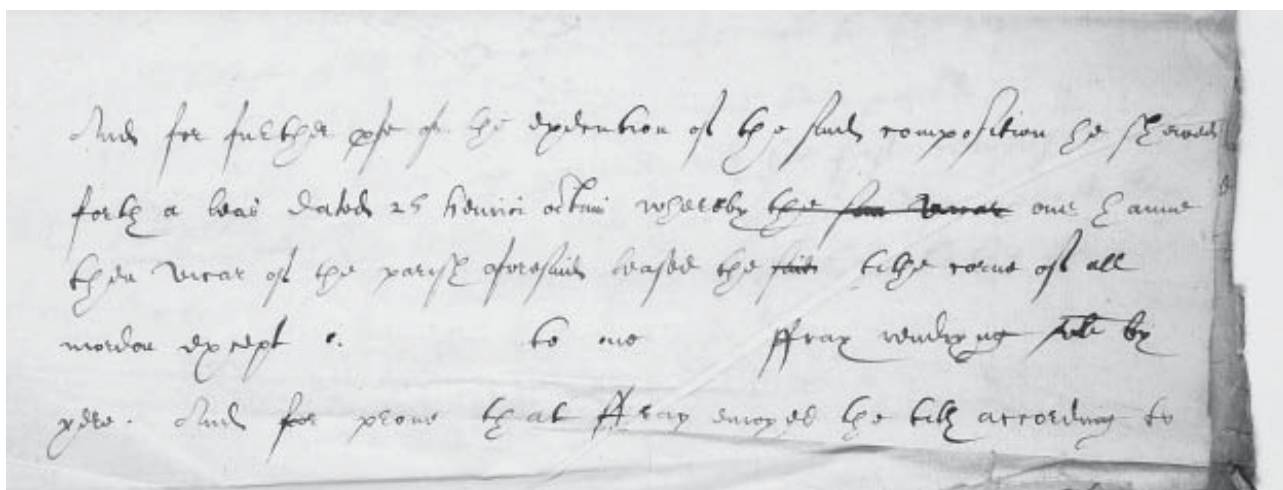


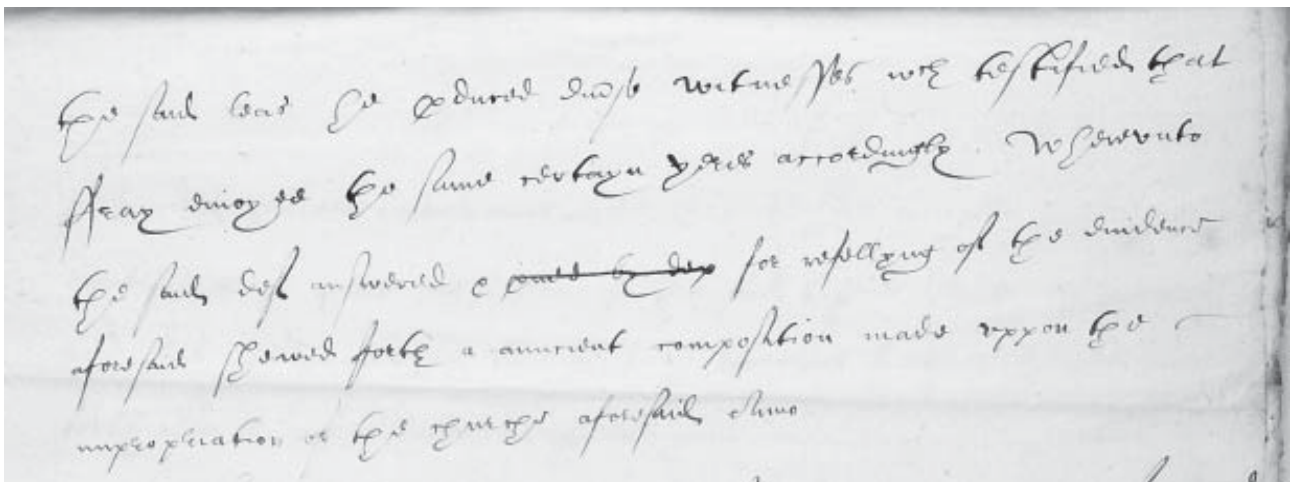
For as much as upon the open heryng and debating of the cause between Francis Medcalf of vicar of the parish church of Mordon in the Countie of Surrey plaintiff and Richard Garth of London Esquier parson impersonee {ie inducted} of the Rectorye of Mordon aforesaid the said made his title by concerning 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^{king} 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.¹ And also gave in evidence a survey to prove the said composition to^{have} been executed and to have taken place^{accordingly} the said plaintiff shewed forth a copy of Survey remaying of record in the office of first fruite in the Exchequer² whereby where it was found before certeyn commissions in that behalf appoynted that the vicarege of Mordon was worth in tithe of whete [a blank line follows]

1 = WAM 1853, SHC K85/3/29-30
 2 = Valor Ecclesiasticus 1535 (Vol 2 1814) p37



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.³ And for prove that Fray enjoyed the tithes according to

³ not extant?



[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 repelling of the evidence aforesaid showed forth a ancient composition made uppon 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 & one quarter of beanes & other thinges, wch composition
 remayneth of record in the register of the bishop of Winchester, according
 to wch composition the said vicar hath at the time of the said Survey
 enjoyed the said 13 acres as appeareth by the said Survey 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 of other vicareges 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 then stood by force 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 owne witnesses testifying that as much not only the possession
 of the said tithes glebe to have been always wite 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 which
 standeth not in any wise with the latter and also that the said
 vicar never took the had the tithes of Moncton which if his title to
 the tithes depended upon the later composition he was also to have
 by the composition that force thereof in as much as it geveth all
 tithes

whereby were given to ye vicar all small tithes, 13 acres of ground, one quarter of whete and one quarter of beanes and other things, which composition remaineth of record in the register of the bishop of Winchester,⁴ according to which composition the said vicar hath at the time of the said Survey enjoyed the said 13 acres as appeareth by the said Survey 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 of other vicareges 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 then stood by force 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 owne witnesses testifying that as much not only the possession of the said tithes glebe to have been always wite 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 which standeth not in any wise with the latter and also that the said vicar never took the had the tithes of Moncton which if his title to the tithes depended upon the later composition he was also to have by the composition that force thereof in as much as it geveth all tithes

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

to the vicar. And in further disproofe of the said plaintiffe the
said deft produced divers witnesses deposed here in cort proving ^{of quibus mare} the his continuall and quiet possession of the said tithes
whereuppon the said plaintiffe confessed the same and the defendant further shewed that forth as well one
indenture⁵ whereby one [blank] ^{quodam} 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 ^{estate}
the said Robert Bust by the said Indenture graunted to the said deft. as also
divers other Indentures proving like leases to have been before tyme from tyme to tyme made by the parsons
impersones {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,
testifying the ^{verely} reseit of the yerely sum of £5 of the said vicars which was the ordinary rent reserved for the
same tithes. ^{Uppon which profe of the defendant} Which which the cort thinking and iudging the evidence and p^{evidence}
of the plaintiffe to be trougly refuted and overthrowne hath this present day ordered and decreed etc.

[p3] to the vicar. And in further disproofe 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 ^{since of Queen Mary}
whereuppon the said plaintiff confessed the same and the defendant further shewed that forth as well one
indenture⁵ whereby one [blank] ^{quodam} 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 ^{estate}
in the said leas 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
impersones {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,
testifying the ^{verely} reseit of the yerely sum of £5 of the said vicars which was the ordinary rent reserved for the
same tithes. ^{Uppon which profe of the defendant} Which which the cort thinking and iudging the evidence and p^{evidence}
of the plaintiff to be trougly refuted and overthrowne hath this present day ordered and decreed etc.

5 = SHCK85/2/9-10