

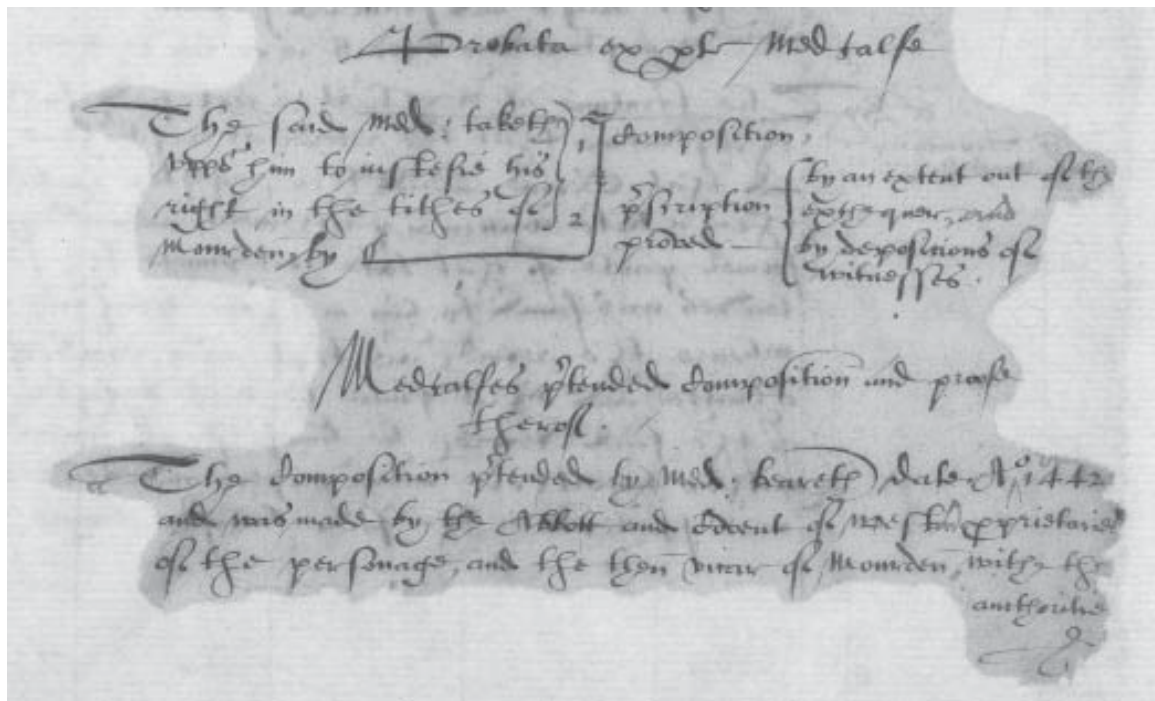
The state of the cause betwene Frances Medcalfe late vicar of Morden and John Sharfeilde parishioner ther and Richard Garthe Esquier *proprietor*, who in that cause came in for his interest.¹

The said Med. in the Court of the Arches did libell² against the said Sharfeilde for the tithes of his wheate pease beanes oates and tares growinge in Morden *years 1576 to 1587*. The libell was given *first December 1587*. Sharfeilde in this sute confessed that Med. for 18 yeares last past was vicar of Morden and that eache yeare of the same yeares he Sh. had in Morden 8 acres of wheate each 20s, 5 acres of oates each 5s, and 5 acres sown with pease beanes pease and tares each 13s 4d.

In this sute sentence was given for the said Mr Garth and Sherfeilde 12 *November 1590*. And the Judge of the Arches in his said sentence ^{pronounced} that Med. did nott sufficiently prove his said libell, and that Mr Garth had sufficiently founded and proved his matter of interest. And that the said tithes libelled by Med. did of right belonge unto Garthe and therefore did dismisse Sharfeilde from the vainst vexation of Med. and condemned Medcalfe in expenses to Sharfeld of the wholl sute, and unto Garth from the time he came in for his interest. From this ^{sute} ^{sentence} Medcalfe hathe appealed etc. Mr Garthe now in the Courte of the delegates is to iustifie the said sentence.

¹ Original spellings have been retained in this edition for all English text, but Latin words and phrases have been translated and are depicted in *italics*. Underlining in the original is reproduced. [Editorial comments are in square brackets].

² libell = a plaintiff's written declaration (*Concise Oxford Dictionary*)



Evidence on Medcalfe's part

The said Med. taketh upon him to iustefie his right in the tithes of Mourden by

1. Composition
2. prescription proved by an extant out of the exchequer and by depositions of witnesses.

Medcalfes pretended composition and prooff therof³

The composition pretended by Med. beareth date A^o 1442 and was made by the Abbott and Convent of Westminster *proprietors* of the personage, and the then vicar of Mourden, with the

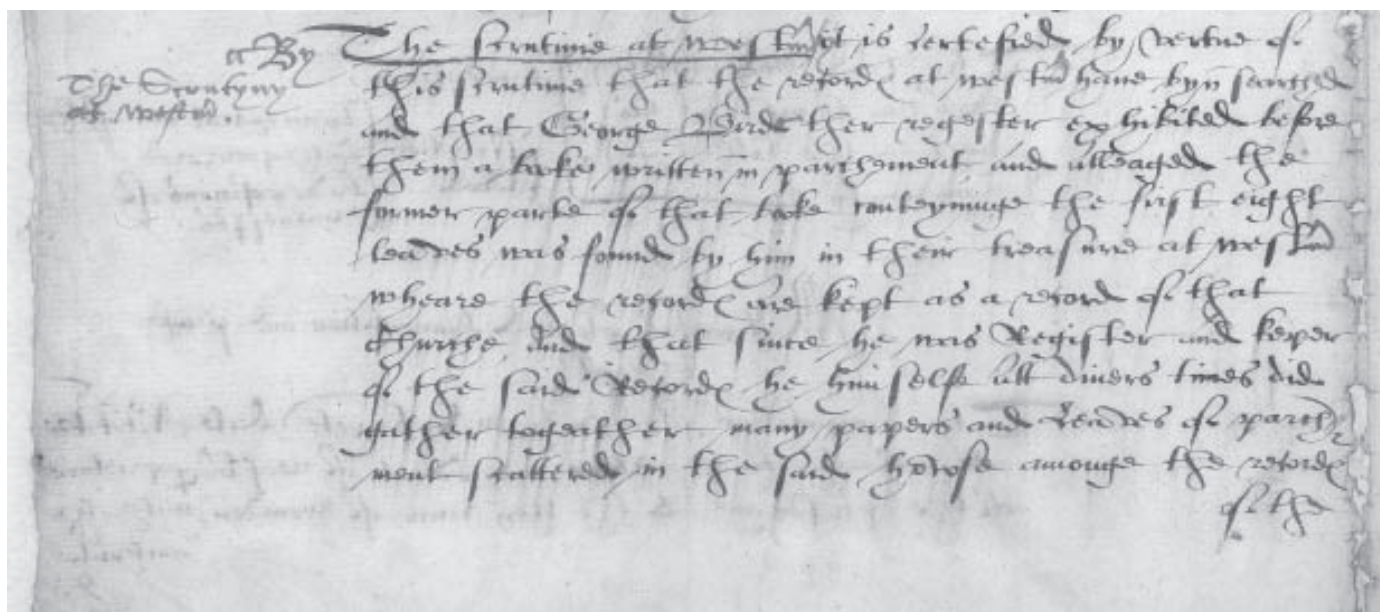
³ =WAM1853, SHC K85/3/29-30

authoritie and consent of the Bisshop of Winton ordinary. Yt conteyneth in effect that the vicar and his successors shall have and retheyne all and all manner of tithes greate and small any wayes belonging to the said Abbott and Convent in the right of the said Religious men and their Monasterie, (the rentes, glebe and demaine landes of the said Abbott and Convent of the said parisshe church only excepted). And that the vicar and his successors for the said tithes shall forever paye to the said Abbott and Convent *proprietors* etc 26s 8d yearly in the feast of Easter. And the Abb. etc and their successors for all the said tithes belonging to them shall howld themselves contented with the gleabe and demeane land and 26s 8d for all the said tithes any wayes in right of the said church belonging unto them. And the said Abb. and Convent shall forbear the receyvinge and gatheringe of the said tithes so longe as the said pension of 26s 8d be faithfully paid unto them. And the vicar shall beare all ordinarie and extraordinarie burdens, (the tenthes to the kinge only excepted). And he shall reparaire the chancell of the church and the barn, and the vicar must have of the Abb. etc yearly 4 yardes of cloth for a gowne.

Yt is confessed by Mr Garth his procurator that the said pretended composition is subscribed by Mr George Burd^{on} notarie publique and Register of Westminster, and that it is faithfully taken out of a coppie of a pretended composition remaining and found in the Regestrie of Westminster amongst wast and scattered papers, to w^{ch} neither by Lawe or Custome any credit is or can be given.

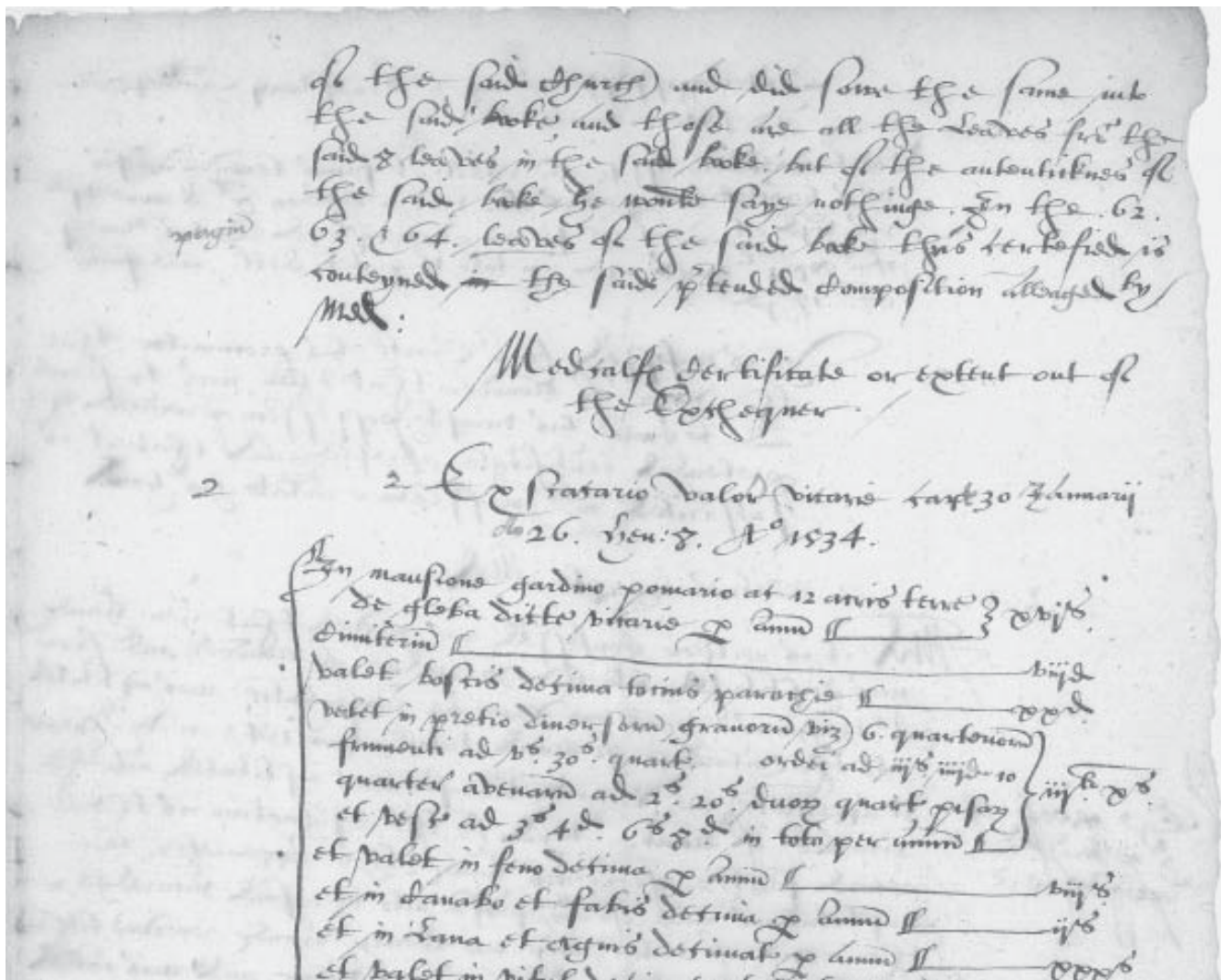
authority and consent of the Bisshop of Winton *ordinary*. Yt conteyneth in effect that the vicar and his successors shall have and retheyne all and all manner of tithes greate and small any wayes belonging to the said Abbott and Convent in the right of the said Religious men and their Monasterie, (the rentes, glebe and demaine landes of the said Abbott and Convent of the said parisshe church only excepted). And that the vicar and his successors for the said tithes shall forever paye to the said Abbott and Convent *proprietors* etc 26s 8d yearly in the feast of Easter. And the Abb. etc and their successors for all the said tithes belonging to them shall howld themselves contented with the gleabe and demeane land and 26s 8d for all the said tithes any wayes in right of the said church belonging unto them. And the said Abb. and Convent shall forbear the receyvinge and gatheringe of the said tithes so longe as the said pension of 26s 8d be faithfully paid unto them. And the vicar shall beare all ordinarie and extraordinarie burdens, (the tenthes to the kinge only excepted). And he shall reparaire the chancell of the church and the barn, and the vicar must have of the Abb. etc yearly 4 yardes of cloth for a gowne.

Yt is confessed by Mr Garth his procurator that the said pretended composition is subscribed by Mr George Burd^{on} notarie publique [marginal note: he is no Notary] and Register of Westminster, and that it is faithfully taken out of a coppie of a pretended composition remaining and found in the Regestrie of Westminster amongst wast and scattered papers, to w^{ch} neither by Lawe or Custome any credit is or can be given.



The Scrutiny at Westminster

By the scrutiny at Westminster Yt is certified by vertue of this scrutinie that the recordes at Westminster have byn searched and that George Birde then register exhibited before them a booke written in parchment and alleaged the former parte of that booke conteyninge the first eight leaves was found by him in their treasure at Westminster where the recordes are kept as a record of that church, and that since he was Register and Keper of the said Recordes he himselfe att divers times did gather together many papers and leaves of parchment scattered in the said howse amonge the recordes of the



[19b]

said church and did sowe the same into the said booke, and those are all the leaves from the said 8 leaves in the said booke, but of the autenticknes of the said booke he would saye nothinge. In the 62 63 and 64 leaves of the said booke thus certefied is conteyned the said pretended composition alleaged by Med.

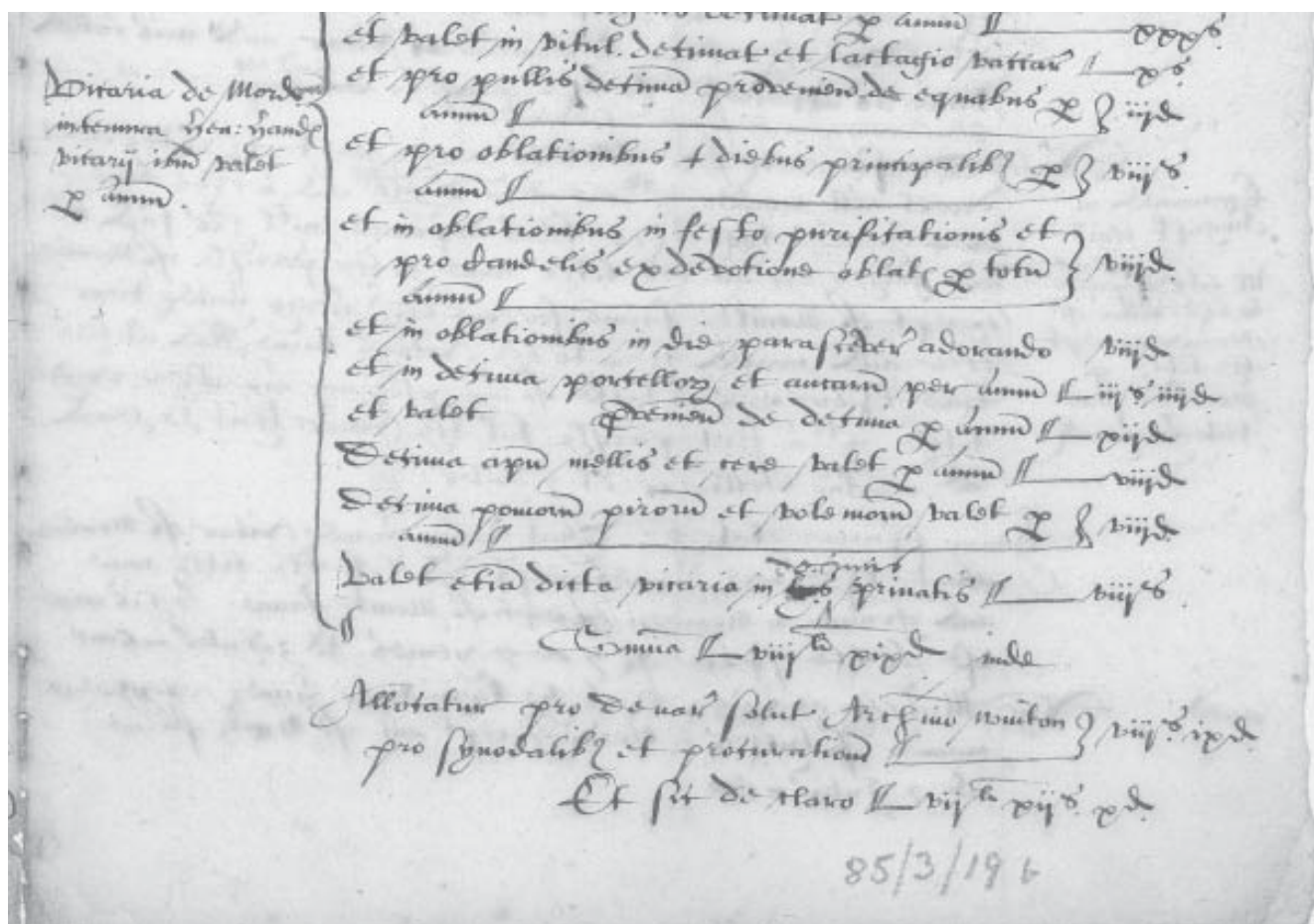
Medcalfes certificate or extant out of the Exchequer⁴

2 From the Exchequer valuation of the vicarage taken 30 January 26 Hen VIII 1534

Yearly value of the vicarage of Mordon in the tenure of Henry Hande vicar there:

In the mansion, garden, orchard and 12 acres land of the glebe of the said vicarage per year	16s	0d
Churchyard		8d
Value of tithes of wood for the whole parish	1s	8d
Value in the price of various grains, namely		
6 quarters wheat at 5s,	30s	0d
[4] quarters of barley at 3s 4d,	[13s	4d] ⁴
10 quarters oats at 2s,	20s	0d
2 quarters peas and vetches at 3s 4d,	6s	8d
in total per year		£3 10s 0d
And the value of tithes of hay per year		8s 0d
And in tithes of hemp and beans per year		2s 0d
And in tithes of wool and lambs per year		30s 0d

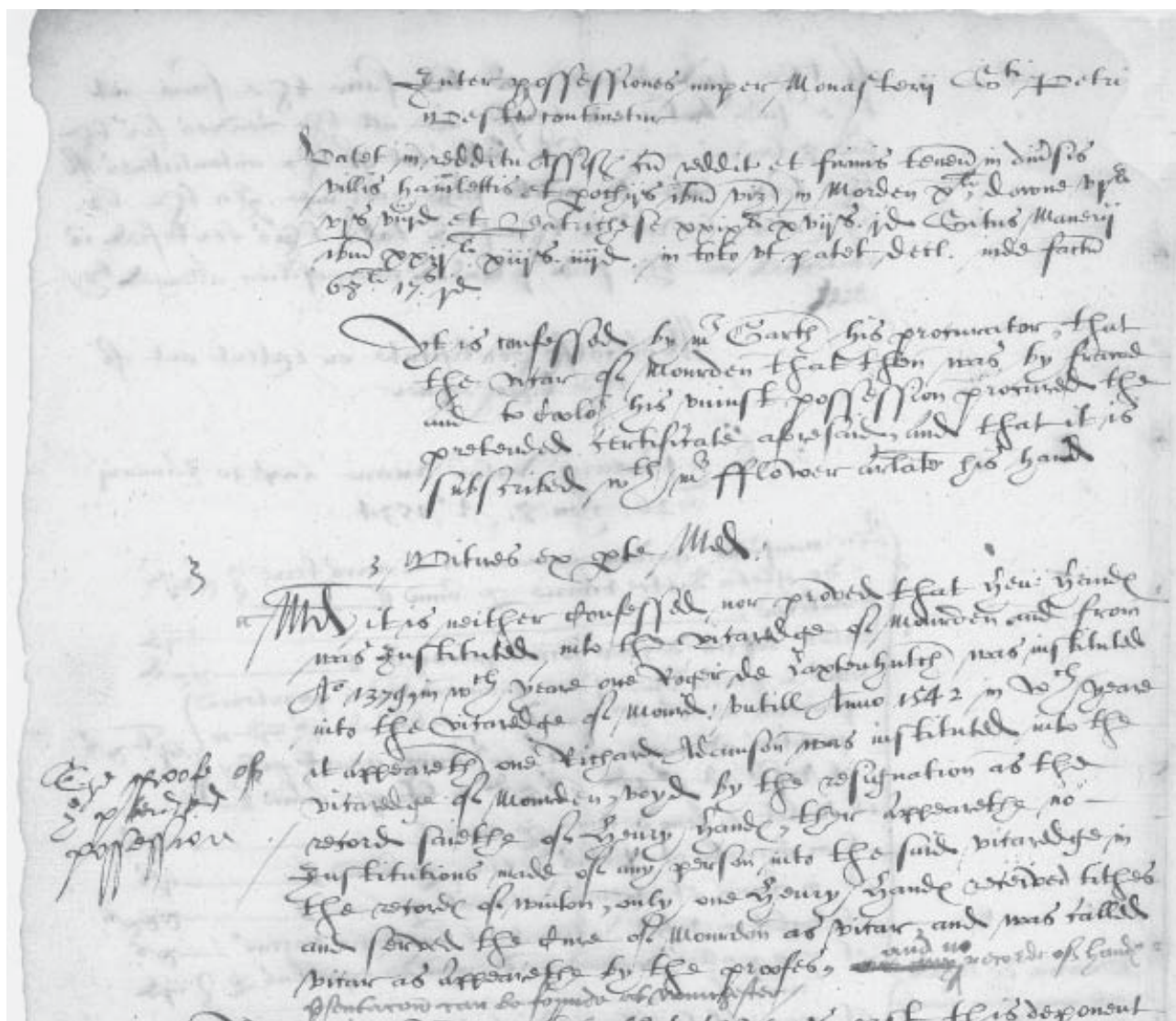
4 = Valor Ecclesiasticus 1535 (Vol 2 1814) p37, though the value of the barley is entered in 1535, as is the word 'eggs'



And the value in tithes of calves and dairy products of cows	10s	0d
And for tithes of colts proceeding from horses per year		3d
And for oblations on the 4 principal days per year ⁵	8s	0d
And in oblations in the feast of Purification and for candles from the devotions of oblations for the whole year		8d
And in oblations in Good Friday		8d
And in tithes of piglets and goslings per year	3s	4d
And the value of [eggs] ⁴ proceeding from tithes per year	1s	0d
Tithes of bees, honey and wax value per year		8d
Tithes of apples pears and pearmains value per year		8d
Value also of the said vicarage in personal tithes	8s	0d
Sum	£8	1s 7d
Allowed for cash paid to the archdeacon of Winchester for synodals and procurations ⁶	8s	9d
And so net	£7	12s 10d

5 presumably Christmas, Easter, Whitsun and the Assumption of Virgin Mary (see Antonia Gransden *A History of the Abbey of Bury St Edmunds 1182-1256* (2007) p263)

6 **synodal**: a payment made by the inferior clergy to the bishop, properly on the occasion of a synod, and hence at an episcopal or archidiaconal visitation; **procuracion**: a payment made by a parish in lieu of providing entertainment for a bishop, archdeacon, or other official visitor – *Oxford English Dictionary* online edition



Contained among the possessions late of the Monastery of St Peter Westminster ⁷

Value in assize rents with rents and farms of tenements in various villis hamlets and parishes at the same place, namely in Morden £10, Downe £6 6s 8d, and Battersea £29 17s 1d, the site of the manor at the same place £22 13s 4d, in total as appears in the declaration made therefor £68 17s 1d

Yt is confessed by Mr Garth his procurator that the vicar of Mourden that then was by frawd and to colour his vainst possession procured the pretended certificate aforesaid, and that it is subscribed with Mr Flower articulate⁸ his hand.

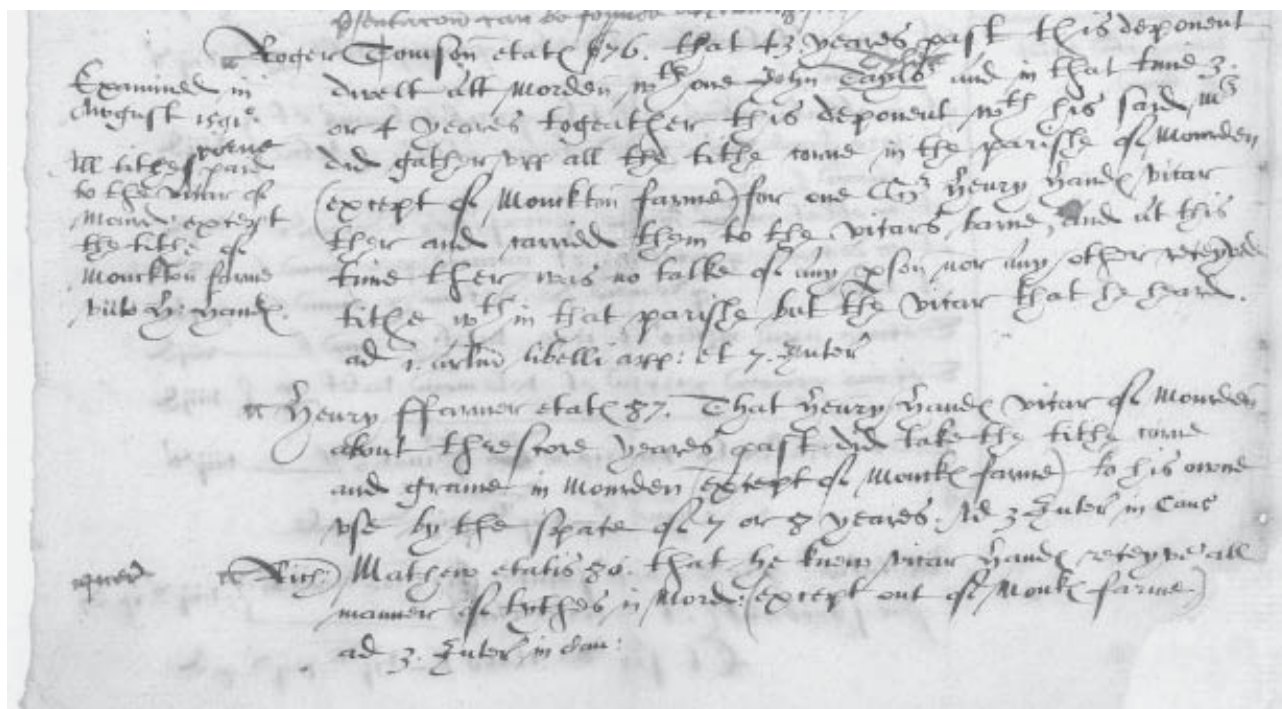
3 Witness on the part of Med.

The proof of the pretended possession

And it is neither confessed nor proved that Henry Hande was instituted into the vicarege of Morden and from A^o 1379 in which yeare one Roger de Laptenhutch was instituted into the vicarege of Morden untill Anno 1542 in which yeare it appeareth one Richard Adamson was instituted into the vicarege of Mourd; voyd by the resignation as the record saiethe of Henry Hande, their appeareth no institutions made of any person into the said vicarege in the recordes of Winchester, only one Henry Hande received tithes and served the cure of Mourden as vicar, and was called vicar as appeareth by his proofes, and no record of Handes presentation can be found at Winchester.

⁷ = *Valor Ecclesiasticus* 1535 (Vol 1 1810) p416

⁸ ie composed of articles or clauses (Dr Mark Page pers. comm. 8/08)



Examined in August 1591 – all tithe corne paid to the vicar of Mourd: except the tithe of Monckton Farme unto H Hande

Roger Tomson *aged* 76 that 43 years past this deponent dwelt att Morden with one John Taylor and in that time 3 or 4 years together this deponent with his said master did gather upp all the tithe corne in the parische of Mourden (except of Monckton Farme) for one Sir Henry Hande vicar there and carried them to the vicars barne, and at this time there was no talk of any person nor any other receyved tithe within that parish but the vicar that he heard. *to the 1st article of the libel appealed and the 7th of the interest*

Henry Farmer *aged* 87. That Henry Hande vicar of Morden about threscore yeares past did take the tithe corne and graine in Mourden (except of Mounke Farme) to his owne use by the space of 7 or 8 yeards. *ad 3. Julij in caus*

Richard Mathew *aged* 80. That he knew vicar Hande receyve all manner of tythes in Mord:[on] (except out of Monke Farme) *to the 3rd of the interest in Chancery*

Tho: Fraye etate 90. This deponent heard the parishioners
 of Mourden saye that the tithes corne in Mourden
 (except Mo: farms) did belonge to the vicar ther and
 that this deponent and Jo: Heard clerk had the
 same in farme by vertue of a lease made unto them
 by Henry Hande 22 Feb: Hen: 8. 25 for 3. yeares. At
 3. Febr. in dau.

Jo: Hooper etate 41. That this deponent hath seene
 a lease dated 22 February 25 Hen: 8. made by Hen:
 Hande vicar etc for 3 yeares unto Tho: Fray and Jo:
 Herdy preist, but whether the tithes corne of
 Monkton be excepted he cannott depose, and heard
 that by force of this lease they did enjoye the
 tithes. At 5. Febr. in dau.

Rob: Smith etate 80. That betwene 53. and 55 yeares
 past, this deponent bought of Sir Henry Hande
 vicar of Mo: all the tithes corne in Mourden except
 Monkton farme, and had the same to his owne
 use, and one yeare after Tho: Fraye took a lease
 for 3. yeares of the vicar as supra of Jo: Fray,
 and he never heard that any tithes weare paid
 to the parson ther but to the vicars, and he
 never heard of any parson of Mourden, and the
 said tithes weare let by Hande as vicar of Mourden
 as vicars tithes and nott otherwise. to
 offerdise ad 3 articulis libi app et 5. 7. 9 et 12
 Febr.

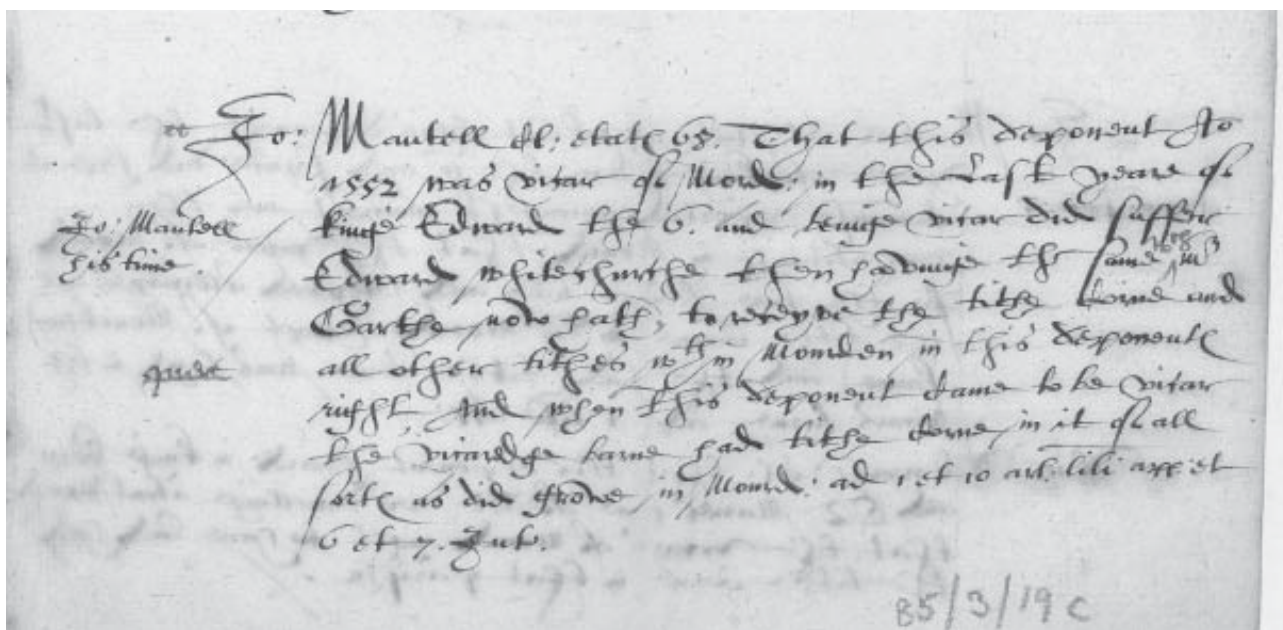
[19c]

Fray by vertue of a lease from Henry Hande vicar receyved tithe corne etc

Thomas Fraye *aged* 90 this deponent heard the parishioners of Mourden saye that the tithe corne in Mourden (except Mo. Farme) did belonge to the vicar ther and that this deponent and John Heard clerk had the same in farme by vertue of a lease made unto them by Henry Hande 22 Feb. Hen VIII 25 for 3 yeares. *to the 3rd of the interest in Chancery*

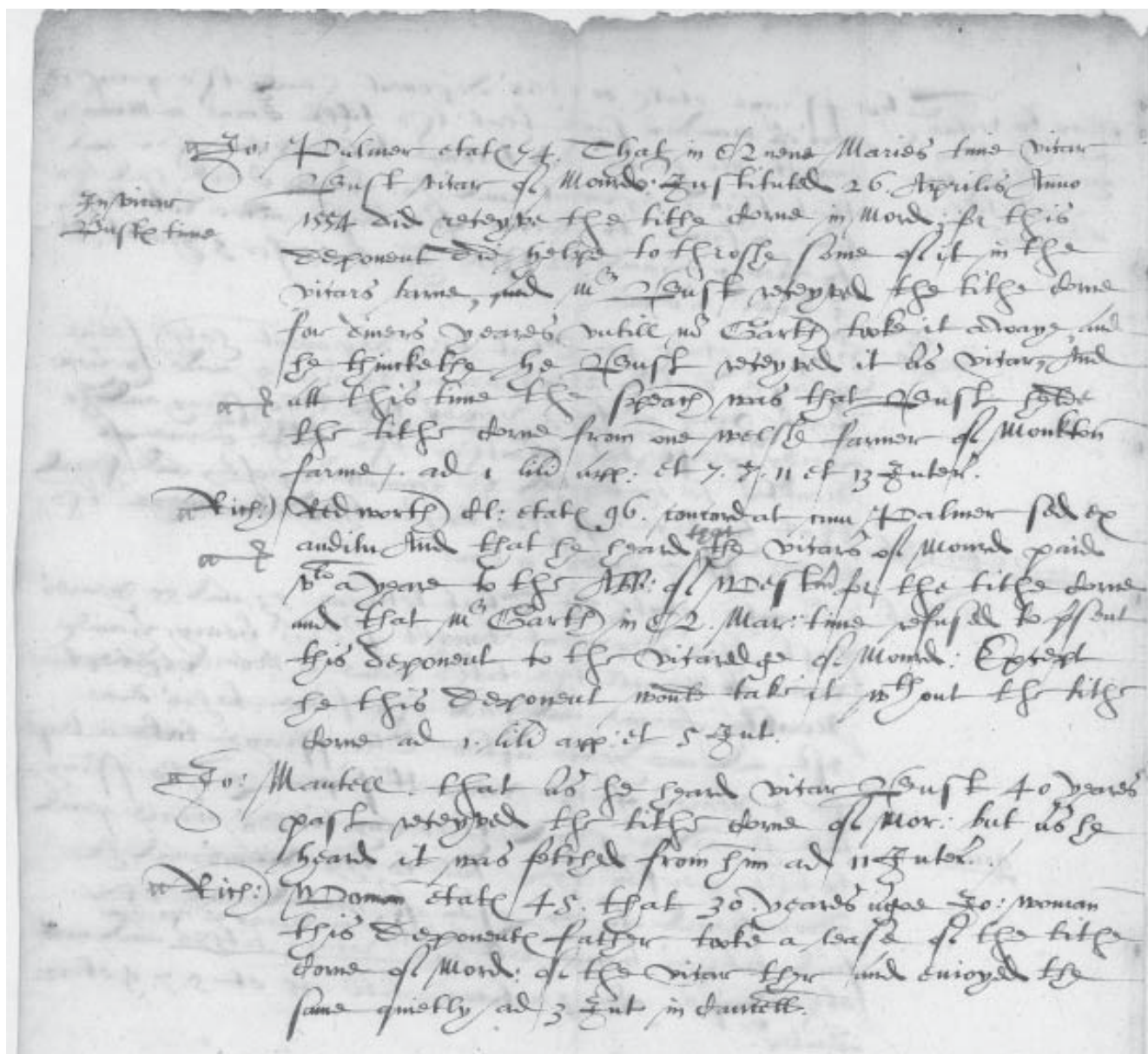
John Hooper *aged* 41. That this deponent hath seene a lease dated 22 February 25 Hen VIII made by Henry Hande vicar etc for 3 yeares unto Thomas Fray and John Herdy preist, ^{of the vicaregge and al manner of} tithes in Mordon but wheather the tithe corne of Monkton be excepted he cannott depose, and heard that by force of this lease they did enjoye the ^{same} tithes [marginal note: query what tithes]. *to the 8th of the interest in Chancery*

Robert Smith *aged* 80. That betwene 53 and 55 yeares past this deponent bought of Sir Henry Hande vicar of Mo: all the tithe corne in Mourden except Monckton Farme, and had the same to his owne use, and one yeare after Thomas Fraye took a lease for 3 yeares of the vicar as above by Thomas Fray and he never heard that any tithes weare paid to the parson ther but to the vicars, and he never heard of any parson of Mourden: and the said tithes weare let ^{by Hande as vicar of Mordon} as vicars tithes and nott otherwise. *to the 3rd article of the libel appealed and the 5th, 7th, 9th and 12th of the interest*



John Mantell his time

John Mantell clerk *aged* 68. That this deponent *A*º 1552 was vicar of Mord: in the last yeare of King Edward the 6 and beinge vicar did suffer Edward Whitechurche then havinge the same^{which} Mr Garthe now hath, to receyve the tithe corne and all other tithes within Mourden in this deponentes right. And when this deponent came to be vicar the vicaredge barne had tithe corne in it of all sortes as did growe in Mourd:. *to the 1st and 10th articles of the libel appealed and the 6th and 7th of the interest*



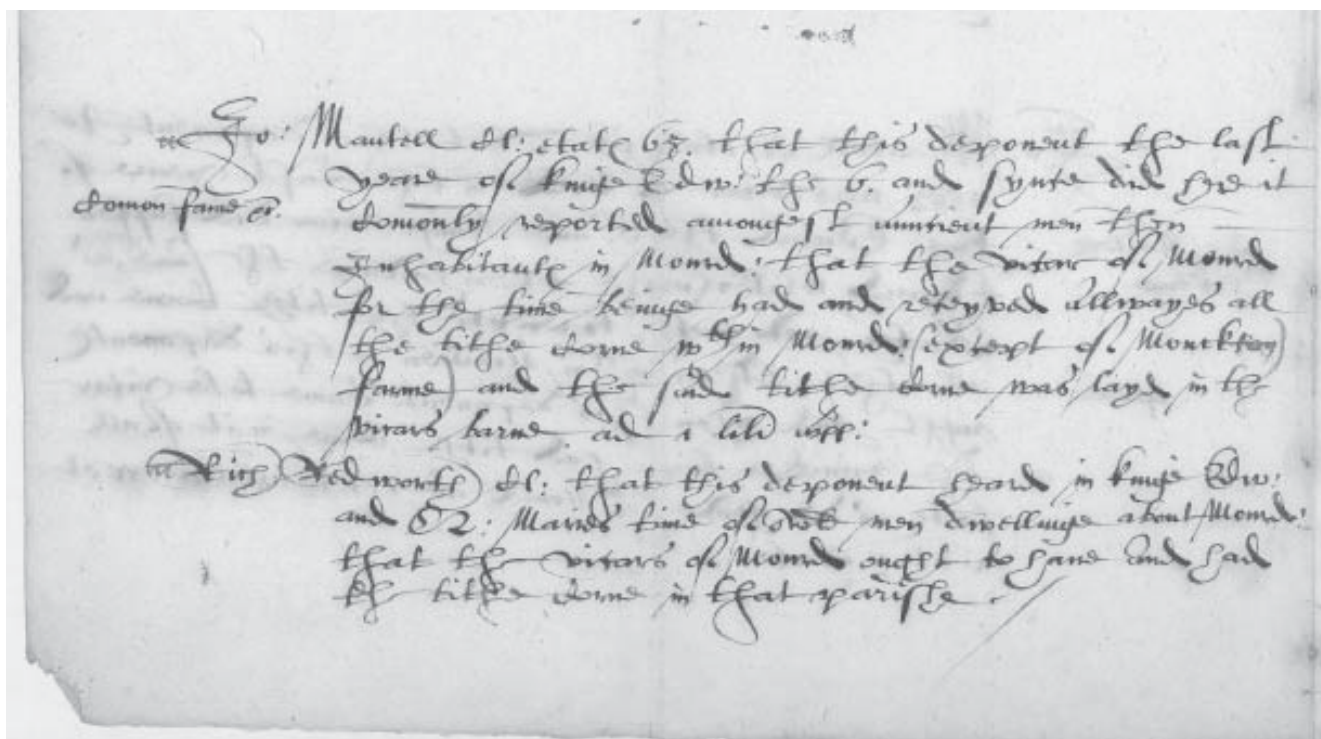
In vicar Bustes time

John Palmer aged 74. That in Quene Maries time vicar Buste vicar of Mourd: instituted 26 April Anno 1554 did receyve the tithe corne in Mord: on for this deponent did helpe to thresshe some of it in the vicars barne, and Mr Bust receyved the tithe corn for divers yeares untill Mr Garth tooke it away. And he thinketh he Bust receyved it as vicar. And all this time the speach was that Bust held the tithe corne from one Welshe farmer of Monkton Farme. *to the 1st of the libel appealed and the 7th, 8th and 13th of the interest*

Richard Redworth clerk aged 96 agreed with Palmer *but was worth hearing*. And that he heard ^{that} the vicars of Mordon paid £5 a yeare to the Abb. of Westminster for the tithe corne and that Mr Garth in Queen Mary's time refused to present this deponent to the vicaredge of Mourd: except he this deponent would take it without the tithe corne. *to the 1st of the libel appealed and the 5th of the interest*

John Mantell that as he heard vicar Bust 40 yeares past receyved the tithe corne of Mor: but as he heard it was fetched from him. *to the 11th of the interest*

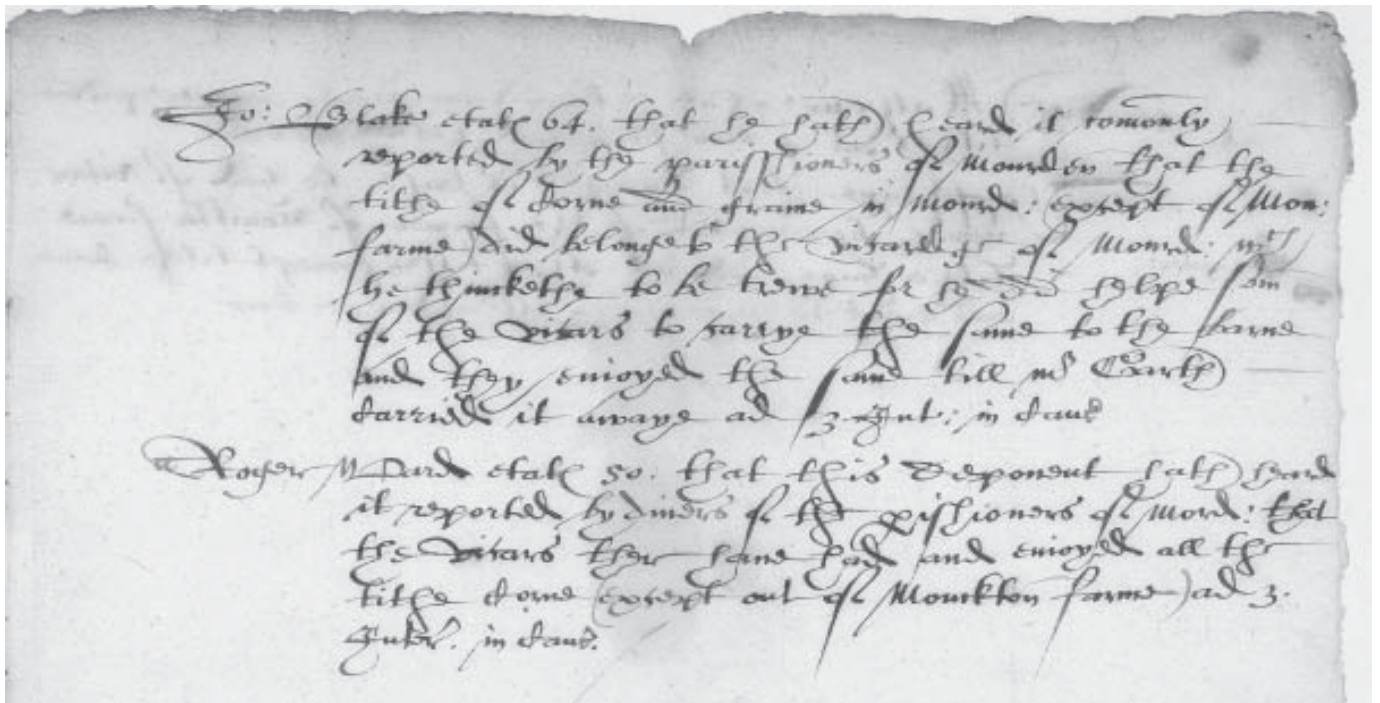
Richard Woman [Woodman] aged 45 that 30 yeares ago John Woman this deponentes father tooke a lease of the tithe corne of Mord: of the vicar ther and enjoyed the same quietly. *to the 3rd of the interest in Chancery*



Comon fame etc

John Mantell clerk *aged* 68 that this deponent the last yeare of king Edw. the 6 and synce did here it comonly reported amongst annicent men then inhabitantes in Mourde: that the vicar of Mourde: for the time being had and receyved allwayes all the tithe corne within Mourde: (except of Monckton Farme) and the said thithe corne was layd in the vicars barne. *to the 1st of the libel appealed*

Richard Redworth clerk that this deponent heard in King Edwards and Queen Maries time of owld men dwellinge about Mourde: that the vicars of Mourde: ought to have and had the tithe corne in that parishe.



John Blake *aged* 64 that he hath heard it comonly reported by the parissioners of Mourden that the tithes of corne and graine in Mourd: (except of Mon. farme) did belonge to the vicareadge of Mourd: which he thinkethe to be true for he did helpe som of the vicars to carrye the same to the barne and they enioyed the same till Mr Garth carried it awaye. *to the 3rd of the interest in Chancery*

Roger Ward *aged* 50 that this deponent hath heard it reported by divers of the parishioners of Mord: that the vicars ther have had and enioyed all the tithes corne (except out of Monckton Farme) *to the 3rd of the interest in Chancery*

Jo: Blake that about 48. yeares past one woodman
 farmer of Monckton farme paid unto vicar Hand
 one quarter of wheate and one quarter of
 beanes yearly by the space of 3. yeares and
 tithe hay was paid out of one parcell of
 the said farme and privie tithes by the said
 woodman. *to the 3rd of the interest in law*

Henry Farmer that ^{for Henry Hand sometime vicar of Mordon} one woodman farmer of Monckton
 farme 7 or 8. yeares in 60 yeares past ^{did take the tithes of Mordon to his owne use} paid all
 manner of tithes to vicar Hande ^(except tithes of Monckton farme) *to the 3rd of the interest in law*

Roger Ward *aged 50* that for the space of 7. yeares last *A^o* until Mr Garthe withhelde the payment thereof
 ther hathe byn receyved to the use of the farmers of the vicaredge of Mourd: out of Monckton farme one
 quarter of wheate and one quarter of beanes only for
 the tithes due for the same farme, and ther
 hathe byn paid out of that farme tithe haye and
 all other privie tithes. *ad 3. et 4. Julij. in law.*

Jo: Hooper *aged 41* that for 2 yeares ther was paid to the complaynant Med. one quarter of
 wheate and one quarter of beanes out of Monckton
 farme. *ad 8. Julij. in law.*

Wm
 2

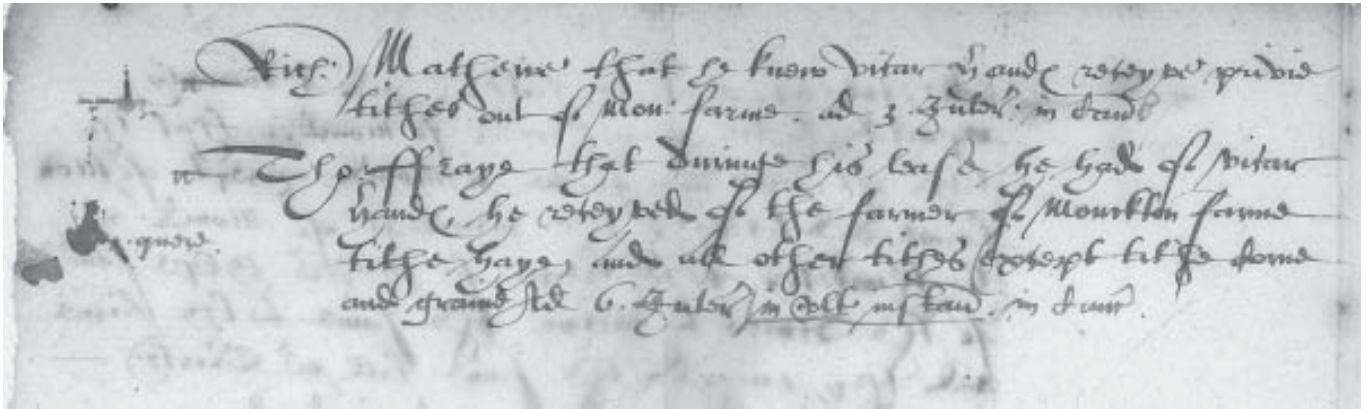
All tithes except of corne paid out of Mo. Farme and for corne one quarter wheate and one quarter beanes

John Blake that about 48 yeares past one Woodman farmer of Monckton Farme paid unto vicar Hand one quarter of wheate and one quarter of beanes yearly by the space of 3 yeares and tithe hay was paid out of one parcell of the said farme and privie tithes by the said Woodman. *to the 3rd of the interest in Chancery*

Henry Farmer that ^{for Henry Hand sometime vicar of Mordon} one Woodman farmer of Monckton Farme 7 or 8 yeares, 60 yeares past ^{did take the tithes of Mordon to his owne use} paid all manner of tithes to vicar Hande ^(except tithes of Monckton Farme) *to the 3rd of the interest in Chancery*

Roger Ward *aged 50* that for the space of 7 yeares last *A^o* until Mr Garthe withhelde the payment thereof ther hathe byn receyved to the use of the farmers of the vicaredge of Mourd: out of Monckton Farme one quarter of wheate and one quarter of beanes only for the tithes due for the same farme, and ther hathe byn paid out of that farme tithe haye and all other privie tithes. *to the 3rd and 4th of the interest in Chancery*

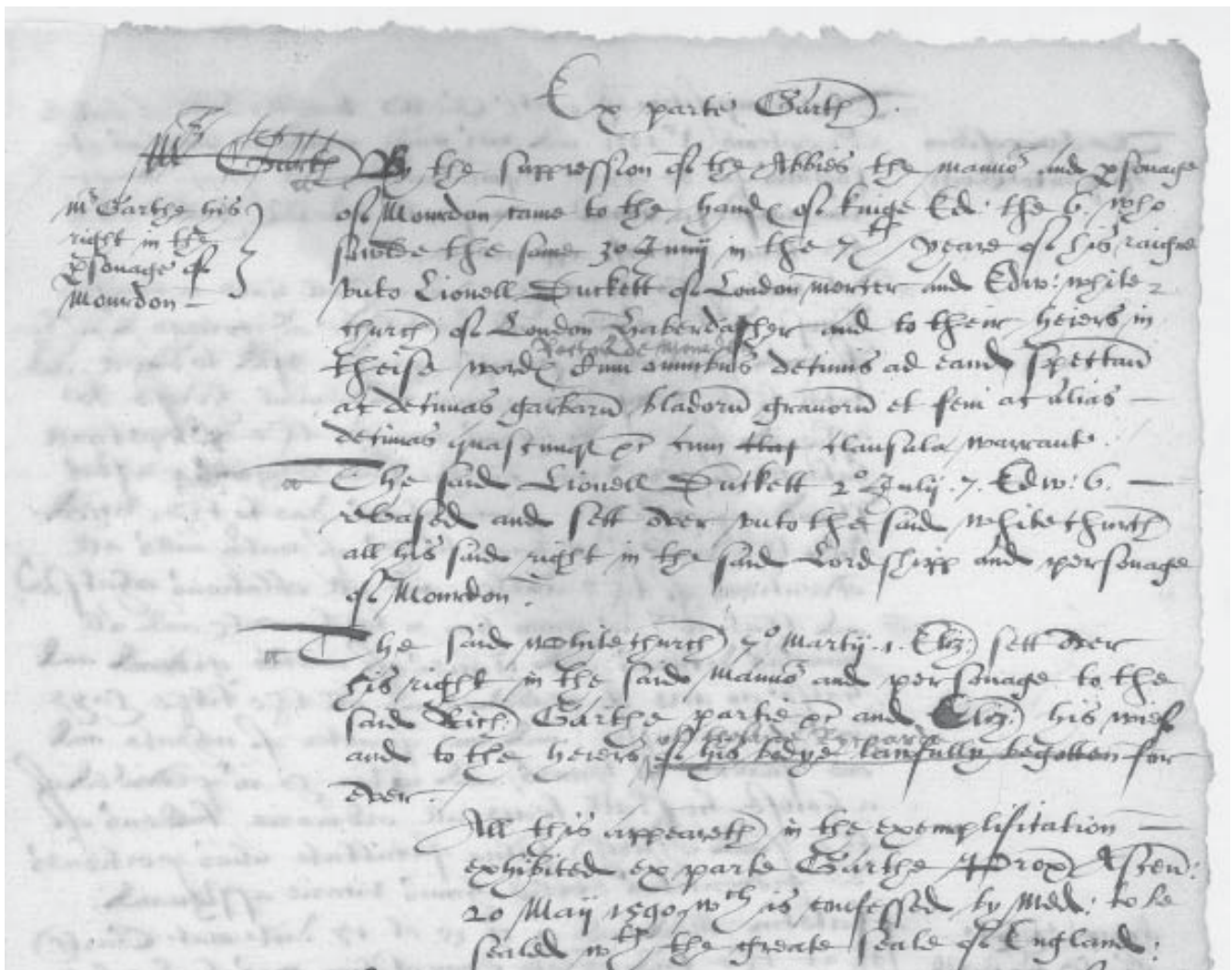
John Hooper *aged 41* that for 2 yeares ther was paid to the complaynant Med. one quarter of wheate and one quarter of beanes out of Monckton Farme. *to the 8th of the interest in Chancery*



Richard Mathew that he knew vicar Hande receyved privie tithes out of Mon. Farme. *to the 3rd of the interest in Chancery*

Thomas Fraye that duringe his lease he had of vicar Hande he receyved of the farmer of Monckton Farme tithes haye, and all other tithes (except tithes corne and graine). *to the 6th of the interest in the last sentence in Chancery*

[marginal note: seek]



On the part of Garth

Mr Garth his right in the parsonage of Mourdon

By the suppression of the Abbies the manor and parsonage of Mourdon came to the hands of King Ed. the VI who sold the same 30 June in the 7th year of his reign unto Lionell Duckett of London mercer and Edw. Whitechurche of London haberdasher and to their heirs in these wordes ^{Rectory of Mourdon} with all tithes to the same belonging and tithes of sheaves corn and grain and hay and other tithes whatsoever etc with a warranty clause.⁹

The said Lionell Duckett 2 July 7 Edw VI released and sett over unto the said Whitechurch all his said right in the said Lordshipp and parsonage of Mourdon.¹⁰

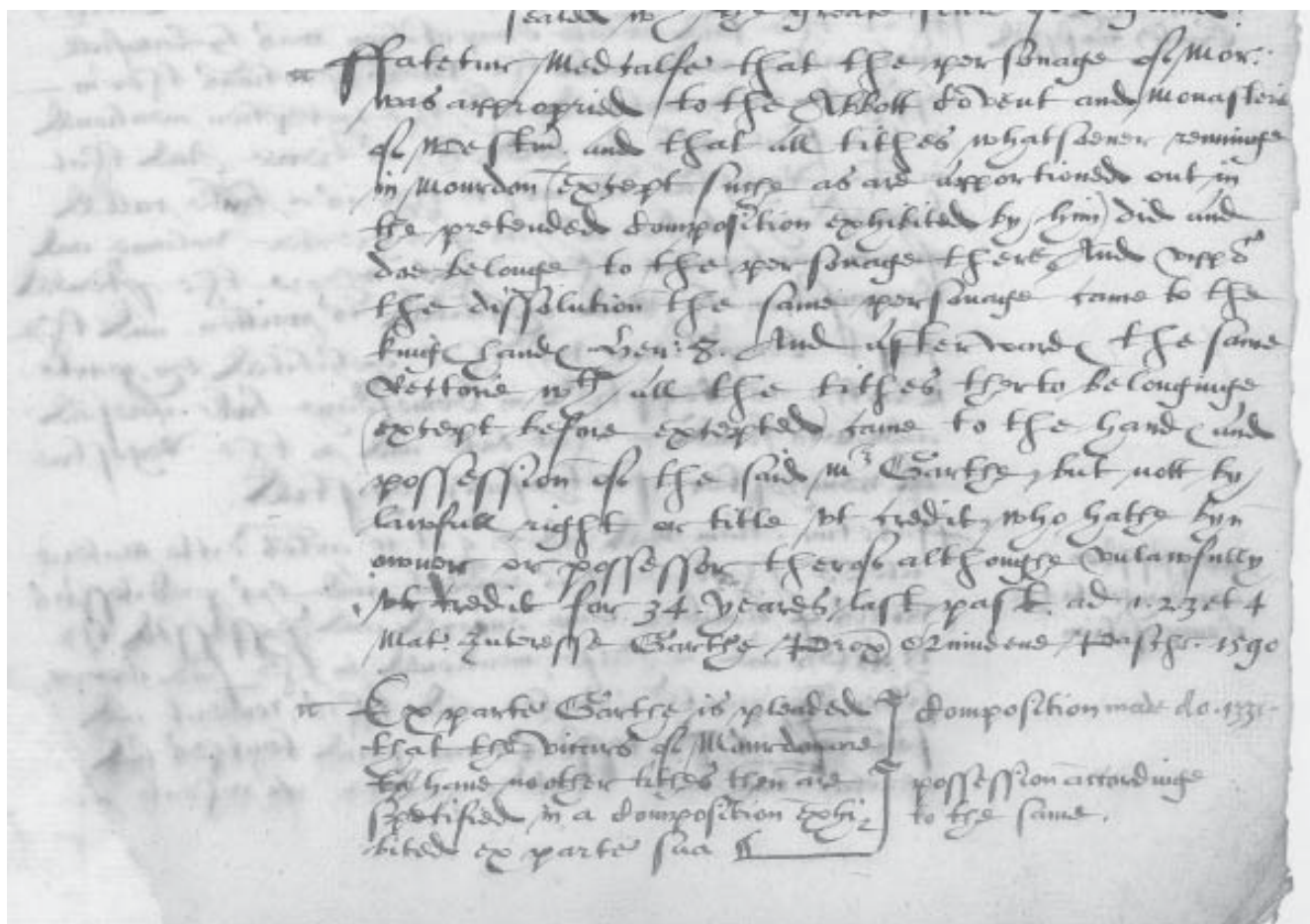
The said Whitechurch 7 March 1 Eliz. sett over his right in the said manor and parsonage to the said Richard Garth partie etc and Elizabeth his wife and to the heirs ^{of the said Rycharde} of his bodye lawfully begotten for ever.¹¹

All this appeareth in the exemplification exhibited on the part of Garth next Ascension 20 May 1590, wh^{ch} is confessed by Med. to be sealed wth the grate seale of England.

9 =SHC K85/3/18, K85/2/13 [4], TNA Pat Ed VI pt xi

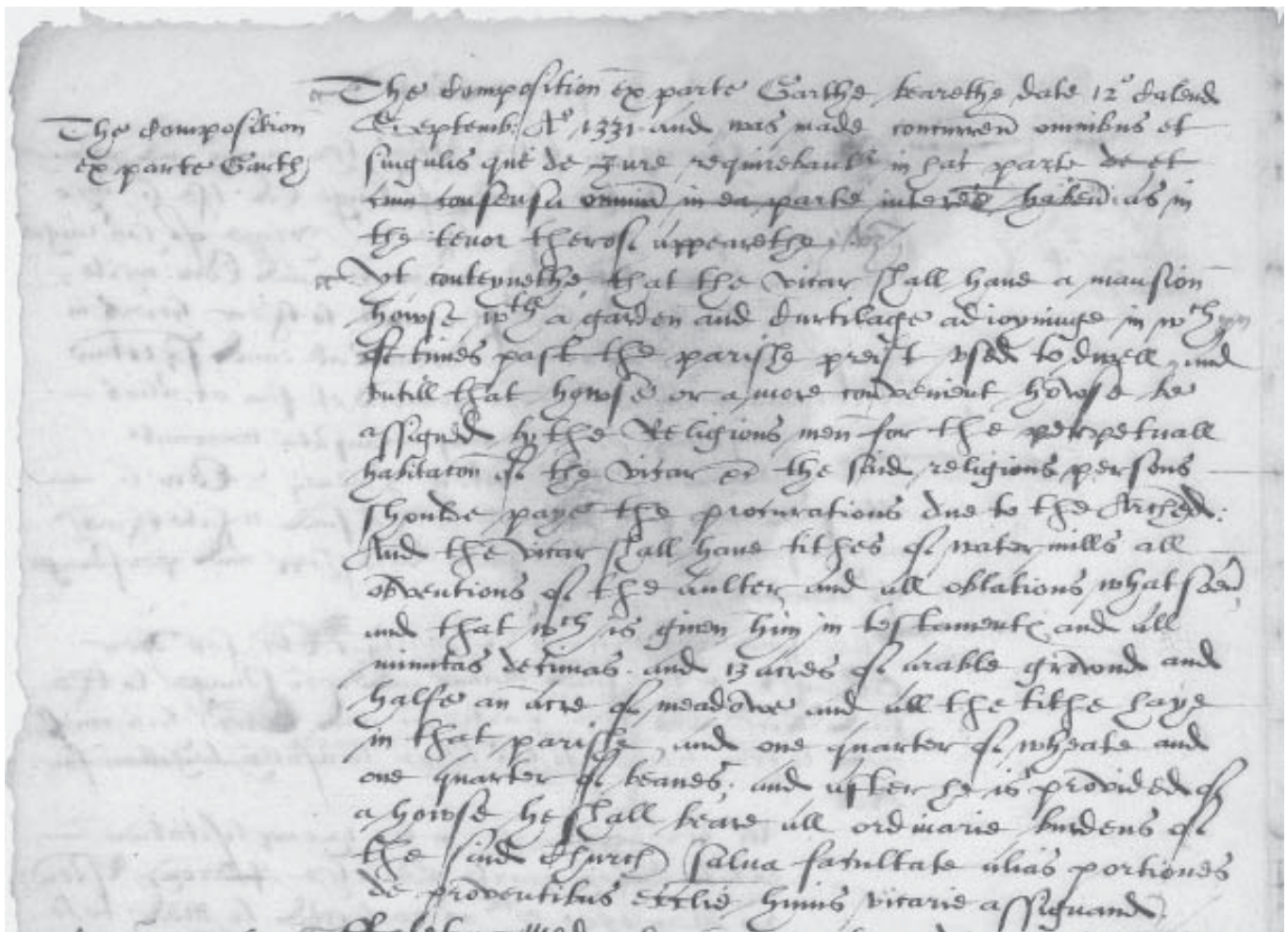
10 =SHC K85/2/11

11 =SHC K85/2/12, SHC G1/1/46



It is acknowledged by Medcalfe that the parsonage of Mor: was appropriated to the Abbott Convent and Monasterie of Westminster and that all tithes whatsoever renuinge in Mourdon (except suche as are apportioned out in the pretended composition exhibited by him) did and doe belonge to the parsonage there. And upon the dissolution the same parsonage came to the kinges handes Hen VIII. And afterwarde the same Rectorie with all the tithes therto belonginge (except before excepted) came to the handes and possession of the said Mr Garthe, but nott by lawfull right or title *as it is believed*, who hathe byn owner or possessor therof althoughe unlawfully *as it is believed* for 34 yeares last past. *to the 1st, 2nd, 3rd and 4th of the matter of interest of Garthe the next quinzaine of Easter 1590*

On the part of Garthe is pleaded that the vicars of Mourdon are to have no other tithes than are specified in a composition exhibited *on his part*: Composition made *A^o 1331* possession accordinge to the same.

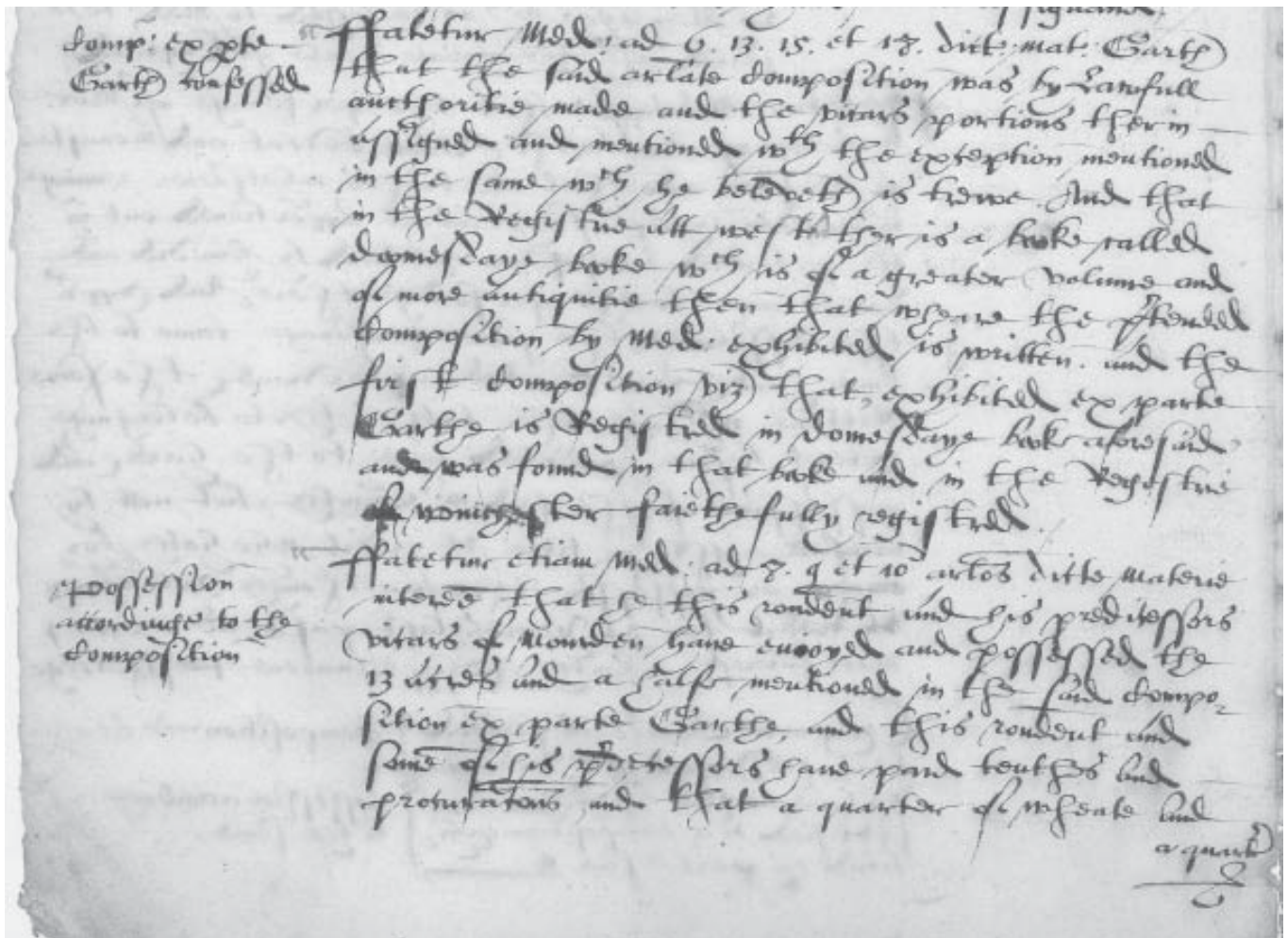


The composition on the part of Garth¹²

The composition on the part of Garth beareth the date 12 kalend September A° 1331 and was made by each and every juror acting together who rendered suit on this behalf by and with the consent of all having an interest in this part as in the tenor thereof appeareth, viz

Yt conteyneth that the vicar shall have a mansion howse with a garden and curtilage adioyninge in which of times past the parishe preist used to dwell, and untill that howse or a more convenient howse be assigned by the Religious men for the perpetuall habitation of the vicar etc the said religious persons shoulde paye the procurations due to the Archedeacon. And the vicar shall have tithes of water mills all obventions of the aulter and all oblations whatsoever and that which is given him in testaments and all lesser tithes and 13 acres of arable grownd and halfe an acre of meadowe and all the tithe hay in that parishe, and one quarter of wheate and one quarter of beanes, and after he is provided of a house he shall beare all ordinarie burdens of the said church, saving the stock of the other portions of income of the church assigned to this vicarage.

¹² =WAM 1851, WD fo.173b, SHC K85/3/28 p21



Composition on the part of Garth confessed

It is acknowledged by Med. to the 6th, 13th, 15th and 18th of the said matter of Garth that the said articulate¹³ composition was by lawfull auctoritie made and the vicars portions therein assigned and mentioned with the exception mentioned in the same which he beleveth is trewe. And that in the Registre att Westminster is a booke called Domesdaye booke which is of a greater volume and of more antiquitie then that wheare the pretended composition by Med. exhibited is written, and the first composition, viz that exhibited on the part of Garthe is Registred in domesdaye booke aforesaid and was found in that booke and in the Regestrie of Winchester faiethefully registred.

Possession accordinge to the composition

It is also acknowledged by Med. to the 8th, 9th and 10th articles of the said matter of interest that he this respondent and his predecessors vicars of Mourden have enjoyed and possessed the 13 acres and a halfe mentioned in the said composition on the part of Garthe, and this respondent and some of his predecessors have paid tenthes and procurations and that a quarter of wheate and

¹³ ie composed of articles or clauses (Dr Mark Page pers. comm. 8/08)

quar
 a quarter of wheate beanes have byn and is paid to
 the vicars of Mourden, and that tithe haye and all
 small tithes have accustomably^{byn} paid to the vicar of
 Mourden alleaged and proved by Med.
 Farther it appeareth by the lease made by the
 Abbott and Convent of Westm^{ster} 3^o Hen VIII Anno 1511 unto
 William Porter and by Kinge Edw. the VI his sale made
 7 Edw. VI Anno 1550 unto Lionell Duckett and Edward
 Whitechurch that in their times the personage of Mo:
 was endowed with some tithes, als the one did in
 vaine lease them and the other in vaine sell them,
 which in no wise is presumed And that the person
 should have any tithe makethe strongly against Med.
 pretended composition, and that he should have some
 makethe for the composition on the part of Garth
 and that that tithe should be corne the said
 composition on the part of Garth importethe for
 the rest are given by that to the vicar. And
 John Hooper aforesaid and John Attie aged 72
 examined in Chancery on the part of Med.
 to the 3rd of the interest deposed. That they never
 heard any of the parishioners of Mord: repute
 or take the tithe corne and graine^{to belong} to the
 said vicaridge of Mourd:
 By all which things as afore I take it sufficiently
 proved that the possession hathe allwayes byn
 and runn accordinge to the composition on the
 part of Garthe, therfore the vicars right to be
 founded so farr forthe as that composition
 reachethe and nott farther.

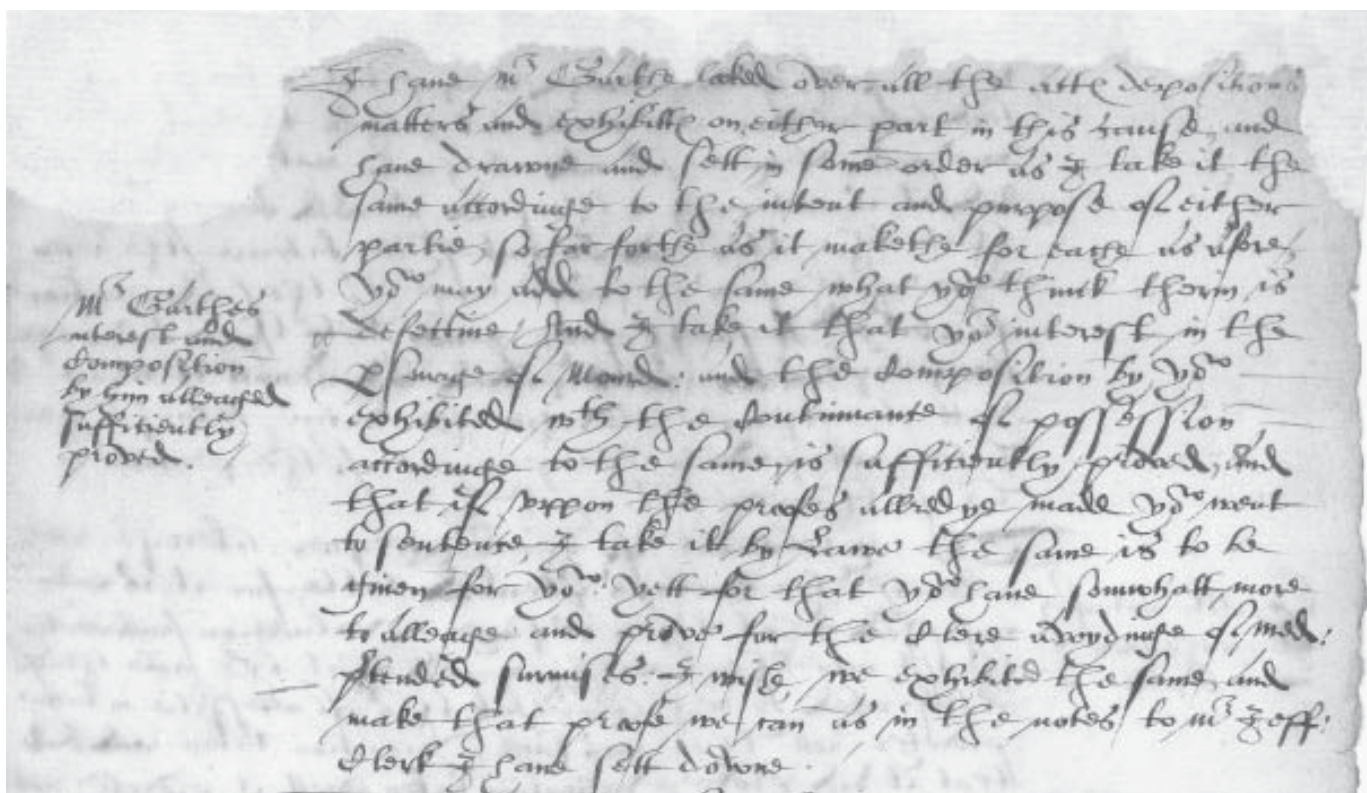
a quarter of wheate beanes have byn and is paid to the vicars of Mourden, and that tithe haye and all small tithes have accustomably^{byn} paid to the vicar of Mourden alleaged and proved by Med.

[marginal note: seek] Farther it appeareth by the lease made by the Abbott and Convent of Westm^{ster} 3 Hen VIII Anno 1511 unto William Porter¹⁴ and by Kinge Edw. the VI his sale made 7 Edw. VI Anno 1550 unto Lionell Duckett and Edward Whitechurch¹⁵ that in their times the personage of Mo: was endowed with some tithes, als the one did in vaine lease them and the other in vaine sell them, which in no wise is presumed. And that the person should have any tithe makethe strongly against Med. pretended composition, and that he should have some makethe for the composition on the part of Garth and that that tithe should be corne the said composition on the part of Garth importethe for the rest are given by that to the vicar. And John Hooper aforesaid and John Attie aged 72 examined in Chancery on the part of Med. to the 3rd of the interest deposed. That they never heard any of the parishioners of Mord: repute or take the tithe corne and graine^{to belong} to the said vicaridge of Mourd:.

By all which things as afore I take it sufficiently proved that the possession hathe allwayes byn and runn accordinge to the composition on the part of Garthe, therfore the vicars right to be founded so farr forthe as that composition reachethe and nott farther.

14 =WAM Register 2 fo.212

15 = TNA Pat Ed VI pt xi, SHC K85/2/13 [4]



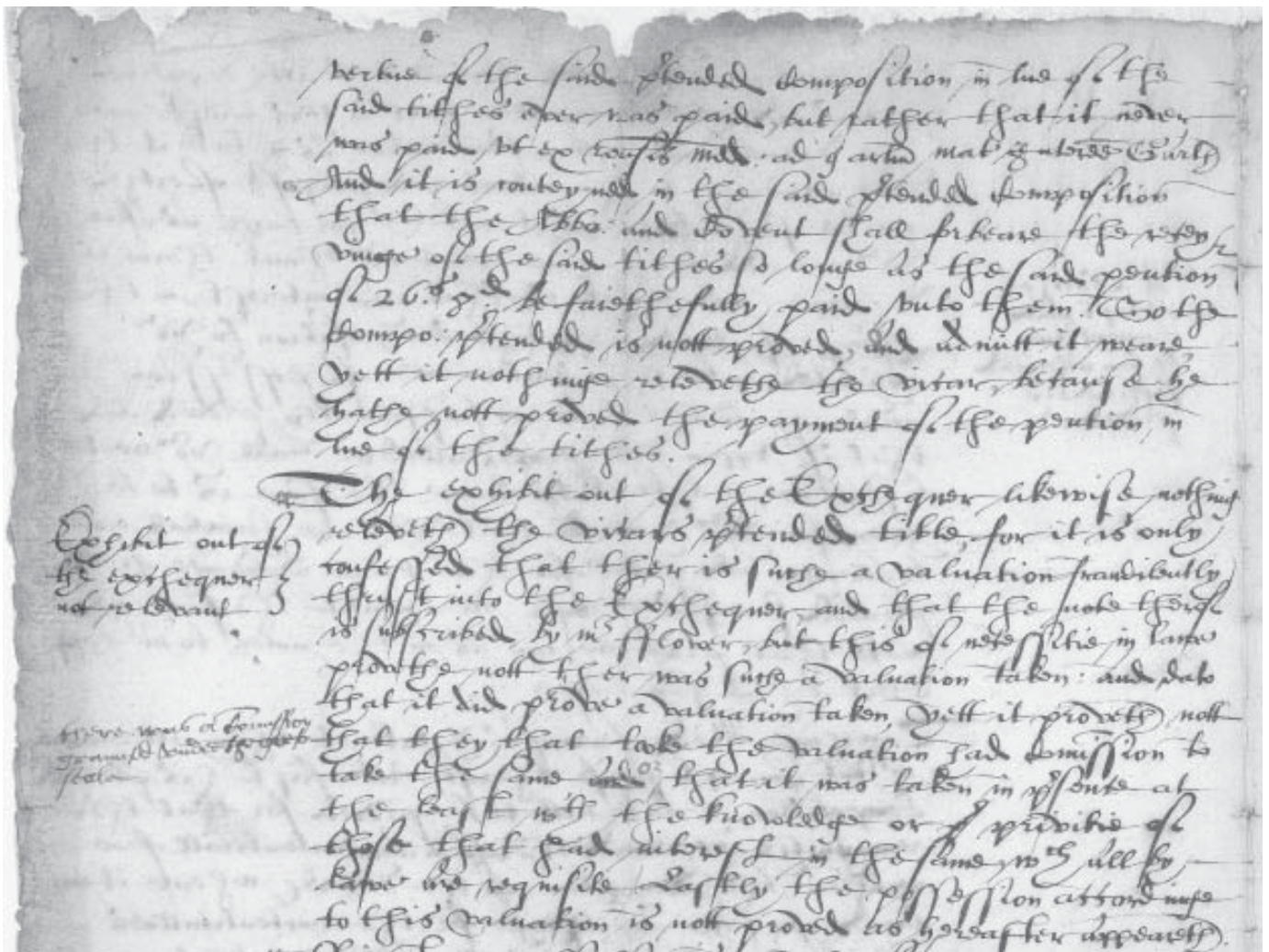
[On a separate sheet K85/3/19d:]

Mr Garthes interest and composition by him alleaged sufficiently proved

I have Mr Garthe looked over all the actes depositions matters and exhibittes on either part in this cause and have drawn and sett in some order as I take it the same accordinge to the intent and purpose of either partie, so far forthe as it makethe for eache as afore you may add to the same what you think therein is defective. And I take it that your interest in the parsonage of Mourd: and the composition by you exhibited with the continuance of possession accordinge to the same is sufficiently proven, and that if uppon the proofes allredye made you went to sentence I take it by Lawe the same is to be given for you yet for that you have somwhatt more to alleage and prove for the clere avoydinge of Med. pretended surmises. I wish we exhibited the same and make that prooffe we can as in the notes to Mr Joff clerk and sett downe.

Towchinge Med. surmises I take it they all remaine
 without any iust prooffe therof. And first his pretended
 composition I take not to be proved, for that ther remayneth
 no record therof in any auctenticall forme,
 neither the register of the recordes wheare it was found
 can saye any thinge for the auctenticallnes therof,
 and in lawe it is not sufficient that a writing
 is found in the howse wheare auctentick recordes are
 found, but as a record it must be found and nott as
 a loose paper amongst the recordes in that howse.
 Besides it appeareth nott that the patrons consent
 was had in the makinge of that pretended composition,
 which by lawe is required. And the custome and
 possession are otherwise and contrarie to the
 composition pretended, for the pretended composition
 saith the vicar shall receyve all manner of tithes
^{great and small} except of the demeane landes
 and it is alleaged *on the part of* Med. and proved by
 his witness, that all tithes whatsoever bothe corne
 haye and privie tithes only (except tithe corne
 out of Mon. farme) have used and ought to be
 paid to the vicar of Mourd. Med. ad 10 mat. interest
 of Garthe et in materia sua 3^o Juno 1591^o in this
 therefore the compo. and proofes made by Med.
 are contrarie, besides it is nott proved that
 the 26s 8d due to be paid by

Towchinge Med. surmises I take it they all remaine without any iust prooffe therof. And first his pretended composition I take not to be proved, for that ther remayneth no record therof in any auctenticall forme, neither the register of the recordes wheare it was found can saye any thinge for the auctenticallnes therof, and in lawe it is not sufficient that a writing is found in the howse wheare auctentick recordes are found, but as a record it must be found and nott as a loose paper amongst the recordes in that howse. Besides it appeareth nott that the patrons consent was had in the makinge of that pretended composition, which by lawe is required. And the custome and possession are otherwise and contrarie to the composition pretended, for the pretended composition saith the vicar shall receyve all manner of tithes ^{great and small} except of the demeane landes and it is alleaged *on the part of* Med. and proved by his witness that all tithes whatsoever bothe corne haye and privie tithes only (except tithe corne out of Mon. farme) have used and ought to be paid to the vicar of Mourd. Med. to the 10th matter of interest of Garthe and in his matter of 3rd June 1591 Yn this therefore the compo. and proofes made by Med. are contrarie, besides it is nott proved that the 26s 8d due to be paid by

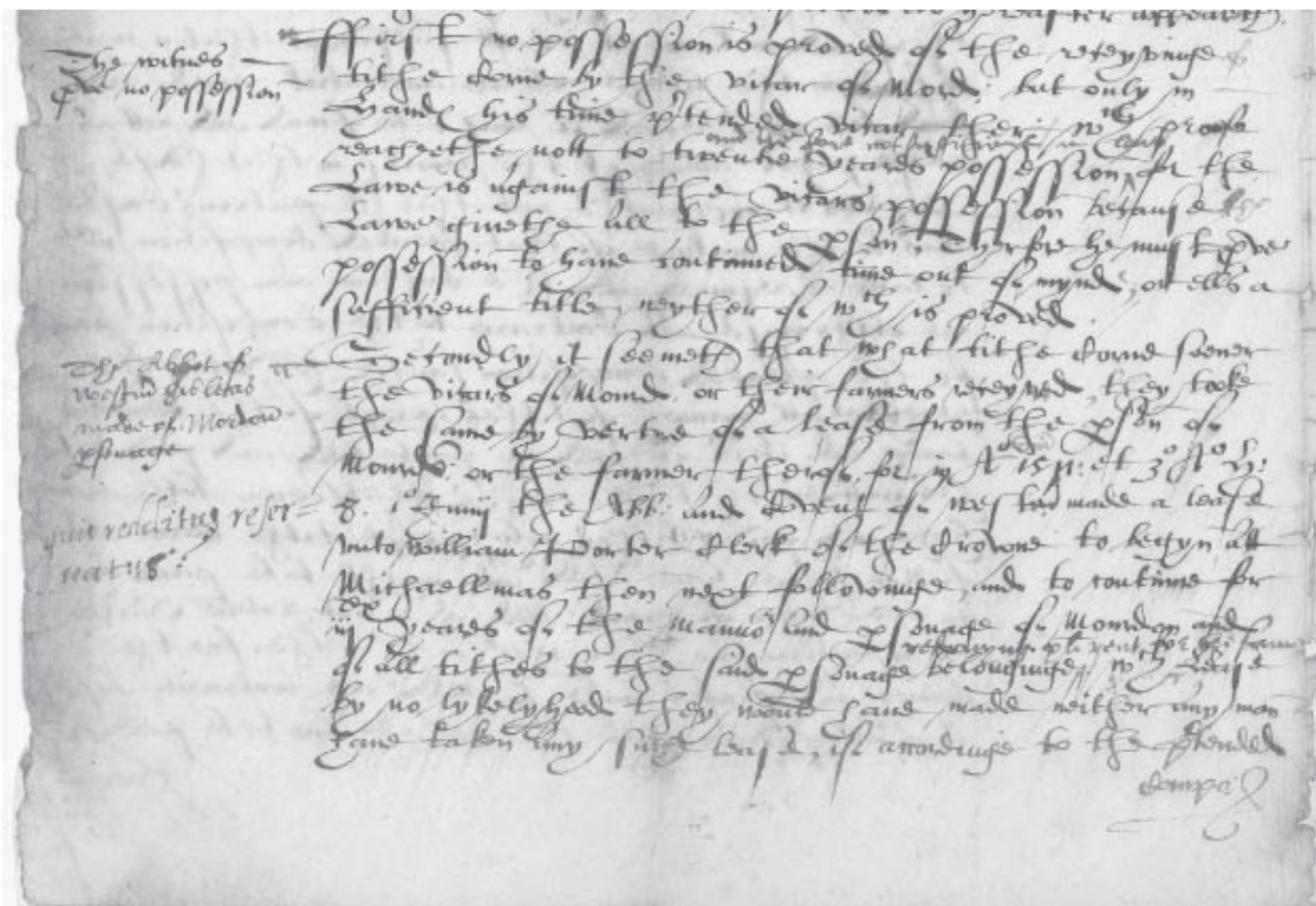


virtue of the said pretended composition in lue of the said tithes ever was paid, but rather that it never was paid as by the responses of Med. to the 9th article of the matter of interest of Garth

And it is conteyned in the said pretended composition that the Abbot and Convent shall forbear the receyvinge of the said tithes so longe as the said pension of 26s 8d be faiethefully paid unto them. So the composition pretended is nott proved, and admitt it weare yett it nothings releveth the vicar because he hath nott proved the payment of the pension in lue of tithes.

Exhibit out of the exchequer not relevant

The exhibit out of the Exchequer likewise nothing releveth the vicars pretended title for it is only confessed that there is such a valuation fraudilently thrust into the Exchequer and that the note thereof is subscribed by Mr Flower, but this of necessitie in lawe proveth nott there was suche a valuation taken, and date [ie given] that it did prove a valuation taken, yett it proveth nott that they that tooke the valuation had commission to take the same [marginal note: there was a commission granted under the grate seale] or that it was taken in presence at the least with the knowledge or privitie of those that had interest in the same which all by lawe are requisite. Lastly the possession accordinge to this valuation is nott proved as hereafter appeareth.



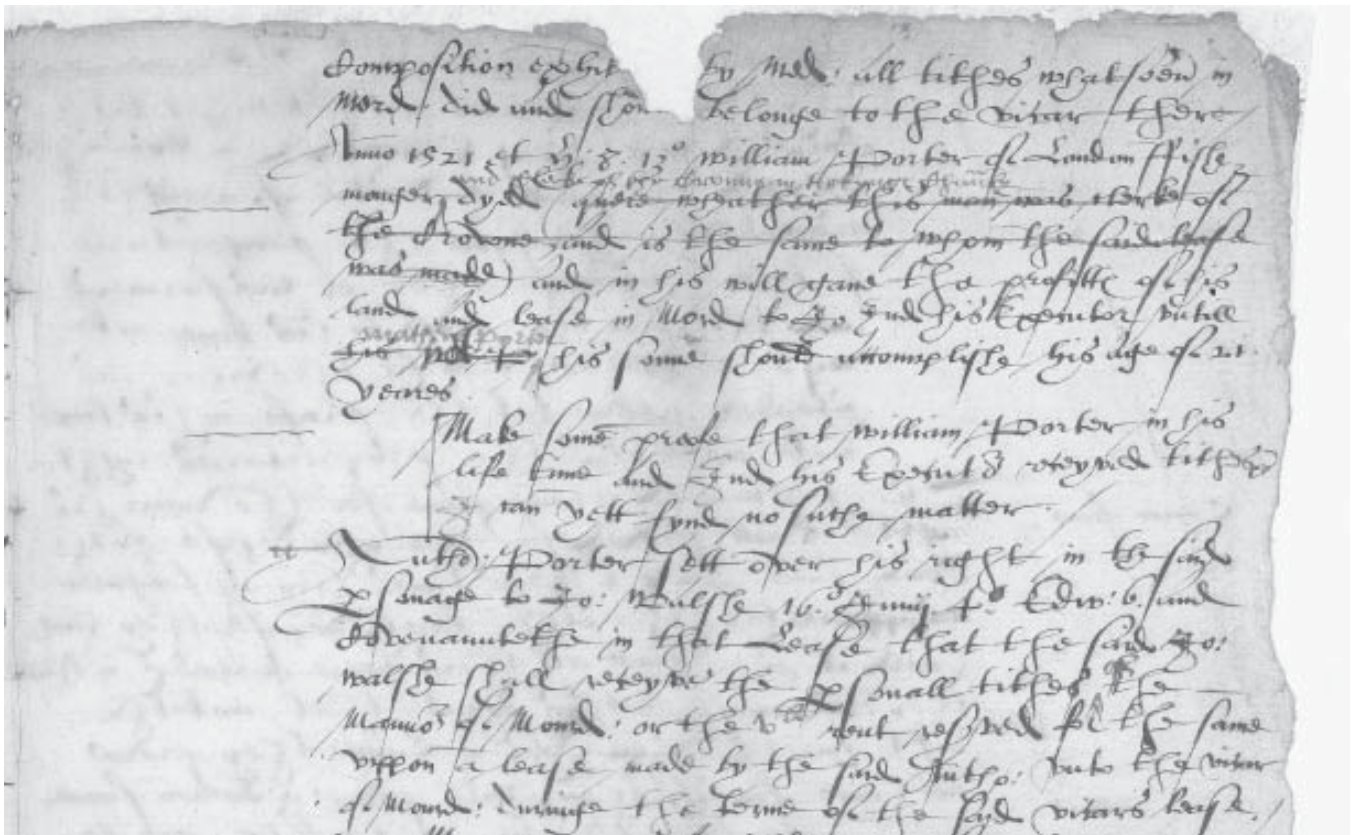
The Witness prove no possession

First no possession is proved of the receyving of tithe corn by the vicar of Mord: but only in Hande his time pretended vicar ther which prooffe reachethe nott to twentie yeares possession^{and therefore not sufficient in law} for the lawe is against the vicars possession because the lawe givethe all to the parson. Therefore he must prove possession to have continued time out of mynd, or ells a sufficient title neyther of which is proved.

The Abbot of Westminster his leas made of Mordow parsonage¹⁶

Secondly it seemeth that what tithe corne soever the vicars of Mourd: or their farmers receyved, they tooke the same by vertue of a lease from the parson of Mourdo: or the farmer thereof, for in A^o 1511 et 3 A^o H VIII 1 June the Abbot and Convent of Westminster made a lease unto William Porter clerk of the Crowne to begyn att Michaellmas then next followinge and to continue for 60 yeares of the mannor and parsonage of Mourdon and of all tithes to the said parsonage belonging^{receyving £10 rent for the same} which lease by no lykelyhood they would have made neither any man have taken any suche lease if accordinge to the pretended

16 = WAM Register 2 fo.212



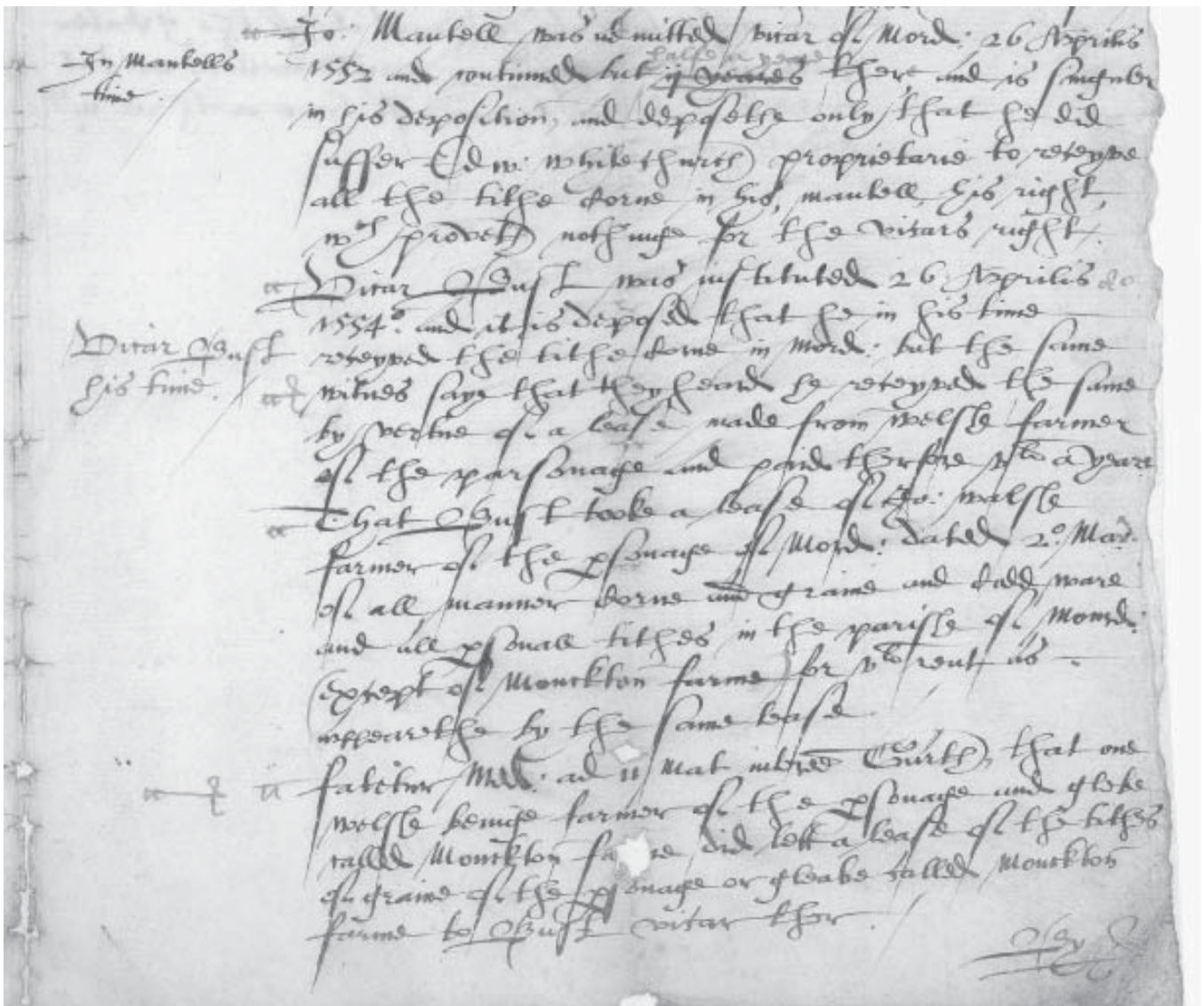
composition exhibited by Med. all tithes whatsoever in Mord: did and should belonge to the vicar there.

Anno 1521 et H VIII 13 William Porter of London Fische monger and Clerke of the Crowne in the Kynge's Chancery dyed (query wheather this man was clerke of the Crowne, and is the same to whom the said lease was made) and in his will gave the profittes of his land and lease in Mord: to John Jud his executor untill Mathew Porter his sonne should accomplyshe his age of 21 yeares.

Make some prooffe that William Porter in his life time and Jud his executor receyved tithes etc. I can yett fynd no suche matter.

Anthony Porter sett over his right in the said parsonage to John Walshe 16 June 4 Edw. VI and covenautethe in that lease that the said John Walshe shall receyve the personall tithes of the manor of Mourd: or the £5 rent reserved for the same uppon a lease made by the said Anthony unto the vicar of Mourd: during the terme of the said vicars lease.¹⁷

17 = SHC K85/2/7 (The assignment was from *Matthew* Porter to John Welche. Anthony was his brother and served as steward). There is no mention in this document of any leases to vicars.



John Mantells time

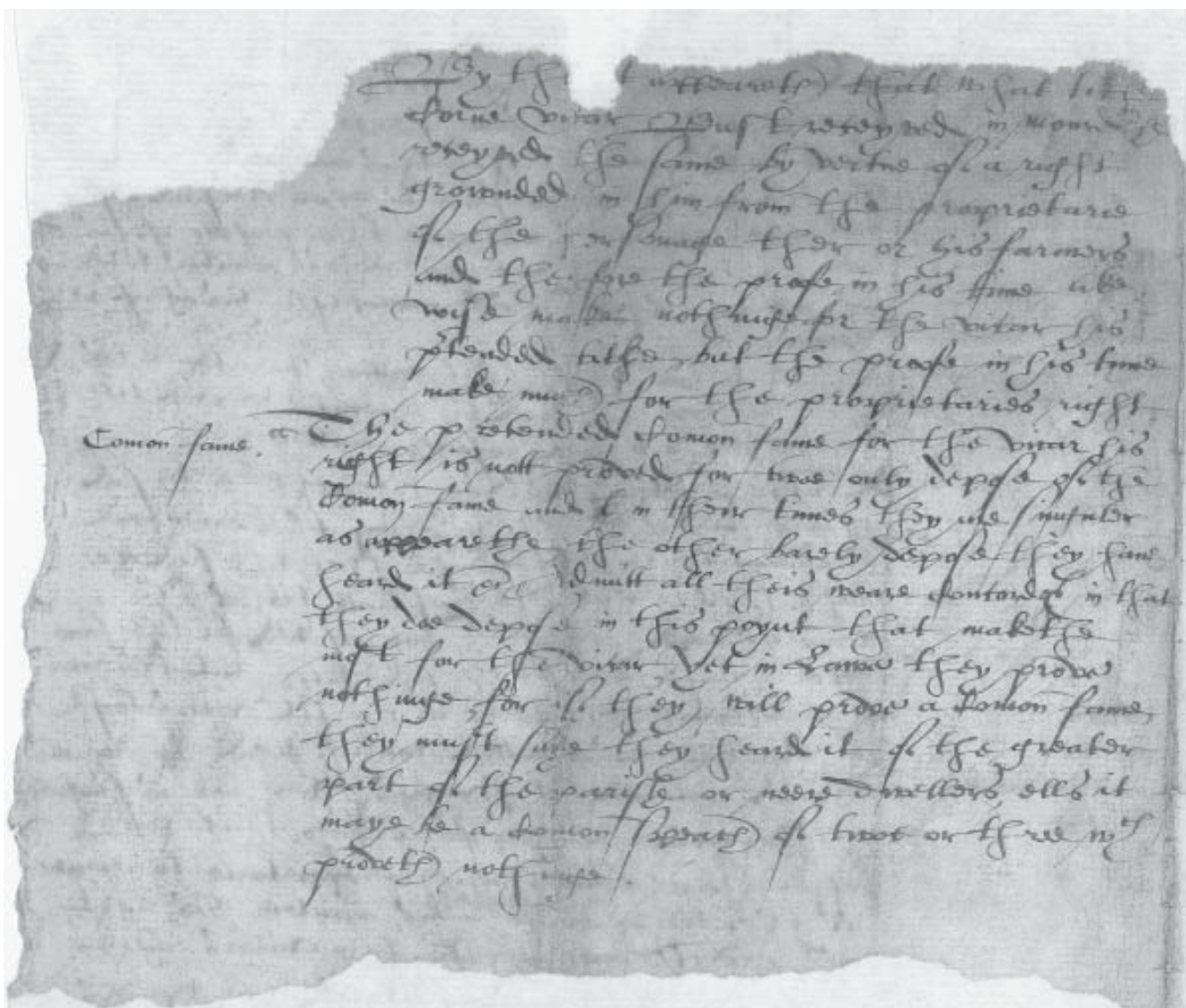
John Mantell was admitted vicar of Mord: 26 April 1552 and continued but 2 years ^{halfe a year} there and is singular in his deposition, and deposeth only that he did suffer Edw. Whitechurch *proprietor* to receyve all the tithe come in his, Mantell, his right, which proveth nothinge for the vicars right.

Vicar Bust his time

Vicar Bust was instituted 26 April ^{A^o} 1554 and it is deposed that he in his time receyved the tithe come in Mord: but the same witnes saye that they heard he receyved the same by vertue of a lease made from Welshe farmer of the parsonage and paid therfore £5 a year. That Bust tooke a lease of John Walshe farmer of the parsonage of Mord: dated 20 March of all mannor corne and graine and caddware and all personal tithes in the parishe of Mourd: (except of Monckton Farme) for £5 rent as appeareth by the same lease.¹⁸

It is acknowledged by Med. to the 11th matter of interest of Garth, that one Welshe being farmer of the parsonage and glebe called Monckton Farme did lett a lease of the tithes of graine of the parsonage or glebe called Monckton Farme to Bust vicar ther.

18 = SHC K85/2/9



Comon fame.

By th[is i]t appeareth that what tithes come vicar Bust receyved in Mourd: he receyved the same by vertue of a right grownded in him from the *proprietor* of the parsonage ther or his farmers and therefore the prooffe in his time likewise makes nothing for the vicar his pretended tithes, but the prooffe in his time makes much for the *proprietors* right.

The pretended Comon fame for the vicar his right is nott proved for twoe only depose of the Comon fame and in their times they are singular as appeareth, the other barely depose they have heard it etc. Admitt all theis weare concordys [ie agreed] in that they doe depose in this poynnt that makethe right for the vicar, yet in Lawe they prove nothinge, for if they will prove a Comon fame, they must saye they heard it of the greater part of the parishe or were dwellers, ells it maye be a Comon speach of twoe or three which proveth nothinge.

By th[is i]t appeareth that what tithes come vicar Bust receyved in Mourd: he receyved the same by vertue of a right grownded in him from the *proprietor* of the parsonage ther or his farmers and therefore the prooffe in his time likewise makes nothing for the vicar his pretended tithes, but the prooffe in his time makes much for the *proprietors* right.

Comon fame

The pretended Comon fame for the vicar his right is nott proved for twoe only depose of the Comon fame and in their times they are singular as appeareth, the other barely depose they have heard it etc. Admitt all theis weare concordys [ie agreed] in that they doe depose in this poynnt that makethe right for the vicar, yet in Lawe they prove nothinge, for if they will prove a Comon fame, they must saye they heard it of the greater part of the parishe or were dwellers, ells it maye be a Comon speach of twoe or three which proveth nothinge.

[A couple of blank lines follow, but the rest of the page is lost, apart from a fragment with the word 'Garthe'.]

85/3/19 d