of his examination* is in all pointes agreable bothe touchinge the legacies and the nominatioyn of the executores to that which was redd before his said suster with the which she was contentid (as before he has deposed) in the tyme of her sicknes

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<sup>300</sup> Struck through: *Conte*.

**f.247 verso**

*Margery Burdman* parishioner of Deane where she was born, aged xxiiij<sup>t</sup> years, being Examined upon the will of *elisabeth Burdman* her sister, deceased and the Contents of the same presented in Court says on the strength of the Oath she pledges that this is the last will of her suster Elisabeth when she caused her will to be made her executores and did gyve and bequethe all suche legacies as is bequethed in the said will and after that she hard the will of her said suster to before her the which the said Elisabeth ratified and was Content' with all to the heringe and knoledge of this deponent *as she declares*

**f.248**

*this was made following the examination of witnesses in the testamentary cause brought on behalf of Humfrey Bradshae held before master John Hanson etc xxij<sup>d</sup> February 1558<sup>o</sup>*

*sir Ralph Scott Curate of Wigan aged 1 years being examined upon the nuncupative will of William Bradshae and the Contents of the same presented in court and read before this deponent at the time of his examination says on the strength of his Oath he pledges that he beyng sent for by William Bradshae to come' and make his will at the tyme of his comynge' to the said William Bradshaes house he found on Margarett Neyler sittinge under the said Bradshae to hold hym up in his bedd and he this deponent speakinge to the said Margarett Neyler whether he was specheles and she said yea and then this deponent demanded of the said Margarett whether Bradshae had made any will and what hit was to the which the said Margarett answered that for late this deponent came not at that tyme he was sent for the said Bradshae called for Thomas Balfrouth gilberte scott Robert Wilson Andrewe Laithwaite before whom the said William Bradshae declared his mynde which was that his sonne' Humfrey shuld have all the goodes that the Lawe wold permytt and Constitute hym his executor as the said Margarett did declare<sup>301</sup> to this deponent and likewise Gilberte Scott Robert Wilson and Andrewe Laithwaite did Confirme the same to this deponent *as he declares**

*Andrew Laithwitt parishioner of Wigan where he will have lived for v<sup>t</sup> years being Examined upon the will of William Bradshae and the Contents of the same presented in Court and read before this deponent at the time of his examiation says on the strength of his Oath that he comynge' to vysitt William Bradshae that tyme of his sicknes and mystrustinge of this life and that he this deponent ^before^ beyng sent to Sir Rauff Scott to have made his will and that he could not gett hym to come with hym he asked of the said Wiliam Bradshae who he wold make his executores and leave his goodes to whom the said William Bradshae answered (*as he declares*) that he did make Humfrey Bradshae his sonne his soule executor and to hym he gave all this part of his goodes as muche as the Lawe wold suffre *being Interrogated who was present at with him that time* this deponent sais that no man*

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<sup>301</sup> Struck through: d.

**f.248 verso**

*Thomas Balfrou* parishioner of Wigan where he has lived for xxij<sup>t</sup> years, aged lvj<sup>t</sup> years, being Examined upon the will of William Bradshae etc says on the strength of his Oath that he <sup>302</sup> was not present nor desired by any man to here any will that the said William Bradshae made nor he knowis not of any will that he made savyng y<sup>t</sup> he was desired by the wife of the said William Bradshae to move her husband to receyve his rightes' and whether he had made his will & named Homfrey his sonne executor and cold git no answeere of the said William but that he had done shuld be done<sup>303</sup> ^and his owne was his owne and fell specheles incontinentlie<sup>304</sup>

*Gilbert Scott* parishioner of Wigan where he was born, aged xxxij<sup>t</sup> years, being Examined upon the will of William Bradshae and the Contents of the same presented in Court and read before this deponent at the time of his examination <sup>305</sup> This deponent sais that he beyng desired by <sup>306</sup> Thomas Balfrou to se howe his neyghbor William Bradshae did They two comynge' to his house first went to visit the said Bradshaes wife that lay also sicke in an other Chamber which desired them to go to her husbände to move hym to send for his gostlye father to receyve the rightes of the Church as also to knowe of hym whether he had made his will and so this deponent and the said Thomas Balfrou went to <sup>307</sup> William Bradshae and moved hym accordinge to the will of his wife bothe for to send for his gostlye father as also Thomas Balfrou asked William Bradshae whether he had made his will and whether he had made his sonne Humfrey his executor to whom the said William Bradshae answered that y<sup>t</sup> which he had done shuld be done and his owne was his owne and gave hym no other answeere but fell specheles incontinentlie and more this deponent sais he knowis not of his will

*Upon Interrogatory he is not examined because he will not grant these depositions in any respect*

*Robert Wilson* parishioner of Wigan where he was born, aged xxx<sup>t</sup> years, is Examined upon the will of William Bradshae etc This deponent sais he knowis no part of the Contentes therof nor yet that he was present at any tyme when the said William Bradshae made his will <sup>308</sup> but that he was sent for by William Bradshaes wife to go for the Curate of Wigan to come and gyfe hym his rightes' and at his comynge home he found the said William specheles

*Upon Interrogatory he has not been further examined as he has nothing to depose*

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<sup>302</sup> Struck through: know.

<sup>303</sup> Presumably 'what shuld be done'.

<sup>304</sup> Inserted in left-hand margin.

<sup>305</sup> Struck through: *dicit*.

<sup>306</sup> Struck through: William Bradshae.

<sup>307</sup> Struck through: this de.

<sup>308</sup> Struck through: and.

**f.249**

*Margaret Neyler* parishioner of Wigan where she has lived for a year and more is Examined upon the will of William Bradshae and the Contents of the same presented in Court and read before this deponent at the time of her examination This deponent sais that in her persence and heringe and likewise in the presence of gilberte scott Thomas Balfrouit and Andrewe Laithwait William Bradshae in the tyme of his sicknes according to the tenor of the writinge left in Judgement that is that he bequeathed all the part of his good to Humfrey Bradshae his sonne as muche as the Lawe wold suffre hym the which Humfrey he Consitute his executor *as she declares*

*At Interrogatory*

*The first is dealt with*

At ij<sup>d</sup> she says that William Bradshae was of healthy memory at the time he made his will and that he made this will the Friday next before the feast of the assumption of Saint Mary the virgin<sup>309</sup> in the year of the lord 1558<sup>o</sup> but what hour of the day, before midday or after, she deposes that she knows not as she says

At iij<sup>t</sup> This deponent sais that Sir Raufe Scott curate of Wigan did write the said testament in the tyme of the lyfe of the said testator when the testator lay specheles and therefore the said testament was not redd approved nor ratified by thesaid testator

At iiij<sup>t</sup> he responds and deposes that he responded before at the iij<sup>t</sup> Interrogatory

At v<sup>t</sup> he responds in the negative

At vij<sup>t</sup> he explains<sup>310</sup> and responds as at the first

At viij<sup>t</sup> he responds by denial at each one

At ix<sup>t</sup> he denies that he has been given or promised anything nor expects to recieve anything

*Richard Lowe* parishioner of Wigan where<sup>311</sup> he was born, aged xxix<sup>t</sup> years is Examined upon the will of William Bradshae and the Contents of the same presented in Court and read before this deponent at the time of his examination This deponent sais that Andrew Laithwitt desired hym to go with him to Thomas Balfrouit and to here his ansvere in a little matter and so this deponent goynge with the

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<sup>309</sup> 15 August. [Cheney, C.R., *Handbook of Dates for Students of English History*, (Royal Historical Society: London, 1945), p.55]

<sup>310</sup> *exp'*: it is unclear what is the word being abbreviated here.

<sup>311</sup> Struck through: *mora' trax*.

said Andrewe to Thomas Balfrouth he required of hym whether he hard not that William Bradshae had made his sonne Humfre' his executor and lefte hym all his part of good and more if the Lawe would suffre hym to the which Thomas Balfrouth agreed to and said hit was true<sup>312</sup> to the heringe of this deponent *as he declares and he does not know of the other Contents of the said will*

*Upon Interrogatory he has not been further examined as he has nothing of effect to depose*

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<sup>312</sup> Struck through: *ut ass.*

*Depositions of James Smyth, Cleric, Curate of Bidston, being examined...<sup>313</sup>master John Hanson*

*Commissary of Richmond on...<sup>314</sup>oath*

*The said James Smyth, Curate of Bidston ^where ^he was born, 46 years ago*

*Being Interrogated concerning his knowledge of Emma griffith says that she is his neighbour for a year & a half<sup>315</sup> & that she was the wife of <sup>316</sup>gryffyth, who he knows was brother of the wives of James Benet & John Robinson...<sup>317</sup> daughters of thomas griffiths deceased, late parishioner of Bydstone*

*At ij article he says that the said “ & “<sup>318</sup> wives of James and John’ aforesaid, were...daughters to ...<sup>319</sup>thomas griffiths deceased (with whom this deals) that the aforesaid sisters & their husbands having conferred & were publicly all sworne Apon ye Evangelistes before Sir Ather Swyft parson off arde(n)<sup>320</sup> and thys deponent wyllm benet’ & many other yt they shall abyd & stand to ye Award both ye portioyns off John Benet Henry Wade gylbert hough and <sup>321</sup>george Shorlockare and what yse iij shuld Award and Judg ye both partyes to stand to hyt, & thes iij...<sup>322</sup>afor sayd dyd award yt Emme gryffyths shuld have all the goodes moveable & unmoveable dettes & other what soever appertenyth to ye said thomas gryffyths her father in law & shuld take administratioyn off ye same, Apon thys conditions yt ye sayd emme ^shuld gyve^ to a bastard sone off her husbandes varye xx nobles<sup>323</sup> & iij nobles to James Benetes wyfe (&...)<sup>324</sup> & A lott or a coffer, ^as serforthe as he now remembres^ & to ye wyff of Jhon’ Robynsone iij nobles, and off ye xx<sup>th</sup> nobles gyved to ye bastard William Rutter off norttone shuld have x nobles to kyp hym to he have...<sup>325</sup>yeres off xiiij yeres<sup>326</sup> &*

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<sup>313</sup> This deposition, on a loose sheet inserted in the book, is recorded in a scrawling, illegible hand, and this word is indecipherable.

<sup>314</sup> The edge of the page is damaged, and this word is unclear.

<sup>315</sup> Struck through: *filius*.

<sup>316</sup> A blank has been left, presumably for the scribe to insert the forename of Emma’s husband later.

<sup>317</sup> The edge of the page is damaged, and this word is unclear.

<sup>318</sup> Presumably “ has been used here to stand for ‘ditto.’

<sup>319</sup> These words are indecipherable.

<sup>320</sup> Presumably Hawarden.

<sup>321</sup> Struck through: Ryc.

<sup>322</sup> This word is illegible.

<sup>323</sup> noble, (n.): 2. a. An English gold coin first minted by Edward III, usually valued at 6s. 8d. (half a mark). [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>324</sup> These words and number are smudged and semi-legible, and it is unclear whether an attempt has been made to erase them.

<sup>325</sup> This words is smudged and illegible; it is unclear whether an attempt has been made to erase it.

<sup>326</sup> Repetition of ‘yeres.’

other x nobles to be put in...<sup>327</sup> handes for ye use & profit off the sayd bastard when he shuld be off  
xiiij yeres age, & all the thes thynges he knowyth to be trew for he was present at the doying &  
a...<sup>328</sup> betwyxt ye<sup>329</sup> the iij...<sup>330</sup> yt they shuld agre apon award & sir ather Swyft with hym & *this to  
be true on his public good repute*

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<sup>327</sup> This word is smudged and illegible.

<sup>328</sup> This word is illegible.

<sup>329</sup> Struck through: partyes

<sup>330</sup> This word is illegible.

**f.249 verso**

*this was made following the examination of witnesses in the cause of a withheld legacy<sup>331</sup> brought on behalf of Thomas Warburton against Robert Scott and Agnes Scott held upon a libel before master John Hanson etc' xxij<sup>do</sup> February 1558<sup>o</sup>*

*William Chadwike parishioner of<sup>332</sup> Rachdale where he was born, aged 1 years has known Elisabeth Warburton since infancy and Agnes Scott for xx<sup>t</sup> years and Robert Scott since boyhood*

*At the first article he refers himself to the Oath*

*At ij<sup>d</sup> article he says the Contents of the said article to be true for he was present when James Scott made his last will in the which amongis other he named Agnes Scott and Robert Scott to be his executores of his said last will and testament*

*At iij<sup>t</sup> article This deponent sais that as he has hard reported after the deathe of James Scott Agnes Scott and Agnes<sup>333</sup> Scott did approve his will before the ordinary and did obteyne the administracioyn of all and singuler his goodes and firther he sais that ^he knowis^ Agnes Scott has medled with the goodes of James Scott decessed and as he thinkis Robert Scott medled but little with the said goodes*

*At iiij<sup>t</sup> article he says the Contents of the said article to be true, giving reason for what he says that he was present at the makinge of the said Jamis Scottes will and when hit was red before hym in the which will was Conteyned the legacies<sup>334</sup> bequeathed to his iiij<sup>or</sup> daughteres as is expersed in this article*

*At v<sup>t</sup> article he deposes he does not know of the Contents of the same*

*At vj<sup>t</sup> articulum he says the Contents of the said article to be true as the comen' name of the cuntrie where he dwellis dois labore*

*At vij<sup>t</sup> article he acknowledges the Contents of the said article to be true for he sais he has bene present when the portioyn or childes part of the said elisabeth Warburton has bene required of the said executores*

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<sup>331</sup> Struck through: *inter*.

<sup>332</sup> Struck through: *Chad*.

<sup>333</sup> Scribe's error: this should presumably read 'and Robert Scott'

<sup>334</sup> Struck through: *exp'*.

*At viij<sup>t</sup>* This deponent sais that Agnes Scott havynge the most parte of the goodes of the said James Scott has refused to pay the said legacie accordinge to the Contentes of article whereas Robert Scott the other executor if he had the goodes wold have paid hit

**f.250**

*At ix<sup>t</sup>* he believe the suit is brought justly on behalf of the said elizabeth werbur(ton)

*At the last he says what he has deposed before to be true and his good repute labours upon this, he is not instructed etc*

Robert Scott parishioner of Rachdale where he was born, aged xxx<sup>t</sup> years, has known etc

*At the first article he believes the contents of the said article to be true and as regards the others he refers himself to his Oath*

*At ij<sup>d</sup>* article he says that by heresay of Credible persons he knowis the Contentes of this article to be true

*At iij<sup>t</sup>* articule he says the Contents of the said article to be true, giving reason for what he says that he the said Robert being <sup>335</sup> ^one ^ of the executores was present with Agnes Scott and Robert Scott his uncle beyng named executores in the will of Jamis Scott at Manchestre before the deane there and did exhibitt the will and was sworne to fulfill the will of the said testa<sup>^to</sup>^tor<sup>336</sup> and had by the said deane the administratioyn of the said goodes of the testator committed to them and sins the administratioyn of the said goodes Agnes Scott and he this deponent have medled with the goodes of the said testator howevrt this deponent said that Agnes Scott his mother had and has the grett parte of the testatores goodes and that he had non of hit but onlie of the said Agnes his motheres delyveraunce

*At iiij<sup>t</sup>* article he says the Contents of the said article to be true and that he dois knowe for it is experssed in the will that was approved by the Ordinarie

*At v<sup>t</sup>* This deponent sais that the Inventory of all the goodes of James Scott his father delivered to the ordinary at the tyme of the approbatioyn of the said will drawe to ix<sup>xx</sup> nyne score<sup>337</sup> ponde of ther aboutes but what parte or portioyn bequeste to the said elisabeth shuld drawe to or be in value this deponent sais he knowis not by reason he has not alter medled with any Countis nor cold not be suffred by his mother Agnes

---

<sup>335</sup> Struck through: exec.

<sup>336</sup> Superfluous superscript insertion.

<sup>337</sup> The superscript 'xx' in the line above represent 20, a score, making this redundant.

At *vj<sup>t</sup>* article he says the Contents of the said article to be true and that he knowis for elisabeth<sup>338</sup> articulate is his sustre and so named and reputed in the Cuntre where he dwellis

At *vij<sup>t</sup>* article he says the contents of the said article to be true

At *viiij<sup>t</sup>* this deponent sais that<sup>339</sup> part of the portioyn bequeathed<sup>340</sup> to the said elisabeth by her father is paid and part unpaide and that longe of his mother Agnes Scott and not of hym *as he declares*

At *ix<sup>f</sup>* this deponent says that elisabeth has a lawfull<sup>341</sup> cause to complayne for her parte of her legacie that is yet unpaid

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<sup>338</sup> Struck through: his s.

<sup>339</sup> Struck through: Agnes his mother.

<sup>340</sup> Struck through: by.

<sup>341</sup> Struck through: caus.

**f.250 verso**

*At the last he says what he has deposed before to be true and his good repute labours upon this*

*Randall Hegley parishioner of Rachdale where he was born*

*At the first article he refers himself to his Oath*

*At ij<sup>d</sup> article he says the Contents of the said article to be true for he was present when the will of Jamis Scott was red before hym in the which he named Agnes Scott his wife and Roberte Scott his sonne and two other as he remembres his executores*

*At iij<sup>t</sup> articulum this deponent knowis not whether the said Agnes Scott and Robert Scott have approved the will before the Ordinarye and have had the administratioyn of the goodes of Jamis Scott committed to them but well he knowis *as he declares* that Agnes Scott sins the deathe of her husbände has medled with the goodes of her husband decessed*

*At iiij<sup>t</sup> article he agrees with Robert Scott who has been called to witness before him in this article*

*At v<sup>tum</sup> article he does not know with certainty what is deposed of the Contents of the said article*

*At vj<sup>tum</sup> article this deponent sais that to his heringe he knowis by the comen' report of the Cuntrie where he dwellis that elisabeth scott articulate is the daughter of James scott and so taken and reputed*

*At viij and viij articles in everything and by all things he agrees with William Chadwicke who was called to witness before him*

*At ix<sup>t</sup> he believes the suit is brought legitimately on behalf of the said elizabeth*

*At the last he says what he has deposed before to be true and his good repute labours upon this*

**f.251**

*this was made following the examination of witnesses upon a li(bel bond) on behalf of William Skelicorne against Robert Mor(e) held before justice Hanson xxij<sup>do</sup> February 1558<sup>o</sup>*

*Robert Gregson parishioner of Preston where he has lived for xx<sup>t</sup> years has known William Skelicorne since Infancy and has known master Robert more...<sup>342</sup>*

*At the first article he does not know what is deposed*

*At ij<sup>d</sup> article he does not know what is deposed*

*At iij<sup>t</sup> article and of the Contents of the same he does not know what is deposed*

*At iiij<sup>tum</sup> article he does not know what is deposed*

*At v<sup>tum</sup> he says the Contents of the said article to be true, giving reason for what he says this deponent sais that he was present with diverse otheres when Thomas Skelicorne made his last will and in the same he hard the said Thomas name William Skelicorne and John' his bretherne his executores & to the same will the said Thomas putt his owne hand therto*

*At vi<sup>t</sup> article he does not know with cetainty what is deposed of thr Contents of the Contents of the same*

*At vij<sup>t</sup> article This deponent sais that beyng present at the makinge of the will of Thomas Skelicorne he knowis that Thomas Skelicorne in his last will did geve and bequethe diverse and sundrie legacies to be paide by his executores and this deponent sais that he dois knowe by the report of the said Thomas Skelicorne at the tyme of the makinge of his will that he had no other goodes nor Cattallis to fulfill his testament and legacies but onlie his Childes part that was left hym by Nicolas Skelicorne his father but what that part drewe to this deponent knewe not *as he says**

*At <sup>343</sup>vij<sup>t</sup> this deponent sais that by the report of the Cuntrie where he dwellis he knowis the Contentes of this article to be true*

*At ix<sup>t</sup> he does not know what is deposed*

*At the last he says what he has deposed before to be true*

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<sup>342</sup> This word is shown as seven minims followed by an 'e,' with a mark of abbreviation over the whole word, and it is unclear what is the word being abbreviated.

<sup>343</sup> Struck through: *ultim*.

*John Mate* parishioner of Preston where he has lived for vij<sup>t</sup> years has known William Skelicorne for vj<sup>t</sup> years and more and he does not know Robert More

At the first ij<sup>d</sup> iij<sup>t</sup> and iiij<sup>t</sup> articles and the Contents of the same he says that he does not know what is deposed

At v<sup>t</sup> article This deponent sais that he was present when the last will of Thomas Skelicorne was red afore hym which the said Thomas did approve and in that same will this deponent hard William Skelicorne and John' Skelicorne his bretherne named his executores

At vi<sup>t</sup> he does not know what is deposed of the Contents of the same, as he says

**f.251 verso**

*At vij<sup>t</sup> article this deponent sais that beyng present at the readinge of the will of Thomas Skelicorne he knowis perfittlie he lefte diverse and sundrie bequestes to diverse persons in his said will and that he had no other goodes to fulfill and performe the said legacies but onlie the Childes part left to hym by his father before decessed and that he knowis by reason that he was conversant with the said Thomas Skelicorne by the space of v<sup>t344</sup> yere or there about in the house Sir Richard Houghton his master where the said Thomas Skelicorne made his will and died*

*At viij<sup>t</sup> he agrees with Roger gregson who was called to witness before him*

*At ix<sup>t</sup> he does not know what is deposed of the Contents of the same*

*At the last he says what he has deposed before to be true and his good repute labours upon this*

*Robert Fairclough parishioner of Preston where he has lived xx<sup>t</sup> years, aged xxiiij<sup>t</sup> years and has known William Skelicorne x<sup>t</sup> years and known Robert more cleric...<sup>345</sup>*

*At the first ij<sup>d</sup> iij<sup>t</sup> and iiij<sup>t</sup> articles he says that he does not know what is deposed in the same*

*At v<sup>tum</sup> article he agrees in everything and by all with Robert gregson who was called to witness before him*

*At vi<sup>tum</sup> he does not know what is deposed*

*At vij<sup>t</sup> he Agrees in everything and by all also, giving reason for what he says with John Mate who was called to witness before him in this except that this deponent sais that he was conversant with Thomas Skelicorne in the house of his master Richard Houghton knight' but iij<sup>t</sup> yeres*

*At viij<sup>t</sup> he says that as a result of the rumour of the district where he lives he acknowledges the Contents of the said article to be true*

*At ix<sup>t</sup> he does not know what is deposed*

*At the last he says what he has deposed before to be true etc*

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<sup>344</sup> Otiose superscript letter.

<sup>345</sup> This word is shown as seven minims followed by an 'e,' with a mark of abbreviation over the whole word, and it is unclear what is the word being abbreviated.

**f.252**

*this was made following the examination of witnesses between lady <sup>346</sup>(Cicely)<sup>347</sup> Langley <sup>348</sup>plaintiff and complainant on the one part, and against and opposing Dorethe Rosthorne held upon a libel bond on behalf of the said Cicelie Langley before master Hanson etc xxij<sup>o</sup> February the Year 1558<sup>o</sup>*

*William Bothe parishioner of Prestwich where he was born, aged xliij<sup>t</sup> years has known lady Cicilie Langley xxx<sup>t</sup> years and more and Dorethe Rostorne around x<sup>t</sup> years*

*At the first article he says and Believes the contents of the said article to be true*

*At ij<sup>d</sup> article This deponent sais that about the newe found ladie day (in harvest) that is, the feast of the visitation of Saint Mary<sup>349</sup> Dorethe Rostorne articulate had Caused a post to be sett in the ground in the hyghe'way leadinge from Sir Robert Langleis <sup>350</sup>ground to the kinges hyghe way ^in ye parishe of Prestwiche to have^ called tonge<sup>351</sup> and stoppid the way there and Sir Robert Langley knight' to the knoledge of this deponent *as he declares* caused the said poste in the night' season<sup>352</sup> for <sup>353</sup>^so regard^ of pease to be taken away which <sup>354</sup>poste agayne by the said Dorethe Rostorne was sett up and likewise Sir Robert Langley caused certen women to pull hit up agayne where the said Dorethe Rostorne speking to the women that had plucked up the poste and bade them go home to that blinde false thefe ther master Sir Roberte Langley and to that noughtie Javell<sup>355</sup> his ladie to the heringe of this deponent (*as he declares*) beyng present at that tyme to help the said women of they had neded <sup>356</sup>of aide or he had <sup>357</sup>there being present there at the time of these words being spoken Anne Bothe wife to this deponent Cicelye Jackson Elisabeth Bothe Margery Bothe with other me<sup>358</sup>*

*At iij<sup>t</sup> article he Believes the Contents of the said article to be true*

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<sup>346</sup> Struck through: Dorethe.

<sup>347</sup> Corner of page missing.

<sup>348</sup> Struck through: Rosthorne.

<sup>349</sup> 2 July. [Cheney, C.R., *Handbook of Dates for Students of English History*, (Royal Historical Society: London, 1945), p.55]

<sup>350</sup> Struck through: house.

<sup>351</sup> Tonge with Alkington, an ecclesiastical districkt in Prestwich parish. [*Gazetteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1963), p.678]

<sup>352</sup> night-season, (n.), arch.: The night time. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>353</sup> Struck through: biecause.

<sup>354</sup> Struck through: ag.

<sup>355</sup> javel (obs.): a low or worthless fellow; a rascal. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>356</sup> Struck through: *ut assit'*.

<sup>357</sup> Struck through: *unacum dictis mulieribus*.

<sup>358</sup> Presumably scribe's error, for 'men'.

At *iiij<sup>t</sup>* This deponent sais that he thinkes that my lady Langley hathe bene ever of a good honest and vertuous Conversatioyn and so taken and reputed in the hole Cuntrie

At *v<sup>tum</sup>* article he says the Contents of this article to be true

At *vi<sup>tum</sup>* he says and Believes it has been done Justly andas regards the bringing of this suit

At the last he says what he has deposed before to be true and his good repute labours upon this

Anna Bothe <sup>359</sup> wife of William Bothe parishioner de Prestwiche aged *xlviij<sup>t</sup>* years has known lady Cicelie Langley around *xij<sup>t</sup>* years and Dorethe Rostorne around *vij<sup>t</sup>* years

At the first article she Believes and says the Contents of the said article to be true

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<sup>359</sup> Struck through: *poch'*.

## f.252 verso

*At ij<sup>d</sup> article* This deponent sais that in Julie last paste as she nowe remembres this deponent with other women were present at the pluckinge out of the grounde of a stope<sup>360</sup> which was sett in the highe way leadinge throughe Tonge in the parishe of Prestwiche where Dorethe Rostorne beyng then and there present at that tyme when the women pluckd up the said stope began to raile and bade the said women wherof this deponent was on *as she declares* to go home to that blinde thefe ther master Sir Robert Langley and to that noughtie Javell his ladie whereapon on woman that had bene my ladie Langleis narse spake to the said Dorethe Rostorne agayne and asked her whether she did call my Ladie Langley Javell the saide Dorethe Rosthorne answering yea and a noughtie Javell and bade her go such a pike thank<sup>361</sup> as she was and bere hit or tell hit her *there being there present together with this deponent at the time of these words being spoken William Bothe Elisabeth Bothe Cicely Jackson and Margery Bothe with others*

*At iij<sup>t</sup> and iiij<sup>t</sup> articles she agrees with William Bothe her husband*

*At v<sup>t</sup> she says the Contents of the said article to be true*

*At vj<sup>tum</sup> she believes it has been done Justly to bring this suit on behalf of <sup>362</sup> Cicilie Langley*

*At the last she says what she has deposed before to be true and her good repute labours upon this etc*

*Cicelie Jackson parishioner of Prestwiche where she was born, aged xxxviii<sup>t</sup> years has known lady Langley xx<sup>t</sup> years and more and Dorethe Rostorne around x<sup>t</sup> years*

*At the first article she believes this to amount to the truth*

*At ij<sup>d</sup> article* this deponent sais that in Julie last past Dorethie Rostorne had caused a stope or post in the Kinges hie way with in the village of Tonge in the parishe of Prestwiche ^to be sett^ and bicause hit lettid<sup>363</sup> the passage throughe the highe Way this deponent with other women *as she declares* went to the said Dorithie Rostorne and desired her by faire meanes to plucke hit up agayne and bicause the saide Dorethie refused<sup>364</sup> so certen women wherof this deponent was on pluckid up the

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<sup>360</sup> stoop, (n.): a post, pillar. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>361</sup> pickthank, (n.), arch.: A person who carries favour with another, esp. by informing against someone else; a flatterer, a sycophant; a telltale. [Ibid.]

<sup>362</sup> Struck through: *dicte*.

<sup>363</sup> let, (v.), arch.: 1. to hinder, prevent, obstruct, stand in the way of (a person, thing, action etc.). [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>364</sup> Struck through: the.

said stope at the which doynge the said Dorithie Rostorne beyng therbie callid all the women noughtie packes<sup>365</sup> and bade them go home to that false thefe ther master Sir Roberte Langley and to that noughtie Javell ther ladie and on of the women beyng there in the Cumpany bade the said Dorithie Rostorne to be well

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<sup>365</sup> naughty pack, (n.): a promiscuous or licentious woman; a prostitute. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

**f.253**

advysed howe she called my Ladie Javell althoughe she railed on other women to whom the said Dorithie Answered that she was a noughtie Javell and bade her go home pike thanke and tell hit her *there being present there at the time of these words being said together with this deponent Anna Bothe Margery Bothe Elisabeth Bothe with others*

*At ij<sup>t</sup> and iij<sup>t</sup> articles she says and believes the Contents of the said article to be true*

*At v<sup>t</sup> she says and knows the Contents of the said article to be true*

*At vi<sup>t</sup> article she believes the suit is brought Justly*

*At the last she says what she has deposed before to be true for her good repute labours upon this etc*

*this was made following the examination of witnesses in the divorce cause between elisabeth poole plaintiff against William poole defendant held before master John Hanson etc xxij<sup>o</sup> day the month of February 1558<sup>o</sup>*

*Robert Poole parishioner of Marburie where he was born aged around xlvij<sup>t</sup> years has known Elisabeth tilston since birth and William Poole since birth or ince his boyhood*

*At the first article he acknowledges that they were married around the feast of St Valentine iij<sup>or</sup> years ago, as he reckons, in the parish church of Marburie by William bede Curate of the same place and that this deponent was present at this...<sup>366</sup> marriage and as regards the consanguinity between the parties in the lawful truth he deposes that he does not know, and as regards the...<sup>367</sup> of the marriage he refers himself to what is forbidden by law, otherwise he does not know*

*Ad ij<sup>d</sup> article this deponent sais that he did know John Watson articulate And also alis Poole he did know, which was this deponentis mother but wether she was John Watsons doggter'or now this deponent*

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<sup>366</sup> This deposition is recorded in a scrawling, illegible hand, and this word is indecipherable.

<sup>367</sup> This word is indecipherable.

**f.253 verso**

can not tell *and as regards the remaining parts of the said article, he acknowledges them to be true*

*At iij<sup>t</sup> article* this deponent sais he did not know Elisabeth Watson for she was afore his tyem ^and wether she was Roger Watsons sister he can not tell^ and also he did knowe Hugh tilston father off William tilston which William tilston was father unto Elisabeth poole alias tilston *whom this concerns*

*At the last he says what he has deposed before to be true and his good repute labours upon this, he is not instructed, he is the father of William Poole defendant, he does not care which party is successful*

*Thomas Watson parishioner of Marburie where he was born, aged about xl years, knows the parties as family to him*

*At the first,<sup>368</sup> ^ij<sup>d</sup> and iij<sup>t</sup> articles^ as regards the marriage he says that he does not know what is deposed and as regards the consanguinity of the parties<sup>369</sup> this deponent sais that he has hard say that William poole and Elisabeth tilston be att the iij<sup>t</sup> degre off consanguinitie *Interrogated how he knows this* this deponent sais that he did knowe thomas poole father unto Richard poole which thomas poole had married on Alis poole, mother unto Richard poole which alis poole was named and taken for the dogtter' off John Watson but the said John Watson he did not knowe, and he dois knowe not the said alice poole, mother to Richard poole, which Richard poole was father unto William poole *whom this concerns**

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<sup>368</sup> Struck through: *articl'*.

<sup>369</sup> Struck through: *dicit*.

**f.254**

*and at the other part* this deponent sais *upon his Oath* that he has hard Hugh tilston saye that he was sone unto Elisabeth Watson sister to John Watson, and this Hugh tilston had issue William tilston which this deponent did well knowe, and the said William tilston was father unto Elisabeth poole alias tilston *whom this concerns*

*At the last he says what he deposed before to be true and his good repute labours upon this, he is not instructed or guided nor does he care etc*

*Thomas taylor parishioner of marburie where he was born, aged around xl<sup>t</sup> years or more has known the parties since their childhood,*

*At the first<sup>370</sup> iij<sup>d</sup> and iij<sup>t</sup> articles and at the contents as regards the marriage he does not know what is deposed or what is the import of what is said upon this, that they had been married around ?<sup>371</sup> iij<sup>or</sup> years ago, Interrogated on the consanguinity between the parties he says that he has heard it said that they are at the iij<sup>to</sup> and iij<sup>to</sup> degrees of consanguinity, Interrogated how he know this this deponent sais that he knowis alice poole which was taken and reported for the doggter' of John Watson, which he did not know, and the said alice poole was mother unto Richard poole which Richard is father unto William poole *whom this this<sup>372</sup> concerns, and of the other part* this deponent sais Elisabeth Watson was reported to bie the sister<sup>373</sup> off John Watson which this deponent did not knowe, and he dois*

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<sup>370</sup> Struck through: *articulum*.

<sup>371</sup> This deposition is recorded in a scrawling, illegible hand, and this word is indecipherable.

<sup>372</sup> Repetition.

<sup>373</sup> Struck through: unto.

**f.254 verso**

knowe Hugh tilston which was sone unto Elisabeth Watson as itt is reported, which Hugh tilston had issue William tilston which this deponent dois knowe Which William is father unto the said Elisabeth tilston alias poole *whom this concerns*

*At the last he says<sup>374</sup> that what he has deposed before is true and his good repute labours upon this, he is not instructed or hired, he is related by blood to the plaintiff in ij<sup>o</sup> degree etc*

*this was made following the examination of witnesses in the divorce cause between Thomas Barowe and Alice Barowe held before master Hanson xxij<sup>t</sup> February 1558<sup>o</sup>*

*Roger Barowe parishioner of Plemstowe<sup>375</sup> aged xxxvij<sup>t</sup> and more has known Thomas Barowe since boyhood when he was his neighbour and he has known Alice Barowe for seven years and more*

*At the first article* This deponent sais that his sonne Thomas by his meanes and Counsell did marye alis Carter articulate in the tyme supplied in this libell<sup>376</sup> but of what age his said sonne Thomas was at the tyme of solempnizatioyn betwixe hym and the said Alis Carter *he does not know and cannot with certainty depose as he says*

*At ij<sup>d</sup> articule* This deponent sais that bicause he dois not kno what age his sonne Thomas was at the tyme of his mariage therefore he cannot answeere certenlie to this article but this deponent sais that he knowis well that his said sonne Thomas never favoured nor fantised the said Alis nor<sup>377</sup> as he Credilie<sup>378</sup> belevis they had never Carnall dole together

*At the last he says what he has deposed before to be true and his good repute upon this etc*

*Johanna Barowe parishioner of Plemstowe aged xl' years and more has known Thomas Barowe since boyhood when he was her master and Alice Carter around seven years*

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<sup>374</sup> Struck through: *dicit*.

<sup>375</sup> Probably Plemstall, near Mickle Trafford, Cheshire, or Plemonstall, ecclesiastical district in N.E. Cheshire. [*Gazetteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1963), p.548]

<sup>376</sup> Struck through: the which Thomas his sonne.

<sup>377</sup> Struck through: her.

<sup>378</sup> Presumably 'Credible'.

**f.255**

*At the last article* This deponent sais that throughe the Counsell of this deponent and her husband Thomas their sonne was maried to Alis Carter about the tyme mentioned in this article at which tyme of the mariage this deponent sais and thinkes as serforthe as she dois cast<sup>379</sup> with herself and by the knoledg of her neighbores' her said sonne Thomas was past the age of xiiij<sup>th</sup> yere olde

*At ij<sup>d</sup> article* This deponent sais that after the solempnizatioyn of matrimony betwixe her sonne Thomas and Alis Carter articulate the said Thomas and Alis lay together in her husbandes house as man and wife bie the space of a twelfmonthe or therabout but whether ther was any Carnall dole betwixe them this deponent knowis not *as she declares*

*At the last she says what she has deposed before to be true and her good repute labours upon this and her good repute labours upon this<sup>380</sup> etc*

*John Hall* parishioner of Plemstowe where he has lived for xiiij<sup>t</sup> years aged 1 years has known Thomas Barow since boyhood and Alice Carter seven years

*At the first article* This deponent sais that he<sup>381</sup> dressed the bridall<sup>382</sup> that tyme that Thomas Barowe married Alis Carter which as he remembres was a sevensight' afore<sup>383</sup> allholowtide<sup>384</sup> was twelfmonth but of what age the said Thomas was at the tyme of his mariage This deponent knowis not *as he declares*

*At ij<sup>d</sup> article* he does not know with Certainty what is deposed at the Contents of the said article

*At the last he says what he has deposed before to be true etc*

*this was made following the examination of witnesses brought upon a libel bond on behalf of Elisabeth Holden against Thomas Langley held before master Hanson xxij<sup>o</sup> February 1558<sup>o</sup>*

*John Bretherton* parishioner of Saint Oswald in the City of Chester, aged xxviiij<sup>t</sup> years has known Elisabeth Holden for half a year and Thomas Langley ...<sup>385</sup> years

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<sup>379</sup> cast, (v.): 38. to reckon, calculate, estimate (obs.)

<sup>380</sup> Repetition.

<sup>381</sup> Struck through: was present when Thomas.

<sup>382</sup> Presumably 'dress the bridal' equates to preparing for the wedding (feast). (dress, (v.): 1. To make straight or right; to bring into proper order; to array, make ready, prepare, tend. bridal, (n.): 1. A wedding feast or festival; a wedding.) [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>383</sup> Struck through: he.

<sup>384</sup> All Hallows, All Saints Day, 1 November.

<sup>385</sup> This word is unclear in the original.

*At the first article he believes the contents of the said article to contain the truth*

*At ij<sup>d</sup> article he does not know what is deposed of the Contents of the <sup>386</sup>said article*

*At iij<sup>t</sup> and iiij<sup>t</sup> <sup>387</sup>articles* This deponent sais that he dois not kno that the said Elisabeth Holden was <sup>388</sup>sclandred' bie the said Thomas Langley but bie report and heresay and firther this deponent sais that Elisabeth Holden as fer as he thinkes is an honest woman and other wise to the Contentes of this article he cannot depose

*At v<sup>t</sup> article he does not know what is deposed*

*At vj<sup>t</sup> article he does not know what is deposed*

*At the last he says what he deposed before to be true and his good repute labours upon this*

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<sup>386</sup> Struck through: *fore vera*.

<sup>387</sup> Struck through: *sup ar*.

<sup>388</sup> Struck through: not.

**f.255 verso**

Margaret Bretherton wife of John Bretherton parishioner of saint Oswald has known elisabeth Holden for vi<sup>t</sup> years and Thomas Langley for iij<sup>t</sup> years

At the first article she says the Contents of the said article to be true

At ij<sup>d</sup> article and at the Contents of the same she does not know what is deposed, nor was she present at the pleading of these words articulate

At iij<sup>t</sup> and iiij<sup>t</sup> articles and of the Contents of the same she Agrees with her husband who was called to witness before her

At v<sup>t</sup> article she does not know what is deposed, as she says

At iv<sup>t</sup> article she believes that this cause has been justly brought by the said elisabeth Holden not her heirs

At the last she says what she has deposed before to be true

Walter Rowell parishioner of Saint John in the city of Chester where he has lived for x<sup>t</sup> years will have known the plaintiff for one year and Thomas Langley for viij<sup>t</sup> years

At the first article he believes the Contents of the said article to be true

At ij<sup>d</sup> article he does not know what would have been presented nor has he heard such words or anything of the sort that has been given in defamatory evidence by the Counsel for Thomas Langley against elisabeth Holden as is maintained in the said article

At iij<sup>t</sup> and iiij<sup>t</sup> articles This deponent sais that forbiecause he has not hard the said Thomas Langley slaunder the said Elisabeth Holden therefore he dois thinke her good name and fame is not hurted nor Impaired by the said Thomas nor yett putt to any Costis or chargis or trouble but rather he dois thinke the saide elisabeth Holden puttis the said Thomas Langley to troubles and Costis and he thinkis the saide elisabeth concernynge Thomas Langley is an honest woman and of good name and fame but as for otheres he <sup>389</sup> cannot say so

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<sup>389</sup> Struck through: has hard.

*At v<sup>tum</sup> article* This deponent sais that Thomas Langeley dwellis at this present tyme within the parishe of Saint T..les<sup>390</sup> within the Cittie of Chestrie and of the same diocese

*At vj<sup>tum</sup> article* he does not believe the suit is brought Justly on behalf of the said elisabeth

*At the last he says what he has before deposed to be true and his good repute labours upon this, he is not instructed or Hired*

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<sup>390</sup> The spelling of this word is unclear: it appears to be spelt 'Towles,' and I cannot identify a Chester parish of this date as a likely candidate.

**f.256**

*Margaret Rowell* parishioner of Saint John in the City of chester and wife of the former witness has known Elisabeth Holden for ij<sup>t</sup> years and Thomas Langley for half a year

At the first article she agrees with her husband who was called as a witness before her

At ij<sup>d</sup> article she does not throughly know what is deposed at any of the contents of the said article, as she declares

At ij<sup>t</sup> and fourth articles she Agrees in everything and by all with her husband who was called as a witness before her

At the fifth article This deponent said that she knowis not what parishe Thomas Langley articulate dwellis in but she thinkis forbiecause he is resident in the Cittie of Chestrie she thinkis that he is of the same diocese

At the sixth article she does not believe that the suit has been Justly brought on behalf of elisabeth holden

At the last she says what she has deposed before to be true and her good repute labours upon this, she is not instructed or Hired nor is she related by affinty or by Blood nor does she care which party is successful etc

**f.256 verso**

*this was made following the examination of witnesses upon bond of exception on behalf of John Philippe against Henry John' ap Christopher and others held before master John Hanson xxiiij<sup>to</sup> February 1558<sup>o</sup>*

Thomas Evans parishioner of Holzt in the diocese of Chester is examined upon the matter on bond of exception on behalf of John Philippe This deponent sais that he dois knowe perfittlie John' Philippe to be nephew' <sup>391</sup>to Margaret daughter of leuan ap Jollin being Interrogated on how he knows this thing This deponent sais that Philippe ap leuan ap Jollin and Margaret daughter of leuan ap Jollin wer brether and sister and John' Phelippe is sonne and heire apparent to Philippe ap leuan ap Jollin and so taken Counted and reputed in the Cuntrie where he dwellis and other placis therto adjoyning' and that he knowis perfittlie that Henry daughter of <sup>392</sup>John' ap Christopher with the residewe mentioned in the said article are bastardes Interrogated on how he knows this thing This deponent sais that bie the commen fame of the Cuntrie they were gotten betwixe John' ap Christopher ap Jenkyn and Margaret daughter of leuan ap Jollin with John' ap Christopher ap Jenkyn at the same tyme that Henry ap John ap <sup>393</sup>Christopher^ and the residewe mentioned in this article was <sup>394</sup>married <sup>395</sup>to Margaret daughter of David ap Dikus she beynge at the gettinge and birthe of the Children alyve and that he knowis well for he has knowis all the parties as a neighbor dwelling therbie whereapon he knowis thes his sayenges to be truthe

*At Interrogatory*

*At the first <sup>396</sup>and ij<sup>d</sup> these are dealt with*

*At iij<sup>t</sup>* This deponent sais that <sup>397</sup>John'ap Christopher ap Jenkyn ^father to Henry daughter of <sup>398</sup>John ap Christopher and other^ was married bothe at the gettinge and procreatioyn of Henry ap John ap Christopher & the other mentioned in this article and that Maragett daughter of leuan ap Jollin mother to the said parties was sengle at the same tyme

*At the last he does not acknowledge this deposition*

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<sup>391</sup> Struck through: akynne.

<sup>392</sup> Scribe's error: this should be 'ap'.

<sup>393</sup> Struck through: Jollin.

<sup>394</sup> Struck through: a.

<sup>395</sup> Struck through: man.

<sup>396</sup> Struck through: *Interr*.

<sup>397</sup> Struck through: Henrye vç.

<sup>398</sup> Scribe's error: this should be 'ap'.

*John Maddocke parishioner of Holt*<sup>399</sup> where he has lived for xliij<sup>t</sup> years aged lx<sup>t</sup> years and more is examined upon a matter of exception on behalf of John Phelippe<sup>400</sup> This deponent said by vertue of his othe that John' Phelippe articulate was nephewe to Margaret *daughte of Ieuan* ap Jollin decessed and that he knowis for Phelippe *daughter of*<sup>401</sup> Ieuan ap Jollin was father to the said John' Phelippe and brother to the fornamed Margaret *daughter of Ieuan* ap Jollin and so taken and reputed by the fame and report of the Cuntrie to the heringe of this deponent (*as he declares*) And firther this deponent sais he dois knowe Henry *daughter of*<sup>402</sup> John ap Christopher, Elisabeth *daughter of John'* ap Christopher William ap John'

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<sup>399</sup> Probably Holt, parish in Denbighshire. [*Gazetteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1963), p.348]

<sup>400</sup> Struck through: *con*.

<sup>401</sup> Scribe's error: this should be 'ap'.

<sup>402</sup> Scribe's error: this should be 'ap'.

**f.257**

and Marceylle *daughter of John' ap Christopher ar bastardes and not miliarly*<sup>403</sup> *begotten, giving reason for what he says* This deponent sais that he did knowe John' ap Christopher ap Jenkyn beyng married to Margaret *daughter of David ap Dikus his said wife beyng ...ayne*<sup>404</sup> did beget Henry *daughter of*<sup>405</sup> John' ap Christopher and the other mentioned in this article by on Margaret *daughter of leuan ap Jollin she beyng then a sengle woman as the name and fame of the Cuntrie where this deponent dwellis dois laboure as he declares, for this deponent said beyng a nere neyghbor did knowe all the forsaid parties wherfore he knowis this his forsaid sayenges to be true*

*Upon Interrogatory he is not examined as this are satisfied by his depositions*

*this was made following the examination of witnesses upon the libel bond on behalf of Thomas Bildon against Margaret linacre in the court of marriage-contract held before master Hanson etc vj<sup>to</sup> day of the month of March 1558<sup>o</sup>*

*James Benet parishioner of Thornton*<sup>406</sup> *where he has lived for xxxvij<sup>t</sup> years, aged lx years, has known the plaintiff since boyhood and the defendant since the time of this Contract between Thomas Bildon and the said Margaret linacre the defendant*

*At the first*<sup>407</sup> *and ij<sup>d</sup> articles he acknowledges the same to be true, giving reason for what he says he saithe that on the Saturday afore Saint Thomas day*<sup>408</sup> *afore Christmas as he remembres, he was desired by Thomas Bildon thelder to drinke with hym and other in Master Johns' Tarverne of Chestr(e) to heare what Convercatioyn shulde be betwixe his sonne Thomas Bildon and margarett linacre libellate where and when after then declaratioyn made by Thomas Bildon thelder what he wolde do for his sonne This deponent was desired by bothe parties and ther frendes there present to handfaste the said Thomas and margaret libellate which he did after this maner first he required of bothe parties whether the were fre from all Contractes made to any other person thre severall tymes and the answered bothe that they wer fre Then he required of them whether they were Contente to be contracte as man and wife and the severallie did answeere that the were so Contente*

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<sup>403</sup> This word is used a number of times in this and the other depositions relating to the same cause, and appears to mean 'legitimate.' It begins with four minims, but no likely word beginning with any combination of minims and ending '...liar' or '...liarly' can be found in the OED. Possibly this is a phonetic transcription of a Welsh word?

<sup>404</sup> The ink here has been rubbed away, and the initial letter(s) of the word is illegible.

<sup>405</sup> Scribe's error: this should be 'ap'.

<sup>406</sup> Possibly Thornton-le-Moors, parish N.E. of Chester. [*Gazetteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1963), p.671]

<sup>407</sup> Struck through: *artlum*'.

<sup>408</sup> 21 December. [Cheney, C.R., *Handbook of Dates for Students of English History*, (Royal Historical Society: London, 1945), p.62]

Then this deponent wiving<sup>409</sup> the said Thomas and margaret his handis together did byd Thomas say after hym I Thomas take the margaret to my weddid wyfe to have and to hold for better for worse in sicknes and in healthe as hollie Churche has hit ordeyned and therto I plight my trouthe the which the said Thomas did and drewe handes and then the said parties taking by the handes agayne he bade the said Margarett say after hym ^which she did^ saying I margarett take the Thomas to my weddid husband<sup>410</sup> ^to have and to hold^ for better for worse in sicknes and in healthe as hollie Churche will hit ordeyne and therto I plight the my trouthe and so drawing handes kist<sup>411</sup> ^and drewe together^ then and there beyng present Richard Bunbarie Richard Wight Thomas Bradfelde Richard Deane with diverse others<sup>412</sup>

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<sup>409</sup> wiving, (vbl. n.): The action of the verb 'wive'; taking a wife, marrying, marriage. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>410</sup> Struck through: etc.

<sup>411</sup> Struck through: together.

<sup>412</sup> Struck through: when al.

**f.257 verso**

*At ij<sup>d</sup> and iij<sup>t</sup> he believes the same to be true*

*At the last he says what he has before deposed to be true and his good name labours upon this*

*Thomas Bradfelde parishioner of Farndon<sup>413</sup> where he has lived for viij<sup>t</sup> years and more has known the plaintiff for xij<sup>t</sup> years and the defendant<sup>414</sup> since the feast of all saints*

*At the first and ij<sup>d</sup> articles he acknowledges the same to be true giving reason for what he says This deponent sais that apou Saterdag afore Christmas in the Imbar wekes<sup>415</sup> <sup>416</sup>This deponent ^& other^ was desired by Thomas Bildon thelder<sup>417</sup> to here a Conversatioyn to be had betwixe his sonne Thomas and margaret libellate which metinge in a Taverne as he thinkis Mr *Johns* of Chestre and beyng in Conversatioyn of the said matter the espied James Benet of Thornton comynge by whom the said Thomas Bildon thelder desired to come in and herethe Conversatioyn betwixe them and after certen agrementes and Contentes had betwixe the said parties and frendes bounden for the performaunce of the same they frendes of bothe parties moved them to be Contracte the<sup>418</sup> said margaret linacre answerid and said that none of her sisteres was ever Contract to any man afore the were married and with that James Benet wolde have Departed away and then on William Hynd brother in Lawe to the said margaret linacre moved hym to tary still and said he shuld not depart so for the shalbe Contracted or ever they depart and after many wordes the desired the said Jamis Benet to Contracte the parties libellate and then Jamis bid the widowe take hede what she did thre severall tymes and firther he askd them bothe whether they were fre from all precontractes with any other partie and the said parties libellate said the were fre from all former promysse with any other person and then the said Jamis dyverse tymes askd them whether they wold be Content to be Contract together as man and wife which answered yea and then Joyninge bothe ther handes together he bade Thomas say after hym sayinge I Thomas take the margaret to my weddid wife and all other suche wordes recited by James Benet the firther witnes the which Thomas Bilson libellate did and so drewe handes and the said margaret said all the wordes *that James Benet who was**

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<sup>413</sup> Probably Farndon, parish and village S. of Chester. [*Gazetteer of the British Isles*, (Bartholomew and Son Ltd.: Edinburgh, 1966), p.254]

<sup>414</sup> Struck through: *per tertium ann.*

<sup>415</sup> Presumably the weeks prohibited for marriage, from imbar, (v.): 2b. To put a stop to; to forbid by legislative enactment; to bar. [Oxford English Dictionary Online, <http://www.oed.com/>, accessed 5 September 2010]

<sup>416</sup> Struck through: yon.

<sup>417</sup> Struck through: and other.

<sup>418</sup> Struck through: wen.

*formerly called to witness in everything and by all deposed before there being then present Richard Bunburie James Benet Richard Deane William Wight together with this deponent with many others*

*At ij<sup>d</sup> and iij<sup>t</sup> articles he believes the same to be true*

*At the last he says what he deposed before to be true*

**f.258**

William Wighte parishioner of Saint Oswald where he has lived for one year has known Thomas Bildon for xv<sup>t</sup> years and the defendant for ij<sup>t</sup> years

At the first and ij<sup>d</sup> articles he acknowledges the same to be true, giving reason for what he says This deponent sais that on saterday before Christmas Laste he was desired by Thomas Bildon libellate to <sup>419</sup> go with hym to here what Convercatioyn shuld be betwixe hym and margaret linacre libellate and of the Other Contents of the said article he Agrees in everything and by all with James Benet and Thomas Bradfeld who were called to witness before him

At iij<sup>t</sup> and iiiij<sup>t</sup> articles he believes the same to be true

At the last he says what he has before deposed to be true

Richard Deane parishioner of Saint peter in the City of chester where he has lived for iiiij<sup>or</sup> years <sup>420</sup> has known the plaintiff xx<sup>t</sup> years and the defendant half a year

At the first and ij<sup>d</sup> articles and at the Contents of the same he agrees in everything and by all with the iij<sup>t</sup> who have been called to witness before him

At the iij<sup>t</sup> and iiiij<sup>t</sup> articles he believes the same to be true

At the last he says what he has deposed before to be true

Richard Bunburie parishioner of Saint Bridgid in the city of Chester where he has lived for xxvi<sup>t</sup> years, aged xli<sup>t</sup> years has known the plaintiff since boyhood and Margaret Linacre since the feast all saints

At the first ij<sup>d</sup> iij<sup>t</sup> and iiiij<sup>t</sup> articles <sup>421</sup> and of the Contents of the same on the strength of his Oath he Agrees in everything and by all with all who have been called to witness before him

At the last he says what he has deposed before to be true

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<sup>419</sup> Struck through: here.

<sup>420</sup> Struck through: et.

<sup>421</sup> Struck through: concord.

**f.258 verso**

*this was made following the examination of witnesses in the divorce cause of Elisabeth Poole against  
William Poole*

*Elisabeth Whickstid parishioner of Marburie where she was born, aged around lx<sup>t</sup> years has known  
the plaintiff since birth and the defendant since girlhood*

*At the first ij<sup>d</sup> and iij<sup>t</sup> articles she says that she has heard it said that they had been married from  
what has been related by others but that she had not been present Interrogated if there is  
Consanguinity between the parties she says that they are touched at iij<sup>to</sup> and iij<sup>to</sup> degrees of  
consanguinity respectively etc Interrogated how she knows this This deponent says that she has hard  
say bie the report of Hughe Tilston hir father that John' Watson and Ellen Watson were brother and  
sister and this deponent did knowe John' Watson well which John' Watson had Issue Alis Poole  
married unto Thomas Poole which Thomas Poole was father unto Richard Poole which Richard Poole  
is father unto William Poole whom this concerns And of the descent of this party she knows not, Of  
the other party she this deponent did not knowe Elleyn Watson which as hit was saide married  
William Tilston which this deponent did not knowe which William Tilston had Issue Hughe Tilston  
father to this deponent and had Issue William Tilston which is brother to this deponent, And father  
unto Elisabeth Tilston whom this concerns And of descent of this party she knows not except Helena  
Watson alias Tilston and William Tilston grundfather to this deponent*

*At the last she says what she has deposed before to be true and her good repute Labours upon this,  
she is not instructed, she is aunt<sup>422</sup> to the plaintiff, she does not care which party is successful etc*

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<sup>422</sup> 'Aunta' – this does not appear to correspond to any likely Latin word, and so it seems likely that it is a Latinised English word.

**f.259**

*this was made following the examination of witnesses in the cause of a withheld legacy between elisabeth Warburton plaintiff and Agnes Scott and Robert Scott held before master Hanson viij<sup>o</sup> day of the month of march 1558<sup>o</sup>*

*Edmund Milnes parishioner of Rachdale where he was born, aged xlv<sup>t</sup> years has known the plaintiff for vij<sup>t</sup> year and the defendant xx<sup>tie</sup> years*

*At the first article he believes this plea to be Just and equitable*

*At ij<sup>d</sup> article he does not know what is deposed of the Contents of the same*

*At iij<sup>t</sup> article he does not know what is deposed the Contents of the same*

*At iiij<sup>tum</sup> article he does not know with Certainty what has been deposed and the Contents of the same*

*At v<sup>t</sup> articulum This deponent sais that he was desired by Thomas Warburton husband to Elisabeth Warburton to be at the keshinge<sup>423</sup> of the dettes<sup>424</sup> conteyned in the will of James Scott which appeared to this deponent to drawe to the summe ix<sup>xx</sup> pound and one iiij<sup>s</sup> vj<sup>d</sup> but what the part of elisabeth warburton articulate is this deponent knowis not*

*At vj<sup>t</sup> article he says the same to be true and this labours upon the voice of the people and the rumour in the neighbourhood*

*At vij<sup>t</sup> and viij<sup>t</sup> he says he does not know what is deposed*

*At ix<sup>t</sup> he Believes the same to be true or els elisabeth articulate wold not have sued his mother*

*James Holiwell parishioner of Rachdale where he was born, aged xxxv<sup>t</sup> years and more has known the plaintiff since infancy and the defendant xx<sup>tie</sup> years*

*At the first article he believes this plea to be Just and equitable*

*At ij<sup>d</sup> article he does not know what is deposed of the Contents of the same*

*At iij<sup>t</sup> and iiij<sup>tum</sup> articles ^and v<sup>t</sup> article^ he does not know what is deposed of the Contents of the same*

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<sup>423</sup> Presumably 'cashing'.

<sup>424</sup> Struck through: of l.

*At vj<sup>tum</sup> article he says this to be true in accordance with the rumour of the neighbourhood*

*At vij<sup>t</sup> and vijj<sup>t</sup> articles* This deponent sais that he has bene present at diverse and sundrie tymes when Thomas Warburton husband to elisabeth Scott articulate has desired of Agnes Scott and Roberte Scott the portioyn of his wife that was lefte to her <sup>425</sup> by her father and as serforthe as he can perceyve the said Agnes Scott & Agnes<sup>426</sup> have denied the payment therof

*At ix<sup>t</sup> it agrees with what he has deposed before*

*At the last he says what he has deposed before to be true*

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<sup>425</sup> Struck through: for.

<sup>426</sup> Scribe's error: presumably 'Agnes Scott and Robert'.

**f.259 verso**

*this was made following the examination of witnesses in the cause of Contract of Hugh Heildes plaintiff and Margaret Linacre defendant held before master Hanson viij<sup>o</sup> day of March 1558<sup>o</sup>*

*George Sharpe parishioner of Eastham where he has lived for iij<sup>or</sup> years has known the plaintiff viij<sup>t</sup> years and more and the defendant for v<sup>t</sup> years*

*At the first article and ij<sup>d</sup> article* This deponent sais that he was required by Hughe Heildes his fellow in houshold to go with hym upon Sunday at night' before Michaellis day last past to the house of Margaret Linacar then widowe in Sutton where the comynge this deponent hard Hughe Heildes say to Margaret Linacre whether she could be Contente to forsake all other men and take hym as her husband the said Margaret Linacar sayenge she <sup>427</sup> could be Content therwith then the said Hughe Heildes spake to the said Margaret Linacar that he wold contract matrimonye with her at that tyme and there and then toke her by the hand and spake thes wordes followinge I Hugh take the margaret to my wife and therto I plight the my trouthe And after the wordes spoken disseveringe ther handes the said Hughe and margaret joyned handes agayne the said margaret Linacre sayenge I margaret do take you Hughe to my husband and therto I plight you my trouthe <sup>428</sup>*there being near, present together with this deponent at the time of these words being spoken* Katarine Benett and firther this deponent sais after this truth plight' the said Hughe told margaret and said we might be asked in the Churche if we wolde upon the sonday next followinge to the which Margaret answerid and said hit required no suche hast

*At iij<sup>t</sup> article he says the Contents of the said article to be true*

*At iij<sup>t</sup> article he believes the Contents of the said article to be true*

*At the last he says what he has deposed before to be true*

*At Interrogatory*

*First and ij<sup>d</sup> Interrogatories are dealt with in his depositions*

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<sup>427</sup> Struck through: shuld.

<sup>428</sup> Struck through: and afterwarde the taried there and.

**f.260**

*At iij<sup>t</sup> and iiij<sup>t</sup>* This deponent sais that he is felowe in house with Hugh Heildes at whose desire he came hether havynge no reward nor trustinge for no to bere witnes but onlie for felowshippe

*At v<sup>t</sup> he responds negatively*

*At vij<sup>tum</sup>* he saithe he was desired by his fellowe to come beare witnes at whose request he came

*Kathrine Benet parishioner of Eastham where she has lived for a year and more has known Hugh Heildes for a year and more and the defendant for ij<sup>t</sup> years*

*At the first and ij<sup>d</sup> articles* This deponent sais that Hugh Heildes articulate apou the Sunday at night' next afore michelmas day came to the house of Margaret <sup>429</sup> Linacre her dame then beyng widowe wher after a little abydinge there and drinkinge this deponent sais that she did se Hughe Heildes take her dame margaret Linacar bie the hande spekinge thes wordes to her I Hughe <sup>430</sup>do take the margaret to my weddid wife and therto I plight' the my trouth and incontinent this deponent sais that she hard the said margaret speake thes wordes to Hugh havynge hym by the hande *namely* I Margaret take you Hugh to my husband and therto I plight' you my trouthe after ys wordes spokin the said parties kissed to gether *being Interrogated who was present at the time of this contract and the speaking of these words together with this deponent she says that george sharpe and the said Contractors and no others* And firther this deponent sais that after this contract the said Hughe Heildes said he wold be asked in the churche on Sunday next to whom the said margaret answerid that hit neded not so mucche hast and that the vicare wold not ask them and Hughe answerid and said that for on grote he cold gett the vicare to ask them

*At iij<sup>t</sup> she says the article to contain the truth*

*At iiij<sup>t</sup> she says that it is justly brought on behalf of the said Hugh Heildes*

*At the last she says what she has deposed before to be true*

*At Interrogatory*

*The first and ij<sup>d</sup> Interrogatories are dealt with in her depositions*

*At iij<sup>t</sup> she responds negatively*

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<sup>429</sup> Struck through: her.

<sup>430</sup> Struck through: I.

At *iiij<sup>t</sup>* she responds <sup>431</sup>that she came to beare wittnes at the requeste of Hugh Heildes & that ther is nothinge geven nor promysed to her but onlie her Costis for her paynes

At *v<sup>t</sup>* she responds *negatively*

At *vj<sup>tum</sup>* she sais she is servaunt woman in the house with margaret Linacar and so hard the Contract betwixe them as before she has deposed and at the request of Hughe Heildes she came to beare witnes of truthe

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<sup>431</sup> Struck through: *quod*.

**f.260 verso**

*this was made following the examination of witnesses upon the matter strengthened<sup>432</sup> on behalf of Henry daughter of<sup>433</sup> John' ap Christopher and the articles of partnership against John Philippe held before master Hanson viij<sup>o</sup> die Martii 1558<sup>o</sup>*

*John Rodon esquire, parishioner of Holzt where he has lived for xxxix<sup>t</sup> years, aged lx<sup>t</sup> years*

*At the first article* This deponent sais that he beyng a neybor and dwelling in the parishe of Holzt dois knowe bothe by his owne knoedg and by the report of the Cuntrie that John' ap Christopher ap Jenkin beyng a married man and his wife beyng on lyve did beget of Margaret *daughter of leuan* ap Jollin which he helde as his Concubine beyng a sengle woman Henry ap John' ap Christopher and the residue of the Children mentioned in this article

*At ij<sup>d</sup> article* This deponent sais as before he has deposed that the forsaid Henry with other named in the article were <sup>434</sup>begotten betwixe John' ap Christopher ap Jenkin beyng a married man and Margaret *daughter of leuan* beyng a sengle woman *and whether this Lying together* <sup>435</sup>was.....<sup>436</sup> *of his Oath he refers himself to his Oath*

*At iij<sup>t</sup> article* This deponent sais that the saide margaret *daughter of leuan* at the tyme of her decesse had a doughter name Mavanwey milierlie begotten which died before she proved her motheres will and that the said margaret had no other Children after the deathe of the said Mavanwey milierlie ^nother<sup>437</sup> ...<sup>438</sup> nerby^ begotten but Henry *daughter of John' ap Christopher* and the residue mentioned in this article before named *but* <sup>439</sup>*whether the plaintiff has been granted the administration of the goods of his mother he refers himself to his Oath*

*At the last he says what he has deposed before to be true etc*

*At Interrogatory*

*The first is dealt with*

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<sup>432</sup> The ending of this word is slightly blotted and therefore unclear, but the initial letters are *Corrobat*, which appears to be an abbreviation of *corroboro*, 'to strengthen or invigorate, to make strong, to corroborate.'

<sup>433</sup> Scribe's error: presumably 'ap'.

<sup>434</sup> Struck through: borne.

<sup>435</sup> Struck through: sa.

<sup>436</sup> The first word of two is abbreviated: it appears to be given as *pot'*, and it is unclear what this is an abbreviation of; and the second word has been partially truck through, and is unclear whether this is intentional or a misplaced mark of contraction.

<sup>437</sup> Possibly 'no other' or 'another'.

<sup>438</sup> These words are a superscript insertion and are abbreviated and written too small to be clearly legible.

<sup>439</sup> Struck through: *vel adjusta*.

*At ij<sup>d</sup> he does not know what is deposed*

*At iij<sup>t</sup> he refers himself to what is deposed in this before*

*At the last he responds and deposes as what he first deposed*

**f.261**

*Launcelot Sutton parishioner of Holzt where he was born, aged lxij<sup>t</sup> years*

*At the first article* This deponent sais that dwellinge within the parishe of Holzt did knowe John' ap Christopher ap Jenkin beyng a married man to kepe to Concubine margaret *daughter of leuan* ap Jollin articulate by whom he gate Harrie ap John' ap Christopher and elisabeth with other mentioned in this article she the said margaret remaying a sngle woman at the tyme of the birthe of the said children as he supposis & as he has hard say

*At ij<sup>d</sup> he deposes as what he first deposed of the Contents of the first article and knows nothing else*

*At iij<sup>t</sup> article* This deponent sais that he knowis not that margaret *daughter of leuan* ap Jollin had any other Children at the tyme of her deathe ^mylierlie begotten nor otherwise savyng Henry *daughter of*<sup>440</sup> John' and the other etc^ savyng on Mavanwey that is dead

*At the last he says what he deposed before to be true*

*At Interrogatory*

*all Interrogatories have been Dealt with in his depositions besides the second for which he responded and said, that he does not know what is deposed*

*Hugh ap Griffiths ap Jollin parishioner of Holzt where he was born, aged about lxiiij<sup>t</sup> years*

*At the first article* This deponent sais that as the comen name of the Cuntrie rennes John' ap Christopher ap Jenkin beyng married did begett on Margaret *daughter of leuan* ap Jollin beyng a sngle woman and not married Henry ap John ap Christopher and the residue mentioned in this article

*At ij<sup>d</sup> he says and deposes as he first deposed and knows nothing else*

*At iij<sup>t</sup> he agrees with John rodon who was called to witness before him*

*At the last he says what he has deposed before to be true*

*At Interrogatory*

*He says and deposes at interrogatory all and singular that is in his testimony and responds that he knows nothing else*

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<sup>440</sup> Scribe's error: presumably 'ap'.

*John ap Ieuan ap David ^ parishioner of Holtz ^where he was born, aged lxvij<sup>t</sup> years*

*At the first article* This deponent sais that as he has hard reported by diverse Credible persons Harrie ap John' ap Christopher with the residue mentioned in this article were gotten betwixe John' ap Christopher ap Jenkin then beyng a maried man and Margaret *daughter of* Ieuan ap Jollin beyng a sengle woman

*At ij<sup>d</sup>* he says what he has first deposed of the Contents of the first article and knows nothing else but refers himself to his Oath

**f.261 verso**

*At ij<sup>t</sup> he Agrees with Lancelot Sutton who was called to witness before him*

*At the last he says what he has deposed before to be true*

*At Interrogatory*

*At ij<sup>d</sup> Interrogatory he does not know what is deposed but everything else has been dealt with in his depositions*

*Randall ap David ap John Gethin parishioner of Holzt where he was born, aged xliij<sup>t</sup> years*

*At the first article and ij<sup>d</sup> he Agrees with John ap Ieuan ap David who was called to witness before him*

*At ij<sup>t</sup> This deponent sais that margaret daughter of Ieuan ap Jollin mother to Henry daughter of<sup>441</sup> John' ap Christopher and the other before mentioned at the tyme of her deathe had no other Childer alyve ^beside^ them then savyng Mavanwey which died shortlie after her mother *but regarding who had administration of the goods of the said margaret he refers himself to his Oath**

*At the last he says what he deposed before to be true*

*At Interrogatory*

*At ij<sup>d</sup> Interrogatory This respondent sais that he has hard reported that John' ap Christopher and margaret daughter of Ieuan were Callid before the Ordinarie for ther Incontinencie but what the ordinarie did with them he knowis not *the Remainder of the Interrogatories are dealt with in his depositions**

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<sup>441</sup> Scribe's error: presumably 'ap'.

**f.262**

*this was made following the examination of witnesses on behalf of emme Griffiths held before  
master John Hanson xvj<sup>to</sup> day of March 1558<sup>o</sup>*

*sir Arthur Swifte cleric, versor of the parish church of Hawarden aged <sup>442</sup> years, being Examined upon  
the Contents of the matter at bond in Court <sup>443</sup> on behalf of Emme Griffiths says on the strength of his  
Oath he pledges That he beyng sicke in his Chambre at Bidston ther came to hym Emme Griffithes  
with her father and mother John' Benet and Henry Wade on the part of the said emme griffithes and  
James Benet and John' Robinson for the parties of ther wives and gilberte Houghe and george  
Sharlocker on the other partie which declared before this deponent and of James' Curate of Bidston  
that bothe parties were agreed and Condisceded that Emme griffithes shuld have the goodes of  
Thomas griffithes her father in Lawe decessed payenge and Contentinge for the same to the bastard  
child of Richard griffiths xx<sup>te</sup> nobles & an other somme of monye to her two suster in lawe wives to  
James Benet and John' Robinson but what the summe was This deponent *as he declares* is not full  
remembred And firther this deponent sais that he toke bothe the sayd ^parties^ fullie agreed upon  
that matter and that ther was no altricaicioyn at the partinge of the said parties forthe of this  
deponentes Chambre sayinge that somme thought he had bene good to putt the said agrement in  
writing and some' other said hit neded not bicause ther were witnes ynoughe present <sup>444</sup> ^to testifie^  
the same*

*<sup>445</sup> personal Responcion of Roger Bramall at the Contents of the libel bond against himself by master  
Simone Sheppard versor of Davenham held before master John Hanson xvj<sup>to</sup> day of the Month of  
March 1558<sup>o</sup>*

*At the first petition he belives the said petition to Contain the truth*

*At ij<sup>d</sup> petition* This respondent sais that he belevis the parson of Davenham has right' to receyve all  
maner of tithes growinge within the parishe of Davenham except the said parson has sett or lett the  
same to any person or persons

*At iij<sup>t</sup> petition he responds and Believes the Contents of the said article to be true except the said  
parson by his owne act ^to^ providid all to hym to the Contrarye*

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<sup>442</sup> A blank has been left, presumably to fill in the age at a later date.

<sup>443</sup> Struck through: *dicit*.

<sup>444</sup> Struck through: of at.

<sup>445</sup> Struck through: *fact fuit sequens examincio*.

## f.262 verso

*At iij<sup>tam</sup> petition he does not believe the contents of the said article to be true forbiecause he never paid none hym selfe nor sawe any other pay*

*At v<sup>tam</sup> petition he believes the Contents of the said petition to be true*

*At vj<sup>tam</sup> petition* This respondent sais that in the yere libellate he did offre to the parson ^of Davenham his partes of^ the tithe due for his offringe daies and as for <sup>446</sup>^two pens^ halfepeny for the house and the gardeyne articulate this deponent sais that he had non within the parishe of Davenham but is a hired servaunt of Sir William Brertons from yere to yere and at his settinge there occupied a house within the parishe of Davenham as his hired servaunt to lyve there <sup>447</sup> to tend the ground & Catalle of the said Sir William <sup>448</sup>Brerton likewise as the said Sir William has his shepparde tendinge his shepe and lyvinge there with this deponent in the same house as his servaunt *he does not believe the other Contents of the said petition to be true*

*At vij<sup>t</sup> petition he denys that Contents of the said article are true*

*At viij<sup>t</sup> petition he responds as he first responded at the Contents of vj<sup>ter</sup> petition and otherwise he does not Believe the article Contains the truth*

*At ix<sup>t</sup> petition* This <sup>449</sup>^respondent^ sais that in the ye(re) and on of the monethes libellate he had two kyen <sup>450</sup> of his owne goyng within the Titheable ground of the parishe of Davenham and also he had a soue that brought hym iij<sup>or</sup> or fyve piggis in the yere and on of the monethes libellate the which tithe to his estimatioyn he thinkes was worthe iij<sup>d</sup> in the hole

*At x<sup>t</sup> petition and at the Contents of the said article he responds as he first responded at the Contents of vi<sup>t</sup> article and otherwise he does not believe it*

*At xi<sup>t</sup>* This deponent sais that in the yere and on of the monethes libellate he kept within the titheable ground of the parishe of Davenham two kyne and two Calfis which as he thinkes drue to the valure of the tithe of iij<sup>d</sup> ^for the tithe^ <sup>451</sup> he sais *he denies withholding this customary payment* for this respondent sais that he paid the tithes therof to his master Sir William Brerton which was fermor of the said tithes to the parson of Davenham

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<sup>446</sup> Struck through: Thomas.

<sup>447</sup> Struck through: and.

<sup>448</sup> Struck through; bradshae.

<sup>449</sup> truck through: deponent.

<sup>450</sup> kine (n.): archaic pl. of cow.

<sup>451</sup> Repetition of 'for the tithe'; also, struck through: and for the.

**f.263**

for the tithes growinge within the said ground mentioned in this article

*At xij<sup>t</sup> petition* This deponent sais that apon his masters ground Sir William Brertons <sup>452</sup>with in the parishe of Davenham he did sowe a daye work of rye the tithe parte therof he dois estima(te) was worthe a grote which this respondent sais he toke to his owne use by thappointment of his master Sir William Brerton to whom the tithe therof dois belonge as before he has answered as fermor to the parson of Davenham *and otherwise he does not believe the petition to be true*

*At xiiij<sup>t</sup> petition* This respondent sais that he belevis the true valure of his tithes dois extend to no gretter summe then apperis in his answeris before specifed

*At xiiij<sup>tam</sup> petition* <sup>453</sup>*he responds and believes that the suit has been made by the rector of Davenham or his deputy for as is contained in the said petition*

*At xv<sup>tam</sup> petition* This respondent sais that he never denied to pay to the parson of Davenham any righte' due to hym for his tithes which <sup>454</sup> Forbicause he was answerable to Sir William Brerton fermor ^to^ the parson of Davenham

*At xvi<sup>tam</sup> petition* *he believd the Contents of the said article to be true*

*At xvij<sup>t</sup> petition* *he believes the suit to be justly brought on behalf of the said rector*

*At the last he gives Credit to what has been credited and denies what has been denied and credit Credit and he does not believe his good repute labours upon beliefs or denials etc*

*personal respension of John Claiton, gentleman* <sup>455</sup> *upon the libel bond on behalf of Richard Marburie* <sup>456</sup> *in the cause of the withholding of customary payment held before master John Hanson xvi<sup>to</sup> March 1558<sup>o</sup>*

*At the first petition* This respondent sais that Richard Marburie is not onlie fermor of the tithes of Apulton within the parishe of Budworthe but this respondent said he is likewyse fermor of the said tithes also and so this repondent sais that he has bene joynt fermor for this xx<sup>tie</sup> yeres and above

*At ij<sup>d</sup> petition* *he believes the Contents of the said article to be true*

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<sup>452</sup> Struck through: he.

<sup>453</sup> Struck through: This deponent says.

<sup>454</sup> Struck through: which.

<sup>455</sup> Struck through: cau.

<sup>456</sup> Struck through: word unclear.

*At iij<sup>t</sup> petition* This respondent dois not deny the Contentes of this positioyn or article savyng that he this respondent as well as Richard Marburie is fermor of the tithes growinge and remaynge within the towneof Apulton and hath bene in peaseable possession to receyve the profetts therof for portionable as yet he is and aught to be

**f.263 verso**

*At iij<sup>tam</sup> he believes the Contents of the said petition to be true*

*At v<sup>tam</sup> petition* This Respondent sais that in the yere and of<sup>457</sup> on of the monethes libellate he did sowe upon his ground within the Townshippe of of<sup>458</sup> Apulton articulate about on Acre with rye to his Judgement and seven with barlie and sixe with Otis the which tithe as fermor of the tithe of the towne of Apulton he sais that he toke to his owne use by reason and for that Consideratioyn that the said Richard Marburie which has sowen as muche Corne on his groundes within the Townshippe of Apulton articulate did not sett forthe the tithe therof but he toke all to his owne use and so this respondent thought that hit was likewise lawfull for hym to do the same

*At vj<sup>t</sup> petition* This respondent sais that he thinkes the Juste value of the tithe rye in the yere and monethes articulate was worth ij<sup>s</sup> *and otherwise he does not believe the petition to contain the truth*

*At vij<sup>t</sup> petition* This Respondent sais that he thinkes the tithe of his barlie to his estimatioyn as worthe x<sup>s</sup> ^sowen^ in the yere and monethes libellate and no more

*At viij<sup>t</sup> petition he responds and believes that the tithe value of the oats he sowed in the year libellate came to the the sum of iij<sup>or</sup> shillings and no more*

*At ix<sup>t</sup> petition* This respondent sais that he has bene desired by Richard Marburie fermor of Apulton articulate for to delyver hym the tithe of his Corne or els to agre with hym

*At x<sup>t</sup> petition* This respondent sais that he did levye to pay to Richard Marburie the tithe of his Corne by reason that he is joyned fermor with the said Marburie of all the tithes growinge within the Townshippe of Apulton

*At xj<sup>t</sup> petition he acknowledges the contents of the said petition to be true*

*At xij<sup>t</sup> petition he denies that the contents of the said petition are true*

*At the last he gives credit to what has been credited and denies what has been denied etc*

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<sup>457</sup> Scribe's error? Repetition.

<sup>458</sup> Scribe's error: repetition.

## ***Appendix 2: Index of names of plaintiffs, defendants, witnesses and testators***

<b>Name</b>	<b>Cause</b>	<b>Initial folio number</b>
Allen, Henry	Testamentary (testator)	243/1
Balfrou, Thomas	Testamentary (deponent)	248r
Bambell/Bamwyll, Randall	Testamentary (deponent)	228v.
Barowe als. Carter, Alice	Marriage (party)	242v.
Barowe, Johanna	Marriage (deponent)	254v.
Barowe, Roger	Marriage (deponent)	254v.
Barowe, Thomas	Marriage (party)	242v.
Benet, James	Marriage (deponent)	257
Benet, Katherine	Marriage (deponent)	260
Benet, Thomas	Testamentary (deponent)	243v.
Bildon, Thomas	Marriage (plaintiff)	257
Bothe, Anna	Defamation (deponent)	252
Bothe, William	Defamation (deponent)	252
Bradfolde, Thomas	Marriage (deponent)	257v.
Bradshae, Humfrey	Testamentary (plaintiff)	248
Bradshae, William	Testamentary (testator)	248
Brerton, John	Tithe (plaintiff)	237v.
Bretherton, John	Defamation (deponent)	255
Bretherton, Margaret	Defamation (deponent)	255v.
Broughton, Ralph	Tithe (deponent)	239
Bullocke, William	Testamentary (deponent)	229v.
Bunburie, Richard	Marriage (deponent)	258
Burdman, Elisabeth	Testamentary (testatrix)	246
Burdman, John	Testamentary (deponent)	246
Burdman, William	Testamentary (deponent)	247

Burdman, Margery	Testamentary (deponent)	247v.
Carison, William	Tithe (defendant)	234v.
Chadwicke, William	Testamentary (deponent)	249v.
Claiton, John	Tithe (defendant)	263
Coke, Tristram	Tithe (plaintiff)	234, 240
ap David ap John Gethin	Testamentary (deponent)	261v.
Davye/Davies, Richard	Testamentary (deponent)	232
Derbyshire, Thomas	Testamentary (deponent)	247
Dodd, Ralph	Tithe (deponent)	240v.
Dodd, Thomas	Tithe (deponent)	239
Dutton, Fulke	Testamentary (testator)	227
Evans, Thomas	Testamentary (deponent)	256v.
Fairclough, Robert	Testamentary (deponent)	251v.
Farnworthe, Richard	Testamentary (deponent)	246v.
Gill, John	Testmentary (deponent)	243v.
Gregson, Robert	Testamentary (deponent)	251
Griffiths, Emma	Testmentary (plaintiff)	242v., 249/1, 262
Griffiths, Thomas	Testmentary (testator)	242v., 249/1, 262
ap Griffith ap Jollin, Hugh	Testamentary (deponent)	261
Hall, John	Marriage (deponent)	255
Halsall, Gilbert	Marriage (defendant)	221v.
Hegley, Randall	Testamentary (deponent)	250v.
Heildes, Hugh	Marriage (plaintiff)	259v.
Hickcoke, Thomas	Testamentary (deponent)	241
Hilton, George	Marriage (deponent)	245v.
Hoghton', Kathryn	Defamation (plaintiff)	233, 235
Hoghton', Thomas	Defamation (defendant)	233, 235

Holden, Elisabeth	Defamation (plaintiff)	255
Holford/Starke als. Leftwiche, Kathryn	Marriage (party)	244
Holiwell, James	Testamentary (deponent)	259
Holm, Ralph	Marriage (deponent)	255v.
Huntingdon, William	Testamentary (testator)	241
Hope, Charles	Testamentary (deponent)	222
ap Ieuan ap David	Testamentary (deponent)	261
Inett (Ince), William	Defamation (deponent)	247
Ingleby, Isabella	Marriage (party)	236
Jackson, Cicelie	Defamation (deponent)	252v.
John, Ralph	Marriage (deponent)	225v.
ap John ap Christopher, Henry	Testamentary (party)	239
Key, George	Marriage (deponent)	245v.
Laithwaite, Andrew	Testamentary (deponent)	248
Langley, Lady Cicely	Defamation (plaintiff)	252
Langley, Thomas	Defamation (defendant)	255
Leftwiche, Thomas	Marriage (party)	244
Linacre, Margaret	Marriage (defendant)	257, 259v.
Lowe, Richard	Testamentary (deponent)	249
Maddocke, John	Testamentary (deponent)	256v.
Maddocke, Thomas	Tithe (deponent)	239
Massie, Anna	Testamentary (deponent)	225
Massie, Joanne	Marriage (deponent)	226
Mate, John	Testamentary (deponent)	251v.
Melington, Thomas	Marriage (deponent)	245
Merkinfeld, Thomas	Marriage (party)	236
Milnes, Edmund	Testamentary (deponent)	259

Monkesselde, Thomas	Testamentary (deponent)	227
More, Robert	Testamentary (deponent)	251
Neyler, Margaret	Testmentary (deponent)	248v.
Norton, George	Marriage (deponent)	236v.
Osbestos/Osabston, John	Defamation (deponent)	233
Pembleton, James	Testamentary (deponent)	242v.
Phellippe, John	Testamentary (plaintiff)	239, 256v.
Poole als. Tilston, Elisabeth	Marriage (plaintiff)	253, 258v.
Poole, Robert	Marriage (deponent)	253
Poole, William	Marriage (defendant)	253, 258v.
Redman, Matthew	Marriage (deponent)	236
Richards/ap Richard, John	Testamentary (deponent)	232v.
Ridley, John	Testamentary (deponent)	231v.
Rodon, John	Testamentary (deponent)	260
Rogerson, William	Tithe (party)	237v.
Rosthorne, Dorithe	Defamation (defendant)	252
Rowell, Margaret	Defamation (deponent)	256
Rowell, Walter	Defamation (deponent)	255v.
Scolles, James	Testamentary (deponent)	223
Scott, Gilbert	Testamentary (deponent)	248v.
Scott, Agnes	Testamentary (defendant)	249v.
Scott , James	Testamentary (testator)	249v.
Scott, Ralph	Testmentary (deponent)	248
Scott, Robert	Testamentary (defendant)	250
Sharpe, George	Marriage (deponent)	259v.
Singleton, Jane	Marriage (plaintiff)	221v.
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Skelicorne, William	Testamentary (plaintiff)	251
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Sutton, Launcelot	Testamentary (deponent)	261
Swifte, Arthur	Testamentary (deponent)	262
Taylor, Thomas	Marriage (deponent)	254
Tilsley, Jane	Testamentary (testatrix)	222
Vale, Elisabeth	Marriage (defendant)	225v.
Vale, Roger	Marriage (plaintiff)	225v.
Wade, Henry	Testamentary (deponent)	243
Walmsley, Christopher	Defamation (deponent)	235
Warburton, Thomas	Marriage (plaintiff)	249v.
Waring/Waren, Thomas	Testamentary (deponent)	224
Watson, Thomas	Marriage (deponent)	253v.
Wickstid, Elisabeth	Marriage (deponent)	258v.
Wighte, William	Marriage (deponent)	258
Williams, Hugh	Testamentary (deponent)	227v.
Wilson, Thomas	Testamentary (deponent)	248v.
Yardley, Edward	Testamentary (deponent)	228
Yeton, William	Marriage (deponent)	244

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