

For as much as upon the<sup>open</sup> heryng and debating of the cause between Francis Medcalf vicar of the parish church of Mordon in the Countie of Surrey plaintiff and Richard Garth of London Esquier parson impersonee {ie inducted} of the Rectorye of Mordon aforesaid the said made his title by concerning the tithes of the whole parish of Mordon aforesaid, except of one farme called Monkton, the said vicar made his title thereunto by prescription. And for profe thereof produced gave in evidence a copy of a pretended composition seemyng to be made in the time of<sup>king</sup> Henry the sixth whereby all the tithes of the whole parish of Mordon were declared to be given to the vicar there and his successors and that he shold pay therefore to the parson there and his successors 26s 8d yerely and that all the glebe of the church shold be to the parson and his successors.<sup>1</sup> And also gave in evidence a survey to prove the said composition to<sup>have</sup> been executed and to have taken place accordingly the said plaintiff shewed forth a copy of Survey remayning of record in the office of first fruite in the Exchequer whereby where it was found before certeyn commissions in that behalf appoynted that the vicarege of Mordon was worth in tithes of whete [a blank line follows]

And for further profe of the execution of the said composition he showed forth a leas dated 25 Henry VIII whereby the same vicar one Hanne then vicar of the parish aforesaid leased the said tithes corne of all Mordon except [blank] to one [blank] Fray rendryng £5 by yere.<sup>3</sup> And for prove that Fray enjoyed the tithes according to [p2] the said lease he produced divers witnesses which testified that Fray enjoyed the same certayn yeres accordingly. Whereunto the said defendant answered and proved by dep for repellyng of the evidence aforesaid showed forth an ancient composition made upon the impropriation of the church aforesaid Anno [blank] whereby were geven to ye vicar all small tithes, 13 acres of ground, one quarter of whete and one quarter of beanes and other thinges, which composition remayneth of record in the register of the bishop of Winchester,<sup>4</sup> according to which composition the said vicar hath at the time of the said Survey enjoyed the said 13 acres as appe<sup>as appereth by the said Survey</sup> and at the time of the said Survey paid no rent of 26s 8d and in the same Survey is no mention of any rent of 26s 8d which is usually set downe in the Survey<sup>of other vicareges</sup> where any such charge is imposed upon any vicar. Whereby and by that yt the said later composition is not of record in the said Register of Winchester it is evident that the estate of the said vicarege went according to<sup>then stood by force</sup> of the first composition and the latter composition never established nor put in use. Which also is more manifested by the depositions of the plaintiff of the plaintiff's<sup>owne</sup> witnesses testifying thas much not only the possession of the said tithes glebe to have been always wit to the vicar but also that the said vicar hath always been paidd his quarters of whete and beanes agreeably which the first composition and contrary to<sup>which standeth not in any wise with</sup> the latter and also that the said vicar never took the<sup>had</sup> the tithes of Moncton which if his title to the th tithes depended upon the later composition he was also to have by the composition that q force thereof in as much as it geveth all tithes [p3] to the vicar. And in further disprofe of the plaintiff's title the said defendant produced divers witnesses deposed here in cort proving the his continuall and quiet possession of the said tithes<sup>since of Queen Mary</sup> whereupon the said plaintiff confessed the same and the defendant further shewed that forth as well one indenture<sup>5</sup> whereby one [blank] quoted and wherein was recited how the one Robert Bust then vicar held the said tithes by leas of one [blank] Welshe farmer for yeres of the parsonage and manor of Mordon which<sup>estate in the said leas</sup> the said Robert Bust by the said Indenture graunted to the said defendant as also other divers Indentures provyng like leases to have been before tyme from tyme to tyme made by the parsons impersonees {ie inducted} of the said Rectory of Mordon or their lessees to the vicar there for the time being and withall shewed forth divers rentals of such as were lessees of the parsonage of Mordon about 30 H VIII, testifiing the<sup>yerely</sup> reseit of the yerely sum of £5 of the said vicars which was the ordinary rent reserved for the same tithes. Which which<sup>Upon which profe of the defendant</sup> the cort thinking and iudging the evidence and p<sup>evidence</sup> of the plaintiff to be trougly refuted and overthrowne hath this present day ordered and decreed etc.

1 = WAM 1853, SHC K85/3/29-30

2 = *Valor Ecclesiasticus* 1535 (Vol 2 1814) p37

3 not extant?

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

5 = SHC K85/2/9-10